

POLI 140A – International Law
Summer Session I 2018

MW 5:00 -7:50 pm
York 4050A

GENERAL

Instructor: Abigail L. Vaughn, alvaughn@ucsd.edu

Office: SSB 448

Office Hours: Mondays and Wednesdays, immediately following lecture (or by appointment)

Online Content: <http://TritonEd.ucsd.edu>

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Office Hours: by appointment only (SSB 448)

DESCRIPTION OF COURSE

This course examines the role of international laws and regulations in world politics. What are international laws, how do they vary, and how are they enforced? Why do states agree to bind themselves to international laws? Are international laws an effective tool for constraining state behavior? Please note that this is not a law course. We cover legal subjects to understand how politics and law interact in shaping international relations today.

The first part of the course develops tools to classify and analyze variation in international law. We will consider different collective action problems that generate the need for cooperation, the role domestic politics plays in the cooperation and contracting process, variation in the design of international contracts as well as the process of (and problems associated with) delegating authority to international institutions. The second part of the course develops tools to evaluate the effectiveness of these efforts. We assess whether and how institutions engender compliance with international law and explore the different ways in which they can affect state behavior.

Through participation in the Statecraft simulation, you will have the opportunity to take on the role of a foreign policy decision-maker and grapple first-hand with the trade-offs and responsibilities that characterize problems of global governance. The simulation will provide ample opportunities to apply and assess the knowledge gained in class.

The course emphasizes the development of critical thinking and analytical writing. Your objective is not to become an expert on any particular law or issue area, but rather to acquire the skills you need to understand and analyze any international institution or law. By the end of the term, you will be expected to:

- understand why countries choose to cooperate by creating international law;
- identify how leaders weigh domestic and foreign policy goals; and
- evaluate the efficacy of international law for global governance.

PREREQUISITES:

This is an advanced undergraduate course and the reading load is not light. There are no course prerequisites. However, students may find it helpful to have taken the introduction to international relations course and to be familiar with the major theories of international relations.

COURSE REQUIREMENTS

The course requirements consist of participation in class discussions (15%), leading a class discussion (20%), two response papers (20% and 30%, respectively), and participation in the Statecraft simulation (15%).

Discussion Participation: Students are expected to come to class having read the assigned materials and ready to actively discuss the material. At the end of every lecture, I will give students a list of initial discussion questions to consider when reading for the next class. The initial discussion questions should serve as a framework to situate the readings for the upcoming class.

Discussion Leader: Students are expected to lead a class discussion with two or three other students. As a discussion leader, you are expected to develop a set of questions based on the assigned readings for the class and to guide class discussion. These questions should attempt to connect the readings to concepts discussed in previous classes as well as current events.

Policy Response Papers: Students are required to write two response papers (4-5 pages each). The paper topic and instructions will be given to students a week before the due date. Students are expected to use course readings, their simulation experience, and outside research to substantiate their responses. The first response paper will be due to Turn-It-In by 5 pm on Monday, July 23rd. The second response will be due to Turn-It-In by 5 pm on Friday, August 3rd. No hard copies are necessary.

Simulation Participation: Part of your grade will depend on the quality of your participation in the simulation. Your simulation grade consists of your country's achievement of statecraft awards (5%), your individual performance on the simulation manual quizzes (2%), and simulation memos (8%).

1.) Awards

The achievement of statecraft awards is measured by your country's achievement of specific goals, such as signing a non-proliferation agreement or economic development. I will also monitor the world's events and reserve the right to give out extra points to any country that clearly performed better than its point totals indicate.

2) Quizzes

There are two quizzes on the statecraft manual which are administered online. The first quiz will take place during "Turn Zero" and the second quiz will take place during "Turn One."

3) Memos

You must post a simulation memo on Statecraft *before* each simulation turn ends (starting in Turn 1). These memos must be 300 words in length and the simulation will count them for you. These memos will become your ongoing "journal" for the simulation experience. Memos should attempt to relate your simulation experience to class concepts. Late memos and memos shorter than the required length will not be counted. If you complete all memos satisfactorily, you will receive a perfect score. Missing memos will lead to penalties as follows: 1 missed (15%); 2 missed (30%); 3 missed (50%); 4 or more missed (100%). Please note that I do read your memos and I will not count memos that only include superficial information.

Simulation Turn Schedule:

Turn 0: Thursday, July 5th at 8 am – Tuesday, July 10th at 12 pm (Quiz 1 due)
Turn 1: Tuesday, July 10th at 5 pm – Thursday, July 12th at 12 pm (Quiz 2 due; Memo)
Turn 2: Thursday, July 12th at 5 pm – Tuesday, July 17th at 12 pm (Memo)
Turn 3: Tuesday, July 17th at 5 pm – Thursday, July 19th at 12 pm (Memo)
Turn 4: Thursday, July 19th at 5 pm – Tuesday, July 24th at 12 pm (Memo)
Turn 5: Tuesday, July 24th at 5 pm – Thursday, July 26th at 12 pm (Memo)
Turn 6: Thursday, July 26th at 5pm – Tuesday, July 31st at 12 pm (Memo)

GRADING POLICY

Late Assignments: It is your responsibility to submit your work on time. Late papers will be penalized half a letter grade for every 24-hour period past the due date. I will waive the late penalty only under valid and documented circumstances.

Grade Appeals: You can expect to be graded solely on your academic performance. This includes clarity of thought, knowledge of the material, composition, spelling, and grammar. Students can appeal grades that they believe are incorrect to me by email. The appeal will consist of a single typed page that identifies the problem and presents a reasoned argument that the grade fits the appeal criteria listed above. If you bring an assignment to regrade, I reserve the right to raise or lower it on any part of the assignment. In other words, be careful with your use of review. I will hear any concerns until 72 hours after the assignment has been returned to you.

COURSE POLICIES

Electronics: Laptops and tablets are allowed in class, provided they are used for class related purposes. Abuse of this privilege may cause me to reevaluate this policy. Cell phones should be off and out of sight.

Academic Dishonesty:

You are expected to do your own work. Students are not permitted to use unauthorized assistance of any kind. Students caught plagiarizing will receive a failing grade for the course and will be reported to the Academic Integrity Office for administrative sanction. If you have questions about what constitutes plagiarism, please contact me or the TA.

Students also agree that by taking this course all required essays will be subject to submission for textual similarity review to Turnitin.com for the detection of plagiarism. All submitted essays will be included as source documents in the Turnitin.com reference database solely for the purpose of detecting plagiarism of such papers. Use of the Turnitin.com service is subject to the terms of use agreement posted on the Turnitin.com site.

Disability: If you are a student with a documented disability who will be requesting accommodations in my class, please make sure you are registered with the Office for Students with Disabilities (University Center 202; 858.534.4382) and provide me with documentation outlining your accommodations. I am happy to meet with you privately during my office hours to discuss your needs.

Attendance: Class attendance is not mandatory but will be important for your performance in this class. Much of the material that we will cover in lectures is not covered in the readings.

Feedback: I am very interested to hear your thoughts on the class. Periodically, I will send out Google surveys to solicit anonymous feedback.

Readings: The course readings will be available on the course webpage. Please note that the readings are subject to change during the course according to the needs of the class. Because there is no textbook required, we will instead be using a software program that implements a simulation of international politics. The course subscription fee is \$35. You will need to sign up and pay at www.statecraftsim.com before **July 5th**. To sign up, click "create account", create student account, and then type in the simulation code **poli140a2018** along with your username and password. From here, you will take your foreign policy attitude test and pay through paypal.

COURSE SCHEDULE

Part I – Understanding International Institutions

Class 1 – Introduction to International Law (Monday, July 2nd)

Topics:

- What is international law?
- Why do we need theories?
- Rationality, actors, and interests
- Statecraft simulation overview
- Reading scientific papers

Readings:

- Syllabus
- Class survey
- Statecraft Student Manual and Quiz 1 (read by July 10th)

Class 2 – No Class (Wednesday, July 4th)

Class 3 - Why do states create international law? (Monday, July 9th)

Topics:

- Anarchy in the international system
- Cooperation under anarchy
- Two-level games
- The role of domestic politics for international cooperation

Readings:

- Oye, Kenneth (1985). “Explaining Cooperation under Anarchy: Hypotheses and Strategies.” *World Politics*. 38(1): 1-24.
- Putnam, Robert D. (1988). “Diplomacy and Domestic Politics: The Logic of Two-Level Games.” *International Organization* 42(3): 427-460.
- Huth, Paul, Sarah Croco, and Benjamin 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): 415-436.

Recommended:

- Hafner-Burton et al. (2008). “International Human Rights Law and the Politics of Legitimation” *International Sociology* 23(1): 115-141.
- Episode 844: Nice Game. Planet Money Podcast NPR.
<https://www.npr.org/sections/money/2018/05/30/615622421/episode-844->

[nice-game](#). (*For more on the Prisoner's Dilemma)

- Prestowitz, Clyde. "The Trans-Pacific Partnership and the Decline of American Hegemony." *Foreign Policy*. 30 September 2013.
- Solis, Mireya. "The TPP is dead, long live the TPP." *Brookings Institute*. 11 November 2016.

Class 4 - Analyzing International Law (Wednesday, July 11th)

Topics:

- Legalization
- Hard and soft contracts
- Principal agent theory
- Democratic deficit
- Cooperation without legalization

Readings:

- Abbott, Kenneth W., Robert O. Keohane, Andrew Moravcsik, Anne-Marie Slaughter, and Duncan Snidal (2000). "The Concept of Legalization." *International Organization* 54(3): 17-35.
- Hawkins, Darren G., David A. Lake, Daniel L. Nielson and Michael J. Tierney. (2006). "Delegation Under Anarchy: States, International Organizations and Principal-Agent Theory." In *Delegation and Agency in International Organizations*. Darren G. Hawkins, David A. Lake, Daniel L. Nielson and Michael J. Tierney, eds. Cambridge University Press, 3-23.
- Finnemore, Martha J. and Stephen Toope (2001). "Alternatives to 'Legalization': Richer Views of Law and Politics." *International Organization* 55(3): 743-758.

Part II – Evaluating International Institutions

Class 5 – Two Models of Influence (Monday, July 16th)

Topics:

- To what extent do international laws bind states?
- Norm internalization

Readings:

- Simmons, Beth A. (2000). "International Law and State Behavior: Commitment and Compliance in International Monetary Affairs." *American Political Science Review*. 94(4): 819-835.
- Von Stein, Jana (2005). "Do Treaties Constrain or Screen? Selection Bias and Treaty Compliance." *American Political Science Review*. 99(4): 611-622.
- Carubba, Clifford J. (2005). "Courts and Compliance in International Regulatory

Regimes.” *Journal of Politics*. 67(3): 669-689.

Recommended:

- Posner, Eric. “Think Again: International Law.” *Foreign Policy*. 17 September 2009.
- Tomz, Michael (2008). “Reputation and the Effect of International Law on Preferences and Beliefs.” Working Paper.
- Findley, Michael, Daniel Nielson, and J.C. Sharman (2015). “The Causes of Non-Compliance with International Law: Evidence from a Field Experiment on Financial Transparency.” *American Journal of Political Science*. 59(1): 146–161.

Class 6 – Compliance with International Law (Wednesday, July 18th)

Topics:

- Measuring compliance
- Enforcement mechanisms
- Flexibility
- Dispute settlements

Readings:

- Chayes, Abram and Antonia Handler Chayes (1993). “On Compliance.” *International Organization*. 47(2): 175-205.
- Downs, George W., David M. Rocke, and Peter N. Barsoom (1996). “Is the Good News About Compliance Good News About Cooperation?” *International Organization*. 50(3): 379-406.
- Rosendorff, B. Peter and Helen V. Milner (2001). “The Optimal Design of International Trade Institutions: Uncertainty and Escape.” *International Organization*. 55(4): 829-57.

Recommended:

- Rosendorff, Peter B. (2005). “Stability and Rigidity: Politics and Design of the WTO’s Dispute Settlement Procedure.” *American Political Science Review*. 99(3): 389-400.
- Wall, Robert and Emre Peker. “WTO Ruling Advances U.S. and Boeing in Case against Airbus.” *Wall Street Journal*. 15 May 2018.
<https://www.wsj.com/articles/wto-ruling-advances-u-s-and-boeing-in-case-against-airbus-1526403718>.

Class 7 – International Courts (Monday, July 23rd)

**Response paper due by 5 pm*

Topics:

- Role of the judiciary
- Judicial legitimacy
- Judicial decisions

Readings:

- Carrubba, Clifford J., Matthew Gabel, and Charles Hankla (2008). “Judicial Behavior under Political Constraints: Evidence from the European Court of Justice.” *American Political Science Review*. 102(4): 435-452.
- Voeten, Erik (2008). “The Impartiality of International Judges: Evidence from the European Court of Human Rights.” *American Political Science Review*. 102(4): 417-433.
- Chaudoin, Stephen (2014). “Audience Features and the Strategic Timing of Trade Disputes.” *International Organization*. 68(4): 877-911.

Recommended:

- Compulsory Jurisdiction Map by Karen Alter
- Hurd, Ian (1999). “Legitimacy and Authority in International Politics.” *International Organization*. 53(2): 379-408.
- Staton, Jeffrey K. (2006). “Constitutional Review and the Selective Promotion of Case Results.” *American Journal of Political Science*. 50(1): 98-112.
- Kuok, Lynn. “Progress in South China Sea? A Year after Hague Ruling.” *Foreign Affairs*. 21 July 2017.
<https://www.foreignaffairs.com/articles/east-asia/2017-07-21/progress-south-china-sea>.

Class 8 - Overlapping jurisdictions (Wednesday, July 25th)

Topics:

- Regime Complexity
- Forum Shopping

Readings:

- Alter, Karen J. and Sophie Meunier (2009). “The Politics of International Regime Complexity.” *Perspectives on Politics*. 7(1): 13-24.
- Drezner, Daniel (2009). “The Power and Peril of International Regime Complexity.” *Perspectives on Politics*. 7(1): 65-70.
- Busch, Marc L. (2007). “Overlapping Institutions, Forum Shopping, and Dispute Settlement in International Trade.” *International Organization*. 61(4): 735-61.

Recommended:

- Helfer, Laurence (2009). “Regime Shifting in the Intellectual Property System.” *Perspectives on Politics*. 7(1): 39-44.

- Hofmann, Stephanie (2009). “Overlapping Institutions in the Realm of International Security: The Case of NATO and ESDP” *Perspectives on Politics*. 7(1): 45-52.
- Leval, Pierre N. “The Long Arm of International Law: Giving Victims of Human Rights Abuses Their Day in Court.” *Foreign Affairs*. March 2013. <https://www.foreignaffairs.com/articles/united-states/2013-02-05/long-arm-international-law>.

Class 9 – Participation (Monday, July 30th)

Topics:

- Access
- Non-State Actors
- Boomerang Model

Readings:

- Keck, Margaret E and Kathryn Sikkink (1998). *Activists Beyond Borders*, Cornell University Press, Introduction, pp. 1-38.
- Johns, Leslie and Krzysztof J. Pelc. “Who Gets to Be in the Room? Manipulating Participation in WTO Disputes.” *International Organization*. 68(3): 663-699.
- Tallberg, Jonas et al. (2018) “Liberal Norm Adoption in Global Governance, 1980-2015.” Working Paper.

Recommended:

- Price, Richard. 1998. “Reversing the Gun Sights: Transnational Civil Society Targets Land Mines.” *International Organization*. 52(3): 613-644.
- Chapman, Terrence and Stephen Chaudoin (2013). “Ratification Patterns and the International Criminal Court.” *International Studies Quarterly*. 57(2): 400-409.
- Davis, Christina and Sarah Blodgett Bermeo (2009). “Who Files? Developing Country Participation in GATT/WTO Adjudication.” *Journal of Politics*. 71(3): 1033-1049.

Class 10 – The Future of International Law (Wednesday, August 1st)

Topics:

- Global governance challenges
- Rise of Populism
- Rising powers

Readings:

- Gray, Kevin and Craig N. Murphy. “Introduction: Rising Powers and The Future of Global Governance.” *Third World Quarterly*. 2013. 34(2): 183-193.

- Burke White, W. William. “Power shifts in International law: Structural Realignment and Substantive Pluralism.” U. Penn Public Law Research Paper 14(2).
- Allison, Graham. “The Myth of the Liberal Order: From Historical Accident to Conventional Wisdom.” *Foreign Affairs*. July/August 2018.

Recommended:

- Episode 787: “Google is Big, Is that Bad?” Planet Money Podcast. NPR. 4 August 2017.
<https://www.npr.org/sections/money/2017/08/04/541643346/episode-787-google-is-big-is-that-bad>.
- Kaye, David. “How Europe’s New Internet Laws Threaten Freedom of Expression.” *Foreign Affairs*. 18 December 2017.
- Pace, Scott. “Regulating Outer Space: Making Space Commerce a Priority.” *Foreign Affairs*. 12 May 2016.

***Response paper due by 5 pm on Friday, August 3rd**