



ETHR2100 – THE ROLE OF LAW IN INTERNATIONAL POLITICS

Dr. Herman T. Salton
Assistant Professor in International Relations (AUW)
Senior Fellow in UN Studies, City University of New York (CUNY)

1. CONVENOR

Email: herman.salton@auw.edu.bd
Office: H612
Office Hours: Monday, 2pm-4pm
Tuesday, 3pm-5pm
Please stick to these days and times. If you really cannot make them, please email me in advance to arrange an appointment. Thank you.
Classes: Sunday and Tuesday, 1pm-2.20pm
Qualifications: JD (Trento), PhD (Auckland), MPhil (Oxford)
Areas of Expertise: International Relations
United Nations
International and Diplomatic History
Human Rights (especially racial and religious discrimination)
International Law (especially international organization)
Comparative Law (especially France and the USA)
Profile: Herman Tutehau Salton, PhD, was educated at the universities of Trento, Auckland and Oxford. A Senior Fellow at the Ralph Bunche Institute for International Studies, City University of New York (CUNY), he was also a visiting scholar at Sciences-Po, Paris (France) and TUJ, Tokyo (Japan); a human rights officer at the Icelandic Human Rights Centre, Reykjavík (Iceland); and an Associate with the Under-Secretary-General for Political Affairs, United Nations Headquarters, New York City (USA). He publishes in the areas of international politics, international law, global history and human rights, and is fluent in English, French, Italian and Spanish.

2. DESCRIPTION

While politics and law are deeply intertwined in contemporary global affairs, scholars and practitioners often argue that the law is not a significant restraint on international relations. This course looks at the interplay between international law and international relations by exploring the historical evolution, philosophical nature and practical function of international law in world politics and by situating it in its historical, philosophical and political contexts. It considers the relationship between politics, philosophy and law on issues as diverse as the use of force, war crimes, human rights and the environment, among others.

3. LEARNING OUTCOMES

By the end of the course, students should be able to:

- Reflect on the meaning of international law and international politics;
- Situate the role of law in international politics;
- Understand the differences between domestic and international law;
- Decide whether an international legal system exists;
- Comment on the legitimacy and efficiency of such an international legal system;
- Debate if and how the citizens of the world can contribute to make international law;
- Understand the ethical consequences of the international legal process;
- Assess the key theoretical approaches to international law;
- Explore the practical implications for contemporary legal issues;
- Assess the moral and legal implications of foreign policy decisions;

4. SCHEDULE

PART ONE: THE FOUNDATIONS OF INTERNATIONAL LAW

Week 1: Introductions

Class 1 – Introducing the Course

Class 2 – Introducing the Subject: Law, Politics and Ethics

Readings: No Readings This Week

Week 2: The Nature of International Law

Class 1 – Sources: What is International Law and Who Makes It?

Class 2 – Subjects: Do States Respect International Law? Why?

Readings: Armstrong, Chapter 1 (pp.9-37)

Week 2: The Evolution of International Law

Class 1 – The Historical Origins of International Law

Class 2 – International Law in the 20th Century: Western-centrism?

Readings: Armstrong, Chapter 2 (pp.38-73)

Week 3: Is it Law or Politics?

Class 1 – What are the Differences between Law and Politics?

Class 2 – What is the Difference between Domestic and International Law

Readings: Henkin, Chapter 4 (pp.88-98)

Week 4: The Limits of International Law

Class 1 – Enforcing International Law

Class 2 – West versus East: Is International Law Imperialistic?

Readings: Henkin, pp.12-27

Week 5: Three Lenses: Realism

Class 1 – What is Realism ?

Class 2 – Realism and International Law

Readings: Armstrong, Chapter 3 (pp.74-88)

Week 6: Three Lenses: Idealism

Class 1 – What is Idealism?

Class 2 – Idealism and International Relations

Readings: Armstrong, pp.88-99

Week 7: Three Lenses: Constructivism

Class 1 – What is Constructivism?

Class 2 – Constructivism and International Law

Readings: Armstrong, pp. 100-121

PART TWO: INTERNATIONAL LAW
IN WORLD POLITICS

Week 8: Use of Force

Class 1 – The Law on the Use of Force

Class 2 – Compliance and Evolution

Readings: Armstrong, Chapter 4

Week 9: Human Rights (General)

Class 1 – International Human Rights Law

Class 2 – Compliance and Evolution

Readings: Armstrong, Chapter 5

Week 10: Human Rights (Gender Equality)

Class 1 – Women’s Rights and International Law

Class 2 – Compliance and Evolution

Readings: TBA

Week 11: International Crimes

Class 1 – International Criminal Law

Class 2 – Compliance and Evolution

Readings: Armstrong, Chapter 6

Week 12: International Trade

Class 1 – International Trade Law

Class 2 – Compliance and Evolution

Readings: Armstrong, Chapter 7

Week 13: The Environment

Class 1 – International Environmental Law

Class 2 – Compliance and Evolution

Readings: Armstrong, Chapter 8

Week 14: Conclusions: Law or Power

Class 1 – Law and Power in International Relations

Class 2 – Is International Law Useful?

Readings: Armstrong, Chapter 9

5. CLASS FORMAT

The course involves a mixture of lectures and discussions. All classes will be interactive: in my view, the role of the teacher is not to offer the right answers but to ask probing questions, especially in a course like this that deals with controversial topics that rarely have definitive answers. So it will not be enough to come to class: you will need to be proactive and participate in the discussion. Naturally some of you will be shyer than others, which is fine (the best students are not always the most talkative). But you *will* need to interact with the class.

The subjects discussed are hotly debated and some of you will have strong opinions about them. Others will find the materials alien. Both situations are normal—international relations is a fiercely contested concept, which is why in my view it is so exciting. Yet this is also why I expect you to come to class having done the readings and ready to ask questions about materials or concepts that are unclear to you. I make a conscious effort to invite discussion, so I will raise provocative questions and you should be prepared to engage with them.

In the course of our discussions, it is imperative that you interact respectfully with your peers. As we will be discussing issues for which there are no easy answers, it is important that you understand that everyone comes to the class with different life experiences which shape their beliefs and different levels of prior exposure to the ideas and events discussed in this class. I will thus expect—and will not condone anything short of—an attitude of collegial respect.

6. TEXTBOOKS

The main textbook for this course will be:

Armstrong et al
International Law and International Relations
Cambridge: Cambridge University Press, 2014

Another book on which we will occasionally rely is:

Henkin, Louis
How Nations Behave: Law and Foreign Policy
New York: Columbia University Press, 1979

7. ASSESSMENT

- 1) Presentation (20%): This will be a short, 10-minute presentation that each of you will give to the class on a legal dilemma of your choice. This is your chance to explain the legal aspects of an international politics issue that you find intriguing/problematic. After the presentation, there will be a 10 minutes Q&A (question & answer) session, i.e. the class and/or I will ask you questions which you will be expected to address. While some people are nervous about public speaking, this is a key part of your development and the sooner you start, the better. So do not be afraid—you are here to learn! More advice will be given in due course.

When: One presentation per class beginning from Week 3 (2 February 2014). You can sign up for a slot during Week 1 and 2.

2) Review (20%):

An article review is a short essay (1,000 words maximum) describing an academic article, chapter or book that discusses any issue of international law. You will need to briefly summarize the piece and say whether you think the author has succeeded in doing his/her job. The maximum word length is enforced strictly—if the review is longer than 1,000 words, you will lose marks. Writing a review is not easy but is an important task that will teach you to summarize and explain a complex political issue. Your critical thinking skills will also be put to the test. More guidance on this assignment will be given in due course.

Due: Tuesday, 25 February 2014

3) Legal Advice (20%):

You are the legal adviser to the Prime Minister of your country. It's early 2003 and you have been asked to write a 1,000-word document on the legality of the Iraq War that the United States of America is preparing to launch. The aim of your piece should be to try to convince your Prime Minister about whether your country should or should not join the USA in their operation, and why. Should your PM do something about it? Is it mainly an issue of human rights? Or should the sovereignty of Iraq be respected? Your advice should be persuasive, well-argued and clear. More guidance on this assignment will be given closer to the due date.

Due: Sunday, 30 March 2014

4) Final Essay (20%)

This two-hour in-class essay will test the depth and breadth of your knowledge. Your abilities to comprehend and analyse a number of ethical issues in contemporary world politics will be assessed. More detailed advice on how to prepare for this in-class assignment will be given closer to the date.

Date: Sunday, 27 April 2014

5) Participation (20%)

Your participation grade will depend on the regularity of your class attendance, on your punctuality and on your contribution to class debate (such as addressing questions when I ask them in class and asking questions to your colleagues when they present). Unjustified absence for more than three classes over the semester will result in a penalty, though bona-fide absences do not count.

8. GRADING SCALE

Your work will be assessed according to the following AUW scale:

97 to 100 = A+
93-96 = A
90-92 = A-

87-89 = B+
83-86 = B
80-82 = B-

77-79 = C+
73-76 = C
70-72 = C-

67-69 = D+
63-66 = D
60-62 = D-
< 60 = F (Fail)

Please Note: While marks are important and you should strive to obtain the best possible grade, the way you study is even more important. In this course, factual knowledge is essential but insufficient to perform well; critical thinking is what will make the difference not only in terms of marks but also—and more importantly—in terms of your development. Consequently, the mere regurgitation and memorization of facts will not take you far—only the critical assessment of them will. What I am interested in is *your* approach to a problem. However, you will only be able to acquire this analytical capacity if you come to class, read widely and participate in the discussions. Remember: analytical reasoning without facts is impossible, but facts without any analytical framework are useless! Both are needed and will be required.

9. KEY DATES

Oral Presentations: One per class from Week 3 (2 Feb 2014 - sign up for a slot in Weeks 1 and 2)

Review Due: 25 February 2014

Legal Advice Due: 30 March 2014

Final Essay Date (in Class): 27 April 2014

Spring Break: 16 to 20 March 2014

10. PLAGIARISM

Academic honesty is critically important and is expected of all of you at all times. For your information, definitions of and policies regarding academic honesty are detailed in the AUW Hand-out. Please read *carefully* the section on academic integrity on pages 13-16. Violations of academic honesty will result in failing grades for assignments and/or the entire course.

11. CLASS BEHAVIOUR

My assumption will be that each student in this class is motivated, intelligent and considerate of the opinions of others, and my expectations of you reflect this assumption.

I would like to ask you to please come to class on time and participate while you are here. Of course, sometimes circumstances prevent your timely arrival—in these cases, please enter quietly and sit by the door. If you need to leave early, please sit by the door and leave quietly. If you will frequently need to arrive late or leave early, please speak to me about it. I am committed to starting and ending every class exactly on time, so please do not prepare to leave before I have ended class. It is disrupting to your colleagues and to myself.

Also, please ensure that you do not read or sleep in class, nor talk to students around you without good reason. Please also be sure to turn off all phones and beepers. It is not appropriate to leave class in order to answer a call: if you feel that you have extenuating circumstances (e.g., a family emergency), please see me before class to discuss it.

I strongly encourage you to stop me during class if you have a question or relevant comment. If you feel uncomfortable talking during class, please approach me after class. It is my job to help you understand the material and I will do whatever I can to make sure that you do.

12. RELEVANT PUBLICATIONS

‘Ethics and International Affairs’, ‘Global Governance’, ‘International Law Review’
‘Economy and Society’, ‘Foreign Affairs’, ‘The Economist’, ‘Survival’.