

**POLITICAL SCIENCE (POL S) 525
INTERNATIONAL LAW AND INSTITUTIONS**

Fall 2017
Th 1:30pm – 4:20pm
Savery Hall 162

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Office Hours: Tuesday 10:30am-Noon, or by appointment
Course website: On Canvas (<https://canvas.uw.edu>)

Course Description

This seminar introduces graduate students to both classic and contemporary research on international cooperation with a focus on international law and institutions. International relations have become increasingly legalized in recent decades with important implications for thinking about the potential and limits of international law. The course is organized around the key stages and elements in the development and functioning of international law. After a general overview of the field, the next part of the course focuses on bargaining over the creation of international agreements, variation in their design, and explanations for why states choose or refuse to commit to legal agreements. Subsequent weeks address questions surrounding compliance with international promises, enforcement when violations occur, and empirical investigations into the effectiveness of international law. The final weeks examine emerging topics in the study of international law, in particular the increasing judicialization of international relations through greater authority delegated to international courts, as well as the growing complexity of international legal regimes.

Students will examine these dynamics of through a set of weekly readings. Assigned readings illustrate the diverse range of research designs employed in the field, providing an opportunity to evaluate the merits of different methodological approaches to the study of international law. The readings also draw on research from a variety of issue areas (e.g. human rights, armed conflict, trade, and the environment), regions of the world, and historical time periods in order to highlight patterns of legalization through differing contexts. Throughout the course, we will pay careful attention to evaluating theoretical arguments and empirical evidence, drawing linkages across studies, and identifying areas for further inquiry.

In a quarter-length course certain topics, by necessity, cannot be covered. Similarly, many of the week's topics, such as those on international norms or international courts, could constitute entire courses on their own. Nevertheless, the course aims to provide students a firm theoretical and empirical foundation for further research into international law and institutions, as well as the broader study of international cooperation. As an additional overall objective, the course requirements are designed for students to develop professionalization skills and improve their ability to present their ideas both verbally and in writing.

Readings

There are no required books for purchase. All readings are available in electronic format and will be posted on the Canvas course website.

Course Requirements

- Regular Seminar Participation (30%)
- Two Critical Response Memos (20%)
- Article Presentation (10%)
- Author's Defendant (5%)
- Final Paper (35%)

Regular Seminar Participation (30%)

For meaningful discussion and a successful overall seminar, everyone must actively participate. This is particularly important given the subject matter of the course since research on international law is vibrant and highly contested with few (if any) settled conclusions. Students are expected to attend class meetings, complete all assigned readings beforehand, and come prepared to discuss the material. All students will be expected to contribute to the discussion during class meetings. Quality of comments is valued over quantity.

Students not assigned to a specific role for a given week (see below for further details) must submit 2-3 discussion questions based on theoretical or empirical issues raised in the assigned readings. Discussion questions should be emailed to me by noon on the Wednesday before class meets. I will then distribute a summary of the questions to the entire class. Of course, students are encouraged to come with additional questions to be raised during the seminar.

Critical Response Memos (20%)

Students will write two critical response memos over the course of the quarter. These memos, to be assigned in advance, will critically engage a selected set of readings from a given week. Each memo should be about 4-6 double-spaced pages in length. The memo should not simply summarize the assigned texts, since all students are already expected to have done the readings. Rather, you should develop an argument based on some aspect of the readings (theoretical, empirical, methodological), which improves our understanding of the underlying issues of the week's topic. Memos cannot overlap with the weeks you present or assume the role of author's defendant. Memos should be submitted by noon on the Wednesday before class meets. Late memos will not be accepted for credit.

Article Presentation (10%)

Students will be asked to lead discussion by presenting core aspects of one assigned reading in a 10-15 minute presentation using slideware (e.g. PowerPoint, Beamer, etc.). The presentation is intended to simulate a conference-style presentation and the presenter will present as if he/she is one of the authors of the work. Other students in the class will then be able to ask questions about the work in a 10-minute discussion session following the presentation. The presentation should include the following:

- a. What is the research question?
- b. What literature/work is this work contributing to?
- c. What is the theory and hypotheses?
- d. What is the methodological approach and research design?
- e. What are the findings?

- f. What is the central contribution of the work and implications?

Author's Defendant (5%)

All students will be assigned at least once during the semester to serve as "Author's Defendant" for a selection of readings during a course meeting. This role does not require any written work but rather is a type of participation. As is the case in many graduate seminars, critiques are plentiful, however there often is little praise or defense of work. You will be called on to defend the merits of the readings by speaking for the relevant authors and keeping the discussion balanced. As part of this task you will also serve as "resident expert" and can be called on to explain or clarify questions the professor or other students may have about the readings.

Final Paper (35%)

The final paper can be one of two types: 1) Literature Review, or 2) Research Proposal. The paper should engage some aspect of international law and institutions, or the study of international cooperation more broadly. The paper should be 15-20 double-spaced pages in length and is due Tuesday, December 12 by 5pm. A one-page single-spaced outline is due by the start of class Thursday, November 2. Unexcused late papers will be penalized 10% per day.

Literature reviews offer an opportunity to explore a topic in greater depth than is normally possible in the weekly readings of the class. Literature reviews should not simply take the form of an annotated bibliography summarizing one scholarly book or article in sequential order. Rather, reviews should situate the chosen scholarly works within the intellectual development of the topic, consider how the works relate to each other, and discuss their relative strengths and weaknesses. Key concepts and arguments should be outlined and compared and contrasted. In particular, reviews should identify areas of debate and formulate questions for future research. Examples of the style of review essays can be seen in past issues of the *Annual Review of Political Science*, *International Organization*, and *World Politics*.

Research proposals should be structured as an initial version of a grant or dissertation proposal. It should offer a clear research question, situate it within the existing literature, and define key concepts. Proposals should then put forward a theoretical argument with attention to developing specific hypotheses and identifying likely alternative explanations. Proposals should then formulate and justify a research design for testing these hypotheses, specifying the types of data to be used, how they will be analyzed, and assessing possible inferential challenges. Finally, the proposal should state how the proposed research promises to contribute to the relevant topic and the broader study of international law and institutions.

Accessibility

If you have already established accommodations with Disability Resources for Students (DRS), please communicate your approved accommodations to the instructor as soon as possible so we can discuss your needs in this course. If you have not yet established services through DRS, but have a temporary health condition or permanent disability that requires accommodations (conditions include but not limited to: mental health, attention-related, learning, vision, hearing, physical or health impacts), you are welcome to contact DRS at 206-543-8924, email uwdrs@uw.edu, or online at <http://disability.uw.edu>. DRS offers resources and coordinates reasonable accommodations for students with disabilities and/or temporary health conditions. Reasonable accommodations are established through an interactive process between you, your instructor, and DRS. It is the policy

and practice of the University of Washington to create inclusive and accessible learning environments consistent with federal and state law.

Academic Misconduct

Academic misconduct is a serious offense at The University of Washington. All cases of suspected academic misconduct will be referred to the Arts and Sciences Committee on Academic Conduct, and may result in a grade of 0.0 for the assignment in question.

University policies and guidelines regarding cheating and plagiarism can be found at <https://depts.washington.edu/grading/pdf/AcademicResponsibility.pdf>.

What constitutes academic misconduct? The University of Washington Student Conduct Code defines it as the following (WAC 478-120-024).

Academic misconduct includes:

- (a) **“Cheating,”** which includes, but is not limited to:
 - (i) The use of unauthorized assistance in taking quizzes, tests, or examinations; or
 - (ii) The acquisition, use, or distribution of unpublished materials created by another student without the express permission of the original author(s).
- (b) **“Falsification,”** which is the intentional use or submission of falsified data, records, or other information including, but not limited to, records of internship or practicum experiences or attendance at any required event(s). Falsification also includes falsifying scientific and/or scholarly research.
- (c) **“Plagiarism,”** which is the submission or presentation of someone else’s words, composition, research, or expressed ideas, whether published or unpublished, without attribution. Plagiarism includes, but is not limited to:
 - (i) The use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment; or
 - (ii) The unacknowledged use of materials prepared by another person or acquired from an entity engaging in the selling of term papers or other academic materials.
- (d) **Prohibited collaboration.**
- (e) Engaging in behavior specifically prohibited by an instructor in the course of class instruction or in a course syllabus.
- (f) **Multiple submissions** of the same work in separate courses without the express permission of the instructor(s).
- (g) Taking deliberate action to destroy or damage another’s academic work in order to gain an advantage for oneself or another.
- (h) The recording of instructional content without the express permission of the instructor(s), and/or the dissemination or use of such unauthorized records.

If you are uncertain what constitutes plagiarism, please ask the instructor. The Political Science/JSIS/LSJ/CHID Writing Center also offers guidance on plagiarism, general advice on writing, and related issues of academic integrity:

<http://depts.washington.edu/pswrite/forstudents.html>.

Classroom Expectations

Some of the material covered in this course may be controversial. While debate is expected and in fact encouraged, students are required to conduct themselves in a professional manner at all times. Students are expected to arrive on time and ready to start seminar. We have a short period of time

for each meeting, and it is disrespectful to the instructor and your fellow classmates to show up late. All disruptive behavior is not permitted during class, including but by no means limited to sleeping, talking outside of regular class discussion, using cell phones, and insulting classmates and/or the instructor. Laptops are permitted, but should be used solely for course work (e.g. taking notes, accessing course readings, etc.). Eating is permitted as long as it does not disrupt others.

Course Schedule

The following is a preliminary schedule of topics and readings for the course. The schedule is subject to change based on the pace of the class. The instructor will clearly announce changes to the course schedule should any occur. Please be mindful that some of the readings for a particular week may be split across separate pages in the syllabus.

Week 1 (September 28): Course Overview – Law Amidst Anarchy

Mearsheimer, John J. 1994/1995. “The False Promise of International Institutions.” *International Security* 19 (3): 5-49.

Keohane, Robert O., and Lisa L. Martin. 1995. “The Promise of Institutional Theory.” *International Security* 20 (1): 39-51.

Stein, Arthur A. 1982. “Coordination and Collaboration: Regimes in an Anarchic World.” *International Organization* 36 (2): 299-324.

Abbott, Kenneth W., Robert O. Keohane, Andrew Moravcsik, Anne-Marie Slaughter, and Duncan Snidal. 2000. “The Concept of Legalization.” *International Organization* 54 (3): 401-419.

Finnemore, Martha, and Stephen J. Toope. 2001. “Alternatives to ‘Legalization’: Richer Views of Law and Politics.” *International Organization* 55 (3): 743-758.

Week 2 (October 5): Bargaining and Negotiation – The Creation of International Agreements

Fearon, James D. 1998. “Bargaining, Enforcement, and International Cooperation.” *International Organization* 52 (2): 269-305.

Putnam, Robert. 1988. “Diplomacy and Domestic Politics: The Logic of Two-Level Games.” *International Organization* 42 (3): 427-460.

Goodliffe, Jay, and Darren Hawkins. 2009. “A Funny Thing Happened on the Way to Rome: Explaining International Criminal Court Negotiations.” *Journal of Politics* 71 (3): 977-997.

Poast, Paul. 2012. “Does Issue Linkage Work? Evidence from European Alliance Negotiations, 1860 to 1945.” *International Organization* 66 (2): 277-310.

Steinberg, Richard H. 2002. “In the Shadow of Law or Power? Consensus-Based Bargaining and Outcomes in the GATT/WTO.” *International Organization* 56 (2): 339-374.

Week 3 (October 12): Institutional Design – Why do International Agreements Differ So Much?

Koremenos, Barbara, Charles Lipson, and Duncan Snidal. 2001. “The Rational Design of International Institutions.” *International Organization* 55 (4): 761-800.

Tir, Jaroslav, and Douglas M. Stinnett. 2011. “The Institutional Design of Riparian Treaties: The Role of River Issues.” *Journal of Conflict Resolution* 55 (4): 606-631.

Mattes, Michaela. 2012. “Reputation, Symmetry, and Alliance Design.” *International Organization* 66 (4): 679-707.

- Rosendorff, B. Peter, and Helen V. Milner. 2001. "The Optimal Design of International Trade Institutions: Uncertainty and Escape." *International Organization* 55 (4): 829-857.
- Hafner-Burton, Emilie, Laurence R. Helfer, and Christopher J. Fariss. 2011. "Emergency and Escape: Explaining Derogations from Human Rights Treaties." *International Organization* 65 (4): 673-707.

Week 4 (October 19): International Norms and Customary Law

- Finnemore, Martha, and Kathryn Sikkink. 1998. "International Norm Dynamics and Political Change." *International Organization* 52 (4): 887-917.
- Finnemore, Martha. 1993. "International Organizations as Teachers of Norms: The United Nations Educational, Scientific, and Cultural Organization and Science Policy." *International Organization* 47 (4): 565-597.
- Hyde, Susan D. 2011. "Catch Us If You Can: Election Monitoring and International Norm Diffusion." *American Journal of Political Science* 55 (2): 356-369.
- Goldsmith, Jack L., and Eric A. Posner. 2005. *The Limits of International Law*. Oxford: Oxford University Press. Ch.1 "A Theory of Customary International Law" (23-43); Ch.3 "Case Studies" (Excerpt: 45-54).
- Verdier, Pierre-Hugues, and Erik Voeten. 2015. "How Does Customary International Law Change? The Case of State Immunity." *International Studies Quarterly* 59 (2):209-222.

Week 5 (October 26): Commitment – Examining Why States Join International Agreements

- Nielsen, Richard A., and Beth A. Simmons. 2015. "Rewards for Ratification: Payoffs for Participating in the International Human Rights Regime?" *International Studies Quarterly* 59 (2): 197-208.
- Moravcsik, Andrew. 2000. "The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe." *International Organization* 54 (2): 217-252.
- Simmons, Beth A., and Allison Danner. 2010. "Credible Commitments and the International Criminal Court." *International Organization* 64 (2): 225-256.
- Vreeland, James R. 2008. "Political Institutions and Human Rights: Why Dictatorships Enter into the United Nations Convention against Torture." *International Organization* 62 (1): 65-101.
- Hollyer, James R., and B. Peter Rosendorff. 2011. "Why Do Authoritarian Regimes Sign the Convention against Torture? Signaling, Domestic Politics and Non-Compliance." *Quarterly Journal of Political Science* 6 (3-4): 275-327.

Week 6 (November 2): Compliance – Examining Why States Adhere to their Promises

****Paper Proposals Due by the Start of Class****

- Chayes, Abram, and Antonia H. 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.
- Dai, Xinyuan. 2005. "Why Comply? The Domestic Constituency Mechanism." *International Organization* 53 (2): 363-398.
- Leeds, Brett A. 2003. "Alliance Reliability in Times of War: Explaining State Decisions to Violate Treaties." *International Organization* 57 (4): 801-827.

Morrow, James D. 2007. "When Do States Follow the Laws of War?" *American Political Science Review* 101 (3): 559-589.

Week 7 (November 9): Enforcement – What Happens if States Don't Keep their Promises?

- Guzman, Andrew T. 2008. *How International Law Works: A Rational Choice Theory*. Oxford, U.K.: Oxford University Press. Ch.2 "A General Theory of International Law." (25-70); Ch.3 "Reputation" (71-118).
- Crescenzi, Mark J.C., Jacob D. Kathman, Katja B. Kleinberg, and Reed M. Wood. 2012. "Reliability, Reputation, and Alliance Formation." *International Studies Quarterly* 56 (2): 259-274.
- Hafner-Burton, Emilie M. 2005. "Trading Human Rights: How Preferential Trade Agreements Influence Government Repression." *International Organization* 59 (3): 593-629.
- Allee, Todd, and Clint Peinhardt. 2011. "Contingent Credibility: The Impact of Investment Treaty Violations on Foreign Direct Investment." *International Organization* 65 (3): 401-432.
- Lebovic, James H., and Erik Voeten. 2009. "The Cost of Shame: International Organizations and Foreign Aid in the Punishing of Human Rights Violators." *Journal of Peace Research* 46 (1): 79-97.

Week 8 (November 16): Effectiveness – Figuring Out Whether International Law "Matters"

- 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.
- Simmons, Beth A., and Daniel J. Hopkins. 2005. "The Constraining Power of International Treaties: Theory and Methods." *American Political Science Review* 99 (4): 623-631.
- Lupu, Yonatan. 2013. "The Informative Power of Treaty Commitment: Using the Spatial Model to Address Selection Effects." *American Journal of Political Science* 57 (4): 912-925.
- Mitchell, Ronald B. 1994. "Regime Design Matters: Intentional Oil Pollution and Treaty Compliance." *International Organization* 48 (3): 425-458.
- Wallace, Geoffrey P.R. 2013. "International Law and Public Attitudes toward Torture: An Experimental Study." *International Organization* 67 (1): 105-140.

Week 9 (November 23): **NO CLASS – THANKSGIVING**

Week 10 (November 30): International Courts and the Judicialization of International Law

- Alter, Karen J. 2013. *The New Terrain of International Law: Courts, Politics, Rights*. Princeton, N.J.: Princeton University Press. Ch.2 "International Courts Altering Politics" (32-67).
- Allee, Todd L. and Paul K. Huth. 2006. "Legitimizing Dispute Settlement: International Legal Rulings as Domestic Political Cover." *American Political Science Review* 100 (2): 219-234.
- Davis, Christina L. 2012. *Why Adjudicate?: Enforcing Trade Rules in the WTO*. Princeton N.J.: Princeton University Press. Ch.6 "Conflict Management: Evaluating the Effectiveness of Adjudication" (244-257) and "Conclusion" (281-300).
- Helfer, Laurence R., and Erik Voeten. 2014. "International Courts as Agents of Legal Change: Evidence from LGTB Rights in Europe." *International Organization* 68 (1): 77-110.

Voeten, Erik. 2008. "The Impartiality of International Judges: Evidence from the European Court of Human Rights." *American Political Science Review* 102 (4): 417-433.

Week 11 (December 7): International Legal "Networks" – Regime Complexes and Forum Shopping

Raustalia, Kal, and David G. Victor. 2004. "The Regime Complex for Plant Genetic Resources." *International Organization* 58 (2):277-309.

Colgan, Jeff D., Robert O. Keohane, Thijs Van de Graaf. 2012. "Punctuated Equilibrium in the Energy Regime Complex." *Review of International Organizations* 7 (2): 117-143.

Alter, Karen J., and Sophie Meunier. 2006. "Nested and Overlapping Regimes in the Transatlantic Banana Trade Dispute." *Journal of European Public Policy* 13 (3): 362-382.

Busch, Marc L. 2007. "Overlapping Institutions, Forum Shopping, and Dispute Settlement in International Trade." *International Organization* 61 (4): 735-761.

Jupille, Joseph, Walter Mattli, and Duncan Snidal. 2017. "Dynamics of Institutional Choice." In *International Politics and Institutions in Time*. Orfeo Fioretos, ed. Oxford, U.K.: Oxford University Press: 117-143.