

Gov94CM: International Law and International Organizations

Fall 2018, Tuesdays 3-5 p.m., CGIS South S450

Draft syllabus v.4

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Course website: <https://canvas.harvard.edu/courses/43774>

Course description

This seminar is an introduction to international law and international organizations for students of international relations. Why do states conclude treaties and establish international organizations and what determines their institutional design? When and how do international institutions promote cooperation between states? What is their effect on domestic politics? We survey recent international relations scholarship on these and other questions and conduct case studies on trade, human rights, military interventions, and other issue areas.

Course aims

In this seminar, we will read and discuss a mix of classic theories on international institutions, cutting edge research articles, and journalistic accounts. We will critically engage with a diverse set of theoretical arguments, empirical findings, and their normative implications. We will also relate the course materials to major events and developments of the past fifteen years, such as the creation of the International Criminal Court, the emergence of the Responsibility to Protect (R2P) norm, the contestation of institutions that support free trade (e.g., WTO and NAFTA), and the United Kingdom's departure from the European Union (Brexit).

The goal is to develop a nuanced understanding of how states, political leaders, and domestic interest groups leverage international agreements and international organizations to pursue their political objectives. The seminar will also help students develop an informed opinion about the tradeoffs involved in the creation and use of international institutions and about the latter's future prospects and potential. An additional goal is to introduce students to the practice of social science research.

Performance will be evaluated on the basis of comprehension of and critical engagement with the reading materials, active participation in class, and writing.

Course policies and expectations

You are expected to have read all required readings before class and to actively engage in classroom discussions. You should come prepared to defend or question arguments presented in the readings. Take notes as you read and bring any questions you have on the readings to class. Clarifying questions as well as well-documented counterarguments "from other classes or readings you have done outside of class" are welcome and encouraged. This being an advanced seminar, regular attendance is essential. If you have a valid reason to miss a class (with prior excuse) you need to submit a response essay about the material covered in the missed class, due by the beginning of the following class. This essay will count toward your total submissions of response essays.

In order to fully understand the readings for this seminar you should be familiar with key concepts of international relations (such as anarchy, liberalism, and realism). If this is your first international relations course I recommend that you read one or both of the two readings listed below. The first book chapter is more concise but also more dense than the second one.

Slaughter, Anne-Marie and Thomas Hale. 2011. "[International Relations, Principal Theories](#)." In: *Max Planck Encyclopedia of Public International Law* (Wolfrum, Rüdiger, ed.). Oxford University Press.

Grieco, Joseph, G. John Ikenberry, and Michael Mastanduno. 2015. [Introduction to International Relations: Enduring Questions & Contemporary Perspectives](#). Palgrave: chapter 3.

Materials and access

Articles can be accessed through the links on this syllabus from campus and book chapters will be available on Canvas. It will not be necessary to purchase any books.

Assignment and grading procedures

Grades will be composed of:

- Participation: 20 %
- Presentations: 20%
- Response essays: 25%
- Final paper: 35%

Participation: You are expected to attend all classes and to actively participate in the discussion of the readings. Student participation in class is one of the primary factors influencing the quality of a seminar.

Presentations: Together with a colleague you will prepare and deliver a ten-minute presentation on a specific international organization or agreement. You will conduct and present independent research on the structure, process, and politics of this institution. The use of slides is encouraged. Since the skill to deliver effective presentations is invaluable in many settings, you will receive constructive feedback both on the substance and the style of the presentation. The list of topics will be posted on Canvas.

Response essays: The purpose of these essays is to synthesize the week's readings succinctly, scrutinize how they complement or contradict each other, and to use them to respond to the question posed each week on the syllabus. Often the readings present contrasting arguments or shed light on different aspects of the question. You are encouraged to critique the readings and to adopt and defend a clear position on the main debate(s) in the week's readings. Your response essay has to address each reading (except for further reading suggestions, which are optional). At the end of each essay, you should propose two questions to motivate our conversation for the class. Response essays should be no longer than three pages (1-inch margins, 12-point font, double-spaced). Bibliographies can be included on a fourth page. You can write up to three response essays, and the best two will be considered for your grade. At least one response essay has to be written during the first seven weeks of this seminar. Response essays are due the night before the seminar since I may reference them in class.

Final paper: You will write one long research paper, which is due at the end of the semester. By Friday, November 2 you need to send me a two-page outline summarizing your argument, the evidence you plan to present, and where you intend to find it. You will receive feedback on your outline. While the outline will not be graded, failure to submit it will adversely affect the final paper grade. The final paper (15-20 pages, 1-inch margins, 12-point font, double-spaced) will be due on December 15 at 11:59 PM EST. The assignment has been posted on Canvas.

All written assignments and presentation slides should be submitted by email or through the course website. Response essays will not be accepted after the beginning of class.

Collaboration and academic integrity policy

The exchange of ideas is critical for academic work. Collaboration on the presentations is required, and dialogue and debate among seminar participants before working on an assignment is encouraged. At the same time, any written work you submit for evaluation must be the result of your own research and writing and reflect your own ideas and arguments. After all, one key objective of the course is for you to develop your own arguments and practice your writing and critical thinking. You must adhere to the standard citation practices in Political Science and clearly cite any books, articles, or speeches you refer to. The [Harvard Guide to Using Sources](#) provides guidance on this topic. If you receive help with your writing, such as for example feedback on drafts, you should clearly acknowledge it.

Technology policy

Laptops should be strictly used for note taking and accessing reading material. Access to the Internet should be switched off during class. If laptops prove too much of a distraction I reserve the right to change this policy.

Special accommodations

Students needing academic adjustments or accommodations because of a documented disability must present their Faculty Letter from the Accessible Education Office (AEO) and should speak with the instructor by the end of the second week of the term in order to make sure that the arrangements can be

implemented on time.

Course schedule

Week 1: September 4: Organizational meeting

Optional reading:

Olson, Mancur. 1965. [*The Logic of Collective Action: Public Goods and the Theory of Groups*](#). Harvard University Press: familiarize yourself with the argument in chapter 1 and feel free to disregard the math. Alternatively, you can read [this summary](#) of chapter 1.

Part I: Cross-cutting issues

Week 2: September 11: Why do states use international organizations and international law?

Pevehouse, Jon and Inken von Borzyskowski. 2016. "[International Organizations in World Politics](#)." In: *The Oxford Handbook of International Organizations* (Jacob Cogan, Ian Hurd, and Ian Johnstone, eds.). Oxford University Press: read pp. 3-21.

Keohane, Robert. 1984. [After Hegemony: Cooperation and Discord in the World Political Economy](#). Princeton University Press: read pp. 85-98.

Abbott, Kenneth and Duncan Snidal. 1998. "Why States Act through Formal International Organizations." *International Organization* 42(1): 3-32.

Moravcsik, Andrew. 2000. "The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe." *International Organization* 54(2): 217-252.

Thompson, Alexander. 2006. "Coercion Through IOs: The Security Council and the Logic of Information Transmission." *International Organization* 60(1): 1-34.

See whether the argument that international institutions tie governments' hands applies here: Embury-Dennis, Tom. 2017. "Trump could cause world trade system to freeze up after vetoing appointment of judges, diplomats fear." *The Independent*. 28 Nov.

Further reading:

Ikenberry, G. John. 2001. [After Victory: Institutions, Strategic Restraint, and the Rebuilding of Order after Major Wars](#). Princeton University Press: chapter 3.

Finnemore, Martha and Kathryn Sikkink. 1998. "International Norm Dynamics and Political Change." *International Organization* 52(4): 887-917.

Week 3: September 18: What explains the institutional design of international organizations and international law?

Koremenos, Barbara, Charles Lipson, and Duncan Snidal. 2001. "The Rational Design of International Institutions." *International Organization* 55(4): 761-799.

Downs, George, David Rocke, and Peter Barsoom. 1998. "Managing the Evolution of Multilateralism." *International Organization* 52(2): 397-419.

Lipson, Charles. 1991. "Why are Some International Agreements Informal?" *International Organization* 45(4): 495-538.

Davis, Christina. 2004. "International Institutions and Issue Linkage: Building Support for Agricultural Trade Liberalization." *American Political Science Review* 98(1): 153-169.

Further reading:

Helfer, Lawrence. 2013. "Flexibility in International Agreements." In: *Interdisciplinary Perspectives on International Law and International Relations: The State of the Art* (Jeffrey Dunoff and Mark Pollack, eds.). Cambridge University Press: 175-196.

Koremenos, Barbara and Timm Betz. 2013. "The Design of Dispute Settlement Procedures in International Agreements." In: *Interdisciplinary Perspectives on International Law and International Relations: The State of the Art* (Jeffrey Dunoff and Mark Pollack, eds.). Cambridge University Press: 371-393.

Week 4: September 25: When and why do states and other actors comply with international agreements and rules?

von Stein, Jana. 2013. "The Engines of Compliance." In: *Interdisciplinary Perspectives on International Law and International Relations: The State of the Art* (Jeffrey Dunoff and Mark Pollack, eds.). Cambridge University Press: 477-501.

Chayes, Abram and Antonia Handler Chayes. 1993. "On Compliance." *International Organization* 47(2): 175-205.

Downs, George, David Rocke, and Peter Barsoom. 1996. "Is the good news about compliance good news about cooperation?" *International Organization* 50(3): 379-406.

Johnston, Alastair Iain. 2001. "Treating International Institutions as Social Environments." *International Studies Quarterly* 45(4): 487-515.

Further reading:

Morrow, James. 2007. "When Do States Follow the Laws of War?" *American Political Science Review* 101(3): 559-572.

Michell, Ronald. 1994. "Regime Design Matters: Intentional Oil Pollution and Treaty Compliance." *International Organization* 48(3): 425-458.

Week 5: October 2: What carries more weight: the power of rules or rules of power?

Tallberg, Jonas. 2008. "Bargaining Power in the European Council." *Journal of Common Market Studies* 46(3): 685-708.

Mearsheimer, John. 1994. "The False Promise of International Institutions." *International Security* 19(3): 5-49.

Stone, Randall. 2011. *Controlling Institutions: International Organizations and the Global Economy*. Cambridge University Press: chapter 2.

Barnett, Michael and Martha Finnemore. 2004. *Rules for the World: International Organizations in Global Politics*. Princeton University Press: chapter 2.

Further reading:

Mikulaschek, Christoph. 2017. "The Power of the Weak: How Informal Power-Sharing Shapes the Work of the UN Security Council." *Working Paper*.

Voeten, Erik. 2001. "Outside Options and the Logic of Security Council Action." *American Political Science Review* 95(4): 845-858.

Week 6: October 9: How do domestic politics and international institutions interact?

Allee, Todd and Paul Huth. 2006. "Legitimizing Dispute Settlement: International Legal Rulings as Domestic Political Cover." *American Political Science Review* 100(2): 219-234.

Davis, Christina. 2012. *Why Adjudicate? Enforcing Trade Rules in the WTO*. Princeton University Press: chapter 1.

Keck, Margaret and Kathryn Sikkink. 1998. *Activists beyond Borders: Advocacy Networks in International Politics*. Cornell University Press: chapter 1.

Pevehouse, Jon. 2002. "Democracy from the Outside In? International Organizations and Democratization." *International Organization* 56(3): 515-549.

For an illustration of the domestic politics of trade disputes before the WTO see these three articles (the second and third are optional): Becker, Elizabeth. 2003. "U.S. Tariffs on Steel are Illegal, World Trade Organization Says." *New York Times*. Nov. 11. Winestock, Geoff and Neil King Jr. 2002. "EU to Target GOP's Swing States In Payback for Bush Steel Tariffs." *Wall Street Journal*. March 22. Porter, Eduardo and Karl Russell. 2018. "Firing Back at Trump in the Trade War With Tariffs Aimed at His Base." *New York Times*. Oct. 3.

Further reading:

Dai, Xinyuan. 2007. [*International Institutions and National Policies*](#). Cambridge University Press: chapter 5.

Caraway, Teri, Stephanie Rickard, and Mark Anner. 2012. "[International Negotiations and Domestic Politics: The Case of IMF Labor Market Conditionality](#)." *International Organization* 66(1): 27-61.

Week 7: October 16: Are international institutions anti-democratic?

Kyl, Jon, Douglas Feith, and John Fonte. 2013. "The War of Law: How New International Law Undermines Democratic Sovereignty." *Foreign Affairs* 92(4): 115-125.

Koh, Harold, and Michael Doyle. 2013. "The Case for International Law." *Foreign Affairs* 92(6): 162-165.

Keohane, Robert, Stephen Macedo, and Andrew Moravcsik. 2009. "Democracy-Enhancing Multilateralism." *International Organization* 63(1): 1-31.

Gartzke, Erik and Megumi Naoi. 2011. "Multilateralism and Democracy: A Dissent Regarding Keohane, Macedo, and Moravcsik." *International Organization* 65(3): 589-598.

Colgan, Jeff and Robert Keohane. 2017. "The Liberal Order is Rigged: Fix It Now or Watch it Wither." *Foreign Affairs* 96(3): 36-44.

Further reading:

Moravcsik, Andrew. 2004. "Is there a 'Democratic Deficit' in World Politics? A Framework for Analysis." *Government and Opposition* 39(2): 336-363.

Dorsen, Norman. 2005. "The relevance of foreign legal materials in U.S. constitutional cases: A conversation between Justice Antonin Scalia and Justice Stephen Breyer." *International Journal of Constitutional Law* 3(4): 519-541.

Part II: War, rights, and trade: The role of international institutions in specific issue areas

Week 8: October 23: Warfare and peace operations

Fortna, Page. 2008. [*Does Peacekeeping Work? Shaping Belligerents' Choices after Civil War*](#). Princeton University Press: chapter 4.

Carnegie, Allison and Christoph Mikulaschek. 2017. "[The Promise of Peacekeeping: Protecting Civilians in Civil Wars](#)". *Working Paper*.

Case study: Are the U.S. airstrikes in Iraq and Syria consistent with international law?

Weller, Marc. 2014. "[Islamic State crisis: What force does international law allow?](#)" *BBC*. September 25.

Daskal, Jennifer, Ashley Deeks, and Ryan Goodman. 2014. "[Strikes in Syria: The International Law Framework](#)." *Just Security* (blog). September 24.

Scharf, Michael. 2016. "[How the War Against ISIS Changed International Law](#)." *Case Western Reserve Journal of International Law* 48(1-2): 1-54.

On the 2017 U.S. airstrikes against the Syrian government see: Bellinger, John. 2017. "[What Was the Legal Basis for the U.S. Air Strikes Against Syria?](#)" *Lawfare* (blog). April 6.

Week 9: October 30: Human rights

Simmons, Beth. 2009. [*Mobilizing for Human Rights: International Law in Domestic Politics*](#). Cambridge University Press: chapter 1.

Conrad, Courtenay. 2014. "[Divergent Incentives for Dictators: Domestic Institutions and \(International Promises Not to\) Torture](#)." *Journal of Conflict Resolution* 58(1): 34-67.

Case study on the emergence and trajectory of the Responsibility to Protect (R2P) civilians from mass atrocities:

Luck, Edward. 2010. "[Building a Norm: The Responsibility to Protect Experience](#)." In: *Mass Atrocity Crimes: Preventing Future Outrages* (Robert Rotberg, ed.). Brookings Institution Press: 108-127.

Bolton, John. 2011. "[Irresponsible: Against a 'responsibility to protect' in foreign affairs](#)." *The National Review* 63(7): 32-34.

Doyle, Michael. 2016. "[The Politics of Global Humanitarianism: R2P before and after Libya](#)." In: *The Oxford Handbook of the Responsibility to Protect* (Alex Bellamy and Tim Dunne, eds.). Oxford University Press: 673-691.

Week 10: November 6: Peace v. justice? International criminal law and tribunals

Bass, Jonathan. 2000. [Stay the hand of vengeance: the politics of war crimes tribunals](#). Princeton University Press: chapter 1.

Case study on the International Criminal Court:

Wippman, David. 2004. "[The International Criminal Court](#)." In: *The Politics of International Law* (Christian Reus-Smit, ed.). Cambridge University Press: 151-188.

Jo, Hyeran and Beth Simmons. 2016. "Can the International Criminal Court Deter Atrocity?" *International Organization* 70(3): 443-475.

Chapman, Terrence and Stephen Chaudoin. 2017. "Public Reactions to International Legal Institutions: The ICC in a Developing Democracy." *Working Paper*.

Allison, Simon. 2016. "[African revolt threatens international criminal court's legitimacy](#)." *The Guardian*. 27 October.

Bolton, John. 2018. *Speech to the Federalist Society*. 10 September. Transcript available at [this link](#).

Clark, Wesley. 2018. "[John Bolton is dead wrong. The U.S. has every reason to cooperate with the International Criminal Court](#)." *Washington Post* (op-ed). 21 September.

Week 11: November 13: Trade

Bown, Chad. 2010. [Self-Enforcing Trade: Developing Countries and WTO Dispute Settlement](#). Brookings Institution Press: chapter 1.

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

Pelc, Krzysztof. 2010. "Constraining Coercion? Legitimacy and Its Role in U.S. Trade Policy, 1975-2000." *International Organization* 64(1): 65-96.

Mansfield, Edward, Helen Milner, and Peter Rosendorff. 2002. "[Why Democracies Cooperate More: Electoral Control and International Trade Agreements](#)." *International Organization* 56(3): 477-513.

Case study on the 2018 trade dispute between the United States and China:

Wu, Marc. 2014. "A Free Pass for China." *New York Times*. April 2.

Lester, Simon and Huan Zhu. 2018. "[Disciplining China at the WTO](#)." *Cato at Liberty* (blog). March 22.

Miles, Tom. 2018. "[U.S. and China tussle at WTO over legality of Trump tariffs](#)." *Reuters*. March 27.

Further reading:

Allee, Todd and Jamie Scalera. 2012. "The Divergent Effects of Joining International Organizations: Trade Gains and the Rigors of WTO Accession." *International Organization* 66(2): 243-276.

Week 12: November 20: Regional integration

Peterson, John and Elizabeth Bomberg. 1999. [Decision-Making in the European Union](#). Macmillan Press: chapter 1.

Alter, Karen. 1998. "Who Are the 'Masters of the Treaty'? European Governments and the European Court of Justice." *International Organization* 52(1): 121-147.

Staab, Andreas. 2013. [The European Union Explained](#). Indiana University Press: chapter 9.

Cohen, Benjamin. 2015. "[Why can't Europe save itself? A note on a structural failure](#)." *Contemporary*

Politics 21(2): 220-230.

Case study on Brexit:

BBC. 2017. "[Brexit: What are the options?](#)." *BBC*. June 12.

Asthana, Anushka, Daniel Boffey, and Anne Perkins. 2018. "[Theresa May says Brexit will reduce UK access to single market](#)." *The Guardian*. March 2.

Barker, Alex. 2018. "[Brexit treaty: what the EU and UK have agreed](#)." *Financial Times*. November 14.

Miles, Tom. 2018. "[Britain and EU formally start splitting WTO membership agreements](#)." *Reuters*. July 24.

Week 13: November 27: International finance and development aid

Hurd, Ian. 2018. [International Organizations: Politics, Law, Practice](#). Oxford University Press: chapter 6. You may skip the chapter's appendices.

Dreher, Axel, Jan-Egbert Sturm and James Vreeland. 2009. "[Global horse trading: IMF loans for votes in the United Nations Security Council](#)", *European Economic Review* 53(7): 742-757.

Milner, Helen. 2006. "Why multilateralism? Foreign aid and domestic principal-agent problems". In: *Delegation and Agency in International Organizations* (Darren Hawkins et al., eds.). Cambridge University Press: 107-139.

Elkins, Zachary, Andrew Guzman and Beth Simmons. 2006. "Competing for Capital: The Diffusion of Bilateral Investment Treaties, 1960-2000", *International Organization* 60(4): 811-846.

Allee, Todd and Clint Peinhardt. 2011. "Contingent Credibility: The Impact of Investment Treaty Violations on Foreign Direct Investment", *International Organization* 65(3): 401-432.

Part III: Conclusion

Week 14: December 4: Which future for international law and international organizations?

Walt, Stephen. 2016. "The Collapse of the Liberal World Order". *Foreign Policy*. June 26.

Kagan, Robert. 2017. [The twilight of the liberal world order](#). Brookings Institution.

Goddard, Stacie. 2018. "[Embedded Revisionism: Networks, Institutions, and Challenges to World Order](#)", *International Organization* 72(4): 763-797. You may skim or skip the case studies.

Nye, Joseph. 2017. "Will the Liberal Order Survive? The History of an Idea". *Foreign Affairs* 96(1): 10-16.

Ikenberry, G. John. 2017. "The Plot Against American Foreign Policy: Can the Liberal Order Survive?". *Foreign Affairs* 96(2): 2-9.

Rachman, Gideon. 2018. "[America rejects the world it made](#)." *Financial Times*. January 29.

Further reading:

Alter, Karen. 2014. "International Law's Legacy vs. The Cases of Ukraine and Syria". *Huffington Post*. March 27.