

PHIL 456E: International Law & Justice

Spring 2011

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Office Hours: Monday 1:15 – 3:15 PM

I will be in my office and available during office hours, but you can make appointments to see me at other times. My preference is that we make appointments by email, and have substantive discussions face-to-face.

Course Description

International relations raises special and pressing philosophical problems. Some are classic and familiar: Is it sensible to talk about morality and justice when it comes to relations between states? What ends may a sovereign state legitimately pursue and what means can be legitimately employed? Relatedly, when is a war just? Are there moral limits in the conduct of war and, if so, what are they? The rise of new international institutions, problems and concerns, however, have brought into relief a relatively new set of questions. These include: In what sense is international law *law* and under what conditions can it be enforced? What international institutions ought we have? What, if anything, do better off peoples *owe* the less well-off, i.e. what does international distributive justice look like? What are human rights, which human rights do we have, and how may they be enforced? Can international criminal law claim legitimacy?

In this course, we will be examining recent philosophical investigations of these and related questions. Our task will be primarily *normative*, in the sense that we will be seeking answers to these problems of moral and political philosophy (or, at least, developing a clear sense of what a good questions and answers concerning these issues look like). We will not simply be interested in how international political history has played out, though that may be relevant in some respects, but rather what standards are appropriate for assessing persons and institutions whose actions have international import.

Objectives

The student will:

- Be familiar with some of the recent philosophical work on the topics of international law and justice
- Develop and be able to articulate cogent and defensible views on legitimate international governance
- Improve ability to write analytical papers
- Develop an ability to read and critically consider difficult texts
- Improve ability to reason through and intelligently talk about complex problems generally

Readings

Students are expected to show up to class prepared to discuss, and answer questions concerning, the assigned reading. This is a seminar, so there will be a focus on student to student and instructor to student dialogue. The class discussion will center on students addressing the issues raised by the texts. Successful participation in class, then, requires familiarity with the readings for the course.

The required texts are:

Samantha Besson/John Tasioulas, *The Philosophy of International Law* (Oxford, 2010)

Charles Beitz, *Political Theory and International Relations* (Princeton, 1979/1999)

Michael Walzer, *Just and Unjust Wars* (Basic Books, 1977 or later edition)

Jeff McMahan, *Killing in War* (Oxford, 2009)

In addition to these texts, several of the readings will be available on Blackboard (marked [BB] on the schedule of readings).

Requirements

Grade Breakdown:

Participation	25%
Paper Précis	5%
Paper	45%
Final Exam	25%

Paper and Paper Précis: Students will be required to write a 20 to 25 page paper. Students have the option of either developing their own topic or selecting one of the topics distributed by me. The writing of the paper will occur in stages, and students should expect to invest considerable effort over the course of several weeks into writing the paper.

Stage One (Topic Selection): One week after possible topics have been distributed, hand in a piece of paper indicating which of the topics you are going to write on. If you are writing on your own topic, you should discuss it with me.

Stage Two (Précis): Two weeks after topics are distributed, you should provide a one-page, double-spaced summary of your position. The summary should indicate precisely what your thesis is and provide an outline of how (i.e. what arguments, evidence, and lines of reasoning) you intend to employ to support your thesis. *It is not essential that your paper follow the outline precisely as your thinking may change in the course of writing the paper. Nonetheless, your précis should indicate that you've put some serious thought into how you are going to establish your position.* This is a graded assignment. Failing to turn in the précis, or turning one in that is inadequate, will have an adverse affect on your final grade. The précis will be returned to you with comments one week before the draft is due.

Stage Three (Polished Draft): Four weeks after the assignment is distributed, you will hand in a polished and complete draft of your paper. The better the draft, the more likely it is I will be able to provide you with comments that will assist you in producing a good final version. I will return this draft with comments.

Stage Four (Revision): After the draft is returned with comments, you will have about a week and a half to revise your paper.

In general, papers will be assessed on the basis of: (1) accuracy and completeness in portraying the material in question, and (2) the development of a well-reasoned assessment of that material.

Students are required to maintain a digital backup of all submitted work until the end of the semester. I reserve the right to request a digital copy of any work submitted by the student.

Participation: Students will be assessed on their contributions in class. The grade will be based on the frequency with which students provide valuable verbal contributions to the class. Such contributions include informed responses to instructor questions, participation in classroom discussions, and raising relevant and cogent questions.

Final Exam: Students are responsible for all assigned material up to the day of the exam (i.e., the final exam is cumulative).

Course Policies

Attendance: Attendance in class is mandatory. Students should arrive promptly at the beginning of class with the assigned reading for the day in hand. Students are permitted (1) unexcused absence without penalty. Each additional unexcused absence will result in the student's final grade being reduced by one-third a letter grade (e.g. a B becomes a B-).

Late Papers: Papers turned in late will be penalized one-third a letter grade per day of lateness.

Academic Honesty: Plagiarism and other forms of academic misconduct will be dealt with harshly in accordance with Harpur College policies. The **Student Academic Honesty Code** can be found at: <http://bulletin.binghamton.edu/integrity.htm>.

Schedule of Readings

The following plan is subject to revision - I will inform the class of any changes as we go. Listed on the left are the dates of the class meetings, on the right are the readings that will be discussed on those dates. Readings with [BB] next to them are available on Blackboard. Articles from *The Philosophy of International Law* are indicated by *PIL*.

Jan. 24 Introductory Lecture
Thucydides, Melian Dialogue [BB]

Jan. 31	Hans Morgenthau, Selections from <i>Politics Among Nations</i> [BB] Charles R. Beitz, <i>Political Theory and International Relations</i> , 13-66
Feb. 7	Michael Walzer, <i>Just and Unjust Wars</i> , 86-108 Beitz, <i>Political Theory and International Relations</i> , 69-123
Feb. 14	Samantha Besson, "Theorizing the Sources of International Law" in <i>PIL</i> , 163-185 Allen Buchanan, "The Legitimacy of International Law" in <i>PIL</i> , 79-96 Thomas Christiano, "Democratic Legitimacy and International Institutions" in <i>PIL</i> , 119-137
Feb. 28	Joseph Raz, "Human Rights without Foundations" in <i>PIL</i> , 321-337 James Griffin, "Human Rights and the Autonomy of International Law" in <i>PIL</i> , 339-355 Martha Nussbaum, "Feminism and International Development" from <i>Women and Human Development</i> , 1-33 [BB]
March 7	Thomas M. Franck, "Humanitarian Intervention" in <i>PIL</i> , 531-548 Danilo Zolo, "Humanitarian Militarism?" in <i>PIL</i> , 549-565 Beitz, <i>Political Theory and International Relations</i> , 127-143
	Paper Topics Distributed
March 14	Beitz, <i>Political Theory and International Relations</i> , 143-176 Altman/Wellman, "International Distributive Justice" from <i>A Liberal Theory of International Justice</i> , 123-157 [BB]
	Select Paper Topic
March 28	Thomas Pogge, "Recognized and Violated by International Law: The Human Rights of the Global Poor" from <i>Politics as Usual</i> (2010), 26-56 [BB] Robert Howse & Ruti Teitel, "Global Justice, Poverty, and the International Economic Order" in <i>PIL</i> , 437-449 Pogge, "The Health Impact Fund and Its Justification by Appeal to Human Rights" <i>Journal of Social Philosophy</i> (2009), 542-569 [BB]
	Précis Due
April 4	Walzer, <i>Just and Unjust Wars</i> , 21-33, 51-85 David Luban, "Just War and Human Rights" <i>Philosophy & Public Affairs</i> (1980), 160-181 [BB]
	Précis Returned
April 11	Walzer, <i>Just and Unjust Wars</i> , 34-47 Jeff McMahan, <i>Killing in War</i> , 1-37
	Paper Draft Due
May 2	McMahan, 38-79, 203-235
	Draft Returned w/ Comments
May 9	David Luban, "Fairness to Rightness: Jurisdiction, Legality, and the Legitimacy of International Criminal Law" in <i>PIL</i> , 569-588 Antony Duff, "Authority and Responsibility in International Criminal Law" in <i>PIL</i> , 589-604
May 13	FINAL DRAFT OF PAPER DUE IN MY OFFICE BY 5 PM