

PSC 324S – International Law & Justice (Spring 15)

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Since World War II international organizations and international law have been increasingly important tools for states to pursue their goals, resolve disputes, and cooperate with each other. However, their effectiveness and utility have been widely debated, especially regarding international law. While most people recognize the significance and at least minimal utility of the World Trade Organization and United Nations for trade and security, the same cannot necessarily be said for the International Criminal Court or human rights law.

In this course we will investigate the role and effectiveness of international organizations and international law by focusing on the goal of justice. Beginning with the idea of law and its manifestation in the Nuremberg Tribunals after World War II, we then move on to the main international organizations charged with protecting and enforcing human rights, the UN, various temporary tribunals, and the International Criminal Court. The course next investigates several tools these and other organizations have used to protect human rights: criminal prosecution, truth commissions, and local mechanisms. We conclude with student presentations advocating a response to a contemporary example of human rights violation.

This is a Speech (S) course, so there will be an emphasis throughout on clarity, logic, persuasiveness, thoroughness, and practice in oral presentations. All students will make three presentations, for a total of 45 minutes of formal speaking time.

Required Books:

Jack Donnelly, *International Human Rights* (4th edition, 2013)

Marrus, Michael. *The Nuremberg War Crimes Trial 1945-46*

Assignments/Grading:

Everyone is expected to do all of the required reading prior to class and come prepared to discuss it. Lectures will provide background, frameworks, and supplemental material, so think of them as additional material for discussion. Most but *not necessarily* all of the readings will be covered through discussion and lecture.

Attendance

Everyone is required to attend class. See **Course Policies** for more.

Class participation (10% of course grade)

Your participation is an important part of what makes the class work. Come to class with a common baseline upon which our discussion can build. In practical terms, this means *everyone should come to class able to explain concisely the argument(s) or main point(s) of the reading for that day, and/or to pose questions about it.*

Oral presentation - Leading class (5% each, 10% total)

Each student will lead class twice. This involves 15 minute presentations of some aspect of the required reading, and 10 minutes of leading class discussion or another activity. There are many different ways to lead class – talk with me about options.

Two “Precis” Summary Papers (5% each, 10% total))

A précis is a one-page, substantive, highly structured summary of an article, chapter, or book. All students will write two precis papers which will be collected and posted on blackboard. I recommend that you write these summaries for the days you will be leading class.

Preliminary Case Summary (10%)

By the end of Week 4 everyone will write a 3 page preliminary summary of a case related to international law. This paper is an initial investigation of a case you might want to focus on later in the semester.

Take home midterm exam (20%)

You will have about a week to answer two essay questions based on the course material.

Case Presentation (15%)

In weeks 14-15 students will make one formal presentation of a project that will require some outside research. The presentation must advocate a policy in response to human rights violations, and make a convincing case for that policy. Details will be spelled out in a formal assignment.

Final Paper (25%)

A 10 page paper that expands on the previous Case Presentation will be due on the date our final exam is scheduled. Details will be explained in an assignment handout.

Late policy: Late written assignments will be docked 1/3 of a grade per day, up to a maximum of three days late, after which the grade becomes an F. The only exceptions are for valid excuses such as illness, or if arrangements have been made with the professor in advance. Missed oral presentations will be rescheduled *if possible*, and only with very good reason.

Communication: Everyone should check email and blackboard regularly for announcements and updates. Students are strongly encouraged to see me during office hours whenever you have questions about the course material that we don't get to during class.

Course Policies: (standard Centenary and department course policies)

1. All students must follow the Centenary Honor Code: “I have neither given nor received unauthorized aid on this examination (paper), nor have I seen anyone else do so, except as I shall report immediately to the Honor Court.” For details refer to <http://www.centenary.edu/academics/honor>. Specific paper requirements will be

explained on paper assignments and in class. **Plagiarism** (copying or paraphrasing someone else's work or ideas without notation or credit) is a violation of the Honor Code and can carry strict punishment, including expulsion. **All cases of plagiarism will be referred to the Centenary Honor Court.** For more information regarding plagiarism, see the library's webpage at

<http://research.centenary.edu/plagiarism.html>. If you are uncertain, ask me. In accordance with the Centenary Honor Code, the following must be hand written and signed at the bottom of every exam, and typed at the bottom of all papers (your name may be typed as well in lieu of a signature):

“I have neither given nor received unauthorized aid on this examination (paper), nor have I seen anyone else do so.”

If you have received aid or have a suspicion of a violation of the Honor code, the following must be added to the pledge: “...except as I shall report immediately to the Honor Court.”

2. It is the policy of Centenary College to accommodate students with disabilities, pursuant to federal law, state law, and the College's commitment to equal educational opportunities. Any student with a disability who needs accommodations, for example in seating placement or in arrangements for examinations, should inform the instructor at the beginning of the course. Students with disabilities need to contact Disability Services (a division of Counseling Services), which is located in the ground floor of Rotary Hall, to obtain services (318-869-5466 or 5424).
3. The department requires that any student who is recorded as missing 7 classes will automatically receive a final grade of "F" in the course. Since participation is 10% of the course grade, and is also very important for your success in the class, it is important for you to attend class, to be prepared, and to stay engaged with the material.

Course Schedule

Supplemental material and current events readings may be added throughout the semester. The syllabus on blackboard will be updated with any changes.

Week 1 (Jan 8) – Intro, the problems of international law, human rights, and justice

Thurs (Introduction, requirements, syllabus; UN Torture Convention)

Sign up to lead class & write summaries

Overview of UN Torture Convention

Week 2 (Jan 13/15) – Law vs International Law

Tues (The Concept of Law)

McHugh, *The Essential Concept of Law*, Chs 1-2, 10 (35pp)

Thurs No Class – Professor will be at a conference

Week 3 (Jan 20/22) – Law, Politics, and Human Rights

Tues (International Law)

Murphy, *Principles of International Law*, Ch 1 (30pp)

Thurs (Politics of Human Rights)

Donnelly, *International Human Rights*, Chs 1-2 (30pp)

Recommended, not required: Stromseth, Wippman, and Brooks. *Can Might Make Rights? Building the Rule of Law after Military Interventions*, Ch. 3, “What is the Rule of Law?” (35pp)

Week 4 (Jan 27/29) – The Nuremberg Precedent

Q’s: What was the Nuremberg Tribunal? What conditions made it possible, and how did these conditions influence the process and outcome of the tribunal? Did the IMT set a precedent?

Tues

Marrus, Michael. *The Nuremberg War Crimes Trial 1945-46*. Chs 2-3 (50pp)

Thurs

Marrus, Ch 4, “The Court” (50pp)

Preliminary Case Summary due Friday, Jan 30, 5pm

Week 5 (Feb 3/5) – Legacies of the Second World War: Norms and Institutions

Tues (Codification of International Crimes)

Marrus, Ch 5 (122-133), Ch 6 (175-184), Ch 7 (207-210, 215-217), Ch 8 (227-240), Ch 9
NYT, “The Nuremberg Hangings – Not so Smooth Either”

Thurs (Foundation of International Organizations)

Karns & Mingst, Ch 4 “The UN: Centerpiece of Global Governance” (50pp)

UN Charter: <http://www.un.org/en/documents/charter/index.shtml>

Week 6 (Feb 10/12) – Human Rights Institutions and Regimes I

Tues (Universality of human rights?)

Donnelly, Ch 3 (20pp)

Universal jurisdiction debates, readings TBA

Thurs

Donnelly, Chs 5-7 (35pp)

*Take-home midterm exam handed out

Week 7 (Feb 17/19) – Human Rights Institutions and Regimes II

Tues

No Class – Mardi Gras Break

Thurs

Karns & Mingst, “Protecting Human Rights” (463-494)

Take-home Midterm Exam due Monday, Feb 23, 5pm

Week 8 (Feb 24/26) – Human Rights Institutions in Practice: Preventing Genocide

Tues

Donnelly, Ch 13 (25pp)

Thurs

Barnett & Finnemore, *Rules for the World*, Chs 1, 5 (50pp)

Week 9 (Mar 3/5) – Human Rights Institutions in Practice: Ad Hoc Tribunals

Tues

Peskin, *International Justice in Rwanda and the Balkans*, Ch 1 (25pp)

Thurs

Peskin, *International Justice in Rwanda and the Balkans*, Chs 6, 10 (40pp)

Supplemental online materials for Week 9:

ICTY Website: (www.un.org/icty/) Especially "Statute" and "Resolution 808", under *Basic Legal Documents/Statute*, documents under *ICTY at a Glance*, "Case Information Sheet -- Milosevic IT-02-54" under *ICTY Cases and Judgments* (pull-down menu of cases, sorted by name).

ICTR Website (www.icttr.org): Esp. "About the Tribunal", "Statute of the Tribunal" under Basic Legal Texts, "Akeyasu, Jean Paul" and "Ntakirutimana, Elizaphan" under *Cases/Status of Cases/Completed Cases*.

Week 10 (Mar 10/12) – Human Rights Institutions in Practice: The ICC

Tues

Bosco, *Rough Justice*, Intro & pp 20-77

Thurs

Bosco, Ch 6 & Conclusion (50pp)

Week 11 (Mar 17/19) – Critiques

Tues

Kissinger, reading TBA

Posner, *The Twilight of Human Rights Law*, Intro & Ch 4 (20pp)

Thurs

Posner, Chs 5-7 (65pp)

Week 12 (Mar 24/26) – TANs, NGOs, and Globalization

Tues

Donnelly, Chs 9-11, 14 (40pp)

Thurs

Sikkink, *The Justice Cascade*, selections TBA

SPRING BREAK

Week 13 (Apr 7/9) – Terrorism and Torture

Tues

Rejali, *Torture and Democracy*, selections TBA

Thurs

Donnelly, Ch 15 (10pp)

US Senate Torture Report, selections TBA

Week 14 (Apr 14/16) – Student Presentations

Week 15 (Apr 21/23) – Student Presentations

Final Paper, due Thursday, April 30, 5pm