INTERNATIONAL LAW

Political Science 448/548
Portland State University, Fall 2018

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Description

This course is an introduction to international public law, generally understood as the set of rules that bind the international conduct of states and nonstate actors (or ought to). Until the twentieth century, international law was largely the law of nations, but today it also encompasses rights and duties of international and transnational organizations, and even individuals. Compared to most domestic legal systems, the international legal system is primitive; there is a close interplay between law and politics in the international system. The student of international law therefore confronts a host of normative and legal ambiguities—frustrating perhaps, but this is what makes the subject so interesting. Here we have a legal system that, although centuries old, is still in its formative stages of development. This, at least, is a view common among international legal theorists. Among international political theorists, on the other hand, such a view is often dismissed as utopian; any expectation that the international legal system will “mature” must confront the reality of an anarchical society of states where law will always derive from the exercise of power for political ends.

Both of these perspectives are represented in this course. Specific topics to be covered include the origins of the international legal order, the sources and subjects of international law, questions of jurisdiction and immunity, the use of force, the law of war (or what is now commonly called “international humanitarian law”), human rights, and rules for the management and preservation of the global commons.

This is a required course for the international development track in political science and an elective for the minor in law and legal studies.

Learning Objectives

The general objective of this course is to develop the student’s grasp of the foundations of international law, its evolution during the twentieth century, and its role in world affairs today. By the end of the term, the student should be able to:

- demonstrate mastery of the main contours of international law;
- identify key historical developments and practices that have shaped the current international legal system; and
- provide a basic legal analysis of contemporary events and issues in world politics.
Requirements and Evaluation

Undergraduate course grades are based on a midterm exam (40%) and either a final exam or a term paper (60%). The exams consist of questions requiring both short answers and longer essays. The term paper requires a significant research effort and a 15- to 20-page analysis. Course grades for graduate students are based on a midterm exam and a term paper of 25-30 pages, as well as participation in separately scheduled seminar discussions.

Readings

One required course book is available for purchase at the Portland State Bookstore:


All other readings are available online. Unless the reading includes a link to a file on the web or D2L, it is available online from the PSU library. You must retrieve these readings (all journal articles) by logging into the PSU library website and locating and downloading the article from one of the library’s full-content subscription services. Likewise, you will need to be logged into D2L in order to access readings stored there.

In addition to the assigned readings, you should be reading, on a regular basis, the *New York Times*, the *Washington Post*, or some other newspaper with thorough international coverage. Your performance in the course will reflect your familiarity with current issues of international organization and governance, and not just an understanding of lecture material and course readings.

Conduct and Courtesy

Students are responsible for being familiar with the PSU Student Code of Conduct, especially the section concerning academic misconduct -- that is, plagiarism or other forms of academic dishonesty. If you are unsure of the definition or consequences of academic misconduct, consult your instructor. Because they are distracting to others, cell phones (voice or text) and MP3 players may not be used during lecture and should be turned off at the start of class. Laptops and tablets may be used to take notes, but not for email, web browsing, or social media. Electronic devices may not be used to photograph, video, or stream course lectures or discussion, but lectures may be audio recorded with permission of the instructor.

Student Resources

If you have, or think you may have, a disability that may affect your work in this class and feel you need accommodations, contact the Disability Resource Center to schedule an appointment and initiate a conversation about reasonable accommodations. The C.A.R.E. Team, hosted by the Dean of Student Life, is available to consult with you regarding any issues of students in distress, including sexual misconduct.
CLASS SCHEDULE AND READING ASSIGNMENTS

24 - 28 Sep  Society of States and Origins of International Law

- Henriksen, chap. 1.

1 - 5 Oct  Sources of the Law

- Henriksen, chaps. 2-3.
- [slides](#)

8 - 12 Oct  Subjects of the Law

- Henriksen, chap. 4.
- [slides](#)

15 - 19 Oct  Jurisdiction

- Henriksen, chap. 5.
- [slides](#)

22 - 26 Oct  Immunity and Responsibility

- Henriksen, chap. 6-7.
- [slides](#)

29 Oct  Midterm Exam

31 Oct - 2 Nov  Law of the Sea

- Henriksen, chap. 8.
• slides

5 - 9 Nov  **Human Rights Law**

• Henriksen, chap. 9.
• slides

14 - 16 Nov  **Environment and Trade**

• Henriksen, chaps. 10-11.
• slides

19 - 21 Nov  **Adjudication and Enforcement**

• Henriksen, chaps. 12-13.
• slides

26 - 30 Nov  **Use of Force and the Law of Armed Conflict**

• Henriksen, chaps. 14-15.
• slides

3 Dec, 12:30  **Final Exam** (undergraduate)
5 Dec, 4:30  **Term papers due**

This syllabus is available online at [web.pdx.edu/~kinsella/ps448f18.pdf](web.pdx.edu/~kinsella/ps448f18.pdf) and all course materials can be linked from this address. Last updated: 26 November 2018