PS 8330/LAW 0912-021
INTERNATIONAL LAW COLLOQUIUM

Fall 2011

**Professor Jeffrey L. Dunoff**
Laura H. Carnell Professor of Law
Director, Institute for International & Public Policy
Temple University Beasley School of Law
Office Hours: 808 Klein Hall
Thursday 2:30 – 5:30 p.m.

**Professor Mark A. Pollack**
Jean Monnet Chair
Professor of Political Science
Temple University
Department of Political Science
Office Hours: 461 Gladfelter Hall
T 4:15-5:15, R 2:00-3:00, 4:30-5:30

**Course Description**

This course is designed to introduce students to literature that bridges the international law/international relations divide, as well as to cutting-edge work in that literature. The course is genuinely interdisciplinary, bringing together students and faculty from law and political science. The course is organized in four parts: the first will introduce the interdisciplinary field of international law and international relations (IL/IR) and explore theories from both disciplines, while the remaining sections will examine the making, interpretation, and enforcement of and compliance with international law. During the course of the semester, we will host four prominent IL/IR scholars who will present works-in-progress or recently published articles. Students will generate written critiques of the presented papers.

The course format and structure is modeled on graduate-level seminars in the humanities. Hence, the course will require a high level of student participation and will be analytically rigorous. The course presupposes a mastery of the fundamentals of either international law or international relations; hence successful completion of either the International Law course or a graduate-level international relations course is a prerequisite to registering for this course.

**Course Requirements**

There are three requirements for this course:

First, students enrolled in the course must submit 4-5 page (1000-1200 word) reaction papers to each of the works-in-progress presented by outside speakers. Papers should undertake a critical analysis of any aspect of the work to be presented. A successful paper will typically bring a focused perspective on an aspect of the presented work. Papers should not simply summarize the presented work, but rather should extract some element of the work for critique. Although research beyond the assigned readings is not expected, students are encouraged to draw on other knowledge sets, from either law or political science, that they may bring to the course. Papers must be completed and posted to the discussion forum of course Blackboard page by noon on the Monday preceding
each session; late papers will not be accepted. Students should read other posted reaction papers prior to the class session (44% of the course grade, or 11% each).

Second, students enrolled in the class must submit shorter (1 to 2 page) papers reacting to assigned readings each week that we do not host an outside speaker. (36% of the course grade, or 4% each). Students are not expected to submit a short paper for the first class meeting.

Third, all students are required to attend all meetings of the seminar, and participate actively in class discussion on the basis of the course reading (20% of the course grade).

Professors Dunoff and Pollack will meet with each student approximately one-half way through the course to provide feedback on the student’s performance and writings. Course faculty will also be available to meet with students at other times to discuss student papers.

Successful completion of the course requirements will satisfy the law school’s serial writing requirement

Course Readings

All of the required readings listed below will be made available on Blackboard – please print these readings and bring them to class, and be prepared to discuss specific points from the readings in class discussion.

All works in progress by our outside speakers will be distributed in advance of our meeting via the class list-serve, and posted on-line.

By contrast with the required readings, the recommended readings are there only for students who wish to learn a bit more about topics that are not well covered in the required readings. Feel free to look up the recommended readings if you like, but it is not necessary to read any of the recommended readings to do well in the course!

Attendance

Attendance is mandatory. For law students, the course will follow the general Law School attendance policy, which is set out in the Wise Guide.

Students are expected actively to participate in the class sessions, which will be discussion oriented. Class participation will be taken into account for grading purposes. We ask that laptops not be used during class meetings in this seminar.
Disability Statement

This course is open to all students who met the academic requirements for participation. Persons with disabilities are entitled to reasonable accommodations and academic adjustments. Any student who has a need for accommodation based on the impact of a disability should contact the instructor privately to discuss the specific situation as soon as possible. Any law student who requires accommodation based on the impact of a disability should contact the Law School Office of Student Affairs (215.204.8574) located in Barrack Hall. Any CLA student who requires accommodation based on the impact of a disability should contact Disability Resources and Services at 215-204-1280 to coordinate reasonable accommodations for students with documented disabilities.

Academic Conduct

Temple University has adopted standards on academic conduct, and all students are expected to comply fully with those standards, including with reference to the important issue of plagiarism. All students should, in all assignments, fully and unambiguously cite sources from which they are drawing important ideas and/or sizable quotations (for example, more than eight consecutive words or more than 50% of a given sentence or paragraph). Failure to do so constitutes plagiarism, which is a serious act of academic misconduct and will result in a failing grade for the course and notification of the infraction to the Dean of Students. Similarly, cheating during exams, copying written assignments from other students, or providing answers to others during exams are considered acts of academic misconduct. If you are unfamiliar with policies about plagiarism or other types of academic misconduct, you may wish to consult the useful handouts available at the Temple Writing Center (http://www.temple.edu/writingctr/handouts/researchandplagiarism/index.html), or if you still have remaining doubts or specific questions, raise them directly with one of the instructors.

Statement on Academic Freedom

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The University has adopted a policy on Student and Faculty Academic Rights and Responsibilities (Policy # 03.70.02) which can be accessed through the following link: http://policies.temple.edu/getdoc.asp?policy_no=03.70.02.
SCHEDULE OF COURSES AND READINGS

Week 1: Introduction – One Discipline or Two? (August 30)

Required Readings


Brunnée, Jutta and Stephen Toope, “Constructivism,” in IL/IR volume.


Recommended Readings


Week 2: International Legal Theories (September 6)

Required Readings


**Recommended Readings**


**Week 3: Making International Law I: Rational Design and the Form of International Legal Agreements (September 13)**

**Required Readings**


Laurence R. Helfer, “Flexibility in International Agreements” in IL/IR volume.

**Recommended Readings**


**Week 4: Outside Speaker (September 20)**

Professor Timothy L. Meyer  
Assistant Professor of Law  
University of Georgia Law School

Professor Meyer earned his J.D. and Ph.D. in Jurisprudence and Social Policy from the University of California, Berkeley. Before joining the Georgia faculty, he practiced law for several years in the Office of the Legal Adviser, U.S. State Department. His research focuses on questions of institutional design, and he will present a paper discussing the codification of customary international law.

Prof. Meyer’s discussant will be Jessica Stanton (Assistant Professor of Political Science, University of Pennsylvania).

**Week 5: Making International Law III: International Organizations and the Delegation of Law-Making Authority (September 27)**

**Required Readings**


Darren G. Hawkins et al., eds., *Delegation and Agency in International Organizations* (New York: Cambridge University Press, 2006), introduction by the editors, pp. 1-38, selections TBA.


**Recommended Readings**


**Week 6: Outside Speaker (October 4)**

Professor Claire Kelly  
Professor of Law  
Brooklyn Law School

Professor Claire R. Kelly focuses her scholarship primarily on public and private international law. Her numerous articles have appeared in leading law reviews and she has presented her work at such prominent organizations as the American Society of International Law. Before joining the faculty at Brooklyn Law School, she practiced as an associate at Coudert Brothers, where she advised companies on governmental compliance and litigated a broad variety of international trade matters.

Prof. Kelly’s discussant will be Andrew Strauss (Professor of Law, Widener Law School).

**Week 7: Interpreting International Law I: Why International Courts? (October 11)**

**Required Readings**


**Recommended Readings**


Koremenos dispute settlement chapter from IL/IR project.

**Week 8: Interpreting International Law II: International Judicial Behavior (October 18)**

**Required Readings**


**Recommended Readings**


Stone Sweet and Brunell response to CGH.


**Week 9: Outside Speaker (October 25)**

Professor R. Daniel Kelemen  
Associate Professor of Political Science  
Director, Center for European Studies  
Rutgers University

Dan Kelemen’s research interests include the politics of the European Union, law and politics, comparative political economy, and comparative public policy. His publications include *The Rules of Federalism: Institutions and Regulatory Politics in the EU and Beyond* (Harvard University Press, 2004); *Eurolegalism: The Transformation of Law and Regulation in the European Union* (Harvard University Press, 2011), and the *Oxford Handbook of Law and Politics* (coeditor, Oxford University Press, 2008). He serves on the editorial boards of the *Journal of European Public Policy* and *West European Politics*.

Kelemen has been a Fellow in Politics, Lincoln College, University of Oxford, a Member of the Institute for Advanced Study at Princeton, a Fulbright Fellow in European Union Studies at the Centre for European Policy Studies in Brussels and a visiting fellow at the Woodrow Wilson School of Public and International Affairs at Princeton University. He was educated at Berkeley (A.B. in Sociology) and Stanford (M.A. and Ph.D. in Political Science).

Prof. Kelemen’s discussant will be Fernanda Nicola (Associate Professor of Law, American University).

**Week 10: Enforcing International Law I: Why Comply? Overview, Theories, and International Factors (November 1)**

**Required Reading**


Jana Von Stein, “Compliance with International Law: Taking Stock of What We Know and Don’t Know,” from IL/IR volume.

Lisa Martin, “Against Compliance” from IL/IR volume

**Recommended Reading**


**Week 11: Enforcing International Law II: Internalization and Domestic Enforcement of IL (November 8)**

**Required Readings**

A) For CLA students:


B) For all students:


**Recommended Readings**


**Week 12: Outside Speaker (November 15)**

Anthea Roberts  
Lecturer in Law, London School of Economics and Political Science  
Visiting Professor, Harvard Law School

Anthea Roberts is a Lecturer in Law, teaching Public International Law, International Dispute Resolution and Investment Treaty Law. Anthea joined the LSE in 2008 and is one of the co-founders of LSE’s Transnational Law Project. She had served as an Associate to the Chief Justice of the High Court of Australia, the Hon. A.M. Gleeson AC, and as an intern for the Hon. Judge Simma at the International Court of Justice, before spending five years as an attorney in the International Dispute Resolution Group at Debevoise & Plimpton LLP in New York and London.
Prof. Roberts was awarded the 2011 Francis Deák Prize by the American Society of International Law for her article "Power and Persuasion in Investment Treaty Interpretation: The Dual Role of States" 104 AJIL 179 (2010) and the 2002 Francis Deák Prize for her article "Traditional and Modern Approaches to Customary International Law" 95 AJIL 757 (2001).

Prof. Roberts’ discussant will be William Burke-White (Professor of Law, University of Pennsylvania).

**Week 13: The Fragmentation of International Law I: Regime Complexity and Forum-Shopping (November 29)**

**Required Readings**


**Week 14: The Fragmentation of International Law: Regime Interaction and Legal Pluralism (December 6)**

**Required Readings**


Kal Raustiala, Regime Interaction Paper for IL/IR volume.