

PS 8330: The Politics of International Law

Instructor: Prof. Mark A. Pollack
Department of Political Science
461 Gladfelter Hall

Phone: 215 204 7782
Office Hours: T 2:00-4:00 p.m.
E-mail: mark.pollack@temple.edu

Course Description:

This is an advanced and interdisciplinary research seminar on international law and politics. As we shall see, the study of international law has been dominated (with very few exceptions) by legal scholars in the post-World War II era, only to be rediscovered by political scientists over the past decade. PS 8330 will be genuinely interdisciplinary, drawing on seminal works from both international law and political science. The aim will be to explore the state of our knowledge about the making, interpretation, and enforcement of international law as understood from various theoretical and methodological perspectives and from *both* disciplines. Please note that this course will be offered alongside and will meet with a similar course taught by Prof. Jeffrey Dunoff in the Law School, thereby bringing together students from political science and law, as well as guest speakers from both disciplines.

The course is organized in three parts. The first part of the course offers a general introduction to international law, asking whether and to what extent international law is “really law,” examining international-relations approaches to IL in political science, and surveying theoretical approaches from legal scholarship, including a lively debate over the importation of rational choice methods into the study of international law. The second section of the course examines general principles of international law, including the creation and sources of international law, the interpretation of international law by courts and tribunals, the problem of enforcement, and the relationship between international and national (or “municipal”) law. In the third and final part of the course, we examine three selected specialized areas of international law: human rights law, economic law, and the laws of war.

Schedule of classes:

- Week 1: Introduction: What is International Law? (Sept 3)
- Week 2: International Law Theories and Approaches (Sept 10)
- Week 3: The Rational-Choice Debate in International Law (Sept 17)
- Week 4: International Relations Rediscovered International Law (Sept 24)
- Week 5: Sources of International Law I: States and Treaties (Oct 1)
- Week 6: Sources of International Law II: Customary Law, Soft Law, and Legal Pluralism (Oct 8)
- Week 7: Interpreting International Law I: Dispute Settlement (Oct 15)
- Week 8: Interpreting International Law II: International Courts and Tribunals (Oct 22)

- Week 9: Enforcing International Law: Compliance and Effectiveness (Oct 29)
- Week 10: International Law and Domestic Law (Nov 5)
- Week 11: Human Rights Law (Nov 19)
- Week 12. International Economic Law (Nov 24)
- Week 13: The Use of Force (Dec 3)

Required readings: The core international law texts for the course will be:

- Sean D. Murphy, *Principles of International Law* (St. Paul: Thomson/West, 2006), a very good, brief introduction to international law; and
- Jeffrey L. Dunoff, Steven R. Ratner, David Wippman, *International Law: Norms, Actors, Process: A Problem-Oriented Approach*, second edition (Aspen Law and Business Publishers, 2006), which provides a more detailed sense of international law in practice, including case law and commentary (abbreviated below as DRW).

In addition to these international law texts, we will also read extensively from several other political science and books, including the following, which are on order at the Temple University bookstore:

- Jack L. Goldsmith and Eric A. Posner, *The Limits of International Law* (New York: Oxford University Press, 2005).
- David Armstrong, Theo Farrell and Hélène Lambert, *International Law and International Relations* (Cambridge: Cambridge University Press, 2007).

These books will be supplemented by a substantial number of selections from other books as well as articles from political science journals and law reviews. With the exception of the above textbooks, all of the **required readings** will be made available on electronic reserve – please print these readings and bring them to class, and be prepared to discuss specific points from the readings in class discussion.

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!

Course Requirements: Students taking PS 8330 may satisfy the course requirements through one of two options: one option involving short papers and a final examination, and the second option featuring an independent research paper.

Option 1: Short Papers and Final Examination. There are three requirements for students taking this first option:

1. **Class participation.** Students are expected to participate actively in seminar discussions, having read carefully and *thought about* the week's

readings. (Note that waiting until the last minute to do the readings is not conducive to synthesis and reflection before class. Best to read early and let the ideas bounce around in your head a few days before seminar.) Participation should always be cordial and constructive, not gladiatorial, and chatting about the readings with fellow students is encouraged. Participation will comprise 25% of the final grade.

2. Two short (6-8 page) papers, addressing specific topics arising out of the required readings for the course. Your paper need not tie together all of the readings for a given approach or question, which would be impossible, but should select one particular problem or puzzle that cuts across at least two of the readings, and analyze it in greater detail. Such a paper may, but need not, incorporate readings from outside the required readings for PS 8330, insofar as these are relevant to your chosen topic. Finally, make sure that your paper does not simply rip down what everyone else has written. Try to organize your critique in terms of a positive argument (which should be summarized in the first paragraph or two of the paper!), noting useful as well as poor work and suggesting ways in which future work (including possibly your own) might do better. At least one paper *must* be handed in by Week 7 of the course, and the other is due no later than December 3rd. Each paper will be worth 25% of the total grade for the course, for a total of 50%.

3. A final take-home essay. At some point during their first two years in the graduate program, most students in this course will take the Political Science Department's MA examination in international relations. For this reason, the final requirement for the course will be a 7-10 page take-home essay in response to questions similar to those asked on the departmental exam. Questions will be handed out on December 3rd, and responses will be due back by 5:00 p.m. on December 10th. The take-home essay will be worth a total of 25% of the grade.

Option 2: Independent Research Paper: Students who feel comfortable doing so have the option of writing a 20-30 page research paper in place of the second and third requirements listed above. Such papers should examine an issue or an empirical case relevant to the course, and should be informed by the theoretical categories reviewed in our course readings. There is no single formula for a good seminar paper: Some will put forward an original theoretical argument at length with little or no empirical work, while others will take existing theories and test or apply them on an empirical case or cases using a careful research design and primary and secondary sources. In my experience, the latter type of paper, with a clear empirical focus, is the best preparation for dissertation research. Either way, this assignment should be completed in two steps:

- **A preliminary proposal** of approximately five pages, listing the research question, the relevant literature on the question (including a working bibliography), the preliminary hypotheses or argument of the

paper, and a summary of the empirical case or cases and the research design and methodology to be followed (due no later than November 19th, earlier if you'd like feedback sooner, 15% of the grade); and

- **The final paper** (due December 10th, 60% of the grade).

No student will be required to write a research paper for the course, but if you feel confident about your grasp of international law and international relations, this is a good opportunity to push beyond a careful reading of the literature and engage in original research of your own.

Academic Conduct: Temple University has adopted standards on academic conduct, and all students in PS 8330 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 me.

Disability Statement: This course is open to all students who met the academic requirements for participation. 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. Contact Disability Resources and Services at 215-204-1280 to coordinate reasonable accommodations for students with documented disabilities. (Please use this text without modification.)

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 TOPICS AND READINGS

Part I: Introduction and Theoretical Perspectives

Week 1: Introduction: What is International Law? (Sept. 3)

Required Readings

* Murphy, *Principles of International Law*, Chapter 1, pp. 1-10.

DRW, pp 1-33.

Recommended Readings

Ian Brownlie, *Principles of Public International Law*, sixth edition (New York: Oxford University Press, 2003).

Antonio Cassese, *International Law*, 2nd edition (Oxford: Oxford University Press, 2005).

Mark W. Janis, *An Introduction to International Law*, 4th edition (New York: Aspen Publishers, 2003).

Malcolm Shaw, *International Law*, 5th edition (Cambridge: Cambridge University Press, 2003).

“What Good is International Law?” a symposium with essays by Jed Rubenfeld, Anne-Marie Slaughter, Michael J. Glennon, Oona A. Hathaway, and Stacy D. McDeever, *The Wilson Quarterly*, Autumn 1993, pp. 21-59.

Week 2: International Law Theories and Approaches (Sept. 10)

Required Reading

* Murphy, *Principles of International Law*, pp. 10-28.

Steven R. Ratner and Anne-Marie Slaughter, "Appraising the Methods of International Law: A Prospectus for Readers," *American Journal of International Law*, Vol. 93, No. 2 (April 1999), pp. 291-302 (skim pages 295-298).

W. Michael Reisman, Seigfried Wiessner, and Andrew W. Willard, "The New Haven School: A Brief Introduction," *Yale Journal of International Law*, Vol. 32 (2007), pp. 575-582.

Hilary Charlesworth, "Feminist Methods in International Law," *The American Journal of International Law*, Vol. 93, No. 2 (Apr., 1999), pp. 379-394.

Makau Mutua, "What Is TWAIL [Third World Approaches to International Law]?" 94 *Proc. Am. Soc. Int'l. L.* Vol. 31 (2000), pp. 31-38.

Gregory Shaffer, "A New Legal Realism: Method in International Economic Law Scholarship," University of Minnesota Law School, Legal Studies Research Paper Series, Research Paper No. 09-01.

Tom Ginsburg and Gregory Shaffer, "Empirical Work in International Law," University of Minnesota Law School Legal Studies Research Paper Series Research Paper No. 09-32, Electronic copy available at: <http://ssrn.com/abstract=1444448>.

José E. Alvarez, "International Law 101: A Post-Mortem," *ILpost*, American Society of International Law, February 12, 2007, <http://www.asil.org/ilpost/president/pres070209.html>.

José E. Alvarez, "How and What We Teach (Part I)," [read response by Jeffrey Dunoff, Steven Ratner and David Wippman], *ILpost*, American Society of International Law, July 6, 2007, available at <http://www.asil.org/ilpost/pres070706.html>.

Recommended Reading

Abraham Chayes, *The Cuban Missile Crisis* (New York: Oxford University Press, 1974).

Michael Reisman, "The View from the New Haven School of International Law," *International Law in Contemporary Perspective* (New York: Foundation Press, 1992).

Richard A. Falk, "Casting the Spell: The New Haven School of International Law," *The Yale Law Journal*, Vol. 104, No. 7 (May 1995), pp. 1991-2008.

Harold Koh, "Is There a 'New' New Haven School of International Law?" *Yale Journal of International Law*, Vol. 32, pp. 559-573.

Oona A. Hathaway, "The Continuing Influence of the New Haven School," *Yale Journal of International Law*, Vol. 32, pp. 553-558.

David Kennedy, "A New Stream of International Law Scholarship," *Wisconsin International Law Review*, Vol. 7, No. 1, pp. 1-49.

Christine Chinkin and Hilary Charlesworth, *the Boundaries of International Law: A Feminist Analysis* (Juris Publishing, 2000).

Jeffrey H. Dunoff & Joel P. Trachtman, "Economic Analysis of International Law," 24 *Yale Journal of International Law* 1, 31-33 (1999).

Victoria Nourse and Gregory Shaffer, "Varieties of Legal Realism: Can a New World Order Prompt a New Legal Theory?" University of Minnesota Law School, Legal Studies Research Paper Series, Research Paper No. 09-17, esp. Parts I-II, pp. 1-35.

Week 3: The Rational-Choice Debate in International Law (Sept. 17)

Required Reading

* Jack L. Goldsmith and Eric A. Posner, *The Limits of International Law* (New York: Oxford University Press, 2005), Introduction, Chapter 1, Chapters 6-8, and conclusion, pp. 3-43, 167-226.

Oona A. Hathaway and Ariel N. Lavinbuk, "Rationalism and Revisionism in International Law," *Harvard Law Review*, Vol. 119 (2006), pp. 1404-1443.

Guzman, Andrew (2006). "The Promise of International Law," *Virginia Law Review*, Vol. 92, No. 3, pp. 533-564.

Jack Goldsmith and Eric A. Posner, "The New International Law Scholarship," *Georgia Journal of International and Comparative Law*, Vol. 34 (2005-2006), pp. 463-482.

Recommended Reading

Andrew T. Guzman, *How International Law Works: A Rational Choice Theory* (New York: Oxford University Press, 2008), Chapters 1-2, and 6, pp. 3-69, 211-218.

Robert O. Keohane, "Rational Choice Theory and International law: Insights and Limitations." *Journal of Legal Studies* 31(January 2002), pp. 307-31.

Rational Choice and International Law, special issue of the *Journal of Legal Studies*, Vol. 31, No. 1, Part 2 (January 2002), see especially introduction by the editors (pp. 104) and essays by Thompson (285-306) and Keohane (307-31).

Daniel Bodansky, "International Law in Black and White," *Georgia Journal of International and Comparative Law*, Vol. 34 (2005-2006), pp. 285-304.

Kal Raustiala, "Refining *The Limits of International Law*," *Georgia Journal of International and Comparative Law*, Vol. 34 (2005-2006), pp. 423-444.

Peter J. Spiro, "A Negative Proof of International Law," *Georgia Journal of International and Comparative Law*, Vol. 34 (2005-2006), pp. 445-462.

Richard H. McAdams, "Beyond the Prisoners' Dilemma: Coordination, Game Theory and the Law," John M. Olin Law & Economics Paper No. 437 (2nd series), Public Law and Legal Theory Working Paper No. 241, The Law School, University of Chicago, October 2008.

Week 4: International Relations Rediscovered on International Law (Sept. 24)

Required Readings

Anne-Marie Slaughter Burley, "International Law and International Relations Theory: A Dual Agenda," *American Journal of International Law*, Vol. 87 (1993), pp. 205-39.

Robert O. Keohane, "International Relations and International Law: Two Optics," *Harvard International Law Journal*, Vol. 38, No. 2 (Spring 1997), pp. 487-502.

Abbott, Kenneth. Robert Keohane, Andrew Moravcsik, Anne-Marie Slaughter, and Duncan Snidal, "The Concept of Legalization," *International Organization*, Vol. 54, No. 3 (2000), pp. 401-419.

Finnemore, Martha and Stephen Toope. 2001. "Alternatives to 'Legalization': Richer Views of Law and Politics." *International Organization*, 55:3, 743-58.

Goldstein, Keohane, Kahler, Slaughter. 2001. "Response to Finnemore and Toope," *International Organization* 55:3, 759-60.

Finnemore, Martha (2000). "Are Legal Norms Distinctive?" *N.Y.U. Journal of International Law and Politics*, Vol. 32, pp. 699-705.

Kenneth W. Abbott, "Toward a Richer Institutionalism for International Law and Policy," *Journal of International Law and International Relations*, Vol. 1, No. 1-2, (2004-2005), pp. 9-34.

* David Armstrong, Theo Farrell and Hélène Lambert, *International Law and International Relations* (Cambridge: Cambridge University Press, 2007), Chapters 1 and 3, pp. 1-5, 69-113.

Beth Simmons, "International Law and International Relations," in Keith E. Whittington, R. Daniel Kelemen, and Gregory A. Caldeira, eds., *The Oxford Handbook of Law and Politics* (New York: Oxford University Press, 2008), pp. 187-208.

Recommended Readings

Stanley Hoffmann, "The Uses and Limits of International Law," in Robert Art and Robert Jervis, eds., *International Politics*, pp. 127-31.

Michael Byers, "International Law," in Christian Reus-Smit and Duncan Snidal, eds., *The Oxford Handbook of International Relations* (New York: Oxford University Press, 2008), pp. 612-631.

Oona Hathaway and Harold Hongju Koh, eds., *Foundations of International Law and Politics* (New York: Foundation Press, 2005).

Beth A. Simmons and Richard H. Steinberg, eds., *International Law and International Relations* (New York: Cambridge University Press, 2006).

Christian Reus-Smit, ed., *The Politics of International Law* (New York: Cambridge University Press, 2004).

Judith L. Goldstein, Miles Kahler, Robert O. Keohane, and Anne-Marie Slaughter, eds., *Legalization and World Politics* (Cambridge: MIT Press, 2001).

B. Welling Hall, "The Standing of International Law in Undergraduate IR Texts," *International Studies Perspectives*, Vol. 4, No. 2, pp. 145–155.

Eyal Benvenisti and Moshe Hirsch, eds., *The Impact of International Law on International Cooperation: Theoretical Perspectives* (New York: Cambridge University Press).

Thomas Biersteker, Peter J. Spiro, Chandra Lekha Sriram, and Veronica Raffo, eds., *International Law and International Relations: Bridging Theory and Practice* (London: Routledge, 2007).

Martti Koskeniemi, "The Politics of International Law," *European Journal of International Law*, Vol. 1, read pp. 4-13, 20-32.

Anne Marie Slaughter, "A Liberal Theory of International Law," *Proceedings of the American Society of International Law* (2000), pp. 240-249, and comment by José E. Alvarez, pp. 249-53.

Part II: Elements of the International Legal Order

Week 5: Sources of International Law I: States, Treaties, and Power (October 1)

Required Readings

* Murphy, *Principles of International Law*, Chapter 2, “Actors of International Law” (skim), and Chapter 3, “International Law Creation” (read) pp. 65-108.

* Jack L. Goldsmith and Eric A. Posner, *The Limits of International Law* (New York: Oxford University Press, 2005), Chapter 3, “Treaties,” pp. 81-106.

Richard Steinberg and Jonathan Zasloff, “Power and International Law,” *American Journal of International Law*, Vol. 100, No. 1 (2006), pp. 64-87.

Simmons, Beth, Zachary Elkins and Andrew Guzman. “Competing for Capital: the Diffusion of Bilateral Investment Treaties, 1960-2000.” *International Organization*, Vol. 60, No. 4 (October 2006), pp. 811-846.

Edward T. Swaine, “Reserving,” *Yale Journal of International Law*, Vol. 31, No. 2 (2006), pp. 307-366.

Laurence R. Helfer, “Not Fully Committed? Reservations, Risk and Treaty Design,” *Yale Journal of International Law*, Vol. 31, No. 2 (2006), pp. 367-82.

Laurence Helfer, “Exiting Treaties,” *Virginia Law Review*, Vol. 91 (2005), pp. 1579-1648.

Recommended Readings

Curtis A. Bradley and Jack L. Goldsmith, *Foreign Relations Law: Cases and Materials* (New York: Wolters Kluwer, 2009), Chapter 7, “Treaties and Other International Agreements” [excellent and detailed discussion of treaties in US foreign relations law], pp. 443-567.

Andrew Guzman, “Why LDCs Sign Treaties that Hurt Them: Explaining the Popularity of Bilateral Investment Treaties,” *Virginia Journal of International Law*, Vol. 38 (1998), pp. 639-88.

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

Thomas M. Franck, “The Power of Legitimacy and the Legitimacy of Power: International Law in an Age of Power,” *American Journal of International Law*, Vol. 100, No. 1 (2006), pp. 88-106.

Thomas J. Miles & Eric A. Posner, Which States Enter into Treaties, and Why?,
University of Chicago JOHN M. OLIN LAW & ECONOMICS WORKING PAPER NO. 420
(2D SERIES), 2008.

Week 6: Sources of International Law II: Customary Law, Hard and Soft Law, and Legal Pluralism (October 8)

Required Reading

David M. Golove, "Leaving Customary International Law Where It Is: Goldsmith and Posner's *The Limits of International Law*," *Georgia Journal of International and Comparative Law*, Vol. 34 (2005-2006), pp. 445-462.

Kenneth W. Abbott and Duncan Snidal, "Hard and Soft Law in International Governance," *International Organization*, Vol. 54, No. 3, pp. 421-56.

Raustiala, Kal, and David G. Victor (2004). "The Regime Complex for Plant Genetic Resources," *International Organization*, Vol. 58, No. 2, pp. 277-309 [skim theoretical argument, don't worry about empirics].

Laurence R. Helfer, "Regime Shifting: The TRIPS Agreement and New Dynamics of International Intellectual Property Lawmaking," *Yale Journal of International Law*, Vol. 29, No. 1, pp. 1-83, read pp. 1-26 [for basic argument].

Jupille, Joseph, and Duncan Snidal (2006). "The Choice of International Institutions: Cooperation, Alternatives and Strategies," unpublished paper, <http://sobek.colorado.edu/~jupille/research/20060707-Jupille-Snidal.pdf>, accessed on 15 January 2008.

Berman, Paul, "Global Legal Pluralism," *Southern California Law Review*, Vol. 80 (2007), pp. 1155-1237, read 1155-1169 [basic argument].

Karen J. Alter and Sophie Meunier, "The Politics of International Regime Complexity," *Perspectives on Politics*, Vol. 7, No. 1 (2009), pp. 13-24.

Daniel W. Drezner, "The Power and Peril of International Regime Complexity," *Perspectives on Politics*, Vol. 7, No. 1 (2009), pp. 65-70.

Recommended Reading

1. Customary International Law

Jack L. Goldsmith and Eric A. Posner, *The Limits of International Law* (New York: Oxford University Press, 2005), Chapter 1, 23-43, quick reread.

Andrew T. Guzman, *How International Law Works: A Rational Choice Theory* (New York: Oxford University Press, 2008), Chapter 5, "Customary International Law," pp. 183-210.

Eyal Benvenisti, "Customary International Law as a Judicial Tool for Promoting

Efficiency,” in *The Impact of International Law on International Cooperation* (New York: Cambridge University Press, 2004), focus on pages 85-92 and 102-103.

2. IO’s as international law makers

DRW, pp. 107-143 [on states], 171-197 (on IOs), and 201-234 (on NSAs).

José E. Alvarez, *International Organizations as Law-Makers* (New York: Oxford University Press, 2006).

Dan Sarooshi, *International Organizations and their Exercise of Sovereign Powers* (New York: Oxford University Press, 2007).

Margaret McGuinness, “Contesting the ‘Sovereignists’: How to Learn to Stop Worrying and Love International Institutions,” *George Washington University International Law Review*, Vol. 38, pp. 831-850.

Jan Klabbers, *An Introduction to International Institutional Law* (New York: Cambridge University Press, 2003).

Philippe Sands and Pierre Klein, *Bowett’s Law of International Institutions*, 5th edition (London: Sweet & Maxwell, 2001).

3. Soft law

Shelton, Dinah (2000). *Commitment and Compliance: The Role of Non-Binding Norms in the International Legal System* (New York: Oxford University Press).

John J. Kirton and Michael J. Trebilcock, eds., *Hard Choices, Soft Law: Voluntary Standards in Global Trade, Environment, and Social Governance* (London: Ashgate, 2004).

Andrew T. Guzman and Timothy L. Meyer, “Explaining Soft Law,” unpublished paper, n.d.

Timothy L. Meyer, “Soft Law as Delegation,” unpublished paper, n.d.

Gregory C. Shaffer and Mark A. Pollack. “Hard Law vs. Soft Law: Alternatives, Complements and Antagonists in International Governance,” *Minnesota Law Review*, Vol. 94, No. 3 (forthcoming, February 2010).

4. Legal pluralism and regime complexes

Benvenisti, Eyal, and George W. Downs, “The Empire’s New Clothes: Political Economy and the Fragmentation of International Law,” *Stanford Law Review*, Vol. 60

(2007), available at SSRN: <http://ssrn.com/abstract=976930>, accessed on 3 January 2008.

Alter, Karen J., and Sophie Meunier (2006). “Nested and Overlapping Regimes in the Transatlantic Banana Trade Dispute,” *Journal of European Public Policy*, Vol. 13, No. 3, pp. 362-82.

Levit, J. 2008. *Bottom-Up Lawmaking Through a Pluralist Lens: The ICC Banking Commission and the Transnational Regulation of Letters of Credit*, 57 EMORY L.J. 1147-

Laurence R. Helfer, “Regime Shifting in the International Intellectual Property System,” *Perspectives on Politics*, Vol. 7, No. 1 (2009), pp. 39-44.

Karen J. Alter and Sophie Meunier, eds., “Symposium: The Politics of International Regime Complexity,” *Perspectives on Politics*, Vol. 7, No. 1 (2009), pp. 13-70.

Mark A. Pollack and Gregory C. Shaffer, *When Cooperation Fails: The International Law and Politics of Genetically Modified Foods* (Oxford: Oxford University Press).

Week 7: Interpreting International Law I: Dispute Settlement, and the Case of the European Court of Justice (October 15)

Required Readings

* Murphy, *Principles of International Law*, Chapter 4, “International Law Interpretation and Dispute Resolution,” pp. 109-151.

Robert O. Keohane, Andrew Moravcsik, and Anne-Marie Slaughter, “Legalized Dispute Resolution: Interstate and Transnational,” *International Organization*, Vol. 54 (2000), pp. 457-488.

James McCall Smith, “The Politics of Dispute Settlement Design: Explaining Legalism in Regional Trade Pacts,” *International Organization*, Vol. 54 (2000), pp. 137-180.

Allee, Todd L., and Paul K. Huth (2006). “Legitimizing Dispute Settlement: International Legal Rulings as Domestic Political Cover,” *American Political Science Review*, Vol. 100, No. 2, pp. 219-234.

Barbara Koremenos, “If Only Half of International Agreements Have Dispute Resolution Provisions, Which Half Needs Explaining?” *Journal of Legal Studies*, Vol. 36 (2007), pp. 189-211.

Karen J. Alter (1998). “Who are the Masters of the Treaty? European Governments and the European Court of Justice,” *International Organization*, 52: 125–52.

Clifford J. Carrubba, Matthew Gabel, and Charles Hankla (2008). “Judicial Behavior under Political Constraints: Evidence from the European Court of Justice,” *American Political Science Review*, Vol. 102, No. 4, pp. 435-52.

Lisa Conant, “Judicial Politics,” in Knud Erik Jorgensen, Mark A. Pollack and Ben Rosamond, eds., *The Handbook of European Union Politics* (New York: Sage, 2007), pp. 213-29.

Recommended Readings

Ginsburg, T. (2004). “Adjudicating in Anarchy: An Expressive Theory of International Dispute Resolution” 45 *William and Mary Law Review* 1229-1339.

Karen J. Alter, “The European Court and Legal Integration: An Exceptional Story or Harbinger of the Future?” in Keith E. Whittington, R. Daniel Kelemen, and Gregory A. Caldeira, eds., *The Oxford Handbook of Law and Politics* (New York: Oxford University Press, 2008), pp. 209-228.

Geoffrey Garrett (1992). “International Cooperation and Institutional Choice: The European Community’s Internal Market,” *International Organization*, 46: 533–60.

Burley, Anne-Marie and Mattli, Walter (1993). "Europe Before the Court: A Political Theory of Legal Integration," *International Organization*, 47: 41–76.

Geoffrey Garrett (1995). "The Politics of Legal Integration in the European Union," *International Organization*, 49: 171–81.

Walter Mattli and Anne-Marie Slaughter (1995). "Law and Politics in the European Union: A Reply to Garrett," *International Organization*, 49: 183–90.

Walter Mattli and Anne-Marie Slaughter (1998). "Revisiting the European Court of Justice," *International Organization*, 52: 177–209.

Geoffrey Garrett, R. Daniel Kelemen, and Heiner Schulz (1998). "The European Court of Justice, National Governments, and Legal Integration in the European Union," *International Organization*, 52: 149–76.

Stone Sweet, Alec, and Brunell, T. L. (1998). "Constructing a Supranational Constitution: Dispute Resolution and Governance in the European Community," *American Political Science Review*, 92: 63–81.

Weiler, Joseph H.H. (2000). *The Constitution of Europe: "Do the New Clothes Have an Emperor?" and Other Essays on European Integration* (New York: Cambridge University Press, 1999).

Karen J. Alter (2001). *Establishing the Supremacy of European Law: The Making of an International Rule of Law in Europe* (New York: Oxford University Press).

Conant, Lisa (2002). *Justice Contained: Law and Politics in the European Union*. Ithaca, NY: Cornell University Press.

Alec Stone Sweet, ed., *The Judicial Construction of Europe* (Oxford: Oxford University Press, 2004).

Carrubba, Clifford J., and Lacey Murrah (2005). "Legal Integration and Use of the Preliminary Ruling Process in the European Union," *International Organization*, Vol. 59, pp. 399-418.

Craig, P., and de Búrca, G. (2008), *EU Law*, 4th edn. (Oxford: Oxford University Press).

Week 8: Interpreting International Law II: International Courts and Tribunals (October 22)

Required Readings

Cesare Romano, "The Proliferation of International Judicial Bodies: The Pieces of the Puzzle." *New York University Journal of International Law and Politics*, Vol. 31 (1999), pp. 709-51.

Eric A. Posner and John C. Yoo, "Judicial Independence in International Tribunals," *California Law Review*, Vol. 93 (2005), pp. 1-74.

Laurence Helfer and Anne-Marie Slaughter, "Why States Create International Tribunals: A Response to Professors Posner and Yoo," *California Law Review*, Vol. 93 (2005), pp. 899-956.

Eric A. Posner and John C. Yoo, "Reply to Helfer and Slaughter," *California Law Review*, Vol. 93 (2005), pp. 957-974.

Voeten, Erik (2008). "The Impartiality of International Judges: Evidence from the European Court of Human Rights," *American Political Science Review*, Vol. 102, No. 4, pp. 417-434.

Posner, Eric, and Michael de Figueiredo (2005). "Is the International Court of Justice Biased?" *Journal of Legal Studies*, Vol. 34, pp. 599-630.

Recommended Readings

Gordon, Edward, Steven J. Burton, Richard Falk, Thomas M. Franck, and Constantine Nezis. 1989. "The Independence and Impartiality of International Judges," *American Society of International Law Proceedings*, Vol. 83, pp. 508-29.

Helfer, Laurence, and Anne-Marie Slaughter. 1997. "Toward a Theory of Effective Supranational Adjudication," *Yale Law Journal* 107 (2): 273-391.

Daniel Terris, Cesare P.R. Romano, and Leigh Swigart, *The International Judge: An Introduction to the Men and Women Who Decide the World's Cases* (Lebanon, New Hampshire: Brandeis University Press, 2007).

Johns, Leslie (2007). "Endogenous Enforcement and Jurisdiction in International Adjudication," available at <http://homepages.nyu.edu/~kbh206>.

Voeten, Erik (2007). "The Politics of International Judicial Appointments: Evidence from the European Court of Human Rights," *International Organization*, Vol. 61 (Fall 2007), pp. 669-701.

Alter, Karen J. (2008). "Agents or Trustees? International Courts in their Political Context," *European Journal of International Relations*, Vol. 14, No. 1, pp. 33-63.

Week 9: Enforcing International Law: Compliance and Effectiveness (October 29)

Required Reading

* Murphy, *Principles of International Law*, Chapter 5, “International Law Compliance and Enforcement,” pp. 153-178.

Kal Raustiala and Anne-Marie Slaughter, “International Law, International Relations and Compliance,” in Walter Carlsnaes, Thomas Risse and Beth A. Simmons, eds., *Handbook of International Relations* (Thousand Oaks, CA: Sage, 2002), pp. 538-558.

Michael Tomz, “Reputation and the Effect of International Law on Preferences and Beliefs,” unpublished paper, accessed at: <http://www.stanford.edu/~tomz/working/Tomz-IntlLaw-2008-02-11a.pdf>.

Simmons, Beth and Daniel Hopkins, “The Constraining Power of International Treaties,” *American Political Science Review* 99, No. 4 (November 2005): 623–631.

Jana von Stein, “Do Treaties Constrain or Screen? Selection Bias and Treaty Compliance.” *American Political Science Review*, Vol. 99, No. 4 (November 2005): 611–22.

Colter Paulson, “Compliance with Final Judgments of the International Court of Justice since 1987,” *The American Journal of International Law*, Vol. 98, No. 3 (2004), pp. 434-461.

E. Powell and S. Mitchell, “The International Court of Justice and the World’s Three Legal Systems.” *Journal of Politics*, Vol. 69, No. 2 (2007), pp. 397-415.

Oliver Treib, “Implementing and Complying with EU Governance Outputs,” *Living Reviews in European Governance*, Vol. 3, (2008), No. 5
<http://www.livingreviews.org/lreg-2008-5>.

Recommended Reading

Abraham Chayes and Antonia Handler Chayes, “On Compliance,” *International Organization*, Vol. 47, No. 2 (1993), pp. 172-205 [skim for core argument].

George W. Downs, David M. Rocke, and Peter M. Barsoom, “Is the Good News About Compliance Good News About Cooperation?” *International Organization*, Vol. 50, No. 3 (Summer 1996), pp. 379-406 [skim for core argument].

Ronald B. Mitchell, “Regime Design Matters: International Oil Pollution and Treaty Compliance,” *International Organization*, Vol. 48, No. 3 (Summer 1994), reproduced in Martin & Simmons, *International Institutions*, pp. 103-136.

David G. Victor, Kal Raustiala, and Eugene B. Skolnikoff, *The Implementation and Effectiveness of International Environmental Commitments: Theory and Practice* (Cambridge: MIT Press, 1998), chapters 1, 16 (pp. 1-46, 659-707).

Oran Young, ed., *The Effectiveness of International Environmental Regimes: Causal Connections and Behavioral Mechanisms* (Cambridge: MIT Press, 1999), chapters 1, 5 (pp. 1-32, 249-279).

Harold K. Jacobson and Edith Weiss, "Strengthening Compliance with International Environmental Accords: Preliminary Observations from a Comparative Project," *Global Governance*, Vol. 1 (1995), pp. 119-48.

Abraham Chayes and Antonia Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements* (1996).

Harold H. Koh, "Why Do Nations Obey International Law?" *Yale Law Journal*, Vol. 106, No. 8 (1997), p. 2599.

George W. Downs, "Enforcement and the Evolution of Cooperation," *Michigan Journal of International Law*, Vol. 19, No. 2 (1998), pp. 319-44.

George W. Downs, "Constructing Effective Environmental Regimes," *Annual Review of Political Science*, Vol. 3 (1998), pp. 25-42.

George W. Downs, David M. Rothe, and Peter M. Barsoom, "The Transformational Model of International Regime Design: Triumph of Hope or Experience?" *Columbia Journal of Transnational Law* (2000).

Raustiala, Kal (2000). "Compliance and Effectiveness in International Regulatory Cooperation," *World Politics*, Vol. 49, No. 4, pp. 482-509.

Simmons, B. (1998). "Compliance with International Agreements." *Annual Review of Political Science* 1: 75-93.

Simmons, B. (2000a). "International Law and State Behavior: Commitment and Compliance in International Monetary Affairs." *American Political Science Review* 94(4): 819-35.

Simmons, B. A. (2000b). "Money and the Law: Why Comply with the Public International Law of Money." *Yale Journal of International Law* 25: 323.

Jonas Tallberg, "Paths to Compliance: Enforcement, Management, and the European Union," *International Organization*, Vol. 56 (August 2002), pp. 609-43.

Simmons, Beth and Daniel Hopkins. 2005. "The Constraining Power of International Treaties." *American Political Science Review* 99, no. 4 (November 2005): 623-631.

Hartlapp, M., and Falkner, G. (2008). "Problems of Operationalisation and Data in EU Compliance Research," WZB Discussion Paper, Social Science Research Centre Berlin, ISSN. Nr. 1011-9523, March.

Week 10: International Law and Domestic Law (November 5)

Required Reading

* Murphy, *Principles of International Law*, read Chapter 7, “Foreign Relations Law of the United States,” and skim Chapter 8, “National Jurisdiction to Prescribe, Adjudicate, and Enforce,” pp. 199-256.

Curtis A. Bradley and Jack L. Goldsmith, *Foreign Relations Law: Cases and Materials*, third edition (New York: Wolters Kluwer, 2009), pp. 569-609 [on customary international law in US courts, and the Alien Tort Statute], and pp. 657-69 [on the use of foreign and international sources in constitutional interpretation].

Jeffrey L. Dunoff, Steven R. Ratner, David Wippman, *International Law: Norms, Actors, Process: A Problem-Oriented Approach*, second edition (Aspen Law and Business Publishers, 2006), pp. 293-306 [on Breard and consular cases].

Harold Hongju Koh, “Bringing International Law Home,” *Houston Law Review*, Vol. 35, No. 3 (Fall 1998), pp. 623-681.

Robert O. Keohane, “When Does International Law Come Home?” *Houston Law Review*, Vol. 35, No. 3 (Fall 1998) pp. 699-713.

Ryan Goodman and Derek Jinks, “How to Influence States: Socialization and International Human Rights Law,” *Duke Law Journal*, Vol. 54, No. 3, pp. 621-703, read pp. 621-656, 702-703.

Alvarez, José E. (2005). “Do States Socialize?” *Duke Law Journal*, Vol. 54, pp. 961-74.

Anne-Marie Slaughter and William Burke-White, “The Future of International Law is Domestic (or, the European Way of Law),” *Harvard International Law Journal*, Vol. 47, No. 2 (2006), pp. 327-352.

David Zaring, “The Use of Foreign Decisions by Federal Courts: An Empirical Analysis,” *Journal of Empirical Legal Studies*, Vol. 3, No. 2 (July 2006), pp. 297-331.

Recommended Reading

DRW, Chapters 5 and 6.

Philip R. Trimble, “The Supreme Court and International Law,” *American Journal of International Law*, Vol. 89 (1995), pp. 53-57.

Curtis A. Bradley, “A New American Foreign Affairs Law?” *University of Colorado Law Review*, Vol. 70, No. 4 (1999), pp. 1089-1107.

Peter J. Spiro, "The New Sovereignists: American Exceptionalism and its False Prophets," *Foreign Affairs*, Nov/Dec 2000.

Terrence C. Halliday and Bruce G. Carruthers, "The Recursivity of Law: Global Norm Making and National Lawmaking in the Globalization of Corporate Insolvency Regimes," *American Journal of Sociology*, Vol. 112, pp. 1135-1202.

Ginsburg, T., Chernykh, S. and Elkins, Z. 2008. "Commitment and Diffusion: Why Constitutions Incorporate International Law " *University of Illinois Law Review* 2008: 201-38.

Harold Hongju Koh, "Paying Decent Respect to International Tribunal Rulings," *Proceedings of the American Society of International Law* (2002), pp. 45-53.

Kimberly A. Moore, "Xenophobia in American Courts," 97 *Nw. U.L. Rev.* 1497 (2003).

Putnam, T.L.. 2009. "Courts Without Borders: The Domestic Sources of U.S. Extraterritoriality in the Regulatory Sphere," *International Organization*.

Holzmeyer, C. 2009. "Human Rights in an Era of Neoliberal Globalization: The Alien Tort Claims Act and Grassroots Mobilization in *Doe v. Unocal*." *Law and Society Review* 43: 271-304.

Part III: Topics in International Law

Week 11: Human Rights Law (November 19)

Required Reading

* Murphy, *Principles of International Law*, Chapter 10, “Human Rights Law,” pp. 293-337.

* David Armstrong, Theo Farrell and Hélène Lambert, *International Law and International Relations* (Cambridge: Cambridge University Press, 2007), Chapter 5, “Human Rights,” pp. 151-177.

Oona A. Hathaway, “Do Human Rights Treaties Make a Difference?” *Yale Law Journal*, Vol. 111 (2001-2002), pp. 1935-2042.

Goodman, Ryan, and Derek Jinks, “Measuring the Effects of Human Rights Treaties,” *European Journal of International Law*, Vol. 14, No. 1 (2003), pp. 171-183.

Oona Hathaway, “Testing Conventional Wisdom,” *European Journal of International Law*, Vol. 14, No. 1 (2003), pp. 185-200.

* Jack L. Goldsmith and Eric A. Posner, *The Limits of International Law* (New York: Oxford University Press, 2005), Chapter 4, pp. 107-134.

Margaret E. McGuinness, “Exploring the *Limits* of International Human Rights Law,” *Georgia Journal of International and Comparative Law*, Vol. 34 (2005-2006), pp. 393-421.

Emilie M. Hafner-Burton, “The Power Politics of Regime Complexity: Human Rights Trade Conditionality in Europe,” *Perspectives on Politics*, Vol. 7, No. 1 (2009), pp. 13-64.

Recommended Readings

DRW, Chapter 7.

Hathaway, Oona A. 2005. “Between Power and Principle: An Integrated Theory of International Law.” *University of Chicago Law Review* 72: 469–536.

Simmons, B. (2009) *Mobilizing for Human Rights: International Law in Domestic Politics* (New York: Cambridge University Press).

Thomas M. Franck, “The Emerging Right to Democratic Governance,” *American Journal of International Law*, Vol. 86 (1992).

Thomas Risse, Stephen Ropp and Kathryn Sikkink (eds.) 1999. *The Power of Human Rights: International Norms and Domestic Change*. Cambridge: Cambridge University Press.

Harold Hongju Koh, "How is International Human Rights Law Enforced?" *Indiana Law Journal*, Vol. 74 (1999), pp. 1397-1417.

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

Andrew Moravcsik, "Why Is U.S. Human Rights Policy So Unilateralist?" in Shepard Forman and Patrick Stewart, eds., *The Cost of Acting Alone: Multilateralism and US Foreign Policy* (Boulder: Lynne Rienner Publishers, 2001), pp. 345-376.

John King Gamble, Charlotte Ku, Chris Strayer, "Human-Centric International Law: A Model And A Search For Empirical Indicators," *Tulane Journal of International and Comparative Law*, Vol. 61 (2005), pp. 61-80.

Hafner-Burton, Emilie M. (2005). "Trading Human Rights: How Preferential Trade Agreements Influence Government Repression," *International Organization*, Vol. 59, No. 3, pp. 593-629.

Neumayer, Eric (2005). "Do International Human Rights Treaties Improve Respect for Human Rights?" *The Journal of Conflict Resolution*, Vol. 49, pp. 925-53.

Davis, Jeffrey. 2006. "Justice Without Borders: Human Rights Cases in U.S. Courts." *Law & Policy* 28: 60-82.

Vreeland, James Raymond (2008). "Political Institutions and Human Rights: Why Dictatorships Enter into the United Nations Convention Against Torture," *International Organization*, Vol. 62, pp. 65-1010.

Hafner-Burton, Emilie (2008). "Sticks and Stones: Naming and Shaming the Human Rights Enforcement Problem," *International Organization*, Vol. 62, pp. 689-716.

Hafner-Burton, Emilie M., Kiyoteru Tsutsui, and John W. Meyer (2008). "International Human Rights Law and the Politics of Legitimation: Repressive States and Human Rights Treaties," *International Sociology*, Vol. 23, pp. 115-141.

Mowbray, Alistair. 2005. "The Creativity of the European Court of Human Rights." *Human Rights Law Review* 5(1): 57-79.

Week 12. International Economic Law (Nov. 24)

Required Reading

DRW, Chapter 12, read pp. 827-859 (on trade), skim 859-872 (on investment).

* David Armstrong, Theo Farrell and Hélène Lambert, *International Law and International Relations* (Cambridge: Cambridge University Press, 2007), Chapter 7, “International Trade,” pp. 222-252.

* Jack L. Goldsmith and Eric A. Posner, *The Limits of International Law* (New York: Oxford University Press, 2005), Chapter 5, “International Trade,” pp. 135-162.

Davey, W. 2005. “The WTO Dispute Settlement System: The First Ten Years.” *Journal of International Economic Law* 8: 17-51.

Claus-Dieter Ehlermann, “Experiences from the WTO Appellate Body,” *Texas International Law Journal*, Vol. 38 (2003), pp. 469-488.

Christina Davis and Sarah Blodgett Bermeo, “Who Files? Developing Country Participation in GATT/WTO Adjudication,” Department of Politics, Princeton University, December 5, 2008, forthcoming in *Journal of Politics*.

Busch, Marc L., and Eric Reinhardt (2006). “Three’s a Crowd: Third Parties and WTO Dispute Settlement,” *World Politics*, Vol. 58, No. 3, pp. 446-477.

Christina L. Davis, “Overlapping Institutions in Trade Policy,” *Perspectives on Politics*, Vol. 7, No. 1 (2009), pp. 25-31.

Recommended Reading

Andrew T. Guzman and Alan O. Sykes, eds., *Research Handbook in International Economic Law* (Edward Elgar, 2008).

Braithwaite, John, and Peter Drahos, *Global Business Regulation* (New York: Cambridge University Press, 2000).

Richard H. Steinberg, “In the Shadow of Law or Power? Consensus-Based Bargaining and Outcomes in the GATT/WTO,” *International Organization*, Vol. 56 (2002), pp. 339-374.

Gregory Shaffer, “Power, Global Governance and the WTO,” in Michael Barnett and Robert Duvall, eds., *Power and Global Governance* (New York: Cambridge University Press), pp. 130-160.

Jeffrey L. Dunoff, *The Death of the Trade Regime*, 10 EUR. J. INT'L L. 733 (1999).

Robert Hudec, "The New TWO Dispute Settlement Procedure: An Overview of the First Three Years." *Minnesota Journal Global Trade*, Vol. 8 (1999): 1.

Marc Busch and Eric Reinhardt, "Transatlantic Trade Conflicts and GATT/WTO Dispute Settlement," in Ernst-Ulrich Petersmann and Mark A. Pollack, eds., *Transatlantic Trade Disputes: The EU, the US, and the WTO* (New York: Oxford University Press, 2003), pp. 465-86.

Simmons, Beth and Andrew Guzman, "To Settle or Empanel? An Empirical Analysis of Litigation and Settlement at the WTO." *Journal of Legal Studies* 31, no. 1 Part 2 (January 2002): S205-S235.

Kelly, Claire (2006). "Power, Linkage and Accommodation: The WTO As An International Actor And Its Influence On Other Actors And Regimes," *Berkeley Journal of International Law*, Vol. 24, pp. 79-128.

Thomas Bernauer and Thomas Sattler, "Dispute-Escalation at the WTO: Are Conflicts over Environment, Health and Safety Regulation Riskier?" Center for Comparative and International Studies Working Paper, Zurich, No. 21.

Daniel W. Drezner, *All Politics is Global: Explaining International Regulatory Regimes* (Princeton: Princeton University Press, 2007).

Kucik J. and E. Reinhardt, "Does Flexibility Promote Cooperation? An Application to the Global Trade Regime," *International Organization*, Vol. 62, No. 3 (2008), pp. 477-505.

Shaffer, G., M. Raton Sanchez and B. Rosenberg, "The Trials of Winning at the WTO: What Lies Behind Brazil's Success," 41 *Cornell International Law Journal*, 383 (2008).

Busch, Marc L. (2008). "Overlapping Institutions, Forum Shopping, and WTO Dispute Settlement," *International Organization*, Vol. 61, pp. 735-61.

Cédric Dupont and Manfred Elsig, "Trade-And? The World Trade Organization's Fuzzy Borders: A Framework Paper," unpublished paper, January 2009.

Busch, Reinhardt & Shaffer (2009 forthcoming). "Does Legal Capacity Matter? A Survey of WTO Members," *World Trade Review*.

Danner, A. and B. Simmons, 2007. Credible Commitments and the International Criminal Court. Working Paper. [forthcoming IO]

Week 13: The Use of Force: *Jus ad bellum* and *jus in bello* (Dec 3)

Required Reading

Jus ad bellum

* Murphy, *Principles of International Law*, Chapter 14, pp. 439-55.

* David Armstrong, Theo Farrell and Hélène Lambert, *International Law and International Relations* (Cambridge: Cambridge University Press, 2007), Chapter 4, "Use of Force," pp. 117-150.

DRW, Chapter 13, read pp. 875-915 (on the wars in Iraq) and skim pp. 932-957 (on UN peacekeeping, humanitarian intervention, and the case of Kosovo).

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

Jus in bello

* Murphy, *Principles of International Law*, Chapter 14, pp. 455-72 and skim Chapter 13, pp. 405-37.

* David Armstrong, Theo Farrell and Hélène Lambert, *International Law and International Relations* (Cambridge: Cambridge University Press, 2007), Chapter 6, "International Crimes," pp. 178-221.

Valentino, B., P. Huth and S. Croco, "Covenants without the Sword: International Law and the Protection of Civilians in Times of War," *World Politics*, Vol. 58, No. 3 (2006), pp. 339-377.

Judith Kelley, "Who Keeps International Commitments and Why? The International Criminal Court and Bilateral Nonsurrender Agreements," *American Political Science Review*, Vol. 101, No. 3 (2007), pp. 573-589.

Recommended Reading

Christine Gray, *International Law and the Use of Force* (New York: Oxford University Press, 2004).

Michael Byers, *War Law: Understanding International Law and Armed Conflict* (New York: Grove Press, 2005).

***Jus ad bellum* and the War in Iraq**

John Yoo, "International Law and the War in Iraq," *American Journal of International Law*, Vol. 97 (2003), pp. 563-22.

W. Michael Reisman, *Assessing Claims to Revise the Laws of War*, 97 AM. J. INT'L L. 82 (2003).

Thomas M. Franck, *What Happens Now? The United Nations After Iraq*, 97 AM. J. INT'L L. 607 (2003).

Jane E. Stromseth, *Law and Force after Iraq: A Transitional Moment*, 97 AM. J. INT'L L. 628 (2003)

Michael Byers, *War Law*, Part II, Chapters 4-6, pp. 53-80.

Michael Doyle et al., *Striking First: Pre-Emption and Prevention in International Conflict* (Princeton: Princeton University Press), first two chapters by Doyle, response by Koh, pp. 3-118.

On Humanitarian Intervention and R2P

Samantha Power, *A Problem from Hell: America and the Age of Genocide* (New York: Harper Perennial, 2003).

J.L. Holzgrefe and Robert O. Keohane, eds., *Humanitarian Intervention: Ethical, Legal and Political Dilemmas* (New York: Cambridge University Press, 2003), esp. chapter by Byers and Chesterman.

Nicholas J. Wheeler and Alex J. Bellamy, "Humanitarian Intervention," in *The Globalization of World Politics*, in John Baylis and Steve Smith, eds. (Oxford University Press, 2004), pp. 555-578.

Ryan Goodman, "Humanitarian Intervention and the Pretexts for War," *American Journal of International Law*, Vol. 100, No. 1 (2006), pp. 107-141.

Gareth Evans, "The Responsibility to Protect: An Idea Whose Time Has Come... and Gone?" *International Relations*, Vol. 22, No. 3 (2008), pp. 283-298.

Terrorism and Counter-Terrorism

Curtis A. Bradley and Jack L. Goldsmith, *Foreign Relations Law: Cases and Materials*, third edition (New York: Wolters Kluwer, 2009), Chapter 5 [War on Terrorism], pp. 289-383.

Jack L. Goldsmith, *The Terror Presidency: Law and Judgment inside the Bush Administration* (New York: W.W. Norton, 2007).

Philippe Sands, *Torture Team: Rumsfeld's Memo and the Betrayal of American Values* (New York: Palgrave Macmillan, 2009).

Jane Mayer, *The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals* (New York: Doubleday, 2008).

John Yoo, *War by Other Means: An Insider's Account of the War on Terror* (New York: Atlantic Monthly Press, 2006).

Derek Jinks, *The Rules of War: The Geneva Conventions in the Age of Terror* (New York: Oxford University Press, 2005).

Michael Byers. 2002. Terrorism, the Use of Force, and International Law after 11 September. *The International and Comparative Law Quarterly*, Vol. 51 (April), pp. 401-14.

Harold Koh, *The Spirit of the Laws*, 43 HARV. INT'L L. J. 32-39 (2002)

W. Michael Reisman, *In Defense of World Public Order*, 95 AM. J. INT'L L. 833-35 (2001).

Jonathan I. Charney, *The Use of Force Against Terrorism and International Law*, 95 AM. J. INT'L L. 835-39 (2001).

War Crimes, Tribunals, and the ICC

James D. Morrow, "The Institutional Features of Prisoners of War Treaties," *International Organization*, Vol. 55, No. 4, pp. 971-991.

Gary J. Bass, "War Crimes Tribunals," in Keith E. Whittington, R. Daniel Kelemen, and Gregory A. Caldeira, eds., *The Oxford Handbook of Law and Politics* (New York: Oxford University Press, 2008), pp. 229-244.

Hagan, Joh, Ron Levi and Gabrielle Ferrales (2006). "Swaying the Hand of Justice: The Internal and External Dynamics of Regime Change at the International Criminal Tribunal for the Former Yugoslavia," 31:3 *Law & Social Inquiry* 585-616.

Ku, J. and J. Nzelibe (2007). "Do International Criminal Tribunals Deter or Exacerbate Humanitarian Atrocities?" *Washington University Law Quarterly* 84.

Robert H. Jackson, "Nuremberg in Retrospect: Legal Answer to International Lawlessness," *American Bar Association Journal*, Vol. 35 (October 1949), pp. 813-816 and 881-887.

Gary Bass, *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals* (Princeton: Princeton University Press, 2001), pp. 3-37 and 147-206.

Cesare P.R. Romano et al., eds., *Internationalized Criminal Courts: Sierra Leone, East Timor, Kosovo, and Cambodia* (New York: Oxford University Press, 2004).

Jeffrey L. Dunoff, Steven R. Ratner, David Wippman, *International Law: Norms, Actors, Process: A Problem-Oriented Approach*, second edition (Aspen Law and Business Publishers, 2006), 652-667 [on the ICC].

Jack L. Goldsmith. 2003. "The Self-Defeating International Criminal Court," *University of Chicago Law Review* 70, p. 89ff.

David J. Scheffer, "Staying the Course with the International Criminal Court." *Cornell International Law Journal* 35 (2001): 47-100.

Michael J. Gilligan, "Is Enforcement Necessary for Effectiveness? A Model of the International Criminal Regime," *International Organization*, Vol. 60 (Fall 2006), pp. 935-967.