**PRELIMINARY SYLLABUS**

**International Law and International Relations (Spring 2012)**

**Instructor: Andrew T. Guzman** (aguzman@law.berkeley.edu)

**Assistant: Jennifer Zahgkuni** (zahgkuni@law.berkeley.edu)

**Office Hours: Thursdays 2:30-4:40pm, NA 335**

**Instructor: Katerina Linos** (klinos@law.berkeley.edu)

**Assistant: Leslie Stone** (lstone@law.berkeley.edu)

**Office Hours: Tuesdays, 2:00-4:00pm, Simon 887**

**Meeting Time: M 3:35-6:15**

**Meeting Location: 141**

  International law is in the midst of a profound revision. Traditional theories are being challenged by more contemporary approaches, many of them drawn for the social sciences. This seminar will examine the work of political scientists and legal scholars to see how they inform fundamental questions in international law. Why do states enter into international agreements? Why do they create international organizations? When do states comply with international obligations? What kind of state conduct is more (or less) likely to be influenced by international law? To address these questions, we will look both to diverse theoretical perspectives, and to concrete empirical applications from issue areas such as trade, human rights, the environment and security.

**Evaluation**

This class is a seminar, and requires active participation. 30% of the grade will be based on in class participation; 70% of the grade will be based on 25-30 page final paper due on the last day of the exam period. The class will be graded on a seminar curve, and papers for the class can be used to meet the writing requirement.

**Materials**

Andrew T. Guzman, How International Law Works (2008), plus additional articles to be distributed in class.

**Week 1: Introduction to International Law and International Relations** (Jan 9)

Thomas M. Franck, *Legitimacy in the International System,* 82 Am. J. Int’l. L. 705, 705-706, 712-718, 751-59 (1998)

Andrew T. Guzman, How International Law Works, Chapter 2, A General Theory of International Law

Jack Goldsmith & Daryl Levinson, *Law for States: International Law, Constitutional Law, Public Law*, 122 Harv. L. Rev. 1791, 1792-1803, 1822-1830 (2009)

*\*January 16, Martin Luther King Jr. Holiday, no classes meet\**

**Week 2: Treaties** (Jan 23)

Kal Raustiala, *Form and Substance in International Agreements*, 99 Am. J. Int’l L. 581, 581-590, 601-610 (2005)

Andrew T. Guzman, How International Law Works, Chapter 4, International Agreements

Barbara Koremenos, *If Only Half of International Agreements Have Dispute Resolution Provisions, Which Half Needs Explaining?* 36 J. L. Stud. 189, 189-210 (2007)

**Week 3: Soft Law and Custom** (Jan 30)

Andrew T. Guzman, How International Law Works, Chapter 5, Customary International Law

Kenneth W. Abbott et al., *The Concept of Legalization*, 54 Int’l Org. 401, 401-419 (2000)

Kenneth W. Abbott and Duncan Snidal, *Hard and Soft Law in International Governance*, 54 Int’l Org. , 421, 421-440 (2000)

**Week 4: Compliance** (Feb 6)

Abram Chayes & Antonia Handler Chayes, *On Compliance*, 47 Int’l Org. 175, 175-197 (1993).

George Downs, David M. Rocke, and Peter Barsoom, *Is the Good News about Compliance Good News about Cooperation?*, 50 Int’l Org 50 379, 379-398 (1996).

Katerina Linos, *How Can International Organizations Shape National Welfare States? Evidence from Compliance with European Union Directives* 40 Comp. Pol. Stud. 547, 547-64 (2007)

**Week 5: International Organizations** (Feb 13)

Jose Alvarez, International Organizations as Law Makers, pp. 1-17

Michael N. Barnett & Martha Finnemore, *The Politics, Power, and Pathologies of International Organizations*, Int’l Org. 707, 707-27 (1999)

Kenneth Abbott & Duncan Snidal, *Why States Act through Formal International Organizations*, J. Conflict Resolution, 9-29 (1998)

*\*February 20, President’s Day Holiday, no classes meet\**

**Week 6: International Tribunals** (Feb 27)

Andrew Guzman, *International Tribunals: A Rational Choice Analysis*, 157 Penn. L. Rev. 171, 173-184, 192-205 (2008)

Eyal Benvenisti, *Reclaiming Democracy: The Strategic Uses of Foreign and International Law by National Courts*, 102 Am. J. Int’l. L. 241, 241-44, 252-62, 269-74 (2008)

Karen J. Alter & Laurence R. Helfer, *Nature or Nurture? Judicial Law Making in the European Court of Justice and the Andean Tribunal of Justice*, 64 Int’l Org. 563 – 573, 580-88 (2010)

**Week 7: Democracy and International Law** (March 5)

Robert Dahl, “Can International Organizations be Democratic? A Skeptic’s View” In Democracy’s Edges, pp. 19-36 (1999)

Joseph S. Nye, Jr., *Globalization’s Democratic Deficit*, Foreign Affairs 80 (July-August 2001) pp. 2-6

Robert Keohane, *Stephen Macedo & Andrew Moravcsik, Democracy Enhancing Multilateralism,* 63 Int’l Org. 1, 1-22 (2009)

**Week 8: How to Write a Paper** (March 12)

Laura Belcher, Writing Your Journal Article in Twelve Weeks (2009), extracts

Pamela Samuelson, *Good Legal Writing: of Orwell and Window Panes*, 46 U. Pittsburgh L. Rev. 149 (1984)

Persuasion in the ICC Case, International Organization (2009)

*\*Materials for weeks 9-14 to be added\**