

International Law (Spring 2021)

This is a draft syllabus and is subject to change

Instructor: Dr. Haskins

Email: alex.haskins@wheaton.edu

Course Meetings: MWF 8:00am-9:10am (Armerding 080)

[Student Hours](#): MWF 1pm-2pm, TH 1-3pm

Department Mission Statement:

The mission of the Department of Politics and International Relations is to equip students with knowledge about politics and government, with methods for analyzing political actors and institutions, and with the ability to apply biblical and theological perspectives to public life.

i. Course Overview and Objectives

What is “international law”? How was it formed and what consequences did (and does) this have for global politics? What relationship is there between international law and historical legacies of imperialism, colonization, and rapid economic, political, and social change? In this course, we will seriously consider—from a distinctly Christian perspective—how these questions were addressed by various figures and institutions through primary and secondary sources (e.g. treaties, scholarly monographs, etc.) that primarily center on a range of global legal encounters in Africa and Asia. We will also collectively determine the degree to which we might find the arguments encountered in the course persuasive (or not) as they bear on both Christian faith/practice and on the world. We will continue to ask what, if anything, constitutes “international law” and how might a just and peaceful global order be attained under international law, if at all. Through dialogue and writing, students will *develop their ability to compare and critically (though charitably) assess* the disparate foundations and influences of international law throughout the modern (18th-20th century) histories of Africa, Asia, and Europe while also *establishing their own scholarly, political, and legal voices*. In so doing, students will work out a nuanced view of comparative, African, Asian, and European political and legal thought as well as the modern history of international law, both within and outside of the global church.

In short, this course aims to improve students’ ability to:

- **Assess** the claims of primary texts in modern African, Asian, and European political and legal history in a charitable, yet critical, manner
- **Develop** nuanced normative, legal, and political arguments concerning modern international law through dialogue and writing

ii. Required Text

No prior background in African, Asian, or European history is required. The reading below will be available for purchase in the bookstore. I will provide all other readings. Readings will be in English. If you have concerns obtaining the text below, please contact me.

- Vattel. *The Law of Nations* (Indianapolis: Liberty Fund), 2008.

iii. Assignments, Grading, and Policies

Attendance and Participation

30 %

Regular class attendance and active participation facilitate the successful recognition, comparison, and assessment of the concepts, institutions, and figures encountered in this course. Thus, attendance and participation in class is mandatory. Absences due to personal emergencies, illness, or other legitimate causes will be excused with advanced notice and proper documentation, where applicable. Good participation reflects quantity *and* quality of in-class comments. Students are expected to come to class with texts readily available, having done the reading and having prepared for respectful and substantive discussion. Laptops are

allowed only for course-related activities; other observed activities will result in a grade reduction. In the first week, students will be placed in course-long small groups. In week two, student groups will begin agenda setting/leading discussion; each group must lead for three class periods throughout the term (selections will be granted on a first-come, first-served basis via email), with at least one class period focused on treaties and least another focused on a monograph chapter, founding document, or secondary literature. For classes where we discuss monographs, founding documents, or secondary literature, presenting groups will be expected to begin class with a brief overview of the reading(s) and a few substantive questions for the class. For classes, where we discuss treaties, presenting groups will be expected to provide the historical context around the treaty, a brief summary of its articles/structure, and a few substantive discussion questions. I am available for any student wishing to discuss methods for engaging more effectively in class discussion.

Class Attendance: 15%

Discussion Leading: 15%

Legal Interpretative Essays (LIEs)

30 %

Both essays give students an opportunity to demonstrate their ability to concisely and critically, yet charitably, assess the course material. This will involve comparative analysis of evidence from course texts in support of one's argument and against competing claims. This must be original work from the student; plagiarism is not tolerated under any circumstance and will result in failure on the assignment and possibly failure in the course or further sanctions. If students are unclear on what constitutes plagiarism, they should consult the College handbook and Community Covenant. Each essay (10% & 20%, respectively) should be 1000 words; the first is due in week six and the second in week twelve. Both essays must be 12pt font, normal margins, double-spaced and should answer the prompt(s). I will not read drafts, but am available to discuss ideas during my student hours. Late essays will be reduced by one-third a letter grade (e.g. from a B+ to a B) for every day past the due date and I will not accept essays after three days without a legitimate cause substantiated by advanced notice and proper documentation (e.g. a letter or email from your doctor), where applicable.

Moot Court Final

40 %

The moot court final serves as a written and oral means for students to demonstrate their ability to recall class content, assess evidence, and make arguments about material encountered in the course. This final not only builds on the writing skills developed in the previous essays and oral skills developed in class discussion and agenda setting, but also introduces students to the world of international dispute and arbitration. The final involves two parts: written and oral. As mentioned above, at the beginning of the term, students will be placed in course-long small groups based, in part, on prior experience (or lack thereof) in moot court. Student groups will be required to submit their legal arguments (memorials) for both applicant and respondent parties in advance of the oral portion. For the oral portion, I will randomly assign student groups to one of three roles before the final: applicant, respondent, or court panel. The oral portion will proceed as follows, over two days: During day one, party arguments (15 minutes per group minus saved rebuttal time) and rebuttals will be offered. During day two, the court panel will offer its final judgment (15 minutes), as well as any dissenting opinions (15 minutes). If the court panel is evenly divided, the professor will cast the deciding vote. The case will be assigned roughly three weeks before the legal memorials are due to ensure time for students to conduct research and write. Written legal memorials should be 12pt font, normal margins, double-spaced and between 1500-2000 words per party (i.e. 3000-4000 words total for each student group). Grading will be based on Jessup standards. (See the White & Case supplementary document.) I will provide more information on the structure of the legal memorials and delivering court opinions when I release the case. My recommendation is to discuss course readings throughout the term with your group outside of class to build rapport and group dynamics for the final. See [here](#) for a sample moot court competition (~an hour).

Written Portion: 20%

Oral Portion: 20%

Grading Range

————— A: 100-94 A-: 93-90

B+: 89-87 B: 86-84 B-: 83-80
 C+: 79-77 C: 76-74 C-: 73-70
 D+: 69-67 D: 66-64 F: 63-0

iv. General Policies

Confidentiality and Mandatory Reporting

As an instructor, one of my responsibilities is to help create a safe learning environment on our campus. I also have a mandatory reporting responsibility related to my role as a faculty member. I am required to share information regarding sexual misconduct or information about a crime that may have occurred on Wheaton College's campus with the College. Confidential resources available to students include Confidential Advisors, the Counseling Center, Student Health Services, and the Chaplain's Office. More information on these resources and College Policies is available at www.wheaton.edu/sexualassaultresponse.

COVID-Safe Classrooms

In accordance with the Wheaton College Face Covering Policy and *COVID Safe, Thunder Strong Commitment* signed by each student and faculty member, CDC-approved face coverings and social distancing are required while attending class. Failure to comply with wearing a face covering, wearing the required wristband, or social distancing will result in dismissal from the class session and an unexcused absence. Multiple violations can lead to dismissal from the class.

Inclusive Language

As per the faculty rules, I expect students to use gender inclusive language for human beings.

Learning and Accessibility Services

Wheaton College is committed to providing reasonable accommodations for students with documented learning differences, physical or mental health conditions that qualify for accommodations under the ADA. Any student needing academic adjustments is requested to contact the Learning and Accessibility Services Office as early in the semester as possible. To contact LAS, please email las@wheaton.edu or call 630.752.5615. If you already have an accommodation letter, I am available to discuss how to implement the accommodation.

Writing Center

Writing Center: The Writing Center is a free resource that equips undergraduate and graduate students across the disciplines to develop effective writing skills and processes. This academic year, the Writing Center is offering [online appointments only](#). Learn more about online consultations for [undergraduates](#) and [graduate students](#), and [make an appointment](#).

v. Tips for Success

In my experience, students who follow these tips tend to do well. I encourage you to heed them.

- *Finish the reading at least 24 hours before it is due.* For example, finish Wednesday's class reading by Tuesday morning. This will require time management, but it allows more time for reflection.
- *Take notes as you read, in the text.* This will allow you to track your reactions to the readings and think (ahead of class) about intriguing or puzzling passages.
- *Come to office hours.* I do not bite. I am invested in you succeeding in this course.
- *Talk with your peers about the readings outside of class.* It helps you process and vocalize your views on the text(s) in preparation for class discussion.
- *Map out the "A-L-E" (Argument-Logic-Evidence) of the text before, during, and after class.* Your reproduction of the "A-L-E" of class texts helps enrich both our class discussion and your written assignments.
- [For any writing assignment] *Outline your argument—section by section, paragraph by paragraph.* If you cannot justify why a section or paragraph should be included in the writing assignment, do not include it.

vi. Reading Schedule

*Assignments listed under each day are **due for that day**. This course is intended as a survey of the history of international legal thought as it bears on African, Asian, and European politics. Readings reflect a balance of primary and secondary sources with relevant historical background, where necessary. Students are expected to gain a general view of prominent concepts and arguments, from which they may elect to develop more focused topics in the essays. All readings will be in English.*

[Pages of Reading]

I. Western International Law

Week One

M (1/18): **NO CLASS (MLK DAY)**

W (1/20): Montesquieu, *Spirit of the Laws* (1748); Books 1-3 [~29]
Complete Pre-Assessment Surveys

F (1/22): Montesquieu, *Spirit of the Laws* (1748); Books 9-10 [~24]

Week Two

M (1/25): Montesquieu, *Spirit of the Laws* (1748); Book 20, Book 21 (chs 1-5, 21-23) [~29]

W (1/27): Montesquieu, *Spirit of the Laws* (1748); Book 26 [~28]

F (1/29): Vattel, *The Law of Nations* (1758) Preliminaries; Book 1 chapters 1-3, 8, 11, 13-14 [~55]

Week Three

M (2/1): Vattel, *The Law of Nations* (1758); Book 2 chapters 1-2, 4-5, 8, 12 [~51]

W (2/3): Vattel, *The Law of Nations* (1758); Book 3 chapters 1, 3, 8 [~48]

F (2/5): Vattel, *The Law of Nations* (1758); Book 4 chapters 1-2, 4-5 [~35]

Week Four

M (2/8): Wheaton, *Elements of International Law* (1836); Part 1 Chapter 2 [~50]
IN-PERSON LEARNING BEGINS

W (2/10): Wheaton, *Elements of International Law* (1836); Part 3 Chapter 2 [~35]

F (2/12): Wheaton, *Elements of International Law* (1836); Part 4 Chapter 1 [~50]

II. Law and International Conflict

Week Five

M (2/15): Britain/China – *Treaty of Nanking* (1842), *Treaty of the Bogue* (1843) [~22]
 America/China – [Treaty of Wanghia](#) (1844)

W (2/17): America/Japan – *Treaty of Kanagawa* (1854) [~17]
 America/Japan – *Treaty of Amity and Commerce* (1858)
 America/China – [Treaty of Tianjin](#) (1858)

F (2/19): Cassel, *Grounds of Judgment* (ch 3) [~22]

LIE #1 PROMPTS DISTRIBUTED

Week Six

M (2/22): Auslin, *Negotiating with Imperialism* (ch 1) [~23]

W (2/24): Howland, *Translating the West* (ch. 5) [~30]

F (2/26): Japan/Korea – *Treaty of Kanghwa* (1876) [~25]

Japan/China – *Treaty of Shimonoseki* (1895)

Great Powers/China – *Boxer Protocol* (1901)

Japan/Russia – *Treaty of Portsmouth* (1905)

Japan/Korea – *Treaty of Annexation* (1910)

LIE #1 DUE (GROUP ‘UNEQUAL TREATY’ ANALYSIS)Week Seven

M (3/1): *Act of Berlin Conference* (1885) [~19]

W (3/3): Pinto Coelho, “Lord Salisbury’s 1890 Ultimatum...” [~9]
Portuguese Pink Map (1886)

F (3/5): Daniels, “The Congo Question and the Belgian Solution” [~27]
 Meeuwis, “Language Legislation in the Belgian Colonial Charter of 1908”

Week Eight

M (3/8): *League of Nations Covenant* (1919/1924) esp. articles 14, 22 [~10]

W (3/10): **NO CLASS**

F (3/12): “Mussolini-Laval Accords” (1935) [~19]
 Haile Selassie’s *Appeal to the League of Nations* (1936)

III. The Post-World War InternationalWeek Nine

M (3/15): *UN Charter* (1945) pp. 1-30 [not the signatures] [~35]
Universal Declaration of Human Rights (1948)

W (3/17): *Vienna Convention on the Law of Treaties* (1969) pp. 332-353 [~22]

F (3/19): America/Britain/China/Japan – *Potsdam Declaration* (1945) [~36]
 Allied Powers/Japan – *Treaty of San Francisco* (1951) [note: no need to read the signatures]
 U.S./North Korea/China – Korean Armistice Agreement (1953)

Week Ten

M (3/22): Bandung Speeches, Addresses, Statements, & Communiqué (1955) [~29]

W (3/24): Fanon, *Wretched of the Earth* “On National Culture” (1961) [~17]

F (3/26): Nyerere, “Ujamaa: The Basis of African Socialism” (1962) [~42]
 Nkrumah, “Speech on African Unity” (1963)
 Mandela, “Pretoria Speech [transcript]” (1964)

IV. Critical Histories: Grappling with Imperial Legacies in International LawWeek Eleven

M (3/29): Anghie, *Imperialism, Sovereignty, & the Making of International Law* [~36]

(ch. 2, pp. 32-40, 52-65, 100-114)

LIE #2 PROMPTS DISTRIBUTED

W (3/31): Anghie, *Imperialism, Sovereignty, & the Making of International Law* [~36]
(ch. 2, pp. 65-100)

F (4/2): **NO CLASS (GOOD FRIDAY)**

Week Twelve

M (4/5): Anghie, *Imperialism, Sovereignty, & the Making of International Law* (ch. 5) [~28]

W (4/7): Pitts, *Boundaries of the International* (ch. 3) [~25]

F (4/9): Pitts, *Boundaries of the International* (ch. 1/Introduction) [~27]

LIE #2 DUE (VCLT THEOLOGICAL ANALYSIS)

MOOT COURT CASES DISTRIBUTED

Week Thirteen

M (4/12): Getachew, *Worldmaking after Empire* (ch. 2) [~34]

W (4/14): Getachew, *Worldmaking after Empire* (ch. 3) [~36]

F (4/16): Getachew, *Worldmaking after Empire* (ch. 4) [~35]

Week Fourteen

M (4/19): Parfitt, *The Process of International Legal Reproduction* (item no. 4) [~53]

W (4/21): Parfitt, *The Process of International Legal Reproduction* (item no. 6, sections 2 & 3) [~22]

F (4/23): Parfitt, *The Process of International Legal Reproduction* (item no. 1) [~20]

MOOT COURT MEMORIALS DUE (Roles Released After Class)

Week Fifteen

M (4/26): **NO CLASS (MEMORIALS SENT TO JUSTICES—ALL GROUPS PREPARE!)**

W (4/28): **MOOT COURT FINAL (DAY 1: PARTY ARGUMENTS)**

F (4/30): **MOOT COURT FINAL (DAY 2: COURT JUDGMENTS)**

Complete Post-Assessment Surveys