

PHILOSOPHY 390 A01
201701 CRN 22423
PHILOSOPHY OF INTERNATIONAL LAW

Dr. Cindy Holder
Cle B322
Email: clholder@uvic.ca

Office Hours: Wed 11:30 am-1 pm
or by appointment

Course Description

This is an upper-level course in the philosophy of international law. The principal goal is to give you an overview of the central philosophical issues that arise in the generation, operation and application of international law. The course readings focus on: the sources and structure of international legal requirements; how international law differs from national law; and theories of human rights.

This course is reading-intensive and it requires a good deal of writing as well. It is very important that you keep up with the readings as we go along. The ideal is to do the readings *before* the class in which they are covered.

Evaluation

Quizzes (4 total: #1@ 5%, #2, #3,#4@10%)	35%
Case Study Summary	15%
Annotated Bibliography	15%
10-12 page paper	35%

Late assignments will be penalized in the amount of 5% for each 24 hours they are late to a maximum of 30%.

100-90 = A+, 85-89 = A, 80-84 = A-, 77-79 = B, 73-76 = B, 70-72 = B-, 65-69 = C+, 60-64 = C, 50-59 = D, 0-49 = F

About the Quizzes: Quiz#1 will be completed in-class. Quizzes #2, #3, and #4 will be take-home assignments. **No make-up quizzes will be permitted for Quiz #1.** If you are unable to complete Quiz #1 as scheduled because of a documented accident, illness or affliction, the weight of Quiz #1 will be distributed over the other three quizzes.

About the Case Study Summary: For this assignment you must write a brief (3-5 pages) background summary of one of the case studies covered in the "Case Studies" section of the course outline.

About the Annotated Bibliography: For this assignment you must provide an annotated bibliography on your 10-12 page paper topic. The bibliography must include at least 6 sources that are not on the course outline.

About the 10-12 page paper: The 10-12 page paper is **not open-ended**. You will be required to relate at least one (1) reading from the course outline to a case study. This case study may be the one that you use for your Case Study Summary but it does not have to be.

N Grades

Students who have completed the 10-12 page paper plus at least 30% of the other evaluation components will be considered to have completed the course. Failure to complete the 10-12 page paper plus at least 30% of the remainder of the evaluation components will result in a grade of “N” regardless of the cumulative percentage on other elements of the course. N is a failing grade and factors into GPA as a value of 0.

CourseSpaces

A CourseSpaces page has been set up for this course. You may access it by signing in with your netlink id. This page will be used to post announcements, to give you online access to handouts and assignment sheets and to collect assignments. Please note that I will not be monitoring any online chats or billboards that CourseSpaces enables. This means that **you cannot rely on me to catch and correct mistakes in postings** to these fora, nor can you rely on me to ensure a civil tone.

Do not circulate quizzes and assignments for this course or any materials posted to CourseSpaces or post these to note-sharing sites without my permission.

These materials, including quizzes and assignment sheets, are my and/or the University’s intellectual property. **Posting course materials to note-sharing sites or otherwise circulating course materials without the permission of your instructor violates the *Policy on Academic Integrity***

(<http://web.uvic.ca/calendar/FACS/UnIn/UARe/PoAcl.html>). Any evidence you are circulating materials without permission will be referred to the Chair of the Philosophy Department for investigation.

Learning Supports

I encourage all students to take advantage of the extensive range of learning supports available on campus (<https://www.uvic.ca/current-students/home/academics/strategies-support/>). Many of these, such as the Research Help Desk (<http://www.uvic.ca/library/research/refdesk/>) and the Centre for Academic Communication (<http://www.uvic.ca/learningandteaching/students/home/centre/>) may be found in the Learning Commons, located on the main floor of the McPherson Library, (<http://www.uvic.ca/library/locations/home/learning/>).

Academic Integrity

Any and all sources used in preparing work that is submitted for evaluation must be acknowledged. This includes websites and other students’ work. **Plagiarism and other forms of cheating will not be tolerated.** Such conduct is contrary to the University’s academic regulations, and shows a profound lack of respect for myself, for fellow students and for the university as an institution of higher learning. **The University’s expectations, procedures and the penalties for academic dishonesty are set out in the *Policy on Academic Integrity*, which you can find in the Undergraduate Calendar** (<http://web.uvic.ca/calendar/FACS/UnIn/UARe/PoAcl.html>). **It is your responsibility to know the University’s expectations in this regard.** The University Library has information designed to assist students in understanding and adhering to the University’s citation standards (<http://www.uvic.ca/library/research/citation/plagiarism/>).

Texts

- Samantha Besson and John Tasioulas, eds. *The Philosophy of International Law* (Oxford University Press: 2010)
- Allen Buchanan, *The Heart of Human Rights* (Oxford University Press: 2013)
- Coursepack

The books for this course are available at the university bookstore.

Schedule

The following is the anticipated schedule. Dates and reading assignments may change over the course of the term. Any changes will be announced ahead of time.

Jan 5-12

Allen Buchanan and David Golove, "Philosophy of International Law" in *The Oxford Handbook of Jurisprudence and Philosophy of Law*, J. L. Coleman, K. Einar Himma, and S. Shapiro eds (Oxford 2004) , pp. 868-934. (CP)

Jan 16, 19

Dinah Shelton, "Normative Hierarchy in International Law", *The American Journal of International Law* 100: 2 (Apr., 2006), pp. 291-323. (CP)

Samantha Besson, "Theorizing the Sources of International Law" in *The Philosophy of International Law*, pp. 163-186.

David Lefkowitz, "The Sources of International Law" in *The Philosophy of International Law*, pp. 187-206.

QUIZ #1 JAN 23 In class

Jan 23, 26

Andreas Paulus, "International Adjudication" in *The Philosophy of International Law*, pp. 207-224.

David Regan, "International Adjudication: A Response to Paulus – Courts, Custom, Treaties, Regimes and the WTO" in *The Philosophy of International Law*, pp. 225-244.

Benedict Kingsbury, "Whose International Law? Sovereignty and Non-State Groups", *American Society of International Law Proceedings* 88 (1994), 1-13. (CP)

Jan 30, Feb 2

Karen Knop, "Citizenship, Public and Private", *Law and Contemporary Problems* 71 (Summer 2008), pp. 309-341. (CP)

Virginia Held, "Morality, Care and International Law", *Ethics and Global Politics* 4:3 (2011), pp. 173-194.(CP)

QUIZ #2 Handed Out Feb 2; Due Feb 9

Feb 6, 9, 20

Case Studies:

IACHR, *Case of González et al. ("Cotton Field") v. Mexico*. Judgement of November 16, 2009 (Preliminary Objection, Merits, Reparations and Costs). (CP)

United Nations. *Report of the Special Rapporteur on the right of indigenous peoples, James Anaya, addendum: the situation of indigenous peoples in Canada*, U.N. Doc A/HRC/27/52/Add.2 4 July 2014 (CP)

Jan Arno Hessbruegge, "ECOWAS Court Judgement in *Habre v Senegal* Complicates Prosecution in the Name of Africa", *Insights* 15:4 (3 Feb 2010)
<https://www.asil.org/sites/default/files/insight110203pdf.pdf> Accessed November 15, 2016. (CP)

ECOWAS, *Ruling: Hissein Habre v. Republic of Senegal*, Human Rights Watch
<http://www.asser.nl/upload/documents/20120419T034816-Habre%20Ecowa%202010.pdf> Accessed November 15, 2016. (CP)

Feb 13-17 Reading Break

Feb 20

Case Studies continued

Case Study Summary Due Feb 23

Feb 23, 27

James Crawford and Jeremy Waldron, "International Responsibility" in *The Philosophy of International Law*, pp. 283-298.

Ruth Jamieson and Kieran McEvoy, "State Crime by Proxy and Judicial Othering", *International Organization* 54:2 (Spring 2000), pp 217-252. (CP)

Mar 2, 6

Joseph Raz, "Human Rights Without Foundations" in *The Philosophy of International Law*, pp. 321-338.

James Griffin, "Human Rights and Autonomy in International Law" in *The Philosophy of International Law*, pp. 339-356.

Roger Cotterrell, "Transnational Communities and the Concept of Law", *Ratio Juris* 21:1 (March 2008), pp 1-18. (CP)

QUIZ #3 Handed Out Mar 6, Due Mar 13

Mar 9-27

Allen Buchanan, *The Heart of Human Rights* (OUP: 2013), chapters 1-6.

QUIZ#4 Handed Out Mar 23, Due Mar 30

Mar 30, Apr 3

Film: Elizabeth Farnsworth and Patricio Lanfranco, *The Judge & the General* (West Wind Productions: 2008)