

## International Law (Spring 2023)

*\*\*This is a draft syllabus and is subject to change\*\**

Instructor: Dr. Haskins  
Email: [alex.haskins@wheaton.edu](mailto:alex.haskins@wheaton.edu)

Course Meetings: MWF 2:15pm-3:25pm (MSC 204)  
Student Hours: MF 4-5pm, T 12-3pm, H 3-4pm

### ***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 (18<sup>th</sup>-20<sup>th</sup> 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.
- Anghie. *Imperialism, Sovereignty, and the Making of International Law* (Cambridge: Cambridge UP), 2005.

### **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. I am available for any student (or group of students) wishing to discuss methods for engaging more effectively in class discussion. Students can sign up for student hours with me by clicking on the “Student Hours” link above. Be advised: you must sign up 24 hours in advance for student hours. Discussion posts will require students to (1) select a quote that best exemplifies a key theme of the day’s reading (50-75 words) for the upcoming class period and (2) interpret the quote and assess its merit for international law and Christian faith now (less than 150 words). Discussion posts will be due the 8am CST before the relevant class session via Schoology and will form part of the basis for in-class discussion. I am available for any student wishing to discuss methods for engaging more effectively in class discussion.

*Class Attendance: 15%*

*Discussion Posts: 15%*

### **Case Briefs**

**30 %**

Case briefs give students an opportunity to demonstrate their ability to concisely write on legal material. For these assignments, students will work in pre-assigned groups to “brief” 5 international legal cases that cover different areas of international law beyond treaties (e.g. human rights/humanitarian, economic/trade, maritime, environmental, criminal, foreign relations/diplomatic). I will provide resources on briefing cases and legal writing. Beyond those resources, students may only use reputable sources (i.e. legal casebooks, other law school resources) to brief the cases. If students are in doubt about a source, they should consult me. Since briefs are, at their core, designed to [1] share expert knowledge to a novice/client, [2] summarize extensive legal research on the case and applicable laws, and [3] shorten the main takeaways in a concise manner, student groups will be graded on each of these core components. Moreover, the briefs must feature the case name/jurisdiction/court/year, the legal rules applied by the court, and the court’s holding/settlement and facts (one sentence). Late briefs 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 briefs 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 briefs and oral skills developed in class discussion, but also introduces students to the world of international dispute and arbitration. The final involves two parts: written and oral. 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 several 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**

The Wheaton College Community Covenant, which all members of our academic community affirm, states that, “According to the Scriptures, followers of Jesus Christ will...be people of integrity whose word can be fully trusted (Psalm 15:4; Matt. 5:33-37).” It is expected that Wheaton College students, faculty and staff understand and subscribe to the ideal of academic integrity and take full personal responsibility and accountability for their work. Wheaton College considers violations of academic integrity a serious offense against the basic meaning of an academic community and against the standards of excellence, integrity, and behavior expected of members of our academic community. Violations of academic integrity break the trust that exists among members of the learning community at Wheaton and degrade the College’s educational and research mission.

#### **Confidentiality and Mandatory Reporting**

Wheaton College instructors help create a safe learning environment on our campus. Each instructor in the college has a mandatory reporting responsibility related to their role as a faculty member. Faculty members are required to share information with the College when they learn of conduct that violates our Nondiscrimination Policy or information about a crime that may have occurred on Wheaton College’s campus. 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 <http://www.wheaton.edu/equityandtitleIX>.

#### **Inclusive Language**

Please be aware of Wheaton College’s policy on inclusive language, “For academic discourse, spoken and written, the faculty expects students to use gender inclusive language for human beings.”

#### **Learning and Accessibility Services**

Wheaton College is committed to providing access and inclusion for all persons with disabilities, inside and outside the classroom. Students are encouraged to discuss with their professors if they foresee any disability-related barriers in a course. Students who need accommodations in order to fully access this course’s content or any part of the learning experience should connect with Learning and Accessibility Services (LAS) as soon as possible to request accommodations <http://wheaton.edu/las> (Student Services Building - Suite 209, [las@wheaton.edu](mailto:las@wheaton.edu), phone 630.752.5615). The accommodations process is dynamic, interactive, and completely free and confidential. Do not hesitate to reach out or ask any questions.

#### **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 in-person consultations in our Center in Buswell Library, as well as synchronous video consultations online. Make a one-on-one appointment with a writing consultant [here](#).

### **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. All readings will be in English.*

	<b>[Pages of Reading]</b>
<b>I. Western International Law</b>	
<u>Week One</u>	
M (1/9): Vattel, <i>The Law of Nations</i> (1758) Preliminaries; Book 1 chapters 1-3	[~30]
<b>*Complete Pre-Assessment Surveys*</b>	
W (1/11): Vattel, <i>The Law of Nations</i> (1758) Preliminaries; Book 1 chapters 8, 11, 13-14	[~25]
F (1/13): Vattel, <i>The Law of Nations</i> (1758); Book 2 chapters 1-2	[~22]
<u>Week Two</u>	
M (1/16): <b>NO CLASS (MLK DAY)</b>	
W (1/18): Vattel, <i>The Law of Nations</i> (1758); Book 2 chapters 4-5, 8, 12	[~29]
F (1/20): Vattel, <i>The Law of Nations</i> (1758); Book 3 chapters 1, 3	[~20]
<u>Week Three</u>	
M (1/23): Vattel, <i>The Law of Nations</i> (1758); Book 3 chapter 8	[~28]
W (1/25): Vattel, <i>The Law of Nations</i> (1758); Book 4 chapters 1-2, 4-5	[~35]
F (1/27): Wheaton, <i>Elements of International Law</i> (1836); Part 1 Chapter 2 sections 16-37	[~25]
<u>Week Four</u>	
M (1/30): Wheaton, <i>Elements of International Law</i> (1836); Part 1 Chapter 2 sections 38-59	[~25]
W (2/1): Wheaton, <i>Elements of International Law</i> (1836); Part 3 Chapter 2	[~35]
F (2/3): Wheaton, <i>Elements of International Law</i> (1836); Part 4 Chapter 1, sections 290-308	[~20]
<u>Week Five</u>	
M (2/6): Wheaton, <i>Elements of International Law</i> (1836); Part 4 Chapter 1, sections 309-341	[~30]

## **II. Law and International Conflict**

W (2/8): Britain/China – *Treaty of Nanjing* (1842), *Treaty of the Bogue* (1843) [~22]  
 America/China – [\*Treaty of Wanghia\*](#) (1844)

F (2/10): America/Japan – *Treaty of Kanagawa* (1854) [~23]  
 America/Japan – *Treaty of Amity and Commerce* (1858)  
 America/China – [\*Treaty of Tianjin\*](#) (1858)

### GROUP BRIEF 1 DISTRIBUTED

#### Week Six

M (2/13): Cassel, *Grounds of Judgment* (ch 3) [~22]

W (2/15): Auslin, *Negotiating with Imperialism* (ch. 1) [~23]

F (2/17): Howland, *Translating the West* (ch. 5) [~30]

### GROUP BRIEF 1 DUE

#### Week Seven

M (2/20): **NO CLASS (PRESIDENT’S DAY)**

W (2/22): 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)

F (2/24): *Act of Berlin Conference* (1885) [~28]  
*Portuguese Pink Map* (1886)  
 Pinto Coelho, “Lord Salisbury’s 1890 Ultimatum...”

#### Week Eight

M (2/27): Daniels, “The Congo Question and the Belgian Solution” [~27]  
 Meeuwis, “Language Legislation in the Belgian Colonial Charter of 1908”

W (3/1): [\*League of Nations Covenant\*](#) (1919/1924) esp. articles 14, 22 [~29]  
 “Mussolini-Laval Accords” (1935)  
 Haile Selassie’s [\*Appeal to the League of Nations\*](#) (1936)

### MID COURSE REVIEW (Aten or Yoder)

#### III. The Post-World War International

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

#### Week Nine

M (3/6): **NO CLASS (SPRING BREAK)**

W (3/8): **NO CLASS (SPRING BREAK)**

F (3/10): **NO CLASS (SPRING BREAK)**

#### Week Ten

M (3/13): *Vienna Convention on the Law of Treaties* (1969) pp. 332-353 [~22]

### GROUP BRIEF 2 DISTRIBUTED

W (3/15): 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)

F (3/17): Bandung Speeches, Addresses, Statements, & Communiqué (1955) [~29]

### **MOOT COURT CASES DISTRIBUTED**

#### Week Eleven

M (3/20): Lumumba, “Our Wounds Are Too Fresh and Too Painful” (1960) [~31]  
 -----, “Solemn Appeal” (1960)  
 Fanon, *Wretched of the Earth* “On National Culture” (1961)  
 Nyerere, “Ujamaa” (1962)

W (3/22): Nkrumah, “Speech on African Unity” (1963) [~33]  
 Mandela, “Pretoria Speech [transcript]” (1964)

### **IV. Critical Histories: Grappling with Imperial Legacies in International Law**

F (3/24): Anghie, *Imperialism, Sovereignty, & the Making of International Law* [~36]  
 (ch. 2, pp. 32-40, 52-65, 100-114)

#### Week Twelve

M (3/27): Anghie, *Imperialism, Sovereignty, & the Making of International Law* [~36]  
 (ch. 2, pp. 65-100)

### **GROUP BRIEF 2 DUE**

W (3/29): Anghie, *Imperialism, Sovereignty, & the Making of International Law* (ch. 4, pp. 196-223) [~27]

F (3/31): Anghie, *Imperialism, Sovereignty, & the Making of International Law* (ch. 4, pp. 223-244) [~22]

#### Week Thirteen

M (4/3): Anghie, *Imperialism, Sovereignty, & the Making of International Law* (ch. 5) [~28]

W (4/5): Getachew, *Worldmaking after Empire* (ch. 2) [~34]

F (4/7): **NO CLASS (GOOD FRIDAY)**

#### Week Fourteen

M (4/10): Getachew, *Worldmaking after Empire* (ch. 3) [~36]

W (4/12): Parfitt, *The Process of International Legal Reproduction* (item no. 4, sections 1-2) [~24]

F (4/14): Parfitt, *The Process of International Legal Reproduction* (item no. 4, sections 3-5) [~29]

#### Week Fifteen

M (4/17): Parfitt, *The Process of International Legal Reproduction* (item no. 6, sections 2-3) [~22]

W (4/19): Parfitt, *The Process of International Legal Reproduction* (item no. 1) [~20]

F (4/21): Gathii, “The Promise of International Law: A Third World View” pp. 378-416 <sup>TR</sup> [~39]

### **MOOT COURT MEMORIALS DUE (Roles Released After Class)**

Week Sixteen

M (4/24): **NO CLASS (MEMORIALS SENT TO JUSTICES—ALL GROUPS PREPARE!)**

W (4/26): **MOOT COURT FINAL (DAY 1: PARTY ARGUMENTS)**

F (4/28): **MOOT COURT FINAL (DAY 2: COURT JUDGMENTS)**

**\*Complete Post-Assessment Surveys\***

**Further Reading**

- Damrosch and Murphy, [\*International Law, Cases and Materials\*](#)
- Bradley, Deeks, & Goldsmith, [\*Foreign Relations Law: Cases & Materials\*](#)
- Pauwelyn, Guzman & Hillman, [\*International Trade Law\*](#)
- Janis, [\*International Law\*](#)
- Bombau, [\*Careers in International Law\*](#)