International institutions and international law have been much in the news recently. NATO and the United Nations continue to exercise effective authority in Bosnia and Kosovo, after military actions authorized in one case by the Security Council, and in the other by NATO. After 9/11, NATO immediately invoked the collective self-defense provisions of Article 5, by which NATO members are obliged to come to the aid of the United States. The United States went directly to the United Nations Security Council, securing resolutions in effect authorizing military action against the Taliban regime in Afghanistan and requiring states to “deny safe haven” both to terrorists and to those who “provide safe haven” to terrorists. Yet subsequently, the United States has operated largely unilaterally, and in selective partnerships. The United States went to war against Iraq in March 2003 with a “coalition of the willing,” but without a clear endorsement by the Security Council. In the spring of 2006 the United States Supreme Court ruled that the procedures for the military commissions set up by the Bush Administration to try detainees violated the Geneva Conventions. In the fall the President signed into law the Military Commissions Act of 2006, giving the President “the authority for the United States to interpret the meaning and application of the Geneva Conventions.”

These burning contemporary issues reflect a continual tension between law and politics. Legal doctrine and practice aspires to universals and equity: general rules apply equally to actors in similar situations. Article 2(4) of the UN Charter says that “All members shall refrain” from the use of force except in authorized ways. But international politics is particularistic, shaped by differences in interests and massive disparities of power. The United States has opposed the new charter for an International Criminal Court on the grounds that the United States, by virtue of its military power, has special responsibilities. The United States has been able to avoid control of its anti-terrorism operation because of its overwhelming military capabilities. Does America’s exceptional combination of extraordinary power and great responsibility mean that the United States should be exempt from rules that others must follow? And if so, from which rules should the United States be given exemption, and why?
The general point is that there is a continual tension between international law and international politics – a tension that will run like a red thread through this course. It arises not only on issues of intervention but also on other issues of substantive importance, including environmental protection, trade, human rights, and crimes of state. This law-politics tension is reflected in recent changes in the conception of “sovereignty” and the degree of deference given to it in international relations.

The structure of the course is provided by lectures and readings, but only through active intellectual engagement with the material will you make significant progress in understanding this highly complex and rapidly changing subject. Three kinds of active involvement are particularly important: 1) participation in discussion sections; 2) engagement with your preceptor, in person or through email; and 3) writing a paper of approximately 5000 words (15-20 pages).

Each student in this course is expected to write a substantial (5000 words) final paper on a topic of his or her own choice. There will be a final examination and a mid-term exam. Participation in the discussion sections is very important. The weights of grades for the various components of students work will be as follows: mid-term exam (March 15), 10%; class participation, 20%, final paper, 40%; final examination, 30%. In view of the emphasis placed on the paper, it is particularly important that you begin planning your paper as soon as possible after the mid-term exam. Accordingly, you must discuss your paper topic with your teaching assistant by March 30, and must submit a statement of your topic by April 13. Students who plan well ahead of time may submit draft papers by May 4 and have them evaluated by your preceptor. Final papers are due May 15.

The Princeton University bookstore should have copies of the following works, which may also be purchased elsewhere. Before you buy them, however, you might note that in some cases only selections are used; it might be wise to consider sharing copies of these books with other students to save money.


We have established a site on the Blackboard system. Most materials, other than the required books, should be accessible through this site. Articles may be downloaded for personal use. Policies with respect to grading of late papers will be posted on the Blackboard system. Outlines of lectures will also be posted on Blackboard, along with other announcements of various kinds. You should consult Blackboard regularly for such announcements.

A small number of additional readings may be added during the course of the semester. Except as noted or as subsequently arranged, all lectures will be given by Professor Keohane.

**Schedule of Topics, Readings, Exams, and Assignments:**

**Week 1. Sovereignty and Legalization (February 5-9)**

*Readings:*


Lecture 1: 9/11, the Iraq War, and International Law: Questions and Deeper Issues (February 6).
Lecture 2: Legalization and Institutionalization: Functions and Perils (February 8).

**Week 2. The United Nations and Security: then and now**

*Readings:*


Lecture 3: Legalization and Organization vs. Anarchy: 1945 and 2006 (February 13)
Lecture 4: Whose Law? Whose Organization? (February 15)
Week 3. Creating Law and Institutions: International Environmental Policy


Report on the Economics of Climate Change, Commissioned by the Government of the United Kingdom and authored by Nicholas Stern ("Stern Review"), Executive Summary and chs. 21 and 22 (available on Blackboard).


Lecture 5: The Ozone Regime and Successful International Lawmaking (February 20)
Lecture 6: Climate Change, Kyoto: Failure with the United States, Success without it? (February 22)


Readings:

Lecture 7: Power and Principle: the Trade Regime in International Law (February 27)
Lecture 8: International Lawmaking: a Synthesis (March 1)

Weeks 5 and 6. Compliance and Implementation.

Readings:


Oona Hathaway, “What makes international law succeed or fail?” Chapter 3 of *Strong States, Strong World: Why International Law Succeeds and Fails and What we should do about It*. Manuscript, available on Blackboard.


Lectures 9-10 (two parts): Why Comply with an Inconvenient Commitment? (March 6 and 8).
Lecture 11. Reputation and International Law (March 13).

**Mid-Term Examination:** March 15.

**Spring Break.**

**Week 7. Military Intervention and Civil War with and without the UN**

**Readings:**
Kennedy, *The Parliament of Man*, chapter 3 (pp. 77-112).

Lecture 11: The UN and NATO in Bosnia and Kosovo (March 27)
Lecture 12: The Preventive Use of Force with and Without the UN (March 29)

**March 30: By this date, preliminary paper topics must have been discussed with your section leader.**
Week 8. Peacemaking and Civil War

Readings:
Doyle and Sambanis, *Making War and Building Peace*, chapters 3 (69-143), 5-6 (197-302), and 8 (334-352).

Lecture 13: After Intervention: Gradations of Sovereignty, or Chaos (April 3)
Lecture 14: The Contingent Legitimacy of the UN Security System (April 5)

Week 9. Accountability for War Crimes.

*Rome Statute of the International Criminal Court*. Available at: http://www.icc-cpi.int. Go to "About the Court" and download the Statute.

Professor Andrew Moravcsik.
Lecture 16: From Nuremberg to the International Criminal Court (April 12).
Professor Gary Bass.

April 13. Due date for submission of paper topics.

Week 10. The United States and the Geneva Conventions

Readings:

Week 11. A New World Order?

Readings:

Lecture 19: Pyramids and Cobwebs in International Law (April 24).
Lecture 20: Democracy and sovereignty: a critique (April 26).

Week 12. A Just World Order?


Lecture 21: Justice and Legitimacy: Different Standards? (May 1)
Lecture 22: Cynics, Visionaries and International Law (May 3)

May 4: Last date for draft papers to be submitted for evaluation.

May 15 (Dean’s Date): Papers due.