

## PHIL 456H: International Law & Justice

Fall 2021

Prof. Tony Reeves

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**Office Hours:** Wednesday Noon – 1:00 PM (Zoom: 94912965861)

Thursday 1:00 – 2:15 PM (in person, LT 1217)

I will be in my office and available during office hours, but you can make appointments to see me at other times. My preference is that we make appointments by email, and have substantive discussions face-to-face.

### Course Description

International relations raises special and pressing philosophical problems. Some are classic and familiar: Is it sensible to talk about morality and justice when it comes to relations between states? What ends may a sovereign state legitimately pursue and what means can be legitimately employed? Relatedly, when is a war just? Are there moral limits in the conduct of war and, if so, what are they? The rise of new international institutions, problems and concerns, however, have brought into relief a relatively new set of questions. These include: In what sense is international law *law* and in what sense does it have authority? What international institutions ought we have? What, if anything, do better off peoples owe the less well-off, i.e. what does international distributive justice look like? What are human rights, which human rights do we have, and how should their demands be realized? Who should respond to the needs of refugees, and what should that response be? This course will examine recent philosophical reflection on these and related questions. We will not simply be interested in how international political history has played out, though that may be relevant in some respects, but rather in what standards are appropriate for assessing persons and institutions whose actions have international import.

### Learning Objectives

The student will:

- Be familiar with some of the recent philosophical work on the topics of international law and justice
- Develop and be capable of articulating cogent and defensible views on legitimate international governance
- Demonstrate an ability to write effectively, coherently, and analytically, and with a high degree of argumentative sophistication (C)
- Demonstrate an ability to revise and improve writing in both form and content (C)
- Develop an ability to read and critically consider difficult texts
- Improve ability to reason through and intelligently talk about complex issues
- Demonstrate an understanding of the human experience through the study of philosophy (H)

## Readings

Students are expected to show up to class prepared to discuss, and answer questions concerning, the assigned reading. This is a seminar, so there will be a focus on student to student and instructor to student dialogue. The class discussion will center on students addressing the issues raised by the texts. Successful participation in class, then, requires familiarity with the readings for the course.

The required texts are:

Charles Beitz, *Political Theory and International Relations* (Princeton, 1979/1999)  
Michael Walzer, *Just and Unjust Wars* (Basic Books, 1977 or later edition)  
Jeff McMahan, *Killing in War* (Oxford, 2009) [Available electronically through the library.]  
Leif Wenar, *Blood Oil* (Oxford, 2016) [Available electronically through the library.]

In addition to these texts, much of the required reading will be available on Brightspace (marked “[ER]” on the schedule of readings).

## Requirements and Expectations

**Statement from the Binghamton Faculty Senate Executive Committee** on expectations for a four credit course: This course is a 4-credit course, which means that in addition to the scheduled meeting times, students are expected to do at least 9.5 hours of course-related work outside of class each week during the semester. This includes time spent completing assigned readings, participating in lab sessions, studying for tests and examinations, preparing written assignments, and other course-related tasks.

The expectations for this seminar are in conformity with this statement.

Grade Breakdown:

Participation	20%
Class Presentation	20%
Précis Summaries	25%
Paper	35%

Précis: For each week after the first, each student must write a short précis, which concisely summarizes an argument from the assigned reading, and offers some form of independent reflective consideration of that argument. The précis should be no longer than three pages, and should typically be between one and two. Students have the discretion to choose an argument from any of the assigned reading for the class meeting, but the summary should be considerate of the readings as a whole (i.e., it should be cognizant of the argument’s place/role in the readings). *Each student may only write one precis on a Wenar chapter.* The reflective consideration can take the form of a criticism, analysis that moves beyond what is explicitly in the text, a comparison of views, noticing surprising/unexpected corollaries, indicating the importance of the argument for the overall position, and the like – i.e., strategies which move us to intelligently

think through the argument. The précis should be submitted to me, paper copy (double-sided preferred), at the start of each class.

Presentation: Each student will be required to give an in class presentation of about 10 – 15 minutes, and to lead the discussion based on that presentation. The presentation can be seen as an extension of the précis assignment: the presenter will give a concise articulation of an argument in the readings, and offer critical consideration of the argument. These components should be adapted for the purposes of an effective public presentation, and the presenter should develop a prompt to initiate discussion (for example, a question for the class to discuss).

Presentations can, but need not, be cooperative: up to two students can give a single presentation. In cooperative presentations, the presenters share a grade. Normally, there will be two presentations per class meeting. Presenters for any given class meeting should be in contact with one another and coordinate, so as not to have too much overlap in topic between presentations. I will be in contact with presenters at least a day prior to their presentation, so that I can structure class to accommodate the presentations. Presenters do not have to submit a précis on the meeting of their presentation.

Paper: Students will be required to write a 10 to 15 page paper. Students have the option of either developing their own topic or selecting one of the topics distributed by me. The writing of the paper will occur in stages, and students should expect to invest considerable effort over the course of several weeks into writing the paper.

*Stage One (Topic Selection)*: One week after possible topics have been distributed, hand in a piece of paper indicating which of the topics you are going to write on. If you are writing on your own topic, you should discuss it with me.

*Stage Two (Polished Draft)*: Roughly three weeks after the assignment is distributed, you will hand in a polished ten to fifteen page draft of your paper. The better the draft, the more likely it is I will be able to provide you with comments that will assist you in producing a good final version. I will return this draft with comments. Failure to turn in a draft, or an inadequate one, will result in penalty on the final paper grade.

*Stage Three (Revision)*: After the draft is returned with comments, you will have about two weeks to revise your paper.

In general, papers will be assessed on the basis of: (1) accuracy and completeness in portraying the material in question, and (2) the development of a well-reasoned, original assessment of that material.

Students are required to maintain a digital backup of all submitted work until the end of the semester. All drafts should be submitted to Turnitin.

Participation: Students will be assessed on their contributions in class. The grade will be based on the frequency with which students provide valuable verbal contributions to the class. Such contributions include informed responses to instructor questions, participation in classroom

discussions, raising relevant and cogent questions, raising such questions in response to student presentations, responding to questions posed by presenters, and actively participating in group work. Attentively attending class is insufficient for a good participation grade.

### **Course Policies**

Attendance: Attendance in class is mandatory. Students should arrive promptly at the beginning of class with the assigned reading for the day in hand. Students are permitted (3) unexcused absences without penalty. Each additional unexcused absence will result in the student's final grade being reduced by one-third a letter grade (e.g. a B becomes a B-).

Late Papers: Papers turned in late will be penalized one-third a letter grade per day of lateness.

Electronics: Without special permission, the use of electronic devices, including computers, is not permitted during class time.

Academic Honesty: Plagiarism and other forms of academic misconduct will be dealt with harshly in accordance with Harpur College policies. The **Student Academic Honesty Code** can be found on the University Bulletin.

### **COVID safety requirements**

Binghamton University follows the recommendations of public health experts to protect the health of students, faculty, staff, and the community at large. Safeguarding each of us depends on each of us strictly following requirements as they are instituted and for as long as they remain in force. Health and safety standards will be enforced in this course. Non-compliance with safety requirements constitutes a public health risk and a disruption of the learning experience. The consequences in this course for non-compliance are supported by the University.

- **Face coverings (masks) and distancing**

Current rules require everyone to wear a face covering that completely covers both the nose and mouth while indoors. A face shield is not an acceptable substitute. Removing your face covering in the classroom is not permitted, and thus none of us may eat or drink in the classroom. If you need to remove your face covering, please leave class (and leave the building) to do so.

University policy requires that anyone who does not comply with the face covering requirement be asked to leave the room immediately. Deliberate refusal to comply will result in the class meeting being cancelled, and to my informing the dean's office, which would work with the Student Records office to issue a failing grade for the course regardless of when in the semester the incident occurs. The dean's office would also inform the Office of Student Conduct. If a student's refusal to comply is a second offense, the Office of Student Conduct may recommend dismissal from the University.

Students whose vaccination status is unknown or who are not fully vaccinated are required to “maintain six feet of social distancing... at all times the student is indoors on campus” whenever such distancing is possible. That means that if you are not fully vaccinated (or have not submitted proof of vaccination), and if there is space in the classroom to do so, you must stay six feet away from other people. I am vaccinated.

- **Missing class due to symptoms / quarantine etc.**

Students who experience any symptoms that could be symptoms of COVID-19 should *not* come to class. According to the CDC, these symptoms include:

- Fever or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose
- Nausea or vomiting
- Diarrhea

Students who have any of these symptoms should contact the Decker Student Health Services Center (DSHSC) during the first day they are ill, even if symptoms are mild. This applies regardless of vaccination status. Symptomatic students can be tested on campus, free of charge, at the DSHSC. They should isolate until tested. Students who have been told by the Health Department that they have been exposed to COVID-19 (even if they do not have symptoms) should also be tested at DSHSC. You may not return to class unless and until you have a negative test result.

**Schedule of Readings**

The following plan is subject to revision - I will inform the class of any changes as we go. Listed on the left are the dates of the class meetings, on the right are the readings that will be discussed on those dates. Readings with [ER] next to them are available on Brightspace.

<b>Date</b>	<b>Reading</b>
<b>Aug 24</b>	<b>Realism and Morality in International Relations</b> Introductory class; Thucydides, Melian Dialogue [ER]
<b>Aug 26</b>	Hans Morgenthau, <i>Politics Among Nations</i> , 4-15 [ER] Michael Walzer, <i>Just and Unjust Wars</i> , 3-20 Leif Wenar, <i>Blood Oil</i> , Introduction (ix-xli)

<b>Aug 31</b>	Charles Beitz, <i>Political Theory and International Relations</i> , 13-66 Wenar, <i>Blood Oil</i> , 3-27
<b>Sept 2</b>	<b>State Autonomy</b> Walzer, <i>Just and Unjust Wars</i> , 86-108 Anders Henriksen, “Foundations and Structure of International Law” (2017) [ER] Wenar, 28-47
<b>Sept 7</b>	No class, Rosh Hashanah
<b>Sept 9</b>	Beitz, <i>Political Theory and International Relations</i> , 69-123 Wenar, 48-79
<b>Sept 14</b>	Avishai Margalit and Joseph Raz, “National Self-Determination”, <i>The Journal of Philosophy</i> (1990) [ER] Wenar, 80-101
<b>Sept 16</b>	No class, Yom Kippur
<b>Sept 21</b>	<b>Migration, Refugees, and Borders</b> Joseph Carens, “Aliens and Citizens: The Case for Open Borders” <i>Review of Politics</i> (1987) [ER] Wenar, 102-166
<b>Sept 23</b>	Michael Blake, “Immigration, Jurisdiction, and Exclusion”, <i>Philosophy &amp; Public Affairs</i> (2013) [ER] Wenar, 167-189
<b>Sept 28</b>	Anna Stilz, “Is There a Right to Exclude?” in <i>Territorial Sovereignty</i> (2019) [ER] Wenar, 190-207
<b>Oct 5</b>	Serena Parekh, “Beyond the Ethics of Admission: Stateless People, Refugee Camps, and Moral Obligations” <i>Philosophy and Social Criticism</i> (2014) [ER] Wenar, 208-245
<b>Oct 7</b>	<b>The Authority of International Law</b> Jack Goldsmith and Eric Posner, “International Law and Moral Obligation” in <i>The Limits of International Law</i> (2005) [ER] Carmen Pavel and David Lefkowitz, “Skeptical Challenges to International Law” <i>Philosophy Compass</i> (2018) [ER] Wenar, 246-260
<b>Oct 12</b>	Allen Buchanan and Robert O. Keohane, “The Legitimacy of Global Governance Institutions” <i>Ethics and International Affairs</i> (2006) [ER] Wenar, 263-280
<b>Oct 14</b>	No class, Fall Break
<b>Oct 19</b>	<b>Human Rights</b> Henry Shue, <i>Basic Rights</i> , 3-55 [ER] Wenar, 281-334
<b>Oct 21</b>	Nicole Hassoun, “World Poverty and Individual Freedom”, <i>American Philosophical</i>

	<p><i>Quarterly</i> (2008) [ER]  Wenar, 337-371  Leif Wenar talk, 3:00 PM; U UW-324</p>
<b>Oct 26</b>	Martha Nussbaum, “In Defense of Universal Values” in <i>Women and Human Development</i> (2000) [ER]
<b>Oct 28</b>	Serene Khader, “Toward a Decolonial Feminist Universalism” in <i>Decolonizing Universalism</i> (2019) <b><i>Paper Topics Distributed</i></b>
<b>Nov 2</b>	James Griffin, “First Steps in an Account of Human Rights” in <i>On Human Rights</i> (2008) [ER] Onora O’Neill, “The Dark Side of Human Rights” <i>International Affairs</i> (2005) [ER]
<b>Nov 4</b>	Joseph Raz, “Human Rights without Foundations” [ER] <b><i>Select Paper Topic</i></b>
<b>Nov 9</b>	<b>Global Justice</b> Beitz, <i>Political Theory and International Relations</i> , 127-153 Thomas Pogge, selections from <i>World Poverty and Human Rights</i> (2002)
<b>Nov 11</b>	Thomas Nagel, “The Problem of Global Justice” <i>Philosophy &amp; Public Affairs</i> (2005) [ER]
<b>Nov 16</b>	Simon Caney, “Cosmopolitan Justice, Responsibility, and Global Climate Change”, <i>Leiden Journal of International Law</i> (2005)
<b>Nov 18</b>	<b>War</b> David Luban, “Just War and Human Rights” <i>Philosophy &amp; Public Affairs</i> (1980) [ER] <b><i>Draft Due</i></b>
<b>Nov 23</b>	Walzer, <i>Just and Unjust Wars</i> , 21-85
<b>Nov 25</b>	No class, Thanksgiving
<b>Nov 30</b>	Jeff McMahan, <i>Killing in War</i> , 1-60
<b>Dec 2</b>	McMahan, <i>Killing in War</i> , 60-103 <b><i>Draft Returned with Comments</i></b>
<b>Dec 7</b>	McMahan, <i>Killing in War</i> , 203-235
<b>Dec 9</b>	Henry Shue, “Laws of War” [ER]

**TERM PAPER DUE BY 5 PM, DECEMBER 17. You are certainly welcome to submit it earlier.**