

Spring 2012 POLS G8615
Thursdays, 11:00 – 12:50

THEMES IN INTERNATIONAL POLITICAL THEORY

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This graduate seminar in political theory will review a series of themes that are foundational to contemporary normative debates about international and transnational politics. Taking seriously the proposition that public power is no longer exercised exclusively at the domestic level, the seminar surveys a number of critical perspectives on the legitimacy of contemporary institutions of governance beyond the state. The course is organized into seven major themes, including sovereignty, imperialism, commerce, cosmopolitanism, justice, human rights, and democracy.

Some of the most significant theoretical and moral questions addressed by this course have crystallized in the context of law and legal disputes. In order to sharpen the reciprocal articulation between political theory and law, many of the seminar themes will be addressed with reference to key decisions from a variety of adjudicative institutions, including US courts, the UK House of Lords, the WTO Appellate Body, and the International Criminal Tribunal for Former Yugoslavia. Core course materials include classical works of political philosophy, contemporary scholarship, and legal documents.

The course has no prerequisites and is open to graduate students from all subfields of political science, as well as other disciplines in the social sciences and humanities.

Course requirements

Students are expected to give two 10-minute class presentations during the course of the semester, accompanied by 2-3 page discussion papers that will be circulated to the group prior to that week's seminar. The presentations and discussion papers, together with the student's seminar participation over the course of the term, will count for 20% of the final grade.

Over the course of the semester, students are also expected to write a 15-20 page term paper focusing on a topic of their choice. One-page paper proposals (with a clearly identified question) are due on Thursday, March 8th. Term papers are due on Monday, May 7th. The term paper will count for 80% of the final grade.

Books for purchase

Immanuel Kant, *Political Writings*, ed. Reiss (Cambridge University Press, 1991)
Michael Ignatieff, *Human Rights as Politics and Idolatry* (Princeton, 2001)
Samuel Moyn, *The Last Utopia* (Belknap: 2010)
Thomas Pogge, *World Poverty and Human Rights, 2nd Edition* (Polity, 2008)
John Rawls, *The Law of Peoples* (Harvard, 1999)

I. SOVEREIGNTY

The perspective of the sovereign state is the starting point for thinking about politics beyond the state. We cannot assess the extent to which sovereignty is being transformed (if at all) without establishing a working understanding of that concept. In this module, we will consider two modes of construing sovereign power.

Jan 26th Authoritarian sovereignty

- Jean Bodin, *Six Books of the Commonwealth*, Book I, chapters 1-10**
- Thomas Hobbes, *Leviathan*, ch.s 13-21
- John Austin, Lecture VI: “Final definition of positive laws, with the implicated terms *Sovereignty* and *Independent Political Society*,” *Lectures on Jurisprudence*, Vol.I, (1875)**
- Carl Schmitt, *Political Theology*, trans. Schwab (Chicago, 2005) ch.1: “Definition of Sovereignty”***

Recommended:

- Kenneth Waltz, *Theory of International Politics*, esp. Ch.6

Feb 2nd Popular sovereignty

- Jean-Jacques Rousseau, *On the Social Contract*, Book I, Book II (chapters i-x), Book III (chapters i, xv-xviii)
- John Rawls, *The Law of Peoples*, Part I (pp.11-58)
- Woodrow Wilson, *The State: Elements of Historical and Practical Politics** (1898), pp.587-601, 604-605

II. EMPIRE & IMPERIALISM

This module focuses on the conceptual and genealogical links between imperialism on the one hand, and the development of the sovereign state and of international law on the other. We are particularly interested in the paradoxical relationship between the universalistic claims of the rule of law and the brute particularism of imperial rule.

Feb 9th Imperial law: sovereignty and *terra nullius*

- Francisco de Vitoria: “On the American Indians”**
- Anthony Anghie, “Finding the Peripheries: Sovereignty and Colonialism in Nineteenth Century International Law,” *Harvard International Law Journal*, vol.40 (1999), pp.1-81*
- High Court of Australia, *Eddie Mabo and Others v. Queensland*, No.2, [1992] HCA 23; F.C. 92/014, Available at: http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/high_ct/175clr1.html?query=~mabo

Recommended:

- Anthony Pagden, “Dispossessing the Barbarian,” in Pagden (ed), *Languages of Political Theory in Early-Modern Europe* (Cambridge, 1990)**
- Frederick Cooper, *Colonialism in Question*, ch.6 (“States, Empires, and Political Imagination”)*
- Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900* (Cambridge, 2010), ch.s 1 & 6
- Daniel J. Hulsenbosch, *Constituting Empire: New York and the Transformation of Constitutionalism in the Atlantic World 1664-1830* (UNC Press, 2005)
- John Stuart Mill, *On Representative Government*, ch.s 1-4, 16, 18
- Martti Koskenniemi, *Gentle Civilizer of Nations*,* ch.6 (“Out of Europe: Carl Schmitt, Hans Morgenthau, and the Turn to ‘International Relations’”)

Feb 16th Empire revisited

- Jean L. Cohen, “Sovereign Equality vs. Imperial Right: the Battle over the ‘New World Order’,” *Constellations*, vol. 13 (2006), pp.485-505*
- Niall Ferguson, *Colossus: The Price of America’s Empire* (Penguin, 2004), Intro & Ch.5
- Stephen Gill, “The Constitution of Global Capitalism,” unpublished manuscript, available at <http://www.theglobalsite.ac.uk/press/010gill.pdf>

III. COMMERCE

Arguably the oldest, most dynamic, and most consequential arena of international politics is that where cross-border commercial relationships are played out. Yet, this sphere of human interaction often escapes the focus of contemporary political theory. Does global commerce have an ethic? In this module, we pay particular attention to sophisticated 18th century answers to this question, and try to uncover the echoes of 18th century *doux commerce* thinking in the contemporary law of international trade.

Feb 23rd Le doux commerce

- Adam Smith, *The Wealth of Nations*, Book IV, chapters i-iii
- David Hume, “Of Commerce,” “Of the Balance of Trade,” “Of the Jealousy of Trade,” in David Hume, *Essays. Moral, Political and Literary* (New York: Cosimo Classics, 2006)
- Immanuel Kant, “Idea for a Universal History with a Cosmopolitan Purpose,” in Reiss (ed), *Political Writings* (Cambridge, 1991)

Recommended:

- William Robertson, “A View of the Progress of Society in Europe,” available in Clark (ed.), *Commerce, Culture and Liberty* (Liberty Fund, 2003)
- Bernard Mandeville, “The Fable of the Bees” (Author’s Preface & “The Grumbling Hive”), available at oll.libertyfund.org
- Albert Hirschman, *The Passions and the Interests* (Princeton, 1977), esp. Part II
- Eric MacGilvray, *The Invention of Market Freedom* (Cambridge, 2011), esp. Ch. 3

- Istvan Hont, "Free Trade and the Limits to National Politics," in Dunn (ed.) *The Economic Limits to Modern Politics* (Cambridge, 1990)

Mar 1st The law of global commerce: The World Trade Organization

- Ernst-Ulrich Petersmann, "Time for a United Nations 'Global Compact' for Integrating Human Rights into the Law of Worldwide Organizations: Lessons from European Integration," *European Journal of International Law*, vol.13 (2002), pp.621-650
- Robert Howse, "From Politics to Technocracy – and back again: The fate of the multilateral trading regime," *American Journal of International Law*, vol.96 (2002), pp.94-117
- WTO Appellate Body Report, *U.S. - Import Prohibition of Certain Shrimp and Shrimp Products*, WT/DS58/AB/R, adopted October 12, 1998 (abridged version).

Recommended:

- Van den Bossche, *The Law and Policy of the World Trade Organization* (Cambridge, 2005), selections.**
- David Leebron, "Linkages," *American Journal of International Law*, vol.96, pp.5-26

IV. COSMOPOLITANISM

Contemporary cosmopolitans draw on the work of Immanuel Kant in arguing for moral obligations that extend beyond the borders of nation-states. And yet, what exactly are the obligations to which Kantian cosmopolitanism gives rise, and are these as capacious as contemporary cosmopolitans would like them to be? Conversely, can Kant's cosmopolitan right be extricated from the dual projects of European imperialism and commercial expansion?

Mar 8th The Kantian project

- Immanuel Kant, "Perpetual Peace: A Philosophical Sketch," and "Idea for a Universal History with a Cosmopolitan Purpose," in Reiss (ed), *Political Writings* (Cambridge, 1991)
- Thomas Pogge, "Cosmopolitanism and Sovereignty," *Ethics*, vol.103 (1992) pp.48-75 (reprinted in Pogge, *World Poverty and Human Rights*, chapter 7)

Recommended:

- Seyla Benhabib, *The Rights of Others* (Cambridge, 2004), esp. Ch.1
- Andrew Kuper, "Rawlsian Global Justice: Beyond the Law of Peoples to a Cosmopolitan Law of Persons," *Political Theory*, vol.28 (2000), pp.640-674
- James Tully, "The Kantian Idea of Europe: Critical and Cosmopolitan Perspectives," reprinted in Tully, *Public Philosophy in a New Key* (Cambridge, 2008)
- Sankar Muthu, *Enlightenment against Empire* (Cambridge, 2003), esp. Ch.5

Mar 8th Paper proposals due.

Mar 15th Spring break, no class.

V. JUSTICE

“Justice” can have at least as many connotations in the international context as it does in the domestic; in this module, we are interested in the distributive variety. What is the relevant scope of concern when assessing obligations of distributive justice? Do the demands of equality, fairness, or reciprocity apply equally stringently beyond the borders of political community as they do within?

Mar 22nd Global distributive justice: Who owes what to whom?

- Thomas Pogge, *World Poverty and Human Rights, 2nd Edition* (Polity, 2008), Introduction & Ch. 4
- Thomas Nagel, “The Problem of Global Justice,” *Philosophy & Public Affairs*, vol.33 (2005), pp.113-147
- David Miller, “National Responsibility and Global Justice,” *Critical Review of International Social and Political Philosophy*, vol.11 (2008), pp.383-399
- Joshua Cohen, “Philosophy, Social Science, Global Poverty,” in Alison Jaggar (ed.), *Thomas Pogge and his Critics* (Polity: 2010)

VI. HUMAN RIGHTS

“Human rights” is a category that has come to permeate virtually any normative debate on international politics. In this class, we focus on human rights as a conceptual battleground in the tug-of-war between international law and the sovereign state.

Mar 29th Human rights: international law meets state prerogative

- Hersch Lauterpacht, *International Law and Human Rights* (Archon Books, 1950), selections.**
- Louis Henkin, *The Age of Rights* (Columbia, 1990), Preface to the Paperback Edition, ch.1 (“International Human Rights”)**

Recommended:

- Martti Koskenniemi, *Gentle Civilizer of Nations*,* ch.5, esp. pp.388-99

Apr 5th Human rights as politics, idolatry, and imperialism

- Michael Ignatieff, *Human Rights as Politics and Idolatry* (Princeton, 2001)
- Samuel Moyn, *The Last Utopia*, chapters 1 & 5
- Mahmood Mamdani, “The New Humanitarian Order,” *The Nation*, 29 September 2008, available at: <http://www.thenation.com/print/article/new-humanitarian-order>

Apr 12th Enforcing human rights I: International criminal law

- International Criminal Tribunal for Former Yugoslavia (ICTY), *Furundzija*, IT-95-17/1-T, 10 December 1998, selections. Available at: <http://www.icty.org/x/cases/furundzija/tjug/en/fur-tj981210e.pdf>
- Antonio Cassese, "Reflections on International Criminal Justice," *Journal of International Criminal Justice*, vol.9 (2011), pp.271-275

Date TBA Film screening: *Judgment at Nuremberg* (1961), dir. Stanley Kramer

Apr 19th Enforcing human rights II: Domestic enforcement

- *Filartiga v. Peña-Irala*, 630 F.2d 876 (2nd Cir. 1980).
- *Kadic v. Karadzic*. 70 F.3d 232 (2nd Cir. 1995)
- UK House of Lords, Pinochet extradition appeal (*Pinochet II*)

Recommended:

- Diana Woodhouse, "The progress of Pinochet through the UK extradition procedure: an analysis of the legal challenges and judicial decisions" in Davis (ed.) *The Pinochet Case*
- Theodore P. Posner, Case Note: *Kadic*, *American Journal of International Law*, vol.90

VII. DEMOCRACY

Most contemporary mechanisms of democratic decision-making presuppose the framework of the nation-state. It is not clear that traditional modes of electoral and representative politics can be adapted to public institutions beyond the state. In this class we will discuss four distinct responses to this problem, including the skeptical (Dahl), the accountability-based (Grant and Keohane), popular sovereigntist (Falk and Strauss) and the pluralist (Habermas) models.

Apr 26th Democratic legitimacy beyond the state?

- Robert Dahl, "Can International Organizations be Democratic? A Skeptic's View," in Shapiro and Hacker-Cordon (eds), *Democracy's Edges* (Cambridge, 1999)
- Jurgen Habermas, "A Political Constitution for the Pluralist World Society?" (2007), unpublished manuscript, available online.
- Richard Falk and Andrew Strauss, "Toward Global Parliament," *Foreign Affairs*, vol. 80 (2001).
- Ruth W. Grant and Robert O. Keohane, "Accountability and Abuses of Power in World Politics," *American Political Science Review*, Vol. 99, No. 1 (Feb., 2005), pp. 29-43

May 7th Term paper due

*- ebook, available through CLIO

** - pdf available through the class website