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

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

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

Feb 2nd Popular sovereignty

- John Rawls, *The Law of Peoples*, Part I (pp.11-58)

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”**

Recommended:
- 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
- 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

- Niall Ferguson, Colossus: The Price of America’s Empire (Penguin, 2004), Intro & Ch.5

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
- Immanuel Kant, “Idea for a Universal History with a Cosmopolitan Purpose,” in Reiss (ed), Political Writings (Cambridge, 1991)

Recommended:
- Albert Hirschman, The Passions and the Interests (Princeton, 1977), esp. Part II
- Eric MacGilvray, The Invention of Market Freedom (Cambridge, 2011), esp. Ch. 3

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


Recommended:

**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)

Recommended:
- Seyla Benhabib, The Rights of Others (Cambridge, 2004), esp. Ch.1
- Sankar Muthu, Enlightenment against Empire (Cambridge, 2003), esp. Ch.5

**Mar 8th** Paper proposals due.
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

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


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
**Apr 12th** Enforcing human rights I: International criminal law


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

**Apr 19th** Enforcing human rights II: Domestic enforcement

- *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?


**May 7th** Term paper due

* - ebook, available through CLIO
** - pdf available through the class website