

International Legitimacy and Global Justice

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Syllabus

Fall 2013

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Summary of the course: Bringing together theory and practice, the course will examine the extent and limits of international law and international organizations in support of human rights and global justice. It will describe their contribution in these areas, as well as evaluate it. It will also explore suggestions to achieve a better alignment of international law and international organizations, and human rights and global justice in the future.

Rutgers Law School- CLJ-394: Tuesday from 5:00pm to 8:00pm

Session I: Introduction September 3

The session will introduce the relevance of the course for graduate students, highlight its main aspects and indicate how they will be tackled.

Overall presentation of the course

- Introduction of the students enrolled in the course
- Describing the overall logic of the course
- Intellectual Issues
 - Key academic themes: international law, international organizations, international relations, philosophy of international law, international law in a historical perspective
 - Key concepts: positive law, natural law, principles of international law, interactions between international law and international relations, power and justice, legitimacy (national and international), justice (national, international and global), ethics and morality, sovereignty, collective

security, peacekeeping, human rights, humanitarian intervention, global policy

- **Methodological Issues**
 - **Pluridisciplinarity: law, international relations, philosophy, history**
 - **Analytical and prescriptive considerations**
 - **Explanation of the readings**

- **Practical Issues**
 - **Course participation**
 - **Paper**
 - **Grades**

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Session II: Law and Legitimacy, from the National to the International Realm (September 10)

Bibliography:

- **Wight, Martin *International Theory: The Three Traditions*. (New York: Holmes and Meier, 1992) Chapters 1-12**
- **United Nations Charter. (New York: United Nations, 1945)**

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Session III: International Law and the Socialization of International Life (September 17)

Bibliography:

- **Koskenniemi, Martti *The Gentle Civilizer of Nations: the Rise and Fall of International Law 1870-1960*. (Cambridge: Cambridge UP, 2002) pp. 98-178**
- **Reus-Smit, Christian *The Moral Purpose of the State: Culture, Social Identity and Institutional Rationality in International Relations*. (Princeton, NJ: Princeton UP, 1999) Intro., Chapters 1-7**

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Session IV: Key Principles of International Law (September 24)

Bibliography:

- **Cassese, Antonio *International Law in a Divided World*. (Oxford: Clarendon Press, 1990)**

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Sessions V: International Law and the United Nations as a Political Organization (October 1)

Bibliography:

- **Barnett, Michael and Finnemore, Martha *Rules for the World: International Organizations in Global Politics*. (Ithaca, NY: Cornell University Press, 2004) Chapters 1-4**

- Hurd, Ian *After Anarchy: Legitimacy and Power in the United Nations Security Council*. (Princeton, NJ, Princeton UP, 2007) Chapters 4-7

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Session VI: The United Nations as an International Bureaucracy (October 8)

Bibliography:

- Coicaud, Jean-Marc *International Organizations as a Profession: Professional Mobility and Power Distribution*. Research Paper No. 2006/109 (UNU-WIDER, 2006)

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Session VII: UN Peacekeeping Operations (October 15)

Bibliography:

- Doyle, Michael and Sambanis, Nicholas *Making War and Building Peace: United Nations Peace Operations*. (Princeton, NJ: Princeton UP, 2006)

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Session VIII: Humanitarian Interventions and Genocide (October 22)

Bibliography:

- Dallaire, Roméo (with Brent Beardsley) *Shake Hands with the Devil: The Failure of Humanity in Rwanda*. (Toronto: Random House Canada, 2003) pp 1-134
- Shabas, William A. *Genocide in International Law*. (Cambridge: Cambridge UP, 2000) Chapters 1-10

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Session IX: International Law and International Organizations at the Crossroads (October 29)

Bibliography:

- Clark, Ian *Legitimacy in International Society*. (Oxford: Oxford UP, 2005)
- Linklater, Andrew *The Transformation of Political Community: Ethical Foundations of the Post-Westphalian Era*. (Columbia: University of South Carolina Press, 1998)

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Session X: Deconstructing International Law and International Legitimacy (November 5)

Bibliography:

- Schmitt, Carl *Nomos of the Earth in the International Law of Jus Publicum*. (New York: Telos Press Publishing, 2006)

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Sessions XI: International Law and the Demands of Global Justice (November 12)

Bibliography:

- An-Na'im, Abdullah Ahmed, *Muslim and Global Justice*. (Philadelphia, University of Pennsylvania Press, 2011) pp. 34-117
- Pogge, Thomas, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*. (Cambridge: Polity Press, 2002) pp. 1-117

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Session XII: Beyond International Law and International Organizations: Global Policy (November 19)**Bibliography:**

- Habermas, Jurgen, *The Post National Constellation: Political Essays* (Cambridge: MIT, 2001) pp. 1-172
- Held, David, *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance*. (Cambridge: Polity Press, 1995) pp. 143-286

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Session XIII: Conceptualizing the Way Forward (November 26)**Bibliography:**

- Onuma, Yasuaki, *A Transcivilizational Perspective on International Law*. (Boston: Martinus Nijhoff, 2010) pp. 39-108
- Kaul, Inge, Grunberg, Isabelle and Stern, Marc A., *Global Public Goods: International Cooperation in the 21th Century*. (Oxford: Oxford UP, 1999) pp. 2-125

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Session XIV: Conclusion: Reviewing the Main themes of the course (December 3)

Review of previous sessions and readings

Requirements:

- Attendance is obligatory. If a student misses more than three classes without good reason, he or she will be unable to get credits for the course.
- Each session will be 3 hours (from 5:00 p.m. to 8:00 p.m. on Tuesdays), divided in two parts: the first part will consist of reviewing the readings, with presentations by students and questioning of students; the second part will consist of lecturing and feedback.
- Readings for each session are mandatory before class. Students should expect to be asked about the readings in class.
- Active participation is required in class and represents 30% of the final grade. A final paper of 4,000 words is required at the end of the class for the final grade. The first draft of the paper will be due by Tuesday, November 12. Based on the feedback

provided by Professor Coicaud, students will finalize their paper by Tuesday, December 3 at the latest.
