International Law

Academic year 2019-2020

International Law Theories

DI034 - Autumn - 6 ECTS

Monday 10h15 - 12h00

Course Description

This course focuses on different approaches to thinking about international law (e.g. New Haven school, critical legal studies, law and economics, "Third World" approaches, Marxism, constitutionalism, etc.). What international lawyers do in their various capacities as scholars, judges or advocates is affected by their vision of the law and of their profession. At a time of perplexity about the role of law in international relations, to revisit the main frames and different discourses which shape international law scholarship should contribute to a greater awareness of the importance of legal methodology from both a theoretical and practical perspective. Students will be asked to engage in the discussion and reflect upon their own way of thinking about the law and about their future profession.

Syllabus

Class requirements

- **Reaction papers**: participants are required to submit 9 weekly reaction papers (out of the 13 thematic sessions) to the reading assignments. Such short papers should not be a summary of the readings. They should rather contain the personal reaction to and reflection on all the reading materials. Reaction papers will be the basis for class discussion. They should not exceed 500 words, and they shall be submitted by e-mail to the Professor and to the assistant before midnight on the Saturday before the class. Late submissions will be penalized. Reaction papers will account for 20% of the final grade.

- **Final paper**: participants in the seminar will be required to write a final paper (maximum of 3,000 words), which appraises critically a case or situation from the perspective of any one of the discussed theories. The case or situation will be distributed to the students at the last class on 16 December and should be submitted by e-mail to the Professor and the assistant one week later (before midnight on Monday 23 December). The final paper will account for 80% of the final grade.
- Participation, Readings and Reading Materials: participants are expected to attend the course and to participate actively in the discussion. To participate actively, students are expected to do the readings assigned below. Further readings can be found at the end of each section of the required text: A. Bianchi, *International Law Theories*, Oxford University Press (2016). A copy of *International Law Theories* can be purchased from Hiruni Alwishewa for CHF 25 at P1-755 Mondays 14:15-16:00 or during her office hours. The other required readings are available on Moodle.

Session 1 – Different Ways of Thinking about International Law 18 September


Session 2 – Traditional Approaches 23 September

South West Africa Case (Liberia and Ethiopia v. South Africa), Preliminary Objections, ICJ Reports (1962) 319 (Joint Dissenting Opinion of Judges Spencer and Fitzmaurice) at 466 and *South West Africa Case* (Second Phase), Preliminary Objections, ICJ Reports (1966) paragraphs 49-50; 89-91.

Session 3 – Constitutionalism and Global Governance 30 September


Session 4 – Marxism 7 October


Session 5 – The New Haven School 14 October


Session 6 – International Relations and Social Science Methodologies 21 October


Session 7 – Critical Legal Studies and the New Stream 28 October


Session 8 – The Helsinki School 4 November


Session 9 – Feminism 11 November


Session 10 – Third World Approaches  18 November


Session 11 – Legal Pluralism  25 November


Session 12 – Social Idealism  2 December


Session 13 – Law and Economics 9 December


Session 14 – Law and Literature 16 December

*Students will receive the case/situation for the final paper, to be emailed to the Professor and the assistant before midnight, Monday 23 December*


