

Sociology of International Law

Sociology 496 – Fall 2023

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Office hours
Tuesday 12-2pm and by appointment

Canvas: <https://canvas.wisc.edu/courses/371304>

About this course:

This course is designed to provide undergraduate students with an in-depth understanding of the relationship between law and society at the international level. The course will explore the sociological aspects of international law and international legal institutions, including how social forces shape the development, implementation, and enforcement of international legal norms.

Students will engage with various theoretical perspectives drawn from the sociology of law and the interdisciplinary law and society tradition and learn how to apply sociological concepts and methods to studying international law. The course will cover key topics such as the origins and evolution of international law, the role of power in shaping international legal norms, the operation and authority of international courts and tribunals, the social construction of international legal categories such as sovereignty or human rights, and the role of non-state actors in international legal processes.

Assessment in the course will be based on a combination of student preparedness for class, in-class exams, and a collaborative timeline project. By the end of the course, students will have a comprehensive understanding of the sociological dimensions of international law and an increased ability to analyze and critique the role of law in a global society.

Course goals:

- Understand the sociological foundations of international law, including the role of social structures, networks, and practices in shaping international legal norms and institutions.
- Analyze the relationship between international law and power dynamics, including how international legal regimes can be used to legitimize or challenge existing power structures.
- Evaluate the role of social actors, including lawyers, states, international organizations, and businesses, in the creation, implementation, and enforcement of international law.
- Critically assess the impact of international law on social relations and global governance, including its potential to promote or hinder social justice, human rights, and sustainable development.
- Apply sociological theories and concepts to real-world issues and case studies in international law.

Departmental Learning Objectives. Beyond the specific content I will cover in this course, I have designed this course to achieve the following instructional objectives designated as priorities by the Department of sociology:

- *Critically Evaluate Published Research.* Sociology graduates will be able to read and evaluate published research as it appears in academic journals and popular or policy publications.
- *Communicate Skillfully:* Sociology majors write papers and make oral presentations that build arguments and assess evidence in a clear and effective manner.
- *Critical Thinking about Society and Social Processes:* Sociology graduates can look beyond the surface of issues to discover the "why" and "how" of social order and structure and consider the underlying social mechanisms that may be creating a situation, identify evidence that may adjudicate between alternate explanations for phenomena, and develop proposed policies or action plans in light of theory and data.

Grades:

- Timeline assignment 10%
- Exam questions 10%
- Two in-class midterms: 40% (20% each)
- Final Exam: 20%
- Participation and Attendance: 20%

This is the grading scale employed in the class:

A = 93%-100%, AB = 88%-92%, B = 83%-87%, BC = 78%-82%, C = 70%-77%,
D = 60%-69%, F = 59% or below.

Exams

Three in-class exams will be composed of multiple-choice, short-answer, and short-essay questions. The exams are not directly cumulative – you will be asked only about material covered since the previous exam. But material covered in later parts of the course builds upon material covered earlier.

Timeline assignment

Contribute two entries to a collaborative timeline of international law in the 20th century. Each entry should be annotated with 400-600 words indicating the name of the event, key features or characteristics, and its significance. For instance, one entry might be on the UN Charter or the signing of the Genocide Convention, or the founding of the World Trade Organization (WTO). Sources should be included but don't count toward the word limit. Before completing the assignment, you will register your topics with me to ensure no duplicate efforts. More guidance will be provided.

Exam Question Assignment

Prior to each exam, each student will submit two exam questions as candidates for inclusion in the course midterms and final. Questions should be formatted as short-answer and/or short essays (e.g. 2-3 paragraph responses), and focus on important themes, theories, and arguments

covered in class. Questions must be brought to class on the date due, which will serve as the basis of a collaborative exercise in peer revision.

Readings

- Pay close attention to reading guidance in brackets. I sometimes only ask you to read a portion of a text. When providing page numbers, I ask you to begin and end the reading with a section title.
- Just because I have assigned a reading should not be taken to mean that I endorse it or that it represents my personal perspective. The idea is to engage different perspectives critically.

Part 1: a Sociological approach

September 7, 2023 Introduction to the class: What is international law?

NO READINGS

September 12, 2023 The rise of law: the juridification of international affairs

Readings:

- “Historical Introduction,” pp. xix-xxx in Damrosch, Lori F., Louis Henkin, Sean D. Murphy, and Hans Smit (Eds.) *International Law: Cases and Materials*. 5th Edition. (2009). St. Paul: West Publishing Company.

September 14, 2023 The Sociological Study of Law

- Cotterrell, Richard (1992). “Introduction,” Pp. 1-15 in *The Sociology of Law: An Introduction*. 2nd Ed. *Butterworths*.

September 19, 2023 Social Theory and International law, Part 1: Custom, Structure, Institutions

- Hirsh, Moshe. 2005. “The Sociology of International Law: Invitation to Study International Rules in Their Social Context,” *University of Toronto Law Journal*, (55), 891-939.

[Read Sections I, II, and III — From the beginning through the end of page 930]

September 21, 2023 Social Theory and International Law, part 2: Conflict and Violence

- Bruch, E. M. 2011. “Is International Law Really Law-Theorizing the Multi-Dimensionality of Law.” *Akron L. Rev.*, 44, 333.

[Read “Law as Violence,” pages 333-350]

September 26, 2023 Critical Gender Studies of International Law

- Charlesworth, H. (1999). Feminist methods in international law. *American Journal of International Law*, 93(2), 379-394.

Part II: Structure of International Law

September 28, 2023 Sovereignty, Statehood, and war

- Snow, D. M. (2012). "Sovereignty: The Violation and Restoration of Iraqi Sovereignty", "Pp. 3-20 in *Cases in international relations*. Longman.

October 3, 2023 Customary International Law

- Kidder, Robert L. 1983. "The Origins of Law: Custom." Pp. 36-57 in *Connecting Law and Society*. Englewood Cliffs, NJ: Prentice-Hall.
[Read only 26-42]
- Klabbers, Jan. 2013. "Chapter 2: Making of International Law," Pp. 21-40 in *International law*. Cambridge University Press.

October 5, 2023 Beyond customary law: culture and identity in international law

- **Midterm questions are due.** Bring them to class.
- Hirsch, Moshe. 2015. Chapter 3: "Collective Memory and International Law," Pp.46-90 in *Invitation to the sociology of international law*. Oxford University Press.
[I will emphasize the Argentina case, but do skim the German one]

October 10, 2023 Why do countries sign treaties and join international organizations?

- Hafner-Burton, E. M., & Tsutsui, K. 2005. "Human rights in a globalizing world: The paradox of empty promises." *American journal of sociology*, 110(5), 1373-1411.
[Skim the analysis section, pages 1389-1401, But, do read the nice, concise summary of the findings is on the bottom of page 1399]

October 12, 2023 **Midterm 1**

Part III: States and International Law

October 17, 2023 The problem of compliance and enforcement, and is law real without it?

- Henkin, Louis. (1979). Pp. 46-53 and 92-98 in *How Nations Behave: Law and Foreign Policy*. Columbia University Press.
- Koh, Harold H. 1997. "Why Do Nations Obey International Law?", 106 Yale L J 2599.
[Read only section III: "Transnational Legal Process," pp 2645-2659]

October 19, 2023 Why do states seek third-party dispute resolution?

- Sweet, A. S. (1999). Judicialization and the Construction of Governance. *Comparative Political Studies*, 32(2), 147-184.
[Read pages 147- 72]

October 24, 2013 Refugees and Stateless Peoples

- Aleinikoff, T. A., & Zamore, L. 2019. Chapter 1: “The Inconvenient Refugee,” Pp. 7-32 in *The Arc of Protection: Reforming the international refugee regime*. Stanford University Press.

October 26, 2023 The Problem of Power Inequality: TWAIL

- Anghi, Antony. 2006. “The Evolution of International Law: Colonial and Postcolonial Realities,” *Third World Quarterly*, 27(5), 739- 753.

Part IV: Beyond States

October 31, 2023 Transnational legal orders: the case of Human Trafficking

- Lloyd, Paulette and Beth Simmons. 2015. “Framing for a New Transnational Legal Order: The Case of Human Trafficking,” pp. 400-437 in Terence C. Halliday and Gregory Shaffer (Eds.) *Transnational Legal Orders*. Cambridge.

November 2, 2023 International Human Rights I: Origins

- Clapham, A. (2007). “Chapter 2,” Human rights : A very short introduction. Oxford University Press. Read pages 1-8, 15-24.
- Universal Declaration of Human Rights: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

November 7, 2023 Human Rights II: Ideology **timeline entries are due**

- Chandler, David. “Contemporary Critiques of Human Rights,” pp 111-124 in Goodhart, M. E. (Ed.). (2016). *Human Rights: politics and practice*. Oxford University Press.

November 9, 2023 International Criminal Law, Gender, and Atrocity Crimes

- Midterm questions are due. Bring them to class.
- Clapham, A. (2007). “Chapter 2,” *Human Rights: A very short introduction*. Oxford University Press.
[Read pages 8-15]
- MacKinnon, C. A. (2013). Creating International Law: Gender and Leading Edge. *Harvard Journal of Law & Gender*, 36(1), 105-122.

November 14, 2023 **Midterm Exam #2**

November 16, 2023 International Legal Profession

- Dezalay, Yves and Bryant Garth. 2014. "Merchants of Law as Moral Entrepreneurs: Constructing International Justice from the Competition for Transnational Business Disputes," pp. 321-29 in Larson, E., & Schmidt, P. (Eds.). *The Law and Society Reader II*. NYU Press.

November 21, 2023 Transnational law-making by corporations and lawyers

- Quack, S. (2007). "Legal professionals and transnational law-making: A case of distributed agency." *Organization*, 14(5), 643-666.

*****THANKSGIVING BREAK *****

November 28, 2023, Social Movements and International Law

- Wolf, A. B. (2020). The Fight to Globalize Labor: Understanding the Role of Activists in the Spread of International Norms. *Law & Society Review*, 54(3), 607-642.

November 30, 2023 International Economic Law: Trade and Third Party Disputing

- Conti, J. A. (2010). Learning to dispute repeat participation, expertise, and reputation at the World Trade Organization. *Law & Social Inquiry*, 35(3), 625-662.
[skim pages 634-47, which describe a regression model]

December 5, 2023 International Economic Law: Investment and Investment Arbitration

- **Timeline entries are due** in Canvas
- Sweet, A. S., & Grisel, F. (2017). Chapter 2: "Evolution of the Arbitral Order," Pp. 35-79 in *The evolution of international arbitration: judicialization, governance, legitimacy*. Oxford University Press.
[Read 35-52, 66-79]

December 7, 2023 Relational Sociology of International Law

- Puig, S. (2014). Social capital in the arbitration market. *European Journal of International Law*, 25(2), 387-424.
[This is best read on a screen as there are colors in the figures. Read pages 387-391, *skim* 391-397, Read 397 to end]

December 12, 2023 – Conclusion

- **Final Exam questions are due.** Bring them to class.
- Readings TBD

Final exam: December 19, 12:25 PM - 2:25 PM

Class Policies

Accommodations for Students with Disabilities The University of Wisconsin-Madison supports the right of all enrolled students to a full and equal educational opportunity. The Americans with Disabilities Act (ADA), Wisconsin State Statute (36.12), and UW-Madison policy (Faculty Document 1071) require that students with disabilities be reasonably accommodated in instruction and campus life. Reasonable accommodations for students with disabilities is a shared faculty and student responsibility. Students are expected to inform me of their need for instructional accommodations by the end of the third week of the semester, or as soon as possible after a disability has been incurred or recognized. I will work either directly with the you or in coordination with the McBurney Center to identify and provide reasonable instructional accommodations. Disability information, including instructional accommodations as part of a student's educational record, is confidential and protected under FERPA. (See: [McBurney Disability Resource Center](#))

Religious Observances If you wish to request a scheduling accommodation for religious observances, send an email by the end of the second week of the course stating the specific date(s) for which you request accommodation; campus policy requires that religious observances be accommodated if you make a timely request early in the term. See the university's [web page](#) for details: <https://kb.wisc.edu/page.php?id=21698>

Exam Proctoring. Instructors have the authority to decide whether to proctor their tests, quizzes or other course assessments whether the courses is offered in-person or remotely. Failure to use the proctoring service assigned will result in a zero on the exam/assignment.

Privacy of Student Information and Digital Proctoring The privacy and security of faculty, staff and students' personal information is a top priority for UW-Madison. The university carefully reviews and vets all campus-supported teaching and learning tools, including proctoring tools and takes necessary steps to ensure that tool providers prioritize proper handling of sensitive data in alignment with FERPA, industry standards and best practices.

Under the Family Educational Rights and Privacy Act (FERPA – which protects the privacy of student education records), student consent is not required for the university to share with Honorlock those student education records necessary for carrying out the proctoring service. 34 CFR 99.31(a)(1)(i)(B). FERPA specifically allows universities to treat vendors as school officials and to share student education records with them where they perform services for the university and are subject to FERPA requirements governing the use and redisclosure of personally identifiable information from education records. Honorlock is FERPA compliant and

is bound by the terms of its agreement with the university to comply with FERPA's restrictions on the use of student education records.

Academic Integrity By virtue of enrollment, each student agrees to uphold the high academic standards of the University of Wisconsin-Madison; academic misconduct is behavior that negatively impacts the integrity of the institution. Cheating, fabrication, plagiarism, unauthorized collaboration, and helping others commit these previously listed acts are examples of misconduct which may result in disciplinary action. Examples of disciplinary action include, but is not limited to, failure on the assignment/course, written reprimand, disciplinary probation, suspension, or expulsion. For a complete description of behaviors that violate the University's standards as well the disciplinary penalties and procedures, please see the Dean of Students [website: https://conduct.students.wisc.edu/academic-integrity/](https://conduct.students.wisc.edu/academic-integrity/). If you have questions about the rules for any of the assignments or exams, please ask your instructor.

Academic Integrity and Artificial Intelligence. This technology is very new and likely to be very disruptive in the academic context. Ethical use rules are still in progress, and the university has not yet recommended best practices for purposes of instruction.

Text-generative AI, such as ChatGPT are trained on large sets of text data to respond to questions in natural language. The algorithm does not "know" anything and cannot evaluate the meaning of the text it generates. When given a prompt, it predicts the next most likely word, given the pattern of words found in the dataset. Such models cannot accurately attribute sources.

Relying on text-generative AI for class assignments creates the risk of violating a core tenet of academic integrity. The first example of academic misconduct provided by the [UW-Madison Office of Student Conduct and Community Standards](#) is: "Claiming credit for the work or efforts of another without authorization or citation." AI trained on large language models makes it impossible to attribute underlying sources accurately.

This is not to say that there are no educationally relevant and acceptable uses of text-generative AI, but exact standards for educationally appropriate use remain a work in progress. It may be helpful for brainstorming ideas, editing your writing, summarizing the writing of others, or other things.

The key idea to guide your use of AI is this: if your use of AI displaces the intellectual work of formulating ideas and supplying evidence, then you are short cutting the educational processes of learning to think clearly and critically. That is bad. At minimum:

- Do not turn in any assignment that is AI's direct, un-revised product. If all you do is submit the assignment prompt to a text-generative AI bot and then submit the response as your own writing, you are in jeopardy of violating academic integrity.
- If you choose to use AI for summarizing, be prepared to rewrite the AI output in your own words.
- *If you use AI in any fashion*, you must provide a note (footnote or endnote) in your assignment indicating that you have done so, providing a link to the bot, and the exact prompts you relied on.

All assignments will be turned in through Canvas. Canvas has built-in screens for plagiarism and non-human text, providing metrics of AI-generated content at the document and sentence levels. I am aware of the risk of false positives and will treat such metrics as advisory.

Course evaluations Students will be provided with an opportunity to evaluate this course and your learning experience. Student participation is an integral component of this course, and your feedback is important to me. I strongly encourage you to participate in the course evaluation.

UW-Madison now uses an online course evaluation survey tool, [AEFIS](#). In most instances, you will receive an official email two weeks prior to the end of the semester when your course evaluation is available. You will receive a link to log into the course evaluation with your NetID where you can complete the evaluation and submit it, anonymously. Your participation is an integral component of this course, and your feedback is important to me. I strongly encourage you to participate in the course evaluation.

Departmental notice of grievance and appeal rights. The Department of Sociology regularly conducts student evaluations of all professors and teaching assistants near the end of the semester. Students who have more immediate concerns about this course should report them to the instructor or to the Chair of the Department of Sociology, 8128 Social Science (socchair@ssc.wisc.edu).

Intellectual Property. Lecture materials and recordings for this course are protected intellectual property at UW-Madison. Students in this course may use the materials and recordings for their personal use related to participation in this class. Students may also take notes solely for their personal use. If a lecture is not already recorded, you are not authorized to record my lectures without my permission unless you are considered by the university to be a qualified student with a disability requiring accommodation. [Regent Policy Document 4-1] Students may not copy or share lecture materials and recordings outside of class, including posting on internet sites or selling to commercial entities. Students are also prohibited from providing or selling their personal notes to anyone else or being paid for taking notes by any person or commercial firm without the instructor's express written permission. Unauthorized use of these copyrighted lecture materials and recordings constitute copyright infringement and may be addressed under the university's policies, UWS Chapters 14 and 17, governing student academic and non-academic misconduct.