

Norms of Humanity

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MPhil in POLIS 2021-2022

Lent Term

Fridays 3-5pm, Room TBD

Also Live-Streamed on Zoom (link to be shared via email)

Description

This module focuses on the “humanization” of international relations through law, a process that began in the nineteenth century but which solidified throughout the twentieth and twenty-first centuries. What explains the turn to “humanity”? What actors have participated in the process of humanization? How have states (and which states) positioned themselves towards it over time? What are its merits and its problems? How do we think about its present and future? These are some of the broad questions guiding the choice of materials and our reflections.

We will focus on key historical and contemporary political debates around core bodies of law and norms devoted to the reduction of human suffering, especially human rights law, the law of armed conflict, rules on the use of force, and international justice.

This remains a draft reading list, to be updated and finalized before Lent Term 2021-22.

Mode of Teaching

This course is conducted as an advanced postgraduate seminar. It will consist of 7 two-hour *discussion-based* seminars with no accompanying lectures.

It is imperative that students attend the seminar ready to engage in constructive debate with others about the topic of discussion. The expectation is that you will devote the time and energy to read the assigned material in a careful and critical fashion, and that you will come with prepared insights and questions for debate. Staying silent is strongly discouraged.

Student Presentations

Students will be expected to make one presentation during the module period. Starting on the second class session, one or two students (depending on the class size) will be asked to spark discussion through brief reflection essays (of 2-3 double-spaced pages) about the required readings for the week, and by formulating two-three critical questions related to their reflection and the readings. The papers are meant to be *analytical* and *critical*, perhaps threading together and/or contrasting elements from the different readings without simply summarizing them. Presenters’ questions are meant to provoke debate among class participants, so please be sure to think about them in those terms. Each presentation should last no longer than 10 minutes to allow for collective discussion. You may -- but are not obligated to -- use power point during your presentation. Please assume that everyone will have read your essay and will be ready to engage with your reflections and questions.

DRAFT Reading List

Reflection essays should be emailed in word or pdf format to all seminar participants (Dr. Mantilla included) on the morning of our class session by **9am** at the latest.

Sign up for the reflection essays/presentations will take place during our first session.

Assessment

Assessment will be conducted via a 3,000-word essay.

Attendance will be taken at every session. For those taking the course not for full credit (i.e. 'Pass/Fail'), failure to attend more than 2 sessions without prior justification (duly relayed to Dr. Mantilla) will result in a 'Fail' mark. Students opting for this modality are expected to be full participants in the seminar and are committed to class presentations.

Readings

Assigned readings are available electronically either from the University Library's e-journals and e-books provisions or as scanned pdfs provided by Mill Lane Library. In addition to the Required Readings for each week, the syllabus also lists 'Supplementary Reading'. These are intended for students who wish to explore a weekly topic in further depth.

Week 1. January 21. Introduction: The Humanization of Global Governance

Finnemore, Martha, and Kathryn Sikkink. 1998. "International Norm Dynamics and Political Change." *International Organization* 52 (4): 887–917.

Inayatullah, Naeem, and David L. Blaney. 2012. "The Dark Heart of Kindness: The Social Construction of Deflection." *International Studies Perspectives* 13 (2): 164–75.

Peters, Anne. 2009. "Humanity as the A and Ω of Sovereignty." *European Journal of International Law* 20 (3): 513–44. <https://doi.org/10.1093/ejil/chp026>

Barnett, Michael N. 2013. "Humanitarian Governance." *Annual Review of Political Science* 16 (1): 379–98.

Kennedy, David. 2006. "International Humanitarianism : The Dark Sides", *The International Journal of Not-for-Profit Law*, Volume 6, Issue 3, June 2004. Available at: <https://www.icnl.org/resources/research/ijnl/international-humanitarianism-the-dark-sides>

Week 2. January 28. Human Rights

Jensen, Steven L. B. *The Making of International Human Rights: The 1960s, Decolonization and the Reconstruction of Global Values*. New York: Cambridge University Press, 2016. Chapter 1 and Conclusion, pp. 1-18; 275-281.

DRAFT Reading List

Simmons, Beth A. (2009) *Mobilizing for Human Rights: International Law in Domestic Politics* (New York: Cambridge University Press) Chapter 1 (Introduction), pp. 3-22.

Risse, Thomas, Stephen C. Ropp, and Kathryn Sikkink, eds (2013). *The Persistent Power of Human Rights: From Commitment to Compliance*. Cambridge University Press, 2013. Chapter 1 (Introduction and Overview).

Hopgood, Stephen. “Human Rights on the Road to Nowhere” in Hopgood, Stephen, Beth A. Simmons, and Leslie Vinjamuri, eds. 2017. *Human Rights Futures*. Cambridge: Cambridge University Press. Chapter 12, pp. 283-310.

Simmons, Beth A., and Anton Strezhnev (2017) “Human Rights and Human Welfare: Looking for a ‘Dark Side’ to International Human Rights Law.” In *Human Rights Futures*, edited by Stephen Hopgood, Jack Snyder, and Leslie Vinjamuri, 60–87. Cambridge: Cambridge University Press.

Watch: Lauterpacht Centre for International Law Lecture: 'Where does Counter-Terrorism go next, 20 years after 9/11?' - Professor Fionnuala Ni Aolain, University of Minnesota Law School. <https://upload.sms.csx.cam.ac.uk/media/3669943>

Week 3. February 4. The Humanization of International Humanitarian Law

Kalmanovitz, Pablo. 2020. *The Laws of War in International Thought*. New York: Oxford University Press. Chapter 5.

Teitel, Ruti G. *Humanity’s Law*. Oxford University Press, 2011. Chapter 1 (Introduction).

Mantilla, Giovanni. 2020. “Social Pressure and the Making of Wartime Civilian Protection Rules.” *European Journal of International Relations* 26 (2): 443–468.

Mantilla, Giovanni. “Pathways of Change in International Humanitarian Law since 1977”. Unpublished article manuscript to be circulated by email.

Schmitt, Michael N, and Sean Watts. 2015. “State Opinio Juris and International Humanitarian Law Pluralism.” *International Law Studies* 171 (91).

Clark, Ian, Sebastian Kaempf, Christian Reus-Smit, and Emily Tannock. 2018. “Crisis in the Laws of War? Beyond Compliance and Effectiveness.” *European Journal of International Relations* 24 (2): 319–43.

Week 4. February 11. The Humanization of the Jus Ad Bellum

Finnemore, Martha. 2003. *The Purpose of Intervention: Changing Beliefs About the Use of Force*. Ithaca, NY: Cornell University Press. Chapter 3.

DRAFT Reading List

Bellamy, Alex J. 2015. “The Responsibility to Protect Turns Ten.” *Ethics & International Affairs* 29 (2): 161–85.

Welsh, Jennifer M. 2019. “Norm Robustness and the Responsibility to Protect.” *Journal of Global Security Studies* 4 (1): 53–72. <https://doi.org/10.1093/jogss/ogy045>.

Koh, Harold Hongju. 2017. “Humanitarian Intervention: Time for Better Law.” *AJIL Unbound* 111: 287–91. <https://doi.org/10.1017/aju.2017.72>

Heller, Kevin Jon. 2021. “The Illegality of ‘Genuine’ Unilateral Humanitarian Intervention.” *European Journal of International Law* 32 (2): 613–48. <https://doi.org/10.1093/ejil/chab038>

Lieblich, Eliav. 2021. “The Humanization of Jus Ad Bellum: Prospects and Perils.” *European Journal of International Law* 32 (2): 579–612. <https://doi.org/10.1093/ejil/chab039>

Week 5. February 18. International Justice

Tallgren, Immi, and Thomas Skouteris. *The New Histories of International Criminal Law. The New Histories of International Criminal Law*. New York: Oxford University Press, 2019. <https://doi.org/10.1093/oso/9780198829638.001.0001>. Chapter 1 (Editors’ Introduction) and 5 (Mégret).

Sander, Barrie. 2018. “Unveiling the Historical Function of International Criminal Courts: Between Adjudicative and Sociopolitical Justice.” *International Journal of Transitional Justice* 12 (2): 334–55. <https://doi.org/10.1093/ijtj/ijy012>.

Sikkink, Kathryn, and Hun Joon Kim. 2013. “The Justice Cascade: The Origins and Effectiveness of Prosecutions of Human Rights Violations.” *Annual Review of Law and Social Science* 9 (1): 269–85.

Dancy, Geoff, Bridget E. Marchesi, Tricia D. Olsen, Leigh A. Payne, Andrew G. Reiter, and Kathryn Sikkink. 2019. “Behind Bars and Bargains: New Findings on Transitional Justice in Emerging Democracies.” *International Studies Quarterly* 63 (1): 99–110. <https://doi.org/10.1093/isq/sqy053>.

Simmons, Beth A., and Hyeran Jo. 2019. “Measuring Norms and Normative Contestation: The Case of International Criminal Law.” *Journal of Global Security Studies* 4 (1): 18–36. <https://doi.org/10.1093/jogss/ogy043>.

Week 6. February 25. Humanization in Other Areas

Mitchell, Ronald B, and Charli Carpenter. 2019. “Norms for the Earth: Changing the Climate on ‘Climate Change.’” *Journal of Global Security Studies* 4 (4): 413–29.

DRAFT Reading List

Minkova, Liana G. 2021. "The Fifth International Crime: Reflections on the Definition of 'Ecocide.'" *Journal of Genocide Research* 0 (0): 1–22.
<https://doi.org/10.1080/14623528.2021.1964688>

Stevenson, Hayley. 2021. "Reforming Global Climate Governance in an Age of Bullshit." *Globalizations* 18 (1): 86–102.

TBD Readings on the international refugee and migration systems.

Week 7. March 4. The Future of Humanization amid Changing a Global Order

Lake, David A., Lisa L. Martin, and Thomas Risse. 2021. "Challenges to the Liberal Order: Reflections on International Organization." *International Organization* 75 (S2): 225–57.
<https://doi.org/10.1017/S0020818320000636>.

Acharya, Amitav. 2017. "After Liberal Hegemony: The Advent of a Multiplex World Order." *Ethics and International Affairs* 31 (3): 271–85.

Weiss, Jessica Chen, and Jeremy L. Wallace. 2021. "Domestic Politics, China's Rise, and the Future of the Liberal International Order." *International Organization* 75 (2): 635–64.
<https://doi.org/10.1017/S002081832000048X>

Bower, Adam. 2015. "Norms without the Great Powers: International Law, Nested Social Structures, and the Ban on Antipersonnel Mines." *International Studies Review* 17 (3): 347–73.

Arnauld, Andreas von. 2021. "How to Illegalize Past Injustice: Reinterpreting the Rules of Intertemporality." *European Journal of International Law* 32 (2): 401–32.
<https://doi.org/10.1093/ejil/chab037>