

International Relations Capstone: International Courts

PS 1581

Posvar Hall 4625, Tuesday, 1:00-2:55

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Office Hours: Wednesday 3:00-5:00 or by appointment

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Course Description

This capstone in International Relations examines international courts. Many pressing global issues require international cooperation: climate change, trade/finance/development, human rights enforcement, integration, etc. The agreements governing this cooperation rarely (if ever) have direct enforcement mechanisms. Yet many include legal frameworks and judicial bodies. For example, the EU has the ECJ; the WTO has the DSU. These, too, are courts without bailiffs. Yet, member states use and often abide by the rulings of these judicial bodies. We will examine theories of how these courts affect member state behavior. And we will assess these theories empirically.

Course Objectives

The objective of this course is to equip students with the theoretical and empirical tools to assess the impact of international courts. Since this is a capstone seminar, we have two additional objectives. First, this class will improve your ability to write scientifically. Political science writing is closer to science than politics: we identify research questions, derive hypotheses from theory, and test those predictions empirically. Accordingly, we will emphasize direct, focused, clear writing to help convey these ideas. Second, this class asks you to complete an original research project. This is to give practice with actually designing and implementing a research agenda.

Course Requirements

Grades will be weighted in the following manner:

In Class Activities: 20%

Focused Writing Assignments: 20%

Final Paper: 60%

In Class Activities

I do not take attendance. However, on most days, there will be some sort of in class activity. And given the length of the class, there could be more than one per day. This could be a short writing assignment, verbal presentation, or other assignment. For example, I might ask a question related to the reading and have you write 2-3 paragraphs in response. Other days, I might have you prepare (in advance) 3-4 discussion questions to ask the class. Individual assignments can be randomly assigned the day of the class- for example, we might draw cards for who has to present their discussion questions.

Focused Writing Assignments

These assignments ask you to write about a week's readings and perform a particular task, such as summarizing, contrasting, and explaining research designs. The purpose of these short assignments is to practice different writing and thinking skills, as well as prepare you for the kind of writing you will be doing for the research paper. They should be approximately 2 pages in length, and are due in class the same day the readings are due.

Final Paper

The final paper is the most important part of the seminar. This is a paper of approximately 20-25 pages. The paper will identify a research question, theorize about its answer, and either propose or conduct empirical analysis of predictions derived from this theory. It is expected that you draw

on readings from the course to help, though the research questions should not be the same as one asked in an assigned reading or other academic paper. The grading is broken down into discrete parts (which add up to 60). This is especially helpful, because it's geared towards getting you to work on the paper throughout the class (as opposed to the last minute). The breakdown is:

- Research proposal: 5%
- Annotated bibliography: 5%
- Draft 1: 10%
- Draft 2: 10%
- Final draft: 25%
- Peer review: 5%

Grading Policy

- Absence: If a medical or other emergency causes you to miss an in-class assignment, we can arrange for you to complete any assignments (or approximate equivalent) outside of class. To take advantage of this, you *must* email me to make appropriate arrangements within two days of missing the in-class assignment.
- Late Assignments: Assignments are due at the end of class on the days indicated on the assignment, unless otherwise indicated. I will *not* accept assignments that are more than two days late. Within the two day window, assignments are penalized a letter grade per day.
- Assignment Review: I am willing to review any graded assignment or exam. However, I will not hear any concerns until 48 hours after the assignment has been returned to you. You must express your concern with the grade in an email and support your argument as to why it should be changed. If you bring me an assignment to regrade, I will regrade the entire assignment, and I reserve the right to raise your grade or lower it on any part of the assignment. In other words, be careful in your use of review.

Course Policies

- Cell Phones, Laptops, Tablets: Laptops and tablets are allowed in class, provided they are used for class related purposes. Abuse of this privilege may cause us to re-evaluate this policy. Cell phones should be off.
- Academic Integrity: Cheating/plagiarism will not be tolerated. Students suspected of violating the University of Pittsburgh Policy on Academic Integrity, noted below, will be required to participate in the outlined procedural process as initiated by the instructor. A minimum sanction of a zero score for the quiz, exam or paper will be imposed. (For the full Academic Integrity policy, go to www.provost.pitt.edu/info/ai1.html.) For this course specifically, all assignments are to be completed *individually* and not in groups, unless otherwise indicated.
- Disability Services: If you have a disability for which you are or may be requesting an accommodation, you are encouraged to contact both your instructor and the Office of Disability Resources and Services, 140 William Pitt Union, 412-648-7890 (Voice), 412-624-3346 (Fax), 412-536-5568 (VP), as early as possible in the term. Disability Resources and Services will verify your disability and determine reasonable accommodations for this course.
- Statement on Classroom Recording: To ensure the free and open discussion of ideas, students may not record classroom lectures, discussion and or activities without the advance written permission of the instructor, and any such recording properly approved in advance can be used solely for the student's own private use.
- Email Communication Policy: Each student is issued a University e-mail address (username@pitt.edu) upon admittance. This e-mail address may be used by the University for official communication with students. Students are expected to read e-mail sent to this account on a regular basis. Failure to read and react to University communications in a timely manner does not absolve the student from knowing and complying with the content of the communications. The University provides an e-mail forwarding service that allows students to read their e-mail via other service providers (e.g., Gmail, Yahoo). Students that choose to for-

ward their e-mail from their pitt.edu address to another address do so at their own risk. If e-mail is lost as a result of forwarding, it does not absolve the student from responding to official communications sent to their University e-mail address. To forward e-mail sent to your University account, go to <http://accounts.pitt.edu>, log into your account, click on Edit Forwarding Addresses, and follow the instructions on the page. Be sure to log out of your account when you have finished. (For the full E-mail Communication Policy, go to www.bc.pitt.edu/policies/policy/09/09-10-01.html.)

- **Feedback:** I am very interested in what you're getting from the course and how I can make the course better. Periodically, I'll solicit anonymous feedback in class about what you find most or least useful.
- **Readings:** Some of the readings are very technical, involving game theoretic or econometric models. Both of these are mathematical tools that political scientists use extensively in research. However, you may not have had training in these methods. Do the best you can. We will cover harder mathematical concepts in class. I have also listed some very good resources that can help with these concepts.

1 Schedule

Students are expected to complete the readings prior to the course meeting on the listed date... Again, students are expected to complete the readings *prior* to the course meeting on the listed date. All readings are available electronically or on the course website. The most up-to-date syllabus will always be found on the course website, since the schedule may change.

Intro

Class 1: August 27 Syllabus, Methods and Overarching Questions

- **Required:** The syllabus.

- **Required:** Staton, Jeffrey K. and William Moore. 2011. “Judicial Power in Domestic and International Politics” *International Organization* 65(3): 553-587.
- **Suggested:** Epstein, Lee and Gary King. 2002. “The Rules of Inference.” *Chicago Law Review*. 69(1): 1-133.
 - This is a long article about understanding how to make inferences from empirical observations. If you have not taken research methods from the PS department or an equivalent course elsewhere, this is a great read.
- **Suggested:** Berry, William D. and Mitchel S. Sanders. 2000. *Understanding Multivariate Research*. Westview Press. Pages 1-80.
 - This is self-explanatory from the title. By now, you should have all seen regression table outputs. If you feel uncomfortable reading them, this is a great resource.
- **Suggested:** Spaniel, William. 2012. *Game Theory 101*. E-book.
 - This is an e-book which provides a very easy introduction to game theory. If you have not taken a course that used these tools before, I would recommend reading it. It is inexpensive (less than \$ 5 if I remember correctly) and available through Amazon. See <http://gametheory101.com/Textbook.html> for more details.

Class 2: September 3 Intro cont.

- **Required:** Posner, Eric A. and John C. Yoo. 2005. “Judicial Independence in International Tribunals.” *California Law Review* 93(1): 1-74.
- **Required:** Helfer, Lawrence R. and Anne-Marie Slaughter. 2005. “Why States Create International Tribunals: A Response to Professors Posner and Yoo.” *California Law Review* 93(3): 899-956.

Why Delegate to a Court in the First Place?

Class 3: September 10 ... to facilitate cooperation

- **Required:** Garrett, Geoffrey and Barry R. Weingast. 1993. "Ideas, Interests, and Institutions: Constructing the European Community's Internal Market." In *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change*, edited by Judith Goldstein and Robert O. Keohane, 173-207. Ithaca, NY: Cornell University Press. [I'd read this one first.]
- **Required:** Goldsmith, Jack L. and Eric Posner. 1999. "A Theory of Customary International Law." *University of Chicago Law Review* 66(4): 1113-1177.

Class 4: September 17 ... to signal (and to facilitate cooperation, cont.)

- **Research Proposal Due**
- **Required:** Rosendorff, Peter. 2005. "Stability and Rigidity: Politics and Design of the WTO's Dispute Settlement Procedure." *American Political Science Review* 99(3): 389-400.
- **Required:** Carrubba, Clifford J. 2005. "Courts and Compliance in International Regulatory Regimes." *Journal of Politics* 67(3): 669-689.

Class 5: September 24 ... to signal and to lock in policies

- **Required:** Simmons, Beth A. 2000. "International Law and State Behavior: Commitment and Compliance in International Monetary Affairs." *American Political Science Review* 94(4): 819-835.
- **Required:** Mansfield, Edward D., and Jon C. Pevehouse. 2006. "Democratization and International Organizations." *International Organization* 60(1): 137-167.

Why Comply with a Court?

Class 6: October 1 Background I

- **Annotated Bibliography Due**

- **Required:** Alter, Karen A. 1998. "Who Are the Masters of the Treaty?" *International Organization* 52(1): 121-147.
- **Required:** Burley, Anne-Marie and Walter Mattli. 1993. "Europe Before the Court: A Political Theory of Legal Integration." *International Organization* 47(1): 41-76.

Class 7: October 8 Background II

- **Required:** Stone Sweet, Alec and Thomas L. Brunell. 1998. "Constructing a Supranational Constitution: Dispute Resolution and Governance in the European Community" *American Political Science Review* 92(1): 63-81.
- **Required:** Carrubba, Clifford J. and Matthew Gabel. International Courts and the Performance of International Agreements: A General Theory with Evidence from the European Union. [Chapters TBD].

Class 8: October 15 No Class

- No class- but I will be available at our regularly scheduled time, in my office, to workshop papers.

Class 9: October 22 Domestic Constituency

- **Draft 1 Due**

- **Required:** Vanberg, Georg. 2005. *The Politics of Constitutional Review in Germany*. Cambridge: Cambridge University Press. Theory Chapter, on BB.

Class 10: October 29 Legitimacy

- **Draft 1 Feedback Due**
- **Required:** Staton, Jeffrey K. 2006. “Constitutional Review and the Selective Promotion of Case Results.” *American Journal of Political Science* 50(1): 98-112.
- **Required:** Chaudoin, Stephen. Forthcoming. “Audience Features and the Strategic Timing of Trade Disputes.” *International Organization*.

Topics

Class 11: November 5 Judicial Legitimacy

- **Required:** Hurd, Ian. 1999. “Legitimacy and Authority in International Politics.” *International Organization* 53(2): 379-408.
- **Required:** Tomz, Michael. 2008. “Reputation and the Effect of International Law on Preferences and Beliefs.” *Working Paper*.

Class 12: November 12 Judicial Decisions

- **Draft 2 Due**
- **Required:** Carrubba, Clifford J., Matthew Gabel, and Charles Hankla. 2008. Judicial Behavior Under Political Constraints: Evidence from the European Court of Justice. *American Political Science Review* 102(4): 435-52.
- **Required:** Voeten, Erik. 2008. The Impartiality of International Judges: Evidence from the European Court of Human Rights. *American Political Science Review* 102(4): 417-33.

- **Required:** [TBD An American politics reading on the attitudinal model.]

Class 13: November 19 Participation

- **Draft 2 Feedback Due**
- **Required:** Davis, Christina and Sarah Blodgett Bermeo. 2009. “Who Files? Developing Country Participation in GATT/WTO Adjudication.” *Journal of Politics* 71(3): 1033-1049.
- **Required:** Sattler, Thomas and Thomas Bernauer. 2010. “Gravitation or discrimination? Determinants of litigation in the World Trade Organisation.” *European Journal of Political Research*.

Class 14: December 3 Last Call

- **Required:** Johns, Leslie and Krzysztof Pelc. 2013. “Who Gets to Be in the Room? Manipulating Participation in WTO Disputes.” *International Organization*, forthcoming.
- **Required:** Chaudoin, Stephen. 2013. “Political Contestation and International Institutions” *Working Paper*, available on my pitt.edu website.

December 5 Final Papers Due, 5pm