

HIST 367: DIPLOMACY AND INTERNATIONAL LAW ORIGINS, EVOLUTION AND APPLICATION

Fall 2013
Instructor's Office Hours:
Monday 4-6 pm, or by appointment

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International law is primarily concerned with legal norms that operate among nation/states, but also addresses legal norms that operate between a nation and persons within its jurisdiction and with the norms that regulate the transboundary relationships of individuals. Unlike national law, international law is decentralized: there is no single legislative, judiciary or executive responsible for the initiation, interpretation or enforcement of international law, though the latter, in various ways seeks to perform these functions. Diplomacy is the normative and practical mechanism whereby relations between states are conducted. Essentially it is a process of communication: the formal means whereby states, as conflictual entities, articulate their interactions, mediate clashing interests and regulate the ever shifting configurations of power within the larger system they comprise.

The purpose of this course is to introduce students to the integral synergy between diplomacy and international law—resting on common political dynamics within international society—from their origins to the present. Topics include the rise of modern diplomacy in Renaissance Italy, the emergence of international law and professionalization of diplomacy in early Modern Europe; the development and actualization of both legal norms and diplomatic theory in the 18th and 19th centuries; the codification of international law and adaptation of international law to transnationalism and globalization in the 20th century, the abiding issue of conflict resolution at the interstate level.

Course Requirements

HSS 367 requires one book review (approximately 5- 6 pages) based on a book relating to themes of the course, chosen by the student (with Professor's approval) but not one of the course texts. This is due on at the beginning of class Monday, November 11 and will count for 20 percent of the final grade. Book review guidelines will be provided. Novels, autobiographies, memoirs are **not acceptable**. Moreover, students are required to prepare a properly documented and researched paper of 15-20 pages on a topic relevant to the course, which they select (with Professor's approval) and will be due at the beginning of class December 2. (Note: Internet sources for this paper must be kept to a minimum. No more than two per paper. Otherwise marks will be deducted.) A Term Paper Guideline will be provided. The final exam is worth 30 percent of the overall grade and will be given on a date to be determined.

Course Outline:

I. Introduction

- i) Why Study Diplomacy and International Law?
- ii) Theoretical Approaches to International Relations.
- iii) Nation States, National Interests and Foreign Policy Decisions.

Readings: The Art of Diplomacy, pp. 19-41.

Practice of Diplomacy, intro.

Diplomatic Theory, intro.

II. The Italian System.

- i) Origins of Organized Diplomacy.
- ii) Types of Diplomacy.
- iii) Diplomatic Theory.
- iv) Diplomacy and War.

Readings: K. W. Schweizer, "Diplomacy," Oxford Dictionary of the Enlightenment (Oxford, 2003). Supplied by instructor.

Schweizer and Keens-Soper, pp. 19-34.

Practice of Diplomacy, chs. II.

III. Origins of International Law and the Professionalization of Diplomacy.

- i) Diplomatic Agents and Parameters of Jurisdiction.
- ii) Diplomatic Privileges, Immunities and International Law.
- iii) Duties of Ambassadors.
- iv) Expansion of the "New Diplomacy."

Readings: Diplomatic Theory, ch. III.

Sellers, ch. I.

The Art of Diplomacy, ch. II, III, IV.

Practice of Diplomacy, ch. III.

IV. Diplomatic Theory and International Law 1648-1815.

- i) Ensurgent International Law: Underlying Assumptions and Supporting Theoretical Concepts.
- ii) Literature on the Subject.
- iii) International Law at Work.

Readings: Art of Diplomacy, ch. I.

"The Grotius Factor in International Law and Relations," (supplied by instructor).

Diplomatic Theory, ch. III.

Sellers, ch. II.

H. Butterfield, "The Changing Moral Framework of International Relations," in: K. Schweizer and P. Sharp, The International Thought of Herbert Butterfield (London, 2007), supplied by instructor.

V. The 19th Century: Old Diplomacy and New.

Readings: Diplomatic Theory, ch. VII.

Sellers, chs. III, IV.

R. Langhorne, “The Development of International Conferences,” (supplied by instructor).

H. Butterfield, “The New Diplomacy and Historical Diplomacy” and “The Changing Moral Framework,” (supplied by instructor).

VI. International Law, State Power, and Contemporary Warfare.

Readings: K.W. Schweizer, “Diplomacy’s Seamless Web,” (supplied by instructor).

International Organization, chs. V, VI.

Paul Taylor, “The United Nations and International Order,” (supplied by instructor).

Diplomatic Theory, ch. IX.

Sellers, ch. V.

Assignments:

Mark

Book Review	20 (due Nov. 11)
Research Paper	40 (due Dec. 2)
Class Participation	10
Final	30 (TBD)

Texts:

Mortimer Sellers, Republican Principles in International Law, (London, 2006).

Karl W. Schweizer and M. Keens-Soper, eds., The Art of Diplomacy, (Lanham, MD, 1994).

G.R. Berridge *et al.* Diplomatic Theory from Machiavelli to Kissinger (London, 2001).

K. Hamilton and R. Langhorne, The Practice of Diplomacy (London, 1994).

Policies

- This is an **intellectually demanding course** and all students will be expected to do all the readings listed in the syllabus and start work on their written assignments before the submission date, (ideally three weeks after start of course).

- Assignments **MUST** be submitted on time. **The research paper will be due one week before the last day of class.** Excuses for work submitted late will **not** be accepted (medical reasons, death in family apart). There are **no** exceptions (except as noted below). Late submissions will have grades deducted (one grade per day of lateness) unless a valid reason given (i.e. illness, supported by a doctor's note). This point **must** be clearly understood before students **agree** to take this class. Last minute pleas based on undocumented reasons **will** be rejected.
- It is the **student's** responsibility to ascertain that all assignments have been duly submitted and all required term work completed **prior** to termination of the semester. By signing the attendance sheets students explicitly **acknowledge** their understanding and **acceptance** of this condition.
- Assignments submitted **must** conform to the specific category stated in this syllabus i.e. an essay is an essay, not a book review. Essay topics are **chosen by the student, subject to Professor's approval.**
- Plagiarism in any written assignment will result in an automatic failure and will be reported to the Dean of Students. Book reviews should be 4-5 pages in length (title **must be approved** by instructor) and research papers between 15-20 pages, excluding bibliography. Web sources for the essay **must** be kept to a minimum (no more than **two**).
- Students **must not** put assignments under the professor's office door. They should be submitted on the due date at the beginning of the class or taken to the History office where the secretary will date stamp them.
- When submitting the final paper, students must also hand in the first/second draft plus a copy of the notes used for the construction of the essay.
- There will be no "make-up" exam. If you miss the final exam for any reasons other than those applying to written assignments listed above, you will receive an F.
- All submitted work must contain the following signed statement: **I have fully complied with the NJIT Honor Code. Signed: Your Name.**