2014

390-02 Topics in Political Philosophy: Natural Law and International Relations

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Xavier University
PH 390-2: Topics in Political Philosophy: *NATURAL LAW AND INTERNATIONAL RELATIONS*
Spring Semester, 2014

**Instructor:** Dr. Aaron Szymkowiak  
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Office: 222 Hinkle  
Office Hours: TR 11:15-12:45, W 9:00 a.m. -- Noon

**Class room:** Logan 101  
**Time:** TR 1:00 – 2:15 p.m.

**Required Texts**

Kant, *Political Writings* (Reiss, trans. Cambridge edition)

**Course Description**

In the present era, the questions of international affairs occupy a central position in our political discourse. Amidst the arguments concerning terrorist groups, their sponsors, and our possible responses, there resound some important philosophical concepts with rather storied pasts. For instance, just what sorts of “rights” are held by nations – are they different from those held by individuals, or perhaps even more problematically, by groups? Are a nation’s “obligations” – to the extent that it possesses any – shaped by self-interest, a principle of sociality among other nations, a “balance of power”, or perhaps even by the hope of lasting peace? Are such obligations enforceable? If so, by what authority?

Just what limitations does the concept of a “sovereign state” entail? Does it preclude pre-emptive strikes? Does it call for respect of a people or culture? What are the implications of “sovereignty” for justice as a matter of retribution? Can one state “punish” another? Might one state assist an oppressed minority (or majority) within another?

In this course, we will trace the origins of modern international relations theory by focusing on the most important figures in its early development. In the course of studying the works of these writers, we will uncover a history for the questions considered above, dating to the rise of the modern nation state and the development of European colonialism. We will also discover the extent to which these rather old, and in some cases neglected, works resound in contemporary debates. This point is demonstrated most immediately in the case of our first reading, which illustrates the emergence of a modern notion of “right” in the context of a seemingly petty squabble over a sea vessel.
Attendance, Participation, Assessment, and Readings

There will be two exams during the semester (a mid-term and a final), each of which will consist of a few short essay questions. Each exam will count for 20% of the total grade. There will be two essays written outside of class. Together, these will constitute 40% of the total grade, with the preponderance of the weight given to the second, longer essay. This essay will involve the relation of the class material to some contemporary case or argument in international affairs. The remaining 20% will be determined by class attendance and participation. Part of this grade will be determined by at least one (and possibly two) in-class oral presentations. Each student will be permitted a maximum of two unexcused absences without penalty. Any student missing 10 or more class sessions automatically fails the course. A student must take both exams and turn in both essay assignments to pass the course.

A basic note on classroom conduct: there will be NO use permitted during class time of cell phones, computers, iPods, or any electronic texting devices. Please turn these items OFF before entering class.

As you will see below, this course will involve a lot of reading. Much of it will require re-reading. It will be crucial for you to read the assignments before the class in which each text is to be discussed. Your success in this course depends in large part upon a willingness to come to class with questions and discuss them.

It is the student's responsibility to keep up with readings and class assignments (what follows is a rough outline of the topics to be covered on certain days – this may change slightly with class discussion and other factors). In the event of a missed class, be sure to contact the instructor, or at the very least, another student, to keep informed. All exams taken late will involve grade penalties, unless a very serious circumstance is involved.

Students will be expected to follow the lectures by reading the required texts. No study of secondary literature will be necessary, but the following portions of the primary texts will be required reading. Most readings will be found in the required texts, with the notable exception of a few short passages to be included from Samuel Pufendorf’s magnum opus, Of the Law of Nature and Nations. As this work is currently out of print, and our readings from it will be brief, I will provide the necessary material by way of electronic reserves and/or internet links. The texts covered will be as follows:

Grotius: the entire The Free Sea, Welwod’s Critique, and Defense of Chapter V of the Mare Liberum. (pages 5-130 in Armitage Liberty Fund Edition), selections from The Rights of War and Peace (see schedule below)


Pufendorf: the entire On the Duty of Man and Citizen According to Natural Law (pages 3-177 in Tully Cambridge Edition), brief selections from Of the Law of Nature and Nations (to be announced in class)

Vattel: selections from The Law of Nations (see below)

Kant: selections from the Metaphysics of Morals (pages 132-149 and 160-175 in Reiss Cambridge Edition) and Perpetual Peace: A Philosophical Sketch (93-130 in Reiss).
Student Learning Outcomes

By the end of the course, students will:

1) Develop an understanding of the history of the modern concept of a “right.”

2) Understand some of the connections between modern juridical and moral philosophy.

3) Trace the development of international relations as a distinct mode of inquiring about the human condition.

4) Gain a sense of the historical predicament of early enlightenment Europe (late 16th-18th centuries), particularly those elements bearing upon international relations (such as colonialism, maritime conflict, the English civil conflicts of the 17th century, and the 30 Years War)

5) Apply concepts learned in a historical context to some contemporary problem or issue in the international sphere. This last goal will be emphasized in the final term paper, where students will demonstrate awareness of the conceptual history behind some international political issue. Such issues may include the ratification of treaties, the obligations entailed by alliances or federations, the rights to be accorded to non-state actors, the ethics of fighting terrorism or piracy, authority over natural resources, or the moral limits of actions in war.

Course Schedule and Outline

1/14-16: Introduction: Classical Natural Right and the advent of the modern era in International Relations; European colonialism and commerce, Hugo Grotius and the Catarina incident

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1/21: Hugo Grotius and The Free Sea: liberty, property, community – Dutch commerce and the advent of a new conception of rights; read FS 5-20 (Intro-Chapter 4)

1/23-28: FS 20-37 (Chapter 5: the sea and the meaning of possession); Welwod’s Critique (FS 65-74)

1/30-2/4: Grotius’ Defense (FS 77-130)

2/6: Grotius FS Chapters 6-13 (pp. 38-62): the rejection of prescription and the importance of free trade

2/11-13: Grotius RWP: Can war be lawful? (180-90); The double nature of possession (455-58); The nature of punishment (949-56); The impossibility of punishing “internal” acts and the question of intentions (991-98); Unjust causes of war (1096-1113); Can war be just on both sides? (1130-32); War undertaken for others (1151-66); Moderation in killing (1420-56)

2/18-20: Introduction to Hobbes: a new science of man (Leviathan Ch. 1-6)
2/25-27: *Leviathan* (Ch.7-12): the problem of discourse, sociality as unnatural; Begin *Leviathan* Ch. 13-20

3/3-7: **SPRING BREAK**

3/11: Conclude *Leviathan* Ch. 13-20: the natural condition of man, natural laws, contracts, commonwealths, dominion

3/13: **MID TERM EXAM**


3/27-4/1: *Man and Citizen* Book II, Ch 16-18; Pufendorf’s view of war, peace, and treaties (additional reading on reserve from *Of the Law of Nature and Nations*)

4/3-8: **Vattel** *The Law of Nations* Book I; preliminaries (67-79); Nations in themselves (81-96); Defense, glory, power, protection, submission (198-210) portions for reading to be announced and to be found on reserve

4/10-15: Vattel *LN II*: Duties, commerce, justice among nations (259-301); Treaties (338-65); *LN II-IV*: Just causes of war (482-500); Peace (651-55)

4/17: **EASTER BREAK**

4/22-24: **Kant**’s *Metaphysics of Morals*: What is “Right”? What is “Public Right”? Can there be “International Right”? (read Reiss pages 132-149 and 160-175)

4/29-5/1: **Kant**’s *Perpetual Peace*: sensible prescriptions for a worthy goal, or a dangerous illusion? The key to contemporary European foreign policy? (Reiss 93-130)