

**General Education Course Information Sheet***Please submit this sheet for each proposed course*

Department & Course Number UG LawPhilosophy M98Tb  
 Course Title The International Criminal Court  
and the Legitimacy of Global Governance

1 Check the recommended GE foundation area(s) and subgroups(s) for this course

**Foundations of the Arts and Humanities**

- Literary and Cultural Analysis \_\_\_\_\_
- Philosophic and Linguistic Analysis   x
- Visual and Performance Arts Analysis and Practice \_\_\_\_\_

**Foundations of Society and Culture**

- Historical Analysis \_\_\_\_\_
- Social Analysis \_\_\_\_\_

**Foundations of Scientific Inquiry**

- Physical Science \_\_\_\_\_  
*With Laboratory or Demonstration Component must be 5 units (or more)*
- Life Science \_\_\_\_\_  
*With Laboratory or Demonstration Component must be 5 units (or more)*

2. Briefly describe the rationale for assignment to foundation area(s) and subgroup(s) chosen.

This course is interdisciplinary, drawing on both law and philosophy, as well as discussing  
historical events in detail. As such, it could fall into a number of the above categories. However,  
since my training is primarily in philosophy, it seems best to list this as a philosophy course.

3. List faculty member(s) who will serve as instructor (give academic rank):

Maximo Langer, faculty mentor; Brian Hutler, teaching fellow

4. Indicate when do you anticipate teaching this course:

2013-2014 Winter   x   Spring \_\_\_\_\_  
 Enrollment Enrollment

GE Course Units   5

5. Please present concise arguments for the GE principles applicable to this course.

<input type="checkbox"/> General Knowledge	This course will provide an introduction to the basic sorts of texts found in the practice of law; historical background of events such as the Nuremberg trials; introduction to current institutions such as the International Criminal Court.
<input type="checkbox"/> Integrative Learning	Students will be taught how to see the normative implications of law and policy, as well as the legal and political implications of normative theories.
<input type="checkbox"/> Ethical Implications	This course will explicitly investigate the normative legitimacy of the international (or global) governance system.
<input type="checkbox"/> Cultural Diversity	The course will cover events from around the world and throughout history including the Eichmann trial in Israel and the Tadic case involving events in the former Yugoslavia.
<input type="checkbox"/> Critical Thinking	Class lecture and discussion will involve critical evaluation of past court decisions and governmental policies, as well as attempts to create solutions to pressing contemporary problems.
<input type="checkbox"/> Rhetorical Effectiveness	Students will be expected to craft convincing arguments advancing philosophical theses.
<input type="checkbox"/> Problem-solving	Students will work together to reconstruct the court's reasoning when reading cases, and to come up with their own arguments for certain conclusions.
<input type="checkbox"/> Library & Information Literacy	Students will be taught the basics of how to cite and look up legal and philosophical texts.

**(A) STUDENT CONTACT PER WEEK (if not applicable write N/A)**

1. Lecture:	<u>4</u>	(hours)
2. Discussion Section:	<u>                    </u>	(hours)
3. labs	<u>                    </u>	(hours)
4. Experiential (service learning, internships, other):	<u>                    </u>	(hours)
5. Field Trips:	<u>                    </u>	(hours)

**(A) TOTAL Student Contact Per Week** **4** **(HOURS)**

**(B) OUT-OF-CLASS HOURS PER WEEK (if not applicable write N/A)**

1. General Review & Preparation:	<u>                    </u>	(hours)
2. Reading	<u>8</u>	(hours)
3. Group Projects:	<u>                    </u>	(hours)
4. Preparation for Quizzes & Exams:	<u>                    </u>	(hours)
5. Information Literacy Exercises:	<u>                    </u>	(hours)
6. Written Assignments:	<u>3</u>	(hours)
7. Research Activity:	<u>                    </u>	(hours)

**(B) TOTAL Out-of-class time per week** **11** **(HOURS)**

**GRAND TOTAL (A) + (B) must equal at least 15 hours/week** **15** **(HOURS)**

# **The International Criminal Court and the Legitimacy of Global Governance**

UG-Law 98Tb

Instructor : Brian Hutler

Office : 375 Dodd Hall

Office hours : TBD

brianhutler@ucla.edu

## **Overview**

International criminal law is a very new body of law. It is, at most, only as old as the International Military Tribunal at Nuremberg, the court created by the Allies to try Nazi war criminals after World War II. And the first permanent institution—the International Criminal Court (or “ICC”)—is much younger still: it came into existence in 2002. Moreover, international criminal law is a unique body of law. Its sources are primarily found in treaties and international custom, which are typically binding only on nation states. Yet the subjects bound by international criminal law are individuals: people (not states) have been sentenced, punished, and in some cases executed under the legal authority of international criminal law.

Because international criminal law is so new and so unique, we need to ask what makes it a legitimate body of law. Is international criminal law really law even though no legislature enacted it? More specifically we need to ask whether the ICC has the authority to punish offenders of international criminal law. After all there is no global state with citizens in the name of whom the ICC conducts prosecutions. In light of these questions, this seminar will have two overlapping aims: First, we will investigate whether the punishment meted out by the ICC can be justified: is the ICC doing the right thing? And second, we will apply the example of the ICC to our theories of legitimate global governance: does the ICC imply that there is a global political institution? And is it legitimate?

We will be delving into abstract philosophical ideas and applying specific legal doctrines to concrete historical events. But no background knowledge of these disciplines or subject matters will be expected or presupposed. Rather, this course will serve as an introduction to both philosophical and legal reasoning. But be warned! Both styles of reasoning require lots of classroom discussion and participation. We'll need everyone's help, so you might get called upon to help.

## **Expectations**

This course is worth 5 credits, so you should expect to do a little more work than average for this course. You should plan on spending about 12 hours per week outside of class working on the course. These are university guidelines. Students are expected to complete all of the weekly readings and submit the weekly writing assignments on time. Because of the seminar style, students are also expected to participate actively in classroom discussions.

## Grading

Participation: 10%  
Four short writing assignments : 40%  
(10% each)  
Final paper : 50%

## Writing Assignments

A short, 500-word writing assignment will be due before class in Weeks 3, 4, 5, and 6. Topics will be assigned a week in advance, and will include analysis of philosophical or legal argument, applying law to hypothetical fact patterns, and defending your own proposed theory. There will be four total short writing assignments. Each will be worth 10% of your grade, for a total of 40%.

## Final Paper

The final paper consists of three assignments, although only the last one—the final paper itself—will be graded. Before class in Week 7, a **500-word proposal** for your final paper will be due. This proposal will not be independently graded. Instead, I'll meet with each of you individually to discuss how to develop your proposed topic into a successful paper. Next, a **2000-word rough draft** of your final paper will be due before class in Week 9. Again, this draft will not be graded. You may meet with me to discuss your rough draft at your discretion. The point of the draft is to keep you on a writing schedule. It's fine if the draft is very rough, but you have to produce something! We will discuss writing strategies for rough drafts in class. Finally, your **4000-word final paper** will be due during finals week. (Date TBD.)

## Academic Honesty

Plagiarism is prohibited by university policy. When caught, it must be reported to the dean, who has the power to suspend, place on academic probation, or expel.

Plagiarism is presenting someone else's work as if it were your own. It's okay to use someone else's ideas and even words in your own work. But when you do, you have to tell your reader that the ideas or words are not your own, whose they are, and where you got them from. In class, we will discuss the proper methods of attribution and citation.

## Course Schedule and Reading List

### Week 1 Reading : Nuremberg

- Telford Taylor  
    selections from *The Anatomy of the Nuremberg Trials* (1992)
- Selected text from the judgment of the tribunal

### Week 2 Reading : The ICC

- William A. Schabas  
    selections from *An Introduction to the International Criminal Court* (2011)
- Selections from the Rome Statute
- Selections from the *Lubanga* decision

### Week 3 Writing : applying Rome Statute to facts

### Week 3 Reading : Theories of punishment

- Jeremy Bentham  
    “Of the Ends of Punishment”  
    from *The Principles of Penal Law* (1838)
- Immanuel Kant  
    “On the Right to Punish”  
    from *The Metaphysics of Morals* (1797)  
    Mary Gregor trans.
- Joel Feinberg  
    “The Expressive Function of Punishment”  
    *The Monist* (1965)

Week 4 Writing : What theory of punishment best justifies the ICC?

Week 4 Reading : Punishment and Political Authority

- Cesare Beccaria  
selections from *On Crimes and Punishments* (1764)  
Richard Davies trans.
- John-Jacque Rousseau  
selections from *Of the Social Contract* (1762)  
Victor Gourevitch trans.

Week 5 Writing : Who (i.e., what kind of institution) has a right to punish?

Week 5 Reading : The Trial of Eichmann

- Hannah Arendt  
selections from *Eichmann in Jerusalem* (1963)
- Selected text from the Israeli Supreme Court
- Karl Jaspers  
“Who Should Have Tried Eichmann?”  
*Der Monat* (1961)  
reprinted *Journal of International Criminal Justice* (2006)  
A. Cassese trans.
- Selections from *Hannah Arendt Karl Jaspers Correspondence* (1985)  
Robert and Rita Kimber trans.

Week 6 Writing : Who (do you think) should have tried Eichmann?

Week 6 Reading : Legitimacy of the ICC

- Máximo Langer  
“The Archipelago and the Hub”  
(forthcoming)

Week 7 Writing : 500-word essay proposal

Week 7 Reading : Ideal Global Political Institutions

- Immanuel Kant  
“Toward Perpetual Peace” (1795)  
Mary Gregor trans.

Week 8 Reading : Actual Global Political Institutions

- Jürgen Habermas  
“The Constitutionalization of International Law and the Legitimation  
Problems of a Constitution for World Society”  
*Constellations* (2008)

Week 9 Writing : 2000-word rough draft

Week 9 : Methodology

- Ronald Dworkin  
“Interpretive Concepts”  
from *Law's Empire* (1986)

Week 10 : Review

- no new material; discussion of final papers



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[Main Menu](#)
[Inventory](#)
[Reports](#)
[Help](#)
[Exit](#)

## New Course Proposal

### Law Undergraduate M98TB International Criminal Court and Legitimacy of Global Governance

<a href="#">Course Number</a>	Law Undergraduate M98TB			
<a href="#">Multiple Listed With</a>	Philosophy M98TB			
<a href="#">Title</a>	International Criminal Court and Legitimacy of Global Governance			
<a href="#">Short Title</a>	INTERNTL CRIM COURT			
<a href="#">Units</a>	Fixed: 5			
<a href="#">Grading Basis</a>	Letter grade only			
<a href="#">Instructional Format</a>	Seminar - 3 hours per week			
<a href="#">TIE Code</a>	SEMT - Seminar (Topical) [T]			
<a href="#">GE Requirement</a>	Yes			
<a href="#">Major or Minor Requirement</a>	No			
<a href="#">Requisites</a>	Enforced: Satisfaction of entry-level Writing requirement. Freshmen and sophomores preferred.			
<a href="#">Course Description</a>	(Same as Philosophy M98TB.) Seminar, three hours. Enforced requisite: satisfaction of Entry-Level Writing requirement. Freshmen/sophomores preferred. Investigation of establishment and legitimacy of International Criminal Court from historical, legal, and philosophical perspectives, with focus especially on court's implications for theories of legitimate punishment and governance. Letter grading.			
<a href="#">Justification</a>	Part of the series of seminars offered through the Collegium of University Teaching Fellows.			
<a href="#">Syllabus</a>	File <a href="#">UG Law Philosophy M98Tb syllabus.pdf</a> was previously uploaded. You may view the file by clicking on the file name.			
<a href="#">Supplemental Information</a>	Professor Maximo Langer is the faculty mentor for this course.			
<a href="#">Grading Structure</a>	participation - 10%; seven weekly writing assignment - 35%; final paper - 55%			
<a href="#">Effective Date</a>	Winter 2014			
<a href="#">Discontinue Date</a>	Summer 1 2014			
<a href="#">Instructor</a>	Name	Title		
	Brian Hutler	Teaching Fellow		
<a href="#">Quarters Taught</a>	Fall	Winter	Spring	Summer
<a href="#">Department</a>	Law			
<a href="#">Contact</a>	Name	E-mail		
	CATHERINE GENTILE	cgentile@oid.ucla.edu		
<a href="#">Routing Help</a>				

### ROUTING STATUS

**Role:** Registrar's Office



**Status:** Processing Completed**Role:** Registrar's Publications Office - Hennig, Leann Jean (LHENNIG@REGISTRAR.UCLA.EDU) - 56704**Status:** Added to SRS on 9/23/2013 10:26:43 AM**Changes:** Title, Description**Comments:** Edited course description into official version; corrected title.**Role:** Registrar's Scheduling Office - Bartholomew, Janet Gosser (JBARTHOLOMEW@REGISTRAR.UCLA.EDU) - 51441**Status:** Added to SRS on 9/6/2013 11:24:19 AM**Changes:** Title, Short Title**Comments:** Removed 'The' from the full title.  
Added a short title.**Role:** L&S FEC Coordinator - Castillo, Myrna Dee Figurac (MCASTILLO@COLLEGE.UCLA.EDU) - 45040**Status:** Returned for Additional Info on 9/4/2013 3:28:57 PM**Changes:** No Changes Made**Comments:** Routing to Doug Thomson in the Registrar's Office.**Role:** FEC Chair or Designee - Palmer, Christina (CPALMER@MEDNET.UCLA.EDU) - 44796**Status:** Approved on 9/4/2013 3:27:26 PM**Changes:** No Changes Made**Comments:** No Comments**Role:** FEC Chair or Designee - Castillo, Myrna Dee Figurac (MCASTILLO@COLLEGE.UCLA.EDU) - 45040**Status:** Returned for Additional Info on 9/4/2013 3:19:47 PM**Changes:** No Changes Made**Comments:** Routing to Christina Palmer for FEC approval.**Role:** Department/School Coordinator - Gentile, Catherine (CGENTILE@OID.UCLA.EDU) - 68998**Status:** Approved on 9/4/2013 9:12:32 AM**Changes:** No Changes Made**Comments:** per CUTF Coordinator inserted correct syllabus**Role:** FEC Chair or Designee - Castillo, Myrna Dee Figurac (MCASTILLO@COLLEGE.UCLA.EDU) - 45040**Status:** Returned for Additional Info on 9/3/2013 10:00:57 AM**Changes:** No Changes Made**Comments:** Routing to Cathie. Please attach course syllabus. The GE info sheet is currently attached.**Role:** CUTF Coordinator - Gentile, Catherine (CGENTILE@OID.UCLA.EDU) - 68998**Status:** Approved on 8/30/2013 3:23:32 PM**Changes:** No Changes Made**Comments:** no changes**Role:** Initiator/Submitter - Gentile, Catherine (CGENTILE@OID.UCLA.EDU) - 68998**Status:** Submitted on 8/30/2013 3:21:25 PM**Comments:** Initiated a New Course Proposal[Back to Course List](#)

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