Australian National University

International Law and Institutions

Jana von Stein (she/her) 2026

COURSE INFORMATION

This course examines public international law (IL) as a system shaped by societal biases, norms, and power relationships. It introduces key theoretical perspectives on how IL functions, its historical development, and its relationship to domestic law. Students apply these frameworks to contemporary issues, including the laws of armed conflict, environmental law, and a topic selected collectively. Students will also develop practical skills in analysing judicial decisions and preparing case briefs, legal briefs, and policy memos.

LEARNING OUTCOMES

By the end of the course, you should be able to:

1. Identify and evaluate the sources, nature, main actors, and core theoretical perspectives on public international law.
2. Discuss and contextualise the historical development of international law.
3. Discuss and contextualise key international law concepts, including sovereignty, consent, ratification, 'bindingness,' jurisdiction, compliance, and enforceability.
4. Apply the above concepts to historical and contemporary international cases.
5. Analyse relevant judicial decisions and prepare case briefs, legal briefs, and policy memos.

COURSE SCHEDULE

Wk.	Topic
1.	The History and Nature of International Law
2.	Sources and Schools I: Realism, Formalism,
3.	Sources and Schools II: Constructivism, Critical Theory
4.	Sources and Schools III: Feminism, TWAIL
5.	Psychology, Legitimacy, Sovereignty, and International Law
6.	'Non-binding' and 'Binding' Sources of Law
7.	Interpretation, Compliance, and Enforcement
8.	The Laws of Armed Conflict
9.	International Environmental Law
10.	Students choose (see detailed schedule below)
11.	The Future of the Rules-Based International Order
12.	Wrap-up and Review

LAND ACKNOWLEDGEMENT

We acknowledge the Ngunnawal and Ngambri-Kamberri people, who are the Traditional Owners of the land on which we meet. We pay our respects to all Aboriginal and Torres Strait Islander peoples, Indigenous peoples, past, present and future, and acknowledge that this land from which we benefit has an ancient history that is both rich and sacred.

COMMUNICATION

My office hours are [day/time] in [location]. Please come by and say hello! If you have a timing conflict, please email me to set up an alternate time. If you have any additional questions, please feel free to email me or (if you prefer) send an anonymous email through Canvas.

STUDENT FEEDBACK

In week 4, you'll have the opportunity to provide feedback on the course through an online survey. I'll do my best to make modifications during the quarter as long as they align with university policy. At the end of the quarter, you'll be asked to complete an evaluation of my teaching. These provide an opportunity for you to give honest and constructive feedback on my teaching and your learning. This anonymous feedback will help me consider modifications to the course that will help future students learn more effectively.

COMMUNITY AGREEMENT

In this course, we'll be exploring complex and high-stakes issues from many angles. These conversations will give us the opportunity to engage actively and listen respectfully, collaborate, participate in open dialogue, and contribute concepts, facts, and evidence to discussion while staying aware of how our own biases can influence what we emphasise and how we interpret information.
To help us achieve this, the class will create its own community agreement starting in week 1. Further details will be provided then and later posted on Canvas.

PRONOUNS AND INCLUSIVITY

If you feel comfortable, please share your preferred pronoun in class and when you communicate with the teaching team and each other. If you believe someone is referring to you by an incorrect pronoun, please let them know how you'd like to be addressed. If someone asks you to refer to them by a specific pronoun, please respect their request.

ACADEMIC INTEGRITY

(Integrity – doing work that is high-quality and yours – is one of the most valuable assets you can cultivate in life. At its heart, academic integrity is about behaving ethically, committing to honest and responsible scholarly practice, and upholding these values with respect and fairness. It's also crucial to ensuring the quality and value of your education. I expect all students to respect these principles, doing their own work and acknowledging others' work where appropriate. I will help you learn/revise these conventions by providing a citation and referencing guide on the Canvas site. Please get in touch if you need clarification or support, or would just like a cross-check that you're citing properly. The Academic Skills Centre has excellent resources and you can book appointments with them.

MATERIALS AND OTHER COURSE RESOURCES

The course has no textbook. Instead, I have included chapters, articles, videos, podcasts, and other course materials on Canvas.

CONTENT ADVISORY

This course examines texts, images, and videos that may be considered sensitive. I will do my best to provide tags on individual readings/videos and in class. I hope these notifications will help you engage with the material, but please be vigilant about your own well-being and reach out for support if needed. Please let me know if you believe I should tag something I haven't.

ASSIGNMENTS & ASSESSMENT

#	What	%	When
1.	Participation	10%	Weekly
	Participation consists of physical presence, thoughtful and thorough engagement with the material and conversation, and respectful engagement with the TA and other students. Please see Canvas for thorough guidance on how you can prepare/do well. If you're uncomfortable speaking in a group setting, please get in touch with your TA or me so we can brainstorm on some strategies and/or discuss alternative approaches.		
2.	Legal Brief	25%	Weekly
	A legal brief (not to be confused with a case brief) is a written argument submitted to the court. Lawyers often prepare legal briefs that highlight and clarify information or provide legal comparisons, attempting to persuade the courtroom in favour of their client. In this assignment, you will select a relevant issue (of personal interest, or from a list of options I will provide) and write a legal brief. I'll provide more information in class and on Canvas, including thorough instructions, examples, and a rubric.		
3.	Policy Memo	30%	Weekly
	Imagine you are a policy advisor to a public official (e.g., a state or national legislative representative, or some other official who would realistically have an interest in receiving a policy memo on the topic). Your task is to identify a pressing human rights policy problem and write a policy memo for them, summarising the relevant academic literature and providing recommendations. I'll provide more information in class and on Canvas, including thorough instructions, examples, and a rubric.		
4.	Participation	35%	Weekly
	Details and a mock final exam to appear on Canvas.		

MATERIALS AND OTHER COURSE RESOURCES

- Weekly readings draw from the following books. You can access the relevant chapters in Canvas free of charge:
  1. Jeffrey Dunoff and Mark Pollack (2022). International Legal Theories: Foundations and Frontiers. Cambridge: Cambridge University Press.
  2. Leslie Johns (2026). Politics and International Law. Cambridge: Cambridge University Press.
  3. Sean Murphy (2025). Principles of International Law. West Academic.
- Weekly materials will also include additional articles, chapters, cases, podcasts, and/or videos. All are accessible in Canvas free of charge.
- During weeks where we consider specific cases, please come prepared to discuss the questions below. Whatever your career intentions, this exercise will develop your skills in distilling key facts and arguments and synthesising the court's/judges' decisions.

#	Element	Question(s)
1.	Facts	Who are the main parties in the dispute? What is the background and timeline of legally significant events that led to the dispute?
2.	Procedural history	What events within the court system led to the case we're reading?
3.	Issue(s)	What legal question(s) is the court determining?
4.	Arguments	According to the parties, what rule(s)/principle(s) apply in this case? Why do the parties believe the court should interpret/apply them in their favour?
5.	Rule	According to the court, what rule(s) applies in this case?
6.	Holding	Who won and lost in this case? Why?
7.	Rationale	What was the court's logic in deciding which rule or principle applies?
8.	Concurrence/ dissent	Did most/all members of the court agree? If not, what were the main objections and who made them?

COURSE SCHEDULE (DETAILED)

Wk	Topic	Course materials
1.	The History and Nature of International Law (IL)	
	Concepts: IL, legal paradox, law as a system of social facts and/or principles, consent, legitimacy, compliance. Objectives: ▪ Summarise the main arguments in the 'Hart vs. Dworkin' debate and apply them to contemporary examples. ▪ Compare and contrast domestic law and IL. ▪ Compare and contrast legitimacy- and interest-based theories of IL compliance.	▪ Excerpts from Scott Shapiro (2007). "The 'Hart-Dworkin Debate: A Short Guide for the Perplexed." Philosophy Compass.[1] ▪ Pp. 15-25, Johns. ▪ Excerpts from John Tasioulas, Guglielmo Verdirame (2022). "Philosophy of International Law." Oxford Handbook of the Philosophy of International Law.
2.	Sources and Schools I: Realism, Formalism	
	Concepts: Legal Realism, Formalism Objectives: Compare and contrast each school's views on the following questions: ▪ What is international law? ▪ What are the sources of international law? ▪ Who are the main actors/subjects? ▪ What explains (non)compliance? ▪ What are its pros and cons?	▪ Gregory Shaffer (2022). "Legal Realism" (Ch. 4, Dunoff & Pollack). ▪ Jean D'Aspremont (2011). "The Concept and the Rationale of Formalism in International Law." In Formalism and the Sources of International Law.

[1] Students, please note: to conserve space, I am not providing the full reference information in this syllabus. Please see the course resources for information on proper citation.

3. Sources and Schools II: Constructivism, Critical Theory	
Concepts: Constructivism, Critical Theory Objectives: Compare and contrast each school's views on the following questions: ▪ What is international law? ▪ What are the sources of international law? ▪ Who are the main actors/subjects? ▪ What explains (non)compliance? ▪ What are its pros and cons?	▪ Adriana Sinclair (2012). "The theoretical foundations of constructivism and its treatment of law." In International Relations Theory and International Law: A Critical Approach. ▪ Fleur Johns (2022). "Critical International Legal Theory." (Ch. 6, Dunoff & Pollack).
4. Sources and Schools III: Feminism, Third World Approaches (TWAIL)	
Concepts: Feminism, TWAIL approaches. Objectives: Compare and contrast each school's views on the following questions: ▪ What is international law? ▪ What are the sources of international law? ▪ Who are the main actors/subjects? ▪ What explains (non)compliance? ▪ What are its pros and cons?	▪ Karen Engle, Vasuki Nesiah, Dianne Otto (2022). "Feminist Approaches to International Law." (Ch. 8, Dunoff & Pollack). ▪ James Thuo Gathii, "The Agenda of Third World Approaches to International Law (TWAIL)." (Ch. 7, Dunoff & Pollack).
5. Psychology, Legitimacy, Sovereignty and International Law	
Concepts: legitimacy, fairness, group identity, procedural justice, voluntary cooperation, compliance, obedience. Objectives: ▪ Analyse the psychological foundations of legitimacy in domestic law vs. IL. ▪ Analyse the role(s) of fairness, procedural justice, and shared identity in shaping legal compliance. ▪ Explain the links between colonialism, sovereignty, legitimacy, racism and IL.	▪ Tom Tyler (2006). "Psychological Perspectives on Legitimacy and Legitimation." Annual Review of Psychology. ▪ Excerpts from Moshe Hirsch (2019). "Cognitive Sociology, Social Cognition and Coping with Racial Discrimination in International Law." European Journal of International Law. ▪ Anthony Anghie (2004). Ch. 2 of Imperialism, Sovereignty, and the Making of International Law. ▪ Podcast: "Is the ICC Racist?" Justice in Conflict.
6. 'Nonbinding' and 'Binding' Sources of Law	
Concepts: jus cogens, custom, treaties, general principles, judicial decisions, declarations, reservations, withdrawal. Objectives: ▪ Define and discuss above terms' relevance to domestic law and IL. ▪ Evaluate soft law's relevance to domestic law and IL as well as its pros/cons. ▪ Explain Paquete Habana's relevance.	▪ Ch. 3, Murphy. ▪ Pp. 426-31, Murphy. ▪ Christine Chinkin (1989). "The Challenge of Soft Law: Development and Change in International Law." International and Comparative Law Quarterly. ▪ Case: The Paquete Habana, 175 U.S. 677 (1900).
7. Interpretation, Compliance, and Enforcement	
Concepts: democracy, authoritarian, rule of law, jurisdiction, naming-and-shaming, strategic vs. normative behavior.	▪ Tom Ginsburg (2021). "Are Democracies Different?" Chapter from Democracies and International Law.

Objectives: ▪ Analyse how domestic politics and institutions influence the interpretation, compliance, and enforcement of IL in democratic vs. authoritarian systems. ▪ Explain the key categories of IL rules and evaluate why domestic courts treat each differently. ▪ Summarise the main arguments and stakes in Trump v. V.O.S. Selections, Inc.	▪ Excerpts from David Sloss and Michael Van Alstin (2017). "International Law in Domestic Courts." Research Handbook on the Politics of International Law. ▪ Pp. 145-61, Johns. ▪ "Breaking down Supreme Court arguments over Trump's sweeping tariffs." Video. ▪ Case: Trump v. V.O.S. Selections, Inc. (To be updated as case progresses).
8. The Laws of Armed Conflict (LOAC)	
Concepts: distinction, necessity, proportionality, "following orders" defense, jus in bello, LOAC, combatant, hors de combat, war crime, prisoner of war. Objectives: ▪ Discuss what major principles govern decisions about the use of force and how they have evolved. ▪ Discuss the role of UN Security Council authorisation in the use of force. ▪ Analyse the strengths and weaknesses of the ICC. ▪ Reflect on whether armed intervention can ever be legal but immoral, or moral but illegal (with contemporary examples).	▪ Excerpts from chs. 9 and 10, Johns. ▪ Michael Schmitt, Ryan Goodman, Tess Bridgeman (2025). Unlawful Orders and Killing Shipwrecked Boat Strike Survivors: An Expert Backgrounder. Just Security. ▪ Case: Ukraine, International Criminal Court. (To be updated as cases progress).
9. International Environmental Law	
Concepts: tragedy of the commons, free-riding, governing the commons, sustainable development, common but differentiated responsibility, custom, framework agreement, protocol, soft/hard law. Objectives: ▪ Identify the key principles and sources of international environmental law. ▪ Compare the advantages and disadvantages of aspirational, binding, and flexible provisions in international environmental agreements. ▪ Analyse the legal tools available to states for protecting the environment and summarise the key conclusions of the ICJ's advisory opinion.	▪ Ch. 12, Johns. ▪ Hearings/documents from ICJ Advisory Opinion on the Obligations of States with Respect to Climate Change. ▪ Case: ICJ Advisory Opinion on the Obligations of States with Respect to Climate Change.
10. Students choose	
In week 1, students will have the opportunity to post proposed topics on Canvas. I'll assess them for appropriateness and feasibility, and students will then vote (via survey) in week 2. The topic will be announced on Canvas and in week 3's class.	

11. The Future of the Rules-Based International Order	
Concepts: rules-based international order (RBIO), great power competition, ecological theory of competition over regime type, collective action, burden-sharing, power transition, institutional capture and resilience. Objectives: ▪ Identify the factors behind current attempts to reshape or disengage from the RBIO as well as the likely winners and losers if it weakens or fails. ▪ Explain why great powers compete over international institutions and why (according to Owen) the norms and structures of these institutions implicitly favor one kind of political regime over others. ▪ Evaluate strategies other states can use to protect collective interests if the US withdraws from major global institutions.	▪ John Owen (2025). "Why Great Powers Compete to Control International Institutions." International Security. ▪ Ngaire Woods (2025). "Order Without America: How the International System Can Survive a Hostile Washington." Foreign Affairs. Global power shift: Trump, Xi and the end of rules-based order? Video, Deutsche Welle.
12. Wrap-up and Review	