History of International Law in East Asia

Course Meetings: Times & Location TBD  
Office Hours: Times & Location TBD

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i. Course Overview and Objectives

What is “international law”? How was it formed and what consequences did this have for East Asia? What relationship is there between international law and historical legacies of imperialism, colonization, and rapid economic, political, and social change in East Asia? This survey course explores these questions and more through sources from a range of Asian and European political figures as well as assessments of this history from relevant secondary literature. This course asks what, if anything, constitutes “international law” and how might a just global order be attained under international law, if at all.

Through dialogue and writing, students will develop their ability to recognize, compare, and critically (though charitably) assess the disparate foundations and influences of international law throughout the modern history of East Asia (19th-20th centuries). This course ultimately aims to advance students’ understanding of comparative and East Asian political and legal thought as well as the modern history of international law through exploration of varied notions of law and civilization in East Asia.

In short, this course aims to improve students’ ability to:

- **Assess** the claims of primary texts in modern East Asian political and legal history in a charitable, yet critical, manner
- **Develop** nuanced normative and political arguments concerning historical and contemporary East Asian politics through dialogue and writing

ii. Required Texts

No prior background in East Asian history is required. All readings will be in English and available either online, via PDF, or available for purchase in the bookstore. If you have concerns obtaining the texts below, please contact me.


**Chapters 18-30 of the following text might be a helpful resource for establishing a working knowledge of modern East Asian history.**

- *Modern East Asia from 1600: A Social, Cultural, and Political History* (Ebrey and Walthall; 2013)
iii. Assignments, Grading, and Policies

Attendance and Participation 10%

Regular class attendance and active participation facilitate the successful recognition, comparison, and assessment of the concepts, institutions, and figures encountered in this course. Thus, attendance and participation in class is mandatory. Absences due to personal emergencies, illness, religious observance, or other legitimate causes will be excused with advanced notice and proper documentation, where applicable. Good participation reflects quantity and quality of in-class comments. Students are expected to come to class with texts readily available, having done the reading and having prepared for respectful and substantive discussion. Laptops are allowed only for course-related activities; other observed activities will result in a grade reduction. I am available for any student wishing to discuss methods for engaging more effectively in class discussion.

Quizzes 50%

Quizzes serve as a brief written means for students to demonstrate their ability to recall class content and assess arguments about class texts. They are also intended to help students develop the writing skills for the final essay. There will be four quizzes this term (at the end of class) with ascending weight in grading (5%, 10%, 15%, 20%). Quizzes will involve two parts and are open book/computer, but no use of the Internet is allowed. The first part consists of five short-answer questions that require recalling previous course content. Because students will need to use of textual support for these short answers, they are expected to bring the relevant texts to class for that period. The second part is a take-home essay in which students argue a position based on a prompt. (Prompts will be attached to the in-class quiz.) The take-home essay should be roughly 250-500 words in length (12pt font, normal margins, double-spaced) and is due by 11:59pm CST (by email) the day it is assigned. Note: I will not discuss quiz information during office hours for that day.

Final Essay 40%

The final essay gives students an opportunity to demonstrate their ability to critically, yet charitably, assess the course material. This will involve comparative analysis of evidence from multiple course texts in support of one’s argument and against competing claims. This must be original work from the student; plagiarism is not tolerated under any circumstance and will result in failure on the assignment and possibly failure in the course or further sanctions. If students are unclear on what constitutes plagiarism, they should consult the college handbook. A one-page prospectus with a thesis paragraph and potential supporting evidence with citations will be due (by email) a week in advance. Students will bring these to class and review each other’s developing arguments. I will provide essay prompts (via Canvas) a week in advance of the prospectus class. Also, I will email a sheet for the prospectus review. Students must answer all parts of the prospectus review sheet and give their responses to their partner at the end of class. Final essays should be 1500-2000 words, 12pt font, normal margins, double-spaced and should answer the prompt. The final essay will be due the Thursday of the final week of class at 5pm CST (by email) with the prospectus review comments included at the end of the essay (either scanned or re-typed). Students who submit a course evaluation before the beginning of our last class, may elect to have a 24-hour extension. I will not read drafts of essays, but am available to discuss essay ideas. Late essays will be reduced by one-third a letter grade (e.g. from a B+ to a B) for every day past the due date and I will not accept essays after three days without a legitimate cause substantiated by advanced notice and proper documentation (e.g. a letter or email from your doctor), where applicable.

**If you have a documented disability and require a reasonable accommodation to complete the course, you are encouraged to contact Student Disability Services as soon as possible. If you already have an accommodation letter, I am available to discuss how to implement the accommodation.**
iv. Tips for Success

In my experience, students who follow these tips tend to do well. I encourage you to heed at least some, if not all, of them over the term.

- **Finish the reading at least 24 hours before it is due.** For example, finish Tuesday’s class reading by Monday morning. This will require time management, but it allows more time for reflection.
- **Take notes as you read, in the text.** This will allow you to track your reactions to the readings and think (ahead of class) about intriguing or puzzling passages.
- **Come to office hours.** I do not bite. I am invested in you succeeding in this course.
- **Talk with your peers about the readings outside of class.** It helps you process and vocalize your views on the text(s) in preparation for class discussion.
- **[For any writing assignment] Map out your argument, paragraph by paragraph.** If you cannot justify why a paragraph should be included in the writing assignment, do not include it.

v. Reading Schedule

*Assignments listed under each day are due for that day.* This course is intended as a survey of the history of international legal thought as it bears on East Asian politics for students with little to no background in East Asian political history. Readings reflect a balance of primary and secondary sources with relevant historical background, where necessary. Students are expected to gain a general view of prominent concepts and arguments, from which they may elect to develop a more focused research topic in the final essay. All readings will be in English. Readings marked with an asterisk (*) indicate a PDF which I will send in advance.

I. Early Source Material

**Week One**

*Assignment: Vattel, *The Law of Nations* (selections)*

**Week Two**

*Assignment: Montesquieu, *The Spirit of the Laws* (selections)
Wheaton, *Elements of International Law* (selections)*

II. Law and International Conflict

**Week Three**


**Week Four**

*Assignment: Cassel, *Grounds of Judgment*

III. Adaptations and Transformations

**Week Five**

Sources of Chinese Tradition, *Volume 2* (pp. 254-260 on Yan Fu)*
Sources of Korean Tradition, *Volume 2* (pp. 248-253 on Yu Kilchun)*
Howland, *Translating the West* (chs. 3, 5-6)
Week Six
Topic: “Treaties, Part Two: A Tale of Two Empires”
Assignment: Treaty of Kanghwa (1876)*, Treaty of Shimonoseki (1895), Boxer Protocol (1901), Treaty of Portsmouth (1905)*, Japan-Korea Treaty (1910)*

IV. War and Peace
Week Seven
Topic: “Prefiguring International Peace”
Assignment: Hague Conventions (1899, 1907), League of Nations Covenant (1924)

Week Eight

V. Legacies of Empire in International Law
Week Nine
Topic: “Colonialism and International Law”
Assignment: Anghe, Imperialism, Sovereignty and the Making of International Law

Week Ten
Topic: “Domination and International Law”
Assignment: Pitts, Boundaries of the International

FINAL ESSAY DUE THURSDAY OF WEEK TEN (5PM EST BY EMAIL)