

SYLLABUS

INTERNATIONAL LAW

POLS 342
Fall, 2003

Dr. Phillip A. Taylor
Office: UCB 359
Phone: 974-7424
Hours: 10-11, MWF;
02-03, MW;
or by appt.

REQUIRED TEXT: Gerhard von Glahn, Law Among Nations: An Introduction to Public International Law (Seventh Edition) (New York: Macmillan, 1996).

RECOMMENDED TEXTS: Michael Akehurst, A Modern Introduction to International Law (Fifth Edition) (London: George Allen and Unwin, 1984).

William R. Slomanson, Fundamental Perspectives on International Law (St. Paul, MN: West Publishing Co, 1990).

R. Falk, F. Kratochwil, and S. Menlovitz (eds), International Law: A Contemporary Perspective (Boulder, Co: Westview Press, 1985).

Raymond Cohen, International Politics: The Rules of the Game (New York: Longman, 1981).

Finnegan, Junn, and Wilson, Law and Politics in the International System (Washington, University Press, 1979).

Louis Henkin, How Nations Behave: Law and Foreign Policy (New York: Columbia University press, 1979).

Bernard H. Oxman, et al., Law of the Sea: U.S. Policy Dilemma (San Francisco: Institute for Contemporary Studies, 1983).

COURSE OVERVIEW: To the casual observer, international law appears to be random, chaotic, anarchic. The headline readers and the consumers of USA Today might well agree that international law is that which “the wicked do not obey and the righteous do not enforce.” While there is some truth to these clichés, there are also some serious defects caused by our cultural biases and the oversimplified view that law and conflict are irreconcilable opposites. What is needed is a thorough examination of the role law plays in the relationships among states, among individuals and states, and among states and nonstate actors (e.g., international organizations and multinational corporations).

The purpose of this course is to provide the student a general overview of public international law from the perspective of international politics. Consequently, the focus of this course will be more political and less “legalistic” or case-study oriented than one would find in a similar course taught in a law school. The emphasis then is on the dynamics and evolution of international law rather than its practical application. The course begins with discussions of general principles and features discussions of the legal aspects of current or recent international problems, such as expropriation of foreign-owned property, fishery limits, colonialism, guerilla warfare, and international terrorism.

COURSE REQUIREMENTS:

Examinations: You will have two examinations, a mid-term on October 24 and a final exam on December 17. The examinations will consist of both identification and essay questions, and the essays will permit some choices. The mid-term exam will constitute 30 percent and the final exam 40 percent of your course grade (Ten percent of the final will be comprehensive).

Extra Credit: Each examination will feature a problem-solving question in which a scenario will be explained and you are asked to “be the judge” on various questions within the case. There are 5 possible points of extra credit on each exam.

Papers: Students are required to submit two, two-to-three-page (typed, double-spaced) papers (use endnotes, no quotations, no bibliographies, employ Turabian/Chicago style) concerning discussions of important cases in international law. Each paper will constitute fifteen percent of the final grade. **Briefs of cases must not be those briefed in the text** and must be in the following format:

- I. Facts
- II. Issue(s)
- III. Decision(s)
- IV. Reasoning
- V. Significance (in development of international law)
- VI. Endnotes

Papers are due October 10 and November 14. Each will constitute 15 of the 100 possible course points. **(Note: Late submission of papers will cause the loss of 1 point per day late.)**

Grades: I do not “curve” grades. What I mean by this is that I do not believe that forty percent of you should get “C’s,” fifteen percent deserve “A’s,” and certain of you must get “D’s,” and “F’s”. Since I do not believe that you should be in competition with each other for your grade, it is therefore quite possible that all of you could get “A’s” in this course (I refuse to consider the extreme alternate possibility!) I will grade all exams and papers numerically (e.g., since the first exam constitutes 30 percent of your final grade, it will be worth a maximum of 30 points), add the five together, and determine final grades as follows:

| | | |
|----------------|----------|----------|
| 90-100 | = | A |
| 80-89 | = | B |
| 70-79 | = | C |
| 60-69 | = | D |
| < 60 | = | F |

I may use pluses and minuses, but will decide if and how to define those after seeing the final numerical distributions.

Special Circumstances: If you must miss an examination session, you should check with me to make arrangements for a make-up exam prior to the test date. Should you need any accommodations in taking the exams, you are encouraged to contact the University Disability Services Office at 933-0816(V) or 933-3334(TTY), CC-331, as early in the semester as possible. I will gladly make any accommodation they certify as necessary.

COURSE OUTLINE AND READING ASSIGNMENTS:

DATES

TOPIC AND ASSIGNMENTS

August 25-29

Administration/Course Overview

September 3-5

Introduction to Public International Law
Reading: Chapter 1

September 8-12

Development of International Law
Reading: Chapter 2

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| September 15-19 | Domestic vs. International Law |
| September 22-26 | Treaties and International Contracts <u>Reading:</u> Chapter 17 |
| Sept 29-Oct 3 | Subjects I <u>Reading:</u> Chapters 4-6 |
| October 6-10 | Subjects II <u>Reading:</u> Chapters 7-8 |
| October 10 | FIRST PAPER DUE |
| October 13-17 | Individuals as Subjects I <u>Reading:</u> Chapters 9-11 |
| October 20-22 | Individuals as Subjects II <u>Reading:</u> Chapters 12-13 |
| October 24 | MID-TERM EXAMINATION |
| October 27-31 | Jurisdiction and Territory <u>Reading:</u> Chapter 14 |
| November 3-7 | Law of the Sea, Air and Space <u>Reading:</u> Chapter 15 |
| November 10-14 | Diplomacy <u>Reading:</u> Chapter 16 |
| November 14 | SECOND PAPER DUE |
| November 17-21 | Peaceful Settlement of Disputes <u>Reading:</u> Chapters 18-19 |
| November 24-26 | Traditional Laws of Warfare <u>Reading:</u> Chapters 20-22 |
| December 1-5 | Modern Laws of Warfare <u>Reading:</u> Chapters 23-26 |
| December 8-10 | Conclusions/Review |
| December 17 (7:30am) | FINAL EXAMINATION |

RULES FOR POLITICAL SCIENCE CLASSES

1. Classroom

A. Attendance. Faculty may take attendance or not, at their discretion. However, all faculty expect students to attend every class session unless there are compelling reasons not to, such as illness or injury, serious family problems, etc. When you cannot attend, you should notify your instructor as soon as possible. Attendance is important because many classes involve discussion – seminars are based on discussion – and because simply reading the text(s) is no substitute for class lectures and discussion. There is clear correlations between attendance and the result of studying and grades. Good attendance always results in a high grade and better learning.

B. Participation

- (1) Quality participation requires that you have read all of the material assigned by your instructor and that you have thought seriously about it. You must, therefore, keep up with reading assignments.
- (2) Disagreement with the instructor and other students during class discussions is welcome as long as it is done respectfully. In all class discussions, you must be courteous and respectful of others.

C. Behavior.

Talking to fellow students while the instructor is lecturing is rude and annoying to those nearby, so do not engage in this behavior.

- (1) Cell phones and pagers must not be heard during class. All cell phones and pagers should either be turned off or placed in silent mode. These devices may only be used in case of emergency, and only to call out.
- (2) Do not get up and leave before the class is over. It is extremely rude and disruptive to leave the classroom while the instructor is still conducting the class. By signing up for this course, you are committing to attend every class for the entire semester or summer session. If you have to leave class early for an unavoidable reason, inform the instructor before class starts. If you are sick or have to leave suddenly as the result of an emergency, let the instructor know, as soon as possible, why you are leaving.
- (3) Do not start to pack up your belongings until the instructor has dismissed the class.
- (4) Do not ask the instructor for handouts, materials, or information that you missed due to an unexcused or avoidable absence.

2. Papers and Examinations

A. Plagiarism. “Plagiarism includes, but is not limited to, submitting, in fulfillment of an academic requirement, any document that has been copied in whole or in part from another individual’s work without attributing that borrowed portion to the individual; neglecting to identify as a quotation another’s idea and particular phrasing that was not assimilated into the student language and style or paraphrasing a passage so that the reader is misled as to the source; submitting the same written or oral material in more than one course without obtaining authorization from the instructors involved; purchasing term papers; or drylabbing, which includes obtaining and using experimental data and laboratory write-ups from other sections of the course or from previous terms, or fabricating data to fit the desired or expected

results. *“UHH Student Conduct Code (Academic Dishonesty – H.2, p.6).* This violation may result in a failing grade, probation, suspension, or expulsion. It should be noted that material found on-line must be footnoted in the same manner as material found in books, journals, etc., and that downloading term papers in part or in their entirety constitutes plagiarism. Plagiarism will not be tolerated by the Political Science faculty.

B. Writing.

- (1) All Political Science seminar courses are writing intensive (WI), and other courses may be so designated from semester to semester. However, writing is important in all courses, whether it be in term papers, essay examinations, or short answer questions. Do not expect that just because a course is not designated WI, that you will not be asked to do a considerable amount of writing. In WI courses you will be graded on your writing ability as well as the content of your writing, while in non-WI courses you may or may not be graded specifically on your writing ability. You must understand, however, that your writing ability directly affects your grades in all courses where writing, in one form or another, is required, so it is to your advantage to practice and improve your writing skills constantly.
- (2) Do not try to write your papers just before they are due. It takes time to write a good paper. You need to start researching the information for the project as soon as the assignment is given and rewrite the paper several times before it is ready to present to the instructor.

C. Examinations. You should arrive promptly for all examinations, as it is disruptive to arrive late while others are taking the exam. Should you arrive after any student has completed and given their exam to the instructor, you will not be given the examination. You should also have used the restroom before the exam; you will be excused during an examination only in a true emergency. Please make sure you have extra writing instruments before you come, so you don't have to interrupt a classmate if your pen runs out of ink. The same rules with respect to pagers and cell phones hold for examinations – they must be turned off or on silent mode.

Individual instructors may establish rules in addition to those explicitly listed here. These rules will be found in the course syllabus.