

## **International Law**

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Course: PLS 537 (12860)                      Office: Rigge Science 324  
Location: Administration 337                      Office Hours: 15.30 – 17.00 MWF  
Class Time: 14.30 – 15.20 MWF

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### **Course Description**

In the field of Political Science, there are no fewer than six subfields: American Political System, Legalism, Normative Theory, Methodology, International Relations, and Comparative Politics. The two introductory courses you may have taken, PLS101 and PLS121, gave broad brush strokes over all of these topics. PLS105 (Introduction to World Politics) delved into the topic of international relations more deeply. It offered what amounted to broad brush strokes of the entire IR subfield. This current course examines one specific aspect of international relations—that of law between (and among) the states and their citizens. This course is an International Relations course; it examines law in relation to the international state system and liberal realism.

The underlying question for this year's course is 'What are the right questions?' Determining the right questions is the purpose of education at its most basic and most important level. That task is also that for which we should strive with our every waking breath. Once the right questions are asked, the answers usually quickly follow. In the field of Law, forcing the discussion around the questions you choose will often result in a successful trial; following the lead of your opponent will often end poorly for you (and your client).

### **Primary Texts**

The *required* books for this course:

- Steven J. Burton, *An Introduction to Law and Legal Reasoning*, 3rd edn. (New York: Aspen Publishers, 2007).  
[ISBN-13: 978-0-735-56277-6]
- William R. Slomanson, *Fundamental Perspectives on International Law*, 5th edn. (Belmont, CA: Thomson-Wadsworth, 2007).  
[ISBN-13: 978-0-495-00745-6]

The required books are available from the bookstore and online sources. They will both be used extensively in the class, so it would behoove you to get them. The Slomanson text will serve as the primary textbook for most of the course. The Burton text will start the course and will serve as a great primer to legal philosophy and logic.

Additional readings will be assigned as necessary and will be available by link on the class web site, in the electronic reserve section of the library's website, in the reserve section of the library, or through some other source (which you will need to discover).

### **Requirements:**

In addition to attending every class period, students are expected to deport themselves as professionals. This means that all readings, extensive though they may be, are read and digested; questions about the materials are formulated; and extensions to the topics to be covered are considered. Make no mistake about it: This is a graduate-level course. There are two scheduled extended quizzes, one scheduled examination (the final), four chapter assignments, five case briefs, and a variety of in-class exercises designed to force you to grapple with some of the complexities of International Law, both public and private.

The quizzes serve as check-points for the knowledge covered in the course. The final examination serves as a final check on the knowledge you have gained. The chapter assignments force you to tackle various aspects of International Law. And, the case briefs encourage you to summarize the finding of previous courts. These last two are of the utmost importance to your legal career; if you do not know the findings of previous cases, you have no reference point from which to argue your case.

### *In addition...*

In addition to the above, you are expected to write as a professional. The grade you earn in the course will be based, in part, on the following unwritten rules, which are assumed by *all* courses at this level. First, all writing must follow the rules of Standard American English. Do ignore the rules of the language. Additionally, all writing must follow academic style. This means there you can use neither contractions nor colloquialisms. Should your paper have too many simple errors, expect me to hand it back without a grade.

As words mean something, and as words have both a denotation and a connotation, you must use definitions relevant to the course, thus general-purpose references are not appropriate.

Cite definitions.

Cite your information. There is a class of information known as 'common knowledge.' Common knowledge does not need to be cited to avoid plagiarism charges. However, be careful; common knowledge is often *wrong*, as it is often based on incomplete analyses of events, and is often 'common' from a non-Political Science standpoint. The rule of thumb is that if the item is important to your argument, you should cite it using at least two *independent* sources. This reduces bias in your information. What is 'common knowledge'? If the person serving you your Big Mac knows the fact, consider it 'common knowledge'.

Closely follow the directions provided. If there is an ambiguity caused by the language, ask for clarification. If there is a vagueness in the requirements, that vagueness may be intentional; it allows you the latitude to explore the topic in your own direction. It also allows me to test what you think is important.

Format your paper as described in the course's style sheet. There is a reason for the style sheet: it trains you to write in a specified format. It also emphasizes that different (sub-) disciplines have different prevailing styles.

If you make an assertion, you need to support it with unassailable logic and unassailable sources. Such sources do not include random people on the street, nor do they include politicians giving their own analysis of the event. Moreover, such sources do not include your parents or your dog. Such sources, however, do include academics who are scholars of the class material and who have published in appropriate academic journals. Such sources are *peer-reviewed*. Newspapers are inherently biased in their analyses of events. Non-peer-reviewed sources have had no one—except the author—edit (and approve) the piece. Sources from non-academic publishers do not have to pass the scrutiny of academic publishers.

As you continue in the discipline, you will discover that certain sources will be better than others. This is a function of the journal editors and the peer-review process. Certain journals, such as *Journal of Politics*, *American Political Science Review*, and *International Organizations*, are of higher quality because the editors require a higher level of scholarship than do such journals as *Journal of Humanities and Social Science*, *Politics and Policy*, and *American Journal of International Law*. With respect to university publishers, higher quality research is published by higher quality universities. Thus, a piece from Oxford University Press carries more weight than a piece from University of Tennessee Press.

In general, I will require neither an upper bound nor a lower bound to assignments. The general rule is to write everything you think you need to write and nothing more. Writing more is not necessarily a good thing, neither is writing less. Consider this a test as well. Your writing tells me what *you* think is important, which is something I grade. Avoid unnecessary words—especially adverbs and adjectives. Do not use metaphors. Do not use colloquialisms. Do not use contractions. Every word in the English language has a reason for existing and has a definite meaning, which includes not only its denotation but its connotation. Think about what you write and the words you choose. Words have power in that they represent meaning to people.

*I can only grade what I read.*

Realize that there is a difference between *ade*, *aid*, and *aide*; *your*, *yore*, and *you're*; *to*, *too*, and *two*; *its* and *it's*; *apart* and *a part*; *number* and *amount*, *less* and *fewer*, and *British* and *English*. Get a dictionary of the English language and be best friends with it. Become best buds with Strunk and White.

For those instances where I do require either an upper bound or a lower bound, I am doing so to either force you to stretch and deepen or to edit and prioritize. The bottom line is that you need to trust me as a teacher—I do know what I am doing... at least in the classroom.

## **Class Policies and Expectations**

### *Taking Notes*

Note taking is an essential part of any college course. Not only does the physical act of taking notes reinforce the material in question (it is not merely read and heard, but physically

reproduced), it creates a record essential to preparation for quizzes and exams. If you are forced by circumstance to miss class, you are responsible for the information covered that class. Make friends in the class; they will be there for you if you miss a day.

### *Attendance*

Attendance will be checked at the beginning of class. Tardiness counts as absence. If you do not sign in, you will be counted absent. Since participation is a component of your grade, it is very important that you show up for class on time and participate fully. Participation indicates that you have read the assignment, applied it, have grappled with some of the more obvious themes, *and are an active part of the class*. I strongly urge you to come to class with questions on the readings. If, by the end of January, I cannot connect your face and name, you have a problem.

This is *your* class, not mine. I already know the material. Your job is to learn, not to get any specific grade. In all reality, your grade does not necessarily reflect knowledge gained; it reflects how well you meet the course expectations. When you leave this course, the only thing that really matters is how much you have learned.

### *Late Assignments*

If an assignment is late, there will be an immediate 50% deduction for the first 14 calendar days and 100% thereafter. Assignments are officially due at the beginning of the class period. You may email your assignments to me, but it will cost you two things: in-depth feedback from me, and 10% of the total value of the assignment. When you hand in a hard copy, make sure it is stapled.

Of course, if I request the assignment be emailed to me in the assignment description, it will be without penalty.

### *Preparation and Participation*

This is college course. You are expected to have not only done the homework and all of the readings, but you are to have thought about the readings and implications. Many classes will revolve around a lecture, many around discussions brought up by you from the readings or from current events, and many around current events that raise interesting questions with respect to the course topic, writ large.

If we do not cover the readings during a class, you are still responsible for them.

Your participation grade is a combination of both attendance and activity during class. Attending class on time increases your attendance grade. This grade is directly related to the number of days you attend class. Your participation grade is directly related to how much you participate in class. If, by the end of the semester, I do not know you, expect nothing greater than zero.

### *Conduct*

At all times, all students are expected to be attentive, to take part in class discussions, and above all else to be courteous and sensitive towards their fellow students. We may deal with emotionally charged subject material with in this course (ethical, religious, political, etc.); such material

requires maturity and openness to views which may conflict with one's own. This does not mean that you have to agree with anyone else. It does mean that you must understand their position, their arguments, and their assumptions about life.

This does not mean that any and every view is equally correct. Sometimes, you *will* be wrong.

### *Writing*

Your grade depends upon how well you write. All assignments need to follow the style sheet for this class. All writings reflect you and your ability (thus, plagiarism will be strongly punished). Make sure *you* are satisfied with your finished product. If you hand in hard copies, I will mark them up. This is good, for it gives you feedback with respect to your writing style.

As a side note, there is a fundamental difference between speaking extemporaneously and writing. Writing allows you to edit your words until they truly reflect your intentions. Speaking extemporaneously does not offer such luxuries. Sometimes, you will say things in class that make no sense. (If you do that enough, you might get your own TV show.) The worst thing that I will do in that case is tell you that you are wrong. The world will not end. Flood waters will not rise. Locusts will not cover the Earth. Speaking in class trains you to think on your feet. However, your grades will come from what you write; it gives a much richer indication of your ability and your knowledge.

### *Disabilities*

If you need course adaptations or accommodations because of a documented disability, contact the Director of the Office of Disability Accommodations at (402) 280-2749. Also, as soon as is reasonable, inform me of their response.

### *Athletics and other University-Sanctioned Clubs*

Notify me as soon as reasonable if a conflict exists between an event and a class requirement. If notice is not made in a timely manner, no adjustments will be made. The calendars already exist; such notice should be forthcoming within the first week of class. Regardless, I will not accept last-minute notification.

### *Making-up the Quizzes*

If you miss a scheduled quiz because of an emergency, you must speak to me on the day of return to arrange for a time and place to take the make-up test. If you fail to do this, you will receive a zero for the quiz. The make-up quiz may be different than the original, not only in actual content, but also in terms of format.

If your absence is pre-planned, you must make arrangements to take the test *before* you leave. Failure to do so will also result in a zero.

### *Cheating, Plagiarism, & Academic Dishonesty*

Any instance of cheating, plagiarism, and/or academic dishonesty will at least result in an automatic failure of the course (if not expulsion from the university) and will be dealt with according to those rules outlined in the Creighton University Student Handbook (pages 25–26).

What is plagiarism?

**Plagiarism is both theft and cheating. It is using the intellectual property (words and/or ideas) or the product of someone else without giving proper credit. This includes (but is not limited to) not citing a quotation, not citing the underlying source of a paraphrase, and not placing quotation marks around a quotation. Such undocumented use of other's words or ideas in any medium of communication (unless such information is recognized as common knowledge) is an extremely serious offense, subject to disciplinary action that will include failure in the course and/or dismissal from the University.**

Failure to cite sources of information is serious. Do not do it. In my five years teaching college-level students, I have failed 11 for minor instances of plagiarism and have removed four from the university—all four were seniors. One of the four lost a position at a lobbying firm in DC because of the plagiarism.

Please note that there is no discrepancy between this section and the section above regarding class requirements (the 'unwritten rules'). Many things are 'common knowledge.' Failing to cite such items is not plagiarism. It may be, however, poor style.

## **Grades**

Grades will be posted to the Blackboard website at intervals throughout the semester. The percent grade provided by Blackboard is a ratio of the points you have already earned divided by the total number of points available in the course. It is not a measure of your current points to the current points available.

Your final letter grade will be based on the following percentage scale:

450 – 500 Pts	90 – 100%	A
440 – 449 Pts	88 – 90%	B+
400 – 439 Pts	80 – 88%	B
390 – 399 Pts	78 – 80%	C+
350 – 389 Pts	70 – 78%	C
300 – 349 Pts	60 – 70%	D

I do not round. I do not change the grades at the end of the semester—either to your benefit or to your detriment. If you earn 349 Pts, you will receive a D. If you earn 350 Pts, you will receive a C.

You are responsible for tracking your grades and ensuring that what I have posted is correct. If you disagree with a posted value, you have 14 days from the date I hand back the assignment to contest the grade. Beyond that point, no adjustments will be made.

The exception for this rule is the final examination. The grade for the final examination will be made available at least 48 hours prior to when I post your final grades. You have those 48 hours to contest your final examination grade.

## Evaluation

Your grade is calculated using the following point values for the following grade entities:

### *Chapter Assignments:*

Chapter One:	January 25	25	_____
Chapter Two:	January 30	25	_____
Chapter Four:	February 20	25	_____
Chapter Five:	February 27	25	_____

### *Case Briefs:*

Case Brief One:	January 23	25	_____
Case Brief Two:	February 8	25	_____
Case Brief Three:	February 29	25	_____
Case Brief Four:	March 14	25	_____
Case Brief Five:	April 4	25	_____

### *Examinations:*

Planned Quiz One:	February 4	50	_____
Planned Quiz Two:	March 17	50	_____
Final Examination:	April 30	100	_____

### *Participation:*

Attendance:	April 18	50	_____
Activity in class:	April 18	25	_____

## Brief Course Outline

### Chapter Zero: Legal Theory and Practice

- Legal Reasoning
- Analogies
- Judging Cases
- Precedence Law

### Chapter One: What is International Law?

- Definition of International Law
- Scope Of Intl Law
- Sources of Intl Law
- Related Disciplines
- National-Intl Law Nexus
- Is Intl Law Really Law?

### Chapter Two: States

- Legal Personality
- Shifting State Infrastructure
- Recognition
- State Status and Its Changes
- State Responsibility
- Sovereign Immunity

### Chapter Three: International Organizations

- Legal Personality
- Organizational Classification
- United Nations
- European Union
- Other Organizations
- Organizational Immunity

#### Chapter Four: Individuals and Corporations

- Legal Personality
- Nationality, Statelessness, and Refugees
- Corporate Nationality
- Injury to Aliens

#### Chapter Five: Extraterritorial Jurisdiction

- Definitional Setting
- Jurisdictional Principles
- Extradition
- Judicial Assistance

#### Chapter Six: Range of Sovereignty

- Categories of Territory
- Dominion over Land
- Law of the Sea
- Airspace Zones

#### Chapter Seven: Diplomatic Relations

- Diplomatic and Consular Functions
- Extraterritoriality; Diplomatic Asylum
- Immunities
- Abuses of Immunity

#### Chapter Eight: Treaty System

- Treaty Classification Schemes
- Treaty Formation and Cessation
- Treaty Performance
- US Treaty Practice

#### Chapter Nine: Two International Tribunals

- International Court of Justice
- International Criminal Court

#### Chapter Ten: Use of Force

- Definitions of Force
- UN Principles on Force
- Peacekeeping Operations
- Multilateral Agreements
- Humanitarian Interventions
- Laws of War
- Just War Theory

### **End Matter**

#### *Changes and Supremacy*

I reserve the right to alter anything on this document. Should it become necessary to change the syllabus, an announcement in class will be made that the new syllabus is posted on the class web site. In the event of a discrepancy between this printed syllabus and the website's syllabus, the website will take precedence.

#### *Class Website*

All classroom documents can be found at the classroom website. This website will also contain supplemental documents. Anything posted to the website will be assumed read by every member of the class. Its address is <http://oforsber.kvasaheim.com/courses/pls537/>.