

International Law

The Entire Syllabus

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Loyola College in Maryland

Course:	PS 376	Location:	Knott Hall 004
Class Time:	13:40 – 14:55 TR	Final:	December 17 at 13:00
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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, PS101 and PS102, gave broad brush strokes on all of these topics. PS 365 (International Politics) delved into the topics 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 a hybrid of International Relations and Legal Theory; it examines both the 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 follow quickly. 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 Burton text starts the course and serves as a great primer to legal philosophy and logic. The Stomanson text serves as the primary textbook for the rest of the course and serves as an excellent resource for the international ramifications of law.

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 an upper-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 in more depth. The case briefs encourage you to summarize the finding of previous courts—the basis of common law. 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 in college. 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 you use neither contractions nor colloquialisms. Should your paper have too many simple errors, expect me to hand it back without a grade.

As words have meaning—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. Caveat: 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 in 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 the Grace L. Ferguson University of Ruritania and Stormdoor Company 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.

Structure your papers well. If you hand in what appears to be a first draft, the grade will reflect it.

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, British and English, and Russian and Soviet. Get a dictionary of the English language and become best friends with it. Become best buds with Strunk and White. While knowledge may be power, it is useless without command of the language.

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.

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. I will not. Network creation is important for all professionals.

Attendance

This is *your* class, not mine. I already know the material. Your job is to learn, not to get any specific grade. Realize that your grade reflects not the knowledge gained, but how well you meet my 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.

Case briefs need to be both emailed and handed in to me. This is done to allow case briefs to be used by all in the course.

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.

Conduct

At all times, all students are expected to be attentive, to take part in class discussions and 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 on how well you write. All assignments must follow the style sheet for this course. All writings reflect you and your ability (thus, plagiarism is 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 offers not 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. It also allows you to actually hear objections to your comments. However, your grades will come from what you write; it gives a much richer and deeper indication of your ability and your knowledge.

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 the first week of classes, 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 day-of or ex-post-facto notification.

Disabilities

If you have disabilities or think you may have disabilities, please contact Marcia Wiedefeld (mwiedefeld@loyola.edu), the Director of Disability Services, for more information:

It is the policy and practice of Loyola College to comply with the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and state and local requirements regarding students with disabilities. Loyola College is an equal opportunity employer and does not discriminate on the basis of race, sex, color, religion, age, national or ethnic origin, veteran status, disability, or any other occupationally irrelevant criteria. The College promotes affirmative action for minorities, women, individuals with disabilities, and veterans.

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.

The Loyola Honor Code: Cheating, Plagiarism, & Academic Dishonesty

Violations of the Honor Code will result in a range of actions up to, and including, failure in the course and dismissal from the college. The Loyola College Honor Code states, in part, the following:

“Out of concern for the College and the community in which we study, each student at Loyola must maintain the highest academic honesty. In order for us to uphold this degree of excellence, the Honor Code requires students to report any act of academic dishonesty or they will be violating the Mission of the Code and, thus, be guilty as well.

“All students of the College are expected to understand the meaning of this Code. Ignorance of the Code is the fault of the student and not a valid reason for committing an act of academic dishonesty. The following will constitute violations of the Code and are defined below:

“1. Cheating—the use of unauthorized assistance or material or the giving of unauthorized assistance or material in the carrying out of an academic piece of work. Students will also be expected to follow the rules set by a course instructor as presented on a written syllabus. 2. Stealing—the wrongful taking of another’s property or knowledge, either by force or in secret. This also applies to the property of the College library. 3. Lying—a false statement made with the conscious intent to mislead others from knowing the truth. 4. Plagiarism—the act of imitating or presenting an already

authored work as the original thought of one's own mind. All quoted material must be recognizably cited as the work of another author. Phrasing or ideas that are not a student's own must also be clearly credited to the original author. 5. Failure to Report a Violation—the conscious failure to report any student who has committed a breach of this Code.”

Another view: 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 seven years teaching college students, I have failed 12 for minor instances of plagiarism and have removed four from the university—all seniors. One of the four lost a position at a lobbying firm in DC because of this. Another had to change schools to graduate.

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 Blackboard at intervals throughout the semester. The percent grade provided by Blackboard is (may be) 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:

92 – 100%	A
90 – 92%	A–
88 – 90%	B+
82 – 88%	B
80 – 82%	B–
78 – 80%	C+
72 – 78%	C
70 – 72%	C–
68 – 70%	D+
60 – 68%	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 69.999%, you receive a D+. If you earn 70.001%, you 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 7 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 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:	September 22	25	_____
Chapter Two:	September 29	25	_____
Chapter Four:	October 13	25	_____
Chapter Six:	November 3	25	_____

Case Briefs:

Case Brief One:	September 17	25	_____
Case Brief Two:	October 8	25	_____
Case Brief Three:	October 27	25	_____
Case Brief Four:	November 5	25	_____
Case Brief Five:	November 19	25	_____

Examinations:

Planned Quiz One:	October 6	50	_____
Planned Quiz Two:	November 10	50	_____
Final Examination:	December 17	100	_____

Brief Course Outline

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| 1. Chapter Zero: Legal Theory and Practice | September 3 – 15 |
| <ul style="list-style-type: none">• Legal Reasoning• Analogies• Judging Cases• Precedence Law | |
| Chapter One: What is International Law? | September 15 – 22 |
| <ul style="list-style-type: none">• Definition of International Law• Scope Of International Law• Sources of International Law• Related Disciplines• National-International Law Nexus• Is International Law <i>Really</i> Law? | |
| Chapter Two: States | September 24 – 29 |
| <ul style="list-style-type: none">• Legal Personality and Stateness• State Recognition• State Status and Its Changes• State Responsibility• Sovereign Immunity• The Importance of being a State | |
| Chapter Three: International Organizations | October 1 – 8 |
| <ul style="list-style-type: none">• Legal Personality• Organizational Classification• United Nations• European Union• Other Organizations• Organizational Immunity | |
| Chapter Four: Individuals and Corporations | October 13 – 15 |
| <ul style="list-style-type: none">• Legal Personality• Nationality, Statelessness, and Refugees• Corporate Nationality• A State's Responsibility to Persons | |
| Chapter Five: Extraterritorial Jurisdiction | October 20 – 22 |
| <ul style="list-style-type: none">• Jurisdictional Principles• Extradition and Rendition• Judicial Assistance | |

Chapter Six: Range of Sovereignty and Borders	October 27 – 29
<ul style="list-style-type: none"> • Categories of Territory • Dominion over Land • Law of the Sea • Airspace Zones 	
Chapter Seven: Diplomatic Relations	November 5 – 10
<ul style="list-style-type: none"> • Diplomatic and Consular Functions • Extraterritoriality and Diplomatic Asylum • Theory of Immunities • Abuses of Immunity 	
Chapter Eight: The Treaty System	November 12 – 17
<ul style="list-style-type: none"> • Treaty Classification Schemes • Treaty Formation and Cessation • Treaty Performance • US Treaty Practice 	
Chapter Nine: International Tribunals	November 19 – 26
<ul style="list-style-type: none"> • International Court of Justice • Ad hoc International Tribunals • International Criminal Court 	
Chapter Ten: The Use of Force	December 1 – 8
<ul style="list-style-type: none"> • 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/ps376/>.