Course Description

This course provides an introduction to public international law. We will study how international law is made and applied, and how it has developed over time. Because this is a course taught in the field of international relations, and not in a law school, we will also be spending some time thinking about how international law fits into the larger field of IR. More directly, we will consider how politics matters in the development, interpretation, and application of international law in the international system. That said, the main text for the course is one used in law schools. Thus, we will take seriously the perspectives, approaches, and evidentiary sources of international legal scholars and international lawyers as we cover the subject matter.

The course begins with a discussion of what the field international law actually is and how it matters for international relations. Our understanding of the field will come from both international law and international relations approaches. We will then consider where international law comes from, concentrating on treaties and custom as the main sources of international law. Section II of the course focuses on the subjects and actors of international law, including states, IGOs, NGOs, and corporations. The role of individuals in international law is addressed more thoroughly later in the semester. We will then spend a fair bit of time examining how the international legal system interacts with domestic legal systems, with a special emphasis on the United States and on questions of the jurisdiction of international law.

After the midterm, we will turn to some of the issues in international relations where international law has come to play a major role: the conduct of war; international criminality; the use of force; human rights; the global environment; and the global economy. There are other issues in international law that we will not have time to cover this semester; however, we are covering those that provide the greatest foundation. You will be free to cover other areas (like Outer Space Law or the Law of the Sea) in your treaty analysis paper.

I hope that this course provides an intellectually stimulating introduction to a broad and greatly developing field of study. We are covering a lot of ground, so you will need to work hard to keep up with the material and see how the pieces fit together into something that resembles a system of international law. In treaty texts and court cases, you will likely encounter new types of reading material. We will talk about how to understand this material, and your writing assignments will help you further develop your skills in working with these primary sources. The writing assignments will also help improve your ability to present ideas, arguments, and analyses in a concise, clear, and evidentiary-supported manner. The in-class discussions and simulation will provide opportunities to improve your public speaking ability. The simulation will also give
you greater insight in how international law is applied. The class discussions and the simulation should enhance your experience working with others inside and outside of the classroom.

**Required Readings** (please obtain the appropriate edition)


2. A number of journal articles. All are available on-line. The copy of the syllabus posted on D2L will have direct links to the readings.

3. Any other readings as assigned.

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<th>NOTE ON THE READING:</th>
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<td>1. Make sure to do the reading for the session for which it is assigned. The reading load is moderate in terms of number of pages, but the content requires your close attention. Taking notes and outlining the readings is highly recommended. It is essential to keep up-to-date with the reading as class meetings focus on the cases and issues raised in the text, and the material builds on itself. See me with questions as they arise.</td>
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<td>2. The questions raised in the readings are considered required. Think about them as you read, as I will often use them in class discussions. It is possible that I may ask you to prepare some of them ahead of time in brief written form. They are also useful for exam preparation.</td>
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<td>3. For all reading assignments from the main text, you are also responsible for reading the on-line updates provided by the authors. The website is: <a href="http://sitemaker.umich.edu/drwcasebook/home">http://sitemaker.umich.edu/drwcasebook/home</a>.</td>
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<td>4. I have not assigned an accompanying document supplement. The readings provide excerpts, but you should go on-line to enhance your understanding of major treaties and other texts. Most can be easily found on the casebook’s website. Treaty names and dates, as well as details about the various court cases are important pieces of information. It is best to devote a section of your notebook to keeping a running list of treaties and cases and how they are relevant.</td>
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<td>5. I highly recommend <em>bringing your book to class</em>.</td>
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**INTERNET RESOURCES:**

There is a growing amount of international legal resources on the Internet. We will talk about some of them throughout the semester, and you are invited to share those you might find. Some interesting ones include:

- [http://www.eisil.org/](http://www.eisil.org/) -- a tool developed by the American Society of International Law
- [http://www.people.virginia.edu/~rjb3v/il.html](http://www.people.virginia.edu/~rjb3v/il.html) -- the IL research section from Prof. Robert Beck’s more general IR site
- [http://www.thecre.com/fedlaw/legal20/multilaterals.htm](http://www.thecre.com/fedlaw/legal20/multilaterals.htm) -- the Multilaterals Project at Tufts’ Fletcher School
- [http://www1.umn.edu/humanrts/](http://www1.umn.edu/humanrts/) -- a good site on human rights
- [http://www.nesl.edu/research/warcrim.cfm](http://www.nesl.edu/research/warcrim.cfm) -- a good site on war crimes
- [http://www.opiniojuris.org/](http://www.opiniojuris.org/) -- a top blog on international law
Evaluation (every assignment must be successfully completed to pass the course)

1. Midterm Exam. In class on Monday, October 19. **25% of grade**

2. Final Exam. During the assigned time of finals period: Wednesday, December 16, from 12:45-2:45pm. **30% of grade**

3. Multilateral Treaty Analysis Paper. The paper assignment (approx. 13-15 pages) will allow you to study a multilateral treaty of your choosing (in consultation with the instructor). The goal is to see the relationship between law and politics in practice. I will provide a detailed explanation of the assignment early in the semester. Every student will have a topic approved. Students can elect to submit a graded draft in addition to the final paper. The topic will be due on Wednesday, September 30, the optional draft will be due on Monday, November 2, and the final paper (including those being revised) will be due on Monday, November 23. **25% of grade**

4. Case Brief. Preparing a brief is an important and beneficial way of understanding court decisions. My expectation is that you will brief virtually every case that we read for yourself as a way of preparing for the exams and the simulation. However, you will have to submit only one of them to me for grading. Your brief will also be posted to the class’s D2L site. We will discuss the details of the assignment and how to brief a case (only 1-2 pages) in class. **3% of grade**

5. Simulation Brief. We will be conducting a Mock Trial Simulation near the end of the semester. Students will work in groups and take on the roles of prosecutors, defense attorneys, and judges. Before the simulation, you will need to prepare legal briefs presenting the legal analysis consistent with your group’s role. These briefs will form the basis of your presentations during the actual simulations. **Your attendance is required on the days of the simulation.** Details will be provided later in the semester. **7% of grade**

6. Participation. Informed class participation is essential in this course. This course will be exciting and interesting provided you have read and thought about the material and have come prepared to talk about it; otherwise, it will be frustrating for all of us. I intend to use the scenarios and questions from the reading as places to begin our discussions. You are expected to participate as much as possible, but you will be specifically “on-call” at least once. We will have a sign-up list for that. Your performance on exams will suffer if you don’t attend class sessions and also read the required material. If you miss more than 3 classes or habitually come to class late, your participation grade will certainly fall dramatically. **10% of grade**

For the exams, you are responsible for the lecture and discussion material and the assigned readings (even those not discussed in class). There will be no make-ups without prior permission based on an extremely good reason. Late papers will receive a deduction of .5 points per day (on a 4.0 scale).

The Madison College instructional model assumes that there will be interactions among faculty and students outside of scheduled class time. Whether it is participating in the h-option, having meetings in office hours or beyond about your course work or chatting about world events, discussing material with your colleagues, watching a relevant movie, or attending related College or University events, you are encouraged to take advantage of the Madison experience.
**Honors Option:** For those interested in an Honors Option, please see me by the end of the second week of classes to make arrangements. There will be extra meetings and assignments (reading and written), and a 3.5 must be maintained in order to receive Honors credit. Non-Honors College students are certainly welcome.

Our sessions will concentrate on the following book:


**Academic Honesty:** Of course, no form of academic misconduct (on papers and exams) will be tolerated. All violations will face the harshest penalties allowed under MSU policy (which, at the minimum, is a 0.0 for the course). In part, the JMC’s Student Handbook reads:

> The faculty recognize that it is the responsibility of the instructor to take appropriate action if an act of academic dishonesty is discovered. It is further understood that a student may appeal a judgment of academic dishonesty to the Student-Faculty Judiciary. The Faculty Assembled recommend that in cases involving proven academic dishonesty, the student should receive, as a minimum, a 0.0 in the course and that a record of the circumstances, sanctions, and any appeal, be placed in the student's confidential file. (In accordance with University policy, the record may be made available to faculty if such information is deemed necessary in the discharging of their respective responsibilities). The individual faculty member or the Dean may recommend further action, including dismissal from the University, to the Student-Faculty Judiciary. If a second case of academic dishonesty should occur, the recommendation is that the faculty, through the Office of Academic Affairs, should seek the student's dismissal from the College and the University.

That said, virtually all violations can be avoided if you speak to me first. Not waiting until the last minute to finish assignments helps to avoid most problems.

**Students with Disabilities:** Michigan State University is committed to providing equal opportunity for participation in all programs, services and activities. Requests for accommodations by persons with disabilities may be made by contacting the Resource Center for Persons with Disabilities at 517-884-RCPD or on the web at rcpd.msu.edu. Once your eligibility for an accommodation has been determined, you will be issued a verified individual services accommodation (“VISA”) form. Please present this form to me at the start of the term and/or two weeks prior to the accommodation date (exam, paper, etc). Requests received after this date will be honored whenever possible.
Schedule
Some adjustment can be made to the course schedule based on our progression through the material. I’ll announce any changes in class. I may also send out email to the class – be sure to check your accounts regularly. Feel free to come see me at any point if you wish to talk more about the course or current events related to it. I am generally around and available outside of office hours. I will answer email questions, but I will also ask to talk with you in person for subjects that cannot be treated appropriately electronically. It is expected that you will meet with me and your classmates regularly outside of class time as you work through the material and as you prepare your treaty paper and simulation brief. Please read the material prior to the class meeting for which it is assigned.

Part I: Defining the field and subject matter
Wednesday, September 2 – Introductions and overview of the course

Wednesday, September 9 – What is international law? History and evolution
Reading: DRW, 3-33

Monday, September 14 – Ways of understanding international law. IL and IR.

Wednesday, September 16 – Sources of IL: Treaties
Reading: DRW, 35-73

Monday, September 21 – Sources of IL: Customary IL and other sources of international law
Reading: DRW, 73-105; 685-706

Part II: The Actors and Subjects of International Law

Wednesday, September 23 – States
Reading: DRW, 111-159

Monday, September 28 – Non-state actors in international law
Reading: DRW, 159-187; 189-222
Wednesday, September 30 – The relationship between international and domestic law I  
Reading: DRW, 243-298; 222-238

Monday, October 5 – The relationship between international and domestic law II  
Reading: DRW, 298-324

Wednesday, October 7 – Jurisdiction I  
Reading: DRW, 325-356

Monday, October 12 – Jurisdiction II  
Reading: DRW, 356-397

Wednesday, October 14 – Catching-up and Review

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Midterm Exam: Monday, October 19
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Part III: The Scope of International Law

Wednesday, October 21: International Humanitarian Law  
Reading: DRW, 489-563

***Documentary Viewing: The Trial of Adolf Eichmann – October 21 at 7pm***

Monday, October 26: Visit from John Washburn, AMICC (he will also be speaking that night)  

Wednesday, October 28: International Criminal Law I: The Notion of Crime  
Reading: DRW, 565-604

Monday, November 2 – International Criminal Law II: Adjudication  
Reading: DRW, 604-646

Wednesday, November 4 – Use of Force I  
Reading: DRW, 827-865

Monday, November 9 – Use of Force II  
Reading: DRW, 866-906
Wednesday, November 11 – Use of Force III: Responding to Terrorism  
Reading: DRW, 932-984

Monday, November 16 – Human Rights I  
Reading: DRW, 403-435

Wednesday, November 18 – Human Rights II  
Reading: DRW, 436-487

Monday, November 23 – International Environmental Law  
Reading: DRW, 707-774

Wednesday, November 25 – International Economic Law  
Reading: DRW 775-824

Monday, November 30 – Simulation

Wednesday, December 2 – Simulation

Monday, December 7 – Legitimacy, Authority, and Justice in International Law  
Reading: DRW, 907-932; 984-1024

Wednesday, December 9 – Conclusions and Review

**Final Exam: Wednesday, December 16, 12:45-2:45pm**