

## POLITICAL SCIENCE 454 - INTERNATIONAL LAW

Term I / TR 9:55-11:10

CF 207

Dr. Stephen Manning

235 Briggs, X3-1087/3-1267

E-mail: mannings@udmercy.edu and/or mannings9@home.com

Office Hours: T & R, 1:00-4:00, & by appointment

Home Phone: 313-345-9045

*Purpose of the Course:* The primary purpose of Political Science 454 - International Law - is to familiarize students with the fundamental workings of international law, a distinct subfield of international relations. I cannot overemphasize the extent to which this is a course in the discipline of political science and the subfield of international relations. Put another way, this is not an undergraduate law course. Therefore, a background in international relations, especially having taken Political Science 451, will prove beneficial.

We will locate the fundamentals of international law within international relations by reading and discussing topics posed as questions, such as: how is international law viewed in international relations theory? is international law really law? how does international law differ from municipal, or national, law? what is the history of international law? where does international law come from? what are some of the nonconsensual sources of international law? (how) is international law enforced? (how) is international law adjudicated? We will then explore how these fundamentals of international law are manifest in the specific case study areas of international organizations and regimes, human rights, and the global economy.

In addition, Political Science 454 subscribes to and is designed to emphasize and promote several broad educational goals germane to a liberal arts curriculum: (1) the ability to **read** actively and critically; (2) the ability to **think** logically, analytically, and independently; (3) the ability to **communicate** clearly and effectively, both orally and in writing; and (4) the ability to **learn** on one's own. The class format and assignments are structured to enhance the achievement of these goals.

Political Science 454 is an elective in the Department's undergraduate curriculum.

*Course Format:* The format of this class may be different from what you are used to: it is not primarily a traditional lecture course. Rather, the course is based on the premise that you will learn more if you actively contribute to the learning process by participating, as opposed to sitting passively, merely absorbing what you are "taught." Although I may, very occasionally, offer a lecture, that teaching/learning method will be the distinct exception. Instead, my usual role will be to organize the course material for our class discussions, and to focus and direct, and refocus and redirect, our discussions to ensure that we cover important course material. Therefore, **discussion**, and your preparation for discussion, is central, expected, and required.

What, exactly, will we discuss? In addition to being **discussion-centered**, this class is **text-**

**based.** Our discussions will center on the assigned readings (rather than on whatever opinions we may happen to come to class with on a particular day), so it is imperative that you come to each and every class period prepared to discuss the text. This means you must complete the readings prior to the day they will be discussed. More importantly, you must complete the readings in such a way that you are prepared to discuss them intelligently. Your input is essential to the class, and is required: not participating is not an option! Your conscientious reading and thinking about the material and subsequent active class participation is, therefore, crucial, both to the success of the course and to your grade in it. You are **required** to attend each and every class prepared to thoughtfully discuss reading assignments and, in general, to make a positive contribution to the class and the learning environment therein. Your contribution grade depends in large part on your response to these expectations. If you have any misgivings about your ability or willingness to prepare and participate at this level, see me after the first class meeting!

Course Requirements: There are **four**. They are equally weighted: each counts 1/4th, or 25%, of your final grade. The **first** is the afore-mentioned class participation/contribution. Your contribution grade will be determined by the extent to which you advance the class's agenda. This means that the quality of your remarks – determined by the extent to which they indicate familiarity with the reading – is more important than mere quantity. The **second** and **third** requirements are in the form of examinations: a mid-term exam, covering the first six weeks of the class and chapters 1-4 and 6, to be given on **Tuesday, 16 October**; and the final exam, covering the last eight weeks of the class and chapters 5 and 7-10, to be given (per the Registrar's final exam schedule) on **Thursday, 13 December, 8:00-9:50 a.m.** The **fourth** requirement is a term paper, in which you review at least two recent (published in the last five years) articles from a scholarly international law journal. To ascertain whether a journal is scholarly or not, refer to the 'How to Evaluate a Periodical – Scholarly Journal vs Magazine' handout, attached to this syllabus. A proposal, which must include your title, topic, placement in the text (i.e., in which chapter does it fit?), and bibliography (author, title of articles, journal and journal number and date, and pages) is due no later than **Tuesday, 23 October**. I recommend that you write and submit a draft of this paper prior to the final due date, and I will read (but not grade) drafts received no later than **Thursday, 15 November**. The final paper is due no later than the last day of class, **Thursday, 6 December**. I will discuss this requirement at our first class meeting.

I understand that grades are important to you. They are important to me as well, and I work very hard on two grade-related issues: first, doing everything I can to help you get the highest grade you are capable of, and, second, ensuring that each and every student receives no more or less than the grade s/he earns. In this context, please feel free to discuss any and all aspects of your grade with me at any time. At the very end of the semester, we will meet to discuss your participation/contribution grade. You might find it useful when thinking about grades to refer to the handout, 'The Behavioral Dimensions of Grades,' attached to this syllabus.

Policies Concerning Late Work, Incompletes, and Academic Integrity: I have very specific policies on both the submission of late work and the use and abuse of the Incomplete grade. In addition, the University and I share a belief in maintaining academic integrity. The relevant policies are described in attachments at the end of this syllabus. Please familiarize yourself with

them.

*Readings:* The moderate reading load for this class (26 pages per week, or under 14 pages per class meeting) is designed to encourage not only completion of all reading assignments prior to their due date, but also to allow time beyond mere reading to comprehend the readings in a way that will prepare you to contribute to class discussion. Thus, you must read the required pages, but with enough concentration and rigor to be able to contribute to our understanding through class discussion. The following text has been ordered at the bookstore. You should purchase it and bring it with you to each class:

Mark W. Janis. An Introduction to International Law. Third Edition. Aspen Law & Business, 1999.

In addition, you will be expected to subscribe to and read The New York Times, which provides consistently high quality news, analysis and commentary relevant to students of global politics and international law. I have made arrangements with the bookstore for subscriptions at the lowest possible student rates, details of which I will provide at our first class meeting. Finally, I may, from time to time, direct you to or make available to you additional supplementary readings.

*Note:* The instructor reserves the right to make changes in the syllabus.

## **COURSE SCHEDULE & ASSIGNMENTS**

T 9/4: Introduction to the Course

R 9/6: **I. International Law in the Context of International Relations**

### **II. The Nature of International Law**

T 9/11: The History, Rules, and Process of International Law

read: Janis, ch. 1, pp. 1-8.

### **III. The Sources of International Law**

#### *1. Treaties*

R 9/13: A. Treaties as International Law

read: Janis, ch. 2, pp. 9-16.

T 9/18: B. The Law of Treaties

read: Janis, ch. 2, pp. 16-40.

## 2. *Custom & Other Sources of International Law*

R 9/20:A. Customary International Law

read: Janis, ch. 3, pp. 41-54.

T 9/25: B. Nonconsensual Sources of International Law

read: Janis, ch. 3, pp. 54-66.

R 9/27:C. Equity, Judges & Publicists

read: Janis, ch. 3, pp. 66-83.

## IV. **The International Legal System**

### 1. *International Law & Municipal Law*

T 10/2: A. Treaties in Municipal Law

read: Janis, ch. 4, pp. 85-102.

R 10/4:B. Customary International Law in Municipal Law & Foreign Relations Law

read: Janis, ch. 4, pp. 102-112.

### 2. *States & International Law*

T 10/9: A. State Sovereignty & Laws of War

read: Janis, ch. 6, pp. 157-182.

R 10/11: B. States as Subjects of International Law

read: Janis, ch. 6, pp. 182-194.

## **Tuesday, 16 October: Mid-Term Exam**

### 3. *The Adjudication of International Law*

R 10/18: A. The History & Foundations of Public International Arbitration

read: Janis, ch. 5, pp. 113-125.

T 10/23: B. The Roles of the ICJ

read: Janis, ch. 5, pp. 125-148.

### **Term Paper Proposals Due**

R 10/25: C. Reform of the ICJ

read: Janis, ch. 5, pp. 148-155.

#### *4. International Conflict of Laws*

T 10/30: A. Principles of Jurisdiction

read: Janis, ch. 10, pp. 321-330.

R 11/1:B. Judicial Conflicts & Cooperation

read: Janis, ch. 10, pp. 330-351.

T 11/6: C. Immunities to Jurisdiction

read: Janis, ch. 10, pp. 351-369.

## **V. Case Studies in International Law**

### *1. International Organizations & Regimes*

R 11/8:A. International Organizations

read: Janis, ch. 7, pp. 195-211.

T 11/13: B. International Regimes

read: Janis, ch. 7, pp. 211-234.

### *2. Individuals & International Law*

R 11/15: A. Individuals as Subjects of International Law

read: Janis, ch. 8, pp. 235-248.

### **Last Day to Submit Term Paper Drafts**

T 11/20: B. International & European Human Rights Law

read: Janis, ch. 8, pp. 249-272.

## **Thanksgiving Break**

T 11/27: C. Inter-American Human Rights Law

read: Janis, ch. 8, pp. 272-280.

3. *International Law & the Global Economy*

R 11/29: A. The Transnational Law of Trade & Commerce

read: Janis, ch. 9, pp. 281-294.

T 12/4: B. European Community Law

read: Janis, ch. 9, pp. 295-309.

R 12/6: C. International Commercial Arbitration

read: Janis, ch. 9, pp. 309-320.

### **Term Papers Due**

**Final Exam: Thursday, 13 December, 8:00-9:50 a.m.**