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School of Diplomacy and International
Relations

Fall 2014

DIPL 6005 Public International Law

Philip Moremen PhD
Seton Hall University

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PUBLIC INTERNATIONAL LAW
DIPL 6005
Professor Moremen

Fall, 2014

[PRELIMINARY SYLLABUS]

This course explores the nature and content of the law governing relations between states and relations between states, individuals, and other non-state actors. The first part of the course examines the building blocks of international law; the second part applies this framework to particular topics, such as the use of force, human rights and the war on terrorism. No prior knowledge of law is necessary. By the end of the course, students will possess an understanding of the operation of the international legal system and the role of international law in relations between states. Students will also gain an introduction to legal reasoning and to legal concepts.

In terms of the learning goals and student outcomes the School's Faculty have identified as key for students, students will:

- increase their knowledge and understanding of
 - key concepts, models, theories, and debates in international relations
 - the institutional backdrop underpinning international politics, including international organizations and international law
 - the normative aspect of international relations as reflected in international law, including human rights
 - an in-depth knowledge of a particular functional area and/or region of the world
- develop skills to
 - collect, sort, and evaluate information
 - analyze complex situations and synthesize information
 - communicate effectively in oral and written form
- develop a sense of global citizenship and to employ a global perspective to:
 - recognize and understand differences among a diversity of cultures and viewpoints
 - employ a global perspective and self-awareness regarding their own culture and responsibility as world citizens
 - demonstrate leadership qualities and other essential skills of diplomacy.

COURSE REQUIREMENTS:

This course will include several requirements, more fully described below: (a) completing assigned readings before class and participating in class discussions and exercises; (b) preparing a number of case briefs and an issue brief; (c) participating in the I.C.J. moot court exercise; (d) taking a mid-term exam; and (e) taking a final examination. **Class participation and briefs together will be worth 15% of your grade, the ICJ exercise 20%, the midterm 30%, and the final 35%.** No incompletes will be given except for

medical or other serious emergency. I encourage you to (1) prepare an outline of the course as we go along as an aid to studying for the exams and (2) to form study groups to review the materials and issues.

- a. Readings and Participation. Class attendance and participation are a required part of the course, and will be considered in determining your grade. I will expect you to read the assigned materials before class and to be prepared to discuss them in class. I will select a few students to lead discussion for each class.
- b. Case briefs. You will submit a number of case-briefs on the dates indicated in the syllabus. **Late briefs will be penalized ½ a mark; briefs that are more than a week late will not be accepted. You should submit your brief electronically to Safe Assign before the beginning of class.** Case briefs will be approximately a page in length, and will consist of the following information:
 - The title of the case, the court deciding the case, and the date of the decision.
 - A brief, one to three sentence summary of the facts.
 - A brief, one-sentence statement, in question form, of the issue(s) in the case.
 - A brief description of the court's decision, or "holding," on each of the issues, expressed as a rule of law.
 - A brief summary/analysis of the legal basis for the decision and of the court's reasoning.
- c. Mid-Term Exam. There will be one in-class mid-term exam on October 7 (Tuesday class) and October 16 (Thursday class).
- d. ICJ Mock Argument Exercise. You will participate in a mock argument before the ICJ in class on November 18 (T) and 20 (Th). You will be graded on the eight-page brief you prepare and on your oral participation. This exercise is a big part of your grade so please be sure to save the date. The brief will be due Tuesday, November 26, at 4:00 p.m. through Safe Assign. If you are having difficulties with Safe Assign, you may send the brief to me by email to beat the clock, but must also submit through Safe Assign when possible.
- e. Final Exam. The final exam will be held during finals week in our normally scheduled class time, tentatively on December 10 (T) and December 11 (W).

COURSE MATERIALS: The course books will be Dunoff, Ratner, & Wippman, International Law: Norms, Actors, Process (3rd. ed.) and Janis, International Law (5th or 6th ed.). Both books will be placed on reserve in Walsh library. Additional readings will be placed on Blackboard, and there will be some readings available online. The Janis book should be used as a supplement to the other, primary readings, except where specific assignments are noted.

GRADING SCALE: The grading scale used for most assignments will be: 93 and above=A; 90-92=A-; 87-89=B+; 83-86=B; 80-82=B-; 77-79=C+; 73-76=C; 70-72=C; etc. Case briefs will be graded on a check, check minus, check plus basis.

OFFICE HOURS AND CONTACT INFORMATION. My office hours are Tuesdays, 3:00 to 4:00, and Wednesdays 10-12, or by appointment. I am also available after class. Please do not hesitate to come and talk to me. My extension is 2517 and my e-mail address is philip.moremen@shu.edu.

PLAGIARISM AND OTHER SERIOUS ABUSES OF ACADEMIC INTEGRITY. All forms of dishonesty, whether by act or omission, including, but not limited to, cheating, plagiarism, and knowingly furnishing false information to the University, are prohibited. Violation of this policy may result in a failing grade on the assignment in question, a failing grade for the class, or suspension and dismissal from the University. Work submitted in courses must be the product of the efforts of the student presenting the work, and contributions of others to the finished work must be appropriately acknowledged. The presentation of another's work as one's own is a serious violation of the academic process.

Specifically: any indication of plagiarism on a case brief will result in a failing grade for the assignment and a reduction in the participation grade for the class; plagiarism in the ICJ Brief will result in a minimum reduction of 10 points in the score for the assignment, and may result in a failing grade for the assignment. A repeated incident of plagiarism (i.e., more than one) may result in a failing grade for the class.

STUDENTS WITH DISABILITIES

Students who have a physical, medical, learning, or psychiatric disability, either temporary or permanent, may be eligible for reasonable accommodation. In order to receive such accommodation, students must identify themselves at the Office of Disability Support Services (DSS), provide appropriate documentation and collaborate with the development of an accommodation plan. The DSS phone number is 973-313-6003. Further information is available at the DSS website at <http://www.shu.edu/offices/disability-support-services/>

CURRICULUM AND READINGS

Dunoff = Dunoff, Ratner, & Wippman.

Janis = Janis, International Law. Pages are for the 6th edition; 5th edition pages in brackets.

Blackboard = materials on the course Blackboard site.

Online = online materials.

The assignments listed below are subject to modification.

Note: The first date for each class is for the Tuesday section, the second date for the Wednesday section.

1. [8/26; 8/28]

Introduction

Nature and Sources

- Janis: Ch. 1 and pages 62-64 [5th ed. 62-65] [key pages on Blackboard]
- Blackboard: Akehurst, Modern Introduction to Int'l Law, 15-18 [also on Blackboard].
- Janis: 167-171 [5th ed. 165-169] [Also on Blackboard].
- ICJ Statute Art. 38: Dunoff, p. 35, or [here](#).

2. [9/2; 9/4]

The Nature and Sources of International Law; Treaties

- Dunoff: Ch. 2, pp. 35-56; 58-73.

-Janis, 65-69 [5th ed. 65-69].

-Suggested Background Reading

-Janis: Ch. 2.

3. [9/9; 9/11]

Sources of International Law—Custom, etc.

-Dunoff, Ch. 2, pp. 73-87 (middle); 89 (middle)-97, 105;

Dunoff: Ch. 5, 298-302. **Please brief the Paquete Habana**

-Blackboard: The Asylum case, in Readings from Janis & Noyes.

-Janis: 57-64; 83-86 [5th ed. 57-64; 83-86].

4. [9/16; 9/18]

Jurisdiction

-Dunoff: Ch. 6, pp. 325-335; 342-352; 356-361. **Please brief the Yousef case.**

-Suggested Background Reading

-Janis: Ch. 10, except 352-360; 367-374 [5th ed., except 349-357; 364-371]

NO CLASS 9/25 (THURSDAY'S CLASS)

5. [9/23; 10/2]

International Law and Municipal Law; State Responsibility
Int'l Law and Municipal Law

-Dunoff: Ch. 5, 243-249.

-Suggested Background Reading:

-Janis: Ch. 4.

State Responsibility, State Protection, and Standing

-Dunoff: 403-405.

-Blackboard: Henkin et al., International Law, (3rd ed.) 677-682; 693-695; 708-717.

-Blackboard: Readings from Janis & Noyes, International Law, pp. 155 (note 7)-157; 161 (note 2);]

6. [9/30; 10/9]

Human Rights

-Dunoff: Ch. 7, pp. 399-401; 406-430; 436-442; 450-452; 457-459; 478 (top)-487 [skim]. **Please brief Republic of Ireland v. UK.**

Suggested Background Reading

-Janis: Ch. 8.

7. [10/7; 10/16]

MIDTERM

10/14: FALL BREAK (TUESDAY'S CLASS)

8. [10/21; 10/23] **Humanitarian Law/ Jus in Bello**
-Dunoff: Ch. 8, pp. 489-490; 499-501; 513-526; 534-546; Ch. 14, pp. 946- 959;
-Blackboard: Geneva Conventions III (POWs) and IV (Civilians) [For reference].
-Please brief the **Tadic** case, pp. 538-541.
9. [10/28; 10/30] **IHL (cont'd): International Criminal Law and Tribunals**
-Dunoff: Ch. 14, 977-984.
-Dunoff: Ch. 9, pp. 565-594; 609-624; 636-646.
10. [11/4; 11/6] **The Use of Force/ Jus ad Bellum**
-Blackboard: The Caroline Case, in Readings from Janis and Noyes, Int'l Law, p. 604-608.
-Dunoff: Ch. 13, pp. 827-840; 842-843; 847-865; 868-876; 887-890; Ch. 14, pp. 938-46.
- Blackboard: Begin reading background materials for ICJ Exercise [TBA]
11. [11/12; 11/13] **Use of Force (conclusion); Prep for ICJ Exercise**
12. [11/18; 11/20] **ICJ Exercise**

11/25 AT 4 P.M.: ICJ ISSUE BRIEF DUE THRU SAFE ASSIGN

THANKSGIVING

13. [12/2]; 12/4] **Interdisciplinary Perspectives on International Law**
-Dunoff: 29-31; 984-996.
-Blackboard: Keohane, International Relations and International Law: Two Optics, 38 Harv. Int'l L. J. 487 (1997).
-Blackboard: Arend, Do Legal Rules Matter? International Law & International Politics, 38 Va. J. Int'l L. 107 (1998).
-Blackboard: Slaughter, A Liberal Theory of International Law, in Foundations of International Law and Politics (Hathaway & Koh, eds.)
-Blackboard: Chayes, The New Sovereignty (1995) [Excerpt].
-Blackboard: Franck, Legitimacy in the International System, (1988) [Excerpt].