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School of Diplomacy and International
Relations

Fall 2021

DIPL 6005 Public International Law

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PUBLIC INTERNATIONAL LAW

DIPL 6005

Professor Moremen

Fall, 2021

[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 a paper related to the ICJ mock argument exercise; (c) participating in the ICJ 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 25%, the midterm 25%, and the final 35%.** 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 several case-briefs on the dates indicated in the syllabus. Case briefs will be graded on a check, check plus, or check-minus basis. **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 through Blackboard 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 a **take-home midterm on 10/13-10/15** (tentative dates). There will be no class that week (Tuesday is fall break).

d. ICJ Mock Argument Exercise. **You will participate in a mock argument before the ICJ in class on November 16 (Tues class) or November 17 (Weds class).**

You will be graded on the eight-page paper you prepare and on your oral participation. This exercise is a big part of your grade so please be sure to save the date and be prepared to participate in group activities during the previous week or two. **The paper will be due Tuesday, November 23 through Blackboard.** If you are having difficulties with Blackboard, you may send the paper to me by email to beat the clock, but must also submit through Blackboard when possible.

Submissions will go through SafeAssign, a plagiarism detection software.

Students who anticipated not being able to complete the assignment on time should inform me as soon as possible. Without prior notice, failure to complete the assignment on its due date will result in a grade penalty. Late papers will be penalized by a 1/3 letter grade reduction; papers late more than a week, by a full letter grade reduction, absent medical/family emergency, or COVID-related issues.

e. Final Exam. The final exam will be held in class during regularly scheduled class time, on Tuesday, December 14 at 11:00 to 2:10 (Tues class) or Wednesday, December 15, 5:00-7:10 (Weds Class).

COURSE MATERIALS: The course books will be Dunoff, Ratner, & Wippman, International Law: Norms, Actors, Process (5th. ed. or 4th ed.) and Janis, International Law (8th or earlier.). 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. For now, office hours will be held through Teams. I will hold office hours on Tuesdays 4-5 and Wednesdays 10-12, or by appointment. I am also available after class. Please send me an email to set up a meeting during office hours or at another mutually convenient time. My e-mail address is philip.moremen@shu.edu . My office is #127 in McQuaid Hall.

PLAGIARISM AND OTHER ABUSES OF ACADEMIC INTEGRITY. Plagiarism and other forms of academic dishonesty will be reported to the administration, and may result in a lowered or failing grade for the course and up to possible dismissal from the School of Diplomacy. See University and School standards for academic conduct here: <https://www.shu.edu/student-life/upload/Student-Code-of-Conduct.pdf> and <http://www.shu.edu/academics/diplomacy/academic-conduct.cfm>. Resources for academic integrity are on the course Blackboard page.

More particularly: 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. **Any indication of plagiarism in the ICJ Paper** will result in a minimum reduction of 10 points in the score for the assignment, may result in a failing grade for the assignment or for the course, and will be reported to the School's administration. **A repeated incident of plagiarism (i.e., more than one) is likely to result in a failing grade for the class and will be reported to the administration.**

STUDENTS WITH DISABILITIES

It is the policy and practice of Seton Hall University to promote inclusive learning environments. If you have a documented disability you may be eligible for reasonable accommodations in compliance with University policy, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and/or the New Jersey Law against Discrimination. Please note, students are not permitted to negotiate accommodations directly with professors. To request accommodations or assistance, please self-identify with the Office for Disability Support Services (DSS), Duffy Hall, Room 67 at the beginning of the semester. For more information or to register for services, contact DSS at (973) 313-6003 or by e-mail at DSS@shu.edu.

POLICY ON INCOMPLETES

Incompletes will be given only in exceptional cases for emergencies. Students wishing to request a grade of Incomplete must provide documentation to support the request accompanied by a Course Adjustment Form (available from the Diplomacy Main Office) to the professor *before* the date of the final examination. If the incomplete request is approved, the professor reserves the right to specify the new submission date for all missing coursework. Students who fail to submit the missing course work within this time period will receive a failing grade for all missing coursework and a final grade based on all coursework assigned. Any Incomplete not resolved within one calendar year of receiving the Incomplete or by the time of graduation (whichever comes first)

automatically becomes an “FI” (which is equivalent to an F). It is the responsibility of the student to make sure they have completed all course requirements within the timeframe allotted. Please be aware that Incompletes on your transcript will impact financial aid and academic standing.

CORONAVIRUS SAFETY

As of now, the University’s mask mandate is mandatory indoors (unless you’re alone or eating) and is in effect until further notice. That means everyone must wear a mask in class and wear it properly. No mask, no class. Updates can be found here: <https://www.shu.edu/health-intervention-communication/>

CAPS

As part of our commitment to the health and well-being of all students, Seton Hall University’s Counseling and Psychological Services (CAPS) offers initial assessments, counseling, crisis intervention, consultation, and referral services to the SHU community. The CAPS office is located on the second floor of Mooney Hall, room 27. Appointments can be made in-person or by calling 973-761-9500 during regular business hours, Monday-Friday, 8:45 a.m. - 4:45 p.m. In case of a psychological emergency, call CAPS (973-761-9500) at any time to speak to a crisis counselor. For more information, please visit: <https://www.shu.edu/counseling-psychologicalservices/index.cfm>

CURRICULUM AND READINGS

Dunoff = Dunoff, Ratner, & Wippman.

Janis = Janis, International Law. Pages are for the 8th edition; 7th edition pages in brackets.

Blackboard = materials on the course Blackboard site.

Online = online materials.

The assignments listed below are subject to modification. The first date is the Tuesday class, the second date the Wednesday class.

1. 8/31; 9/1]

Introduction

Nature and Sources of International Law

- Janis: pp. 4-8; 64-67 [7th ed. 4-8; 62-65] [the copy on Blackboard comes from an earlier edition]
- Akehurst, Modern Introduction to Int’l Law, 15-18.
- Janis: 181-185 [7th ed. 169-173]
- ICJ Statute Art. 38: Dunoff, p. 31, or [here](#).
- Recommended: Dunoff, 5th Edition, pp. 13-24.

2. [9/7; 9/9]

Sources of International Law—Treaties

- Dunoff, 5th Edition: pp. 31-48.
- Blackboard: The Gabčíkovo-Nagymaros Case
- Suggested Background Reading**
 - Janis: Ch. 2.

3. [9/14; 9/15] **Sources of International Law—Custom**
-Dunoff, 5th Edition: 63-78; 81-85.
Please brief The Paquete Habana case in the reading
-Blackboard: The Asylum case, in Readings from Janis & Noyes.
4. [9/21; 9/22] **Non-consensual Sources; Subsidiary Sources**
-Janis: 60-72 [7th ed. 57-70; 83-86].
-Dunoff, 5th Edition, 544-556.
International Law and Municipal Law
-Dunoff, 5th Edition: 209-214.
-Suggested Background Reading:
-Janis: Ch. 4.
5. [9/28; 9/29] **Jurisdiction**
-Blackboard, The Lotus case.
-Dunoff, 5th Edition: 267-274 [skip Lotus]; 278-284; 287-295.
-Suggested Background Reading
-Janis: Ch. 10
State Responsibility, State Protection, and Standing
-Dunoff, 5th Edition: 333-334.
-Blackboard: Henkin et al., International Law, (3rd ed.) 677-682; 693-695; 708-717.
6. [10/5; 10/6] **Human Rights**
-Dunoff, 5th Edition: pp. 329-355; 355-361; 376-380 [skim].
-Please brief Republic of Ireland v. U.K
-Suggested Background Reading
-Janis: Ch. 8.
7. **TAKE-HOME MIDTERM:** tentative dates—10/13-10/15.
8. [10/19-10/20] **Humanitarian Law/ Jus in Bello**
-Blackboard: Murphy, Jus in Bello, in Principles of Int'l Law, 602-604; 607-616
-Blackboard: Articles 1-3, Geneva Convention III (POWs)
-Blackboard: Dunoff, 4th Edition: pp. 833-836.
-Blackboard: Dunoff, 4th Edition: pp. 436-450.
-Blackboard: Dunoff, Ratner, Wippman (3rd ed.), pp. 534-546 (Tadic case).
9. [10/26; 10/27] **The Use of Force/ Jus ad Bellum**
-Blackboard: The Caroline Case, in Readings from Janis and Noyes, Int'l Law, pp. 604-608.
-Dunoff 5th Edition: 667-685; 706-709.

10. [11/2; 11/3] **Intervention and Self Defense**
- Dunoff, 5th Edition: 686-706 Please brief **the Nicaragua Case** (excerpt on self-defense)
Peacekeeping, Humanitarian Intervention, R2P
-Dunoff, 5th Edition: 710-714; 717-726.

11. [11/9; 11/10] **Protecting the Ozone Layer**
-Dunoff, 5th Edition: 582-599.
Prep for ICJ Exercise
-Blackboard: Read background materials for ICJ Exercise [TBA]

12. [11/16; 11/17] **ICJ Exercise**

THANKSGIVING WEEK: No class

TUES, 11/23: ICJ ISSUE BRIEF DUE THRU BLACKBOARD

13. 11/30; 12/1] **International Criminal Law and Tribunals**
-Dunoff, 5th Edition: pp. 435-455; 482-501.

14. [12/7; 12/8] **Interdisciplinary Perspectives on International Law**
-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].