

Introduction to International Law
PL SC 373
Fall 2008

Dr. Ken Stiles

Office Hours: Mondays and Wednesday s 2-4pm, Tuesdays 9-11am, or by appointment
SWKT 784 - 422-1352

e-mail: ken_stiles@byu.edu

Course Description

I believe the purpose of a liberal arts education is to help you evaluate others' ideas and develop your own. These are life-skills that will catapult you into the elite of whatever profession you select and will help you avoid the pitfalls of ignorance and naiveté. This in spite of the fact that I doubt you will ever be called upon to give a cogent analysis of the history of the principle of sovereignty in your future job. On the other hand, you will be repeatedly asked to accept or reject faulty logic, inadequate evidence, and poor prose, as well as produce good work yourself. Putting it another way – the content of the course will likely be less important than the way the material makes you think and write. The goal, then, is solid thinking and communicating – the means is international law.

By the end of the semester you will not only have improved your reasoning and communication skills, but you will also have a solid foundation in the following areas: basic theories of international law, general principles of international law, the current status of international law in the areas of economics, human rights, the environment, the law of the sea and other commons, and war and peace, as well as the United States' actions regarding international law.

Course Requirements

The study of international law is shared by the social sciences and the humanities, with the result that we find several competing approaches. In the humanities, the focus is on understanding the functioning and content of law and how to improve it. In the social sciences, the emphasis is on explaining why laws exist and why states comply with them. There is also a “mechanical” view of law that stresses how rules can be applied (and manipulated) – particularly in the defense of a client. This is the emphasis found in most law schools. We will be mixing these approaches in this course, although the emphasis will be on the social science perspective. It is important that you understand that this means the knowledge and skills you learn here will provide useful background for any future study of law, but will not substitute for it.

Preparation for Lectures: You should be prepared to respond to questions about the readings. You must therefore complete the readings prior to the date they are assigned (see the schedule below). I anticipate that a desire to appear prepared will be enough to motivate the habit, but in case I'm wrong, I reserve the right to impose pop quizzes,

reading notes and other inconvenient work. Your participation in class discussions will make up just ten percent of your grade, but will make all the difference in your performance on the examinations and paper assignment.

Examinations: A mid-term covering the fundamentals of international law will be administered in class (closed book) on October 17th. The exam will consist of a mix of short answer and essay questions and will make up twenty percent of the final grade. The final examination is scheduled for Wednesday, December 17 from 2:30 to 5:30. It will follow the same format and cover the second half of the material. It will also be worth twenty percent of the grade.

Research Paper: Half of your course grade will be based on a research paper and various preliminary assignments. The object of the paper will be to explain the nature, functioning, and/or origins of an international rule of your choosing. Your account and analysis should serve to test the validity of one of the theories of international law found in the Hathaway and Koh reader.

To limit overlap between your paper and those of your colleagues, you will submit a proposal early on (September 22nd) for approval by the instructor. To identify a rule, you should scan the Murphy text, focusing on chapters that cover areas that interest you. The rule need not be vast in scope, but should be significant. It should also be clear enough that you can identify periods in history when the rule didn't exist and periods when it did. You should include a theory selected from Hathaway and Koh in this proposal.

Using material from Murphy's chapter 15, you will generate a bibliography of sources to measure when and why the rule exists. This bibliography should include a one-sentence comment on each source's value to your research and is due on October 6th. You should include primary sources on your theory as well. Extra credit will be given for any e-mail or phone interviews with actual attorneys or law professors.

Finally, you will submit a preliminary draft of your paper, complete with citations and proper formatting, on December 1st (although everyone is urged to submit it on the 25th of November). These will be graded and annotated as if they were final drafts and returned within a week. Note that if the tentative grade is acceptable to you, it can be made final. The final draft is due on December 10th.

The paper-related assignments are weighted as follows:

1. Proposal – 5%
2. Bibliography – 5%
3. Preliminary Draft – 10%
4. Final Draft – 30%

Summary of Final Grade

Participation – 10%

Mid-Term, Final Examinations – 20% each

Research Paper – 50%

Course Objectives

The following objectives are tied to the Political Science department's learning outcome plan for all majors. In this course, you will be expected to:

1. Demonstrate a familiarity with international relations as a sub-field of political science.
2. Possess a factual and theoretical knowledge of countries, political processes, political theories, and political thought.
3. Use appropriate methods of analysis and research.
4. Write professional grade research papers on political science questions.
5. Think critically, analytically, and synthetically.
6. Properly cite sources in writing using a recognized citation style.

BYU Policies

Academic Honesty: The first injunction of the BYU Honor Code is the call to "be honest." Students come to the university not only to improve their minds, gain knowledge, and develop skills that will assist them in their life's work, but also to build character. President David O. McKay taught that "character is the highest aim of education" (The Aims of a BYU Education, p. 6).

It is the purpose of the BYU Academic Honesty Policy to assist in fulfilling that aim.

BYU students should seek to be totally honest in their dealings with others. They should complete their own work and be evaluated based upon that work. They should avoid academic dishonesty and misconduct in all its forms, including plagiarism, fabrication or falsification, cheating, and other academic misconduct.

Incidents of academic misconduct are to be reported to the administration of the center, which will deal with the matter according to the statement on "Procedures for Handling Incidents of Academic Dishonesty or Other Academic Misconduct" as written in the current undergraduate catalog.

Students with Disabilities: BYU is committed to providing a working and learning atmosphere which reasonably accommodates persons with disabilities who are otherwise qualified to participate in BYU's programs and activities. It is the policy of BYU to prohibit unlawful discrimination against persons with disabilities and to provide reasonable assistance in bringing them into the mainstream of campus life. To accomplish this, BYU complies with all applicable disability laws.

If a student has any disability which may impair their ability to complete courses successfully, they should contact the University Accessibility Center (801-422-2767) or the director of the BYU Salt Lake Center (801-933-9400 or 273-3434). Reasonable academic accommodations are reviewed for all students who have qualified documented disabilities. Services are coordinated with the student and instructor by the University Accessibility Center or the office of the director at the center. If students need assistance or if they feel they have been unlawfully discriminated against on the basis of disability, they may seek resolution through established grievance policy and procedures. You should contact the Equal Employment Office on the main campus at 801-422-5895, D-282 ASB.

Statement of Nondiscrimination: Brigham Young University is committed to providing an academic and employment environment that is free from unlawful discrimination and to achieving a prompt and equitable resolution of all grievances alleging unlawful discrimination which are filed with the university. Unlawful discrimination on the basis of race, color, gender, national origin, religion, age, veteran status, or disability will not be tolerated. The university policies and procedures with respect to non-discrimination as it applies to students in the areas of unlawful gender discrimination, unlawful sexual harassment and inappropriate gender-based behavior are found in separate university policy, Unlawful Sexual Harassment and Inappropriate Gender-Based Behavior Policies

Preventing Sexual Harassment: Unlawful discrimination on the basis of gender will not be tolerated whether initiated by university faculty, administrative or staff personnel, students or by third parties on the campus. The university prohibits unlawful sexual harassment against all persons involved in the campus community, including administrators, faculty, staff, students, visitors, vendors, contractors and other third parties. The university also prohibits inappropriate gender-based behavior in the workplace or in the academic setting directed at another due to that person's gender and which violates the Church Educational System Honor Code or the individual dignity of university personnel, students or campus visitors, but which does not rise to the level of unlawful sexual harassment.

If you encounter unlawful sexual harassment or gender-based discrimination, please talk to your professor or contact the Equal Employment Office at 801-422-5895 or the Honor Code Office at 801-422-2847.

Reading Schedule

All of the readings for the class will be taken from the two required texts: Sean Murphy, Principles of International Law and Oona Hathaway and Harold Koh, editors, Foundations of International Law and Politics. You are expected to finish the assigned readings before each class. Be prepared to answer questions that may be asked randomly since the Socratic method of standard in law school.

Wednesday, September 3: The Reading of the Syllabus and the Roll

Friday, September 5: Law and International Relations
Hathaway & Koh, Part I

Monday, September 8: Research in International Law
Murphy, chapter 15

Wednesday, September 10: Foundations
Murphy, chapter 1

Friday, September 12: Actors
Murphy, chapter 2

Monday, September 15, Wednesday, September 17: Sources of Law
Murphy, chapter 3

Friday, September 19, Monday, September 22: Interpretation of Law
Murphy, chapter 4
Paper Proposals due September 22nd

Wednesday, September 24, Friday, September 26: Compliance
Murphy, chapter 5

Monday, September 29, Wednesday, October 1: State Duties
Murphy, chapter 6

Friday, October 3, Monday, October 6: American Law
Murphy, chapter 7
Bibliography due October 6th

Wednesday, October 8, Friday, October 10: Jurisdiction
Murphy, chapter 8

Monday, October 13, Wednesday, October 15: Immunity
Murphy, chapter 9

Friday, October 17: **Mid-Term Examination**

Monday, October 20, Wednesday, October 22, and Friday, October 24: Interest-Driven
Theories
Hathaway & Koh, Part II

Monday, October 27, Wednesday, October 29, and Friday, November 1: Norm-Driven
Theories
Hathaway & Koh, Part III

Monday, November 3, Wednesday, November 5, Friday, November 7: Human Rights
Law
Murphy, chapter 10; Hathaway & Koh, Part IV, section A

Monday, November 10, Wednesday, November 12: Law of the Sea
Murphy, chapter 11

Friday, November 14, Monday, November 17: Environmental Law
Murphy, chapter 12; Hathaway & Koh, Part IV, section B

Wednesday, November 19, Friday, November 21: Trade Law
Hathaway & Koh, Part IV, section C

Monday, November 24, Tuesday, November 25, Monday, December 1: Criminal Law
Murphy, chapter 13; Hathaway & Koh, Part IV, section E
**Preliminary Draft due December 1st (You are strongly urged to turn it in
November 25th. No point spoiling Thanksgiving!)**

Friday, November 28: No Class

Wednesday, December 3, Friday, December 5: International Law of War
Murphy, chapter 14; Hathaway & Koh, Part IV, section F

Monday, December 8, Wednesday, December 10: Humanitarian Intervention
Hathaway & Koh, Part IV, section D
Final Draft due December 10th

Wednesday, December 17 – **Final Examination, 2:30-5:30**