Course Objectives:

International law is often considered an abstraction created by abstract entities. States, after all, created international law for the most part, but states themselves are social constructs whose character is ever-shifting. In the process, however, wars are started and ended, women are protected from abusers, aircraft take off and land safely, air pollution is addressed, and dictatorships fall. All along the way, governments routinely refer to their “obligations” and “duties”, citing aging documents drafted by long-dead diplomats. Rebels and dissidents cite principles articulated by lawyers from the other side of the world. Whether we like it or not, international law permeates what we do. It affects whether our cups and glasses are safe enough to use. It affects whether our letters to overseas friends are opened before arrival. It affects whether the ozone hole will grow or shrink, and whether nuclear weapons will be built or dismantled.

Our task is to make some sense of all of this. Why do governments make formal agreements? Why do they pay attention to them or to the writings of law professors and philosophers? Why do they take care to monitor each others’ conduct? And why do they punish or ignore breeches? We will do this from the perspective of both political science theory and international legal analysis.

Course Requirements:

This course seeks to develop a range of skills. To begin, you will be expected to do the required reading. You will find, if you have not already, that smart people have put their best ideas in books, and by taking advantage of this, you can teach yourself many degrees’ worth of knowledge and skills. Ignoring the reading assignments means you want only a partial education. At this point, I do not intend to test this, counting on your own motivation to learn. But since failure on the students’ part to complete the reading as schedule will ultimately impinge upon the classroom experience, I reserve the right to adopt “reading reflections”, “pop quizzes”, and other devices to monitor and enforce this rule.

Two exams will be administered over the course of the semester. The first will be held on February 3rd and the final exam will be in class on April 19th from 3:00-6:00pm. The final is not comprehensive. The format will include short-answer and essay questions and will constitute 20% and 25% of the grade, respectively.

You will participate in a moot court exercise that will involve being assigned to a case and a side, culminating in a “trial” which will lead to a decision by the class – acting as one of several
possible international tribunals. This experience will be graded by the instructor, the class, and
your fellow “advocates” and will constitute 20% of your grade.
You will also write a full-length research paper (20 pages, including bibliography). You will
have several options of formats and styles. You will need to make your choice no later than
January 20th by submitting a two-page proposal (worth 5% of the total grade). Options include:

- Philosophical treatise on an international legal principle – you will draw on intellectual
  and philosophical traditions to explain why certain rules have developed as they have.
- Historical examination of the politics and economics behind the emergence of a particular
  rule.
- Institutional analysis, focusing on the rule of key states and international organizations in
  defining and enforcing an international rule.
- Compliance test, looking at the ultimate effectiveness of an international rule in altering
  state policy.

Each approach will call for a somewhat different type of methodology and research materials.
More will be said about this in the future. You will submit a rough draft – which should look like
a final draft – by March 29th. This will be graded and returned. That grade will be worth 10% of
your final grade. The final draft is due on the last day of class – April 12th. The grade on the final
draft will be worth 20% of the final grade.

Although details on the writing assignment will be coming later, you should be aware of my
overall approach to grading, which will be based on the following rubric:

1) Clarity of purpose – 20%; you will need to begin your paper with a clear statement of the
   theory and actor you’ve chosen. You should also describe the overall structure of your paper,
   including how you will test whether the developments are consistent with the theory. You should
   spell out at this stage what you expect to find – a hypothesis, as it were. This will become the
   litmus test for the rest of the paper’s persuasiveness.
2) Theory exposition – 20%; You should devote two to three pages to describing the theory of
   your choosing. This will require providing definitions of key concepts, references to academic
   literature, and a word on how it fits into an overall debate in IO. For example, if you chose
   hegemonic stability theory, you should discuss how it relates to realism generally, and in turn
   how it addresses the realist-liberal debate.
3) Appropriateness and execution of method – 20%; You have several ways to test the utility of
   the theory. Your choice of method will be assessed for appropriateness to the research question
   and theory. How well you carry out the method will also be evaluated.
4) Organization – 10%; It is very important that material be presented in a coherent way, with
   key terms, theories, and methods spelled out at the outset so that the reader understands what to
   expect and what will be said. As far as the balance of the paper’s structure, much depends on the
   method you select. As this is not intended to be a policy piece, commenting on policy
   implications is optional.
5) Mechanics – 10%; Proper grammar, usage, spelling, and style will be evaluated, with
   traditional academic writing as the standard. Be careful to adopt an academic tone throughout the
   paper. Your best guide for what constitutes good academic writing will be the scholarly books
   and articles you will use as your background material.
6) Persuasiveness – 20%; The acid test of the paper will be whether, when all is said and done,
   an open-minded reader will be persuaded that your analysis is the correct one. While it is the aim
of every social scientist to begin with a bold hypothesis and prove is with convincing evidence, it is far more common for both the hypothesis and evidence to be less than overwhelming. The key is to make sure that the aims are clear and the conclusions are proportional to the evidence. If there is simply not enough evidence to persuade a reasonable person that your initial argument was proven, this must be stated clearly in the conclusion.

The following summarizes the composition of the final grade for the class:
Mid-term: 20%
Final: 25%
Moot court: 20%
Paper proposal: 5%
Rough draft: 10%
Final draft: 20%

I do not grade on a curve. The grade break-down will be as follows:

A = 94-100   A- = 90-93.9
B+ = 87-89.9  B = 84-86.9  B- = 80-83.9
C+ = 77-79.9  C = 74-76.9  C- = 70-73.9
D+ = 67-69.9  D = 64-66.9  D- = 60-63.9
E = 0-59.9

Late Policy:
Assignments are due at the beginning of class on the date indicated. A half grade will be deducted for each business day the assignment is late unless a University-excused absence is involved. Late commentaries will receive no points, but should still be turned in and circulated. Please set out a clear and thoughtful schedule of reading, research, and writing so that you can accomplish this and not incur late penalties – especially for the final draft.

This course will partially fulfill several of the Department’s learning objectives, including:

1. demonstrate a familiarity with each of the four major subfields of political science: American politics, comparative politics, international relations, and political philosophy
2. possess a factual and theoretical knowledge of countries, political processes, political theories, and political thought
3. use appropriate methods of analysis and research, including qualitative and quantitative methods, historical comparison, and textual interpretation to answer political questions
4. write professional grade research papers on political science questions
5. communicate effectively by presenting ideas in a high quality oral presentation
6. think critically, analytically, and synthetically
7. bring honesty and integrity to daily life, public affairs, and professional activities
8. properly cite sources 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. You should complete their own work and be evaluated based upon that work. You should avoid academic dishonesty and misconduct in all its forms, including plagiarism, fabrication or falsification, cheating, and other academic misconduct.

Any assignment that is found to be plagiarized will receive an F. If two assignments are found to be plagiarized, you will receive an E for the course.

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 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 801-422-895, 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/Assignment Schedule:

Course readings can be found in three places. First is the course’s “core” text – J. Martin Rochester’s *Between Peril and Promise: The politics of international law*. The book is written from a political scientist’s point of view and provides theoretical and analytical insights. To supplement this work, we will also be reading a number of international legal case studies and legal treatises. The cases are found in *International Law Stories* by John E. Noyes, Laura A. Dickinson, and Mark W. Janis. Still other items are to be found in the course’s Blackboard site, although they are also available in on-line library sources.

You are expected to complete the reading assignments by the first date indicated. The instructor reserves the right to hold pop quizzes and other measures to ensure this is taking place.

January 4 – Welcome, orientation, and introduction
Rochester – chapter 1

January 6 – Theoretical approaches
Rochester – chapters 2, 3

January 11, 13 – Treaties
Bederman – chapters 2, 3
Arend, “A Methodology for Determining an International Law”
Abbott & Snidal, “Hard and Soft Law in International Governance”

January 18, 20 – Custom
Miller, “Customary Traditional Law”
Roberts, “Traditional and Modern Approaches to Customary International Law”
Chapter 6 by Dodge in Noyes et al.

January 25, 27, February 1 – States and international organizations
Bederman – chapters 5, 6
Thornberry, “Self-determination, Minorities, Human Rights”
Wilson, “Self-determination, Recognition, and the Problem of Kosovo”
Fink, “Combating Pirates off the Coast of Somalia”

February 3 – Mid-term examination

February 8– Human Rights
Rochester – chapter 4
February 10, 15 – Noyes et al. cases
Chapters 1, 2, 3 by Meron & Galbraith, Koh, and Grossman

February 17 – Noyes et al. cases
Chapters chapter 4 by Seymour & Tooze; Stiles case study on human rights

February 22 – no class

February 24 – War
Rochester – chapter 5

March 1, 3 – Noyes et al. cases
Chapters 8, 9, 10 by Hathaway, Noyes, and Bederman

March 8, 10 – Noyes et al. cases
Chapters 11, 12, 13 by O’Connell, Simma & Hoope, and Dickinson

March 15, 17 – no class

March 22 – Markets
Rochester – chapter 6

March 24 – Sea and Air
Rochester – chapter 7, Stiles case study on market regulation

March 29 – Environment
Rochester – chapter 8
Chapter 7 by Janis in Noyes et al.

March 31 – TBA (maybe Rochester chapter 9)

April 5 – Moot Court 1

April 7 – Moot Court 2

April 12 – Moot Court 3

April 19 – Final Exam 3-6pm