

LAW & SOCIETY 300 (Fall, 2010)
INTERNATIONAL LAW
Philadelphia University

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COURSE DESCRIPTION

Welcome to the small but growing society of scholars, lawyers and students who study how nations (called “states”) have sought and are seeking to create “a system of rules, principles and concepts that govern relations among states and, increasingly, international organizations, individuals and other actors in world politics.”¹ While international law has existed for centuries, much of international law’s content is young and its’ development is ongoing.

We will learn how international law is created and how it is applied by international courts and, on occasion, in the Supreme Court of the United States. International law differs from the law that exists within nations (referred to as “municipal” or “domestic” law) in that compliance by states is seldom perfect. Even the United States, to which nations frequently look for guidance, has sometimes disregarded the judgments of international courts or construed international law in dubious ways to serve its own interests. Thus, success in international law is not defined as “perfect compliance.” Success is achieved when most states observe most norms of international law most of the time

As international law develops, we will see that international organizations, composed of states, are becoming ever more important in the development and enforcement of international law. The most significant international organization is the United Nations, which has created institutions to adjudicate disputes among states and to try to preserve peace among states.

While international law’s main focus is on the relations of states, it is expanding to require that the individuals charged with leading states, in times of violent civil conflict or war, conduct themselves according to internationally accepted norms. We will spend considerable time learning how international law has prosecuted leaders that commit grievous violations of international norms in times of extraordinary conflict, termed “war crimes” or “crimes against humanity.” We will examine the Nuremberg Tribunals following World War II, and the International Criminal Tribunals established to hear allegations of war crime or crimes against humanity by individuals in the former

¹ Scott, *International Law in World Politics – An Introduction*, Lynne Rienner Publishers (2004).

Yugoslavia and in Rwanda. We will discuss why, in the former Yugoslavia and Rwanda, the U.N. didn't act to stop the violence that gave rise to appalling crimes.

TOPICS OF STUDY WITH ASSIGNMENTS

Many generals (possibly beginning with Napoleon) have said, "No battle plan survives its first encounter with the enemy." Class schedules are likely to survive the class' first encounter. However, our exploration of international law will require adjustments to the schedule and the syllabus through the life of the course. That said, my plan for this course is, as follows:

1. Introduction to International Law (August 23, 25, 27)

Reading Assignment:

- a) **Scott – Chapter 1**
- b) **Bederman, International Law Frameworks (2d. Ed.) Foundation Press (2006): Chapter 1 (posted on Blackboard)**

First, we will introduce ourselves to each other and talk our way through this syllabus.

Second, we will begin to introduce ourselves to international law. We will develop a working definition of "international law" and discuss how it differs from the law that governs people within countries (called "domestic" or "municipal" law), like the laws that govern us in the United States. We will discuss the ways that international law is made and enforced. We will also begin an ongoing discussion of how effective international law is in setting international norms, resolving disputes and maintaining world order.

2. States: The Primary Actors in International Law (August 30)

Reading Assignment: Scott: Chapter 2

The primary participants in international law are "states." We will define "states" and discuss their importance as actors in international law. We will also discuss some issues that arise when states become independent of colonial masters, are created by secession from another state, or are transformed by a revolutionary change of government. For example, to what extent, if any, do the obligations assumed by former colonial masters or former state entities bind "new" states? Finally, we will discuss the jurisdiction of states within their own borders and situations when states may act outside of their own borders.

3. Discussion topic: Is Palestine a “state” today? (September 1)

Reading Assignment (posted on Blackboard):

- a) **Memorandum from Professor John Quigley to Office of the Prosecutor, International Criminal Court (“ICC”) arguing that Palestine is a State of purposes of invoking ICC jurisdiction** (Posted on Blackboard)
- b) **Ash, “Is Palestine a ‘State’ a response to Professor John Quigley’s Article ‘The Palestine Declaration to the International Criminal Court: the Statehood Issue?’” 36 The Internet Journal of Rutgers School of Law/ Newark (Fall, 2009)** (Posted on Blackboard)

The Middle East is a source of much of the controversy in the world, today. Palestine is the topic of much of this controversy as it seeks to become an independent nation. Our discussion will focus on the question: Despite the internal divisions in Palestinian society and questions regarding boundaries are we able to say that Palestine is now a “state?”

I will provide a historical summary of Palestine since the creation of the State of Israel. We will then apply the factors used in determining whether an entity is a “state” from our last session and the additional factors that are pointed out in the reading assignment.

4. International Law Without Treaties: Customary International Law and the role of “General Principles” in International Law (September 3, 8, 10)

Reading Assignment:

- a) **Bederman, International Law Frameworks (2d. Ed.) Foundation Press (2006): Chapter 2** (posted on Blackboard)
- b) **Article 38(1) of the 1946 Statute of the International Court of Justice** (posted on Blackboard).
- c) ***The Paquete Habana*, 175 U. S. 677 (1900)(abridged version)** (posted on Blackboard)
- d) **How to brief a case:**
 - 1) **“How to Brief Cases” and Analyze Problems** (Posted on Blackboard)
 - 2) **Sample case and Sample student brief** (Posted on Blackboard) (excerpted from <http://www.lawnerds.com/guide/briefing.html>).
 - 3) **Practice Case From “How to Brief a Case – Beyond the Basics”** (Posted on Blackboard).

Assignment:

- a) **Due September 8, brief the case that appears in Practice Case from “How to Brief a Case – Beyond the Basics” – This is for practice purposes and**

will not count toward your grade on the “briefing cases” component of grading. Your brief should not be more than one page, single spaced.

- b) Due September 10: Brief the edited version of *The Paquete Habana*, 175 U. S. 677 (1900) that appears on Blackboard in no more than 2 single spaced pages and submit your brief in electronic form in Word no later than the beginning of class on September 10. The due date for this assignment may be adjusted, depending on our progress through the Syllabus.**

As we saw in our discussion of Palestine, international law is not confined to treaties or dictionary definitions. It also considers “customary international law” which consists of rules derived from the consistent conduct of states acting out of the belief that their conduct is required by international law. In the absence of treaties, customary international law is the basis of determining the rights and obligations of parties. We will seek a working definition of “customary international law” to identify the elements required for custom to control a case. We will consider how custom is used to determine cases. We will see how custom has been used by international tribunals and even the U.S Supreme Court to resolve disputes among states.

We will introduce “briefing a case,” a tool that law students, and lawyers, use for “active reading” to ensure that they have read a case carefully, understand its reasoning and are capable of recalling the important points of the case. Briefing is a valuable tool for studying case-law, but its applications may be applied to other forms of writing, like scholarly articles or chapters of textbooks. It also helps students to prepare to discuss assigned readings in class.

5. Searching for the Atom: The Elements of International Law (September 13)

Reading Assignment:

- a) Scott: Chapter 5**
- b) The following portions of: Shen, “The Basis of International Law: Why Nations Observe” 17 Dickinson Journal of International Law 287 (1999) (read subchapter “D. The Theory of Power Politics” that begins on page 335 and subchapter “E. The Policy-Oriented Theory” that begins on page 337.) (Posted on Blackboard).**

International Law is a field where much of its content remains to be defined. One important question is: what underlying principles lay at the core of international law? This segment will focus on three competing schools of thought: natural law; legal positivism; and, legal realism. They are the building blocks of international law. They help explain why international law takes one path or another, or why it changes course.

Natural law comes from the notion that the universe (or nature or religion) provides us with norms that are, or ought, to form international law.

Natural law competes with legal “positivism,” which holds that international law arises from the decisions of sovereign states. States have interests that may or may not coincide with natural law and it is their right to protect these interests. States decide rights and obligation through negotiation with other sovereign states. States enter unwritten “social contracts” or binding agreements (treaties) which are “international law.”

Finally, we acknowledge that international law exists in a world where power is unevenly distributed among states. Thus legal “realists” hold that much of international law is the result of “power politics” in a world where “only those who can may.”

We will discover that all three elements are present in international law. These competing constructs of law provide tools for advocates to argue for a particular outcome or to address a particular issue in international law.

6. Sovereignty and the Immigration Debate (September 15, 17, 20, 22)

Reading Assignment:

- a) **New York Times Summary of Immigration and Emigration** (posted on Blackboard)
- b) **Ogletree “America’s Schizophrenic Immigration Policy: Race Class and Reason”**(posted on Blackboard)
- c) **Arizona SSB 1070** (Posted on Blackboard)
- d) **Complaint filed by the United States challenging SB 1070 on Constitutional Grounds** (posted on Blackboard)

Assignment (Due September 15): Lists of 5 reasons supporting a more generous immigration policy and 5 reasons supporting a more restrictive immigration policy. DETAILS APPEAR IN THE COURSE REQUIREMENTS SECTION OF THIS SYLLABUS.

Resources for Assignment: For inspiration, agreement or disagreement, consider

- a) **Federation for Immigration Reform’s website promoting more restrictive policies** <http://www.fairus.org/site/PageServer>)
- b) **Immigration Reform Forum promoting more permissive immigration policies** (<http://immigrationforum.org/>).

For a moral argument, see Kritzman-Amir, Looking Behind the ‘Protection Gap’: The Moral Obligation of the State to Necessitous Immigrants,” 13 University of Pennsylvania Journal of Law and Social Change 47 (2009-2010) (posted on Blackboard)

This segment of our class dovetails with a symposium that the Law and Society Program is sponsoring at 7:00 P.M. on September 22, 2010. **Your attendance at this program is required.**

States, as sovereigns, may close their borders to all or may choose to admit some people and to exclude others. Like most states, immigration policy in the United States admits some immigrants and excludes others. However, while immigration policy is clearly a sovereign prerogative, the way that it is exercised affects the way that a nation perceives itself as well as affecting how that state is viewed by other states.

To begin our consideration of immigration policy, **on September 15 (and, perhaps, carrying over to September 17)** we will compile lists of reasons to restrict immigration into the United States and of reasons to encourage immigration into the United States. You will provide the data that we will use to compile these lists and to discuss the issue by completing the assignment, described above.

Once we have compiled lists, we will discuss the arguments for a more restrictive immigration policy and for a less restrictive immigration policy. We will identify the strongest arguments in each category and will use these arguments to debate immigration policy.

Following this discussion, **beginning September 15**, we will view a short recorded debate between a representative of FAIR, a group that takes a restrictive view of immigration, and La Raza, a group that promotes more liberal immigration policy. We will view this video critically, noting points on which the debaters agree and on which they disagree. Using our lists, we will also identify which arguments the debaters chose not to use.

We will then consider the controversial Arizona statute (SB 1070) intended to expand the role of local police in identifying and detaining unlawful immigrants. We will consider the criticisms that have been directed at SB 1070, such as the allegation that the law promotes racial profiling. In addition, the federal government has filed suit to challenge the constitutionality of SB 1070. We will also discuss the federal Complaint and the constitutional claims it asserts.

7. Treaties- Laws Created through Agreements by States (September 24, 27, 29)

Reading Assignment:

- a) **Scott: Chapter 8**
- b) **The Vienna Convention on Consular Relations of 1963** (posted on Blackboard)
- c) **Discussion of the Geneva Conventions of 1949 on the website of the International Committee of the Red Cross:**
<http://www.icrc.org/web/eng/siteeng0.nsf/html/genevaconventions>

Treaties may be the ultimate proof that positivism is the predominant source of International Law. Treaties are negotiated agreements reflecting efforts to accommodate the interests of the states at the bargaining table.

We will look at the process of negotiating a treaty and how it becomes “law.” We will also look at how states are able to exercise their own interests, even after treaties are negotiated and signed by the participating states, even to the extent of undercutting the terms that have been negotiated.

We will focus on the Vienna Convention on Consular Relations of 1963, which sets out rules by which states must treat citizens or diplomats of another state. We will also take a brief look at the Geneva Conventions, which seek to bring an element of humanity to the rules of war.

8. Texas Takes on the International Community – What happens when a state of the United States fails to comply with Vienna Convention on Consular Relations – *Medellin v. Texas* (October 1, 4, 6)

Reading Assignment:

- a) **Medellin v. Texas, 552 U.S. 491 (2008)(abridged version)(posted on Blackboard)**
- b) **Selected portions of *amicus curiae* briefs submitted by Mexico, the International Court of Justice, and “Foreign Sovereigns” (Posted on Blackboard)**

Reference Material: Texas’s Publication “Magistrate’s Guide to the Vienna Convention on Consular Notifications” (Posted on Blackboard)

Assignment: Brief the edited version of *Medellin v. Texas, 552 U.S. 491 (2008)* that appears on Blackboard and submit your brief no later than the beginning of class on October 1. The due date for this assignment may be adjusted, depending on our progress through the Syllabus.

Medellin is a case that came before the U.S. Supreme Court after the State of Texas arrested, tried, convicted and sentenced to death Jose Ernesto Medellin, a Mexican national, without informing him of his right to consular notification under the Vienna Convention. Medellin was one of 51 Mexican nationals that were not afforded their rights to consular notification. The International Court of Justice (“ICJ”) held that these convictions violated the Vienna Convention and should be reconsidered. Despite the holding of the ICJ, the US Supreme Court upheld Medellin’s conviction.

We will discuss the reasoning of the Supreme Court using the “socratic” question and answer format that is commonly employed in law school classes. We will then consider Justice Breyer’s dissent: How does he understand the effect of treaty obligations on state court convictions and how does he criticize the majority’s opinion?

We will consider some arguments submitted in support of Mr. Medellín, by Mexico and a group of nations in *amicus curiae* (“friend of the court”) briefs.

9. The Case of General Augusto Pinochet (October 8, 11)

Reading assignment: White, Nowhere to Run, Nowhere to Hide: Augusto Pinochet, Universal Jurisdiction, the ICC, and a Wake-up Call for Former Heads of State, 50 Case Western Reserve Law Review 127 (1999) (Posted on Blackboard)

On September 11, 1973, the democratically elected government of Chile was overthrown in a violent coup and replaced by a government headed by General Augusto Pinochet. The Pinochet regime treated real and perceived opponents harshly and thousands of people in Chile were killed, imprisoned or tortured. Some of the victims of the Pinochet regime were Spanish citizens.

Pinochet stepped down as the head of Chile’s government in 1990 and was named a “Senator for Life” by the Chilean government. In 1998, while Pinochet was in London for medical treatment, a Spanish judge issued an arrest warrant for Pinochet based on the alleged murder and torture of Spanish nationals in Chile by Pinochet’s regime. Spain sought extradition of General Pinochet from Britain.

The Vienna Convention of Diplomatic Relations of 1961 provides for immunity from international prosecution for actions that might be unlawful by heads of state, an immunity that continues after they relinquish their offices. Yet, the House of Lords (Britain’s equivalent of our Supreme Court) held that Pinochet should be sent to Spain to answer the criminal charges. While the British government ultimately allowed Pinochet to return to Chile because of ill-health, the Pinochet case remains valid law in Britain.

We will look at the historic background of the allegations against Pinochet and consider the factors that led the British court to order his extradition to Spain despite the treaty obligations that arguably gave him immunity. We will also consider the elements of legal positivism and natural law in the Treaty and in the court’s decision.

10. Intergovernmental Organizations: The United Nations (October 13, 15 and 18)

Reading Assignment:

- a) **Scott, Chapter 3**
- b) **Kirgis, “The United Nations at Fifty: The Security Council’s First Fifty Years,” 89 American Journal of International Law 506 (1995)**(posted on Blackboard)

The nations of the world have created, by treaty, organizations that are empowered to enforce treaty or international legal obligations. Of these international

organizations, the United Nations is the most ambitious joint venture of states. The United Nations exists to facilitate cooperation in international law, security, economic development, human rights and to promote peaceful resolution of disputes.

We will look at the main institutions through which the UN seeks to accomplish its mission: the Security Council, the General Assembly, the Secretariat and the International Court of Justice. We will consider instances where the UN has acted to enforce international law and preserve world peace and discuss how effective it has been in carrying out its mission.

11. War Crimes in Pre-World War II History (October 20)

Background reading (skim) - Maogoto – Chapters 1 and 2

This class will use a lecture format. I will discuss the conduct of war, particularly as it affects civilian populations. I will consider states' efforts, prior to World War II, to craft treaties and create international organizations to achieve the goal of reducing the war's harsh effects upon people and, indeed, to attempt to eliminate war, itself. World War II demonstrates the failure of these efforts and, in its wake, led to renewed efforts to prevent wars and to punish those who perpetrated the worst excesses of war.

12. War Crimes after World War II

Assignment: Each sub-segment will begin with a presentation by a team of students providing the historical background of the conflict we will study. The assignment is explained in the Course Requirements of this Syllabus.

This segment will focus on three case studies of wars involving cruel and barbaric behavior that far exceeded the "accepted" brutality that inevitably accompanies war: Germany in World War II; the conflict in the former Yugoslavia; and the civil war in Rwanda. The cases are described in the following three sub-segments (12-A, 12-B and 12-C).

12-A. The Nuremberg Tribunals: Justice Comes to the Perpetrators of the Second World War in Europe and of the Holocaust (October 22, 25, 27)

Reading Assignment:

a) Maogoto – Chapter 3

b) Meron and Galbraith "Nuremberg and Its Legacy," chapter One in Noyes, et al. ed. International Law Stories, Foundation Press (2007) (Posted on Blackboard)

When World War II concluded, the allied powers took into custody many German military and civilian leaders responsible for the horrors that occurred during the War.

We will look at how the allied powers created courts (called “tribunals”) that charged a number of these leaders with crimes arising out of their conduct. The Nuremberg Tribunals were the first international courts created to try people accused of “war crimes” or “crimes against humanity.” We will discuss how these tribunals were created and how they were structured to provide defendants with fair trials. We will also discuss the conduct of the trials.

12-B. The Bloody Breakup of the Former Yugoslavia (October 27, 29, November 1, 3)

Reading Assignment:

- a) Maogoto – Chapter 5**
- b) ICTY – Initial Indictment of Slobodan Milosevic** (posted on Blackboard)
- c) Nate’s Bombing Campaign to Liberate Kosovo**
- d) Scott – Chapter 7**
- e) Henkin, “Kosovo and the Law of “Humanitarian Intervention”⁹³ American Journal of International Law 824 (1999)**(posted on Blackboard)

Yugoslavia was created following World War I in a region that had belonged to the defeated Austro-Hungarian Empire. Yugoslavia contained numerous ethnic groups with distinct identities, aspirations and territorial claims. From the end of World War II, Yugoslavia was held together, as a communist state, by the strength of its leader, Joseph Broz Tito.

Following the death of Tito in 1980, the ethnic divisions in Yugoslavia asserted themselves with greater vigor. In particular, leaders of Serbia, the most powerful of these territories, sought to achieve a “Greater Serbia” which would control the region that had been Yugoslavia. Other groups, among them, Croats, Bosnians and Kosovars sought independence from the ascendant Serbia. The result was a period of strife and cruelty during the 1990s involving rape, torture and mass killings. A new term emerged on the world stage, “ethnic cleansing” the removal of non-favored ethnic group members from a designated territory, dead or alive.

We will consider the efforts of the United Nations to intervene in this region and discuss the extent to which they were successful or unsuccessful. We will look at the Dayton Accords, the treaty by which the conflict between the Serbs, Bosnians and Croats came to a close. We will look at the International Criminal Tribunal-Yugoslavia (“ICTY”), which was established by the United Nations to try individuals accused of crimes against humanity. Finally, we will look at the NATO military intervention in Kosovo and compare the success of this mission with the efforts of the United Nations in the former Yugoslavia.

12-C. Genocide in Rwanda (November 5, 8, 10, 12)

Reading Assignment:

- a) **Maogoto – Chapter 6**
- b) **Judgment in the ICTR case against Jean-Paul Akayesu – this document contains the indictment, a detailed description of the proceedings and the findings of the Court** (Posted on Blackboard).

Rwanda is a former Belgian colony in Africa that achieved independence in 1961. The post-independence history of Rwanda is dominated by conflict between its two dominant ethnic groups, the Hutu and the Tutsi. Hostility among the two groups increased when a Tutsi led army invaded northern Rwanda from Uganda in 1990, leading to a civil war. Despite a cease-fire in 1993, tensions in Rwanda created a movement among many of the numerically superior Hutu, who feared that the Tutsis were seeking control of Rwanda and that the Tutsis sought to enslave the Hutu people. The tensions exploded in 1994, when extremist Hutus killed over 800,000 Tutsis and moderate Hutus in approximately three months.

We will look at how the United Nations tried to deal with the violence in Rwanda. We will reflect on how, given the United Nations' decision to intervene in Rwanda, the genocide was permitted to occur. What defense can the United Nations assert to charges that it is responsible for the genocide, or at least failing to intervene effectively? We will also consider the inadequate response of the United States to the genocide in Rwanda.

We will study the post-genocidal response of the United Nations – the International Criminal Tribunal – Rwanda (“ICTR”). We will consider the charges brought by the ICTR, the evidence submitted in cases alleging crimes against humanity and war crimes and the provisions of international law that allowed ICTR to try individuals for these crimes and, if found guilty, to punish them.

13. The International Criminal Court (November 15 and 17)

Reading Assignment:

- a) **Maogoto, Chapter 7**
- b) **Briefing on the International Criminal Court Conference in Kampala, Uganda** http://www.state.gov/s/wci/us_releases/remarks/142585.htm (June 2, 2010)
- c) **Amnesty International's Objections to Proposals to Modify the International Criminal Court's Jurisdiction** <http://www.amnesty.org/en/news-and-updates/proposals-threaten-international-criminal-courts-independence-2010-06-08> (June 8, 2010)

In 2002, the International Criminal Court (“ICC”), a permanent tribunal for trying alleged perpetrators of war crimes was established by the Rome Statute of the

International Criminal Court. We will identify the basis of jurisdiction of the ICC and provisions intended to ensure that defendants receive a fair trial. We will consider the reasons that the United States declined to participate in the ICC. We will also discuss recent suggestions to weaken the jurisdiction of the Court.

14. U.S “Exceptionalism” and the Lawfulness of the Decision to go to War in Iraq (November 19, 22, 29)

Reading Assignments:

- a) **Koh, “On American Exceptionalism,” 55 Stanford Law Review 1479 (2003)**(Posted on Blackboard)
- b) **Safrin, “The Unexceptionalism of US Exceptionalism,” 41 Vand. J. Transnat’l L. 1307 (2008)** (posted on Blackboard)
- c) **Scott, Chapter 6**
- d) **Bederman, International Law Frameworks (2d. Ed.) Foundation Press (2006): Chapter 2** (posted on Blackboard)
- e) **March 7, 1003, Memorandum of Advice of Britain’s Attorney General to Prime Minister Blair regarding the legality of going to war in Iran** (Posted on Blackboard)

In his article, Harold Koh argues that, while the U.S. has refrained from entering many international treaties (which has earned it a reputation as an “exceptionalist”), it traditionally **acts** in conformity with international law. He argues, by contrast, that the decision to go to war in Iraq was one that the US tried to justify under international law but where it acted in a way that is inconsistent with international law.

We will discuss Dean Koh’s arguments and question whether US exceptionalism is unique among states. We will then focus on his critique of the legal basis of the Iraq war and contrast them with the requirements for a lawful war set forth in the U.N. Charter and the justifications supporting the war set out for the then-Prime Minister of Britain, Tony Blair, by his Attorney General.

15. Presentation of Summaries of Student Final Papers (December 1, 3, 6)

This final section of our course draws on you and the work you have done on your final papers. You will have worked hard to prepare your paper and will have undertaken research in areas not directly addressed by the class, until now. You will present a brief summary of your paper and entertain questions from your classmates.

TEXTS

a. Textbooks

Scott, *International law in World Politics: An Introduction*, Lynne Rienner Publishers (2010)

Maogoto, *War Crimes and Realpolitik: International Justice from World War I to the 21st Century*, Lynne Rienner Publishers (2004)

b. Readings Posted on Blackboard

As you read the “Topics of Study with Assignments” (abbreviated as “Topics”) portion of the Syllabus you will see that I have assigned many readings from books, scholarly journals, court cases or other sources. Most of these readings will be posted on Blackboard, with the exception of a few websites that I think are best viewed in their web context.

Abridged Articles for Assignments. I have edited many of the assigned journal articles to focus your attention on the text that appears most relevant to the assignments. Material that appears in its **white (or natural)** background is to be read. **Material highlighted in yellow need not be read.**

COURSE REQUIREMENTS

Writing and verbal communication skills are essential elements to this class. The process of writing clarifies thinking and leads to development of new ideas. Speaking in front of your classmates provides a relatively gentle place to develop and practice the verbal skills that you will need in the future, wherever your career path leads you.

All assignments are due at the beginning of the class on the dates specified in Topics. I will let you know in class and on Blackboard if these dates are changed to accommodate changes in our schedule. You should check Blackboard every day.

Unless otherwise specified on Blackboard or in this Syllabus, all written assignments are to be submitted to me at the appointed time via e-mail as MS Word documents as well as in hard copy.

Your grade will be determined by your performance on the following tasks as well as on class participation, discussed below.

1. **Briefing Cases** – As you saw in the Topics section, you will brief two U.S. Supreme Court cases.
 - a. **Your case briefs are due at the beginning of the class at which the case is to be discussed.**
 - b. Briefs are limited to two pages, single spaced. On the date that the assignment is due, please bring two copies to class, one for my

records and one to use during class. Also, prior to the beginning of class, please email me a copy of your brief in Word.

2. **Lists** to Accompany “**Sovereignty and the Immigration Debate**” segment of this class.
 - a. You will submit two pages. On one of these pages you will set out five reasons why U.S. immigration policy should be more generous toward immigrants. On the other page, you will set out five reasons why U.S. policy should be more restrictive.
 - b. Each reason should be accompanied by a brief paragraph explaining the significance of this reason.
 - c. I understand that many people have very strong views about immigration policy and may not believe the reasons submitted to support the opposite view. However, it is always important for a person with a strong view to “walk a mile in the other fellow’s shoes.” This allows you to test your own point of view and to better assert your own views because you have considered and can rebut the arguments of the other side.
 - d. On the date that the assignment is due, please bring two copies to class, one for my records and one to use during class. Also, prior to the beginning of class, please email me a copy of your brief in Word.

3. **Presentation for “War Crimes after World War II” Segment**
 - a. This segment of our class will focus on three case studies: the Nuremberg Tribunals; the Former Yugoslavia and Rwanda.
 - b. Each case study will commence with a historical introduction to the case study by a team of students.
 - c. For this assignment, the class will be divided into three teams. Each team will be responsible for providing a presentation lasting, at least, one full class session and providing the historical background for their assigned case study. Teams will consult with me as they prepare presentations for guidance in developing the format and content, and for assistance in resolving any issues that may arise during the project.
 - d. Presentations will be verbal, but may include electronic aids (PowerPoint, video clips, audio clips, etc.) that enhance the presentation.

- e. Each team member will have a significant speaking part in the presentation.
- f. Presentations will commence at the beginning of the first full class dealing with the case study associated with your assigned briefing.

4. Final Paper

- a. Each student will submit a paper of between 10-12 pages (double spaced). In your paper, you will select a topic in international law. I will post a list of topics for your consideration, but you are not limited to the topics on this list.
- b. Your papers will focus on a particular issue that you have researched and on which you have developed a position (or thesis or opinion). The majority of your paper will be devoted to explaining your position.
- c. Your paper will do the following:
 - 1) Provide a factual introduction for your topic
 - 2) State the particular issue you chose to investigate
 - 3) State the position that you have reached on basis of your research
 - 4) State the facts and reasons that justify your position
 - 5) You may also discuss facts and points of view that argue against your position and explain why they do not defeat your position.
- d. Relevant Dates
 - 1) **ALL TOPICS MUST BE APPROVED BY ME.** By the beginning of class on **OCTOBER 11**, please submit your proposed topic to me with one paragraph telling me how you intend to approach this topic.
 - 2) Since we have a small class, I am able to review first drafts of papers and offer feedback and editorial suggestions. First drafts are due by the beginning of class on **NOVEMBER 8**. **I remind you that all papers are to be submitted electronically, in MS Word. This is particularly important, here, so I can use the editing function on Word to give you detailed feedback.** I will return draft papers with comments by **November 12**.
 - 3) Please keep in mind the following admonition from the great Supreme Court Justice, Louis D. Brandeis: **“There is no such thing as good legal writing. There is only good legal rewriting.”**
 - 4) **Final versions of your papers should be submitted electronically and in Word no later than the end of the day on November 6.**

5. Oral Presentation of summary of Final Paper

a. Prepare a 10-15 minute verbal summary of your final paper to present to your class.

b. Presentations should:

- 1) Introduce your topic
- 2) State the particular issue you chose to investigate and why
- 3) State the position you took
- 4) State the factual and legal basis supporting your position
- 5) You may also discuss facts and points of view that argue against your position.

PARTICIPATION

This class requires significant and meaningful participation by all students for all course activities. Everyone must come to class having read the assigned readings, prepared to discuss them fully and, perhaps, to rethink the issues involved. This class is largely interactive; most of your learning will come from the ideas you exchange with your fellow students. By joining this class, you are making a commitment to participate fully.

Participation is particularly important in this course, since I will not be giving written exams. However, I reserve the right to administer pop quizzes in the event I become concerned that adherence to the obligation to prepare for class may be lagging among some students.

To facilitate participation, **every student will be required to submit two questions for each class inspired by the reading materials assigned for that class or from issues that came to your mind as you read the materials.** Questions must be posted on Blackboard no later than noon on the date of each class. Since a number of your questions will be used in class, it is essential that you give your questions careful consideration. Your questions will constitute 10 percent of your final grade, based on timely submission and the thoughtfulness they reflect.

No questions need be submitted for the first class. From time to time, I may inform you that questions need not be submitted for a particular class. However, unless I make an explicit announcement on Blackboard, questions are to be submitted.

GRADING

Grades will be based on the number system of zero to 100 points. Each task that is assigned, as well as class participation, will enable you to earn points, as follows:

- 2 written case briefs – up to 10 points total
- Lists for Sovereignty and Immigration segment – up to 5 points
- Team presentation for War Crimes after WW II segment – up to 20 points
- Oral Presentation of Final Paper – up to 5 points

- Final Paper – up to 30 points
- Class Participation – up to 20 points
- Submitted Questions – up to 10 points

In line with the school of Liberal Arts policy, the following grading scale will be used: is

A	93-100 points	C	73-76 points
A-	90-92 points	C-	70-72 points
B+	87-89 points	D+	67-69 points
B	83-86 points	D	63-66 points
B-	80-82 points	D-	60-62 points
C+	77-79 points	F	0-59 points

E-MAIL POLICY

I rely heavily on e-mail communication and will only correspond to your university address. **You must check your e-mail every day.**

You are required to use your university e-mail account to communicate with me and with other students in the class.

All written assignments, except the two questions you are to prepare for each class (which will be posted on Blackboard) must be e-mailed to me before the designated deadline. You will also bring 2 copies of each case brief on paper to the designated classes.

ATTENDANCE

This class is based on class participation; therefore, students who do not come to class on a regular basis are in serious danger of failing. If you come to class late, it is your responsibility to make sure I have marked you present. However, students who repeatedly come late to class will be marked as absent. If the student has more than 3 absences as defined aforesaid, the student must provide a reasonable excuse for those absences to avoid a grade related penalty. It is the student's responsibility to inform the professor by e-mail of any problem that might, or does, interfere with their ability to attend class.

ACADEMIC INTEGRITY

Academic integrity and honesty is expected in all forms of course work. Any dishonesty or cheating may result in the student failing the assignment, the course, and/or being brought before the Student Conduct Committee, which could lead to dismissal from the College. The primary forms of academic dishonesty to be avoided

are (a) plagiarism: taking the ideas or words of another without giving due credit to the source, and (b) cheating: giving or taking information during an examination. Whenever you use a resource to gain information or ideas which are not general knowledge, you must provide documentation in order to give credit to the authors of the information and to allow anyone reading your paper to either check your research or read more of the work from which you are drawing. Citations are required when items of information or ideas are drawn from a source, when material is paraphrased, and when material is quoted directly. Incomplete documentation is called plagiarism. Plagiarism is theft, and partially or totally stolen papers will not be accepted. For additional information about Philadelphia University policies relating to academic integrity, go to <http://www.philau.edu/learning/pdf/AcademicIntegrityPolicy.pdf>.

COURSE TECHNOLOGY STATEMENT

This course will use a Blackboard e-Learning course-specific website. The information and activities you will encounter through and within this site are designed to help you connect what you are learning inside the physical space of our classroom with what you are learning outside of it. This site will be an important component of the course. You are expected to check for announcements on the site on a regular basis, use available resources, and participate as assigned. If you have problems using the site, let me know so that we can talk about how to solve them. Please observe general rules of netiquette whenever communicating with your class colleagues online. Please be considerate and make sure that for each class you have turned off your cell phone, pagers, all types of “berries” and other potential distracting gadgetry. **ABSOLUTELY NO TEXT MESSAGING OR PHONE CALLS ARE ALLOWED DURING CLASS.**

GUTMAN LIBRARY (<http://www.philau.edu/library>)

The home page of the Gutman Library provides you with a variety of information resources, including databases and research guides. Librarians are available online and in person at the information desk to help you with research.

THE LEARNING AND ADVISING CENTER (<http://www.philau.edu/learning>)

The Learning and Advising Center provides one-to-one tutoring assistance for writing, study strategies, test taking, and specific Philadelphia University courses. To make a tutoring appointment, you should stop by the Learning and Advising Center in Haggard Hall or call (215) 951-2799. Academic resources, including information on citation and documentation, note taking and study strategies are available on the Center’s website.

TECHNOLOGY ASSISTANCE (<http://www.philau.edu/OIT/>)

For assistance with technology issues, you should contact the Technology Help Desk at (215) 951-4648 or send an email to helpdesk@philau.edu. General purpose computing facilities are available in Search Hall and Gutman Library

ELECTRONIC COMMUNICATION

You are required to use the university e-mail account to communicate with me. You will receive assignments via Blackboard; therefore, you are responsible for checking the Blackboard site and your e-mail on a regular basis. Make sure your university e-mail account is in working order.

NOTE – THIS SYLLABUS AND ASSIGNMENTS ARE SUBJECT TO CHANGE

Student Sign-Off

I acknowledge that I have received a copy of this Syllabus.

Signed _____

Printed Name _____

Date: _____