Course Description:

On June 27, 2011, the International Criminal Court (ICC) in the Hague issued an international warrant for Libyan leader Moammar Gadhafi, his son Seif al-Islam Gadhafi and his chief of intelligence Abdullah al-Sanoussi for crimes against humanity in the killing, injuring, arrest and arbitrary imprisonment of hundreds of civilians during the Arab Spring, which prompted the United Nations Security Council to authorize humanitarian military action against his regime that would ultimately be lead by the US and NATO. This marks the first time that the court has issued warrants in an ongoing conflict, and along with the warrant for Omar Hassan Ahmad al-Bashir of Sudan, only the second time the international community has indicted a sitting head of state for war crimes and crimes against humanity (but not genocide!) related to the ongoing slaughter in Darfur. Since genocidal acts resulting in the deaths of hundreds of thousands of innocent civilians have been occurring in Darfur for the last half-decade, many human rights proponents worry that this exercise of modern international law is ineffective: too little, too late. Others worry that by moving against Bashir and Gadhafi, the ICC has set a dangerous precedent indicting acting national leaders. Does this move suggest a growing role for international law in general, and the ICC in particular, in international relations? And if so, who is going to go arrest them?

Even beyond the walls of the ICC, former rulers have increasingly stood trial for sanctioning illegal activities during their time in office. Saddam Hussein was tried and executed by the Supreme Iraqi Criminal Tribunal, while the fate of former President of Liberia, Charles Taylor, is being decided by the UN Special Court for Sierra Leone. How is that possible? And what are the implications of such developments of international human rights law for American civilian and military leaders when it comes to issues of prisoner interrogation, torture, and the indefinite detention of foreign nationals without trial at a detention center at its military base in Guantanamo Bay? How did we get here? What legal price is to be paid? By whom? To whom?

In the summer of 2007, representatives of the Russian Federation sent a submarine to plant a Russian flag on the ocean floor at the North Pole to stake a symbolic claim to the pole as an extension of the Siberian continental shelf, and to the mineral wealth that is thought to be in that area of the Arctic Ocean. Can they do that? Are the Russian claims legal? Who decides?

These recent developments all hit at the very core of international law. Yet despite the widespread invocation of the concept of “international law,” there is a surprising amount of disagreement as to both its effectiveness, and even some of its foundational principles. The purpose of this course is to explore the general principles of—and current debates surrounding—international law in order to more fully understand its roles both as an instrument of, and a constraint on, state action.
Assignments and Grading:
Grading will be based upon participation in class, a case-study assignment, a leaders-on-trial project, a term paper, a midterm exam and a final exam. Each assignment is described in greater detail below.

The grade breakdown is as follows:

- **Class participation:** 20%
- **Theory Essay:** 20%
- **Case-study paper:** 20%
- **Leaders-on-trial project:** 20%
- **Take-Home Final Exam:** 20%

Grading Scale:
- 100 – 93%: A
- 92.9 – 90%: A-
- 91.9 – 87%: B+
- 89.9 – 87%: B
- 86.9 – 83%: B-
- 85.9 – 80%: C+
- 82.9 – 80%: C
- 79.9 – 77%: D+
- 76.9 – 73%: D
- 72.9 – 70%: D-
- Below 60%: F

**Class Participation (20%)**
Due to the fast-moving nature of an intensive summer course, it is necessary that you attend all classes and be involved in the classroom discussions. Of course, missing a class does not exempt you from the materials covered on that day. You may want to exchange e-mail addresses with some of your classmates to get notes and other materials you might have missed. Just showing up to class will not ensure that you receive a satisfactory class participation grade. You will be expected to come to class having read all of the assigned readings for that day, and had time to think critically about them. Ensuring that everyone is familiar with the arguments put forth in the various readings is the minimum condition for developing an effective classroom environment. Attendance will not be tabulated daily, however if I don’t know who you are by the end of the semester—do not expect a passing class participation grade.

**Theory Essay (20%)**
Before moving on to the substantive issues in the study of international law, it is necessary to have some mastery of the relevant approaches to international law and how they relate to various international relations theories emanating from political science. Therefore, following the second week of class there will be a brief take-home essay that exclusively covers these conceptual aspects. The assignment is open with respect to length, but 5-7 double-spaced pages should suffice. The theory essay will be due in class on **Tuesday, July 14, 2011**, and will be worth 20% of the class grade.

To both deter and detect the plagiarism that is inconsistent with your purpose as a graduate student, I will ask that all papers be submitted electronically through the SafeAssign program, which is located under the “Course Content” tab on the course Blackboard site: https://elearning.villanova.edu/webapps/login/.

**International Law Case Study Paper (20%)**
Perhaps the most frustrating element of the study of international law is that authors and experts often make references to a myriad of different legal cases in a rather flippant and offhand manner, assuming that you, of course, know all about each of these disputes and the implications of their resolution. I do not expect that you know the ins and outs of every case that you come across in the assigned readings, but this case study assignment will help you to become at least somewhat more familiar with the substance of international law by delving into some detail into one particular case of your choice.

This assignment will require you to write a 1-2 page (single spaced) executive summary of a major dispute in international law from a list of about 500 such cases that I will provide for you. You may **not** consider a case discussed previously in lecture, or a case involving the criminal prosecution of heads of state or heads of government, as that will be covered in a separate section. The summary should include the following elements:

1) The litigants  
2) A brief background of the dispute  
3) The form of dispute resolution (ICJ, third party arbitration, etc.)  
4) Some discussion of jurisdiction (Why is this court empowered to judge this matter?)  
5) The judgment  
6) Whether (or how) the judgment was enforced  
And **most importantly**, 7) Why we should care (or alternately, what precedent or lasting impact does this case decision have for the development of international law?)

This case study will help you to develop some expertise in an area of international law of your choosing, and facilitate more in-depth participation in class. The case study will be due in class on **Tuesday, July 19, 2011**. As explained in more detail below, breaches of academic integrity, including plagiarism, will be dealt with severely.
Leaders-On-Trial Project (20%)

From Slobodan Milosevic and Saddam Hussein to Charles Taylor and Moammar Gadhafi, the last decade has witnessed a surge in the number of cases of heads of state and heads of government being charged for war crimes, human rights violations, and corruption the world over. As a means to facilitate a livelier classroom discussion on and comparison of these developments, each student will be required to investigate the criminal cases associated with the criminal prosecution of a particular world leader.

Like the case-study assignment, the leaders-on-trial project will require you to write a 1-2 page (single spaced) executive summary of the case for the prosecution of a particular world leader from a list of about 70 such cases that I will provide for you. The summary should include the following elements:

1) The litigant.  
2) The charges.  
3) The form of dispute resolution (ICC, domestic courts, ad hoc tribunals, etc.)  
4) Some discussion of jurisdiction (Why is this court empowered to judge this matter?)  
5) The judgment  
6) Whether (or how) the judgment was enforced. (Appeals?)  
And most importantly, 7) Why we should care (or alternately, what precedent or lasting impact does this case decision have for the development of international law?)

The leaders-on-trial project will be due in class on Tuesday, July 26, 2011. As explained in more detail below, breaches of academic integrity, including plagiarism, will be dealt with severely.

Final Take-Home Exam (20%)

The final will be in the form of a take-home exam similar to the theory essay, and adheres to similar standards. During the last week of class, I will distribute a final question concerning international law for you to consider and write meaningfully upon. It will not require additional outside research to answer, but it will require combining and synthesizing multiple topics covered in the second half of the course with a substantial amount of original thought and analysis. A good paper will be both persuasive and informative—meaning that not only should the facts be correct, but also your argument should be comprehensive (meaningfully addressing potential rival explanations), balanced, well-organized and well-written, making appropriate use of a wide range of supporting information and evidence. The final draft will be due by 8:00 (the end of the usual class session) on Monday, August 1, 2011, and will count for 20% of your final grade. The previously-stated regulations as they pertain to the conditions under which make-up exams will be permitted will likewise be rigorously enforced!!!

Class Policies:

Grading

All assignments will be graded on a 100-point scale which can be used to translate your number grade into a letter grade. At the end of the semester, your final grade will be calculated by adding-up the grades on each assignment in proportion to the weights assigned to them above.

Grade Entitlement

A recent UC Irvine study found that 1/3 of all students surveyed expected a course grade of “B” just for attending lectures, while 40 percent expected a “B” simply for completing the required readings. Moreover 2/3 of all students surveyed claimed that explaining to a professor that they “worked hard,” it should be factored into the calculation of a grade. This trend increasingly mistakes effort for quality of work. I strive to objectively assess the quality of assignments in this class against a uniform standard, nothing more. Course grades should not be thought to be a reflection of either the amount of effort exerted or some sort of evaluation of the personal worth of the student.

Late Assignments

Written assignments turned-in after the due date and time indicated will be penalized one full letter grade (ten points) for each full day that it is late. Therefore, an otherwise “100” quality paper turned-in one day late would become at best a “90” two days late would become at best an “80,” and so forth, all the way down to zero. As all of the deadlines are clearly articulated here in the syllabus from day one so they should come as no surprise, no extensions will be granted, based in part on the same premise as the policy on extra credit (see below).
Questions on Grading

Invariably throughout the semester, students have questions about the grade they received on a particular assignment that goes beyond the written comments. If you feel that you did not deserve the grade you received on a given assignment, I am certainly open to discussing the matter. However, I insist upon the following:

1) **A 24-hour “cooling off” period.** Please do not approach me with questions about “why did I receive this grade” within 24-hours of having your test or assignment returned to you. This will allow you time to re-read the comments, and understand whatever shortcomings may be in question.

2) **Come to office hours.** I will not discuss individual grades during, before or after class. Questions about grades will only be considered in face-to-face discussions during office hours. In the end, it is exceedingly rare that a grade will be altered—but if you can persuade me that the evaluation was in error, I am generally not opposed to re-evaluating the grade, though I do, of course, reserve the right to revise the score upward or downward as the re-evaluation warrants it.

Plagiarism and Academic Integrity

Cheating, plagiarism, fabrication, assisting dishonesty and other breaches of the University Policy on Academic Integrity, as outlined in the Enchiridion (http://www.villanova.edu/vpaa/office/studentservices/policies/integrity/), are serious business. Not only are such activities contrary to your entire purpose in attending college and official university policy, but are also a personal affront to me as an instructor and competent human being. So, consider this your warning: if blatant breaches of academic integrity are discovered, I will prosecute them to the fullest extent.

Fortunately, when it comes to plagiarism, the Villanova Writing Center has a handy guide to effective citation and how to avoid plagiarism (http://www.villanova.edu/arts/cvle/writingcenter/guide/citing.htm), I suggest looking it over. If you have additional citation, formatting, or any other questions throughout the semester, please feel free to discuss them with me so as to clarify any ambiguities and prevent ethical problems before they develop.

The Penalties for Infractions of Academic Integrity are steep, and you should be aware of them: at a minimum, you will flunk the assignment or test, and likely, the entire class. Moreover, an official report of the transgression will be made to the Dean of the College of Liberal Arts and Sciences, and the Board of Academic Integrity, and you will be required to complete a program on academic ethics. If a student is twice found responsible for such transgressions of academic integrity, the Dean may expel or suspend you from the University. So, long story short: don’t waste my time, don’t waste your time—just don’t do it. Again, please feel free to contact me with any questions you may have on this issue so that they can be easily resolved before the assignments are completed!

Extra Credit?

No. Let me clarify that: if there comes a situation where extra credit would be appropriate, it would be offered on an equal-opportunity basis to all students, and that would be exceptionally rare. Individual extra-credit opportunities distort the baseline of evaluating every student by the same standard (as do requests for extensions). This is to say, please do not approach us at the end of the semester asking for some extra-credit opportunity to make-up for a poor performance on an earlier assignment. While you might think that such a request conveys a notion of additional dedication to achievement in the course, in reality, the message received is quite different: such requests are based on two implicit assumptions: 1) that the student in question wishes to be held to a different (lower) standard than the rest of the class, and 2) that the professor is willing to bend the rules and sacrifice objective standards of evaluation. As a result, I tend to find such requests to be rather off-putting, even though that was surely not the student’s intent, which is why I feel compelled to spell-out the justifications for this policy here in the syllabus.

Online Lectures and Materials?

No. Let me clarify that: lecture notes or slides will not be posted online, so please do not ask for them to be. Similarly, review sheets are not used in this class. It is not my duty to provide notes to you: I cannot do the learning for you. I suggest that you exchange your e-mail and contact information with the people seated next to you (or other friends in the class) to obtain notes if you happen to miss lecture on a given day. This interpersonal contact may stimulate the development of study groups, and has been the way courses have historically been conducted.

**Why not?** Here are my reasons, in order of ascending importance: 1) Technical issues: the huge file size precludes uploading. 2) Legal issues: effectively “publishing” lectures online violates the “fair use” doctrine of intellectual property rights protections, by which we may utilize many of the copyright-protected images and other lecture materials. 3) Negative effects on attendance and grades: pedagogical studies have shown that online materials, notes, and review sheets lead not only to dramatic drops in attendance, but also grades. Students tend to become
overly-reliant on the printed word, which is often just a stepping-off point for a more important discussion (which in turn is missed if all you focus on is the content written on the power-point slides). These studies demonstrate that students become passive observers rather than active participants in learning, leading to worse correspondingly worse grades. 4) Finally, there is the more existential aspect: if the entire learning experience boils-down to an instructor writing outlines and students reading them, what is the point? What is my raison-d’être at this university: professor, or outline-writer? For that matter, what is yours: student, or outline-consumer? To that end, why not just get an online degree? The answer to all of these questions is in the mix: the traditional dynamic of classroom lectures, discussions, and the exchange between instructors and students that is the hallmark of the university learning experience, which prepares you to become a well-rounded and competent individual, and ultimately prepares you for life outside of academia, where very little is scripted in advance, and available on-demand.

All of these elements are damaged, rather than helped, by posting lectures, notes, slides, and other review materials online. I heartily suggest that, in lieu of such aids, that you take responsibility for your own education. Come to class. Raise questions in class or during office hours. Use e-mail. Post questions on the online review website. Create your own study groups. It is my responsibility to teach, it is your responsibility to learn; and while I will do my best to help you in that endeavor, you likewise have an important role to play.

Living in the Computer Age

Computers are great. Ever more, computers are an integral part of the learning experience. Much of the readings are available online, you’ll probably do a great deal of research online, and write a paper or two on your computer. But as we all know, networks and computers are not always reliable—computers crash, networks fail, printers jam and run out of ink—these are the realities, and we must all confront them. Experience has shown that computers disproportionately tend to crash the night before an exam or assignment is due. As a competent adult, it is up to you to take responsibility and plan ahead for such eventualities. Back-up your files to the web or an external drive. As an excuse for not being able to access online materials or being able to complete an assignment on time, “my computer crashed” will garner little sympathy.

Respect

A key aspect of maintaining an interesting and energetic classroom environment is to ensure that all participants in discussions feel free to express their ideas and opinions without fear of scoffs or condescension. To that end, it is incumbent upon everyone to treat everyone—and their ideas—with respect, especially when another student’s perceptions may not align with your own. Of course when speaking of politically charged topics disagreements will surely arise, yet please be aware of and show respect for others’ ideas and feelings. If at any time you feel offended, please try to raise your concerns in a constructive, level-headed manner—either in class, with me directly, or even anonymously—to amicably resolve the situation. Many times, interpersonal conflicts are rooted in simple misunderstandings, other times they reflect serious issues that need to be resolved before continuing.

Accessibility

Generally speaking, I am a fairly easy person to get in contact with. I encourage you to e-mail me with questions, clarifications, and concerns as they appear throughout the semester, and I especially encourage you to come speak with me face-to-face during my office hours, or by appointment: nothing beats old fashioned interpersonal interaction. However, there are limits to my accessibility, especially outside of normal daytime business hours. A lack of preparedness on your part does not necessitate a crisis on mine—which is to say to not expect me to reply immediately to panicked, excuse-riddled e-mails the night before an exam or assignment due date.

Research Resources

Some useful websites for advanced research on international law include:
- American Society of International Law (http://www.asil.org)
- Foreign Affairs Online (http://www.people.virginia.edu/~rjb3v/il.html)
- International Court of Justice (http://www.icj-cij.org)
- United Nations General International Law (http://www.un.org/law/)
- Collection of International Law Links (http://www.law.ecel.uwa.edu.au/intlaw/)
- Harvard University Law School Library’s Foreign and International Law Resources (http://www.law.harvard.edu/library/ref/ils_ref/annotated/)
Course Website:
This syllabus, along with relevant class announcements, reading assignments, and other information will be available on the Blackboard course site: https://elearning.villanova.edu/webapps/login/.

Assigned Readings:
The required reading load for this course may be considered by some to be heavy, but it is quite standard for a graduate-level course, even one held during the summer months. The assigned readings are sufficient to give a rudimentary, baseline understanding of the history, development, functions and functioning of international law. In addition to these required readings that will be necessary to facilitate the week’s discussions. As both the quantity of assigned readings and research load are not inconsistent with the requirements for a graduate research seminar, please do not ask or expect for reductions to the requirements.

The following book is available for purchase at the Villanova University Shop, as well as through online retailers. Just be aware that ordering books online may be a great way to save money, but that must be balanced by the risk that the books may not arrive in a timely manner, which may in turn put you behind in your studies.


Additionally, there are a large number of additional required readings (articles and book chapters) that will be posted electronically through the course site on Blackboard (https://elearning.villanova.edu/webapps/login/). These readings should be read before the appropriate class session, and should be considered fair game for examination purposes. Additional recommended readings will also be posted online for those with an interest in additional reading for a more nuanced understanding of the various topics and themes discussed throughout the semester.

Assigned Readings and Organization of the Course:

Section I: International Law Concepts and Theories
Day 1: Course Introduction and International Law: Evolution, Concepts, Sources
Tuesday, July 5

Required Readings (Please have the following readings done before class):
Day 2: Approaches to International Law and International Relations Theory

Thursday, July 7

Required Readings:


Day 3: Cooperation and Compliance with International Law

Tuesday, July 12

Required Readings:


Section II: Topics in International Law

Day 4: Intellectual Property and International Trade Law; Environmental Protection

Thursday, July 14—Theory Essay Due!

Required Readings:

Day 5: Borders and Jurisdiction; Piracy and Terrorism  
Tuesday, July 19—Case Study Assignment Due!

Required Readings:

Day 6: From War Initiation to Sanctions, Genocide & International Humanitarian Intervention  
Thursday, July 21

Required Readings:
- International Military Tribunal. 1946. “Nuremberg Trial Proceedings.”
Day 7: Human Rights & Prisoners of War

Tuesday, July 26—Leaders-on-trial project due.

**Required Readings:**


Day 8: Arms Control & Nonproliferation; Conclusions

**Thursday, July 28**

**Required Readings:**


**Final Essay Due: 8:00pm Monday, August 1, 2011.**