

BOWIE STATE UNIVERSITY  
School of Arts and Sciences  
Department of History and Government  
GOVT 320 INTERNATIONAL LAW 3 credits Spring 2002

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*English Proficiency Examination: After completing ENGL 101 and 102 (Composition and Literature I & II), students must take and successfully pass the Bowie State University English Proficiency Examination. Transfer students who completed their English composition requirements at another university should take the English Proficiency Examination during their first semester of enrollment at the University.*

*ADA Accommodations: Students with disabilities who wish to receive ADA accommodations should report to the Office of Special Populations, MLK Bldg, Room 136 (301) 464 6039.*

I. COURSE PREREQUISITES: GOVT 242

II. COURSE DESCRIPTION

A study of the development, sources and role of law in the community of nations, with an emphasis on the interplay of international politics and law among nations.

III. REQUIRED TEXT

- Gerhard von Glahn, Law Among Nations, 7<sup>th</sup> ed, Boston: Allyn and Bacon, 1996.

Recommended Text:

- David J. Bederman, International Law Frameworks, New York, NY: Foundation Press, 2001.

IV. KNOWLEDGE BASES:

- basic understanding of the nature, growth and substance of the law of nations.
- introduction to legal problem solving and writing.

## V. STUDENT OUTCOMES:

This course is designed to enable students to:

- develop a knowledge of the nature, growth and principles of international law;
- enable the student to compare the role of law in an anarchical international society to that of an ordered domestic society especially in terms of enforcement;
- achieve some familiarity with some of the leading jurists and writers, basic reference material and major cases and decisions of international tribunals; and,
- enhance the student's critical thinking, analytical and writing skills by cultivating an appreciation of the theory of legal problem-solving through case analysis.

## VI INSTRUCTIONAL MODES:

- combination lecture and discussion (basic Socratic dialogue), on the assigned readings for the session;
- writing assignments on legal problems that enhance understanding of legal principles as well as critical thinking/logical reasoning skills.

## VII. COURSE REQUIREMENTS

The student will be required to:

1. a - take a midterm and a final exam. The questions will be mainly hypothetical legal problems that will test their analytical and writing skills as well as your understanding of legal concepts and principles. (Grade value: 80%)  
  
b - write a theme essay/position paper on a particular issue/theme of International Law that is of interest to the student. Additional requirements will be provided later in the semester. (Grade value: 20%)

### **NOTE:** Grading Criteria for Essays

Some students feel that the grading of essay exams is a mysterious and inherently biased process. I shall be as objective as possible and this brief outline aims to demystify my grading criteria. You should note that grading exams, especially essays, can never be reduced to a science. In addition to writing, grammar and style, here are some of the things that I look for:

- An "A" answer covers all the points asked within the question and then some. It provides clear understanding of the rules/legal principles and applies same to the facts of the problem. It incorporates both reading and lecture materials into the essay as well as begins to distinguish and analogize cases. Above all, the answer shows a conceptual understanding of the material.
- A "B" exam covers all the points asked within the question. It provides clear understanding of legal rules/principles but does not adequately apply them to the facts or problem under study. It displays some knowledge of the reading and lecture material.
- A "C" answer generally covers all the points required by the question. It is basically a rehash of the lecture notes with little detail or explanation.
- A "D" answer fails to cover all the points required by the question. It shows little understanding of the reading /lecture material and legal principles. Arguments are made with no supporting evidence.
- An "F" answer fails to cover any of the points required by the question. It is evident that the student has made no effort to read or attend class.

2. Take all exams and hand in assignments as scheduled. Any failure to do so will result in no points earned for the exercise; therefore, except in the most extreme circumstances, there will be no make-up. An INCOMPLETE (I) grade will rarely be given and only in cases where the student has a valid excuse. Please contact the Professor prior to an exam in case of an emergency/illness which would be a cause for an official absence from the Dean of the School of Arts and Sciences.

b. The final grades will not be changed unless there is an error in computation. The numerical equivalents of the letter grades are as follows:

90-100 = A 80-89= B 70 - 79 = C 60 - 69 = D Below 60 = F

3. As noted above, class preparation and participation are invaluable for success in this course and will be taken into consideration in the final grading. In any case, the University's rules state that after six absences, the Vice President for Academic Affairs must be notified with a possible recommendation that the student be withdrawn from the course. Most importantly, "Freshmen and Probationary Students are permitted no more than three (3) absences in a given course during a given semester".

Note: Attendance and class participation will be noted in the Attendance Record; however, they do not have any grade value.

4. The Professor reserves the right to adjust or otherwise make changes to this syllabus and/ or these requirements as the semester progresses.

## VII. COURSE ASSIGNMENTS

[Note: Other specific case assignments will be made as the semester progresses]

### A. Introduction:

- Review of course syllabus
- Overview of the course
- Reading and Briefing Cases

### B. The Law of Nations

- Nature and Sources of International Law (IL)
- Growth of IL
- Relationship between IL and International Politics
- Relationship between IL and Municipal Law

Reading: von Glahn, Part I  
Bederman, Part I, Part III, pp. 149-169.

Questions: What is IL? How does IL differ from ML? What are the sources of IL?: custom, treaty, general principles, judicial decisions, writings of publicists, rules of comity. How did IL develop?

### C. Subjects of IL

- International Legal Person: States and Governments
- Recognition of States and Governments
- State Succession
- Rights and Duties of International Legal Persons

Reading: von Glahn, Part II  
Bederman, Part II, pp. 49-68

Questions: Who is an International Legal Person? What are the major elements of international personhood? What are the legal problems when states conquer, are conquered by or merge with, others?: recognition and succession questions. What are the rights and duties of international persons

#### D. International Law and the Individual

- Jurisdiction over Persons
- Rights of Individuals and Aliens
- Human Rights

Reading: von Glahn, Part III, pp. 146-219  
Bederman, Chaps 7-9

Questions: Why and how is the individual no longer an object of IL? What are the rights and duties of individuals? Who has responsibility for injuries to aliens?

#### E. International Law and Armed Conflicts

- Legal Nature of War
- Laws of War
- War Crimes

Reading: von Glahn, Part VI  
Bederman, Chaps 19 & 20

Questions: How is armed conflict controlled in international society? What are the various international legal instruments dealing with armed conflicts? Are there any justifications for the use of force in international society?

Paper Due: May 7 2002

Final Exam: Tuesday, May 21 2001: 5:00-7:30pm

#### **SPECIAL NOTIFICATION**

ALL STUDENTS MUST PASS **THE ENGLISH PROFICIENCY EXAM** IN ORDER TO GRADUATE FROM BOWIE STATE UNIVERSITY

## SELECTED BIBLIOGRAPHY

- Michael Akehurst, *A Modern Introduction to International Law*, 6<sup>th</sup> ed., London: Routledge, 1992.
- Carter, H. Lief. *Reason in Law*. 4<sup>th</sup> ed., New York: HarperCollins, 1994.
- Mark Janis, *An Introduction to International Law*. Boston: Little Brown, 1993.
- William R. Slomanson. *Fundamental Perspectives on International Law*. Minneapolis-St. Paul, 1995.
- Thomas Ehrlich & Mary Ellen O'Connell. *International Law and the Use of Force*, Boston: Little Brown, 1993.