

PUBLIC INTERNATIONAL LAW – (Fall 2007)

Tuesdays and Thursdays – 1:00 -2:30 p.m.

Professor Benjamin G. Davis
Office: Room 2009 D
Tel.: 419-530-5117
E-mail: ben.davis@utoledo.edu

Description of the Course:

This course intends to convey a thorough understanding of the law and practice of public international law - its practical, doctrinal, theoretical, and policy aspects.

Objectives for the course:

- To familiarize you with the black-letter law;
- To enable you to evaluate critically the doctrines and policies that lie behind the black-letter law;
- To develop and enhance your ability to analyze cases, interpret statutes, and think through states and other international actors;
- To help you integrate technology in your approaches to public international law;
- As borders fall, to help you integrate an international dimension in your approach to all law;
- To encourage you to think about your role as a lawyer acting internationally.

Casebook:

Our casebook is International Law, Norms, Actors, Process (Second Edition 2006) (hereinafter “casebook”). You are responsible for the sections of all 14 chapters that I assign over the course of the semester.

Additional materials will be provided by me as we proceed. These additional materials will be handed out in class and provided outside my door after class. You are responsible for making sure that you have these additional materials.

Other Materials:

I sincerely discourage you from spending money on commercial outlines, etc. The most important preparation is your thinking about and analysis of the assignments.

Assignments:

Assignments for the course will be handed out in class, posted on the course information bulletin board, posted on my office door, and posted on a website for the course. Assignments for the next week will be provided the previous week. You are responsible for getting your assignments.

Study groups:

I encourage you to form small study groups together to think about the material. If after a week or three you are having difficulty forming a study group, please come to see me and I will see what can be done.

Newspaper and other media:

I encourage you to read newspapers and other media each week and think whether any public international law issues in your assignments are relevant to what you read. This reading is particularly of interest as regards developments post-September 11, 2001.

Teaching methods:

Classes will be taught through questions and answers (Socratic method and reverse Socratic method) and short lectures. Students should be prepared to be called on to participate on a random basis during the course of the semester. Class participation counts towards your grade (see below) so “passing” is severely discouraged.

As appropriate, students will be invited to act out an exercise in front of the class and participate in discussion of the approaches taken in the exercise. Some of the exercises will be done during class.

The American Bar Association, the College of Law and I require regular and punctual class attendance. At the beginning of class, I will circulate a class attendance sheet. It is your responsibility to ensure that you have signed the attendance sheet. **I WILL WITHDRAW YOU FROM THIS COURSE IF YOU ACCUMULATE MORE THAN TWO WEEKS OF ABSENCES (4 CLASSES).** Please do not interpret this policy as a license or encouragement to miss four classes; my personal and professional opinion is that attending class is the most efficient use of your time and that all absences should be avoided.

NOTE: IT IS AN HONOR CODE VIOLATION FOR A STUDENT TO MISREPRESENT THE STUDENT’S OWN ATTENDANCE OR THE ATTENDANCE OF ANOTHER STUDENT.

Grading:

10 per cent of your grade will be based on classroom participation. Quantity of comments, quality of comments, and extent of comments (for example, opening of a case or a problem) will be evaluated after each class and over the semester to determine this portion of the grade. 90 per cent of your grade will be based on the exam. The exam will be three hours long and open book. The exam will consist of two or three essay questions that will require you to identify and resolve a number of legal issues.

My grading practice for class participation is to make a note after each class as to who spoke and what they said. As soon as practicable after class, these notes are then saved on a spreadsheet with my evaluation of each comment. These notes are then destroyed. At the end of the semester I evaluate all the interventions on the spreadsheet by each student for quantity, quality and extent and assess an appropriate number of points for each student.

My grading practice for exams is to review each exam at least twice. Exam essays that do a better job on seeing the issues, presenting the rules, doing a thorough analysis and coming to a conclusion tend to earn more points than exams that do this less well. Exams with more correct multiple choice answers tend to earn more points.

Exams are graded anonymously. Class participation is not graded anonymously, however, I have my assistant add the ten per cent class participation points to the ninety per cent exam points. Grades are finally determined after a normalization process consistent with College guidelines.

More information about the exam will be provided later in the semester. Review sessions will be organized as we reach the end of the term.

Office hours:

Based on your preferences received over the first two weeks, I will fix office hours. In general, I will be available for the half hours before and following a class. I am always available by appointment.

Please feel free to send me e-mails as that is usually the easiest way to contact me. I will attempt to respond in the next class to all e-mails received before 1500 two days before class by class time (i.e. Sunday at 1500 for Tuesday; Tuesday at 1500 for Wednesday). If possible, I will answer e-mail queries received later than 1500 hours but I reserve the right to put them over to the next class.

These communications with me do not count towards class participation.

Moments of Panic/Epiphany:

Please feel free to come in to see me at any time if you are feeling particularly confused and/or panicky about the course. Law school can be stressful but I hope that at some point it will be fun as you continue/complete this new endeavor. Please feel free to come in if you want to discuss a topic of interest to you from the reading.

Outline and Reading List

Please find below a list of the chapters from which I will select our readings for our study of public international law this semester. I may modify this list from time to time, and will apprise you of any such modifications in class.

Chapter 1 – Tracing the Evolution of International Law Through Two Problems
Chapter 2 – Making Law in a Decentralized System
Chapter 3 – The Traditional Actions: States and International Organizations
Chapter 4 – The Challenge of Non-State Actors
Chapter 5 – International Law in the Domestic Arena
Chapter 6 – The Reach of Domestic Law in the International Arena: Jurisdiction and Its Limits
Chapter 7 – The Claims of Individuals on States
Chapter 8 – Mitigating the Harms of War: International Humanitarian Law
Chapter 9 – Individual Accountability for Violations of Human Dignity: International Criminal Law and Beyond
Chapter 10 – Responding to the First Global Commons Issue: The Law of the Sea
Chapter 11 – Protecting the International Environment
Chapter 12 – Managing the World Economy
Chapter 13 – The Use of Force
Chapter 14 – Conceptual Challenges to International Law: Legitimacy, Relevance and Justice