



PSCI.497-02E

Political Science 497: Seminar in International Law

Spring 2022

Time: T/TH 12:30 – 1:45 PM

Location: SS-143

“Governments that block the aspirations of their people, that steal or are corrupt, that oppress and torture or that deny freedom of expression and human rights should bear in mind that they will find it increasingly hard to escape the judgement of their own people, or where warranted, the reach of international law.” – William Hague

“When the English prosecuting attorney observes that “from Mein Kampf the road led straight to the gas chambers at Maidenek,” he touches on the real subject of the trial, that of the historic responsibilities of Western nihilism and the only one which, nevertheless, was not really discussed at Nuremberg, for reasons only too evident. A trial cannot be conducted by announcing the general culpability of a civilization. Only the actual deeds which, at least, stank in the nostrils of the entire world were brought to judgment.” – Albert Camus

INSTRUCTOR INFORMATION

Instructor: Dr. Ayal K. Feinberg

Office Location: 148 Ferguson Social Sciences

Office Hours: TR 9:45 AM – 11:00 PM & 1:45 PM – 3:00 PM, W 11:00 AM – 12:30 PM (Virtual Via Zoom), & By Appointment

University Email Address: Ayal.Feinberg@tamuc.edu

Communication Response Time: 48 Hours maximum

COURSE INFORMATION

This course provides a critical introduction to international law broadly defined and applied in a contemporary context. As a survey course conducted under the auspices of the Department of Political Science, the content will often examine the intertwining of international law and international relations. Core areas addressed in this course include, 1) the origins and history of international law, 2) the role of states and sovereignty in international law, 3) the law of armed conflict/international humanitarian law, 4) transitional justice mechanisms, and 5) current and future dilemmas in international law and armed conflict.

The primary objective of this course is to familiarize students with the core concepts and applications of international law. Through the course, students will develop a fluency of key international law vocabulary, cases, and treaties. Course assignments prioritize analytical thinking and writing skills and will help students develop the ability to critically examine complex and challenging legal and geopolitical phenomena.

COURSE REQUIREMENTS

Instructional Methods

This is a traditional university course that requires you engage with all assigned materials and regularly attend all lectures. For this class, you will be required to listen to lectures, participate in interactive simulations, and engage in lively discussions through the in-person activities and on the course website. It is vitally important you complete all assigned reading for the course, and submit all assignments in a timely manner.

If for any reason the instructor is unable to make it to an in-person class, lectures will be recorded live for students and will allow you the opportunity to interact with and ask questions of the instructor. Live attendance of these lectures will not be optional. Under rare circumstances where holding live lectures is not feasible, an asynchronous lecture may be uploaded for student consumption. All recorded lectures will be available through the course's YouSeeU-Virtual Classroom link and all live lectures will have their slides accessible through the course's website within 24-hours of their presentation.

Student Responsibilities and Succeeding in this Course

First, define what success means to you. If you want to get an A, focus on doing well on every assignment and course component. If you want a B or a C for the course, there are some assignments that you may want to put more effort into than others.

Second, take good notes. Taking good notes starts when you begin your assigned reading. Don't wait to see what topics I cover during a chapter's lecture, as they will not necessarily be exhaustive. Review each chapter for key terms and concepts, and make sure you are familiar with them. Test yourself on defining these terms and concepts with a focus on being able to explain their importance to U.S. government.

Third, get together with your peers to prepare for your exams in-person, through Zoom, or another online meeting program. Form study groups and review reading quizzes with each other. This will not only help you to fill in possible gaps in your course notes, but discussing class topics with peers often leads to new insights on the materials. It can also lead to lifelong friendships.

Finally, and perhaps most obviously, engage with the course material. Engagement is strongly correlated with better performance on assignments and assessments as well as higher overall course grades. Simply put, do your best to participate in and complete every assignment this course. After all, you paid for it!

Grading and Assessment:

You are required to read all articles associated with each topic being reviewed in the scheduled lecture subject. It is beneficial for you to complete these readings prior to their

in-person coverage in lectures, class debates, and course activities. All readings are available on the course website, broken down by scheduled lecture subject. Course grading and assessment expectations will be discussed in greater detail below.

Major Course Assignments and Examinations:

| | |
|--------------------------------|-----|
| Reading Discussions (5 total): | 25% |
| Critical Case Analysis: | 15% |
| Attendance/Participation: | 10% |
| Exam 1: | 25% |
| Exam 2: | 25% |

Reading Discussions (5 total) – 25% (5% each)

Every week, the course will cover a new substantive topic within international law. The subject of each topic is found in the course outline and calendar, and the readings for each topic are available for download on the course website. Students are required to complete all assigned reading prior to the topic's associated lectures.

Each subject covered in this course will have an associated query or two posted on the course website for students to complete after they have read all assigned materials. Students must respond to three of these queries for the first seven topics (Feb. 1st – March 8th) and two of these queries from the final six topics (March 22nd – April 26th).

A student's reading discussion response paper must demonstrate that they have completed all readings assigned for the week within the content of their submission. Each discussion must be at least two pages double-spaced in length. Students will receive a letter grade for each of their submissions. Failure to submit a reading discussion when required will result in a zero for that assignment (5% of the total grade for each reading discussion).

Critical Case Analysis – 15%

At the beginning of the semester (no later than Feb. 8th), students will choose an influential international law case to examine critically. Students can choose a case from a list of international law cases provided on the course website or may find one themselves as long as they receive approval to pursue this case from the professor.

A student's critical case analysis paper must demonstrate that they have pursued at least four external sources examining their case and associated topics. Each paper must be at least four pages double-spaced in length and include a reference page with full citations (Chicago Manual of Style strongly preferred). Students will receive a letter grade for their submissions. A rubric accompanying critical case analysis assignment instructions will be provided to students on the course website at the start of the semester.

Attendance/Participation – 10%

The attendance/participation grade for the course will be made up of two components. First, I will take roll at the beginning of each class. It is essential that you plan on attending all classes scheduled for the course unless you have an excused absence. The roll portion of your attendance score will count for a half of your attendance/participation grade. It will be scored as follows:

- (Full 5%) - 0-2 missed classes
- (4%) - 3 missed classes
- (3%) - 4 missed classes
- (0%) - 5+ missed classes

Second, thoughtful and active participation in class discussions is a vital part of this course. Simply attending class does not in any way guarantee that you are contributing to learning. Your informed participation in class requires having done all readings in advance of the class in which that reading will be discussed. You should be sure to write down questions or comments while engaged with the assigned reading and bring them to class for discussion. While completing the assigned reading, consider connections and concepts from past readings and how the current articles build a more complete picture of international law. The professor reserves the right to call on students at times to help ensure everyone has an opportunity to contribute to discussions. There is a strong correlation between grades in the roll portion of class attendance and class participation scores. The professor's estimation of your contributions to in-class discussions will count for the other half of your attendance grade (5% of your total grade). It will be scored as follows:

- (Full 5%) - Questions/comments show superior knowledge of the readings
- (4%) - Questions/comments show good knowledge of the readings
- (3%) - Questions/comments show some knowledge of the readings
- (2%) - Questions/comments show insufficient knowledge of the readings
- (0%) - Questions/comments show no knowledge of the readings

***** Important Note - The free exchange of ideas is critical to creating a successful learning environment.** Whatever your views on an issue, you are expected to be open-minded and civil in your exchanges with your classmates and professor. Your professor aims to provide a classroom where as many informed positions on a topic can be analyzed and deliberated. Minimally, failure to adhere to these principals will result in a diminished attendance participation grade. Your professor reserves the right to take more serious disciplinary actions when necessary.

Exams (2 total) – 50% (25% each)

Students' substantive knowledge and critical thinking related to international law will be formally tested twice during the course. Each exam will be worth 25% of a student's overall grade. The exam will take place online through the course website, and students will have 24 hours to complete all associated questions. Each exam will require students to answer three short answer questions (paragraph length) and two long answer questions (1-2 pages in length). No unexcused makeup exams will be provided. Exam dates are available in the course outline/calendar. Study guides and reviews will be provided in advance of each exam.

TECHNOLOGY REQUIREMENTS

LMS

All course sections offered by Texas A&M University-Commerce have a corresponding course shell in the D2L Online Learning Management System (LMS). Below are technical requirements

LMS Requirements:

<https://community.brightspace.com/s/article/Brightspace-Platform-Requirements>

LMS Browser Support:

https://documentation.brightspace.com/EN/brightspace/requirements/all/browser_support.htm

YouSeeU Virtual Classroom Requirements:

<https://support.youseeu.com/hc/en-us/articles/115007031107-Basic-System-Requirements>

Access and Navigation

You will need your campus-wide ID (CWID) and password to log into the course. If you do not know your CWID or have forgotten your password, contact the Center for IT Excellence (CITE) at 903.468.6000 or helpdesk@tamuc.edu.

Note: Personal computer and internet connection problems do not excuse the requirement to complete all course work in a timely and satisfactory manner. Each student needs to have a backup method to deal with these inevitable problems. These methods might include the availability of a backup PC at home or work, the temporary use of a computer at a friend's home, the local library, office service companies, Starbucks, a TAMUC campus open computer lab, etc.

Technical Support

If you are having technical difficulty with any part of Brightspace, please contact Brightspace Technical Support at 1-877-325-7778. Other support options can be found here:

<https://community.brightspace.com/support/s/contactsupport>

COURSE AND UNIVERSITY PROCEDURES/POLICIES

Syllabus Change Policy

The syllabus is a guide. Circumstances and events, such as student progress, may make it necessary for the instructor to modify the syllabus during the semester. Any changes made to the syllabus will be announced in advance.

Student Conduct

All students enrolled at the University shall follow the tenets of common decency and acceptable behavior conducive to a positive learning environment. The Code of Student Conduct is described in detail in the [Student Guidebook](#).

<http://www.tamuc.edu/Admissions/oneStopShop/undergraduateAdmissions/studentGuidebook.aspx>

Students should also consult the Rules of Netiquette for more information regarding how to interact with students in an online forum: <https://www.britannica.com/topic/netiquette>

TAMUC Attendance

For more information about the attendance policy please visit the [Attendance](#) webpage and [Procedure 13.99.99.R0.01](#).

<http://www.tamuc.edu/admissions/registrar/generalInformation/attendance.aspx>

<http://www.tamuc.edu/aboutUs/policiesProceduresStandardsStatements/rulesProcedures/13students/academic/13.99.99.R0.01.pdf>

Academic Integrity

Students at Texas A&M University-Commerce are expected to maintain high standards of integrity and honesty in all of their scholastic work. For more details and the definition of academic dishonesty see the following procedures:

[Undergraduate Academic Dishonesty 13.99.99.R0.03](#)

Students with Disabilities – ADA Statement

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you have a disability requiring an accommodation, please contact:

Office of Student Disability Resources and Services

Texas A&M University-Commerce

Gee Library- Room 162

Phone (903) 886-5150 or (903) 886-5835

Fax (903) 468-8148

Email: studentdisabilityservices@tamuc.edu

Website: [Office of Student Disability Resources and Services](#)

<http://www.tamuc.edu/campusLife/campusServices/studentDisabilityResourcesAndServices/>

Campus Counseling Center

The Counseling Center at A&M-Commerce, located in the Halladay Building, Room 203, offers counseling services, educational programming, and connection to community resources for

students. Students have 24/7 access to the Counseling Center's crisis assessment services by calling 903-886-5145. For more information regarding Counseling Center events and confidential services, please visit www.tamuc.edu/counsel

Nondiscrimination Notice

Texas A&M University-Commerce will comply in the classroom, and in online courses, with all federal and state laws prohibiting discrimination and related retaliation on the basis of race, color, religion, sex, national origin, disability, age, genetic information or veteran status. Further, an environment free from discrimination on the basis of sexual orientation, gender identity, or gender expression will be maintained.

Campus Concealed Carry Statement

Texas Senate Bill - 11 (Government Code 411.2031, et al.) authorizes the carrying of a concealed handgun in Texas A&M University-Commerce buildings only by persons who have been issued and are in possession of a Texas License to Carry a Handgun. Qualified law enforcement officers or those who are otherwise authorized to carry a concealed handgun in the State of Texas are also permitted to do so. Pursuant to Penal Code (PC) 46.035 and A&M-Commerce Rule 34.06.02.R1, license holders may not carry a concealed handgun in restricted locations.

For a list of locations, please refer to the [Carrying Concealed Handguns On Campus](#) document and/or consult your event organizer.

Web url:

<http://www.tamuc.edu/aboutUs/policiesProceduresStandardsStatements/rulesProcedures/34SafetyOfEmployeesAndStudents/34.06.02.R1.pdf>

Pursuant to PC 46.035, the open carrying of handguns is prohibited on all A&M-Commerce campuses. Report violations to the University Police Department at 903-886-5868 or 9-1-1

Reminder for Political Science Majors & Double Majors

All political science majors must complete and submit a graduating senior portfolio made up of course work. You should keep copies of your work from this class for potential submission. For more information, including the forms, guidelines and an instructional video on how to compile the portfolio, please see the "INFORMATION FOR SENIORS" link on the Department of Political Science webpage."

COURSE OUTLINE / CALENDAR

| DATE | TOPIC | READING |
|--|---|--|
| Jan. 13 th | No In-Person Class (Brief Asynchronous Virtual Lecture) | Movie: <i>Judgment at Nuremberg</i> |
| Jan. 18 th & 20 th | Course Introduction | www.ICRC.org/en , www.icj-cij.org/en , www.icc-cpi.int |
| Jan. 25 th & 27 th | International Law & International Relations | D2L – See Course Readings |
| Feb. 1 st & 3 rd | Customary International Law | D2L – See Course Readings |
| Feb. 8 th & 10 th | Treaties | D2L – See Course Readings |
| Feb. 15 th & 17 th | States and Sovereignty in International Systems | D2L – See Course Readings |
| Feb. 22 th & 24 th | Laws Governing Territory and Resources (Land and Sea) | D2L – See Course Readings |
| Mar. 1 st & 3 rd | International Disputes: Mechanisms for Resolution | D2L – See Course Readings |
| Mar. 8 th & 10 th | Limitations of International Law: From Jurisdiction to Enforcement | D2L – See Course Readings |
| Mar. 22 nd & 24 th | Jus ad Bellum: The Use of Armed Force and Resorting to War | D2L – See Course Readings |
| Mar. 29 th & 31 st | International Humanitarian Law: Jus in Bello in Practice | D2L – See Course Readings |
| Apr. 5 th & 7 th | International Humanitarian Law: Challenges and Dilemmas | D2L – See Course Readings |
| Apr. 12 th & 14 th | International Human Rights Law & International Criminal Law | D2L – See Course Readings |
| Apr. 19 th & 21 st | Transitional Justice and Restorative Justice | D2L – See Course Readings |
| Apr. 26 th & 28 th | 21 st Century Concerns: Cyber Warfare & Autonomous Weapons | D2L – See Course Readings |
| May 3 rd & 5 th | Presentations & Review Week | Review |
| Exam Week | Final Exam | Review |

***Critical Case Analysis due on May 3rd, 2021

***Exam 1 (Online via D2L) – March 3rd, 2021

***Exam 2 (Online via D2L) – TBD (Final Exam Week)

READINGS BY WEEK

Week 1 – International Law and International Relations

Dunoff, J.L. and Pollack, M.A., 2012. [International law and international relations: introducing an interdisciplinary dialogue](#). *Interdisciplinary Perspectives on International Law and International Relations: The State of the Art* (New York: Cambridge University Press, 2012, Temple University Legal Studies Research Paper Series, 18.

Week 2 – Customary International Law

Roberts, A.E., 2001. [Traditional and modern approaches to customary international law: a reconciliation](#). *American Journal of international law*, 95(4), pp.757-791.
[Nevsun Resources Ltd. V. Araya](#), 2020 SCC 5, paras. 1-26; 60-133

Week 3 – Treaties

[Vienna Convention on the Law of Treaties \(1969\)](#)
[Convention on the Prevention and Punishment of the Crime of Genocide \(1951\)](#)
[Geneva Conventions of 1949 and Additional Protocols \(1949\)](#)

Week 4 – States and Sovereignty in International Systems

Besson, S., 2011. [Sovereignty, international law and democracy](#). *European Journal of International Law*, 22(2), pp.373-387.
Spector, P., 2017. [In Defense of Sovereignty, in the Wake of Tallinn 2.0](#). *AJIL Unbound*, 111, pp.219-223.

Week 5 – Laws Governing Territory and Resources (Land and Sea)

[United Nations Convention on the Law of the Sea \(1982\)](#)
General Assembly resolution 1803 (XVII) of 14 December 1962, "[Permanent sovereignty over natural resources](#)"

Week 6 – International Disputes: Organizations and Mechanisms for Resolution

Öberg, M.D., 2005. [The legal effects of resolutions of the UN Security Council and General Assembly in the jurisprudence of the ICJ](#). *European Journal of International Law*, 16(5), pp.879-906.
Higgins, R., 2003. The ICJ, the ECJ, and the Integrity of International Law¹. *International & Comparative Law Quarterly*, 52(1), pp.1-20.

Week 7 – Limitations of International Law: From Jurisdiction to Enforcement

[Responsibility of States for Internationally Wrongful Acts](#) (2001)

Mills, A., 2013. [Rethinking jurisdiction in international law](#). *British Yearbook of International Law*, 84(1), pp.187-239.

Week 8 – Jus ad Bellum: The Use of Armed Force and Resorting to War

Kretzmer, David. "[The inherent right to self-defence and proportionality in jus ad bellum](#)." *European Journal of International Law* 24, no. 1 (2013): 235-282.

Ruys, T., 2014. [The Meaning of “Force” and the Boundaries of the Jus Ad Bellum: Are “Minimal” Uses of Force Excluded from UN Charter Article 2 \(4\)?](#). *American Journal of International Law*, 108(2), pp.159-210.

Week 9 –International Humanitarian Law: Jus in Bello in Practice

[What is international Humanitarian Law?](#)

Vité, S., 2009. [Typology of armed conflicts in international humanitarian law: legal concepts and actual situations](#). *International review of the red cross*, 91(873), pp.69-94.

Week 10 –International Humanitarian Law: Challenges and Dilemmas

Garraway, C., 2009. ‘To Kill or Not to Kill?’—Dilemmas on the Use of Force. *Journal of Conflict & Security Law*, 14(3), pp.499-510.

Sassòli, M., 2007. [The implementation of international humanitarian law: current and inherent challenges](#). *Yearbook of International Humanitarian Law*, 10, pp.45-73.

Week 11 – International Human Rights Law & International Criminal Law

UN General Assembly, [Universal Declaration of Human Rights](#), 10 December 1948, 217 A (III)

UN General Assembly, [International Covenant on Civil and Political Rights](#), 16 December 1966

Jalloh, C.C., 2009. [Regionalizing International Criminal Law?](#). *International Criminal Law Review*, 9(3), pp.445-499.

Week 12 – Transitional Justice and Restorative Justice

Leebaw, B.A., 2008. [The irreconcilable goals of transitional justice](#). *Human Rights Quarterly*, 30, p.95.

Mutua, M., 2015. [What is the future of transitional justice?](#). *International Journal of Transitional Justice*.

Meernik, J., Golcevski, N., McKay, M., Feinberg, A., King, K. and Krastev, R., 2016. [Truth, justice, and education: towards reconciliation in the former Yugoslavia](#). *Southeast European and Black Sea Studies*, 16(3), pp.413-431.

Week 13 – 21st Century Concerns: Cyber Warfare & Autonomous Weapons

Sehrawat, V., 2017. Legal status of drones under LOAC and international law. *Penn St. JL & Int'l Aff.*, 5, p.164.

Wilson, C., 2008, July. [High altitude electromagnetic pulse \(HEMP\) and high power microwave \(HPM\) devices: Threat assessments](#). Library of Congress Washington DC Congressional Research Service.

Richemond-Barak, D. and Feinberg, A., 2015. [The Irony of the Iron Dome: Intelligent Defense Systems, Law, and Security](#). *Harv. Nat'l Sec. J.*, 7, p.469.