This is a first course in the essential elements of the international legal system.

**Skills To Be Acquired:** Use of the law requires the following skills:

1. **Sorting & Theoretical Analysis:** One must be able to assess large amounts of legal information than they can easily assimilate, and in a short time, segregate relevant data from information and then specific evidence from that data. One also needs to read the law not just for what it says on the surface but to expose the essential normative principles and positive models on which legal persuasiveness is based and which provide the foundation for the construction and justification of international law as well as the standards for the future evaluation of legal accountability, reasonableness, and success.

2. **Argument Writing, Analysis and Synthesis:** In order to effectively sort-out a legal issue, one must be able to critically analyze a status-quo argument in law and decipher its core principle and assumptions. Then, understanding what is, one should be able to define their own position and synthesize a constructive thesis, entailments, and evidence of one’s own, relating to what ought to be the law in the case under scrutiny.

3. **Presentation:** In order to analyze and synthesize, one must be able to respond to questions and argue both verbally and in writing. One should be able to present well-thought-out arguments, amend these through rational discourse, and defend their constructive arguments convincingly to those who do not share them.

**Course Evaluation:** One’s grade in this course will be based on four **One-Day Take Home Examinations** (60%), a **Final Take-Home** (25%) and active participation throughout the course (15%). All examinations will be written in an argument format required by the course *(Gillroy: Writing Argument)*. To facilitate learning this technique, an early class period will be used as a writing seminar based upon my essay *Customary International Law*. The practice argument will answer the question specified in the Timetable. Examinations will be sent by e-mail to all participants the morning of the examination day, indicated in the syllabus, and are due by 4PM on day specified, as a WORD attachment to an e-mail. After 4PM a penalty will be assessed. There will be no class meeting on examination days. The examinations will consist of two essay questions that are to be answered through written argument based upon the form required within the course. The examination answers (taken together) will be no more than a total of five single-spaced pages in length, with one inch margins and 12pt. font.

**Required Reading:** [Please Note: I Do Not Order Through The Lehigh Bookstore]

- Note On Cases: It is the responsibility of the student to supplement their reading of the class Treatise {Crawford} with the reading of those cases prescribed in this syllabus.
While some of these cases will be available on CourseSite, they, as well as case briefs, are accessible through the internet, and students will gradually need to access them independently. One should be prepared to be questioned on the facts, arguments and decisions involved as well as dissents, when applicable.

**Timetable:**

- (8/25) Introductory Meeting
- (8/27) **Writing Seminar:** {Crawford Chapter 1} & *Customary International Law* Q: Does customary law adequately balance sustainability and state sovereignty?

**I. (9/1-9/3) Philosophical Foundations of Modern International Law I.**
  - Law of Nations
  - Suarez: *Natural Law & Ius Gentium*
  - Grotius: *Prolegomena*

**II. (9/8-9/10) Philosophical Foundations of Modern International Law II.**
  - Wolff: *Prolegomena*

**III. (9/15) An Evolutionary Paradigm for International Law**
  - Gillroy: *Evolutionary Paradigm* Chapter 1.

* (9/17-No Class Meeting) Take-Home Examination #1

**IV. (9/22) Territorial Sovereignty.** {Crawford Part II}

**V. (9/24-9/29) Dispute Settlement.** {Crawford, Chapter 32}
  - 1945 Statute of The ICJ, Arts. 36 & 38.
  - Treaties Of Westphalia, (Treaty of Munster) Arts. LXIV-LXVII & XXVIII.
  - Alabama Arbitration & Treaty of Washington (1856)
  - Truman: Paper & Proclamation

**VI. (10/1-10/8-10/13) Sources of International Law.**
  - Treaty. {Crawford, Chapter 16}
    - Genocide Case 1951 I.C.J. 15 (May 28)
  - Custom & The Principles Of ‘Civilized’ Nations. {Crawford Chapter 2}
    - *Paquete Habana* 175 U.S. 677 (1900)
    - *North Sea Continental Shelf Cases* (FRG/Denmark/Netherlands)

* (10/15-No Class Meeting) Take-Home Examination #2

**VII. (10/20) Stratification of Law.** {Crawford, Chapter 3}
VIII. (10/22) **LEGAL PERSONALITY & STATE RECOGNITION.** {Crawford Part II}

- Isle of Palmas Arbitration
- Tinoco Arbitration
- Reparations 1949 I.C.J. 174 (Apr. 11)

IX. (10/27) **SUCCESSION & SELF-DETERMINATION.** {Crawford, Chapter 19, 28}

- Aaland Islands LNOJ SS. 3 at 5-10 (1920); B7/21/68/106 (1921)
- Reference To Separation of Quebec 1998 2 S.C.R. 217 & Clarity Act

**(10/29-NO CLASS MEETING) TAKE-HOME EXAMINATION #3**

X. (11/3-11/5) **STATE RESPONSIBILITY.** {Crawford Part IX}


XI. (11/10-11/12) **JURISDICTION & IMMUNITY.** {Crawford Part VII}

- The Effects Doctrine And Extra-Jurisdictional Sovereignty.
  - *U.S. v. Alcoa* 148 F.2d 416 (2nd Cir. 1945)
  - *Timberlane v. B of A* 549 F.2d 597 (9th Cir. 1976)

- The Act of State Doctrine And Immunity.
  - Antares v. Nigeria 999 F.2d 33 (2d Cir. 1993)
  - Arrest Warrant Case 2002 I.C.J. Feb. 14
  - (Pinochet) Regina v. Bow Street 1 A.C. 147 (1999)

**(11/17-NO CLASS MEETING) TAKE-HOME EXAMINATION #4**

XII. (11/19) **ARMED CONFLICT & HUMANITARIAN LAW** {Crawford-Index}

XIII. (11/24) **HUMAN RIGHTS** {Crawford Chapter 29}

XIV. (12/1) **LAW OF THE SEA & THE ENVIRONMENT** {Crawford Parts IV, V}

**FINAL TAKE-HOME EXAMINATION**

J.M. Gillroy