

Attendance, preparation, small group activities, and quality classroom participation (20% of the final semester grade) and weekly reading notes (5% of the final semester grade)
MC 362 (Public International Law)
Spring 2022

Attendance/Preparation/Participation (20%)

Quality participation involves comments and questions that advance our collective understanding of concepts discussed in this course. In past semesters, I have observed a high correlation between quality participation and exam grades, particularly in MC 362, suggesting that classroom participation is an important method for internalizing concepts and lessons from this course. This correlation is particularly strong in law-oriented courses because of the Socratic process by which we work together to unpack the importance of judicial opinions.

I will assess preparation and participation each class period in order to establish your semester participation grade. For each set of readings, you should be prepared – at a minimum – to discuss the facts, issues, holdings, rationales, and broader implications of each judicial decision in the readings. On a daily basis:

4.0 indicates that you attended class, prepared well, participated actively, and contributed important insights to the discussion based on sound preparation for class/discussion and clear evidence supporting statements;

3.0 indicates that you attended class, prepared well, listened attentively, and made an occasional limited contribution to the discussion;

2.0 indicates that you attended class but declined to participate or arrived unprepared;

0.1-1.0 indicates that you attended class without paying attention to class activities (e.g., you were sleeping, or focused on an electronic device instead of the class discussion);

0.0 indicates that you did not attend class or provide a reasonable excuse in advance for your absence.

Most grades will fall between these categories, but this rubric outlines expectations.

Given the challenges we face with both in-person and remote participation during this time, I will recalculate semester grades in multiple ways to give everyone the benefit of the doubt related to attendance and technological difficulties.

Weekly reading notes (5%)

In order to reward your preparation for class, and to incentivize you to stay on top of the readings, an additional portion of your semester grade will be drawn from weekly reading notes. These notes will be evaluated weekly on a pass/fail basis and must be submitted electronically (by email or D2L dropbox) at least once each week, prior to Thursday class meetings. Reading notes may be in summary, outline, decision brief, or any other format that best helps you process the readings. They need not be perfectly comprehensive, but should demonstrate that you have read and understood *all* assigned material, particularly the judicial decisions discussed that week in class. Reading notes will receive full credit (i.e., 4.0) each week, as long as they demonstrate you have read all assigned material. In other words, your semester grade will be automatically improved by keeping up with the readings. I reserve the right to give partial (or zero) credit for incomplete notes. In addition, we may have up to 3 graded quizzes on assigned readings throughout the semester.

Reminder for All Assignments

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Reminders for Course Meetings (from syllabus)

Further details about in-person activities will be provided separately.

We will meet twice every week in person or via zoom. Class will focus on discussion of the readings for that week, and their application to current events. This class is designed to enhance your verbal, as well as written, communication skills. It is essential that all class members contribute to the conversation so that we can learn from different points of view. **You are expected to prepare, be “present”, and participate every time we meet. I recognize, however, that our current circumstances may present substantial challenges for attendance (whether remote or in-person). If possible, please contact me in advance if you are unable to join a particular session.**

THE SYLLABUS OR D2L PAGE WILL BE UPDATED TO REFLECT IN PERSON COURSE REQUIREMENTS ONCE WE KNOW MORE ABOUT UNIVERSITY PLANS/REQUIREMENTS

Other Details Regarding Class Sessions:

We will have animated discussions about many controversial topics. You should be prepared to support your position *with evidence*, and are encouraged to disagree with me and with each other, but **you must pay attention to, and be respectful of, each other’s views and experiences**. Moreover, this course addresses many contentious and difficult topics – including details of wartime violence, and it is essential to recognize that experiences (yours and others’) may shape the way in which one confronts these topics. The College Statement of Values (below) provides a useful model for engaging in respectful discourse, and we will develop additional group expectations (including for use of video during our sessions) together for the online and classroom environments.

Finally, although you will of course need to be online in order to participate in remote class sessions, electronic devices can also provide a major distraction. Please make sure you are “present” to the extent possible and focused on the content of our class meetings. In addition, recent research shows that handwritten class notes may be more effective (see “Take Notes by Hand for Better Long-Term Comprehension,” <http://www.psychologicalscience.org/news/releases/take-notes-by-hand-for-better-long-term-comprehension.html>), so I recommend keeping pen and paper with you during zoom or in-person discussions.

James Madison College Statement of Values: “As Madisonians, we affirm the necessity of compassion, conscientiousness, and curiosity in our community. We acknowledge our academic and moral responsibility to always seek to learn from one another, approaching our scholarly endeavors with respect and humility. We understand that this process can be uncomfortable, and that it often requires challenging closely held beliefs. Nevertheless, we strive to always participate in discussions in good faith, and to build a community conducive to the intellectual growth of all.”

Judicial Decision Brief Assignment (7% of the semester grade) MC 362 (Public International Law), Spring 2022

Decision briefs provide an efficient way to summarize key points of legal decisions, and to think about their broader implications for central questions of international law. They are useful for identifying important lessons and helping to prepare for exams. A decision brief should include – at minimum:

- 1) a short summary of the dispute and its procedural history,
- 2) the broad legal question facing the judges,
- 3) the majority answer to that question and the rule that is established by the decision,
- 4) the judge(s)' rationale for that result, and
- 5) an analysis of the decision's broader impacts and implications for public international law.

While you are responsible for taking notes on every decision we discuss, each student will be graded on one judicial decision brief (signup sheet will be on D2L during the second week of class). There is no specific required length, as the response will depend on the particular decision. However, a good brief is typically 1-2 pages long, at most. You can use bullet points, but please use full sentences to explain each aspect of the brief. We will practice by preparing a few briefs together during the third week of class. Your assigned decision brief is **due at the beginning of class (preferably via email) on the day your decision is discussed**, and you should be prepared to respond orally to Professor Axelrod's questions regarding the decision. Following the class discussion and comments from Professor Axelrod, you are encouraged to revise the brief before the midterm exam for increased credit, with only the final grade included in semester calculations. The final version will be shared with classmates via D2L discussion board before **Friday, February 25 at 5pm** and will be available for midterm and final exam preparations. For this assignment:

- 4.0** indicates a clear understanding of the decision as well as its broader implications for public international law;
- 3.0** indicates a good summary of the decision without additional application/interpretation;
- 2.0** indicates a weak summary of the facts and decision without analysis of the judges' rationale;
- 0.1-1.0** indicates that the brief does not demonstrate an understanding of the dispute or decision.

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For all assignments, late papers (unless accompanied by doctor's note or other verified excuse) will receive a reduction of one grade point for every two days after the deadline (i.e., 1 minute to 48 hours late reduces grade by 1.0; 48-96 hours late reduces grade by 2.0). I do recognize that difficulties arise outside of the course, and I will therefore allow a single additional "life happened" extension on one written assignment (judicial decision brief, case study strategy response, legal effectiveness paper). If something happens and you need an extension, you may use this option for a three-day extension, no questions asked. If possible, please email me before the deadline so I know you are using the extension. However, you can only use this option once during the semester, so plan accordingly.

PLEASE NOTE THAT THIS COURSE WILL BE CONDUCTED IN LINE WITH MADISON COLLEGE AND MSU POLICIES ON ACADEMIC DISHONESTY. Among other requirements, that means that you must cite the source of any and all facts or ideas in your written assignments.

The Student Handbook states:

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Student Regulation 1.0, [Protection of Scholarship and Grades](#); the all-University Policy on [Integrity of Scholarship and Grades](#); and [Ordinance 17.00](#), Examinations. Therefore, unless authorized by your instructor, you are expected to complete all course assignments, including homework, lab work, quizzes, tests and exams, without assistance from any source. You are expected to develop original work for this course; therefore, you may not submit course work you completed for another course to satisfy the requirements for this course. Also, you are not authorized to use the www.allmsu.com Web site to complete any course work in this course unless explicitly authorized by the professor. Students who violate MSU regulations on Protection of Scholarship and Grades may receive a failing grade in the course or on the assignment and be reported for academic integrity violations.”

Please also remember that the internet is a powerful source of information. While it may ease your research efforts, it can also lead you to non-reputable resources and help to identify your use of other people’s work.

Violations of academic dishonesty principles will result in punishments up to and including a 0.0 grade for the course. Under MSU guidelines, I must report all such incidents to the University. IF IN DOUBT, I WILL BE HAPPY TO DISCUSS THE PROPER COURSE OF ACTION. Past experience has shown that most errors are easily avoidable with a short discussion.

Case Study Strategy Response Paper (3% of the semester grade), due at the beginning of the class session following discussion

(Case Study 1 – Somalia piracy: due Feb 24; Case Study 2 – election interference: due March 17)
MC 362 (Public International Law), Spring 2022

This assignment asks you to consider not only legal principles, but also strategic/political implications of the legal process.

During the semester, we will discuss two case studies of recent and ongoing international disputes. Both situations have evolved over the past couple decades. These events allow us to consider the situations in which international law does, *or does not*, provide a useful tactic for government actors. Case study readings are drawn from primary source documents, news articles, and internet resources/blogs. Professor Axelrod will provide additional questions, in advance, around which each classroom discussion will be oriented. All case studies, and their supporting materials, are required course readings and may be included on the midterm and final exams. You are expected to participate in class case study discussions even when you are not responsible for a response paper. In addition, based on a D2L signup sheet, *you will be assigned to write a position paper in response to one case study.*

After the class discussion, you will *write a memo of no more than 800 words in support of your position.* Memos (in hard copy) are due prior to the class period following the end of our case study discussion.

This paper should outline legal and strategic arguments from your assigned standpoint. Although your memo should draw on class discussions, it must be your own individual work. Obviously, in 800 words you will not be able to address all issues raised in the dispute. Therefore, you should highlight the strongest possible legal and policy support for your conclusion, while identifying and defending against the strongest critiques of your position. You may use the case study questions to guide your writing, but *your response should be organized around supporting a cohesive main argument.* This memo counts for 3% of your overall semester grade.

You will gain the most from these case studies if you prepare carefully. I suggest the following webpage for ideas about successful case preparation and classroom participation strategies:

<http://www.soc.ucsb.edu/projects/casemethod/guidelines.html>

For this assignment:

4.0 indicates a clear understanding of the dispute, as well as a clear analysis of the strategies to be pursued by the participants. A 4.0 paper will also provide clear supporting evidence as to why your argument is strongest, including a critique of opposing arguments;

3.0 indicates a clear understanding of the dispute with limited support for your legal and strategic arguments;

2.0 indicates a weak grasp of the dispute with limited analysis;

0.1-1.0 indicates a lack of understanding of the dispute.

Assessment will center around:

- Understanding of the Dispute
- Clear argument/position
- Use of supporting evidence
- Response to opposing arguments and/or ability to identify viable middle ground position; and
- Ability to communicate argument and supporting evidence

Reminders for All Assignments

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For all assignments, late papers (unless accompanied by doctor's note or other verified excuse) will receive a reduction of one grade point for every two days after the deadline (i.e., 1 minute to 48 hours late reduces grade by 1.0; 48-96 hours late reduces grade by 2.0). I do recognize that difficulties arise outside of the course, and I will therefore allow a single additional "life happened" extension on one written assignment (judicial decision brief, case study strategy response, legal effectiveness paper). If something happens and you need an extension, you may use this option for a three-day extension, no questions asked. If possible, please email me before the deadline so I know you are using the extension. However, you can only use this option once during the semester, so plan accordingly.

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Legal Effectiveness Paper (20% of the semester grade) – due at the beginning of class, Thursday, April 21 (required decision brief and consultation before Friday, March 18)
MC 362 (Public International Law), Spring 2022

This assignment asks you to select one dispute that has already been adjudicated by an *international* court or tribunal. Through your research, you will gain an understanding of how the court decision affected subsequent behaviors of the disputants and other sovereign states. The assignment is designed to strengthen your legal research abilities, learn about a particular legal dispute and subsequent state behaviors, and enhance your writing skills.

For this assignment, you will select a case from any international court or tribunal *that we are not covering in class* (please see the textbook's Table of Decisions/Opinions, pp. 908-912, in coordination with the syllabus, to make sure you are not selecting a decision we are already discussing in class). The following list identifies some of the more active courts and tribunals, but you are not limited to these options:

- International Criminal Court (<https://www.icc-cpi.int/>)
- International Court of Justice (<http://www.icj-cij.org/>)
- International Criminal Tribunal for the Former Yugoslavia (<http://www.icty.org/>)
- International Criminal Tribunal for Rwanda (<http://liveunictr.altmansolutions.com/>)
- World Trade Organization Dispute Settlement Body and Appellate Body
(http://www.wto.org/english/tratop_e/dispu_e/find_dispu_cases_e.htm#results)
- Inter-American Court of Human Rights
(<http://www.corteidh.or.cr/index.cfm?CFID=616240&CFTOKEN=80999452>)
- International Tribunal for the Law of the Sea (<https://www.itlos.org/en/cases/list-of-cases/>)
- European Court of Justice (http://curia.europa.eu/jcms/jcms/j_6/)
- European Court of Human Rights (<http://www.echr.coe.int/echr/>)

You are required to ***select a legal opinion to analyze, discuss your chosen decision with Professor Axelrod, and submit a decision brief by March 18 at the latest.*** The decision brief will indicate your familiarity with the dispute, but will not be graded. However, failure to submit such a brief and discuss the decision with Professor Axelrod by March 18 will result in a deduction of 0.5 from your final paper grade. This discussion will help you ensure that you have selected an appropriate decision and that sufficient information is available regarding the dispute *and its aftermath.*

The Legal Effectiveness Paper, no more than 1200 words, is ***due via D2L dropbox before the beginning of class on Thursday, April 21.*** In line with our semester focus on the tension between sovereignty and international law, this paper will analyze how the decision was implemented, providing evidence for whether the losing party followed the decision, and if not what would have led to greater compliance. It should include only a very short (maximum one paragraph) description of the decision and established rule(s). The remainder of the paper should then present evidence of events that took place *after* the decision, particularly the losing party's actions and the extent to which those actions represent compliance with the decision. The best papers will also identify long-term implications of this decision, including changed behaviors of other states, as well as subsequent legal decisions that rely on this precedent. For examples of similar analyses regarding the European Court of Human Rights, I recommend you view the following two sources:

- Michael D. Goldhaber. 2007. *A people's history of the European Court of Human Rights* (New Brunswick, N.J.: Rutgers University Press). [available on reserve in the JMC library]
- Helfer, Laurence R., and Erik Voeten. 2014. International Courts as Agents of Legal Change: Evidence from LGBT Rights in Europe. *International Organization* 68(1): 77-110 [assigned for class, February 3, along with other materials on governments' responses to international law]

Although no formal presentation is required, you should expect to be called upon in class when we discuss related disputes.

For this assignment:

4.0 indicates a clear understanding of the dispute and judicial decision, as well as a well-written evidence-based analysis of participants' and other states' behavior *in response to* this decision;

3.0 indicates a clear understanding of the dispute and decision, as well as limited evidence regarding participants' behavioral responses;

2.0 indicates a weak grasp of the dispute and decision with limited evidence regarding state responses;

0.1-1.0 indicates that the paper does not demonstrate an understanding of the dispute.

Please remember there will be a reduction of 0.5 if you do not consult with Professor Axelrod in advance.

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Midterm and Final Exam Information

MC 362 (Public International Law), Spring 2022

Midterm Exam – during class, Wednesday, March 1 (20% of the final grade). The exam will consist of two essay questions, one that asks you to analyze the legal implications of a fictional scenario, and another more theoretical question about public international law. You will be expected to cite judicial decisions, treaty and other provisions, and other class materials in support of your answers (a list of legal materials will be provided, though you will be allowed to consult your notes and course materials as well). The best responses to the scenario question will:

- Summarize your overarching argument;
- Identify the legal issues/questions in need of assessment;
- Present the established/existing rules (with citation to various legal provisions/decisions) related to that question, and rationales for identifying those rules;
- Analyze how each of those developed rules apply to the present situation; and
- Conclude with a restatement of the argument, and why the strongest opposing arguments are not sufficient

Sample questions (from past versions of this course) and a gradesheet will be posted and discussed in advance of the exam.

Final Exam – Friday, May 6, 7:45-9:45am (25% of the final grade). The final exam will follow the same format and grade scale as the midterm. However, a list of cases will not be provided, instead asking you to prepare your own materials for use on the exam. You will again be allowed to consult your textbook and class notes (I do not recommend using any commercially-produced outlines or other outside materials, as they tend to have a different focus for law school classes).

At the end of each exam period, your responses will be submitted through a D2L Turnitin dropbox to ensure anonymous grading. Turnitin will allow you to review your submission before finalizing it. That process allows you to check that you have not used any materials without sufficient attribution, and to submit a new version if anything needs to be corrected (make sure to account for this review process in your submission timing).

MSU's official statement about Turnitin: "Consistent with MSU's efforts to enhance student learning, foster honesty, and maintain integrity in our academic processes, instructors may use a tool called Turnitin to compare a student's work with multiple sources. The tool compares each student's work with an extensive database of prior publications and papers, providing links to possible matches and a "similarity score." The tool does not determine whether plagiarism has occurred or not. Instead, the instructor must make a complete assessment and judge the originality of the student's work. All submissions to this course may be checked using this tool.

Students should submit papers to Turnitin Dropboxes without identifying information included in the paper (e.g., name or student number), the system will automatically show this information to faculty in your course when viewing the submission, but the information will not be retained by Turnitin...[for this course,] Student submissions will be retained only in the MSU repository hosted by Turnitin."

On both exams:

4.0 indicates particularly creative and logical arguments and/or supporting evidence, and ability to reject strongest opposing arguments;

3.5 indicates clear grasp of concepts, with good examples to support clear arguments;

3.0 indicates mixture of strong analysis on some but not all aspects;

2.5 indicates accurate statements, but not directly addressing the question;

2.0 indicates weak understanding of relevant concepts, but raising interesting points or examples from course materials;

Below 2.0 indicates a lack of understanding and failure to respond to the question.

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For both exams, responses must be submitted by the end of the exam period (or extended time based on RCPD VISA accommodations). Any late submissions may receive grading penalties, including possibly not accepting the responses at all depending on the circumstances and length of delay.

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