



**PROFESSOR ALLEN BLAIR**

Office Hours

Tuesdays 11:00 – 12:30

Thursdays 11:00 – 12:30

*Other Times By Appointment*

Contact Information

Phone: 651.523.2794

email: [hblair01@hamline.edu](mailto:hblair01@hamline.edu)

*The Law must be stable, but it cannot stand still.<sup>1</sup>*

Introduction

The world faces a growing number of global challenges – challenges that extend beyond domestic borders and implicate the interests of multiple states and citizens. The modern shape of international law might be seen as an effort to reconcile a utopian impulse to solve these problems through a single world government and a realist skepticism about the feasibility of such a government ever existing. International law, then, can be seen an amalgamation of legal principles, policy prescriptions, and power politics. One of our fundamental questions – a question that will pop up repeatedly throughout the semester – is whether international law counts as law at all.

Even assuming that international law does, in fact, count as law and that it can, in fact, help solve the very real problems facing the world, there are disquieting signs that traditional international law and the institutions tasked with implementing or supporting it are insufficient in the modern world. Many of you may well be instrumental in helping evolve international law to meet the many challenges of the twenty-first century and beyond. This class aims at providing you with a foundational understanding of existing international law and legal institutions as well as a vocabulary for thinking about how that law and those institutions might or should evolve.

Required Texts

- THE INTERNATIONAL LEGAL SYSTEM, MARY ELLEN O'CONNELL, RICHARD F. SCOTT & NAOMI ROHT-ARRIAZA (6th ed. 2010) ("Textbook").

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<sup>1</sup> ROSCOE POUND, INTERPRETATION OF LEGAL HISTORY 1 (1923).

- Handouts on TWEN

### Preparation and Participation

This should be a fun course that offers you a break from the doctrinal grind of your other first-year courses. It will give you an opportunity to think expansively and creatively about very real problems and potential solutions to them, and it will offer you tools for thinking through complex international issues. Because this course is different from your other first-year courses, it may require a different sort of diligence. It will not necessarily require more or less work, but it may require that you read the cases and materials more slowly or repeatedly. Do not assume that the reading and studying habits that worked for you in other law school classes will necessarily work for you in this class.

Some of you will likely have more background and knowledge than others about affairs taking place outside of the United States. Sometimes students worry that they will struggle in this class because they lack that background and knowledge. The truth, however, is that prior background or knowledge of international issues does not necessarily translate into success in this course. That said, I encourage all of you to use this course as an “excuse” to become better educated about current issues in the world. In addition to looking at some of the links that I will post on TWEN, you might consider reading the Economist, the world news section of the New York Times, or the Financial Times, all of which are great sources of international law news.

At a minimum, I expect that you will be prepared for discussion, you will be able to lead us off in discussing several of the cases during the semester, and you will participate regularly without my prodding. Ultimately, I expect that all of us will contribute to one another’s learning. This last point requires, of course, that you engage respectfully and professionally with your colleagues and with me.

### Fundamental Goals

In summary form, over the course of this semester, I expect you to learn to:

- Understand the sources of international law;
- Understand roles, rights, and duties of different actors, including state actors, individuals, corporations, non-governmental organizations, and communities, under international law;
- Comprehend a selected set of fundamental rules governing jurisdiction and immunity under international law;
- Comprehend fundamental rules regulating human rights, the law of war and use of force, and international economic relations;
- Ask pertinent legal and factual questions about a given international law matter and consult and understand the appropriate sources of law that will help you answer those questions;
- Formulate and communicate situation-specific strategies and arguments; and
- Discuss and critically evaluate some of the theories and assumptions at the core of policy debates about globalization and international law.

### Attendance

Missing more than three classes will constitute excessive absence for purposes of the Law School's attendance policy. If a conflict arises with a particular class, please let me know as soon as possible. I will endeavor to make reasonable accommodations to folks who have personal, religious, or other conflicts and let me know about such conflicts in a timely manner.

### Computer Use

You may use laptop computers or other electronic devices in class to take notes and access course-related materials. You should not use your laptop or electronic devices for other purposes.

### TWEN

You will need to register for this course's page on TWEN as soon as possible. In addition to posting required handouts and Keynote (presentation) slides that I show in class, I will occasionally post non-mandatory supplemental materials that might interest you.

### Grading and The Exam

Your grade this semester will be based on a final examination (60%), one short-answer quiz (15%), and one take-home exam (25%). Additionally, I reserve the right to bump grades up or down based on exceptional participation.

#### *The Final Examination*

The final examination will be a two-hour closed-book test. We will discuss the structure and format of the examination, as well as my expectations regarding the examination, in more detail as the semester progresses.

#### *The Quiz*

I will give one in-class quiz on February 17. This will be a 45-minute, short-answer quiz.

*This quiz is treated like the final exam. I cannot excuse you from taking it. If you have a conflict, you must seek a special accommodation from the Dean of Student and Multicultural Affairs. I will oppose any accommodation request unless: (a) you have a preexisting conflict and you have made arrangements with me in advance; or (b) you have a significant personal or family emergency and you contact me as expeditiously as possible.*

#### Take-Home Exam

Over a seven-day period starting March 14, you will be responding to a take-home exam question or set of questions. Your responses will be due no later than March 21 at 5:00 p.m. (You will submit your responses electronically, in Word (.doc) format, to a TWEN electronic dropbox.)

#### Grade Bumps

I reserve the right to bump a final grade up or down one-half letter grade step for exceptional (either positive or negative) participation. Few, if any, grades will be bumped.

Reading Assignments and Schedule

We'll cover a significant portion of the textbook this year. Because different classes move at different paces, however, please view the assignments as a flexible road-map rather than a guarantee of coverage. If we wind up getting off schedule dramatically, I'll post a revision.

Also, please notice that there are a variety of international law documents referred to in the syllabus. I have not required that you buy the document supplement, as all of the documents in it are freely and readily available on-line. When I assign a document, however, you should download a copy of it and read it. In some cases, I will have an annotated version for you posted on TWEN. (If you have any questions about finding a particular document, please talk with a reference librarian who can help you.)

1/18 **Textbook Preface, 1-13**

**Document – United National Charter**

1/20 **Textbook 13-27**

**Document – Statute of the International Court of Justice**

1/25 **Textbook 27-38; 50-58**

1/27 **Textbook 59-84**

**Document – Vienna Convention on the Law of Treaties**

2/1 **Textbook 84-108**

2/3 **Textbook 108-132**

2/8 **Textbook 132-157**

2/10 **Textbook 157-180**

2/15 **Textbook 180-203**

2/17 **First Quiz – No reading assignment**

2/22 **Textbook 203-234**

2/24 **Textbook 234-274**

3/1 **Textbook 303-325**

3/3 **Textbook 325-341**

3/15 **Textbook 341-358**

3/17 **Textbook 358-381**

- 3/22 **Textbook 381-397**
- 3/24 **Textbook 397-425**
- 3/29 **Materials to be Provided**  
Professor Pagonis – International Human Rights Law
- 3/31 **Materials to be Provided**  
Professor Pagonis – International Human Rights Law
- 4/5 **Textbook 763-790**
- 4/7 **Textbook 791-813**
- 4/12 **Materials to be Provided**  
Professor Swanson – Use of Force and the Rules of War
- 4/14 **Materials to be Provided**  
Professor Swanson – Use of Force and the Rules of War
- 4/19 **Materials to be Provided**  
Professor Blair – International Economic Relations
- 4/21 **Materials to be Provided**  
Professor Blair – International Economic Relations
- 4/26 **Textbook 1064-1086**
- 4/28 **Textbook 1086-1110, 1142-1147**