GOVT 443
Law and Ethics of War
Schar School of Policy and Government, George Mason University

Spring 2020

Tuesdays, 7:20 PM – 10:00 PM, Mason Global Center (INTO) 1306B

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Required Texts:


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Disclaimer

The instructor for this course is a current employee of the United States Department of Defense. The following disclaimer is required by the Department of Defense Joint Ethics Regulation (DoD 5500.7-R) in compliance with 5 CFR 2635.807(b) (Code of Federal Regulations):

*Any views or opinions expressed by the instructor in the classroom environment, in correspondence with students or faculty, or in instructional materials authored or compiled by the instructor are solely the instructor’s own and do not represent the official position of or endorsement by the United States Army, the Defense Intelligence Agency, the Department of Defense, the Office of the Director of National Intelligence, or any agency or entity of the United States Government. Similarly, any views or opinions expressed by course materials distributed or assigned by the instructor do not represent the position of any agency or entity of the United States Government except where those course materials are official publications thereof (and even then only if they are current).*
1. Course Description

Even restricted to its traditional capacity through most of human history as organized interstate violence, war appears chaotic and rife with ambiguity. The information age exposes us to documented atrocities with an intensity that previous generations might have struggled to imagine. This interconnected vividness along with rapidly evolving geopolitical and technological circumstances might lead one to conclude that not only is the nature of war changing, transgressions against the moral codes and international conventions intended to rein in its excesses are likewise increasing uncontrollably.

This course examines the law and ethics of war on an international scale from American and other perspectives. While we will take into account some of the history of the Law of Armed Conflict (LOAC) and International Humanitarian Law (IHL), our analytic window primarily consists of the period after the 1949 Geneva Conventions (and even then mostly after the 1977 Additional Protocols). Students will become familiar with the ethical tenets of Just War Theory that largely provide the moral underpinnings of modern U.S. and international law intended to govern the initiation, conduct, cessation, and aftermath of war. Students will explore U.S. laws, rules, and norms in the employment of national military force as well as key international conventions stipulating acceptable martial behavior for signatory countries. Seminar discussions, papers, and presentations will map these laws and codes along with their ethical foundations onto well-documented cases of armed conflict and—too often—atrocity. The seminar will examine these ethical and legal concepts in both traditional and more ambiguous contexts including terrorism, unmanned or autonomous warfare, and the relatively unregulated domains of space, information, and cyber.

2. Student Learning Outcomes

- Students will become familiar with modern just war theory as it ethically underpins contemporary understanding of the rules of war.
- Students will gain a basic understanding of sources of and perspectives on international and U.S. law governing the initiation and conduct of armed conflict.
- Students will become familiar with perennial and contemporary legal and ethical debates surrounding the use of armed force by states and non-state actors and the prosecution of alleged violations of U.S. and international law in these areas.
- Students will demonstrate the ability to analyze armed conflicts from legal and ethical perspectives through research and communicate this analysis orally and in writing.
3. Goals and Structure

I organized this course with three goals in mind. First, I want to help you form a general understanding of the moral and ethical principles that comprise classic Just War Theory. Second, I want to help you decipher key components of the modern domestic and international legal systems governing the use of military force and the conduct of armed conflict. Third, together with your colleagues I aim to provide you a constructive, non-judgmental environment in which to synthesize your newfound understanding of the law and its ethical underpinnings with their application—including failure—in recent historical, modern, and potential future contexts.

To accomplish these goals, I selected readings that I believe serve one or more of three general purposes. The first is to survey and deconstruct ethical principles that could apply to a state’s use of military force against another state or entity; simply put, we will start broadly and work our way more complex and specific. The second is to put you in direct contact with (1) key legal texts intended to reflect these ethical principles as interpreted by the United States and the international community and (2) secondary scholarly and journalistic sources that I have found concisely and helpfully explain these laws. The third is to expose you to multiple perspectives on contemporary ethical and legal questions and debates surrounding states’ use of armed force, conduct of armed conflict, and the very definition—or conspicuous lack thereof in various contexts—of an act of war so that you can form and refine your own informed opinions on the matter.

Engagement with the readings is crucial to your success in the course. This is true both in the context of your ability to earn a good grade and your ability to benefit from (and contribute to your colleagues’ ability to benefit from) the course as designed. See Section 6, Accessing and Completing Readings, for more.

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4. Course Logistics

This course functions as a seminar with limited lecture content, includes a midterm exam, and culminates in student presentations based on a final project.

**NOTE:** The primary focus of this course is your active engagement with the material and one another. As a result, I expect you to contribute in every single class meeting.

A typical class meeting will consist of 15-30 minutes of instructor-delivered framing comments, several ≤ 4-minute student-delivered recaps of certain of the assigned readings, and up to 2 hours of instructor-facilitated seminar discussion. We will take at least one 10-minute break halfway through each class meeting.

The purpose of the framing comments is to situate the readings in the larger arc of the course and provide context and considerations to help you discuss them in seminar. Typically, the framing comments will not introduce new key information; my assumption is that you have done the readings and are prepared to explore or opine on the covered topics. Time permitting, we will entertain any pertinent question you wish to raise – some I will field myself, some I will put to the class, and some I will turn on you to help you order your thoughts and articulate an opinion. I reserve the right to cold call and will likely do so at least once per class meeting.

The purpose of the student-delivered reading recaps is twofold. First, it focuses and refreshes the class on the main points of each reading. Second, it provides you with 2-3 opportunities throughout the course to showcase your ability to extract and summarize main points from legal and ethical arguments. We will sometimes conduct all reading recaps consecutively following framing comments and sometimes space them out as the focus of our discussion shifts.

In a seminar course, respectful and rigorous discussion of the course topics is the main event. If you consistently and conscientiously prepare for class and actively engage in discussion in an earnest (and civil!) manner, you will improve the experience for yourself and your colleagues. Alternatively, if you do not read and do not engage in the discussion, you will degrade the quality of the seminar for everyone involved.

**Office Hours and Instructor Correspondence**

I encourage you to e-mail me any concerns or questions throughout the course. I will typically respond to more complex issues with “see me”; however, this should not discourage you from writing out your perspective in an e-mail because this allows me to research the issue (if necessary) or otherwise consider it prior to our in-person discussion. I ask that you allow me 36 hours (with no guarantees on weekends) to acknowledge / respond to e-mails.

You are free to come see me during office hours with no notice; however, I still encourage you to e-mail me prior to doing so in order to improve my preparedness. If you cannot meet during office hours, I am happy to schedule another time and am typically free to meet between 5 PM and 7 PM Monday through Thursday. On Monday, Wednesday, and Thursday I will only come to campus during that time period for pre-arranged student meetings; as previously detailed, I will observe that period of office hours on Tuesdays.
5. Grading and Assignments

Your final grade derives from weekly class participation, two oral reading recaps, four short papers critically responding to course readings of your choosing, a mid-term exam, and a final project consisting of a paper and associated presentation. I will not issue incompletes barring genuine, documented emergencies that prevent you from completing the course requirements during the regular term.

I derive your grade as follows (a more detailed explanation of each assignment follows the scale):

10% - Oral reading recaps (2 at 5% each)
20% - Midterm exam
20% - Reading response papers (4 at 5% each)
25% - Final project (paper and presentation)
25% - Participation in seminar

Your letter grade derives from the following scale (after rounding to the nearest 0.1%):

A+ 98.5% and higher
A  94.0% - 98.4%
A- 90.0% - 93.9%
B+ 87.0% - 89.9%
B  84.0% - 86.9%
B- 80.0% - 83.9%
C+ 77.0% - 79.9%
C  74.0% - 76.9%
C- 70.0% - 73.9%
D  60.0% - 69.9%
F  59.9% and lower

It is also possible to earn up to 10% extra credit toward your final grade (detailed below).

Oral Reading Recaps (10% final grade, assigned Lesson 1 and due various lessons)

Throughout the course each student will deliver two ≤ 4-minute oral recaps of assigned readings. I will frequently not assign recaps for reference reading (the Congressional Research Service primers or primary legal documents, for example), and when I do, I will typically lump several of them together as one assignment. The recap should be brief, summarize the main thrust of the author’s argument or explanation, cite key points of evidence or thought, and conclude with the student’s assessed significance of the reading. It will be challenging to keep your recap to under 4 minutes; however, distilling key points from a larger body of evidence and delivering them in a concise and digestible verbal format is a crucial skill for security scholars and professionals. To assist you, I will give you an example based on one of the first lesson’s readings. No students will be responsible for oral reading recaps during lessons 1, 7, or 13.

Following Lesson 1, I will disseminate a schedule that pairs students with readings. Thereafter you are permitted to swap responsibility for readings between and amongst yourselves provided you notify me of the swap via an e-mail message that includes all swapping students as either author or recipient. An uncoordinated absence will result in a 0% if you are scheduled to recap and have not swapped (see Section 5, Course Policies, for more information on absences).
Midterm Exam (20% final grade, in-class during Lesson 7)

You will take a midterm exam covering the first half of the course (roughly corresponding to a traditional understanding of Just War Theory and key components of the domestic and international law that reflect its principles). I will administer the exam during our normally scheduled class meeting for Lesson 7. You will complete the exam by hand and it will include multiple choice, short answer, and essay questions. You will have the opportunity to select certain essay questions from a bank that I provide. Our class meeting for Lesson 6 will include a brief review of the scope of the midterm rather than its specific content, and I will disseminate a study guide that I believe will help you prioritize your review. See Section 5, Course Policies, for information on missing the midterm (spoiler: it is neither easy nor encouraged).

Reading Response Papers (20% final grade, student-selected due dates)

Throughout the course you are responsible for submitting four short reading response papers, each of which you should submit for a different lesson and is worth 5% of your final grade. You must submit two response papers prior to the midterm exam. Each paper should be 300-600 words in length and critically respond to that week’s reading. You may respond in depth to a particular reading or place one or more readings in dialogue with one another or with the themes of the course to date. See Blackboard for an example reading response that doubles as a usable template. While I do not grade these papers strictly for grammar or mechanics, please make an effort to submit a product that showcases your thought in a way of which you can be proud. The goal of the reading response is for you to demonstrate deliberate engagement with a reading that excited your imagination, intrigued you, offended you, depressed you, inspired you—there is no incorrect reaction provided you convey it in a way that reflects critical thought and good organization of concepts. If your paper deals only with course readings, I do not require citations; simply referring to the reading in the text of your paper is adequate. If you include evidence or logic gleaned from outside sources indicate that you did so with a Chicago-style footnote. It is up to you to select the readings to which you respond; I will not hound you if you are running out of time and are not on track to respond to an adequate number of readings. There are 10 lessons (excluding 1, 7, 13, and 14) for which you can write responses and your response is due by e-mail no later than 12 PM the day of the corresponding lesson.

Final Project (25% final grade, topic assigned by Lesson 10, paper due prior to Lesson 13, presentations delivered in meeting in lieu of Lesson 13)

In place of a final exam, you will complete a two-part final project allowing you to engage with a particular conflict to include both an overview and a single highlighted episode. Your deliverables for this project will be: (1) a 1,500- to 2,000-word paper exploring the case(s) for, conduct of, and moral/legal aftermath of (in the case of concluded conflicts) or outlook for (in the case of ongoing conflicts) a particular war or conflict; and (2) a 7- to 10-minute visual-assisted presentation of the findings of your research to your colleagues including questions and discussion. See Blackboard following the midterm exam for detailed assignment guidelines. Following Lesson 9, you will receive a topic assignment from a list of post-1949 wars and conflicts with associated incidents for analysis. Your final paper is due before the normally scheduled start of Lesson 13. We will not meet as an entire course during the week of Lesson 13; instead, you and up to 3 colleagues will meet with me in small groups for presentation and discussion of your projects.
Participation in Seminar (25% final grade; assessed throughout course)

As I detailed in section 3 of this syllabus (Course Logistics), your participation in seminar is crucial to the quality of this course for everyone involved. As a result, fully one quarter of your final grade is contingent on your contribution to the ongoing discussion. Unlike other components of your final grade where I employ an averaging approach, I will employ an additive/reductive approach to your participation grade.

Every student begins the class with 20% out of the 25% possible toward their final grade and a bye for Lesson 1. For lessons 2 through 6 and 8 through 14, it will be possible to either maintain your running participation total, increase it, or decrease it.

To maintain your participation total: make at least one contribution to the discussion that reflects that you have read the pertinent assignment and/or are thinking seriously about the topic as it has been treated thus far in that evening’s seminar.

To increase your participation total by 1%: make a contribution to the discussion that serves as a significant launching point for the class discussion, stimulating multiple contributions from your classmates and substantially advancing the learning of the group during that evening’s seminar. Alternately / concurrently, make a contribution that causes me to go “huh” in a good way (this is more of an art than a science). Note: this outcome requires clearance of a high bar by design.

To decrease your participation total by 1%: fail to make at least one contribution to the discussion that reflects that you have read the pertinent assignment and/or are thinking seriously about the topic as it has been treated thus far in that evening’s seminar.

Contributions made as a result of an instructor cold call are treated as if you initiated the contribution; that is, if it is the only contribution you make that lesson, but is valid/profound, you will maintain or increase your running participation total as applicable despite the fact that I had to pry it out of you. Conversely, if the cold call results in the Participation Death Spiral (“[Student Name]?” “I don’t know.” “Well, what do you think?” “I don’t know.”), your running participation total will decrease unless you make a redeeming contribution elsewhere.

Uncoordinated absences from class will result in an increasing deduction from your running participation total. For more information on absences, see section 5 of this syllabus (Course Policies).

If you have already maximized your running participation total (you have increased it by 1% on at least 5 occasions) and you meet the criteria for increasing it once more, you will instead earn a small amount of extra credit (see Extra Credit below).

Extra Credit

It is possible to earn up to a 10% increase in your final grade in extra credit throughout the semester. I will not award extra credit beyond 10%. You may earn extra credit in various increments as follows:
0.25%: Profound seminar contribution on already maxed participation grade.

0.5%: Perfect oral reading recap (completely addresses main argument/idea and key components/evidence within time standard – 3 minutes or less – while adding a profound/substantive assessment of its significance).

1%: Profound engagement with the readings in a reading response paper (this is a high bar to clear).

0.5% to 1.5%: Attendance of a Center for Security Policy Studies event or a film screening (see below) up to a maximum of 5%. To receive the extra credit, attendees of CSPS events/film screenings must submit a response paper (identical in format to the reading response paper) reflecting on the event/film and its relevance to the course themes. The first attendance is worth 1.5% with each subsequent attendance worth 0.25% less.

2.5%: Participation in a Center for Security Policy Studies conflict/crisis simulation. To receive the extra credit, participants in conflict/crisis simulations must demonstrate a high degree of preparation and involvement and submit a response paper (identical in format to the reading response paper) reflecting on the event and its relevance to the course themes.

If able, I will host at least one film screening, date and time to be announced (location will be the Fairfax campus). Films will deal with concepts relevant to the themes of the course. While all students are welcome, the main purpose of the film screening(s) will be to offer extra credit opportunities to those students whose work schedules do not permit them to travel to CSPS events at the Arlington campus during the week.

**Example Course Grade Calculation**

Student X receives the following raw grades:

- Oral reading recaps: 85%, 95%
- Midterm Exam: 84%
- Reading Response Papers: 75%, 90%, 100%, 95%
- Final Project: 88%
- Participation in Seminar: 3 x increase, 8 x maintain, 1 x decrease (uncoordinated absence)
- Additional Extra Credit: 1 x film screening, 1 x outstanding reading response paper

The grades are refined as follows:

- Oral reading recaps: 9.0% out of a possible 10.0%
- Midterm Exam: 16.8% out of a possible 20.0%
- Reading Response Papers: 18.2% out of a possible 20.0%
- Final Project: 22.0% out of a possible 25.0%
- Participation in seminar: 22.0% out of a possible 25.0%

Subtotal: 88.0% out of a possible 100.0%

Extra credit: 2.5% (1.5% + 1%)

Final grade: 90.5% A-
6. Course Policies

Syllabus

I will disseminate a working draft of this syllabus to students via e-mail. Thereafter, it will be available via the course Blackboard site. Anytime I update the syllabus I will notify the entire class roster via e-mail that the updated syllabus is available via Blackboard. If a student is mistaken about any assignments, course logistics, grading practices, or policies as a result of my failure to alert the class to an update in the syllabus I will accommodate the student’s understanding based on the last version of the syllabus to which he/she was alerted.

Correspondence

I will alert students to posted content on Blackboard or other course developments via e-mail. I will only use George Mason University e-mail to do this (masonlive.gmu.edu or gmu.edu addresses). I highly recommend that you check your GMU e-mail at least once every 24 hours and I request that if you e-mail me it be via your GMU e-mail. I will not accept responsibility for missing an e-mail from you that comes from a non-GMU e-mail address.

Assignment Submission

Unless notified otherwise by me, you will submit all assignments via Blackboard -> Assignments. Assignment submission must be complete at or before 7:19 PM on the day that the assignment is due. Late assignments will be penalized by up to 10% for each 24-hour period (including weekends) past the due date and time. I will round up when assessing late penalties, so I will treat an assignment that is 24 hours and 1 minute late as if it is 48 hours late. If you believe that extenuating circumstances will prevent you from submitting an assignment on time, contact me via e-mail as soon as you believe this to be the case (and before the assignment due date / time) or come see me during office hours. If you realize that you cannot make an assignment deadline, it is ALWAYS better to alert me to the fact that you will not submit on time, even if you feel that you do not have a good excuse.

Absences

Generally, you should make every possible effort to avoid absences from this course. We have only 14 class meetings and missing one of them will substantially decrease the benefit you derive from the course. Absence from class will be classified one of two ways – coordinated or uncoordinated.

An uncoordinated absence is one wherein you fail to notify me that you will be absent (or fail to contact me after the absence in the event of illness or other extenuating circumstances). You will receive a 0 on that day’s oral recap (if you are scheduled to give one) and your running class participation total will drop by 1% plus an additional 1.5% for each previous uncoordinated absence. As such, your first uncoordinated absence will cause your running class participation total to drop by 1%, your second by 2.5% (for a total loss of 3.5%), your third by 4% (for a total loss of 7.5%), and so on. I will accord double impact to an uncoordinated absence on one of the presentation days. I also reserve the right to assess extreme tardiness as absence. A coordinated absence is achieved when you notify me via e-mail at least 48 hours in advance of the class you will miss (in the case of non-emergent situations) or at your earliest opportunity (in the case of emergent situations). In your e-mail, I ask that you include the following:
- Lesson number and date for which you will be absent (or acknowledgment that you were absent in the case of emergent circumstances)
- General reason for absence (concise statements such as “family tragedy” or “medical emergency” are sufficient, you are entitled to your privacy and I trust you not to fabricate)
- Confirmation either that you are not scheduled to deliver an oral reading recap or that you have swapped readings; if you have swapped, let me know the student with whom you have swapped and the date and time of the e-mail notifying me that you swapped
- **Attach a 300-word response to one of the readings for that evening’s class assessing its significance in the context of either one of the broad themes of the course or of your growing understanding of the law and ethics of war; this does not count as one of your graded reading responses but is necessary to make the absence coordinated**

You will not be penalized for up to two coordinated absences (satisfying all the conditions above); thereafter, they will be treated as uncoordinated beginning at the 3rd absence (so a loss of 3.5% to your running participation total).

*Missing the Scheduled Midterm Exam*

The only pre-arranged reasons for which I will entertain missing the scheduled midterm exams are life events whose scheduling predates your registration in this course (like a wedding). Emergent life events (like a funeral or a birth) will qualify though I ask that you bring them to my attention as soon as possible. Other emergencies will require extremity and documentation. If you satisfy these conditions, we will schedule a make-ahead (preferred) or makeup.

*Electronic Devices*

I prohibit students from using electronic devices in class. All electronic devices should be dark, silent, and out of sight, ideally in a zippered or sealed compartment. You may check them during the 10-minute break in the middle of class. If you wish to take notes you should plan on doing so with pen/pencil and paper. If you wish to refer to pre-recorded notes during a recap or discussion, they should be printed or written. Exception: You may use an electronic device purely as either a timer or a note source **while actively delivering a recap.**

If an emergency requires you to be available for a phone call you should notify me via e-mail or in person. Otherwise, the first time I observe you with a visible electronic device, you will receive in a verbal warning; thereafter, I will assess cumulative participation total penalties similar to those assessed for uncoordinated absences (1% the first time, 2.5% the second, 4% the third, etc.). Occasionally, I will ask one or more members of the class to attempt to look something up on the Internet in order to illustrate an instructional point; these events are clear exceptions to the normal electronic device policy and I will clearly indicate when devices have to go away again. If you require an electronic device due to a disability, you must follow the procedures below.
Disabilities and Accommodations

Please let me know within the first week of class if you require assistance or special consideration. Provided you follow proper procedures, I can make accommodations for those who need them but must be informed of the need officially and in writing. Official notifications for accommodation based on a disability must be arranged through the GMU office of Disability Services (DS) accessible at https://ds.gmu.edu/ or by phone at (703) 993-2474.

Academic Integrity

Faculty in the Schar School have zero tolerance for academic dishonesty and will strictly enforce Mason’s honor code. All work completed in your name must be yours alone. Any work you borrow or ideas you gather from other sources must be cited properly. Please see me if you are concerned about proper citation (assignment rubrics also detail my citation requirements). If I see what I believe to be an attempt to present someone else’s work as your own, I will withhold credit and notify the Office of Academic Integrity for referral to the Honor Committee. More information on what constitutes an honor code violation is available at https://oai.gmu.edu.
7. Accessing and Completing Readings

The core of your readings will come from Helen Frowe’s *The Ethics of War and Peace* and Gary Solis’ *The Law of Armed Conflict*. I typically do not assign traditional textbooks for my courses; however, I judge Frowe and Solis to have done truly exemplary jobs of compiling, distilling, and (relatively) nonjudgmentally articulating the fields covered by their books in a way that will greatly assist our collective exploration.

I recommend attacking the readings in the following order: Frowe, Solis, other. I have organized the typical lesson to introduce ethical and moral concepts (Frowe), delineate the international and U.S. legal reflection of those principles in the context of armed conflict (or in an ambiguous setting) including one or more cases (Solis), and then provide contemporary international and/or U.S. policy illustrations of these concepts that may raise controversy or suggest a larger scope.

I post non-textbook readings on the course Blackboard site under “Course Content”. The readings are listed numerically by lesson and within each lesson in alphabetical order by author last name or by publishing entity associated with the reading for official and some collaborative documents. If you have any difficulty accessing readings I ask that you first consult with another student to see if the issue is yours or Blackboard’s. If the issue is Blackboard’s, please let me know and I will resolve it if possible or, as a contingency, distribute the affected readings directly.

If you are reading this syllabus before the 14th of January, you should have received the readings for Lesson 1 as an attachment to an e-mail sent to your GMU address. Beginning on the 14th of January, non-textbook course readings should be on Blackboard at least 2 weeks in advance.

**Note that not all reading assignments require you to read the entire document.** Under some reading assignments in the course schedule you will see a page range listed; you are only responsible for that range. If no page range is listed, you are responsible for reading the entire document. Unless otherwise indicated, you may assume that you can skip appendices.

Some readings are marked “Reference.” These typically consist of primary sources of treaty law, domestic law, or executive regulation. I will not hold you accountable for the information they contain since your assigned readings already cover them, but in the event that you want to look at the original text (and I highly encourage you to), I have included them. All other readings are fair game for cold call and the midterm (if assigned before it).

Throughout the course, you are likely to encounter terms, abbreviations, and acronyms with which you are unfamiliar. **Do not simply read past unfamiliar terminology; take a moment to look it up.** You need not look it up in any more than a general reference; while Wikipedia is not an approved scholarly source for research citations, it is an adequate reference for the vast majority of cases wherein you simply encounter an unfamiliar term. It may seem tedious to have to conduct this type of in-stride reference (particularly since you will often have to look up one or more terms in the definition of the original) but I promise that consistently doing so will greatly improve your comprehension of the readings and concepts highlighted in this course.

As this is an undergraduate seminar course, you should expect to prepare for a typical class at a 1-to-1 time ratio (1 hour of preparation outside of class for each hour spent in class – note that this ratio for a graduate seminar is typically between 2-to-1 and 3-to-1). To this end, I have done my best not to exceed an average of 100 pages per lesson. I have assigned an average of 92 pages per week throughout the 12 lessons for which reading is assigned, with a low of 49 and a high of 115. For two lessons (7 and 13), there is no reading assigned at all.
8. Course Schedule

Lesson 1: Course Overview, Individual Concepts of Self-Defense and Violence
Tuesday, 21 January

Readings (67 pages total)
1. GOVT 443 Syllabus (19 pages)
2. Frowe (30 pages)
   Introduction
   Chapter 1, “Self-Defence” [sic; hazards of using a British textbook]
3. CRS, The Federal “Crime of Violence” Definition (18 pages)

Assignments
1. Oral reading recap schedule disseminated within 24 hours

Lesson 2: Collective Concepts of Self-Defense and Violence, Introduction to LOAC/IHL
Tuesday, 28 January

Readings (106 pages total)
1. Frowe (22 pages)
   Chapter 2, “War and Self-Defence” [sic]
2. Solis (33 pages)
   Chapter 1, “Rules of War, Laws of War” pp. 3-31
   In Re Göring and Others, pp. 38-39
   Prosecutor v. Kupreškić, et al., pp. 40-41
3. Charter of the United Nations (4 pages)
   Chapter VII – “Actions with Respect to Threats of the Peace, Breaches of Peace, and Acts of Aggression”
4. UN, Excerpt from A-RES-60-1 (Responsibility to Protect) (1 page)
5. UN, Security Council Resolution 1368 (1 page)
8. Convention Respecting the Laws and Customs of Wars on Land (Hague Convention IV)
   (11 pages)
   Note: The Regulations (pp. 4-11) are of more interest to us than the Articles.
10. Reeves, “Developing the Law of Armed Conflict 70 Years after the Geneva Conventions,” Lawfare (6 pages)

11. For the following, skim (Get a feel for the scope and granularity of information, explore various articles, look at different topics) rather than reading:
   a. Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field
   b. Convention (II) for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea
   c. Convention (III) Relative to the Treatment of Prisoners of War
   d. Convention (IV) Relative to the Protection of Civilian Persons in Time of War
   e. Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)
   f. Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)
   g. Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Adoption of an Additional Distinctive Emblem (Protocol III)

Assignments
None
Lesson 3: Going to War, *Jus Ad Bellum*, and Determining Conflict Status  
*Tuesday, 04 February*

Readings (98 pages total)  
1. Frowe (48 pages)  
   - Chapter 3, “The Conditions of *Jus Ad Bellum*”  
   - Chapter 4, “Just Wars?”  
2. Solis (24 pages)  
   - Chapter 5, “Conflict Status,” pp. 159-168, 179-182  
   - Factors Indicating a Non-International Armed Conflict, pp. 182-183  
   - *Case Concerning Military and Paramilitary Activities In and Against Nicaragua*, pp. 191-193  
   - Osirak: Armed Conflict? pp. 194-198  
   - *Security Council Consideration of a Complaint by Iraq*, pp. 198-199  
   - The 2001 Authorization for the Use of Military Force, pp. 793-795  
3. *United States Constitution* (3 pages)  
   - Article I (Sections 7 – 8, 10)  
   - Article II (Sections 2 – 3)  
   - Article IV (Section 4)  
   - Article VI  
4. CRS, *Legal Authorities for the Use of Military Force* (2 pages)  
5. Paterson, “The Truth About Tonkin,” *Naval History* (7 pages)  
   - pp. 1-8, skim the rest  
7. Public Law 107-40 (2 pages)  

Assignments  
None

Lesson 4: *Jus In Bello* and Determining Combatant Status  
*Tuesday, 11 February*

Readings (104 pages total)  
1. Frowe (44 pages)  
   - Chapter 5, “The Conditions of *Jus In Bello*”  
   - Chapter 6, “The Moral Status of Combatants”  
2. Solis (56 pages)  
   - Enemy Prisoners of War, Retained Personnel, Civilian Internees, and Other Detainees, pp. 262-264  
3. Dilanian, “Was it Legal for Donald Trump to Order the Killing of a Top Iranian General?” *NBC News* (4 pages)

Assignments  
None
Lesson 5: Non-combatant Immunity and LOAC Core Principles  
*Tuesday, 18 February*

**Readings** (113 pages total)
1. Frowe (35 pages)
   - Chapter 7, “Non-Combatant Immunity”
   - Chapter 8, “Challenges to Non-Combatant Immunity”
2. Solis (50 pages)
   - Chapter 7, “Law of Armed Conflict’s Core Principles,” pp. 268-309
   - Matheson, “The Opinions of the International Court of Justice on the Threat or Use of Nuclear Weapons,” pp. 314-317
   - Chapter 13, “Targeting Objects,” pp. 505-526
   - Operation Desert Storm Rules of Engagement Card, pp. 503-504

**Assignments**  
None

Lesson 6: War Crimes and “Only Following Orders,” Midterm Review  
*Tuesday, 25 February*

**Readings** (87 pages total)
1. Solis (77 pages)
   - Chapter 8, “What is a War Crime?” pp. 328-363
   - *Prosecutor v. Dusko Tadić*, pp. 363-364
   - “The Zyklon B Case,” p. 366
   - *In Re Amberger*, pp. 367-368
   - “Double-Tapping,” pp. 368-369
   - Chapter 9, “Obedience to Orders, the First Defense”, pp. 373-374, 387-396
   - *United States v. William Calley, Jr.*, pp. 397-399
   - *The United States v. Ohlendorf, et al.*, 401-403
   - *United States v. Private Michael A. Schwarz*, pp. 403-407
3. Maurer, “Should There Be a Ware Crime Pardon Exception?” *Lawfare* (6 pages)

**Assignments**  
None

Lesson 7: Midterm Exam  
*Tuesday, 03 March*

**Readings**  
Review previous readings per the exam study guide

**Assignments**  
1. Have a safe and enjoyable Spring Break!
***Spring Break: GOVT 443 will NOT meet on Tuesday, 10 March***

Lesson 8: Terrorists, Freedom Fighters, and Non-state Belligerents  
Tuesday, 17 March

Readings (99 pages total)
1. Frowe (23 pages)  
   Chapter 9, “The Moral Status of Terrorism”
2. Solis (50 pages)  
   Chapter 4, “Protocols and Politics,” pp. 128-149  
   Chapter 5, “Conflict Status,” pp. 168-179  
   Interpretive Guidance on the Notion of Direct Participation in Hostilities Under International Humanitarian Law, pp. 609-612
3. ICRC, Increasing Respect for International Humanitarian Law in Non-International Armed Conflicts (11 pages)  
   pp. 2, 4-13
4. Wheeling, “For Terrorists, Morality Has a Different Meaning,” Pacific Standard (3 pages)
6. Ganor, “Defining Terrorism – Is One Man’s Terrorist Another Man’s Freedom Fighter?” International Institute for Counter-Terrorism (15 pages)

Assignments  
None

Lesson 9: Detention, Interrogation, and Torture  
Tuesday, 24 March

Readings (115 pages total)
1. Frowe (18 pages)  
   Chapter 10, “Terrorism, Torture, and Just War Theory”
2. Solis (80 pages)  
   Glazier, “Guantánamo Arraignment—You Had to Be There,” pp. 812-814  
   Richter, “Comedy and Terror in Guantánamo Bay,” pp. 814-816  
   Hamdan v. Rumsfeld, pp. 193-194  
   Chapter 16, “Torture,” pp. 615-654  
   Prosecutor v. Delalić, et al., pp. 656-659  
   The Lieutenant Colonel and the Mock Execution, pp. 665-668  
   Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, pp. 668-672
4. McCain, Floor Statement on Senate Intelligence Committee Report on CIA Interrogation Methods (3 pages)
5. Hersh, “Torture at Abu Ghraib,” The New Yorker (7 pages)

Assignments  
Final Project Topics Assigned
Lesson 10: Precision Strikes, Targeted Killings, and Unmanned/Autonomous Warfare  
Tuesday, 31 March

Readings (96 pages total)

1. Frowe (16 pages)  
   Chapter 11, “Remote Warfare”
2. Solis (57 pages)  
   Iran Air Flight 655 and the USS Vincennes, pp. 563-566 
   The Public Committee Against Torture in Israel v. The Government of Israel, pp. 604-609
3. Deeks, “Pakistan’s Sovereignty and the Killing of Osama Bin Laden,” Insights (American Society of International Law), (5 pages)
7. Stroud, “The Pentagon Is Getting Serious about AI Weapons,” The Verge (3 pages)
8. Foerch, “Google to Separate from Project Maven,” Trajectory (2 pages)
9. CJCSI 3160.01, No-Strike and the Collateral Damage Estimation Methodology (4 pages) 
   pp. D-1 (38) – D-5 (42) 
   Skim the rest of the document if interested to get a feel for the rigor (or lack thereof) of the processes used
10. Explore the database (get a feel for the numbers and the geographic distribution): 
   Drone Warfare, The Bureau of Investigative Journalism, 
   https://www.thebureauinvestigates.com/projects/drone-war
11. Chachko and Deeks, “Who Is On Board with ‘Unwilling or Unable’?” Lawfare (1 page) 
   Skim the extensive list of cases that the authors have compiled and included below their brief overview 
   https://www.lawfareblog.com/who-board-unwilling-or-unable

Assignments
None

Lesson 11: Dirty Weapons, Dirty Hands—Prohibited Arms and Proxy Warfare  
Tuesday, 07 April

Readings (90 pages total)

1. Solis (44 pages)  
   White Phosphorus Munitions, pp. 755-756 
   Chapter 20, “Gas, Biological, and Chemical Weapons Treaties,” pp. 757-774 
   The Moscow Theater Hostage Crisis, pp. 778-779
3. Cohn, “Two Wrongs Don’t Make a Right,” Huffington Post (3 pages)
5. Pfaff, “Proxy War Norms,” U.S. Army War College Strategic Studies Institute (13 pages)
6. Zenko, “America is Committing War Crimes [in Yemen] and Doesn’t Even Know Why,” Foreign Policy (3 pages)
8. Roston, “American Mercenaries,” Buzzfeed News (6 pages)

Assignments

1. DUE: Final project presentation time selection
Lesson 12: New Advent (Jus Post Bellum) and New Domains (Space and Cyber)
Tuesday, 14 April

Readings (81 pages total)
1. Frowe (22 pages)
   Chapter 12, “Jus Post Bellum”
2. Solis (53 pages)
   Chapter 17, “Cyber Warfare,” pp. 673-703
   The Stuxnet Virus, pp. 706-709
   Chapter 18, “Attacks on Cultural Property,” pp. 708-722
   Property vs. Combatant Lives, pp. 722-724
5. Linker, “America’s Outrage over Russian Election Meddling Is a Blatant Double Standard,” The Week (3 pages)
6. Chesney, “Crossing a Cyber Rubicon? Overreactions to the IDF’s Strike on the Hamas Cyber Facility,” Lawfare (6 pages)
7. Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (3[1] pages)

Assignments
None

Lesson 13: Student Final Project Presentations and Discussion
Various

NOTE: GOVT 443 will NOT meet as a whole during the normal class time slot. Instead, you will meet with me and up to 3 other students during an hour-long session to present your work and discuss that of your colleagues.

Readings (0 pages total)
None

Assignments
1. DUE: Final Paper (7:19 PM on 21 April)
2. DUE: Final Project Presentation (Slides due by 12 PM on your presentation day)
Lesson 14: The ICC, the Crime of Aggression, & the Future of Conflict Justice / Course Wrap-up
Tuesday, 28 April

Readings (49 pages total)
4. Coalition for the International Criminal Court, Factsheet: The Crime of Aggression Within the Rome Statute of the International Criminal Court (6 pages)
5. Kersten, “Can the International Criminal Court Investigate the Violence in Gaza?” The Washington Post (3 pages)
6. Landau, “In Israel’s Attempt to Deflect ICC Prosecutor’s Call to Probe War Crimes, It Admitted to the Occupation,” Haaretz (6 pages)
7. Kennedy, “World Criminal Court Rejects Probe into U.S. Actions in Afghanistan,” NPR (3 pages)

Assignments
None

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