

“RULES OF WAR”

University of Massachusetts-Amherst Department of Political Science

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Course #: POLISCI 391E/791E | LS 391E-01
Term: Spring 2019
Time: 2:30-5:00
Day: Tuesday (PS) or Wednesday (LS)
Location: Machmer E-23
FB: <http://www.facebook.com/umass.rulesofwar>

COURSE DESCRIPTION

What rules govern the act of organized armed violence? Why has the international community outlawed blinding lasers and land-mines, but not nuclear weapons? Why would soldiers ever follow rules of war in conflict situations, and when are they most likely to break them? How are international security norms evolving in an age of failed states, civil war, mass refugee flows and global terrorism? Are the Geneva Conventions out of date when applied to these “new wars”?

This course evaluates the role of international norms and laws in regulating the practice of organized political violence. We will begin by considering how social scientists think analytically about the effects of ethical norms and international law on international policy-making. We next consider the origins and evolving dynamics of the laws of war, explore why political actors so often violate these rules and the conditions under which they follow them, and examine the political and ethical dilemmas involved in enforcing them. Specific thematic topics covered include weapons bans, prisoners and civilians, humanitarian intervention, targeted killings and war crimes tribunals.

COURSE READINGS

New York Times Digital Subscription: FREE FOR UMASS STUDENTS

Required for all:

Roy Gutman and David Reieff. 2007. [Crimes of War 2.0: What the Public Should Know](#) \$14.92
J. Martin Rochester, 2016. [The New Warfare: Rethinking Rules for an Unruly World](#) \$31.85
Ian Hurd. 2017. [How to Do Things With International Law](#) \$24.58

Recommended for all, required for doctoral students:

Ward Thomas. 2005. [The Ethics of Destruction: Norms & Force in International Relations](#). \$16.95

App to Download: [Fighter Not Killer](#)

The course readings come from a variety of sources. A few basic course-books (above) are available for purchase at Amazon.com. We’ll use one app, and we’ll post news to the Facebook page. Everything else is hyperlinked to this syllabus: scholarly journal articles may be obtained using the JSTOR database; scanned chapters from edited books are online; the remaining course readings are available online through the International Committee of the Red Cross database at

<http://www.icrc.org/eng> and a few other online sources. Finally, I may occasionally assign short readings culled from the media on specific current events to provide the context for in-class debates and exercises. Typically these will be posted to the Facebook page. Be sure to print all required readings for a given day and bring them with you.

Don't be fooled by the easy-reader texts for this class. As this is a 4-credit undergraduate class, the reading load for this course is heavy – many are scholarly articles published in political science journals. You are not required to read every word. You *are* expected to come to class having absorbed the basic substance of and prepared to raise questions about *all* required readings, and will be expected to incorporate at least five of the supplementary readings as well into your essay exams. Use your time strategically, but try to understand the main points of the readings as well as similarities and contrasts between the arguments made by different authors. You will tie them together into two scholarly essays this semester, and draw on them for two policy memos. I do not allow laptops in class, and most of the readings are online, so unless you have a tablet it is best that you print out hard copies of the readings for a reference and to assist in notation.¹ Otherwise, take good notes!

COURSE OBJECTIVES

If you are in POLSCI 391E/791E, you are enrolled in a slash course: an upper-graduate elective in which graduate students may also earn credit. This means there is a tiered set of course objectives in that section, since the purpose of doctoral study is to prepare for careers in the academy, while the purpose of undergraduate education in political science is to prepare for civic engagement and/or for careers in government, law, journalism, international affairs and public service as well. (If you are in LS 391E-01, you will use the same syllabus but may disregard the references to graduate students.)

Undergraduates: For undergraduates in both PS 391E and LS 391E-01, therefore, the emphasis is on developing substantive and information literacy in a complex area of international law and policy, as well as a more general grasp of the structure and impact of international law to inform future activity as a citizen and professional. Assignments are designed to test your fluency in resources around war law, to apply the law accurately to current policy debates, to think critically about the causal relationship between norms, law and world affairs, and to communicate ideas concisely and expressively for a policy or popular audience. You will also be exposed to an understanding of how political scientists gather data and assess causal claims about these relationships between law, policy and society, should you decide to study political science as a vocation – and in order to help you become a more critical consumer of such claims. In either section, the supplementary readings are optional for under-graduates, but the professor may still integrate them into the lecture.

Graduate Students: Masters students in PS791E are required to complete the undergraduate policy memos but write a research paper instead of an essay exam for their term project. Doctoral students in PS-791E are expected to become fluent in a substantive area of international relations and diplomatic history, as well as to develop an expertise in the social science literature in that area to date. This includes additional readings and a different kind of writing assignment. Doctoral-level

¹ I recommend reading both with a highlighter (to make visible the basic points of the articles and books for later re-skimming) and with a pen (for writing comments and questions to yourself in the margins).

assignments in this class are designed to develop your ability to evaluate and synthesize academic arguments in the specific area of war law in order to produce cumulative knowledge; to think critically about what is known and identify knowledge gaps relating to war law; to communicate social scientific findings to students and laypersons; and to write appropriately for an academic audience. Doctoral students enrolled in this section are required to meet three times a semester outside class with the professor to discuss the supplemental readings.

Students with Disabilities.

If you have a disability for which you are or may be requesting an accommodation, you are encouraged to contact me as well as Disability Services (413.545.0892) as early as possible in the term. Disability Services will verify your disability and determine reasonable accommodations for the course.

COURSE REQUIREMENTS AND GRADING

Grading: Your final letter grade is based on a 100 pt. scale. 98-100 = A+; 93-97.9 = A; 90-92.9 = A-; 87-89.9 = B+; 82-86.9 = B; 80-81.9 = B-; 70-79 = C; 60-69 = D; less than 60 = F.

Attendance: Attendance at all class meetings is required, hands down, for you to both get the most out of and contribute effectively to class. Things come up and many of you are juggling various challenges of life. It is your responsibility to **be communicative**. Excused absences due to important school-related activities must be negotiated in advance with the instructor. In the case of an absence due to an emergency beyond your control (such as your or your child's serious illness, or a death in the family), please notify me as far in advance as possible. For last-minute emergency notifications only, text my cell number: 413-559-1872. Missed classes *without* an excused absence negotiated in advance will be penalized by a reduction of one third a letter grade.

In-Class Participation (20 points): The class will be highly interactive. Class meetings will consist of (mostly short) interactive lectures, discussion over the readings, and small-group exercises. Engaged participation is essential both to your ability to absorb the information and to the effective functioning of the classroom environment. Each student has the obligation to participate him or herself, as well as to facilitate the participation of others.² Half of your participation grade will be based on the instructor's appraisal of the quality of your in class participation; and 10 points will be earned by passing five randomly-assessed reading quizzes. When these occur, it will always be in the first three minutes of class, so show up on time!

Facebook Group Participation (20 points): To keep us connected as a learning community (and allow interaction between the LS and POLISCI sections of this class), we will use a Facebook page for additional participation points. It may not seem like a lot of points, but these are easy A points that contribute to learning, and blowing this off adds up at the margins.

²At a subtle level, the latter involves listening with respect while peers speak, responding thoughtfully but critically to their comments (aka providing constructive feedback), and providing space, leadership and encouragement for those less inclined to take initiative. At a more obvious and easily gradable level, it means not dominating the discussion, interrupting, or reacting disrespectfully to others' opinions you may not share.

Facebook Group News Feed (6 pts). Each student is expected to post *non-fake news* from credible sources on a class-related topic (and some concise thoughts relating the story to material from class) *at least* two times during the semester, on a schedule. If it is your week to post, the deadline is Sunday at 5pm. Each of these is worth 3 points, with additional participation counted positively in the case of borderline grades.

Facebook Comments (14 pts). Students must also read/comment regularly on other students' posts for participation credit. (*At least 7* out of 15 calendar weeks of the semester the FB page should include a comment by you on something either the professor or another student has posted. This can and should include keeping an eye out for fake or non-credible claims / sources that get erroneously disseminated to the FB page, and gently calling the class's attention to them.) You can (and I will) track your online participation using the "search" function on the FB page. Completion of this online-discussion component of the class is worth 20 points of your grade. ***That's the difference between an A and a B- so don't blow this off!*** 😊

Writing Assignments (60 pts):

NOTE: PLAGIARISM WILL NOT BE TOLERATED ON ANY WRITTEN ASSIGNMENT.³ PLAGIARIZED WORK OF ANY KIND WILL RESULT *AT MINIMUM* IN AN **AUTOMATIC F FOR THE ASSIGNMENT.**

All students will turn in two mid-term assignments and a final writing project. The final requirements are different for undergraduate and graduate students. Unless otherwise noted, all writing assignments must be brought to class in hard copy at the start of class on the day they are due. *I will not accept late or electronic assignments unless a student has an excused absence negotiated well in advance.* All writing projects should be turned in spell-checked, proofread and with accurate citations.

Mid-Term Writing Assignments (40 pts): All students regardless of rank will turn in a series of short writing assignments throughout the semester so I can give feedback on writing/grade knowledge of content.

Mid-Term Essay (20 pts). All students must turn in a 3-5 pg single-spaced Mid-term Essay on *Three Kings* integrating the scholarly literature from the syllabus thus far (20 pts).

Policy Memos (20 pts). Undergraduate and Masters students will turn in two 2-page policy memos during the semester (10 pts each). Topics for the mid-term policy memo assignments will be handed out in advance and are due at the start of class two weeks later.

Synthetic Essays (20 pts). Doctoral students will turn in two 2-page 'synthetic essays' throughout the term (10 pts each). The goal is to make an argument engaging the range of scholarly literature in the module, putting the authors in conversation with one another around a topic of interest to the student. Students must choose two of three modules for this assignment.

³Plagiarism means attempting to pass off someone else's research or writing as your own. It is very easy to catch plagiarists, and I love to do it, so don't risk your grade or your academic reputation. University of Massachusetts' plagiarism policy can be found at: http://www.umass.edu/dean_students/codeofconduct/acadhonesty/

Term Writing Project (20 pts): **On the day of the final**, each student will turn in **one** of the following written assignments, depending on their status in the program *and/or choice*.⁴ All term writing projects will be evaluated based on their intellectual merit, including: originality, analytical logic and consistency, and writing style (which should be scholarly, expressive and concise). For additional information on how to craft a scholarly argument, see Johnson, Teresa Pelton. 1991. "Writing for International Security." *International Security* 16(2): 171-180, also available [here](#).

Undergraduate Take-Home Final Exam (20 pts). On the day of the final, undergraduate students *not* choosing the graduate option will turn in a 4-6 pg single-spaced cumulative essay exam. The question will pivot on a specific reading, but students' challenge is to develop an answer that allows them to engage the readings from the entire course, making an original argument about the laws of war and drawing on supporting evidence from case studies and current events. References to specific readings should be included in footnotes.

Graduate Independent Research Paper (20 pts). Each graduate student (MA or doctoral) must write an independent research paper (5000-8000 words is a good approximate length) on a class-related topic approved by the instructor. Graduate students are strongly encouraged to turn in a rough draft well in advance of the deadline. **Rough drafts will not be accepted for review after November 1.** Papers must follow one of the templates below and be developed through research that includes but goes beyond the readings in the syllabus. Students will present their research to class at the end of the semester.

Option 1. What Do We Know About X? What Do We Need to Know? Write a review essay making an argument about the state of scientific knowledge about a question regarding the rules of war. Examples of explanatory questions: "Why do some norms evolve but not others?" "Why do we see more war law violations in some conflicts than in others?" "How much impact do NGOs have on compliance with the rules of war?" "Why do soldiers rape?" You must begin with a research question of this type, but do *not* try to design a project answering the question yourself. Instead, identify and read at least 10-15 scholarly sources that have already attempted to answer it, and write an analytical paper comparing and contrasting different answers to the question. Structure your paper around your own argument about the state of the literature itself: which answer is most compelling and why, and/or where gaps lie in the literature. Conclude by explaining where further research is necessary.

Option 2. How Effective is Rule X? Identify a rule of war and write a paper describing how the 'regime' for that rule works, evaluating how well it works, and how it might be improved. Examples of topics: "How does the rule against territorial invasion work and how might it be strengthened?" "How well does the regime protecting civilians actually protect civilians?" "How does the regime on POWs work and why? Could it be strengthened and how?" A paper of this type must describe the existing rule, explain how it evolved, how it is enforced, the extent to which it is followed and whether it does what it is supposed to do. It

⁴ Undergraduates considering graduate school in political science may choose to complete the graduate rather than undergraduate final essay assignment with the permission of the instructor. Students wishing to do so must negotiate this option and select a topic by October 7.

should conclude with thoughts about whether and how the regime governing that set of behaviors could be strengthened.

For Undergraduates: Optional. Identify a concept in the laws of war that you would like to investigate this semester, and ask a specific question about that concept. Identify at least 20 sources related to that concept – five should be scholarly articles, but the rest can be videos, op-eds, news articles, datasets, speeches, or other artifacts related to your topic. Write an analytical paper about your concept that synthesizes both what you have learned from these different sources, and the literature from the class syllabus (including at least three of the starred readings). In other words, what argument would you make about the overall about the concept you are studying, in the context of what you have learned in class? Be sure to make an argument that answers your research question, and state it in the introduction of your paper and develop it throughout.

Extra Credit Options.

Calling out Fake News on Facebook. Students may earn 1 point of extra credit for each class-related “fake” or misleading news story they identify and post on the Facebook page *with a commentary explaining why it is fake or misleading*. Such posts should be labeled “FAKE NEWS ALERT” and include a post explaining why they are not credible. Students may earn 2 extra credit points if they catch the professor posting a misleading or fake news article. 😊

Edits to Wikipedia. While it is acceptable to use Wikipedia as a resource, students in this class should be aware that the pages covering the laws of war on Wikipedia are poorly developed. Up to 5 points of extra credit will be given to students who identify a Wikipedia page in need of development or correction and add an appropriate degree of additional text and citations. To complete this assignment, you will first need to copy and paste the text from the page you select and amend it in track changes so that I can check the veracity of your edits. You will then need to follow the Wiki-editing instructions on Wikipedia to submit your edits.⁵

TENTATIVE READING SCHEDULE

MODULE 1: THE SCIENCE OF THE LAWS OF WAR

Week 1, September 3: Introductions

Rules of War, Syllabus (*yes: it's required reading*)

Crimes of War, “Preface and Foreword”

Rochester, “Preface.”

Ian Hurd, “Introduction.”

*Alber, “[Scalping, Cannibalism, Torture and Rape: An Ethno-historical Analysis...](#)”

Supplementary:

Sweeney, “[How to Read for Grad School](#)”

⁵ If you are interested in this assignment, you will need to discuss this with me no later than **Friday, October 18.**

Week 2: September 10: How Does International Law Work? Case Study – Refugee Law

HANDOUT: Shirley Scott, selected chapters.

Adam Serwer, "[A Crime By Any Name](#)"

Lauren Sukin, "[The US Treats Migrants Worse Than Prisoners of War](#)

Alise Coen, "[International Order, The Rule of Law and US Departures From Refugee Protection](#)"

Supplementary:

Thomas, ch 1, "Ethics, Norms and the Study of International Relations"

Thomas, chapter 2: "Principle Meets Power"

Week 3: September 17: PROFESSOR AWAY – Three Kings in Class!

Thursday, September 19: Doctoral Student Meeting w/ Prof, Time/Location TBA

MODULE 2: DO THE LAWS OF WAR MATTER?

Week 3, September 24: The Geneva "Regime" + Three Kings Discussion

Complete "Fighter Not Killer" Level One

CoW, "IHL: An Overview," "International v. Internal Armed Conflict," "Common Article 3," p.251

*(Handout): Martha Finnemore, "Rules of War and Wars of Rules."

*Ari Kohen, et al. "[The Making of a Hero](#)"

Supplementary:

Giovanni Mantilla, "[Social Pressure and the Creation of Civilian Protection Rules](#)"

Tanisha Fazal, "[Homelands v. Minelands: Why Do Armed Groups Commit to the Laws of War?](#)"

Week 4, October 1: International Relations Theory and the Laws of War

Policy Memo One Handed Out.

Thucydides, "[The Melian Dialogue](#)"

Rochester, "The Changing Nature of War"

Hurd, ch. 3

*(Handout): Evangelista/Tannenwald, "Assessing the Effects and Effectiveness of the Geneva Conventions"

Jurkovich, [Blog Post at Duck of Minerva, "What Is... and Isn't... a Norm?"](#)

Supplementary:

Thomas, chapter 3, "International Assassination"

*James Morrow, [When Do States Follow the Laws of War?](#)

(optional but useful) *Michelle Jurkovich, "[What Isn't a Norm?](#)"

Monday, October 7.

Deadline for Undergrads to Select Research Paper Option

Week 6, October 8: Does the Ban On War Matter? – Case Study: Invasion of Panama

Policy Memo One Due/Synthetic Essay One Due

CoW, Jus ad Bellum and Jus in Bello"; "Just and Unjust War," "Humanitarian Intervention"

Rochester, "On Starting a War"

Hurd, ch. 4

Hathaway and Shapiro, "[Outlawing War? It Actually Worked.](#)"

*Vaughn Shannon, "[Norms are What States Make of Them.](#)"

Supplementary:

Week 7, October 15: NO CLASS – MONDAY SCHEDULE FOLLOWED

Thursday, October 17: Doctoral Student Meeting w/ Prof, Time/Location

TBA Friday October 18: Deadline to Initiate Extra Credit Wikipedia

Assignment. MODULE 3: ISSUES IN THE LAWS OF WAR

Week 8, October 22: Protecting Civilians: Case Study - Bosnia

Three Kings Essay Due

Rochester, ch. 3 “On Conducting a War”

CoW: “Civilian Immunity,” “Civilians, Illegal Targeting of,” “Indiscriminate Attack,” “Collateral Damage,” and “Combatant Status”

Civilians in Conflict, [“The People’s Perspective in War: Case Study – Bosnia”](#)

Supplementary:

*Charli Carpenter, [“Women and Children First: Gender, Norms and Humanitarian Evacuation in the Former Yugoslavia, 1991-1995”](#)

Week 9, October 29: Protecting Detainees: Case Study – ‘War on Terror’

Undergraduate Final Exam Topic Handed Out

ICRC Webpage on “Prisoners of War and IHL”

CoW, “Detention and Interrogation,” “Prisoners of War,” “Unlawful Combatants,” “Irregulars” “Torture” “Terrorism,” “Combatant Status”

Ian Hurd, ch 5

*Jamal Barnes, [“The War on Terror and the Battle for the Definition of Torture”](#)

Supplementary: *Helen Kinsella, [“Discourses of Difference: Civilians, Combatants and Compliance with the Laws of War”](#)

November 5: CLASS CANCELLED

Week 10, November 12: Means and Methods of War: Case Study – “New Weapons”

Second Policy Memo Handed Out

Required Readings:

Explore the ICRC webpage on [“Weapons”](#)

Ian Hurd, chapter entitled “The Rule of No Law.”

(Attached) Nick Lewer, “Non-Lethal Weapons: A Rose by Any Other Name”

Elvira Rosert and Frank Sauer, [“Prohibiting Autonomous Weapons”](#)

Supplementary Readings:

Tom Sauer and Mathias Raveraert, “The Potential of Stigmatizing Nuclear Weapons” (attached); Richard Price, [“Syria and the Chemical Weapons Taboo”](#); Margarita Petrova, [“Naming and Praising in Humanitarian Norm Development”](#)

Friday, November 15: Deadline for Graduate Research Paper Drafts (Optional).

Week 11: Enforcing the Rules: International Tribunals and Responsibility to Protect

Second Policy Memo Due

Rochester, Chapter 4, “On Concluding a War” and Chapter 7, “Applying Jus Post Bellum...”

*Rudolph, “[Constructing an Atrocities Regime: The Politics of War Crimes Tribunals](#)”

BBC, “[What Does the International Criminal Court Do?](#)”

Joshua Keating, “[ISIS and the ICC: Why It's So Hard to Prosecute ISIS](#)”

(Handout) *Louise Chappel, “Conflicting Institutions: Gender Justice at the ICC”

Supplementary: *Roland Paris, “[Structural Problems with R2P](#)”; *Adam Bower, “[Contesting the ICC: Bashir, Kenyatta and the Status of the Nonimpunity Norm in World Politics](#)”

Thursday, November 20: Doctoral Student Meeting w/ Prof, Location/Time TBA

Week 12, November 26-27: NO CLASS - THANKSGIVING

Week 13, December 3: Student Presentations | Review

Final Synthetic Essays Due

Final Exam Handed Out.

Rochester, Chapter 8, “The Future of War, Peace and Law”

Ian Hurd, final chapter.

Week 14: December 10: *Final Exams or Research Papers Due in Class*