



Course Syllabus
POLI 543 L01/643 L01 – Law and Armed Conflict
Department of Political Science, Faculty of Arts
University of Calgary
Fall Term 2018

Instructor: Dr. Maureen S. Hiebert

Office Telephone:

403 220-5633

Office Hours:

Mondays 2:30pm – 3:30pm, Thursdays 11:00am – 12:00noon

Social Sciences, Room 722

or by appointment

e-mail

maureen.hiebert@ucalgary.ca

Class Time and Location

Wednesdays 12:00noon – 2:45pm, SS729

Prerequisite (POLI 543 only): POLI 343 or POLI 483

Website: <http://d2l.ucalgary.ca>

COURSE DESCRIPTION AND OBJECTIVES

In this course we will examine key texts and topics concerning the development, conceptualization, codification, and practical application of the laws of armed conflict. The course will begin with an historical overview of the customary laws of war in the ancient and Medieval eras and the evolution and eventual codification of these laws beginning in the mid-nineteenth century through to the contemporary period. This section will include an on-going analysis of how this process of law- generation and development paralleled changes in the means and methods of warfare as well as the advent of human rights and international criminal law. Part II examines the question of when the laws of armed conflict do and do not apply to the use of armed force, key legal principles, laws concerning protected and non-protected persons (civilian and military) and the means and methods of warfare. We then examine what constitutes war crimes and detail the legal responsibilities of commanders and their subordinates. Finally, we look at emerging challenges to LOAC such as cyber warfare and autonomous weapons systems. By the end of the course students will have a grasp of the legal principles underpinning humanitarian law, the content of these laws, the practicalities of applying

(or not) the laws governing armed conflict, the use of international criminal law to deter and punish wrong-doing, and more broadly, the complex interplay between law, international politics, and military operations.

REQUIRED TEXTS AND READINGS

There are four required texts for this course. They are available for purchase at the University of Calgary Book Store. All other readings are available in the stacks or on-line through the University of Calgary Library.

Lindsay Moir, *The Law of Internal Armed Conflict* (Cambridge University Press, 2002).

Gary D. Solis, *The Law of Armed Conflict: International Humanitarian Law in War*, Second Edition (Cambridge University Press, 2016).

Theodor Meron, *Henry's Wars and Shakespeare's Laws: Perspective on the Law and War in the Later Middle Ages* (Clarendon Press, 1993).

This book is also available on-line through Oxford Scholarship On-line at: <http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780198258117.001.001/acprof-9780198258117?rskey=rEeLrv&result=3>

John Fabian Witt, *Lincoln's Code: The Laws of War in American History* (Free Press, 2012).

COURSE REQUIREMENTS

1. Participation (20% of final grade)

Since the class is a seminar, it is imperative that students come to each class having read all of the readings and prepared to discuss the readings in detail. Assessment of student participation will be based on both the quality and quantity of students' interventions, with emphasis placed on the ability of the student to show that they have read all of the assigned readings for the week.

2. Papers (65% of final grade)

a) Short Papers (2 x 15%)

Each student must write two short papers.

POLI 543 Students: maximum 2000 words.

POLI 643 Students: maximum 3000 words.

Each paper will be based on all of the assigned readings for one week. These short papers should not simply summarize the readings, but rather should draw out the common themes, locate them in the context of the study of law and armed conflict, and evaluate their contributions both to the specific topic as well as the broader debates in humanitarian law.

POLI 543 and POLI 643 students should try to answer the following questions:

(i) what is the main theoretical or practical issue at stake? (ii) what is the main contribution of each author and (iii) how does each reading contribute to our knowledge of LOAC and its application in the real world?

POLI 643 students should **also** examine (i) whether or not we learned something from the readings that we didn't already know, (ii) evaluate what kind of evidence is used, and (iii) assess the reliability and validity of the conclusions drawn by the authors.

Short papers are **due** via the Dropbox on D2L **by 11:59am on the day the readings analyzed in the paper are discussed in class**. Please use the following file naming format: your last name, paper number, course number - e.g. Hiebert1POLI543 (or 643); Hiebert2POLI543 (or 643).

b) Long Paper (1 x 35%): due Friday, December 7, 2018 (Week 13)

Each student must also write a research paper.

POLI 543 Students: maximum 4500 words.

POLI 643 Students: maximum 6000 words.

Students will write a research paper on a topic related to some aspect of law and armed conflict selected by the student in consultation with the professor.

POLI 543 students are expected to include a (i) clear research question and (ii) thesis statement in the introduction and to (iii) provide sufficient evidence to illustrate their case study (or cases if doing a comparative analysis) and arguments.

POLI 643 students are expected to write a more detailed paper with a (i) clearly defined research question and (ii) analytical framework, (iii) a more extensive empirical case study (or cases if doing a comparative analysis) in which the analytical framework is tested/illustrated, and (iv) use a wider variety and number of sources.

The long paper is **due** via the Dropbox on D2L by **11:59pm on the due date**. Please use the following file naming format: your last name, paper number 3, course number - e.g. Hiebert3POLI643 (or 543).

3. Mock Conference Presentation (15% of final grade): November 28 and December 5, 2018 (Weeks 12 and 13)

The last two weeks of the course will be taken up with student presentations of their long papers. These presentations will take the form of a mock academic conference in which students present their long research paper on a panel with other students presenting on similar themes. Each presentation will be approximately 15 minutes in length.

Writing Statement:

Written assignments are often required in Political Science courses, including this one. The quality of writing skills, including but not limited to such elements as grammar, punctuation, sentence structure, clarity, citation, and organization, will be taken into account in the determination of grades. Students are encouraged to make use of the services offered through Writing Support Services in the Student Success Centre (3rd floor of the Taylor Family Digital Library) or at <http://www.ucalgary.ca/ssc/writing->

[support.](#)

LATE PENALTY: -5% per day including weekends.

GRADING SCALE

A+	95–100	B+	77–79	C+	67–69	D+	57–59
A	85–94	B	73–76	C	63–66	D	50–56
A–	80–84	B–	70–72	C–	60–62	F	0–49

SCHEDULE OF TOPICS AND REQUIRED READINGS *SUBJECT TO CHANGE*

WEEK 1: INTRODUCTION TO THE COURSE

September 12

Readings (optional):

Gary D. Solis, *The Law of Armed Conflict: International Humanitarian Law in War* (Cambridge University Press, 2016), chapter 1, (p. 3 - top of p. 31 only).

PART I: THE HISTORICAL AND PHILOSOPHICAL EVOLUTION OF THE LAWS OF ARMED CONFLICT

WEEK 2: LAW AND WAR IN THE ANCIENT WORLD

September 19

Readings:

Adriaan Lanni, “The Laws of War in Ancient Greece”, *Law and History Review*, Fall 2008, Vol. 26, No. 3, pp. 469-489.

M. D. Goodman and A. J. Holladay, “Religious Scruples in Ancient Warfare”, *Classical Quarterly*, Vol. 36, No. 1, 1986, pp. 151–171.

Peter Krentz, “Fighting by the Rules: The Invention of the Hoplite Agon”, *Hesperia*, Vol. 71, No. 1, 2002, pp. 23-39.

Gary D. Solis, *The Law of Armed Conflict: International Humanitarian Law in War* (Cambridge University Press, 2016), *Hellenica Book II*, by Xenophon, (pp. 31-32).

Thucydides, *History of the Peloponnesian War*, 5.84–116: Melian Dialogue (numerous translations available on-line).

WEEK 3: MEDIEVAL AND EARLY MODERN REGULATION OF WARFARE

September 26

Readings:

Theodor Meron, *Henry's Wars and Shakespeare's Laws: Perspectives on the Law and War in the Later Middle Ages* chapters 1-6 (pp. 1-130), chapter 8 (pp.142-153).

WEEK 4: HUMANITARIAN LAW IN THE ERA OF MECHANIZED AND TOTAL WAR

October 3

Readings:

John Fabian Witt, *Lincoln's Code: The Laws of War in American History* (Free Press, 2012), chapter 6 (pp. 170-196), chapter 8 (pp. 220-250).

Gary D. Solis, *The Law of Armed Conflict: International Humanitarian Law in War* (Cambridge University Press, 2016), chapters 2–3, (pp. 42–155).

WEEK 5: CONTEMPORARY LAW AND ARMED CONFLICT: INTRA-STATE CONFLICTS, "MOOTW," AND THE "GLOBAL WAR ON TERROR"

October 10

Readings:

Adam Roberts, "The Laws of War: Problem of Implementation in Contemporary Conflict", *Duke Journal of Comparative and International Law*, Vol. 6, No. 11, 1995, pp. 11-78.

Ganesh Sitaraman, "Counterinsurgency, the War on Terror, and the Laws of War," *Virginia Law Review*, Vol. 95, No. 7, 2009, pp. 1745–1839.

PART II: THE LAWS OF ARMED CONFLICT: THEORY, PRACTICE, AND PUNISHMENT

WEEK 6: FORMS OF ARMED CONFLICT AND THE APPLICABILITY OF LAW

October 17

Readings:

Gary D. Solis, *The Law of Armed Conflict: International Humanitarian Law in War* (Cambridge University Press, 2016), chapter 5, (pp. 159–199).

Lindsay Moir, *The Law of Internal Armed Conflict* (Cambridge University Press, 2002) chapters 1–3, pp. (1–132).

WEEK 7: LAW AND THE CONDUCT OF HOSTILITIES I: PEOPLE (COMBATANTS, NON-COMBATANTS, POWS)

October 24

Readings:

Gary D. Solis, *The Law of Armed Conflict: International Humanitarian Law in War* (Cambridge University Press, 2016), chapters 6–7 (pp. 200-327) (continued next page...)

Lindsay Moir, *The Law of Internal Armed Conflict* (Cambridge University Press, 2002) chapter 5, (pp. 193-231).

WEEK 8: LAW AND THE CONDUCT OF HOSTILITIES II: METHODS, MEANS, WEAPONS

October 31

Readings:

Gary D. Solis, *The Law of Armed Conflict: International Humanitarian Law in War* (Cambridge University Press, 2016), chapters 12–13 (pp. 474–534), chapter 19 (pp. 732-756).

International Court of Justice, *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion of 8 July 1996 (available at: <http://www.icj-cij.org/docket/files/95/7497.pdf>).

WEEK 9: LEGAL OBLIGATIONS IN ARMED CONFLICT: WAR CRIMES, LAWFUL ORDERS, AND COMMAND RESPONSIBILITY

November 7

Readings:

Gary D. Solis, *The Law of Armed Conflict: International Humanitarian Law in War* (Cambridge University Press, 2016), chapters 8-10 (pp. 328-456).

MID-TERM BREAK: NO CLASS (NOVEMBER 11-17)

WEEK 10: LOAC AND THE EMERGING BATTLEFIELD: CYBER WARFARE, DRONES, AND AUTONOMOUS

November 21

Readings:

Gary D. Solis, *The Law of Armed Conflict: International Humanitarian Law in War* (Cambridge University Press, 2016), chapter 17, (pp. 673-709), chapter 14, (pp. 535-568).

Noel Sharkey, “The Evitability of Autonomous Robot Warfare,” *International Review of the Red Cross*, Vol. 94, No. 886, Summer 2012, pp. 787-799.

Heather M. Roff, “The Strategic Robot Problem: Lethal Autonomous Weapons in War,” *Journal of Military Ethics*, Vol. 13, No. 3, 2014, pp. 211-227.

Kenneth Anderson, Raniel Reisner, and Matthew Waxman, “Adapting the Law of Armed Conflict to Autonomous Weapon Systems,” *International Law Studies*, U.S. Naval War College, Vol. 90, 2014, pp. 386-411.

WEEK 11: MOCK CONFERENCE: PANELS I & II

November 28

WEEK 12: MOCK CONFERENCE: PANELS III & IV

December 5

December 7 **LONG PAPER DUE TO D2L AT 11:59PM****IMPORTANT POLICIES AND INFORMATION****Absence From a Mid-term Examination:**

Students who are absent from a scheduled term test or quiz for legitimate reasons (e.g. illness with the appropriate documentation) are responsible for contacting the instructor via email within 48 hours of the missed test to discuss alternative arrangements. A copy of this email may be requested as proof of the attempt to contact the instructor. Any student who fails to do so forfeits the right to a makeup test.

Deferral of a Final Examination:

Deferral of a final examination can be granted for reasons of illness, domestic affliction, and unforeseen circumstances, as well as to those with three (3) final exams scheduled within a 24-hour period. Deferred final exams will not be granted to those who sit the exam, who have made travel arrangements that conflict with their exam, or who have misread the examination timetable. The decision to allow a deferred final exam rests not with the instructor but with Enrolment Services. Instructors should, however, be notified if you will be absent during the examination. The Application for Deferred Final Exam, deadlines, requirements and submission instructions can be found on the Enrolment Services website at <https://www.ucalgary.ca/registrar/exams/deferred-exams>.

Appeals:

If a student has a concern about the course or a grade they have been assigned, they must first discuss their concerns with the instructor. If this does not resolve the matter, the student then proceed with an academic appeal. The first step in an academic appeal is to set up a meeting with the Department Head. Appeals must be requested within 15 days of receipt of the graded assignment.

University Regulations:

Students are responsible for familiarizing themselves with the University policies found in the Academic Regulations sections of the Calendar at www.ucalgary.ca/pubs/calendar/current/academic-regs.html.

Student Accommodations:

Students seeking an accommodation based on disability or medical concerns should contact Student Accessibility Services; SAS will process the request and issue letters of accommodation to instructors. For additional information on support services and accommodations for students with disabilities, visit www.ucalgary.ca/access/.

Students who require an accommodation in relation to their coursework based on a protected ground other than disability should communicate this need in writing to their Instructor.

The full policy on Student Accommodations is available at <http://www.ucalgary.ca/policies/files/policies/student-accommodation-policy.pdf>.

Plagiarism And Other Forms Of Academic Misconduct:

Academic misconduct in any form (e.g. cheating, plagiarism) is a serious academic offence that can lead to disciplinary probation, suspension or expulsion from the University. Students are expected to be familiar with the standards surrounding academic honesty; these can be found in

the University of Calgary calendar at <http://www.ucalgary.ca/pubs/calendar/current/k-5.html>. Such offences will be taken seriously and reported immediately, as required by Faculty of Arts policy.

Freedom of Information and Protection of Privacy (FOIP):

FOIP legislation requires that instructors maintain the confidentiality of student information. In practice, this means that student assignment and tests cannot be left for collection in any public place without the consent of the student. It also means that grades cannot be distributed via email. Final exams are kept by instructors but can be viewed by contacting them or the main office in the Department of Political Science. Any uncollected assignments and tests meant to be returned will be destroyed after six months from the end of term; final examinations are destroyed after one year.

Evacuation Assembly Points:

In the event of an emergency evacuation from class, students are required to gather in designated assembly points. Please check the list found at www.ucalgary.ca/emergencyplan/assemblypoints and note the assembly point nearest to your classroom.

Faculty of Arts Program Advising and Student Information Resources:

For program planning and advice, visit the Arts Students' Centre in Social Sciences 102, call 403-220-3580 or email artsads@ucalgary.ca. You can also visit arts.ucalgary.ca/advising for program assistance.

For registration (add/drop/swap), paying fees and assistance with your Student Centre, contact Enrolment Services at (403) 210-ROCK [7625] or visit their office in the MacKimmie Library Block.

Important Contact Information:

Campus Security and Safewalk (24 hours a day/7 days a week/365 days a year)
Phone: 403-220-5333

Faculty of Arts Undergraduate Students' Union Representatives

Phone: 403-220-6551

Email: arts1@su.ucalgary.ca, arts2@su.ucalgary.ca, arts3@su.ucalgary.ca,
arts4@su.ucalgary.ca

Students' Union URL: www.su.ucalgary.ca

Graduate Students' Association

Phone: 403-220-5997

Email: ask@gsa.ucalgary.ca

URL: www.ucalgary.ca/gsa

Student Ombudsman

Phone: 403-220-6420

Email: ombuds@ucalgary.ca

Campus Mental Health Resources:

SU Wellness Centre: <http://www.ucalgary.ca/wellnesscentre/>

Campus Mental Health Strategy: <https://www.ucalgary.ca/mentalhealth/>