

“RULES OF WAR”

University of Massachusetts-Amherst Department of Political Science

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Course #: POLISCI 391E/791EE
Term: Spring 2016
Time: 2:30-5:00
Day: Wednesday
Location: Machmer W-27
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 Are the Geneva Conventions out of date when applied to these “new wars”?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 ethical norms in regulating the practice of organized political violence. We will begin by considering how political 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, protection of women, prisoners and civilians, humanitarian intervention, targeted killings and war crimes tribunals.

COURSE READINGS

New York Times Digital Subscription: ***FREE FOR UMASS STUDENTS***

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

Books to Acquire: Michael Byers. 2005. *War Law: Understanding International Law and Armed Conflict*; Roy Gutman and David Reieff. 2007. *Crimes of War 2.0: What the Public Should Know*.

The course readings come from a variety of sources. A couple of basic course-books (above) are available for purchase at Amazon.com. We’ll use one app, and we’ll post lots of 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 or emailed several days prior to the class session. 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 – most 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* readings. Use your time strategically, but try to understand the main points of all the readings as well as similarities and contrasts between the arguments made by different authors. You will be expected to 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

COURSE OBJECTIVES

This is 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, since the purpose of graduate study in political science is generally 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.

For undergraduates, 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, should you decide to study political science as a vocation – and in order to help you become a more critical consumer of such claims.

Graduate students 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. Graduate-level assignments in this class are designed to develop your ability to evaluate and synthesize academic arguments 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.

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.

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).

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. I know things come up and many of you are juggling various challenges of life. It's your responsibility to be communicative. Excused absences due to school-related activities must be negotiated in advance with the instructor. Only important things qualify. 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 notifications, note my cell number: 412-559-1872. 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!

Online Participation (20 points): To keep us connected as a learning community, we will use a Facebook page for additional participation points. This will include two components:

1) *Online Homework Threads (5 pts).* Some weeks, students will be assigned a homework project that needs to be completed and turned in online. Homework will be posted online using the Facebook Group; responses to homework will be turned in as comments (or replies to others' comments) on the homework thread. Timely completion of these assignments is worth 5 points of your grade. 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.

2) *Facebook Group News Feed and Comments Function (15 pts).* Each student is expected to post news (and thoughts) on a class-related topic *at least* three times during the semester, on a schedule. If it your week to post, the deadline is Sunday at 5pm. Students must also read/comment regularly on other students' posts for participation credit. (At least 9 out of 15 calendar weeks of the semester the FB page should include a comment by you on something another student has posted.) You will turn in evidence of your online participation, in hard copy, at the end of the term, by using the "search" function on the group FB page and printing screenshots of your posts/comments. Completion of this online-discussion component of the class is worth 15 points of your grade. That's the difference between an A and a B- so don't blow this off either. ☺

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.

Writing Assignments (60 pts):

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

All students will turn in a series of mid-term assignments and a final essay. The 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 (30 points): All students turn in a series of short writing assignments throughout the semester so I can give feedback on writing/grade knowledge of content.

Undergraduate and MA students must turn in a) a mid-term essay on the film *Three Kings* (20 pts) b) 2 of three 2-page policy memos during the semester (10 pts). Topics for the mid-term policy memo assignments will be handed out one week in advance and are due at the start of class the following week. Students who write all three policy memos may drop their lowest grade. ***Doctoral students*** are required instead to turn in 3 short (3 pg single-spaced) integrative “review essay”- style critical reading responses making a single specific argument about the set of readings covered in each module. These are due at the end of each module and are worth 10 points each.

Term Writing Project (30): **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. 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 exam question will be handed out one week in advance. Students must develop an answer that allows them to engage on 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. 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, though not required, to turn in a rough draft well in advance of the deadline. **Rough drafts will not be accepted for review after April 6.** Papers must follow one of the three templates below and be developed through research that goes beyond the readings in the syllabus.

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/

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 much negotiate this option and select a topic by February 17.**

Option 1. What Do We Know About X? Conduct a literature review on what is known already by scholars about the answer to a specific explanatory question about 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?” “What is the relationship between international law and norms?” 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 the literature that has already attempted to answer it, and write an analytical paper comparing and contrasting different answers to the question, then make your own argument about which answer is most compelling and why, or where gaps lie in the literature.

Option 2. To What Extent Does X Rule Work? Identify a rule of war and write a paper about how the regime for that rule works and how it might be improved. Examples of topics: “How does the biological weapons regime 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 should conclude with thoughts about whether and how the regime governing that set of behaviors could be strengthened.

Option 3. The Laws of War in Opinion and Reality. Select a concept in the laws of war and identify an appropriate text dataset for exploring representations of that concept in popular or political discourse. (Any kind of written data will suffice: op-eds, news articles, blog posts, Wikipedia pages, political speeches, justifications for political actions, but the student needs to show that he or she has gathered an appropriate sample for the purposes of his or her project.) The paper must involve comparing political understandings of war law with the law itself, as laid down in the treaties themselves and explained in the class readings.

Extra Credit Options.

Letters to the Editor. Extra credit may be earned by publishing letters to the editor on class-related topics. A letter published in a local Amherst city paper earns 1 point of extra credit; a letter published in a national venue such as the New York Times or Washington Post or *Foreign Policy* will receive 2 points. Students should submit a copy of the printed letter to the professor in order to receive the points.

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. If you are interested in this assignment, you will need to discuss this with me no later than **Friday, March 4.**

TENTATIVE READING SCHEDULE

MODULE 1: STUDYING NORMS AND LAWS AS A SOCIAL SCIENTIST

January 20: Introductions

Rules of War, Syllabus

Crimes of War, “Preface and Foreword” and “IHL: An Overview.”

Byers, Introduction.

Thucydides, “[The Melian Dialogue](#)”

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

January 27: Rules of War 101

CoW: “International v. Internal Armed Conflict,” “Common Article 3,” p. 251

CoW, “IHL: An Overview,” “Jus ad Bellum and Jus in Bello”; “Just and Unjust War”

Steven Ratner, “[Think Again: Geneva Conventions](#)”

Byers, Part 1 and 2; Charter of the UN, Appendix.”

Tanisha Fazal, “[Why States no Longer Declare War](#)”

Bussman and Schneider, “[You Might Think The Geneva Conventions Protect Civilians...](#)”

February 3: The History and Sociology of the Geneva Regime

Byers, Part 4.

(ICRC Website): “[International Humanitarian Law: Answers to Your Questions](#)”

Martha Finnemore, “[Rules of War and Wars of Rules.](#)”

Bussman and Schneider, “[A Porous Humanitarian Shield: The Laws of War, the Red Cross, and the Killing of Civilians.](#)”

February 10: Studying International Norms and Laws Like a Political Scientist

Morrow, “[When Do States Comply With the Laws of War?](#)”

Ward Thomas, “[Norms and Security: The Case of International Assassination](#)”

Charli Carpenter, “[Women and Children First: Gender, Norms and Humanitarian Evacuation...](#)”

Sarah Percy, “[Mercenaries: Strong Norm, Weak Law](#)”

Three Kings Screening, Thompson Hall, Room/Time/Day TBA

Friday, February 12: First Integrative Essay Due for Doctoral Students

MODULE 2: THEMATIC ISSUES IN HUMANITARIAN LAW

February 17: Means and Methods of War

Three Kings Midterm Due

First Policy Memo Assignment Handed Out

CoW, “Biological Weapons,” “Chemical Weapons,” “Nuclear Weapons,” “Weapons”

ICRC Webpage, “Weapons and IHL”

ICRC Webpage, “Means and Methods of Warfare”

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

Vik Kanwar, “[Post-Human Humanitarian Law](#)”

Tannenwald, “[The Nuclear Taboo: The US and the Non-Use of Nuclear Weapons](#)”

February 24: Protecting Detainees

First Policy Memo Assignment Due

ICRC Webpage on “Prisoners of War and IHL”

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

Okimoto, “The Protection of Detainees in International Humanitarian Law”

Mark Danner, “Excerpts: *The Torture Memos*”

Lydia Wilson, “[What I Discovered by Interviewing Imprisoned ISIS Fighters](#)”

Geoffrey Wallace, “[Welcome Guests or Inescapable Victims?](#)”

March 2: Protecting Civilians

Second Policy Memo Assignment Handed Out

ICRC Page on “Civilians”

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

The People’s Perspectives: Civilian Involvement in Armed Conflicts, [Executive Summary](#)

Colin Kahl, “[In the Crossfire or in the Crosshairs?](#)”

Alexander Downes, “[Desperate Times, Desperate Measures](#)”

Friday March 4: Deadline to Initiate Extra Credit Wikipedia Assignment.

March 9: Women and the Rules of War

Second Policy Memo Assignment Due for Undergrads

Deadline to Initiate Wikipedia Extra Credit Assignment.

CoW, “Sexual Violence,” “Sexual Violence: Enslavement,” “Sexual Violence: Systematic Rape”

Helen Durham and Katie O’Byrne, “[Gender Perspectives on International Humanitarian Law](#)”

Heather Roff-Perkins, “[Gendering a War-Bot](#)”

Tuba Inal, *Looting and Rape in Wartime*, “Conclusion”

Dara Cohen and Elizabeth Wood, “[How To Counter Rape in War](#)” (op-ed); Cohen, “[Explaining Rape During Civil War](#)”

Friday, March 11, 5pm: Second Integrative Essay Due for Doctoral Students

March 16: NO CLASS – SPRING BREAK

MODULE 3: THE POLITICS OF WAR LAW

March 23: Implementing the Rules in Policy Circles: Case Study – Drones/Targeted Killings

Third Policy Memo Handed Out

Film Before Class: Unmanned

CoW, “Executions, Extrajudicial”

Shannon, “[Norms are What States Make of Them.](#)”

Charlie Savage, “[Targeted Killing](#)”

Thomas Gregory, “[Drones, Targeted Killings and the Limitations of International Law](#)”

Allen Buchanan and Robert Keohane, “[Towards a Drone Accountability Regime](#),” and Rejoinder by “[Accountability for Targeted Drone Strikes?](#)” by Neta Crawford.

Stephanie Carvin, “[The Trouble With Targeted Killing](#)”

March 30: Implementing the Rules in the Field: Case Study – The Kill Team

Third Policy Memo Due

Film in Class: The Kill Team

CoW, “Training in Humanitarian Law”

ICRC, “[The Roots of Behavior in War](#)”

Konnikova, "[The Real Lesson of the Stanford Prison Experiment](#)" (short)

Albert Bandura, "[The Role of Selective Disengagement in Terrorism and Counter-terrorism](#)"

Manekin, “[Violence Against Civilians in the Second Intifada](#)”

Ronald Arkin, “[The Case for Ethical Autonomy in Unmanned Systems](#)”

April 6: Enforcing the Rules: Responsibility to Protect and Punish

Deadline for Graduate Research Paper Drafts (Optional).

CoW, “War Crimes, Categories of” and “Humanitarian Intervention”

Responsibility to Protect:

Byers, Chapters 8 and 9

Jon Western and Joshua Goldstein, "[Humanitarian Intervention Comes of Age](#)"

Benjamin Valentino, "[The True Costs of Humanitarian Intervention](#)"

Roland Paris, "[R2P and the Structural Problems of Preventive Humanitarian Intervention.](#)"

War Crimes Tribunals:

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 for War Crimes](#)"

April 13: Student Research Presentations and Review

Finals Handed Out

Friday, April 15, 5pm: *Third Integrative Essay Due for Doctoral Students*

April 27: Conclusion

Final Exams or Research Papers, and FB Hard Copies Due.

Byers, “Epilogue.”