

Syllabus – Law 211: Law of Armed Conflict

Antonin Scalia Law School – Spring 2024

Prof. Todd E. McDowell

Brief Course Description: The Law of Armed Conflict course provides students with an introduction and overview of the law of armed conflict (LOAC) and answers key questions like: Why do we have this body of law? How does it apply? When may a country use force against another country? Are there limits to the kinds and types of force used in armed conflict? Who can be targeted and when? Detained? What role does policy play? How does technology change our conceptions of accountability? The course will be delivered through a variety of methodologies that seek to maximize the learning experience, with an emphasis on scenario-based learning from different perspectives of those who encounter LOAC, including the armed forces, non-state actors, nongovernmental organizations, and civilians.

Grading: Grades for the course will be based on a written final examination and your class participation consistent with GMU policy. Students are expected to come to class having done the assigned readings and to be prepared to discuss topical issues related to the course material. Barring unforeseen circumstances, absences should be coordinated in advance with the instructor.

Final Exam: The final exam will provide students with essay questions based on real world events or relevant matters. Students will be expected to demonstrate their knowledge of LOAC. The examination will be open book, open notes, and the essay responses will be structured as legal advice to a client seeking advice on the topic.

Generative Artificial Intelligence (AI) Policy – Generative AI cannot be used during the final exam. At your discretion, you may use AI tools to aid in your preparation for class and for review purposes throughout the semester.

Student Learning Outcomes: By the end of the course students should be able to:

- Identify and apply the five LOAC principles in armed conflict scenarios however characterized.
- Understand the classification of personnel in the context of LOAC.
- Understand how the means and methods of war are regulated by LOAC.
- Explain how LOAC is enforced.
- Apply LOAC concepts appropriately in scenario-based issue analysis.

Class Details: Mondays: 8:10 pm – 10:10 pm.

Faculty Contact Information:

Prof. McDowell Email: tmcdowe@gmu.edu

Office Hours: By appointment only.

Course Materials: The primary source for readings for this class will be the Department of Defense Law of War (LoW) Manual, June 2015 (updated December 2016) available at <https://dod.defense.gov/Portals/1/Documents/pubs/DoD%20Law%20of%20War%20Manual%20>

Course Assignments:

Class 1 – January 22 - Introduction to the Law of War

Topics: Course Overview, DoD Law of War Manual, Historical context

Reading: DoD LoW Manual, Chapter I, Sections 1.1 - 1.5

Class 2 – January 29 – Legal Foundations and Principles

Topics: Treaties, Customary International Law, Jus ad Bellum

Reading: Chapter I, Sections 1.7 - 1.11

Class 3 – February 5 – Core Principles of the Law of War

Topics: Military Necessity, Humanity, Proportionality, Distinction, Honor

Reading: Chapter II, Sections 2.1 - 2.6

Class 4 – February 12 – Application of the Core Principles in Various Contexts

Topics: Situations and Parties, Relationship Between Jus in Bello and Jus ad Bellum

Reading: Chapter III, Sections 3.2 - 3.9

Class 5 – February 19 – Protection of Persons in War

Topics: Combatants, Non-Combatants, Rights and Duties

Reading: Chapter IV, Sections 4.2 - 4.8

Class 6 – February 26 – Conduct of Hostilities

Topics: Protection of Civilians, Attacks, Proportionality, Military Objectives

Readings: Chapter V, Sections 5.1 - 5.10

March 4 *No Class* Spring Break

Class 7 – March 11 – Weapons and Warfare (Means and Methods)

Topics: Legality of Weapons, Prohibited and Lawful Weapons

Readings: Chapter VI, Sections 6.1 - 6.5

Class 8 – March 18 – Protection of Wounded, Sick, and Shipwrecked

Topics: Respect and Treatment, Roles of Medical Personnel

Readings: Chapter VII, Sections 7.1 - 7.5

Class 9 – March 25 – Detention and Treatment of POWs

Topics: Humane Treatment, Security Measures, Interrogation

Readings: Chapter VIII & IX, Sections 8.2 - 9.3

Class 10 – April 1 – Civilians in Armed Conflict

Topics: Protected Person Status, Treatment, Internment

Readings: Chapter X, Sections 10.1 - 10.5

Class 11 – April 8 – Implementation and Enforcement

Topics: National and International Mechanisms, Individual Responsibility

Readings: Chapter XVIII, Sections 18.1 - 18.5,

Class 12 – April 15 - Military Occupation, Cessation of Hostilities and Neutrality

Topics: When Occupation Law Applies, Protection of Occupied Population, Law of Neutrality, Non-Hostile Relations Between Belligerents

Readings: Chapter XI, XII, & XV, Sections 11.1 - 11.5, 12.1 - 12.4, 15.1 - 15.4

Class 13 – April 22 – Contemporary Challenges & Course Review

Topics: New technologies and the evolution of armed conflict, course review

Reading: Will be provided