

# LA3B3-15 The Laws of War

**23/24**

**Department**

School of Law

**Level**

Undergraduate Level 3

**Module leader**

Andrew Williams

**Credit value**

15

**Module duration**

10 weeks

**Assessment**

100% coursework

**Study location**

University of Warwick main campus, Coventry

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## Description

### Introductory description

This module studies the evolution and current practice of the laws of war (which is also referred to as International Humanitarian Law or the Law of Armed Conflict or jus in bello).

### Module aims

The module aims to develop:

1. a knowledge of the international legal principles regulating the conduct of armed conflict and a critical awareness of the context, origins and nature of the laws of war to acknowledge the colonial, gendered and exclusionary history of this component of international law
2. an appreciation of philosophical perspectives on these laws
3. an understanding of the principal institutional structures for the creation and implementation of the laws of war
4. an understanding of the key issues for further development of the law and of current initiatives for change;
5. an understanding of the different roles played by individuals and institutions in armed conflict and the various ways law impacts upon their work; and
6. an ability to apply the norms of international humanitarian law to specific case studies and be able to conduct research in the field of international humanitarian law

### Outline syllabus

This is an indicative module outline only to give an indication of the sort of topics that may be

covered. Actual sessions held may differ.

The module would be delivered to cover the following:

1. Mapping the history, philosophy and nature of the Laws of War as currently presented in international law – applying a critical examination of their origins and content and the exclusion and suppression of other voices and traditions regarding war (including examination of the militarization of societies)
2. The legal distinction made between the use of force and conduct within hostilities and between international and internal armed conflicts
3. The approach to the methods and weapons of war and the 'humanitarian' principle
4. The protection of civilians and the principle of distinction and proportionality
5. The treatment of Prisoners of war and detainees
6. Duties of 'occupying' powers

## **Learning outcomes**

By the end of the module, students should be able to:

- demonstrate detailed knowledge and understanding of the core texts of the laws of war
- apply various critical and philosophical perspectives to that knowledge and understanding
- interpret current and past conflicts in the context of this knowledge, understanding and critique and construct effective and coherent arguments relating to the laws of war accordingly

## **Indicative reading list**

Jeff McMahan Killing in war 2009

Helen Frowe Defensive killing 2018

Pablo Kalmanovitz, The Laws of War in International Thought 2020

Andrew Williams The Iraq abuse allegations and the limits of UK law (2018) Public Law

G. Ferry Oppression Through Protection: A Survey of Femininity in Foundational International Humanitarian Law (2016) Texts in Law and Inequality: A Journal of Theory and Practice

Gary Bass, Jus Post Bellum (2004) Philosophy & Public Affairs

N. Berman Privileging Combat? Contemporary Conflict and the Legal Construction of War (2004) Columbia Journal of Transnational Law

M. Wagner The Dehumanization of International Humanitarian Law: Legal, Ethical, and Political Implications of Autonomous Weapon Systems (2014) Vanderbilt Journal of Transnational Law

Victor Tadros Orwell's Battle with Britain: Vicarious Liability for Unjust Aggression (2014) Philosophy & Public Affairs

Mark A. Drumbl Reimagining child soldiers in international law and policy (2012)

Saba Bazargan The ethics of war: essays (2017)

## **Research element**

Students will be required to research specific areas of law for their assessments and in relation to group work that may be undertaken during the module

## **Interdisciplinary**

The historical and political contexts of the subject will be key components of study.

## **International**

The subject is focused on international law so has an inherent international quality

## **Subject specific skills**

Critical analysis  
Legal argument  
Research  
Oral presentation  
Writing

## **Transferable skills**

Oral and written advocacy  
Critical analysis  
Research

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## **Study**

### **Study time**

<b>Type</b>	<b>Required</b>
Lectures	9 sessions of 1 hour (6%)
Seminars	7 sessions of 1 hour (5%)
Private study	89 hours (59%)
Assessment	45 hours (30%)
Total	150 hours

### **Private study description**

Preparation for seminar/workshops and research for final assessment

## **Costs**

No further costs have been identified for this module.

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# Assessment

You must pass all assessment components to pass the module.

## Assessment group A

	<b>Weighting</b>	<b>Study time</b>
Report	100%	45 hours

Students will be required to write a policy brief that reports to an international organisation on the current state of an aspect of the laws of war and how it might be changed.

## Feedback on assessment

An outline and draft introduction will be the formative assessment on which students will receive tutor written feedback

Full written feedback will also be given on the final assessment

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# Availability

## Courses

This module is Optional for:

- Year 2 of ULAA-M130 Undergraduate Law
- ULAA-M300 Undergraduate Law
  - Year 2 of M300 Law
  - Year 3 of M300 Law
- ULAA-M105 Undergraduate Law (3 year) (Qualifying Degree)
  - Year 2 of M105 Law (3 year) (Qualifying Degree)
  - Year 2 of M105 Law (3 year) (Qualifying Degree)
  - Year 3 of M105 Law (3 year) (Qualifying Degree)
  - Year 3 of M105 Law (3 year) (Qualifying Degree)
- Year 2 of ULAA-M131 Undergraduate Law (4 Year)
- ULAA-M106 Undergraduate Law (4 year) (Qualifying Degree)
  - Year 2 of M106 Law (4 year) (Qualifying Degree)
  - Year 3 of M106 Law (4 year) (Qualifying Degree)
  - Year 4 of M106 Law (4 year) (Qualifying Degree)
- ULAA-M104 Undergraduate Law (Year Abroad)
  - Year 2 of M104 Law (Year Abroad)
  - Year 4 of M104 Law (Year Abroad)
- Year 2 of ULAA-M132 Undergraduate Law (Year Abroad)
- ULAA-M108 Undergraduate Law (Year Abroad) (Qualifying Degree)
  - Year 2 of M108 Law (Year Abroad) (Qualifying Degree)

- Year 2 of M108 Law (Year Abroad) (Qualifying Degree)
- Year 4 of M108 Law (Year Abroad) (Qualifying Degree)
- Year 4 of M108 Law (Year Abroad) (Qualifying Degree)
- Year 3 of ULAA-ML33 Undergraduate Law and Sociology
- Year 2 of ULAA-M133 Undergraduate Law with French Law
- Year 2 of ULAA-M10A Undergraduate Law with French Law (Qualifying Degree)
- Year 2 of ULAA-M134 Undergraduate Law with German Law
- Year 2 of ULAA-M10C Undergraduate Law with German Law (Qualifying Degree)
- Year 3 of ULAA-M110 Undergraduate Law with Humanities (3 Year)
- Year 2 of ULAA-M136 Undergraduate Law with Humanities (3 Year)
- Year 3 of ULAA-M113 Undergraduate Law with Humanities (4 Year) (Qualifying Degree)
- ULAA-M115 Undergraduate Law with Social Sciences (3 Year) (Qualifying Degree)
  - Year 2 of M115 Law with Social Sciences (3 year) (Qualifying Degree)
  - Year 2 of M115 Law with Social Sciences (3 year) (Qualifying Degree)
- UPHA-V7MW Undergraduate Politics, Philosophy and Law
  - Year 2 of V7MW Politics, Philosophy and Law
  - Year 2 of V7MW Politics, Philosophy and Law
  - Year 3 of V7MW Politics, Philosophy and Law
  - Year 3 of V7MW Politics, Philosophy and Law
- Year 4 of UPHA-V7MX Undergraduate Politics, Philosophy and Law (with Intercalated Year)

This module is Unusual option for:

- UPHA-V7MW Undergraduate Politics, Philosophy and Law
  - Year 2 of V7MW Politics, Philosophy and Law
  - Year 2 of V7MW Politics, Philosophy and Law
  - Year 3 of V7MW Politics, Philosophy and Law
  - Year 3 of V7MW Politics, Philosophy and Law

This module is Option list A for:

- Year 4 of ULAA-M10A Undergraduate Law with French Law (Qualifying Degree)
- Year 4 of ULAA-M10C Undergraduate Law with German Law (Qualifying Degree)
- Year 4 of ULAA-M113 Undergraduate Law with Humanities (4 Year) (Qualifying Degree)
- ULAA-M115 Undergraduate Law with Social Sciences (3 Year) (Qualifying Degree)
  - Year 3 of M115 Law with Social Sciences (3 year) (Qualifying Degree)
  - Year 3 of M115 Law with Social Sciences (3 year) (Qualifying Degree)

This module is Option list B for:

- ULAA-ML34 BA in Law and Sociology (Qualifying Degree)
  - Year 3 of ML34 Law and Sociology (Qualifying Degree)
  - Year 4 of ML34 Law and Sociology (Qualifying Degree)
- Year 5 of ULAA-ML35 BA in Law and Sociology (Qualifying Degree) (with Intercalated year)
- Year 4 of ULAA-ML33 Undergraduate Law and Sociology