New, high-tech weapons are celebrated for their ability to limit troop and civilian casualties, vilified for making war easier, and constantly compared favorably and unfavorably with human beings. They also raise a host of new legal questions, such as when a cyber-attack justifies commencing a war, or who should be held accountable for a war crime committed by a robot. In this reading group, we will discuss these and other novel legal, policy, and ethical issues presented by emerging weapons technologies.

The course is divided into three parts: (1) an introduction to the law of armed conflict, including *jus ad bellum, jus in bello*, the distinction between international and non-international armed conflicts, and the U.S. law of war; (2) a review of how new weapons technology has historically been regulated, including discussion of the legal review required for new weapons and when bans have and have not been effective; and (3) case studies of how specific new technologies—like drones, cyberwarfare, and autonomous weapon systems—challenge traditional understandings of the law of armed conflict. Short readings will be required for each week’s discussion; additional suggested readings are provided for those interested in exploring an issue at greater depth. Familiarity with international law generally is beneficial but not required. Participants are expected to complete all assigned readings in preparation for discussion. Additionally, per the Registrar’s requirements, all participants must attend at least fourteen hours of group meetings for credit.

Given the nascent character of much of this area, there is not only great need, but great opportunity to develop influential, publishable scholarship that can influence the field. Accordingly, should there be sufficient interest, we may devote the last two meetings to providing members of the group with feedback on ideas or drafts in a writing workshop style. Participants are not required to submit abstracts or papers, but the field is so fruitful that it is unlikely that anyone will consider the readings and not have an idea worth exploring and publishing.

Finally, those interested in this reading group are likely to also be interested in the two Foreign Affairs in the Internet Age (FAIA) panel discussions on Monday, February 16, 2015. There will be a panel on unresolved issues in the law of cyberwarfare and one on how to best regulate autonomous weapon systems.

**Week 1: Emerging Technology and the Law of Armed Conflict**

**Part I: Introduction to International Humanitarian Law**

These class periods will review basic interlocking concepts of international humanitarian law. This background will help clarify why aspects of different new technologies challenge both specific legal principles and the law of war as a whole.

**Week 2: Jus ad Bellum – The Law Governing the Commencement of Hostilities**

1. UN Charter, art. 2 & Chap. 7.

Further Readings


**Week 3: Jus in Bello – The Law Governing the Conduct of Hostilities**


Further Readings

Week 4: International and Non-International Armed Conflicts


Further Readings

1. First and Second Protocols Additional to the Geneva Conventions of August 12, 1949.

Week 5: U.S. Foreign Affairs Law and National Security Issues

1. U.S. Constitution Arts. I & II

Further Readings

Part II: Regulating New Technology

In this part, we will discuss how the law of war permits states to research and develop new technologies while also attempting to ensure that new innovations do not disrupt the legal regime as a whole.

Week 6: Legal Review of New Weaponry


Week 7: Bans v. Regulation


Week 8: The “Obligation” to Use the “Best” Weapon


Part III: Case Studies

The law of war’s built-in mechanisms for regulating new weapons technology are hardly comprehensive: many new weapons do risk undermining the entire legal regime. In this part, we will discuss three recent new types of weaponry and how they did (or continue to) pose a threat to fundamental law of war principles.

Week 9: Guest Lecturer – Eyal Benvenisti

Week 10: Cyberwarfare – What Constitutes a “Use of Force”?


Further Readings

1. TALLINN MANUAL ON THE INTERNATIONAL LAW APPLICABLE TO CYBERWARFARE (2013).

Week 11: Autonomous Weapons Systems – How Should Scary Technology Be Regulated?


Further Readings


Week 12: Workshopping Papers
Week 13: Drones, Non-state Actors, and Issues of Distinction


Further Readings


Week 14: Stepping Back