

GOV 376A – Terrorism and Human Rights

Wednesdays 1:15-4:15

Fall Semester 2008

Hepburn 011

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Office Hours: T/W/TH 10:30-11:30

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“To lose our country by a scrupulous adherence to written law would be to lose the law itself, with life, liberty, property and all those who are enjoying them with us; thus absurdly sacrificing the ends to the means.” (Letter from Thomas Jefferson to John B. Colvin, September 20, 1810).

Course Objectives

The aim of the course is to provide a unique, if unpopular, perspective in dealing with issues facing *democracies* combating terrorism in the post 9/11 setting since democracies are limited in their possible responses to terrorism by their adherence to certain democratic values and standards. States tend to become less democratic when combating terrorism, however, the goal of this course is to examine alternative strategies to the "war" on terror; strategies that lean even more towards human rights observance rather than democratic deficit.

No complex phenomenon can be understood solely within the realms of one discipline. This is an interdisciplinary course, we tackle questions of law, policy, and the psychology of fear. What is the “war” on Terror? Can torture be used while interrogating terrorists? Who is a terrorists? What is the standard for torture? How does the war on terror change the premise of this discussion? These and other questions will be the subject matter of this course.

This course is designed to be interactive. It is largely based on class discussions and exercises rather than lectures. The classes will be led by the discussion questions with the objective of provoking an interesting dialogue, an exchange of ideas, rather than a purely lecture based approach.

Course Description

The course is divided into three sections. The first, covers definitions. What is terrorism? What are human rights? In section II of the syllabus, we will identify and explore the consequences of three conventional models adopted by states to combat terrorism: the criminal offense model and the war and intelligence models. The main of objective of this course is to identify a fourth, less explored, model of combating terrorism – that of human rights. We will explore the human rights model in section III of the syllabus with

the stated objective of developing better understandings of the conventional wisdoms, as well as develop new avenues of exploration.

Course Requirements

1. Class sessions will be facilitated by discussion questions [posted on Angel] based on the readings for that week. All readings for the week must be completed **before the first class of that week** (except for the first week). Class participation is expected to be informed, thoughtful, and frequent. At a minimum, I expect you to be in class, having completed and carefully considered the assigned reading, and prepared to engage in discussion. Class participation will count for **20%** of the final grade. This includes attendance, participation in class discussions, and participation in class exercises dealing with various dilemmas facing democracies fighting international terrorism.
2. Students will be asked to develop their definition of the term “*terrorism*” and explain why they included the components they did in their definition. The definition and its explanation should be no longer than 1-2 pages double spaced. This will count for **5%** of the final grade. This assignment is not graded on a grade scale but rather pass/fail. Indication of thoughtful analysis based on the reading material will qualify your work with a passing grade.
3. Students will receive a scenario addressing some of the dilemmas discussed in the readings. The students will be required to write a short (3-5 page, double spaced) analytical brief discussing the issues raised in the scenario and making their recommendation on a policy. The policy brief will count for **20%** of the final grade.
4. Students will receive a group class exercise and be required to prepare an oral presentation of their arguments in support and against the practice of torture. Further details will be provided for in class. The group exercise will count for **10%** of the final grade.
5. The remainder of the grade (**45%**) will be determined by a final research paper regarding the dilemmas facing democracies in combating terrorism in the post-9/11 setting while preserving human rights and liberties. Students may choose any one of the topics discussed throughout the semester or focus on their own research question addressing a dilemma democracies face when combating terrorism. This grade includes the research paper (**30%**) of roughly 15-20 pages; an initial outline of that paper including tentative title, thesis statement and list of sources (**10%**); and a 10-15 minute oral presentation of research (**5%**) at the end of the semester. All students are **required** to consult with me on their outline and research design ***prior*** to submission of initial outline (due November 19). Please sign up for a consult between Monday, November 10 and Friday Nov. 14, in office H208.

Expectations

Class participation: your participation will be evaluated on an ongoing basis throughout the semester. Attendance is mandatory. If you are seriously ill or have a family emergency, or if there is some issue that prevents you from attending class – you must contact me *prior to your absence* and notify me of the issue so that you can receive authorization for that absence.

Frequent unexplained absences from class will count against you. Erratic attendance will have a harmful impact on your grade and your success in this course, which is based on cumulative information and the sharing of ideas with your fellow students and myself. We cannot hope to tackle the difficult issues in a fruitful and engaging manner if you do not show up. By show up I not only mean physically but most importantly mentally. This means that you *prepare the readings BEFORE class!* Courses that consist of pure lecturing are both boring for the students as well as the professor. We are here to discuss world events, the complexities of the international system and the challenges it faces. I expect you to contribute to class discussions and preparing the readings before we discuss them in class will greatly improve your ability to comprehend and absorb the lecture material.

Discussion questions for each class will be available on Angel to help guide you through the readings each week. Some weeks I will ask you to write down your responses to those questions and submit them to me. Those responses will not be graded on an individual basis, but will taken into consideration when calculating your participation grade.

Reasonable people may interpret the same evidence in different ways. There is no theoretical or ideological litmus test in this course. Each of you should draw your own conclusions based upon a careful analysis of historical evidence and application of theoretical models. It is acceptable and encouraged to challenge the arguments of others, including my own. *Arguments not based on evidence however, will not present a compelling case.* This is true for both oral and written arguments presented during this seminar.

Practical application of material enhances knowledge. I therefore design class exercises in which you will be expected to apply your knowledge accumulated in class and through the reading material to real world scenarios. Your success in these exercises depends on your preparation. **Reading the course material and attending classes is therefore crucial for your success in this course.**

Do not hesitate to ask questions during lectures and discussions. If there is something you do not understand, you should feel to bring it up. If you feel uncomfortable bringing the issue up in class you may ask me after class or during office hours but remember – *there are no dumb questions, only dumb answers.* And since I will be doing the answering, you have nothing to fear.

Both oral and written responses should reflect a clear grasp of the material under discussion and should be relevant to the topic at hand. Evidence of solid, critical thinking and careful analysis will *ALWAYS* earn you extra points, and will improve your learning experience.

Classroom Conduct: cell phones and other electronic devices should not be used during class. Socializing with classmates during lectures is also unacceptable. In addition, while dissent and critical thinking is encouraged, we must all maintain a respectful

dialogue. There will be no use of offensive language or derogatory terms. Please remember that our mission here is to explore ideas and not necessarily reach a “right” or “wrong” conclusion.

Academic Honesty: St. Lawrence University does not tolerate academic dishonesty in its students, nor do I. Cases of cheating, free-riding on group assignments or plagiarizing papers, arguments, or any material that is not your original thought but is attempted to be passed as your own, will result in a **ZERO** for the assignments and will be referred to the Dean of Students for further action.

If you are stressed out and panicking over an assignment or exercise, **COME SEE ME AS EARLY AS POSSIBLE** and don't risk your academic standing by cheating. It will not be tolerated. Please note that drawing from readings or other sources in papers without citing the source is plagiarism, this means you are stealing someone else's work and trying to pass it as your own, and will result in a failing grade. Please use the multiple sources I provide in class, on angel, or from your own research but be sure to acknowledge the works of others.

Extensions: unless you have *documented medical or family emergency* (death in the family, or serious, acute medical condition) please do not request an extension, as it will not be given. Computer malfunction and technical difficulties will not warrant an extension. **BE SURE TO BACK UP YOUR WORK.** We all must juggle multiple demands on our time and energy.

Tardiness in submitting your work on time will result in a grade reduction for every 24 hours. This means that if you submit the assignment within the first 24 hours after the deadline, I will start to grade it from a 3.75 (instead of 4.0), after 48 hours I will start grading from a 3.5 grade. If you do not submit the assignment within three days of the deadline (and did not receive an extension) you will receive a **ZERO** for that assignment. Do not expect me to notify you of your tardiness. I am assuming you are all responsible adults that can manage your time effectively. Unless you receive an extension, you will be expected to know when the deadlines for assignments are and to meet those deadlines in a timely manner. If you do not, your grade will greatly suffer.

Course Readings

The principal book for the course can be purchased at the Tufts bookstore or online:

- Philip B. Haymann, *Terrorism, Freedom and Security: Winning without War*, (MIT Press, 2003). Referred to in syllabus as “**Heymann**”
- *Torture: A Collection*, ed. Sanford Levinson (Oxford University Press, 2004). Referred to in syllabus as “**Torture: A Collection**”
- *Human Rights in the 'War on Terror,'* ed. Richard Ashby Wilson (New York, Cambridge University Press, 2005). Referred to in syllabus as “**Human Rights in the War on Terror**”
- The rest of the readings are available online or on Angel for students to access.

Semester readings

SECTION I: DEFINITIONS

Week 1: Introduction (Sep. 3) Review of course description, objectives, requirements, and expectation

Week 2: Definition (Sep. 10) What is Terrorism? What are human rights? Why are the definitions important? Considerable time will be dedicated to understanding the theoretical basis for the terms used throughout the course. **Definition of terrorism due.**

Readings:

- Heymann, chapter 1.
 - Brian Jenkins, "International Terrorism," in *The Use of Force*, 6th ed. (Rowman&Littlefield Publishers, 2004), chapter 5. [On Angel]
 - Bruce Hoffman, "Defining Terrorism", *Inside Terrorism* (Columbia University Press 1998), pp. 3-4, 13-24. [On Angel]
 - Anat Kurz, "New Terrorism: New Challenges, Old Dilemmas," *Strategic Assessment*, Vol. 6.2 (September 2003). Available at: <http://www.tau.ac.il/jcss/sa/v6n2p3Kur.html>
 - Boaz Ganor, "Terrorism: No Prohibition Without Definition," International Policy Institute for Counter-Terrorism (October 7, 2001). [On Angel]
 - Richard Ashby Wilson, "Human Rights in the 'War on Terror'," in *Human Rights and the War on Terror*, pp. 1.
 - Universal Declaration of Human Rights, G.A Res. 217A(III), U.N. Doc. A/819, at 71 (1948). Available at: <http://www.un.org/Overview/rights.html>
 - Wiktor Osiatynski, "Are Human Rights Universal in an Age of Terrorism?" in *Human Rights in the War on Terror*, pp. 295.
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Exercise:

After completing the readings for this week – prepare your definition of Terrorism and bring it to the following class. Be sure to explain why you included the components you did in your definition. Do not exceed more than 1-2 pages double spaced, at least 12 font.

SECTION II: MODELS OF COUNTER TERRORISM

Week 3: The War Model: The Security Paradigm of the 21st Century: New Concepts (Sep. 17) What is the "war" on terrorism? What is the significance

of defining it as such? What is neo-conservatism? Can it be utilized in the war against terrorism in a way that also promotes human rights? What are the models adopted to combat terrorism?

Readings:

- Heymann, chapter 2.
 - Arunabha Bhoumik, "Democracies Responses to Terrorism: A Comparative Study of the United States, Israel and India", 33 *Denver Journal of International Law and Policy* (Spring 2005), 285. [On Angel]
 - Fernando, R. Teson, "Liberal Security," in Human rights in the war on terror, pp. 57.
 - Robert Jervis, "Cooperation Under the Security Dilemma." *World Politics* 30 (Jan. 1978) pp. 167-178. (Recommended: 178-214). [On Angel]
 - Gary Dorrien, *The Neoconservative Mind* (Temple University Press, 1993), pp. 1-17. [On Angel]
 - Irving Kristol, The Neoconservative Persuasion, *Weekly Standard*, Volume 008, Issue 47 (August 25, 2003). Available at:
<http://www.weeklystandard.com/Content/Public/Articles/000/000/003/000tzmlw.asp>
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Week 4: Democracies and 21st Century Terrorism (Sep. 24) Can, and if so how, democracies defend themselves against terrorism? What challenges do democracies face in the post 9/11 setting?

- Heymann, Chapter 3.
 - Richard Shultz, "Can Democratic Governments Use Force in the War Against Terrorism," *World Affairs* (Spring 1986), pp. 205-15 [On Angel]
 - Paul Pillar, "Dealing with Terrorists, in *The Use of Force*, 6th ed., chapter 32. [On Angel]
 - James D. Ross, "Promoting Human Rights" in *Ethics & International Affairs*, Volume 16, No. 2, November 13, 2002. [On Angel]
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WEEK 5: The Challenge Facing Liberal Democracies (Oct. 1) Can democracies *effectively* combat terrorism while maintaining their liberal values? Is there room for morality in foreign policy?

Readings:

- Claes Ryn, "The Ethical Problem of Democratic Statecraft." In *Power, Principles, and Interests: A Reader in World Politics*. Edited by Jeffrey Salmon, James O'Leary, and Richard Shultz (Lexington, MA: Ginn Press, 1985), pp.109-124. [On Angel]
 - George Kennan, "Morality and Foreign Policy." *Foreign Affairs* 64 (Winter 1985/1986): 205-218. [On Angel]
 - Tom Parker, "Fighting an Antaeus Enemy: How Democratic States Unintentionally Sustain in Terrorist Movements They Oppose," *Terrorism and Political Violence*, vol. 19 no. 1 (2007): 1-18. [On Angel]
 - Laura Donohue, adapted from "Fear Itself: Counterterrorism, Individual Rights, and U.S. Foreign Policy Post 9/11", a Paper presented at the International Studies Association Convention, New Orleans (March 25, 2002), 275. [On Angel]
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Week 6: Democratic Deficit –The decline in human rights observance when the threat is on the rise (Oct. 8)

Exercise:

Watch online at home the FRONTLINE documentary: "Cheney's Law" available at: <http://www.pbs.org/wgbh/pages/frontline/cheney/>

Readings:

- Heymann, Chapter 5.
 - Richard Goldstone, "The Tensions between Combating Terrorism and Protecting Civil Liberties," in *Human Right in the War on Terror*, pp. 157.
 - Neil Hicks, "The Impact of Counter-Terror on the Promotion and Protection of Human Rights: A Global Perspective," in *Human Right in the War on Terror*, pp. 209.
 - Riad Z. Abdelkarim, "Arab and Muslim Americans: Collateral Damage in the Wars on Terrorism, Iraq," *Washington Report on Middle East Affairs*, (May 2003), 55-56. Available at: <http://www.wrmea.com/archives/may03/0305055.html>
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Week 7: The Intelligence Model (Oct. 15). First Policy Analysis Due.

- Heymann, Chapters 4 & 7.
- William Kristol, "Spy Crimes", *The New Republic Online*, January 6, 2006. [On Angel]
- Bruce Hoffman, "A Nasty Business", *The Atlantic Monthly* (January 2002), 301. Available at: <http://www.theatlantic.com/doc/200201/hoffman>

- Stuart Taylor, “Right, Liberties, and Security: Recalibrating the Balance after September 11,” *Global Politics*, Vol. 21.1 (Winter 2003), 25-31. Available at: <http://www.brookings.edu/press/review/winter2003/taylor.htm>
 - “The CIA: “Ghost Detainees” and “Disappearances,”” *Human Rights Watch Report*, available at: http://www.hrw.org/background/usa/us1004/3.htm#_Toc84652967
 - ACLU, “How “Patriot Act 2” Would Further Erode the Basic Checks on Government Power That Keep America Safe and Free,” (March 20, 2003). Available at: <http://www.aclu.org/safefree/general/17346leg20030320.html>
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Week 8: State Terrorism and State Sponsored Terrorism (Oct. 22) Group Exercise Handed out.

- Michael Stohl, “States, Terrorism and State Terrorism: The Role of Superpowers,” in Robert O. Slater and Michael Stohl, eds, *Current Perspectives on International Terrorism* (London, Macmillan, 1988). [On Angel]
- R. Hrair Dekmejian, “State Terrorism, Politicide, and Genocide,” in *Spectrum of Terror* (Washington DC: CQ Press, 2007), 203-224. [On Angel]
- Shakti Bhatt, “State Terrorism vs. Jihad in Kashmir,” *Journal of Contemporary Asia*, 33.2 (May 2003), 215. [On Angel]

In Class Film:

- *The Battle of Algiers* (1968) (covering the French response to the Algerian rebellion in 1954).
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Week 9: Case Study – Torture (Oct. 29) What is torture? Is it an acceptable tool in fighting terrorism? Is torture a violation of human rights?

Readings:

- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, available at <http://www.hrweb.org/legal/cat.html>
- John H. Langbein, “The Legality of Torture,” in *Torture: A Collection*, pp. 93.
- John T. Parry, “Escalation and Necessity: Defining Torture at Home and Abroad,” in *Torture: A Collection*, pp. 145.
- Michael Levin, “The Case for Torture.” Available at: <http://people.brandeis.edu/~teuber/torture.html>
- Jane Mayer, “Outsourcing Torture: The Secret History of America’s “Extraordinary Rendition” program,” *The New Yorker*, February 7, 2005. Available at: http://www.newyorker.com/archive/2005/02/14/050214fa_fact6?printable=true

Exercise:

Watch online at home the FRONTLINE documentary: “The Torture Question.” Available at: <http://www.pbs.org/wgbh/pages/frontline/torture/view/>

Week 10: The Practice and Legality of Torture After 9/11 (Nov. 5) Do the new realities of the post 9/11 world change the debate regarding torture? If torture is used – can and should it be legalized? If so, how? **Group Presentations due.**

- Charles Krauthammer, “The Truth about Torture,” in *Torture: A Collection*, pp. 307
- Andrew Sullivan, “The Abolition of Torture,” in *Torture: A Collection*, pp. 317
- Miriam Gur-Arye, “Can The War Against Terror Justify the Use of Force in Interrogations? Reflections in Light of the Israeli Experience,” in *Torture: A Collection*, pp. 183. ALSO RECOMMENDED: Judgment Concerning the Legality of the General Security Service’s Interrogation Methods (September 6, 1999), in *Torture: A Collection*, pp. 165.
- Alan Dershowitz, “Tortured Reasoning,” in *Torture: A Collection*, pp. 257.
- Elaine Scarry, “Five Errors in the Reasoning of Alan Dershowitz,” in *Torture: A Collection*, pp. 281.

SECTION III: HUMAN RIGHTS MODEL

Week 11: Terrorism as a Human Right Violation (Nov. 12). Consultation meeting on paper outline due by November 14.

Readings:

- Browse through 3RD and 4th Geneva Conventions. Available at:
<http://www.icrc.org/ihl.nsf/7c4d08d9b287a42141256739003e636b/6fef854a3517b75ac125641e004a9e68>
<http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument>
- Office of the UN High Commissioner for Human Rights, *Terrorism and Human Rights*, available at: <http://www.unhchr.ch/terrorism/index.html>
- Resolution 1994/18 *The Sub-Commission on Prevention of Discrimination and Protection of Minorities* “Human Rights and Terrorism”, available at: http://www.un.org/documents/ecosoc/cn4/sub2/e-cn4sub2_res94_18.htm

- Alex Schmid, "Terrorism and Human Rights: A Perspective from the United Nations," *Terrorism and Political Violence* 17 (2005): 25-35. [On Angel]
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Week 12: Human Rights as Counter Terrorism (Nov. 19) What is the connection between human rights and terrorism? Can human rights observance serve to deter terrorism? How can human rights norms be utilized in the war against terrorism?
Research Paper outlines due.

Readings:

- Heymann, Chapter 6.
 - Mary Robinson, "Connecting Human Rights, Human Development and Human Security," in *Human Rights in the War on Terror*, pp. 308.
 - Kenneth Roth, "Misplaced Priorities: Human Rights and the Campaign against Terrorism," *Harvard International Review*, (Fall 2002), 14-19. [On Angel]
 - Review Office of the High Commissioner for Human Rights, "Terrorism and Human Rights", available at: <http://www.unhchr.ch/terrorism/>
 - United Nations High Commissioner for Human Rights, Commission on Human Rights resolution 2003/37. Available at:
[http://www.unhchr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.RES.2003.37.En?Opendocument](http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.RES.2003.37.En?Opendocument)
 - Security Council Resolution 1373, S/RES/1373(2001), 28 September 2001. Available at:
[http://www.unhchr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/S.RES.1373\(2001\).En?Opendocument](http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/S.RES.1373(2001).En?Opendocument)
 - Commission on Human Rights resolution 2003/68, Protecting Human Rights and Fundamental Freedoms while Countering Terrorism, available at:
[http://www.unhchr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.RES.2003.68.En?Opendocument](http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.RES.2003.68.En?Opendocument)
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Week 13: Consequences of US foreign Policy after 9/11 (Dec. 3)
Students' Paper Presentations begin.

Can a balance be found between preserving democratic freedoms and security? Can human rights serve as a foreign policy tool in combating terrorism in the 21st century?

Readings:

- Julie A. Mertus, "Human Rights and Civil Society in a New Age of American Exceptionalism," in *Human Rights in the War on Terror*, pp. 317.

- Colin Powell, A strategy of Partnership, *Foreign Affairs*, January/February 2004. [On Angel]
 - Elliott Abrams, Security and Sacrifice: Isolation, Intervention, and American Foreign Policy, (Indianapolis: Hudson Institute, 1995), Chapter 7. [On Angel]
 - *Present Dangers: Crisis and Opportunity in American Foreign and Defense Policy*, edited by Robert Kagan and William Kristol, (Encounter Books, 2000), pp. 3-24. [On Angel]
 - The United States v. the Driver, *New York Times*, August 8, 2008. Available at: <http://www.nytimes.com/2008/08/10/opinion/10sun2.html>
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Week 14 - Conclusions and Prospects for the Future (Dec. 10) Paper Presentations continue.

- Richard Falk, “Human Rights: A Descending Spiral,” in Human Rights in the War on Terror, pp. 225.
 - Heymann, Chapter 8.
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Final Papers due December 19, 2008 (by 2pm – submit *HARDCOPY* to office Hepburn 208.