

IR386 – TERRORISM AND LIBERAL DEMOCRACY

An introduction to dilemmas of violence, political ethics, and international justice

Department of International Relations University of Southern California Fall 2013

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Office Hours:	By appointment VKC305	Units:	4

I. Course Description

In this course we will wrestle with literature, as well as film, representing a wide range of political perspectives (from “conservative” to “radical”), in an attempt to answer difficult questions about terrorism and liberal democracy. Our approach will not be a state security one but rather a political ethics one in which we seek to come to terms with the demands of justice in an age of violence resulting in large numbers of civilian deaths by both state and non-state actors. Do terrorists operate from internally consistent and intelligible (even if horrific) moral frameworks? Is their violence radically different in kind from the violence of nation-states, including liberal democracies? Must we sacrifice some of our cherished civil liberties in order to protect others? What constitutional principles ought to apply in situations of national emergency caused by terrorist violence (or threat of violence)? Is indefinite detention or torture ever justifiable? Are human rights absolute and non-negotiable or must they sometimes be sacrificed for the sake of the greater good? And what kinds of moral and legal principles should guide us in an age of cyber warfare, drone strikes, and targeted assassinations? We will examine these and other problems through seminar discussions, lectures, and a series of “International Justice Hearings” in which you will present reasoned arguments before a jury of your peers.

II. Learning Outcomes

By the end of this course you will be able to explain important theories of political ethics and international relations and apply them to a range of problems arising for liberal democracies confronted by terrorism. You will have wrestled with conflicting perspectives on the appropriate balances between national security on the one hand and human rights and civil liberties on the other. You will better understand the history, psychology, ideology, and sociology of different terrorist groups that have sought to overthrow democratic governments. You will also understand some of the ways liberal democracies have responded to terrorist threats. In addition, you will have cultivated skills in critical thinking, writing, and public debate that will serve you well not only in this course but throughout your scholarly and professional careers.

III. Required Texts

This is a reading intensive course. We will also be watching a number of (primarily documentary) films. I have compiled and posted chapters and articles in PDF format and links to

films on Blackboard. It is your responsibility to print readings and bring them with you to class for discussion. In addition, we will read the following book (which you are responsible to purchase):

Mayer, Jane, *The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals* (New York: Doubleday, 2008).

IV. Grading Scale and Distribution

The grading scale for this course is as follows: A (90-100); B (80-89); C (70-79); D (60-69); F (< 60). You will be assessed based on the following distribution of points:

- 10% Class Attendance and Participation: You are expected to attend all classes and to actively contribute to discussions through thoughtful dialogue and respectful (but hopefully also vigorous!) debate with others based upon your careful reading of all assigned texts and watching of all assigned films. Attendance will be taken at the start of each class. *Note: There are no excused absences. Three late attendances will be counted as one absence. Three absences will result in an automatic failing grade for the course.*
- 10% Quizzes: There will be regular quizzes based upon the assigned readings. They should not be difficult *if you have done the reading.*
- 20% Final Examination: There will be a final examination that will be comprehensive of the ideas and literature covered in this course. I will say more about what you can expect on the exam later in the semester.
- 30% Group Presentations: You will help to lead two classes, one in which you provide an introduction to a terrorist organization as part of a group, and one in which you argue a position as part of a panel during our “International Justice Hearings.” I will say more about both of these assignments later in the semester. They are also described below.
- 30% Final Paper: You will submit a 10-page research paper, due on the final day of class before the finals (December 4), addressing one of the major questions or themes of this course. I will say more about the final paper later in the semester.

V. Presentations

A. Group Presentations on Selected Terrorist Organizations and Insurgencies

You will be randomly assigned to a group that will be responsible for leading a class focused on a terrorist organization or insurgency that has come into conflict with a liberal (or quasi-liberal) state. Each individual in your group is responsible for delivering a short presentation that will be followed by several minutes of discussion with the class. After your entire group has presented, you will together help to facilitate a general discussion. You are responsible to coordinate your presentation with the other members of your group to make sure that you each present on

different aspects of the terrorist group you are dealing with. By the end of the class we should have clear answers to the following questions:

- 1) Why did the group engage in violence against the “liberal” state?
- 2) How did the state respond (in terms of military tactics, legislation, etc.)?
- 3) What were the short and long-term results for civil liberties and human rights?
- 4) What practical and moral lessons can we learn from the group’s history?

B. International Justice Hearings

You will be randomly assigned to a team (different from the one you worked on for your group presentation) that over a two-day period will argue a pro or contra position on a difficult political, legal, and ethical dilemma facing policy-makers. Each individual in your group will be responsible for delivering a timed argument before a jury of your peers. You will also be responsible, along with others in your group, for answering questions from those representing the opposite side of the argument, as well as from the jury. You are responsible to work with your team to present a compelling, coherent, and sophisticated case. Your argument should not rely on obscure legal arguments but should draw upon widely accessible principles of international and U.S. law to persuade others. Note: your presentation grade will be based not only upon your individual presentation but also upon your active engagement as a member of the jury with the arguments being made by others. A typical hearing will follow this schedule (with adjustments in times and numbers of persons on each panel after we know our final class size):

Day One:

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|-------------------------------------|-----------------------|
| 1. Opening Statement in Support | 10 minutes, Student 1 |
| 2. Questions by those in Opposition | 5 minutes |
| 3. Arguments in Support | 10 minutes, Student 2 |
| 4. Questions by those in Opposition | 5 minutes |
| 5. Closing Statement in Support | 10 minutes, Student 3 |
| 6. Questions by those in Opposition | 5 minutes |
| 7. Questions from the Jury | 15 minutes |
| 8. Jury deliberates | 20 minutes |

Day Two:

- | | |
|---|------------------------|
| 1. Opening Statement in Opposition | 10 minutes, Student 1b |
| 2. Questions by those in Support | 5 minutes |
| 3. Arguments in Opposition | 10 minutes, Student 2b |
| 4. Questions by those in Support | 5 minutes |
| 5. Closing Statement by the Opposition | 10 minutes, Student 3b |
| 6. Questions by those in Support | 5 minutes |
| 7. Questions from the Jury | 15 minutes |
| 8. Jury deliberates and renders a verdict | 20 minutes |

VI. USC Statement on Disabilities

Students requesting academic accommodations based on disability are required to register with Disability Services and Programs (DSP) each semester. A letter of verification for approved accommodations can be obtained from DSP when adequate documentation is filed. Please be sure the letter is delivered to me as early as possible. DSP is in STU 301. The DSP phone number is 213-740-0776.

VII. Academic Integrity

Your work on all written assignments, both exams and papers, should be your own and original for this course. You should not use the words or ideas of others without giving full credit to them using proper citation methods, and you should not self-plagiarize, i.e., re-cycle your own work in whole or in part from another class. If you have any questions about how and when to cite other peoples' work you should come and speak with me after reviewing the USC student handbook (on the web at: <http://dornsife.usc.edu/usc-policies/#plagiarism>). Students found to be copying or plagiarizing the work of others on any assignment, or turning in papers or parts of papers they have submitted elsewhere, will receive an automatic failing grade. **You will submit your final paper and all presentation notes to Turnitin on Blackboard.**

Academic integrity means more, however, than simply not cheating or plagiarizing. It also means fulfilling assignments with the care and rigor of a serious scholar, showing basic respect and courtesy to others both in and out of the classroom (including being in class on time), and being honest and forthright in dialogue. While not all of these virtues are directly subject to grading, they will serve you well in this class and in your academic and professional careers.

VIII. Course Outline and Weekly Reading Assignments

Note: This reading list is subject to change as the course progresses. I will let you know in class or by email if any readings are added or dropped. Readings marked with stars (*) are required and should be read carefully, others are recommended. I have listed the total number of required pages after each week. Questions in boxes for Parts I and II of the course are for your reflection. Questions in boxes for Part III are for debate during our International Justice Hearings.

Part I: A Very Short Introduction to Political Ethics

Wk. 1: August 26: What Do We Mean by “Terrorism”? (38 pages)

*Walzer, Michael, “Terrorism and Just War,” *Philosophia*, Vol.34 (2006), pp.3-12.

*Chomsky, Noam, “Ch.8: Terrorism and Justice: Some Useful Truisms,” in *Hegemony or Survival: America’s Quest for Global Dominance* (New York: Henry Holt and Company, 2003), pp.187-216.

Question: Which definition of terrorism makes the most sense to you? Chomsky’s more inclusive or Walzer’s more restrictive one? Or are their definitions in fact not so different?
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Wk. 1: August 28: What Do We Mean by “Liberalism”? (37 pages)

*Charvet, John and Elisa Kaczynska Nay, “Introduction: What is Liberalism?” in *The Liberal Project and Human Rights: The Theory and Practice of a New World Order* (Cambridge: Cambridge University Press, 2008), pp.1-17.

*Solzhenitsyn, Alexander, “A World Split Apart: The Address (1978),” in *Solzhenitsyn at Harvard*, ed. Ronald Berman (Ethics and Public Policy Center, 1980), pp.3-23.

Question: Do you agree or disagree with Solzhenitsyn in his charge that Western liberalism leads to a materialist consumer culture lacking in spiritual depth and moral virtue?

Wk. 2: September 2: Moral Relativism vs. Moral Absolutism: Are Human Rights Absolute and Inviolable? (24 pages)

*Sen, Amartya, “Human Rights and Asian Values,” Morgenthau Memorial Lecture on Ethics and Foreign Policy (New York: Carnegie Council on Foreign Relations, 1997), pp.7-31.

Donnelly, Jack, “Cultural Relativism and Universal Human Rights,” *Human Rights Quarterly*, Vol.6, No.4 (November 1984), pp.400-419.

Question: Are human rights *made* or are they *found*? Are they universal or culturally relative? What are the potential legal and political implications for dealing with terrorism?

Wk. 2: September 4: Case Study: Ticking Time-Bombs and Warrants for Torture (58 pages)

*Dershowitz, Alan, “The Torture Warrant,” *New York Law Review*, Vol.48 (2004), pp.275-294.

*Waldron, Jeremy, excerpts from “Torture and Positive Law: Jurisprudence for The White House,” *Columbia Law Review*, Vol.105, No.6 (October 2005), pp.1-39 (but no need to read footnotes).

Blakeley, Ruth, “Why Torture?,” *Review of International Studies*, Vol.33, No.3 (July 2007), pp.373-394.

Question: Are there any circumstances in which torture should be used in a liberal society? If so, should it be legally sanctioned and regulated? If not, why not?

Wk. 3: September 9: Republican vs. Liberal Theories of Emergency Powers: Should Rule of Law Ever Be Suspended? (39 pages)

*Machiavelli, Niccolo, “Book I, Ch.33” and “Ch.34” in *Discourses on Livy*, trans. Harvey Mansfield (Chicago: University of Chicago Press, 1996), pp.71-75.

*Dyzenhaus, David, "Schmitt v. Dicey: Are states of emergency inside or outside the law?," *Cardozo Law Review*, Vol.27, No.5 (2006), pp.2005-2040.

Locke, John, "Ch.14: Of Prerogative," and "Ch.19: Of the Dissolution of Government" (especially paragraphs 221-225) in *Two Treatises of Government* (1689), pp.175-179, 197-213.

Question: Does Dicey successfully answer the challenge posed by Machiavelli and Schmitt to liberal rule of law in times of national emergency? Or in a moment of crisis do we need our leaders to in some ways be beyond or above the law?

Wk. 3: September 11: Case Study: Lincoln's Suspension of the Writ of Habeas Corpus (26 pages)

*Ragsdale, Bruce A., "Historical Documents" in "*Ex parte Merryman* and Debates on Civil Liberties During the Civil War," Federal Judicial History Office (2007), pp.32-58.

"Military Commission Act of 2006," Public Law 109-366—Oct.17, 2006, pp.1-39.

Question: Did Lincoln overstep his authority by ordering the suspension of rule of law? Should citizens ever be denied access to courts? What about noncitizens?

Wk. 4: September 16: State Sovereignty vs. International Law: Should Governments Be Bound by the Decisions of Other States? (30 pages)

*Kissinger, Henry, "The Pitfalls of Universal Jurisdiction," *Foreign Affairs*, Vol.80, No.4 (July-August 2001), pp.86-96.

*Johnson, Chalmers, "Three Rapes: The Status of Forces Agreement and Okinawa," Japan Policy Research Institute Working Paper No.97, January 2004, pp.1-20.

*Film: watch from minute 32 to 43 of "The Fog of War," director Errol Morris (2003).

Jackson, Robert, excerpts from "Opening Statement Before the International Military Tribunal, November 21, 1945," *The Trial of the Major War Criminals Before the International Military Tribunal: Nuremberg, 14 November 1945 – 1 October 1946, Vol.2* (1947), pp.1-36.

Question: Jackson describes the accused as perpetrators of "terrorism." McNamara says that if the Allies had lost they would have been convicted of war crimes. Is the ideal of international law possible? And is it *desirable* if it means "we" might also be put on trial?

Wk. 4: September 18: Case Study: The U.S., Israel, and International Law (24 pages)

*Seener, Barak, "Targeting Israelis via International Law: Israel and Its Enemies," *Middle East Quarterly* (Fall 2009), pp.43-54.

*Bennis, Phylis, “VETO,” *The Link*, Vol.36, No.1 (January-March 2003), pp.1-13.

Question: Are Israel and the U.S. flaunting the demands of justice through the power of the veto? Or are they defending Israel’s sovereignty in the face of terrorist threats that pose an existential threat to a liberal democracy surrounded by hostile, illiberal nations?

Wk. 5: September 23: Public vs. Private Morality: Should States Be Held to the Same Ethical Principles as Persons? (61 pages)

*Zinn, Howard, “Machiavellian Realism and U.S. Foreign Policy: Means and Ends,” in *Declarations of Independence* (HarperCollins, 1991), pp.9-31.

*Kaplan, Robert, “Ch.5: Machiavellian Virtue,” “Ch.7: The Great Disturbers,” and “Ch.8: The Holocaust, Realism, and Kant,” in *Warrior Politics: Why Leadership Demands a Pagan Ethos* (New York: Vintage, 2002), pp.52-64, 78-115.

Question: Kaplan suggests that our leaders ought to follow the “realism” of Machiavelli. Zinn argues that they already do—and he objects on moral grounds. What do you think?

Wk. 5: September 25: Case Study: The Realpolitik of Henry Kissinger

*Film: “The Trials of Henry Kissinger,” directed by Eugene Jarecki (2002).

Question: The filmmaker makes a powerful argument that Henry Kissinger should be put on trial by an international court for crimes against humanity. Kissinger himself warns of the perils of a “dictatorship of the virtuous” with “universal jurisdiction.” What say you?

Part II: Terrorism in Conflict with Liberal (or Quasi-Liberal) Societies

As we examine each of the insurgencies or terrorist organizations in this section of the course, you should ask the following questions:

- 1) Why did the group engage in violence against the “liberal” state?
- 2) How did the state respond (in terms of tactics and legislation)?
- 3) What were the short and long-term results for civil liberties and human rights?
- 4) What practical and moral lessons can we learn from the group’s history?

Wk. 6: September 30: The French-Algerian War (28 pages)

*Film: “The Battle of Algiers,” directed by Gillo Pontecorvo (1966).

*Mayer, Jane, Chapters 1-2, *The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals* (New York: Doubleday, 2008), pp.1-28

Gallagher, Nancey, “Learning Lessons from the Algerian War of Independence,” *Middle East Report*, No.225 (Winter 2002), pp.44-49.

Todorov, Tzvetan, “Torture in the Algerian War,” *South Central Review*, Vol.24, No.1 (Spring 2007), pp.18-26.

Wk. 6: October 2: The IRA in the United Kingdom (16 pages)

*Film: “Bloody Sunday,” directed by Paul Greengrass (2003).

*Mayer, Jane, Chapter 3, *The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals* (New York: Doubleday, 2008), pp.28-44.

Donohue, Laura K., “Civil Liberties, Terrorism, and Liberal Democracy: Lessons from the United Kingdom,” Discussion Paper for the Belfer Center for Science and International Affairs, August 2000, pp.1-40.

Wk. 7: October 7: The PLO in Israel (57 pages)

*Film: “The Gatekeepers,” directed by Dror Moreh (2012).

*Mayer, Jane, Chapters 4-5, *The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals* (New York: Doubleday, 2008), pp.44-101.

Pedahzur, Ami and Arie Perliger, “The Consequences of Counterterrorist Policies in Israel,” in *The Consequences of Counterterrorism*, ed. Martha Crenshaw (New York: Russell Sage, 2010), pp.335-367.

Wk. 7: October 9: The Weather Underground in the United States (38 pages)

*Film: “The Weather Underground,” directed by Sam Green and Bill Siegal (2002).

*Mayer, Jane, Chapter 6, *The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals* (New York: Doubleday, 2008), pp.101-139.

Wk. 8: October 14: The Shining Path in Peru (75 pages)

*Film: “The Fall of Fujimori” directed by Ellen Perry (2005).

*Mayer, Jane, Chapters 7-8, *The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals* (New York: Doubleday, 2008), pp.139-213.

Osborn, Ronald, “On the Path of Perpetual Revolution: From Marx’s Millenarianism to Sendero Luminoso,” in *Totalitarian Movements and Political Religions*, Vol.8, No.1 (2007), pp.115-135.

Iglesias, Carlos Basombrio, “Sendero Luminoso and Human Rights: A Perverse Logic that Captured the Country,” in *Shining and Other Paths: War and Society in Peru, 1980-1995*, ed. Steve J. Stern (Durham: Duke University Press, 1998), pp.425-446.

Wk. 8: October 16: The Naxalite Insurgency in India (25 pages)

*Film: “Al Jazeera Correspondent: India’s Silent War,” Al Jazeera Television (1994).

*Mayer, Jane, Chapter 9, *The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals* (New York: Doubleday, 2008), pp.213-238.

Roy, Arundhati, “Walking With the Comrades: Report from Maoist Political Base Areas in India’s DK Forest,” *Outlook Magazine*, March 19, 2010, pp.2-40.

Lalwani, Sameer, “India’s Approach to Counterinsurgency and the Naxalite Problem,” *CTC Sentinel: Counter-Terrorism Center at West Point*, Vol.4, No.10 (October 2011), pp.5-9.

Wk. 9: October 21: “Ecoterrorism” (57 pages)

*Film: “If a Tree Falls,” directors Marshall Curry and Sam Cullman (2012).

*Mayer, Jane, Chapters 10-11, *The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals* (New York: Doubleday, 2008), pp.238-295.

Wk. 9: October 23: Al Qaeda and the Neocons (41 pages)

*Film: “The Power of Nightmares: The Rise of the Politics of Fear” (Parts 1-3) director Adam Curtis (BBC Television, 2004).

*Mayer, Jane, Chapter 12 and Afterward, *The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals* (New York: Doubleday, 2008), pp.295-336.

Part III: International Justice Hearings

Wk. 10: October 28-30: The First Hearing: NSA Secrets, Treason, Democracy

*Selected articles from the Guardian Newspaper

Question Before the Jury: Should Edward Snowden be tried under the Espionage Act (or some other criminal law)?
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Wk. 11: November 4-6: The Second Hearing: Indefinite Detention (63 pages)

*Decisions of Justice O’Connor and Justice Thomas in Hamdi et al v. Rumsfeld, Secretary of Defense, et al, 542 U.S. (2004), pp.1-57.

*Bush, George W., “Military Order: Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism,” November 13, 2001, pp.1665-1668.

*Daskal, Jennifer, “Don’t Close Guantanamo,” *New York Times*, January 10, 2013, on the web at: <http://www.nytimes.com/2013/01/11/opinion/dont-close-guantanamo.html>

*Taylor, Katie, “Frozen in Time: Men Held Indefinitely in Guantanamo Watch Another Year Pass By,” *The Independent*, January 12, 2013.

*“Guantanamo by the Numbers”, American Civil Liberties Union

Question Before the Jury: Should terrorist suspects be held indefinitely without trial if U.S. officials believe they are still dangerous?

Wk. 12: November 11-13: The Third Hearing: The Torture Debate Redux (81 pages)

*“August 1, 2002, Memorandum for Alberto R. Gonzales” (the Bybee/Yoo memo) in *The Torture Memos*, ed. David Cole (New York: The New Press, 2009), pp.41-106.

*Yoo, John, “Ch. 7: Interrogation” in *War by Other Means: An Insider’s Account of the War on Terror* (New York: Atlantic Monthly Press, 2006), pp.165-204.

*Video: “John Yoo testifies on detainee interrogation before House Judiciary Subcommittee,” (2008), on the web at: <https://www.youtube.com/watch?v=O1GT-BZvhrw>

Highly recommended: Film: “Taxi to the Dark Side,” director Alex Gibney (2007).

Question Before the Jury: Should John Yoo, Jay Bybee, and other high officials in the Bush Administration be charged with torture in the “war on terror”?

Wk. 13: November 18-20: The Fourth Hearing: Rules of Engagement (32 pages)

*“Basic Rules of the Geneva Conventions and their Additional Protocols,” ICRC publication 1988, ref. 0365, pp.1-32.

*Video: “Collateral Murder: Full Version” (Wikileaks, 2009), on the web at: <http://www.collateralmurder.com/> (**Note: this film contains graphic images of war carnage. If you have high sensitivities to scenes of violence and do not wish to watch this film, let me know and I will give you an alternative reading assignment.**)

*Video: “Al Jazeera in-depth analysis of the ‘Collateral Murder’ video”, on the web at: <http://www.youtube.com/watch?v=Zok8yMxXEwk>

“Investigation into Civilian Casualties Resulting From Engagement on 12 July 2007 in the New Baghdad District, Baghdad, Iraq,” a report by the Department of the Army, pp.1-43

Question Before the Jury: Did the U.S. military violate the Geneva Conventions (and so commit war crimes under international law) in the Apache helicopter strike of July 12, 2007?

Wk. 14: November 25: Court Recess (but NOT class recess!): On Writing Well (15 pages)

*Orwell, George, “Politics and the English Language” in *The Collected Essays* (New York: Harcourt Brace), pp.156-171.

NOVEMBER 27-30: THANKSGIVING: NO CLASSES

Wk. 15: December 2-4: The Fifth Hearing: Assassinations and Drone Warfare (42 pages)

*Roth, Kenneth, “What Rules Should Govern US Drone Attacks?,” *The New York Review of Books*, April 4, 2013, on the web at:

<http://www.nybooks.com/articles/archives/2013/apr/04/what-rules-should-govern-us-drone-attacks/> (6 pages)

*Singh, Ritika, “A Meta-Study of Drone Strike Casualties” on the web at: <http://www.lawfareblog.com/2013/07/a-meta-study-of-drone-strike-casualties/>

*“‘Will I Be Next’: U.S. Drone Strikes in Pakistan,” a report by Amnesty International, October 2013.

*Strawser, Bradley Jay, “Moral Predators: The Duty to Employ Uninhabited Aerial Vehicles,” *Journal of Military Ethics*, Vol.9, No.4 (2010), pp.342-368.

*Anderson, Kenneth and Benjamin Wittes, “Three Deep Flaws in Two New Human-Rights Reports on U.S. Drone Strikes,” *New Republic*, October 24, 2013, on the web at: <http://www.newrepublic.com/article/115329/amnesty-international-human-rights-watch-drone-reports-are-flawed>

*Greenwald, Glenn, “The due-process-free assassination of U.S. citizens is now reality,” *Salon.com*, September 30, 2011, pp.1-2.

Question Before the Jury: Should the Obama Administration suspend its program of targeted drone killings (or be compelled to suspend the program by Congress if it refuses)?

FINAL EXAM: MONDAY, DECEMBER 16, 2-4PM