

RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY
CRIMINAL JUSTICE PROGRAM
PROF. LENNOX S. HINDS
01:202:311
POLITICAL TERRORISM AND INTERNATIONAL LAW
01:202:311 **FALL 2011**
TTH - 8:10 – 9:30 p.m.; Lucy Stone A142

Learning Goals:

A Statement of Principles

The Program Committee for the Program in Criminal Justice at Rutgers University in New Brunswick has adopted a series of learning goals for students who complete the major. These goals represent the consensus of the faculty regarding the concepts a student should grasp and the skills a student should acquire in the course of completing the major. These goals guide the choices faculty make about the structure of the curriculum and the requirements for our majors. Moreover, they guide faculty and instructors preparing course material and teaching courses.

The program in Criminal Justice will provide students with a rich understanding of crime and criminal justice in the United States and abroad through an interdisciplinary approach that blends a strong liberal arts education experience with pre-professional instruction in the field of criminal justice. Graduates of the program will be well-informed citizens on the topic of crime and justice, and qualified for graduate study or for employment as practitioners in a variety of legal, policymaking, and law enforcement fields.

Criminal justice majors graduating from a research university should be able to use critical thinking, factual inquiry, and the scientific approach to solve problems related to individual and group behavior. In addition, students should have an understanding of the legal, political and policymaking processes that affect criminal justice systems in the United States and elsewhere in the world. Finally, students should be familiar with the institutional structures and latest developments in the field in order to engage in meaningful debate about current public policy issues.

Learning Goals for Criminal Justice Majors:

1. Competence:

a.) Theory. Students who complete the major in criminal justice should understand and be able to articulate, both orally and in writing, the core theoretical concepts that form the foundation of analysis and research in criminology and criminal justice today. Core concepts are derived from explanations of crime from a variety of perspectives, including biogenic, psychological, and sociological approaches. There are myriad theories of crime that are informed by these perspectives, including, classical, control, critical, ecology, labeling, learning, strain,

and trait-based approaches. Theoretical literacy should extend to multicultural and international understanding.

b.) Institutions. Students who complete the major in criminal justice should understand the special role of three types of institutions: Police, Corrections, and Courts. In addition, students should know how institutional forms vary across jurisdictions and how these institutions interact with and influence each other.

c.) Research Methods. Students who complete the criminal justice major should be familiar with the tools, techniques, and data sources necessary for empirical analysis. Students should understand the various ways that empirical analysis is used in the scientific approach: for description, for developing, and for testing theories. They should be able to analyze data using computer applications and should be familiar with basic statistical techniques and regression analysis. They should be able to read and assess research from a wide range of sources, including general interest, academic, and government publications.

2. Critical Thinking: Upon completion of the major students should be able to apply their understanding of core concepts and quantitative tools to analyze and research real world problems, and evaluate alternative policy proposals on a range of criminal justice issues, from micro-level analyses relevant to particular cases to management concerns to macro-level analyses of legislative and other broad-scale policies. Accomplishment of this goal will require that students can apply their literacy and numeracy skills to different institutional structures, within the U.S. and across countries.

3. Scholarship: Qualified majors should have an opportunity through such avenues as advanced coursework, internships, and faculty interactions to conduct independent research on matters of central relevance to the field of criminal justice.

COURSE OBJECTIVES

This course is designed to introduce the student to a comprehensive analysis of International Law and the complex issues associated with attempts to control Political Terrorism. Students who complete this course, should understand and be able to articulate both orally and in writing, the major impediments under International Law to eradicating Political Terrorism. Students will study the core theoretical concepts such as: Self Determination and International Law: Decisions of the International Court in Nicaragua vs. U.S.: The Wars of National Liberation and the Right to Rebel; The Legality of Humanitarian Intervention; International Conventions to Control Skyjacking; International Terrorism and the United Nations; State Terrorism. Students will also analyze from a regional perspective diverse examples of groups, organizations, and government's attempts to use violence to achieve political ends.

REQUIRED TEXTS

POLITICAL TERRORISM AND INTERNATIONAL LAW, by Professor Lennox S. Hinds
Selected Readings: Printed and packaged by Copy Services.

INTERNATIONAL REVIEW OF CONTEMPORARY LAW SPECIAL EDITION, by
Lennox S. Hinds, Editor-in-Chief
Military Intervention in Afghanistan. The War on Terrorism:
Violations of International Law, Spring 2002.
Available at the Livingston Bookstore

I. **DEFINITIONS AND DIMENSIONS OF TERRORISM**

REQUIRED READINGS:

- (1). **Chapter II**
“International Terrorism and the United Nations” Finger,
Seymour, Maxwell
- (2). **The Politics of Terrorism**
Stohl, Michael ed
N.Y. Marcel Dekker, Inc. 1983.
 - (a) Introduction: Myths and Realities of Political Terrorism.” pp. 1-17.
 - (b) International Terrorism, pp. 221-253.
- (3). **Terrorism and Freedom in International Law**
Touret, Denis G.
Houston, Journal of International Law, pp. 363-373
Spring '80.
- (4). **International Colonialism and Humanitarian Intervention**
M. Sorvarajah
Georgia Journal of International and Comparative Law.
Vol. 11, pp. 45-77, Winter, 1981.
- (5). **Skyjacking and the Bonn Declaration of 1978,**
California Western International Law Journal, Vol. 10. pp. 123-152, Winter, 1980.
- (6). **Comparing the 1993 U.S. Airstrike on Iraq to the 1986 Bombing of Libya; the New Interpretation of Article 51**

Stuart G. Baker
The Georgia Journal of International and Comparative Law, Spring 1994.

SUGGESTED READINGS:

- (a) Control of Terrorism: International Documents,
Alexander, Yonah, Brown, Majorie and Allan, S., N.Y.: Crane Russak & Co., Inc. 1979
- (b) Legal and other Aspects of Terrorism,
Lowe, Nobles, E. & Shargel, Harry D. Practicing Law Institute, 1979.
- (c) Documents of International and Local Control.
Friedlander, Robert A., Dobbs Ferry, N.Y. Oceana Publi., 1979, 3 Volumes.

II. **SELF-DETERMINATION AND INTERNATIONAL LAW**

REQUIRED READINGS:

- (7) **“Wars of National Liberation: Jus Ad Bellum”**,
Case Western Reserve Journal of International Law, pp. 71-93, Winter, 1979.
- (8) **“The Right of Self-Determination in Very Small Places”**,
Frank, Thomas M. & Hoffman, Paul. International Law and Politics, pp. 331-83, 1976.
- (9) **“Hope and Loopoles in the 1974 Definition of Agression”**,
Stone, J., American Journal of International Law, pp. 224-46, April, 1977.
- (10) **“New Hope for the Laws of War”**,
Aldrich, George H., American Journal of International Law, Vol. 75.

III. **THE STRUGGLES FOR SELF-DETERMINATION REGIONAL PERSPECTIVES.**

A. **STRUGGLES OF THE PEOPLES OF SOUTHERN AFRICA**

REQUIRED READINGS:

- (11) **“Self-Determination, International Law and the South African Bantustan Policy”**,
Richardson, Henry J., Columbia Journal of Transnational Law, Vol. 17, pp. 185-219,
1978.
- (12) **“Self-Determination Pretoria Style: The Case of the Transkei”**
Swan, George Steven, Whittier Law Review, pp. 475-498. Vol. 3, Fall, 1981.

- (13) **The Politics of Terrorism, “Terrorism in Sub-Saharan Africa”**, Stohl, Michael E., pp. 445-495.
- (14) **“Sanctions & South Africa”**, Johnson, David Lawther. Harvard International Law Journal, Vol. 19, No. 3, Fall 1978, pp. 887-930.
- (15) **“Final Report on the Establishment of an International Criminal Court for the Implementation of the Apartheid Convention & Other Relevant International Instruments.”**
Bassiouni, Cherif J., and Derby Daniel H. Hofstra, Law Review, Vol. 9, pp. 523-547.

B. STRUGGLES IN LATIN AMERICA

REQUIRED READINGS:

- (16) Text – **International Terrorism**,
Yonah, Alexander, Terrorism in Latin America, “ pp. 46-61.
- (17) **Political Terrorism in Latin America:**
The Politics of Terrorism, pp. 377-396.

C. THE UNITED STATES DYNAMIC

Chapter 14, Politics of Terrorism, Political Terrorism in the U.S.: Historical Antecedents & contemporary Trends. Ted Roberts Gurr, pp. 549-578.

REQUESTED READINGS:

- (18) **Sovereignty and Self-Determination: The Rights of Native Americans Under International Law”**.
Clinebell, John Howard and Thompson, Jim. Buffalo Law Review, Vol. 27, pp. 669-714.
- (19) **“Foreign Intelligence Surveillance Act: Unconstitutional Warrant Criteria Permit Wiretapping if a Possibility of International Terrorism is Found.”**
Purdy, Chip. San Diego Law Review, July 1980. Pp. 963-977.
- (20) **Blown Away? The Bill of Rights After Oklahoma City**
The Harvard Law Review, June 1996.
- (21) **After Alvarez-Machain: Abduction, Standing, Denials of Justice, and Unaddressed Human Rights Claims**
Jordan J. Paust
St. John’s Law Review Summer 1993.

D. CONFLICTS IN THE MIDDLE EAST AND THE WESTERN SAHARA

SUGGESTED READINGS:

- (22) **Text – Chap. 9 – “The Birth of Israel”**
- (23) **Self-Determination in International Law: The Palestinians”**.
Case Western Reserve Journal of International Law. Vol. 12, pp. 121-167.
- (24) **“The Legal Effects of United Nations Action in Support of the Palestine Liberation Organization and the National Liberation Movements of Africa.”**
Travers, Patrick J., No. 3, Summer, 1976, Harvard International Law Journal, pp. 561-580.
- (25) **“International Court of Justice: Advisory Opinion on the Western Sahara.”**
Janvs, Mark W., Harvard International Law Journal, Vol. 17, 1976, pp. 609-62.

E. CONFLICT IN NORTHERN IRELAND

REQUIRED READINGS:

- (26) **Lowry, David R. “Terrorism and Human Rights: Counter-Insurgency and Necessity at Common Law”,**
Notre Dame Lawyer, 1977, pp. 49-89
- (27) **“Draconian Powers: The New British Approach to Pretrial Detention of Suspected Terrorists.”** Lowry, David R.,
Columbia Human Rights Law Review, Vol. 8-9, pp. 185-222.
- (28) **“The Right of the People of the Whole of Ireland to Self-Determination, Unity, Sovereignty and Independence”,**
Harvey, Richard J., New York Law School Journal of International and Comparative Law, Vol. 11, Numbers 1 & 2, 1990, pp. 167-206.