A. **Course Description:**

Many politicians and scholars call for reassessing the laws governing states of emergency. Technology provides both enemy countries and terrorist organizations new and ever improving implements of destruction. Consequently, the global discourse increasingly focuses on finding a new balance between security interests and human rights. The course will focus on assessing the constitutional means that states may use in times of emergency in general, and specifically when combating terror, in light of constitutional and international law. Ethical and comparative analyses will be emphasized using the US, Britain and Israel as case studies. We will reveal fascinating dialogues within countries and between countries on these issues.

We will be dealing with current issues, including the laws of immigration and expulsion, banning participation at elections, State of Emergency regulations, targeted killings, house demolition and collective punishment, political boycott, ethnic profiling, dealing with secessionist forces, permissible forms of interrogation vis-à-vis torture, administrative detention using neighbors as human shields, the separation barrier in Israel, and bargaining with terrorist kidnappers.

B. **Required Reading**

The syllabus includes hyperlinks to the specific items required for each of the upcoming class meetings. Further guidance will be provided during the semester through the web site for the course.

C. **Contact Information & Office Hours**

**E-mail:** rweill@idc.ac.il.

**Phone:** Ext. 207.

**Office:** Room 514

**Hours:** by appointment.
D. **Class Meetings Times**

Our class is scheduled to meet at Room 303 from 4:00 to 5:54 PM on the following thirteen dates:

1. Tuesday, January 24th
2. Tuesday, January 31st
3. Tuesday, February 7th
4. Tuesday, February 14th
5. Tuesday, February 21st
6. Tuesday, February 28th
7. Tuesday, March 7th
8. Tuesday, March 14th
9. Tuesday, March 21st
10. Tuesday, March 28th
11. Tuesday, April 4th
12. Thursday, April 20th (Cardozo follows a Tuesday schedule this day.)
13. Tuesday, April 25th

Each class is padded to include a 6-minute break at the midpoint.

E. **Grading**

Attendance, presentation, reading of assigned materials, and active participation in class discussions – 10%. Final writing project: 90%.

F. **Goals of the Course**

This course has two major aims: First, to discuss fascinating up to date issues concerning democracies’ fight against terrorism. Second, to develop capabilities to write and present a worthy research paper.
Classes

Class 1
Dealing with Terrorist Kidnapping


Class 2
Dealing with Secessionist Forces


Class 3
Conducting Interrogation or Committing Torture; Using Human Shields

2. Human Shields - HCJ 3799/02 Adalah - The Legal Center for Arab Minority Rights in Israel v. GOC Central Command, IDF, 60(3) PD 67 (2005).

Class 4
Shooting Down a Hijacked Airplane

2. Tatjana Hoernle, Shooting Down a Hijacked Airplane - the German Discussion and Beyond, 3 Crim. L. & Phil. 111 (2009).
**Class 5**

**Targeted Killings**


**Class 6**

**Dealing with Boycott**

1. HCJ 5239/11 *Avnery v. the Knesset* (Nevo, April 15, 2015).

**Class 7**

**Dealing with Holocaust Denial**


**Class 8**

**Detaining Suspected Terrorists**


Class 9
Erecting Barriers: The Case of the Israeli Separation Fence

2. Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, (ICJ, 2004).

Class 10
Reshaping Immigration Law in light of Terrorism


Class 11
Demolishing Houses & Collective Punishment

4. Laura Dugan & Erica Chenoweth, Moving Beyond Deterrence: The Effectiveness of Raising the Expected Utility of Abstaining from Terrorism in Israel, 77 AM. SOCIOLOGICAL REV. 597 (2012).

Class 12
Profiling as a Counter-Terrorism Measure


Class 13
Being in a State of Emergency