EMERGENCY POWERS IN THE WAKE OF 9/11
G.53.3101

Wed. 4:00-6:00
726 Broadway, Room: 700

This is a preliminary syllabus. A fuller and definitive version will be available on the first day of class.

II. Schedule of classes


13 Sept: Emergency powers in Ancient Rome. The republican praise of Roman dictatorship

  Reading: Machiavelli, Discourses on Livy, Bk. I, ch. 34; Rousseau, On the Social Contract, Bk. IV, ch. 6; C.J. Friedrich, Constitutional Government and Democracy, chapter XXV; C. Rossiter, Constitutional Dictatorship, chapter II.
  Recommended reading: A. Lintott, The Constitution of the Roman Republic, chs. TBD

20 Sept.: The liberal alternative to dictatorship: suspending Habeas Corpus


27 Sept.: Liberalism and emergency powers: a law for the exception?

4 Oct.: The US Civil War and the suspension of Habeas Corpus


18 Oct.: Article 48 of the Weimar constitution and the collapse of the republic
Recommended reading: Friedrich Watkins, *The failure of constitutional emergency powers under the German republic*

25 Oct.: Using the paradigm of emergency powers in the context of terrorism? Bruce Ackerman
Recommended reading: *Responses to Ackerman. T.B.D.*. D. Cole, L. Tribe?

1 Nov.: Balancing security and liberties? Posner's "pragmatism"
Recommended reading: M. Rosenfeld, "Judicial balancing in times of stress: comparing diverse approaches to the war on terror", 2005, Mimeo

8 Nov.: Distinguishing the war model from the crime model? R. Dworkin

15 Nov.: Anti terrorist policies in Britain from Northern Ireland to the aftermath of 9/11

22 Nov.: The French anti terrorist legislation, a model?

29 Nov.: What principles in interrogating suspects?

6 Dec.: Individual rights and common good in health emergencies: from bioterrorism to epidemics

13 Dec.: Overview.