



IN SEARCH OF THE GERMAN LEGAL SOUL MORDECHAI KREMNITZER

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I have worked on two projects:

1) A research comparing some differences in constitutional law and in criminal law between Germany and the USA. Among others: the different roles in the respective systems of human dignity, culpability, solidarity, the role of the state, a utilitarian or deontological approach, an absolute or relative approach. I finished roughly the descriptive part of the work. My main effort during the year was to get myself acquainted with elements of the respective legal cultures and cultures in general that may explain these differences. Al-

though I have some hypotheses, I feel that I have to do more “cultural” reading in order to establish, on solid ground, the main shaping factors of each of the systems.

2) Democracy and Terrorism – The Israeli experience. I examined critically a dozen of the methods used by Israel in its struggle with terrorism, namely torture, the demolition of houses, hostage-taking, deportations, military courts, administrative detentions, limitations on freedom of movement, preventive killings, a law against contacts between Israelis and representatives of terrorist organizations, procedural adaptations (for example, postponement of a suspect’s meeting his lawyer), failure to investigate most incidents with fatal consequences during the second “intifada”, legislation against terrorist activities. Though the research concentrates on Israel, it includes also comparative references, mainly to Britain and the USA. I also wrote a more general analysis, characterizing the way democracies deal with terrorism, the reasons for states’ excesses and what can be done in order to prevent them.

I delivered two lectures at the Free University – one on democracy and terrorism and one on the issue of torture. I dedicated three hours a week to improving my German and found it to be extremely helpful for my cultural explorations. After having read for many years legal literature in German, I am now reading fluently history, philosophy and literature in German and feel at home with the language. I read at the Wissenschaftskolleg more than I ever did.

I enjoyed immensely Berlin and its offerings in music, theatre, museums, architecture and nature. I will be leaving Berlin with a strong desire to come back. My deepest gratitude goes to the personnel of the Wissenschaftskolleg for enabling and facilitating a wonderful year and to an astonishingly nice group of Fellows for being what they are.