



**ACADEMIC  
WORKSHOP**

SEPTEMBER 13, 2022,  
09.00–14.00

In cooperation with  
German Law Journal



**THE  
INSTRUMENTALIZATION  
OF THE RULE  
OF LAW**

LEGISLATION AND  
POLICY MAKING  
IN TIMES OF CRISIS

The rule of law is broadly understood as a principle aiming, among others, to ensure equality of all citizens before the law, the respect of human rights, legal certainty as well as participation in decision making and fairness in the application of the law. In this sense, it is often taken as precondition for development, trust and international cooperation. In Europe, the strengthening of the rule of law remains a key objective, both at the national and at the supranational level (European Union and Council of Europe). Here, this principle is closely linked to the values of equality, pluralism and solidarity, inherent to liberal democratic states. However, the numerous “crises” experienced in the past two decades and the resulting normalization of states of “emergency and exception” have challenged those principles. Situations such as the war on terror, increasing migration flows, the Covid-19 pandemic and, more recently, the war in Ukraine have often led to prioritize security over other values. The securitization of the majority to the disadvantage of minorities has led to an increasing polarization of European societies and to the discrimination and stigmatization of larger parts of them (so-called “others”). This workshop aims at exploring and denouncing how certain core values characterizing the rule of law within European liberal democracies (such as equality, pluralism and solidarity) are easily twisted and replaced in times of crises and are more prone to succumb to others (such as security).

The workshop is organized in three panels. The first panel analyzes how European systems (fail to) respond to increasing levels of diversity, through law and policy making and questions the lack of pluralism within state institutions and procedures, and its consequences on equality. The second panel looks instead at the principle of the rule of law in the practice of supranational, particularly EU, institutions and at possible conflicts with state sovereignty and practices, regarding the protection of fundamental rights. The focus is on the one hand on the jurisprudence of the Court of Justice of the European Union on the fulfillment with the rule of law in Poland and Hungary and, on the other, on migration and asylum policies within the EU. Here, particular attention will be paid to the reform of the Dublin III regulation. Finally, the third panel examines aspects of solidarity, equality and global justice during the recent Covid-19 pandemic crisis, with regard to both the production and distribution of vaccines and the responses to migration (and the right to health) during this time.

# Program



**09.00–09.15**

## **Greetings and Introduction**

Clara Rigoni, Max Planck Institute & University of Lausanne

**09.15–10.15**

## **PANEL 1**

### **DIVERSITY AND PLURALISM WITHIN EUROPEAN LEGAL SYSTEMS**

#### **Diversity in the legal academy and practice**

Emanuel V. Towfigh, University of Wiesbaden

#### **Penal populism and the use of symbolic legislation in Europe**

Clara Rigoni, Max Planck Institute & University of Lausanne

**10.15–10.45**

## **COFFEE BREAK**

**10.45–11.45**

## **PANEL 2:**

### **THE RULE OF LAW IN THE SUPRANATIONAL DIMENSION**

#### **The view from Brussels/Luxembourg and beyond: the rule of law of the EU in the jurisprudence of the CJEU and practice of the European Commission**

Stoyan Panov, University of Freiburg

#### **Nonsense upon stilts? The EU Dublin system under human rights scrutiny**

Pietro Sullo, Brunel University London

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## PROGRAM

11.45–12.45

### PANEL 3:

#### SOLIDARITY AND GLOBAL JUSTICE IN TIMES OF COVID-19

**Solidarity and global health care: what should we have learned in the Covid-19 pandemics**

Sunčana Roksandić, University of Zagreb

**Of solidarity and other mysteries**

Maria Varaki, King's College London

12.45–13.00

#### ROUNDTABLE DISCUSSION & CLOSING REMARKS

All Speakers

13.00–14.00

#### FAREWELL



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#### TIME:

Tuesday, Sep 13, 2022  
9.00–14.00

#### LOCATION:

Max Planck Institute for the Study  
of Crime, Security and Law, Freiburg  
– and via Zoom

#### REGISTRATION:

Please send an email to [c.rigoni@csl.mpg.de](mailto:c.rigoni@csl.mpg.de) (for both in person and Zoom participation).