

Preserving democracy through undemocratic means?

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Contrary to the legal saying “Fiat iustitia, pereat mundus”, can the preservation of democratic ideals sometimes make it necessary to soften or even violate legal norms? In other words: Can there be (democratically) legitimate – though illegal – action at and beyond the limits of a democratic legal and political system? Or does a deviation from the legality always surrender the normative ideal of democracy?

The workshop engages with a variety of constellations, in which the adherence to democratic norms and legal principles conflicts with upholding the democratic system or with preserving its basic normative pillars. The perspectives the workshop intends to address range from the role of civil disobedience in a democratic society to question political decisions, to the suspension of basic rights in a state of emergency to maintain security or the suspension of humanitarian law in supreme emergency cases, to the fundamental violation of human dignity through the practice of torture to save lives.