

Legality and the Rule of Law in a State of Emergency

Tutor	Gábor Mészáros PhD, European University Institute
Organization	Graduate Academy
Language	English
ECTS-Points	2
Nos. of pax	Max. 30
Content	<p>Emergencies put legality and constitutional democratic values to one of its greatest test. Some scholars – such as Carl Schmitt – relied on sovereign power to rescue us, to hold the danger at bay. Others such as David Dyzenhaus asserted that it is more important to avoid legal black holes and to achieve this aim we shall protect the rule of law which is a substantive fundamental constitutional principle. The course provides a brief introduction to the question of legality in times of crisis with a special focus on the possible autocratic transitions. The lecturer will present various case laws from many countries to show that using emergency measures may easily lead to democratic backsliding.</p> <p>Lawyers, law students and/or social scientists are welcome</p>
Reading list	<p>Optional (not mandatory):</p> <ul style="list-style-type: none"> - Petra Bárd (ed.): The Rule of Law and Terrorism, HvgOrac - Gábor Mészáros: Carl Schmitt in Hungary: Constitutional Crisis in the Shadow of Covid-19, Review of Central and East European Law, 2021, Vol. 46 No. 1, 69–90. - Gábor Mészáros: The Role of Emergency Politics in Autocratic Transition in Hungary, in Tom Gerald Daly - Wojciech Sadurski (eds.): Democracy 2020: Assessing Constitutional Decay, Breakdown and Renewal Worldwide, 2020, 193-197. - Austin Sarat (ed.): Sovereignty, Emergency, Legality, Cambridge University Press - Nomi Claire Lazar: States of Emergency in Liberal Democracies, Cambridge University Press - Victor V. Ramraj (ed.): Emergencies and the Limits of Legality, Cambridge University Press - Eric A. Posner – Adrian Vermeule: Terror in the Balance – Security, Liberty and the Courts, Oxford University Press - Oren Gross – Fionnuala Ni Aoláin – Law in Times of Crisis – Emergency powers in theory and practice, Cambridge University Press - David Dyzenhaus: The Constitution of Law: Legality in a Time of Emergency - Bruce Ackerman: The Emergency Constitution, The Yale Law Journal, 2004. - Gábor Mészáros: Responses of States to Economic Crisis, In: Péter Smuk (ed.), Costs of Democracy - Gábor Mészáros: The Hungarian Response to Terrorism: a „blank check” for the Government, Studia Iuridica Auctoritate Universitatis Pécs Publicata,

	Essays of Faculty of Law, University of Pécs, Yearbook of 2016
Teaching method	Mainly presentations with discussions after each topic
Charge	This Graduate Academy offering is directed at researchers, post-docs and doctoral students of the University of Lucerne and its partner institutions and is free of charge for these persons.