MAX PLANCK CENTER
FOR DEMOCRACY, SECURITY
AND HUMAN RIGHTS CONFERENCE

LEGITIMATE AIMS AND PUBLIC REASONS

TOWARDS A MORAL RENAISSANCE OF PROPORTIONALITY REVIEW

//Organizers

Martha Basazienw Kassa, MPI-CSL

Dimitrios Kyritsis, Essex

November 11–13, 2026

Max Planck Institute for the Study of Crime, Security and Law

Seminar Room (F 113)
Fürstenbergstr. 19
79102 Freiburg, Germany

ORGANIZATION

HOST: The Max Planck Center for Democracy, Security, and Human Rights, in collaboration with the Hebrew University of Jerusalem, the Minerva Center for Human Rights, the Max Planck Institute for the Study of Crime, Security and Law, and the University of Essex Law School

TIME: November 11–13, 2026

LOCATION: Max Planck Institute for the Study of Crime, Security and Law (MPI-CSL)

Fürstenbergstr. 19
79102 Freiburg im Breisgau
Seminar Room (F 113)

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PRELUDE – 10 NOVEMBER 2026

18:30–19:00

Welcoming Speakers and Preparation

19:00–20:00

Welcome Dinner

20:00–21:00

Discussions

DAY ONE – 11 NOVEMBER 2026

9:00–9:15

Arrival and Registration of Participants

9:15–9:35

Opening Remarks: Bringing Proportionality Back 'Home'

Ralf Poscher, Director at the Max Planck Institute for the Study of Crime, Security and Law (Germany)

SESSION 1
LEGITIMACY REVIEW: A NATIONAL COMPARATIVE PERSPECTIVE

Moderator: André Bartsch, Doctoral Researcher (MPI-CSL)

9:35–10:00

The Purposes of the Legitimate Aims Doctrine within the Jurisprudence of the Supreme Court of Israel

Barak Medina, Professor, Landecker-Ferencz Chair in the Study of Protection of Minorities and Vulnerable Groups, Faculty of Law, Hebrew University of Jerusalem (Israel)

10:00–10:25

The Politicization of Proportionality Analysis in North America, and Can Attention to Legitimate Objectives Change It?

Dwight Newman, Professor, Tier 1 Canada Research Chair in Rights, Communities, and Constitutional Law, College of Law, University of Saskatchewan (Canada)

10:25–10:50

Standards of Aims Review at the German Constitutional Court

Laurence O'Hara, Adjunct Professor of Public Law, Institute for Public Law, Goethe-Universität (Germany)

10:50–11:15

Legitimacy or Aims Review in the United States

Robert T. Miller, Professor of Law, Allison and Dorothy Rouse Chair in Law, Antonin Scalia Law School, George Mason University (USA)

11-15–11:35

Coffee Break

11:35–12:40

Discussions

12:40–13:40

Lunch

SESSION 2
LEGITIMACY REVIEW: A SUPRANATIONAL COMPARATIVE PERSPECTIVE

Moderator: André Bartsch, Doctoral Researcher (MPI-CSL)

13:40–14:05

Legitimate Aim Taken Seriously: What Judges Could Do Against Governmental Abuse

András Sajó, Former Judge at the European Court of Human Rights, Professor Emeritus, Department of Legal Studies, Central European University (Austria)

14:05–14:30

The Multiple Nature of the Principle of Proportionality in EU Law

Lucia Serena Rossi, Former Judge at the Court of Justice of the European Union (CJEU) and Full Professor at the Department of Legal Studies, University of Bologna (Italy)

14:30–15:00

Discussions

15:00–16:15

Keynote Address

Paulo Sérgio Pinto de Albuquerque, Former Judge at the European Court of Human Rights; Full Professor, Faculty of Law, Catholic University of Lisbon (Portugal)

16:15–16:40

Photographs and Coffee Break

SESSION 3
ROADBLOCKS TO LEGITIMACY REVIEW AND ITS IMPLICATIONS

Moderator: Simon Palmer, Postdoctoral Researcher (MPI-CSL)

16:40–17:05

Taking the Legitimacy of Aims for Granted: Non-Decisions in Proportionality Review

Sarah Katharina Stein, Senior Researcher, Department of Public Law, Max Planck Institute for the Study of Crime, Security and Law (Germany)

17:05–17:30

Public Reasons and Private Motives: The Moral Scandal of the Legitimate Aims Stage of Proportionality Review

Dimitrios Kyritsis, Reader in Law, University of Essex Law School (UK)

17:30–19:30

Discussions

19:30

Dinner

DAY TWO – 12 NOVEMBER 2026

9:45–10:00

Arrival and Registration

SESSION 4
PROPORTIONALITY REVIEW: BEYOND NEGATIVE USE TOWARDS POSITIVE INSTRUCTION

Moderator: Sebastian Schwab, Postdoctoral Researcher (MPI-CSL)

10:00–10:25

Which Type of Public Reason for Judges?

Silje Aambø Langvatn, Associate Professor in Political Philosophy, Centre for the Study of the Sciences and Humanities, University of Bergen (Norway)

10:25–10:50

Legitimate Aims for Restricting the Freedom of Political Expression of Employees

Moran Svorai, Doctoral Fellow, Max Planck Center for Democracy, Security and Human Rights at Minerva Center for Human Rights, Hebrew University (Israel)

10:50–11:15

Legitimacy Testing in the Age of Polarization: Can It Withstand Deep Social and Political Polarization?

Iddo Porat, Professor, College of Law and Business, Faculty of Law, Ramat Gan (Israel)

11:15–11:35

Coffee Break

11:35–12:40

Discussions

12:40–13:40

Lunch

SESSION 5
PROPORTIONALITY REVIEW: BEYOND NEGATIVE USE TOWARDS POSITIVE INSTRUCTION

Moderator: Marc André Bovermann, Doctoral Researcher (MPI-CSL)

13:40–14:05

Exclusionary Reasons v. Proportionality in Judicial Review

Richard H. Pildes, Sudler Family Professor of Constitutional Law, NYU Law School (USA)

14:05–14:30

The Idea of Public Morality as a Legitimate Ground for the Restriction of Rights and Freedoms

Mattias Kumm, Inge Rennert Professor of Law, NYU Law School (USA)

14:30–14:55

Necessity: Justification for Action

Martha Basazienw Kassa, Postdoctoral Researcher, Department of Public Law, Max Planck Institute for the Study of Crime, Security and Law (Germany)

14:55–15:20

Coffee Break

15:20–15:45

Legitimate Aims, Subnational Authorities, and Subsidiarity in the European Human Rights System

Matthew William Saul, Professor, Norwegian Centre for Human Rights, University of Oslo (Norway)

15:45–19:00

Discussions

19:00

Dinner

DAY THREE – 13 NOVEMBER 2026

10:00–10:15

Arrival and Registration

SESSION 6
INSTITUTIONAL CONSIDERATIONS AND CONSTRAINTS

Moderator: Maria Diory F. Rabajante, Doctoral Researcher (MPI-CSL)

10:15–10:40

Legitimate Aims and the Boundaries of the Political

Dimitrios Tsarapatsanis, Senior Lecturer, University of York (UK)

10:40–11:05

Between Deference and Activism: Legitimate Aims, Ulterior Purposes and Person-Promoting Subsidiarity at the ECtHR

Andreas Føllesdal, Professor of Political Philosophy, Faculty of Law, University of Oslo (Norway)

11:05–11:45

Discussions

11:45–12:00

Coffee Break

12:00–12:25

Legitimate Aim: Subjective vs Objective Readings

George Letsas, Professor of Philosophy of Law, University College London (UK)

12:25–12:50

Uncovering Illegitimate Aims in Fundamental Rights Adjudication

Niels Petersen, Professor of Public Law, International Law, and EU Law, University of Münster (Germany)

12:50–13:40

Discussions

13:40–14:40

Lunch

14:40–15:05

The Proportionality Principle in the Inter American Court of Human Rights: Introductory Remarks

Diego Moreno Rodríguez Alcalá, Judge at the Inter-American Court of Human Rights (Costa Rica)

15:05–15:30

Debunking the Hard Problem of Proportionality: Proportionality Has a Measurement Not an Incommensurability Problem

Ralf Poscher, Director, Max Planck Institute for the Study of Crime, Security and Law (Germany)

15:30–16:10

Discussions

16:10–16:30

Coffee Break

16:30–18:00

Operationalizing the Proportionality Hub

Dimitrios Kyritsis, Reader in Law, University of Essex Law School (UK)

18:00–19:30

Final Round of Discussions and Feedback

19:30

Farewell Dinner and Discussions

Our institute places great value on a respectful and appreciative environment.
If you have any suggestions on how we can strengthen diversity, inclusion, and equality, or would like to share your experiences with us, please scan this QR code.
https://sosci.csl.mpg.de/dei-letterbox/









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