REIMAGINING JUSTICE

SAFI 6TH ANNUAL CONFERENCE
UNIVERSITY OF AMSTERDAM
9-10th OCTOBER 2025
Organizers: Kritika Maheshwari, Hadassa Noorda, Giulia Battistoni

PARTICIPANTS' ABSTRACTS (IN ALPHABETICAL ORDER)

Claudia Atzeni, Università Magna Graecia of Catanzaro

The Authoritarian Turn: 'Penal Populism' and the Crisis of Democratic Justice

In contemporary democracies, criminal law epitomises the tension between formal legality and substantive justice. While traditionally aimed at mitigating punishment and safeguarding fundamental freedoms, it is increasingly deployed as an instrument for managing public order and shaping collective perceptions of insecurity. The ethical and symbolic function attributed to criminal law aligns with an authoritarian shift sustained by public consent: this is the defining feature of 'penal populism', a transnational phenomenon that merges control rationality with the emotional appeal of punishment.
Through emergency narratives and media strategies that dramatise the risk and simplify the discourse on criminality, criminal law assumes a performative function: it constructs the enemy—internal or external—and reinforces social polarisation. Nevertheless, the demands for justice remain unanswered. As law rigidifies into coercive and punitive practices, structural problems—such as gender-based violence, racism, and environmental degradation—call for responses that grasp the complexity of social inequality.
This paper aims to examine the growing gap between the moral claims of justice and the political application of criminal law, and offers a critical reflection on how the expansion of punitive mechanisms may ultimately undermine justice itself. It advocates for the rediscovery of a 'minimal criminal law': non-moralizing, grounded in proportionality, and respectful of individual dignity. Within this framework, law must not claim to absorb ethics, nor to substitute justice. Rather, it should remain an open space for dissent and the recognition of vulnerability. Only in this way can we hope to move closer to the ever-receding horizon of justice.

Isabella Banks, Institute for Information Law (IViR)

Humans-around-the-loop: A relational approach to human oversight of AI-supported judicial decision-making

The new EU AI Act makes human oversight central to the governance of high-risk AI systems – among them those used to support judicial decision-making. Ensuring that judges remain 'in-the-loop' of AI-supported decision-making is important for many reasons, but a growing body of research indicates that it does not protect against

algorithmic error and bias in the ways the EU regulator seems to expect (Crootof et al. 2023; Green & Chen 2019; Albright 2019; Stevenson & Doleac 2019).
Instead, it puts judges-in-the-loop in a position of shouldering the blame for a corrosion of judicial values that they alone are unlikely to be able to prevent (Green 2022; Goldenfein 2024; Elish 2019). Addressing this issue requires a shift in focus from how individual judges can be enabled to optimally oversee and interact with the AI systems they use, to how communities of developers, judicial professionals, and decision subjects can be enabled to interact with each other in a way that makes the ethical use (or rejection) of AI possible.
This article draws from restorative justice practices centered on preventing and addressing harm through collective dialogue to sketch what more a relational approach to human oversight could look like in the judicial context. It argues that several features of these practices – including their emphasis on bringing people together to share their unique perspectives (as opposed to their expertise), their focus on tangible and specific harms (as opposed to abstract risks to rights), their recognition of human interdependence (as opposed to an insistence on autonomy), and their aim of fostering greater accountability through a focus on shared values (as opposed to assigning blame according to law) – can help us reimagine human oversight as an opportunity for community-based problem-solving around AI as opposed to merely a mechanism for its control.

Maria Di Maggio, University of Bari
Whistleblowing as Democratic Practice: Preventing Harm and Promoting Equality within Institutions

Whistleblowing is often framed as a technocratic tool for detecting misconduct or meeting compliance standards. This narrow, risk-management perspective conceals its deeper significance. This paper proposes a reframing: whistleblowing as an act of institutional justice and democratic resistance—an interruption of silence, a call for accountability, and a challenge to hierarchical power.
Within rigid institutional structures and punitive logics, protected disclosures can become transformative gestures—especially when they come from those in vulnerable or marginalized positions. Rather than a betrayal, whistleblowing can represent an act of critical loyalty: a refusal to normalize misconduct and an affirmation of collective integrity. It often comes from voices the system prefers not to hear.
As a legal scholar working in criminal law and institutional transparency, I explore the potential of whistleblowing as a means of promoting substantive equality. When meaningfully protected, it can empower those excluded from decision-making processes—precarious workers, women, younger staff—who often bear the costs of wrongdoing without access to institutional power. Whistleblowing does not merely reveal a problem; it disrupts its reproduction.
This paper draws on EU legal frameworks, comparative jurisprudence, and theories of justice to argue that whistleblowing should be understood not simply as a mechanism of control, but as a practice of institutional democratization. It is not just about preventing

harm: it is about imagining fairer organizational cultures—ones that make space for dissent and recognize the courage it takes to speak up.
To recognize whistleblowing as an emancipatory act means moving beyond the image of the silent hero and acknowledging the whistleblower as a political and ethical agent. Justice within institutions does not occur automatically—it takes shape when someone chooses not to remain silent.

Kelly Amal Dhru, University of Hamburg
Brains in a Broken Society: What's (Institutional) Trust Got to Do with It?

With rapid technological advancements, emerging neurotechnologies have begun to enter the courtroom. A central area of concern is the use of neurotechnologies for lie detection (e.g. the EEG-based 'P300 test'), which is known to be useful in criminal investigations and is already frequently used in some countries. Often, legal rules determine the permissibility of such technology in courtrooms based on whether the accused has given their consent to its use. In light of non-ideal theory, this paper problematises the liberal optimism surrounding the use of consent as the threshold-determining device in addressing technological challenges. Specifically, this paper presents a hypothetical scenario which compares the application of the permissibility-upon-consent rule in two different societies: the first (society A) is a non-ideal society characterised by a history of police violence and corrupt institutions. In contrast, the second (society B) lacks such features. Using the methodological device of reflective equilibrium, the paper traces our intuitions about the justice-furthering potential of the permissibility-upon-consent rule, which differs between these societies. Such a difference in intuitions is corroborated by recent literature in the context of societies with a history of police violence, which argues in favour of banning the use of such technologies altogether, despite consent. The paper argues that such an intuition, about the acceptable use of technologies in society B but not in society A, provides a backdrop for understanding the usefulness of consent in the context of neurotechnologies more generally. Moving beyond formulating the challenges around neurotechnologies in terms of personal autonomy (characterised in terms of hierarchical theories) or the epistemic reliability of these technologies, this paper shifts the focus to the importance of overall trust in institutions and their adherence to constitutional principles.

María F.M. Gonzáles, Universitat Autònoma de Barcelona
Beyond Retribution: Walter Benjamin and the Case for Prospective Justice

Western justice is haunted by an eschatological imaginary: rooted in Christianity, it frames evil as a debt demanding future repayment (punishment), thereby legitimizing present violence under the guise of "balance." This work argues that such logic—epitomized in punitive systems—does not eradicate evil but institutionalizes it through expiatory violence (e.g., criminal justice as secularized sacrifice), and perpetuates structural inequalities. Following Walter Benjamin, I critique this paradigm and propose an

alternative: prospective justice as equal access to agency, displacing retribution with redistribution.
Benjamin's Critique of Violence reveals how law-preserving violence mimics divine judgment, perpetuating cycles of suffering under the myth of moral accounting. Meanwhile, his Theses on History expose the theological core of "progress": the belief in a final reckoning (Judgment Day) that never arrives yet justifies endless interim violence. Against this backdrop, I show how retributive justice is a secular theodicy. It treats punishment as a necessary counterweight, obscuring structural inequities. On the other hand, time is weaponized; the linear time of debt (past crime → future punishment) forecloses present alternatives, as seen in carceral systems that conflate accountability with suffering. Prospective justice interrupts this cycle, by prioritizing access to opportunities (material, social, political) over punitive balancing, it rejects the economy of guilt (Benjamin's Schuld) and operates in the messianic now; a time of possibility, not reckoning. Engaging Benjamin, I contend that justice must abandon its sacrificial logic (the illusion of "purifying" violence) and embrace profane repair: collective investment in conditions that preempt harm. Examples include restorative justice and transformative reparations, which address root causes rather than symptoms. This is not a utopian plea to "end evil", but a call to disentangle justice from vengeance. If the Christian imaginary demands a final tally, Benjamin's messianism offers a threshold: a justice that begins not with punishment, but with the radical equalization of capacity to act.

Sandra Göttsche, Helmut-Schmidt-University
The Responsibility to Acknowledge: Rethinking Institutional Justice Beyond Punishment

What does it mean to pursue justice when legal systems often reinforce exclusion and structural violence? This paper explores the disjunction between institutional practices and the ethical ideals of justice by focusing on the treatment of refugees within state systems. While laws claim neutrality and fairness, they frequently obscure the power dynamics and social inequalities they perpetuate. Drawing on empirical data and critical theory, the paper examines how institutions must reorient themselves toward a more justice-centered ethos - one that goes beyond legality and incorporates both vulnerability and agency as core dimensions of human dignity.
Justice, in this context, is not a fixed outcome dictated by procedural norms, but a dynamic, collective practice grounded in ethical responsiveness. The paper introduces the concept of the "responsibility to acknowledge" as a normative framework that enables institutions to recognize and address systemic injustices, especially those experienced by displaced persons navigating hostile and bureaucratic landscapes. By acknowledging refugees not only as vulnerable but as agents with aspirations and rights, institutions can shift from enforcing order to enabling justice.
This approach calls for a transformation of legal and administrative systems that often prioritize control over care. It interrogates whose lives are protected by law and whose are

excluded, and what justice demands in response. Ultimately, the paper contributes to a broader vision of justice as inclusion, recognition, and structural change, arguing that only by confronting the moral and political limitations of current legal paradigms can institutions become genuine agents of justice in pluralistic societies.

Sofia Grossi, Luiss University
Reflections on rape myths and gender stereotypes in sexual assault cases

The use of gender stereotypes within the legal context takes on particular significance in sexual assault cases (Jenkins, 2021). Criminal proceedings in rape trials often reveal how legal decision-making can be influenced by entrenched sexist assumptions, rather than a critical assessment of evidence. This can culminate in outcomes that reinforce harmful generalizations about both alleged perpetrators and victims.
This article proposes to apply the concept of epistemic injustice to critically examine the impact of stereotypes and rape myths on judicial decisions, and their broader repercussions for women (Fricker, 2007; Dotson, 2011; Pohlhaus, 2012; Lackey, 2018). The article will address some of the most rooted myths and stereotypes found in Italian caselaw by referring to specific examples. Subsequently, the article will consider the adoption of a gender-sensitive approach as a potential remedy and thus as a valuable tool for highlighting and mitigating the harmful effects of bias and stereotypes in the courtroom. The article will explore whether incorporating a gender perspective can serve as a legal mechanism for ensuring impartial and fair decisions, while challenging entrenched assumptions about sexual assault. To support this analysis, the article will engage with feminist standpoint theory (Harding, 1993; Harstock, 1998) to assess whether an alternative epistemological framework—one that incorporates diverse perspectives—can move legal reasoning beyond narrow and partial views, thus contributing to a more objective knowledge as well as to just judicial outcomes.

Arif Guljar, Indian Institute of Technology
Reimagining Justice Beyond Blame: Defending Iris Marion Young's Social Connection Model

This paper defends Iris Marion Young's Social Connection Model (SCM) as a compelling alternative to the dominant legal paradigm of responsibility rooted in coercion, blame, and backward-looking liability. Whereas liberal legal systems assign culpability based on individual intent and causation, SCM reconceives responsibility as political, forward-looking, and shared. It arises not from fault but from one's structural position within social processes that systematically produce harm (Young, 2011, pp. 95–121). Drawing from and revising Hannah Arendt's concept of political responsibility, Young rejects the idea that responsibility is grounded in national membership (Arendt, 1987, p. 44), emphasizing instead participation in unjust systems regardless of borders (Young, 2011, pp. 86, 91, 136). To develop this argument, I engage Virginia Mantouvalou's (2023) critique of state-sanctioned labor exploitation. Her case study of a migrant cleaner illustrates how legal

frameworks can normalize vulnerability and precarity (Mantouvalou, 2023, pp. 2–20). Mantouvalou extends SCM by revealing how legal institutions reproduce structural injustice and why the state bears political responsibility to reform them (p. 23). I also draw on Serena Parekh (2011), who argues that states must address structural gender violence not through blame, but by transforming the institutions and norms that sustain it (Parekh, 2011, pp. 672–685). Parekh strengthens SCM by showing how states, given their resources and reach, are uniquely capable of discharging political responsibility. Finally, I respond to a critique by Yuko (2019), who argues that SCM presupposes a "capability for responsibility" that many marginalized individuals may lack (p. 145). While I affirm the need to build both internal and external conditions for political agency—drawing from Sen and Nussbaum—I argue that Yuko underemphasizes the necessity of collective action and institutional transformation. As Young insists, responsibility is differentiated by power, privilege, and structural position—not equally distributed (Young, 2011, pp. 142–147). Ultimately, I argue that Young's SCM offers a robust framework for reimagining legal responsibility beyond retribution—toward solidarity, structural transformation, and shared political agency.

Marianna Iliadou, University of Sussex

Who Gets to Be a Family? Surrogacy and Judicial Bias at the European Court of Human Rights

Surrogacy is a valued method of family formation for many people, particularly for alternative families. The debate surrounding surrogacy, however, is highly polarised. Opponents of surrogacy often invoke stereotypes to object to surrogacy practices, e.g., that women inherently desire motherhood, that surrogates are vulnerable beings needing protection, unable to freely make the decision to become surrogates, or that intended parents are selfish and morally suspect. These stereotypes are also evident in case law, such as judgments of the European Court of Human Rights (ECtHR) on surrogacy. As legal decision-makers, ECtHR judges play a critical role in shaping justice and determining the legal recognition of families formed through surrogacy, particularly in cross-border cases from European states where surrogacy is prohibited. It is argued therefore that judicial reasoning in this area, often shaped by implicit biases and entrenched gender stereotypes, can undermine the rights of those involved in surrogacy arrangements.

This paper begins by clarifying key concepts about surrogacy, including important conventional distinctions between altruistic and commercial surrogacy, as well as gestational and traditional surrogacy. It then explores existing literature that examines how stereotypes surrounding surrogacy manifest in societal attitudes and even legal frameworks. For instance, 'altruistic' surrogates are often idealised as self-sacrificing maternal figures, while 'commercial' surrogates are depicted as cold-hearted baby-sellers. Similarly, intended parents may be cast as desperate or unethical. These dichotomies reflect broader societal discomfort with surrogacy and non-normative kinship, which can translate into judicial reluctance to fully recognise the rights of intended parents and children born through surrogacy. By critically analysing these judgments, the paper identifies how these biases appear in surrogacy rulings, often more explicit in Concurring

Opinions that expose underlying reasoning. It concludes by advocating for bias-awareness training for judges and reflective practices to uphold justice and ensure equal treatment for all family forms.

Isabel M. Kaiser, LL.M. (Harvard) & Sarah Witte, M.A.

"Rainbow-Europe" in the Face of Right-Wing Backlash. LGBTQ-Rights protection under Siege

Since its establishment, the European Union has been committed to promoting and protecting human rights. However, the rise of right-wing populist movements and governments across EU member states poses a significant challenge to these foundational human rights protections, particularly to those of the LGBTQ community. This paper will undertake a comprehensive investigation into the growing tension between LGBTQ rights protection under EU law on the one side and the political influence of right-wing politics on the other, offering an interdisciplinary analysis that draws from both legal and political science perspectives.
Hence, we will investigate the concept of "Rainbow Europe" and analyze the potential threats posed by right-wing populist movements and governments in EU member states. Additionally, we will consider the East-West divide within the EU regarding the acceptance of LGBTQ rights and the interpretation of EU law, questioning whether this divide still exists. Therefore, this paper aims to examine how EU institutions perceive themselves as a safe haven for the LGBTQ community and to explore the legal framework supposed to protect their rights.
Subsequently, and with the aim of showcasing the level of protection of LGBTQ rights in EU law, the existing legal and policy human rights framework will be analyzed. Case law by the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR), alongside the EU's institutional mechanisms such as those by the European Parliament and the European Commission, will be examined. This analysis will then provide the basis for probing the double role of law as both a protector against and an enabler of pushback from right-wing populist movement. This paper will conclude by highlighting critical gaps in the existing LGBTQ rights framework, illustrating how these dynamics challenge the EU's foundational values and reflecting on the broader implications for EU governance.

Jaba Kaplanishvili, University of Westminster

Refugee status determination of sexual orientation and gender identity asylum claims; human rights as a preventative tool

It is broadly accepted that asylum seekers applying on the grounds of sexual orientation and gender identity are facing challenges during the refugee status determination process. Among other criteria, the applicants are trying to convince the decision maker that their identity does not conform to the cis/heterosexual norms. Different methods of assessing

those characteristics have been identified. The phallometric tests were banned as they were deemed ill-treatment, the ABC case examined the right to dignity and prohibited videos as evidence. The F case addressed the right to privacy and prohibited homosexuality tests as sore evidence of someone's sexual orientation or gender identity. Certain violations of human rights, such as the right to privacy and dignity have already been determined from the jurisprudence. Still, other rights such as the right to religion and the right to family have not been addressed accordingly. Neither right is given the right attention in the refugee status determination process and could often be disrespected. Their full enjoyment might be seen as a contradiction of their refugee status and discredit their claim. As human rights law seems to have influenced refugee jurisprudence, there is a need for a greater understanding of how the intersection of human rights and refugee law can improve refugee status determination and prevent any human rights violations thoroughly. This research argues that human rights should be used as a preventative tool when deciding which means will be applied to assess someone's sexuality and gender identity in relevant asylum claims

Nikko Kulke, Max Planck Institute for Social Anthropology

From Harm to Culture: Society as the Normative Anchor in Criminalization

This presentation explores the role of culture as a normative argument in substantive German criminal law and highlights the problematic implications of its use. The discussion draws from my dissertation, funded by the Max Planck Society, which investigates how cultural justifications appear explicitly in legal reasoning. Using a reflexive approach inspired by anthropology, I examine how German law invokes cultural norms to justify criminalization, even when no harm or violation of subjective rights occurs.

The German Constitutional Court has acknowledged the influence of culture on criminal law, recognizing its deep entrenchment in historical and societal contexts. However, this reliance on cultural norms raises concerns. Through case studies—such as the criminalization of consensual incest between adult half-siblings and the prohibition of altruistic egg donation—I illustrate how lawmakers and courts employ culture as a justification for criminal sanctions, despite the absence of concrete harm. These cultural normative arguments risk enforcing a static and exclusionary notion of culture through legal mechanisms. I connect the case studies to key approaches in the philosophy of criminal law over the past century, particularly debates between communitarianism and liberalism, where society has often been treated as the normative basis for legal order. In doing so, I challenge the assumption that cultural norms alone provide a sufficient foundation for criminalization. Such justifications tend to operate axiomatically, circumventing the essential demand for legal reasoning. Rather than serving to regulate conduct based on demonstrable harm, the law in these instances is used to enforce a specific cultural perspective. This instrumentalization of law undermines the foundational principle that criminalization must be grounded in the prevention of harm, not the

preservation of cultural identity. The presentation calls for a critical reassessment of the intersection between law and culture to ensure a more just and inclusive legal framework in a superdiverse society.

Salomé Lannier, University of Luxembourg

Narrow Justice: How Legal Decision-Makers Recognise (and Overlook) Victims of Trafficking

In recent years, the concept—and interpretations—of justice in the context of human trafficking has been tested by an expanding range of criminalised exploitation scenarios. Yet, victim identification and recognition continue to centre around narrow profiles of trafficked persons. These profiles are shaped not only by legal definitions but also by institutional norms (e.g., sex work and labour regulation), political pressures, and personal biases—not only among law enforcement authorities but, less examined, within the judiciary.

This research asks: What kinds of trafficked victims are showcased and recognised in judicial decisions? To explore this, we conduct a qualitative comparative analysis of case law from Belgium, Luxembourg, France, and Spain. Drawing from national databases, we examine criminal court decisions involving human trafficking and related offences (e.g., pimping, forced labour).

Using semiotic analysis, we analyse the language and exploitation criteria judges apply when determining victim status. From a criminal justice perspective, this recognition determines access to State protection, particularly through offender conviction and victim compensation. We then compare judicial criteria with internationally recognised trafficking indicators to assess alignment—or divergence.

Preliminary findings reveal three patterns: (1) Victim recognition remains focused almost exclusively on sexual and labour exploitation, with little attention to other exploitation forms; (2) Legal thresholds differ widely, showcasing a different vision of human dignity; (3) Stereotypes around passivity, foreignness, and lack of agency still strongly influence victim recognition.

These findings show that, despite international guidance, legal decision-makers still provide limited justice to survivors of trafficking and exploitation. This study contributes to a more inclusive conception of justice—one that recognises diverse victim experiences and calls for reform in judicial training and interpretive practices.

Hsin-Wen Lee, University of Delaware

Normality or Proportionality? Punishment in a Liberal Democracy

A liberal democracy is committed to protecting individual rights and liberties. Accordingly, the criminal justice system in such a society must be designed to serve this very same principle, whatever other values and purposes it may also wish to serve. A desert-based theory of punishment emphasizes that punishment must be proportionate to the crime committed. On the other hand, a utilitarian theory of punishment looks to the impact and

consequences of punishment to determine its value. Accordingly, it favors the principle of normality in punishment. To which principle should a liberal democracy subscribe? How can such an institution be designed to ensure that individual rights are well protected?
I argue that the commitment to protecting individual rights lends moral support for policies that prioritize victim compensation and offender rehabilitation and reform. Accordingly, a liberal democracy would favor the principle of normality as it takes into consideration punishment's impact on valuable social institutions. Because proportionate sentencing policies are not designed to achieve any of these goals, a liberal democracy would not favor these policies. Nevertheless, a liberal democracy can appreciate the expressivist value of proportionate punishment. It may reject cardinal proportionality while still embracing ordinal proportionality.
Many consider such blatant deviation from the ideal of proportionate punishment to be an implausible judgment that provides a sufficient reason to reject a theory. However, I believe that this is a bullet that is worth biting—offender rehabilitation and reform benefits not only criminal offenders themselves, but also everyone in the community. It is a policy that best protects individuals' right to pursue happiness.

Miguel de Lemos, Lisbon School of Economics and Management
Culturally Motivated Crimes and women: Intercultural hermeneutics assessing culpability

Multicultural societies increasingly face normative conflicts arising from cultural diversity, leading to culturally motivated crimes (VAN BROECK, 2001). In such cases, behaviours punished under state criminal law are nonetheless accepted/valued within certain cultural groups (CASTIGLIONI/CÓRDOVA, 2011). This tension highlights the challenges that legal pluralism poses to contemporary criminal law, demanding that it acknowledge the coexistence of multiple normative orders within the same social space. Assessing the criminal responsibility of the "other" requires intercultural hermeneutics—a dialogical process between the agent's cultural meanings and the dominant legal values (V. KYMLICKA, 1995).
However, judges, trained within a monist legal framework and often lacking appropriate preparation, tend to interpret such acts through ethnocentric assumptions, leading to projection errors and miscarriages of justice (KUMARALINGAM, 2004). Culture does not mechanically determine behaviour (APPIAH, 2005), but shapes identity and perceptions of duty. Distinguishing between closed and hybrid identities is crucial when assessing culpability. Ignoring cultural context undermines the principles of equality and culpability. Therefore, criminal proceedings must be equipped with tools to incorporate cultural evidence, allowing the judiciary to respond sensitively and fairly. Intercultural hermeneutics does not relativize legality but rather enhances justice by aligning it with the realities of pluralistic societies. (RENTELN, 2004; MAGLIE 2010).

Chiara Magni, Università degli Studi Roma Tre
From perpetuity to possibility: Rethinking the (un)justice of life imprisonment

Since the Enlightenment, the spotlight has been cast on the death penalty. Life imprisonment, by contrast, has remained in the shadows. Despite being the harshest punishment available in many jurisdictions – especially in the form of life without the possibility of parole (LWOP) – it has received disproportionately little scrutiny. This paper seeks to fill that gap by offering a philosophico-juridical inquiry into the meaning and legitimacy of life imprisonment as a penal practice.
At the normative level, the definition and application of life imprisonment are marked by striking global inconsistencies. These arise not only from the divergent legal frameworks that govern life sentencing – for instance, in countries with particularly severe regimes such as the Netherlands, where parole is only possible through royal pardon, or Italy, whose penal code provides for both a standard life sentence and a harsher version ("ergastolo ostativo") that excludes parole for certain categories of prisoners – but also from the comparison with extremely long fixed-term sentences that, while finite in law, are often indistinguishable in effect from LWOP. This global fragmentation reveals both conceptual opacity and the absence of shared ethical and legal standards, rendering comparative assessment and normative critique highly problematic.
In light of the absence of a coherent and shared definition, and given the relative scarcity of dedicated philosophical and legal studies on the subject, this paper first offers a comparative analysis of life imprisonment. Second, from a historical-philosophical perspective, it traces the understanding of life sentencing as a tool of exclusion and control, and questions whether any penal system that claims to uphold human rights can legitimately maintain a punishment designed to eliminate future prospects by definition. I argue that such a sentence raises fundamental challenges to the very idea of justice – especially to a vision of justice grounded in the recognition of human dignity, insofar as it denies the fundamental possibility of reintegration.

Ilenia B. Marraffa, Università degli Studi Mediterranea - Reggio Calabria
The Shape of Justice: Rethinking Law Between Form and Force. Between Normative Closure and Human Meaning

Law possesses not only a descriptive but also an evaluative dimension: it gestures toward what ought to be achieved. Its definitions are necessarily persuasive and incomplete, which may explain why the concept of justice has historically received limited analytical attention. However, avoiding this inherent incompleteness risks confining legal thought within rigid, hierarchical structures that displace responsibility, elevate abstraction, and legitimize power. In such models, norms refer only to other norms, detaching legal reasoning from human will and subjectivity. This produces a form of functional, objective justification — rational and empirically verifiable — but also one that is contextually bounded and ethically impoverished.

In contemporary legal discourse, dominated by abstract principles, quantitative methods, and procedural utilitarianism, the formative dimension of law and its connection to justice tend to be marginalized. This paper proposes a rebalancing between the form and force of law: a law that privileges form over force becomes sterile, evoking an "anorexic" conception of justice; conversely, when law is governed by force without form, it becomes hypertrophic and oppressive. Both extremes simplify legal complexity and obscure the human dimension of normativity. I suggest instead a model of law closer to art — an attempt to give form to the formless — rather than to science conceived as a will to dominate. Within an aesthetic-hermeneutic perspective, the uncertainties of law (no longer, not yet, not always) are not deficiencies to be overcome but essential sources of meaning.
These indeterminacies allow legal subjects to move beyond the rigidity of form and the threat of force. Ultimately, law fulfills its humanizing function only when rooted in a justificatory framework that never loses sight of its core question: how can justice be meaningfully realized?

Ivana Nikolć, University of Belgrade
Heteronormativity as a Structural Determinant of Health: Reimagining the Right to Health Beyond Binary Frameworks

International human rights law guarantees the right to health for all but it remains bound to Western binary norms of gender, sexuality, and family structures, which devalue non-heterosexual identities and sustain systemic health inequities. While some progress has been achieved—such as the WHO's declassification of transgender identities as mental disorders— these advances face relentless attacks and backlash, often resurfacing under the guise of protecting minors or preserving traditional family/community values. This paper argues that heteronormativity operates as a structural determinant of health, shaping legal, medical, and policy regimes in ways that perpetuate and sustain inequities. From the pathologisation of trans identities to the criminalisation of same-sex partnerships, state and institutional practices—often reinforced through international law—actively produce adverse health outcomes for queer and gender-diverse populations. Heteronormativity isn't just an LGBTQ+ issue but a structural regime that subordinates all gender and sexual dissent leading to grave consequences for health equity. Additionally, homonationalism and performative support further complicate this landscape, with states co-opting progressive SOGI rhetoric while maintaining oppressive systems. Using feminist and queer frameworks to analyse international human rights law, this paper examines how key instruments, such as the International Covenant on Economic, Social and Cultural Rights, The Convention on the Elimination of All Forms of Discrimination against Women and World Health Organization policies, reinforce gender binary and "traditional" family structures. The paper also highlights the push for redefining the Right to Health—one that centres intersectionality and dismantles structural heteronormativity—by examining current global resistance efforts and practices.

Alexandra Nouvel Guerricagoitia, European University Institute
'Justice in the Shadows of Authority'. Judicial Structure and the Limits of Legal Idealism in Supranational Courts

Justice functions as the legitimating core of legal systems, yet its meaning and its realization are shaped and constrained by the institutional logics of adjudication. This tension takes on particular significance in supranational courts, where legal authority rests on claims to neutrality, coherence, and procedural rigor, even as it reproduces exclusion. Focusing on the Court of Justice of the European Union ('CJEU') as a central site of institutionalized authority, this paper examines how that tension is sustained and reproduced through internal practices, where legal meaning is shaped by procedural design, interpretive hierarchies, and institutional roles.

Drawing on a critical and empirical analysis of internal judicial practice (including interviews with judges and procedural materials), this paper interrogates how adjudication at the CJEU operates not as a neutral application of norms, but as a mode of institutional reasoning that consolidates legal authority while delimiting the meaning of justice in practice. It focuses on the role of the judge-rapporteur and the internal structure of deliberation, examining how procedural design and epistemic exclusions shape how law is interpreted, whose claims are recognized, and how justice is imagined.

Thus, the paper draws on legal theory and socio-legal analysis to examine how supranational courts stabilize legal order while foreclosing certain forms of recognition. By foregrounding the practices that sustain judicial authority, it calls for a mode of legal reasoning more attentive to its own normative and political limits.

Ultimately, the paper asks what it would mean to design courts not merely around procedural safeguards, but in ways that remain attentive to exclusion—material, epistemic, and normative. As such, rather than assuming justice as law's natural outcome, the paper approaches it as an ongoing ethical and political challenge, one that requires institutions to confront the limits of their own authority.

Elisabetta Orlandi, independent scholar
What if...? Old-time tales for a brand-new world

What do an illegally felled Sycamore tree in Northumbria and a six-year-old child from 1930's Alabama have in common? Which fil rouge links a medieval Spanish conde and seven starving children who have been abandoned in the woods? What role can stories – tales, novels, movies – have in designing or reimagining society and its crucial issues?

Fairy tales and folk tales have a power of persuasion that exceeds that of other literary texts and play an undeniable role in the internalisation of matrices of acceptable behaviour. At the same time, they contribute to reshaping the very notion of "acceptable behaviour". My contribution aims to highlight some of the numerous contributions that stories – particularly folk tales and fairy tales – have given to the reshaping of society in several occasions. From the works of French salonnières, often exiled or banned for their subversiveness, to folklorists collecting stories from the poorest of the poor, to

contemporary women writers giving voice to racial and gender minorities, the powerful act of imagining and telling a story has always confronted social issues, in primis the notion of justice. Folk and fairy tales introduce us to ideas that are often ahead of their time, and that seem to suggest an evolution of law: as a matter of fact, many folk tales implicitly or explicitly address issues of injustice, inequality, and oppression, drawing attention to the need for social reform and change, as they feature characters who defy societal expectations or challenge the authority of those in power, offering alternative perspectives on how social hierarchies operate.

Luiza de Paula, University of Barcelona

Cognitive Autonomy as a Threshold for Legal Validity: New Challenges from Brain-Computer Interfaces

The rapid development of brain-computer interfaces (BCIs) powered by artificial intelligence challenges foundational legal concepts, particularly regarding the validity of legal norms when human cognition itself becomes the object of regulation. As these technologies increasingly blur the boundaries between mind and machine, they compel us to rethink how legal validity can accommodate emerging moral imperatives. This article investigates whether legal intervention in the context of BCIs is necessary and, if so, how it can be theoretically justified. Central to this inquiry is the concept of legal validity, traditionally anchored in procedural correctness and institutional authority, but now facing unprecedented ethical challenges. Drawing from Kant's notion of autonomy as rational self-legislation, Feinberg's soft paternalism, Raz's conceptualization of autonomy as a moral good tied to meaningful choices, and Dworkin's theory of law as integrity, we argue that norms governing BCIs must evolve to integrate both procedural soundness and moral responsibility.

Historically, legal validity has been understood as distinct from moral value, as seen in positivist frameworks such as those of Kelsen and Hart. However, BCIs introduce a unique challenge: can a norm be deemed valid merely because it meets formal requirements if it simultaneously infringes on fundamental cognitive autonomy? We propose that the validity of legal norms governing BCIs must encompass ethical considerations, especially when human cognition becomes the regulated subject.

To address this complexity, we propose a neurotechnological proportionality test that balances three critical axes: (i) algorithmic transparency and public auditability, ensuring that BCI-driven decisions are open to scrutiny; (ii) reinforced informed consent, rooted in reflective decision-making to safeguard personal autonomy; and (iii) reversibility and portability of neural data, maintaining user control over cognitive outputs.

We argue that protecting mental autonomy in the era of BCIs is not merely a normative aspiration but an essential criterion for legal legitimacy. By bridging philosophical analysis with practical regulatory frameworks, we aim to establish a new paradigm where legal validity is both procedurally robust and ethically grounded, meeting the challenges posed by neurotechnological integration.

Marta Pinto da Cruz, Center for Criminal Justice, University of Amsterdam
Abolitionist Feminism and the Carcerality of International Criminal Law: Deconstructing and Reimagining International Justice for Atrocity Violence

The international criminal justice project has long been critiqued for its selectivity, double standards, racial bias, and imposition of Western-hegemonic conceptions of justice. Third World scholars have laid bare the ways in which international criminal law's precepts and institutions rely upon and reproduce structural inequalities (based on race, gender, and class), colonial legacies, and power asymmetries; and critical scholarship has contended with individualism and neo-liberalism in the penal turn of human rights protection and the anti-impunity movement. Most recently, a nascent strand of ICL critique has started to reckon with the carcerality of the field, and taken up the language of prison abolition and anti-carceral activism. In the practical plane, new developments in the broader landscape of international criminal justice (e.g., Colombia's innovative transitional justice model, which combines both retributive and restorative elements) are, arguably, exposing the limitations of the carceral-punitive model of justice, as applied by international criminal courts and tribunals.
This paper aims to engage in an exercise of deconstructing and reimagining international justice for atrocity violence, by proposing abolitionist feminism as an alternative framework through which to rethink 'justice'. Firstly, the application of an abolitionist feminist lens to ICL can 'deconstruct' the ways in which this carceral system perpetrates harm in itself, and fails to address the root causes of atrocity violence, by obfuscating its collective and structural nature through a focus on individual criminal accountability. Secondly, abolitionist feminist advocacy / organising can serve as inspiration for 'reimagining' responses to atrocity violence, insofar as it proposes community accountability and transformative justice as alternative frameworks for addressing harm. In this reimagining, due attention should be paid to the ways in which restorative justice processes are already being implemented to supplement the criminal prosecution of international crimes. Ultimately, a truly transformative approach to international justice for atrocity violence may require looking beyond the individual to address the structures that enable the reoccurrence of atrocity violence.

Tanja Porčnik, University of Hamburg
Justice and AI: Autonomy and Responsibility of Decision-Making

The widespread integration of artificial intelligence (AI) systems has precipitated significant transformations across various public domains, including the justice system. The swifter and more effective processing of case law, statutes, and legal documents for legal research, as well as the predictive analytics of case outcomes based on historical court case data, promises enhanced scalability and efficiency, but also greater quality and objectivity in decision-making. Nevertheless, engagement with AI systems presents

threats that could produce adverse effects on justice, which are often difficult to foresee, identify, measure, and, more crucially, mitigate before unintended damage is created.
At the epicenter of these threats is the autonomy of decision-makers with public authority to define and enforce the law. In these acts, they not only rely on their legal knowledge and skills but also engage in legal interpretation, involve moral reasoning and empathy, pay attention to details, and consider the circumstances of each situation, which enables the reflection of a variety of views, interests, and values in a polity.
Engaging with AI systems can influence how public officials' reason and make decisions, compromising their autonomy. Serving justice involves more than pattern-matching and outcome prediction; it is a process that is materially, procedurally, and expressively distinct. Furthermore, serving justice is not entrusted to AI developers or agentic AI systems, which hold no legal authority and carry no legal responsibility in shaping the legal order of a state and executing its governance.
The solution is examined in two layers. First, protecting decision-maker's autonomy requires providing them with the knowledge and tools for self-reassessment of their engagement with AI systems. Second, establishing standards for engagement with AI systems would strengthen the transparency and accountability of the justice system.

Rafael Quintero Godinez, School of Politics and International Relations at University College Dublin
Chartered by Code: Tax Law as Infrastructure for Political Power

The global political economy reveals a fundamental tension: the accelerating capacity of multinational capital to architect its own legal privileges versus the waning power of states to enforce collective fiscal bargains. The Tax Cuts and Jobs Act (TCJA) stands at this juncture, echoing historical transitions where state-granted charters licensed deep concentrations of plutocratic power. This paper argues the TCJA is an engineered 'modern charter': a legal infrastructure embedding primary benefits within code whose complexity confers strategic power.
Building on a Political Economy of Law framework (Pistor, Jessop), the paper identifies three mechanisms through which the TCJA reconfigures corporate power and public finance: (i) Jurisdictional Arbitrage Architecture, embedding territoriality via participation exemptions that incentivize global profit shifting; (ii) Illusory Constraint Design, deploying complex 'guardrails' (GILTI, BEAT) whose design features permit systematic navigation by Oligarchic Multinationals; and (iii) Accumulation-to-Influence Conversion, whereby legally shielded capital is redeployed to shape political outcomes and erode democratic accountability.
This study undertakes analysis (2014-2024), drawing on primary 10-K filings to investigate pre-and-post-TCJA dynamics. Preliminary findings reveal a stark divergence: record aggregate corporate profits coincided with S&P 500 effective tax rates plunging further below the lowered 21% statutory level, while share buybacks surged to historic highs. This dynamic appears to showcase the charter's efficacy in concentrating capital outside public claims.

Dissecting the TCJA as legal technology illuminates a core challenge for 'Reimagining Justice': revealing how law itself engineers strategic advantage for Oligarchic Multinationals, unleashing global capital accumulation and aggressive profit shifting at the expense of public fiscal foundations. Addressing this systemic injustice requires more than technical fixes; it demands a fundamental reimagining of taxation's role. Tax must transcend being viewed as a negotiable commodity, reclaiming its authority as the bedrock of collective governance, preventing it from becoming the infrastructure through which concentrated wealth dismantles the very democratic institutions it parasitically exploits.

Marina Sáenz, European University Institute

Reimagining Justice for Underage Rape Offenders and Female Victims: A Feminist Abolitionist Approach

What does justice look like when both victim and perpetrator are vulnerable? In underage rape cases, traditional responses collapse under the weight of competing claims: protecting a minor offender versus repairing survivor harm. These cases expose legal contradictions in understanding culpability, care, and accountability. Rehabilitation can sideline survivors; punishment forecloses young offenders' transformative possibilities. These tensions unsettle fixed legal categories of innocence, guilt, and harm. Therefore, this paper challenges that division by analysing how both groups are subjected to overlapping systems of harm and state control, demonstrating how punitive systems fail both groups. Thus, this paper asks: How can justice be reimagined using feminist abolitionist theory in cases of rape to account for the complex interplay of vulnerabilities affecting both underage offenders and female victims?

Through feminist abolition theory, this paper demonstrates three interlocking moves that refigure justice as proactive, collective care. It employs a structural analysis of harm, moving beyond individual pathology to trace how systemic forces like gendered socialisation, class exclusion, and racialised precarity co-produce the conditions for violence. This lens reveals "entangled vulnerabilities" demonstrating how survivors and underage perpetrators are often bound within the same web of systemic violence, rather than possessing the "competing" vulnerabilities constructed by the legal system. Furthermore, the paper explores how feminist abolition reimagines justice through a temporal dimension, shifting focus from episodic, reactive interventions towards building structural safety – embedding accountability and care within durable, anticipatory infrastructures. This requires a cumulative epistemology, challenging incident-based legal proof by valuing longitudinal analysis and the lived expertise to understand and prevent harm before it crystallises. By challenging flawed legal binaries, this research advances a justice model that addresses entangled harms, fostering systemic accountability and holistic care for both survivors and young offenders.

Madlyn Sauer, University of Zurich

Prefigurative Justice and Juridical Counter-Power: Lessons from the Permanent Peoples' Tribunal

This paper investigates how the Permanent Peoples' Tribunal (PPT) enacts a prefigurative, justice-centered legal practice that challenges retributive state paradigms and colonial legacies embedded in international law. Founded in 1979 in the tradition of the Russell Tribunal and grounded in the Universal Declaration of the Rights of Peoples (Algiers, 1976), the PPT operates outside state-based legal frameworks. It provides an emancipatory and participatory space for social movements to investigate, accuse, and ethically judge state crimes and structural injustice.

In contrast to formal courts, the PPT embodies a prefigurative justice practice that emphasizes accessibility, victim narratives, and interdisciplinary analysis, facilitating ethical judgments that appeal to the conscience of humanity and transcend the confines of penal law. In this capacity to serve as a solidaristic bridge between local struggles and international forums, it has held 54 tribunals worldwide.

Drawing on the 48th PPT session on Political Genocide, Impunity, and Crimes against Peace in Colombia (2021), the paper explores how the PPT intervenes in contested historical narratives and mobilizes juridical counter-power. Convened during Colombia's official transitional justice process, the tribunal emerged in response to a dramatic surge of violence in 2019. It participated in the struggle over the historical narrative of Colombia's longest internal war with its counter-analysis of a continued genocide against emancipatory social and popular movements. While the international community largely ignored the tribunal's findings, the PPT gave voice to those struggling for democracy, pluralism, and ecological harmony, reframing the violence as a systemic campaign to annihilate transformative political alternatives and memory.

The PPT challenges dominant penal paradigms by prioritizing ethical judgment over punishment. Appropriating the formal aesthetics of state tribunals both subverts and reclaims legal authority, proposing a radical vision of law as a dynamic instrument of social transformation.

Lovro Savić, University of Oxford

Justice and Global Public Goods

According to Widdows and West-Oram (2013), global theories of justice should be revised to include global public goods, or more specifically, health-related global public goods. They claim that global public goods are primary goods and that this fact is sufficient for recognizing them as goods in themselves that should be protected regardless of whether individuals recognize and choose these goods or not. On their view, if public goods are not protected, then current and future people will be harmed in terms of their well-being and flourishing. To substantiate their argument, they refer to the example of antibiotic effectiveness as a health-related global public good. I will argue that the idea of global public goods – and especially health-related public goods – faces a number of conceptual

and normative difficulties. First, there are very few – if any – pure health-related global public goods. In fact, I will argue that their example of antibiotic effectiveness fails, since antibiotic effectiveness is, by definition, either excludable or rivalrous, or both. Secondly, even if we assume that antibiotic effectiveness is, in fact, both non-excludable and non-rivalrous, it is far from obvious that antibiotic effectiveness (and other health-related public goods) falls under the category of primary rather than discretionary public goods (Bieber, 2023; Bieber and de Jongh, 2023). Third, I will claim that their idea of global public goods fails as an adequate conceptual and normative tool for a theory of global justice that aims to prevent harm to future generations. This is because their argument fails to take into account that the erosion of many global public goods is simply inevitable.
Finally, for an appeal to the 'public good' to be successful, there should be a clear and present threat to this good in the sense that it must endanger the continued existence, proper functioning, or collective welfare of society as a whole (London, 2021, p. 123). However, the threat of antimicrobial resistance – and many other purported global public goods – fails to satisfy this condition.

Sabina Tortorella, University of Namur
Ubi Societas, Ibi Ius: Rethinking Law Beyond the Nation-State

The traditional political model – grounded in the separation between civil society and the state, the identification of law with the state, and the public/private divide – is challenged by the crisis of positivist legal rationality and the erosion of governmental primacy in legal production. The revival of lex mercatoria and the shift of power from political to private economic actors on a global scale raise concerns about democratic legitimacy and transparency. In this context, any inquiry into justice today must confront the role and status of law itself. This paper addresses these issues through Teubner's theory of societal constitutionalism as an alternative to traditional constitutional theory, which emerged in response to the autonomisation of social spheres, aimed at limiting repressive political power and securing fundamental rights. Rather than denying or overstating recent transformations, Teubner explores the effects of what he calls polycentric globalisation, driven by transnational social subsystems (finance, internet, science). Law shifts from a pyramidal to a networked model: no longer hierarchical and monopolistic, but grounded in interactions between centre and periphery, overcoming the public-private legal divide. Subjective rights are redefined: not only vertical protections from the state, but also horizontal tools shielding individuals from powerful social institutions.
Teubner's proposal lies in a paradox: constitutionalism must be extended, and there must be a constitution without state – a taboo, in his words. This paper argues that his proposal reformulates the adage ubi societas, ibi ius, focusing on law as a reflexive, flexible system, and on autonomous social subsystems as constitutional actors. Unlike the Habermasian position and the procedural rationality, Teubner advocates social rationality and diffuse normativity. This also allows exploration of a post-Hegelian path, based on an institutional interpretation of the society-state relationship, reframed in a globalised context. This approach does not reduce law to a mere ancilla of the economy, but opens

the way for a relational conception of justice that challenges classical dichotomies (public/private, procedural/substantive justice) without ignoring the risk of legitimizing existing power asymmetries.

Natascia Tosel, University of Verona

Rewriting Rights, or Narra(c)ting Justice through Women's Courts

Violations of women's rights occur globally – in times of peace (e.g., domestic violence, rape, sexual harassment), during armed conflicts, and in emergencies such as natural disasters or refugee crises, where sexual violence and rapes have proved to be widespread. The international community's response – both in ensuring accountability of non-state actors and in addressing state responsibility – has frequently been insufficient. The need to fight impunity and obtain justice has led to the emergence of grassroots initiatives inspired by the legacy of people's tribunals, namely women's courts. Women's tribunals engage in exercises of re-writing (for instance, the Women's Courts of Canada) and re-staging (as the Women's Court for the former Yugoslavia did in 2015) trials in order to construct counter-narratives and counterhistories of the case. Since these courts lack formal legal legitimacy, they have largely been ignored by both legal and political theorists.
On the contrary, precisely because of – rather than in spite of – their nature as councils more than courts, this presentation will offer a political and Arendtian reading of Women's Tribunals as democratic experiences in which women speak in the public realm, tell their stories, and reimagine a gendered rather than neutral justice. By defining these experiences as 'Feminist Narra(c)tions', the presentation will address: (1) the narrative and performative approach to justice, which understands law as an instituting language and practice, not merely coercive power; (2) the methodology that moves 'from stories to history' and 'from cases to justice'; (3) the reopening of cases as a challenge to both the closure offered by legal solutions and the linearity of legal narrations of repair; (4) a rethinking of the word forensic, in particular from its modern connotation as 'pertaining to a court of law' back to its Latin root forensis, where it stands for 'pertaining to the forum', to wit, to a plural space of negotiation and collective participatory action.