

Université Sorbonne Paris Nord

IRJI François-Rabelais EA - 7496
Institut de Recherche Juridique Interdisciplinaire

IDPS
L'Institut de Droit Public, Sciences Politiques et Sociales
UFR DSPS - Université Paris 13

UFR DSPS
Droit, Sciences Politiques et Sociale

CHRIST
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International Symposium

Rule of Law: States of Crisis

14 November 2025

Campus Condorcet
Paris, France

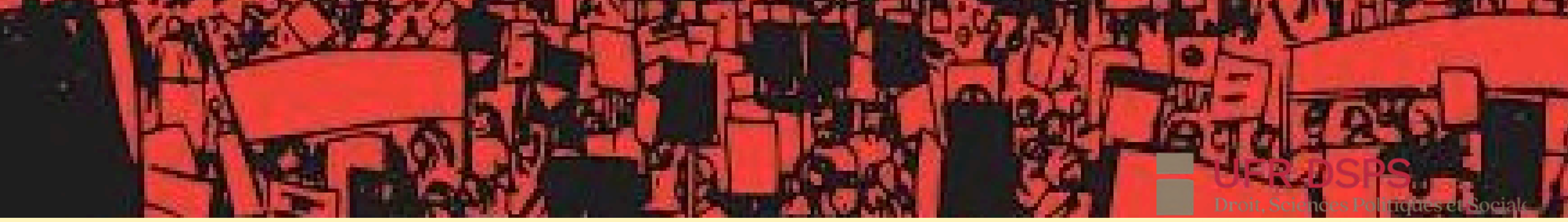
ORGANISED BY

Université Sorbonne, Paris Nord

Christ University, Bangalore

IDPS – Institut de Droit Public, Sciences Politiques et Sociales
UFR DSPS – Droit, Sciences Politiques et Sociales





Sorbonne University, Paris Nord

Sorbonne Paris Nord is a multidisciplinary public university in the north of Paris. sorbonne. It succeeded the former University of Paris after the split of 1968. “Sorbonne University Paris Nord” has been in use since 1 January 2020. The University serves over 24,000-26,000 students in both regular and continuing education. It aims to combine academic excellence with innovation, inclusion and strong ties to the professional world. Sorbonne Paris Nord is spread across five campuses, located in the departments of Seine-Saint-Denis and Val d’Oise, all in the Paris metropolitan area

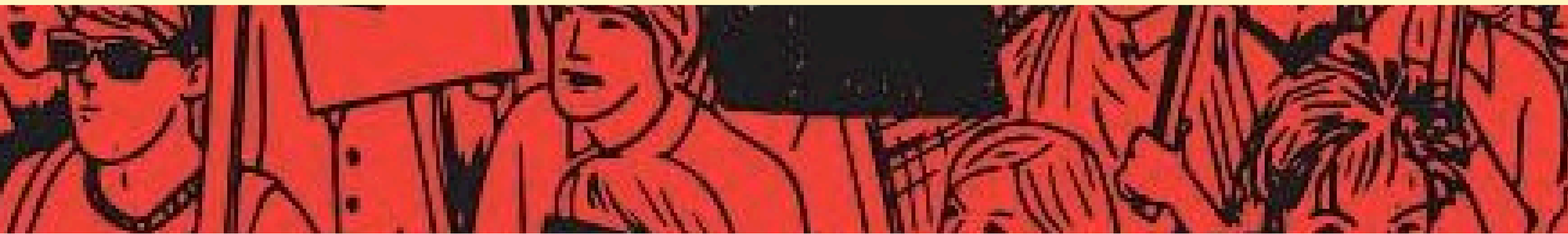
UNIVERSITÉ SORBONNE PARIS NORD

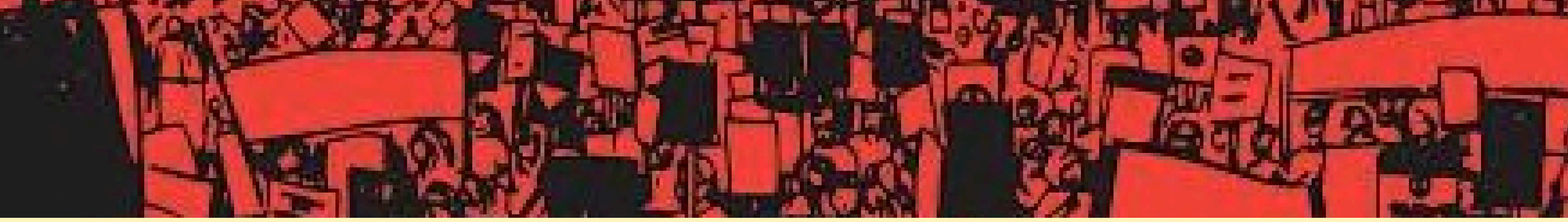
Christ University, Bangalore

CHRIST (DEEMED TO BE UNIVERSITY) BANGALORE | DELHI NCR | PUNE

Christ University was established in 1969 as Christ College, Over the decades it has emerged as one of India’s leading institutions, recognized for its holistic education, modern curricula, academic rigor, and global outlook. In 2008, it became a “Deemed to be University” under Section 3 of the UGC Act. It is among the top 100 universities in India (ranked approx. 60) for its comprehensive education, research, and impact. CHRIST se University serves about 30,000+ students, offering undergraduate, postgraduate, and doctoral programmes spanning a wide range of disciplines- humanities, social sciences, sciences, commerce, management, law, engineering, architecture, and education. Christ University has six campuses across India: four in Bengaluru (Central, Kengeri, Bannerghatta Road, Yeshwanthpur), plus Lavasa (Pune) and Delhi NCR (Ghaziabad)

Rule of Law: states of Crisis





Scientific Argument

Like the democracy to which it is intimately linked, the Rule of Law, then as now, is threatened by multiple crises and its foundations called into question.

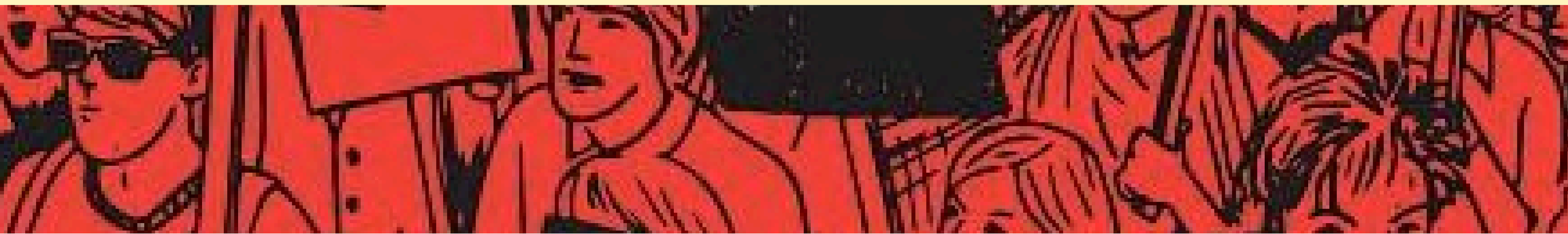
Historically, this state of crisis is recurrent and has always accompanied the Rule of Law in a more or less acute manner. Constitutional history is thus marked by the fight for its existence and maintenance.

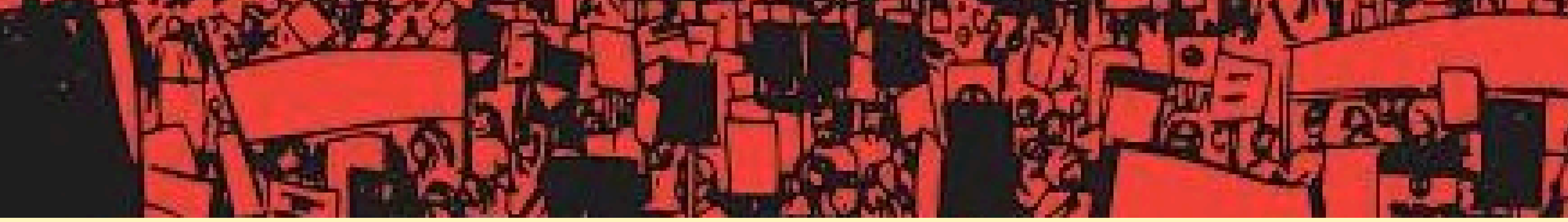
In England, as early as the 13th century, the Magna Carta was a decisive step in the advent of the Rule of Law. When it was adopted in 1215, the rebellious barons forced King John Lackland to sign the text. It established a distribution of powers – mainly in tax matters – between the Crown and the barons, forming an embryo of parliamentarism. Other founding texts still mark this history. The Bill of Rights of 1689 is at the origin of the constitutional monarchy based on fundamental rights. Since 1701, the Act of Settlement has established the principle of the independence of justice.

In France, symbol of the Revolution, the Declaration of the Rights of Man and of the Citizen of August 26, 1789 is for the contemporary period a founding text of the Rule of Law. However, if it was then able to cross the many more or less authoritarian post-revolutionary constitutional regimes, it was by being almost forgotten or ignored. It was necessary to wait for the Fifth Republic and the intervention on July 16, 1971 (by its decision Freedom of Association) of the French constitutional judge, for it to finally produce all its full effects and allow the consecration at the highest level of a real block of fundamental rights and freedoms at the same time as the solemn one of the Rule of Law in France.

In India, the Constituent Assembly adopted a written constitution on November 26, 1949, which was also the longest in the world, and thus moved away from the British model, which ignored the distinction between constitutional laws and ordinary laws. In doing so, the Supreme Court of the world's largest democracy was able to enshrine, through its decisions, a certain number of principles protecting fundamental rights and freedoms, while being constantly confronted, since 1951, with combined offensives by the executive and legislative powers, to restrict the scope of its control of the constitutionality of laws. The constitutional framework and its rule of law principles play a transformative role of moving the Indian society from a hierarchical, conservative and non-democratic towards a modern, democratic and liberal society.

For several years, in democratic states, the Rule of Law has been omnipresent in public debate, and not only in times of crisis. However, this notion, often invoked without caution, requires a return to its definition.





Scientific Argument

This is based on the relationship, as fundamental as it is delicate, which is established between the State and the law. In this game of reciprocal influences, the State shapes the law and the law sets limits to the power of the State.

As the sole artisan of legal action and the sole holder of public constraint, the State dictates its rules and imposes them on the governed. The law is thus defined as a general binding rule sanctioned by public force. And the State ensures its effectiveness by exercising the monopoly of public constraint. Through its action, it thus centralizes the formation and sanction of law.

This monopoly is not, however, synonymous with omnipotence. The Rule of Law favours the delegation of state power to other entities, both internally and externally.

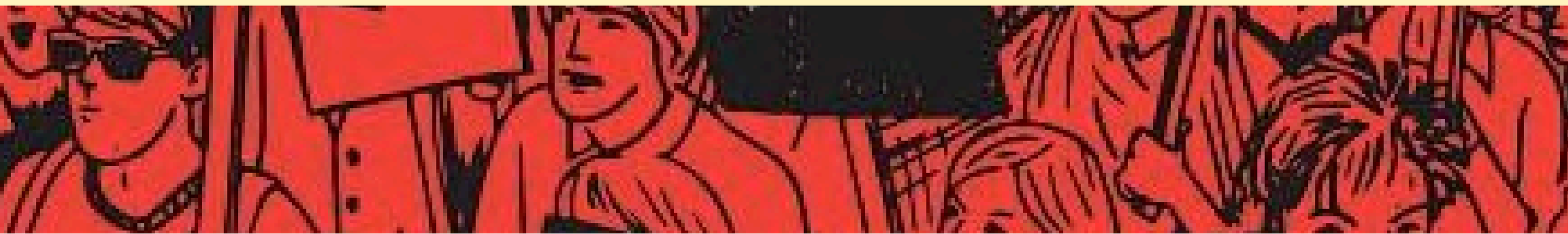
Legally autonomous, public establishments or independent administrative authorities thus demonstrate a decentralization of state power; when local authorities even devote a decentralization of normative power.

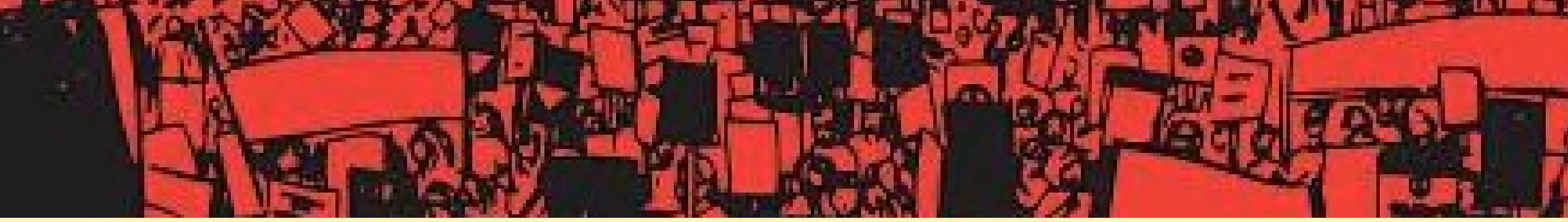
A similar logic organizes, on the external level, the relations of the State with the international organizations of which it is a member. The autonomy of these organizations is defined by the clauses of the constitutive treaty which delimits their attributions. These clauses can thus grant them a normative and sanctioning power which results from the sole will of the States parties.

But in either case, only the State ultimately decides, because only the State is sovereign.

The influence of law on the State is therefore conditioned by the will of the latter, because it is in reality only a manifestation of state sovereignty corresponding to its power of self-organization and therefore self-limitation. The State decides sovereignly to impose rules on itself that it undertakes to respect. However, this superiority of law over the State is largely fictitious. In reality, the latter decides alone to submit to the law that it has itself generated. It therefore obliges itself to respect its own rules.

Thus dependent on its own will, the relationship that the State imposes on itself with the law can serve an authoritarian power. The police state can go so far as to adopt a totalitarian dimension, even if it remains organized and subject to its own rules. In such a hypothesis, legality willingly does without any form of legitimacy, at least democratic.





Scientific Argument

The sovereign State can, however, make legality and legitimacy coincide. Submitting to the law then implies doing so in the service of particular values, attached to respect for fundamental rights. The Rule of Law thus means the submission of the State to fundamental rights.

This submission requires a guarantee that involves respect for a dual normative and jurisdictional hierarchy. The State defines the subordination of its organs to fundamental rights. Such subordination can only be guaranteed by a judge, who must be independent and impartial and not subordinate to political power, directly or indirectly.

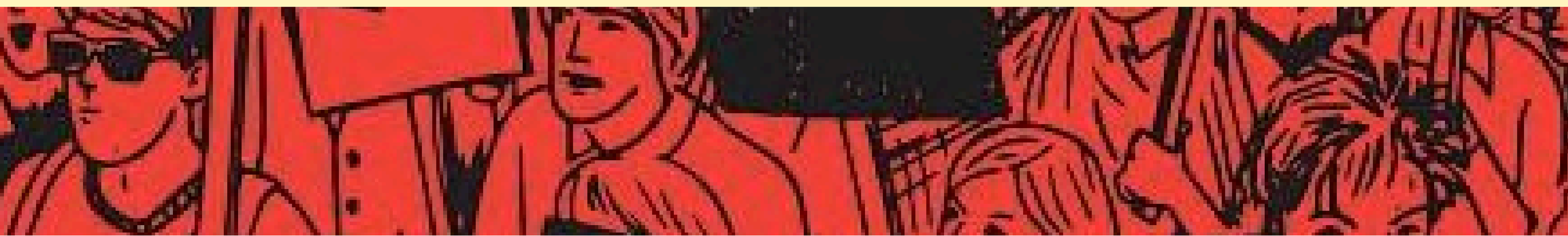
It may be the ordinary judge, who monitors compliance with the hierarchy of norms according to the model of American constitutionalism, inherited from the Marbury vs Madison Supreme Court case law of 1803.

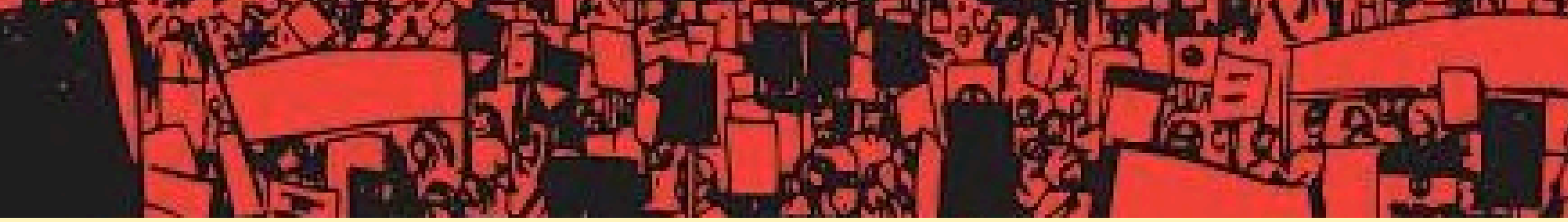
It may also be a specialized judge, at the constitutional level, specifically responsible for monitoring compliance with only constitutional standards, following the Kelsenian model forged since the beginning of the 20th century in Europe. This latter approach corresponds to the choice made in France by the Fifth Republic, which entrusts the control of the constitutionality of the law to the Constitutional Council, and this fully since the decision of July 16, 1971, Freedom of association. It is indeed from this founding decision that fundamental rights and freedoms have been systematically enshrined at the highest level of the hierarchy of internal standards.

In India, the Supreme Court in Keshavanda Bharati v. State of Kerala (1973) ruled that even the constituent power of the parliament to amend the constitution cannot contradict the basic structure of the constitution, and thereby cemented the rule of law against any attempt to hamper it through amendments.

These may also be other non-jurisdictional bodies, which nevertheless exercise justice on behalf of the State, also ensure compliance with standards and impose sanctions. This is the case with regulatory authorities, which, although independent, raise questions about the possible strengthening of the administrative State, which may then come into conflict with the Rule of Law.

Whatever the form taken, such recognition certainly enshrines fundamental rights, but this sanctuary is not inviolable. The Rule of Law faces multiple threats, both external and internal.





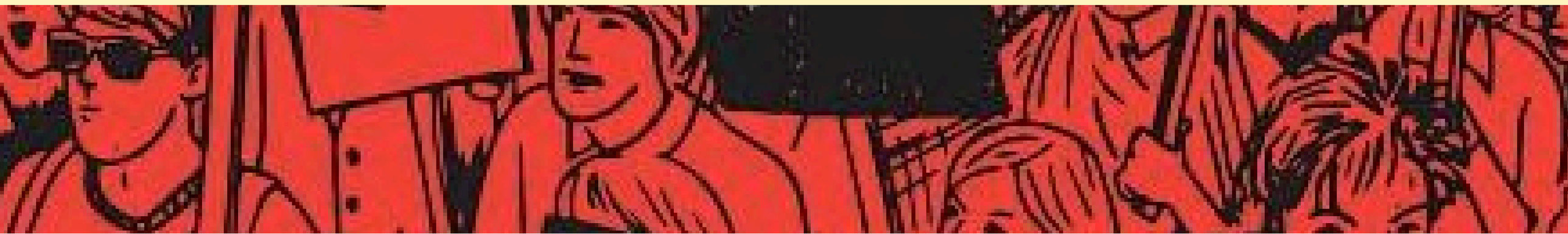
Scientific Argument

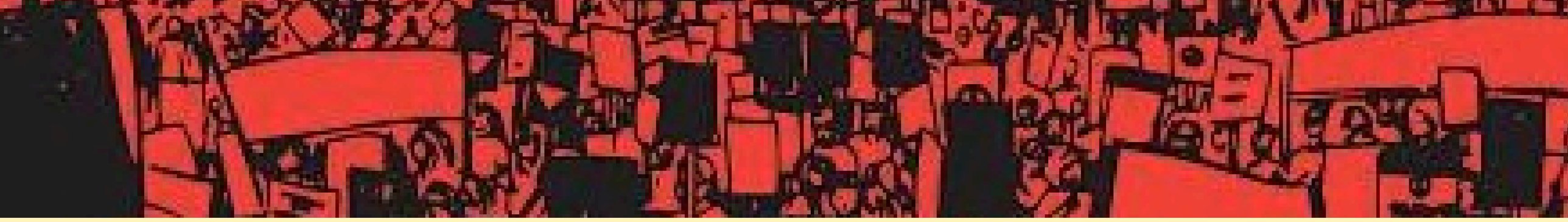
Externally, conflicts in all their forms – high intensity, disinformation, cybercrime, cyberwarfare, in particular – can have deleterious effects on the Rule of Law. Thus, following the attacks of September 11, 2001, the United States adopted, in the name of the Patriot Act, legislation that questioned freedoms. In France, in the aftermath of the attacks of November 13, 2015, the President of the Republic, François Hollande, raised before parliamentarians gathered at the Versailles Congress the possibility of stripping dual nationals involved in attacks of their nationality.

Internally, illiberal democracies, such as Victor Orbán's Hungary, are adopting policies that openly challenge the Rule of Law by limiting the rights of certain communities, particularly LGBT, or by attacking the independence of the judiciary. The European Union does provide for sanction mechanisms that can lead to a suspension of rights arising from the treaties (Article 7 TEU), but their implementation has not proven effective to date, while the European Parliament and the Commission have repeatedly warned of the risks of serious violations of the Rule of Law. Old democracies are also experiencing populist surges whose programs or policies threaten the Rule of Law. In a ruling dated June 24, 2022, the United States Supreme Court, dominated by conservatives, including three appointed by Donald Trump, overturned the Roe vs. Wade decision (1973), leading to a drastic restriction on the right to abortion. In France, the campaign for the 2024 legislative elections was marked, in particular, by the proposal put forward by Jordan Bardella, president of the National Rally, to ban dual nationals from accessing certain jobs in the civil service. In India, certain nationalist policies are particularly jeopardizing the security of the minorities. Recent instance of the inauguration of the new parliament house with religious overtones raises significant questions about the secular nature of the rule of law and the state's role in upholding and promoting the composite culture of a large and diverse nation like India.

Should we then consider that the Rule of Law is in crisis today? Or rather that, like democracy, it must constantly face crises that call on it to evolve, or even reinvent itself? Is the notion of the Rule of Law the same today as yesterday? Is it identical in all democratic states, particularly in France and India? Should it be read in the light of the history specific to each state or does it present foundations common to all states that allow us to consider whether or not it is enshrined in it, independently of endogenous factors?

The conference organized by the IDPS of the Sorbonne Paris Nord University, in partnership with Christ University in Bangalore and the IRJI of the François Rabelais University of Tours, aims to answer all these questions and more, through contributions from academics, particularly Indian and French, specialists in law and political science.





Programme

8:45 AM (CET)
Welcoming participants

9:00 – Welcome Speeches

Khaled Hassouni
Vice-Chairman of the Research Commission
Sorbonne University, Paris Nord

Fr. Dr. Jose C Chennattussery
Vice Chancellor
Christ University, Bangalore

Sylvie Barrier
Vice-Chairman of International Relations
Sorbonne University, Paris Nord

Anne Fauchon
Dean- Faculty of Law, Political &
Social Sciences , Sorbonne University, Paris Nord

9:15 – Introductory Remarks

Nicolas Clinchamps – Professor of Public Law, Director of the Institute of Public Law, Political and Social Sciences, Sorbonne Paris Nord University

Jean-Jacques Menuret – Associate Professor in Public Law, Sorbonne Paris Nord University

Theme 1: The Rule of Law in the Constitution, the Driving Force Behind Democracy

Chair: ***Dr. Venkatanarayanan Sethuraman***

9:30

Pierre-Yves Monjal – Professor of Public Law, Tours University, IRJI
The Axiological Dimension of the Notion of the Rule of Law in European Union Law: Crisis of the Notion or Crisis of our Democracies?

9:50

Dr. Jithin Valsala Jagadanandan – Assistant Professor, School of Law, Christ University, Bangalore
Exploring the Role of Rule of Law in Shaping Transformative Constitutionalism in Indian Judicial Thought

10:10

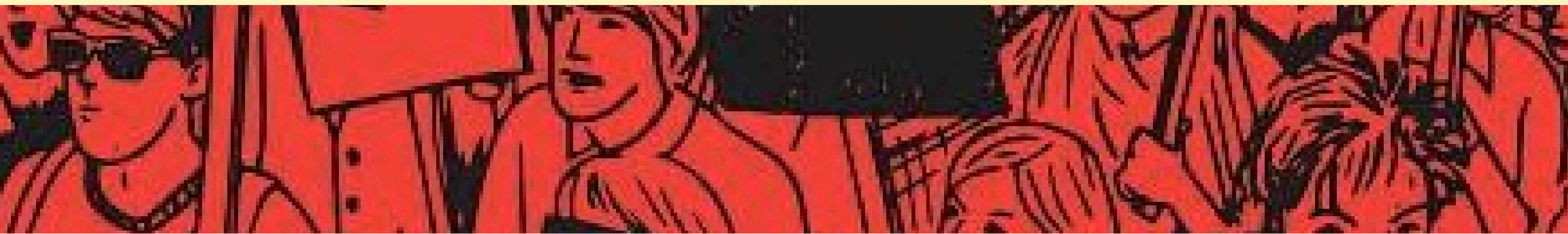
Franck Laffaille – Professor of Public Law, Sorbonne Paris Nord University, IDPS
The Weakness of the Rule of Law. On the fascist Constitutional Palimpsest

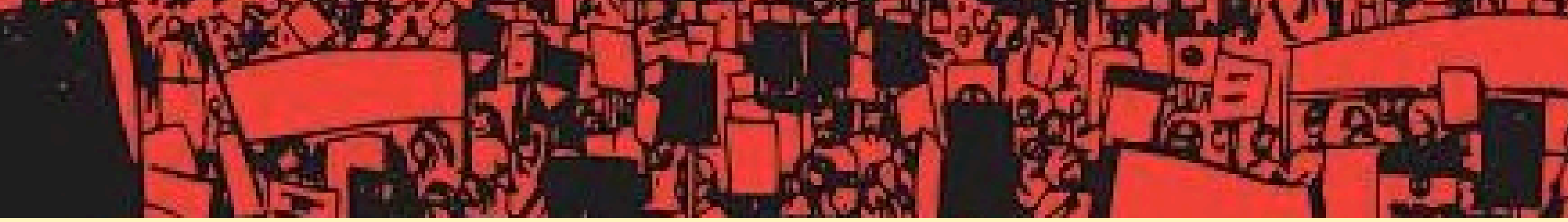
10:30

Dr. Sophy K.J. – Associate Professor, National Law University, Delhi
Autocratic Legalism: Deletion of Labour Courts and Bureaucratic Tribunalization under Labour Codes

10:50

Discussion with the audience





Programme

Theme 2: Human Rights Guaranteed by the Rule of Law

Chair: ***Charles Reiplinger***

11:00

Dr. Rinku Lamba – Associate Professor, National Law School of India University, Bangalore

Rule by Law or Rule by Religion? Dr. Ambedkar's Imagination of Political Community

11:20

Dr. Afkar Ahmad – Professor, Xavier Law School, St. Xavier's University, Kolkata &

Dr. Sreemoyee Sarkar – Assistant Professor, Department of International Studies, Political Science and History, Christ University, Bangalore

The Rule of Law and the Uniform Civil Code in India: Examining Caste, Gender, and Religious Intersections from Colonial to Postcolonial Trajectories

11:40

Dr. Jayadevan S Nair – Professor & Dean, School of Law, Christ University, Bangalore

Right to Information and Challenges to the Rule of Law: A Comparative Assessment

12:00

Dr. Skylab Sahu – Associate Professor, Department of Political Science, Miranda House, University of Delhi

Constitutional Morality, Rule of Law and Justice for the Dalit Communities in India

12:20

Discussion with the audience

12:30

Lunch

Theme 3: The Rule of Law or the Limit of Executive Power

Chair: ***Jean-Jacques Menuret***

14:00

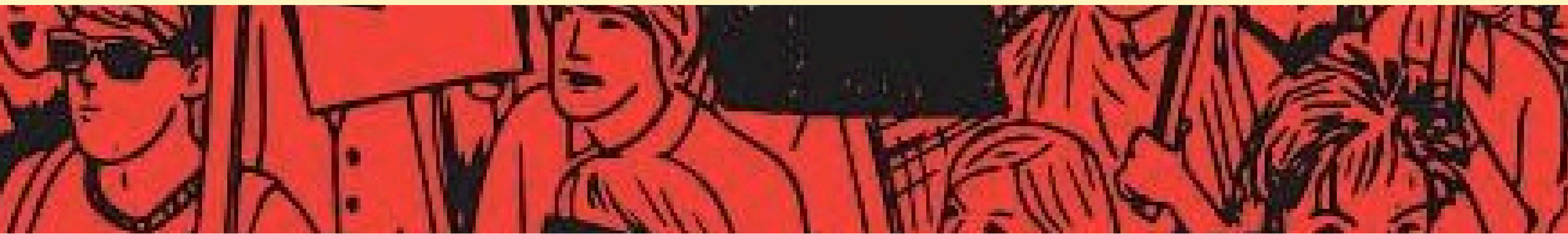
Fleur d'Argent – Associate Professor in Public Law, Sorbonne Paris Nord University, IDPS

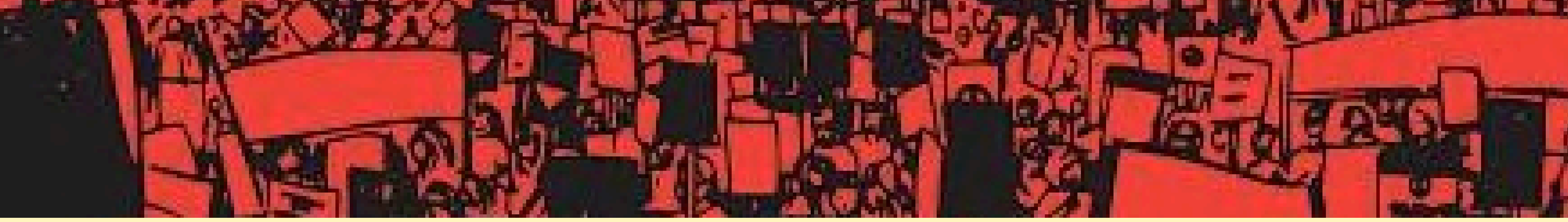
Use of Advisory Bodies by the Executive during a state of Emergency

14:20

Jamal Belhadj – *Administrative Magistrate, Cergy-Pontoise Administrative Court*

The Role of French Administrative Justice in Strengthening the Rule of Law





Programme

14:40
Anne Cammilleri – Professor of Public Law, Sorbonne Paris Nord University, IDPS
Anticipating Cybersecurity

15:00
Discussion with the audience

Theme 4: The Rule of Law versus Politics
Chair: ***Dr. Jithin Valsala Jagadanandan***

15:10
Dr. Venkatanarayan Sethuraman – Associate Professor, Department of International Studies, Political Science and History, Christ University, Bangalore
Rule of Law and Role of Law under Neoliberal Political Economy

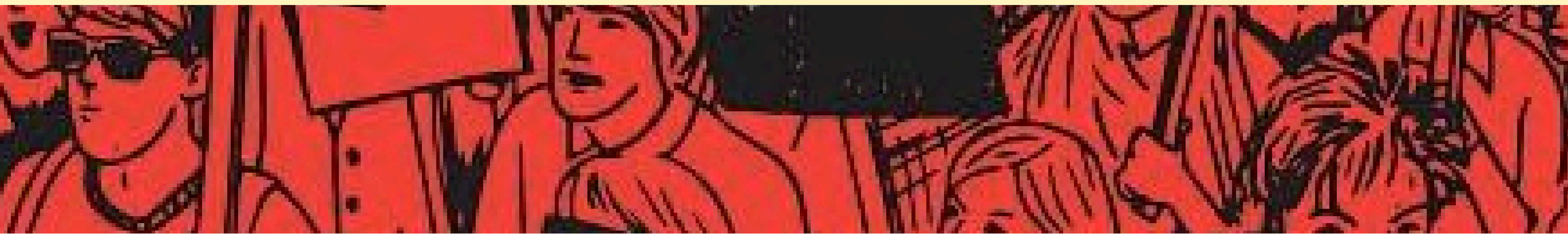
15:30
Charles Reiplinger – Associate Professor in Public Law, Sorbonne Paris Nord University, IDPS
Is the Rule of Law still an American Dream?

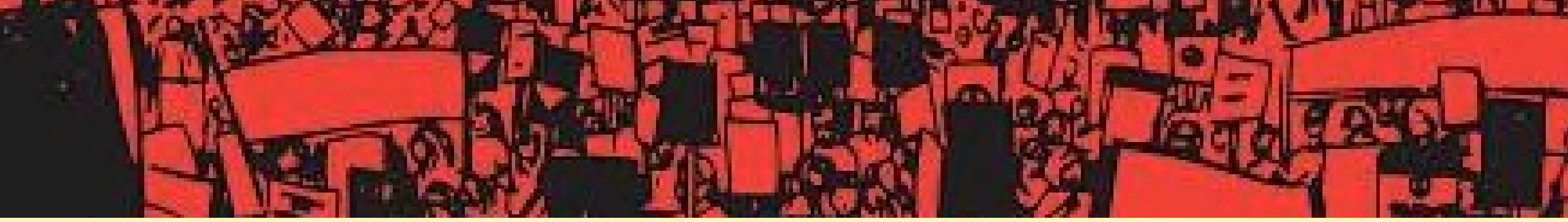
15:50
Dr. Dickens Leonard – Assistant Professor of Literature, Department of Humanities and Social Sciences, Indian Institute of Technology, Delhi
Language Policy, the Question of Caste, and the Future of Democracy in India

16:10
Geetha Ganapathy-Doré – Associate Professor in English Literature
Legally Tight: The Battle for the Rule of Law between some American Universities and the Trump Administration

16:30
Discussion with the audience

17:00
End of work





Written Communications

Nicolas Clinchamps, Professor of Public Law, Sorbonne Paris Nord University, Director of IDPS
The Rule of Law under the Fifth Republic, from Crisis to Crisis

Jean-Jacques Menuret, Associate Professor in Public Law, Sorbonne Paris Nord University, member of IDPS
A More Flexible Rule of Law? Reflections on Flexible Law

Nirupama D, PhD scholar, School of Law, Christ University, Bangalore &
Dr Vidya Ann Jacob, Associate Professor, School of Law, Christ University, Bangalore
The Rule of Law and Climate Justice: A Critique on Legal Accountability for Environmental Degradation in India

Organising Committee

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Sorbonne Paris Nord University

Jean-Jacques Menuret
Associate Professor (IDPS), Sorbonne Paris Nord University

Dr. Venkataraman Sethuraman
Associate Professor & Head of the Department
Department of International Studies, Political Science and History, Christ University, Bangalore

Dr. Jithin Jagadanandan
Assistant Professor School of Law, Christ University, Bangalore

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