

The rule of law in the 21st century: definition, protection and living practice

At a time when democracies are faltering and authoritarian regimes are gaining ground, when misinformation is becoming widespread across all media and at all levels of society, when citizens doubt the state's ability to protect them and address the real issues of our time, it is more urgent than ever to safeguard the rule of law. However imperfect and incomplete this legal and political structure may be, it appears to embody the very essence of the social contract and to be the ultimate bulwark against authoritarian and even totalitarian abuses.

Far from being an abstract formula or a mere legal ideal, the rule of law refers to a type of political organisation (separation and balance of powers) and a set of concrete principles without which freedoms are nothing more than empty promises: the primacy of law over arbitrariness, respect for the hierarchy of norms, effective judicial protection by independent and impartial courts that respect fundamental rights, and free and pluralistic information.

However, these principles are now being undermined by multiple threats: media concentration, the growing influence of economic powers over the production of norms, the increasing technification of society, which effectively disables certain fundamental rights, the manipulation of public opinion, mass surveillance, and the gradual weakening of the justice system.

This symposium brings together magistrates, lawyers, journalists, law professors, historians, sociologists, researchers, NGO representatives, activists, intellectuals and engaged citizens to reflect on and affirm the rule of law as a body of legal values and principles that embody the social contract, which alone legitimises the existence and prerogatives of the State.

Three main themes will structure the discussions:

- Defining the rule of law: what it is, what it is not, and what it must become;
- Protecting the rule of law from political, economic, and technological attacks.
- Bringing the rule of law to life by engaging with contemporary issues and calling forth the citizen within each individual.

Taking a pluralistic and cross-cutting approach, this event is intended as a moment for reflection and raising awareness, but also for the collective development of tools, proposals and alliances aimed at reinvigorating the rule of law.

Objective: To build a shared, clear, educational and compelling conceptual foundation.

9:00-9:15 a.m.: OPENING OF THE CONFERENCE:

Carine DENOIT-BENTEUX. Vice-President of the Paris Bar Association

9:15-10:30 a.m.: Lecture 1

"The rule of law: a user's guide to a threatened ideal "

This introductory lecture aims to restore a precise and accessible meaning to a concept that is too often invoked, misunderstood or misused. It will revisit its theoretical foundations—from the limitation of sovereign power to the modern architecture of judicial guarantees—showing that the rule of law is neither an abstraction nor a luxury of peaceful democracy, but the only way to prevent power from becoming arbitrary. The major traditions will be presented (L'État de droit, the Rechtsstaat, el estado de derecho, stato di diritto / Rule of Law), along with universal principles (separation of powers, supremacy of the law, judicial oversight, fundamental freedoms), and the reasons why, in the 21st century, the rule of law has become a political, ideological, and technological battleground. And aligns to criteria that are now defined at the international level.

10:30-10:45: Break

10:45-12:00: Lecture 2

"Rule of law, legal state, police state: where to draw the line?"

This conference aims to further clarify concepts and conceptual frameworks. It proposes to revisit categories often taken for granted – rule of law, legal state, police state – even though their boundaries, overlaps and contemporary uses remain the subject of debate.

The speakers will examine the conditions under which legality effectively guarantees freedoms, but also situations where it can accompany, justify or mask coercive logic. In particular, they will address recent developments in public action: exceptional mechanisms, the expansion of the scope of administrative repression, and the use of control technologies and large-scale data processing.

The aim of this session is to establish solid intellectual benchmarks for the rest of the conference: to identify lines of fracture, areas of ambiguity and critical thresholds beyond which a democracy can transform without formal rupture.

12:00-1:30 p.m.: Lunch break

1:30-2:45 p.m.: Lecture 3

"From the centre to the margins: a rule of law that does not protect everyone is not a rule of law"

This lecture will address the real—rather than theoretical—scope of the rule of law.

It aims to examine the rule of law based on its concrete effectiveness, as it unfolds — or fragments — in social and judicial reality.

While the rule of law is based on universal principles, their implementation is neither uniform nor equitable.

Access to legal protection, the courts and effective rights varies greatly depending on social, administrative or personal circumstances. Minors, foreign nationals, prisoners, homeless people, people with disabilities, women who are victims of violence and individuals in situations of dependency often face specific obstacles that call into question the real scope of the guarantees that have been proclaimed.

Drawing on field studies, sociological analyses, court decisions and their respective professional experiences, the speakers will examine the legal, institutional, economic and cultural mechanisms that contribute to these differences in effectiveness. The discussion will explore the idea that the rule of law is not only a normative construct, but a dynamic equilibrium, dependent on social, administrative and human conditions that are sometimes fragile.

2:45–4:00 p.m.: Lecture 4

"Is France culturally resistant to the rule of law?"

This lecture will take a critical look at French political history, marked by an ambivalent relationship with the constraints of the law: fascination with a strong state, Jacobin tradition, weak culture of judicial review, mistrust of judges, cult of leadership, verticality of power and hypertrophied presidentialism. It will analyse how this specific political culture explains certain forms of resistance to constitutionalism, judicial oversight, countervailing powers, and the effective protection of civil liberties. A comparative detour to other European democracies will help determine whether this French reluctance is a myth or a historical and institutional reality.

4:00-4:15 p.m.: Break

4:15-5:30 p.m.: Lecture 5

"The international rule of law: common norm or political fiction?"

This conference is part of the day devoted to *defining* the rule of law, broadening the discussion to the international level. It invites us to question the reality, reach and limits of a "global" rule of law in a world shaped by geopolitical fragmentation and the deliberate resurgence of power struggles.

Through the combined perspectives of practitioners and observers of international law, the speakers will analyse the conditions for the effectiveness of international norms designed to prevent war, limit state arbitrariness, and protect human rights.

The discussion will focus on the contemporary tensions affecting the international legal order: open challenges to multilateral institutions, repeated political attacks on the UN and its agencies, direct challenges to international law by certain major powers – notably during the Trump administration

– but also strategic, selective or instrumental uses of the law by states that nevertheless claim to uphold the rule of law.

The challenge is to understand this central paradox: never has international law been so elaborate, so dense, so institutionalised, and never has its authority seemed so fragile. This conference therefore aims to lay the foundations for a lucid reflection on what international law really protects, what it is no longer able to contain, and the conditions necessary for it to remain something other than a language of legitimisation or a mere normative alibi.

5.30-6.45 p.m.: Conference 6

When democracies falter: What Trump's United States, Bolsonaro's Brazil and Orbán's Hungary tell us about the threats that have already reached France

This lecture will take us on a journey to the heart of the cracks that are currently weakening the major democracies. Through three case studies—the United States, Bolsonaro's Brazil, and Orbán's Hungary—it will analyse how, in different ways, elected powers can methodically undermine academic freedom, judicial independence, freedom of expression, and media pluralism. In the United States, political hyper-polarisation has led to unprecedented pressure on universities, investigative media and scientific organisations. In Brazil, Bolsonaroism has dramatized intimidation: harassment of journalists, targeted budget cuts, attacks on cultural institutions, and the instrumentalization of justice. In Hungary, Viktor Orbán's illiberalism is a laboratory for authoritarian engineering: universities are being placed under supervision, the media landscape is being transformed, NGOs are being criminalised and electoral rules are being rewritten.

These abuses are not local anomalies — they are warning signs for Western Europe. They reveal the same mechanisms at work: capture of institutions, delegitimization of experts, questioning of the social sciences, economic pressure on the media, and the rise of a "judicial sovereignty" hostile to countervailing powers. The conference will examine similar trends emerging in France and other democracies: attacks on certain academic research, attacks on academic freedoms, tensions over the independence of magistrates, unprecedented media concentration, and the criminalisation of public debate. Finally, it will propose ways to strengthen our democratic defences before the erosion becomes irreversible.

7:30-9:30 p.m. Dinner for speakers

Objective: To identify threats, document setbacks and propose mechanisms for protection

9:00–10:15 a.m.: Conference 1

"The erosion of freedoms: how a democracy dies quietly"

This conference opens the second day of the symposium devoted to protecting the rule of law. It begins with the observation that contemporary democratic regimes are undergoing a profound, gradual and often subtle transformation, marked by the permanent establishment of measures that were initially designed to be exceptional.

Speakers will analyse how the chain of emergency measures, security legislation, administrative restrictions and enhanced law enforcement practices has reshaped ordinary law, altered the balance of powers and undermined the effective guarantees of civil liberties. The challenge will not only be to identify these developments, but also to understand the legal, institutional and political mechanisms through which the exception becomes the norm.

Beyond this observation, the conference will examine capacities for resistance and protection: the role of judges, parliamentary oversight, the mobilisation of intermediary bodies, the use of international and European law, and citizen vigilance. It will examine the conditions under which a democracy can correct itself, slow itself down or rearm itself legally in the face of what many observers now describe as "weakened" or "imperfect" democracies.

The objective is twofold: to shed light on the dynamics of this silent erosion and to lay the foundations for a reflection on the concrete tools that can be used to preserve freedoms before their undermining becomes irreversible.

10:15-11:30 a.m.: Lecture 2

"Justice in peril: when the institution that protects freedoms becomes vulnerable itself and threatens to collapse."

This conference is part of the second segment of the symposium, dedicated to the protection of the rule of law, focusing on a central issue that is rarely addressed head-on: what becomes of the rule of law when the institution responsible for guaranteeing it is weakened in its functioning, its resources and its legitimacy?

Magistrates, lawyers and researchers will analyse the structural tensions currently affecting the French justice system: the widespread use of fast-track procedures, quantitative pressure on the courts, the transformation of criminal trials, the increase in litigation, persistent budgetary constraints, questions about the independence of the public prosecutor's office and the weakening of the adversarial system. These developments will be examined not as a simple accumulation of dysfunctions, but as systemic factors likely to permanently alter the justice system's ability to fulfil its protective function.

The discussion will also focus on constitutional justice, and in particular on the conditions under which the French Constitutional Council can fully exercise its role as guardian of rights and freedoms. Its actual room for manoeuvre, the limits of its intervention, and the institutional, procedural and cultural reforms needed to strengthen its effectiveness in a context of increasingly strict normative and criminal frameworks will be discussed.

The aim of this conference is to consider the protection of the rule of law not only against external attacks on justice, but also in terms of its internal vulnerabilities: understanding what weakens the judicial institution, identifying possible breaking points, and identifying the minimum conditions for it to remain a credible and effective bulwark of civil liberties.

11:30-11:45: Break

11:45 a.m.-1:00 p.m.: Conference 3

"Mass surveillance, algorithms and AI: the end of free will?"

This conference takes place within the part of the symposium dedicated to the protection of the rule of law, examining one of its most contemporary vulnerabilities: the digital transformation of modes of power, control, decision-making and manipulation.

The speakers will analyse the cumulative effects of technological change on fundamental freedoms: large-scale data collection, the development of facial recognition, behaviour capture and modelling, diffuse forms of social scoring, the automation of public decision-making, so-called predictive policing, and algorithmic influence on information and opinion. These mechanisms will be examined not in isolation, but as a coherent ecosystem in which public actors and private platforms are jointly redefining the conditions for the exercise of freedoms.

The discussion will focus on potential violations of the fundamental principles of the rule of law: presumption of innocence, freedom of movement, right to privacy and confidentiality, equality before the law, and the integrity of the democratic process. It will also examine new forms of invisible or internalised coercion, which blur the line between incitement, surveillance and coercion. Beyond this observation, the conference will raise the question of protection capabilities: existing legal frameworks, judicial oversight, the role of independent authorities, the limits of technological regulation, and the requirements for transparency and democratic control of algorithmic systems. The challenge is clear: to determine whether, and under what conditions, the rule of law can survive in an environment dominated by AI, digital platforms and the surveillance economy, or whether it must be radically rethought in order to survive.

1:00-2:15 p.m.: Lunch break

2:15-3:30 p.m.: Conference 4

"Captured media, manipulated opinion: how can we defend free information?"

This conference is part of the symposium segment dedicated to the protection of the rule of law, addressing a pillar that is often weakened yet essential to the functioning of democracy: the freedom and integrity of information.

Journalists, publishers, information science researchers and leaders of civil liberties organisations will analyse the structural changes in the contemporary media landscape. They will examine the effects of capital concentration, dependence on advertising models, private or state influence strategies, and direct or indirect political pressure on newsrooms and information production chains.

The discussion will also focus on the concrete mechanisms that affect the quality and independence of information: the weakening of sources, threats and attacks against journalists, the mass dissemination of misleading content, information interference operations, private censorship and opaque moderation on digital platforms, and the growing porosity between strategic communication, propaganda and journalism.

Beyond these observations, the conference will examine the safeguards that can protect free information in the long term: the legal framework for press freedom, the economic independence

of the media, the responsibility of platforms, the protection of journalists and sources, the role of regulatory authorities, and the place of the public and countervailing powers. The challenge is to understand how to preserve a pluralistic and reliable information space when information itself becomes a central arena for the conquest and exercise of power.

3.30-4.45 p.m.: Conference 5

"No one is above the law": a principle proclaimed but never applied?

This conference is part of the second day of the symposium, devoted to the protection of the rule of law, addressing one of its most damaging flaws: the persistent gap between the affirmation of equality before the law and the concrete experience of impunity for certain political, administrative and economic actors.

The speakers will analyse the mechanisms of irresponsibility or mitigated responsibility that permeate the French system and, more broadly, contemporary democracies: the inertia of the *Cour de Justice de la République*, the opacity of sensitive administrative decisions, the weakness of disciplinary sanctions, the difficulties in holding economic groups structured as networks of subsidiaries criminally liable, and the obstacles to punishing unlawful violence and persistent inequalities before the tax law.

The discussion will fully incorporate the role of whistleblowers, who are often responsible for revealing serious facts relating to public integrity, security, the environment or fundamental rights. Even though they contribute directly to the effectiveness of the rule of law, they are frequently exposed to professional, legal or personal reprisals. The conference will examine the gap between the formal legal recognition of their status and the reality of their protection, as well as the conditions under which whistleblowing becomes a tool for holding those in power accountable rather than a factor in the marginalisation of those who blow the whistle.

It will also address the challenges of legal sovereignty in the face of large transnational digital companies and "company-states", whose economic and informational power complicates the effective implementation of accountability mechanisms, despite the existence of national and European regulatory frameworks.

Beyond this observation, the conference will explore the political, institutional and cultural causes of this situation: the organisation of powers, the position of the judiciary vis-à-vis the executive, the culture of irresponsibility among elites, and the weakness of effective countervailing powers. It will examine ways of restoring real equality before the law: reform of special courts, strengthening of control and sanction mechanisms, effective criminal and financial liability of decision-makers and legal entities, robust and operational protection of whistleblowers, and the role of independent authorities such as the Defender of Rights.

The aim is to understand how to reduce areas of lawlessness, restore integrity as a democratic requirement, fight the feeling of impunity in the long term and restore confidence in justice as an effective pillar of the rule of law.

4:45-5:00 p.m.: Break

5:00-6:15 p.m.: Conference 6

"Does the rule of law have a gender? When the law protects in theory but abandons in practice"

This conference will question an obvious fact that is too rarely stated: the rule of law is not neutral. While it proclaims equality, it continues to produce—through its silences, blind spots, and mechanisms—structural inequalities that primarily affect women.

Inadequate protection against domestic violence, widespread dismissal of cases, lack of prevention, economic dependence, unequal access to justice, judicial proceedings that are sometimes dissuasive, institutional tolerance of sexist and sexual violence: rights exist, but their effectiveness remains deeply asymmetrical. The law promises, but the state hesitates. Judges exist, but access to them is unequal. Freedom of speech is guaranteed, but the criminal justice response remains fragile.

Drawing on legal analyses, empirical data, court decisions and field reports, the speakers will show that the failure of the rule of law with regard to women is not accidental: it reveals a system historically constructed by and for male power relations, which struggles to integrate gender-based violence as a central issue of democracy.

This conference will ask a disturbing but decisive question: can a rule of law that does not effectively protect half of the population still claim to embody equality before the law?

7.30-9.30 p.m. Speakers' dinner

Objective: To explore new perspectives, imagine reforms, and put citizens back at the centre

9:00–10:15 a.m.: Conference 1

"Rebuilding the rule of law"

This conference is part of the third day of the symposium, devoted to setting in motion and renewing the rule of law. It proposes to go beyond critical diagnosis to examine the institutional conditions that enable democratic principles to be sustained in a context of civic mistrust, concentration of power and weakening of counterpowers.

Speakers will examine the structural limitations of the current institutional framework: heightened presidentialism, the weakening of Parliament's role, the persistent dependence of the public prosecutor's office on the executive branch, the centralisation of regulatory power, the weakness of effective control mechanisms, and the ambiguous place and role of the French Constitutional Council in the architecture for the protection of rights and freedoms. These elements will be analysed not as isolated anomalies, but as a system producing its own democratic blind spots.

Drawing on experiences in France and abroad, the conference will open a space for reflection on realistic and operational avenues for institutional reform: moving towards a genuine constitutional court, strengthening the functional separation of powers, reforming the methods of appointing senior public officials, redefining the status and independence of the public prosecutor's office, and consolidating parliamentary, judicial and citizen counter-powers.

The challenge of this sequence is to conceive a pragmatic rebuilding of the rule of law, not as an abstract rupture, but as a process of institutional architecture aimed at making the political system more transparent, more controllable, and more accountable. The aim is to identify the minimum conditions for a mature, pluralistic democracy that is effectively governed by the rule of law, capable of resisting abuses of power while remaining governable.

10:15-11:30 a.m.: Lecture 2

"Ecological rule of law: from environmental law to the law of living beings"

This conference takes place within the day dedicated to the implementation and renewal of the rule of law, addressing one of its most decisive challenges: the adaptation of legal and constitutional frameworks to the global ecological crisis and the dawn of the Anthropocene.

Speakers will examine the limits of a rule of law historically built around human relations, individual freedoms and the regulation of public authorities, in the face of systemic damage to ecosystems, the climate and living beings. Issues such as the legal protection of nature, the possible recognition of rights for living beings, climate justice, the responsibility of public and private decision-makers in the face of inaction or structurally destructive choices, and the persistent tensions between economic growth imperatives and environmental requirements will be examined.

The discussion will also focus on the effectiveness of existing standards and the institutional obstacles to their implementation: a hierarchy of standards that is unfavourable to ecology, weak enforcement mechanisms, difficulties in bringing cases before constitutional or administrative courts, and the temporality of the law, which is ill-suited to the climate emergency. Using examples from France and abroad, ways of overcoming these obstacles will be analysed.

Beyond simply stating the facts, the conference will open up a space for reflection on the conditions for genuine legal transformation: constitutionalisation of ecological principles, integration of living beings into fundamental guarantees, strengthening of judicial review, articulation between representative democracy, scientific expertise and citizen participation. The challenge is to determine how to make ecology no longer a programmatic or symbolic objective, but an effective pillar of the rule of law, capable of guiding public action in a sustainable manner and making the ecological transition legally binding.

11:30-11:45: Break

11:45 a.m. to 1:00 p.m.: Conference 3

"Citizens as creators of law: how can we empower individuals?"

This conference is part of the day devoted to the implementation and renewal of the rule of law, focusing on a crucial question: how to move from a primarily representative, intermittent and procedural form of citizenship to effective citizen participation in the production of norms and public decision-making.

Speakers will examine contemporary mechanisms for civic involvement—participatory budgets, citizens' conventions, citizens' juries, referendum initiatives, collaborative platforms, digital tools for co-constructing legislation—based on French and international experiences. The aim will not be to draw up an inventory, but to analyse the real conditions for effectiveness, legitimacy and sustainability.

The discussion will focus on the prerequisites for genuine empowerment: access to reliable information, transparency in decision-making processes, ongoing civic education, guarantees of independence from political power or private interests, and a clear link between citizen participation and representative institutions. The risks of abuse – token participation, consultation without normative effect, capture by organised minorities – which can undermine the democratic scope of these mechanisms, will also be examined.

Beyond the tools themselves, the conference will question the very status of citizens in the contemporary rule of law: are they mere recipients of the norm or co-producers of the law? The aim is to reflect on the conditions under which active, creative and everyday citizenship can become a living pillar of the rule of law, capable of strengthening the legitimacy of public decisions, restoring democratic confidence and making the law a shared process rather than a distant instrument.

1:00-2:30 p.m.: Lunch break

2.30pm-3.45pm: Conference 4

"Alternative forms of justice: repairing differently, living together differently"

This conference is part of the third day of the symposium, dedicated to the practical application and concrete promotion of the rule of law, examining legal and social responses to conflicts in a context marked by the saturation of the criminal justice system, the fragmentation of social ties and the emergence of new forms of conflict, particularly digital and environmental.

Speakers will explore restorative justice, mediation and community justice mechanisms, as well as emerging experiences of environmental and digital justice. Using concrete cases, they will analyse

their ability to restore dialogue, recognise wrongs, hold perpetrators accountable, repair damage and prevent recidivism, while providing more appropriate responses to certain types of conflict.

The discussion will focus on the conditions under which these forms of justice can usefully complement institutional justice, without replacing the fundamental guarantees of the rule of law. In particular, the requirements of voluntariness, balance between the parties, protection of the most vulnerable, judicial review and articulation with the existing criminal and civil framework will be discussed.

Beyond their procedural dimension, these practices will be examined as tools for rebuilding social ties, capable of responding to the tensions specific to contemporary societies: symbolic and digital violence, environmental damage, and long-lasting collective conflicts. The challenge is to understand how these approaches can contribute to a more humane, transparent and restorative justice system, while strengthening — rather than weakening — the credibility and effectiveness of the rule of law.

3:45-5:00 p.m.: Conference 5

Re-arming freedoms: giving citizens control over their choices.

This closing conference is part of the symposium segment devoted to the concrete vitality of the rule of law. It proposes shifting the centre of gravity from institutions to individuals, by questioning the underlying conditions for the formation of autonomy, judgement and free will in contemporary societies.

Speakers will analyse the current fragilities of citizen autonomy: the decline of civic education, early exposure to disinformation, the opacity of digital environments, the capture and commodification of personal data, and the algorithmic influence on behaviour and opinions. These phenomena will be addressed as structural factors that undermine consent, critical thinking and the ability to choose freely.

The discussion will fully incorporate the issue of education from an early age, and in particular the fundamental role of education through the arts. Artistic practices, culture, creation, imagination and sensitivity will be considered as essential vectors for the development of discernment, attention, otherness and inner freedom. The conference will show how art constitutes an early learning experience in doubt, complexity and plurality — all decisive skills in the face of manipulation, standardisation and algorithmic conditioning.

Contemporary levers for rearming freedoms will also be examined: renewed transmission of civic and institutional knowledge, recognition of effective digital rights, personal sovereignty over data, tools for understanding and challenging algorithmic systems, public policies for training critical thinking, and the articulation between education, culture and technology.

Beyond the mechanisms themselves, the conference will ask a central question: how can we educate individuals, from childhood and throughout their lives, to think for themselves, resist invisible injunctions and actively embrace the rule of law? The challenge is to conceive of the rearmament of freedoms as a long-term educational, cultural and civic process, a prerequisite for a vibrant, enlightened and sustainable democracy.

5:00-5:15 p.m.: **CLOSING OF THE CONFERENCE:**
Louis DEGOS. President of the Paris Bar

7:30-9:30 p.m. Dinner for speakers