



**ACADEMIC  
WORKSHOP**

**FEBRUARY 6,  
2023**

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**CITIZENSHIP AND  
FRAGMENTATION  
IN CRIMINAL LAW**

What role does the relationship between the state and its citizens play for criminal law? A number of influential scholars assume that criminal law must be founded on a bond of citizenship between the offender and the state that reinforces the legitimacy of criminal punishment. If this is the case, how does this assumption impact the state's standing when punishing non-citizens or 'semi-citizens'? Also, given that many societies are experiencing a growth in fragmentation – that is, becoming more diverse in their values –, should legal theorists change their view on frameworks that assume shared values for the legitimacy of criminal law and the scope of criminalization?

With these general questions in mind, this workshop aims to discuss the role that citizenship should play in criminal law theory and to what extent the increasing fragmentation in many societies could change our views on criminal law and the scope of criminalization.

Leading scholars and early-career scientists from the fields of law and philosophy will discuss their views on the following detail questions:

- 1. What role does citizenship play in criminal law? Is there a special connection between the two?**
- 2. Should the conviction and punishment of non-citizens or 'semi-citizens' follow the same rationale as the conviction and punishment of full citizens?**
- 3. Does criminal law theory need to adapt if societies depart from ideal versions of community and thick notions of citizens' responsibilities?**
- 4. What implications does the increasing fragmentation of societies have for the scope of criminalization?**

The workshop will be focused on discussion: researchers will give short talks and then switch to in-depth discussions of their ideas on these topics and issues.

# Program



**9:30–11:00 AM**

**Welcome and Introduction**

Tatjana Hörnle / Ivó Coca-Vila, Max Planck Institute,  
Freiburg/Germany

**PART 1: CITIZENSHIP AND CRIMINAL LAW**

**Citizenship and Jurisdiction**

Antony Duff, University of Stirling, Stirling/UK

**A Criminal Law for Semicitizens**

Ivó Coca-Vila, Max Planck Institute, Freiburg/Germany  
Cristián Irarrázaval Zaldívar, University of Freiburg,  
Freiburg/Germany

**11:00–11:15 AM**

*Coffee Break*

**11:15 AM –12:45 PM**

**Whose Law Is It Anyway? Can a Republican Criminal Law  
Speak to, or for, Non-Citizens?**

Bill Wringer, Bilkent University, Ankara/Turkey

**PART 2: THE SITUATION IN FRAGMENTED SOCIETIES**

**Should We Worry about Multiculturalism? Maybe Not.**

Sandra Marshall, University of Stirling, Stirling/UK

**1:00–2:00 PM**

*Catered Lunch at the Institute*

**2:15–3:45 PM**

**Fragmented Societies: Are Changes Necessary in Criminal  
Law Theory?**

Tatjana Hörnle, Max Planck Institute, Freiburg/Germany

**“Fragmented Societies” and Criminal Law: A Conservative  
Crisis Narrative**

Bijan Fateh-Moghadam, University of Basel, Basel/Switzerland

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## PROGRAM

**3:45–4:00 PM**

*Coffee Break*

**4:00–5:30 PM**

### **PART 3: RESTORATIVE JUSTICE IN FRAGMENTED SOCIETIES**

#### **Fragmented Societies as a Problem for Restorative Justice?**

Valerij Zisman, Max Planck Institute, Freiburg/Germany

#### **Final Round Table Discussion**

**7:00 PM**

*Dinner in downtown Freiburg:*

**Restaurant Heiliggeist Stüble**

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## Organization

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

**TIME:** February 6, 2023, 9:30 AM – 5:30 PM

**LOCATION:** MPI-CSL, Fürstenbergstraße 19, Seminar room (F 113)

**REGISTRATION:** RSVP is required as this is a closed event with limited participants. If you are interested in participating, please send an email with your name, affiliation and email address to: [v.zisman@csl.mpg.de](mailto:v.zisman@csl.mpg.de)

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