University of Basel
Faculty of Law

Democracy and Pluralism

8th German-South African-Swiss Dialogue on Democracy

4 and 5 February 2027 | University of Basel

University of Basel

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8th German-South African-Swiss Dialogue on Democracy:

Democracy and Pluralism

For the first time in its 15 years history, the German-South African Dialogue on Democracy (as it was previously known) will cover three countries: Switzerland, South Africa, and Germany. As during the previous seven Dialogues, the expanded German-South African-Swiss Dialogue on Democracy will again debate a topical question of democracy – this time, the relationship between democracy and pluralism.

In democracies, the principles of majority rule and pluralism exist in a complex and sometimes tense relationship, particularly in jurisdictions where pluralism is embedded in the fabric of the state – as is especially the case in Switzerland or South Africa. On the one hand, we are witnessing a global surge of authoritarian impulses that endanger political and cultural pluralism – a threat to democracy. On the other hand, democratic and free societies must be open to different viewpoints; however, this openness may be exploited to amplify polarization precisely to splinter the public sphere and to destabilize democracy.

This international conference brings together legal scholars from South Africa, Switzerland, and Germany – three democracies that exemplify different models of pluralist governance within constitutional frameworks. The focus is on three key dimensions: democratic institutions as a characteristic feature and precondition of democracy (panel 1) and democratic procedures (panel 2) as well as the limits and the protection of democracy (panel 3).

Panel 1 – Constitutional Elements of Pluralist Power-Sharing

This panel asks what the constitution must positively secure so that a pluralist democracy remains real over time. Or are we getting it wrong and should democratic pluralism be the goal? What may initially sound like a mere play on words actually makes a fundamental conceptual difference. Is a deeper and more aspirational (civic republican) notion of democratic pluralism possible or is pluralist democracy the best we can achieve and the most we should strive for?

The session concerns the content of the constitutional elements of power sharing and hence the notion of the underlying concept of pluralism. We will examine the minimum structural features that cannot be left to day-to-day politics: fair party competition and an effective opposition; pluralist, state-distant public spheres (media structure and governance, not content); embedded counter-powers (federal/bicameral checks, independent oversight and courts); and the power to counter economic influence. Justiciability concerns how intensively courts review these structural choices, and which remedies (annulment, transitional orders, targeted structural directions) are legitimate without usurping legislative space. Limits mark the domain of democratic self-government: deference to substantive policy choices is appropriate so long as the pluralist competitive structure is not hollowed out. The panel compares design choices and review standards that sustain inclusive competition, guard against cumulative erosion, and preserve governability.

Panel 2 – Contestation by Procedure: How Process Organizes Pluralist Disagreement

The focus of this panel is the machinery of decision-making that channels pluralist conflict into legitimate outcomes. We examine agenda-setting and consultation regimes; hearings, transparency and reasons-giving; minority rights and qualified quorums within legislatures; safeguards for referendums (framing, timing, access to counter-speech); and built-in feedback loops – review, sunset and post-legislative evaluation – that keep systems capable of learning under polarization. Fundamental rights set a baseline (openness, non-discrimination, access) but remain ancillary here: the primary questions are procedural. When do procedures move beyond symbolism and genuinely shape inclusion and outcomes? Which thresholds trigger heightened process demands (measures touching the rules of competition, high-salience identity questions, compressed timelines)? What forms of process remedies – from ordering proper consultation to structured compliance monitoring – respect separation of powers while correcting procedural failure?

Panel 3 – Militant Democracy: The Limits of Pluralist Tolerance
This panel addresses the protection of democracy. How should a democracy react when political actors undermine the pluralist playing field by using apparently democratic means? Topics include the basic structure doctrine, which rules out constitutional amendments that would destroy the basic features of the constitution; party bans and/or loss of public funding; targeted restrictions in extreme cases; speech-related limits addressing incitement and violence; and platform-governance interventions that protect structure rather than steer content. We discuss intervention thresholds (risk, intent, organizational capacity), standards of proof, and anti-abuse safeguards that keep measures proportionate, reviewable and limited in time. The guiding challenge is to protect the conditions of pluralist competition without turning its protection into dominance – maintaining neutrality, preserving channels for peaceful contestation, and avoiding overreach.

Venue:
Universität Basel, Kollegienhaus
Petersgraben 50, CH-4051 Basel

Conference Language:
English



Free registration:
Please register by **10 January 2027** via QR-code.
https://bit.ly/Democracy_and_Pluralism_Registration

Contact:
office-schaks-ius@unibas.ch

Programme
Pre-Conference Evening Lecture

Date: 4 February 2027
Venue: Universität Basel, Kollegienhaus, room 118,
Petersgraben 50, CH-4051 Basel

18.00 – 19.30	**Keynote Lecture: «Democracy Under Pressure: How Can We Achieve Democratic Resilience in Times of Poly-Crises?»** Speaker: Prof. Dr. Helen Keller, University Zürich (CH) Followed by: Apéro riche / Informal Reception

Programme
Main Conference Day

Date: 5 February 2027
Venue: Universität Basel, Kollegienhaus, room 115,
Petersgraben 50, CH-4051 Basel

09.30 – 10.00	**Registration and Welcome Coffee**
10.00 – 10.15	**Opening Remarks:** Prof. Dr. Nils Schaks, University Basel (CH)
10.15 – 12.15	**Panel 1: Constitutional Elements of Pluralist Power-Sharing** Chair: Prof. Dr. Dominik Steiger, Dresden University of Technology (D) 1. Prof. Dr. Wessel Le Roux, University of the Western Cape (ZA) 30 minutes 2. Prof. Dr. Odile Ammann, University of Lausanne (CH) 20 minutes 3. Prof. Dr. Stefanie Schmahl, University Würzburg (D) 20 minutes

12.15 – 14.00	Lunch Break
14.00 – 16.00	**Panel 2: Contestation by Procedure: How Process Organizes Pluralist Disagreement** Chair: Prof. Dr. Henk Botha, Stellenbosch University (ZA) 1. Prof. Dr. Patricia Egli, University St. Gallen (CH) 30 minutes 2. Prof. Dr. Paulina Starski, University Freiburg i. Br. (D) 20 minutes 3. Prof. Dr. Bradley Slade, Stellenbosch University (ZA) 20 minutes
16.00 – 16.30	Coffee Break
16.30 – 18.15	**Panel 3: Militant Democracy: The Limits of Pluralist Tolerance** Chair: Prof. Dr. Jelena Bäumler, Leuphana University Lüneburg (D) 1. Prof. Dr. Eva Lohse, University Bayreuth (D) 30 minutes 2. Dr. Kate Dent, Stellenbosch University (ZA) 20 minutes 3. Prof. Dr. Patricia M. Schiess Rütimann, Liechtenstein Institute (LI) 20 minutes
18.15 – 18.30	**Closing Remarks:** Prof. Dr. Henk Botha, Stellenbosch University (ZA)

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