UNIVERSITÄT SALZBURG

SALZBURG DIALOGUE ON COMPARATIVE CONSTITUTIONAL LAW AND THEORY

The Rule of Law in the Trump-Era: Tragedy or Triumph?

Prof. Russell A. Miller

Washington and Lee University, VA (USA)

Date & Time

Wednesday, 16.12.2026, 12.00 p.m. – 1.30 pm

Venue

TOSKANATRAKT | HS 208

Churfürststraße 1/II, 5020 Salzburg

Information

No registration required

Free admission



Bild: Russel Miller

About the event

Many in the U.S. and Europe view the policies of the second Trump administration as an open assault on the rule of law. This includes rhetoric and actions mocking law and constitutional constraints, actions straining the separation of powers, the politicization of the Department of Justice and other government institutions, attacks on the judiciary and judicial independence, blunt and cruel infringements on constitutional liberty guarantees, and maybe even the open defiance of court orders. This talk will closely examine (conducting a “rule of law autopsy”) the Abrego-Garcia Case, which is one of the most disturbing episodes of the president’s assault on the rule of law. This detailed assessment reveals the cultural contingency that colors autocrats’ global efforts to erode the rule of law. It also reveals the subtleties through which that agenda will be achieved, including the disturbing

insight that many of the actions undertaken with an intention to harm the rule of law are, in themselves, formally legal and fully justifiable under the law. This leads to questions about the possibility for a so-called "militant rule of law". Finally, the close study of the Abrego-Garcia Case offers surprising, but important, insights into the sources of the rule of law's resilience in the United States. It's worth reflecting on these (modest) triumphs as well, because those are the points in the system that merit our support and attention as all of us, in the U.S. and around the world, work to justify, reaffirm – and where necessary – salvage the rule of law.

Biography

Russell A. Miller is the J.B. Stombock Professor of Law at Washington and Lee University in Virginia (USA). His teaching and research focus on American constitutional law, comparative law theory and methods, the rule of law, and German law and legal culture. Miller is internationally recognized for his comparative scholarship on German law. He is the founder and long-serving editor-in-chief of the renowned German Law Journal and the author of numerous academic publications, including "An Introduction to German Law and Legal Culture" (2024) and "Verfassungsorte / Constitutional Places" (2025). His academic career is closely connected to Germany. Among other positions, he served as a research assistant at the German Federal Constitutional Court and headed the Max Planck Law Network for two years. More recently, Miller has increasingly focused on the theoretical foundations and challenges of the rule of law. He founded and continues to lead the Rule of Law Academy, an international educational programme hosted by the Konrad Adenauer Foundation in Berlin. In recognition of his academic achievements, Miller has received two Fulbright Senior Research Awards and was awarded the Humboldt Research Award in 2021. From 2027, he will serve as a "Volkswagen Foundation Transatlantic Bridge Professor" at the University of Freiburg for a three-year term.

Further Information

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