

**MAX PLANCK**  
GESELLSCHAFT



# REPORT

2021 – 2023

Max Planck Institute for Social Law and Social Policy





**MAX PLANCK**  
GESELLSCHAFT



# **REPORT**

## 2021 – 2023

Max Planck Institute for Social Law and Social Policy





# CONTENT OVERVIEW



17

INTRODUCTION

27

FOREIGN AND  
INTERNATIONAL  
SOCIAL LAW

193

MUNICH CENTER  
FOR THE ECONO-  
MICS OF AGING  
(MEA) / MAX PLANCK  
EMERITUS GROUP

251

THE INSTITUTE

# STRUCTURE

|   |           |
|---|-----------|
| <b>Preface</b> .....                                  | <b>14</b> |
| <b>I Introduction</b> .....                           | <b>17</b> |
| <b>II Foreign and International Social Law</b> .....  | <b>27</b> |
| 1 Overview.....                                       | 28        |
| 2 Research Projects.....                              | 51        |
| 3 Promotion of Junior Scientists.....                 | 108       |
| 4 Publications.....                                   | 141       |
| 5 Presentations.....                                  | 157       |
| 6 Media Impact.....                                   | 167       |
| 7 Teaching.....                                       | 170       |
| 8 Honours, Awards and Appointments.....               | 173       |
| 9 Editorships, Memberships and Scientific Advice..... | 173       |
| 10 Refereeing.....                                    | 175       |
| 11 Expertises.....                                    | 176       |
| 12 Stays Abroad.....                                  | 176       |
| 13 Events.....  | 177       |
| 14 Guests.....  | 182       |
| 15 Cooperations.....                                  | 185       |

|   |            |
|---|------------|
| <b>III Munich Center for the Economics of Aging (MEA)/Max Planck Emeritus Group</b> | <b>193</b> |
| 1 Overview  | 194        |
| 2 Research Projects   | 207        |
| 3 Promotion of Junior Scientists  | 229        |
| 4 Memberships, Editorships and Affiliations   | 230        |
| 5 Publications  | 232        |
| 6 Honours, Awards and Appointments  | 245        |
| 7 Public Policy Advice and Media Impact   | 245        |
| 8 Cooperations  | 247        |
| 9 Third Party Funding   | 247        |
| <b>IV The Institute</b>   | <b>251</b> |
| 1 Board of Trustees and Scientific Advisory Board                                   | 252        |
| 2 The Baltic Sea States Project   | 258        |
| 3 Gender Equality   | 260        |
| 4 Public Relations  | 263        |
| 5 Institute Library   | 265        |
| 6 Information and Communication Technology  | 267        |
| 7 Personalia  | 267        |

# FINE STRUCTURE

|   |           |
|---|-----------|
| <b>Preface</b>  | <b>14</b> |
| <b>I Introduction</b>   | <b>17</b> |
| <b>II Foreign and International Social Law</b>  | <b>27</b> |
| <b>1 Overview</b>   | <b>28</b> |
| 1.1 Mission, Structure and Outlook  | 28        |
| 1.2 Outcomes  | 34        |
| 1.3 Doctoral Research   | 46        |
| 1.4 Outreach  | 47        |
| <b>2 Research Projects</b>  | <b>51</b> |
| 2.1 Foundations of the Welfare State  | 51        |
| 2.1.1 The Construction of a Socio-Ecological State  | 51        |
| 2.1.2 United in Solidarity? German Social Law and Papal Social Teaching   | 53        |
| 2.1.3 Postwar Justice in Norway and Denmark (1945-1965)   | 55        |
| 2.2 Europeanisation and Internationalisation  | 57        |
| 2.2.1 Life in Dignity: Minimum Income Protection in Europe  | 57        |
| 2.2.2 Social Protection of Platform Workers at the EU Level   | 59        |
| 2.3 Modernisation of the Welfare State  | 62        |
| 2.3.1 Protecting Livelihoods – A Global Comparison of Social Law Responses to the COVID-19 Crisis   | 62        |
| 2.3.2 The Digital Transformation of the Welfare State – A Comparison of Germany, Denmark and the United Kingdom in Historical Perspective (1970-2020) | 65        |
| 2.3.3 Psychosocial Risks and Mental Health of Employed Persons in the Post-COVID World of Work  | 67        |
| 2.3.4 Pension Maps – Visualising the Institutional Structure of Old Age Security  | 70        |
| 2.3.5 Recent Developments in Social Law in France   | 72        |
| 2.3.6 Comprehensive Reform of Family Benefits in Italy: Towards a Welfare State Revolution?   | 75        |
| 2.3.7 Unitarisation of Federal Welfare State Systems through Minimum and Quality Requirements?  | 77        |
| 2.4 Health Law  | 79        |
| 2.4.1 Alignment or Diversion? – The New Regulatory Regime for Medicines in the UK   | 79        |
| 2.4.2 Vaccination as an Equaliser? Evaluating COVID-19 Vaccine Prioritisation and Compensation  | 82        |
| 2.4.3 The Fragmented Nature of Pandemic Decision-Making: Comparative and Multilevel Legal Analysis  | 84        |
| 2.5 Interdisciplinary Research  | 86        |
| 2.5.1 Discriminatory Behaviour in Groups and Social Policies Against Discrimination   | 86        |

|          |  |            |
|----------|--|------------|
| 2.5.2    | Normative Beliefs about Legal Remedies in the USA and in Germany.....  | 89         |
| 2.5.3    | Conflict and Legal Remedies.....   | 91         |
| 2.5.4    | The (Mis)Perception of Economic Inequality: The Impact of Welfare State<br>Institutions on Social Perception and Preference Formation..... | 93         |
| 2.6      | Institutions.....  | 95         |
| 2.6.1    | Max Planck Partner Group in Bolivia: Rights and Social Protection<br>for Indigenous Peoples in Latin America.....                          | 95         |
| 2.6.2    | 40 Years of Research at the Heart of the Welfare State.....  | 98         |
| 2.6.3    | Engagement in the Intradisciplinary Network 'Max Planck Law'.....  | 101        |
| 2.7      | Sports Law.....  | 103        |
| 2.7.1    | War, Sport and Law: Sanctions between Responsibility and Impact.....   | 103        |
| 2.7.2    | Sports Organisations and Human Rights – An Unsettled Relationship.....   | 105        |
| <b>3</b> | <b>Promotion of Junior Scientists.....</b>   | <b>108</b> |
| 3.1      | Doctoral Group 'Health Law'.....   | 108        |
| 3.1.1    | Between Ethical Oversight and State Neutrality:<br>Introducing Controversial Technologies into the Public Healthcare System.....           | 108        |
| 3.1.2    | Artificial Intelligence, Patient Autonomy and Informed Consent.....  | 110        |
| 3.1.3    | Comparing Legal Determinants of Telemedicine Quality<br>in Germany, the United States, and France.....                                     | 112        |
| 3.1.4    | Distribution of Donor Organs and the Fundamental Right of Participation.....   | 114        |
| 3.1.5    | Immunisation and Justice: A Legal Comparison<br>of Vaccine Injury Compensation Schemes.....  | 116        |
| 3.1.6    | Access to Primary Health Care in Tanzania:<br>A Study of the Legal and Regulatory Framework.....   | 118        |
| 3.2      | Doctoral Group 'Adjudication of Social Rights'.....  | 121        |
| 3.2.1    | Between Acceptance and Resignation: The Functions of Social<br>Law Pre-Trial Proceedings from the Objector's Perspective.....              | 122        |
| 3.2.2    | Access to Social Rights in Taiwan.....   | 123        |
| 3.2.3    | Judicial Enforcement of Social Benefits Provision in Latin America.....  | 125        |
| 3.3      | Individual Dissertation Projects.....  | 128        |
| 3.3.1    | Deeply Anchored? Gender Stereotypes and (Social) Law.....  | 128        |
| 3.3.2    | Recognition Through Social Law – Interdependencies in a Society of Social Freedom.....   | 130        |
| 3.3.3    | Law of Enforcement Deficits.....   | 132        |
| 3.3.4    | Social Protection in Bulgaria: Functional Systematisation and Influence of<br>Constitutional, International and European Union Law.....    | 133        |
| 3.3.5    | Pricing Regulation of Reimbursable Pharmaceuticals in Spain and Germany.....   | 135        |
| 3.3.6    | Vulnerability in the Legal System.....   | 137        |
| 3.3.7    | Communication between Administration and Citizens in Social Law Proceedings.....   | 139        |

|   |                |
|---|----------------|
| <b>4 Publications</b>   | <b>141</b>     |
| <b>5 Presentations</b>  | <b>157</b>     |
| <b>6 Media Impact</b>   | <b>167</b>     |
| <b>7 Teaching</b>   | <b>170</b>     |
| <b>8 Honours, Awards and Appointments</b>   | <b>173</b>     |
| <b>9 Editorships, Memberships and Scientific Advice</b>   | <b>173</b>     |
| <b>10 Refereeing</b>  | <b>175</b>     |
| <b>11 Expertises</b>  | <b>176</b>     |
| <b>12 Stays Abroad</b>  | <b>176</b>     |
| <b>13 Events</b>  | <b>177</b>     |
| 13.1 Symposia, Conferences, Workshops   | 177            |
| 13.2 Guest Presentations  | 180            |
| <b>14 Guests</b>  | <b>182</b>     |
| <b>15 Cooperations</b>  | <b>185</b>     |
| <br><b>III Munich Center for the Economics of Aging (MEA)/Max Planck Emeritus Group</b>               | <br><b>193</b> |
| <b>1 Overview</b>   | <b>194</b>     |
| 1.1 Mission   | 194            |
| 1.2 Structure   | 195            |
| 1.3 Research Units and Their Main Achievements  | 197            |
| 1.3.1 Social Policy and Old Age Provision   | 197            |
| 1.3.2 Life Cycle Decisions  | 199            |
| 1.3.3 Health Econometrics   | 201            |
| 1.3.4 Survey of Health, Ageing and Retirement in Europe (SHARE)                                       | 203            |
| 1.3.5 Public Policy Advice  | 205            |
| 1.3.6 Promotion of Young Researchers  | 206            |
| 1.4 Research Outlook  | 206            |
| <b>2 Research Projects</b>  | <b>207</b>     |
| 2.1 Old Age Provision and Social Policy   | 207            |
| 2.1.1 The Role of Pension Knowledge in Labor Supply Decisions: Evidence from Europe                   | 207            |
| 2.1.2 International Social Security Project (ISSP)  | 207            |
| 2.1.3 Is Working Longer in Jeopardy? Health and Labor Force Participation<br>of Middle-Aged Europeans | 208            |
| 2.1.4 Expertise for the Scientific Advisory Board of the Federal Ministry For Economic Affairs        | 208            |
| 2.1.5 Expertise on Aging, Health and Immigration for the Expert<br>Commission to President Macron     | 208            |
| 2.1.6 Will Long-Run Health Trends in Europe Turn Negative?  | 209            |
| 2.1.7 Targets Missed: Three Case Studies Exploiting the Linked SHARE-RV Data                          | 209            |

|        |   |     |
|--------|---|-----|
| 2.1.8  | The Heterogeneity of Income Groups and its Meaning for the<br>Future Development of the German Pension System.....          | 210 |
| 2.1.9  | The Pension Simulation Program MEA-PENSIM.....  | 210 |
| 2.2    | Life Cycle Decisions.....   | 211 |
| 2.2.1  | Responses to Tax Subsidies on Contributions to Private Retirement Savings.....  | 211 |
| 2.2.2  | Shaping the Habits of Teen Drivers.....   | 212 |
| 2.2.3  | Re-Examining Female Labor Supply Responses to the 1994 Australian Pension Reform.....                                       | 212 |
| 2.2.4  | The Unequal Burden of Retirement Reform: Evidence from Australia.....   | 212 |
| 2.2.5  | Capital Income Taxation with Portfolio Choice.....  | 213 |
| 2.2.6  | Avoiding Root-Finding in the Krusell-Smith Algorithm Simulation.....  | 213 |
| 2.2.7  | Firm Leverage and Wealth Inequality.....  | 214 |
| 2.2.8  | Continuous-Time Speed for Discrete-Time Models:<br>A Markov-Chain Approximation Method.....                                 | 214 |
| 2.2.9  | How Having Children Shapes Wellbeing in Older Age.....  | 215 |
| 2.2.10 | Pension and Labor Market Reforms, Behavioral Adaptions<br>and Macroeconomic Implications.....                               | 216 |
| 2.2.11 | Age and Labor Productivity in the Service Industry.....   | 216 |
| 2.3    | Health Econometrics.....  | 217 |
| 2.3.1  | Does Insurance Make Overconfident?.....   | 217 |
| 2.3.2  | Causal Mediation Analysis with Double Machine Learning.....   | 217 |
| 2.3.3  | Instrument Validity Tests with Causal Trees.....  | 218 |
| 2.3.4  | Economic Hardship, Sleep, and Self-Rated Health:<br>Evidence From the Supplemental Nutrition Assistance Program (SNAP)..... | 218 |
| 2.3.5  | Heterogeneous Effects of Poverty on Attention.....  | 218 |
| 2.3.6  | An Explainable Attention Network for Fraud Detection in Claims Management.....  | 219 |
| 2.3.7  | Loneliness, Social Isolation and Cognitive Decline in Europe.....   | 219 |
| 2.3.8  | In-Care (Inequality in Care).....   | 220 |
| 2.3.9  | Use of Assistive Devices in Europe.....   | 220 |
| 2.3.10 | Bodyweight and Cognitive Performance in the Older Population.....   | 221 |
| 2.3.11 | Importance of Spot Size Measuring in Fieldwork Collected Dried Blood Spots Samples.....                                     | 221 |
| 2.3.12 | Influence of Fieldwork Conditions and Sample Quality on Cytokine<br>Values Measured in Dried Blood Spot Samples.....        | 223 |
| 2.3.13 | Validation of Biomarker Values Analyzed in Dried Blood Spot Samples.....  | 224 |
| 2.3.14 | The Long Arm of Childhood Hypothesis and Systematic Low-Grade Inflammation.....   | 224 |
| 2.4    | SHARE-COVID.....  | 225 |
| 2.4.1  | Short-Time Employment Aid during the Corona Lockdown:<br>Evidence from the SHARE Countries.....                             | 225 |
| 2.4.2  | Pandemic Lockdowns and Economic Inequality.....   | 226 |



|   |                |
|---|----------------|
| 2.4.3 Informal and Formal Care-Giving and -Receiving Across Europe Before and During The Covid-19 Pandemic..... | 226            |
| 2.4.4 Behavioural Risk Factors and Preventative COVID-19 Measures amongst a High-Risk Population.....           | 227            |
| 2.4.5 Financial Hardship during the Corona Pandemic.....  | 227            |
| 2.4.6 Change and Predictors of Mental Health in the Older European Population during the COVID-19 Pandemic..... | 228            |
| 2.4.7 Motivating Protective Behavior Against COVID-19: Fear Versus Hope.....                                    | 229            |
| <b>3 Promotion of Junior Scientists .....</b>   | <b>229</b>     |
| 3.1 MEA Mentoring Program.....  | 229            |
| 3.2 Dissertations at MEA.....   | 229            |
| 3.3 MEA Seminar.....  | 230            |
| <b>4 Memberships, Editorships and Affiliations .....</b>  | <b>230</b>     |
| <b>5 Publications .....</b>   | <b>232</b>     |
| <b>6 Honours, Awards and Appointments .....</b>   | <b>245</b>     |
| <b>7 Public Policy Advice and Media Impact .....</b>  | <b>245</b>     |
| 7.1 Published Expertises.....   | 246            |
| 7.2 Advisory Councils.....  | 246            |
| <b>8 Cooperations .....</b>   | <b>247</b>     |
| <b>9 Third Party Funding .....</b>  | <b>247</b>     |
| <br><b>IV The Institute .....</b>   | <br><b>251</b> |
| <b>1 Board of Trustees and Scientific Advisory Board .....</b>  | <b>252</b>     |
| 1.1 Researching (in) the COVID-19 Pandemic.....   | 252            |
| 1.2 Members of the Board of Trustees .....  | 254            |
| 1.3 Members of the Scientific Advisory Board .....  | 256            |
| <b>2 The Baltic Sea States Project .....</b>  | <b>258</b>     |
| <b>3 Gender Equality.....</b>   | <b>260</b>     |
| <b>4 Public Relations.....</b>  | <b>263</b>     |
| <b>5 Institute Library.....</b>   | <b>265</b>     |
| <b>6 Information and Communication Technology.....</b>  | <b>267</b>     |
| <b>7 Personalia .....</b>   | <b>267</b>     |
| 7.1 Foreign and International Social Law .....  | 267            |
| 7.2 Munich Center for the Economics of Aging (MEA)/Max Planck Emeritus Group.....                               | 268            |
| 7.3 Curricula Vitae of Research Staff (as of 2023).....   | 271            |
| 7.4 Library.....  | 275            |
| 7.5 Central Services.....   | 275            |
| 7.6 Representatives and Special Tasks.....  | 276            |



# P R E F A C E

This Report provides information about the activities performed by the Max Planck Institute for Social Law and Social Policy (MPISOC) over the three-year period 2021 - 2023. It depicts the multifaceted research projects and activities carried out by the Institute's staff members and describes the developments experienced by the Institute over the reporting period. In presenting this Report, we hope to be able to not only supply an account of the Institute's activities, but also to give our readers an insight into the various developments of social law and social policy, and to promote interest in research related to these fields.

The structure of this Report is based on that of previous Reports. It follows the organisational structure of the Institute as it gives an overview of the research accomplished by its two departments, the Department of Foreign and International Social Law (cf. II) and the Munich Center for the Economics of Aging (MEA) (cf. III). In the following chapter, it turns to overarching aspects of our activities (cf. IV). Yet, and by way of derogation from the outline of the last Research Reports, it starts with a short introduction on the history, mission and present state of the Institute (cf. I). This is due to the fact that, starting from 2023, the Institute has been undergoing a process of change, both with a view to its location and administrative structure and with a view to its future social science-based research.

Regardless of this, the Institute has continued to enable scholars to con-

duct social law and social policy research in a first-rate environment whose resources are unrivalled inside and outside Germany. Excellent work facilities as well as the expertise of its staff have made the Institute an internationally recognised centre for social law and social policy research that continues to attract researchers from all over the world. The Institute's library offers a unique basis for comparative research in social law and social policy (cf. IV.5). SHARE provided a huge data collection to study the interactions between health, economic and social circumstances as demographic change is taking place. The promotion of visiting scholars and the organisation of guest lectures, workshops and conferences, as well as the reception of guests foster both international and interdisciplinary exchange.

Besides conducting its own research projects and promoting junior researchers, the Institute also strives to communicate its findings on social law and social policy at home and abroad. For this purpose, its staff regularly participates in diverse conferences, workshops and lecture events and also maintains a constant dialogue with politicians and experts from practice working in ministries, associations and social service institutions. This exchange is important. It helps to take practice-related issues as an opportunity for further in-depth study or for the reconsideration of hypotheses. And it takes the relevant issues, often also issues of significance in terms of social policy, from the research sphere of the Institute to the outside world.

To conclude, I wish to take this opportunity to express my gratitude to all staff members of the Institute for their great commitment during the reporting period, not only to the research staff, but also to those working in the administration, the secretariats, the IT division, the library, and the academic services. With the search procedure for a new director and the relocation of the Institute from Amalienstrasse to our temporary accomodation in Marstallstrasse (cf. I), many of them had to overcome particular challenges over the last three years. I extend my special thanks also to those looking after our guests, and to those processing our texts, without the assistance of whom our projects could not have been accomplished. Last but not least, I also cordially thank the members of our Scientific Advisory Board and our Board of Trustees, who continue to provide valuable support to our work in so many ways.

*Munich, January 2024*  
*Ulrich Becker*





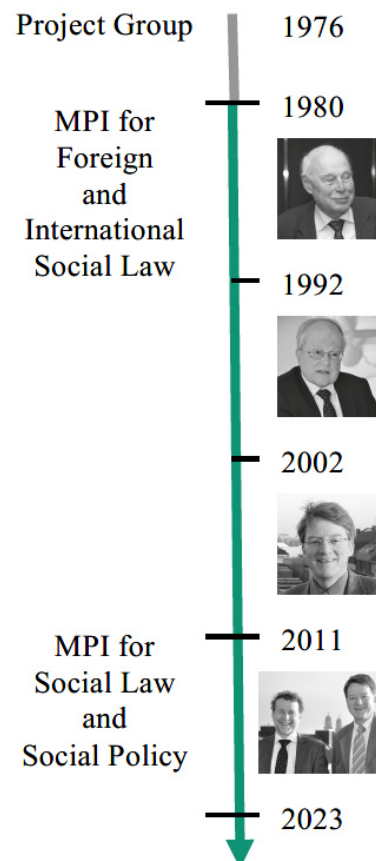
# I INTRODUCTION

At the time of writing this Report, the Max Planck Institute for Social Law and Social Policy is in a specific phase of transition. As it looks back on 40 years of research activities, it is about to once more undergo major changes. This reflects, in a certain way, a continuous process of renewal that has been taking place regularly in more or less 10-year periods: starting in the 1980s under the first director with focus on the concept and systematics of social law in general; continuing in the 1990s under the second director with special attention to the welfare state changes in the former socialist countries; entering the first decade of the new century with a systematic approach to three different transformation processes of social law under the leadership of the present director; and heading into the second decade of this century with the enlargement of the Institute and the creation of a second department devoted to social policy research.

This process of ongoing renewal is to be continued in the third decade of the 21<sup>st</sup> century.

### 40<sup>th</sup> Anniversary

The Max Planck Institute for Foreign and International Social Law was founded in January 1980. The idea to establish a Max Planck Institute for social law had been put forward by the former president of the German Federal Social Court, *Georg Wannagat*, in 1972. The Max Planck Society decided two years later to launch a Project Group for International and Comparative Social Law in Munich. This project group commenced its activities in 1976 under the leadership of *Hans F. Zacher*.



Ahead of schedule, that is, prior to the end of the originally planned term, the Group's conversion into the Max Planck Institute for Foreign and International Social Law was resolved and subsequently carried through in 1980. Work was started under the directorship of *Zacher*, who in 1990 assumed the office of President of the Max Planck Society. He was succeeded as Institute director on 1 February 1992 by *Bernd Baron von Maydell*. In August 2002, the direction was passed on to *Ulrich Becker*.





With a view to its history, the Institute organised a birthday symposium in June 2022 – not exactly 40 years after its establishment, but exactly 40 years after the official opening ceremony and the opening speech by the then President of the Max Planck Society, *Reimar Lüst*, on 3 June 1982 (photo above). In 1982, the two years' delay between the actual date that merited celebration and the day when this celebration took place was due to the relocation of the Institute from Akademiestrasse to Leopoldstrasse, whereas in 2022, the delay was a result of the COVID-19 pandemic. This is remarkable as the symposium created, on the one hand, the opportunity to look back on the history of the Institute (see II.2.6.2); on the other hand, and with the pandemic in its background, it also hints at societal changes and situations of crises to which the welfare state has to react and which, in this context, give rise to research projects (see II.2.3, II.2.4. and III.2.4) as well as reasons to test our foundational research approaches, as the research of

the Institute is, last but not least, aimed at capturing the challenges faced by the welfare state.

### Enlargement and Mission

The Institute undertakes foundational research on social policy questions in an international context. Its research focuses on the enormous present challenges to the welfare state. The capturing and addressing of these issues from a multidisciplinary view was the guiding idea behind the expansion of the Institute.

This expansion took place in 2011. The Institute was renamed Max Planck Institute for Social Law and Social Policy. Since then, it has hosted two departments, the Department of Foreign and International Social Law, headed by *Ulrich Becker*, and the Department of Social Policy, i.e. the Munich Center for the Economics of Aging (MEA), under the leadership of *Axel Börsch-Supan*.



This building in Leopoldstr. 24 was the first real home of the Institute.

The two departments pursued, as a rule, their own research programmes. However, and as related topics are being dealt with under one roof, their research activities open up opportunities for interdisciplinary exchange.

Over the last years, these activities have started from the following two perspectives:

- From a legal perspective, a better understanding of the conditions of the effectiveness of social institutions and their political and economic points of reference remains important for the interpretation and application of social law itself, the latter of which is meant to translate social policy objectives and instruments into binding form; conversely, from a social science point of view, social law represents an essential institutional condition for the effectiveness of social policy measures. The research on the modernisation and Europeanisation of social protection undertaken at the Department of Foreign and International

Social Law is aimed at analysing processes of transformation caused by societal, demographic and technological changes in order to carve out the characteristics of social protection law and to learn how legal instruments can be used to achieve social policy goals. These processes also reflect how political and legal systems interact, and they provide insights into the construction of core fundamentals of welfare state constitutions. The focus of the Department thus ranges from the legal implementation of social law reforms to the normative foundations of welfare states as such.

- From an economic perspective, research has concentrated on the impact of demographic processes. The mission of the second department (*Axel Börsch-Supan*), the Munich Center for the Economics of Aging (MEA), was to analyse, evaluate, anticipate and accompany the micro- and macroeconomic aspects of demographic change. A central research strategy of MEA was to exploit the international variation in policies and historical experiences in order to explain the effects of social and labour market policies geared at addressing demographic change. MEA's core task is to develop empirical models based on German, European and global data, to a significant extent collected by MEA itself. Models at MEA include overlapping generation models on the macroeconomic level, simulation models of the dynamics of pay-as-you-go pension systems, and microeconomic models of economic, health-related and social behaviour.

## A Time of Change

As mentioned above, the Institute is currently undergoing a phase of upheaval and a process of change. This change both concerns the administrative background of our research as well as its future substance.

To start with the first point, the Institute had to leave the building in Amalienstrasse 33 where it had moved to from Leopoldstrasse 24 at the beginning of the century and where it had found its 'home' for more than 20 years. The plan is for the Institute to move in the second half of 2025 to its new location on Marstallplatz 1, which forms part of the



For more than 20 years, the MPISOC was located at Amalienstr. 33.

building of the General Administration of the Max Planck Society. During the interim period between summer 2023 and the time of the final relocation, the



Marstallplatz 1 will be the new location in which research on social law and social policy is going to take place.

Institute is situated in Marstallstrasse 11, close to the General Administration.

Our new location opens up opportunities for closer cooperation between our Institute and the two other Max Planck Institutes devoted to legal and economic research in Munich, also with regard to our administration including IT services and the libraries. We will try to combine forces in order to strengthen the administrative powers, not least taking into account the demand for digitalisation and the labour market situation in Munich.

With the retirement of *Axel Börsch-Supan* at the end of 2022, MEA has ceased its activities at the Institute. The Survey of Health, Ageing and Retirement in Europe (SHARE) continues in Berlin. The Institute started the search procedure for a successor to the Social Policy Department in 2019. In autumn 2022, an appointment committee was set up to identify candidates for the second director position. Its work is ongoing.

We are looking for excellent social science research which will fit into the framework of the Institute and complement the research activities of the Social Law Department of our Institute. We envisage a certain emphasis on the foundational aspects of community building and social cohesion, such as the role of social equality. In recent years, debate among economists, political scientists and lawyers on the future of the fiscal and the welfare state has largely been driven by the perception of rising financial inequality (both with regard to individuals and with regard to states), and research on the effects of state interventions may add new approaches to this broad field of research. Questions that come to mind

concern the impact of social protection provisions like maternity leave or tax regulations on gender equality, the links between inequality and social or inter-generational mobility with a view to the role of welfare state institutions including education, distributional effects of structural changes of social policies and the labour markets in an emerging knowledge or information economy, societal consequences of the unavoidable ecological transformation etc.

However, we are also open for other areas of research. Our Institute leaves space for the development of new profiles. This concerns the various disciplines even if economics, sociology and political sciences might be those which primarily come to mind. It also concerns the methods that will be employed. As experience from our search and appointment procedures shows, openness and receptiveness to new ideas and research approaches are essential prerequisites for attracting excellent candidates.

### **A Broader Framework: Fiscal and Social State Hub**

Changes open up new opportunities. We believe that many of the research questions guiding our past and present projects will continue to be of major interest as they address core developments of the welfare state. This holds true for the impact of digitalisation, mobility and demographic change on the welfare state as well as for the search for the appropriate level of governmental intervention.

Yet, it is time to put those questions into a wider framework, not least with a view to the future prospect of the three Max Planck Institutes devoted to a combination





Prof. Koen Lenaerts (second from right, below) held the inaugural lecture of the lecture series 'Future of the Fiscal and the Social State in the European Union', attended by, among others: Prof. Patrick Cramer, Prof. Rudolf Mellinshoff, Dr. Hans Josef Thesling, Prof. Rainer Schlegel (above, from left), Prof. Ulrich Becker, Prof. Ruth Mason and Prof. Wolfgang Schön (below, from left).

of legal and social science research based in Munich. For this reason, the directors of the MPI for Tax Law and Public Finance (MPITAX) and of MPISOC decided to reinforce their cooperation and to create the *Max Planck Hub Fiscal and Social State*. The respective concept paper has been discussed, first in the Perspectives Commission in May 2020, then in the Section in its summer meeting in June 2020, and it has received the support and approval of both bodies. We have started to breathe life into this scientific concept in 2024, with an inaugural lecture of a joint lecture series in January on the 'Future of the Fiscal State and the Social State in the European Union' and with exchanges between doctoral students.

The Hub will allow us to bring together important aspects for building and maintaining political communities and to create new opportunities for scientific exchange. The national, European and

international challenges and the resulting options for the further development of the public sector make one thing very clear: neither the fiscal (tax) side of government nor the welfare (social protection) side can be discussed in isolation.

While each of these topics is (at least in most countries) currently administered to a large extent by different institutions on the basis of different legal settings, addressing different social and political needs and enforcing financial contributions against different groups of individuals and firms, the boundaries between the fiscal state and the welfare state become more and more blurred. This shows that research questions arising at MPISOC and at MPITAX are closely related to each other. Both Institutes are at the centre of comprehensive public transfer mechanisms. The challenges these systems face are often similar or even the same, whether they are

related to demographic change, including matters brought about (among other factors) by migration, or to digitalisation. These issues affect both the administration and – in view of a disconnection of the traditional relationships of responsibility and an increase in transnational interaction – the coherence of domestic systems which combine fiscal taxes and social benefits in a specific fashion.

At the same time, both these transfer systems directly affect our social order as a whole, as they constitute the very complement to the freedom of the individual members of societies in order for them to thrive in market economy systems. Taxes are what you pay for your personal liberty; social protection is what you need to actually be able to make use of this liberty. The fiscal state and the welfare state cooperate in order to establish social equality and open up opportunities for participation, and last but not least, they help to ensure the stability and cohesion of political communities in a fashion that goes beyond the mere functioning of an imposed constitutional order. This raises questions of a theoretical, empirical and normative nature. They are closely related to other trends in current social science research, such as that of measuring and assessing equality and inequality for politically constituted societies.

## Renewal and Continuity

The abovementioned approaches will add new perspectives to the questions guiding our former, ongoing and future projects, namely with a view to the development of social law and social policy and their importance for sharing responsibilities in political communities. Those questions will continue to be of major interest as they address core aspects of the welfare state. The Institute is the place where new ideas can meet gained experience. And it remains a meeting point for researchers from all over the world who wish to take part in scientific exchange on foundational questions on social law and social policy.











## II FOREIGN AND INTERNATIONAL SOCIAL LAW



Prof. Dr.  
Ulrich Becker,  
LL.M. (EHI)

## 1 OVERVIEW

*Ulrich Becker*

### 1.1 MISSION, STRUCTURE AND OUTLOOK

#### Research Questions

As already mentioned (cf. I), the overall mission of the Institute is to undertake foundational research on social policy questions in an international context. Its research focuses on the enormous present challenges to the welfare state. In this context, legal research can help to understand institutional conditions for the effectiveness of social policy measures, and it can, as such, start from a social policy perspective when it is aimed at providing insights for the interpretation and application of social law itself. The background to this understanding is the fact that social law 'translates' social policy into binding form.

Against this backdrop, there are three general questions that govern the research of the Department:

- What are the peculiarities of social law as an instrument to implement social policy goals?
  - › First, this question reflects the functionality of social law which is essential for the selection of those provisions of different jurisdictions that can be compared with each other.
  - › Second, provisions reflect social policies and their changes; therefore, legal research is particularly capable of providing precise and

complete information on the institutional conditions and peculiarities of a specific social policy.

- What are the peculiarities of social law as a part of administrative law?
  - › Social benefits need to be realised through institutions, and these institutions and the way they act are regulated by administrative law, as far as public institutions are concerned. Therefore, knowledge of the principles and general rules on administrative actions can explain how social administrations work.
  - › At the same time, rules governing public social law administration become part of the general administrative law as there are ongoing processes of mutual influence between the general rules and specific ones in particular sectors of administration.
- What is the normative background of social law and what is its contribution to the constitution of political communities?
  - › Social law has to deal with many technical aspects like the concept of gainful employment, the calculation of insurance periods, the use of statistics for the determination of a minimum level of subsistence, the proof of efficacy of drugs etc. Yet, most of the respective provisions reflect, at the same time, fundamental ideas on the right and just construction of a political community.
  - › In particular, social law can be seen as a concrete expression of

a general understanding on how to share responsibilities between the individual, the society and the community within a given constitutional framework.

## Understanding Social Law

Starting from the last assumption, and summarising the general description of our approaches and methods from the last Activity Reports, four points merit to be highlighted if we want to understand what the peculiarities of social law actually are: its specific role, its substance or the relevant fields of law, its dynamics and the role of comparisons.

- Social law is the intermediate level between constitutional law, including human rights, and social policy. If one tries to understand the relationship between constitutional provisions and values on the one hand and social policy on the other, social law as the link between these two layers of normative backgrounds and as the 'operational level' of welfare states should not be overlooked. In many studies, this link is missing. But without the 'missing link', the actual functioning of welfare states cannot be disclosed. This is the reason why systematic social law research is important, and its unfortunately widespread lack is to be regretted.
- As explained in previous Activity Reports, we often concentrate our research on social benefits systems. And we use a typology that differentiates between four categories of those systems, namely (1) systems providing security against social risks, in the traditional sense of



social security; (2) systems supporting persons in specific situations of social needs, in particular supporting families, other groups of vulnerable persons, support with a view to education and housing; (3) systems providing for a minimum level of subsistence in the sense of a social safety net; and (4) systems that compensate for damages that have been suffered due to situations in which a common responsibility is established. In many cases, it is essential to take the interaction between these systems into account as they often functionally overlap. And as our research shows, it is also necessary to go beyond the traditional and well-established systems of social protection. This holds particularly true for the integration of 'neighbouring' institutions. If we want, for example, to understand welfare state interventions with the aim of ensuring the participation of children in society, we have to look

at both care allowances and family benefits on the one hand and schooling, including pre-school institutions, on the other. And the necessity to take a comprehensive view of welfare state interventions also holds true for the integration of a foundational layer of those interventions, i.e. the provision of common goods and services (*Daseinsvorsorge*), as those goods and services provide the fundament for any participation and the actual realisation and use of individual freedoms (cf. in particular below, the 'Social Eco-State').

- We believe that observing and analysing processes of change is the most appropriate approach in order to improve our understanding of the

peculiarities of social law. An analysis of processes of change can reveal specific core fundamentals as well as explain how political and legal systems interact. This concerns two different aspects: the factors that trigger or drive those changes; and the institutional setting in which they take place.

- › Social law is dynamic. It has to be reformed and adjusted to societal and political changes. The main driving factors for the need of reforms are (in a deliberate order):
  - demographic change;
  - migration;
  - digitalisation;
  - labour market changes (also in association with digitalisation);
  - climate protection policies.



› As far as the institutional framework is concerned, we distinguish between the emergence of an additional layer of social protection at inter- and supranational level and the adjustment of existing national social benefits systems. This distinction is being used in order to structure research projects in the sense of

- 'Europeanisation' and
- 'modernisation', understood in a non-technical way,

although both processes are by their nature closely connected. Still, the transformation of social benefits systems in developing countries or emerging nations would need specific attention as it combines in a certain way the phase of creation of social protection systems with modernisation. Since it requires field work activities, it continues to not form a main part of the most recent research projects. Worth mentioning, however, is the Partner Group in Bolivia under the lead of Dr. *Lorena Ossio Bustillos* that kept on working during the reporting period. A report of the activities of this group was submitted at the beginning of 2024.

- As states fulfil their demanding task of organising social protection systems according to their own history, their given societal and economic situation and their interpretation of how to align freedom and security, comparison is a helpful – but also very demanding – method to learn more about existing legal provisions,

to discover alternative legal solutions and to identify general principles underlying laws of different jurisdictions. It shows, on the one hand, different institutional answers to a given societal problem (and in the case of social protection, the so-called 'variety of capitalism'). And it provides a chance, on the other hand, to go beyond this and to find out more about common legal principles and structures.

### Success of Postdoctoral Researchers

The design of our comparative studies differs from one project to the other. Some are based within the Institute. These in-house projects have the advantage of facilitating instructions that lead to homogenous country information; yet, they have the disadvantage of being restricted to a small number of jurisdictions open for comparison. This is why other projects make use of a collaboration with researchers outside the Institute. The decision on how to proceed, and the choice of appropriate approach, is taken with regard to the research question at stake. National jurisdictions which are suitable for particular comparative projects are being chosen on a case-to-case strategy.

Whilst it still makes sense to organise research carried out by the Department at least partly in the form of so-called country sections, the decade-long establishment of country sections devoted to specific single countries has ceased to be a goal of major concern. Postdocs are expected not only to take part in Institute projects, but also to develop their own projects, and the Institute provides them with space and opportunities to



accomplish a next step in their academic careers. During the last reporting period,

- Dr. *Simone Schneider*, who was in charge of the project on 'Pension Maps' (see 2.3.4) received a European Research Council (ERC) Starting Grant for her research project 'The (Mis)Perception of Economic Inequality' (PERGAP) for the years 2022 - 2027 in order to investigate the influence of welfare state institutions on social perception and preference formation (see 2.5.4); she started working as Professor (tenure track) with the Department of Political and Social Sciences at the University Pompeu Fabra in Barcelona, Spain;
- Dr. *Anika Seemann* was, in 2020, awarded a Minerva Fast Track Fellowship, an award which gives outstanding female scientists the chance to plan their careers for the long term after completing their doctorates; she remained responsible for the history of welfare states and the Scandinavian welfare states and started her research group on 'The Digital Transformation of the Welfare State – A Comparison of Germany, Denmark and the United Kingdom in Historical Perspective (1970 - 2020)' in late 2022 (see 2.3.2); in 2023, she took parental leave and will move on to the University of Bergen, Norway, in May 2024;
- Dr. *Linxin He*, who worked in the areas of legal theory, European law and French social law, has successfully applied for a *qualification* and taken part in *campagnes de recrutement* in France. He started working as a *maître de conférences* at

the University Panthéon-Sorbonne in Paris, France, in autumn 2021;

- Dr. *Sergio Rubens Mittlaender Leme de Souza* has been working as a Professor of Law at the Fundação Getulio Vargas Law School in São Paulo, Brazil, part-time since 2019, and he got tenure in February 2021. He continues working with the Institute part-time. His main research activities deal with behavioural economics and include lab experiments (see 2.5.1 - 2.5.3);
- *Nikola Wilman* moved on from the Institute to the Bavarian Authority for Health and Food Safety (*Bayerisches Landesamt für Gesundheit und Lebensmittelsicherheit*) in October 2023, where she makes use of her longstanding experience with different health law issues.

A new generation of postdocs has taken office in 2023, or will do so in 2024 respectively.

- Dr. *Irene Domenici*, who was selected in 2021 for the exchange programme between Max Planck Law and the University of Cambridge, Faculty of Law, has started working as a senior researcher with the Institute after completion of her dissertation with the title 'Between Ethical Oversight and State Neutrality'. She will work in the fields of health law, comparative constitutional law and Italian social law.
- Dr. *Edoardo D'Alfonso Masarié* joined the Institute in May 2023. He received his doctoral degree from the University of Regensburg



in 2022 with a dissertation on 'Die Bewältigung des demografischen Wandels in der Alterssicherung im deutsch-italienischen Rechtsvergleich'. In his research, he will concentrate on long-term care benefits, federalism and German social law.

- *Christian Günther* will take the next step of his academic career when he will have completed his oral doctoral examination in March 2024, which will bring his doctoral project (see 3.1.2) to an end. His main areas of research are health law, artificial intelligence and UK social law.

## Outlook

For the years to come, we plan to maintain our general research approach with its focus on challenges to the social state and the processes of change in order to analyse the particularities of social law. We will put a certain emphasis on the relationship between human or basic rights, in particular social and economic rights, and the actual construction of social protection as laid down in statutory rights. This will help us gain overarching insights from the different projects on modernisation. But it will also be relevant for the research on Europeanisation. Our research on this process in general as well as on the experiences with the financial and the pandemic crises clearly show that, also at the European level, the fundamental normative question how to construct and to share individual and social responsibilities is at stake.

This insight is, at the same time, a basic assumption for our cooperation with MPITAX in the framework of the *Max Planck Hub Fiscal and Social State* (cf. I).

Within this hub, the two Institutes deal with the major transfer systems of modern political communities which directly affect these communities as a whole: they are the very supplement to the freedom of the individual members of societies to thrive in market economy systems; and they cooperate in order to establish social equality, to open up opportunities for participation, and to ensure the stability of and cohesion within these communities. And with a view to the future role of the European Union, the possible creation of transfer systems at the European level leads to similar questions not only of effectiveness but also legitimisation both on the side of generating European taxes and European social benefits.



With a view to the impact of demographic processes, we will move our long-standing scientific work in a different topical direction, namely, in a nutshell, from the elderly and pensions to the participation of children and young people, including education. A doctoral group, albeit initially a small one, started its work in January 2024 (cf. 1.3). The research subject is not only politically topical, as the debates surrounding the reforms in Germany show. It is also academically significant and challenging because it involves the coordination of very different welfare state institutions and the reaction to social changes, in particular with regard to household structures and migration. Among other things, we can draw on work on the role of local communities in social policy and on migration.

Other challenges, in particular digitalisation and societal changes, will play a role. With regard to cross-cutting and foundational aspects, it seems advisable to put the most recent challenge that we have identified so far in a certain focus: the ecological transformation. Research on the 'Social Eco-State' (or '*Öko-Sozialstaat*') (see 1.2 and 2.1.1) deals with the welfare state's interventions in the context of this transformation. It builds on previous research on the modernisation of the welfare state, but turns to new and still largely open questions that begin with the elaboration of social risks and needs in view of the unavoidable climate protection measures and lead to fundamental normative orientations, namely the importance and facilitation of individual freedom and, associated with this, the design of a sustainable social market economy or the constitution of an international legal framework on shared responsibilities. In this context, our com-

parative work will continue. Many countries have begun to undertake accompanying welfare state measures as part of environmental policy endeavours, and a comparative analysis can help to identify and evaluate possible solutions. We started working on the Social Eco-State in the previous reporting period, which brings us to the outcomes of the past three years.

## 1.2 OUTCOMES

### The Social Eco-State

(1) Humans have widened their impact on nature. The times in which they simply tried to adapt to their natural environment are over. Their actions are deeply interwoven with the earth's (eco)system, and whenever this process started to develop a new dynamic and to lead to the so-called great acceleration, either with the Industrial Revolution or after the Second World War (see International Geosphere-Biosphere Programme), one thing has become blatantly clear since the turn of the last century and is widely acknowledged: we are living in times in which humankind is seriously endangering the survival of our planet. The Anthropocene (term coined by *Paul Crutzen* in 2002) is reality. One of the main threats in this context is global warming. Whether it can be stopped is doubtful. There is still room for action, but this action is needed on a world-wide scale, and the existing legal instruments for pushing such action are relatively weak. Above all, time is running out.

The difficulties are not merely of a technical nature. The social sciences are becoming deeply involved as one of the most pressing questions is put forward,



namely whether our societies and political communities are apt to appropriately react to the consequences of climate change. What is needed is measures that will profoundly change our lives. Their realisation is in many respects costly and strenuous. Economies and infrastructures need to be changed, but also cultures of resource consumption and mobility. It is clear that an effective climate protection policy cannot succeed without the support of the welfare state if we want to preserve a political order based on individual freedom and if we want to avoid a consolidation of existing and the emergence of new social inequalities which may jeopardise peaceful coexistence as a whole. The social state and the eco-state do not contradict, but must complement each other. What such 'Social Eco-States' should look like poses a whole series of new questions.

(2) A first question concerns the adjustment of existing social benefits schemes. Market-based steering instruments like emissions pricing require welfare state interventions in a broad sense.

This leads to the necessity to adjust the level of those social benefits that are directly influenced by price increases like benefits aimed at (also) covering heating costs. There are other benefits that are not directly linked to climate protection measures: An increase in energy costs should not have any negative impact on pensions or income replacement benefits such as sickness benefit for example. Still, one has to go through the different social benefits schemes and to have a closer look at their functionality (see 2.1.1).

(3) More general and fundamental questions refer to the constitutional law and human rights background of the Social Eco-State. Both international adjudicative bodies (like the Committee on the Rights of the Child in 2021) and national courts in different countries have started to underline states' obligations to take effective measures in order to protect the climate. Even if judicial activism will not be appropriate nor enough to effectively save the planet, the decisions hint to innovative ways to use human rights as instruments for the combat against

global warming. In its climate protection decision, the German Federal Constitutional Court (BVerfG of 24/03/2021, 1 BvR 2656/18 et al.) assumes that a threat to fundamental rights may, under certain conditions, be regarded an encroachment on these rights; in a certain way, it 'bridges' time from today's entitlement to fundamental rights to their tomorrow's impairment.

This bridge connecting the present to the future is built by the 'irreversibility of the events set in motion'. Therefore, the decision of the BVerfG does not directly apply to social security systems even if pay-as-you-go schemes get under pressure due to demographic processes and a foreseeable misbalance between those who pay contributions and those who receive benefits in future periods of time. Certainly, there is a path dependency, and the reforming of pension systems is a difficult task (see below, Modernisation). But these are problems of social policy that are not comparable to the melting of the Greenland glaciers or the slowing of the Gulf Stream (see

*Becker*, NJW 2022, 1222 and MPISOC Research Paper No. 2023-5). And in general, it is doubtful whether one can derive from fundamental freedoms or human rights a right to an 'open future' or specific future living conditions. Such a right would inevitably be without substance and could hardly be put into concrete terms as the future is wide open.

Nevertheless, human rights should play an important role in the making of the Social Eco-State. There are good reasons to argue that, in connection with the social state principle, these rights also guarantee a right to participation in society and equal access to common goods and services or to the 'foundational infrastructure'. The Social Eco-State will have to be based on an appropriate concept of foundational infrastructure allowing for participation, and this infrastructure has to serve as a starting point for setting up the necessary social benefits schemes.

(4) More open questions correspond to the international dimension of Social Eco-States. The threat posed by global



warming is global in nature. Only through the joint efforts of all states can environmental damage be prevented or at least limited. This means two things: first, the need for international co-operation and the inclusion of global consequences in national environmental policy; second, the search for a global normative order for the distribution of resources and the determination of human needs.

However, it is the states who remain responsible. They must contribute to global prevention and compensation and participate in international co-operation. This is why the 27<sup>th</sup> UN Climate Change Conference in Egypt in 2022 also focussed on 'loss and damages', i.e. the question of how the damage that is to be expected as a result of increasing natural disasters can and should be compensated at the international level. The G7 and V20 launched a 'Global Shield against Climate Risks'. However, it remains to be seen whether and how a global division of responsibility will become legally tangible.

(5) When it comes to social law, the broadening of its concept and new approaches will have to be discussed. The above-mentioned 'foundational infrastructure' should be considered to be part of social protection. Up to now, and besides specific forms of this protection in a wider sense (in particular with regard to persons with disabilities, see e.g. Art. 26 of the EU Charter of Fundamental Rights and the UN Convention on the Rights of Persons with Disabilities), there is rarely any debate on how to define it. This is not only true with respect to discussions as to whether 'ensuring participation' would mean providing opportunities for participation in the sense of equal access, or whether it should also mean granting active participa-

tion in the sense of actually becoming a part of society. It is also true with respect to the fact that there is no catalogue of specific institutions, services and goods that would have to be guaranteed in order to secure appropriate participation in the sense of a minimum subsistence. This is due to a lack of systematic investigation into the interrelatedness between social benefits and the necessary infrastructural conditions of human life.

In more concrete terms, the question remains how to define the obligation of the state to ensure participation. If the price of fuels, and as a consequence the price of exercising one's individual freedom increases, a compensatory benefit will have to be provided in order to enable activities that belong to a minimum level of socio-cultural participation. Corresponding benefits are less precise in their steering effect than a social price differentiation; however, this is only relevant if there is a direct connection between the prices and the basic social needs to be covered, and social prices usually cannot be collected efficiently in practice.

When organising social support, it is essential to reach an agreement on the definition of the basic social needs: What is to be regarded as necessary to secure livelihoods and freedom, what losses are reasonable and acceptable, taking into account the environmental consequences, what compensation requirements are to be assumed to cover what is necessary? Precisely because there are only rough guidelines here, this agreement requires, as a first step, clarity about the social consequences of the respective climate protection measure, i.e. about the group of people affected and the extent to which they are affected and, as a second



step, an assessment of the necessity of needs. It makes sense to assess the need for compensation differently depending on the social needs affected, and in particular to assess and compensate heating and mobility costs differently. This is another argument in favour of accompanying individual environmental policy measures directly with welfare state measures.

### The Social State in Times of Crisis

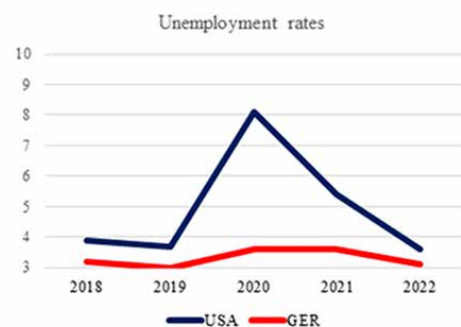
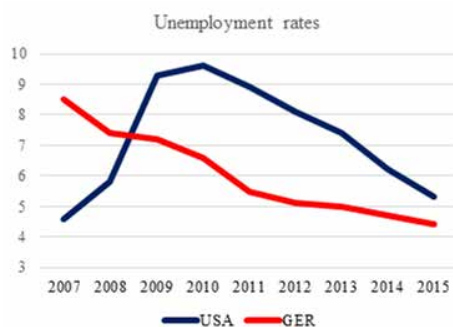
(1) Welfare states had to go through major crises over the past years. These were, in particular, the financial crisis of 2008/09 and the pandemic in 2020/21, and to a minor extent the energy price crisis in 2022 in which politics had problems finding a normative pathway in direction of the ecological transformation (see above). Those crises have posed challenges to the rule of law and the safeguarding of individual freedoms as well as to the social state. Both have managed rather well. From an analytical point of view, crisis management offers an insight into the architectures of welfare states: it reveals the particularities, the strengths and the weaknesses of given social state arrangements.

The development of the unemployment rate before, during and after the financial

crisis of 2008 serves as a sort of magnifying glass. The different curves do not only indicate increases and decreases in employment, they can, at the same time, be seen as symbolising different social policy approaches (so as not to speak of 'models'). The divergence between social models is well reflected in the data for Germany and the USA. While in Germany attempts were made to keep unemployment low through labour and social law measures, the USA banked on 'hire & fire' or rather, after the beginning of the crisis, on 'fire & hire', although it is certainly also crucial how, i.e. in what form and to what extent, support is provided to those who have lost their jobs.

This assessment has been confirmed by the development of unemployment rates during the COVID-19 crisis. Although the respective starting points had been different, one can observe the same direction over the duration of both crises which characterise different welfare state approaches: that of cushioning the effects of a crisis and an external shock by social state interventions on the one hand, and that of leaving more room for market mechanisms on the other.

(2) If we look at the developments in more detail, the picture gets more col-



ourful. Even by concentrating on payments, i.e. direct transfers from governments to individuals, three different types of crisis reaction measures can be distinguished: firstly, payments aimed at job security which interact with the securing of wages and are part of labour market policy; secondly, payments for the maintenance of economic activity in general through the granting of subsidies and aid; thirdly, measures with regard to existing social benefits schemes, in particular measures to facilitate, and to open up, access to social protection. During the pandemic, a fourth category of measures pursued the aim of maintaining and adjusting public health systems. In our analyses, we left this category out. The respective measures were certainly of major importance for building up the appropriate health care infrastructure and for combating the virus; but they did not, contrary to measures of the three other categories, shed light on how to delineate the spheres of responsibility between the individual, societal institutions and the political community.

During the pandemic, almost all countries analysed in our study on 'Protecting Livelihoods' (see 2.3.1) had relied on a mixture of measures from the different categories. Of particular importance were short-term working benefits which had already led Germany successfully through the financial crisis after 2008. Whether Germany acted as a role model in this respect is not easy to answer. In any case, a number of countries already had corresponding social benefits in place before COVID-19 hit. This was the case in Italy and France, where equivalent benefits were used during the financial crisis. In Sweden, on the other hand, benefits were introduced in 2013 but became real-

ity for the first time during the pandemic. In Denmark, new benefits had to be created with the aim of preserving jobs; a comparable programme was also introduced in England. In both countries, this did not only lead to new social benefits, but also to a partial departure from the previously emphasised flexibility in labour market policy with rather weak protection against dismissal in normal times.

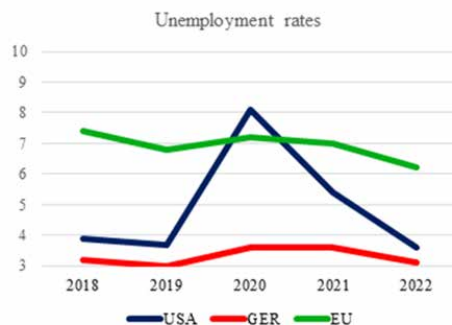
(3) Concerning weaknesses, two aspects can be highlighted. For one thing, there is a lack of systematic gathering and analysing of social compensation. This becomes particularly visible in times of crises where compensation plays a prominent role. In many countries, social compensation is not seen as a separate type of social benefits; and in Germany where it forms part of social protection, it is restricted to compensation for health damages. That puts compensation for victims of vaccinations into focus, but it leaves out the bulk of public expenditure – not only subsidies for businesses during lockdowns caused by the pandemic, but also payments for the victims of natural catastrophes that would have to be seen as part of the Social Eco-State (see above). In this context, it is remarkable to note that the German government, forced by a judgement of the Federal Constitutional Court on the federal budget and the debt 'brake', plans to retrieve money that was paid to the Federal Labour Office as a subsidy to the expenditure on short-time work benefits, based on the argument that the real nature of the respective money was not a compensation payment but a loan.

With a view to the substance of social protection, debates about the vulnerability of the self-employed have increased,

including their possible inclusion into schemes classically reserved for employees (e.g. unemployment insurance). This does not come by chance, as social protection of the self-employed has become an emerging issue over the past years (see Activity Report 2018 - 2020, p. 47). The self-employed receive cash benefits to compensate for loss of earnings in many countries, albeit at very different levels and with different starting points: Whereas some payments are granted as earnings replacements, others aim at covering business costs and thus supporting livelihoods more indirectly. Some groups of self-employed are covered by existing social protection systems, although it must be borne in mind that the level of protection for self-employed workers varies considerably from one country to another, and also that some states had to top up the existing social benefits with additional allowances. In Germany, where no specific social benefits schemes for the self-employed exist and most of these persons are not covered by the unemployment insurance, access to social assistance became crucial, and the regular condition for its provision has been changed: social assistance used to be paid for six to nine months without a means test. In this sense, a new temporary unconditional minimum income benefit was introduced. In a certain way, social assistance became a social support benefit, and it 'cushioned' the hardships when economic activities were no longer possible, comparable to the function of unemployment benefits for employed earners. With the introduction of the so-called '*Bürgergeld*' some of the provisions that facilitated access became permanent although there was a lack of general debates on a possible reconceptualisation of social needs.

## Europeanisation

(1) It is instructive to take the graph of the development of unemployment rates between 2018 and 2022 which can be found above, under the header 'The Social State in Times of Crisis', and to add the figures for the Member States of the European Union (EU 27). Although unemployment in the EU as a whole was and is higher than in Germany, the trend is comparable. What becomes visible is a European 'social model', despite all the differences between Scandinavia and southern Europe.



The pandemic has also triggered a discussion about European solidarity and about crisis management at the European level. While the European Commission took swift and effective action to ensure that internal market rules on state subsidies would not stand in the way of support for the economy necessitated by the crisis, the Union had, at the beginning of the crisis, largely been left out of the picture when internal borders were closed. And it had been hesitant as far as anti-crisis measures of its own were concerned (see for a preliminary critical assessment Activity Report 2018 - 2020, p. 49). Things have changed. The EU has taken the opportunity to strengthen its profile, to provide European answers



to the pandemic with SURE (European instrument for temporary Support to mitigate Unemployment Risks in an Emergency), i.e. its 'recovery plan', and 'Next-GenerationEU', which lay foundations for future supranational actions, both in the area of health policy and of financial support of Member States.

These new instruments do not only make use of Art. 122 TFEU in a previously unknown way but also go beyond traditional approaches. They are the starting point for the establishment of new financial transfers with the aim of combating crises at EU level. Parts of these transfers address, directly or indirectly, aspects of social policy. The same holds true to a certain degree for the budget of the EU which is already relevant for the realisation of social policy measures, and could even become more important in this regard if some of the plans for reformation of the income system of the EU were put in practice. Thus, the social policy impact of the EU via financial support and fiscal instruments goes beyond the traditional European Social Fund and household law matters much more today than in the past. We will have to deal with these interrelations, and the *Max Planck Hub Fiscal and Social State* will provide a good framework for including expertise in the fields of tax law and financial regulations. The lecture series on 'The Future of the Fiscal and the Social State in the European Union' is one starting point for bringing together different perspectives and will provide the opportunity to shed light on very fundamental questions regarding the future of European integration.

(2) At the same time, traditional instruments for the completion of the internal

market still play a major role. This holds true for the coordination of social security systems and the respective regulations of the European Union, which never ceases to raise new questions. But also the provisions on the free movement of persons play an important role (see *Becker, Arbeitnehmerfreizügigkeit*, in: Ehlers/Germelmann (eds.), *Europäische Grundrechte und Grundfreiheiten*, 5<sup>th</sup> ed. 2023, p. 1313), and in particular combating discrimination in this context. It is remarkable that the ECJ has taken more than 180 decisions in this century in the field of 'free movement of workers' and with a view to 'discrimination'. Most of the cases originate in western European Member States (AT, BE, DE, IT, LU, NL), and social rights in general, i.e. social security and social benefits together, form the category with the most cases.

What can be observed here is a certain heterogeneity between EU Member States, which is caused by asymmetrical migration as labour migration still mostly takes place in an east-west direction. This explains why access to social benefits remains one of the most urgent questions with regard to free movement. It also explains why the provisions on post-



ing, although being of a rather technical nature as such, do not only decide on the applicability of national laws but touch, at the same time, on fundamental questions of how to organise redistribution in welfare states (see *Becker, Voraussetzungen der Entsendung im Lichte der Funktionsbedingungen von Sozialrechtsordnungen*, ZESAR 2021, p. 467).

(3) If one moves from secondary legislation to the constitutional layer of the European Union, it has to be stressed again that, over the past years, the European Union has started to put more emphasis on its social policy agenda. The most obvious expression of this approach is the so-called European Pillar of Social Rights (see in detail Activity Report 2015 - 2017, p. 48 et seq.). The ambition to realise minimum social standards within the whole Union has gained particular attention following the experiences of the recent crises, in particular the financial crisis and the pandemic. As far as social protection is concerned, two measures have been taken at the EU level: the Council has adopted a Recommendation on access to social protection for workers and the self-employed (of 8 November 2019, OJ C 387/1) and a Recommendation on adequate minimum income ensuring active inclusion (of 30 January 2023, OJ C 41/1). Both instruments are of a non-binding nature, taking into account the restricted powers of the European Union in this policy field, but they are aimed at guiding national politics.

The research projects of the Department address two emerging areas of social protection within the European Union. Access to this protection is one of the challenges in the platform

industry (see 2.2.2). And the project on minimum income protection in Europe (see 2.2.1) is aimed at highlighting the normative background of guaranteeing a minimum subsistence level to all persons living in EU Member States. The EU activities in both areas can be seen as an expression of a European 'social model' which brings us to the graph on the development of unemployment rates at the beginning of this section. To be more precise, the activities reflect a joint understanding of the welfare state within the EU, and this is not only a regional speciality from a global perspective, but may serve as a basis for European solidarity. At the same time, EU social policy is based on the social policies of its Member States. Even if it sets its own focus and puts emphasis on specific aspects, it still reflects national attitudes and the development of national social protection policies and instruments. Therefore, our projects dealing with access to social protection and with ensuring a minimum subsistence form, at the same time, also part of our research on the modernisation of welfare states as they analyse processes of adjustments at national level. In this respect, they reflect the general observation that Europeanisation and modernisation are strongly intertwined (see 1.1).

## Modernisation

(1) We generally understand modernisation as the process of adjusting social protection schemes to economic and societal changes. From a historical perspective, in most states this process started with highly developed social protection soon after social protection was no longer class-related but had become part of the everyday life of everybody,



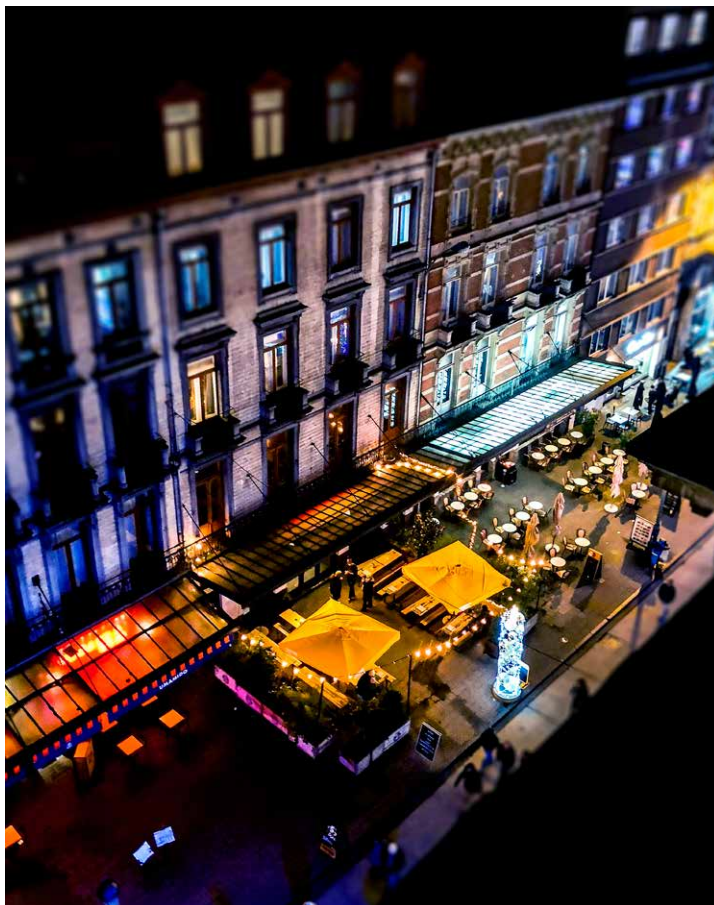
and after more and more universal benefit schemes for social support had been set up. Strangely enough, the expansion of the welfare state took place at the same time in which a first note of caution was sounded, warning that the economic growth that served as a basis for the expansion of the welfare state might come to an end. But only years after the Club of Rome report of 1972 and the first oil crisis did the welfare state, or rather its expansion, start to be put in question.

Today, the task is still to find new answers to a changing environment. The present challenges to social protection arise from societal and technical changes such as a shift in family patterns, migration, digitalisation and the climate change, and there are different strategies that can be followed in order to react in an effective manner (see

for more details Activity Report 2018 - 2020, p. 45). Still, the implementation of those strategies raises many questions as far as the future of the existing social benefits schemes is concerned, and the overall outcome will also have to be analysed in the light of the constitution of welfare states as such. Because of this close interrelation between rather technical social law adjustments on the one hand and the normative construction of the social state on the other, it is necessary to take the foundations of welfare states into account, including their historical developments (see 2.1) as well as the organisational structure of states, in particular with a view to federal structures (see 2.3.7) and the role of local communities, which becomes more important in times in which social protection needs to be more individualised and targeted (see *Becker*, *Kommunale*

Sozialpolitik, in: *Festschrift* for Henneke, 2022, p. 287).

(2) Digitalisation affects both the factual background of social protection and the way in which social benefits can be organised and granted. In the reporting period, projects dealt with both aspects. The already mentioned project on social protection for platform workers (see 2.2.2) was aimed at exposing and assessing national reactions to changes in labour markets and the way economic activities take place. As these reactions form part of an ongoing process, we plan to update our findings and to continue our work in this field.



A second area with specific focus on digitalisation was, and also still is, health law. Although a couple of projects in this field concentrated on the COVID-19 crisis and on the measures to combat this crisis as well as on the crisis outcome (see 2.4), two doctoral projects are concerned with changes in the organisation of health care provision, namely the introduction of telemedicine and the influence of artificial intelligence on decision-making in the course of medical treatments (see 3.1).

(3) Demographic processes have not only been the focus of MEA, the Social Policy Department of the Institute, but

also for a long time provided a societal background to the work of the Social Law Department. Over the last three years, this did not so much concern long-term care benefits, which had previously been analysed in a comparative way (see Activity Report 2015 - 2017, p. 47), although we are planning to take this work up and to put it in context with questions of regionalisation and unitarisation (see 2.3.7). More time and effort have been spent on old age pension systems as the aging society and the upcoming retirement of the 'baby boomers'

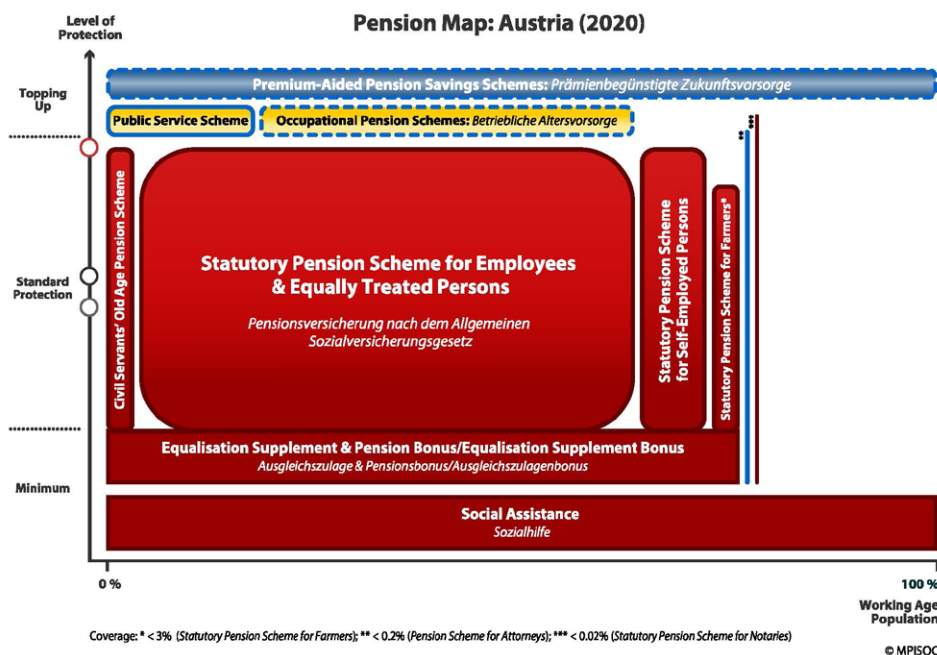


will affect these systems in the coming years. Discussions on how to react take place all over the world, not only in Germany and France (cf. *Becker, Altersvorsorge und Demographie – Herausforderungen und Regelungsbedarf*, JZ 2022, p. 804; *Réformes et options de réforme dans le régime légal de retraite allemand*, RDSS 2023, p. 671). The Pension Maps, which aim at visualising the institutional structure of old age security in 29 countries, in different presentations and classes proved to be a good instrument to illustrate why reforming old age security is such a difficult task, what can be learned from other countries, and where nation-specific action remains necessary.

As already mentioned, we will shift our focus of research dealing with demographic processes a bit and put more emphasis on the participation of children

and youth (see I). This approach has a certain basis in the Department's long-standing research on family benefits and benefits for children (see previous Activity Reports and 2.3.6). Yet, it needs to take into account more specifically the already mentioned state structures including the role of local communities and the interaction between social benefits schemes and other institutions for the support and education of children and young persons.

(4) Migration has always been an issue of particular interest to the research of the Department in the context of Europeanisation. We had started a project on social benefits for asylum seekers in 2014, shortly before the 'summer of migration' (see Activity Report 2015 - 2017, p. 56), and then participated in a joint project on migration and exclusion together with other Max Planck Institutes. Dr. *Constantin Hruschka*, who



acted as one of the driving forces of this project, left the Institute in spring 2021 and became a *Gerichtsschreiber* (court clerk) at the Federal Administrative Court in Switzerland. Nevertheless, we believe that we should, in a certain way at the fringes of our social policy-oriented research, continue to observe and comment on the developments of refugee law (see *Becker/Hruschka*, Commentary on Art. 16a, in: Huber/Voßkuhle (eds.), *Grundgesetz*, 8<sup>th</sup> ed. forthcoming) as the reception of refugees does not only have an impact on the foundations of national welfare states but is also a question which touches on the solidarity principle in the European Union.

### 1.3 DOCTORAL RESEARCH

The support of junior talents and the promotion of young researchers form one of the most important tasks of our Department. In particular, the Department of Social Law has a strong commitment to the supervision of doctoral students.

This supervision takes place, as a rule which enjoys some exceptions, in so-called doctoral groups. These consist of three to five doctoral candidates who are engaged in specific dissertation projects within the overall frame of a more or less broad principal topic to start out from. A group of this sort may be joined by doctoral students who work on separate, topically different research projects. The aim of such cooperation in the context of a doctoral group is to create an intensive exchange of views on common methodological foundations as well as on issues relating to academic work procedures and individual thematic problems. In this way, these groups are

designed like small, informally organised graduate schools. During the early stages, the general, theoretical and methodological principles are provided, along with the basics of social law as well as the essentials of academic work procedures including issues of form and content. This includes the methodology of comparison, the peculiarities of social law, and the significance of social policy for the development of social law. At a later stage, the focus usually lies on the respective projects, both with regard to conceptual questions and to individual problems that might occur in the course of the research process.

The work of a new doctoral group is, as far as possible, launched in a brief retreat of one or two days. Regular meetings at the Institute are organised in order for the group members to keep updated on their progress. These activities are sometimes rounded off by workshops, organised by the group members themselves or by other institutions, with doctoral students from other universities for the purpose of discussing their theses within a larger circle of junior researchers, thus also becoming familiar with other work styles. Last but not least, doctoral researchers take part in presentations, workshops and classes in the framework of *Max Planck Law* (see 2.6.3), which allows them to exchange knowledge with doctoral students and postdoctoral researchers from all other legal departments of the Max Planck Society. Two of our doctoral candidates had the opportunity to take part in exchange programmes with the University of Cambridge and the University of Melbourne.

The doctoral group on '*Health Law*' started in 2018; in its framework, a broad range of different topics was and is under



Ulrich Becker with the members of the new doctoral group: Carsten Schrenpf, Saki Aggrey Mlimuka and Shari Gaffron.

investigation (see 3.1). *Irene Domenici's* thesis titled 'Between Ethical Oversight and State Neutrality – Introducing Controversial Technologies into the Public Healthcare System' has been published (2023), and it received an outstanding score. *Christian Günther's* thesis on 'Artificial Intelligence, Patient Autonomy and Informed Consent' underwent the written review process, and the oral examination will take place in March 2024. Other projects are still ongoing.

The doctoral group on the '*Adjudication of Social Rights*' (see 3.2) completed its work. *Nina Schubert* published her thesis titled 'Between Acceptance and Resignation' (2022) which contains an empirical study of the assessment of administrative appeal notifications by complainants and was rated very good; two other publications from this group are *Ya-Chu Tsai's* dissertation on

'Access to Social Rights in Taiwan' (2021) and 'Plaintiff-Friendliness as a Principle of Social Court Proceedings – A German-Slovenian Legal Comparison' by *Andreja Kržič Bogataj* (2021).

Thematically independent dissertations (see 3.3) include research projects like 'Vulnerability as a Legal Concept', 'Deeply Anchored? Gender Stereotypes and (Social) Law', 'Recognition Through Social Law – Interdependencies in a Society of Social Freedom', and 'Law of Enforcement Deficits'. *Teodora Petrova* finished her thesis entitled 'Social Protection in Bulgaria – Functional Systematization and Influence of Constitutional, International, and European Union Law', which contains the first systematic overview on Bulgarian social law and analyses the relationship between the two normative layers of the Bulgarian welfare state; *Hung-Sheng Shan* completed his dissertation project on 'Communication between Administration and Citizens in Social Law Proceedings'.

A new doctoral group devoted to the subject '*Growing up in the Welfare State*' started working in January 2024. Three junior researchers will deal with different topics concerning the participation of children and young persons in society and the role of social benefits and public institutions to this end.

## 1.4 OUTREACH

### Publications

The findings of researchers working with the Institute are not only published in scientific journals; the Institute also offers its own channels for social law

publications. It publishes the *Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht* (ZIAS), its journal for foreign and international labour and social law. In addition, the Institute puts out two serials entitled *Studien aus dem Max-Planck-Institut für Sozialrecht und Sozialpolitik* (formerly: *Studien aus dem Max-Planck-Institut für ausländisches und internationales Sozialrecht*) and *Schriftenreihe für internationales und vergleichendes Sozialrecht*. Six new volumes of the *Studien* were published in the period under review. Thanks to the open access policy of the Max Planck Society, it is possible to publish books of this series also in the form of e-books and make them freely available to a broader audience.

The Institute's former *Working Paper Series* has been renamed and is now published under the title *Working Papers Law*. A series of working papers called *Social Law Reports* was launched in 2015 in order to publish reports on the development of national social laws worldwide. Five volumes were published in 2023, nine in 2022, and six in 2021, partly in English, partly in German. Moreover, in 2023, the Department launched a new *Research Paper Series* in the Social Science Research Network (SRRN), in which two ejournal issues have been published so far.

Worth mentioning is also the series *Schriften zum Sozialrecht* (Nomos Publication, Baden-Baden), a monograph series on German and European social law edited by a large group of (initially) German professors of social law and initiated by the director of the Department under the title *Schriften zum deutschen und europäischen Sozialrecht*. It has

established itself as one of the most widespread series for monographs and, particularly, dissertations related to social law in Germany. 13 new volumes were released in this series during the period under review.

### Forum for Exchange

The Institute enables scholars to conduct social law and social policy research in a first-rate environment whose resources are unrivalled inside and outside Germany. One significant factor in this context is its library, which holds the largest collection of literature on social law and social policy worldwide (see IV.5). During the transitional location of the Institute in Marstallstrasse 11, access to books is partly restricted and partly less comfortable, but all journals, loose-leaf collections and recent publications continue to be available to researchers.

The work facilities as well as the expertise of its staff have made the Institute an internationally recognised centre for social law studies and a meeting place for researchers interested in social law and social policy. This again attracted many guest scholars from Germany and abroad in the period under review – some of whom received financial support from the Institute, while most had come to carry out variously timed studies sponsored by other institutions (see 14). With the end of the pandemic, research stays became possible again without restrictions. And even after the relocation (see I) of the Institute in summer 2023, we are still able to provide working spaces for guest researchers both in the Institute's building and in the library.



## Classes and Courses

Participation of Department members in academic teaching is meant to serve both the promotion of young scientists and as a contribution to the training of legal scholars with expert knowledge in social law. Accordingly, the director of the Department of Social Law continued his teaching activities at the Faculty of Law at Ludwig Maximilian University, Munich. He holds seminars each semester and teaches social law on a regular basis within the framework of one elective field of specialisation (medical law). In this context, he also participates in the preparation and correction of written examinations. Furthermore, he regularly acts as an examiner in the First State Examination in Law. Several staff members of the Department have also been employed at the Faculty of Law at Ludwig Maximilian University as session leaders of study groups and as correctors.

Moreover, lectures and courses were held abroad in different parts of the world. Dr. *Sergio Mittlaender* holds a professorship in Brazil (Fundação Getulio Vargas Law School) and gave classes in the summer terms of 2021, 2022 and 2023; Dr. *Simone Schneider* taught comparative social policy in two Master programmes at the University Pompeu Fabra in Barcelona in the winter terms of 2022/2023 and 2023/24, and additionally held a lecture on social science research methods in winter 2023/24; Dr. *Anika Seemann* gave a Master's course at the University of Southern Denmark, and *Irene Domenici* taught at the University of Trento for two semesters. Almost all researchers gave presentations in the context of international seminars, symposia and conferences (see 5, 7).

## Expertises and Refereeing

The Department also offers counselling in a broad sense and, thus, makes its research and specific knowledge available for practical use. This is true in several regards. Members of the Department have been involved in the preparation of legislative measures in Germany, they have been available for consultations with foreign members of the public service or researchers who visit the Institute in order to learn about the developments in social law, and they deliver, like most of the legal Max Planck Institutes, expert opinions on behalf of courts in matters of foreign social law.

The director served as Chair of the External Advisory Board of the Faculty of Law and Criminology at KU Leuven in 2022. In this context, he also prepared an expertise analysing the research quality of the faculty and providing advice with regard to its research policy. In 2023, the director advised the Japanese Ministry of Health, Labour and Welfare *inter alia* on the legal basis of accident insurance in Germany and the bonus-malus system. Other activities included the preparation of expert opinions for research organisations such as the Alexander von Humboldt Foundation as well as the participation in appointment and promotion procedures at German and foreign universities.

Dr. *Edoardo D'Alfonso Masarié* was elected Deputy Chair of the Expert Commission on the redrawing of constituencies for the Thuringian State Parliament in summer 2023. The same year, Dr. *Eva Maria Hohnerlein* contributed with an expert presentation to a hearing of the Expert Commission of the Federal Ministry for Family Affairs,

Senior Citizens, Women and Youth for the 10<sup>th</sup> Family Report.

In addition, Dr. *Anika Seemann* was a reviewer for the journal 'Rechtsgeschichte', and Dr. *Simone Schneider* engaged as referee for renowned peer-reviewed journals such as the *American Sociological Review*, the *Socio-Economic Review*, the *European Sociological Review* and the *International Journal of Comparative Sociology*. Dr. *Simone Schneider* also carried out assessments for national and international organisations during the reporting period, e.g. the Consolidator Grant 2023 of the European Union Research Council (ERC).

### Public Relations and Media Coverage

As part of the increasingly important transfer of knowledge, the Institute endeavours to communicate its research

to a broad public through various media and public outreach activities. Research results were disseminated via press releases, social media channels – notably LinkedIn and Twitter/X – and the Institute's website. Worth mentioning in this context is the substantial growth of the LinkedIn network in the past years, with about 1,500 followers to date. In the reporting period, three topics stood out on which researchers of the Department commented with scientific findings in the public debate: the corona crisis, migration and pension reforms.

All media types (online, print, broadcast, TV) in Germany and abroad were supported through the provision of background information and the arrangement of interviews. For example, the director of the Department contributed with his expertise to two issues of the ARD series 'alpha-Demokratie', in which the



Ulrich Becker in conversation with BR journalist Tilman Seiler about basic rights in the programme series 'ARD alpha-Demokratie'.



Dr. Linxin He

relevance and topicality of the articles of the Basic Law were discussed. Other interviews, which he gave to the Latvian public TV and the Deutsche Welle TV, among others, focused on a comparison of pension systems worldwide. Dr. *Constantin Hruschka* was also well represented in the media with interviews for leading newspapers and magazines such as *Süddeutsche Zeitung*, *Tagesspiegel* and *Focus* as well as for broadcasting stations like ARD and WDR. Moreover, researchers of the Department participated in several podcasts and supported the communication activities of Headquarters of the Max Planck Society (MPS) with information and interviews for its website and the flagship report *Max Planck Research*.

Among the public outreach activities, two events should be highlighted: First, the celebration of the 40<sup>th</sup> anniversary of the Institute in June 2022, and a Max Planck Forum on the topic 'Climate and Law' that was organised in cooperation with Headquarters. A summary of the discussion that focused on the question of who should bear responsibility for damage caused by extreme weather events was made available on the YouTube channel of the MPS. Unfortunately, most outreach activities were limited to online events until mid-2022 due to the corona pandemic.

With regard to the Institute's efforts to find ways to make its research comprehensible to the broad public, the project 'Pension Maps: Visualising the Institutional Structure of Old Age Security' (above and 2.3.4) merits particular attention. It provides insights on a variety of old age security systems at a glance and makes them comparable with one

another. For each of the 29 selected European and non-European countries, a visual representation, the so-called Pension Map, gives an easy-to-understand overview of the respective national old age security system. All Pension Maps and accompanying information material, including a comprehensive report, are freely accessible on our website, for which a specific tool was created in order to adequately display the Maps.

## 2 RESEARCH PROJECTS

### 2.1 FOUNDATIONS OF THE WELFARE STATE

#### 2.1.1 THE CONSTRUCTION OF A SOCIO-ECOLOGICAL STATE

*Linxin He*

Climate change constitutes one of the major challenges of our time. Only a 'socio-ecological state' seems to be able to cope with these challenges. After a first examination of the theoretical conception of such a state (see the previous Report), a more historical inquiry reveals other paradigms than that of the absolute ownership. The distribution of land resources in traditional China presents an alternative model of the relationship between human beings and nature that is based on a deeper solidarity.

Like all peoples, the Chinese were initially astonished by the vital force that seemed to emerge from the earth, a mysterious fact that prompted them to divinise the earth. However, this divinisation was not very doctrinal and was

above all political: each collective community had its own soil god and the gods were hierarchical. This solution hardly satisfied philosophers, particularly Taoists, who sought to understand the very principle of the earth and ended up equating it with the 'yin' pole in the famous yin-yang tandem of Chinese philosophy. While philosophers tend to draw the earth towards the world of ideas, the so-called agricultural school turns its eyes towards the hard work of the soil and strives to understand the earth in the productive process itself. In this way, it refocused the classical triad of heaven, earth and man in the agricultural sphere and proposed a theory of the three talents that would provide practical guidance to Chinese farmers for thousands of years.

As regards land property, it always belonged, at least in theory, to the imperial court. However, this did not prevent the sale and purchase of land, which created huge social inequalities. To maintain social peace, numerous political interventions were made to re-organise land tenure. These reforms, which were often based on the ideal of "giving each peasant the land that suits him", have failed in China's history several times. However, they may have helped to shape the idea that land is not just private property. Current practice in China is in some ways an avatar of this idea, as private ownership of land is simply rejected by law. At the same time, legal issues should not blind us to the day-to-day reality of peasant farming. Adopting an anthropological point of view, one can see that land is not only a simple economic resource, but becomes a kind of family heritage that retains an emotional or even moral dimension based on a certain idea of

family solidarity. The sale of a family field, which is allowed under special circumstances only, can be seen as an act contrary to filial piety (the respect of one's parents), and the land thus exerts a force of attraction that contributes to the construction of the traditional social bond in China.

This alternative conception of property can help us to strike a better balance between human activities and the natural world, including a reconsideration of the role of the state in the 'Anthropocene'. For example, a certain social usage of property (in terms of collective goods) can be adopted by the legal practitioners in their daily implementation of law. This means that property rights which allow for the attribution of the legal title to control, use, and benefit from a particular asset can affect the resource allocation in a market economy. Instead of a model based on a total freedom of discretion in the use of the resources, the (often rare) resources should be subject to a more collective understanding and, when necessary, to a certain collective decision-making procedure in order to determine its usage. This would help increase solidarity within the group and create collective stability. In the same way, the social dimension of property rights can also have environmental consequences. Well-defined property rights can incentivise responsible stewardship of resources.

Nevertheless, this kind of property regime requires more specific regulation in order to conciliate private freedom and the collective need. The current research constitutes only one of the first steps in the change of the current paradigm of individual rights in a modern society.

### 2.1.2 UNITED IN SOLIDARITY? GERMAN SOCIAL LAW AND PAPAL SOCIAL TEACHING

*Edoardo D'Alfonso Masarié*

There is no general statutory definition of solidarity in German social law. Nevertheless, that branch of law has formed communities, e.g. of insurees, that substantiate the principle of solidarity in different ways for the purpose of providing social protection against the vicissitudes of life: This is done, among others, by defining who the relevant constituents of a respective community are and by identifying the criteria and means for raising the resources needed to fulfil the function of providing protection. German social law is therefore characterised by the simultaneous existence of communities that are in various ways shaped by the principle of solidarity: this ranges from the membership-based social insurance schemes to the corporative professional pension funds and the solidarity-based obligation of the entire society for the tax-financed systems of social aid and social compensation. The answer to the question as to what solidarity means in social law can hence be found less in general postulations than in the concrete design of these communities of solidarity.

The influence and significance of the principle of solidarity in the systems by means of which the German welfare state is concretised, and in particular in the social insurance schemes, have been discussed and weighted differently throughout the course of time. The term 'community of solidarity' (*Solidarge-meinschaft*) is used in the statutes of German social law only in the context

of public health insurance or in relation to it (cf. § 1 para. 1 sent. 1, § 176 para. 1 Social Code Book (SGB) V). However, solidarity and communities of solidarity formed by virtue of law do not exist only when the legislator explicitly refers to these terminologies.

Papal social teaching, which arose at the same time as the German welfare state, has identified solidarity as one of its decisive principles since the encyclical *Rerum Novarum* of Leo XIII (1891), but has thematised and conceptualised it in a permanently evolving manner. Like in German social law, the term 'solidarity' only began to be used explicitly in papal social teaching at a later stage, namely in John XXIII's encyclical *Mater et Magistra* (1961). However, also in papal social teaching the notion of solidarity is not just present where it is spelled out. Furthermore, papal social teaching also developed its view on how the welfare state should assume responsibility for the vicissitudes of life and the relevance of the principle of solidarity in defining how this responsibility should be distributed.

The project seeks to fundamentally examine whether and to what extent solidarity as a guiding concept unites both German social law and papal social teaching. Analogies and connections must be sought especially in the substantiation of the principle of solidarity through the communities of solidarity. Possible influences are to be considered bidirectionally and hence also the question of the extent to which the development of state social law has had an impact on Catholic social teaching. The goal is neither to sort state law according to religiously based criteria nor to deconstruct papal social teaching and rearrange it on the basis of



Dr. Edoardo  
D'Alfonso  
Masarié

secular-legal categories, but rather to find commonalities while acknowledging the diversity and respective independence of both areas.

In this context, and due to the specific nature of the Church as a subject, attention should be paid to the 'dynamic faithfulness' of papal social teaching, i.e., to the fact that the coherence of the entire corpus of the papal social teaching must not be lost sight of, even though it may be correct and even necessary to underline the particular features of one or the other historical moment (cf. Benedict XVI, *Caritas in Veritate*, 2009, no. 12). This is of particular significance for an investigation with social law as a second object of analysis, because a decisive factor for the interpretation of laws is the objectified intention of the legislator expressed in the norm, as it results from the wording of the provision and the context of meaning in which it is placed, and not primarily the political genesis of norms (cf. German Federal Constitutional Court: BVerfGE 1, 299, 312; 11, 126, 130). The study therefore also aims to examine whether and to what extent the reference to the 'dynamic fidelity' of papal social teaching on the one hand and to the 'objectified intention of the legislator' in secular law on the other could be comparable as interpretative guidelines, since both strive to emphasise the normative content in its objectivity and without too much influence on its contingent political and social conditions.

A very cursory example can visualise the dynamics of papal social teaching: For the protection of workers against illness, old age and accidents of work, Leo XIII emphasised the importance of corporate and mutual societies (*Rerum*

*Novarum*, 1891, no. 43), while John Paul II postulated access to medical care, old age insurance and insurance against accidents at work as rights of all working people, regardless of the form of state or economy (*Laborem Exercens*, 1981, no. 19). Benedict XVI in turn addressed the weakening of institutionalised social security networks at the expense of workers' rights in the context of competition among states to attract production centres of international corporations (*Caritas in Veritate*, 2009, no. 25).

In addition to the evolution of content, this example shows the diversity of all the stops that papal social teaching can pull out: from a call to the faithful to engage in initiatives that can be relevant for the whole society, to a contribution to the general legal as well as political discourses which aims to be understandable and accessible even without religious ties. It also demonstrates the potential of a discussion of solidarity in German social law and in papal social teaching, as there are visible analogies between the normative reality of the one and the statements of the other, both in terms of developmental history and content. Leo XIII's advocacy of membership-based security systems, for instance, dates from the same period as German invalidity and old-age insurance, which concluded the Bismarckian phase of social legislation in what was then the German Empire. Finally, this example also highlights the need to keep an eye on the 'dynamic faithfulness' of papal social teaching and on the coherence of its corpus, if one does not want to conduct an exclusively descriptive analysis of the history of the development and the ecclesiastical as well as socio-political background of social teaching and social law.



The results of this research are to be published in an adequate specialised German language journal.

### 2.1.3 POSTWAR JUSTICE IN NORWAY AND DENMARK (1945-1965)

*Anika Seemann*

Following the liberation from German occupation, societies across Europe after the Second World War faced the difficult question of how to bring to justice those individuals who had collaborated with the wartime enemy. In many countries, violence ensued before more formalised legal and administrative procedures could be established. Once legal and political institutions were re-established, many individuals were brought to trial for their wartime actions, often leading to imprisonment, fines, the loss of civil rights, and sometimes the death penalty. These processes often rested on legal mechanisms adapted for the process of transition, and they sat uneasily with established legal principles from the pre-war era. In addition, legal norms tended to be applied inconsistently over time, as they were being continuously adapted to the fast-changing political and social context of the early post-war period. This extended, among others, to the fields of criminal law, compensation law and social law. My research over the past few years has looked at the complex relationship between law and politics in these processes of transition, with a main focus on Norway and the German-Danish borderlands.

The ‘treason trials’ (landssvikoppgjøret or rettsoppgjøret), implemented

by the Norwegian authorities between 1945 and 1957, were the most extensive post-war ‘reckoning’ with wartime collaboration in all of Europe. They had been planned by the Norwegian government-in-exile in cooperation with the resistance between 1941 and 1945. A swift legal process of collaborators, it was hoped, would prevent mob justice and stabilise society during the period of social and political transition that would follow the liberation. The resistance had warned of the enormous hatred towards collaborators, and had argued that a strict reckoning was at once a necessary response to the ‘sense of justice’ in the population and to prevent social violence and chaos. But the trials were about more than preventing violence. The exiled authorities – and the underground resistance members who hoped for a central role in the post-war order – realised that they would be an important factor in reuniting the nation during the transition period, and that they would mark a powerful symbolic change from five years of German rule to the return of a sovereign Norwegian nationhood.

The reckoning with the Norwegian collaborators was to take place in legal form, carried out by the restored criminal justice and administrative system, and was to be ‘worthy of a state based on the rule of law’. The trials were therefore intended to re-instil faith in public institutions and to demonstrate their moral authority. During the occupation, the exile government had issued a series of decrees (provisoriske anordninger) from London, expanding the scope of the Criminal Code of 1902, by which it communicated its intention to bring collaborators to trial. The most important aspects of these preparations were the express criminalisation of for-



Dr. Anika  
Seemann

mal membership of the Norwegian fascist party, Nasjonal Samling (NS), with whom the Germans cooperated, and the reintroduction of the death penalty. In 1944, the earliest decrees were developed into a more comprehensive set of provisions that would form a key basis for the post-war reckoning. By way of these provisions, significant changes were also made to the civil rights status of those who were to be sentenced for collaboration, affecting by extension their rights to pensions, to hold public offices and to own property. However, due to the complex constitutional questions raised by the occupation, these decrees were juridically ambivalent, raising numerous concerns about their legal validity that would later threaten the overall legitimacy of the trials.

The exile government had estimated that the trials would be over within one year of the liberation, ensuring a swift return to a peaceful and unified society, which could firmly leave the upheavals of its recent past behind. Due to a radical underestimation of the scope of the legal provisions implemented for the reckoning, however, the trials were not concluded until 1957. Far exceeding the estimations of the Norwegian government-in-exile, a total of 92,805 cases were ultimately investigated – almost twice the figure wartime authorities had anticipated and the equivalent of 3.2 % of the Norwegian population. In the end, the Norwegian post-war trials became the most encompassing reckoning with former ‘collaborators’ in the whole of Europe. Around 49,000 individuals were sentenced by a court, 46,000 on account of collaboration, which was brought under the offence of treason. The same number of individuals lost some or all of their civil rights. 18,000 people received

a prison sentence. 30 death sentences were handed down, and 25 of these executed. In addition, the courts ordered millions of Norwegian kroners in compensation payments from members of Nasjonal Samling. The trials raised numerous legal concerns, including retroactivity, lack of a constitutional basis, and the collapse of the separation of powers, as well as the establishment of criminal culpability without subjective intent (*mens rea*). In addition, the trials – as well as the reckoning more generally – raised difficult social and political questions about the attribution of guilt and the redefinition of the patriotic community in the early post-war era. In the end, the reckoning would be remembered not for the efficient way in which the law handled the occupation legacy and stabilised post-war Norwegian society, but for the problematic legal bases that it rested on and the deep social frictions it generated or failed to overcome.

My monograph, entitled ‘The Quislings’, traces the evolution of the Norwegian post-war reckoning from its earliest planning stages up until the last major parliamentary debates about its legacy one generation later. It focuses in particular on changing legal assessments of, and political attitudes towards, the key legal provisions shaping the trials. In doing so, it analyses the arguments given by parliament, the courts and the government for successive changes made to the legal basis of the trials over time. The monograph is forthcoming in the ‘New Studies in European History’ Series of Cambridge University Press.

In addition to my monograph, I have published two book chapters on the topic of post-war justice and reconciliation in





Dr. Irene  
Domenici

Norway and Denmark, focusing on the use of the death penalty in Norway and the unique set of challenges concerning post-war justice in the German-Danish border region.

## 2.2 EUROPEANISATION AND INTERNATIONALISATION

### 2.2.1 LIFE IN DIGNITY: MINIMUM INCOME PROTECTION IN EUROPE

*Ulrich Becker and Irene Domenici*

Every political community is expected to aim at ensuring a life in dignity to those who live on its territory. Yet, while the protection of human dignity doubtlessly forms part of core human rights, it is not as clear whether political communities also have an obligation to provide their residents with a minimum subsistence level, how this level should be defined and whether individuals have a subjective right to receive the necessary means of sustenance.

This is the case despite the fact that some states started to recognise their responsibility for protecting the poor early on. Poor Law in England was introduced at the beginning of the 17<sup>th</sup> century and looks back on a long history even if it underwent a major reform in 1834. The General Law Code for the Prussian States (*Allgemeines Landrecht für die preußischen Staaten*) of 1794, based on the spirit of the Enlightenment, stated: "The state is responsible for providing food and maintenance to those citizens who are unable to support themselves or who are unable to obtain such sup-

port from other persons required to do so under the pertinent laws." (part II, title 19, § 1). This provision, however, did not prescribe certain forms of protection, and certainly not the introduction of specific services or benefits. How to protect the poor remained an open question at the beginning of the formation of modern states, and it was one that was "of particular concern and torment to modern societies," as Hegel noted (*Grundlinien der Philosophie des Rechts*, 1821, § 244). In particular land and family played an important role in guaranteeing individuals their livelihood, and it is therefore not surprising that social assistance schemes started to become widespread only after the end of the Second World War. The German Federal Administrative Court hinted in one of its earliest decisions in 1954 (V C 78.54) at human dignity and obliged the state to create an appropriate legal basis for any rights to social assistance.

Since then, one can observe different developments at national level with regard to social assistance. While activation and workfare aspects had always been part of assistance schemes, they gained in importance especially in the last decades of the 20<sup>th</sup> century under the assumption of an employment-based society in which the full social participation of citizens is to be achieved through their integration into the labour market. The workfare model quickly became widespread and very influential in almost all countries. As a consequence, it was not the conditionality for benefits as such that changed, mainly the general obligation to work and to sustain oneself as far as possible, but rather the role of governments that should actively support labour market integration. One might



hint at another general trend, at least in Europe, at the beginning of the 21<sup>st</sup> century, namely the universalisation of social assistance. In this vein, the southern European states started to introduce general schemes, partly entirely new ones (Greece), partly replacing regional (Spain) or rudimentary existing schemes (Italy). Another remarkable, although (still) singular, development was the introduction of a Universal Credit in the UK in 2013 as a new scheme that aims at integrating social assistance and social support, facilitates coordination between different benefits and might also help against stigmatisation of applicants. This approach, however, did not become a blueprint for other countries. Therefore, securing a minimum subsistence level, in practice in most countries, still encompasses a patchwork of different benefits, such as family benefits, housing supports, disability and old age pensions etc.

That there are gaps in social protection

of a minimum subsistence and that this protection is not always effective is visible in the statistics of Eurostat on “persons at risk of poverty or social exclusion”, which recently showed that one in five people in the EU are still at risk of poverty or social exclusion. This became even more visible as a result of recent crises: The already long-lasting effects of the economic and financial crisis were compounded by the outbreak of the COVID-19 pandemic in 2020 and rising energy and living costs due to the consequences of the war in Ukraine. This perception of actual deficits also attracted the attention of the European Union, which started to put more emphasis on real life conditions for guaranteeing free movement in an internal market. The aim of the Union to establish a minimum catalogue of social rights (see 1.2: Europeanisation) is clearly visible in no. 14 of the European Pillar of Social Rights (“Everyone lacking sufficient resources has the right to adequate minimum income benefits ensuring a life in dignity

at all stages of life, and effective access to enabling goods and services”), even if this is combined with an activation approach (“For those who can work, minimum income benefits should be combined with incentives to (re)integrate into the labour market”). As an instrument of implementation, the European Commission drafted a proposal for a Council Recommendation on adequate minimum income in September 2022 which was finally adopted in January 2023 by the Council. It aims at offering clear guidance to Member States on how to ensure that their minimum income schemes are effective in fighting poverty and how to promote active inclusion in society and the labour market.

Against this background, it is not surprising that the idea of a minimum income attracted research over the past years, in particular from social scientists and economists on the effectiveness of social protection, but also from a human rights perspective. What is lacking, though, are insights into the concrete construction of the protection of a minimum subsistence through social law and the normative positions that are mirrored in the statutes and statutory instruments (see 1.1). We will fill this gap by way of a comparative study that concentrates on two aspects: first, the interplay between different social benefit systems with the function of guaranteeing a minimum subsistence or income; second, the normative background of those systems and the obligation of the state to protect individuals living on its territory by guaranteeing a minimum subsistence level and, thus, a dignified life. As this is a normative approach, we leave out the practical problems of implementation. And we concentrate on cash benefits in

order to make the project manageable. Even with these restrictions, it is still a very ambitious task to draft a country report: Authors need to have an overview of very different areas of social protection, and they need to combine social law (which is often linked with labour law in academia) with constitutional and human rights law. Notwithstanding these difficulties, our project is expected to cover eleven European states with different geographic and social policy backgrounds (Bulgaria, France, Germany, Greece, Ireland, Italy, Norway, Poland, Slovenia, Spain, and the United Kingdom), but also Latin America (Brazil, Chile, Colombia, Mexico) and Asia (Japan and South Korea).

Our research approach and question were presented and discussed in a workshop gathering most part of the project contributors in November 2022 in Munich. During the workshop, authors have presented their potential contributions and discussed fundamental questions related to the scope of the analysis. The planned outcome of the project is an edited volume which shall be published in the course of 2024.

### 2.2.2 SOCIAL PROTECTION OF PLATFORM WORKERS AT THE EU LEVEL

*Olga Chesalina*

The research project ‘Social Protection for Platform Workers at the EU Level’ that started in June 2022 is a continuation and further development of the research project ‘Social Law 4.0: New Approaches for Ensuring and Financing Social Security in the Digital Age’. The results of the new



Olga Chesalina,  
Kand. Jur. Wiss.  
(Minsk)

project were presented at the Scientific Talk at the Max Planck Institute for Social Law and Social Policy on 15 June 2022 and at the 8<sup>th</sup> Regulating for Decent Work Conference 'Ensuring decent work in times of uncertainty' from 10 to 12 July 2023 at the ILO in Geneva.

### **Background and Research Objective**

Up until now, platform workers in the EU Member States generally do not enjoy social security protection, because they are not considered employees in accordance with the respective legal requirements for an employment relationship. Against this background, it is the overall aim of this research project to address social protection for platform workers at the European level. The European Commission proposal for a Directive on improving working conditions of platform workers of 9 December 2021, which is currently going through the legislative procedure, seeks amongst other things to improve social protection for persons performing platform work. An analysis of the approaches to social protection in the Draft Directive as well as in other EU documents issued during the legislative procedure is at the heart of this project. The most important questions in this context are the provision of a rebuttal presumption of an employment relationship with binding force also for national social security institutions, the transferability of social security entitlements and the extension of access to social protection to platform workers.

Special attention is paid to voluntary payments of digital labour platforms for the social protection of platform workers. In certain cases, platform providers voluntarily provide social benefits to platform

workers. In the project, such practices with manifestations of corporate social responsibility concerning social welfare. Changes in the business model of platform work in relation to social protection as a result of issued court decisions on employee/worker status of platform workers in certain EU countries are also taken into account. In addition, empirical studies concerning the reasons of platform workers for undertaking this type of work and the question as to what form of employment (employee/self-employed person) they would prefer are also investigated.

The research project adopts doctrinal legal research methods and considers existing empirical evidence in order to give concrete and detailed examples. The undertaking seeks to contribute to the literature and the findings on how to extend and improve social protection for platform workers and on how to adapt social security systems to new forms of work. In addition, it investigates whether it is possible to opt for new regulatory approaches at the European level.

### **Project Outcomes**

In accordance with a position of platform companies that they are a mere marketplace and not an employer, platform workers in the EU Member States until now generally do not enjoy social security protection. However, sometimes platforms decide to provide some social benefits themselves or via private insurance companies to low-skilled on-location platform workers (for whom platform work is the main source of income), who are most likely bogus or dependent self-employed. Social risks that are covered by such schemes are e.g. accidents at work, sometimes childbirth, and in the

past years (especially due to the COVID-19 pandemic) also sickness.

The most widespread form of voluntary social protection by platform companies is the insurance against accidents at work. Some platforms have their own insurance (e.g. Deliveroo). Many platforms conclude contracts with different private insurance companies. Some platforms regulate that the costs of the insurance must be carried by the platform workers themselves (e.g. Deliveroo, Uber), while other platforms provide that injury insurance comes at no cost for their workers (e.g. Glovo). A practice of provision of sickness benefits during the COVID-19 pandemic shows that platforms that voluntarily provide some form of social protection reserve the right to withdraw these benefits at their discretion. In general, the analysis of such regulations demonstrates their fragmented and unstable character.

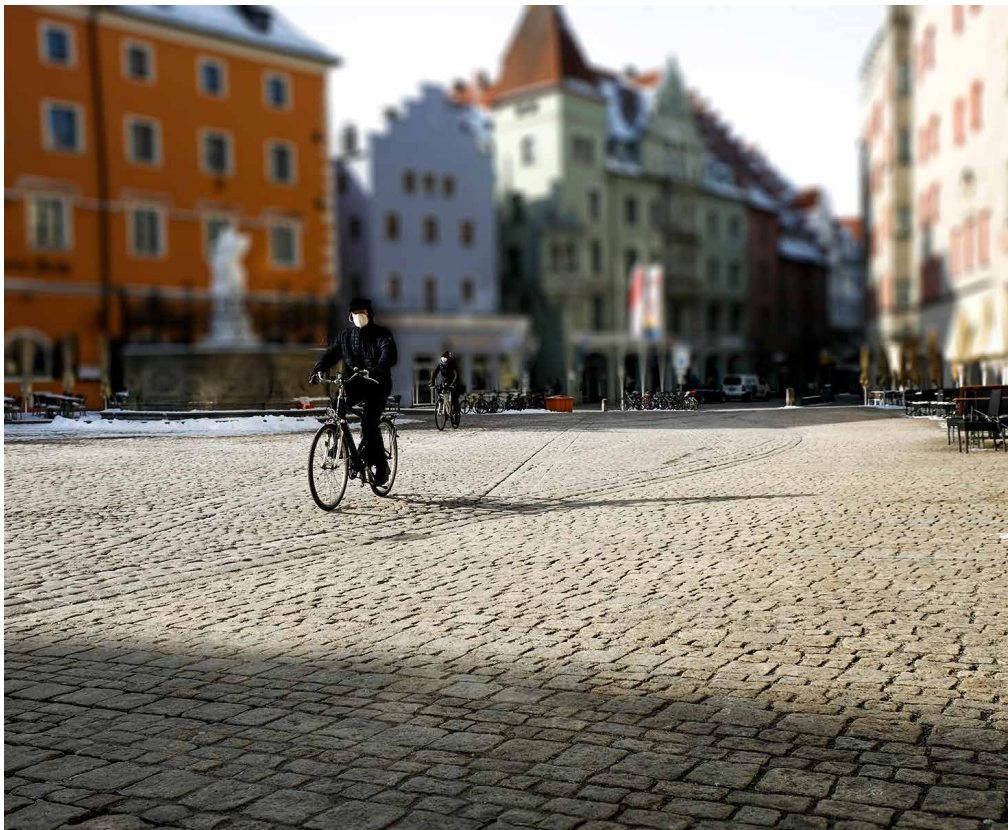
The proposal for a Directive on improving working conditions in platform work considers as a possible way of improvement of social protection of self-employed platform workers the provision of social protection via platforms. According to the Draft Directive, the provision of social benefits or the payment of social benefits to self-employed platform workers should not be regarded as determining elements for the existence of an employment relationship. The analyses of empirical evidence demonstrate that platform providers rather offer some social protection via private insurance companies than via participation in the mandatory social security systems. However, private insurance products are not within the scope of the Council Recommendation of 8 November 2019 on access

to social protection for workers and the self-employed (2019/C 387/01) which is used as a benchmark in the Proposal for a Directive on improving working conditions in platform work. This means that the principles of this Recommendation concerning formal and effective coverage, adequacy and transparency (including transferability of entitlements) do not apply to private insurance schemes.

An analysis of the literature and empirical studies has allowed to systematise different reasons that play a role in the decision of platform companies whether and to what extent they provide social benefits. The main function of the voluntary provision of social benefits is to avoid reclassification of bogus self-employed platform workers into employees and prevent future possible litigations concerning their employment status. Related to this is also the aim of preventing state regulation in this field. Such regulations try to replace the mandatory labour and social law regulations at national level; they erode the principles of financing of social security schemes and simultaneously restrict access to statutory social security schemes for employees. Furthermore, they create an additional incentive for other employers to outsource work to self-employed persons and to attract them with particular social benefits.

Instead of providing such an opportunity to platform providers, the Draft Directive on improving working conditions in platform work should promote the participation of platform providers in risk-sharing through the mandatory social security systems that would also enhance the financial sustainability of the statutory social security schemes in the digitalised world of work.





The lockdowns imposed during the COVID-19 pandemic brought public life to a standstill and the economy to a grinding halt.

## 2.3 MODERNISATION OF THE WELFARE STATE

### 2.3.1 PROTECTING LIVELIHOODS – A GLOBAL COMPARISON OF SOCIAL LAW RESPONSES TO THE COVID-19 CRISIS

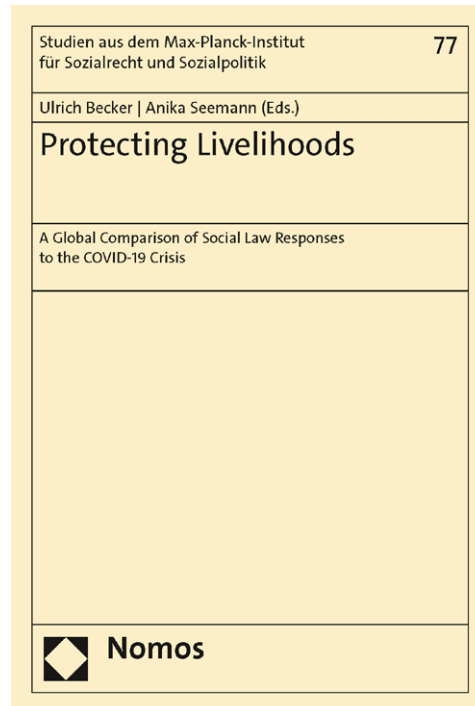
*Anika Seemann*

In early 2020, the COVID-19 pandemic triggered unprecedented government-mandated social and economic

lockdowns across the globe. The government lockdowns imposed from March 2020 onwards took a largely similar trajectory, putting public life on pause and bringing entire industries to a grinding halt. To avert the most dramatic economic and social consequences of these measures, governments and legislators swiftly introduced extensive labour market and social policy measures aimed at stabilising the employment sector, preventing redundancies, and supporting those whose livelihoods the crisis most acutely threatened.

During the last reporting period, a group of legal researchers led by Professor Ulrich Becker conducted a comparative study of the labour market and social policy measures introduced in light of the on-going crisis in Denmark, France, Germany, Italy and the United Kingdom between March and October 2020. It focused in particular on three types of responses: 1) measures that aimed to stabilise the overall economy, including fiscal stimulus and tax reliefs, 2) measures that aimed to secure jobs, including job retention schemes and public compensation schemes, and 3) measures that sought to accommodate for the specific needs of individuals on a range of social benefits during the crisis. The chosen countries represent a variety of Western European welfare state and labour market models, which allowed the project to compare the social and labour market policies introduced against the background of different institutional frameworks. The findings were published in the Institute's *Working Papers Law* series.

During the current reporting period, we were able to develop this project further, conducting a global survey of COVID-19 social law responses in a total of 21 countries. The findings of this project were published in book form by Nomos in July 2022 under the title 'Protecting Livelihoods – A Global Comparison of Social Law Responses to the COVID-19 Crisis'. With this open access book, the Institute was able to present the first systematic legal analysis of the particular social protection dimension of crisis responses worldwide. In addition to the five original case studies, the publication also examined Australia, Brazil, China, the Czech Republic, Greece, Ireland,



Japan, Mexico, the Netherlands, New Zealand, Poland, Russia, Slovenia, South Africa, Sweden and Taiwan.

In comparing these welfare states, the project examined the systemic characteristics and functions of the crisis instruments introduced during the pandemic, building on the typology of measures developed in the original Working Paper. In particular, it questioned whether the measures introduced were in some ways 'typical' for each respective welfare state, or whether they represented a systemic novelty. More precisely, the researchers asked whether the countries under investigation adopted measures in line with pre-existing approaches to different labour market groups, or whether the crisis rather prompted a fundamental policy shift. This allowed the authors to

assess how well equipped the five welfare states were for a major economic downturn as that seen in the pandemic, and the extent to which different pre-crisis labour market compositions played a role in exacerbating certain challenges. At an even more fundamental level, the project posed the question of whether the measures introduced in response to the COVID-19 crisis expressed a novel understanding of state responsibility for individual economic security and whether the crisis led to any more long-term changes in the nature and structure of each welfare state.

The overall finding of the book was that the measures introduced largely corresponded to the principles and structural preconditions found in each welfare state before COVID-19. Most significantly, there have typically not been any of the kind of fundamental, long-term changes to the structures of the welfare state that an exogenous shock such as a pandemic might have triggered. This is not to say, however, that the welfare states remained the same as before the COVID-19 crisis struck. In many countries, the pandemic has provoked intense political debates over the role of the welfare state in the twenty-first century. Discussions have re-emerged about the role of the welfare state towards the self-employed in particular. It has also reinforced awareness of the risk of sudden, external economic social shocks more generally. Finally, the pandemic has put social compensation law into focus. This 'last resort' of legal measures will become increasingly important over the next decades as our economies face more and more 'uninsurable' risks brought about by war and climate change.

In addition to the edited volume published with Nomos, a group of researchers at the Institute led by Dr. Anika Seemann published a journal article in a special edition on COVID-19 in the peer-reviewed journal *Global Social Policy* in mid-2021. Using Germany, Denmark, France, the United Kingdom and Denmark as case studies, the article concentrated its analysis on the differences in social protection measures seen during the crisis for 'standard workers' and groups on the margins of traditional social security regimes, such as the self-employed, and individuals in what is often termed 'precarious work'. The level of social protection offered to 'non-standard workers' before the crisis differed considerably between European countries. The crisis in turn prompted the rapid introduction of a variety of social protection measures for both standard and non-standard workers across Europe. Along with the radical changes that the COVID-19 crisis brought to traditional conceptions of 'work', the crisis intensified awareness among Europe's policy makers for the manifold types of non-standard work in today's labour economies, and raised the question of whether and how to include these groups more fully into the social welfare contract. For this reason, the various measures adopted to secure livelihoods across different labour market groups during the crisis offered a well-suited arena for investigating the capacity of different social security systems to provide protection across the labour market in times of economic downturn.

In May 2023, the WHO declared that COVID-19 no longer presents a global health emergency. While it is too early to say whether the pandemic is now firmly behind us or whether we might need to introduce new measures to respond to



new, more aggressive strains of the virus, it now seems unlikely that we will see again the type and breadth of measures introduced at the beginning of the pandemic. The COVID-19 responses taken across the globe in 2020 offer a fascinating case study to uncover the workings of different welfare states in times of crises. Even as the pandemic has ended, both legal scholars and social scientists will, we believe, continue to find in our systematic analyses of the legal mechanisms employed during the pandemic a valuable resource for gaining a deeper understanding of how and why crisis responses differed and how they related to the more underlying principles and mechanisms of each welfare state.

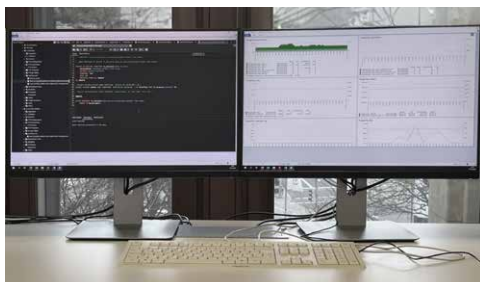
### 2.3.2 THE DIGITAL TRANSFORMATION OF THE WELFARE STATE – A COMPARISON OF GERMANY, DENMARK AND THE UNITED KINGDOM IN HISTORICAL PERSPECTIVE (1970-2020)

Anika Seemann

*“Many companies and authorities are currently receiving surprise mail from Deutsche Telekom. The Bonn-based company is sending letters of termination - for a service which most customers are likely to have long forgotten. It concerns De-Mail [the German government's secure e-mail service, intended for communication with citizens and companies], which the Telekom intends to terminate in one year's time. To ensure it reaches recipients, the company is not sending it only through the mail-service itself, but also by post.”*

Der Spiegel, 31 August 2021

Over the past several decades, societies across the globe have become increasingly governed through digital means. The development of digital technology and infrastructure has led to the radical transformation of state and welfare administrations. Technological innovation has brought about new ways of storing and using data, connecting administrations, and communicating with citizens. In the welfare state context in particular, digital technology raises complex questions of data security, privacy and power in the citizen-state relationship. However, when we look at Europe's welfare states today, we find that the ways in which they employ digital technology, and the degrees to which they do, vary considerably. Some countries have digital systems reaching across administrations, others operate with more insular arrangements; and while some countries have made digital communication between the citizen and the state mandatory, others have opted for a 'multi-channel' approach and left traditional systems in place to operate alongside digital communication measures. We also find radically different ideas and discourses surrounding digitalisation across countries and among different groups and actors. While some believe the transformation is unfolding too fast, eroding key citizen rights in the process, others bemoan the slow implementation of digital technology in public administrations and the resulting inefficiencies. And, of course, digitalisation is not a linear process, but fraught with trial and error. The history of digitalisation involves many failed projects, such as Germany's 'De-Mail' service, mentioned in the opening quote: a digital communications service for correspondence with authorities, on which high hopes had been placed, but which never took off.



In the welfare state context in particular, digital technology raises complex questions of data security, privacy and power in the citizen-state relationship.

The aim of this project is to provide a comparative account of the changes brought by digitalisation to the welfare states of Denmark, Germany and the United Kingdom between 1970 and 2020. Analytically, the project is centred around the citizen-state relationship in each of these states. The project is concerned both with the practical changes of citizen-state encounters in a legal, political and institutional perspective, as well as shifts in the ideas and debates concerning the citizen-state relationship. Within the context of this project, digitalisation is understood as an arena of political and legal struggle. For this reason, the study takes a broad perspective, and examines the institutions and groups driving processes of digitalisation, the political aims, ideas and discourses behind various digitalisation strategies, the groups and fora of opposition to these developments, the institutional and legal frameworks governing and shaping the measures introduced, and the changes they brought about in practice. Ultimately, the project aims to understand the ways in which digitalisation has changed the citizen-state relationship across a range of differ-

ent national settings, and what factors determined these changes.

The project contributes to the emerging field of digitalisation history, but more generally it lies at the intersection of welfare state history, public management history and citizenship history. It combines political and legal history with the history of discourses and ideas in a comparative perspective. The project focuses on Denmark, Germany and the United Kingdom, chosen because they are, on the one hand, comparable as Western developed economies, but also because they represent various welfare state 'types' and are defined by different approaches to digitalisation in the public sector. By tracing the incorporation of digital technology into the public welfare state administrations of these countries, we can gain an understanding of the deeper structural and ideological changes that digital technology has brought to the citizen-state encounter, and in what ways these processes have differed or shown similarities. In comparing these countries' trajectories, the project identifies the roles of different political actors, the law, governance frameworks and public movements in shaping the nature of digitalisation in public administration. The project also examines the transnational dimensions of discourses and practices of digitalisation, as well as the influence of the European Union on national and supranational policies.

In order to be able to approach digitalisation from different perspectives, but also to give the project a clear structure, the focus of the study is on three 'core areas' of digitalisation, which have a particular relevance in the welfare state context: 1)

the registration of personal data; 2) electronic communication in the citizen-state relationship; 3) the introduction of electronic health records. These three core areas are related to digitalisation in different ways and, due to the issues they raise in terms of data protection, participation and inclusion, they are particularly well suited to highlighting political and ideological dividing lines as well as legal challenges in relation to digitalisation. Whenever relevant, the three core areas are also placed into context and related to the overall digitalisation strategies and measures in each country. The reason for this is that many initiatives and measures concerning the welfare state were part of larger 'e-government' and digitalisation strategies.

Ultimately, the project wishes to add nuance and historical depth to contemporary discussions around digitalisation in the social sciences. A tentative conclusion of our research to date is that developments in the field of digitalisation call into question simple narratives portraying some countries as 'forerunners' and others as 'laggards' when it comes to digitalisation. Rather, each country faced unique legal and political challenges that meant that digitalisation ultimately took very different trajectories – but the speed and shape of the process was not predetermined and also varied significantly across different areas of reform. At the same time, some of the most fundamental issues were shared, at least to some extent, across different country contexts, including challenges of institutional coordination, data protection and the uptake of new measures and instruments in the wider population. This results in a complex picture of how digitalisation unfolded – at

different moments in time - in very different legal orders and political contexts. The findings of this project therefore call into question simplified attempts at 'transfers' or 'exports' of digital solutions, which are so often demanded in contemporary political debates, while at the same time rejecting the deterministic narratives of digitalisation so often found in the scholarly literature.

The project is funded by the Max Planck General Administration through a Minerva Fast-Track Fellowship. The researchers working on the project are Dr. Anika Seemann (Minerva Fast-Track Fellow) and researchers Dr. Viona Deconinck and Ann-Kathrin Hinz. The project is intended to result in a German-language monograph, which has already been earmarked for the series 'Zeitgeschichte im Gespräch', published by the Institut für Zeitgeschichte in Munich in cooperation with Metropolis Verlag. In addition, the researchers are working on individual article-length projects on a range of topics, including early data protection discourses in the Federal Republic of Germany and the Danish digitalisation strategies of the 1990s. The project will run until February 2024, at which time the book manuscript will be submitted to the publisher.

### **2.3.3 PSYCHOSOCIAL RISKS AND MENTAL HEALTH OF EMPLOYED PERSONS IN THE POST-COVID WORLD OF WORK**

*Olga Chesalina*

The research project 'Psychosocial Risks and Mental Health of Employed Persons in the Post-Covid World of Work' was carried out from November 2021 to Decem-

ber 2022. Its results were presented at the 19<sup>th</sup> International Conference in Commemoration of professor Marco Biagi 'Work Beyond the Pandemic. Towards a Human-Centered Recovery' on 26 May 2022, and published as a chapter in the book 'Work Beyond the Pandemic. Towards a Human-Centred Recovery' (London: Palgrave, 2024).

### **Background and Research Objective**

The digital transformation and new labour patterns, triggered also by the COVID-19 pandemic, led to additional or increased psychosocial risks and, as a consequence, to a significant rise in the number of mental disorders. These developments concern not only employees but also self-employed persons.

The goal of this project was to determine whether a systematic and holistic approach regarding the mental health and psychosocial risks of workers is already applied at EU level or follows from new regulatory initiatives. 'Holistic approach' in this context is understood as the use of the full range of both direct and indirect measures aimed at guaranteeing mental health and the prevention of psychosocial risks at work. To this end, the regulatory acts as well as the recent legislative proposals at the European level concerning the regulation of working conditions, mental health, psychosocial risks and wellbeing at work were analysed. In addition, some proposals on the regulation of mental health and psychosocial risks at work in EU law were elaborated. The project takes an interdisciplinary approach focusing on the interrelation between labour and social law in consideration of numerous empirical studies.

### **Project Outcomes**

As a result of the research project, the following outcomes can be stressed and proposals for future regulation in EU law be made.

Occupational health and safety (hereinafter – OSH) is one of the most comprehensively regulated fields of EU law. At the same time, EU legislation until now lacks a systematic and holistic approach concerning mental health at work and the prevention of psychosocial risks. Framework Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (hereinafter – the Framework Directive) was adapted in the 1990s, when the technical concept of OSH dominated. Although the Framework Directive addresses all risks, including psychosocial risks, EU law on psychosocial risks and mental health at work is still in its infancy. Furthermore, issues related to psychosocial risks and mental health at work are still mostly a subject of ineffective soft law regulatory instruments. EU law on OSH does not contain definitions of terms such as psychosocial risks, mental/psychosocial health, work-related stress, working life quality or well-being at work. As a result of the lack of uniform definitions at EU level, it is not possible to provide for overall protection measures against all risks and to develop an effective EU policy that would allow for the implementation of the Framework Directive in relation to psychosocial risks and for a harmonisation of national policies in this field.

Nevertheless, in the past years, the EU has recognised psychosocial risks to be

among the main challenges for occupational health and safety management in the future. It remains to be seen whether and how soon the new initiatives and policy proposals will be translated into EU law.

Since the Framework Directive is not effective enough in regulating traditional as well as newly emerging psychosocial risks, e.g. related to AI, it has been proposed to add a reference to psychosocial risks and to incorporate psychosocial risk assessments into the Directive. Subsequently, certain guidelines in relation to psychosocial risks could be elaborated in a separate directive on psychosocial risks. This would help to avoid a fragmentation in the regulation of psychosocial risks, the latter of which is one of the shortcomings of some new EU initiatives.

The Framework Directive as well as almost all other directives and also some new EU legislative initiatives (concerning platform work, right to disconnect) do not cover self-employed persons. The characteristic feature of some new EU legislative initiatives that are relevant for mental health at work is that they seek to protect persons irrespective of their employment status. At the same time, they provide obligations in the field of OSH only in relation to employers, limiting the personal scope to employees. Therefore, a paradigm shift concerning the personal scope is necessary. The extension of the personal scope of regulations raises the question of the division of responsibilities in the field of OSH and mental health at work between different actors (employees, the self-employed, employers, state, social security agencies, platform providers, principals, etc.). Furthermore, EU law has a tradition of

special protection of ‘particularly sensitive risk groups’ who must be protected against dangers which especially affect them. In the modern world of work platform workers should be categorised as a ‘particularly sensitive risk group’. There are good reasons for addressing in a separate directive on psychosocial risks any status issues and working conditions, including psychosocial risks. However, automated monitoring and decision-making systems are no longer an issue exclusively related to platform work since today such systems are increasingly used also in traditional employment relationships. This would be an argument in favour of a broader solution that would address all workers subject to such systems, e.g. in a separate directive on algorithmic management.

And finally, in the European legislation on OSH, in contrast to ISO 45003:2021 ‘Occupational Health and Safety Management – Psychological Health and Safety at Work – Guidelines for Managing Psychosocial Risks’, short-time forms of employment are not seen as a hazard of a psychosocial nature. While a negative correlation between the type of contract (with regard to non-standard contracts) and the state of health at work is acknowledged, the new (more flexible and temporary) forms of work have been regarded as undergoing an (unavoidable) process which merely require adjustment (not abatement). However, job insecurity should be tackled at different levels: from inclusion into risk assessment at the workplace to collective bargaining and structural reforms in labour and social law at national level. At the European level, job insecurity should also be addressed in a future directive on psychosocial risks as mentioned above.



Dr. Simone  
Schneider

### 2.3.4 PENSION MAPS – VISUALISING THE INSTITUTIONAL STRUCTURE OF OLD AGE SECURITY

*Simone Schneider*

Pension insurance and its sustainable financing are regularly a bone of contention in politics. But how do other countries actually organise their citizens' old age pensions? And what can we learn from looking at the bigger picture? The research project 'Pension Maps: Visualising the Institutional Structure of Old Age Security', headed by Ulrich Becker and Simone M. Schneider, provides insights on a variety of old age security systems at a glance and makes them comparable with one another. To this end, 34 distinguished legal scholars and experts in social security law from all over the world examined the institutional setting of old age security in European and selected non-European countries. The international and collaborative research project resulted in 29 Pension Maps, i.e. visual representations of the respective national old age security system. All maps are accessible on the Institute's website via an interactive web tool and in the form of an electronic research report, the second edition of which was released at the end of 2021.

In order to arrive at precise and comparable Pension Maps, the Department of Foreign and International Social Law developed a new systematisation of old age security which captures the multifaceted interplay of different old age pension schemes. The clear-cut categories that form the basis of the investigation rest on the following parameters: legal form, function, right to

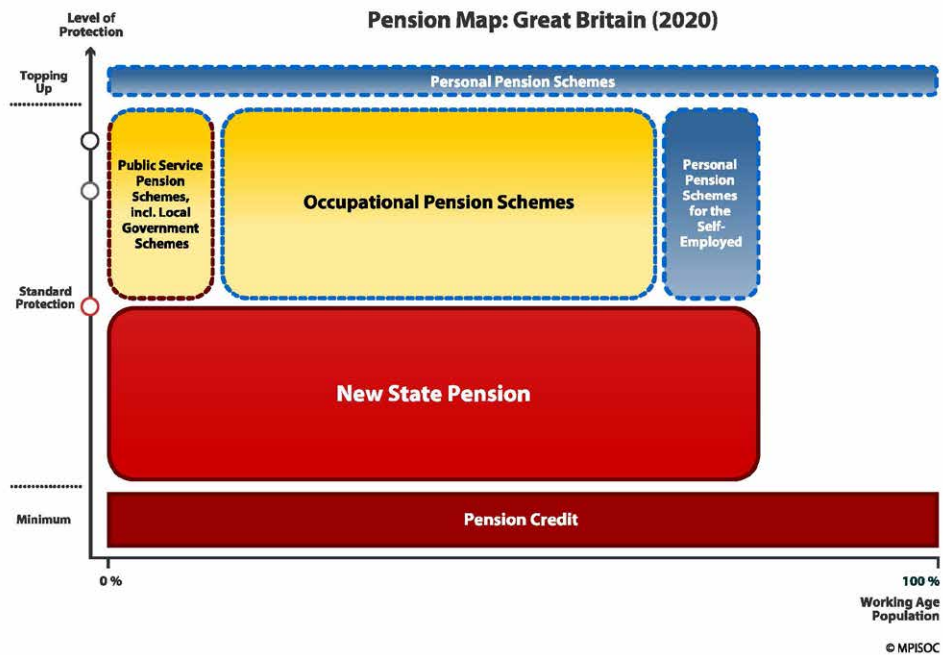
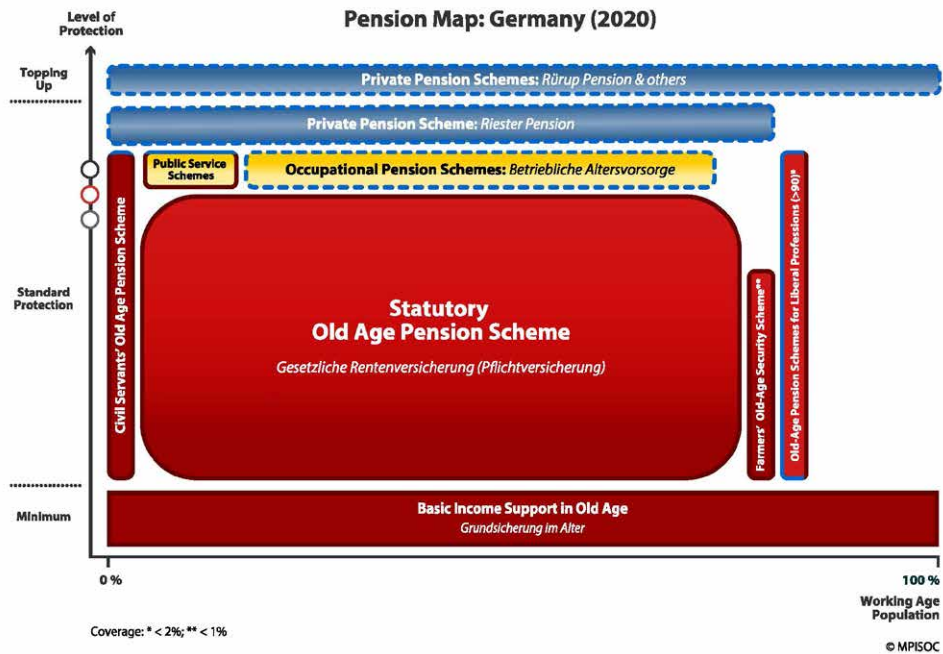
access, form of affiliation, means testing, modes of financing and sources of financing. All information is premised on the assumption of a person starting a career and entering the old age security system in 2020.

In a Pension Map, every single old age security scheme is presented as a box, a rectangle with two dimensions (see graphics). These dimensions mirror the functionality of a system: with regard to the level of protection offered (on the y-axis), and concerning the coverage, i.e. the groups of persons that (potentially) enjoy protection through this specific scheme (on the x-axis). The vertical or y-axis is grouped into three sections picturing the function of protection, i.e. the social policy aim of benefits: minimum protection, standard protection, and top-ups. In addition, circles located at the y-axis portray the actual net replacement rates of pension benefits from mandatory public schemes for full-career average wage earners as provided by the OECD.

The horizontal or x-axis pictures the working age population (aged 15-64) of a country. The width of the boxes illustrating the mandatory pension schemes indicates the 'factual coverage', that is, the scope of persons of working age with an active membership in proportion to the entirety of the total working age population. For voluntary schemes, it is the 'intended coverage' which is portrayed by the width of the scheme, i.e. the scope of persons that has the right to access the scheme.

The Pension Maps are complemented by a short summary of the system's key institutional features as well as more





detailed information on each pension scheme, including information on its coverage, financing mechanisms, administrative bodies, qualifying conditions and old age benefits. The coherence and consistency of the accompanying information enables swift comparison of the institutional structure of old age security and specific pension schemes within and across countries.

Large differences in old age pension provision arise primarily from the way in which state, occupational and private pensions are arranged and the weight given to these branches to achieve a standard level of protection: For example, in Nordic states such as Sweden, Norway and Denmark, which are often regarded as model countries due to their universal coverage, statutory pensions provide a level of protection below the EU average, which is mainly increased by a – usually mandatory – occupational pension scheme.

In contrast, the Southern European countries of Spain, Italy and Portugal provide for their populations primarily through statutory pension insurance. The relatively high wage replacement rates of over 80% (in comparison Germany: 51.9%, EU: 55.5%) often come at the price of equally high contribution rates.

However, not only differences between countries with diverging welfare systems can be identified. Variations also become apparent between countries sharing a similar political background. In Eastern Europe, several countries followed the World Bank's call in the 1990s to design part of their old age provision through capital-funded, private programmes (e.g. Romania, Croatia), while others relied

much more on the statutory pension insurance (e.g. the Czech Republic, Slovenia). For some, the path of private insurance as part of the standard protection has proved less successful in achieving adequate pension levels in old age. Estonia and Poland, for instance, are in the process of reintegrating the private pension component in full or in part into the PAYG-financed statutory pension insurance.

These examples demonstrate that the Pension Maps provide a rich database for the comparative study of systems of old age security, and can stimulate public discussions on how social policies can be organised and what can be learned from other countries.

The research project is part of a larger collaborative research project entitled 'On the Edge of Societies: New Vulnerable Populations, Emerging Challenges for Social Policies, and Future Demands for Social Innovation. The Experience of the Baltic Sea States'. It is carried out jointly by the Max Planck Institute for Demographic Research in Rostock and the Max Planck Institute for Social Law and Social Policy in Munich and will run until 2024 (see IV.2).

### 2.3.5 RECENT DEVELOPMENTS IN SOCIAL LAW IN FRANCE

*Linxin He*

In recent years, one of the most challenging tasks for the French legislator consisted in the fight against the COVID-19 pandemic. France embarked on an unprecedented journey to shield its citizens from the far-reaching impacts of the crisis while upholding the princi-

ples of national solidarity. This research delves into the multifaceted response of the French authorities as they navigated through the uncharted waters of the pandemic. A crucial piece of legislation, known as the 'Etat d'urgence sanitaire' (public health emergency), was passed by parliament on 23 March 2020. This law granted the executive branch sweeping powers to combat the epidemic, authorising the issuance of regulations through decree-laws for a two-month period (later extended until 10 July 2020). The result was an array of regulations designed to address the pandemic's myriad economic and social challenges.

In essence, the government's response unfolded in three distinct phases: 'React', involving a general lockdown to curb the virus's spread from March to May; 'Rebound', marked by short-term adjustments as the country sought to emerge from the public health emergency from May to August; and 'Reconstruct', characterised by a long-term recovery programme emphasising significant changes to the economic landscape, beginning in September 2020. The government's primary focus during these phases was on stabilising the labour market, supporting businesses, and ensuring the financial well-being of individuals and families. These efforts have evolved over time, reflecting a process of specification. Initially, measures included broadening access to state support, increasing social benefits, and extending expiring benefits.

The pandemic has taken a heavy toll on the employment landscape. France had witnessed a decline in unemployment throughout 2019, but the pandemic abruptly reversed this trend. Unemployment surged by 0.8% in the first quar-

ter of 2020, with over 24,000 workers losing their jobs in March alone – a 7.1% increase. To retain employees in the face of business closures, employers turned to 'partial work' (activité partielle), a mechanism that allows companies to temporarily reduce their workforce's hours. By early July, over 14 million workers were on partial work schemes, impacting over 60% of private-sector employees. Additionally, the crisis prompted the government to introduce various measures, such as special bonuses and flexible holiday arrangements, to assist employees and employers alike.

Partial work is a scheme enabling companies to reduce their workforce temporarily in response to extraordinary circumstances. The government's emphasis on partial work as a means to 'avoid dismissals' and mitigate economic fallout led to regulatory changes. The scope of application was expanded to cover almost all employment relationships, including homeworkers employed by individual employers and companies employing workers in France without having a business presence in the country. Employees continued to receive 70% of their wages, with the state now fully covering the costs. The maximum duration of benefit receipt increased from 6 to 12 months, and administrative procedures were streamlined for efficiency. In April 2020, simplifications were introduced to include employees with hard-to-calculate working hours, such as artists and freelance journalists. As the pandemic progressed, the government gradually modified these exceptional measures. State support for the scheme was reduced from 100% to 60% for most sectors, with certain severely affected

sectors receiving 100% coverage again in October due to the pandemic's second wave. However, employees continued to receive 70% of their gross wages. The government also introduced a 'long-term partial work benefit' (*activité partielle de longue durée*), allowing employers to benefit from the scheme for up to 24 months within a 36-month period. A reform of the partial work system was announced, likely resulting in reduced state participation in financing benefits and lower employee payouts.

The government also decided to provide sickness benefits to individuals in quarantine or isolation due to COVID-19, irrespective of their prior health insurance status. The waiting period for these benefits was waived. The scheme underwent amendments to accommodate parents looking after their children during lockdown and later extended to parents of children with disabilities, with the duration of benefit receipt also increasing. Employees in such situations were entitled to a supplement to sickness benefit from their employers, totalling 90% of their gross salary. However, from 1 May 2020, these individuals received the short-time work benefit instead, which proved more favourable to them in terms of the level of the benefit.

While the abovementioned 'emergency measures' seem to present a strong solidarity guaranteed by the French state, research reveals that France faced the daunting challenge of balancing its commitment to social protection with the economic reconstruction imperative. While the government actively participated in safeguarding its citizens' economic and social well-being during the pandemic, there was a clear shift in focus

towards rebuilding the French economy in late 2021.

In examining recent developments in social law, further emphasis was placed on the pension system in France. The French retirement system has undergone several reforms, especially in 2008, 2010, 2012 and 2014. Under the leadership of Emmanuel Macron, the French government prepared another important reform. One of its central features was the transition from a system based on the number of quarters worked to a points-based system. Under this new system, individuals would accumulate points throughout their working lives, and these points would determine their pension benefits, as in the Swedish system, making thus the regime more universal. The most emblematic measure was the gradual equalisation of the retirement age between different categories of workers. The legal retirement age in France was to be increased from 62 to 64, with a transitional period for those born between 1973 and 1980. The government also proposed to reduce the 'special regimes' in France, in order to universalise the system.

However, these proposals triggered multiple opposition from trade unions and the civil society. Therefore, a new reform, much less ambitious in its design (for example, the working quarter system is maintained), was put forward by the government in January 2023 and finally adopted in March of the same year. As those recent developments show, social legislation still occupies a central place on the French political agenda and shapes the understanding of solidarity – albeit under budgetary constraints that are far from negligible.

### 2.3.6 COMPREHENSIVE RE- FORM OF FAMILY BENEFITS IN ITALY: TOWARDS A WELFARE STATE REVOLUTION?

*Eva Maria Hohnerlein*

Until recently, family policy measures to support parents with children used to play an extremely marginal role in the Italian welfare regime. Public spending on family benefits remained insignificant, representing only about 1.1% of GDP in comparison to 2.3% of GDP on average in the EU (2021), and above 3% of GDP in some Nordic countries, Germany and Luxembourg. Broadly speaking, there are three types of family benefits: Child-related cash benefits to families, including child allowances and parental leave benefits; services for families with children, including provision of childcare and early education services; and support through the tax system.

Italian family benefits focused mainly on the male breadwinner family model as the traditional family model. Current reforms attempt to tackle two major challenges: One is the consistent decline of the birth rate combined with an ageing population. The other, and by far more worrying, issue is the high incidence of child poverty, particularly concentrated in the South, in jobless households, in households with three or more dependent children, and in households of immigrants. According to 2021 data of the National Institute of Statistics (ISTAT), absolute poverty in Italy affected 1.382 million children (14.2%, compared to 9.4% of the whole population) – the highest percentage since 2005. In addition, 27.1% of children are at risk of poverty and social exclusion. Child poverty

mirrors all the shortcomings of the Italian welfare regime that strongly relies on the family as a first safety net: The presence of children is a common cause of poverty as it increases burdens on tight household budgets and constrains the labour market participation of mothers, with little compensation from the state.

In recent years, significant changes in public support for families have been adopted. In June 2020, the Italian government presented a comprehensive reform project, the so-called Family Act bill, which intended to strengthen families with dependent children and counteract the declining birth rate. The bill featured a substantial reorganisation of various child-related cash benefits, including the traditional, highly selective family allowance scheme (*Assegno al nucleo familiare*) in place since 1988, birth-related grants, tax reliefs for dependent children, and a means-tested benefit for needy large families. The bill also envisaged other measures to support parents, namely in the area of childcare services, parental and paternity leave benefits, and reconciliation of work and family life.

Subsequently, the legislator pursued the reform in two separate blocks. The first included the replacement of the previous child benefit – which is part of the family allowance scheme – by a new single and universal child benefit (*Assegno unico e universale*) for all dependent minor children from the seventh month of the mother's pregnancy until adulthood, without age limits for children with disabilities, enacted by Enabling Law 46/2021, and implemented by Legislative Decree 230/2021. Non-child-related family benefits were not touched. The



Dr. Eva Maria  
Hohnerlein

reform became fully effective in March 2022. In addition, it re-organised the fragmented and stratified conglomerate of family benefits and abolished seven child-related benefits. Coverage of the new benefit scheme was extended to about 1.8 million families so far excluded from child benefits (e.g. long-term unemployed parents, those in the liberal professions, inactive persons). In case of dependent adult children, the benefit is available up to the age of 21 under specific conditions. The basic benefit amount initially varied between a minimum of 50 € (or 25 € in case of adult children) and a maximum of 175 € per month and child, depending on family income. It increases for the third and each additional child. Importantly, benefit amounts as well as income thresholds are adjusted annually according to changes in the cost of living.

Further improvements on cash benefits were enacted by the Budget Law 2023 (Law 197/2022) under the newly elected Meloni government. In line with a pronatalist agenda, this law provides funding for the years 2024-2026 to finance benefit increases for low-income families, large families with at least four dependent children, families with a child aged 0-1, topped up by further benefit increases for any child up to the age of three if a family has at least three dependent children (capped at the upper income limit of 40,000 € per year). An additional monthly supplement (subject to the same income limit) is granted if both

parents earn income from work, later extended to single-parent widowed families (Decree-Law 48/2023). This specific supplement still raises doubts of constitutionality, since discrimination of minors belonging to different types of families persists. The new scheme requires financial resources quantified originally at six billion euros per year. Whether it suffices to counteract childlessness and child poverty will also depend on other factors, in particular on the interaction with other benefit schemes.

The second important reform block on family benefits was the adoption of the so-called *Family Act* by Enabling Law 32/2022 of 6 April 2022. This Act authorises the government to introduce new family policy measures in several areas, in particular: (1) strengthening of child-rearing support measures; (2) strengthening of early childhood care and education services, pre-school services, and measures to tackle educational poverty and early school leaving; (3) extension of parental leave for all professional categories, and mandatory paternity leave as a permanent right (extended to public servants); (3) incentives for women's labour market participation, the sharing of care, and the reconciliation of family





life and working time; (4) support of families regarding the tertiary education of children, and the attainment of financial independence of young people.

The legislative decrees necessary to implement the Family Act 2022 have not yet been passed. Implementation will in any case involve considerable financial investment. Interestingly, a parallel reform of Italian family policies – coinciding with some of the purposes of the Family Act 2022 – has been adopted by Legislative Decree 105/2022, implementing EU Directive (EU) 2019/1158 of 20 June 2019, on work-life balance for parents and carers, in force as of 13 August 2022. Decree 105/2022 improves paternity leave benefits (10 days with 100% wage replacement), and, to a minor extent, parental leave benefits.

Meanwhile, a new reform proposal has been introduced to Parliament on 17 March 2023 by deputies of the Fratelli d'Italia party, to support families with an annual income of up to 90,000 €. Among other measures, the proposal includes an allowance (*Reddito di infanzia*) of 400 € per month for twelve months for each child up to the age of six years, and a Youth Income (*Reddito di gioventù*) of 250 € per month for children aged 7 to 25, also for one year. The proposal could be included in the Budget Law 2024, if sufficient funds are provided for. If adopted, the proposal would entail a paradigm shift in the Italian welfare regime as it puts the family at the centre of the welfare state. At any rate, the reform legislation is a major step forward in the support of families, with an unprecedented focus on the needs of families with dependent children and the young generation in particular. A first assessment of the new

single and universal child benefit was presented in a scientific talk at the Institute in 2021. A more in-depth analysis of the innovations should be completed by the end of 2023.

### 2.3.7 UNITARISATION OF FEDERAL WELFARE STATE SYSTEMS THROUGH MINIMUM AND QUALITY REQUIREMENTS?

*Edoardo D'Alfonso Masarié*

The tendency to introduce nationwide standardised minimum and quality requirements in federal welfare state systems can be observed in several countries. In this manner, the responsibilities of the regional or subnational level of governance are not affected in terms of competence law, but an effort for a noticeable convergence in the law of benefits and organisation of welfare systems is being pushed forward. This research project examines whether and, if so, to what extent a unitarisation or an intranational harmonisation takes place through the establishment of uniform minimum and quality requirements in welfare state systems that are federally organised.

To this end, the study does not follow a strict concept of federalism, but also considers countries in which not only the all-state or national level, but also the regional or subnational level of governance is constitutionally entitled to legislative and executive competences which extend to the design and organisation of welfare state systems. Thus, the focus of the analysis shall be on possible unitarisation tendencies with regard to the introduction, definition and modification of uniform minimum

and quality requirements whenever the legal division of competences between the national and subnational levels is not touched, at least formally.

The question arises from current examples in the social legislation of different European countries. Germany, Italy and Spain can serve as reference countries, whereby the situation of other jurisdictions can also be taken into account and the comparative work extended.

With regard to Germany, the key issue paper (*Eckpunktepapier*) of July 2023 on an envisaged hospital reform emphasises several times that the reform goals outlined therein are to be achieved under the existing constitutional and competence framework, and that the responsibility for hospital planning is therefore to remain exclusively vested in the federal states (*Länder*). However, the new system of financing somatic hospitals is to be made binding on compliance with quality standards for health service groups, which are to be defined uniformly at the nationwide level. Failure to comply with those standards shall entail consequences up to the discontinuation of the entitlement to receive funding for the provision of such services. The extent and permissibility of cooperations and associations between hospitals are also to be defined uniformly at the nationwide level. The same holds true for exceptions to quality requirements or their partial exclusion – notwithstanding the fact that they are granted locally. The actual implementation of these reform plans by the federal legislature will show how these nationwide provisions relate to the federal division of competences, which will not be altered by the reform, and to what extent a path of unitarisation is being taken.

The Italian framework law for the reform of policies for older people, which was passed at the beginning of 2023, aims to tighten cooperation between all levels of government. One focus of the new law is clearly on reforming the services for older people in need of long-term care and the types of organisations guaranteeing these services, which are decentralised. This aim may be achieved not only by coordinating the various measures rolled out under public responsibility, but also by setting minimum and quality standards at the national level. Non-compliance might entail, among others, consequences for the funding claims of other governmental levels. In the description of the goals, the former regionalisation/decentralisation-friendly approach of the national legislator, with a strong orientation towards the idea of subsidiarity, has already shifted to a new emphasis on ‘uniform administration and common implementation’ as well as on ‘comprehensive cooperation and coordination between national, regional and local levels’.

Like in Germany, the Italian legislature has not opted for a change in the competence framework between national and subnational authorities, but rather for a centralised introduction of minimum and quality standards, which are, however, to be guaranteed in a binding manner throughout the country. With the upcoming implementation of the new law on old age, it will become clear how such a centralised definition relates to the constitutionally defined division of competences between national, regional, and local authorities, and how centralised processes change the established model of a decentralised long-term care policy in Italy.



Nikola Wilman,  
LL.M., M.Jur  
(Durham, UK)

An analogy worth investigating in more detail is assumed to be found between the new Italian legislation that aims at creating a format of inter-institutional cooperation between the different levels of government in the field of social assistance for long-term care and the Sistema para la *Autonomía y Atención a la Dependencia* (SAAD), established in Spain with the *Ley de dependencia* of 2006. A comparison in this field might also be promising insofar as Spain and Italy share both a historical tendency of regionalisation of lawmaking competences in the sphere of social assistance and a pronounced institutional engagement of the municipalities and the regions in this sector.

The Spanish legislature, too, grapples with the necessity of a nationwide coordination of regional or territorial competences, which does not query them per se – i.e. in terms of competence law. Nevertheless, coordination efforts are characterised by the creation of a uniform and binding framework laying down minimum and quality standards for services to be provided locally. In Spain as well as in Italy, the approach in the field of long-term care social assistance seems to be neither to merely coordinate the decentralised systems in terms of organisational law nor to question them in terms of competence law, but rather to achieve substantial convergences in terms of material law through the introduction of minimum and quality standards such as common definitions and procedures.

Finally, the comparison should remain open to analogies from other jurisdictions that have opted for a centralised introduction of minimum and quality standards into decentralised welfare

state systems. Earlier studies show, for example, a similar approach in the drafting phase of the UK Health and Care Act 2022, which planned a reform of the decentralised system of adult social care in England. By means of this comparative legal analysis, an answer is to be found to the question as to whether and to what extent an intranational harmonisation, a contraction of federal leeway or even a unitarisation takes place through the setting of uniform minimum and quality requirements in federally organised welfare state systems.

## 2.4 HEALTH LAW

### 2.4.1 ALIGNMENT OR DIVERSION? – THE NEW REGULATORY REGIME FOR MEDICINES IN THE UK

*Nikola Wilman*

The European Union (EU) possesses significant regulatory authority over almost every stage of the life cycle of a health-care product, from research and clinical trials, to marketing authorisation, sale and supply as well as health technology assessment. Prior to Brexit, the pharmaceutical regulatory policy of the United Kingdom (UK) was heavily influenced by European Union (EU) legislation, as well as the governance structures and institutions established by the EU. The UK medicines regulator, the Medicines and Healthcare Products Regulatory Agency (MHRA) was an active member of the European Medicines Agency (EMA).

After the UK's exit from the EU on 31 December 2020, it withdrew from par-

ticipating in EU institutions, leaving the MHRA as the sole regulator of medicines in the UK. Under the European Union (Withdrawal) Act of 2018, the UK regulations that implemented EU legislation on pharmaceuticals became so-called 'retained EU law'. While the substance of EU law was thereby incorporated into domestic law, reference to EU institutions and processes was replaced by references to UK bodies and procedures. The Medicines and Medical Devices Act 2021 (MMDA Act 2021), which was enacted by the government in February 2021, gives the Secretary of State (for England, Scotland, and Wales) and either the Department of Health in Northern Ireland or the Department of Health in Northern Ireland and the Secretary of State acting jointly (for Northern Ireland) extensive authority to amend this retained law through statutory instruments. The MMD Act has thus provided a crucial step towards forging an independent regulatory landscape and new pharmaceutical policies after the exit from the EU with one significant limit: most relevant EU laws continue to apply to Northern Ireland (NI) under the Protocol on Ireland/NI signed as part of the Withdrawal Agreement in 2019. However, a greater role for the UK system within NI is outlined in the EU-UK Windsor Framework agreed in February 2023.

As Great Britain approaches two and a half years outside the single market, the question is how and why the UK government has responded to its ability to depart from EU laws. Most of these policies are now fully within the domestic purview of the UK to change.

Unresolved in UK politics is whether the country's goal is to compete via regulatory change, accepting the costs

of increased divergence and possibly safety risks, or simply to manage the disruption of Brexit by alignment and unilateral recognition of EU regulation. Recent British administrations have presented Brexit as an opportunity to foster innovation by breaking free from the EU regulatory framework. The Johnson, Truss and Sunak governments all stated that they hoped to use regulatory divergence to improve efficiency or to compete with the EU and other markets. However, after the UK's vote to leave the EU, numerous experts and members of the pharmaceutical industry raised concerns about the potential for pharmaceutical innovation to be delayed or unavailable in a stand-alone regulatory system that no longer collaborates with the EU.

Against this backdrop, the project will examine the new UK regulatory framework after departure from the EU, exploring its potential opportunities and challenges. It will thereby focus on two stages of the pharmaceutical life cycle: clinical trials and authorisation/licensing as the two regulatory areas most substantially covered by EU law.

The project will first outline the current regulatory system for medicines in the EU, to provide a basis against which to compare UK post-Brexit policies and decisions, and will then examine the UK's regulatory choices since EU law ceased to apply to Great Britain (GB) on 1 January 2021. This examination will be based on a framework of two possible regulatory orientations for the UK after Brexit and will ask which of the two reflects the current situation more accurately: (1) alignment or (2) divergence. (1) 'Alignment' is thereby defined as a deliberate choice that ensures that the

regulatory regime in the UK remains similar or compatible with the EU regime. (2) The concept of 'divergence' is further differentiated between 'deliberate' and 'non-deliberate' or 'exogenous' divergence. 'Deliberate' divergence thereby refers to deliberately made decisions that differ from those within the EU concerning regulatory governance (UK institutions making different individual choices) as well as in terms of regulatory content where the UK actually chooses to change the substance of its laws. 'Non-deliberate' or 'exogenous' divergence refers to the situation when the EU updates or replaces regulations, institutional structures or practices. In the case of UK medicine regulation, divergence is then driven exogenously by the pace and timing of changes in EU laws and policies that are now outside of UK control.

For medicine authorisation, the MHRA currently operates the principle of regulatory reliance accepting EMA decisions on innovative drugs covered by centralised procedure. The MHRA also continues to accept decisions of individual Member States through processes mirroring those of the EU. For medicines authorisation the 'reliance route' therefore reflects a conscious choice to remain aligned by accepting EU approvals. However, while some existing EU regulatory frameworks have been retained, indicating continued regulatory alignment with the EMA in some areas, other new drug approval frameworks have been developed that focus on accelerating drug development innovation in the UK. As an example of deliberate divergence, the MHRA has launched various new assessment routes for marketing authorisation applications and

is fostering greater collaboration with other international regulators outside the EU to accelerate the regulatory review of new medicines, while retaining full independence in all approval decisions.

Initially, the internal legal form of the UK's departure from the EU (see above) meant that all relevant law was generally retained as domestic statute, creating the immediate default result of remaining aligned to the EU. However, the EU has continued to change and expand its regulation of health products rapidly, so that unless the UK takes active measures to realign, this will result in involuntary or exogenous divergence. After Brexit, the EU has implemented new clinical trials regulations, synchronising conduct and reporting across all Member States with the aim of facilitating more pan-European trials. This change and the implementation of new UK clinical research policies, will potentially cause a substantial divergence in clinical trial harmonisation between the UK and the EU.

A first cursory examination of the current regulatory systems thus reveals that two and a half years after the end of the transition period, both alignment and divergence have begun to manifest between the United Kingdom and the European Union as a result of actions on both sides. However, despite the fact that the UK government has emphasised its newfound freedom to enact changes that would have been unthinkable while the UK was a Member State, substantive changes to UK law have yet to materialise.



Christian  
Günther

#### 2.4.2 VACCINATION AS AN EQUALISER? EVALUATING COVID-19 VACCINE PRIORITISATION AND COMPENSATION

*Christian Günther, Lauren Tonti, Irene Domenici*

The COVID-19 pandemic threw into sharp relief persistent societal inequalities and added novel dimensions to these problems. Certain groups proved particularly vulnerable, both in terms of infection risk and severity as well as in terms of the accompanying social fallout.

Though states could pursue many avenues to address COVID-induced health inequalities, national vaccination programmes served as one of the most far-reaching and widely-adopted population health interventions available. The implementation of vaccination programmes may seem like a great leveler that can address the disparate risks linked to social determinants of health. However, implementing vaccination programmes in an equitable manner is itself essential for the realisation of such a vision.

Against this background the project investigated whether and to what extent the implementation of COVID-19 vaccination campaigns met the ideal of health equity. The starting hypothesis of the investigation assumed that the answer to this research question would necessarily depend on the legal frameworks in which COVID-19 vaccination campaigns were embedded.

For this purpose, the project undertook a legal comparative analysis of three jurisdictions: England, Italy, and the



To what extent did the implementation of COVID-19 vaccination campaigns meet the ideal of health equity?

USA. The choice of comparator countries took into consideration the need to select states that embrace vaccination as a population health strategy, but have pursued different strategies to institutionalise equity considerations.

In this regard, England primarily adopted a procedural approach. Hereby, legal norms direct the attention of decision-makers to relevant equity considerations, yet grant them the discretion to determine the outcome of these deliberations. This is paired with a relatively limited system of substantive rights. Italy embraces a comprehensive substantive approach whereby the principle of equity goes hand in hand with that of social solidarity. Under the Constitution all citizens are considered formally equal before the law and the state must give those who



are disadvantaged the means to participate equally in social and political life. In contrast, the USA features an inherently 'political' approach; the fifty federal states individually confront a socio-political ideal of equity without guidance from codified mandates.

Two specific dimensions of the COVID-19 vaccination process were selected as case studies for the comparison, since each presented opportunities for incorporating equity considerations into their design and implementation. First, vaccine prioritisation schemes were examined as a tool for reconciling vaccine scarcity with equity considerations – accounting for the latter in their allocation strategies. Prioritisation programmes could identify the greater need of some groups for the vaccine, as well as the need to overcome pre-existing patterns of disadvantage. Second, the project investigated vaccine injury compensation schemes and their connection with the ideal of health equity. By meeting the needs of the injured and reinforcing public trust in vaccines, no-fault compensation schemes aim at redistributing resources to the subset of the population suffering from vaccine injury-induced disability.

The investigation of the legal-constitutional framework of the three jurisdictions, combined with the assessment of the two selected aspects of COVID-19 vaccination campaigns, shows that the different approaches to vaccine prioritisation and compensation mirror the equity considerations enshrined in each of the country's legal systems. At the same time, several commonalities were detected in the approaches to vaccine prioritisation: age, correlated comorbidities, disabilities and

healthcare occupation were consistently prioritised in all jurisdictions.

However, there has been a great discrepancy in how the potential needs of other socially disadvantaged population groups have been taken into consideration within and across the three countries. The legal frameworks structuring these categories exerted a tangible, albeit varied and limited, influence across all nations.

In both the USA and in Italy, substantive requirements of constitutional law played a fundamental role in guiding prioritisation decisions. Nonetheless, the pursuit of an equitable response to allocation needs was finally left to political actors. In England it was not substantive rights, but legal requirements for a process-driven incorporation of equity considerations that influenced vaccine prioritisation, with decision-makers conducting relevant assessments.

The analysis of no-fault compensation programmes also revealed commonalities across the three jurisdictions, in the sense that already existing schemes had to be extended to the vaccines for the novel virus. In the USA, the coronavirus fell under a bespoke legislative scheme designed for emergencies, providing coverage for potential injuries. The Italian scheme was informed by a substantive right of solidarity and the jurisprudence of the Italian Constitutional Court. Lacking a pre-existing means of extending it to COVID-19, the English scheme required (and was subject to) prompt executive action to pre-empt doubts regarding coverage: the government explicitly added the virus to the list of specified diseases. Ultimately, it was the Italian scheme that



Lauren Tonti



Kristine  
Plank

was best suited to meet the needs of the injured and to encourage vaccine uptake. This is mainly due to the limited nature of the substantive entitlements granted in the UK and to the procedural hurdles imposed under the US scheme. The fact that the Anglo-Saxon schemes are political creations permitted a neglect of equity considerations. By contrast, Italy's scheme, flowing directly from a constitutional obligation of solidarity which applies equally to all vaccine-damaged individuals, ensures that a broader and more coherent approach to compensation is in place.

The results of the project were published open access in an article that appeared in the *Medical Law Review* (Special Issue: Health Inequalities) in December 2022.

#### **2.4.3 THE FRAGMENTED NATURE OF PANDEMIC DECISION-MAKING: COMPARATIVE AND MULTILEVEL LEGAL ANALYSIS**

*Irene Domenici, Franciska Engeser, Christian Günther, Kristine Plank and Lauren Tonti*

The measures taken during the COVID-19 pandemic have shed light on the role that multiple legal instruments play during such events, whether at the international, regional-European, or national levels. Countries all over the world have been confronted with the pandemic's impact on all aspects of their societies and faced the corresponding challenge of responding within the aegis of their respective legal systems. While the need for international coordination to fight the pandemic increased, a vari-

ety of legal issues have also arisen distinctly depending on the national setting. Among others, the adoption of restrictive public health measures, such as individual or community-level quarantines, depends on the public law framework of any given country. Particularly, the distribution of powers in the field of healthcare and public health plays a crucial role in determining which institutions will make specific decisions and on what legal basis.

Due to these circumstances, pandemic decision-making has been subject to fragmentation both at the international and at the national level. Fragmented decision-making processes can be both enablers of, and obstacles to, effective pandemic responses. In several cases, such processes failed to respond to the sheer scale of the COVID-19 pandemic and the need for uniform interventions across different states. In others, the fragmented approach offered flexible and targeted solutions without jeopardising effectiveness and coherence.

To assess this phenomenon, a multilevel and comparative analysis is needed in different areas of the law relevant during the COVID-19 pandemic. For instance, the federal or regional organisation of a state has an impact on the uniformity of its decision-making. And the way in which a nation regulates and promotes innovation will impact the emergence of medical technologies that can respond to the spread of the disease. Moreover, ethical concerns about the tragic choices that are associated with the allocation of scarce resources will have to be dealt with by each jurisdiction. Crucial to the analysis is a reflection on the difference

between decision-making in ordinary times and in times of emergency.

Addressing these noteworthy issues, legal scholars from both the Max Planck Institute for Social Law and Social Policy in Munich as well as the Max Planck Institute for Comparative Public Law and International Law in Heidelberg have been brought together by the *Max Planck Law Network* under whose umbrella the project was founded. In December 2020, an online workshop took place in which the participating scholars discussed the aim and scope of the project. Each proposed contribution was presented and extensively discussed with the two directors, Prof. Dr. Ulrich Becker and Prof. Dr. Armin von Bogdandy.

The outcome of the project was published as an open access special issue in the *European Journal of Health Law* (Volume 29 (2022): Issue 1). Researchers from the Max Planck Institute for Social Law and Social Policy authored four of the seven articles, in addition to the editorial introduction written by Irene Domenici together with Pedro Villarreal.

In *German State Aid for COVID-19 Medicinal Products: A Risk for Solidarity in the European Union*, Kristine Plank addressed the challenges for European solidarity when national-level health policies financially support pharmaceutical companies. As health-related competencies are mainly devolved to Member States, countries with a higher Gross Domestic Product may gain preferential access when procuring life-saving medicines. However, this risks undermining the solidarity across Member States, which is vital when facing common health threats. Transferring more compe-

tencies in the field of health to the European Union could be a way of preventing self-defeating pandemic responses by national governments.

Lauren Tonti, in *Symphony or Cacophony? Orchestrating Federal Mechanics toward COVID-19 Response in the United States and Germany*, argued that government structure influences public health responses by providing the channels through which pandemic mitigation measures are routed. While pandemics pose a particular challenge to divided structures, division does not necessarily mean disaster. Indeed, pandemic control occurs through the channels of fragmented governance in federal countries such as Germany and the United States. An evidence-informed approach shows how federal systems can facilitate future pandemic responses.

Irene Domenici and Franciska Engeser adopted a comparative approach to ‘tragic choices’ regarding the allocation of scarce intensive care resources during the COVID-19 pandemic in their article *The Institutional Tragedy of Pandemic Triage Regulation in Italy and Germany*. Faced with ‘tragic choices’, both Italy and Germany have reacted with extremely fragmented decisions, involving individual hospitals, medical associations and ethics councils. The contribution calls for a stronger participation of the legislature in the decision-making process, as it is its role to protect fundamental rights and establish democratically legitimised normative frameworks. Central legislative intervention prevents fragmentation and thus uncertainty and discrimination.

Finally, the contribution by Christian Günther, *Legal vs Extra-Legal*



Sergio  
Mittlaender  
Leme de  
Souza, PhD

*Responses to Public Health Emergencies*, challenges the claim that emergency responses through law are impossible or else doomed to be ineffective. It inquires the pandemic response of many European states through the lens of Lon Fuller's theory of law. The article demonstrates that the fragmentation of governance between ordinary legal action and emergency extra-legal action is neither necessary nor desirable. Ultimately, there are particular reasons for liberal legal societies to avoid the separation between legal and extra-legal action, as this division affects established values that contribute to the success of public health responses. Formal legal principles, as expressed in Fuller's theory, are not simply constraining, but constitute a 'liberating limitation' that enables effective, sustainable pandemic response.

## 2.5 INTERDISCIPLINARY RESEARCH

### 2.5.1 DISCRIMINATORY BEHAVIOUR IN GROUPS AND SOCIAL POLICIES AGAINST DISCRIMINATION

*Sergio Mittlaender Leme de Souza*

Discrimination is a complex phenomenon that manifests itself in various domains of human interaction. Its profound effects on social cohesion, justice, and equality make it an essential subject of study within the legal sciences. We embarked on two extensive projects that contribute to this field by examining different aspects of discrimination. Together, these projects provide insights on how some types of discriminatory practices evolve, how they can

be measured, and how they might be mitigated. Additionally, they apply a method that is not well explored and used within legal sciences, namely laboratory experiments, which allow for rigorous investigation into intricate human behaviours.

In the first project, the causal effect of inter-group contact on discriminatory behaviour was investigated together with Lisa Lenz (University of Cologne), thereby examining the aptitude of inclusive social policies to reduce discrimination that might be caused either by individual preferences or by prejudiced beliefs. These reasons for someone to discriminate against others underlie the two paradigmatic models of discriminatory behaviour in the economic sciences, namely taste-based and statistical discrimination. Moreover, we investigated whether inter-group contact can, by itself, lead to less discrimination, or whether there is the need for inclusive social policies to also foster communication and an exchange of ideas between members of the groups so that the contact can have the effect of reducing discrimination.

This research was underpinned by a laboratory experiment involving U.S. citizens that were supporters of either the Republican or Democratic Party. Subjects initially interacted in groups of four members in a cooperative task in which they had to guess who painted a series of paintings in order to earn monetary rewards (the famous Klee-Kandinsky task). In the control group, subjects interacted only among ingroups, and hence Republicans interacted only with Republicans and Democrats only with Democrats. In the treatment group, subjects interacted in a mixed group where two members were Republicans and two members Democrats, and

subjects were always aware of this fact. In both cases, subjects could chat and communicate with the other members of the groups, and they used this opportunity to help each other correctly guess who painted each painting. They had to subsequently choose how to allocate a certain amount of money between a Democrat and a Republican, with the excess amount of money allocated to the supporter of the party that the subject supported being used as a measure for discriminatory behaviour. These subjects were not among the ones that each subject interacted with in the first part of the experiment. Therefore, a Democrat subject who allocates much more money to a Democrat than to a Republican discriminates against Republican subjects.

For those subjects who interacted in homogeneous groups, where there was no contact with outgroups, half of the subjects distributed the money equally between the ingroup and the outgroup, without discriminating. However, the other half of the subjects discriminated, with one quarter of the subjects allocating all the money to the ingroup, and one quarter allocating more to the ingroup but leaving some money to the outgroup. For those subjects who interacted in the heterogeneous groups, and who were therefore put in contact with outgroups, discrimination was substantially lower, and intergroup contact reduced discrimination by an estimated 40-45%.

Moreover, this effect was only observed when subjects could communicate and chat with each other in the initial group task. We repeated the experiment in a setting where subjects could not do so. In this case, intergroup contact did not reduce discrimination, with those



For policies against discrimination to be effective, the mechanisms behind discriminatory behaviour have to be understood in the first place.

subjects who interacted in homogeneous and heterogeneous groups without communication discriminating equally afterwards against outgroups.

Social policies such as quotas or other forms of inclusive policies might have goals different than reducing discrimination, including reducing income inequality, empowering discriminated groups, or else. They, however, have an additional positive and desirable effect of also reducing discrimination between members of the groups. For this to happen, however, there is the need of not only putting different people together, such as in an inclusive school or neighbourhood, but also of fostering communication and an exchange of ideas between the groups. Otherwise, the contact will not lead to lower levels of discrimination.

The second project, with Lisa Lenz and Paulo Arvate (Fundação Getulio Vargas Business School, São Paulo), explored a less studied but equally vital aspect of discrimination that we call strategic dis-

crimination. This discriminatory practice arises not from an individual's personal biases or statistical reasoning but from the perceived need to align with the preferences of current group members. That is, a person without prejudice or animus against outgroups might engage in discrimination in a certain setting if the other members of the group discriminate. We hence tried to uncover discrimination that emerges in the absence of taste or statistics, and thus in a setting not covered by the traditional, paradigmatic theories of discrimination in the economic sciences.

Through a series of experiments that included a diverse participant pool, conducted at the laboratory of the University of Cologne, we found that 60% of those responsible for deciding whom to include in a group considered other current members' group composition preferences. This led to the exclusion of candidates that were not disfavoured by the person taking that decision, but that were disfavoured by other current members, a tendency that persisted even when the selector could not profit from this act of discrimination. Our research examined this phenomenon through multiple angles, analysing the psychological, sociological, and economic factors that contributed to such behaviour. We found that the effect was driven by both altruistic preferences and strategic considerations. These results suggest that strategic incentives and altruistic preferences might cause discrimination to be more widespread in group decisions compared to individual decision-making, providing new insights into how discrimination operates within organisational structures.

Laboratory experiments in the social sciences, as employed in our research, provide an invaluable and controlled environment to dissect complex social behaviours. They enable researchers to create situations reflecting real-world scenarios and to manipulate key variables systematically. This methodological approach allowed us to draw robust conclusions about causality, the underlying processes of discrimination, and the potential pitfalls and biases that might arise in real-world implementations. Laboratory experiments in the social sciences have proven essential in isolating the factors that shape human behaviour, as well as in testing theoretical models and hypotheses with empirical rigor.

The implications of these findings extend beyond academic interest, providing insights also for policymakers. Understanding that inter-group contact can substantially reduce taste-based discrimination implies that promoting interaction and dialogue between different social or political groups could be a strategy in fostering inclusivity. Conversely, the identification of strategic discrimination within group selection emphasises the necessity for a more nuanced, careful consideration of existing selection and hiring procedures within organisations. Programmes that allow existing employees to propose persons to be hired by an organisation must take into consideration that this might lead to the systematic exclusion of those candidates disfavoured by existing employees, even if the person responsible for deciding whom to hire is not prejudiced. Policymakers might contemplate the implementation of quotas, the close monitoring of employee referral programmes, or the establishment



of anonymous selection processes to ensure that they do not foster exclusion. Furthermore, our research emphasises the importance of awareness, the role of leadership in shaping organisational culture, and the potential for legal and regulatory measures to safeguard against discrimination. Together, our studies provide a comprehensive framework for developing sophisticated and effective policies to address the discriminatory mechanisms, thereby enhancing social cohesion and promoting equality.

### 2.5.2 NORMATIVE BELIEFS ABOUT LEGAL REMEDIES IN THE USA AND IN GERMANY

*Sergio Mittlaender Leme de Souza*

While legal scholars have investigated if, and to what extent, fundamental norms and doctrines of contract law converge with theoretical moral and ethical principles, little is known about people's moral preferences for remedies for breach of contract. Is there a convergence or a divergence between what people think the law of remedies for breach *should be* and what it *is*? To what extent do people's perceptions of the social appropriateness of different remedies for breach change between fundamentally different legal systems of common law and civil law?

This project aims at providing empirical estimates of people's choices in the USA and Germany of the (i) amount of monetary damages that should be owed to the victim and of people's choice of the (ii) type of remedy that should be adopted by the law (specific performance and monetary compensation). People's preferences are elicited through scenario

studies that involve different types of contingencies and contracts. Thereby, the project further investigates to what extent people's normative preferences for remedies for breach depend on whether the contingency in which breach occurs was (iii) foreseen or not, and whether the breach was (iv) intentional or not, thereby examining to what extent commonsense morality converges with these two key doctrines in remedies for breach. At the same time, insights shall be gained into how people's moral perceptions of different remedies for breach differ between these two countries that adopt different types of remedies for breach. Contract law allocates the risks inherent to changed circumstances to the promisor, independent of whether the risk was foreseen or not, and whether the risk involves a higher outside price offer (a breach to profit) or an increase in costs of performance (a breach to avoid losses). Moreover, and especially in the USA, contract law does not consider whether the breach was intentional or inadvertent. The promisor is equally liable in both cases, i.e., liability for breach of contract is strict liability. In Germany, contract law requires fault by the promisor, and liability for breach is based on fault.

The remedy for breach is an award of expectation damages in the USA, and of specific performance in Germany. This implies that, in the USA, the promisee is not entitled to any share of the gains from breach achieved by the promisor. In contrast, in Germany, the promisee might be entitled to all the gains from breach achieved by the promisor through the *Anspruch auf das Commodum*.

Individual assessments of the appropri-

ateness of legal remedies might diverge from the approach adopted by the law for different reasons. People's assessment might consider not only the goal of providing compensation for the victim, or the principle that *pacta sunt servanda*, but also of implementing a fair outcome. While the goal of legal remedies is to compensate the victim, or to induce performance of the contract, people might well consider the trade-off that emerges between these goals and a fair distribution of gains and losses. Often, by providing full compensation to the promisee through an award of expectation damages, or by requiring that the promisor keeps the contractual obligation through specific performance, the law of remedies for breach imposes high costs on the promisor, such as when the promisor faces difficulties and high costs to perform. The outcome will be very unequal, with the promisor losing and the promisee earning. As a result, people's preferences might be more flexible and contingent than the law.

Data collected from the USA reveal some convergence between commonsense morality and legal remedies. With respect to the question how high damages should be, most people prefer an amount equivalent to expectation damages for breaches to profit, and this did not depend on the foreseeability of the contingency and on the intention to breach. In this case, there is a striking convergence between morality and the law of remedies for breach. For loss-avoiding breaches, however, most people prefer compensatory damages when the contingency was foreseen and undercompensatory damages when the contingency was unforeseen. These preferences did not depend on

the intention to breach. In this case, there is some convergence between commonsense morality and the law of remedies for breach, as most people believe that compensatory damages are the most adequate, at least for foreseen contingencies.

Furthermore, in the USA, and with respect to the question which type of remedy the law should adopt, most people clearly prefer specific performance over damages for breaches to profit, and this persists for unforeseen and foreseen contingencies, and for intentional and inadvertent breaches. There is a striking divergence here, as existing American law only very exceptionally adopts specific performance. For loss-avoiding breaches, however, most people prefer damages for breach, although around a third of the people prefer specific performance. There is a convergence between the type of remedy adopted by the law and people's preferences in this type of contingency.

The analysis of these questions in Germany is the next step of the project. However, some conclusions can already be drawn with respect to the USA.

While it is hard to ascertain, in general, that observed interpersonal morality diverges from the law of remedies for breach of contract, the obtained results point in this direction, especially given that people prefer specific performance when the promisor breaches to profit from a higher outside price offer. However, not all existing contract law presents a divergence with people's moral preferences. Most people clearly prefer expectation damages when the promisor breaches to avoid losses, which is

the remedy provided by law. Moreover, the law does not consider whether the breach was intentional or inadvertent, as does commonsense morality. This is a striking finding, as people are not more lenient with promisors who inadvertently breached a contract than with those who did it on purpose.

*Should the law change to better reflect observed interpersonal morality? Should it adopt specific performance for breaches to profit, and should it adopt undercompensatory damages for breaches to avoid losses? While this project does not attempt to answer this question, it does point out the consequences of doing so.*

If the law adopted specific performance for breaches to profit, then we would expect more bargaining and renegotiation after the contingency materialises, with the promisor having to offer a share of the extra profits to the promisee to buy the right to breach. The outcome would be more equitable. If the law adopted undercompensatory damages for loss-avoiding breaches, then we would expect too many breaches of contract, and this would bring a loss of social welfare. This result, however, will only occur when parties cannot renegotiate the contract. If they can, and if there are still gains to be made from the deal after the increase in costs, then the promisee would likely offer some extra payment to the promisor, and the latter would accept the deal and perform the contract. That is, whenever parties can renegotiate, then no loss of welfare would occur if the law were to change to better reflect people's moral perceptions.

### 2.5.3 CONFLICT AND LEGAL REMEDIES

*Sergio Mittlaender Leme de Souza*

The debate on how legal systems should protect entitlements holds great importance. It has a broad impact on overall social welfare, influencing bargaining outcomes, legal disputes, judicial decisions, and their associated distributional effects. According to a well-known classification in Law & Economics, entitlements can be safeguarded via (i) a “property rule” that prohibits takings and violations of the entitlement without the explicit consent of the owner or via (ii) a “liability rule” that requires transgressors to monetarily compensate the owner for any infringement of the entitlement.

Property rules mandate that parties negotiate an exchange, whereas liability rules do not have this requirement and would permit individuals to take things from others or violate their entitlements as long as they fully compensate victims. Property rule protection is understood to be preferred when transaction costs are low, and parties can bargain to achieve an efficient outcome. In contrast, liability rule protection is preferred when transaction costs are high and impede the efficient reallocation of entitlements. Liability rules allow those who value something the most to take it without the need to bargain and to secure the consent of the owner. They thereby lead to the realisation of gains that would otherwise be unattainable due to the difficulty or impossibility to negotiate with the owner, who, by being fully compensated, does not lose anything. In effect, the Law & Economics literature embraced the criterion of trans-

action costs to determine how the law should protect entitlements.

Law & Economics scholars often favour liability rules because they would prevent owners from impeding the efficient reallocation of entitlements to those who value them the most, particularly in cases of efficient takings, i.e. when the entitlement is more valuable to the taker than to the owner. However, this theoretical preference sharply contrasts with the reality of how legal systems protect entitlements, particularly when it comes to the safeguarding of possessory interests in things. In practice, legal systems all around the world predominantly rely on property rule protection, explicitly seeking to prevent efficient takings from occurring, with the sole exception of eminent domain cases.

In this project, I present an advantage for property rules over liability rules which has been overlooked in the literature and that is based on economic analysis and does not depart from its impact on social welfare. This advantage concerns the aptitude of each rule to resolve the conflict that emerges after one person takes something from the other and to reduce the human tendency to retaliate in socially costly manners against those who take something from us without our consent. By effectively reducing conflict and this type of retaliatory responses, the law can mitigate the deadweight losses associated with socially costly forms of conflict and retaliation. Consequently, legal redress exerts, *ex post*, and after someone takes something from another, a positive impact on overall social welfare.

Imagine a scenario where someone highly values your car and decides to take

it from you. In such a situation, you would understandably feel aggrieved and, without legal protection, might be tempted to retaliate in costly ways against this person, potentially escalating the situation. You might engage in heated discussions, arguments, or quarrels, resorting to verbal or even physical aggression. Alternatively, you might attempt to harm the taker's reputation, ostracise him or her, or sever your relations with him or her, among other means of inflicting harm, even though these actions may come at a personal cost. However, the law can effectively curb this retaliatory tendency – this inclination to 'reciprocate negatively' based on the norm of reciprocity – by assuring you of compensation for your loss under liability rule protection or by ensuring the return of your car under property rule protection. The question at hand in this project is which of these schemes is better apt to resolve the conflict and minimise the losses incurred from socially costly forms of retaliation by victims of takings.

Under the liability rule, you receive compensation, but you do not receive any share of the gains from the forced exchange since the taker captures them all. There are two primary reasons why you might feel aggrieved in this situation. Firstly, if you experience disutility from unequal outcomes, you have a motive to retaliate against the taker to address the inequality. Secondly, if you derive disutility from someone violating your autonomy and taking something you possess without your consent, you have another reason to retaliate against that person. In other words, taking both reasons into account, the taker benefits from his or her own wrongdoing, leaving victims of takings feeling aggrieved even after

receiving full compensation, and thus still tempted to punish the transgressor.

Under the property rule, the courts would demand the taker to return the car to you. In this scenario, nobody gains any profit, and no one's situation is worsened or improved compared to before the act, disregarding potential legal costs associated with the proceedings (in fact, under the English rule, you would also be compensated for such costs). Despite this, you may still have a motive to retaliate against the taker since he or she violated your autonomy and took your possession without your consent. While compensation or an injunction cannot reverse this action, the unequal outcome where the taker benefits from their wrongdoing does not occur, thereby diminishing one reason for you to feel aggrieved. Consequently, property rule protection is expected to be more effective in reducing conflict and discouraging retaliatory actions compared to liability rule protection.

I provide empirical evidence supporting this hypothesis in a laboratory experiment. In this study, half of the participants had to work on a task involving counting zeros in a large matrix to earn a fictitious good with monetary value, while the other half had the opportunity to take that good from the owner, if he or she successfully completed the previous task. In the control group, owners could solely respond to takers through retaliatory actions, incurring costs to punish takers. Under the liability rule and property rule conditions, owners could retaliate against the taker, as in the control group, and, simultaneously, seek monetary compensation for their losses or demand the return of the good, respectively. Both rules resulted in reduced

retaliation, but the property rule exhibited a greater reduction. This effect was observed only in situations where the taker benefited from the act of taking, obtaining all the gains from the forced transaction. Notably, the reduction in retaliation was not observed when taking followed by compensating the owner yielded no profit for the taker.

This result provides one further argument for the prevalence of property rule protection all around the world for the protection of possessory interests in things. No legal system, with exceptions only for the cases of eminent domain, allows people to take things from others unless they fully compensate the victim. This contrasts with the preference of many scholars in Law & Economics for liability rule protection, which does have many advantages, leading to more exchanges since liability rules do not allow owners to impede efficient reallocations of entitlements as property rules do. However, when takings occur without consent of the owner, retaliation and conflict will be the result, even if the victim is compensated. This provides a reason for the law's preference for property rule protection in such cases.

#### **2.5.4 THE (MIS)PERCEPTION OF ECONOMIC INEQUALITY: THE IMPACT OF WELFARE STATE INSTITUTIONS ON SOCIAL PERCEPTION AND PREFERENCE FORMATION**

*Simone M. Schneider*

The rise of economic inequality observed in countries around the globe is causing societal and political concern, trigger-

ing public and academic debates on the consequences for societal welfare and social cohesion, the role of government intervention, the state's inability to intervene, and the legitimacy of social policies. In the context of the COVID-19 pandemic, these debates have taken on new significance. As costs and harms of the crisis are distributed unequally, the pandemic has unmasked and exacerbated economic disparities; at the same time, it has raised awareness for the common good and the need for solidarity in the face of unpredictable social risks. The pandemic has put the spotlight on governments as they attempt to juggle public and individual interests. It has also fuelled the debate on the state's responsibility in mitigating inequalities, safeguarding the most vulnerable, and assisting those economically at risk.

But how are welfare state institutions connected to the perception and justification of economic inequality? In fact, do welfare state institutions define how the public perceives and justifies economic inequality? While it is well established in the literature that the distribution and redistribution of economic resources is directly tied to the welfare state and its institutional arrangements, empirical studies have remained remarkably silent on the connection of welfare state institutions to the public's perception and justification of economic inequality. Instead, studies have examined the effects of welfare states on attitudes to redistribution, beliefs on solidarity, and opinions of deservingness and government responsibility. Researchers have looked into the attitudinal cleavages of socioeconomic groups with different social risk profiles and individual interests or studied the effects of regimes

on various attitudinal outcomes by clustering countries into different welfare categories. None of these studies has revealed profound attitudinal differences between welfare states.

This disconnection between welfare state institutions and public attitudes can partly be attributed to the empirical assessment and comparability of welfare states. Due to their simplicity and easy application, welfare state typologies still enjoy large popularity in social science research. However, welfare state arrangements are complex, and any research based on typologies falls short in many respects. First, by grouping countries into categories, scholars compare regime 'clusters' without considering more fine-grained 'gradual' differences between countries and their institutional systems. This is most critical for continental 'conservative' welfare states, as there are large differences between those countries. Second, general typologies fail to acknowledge differences in specific 'spheres of welfare' and key policy areas, and differences in health care institutions have not been considered in welfare state regime theory. Notwithstanding the effects of path dependency, welfare state institutions change over time, and these changes are not reflected in any typology.

The project PERGAP 'The (Mis)Perception of Economic Inequality: The Impact of Welfare State Institutions on Social Perception and Preference Formation' headed by Simone Schneider (PI) and funded by the European Research Council (ERC) under the European Union's Horizon Europe research and innovation programme (ERC Starting Grant 2021), advances research in this direction. It





Dr. Lorena  
Ossio Bustillos

unites approaches from neo-institutional theory and empirical social justice research to investigate whether ideas about inequality and the distribution of resources are imprinted in the institutional setting of social security systems, and this is interrelated with the public's perception and justification of economic inequality. Moreover, as these institutional imprints are far more complex than classic welfare state typologies suggest, it argues that a more sophisticated measurement of the institutional setting and its underlying conceptions of inequality is required. In this context, the following two main research questions are central: (1) How do social security systems differ in their conceptions of economic inequality and how can we assess and quantify these differences empirically? (2) Can institutional differences explain why societies and social groups within society differ systematically in their perception and justification of economic inequality?

Building on previous work on inequality perceptions, welfare attitudes, and comparative institutional research, PER-GAP first systematically examines the institutional structures of social security systems with respect to their conception of inequality and distribution of economic resources. By collecting and systematising legal information on institutional settings in the field of healthcare, old age security, unemployment, and minimum protection across 50 European and selected non-European countries, it will generate relevant indicators for the quantitative study of social security systems and their potential consequences. Second, by combining these indicators with country-comparative survey data, it will study how

the different institutional structures of welfare states affect the perception and justification of economic inequality across countries. This will shed light on the institutional conditions in which social perceptions and justifications are produced and may allow predictions of the emotional and behavioural responses that follow. Third, the majority of research has almost exclusively studied Western societies at one point in time, but the project's inclusion of more diverse populations and various time points will permit it to draw more relevant conclusions about the institutional origins of inequality perceptions. By studying perceptions over time, it will consider how changes in the institutional setting before, during, and potentially after the pandemic have changed the perception and justification of inequality. This will serve as a particularly rigorous test of the impact of the institutional framework.

The project started in December 2022 and is implemented by Universitat Pompeu Fabra (Barcelona) in collaboration with the Max Planck Institute for Social Law and Social Policy (Munich).

## 2.6 INSTITUTIONS

### 2.6.1 MAX PLANCK PARTNER GROUP IN BOLIVIA: RIGHTS AND SOCIAL PROTECTION FOR INDIGENOUS PEOPLES IN LATIN AMERICA

*Lorena Ossio Bustillos*

In February 2021, the Max Planck Institute for Social Law and Social Policy estab-

lished an international Max Planck Partner Group with the Catholic University of Bolivia in La Paz. Under the leadership of Dr. Maria Virginia Lorena Ossio Bustillos, a team of legal scholars is investigating the significance of social cash transfers for poverty reduction, particularly with regard to the indigenous population.

Recommendation No. 202 of the International Labour Organization (ILO) calls on states to ensure that national social security strategies provide “support for disadvantaged groups and persons with special needs”. In the course of efforts to implement this recommendation in national programmes, social protection measures such as ‘social cash transfers’ have become widespread in Latin America since the end of the 1990s. Social cash transfers are regular, non-contributory payments from the state that secure the livelihood of poor households, usually as a means-tested benefit. In view of the high level of poverty in Latin Ameri-

can countries with a high number of disadvantaged persons or persons without social protection, ‘social cash transfers’ are seen as a new form of social security for the Global South. Despite the importance of this measure, few case studies have been carried out to date that analyse this transfer system in more detail, particularly taking into account other existing benefits and the way in which different indigenous groups are included. The Partner Group’s research project aims to fill this gap by analysing how the existence of parallel systems and lack of coordination thereof can lead to inequality.

To this end, the social benefits for the indigenous populations in Ecuador, Peru and Bolivia were analysed and compared with the social benefits for other socially disadvantaged groups in these countries. The countries were selected on the basis of their common legal history and their different national social protec-



Dr. Lorena Ossio Bustillos with her team at the Catholic University of Bolivia in La Paz.

tion programmes for the target groups mentioned. Particular attention was paid to the analysis of landmark court rulings and social transfer programmes as well as the legal reasoning regarding the principle of equality and non-discrimination in the selected countries.

Our hypothesis was that the non-observance of legal pluralism in the Andean countries in the area of social benefits leads to the exclusion of benefits. However, the case of a woman from the Machiguenga ethnic group in Poyentimari (Peru) was different. After the death of her husband, a bilingual teacher, she applied to the regional government of Madre de Dios (GOREMAD) for payment of a widow's pension. GOREMAD's response was negative, as the applicant could not produce a civil marriage certificate confirming her marriage in accordance with the requirements of the Civil Code and the Civil Registry Office, nor a court judgement recognising a de facto union or cohabitation.

The Machiguenga Assembly in Poyentimari, exercising its indigenous jurisdiction, found that the applicant widow and her husband had indeed lived in a common-law marriage for 40 years and had seven biological children, and that she therefore had the status of a widow and was thus entitled to a widow's pension. The Assembly did so against the background of the interpretation of indigenous jurisprudence and customary law in accordance with Article 149 of the Peruvian Constitution.

The representative of the Machiguenga Assembly informed GOREMAD of this decision, but GOREMAD continued to refuse to pay the widow's pension.

The victim and the Machiguenga representative then filed a lawsuit. This was initially rejected but then went all the way to the Constitutional Court. The Constitutional Court ordered the case to be reviewed. On 26 February 2020, the Civil Court of Tambopata of the Supreme Court of Madre de Dios issued a ruling that declared the amparo proceedings (constitutional complaint) of the indigenous Machiguenga people against the regional government of Madre de Dios (GOREMAD) to be well-founded.

It has been shown that a similar development of jurisdiction with regard to the rights of indigenous peoples and the principle of equality can also be observed in Bolivia, with the result that indigenous jurisdictions can even take precedence over state jurisdiction. Indigenous jurisdiction is therefore also used in disputes over social benefits.

The results of the analysis of the court judgements and the database research were published in Spanish in May 2023 in a book entitled *Jurisprudencia Constitucional Plurinacional y Jurisprudencia Multicultural* (Documentos de consulta del proyecto prestaciones sociales para los pueblos indígenas en América Latina). Another book, *Derecho y Sistema de prestaciones sociales para los pueblos indígenas en América Latina*, which examines the selected literature, was published in November 2023.

The Bolivian Partner Group was supported academically by eight students from the Faculty of Law, who were selected from among the best students and took on the following tasks, among others:



Dr. Julia K.  
Hagn

- Creation of a bibliographic database on social law and cultural diversity for the countries of Bolivia, Peru and Ecuador.
- Research of university research papers related to indigenous law and social benefits published in the library systems internally and externally.

A book on the foundations of social law from a comparative law perspective (*Derecho social, inclusión y protección social*) was also published during the reporting period. It deals with various issues relating to the historical understanding of the welfare state and the rule of law in the Global North and the Global South. The copies published in 2022 were sent to professors and students of public law as well as libraries in Europe and Latin America, among others. The aim is to establish a network of experts on social law and cultural diversity in the Global South in order to promote academic exchange.

Of particular importance for the execution of the international project at the Catholic University of Bolivia was the academic exchange at the annual conferences of the Law and Society Association in Lisbon in 2022 and in Puerto Rico in 2023. At both conferences, Lorena Ossio organised a panel in which Renzo Honores, Leonardo Villafuerte and Ingrid Schneck, also academic members of the group, took part in 2022. The following year, lawyer and human rights advocate Raquel Yrigoyen from Peru was one of the panellists.

As part of the cooperation agreement between the Universidad Católica Boliviana Regional de La Paz (UCB) and the Max Planck Institute for Social Law and Social Policy in Munich, Lorena Ossio Bustillos

also taught international law at the UCB Faculty of Law in the first semester of 2021, and legal methodology in the first and second semesters of 2022.

## 2.6.2 40 YEARS OF RESEARCH AT THE HEART OF THE WELFARE STATE

*Julia K. Hagn*

The founding of the Max Planck Institute for Foreign and International Social Law under its director Hans F. Zacher in 1980 constituted a milestone for social law research. For the first time since the Second World War, legal scholars systematically analysed national social law and compared it with foreign legal systems – always in search of findings that could not only further develop the theoretical foundation of social law research, but also make a very practical contribution to solving social problems.

The scientists had already tilled parts of their research field when the Institute was officially opened by the then President of the Max Planck Society, Reimar Lüst, on 3 June 1982. Exactly 40 years later to the day, around 80 employees, alumni, visiting scientists and friends of the Institute celebrated this anniversary on the premises of IBZ (*Internationales Begegnungszentrum der Wissenschaft e.V.*) in Munich. In short speeches, a dozen contemporary witnesses, scientists but also representatives of the central service facilities, reflected on the time of the '(re)mapping' of social law in the 1980s, the transformation phase in the 1990s as well as the current and future challenges. The result was an entertaining potpourri of memories and experiences, lively and



Former and current employees as well as longstanding guest scientists like Prof. Carmelo Mesa-Lago shared their memories of 40 years of social law research at the MPISOC with the numerous participants at the anniversary celebration.

varied, sometimes funny, sometimes thought-provoking.

Moreover, the Institute dedicated two volumes of its *Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht* (ZIAS 1/2022 and 2/2022) to this occasion in 2022. 42 authors, former employees and other academics from all over the world who had been associated with the Institute for many years, contributed to the success of the issues. Their articles reflect the scope and depth of the social law research to which the Institute has been devoted for over four decades in the areas of foreign social law, cross-jurisdictional comparison, international and European social law, and the modernisation of social law. The topics covered in the issues range from 'Combating Poverty in China' (Barbara Darimont), the 'Socialisation' of Care Law in Japanese Law' (Makoto Arai) and the 'Demarcation between Social Security and Social Assistance in European Union law' (Christina Sánchez-Rodas Navarro) to 'Minimum Social Security in

the Socio-Ecological Transformation' (Ute Kötter) – to name just a few examples.

In the ZIAS 1/2022 issue and in their presentations at the anniversary celebration, employees from the early years such as Gerhard Igl, Eberhard Eichenhofer and Maximilian Fuchs addressed the beginnings and development of the Institute, which shall be discussed in more detail here. Gerhard Igl in particular recalled the Institute's predecessor, a five-member project group that began its work in 1976. It initially focussed on the concept and systematics of social law in general and the methodology of comparative law in particular, before international social law became a research topic. The project group attracted worldwide attention with a comparison of the development of social insurance in five countries on the occasion of the 100<sup>th</sup> anniversary of German social insurance in 1981 (Köhler, Peter A./Zacher, Hans F. (eds.): *Ein Jahrhundert Sozialversicherung in der Bundesrepublik Deutschland*, Frank-





reich, Großbritannien, Österreich und der Schweiz, Berlin 1981).

From the very beginning, the Institute was a place of encounter and scientific exchange. Prof. Herbert Szurgacz from the University of Wrocław, who had already visited the project group in 1978/79, was one of the first visiting scientists. As he pointed out, the good working conditions at the Institute and the staff's expertise not only enabled him to gain a general knowledge of comparative law, but also contributed to the formulation of a draft law on social assistance in Poland, which was based on corresponding solutions in Germany and finally passed in 1990. In this respect, foreign academics also contributed to the dissemination of the Institute's findings and research approaches.

After founding director Hans F. Zacher became President of the Max Planck Society in 1990, Bernd Baron von Maydell took over the management of the Institute and focussed its research on the transformation processes in the world of work and in social protection. Von Maydell paid particular attention to the former socialist countries in Eastern and Central Europe, whose welfare states had to be re-established after the collapse of the Eastern Bloc. As his for-

mer colleague Andreas Hänlein reports in his article, the social law implications of the European single market were also reflected in those years. In addition, von Maydell deliberately sought contact with social law experts from Japan, whose social systems are facing similar challenges to those in Germany, particularly as a result of demographic change.

Shortly after the turn of the millennium, Ulrich Becker became director of the Institute, marking the beginning of a phase of research that continues to the present day. The ZIAS articles by Olga Chesalina on the 'Responsibility of the Employer for Social Protection' and Daniela Schweigler on 'Current Constitutional Problems of the Asylum Seekers' Benefits Act' are representative of recent research foci. Ulrich Becker's directorship also saw the expansion of the Institute to include an economics department and thus open new research perspectives. The Max Planck Institute for Foreign and International Social Law became the Max Planck Institute for Social Law and Social Policy.

Current challenges posed to social law research, such as the consequences of digitalisation, were highlighted during the anniversary celebration by junior researcher Anika Seemann, before her colleague Linxin He looked to the future of social law research. Two aspects needed to be considered in this respect: firstly, goals such as social justice and the welfare state, and secondly, the way in which the path to the future is to be shaped – a path in which it is always important to look back to the past. With regard to the latter, reference should also be made to Linxin He's essay entitled 'Accompagner la naissance du droit



social comparé: l'Institut Max-Planck de droit social et de politiques sociales à Munich', published in the journal *Revue française des affaires sociales* in 2020, which provides a fundamental review of the scientific achievements of the Institute's research work.

### 2.6.3 ENGAGEMENT IN THE INTRADISCIPLINARY NETWORK 'MAX PLANCK LAW'

*Irene Domenici*

The Max Planck Institute for Social Law and Social Policy engages in several activities under the umbrella of *Max Planck Law* (MPL), a network bringing together the nine Max Planck Institutes dedicated to legal research. In the reporting period, the Institute's involvement in the network was very fruitful and has been met with enthusiasm from its researchers. Anika Seemann, until May 2023, and later Irene Domenici, served as 'Max Planck Law Liaison Officers' to facilitate interaction between the Institute and the network.

A fundamental pillar of the network is the Annual Conference, which takes place every year in Berlin and in which researchers from the Institute have regularly and actively participated.

At the MPL Annual Conference held from 25 to 27 October 2021, centred on the theme 'Future Law', Christian Günther together with Pedro Villarreal (MPI Heidelberg), introduced the research initiative 'The Fragmented Nature of Pandemic Decision-Making: Comparative and Multilevel Legal Analysis'. In particular, they presented the results of the project and the forthcoming publication of

the special issue of the *European Journal of Health Law* (see 2.4.3).

Senior researcher Sergio Rubens Mittlaender Leme de Souza gave a lecture on 'Solidary Behaviour and Social Insurance Law' at the Annual Conference held on 17 and 18 November 2022, which was dedicated to 'Solidarity'. His contribution analysed the elements characterising solidary behaviour and presented existing empirical evidence. Its conclusions shed light on the character and form of the relationship between solidarity and social insurance law.

Moreover, at each Annual Conference researchers of the Institute hold a poster session to introduce its field of research and share insights into current projects. In 2021, Christian Günther, Franciska Engeser, and Lauren Tonti attended the poster session. The following year, the poster presentation was hosted by Madeleine Beul, Christian Günther, Irene Carlet, Rick Sallaba and Sergio Rubens Mittlaender Leme de Souza. At the 2023 Annual Conference on the theme 'Crisis', which took place from 30 October to 1 November, the poster session was chaired by Irene Domenici, Madeleine Beul, Irene Carlet, Christian Günther, and Rick Sallaba.

Alongside the Annual Conference, Max Planck Law organises an Annual PhD Workshop where PhD students have the opportunity to discuss their research with peers and to connect with other PhDs from the entire network. Franciska Engeser in 2021 and Irene Carlet in 2022 participated in the Workshop by presenting their PhD thesis projects.

Another area of the network's activities in which the Institute engages is the

‘Max Planck Law Curriculum’. This initiative consists of courses focusing on the research of the individual Institutes in order to inform the members of the network about a variety of legal disciplines.

Within this framework, the Institute has organised two online workshops open not only to members of the network but also to researchers from other institutions or universities. The first workshop, ‘The Study of Social Law and Health Law in the 21<sup>st</sup> Century’ took place on 14 and 15 March 2021. It aimed at exploring the study of social law and the distinct methodological concerns faced by legal scholars in this field. It focused, *inter alia*, on the challenges in comparing the social law of different countries, the growing role of the European Union in relation to social policy, the importance of interdisciplinary and historical approaches, and the peculiarities in the field of health law, especially after the COVID-19 pandemic. The workshop was kicked off with a presentation by Ulrich Becker who explored the ‘Legal Foundations of Social Protection’. Anika Seemann provided insights into interdisciplinary and comparative approaches to welfare state research and Linxin He discussed the ‘Europeanisation of Social Law’. On the second day of the workshop, Irene Domenici, Christian Günther, and Lauren Tonti hosted an interactive panel presentation on ‘Regulatory Challenges in Health Law’, notably with regard to AI, telemedicine, and genetic and reproductive technologies.

The second workshop on ‘The Study of Social Law in the 21<sup>st</sup> Century’, held on 10 and 11 October 2023, was again opened by Ulrich Becker. Moreover, Sergio Mittlaender provided an overview on ‘Empirical Studies in Social Law’. On the second



Junior researchers of the Institute at a Max Planck Law Conference.

day, Madeleine Beul, Irene Carlet, and Rick Sallaba held an interactive workshop on interdisciplinarity in social law.

Both workshops received positive feedback from the participants and helped improve the visibility of the Institute both within the network and towards other scholars outside the Max Planck Society who are interested in the study of social law.

As part of the exchange activities with prestigious research institutions abroad supported by Max Planck Law, two of the Institute’s researchers, Irene Domenici and Irene Carlet, were selected among several applicants to participate in an exchange with the Faculty of Law at the University of Cambridge and the University of Melbourne Law School, respectively.

During her stay in Cambridge in autumn 2021, Irene Domenici focused on the study of English law and the functioning of the English National Health Service. She also had the opportunity to interact with other scholars interested

in the study of health law and reproductive technologies. As a guest member of the Cambridge Reproduction Forum, she took part in the Early Researchers Seminar Series and gave a presentation on the topic 'Can ethical and religious considerations legitimately influence a publicly-funded healthcare system? The case of non-invasive prenatal testing (NIPT) in Germany'.

In spring 2023, Irene Carlet expanded, at the University of Melbourne Law School, her comparative research on no-fault compensation schemes for vaccine injuries to include corresponding norms of the Australian legal system. Under the supervision of Associate Professor Paula O'Brien, she had the opportunity to participate in academic activities at the Law School and discuss health law matters with legal and scientific scholars interested in public health. She also attended the LLM subject on Law and Emerging Health Technologies. Moreover, Irene Carlet participated in the Health Law and Ethics Network and the Centre for Comparative Constitutional Law Studies seminar series. In this context, she gave a presentation on the topic 'A Comparative Look at No-Fault Compensation Schemes for Vaccination Harm in Australia, Italy, and Germany.'

The Institute will continue its active participation in Max Planck Law, which has proven to be a very efficient framework for cooperation, knowledge exchange and the promotion of notably junior researchers.

## 2.7 SPORTS LAW

### 2.7.1 WAR, SPORT AND LAW: SANCTIONS BETWEEN RESPONSIBILITY AND IMPACT

Following Russia's attacks on Ukraine, it was not only many countries that imposed sanctions against Russia. Numerous sports organisations, too, including FIFA and UEFA, responded with sanctions that extended far into private law relationships. This raises complex legal questions – with regard to their legal nature and justification, the creation of responsibility, and the allocation of blame. These questions were explored at the symposium of the Forum for International Sports Law, which took place in Hamburg in June 2022. The Forum is a joint initiative of the Max Planck Institute for Comparative and International Private Law in Hamburg and the Max Planck Institute for Social Law and Social Policy in Munich, with the aim of discussing current sports law issues with representatives from sport, business and academia.

Institute Director and host Reinhard Zimmermann took a look at the current developments and reactions of the international sports world to the Russian invasion, in particular the organised boycott against Russian associations, teams and athletes. What legal consequences could this have? Does the exclusion of Russia constitute a violation of international sports law? Could Russia be successful with legal action before the Court of Arbitration for Sport (CAS)? Can sanctions be imposed on associations that are not directly involved in the infringement in question? In this con-

text, the legal justification for attributing state wrongdoing to uninvolved private individuals is also at issue.

Jan F. Orth and Björn Schiffbauer (both University of Cologne) provided answers in their keynote speech, in which they analysed the sanctions regime from the perspectives of sports law and international law. In contrast to states, sports organisations were not subjects of international law and were therefore not directly affected by international law norms such as the prohibition of violence. However, the academics argued in favour of an indirect consideration of principles of international law as an argument for justifying the attribution of state wrongdoing within the relevant private law relationships. The accusation on which the sports boycott was based was not directed against the personal behaviour of individuals, but affected athletes on the basis of their nationality, regard-

less of their political stance or support for state objectives. As in the case of economic sanctions, the state was also indirectly affected in sport if its 'behaviour' was attributed to associations and athletes. In both cases, this attribution was proportionate if the aim of politically motivated boycott measures, as in the case of Russia, was to restore peace under international law and to put an end to a situation that violated international law. In the context of a weighing of interests, the private interests of the sanctioned associations and individual athletes had to take a back seat to the weight of the violation of the prohibition of violence caused by the state in terms of *ius cogens*.

In the subsequent discussion moderated by Ulrich Becker, Director at the Max Planck Institute for Social Law and Social Policy, Falko Gebhardt from the German Tennis Federation (DTB) emphasised



Prof. Ulrich Becker (right) in a discussion with Jan F. Orth and Björn Schiffbauer, both University of Cologne, and Falko Gebhardt, German Tennis Federation (from left).

that the association fully supported the position of international tennis organisations. It envisaged three measures: the exclusion of Russia from all team competitions; the requirement for Russian athletes to compete under a neutral flag; and the cancellation of all tennis events and tournaments on Russian territory. However, Gebhardt also called for more differentiation in decisions on an attribution of state injustice. In the case of national team competitions, attribution was more often possible via the national association, as the latter represented the state to the outside world. In the case of competitions involving individual athletes, on the other hand, it was necessary to distinguish more carefully.

### 2.7.2 SPORTS ORGANISATIONS AND HUMAN RIGHTS – AN UNSETTLED RELATIONSHIP

After the symposium of the Forum for International Sports Law had to be cancelled in 2020 due to the pandemic, it could be hosted again on 22 November 2021 at the Max Planck Institute for Comparative and International Private Law in Hamburg – for the first time as a hybrid event. The Forum for International Sports Law is a joint initiative of Reinhard Zimmermann, Director at the aforementioned Max Planck Institute, and Ulrich Becker, Director at the Max Planck Institute for Social Law and Social Policy in Munich.

The symposium, which every year focuses on current sports law issues, examined the relationship between sports associations and human rights. Traditionally, sports organisations tend to keep a low profile when it comes to polit-

ical issues. However, they are repeatedly forced into action, as was the case with the anti-racist strikes in the US sports leagues in the wake of the 'Black Lives Matter' demonstrations. If we translate the debate about this into legal terms, parallels with the discussion about corporate social responsibility (CSR) quickly become recognisable. As stated in the European Commission's EU strategy on CSR, it is essentially about recognising the responsibility of companies for the impact of their activities on society. Does this responsibility also exist for nationally and internationally organised sports associations? What do the CSR concepts of sports organisations imply and how do they deal with political statements by athletes? Do athletes have the right to denounce human rights violations and demand remedial action or do they have to fear legal and sporting consequences?

Mathias Habersack from the Ludwig Maximilian University of Munich gave an overview of the legal framework of the discussion in his keynote speech. He said that the CSR debate was rooted in company law in the reporting obligations under Sections 289b et seq. HGB for capital market-oriented corporations, which required a so-called non-financial statement. Among other things, this concerned company concepts relating to environmental, employee and social issues and a statement assuring the company's conformity with the human rights. The main idea behind it was that the other side of the market (e.g. investors and customers, but also employees) should be able to assess the company's orientation in order to make their own decisions on an informed basis. However, this reporting obligation did not set any standards in terms of content.

In contrast, the new Supply Chain Act did not only stipulate concrete reporting obligations, but also provide for genuine sanction mechanisms.

He stated that sports organisations, however, were not covered by the applicable CSR rules or the Supply Chain Act. Due to the role model function of athletes, they were nevertheless subject to social expectations with regard to human rights. However, the law governing sports organisations showed a significant deficit, particularly in the debate on how to deal with human rights violations.

Habersack emphasised that the political involvement of sports associations as such was not only not objectionable, but even desirable and essential. However, it was primarily a question of the association's purpose and statutory requirements whether and to which extent an association may and must become involved in political contexts. Defining the political involvement of an association was therefore regularly the task of the members.

With regard to the human rights commitment of athletes, a distinction had to be made between commitment outside and within sporting events. The former was a 'private matter' and could not legally be criticised as long as the limits of the freedom of expression were observed. For the latter, the respective association rules and athletes' agreements were the legal starting point. As much as it would be welcome if federations were to make it mandatory to express a commitment to human rights in the context of sporting events, it must be recognised that it is difficult to draw the line when interpreting and applying the statutes in indi-

vidual cases: What kind of behaviour can officials allow athletes to engage in according to the applicable statutes and what behaviour is clearly prohibited? As statutes sometimes differ greatly from association to association, no generally valid statement can be made as to whether the demands expressed by athletes' and players' associations can be implemented solely on the basis of the applicable statutes.

The demand for political abstinence in statutes or athletes' agreements is not legally objectionable because it can be justified as the result of a balancing of interests: the interest of the associations in a safe and smooth event outweighs the interest of the athletes in expressing themselves politically at this specific event. Habersack underpinned this by referring to recognised principles of labour law from the established case law of the Federal Labour Court, which recognised the employer's interest in industrial peace and operational procedures as an interest worthy of protection in connection with the ban on political involvement in the workplace, as well as to existing case law of the Federal Court of Justice on arbitration agreements in athletes' agreements (Pechstein case). As long as the association's statutes prohibited socio-political commitment and the expression of opinions, this was legally acceptable.

Johannes Herber, basketball player and managing director of Athleten Deutschland e.V., also criticised existing legal loopholes from the athletes' perspective. Athletes' agreements served to unilaterally undermine athletes' rights rather than constitute them. Apart from the principle of non-discrimination, the



relevant association statutes did not contain any tangible standards, but often only references to fundamental principles that were difficult to grasp such as 'cooperation in solidarity' or the 'humanistic concept of man'. However, athletes were increasingly sensitised to the fact that major sports competitions could lead to human rights violations in a variety of ways and were no longer willing to accept these abuses. The problem areas ranged from discrimination based on gender, skin colour or origin, to experiences of violence and abuse, to encroachments on freedom of expression, privacy, the inviolability of the home or the right to informational self-determination.

Sylvia Schenk, jurist and former track and field athlete and member of FIFA's Human Rights Advisory Board from 2017-2020, emphasised that human rights issues ultimately always required careful weighting – as in the case of Chinese tennis player Peng Shuai, who was missing at the time of the symposium. Was it right for the WTA to exert political pressure by withdrawing tournaments from China, or was 'quiet diplomacy' more effective in view of the Chinese national culture?

FIFA had meanwhile understood that the responsibility of sports associations related to the entire life cycle of a major sporting event, explained Schenk. As a result, the UN Guiding Principles on Business and Human Rights had finally been applied to the organisation of the Soccer World Cup in Qatar. It should also be noted that the awarding of the World Cup to Qatar had enabled many human rights organisations to exert political pressure on the country in the first place.

According to Schenk, a distinction should also be made in the area of athletes' commitment: political propaganda on specific individual issues (for example, in favour of or against abortion on demand) did not belong at an award ceremony. The situation was different when it came to campaigning for fundamental human rights such as anti-discrimination. Here, athletes were in line with the fundamental values of sport and sports organisations as laid down in numerous association statutes. Genuflection and wearing a rainbow armband were acceptable.

Christoph Becker, sports editor of FAZ, referred to the complexity of the topic, which political scientist John Ruggie emphasised in an interview that Becker had conducted with him on the occasion of the creation of FIFA's Human Rights Policy (2016). Ruggie had impressively pointed out the complexity of CSR aspects when organising major sporting events. If associations wanted to pursue a credible policy, they would have to clarify a number of questions: What standards are involved in the building of stadiums? Are relocations carried out in accordance with the law? What are the working conditions for licence holders, jersey and merchandise manufacturers? Complete control of all aspects through the associations was hardly conceivable.

Becker sees great potential in the athletes' associations. The organisation of athletes in the USA could serve as a role model here. The 'players' union' of the National Basketball Players Association (NBPA), for example, was able to push through a number of demands when negotiating the organisation of the continuation of the tournament after the end of the ongoing season due to the pan-

demic. For example, the association conceded that players were allowed to display banners of the Black Lives Matter movement and lettering with clear political statements on their sportswear during tournaments. In general, however, it was often unclear for athletes and journalists alike which gestures and symbols were permitted and who decided on them. Becker therefore called on the major federations, in particular the International Olympic Committee, to take a clear position soon.

### 3 PROMOTION OF JUNIOR SCIENTISTS

#### 3.1 DOCTORAL GROUP 'HEALTH LAW'

Health law is a research area that covers not just the individual interactions between patients and doctors but extends to encompass the more fundamental aspects of structuring healthcare provision and the manner in which the welfare state guarantees the health and wellbeing of its citizens. The doctoral group on health law that was founded in 2018, and which has grown over time, investigates the legal framework and the implications of these aspects and in particular addresses the increasingly important ethical, technological and economic dimensions that arise in their wake.

Several doctoral research projects were and still are dedicated to examining the challenging questions that arise in health law: *Irene Domenici*, who successfully completed her PhD in 2023, investigated ethically controversial health technologies and state neutrality in the public

healthcare system; *Lauren Tonti* compares legal determinants of telehealth quality across international jurisdictions; *Franciska Engeser* explores uncertain subjective rights in the organ allocation system; and *Christian Günther* undertook a comparative legal analysis of the use of artificial intelligence in medicine and submitted his thesis for examination in June 2023. In addition, *Irene Carlet* engages in a legal comparison of vaccine injury compensation schemes and *Boaz John Mabula* analyses the legal and regulatory framework for access to primary healthcare in Tanzania.

In the framework of their research, the doctoral candidates at the department organise regular health law meetings for mutual exchange. The group also actively engages in hosting events and establishing connections with international academics and practitioners.

#### 3.1.1 BETWEEN ETHICAL OVERSIGHT AND STATE NEUTRALITY: INTRODUCING CONTROVERSIAL TECHNOLOGIES INTO THE PUBLIC HEALTHCARE SYSTEM

*Irene Domenici*

The inclusion of new health technologies in the benefit basket of the public healthcare system is the result of an assessment process characterised by uncertainty. Key aspects such as clinical effectiveness, safety and cost-efficiency are often unclear and need to be evaluated in advance. Ethically controversial health technologies harbour additional uncertainty, for before regulators make reimbursement decisions, they need to

be well aware of the potential effects of a new technology on the ethical values of a society and its moral implications. The granting, or the denial, of public funds in the form of social benefits implies that the legislator takes a positive or negative stance towards the medical procedure at stake.

It can therefore be argued that coverage decisions by national healthcare systems should be open to moral reflection and guarantee compliance with ethical standards. Nonetheless, despite their relevance, the consideration of ethical concerns during the decision-making process is problematic. The rather wide discretionary power granted to state institutions in the composition of benefit baskets entails the risk that decisions are made on the basis of particular ethical, religious or ideological convictions. However, legally binding decisions based on non-legal considerations entail a problem of legitimacy. Modern democratic states are characterised by broad ethical pluralism, meaning that their members have different axiological beliefs and conceptions of the moral good. Maintaining a position of ethical neutrality is considered imperative for the state and is one of the constitutive elements of a pluralistic society. Ethical neutrality seeks to ensure that the justification of the state's actions is based on reasons that can be accepted by virtually every individual in the society.

Against this background, the dissertation inquires whether and to what extent ethical concerns can legitimately be taken into account in reimbursement decisions by the public health systems and examines the role of the state obligation of neutrality. The investigation

assumes that the structure and design of national healthcare systems and the involvement of various actors and institutions can have a strong influence on the decision-making process, as this limits the scope for taking ethical considerations into account. To this end, the thesis applies a comparative legal method and uses two case studies to analyse the response of the healthcare system to ethically controversial technologies in three countries: Germany, Italy and England. The country selection took into consideration the existence of different healthcare system models and of diverse conceptions of health and disease. Moreover, the countries have been singled out according to how 'restrictive' or 'permissive' their legislation on ethical matters in healthcare tends to be. The cases – Pre-implantation Genetic Diagnosis (PGD) and Non-Invasive Prenatal Testing (NIPT) – are from the fields of reproductive medicine and genetic engineering, which carry a variety of moral implications and can therefore be seen as emblematic of ethical concerns in healthcare.

The comparative constitutional analysis shows that all three legal orders considered recognise the value of the separation of ethics and law, and that it is imperative for the state to opt for measures based on neutral reasoning. Although none of the jurisdictions has one explicit constitutional provision enshrining the obligation of neutrality, all three countries have functionally equivalent principles that serve the purpose of protecting ethical pluralism. While the English system follows a procedural approach, Italian constitutional law is oriented towards secularism, and the German Basic Law includes a requirement of neutrality. After these principles have been identi-

fied in the relevant constitutional orders, it is shown that they also apply to state activities in the framework of the public health system and in the provision of health services. Moreover, the investigation of the introduction processes of the two technologies serving as case studies provides insights into the role that ethical and religious factors have played in the regulation of and reimbursement decisions for the selected technologies. In addition, the instruments used for regulation are evaluated and divided into substantive and procedural instruments. In its conclusion, the dissertation provides insights into the optimal design of cooperation between the various actors in the legal system in order to achieve acceptable and legitimate decisions on controversial health technologies in pluralistic societies. It is argued that the adoption of a model of procedural legitimacy for the institutional interaction helps to find a reasonable compromise that can be widely agreed upon. In turn, as the study has demonstrated, the neglect of procedural elements in the relations between the actors involved has negatively influenced the legitimacy and acceptability of the regulation.

The dissertation was published by Nomos in the series *Studien aus dem Max-Planck-Institut für Sozialrecht und Sozialpolitik*.

### 3.1.2 ARTIFICIAL INTELLIGENCE, PATIENT AUTONOMY AND INFORMED CONSENT

*Christian Günther*

This thesis analyses the interaction between innovation and law through the

example of medical artificial intelligence (AI) and the informed consent requirements of the United Kingdom and California. Specifically, it asks: 'Can the common law doctrine of informed consent ensure an adequate protection of patient autonomy as artificial intelligence is introduced into medicine?' More widely, this analysis will be used to challenge three prevalent assumptions in the law and technology field: (1) that law is primarily an instrument to realise extra-legal standards related to innovation; (2) that legal solutions, as well as legal thinking, lag far behind technological developments; (3) that extra-legal regulatory options, such as the adaptation of a system's architecture, offer comparably fast and effective solutions.

A wide variety of clinical AI are currently being developed and approved for use in many health care systems. AI is defined as technology capable of accomplishing the kinds of tasks that human experts have previously solved through their knowledge, skills and intuition. In particular, the machine learning (ML) approach has enabled the development of clinical AI with such capabilities.

Characteristics of such intelligent devices are described and relevant case studies are demarcated. Above all, the different quality of interactions between AI and patient, including different degrees of automation, are classified. Many intelligent medical devices will only complement human knowledge. They will not directly diminish the expertise that medical experts contribute to the diagnosis, prognosis, or treatment of the patient. Other products will partially replace this expertise. For example, less skilled human professionals will be able

to perform tasks that previously required expert knowledge. In a very limited number of cases, AI will even determine parts of the clinical decision-making process. For instance, the technology will contribute a surprising insight that must then be taken into account or it will triage certain findings, directing human professionals' attention.

Further distinctive factors are associated with ML-driven medical devices. These include (1) shortcomings in their performance evaluation, especially when applied to diverse groups and/or environments; (2) an incomplete understanding of how they function in individual cases that will persist, despite emerging technological solutions; (3) a consequent reliance by human decision makers on general knowledge associated with the technology to integrate it into a collaborative form of decision-making; and (4) an influence of the device on joint decision-making through the exploitation of subconscious human biases.

As a result, involving AI in clinical care threatens to undermine the ability of patients to make judgments that are tailored to their personal circumstances and beliefs. In short, it may infringe the principle of patient autonomy. What this standard requires of AI-assisted medical decision-making, which for the first time allows non-human actors to apply expertise to individual cases, is a pressing question.

It is examined how the legal standards of the United Kingdom and the United States (through a case study of California specifically) respond to this problem. In doing so, a method is developed for capturing the inherent dynamics of

these standards and for undertaking a forward-looking assessment of the common law's adaptability. First, in line with the functional comparative law method, the pre-legal problem, the *tertium comparationis* is delineated. This refers to the violation of patient autonomy. To determine which AI features contribute to this, a procedural notion of autonomy is applied which focuses on the process by which individuals make their decisions. Specifically, it associates autonomous decisions with the individual's values and beliefs and with the exercise of rationality.

This enables the identification of four AI challenges to patient autonomy: (1) uncertainty in the use of clinical ML that justifies analogies to innovative treatments with generic risk-related characteristics; (2) the making of some normatively important decisions relatively independently, i.e. without meaningful patient involvement; (3) an interreference with the patient's ability to make rational evaluations in the collaborative medical decision-making process; and (4) the non-obvious substitution of human expertise by AI-based information, posing an epistemological problem for the patient.

In a next step, the relevance of this concept of autonomy and the resulting problems in the two legal systems is discussed. It is determined that the procedural understanding of autonomy represents a defensible concretisation of patient autonomy in the medical law of both countries. Further, this concept can be constructed as a legal principle. This explains, among other things, how autonomy-based reasoning interacts with other legal norms, meets the doc-

trinal requirements of those norms and nonetheless creates a flexibility that grants dynamism to the law's ability to guide actions.

The derived principles are then used to examine the extent to which individual norms requiring patient consent can meet the challenges of medical AI. Specifically, in the United Kingdom and California, these are the common law tort claims of 'battery' and 'negligence'. In doing so the developmental possibilities under the autonomy principle, as well as the limits of such possibilities, are identified in light of the AI challenges. In consequence, a forward-looking, nuanced picture emerges of how the law can deal with the new technological problems of medical ML applications.

In both countries it is foreseeable that the autonomy principle will only be able to bring about necessary changes in the design, as well as the interpretation, of specific norms to a certain extent. The adaptability of the common law will reach its limits. At this point it is discussed how a complementary, statutory regulation could build upon the insights of the preceding analysis, so that it complies with the principle of patient autonomy, as well as with the distinctive doctrinal requirements of the respective systems.

In a final section, the thesis returns to the three basic assumptions concerning the relationship between law and technology discussed at the beginning. The methodology developed and applied illustrates the proactive dynamics inherent in the law, moving with societal developments and also guiding them in a variety of ways. It is a misunderstanding to conceptualise the law only as a

system of specific regulations that constitute either stringent hurdles to – or sometimes limited facilitators of – innovation and which must be periodically adapted to the new 'reality'. Moreover, the touted benefits of extra-legal solutions have not been identified in the case of clinical AI: immediate protection of patient autonomy or inherent, faster adaptability were not hallmarks of any of the analysed technological solutions.

### 3.1.3 COMPARING LEGAL DETERMINANTS OF TELEMEDICINE QUALITY IN GERMANY, THE UNITED STATES, AND FRANCE

*Lauren Tonti*

From geographic health disparities to global pandemics, challenges constantly confront states in efforts to fulfill commitments to promoting and ensuring the health of their populations. Numerous technological innovations exist to help mitigate the effects of some of these challenges. Telemedicine, a practice in which providers leverage technologies and telecommunications to deliver healthcare to patients at a distance, is one such innovation that can surmount barriers to health and healthcare delivery.

However, integrating innovations like telemedical services into healthcare systems is not always straightforward. Modern systems, charged with providing quality healthcare, must balance access to technologies and technological services with beneficiaries' wellbeing. This dissertation takes a closer look at that balance, examining the legal aspects of how systems maintain and incorporate





quality commitments when integrating solutions to contemporary health challenges into reimbursement schemes. Looking specifically at one telemedical practice, the study analyzes the normative standards considered in a system's decision to permit and finance video consultation services in national public insurance schemes. Whereas significant research has assessed whether telemedicine interventions successfully engender positive clinical health outcomes, seldom does scholarship hone in on the dynamic, upstream relationship between quality norms and the legal instruments influencing health outcomes in this field.

After establishing the relationships between quality, law, and telemedicine in the context of public health insurance systems, this dissertation offers a framework to assess diffusion of quality norms via legal mechanisms into a statutory health insurance scheme. Revisiting Avedis Donabedian's foundational characterizations of the dimensions of quality, the framework establishes the norms of Patient Safety,

Effectiveness, Patient-Centeredness, Efficiency, and Equity as dimensions of healthcare quality. Each dimension is associated with an indicator that reflects the quality dimension in practice. Questions designed to capture hallmarks of the indicators were developed to examine laws and regulations related to the provision of telemedical services. For example, clinical professional competence is an indicator linked to the norm of safety. Licensing is a hallmark of clinical professional competence. The resulting question that can then be applied to code analysis is whether a jurisdiction requires telemedicine practitioners to hold special telemedicine licensing. In connecting norms with legal instruments, this framework makes normative components accessible to empirical evaluation.

Finally, the framework is applied to laws governing video consultation services in the statutory health systems of the USA, Germany, and France. In so doing, specific insights can be gained into which quality dimensions are actually considered in video consultation services offered by the public insurance systems of these countries. Preliminary results indicate that all examined dimensions appear present among relevant telemedical laws in each system, with at least one indicator of each examined dimension present in Germany, France, and the USA. A variety of regulatory instruments are utilized in each system to implement quality, including statute/code, negotiated agreement, administrative regulation, and other instruments such as the professional codes of conduct of physicians.

Moreover, application of the framework yields insights on quality norm diffusion broadly, including the shaping force



Franciska  
Engeser

exerted by the system in which the statutory health insurance operates, the system structure's impact on quality, regulatory mechanisms that serve as ways to infuse quality, and how quality may transform in the face of emergencies.

### 3.1.4 DISTRIBUTION OF DONOR ORGANS AND THE FUNDAMENTAL RIGHT OF PARTICIPATION

*Franciska Engeser*

Looking at the German organ transplant system, the first observation that can be made is that it contains a very fragmented structure of decision-making and a variety of institutions holding competences within the allocation process. Key agents here are the doctor or transplant centre, the German Medical Association (Deutsche Ärztekammer) and the German Organ Transplantation Foundation (Deutsche Stiftung Organtransplantation). The main regulation can be found in the federal Organ Transplantation Act (Transplantationsgesetz (TPG)); details are concretised in guidelines laid down by the German Medical Association. Additionally, and of high significance, there is the Dutch foundation and organ exchange system Eurotransplant. It is here that the allocation decisions of eight collaborating European countries, including Germany, are made.

Legal scholars have been researching into this quite unique structure during the last 20 years and have found constitutional limitations arising from the principle of democracy, the rule of law and the fundamental rights of the patient. Exploratory interviews showed, however,

that access to transplantation treatment is not harmonised in German hospitals and given subjective rights of patients are not well-known. This PhD project seeks to elaborate whether and to what extent the eventual recipient of an organ has subjective rights during the allocation process and how concrete legal claims can be formulated in this field.

The core fundamental right that the work builds its line of argumentation on is the right to life and physical integrity, laid down in Art. 2 II 1 of the Basic Law (GG). It is well accepted in literature and the rulings of the Constitutional Court that the right to physical integrity and life does not only require an omission of harm by the state, but also an obligation to protect by way of positive measures. Nevertheless, there are questions of delineation when it comes to the positive obligation of the highest democratic institution, namely the legislator.

Regarding other distribution systems, constitutional literature and the Constitutional Court have developed the theory of fundamental rights to equal access and participation deriving from a fundamental freedom in combination with the right to equal treatment, Art. 3 I GG. Such rights arise in fields which are monopolised by the state and where participation is a necessary condition for the citizen in order to realise a fundamental right. This precondition is fulfilled by the organ transplant system.

Statutory law is therefore already interpreted in coherence with this fundamental right to equal access and participation, which leads to a general acceptance of a subjective right of the patient to be put on the waiting list. More disputed, but

coherently accepted as well, a right to be accepted as transplant patient and a right to stay on the waiting list also ensue from the derivative right of participation, given the medical indication. Besides this very basic warranty of access, the literature remains vague with respect to other aspects of the distribution system that indirectly shape and (might even) hinder access to donor organs. The thesis therefore looks at the distribution system for donor organs in detail through the lens of these two constitutional arguments: the duty to protect and the right to equal access and participation. The guiding question is whether the potential organ recipient can claim a positive duty of the legislator with regard to the legal design of recipient selection for donor organs. In other words, the study examines whether the legislature has a positive obligation to reform the Transplantation Act.

In this way, the study develops the right to participate in the donor organ receipt procedure from Art. 2 II 1 in conjunction with Art. 3 I GG. This represents a claim in the broader sense to the design of a recipient selection in compliance with the protection of the fundamental rights. In addition to the widely recognised claims to be added to the organ-specific waiting list and to the application of allocation criteria in conformity with the fundamental rights, it also gives rise to the so-called capacity exhaustion. This requirement of a constitutional allocation system has been developed by the National Constitutional Court in another context of a scarce resource, namely in the leading cases regarding university access. Furthermore, in view of the obstacles to judicial control in transplantation law, the study asks whether

effective protection of the fundamental rights requires legal protection of these legal positions. In this context, a special focus rests on the law of damages and measures of control that are seen as of particular importance with regard to the prevention or reduction of violations of rights. Both the law of damages and measures of control require a certain level of transparency in the decision-making process. It is analysed to what extent the right to equal access is not only supported and protected by the law of damages, but specifically demands the existence of applicable statutory law of damages and/or internal or external control measures in order to be considered enforceable to the extent required by constitutional law. It is seen not only as compensation for infractions of the primary subjective rights but also as a controlling procedure with preventive effect. This holds true especially and gains importance with respect to the extreme scarcity of donor organs, due to which the patient's chance to enforce the primarily guaranteed right to access is limited and legal protection is practically reduced to retrospective control of the allocation.

In the second chapter, the thesis examines whether the details of the existing system of recipient selection sufficiently realise the right to participate in donor organ allocation. Looking at the latest scientific developments in the field of organ procurement, this work in particular answers the question of whether the obligation to capacity exhaustion currently demands legislative reaction to innovative technologies. Whereas a stagnating number of donors may not alleviate scarcity, medical innovations like 3D printing of organs and xenotrans-



Irene Carlet

plantation could provide relief. However, such innovations can give rise to ethical or legal controversies and create new conflicts of interest, in which the fundamental right to participation must be weighed against other interests.

Regarding the judicial review of organ distribution decisions, the study elaborates on the different layers of decision-making in the distribution system. Finding legal access to the Eurotransplant foundation is seen as the substantial challenge of the patient seeking legal protection as – at first glance – there is no legal relation between the potentially damaged patient and the Dutch foundation. In light of the laid-out relevance of the adherence to the fundamental rights, the work identifies delicate deficits in view of legal protection with regard to the non-publication of the allocation code and used programming data and to the non-information about decisions taken. The receipt of merely anonymised data in an annual publication does not enable patients to enforce their right to the compensation of damages and legal protection.

### 3.1.5 IMMUNISATION AND JUSTICE: A LEGAL COMPARISON OF VACCINE INJURY COMPENSATION SCHEMES

*Irene Carlet*

Compensating harms from vaccination is one of the topical matters that arose during the COVID-19 pandemic. Some countries have created or extended no-fault compensation schemes for vaccination harm (hereinafter, 'NFCS' or 'scheme') to offset injuries arising from new vaccines. NFCSs are politically desirable to

incentivise vaccination development by waiving the liability of manufacturers and may play a role in responding to known and emerging infectious diseases threats by enhancing public confidence and promoting uptake.

From a constitutional perspective, the matter lies at the heart of the problem of state intervention in the personal sphere for collective goals. The importance of vaccination is twofold. It protects the individual, but it also prevents the outbreak of contagious diseases in the communities by developing immunisation among the population. For this reason, there is a fundamental public interest in the preventive action of individuals. This distinctive feature casts a specific light on the reciprocal relationship between the individual and the community. When healthy individuals receive vaccination, electively or compelled by law, the occurrence of serious adverse events, rare as they may be, raises distributive justice concerns. Is it fair that the individual bears the full risk of severe (albeit rare) side effects while the community gets the full benefit of vaccination? This thesis argues that setting the constitutional balance between individual and public health requires a fair compensation to offset vaccine harm and socialise the relevant risk.

Legal systems share a common difficulty in providing an effective remedy to vaccination harm. The latter can occur following different causation paths. The vaccine can present a defect due to its manufacturing and/or testing, its design, contamination or adulteration, as well as its labelling. When relying on the product liability regime, the major obstacles concern the proof of defectiveness and the causal link between the vaccine and

the injury complained of. In contrast, a non-defective vaccine can still cause an injury if it is improperly administered in the wrong dosage or when there is a contraindication for the receiver. Suing the healthcare professional who administered the vaccination for medical malpractice is often not a strong litigation strategy. Moreover, non-defective vaccines properly administered can nevertheless produce idiosyncratic reactions in individual cases. For these reasons, civil litigation can be extremely burdensome for injured individuals having to commence legal action and pursue protracted and complex legal processes against the tortfeasor. NFCs do not depend on proof of defectiveness or fault and, as such, guarantee a more reliable and effective remedy that is driven by justice.

This dissertation explores how different legal systems address these issues by comparing the regulations on compensation for vaccine-induced harm across Italy, Australia and Germany. The thesis questions the extent of state liability under NFCs vis-à-vis the goal of ensuring equity in vaccination. These schemes affect the distribution of the risks associated with immunisation in different ways depending on their legal design. The question to be answered is whether they inject equity into the legal system by providing accessible, transparent, timely and adequate compensation. Specifically, the dissertation focuses on key features of these schemes. The eligibility requirements shape the reach of the policy. The scope of the scheme determines the vaccines covered and the type of injuries for which economic relief is granted. The causation assessment is a subsequent controversial element which

has a significant impact on the effectiveness of the right to compensation.

Further, some systemic considerations are relevant when assessing the overall equity of these schemes. One aspect concerns the interaction, within each legal system, of the scheme with other existing social security measures, which might affect the amount of the compensation that injured individuals will receive. Furthermore, the potential interaction of these schemes with the wider civil litigation system not only affects the individual procedural position, but has broader political and legal repercussions. Designing the scheme as an exclusive remedy means waiving vaccine manufacturers from liability. This provides a strong incentive to research and development. At the same time, as an administrative remedy – insofar as it effectively avoids the complexities of civil litigation and is easy to navigate – it can tackle inequalities, enhance transparency in public-private negotiations and consistently improve the fair supply of and access to vaccines, especially in situations of an emergency requiring prompt public health response. The application for compensation under the scheme could be cumulative with the action for civil damages and/or with other social security benefits. However, this feature of the scheme might differ when considering a new pharmaceutical product developed under emergency conditions compared to a well-known vaccine routinely administered according to national immunisation schedules. The liability concerns are present with regard to both types of vaccine. Yet, in the first scenario manufacturers face an increased level of uncertainty due to pressing public health needs limiting the possibility to perform





Boaz John  
Mabula

standard exhaustive trials. In this case, it could be argued that compensation for harm is a necessary condition for approval to make up for the compression of the clinical trial phase.

When evaluating whether these schemes can be regarded as an equaliser, it is also necessary to consider the relevant procedure. While an adversarial procedure might safeguard the claimant's position, an administrative one can ensure easier access to remedy. However, the need for legal representation (if any) and the impossibility to recover legal costs might annul the equalising function that these schemes allegedly perform. If the scheme cannot be easily navigated by laypeople, the substantial length and complexity of the administrative procedure can be just another cause of distress for claimants

and might substantially marginalise some subsets of the population.

In sum, by providing a thorough analysis of the scope and limitations of existing NFCs, this legal investigation will shed light on whether injured parties have effective access to foreseeable treatment as well as adequate social and economic support.

### 3.1.6 ACCESS TO PRIMARY HEALTH CARE IN TANZANIA: A STUDY OF THE LEGAL AND REGULATORY FRAMEWORK

*Boaz John Mabula*

This PhD study investigates, through the lens of a social rights-based approach,



Access to primary health care in Tanzania is limited due to a shortage of health centres, among others.



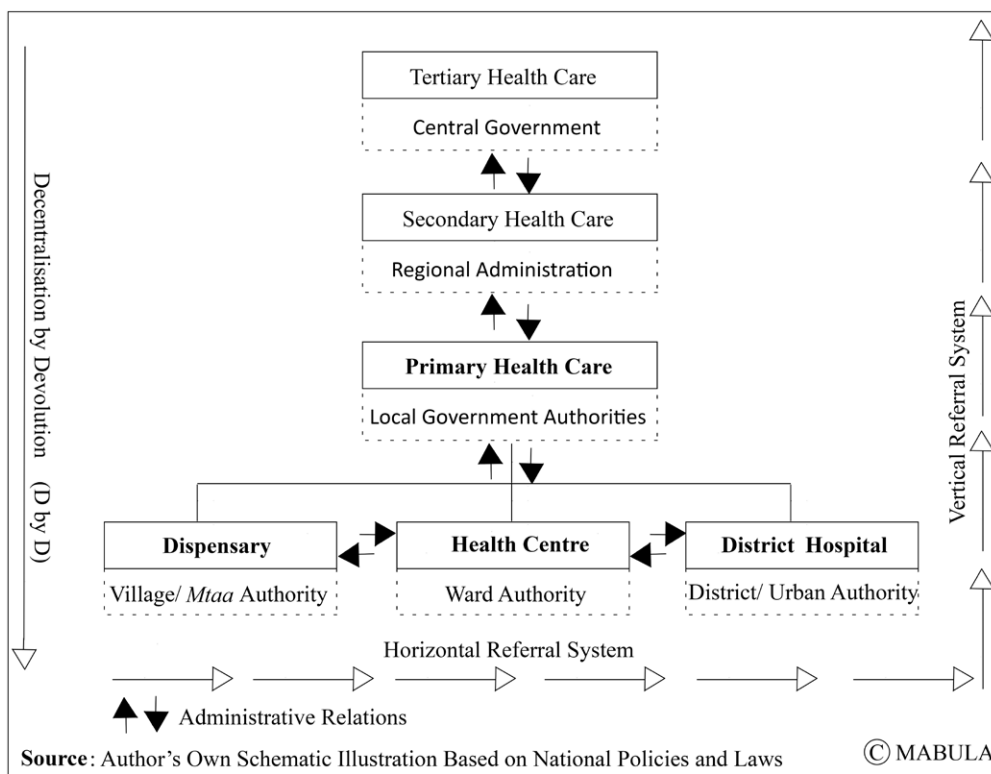
whether and how the design and implementation of the Tanzanian legal and regulatory framework ensures access to primary health care in light of regional and international normative standards. The country-specific study starts from the axiom that the existing legal and regulatory framework on health care provisioning in Tanzania does not ensure access to primary health care and thus needs to be reconsidered. This necessity emanates from the fact that Tanzania has legally binding national, regional and international obligations to guarantee people's health care protection, especially essential and basic health care, i.e., primary health care. Immediately after (political) independence in 1961, the Tanzanian Government adopted the approach of the 1978 Alma-Ata Declaration on Primary Health Care and declared primary health care as the lifeblood of the whole Tanzanian healthcare system, as well as an important entry point into the system.

However, despite this legally binding obligation, Tanzania has yet to legislate a comprehensive legal and regulatory framework on access to primary health care in terms of availability, affordability, appropriateness, acceptability, awareness, accommodation and redress. The existing framework on these dimensions of access to primary health care is highly fragmented and coupled with fundamental legal shortcomings: above all, it falls considerably short of complying with regional and international normative standards. This impedes access to primary health care in rural and urban areas, and equally pushes basic and essential health care far beyond the reach of *wananchi* (common people within the territory). One

of the inherent legal shortcomings and uncertainties is the manner in which the Tanzanian constitutional legal order is designed. The Constitution of 1977 contains ambiguous provisions on social health protection and does not include the right to have access to health care benefits under the Bill of Rights. Article 9(i) and Article 11(1) vaguely oblige the Government and its agencies to direct their national policies on the development of the people, the eradication of diseases as well as on adopting appropriate provisions for the realization of social welfare in the event of old age, sickness or disability. In addition, these constitutional provisions are enshrined under Part II of the Constitution of Tanzania, which provides for 'Fundamental Objectives and Directive Principles of State Policy' and by virtue of Article 7(2), Part II in its entirety is not justiciable before any court of law. As a result, this constitutional legal conundrum has created legal uncertainty with regard to the protection and enforceability of health care rights in Tanzania.

Albeit the Government plays a major role in health care in terms of regulation, funding and services provision through its own state-controlled agencies, only about 35% of the Tanzanian population are included in existing health insurance systems, with the majority particularly in rural areas not being covered. Tanzania's legal problem is further aggravated by, to take just one dimension of access, i.e., availability, the lack of a robust regulatory framework on health commodities procurement, distribution and pricing, which has resulted in regular lack and shortage of essential health commodities in (public) primary health care

### Position of Primary Health Care (PHC) in Tanzania



facilities, notably: dispensaries, health centres and district hospitals. Equally worrying are national findings which predict that in the coming decade "[t]here will be more people with chronic diseases, more people with multi-morbidity, more people with non-communicable diseases. More older people with disabilities will need institutional care; more people will need palliative care. This requires new services, new skills of health workers, new approaches in medical care [...]" (Ministry of Health, 2021). Against this background, the analysis will place particular emphasis on the question of how to reach the goal of universal health coverage by 2030, as overtly

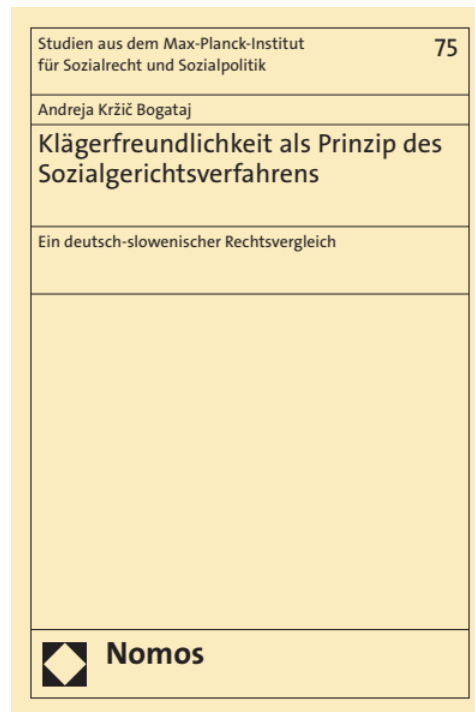
proclaimed under the Tanzania Health Sector Strategic Plan V (2021–2026).

In line with the overarching research question mentioned at the beginning, the objective of this study is two-fold: firstly, to examine the structure and composition of the Tanzanian health-care system with a view to assessing its current state and the extent to which it promotes access to primary health care in heterogeneous rural and urban areas. And secondly, to offer a critical analysis of the existing legal and regulatory framework with regard to its ability to ensure access to primary health care while taking into consideration relevant regional and international normative

frameworks. Concretely, the objectives of this study will be achieved, firstly, by establishing and discussing the conceptual, contextual and normative foundations of access to primary health care (first part of the study) and secondly, using this framework of analysis as a legal yardstick to critically examine and evaluate Tanzania's legal and regulatory regime (second part of the study). This being legal desk-top research, it employs a social rights-based approach and relies on a thorough textual analysis of relevant primary and secondary sources of information to discover the state-of-the-art knowledge on the subject. The research project will ultimately reflect a reform-based study in which recommendations in terms of specific proposals will be offered.

### 3.2 DOCTORAL GROUP 'ADJUDICATION OF SOCIAL RIGHTS'

Having a right does not necessarily mean getting a right. This requires institutions and a legally regulated procedure which guarantees access to these institutions and determines their actions. In order for substantive law to be enforced, legal proceedings must be pursued. Accordingly, the procedure is a necessary prerequisite for legal enforcement. It is therefore crucial to deal with the respective institutions and their procedures. The enforcement of social rights in particular, with a view to its fundamental importance for citizens, is a very significant and challenging topic.



In their dissertation projects, the members of the PhD group founded in September 2015 investigated various aspects of the enforcement of social rights: Ya-Chu Tsai focused on access to social rights in Taiwan; Nina Schubert researched social-legal opposition proceedings from an empirical perspective; Francisca Salih-Sánchez del Hierro explored the question of the enforcement of social rights in Latin America from a comparative legal perspective; and Andreja Bogataj investigated, also in a comparative analysis, the peculiarities of social court disputes in Germany and Slovenia. All dissertations are either finished or in their final stage.



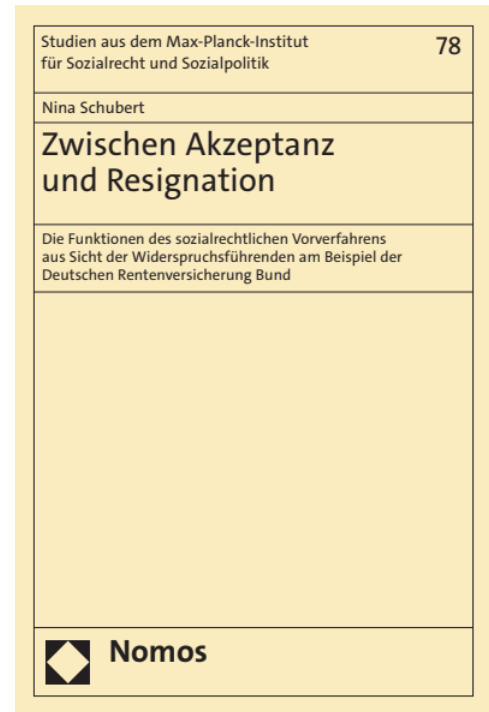
Dr. Nina Schubert

### 3.2.1 BETWEEN ACCEPTANCE AND RESIGNATION: THE FUNCTIONS OF SOCIAL LAW PRE-TRIAL PROCEEDINGS FROM THE OBJECTOR'S PERSPECTIVE

*Nina Schubert*

'Rights curtailed in Bavaria' was the headline in the *Süddeutsche Zeitung* in the context of efforts to abolish opposition proceedings in large parts of administrative law in Bavaria. However, while supporters of the opposition proceedings describe their abolition as 'madness', critics find fault with their lack of system consistency in particular. In addition, they claim these proceedings are inconvenient in terms of political governance and fulfil their functions only inadequately. Efforts to abolish them based on this criticism have led to a federal patchwork of regulations regarding the administrative opposition proceedings. In some federal states, the opposition proceedings were disestablished completely, while in others – except for the occasional one – they were retained in their entirety. Many federal states have taken a middle course.

In social law, legal protection too is not only traditionally guaranteed by the courts, but also offered within the administration in the form of opposition proceedings. As a rule, legal recourse to the social courts is only possible if an objection has been lodged prior to the action. The purpose of the opposition proceedings is to provide legal protection, effect self-monitoring, and relieve the burden on the courts, thus simultaneously focusing on those seeking legal protection, the executive and the judiciary. Every year, around 2.2 million objections are recorded statistically, which



means that the proceedings are of considerable importance.

But can claim and reality be harmonised? This dissertation looks into the perspective of the appellants on the procedure. Based on a survey of appellants at *Deutsche Rentenversicherung Bund*, the functions of the opposition proceedings that are aimed at the appellants are analysed.

Based on the data from the Federal Ministry of Labour and Social Affairs, the proceedings at the German Federal Pension Insurance are characterised by a particularly high redress rate and therefore also a particularly high success rate compared to other insurance sectors. However, the results of the empirical investigation carried out as part of this study show a disparate picture. While the courts should actually be relieved, at least in part, due to the



Dr. Ya-Chu Tsai

high redress rate, the opposition proceedings are only insufficiently able to provide relief through acceptance. However, those who accepted the decision also cited this as an important reason for not taking legal action. The appeals committees set up in the social insurance system do not appear to play a significant role in the acceptance of decisions either. The majority of respondents were not even aware of the existence of appeals committees.

Overall, only around a quarter of unsuccessful appellants went to court. The main reasons for the decision not to take legal action were perceived access thresholds such as costs as well as time and effort to be spent. Resignation and threshold anxiety also prevented many appellants from taking legal action. However, the situation was different for reduced earning capacity pension proceedings. Opponents perceived the proceedings as more unjust, accepted them less often, and took legal action more frequently.

Trust in the institution of *Deutsche Rentenversicherung Bund* and the question of how much influence the appellants felt they had on the proceedings were key to the acceptance of the result. Those who feel heard and taken seriously also show a positive attitude towards the result. In contrast, contact with the assessors was significantly less important, although this was often perceived as inadequate.

The dissertation, which has meanwhile been completed, concludes that the administrative opposition proceedings largely fulfil their legal protection function. The vast majority of respondents found the opposition proceedings to present a significantly lower threshold than court proceedings. Even though the

opposition proceedings could be organised more profitably for those seeking legal protection, the administration and the courts, the interviewees believe that it certainly offers them the opportunity to pursue their own concerns independently without incurring a large financial burden. Internal legal protection, designed as a fair and targeted steering instrument, therefore has its justification in the modern administrative state.

### 3.2.2 ACCESS TO SOCIAL RIGHTS IN TAIWAN

*Ya-Chu Tsai*

The state should ensure that people in need are helped effectively. Social law is particularly important for people in their daily lives, as their existence is ensured and enhanced in many ways by social benefits. The establishment of social benefit systems can be seen as institutional aid through which social problems are solved. In order to be entitled to a certain social benefit, the legally regulated conditions for benefits receipt must be fulfilled. Therefore, these conditions act as 'guardians' for access to social benefits. However, if access is restricted or blocked through specific types of conditions, it will have a corresponding effect on the individual's access to social benefits.

Social legislation is divided into laws on benefit systems that have their own classification and pursue a specific benefit purpose, which is reflected in the design of access to the respective social benefits. Although the access criteria in Taiwanese social law are mainly based on the system and purpose of the benefit, some conditions are neither sys-



1.3 million foreigners are excluded from the national pension insurance system, even if they have been living in Taiwan for years.

tem-related nor purpose-oriented, but define further admission criteria and thus expand or restrict the group of people entitled to social benefits. For example, a foreign spouse of a Taiwanese citizen who has been residing in Taiwan for many years is not allowed to join the national pension insurance system and therefore has no pension entitlement, although (s)he is not insured with any other statutory pension insurance system in Taiwan and his/her pension entitlement ought to be covered by this national pension insurance system. Membership as one of the criteria for access to national pension insurance benefits requires Taiwanese citizenship, and foreigners, who at 1.3 million make up a considerable proportion of the population, are therefore

cast out. The disparity between status-related requirements and the need for social protection raises constitutional concerns. The laws with which the legislator created such exclusions must be in line with the constitution in order to be legitimate. The purpose of this dissertation is therefore to examine whether the preconditions in social law created on the basis of criteria that are alien to the system or the purpose violate the constitution.

The meanwhile completed thesis is divided into two main parts, one relating to the analysis of the access criteria to social benefits in Taiwan, and the other to the examination of the constitutionality of these criteria. Firstly, the necessary institutional prerequisites for the access to social rights in social law are discussed and serve as the essential basis for the study. Secondly, an overview of the Taiwanese social law system is given. For this purpose, labour law, aliens law, family law, and other legal frameworks in Taiwan related to the access criteria are studied. The subsequent examination of the different access criteria in Taiwanese social law carves out which access criteria are used in the social law system and what barriers result from them. Thirdly, the constitutional principles, especially the welfare state principle and the rule of law, are used to examine the extent to which access to social rights in Taiwan is protected under the constitution. Finally, this study assesses the constitutionality of the access criteria used in Taiwanese social law for different types of benefits. In so doing, the constitutional principles apply as the standard of review.

The investigation concludes that some of the non-systemic or non-purpose-oriented benefit conditions of the social regulations





Francisca  
Salih-Sánchez  
del Hierro

Studien aus dem Max-Planck-Institut  
für Sozialrecht und Sozialpolitik

76

Ya-Chu Tsai

## Zugang zu Sozialleistungen in Taiwan



Nomos

in Taiwan can be considered justified, whereas most of them are unconstitutional. The results make clear, for example, that the access to benefits under Taiwanese social law, especially tax-financed benefits, is severely restricted or even blocked for foreigners. This can be attributed to the fact that the legislature misjudges the system of social law and neglects its purpose. Even though the design of the benefit conditions is basically at the discretion of the legislator, it must not make arbitrary decisions regarding the selection of benefit conditions; rather, it has to take into account both the principle of social welfare and the rule of law as well as fundamental rights. If the legislature cannot give valid and cogent reasons for non-system-based or non-purpose-oriented benefit prerequisites, it must change these prerequisites in the light of the constitutional requirements.

### 3.2.3 JUDICIAL ENFORCE- MENT OF SOCIAL BENEFITS PROVISION IN LATIN AMERICA

*Francisca Salih-Sánchez del Hierro*

In view of the rise in poverty and inequality in Latin America, social assistance programmes were introduced in the 1990s to directly support financially weak households. Due to the low coverage of the labour force through social security schemes, social assistance is considered the primary instrument of social protection in the region. In fact, a significant proportion of the labour force and their families live on marginal and informal employment and have no access to social benefits.

The further development of social assistance is an important issue in current social law in Latin American countries and has become even more important in the context of the coronavirus pandemic. The focus here is on realising the core objective of any social benefits system: to provide individuals with the means necessary to secure their livelihoods. Almost all states are obliged to do this, not least because they have ratified international human rights conventions.

However, there are still structural and conceptual difficulties in the enforcement of socio-legal entitlements, which often means that the latter are denied to those entitled to them in practice. There is still debate as to whether they represent subjective entitlements, impose positive obligations on the state or merely formulate political objectives, and to what extent the existing procedural mechanisms are appropriate with regard to an enforcement. In particular,

the question of whether subsistence benefits are legally enforceable has only been researched to a limited extent for this region.

This dissertation therefore focuses on analysing the legal entitlement to livelihood security and its judicial enforcement in Latin America. The possibilities of asserting claims for corresponding benefits are analysed and examined. On the basis of case law, case groups are then identified and specific claims to subsistence benefits are systematised. On this basis, a functional legal comparison is made.

The first chapter provides historical and theoretical clarification of what is meant by the term “livelihood security” in order to understand its significance as an instrument of social security and to create a dogmatic basis for the study. The duties of the state and the close relationship between livelihood security and human dignity are derived both from the theoretical foundations and from international and regional legislation and principles.

In addition, the fundamentals of social protection systems in Latin America are elaborated, including the concept of social protection, the role of social assistance programmes and the respective institutional structure. This is followed by a presentation and theoretical classification of the social benefits existing in Latin American legal systems that directly or indirectly fulfil a livelihood-securing function, whereby only tax-financed social benefits and state-guaranteed benefits are considered.

In the second chapter, the study provides a systematic overview of social security

benefits for the ten Latin American countries with the highest economic output in terms of GDP: Chile, Panama, Argentina, Uruguay, Mexico, Brazil, Costa Rica, the Dominican Republic, Colombia and Peru. Although most legal systems provide for livelihood-securing social benefits, none of the countries has a universal social assistance system. However, each country does provide financial support benefits for different social needs, which basically ensure a life in dignity for certain groups of people or at least make a substantial contribution towards it.

The last part deals with the question of whether these benefits are legally enforceable. Firstly, an overview is given of the current discussion on the enforcement of social law claims and the available legal protection options. This is followed by an evaluation of the lines of argumentation in the jurisdiction of the supreme courts as far as they relate to livelihood benefits (subsistence benefits for persons with disabilities, old age subsistence benefits, subsistence benefits for families, and benefits towards general living assistance).

Based on the jurisdiction of four countries in which these benefits are actually enforceable and where the supreme courts have carried out an analysis in this regard, a systematisation of the enforceable claims is carried out. Social benefits for access to health services could not be taken into account for reasons of practicability. The analysis pays particular attention to the arguments that the courts have put forward in favour of recognising subsistence benefits as subjective rights, as well as the positive or negative obligations that the courts have imposed on states. However, it must not

be forgotten that some of these subsistence benefits are guaranteed under social assistance programmes and are not enforceable in court, as they do not constitute entitlements in the strict sense under the relevant legislation. Based on the arguments developed by the courts to characterise the benefits and their connection to the right to a life in dignity and to other social rights, it can be concluded that in most countries, concrete legal entitlements to subsistence benefits are guaranteed and enforceable. The supreme courts have made an important contribution to the concretisation of social law standards by classifying subsistence benefits as part of the social security system.

### **Doctoral Seminars**

*23 – 24 Feb 2023*

#### **Doctoral Retreat**

Kloster Weltenburg

Participants: Ulrich Becker, Madeleine Beul, Irene Carlet, Aleksandra Dziegielewska, Christian Günther, Boaz John Mabula, Mona Röser, Roman Rick Sallaba, Hao-Hao Wu

The focus of the seminar was on the presentation of the progress of the individual dissertation projects.

*5 – 6 Jul 2022*

#### **Doctoral Seminar**

Max Planck Institute for Social Law and Social Policy, Munich

Participants: PhD Students from the Institute and guest institutions

Presentations on Comparative Law, and Publication Advice

*16 – 18 Mar 2022*

#### **Doctoral Retreat**

Kloster Weltenburg

Participants: Ulrich Becker, Madeleine Beul, Irene Carlet, Irene Domenici, Aleksandra Dziegielewska, Franciska Engeser, Christian Günther, Damiano Mascia, Kristine Plank, Tim Rohmann, Anika Seemann, Lauren Tonti

Presentation of individual dissertation projects and discussion on further procedure.



Madeleine Beul



Ulrich Becker and his PhD students at a retreat in Weltenburg.

### 3.3 INDIVIDUAL DISSERTATION PROJECTS

#### 3.3.1 DEEPLY ANCHORED? GENDER STEREOTYPES AND (SOCIAL) LAW

*Madeleine Beul*

Already in 2003, the German Federal Minister for Family Affairs, Renate Schmidt, stated that “legal equality between women and men has been achieved” (Bundestag protocol 15/31, 13.03.2003, p. 2379 (B)). However, today, more than 20 years after this statement, given the persisting gender-pay and gender-care gap, it must be concluded that real equality has still not been achieved. How can this discrep-

ancy between the (presumable) attainment of formal legal equality and the persisting de facto inequality between women and men be explained?

Gender stereotypes may be one explanation for this disparity. Research in the field of social psychology indicates not only that gender stereotypes, and thus ideas about typical women and typical men, have proven resistant to change; it also suggests that stereotypes are part of natural cognitive categorisation processes that guide human thought and behaviour unconsciously on a daily basis. This interdisciplinary thesis uses the findings of social psychology in order to pursue and expand academic legal knowledge. It proceeds on the assumption that gender stereotypes, beyond imperceptibly influencing every-

day life, also influence everyday law. After all, it is human beings who make and apply the law.

More specifically, the dissertation poses a two-part research question. First, it asks whether the state is obligated to eliminate gender stereotypes embedded in the law. Second, it asks how legal rules that could promote traditional gender stereotypes can be identified. The aim is to compile a list of specific laws that provide an 'anchor' for the perpetuation of negative gender stereotypes. They may do so either because the substance of the law reflects the content of a traditional gender stereotype or because the law makes it easier, in a purely practical sense, for people applying it to draw upon gender stereotypes.

The main point of reference for the study is social law – an area of law in which the family, its needs and its protection play a special role. This allows for the assumption that ideas about gender, the characteristics of women and men, and their roles within the family will have a strong influence on social legislation and its application.

The dissertation starts with the presentation of the basic social-psychological findings on (gender) stereotypes. The cognitive processes of stereotyping will be explored: Why does the human mind regularly resort to stereotypes? What are the positive and negative consequences associated with stereotyped thinking? How does the content of a stereotype form? How can the content of a stereotype as supposedly socially shared knowledge be changed? Why are some traits and behaviours considered typically male or typically female?

And finally, can stereotyped thinking be avoided or controlled?

Against this background, the study further examines the first research question, i.e. whether the state is legally obliged to counteract gender stereotypes that are entrenched within the law. To this end, not only national constitutional law, but also European and international law are considered. It will be argued that pursuant to Article 3 (2) sentence 2 of the German Basic Law in conjunction with Article 5, Article 2 (f) of the UN Convention on the Elimination of All Forms of Discrimination Against Women the German state in fact has an obligation to actively examine both codified law and the application of law by the administration and the judiciary for the perpetuation of negative gender stereotypes. Further, the state must counteract such a consolidation of negative gender stereotypes.

In order to answer the second research question, a methodology will be developed that allows for the identification of laws in which gender stereotypes are entrenched. For this purpose, existing methodological approaches assessing the gender equality of legal regulations (gender mainstreaming, legal impact assessment, etc.) will be drawn upon. It is to be examined to what extent these approaches can serve the goal of detecting norms in the German Social Code (SGB) that reinforce gender stereotypes. In light of the social-psychology findings mentioned above, they will then be modified and further developed.

Finally, the developed research method will be applied to different areas of social law. The exemplary cases to be stud-





Roman Rick  
Sallaba

ied in this context are derived from the state's obligations under the UN Convention on the Elimination of All Forms of Discrimination Against Women. They include: basic income benefits (SGB II and SGB XII), healthcare benefits under SGB V, social insurance in the agricultural sector, and developments in times of crisis (COVID-19 pandemic).

### 3.3.2 RECOGNITION THROUGH SOCIAL LAW – INTERDEPENDENCIES IN A SOCIETY OF SOCIAL FREEDOM

*Roman Rick Sallaba*

#### **The Interrelation of Law and Society**

Even though the dependence of jurisprudential reasoning on the preconceptions of legal scholars and practitioners has been a well-known theoretical problem since Martin Heidegger's 'Sein und Zeit' (Being and Time) and Hans Georg Gadamer's 'Wahrheit und Methode' (Truth and Method), it is rarely reflected in everyday practice and the science of law. Not only the preconceptions of the specific legal personnel, but also the traditionalised legal sense of justice shape the way in which dogmatics, principles and legal rules are formed. But what concrete role does the constitution of consciousness and society thus addressed play for the law and what happens to it when these elements change? Under the title 'Anerkennung durch Sozialrecht – Interdependenzen in einer Gesellschaft sozialer Freiheit' (Recognition through Social Law – Interdependencies in a Society of Social Freedom) the dissertation project, which is being carried out in cooperation with the Uni-

versity of Vienna (Cotutelle), attempts to trace these questions in the light of Dieter Suhr's engagement with Hegel and Marx in 'Bewußtseinsverfassung und Gesellschaftsverfassung' (Constitution of Consciousness and Society). On this basis the dogmatics, principles and legal rules of the social state and social law will be reconstructed under the aegis of a recognition-theoretical image of society: How do the social state and social law present themselves within the context of a recognition theory and what distinguishes this perspective from a classical liberal viewpoint?

#### **Social Freedom as an Alternative View on Society**

The recognition-theoretical view of society is taken from Axel Honneth's Hegel interpretation. At its centre is always the question: How do people achieve the state of social freedom and what tasks do the various social institutions fulfil to serve this purpose? The state of social freedom is the progressive expansion of recognition between people, that is the mutual realisation of personal goals in intersubjective relationships. The latter will be explained by a psychologically backed theory of the emergence and resolution of ethical claims and conflicts. The concept of social freedom is thus more comprehensive than the well-known ideas of negative and positive freedom. Both only consider the protection or expansion of goods and actions of legal subjects conceived as isolated beings. In contrast to the term 'solidarity' social freedom is conceived as the main goal of a society and not an a posteriori construction of interrelations between separated individuals.



## **Social Law from the Perspective of Mutual Recognition**

After elaborating the recognition theory, the dissertation leads from the law of social assistance to the law of social compensation and social insurance, to show how reciprocity relations based on recognition form the basis and limits of legally induced social benefits. It is in particular the social institutions 'labour market' and 'democratic process' that become the foundations of the modern social state. This is due to the broad ethical claims provided by the mutual spheres of recognition realised in these institutions.

A social state that thus has people's social freedom in mind must, in its application, remain sociologically and philosophically informed about its interdependencies with social relations based on recognition. This brings into view not only the perspective of the arrangement of welfare state services, their organisation and enforcement, but also the institutionally embodied limitations of social laws in solving social questions. Thus, the recognition theory leads to a model of the welfare state that bypasses the providing welfare state (as a state that strives for comprehensive social security through social benefits) and the activating social state (as a state that mainly seeks to cushion or prevent social hardship). This leads to the notion of social activation not of people, but of societal resources.

The project will demonstrate this conceptional shift by examining specific institutions of the social state. For example: How must employment promotion and unemployment benefits be understood, if the normative starting point of the rights and duties of the unemployed

is not their personal self-responsibility, but a joint project of creating social freedom by means of using the labour market? It seems clear that sanctions resulting from the violation of obligations related to labour market integration are not based on falling short of one's duties for self-provision, but on non-participation in mutual recognition relationships. With this in mind, the normative backdrop for the evaluation of violations cannot be an idealised free person, but merely the unemployed person and the recognition of his concrete capabilities and deficiencies.

## **A Look Back and Ahead**

Ultimately, a socio-philosophical concept of social law will have been pinpointed that is the first of its kind. On the one hand, it will furnish a critical perspective on the existing interpretations of social law, while on the other hand, it can have an inspiring effect as well as provide a method for further research. In this way, the project overcomes the fundamental misgivings that arise against concepts of social justice as merely ideologically relatively valid theories and goes beyond the hidden logocentrism implied. On the path between modern and postmodern thinking, it has become clear that the politicisation of law is not an absolute position either, but one among many. Alternatives are not only desired here, but indispensable as a mirror of one's own way of thinking.

This dissertation is conducted in cooperation with the University of Vienna.



Hao-Hao Wu

### 3.3.3 LAW OF ENFORCEMENT DEFICITS

*Hao-Hao Wu*

The subject of this dissertation project is the constitutional categorisation and treatment of enforcement deficits. The background to these considerations is a case law of the Federal Constitutional Court from the field of tax law that has existed since 1991. According to this, the legal configuration of the survey procedure at the level of law enforcement can lead to an unconstitutionality of the statutory tax bases if this constitutes a fundamental violation of equality in the tax burden. However, this does not apply to just any arbitrary lack of enforcement; rather, a structurally contradictory survey procedure is required that is substantiated in the legislative basis and is attributable to the legislator. The term 'structural enforcement deficit' has become established in this context. Although enforcement deficits also play no insignificant role in other areas of law, the Federal Constitutional Court has in other relevant decisions not attempted to transfer the standards from tax law either. This applies in particular to the link to the principle of equality in terms of legal consequences. One decision stands out in particular: In 2013, the Federal Constitutional Court had to deal with the question of whether the serious violations of statutory provisions on the termination of proceedings (Section 257c of the Code of Criminal Procedure) found in practice were caused by a structural regulatory deficit. In doing so, however, the Senate did not (even in terms of terminology) refer to the case law on tax law and did not take an equality law

dimension into consideration. It merely postulated the sentence, which was not further substantiated, "that in the constitutional state governed by the Basic Law, law determines practice and not vice versa."

Outside of tax law, there has been very little analysis – not only in constitutional case law – of the colourful figure that constitutes the enforcement deficit. Many academic analyses focus solely on the question of whether the legal concept developed by the Federal Constitutional Court can also be transferred to other areas of law (e.g. to areas of social law). In other studies, the case law is largely adopted uncritically; fundamental questions of constitutional law are not or only marginally dealt with.

This dissertation therefore initially aims to provide a general analysis of this legal concept beyond a specific reference area. The attraction here lies in the ambivalence of enforcement deficits in the democratic constitutional state: on the one hand, they cannot be completely avoided, but on the other hand, they pose a serious threat to the legitimacy and acceptance of legal norms and therefore have an impact on citizens' loyalty to the law. On the basis of a comprehensive constitutional analysis, the requirements and restrictions contained in the Basic Law on (deficient) law enforcement shall be analysed. Based on this, standards for legislative action shall then be worked out. Ultimately, the fundamental question will be what relationship between law and practice the Basic Law postulates in detail when there is a (potential) case of deficient law enforcement. This question has remained largely unanswered even after

the Federal Constitutional Court's decision on plea bargaining procedures.

However, this paper does not wish to obscure the potentially positive aspects of enforcement deficits, which to a certain extent may not only be desirable but may even be required by the Constitution. To be mentioned in this context is the problem that in order to enforce police and regulatory law, for example, surveillance must be guaranteed, which in turn is subject to strict constitutional limits. In some cases (e.g. in data protection law), there is even talk of a 'right to breach the law', without the dogmatic basis for this having been clarified even in the slightest.

In a broader context, the study also aims to highlight the possible significance of enforcement deficits for democratic change processes and transformations. From a legal point of view, this essentially concerns the question of whether the normative basis must be adapted to actual circumstances in particular cases, e.g. if enforcement has failed in the past and no significant improvement is to be expected in the foreseeable future. A current example of this is the debate on the legalisation of cannabis, which has been smouldering for years and in which criminalisation has repeatedly been cited as the main issue – an allegation that has failed to be substantiated, however.

The analysis builds a bridge to social law in that the previously gained knowledge is transferred to selected phenomena from the area of health insurance law (Social Code Book (SGB) V). The aim is to prove that the generally developed findings, standards and structural principles are transferable to any area of law. This

will provide administration, jurisdiction and legislation with a guideline that can be used to examine which enforcement deficits are (still) acceptable from a constitutional point of view.

### **3.3.4 SOCIAL PROTECTION IN BULGARIA: FUNCTIONAL SYSTEMATISATION AND INFLUENCE OF CONSTITUTIONAL, INTERNATIONAL AND EUROPEAN UNION LAW**

*Teodora Petrova*

The question of the relevance of constitutional, international and EU law for social protection in Bulgaria is a key issue, especially given the trend of numerous reforms in this area. The challenges facing social protection can only be addressed through a comprehensive research approach that also takes into account the legal framework mentioned above and the respective legal influences. Therefore, the meanwhile completed dissertation had a twofold objective – to provide a functional systematisation of Bulgarian social protection on the one hand, and to assess the constitutional, international and European legal influences on the system on the other. For this purpose, a basic understanding of the national legal framework encompassing social protection was required.

The investigation consisted of two main parts that each had their own methodological approach in relation to their respective objectives. The first part of the investigation aimed at a comprehensive examination of the system by elaborating the functionalities of the different



social protection areas. The methodology followed in this part was based on the social problem that requires a legal solution, rather than starting from the legal solution offered by social protection law itself. This exogenous approach aided the understanding of the rationale behind the various building blocks of the social protection system.

The second main part of the study dealt with the legal influences on the social security branches identified on the basis of the functional systematisation carried out in the first part. In this context, it was necessary to consider higher-level norms that can potentially influence the design of ordinary law. In addition, the study examined how EU law has influenced national social protection. Particular attention was paid to the peculiarities of this legal order in terms of its position in the national hierarchy of norms,

as well as to the competences of the EU in this area. The methodology of this part was based on the stages of the process in which the respective institutional actors can affect the domestic law through norms of constitutional, international and EU law.

The influencing factor of constitutional law contributed to the creation and preservation of the institutional structure of the social protection system. This conclusion was especially relevant for social and health insurance. Particularly, the constitutional jurisprudence was pivotal for preserving the respective institutional design. Constitutional law safeguarded the fundamentally different nature of taxes and contributions and the role of contributions as a backbone to social and health insurance. This influence also established the constitutionality of the mandatory character of social

insurance that serves the realisation of the functions of the given social protection system.

In a next step, the way in which international law exerts influence was examined against the background of the place of international law instruments in the domestic legal system. Due to the superior standing of international law in comparison to ordinary national law, the former was able to serve as a sub-constitutional level contributing to the extension of social rights or their preservation from legislative interferences, particularly in relation to some sickness and disability as well as tax-financed systems. This influence was further fortified by one of the hallmarks of the post-socialist constitutional framework in the country, namely the general openness of the domestic legal order to international law. Finally, the various ways in which EU law influenced national social protection have been exemplified by the isolated and, at times sporadic, case-based influences upon the national system. The generally limited EU powers regarding social rights and the CJEU's case law led to the individualisation of influences and indirect impact on social rights through the protection of the Treaty freedoms. Therefore, no systematic and comprehensive influencing EU law effect on the Bulgarian system could be detected, aside from the market-related EU influence targeting private financing that led to some wider and more comprehensive results such as the diversification of the financing and investment mechanisms of private social protection providers. Still, some of the related influences contributed to the modernisation of the national social protection system. EU law served as an informal influencing

factor that jump-started some modernising aspects in the Bulgarian system, such as the development of the voluntary occupational law framework and the establishment of the possibility for pension entitlement without the need for employment termination.

### 3.3.5 PRICING REGULATION OF REIMBURSABLE PHARMACEUTICALS IN SPAIN AND GERMANY

*Michael Schlegelmilch*

The supply of pharmaceuticals has for years been considered one of the cost drivers in German statutory health insurance, with the structure of the drug portfolio and, related thereto, the prices demanded by the drug companies for new pharmaceutical products being one of the main reasons for the additional costs. Due to this development, which is not limited to Germany, national legislators have been attempting to cut costs through various price regulation measures with respect to pharmaceuticals. In recent years, pricing based on the therapeutic (additional) benefit of pharmaceuticals has become increasingly important. In addition, contractually agreed price discounts as well as performance-based financing have come into use. However, legal price regulations have recently been relaxed in Germany in order to prevent supply bottlenecks for certain supply-critical drugs, e.g. in paediatrics and the supply of antibiotics, by deliberately lowering the price pressure on pharmaceutical manufacturers.

This legally based control of pharmaceutical prices can be seen as part of the



Michael  
Schlegelmilch



regulations for financing pharmaceuticals in health care systems. At the same time, it is part of the respective remuneration system for rewarding the provision of social services by third parties. These regulations pertaining to the remuneration of services are among the core instruments of the state to govern service provision. The respective remuneration systems should be designed in a way to offer service providers incentives to render needs-based and economically efficient benefits and services. That said, regulated pricing that is not determined by supply and demand but by state regulation does not always produce best results, as expenditure developments in the area of public health care show.

The aim of this doctoral thesis is, first and foremost, to systematically describe central pricing instruments used in the supply of pharmaceuticals through pharmacies in the German statutory health insurance and the Spanish health care system and to evaluate them from a legal point of view. Pricing on the basis of service provision law is, in this context, seen as the generic term for all legal instruments which serve to influence the invoicing amount and its components paid to the pharmacies by the service providers. Within the framework of the study the relevant regulations are grouped by instruments according to the respective economic pricing mechanism. The basic legal structures of the pricing regulation for pharmaceuticals are identified and, at the same time, insights are gained into the extent to which pharmaceutical entrepreneurs are legally involved in the provision of drugs as social services. The study also serves to carve out the legal limits of price control.

When comparing prices of pharmaceuticals, Spain is regularly found to have significantly lower price levels than Germany. For the legal comparison to be made here, Spanish service provision law is suitable because of its diverging approach in price regulation. For Spain, the manufacturers' selling price is pre-defined by the state for all reimbursable pharmaceuticals as soon as the products are authorised for marketing. Unlike in Germany, this price setting is one aspect of the central government's decision-making process for drug reimbursement ('positive list') within the Spanish National Health System (SNS). In contrast, the criteria applied in setting prices are comparable to those established in German social law. Since a change in the law in 2011, the principle of the therapeutic efficacy of a pharmaceutical has been essential for the determination of the Spanish drug price.



When comparing prices of pharmaceuticals, Spain is regularly found to have significantly lower price levels than Germany.





Tim Rohmann

Following the analysis of the problem in the general part of the dissertation, the legal comparison shows that the regulatory instruments in the pharmaceutical sector feature a number of distinctive characteristics in both countries. They represent a special form of product law whose focus of regulation under social law is on the controlling of the costs of pharmaceutical services in the health care system. Classification of the different instruments and subsequent comparative legal analysis yields a picture of the possible ways of pricing regulation under service provision law, which can, at the same time, be embedded in the overall picture of the general financing structures of service provision. This allows for cross-jurisdictional legal insights to be gained.

The differences between the legal systems compared relate in particular to the state's scope for regulatory action, the transparency of regulation as well as the institutional design of decision-making processes and bodies in health care. In Spain, manufacturers' prices continue to be set unilaterally by the public authorities. In contrast to Germany, cooperative instruments of price control are still of secondary importance, even though negotiations play a central role before price decisions are taken.

The study will conclude with a comparative analysis of the constitutional limits of price control, drawn by the instruments made available to the legislator and the administration, and the fundamental economic rights of the pharmaceutical manufacturers. It will be shown to what extent there are common normative, constitutional notions of how the price of pharmaceuticals can be determined,

especially when it comes to mandatory price setting imposed by the state. To this end, the characteristics of each national understanding of fundamental rights are identified, in particular with regard to the freedom to conduct a business as a constitutional right. The study concludes that a reasonable price of pharmaceutical products cannot be derived from the constitution itself, with the exception of indeterminate price floors (bottom price). A fair price is rather determined by the respective regulated procedures and criteria of price control, which must at least be in accordance with the constitutional prohibition of arbitrariness.

### 3.3.6 VULNERABILITY IN THE LEGAL SYSTEM

*Tim Rohmann*

In the realm of legal discourse, the conceptual framework is often lauded for its intricacy, precision, and differentiation. However, it simultaneously faces criticism for being perceived as detached from the real world and inscrutable. While disciplines like sociology commend the 'high development of legal thinking,' the divergence from other specialised languages, particularly everyday colloquial language, contributes to a lack of understanding and, at times, rejection. This challenge is further exacerbated by the varied use of terms within the legal discourse itself, where even basic concepts carry fundamentally different interpretations.

To illustrate this point, we can delve into the diverse perspectives on the concept of human vulnerability. In the realm of legal theory, Fineman's feminist-based

approach places the ontological finding of individual, physical vulnerability at the core of its considerations. In contrast, European Court of Human Rights (ECtHR) judge Sajó emphasises a distinct meaning within the court's case law, linking certain legal consequences to group-related experiences of discrimination, thus challenging the notion that a physical element is necessary in defining vulnerability. In linguistic systems such as law and jurisprudence, which expect a certain stability in the use of certain terms, this polysemy can lead to dissonance. This is problematic insofar as certainty of meaning is an essential element of the principle of legal certainty.

Nevertheless, or precisely because of this, talk of vulnerability is booming. The need for protection of vulnerable subjects and corresponding legal obligations to protect are by no means new in jurisprudence and are considered as one of the major permanent themes of every legal and social order. In addition to numerous studies dealing with the protection of specific groups, the 'juris database' contains over 134 references to legal studies under the keyword 'Vulnerabilität', ranging from labour law and social law over administrative law to civil procedure law. More recently, in the course of the COVID-19 pandemic, vulnerable groups even became the focus of discussions about the appropriateness of government responses to the virus. Translated into legal categories, the discussions no longer revolved exclusively around the protection of life and health, but raised above all, in addition to fundamental freedoms such as the right to education, freedom of occupation and property, equality issues with the vulnerability concept being the focal point of those discussions.

The core of the underlying research program for this work is thus described. The term 'vulnerability' permeates both legal language and positive law, yet the associated non-legal preconceptions and internal legal mechanisms have not been adequately reflected and systematised to date. The investigation seeks to determine the meaning vulnerability attains in positive law and how the concept of vulnerability aligns with existing, established argumentative frameworks from a legal doctrinal perspective. Given its inherent diversity, vulnerability challenges the binary legal decision-making pattern of legality and unlawfulness. Therefore, the question arises whether the concept is particularly adaptable due to its openness or whether its ubiquitous use hinders such adaptability.

To answer those questions, drawing on approaches from legal theory and the sociology of law, the theoretical foundations for the subsequent investigation are laid out in the first chapter. This involves exploring why the legal system relies on concepts, how legal conceptualisation works, and under what conditions it functions. At the end of these considerations, a taxonomy of legal concepts is established, serving the description of the role of vulnerability in law. In the following chapter, non-legal pre-understandings (*Vorverständnisse*) preceding the legal vulnerability concept are presented. The essential constitutive elements of vulnerability and the potentially resulting (non-legal) normative content are elaborated. The selection of the relevant pre-understandings is based on whether there is a terminological reference to vulnerability and whether problems addressed are relevant to legal issues. Subsequently, it is analysed how vulnerability is perceived



Dr. Hung-Sheng  
Shan

in the legal context. This is structured not in terms of legal levels (e.g., international, European, German law) or legal areas (civil, criminal, public law) but with a view to legal problem situations where vulnerability is operationalised within the legal system, in particular the regulations and case law on vulnerable consumers, vulnerable perpetrators and victims and vulnerable asylum seekers. In those reference areas, the study carves out the legal lines of development and legal mechanisms of the concept of vulnerability.

As will be shown and concluded in the last chapter, the concept allows the law to take a context-specific approach, but at the same time causes friction within the legal system as its usage has unintended effects such as a shift of discretionary powers from the legislative to the executive branch, the reinforcement of discriminatory patterns by labeling vulnerable groups or even the limitation of the scope of protection. The concept of vulnerability therefore enables but also requires legal actors to re-think inter alia the relationship between protection and autonomy, the right to fair trial for defendants or whether vulnerability is used as a filter to introduce politics of deservingness to the asylum regime through the back door.

### 3.3.7 COMMUNICATION BETWEEN ADMINISTRATION AND CITIZENS IN SOCIAL LAW PROCEEDINGS

*Hung-Sheng Shan*

This meanwhile completed doctoral thesis investigates the need for communication between the administration and

citizens in social law proceedings. In particular, it addresses the following questions: Which legal requirements with regard to the communication between the administration and beneficiaries are needed in the course of social law proceedings? Are there substantial reasons for strengthening the communication between administrative agencies and citizens if the particular characteristics of social law are taken into account?

The first part of the study serves as a theoretical foundation. It deals mainly with the multiple functions of communication between the administration and citizens in administrative law proceeding. For example, communication with citizens can enhance the accuracy of decision in the course of inquisition into facts and evidence conducted by the administrative agency. Albeit being a special part of administrative law, social law has a variety of particular characteristics compared to other administrative fields, which may heavily affect the need for communication between agencies and beneficiaries. Since in most cases beneficiaries lack administrative/legal knowledge and are at the same time in urgent need for social benefits or services, their social rights can generally only be fully fulfilled when agencies provide sufficient information in advance.

In the second part, a legal comparison between Germany and Taiwan is conducted in order to examine whether special communication needs in social law are appropriately considered in the administrative proceedings of these countries. In general, the Taiwanese administrative legal system was once mainly designed according to the German model. However, it today reveals

apparent discrepancies that can be ascribed to influences from American law. A comparison of both legal systems in this area was therefore expected to yield fruitful results.

In order to be able to fully analyse the communicative relationship between agencies and beneficiaries in social administrative proceedings, the respective communication needs have been discussed in the following contexts: (a) the duty of the authority to investigate the facts, which depends to a large extent on the citizen's duty to cooperate; (b) the recipient's participation in the procedure, the aim of which is to influence the decision on the benefits provision; (c) the administration's duty to inform citizens so that they can assert their social rights lawfully and appropriately; (d) the adjustment to new factual or legal conditions, which are caused or known by each of the parties. Moreover, the communication relationship between both sides is examined in accordance with the time process, which ranges from the beginning of the procedure until the decision-making regarding the granting of benefits. As concerns decisions with a long-term effect, communication can also occur even after a decision has been made. In each part of the process, a variety of legal communicative measures serving different needs might come into play in accordance with the time course. For those measures, two aspects are particularly important, namely their legal requirements and the consequences if they are neglected. On this basis, it is possible to further evaluate whether the current legal requirements meet the needs of communication between agencies and beneficiaries in Germany and Taiwan.

The last part comprises conclusions for Taiwanese Law. The 'Fundamental Act of Social Welfare', to be adopted in 2024 and thus after finalisation of this thesis, has been deemed an important programme of the government for several years and has even been regarded as a common guideline of social welfare. However, most legal scholars were against it because most of the regulations in the draft of the Ministry of Health and Welfare constituted merely political objectives and thus can hardly be implemented by the court. The author follows this argument and asserts that a 'Fundamental Act of Social Welfare' is not necessarily the only solution. Instead, the special need for communication in social law can also be considered through the (re)interpretation or modification of the relevant paragraphs in the 'Administrative Procedure Act' or in specific social welfare codes like the 'Labour Insurance Act'.

## Doctorates

### Supervision: Ulrich Becker

2023 **Irene Domenici**

Between Ethical Oversight and State Neutrality: Introducing Controversial Technologies into the Public Healthcare Systems of Germany, Italy and England; Ludwig Maximilian University Munich

**Teodora Petrova**

Social Protection in Bulgaria: Functional Systematisation and Influence of Constitutional, International and European Union Law; Ludwig Maximilian University Munich

**Hung-Sheng Shan**

Communication between Administration and Citizens in Social Law Proceedings; Ludwig Maximilian University Munich

2021 **Nina Schubert**

Between Acceptance and Resignation; Ludwig Maximilian University Munich

**Ya-Chu Tsai**

Access to Social Rights in Taiwan; Ludwig Maximilian University Munich

**Andreja Kržić Bogataj**

Plaintiff-Friendliness as a Principle of Social Court Proceedings – A German-Slovenian Legal Comparison; Ludwig Maximilian University Munich

## 4 PUBLICATIONS

### Becker, Ulrich

—: Climate Protection, the German Federal Constitutional Court, and the Future of the Welfare State, Max Planck Institute for Social Law and Social Policy Research Paper No. 2023-15. <https://ssrn.com/abstract=4663821>

—: Réformes et options de réforme dans le régime légal de retraite allemand (translation: Kessler, Francis), in: *Revue de droit sanitaire et social (RDSS)*, (2023) 4, pp. 671-679.

—: Le socle européen des droits sociaux. Analyse d'un outil original (translation: Kessler, Francis), in: *Droit Social*, (2023) 1, pp. 20-28.

—: Arbeitnehmerfreizügigkeit, in: Ehlers, Dirk; Germelmann, Claas Friedrich (eds.), *Europäische Grundrechte und Grundfreiheiten*, 5<sup>th</sup> ed., Berlin, Boston 2023, pp. 1313-1352.

—: A proteção do clima, o Tribunal Constitucional Federal e o futuro do Estado Social [Climate protection, the Federal Constitutional Court and the future of the welfare state], in: *Revista Brasileira de Direitos Fundamentais & Justiça*, 18 (2023) 48, pp. 31-51.

—: The Social Eco-State, Max Planck Institute for Social Law and Social Policy Research Paper No. 2023-1. <https://ssrn.com/abstract=4453572>

—: Der deutsche Sozialstaat – Bewährung und Herausforderungen im internationalen Vergleich, in: *Neue Zeitschrift für Sozialrecht (NZS)*, (2022) 21, pp. 801-806.

—: Abschied vom generativen Beitrag, in: *Neue Juristische Wochenschrift (NJW)*, 75 (2022) 30, pp. 2153-2155.

—: Altersvorsorge und Demographie – Herausforderungen und Regelungsbedarf, in: *JuristenZeitung (JZ)*, 77 (2022) 17, pp. 804-812.

—: O Estado Ecosocial [The Social Eco-State], in: *Revista da AJURIS – QUALIS A2*, 49 (2022) 153, pp. 439-448.

Ruland, Franz; —; Axer, Peter (eds.): *Sozialrechtshandbuch (SRH)*, Baden-Baden 2022.

—; Seemann, Anika (eds.): *Protecting Livelihoods. A Global Comparison of Social Law Responses to the COVID-19 Crisis*, Baden-Baden 2022.

—: Social Policy and Social Law in Times of Crisis: An Introduction, in: —; Seemann, Anika (eds.), *Protecting Livelihoods. A Global Comparison of Social Law Responses to the COVID-19 Crisis*, Baden-Baden 2022, pp. 11-27.

—: The Community Steps Up: Changing Responsibilities in Germany, in: —; Seemann, Anika (eds.), *Protecting Livelihoods. A Global Comparison of Social Law Responses to the COVID-19 Crisis*, Baden-Baden 2022, pp. 201-228.

—: Der Klimaschutz, das BVerfG und die Zukunft des Sozialstaats, in: *Neue Juristische Wochenschrift (NJW)*, 75 (2022) 17, pp. 1222-1227.

—: Öffentliches Entschädigungsrecht, in: Huster, Stefan; Kingreen, Thorsten (eds.), *Handbuch Infektionsschutzrecht*, 2<sup>nd</sup> ed., Munich 2022, pp. 369-431.

—: Kommunale Sozialpolitik, in: Burgi, Martin; Waldhoff, Christian (eds.), *Kommunale Selbstverwaltung im Bundes- und Finanzstaat*, Festschrift für Hans-Günter Henneke zum 65. Geburtstag, Hürth 2022, pp. 287-304.

—: The Social Eco-State, in: Schoukens, Paul; Demarsin, Bert; de Becker, Eleni; Keersmaekers, Thijs (eds.), *Liber Amicorum Danny Pieters – Durven out of the box denken*, Ghent 2022, pp. 70-76.

—; Kingreen, Thorsten (eds.): *SGB V – Gesetzliche Krankenversicherung*, Kommentar, Munich 2022.

—; Heckmann, Dirk; Kempen, Bernhard; Manssen, Gerrit: *Öffentliches Recht in Bayern: Verfassungsrecht, Kommunalrecht, Polizei- und Sicherheitsrecht, Öffentliches Baurecht – eine prüfungsorientierte Darstellung*, Munich 2022.

—: §§ 132l–132m, 135a, 135c–137c, 137e, 137h–137k, 139d, 396–397, 405, 409, 415 SGB V (Qualitätssicherung, Erprobung, Straf- und Bußgeldvorschriften, Übergangsvorschriften), in: —; Kingreen, Thorsten (eds.), *SGB V: Gesetzliche Krankenversicherung*, 8<sup>th</sup> ed., Munich 2022, pp. 1770-1775, 1818-1823, 1826-1880, 1883-1892, 1904-1928, 1971-1972, 2860-2864, 2880-2881, 2886-2887, 2896.

—: §§ 37c, 39, 39e, 107–110a, 112–115b, 115d–118a, 120–122 SGB V (Krankenhausrecht), in: —; Kingreen, Thorsten (eds.), *SGB V: Gesetzliche Krankenversicherung*, 8<sup>th</sup> ed., Munich 2022, pp. 556-561, 565-583, 599-600, 1346-1383, 1403-1434, 1435-1484, 1497-1518.



—: §§ 37c, 39, 39e, 107–110a, 112–115b, 115d–118a, 120–122 SGB V (Krankenhausrecht), in: —; Kingreen, Thorsten (eds.), SGB V: Gesetzliche Krankenversicherung, 8<sup>th</sup> ed., Munich 2022, pp. 556–561, 565–583, 599–600, 1346–1383, 1403–1434, 1435–1484, 1497–1518.

—; Kingreen, Thorsten: §§ 1, 11, 69 SGB V (Allgemeine Vorschriften), in: —; Kingreen, Thorsten (eds.), SGB V: Gesetzliche Krankenversicherung, 8<sup>th</sup> ed., Munich 2022, pp. 1–17, 126–139, 822–849.

—; Kingreen, Thorsten: §§ 1, 11, 69 SGB V (Allgemeine Vorschriften), in: —; Kingreen, Thorsten (eds.), SGB V: Gesetzliche Krankenversicherung, 8<sup>th</sup> ed., Munich 2022, pp. 1–17, 126–139, 822–849.

—: 40 Jahre Max-Planck-Institut für Sozialrecht und Sozialpolitik, in: Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht (ZIAS), 36 (2022) 1, pp. 1–4.

—: Internationales Sozialrecht, in: Deutscher Verein für öffentliche und private Fürsorge e.V. (ed.), Fachlexikon der Sozialen Arbeit, 9<sup>th</sup> ed., Baden-Baden 2022, pp. 454–455.

Seemann, Anika; —; He, Linxin; Hohnerlein, Eva Maria; Wilman, Nikola: Protecting Livelihoods in the COVID-19 Crisis. A comparative Analysis of European Labour Market and Social Policies, in: Global Social Policy, 21 (2021) 3, pp. 550–568. <https://doi.org/10.1177/14680181211019281>

—: Voraussetzungen der Entsendung im Lichte der Funktionsbedingungen von Sozialrechtsordnungen, in: Zeitschrift für europäisches Sozial- und Arbeitsrecht (ZESAR), (2021) 11, pp. 467–476.

—: Öffentliches Entschädigungsrecht, in: Huster, Stefan; Kingreen, Thorsten (eds.), Handbuch des Infektionsschutzrechts, Munich 2021, pp. 313–372.

—; Chesalina, Olga (eds.): Social Law 4.0: New Approaches for Ensuring and Financing Social Security in the Digital Age, Baden-Baden 2021.

Chesalina, Olga; —: Social Law 4.0: Challenges and Opportunities in Social Protection, in: Chesalina, Olga; — (eds.), Social Law 4.0: New Approaches for Ensuring and Financing Social Security in the Digital Age, Baden-Baden 2021, pp. 15–38.

Schneider, Simone M.; Petrova, Teodora; — (eds.): Pension Maps: Visualising the Institutional Structure of Old Age Security in Europe and Beyond, 2<sup>nd</sup> ed., Max Planck Institute for Social Law and Social Policy, Munich 2021. DOI: 10.17617/2.3359088

Schneider, Simone M.; Petrova, Teodora; — (eds.): Pension Maps: Visualising the Institutional Structure of Old Age Security in Europe, Max Planck Institute for Social Law and Social Policy, Munich 2021. DOI: 10.17617/2.3291788

—; Schneider, Simone M.; Petrova, Teodora: Introduction, in: Schneider, Simone M.; Petrova, Teodora; — (eds.), Pension Maps: Visualising the Institutional Structure of Old Age Security in Europe and Beyond, 2<sup>nd</sup> ed., Max Planck Institute for Social Law and Social Policy, Munich 2021, pp. 2–5.

—; Schneider, Simone M.; Petrova, Teodora: Introduction, in: Schneider, Simone M.; Petrova, Teodora; — (eds.), *Pension Maps: Visualising the Institutional Structure of Old Age Security in Europe*, Max Planck Institute for Social Law and Social Policy, Munich 2021, pp. 11-14.

—; Kingreen, Thorsten; Rixen, Stephan: Grundlagen des Sozialrechts, in: Ehlers, Dirk; Fehling, Michael; Pünder, Hermann, *Besonderes Verwaltungsrecht*, Heidelberg u.a. 2021, § 75, S. 1020-1172.

—: Unfallversicherungsrecht, in: Ehlers, Dirk; Fehling, Michael; Pünder, Hermann, *Besonderes Verwaltungsrecht*, Heidelberg u.a. 2021, § 78, S. 1127-1172.

—: Rentenversicherungsrecht, in: Ehlers, Dirk; Fehling, Michael; Pünder, Hermann, *Besonderes Verwaltungsrecht*, Heidelberg u.a. 2021, § 79, S. 1173-1210.

### **Beul, Madeleine**

—: Teilzeit gleich Halbzeit? Traditionelle Rollenvorstellungen bei der Befreiung von der Krankenversicherungspflicht, in: *Neue Juristische Wochenschrift (NJW)*, 76 (2023) 31, pp. 2245-2251.

—; Drechsler, Jannes: Sport als (kein) Gegenstand der Künstlersozialversicherung – Wie eine stringente Rechtsanwendung die Abgrenzung von Sport und Kunst nach dem KSVG ermöglicht, in: *Neue Zeitschrift für Sozialrecht (NZS)*, (2022) 11, pp. 404-409.

### **Chesalina, Olga**

—: Psychosocial Risks and Mental Health of Employed Persons in the Post-Covid World of Work, in: Addabbo, Tindara et. al. (eds.), *Work Beyond the Pandemic. Towards a Human-Centred Recovery*, 2024, pp. 171-190.

—: Exploring the Right to Disconnect in European Labour Law and in the Legislation of the Member States. Just a Matter of Working Time of Employees?, in: Woźniak-Jęchorek, Beata (ed.), *Digital Labour Markets in Central and Eastern European Countries*, New York, London 2023, pp. 193-209.

—: Extending Social Security Schemes for 'Non-employees': A Comparative Perspective, Max Planck Institute for Social Law and Social Policy Research Paper No. 2023-4. <https://ssrn.com/abstract=4453468>

—: Die Verantwortung des Arbeitgebers für den sozialen Schutz, in: *Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht (ZIAS)*, 36 (2022) 1, pp. 58-63.

—: Sozialer Schutz von hybriden Selbstständigen. Kommentar zum Beitrag von Prof. Fachinger, in: Goldberg, Katharina; Leßmann, Ortrud; Schuler-Harms, Margarete (eds.), *Soziale Sicherung Selbstständiger. Interdisziplinäre und internationale Betrachtungen*, Münster 2022, pp. 76-87.

—: Russia: The Path Dependence of Old Concepts and Targeted Support Measures in the COVID-19 Pandemic, in: Becker, Ulrich; Seemann, Anika (eds.), *Protecting Livelihoods. A Global Comparison for Social Law Responses to the COVID-19 Crisis*, Baden-Baden 2022, pp. 405-426.

—: The Legal Nature and the Place of the Right to Disconnect in European and in Russian Labour Law, in: *Russian Law Journal*, 8 (2021) 3, pp. 36-59.

—: Rezension zur Dissertation: Mayr, Daniela, *Arbeitsrechtlicher Schutz Soloselbstständiger am Beispiel der Plattformarbeit*, in: *Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht (ZIAS)*, 35 (2021) 2, pp. 236-242.

—: The Scope of Labour Law in the Platform Economy, in: *European and Asian Law Review*, 4 (2021) 1, pp. 28-35.

—: Platform Work: Critical Assessment of Empirical Findings and its Implications for Social Security, in: —; Becker, Ulrich (eds.), *Social Law 4.0. New Approaches for Ensuring and Financing Social Security in the Digital Age*, Baden-Baden 2021, pp. 39-72.

—; Becker, Ulrich: Social Law 4.0: Challenges and Opportunities in Social Protection, in: —; Becker, Ulrich (eds.), *Social Law 4.0. New Approaches for Ensuring and Financing Social Security in the Digital Age*, Baden-Baden 2021, pp. 15-38.

—: The Reform of Remote Work in Russia, in: *Comparative Labor Law and Policy Journal*, Dispatch 33 (2021).

—: Russian Federation, in: Schneider, Simone M.; Petrova, Teodora; Becker, Ulrich (eds.), *Pension Maps: Visualising the Institutional Structure of Old Age Security in Europe and Beyond*, 2<sup>nd</sup> ed., Max Planck Institute of Social Law and Social Policy, Munich 2021, pp. 463-481.

Becker, Ulrich; — (eds.): *Social Law 4.0: New Approaches for Ensuring and Financing Social Security in the Digital Age*, Baden-Baden 2021.

### **D'Alfonso Masarié, Edoardo**

—: Im Familienkreis, inhaltlich harmonisiert, nicht allzu teuer: Die Pflege in Italien und ihre Perspektiven nach dem Altersgesetz 33/2023, in: *Zeitschrift für europäisches Sozial- und Arbeitsrecht (ZESAR)*, (2023) 9, pp. 364-375.

—: Nation ist auch im Wahlrecht kein Muss, *Verfassungsblog*, 25.03.2023. <https://verfassungsblog.de/nation-ist-auch-im-wahlrecht-kein-muss/>

—: Art. 9, 51, 52, 61, 83 Thüringer Verfassung, in: Dressel, Carl-Christian; Poschmann, Thomas (eds.), *Kommentar zur Thüringer Verfassung*, Berlin (2023).

—: Die Bewältigung des demografischen Wandels in der Alterssicherung im deutsch-italienischen Rechtsvergleich, Baden-Baden 2022.

—: Die Kanonistik als juristische Disziplin: Die italienische Laienkanonistik, *NomoK@non*, 15.06.2022. <https://www.nomokanon.de/nomokanon/article/view/210>

—: Phantastische Geimpftenrechtdebatten und wie sie zu meiden sind, *JuWiss*, 27.01.2021. <https://www.juwiss.de/11-2021/>

### **Domenici, Irene**

—; Busatta, Lucia: Criteri allocativi e scelte tragiche in sanità: quale lezione dalla pandemia?, in: *Rivista italiana di cure palliative*, (2023) 25, pp. 233-238.

—: Sustainability of Conscientious Objection: The Case of Abortion in the Italian Healthcare System, Max Planck Institute for Social Law and Social Policy Research Paper No. 2023-6. <https://ssrn.com/abstract=4663768>

—: Between Ethical Oversight and State Neutrality: Introducing Controversial Technologies into the Public Healthcare Systems of Germany, Italy and England, Baden-Baden 2023.

—: Verso il ripensamento del compromesso sull'aborto in Germania. Riflessioni sulla recente abolizione del divieto di informare sulle procedure abortive, in: *BioLaw Journal - Rivista di BioDiritto*, (2023) 1S, pp. 461-471.

Günther, Christian; Tonti, Lauren; —: Vaccination as an Equaliser? Evaluating COVID-19 Vaccine Prioritisation and Compensation, in: *Medical Law Review*, 30 (2022) 4, pp. 584-609.

—: Inerzia del legislatore e triage secondo il Bundesverfassungsgericht: una falsa vittoria?, in: *Corti supreme e salute*, (2022) 2, pp. 429-443.

—; Villarreal, Pedro: Guest Editorial: The Fragmented Nature of Pandemic Decision-Making: A Comparative and Multi-level Legal Analysis, in: *European Journal of Health Law*, 29 (2022) 1, pp. 1-5.

—: Engeser, Franciska: The Institutional Tragedy of Pandemic Triage Regulation in Italy and Germany, in: *European Journal of Health Law*, 29 (2022) 1, pp. 103-130.

—: Antigone Betrayed? The European Court of Human Rights' Decisions on Conscientious Objection to Abortion in the Cases of *Grimmark v. Sweden* and *Steen v. Sweden*, in: *European Journal of Health Law*, 28 (2021) 1, pp. 26-47.

—; Grinblat, Roman; Hardenberg, Simone von: Einbindung neuer In-vitro-Diagnostika in die GKV – Lösungsansätze aus vergleichender Perspektive (Teil 1), in: *Medizinrecht*, 39 (2021) 10, pp. 875-880.

Hardenberg, Simone von; —; Grinblat, Roman: Einbindung neuer In-vitro-Diagnostika in die GKV: Lösungsansätze aus vergleichender Perspektive (Teil 2), in: *Medizinrecht*, 39 (2021) 11, pp. 964-970.

—: Tecnologie sanitarie innovative: il diritto di fronte all'incertezza scientifica ed etica [Innovative Health Technologies: Law Facing Scientific and Ethical Uncertainty], in: Piciocchi, Cinzia; Fasan, Marta; Reale, Carla Maria; Le (in)certezze del diritto: Atti delle giornate di studio 17-18 gennaio 2019, Trento 2021, pp. 295-313.

### Grinblat, Roman

Domenici, Irene; —; Hardenberg, Simone von: Einbindung neuer In-vitro-Diagnostika in die GKV – Lösungsansätze aus vergleichender Perspektive (Teil 1), in: *Medizinrecht*, 39 (2021) 10, pp. 875–880.

Hardenberg, Simone von; Domenici, Irene; —: Einbindung neuer In-vitro-Diagnostika in die GKV: Lösungsansätze aus vergleichender Perspektive (Teil 2), in: *Medizinrecht*, 39 (2021) 11, pp. 964–970.

### Günther, Christian

—: Compensating Injuries through the British Welfare State: Arriving at a Coherent System of No-Fault Compensation, Max Planck Institute for Social Law and Social Policy Research Paper No. 2023-7. <https://ssrn.com/abstract=4663754>

—; Tonti, Lauren; Domenici, Irene: Vaccination as an Equaliser? Evaluating COVID-19 Vaccine Prioritisation and Compensation, in: *Medical Law Review*, 30 (2022) 4, pp. 584–609.

—: Legal vs. Extra-Legal Responses to Public Health Emergencies, in: *European Journal of Health Law*, 29 (2022) 1, pp. 131–149.

—: Die Reform des englischen „Adult Social Care“ Systems – die Bewältigung einer Krise?, in: *Zeitschrift für europäisches Sozial- und Arbeitsrecht*, (2022), pp. 164–170.

—: Great Britain, in: Schneider, Simone M.; Petrova, Teodora; — (eds.), *Pension Maps: Visualising the Institutional Structure of Old Age Security in Europe and Beyond*, 2<sup>nd</sup> ed., Max Planck Institute for Social Law and Social Policy, Munich 2021, pp. 203–214.

—: Great Britain, in: Schneider, Simone M.; Petrova, Teodora; — (eds.), *Pension Maps: Visualising the Institutional Structure of Old Age Security in Europe*, Max Planck Institute for Social Law and Social Policy, Munich 2021, pp. 111–122.

### Hagn, Julia

—: United Nations Children’s Fund, UNICEF, in: Freistein, Katja; Leininger, Julia; Weinlich, Silke (eds.), *Handbook of International Organizations. Theories, Concepts and Empirical Insights* (forthcoming).

### Hardenberg, Simone von

Domenici, Irene; Grinblat, Roman; —: Einbindung neuer In-vitro-Diagnostika in die GKV – Lösungsansätze aus vergleichender Perspektive (Teil 1), in: *Medizinrecht*, 39 (2021) 10, pp. 875–880.

—; Domenici, Irene; Grinblat, Roman: Einbindung neuer In-vitro-Diagnostika in die GKV: Lösungsansätze aus vergleichender Perspektive (Teil 2), in: *Medizinrecht*, 39 (2021) 11, pp. 964–970.

### He, Linxin

Hohnerlein, Eva Maria; —: Au coeur de controverses : la coordination des prestations familiales dans l’UE, in: *Revue de droit sanitaire et social (RDSS)*, (2023) 6, pp. 1018–1028.

—: Subordinate Work: How Does the Law Categorize Modern Labor Relationships?, in: Herzog, Lisa; Zimmermann, Bénédicte (eds.), *Shifting Categories of Work*, New York 2023, pp. 17–32.

—: Auf dem Weg zu einem sozial-ökologischen Staat, Max Planck Institute for Social Law and Social Policy Research Paper No. 2023-2. <https://ssrn.com/abstract=4453538>

—: Living with COVID-19: Entering the 'New Normal' Era in France, in: Becker, Ulrich; Seemann, Anika (eds.), Protecting Livelihoods. A Global Comparison of Social Law Responses to the COVID-19 Crisis, Baden-Baden 2022, pp. 181-200.

Seemann, Anika; Becker, Ulrich; —; Hohnerlein, Eva Maria; Wilman, Nikola: Protecting Livelihoods in the COVID-19 Crisis. A Comparative Analysis of European Labour Market and Social Policies, in: Global Social Policy, 21 (2021) 3, pp. 550-568.

Delmas-Marty, Mireille; —; Wijffels, Alain: Propos introductifs: Qu'est-ce qu'un Jus Commune?, in: Sur les chemins vers un Jus Commune universalizable, Paris 2021.

Delmas-Marty, Mireille; —; Maljean-Dubois, Sandrine: Entre règles et l'esprit des règles, in: Sur les chemins vers un Jus Commune universalizable, Paris 2021.

—: France, in: Schneider, Simone M.; Petrova, Teodora; Becker, Ulrich (eds.), Pension Maps: Visualising the Institutional Structure of Old Age Security in Europe and Beyond, 2<sup>nd</sup> ed., Max Planck Institute for Social Law and Social Policy, Munich 2021, pp. 155-182.

—: France, in: Schneider, Simone M.; Petrova, Teodora; — (eds.), Pension Maps: Visualising the Institutional Structure of Old Age Security in Europe, Max Planck Institute for Social Law and Social Policy, Munich 2021, pp. 65-90.

## Hohnerlein, Eva Maria

—; He, Linxin: Au coeur de controverses : la coordination des prestations familiales dans l'UE, in: Revue de droit sanitaire et social (RDSS), (2023) 6, pp. 1018-1028.

—: Elterngeld: Elterngeld Plus / Anrechnung von Krankengeld / Bezugszeitraum, in: Sozialgerichtsbarkeit, (2022) 4, pp. 253-256.

—: Rezension von: Carmelo Mesa-Lago, Evaluation of four decades of pension privatization in Latin America, 1980-2020: Promises and reality, in: Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht (ZIAS), 36 (2022) 2, pp. 382-387.

—: Social Policy Measures to Mitigate the Effects of the COVID-19 Pandemic in Italy between Continuity and Change, in: Becker, Ulrich; Seemann, Anika (eds.), Protecting Livelihoods. A Global Comparison of Social Law Responses to the COVID-19 Crisis, Baden-Baden 2022, pp. 263-293

—: Stichwort "Europäische Sozialcharta", in: Fachlexikon der Sozialen Arbeit, Baden-Baden 2022, pp. 267.

—: Stichwort "Europarat", in: Fachlexikon der Sozialen Arbeit, Baden-Baden 2022, pp. 271-272.

—: "Unvollständige Familien" – Familienformen im Wandel als Gegenstand sozialrechtlicher Forschung, in: Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht (ZIAS), 36 (2022) 1, pp. 165-172.



—: Rezension von: Stefan Treichel, Zur Notwendigkeit einer Umsetzung der Vereinbarkeitsrichtlinie 2019/1158 vom 20. Juni 2019 in das geltende Arbeits- und Sozialrecht. Rechtsgutachten im Auftrag des Bundesvorstandes des Deutschen Gewerkschaftsbundes, in: Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht (ZIAS), 35 (2021) 2, pp. 233-235

Seemann, Anika; Becker, Ulrich; He, Linxin; —; Wilman, Nikola: Protecting Livelihoods in the COVID-19 Crisis. A Comparative Analysis of European Labour Market and Social Policies, in: Global Social Policy, 21 (2021) 3, pp. 550-568.

—: La gestion de la situation sociale liée à la pandémie de la COVID-19 en Italie: la jungle des amortisseurs sociaux et de systèmes fragmentés, in: Droit Social, (2021) 10, pp. 827-835.

—: Rezension von: Katja Chandna-Hoppe, Weiterbeschäftigung nach Erreichen des Rentenalters. Zur Systematik der Befristungskontrolle am Beispiel der Befristung nach Erreichen des Rentenalters im Spannungsfeld von Unionsrecht und nationalem Recht, in: Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht (ZIAS), 35 (2021) 1, pp. 117-120.

—: Familienleistungen bei Migration in der EU: Zugangsbeschränkungen zwischen Kostenkontrolle, Missbrauchsbekämpfung und Gleichbehandlungsversprechen, in: Hekimler, Alpay (ed.): Festschrift für Otto Kaufmann, Istanbul 2021, pp. 775-802.

—: Vom Mutterschutz zum Schutz für Eltern und pflegende Angehörige: Europäische Gleichstellungspolitik und nationale Entwicklungen, in: Exploring the Social Dimension of Europe. Essays in Honour of Nada Bodiroga-Vukobrat, Hamburg 2021, pp. 321-332.

—: Italy, in: Schneider, Simone M.; Petrova, Teodora; Becker, Ulrich (eds.), Pension Maps: Visualising the Institutional Structure of Old Age Security in Europe and Beyond, 2<sup>nd</sup> ed., Max Planck Institute for Social Law and Social Policy, Munich 2021, pp. 255-276.

—: Italy, in: Schneider, Simone M.; Petrova, Teodora; Becker, Ulrich (eds.), Pension Maps: Visualising the Institutional Structure of Old Age Security in Europe, Max Planck Institute for Social Law and Social Policy, Munich 2021, pp. 133-152.

### **Hruschka, Constantin**

—: EU-Asylrecht – Scheinkompromiss oder historische Einigung? In: Zeitschrift für Rechtspolitik (ZRP), (2023) 6, pp. 175-179.

—: Grundrechtsschutz an den Außengrenzen - Die Rolle von Frontex im Lichte der 'Gemeinsamen Verantwortung' für Grenzkontrollen, in: Epiney, Astrid; Progin-Theuerkauf, Sarah; Dahinden, Flaminia; Zlatescu, Petru Emanuel (eds.), Schweizerisches Jahrbuch für Europarecht, Bern 2023, pp. 479-491.

—: Dublinverfahren, in: Uebersax, Peter; Rudin, Beat; Hugli Yar, Thomas; Geiser, Thomas; Vetterli, Luzia (eds.), HAP Ausländerrecht, 3<sup>rd</sup> ed., Basel 2023.

—; Studer, Melanie; Sozial- und Nothilfe im Flüchtlingsbereich, in: Uebersax, Peter; Rudin, Beat; Hugli Yar, Thomas; Geiser, Thomas; Vetterli, Luzia (eds.), HAP Ausländerrecht, 3<sup>rd</sup> ed., Basel 2023.

—; Rohmann, Tim: Excluded by Crisis Management? Legislative Hyperactivity in Post-2015 Germany, in: International Migration, 61 (2023) 3, pp. 12-24.

—: Umstrittene Drittstaatenverfahren, in: Seitz/Straub/Weyeneth (eds.), Rechtschutz in Theorie und Praxis, Festschrift für Stephan Breitenmoser, Basel 2023, pp. 391-404.

—; Frei, Nula: Verantwortungsteilung im Dublin-Raum – aktueller Stand und Entwicklungsperspektiven, in: Breitenmoser/Uebersax/Hilpold (eds.), Schengen und Dublin in der Praxis, Zurich/St. Gallen 2023, pp. 550-571.

—: Review of Nina Hadorn, Regimekonflikt im Völkerrecht anhand des Beispiels UNHCR – IOM, Baden-Baden 2023, in: Zeitschrift für Ausländerrecht und Ausländerpolitik (ZAR), 43 (2023) 11-12, pp. 418-419.

—: Review of Cathryn Costello, Michelle Foster, Jane McAdam (eds.), The Oxford Handbook of International Refugee Law, Oxford 2021, in: Zeitschrift für Ausländerrecht und Ausländerpolitik (ZAR), 43 (2023) 3, pp. 131-133.

—: Grenzkontrollen an den Grenzen des Rechts – Frontex zwischen Rechtsschutz und Rechtsverletzung, in: Aus Politik und Zeitgeschichte (APuZ), 72 (2022) 42, pp. 35-40.

—; Hunkler, Christian; Rohmann, Tim: Exclusionary Intent and Effects in the Migration Area, in: Quarterly on Refugee Problems – AWR Bulletin, 61 (2022) 2, pp. 130-154.

—: Reförmchen zur Unzeit, Legal Tribune Online, 10.11.2022. <https://www.lto.de/recht/hintergruende/h/gesetz-entwurf-bundesregierung-beschleunigung-asyllgerichtsverfahren-asyllverfahren/>

—; Maiani, Francesco: Regulation (EU) No. 604/2013, in: Hailbronner, Kay; Thym, Daniel (eds.), EU Immigration and Asylum Law – Commentary, 3<sup>rd</sup> ed., Munich 2022, pp. 1639-1763.

— (ed.): GFK – Genfer Flüchtlingskonvention, Handkommentar, Baden-Baden 2022.

—: Einleitung, Präambel, Art. 3 (Länderteil D), 5, 6, 8, 9 (Länderteil D), 16 (Länderteil D), 26 (Länderteil D), 27 (Länderteil D), 28 (Länderteil D), 30, 31 (Länderteil D), 32 (Länderteil D und CH, Bewertung), 33 Abs. 2 (Länderteil D und CH, Bewertung), 34 (Länderteil D), 35 (Länderteil D und CH), 36, 37, 39-46, in:

— (ed.), GFK – Genfer Flüchtlingskonvention, Handkommentar, Baden-Baden 2022, pp. 23-41, 43-51, 153-157, 173-176, 176-188, 203-209, 221-224, 345-351, 623-626, 638 f., 657-661, 681-683, 716-721, 741-754, 757-761, 790-795, 799-805, 817-826, 852-856, 861-864, 865-867, 868, 878-893.

—; Frei Nula; Hinterberger, Kevin Fredy: Art. 1, 33, in: — (ed.), GFK – Genfer Flüchtlingskonvention, Handkommentar, Baden-Baden 2022, pp. 52-131, 761-790.

—; Kneer, Anne: Art. 9 (Länderteil CH), in: — (ed.), GFK – Genfer Flüchtlingskonvention, Handkommentar, Baden-Baden 2022, pp. 229-323.

—; Gordzielik, Teresia: Art. 23 (Länderteil CH), in: — (ed.), GFK – Genfer Flüchtlingskonvention, Handkommentar, Baden-Baden 2022, pp. 528-536.

—; Frei, Nula; Gordzielik, Teresia: Art. 24 (Länderteil CH), in: — (ed.), GFK – Genfer Flüchtlingskonvention, Handkommentar, Baden-Baden 2022, pp. 569-582.

—; Frei Nula: Art. 26 (Länderteil CH), 35 (Bewertung), 38, in: — (ed.), GFK – Genfer Flüchtlingskonvention, Handkommentar, Baden-Baden 2022, pp. 628-630, 840-852 und 864 f., 869-878.

—: Hyperactive and Incoherent Legislation and Policy: Germany's Fragmented Migration Management within the European Framework, in: Law and Migration in a Changing World 2022, pp. 369-407.

—: Immigration Law and Policy in Switzerland: Between Restrictive Controls and Freedom of Movement, in: Foblets, Marie-Claire; Carlier, Jean-Yves (eds.), Law and Migration in a Changing World 2022, pp. 681-721

Gago, Angie; —: The Persistence of Legal Uncertainty on EU Citizens' Access to Social Benefits in Germany, in: Journal of European Social Policy, 32 (2022) 5, pp. 564-577.

—; Janda, Constanze; Jüngling, Konstanze (eds.): Einwanderungsland Deutschland – Perspektiven nach der Bundestagswahl 2022, Series 'Im Dialog – Beiträge aus der Akademie der Diözese Rottenburg-Stuttgart', 5 (2022).

—: Asylfolgeantrag wegen neuer EuGH-Entscheidung, in: Asylmagazin, (2021) 5, pp. 148-151.

—; Schader, Miriam: We Managed - And we Changed in the Process, Max Planck Society, 2021.

—: §§ 3, 4, 29 (I) Nr. 1 AsylG and § 60 AufenthG (together with Johanna Mantel), in: Huber, Bertold; Mantel, Johanna (eds.), AufenthG/AsylG, Kommentar, 3<sup>rd</sup> ed., Munich 2021, pp. 624-652, 1275-1363.

—; Progin-Theuerkauf, Sarah: Die Rechtsprechung des EuGH zum Europäischen Migrationsrecht, in: Achermann, Alberto et al. (eds.), Jahrbuch für Migrationsrecht 2021, pp. 359-396.

Uebersax, Peter; Petry, Roswitha; —; Frei, Nula; Errass, Christoph (eds.): Migrationsrecht in a Nutshell, Zurich et al. 2021.

—: §§ 46-49b AufenthG, in: Kluth, Winfried; Heusch, Andreas (eds.), Ausländerrecht, Kommentar, Munich 2021, pp. 652-693.

—: Kapitel III, V, XIII, in: Schweizerische Flüchtlingshilfe SFH (ed.), Handbuch zum Asyl- und Wegweisungsverfahren, 3. ed., Bern 2021, pp. 57-72, 131-182, 531-576.

—: Chapitres III, V, XIII, in: Schweizerische Flüchtlingshilfe SFH (ed.), *Manuel de la procédure d’asile et de renvoi*, 3. ed., Bern 2022, pp. 57-71, 133-171 und 535-580.

—: Anerkennung und Aufnahme als Flüchtling (insb. RL 2011/95/EU und RL 2013/33/EU), in: Wollenschläger (ed.), *Europäischer Freizügigkeitsraum - Unionsbürgerschaft und Migrationsrecht*, Enzyklopädie Europarecht Vol. 10, Baden-Baden u.a. 2021, pp. 735-818.

### **Kržič Bogataj, Andreja**

—: Klägerfreundlichkeit als Prinzip des Sozialgerichtsverfahrens. Ein deutsch-slowenischer Rechtsvergleich, Baden-Baden 2021.

### **Mittlaender Leme de Souza, Sergio Rubens**

—: Solidary Behaviour and the Law, *Max Planck Law Perspectives*, 31.05.2023. <https://law.mpg.de/perspectives/solidary-behaviour-and-the-law/>

—: Special Pension Schemes for Workers in Arduous and Hazardous Jobs. Functions and Conditions to Ensure Equal Treatment, in: *International Social Security Review*, 76 (2023) 1, pp. 109-126.

—: Special Pension Schemes for Workers in Arduous and Hazardous Jobs. Functions and Conditions to Ensure Equal Treatment, *Max Planck Institute for Social Law and Social Policy Research Paper*, No. 2023-3. <https://ssrn.com/abstract=4453515>

Arvate, Paulo; Lenz, Lisa; —: Strategic discrimination and the emergence of systematic exclusion, *Empirical Economics*, 28.09.2023. <https://link.springer.com/article/10.1007/s00181-023-02487-7>

—: Equity, Efficiency, and Ethics in Remedies for Breach of Contract. *Theory and Experimental Evidence*, Cham 2022.

—; Lenz, Lisa: The Effect of Intergroup Contact on Discrimination, in: *Journal of Economic Psychology*, 89 (2022) 2.

—: Keeping Promises and Contracts, in: *Encyclopedia of Law and Economics*, New York 2021.

—: Brazil, in: Schneider, Simone M.; Petrova, Teodora; Becker, Ulrich (eds.), *Pension Maps: Visualising the Institutional Structure of Old Age Security in Europe and Beyond*, 2<sup>nd</sup> ed., Max Planck Institute for Social Law and Social Policy, Munich 2021, pp. 431-441.

### **Ossio Bustillos, Lorena Maria Virginia**

— (ed.): *Derecho social, inclusión y protección social*, La Paz 2022.

— (ed.): *Jurisprudencia Constitucional Plurinacional y Jurisprudencia Multicultural - Documentos de consulta del proyecto prestaciones sociales para los pueblos indígenas en América Latina*, La Paz 2023.

—: *Derecho y Sistema de prestaciones sociales para los pueblos indígenas en América Latina*, La Paz 2023.

### Petrova, Teodora

—: Value Judgments. The Dangers of the 'Traditionalist' Rhetoric of the Bulgarian Constitutional Court, *Verfassungsblog*, 05.11.2021. <https://verfassungsblog.de/value-judgments/>

—: The 'Quiet' Revolutions in Social Protection and the Constitutional Safeguards in Eastern Europe: The Cases of Bulgaria, Slovenia, and Latvia, in: Belov, Martin (eds.), *Peace, Discontent and Constitutional Law: Challenges to Constitutional Order and Democracy*, London 2021.

Schneider, Simone M.; —; Becker, Ulrich (eds.): *Pension Maps: Visualising the Institutional Structure of Old Age Security in Europe and Beyond*, 2<sup>nd</sup> ed., Max Planck Institute for Social Law and Social Policy, Munich 2021.

Schneider, Simone M.; —; Becker, Ulrich (eds.): *Pension Maps: Visualising the Institutional Structure of Old Age Security in Europe*, Max Planck Institute for Social Law and Social Policy, Munich 2021.

Becker, Ulrich; Schneider, Simone M.; —: Introduction, in: Schneider, Simone M.; Petrova, Teodora; — (eds.), *Pension Maps: Visualising the Institutional Structure of Old Age Security in Europe and Beyond*, 2<sup>nd</sup> ed., Max Planck Institute for Social Law and Social Policy, Munich 2021, pp. 2-5.

Becker, Ulrich; Schneider, Simone M.; —: Introduction, in: Schneider, Simone M.; Petrova, Teodora; — (eds.), *Pension Maps: Visualising the Institutional Structure of Old Age Security in Europe*, Max Planck Institute for Social Law and Social Policy, Munich 2021, pp. 11-14.

—: Bulgaria, in: Schneider, Simone M.; —; Becker, Ulrich (eds.), *Pension Maps: Visualising the Institutional Structure of Old Age Security in Europe and Beyond*, 2<sup>nd</sup> ed., Max Planck Institute for Social Law and Social Policy, Munich 2021, pp. 53-70.

—: Bulgaria, in: Schneider, Simone M.; —; Becker, Ulrich (eds.), *Pension Maps: Visualising the Institutional Structure of Old Age Security in Europe*, Max Planck Institute for Social Law and Social Policy, Munich 2021, pp. 39-53.

### Plank, Kristine

—: German State Aid for COVID-19 Medicinal Products: A Risk for Solidarity in the European Union, in: *European Journal of Health Law*, 29 (2022) 1, pp. 53-78.

—: Medicinal Products and the Screening of Foreign Direct Investment, in: *European Pharmaceutical Law Review*, 5 (2021) 3, pp. 123-128.

### Reinhard, Hans-Joachim

—: Mittelbare Diskriminierung aufgrund des Geschlechts/Vereinbarkeit mehrerer Renten wegen vollständiger Berufsunfähigkeit/Mittelbare Diskriminierung anhand statistischer Daten, Anmerkung zu dem Urteil des EuGH vom 30.6.2022 - C-625/20 (KM./Instituto Nacional de la Seguridad Social (INSS)), in: *Zeitschrift für europäisches Sozial- und Arbeitsrecht (ZESAR)*, (2023) 1, pp. 46-48.

—: La coordination des prestations de chômage, in: *Revue de Droit Sanitaire et Social (RDSS)*, (2023) 6, pp. 1029-1040.

—: The new basic pension supplement in Germany, in: Devetzi, Stamatia (ed.), *Minimum Income in Old Age – A Legal Comparison of Selected European Countries*, Athens/Thessaloniki 2023, pp. 49-68.

—: Einleitung, §§ 1-5; 6c-6d; 7a, 8-13; 31-32, in: Winkler, Jürgen (ed.), *SGB II – Bürgergeld, Grundsicherung für Arbeitssuchende*, Kommentar, Munich 2023, pp. V-VI, 9-30, 73-78, 151-206, 563-577.

—: Ingreso Mínimo Vital in Spanien: Eine Lücke wird geschlossen, in: *Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht (ZIAS)*, 36 (2022) 2, pp. 305-315

—: Mindestrente in Deutschland und Frankreich im Vergleich, in: Hekimler, Alpay (ed.), *Festschrift für Otto Kaufmann*, Istanbul 2021, pp. 629-647.

—: COVID-19: Challenges for Germany's Social Security System, in: Devetzi, Stamatia; Stergiou, Aggelos (eds.), *Social Security in Times of Corona*, Athens/Thessaloniki 2021, pp. 7-18.

### **Rohmann, Tim**

Hruschka, Constantin; —: Excluded by Crisis Management? Legislative Hyperactivity in Post-2015 Germany, in: *International Migration*, 61 (2023) 3, pp. 12-24.

Hruschka, Constantin; Hunkler, Christian; —: Exclusionary Intent and Effects in the Migration Area, in: *Quarterly on Refugee Problems - AWR Bulletin*, 61 (2022) 2, pp. 130-154.

—: Art. 2, 4, 7, 13, 14, 25, in: Hruschka, Constantin (ed.), *GFK – Genfer Flüchtlingskonvention, Handkommentar*, Baden-Baden 2022, pp. 131-141, 163-172, 188-203, 279-291, 305-316, 584-601.

### **Sallaba, Roman Rick**

—: Die Bürgerliche Gesellschaft und der internalisierende Sozialstaat, in: *Rechtstheorie*, 54 (2023).

—: Über Argumente argumentieren. Vorstudie zur Diskussion über gültige und ungültige Argumente im juristischen Arbeiten, in: *Jahrbuch für Recht und Ethik (JRE)*, 31 (2023).

—: From 'Unemployment Benefit II' to 'Citizen's Income' in Germany, in: *Revue de Droit Comparé du Travail et de la Sécurité Sociale*, (2023) 4, pp. 226-231.

—: De l'allocation de chômage II au revenu de citoyenneté en Allemagne, in: *Revue de Droit Comparé du Travail et de la Sécurité Sociale*, (2023) 3, pp. 170-177.

### **Schneider, Simone M.**

—: Illusion der Gleichheit. Über die Perception sozialer Ungleichheit, in: *Aus Politik und Zeitgeschichte (APuZ)*, 72 (2022) 37-38, pp. 17-22.

—; Roots, Ave; Rathmann, Katharina: Health Outcomes and Health Inequalities, in: Immergut, Ellen M.; Anderson, Karen M.; Devitt, Camilla; Popic, Tamara (eds.): *Health Politics in Europe: A Handbook*, Oxford 2021, pp. 32-48.



—; Petrova, Teodora; Becker, Ulrich (eds.): *Pension Maps: Visualising the Institutional Structure of Old Age Security in Europe and Beyond*, 2<sup>nd</sup> ed., Max Planck Institute for Social Law and Social Policy, Munich 2021.

—; Petrova, Teodora; Becker, Ulrich (eds.): *Pension Maps: Visualising the Institutional Structure of Old Age Security in Europe*, Max Planck Institute for Social Law and Social Policy, Munich 2021.

—: Germany, in: —; Petrova, Teodora; Becker, Ulrich (eds.), *Pension Maps: Visualising the Institutional Structure of Old Age Security in Europe and Beyond*, 2<sup>nd</sup> ed., Max Planck Institute for Social Law and Social Policy, Munich 2021, pp. 183–202.

—: Germany, in: —; Petrova, Teodora; Becker, Ulrich (eds.), *Pension Maps: Visualising the Institutional Structure of Old Age Security in Europe*, Max Planck Institute for Social Law and Social Policy, Munich 2021, pp. 91–110.

Becker, Ulrich; —; Petrova, Teodora: Introduction, in: Schneider, Simone M.; Petrova, Teodora; — (eds.), *Pension Maps: Visualising the Institutional Structure of Old Age Security in Europe and Beyond*, 2<sup>nd</sup> ed., Max Planck Institute for Social Law and Social Policy, Munich 2021, pp. 2–5.

Becker, Ulrich; —; Petrova, Teodora: Introduction, in: Schneider, Simone M.; Petrova, Teodora; — (eds.), *Pension Maps: Visualising the Institutional Structure of Old Age Security in Europe*, Max Planck Institute for Social Law and Social Policy, Munich 2021, pp. 11–14.

### Schubert, Nina

—: *Zwischen Akzeptanz und Resignation*, Baden-Baden 2022.

### Seemann, Anika

—: *Between Individual Risk and State Responsibility: 20 Years of Swedish Premium Pensions*, Max Planck Institute for Social Law and Social Policy Research Paper, No. 2023-8. <https://www.ssrn.com/abstract=4664433>

—: *On War, Loyalty, and Reconciliation. The German Minority during the Second World War and the Postwar Legal Reckoning*, in: *Like Snow in the Sun? The German Minority in Denmark in Historical Perspective*, Berlin 2022.

—: 'Mentalities of War, Mentalities of Peace'. Capital Punishment in the Norwegian 'Treason Trials', 1941–1948, in: Konrád, Ota; Barth, Boris; Mrňka, Jaromír (eds.): *Collective Identities and Post-War Violence in Europe, 1944–48. Reshaping the Nation*, Basingstoke 2022, pp. 225–252.

—: *Struggles for Belonging: Citizenship in Europe, 1900–2020*, in: *German History*, 40 (2022) 2, pp. 295–296.

Becker, Ulrich; — (eds.): *Protecting Livelihoods. A Global Comparison of Social Law Responses to the COVID-19 Crisis*, Baden-Baden 2022.

—: 'Collective Agreement'. Danish Social and Labour Market Policy in the COVID-19 Crisis, in: Becker, Ulrich; — (eds.), *Protecting Livelihoods. A Global Comparison of Social Law Responses to the COVID-19 Crisis*, Baden-Baden 2022, pp. 121–145.

—: Conclusions. On Risk and Solidarity in Times of Global Crises, in: Becker, Ulrich; — (eds.), *Protecting Livelihoods. A Global Comparison of Social Law Responses to the COVID-19 Crisis*, Baden-Baden 2022, pp. 521-537.

—; Becker, Ulrich; He, Linxin; Hohnerlein, Eva Maria; Wilman, Nikola: *Protecting Livelihoods in the COVID-19 Crisis. A Comparative Analysis of European Labour Market and Social Policies*, in: *Global Social Policy*, 21 (2021) 3, pp. 550-568.

—: Norway, in: Schneider, Simone M.; Petrova, Teodora; Becker, Ulrich (eds.), *Pension Maps: Visualising the Institutional Structure of Old Age Security in Europe and Beyond*, 2<sup>nd</sup> ed., Max Planck Institute for Social Law and Social Policy, Munich 2021, pp. 277-292.

—: Norway, in: Schneider, Simone M.; Petrova, Teodora; Becker, Ulrich (eds.), *Pension Maps: Visualising the Institutional Structure of Old Age Security in Europe*, Max Planck Institute for Social Law and Social Policy, Munich 2021, pp. 153-165.

### **Tonti, Lauren**

Günther, Christian; —; Domenici, Irene: Vaccination as an Equaliser? Evaluating COVID-19 Vaccine Prioritisation and Compensation, in: *Medical Law Review*, 30 (2022) 4, pp. 584-609.

—: 'Shake the Hand That Feeds You': Creating Custom Food Safety Certifications for Farm to School Programs, in: *Cornell Law Review*, 107 (2022) 3. <https://www.cornelllawreview.org/2022/08/23/shake-the-hand-that-feeds-you-creating-custom-food-safety-certifications-for-farm-to-school-programs/>

—: Symphony or Cacophony? Orchestrating Federal Mechanics toward COVID-19 Response in the United States and Germany, in: *European Journal of Health Law*, 29 (2022) 1, pp. 79-102.

Schäferling, Stefan; —: Corona-Impfstoff: Wunderwaffe oder neuer verfassungsrechtlicher Zankapfel?, in: *COVID-19 und Recht (COVuR)*, (2021) 2, pp. 73-74.

—; Hoss, Aila: The U.S. Legal System and Sources of Authority for Public Health Laws, in: Ransom, Montrece; Valladares, Laura (eds.), *Public Health Law: Concepts and Case Studies*, New York 2021, pp. 3-25.

### **Tsai, Ya-Chu**

—: *Zugang zu Sozialleistungen in Taiwan*, Baden-Baden 2021.

### **Wang, Yifei**

—: Measures to Protect Livelihoods during the COVID-19 Pandemic in China, in: Becker, Ulrich; Seemann, Anika (eds.), *Protecting Livelihoods. A Global Comparison of Social Law Responses to the COVID-19 Crisis*, Baden-Baden 2022, pp. 75-101.

—: People's Republic of China, in: Schneider, Simone M.; Petrova, Teodora; Becker, Ulrich (eds.), *Pension Maps: Visualising the Institutional Structure of Old Age Security in Europe and Beyond*, 2<sup>nd</sup> ed., Max Planck Institute for Social Law and Social Policy, Munich 2021, pp. 277-292.

## Wilman, Nikola

Seemann, Anika; Becker, Ulrich; He, Linxin; Hohnerlein, Eva Maria; —: Protecting Livelihoods in the COVID-19 crisis. A Comparative Analysis of European Labour Market and Social Policies, in: *Global Social Policy*, 21 (2021) 3, pp. 550-568.

—: (Still) Too Little, Too Late? Crisis Management in England, in: Becker, Ulrich; Seemann, Anika (eds.), *Protecting Livelihoods. A Global Comparison of Social Law Responses to the COVID-19 Crisis*, Baden-Baden 2022, pp. 147-180.

## 5 PRESENTATIONS

### Becker, Ulrich

**Soziales Entschädigungsrecht in Deutschland.** Université Paris 1 Panthéon Sorbonne, Paris, France (18 Dec 2023).

**Free Movement of Workers and Non-Discrimination:** Accumulative Grounds of Discrimination. MoveS 2023 Annual Conference, Brussels, Belgium (30 Nov 2023).

**Experts for Expats – Old Age Pensions for Employees and Civil Servants in Germany.** Ludwig Maximilian University Munich, Webinar, online (6 Nov 2023).

**The Legal Foundations of Social Protection.** Max Planck Law Curriculum: The Study of Social Law in the 21<sup>st</sup> Century, online (10-11 Oct 2023).

**Survivors' Benefits: A Systematic Introduction.** Fulda EISS Conference 2023: Provision for Surviving Dependents in Social Security: A New Architecture for the 21<sup>st</sup> Century?, Fulda, Germany (21-22 Sep 2023).

**Ist das Gras woanders grüner? Systeme der Altersvorsorge im Vergleich.** KAB Bildungswerk Bamberg e.V., online, Germany (23 Feb 2023).

**Hinterbliebenenrenten im internationalen Rechtsvergleich: Eine Einführung.** Forschungsnetzwerk Alterssicherung (FNA), Deutsche Rentenversicherung Bund (DRV), Berlin, Germany (10 Feb 2023).

**L'Etat social et les droits fondamentaux: une histoire allemande?** Université Paris 1 Panthéon Sorbonne, Paris, France (12 Dec 2022).

**Coordination of Social Security Delivery Systems in Europe: Centralization and Decentralization.** The Future of Social Security for New Forms of Work, Beijing and online (28 Jul 2022).

**Sozialrecht in Deutschland – Wettbewerbsvorteil im internationalen Vergleich.** 1. Bayerischer Sozialrechtstag, Bayerisches Landessozialgericht, Munich, Germany (15 Jul 2022).

**Krieg, Sport und Recht: Sanktionen zwischen Verantwortung und Wirkung.** Symposium des Forums für Internationales Sportrecht, Moderation, Hamburg, Germany (27 Jun 2022).

**Minimum Standards and Equal Treatment.** Elgar Research Handbook – Workshop, Groningen, Netherlands (29 Apr 2022).

**Der Klimaschutz-Beschluss – Folgen für das System der Altersvorsorge.** Denkwerkstatt ‘Sozialpolitische Implikationen des Klimaschutz-Beschlusses des Bundesverfassungsgerichts vom 24. März 2021’, DIFIS und Deutscher Caritasverband e.V., Berlin, Germany (1 Apr 2022).

**The Legal Foundations of Social Protection.** Max Planck Law Workshop ‘The Study of Social Law and Health Law in the 21<sup>st</sup> Century’, online, Germany (14 Mar 2022).

**Protecting Livelihoods in the COVID-19 Crisis. A Comparative Analysis of European Labour Market and Social Policies.** MoveS 2021 Annual Conference, online (2 Dec 2021).

**Rechtliche Grundlagen kommunaler Präventionsmaßnahmen im Jugend-, Sozial- und Gesundheitsbereich.** Konferenz zu Armutsfolgenprävention in der Kommune, Krefeld, Germany (26 Nov 2021).

**Sportverbände und Menschenrechte – Zur Rolle von Corporate Social Responsibility und Athletenvereinigungen.** Symposium des Forums für Internationales Sportrecht, Hamburg, Germany (22 Nov 2021).

**Threats to Meritocracy, Challenges for a Liberal Welfare State, a Workfare Paradigm?** Recht auf Recht – eine rechtspolitische Videosprechstunde, Friedrich-Nauemann-Stiftung für die Freiheit, online (17 Nov 2021).

**Der Klimabeschluss des Bundesverfassungsgerichts – Was folgt daraus für das Umwelt- und das Sozialrecht?** Deutscher Juristentag e.V., Forum 2021, Celle, Germany (12 Nov 2021).

**The Right to Social Security in the Time of Pandemic – The German Example.** 20. Tag des Arbeits- und Sozialrechts, Portorož, Slovenia (28 Sep 2021).

**Organisation and Financing of the German Health Insurance.** Ljubljana University, Slovenia (27 Sep 2021).

**Building Bridges, Moving Minds: The Role of the Humboldt Network in Fostering Research Cooperation in Europe.** Humboldt Colloquium, Moderation Workshop ‘Law and Social Sciences’, online (24 Sep 2021).

**Fachgespräch der Grünen zur Flutkatastrophe und Versicherungsschutz: Rechtliche Einordnung.** Wie sieht der Rechtsrahmen aus zivil-, verfassungs- und europarechtlicher Sicht aus?, with Beate Gsell (Ludwig Maximilians University Munich), online (6 Sep 2021).

**Introduction to German Public Healthcare. Webinar of the Cooperative University of Colombia,** online (3 Sep 2021).

**Ursachen von Obdachlosigkeit.** Obdachlosigkeit in Europa, Symposium über kommunale Verantwortung und europäische Rahmenbedingungen, Münchner Kammerspiele, Munich, Germany (19 Jun 2021).

**Soziale Entschädigung – zur Verortung der staatlichen Verantwortung in Katastrophenzeiten.** Vortragsreihe zur Corona-Pandemie, Hamburg University, online (17 Jun 2021).

**Free Movement of Persons in Moving Times.** MoveS Seminar Switzerland: Social Law 21, online (30 April 2021).

**Beul, Madeleine**

**Social Law and Psychology.** Max Planck Law Workshop “The Study of Social Law in the 21<sup>st</sup> Century”, online (11 Oct 2023).

**Teilzeit gleich Halbzeit? Zur Verfassungswidrigkeit des § 8 Abs. 1 Satz 1 Nr. 3 SGB V.** Internal presentation: ‘Aktuelle Stunde’, Max Planck Institute for Social Law and Social Policy, Munich, Germany (26 Apr 2023).

**Berücksichtigung der Kinder(-anzahl) in der Pflegeversicherung, Rentenversicherung und Krankenversicherung. Beschluss des Bundesverfassungsgerichts vom 7. April 2022 (1 BvL 3/18).** Internal presentation: ‘Aktuelle Stunde’, Max Planck Institute for Social Law and Social Policy, Munich, Germany (29 Jun 2022).

**Carlet, Irene**

**Social Law and Health.** Max Planck Law Workshop ‘The Study of Social Law in the 21<sup>st</sup> Century’, online (11 Oct 2023).

**The right to compensation for vaccine damage in Italy. Examining the Constitutional Court’s judgment on the limitation period.** Internal presentation: ‘Aktuelle Stunde’, Max Planck Institute for Social Law and Social Policy, Munich, Germany (19 Jul 2023).

**A Comparative Look at No-Fault Compensation Schemes for Vaccination Harm in Australia, Italy and Germany.** Seminar hosted by the Health Law and Ethics Network and the Centre for Comparative Constitutional Studies, Melbourne Law School, Melbourne, Australia (17 May 2023).

**Chesalina, Olga**

**Social Law 4.0. New Approaches for Ensuring and Financing Social Security in the Digital Age – nationale Lösungsansätze bei der Plattformarbeit.** Fachtagung der Deutschen Rentenversicherung Bund „Alterssicherung im internationalen Vergleich und europäische Sozialpolitik“, Erkner, Germany (15 Nov 2023).

**Social Protection for Platform Workers in the European Union.** 8<sup>th</sup> Regulating for Decent Work Conference on ‘Ensuring Decent Work in Times of Uncertainty’, Genf, Switzerland (10 Jul 2023).

**Recognition of Mental Disorders as Occupational Diseases in Germany: Problems and Prospects.** Labour Law Research Network 6 (LLRN6) International Conference, Warsaw, Poland (25 Jun 2023).

**Addressing Psychosocial Risks of Employed Persons in the Digital Age: Interaction between Labour and Social Law.** International conference ‘Decent Work in the Digital Age’, Budapest, Hungary (28 Apr 2023).

**Psychosocial Risks and Mental Health of Employed Persons in the Post-Covid World of Work.** 19<sup>th</sup> International Conference in Commemoration of Prof. Marco Biagi 'Work Beyond the Pandemic: Towards a Human-Centered Recovery', Modena, Italy (26 May 2022).

**Formal and Effective Coverage in Labour Law.** Labour Law II International Scientific Conference: The Concept of Employee and Employer, Rzeszów University, Poland (5 Oct 2021).

**From the Right to Disconnect to Mental Health and Wellbeing at Work in the Digital Age.** Beyond 4.0 Scientific Conference: Inclusive Futures for Europe beyond Industry 4.0 and Digital Disruption, Sofia, Bulgaria (1 Oct 2021).

**Implications for Social Security derived from Empirical Studies: The Platform Work Example.** Labour Law Research Network-Conference, Warsaw, Poland (28 Jun 2021).

**Sozialer Schutz von hybriden Selbstständigen. Kommentar zum Vortrag von Prof. Uwe Fachinger.** Tagung 'Soziale Sicherung Selbstständiger – Interdisziplinäre und internationale Betrachtungen', Hamburg, Germany (24 Jun 2021).

**Book launch: Social Law 4.0: New Approaches for Ensuring and Financing Social Security in the Digital Age.** 19<sup>th</sup> ILERA World Congress, 'Making and Breaking Boundaries in Work and Employment Relations', Lund, Sweden (22 Jun 2021).

**Social Protection of Platform Workers: National and European Approaches.** 18<sup>th</sup> International Conference in Commemoration of Prof. Marco Biagi 'Beyond Employment: Protecting Autonomous Work', Modena, Italy (17 Mar 2021).

**D'Alfonso Masarié, Eodardo**

**Die Überbrückungsleistungen nach § 23 Abs. 3 S. 3 ff. SGB XII im Falle einer Erkrankung des zur Rückreise geforderten nichtdeutschen Unionsbürgers.** Internal presentation: 'Aktuelle Stunde', Max Planck Institute for Social Law and Social Policy, Munich, Germany (15 Nov 2023).

**Das neue Altersgesetz und die Perspektiven für die Pflege in Italien.** Internal Presentation: 'Wissenschaftliches Gespräch', Max Planck Institute for Social Law and Social Policy, Munich, Germany (14 Jun 2023).

**Domenici, Irene**

**Il triage da una prospettiva tedesca, tra omissione del legislatore e protezione dei soggetti vulnerabili,** Seminar: Tragic Choices tra diritto e medicina, Università degli Studi di Trento, Italy (19 May 2022).

**Regulatory Challenges in Health Law: A.I., Telemedicine, and Reproductive and Genetic Technologies** (mit Christian Günther, Lauren Tonti). Max Planck Law Workshop "The Study of Social Law and Health Law in the 21<sup>st</sup> Century", Munich, Germany (15 Mar 2022).



**Can ethical and religious considerations legitimately influence a publicly-funded healthcare system? The case of non-invasive prenatal testing (NIPT) in Germany.** Early Researchers Seminar Series, Cambridge, United Kingdom (9 Dec 2021).

**Engeser, Franciska**

**Klimaschutz und Freiheitsschutz ohne Schutzpflicht – Eine Besprechung des BVerfG-Beschlusses vom 24. März 2021.** Internal presentation: 'Aktuelle Stunde', Max Planck Institute for Social Law and Social Policy, Munich, Germany (30 Jun 2021).

**Günther, Christian**

**Regulatory Challenges in Health Law: A.I., Telemedicine, and Reproductive and Genetic Technologies** (with Irene Domenici, Lauren Tonti). Max Planck Law Workshop 'The Study of Social Law and Health Law in the 21<sup>st</sup> Century', Munich, Germany (15 Mar 2022).

**Hagn, Julia**

**The Rights of Migrant Children Under the CRC and the Challenges for UNICEF.** Conference 'The Rights of Migrant Children', Universidad Autónoma del Estado de Morelos, Cuernavaca, Mexico (25 Oct 2023).

**He, Linxin**

**Les talents de la terre dans l'Empire du Milieu.** Conference: Travail du sol, statut de la Terre, modes de l'habiter, Nantes, France (15 Jun 2021).

**Protection of Posted Workers.** Munich, Germany (2 Jun 2021).

**In Search of a Socio-Ecological State.** Meeting of the Scientific Advisory Board, Max Planck Institute for Social Law and Social Policy, Munich, Germany (6 May 2021).

**Hohnerlein, Eva Maria**

**Building up a supplementary 'generational capital' for the public pension scheme in Germany – the current reform debate.** Seminario Internazionale 'Finanziamento e sostenibilità dei sistemi pensionistici per il futuro delle giovani generazioni: una prospettiva comparata', Rome, Italy (1 Dec 2023).

**'A girl's best friend is equal pay' – Aktuelles zur Entgeltgleichheit von Frauen und Männern.** Internal presentation: 'Aktuelle Stunde', Max Planck Institute for Social Law and Social Policy, Munich, Germany (26 Jul 2023).

**Sozialstaatliche Leistungen und Maßnahmen für allein- und getrennt erziehende Eltern und ihre Kinder – Regelungsmodelle im internationalen Vergleich.** Anhörung der Sachverständigenkommission des BMFSFJ für den 10. Familienbericht, Munich, Germany (27 Jun 2023).

**Grundsicherungssysteme in Europa – Das Recht auf ein soziales und menschenwürdiges Existenzminimum.** Deutscher Fürsorgetag, Essen, Germany (11 May 2022).

**Exploring the Social Dimension of Europe: It's Time to End Gender-Based Violence – Notes on the Occasion of November 25. European human rights framework, gender equality policy, social law concepts to improve protection.** Internal presentation: 'Aktuelle Stunde', Max Planck Institute for Social Law and Social Policy, Munich, Germany (24 Nov 2021).

**Die neue EU-Richtlinie zur Vereinbarkeit von Beruf und Privatleben 1158/2019 – Anmerkungen aus deutscher Sicht.** Internal presentation: 'Aktuelle Stunde', Max Planck Institute for Social Law and Social Policy, Munich, Germany (22 Sep 2021).

**From Maternity Protection to the Protection for Parents and Carers – EU Gender Equality Policies and National Developments.** International Conference and book presentation in memoriam Nada Bodiroga-Vukobrat, Rijeka University, Croatia (17 Jun 2021).

**Revolution auf leisen Sohlen – Italienische Familienleistungen auf Reformkurs.** Internal Presentation: 'Wissenschaftliches Gespräch', Max Planck Institute for Social Law and Social Policy, Munich, Germany (10 Feb 2021).

**Hruschka, Constantin**

**Menschenrechte an der EU-Außengrenze.** Panel discussion hosted by 'Neue Richtervereinigung', online (21 Nov 2023).

**Migrationspolitisches Forum zum GEAS.** Landesvertretung Baden-Württemberg, Berlin, Germany (29 Aug 2023).

**Schengen-Reformvorschläge.** Workshop at the 17. Herbsttagung des Netzwerks Migrationsrecht, Stuttgart-Hohenheim, Germany (11 Nov 2023).

**Border procedures and the cooperation with third countries under the New Pact on Migration and Asylum.** Legal Network Workshop 'Delegation of Sovereign Powers: Practical Ideas, Legal Limits and Ethical Questions', Bern, Switzerland (10 Nov 2023).

**Rechtsstaatliche Grenzverfahren: Ein Widerspruch in sich?** Lecture Max-Planck-Institute for Social Law and Social Policy, Munich, Germany (8 Nov 2023).

**Europäische Asylpolitik.** Panel discussion of the NGO 'Unser Veto', online (24 Oct 2023).

**The state of play of the reform of the Common European Asylum System.** Panel discussion with Members of the European Parliament co-organised by the Akademie der Diözese Rottenburg-Stuttgart, Stuttgart-Hohenheim, Germany (5 Sep 2023).

**Eine deutsche Illusion? Praktische und konzeptionelle Fallstricke der Umverteilung von Asylsuchenden.** Forum on migration policy, Baden-Württembergische Landesvertretung, Berlin, Germany (29 Oct 2023).

**Vorübergehender Schutz für Geflüchtete aus der Ukraine.** Lecture, University of Bielefeld, Germany (27 Jul 2023).

**The Link between Vulnerability and Integration among Afghan Migrants in Germany.** Annual Conference hosted by the Refugee Law Initiative, University of London, UK (22 Jun 2023).

**Aktueller Stand der GEAS-Reform.** Discussion group on migration law, Akademie der Diözese Rottenburg-Stuttgart, Germany (18 May 2023).

**Presentations on border procedures and on Brexit.** Science Show Unterföhring, Germany (3 Feb 2023).

**Dublin-Verfahren.** Workshop, Refugee Law Clinic, Saarbrücken, Germany (24 Jan 2023).

**Vorübergehender Schutz als Instrument des Flüchtlingsschutzes? Die Umsetzung der sog. Massenzustromrichtlinie in Deutschland.** Heidelberger Symposium Migration 'Der Krieg in der Ukraine – Herausforderungen und Folgen für die Migrationspolitik', hosted by the Ministry of Justice Baden-Württemberg, Heidelberg, Germany (1 Dec 2022).

**Die Verknüpfungen des Migrations- und Sozialhilferechts: Grundsätze, Grundrechte und praktische Herausforderungen.** Fachtag Sozialhilferecht, Hochschule Luzern, Switzerland (27 Oct 2022).

**Expert input on the Schengen reform.** European Committee of the Regions, Brussels, Belgium (12 Oct 2022).

**Das deutsche Asylrecht.** Deutsch-brasilianische Juristenvereinigung, Würzburg, Germany (8 Oct 2022).

**Das Verhältnis der EFTA und der übrigen assoziierten Staaten zur EU.** Lecture, University of Basel, Switzerland (3 Oct 2022).

**Unbegleitete Minderjährige im Asylverfahren.** Workshop, Refugee Law Clinic, Mainz, Germany (9 Jul 2022).

**Dublin Regulation.** Lecture, Odysseus Summer School, Brussels, Belgium (6 Jul 2022).

**Refugee Rights between National Sovereignty and International Standards: The Situation in the German-Speaking Countries.** Annual Conference hosted by the Refugee Law Initiative, University of London, UK (29 Jun 2022).

**Gedanken zu Frontex – wie weiter im europäischen Asylrecht?** Presentation, General Assembly of 'Neue Europäische Bewegung Schweiz', Zurich, Switzerland (23 May 2022).

**Exclusionary Intent and Effects in the Migration Area: Interdisciplinary Reflections** (with Christian Hunkler and Tim Rohmann). 67<sup>th</sup> AWR International Migration Conference, online (9 Feb 2022).

**Das Recht auf Familienleben von international Schutzberechtigten: Aktuelle Probleme und mögliche Lösungswege.** Hohenheimer Tage zum Migrationsrecht, Hohenheim, Germany (29 Jan 2022).

**Mittlaender Leme de Souza, Sergio Rubens**

**Normative Beliefs About Contract Enforcement.** Hamburg Lectures in Law & Economics, Hamburg, Germany (25 Oct 2023).

**Normative Beliefs About Contract Enforcement.** Annual Conference 2023, European Association for Law & Economics, Berlin, Germany (22 Sep 2023).

**Strategic Discrimination and the Emergence of Systematic Exclusion.** Annual Conference 2023, Society for Institutional and Organizational Economics, Frankfurt, Germany (25 Aug 2023).

**Retaliation, Remedies, and Property.** Jahrestagung 2022 Gesellschaft für experimentelle Wirtschaftsforschung, Salzburg, Austria (22 Sep 2022).

**Retaliation, Remedies, and Property.** European Association of Law & Economics 39<sup>th</sup> Annual Conference, Lisbon, Portugal (16 Sep 2022).

**Retaliation, Remedies, and Property.** European Economic Science Association 2022 Meeting, Bologna, Italy (31 Aug 2022).

**The Effect of Intergroup Contact on Discrimination.** 2022 ESA Online Special Meeting, online (4 Feb 2022).

**The Effect of Intergroup Contact on Discrimination.** American Law & Economics Association Annual Conference, online (22 Oct 2021).

**Retaliation, Remedies and Torts.** Amsterdam Center for Law & Economics Seminar, Amsterdam, Netherlands (19 Oct 2021).

**The Effect of Inclusive Policies on Discrimination.** European Law & Economics Association Annual Conference, online (10 Sep 2021).

**Retaliation, Remedies, and Torts.** German Law & Economics Association Annual Conference, online (23 Jul 2021).

**Ossio Bustillos, Lorena Maria Virginia**

**Retos para la efectividad del pluralismo jurídico igualitario en el Estado Plurinacional de Bolivia.** Separate and Unequal, Annual Meeting on Law and Society, San Juan Puerto Rico, (3 Jun 2023).

**Customary Law and Bolivian Women's Rights to Social Protection and Social Security.** Law & Society Association, Global Meeting on Law & Society: Rage, Reckoning, & Remedy, Lisbon, Portugal (15 Jul 2022).

**Women's Rights to Social Security in Latin America.** Feminism, Law and Citizenship Conference, Paris, France (11 Jul 2022).

**Looking for Answers to the Social Question in Latin America in the Weimar Constitution.** International Society for Public Law's Annual Conference 'Global Problems and Prospects in Public Law', Wroclaw, Poland (6 Jul 2022).

**Reinhard, Hans-Joachim**

**SGB XIV – Das neue Soziale Entschädigungsrecht.** VDK Rheinland-Pfalz, Mainz (5 Dec 2023).

**Rohmann, Tim**

**Exclusionary Intent and Effects in the Migration Area: Interdisciplinary Reflections** (with Christian Hunkler and Constantin Hrschuka). 67<sup>th</sup> AWR International Migration Conference, online (9 Feb 2022).

**The End of the 1951 Refugee Convention? – On States' Sovereignty and Why Refugee Law Still Matters.** Max Planck Law Workshop, Frankfurt am Main, Germany (29 Jun 2022).

**Gemeinschaftsunterkünfte und Ankerzentren – Pandemieprävention und Schutz vulnerabler Gruppen.** Hohenheimer Tage zum Migrationsrecht, online (12 Feb 2021).

**Sallaba, Roman Rick**

**Philosophy and Social Law: Opportunities for Transdisciplinary Work.** Max Planck Law Workshop "The Study of Social Law in the 21<sup>st</sup> Century", online (11 Oct 2023).

**Wittgensteins Tractatus Logico-Philosophicus and the Law.** Internal presentation: 'Aktuelle Stunde', Max Planck Institute for Social Law and Social Policy, Munich, Germany (28 Sep 2022).

**Schneider, Simone M.**

**The (Mis)Perception of Economic Inequality: The Impact of Welfare State Institutions on Social Perception and Preference Formation.** Colloquium of the Cluster of Excellence: The Politics of Inequality, University of Constance, Constance, Germany (7 Nov 2023).

**The (Mis)Perception of Inequality in Comparative Perspective.** Colloquium of the Center for Comparative and International Studies (CIS), Zurich, Switzerland (2 Nov 2023).

**When do we Prefer More Redistribution? Studying the Effects of Income Inequality and related Social Policies on Preference Formation Processes.** 19<sup>th</sup> Biennial Meeting of the International Society for Justice Research (ISJR), Munich, Germany (26 July 2023).

**Preferences for Redistribution: Do Institutions Matter?** Annual Conference of the Society for the Advancement of Socio-Economics (SASE), Rio de Janeiro, Brazil (22 July 2023).

**Is it Unfair for the Affluent to be able to Purchase 'Better' Healthcare? Existential standards and institutional norms in healthcare attitudes across 28 countries.** Workshop 'Cohesion in Europe – Perceptions and Fields of Action', Hertie School, Berlin, Germany (4 May 2023).

**The (Mis)Perception of Economic Inequality: The Impact of Welfare State Institutions on Social Perception and Preference Formation.** Colloquium of Ellen Immergut at the Department of Political and Social Sciences, European University Institute (EUI), Florence, Italy (9 Feb 2022).

**Seemann, Anika**

**Poor Relief and the Changing Contours of Citizenship in Denmark, 1849-1898.**

Workshop 'Citizenship, Migration and Social Rights – Historical Experiences from the Eighteenth to the Twentieth Century', re:work Humboldt University Berlin, Germany, online (4-5 March 2021).

**Book Review: 'Fighting the First Wave' by Peter Baldwin (CUP, 2021),**

Internal presentation: 'Aktuelle Stunde', Max Planck Institute for Social Law and Social Policy, online (9 June 2021).

**'Mentalities of War, Mentalities of Peace' – Punishing Nazi Collaboration in Norway after the Second World War,**

Harvard Alumni Club Munich, online (8 July 2021).

**The Danish 'Ghetto' Initiatives and the Changing Nature of Social Citizenship.**

Lunchtime Seminar, Danish Centre for Welfare Studies, University of Southern Denmark, online (30 November 2021).

**Kommentar.** Temamøte «Høyesteretts rolle i rettsoppgjørene i Norge og Danmark etter 1945», Norwegian Academy of Science and Letters, Oslo (10 March 2022).

**Protecting Livelihoods. A Presentation of the Project's Findings** (with Ulrich Becker).

Internal presentation: 'Wissenschaftliches Gespräch', Max Planck Institute for Social Law and Social Policy, online (13 April 2022).

**Interdisciplinary and comparative approaches to social law,**

Max Planck Law Workshop 'The Study of Social Law and Health Law in the 21<sup>st</sup> Century', Munich, Germany (2 June 2022).

**Neue Herausforderungen für die Sozialrechtsforschung,**

Anniversary event, Internationales Begegnungszentrum der Wissenschaften e.V., Munich, Germany (3 June 2022).

**The Role of Fundamental Social Rights in National Constitutions – A Legal and Political Perspective.**

Workshop 'Merging Law and Politics to Ensure Equal Access to Welfare Rights', University of Southern Denmark (12-14 September 2022).

**Constitutional Change and Minimum Social Protection in Norway.**

Workshop 'Life in Dignity – Minimum Income Protection in Europe and Beyond', Max Planck Institute for Social Law and Social Policy, Munich, Germany (23-25 November 2022).

**'Digital Welfare' (with Ann-Kathrin Hinz).**

Internal presentation: 'Wissenschaftliches Gespräch', Max Planck Institute for Social Law and Social Policy, Munich, Germany (5 April 2023).

**Universal Income – A Short History and Discussion of Post-COVID Debates.**

Internal presentation: 'Aktuelle Stunde', Max Planck Institute for Social Law and Social Policy, Munich, Germany (31 May 2023).

**Tonti, Lauren**

**Regulatory Challenges in Health Law: A.I., Telemedicine, and Reproductive and Genetic Technologies**

(mit Irene Domenici, Christian Günther). Max Planck Law Workshop 'The Study of Social Law and Health Law in the 21<sup>st</sup> Century', Munich, Germany (15 Mar 2022).



## 6 MEDIA IMPACT

### Media Coverage of the Department of Foreign and International Social Law (selection)

**Becker, Ulrich**

#### December 2023

*TV/Social Media:* Deutsche Welle – Indian, Chinese and British Pension Systems

#### June 2023

*TV:* ARD alpha – ‘Artikel 16/16a GG – Asylrecht [Art. 16/16a Basic Law – Right to asylum]’

*Social Media:* Youtube – ‘Work Better to Work Longer? | FutuRes Policy Lab Dialogue’

#### May 2023

*TV:* ARD alpha – ‘Artikel 14 GG – Eigentumsrecht [Art. 14 Basic Law – Right to property]’

*TV:* LTV – ‘«Izaicinājums ir sociālais taisnīgums.» Kāda nākotnē būs pensiju aina Latvijā?’

#### April 2023

*Podcast:* Newsjunkies – ‘Joe Biden will nochmal: Altersgrenze für Politiker?’

#### March 2023

*Online:* dw.com – ‘Proteste in Frankreich: Worum geht es bei der Rentenreform?’

*Online:* dw.com – ‘Pensii și reforme: cine și când se pensionează?’

*Online:* dw.com – ‘Europe’s pension systems: How do they compare with France?’

*Online:* tiranapost.al – ‘Vala e protestave, përse protestojnë francezët?’

*TV:* Deutsche Welle – ‘Protestas en Francia: ¿de qué se trata la reforma de las pensiones?’

#### February 2023

*Online:* wiesentbote.de – ‘KAB-Bildungswerk Bamberg: Vortrag zu europäischen Rentensystemen im Vergleich’

#### April 2022

*Online:* faktencheck.afp.com – ‘Der Bundestag hat vor der Corona-Pandemie keinen Lastenausgleich für Impfschäden beschlossen’

#### December 2021

*Social Media:* YouTube – ‘Rechtliche Grundlagen kommunaler Präventionsmaßnahmen im Jugend-, Sozial- und Gesundheitsbereich’

#### November 2021

*Social Media:* YouTube – ‘Forum Generationengerechtigkeit: Folgerungen aus dem Klimabeschluss des Bundesverfassungsgerichts’

#### September 2021

*Broadcast:* BR/ARD alpha – ‘Kein Lohnersatz im Quarantänefall: Ist diese Regelung für Ungeimpfte richtig?’

**August 2021**

*Social Media:* YouTube – ‘Ist unser Rentensystem am Ende?’

**April 2021**

*Press Release:* Informationsdienst Wissenschaft (idw) – ‘Wie unterschiedlich Rentensysteme die Bevölkerung absichern’

**Bogataj, Andreja****October 2022**

*Online:* rtvslo.si – ‘Pravosodna ministrica na dnevu slovenskih pravnikov tudi o digitalizaciji [Minister of Justice also discusses digitisation at the Slovenian Lawyers’ Day]’

*Online:* vecer.com – ‘Toplak pravnik leta, Jenullu in Racetu nagrada za življenjsko delo [Toplak Lawyer of the Year, Jenull and Race awarded the Lifetime Achievement Award]’

**Hruschka, Constantin****October 2023**

*Online:* handelsblatt.com – ‘Wie groß ist die Hamas-Gefahr in Deutschland?’

*Newspaper:* Handelsblatt – ‘Wie groß ist die Gefahr in Deutschland?’

**September 2023**

*Online:* Legal Tribune Online (LTO) – ‘Zurückweisung an EU-Binnengrenze rechtswidrig’

*Broadcast:* Deutschlandfunk – ‘Sind Zurückweisungen rechters? [Are Rejections Legal?]

**August 2023**

*Newspaper:* Focus – ‘Mehr als Hälfte der Bürger für schnellere Abschiebung’

*Newspaper:* Süddeutsche Zeitung – ‘Werte wahren’

**July 2023**

*Newspaper:* Augsburger Allgemeine – ‘CDU fordert Kurswechsel in Asylpolitik’

*Newspaper:* Tagesspiegel – ‘“Eine Veräppelung der Bürger”: Das sagen Experten zum Asyl-Vorschlag von CDU-Politiker Frei’

*Newspaper:* nd – ‘Kontingent-Lösungen sind gescheitert’

**June 2023**

*Online:* ekonomi-haberleri.com – ‘İddia: AB, Türkiye sınırına sığınmacılar için hapishane kurmuş’

**May 2023**

*Online:* irishtimes.com – ‘Europe’s two-tier asylum system: doors open for Ukrainians as others seeking refuge face barriers’

*Online:* dailymail.co.uk – ‘Ukrainians skip Germany’s refugee bureaucracy hurdles’

*Online:* szabadeuropa.hu – ‘Másokkal szemben az ukránok kikerülhetik a német menekültügyi bürokrácia akadályait’

*Newspaper:* Tagesspiegel – ‘Lässt sich Migration begrenzen? – ‘Der Grenzschutz hat zu keiner Zeit wirklich funktioniert’

### **April 2023**

*Online:* taz.de – ‘Soli-Pool statt Verteilmechanismus’

*Online:* tagesspiegel.de – ‘Strengere Regeln: EU-Parlament einigt sich auf neue Asylgesetze’

### **March 2023**

*TV:* Monitor – ‘Bootsunglücke im Mittelmeer: Europas tödliches Kalkül’

*TV:* Report Mainz – ‘Jugendhilfe überlastet: Zu wenig Plätze für unbegleitete minderjährige Flüchtlinge’

### **February 2023**

*Broadcast:* Bayerischer Rundfunk – ‘Flucht nach Deutschland: Wie läuft es mit der Integration von Kriegsflüchtlingen?’

### **December 2022**

*Online:* tagesschau.de – ‘Asylsuchende eingesperrt und misshandelt’

*Online:* spiegel.de – ‘Wie Asylsuchende in der EU willkürlich inhaftiert werden’

*Press Release:* WDR – Monitor – ‘Asylsuchende an der EU-Außengrenze an geheimen Orten eingesperrt und misshandelt’

*TV:* WDR – Monitor – ‘Verbotene Orte: Europas düstere Flüchtlingspolitik’

### **August 2022**

*Online:* Legal Tribune Online (LTO) – ‘EuGH zum Familiennachzug: Deutschland verletzt EU-Recht’

*Online:* Legal Tribune Online (LTO) – ‘Verbesserter Schutz für Flüchtlingsfamilien: EuGH korrigiert (erneut) die deutsche Praxis’

### **June 2022**

*Online:* Legal Tribune Online (LTO) – ‘Bleib draußen’

### **March 2022**

*Podcast:* ‘Temporary Protection in Germany Since 2015’

### **May 2021**

*Newspaper:* Süddeutsche Zeitung – ‘Migration: Ein sehr großes Missverständnis?’

### **March 2021**

*Online:* antanasinternacional.wordpress.com – ‘La difícil cooperación administrativa europea y sus efectos en los derechos humanos [Difficult European Administrative Cooperation and its Impact on Human Rights]’

*Social Media:* YouTube – ‘Expert/innen -Anhörung zu Frontex’

### **Schneider, Simone M.**

### **April 2023**

*Podcast:* Aus Politik und Zeitgeschichte – ‘Ungleichheit’

**February 2022**

*Newspaper:* Süddeutsche Zeitung – ‘Wir ahnen oft nicht, wie reich manche sind’  
Tonti, Lauren

**July 2021**

*Online:* ZEIT Germany: Study & Research – ‘From Youngstown to Munich’

**January 2021**

*Online:* svz.de – ‘Debatte um Impfpflicht: Darf mein Arbeitgeber eine Corona-Impfung verlangen?’

**7 TEACHING**

*Winter Term 2023/24*

**Lecture ‘Grundlagen des Sozialversicherungsrechts und des Rechts der GKV’**

Ulrich Becker  
Ludwig-Maximilians-Universität (LMU), Munich

**Seminar ‘Grundlagenseminar zu Sondervoten beim BVerfG’**

Ulrich Becker  
Ludwig-Maximilians-Universität (LMU), Munich

**Seminar ‘Schwerpunktseminar zur Zukunft der europäischen Fiskal- und Sozialverfassung’ (elective subject areas 6, 9 and 10)**

Ulrich Becker  
Ludwig-Maximilians-Universität (LMU), Munich

**Lecture ‘Sozialrecht II’ (Bachelor course)**

Edoardo D’Alfonso Masarié  
Hochschule München, Munich

**Tutorial ‘Propädeutische Übung zum Grundkurs Öffentliches Recht I’**

Mona Röser  
Ludwig-Maximilians-Universität (LMU), Munich

**Seminar ‘Comparative Social Policies and the Welfare State’ (Master course)**

Simone Schneider  
Universitat Pompeu Fabra (UPF), Barcelona

**Seminar ‘Social Policy and the Welfare State’ (Master course)**

Simone Schneider  
Universitat Pompeu Fabra (UPF), Barcelona

**Lecture ‘Research Methods Applied to Global Studies’ (Bachelor)**

Simone Schneider  
Universitat Pompeu Fabra (UPF), Barcelona

*Summer Term 2023*

**Seminar ‘Grundlagen- und Schwerpunktseminar zum Lebensmittelrecht’ (elective subject area 10)**

Ulrich Becker  
Ludwig-Maximilians-Universität (LMU), Munich

**Lecture ‘Flüchtlingsrecht’**

Constantin Hruschka  
Ludwig-Maximilians-Universität (LMU), Munich

*Winter Term 2022/23*

**Lecture ‘Grundlagen des Sozialversicherungsrechts und des Rechts der GKV’**

Ulrich Becker  
Ludwig-Maximilians-Universität (LMU),  
Munich

**Seminar ‘Grundlagenseminar zum Öffentlichen Recht’**

Ulrich Becker  
Ludwig-Maximilians-Universität (LMU),  
Munich

**Seminar ‘Schwerpunktseminar zum Sozialrecht und Recht der GKV’ (elective subject area 10)**

Ulrich Becker  
Ludwig-Maximilians-Universität (LMU),  
Munich

**Lecture ‘Law & Economics’ (Bachelor course)**

Sergio Rubens Mittlaender Leme de Souza  
Fundação Getulio Vargas Law School  
(FGV Direito SP), São Paulo

**Lecture ‘Law & Economics’ (PhD course)**

Sergio Rubens Mittlaender Leme de Souza  
Fundação Getulio Vargas Law School  
(FGV Direito SP), São Paulo

**Lecture ‘Quantitative Methods’ (PhD course)**

Sergio Rubens Mittlaender Leme de Souza  
Fundação Getulio Vargas Law School  
(FGV Direito SP), São Paulo

**Seminar ‘Rechtliche Zugänge Flucht, Migration, Gesellschaft’**

Tim Rohmann  
Katholische Universität Eichstätt-Ingolstadt

**Seminar ‘Social Policies and the Welfare State’ (Master course)**

Simone Schneider  
Universitat Pompeu Fabra (UPF), Barcelona

**Seminar ‘Comparative Social Policy and the Welfare State’ (Master course)**

Simone Schneider  
Universitat Pompeu Fabra (UPF), Barcelona

*Summer Term 2022*

**Seminar ‘Grundlagenseminar zum Öffentlichen Recht: Rechtliche Fragen der Demokratie’**

Ulrich Becker  
Ludwig-Maximilians-Universität (LMU),  
Munich

**Seminar ‘Schwerpunktseminar zum Sozialrecht und Recht der GKV’ (elective subject area 10)**

Ulrich Becker  
Ludwig-Maximilians-Universität (LMU),  
Munich

**Lecture ‘Servizi Sanitari e Pandemia’**

Irene Domenici  
Università degli Studi di Trento, Trento

*Winter Term 2021/22*

**Lecture 'Grundlagen des Sozialversicherungsrechts und des Rechts der GKV' (elective subject areas 5 and 10)**

Ulrich Becker  
Ludwig-Maximilians-Universität (LMU),  
Munich

**Seminar 'Grundlagenseminar zum Öffentlichen Recht'**

Ulrich Becker  
Ludwig-Maximilians-Universität (LMU),  
Munich

**Seminar 'Schwerpunktseminar zum Krankenversicherungsrecht' (elective subject area 10)**

Ulrich Becker  
Ludwig-Maximilians-Universität (LMU),  
Munich

**Lecture 'Law & Economics' (Bachelor course)**

Sergio Rubens Mittlaender Leme de Souza  
Fundação Getulio Vargas Law School  
(FGV Direito SP), São Paulo

**Lecture 'Law & Economics' (PhD course)**

Sergio Rubens Mittlaender Leme de Souza  
Fundação Getulio Vargas Law School  
(FGV Direito SP), São Paulo

**Lecture 'Quantitative Methods' (PhD course)**

Sergio Rubens Mittlaender Leme de Souza  
Fundação Getulio Vargas Law School  
(FGV Direito SP), São Paulo

**Lecture 'Servizi sanitari e pandemia'**

Irene Domenici  
Università degli Studi di Trento, Trento

**Lecture 'The Nordic Model of Governance' (Master course)**

Anika Seemann  
University of Southern Denmark

*Summer Term 2021*

**Seminar 'Schwerpunktseminar zum Sozialrecht' (elective subject area 5)**

Ulrich Becker  
Ludwig-Maximilians-Universität (LMU),  
Munich

**Seminar 'Grundlagenseminar zum Flüchtlingsrecht'**

Ulrich Becker  
Ludwig-Maximilians-Universität (LMU),  
Munich

**Examinatorium (elective subject area 5)**

Ulrich Becker  
Ludwig-Maximilians-Universität (LMU),  
Munich

**Examinatorium (elective subject area 10)**

Ulrich Becker  
Ludwig-Maximilians-Universität (LMU),  
Munich

*Winter Term 2020/21*

**Lecture 'Grundlagen des Sozialversicherungsrechts' (elective subject areas 5 and 10)**

Ulrich Becker  
Ludwig-Maximilians-Universität (LMU),  
Munich



**Seminar 'Grundlagenseminar zum Öffentlichen Recht: Rechtsfragen der Corona-Pandemie'**

Ulrich Becker  
Ludwig-Maximilians-Universität (LMU),  
Munich

**Seminar 'Schwerpunktseminar zum Sozialrecht und Krankenversicherungsrecht' (elective subject areas 5 and 10)**

Ulrich Becker  
Ludwig-Maximilians-Universität (LMU),  
Munich

**Lecture 'Law & Economics' (Bachelor course)**

Sergio Rubens Mittlaender Leme de Souza  
Fundação Getulio Vargas Law School  
(FGV Direito SP), São Paulo

**Sergio Rubens Mittlaender Leme de Souza**

Lecture 'Law & Economics' (PhD course)  
Fundação Getulio Vargas Law School  
(FGV Direito SP), São Paulo

**Seminar 'Rechtliche Zugänge Flucht, Migration, Gesellschaft'**

Tim Rohmann  
Katholische Universität Eichstätt-Ingolstadt

**Lecture 'Recht und Migration'**

Tim Rohmann  
Duale Hochschule Baden-Württemberg

**Arbeitsgemeinschaft Staatsrecht I**

Roman Rick Sallaba  
Humboldt-Universität zu Berlin (HU),  
Berlin

**Lecture 'Introduction to Criminal Procedure'**

Lauren Tonti  
Ludwig-Maximilians-Universität (LMU),  
Munich

**Tutorial 'Propädeutische Übung zum Grundkurs Öffentliches Recht im ersten Semester'**

Franciska Engeser  
Ludwig-Maximilians-Universität (LMU),  
Munich

**8 HONOURS, AWARDS AND APPOINTMENTS**

**Schneider, Simone**

*ERC Starting Grant 2021* (1,5 million €)  
for the research project 'The (Mis)Perception of Economic Inequality: The Impact of Welfare State Institutions on Social Perception and Preference Formation' (PERGAP)

**Anika Seemann**

*Minerva Fast-Track Fellowship 2021-2024*, Max Planck Society

**He, Linxin**

*Maître de conférences*, Université Paris  
1 Panthéon-Sorbonne, France

**9 EDITORSHIPS, MEMBERSHIPS AND SCIENTIFIC ADVICE**

**Becker, Ulrich**

Scientific Member of the Max Planck Society (since 2002)

Chair of the Human Sciences Section (2019-2021)

Honorary Professor at the Faculty of Law, Ludwig-Maximilians-Universität, Munich (since 2002)

Visiting Professor at the Faculty of Law of the University of Johannesburg (2019 - 2022)

Mercator Professor at the University of Bremen (2022/23)

#### Services

*Forschungsnetzwerk Alterssicherung* (FNA) der Deutschen Rentenversicherung Bund (DRV): Member of the Advisory Board

*Freiburg Institute for Advanced Studies* (FRIAS): Member of the Scientific Advisory Board (since 2021)

*Tenure Board of the University of Regensburg*: Member

*Alexander von Humboldt Foundation*: Member of the 'Auswahlausschuss' (until 2022)

*KU Leuven*, Faculty of Law and Criminology: Chair of the External Scientific Advisory Board (for the evaluation in 2022)

*Disciplinary Committee of the German Athletics Association* (DLV): Member

*Katholische Stiftungshochschule München*: Member of the Board of Trustees

*Institut für europäische Verfassungswissenschaften*, Fern-Universität Hagen: Member of the Board of Trustees

*Gesellschaft zur Förderung der sozialrechtlichen Forschung*: Member of the Selection Committee for the Conferral of Dissertation Awards

Appointment Committee for a W3 Public Law Professorship at Universität Hannover: Member (since 2022)

Inaugural Commission for a professorship application at Charles University, Prague: Member (December 2023)

Appointment procedures at the University of Heidelberg (2023) and the University of Frankfurt (2021): Reviewer

#### Memberships

*Academia Europaea*: Member

*Gesellschaft für Rechtsvergleichung*: Member of the Executive Board and Chair of the 'Fachgruppe Arbeits- und Sozialrecht' (until 2022)

*Deutscher Sozialrechtsverband*: Member of the Executive Board and Chair of the Executive Board (until 2021)

*Deutscher Verein für öffentliche und private Fürsorge* (DV): Member of the 'Hauptausschuss' and Member of the Expert Committee 'Internationale Zusammenarbeit und europäische Integration'

*Deutsches Institut für Interdisziplinäre Sozialpolitikforschung* (DIFIS): Founding Member

*Gesellschaft für Versicherungswissenschaft und -Gestaltung* (GVG): Member of the Presidium (until 2021)

*Network MoveS*: Independent expert for the European Commission

Academic Journals and Series

*Neue Zeitschrift für Sozialrecht* (NZS), München: Co-editor

*Zeitschrift für europäisches Sozial- und Arbeitsrecht* (ZESAR), Wiesbaden: Co-editor

*Schriften zum Sozialrecht*, Baden-Baden: Co-editor (and Founder)

*Studien aus dem Max-Planck-Institut für Sozialrecht und Sozialpolitik*, Baden-Baden: Editor

*Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht* (ZIAS), Heidelberg: Co-editor

*Kommentar zum SGB I*, Berlin: Editor (until 2022), founder: W. Noftz

*MPI Soc Working Papers Law, Social Law Reports*, and *SSRN Max Planck Institute for Social Law & Social Policy Research Paper Series*, Munich: Editor

*International Social Security Review*: Member of the Scientific Advisory Board (until 2022)

*Shehui Baozhang* Yanjin (Social Security Studies), Beijing: Member of the Scientific Advisory Board

*Vierteljahresschrift für Sozial- und Arbeitsrecht* (VSSAR): Member of the Scientific Advisory Board

*Revue de Droit Comparé du Travail et de la Sécurité Sociale*, Bordeaux: Member of the Scientific Advisory Board

**D'Alfonos Masarié, Edoardo**

Deputy Chair of the Expert Commission on the redrawing of constituencies for the Thuringian State Parliament (since Aug 2023)

**Hruschka, Constantin**

Expert for the European Committee of the Regions on the following topics: migration and asylum pact (Jan-Nov 2021) and Schengen reform (Feb-Oct 2022)

**Reinhard, Hans-Joachim**

Expert for the accreditation of the study programme Social Insurance Law at the University of Administration North Rhine-Westphalia, Duisburg-Essen (Nov 2022)

International expert for the accreditation of law degree programmes at three universities in Lithuania: Vilnius, Kaunas, Klaipeda (Oct 2023)

**10 REFEREEING**

**Schneider, Simone**

*Peer-reviewed Journals*: American Sociological Review, Socio-Economic Review, European Sociological Review, PNAS, International Journal of Comparative Sociology

*Projects of inter-/national Organisations*: ERC Consolidator Grant 2023, European Research Council, Belgium; United States-Israel Binational Science Foundation Jerusalem, Israel

Fondo Nacional de Desarrollo Científico y Tecnológico, Fondecyt, Chile

**Anika Seemann**

*Journal: Rechtsgeschichte (Rg)*

**11 EXPERTISES****Becker, Ulrich**Courts

Expert opinion in the case of Pensionsversicherungsanstalt ./. ZM Nutzfahrzeuge GmbH and KRAVAG, Regional Court of Munich I (AZ: 26 O 12706/21)

Expert opinion on the investigation proceedings 430 Js 246/11, on the question of the requirements for secondment under Turkish law, Public Prosecutor's Office Bonn

Expert opinion for the Regional Court Stuttgart (AZ: 17 O 246/19)

Expert opinion for the Regional Court Frankfurt a.M. (AZ: 2-18 O 205/17)

Politics

Advice to the Japanese Ministry of Health, Labour and Welfare, including on the legal basis of accident insurance in Germany and the bonus-malus system

Research funding

Several expert opinions, among others for the Austrian Science Fund and the Alexander von Humboldt Foundation

Universities

Expert opinion regarding international recognition in the context of an appointment as Professor of 'Labour Law' at the University of Trnava, Slovakia

Expert opinion in the appointment procedure for the W3 Professorship 'International Health and Medical Law and Data Protection Law' at the University of Heidelberg

Expert opinion on the appointment of a W2 Tenure Track Professorship, Goethe University, Frankfurt a.M.

**12 STAYS ABROAD****Irene Carlet**

*1 Mar - 31 May 2023*

University of Melbourne, Melbourne Law School

**Irene Domenici**

*1 Oct - 3 Dec 2021*

Cambridge University, Faculty of Law

**Christian Günther**

*7 - 25 Feb 2022*

Center for Advanced Studies in Biomedical Innovation Law (CeBIL), University of Copenhagen, Copenhagen

**Sergio Mittlaender Leme de Souza**

*Feb - Jul 2021 - 23*

Fundação Getulio Vargas Law School in São Paulo (FGV Direito SP), Brazil Professorship

**Anika Seemann**

*1 Apr - 31 May 2022*

Research Stay in Norway, funded by the Fritt Ord Foundation

*1 Sep - 20 Dec 2021*

Danish Centre for Welfare Studies, Syddansk Universitet, Denmark



Prof. Patrick Cramer (2<sup>nd</sup> from left), president of the Max Planck Society, and Secretary General Dr. Simone Schwanitz (5<sup>th</sup> from left) visited the Institute to share their vision with the staff and to gain insights into the scientific work at MPISOC.

## 13 EVENTS

23 - 25 Nov 2022

### 13.1 SYMPOSIA, CONFERENCES, WORKSHOPS

10 - 11 Oct 2023

Max Planck Law Curriculum: **The Study of Social Law in the 21<sup>st</sup> Century**, online

**Ulrich Becker:** The Legal Foundations of Social Protection  
**Linixin He:** The Europeanization of Social Law  
**Sergio Mittlaender Leme de Souza:** Empirical Studies in Social Law

**Madeleine Beul, Irene Carlet, Roman Rick Sallaba:** Interdisciplinarity in Social Law

Workshop: **Life in Dignity – Minimum Income Protection in Europe and Beyond**, Max Planck Institute for Social Law and Social Policy, Munich (hybrid)

**Ulrich Becker:** Introduction and Normative Framework  
**Viviana Ponce de León Solís:** Chile  
**Flavia Piovesan:** Brazil  
**Michael Fletcher:** New Zealand

**Nikola Wilman:** United Kingdom  
**Anastasia Poulou:** Greece  
**Grega Strban:** Slovenia  
**Ariel Przybyłowicz:** Poland

**Teodora Petrova:** Bulgaria  
**Eva Maria Hohnerlein:** Italy  
**Anika Seemann:** Norway  
**Ulrich Becker:** Chapter Structure and Publication Timeline, Conclusions

15 Nov 2022

Max Planck Forum: **Klimawandel und Sozialrecht. Extremwetter: Wer trägt die Verantwortung für Schäden?**, in cooperation with Headquarters of the Max Planck Society, Scholastika, Munich

Keynote speech:  
**Ulrich Becker**

Discussion:  
**Ulrich Becker**  
**Ernst Rauch**  
**Anne von Streit**  
**Juliane Thimet**  
**Kai Warnecke**

Moderation:  
**Britta Fecke**

27 Jun 2022

16<sup>th</sup> Sports Law Symposium: **Krieg, Sport und Recht: Sanktionen zwischen Verantwortung und Wirkung**, joint event of the Max Planck Institute for Social Law and Social Policy, Munich, and the Max Planck Institute for Comparative and International Private Law, Hamburg, Germany

**Reinhard Zimmermann:** Welcome Address

**Jan F. Orth, Björn Schiffbauer:** Das sportrechtliche Sanktionsregime aus den Perspektiven des Sportinnenrechts und des Völkerrechts

**Hendrik Pusch, Falko Gebhardt:** Comments

**Ulrich Becker:** Chair of Discussion

3 Jun 2022

Anniversary event: **40 Jahre Max-Planck-Institut für Sozialrecht und Sozialpolitik**, Internationales Begegnungszentrum München e.V (IBZ), Munich

**Ulrich Becker:** Welcome Address

I. Die Vermessung des Sozialrechts und der Sozialrechtsvergleichung

1. Der Beginn

**Gerhard Igl**  
**Eberhard Eichenhofer**  
**Maximilian Fuchs**  
**Frank Hirtz**

2. Das Ausland zu Gast am Institut I

**Herbert Szurgacz**  
**Carmelo Mesa-Lago**

3. Ein Blick aus dem Maschinenraum I  
**Eva Lutz**

II. Transformationen

1. Die (Instituts)Welt im Umbruch

**Ute Kötter**  
**Andreas Hänlein**

2. Das Ausland zu Gast am Institut II

**Ingo Sarlet**

3. Ein Blick aus dem Maschinenraum II

**Christiane Hensel**

III. Neue Herausforderungen für die Sozialrechtsforschung

**Anika Seemann**  
**Linxin He**

IV. Innensicht, Außensicht, Rückblick  
**Angelika Nußberger**



2 Jun 2022

Workshop: **Comparative and Interdisciplinary Social Protection Research**, online

**Ulrich Becker:** Introduction

**Carina Schmitt:** Quantitative comparative social policy research, history and colonialism

**Marianne Sandvad Ulriksen:** Qualitative comparative social policy research and interdisciplinarity

**Carmelo Mesa-Lago:** Economic research, statistical data, comparative performance evaluation

January & February 2022

Lecture Series: **The Future of Welfare State Research**, online

10 Jan: Gilat Levy, London School of Economics and Political Science

17 Jan: Nicola Fuchs-Schündeln, Goethe University Frankfurt

19 Jan: Silja Häusermann, Zurich University

26 Jan: Christoph Trebesch, Kiel Institute for the World Economy/Kiel University

7 Feb: Maria Polyakova, Stanford University

21 Feb: Moritz Schularick, Sciences Po/Bonn University

22 Nov 2021

15<sup>th</sup> Sports Law Symposium: **Sportverbände und Menschenrechte – Zur Rolle von Corporate Social Responsibility und Athletenvereinigungen**, joint event of the Max Planck Institute for Social Law and Social Policy, Munich, and the Max Planck Institute for Com-

parative and International Private Law, Hamburg, Germany

**Reinhard Zimmermann:** Welcome Address

**Mathias Habersack:** Sportverbände und Menschenrechte

**Christoph Becker, Johannes Herber, Sylvia Schenk:** Comments

**Ulrich Becker:** Chair of Discussion

21 Jun 2021

Virtual Scientific Roundtable: **Digital Challenges in Health Law: From Telemedicine to AI**, joint event of the Max Planck Institute for Social Law and Social Policy, Munich, the University of Trento, Italy, and the Centre for Advanced Studies in Biomedical Innovation Law, University of Copenhagen, Denmark

**Luca Rinaldi:** The right to a human in the loop in AI for healthcare

**Audrey Lebre:** Equitable access to transplantation: a human rights approach to the algorithmic allocation of organs

**Christian Günther:** Patient autonomy, artificial intelligence and the law

**Federico Carmelo La Vattata:** AI and healthcare: riskmanagement and criminal law

**Louise C. Druedahl:** The unmet needs of AI regulation for medicines and medical devices

**Lauren Tonti:** From Wild West to Wunderkind: comparing legal approaches to telemedicine quality across jurisdictions

## 13.2 GUEST PRESENTATIONS

6 Dec 2023

Prof. Dr. **Raquel Yrigoyen Fajardo**, The Pontifical Catholic University of Peru (PUCP), Instituto Internacional de Derecho y Sociedad (IIDS), Lima, Peru: 'Widow's Rights Protected by Indigenous Jurisdiction before the National Social Security System in Peru'.

8 Nov 2023

Dr. **Constantin Hruschka**, Bundesverwaltungsgericht, St. Gallen, Switzerland: 'Rechtstaatliche Grenzverfahren: Ein Widerspruch in sich?'.

11 Oct 2023

Dr. **Miriam Hofer**, Karl Franzens University, Graz, Austria: 'Zum rechtspolitischen Gestaltungsspielraum des Gesetzgebers bei gleichstellungsrelevanten Sozialleistungen am Beispiel des Kinderbetreuungsgeldes'.

13 Jul 2023

**Markus Schön**, Stadtdirektor für Bildung, Jugend, Arbeit, Sport, Migration und Integration, Krefeld, Germany: 'Kommunale Bildungslandschaften als Teil der kommunalen Sozialpolitik'.



Markus Schön (fifth from left), city director in Krefeld, informed employees of the Institute and guests about the challenges that cities and municipalities face in education policy.

10 May 2023

**Christian Lahnstein**, Visiting Scholar, Ludwig-Maximilians-Universität, Munich, Germany: 'Überlegungen zur Interaktion der Kompensationssysteme bei Personenschäden im Zusammenhang mit historischem Unrecht'.

3 May 2023

Dr. **Mehdi Shabannia Mansour**, Islamic Azad University, Teheran, Iran: 'Poverty Alleviation in Iran under the Light of Islam'.

27 Apr 2023

**Ali Akbar Tajmazinani**, Ph.D., Allameh Tabataba'i University, Tehran, Iran: 'Iranian Pension System: Challenges and Prospects'.

9 Mar 2023

Dr. **Victoria Hooton**, Dr. **Matilde Cazola**, Max Planck Institute for Legal History and Legal Theory, Frankfurt am Main, Germany: 'Poverty, Solidarity, and the Law: Britain and Its Empire (17<sup>th</sup>-19<sup>th</sup> Century)'.

8 Mar 2023

Dr. **Elisabeth Eneroth**, Gothenburg Law Court, Gothenburg, Sweden: 'A Legal Analytical Tool for Critical Substantive Validity Testing of Legal Norms. The Example of Homes for Care or Residence'.

22 Feb 2023

Prof. Dr. **Ingo Sarlet**, Pontifícia Universidade Católica do Rio Grande do Sul, Porto Alegre, Brazil: 'Klimaschutz und Supreme Court in Brasilien'.

14 Dec 2022

Dr. **Constance Gunhidzirai**, Johannesburg Business School, SARChI Welfare and Social Development, Johannesburg, South Africa: 'Examination of Social Protection Interventions in Addressing the Challenges Faced by Vulnerable Households in the City of Johannesburg (CoJ) Metropolitan Municipality, South Africa'.

30 Nov 2022

**Sun Zhiping**, Wuhan University, Wuhan, China: 'Long-Term Care Insurance in China'.

9 Nov 2022

Dr. **Mehdi Shabannia Mansour**, Islamic Azad University, Teheran, Iran: 'Social Security Organization of Iran With Emphasis on Unemployment Insurance'.

26 Oct 2022

**Deborah Pamela D'Amico**, Università degli Studi di Enna "Kore", Enna, Sicily, Italy: 'The Classification of Gig Workers in Italian and German Jurisprudence'.

12 Oct 2022

Prof. a.D. Dr. Dr. h.c. **Eberhard Eichenhofer**, Friedrich-Schiller-Universität, Jena, Germany: 'Sozialrecht als System'.

21 Sep 2022

Prof. Dr. **Patrícia Jerónimo**, European University Institute, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole, Italy: 'Cultural Diversity and the Challenges of Inclusive Justice in Portugal'.

7 Sep 2022

Prof. Dr. **Kuyen Lin**, National Open University, Taipei, Taiwan: 'Pflegeversorgung in Taiwan – Überblick und Umsetzung der Politik in der Gesetzgebung'.

26 Jul 2022

Dr. **Panagiota Xylaki**, Ministry of Labour and Social Affairs, Athens, Greece: 'Finanzielle Stabilität und Wirtschaftsfreiheit in der gesetzlichen Krankenversicherung'.

18 May 2022

Prof. a.D. Dr. **Carmelo Mesa-Lago**, University of Pittsburgh, Pittsburgh, USA: 'The Performance of Private Pensions in Latin America and the Impact of COVID-19 and the Economic Crisis on Such Pensions (1980-2022)'.

9 Mar 2022

**Marc Wohliwend**, University of Zurich, Zurich, Switzerland: 'Kausalität bei berufs-assozierten Krankheiten'.

9 Feb 2022

**Luca Rinaldi**, University of Trento, Trento, Italy: 'Looking at Artificial Intelligence through the Lens of Fundamental Rights'.

17 Nov 2021

Dr. **Rodolfo Gutiérrez Silva**, Universidad Cooperativa de Colombia, Bogota, Colombia: 'The Justiciability of the Right to Health in Mexico, Brazil, Argentina, and Colombia'.

13 Oct 2021

Dr. **Viviana Ponce de León Solís**, Universidad Austral de Chile Sede Puerto Montt, Puerto Montt, Chile: 'Critical Analysis of Nudging as a New Regulatory Paradigm in Chile, in Light of the Concept of Vulnerable Groups'.

14 Jul 2021

Dr. **Ariel Przybyłowicz**, University of Wrocław, Wrocław, Poland: 'Solidarität als Prinzip der Sozialversicherung'.

14 Apr 2021

**Wojciech Lewandowski**, Polish Academy of Sciences, Warsaw, Poland: 'Sport and the Competition Law of the EU – Limits of Intervention'.

## 14 GUESTS

6 Nov - 17 Nov 2023

Prof. Dr. **Daniel Eryk Lach**, Poland, Uniwersytet im. Adama Mickiewicza w Poznaniu: 'The Legal Issues Concerning the Construction of a Catalog of Benefits Guaranteed in German Health Insurance and Regulations Relating to the Right of the Insured to Unconventional Medicine Services (§ 2 sec. 1 SGB V) and Services Whose Quality and Effectiveness do not Correspond to the Recognized State of Medical Knowledge (§ 2 sec. 1a SGB V)'.

30 Oct - 1 Nov 2023

Prof. Dr. **Yumi Matsumoto**, Japan, Oita University: 'Organisation der gesetzlichen und privaten Krankenversicherung – Vergleich zwischen Deutschland und Frankreich'.

30 Oct - 1 Nov 2023

Prof. Dr. **Katsuaki Matsumoto**, Japan, Kumamoto Gakuen University: 'Soziale Sicherheit für Ausländer – Vergleich zwischen Deutschland und Japan'.

2 Oct - 15 Oct 2023

Dr. **Miriam Hofer**, Austria, University of Graz: 'Zum rechtspolitischen Gestaltungsspielraum des Gesetzgebers bei gleichstellungsrelevanten Sozialleistungen am Beispiel des Kinderbetreuungsgeldes'.

23 Jul - 6 Aug 2023

Prof. Dr. **Matteo Borzaga**, Italy, University of Trento: 'The Latest Developments in International Labour and Social Law After the Corona Pandemic'.

22 May - 30 Jun 2023

Prof. Dr. **Argita Malltezi**, Albania, University of Tirana: 'Human Rights of Companies. A Debate on Trends and Limitations'.

2 May - 17 May 2023

Dr. **Heidi Vanjusov**, Finland, University of Eastern Finland, Center of Law and Welfare: 'Accessibility of Social and Health Services in Finland'.

15 Mar - 27 Mar 2023

Prof. Dr. **Yumi Matsumoto**, Japan, Oita University: 'Organisation der Krankenkassen – Vergleich zwischen Deutschland und Frankreich'.

15 Mar - 27 Mar 2023

Prof. Dr. **Katsuaki Matsumoto**, Japan, Kumamoto Gakuen University: 'Soziale Sicherheit für Ausländer – Vergleich zwischen Deutschland und Japan'.

13 Mar - 16 Mar 2023

Dr. **Sylvie Pétremand**, Switzerland, Institut IDAT, University of Lausanne: 'Soziale Sicherheit von Migranten in der Schweiz'.

8 Mar - 9 Mar 2023

Dr. **Elisabeth Eneroth**, Sweden, Gothenburg Law Court: 'A Legal Analytical Tool for Critical Substantive Validity Testing of Legal Norms. The Example of Homes for Care or Residence'.

1 Mar - 31 Jul 2023

Dr. **Mehdi Shabannia Mansour**, Iran, Islamic Azad University: 'Comparative Study of Poverty Alleviation in Iran and Germany under the Light of Islam and Liberalism'.

23 Feb - 10 Mar 2023

Dr. **Victoria Hooton**, Germany, Max Planck Institute for Legal History and Legal Theory: 'Free Movement and Welfare Access in the European Union: Re-Balancing Conflicting Interests in Citizenship Jurisprudence'.

20 Feb - 1 Mar 2023

Prof. Dr. **Ingo Sarlet**, Brazil, Pontifícia Universidade Católica do Rio Grande do Sul: 'Datenschutz und Künstliche Intelligenz im Gesundheitswesen'.

29 Nov - 8 Dec 2022

Prof. Dr. **Daniel Eryk Lach**, Poland, Uniwersytet im. Adama Mickiewicza w Poznaniu: 'The Issue of Financing of 'Long-Term Care' Insurance in the Context of the Impact of having Children and their Number on the Amount of the Premium'.

1 Nov 2022 - 31 Jan 2023

Dr. **Constance Gunhidzirai**, South Africa, Johannesburg Business School, SARChI Welfare and Social Development: 'Examining Social Protection Interventions in Addressing the Challenges Faced by Vulnerable Households in the City of Johannesburg (CoJ) Metropolitan Municipality, South Africa'.

1 Oct - 31 Oct 2022

**Deborah Pamela D'Amico**, Italy, Università degli Studi di Enna 'Kore': 'The Protection of Workers in the Gig Economy between Italian and German Legal Systems'.

19 Sep - 21 Sep 2022

Prof. Dr. **Patrícia Jerónimo**, Italy, European University Institute, Robert Schuman Centre for Advanced Studies: 'Cultural Diversity and the Challenges of Inclusive Justice in Portugal'.

7 Aug - 15 Aug 2022

Prof. Dr. **Daniel Eryk Lach**, Poland, Uniwersytet im. Adama Mickiewicza w Poznaniu: 'The Issues of Employee Status of Crowdworkers'.

1 Aug - 31 Dec 2022

Dr. **Mehdi Shabannia Mansour**, Iran, Islamic Azad University: 'Comparative Study of Poverty Alleviation in Iran and Germany under the Light of Islam and Liberalism'.

1 Aug - 15 Aug 2022

Prof. Dr. **Antonio Dimitri Zumbo**, Italy, Luiss Guido Carli University: 'Sustainability and Adequacy of the Italian Pension System: A Comparative Perspective with German Social Security Law'.

*25 Jul - 29 Jul 2022*

Prof. Dr. **Matteo Borzaga**, Italy, University of Trento: 'The Latest Developments in International Labour and Social Law After the Corona Pandemic'.

*4 Jul - 22 Jul 2022*

Dr. **Michael Fletcher**, New Zealand, Victoria University of Wellington: 'Intra-Family Income Sharing and Money Management in Complex Families'.

*1 Jul - 30 Sep 2022*

**Amit Kumar**, India, NALSAR University of Law: 'Pandemics, Justice and Rights: Situating Medical Humanitarianism and Distributive Justice in the Context of Pandemics'.

*1 Jul - 31 Jul 2022*

Dr. **Panagiota Xylaki**, Greece, Ministry of Labor and Social Affairs: 'Der Gleichheitssatz im Sozialversicherungsrecht'.

*1 Jul - 8 Jul 2022*

**Juan Francisco Astudillo**, Mexico, Universidad Autónoma del Estado de Morelos: 'Forced Migration due to Climate Change and Socionatural Disasters. An Analysis from Social Security'.

*1 Jul - 8 Jul 2022*

Prof. Dr. **Gabriela Mendizábal Bermúdez**, Mexico, Universidad Autónoma del Estado de Morelos: 'Partizipative soziale Sicherheit von Migranten in Mexiko'.

*1 Jul 2022 - 30 Jun 2023*

Prof. Dr. Dr. **Kuyen Lin**, Taiwan, National Open University Taipei: 'Zusammenreffen der gesetzlichen Krankenversicherung und der Pflegeversicherung in Deutschland (SGB V und SGB XI)'.

*15 Jun - 14 Dec 2022*

**Sheikh Sultan Aadil Huque**, India, NALSAR University of Law: 'Artificial Intelligence in Health Care: Legal and Regulatory Challenges and Way Forward with Specific Reference to the European Union'.

*11 May - 8 Jun 2022*

Prof. Dr. **Carmelo Mesa-Lago**, United States, University of Pittsburgh: 'Comparative Social Protection Research in the Global South'.

*25 Apr - 6 May 2022*

Prof. Dr. **Daniel Eryk Lach**, Poland, Uniwersytet im. Adama Mickiewicza w Poznaniu: 'Die Problematik der sozialen Absicherung von Plattform-Arbeitern'.

*1 Apr - 3 Jun 2022*

**Camilla Faggioni**, Italy, University Trento: 'International Labour and Social Law in the Field of Logistics (especially maritime and port logistics)'.

*1 Mar - 14 Mar 2022*

**Mari-Liis Viirsalu**, Estonia, Tartu University: 'Protecting Social Rights in a Market-Based Consumer Choice Model for the Delivery of Social Services. The Case of Social Rehabilitation in Estonia'.

*1 Feb - 31 Jul 2022*

**Marc Wohlwend**, Switzerland, University of Zurich: 'Kausalität bei psychosozialen Belastungen am Arbeitsplatz'.

*4 Jan - 31 Mar 2022*

**Luca Rinaldi**, Italy, University of Trento: 'Artificial Intelligence as the New Frontier of Fundamental Rights'.



7 Dec 2021 - 1 Dec 2022

**Sun Zhiping**, China, Wuhan University: 'Research on the Dynamic Adjustment Mechanism of the Drug List of Basic Medical Insurance in China'.

13 Oct - 10 Dec 2021

**Deborah Pamela D'Amico**, Italy, Università degli Studi di Enna 'Kore': 'The Protection of Workers in the Gig Economy between Italian and German Legal Systems'.

13 Sep - 19 Nov 2021

Prof. Dr. **Viviana Ponce de León Solís**, Chile, Universidad Austral de Chile Sede Puerto Montt: 'Critical Analysis of Nudging as a New Regulatory Paradigm in Chile, in Light of the Concept of Vulnerable Groups'.

6 Sep - 26 Nov 2021

Dr. **Rodolfo Gutierrez Silva**, Colombia, Universidad Cooperativa de Colombia: 'The Justiciability of the Right to Health'.

14 Apr - 28 Sep 2021

Dr. **Ariel Przybylowicz**, Poland, University of Wrocław: 'Solidarität in der Sozialversicherung'.

8 Mar - 29 Apr 2021

**Wojciech Lewandowski**, Poland, Polish Academy of Sciences: 'Umfang des Eingriffs des Wettbewerbsrechts der Europäischen Union in die Selbstregulierungsautonomie der Sportverbände'.

## 15 COOPERATIONS

### LIFE IN DIGNITY

Despite the fact that meanwhile all EU Member States introduced general minimum income systems, the risk of poverty has remained high in many countries. In hardly any EU country do minimum income schemes provide adequate protection against poverty. This development raises various fundamental social law issues that the new research project 'Life in Dignity – Minimum Income Protection in Europe and Beyond' seeks to address. Of particular interest is the question of whether and to what extent the goal of participation is being pursued, as well as the needs dimensions taken into account.

#### Cooperation Partners:

*Becker, Ulrich, Max Planck Institute for Social Law and Social Policy, Munich*

*Cheon, Kwang-Seok, Yonsei University Law School, South Korea*

*Dewhurst, Elaine, University of Manchester, UK*

*Duque Quintero, Sandra Patricia, University of Antiochia, Colombia*

*He, Linxin, Université Paris 1 Panthéon-Sorbonne, France*

*Fletcher, Michael, Victoria University of Wellington, New Zealand*

*Genova, Yaroslava, University of Plovdiv, Bulgaria*

*Kasagi, Eri, University of Tokyo, Japan*  
*Mendizábal Bermúdez, Gabriela, Autonomous University of the State of Morelos, Mexico*

*Piovesan, Flavia, Pontifical Catholic University of São Paulo, Brazil*

*Ponce de León Solís, Viviana, Universidad Austral de Chile Sede Puerto Montt, Chile*

*Poulou, Anastasia, Athens Administrative Court, Greece*

*Przybyłowicz, Ariel, University of Wrocław, Poland*

*Sanchez Rodas, Christina, University of Sevilla, Spain*

*Sinding Aasen, Henriette, University of Bergen, Norway*

*Strban, Grega, University of Ljubljana, Slovenia*

## **LAW AND SOCIAL WELFARE IN LATIN AMERICA – SOCIAL PROTECTION FOR INDIGENOUS PEOPLES**

The Max Planck Partner Group at the Catholic University of Bolivia, La Paz, examines, from a comparative law perspective, the social benefits received by the indigenous population in Ecuador, Peru and Bolivia. For this purpose, the support measures are compared with the social benefits for other socially disadvantaged groups. The aim is to learn about the effectiveness of these interventions.

### **Cooperation Partners:**

*Becker, Ulrich, Max Planck Institute for Social Law and Social Policy, Munich*

*Ossio Bustillos, Lorena, Catholic University of Bolivia, La Paz*

## **COMPARATIVE AND INTERDISCIPLINARY SOCIAL PROTECTION RESEARCH IN THE GLOBAL SOUTH**

The project explored the potentials and limits of social policy comparison. Furthermore, it addressed the question of how a meaningful and constructive South/North dialogue on comparative social protection analysis can take shape.

### **Cooperation Partners:**

*Mesa-Lago, Carmelo, University of Pittsburgh, USA*

*Seemann, Anika, Max Planck Institute for Social Law and Social Policy, Munich*

## **LABOUR AND STATUS OF THE LAND**

The aim of the project was to examine the relationships to work and land in societies. This is done on the basis of questions about concepts of agricultural labour, the forms of appropriation of land and its yield, and the status of land.

### **Cooperation Partners:**

*He, Linxin, Max Planck Institute for Social Law and Social Policy, Munich*

*Liberski Bagnoud, Danouta, Institut d'études avancées, Nantes, France*

*Piron, Sylvain, École des Hautes Études en Sciences Sociales, Paris, France*

## ON THE WAY TO A COMMON LAW

The idea of the *ius commune* originates in the Roman Empire and has seen a bloom in the Middle Ages. It is made up of two components: of the surviving, new-found documents of Roman law and of the canonical law of the Church. Our hypothesis suggests that, for common law to be successful, there is a need for technical regulations as well as for spiritual factors. To be more precise, this project sought to find out if and to what extent the conflicts of solidarity in Europe partly reflect the conflict between European ordoliberalism and national solidarity in the field of social law.

### Cooperation Partners:

*Delmas-Marty, Mireille, Collège de France*

*He, Linxin, Max Planck Institute for Social Law and Social Policy, Munich*

*Martin-Chenu, Kathia, CNRS/Université Panthéon-Sorbonne, Paris, France*

*Perruso, Camila, Collège du France*

## A THEORY OF STRATEGIC DISCRIMINATION

This project studied how individuals account for other individuals' preferences when deciding whom to include or to exclude in a group or network, in the absence of any personal taste or statistical reason associated with the inclusion of a particular person. We examined three potential reasons why individuals

live up to the group composition preferences of their group members.

### Cooperation Partners:

*Arvate, Paulo, Fundação Getulio Vargar (FGV) EAESP, Rio de Janeiro, Brazil*

*Mittlaender Leme De Souza, Sergio, Max Planck Institute for Social Law and Social Policy, Munich*

## PENSION MAPS

The research project examined the legal foundations of old age security in 29 European and selected non-European countries with the objective of providing a comprehensive and systematic legal overview of the institutional landscape of national old age security in the form of a large-scale cross-country comparative analysis.

### Cooperation Partners:

*Auer-Mayer, Sausanne, University of Vienna, Austria*

*Becker, Ulrich, Max Planck Institute for Social Law and Social Policy, Munich*

*Bojić, Filip, University of Belgrade, Serbia*

*Dewhurst, Elaine, University of Manchester, United Kingdom*

*Dima, Elena-Luminița, University of Bucharest, Romania*

*Dupate, Kristīne, University of Latvia*  
*Erhag, Thomas, University of Gothenburg, Sweden*

*Gächter, Thomas, University of Zurich, Switzerland*

*Hajdú, József, University of Szeged, Hungary*

*Jorens, Yves, Ghent University, Belgium*  
*Kombos, Constantinos, University of Cyprus*

*Križan, Viktor, University of Trnava, Slovakia*

*Kuitto, Kati, Finnish Centre for Pensions, Finland*

*Lach, Daniel Eryk, Adam Michiewicz University in Poznań, Poland*

*Loureiro, João Carlos, University of Coimbra, Portugal*

*Lutjens, Erik, Vrije Universiteit, Amsterdam, Netherlands*

*Mišič, Luka, University of Ljubljana, Slovenia*

*Petrylaitė, Vida, Vilnius University, Lithuania*

*Sánchez-Rodas Navarro, Cristina, University of Seville, Spain*

*Schneider, Simone, Max Planck Institute for Social Law and Social Policy, Munich*

*Stagelund Hvidt, Martine, University of Copenhagen, Denmark*

*Viirsalu, Mari-Liis, University of Tartu, Estonia*

*Vukorepa, Ivana, University of Zagreb, Croatia*

*Zajíček, Tomáš, Charles University, Prague, Czech Republic*

## **SOCIAL LAW AND SOCIAL POLICY IN SOUTH AFRICA**

The focus of this cooperation is research on the coordination of social security systems in the Southern African Development Community (SADC). In addition, the institutional framework for extending access to social security for non-citizens and informal sector workers in Germany and South Africa is studied.

### **Cooperation Partners:**

*Becker, Ulrich, Max Planck Institute for Social Law and Social Policy, Munich*

*Mpedi, George L., International Institute for Social Law and Social Policy, South Africa*

## **GERMAN-TAIWANESE LEGAL COMPARISON OF SOCIAL SECURITY**

In the framework of this long-term collaboration, a legal comparative analysis of social security in Germany and Taiwan is conducted. Likewise, topical issues of social administration law in the two countries are addressed.

### **Cooperation Partners:**

*Becker, Ulrich, Max Planck Institute for Social Law and Social Policy, Munich*

*Lee, Chien-Liang, Academia Sinica, Taiwan*

*Sun, Nai-Yi, National Chengchi University, Taiwan*

## COMPARISON OF BASIC SOCIAL SECURITY ISSUES IN CHINA AND GERMANY

The project focuses on reforms and further developments of the social security system in Germany and China, taking the particularities of both countries into account. Notably the transformation of the planned economy into a market economy in China raises many questions pursuant to insurance law.

### Cooperation Partners:

*Becker, Ulrich, Max Planck Institute for Social Law and Social Policy, Munich*

*Zheng, Gongcheng, Renmin University of China, Beijing, People's Republic of China*

## ACCESS TO WELFARE FOR EU CITIZENS

The study examined access to social benefits for EU citizens in Germany. By way of an analysis of social legislation and courts' rulings, it is shown that national courts of different levels used litigation processes and referrals to the Court of Justice of the European Union to advance their legal interpretations and that the German government profited from legal uncertainty to exclude EU citizens from social benefits.

### Cooperation Partners:

*Gago, Angie, University of Lausanne, Switzerland*

*Hruschka, Constantin, Max Planck Institute for Social Law and Social Policy, Munich*

*Maiani, Francesco, University of Lausanne, Switzerland*

## DUBLIN III REGULATION

The authors prepared an update of the Dublin Regulation, published in 2022 in the commentary on EU Immigration and Asylum Law, edited by Kay Hailbronner and Dabiel Thym.

### Cooperation Partners:

*Hruschka, Constantin, Max Planck Institute for Social Law and Social Policy, Munich*

*Maiani, Francesco, University of Lausanne, Switzerland*

## DEVELOPMENTS IN THE FIELD OF EUROPEAN ASYLUM AND MIGRATION LAW

The project consists of a regular review of relevant distinctive judgments of the European Court of Justice (ECJ) in the field of asylum and migration law.

### Cooperation Partners:

*Hruschka, Constantin, Max Planck Institute for Social Law and Social Policy, Munich*

*Progin-Theuerkauf, Sarah, University of Fribourg, Switzerland*

## COMPARING SAFE THIRD-COUNTRY SCHEMES

From a comparative legal perspective, the project examines the basic component of shared responsibility across the world.

**Cooperation Partners:**

*Hathaway, James C., University of Michigan, USA*

*Hruschka, Constantin, Max Planck Institute for Social Law and Social Policy, Munich*

**COMMENTARY ON THE CONVENTION RELATING TO THE STATUS OF REFUGEES**

The cooperation partners examined the application of the Geneva Refugee Convention in Germany, Austria and Switzerland. In the resulting commentary on the Convention, published in 2022, the international discussion and case law on the concept of refugee, on refoulment and on the legal status of refugees were brought up to date. The book also points to possible contradictions that may arise between the Refugee Convention, EU law and national law.

**Cooperation Partners:**

*Call, Leonhard, Independent Expert, Austria*

*Frei, Nula, University of Fribourg, Switzerland*

*Goldbach, Nikolaus, Deutsche Forschungsgemeinschaft (DFG), Bonn, Germany*

*Grodzielik, Teresia, Federal Administrative Court, Switzerland*

*Hinterberger, Kevin, University of Vienna, Austria*

*Hruschka, Constantin, Max Planck Institute for Social Law and Social Policy, Munich*

*Janda, Constanze, University for Public Administration, Speyer, Germany*

*Kienast, Julia, University of Aarhus, Denmark*

*Klammer, Stephan, Diakonie, Austria*

*Kneer, Anne, University of Zurich, Switzerland*

*Müller, Andreas Th., University of Innsbruck, Austria*

*Peyrl, Johannes, Arbeiterkammer Vienna, Austria*

*Prantl, Janine, University of Innsbruck, Austria*

*von Rütte, Barbara, University of Basel, Switzerland*

**SCHENGEN AND DUBLIN IN PRACTICE**

The project examined current trends of court ruling and legislation with regard to the Dublin Regulation and the Schengen Agreement. The results were published in 2022.

**Cooperation Partners:**

*Breitenmoser, Stephan, University of Basel, Switzerland*

*Frei, Nula, University of Fribourg, Switzerland*

*Hilpold, Peter, University of Innsbruck, Austria*



*Hruschka, Constantin, Max Planck Institute for Social Law and Social Policy, Munich*

*Übersax, Peter, University of Basel, Switzerland*





III MUNICH CENTER FOR THE  
ECONOMICS OF AGING (MEA)/  
MAX PLANCK EMERITUS GROUP



Prof. Dr. h.c.  
Axel Börsch-  
Supan, PhD

## 1 OVERVIEW

*Axel Börsch-Supan*

MEA, the Munich Center for the Economics of Aging, was founded 20 years ago, in April 2001, as a research institute of Mannheim University. 10 years ago, in July 2011, in its second incarnation, MEA became part of the Max Planck Institute for Social Law and Social Policy (MPISOC). With the director's retirement and becoming emeritus professor, MEA closed as a department of MPISOC, but was re-founded as a private research institute with funding from the Max Planck Society, the German Science Foundation (Deutsche Forschungsgemeinschaft – DFG), the European Commission and the US National Institute on Aging. Core of this 'MEA 3.0' is the Emeritus Research Group, which is still a part of MPISOC. MEA 3.0 continues to pursue its original mission and all MEA researchers formerly at MPISOC, except for the SHARE staff, have decided to remain at MEA 3.0.

### 1.1 MISSION

Demographic change is and remains one of the grand challenges of the 21<sup>st</sup> century. MEA's mission is to evaluate, anticipate and accompany the micro- and macroeconomic aspects of this challenge. The implications for our social systems (public and private pensions, health care, long-term care, and in a broader sense also social cohesion and intergenerational exchange) are complex and require formal analyses to be correctly understood, especially when policy implications should be drawn. While social, economic and health care reforms in Europe and elsewhere have addressed some of the implied challenges, the real

test is yet to come when the baby boomer generation retires. Moreover, reform backlashes and new challenges such as the migration wave of 2015 and the COVID-19 pandemic have occurred – and are important subjects for analysis. Hence, MEA develops and administers models that predict the underlying developments and provide a scientific framework for analyzing policy measures that strengthen the positive and mitigate the negative aspects of these developments.

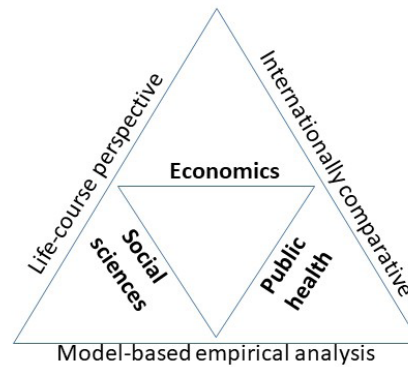
Empirical work is central for MEA. Our models are based on German, European and global data. They are to a significant extent collected by MEA itself. In this sense, MEA resembles more the Max Planck Institutes in the natural sciences than their sister institutes in the human sciences section. MEA's main telescope, synchrotron or bio lab, whatever you want to call it, is SHARE, the Survey of Health, Ageing and Retirement in Europe, a large research infrastructure to study the impact of economic, health and social policies over the life course. Models at MEA that use these data include overlapping generation models on the macroeconomic level, simulation models of the dynamics of pay-as-you-go pension systems and micro-econometric models of economic, health and social behavior.

As MEA's name suggests, the Center's core analytical work is geared to economics. However, interdisciplinary collaboration with empirical sociology, cognitive psychology and public health has grown extensively since MEA was first founded. This interdisciplinarity was not only fostered by the development of SHARE but also by the insight how tightly economic, health and social issues are interconnected. This thinking has paid off well in our research on the COVID-19 pan-

demic. MEA has intensified its research in the field of biological aging by analyzing dried blood spots, measuring mobility and studying cognition, which promise new insights into the socio-economic determinants of chronic illnesses.

Almost all work at MEA is driven by a life-course perspective and based on panel data. Moreover, a central research strategy of MEA is to exploit the international variation in policies and historical experiences in order to better understand the effects of social and labor market policies aimed at addressing demographic change. This is why MEA is a member of so many international research networks. This strategy, summarized as a double triangle in Figure 1, has given MEA great international visibility: MEA's empirical methods are internationally comparative and based on a life-course approach to study the interactions among economic, social and public health challenges.

Figure 1: Research strategy



While the work at MEA is primarily targeted at scientific publications (listed in Section 5), its mission includes communicating its research results to the policy community and the public at large. This entails substantial efforts of scientific consulting for governments in Germany, lately also in France, for the European Commission and international organizations such as the ECB, the OECD, the WHO and the World Bank.

## 1.2 STRUCTURE

MEA 3.0 has three units: social policy, life cycle decisions and health econometrics. This is depicted in Figure 2.

Figure 2: Structure

| Social policy   | Life-cycle decisions  | Health econometrics  | SHARE  |
|---|---|--|--|
| <ul style="list-style-type: none"> <li>• Pension policy in Germany</li> <li>• International Social Security project sequence</li> <li>• Health, disability and retirement behavior</li> <li>• Inequality and precarious employment histories</li> </ul> | <ul style="list-style-type: none"> <li>• Overlapping generation models with retirement choices</li> <li>• Overlapping generation models with inequality</li> <li>• Aging and inflation</li> <li>• Long-term care provision</li> </ul> | <ul style="list-style-type: none"> <li>• Econometric methodology</li> <li>• Analysis of dried blood spots</li> <li>• COVID-19 impact on labor markets</li> <li>• Measurement of cognitive decline</li> </ul> | <ul style="list-style-type: none"> <li>• Infrastructure maintenance</li> <li>• Infrastructure development</li> <li>• Context data</li> <li>• Survey-methodological research</li> </ul> |

Emeritus Research Group and the re-founded MEA 3.0

Moved to SHARE Berlin Institute

At the end of MEA as a department of MPISOC, total staff was 59 persons of which 41 belonged to SHARE. There are currently 12 researchers in the three research units of MEA 3.0, including 2 in the Emeritus Research Group. The Institute's accounting lists in its 'Status Report' 7 persons as fixed staff, while another 7 persons are paid from resources dedicated to junior scientists. The remaining 45 individuals do not appear in the Status Report since they are paid from soft funds which come from the Max Planck Society (MPS) itself, the German research ministry, the German Science Foundation (Deutsche Forschungsgemeinschaft – DFG), the EU Commission, the US National Institute on Aging and other third-party funds, among them SHARE-ERIC as a separate legal entity. Moreover, four SHARE staff have been employed at the Technical University of Munich since

the management of the German SHARE subsample was located there.

The key output of MEA's research is, of course, publications. They are summarized in Table 1 (see Section 5 for a full list). The numbers reflect the fact that MEA ceased to exist as a department by the end of 2022. This not only shortened the effective reporting period to two years, it also put the focus on the successful completion of ongoing research projects. Thus, the discussion paper output shrank substantially, while we were able to increase our output of peer-reviewed journal articles compared to the last reporting period – which had already exhibited a 40% increase compared to the penultimate reporting period. Counting all publications and calculated on a full-time equivalent (FTE) basis, each research FTE wrote, on average, a bit more than three publications per year.

Table 1: Publications

|   | 2018-20    |              | 2021-22(23) |             | Δ          | p.a. %Δ    |
|---|------------|--------------|-------------|-------------|------------|------------|
| Articles in peer-reviewed journals      | 63         | (37)         | 68          | (28)        | +5         | +62%       |
| Articles in non-refereed journals       | 7          | ( 2)         | 2           | (1)         | -5         | -57%       |
| Books, edited volumes and issues        | 8          | ( 7)         | 5           | (1)         | -3         | -6%        |
| Articles in refereed volumes            | 23         | (14)         | 13          | (5)         | -10        | -15%       |
| Articles in non-refereed volumes, other | 33         | (30)         | 17          | (16)        | -16        | -23%       |
| MEA Discussion Papers                   | 41         | ( 6)         | 9           | (4)         | -32        | -67%       |
| Other discussion papers                 | 14         | ( 9)         | 8           | (7)         | -6         | -14%       |
| <b>Total</b>                            | <b>189</b> | <b>(105)</b> | <b>122</b>  | <b>(62)</b> | <b>-67</b> | <b>-3%</b> |

*In parentheses: involving SHARE staff*



Three doctoral dissertations were finished between 2021 and 2022, one in economics, one in empirical sociology, and one in health sciences. Since the Max Planck Society is not permitted to grant doctoral degrees, doctoral candidates need to seek a university for graduation. One doctoral candidate was graduated in Munich, two at other universities.

MEA has a flat hierarchy with the unit heads, the director and the academic coordinator meeting regularly to discuss progress. Management is facilitated by the strict project structure: every paper or major contribution is formulated as one of currently 42 projects (see list and details in Section 2).

### 1.3 RESEARCH UNITS AND THEIR MAIN ACHIEVEMENTS

#### 1.3.1 SOCIAL POLICY AND OLD AGE PROVISION

The Social Policy and Old Age Provision research unit is the closest to actual policy, especially to public pension policy in Germany. We study the reform process towards a demographically more stable multi-pillar public pension system and its recent backlashes in Germany. We use a detailed simulation model (MEA-PENSIM) to analyze policy reforms of the German public pension system. We also exploit multiple data sets (e.g., SHARE and the record-matched SHARE-RV data, SOEP) to monitor households' reactions to pension reforms for example in terms of expectation formation, retirement behavior, adaptation of savings behavior, and the prospect of future pension adequacy.

A second pillar of this research unit is our work on international comparisons. We exploit the SHARE data to study the interaction between employment and health trends, and to measure the extent of precarious work in the EU. MEA has also taken the lead of the International Social Security project, formerly led by Jon Gruber and David Wise, together with Courtney Coile, under the auspices of the National Bureau of Economic Research (NBER) in Cambridge, Mass., USA.

##### *(a) Pension policy in Germany*

MEA-PENSIM continues to be a central work horse of research of the social policy unit. It is one of very few non-government pension simulation models that allows for the simulation of the future development of the German public pension system. MEA-PENSIM takes into account the current population structure and allows for different alternative demographic and labor market scenarios in the future. Despite the complexity of the model it is easy to handle so that reform options that are being discussed can be implemented in the model and their consequences be analyzed at relatively short notice.

During the reporting period, MEA-PENSIM has been continually updated with respect to changes in the underlying model parameters. In addition, MEA-PENSIM was enabled, if desired or relevant for the research question, to consider the insured population more heterogeneously, e.g. in respect of income. Moreover, so far rarely used modules on the statutory health and long-term care insurance were reactivated and updated to the latest (reform) status, as part of the project 'The Care Wave and the Future of the Baby Boomers and Their Children' (BB-Future). Outcomes from

MEA-PENSIM entered various projects, for example the German country studies that are part of the International Social Security Project (ISSP, see next subsection) or the BB-Future project.

A hallmark of this research unit is the combination of policy consulting and academic research. MEA's Social Policy Unit has continuously been an important consultant for pension reforms independent of the governing coalition. Axel Börsch-Supan and MEA are involved in three policy consulting projects: for the Federal Ministry for Economic Affairs on the macroeconomic effects of population aging; for the French President's office advice on pension reform; and for the US National Academies of Science, Engineering and Medicine suggestions for more and better employment of older adults.

*(b) The International Social Security Project (ISSP)*

The unit for Social Policy and Old-Age Provision is also the lead and German participant in the above-mentioned International Social Security Project (ISSP). This work is funded by the Sloan Foundation. A main focus of the last phases has been the striking trend reversal of labor force participation among older men and, overlaid by the secular increase of labor supply, also of women. Phase 8 of the project ruled out most of the potential macroeconomic causes, such as increases in productivity or better health. Phase 9 focused on the role of public pension rules in explaining this trend reversal on a theoretical basis. Phase 10 finally aimed to link the labor market trend reversal to the changes in public pension policies by applying micro-econometric methods. We used the German Socio-Economic Panel (SOEP) to

calculate financial incentive variables (e.g., SSW and ITAX) under different pension policies for the time horizon 1984-2018. We find that for men in couple households the predicted and counterfactual retirement probabilities begin to diverge after about the year 2000 when actuarial adjustments were introduced in Germany.

MEA was then in charge of Phase 10a in which the micro-estimations are repeated on the pooled data of all participating countries. We continued to find a highly significant impact of financial incentives (measured by ITAX) on retirement behavior using the pooled sample.

The most recent Phase 11 changed the focus from the trend reversal in labor force participation to the development of inequality in the pensioner population. In particular, it aims to clarify the influence of pension policies on this development. We address this research question by using the calculations from Phase 10 and are looking at the time horizon 1984 to 2019. So far, we cannot identify any substantial impact of the latest pension reforms on inequality among the pension population. Phases 8 and 9 had been completed during the previous reporting period, Phases 10 and 10a in this reporting period. Phase 11 is still ongoing. Phase 12 will focus on health inequalities.

*(c) Health and employment trends, disability and retirement behavior*

A second internationally comparative project, again funded by the Sloan foundation, looks at the relation between employment and health trends of middle-aged individuals, motivated by the striking decline of employment and health status in this age group in the USA. As opposed to the USA,

we did not find any evidence for falling or stagnating employment rates in the EU, neither when using the European Labor Force Survey for the 45-55 age range nor when using SHARE data for the 50-60 age range. However and in contrast to earlier findings from the literature, the SHARE data showed a stalling health trend for individuals from younger cohorts and even a slightly negative trend for men. Moreover, we detected large heterogeneity in health trends when stratifying by wealth and education. Hence, we did not find a similar correlation between health and employment trends as in the USA. Our findings have been published in a chapter we wrote for the book *'Overtime: America's Aging Workforce and the Future of Working Longer'*, edited by Lisa Berkman and Beth Truesdale (2022).

#### (d) Saving regret

There is considerable concern that some individuals are not sufficiently forward-looking and may procrastinate saving for retirement. But whether households reach retirement with adequate financial resources depends not only on their spending and saving choices over the life cycle leading up to retirement, but also on economic uncertainties and the institutional environment they face. In this project, we analyze what fraction of elder households (aged 60-74) wished to have saved more (and spent less) earlier in life and document vast differences across countries. We refer to the wish to have saved more earlier as "saving regret." Overall, we find saving regret is substantially lower in Singapore (46%) than in the USA (54%), and even more so in Europe (12%).

Investigations of statistical predictors of

saving regret show that measures of the tendency to procrastinate explain little of the variation in saving regret, whereas shocks that set households back financially turn out to be the strongest predictors. In the USA, 69% of respondents reported at least one shock that negatively affected their financial position; in Singapore this was the case for 46%, in Europe 38.5%. Shocks had a smaller impact on saving regret among respondents in Singapore compared to the USA; among SHARE respondents the impact was smaller yet.

The institutional differences across countries, notably the more generous social welfare systems in Europe, appear to both substantially reduce the likelihood of experiencing negative economic shocks and also to reduce their impact on self-assessed preparation for retirement.

### 1.3.2 LIFE CYCLE DECISIONS

The research unit of life cycle decisions focuses on research on individual life cycle decisions and how these decisions are interrelated with the population aging process and the institutional and macroeconomic context. An important work horse for this unit is our overlapping generation model (OLG), which has many variants, can be used in partial or general equilibrium, and can be calibrated to micro and macro data.

A central aspect of the unit's research is the heterogeneity of the participants in the economy. The crucial reason for this is the fact that governments' policies and economic phenomena in general are influencing different social groups in different ways. To account for these inequalities,

the unit incorporates heterogeneities such as health and consumption preferences in addition to age, which is the foundational heterogeneity in a basic OLG model.

Furthermore, an important research topic of the unit is long-term care (LTC), for which it is crucial to consider the life cycle aspect. This is because people can plan for potential future LTC needs long before they arise. Additionally, it is often the children of the persons in need of LTC that provide the care informally. Therefore, the unit studies the interaction of the family members who are in the different stages of the life cycle.

#### *(a) Inequality*

MEA's work during the reporting period explored more intensively questions regarding inequality, especially how policy reforms have affected different income groups. The project "Preventing Reforming Unequally" studies the effects of pension policy reforms on welfare and different levels of inequality (between and within generations), showing the trade-offs emerging from each reform and the complexity to design a consensual policy. We use our OLG framework to represent the different alternative policy counterfactuals and SHARE data to define differences between income groups. The project is now finished with a paper published in the *Journal of Population Economics* (2023).

#### *(b) Life Cycle Decisions and Macroeconomics*

The unit is heavily involved in the research project studying the upcoming long-term care (LTC) needs of the baby boomer generation and the macroeconomic conse-

quences of those needs. Exploring the best public policy responses is also on the research agenda. The research is financed by a Horizon Europe grant, through "The Care Wave and the Future of the Baby Boomers and Their Children" (short BB-Future) project.

The baby boomers are in the process of retiring. Most are between 60 and 65 years of age when they retire, and almost 80% self-assess their health as good. A huge number of research projects has analyzed retirement decisions and the impact of this "pension wave" on the transformation of pension systems in the aging societies in Europe and elsewhere.

Much less is known about the second great transformation that will follow the pension wave. In the mid-2030s, the health of the baby boomers will have deteriorated and many in these large cohorts will be in need of formal and/or informal long-term care. This "care wave" will transform two generations: the baby boomers in need of care and their children who may need to supply care. It will have significant implications for labor supply, especially for women, saving behavior, and therefore for productivity, economic growth and its inclusiveness. The overarching objective of BB-Future is to make a concerted effort to understand the size and the implications of the care wave on economic and social outcomes, to appreciate the quality of this second aging-related transformation and to develop policy recommendations for advance planning on the EU and Member State levels.

The unit is mostly involved with research: 1) to model who will be designated to provide care and how this affects inter vivo gifts, bequests and thus saving behav-

ior, 2) to model the interaction between caregiving and locational choice and its implications for labor supply and labor productivity, thus economic growth and its inclusiveness, 3) to model the effects of different LTC insurance provisions on the financial status of parents and children, including the accumulation and decumulation of savings in old age, and 4) to offer more structure for this policy development by deriving policy recommendations from well-defined models that are based on the rich internationally comparable SHARE data and that can be applied to each country's specific circumstances.

There is already an early output from this project and collaboration with other project participants. This is a working paper which develops a theoretical bridge between the discrete and continuous-time models involving partially-altruistic, gift-giving agents (usually a parent and a child).

A project that will soon be published as a MEA Discussion Paper discusses the effects of demographic change on macroeconomic aggregates, taking into account the counteracting effects of college decisions for both developed and developing countries. Given the crucial decision in life on whether or not to obtain higher skills, it becomes essential to understand how such a decision influences the evolution of macroeconomic aggregates in countries that have an aging population, and in countries where the bulk of the working population is still growing at a rapid pace. This paper uses some of the insights on directed technical change from another paper of the unit which was recently published in *Economic Modelling*.

Publications by the members of the research unit appeared in different journals

such as *Macroeconomic Dynamics*, *Journal of Population Economics*, *Economics Letters*, *Economic Modelling*, *B.E. Journal of Economic Analysis & Policy*, among others. Researchers have also contributed to many academic conferences, among them the annual NETSPAR Pension Workshops, the Verein für Socialpolitik (VfS) Conference, the EEA Meeting, and have also given a number of invited talks, e.g. at the JRC Fiscal Policy Modelling Workshop or the 14th Viennese Conference on Optimal Control and Dynamic Games.

### 1.3.3 HEALTH ECONOMETRICS

The focus of the research unit is on applying and advancing state-of-the-art statistical and econometric methods to applied questions with a focus on health and labor economics. Some research overlaps with the social policy unit and is described there. In most of our work, we combine empirical questions with theoretical contributions in terms of novel identification strategies or advances in econometric modelling.

#### *(a) Instrument validity tests with causal forests*

A perfect example of this is the development of an improved strategy to test the validity of instrumental variables (Farbmacher et al., 2020, *Journal of Business & Economic Statistics*). Producing credible estimates of causal effects in empirical research often entails a heavy reliance on instrumental variables. Instruments, however, have to meet strong assumptions to be valid. Discussions about threats to these identifying assumptions and approaches to checking their robustness constitute a crucial part of many empirical

articles. Three tests have been proposed that allow the validity of instruments to be refuted based on necessary conditions in the data. These conditions are generated by the joint assumptions sufficient to identify local average treatment effects (LATEs), namely the exclusion restriction, randomization, and monotonicity. The unifying idea across these three tests is that, given a treatment status, the estimated density of compliers must be nonnegative at any point in the distribution of the outcome variable; compliers comprise the unobserved subpopulation of individuals whose treatment status is causally affected by the instrument.

*(b) Validation of biomarker analyses derived from dried blood spots*

SHARE has collected dried blood spot (DBS) samples from approximately 27,000 respondents in 13 countries. A disadvantage of DBS is that results from DBS assays cannot be directly compared to the results one would obtain from assays of venous blood using standard laboratory methods since both mean and variance differ, influenced by many laboratory- and fieldwork-related factors. This project estimates conversion functions between DBS and venous blood samples (VBS) taking account of adverse fieldwork conditions such as small spot size, high temperature and humidity, short drying time and long shipment times. By simulating adverse fieldwork conditions in the lab, we were able to validate DBS collected under such conditions and established conversion formulae with high prediction accuracy (Börsch-Supan et al., 2020, American Journal of Human Biology).

*(c) The obesity paradox*

Despite evidence that overweight and

obesity is related to poor cognitive performance, a phenomenon called ‘obesity paradox’ is prominently discussed in the literature. It indicates a counterintuitive positive relation between (over-)weight and certain health outcomes, particularly for mental and cardiovascular diseases, but also for cognitive development. Against this background, a study based on SHARE data employing asymmetric fixed effects regression that account for possible confounding variables such as age, grip strength, health conditions, and physical activity, data shows that the positive relationship between body-weight change and the development of cognitive functioning in older age is dominantly driven by BMI decrease instead of increase. Weight loss is hence typically associated with an increase in cognition, particularly at low levels of BMI and mainly due to health conditions negatively affecting both bodyweight and cognitive performance. In contrast, weight gain is, on average, not significantly related to cognitive performance. These findings challenge the notion of an obesity paradox in cognition and rather provide support for the assumption that the found association between weight change and cognitive performance in older age is instead based on weight changes being related to illness and recovery.

*(d) COVID-19*

The EU Commission granted a very large project titled ‘Non-intended health, economic and social effects of the COVID-19 epidemic control decisions: Lessons from SHARE’ and coordinated by MEA. The overarching objective of the project is to understand the non-intended consequences of epidemic control decisions and to devise improved health, economic



and social policies to make healthcare systems and societies in the EU more resilient to pandemics in terms of prevention, protection and treatment of the population 50+, who are the most vulnerable. The key concept of identifying cause and effect is to exploit (a) the cross-national differences in the extent of the COVID-19 pandemic, (b) the cross-national differences in the severity and stringency of the epidemic control actions, and (c) the longitudinal variation of observations before, during and after the pandemic. Specifically, the grant funded additional SHARE Corona Telephone Surveys (see 1.3.4 below) in spring 2021, supplying information on longer-run health and socio-economic shocks from the pandemic, and supported the extension of SPLASH, the Social PoLicy Archive for SHARE, an internationally harmonized database of relevant social policies in the SHARE countries. The project started in November 2020 and is part of MEA's future plans.

#### *(e) Cognition & aging*

The expected increase in the prevalence of dementia in aging populations is a major concern both from a public health and an economic point of view. Our team is leading the European implementation (SHARE-HCAP) of an ongoing international research collaboration (HCAP, the Harmonized Cognitive Assessment Protocol) to measure and understand which interactions of biomedical and socioeconomic conditions over the life course affect cognition in later life. Data collection is based on SHARE, the Survey of Health, Ageing and Retirement in Europe and is funded through the National Institute of Aging in the USA. This study is part of a global consortium of population-based aging studies to enrich our knowledge on

cognitive aging. We combine extensive cross-national information on socioeconomic status, health, early life conditions and family relations of Europe's older adult population to better understand the mechanisms and trajectories of healthy cognitive aging using psychometrics and econometrics.

#### **1.3.4 SURVEY OF HEALTH, AGEING AND RETIREMENT IN EUROPE (SHARE)**

SHARE was by far the largest research unit of MEA when it still was an MPISOC department. It moved at the end of 2022 to the newly founded "SHARE Berlin Institute." Its main work was infrastructural, i.e. collect and disseminate data in the 28 SHARE countries.

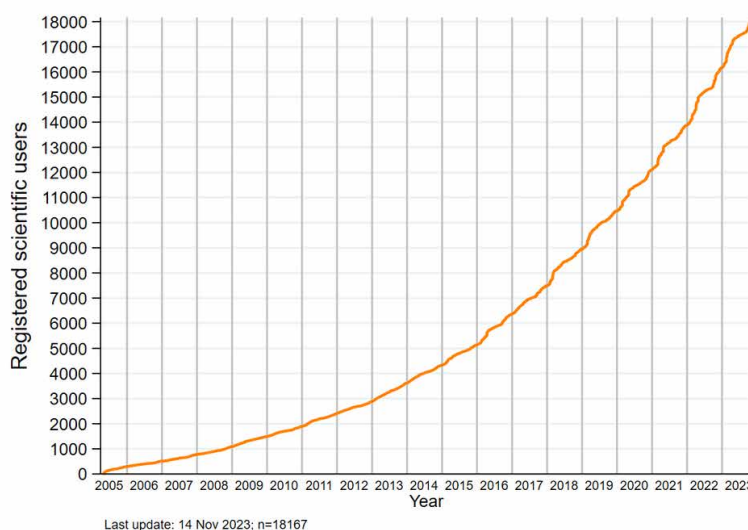
The main research achievement of SHARE in the reporting period was to shed light on the short- and long-term economic, social, and health implications of the pandemic. We developed the SHARE Corona Telephone Survey covering topics such as health and health behavior, mental health, infections and healthcare, changes in work and economic situation, and social networks. A first wave was fielded in June to August 2020, yielding about 60,000 interviews. A follow-up computer-assisted telephone interview (CATI) was fielded in May to June 2021.

As measured by user uptake, published scientific articles and policy reports, SHARE has been an even larger success than in the previous reporting period. Our expectations of the number of users, based on related surveys in the US and UK, have been surpassed by far. As of this writing (November 2023), SHARE

has more than 18,000 registered users from all over the world and from a broad range of organizations and disciplines (see <https://share-eric.eu/publications/user-publications-statistics>). Moreover, it has achieved this at an increasing rate reflecting the potential of the data growing with the number of available waves. The number of users increased by 50% in the three years of this reporting period. The largest user groups are located in Ger-

many, followed by the Netherlands, the UK and the US. It is remarkable that two non-SHARE countries (US and UK) are among the heaviest user nations of the SHARE data. Almost 90% of users are affiliated to a university. Others are members of non-university research institutes and policy and other institutions, among them the European Commission and the OECD as single-largest users in the field of policy institutions, and several central banks.

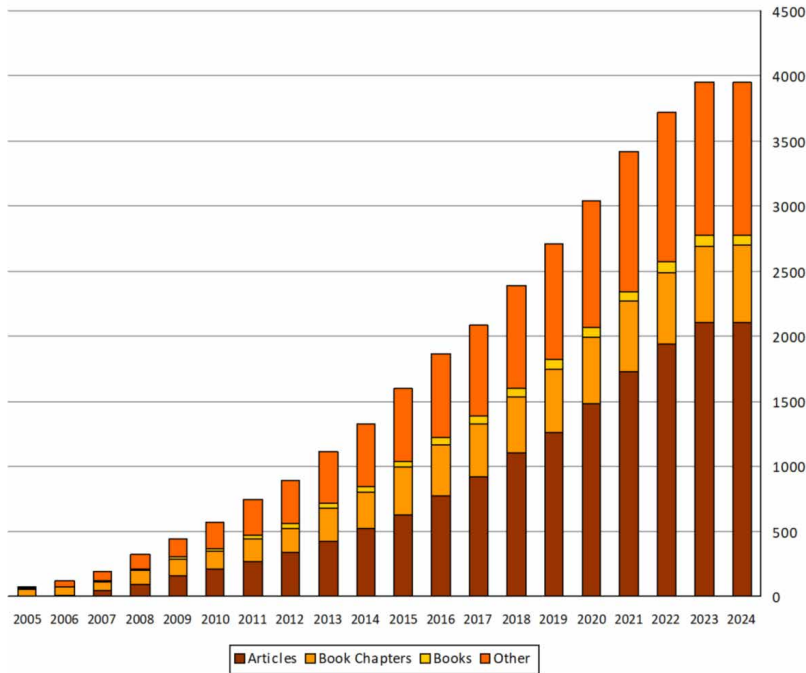
Figure 3: Increase in SHARE registrations (as of mid-November 2023)



SHARE has yielded a large number of fundamental and application-oriented research results, see Figure 4. SHARE has by now generated almost 4000 publications (as of December 2023), again surpassing what could be expected when comparing SHARE to, e.g., the US sister study HRS after having run for a similar time. Publications include contributions to leading international journals such as *Demography*, *the European Journal of Public Health*, *the European Sociological Review*, *Health Affairs*, *Health Psychology*,

*the International Journal of Epidemiology*, *the Journal of Epidemiology and Community Health*, *the Journal of Health Economics*, *Occupational and Environmental Medicine*, *Proceedings of the National Academy of Sciences of the United States of America*, and *Social Science & Medicine*, many of them by MEA researchers. The multidisciplinary study of individual and population aging has become a top scientific field in Europe, not least due to the rich multidisciplinary data provided by SHARE.

Figure 4: Increase in SHARE-based publications (as of mid-November 2023)



### 1.3.5 PUBLIC POLICY ADVICE

MEA has been active in policy advice at the German federal and the international level. We advised the German president, the Office of the Chancellor, the Council of Economic Advisors, the Ministry for Economic Affairs, the Ministry of Labor and Social Affairs, and the Ministry of Health. Some of this advisory work was formal and resulted in expert opinions and subsequent scientific papers as described, e.g., in Subsection 1.3.1. In addition, there were a number of informal meetings, many of them relating to public pension sustainability and old-age poverty.

MEA has contributed to the update of the EU Commission's 'Pension Adequacy Report' edited by the Directorate General for Employment, Social Affairs and

Inclusion (DG EMPL). As reported above, SHARE is also intensely used by the Organisation for Economic Cooperation and Development (OECD) and the World Health Organization (WHO), with related advisory tasks.

Axel Börsch-Supan was a member of the Global Council on Aging and the Global Council on Social Security advising the World Economic Forum. He is a member of the Aging Societies Network (ASN), which is financed by the MacArthur and the Hartford Foundations. This network aims 'to help the [US American] nation prepare for the challenges and opportunities posed by an aging society.' He prepared a report on the implications of the recent productivity slowdown on pension adequacy and financial sustainability for the Peterson Institute for International Economics.

### 1.3.6 PROMOTION OF YOUNG RESEARCHERS

MEA takes great efforts to promote young researchers. We have developed a sophisticated strategy which encompasses several stages. An important part of the strategy is that we have given all researchers, pre- or post-docs, full contracts rather than stipends as a matter of principle and involve them immediately in the projects of the Institute. Exceptions are very rare and short-term only.

We have established a two-pillar mentoring program for both junior and post-doctoral researchers. During the very first weeks at MEA, each junior researcher is assigned to a more senior researcher who acts as a mentor during the entire doctorate. Additionally, we have initiated a program to involve internationally recognized researchers to support the advancement of our team. Dissertations are usually tightly linked with one or several projects at MEA. From the very beginning, all researchers present their work periodically in our weekly MEA Seminar. Once a year, we all retreat for a couple of days to a quiet location to discuss and reflect on our research and to foster interaction between research units.

In order to improve their research skills, we encourage our researchers to make use of the many courses offered at Munich's two universities (departments of Economics, Social Sciences, and Statistics). We have also co-organized the weekly research workshop 'Empirical Economics', together with the faculty from the Economics Department of Ludwig Maximilian University Munich (LMU), a further possibility for our researchers

to meet other researchers, learn about related research and how to discuss academic issues.

### 1.4 RESEARCH OUTLOOK

While MEA as a department of MPISOC has ended in December 2022, it continues as MEA 3.0 with currently nine researchers plus its core, the Emeritus Research Group, with two researchers and an administrative assistant. We have made the following strategic decisions:

- Analysis of social policy, especially social security reform, will remain the heart of MEA,
- The unit on life cycle decisions will shift its focus on decisions involving the fourth phase of life, especially long-term care and intergenerational transfers, and
- Health-related research will focus on cognitive decline and biomarkers.

The research program for 2024-2026 is structured accordingly by five large projects:

1. International Social Security Project (ISSP), Phases 11 and 12: The effect of pension reform on income and health inequality, funded by a grant from MPS (until 2026);
2. Labor force implications of the pandemic control mechanisms (SHARE-COVID19), funded by a grant from the European Commission (until 2024);
3. Life cycle decisions about long-term care (BB-FUTURE), funded by a grant

from the European Commission (until 2026);

4. Measuring and analyzing cognitive decline (HCAP), funded by a grant from the US National Institute on Aging (until 2025);
5. Objective health measures derived from dried blood spots (DBS), funded by a grant from MPS (until 2025).

is the first study to separate information gathering from labor supply decision making, thus providing a causal link between the knowledge of pension rules and individuals' labor supply behavior. Our results have important policy implications, as they suggest that informing individuals – possibly quite a cheap policy – could considerably improve the effectiveness of pension reforms. Results from this project have been published as MEA Discussion Paper.



Yuri Pettinicchi,  
PhD

## 2 RESEARCH PROJECTS

### 2.1 OLD AGE PROVISION AND SOCIAL POLICY

#### 2.1.1 THE ROLE OF PENSION KNOWLEDGE IN LABOR SUPPLY DECISIONS: EVIDENCE FROM EUROPE

*Yuri Pettinicchi with Tabea Bucher-Koenen and Irene Ferrari*

This project examines how knowledge about institutional settings and their reform affects the effectiveness of those reforms. We examine this question in the context of social security, the largest social insurance program in Europe, by exploiting time and cross-country variation in pension regulations in seven European countries. We show that many individuals are not well-informed about the pension rules applicable to them and that individuals with lower education and lower numeracy skills fail to update their knowledge when affected by pension reforms. Moreover, the effect of pension reforms on individuals' labor supply decisions is driven by well-informed individuals. This

#### 2.1.2 INTERNATIONAL SOCIAL SECURITY PROJECT (ISSP)

*Axel Börsch-Supan*

This is actually a sequence of projects under the auspices of the National Bureau of Economic Research (NBER), based in Cambridge, Massachusetts. This long-term international research program was initialized in the late 1980s and had originally been led by Prof. Dr. Jon Gruber (Massachusetts Institute of Technology) and Prof. David Wise, PhD (Harvard University). Since 2018, it has been led by Prof. Börsch-Supan and Prof. Courtney Coile (Wellesley College), with the aim of scrutinizing the interaction between reforms of the social security schemes in the 1990s and the 2000s and the recent increase in old-age employment. Researchers from altogether 12 western industrialized countries (nine EU states, the United States, Canada and Japan) are involved in the study, with MEA representing Germany. One of the venture's central objectives is to present comparable surveys for each of the participating countries. The project is structured into 'phases' of which Phases 8, 9 and 10 have been completed during the reporting period, Phase 11 is close to being finished, and Phase 12 has started.



Luca Salerno

### 2.1.3 IS WORKING LONGER IN JEOPARDY? HEALTH AND LABOR FORCE PARTICIPATION OF MIDDLE-AGED EUROPEANS

*Luca Salerno, Axel Börsch-Supan and Irene Ferrari*

To understand the potential future of working longer in the USA, we compare trends in health and employment in Europe with those in the United States. While health in Europe improved between 2004 and 2018 among older adults (aged 65 to 85), we find the opposite for middle-aged adults (aged 50 to 64). In this respect, Europe is experiencing negative developments similar to those in the United States. In terms of employment, however, Europe is different from the United States. We do not find any sign that employment rates of middle-aged individuals are stagnating or falling. On the contrary, employment in this age group has increased steadily since the late 1990s. It is too early to conclude what implications the stalling health trend of the middle-aged cohorts will have for labor force participation among older Europeans in 10 or 15 years. We argue that economic considerations, such as public pension and disability insurance policies, are likely to continue to have a greater influence on rates of early retirement than health. Results from the project were published in the book *Overtime*, edited by Lisa Berkman and Beth Truesdale in 2022.

### 2.1.4 EXPERTISE FOR THE SCIENTIFIC ADVISORY BOARD OF THE FEDERAL MINISTRY FOR ECONOMIC AFFAIRS

*Axel Börsch-Supan*

The object of this project has been to deliver an expertise for the German Federal Ministry of Economic Affairs. It described the state of the German public pension system and suitable reform options. Special attention has been shed on (a) the corona pandemic and the changed situation of financial sustainability; (b) the intergenerational asymmetry of the changes in pension law made by the grand coalition and revealed by corona; and (c) the failure of the Commission 'Reliable Generational Contract' (Komm VGV) and the associated stop-line/threshold policy. We delivered (a) projections of the demographic development and the resulting time horizon for necessary reform measures; (b) projections on employment development and the financial situation of the German Pension Fund (GRV); (c) a set of alternative reform proposals; and discussed (d) the causes for reform failures due to political economy and social psychology of pension reforms. Results were published in April 2021.

### 2.1.5 EXPERTISE ON AGING, HEALTH AND IMMIGRATION FOR THE EXPERT COMMISSION TO PRESIDENT MACRON

*Axel Börsch-Supan with Elsa Perdrix*

In March 2020, French President Macron created a 'Commission for the Great Economic Challenges' in order to address the main economic issues that France has to deal with. In particular, this commission



should provide advice regarding inequality, climate change and population aging. This project was anchored in the work for this commission, and focused on pension and health issues as well as on labor market issues for older individuals and migrants.

The French context of demographic aging from the top (i.e., mainly generated by longevity increases), of high unemployment and the retirement of the baby boomer generation leads to sustainability issues for the pension and health insurance systems. In this context, the aim of this project was twofold. First, to provide a global overview of the French situation regarding the current situation of the labor market, retirement and health, drawing both on previous publications (in particular by INSEE, IRDES, DREES, CNAV, and COR) and on available data in France and in Europe (notably EIR, CARE, SHARE, ESS). Second, based on this analysis, the aim was to develop reform proposals for the public pension system, the labor market for older French citizens, the health care delivery systems, and a better integration of migrants that will improve the wellbeing among the French population and substantiate the sustainability of the social insurance systems.

A draft report was submitted in November 2020; the final publication was published in summer 2021.

### 2.1.6 WILL LONG-RUN HEALTH TRENDS IN EUROPE TURN NEGATIVE?

*Luca Salerno with Axel Börsch-Supan and Irene Ferrari*

Long-run health trends are worsening for middle-aged baby-boomers in the USA.

In contrast to this alarming development, Abeliatsky and Strulik (2019, A&S), in one of the few studies of long-term health developments in Europe, find improving health trends in Europe across a broad range of cohorts. We conducted a cohort analysis of health deficits similar to A&S but focused on middle-aged individuals. We find that the positive health trend has all but stalled for the more recent birth cohorts in Europe. Our results are robust to a large range of different definitions of the health index. We argue that the difference between A&S and our results is due to longitudinal sample selectivity bias. Our findings have implications for future public and private costs of health care, and they are relevant for the ongoing discussion on how to achieve longer healthy working lives.

The project was successfully completed with a publication in the *Journal of the Economics of Ageing* in 2021.

### 2.1.7 TARGETS MISSED: THREE CASE STUDIES EXPLOITING THE LINKED SHARE-RV DATA

*Axel Börsch-Supan with Tabea Bucher-Koenen, Felizia Hanemann and Nicolas Goll*

Targeting is an important aim for social policy. Three case studies in this paper reflect typical shortcomings in the targeting design of pension reforms. The first case study examines how well work disability and receipt of disability insurance match in Germany. We show that the 2001 reform has not systematically improved target quality. The second case study examines whether the 2014 introduction of a new pathway of early retirement



Dr. Johannes  
Rausch

without actuarial adjustments has reached individuals who are less healthy because they have worked a long time in an arduous job. We find that the target population is actually healthier than the comparison group. Third, a much-discussed supplemental pension benefit for households in risk of poverty would miss its target population by far; less than 40% of individuals eligible for the benefit supplement have a per-capita net household income in the lowest third of the income distribution. Since similar reforms are currently debated in many European countries, the three German case studies may serve as examples of how to better target public pension policies.

The results of this project were published in the *Journal of Pension Economics and Finance* in November 2022.

### 2.1.8 THE HETEROGENEITY OF INCOME GROUPS AND ITS MEANING FOR THE FUTURE DEVELOPMENT OF THE GERMAN PENSION SYSTEM

*Johannes Rausch*

Our pension simulation model MEA-PENSIM models the development of the statutory pension insurance on the basis of an average individual per cohort, whereby a distinction is made between East and West Germany, women and men, and specific labor market groups (e.g. the self-employed, civil servants, employees). In this project, we want to expand the relatively simple differentiation by splitting up the dependent employees by income groups. On the one hand, the aim is to demonstrate the importance of the different income groups for the pen-

sion insurance. For example, the different life expectancies of income groups may affect long-term pension projections. On the other hand, a finer breakdown allows for the study of more far-reaching pension reforms that, for example, soften the equivalence principle ('*Äquivalenzprinzip*').

The introduction of the income groups leads only to minimal changes in the most important determinants of the pension system. However, it enables an analysis of redistribution effects of the pension system and an easier introduction of pension reforms aiming to soften the '*Äquivalenzprinzip*'. It is therefore a helpful extension for specific research questions. However, for general calculations of the German social system, the old program structure is still sufficient. The extension and selected applications were summarized in a paper and published in the *Perspectives on Economic Policy* in 2023.

### 2.1.9 THE PENSION SIMULATION PROGRAM MEA-PENSIM

*Johannes Rausch*

To be able to analyze the future course of the German pension insurance system, along with the effects of actual and/or prospective reforms, one requires a simulation model capable of imaging the system in line with its decisive determinants. In the process, a variety of potential demographic and economic developments must be taken into account.

MEA-PENSIM is a pension simulation program that is continually being advanced. It depicts the pay-as-you-go public pillar of the German pension insurance scheme as well as selected aspects of privately

funded retirement arrangements. Moreover, it contains modules to determine the development of statutory health insurance and long-term care.

MEA-PENSIM strives for realistic projections into the future of the German pension insurance system. It thereby focuses primarily on issues relating to the prospective effects of demographic change on contribution rates and the level of pension benefits. How serious are the consequences of a declining pension level – based on diverse reform scenarios – likely to be for retirees? Can the supplementary, government-sponsored Riester plan close the expected gap in statutory old-age provision? What share of retirees' pension income will eventually be provided by supplementary retirement arrangements?

With the aid of versatile model calculations, the simulation program moreover estimates the impact of various pension policy measures against the backdrop of differing assumptions about demographic and economic developments, and subsequently drafts appropriate reform proposals. Important questions here target the system's long-range stability, or the extent to which changes on the labor market are able to offset the repercussions of demographic change. In times of economic uncertainty due to the corona pandemic, MEA-PENSIM also provides information about the consequences for the pension insurance.

Since 2017, MEA-PENSIM has been continuously updated with regard to changes in the underlying model parameters. For example, we have included – as far as possible and necessary – the pension reforms that have been approved. In

addition, the possibility has been created to take into account not only age, region and gender, but also the income situation of employees, if this is necessary for a research question. MEA-PENSIM is used in several projects. Among other things, simulation results are used in the ISS Projects.

## 2.2 LIFE CYCLE DECISIONS

### 2.2.1 RESPONSES TO TAX SUBSIDIES ON CONTRIBUTIONS TO PRIVATE RETIREMENT SAVINGS

*Todd Morris*

Many governments offer tax concessions for retirement contributions. In this project, we show that income responses are crucial for understanding their effectiveness in raising retirement savings and alleviating the fiscal pressures of population aging. Using tax register data, we study large changes in caps on tax-favored contributions to individual retirement accounts in Australia. We find that higher caps increase retirement contributions considerably, with around two-thirds of this response financed by increases in earned income. The resulting gain in income tax revenue offsets the fiscal loss from tax concessions, highlighting the importance of taking income and labor supply responses into account.

The project was in cooperation with Mark K. Chan (University of Melbourne), Cain Polidano (University of Melbourne) and Ha Vu (Deakin University). Findings were published in the *Journal of Public Economics* in 2022.

### 2.2.2 SHAPING THE HABITS OF TEEN DRIVERS

*Todd Morris*

Governments often seek to modify teens' risky behaviors through targeted restrictions, especially in terms of their driving. In this project, we show that a targeted law can modify teens' risky behavior. We examine the effects of an Australian intervention banning first-year drivers from driving late at night with multiple peers, which had accounted for one-fifth of their traffic fatalities. Using data on individual drivers linked to crash outcomes, we find the reform more than halves targeted crashes, casualties and deaths. There are large positive spillovers through fewer crashes earlier in the evening and beyond the first year, suggesting broad and persistent declines in high-risk driving. Overall, the targeted intervention delivers gains comparable to harsher restrictions that delay teen driving.

The project was in cooperation with Timothy J. Moore (Purdue University). Findings were accepted for publication in the *Economic Journal: Economic Policy*.

### 2.2.3 RE-EXAMINING FEMALE LABOR SUPPLY RESPONSES TO THE 1994 AUSTRALIAN PENSION REFORM

*Todd Morris*

Many governments are aiming to extend working lives by raising the age at which people can claim retirement pensions. This makes it vital to understand how these policies affect retirement decisions. In this project, the labor supply

effects of a major Australian reform that increased women's pension age from 60 to 65 are revisited. Atalay and Barrett (2015) studied these effects using repeated household surveys and a differences-in-differences design in which male cohorts form the comparison group. They estimate that the reform increased female labor force participation by 12 percentage points. Using earlier data, I show that the parallel-trends assumption did not hold before the reform because of a strong female-specific trend in participation rates across the relevant cohorts. Accounting for this trend, the estimated effect on female participation falls by two-thirds and becomes statistically insignificant at conventional levels. This highlights the importance of carefully assessing and controlling for trends across cohorts when evaluating pension reforms, which are typically phased in across cohorts.

Project findings were published in the *Review of the Economics of the Household* in 2022.

### 2.2.4 THE UNEQUAL BURDEN OF RETIREMENT REFORM: EVIDENCE FROM AUSTRALIA

*Todd Morris*

As governments try to contain rising expenditure on retirement pensions by increasing eligibility ages, there are concerns that such reforms disproportionately affect poorer households. Using detailed longitudinal data, this trade-off in the context of an Australian reform that increased women's pension-eligibility age from 60 to 65 is examined. While this reform significantly reduced



Ivo Bakota, PhD

government spending on women at affected ages, the negative effects on household incomes were concentrated among poorer households. These unequal impacts meant that the reform temporarily increased relative poverty rates among affected women by around four percentage points and inequality measures by 6% to 19%.

Results from this project were published in *Economic Inquiry* in 2022.

### 2.2.5 CAPITAL INCOME TAXATION WITH PORTFOLIO CHOICE

*Ivo Bakota*

This paper analyzes redistributive and macroeconomic effects of differential taxation of financial assets with different risk levels. The redistributive effect stems from the fact that various households hold portfolios with starkly differing risk levels. In particular, poor households primarily make savings investments in safe assets, while rich households often invest a substantially higher share of their wealth in (risky) equity. At the same time, equity and safe assets are often taxed at different rates in many tax codes. This is primarily because investments in equity (which are riskier in relative terms) are taxed both as corporate and personal income, unlike debt, which is tax-deductible for corporations.

This paper firstly builds a simple theoretical two-period model which shows that the optimal tax wedge between risky and safe assets is increasing in the underlying wealth inequality. Furthermore, the study builds a quantitative model with a continuum of heterogeneous agents,

parsimonious life cycle, borrowing constraint, aggregate shocks and uninsurable idiosyncratic shocks, in which the government raises revenue by using linear taxes on risky and safe assets. Simulations of quantitative models show that elimination of differential asset taxation leads to a welfare loss equivalent to a 0.3% permanent reduction in consumption. I find that the optimal tax wedge between taxes on equity and debt is higher than the one in the US tax code.

The paper has been published in the *CERGE-EI Working Paper Series* and as a *MEA Discussion Paper*. The manuscript is soon to be submitted to a peer-reviewed journal.

### 2.2.6 AVOIDING ROOT-FINDING IN THE KRUSELL-SMITH ALGORITHM SIMULATION

*Ivo Bakota*

This project proposes a novel method to compute the Krusell and Smith (1997, 1998) algorithm, used for solving heterogeneous agents models with aggregate risk and incomplete markets when households can save in more than one asset. When used to solve a model with more than one asset, the standard algorithm has to impose equilibria for each additional asset (find the market-clearing price) in each period simulated. This procedure entails root-finding in each period, which is computationally expensive. I show that it is possible to avoid root-finding at this level by not imposing equilibria in each period, but instead temporarily suspending market clearing. The proposed method then updates the law of motion for asset prices by using the information on the

excess demand for assets via a Newton-like method. Since the method avoids the root-finding for each time period simulated, it leads to a significant reduction in computation time. In the example model with two assets, the proposed version of the algorithm leads to an 80% decrease in computational time, even when measured conservatively. This method is potentially useful in computing general equilibrium asset-pricing models with risky and safe assets, featuring both aggregate and uninsurable idiosyncratic risk, since methods that use linearization in the neighborhood of the aggregate steady state are considered to be less accurate than global solution methods for such models.

The paper was published in *Computational Economics* in 2023.

### 2.2.7 FIRM LEVERAGE AND WEALTH INEQUALITY

*Ivo Bakota*

This paper studies the effects of a change in firm leverage on wealth inequality and macroeconomic aggregates. The question is studied in a general equilibrium model with a continuum of heterogeneous agents, life cycle, incomplete markets, and idiosyncratic and aggregate risk. The analysis focuses on the particular change in firm leverage that occurred in the US during the 1980s, when firm leverage increased significantly, and subsequently has been dropping since the early 1990s. In the benchmark model, an increase in firm leverage of the size that occurred during the 1980s increases capital accumulation by 5.38%, decreases wealth inequality by 1.07 Gini points and decreases government revenues by

0.11% of output. A rise in firm leverage increases average after-tax returns on savings, as firm debt has beneficial tax treatment. This increases the saving rates of all households, and disproportionately the saving rates of relatively poorer households. Consequently, the model implies that the increase in firm leverage did not contribute to rising inequality in the US in the 1980s, but rather the opposite; and that the reduction in leverage from the early 1990s to 2008 has contributed to rising wealth inequality. Furthermore, I show that if the model abstracts from beneficial tax treatment of corporate debt, the change in leverage has only minor effects on macro aggregates and inequality, despite having significant implications for asset prices. This is consistent with the previous result in the literature showing that the Modigliani-Miller theorem approximately holds in the heterogeneous agents model with imperfect markets.

The paper has been published in the *CERGE-EI Working Paper Series* and as a *MEA Discussion Paper*. The manuscript is soon to be submitted to a peer-reviewed journal.

### 2.2.8 CONTINUOUS-TIME SPEED FOR DISCRETE-TIME MODELS: A MARKOV-CHAIN APPROXIMATION METHOD

*Ivo Bakota*

We propose a Markov-chain approximation method for discrete-time control problems, showing how to reap the speed gains from continuous-time algorithms in this class of models. Our approach specifies a discrete Markov chain on a grid,





Dr. Thorsten  
Kneip

taking a first-order approximation of conditional distributions in their first and second moments around a reference point. Standard dynamic-programming results guarantee convergence. We show how to apply our method to standard consumption-savings problems with and without a portfolio choice, realizing speed gains of up to two orders of magnitude (a factor 100) with respect to state-of-the-art methods, when using the same number of grid points. This is without significant loss of precision. We show how to avoid the curse of dimensionality and keep computation times manageable in high-dimensional problems with independent shocks. Finally, we show how our approach can substantially simplify the computation of dynamic games with a large state space, solving a discrete-time version of the altruistic savings game studied by Barczyk & Kredler (2014).

This project is in cooperation with Matthias Kredler (University Charles III of Madrid). It already resulted in a *MEA Discussion Paper* in 2022 and it is planned to be soon submitted to peer-reviewed journals.

### 2.2.9 HOW HAVING CHILDREN SHAPES WELLBEING IN OLDER AGE

*Thorsten Kneip*

Previous research has widely addressed the gap in wellbeing between parents and non-parents. While cross-sectional studies have regularly reported lower wellbeing levels for parents compared to non-parents, more recent longitudinal studies largely support a short-term positive effect with a back-to-baseline

adaptation. However, whether, why and how the presence of children may affect how wellbeing evolves in older age is still largely unclear.

In this project, a holistic view of well-being developments across the process of aging is combined with a transition-centered, gender-sensitive approach to analyze the effects of health decline on the life satisfaction of parents and childless men and women. Life satisfaction in older age is hypothesized to be influenced by the onset of and coping with health limitations, which themselves may differ by parental status and gender.

Using group-specific growth curve analysis based on data from the Survey of Health, Ageing and Retirement in Europe (SHARE) and accounting for selection into parenthood, we investigate how the life satisfaction of men and women evolves in later life depending on parental status. Our results show that from age 50 onwards, parents' life satisfaction develops somewhat less favorably compared to that of childless individuals, but this difference is not significant. However, fathers' health evolves more favorably while they react less negatively to health limitations than childless men. These findings thus suggest that children are a source of social control with long-term positive effects on health and a coping resource in the face of health limitations for fathers but not for mothers.

The project was conducted in cooperation with Gerrit Bauer (LMU Munich) and Martina Brandt (TU Dortmund). Findings were published in the *Journal of Happiness Studies* in 2023.

### 2.2.10 PENSION AND LABOR MARKET REFORMS, BEHAVIO- RAL ADAPTIONS AND MACRO- ECONOMIC IMPLICATIONS

*Axel Börsch-Supan with Duarte Nuno  
Semedo Leite and Klaus Härtl*

The pressing demographic transition and the negative effects of early retirement urged countries to take reforms that could no longer wait to be implemented, given the risk of unsustainability and the financial crisis that undermined the budgets of countries in the last decade. Facing this challenge, numerous reforms have been put forward by policy makers to promote more active aging and a longer working life. We build a rich overlapping generations (OLG) model in order to quantify the effects of pension reforms on retirement ages and macroeconomic indicators in the face of demographic change. An endogenous retirement decision is explicitly modeled within a public pension system. Heterogeneity with respect to consumption preferences, wage profiles and survival rates is embedded in the model. By combining confluent strands in literature on micro-incentives for retirement, life cycle behavior and OLG models with population aging, we examine the macroeconomic impact of different reform scenarios of the pension system.

Besides the expected direct effects of these reforms on the behavior of households, we observe that feedback effects occur. Results suggest that individual retirement decisions are strongly influenced by numerous incentives produced by the pension system and macroeconomic variables: the statutory eligibility age, adjustment factors, the presence of a replacement rate and interest rates

influence retirement decisions made by households. Those decisions, in turn, have several impacts on the macroeconomy which can create feedback cycles. Taken together, these reform scenarios have strong implications for the sustainability of pension systems. It is essential to understand reactions of households to pension reforms and the possible endogenous equilibrium effects to evaluate pension reforms. Because of the rich nature of our unified model framework, we are able to rank the reform proposals according to several measures and draw policy recommendations.

This project was conducted in cooperation with Alexander Ludwig (Goethe University Frankfurt) and resulted in a publication in the *Journal of Population Economics* in 2023.

### 2.2.11 AGE AND LABOR PRO- DUCTIVITY IN THE SERVICE INDUSTRY

*Axel Börsch-Supan with Christian  
Hunkler*

This project likewise employs empirical methods to investigate the relation between employee age and labor productivity. The *modus operandi* corresponds to that used in the study 'Age and Labor Productivity in Manufacturing', but is applied to the service industry instead. To that end, we approached a large insurance company for the collection of data appropriate to the subsequent statistical analysis.

To measure productivity, performance indicators are determined for 11,143 workers in 1,623 in-house task groups on 908 days (3 years, unbalanced). Examples for such performance indicators are the number of

new policies entered into the system, the number of claims processed, or the number of phone calls made. These indicators are then linked up with personnel data.

Results show that, on average, over the entire firm the age productivity profile is flat. If we look at the profile for different tasks separately, however, we find considerable differences: At workplaces with rather simple tasks, productivity significantly declines with age while at workplaces with more complex tasks, productivity increases slightly (albeit not significantly) with age.

This project was in cooperation with Matthias Weiss (OTH Regensburg). It was successfully completed with a publication in the *Journal of the Economics of Ageing* in 2021.

## 2.3 HEALTH ECONOMETRICS

### 2.3.1 DOES INSURANCE MAKE OVERCONFIDENT?

*Raphael Guber*

Research on the role of behavioral biases in contract theory implicitly assumes that these are fixed. We show by the example of overconfidence that such biases may be endogenous to the incentives provided. Using a novel laboratory experimental design that allows to disentangle selection from incentive effects, we find that having insurance against losses in a real effort induces individuals to overstate their performance relative to others. At the same time, we find no evidence that overconfidence plays a role in insurance choice.

This joint work with Joachim Winter and Martin Kocher (LMU Munich) was successfully completed with a publication in *The Journal of Risk and Insurance* in 2021.

### 2.3.2 CAUSAL MEDIATION ANALYSIS WITH DOUBLE MACHINE LEARNING

*Helmut Farbmacher*

In this project, we combine causal mediation analysis with double machine learning for a data-driven control of observed confounders in a high-dimensional setting. The average indirect effect of a binary treatment and the unmediated direct effect are estimated based on efficient score functions, which are robust with respect to misspecifications of the outcome, mediator, and treatment models. This property is key for selecting these models by double machine learning, which is combined with data splitting to prevent overfitting. We demonstrate that the effect estimators are asymptotically normal and root-n-consistent under specific regularity conditions and investigate the finite sample properties of the suggested methods in a simulation study when considering lasso as machine learner. We also provide an empirical application to the US National Longitudinal Survey of Youth, assessing the indirect effect of health insurance coverage on general health operating via routine checkups as mediator, as well as the direct effect.

The project was in cooperation with Martin Huber and Henrika Langen (University of Fribourg), Lukáš Lafférs (Matej Bel University), and Martin Spindler (University of Hamburg). It was successfully completed with a publication in *The Econometrics Journal* in 2022.

### 2.3.3 INSTRUMENT VALIDITY TESTS WITH CAUSAL TREES

*Helmut Farbmacher with Raphael Guber*

Assumptions sufficient for the identification of local average treatment effects (LATEs) generate necessary conditions which allow to refute instrument validity. The degree of violations of instrument validity likely varies across subpopulations. In this project, we use causal trees to search and test for local violations of the LATE assumptions in a data-driven way. While existing instrument validity tests are unable to detect local violations, our procedure does – as we also demonstrate in our simulations. We apply the proposed test in two different settings, namely parental preferences for mixed sex composition of children and the Vietnam draft lottery.

This project was in cooperation with Sven Klaassen (University of Hamburg). It was successfully completed with a publication in the *Journal of Business & Economic Statistics* in 2022.

### 2.3.4 ECONOMIC HARDSHIP, SLEEP, AND SELF-RATED HEALTH: EVIDENCE FROM THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

*Helmut Farbmacher with Heinrich Kögel*

The Supplemental Nutrition Assistance Program (SNAP) distributes vouchers for grocery shopping to around 43 million individuals across the USA to counteract food insecurity. In this study, we take advantage of the random interview day assignment of the American Time Use

Survey (ATUS) and the variation in voucher issuance dates across states to identify changes in self-rated health and sleep over the monthly SNAP payment cycle.

We find that the economic hardship experienced at the end of the payout period causes a significant and sizable negative effect on self-assessed physical health and sleep quality. SNAP recipients were 18 percent more likely to report poor physical health at the end of the payment cycle compared with the rest of the month. During this period of scarcity, recipients were also 50 percent more likely to report sleeplessness, with the number of minutes being sleepless more than doubling while total sleep duration remained unchanged. Drawing upon information on time use in the ATUS, we discuss evidence suggesting that higher levels of stress, changed eating patterns, and reduced sleep quality may be potential mechanisms of the adverse health effects. Our findings extend the literature on sleep quality as a mediator between low socioeconomic status and self-rated health in the short run.

The project was successfully completed with a publication in the *American Journal of Health Economics* in 2022.

### 2.3.5 HETEROGENEOUS EFFECTS OF POVERTY ON ATTENTION

*Helmut Farbmacher with Heinrich Kögel*

We examine heterogeneity in the effect of poor financial circumstances on attention. Our analysis uses data from an experiment, which randomly assigned low-income individuals to perform a cognitive

test before or after payday. On average, and based on traditional subgroup analysis, the experiment did not suggest that the poorer financial circumstances before payday impeded cognitive function. Using the causal forest method, however, our heterogeneity analysis suggests that there are indeed detrimental effects among young and elderly individuals with very low incomes. We could confirm this finding in an independent experiment, using only traditional subgroup analysis.

This project was in cooperation with Martin Spindler (University of Hamburg). It was successfully completed with a publication in *Labour Economics* in 2021.

### 2.3.6 AN EXPLAINABLE ATTENTION NETWORK FOR FRAUD DETECTION IN CLAIMS MANAGEMENT

*Helmut Farbmacher*

Insurance companies must manage millions of claims per year. While most of these are not fraudulent, those that are nevertheless cost insurance companies and those they insure vast amounts of money. The ultimate goal is to develop a predictive model that can single out fraudulent claims and pay out non-fraudulent ones automatically. Health care claims have a peculiar data structure, comprising inputs of varying length and variables with a large number of categories. Both issues are challenging for traditional econometric methods. We develop a deep learning model that can handle these challenges by adapting methods from text classification. Using a large dataset from a private health insurer in Germany, we show that the model we propose outperforms a con-

ventional machine learning model. With the rise of digitalization, unstructured data with characteristics similar to ours will become increasingly common in applied research, and methods to deal with such data will be needed.

This project was in cooperation with Martin Spindler (University of Hamburg). It was successfully completed with a publication in the *Journal of Econometrics* in 2022.

### 2.3.7 LONELINESS, SOCIAL ISOLATION AND COGNITIVE DECLINE IN EUROPE

*Johanna Bristle, Tessa-Virginia Hanne-  
mann and Melanie Wagner*

Cognitive functioning is essential for successful aging and living a self-determined life in old age. We investigate if an increase in loneliness results in cognitive decline and how this relationship varies across different cultural and social settings. Data come from the Survey of Health, Ageing and Retirement in Europe (SHARE) and cover 16 European countries from 2011 to 2017. Our results show that loneliness, both on the individual and on the country level, is associated with cognitive decline, while loneliness and cognition both show substantial cross-national variation.

The project is in cooperation with Ella Cohn-Schwartz (Ben-Gurion University). A paper summarizing our results is close to submission.



Tessa-Virginia  
Hannemann



Dr. Melanie  
Wagner

### 2.3.8 IN-CARE (INEQUALITY IN CARE)

*Melanie Wagner*

The three-year ORA (Open Research Area)-funded project investigated if and how different long-term care systems, and recent long-term care reforms, are associated with socioeconomic disparities in formal and informal care use, health, and wellbeing in later life within Europe and Japan. Examining specific features of long-term care policies provided theoretical insights on family, health, and wellbeing inequalities in two ways: First, the project explored which specific national policies implicitly or explicitly support family care, and empirically assessed whether such policies contribute to socioeconomic inequalities in family care. Second, it was examined whether the health and wellbeing consequences of socioeconomic inequalities in care among older adults are related to key features of long-term care policies. A better understanding of the consequences of different care policies for inequalities in care, health and wellbeing in later life will inform debates on the potential impact of future policy decisions.

The team was divided into a German, Dutch, British, and Japanese team. The German team consisted of Martina Brandt, Christian Deindl, Lisa Jessee, Judith Kaschowitz, Nekehia Quashie and Melanie Wagner.

The project was successfully completed in 2023 and has led to publications in the *European Journal of Ageing* (2022) and the *Journal of Family Research* (2023).

### 2.3.9 USE OF ASSISTIVE DEVICES IN EUROPE

*Melanie Wagner*

Home modifications and features, e.g., handrails or ramps for people using wheelchairs, should allow residents with functional limitations to maintain social participation, health, and wellbeing for aging in place. However, there is little evidence in relation to the individual characteristics shaping this use of technology-based home modifications. This research project wants to give an overview of associations of diverse variables with assistive devices and modifications in the home and can serve as a starting point for public health activities concerning the heterogeneity of people aged 65 years and older. It examines the use and non-use of well-established technological aids and home modifications in the households of older adults in Europe, drawing on representative data from the Survey of Health, Ageing, and Retirement in Europe (SHARE).

A first study used hierarchical logistic regression analyses and found that indicators of functioning explained the highest proportion of variance, followed by social resources, and variance explanation was higher for the fourth age than for the third age. In particular, older adults with physical limitations, a larger social network, and those who received care from a child outside the household were more likely to have home modifications installed. In a next step, we will include aids and appliances (to home modifications) and analyze the characteristics of the non-users in more detail to identify country-specific, household-specific and individual factors that inhibit people in need from using assistive devices.





Judith  
Kronschnabl

The project, conducted in cooperation with Annette Franke (EH Ludwigsburg) and Laura Schmidt (University of Heidelberg) was successfully completed with a publication in *Frontiers in Public Health* in 2023.

### 2.3.10 BODYWEIGHT AND COGNITIVE PERFORMANCE IN THE OLDER POPULATION

*Judith Kronschnabl with Thorsten Kneip, Luzia Weiss, Michael Bergmann*

The preservation of cognitive function is one of the major concerns in contemporary aging populations. Overweight and obesity, the prevalence of which have been increasing in many countries all over the world, have been identified as risk factors for poor health development: they appear to be related to several diseases including diabetes mellitus, hypertension, cardiovascular diseases, but also poor cognitive performance. At the same time, a phenomenon called 'obesity paradox' or 'jolly fat' is discussed in literature. It indicates a counterintuitive positive relation between (over-)weight and certain health outcomes, particularly for mental and cardiovascular diseases, but also for cognitive development.

This project examines the relationship between bodyweight change and the development of cognitive functioning in older age and challenges the notion of an obesity paradox in cognition. To this end, we use longitudinal data from the Survey of Health, Ageing and Retirement in Europe (SHARE) and employ asymmetric fixed effects regression, accounting for possible confounding variables such as age, grip strength, health conditions,

and physical activity. Additionally, we investigate possible heterogeneity in the BMI-cognition relation.

We find a positive association between BMI change and change in cognitive performance, which is dominantly driven by BMI decrease. Weight loss is typically negatively related to cognitive decline, particularly at low levels of BMI and mainly due to health conditions affecting both bodyweight and cognitive performance. Weight gain is, on average, not significantly related to cognitive performance. However, respondents with preceding weight loss profit from small increases in BMI, while larger increases eventually become cognitively detrimental. Our findings provide no support for an obesity paradox in cognition. The association between weight change and cognitive performance in older age is based on weight changes being related to illness and recovery.

The project was successfully completed with a publication in *PLOS ONE* in 2021.

### 2.3.11 IMPORTANCE OF SPOT SIZE MEASURING IN FIELD-WORK COLLECTED DRIED BLOOD SPOTS SAMPLES

*Luzia Weiss with Rebecca Groh, Martina Börsch-Supan and Axel Börsch-Supan*

In its sixth wave, the Survey of Health, Ageing and Retirement in Europe (SHARE) implemented the collection of dried blood spots (DBS) samples in twelve of the SHARE countries as an innovative method to gather objective health data. Approximately 27,000 blood samples have been collected from respondents in those

countries by trained interviewers. DBS collection is an efficient and feasible way to gather biomarker information in a large international population-representative survey like SHARE. The blood is taken by a simple prick into the respondents' fingertips, dropped on a filter card to create a blood spot and, after drying, is sent by standard mail services to a biobank for storage. In the lab, small discs are punched from these spots for subsequent biomarker analyses.

It has to be taken into account that the samples are not collected under controlled laboratory conditions, but during the survey in the home of the respondents. They are inevitably exposed to varying fieldwork conditions such as outside temperature and shipment time. In addition, the sample quality may be affected by shortened drying times, missing humidity protection during shipment, or failure to collect optimal blood volumes, the latter leading to small spots. It is known that these factors, environmental as well as collection-caused, influence the quality of the DBS and the herein measured biomarker levels. In SHARE, we collected information on these factors and DBS quality, so we can use them to adjust the measured raw biomarker values.

This project investigates the impact that the blood volume of each SHARE-collected and analyzed DBS has on the levels of different biomarkers. While we can observe and document many of the above-described quality factors, it was not possible for us to measure the blood volume applied to the filter card at the time of collection. Previously-described precise approaches measured the blood volume by weighing a punched disc or applying radio-isotopic methods. There are

further approaches that use the spot size as a proxy for the blood volume. Hereby, a size estimate is gained by measuring the diameter by hand or dividing the spots into different size categories by eyesight. Yet, neither of these methods is suitable for the volume or spot size determination of huge amounts of field-collected DBS as they are available for SHARE.

We took advantage of the fact that all of the SHARE DBS samples were photographed during the punching process. We used the photographs to establish a new algorithm that precisely measures the blood-covered area of a spot for each DBS in an automated way suitable for large amounts of field-collected DBS. We have no knowledge of any other automated spot size measurement for such a large amount of DBS samples.

We show that the derived spot sizes as well as the other environmental and collection-caused factors explain part of the variability in the raw biomarker results (we control for respondents characteristics that influence these levels for biomedical reasons). We also compared the exact measures made by the new algorithm to mere size estimation, where the spots are divided into different groups depending on their sizes. Based on our findings, we state that (i) spot size measures have to be taken into account when working with biomarker data derived from fieldwork-collected DBS samples, and (ii) an exact measurement of spot size is better than a mere estimation of the size.

The project was successfully completed with a publication in the *American Journal of Human Biology* in 2022.

### 2.3.12 INFLUENCE OF FIELD-WORK CONDITIONS AND SAMPLE QUALITY ON CYTOKINE VALUES MEASURED IN DRIED BLOOD SPOT SAMPLES

*Yacila Isabela Deza-Lougowski with Luzia Weiss, Rebecca Groh, Aijing Sun, Hannah M. Horton, Anna Riekmann, Martina Börsch-Supan, and Axel Börsch-Supan*

During its Wave 6, SHARE collected blood in the form of dried blood spot (DBS) samples at the home of the respondents as they can be collected by trained interviewers (Williams and McDade 2009, Brindle et al. 2014). In contrast to venous blood samples (VBS) collected during routine health checkups in a clinic or laboratory, survey samples are exposed to fieldwork conditions (such as outside temperature and shipment time) that may vary between samples. The biomarker values measured in these samples might be influenced by these conditions. Additionally, sample quality varies between samples and might also have an impact on the measured values. The SHARE DBS were analyzed for various blood markers. Assay results have to be corrected for the impact of field conditions before they are comparable to measurements gained from blood samples in a standard laboratory procedure. We conducted two separate marker-specific validation studies. This on-going project concentrates on the validation of levels of cytokines, lipoproteins, and growth factors measured in our DBS samples; the other project is described in 2.3.13.

For validation of the cytokine markers, we designed and conducted a laboratory experiment to identify this impact. We

created DBS samples from non-SHARE donors under controlled laboratory conditions, exposed them to simulated fieldwork conditions and analyzed by multiplex immunoassay a set of 10 cytokines, growth factors and apolipoproteins in the samples. The aim of this study is to develop marker-specific conversion formulae that can be used to recalculate the 'raw' value measured in fieldwork-collected DBS samples in SHARE. This way, we obtain biomarker values adjusted for the impact of the varying fieldwork conditions.

One of two apolipoproteins we measured in our samples is ApoE4, which is associated with a high risk for Alzheimer's Disease (AD) when carrying the ApoE- $\epsilon$ 4 allele. It is unclear whether individual levels of the circulating ApoE4 protein in  $\epsilon$ 4 carriers confer additional risk. The level of ApoE4 binding in the immunoassay was presented in two separable distributions. One distribution corresponded to carriers of at least one copy of the  $\epsilon$ 4 allele. Field work cofounders affected protein levels but did not explain individual differences. Therefore, in 2022, we performed a targeted DNA analysis for the two Single Nucleotide Polymorphisms (SNP) defining the ApoE genotype in a sub-sample of deceased SHARE participants and generated a cut-off with excellent diagnostic accuracy. Results were published in the journal *Alzheimer's & Dementia: Diagnosis, Assessment & Disease Monitoring* in 2023.

The project is in cooperation with Nis Borbye-Lorenzen and Solveig Holmggaard (SSI, Copenhagen).



Hannah M.  
Horton

### 2.3.13 VALIDATION OF BIOMARKER VALUES ANALYZED IN DRIED BLOOD SPOT SAMPLES

*Axel Börsch-Supan with Luzia Weiss  
and Martina Börsch-Supan*

Collecting blood samples in international surveys is challenging. While venous blood samples (VBS) from blood serum are the reference values for clinical chemistry, the costs of VBS are prohibitive for a large international population-representative survey. The advantage of collecting dried blood spot (DBS) samples rather than VBS is that DBS can be collected by lay interviewers at much lower costs while VBS require nurses (Williams and McDade 2009, Brindle et al. 2014).

The disadvantage of DBS, however, is that laboratory results from DBS assays cannot be directly compared to the results one would obtain from assays of venous reference samples using standard laboratory methods (McDade et al. 2007, Crimmins et al. 2013; Karvanen 2015). While reference values have measurement variation, DBS values of, e.g., total cholesterol, which is known to be particularly difficult to measure in DBS, have both a larger mean and a larger variance, influenced by many laboratory and fieldwork-related factors (Thomas et al. 2018; Crimmins et al. 2020; Bowen & Evans 2014. In: Li & Lee 2014). After applying parametric standardization (Karvanen 2015) or non-parametric normalization formulae (e.g. Crimmins et al. 2013), the DBS values fit the distribution of values obtained from venous blood quite well. This approach has been used with data from the Health and Retirement Study (HRS) to produce adjusted values for a small set of analytes (Crimmins et al. 2013).

Recent work however has shown that these adjustment formulae do not suffice to account for fieldwork conditions which may affect the quality of DBS taken in an international survey like SHARE (Weiss and Börsch-Supan 2019). This finding has been replicated in two field studies which collected both VBS and DBS (Weiss et al. 2019, Crimmins 2019).

This project applies a systematic approach to validate DBS results in the laboratory by simulating SHARE fieldwork conditions. We call them ‘structured validations’ because our methodology is based on a structural model of the differences between VBS under laboratory conditions and DBS under fieldwork conditions. We use these validations to establish conversion formulae applicable to the SHARE populations, which estimate the value that we would have obtained had it been feasible to analyze a donor’s venous blood with standard analytical methods (reference value).

The project was successfully finished with a publication in the *American Journal of Human Biology* in 2021.

### 2.3.14 THE LONG ARM OF CHILDHOOD HYPOTHESIS AND SYSTEMATIC LOW-GRADE INFLAMMATION

*Hannah M. Horton*

Childhood socioeconomic status (SES) has been extensively studied as a predictor for health outcomes in adulthood, though the direct mechanisms remain unclear. The Long Arm of Childhood Model hypothesizes that this process is a chain of events, moderated by numerous factors such as family economic status and

environment, health behaviors, as well as biological processes. We expand on this model with objective measures of health in older age, namely C-reactive protein (CRP) as chronic low-grade inflammation, which has been found to be connected to both childhood SES as well as a number of cardiovascular diseases in adulthood. Using life history data from SHARE, as well as a novel dried blood spot dataset, we explore the protective role of parent education on the blood level of C-reactive protein in adulthood.

We find evidence that years of parental education are negatively associated with CRP in adulthood, with a one-year increase in mother's (father's) years of education decreasing adult CRP by 1.8% (1.1%). We quantify both the direct and indirect effects, estimating the extent in which later-life mediators significantly alter the relationship between parental education and CRP. While father's education is completely mediated by individual factors such as respondent's education, employment, and health behavior, we observe a lasting association from mother's education, suggesting a direct link between mother's education and CRP in adulthood.

Policies targeting rising cardiovascular disease should therefore not only focus on educational and health interventions in adulthood, but specifically target childhood poverty by uplifting parents, especially mothers. The project has been successfully completed with a publication in *Social Science & Medicine – Population Health* in 2023.

## 2.4 SHARE-COVID

### 2.4.1 SHORT-TIME EMPLOYMENT AID DURING THE CORONA LOCKDOWN: EVIDENCE FROM THE SHARE COUNTRIES

*Axel Börsch-Supan with Vesile Kutlu Koc and Diana Maria López-Falcón*

This project uses the new SHARE-COVID data to document the prevalence and understand the implications of short-time employment aid (or short-time working benefit, known as Kurzarbeit in Germany) in the SHARE countries. We combine the SHARE Corona Survey, which has information on individuals' working hours during the COVID-19 lockdown, with the Wave 8 data as well as the previous waves of SHARE. We investigate who had to work shorter hours during the COVID-19 lockdown or, on the contrary, who was forced to work longer, like people in the health industry.

We first plan to provide a descriptive analysis by country, gender, income and the type of industry which people are working in. In a second step, we will estimate the probability of reducing or increasing working hours by distinguishing the direct effect of the pandemic (measured by the prevalence & severity by country/region) from the indirect effect through epidemic control decisions (measured by the prevalence, duration and stringency of lockdown policies, e.g., the Oxford Stringency Index). We will also analyze if those who reduced their working hours during the lockdown had a previous unemployment history and if their earning loss was compensated by government subsidies.



Dr. Diana Maria  
López-Falcón

The project has resulted in a publication in the book *Social, Health, and Economic Impacts of the COVID-19 Pandemic and the Epidemiological Control Measures*, edited by Börsch-Supan et al. (2023) which collected the results of the SHARE-COVID19 project achieved so far. The project is being continued with new data from Wave 9 and will finish in 2024.

#### 2.4.2 PANDEMIC LOCKDOWNS AND ECONOMIC INEQUALITY

*Ivo Bakota*

This project acknowledges that there exists a great heterogeneity in workers' ability to work from home and to exploit the advantages of online services. In addition, workers in different sectors have vastly different risk exposures to infection. The study aims to construct a model which distinguishes between different remote work abilities and infection risk in different sectors of the economy. To investigate the effects of lockdown policies, this model will be used to evaluate different pandemic lockdown strategies with regard to economic inequality and health. Furthermore, it is examined how different income groups were impacted by COVID-19 and related lockdowns. The project documents that, within the SHARE countries sample, individuals with higher income in 2019, were on average more able to work from home during the pandemic and therefore potentially better suited to endure the pandemic and lockdowns in 2020 and 2021.

The project so far resulted in a chapter in *Social, Health, and Economic Impacts of the COVID-19 Pandemic and the Epidemiological Control Measures*, published in 2023.

#### 2.4.3 INFORMAL AND FORMAL CARE-GIVING AND -RECEIVING ACROSS EUROPE BEFORE AND DURING THE COVID-19 PANDEMIC

*Michael Bergmann with Melanie Wagner*

The corona crisis hit the European countries at the beginning of 2020. This has become particularly problematic for those in need for care. While media attention mainly focused on the problematic situation of nursing home residents, a major part of care in Europe is provided to people at home. Home care is often provided by cohabitating family members, but also by family members from outside the household or by paid service providers. Social distancing measures installed in almost all European countries might have impacted the possibility to provide help and care to others and to receive care from people outside the own household. Against this background, we sought to explore the variations by older people's demography, socioeconomic status and (mental) health-related indicators in the use of informal and formal (home) care/help within as well as from outside the household across Europe. We focused on how care recipients living at home (the non-institutionalized) dealt with the situation using data from the two SHARE Corona Surveys. In particular, we analyzed the development of (unmet) care needs and access to health care throughout the pandemic. Additionally, we explored regional variations in health care receipt across Europe and shed light on the mid- and long-term health consequences of COVID-19-related restrictions on accessing health care services. Our results help to better understand the influencing factors of giving and receiving



informal and formal care as well as the challenges we are facing with respect to population aging that has severe consequences on the provision of informal care to older persons. We discussed our results in relation to differences among countries at the beginning of the COVID-19 outbreak, which is important for deriving country-specific advice for policy makers and social organizations.

The project has led to a publication in *Frontiers in Public Health* in 2021 and a contribution to the SHARE First Results Book on COVID-19, published in 2023. A further paper was published in *PLoSOne*.

#### 2.4.4 BEHAVIOURAL RISK FACTORS AND PREVENTATIVE COVID-19 MEASURES AMONGST A HIGH-RISK POPULATION

*Maria José Mendoza Jiménez with Tessa-Virginia Hannemann and Josefine Atzendorf*

The focus of the project was to investigate the reaction to the threat of the COVID-19 pandemic of an already at-risk population, while considering other potential behavioral risks, such as smoking, obesity, physical inactivity and unhealthy eating. Using Wave 8 of the Survey of Health, Ageing and Retirement in Europe (SHARE) to identify behavioral risk and data from the SHARE Corona Survey to identify engagement in preventative measures, the project investigated whether and to which extent the aforementioned behavioral risk factors play a role in the adherence to preventive COVID-19 measures in a population aged 50 and above. We found that adherence to preventive meas-

ures targeting hygiene was significantly lower for older people with pre-existing behavioral risk factors, while this was not the case for social distancing measures. These results give insight into the protective behavior of a population with inherent vulnerability during a global health emergency. The study lays the foundation for follow-up research about the evolution of adherence to preventive measures as the pandemic progresses and about long-term behavioral changes. In addition, it can aid efforts in increasing preventive compliance by raising awareness of the added risk which behavioral risk factors pose.

The project was successfully completed with a publication in *Frontiers in Public Health* in 2021.

#### 2.4.5 FINANCIAL HARDSHIP DURING THE CORONA PANDEMIC

*Alexander Schumacher with Arne Bethmann*

The corona pandemic has had a substantial effect on the economies in the EU Member States and, consequently, on Europeans' financial wellbeing. Due to the selective economic effects of lockdown measures, we suspect that the downturn affected some households disproportionately. This project sheds light on risk groups for financial hardship during the pandemic, using variables on both economic deprivation and poverty risk from the SHARE Corona Survey. Due to SHARE's design as an international panel study, these subjective and objective measures can be assessed to compare the financial situation of the 50+ population before and during the COVID-19 crisis as well as across countries.



Dr. Josefine  
Atzendorf



Alexander  
Schumacher



Dr. Stefan  
Gruber

First, we analyzed variables on the household level. The respondents' employment situation can illustrate income security – be it by the number of employed respondents in a household or their form of employment (full-time/part-time, dependent/self-employment, reduced working hours). Additionally, the kind of work the respondents do (e.g. white-collar/blue-collar) is relevant for their infection risk and job stability as well as for the availability of home office arrangements. Non-employment-based sources of income like pensions and government benefits can also contribute to a household's financial stability.

Second, we used country-level independent variables to carve out the economic effects of national COVID-19 responses. We analyzed the association of disease impact and countermeasures with economic impact using infection numbers and death rates. Categorizing severity and length of lockdown measures informs about their economic consequences. Further economic indicators helped assess the countries' economic vulnerability and correct seasonal trends.

Results from this project were published in *Social, Health, and Economic Impacts of the COVID-19 Pandemic and the Epidemiological Control Measures* in 2023.

#### **2.4.6 CHANGE AND PREDICTORS OF MENTAL HEALTH IN THE OLDER EUROPEAN POPULATION DURING THE COVID-19 PANDEMIC**

*Josefine Atzendorf with Stefan Gruber*

As a reaction to the COVID-19 pandemic, most countries implemented epidemic

control measures that aim at 'social distancing'. They were to reduce the number of social contacts between persons not living in the same household. However, social distancing and loneliness impose an increasing risk for morbidity and mortality in the long term (Holt-Lunstad & Smith 2015). Especially older people, who are considered as the ones most in need of protection against the consequences of the COVID-19 pandemic and therefore belong to the central target group of epidemic control measures, might be especially affected by social distancing policies as social interactions decline with advancing age anyhow.

In this study we focused on the change in and the predictors for mental health in the population aged 50 and above in 26 European countries during the COVID-19 pandemic. Two central research questions were investigated, namely (i) whether social distancing leads to an increase in the prevalence of depressive symptoms and loneliness among older persons, and (ii) which factors help reduce the possibly negative consequences of social distancing. Results based on the first SHARE Corona Survey show that both, the severity of the pandemic (number of deaths) and the stringency of policy measures were influential for increased feelings of depression, particularly for the oldest old, while individual factors were crucial for explaining increased feelings of loneliness in the time after the first lockdown.

Results from this project were published in the *European Journal of Ageing* in 2022. Further analyses including data from the 2<sup>nd</sup> SHARE Corona Survey were published in *Social, Health, and Economic Impacts of the COVID-19 Pandemic and the Epidemiological Control Measures* in 2023.

### 2.4.7 MOTIVATING PROTECTIVE BEHAVIOR AGAINST COVID-19: FEAR VERSUS HOPE

*Johanna Bristle with Gregor Sand*

Mortality in the COVID-19 pandemic is highest among older people and other vulnerable social groups. They are more likely to be affected – both directly and psychologically. However, also protective measures against COVID-19 – lockdowns, social distancing, and other non-pharmaceutical interventions – have polarized people and impacted on many facets of people's lives and societies in terms of non-intended health, economic, and social consequences. Many of these consequences will only become visible over time.

This project used data from the 1st SHARE Corona Survey, augmented by variables from all regular SHARE waves, to investigate how older age groups, various social groups and countries differ in terms of being affected by the virus, feeling anxious, and protective behavior. The primary research interest was in the relationship of individuals' threat perceptions – with regard to the severity of the virus, one's vulnerability, and feelings of fear – and coping appraisal, i.e., the capability to deal with threat. By including data on governmental control measures and mortality rates, we examined whether macro-level factors help explain potential country disparities. Results from this project were published in the *Journal of Affective Disorders* in 2022.

## 3 PROMOTION OF JUNIOR SCIENTISTS

### 3.1 MEA MENTORING PROGRAM

In order to promote the research of our junior researchers and make best use of the expertise of our more senior researchers, MEA has set up a mentoring program that assigns to each junior researcher one or two senior researchers with similar research interests. Mentors and mentees meet on a regular basis to monitor and foster the research progress of the mentees. Through its inherent discussions on research, the mentoring program has generated a substantial amount of joint research projects of mentors together with mentees. In order to also and particularly promote more senior researchers, we additionally involve internationally recognized researchers to support the advancement of our team in terms of research activity, conference presentations and publications.

### 3.2 DISSERTATIONS AT MEA

Within the reporting period, 3 MEA researchers have finished their PhDs (1 in economics, 1 in sociology, and 1 in health sciences).

**Gerum, Magdalena:** *Ph.D. in Sociology:* 'Die Aufteilung der Erwerbsarbeit, der Hausarbeit und der Kinderbetreuung in Abhängigkeit vom Alter des Kindes [The Division of Paid Work, Domestic Work, and Childcare Depending on the Age of the Child]', University of Göttingen, 2021.



Dr. Gregor Sand

**Khourshed, May:** *Ph.D. in Economics:* 'The Lost, the Confused and the Haunted: Modelling Subjective Beliefs on and Hindrances to Economic Integration for Forced Migrants', TU Munich, 2021.

**Thuman, Barbara:** *Ph.D. in Natural and Health Sciences:* 'The Connection between Mental and Physical Health: Investigating the Associations between Psychosocial Well-being, Sleep and Cardio-Metabolic Health in European Children and Adolescents', Universities of Bremen and Ghent, 2021.

### 3.3 MEA SEMINAR

The MEA Seminar is MEA's research and doctoral seminar. On the one hand, researchers from all over the world present their work at MEA giving our researchers the opportunity to learn about current research issues and how to present and discuss them. On the other hand, and this has become the focus of the seminar, MEA researchers present their own research giving them the opportunity to practice presentations and receive feedback on their research. Research presentations have been complemented with lectures on selected econometric topics by Professor Börsch-Supan and Dr. Thorsten Kneip. Given the wide range of MEA researchers' educational backgrounds (economics, sociology, mathematics, psychology, political science, biology, management, statistics, demography, philosophy, chemistry, criminology), the discussions are highly interdisciplinary and benefit from the interaction between the different perspectives of those diverse disciplines. In the reporting period, until the end of the winter term 2022/23, we had 73 talks: 60 of MEA researchers (18 PhD students, 42 PostDocs), 2 of members from

the Social Law Department, 7 from universities or research institutes in Munich and 6 of researchers from outside Munich.

## 4 MEMBERSHIPS, EDITORSHIPS AND AFFILIATIONS

### Börsch-Supan, Axel

Editorial Board of *Advances in Life-Course Research*, *Journal of the Economics of Aging*, *Journal of Pension Economics and Finance*

Member, Berlin-Brandenburg Academy of Sciences and Humanities, Berlin

Member, German National Academy of Sciences Leopoldina, Halle

Corresponding Member, Austrian National Academy of Sciences, Vienna

Commission Member, US Academies of Science, Engineering and Medicine

Research Fellow, NETSPAR (Network for Studies on Pensions, Aging and Retirement)

*Other Academic Affiliations and Activities in External Bodies:*

Research Associate, National Bureau of Economic Research (NBER), Cambridge, MA, USA

Principal Investigator, Survey of Health, Ageing and Retirement in Europe (SHARE) and Managing Director of SHARE-ERIC, Munich

Adjunct Research Associate, RAND Corporation, Santa Monica, CA, USA

Research Council, Deutsche Bundesbank

Member of the 'Commission d'experts sur les grands défis économiques' of the French President Emmanuel Macron

Member of the Pension Commission 'Verlässlicher Generationenvertrag' (Reliable Intergenerational Contract) of the German Government

Member (and former Chairman) of the Scientific Advisory Council at the German Federal Ministry of Economics and Energy (BMWi)

Standing Committee 'Aging and Fertility' of the German National Academy of Sciences Leopoldina

World Health Organisation, Advisory Committee on Active Ageing

World Economic Forum: Global Council on Ageing

World Economic Forum: Global Council on Social Security

European Commission, European Statistics Advisory Committee (ESAC), Brussels

MacArthur Foundation Network on Aging Societies

Scientific Advisory Board, Korean Longitudinal Study on Aging (KLoSA), Seoul, Republic of Korea

Advisory Board, Japanese Study of Aging and Retirement (JSTAR), Tokyo University, Japan

Steering Board, The Irish Longitudinal Study on Ageing (TILDA), Trinity College, Dublin, Ireland

Scientific Advisory Board, Chinese Health, Aging and Retirement Longitudinal Study (CHARLS), Beijing University, Beijing, China

Advisory Board, Study of Living Conditions and Health in Brazil (ELSI-Brazil), Rio de Janeiro, Brazil

Member of the Deutsche Statistische Gesellschaft (German Statistical Society) (DStatG), Frankfurt (Or)

Member of the European Society for Population Economics (ESPE)

Member of the European Economic Association

Member and former Board Member of the Verein für Socialpolitik, Berlin

Member of the American Economic Association, USA

Member of the Econometric Society, New Haven, CT, USA

### **Douhou, Salima**

Advisory Bboard Member, CRONOS Advisory Board, ESS ERIC at City, University of London

Board Member, ESRA Board (European Survey Research Association)

### **Kneip, Thorsten**

Associate Editor, European Journal of Ageing

## 5 PUBLICATIONS

Within the reporting period, we have published 68 articles in peer-reviewed journals, 13 articles in peer-reviewed volumes, 2 articles in non-refereed journals, 17 articles in non-refereed volumes and other publications, and 5 books or edited volumes and issues. Moreover, 9 MEA Discussion Papers and 8 other Discussion Papers were published.

### ARTICLES IN PEER-REVIEWED JOURNALS

**Andersson, Sara; Josefsson, Maria; Stiernman, Lars J.; Rieckmann, Anna** (2021): 'Cognitive decline in Parkinson's disease: a subgroup of extreme decliners revealed by a data-driven analysis of longitudinal progression'. In: *Frontiers in Psychology*, 2, 729755. <https://doi.org/10.3389/fpsyg.2021.729755>

**Atzendorf, Josefine; Gruber, Stefan** (2022): 'Depression and Loneliness of Older Adults in Europe and Israel after the First Wave of COVID-19'. In: *European Journal of Ageing*, 19, pp. 849-861. <https://doi.org/10.1007/s10433-021-00640-8>

**Bakota, Ivo** (2023): 'Market Clearing and Krusell-Smith Algorithm in an Economy with Multiple Assets'. In: *Computational Economics*, 62, pp. 1007-1045. <https://doi.org/10.1007/s10614-022-10290-2>

**Balz, Anne; Schuller, Karin** (2021): 'Always Looking for Something Better? The Impact of Job Insecurity on Turnover Intentions: Do Employables and Irreplaceables React Differently?'. In: *Economic and Industrial Democracy*, 42(1), pp. 142-19. <https://doi.org/10.1177/0143831X18757058>

**Bauer, Gerrit; Brandt, Martina; Kneip, Thorsten** (2023): 'The Role of Parenthood for Life Satisfaction of Older Women and Men in Europe'. In: *Journal of Happiness Studies*, 24, pp. 275-307. <https://doi.org/10.1007/s10902-022-00600-8>

**Beaudreau, Sherry A.; Lutz, Julie; Wetherell, Julie Loebach; Nezu, Arthur M.M Nezu, Christine Maguth; O'Hara, Ruth; Gould, Christine E.; Roelk; Brandi; Jo, Booil; Hernandez, Beatriz; Samarina; Viktoriya; Otero, Marcela C.; Gallaghe, Alana; Hirsch, James; Funderburk, Jennifer; Pigeon, Wilfred R.** (2023): 'Beyond maintaining safety: Examining the benefit of emotion-centered problem solving therapy added to safety planning for reducing late life suicide risk'. In: *Contemporary Clinical Trials*, 128, 107147. <https://doi.org/10.1016/j.cct.2023.107147>

**Beaudreau, Sherry A.; Otero, Marcela C.; Walker, Jessica A.; Gould, Christine E.; Sisco, Shannon; White, Patricia; Pella, Kaycie; Wiley, Elizabeth; Voorhees, Kathryn; Wetherell, Julie Loebach** (2022): 'Problem Solving Training for Veterans with Complex Comorbidities: Treatment Delivery Adaptations during COVID-19'. In: *Clinical Gerontologist*, 45(1), pp. 145-158. <https://doi.org/10.1080/07317115.2021.1963382>

**Bergmann, Michael; Hecher, Magdalena; Sommer, Elena** (2022): 'The Impact of the COVID-19 Pandemic on the Provision of Instrumental Help by Older People across Europe'. In: *Frontiers in Sociology*, 7. <https://doi.org/10.3389/fsoc.2022.1007107>



**Bergmann, Michael; Wagner, Melanie** (2021): 'The Impact of COVID-19 on Informal Caregiving and Care Receiving Across Europe During the First Phase of the Pandemic'. In: *Frontiers in Public Health*, 9 <https://doi.org/10.3389/fpubh.2021.673874>

**Bergmann, Michael; Wagner, Melanie (2023):** 'Back to Normal? The Health Care Situation of Home Care Receivers across Europe during the COVID-19 Pandemic and its Implications on Health'. In: *PLoS ONE*, 18(10): e0287158. <https://doi.org/10.1371/journal>

**Börsch-Supan, Axel; Bucher-Koenen, Tabea; Goll, Nicolas; Hanemann, Felizia** (2022): 'Targets Missed: Three Case Studies Exploiting the Linked SHARE-RV Data'. In: *Journal of Pension Economics and Finance*, 21(1), pp. 1-21. <https://doi.org/10.1017/S1474747220000359>

**Börsch-Supan, Axel; Bucher-Koenen, Tabea; Hurd, Michael D.; Rohwedder, Susann** (2023): 'Saving regret and procrastination'. In: *Journal of Economic Psychology*, 94. 102577. <https://doi.org/10.1016/j.joep.2022.102577>

**Börsch-Supan, Axel; Ferrari, Irene; Salerno, Luca** (2021): 'Long-run Health Trends in Europe'. In: *Journal of the Economics of Ageing*, 18. 100303. <https://doi.org/10.1016/j.jeoa.2020.100303>

**Börsch-Supan, Axel; Hanemann, Felizia; Beach, Brian; Halimi, Didier; Harding, Susana; Van der Waal, Marieke; Watanabe; Daisuke; Staudinger, Ursula M.** (2021): 'Older adults' integration in the labour market: A global view'. *Ageing & Society*, 41(4), pp. 917-935. <https://doi.org/10.1017/S0144686X19001454>

**Börsch-Supan, Axel; Härtl, Klaus; Leite, Duarte N.; Ludwig, Alexander** (2023): 'Preventing Reforming Unequally'. In: *Journal of Population Economics*. <https://doi.org/10.1007/s00148-023-00976-8>

**Börsch-Supan, Axel; Hunkler, Christian; Weiss, Matthias** (2021) 'Big Data at Work: Age and Labor Productivity in the Service Sector'. In: *The Journal of the Economics of Ageing*, 19, 100319. <https://doi.org/10.1016/j.jeoa.2021.100319>

**Börsch-Supan, Axel; Weiss, Luzia; Börsch-Supan, Martina; Potter, Alan; Cofferen, Jake; Kerschner, Elizabeth** (2021): 'Dried Blood Spot Collection, Sample Quality, and Fieldwork Conditions: Structural Validations for Conversion into Standard Values'. In: *American Journal of Human Biology*, 33(4). <https://doi.org/10.1002/ajhb.23517>

**Bozio, Antoine; Garrouste, Clémentine; Perdrix, Elsa** (2021): 'Impact of Later Retirement on Mortality: Evidence from France'. In: *Health Economics*, 30(5), pp. 1178-1199. <https://doi.org/10.1002/hec.4240>

**Brandt, Martina; Deindl, Christian; Floridi, Ginevra; Heidemann, Robert; Kaschowitz, Judith; Quashie, Nekehia Tamara; Verbakel, Ellen; Wagner, Melanie** (2023): 'Social inequalities and the wellbeing of family caregivers across European care regimes'. In: *Journal of Family Research*, 35, pp. 181-195. <https://doi.org/10.20377/jfr-861>

**Breznau, Nate; et al.** (2022): 'Observing Many Researchers Using the Same Data and Hypothesis Reveals a Hidden Universe of Uncertainty'. In: *PNAS*, 119(44). <https://doi.org/10.1073/pnas.2203150119>

**Brown, Casey L.; Chen, Kuan-Hua; Wells, Jenna L.; Otero, Marcela C.; Connelly, Dyan E.; Levenson, Robert W.; Fredrickson, Barbara L.** (2022): 'Shared emotions in shared lives: Moments of co-experienced affect, more than individually experienced affect, linked to relationship quality'. In: *Emotion*, 22(6), pp.1387-1393. <https://doi.org/10.1037/emo0000939>

**Buschle, Christina; Reiter, Herwig; Bethmann, Arne** (2022): 'The Qualitative Pretest Interview for Questionnaire Development: Outline of Programme and Practice'. In: *Quality & Quantity*, 56, pp. 823-842. <https://doi.org/10.1007/s11135-021-01156-0>

**Chan, Marc K.; Morris, Todd; Polidano, Cain; Vu, Ha** (2022): 'Income and Saving Responses to Tax Incentives for Private Retirement Savings'. In: *Journal of Public Economics*, 206. <https://doi.org/10.1016/j.jpubeco.2021.104598>

**Chapel, Jack M.; Tysinger, Bryan; Goldman, Dana P.; Rowe, John W.; Anonucci, Toni; C. Berkman, Lisa; Börsch-Supan, Axel; Carstensen, Laura L.; Chen, Cynthia; Fried, Linda P.; Furstenberg, Frank F.; Kohli, Martin S.; Olshansky, Jay; Rehkopf, David H.; Rother, John; Zissimopoulos, Julie** (2023): 'The Forgotten Middle: Worsening Health And Economic Trends Extend To Americans With Modest Resources Nearing Retirement'. In: *Health Affairs*, 42 (9). <https://doi.org/10.1377/hlthaff.2023.00134>

**Chen, Cynthia; Maung, Kenwin; Rowe, John W.; Anonucci, Toni; Berkman, Lisa; Börsch-Supan, Axel; Carstensen, Laura; Goldman, Dana; Fried, Linda P.; Furstenberg, Frank F.; Jackson, James; Kohli, Martin; Olshansky, Jay; Rehkopf, David; Rother, John; Zissimopoulos, Julie** (2021): 'Gender Differences in Countries' Adaptation to Societal Ageing: An International Cross-sectional Comparison'. In: *The Lancet. Healthy Longevity*, 2. <https://doi.org/10.1016/s2666-7568%2821%2900121-5>

**Chen, Kuan-Hua; Hua, Alice Y.; Toller, Gianina; Lwi, Sandy J.; Otero, Marcela C.; Haase, Claudia M.; Rankin, Katherine P.; Rosen, Howard J.; Miller, Bruce L.; Levenson, Robert W.** (2022): 'Diminished preparatory physiological responses in frontotemporal lobar degeneration syndromes'. In: *Brain Communications*, 4(2), fcac075. <https://doi.org/10.1093/braincomms/fcac075>

**Delle, Simone; Seitz, Nicki-Nil; Atzen-dorf, Josefine; Mühlrig, Stefan; Kraus, Ludwig** (2022): 'Motives for not drinking alcohol: why adults in late middle age abstain'. In: *Addiction Research & Theory*, 30(2), pp.125-133. <https://doi.org/10.1080/16066359.2021.1954167>

**Deza Araujo, Yacila I.; Weiss, Luzia M.; Groh, Rebecca; Horton, Hannah M.; Borbye-Lorenzen, Nis; Skogstrand, Kristin; Holmgaard, Solveig; Andersen-Ranberg, Karen; Panes Ludmark, Vania; Börsch-Supan, Axel; Börsch-Supan, Martina; Rieckmann; Anna** (2023): 'ApoE4 binding in dried blood spots is associated with lower cognition in a population-based sample of 50+ non-demented adults'. In: *Alzheimer's & Dementia*, 19(S2), e062193. <https://doi.org/10.1002/alz.062193>

**Farbmacher, Helmut; Guber, Raphael; Klaassen, Sven** (2022): 'Instrument Validity Tests With Causal Forests'. In: *Journal of Business & Economic Statistics*, 40(2), pp. 605-614. <https://doi.org/10.1080/07350015.2020.1847122>

**Farbmacher, Helmut; Hartmann, Maximilian; Kögel, Heinrich** (2022): 'Economic Hardship, Sleep, and Self-Rated Health: Evidence from the Supplemental Nutrition Assistance Program (SNAP)'. In: *American Journal of Health Economics*, 8(2), pp. 216-251. <https://doi.org/10.1086/717811>

**Farbmacher, Helmut; Huber, Martin; Lafférs, Lukáš; Langen, Henrika; Spindler, Martin** (2022): 'Causal mediation analysis with double machine learning'. In: *The Econometrics Journal*, 25(2), pp. 277-300. <https://doi.org/10.1093/ectj/utac003>

**Farbmacher, Helmut; Kögel, Heinrich; Spindler, Martin** (2021): 'Heterogeneous effects of poverty on attention'. In: *Labour Economics*, 71, 102028. <https://doi.org/10.1016/j.labeco.2021.102028>

**Farbmacher, Helmut; Löw, Leander; Spindler, Martin** (2022): 'An Explainable Attention Network for Fraud Detection in Claims Management'. In: *Journal of Econometrics*, 228(2), pp. 244-258. <https://doi.org/10.1016/j.jeconom.2020.05.021>

**Farbmacher, Helmut; Tauchmann, Harald** (2023): 'Linear fixed-effects estimation with non-repeated outcomes'. In: *Econometric Reviews*, 42(8), pp. 635-654. <https://doi.org/10.1080/07474938.2023.2224658>

**Felez-Nobrega, Mireia; Werneck, Andre Oliveira; El Fatouhi, Douae; de Luca, Katie; Islam, Sheikh Mohammed Shariful; Franzese, Fabio** (2023): 'Device-based Physical Activity and Late-life Depressive Symptoms: An Analysis of Influential Factors Using Share Data'. In: *Journal of Affective Disorders*, 322, pp. 267-272. <https://doi.org/10.1016/j.jad.2022.11.006>

**Fernández, Irene; Bethmann, Arne; Tomás, José M.** (2023): 'Psychometric Properties of the Adaptation of the Informant Questionnaire on Cognitive Decline in the Elderly (IQCODE) in the Survey of Health, Aging and Retirement in Europe (SHARE)'. In: *Testing, Psychometrics, Methodology in Applied Psychology*, 30, pp. 349-356, <https://doi.org/10.4473/TPM30.3.7>

**Fernández, Irene; Tomás, José M.; Bethmann, Arne** (2023): 'Latent Trajectories of Recent and Delayed Memory and their Predictors: Evidence from SHARE'. In: *International Psychogeriatrics*, online first. <https://doi.org/10.1017/S1041610222001016>

**Garrouste, Clémentine; Perdrix, Elsa** (2022): 'Is there a consensus on the health consequences of retirement? A literature review'. In: *Journal of Economic Surveys*, 36(4), pp. 841-879. <https://doi.org/10.1111/joes.12466>

**Godbersen, Godber M.; Klug, Sebastian; Wadsak, Wolfgang; Pichler, Verena; Raitanen, Julia; Rieckmann, Anna; Stierman, Lars; Cocchi, Luca; Breakspear, Michael; Hacker, Marcus; Lanzenberger, Rupert; Andreas** (2023): 'Task-evoked metabolic demands of the posteromedial default mode network are shaped by dorsal attention and frontoparietal control networks'. In: *eLife*, 12, e84683. <https://doi.org/10.7554/eLife.84683>

**Grill, Filip; Johansson, Jarkko; Axelsson, Jan; Brynolfsson, Patrik; Nyberg, Lars; Rieckmann, Anna** (2021): 'Dissecting Motor and Cognitive Component Processes of a Finger-Tapping Task With Hybrid Dopamine Positron Emission Tomography and Functional Magnetic Resonance Imaging'. In: *Frontiers in Human Neuroscience*, 15, 733091. <https://doi.org/10.3389/fnhum.2021.733091>

**Groh, Rebecca; Weiss, Luzia; Börsch-Supan, Martina; Börsch-Supan, Axel** (2022): 'Effects of spot size on biomarker levels of field-collected dried blood spots: A new algorithm for exact dried blood spot size measurement'. In: *American Journal of Human Biology*, 34(10), e23777. <https://doi.org/10.1002/ajhb.23777>

**Gruber, Stefan; Sand, Gregor** (2022): 'Does Migration Pay Off in Later Life? Income and Subjective Well-being of Older Migrants in Europe'. In: *Social Indicators Research*, 160, pp. 969-988. <https://doi.org/10.1007/s11205-020-02502-9>

**Guber, Raphael; Kocher, Martin G.; Winter, Joachim** (2021): 'Does Having Insurance Change Individuals' Self-confidence?'. In: *The Journal of Risk and Insurance*, 88(2), pp. 429-442. <https://doi.org/10.1111/jori.12319>

**Horton, Hannah Marie** (2023): 'The Long Arm of Childhood Hypothesis and Systematic Low-grade Inflammation: Evidence from Parental Education of Older European Adults'. In: *Social Science & Medicine – Population Health*. <https://doi.org/10.1016/j.ssmph.2022.101334>

**Hruschka, Consantin; Rohmann, Tim; Hunkler, Christian** (2022): 'Exclusionary Intent and Effects in the Migration Area'. In: *Quarterly on Refugee Problems - AWR Bulletin*, 61(2), pp. 130-154. <https://doi.org/10.57947/qrp.v61i2.23>

**Kneip, Thorsten; Börsch-Supan, Axel; Andersen-Ranberg, Karen** (2022): 'Social, Health and Economic Impact of the COVID-19 Pandemic from a European Perspective'. In: *European Journal of Ageing*, 19, pp. 789-792. <https://doi.org/10.1007/s10433-022-00744-9>

**Kraus, Ludwig; Uhl, Alfred; Atendorf, Josefine; Seitz, Nicki-Nils** (2021): 'Estimating the number of children in households with substance use disorders in Germany'. In: *Child and Adolescent Psychiatry and Mental Health*, 15(63). <https://doi.org/10.1186/s13034-021-00415-0>

**Kronsnabl, Judith; Kneip Thorsten; Weiss, Luzia; Bergmann, Michael** (2021): 'Bodyweight Change and Cognitive Performance in the Older Population'. In: *PLoS ONE*, 16(4). <https://doi.org/10.1371/journal.pone.0249651>

**Kuhle, Wolfgang** (2021): 'Equilibrium with Computationally Constrained Agents'. In: *Mathematical Social Sciences*, 109, pp. 77-92. <https://doi.org/10.1016/j.math-socsci.2020.11.002>

**Mendoza-Jiménez, María-José; Hannemann, Tessa-Virginia; Atzendorf, Josefine** (2021): 'Behavioral Risk Factors and Adherence to Preventive Measures: Evidence From the Early Stages of the COVID-19 Pandemic'. In: *Frontiers in Public Health*, 9. <https://doi.org/10.3389/fpubh.2021.674597>

**Moore, Timothy J.; Morris, Todd** (2022): 'Shaping the Habits of Teen Drivers'. In: *American Economic Journal: Economic Policy*. Forthcoming

**Morris, Todd** (2022): 'Re-examining Female Labor Supply Responses to the 1994 Australian Pension Reform'. In: *Review of Economics of the Household*, 20, pp. 419-445. <https://doi.org/10.1007/s11150-021-09561-y>

**Morris, Todd** (2022): 'The Unequal Burden of Retirement Reform: Evidence from Australia'. In: *Economic Inquiry*, 60, pp. 592-619. <https://doi.org/10.1111/ecin.13034>

**Moustafa, Sara A.; Börsch-Supan, Axel; Salama, Mohamed** (2023): 'Aging in an Arab Country: Knowledge Gaps in Egypt'. In: *Nature Aging*, 3, pp. 1042-1044. <https://doi.org/10.1038/s43587-023-00484-0>

**Otero, Marcela C.; Douhou, Salima; Pettinicchi, Yuri; Sommer, Elsa; Panes Lundmark, Vania; Rieckmann, Anna; Börsch-Supan, Axel** (2023): 'European adaptation of the Harmonized Cognitive Assessment Protocol: Methodological lessons learned from SHARE-HCAP'. In: *Alzheimer's & Dementia*, 19(S8), e063042. <https://doi.org/10.1002/alz.063042>

**Otero, Marcela C.; Walker, Jessica A.; Kumpula, Mandy J.; Hernandez, Beatriz; Funderburk, Jennifer S.; Loebach Wetherell, Julie; Beaudreau, Sherry A.** (2022): 'Negative Problem Orientation is Associated with Mental Health Outcomes for Veterans Enrolled in Problem-Solving Training'. In: *Cognitive and Behavioral Practice*. <https://doi.org/10.1016/j.cbpra.2022.11.001>

**Perdrix, Elsa; Roquebert, Quitterie** (2022): 'Does the amount of formal care affect informal care? Evidence among over-60s in France'. In: *European Journal of Health Economics*, 23, pp. 453-465 (2022). <https://doi.org/10.1007/s10198-021-01370-5>

**Quashie, Nekeia T.; Wagner, Melanie; Verbakel, Ellen; Deindl, Christian** (2022): 'Socioeconomic Differences in Informal Caregiving in Europe'. In: *European Journal of Ageing*, 19, pp. 621-632. <https://doi.org/10.1007/s10433-021-00666-y>

**Rehkopf, David H. Furstenberg Frank F.; Elser, Holly; Jackson, Christian; Levy Nicole; Rowe. John W.; the Aging Society Research Network** (2022): 'A U.S. State Index of Successful Aging: differences between States and over time'. In: *The Milbank Quarterly*, 100, pp. 102-133. <https://doi.org/10.1111/1468-0009.12542>

**Sand, Gregor; Bristle, Johanna** (2022): 'Motivating Protective Behavior against COVID-19: Fear versus Hope'. In: *Journal of Affective Disorders*, online first. <https://doi.org/10.1177/08982643221089427>

**Schmidt, Laura I.; Wagner, Melanie; Büßecker, Hanna A.; Franke, Annette A.** (2023): 'Who uses technical aids in old age? Exploring the implementation of technology-based home modifications in Europe'. In: *Frontiers in Public Health*, 11. <https://doi.org/10.3389/fpubh.2023.1130177>

**Sommer, Elena; Gamper, Markus** (2021): 'Beyond Structural Determinism: Advantages and Challenges of Qualitative Social Network Analysis for Studying Social Capital of Migrants'. In: *Global Networks*, 21(3), pp. 608-625. <https://doi.org/10.1111/glob.12302>

**Stiernman, Lars J.; Grill, Filip; Hahn, Aandreas; Rischka, Lucas; Lanzenberger, Rupert; Panes Lundmark, Vania; Riklund, Katrine; Axelsson, Jan; Rieckmann, Anna** (2021): 'Dissociations between glucose metabolism and blood oxygenation in the human default mode network revealed by simultaneous pet-fMRI'. In: *PNAS*, 118 (27), e2021913118. <https://doi.org/10.1073/pnas.2021913118>

**Stiernman, Lars J.; Grill, Filip; McNulty, Charlotte; Bahrd, Philip; Panes Lundmark, Vania; Axelsson, Jan; Salami, Alireza; Rieckmann, Anna** (2023): 'Widespread fMRI BOLD signal overactivations during cognitive control in older adults are not matched by corresponding increases in fPET glucose metabolism'. In: *The Journal of Neuroscience*, 5, pp. 2527-2536. <https://doi.org/10.1523/JNEUROSCI.1331-22.2023>

**Thumann, Barbara; Buck, Christoph; De Henauw, Stefaan; Hadjigeorgiou, Charalambos; Hebestreit, Antje; Lauria, Fabio; Lissner, Lauren; Molnár, Dénes; Moreno, Luis A.; Veidebaum, Toomas; Ahrens, Wolfgang; Hunsberger, Monica** (2021): 'Cross-sectional associations between objectively measured sleep characteristics and body mass index in European children and adolescents'. In: *Sleep Medicine*, 84, pp. 32-39. <https://doi.org/10.1016/j.sleep.2021.05.004>

**Wells, Jenna L.; Haase, Claudia M.; Rothwell, Emily S.; Naugle, Kendyl G.; Otero, Marcela C.; Brown, Casey L.; Lai, Jocelyn; Chen, Kuan-Hua; Connelly, Dyan. E.; Grimm, Kevin J.; Levenson, Robert W.; Fredrickson, Barbara L.** (2022): 'Positivity resonance in long-term married couples: Multimodal characteristics and consequences for health and longevity'. In: *Journal of Personality and Social Psychology*, 123(5), pp. 983-1003. <https://doi.org/10.1037/pspi0000385>

**Wiedmann, Melina; Atzendorf, Josefine; Basedow, Lukas Andreas; Roessner, Veit; Golub, Yulia; Kuitunen-Paul, Sören** (2022): 'Substanzkonsum, Störungen durch Substanzkonsum und begleitende psychische Störungen bei Jugendlichen [Substance use, substance use disorders, and co-occurring mental health disorders in adolescents]'. In: *Zeitschrift für Kinder- und Jugendpsychiatrie und Psychotherapie*, 50(2), pp. 106-119. <https://doi.org/10.1024/1422-4917/a000846>



**Young, Peter; Appel, Lieuwe; Tolf, Andreas; Kosmidis, Savvas; Burman, Joachim; Rieckmann, Anna; Schöll, Michael; Lubberink, Mark** (2023): 'Image-derived input functions from dynamic  $^{15}\text{O}$ -water PET scans using penalised reconstruction'. In: *EJNMMI Physics*, 10(1):15. <https://doi.org/10.1186/s40658-023-00535-w>

#### ARTICLES IN NON-REFEREED JOURNALS

**Bergmann, Michael; Bethmann, Arne; Hannemann, Tessa-Virginia; Schumacher, Alexander** (2022): 'Who are the Unvaccinated? Determinants of SARS-CoV-2 Vaccinations Among Older Adults Across Europe'. In: *easy\_social\_sciences*, Mixed 1. <https://doi.org/10.15464/easy.2022.01>

**Börsch-Supan, Axel; Goll, Nicolas** (2021): 'Ziele verfehlt: Eine Analyse der neuen Grundrente'. In: *ifo Schnelldienst*, 74(6), pp. 34-39

#### BOOKS, EDITED VOLUMES AND ISSUES

**Bergmann, Michael; Börsch-Supan, Axel** (eds.) (2021): *SHARE Wave 8 Methodology: Collecting cross-national survey data in times of COVID-19*. MEA, Max Planck Institute for Social Law and Social Policy, Munich

**Börsch-Supan, Axel; Abramowska-Kmon, Anita; Andersen-Ranberg, Karen; Brugiavini, Agar; Chłoń-Domińczak, Agnieszka; Jusot, Florence; Laferrère, Anne; Litwin, Howard; Smolić, Šime; Weber, Guglielmo** (eds.) (2023): *Social, Health, and Economic Impacts of the COVID-19 Pandemic and the Epidemiological Control Measures*. Berlin: de Gruyter

**Börsch-Supan, Axel; Coile, Courtney** (eds.) (2021): *Social Security Programs and Retirement around the World: Reforms and Retirement Incentives*. Chicago: University of Chicago Press

**Börsch-Supan, Axel; Coile, Courtney** (eds.) (2023): *Social Security Programs and Retirement around the World: Micro-Modelling the Effects of Reforms*. Chicago: University of Chicago Press. In Press

**Kneip, Thorsten; Börsch-Supan, Axel; Andersen-Ranberg, Karen** (eds.) (2022): *Social, Health and Economic Impact of the COVID-19 Pandemic from a European Perspective*. Special Section in the European Journal of Ageing, 19

#### ARTICLES IN REFEREED VOLUMES

**Bakota, Ivo** (2023): 'Pandemic Lock-downs: The Role of Economic and Demographic Structures'. In: Börsch-Supan, Axel; Abramowska-Kmon, Anita; Andersen-Ranberg, Karen; Brugiavini, Agar; Chłoń-Domińczak, Agnieszka; Jusot, Florence; Laferrère, Anne; Litwin, Howard; Smolić, Šime; Weber, Guglielmo (eds.): *Social, Health, and Economic Impacts of the COVID-19 Pandemic and the Epidemiological Control Measures*. Berlin: de Gruyter, pp. 243-250. <https://doi.org/10.1515/9783111135908-023>

**Bergmann, Michael; Wagner, Melanie**

(2023): 'Receiving Care at Home during the COVID-19 Pandemic: Revisiting the Situations of Care Recipients 18 Months after the Outbreak of SARS-CoV-2'. In: Börsch-Supan, Axel; Abramowska-Kmon, Anita; Andersen-Ranberg, Karen; Brugiavini, Agar; Chłoń-Domińczak, Agnieszka; Jusot, Florence; Laferrère, Anne; Litwin, Howard; Smolić, Šime; Weber, Guglielmo (eds.): *Social, Health, and Economic Impacts of the COVID-19 Pandemic and the Epidemiological Control Measures*. Berlin: de Gruyter, pp. 253-261. <https://doi.org/10.1515/9783111135908-024>

**Börsch-Supan, Axel; Abramowska-Kmon, Anita; Andersen-Ranberg, Karen; Brugiavini, Agar; Chłoń-Domińczak, Agnieszka; Jusot, Florence; Laferrère, Anne; Litwin, Howard; Smolić, Šime; Weber, Guglielmo**

(2023): 'Introduction'. In: Börsch-Supan, Axel; Abramowska-Kmon, Anita; Andersen-Ranberg, Karen; Brugiavini, Agar; Chłoń-Domińczak, Agnieszka; Jusot, Florence; Laferrère, Anne; Litwin, Howard; Smolić, Šime; Weber, Guglielmo (eds.): *Social, Health, and Economic Impacts of the COVID-19 Pandemic and the Epidemiological Control Measures*. Berlin: de Gruyter, pp. 1-20. <https://doi.org/10.1515/9783111135908-001>

**Börsch-Supan, Axel; Coile, Courtney**

(2021): 'Reforms and Retirement Incentives: Introduction and Summary'. In: Börsch-Supan, A. and C. Coile (eds.), *Social Security Programs and Retirement around the World: Reforms and Retirement Incentives*, University of Chicago Press, pp. 1-42

**Börsch-Supan, Axel; Coile, Courtney**

(2023): 'Introduction and Summary'. In: Börsch-Supan, Axel; Coile, Courtney (eds.): *Social Security Programs and Retirement around the World: Micro-Modelling the Effects of Reforms*. Chicago: University of Chicago Press. In Press

**Börsch-Supan, Axel; Ferrari, Irene; Goll, Nicolas; Rausch, Johannes**

(2023): 'Retirement Decisions in Germany: Micro-Modelling'. In: Börsch-Supan, Axel; Coile, Courtney (eds.): *Social Security Programs and Retirement around the World: Micro-Modelling the Effects of Reforms*. Chicago: University of Chicago Press. In Press

**Börsch-Supan, Axel; Ferrari, Irene; Pasini, Giacomo; Salerno, Luca**

(2022): 'The European Context: Declining Health but Rising Labor Force Participation among the Middle-Aged'. In: Berkman, L.F. and B.C. Truesdale (eds.), *Overtime*, Oxford University Press, pp. 60-78. <https://doi.org/10.1093/oso/9780197512067.003.0004>

**Börsch-Supan, Axel; Goll, Nicolas; Rausch, Johannes**

(2021): 'Social Security Reforms and the Changing Retirement Behavior in Germany'. In: Börsch-Supan, A. and C. Coile (eds.), *Social Security Programs and Retirement around the World: Reforms and Retirement Incentives*, University of Chicago Press, pp. 175-226

**Börsch-Supan, Axel; Kutlu-Koç, Vesile; López-Falcón, Diana** (2023): 'Short-time Employment Aid during the COVID-19 Lockdown: Short- and Longrun Effectiveness'. In: Börsch-Supan, Axel; Abramowska-Kmon, Anita; Andersen-Ranberg, Karen; Brugiavini, Agar; Chłóń-Domińczak, Agnieszka; Jusot, Florence; Laferrère, Anne; Litwin, Howard; Smolić, Šime; Weber, Guglielmo (eds.): *Social, Health, and Economic Impacts of the COVID-19 Pandemic and the Epidemiological Control Measures*. Berlin: de Gruyter, pp. 141-148. <https://doi.org/10.1515/9783111135908-013>

**Gruber, Stefan; Atzendorf, Josefine** (2023): 'Developments in Feelings of Loneliness and Depression among Older Adults in Europe and Israel during the Pandemic'. In: Börsch-Supan, Axel; Abramowska-Kmon, Anita; Andersen-Ranberg, Karen; Brugiavini, Agar; Chłóń-Domińczak, Agnieszka; Jusot, Florence; Laferrère, Anne; Litwin, Howard; Smolić, Šime; Weber, Guglielmo (eds.): *Social, Health, and Economic Impacts of the COVID-19 Pandemic and the Epidemiological Control Measures*. Berlin: de Gruyter, pp. 77-84. <https://doi.org/10.1515/9783111135908-007>

**Hannemann, Tessa-Virginia; Mendoza-Jiménez, Maria-Jose; Atzendorf, Josefine** (2023): 'Precautionary Behaviour and Behavioural Risk Factors during the COVID-19 Pandemic: Evidence from the Second SHARE Corona Survey'. In: Börsch-Supan, Axel; Abramowska-Kmon, Anita; Andersen-Ranberg, Karen; Brugiavini, Agar; Chłóń-Domińczak, Agnieszka; Jusot, Florence; Laferrère, Anne; Litwin, Howard; Smolić, Šime; Weber, Guglielmo (eds.): *Social, Health, and Economic Impacts of the COVID-19 Pandemic and the Epidemiological Control Measures*. Berlin: de Gruyter, pp. 95-110. <https://doi.org/10.1515/9783111135908-009>

**Schumacher, Alexander; Bethmann, Arne** (2023): 'Financial Hardship during the COVID-19 Pandemic'. In: Börsch-Supan, Axel; Abramowska-Kmon, Anita; Andersen-Ranberg, Karen; Brugiavini, Agar; Chłóń-Domińczak, Agnieszka; Jusot, Florence; Laferrère, Anne; Litwin, Howard; Smolić, Šime; Weber, Guglielmo (eds.): *Social, Health, and Economic Impacts of the COVID-19 Pandemic and the Epidemiological Control Measures*. Berlin: de Gruyter, pp. 231-241. <https://doi.org/10.1515/9783111135908-022>

## ARTICLES IN NON-REFEREED VOLUMES AND OTHER PUBLICATIONS

**Atzendorf, Josefine; Gerum, Magdalena; Yilmaz, Yasemin** (2022): 'Pandemie, Tod und Psyche – Welche Emotionen erleben Ältere bei Todesfällen in ihrem sozialen Umfeld aufgrund Covid-19?'. In: Sandra Strauss, Tommy Schwarwel (eds.): *nichtgesellschaftsfähig – Tod, Verlust, Trauer und das Leben*, Glücklicher Montag, Leipzig

**Atzendorf, Josefine; Kuitunen-Paul, Sören; Hannemann, Tessa-Virginia**

(2021): ‚Rauchen Sie noch oder dampfen Sie schon? Vergleich des Anteils an E-Zigarettenkonsument\*innen in den älteren Bevölkerungsgruppen in 26 europäischen Ländern und Israel – Daten aus dem SHARE Survey von 2019/2020 (8. Welle) [Are you still Smoking or already Vaping? Comparison of the Share of E-cigarette Users in the Older Population Groups in 26 European Countries and Israel – Data from the SHARE Survey from 2019/2020 (8th wave)]‘. In: Stöver, Heino (ed.): *Tobacco Harm Reduction – Neue Raucherentwöhnungsstrategien*, Fachhochschulverlag, Frankfurt

**Bergmann, Michael; Bethmann, Arne**

(2021): ‘Sampling Design in SHARE Wave 8 and Recruitment of Refreshment Samples until the Suspension of Fieldwork’. In: Bergmann, Michael; Börsch-Supan, Axel (eds.): *SHARE Wave 8 Methodology: Collecting Cross-National Survey Data in Times of COVID-19*, pp. 23-30, Munich Center for the Economics of Aging (MEA), Munich

**Bergmann, Michael; Bethmann, Arne**

(2021): ‘Sampling for the First SHARE Corona Survey after the Suspension of Fieldwork in Wave 8’, In: Bergmann, Michael; Börsch-Supan, Axel (eds.): *SHARE Wave 8 Methodology: Collecting Cross-National Survey Data in Times of COVID-19*, pp. 149-151, Munich Center for the Economics of Aging (MEA), Munich

**Bergmann, Michael; Börsch-Supan, Axel**

(2021): ‘SHARE Wave 8 Methodology: Collecting Cross-National Survey Data in Times Of COVID-19’. In: Bergmann, Michael; Börsch-Supan, Axel (eds.): *SHARE Wave 8 Methodology: Collecting Cross-National Survey Data in Times of COVID-19*, pp. 15-19, Munich Center for the Economics of Aging (MEA), Munich

**Börsch-Supan, Axel; Ferrari, Irene**

(2021): ‘Saving Regret’. In: Bergmann, Michael; Börsch-Supan, Axel (eds.): *SHARE Wave 8 Methodology: Collecting Cross-National Survey Data in Times of COVID-19*, pp. 47-48, Munich Center for the Economics of Aging (MEA), Munich

**Hannemann, Tessa-Virginia**

(2021): ‘Data Quality Back-checks in the Regular SHARE Wave 8’. In: Bergmann, Michael; Börsch-Supan, Axel (eds.): *SHARE Wave 8 Methodology: Collecting Cross-National Survey Data in Times of COVID-19*, pp. 126-131, Munich Center for the Economics of Aging (MEA), Munich

**Herold, Imke; Petinicchi, Yuri;**

**Schmidutz, Daniel** (2021): ‘Harmonising Record Linkage Procedures in SHARE’.

In: Bergmann, Michael; Börsch-Supan, Axel (eds.): *SHARE Wave 8 Methodology: Collecting Cross-National Survey Data in Times of COVID-19*, pp. 195-199, Munich Center for the Economics of Aging (MEA), Munich

**López-Falcón, Diana**

(2021): ‘SPLASH – A Social Policy Archive for SHARE’. In: Bergmann, Michael; Börsch-Supan, Axel (eds.): *SHARE Wave 8 Methodology: Collecting Cross-National Survey Data in Times of COVID-19*, pp. 201-205, Munich Center for the Economics of Aging (MEA), Munich

**Sand, Gregor** (2021): 'Fieldwork Monitoring and Survey Participation in the Regular SHARE Wave 8'. In: Bergmann, Michael; Börsch-Supan, Axel (eds.): *SHARE Wave 8 Methodology: Collecting Cross-National Survey Data in Times of COVID-19*, pp. 67-125, Munich Center for the Economics of Aging (MEA), Munich

**Sand, Gregor** (2021): 'Fieldwork Monitoring and Survey Participation in the First SHARE Corona Telephone Survey'. In: Bergmann, Michael; Börsch-Supan, Axel (eds.): *SHARE Wave 8 Methodology: Collecting Cross-National Survey Data in Times of COVID-19*, pp. 163-172, Munich Center for the Economics of Aging (MEA), Munich

**Scherpenzeel, Annette; Angleys, Nora; Franzese, Fabio; Weiss, Luzia** (2021): 'Measuring physical activity in SHARE: The SHARE accelerometer study'. In: Bergmann, Michael; Börsch-Supan, Axel (eds.): *SHARE Wave 8 Methodology: Collecting Cross-National Survey Data in Times of COVID-19*, pp. 183-193, Munich Center for the Economics of Aging (MEA), Munich

**Scherpenzeel, Annette; Angleys, Nora; Franzese, Fabio; Weiss, Luzia** (2021): 'Asking for Participation in the SHARE Accelerometer Study'. In: Bergmann, Michael; Börsch-Supan, Axel (eds.): *SHARE Wave 8 Methodology: Collecting Cross-National Survey Data in Times of COVID-19*, pp. 56-57, Munich Center for the Economics of Aging (MEA), Munich

**Scherpenzeel, Annette; Tony Philip, Jeny** (2021): 'Time Expenditure'. In: Bergmann, Michael; Börsch-Supan, Axel (eds.): *SHARE Wave 8 Methodology: Collecting Cross-National Survey Data in Times of COVID-19*, pp. 49-55, Munich Center for the Economics of Aging (MEA), Munich

**Wagner, Melanie** (2021): 'Introduction to Questionnaire Innovations'. In: Bergmann, Michael; Börsch-Supan, Axel (eds.): *SHARE Wave 8 Methodology: Collecting Cross-National Survey Data in Times of COVID-19*, pp. 33-34, Munich Center for the Economics of Aging (MEA), Munich

**Wagner, Melanie; Douhou, Salima** (2021): 'Cognitive Measures'. In: Bergmann, Michael; Börsch-Supan, Axel (eds.): *SHARE Wave 8 Methodology: Collecting Cross-National Survey Data in Times of COVID-19*, pp. 43-46, Munich Center for the Economics of Aging (MEA), Munich

**Yilmaz, Yasemin; Wagner, Melanie; Börsch-Supan, Axel** (2021): 'SHARE COVID-19 Questionnaire'. In: Bergmann, Michael; Börsch-Supan, Axel (eds.): *SHARE Wave 8 Methodology: Collecting Cross-National Survey Data in Times of COVID-19*, pp. 153-155, Munich Center for the Economics of Aging (MEA), Munich

## MEA DISCUSSION PAPERS

02-2022

**Rausch, Johannes:** 'Einkommensheterogenität und Rentenprognosen Weiterentwicklung eines Rentensimulationsmodells und ausgewählte Anwendungen [Income heterogeneity and pension forecasts - extension of a pension simulation model and selected applications]'

01-2022

**Bakota, Ivo; Kredler, Matthias:** 'Continuous-time speed for discrete-time models: A Markov-chain approximation method'

07-2021

**Bergmann, Michael; Hannemann, Tessa-Virginia; Bethmann, Arne; Schumacher, Alexander:** 'Determinants of SARS-CoV-2 vaccinations in the 50+ population'

06-2021

**Bucher-Koenen, Tabea; Ferrari, Irene; Pettinicchi, Yuri:** 'Pension knowledge and the effectiveness of pension reforms'

05-2021

**Sand, Gregor; Bristle, Johanna:** 'The Relationship of Threat Perceptions and Optimistic Attitude with Protective Behavior in the COVID-19 Crisis'

04-2021

**Atzendorf, Josefine; Gruber, Stefan:** 'The mental well-being of older adults after the first wave of COVID-19'

03-2021

**Bergmann, Michael; Wagner, Melanie:** 'Caregiving and care receiving across Europe in times of COVID-19'

02-2021

**Börsch-Supan, Axel; Bucher-Koenen, Tabea; Goll, Nicolas; Hanemann, Felizia:** 'Targets missed: Three case studies exploiting the linked SHARE-RV data - An updated version based on the new law on supplemental pension benefits from January 1<sup>st</sup> 2021 ("Grundrentengesetz")'

01-2021

**Börsch-Supan, Axel; Rausch, Johannes:** 'Lassen sich Haltelinien, finanzielle Nachhaltigkeit und Generationengerechtigkeit trotz der Corona-Pandemie miteinander verbinden? [Can Stop Lines, Financial Sustainability and Generational Equity be combined despite the Corona Pandemic?]'

## OTHER DISCUSSION PAPERS

**Atzendorf, Josefine; Gruber, Stefan** (2021): *The Mental Well-being of Older Adults after the First Wave of COVID-19*, SHARE Working Paper Series, 63-2021, SHARE-ERIC. <https://doi.org/10.17617/2.3292887>

**Bergmann, Michael; Franzese, Fabio; Schrank, Francesca** (2022): *Determinants of Consent in the SHARE Accelerometer Study*, SHARE Working Paper Series 78-2022, SHARE-ERIC. <https://doi.org/10.17617/2.3372782>



**Bergmann, Michael; Hannemann, Tessa-Virginia; Bethmann, Arne; Schumacher, Alexander** (2021): *Determinants of SARS-CoV-2 Vaccinations in the 50+ Population*, SHARE Working Paper Series, 72-2021, SHARE-ERIC. <https://doi.org/10.17617/2.3345550>

**Bergmann, Michael; Kneip, Thorsten; De Luca, Giuseppe; Scherpenzeel, Annette** (2022): *Survey participation in the Eighth Wave of the Survey of Health, Ageing and Retirement in Europe (SHARE)*. Based on Release 8.0.0., SHARE Working Paper Series 81-2022, SHARE-ERIC. <https://doi.org/10.17617/2.3390284>

**Bergmann, Michael; Wagner, Melanie** (2023): *Back to Normal? The Health Care Situation of Home Care Receivers across Europe during the COVID-19 Pandemic and its Implications on Health*. medRxiv. <https://doi.org/10.1101/2023.06.01.23290847>

**Berngruber, Anne; Bethmann, Arne** (2022): *Generational Patterns of Transitions into Adulthood across Europe – It's Complicated*, SHARE Working Paper Series 80-2022, SHARE-ERIC. <https://doi.org/10.17617/2.3386651>

**Farbmacher, Helmut; Tauchmann, Harald** (2021): *Linear fixed-effects estimation with non-repeated outcomes*, FAU Discussion Papers in Economics, No. 03/2021, Friedrich-Alexander-Universität Erlangen-Nürnberg, Institute for Economics, Nürnberg

**Herold, Imke; Bergmann, Michael; Bethmann, Arne** (2023): *Trust in Surveys, Income Non-Response and Linkage Consent – the SHARE Perspective*. SocArXiv. <https://doi.org/10.31235/osf.io/3dxqu>

## 6 HONOURS, AWARDS AND APPOINTMENTS

*Börsch-Supan, Axel*  
Seneca-Medal for Aging Research, 2021

*Farbmacher, Helmut*  
Professor of Applied Econometrics, TUM School of Management, Technical University of Munich, 2021

*Méango, Romuald*  
Associate Professor and Tutorial Fellow, Department of Economics, University of Oxford and Christ Church, 2021

## 7 PUBLIC POLICY ADVICE AND MEDIA IMPACT

Since it was launched in Mannheim in 2001 and after being part of the Max Planck Institute for Social Law and Social Policy for almost 12 years, MEA has become well-established as a nationally and internationally renowned competence center for issues relating to population aging from the perspectives of economics and economic policy. This has given rise to numerous inquiries for scientific advice on policy matters in Germany (member and chair of the Scientific Advisory Board at the Federal Ministry for Economic Affairs and Energy; advisory support to the Federal President as well as the Federal Ministers of Finance, of Labor and Social Affairs, and of the Inte-

rior). MEA has also been successful in providing expertise for evidence-based policy making on the international level, often based on SHARE data. This work was particularly tailored to the European Commission, specifically the Directorate General for Employment, Social Affairs and Inclusion (DG EMPL). SHARE is also intensely used by the Organisation for Economic Cooperation and Development (OECD) and the World Health Organization (WHO), supported through consultancies by Axel Börsch-Supan.

Work by the MEA research units 'Old Age Provision and Social Policy' and 'Life-cycle Decisions' provided the groundwork for Axel Börsch-Supan's contributions as a member of the Committee on 'Understanding the Aging Workforce and Employment at Older Ages', installed by the U.S. Senate and based at the U.S. National Academies of Science, Engineering and Medicine in Washington, DC. Axel Börsch-Supan is also a member of the Global Council on Aging and the Global Council on Social Security advising the World Economic Forum. He is member of the MacArthur Network on Aging Societies which aims 'to help the [US American] nation prepare for the challenges and opportunities posed by an aging society'. In 2021, Axel Börsch-Supan was member of the 'Commission d'experts sur les grands défis économiques' (Commission of Experts for Great Economic Challenges) by the French President Emmanuel Macron and led the working group that offered advice on aging societies, healthcare reform and the challenges of migration. Börsch-Supan also has been a member of the Trans-Atlantic Platform (T-AP) for Social Sciences and Humanities in order to advise the European Commission and the National Research Councils

how to respond to the COVID-19 crisis based on SHARE evidence.

## 7.1 PUBLISHED EXPERTISES

Expertises have been published under the authorships of the Macron Commission and the Scientific Advisory Board at the German Federal Ministry of Economic Affairs and Climate Protection.

## 7.2 ADVISORY COUNCILS

*Börsch-Supan, Axel*

Member of the 'Commission d'experts sur les grands défis économiques' (*Commission of Experts for Great Economic Challenges*) of the French President Emmanuel Macron

Member (and former chairman) of the Scientific Advisory Council at the German Federal Ministry of Economics and Energy (BMWi)

Standing Committee 'Aging and Fertility' of the German National Academy of Sciences Leopoldina

MacArthur Foundation 'Aging Societies Network'

Research Council, Deutsche Bundesbank

World Health Organization, Advisory Committee on Active Ageing

World Economic Forum, Global Council on Ageing

World Economic Forum, Global Council on Social Security

## 8 COOPERATIONS

One of the hallmarks of MEA is its global network of international project partners. In the sequel, we only list the projects. Involved countries include all EU member states, UK, Switzerland, Israel, Egypt, South Africa, India, China, Korea, Japan, US, Canada, and Mexico.

- The SHARE Project Cooperation Partners ('Share Family')
- SHARE-COVID19 Project Cooperation Partners
- Global Network Of Ageing Surveys: SHARE Global Sister Studies
- SHARE-Cohesion Project Cooperation Partners
- SHARE-HCAP (Harmonized Cognitive Assessment Protocol) Project Cooperation Partners
- Social Sciences and Humanities Open Cloud (SSHOC) - Integrating The Social Sciences and Humanities Into the European Open Science Cloud
- The ERIC Forum
- SHARE Germany
- NBER International Social Security Project
- NBER International Long-Term Care Project
- Aging Societies Network
- Committee of The U.S. National Academy Of Science, Engineering And Medicine On Understanding The Aging Workforce and Employment at Older Ages
- BB-Future Project Cooperation Partners
- Al-Seha: Survey of Health and Aging in Egypt

## 9 THIRD PARTY FUNDING

*2018 – 2024: **Internationale Koordination des Survey of Health, Ageing and Retirement in Europe***, Bundesministerium für Bildung und Forschung, €7,169,299

*2019 – 2021: **'Fortführung der deutschen SHARE-Befragung als DFG-Langfristvorhaben'***, Deutsche Forschungsgemeinschaft, €5,331,926 (über Technische Universität München)

*2020 – 2021: **SHARE Main data collection of Wave 8 VS 2020/0313***, European Commission, DG Employment; €1,199,999 (total SHARE-ERIC); €162,970 (MEA)

*2019 – 2022: **SHARE-RV***, Deutsche Rentenversicherung Bund, €249,900

*2019 – 2022: **Social Sciences & Humanities Open Cloud SSHOC - Project n° 823782***, H2020 European Commission; €981,209 (total SHARE-ERIC); €768,359 (MEA)

*2019 – 2023: **Cohesion in further developing and innovating SHARE across all 28 member countries, SHARE COHESION - Project n° 870628***, H2020 European Commission; €4,963,432 (total SHARE ERIC); €784,696 (MEA)

*2019 – 2022: **ERIC Forum Implementation Project, ERIC Forum – Project n°823798***, H2020 European Commission; €106,250 (SHARE-ERIC)

*2016 – 2021: Enhancing the Comparability of the Survey of Health, Ageing and Retirement in Europe (SHARE) with the Health Retirement Study (HRS) and the English Longitudinal Study of Ageing (ELSA)*, National Institutes of Health, \$2,049,870

*2016 – 2021: The Baltic Sea States Project*, Max Planck Society, €1,718,000

*2017 – 2022: Bio-Medical and Socio-Economic Precursors of Cognitive Decline in SHARE*, National Institutes of Health, \$4,114,023

*2020 – 2023: Non-intended health, economic and social effects of the COVID-19 epidemic control decisions: Lessons from SHARE (SHARE-COVID19 – Project n° 101015924 H2020)*, European Commission, €6,847,680 (total consortium) of which €2,508,233 SHARE-ERIC and €655,241 MEA

*2020 – 2021: 'Co-funding of fieldwork costs within EU-COM project 'Non-intended health, economic and social effects of the COVID-19 epidemic control decisions: Lessons from SHARE' (SHARE-COVID19) as part of the German SHARE Survey'*, Deutsche Forschungsgemeinschaft, €117,921 (through Technische Universität München)









## IV THE INSTITUTE



Dr. Julia Hagn

## 1 BOARD OF TRUSTEES AND SCIENTIFIC ADVISORY BOARD

### 1.1 RESEARCHING (IN) THE COVID-19 PANDEMIC

*Julia Hagn*

The Institute has been maintaining a fruitful dialogue with its Board of Trustees members for many years. In order to keep them informed about the Institute's research work during the coronavirus pandemic, a meeting of the Board of Trustees was held online in 2021.

Both directors gave the trustees an overview of changes in their departments. As Axel Börsch-Supan explained, the Department of Social Policy (MEA) had increasingly invested in public health research in the recent past. The life cycle perspective of the current research was also to be emphasised, which was reflected not least in the renaming of the 'Macroeconomics' unit to 'Life Cycle Decisions' unit. Relevant research topics in the Department of Social Policy included the link between population ageing and inflation, the abolition of the supplementary income limit for retirees, and the significance of traumatic experiences for integration using the example of Syrian refugees. Börsch-Supan also provided information on the structural changes at the Institute associated with his upcoming retirement into emeritus status.

Ulrich Becker, Director of the Social Law Department, explained that the coronavirus pandemic had not only challenged but also fuelled staff by opening up new research questions. Crisis-related questions had arisen in various areas: in cat-

egorising the measures to combat the pandemic and their significance for understanding the market economy, as well as with regard to the future of the EU and the specific structure of the welfare state. In particular, the topics of 'social security for the self-employed in Europe' and 'basic security' had now gained full attention. Becker also emphasised that his monograph on social compensation law, published in as early as 2018, had become very topical due to the pandemic.

Anika Seemann then presented the project 'Protecting Livelihoods in the COVID-19 Crisis' (see II.2.3.1) of the Social Law Department, which looks at the social policy measures to cushion the economic hardships of the crisis in selected Western European welfare states. The aim of the study was to categorise the large number of crisis measures in terms of social law and to understand what impact the crisis could have on Europe's welfare states. The researchers involved analysed whether states were able to fall back on existing social policy instruments or introduced new ones, and how these instruments interacted. It was of particular interest to find out who the existing and newly created measures reached during the crisis and which groups remained without social protection, at least temporarily. Using the examples of Germany, Great Britain, France, Italy and Denmark, it was possible to analyse the crisis instruments in the light of different institutional frameworks.

In the lively discussion that followed, Monika Queisser, Chairwoman of the Board of Trustees, enquired whether the welfare state had a greater responsibility in the coronavirus crisis towards

the people suffering directly from the lockdowns than had been the case in other crises. Further, it would be interesting to look at the implementation of the measures, particularly with regard to the question of whether the aid reached those affected and, if there were deficits in this area, whether administrative problems were primarily responsible for this or whether there were also legal difficulties.

Joachim Breuer pointed out that the crisis had been tackled internationally on two levels: on the one hand, social protection had been extended through legislative changes, as was the case in Spain, for example; and on the other, the state had used existing structures, as in Russia, to provide compensation. In this context, he was particularly interested in newly created measures that are likely to remain in place after the crisis. Joachim Lemppenau, on the other hand, was concerned with the question of whether social protection problems revealed by the pandemic, for example among the self-employed, were being addressed within the framework of social insurance or whether a special state solution was being created. Doris Pfeiffer, Chairwoman of the Board of the National Association of Statutory Health Insurance Funds (*GKV-Spitzenverband*), in turn addressed the issue of so-called rescue packages for healthcare institutions and discussed whether their financing should be seen as a task for society as a whole in terms of infection protection.

Vesile Kutlu Koc, researcher at the socio-political department (MEA), also presented a project from current coronavirus research. The following research questions were investigated: Who was

affected by short-time working contracts during the coronavirus lockdown? Were these persons previously unemployed or did they belong to other precarious groups? Was the loss of earnings compensated for by state subsidies such as short-time working allowance, and who benefited most from this?

For the study, data on working hours and financial support was collected from SHARE Wave 8, differentiated by type of industry, type of employment and socio-economic characteristics of the respondents. According to Kutlu Koc, these individual pieces of information had been combined with aggregated data at country level, e.g. policy measures. Analysing the data showed the following results, among others: Firstly, there was a significant age effect. The probability of reducing hours was higher up to the age of 60 and decreased thereafter. Groups with a medium income were more likely to reduce their working hours or become unemployed than groups with a low or high income. On the other hand, low-income groups did not benefit at all from the short-time working allowance, whereas the highest income percentile had the greatest benefit. The self-employed, on the other hand, were more likely to receive benefits than employees in the private sector. In response to a question from Monika Queisser, Kutlu Koc added that, compared to the healthcare sector, employees in the manufacturing industry, wholesale and retail, and the hotel and catering industry had received more aid due to special regulations. Axel Börsch-Supan also emphasised that the key result, namely the regressiveness of the measures, remained the same even when differentiated by sector.

Despite the limitations of an online format, it was a fruitful meeting in which the members of the Board of Trustees once again offered valuable advice and suggestions with a view to the Institute.

## 1.2 MEMBERS OF THE BOARD OF TRUSTEES

### **Dr. Marc Beise**

Italy Correspondent of *Süddeutsche Zeitung*

Dr. Marc Beise studied law and economics and received a doctorate in Law, after joining the DFG research group 'Europäische und Internationale Wirtschaftsordnung' ('European and international economic order'). He worked as an editor for the German newspapers *Offenbach-Post*, *Handelsblatt* and *Süddeutsche Zeitung* where he headed the business editorial department from 2007-2022. For the same newspaper Beise now works as Italy correspondent.

### **Prof. Dr. Joachim Breuer**

Managing Director of the German Social Accident Insurance (retired), President of the International Social Security Association

Until June 2019, Prof. Dr. Joachim Breuer served as Director General of the German Social Accident Insurance (DGUV), an umbrella organisation for trade associations and accident insurers. In addition, he was president of the International Social Security Association (ISSA) from 2016 to 2022. Breuer was also appointed to the University of Lübeck in 2018, where he holds the Chair of Insurance Medicine. Moreover, he was awarded the Order of Merit of

the Federal Republic of Germany in the context of his activity with the CNS - Hannelore Kohl Foundation. In November 2023, he was elected Chairman of the Supervisory Board of Vivantes, a municipal hospital operator. network

### **Dr. Daniel Deckers**

Senior Editor of the Editorial Department 'Die Gegenwart' at *Frankfurter Allgemeine Zeitung*

Daniel Deckers received his doctorate degree at the Philosophical-Theological University of Sankt Georgen in Frankfurt am Main in 1991 for his paper on the works and teachings of justice of Francisco de Vitoria. Afterwards, he worked as a research assistant in Freiburg, before eventually starting to write for a variety of newspapers and journals such as *Frankfurter Allgemeine Zeitung*, where he is, today, responsible for the department 'Die Gegenwart'.

### **Georg Fischer**

Director for Social Affairs, DG for Employment, Social Affairs and Inclusion, European Commission (retired)

Until his retirement in summer 2017, Georg Fischer served as Director for Social Affairs at the European Commission, DG for Employment, Social Affairs and Inclusion in Brussels. Previously, he had been part of the Organisation for Economic Co-operation and Development (OECD), where he focused on labour and social policy issues in transition countries; he also worked for the Austrian Ministry of Labour as well as for the Cabinet of the Finance Minister.

**Prof. Dr. Herbert Henzler**

Herbert Henzler Beratungs- und Beteiligungs GmbH

Herbert Henzler is the owner of Herbert Henzler Beratungs- und Beteiligungs GmbH. Previously, he had worked, among other things, as a management consultant at McKinsey, where he was appointed 'European Chairman' in 1999. Between 2004 and 2009, Henzler was Chairman of the Scientific-Technical Advisory Board of the Bavarian State Government (WTB). Furthermore, he served as Chairman of the Advisory Board for Credit Suisse (Germany) and was a Senior Advisor for the Credit Suisse Group. Since 2012 he has been working as a consultant at Moelis & Company investment bank.

**Dr. Joachim Lemppenau †**

Chairman of Voestalpine AG

Until 2017, Dr. Joachim Lemppenau had been Chairman of the Supervisory Board of IDEAL Versicherungsgruppe. Among the numerous positions he held during his career was also that of Chairman of the Board of Management of Volksfürsorge Versicherungsgruppe AG. Most recently, Lemppenau served as Chairman of Voestalpine AG. Joachim Lemppenau died in September 2022.

**Dr. Doris Pfeiffer**

Chair of the Board at the National Association of Statutory Health Insurance Funds (GKV) in Germany

After finishing her studies in economics, Dr. Doris Pfeiffer received the title Dr. rer. pol. in 1989. From 1992 to 2007 she served at Arbeiter-Ersatzkassen-Verband e.V. (AEV) as research assistant,

Head of Department and, eventually, Chairwoman. Afterwards, she has been Chairwoman at GKV Spitzenverband in Berlin. Additionally, she has been giving lectures at Jade University of Applied Sciences in Oldenburg.

**Dr. Monika Queisser**

Head of the Department of Social Policy at the OECD

Dr. Monika Queisser is the Head of the Social Policy Division at the OECD where she supervises and coordinates the work on social protection, social indicators, pensions, affordable housing, family and LGBTI policies. Previously she had worked at the ifo Institute in Munich and as a member of the pensions and insurance group in the Financial Sector Development Department at the World Bank in Washington D.C. She has been part of the OECD since 1997 and, in 2007 and 2008, worked as an adviser to the OECD Secretary-General.

**Gundula Roßbach**

President of the German Pension Insurance Association, Berlin

Having finished her studies in law, Gundula Roßbach served as a social policy advisor for the Landkreistag Brandenburg. Subsequently, she worked for several departments of the former BfA (Federal Insurance Office for Employees). After two further positions in her career, she joined the German Pension Insurance Berlin-Brandenburg in 2006 and became its First Director in 2009. Roßbach is member of the Board of Directors of the German Pension Insurance Association since 2014 and took over office as its President three years later.

**Prof. Dr. Franz Ruland**

Chair of the German Social Advisory Council (retired)

After his habilitation, Prof. Dr. Franz Ruland initially worked as Head of the Legal Department at the Union of German Annuity Assurance Institutions (VDR), before he took over management in 1992. In this function, he served as a member of various governmental commissions between 1992 and 1995. After his retirement in 2006, he was awarded the Grand Cross of the Order of Merit of the Federal Republic of Germany for his exceptional vocational and academic contributions. Until 2013, he also served as Chairman of the Social Advisory Board of the Federal Government.

**Prof. Dr. Rainer Schlegel**

President of the German Federal Social Court

Following studies in law and an academic position at the University of Tübingen, Prof. Dr. Rainer Schlegel started working as a judge at the Social Court in Stuttgart in 1987. Between 1991 and 1996, he was seconded several times to the Federal Social Court as a research assistant. In 1997, Schlegel was appointed judge at the Federal Social Court. From 2010 to 2013, he was Head of the Department of Labour Law and Labour Protection at the Federal Ministry for Labour and Social Affairs. He was first elected Vice President of the Federal Social Court in 2014, before becoming its President two years later.

**1.3 MEMBERS OF THE SCIENTIFIC ADVISORY BOARD****Prof. Dr. Viola Angelini**

University of Groningen, the Netherlands

Prof. Viola Angelini holds a Professorship in the Economics of Household Behaviour at the Faculty of Economics and Business of the University of Groningen where she also serves as Research Director since 2021. Her fields of interests encompass applied microeconometrics, household saving and consumption behaviour, and health economics.

**Prof. Catherine Sarah Barnard, PhD (until 2022)**

University of Cambridge, UK

Prof. Catherine Sarah Barnard is Professor of European and Employment Law at the Trinity College of the University of Cambridge. Her research interests include European Union law, labour and discrimination law, as well as competition law.

**Prof. Dr. Richard Blundell**

University College London, United Kingdom

Prof. Sir Richard Blundell holds the David Ricardo Chair of Political Economy at the Department of Economics of University College London. He is founding Director of the ESRC Centre for the Microeconomic Analysis of Public Policy at the Institute for Fiscal Studies. His research interests include econometrics, microeconomics, consumer behaviour and labour economics. Blundell has been awarded Honorary Doctorates from seven universities around



Europe and has received several prizes for his research activities, among others the 2000 Frisch Prize, the 2016 Erwin Plein Nemmers Prize in Economics and the 2020 Jacob Mincer Prize. He was knighted in 2014 for his services to economics and social science.

**Prof. Dr. Hans Fehr**

Julius Maximilian University Würzburg, Germany

Prof. Hans Fehr holds the Chair of Public Finance at Julius Maximilian University Würzburg. His research focuses on the economics of demographic transition, tax and pension reforms in dynamic CGE models and computational economics. Fehr held visiting professorships at UNSW Sydney, Boston University and the University of Innsbruck.

**Prof. Dr. Elias Felten**

Johannes Kepler University Linz, Austria

Prof. Elias Felten is Professor of Labour Law and Social Security at the Paris Lodron University of Salzburg since fall 2022. Before, he served as head of the Department of Labour Law and Social Security Law at the Johannes Kepler University of Linz. His expertise covers Austrian social insurance law and European social security law as well as labour and anti-discrimination law.

**Prof. Kristina Koldinská, PhD**

Charles University, Czech Republic

Prof. Kristina Koldinská holds a Professorship at the Faculty of Law of Charles University Prague. Her research interests include social security law, EU social law and the coordination of social security in the EU.

**Prof. Dr. Maarten Lindeboom (until 2022)**

VU University, Amsterdam, the Netherlands

Prof. Maarten Lindeboom is Professor of Economics and head of the Department of Economics at the University of Amsterdam, Netherlands. Moreover, he is editor of the Journal of Health Economics and held visiting professorships at the University of Michigan and the University of Bristol. In his research, he focuses on applied microeconomics in the field of health, labour and ageing.

**Prof. Dr. Stephan Rixen**

University of Cologne, Germany

Prof. Stephan Rixen holds the Chair for Public Law at the University of Cologne and is Director of its Institute for Constitutional Law as well as head of the Research Centre for Healthcare Law. His research interests include German and European social law, constitutional and public commercial law, and health law. In 2020 he was appointed to the German Ethics Council.

**Prof. Dr. Sophie Robin-Olivier (from 2023)**

University Paris 1 Panthéon-Sorbonne, France

Since 2011, Prof. Sophie Robin-Olivier is professor of Law at the University Paris 1, Ecole de droit de la Sorbonne. Her research interests encompass European law, international and European social law, comparative law, and the foundations of law.

**Prof. Dr. Margarete Schuler-Harms**

Helmut Schmidt University Hamburg,  
Germany

Prof. Margarete Schuler-Harms is a Professor for Public Law and, since 2022, Vice President for research at Helmut Schmidt University Hamburg. Her expertise ranges from media law to public family law and social insurance Law. In addition, Schuler-Harms serves as Deputy Judge at the Constitutional Court of Hamburg.

**Prof. Sarah Smith, PhD (until 2022)**  
**University of Bristol, UK**

Prof. Sarah Smith holds a Professorship at the University of Bristol where she headed the Economics Department until 2021. She is an applied microeconomist and has conducted research in the fields of public and labour economics and welfare reform, among others. More recently, she focused on pro-social behaviour and gender issues.

## 2 THE BALTIC SEA STATES PROJECT

The economic and socio-demographic developments occurring throughout Europe pose new social risks which threaten the livelihood of certain population subgroups. In recent years, the exposure to such risks has been aggravated by several crises such as the corona pandemic. The heterogeneity of the Baltic Sea States makes the identification of vulnerable groups and the analysis of contributing factors in welfare regimes challenging. The intricate nature of these phenomena is heightened by the interplay of less-explored determinants, including unintentional life course events, cognitive health, work experiences, and life experiences.

The Baltic Sea States Project therefore aims at shedding light on the under-explored, but highly relevant aspects of vulnerability with a particular focus on the population in Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland, the Russian Federation and Sweden. Additionally, Iceland and Norway are considered as they form part of Northern Europe and the Nordic welfare model. The project is funded by the Max Planck Society and the *Stifterverband für die Deutsche Wissenschaft* (Donors' Association for German Science) and developed in collaboration with the Max Planck Institute for Demographic Research in Rostock and the network Population Europe. In 2022, it was extended until the end of 2024. Since the Social Policy Department of the Institute ceased operations at the end of 2022, the majority of the research was concluded by then.

Departing from the central topic of vulnerability, the research was built on three main domains: working life and retirement, migration, and health. It used three main data sources: *The Survey of Health, Ageing and Retirement in Europe* (SHARE), the *Social Policy Archive for SHARE* (SPLASH), and its own data collection. The topics are examined from theoretical and empirical perspectives, which includes the improvement of existing methodologies and the use of combined sources.

The Department of Foreign and International Law focused its research on developments in retirement policies. Due to the severe reform pressure that states are faced with as a result of demographic change, pension schemes are unceasingly undergoing alterations, and different structural approaches are undertaken in order to address financial protection in old age. In this dynamic and complex context, carving out the plurality of legal backgrounds behind the different pension systems is crucial for understanding variations in old age income. The legal frameworks not only provide retirement ages and possibilities for early and deferred retirement, but also regulate pension levels and ultimately design the whole structure of the pension systems. In order to better understand the various systems of financial protection in old age, the Department engaged in the development of an analytical framework of pension policy to elaborate on the differences in the institutional structure of old age security across European countries and its legal foundations.

The product of this work is a newly developed systematisation of pension

policy, which provides a comprehensive and systematic legal framework for policy evaluation as it captures the multifaceted interplay of different pension schemes. This conceptual work on pension policy utilises categories from the field of social law and social policy (such as legal forms, functions, right to access, form of affiliation, as well as modes and sources of financing) in order to facilitate cross-comparative research on the consequences of different pension policies. On this basis, the project team collected data on 29 countries, including 8 countries forming part of the BSS Project (Denmark, Estonia, Finland, Germany, Poland, the Russian Federation, Sweden and Norway). The core element of each country report forms the so-called Pension Map that provides an easily understandable overview of the general structure of a national old age security system by picturing the analytical categories within a single image. Such an approach allows researchers and policy makers to easily identify the different institutional structures of old age security and how their varying policies create or alleviate social risks for pensioners/retirees (see II. 2.3.4).

The Department of Social Policy (MEA) in turn took a closer look at the interaction between work and health using SHARE data. The studies considered particularly the long-term consequences of recessions on health and the mediating effects of leaving the labour market early. The cross-national perspective on how employment decisions could result in higher levels of inequality and risk of exclusion in the long term were analysed as well. In terms of the BSS Project objectives, MEA was able to link economic and socio-demographic



Mona Röser

trends to subsequent challenges emerging in social policy. For instance, it was found that increasing the retirement age might have greater negative effects on individuals in physically demanding jobs, as they are more exposed to lower pension entitlements if forced into early retirement due to failing health.

SHARE also provided rich microdata for the study of the vulnerabilities of migrants. They allow in particular for the taking into account of the long-term consequences of migration and employment decisions from a cross-national perspective, including intergenerational relations and environments that might later affect cognitive and physical health. As elderly migrants are more likely to have worked a shorter time span in the host country and have a smaller family network, the risk of poverty and exclusion is compounded. Thus, these research lines remove the static framework, revealing the degree to which vulnerability can snowball over time, capturing the long-term embodiment of social vulnerability throughout one's life.

Moreover, within the BSS project, new methodologies have been developed to assess whether a population is vulnerable. For example, no direct test procedure existed to assess whether individuals choose their sector of activity based on the maximisation of their income (Roy model). In the project 'Sharp Bounds and Testability of a Roy Model of Science, Technology, Engineering and Mathematics (STEM) Major Choices', MEA developed a respective testing procedure based on covariate restrictions.

The most relevant results of the studies supported by the BSS Project will continue to be shared with the public as they are made available on the SPLASH Database, which is meanwhile hosted by the SHARE Berlin Institute.

### 3 GENDER EQUALITY

*Julia Hagn and Mona Röser*

Issues of equality, not only in terms of gender, but also with regard to nationality, religion, age and cultural origin, have for years been given great attention at the Institute. As a result of staff changes at the beginning of 2023, gender equality work has been intensified and partially reorganised. The former Deputy Equal Opportunities Officer, Julia Hagn, took over as 1st Equal Opportunities Officer following the departure of Afife Yilmaz; Mona Röser was appointed as the new Deputy on 1 April 2023. Together, they have been striving to establish equal opportunities work even more firmly at the Institute and have developed a new equal opportunities plan with corresponding measures, which will enter into force at the beginning of 2024.

As early as 2023, the Equal Opportunities Officers began organising Institute activities with gender aspects on specific occasions in order to increase gender awareness on the one hand, and, on the other, to foster the mutual exchange between the departments and, in some cases, connect with representatives of other institutions (e.g. Ludwig Maximilian University (LMU) Munich, and neighbouring MPIs). To mark the Women's Football World Cup



Members of Ludwig Maximilian University, including the Women's Representative of the Faculty of Law, watched the public screening of the European Women's Football Championship together with employees of the Institute.

in the summer, a lunchtime public screening of the South Korea-Germany match was organised at the Institute, which was attended by the Institute's management and over 30 guests as well as the Women's Representative of the LMU Faculty of Law. The great popularity of the event among participants led to the idea of a 'Power Hour', which is to be realised next year. In this event format, a scientific lecture by an excellent female scientist shall be followed by a discussion round, which will explicitly provide space for the speaker to share her experiences and recommendations for the career paths of young female scientists at the Institute.



After the public screening, Carla Schwarz talked about her everyday life as a young soccer player at FC Bayern.

The individual career advancement of young female scientists was also consistently promoted by the Institute's management during the reporting period. In particular, they were encouraged to apply for MPG programmes such as 'Sign Up!' and 'Minerva Fast Track' or external research funding programmes. One female scientist has been researching in a Minerva Fast Track position since 2021 with the aim of qualifying to lead a research group at the Institute. Another researcher was awarded an ERC grant in 2022. In addition, particularly talented doctoral students are taken on as postdocs and receive further support. The promotion of young researchers is also part of the close cooperation with Ludwig Maximilian University Munich (LMU). One female doctoral student, for example, was accepted into the LMU mentoring programme for young academics at the Faculty of Law; the systematic support of doctoral students was in this way continued. Female academics at the Institute have also taken part in career seminars organised by the Planck Academy over the past three years. The Equal Opportunities Officer is also available to them as a contact person if they have any questions or problems with their careers.

In addition, the Institute ensures that prestigious positions are also assumed by women and/or that women run for these positions if tendered out. In the past three years, the positions of Section Representative, Doctoral Student Representative and Ombudsperson have all or partly been held by women. The position of Max Planck Law Liaison Officer is also held by a woman, who in this function is also responsible for the

Institute's participation in the Minerva Law Network. Furthermore, female scientists are often given a leading role in scientific work. In the Social Policy Department, for example, seven of the ten postdocs responsible for research areas were women before the department ceased operations at the end of 2022. The W2 research group was also headed by a woman.

The Institute continues to support employees with children in organising childcare through a framework agreement with the 'Wichtelakademie' so that they can resume their work at the Institute as soon as possible and do not have to suffer a career setback due to having children. The Institute offers flexible working hours and the option of working from home in order to better reconcile professional and family commitments. In addition, care is taken to ensure that internal Institute appointments, lectures or other Institute events take place during core working hours wherever possible. During parental leave, employees remain involved in the life of the Institute by receiving information and invitations to events. The 'Career & Family Audit' logo used in job advertisements, for example, also visibly presents to the outside world the importance the Institute attaches to the compatibility of family and career.

As part of the relaunch of the Institute intranet, which was completed in summer 2023, care was also taken to ensure that equal opportunities work is prominently placed on the intranet and that all relevant information and documents such as the equal opportunities plan are included. This represents a huge improvement compared to the old



intranet, which did not allow for a separate section for information provided by the Equal Opportunities Officers. In addition, the Institute's own message board offers space to present news in the area of equal opportunities work in a more appealing way than before. The interactivity of MAX also enables quick feedback from colleagues.

In the future, the Equal Opportunities Officers will advocate in particular for improved monitoring of equal opportunities work and a stronger structural establishment of the Equal Opportunities Officers at the Institute.

#### 4 PUBLIC RELATIONS

*Julia Hagn*

Continuous media support was provided through the arrangement of interviews and the provision of information mate-

rial on a variety of research topics. As a result of these combined PR efforts, the Institute, its researchers and projects were often cited in all kinds of media formats (online, print, broadcast, TV). Research results were also disseminated via press releases, e.g. on pensions or the challenges of the Corona pandemic to the welfare state. Additional topics were covered through regular news on our website. Moreover, the social media channels (Institute/Social Law: Twitter and LinkedIn; MEA/SHARE: Twitter and Facebook) have regularly been fed with posts. Particularly the LinkedIn network has grown substantially in the past years, with almost 1,500 followers to date.

The MEA PR team also assisted MEA researchers with generating publicity for scientific research results by publishing and distributing the MEA Discussion Papers (9 during the reporting period) via the website, the Social Science Research Network (SSRN) and a regular newsletter. Likewise,



Who bears the responsibility for damage caused by extreme weather events? This question was actively discussed by Ernst Rauch, Chief Climate and Geo Scientist at Munich Re; Dr. Anne von Streit, scientist at the Department of Geography at LMU; Dr. Kai Warnecke, President of 'Haus & Grund Deutschland e.V.'; Dr. Juliane Thimet, Director and Deputy to the Executive Member of the Presidential Board, Bayerischer Gemeindetag; MPISOC director Prof. Ulrich Becker and moderator Britta Fecke (from left).

the Social Law Department draws on the Institute's website to disseminate its research published in paper series, notably the Working Papers Law and the Social Law Reports of which a total of 21 new volumes were issued during the reporting period. Moreover, in 2023, the Social Law Department started a new Research Paper Series at SRRN in which two ejournal issues have been published.

In terms of outreach activities, it has to be noted that due to the corona pandemic, events could often not take place as planned until 2022. However, the Institute's departments communicated their research to the broad public through a number of online presentations and, increasingly this year, also through on-site presentations. Supported by staff from the Social Law Department, Julia Hagn prepared – among other things like workshops – one online-meeting of the Board of Trustees, and a high-level lecture series on the 'Future of Welfare State Research'.

The first big on-site event since the start of the pandemic was an alumni meeting on the occasion of the 40th anniversary of the Institute (see II.2.6.2) in summer 2022, which was attended by former employees, guest researchers and friends of the Institute from all over the world. Moreover, in cooperation with Headquarters of the Max Planck Society (MPS), the Institute organised a Max Planck Forum in late 2022 focusing on questions of compensation in the event of floods and landslides which took place at Scholastika House in Munich. Representatives from politics, unions, insurance companies and academia discussed in particular who was to bear the responsibility for damage caused by

extreme weather. A video of the forum was made available on the youtube channel of the MPS.

A considerable share of MEA's PR activities was devoted to the European-wide longitudinal study Survey of Health, Ageing and Retirement in Europe (SHARE). Activities included, but were not limited to, media relations, the development and maintenance of the SHARE website (including multimedia content production) and several social media channels, the production and distribution of printed information materials for researchers, the summary and distribution of SHARE-based research findings, the production of respondent materials to be provided to the 28 SHARE country teams, as well as the production and distribution of several newsletters. MEA PR was further responsible for the documentation of SHARE-based publications, publishing the SHARE Working Paper Series and SHARE user statistics. In 2022, SHARE moved to Berlin where it was embedded in a collaboration of four leading research institutions: the WZB Berlin Social Science Center, the German Institute for Economic Research (DIW Berlin), the Charité – Universitätsmedizin Berlin and the German Centre of Gerontology – Deutsches Zentrum für Altersfragen (DZA).

In terms of infrastructure, the Institute engaged in a comprehensive relaunch of its intranet in 2023. It was managed by Julia Hagn with support from the Institute staff. The new intranet is part of the MPS-wide intranet MAX and thus integrated into the internal communication strategy of Headquarters, which creates numerous synergy effects. Furthermore, MAX renders processes at the Institute more efficient by providing digital forms,

for instance for ordering books and organising events. The mutual exchange between employees is also facilitated via a bulletin board and team rooms.

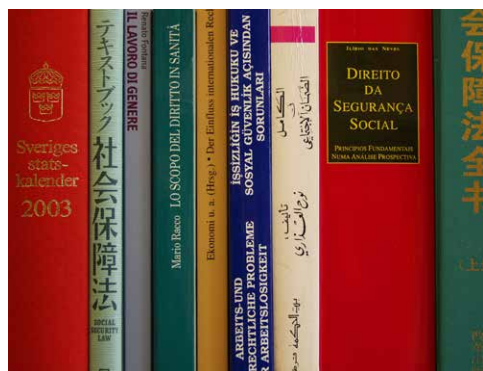
Last but not least, the responsibilities of Julia Hagn include the preparation of this Research Report.

## 5 INSTITUTE LIBRARY

*Henning Frankenberger*

### Library

The library of the Max Planck Institute for Social Law and Social Policy offers an outstanding collection of specialised literature on German, foreign and international social law and on international, European and German social policy. It is rated as the largest library worldwide for literature on social law and social policy. In addition to national and international constitutional and administrative law, European law as well as economic and public procurement law, the library also has a collection of works on mathematics, statistics, philosophy, sociology and the economic sciences.



The Institute's holdings comprise publications from more than 100 countries.

In August 2023, the Institute moved from Amalienstrasse to an interim location in the Hofgartenpalais. As the space for a complete library will only be available again after the Institute has relocated again, presumably in 2025, around two thirds of the holdings had to be stored in a repository. However, about one third of the holdings remain available for academic use. Moreover, library workstations at the neighbouring Max Planck Institute for Innovation and Competition will be shared until the move to the final premises has taken place.

### Holdings

The Institute holdings include monographs, commemorative publications, conference proceedings and other collective works, electronic and printed statutory material, databases, e-journals, e-books, periodicals as well as loose-leaf editions from over 100 countries. Beyond that, the library ensures prompt procurement of literature and documents with regard to material unavailable on the Institute premises, thus offering highly efficient research and working instruments for the scholars and guests of the Institute and for other academically interested users. The procurement service is a particular asset during the current transition period.

As part of the preparations for relocation, the library carried out a stock clearance. Outdated literature – in particular such as is not relating to the Institute's core research fields – was sorted out. This facilitated the move and reduced the costs for storage.

Currently, the library comprises around 120,000 volumes, consisting of some



Henning  
Frankenberger



Bianca  
Nicklisch



Heike  
Wunderlich



The team of the Institute's library (from left): Henning Frankenberger, Irina Neumann, Bianca Nicklisch, Heike Wunderlich, Katharina Jantschik and Rafael Fürnrohr.

19,000 bound journals and continuing sets. Current serial issues embrace 195 periodicals, among which 119 are German and 76 foreign, as well as international dailies and magazines. The library further holds 116 continuously updated loose-leaf collections, among which 109 are German and seven foreign.

### **Publication Management**

Publications by the Institute are collected and recorded by the library staff and made accessible through metadata in PuRe, the central publication repository of the Max Planck Society.

### **Library System and Catalogue**

The library uses the Aleph library system from ExLibris. This product is used by 42 libraries within the Max Planck Society. As the manufacturer has announced that it will no longer be developing the

software, there have been concrete plans for a successor solution for some time. The new system will be implemented in co-operation with other Max Planck Institutes.

### **Acquisitions**

In the last three years, the library has made around 4,000 new acquisitions. In addition to printed materials, additional databases, licences

and electronic journals were also acquired – in each case in accordance with the needs of the researchers.

### **Library Usage**

The library is a reference library and committed to the academic work of the Institute. In its old premises, until August 2023, it offered eleven workstations for guest scholars and other academically interested users. In the period under review, these workstations and the library holdings were used by 100 guests apart from the scholars of the Institute. The rather low number of guest users is owed to the coronavirus pandemic.

Currently, a few workstations for library users are offered in the Hofgartenpalais. In addition, five further permanent guest workstations can be used in the library of the Max Planck Institute for Innovation and Competition.

## Staff

During this reporting period there have been some staff changes. Mrs. Scalis left the Institute after decades of service in order to move back to her home region. In August 2021, Mr. Jonas Scheuerer joined the Institute, but unfortunately left again at the end of November 2021.

## 6 INFORMATION AND COMMUNICATION TECHNOLOGY

*Axel Römmelmayer and Ronny Lauenstein*

The existing IT infrastructure of the Institute for Social Law and Social Policy was serviced and regularly updated for everyday office needs during the reporting period. In addition, those responsible for the Institute's IT have increasingly improved the conditions for mobile working since the start of the coronavirus pandemic. As part of the system updates, the majority of existing office workstations were converted into mobile workplaces. A particular focus in this context was placed on the feasibility of using video conferencing systems, and these were regularly optimised.

The Institute's move to the new premises made it possible to outsource some IT server systems and resort to a greater extent to external and centralised services. When new systems were introduced, data protection (confidentiality, integrity, authenticity, availability) was always subjected to critical scrutiny. As a result, the IT Department revised existing data processing procedures and adapted them to the new conditions.

Until its closure at the end of 2022, the Social Policy Department (MEA) had its own IT unit, as MEA's research required special support in this regard. The unit was headed by Dr. Munir Salman until July 2021 and then taken over by Ahmad Abu Musa who had already been supporting the MEA-IT since November 2017.

## 7 PERSONALIA

### Scientific Members

Prof. Dr. Ulrich Becker, LL.M. (EHI)  
Managing Director

Prof. em. Axel Börsch-Supan, Ph.D.  
Emeritus

### 7.1 FOREIGN AND INTERNATIONAL SOCIAL LAW

#### Research Staff

Olga Chesalina, Kand. jur. Wiss. (Minsk)  
(until 12/2022)

Dr. Edoardo D'Alfonso Masarié (from  
4/2023)

Dr. Viona Deconinck (from 1/2022 until  
12/2023)

Dr. Irene Domenici (from 7/2023)

Dr. Linxin He (until 9/2022)

Ann-Kathrin Hinz (from 1/2022 until  
12/2023)

Dr. Eva Maria Hohnerlein

Dr. Constantin Hruschka (until 4/2021)

Sergio Mittlaender Leme de Souza, Ph.D

Prof. Dr. Hans-Joachim Reinhard

Dr. Simone M. Schneider

Dr. Anika Seemann

Nikola Wilman, LL.M., M.Jur. (until  
9/2022)



Axel  
Römmelmayer



Ronny  
Lauenstein





Dr. Veronika  
Ohliger



Christina  
McAllister



Lisa-Susann  
Gerstlauer



Irma Petraitytė-  
Lukšienė

## Doctoral Candidates

Madeleine Beul (from 5/2021)  
Irene Carlet (from 11/2021)  
Irene Domenici (until 6/2023)  
Franciska Engeser (until 10/2022)  
Christian Günther  
Boaz John Mabula (from 11/2021)  
Damiano Mascia (from 2/2022)  
Teodora Petrova (until 6/2022)  
Kristine Plank (until 12/2023)  
Mona Röser (from 2/2023)  
Tim Rohmann (until 12/2022)  
Roman Rick Sallaba (from 4/2022)  
Lauren Tonti (until 8/2022)  
Hao-Hao Wu (from 7/2023)

## Academic Assistants

Dominik Dorfner (until 3/2023)  
Andrea Dürr (until 6/2022)  
Madeleine Hammes (from 2/2022)  
Katharina Mayer (until 8/2022)  
David Preßlein  
Lisa Sweering (from 4/2022)  
Miruna-Stefania Tudose (from 8/2022)  
Hao-Hao Wu (until 6/2023)  
Adam Zacher (until 9/2023)

## Student Assistants

Mei Araki (from 7/2023)  
Helena Arndt (from 5/2022)  
Felix Deser  
David Desta  
Matthias Elbert  
Annabelle Friedrich (until 8/2023)  
Spela Hadalin (until 12/2021)  
Pia-Theresa Hinz  
Pauline Kargruber (until 6/2021)  
Timea Mihalicz (from 10/2023)  
Mona Röser (until 1/2023)  
Paul Schwarz (from 5/2023)  
Isabella Seidlitz (until 7/2023)  
Peter Spelda (from 10/2023)

Lisa Sweering (until 3/2022)  
Miruna-Stefania Tudose (until 7/2022)  
Chantal Urban (until 9/2022)  
Tim Wildermuth (until 8/2022)

## Science Manager to the Chair of the Human Sciences Section of the Max Planck Society

Dr. Veronika Ohliger (until 6/2022)

## Research Coordination and Science Communication

Dr. Julia Hagn

## Translation Services

Eva Lutz, M.A. (until 1/2021)  
Christina McAllister, M.A.

## Team Assistants

Laura Fehrmann  
Dr. Christoffer Leber (until 9/2021)  
Irma Petraitytė-Luksienė (from 12/2023)

## Secretariat

Lisa-Susann Gerstlauer (until 6/2022)  
Eva Simonis (from 7/2022 until 11/2022)  
Marietta Kremastioti (from 1/2023 until 6/2023)  
Mirjana Richter (from 7/2023 until 12/2023)

## 7.2 MUNICH CENTER FOR THE ECONOMICS OF AGING (MEA)/ MAX PLANCK EMERITUS GROUP

## Academic Coordinator

Dr. Thorsten Kneip



### **Social Policy and Old-Age Provision**

Dr. Johannes Rausch (Head of Unit, until 12/2022)  
 Dr. Nicolas Goll (until 12/2022)  
 Dr. Felizia Hanemann (until 12/2022)  
 Vesile Kutlu Koc, PhD (until 12/2021)  
 Dr. Elsa Perdrix (until 8/2021)  
 Luca Salerno, MSc (until 12/2022)

### **Life-Cycle Decisions**

Dr. Duarte Nuno Leite (Head of Unit, until 6/2021)  
 Ivo Bakota, PhD (until 12/2022)  
 Fernando Loaiza Erazo, PhD (from 6/2021 to 12/2022)  
 Todd Morris, PhD (until 12/2021)

### **Migration**

Romuald Méango, PhD (Head of Unit, until 8/2021)  
 May Khourshed, MSc (until 10/2022)  
 Dr. Diana López-Falcón (until 12/2022)  
 Pablo Montano Otero (from 5/2021 to 12/2022)

### **Health Econometrics**

Dr. Helmut Farbmacher (Head of Unit, until 7/2021)  
 Rebecca Groh, MSc (until 10/2021)  
 Hannah Marie Horton, MSc (until 12/2022)  
 Aijing Sun, MSc (from 12/2021 to 12/2022)

### **W2 Research Group “Cognition”**

Anna Rieckmann, PhD (from 1/2021 to 12/2022)  
 Dr. Yacila Isabela Deza-Lougovski (from 8/2021 to 12/2022)

### **SHARE German Country Team**

Dr. Arne Bethman (Head of Unit, until 12/2022)  
 Dr. Felizia Hanemann (until 12/2022)  
 Imke Herold, MA (until 1/2022)  
 Alexander Schumacher, MA (until 12/2022)

### **SHARE Operations**

Dr. Karin Schuller (Head of Unit, until 12/2022)  
 Magdalena Hecher (from 5/2021 to 12/2022)  
 Stephanie Lasson, BA (until 12/2022)  
 Maria Mendoza Jiménez, MSc (until 9/2021)  
 Dr. Gregor Sand (until 12/2022)  
 Jeny Tony Philip, MBA (until 8/2022)  
 Afife Yasemin Yilmaz, MPhil (until 12/2022)

### **SHARE Questionnaire Development**

Dr. Melanie Wagner (Head of Unit, until 12/2022)  
 Theresa Fabel, MSc (until 12/2022)  
 Yuri Pettinicchi, PhD (until 12/2022)  
 Dr. Elena Sommer (until 12/2022)  
 Dr. Barbara Thumann (until 12/2022)

### **SHARE Survey Methodology**

Dr. Michael Bergmann (Head of Unit, until 12/2022)  
 Dr. Johanna Bristle (until 8/2021)  
 Tessa-Virginia Hannemann (until 12/2022)  
 Maria Quezada Villanueva (from 9/2021 to 12/2022)  
 Dipl.-Biol. Luzia Weiss (until 9/2021)

## **SHARE Database Management**

Stephanie Stuck, MA (Head of Unit, until 12/2022)  
Dr. Josefine Atzendorf (until 12/2022)  
Tim Birkenbach, MSc (until 12/2022)  
Carolina Brändle (from 8/2021 to 12/2022)  
Dr. Fabio Franzese (until 12/2022)  
Dr. Magdalena Gerum (from 1/2021 to 12/2022)  
Dr. Stefan Gruber (until 12/2022)  
Senta-Melissa Pflüger, MSc (until 12/2022)  
Dipl.-Soz. Sabrina Zuber (until 12/2022)

## **SHARE-HCAP**

Dr. Salima Douhou (Head of Unit, until 12/2022)  
Nora Angleys, MA mult. (until 6/2021)  
Marcela Cristina Otero, PhD (from 10/2021 to 12/2022)

## **Financial Affairs**

Katrin Axt, MA (Head of Unit)  
Renate Eggenreich (until 12/2022)  
Corina Lica (until 12/2022)  
Karl Riedemann (until 12/2022)  
Oleksii Tupikin (until 12/2022)

## **European Relations and International Management**

Ass. jur. Andrea Oepen (Head of Unit, until 9/2022)  
Judith Kronschnabl, MA (until 12/2022)  
Daniel Schmidutz, MA mult. (until 12/2022)

## **Public Relations**

Verena Coscia, MA (until 6/2022, Head of Unit)

Monika Thaler (from 4/2022 to 12/2022)  
Julia Knoblechner, MA (until 12/2022)  
Veronika Maté, MA (until 12/2022)

## **Student Assistants**

Alp Akkus (from 5/2022 to 12/2022)  
Andrea Alvarez (until 2/2022)  
Maralen Aman (from 8/2021 to 12/2022)  
Revana Ame (from 4/2022 to 12/2022)  
Julia Amorim (until 6/2022)  
Marina Aoki (until 12/2022)  
Fabio Alvarez Avila (from 4/2022 to 12/2022)  
Jan Beering (until 2/2021)  
Carolina Brändle (until 7/2021)  
Tabea Braun (until 9/2021)  
Philipp Brewing (until 2/2021)  
Martin Brieger (until 6/2021)  
Fatma Cakmak (from 1/2021 to 12/2022)  
Büsra Canci (until 12/2021)  
Brade Gomez Cutipa (from 3/2022 to 6/2022)  
Sebastian Davidson (from 10/2023)  
John Doncy (until 6/2021)  
Nele Ehrenberg (from 4/2021 to 12/2022)  
Lena Fegg (until 9/2021)  
Frederik Fetzer (from 10/2023)  
Sam Friob (from 5/2022 to 12/2022)  
Kalina Georgieva (until 2/2022)  
Paul Graßl (from 10/2021 to 12/2021)  
Beyza Gülmezoglu (until 4/2021)  
Joelean Hall (from 2/2021 to 11/2022)  
Julia Hampl (until 3/2021)  
Maximilian Hartmann (until 9/2021)  
Amany Hassan (until 4/2021)  
Sarah Heinrich (from 9/2022 to 12/2022)  
Kukyoung Heo (from 1/2021 to 12/2021)  
Sebastian Hilger (from 9/2022 to 12/2022)  
Lars Irmeler (from 3/2021 to 4/2022)  
Madina Japakhova (until 12/2022)  
Aiken Kantriai (from 9/2022 to 12/2022)  
Siddhanth Kedhagae (until 3/2021)



Hannelore  
Henning

Theresa Klotzbuecher (until 9/2021)  
 Thomas Knoll (from 3/2021 to 7/2021)  
 Natascha Köster (from 4/2021 to 9/2022)  
 Julia Kristyn-Petri (from 7/2022 to 12/2022)  
 Felix Meinert (from 8/2021 to 12/2022)  
 Jana Meiser (until 9/2022)  
 Alexander Mengden (until 9/2021)  
 Leah Michel (from 4/2021 to 7/2021)  
 Diana Avila Moreno (from 7/2021 to 12/2022)  
 Tessa Pfeiffer (from 4/2022 to 12/2022)  
 Franka Römig (from 5/2022 to 12/2022)  
 Alonso Zapata Rojas (from 7/2021 to 7/2022)  
 Mareike Rußmann (from 1/2021 to 9/2021)  
 Clio Sailer (from 11/2021 to 3/2022)  
 Nicola Simonetti (from 1/2021 to 9/2023)  
 Alexandra Bojarinova Sandström (until 9/2021)  
 Caroline Schiele (from 9/2020 to 3/2021)  
 Francesca Schrank (from 1/2021 to 12/2022)  
 Ilkim Sen (from 9/2022 to 12/2022)  
 Aijing Sun (until 11/2021)  
 Monika Thaler (until 3/2022)  
 Madeleine Trattler (from 8/2022 to 12/2022)  
 Moritz Wendlinger (from 9/2022 to 12/2022)  
 Tingfang Xiao (until 3/2021)  
 Qian Yu (from 10/2021 to 11/2022)  
 Charity Sarah Young (until 3/2022)

### Secretariat

Hannelore Henning

## 7.3 CURRICULA VITAE OF RE- SEARCH STAFF (AS OF 2023)

### Senior Researchers

#### Olga Chesalina

2015 - 2022: MPISOC  
*Senior Researcher*

2008 - 2015: MPISOC  
*Research Assistant*

2008 - 2009: LMU Munich  
*LL.M.*

1998 - 2006: Belarusian State University  
*Lecturer*

2002: National Academy of Sciences of Belarus  
*PhD in Law*

1993 - 1998: Belarusian State University  
*Law Studies*

#### Edoardo D'Alfonso Masarié

Since 2023: MPISOC  
*Senior Researcher*

2020 - 2023: Thuringian State Parliament, Erfurt  
*Parliamentary Researcher*

2017 - 2020: University of Regensburg  
*PhD in Law*

2013 - 2014: Cattaneo University, Castellanza/Milan  
*Master studies*

2007 - 2012: University of Bologna  
*Law studies*

**Irene Domenici**

Since 2022: MPISOC  
*Senior Researcher*

2022: LMU Munich  
*PhD in Law*

2021: Cambridge University  
*Visiting Research Student*

2018 - 2022: MPISOC  
*Doctoral Student*

2011 - 2017: University of Trento  
*Master in Law*

**Linxin He**

Since 2022: Université Paris 1 Panthéon-Sorbonne, France  
*Maître de conférences*

2018 - 2022: MPISOC  
*Senior Researcher*

2015 - 2018: Collège de France, Paris  
*Research Assistant of Prof. Alain Supiot*

2012 - 2017: Université Paris 1 Panthéon-Sorbonne  
*PhD in Law*

2011 - 2012: Université Paris 1 Panthéon-Sorbonne and Université Lumière de Lyon  
*Double Master's Degree in Social and Labour Law*

**Eva Maria Hohnerlein**

Since 1986: MPISOC  
*Senior Researcher*

1989: University of the Saarland  
*PhD in Law*

1981 - 1985: Europa-Institut Saarbrücken  
*Academic Staff Member*

1982 - 1983: Latin America  
*Research stay*

1980 - 1981: College of Europe, Brugge  
*Post-graduate studies*

1973 - 1980: University of Augsburg  
*First and Second State Exam in Law*

**Thorsten Kneip**

Since 2015: MPISOC/MEA  
*Academic Coordinator*

2014 - 2015: MPISOC/MEA  
*Head of Unit SHARE Research*

2011 - 2014: MPISOC/MEA  
*Senior Researcher*

2013: University of Mannheim  
*PhD in Sociology*

2009 - 2011: University of Mannheim, Mannheim Research Institute for the Economics of Aging  
*Researcher*

2003 - 2009: University of Mannheim, Mannheim Centre for European Social Research  
*Researcher*

**Sergio Mittlaender**

Since 2019: Fundação Getulio Vargas Law School, São Paulo  
*Professor*

Since 2016: MPISOC  
*Senior Researcher*

2015: Universities of Bologna, Hamburg, and Rotterdam  
*PhD in Law and Economics*

2014 - 2015: Cornell Law School, Ithaca  
*Visiting Research Fellow*

2010: LMU Munich  
*LL.M. in European and International Economic Law*

2009: LMU Munich  
*Master in Economics*

### **Simone Schneider**

Since 2022: University Pompeu Fabra  
(UPF), Barcelona  
*Professor (tenure track)*

MPISOC/UPF  
*Head of Research Group*

2021: ERC Starting Grant

2017 - 2021: MPISOC  
*Senior Researcher*

2019 - 2020: Bielefeld University  
*Interim Professor for Social Inequality  
and Social Structural Analysis*

2015 - 2017: Trinity College Dublin  
*Postdoctoral Research Fellow*

2014: Humboldt University Berlin  
*PhD in Sociology*

2011 - 2013: Bielefeld University  
*Doctoral Researcher*

2008 - 2011: Humboldt University Berlin  
*Doctoral Research Fellow*

2009: Humboldt University Berlin  
*MA in Social Sciences*

### **Anika Seemann**

Since 2018: MPISOC  
*Senior Researcher*

2014 - 2018: University of Cambridge  
*PhD in History*

2011 - 2012: University of Cambridge  
*Master of Laws (LL.M.)*

2008 - 2011: Humboldt Universität zu Berlin  
*First Legal State Examination*

### **Nikola Wilman**

Since 2023: Bavarian Authority for  
Health and Food Safety

2008 - 2023: MPISOC  
*Senior Researcher*

2007 - 2008: TU Munich  
*Assistant to the President and consultant  
in the legal department*

2004 - 2006: District Court of Augsburg  
*Legal clerkship*

2001 - 2004: University of Durham  
*LL.M. in Law*

1996 - 2001: University of Augsburg  
*Studies in Law*

### **Doctoral Candidates**

#### **Madeleine Beul**

Since 2021: MPISOC  
*Doctoral Researcher*

2019 - 2021: Higher Regional Court of  
Frankfurt a. M.  
*Legal clerkship, Second State Exam*

2013 - 2018: Goethe University Frankfurt  
a. M.  
*First State Exam*

#### **Irene Carlet**

Since 2021: MPISOC  
*Doctoral Researcher*

2023: Melbourne Law School  
*Visiting Research Student*

2019 - 2021: Baker McKenzie, Rome  
*Legal Trainee*

2013 - 2019: University of Trento  
*Master in Law*

**Franciska Engeser**

Since 2023: Regional Court of Landshut  
*Legal clerkship*

2018 - 2022: MPISOC  
*Doctoral Researcher*

2012 - 2018: Westfälische Wilhelms-Universität Münster/University of Latvia, Riga  
*Law studies, First State Exam*

2012 - 2014: Westfälische Wilhelms-Universität Münster  
*Specialised foreign language training in Spanish*

**Christian Günther**

Since 2019: MPISOC  
*Doctoral Researcher*

2017 - 2018: King's College London  
*Master of Arts in Philosophy*

2013 - 2017: University of Oxford  
*Bachelor of Arts in Jurisprudence*

**Boaz John Mabula**

Since 2021: MPISOC  
*Doctoral Researcher*

Since 2021: BOJOMA Law Group, Tanzania  
*Advocate*

Since 2019: University of Dar es Salaam  
*Assistant Lecturer in Law*

2021: University of Dar es Salaam  
*Master of Intellectual Property (MIP)*

2020: Law School of Tanzania  
*Post-Graduate Diploma in Legal Practice*

2018: University of Dar es Salaam (LL.M.)  
*Master of Laws*

2017: University of Dar es Salaam,  
*Bachelor of Laws (LL.B., Hons.)*

**Teodora Petrova**

Since 2023: Ernst & Young (EY)  
*Senior Consultant*

2023: LMU Munich  
*PhD in Law*

2017 - 2022: MPISOC  
*Doctoral Researcher*

2016 - 2017: United Nations Global Compact, Sofia  
*Project Coordinator*

2012 - 2013: EUI, Florence  
*Master in Law*

2009 - 2012: Amsterdam University College  
*Bachelor in Social Sciences*

**Tim Rohmann**

Since 2023: Administrative Court Munich  
*Judge*

2017 - 2023: MPISOC  
*Research Assistant and PhD Candidate*

2015 - 2017: Higher Regional Court of Munich  
*Legal clerkship, Second State Exam*

2010 - 2015: LMU Munich  
*Law studies, First State Exam*

2007 - 2010: University of Applied Sciences for Public Administration Hof  
*Diploma in Public Administration*

**Roman Rick Sallaba**

Since 2024: University of Vienna  
*PhD student (Cotutelle)*

Since 2023: *Independent scientific Consultant*

Since 2022: MPISOC  
*Doctoral Researcher*



2021 - 2023: Law firm for social law  
'Wachmann & Partner'  
*Research assistant*

2019 - 2022: Free University Berlin (FU)  
*Law studies, First State Exam*

2017 - 2019: European University Viadrina  
*Law studies*

### **Lauren Tonti**

Since 2022: Centers for Disease Control  
and Prevention, USA  
*Public Health Analyst*

2018 - 2022: MPISOC  
*Doctoral Researcher*

2018: Harvard T.H. Chan School of Public  
Health  
*Master of Public Health*

2017: Case Western Reserve University  
School of Law  
*Juris Doctor*

2017: Université Paris Dauphine  
*Master*

### **Hao-Hao Wu**

Since 2023: MPISOC  
*Doctoral Researcher*

2020 - 2023: MPISOC  
*Research Assistant*

2020 - 2022: Higher Regional Court  
Munich  
*Legal clerkship, Second State Exam*

2014 - 2020: LMU Munich  
*Law studies, First State Exam*

## **7.4 LIBRARY**

Henning Frankenberger (Head)

Irina Neumann  
Bianca Nicklisch (from 9/2018)  
Jonas Scheuerer (from 8/2021 until  
11/2021)  
Heike Wunderlich

### **Student Assistants**

Mirjam Dülz (until 7/2021)  
Rafael Fürnrohr (until 9/2023)  
Katharina Jantschik (since 8/2021)  
Lukas Schachermeier (until 8/2022)

## **7.5 CENTRAL SERVICES**

### **Administration**

Katja Krause (Head)

Marija Frick (from 11/2022 until 12/2023)  
Silvia Glaus  
Annemarie Huber (until 6/2023)  
Heidrun Kohnle-Koitzsch  
Christine Lebok (until 9/2022)  
Thomas Lendle  
Stephanie Pastuschka (from 10/2023)  
Claudia Pethke  
Werner Pfaffenzeller (until 12/2023)  
Carina Rappel

### **Information Technology (IT)**

Fatima Ennif (from 5/2022 to 12/2022)  
Ronny Lauenstein  
Ahmad Abu Musa (until 6/2022)  
Axel Römmelmayer  
Dr. Munir Salman (until 3/2021)



Katja Krause



Silvia Glaus



Christine Lebok



Claudia  
Pethke



Stephanie  
Pastuschka



Thomas Lendle

## 7.6 REPRESENTATIVES AND SPECIAL TASKS

### *Alumni Representative*

Dr. Julia Hagn

### *Data Protection Coordinator*

Axel Römmelmayer

Ass. Jur. Andrea Oepen (until 9/2022)

Dr. Veronika Ohliger (until 6/2022)

### *Doctoral Students' Representative*

*(Dept. of Foreign and International Law)*

Mona Röser (from 10/2023)

Irene Carlet (from 10/2022 until 9/2023)

Christian Günther (from 10/2021 until 9/2022)

Franciska Engeser (until 9/2021)

### *Gender Equality Officer*

Afife Yasemin Yilmaz (until 12/2022)

Dr. Julia Hagn

Mona Röser (from 4/2023)

### *Ombudsperson*

Dr. Anika Seemann (from 5/2023)

Dr. Fabio Franzese (until 12/2022)

### *Representation of Scientific Staff in the Humanities and Social Sciences Section (GSHS) of the Max Planck Society*

Dr. Anika Seemann (from 7/2021 until 12/2023)

Dr. Diana Maria López-Falcón  
(until 6/2021)

### *ZIAS Editorial Board*

Prof. Dr. Hans-Joachim Reinhard

### *Occupational Safety*

Thomas Lendle



## **Imprint**

### **Published by**

Max Planck Institute for Social Law and Social Policy  
Marstallstraße 11  
80539 Munich, Germany  
Phone: +49 89 38602 0  
Fax: +49 89 38602 590  
www.mpsoc.mpg.de

### **Content Authority**

The Managing Director  
Prof. Dr. Ulrich Becker, LL.M. (EH)  
Editorial Board  
Dr. Julia Hagn (responsible)  
Christina McAllister, M.A.  
Dr. Thorsten Kneip (Chp. III)

### **Translation and Proofreading**

Christina McAllister, M.A.

### **Photographs**

© Max Planck Institute for Social Law and Social Policy (Prof. Dr. Ulrich Becker, David Desta, Helena Arndt, Dr. Julia Hagn, Mona Röser)

and

Julia Salzer (p. 22, 251)  
European Union, 2014 (p. 41)

Bayerischer Rundfunk (p. 50)  
Heiko Marquart (p. 70)  
Daniel Schludi/Unsplash (p. 82)  
Ohmydearlife/Pixabay (p. 87)  
David Ausserhofer/Max Planck Law (p. 102)  
Max Planck Institute for Comparative and International Private Law (p. 104)  
Viva Tanzania (p. 118)  
3005398/Pixabay (p. 124)  
Michal Jarmoluk/Pixabay (p. 136)  
MEA (Chapter III)

### **Graphics**

Chapter II: Prof. Dr. Ulrich Becker,  
Dr. Simone Schneider, Boaz John Mabula  
Chapter III: Munich Center for the Economics of Aging (MEA)

### **Design & Litho**

Valentum Kommunikation GmbH  
Bischof-von-Henle-Str. 2b  
93051 Regensburg  
www.valentum-kommunikation.de

Copyright

© Max Planck Institute for Social Law and Social Policy  
Munich, 2024.



**MAX PLANCK**  
GESELLSCHAFT

