



Project on Autocratic Legalism Call for proposals

The Project on Autocratic Legalism (PAL) is a multi-component scholarly initiative that looks at how political leaders use law to undermine democracy and how law can be enlisted to resist these moves, both nationally and transnationally. PAL currently involves over 50 researchers conducting studies on Brazil, India, South Africa, the United States, and Hungary, as well as on transnational efforts to combat authoritarianism. PAL was selected as an NSF-funded LSA International Research Collaborative for the Global Meeting on Law and Society in Lisbon and, in 2020, it was selected as LSA's inaugural Global Collaboration Project, in recognition of its ability to bring together scholars from across the world to address issues of global significance.

We are inviting scholars whose work may contribute to our project to submit abstracts for chapters to be organized in one or more edited volumes. **Submissions of abstracts is due by October 30, 2022 through this electronic form: <https://forms.gle/u8AfgED4NHjEdgbb7>** Proposals should take a deep look at one or more countries, considering one or more of the core questions and suggested thematic domains below. If selected, the final outputs should run to 6,000–8,000 words including references, and a complete draft is expected by May 2023.

Studies of democratic backsliding point to several factors that enable the rise and rule of political leaders or movements with anti-democratic leanings, such as pre-existing economic and political crises, inequality, and globalization. While we appreciate learning how these factors play out within and across countries, our primary interest is in *under what circumstances* and *how*, once in power, anti-democratic leaders or movements deploy law to erode democracy. Additionally, we recognize that law may be a source of resistance to anti-democratic politics by a variety of political and societal actors. Resistance through law may slow down authoritarian projects, or reverse them, and we are highly interested in these manifestations; in particular: *under what circumstances or conditions*, and *how* they come to exist, as well as their impact. Besides studies of transitional or relatively young democracies, we are increasingly interested in democracies under pressure, including those considered “consolidated”, such as the United States. Lastly, while the liberal content of legal orders (e.g., individual freedoms, separation of powers, and other means to constrain government) remains a core concern to our project, we are also interested in how regressive political developments relate to other dimensions and conceptions of democracy and constitutionalism, including those that emphasize *substantive equality* and continuous *social participation*.

The project adopts a broad view of the role law plays in eroding democracy and resisting anti-democratic forces. We are interested in *formal* legal changes; in changes in *informal practices* that sustain or undermine law and enable or subvert legal interpretations; and in bottom-up mobilization that supports democratic/anti-democratic legality. We are also interested in how historical (dis)continuities and institutional path dependency help explain *when* and *how* anti-democratic leaders or movements and those resisting them resort to legalistic tactics.

Because of PAL's Global Collaborative nature, we value the process of working together towards outputs. We aim through PAL to build collaborative research relationships that will endure beyond the project. Contributors who are selected for the project will commit to presenting and discussing their work in virtual or in-person panels, seminars and workshops, as well as to engaging in comparative working groups with scholars focusing on similar topics in other countries. Once the abstracts have been selected and grouped, facilitators of these intellectual exchanges may be assigned to each group of authors.

Information about our project's substance and approach can be found on our website (www.autocratic-legalism.net).

Additional questions or comments should be addressed to raquel.pimenta@fgv.br, fabio.desaesilva@ou.edu and dee.smythe@uct.ac.za.

Questions and indicative thematic domains for PAL edited volumes and handbook

Core questions	Indicative thematic domains
<ul style="list-style-type: none"> • How is democracy being undermined through law? What is the role of legal norms and institutions and what kinds of reforms in law or through law are being promoted in this process? What historical or institutional factors invite, facilitate, or drive the use of law for anti-democratic purposes? • How is democratic decline being resisted? What is the role of law and legal mobilization in these efforts? What historical or institutional factors invite or facilitate the use of law to resist anti-democratic forces? • How do national, international, and transnational developments intersect in both democratic decline and resistance to democratic decline? 	<ul style="list-style-type: none"> • Bureaucracies - Anti-democratic leaders are known for their pushback against checking institutions and bureaucracies. What tactics are anti-democratic leaders adopting to these ends and what role does law play in such tactics? Does law give checking institutions and bureaucracies any ground to resist the pushback? • Central and Local Power - How do anti-democratic leaders navigate between central and local power? Do they seek to centralize power, or do they establish decentralized power structures to rule? To pursue these tactics, do they promote changes in formal law, or do they make informal arrangements? Are different spheres/levels of government sources of resistance to rising authoritarians? When, and how? • Courts - Have anti-democratic leaders been able to weaken Courts or influence Court rulings? Have they resorted to formal legal changes to, for example, pack the Courts or restrict their power? Have they deployed informal tactics to ensure cooperation and deference from judges? Are Courts currently a source of resistance to anti-democratic politics? If so, under what conditions? Is it at risk? How does this all vary across levels and jurisdiction (including e.g., Constitutional Courts/Supreme Courts; Federal Courts; State or Provincial and Local Courts)? • Corruption - How do processes of democratic decline relate to corruption, cronyism, and elite power? Are authoritarian leaders using previous scandals to legitimize their actions? Are leaders attacking democracy to ensure state capture and rent-seeking? Are they using corruption to cement power coalitions to coopt economic and political elites and sustain their political projects? What tactics and manipulations are anti-democratic leaders adopting to these ends? Do they use anticorruption laws and institutions to attack their enemies and shield their loyalists? Does engagement in corruption, when exposed, contribute to undermine the power of anti-

democratic leaders? Has the subversion of anticorruption systems been successfully resisted by its victims and the citizenry at large? What are the roles and the limits of framing resistance to anti-democratic leaders as anti-corruption campaigns?

- **Criminal Justice** - Anti-democratic leaders may use the criminal justice systems to attack their enemies and to shield their loyalists. How is this being done and what tactics are anti-democratic leaders adopting to these ends? Do they pass new criminal laws, or do they manipulate existing ones? What do the new laws look like or what kind of legal manipulation do they engage in? Do they use lengthy criminal processes or the threat of criminal proceedings to sideline, harass and punish adversaries? Is their use of criminal law based on denying enforcement? Has the subversion of criminal law been successfully resisted by its victims and the citizenry at large?
- **Environment** - How does democratic backsliding relate to anti-environmental agendas? How have anti-democratic leaders exploited conflicts over environmental crises and climate change to rise to power? How have they, in turn, used power and law to weaken environmental regulations? Are there attempts to resist such dismantling?
- **Gender and Sexuality** - How do processes of democratic backsliding relate to issues of gender and sexuality? How are the rhetoric and legal transformations promoted by anti-democratic leaders impacting women's and LGBTQIA+ rights? How are these groups, as political actors, mobilizing to resist attacks? What is the role of law in their resistance efforts?
- **Knowledge and Expertise** - Anti-democratic leaders often seek to destabilize "truth systems," pushing back against academics and experts (medical, legal, etc.). How is the attack on expertise – especially legal expertise – helping leaders rule with less constraints, and particularly legal constraints? Is law being used as a weapon to frighten and silence experts? How can law be a resource for experts to successfully resist and endure the attacks?

- **Legal Profession** - How do struggles for and against democracy reverberate in the legal profession? Are legal professionals standing up against anti-democratic leaders or are they helping these leaders give a legal veneer to their practices? How is the organized legal profession positioning itself and navigating these challenges?
- **Party Organization and Electoral Systems** – How do norms relating to party organization, funding, and electoral systems help explain democratic decline or resilience? Are anti-democratic leaders promoting or attempting to promote changes to remain in power? Are there cases where party structures and electoral systems are serving as effective barriers for anti-democratic politics? What is the role of legal norms in these processes?
- **Private Interests** - Political leaders hollow out democracy not just by capturing pieces of the state, but also by transforming state power to attend to private interests or civil society actors that support their projects. Who wins and who loses with the rise of an anti-democratic leader? What interests are promoted and protected, in what areas, and with what degree of success? What is the role of law in these processes of power redistribution across the public/private divide? How do they affect the power of leaders? How are they being resisted by citizens and targeted groups, if at all? Does law play any role in this resistance?
- **Social Structure** - How do processes of democratic backsliding relate to social structure and hierarchies? How have anti-democratic leaders exploited conflicts over race, ethnicity, nationality, religion, and culture to rise to power? How have they, in turn, used law to transform society and secure privilege to certain groups? How are these attacks being resisted and what has been the role of law and legal mobilization in resistance?
- Others (please explain and justify the relevance to our project).