

8th Conference of the AK Politics and Law of the DVPW  
**CALL FOR PAPERS: AUTOCRATIC CONSTITUTIONALISM**

May 28-30, 2020, Freie Universität Berlin, Henry-Ford-Bau

Political power is always, even in its most absolute sense, dependent on a cohesive group and “devices” (Ginsburg, 2014) to control this group. Constitutions are the devices of choice in a surprisingly high number of cases. While it is tempting to disregard constitutions in autocratic and hybrid regimes and treat them merely as shams (Law and Versteeg, 2013; Weber, 1906), constitutions in these contexts should not be dismissed so quickly. In particular, a historical perspective supports this assessment: constitutions, and more general law, played a horrific role as devices of rule during the terrors of the Nazis. Constitutions, constitutional change but also judicialization became a frequently-used legitimation strategy for new authoritarian regimes during the 20th century. The experience of legal positivism encouraged a generation of scholars to advance the registers of legal scholarship beyond a manual to organize societies.

Yet, observing constitutionalism in current Turkey or Russia brings the logic of Rechtspositivismus or what Loewenstein (1969) described as “semantic constitution” back.

It would appear that constitutionalism as a normative concept should not be possible within this context. But in recent years, scholars have moved away from the perspective that real constitutionalism is only possible under democratic conditions. Tushnet (2013) and Hirschl (2013) have argued that constitutionalism can not only be the limitation of power, but also the opposite of arbitrary rule, and a way to increase the efficiency of politics. With this, they pluralize “the idea of constitutionalism” (Tushnet, 2013, 39). Isiksel (2013) makes this explicit and formulates the concept of authoritarian constitutionalism “as a system in which the constitution rather than constraining the exercise of public power is co-opted to sanction oppressive uses of it.”

The nature of constitutions in autocratic and hybrid regimes has been addressed by the comparative politics literature in the wake of the resurgence of illiberalism in the last decade (Elkins et al., 2013; Tushnet, 2013; Uitz, 2015; Mérieau, 2019; Isiksel, 2013). Constitutions, but also sub-constitutional developments (e.g. court rulings), in authoritarian and hybrid contexts have a variety of purposes both in substance and in effect. Research has shown that they contain a range of information on the social expectations towards the political elite, on the continuity or disruption of the historic regime and on the specifics of everyday governance (Albertus and Menaldo, 2013).

While the extent and conditions under which autocratic regimes can govern effectively are part of an ever-growing research agenda, the role of constitutions, the understanding of constitutional amendments and sub-constitutional change, as well as the discrepancy between a liberal understanding of constitutionalism and the actual development of autocratic *constitutionalisms* present enduring puzzles for political scientists and legal scholars alike.

In this conference we will pursue an interdisciplinary dialogue between law and social science, advancing our understanding of constitutional rule in autocratic and hybrid regimes from comparative and historical perspectives. By doing so, the conference aims to advance scholarship in this area by considering papers that focus on concept formation, theory building, and empirical evidence across different regions.

**Please submit your paper proposals (300 words) until February 1, 2020 to the organizers at [sek-politik@oei.fu-berlin.de](mailto:sek-politik@oei.fu-berlin.de).**

We invite contributions from different disciplines which engage with the concept of authoritarian constitutionalism. We seek to increase the participation of female scholars and other

underrepresented groups and explicitly encourage submissions from scholars belonging to these groups. We will try to secure funds to cover the costs of travel and accommodation.

**Conference Organizers:**

Anna Fruhstorfer (Freie Universität Berlin)

Alexander Hudson (Max-Planck Institut Göttingen)

Ran Hirschl (University of Göttingen)

Christian Volk (Freie Universität Berlin)

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