ABSTRACT
The seminar discusses the role of high courts in the context of a political transition from competitive towards full authoritarianism. The use of high courts to entrench authoritarian rule in key ways – enhancing regime legitimation, bureaucratic compliance and social-control – depends on a series of non-exclusive factors, including regime features, the political context, institutional features of the judiciary and its composition. A transition towards a non-competitive authoritarian regime may involve significant costs for both rulers and judicial actors. Yet, the benefits might outweigh the costs: Ceteris paribus, a reliable, supportive high court in a dictatorial context can help governments solve internal conflicts; extract valuable information for policy-making purposes, and assist a growing repressive apparatus to carry out its mission. Despite its illegitimacy vis-à-vis political opponents and even the overall population, a high court could still enhance legitimacy to the eyes of pro-regime supporters. Moreover, counterintuitively, at a time of rising authoritarianism worldwide, a judicial system willing to collaborate with the government could help a flagging regime to bolster its claim it is stable, functional and with enough political influence to deliver credible commitments made with international allies, financial institutions and economic actors. I discuss these arguments in the context of contemporary Venezuela under Nicolas Maduro’s autocratic rule (2013 - Current), a country where the Supreme Court functions as a ‘judicial authoritarian enclave’ – blocking opposition threats, disowning fundamental rights, supporting new policy solutions, providing key mechanisms to improve the regime’s repressive capacity and enhancing regime legitimacy vis-à-vis internal and external allies. To these ends, the High Court went as far as invalidating the opposition-led legislature (National Assembly) and, in the face of mounting opposition pressure, support the openly unconstitutional creation of a constituent assembly to suspend (and possibly replace) the existing constitutional order.

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