

Abbreviated CV

FABIO DE SA E SILVA

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EDUCATION

Ph.D., Law, Policy, and Society, Northeastern University, Boston, MA, 2013

LL.M., University of Brasilia School of Law, Brasilia, Brazil, 2007

LL.B. (J.D. equivalent), University of Sao Paulo School of Law, Sao Paulo, Brazil, 2002

POSITIONS IN RESEARCH AND HIGHER EDUCATION

FGV Direito SP

Visiting Professor, 2024

University of Oklahoma

Associate Professor, College of International Studies, University of Oklahoma, 2023–present (on leave)

Assistant Professor, College of International Studies, University of Oklahoma, 2017–2023

Founding Co-Director, Center for Brazil Studies, College of International Studies, 2019– present

Harvard Law School, Cambridge, MA

Post-doctoral fellow (in residence), 2015

Affiliated fellow, 2016–present

Institute for Applied Economic Research (Ipea), Brasilia, Brazil

President's Chief of Staff, 2011–2012 and 2016

Chair for Studies on State and Democracy, 2009–10

Researcher, 2009–2017; 2024–present

POLICY CONSULTANCY AND EXPERIENCE

Inter American Human Rights Commission. Brief on public safety for the 2020 Brazil human rights country report, 2020.

International Bar Association's Human Rights Institute. Assistance in the "torture prevention in Latin America" project, 2017.

Fiocruz Brazil. Assistance to the Brazilian government in policy formulation relating to healthcare in prisons, 2011.

UNDP Brazil. Assistance to the Brazilian government in policy formulation relating to alternatives to incarceration, 2009.

UNESCO Brazil. Assistance to the Brazilian government in policy formulation relating to education in prison, 2008.

Brazilian Ministry of Justice. General coordinator at the National Penitentiary Department, 2003–2006.

SELECTED ACADEMIC PUBLICATIONS

Books and edited volumes

Oscar Vilhena Vieira, Raquel de Mattos Pimenta, Fabio de Sa e Silva, and Marta Rodriguez de Assis Machado (Eds.), [*Estado de Direito e Populismo Autoritário: Erosão e Resistência institucional no Brasil \(2018-2022\)*](#). São Paulo: FGV University Press, 2023.

Scott L. Cummings, Fabio de Sa e Silva, and Louise G. Trubek (Eds.). [*Global Pro Bono: Causes, Organization, Consequences*](#). Cambridge University Press, 2022.

Fabio de Sa e Silva, Par Engstrom, and Veronica Hineostroza-Arenas (Eds.). [*Respondiendo a la tortura: Perspectivas Latinoamericanas sobre un Desafío Global*](#). Bogota and London: The University of Externado Press and IBAHRI, 2020.

Fabio de Sa e Silva, [*Ensino Jurídico: a Descoberta de Novos Saberes para a Democratização do Direito e da Sociedade*](#). Porto Alegre: Sérgio Antônio Fabris, 2007.

Journal Articles

[Review essay: The Globalization of Legal Education: A Critical Perspective](#) (Bryant Garth & Gregory Shaffer eds., 2022). *Journal of Legal Education* Issue 72, vols. 1 and 2, 2023.

[A Judicialização da Política no Século XXI](#). *Introduction to thematic dossier: the judicialization of politics in the 21st century*. *Teoria Jurídica Contemporânea* 7: 1-9, 2023 (with Cassio Casagrande).

[Entrevista com Luiz Werneck Vianna e Marcelo Burgos](#). *Thematic dossier: the judicialization of politics in the 21st century*. *Teoria Jurídica Contemporânea* 7: 1-13, 2023 (with Cassio Casagrande).

[Good Bye, Liberal Legal Democracy!](#) *Law & Social Inquiry* 57(1) 292–313, 2023.

[Autocratic Legalism 2.0: Preliminary Insights from a Global Collaborative Research Project](#). *VRÜ/World Comparative Law* 57 (4) 419-440, 2022. Introduction to special issue on autocratic legalism. **WRÜ/WCL Article Prize for Volume 55 (2022) of the Journal**.

[Law and Illiberalism: A Sociolegal Review and Research Agenda](#). *Annual Review of Law and Social Science*, 18 193-209, 2022.

[The environment, human rights, and democracy in Brazil under Bolsonaro: dispatches from an academic symposium](#). *Videre* 28(13), Special Issue: The environment, human rights, and democracy in Brazil under Bolsonaro, 13(28) 10-36, 2021 (with Michelle Moraes de Sa e Silva).

[“A little more complex”: pro bono commitment in São Paulo corporate law firms.](#) *International Journal of the Legal Profession*, 28(3) 279-293, 2021.

[Not falling for that”: Law’s detraction and legal consciousness in the lives of Brazilian antitorture activists.](#) *International Journal of Law in Context*, 16(1):39-56 2020.

[Radicalism, Mythification, and Hard Issues in Public Interest Law Across the Americas.](#) 31 *Geo. J. Legal Ethics* 421, 2018.

[Vetores, desafios e apostas possíveis na pesquisa empírica em direito no Brasil.](#) *Brazilian Journal of Empirical Legal Studies*, 3 (1) 24–53, 2016.

[Lawyers, governance, and globalization: the diverging paths of public interest law across the Americas.](#) *Oñati Sociolegal Series* 5 (5). International Institute for the Sociology of Law, Oñati, 2015. Modified version published as Ipea Discussion Paper # 223.

[“É Possível, mas Agora Não” A Democratização da Justiça no Cotidiano dos Advogados Populares.](#) *Texto para discussão* n. 1567 (Brasília: Ipea), 2011.

Book chapters

[From Backsliding to Illiberalism and Beyond: Law and Regressive Political Change in Brazil, India, and South Africa.](#) In Marlene Laruelle (Ed.), *The Oxford Handbook of Illiberalism*, 2023 (online).

[Introdução.](#) In: Oscar Vilhena Vieira, Raquel de Mattos Pimenta, Fabio de Sa e Silva, and Marta Rodriguez de Assis Machado (Eds.), *Estado de Direito e Populismo Autoritário: Erosão e Resistência institucional no Brasil (2018-2022)*. São Paulo: FGV University Press, 2023 (with Oscar Vilhena Vieira, Raquel de Mattos Pimenta, and Marta Machado).

[What is Global About Pro Bono and What is Global Pro Bono About?](#) In: Scott L. Cummings, Fabio de Sa e Silva, and Louise G. Trubek, Eds., *Global Pro Bono: Causes, Organization, Consequences*. New York: Cambridge University Press, 2022 (with Scott L. Cummings and Louise G. Trubek).

[Private Law Practice and the Public Good: Pro Bono’s Institutionalization in São Paulo Law Firms.](#) In: Scott L. Cummings, Fabio de Sa e Silva, and Louise G. Trubek, Eds., *Global Pro Bono: Causes, Organization, Consequences*. NY: Cambridge University Press, 2022.

[Firmas Jurídicas e Direitos Humanos: a Institucionalização da Advocacia Pro Bono em Escritórios Empresariais de São Paulo \(2001-2018\).](#) In: Fabiano Engelmann and Lucas e Silva Batista Pilau (Eds.), *Justiça e Política: Redes Internacionais e Movimentos Anticorrupção*. Porto Alegre: UFRGS, 2021,

[Introducción: Renovando la lucha contra la tortura. Desafíos y lecciones aprendidas desde América Latina.](#) In: Fabio de Sa e Silva, Par Engstrom, and Veronica Hinestroza-Arenas (Eds.) *Respondiendo a la tortura: Perspectivas Latinoamericanas sobre un Desafío Global*. Bogota and London: The University of Externado Press and IBAHRI, 2020.

[Responsabilización legalizada y prevención de la tortura en la conciencia jurídica de activistas brasileños.](#) In: Fabio de Sa e Silva, Par Engstrom, and Veronica Hinestroza-Arenas (Eds.) *Respondiendo a la tortura:*

Perspectivas Latinoamericanas sobre un Desafío Global. Bogota and London: The University of Externado Press and IBAHRI, 2020.

[Los abogados, la gobernanza y la globalización: los caminos divergentes del “derecho de interés público”](#). In: Daniel Bonilla (Ed.), *Abogados y justicia social: Derecho de interés público y clínicas jurídicas*, Siglo del Hombre – Ediciones Uniandes, 2018.

[Doing well and doing good in an emerging economy: the social construction of pro bono among corporate lawyers and law firms in Sao Paulo](#). In: Luciana G. Cunha, Daniela M. Gabbay, José G. Ghirardi, David M. Trubek, & David B. Wilkins (Eds.), *The Brazilian Legal Profession in the Age of Globalization*, NY: Cambridge Univ. Press, 2017.

Others

[Autocratic Legalism 2.0](#). The International Association of Constitutional Law’s Blog. Blog Symposium on Autocratic Legalism.

[Thinking Through Autocratic Legalism: Symposium Introduction](#). The International Association of Constitutional Law’s Blog. Blog Symposium on Autocratic Legalism.

[Interview](#). *Libertas* 1(1), 2022, UnB LABGEPEN & Catholic University of Pelotas.

CURRENT RESEARCH PROJECTS

LEAD PI

Project on Autocratic Legalism. The Project on Autocratic Legalism (PAL) studies how rising autocrats use law to consolidate power and how law may be used to resist them. Our team includes scholars from multiple countries, disciplinary backgrounds, and traditions of inquiry. We operate as an International Research Collaborative (IRC) within the Law and Society Association and were selected as the inaugural topical laboratory in the Association’s brand-new Global Collaboration Program (GCP). I am one of the primary conveners of PAL and the host of the project’s Podcast PALcast.

Human Rights policy-making as a domain of legalistic autocratization and resistance in Brazil under Bolsonaro. Employing mixed-methods and multiperspectival approach, I aim to understand the dynamics involved in the formulation of executive-level human rights policies during the Bolsonaro presidency. The study specifically explores the extent to which his presidency utilized legal mechanisms in shaping these policies and the counterbalancing role of law in opposition to such initiatives.

COLLABORATOR

Trans-litigate. TransLitigate utilizes a combination of doctrinal and qualitative empirical methods across four case studies of environmental litigation: climate change, pollution from extractives’ industries, biodiversity conservation, and land conflicts. The project is funded by the European Union, led by Dr. Philipp Paiement, and housed at Tilburg University Law School. I advise the team on issues pertaining to the ethics of transnational public interest litigation.

Jurists against democracy? Local-global struggles for the reconfiguration of professional forces in the spheres of justice and public security. This project, funded by FAPESP and led by Dr. Maria da Gloria Bonelli at the Federal University of Sao Carlos, looks at contemporary transformations within the Brazilian legal profession. We focus on the emergence of both pro- and anti-democratic factions within this professional landscape the extent to which the anti-democratic faction engages in transnational collaboration, particularly with US-based networks and organizations.

Courts of accounts and educational policies. This Project, funded by CNPq and led by Dr. Adriana Aparecida Dragone Silveira at the Federal University of Parana, examines the impacts of accountability institutions on public policy making. We question whether the oversight exercise by Courts of Accounts improves or hinders the effectiveness of educational policies in Brazil.

NOTE: *In my role as a Brazil expert and the director of the OU Center for Brazil Studies, I am actively involved in convergent, transdisciplinary research projects. These initiatives are strategically aligned with the three key verticals outlined in my university's strategic plan: the environment, health, and community/societal development. For detailed information, please visit: <http://link.ou.edu/cis-brazil>*

SCIENTIFIC OUTREACH ACTIVITIES

Podcast Host

PALcast (The Podcast on Autocratic Legalism), which, to date, featured the following scholars and students: Javier Corrales, Oscar Vieira, Rick Abel, Anthony Pereira, Bojan Bugarcic, Helena Alviar, Kim Lane Scheppele, Tom Ginsburg, Swethaa Ballakrishnen, Michael McCann, David M. Trubek, Ryleigh Horst, Sofia Rolim, Raquel Pimenta, Deepa Das Acevedo, Mohsin A. Bhat, Mayur Suresh, Konrad Sartorius, Caleb Wisinger, and David Taitano, Dee Smythe, Dennis Davis, Michelle LeRoux e Sindiso Mnisi-Weeks. Check episodes at: <http://anchor.fm/the-pal-cast>

SELECTED POLICY STUDIES ON BRAZILIAN JUSTICE/SECURITY, DEMOCRACY, AND RULE OF LAW

Book

[*Violência e Segurança Pública*](#). São Paulo: Fundação Perseu Abramo, 2014. 105p.

Articles, book chapters, and reports

[*Agenda de Segurança Cidadã: por um Novo Paradigma*](#). Brasília, Brazil: National House of Representatives Center for Studies and Strategic Debates, 2018 (with Alberto Winogron et al).

[*Barcos contra a corrente: a Política Nacional de Segurança Pública de Dilma Rousseff a Michel Temer*](#). Atlas da Violência. Brasília: Ipea & Fórum Brasileiro de Segurança Pública, 2017.

[*A Aplicação de penas e medidas alternativas*](#). Rio de Janeiro: Ipea, 2015 (with Alexandre Cunha et al).

Reincidência Criminal no Brasil. Rio de Janeiro: Ipea, 2015 (with Alexandre Cunha et al).

[*A pluralidade de sociedades civis na segurança pública: deliberação e concepções de representação política no Conasp*](#). *Democracia e Participação*, 1:133 (with Gabriela Cardoso and Julian Borba), 2015.

[Mapa da Defensoria Pública no Brasil](#). Brasília: Ipea; ANADEP, 2013 (with Tatiana W. Moura et al).

[Justiça e território: estado da arte, abordagens possíveis e questões problemáticas a partir de uma meta-análise de estudos recentes](#). In: *Brasil em desenvolvimento*, 2013. Brasília: Ipea, p. 173-196.

[“Nem isto, nem aquilo”: trajetória e características da política nacional de segurança pública \(2000-2012\)](#). *Revista Brasileira de Segurança Pública*, 6:412, 2012.

[Participação social e governança democrática na segurança pública: possibilidades para a atuação do Conselho Nacional de Segurança Pública](#). *Texto para Discussão* n. 1714. Brasília: Ipea, 2012 (with Fabio Deboni).

[Opinião pública, pesquisa aplicada e reforma da justiça: contribuições e desafios, políticos e analíticos](#). In: Fabio Schiavinatto. (Ed.) *Sistema de Indicadores de Percepção Social (SIPS)*. Brasília: Ipea, 2011, pp. 17-42.

[De cada um conforme suas capacidades”: participação, ambientes institucionais e capacidade de incidência em políticas públicas](#). In: Roberto Rocha C. Pires et al (Eds.) *Efetividade das instituições participativas no Brasil: estratégias de avaliação*. Brasília: Ipea, p. 187-196, 2011,

[Métodos qualitativos de avaliação e suas contribuições para o aprimoramento de políticas públicas](#). In: *Brasil em Desenvolvimento*, 2010. Brasília, DF: Ipea (with Roberto Pires and Felix Lopez).

[Desenho, contexto e qualidade deliberativa em conferências nacionais: uma análise dos debates e proposições sobre o sistema penitenciário na I Conferência Nacional de Segurança Pública – I CONSEG](#). In: *Brasil em Desenvolvimento*, 2010. Brasília, DF: Ipea.

[Education for All and the Dream of an Alternative Prison Policy in Brazil](#). *Convergence*, 42(2-4), pp. 187-211, 2009.

[International cooperation, government partnerships and social inclusion through education: lessons learned from the Educating for Freedom project](#). In: UNESCO, MEC and MJ (Eds.). *Educating for freedom: trajectory, debates and proposals of a project for education in Brazilian prisons*. Brasília, DF: UNESCO, 2006. Published in English, Portuguese and Spanish.

PROFESSIONAL SERVICE AND MEMBERSHIP

Law and Society Association

Trustee (Elected), Class of 2023

Brazilian Studies Association

Vice-President elect, 2024–2026

Executive Committee Member (Elected), 2022–2024

Brazilian Forum of Public Safety

Member, 2019–present

PUBLIC SERVICE

Washington Brazil Office, Research fellow, 2022–present

Penal policy lab, University of Brasilia School of Law, Affiliated, 2016–present

Brazilian House of Representatives Center for Advanced Studies, Working Group to support the Center in the development of new policy solutions around public safety, Member, 2011–14

Ministry of Justice, Brasilia, Brazil, Working Group to support the Brazilian federal government in the development of public policies on alternatives to incarceration, Member, 2007

Ministry of Human Rights, Brasilia, Brazil, National Committee for Human Rights Education, Member, 2005

CONGRESSIONAL TESTIMONIES

US House of Representatives. Brazilian Democracy and Rule of Law, 2024.

Brazilian House of Representatives. Hearing on incarcerated women, 2005.

LANGUAGES

Portuguese. Native

English. Fluent in speaking, listening, and writing

Spanish. Fluent in speaking and listening; advanced in writing

PROFESSIONAL REFERENCES

Available upon request