

DEM-DEC

August
2018

Democratic Decay Resource (DEM-DEC) Global Research Update August 2018

This Update was issued on 6 August 2018, based on new publications and suggestions from users of the Democratic Decay Resource (DEM-DEC).

Bibliography updates will be issued on the first Monday of each month. They should be read in conjunction with the main bibliography on DEM-DEC (finalised on 24 June 2018).

www.democratic-decay.org

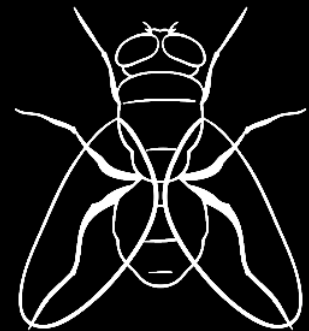
About DEM-DEC

Created by Dr Tom Gerald Daly (Melbourne Law School) and supported by a range of leading public law and policy organisations, the Democratic Decay Resource (DEM-DEC) focuses on the global challenge of the incremental deterioration of democratic rule and is primarily pitched at public lawyers, i.e. those working on constitutional, international and transnational law.

The resource is aimed at providing key information in one place, to frame the research area, to address conceptual confusion, and to bring scholars together in a collaborative project to drive the field forward, in a context where a lot of scholars are talking in silos, or past one another, where the literature is rapidly expanding, and research events and projects are proliferating across the world.

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**DEM-DEC
RESOURCE**



Tom Gerald Daly

Tom is an academic and consultant in the area of democracy-building, public law, and human rights.

He is Associate Director of the Edinburgh Centre for Constitutional Law (ECCL), MLS Fellow at Melbourne Law School, and Co-Convenor of the Constitution Transformation Network (Melbourne Law School). As a consultant he has worked on European Union, Council of Europe, African Union, International IDEA and Irish government projects.

His current book project concerns the role of public law in countering 'democratic decay' worldwide. He has written on democratic decay as a columnist for the I-CONnect blog and tweets @DemocracyTalk.

Recent publications include *The Alchemists: Questioning Our Faith in Courts as Democracy-Builders* (Cambridge University Press, 2017) and a chapter on 'Democratic Decay in 2016' in International IDEA's *Annual Review of Constitution-Building* for 2016.

Partners

The DEM-DEC Resource enjoys the support of a range of partners, which are leading organisations in public law and policy:

Constitution Transformation Network (Melbourne Law School)

Centre for Comparative Constitutional Studies (CCCS)

Constitutionally Speaking (blog – South Africa)

Democracy Reporting International (DRI)

Democratic Erosion: A Cross-University Collaboration

Edinburgh Centre for Constitutional Law

ICON-S-Israel

International Association of Constitutional Law (IACL) Blog

International Institute for Democracy and Electoral Assistance (International IDEA)

International Journal of Constitutional Law (I-CONnect) Blog

School of Transnational Governance (European University Institute)

Verfassungsblog



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Have Your Say!

Send suggestions and information on new publications for the
September monthly update by filling out the form at
www.democratic-decay.org or e-mailing
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Introduction

The DEM-DEC Bibliography

The DEM-DEC Bibliography is provided on the Democratic Decay Resource (DEM-DEC) at www.democratic-decay.org, which was launched on 25 June 2018 and which aims to provide useful information to academics and policymakers concerned with the creeping deterioration of democratic rule worldwide.

The [main Bibliography](#) (finalised on 24 June 2018) presents a global range of research on democratic decay. It has a strong focus on research by public lawyers – spanning constitutional, international and transnational law – but also includes key research from political science, as well as policy texts.

First monthly update since DEM-DEC was launched

Updates to the Bibliography will be issued on the first Monday of each month. This is the first monthly update provided and was issued on 6 August 2018, based on new publications and suggestions from users of DEM-DEC. All updates should be read in conjunction with the main bibliography on DEM-DEC.

Comprehensiveness

It is impossible to be comprehensive given the broad scope of the subject. However, the updates here have been collated from suggestions by scholars worldwide, a broad search of academic journals worldwide, as well as information collated on leading public law blogs, including the weekly round-up 'What's New in Public Law' on the [I-CONnect Blog](#) (blog of the International Journal of Constitutional Law), which is a DEM-DEC Partner. Blog posts, media articles and policy documents are not covered.

Period covered by this update

As this is a monthly update, the main items here are from July 2018. However, given that it is the first monthly update, a broader approach has been taken and key items dating from January-June 2018 have also been included.

Global Coverage

The Bibliography updates aim for global coverage. That said, it is clear that Europe and the USA are two central sites for the production of research on democratic decay. It should also be borne in mind that the Bibliography, at present, collates information exclusively in the English language.

Hyperlinks

For full collections of articles, the hyperlink to the collection is provided rather than individual hyperlinks for each article. Where a small number of articles from a particular journal are provided, a specific hyperlink is provided for each item.

Acknowledgments

Sincere thanks to all who have suggested additions and sent me key information for this update.

Key Themes from this Update

Identifying Themes

Each monthly bibliography update will include a section identifying themes from the update. The aim is simply to provide ‘added value’ by helping users to navigate the update, and to provide some limited commentary, especially on very recent research. Six key themes emerging from this update are set out below.

1 Liberalism, Illiberalism and Populism

The meaning and contours of liberalism, illiberalism, and populism are addressed in a variety of new publications and suggested bibliography additions. Jacques Rupnik discusses the ‘crisis of liberalism’ in the new (July) issue of the *Journal of Democracy*; Péter Krekó and Zsolt Enyedi analyse Hungary as a ‘laboratory of illiberalism’ in the same issue; while Bojan Bugarič and Alenka Kuhelj map varieties of populism in Europe in the latest edition of the *Hague Journal on the Rule of Law* (April 2018). An edited collection from 2017 suggested for addition (Bień-Kacała et al., *Liberal Constitutionalism: Between Individual and Collective Interests*) contains chapters on ‘Illiberal constitutionalism’ in Hungary and Poland, and ‘controlled’ referenda in Poland. Another suggested addition is Mark Tushnet’s *Florida Law Review* article from 2017, ‘The Possibility of Illiberal Constitutionalism?’, arguing that such a system is conceptually possible but may be quite difficult to sustain over time. Finally, the 2017 edition of the *ICONnect-Clough Centre Global Review of Constitutional Law* (issued in July 2018) focuses on the ‘state of liberal democracy’ in 61 jurisdictions worldwide.

(Note: For more discussion of concepts, see the [Concept Index](#) on DEM-DEC).

2 Courts as democratic safeguards

Courts are a clear focus, not only as a safeguard against democratic decay, but also as a driver of such decay. Regarding courts as a democratic safeguard, Lasse Schuldt in a special edition of the *German Law Journal* on the subject (July 2018), analyses the converging (but still divergent) standards applied by the German Constitutional Court and the European Court of Human Rights regarding the application of political party bans, while Gelijn Molier and Bastiaan Rijpkema provide a case-note on the German Court’s most recent decision on party bans in the *European Constitutional Law Review* (June 2018). Armin von Bogdandy and co-authors in a Max Planck Institute for Comparative Public Law & International Law Research Paper (June 2018) look ahead to two key forthcoming decisions of the Court of Justice of the European Union regarding the validity of controversial laws in Poland concerning the judiciary and judicial independence. In the US context, Charlie Stewart in the *Michigan Law Review* (June 2018) discusses state court litigation as the ‘new front’ in the war against partisan gerrymandering. The Supreme Court and State courts in the US are also the focus of debate in an Online Symposium on the NYU Law Review (April 2018) on ‘Courts Under Pressure: Protecting Rule of Law in the Age of Trump’ – which also includes a comparative perspective on courts as bulwarks against ‘democratic erosion’ by Aziz Huq.

3 Courts as victims and drivers of democratic decay

Courts also feature as victims and drivers of democratic decay. In a Cardozo Legal Studies Research Paper No. 548 (July 2018), Matthew Seligman addresses ‘court packing’ in the US, arguing that reform of the judicial appointments process has never been more needed. Regarding courts as a driver of democratic decay, Emilio Peluso Neder Meyer, in the same July edition of the *German Law Journal* as Schuldt (see Note 2, above), discusses how judges and courts are ‘destabilizing constitutionalism’ in Brazil; while Wojciech Sadurski in the *Hague Journal on the Rule of Law* (June 2018) describes how the Polish Constitutional Tribunal has transformed from an activist Court, to a ‘paralysed Tribunal’, and finally to an ‘enabler’ of the anti-democratic Law and Justice government.

4 Elections

Elections are (unsurprisingly) a clear focus across the research presented in this update, from a variety of angles. The issue of lying in electoral campaigns is the focus of one section of the *Oklahoma Law Review* Symposium (July 2018) on ‘Falsehoods, Fake News, and the First Amendment’. The issue also arises in the context of partisan gerrymandering, and more obliquely in the banning of political parties (see the discussion under ‘Courts as democratic safeguards’, Note 2 above).

5 Technology and Democracy (including fake news, social media, and cybersecurity)

A variety of authors address the challenge technology poses to democratic governance. The latest (July 2018) edition of the *SUR – International Journal on Human Rights* is devoted to ‘The SUR File on Internet and Democracy’, including articles by Cass Sunstein asking whether social media is good or bad for democracy, and Márcio Moretto Ribeiro and Pablo Ortellado defining fake news, and analysing how to address it. The *Oklahoma Law Review* Symposium on ‘Falsehoods, Fake News, and the First Amendment’ (July 2018) addresses the issue from a variety of perspectives, including how old frameworks can govern new realities, degrees of ‘fakeness’, and even whether the President can be sued for First Amendment violations.

The latest edition of the *UC Hastings Law Journal* (June 2018) is based on the Symposium ‘Cybersecurity, Fake News & Policy: Dis- and Mis-Information’, with a keynote address by Justine Isola, and other articles including David Howard asking ‘Can Democracy Withstand the Cyber Age?’, while Tessa Jolls and Michele Johnsen argue that media literacy is a ‘foundational skill’ for citizens given a dramatically altered media landscape. Finally, in his foreword to the latest edition of the *European Journal of International Law* (May 2018), Eyal Benvenisti asks what role the law of global governance can play in upholding democracy in the face of the challenges posed by new technologies.

6 Economic considerations

We see a strong focus on economics (and inequality in particular) as an explanatory factor for democratic decay, in suggested additions to the bibliography and new publications. Inequality is a dominant focus in a June Symposium of the *Indiana Law Journal* on ‘The Future of the U.S. Constitution’. More specifically, we also see the discussion of economic tools to address democratic decay: see Wojciech Sadowski in the *Common Market Law Review* (July 2018) on protecting the rule of law in the EU through investment treaty arbitration.

Two recent books (from 2017) and one working paper (from 2016), suggested by DEM-DEC users for addition, are also key. Ginesh Sitaraman (regarding the USA) argues that the US constitutional system is predicated on sufficient economic equality and that growing inequality is provoking a constitutional crisis. Conversely, Frank Mols and Jolanda Jetten in their book *The Wealth Paradox*, and Ronald Inglehart (and Pippa Norris in a 2016 working paper, also added, which forms the basis of their forthcoming book) argue against the tendency to place the focus exclusively on economic factors. Sitaraman's book was also the focus of a *Boston University Law Review* online symposium in May 2018.

Additions Suggested by DEM-DEC Users

Note: Hyperlinks are not available for a small number of items below

Books

[KURLANTZICK J](#), *Democracy in Retreat: The Revolt of the Middle Class and the Worldwide Decline of Representative Government* (Yale University Press, 2014).

[MOLS F & JETTEN J](#), *The Wealth Paradox: Economic Prosperity and the Hardening of Attitudes* (Cambridge University Press, 2017).

[SITARAMAN G](#), *The Crisis of the Middle-Class Constitution* (Alfred A. Knopf, 2017).

Edited Collections

[ALBERT R, LANDAU D, FARAGUNA P & DRUGDA S \(eds\)](#), *ICONnect-Clough Centre Global Review of Constitutional Law 2017* (ICONnect and the Clough Center for the Study of Constitutional Democracy, 2018). (Annual issue devoted to 'the state of liberal democracy').

[BIEŃ-KACAŁA A, CSINK L, MILEJ T, SEROWANIEC M \(eds\)](#), *Liberal Constitutionalism: Between Individual and Collective Interests* (Toruń, 2017).

Articles

[BIEŃ-KACAŁA A](#), 'Informal Constitutional Change: The Case of Poland' (2017) 6(40) *Prz. Prawa Konstytucyjnego* 199.

BIEŃ-KACAŁA A, 'Dissolution of Political Parties by the Polish Constitutional Tribunal in Light of the Venice Commission's Standards and Decisions' (2017) 154 *Czasopismo: Stud. Iurid. Auctorit. Univ. Pécs Publ.* 29.

[CORRIAS L](#), 'Populism in a Constitutional Key: Constituent Power, Popular Sovereignty and Constitutional Identity' (2016) 12(1) *European Constitutional Law Review* 6.

[ELBASANI A & ŠELO ŠABIĆ S](#), 'Rule of law, corruption and democratic accountability in the course of EU enlargement' (2018) 25(9) *Journal of European Public Policy* 1317.

[HUQ AZ](#), 'The People against the Constitution' (2018) 116 *Michigan Law Review* 1123.

[SCHRAGGER RC](#), 'When White Supremacists Invade a City' (2018) 104 *Virginia Law Review Online* 58.

[STEWART C](#), 'State Court Litigation: The New Front in the War Against Partisan Gerrymandering' (2018) 116 Michigan Law Review Online 152.

[TUSHNET M](#), 'The Possibility of Illiberal Constitutionalism?' (2017) 69 Florida Law Review 1367.

[WAGRANDL U](#), 'Transnational Militant Democracy' (2018) 7 Global Constitutionalism 143.

Working Papers

[INGLEHART RF & NORRIS P](#), 'Trump, Brexit, and the Rise of Populism: Economic Have-Nots and Cultural Backlash' (HKS Working Paper No. RWP16-026, Harvard Kennedy School, Aug. 2016).

[JAKAB A](#), 'What is Wrong with the Hungarian Legal System and How to Fix it'. Max Planck Institute for Comparative Public Law & International Law (MPIL) Research Paper No. 2018 – 13 (2018).

[SELIGMAN M](#), Constitutional Politics, Court Packing, and Judicial Appointments Reform. Cardozo Legal Studies Research Paper No. 548 (30 July 2018).

[VON BOGDANCY A, BOGDANOWICZ P, CANOR I, TABOROWSKI M & SCHMIDT M](#), 'A Constitutional Moment for the European Rule of Law – Upcoming Landmark Decisions Concerning the Polish Judiciary'. Max Planck Institute for Comparative Public Law & International Law Research Paper No. 2018-10 (June 2018).

Policy Reports

[INTERNATIONAL IDEA](#), 'The Role of Regional Organizations in the Protection of Constitutionalism' (2016, author: M. Wiebusch).

July 2018: New Publications

German Law Journal: Vol. 19, No.4 (July 2018)

Collection: 'The Rule of Law, Constitutionalism and the Judiciary'

NEDER MEYER, EP, 'Judges and Courts Destabilizing Constitutionalism: The Brazilian Judiciary Branch's Political and Authoritarian Character' (2018) 19(4) German Law Journal 727.

SANDERS A & VON DANWITZ L, 'Selecting Judges in Poland and Germany: Challenges to the Rule of law in Europe and Propositions for a new Approach to Judicial Legitimacy' (2018) 19(4) German Law Journal 769.

SCHULDT L, 'Mixed Signals of Europeanization: Revisiting the NPD Decision in Light of the European Court of Human Rights' Jurisprudence' (2018) 19(4) German Law Journal 817.

GRAVER HP, 'Why Adolf Hitler Spared the Judges: Judicial Opposition Against the Nazi State' (2018) 19(4) German Law Journal 845.

VESPAZIANI A, "'Force Disguised as Reason": Law, Jurists, and Constituent Power in Boccaccio's Decameron' (2018) 19(4) German Law Journal 879.

Journal of Democracy: Articles from Issue 29(3) (July 2018)

Note: These articles are freely available for download online until 15 August 2018

RUPNIK J, 'The Crisis of Liberalism' (2018) 29(3) Journal of Democracy 24.

KREKÓ P & ENYEDI Z, 'Orbán's Laboratory of Illiberalism' (2018) 29(3) Journal of Democracy 39.

PRZYBYLSKI W, 'Can Poland's Backsliding Be Stopped?' (2018) 29(3) Journal of Democracy 52.

PEHE J, 'Czech Democracy Under Pressure' (2018) 29(3) Journal of Democracy 65.

MESEŽNIKOV G & GYÁRFÁŠOVÁ O, 'Slovakia's Conflicting Camps' (2018) 29(3) Journal of Democracy 78.

GANEV VI, "'Soft Decisionism" in Bulgaria' (2018) 29(3) Journal of Democracy 91.

MUNGIU-PIPPIDI A, 'Romania's Italian-Style Anticorruption Populism' (2018) 29(3) Journal of Democracy 104.

KRASTEV I & HOLMES S, 'Imitation and Its Discontents' (2018) 29(3) Journal of Democracy 117.

FOA RS, 'Modernization and Authoritarianism' (2018) 29(3) Journal of Democracy 129.

Oklahoma Law Review: Volume 71, No. 1 (July 2018)

Symposium: 'Falsehoods, Fake News, and the First Amendment'

BRYANT MB, 'Editor's Introduction' (2018) 71(1) Oklahoma Law Review.

Panel 1: Falsehoods and the First Amendment

CHEMERINSKY E, 'False Speech and the First Amendment' (2018) 71(1) Oklahoma Law Review 1.

TEPKER HF, 'An Introductory Essay: Old Principles for an (Allegedly) Brave New World' (2018) 71(1) Oklahoma Law Review 17.

VARAT JD, 'Truth, Courage, and Other Human Dispositions: Reflections on Falsehoods and the First Amendment' (2018) 71(1) Oklahoma Law Review 35.

BLITZ MJ, 'Lies, Line Drawing, and (Deep) Fake News' (2018) 71(1) Oklahoma Law Review 59.

Panel 2: Election Lies

NORTON H, '(At Least) Thirteen Ways of Looking at Election Lies' (2018) 71(1) Oklahoma Law Review 117.

SELLERS JS, 'Legislating Against Lying in Campaigns and Elections' (2018) 71(1) Oklahoma Law Review 141.

WEINSTEIN J, 'Free Speech and Domain Allocation: A Suggested Framework for Analyzing the Constitutionality of Prohibition of Lies' (2018) 71(1) Oklahoma Law Review 167.

Panel 3: The Brave New World of Free Speech

MAGARIAN GP, 'Forward into the Past: Speech Intermediaries in the Television and Internet Ages' (2018) 71(1) Oklahoma Law Review 237.

THAI J, 'The Right to Receive Foreign Speech' (2018) 71(1) Oklahoma Law Review 269.

WEST SR, 'Suing the President for First Amendment Violations' (2018) 71(1) Oklahoma Law Review 321.

SUR - International Journal on Human Rights: Issue 27 (July 2018)

The following are selected articles from this issue on 'The SUR File on Internet and Democracy'

SUNSTEIN C, 'Is Social Media Good or Bad for Democracy?' (2018) 27 SUR - International Journal on Human Rights.

MORETTO RIBEIRO M & ORTELLADO P, 'Fake news: what it is and how to deal with it' (2018) 27 SUR - International Journal on Human Rights.

Notre Dame University Law Review: Issue 93(4) (July 2018)

MICHAELS JD, 'The American Deep State' (2018) 93(4) Notre Dame Law Review 1653.

SUNSTEIN C, 'Originalism' (2018) 93(4) Notre Dame Law Review 1671 (focusing on the impeachment clause in particular).

Common Market Law Review: Volume 55, Issues 3 and 4 (June and July 2018)

VON BOGDANDY A, BOGDANOWICZ P, CANOR I, TABOROWSKI M & SCHMIDT M, 'Guest Editorial: A potential constitutional moment for the European rule of law – The importance of red lines' (2018) 55(4) Common Market Law Review 983.

SADOWSKI W, 'Protection of the rule of law in the European Union through investment treaty arbitration: Is judicial monopolism the right response to illiberal tendencies in Europe?' (2018) 55(4) Common Market Law Review 1025.

SCHMIDT M & BOGDANOWICZ, 'The infringement procedure in the rule of law crisis: How to make effective use of Article 258 TFEU' (2018) 55(4) Common Market Law Review 1061.

KONCEWICZ TT, 'Book Review: Reinforcing Rule of Law Oversight in the European Union, edited by Carlos Closa and Dimitry Kochenov. (Cambridge: Cambridge University Press, 2016)' (2018) 5(3) Common Market Law Review 953.

January-June 2018: Selected Publications

European Constitutional Law Review: Vol. 14, Issue 2 (June 2018)

MOLIER G & RIJPKEMA, 'Case Note: Germany's New Militant Democracy Regime: National Democratic Party II and the German Federal Constitutional Court's 'Potentiality' Criterion for Party Bans: Bundesverfassungsgericht, Judgment of 17 January 2017, 2 BvB 1/13, National Democratic Party II' (2018) 14(2) European Constitutional Law Review 394.

Hague Journal on the Rule of Law: Online Articles (June 2018)

SADURSKI W, 'Polish Constitutional Tribunal Under PiS: From an Activist Court, to a Paralysed Tribunal, to a Governmental Enabler' (2018) Hague Journal on the Rule of Law 1 (first published online; not yet assigned to an issue).

HALMAI G, 'The Possibility and Desirability of Rule of Law Conditionality' (2018) Hague Journal on the Rule of Law 1 (first published online; not yet assigned to an issue).

Indiana Law Journal: Vol. 93, Issue 1 (June 2018)

Symposium: The Future of the U.S. Constitution

The following are selected articles from this symposium

JOHNSEN D, 'Foreword' (2018) 93(1) Indiana Law Journal 1.

ANDRIAS K, 'The Fortification of Inequality: Constitutional Doctrine and the Political Economy' (2018) 93(1) Indiana Law Journal 5.

CHEMERINSKY E, 'Trump, The Court, and Constitutional Law' (2018) 93(1) Indiana Law Journal 73.

GERTNER N (Judge, Ret.), 'The "Lower" Federal Courts: Judging in a Time of Trump' (2018) 93(1) Indiana Law Journal 83.

GREENE J, 'Trump as a Constitutional Failure' (2018) 93(1) Indiana Law Journal 93.

JOHNSEN D & DELLINGER W, 'The Constitutionality of a National Wealth Tax' (2018) 93(1) Indiana Law Journal 111.

MARSHALL WP, 'The Limits on Congress's Power To Do Nothing: A Preliminary Inquiry' (2018) 93(1) Indiana Law Journal 159.

SIEGEL NS, 'Political Norms, Constitutional Conventions, and President Donald Trump' (2018) 93(1) Indiana Law Journal 177.

TUSHNET M, 'Utopian Thinking for Progressive Constitutionalists' (2018) 93(1) Indiana Law Journal 233.

UC Hastings Law Journal: Vol. 69, Issue 5 (June 2018)

ISOLA J, 'Keynote Address: Symposium Cybersecurity, Fake News & Policy: Dis- and Mis-Information' (2018) 69(5) UC Hastings Law Journal 1333.

HOWARD DM, 'Can Democracy Withstand the Cyber Age?: 1984 in the 21st Century' (2018) 69(5) UC Hastings Law Journal 1355.

JOLLS T & JOHNSEN M, 'Media Literacy: A Foundational Skill for Democracy in the 21st Century' (2018) 69(5) UC Hastings Law Journal 1379.

Boston University Law Review: Current Online Symposium (May 2018)

Online Symposium: 'Ganesh Sitaraman's The Crisis of the Middle-Class Constitution'

MARKOVITS D, 'Hope and Fear for Democracy in America' (2018) 98 Boston University Law Review Online 1.

SABEEL RAHMAN K, 'Reconstructing Democracy in an Era of Inequality' (2018) 98 Boston University Law Review Online 5.

LYONS D, 'Ganesh Sitaraman's Idealized American History' (2018) 98 Boston University Law Review Online 11.

EPSTEIN RA, 'Sitaraman's Mistaken Case for the Middle-Class Constitution' (2018) 98 Boston University Law Review Online 15.

SOMIN I, 'Why Growing Government is a Greater Political Menace than Growing Inequality' (2018) 98 Boston University Law Review Online 21.

SITARAMAN G, 'The Middle-Class Constitution: A Response Inequality' (2018) 98 Boston University Law Review Online 27.

European Journal of International Law: Vol. 28 No.1 (May 2018)

BENVENISTI E, '[Foreword: Upholding Democracy Amid the Challenges of New Technology: What Role for the Law of Global Governance?](#)' (2018) 28(1) European Journal of International Law 9.

Hague Journal on the Rule of Law: Vol. 10, Issue 1 (April 2018)

Special Issue on the Crisis of Constitutional Democracy in Central and Eastern Europe

LETNAR ČERNIČ J & AVBELJ M, 'The Special Issue of the Hague Journal on the Rule of Law on the Crisis of Constitutional Democracy in Central and Eastern Europe' (2018) 10(1) Hague Journal on the Rule of Law 1.

PALOMBELLA G, 'Illiberal, Democratic and Non-Arbitrary?' (2018) 10(1) Hague Journal on the Rule of Law 5.

BUGARIC B & KUHELJ A, 'Varieties of Populism in Europe: Is the Rule of Law in Danger?' (2018) 10(1) Hague Journal on the Rule of Law 21.

AVBELJ M, 'The Sociology of (Slovenian) Constitutional Democracy' (2018) 10(1) Hague Journal on the Rule of Law 35.

PAPIĆ T & DJERIĆ V, 'On the Margins of Consolidation: The Constitutional Court of Serbia' (2018) 10(1) Hague Journal on the Rule of Law 59.

KOSAŘ D & ŠIPULOVÁ K, 'The Strasbourg Court Meets Abusive Constitutionalism: Baka v. Hungary and the Rule of Law' (2018) 10(1) Hague Journal on the Rule of Law 83.

LETNAR ČERNIČ J, 'Impact of the European Court of Human Rights on the Rule of Law in Central and Eastern Europe' (2018) 10(1) Hague Journal on the Rule of Law 111.

Additional article in the same issue, concerning the United Nations

ARAJÄRVI N, 'The Rule of Law in the 2030 Agenda' (2018) 10(1) Hague Journal on the Rule of Law 187.

NYU Law Review: Volume 93 Online Symposium (April 2018)

Online Symposium: 'Courts Under Pressure: Protecting Rule of Law in the Age of Trump'

Symposium Introduction

KALB J & BANNON A, 'Courts Under Pressure: Judicial Independence and Rule of Law in the Trump Era' (2018) 93(1) NYU Law Review Online 1.

Articles

GERTNER N, 'The "Lower" Federal Courts: Judging in a Time of Trump' (2018) 93(1) NYU Law Review Online 7.

GROVE TL, 'The Power of "So-Called Judges"' (2018) 93(1) NYU Law Review Online 14.

HUQ AZ, 'Democratic Erosion and the Courts: Comparative Perspectives' (2018) 93(1) NYU Law Review Online 21.

NELSON MJ & GIBSON JL, 'Has Trump Trumped the Courts?' (2018) 93(1) NYU Law Review Online 32.

McCANSE WRIGHT A, 'Constitutional Good Faith' (2018) 93(1) NYU Law Review Online 41.

FONTANA D, 'How Do People Think About the Supreme Court when They Care?' (2018) 93(1) NYU Law Review Online 50.

Responses

LYLE D, 'A Norm No More: Elected Officials' Lack of Deference to State Courts' (2018) 93(1) NYU Law Review Online 55.

Response to Tara Leigh Grove, The Power of "So-Called Judges" (2018) 93(1) NYU Law Review Online 14.

SINNAR S, 'Internal Oversight and the Tenuous Protection of Norms' (2018) 93(1) NYU Law Review Online 61.

Response to Aziz Z. Huq, Democratic Erosion and the Courts: Comparative Perspectives (2018) 93(1) NYU Law Review Online 21.

VLADECK SI, 'The Aggressive Virtues' (2018) 93(1) NYU Law Review Online 66.

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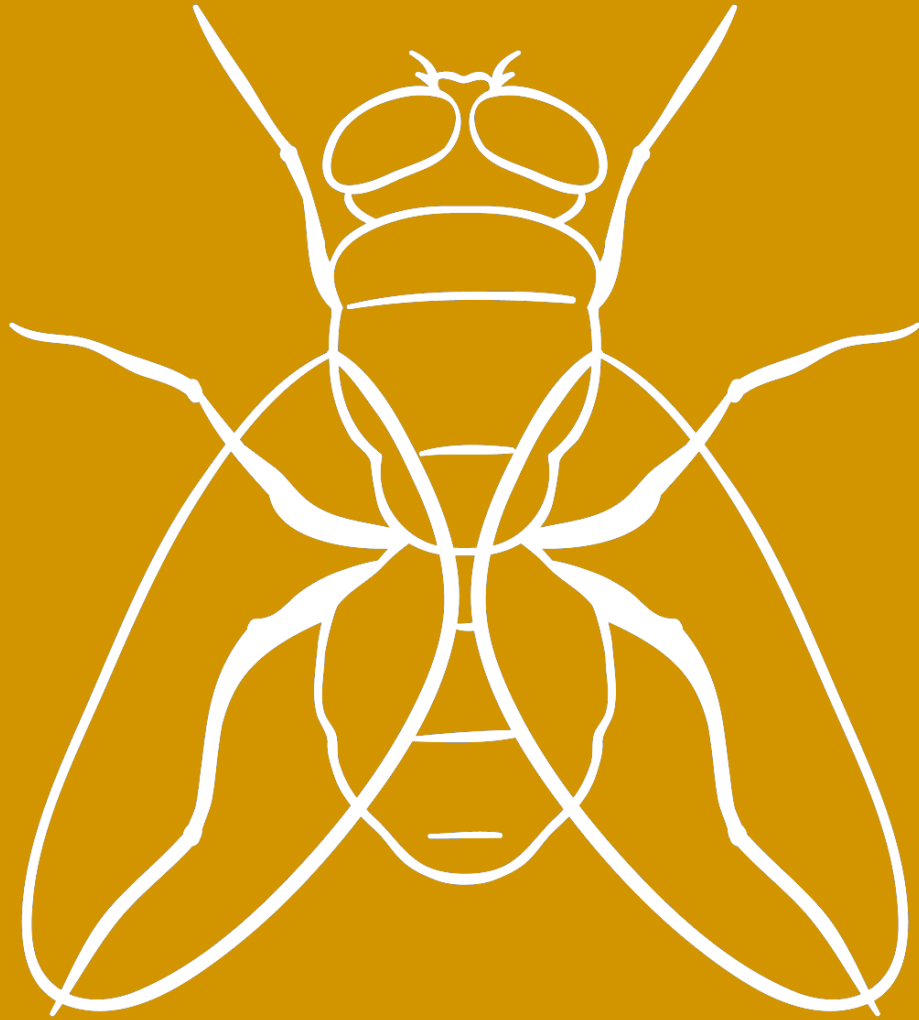
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