

December
2018

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

This Update was issued on 3 December 2018. It is based on new publications and suggestions from users of the Democratic Decay Resource (DEM-DEC) at www.democratic-decay.org.

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

www.democratic-decay.org

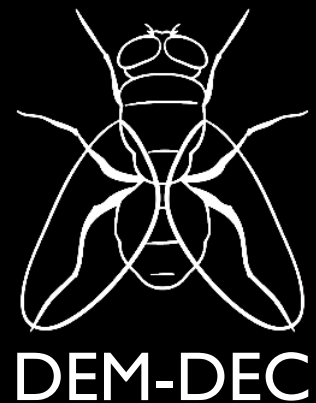
About DEM-DEC

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) is an online resource aiming to provide useful information on the deterioration of democratic rule worldwide through a mixture of curated, collaborative, and user-generated content including a Bibliography, Experts Database, Events Database, Links, and Concept Index.

DEM-DEC's core purpose is to bring scholars and policymakers together in a collaborative project to pool expertise on democratic decay, in a context where many experts are talking in silos, or past one another, where the literature is rapidly expanding, and events and projects are proliferating across the world.

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Dr 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

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

Centre for Comparative Constitutional Studies (CCCS)

Centro de Estudos sobre Justiça de Transição (Study Center on Transitional Justice (SCTJ), Brazil)

Constitution Transformation Network (Melbourne Law School)

Constitutionally Speaking (blog – South Africa)

Democracy Reporting International (DRI)

Democratic Erosion: A Cross-University Collaboration (USA)

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)

Varieties of Democracy (V-Dem)

Verfassungsblog

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Have Your Say!

Send suggestions and information on new publications for the next monthly update by filling out the form at www.democratic-decay.org or e-mailing democraticdecay@gmail.com



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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.

Fifth monthly update since DEM-DEC was launched

Updates to the Bibliography will be issued on the first Monday of each month. This is the fifth monthly update provided and was issued on 3 December 2018, based on new publications and suggestions from DEM-DEC user. All updates should be read in conjunction with the main DEM-DEC bibliography.

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 blogs. Blog posts, media articles, and (with some exceptions) policy documents are not covered.

Period covered by this update

As this is a monthly update, the main items here are from November 2018. Items suggested by DEM-DEC users include earlier material. In addition, sections on populism and the radical right in this update include material from a longer time period.

Global Coverage

The Bibliography updates aim for global coverage. However, it should 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 generally provided for each item.

Format Change

From this update, authors' full names will be listed, to further the aim of fostering a global community.

Acknowledgments

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

Key Themes from this Update

Identifying Themes

Each monthly Bibliography Update includes 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. Although it is impossible to capture every dimension of the issues covered in this Update, six key themes can be picked out.

1 The Many Varieties of Populism: Left, Right, Nationalist, Anti-Pluralist

Every Bibliography Update addresses a dimension of populism as a concept. This is aimed at highlighting the multiple meanings of the term and to encourage greater specificity in its usage. Four items are of interest in this Update. Cathrine Thorleifsson’s new book, on [‘Nationalist Responses to the Crises in Europe’](#) (November 2018) combines analysis of the discourses of key populist radical right parties – the UK Independence Party, Fidesz and Jobbik in Hungary, and the Norwegian Progress Party – with analysis of the fears and concerns of these parties’ supporters. Based on fieldwork in England, Hungary and Norway, Thorleifsson explores the material conditions, historical events and social contexts that shape distinct forms of xenophobia and intolerance toward migrants and minorities, to develop broader conclusions about the drivers and character of populist nationalism and the way in which these differ across national contexts. In *Democratization* (November 2018) Duncan McDonnell and Luis Cabrera analyse the [right-wing populism of the ruling BJP Party in India](#). Elsewhere, on 6 November Dr Niklas tweeted a list of short texts (see p.18), which highlight that left-wing populism spans democracy-threatening Chavismo in Venezuela and non-threatening movements such as Podemos in Spain – the latter not bearing the hallmark of anti-pluralism (analysed by Galston in his [March 2018 book](#)). There are crucial distinctions to draw between different varieties of populism.

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

2 Academic Freedom

In a month that saw the Central European University (CEU) in Hungary come ever closer to being hounded out of Budapest by the sitting Fidesz government under Prime Minister Orbán, it seems important to highlight analysis of academic freedom in this Update. Daniel Stockemer and Mikyoung Kim, in a recent [\(May 2018\) article](#), suggested for addition by a DEM-DEC user, provide comparative analysis of academic freedom in Turkey, Hungary, and Japan. They not only highlight that academics are often the first target of governments seeking to constrain free speech and freedom information, but also discuss the many ways academic freedom can be attacked: discrediting individual non-conforming scholars; attacking universities as elitist or corrupt; forcing scholars to teach a prescribed ideology or vision of the state; firing them; or in extreme scenarios, imprisoning and torturing them. Their conclusion ends with a lapidary statement: “We should ... be vocal in our writings and media interventions of any infringement of academic freedom that we know of regardless of whether it happens at our own university or a university 10,000 miles away.” Stockemer and Kim draw on data

collected by DEM-DEC's new partner, V-Dem (Varieties of Democracy): see their latest dataset [here](#). A link to [the Scholars at Risk Network](#) has also been added to DEM-DEC. Take a look.

3 Gender and Democratic Decay

Two books suggested for addition by DEM-DEC users concern the gender dimensions of democratic decay. The most recent, an edited collection on [‘Anti-Gender Campaigns in Europe’](#) (March 2018), contains useful chapters on Poland and Hungary in particular. A [2016 collection](#) edited by Michaela Köttig, Renate Bitzan and Andrea Petö addresses the role of women, and the identity and organisation of female extremists, in far right politics in Europe. Gender is a cross-cutting dimension: it is notable that the attacks on the CEU in Hungary, discussed under ‘Academic Freedom’ above, have also been accompanied by removal of gender studies programmes from Hungarian university curriculums. New items in the ‘Forthcoming Research’ section also promise to address gender from different angles, including Amy Erica Smith’s forthcoming book on ‘Religion and Brazilian Democracy’, which analyses how religious politics pushes Brazilian politics rightward. Finally, on a broader note, it is clear that female experts on democratic decay too often get overlooked: you can find lists of female experts on [Women Also Know Stuff](#). Scholars such as Cas Mudde (@CasMudde) also regularly tweet useful lists of female experts.

4 Exclusion: Minorities, Immigrants, and Political Outsiders

Another clear dimension of exclusion and marginalisation – and of attack by anti-democrats – covered by multiple items in this Update concerns minorities and immigrants. As well as Thorleifsson’s new book on national populism in Europe, discussed above, in the latest issue of the *UC Davis Law Review* (November 2018) Jennifer Chacón discusses [citizenship and belonging](#), casting light on the ways that immigrant communities may be conceptualizing and reconfiguring collective understandings of citizenship in today’s USA, following a long tradition of minorities rethinking citizenship in a more inclusive direction. A useful companion piece is [Johanna Kalb and Didi Kuo’s article](#) in the *Michigan Law Review Online* (listed in the [November Update](#)) on ‘The Enduring Challenge of Racial Exclusion’, which questions whether, viewed from the exclusion of ethnic minorities, US democracy was ever as healthy as was claimed. The issue of the marginalised is also addressed by [Bertrall Ross](#), among others, in the *Columbia Law Review’s* symposium on equality and free speech (November 2018). Ross discusses how the latest challenge to gerrymandering before the Supreme Court (in *Gill v. Whitford*) has failed, laying the blame on how the Court’s case-law has turned the First Amendment from a protection for political outsiders to one for political insiders.

5 The Incompetent Citizen?

A range of materials in this Update address the very competence of citizens to participate in the democratic system. The political psychology scholar Shawn Rosenberg has a range of research that skewers the very idea of the rational citizen. His 2017 article [‘Unfit for Democracy?’](#), for instance, argues that political thinking “is mostly preconscious, automatic, and recall driven. Consequently, it is vulnerable to contextual cueing, preexisting biases, and biological and genetic predispositions.” Ilya Somin also tackles this competence issue, in [his 2016 book](#) suggested for addition by DEM-DEC users. Somin’s work on ‘political ignorance’ in the US context has raised serious questions for democratic theory and the proponents of deliberative democracy, and his view that ‘a major increase in political

knowledge is unlikely in the foreseeable future' appears right. That said, in many cases such ignorance is at least partly the result of long-term government policies impoverishing civic education (see a short discussion [here](#)). Claudia Chwalisz in her [2017 book](#) argues that adding informed citizen voices to public decision-making leads to more effective policies. Moreover, if we think of the attacks against the CEU in Hungary, and the wider development of grassroots democracy defence movements across Central and Eastern Europe (e.g. the 'Konstytucja' ('Constitution') movement in Poland; see [here](#)), it seems that another side of the story is the capacity of the citizen to lead and demand constitutional government.

6 Judges as Democracy Defenders and Authoritarian Assistants

The August Bibliography Update included 'Courts as safeguards' a specific theme. Many items in thus Update return to this theme but with a greater focus on the judge as individual, as opposed to depersonalised analysis of the role of courts as institutions. The role of the judge comes to the fore in the Chief Judge of the State of New York [Hon. Janet Difiore's Brennan Lecture](#), published in the *New York University Law Review* (November 2018). She expresses alarm at the ongoing attacks against individual judges and the rule of law more widely and warns against complacency:

[W]e cannot be complacent. The vibrancy, vitality, and viability of the rule of law can never be taken for granted. We find ourselves living in a historical moment ... when the rule of law is threatened on many fronts, including by unjust and irresponsible attacks on the independence of our judges and law enforcement institutions. (...)

Never in our lifetimes have so many long-cherished norms, once considered universal, been treated so dismissively or abandoned altogether by political leaders, leaving many of us who have devoted our professional lives to the law as judges, law professors, and members of the bar feeling deeply uneasy about the future of our democracy. As Ron Chernow, the biographer of Alexander Hamilton, observed: "democracy can be corrupted, not by big, blaring events, but by a slow, insidious, almost imperceptible process, like carbon monoxide seeping in under the door."

Every one of us must be vigilant in protecting our cherished democracy. Each one of us has an obligation to defend our democratic institutions against these attacks.

It is also important to remember that judges can hasten democratic decay, sometimes unintentionally. The role of courts as sometimes active agents of democratic deterioration is strongly suggested by the [Columbia Law Review Symposium on equality and the first amendment](#), with many pieces taking the Supreme Court to task for distorting the right to free speech and, thereby, the democratic system as a whole. Concerning more intentionally authoritarian adjudication, Hans Petter Graver has addressed the position of the judge in detail. His [2015 book on 'Judges Against Justice'](#) considers three questions: What happen when states become oppressive and the judiciary contributes to the oppression? How can we, from a legal point of view, evaluate the actions of judges who contribute to oppression? And, thirdly, how can we understand their participation from a moral point of view and support their inclination to resist? [Brannon Denning](#) in the *William & Mary Law Review* (published in late October) argues that one tactic is for lower court judges to read problematic Supreme Court judgments narrowly. The argument, to some extent, mirrors analysis of the Polish context by Tomasz Koncewicz (in the [DEM-DEC Main Bibliography](#)) suggesting lower courts may operate to limit the damage done by the 'captured' Constitutional Tribunal.

Additions Suggested by DEM-DEC Users

Note: Where possible, hyperlinks are provided directly to the text

Monographs

[Mark CHOU](#), *Democracy Against Itself: Sustaining an Unsustainable Idea* (Edinburgh University Press, 2014).

[Mark CHOU](#), *Theorising Democide: Why and How Democracies Fail* (Palgrave Macmillan, 2013).

[Mark CHOU](#), *Greek Tragedy and Contemporary Democracy* (Bloomsbury, 2012).

[Claudia CHWALISZ](#), *The People's Verdict: Adding Informed Citizen Voices to Public Decision-Making* (Rowman & Littlefield International, 2017).

[Claudia CHWALISZ](#), *Populist Signal: Why Politics and Democracy Need to Change* (Rowman & Littlefield International, 2015).

[William A. GALSTON](#), *Anti-Pluralism: The Populist Threat to Liberal Democracy* (Yale University Press, March 2018).

[Hans Petter GRAVER](#), *Judges Against Justice: On Judges When the Rule of Law is Under Attack* (Springer 2015).

[George HAWLEY](#), *The Alt-Right, The Alt-Right: What Everyone Needs to Know* (Oxford University Press; published 30 November 2018).

[Ilya SOMIN](#), *Democracy and Political Ignorance: Why Smaller Government is Smarter* 2nd edn (Stanford University Press, 2016).

Edited Collections

[Mark CHOU](#), [Jean-Paul GAGNON](#), [Catherine HARTUNG](#), and [Lesley J. PRUITT](#) (eds), *Young People, Citizenship and Political Participation: Combatting Civic Deficit?* (Rowman & Littlefield International, 2017).

[Michaela KÖTTIG](#), [Renate BITZAN](#), [Andrea PETÖ](#) (eds), *Gender and Far Right Politics in Europe* (Palgrave Macmillan, 2016).

[Roman KUCHAR](#) and [David PATERNOTTE](#) (eds), *Anti-Gender Campaigns in Europe: Mobilizing Against Equality* (Rowman & Littlefield International, March 2018).

Special Journal Collections

Marlene LARUELLE (ed), Journal of Communist and Post-Communist Studies (December 2016): 'The transformations of Far Right and Far Left in Europe'

André FREIRE & Kats KIVISTIK, 'Regime transition, value conflicts and the left-right divide at the mass level: The Baltic States and Southern Europe compared' (2016) 49(4) Journal of Communist and Post-Communist Studies 293.

Marco DAMIANI & Marino DE LUCA, 'From the Communist Party to the Front de gauche. The French radical left from 1989 to 2014' (2016) 49(4) Journal of Communist and Post-Communist Studies 313.

Miroslav MAREŠ & Vratislav HAVLÍK, 'Jobbik's successes. An analysis of its success in the comparative context of the V4 countries' (2016) 49(4) Journal of Communist and Post-Communist Studies 323.

Alena KLUKNAVSKÁ & Josef SMOLÍK, 'We hate them all? Issue adaptation of extreme right parties in Slovakia 1993–2016' (2016) 49(4) Journal of Communist and Post-Communist Studies 335.

Dae Soon KIM, 'The rise of European right radicalism: The case of Jobbik' (2016) 49(4) Journal of Communist and Post-Communist Studies 345.

Articles

Richard H. FALLON JR., 'Judicial Supremacy, Departmentalism, and the Rule of Law in a Populist Age' (2018) 96(3) Texas Law Review 487.

Venelin GANEV, "'Neo-Liberalism is Fascism and Should be Banned": Bulgarian Populism as Left-Wing Radicalism' (2017) 76 S1 Slavic Review S9.

Hans Petter GRAVER, 'Judging without Impunity: On the Criminal Responsibility of Authoritarian Judges' (2016) 4(1) Bergen Journal of Criminal Law and Criminal Justice 125.

Hans Petter GRAVER, 'Judicial Independence Under Authoritarian Rule: An Institutional Approach to the Legal Tradition of the West' 10(2) Hague Journal on the Rule of Law 317.

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

Shawn ROSENBERG & Peter BEATTIE, 'The cognitive structuring of national identity: individual differences in identifying as American' (2018) Nations and Nationalism 1.

Shawn ROSENBERG, 'Unfit for Democracy? Irrational, Rationalizing and Biologically Predisposed Citizens' (2017) 29(3) Critical Review 362.

Shawn ROSENBERG, 'Can the People Govern? Citizen Competence and the Psychology of Deliberation' In S Estlund & P McLaverty (eds), *Deliberative Democracy: Issues and Cases* (Edinburgh University Press, 2014).

Daniel STOCKEMER & Mikyoung KIM, 'Introduction: Academic freedom in danger: case studies of Turkey, Hungary and Japan' (2018) European Political Science First Online Articles: published 25 May 2018.

[Carl TOBIAS](#), Recalibrating Judicial Renominations in the Trump Administration (2017) 74(1) Washington & Lee Law Review Online 9.

[Ulrich WAGRANDL](#), 'Militant Democracy in Austria' (2018) 2 Vienna Law Review 95.

[Abby K. WOOD & Ann M. RAVEL](#), Fool Me Once: Regulating "Fake News" and Other Online Advertising (2018) 91(6) Southern California Law Review 1223.

Working Papers

[Luke Dimitrios SPIEKER](#), 'From Moral Values to Legal Obligations – On How to Activate the Union's Common Values in the EU Rule of Law Crisis'. Max Planck Institute for Comparative Public Law & International Law (MPIL) Research Paper No. 2018-24 (German Law Journal (2019), forthcoming).

Conference Papers

Shawn ROSENBERG, 'The Cognitive Correlates of Authoritarian Populism: An Online Clinical Experiment'. Paper to be presented at the 2019 Annual Meeting of the ISPP, Lisbon, Portugal.

Policy Reports & Guidelines

[V-Dem](#) Annual Democracy Report 2018. Democracy for All? (May 2018).

Additional Resources

Varieties of Democracy (V-Dem)

In late November 2018 DEM-DEC concluded a partnership agreement with Varieties of Democracy (V-Dem). Based at the V-Dem Institute in the Department of Political Science at the University of Gothenburg, Sweden, V-Dem is a global team of 50 social scientists, 170 Country Coordinators (CCs) and 3,000 Country Experts (CEs). V-Dem is a new approach to conceptualizing and measuring democracy, providing a multidimensional and disaggregated dataset that reflects the complexity of the concept of democracy as a system of rule that goes beyond the simple presence of elections.

[The V-Dem website](#) is a treasure trove of information, including datasets, Democracy Reports, Country Reports, working papers, and V-Dem users' working papers.

New Resources in the DEM-DEC Links Section

A range of additional resources have been added to the [Links](#) section on DEM-DEC, including:

- [C-Rex – and Centre for Research on Extremism, University of Oslo](#)
- [Centre on Democracy, Development and the Rule of Law \(CDDRL\), Stanford University](#)
- [EU Scream: The Podcast on Europe and Its Political Extremes](#)
- [Routledge Studies in Fascism and the Far Right](#)

DEM-DEC Launch Podcast

Panel Discussion to Launch DEM-DEC

‘Is Democracy Decaying Worldwide? And What Can We Do About It?’

Having gone live on 25 June 2018, the Democratic Decay Resource (DEM-DEC) was formally launched at the University of Melbourne on Monday 22 October with a panel discussion. The panel was specifically designed to be open to the public and to be suitable for broadcast. Panellists were asked to avoid all academic jargon in their contributions and to strive for clarity.

The panel started with a global overview from DEM-DEC Creator Dr Tom Gerald Daly of the deterioration of democracy worldwide, in states such as Hungary, the USA and Brazil. This was followed by discussion of democratic decay in Poland, Venezuela and India with leading experts: Prof. Wojciech Sadurski (University of Sydney), Dr Raul Sanchez Urribarri (Latrobe University), and Dr Tarunabh Khaitan (universities of Oxford and Melbourne). The panel concluded with discussion of the robustness of, and challenges facing, Australian democracy, with Prof. Cheryl Saunders (University of Melbourne), followed by Q&A with the audience. DEM-DEC was formally launched by Prof. Pip Nicholson, Dean of Melbourne Law School, following the panel.

Podcast

On 27 and 28 November 2018 the launch panel discussion was broadcast as an hour-long programme on Australian Broadcasting Corporation (ABC) Radio National’s flagship current affairs programme ‘Big Ideas’. It is now available as a podcast.

Click CTRL and this symbol
to access the panel podcast



November 2018: New Publications

Note: Some items below were published at the very end of October 2018

Monograph: Cathrine THORLEIFSSON, Nationalist Responses to the Crises in Europe. Old and New Hatred (Routledge, published 30 October 2018).

Book chapter: Peter LINDSETH, 'The Democratic Disconnect, the Power-Legitimacy Nexus, and the Future of EU Governance' in Francesca Bignami (ed), EU Law in Populist Times: Crises and Prospects (Cambridge University Press, forthcoming) (posted on SSRN 7 November 2018).

V-Dem Working paper: John GERRING and Brendan APFELD, Global Democracy for Europeans: A Demographic Story. Varieties of Democracy Institute: Working Paper No. 81. November 2018.

Democratization Journal: Latest Articles (November 2018)

Duncan McDONNELL & Luis CABRERA, 'The right-wing populism of India's Bharatiya Janata Party (and why comparativists should care)' (Published online: 29 Nov 2018).

Frank HENDRIKS, 'Democratic innovation beyond deliberative reflection: the plebiscitary rebound and the advent of action-oriented democracy' (Published online: 22 Nov 2018).

José Antonio HERNÁNDEZ COMPANY, 'Parallel authoritarian powers: an explanation of Mexico's authoritarian regime breakdown' (Published online: 20 Nov 2018).

Lennart BRUNKERT, Stefan KRUSE & Christian WELZEL, 'A tale of culture-bound regime evolution: the centennial democratic trend and its recent reversal' (Published online: 14 Nov 2018).

Political Studies: First Online Articles (November 2018)

Malte FRØSLEE IBSEN, 'The Populist Conjuncture: Legitimation Crisis in the Age of Globalized Capitalism' (2018) Political Studies (First Published 7 November 2018).

Columbia Law Review: Vol. 118, No. 7 (November 2018)

Symposium: Equality and the First Amendment

Jeremy K. KESSLER & David E. Pozen, 'The Search for an Egalitarian First Amendment' (2018) 118(7) Columbia Law Review 1953.

Jack M. BALKIN, 'Free Speech is a Triangle' (2018) 118(7) Columbia Law Review 2011.

Catherine L. FISK, 'A Progressive Labor Vision of the First Amendment: Past as Prologue' (2018) 118(7) Columbia Law Review 2057.

Leslie KENDRICK, 'Another First Amendment' (2018) 118(7) Columbia Law Review 2095.

Genevieve LAKIER, 'Imagining an Antisubordinating First Amendment' (2018) 118(7) Columbia Law Review 2117.

Jedediah PURDY, 'Beyond the Bosses' Constitution: The First Amendment and Class Entrenchment' (2018) 118(7) Columbia Law Review 2161

Bertrall ROSS, 'Partisan Gerrymandering, the First Amendment, and the Political Outsider' Triangle' (2018) 118(7) Columbia Law Review 2187.

Louis Michael SEIDMAN, 'Can Free Speech be Progressive?' (2018) 118(7) Columbia Law Review 2219.

Responses

Cheryl I. HARRIS, 'Back to the Future: Recentering the Political Outsider' Columbia Law Review Online 153 (30 November 2018). *Response to Professor Bertrall Ross*.

Amy KAPCZYNSKI, 'The Lochnerized First Amendment and the FDA: Toward a More Democratic Political Economy' Columbia Law Review Online 179 (30 November 2018). *Response to the Columbia Law Review's 2018 Symposium*.

Harvard Law Review: Vol. 132, No. 1 (November 2018)

Jamal GREENE, Foreword: 'Rights as Trumps' (2018) 132(1) Harvard Law Review 28.

Guy-Uriel E. CHARLES & Luis E. FUENTES-ROHWER, 'Judicial Intervention as Judicial Restraint' (2018) 132(1) Harvard Law Review 236.

Michigan Law Review: Vol. 117, Issue 3 (November 2018)

Tim WU, Is the First Amendment Obsolete? (2018) 117(3) Michigan Law Review 547.

New York University Law Review: Vol. 93, No. 5 (November 2018)

Hon. Janet DIFIORE, 'Brennan Lecture: The Excellence Initiative and the Rule of Law' (2018) 93(5) New York University Law Review 1053.

Bertrall ROSS, 'Addressing Inequality in the Age of *Citizens United*' (2018) 93(5) New York University Law Review 1120.

Texas Law Review: Vol. 97, Issue 1 (November 2018)

Margaret H. LEMOS & Ernest A. YOUNG, 'State Public-Law Litigation in an Age of Polarization' (2018) 97(1) Texas Law Review 43.

Northwestern University Law Review: Vol. 113, No.3 (November 2018)

Daniel A. FARBER, 'Lincoln, Presidential Power, and the Rule of Law' (2018) 113(3) Northwestern University Law Review 667.

Iowa Law Review: Vol. 104, Issue 1 (November 2018)

Rebecca INGHER, 'Bureaucratic Resistance and the National Security State' (2018) 104(1) Iowa Law Review 139.

Timothy ZICK, 'Arming Public Protests' (2018) 104(1) Iowa Law Review 223.

Notre Dame Law Review: Vol. 94, Issue 1 (November 2018)

Martin H. REDISH & Kristin McCALL, 'Due Process, Free Expression, and the Administrative State' (2018) 94(1) Notre Dame Law Review 297.

Southern California Law Review: Vol. 92, Postscript (November 2018)

Ediberto ROMAN, Katryna SANTA CRUZ, Melissa GONZALEZ & Dianet TORRES, 'Profound Sophistication or Legal Sophistry? – Postscript (Comment)' (2018) 92 Southern California Law Review 19.

David ORENTLICHER, 'Supreme Court Reform: Desirable—And Constitutionally Required – Postscript (Comment)' (2018) 92 Southern California Law Review 29.

UC Davis Law Review: Vol. 52, No. 1 (November 2018)

Symposium: 'Immigration Law & Resistance: Ensuring a Nation of Immigrants'

Jennifer M. CHACÓN, 'Citizenship Matters: Conceptualizing Belonging in an Era of Fragile Inclusions' (2018) 52(1) UC Davis Law Review 1.

William & Mary Law Review: Vol. 60, Issue 1 (October 2018)

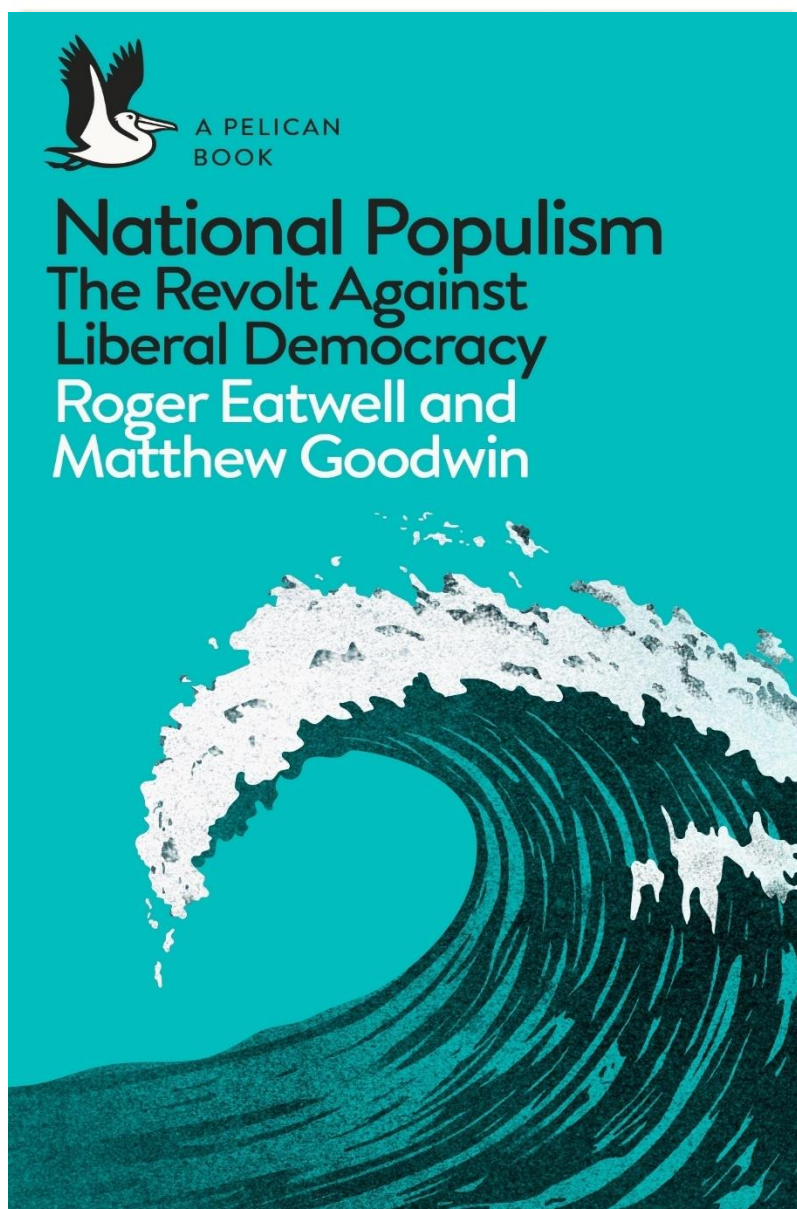
Brannon P. DENNING, 'Can Judges be Uncivilly Obedient?' (2018) 60(1) William & Mary Law Review 1.

Yale Law Journal Forum (Online): November 2018

Philip BOBBIT, 'Impeachment: A Handbook'.

Harold Hongju KOH, 'Presidential Power to Terminate International Agreements'.

DEM-DEC Recommended Read



"A cool-headed analysis of the rise of national populism in the West."

— **Jason Cowley**, *The Times*

"[Provides] copious evidence that rightwing populism has been a long time in the making. They organise this evidence into four Ds: distrust in elites, destruction of national culture, deprivation in the economic sphere and dealignment in political identification and voting behaviour. Their review of postwar political and economic history is informative and often compelling, providing clarity around a number of key debates within political science and political theory for the uninitiated. The EU is presented, not unreasonably, as a fundamentally elitist and undemocratic project, while neoliberal globalisation ... is explored as a basis of rising resentment, not so much due to its material effects as its psychological ones. Rising inequality and immigration produce a feeling of relative deprivation, that one is getting unfairly overtaken by others. "

— **William Davies**, *The Guardian*

Available now from Penguin books

Hardback £9.99 / Also available as E-book

National Populism: The Revolt Against Liberal Democracy by Roger Eatwell and Matthew Goodwin, Penguin Books 2018. 9780241312001. <https://bit.ly/2Oze2WH>

Short Texts on Left-wing Populism

On 6 November Dr Niklas Bolin (Lecturer at the Department of Social Sciences, Mittuniversitet (Mid Sweden University)) tweeted a list of short texts on left-wing populism, compiled on the basis of seeking recommendations from populism scholars on Twitter. See the photo below. These readings are useful in achieving a more nuanced understanding of left-wing populism as a concept, which encompass democracy-threatening Chavismo in Venezuela and non-threatening movements such as Podemos in Spain.

Texts on left-wing populism collected from populism scholars on Twitter 2018/11/04

- Aslanidis, P. & Rovira Kaltwasser, C., (2016). "Dealing with populists in government: the SYRIZA-ANEL coalition in Greece". *Democratization*, 23(6): 1077-1091.
- Brienen, M. (2016) "A Populism of Indignities: Bolivian Populism Under Evo Morales", *Brown Journal of World Affairs*, 23(1): 77-93.
- de La Torre, C. (2007) "The Resurgence of Radical Populism in Latin America," *Constellations*, 14(3): 384-397.
- George, P. (1998) "The new populism: presidentialism and market-oriented reform in Spanish South America". *Government and Opposition*, 33(1): 81-97.
- Hawkins, K.A. (2010), *Venezuela's Chavismo and Populism in Comparative Perspective*. Cambridge and NY: CUP. Chapt 6
- Kaltwasser, C.R., Taggart, P., Espejo, P.O. & Ostiguy, P. (2017) *The Oxford Handbook of Populism*. Oxford: OUP. Chapters 5-13
- Kioupkiolis, A. & Katsambekis, G. (2018), "Radical Left Populism from the Margins to the Mainstream. A Comparison of Syriza and Podemos", in Agustin & Briziarelli (eds.), *Podemos and the New Political Cycle. Left-Wing Populism and Anti-Establishment Politics*, Palgrave Macmillan.
- Levitsky, S. & Loxton, J. (2013) 'Populism and Competitive Authoritarianism in the Andes', *Democratization*, 20(1): 107-36.
- March, L. (2007), "From vanguard of the proletariat to vox populi: left-populism as a 'shadow' of contemporary socialism", *SAIS Review*, 27(1): 63-77.
- March, L. (2017), "Left and right populism compared: The British case", *The British Journal of Politics & International Relation*, 19(2): 282-303.
- Ramiro, L. & Gomez, R. (2017), "Radical-Left Populism during the Great Recession: Podemos and Its Competition with the Established Radical Left", *Political Studies*, 65(1S): 108-126.
- Santana, A. & Rama, J. (2018), "Electoral support for left wing populist parties in Europe: addressing the globalization cleavage", *European Politics and Society*, 19(5).
- Stavrakakis, Y. & G. Katsambekis (2014) 'Left-wing populism in the European periphery: the case of SYRIZA', *Journal of Political Ideologies*, 19(2): 119-142.
- Stavrakakis, Y., Kioupkiolis, A., Katsambekis, G. Nikisianis, N & Siomos, T. (2016), Contemporary Left-wing Populism in Latin America. Leadership, Horizontalism, and Postdemocracy in Chávez's Venezuela", in *Latin American Politics and Society*, 58(3): 51-76

Forthcoming Research

Note: Where possible, hyperlinks are provided directly to the text

Books

[Yeşim ARAT & Şevket PAMUK](#), Turkey Between Democracy and Authoritarianism (Cambridge University Press, due for publication in September 2019).

[Chip BERLET](#), Trumping Democracy in the United States: From Ronald Reagan to Alt-Right (Routledge, forthcoming; due for publication 1 February 2019).

[Julian BERNAUER & Adrian VATTER](#), Power Diffusion and Democracy (Cambridge University Press, due for publication in August 2019).

[Yiftah ELAZAR & Geneviève ROUSSELIÈRE](#), Republicanism and the Future of Democracy (Cambridge University Press, due for publication in August 2019).

Ivan KRASTEV I & Stephen HOLMES, The Light that Failed (Penguin, forthcoming).

[Eugene D. MAZO & Timothy K. KUHNER \(eds\)](#), Democracy by the People: Reforming Campaign Finance in America (Cambridge University Press, due for publication in April 2019).

Joe MULHALL, David LAWRENCE, Simon MURDOCH & Patrik HERMANSSON, The Alt-Right International (Routledge, forthcoming; due for publication 30 March 2019).

[Frances E. NOLAN & Nolan McCARTY](#), Can America Govern Itself? (Cambridge University Press, due for publication in August 2019).

[Pippa NORRIS & Ron INGLEHART](#), Cultural Backlash: Trump, Brexit and the Rise of Authoritarian Populism (Cambridge University Press, due for publication in March 2019).

[OUDENAMPSEN M](#), The Dutch New Right: Culture Wars in the Netherlands (Routledge, forthcoming; due for publication 28 February 2019).

Wojciech SADURSKI, Poland's Constitutional Breakdown: Freefall 2015-2018 (Oxford University Press, forthcoming, early 2019).

[Amy Erica SMITH](#), Religion and Brazilian Democracy: Mobilizing the People of God (Cambridge University Press, due for publication in July 2019).

[Kurt WEYLAND & Raúl L. MADRID \(eds\)](#), When Democracy Trumps Populism: European and Latin American Lessons for the United States (Cambridge University Press, due for publication Jan. 2019).

Book Chapters

Bertil Emrah ODER, 'Populism and the Turkish Constitutional Court: From a Game Broker to a Strategic Compromiser' in M Javonovic & V Besiveric (eds) New Politics of Decisionism (Eleven, forthcoming, 2018).

Shawn ROSENBERG, 'Democracy Devouring Itself: The Rise of the Incompetent Citizen and the Appeal of Right Wing Populism' in D Hur & JM Sabucedo (eds), *Psychology of Political and Everyday Extremisms* (forthcoming).

Kim SCHEPPELE & R. Daniel KELEMEN, 'Defending Democracy in EU Member States: Beyond Article 7 TEU' in Francesca Bignami (ed), *The EU at a Crossroads: From Technocracy to High Politics?* (Cambridge University Press, 2019).

Kim SCHEPPELE, 'Autocracy Under Cover' in T Ginsburg, T Halliday & G Shaffer (eds), *Constitution-Making as Transnational Legal Practice* (Cambridge University Press, due for publication in August 2019).

Kim SCHEPPELE, 'The Legal Complex and Lawyers-in-Chief' in R Greenspan, J Simon & H Aviram (eds), *The Legal Process and the Promise of Justice* (Cambridge University Press, 2018).

Journal Special Issues

David KOSAŘ (ed), special issue of the *German Law Journal* on 'The Rise and Fall of Judicial Self-Government in Europe' (forthcoming, 2018).

Journal Special Sections

Democratic Theory - Forthcoming Issue: Volume 5, Issue 2, Winter 2018

The forthcoming issue of *Democratic Theory* contains an editorial and special section on populism

Editorial

Jean-Paul GAGNON, Emily BEUSOLEIL, Kyong-Min SON, Cleve ARGUELLES, and Callum N JOHNSTON, 'What is populism? Who is the populist? A state of the field review (2008-2018)'.

Articles

Special Section I: On Populism

Benjamin MOFFITT, 'The Populism/Anti-Populism Divide in Western Europe'.

Adele WEBB, 'In Praise of Democratic Ambivalence'.

Mary WALSH, 'Freedom From Democracy: Progressive Populism and the Rise of Global Corporate Power'.

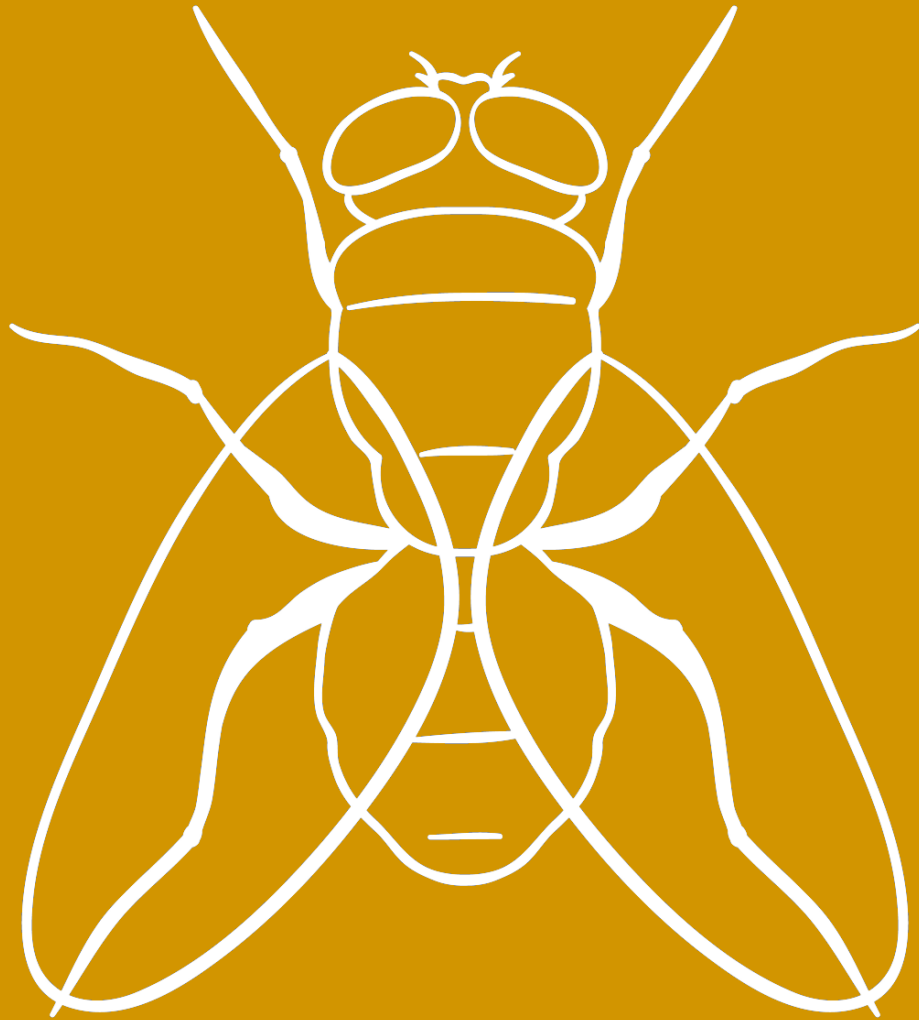
Articles

Ryan CALO & Madeline LAMO, 'Regulating Bot Speech' 66 *UCLA Law Review* (forthcoming, 2019).

Sarah C. HAAN, 'The Post-Truth First Amendment' 94 *Indiana Law Journal* (forthcoming, 2018).

Tamar HOSTOVSKY BRANDES, 'International Law in Domestic Courts in an Era of Populism', *International Journal of Constitutional Law*, forthcoming.

Luke Dimitrios SPIEKER, 'From Moral Values to Legal Obligations – On How to Activate the Union's Common Values in the EU Rule of Law Crisis', *German Law Journal* (2019), forthcoming.



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