

DEM-DEC

June  
2019

# Democratic Decay & Renewal (DEM-DEC) Global Research Update June 2019

This Update was issued on 29 June 2019. It is based on new publications and suggestions from users of the Democratic Decay & Renewal (DEM-DEC) resource,

Global Research Updates are issued in the first week of each month. They should be read in conjunction with the main bibliography on DEM-DEC (issued 24 June 2018).

[www.democratic-decay.org](http://www.democratic-decay.org)

# It's our Anniversary!

## Democratic Decay & Renewal (DEM-DEC) Was Launched One Year Ago!



DEM-DEC was launched on 25 June 2018 to assist researchers and policymakers focused on the global deterioration of liberal democracy, and on re-thinking democracy.

Since launch DEM-DEC has been used by thousands of democracy defenders and analysts worldwide, in over 130 states. The platform has recently expanded, with recent additions including a special section devoted to the EU treaty process for addressing rule of law backsliding (curated by Prof. Laurent Pech and Dr Joelle Grogan).

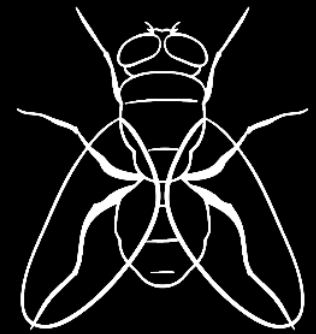
# About DEM-DEC

Created by Dr Tom Gerald Daly (Melbourne Law School) and supported by a range of leading public law and policy organisations, Democratic Decay & Renewal (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, Concept Index, Experts Database, Events Database, Teaching Materials, and Links.

DEM-DEC's core purpose is to bring scholars and policymakers together in a collaborative project to pool expertise on democratic decay and democratic renewal, 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.

[www.democratic-decay.org](http://www.democratic-decay.org)

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**DEM-DEC**



## Director Dr Tom Gerald Daly

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

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

His current book project concerns the role of public law in countering 'democratic decay' worldwide. Recent academic publications include an article on 'Democratic Decay: Conceptualising an Emerging Research Field' (*Hague Journal on the Rule of Law*). Policy publications include a chapter on 'Democratic Decay in 2016' in International IDEA's *Annual Review of Constitution-Building* for 2016.

He has written on democratic decay as a columnist for the ICONnect blog and tweets @DemocracyTalk.

# Research Editors Kuan-Wei Chen & Anant Sangal

Two Research Editors provide valuable assistance in producing the monthly Global Research Update.

Kuan-Wei Chen is a doctoral researcher at the Faculty of Law at University of Munich (Ludwig-Maximilians-Universität München) in Germany.

Anant Sangal is a student of B.A. LL.B. (Hons.) at the National Law University Delhi, India.



## Want to Join the DEM-DEC Team?



Simply fill out the form at

[www.democratic-decay.org/get-involved/](http://www.democratic-decay.org/get-involved/)

Positions are exclusively on a volunteer basis at present

# Partners

DEM-DEC enjoys the support of a range of partners, which are leading organisations in public law, governance, 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





# Going to ICON-S in Santiago?

**DEM-DEC will be an exhibitor in the main hall**

For the annual conference of the  
International Society of Public Law

**DEM-DEC Director Tom Daly will also be on 4 panels:**

#24: 'Corruption's Corrupting of Liberal Democracy'

#83: 'Courts Against or in Favour of Democratic Decay?'

#125: 'The State of Constitutional Democracy: Directions'

#182: Panel on Wojciech Sadurski's new book, Poland's  
Constitutional Breakdown (OUP, 2019)

# ICON•S

## **Free materials**

Oxford University Press has put together a collection of articles  
and commentary on this year's ICON-S conference theme

'Public Law in Times of Change?'

Free until 31 August 2019

<https://oxcon.oup.com/page/773>

CONFERENCE  
2019

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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](http://www.democratic-decay.org) or e-mailing [democraticdecay@gmail.com](mailto:democraticdecay@gmail.com)



## DEM-DEC

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# Introduction

## The DEM-DEC Bibliography

The DEM-DEC Bibliography is provided on Democratic Decay & Renewal (DEM-DEC) at [www.democratic-decay.org](http://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.

## Eleventh monthly update since DEM-DEC was launched

Updates to the Bibliography are issued every month. This is the eleventh monthly update provided and was issued on Friday 29 June 2019. 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 publisher websites and 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 late May-late June 2019. Items suggested by DEM-DEC users include earlier material. In addition, the 'Forthcoming Research' section provides a growing list of future publications.

## Global Coverage

The Global Research Updates aim for global coverage. However, it should be borne in mind that the Bibliography and Updates, at present, collate information exclusively in the English language.

## Hyperlinks

Every effort is made to provide hyperlinks to access each text listed, or at least information on the text. Please remain mindful that some links may be broken over time.

## Acknowledgments

Sincere thanks to all who have suggested additions and sent key information for this Update. A particular thanks to DEM-DEC's Research Editors, Kuan-Wei Chen and Anant Sangal, who have provided highly valuable assistance in compiling information for this Update.

# Key Themes from this Update

## Identifying Themes

In each monthly Update DEM-DEC Director Dr Tom Gerald Daly selects key themes. 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 Taking Stock on DEM-DEC’s First Year Anniversary

DEM-DEC’s first anniversary provides a useful moment to pause and take stock. In early 2018 the initial inspiration for DEM-DEC was the clear need for a hub to gather the rapidly growing literature and events focused on the deterioration of liberal democracy worldwide – whether through the subtle machinations of errant governments, rising illiberal political forces, or wider decay of the democratic system. After a breakneck development phase, by the time DEM-DEC was launched in June 2018 the sheer range of activity worldwide made the public value of such a hub even more evident.

This proliferation of research shows no sign of slowing down, and the DEM-DEC team now faces the continual challenge of providing a useful round-up of research each month while avoiding the temptation to be comprehensive and becoming part of the problem by adding to information overload. Every part of DEM-DEC, including the Global Research Update, rests on careful curation, in an ongoing relationship with our users and leading global experts.

Our name change to Democratic Decay & Renewal in April 2019 means the focus of DEM-DEC has expanded to include items on re-thinking how we conceive of, and practice, liberal democratic rule. We see this as the necessary corollary of meditating on the causes and patterns of democratic decay, and it provides a focus on hope and action rather than fatalism and powerlessness. Thank you to everyone – and that’s thousands of you! – for helping to make DEM-DEC what it is today, and for continuing to collaborate in this global project.

### 2 Taking Stock on the Global Crisis of Democracy

Three new books focus on the current global challenges facing liberal democracy, examining the appeal of authoritarianism, whether militant democracy remains a viable model for securing democracy, and the wider transformation of the West in past half-century. In [\*The Appeal of Authoritarianism in an Age of Uncertainty\*](#), the social psychologist Fathali Moghaddam examines the stages of political development on a spectrum from absolute dictatorship to the ideal of operating democracy. Discussing everything from how we conceive of freedom, to the dictator-follower nexus, to the enduring threats including social media and politics as show business, it is a worthwhile tour through the complexities of our relationships to governance and belonging and the tensions between global unification and a retreat to tribal identity. It is also a useful companion piece to the new collection on [\*militant democracy\*](#), edited by Anthoula Malkopoulou and Alexander Kirshner, which brings together an international group of political scientists, legal scholars and philosophers to discuss

the urgent (though longstanding) question of how democracies can adopt defensive postures to combat anti-democratic extremism, and whether this can be justified. Painting on a broader canvass again, Simon Reid-Henry examines the [remaking of the West since the Cold War](#), arguing that the ‘Empire of Democracy’ built in the decades after 1971 as a reaction to the crisis of democracy as the postwar ‘golden age’ waned, is itself ending. As the blurb puts it: “The era we have all been living through is closing out, democracy is turning on its axis once again.”

### 3 Authoritarian Constitutionalism

A [new collection on authoritarian constitutionalism](#), edited by Helena Alviar García and Günter Frankenburg, is a welcome systematic analysis of the contours of this prismatic concept, and how it focuses our minds on the meaning of both authoritarianism and constitutionalism. The editors emphasise the need to analyse authoritarian constitutionalism as an important phenomenon in its own right, not merely as a deviant of liberal constitutionalism. With a broad global scope including states such as France, Japan, Venezuela, South Africa, Syria and the US, the collection also features probing conceptual and comparative analysis. A particularly interesting focus across multiple chapters is on enclaves and dimensions of authoritarianism within liberal democracies (see chapters by Helena Alviar García, Duncan Kennedy, and Norman Spaulding). As Peer Zumbansen puts it in his review, the collection poses a challenging question:

What if the liberal belief in a Constitution as safeguard and backbone of a democratic, inclusive and egalitarian society turned out to be wrong? The contributors ... provide challenging evidence of the myriad ways in which constitutional texts and practices can and in fact do facilitate, endorse and empower authoritarianism.

Following similar lines of thought as the above, in the [Annual Review of Political Science \(May 2019\)](#) Christopher Parker and Christopher Towler argue that micro- and macro-level authoritarianism have much in common, drawing lines from the historic authoritarian enclaves in the Jim Crow South to what they view as contemporary authoritarianism at the micro-level, which they see as ultimately driving racism – and how the communities targeted resist it. The

### 4 The ‘Marketplace of Ideas’ and Institutional Resilience in Today’s USA

Similarly tying the past to the present, Michael Scudder, in his keynote opening the recent Symposium issue of the *Notre Dame Law Review* on [‘Contemporary Free Speech: The Marketplace of Ideas a Century Later’](#) (made accessible online this month), observes that “many aspects of the way we think, communicate, and interact have one foot still touching yesterday and another trying to find balance today.” The collection, revisiting Justice Oliver Wendell Holmes’s dissent in *Abrams v. United States* (1919) in which he argued for a ‘free trade in ideas’, underscores how much the free speech landscape has changed (including privacy and digital audiences) but how the stakes of curtailing free speech remain (or allowing it to be diminished) remain as high as ever. Elsewhere, articles in the *Harvard* and *UCLA* law reviews address the [frayed legitimacy of the Supreme Court](#) and the [federal judiciary](#) more widely, while two articles in the *Iowa Law Review* and *Texas Law Review* make good companion pieces, examining the US’s susceptibility to dictatorial takeover and the challenge of restoring rule-of-law norms. Both focus on the role of institutions: the former on the courts and Congress; the latter on a broader suite of “foundational institutions” encompassing the federal judiciary, Executive Branch (including law enforcement) officials, Congress, the press, states and cities, advocacy and professional organizations, and the legal academy and universities.

## 5 Focusing on Latin American Experiences

This week I head to Santiago, Chile, for the annual conference of the International Society of Public Law (ICON-S). The conference has, like last year, a strong focus on the challenges facing democracy (not least the panels I will be on - #24, #83, #125 and #183). Two items in this Update point to the importance of research on democracy in Latin American states. Employing cognitive dissonance theory, Bruno Castanho Silva examines [what happens to anti-establishment populist supporters once their candidate wins a national election](#). Silva argues that survey data from Bolivia and Ecuador collected when presidents Evo Morales and Rafael Correa were elected confirm that populist supporters dissociate the federal government from other political institutions once a populist is elected president, and that this dissociation can last for a few years, an insight that has important wider application. Elsewhere, Samuel Handlin's 2017 book [State Crisis in Fragile Democracies: Polarization and Political Regimes in South America](#) – suggested for addition by a DEM-DEC user – is key reading for anyone seeking to understand the state of democracy from Chile to Venezuela today.

## 6 Deliberation to Restore Faith in Democracy

Finally, a variety of pieces centre on the potential for democratic deliberation to restore faith in democracy. In [Democratic Theory \(June 2019\)](#) – and linking with this Update's meta-theme of taking stock – André Bächtiger (interviewed by Selen Ercan) draws on his extensive research on deliberative practice within and beyond parliaments to reflect on the development of the field of deliberative democracy over the past 20 years, not only as a growing branch of democratic theory that suggests understanding and assessing democracy in terms of the quality of communication between citizens and politicians, and among citizens, but also the potential for practicing deliberation in times of increasing populist power. Two other items – suggested by DEM-DEC users – are of note: in a 2018 article Shelley Boulianne, based on a study of a [6-day deliberative exercise](#), suggests that questions remain as to whether enhanced opportunities for citizen engagement in governance can improve low levels of political trust and efficacy in Western democracies. Finally, in an article from April 2019, Saskia Goldberg, Dominik Wyss and André Bächtiger suggest [“a sort of a ‘populist’ impulse](#) where disenchantment conduces to calls for a stronger voice of the ‘people’ and participatory governance models, irrespective of their concrete design.” With deliberative mechanisms (especially citizens' assemblies) the current darling of constitutional lawyers, this is clearly an area that requires intense cross-disciplinary discussion and engagement.

# Additions Suggested by DEM-DEC Users

**Note 1: Where possible, hyperlinks are provided directly to the text**

**Note 2: A number of suggested additions in this Update are found in the ‘New Publications’ and ‘Forthcoming Research’ sections on p.17 and p.25**

## Monographs

[Renske DOORENSPLEET](#), *Rethinking the Value of Democracy: A Comparative Perspective* (Palgrave Macmillan, 2018).

[Samuel HANDLIN](#), *State Crisis in Fragile Democracies: Polarization and Political Regimes in South America* (Cambridge University Press, 2017).

[Sean HANLEY](#), *The New Right in the New Europe: Czech Transformation and Right-wing Politics* (Routledge, 2007).

[Joe MULHALL](#), [David LAWRENCE](#) & [Simon MURDOCH](#), *The International Alternative Right: From Charlottesville to the White House* (Hope Not Hate Limited, 2017).

[Martha C. NUSSBAUM](#), *The Monarchy of Fear: A Philosopher Looks at Our Political Crisis* (Simon and Schuster, 2018).

[Michael KAZIN](#), *The Populist Persuasion: An American History* (Cornell University Press, 2014).

[Ece TEMELKURAN](#), *How to Lose a Country: The 7 Steps from Democracy to Dictatorship* (HarperCollins, February 2019).

## Edited Collections

[G Shaffer](#), [Tom Ginsburg](#) & [Terence C. Halliday](#) (eds), *Constitution-Making and Transnational Legal Order* (Cambridge University Press, April 2019).

## Book Chapters

[Kim SCHEPPELE](#), ‘The Legal Complex and Lawyers-in-Chief’ in R Greenspan, H Aviram & J Simon (eds), *The Legal Process and the Promise of Justice* (Cambridge University Press, June 2019).



## Articles

[Shelley BOULIANNE](#), 'Building Faith in Democracy: Deliberative Events, Political Trust and Efficacy' Political Studies (2019) 67(1) Political Studies 4.

[Paul BURGESS](#), 'Neglecting the History of the Rule of Law: (Unintended) Conceptual Eugenics' (2017) 9(2) Hague Journal on the Rule of Law 195.

[Saskia GOLDBERG](#), [Dominik WYSS](#) & [André BÄCHTIGER](#), 'Deliberating or Thinking (Twice) About Democratic Preferences: What German Citizens Want from Democracy' Political Studies (published online: 26 April 2019).

[James DAWSON](#) & [Seán HANLEY](#), 'Foreground Liberalism, Background Nationalism: A Discursive-institutionalist Account of EU Leverage and 'Democratic Backsliding' in East Central Europe' (2019) 57(4) Journal of Common Market Studies 710.

[Conor HUME](#), 'Democracy Uncaged: Florida Voters Strike Down Constitutional Remnant of the Jim Crow Era and Set Stage for 2020 Election' (2019) 103 Minnesota Law Review Online: De Novo (22 March 2019).

[Aziz Z. HUQ](#), 'Legal or Political Checks on Apex Criminality: An Essay on Constitutional Design' (2018) 65(6) UCLA Law Review 4.

[Matteo LARUFFA](#), 'The Institutional Defenses of Democracy' (2018) 2 Democrazia e diritto 29.

[Eric MERKLEY](#), [Fred CUTLER](#), and [Paul J. QUIRK](#), 'Having Their Say: Authority, Voice, and Satisfaction with Democracy' The Journal of Politics (published online: 9 April 2019).

[Daniel NILSSON DEHANAS](#) & [Marat SHTERIN](#), 'Religion and the rise of populism' (2018) 46(3) Religion, State and Society 177.

[Mathias ROODUIJN](#), 'State of the Field: How to Study Populism and Adjacent Topics? A Plea for Both More and Less Focus' (2019) 58(1) European Journal of Political Research 362.

[Pål WENNERÅS](#), 'Saving a forest and the rule of law: Commission v. Poland' (2019) 56(2) Common Market Law Review 541.

## Special Journal Collections

[German Politics and Society: Volume 34, Issue 4 \(December 2016\)](#)

**Special Issue: Plurals of Pegida: New Right Populism and the Rhetoric of the Refugee Crisis**

**Guest Editors: Patricia Anne Simpson and Helga Druxes**

Helga DRUXES & Patricia Anne SIMPSON, 'Pegida as a European Far-Right Populist Movement' (2018) 34(4) German Politics and Society 1.

Helga DRUXES, '"Montag ist wieder Pegida-Tag!": Pegida's Community Building and Discursive Strategies' (2018) 34(4) German Politics and Society 17.

Patricia Anne SIMPSON, 'Mobilizing Meanings: Translocal Identities of the Far Right Web' (2018) 34(4) German Politics and Society 34.

David N. COURY, 'A Clash of Civilizations?: Pegida and the Rise of Cultural Nationalism' (2018) 34(4) German Politics and Society 54.

Beverly WEBER, “‘We Must Talk about Cologne’: Race, Gender, and Reconfigurations of “Europe”” (2018) 34(4) German Politics and Society 68.

Karolin MACHTANS, “‘Racism Is Not An Opinion’: Muslim Responses to Pegida and Islamophobia in Germany’ (2018) 34(4) German Politics and Society 87.

Farid HAFEZ, ‘Pegida in Parliament?: Explaining the Failure of Pegida in Austria’ (2018) 34(4) German Politics and Society 87.

## **Working Papers**

[Nicola LACEY](#), Populism and the Rule of Law. LSE Working paper 28 (January 2019).

## **Policy Papers**

[Georgian Institute of Politics](#), Polarization: what do we know about it and what can we do to combat it? GIP Policy Memo. April 2019 / Issue #30. Author: Fernando Casal Bértoa.

# 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, Democratic Decay & Renewal (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



# May-June 2019: New Publications

**Note: The majority of items were published in late May-late June 2019**

Monograph: David KAYE, The Global Struggle to Govern the Internet (Columbia Global Report, published 3 June 2019).

Monograph: Simon REID-HENRY, Empire of Democracy: The Remaking of the West Since the Cold War, 1971–2017 (Simon and Schuster, published June 2019).

Monograph: Fathali M. MOGHADDAM, Threat to Democracy: The Appeal of Authoritarianism in an Age of Uncertainty (American Psychological Association, published 28 May 2019).

Edited Collection: Anthoula MALKOPOULOU & Alexander KIRSHNER (eds), Militant Democracy and Its Critics: Populism, Parties, Extremism (Edinburgh University Press, published June 2019).

Edited Collection: Helena ALVIAR GARCIA & Günter FRANKENBERG (eds), Authoritarian Constitutionalism: Comparative Analysis and Critique (Edward Elgar, published 31 May 2019).

Book Chapter: Aziz Z. HUO, 'Democracy as Failure' (Forthcoming in Nomos, Vol. 60, 2020; published on SSRN 8 May 2019).

## Annual Review of Political Science: Vol. 22 (May 2019)

Nadia URBINATI, 'Political Theory of Populism' (2019) 22 Annual Review of Political Science 111.

Shanto IYENGAR, Yphtach LELKES, Matthew LEVENDUSKY, Neil MALHOTRA, Sean J. WESTWOOD, 'The Origins and Consequences of Affective Polarization in the United States' (2019) 22 Annual Review of Political Science 111.

James Raymond VREELAND, 'Corrupting International Organizations' (2019) 22 Annual Review of Political Science 205.

Richard L. HASEN, 'Polarization and the Judiciary' (2019) 22 Annual Review of Political Science 261.

Yotam MARGALIT, 'Political Responses to Economic Shocks' (2019) 22 Annual Review of Political Science 277.

Christopher Sebastian PARKER and Christopher C. TOWLER, 'Race and Authoritarianism in American Politics' (2019) 22 Annual Review of Political Science 503.

#### Democratization: Online First (May 2019)

##### **Articles**

Anna LÜHRMANN, Sandra GRAHN, Richard MORGAN, Shreeya PILLAI & Staffan LINDBERG, 'State of the world 2018: democracy facing global challenges' (published online: 21 May 2019).

##### **Book reviews**

Albertus SCHOEMAN, 'How dictatorships work: power, personalization, and collapse, by Barbara Geddes, Joseph Wright, and Erica Frantz' (published online: 16 May 2019).

Thomas GREVEN, 'Rightwing populism. An element of neodemocracy, by Klaus von Beyme' (published online: 13 May 2019).

Valesca LIMA, 'Political institutions and democracy in Portugal: assessing the impact of the Eurocrisis, by Antonio Costa Pinto and Conceição Pequito Teixeira' (published online: 13 May 2019).

Matthijs BOGAARDS, 'Rethinking the value of democracy: a comparative perspective, by Renske Doorenspleet' (published online: 9 May 2019).

#### Notre Dame Law Review: Volume 94, Number 4 (June 2019)

\* This issue was published in print in April 2019 but published online in June 2019.

##### **Symposium: 'Contemporary Free Speech: The Marketplace of Ideas a Century Later'**

##### **Articles**

Michael Y. SCUDDER, 'Keynote Address: Staying Afloat and Engaged in Today's Flooded Marketplace of Speech' (2019) 94(4) Notre Dame Law Review 1505.

Dawn Carla NUNZIATO, 'The Marketplace of Ideas Online' (2019) 94(4) Notre Dame Law Review 1519.

Alexander TESIS, 'Marketplace of Ideas, Privacy, and the Digital Audience' (2019) 94(4) Notre Dame Law Review 1585.

John INAZU, 'Holmes, Humility, and How Not to Kill Each Other' (2019) 94(4) Notre Dame Law Review 1585.

Leslie KENDRICK, 'On "Clear and Present Danger"' (2019) 94(4) Notre Dame Law Review 1653.

Frederick SCHAUER, 'Costs and Challenges of the Hostile Audience' (2019) 94(4) Notre Dame Law Review 1671.

Heidi KITROSSER, 'On Public Employees and Judicial Buck-Passing: The Respective Roles of Statutory and Constitutional Protections for Government Whistleblowers' (2019) 94(4) Notre Dame Law Review 1699.



Mary-Rose PAPANDREA, 'The Missing Marketplace of Ideas Theory' (2019) 94(4) Notre Dame Law Review 1725.

Martin H. REDISH, 'Compelled Commercial Speech and the First Amendment' (2019) 94(4) Notre Dame Law Review 1749.

#### **Note**

Jack DAHM, 'No Internet Does Not Mean No Protection Under the CFAA: Why Voting Machines Should Be Covered Under 18 U.S.C. § 1030' (2019) 94(4) Notre Dame Law Review 1775.

#### Common Market Law Review: Volume 56, Issue 3 (May 2019)

Dariusz ADAMSKI, 'The Social Contract of Democratic Backsliding in the "New EU" Countries' (2019) 56(3) Common Market Law Review 623.

Theodore KONSTADINIDES, 'Court of Justice Judicial independence and the Rule of Law in the context of non-execution of a European Arrest Warrant' (2019) 56(3) Common Market Law Review 743.

#### Global Constitutionalism: Volume 8, Issue 2 (July 2019)

Richard COLLINS, 'Two idea(l)s of the international rule of law' (2019) 8(2) Global Constitutionalism 191 (published online: 13 June 2019).

Ana Micaela ALTERIO, 'Reactive vs structural approach: A public law response to populism' (2019) 8(2) Global Constitutionalism 270 (published online: 13 June 2019).

Ronald CAR, 'A reply to Sujit Choudhry's 'Resisting democratic backsliding': Weimar legacy and self-enforcing constitutions in post-WWII left-wing constitutional theory' 391 (published online: 13 June 2019).

#### Hague Journal on the Rule of Law: First Online Articles (June 2019)

Paul BURGESS, 'The Rule of Lore in the Rule of Law: Putting the Problem of the Rule of Law in Context' (published online: 4 June 2019).

#### Oxford Journal of Legal Studies: Volume 39, Issue 2 (Summer 2019)

Martin LOUGHLIN, 'The Contemporary Crisis of Constitutional Democracy' (2019) 39(2) Oxford Journal of Legal Studies 435.

#### European Sociological Review: First Online (May 2019)

Noam GIDRON & Jonathan J.B. MIJS, 'Do Changes in Material Circumstances Drive Support for Populist Radical Parties? Panel Data Evidence from the Netherlands during the Great Recession, 2007–2015' European Sociological Review (published online: 18 May 2019).

### Information, Communication & Society: Latest Articles (June 2019)

#### **Article**

Pietro Castelli Gattinara & Samuel Bouron, 'Extreme-right communication in Italy and France: political culture and media practices in CasaPound Italia and Les Identitaires' Information, Communication & Society (published online: 18 June 2019).

#### **Book review**

Martin J. RIEDL, 'The internet trap: How the digital economy builds monopolies and undermines democracy by Matthew Hindman, Princeton and Oxford, Princeton University Press, 2018, 256 pp., \$29.95 (hardback, also available as e-book), ISBN: 978-0-691-15926-3' Information, Communication & Society (published online: 14 June 2019).

### Political Studies: Volume 67, Issue 2 (May 2019)

Tom LOUWERSE & Simon OTJES, 'How Populists Wage Opposition: Parliamentary Opposition Behaviour and Populism in Netherlands' (2018) 67(2) Political Studies 479.

### Review of International Studies: First View Articles (June 2019)

Sandra DESTRADE & Johannes PLAGEMANN, 'Populism and International Relations: (Un)predictability, personalisation, and the reinforcement of existing trends in world politics' (published online: 18 June 2019).

### Harvard Law Review: Vol. 132, Issue 8 (June 2019)

Tara Leigh GROVE, Book Review: 'The Supreme Court's Legitimacy Dilemma' (2019) 132(8) Harvard Law Review 2240.

### Iowa Law Review: Volume 104, Issue 4 (May 2019)

Derek LaBRIE, Note: 'Solzhenitsyn's Submissive Sheep of Today: The United States' Susceptibility to Dictatorial Takeover and Presidential Overreach' (2019) 104(4) Iowa Law Review 2223.

### Texas Law Review: Vol. 97 (June 2019)

Dawn JOHNSON, 'Toward Restoring Rule-of-Law Norms' 97 Texas Law Review 1205.

Miriam SEIFTER, 'Judging Power Plays in the American States' 97 Texas Law Review 1217.

### UCLA Law Review: Vol. 67 (June 2019)

Stacy HAWKINS, 'Trump's Dangerous Judicial Legacy' (2019) 67 UCLA Law Review Disc. 20 (2019)

University of Pennsylvania Law Review Online: Vol. 168 (June 2019)

Stephen B. BURBANK, 'Reconsidering Judicial Independence: Forty Years in the Trenches and in the Tower' (2019) 168 University of Pennsylvania Law Review Online 17.

Journal of Politics: First Online Articles (June 2019)

Bruno CASTANHO SILVA, 'He's Not One of Them!' Antiestablishment Supporters of Populist Governments in Bolivia and Ecuador' (published online: 20 June 2019).

Kevin MUNGER, book review essay: Social Media, Political Science, and Democracy (published online: 3 June 2019). \* **This essay reviews three books:**

Frenemies: How Social Media Polarizes America. By Jaime Settle. Cambridge: Cambridge University Press, 2018.

The Internet Trap: How the Digital Economy Builds Monopolies and Undermines Democracy. By Matthew Hindman. Princeton, NJ: Princeton University Press, 2018.

Antisocial Media: How Facebook Disconnects Us and Undermines Democracy. By Siva Vaidhyanathan. Oxford: Oxford University Press, 2018.

Richard NADEAU, Vincent AREL-BUNDOCK & Jean-François DAOUST, 'Satisfaction with Democracy and the American Dream' (published online: 6 June 2019).

David COTTRELL, Charles R. SHIPAN & Richard J. ANDERSON, 'The Power to Appoint: Presidential Nominations and Change on the Supreme Court' (6 June 2019).

Perspectives on Politics: Volume 17, Issue 2 (June 2019)

Michael BERNHARD & Daniel O'NEILL, 'Trump: Causes and Consequences' (2019)17(2) Perspectives on Politics 317.

Democratic Theory: Volume 6, No.1 (June 2019)

**Interview**

Selen A. ERCAN & André BÄCHTIGER, 'Deliberative Democracy: Taking Stock and Looking Ahead' (2019) 6(1) Democratic Theory 97.

Working Paper: Wojciech SADURSKI, 'On the Relative Irrelevance of Constitutional Design: Lessons from Poland'. Sydney Law School Research Paper No. #19/34. (Posted on SSRN 13 Jun 2019).

Working Paper/forthcoming article: Monika ZALNIERIUTE, Lyria BENNETT MOSES & George WILLIAMS, 'The Rule of Law and Automation of Government Decision-Making' UNSW Law Research Paper No. 19-14(The Modern Law Review, forthcoming, 2019).

Working Paper: Dimitry KOCHENOV & Petra BÁRD, The Last Soldier Standing? Courts vs. Politicians and the Rule of Law Crisis in the New Member States of the EU' University of Groningen Faculty of Law Research Paper No. 5/2019 (1 Eur Ybk Cont'l L (2019)). (Published on SSRN: 13 Mar 2019. Last revised: 2 May 2019).

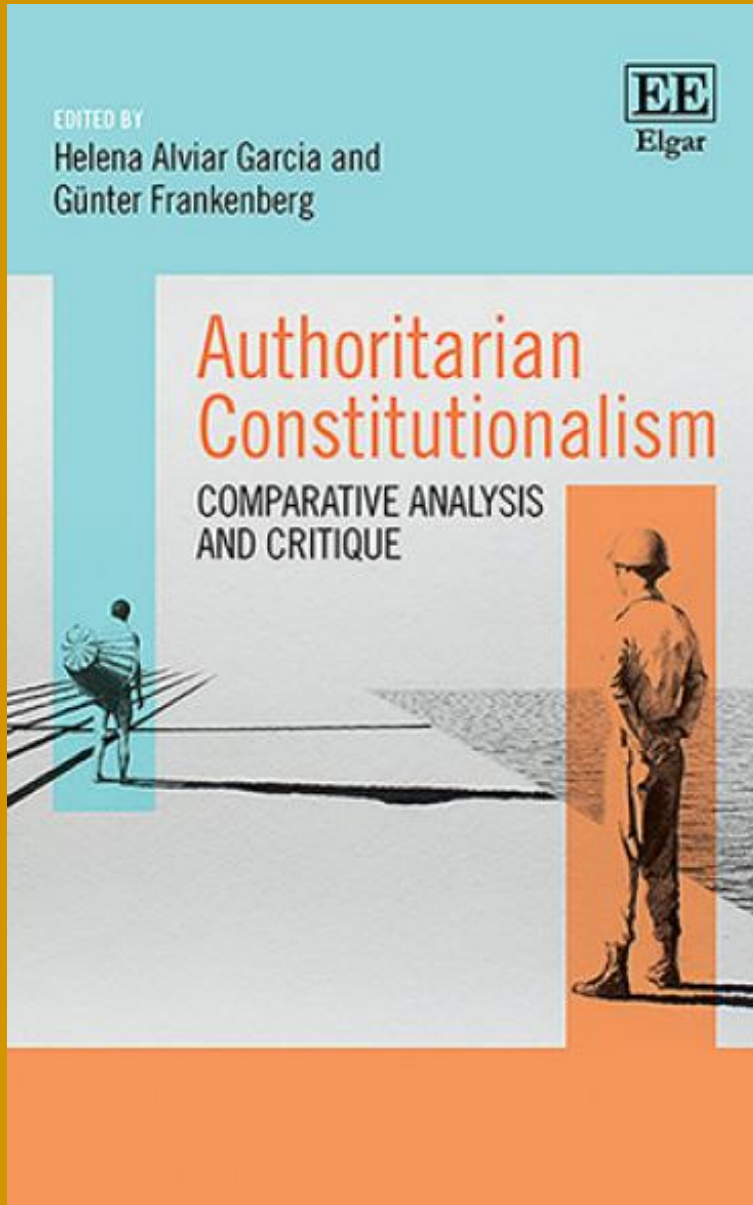
RECONNECT Policy Brief: 'Strengthening the Rule of Law within the European Union: Diagnoses, Recommendations, and What to Avoid'. RECONNECT Policy Brief No. 1, 2019. Published on SSRN 20 June 2019. Authors: Laurent Pech & Dimitry Kochenov.

Policy Paper, Article 19, France: ARTICLE 19 comments on interim report for social media regulation (19 June 2019).

Policy Report: V-dem (Varieties of Democracy), "Democracy Facing Global Challenges" – V-Dem Annual Democracy Report 2019 (21 May 2019).

Policy Report: International Federation for Electoral Systems (IFES), Securing Democracy: Annual Report 2018 (10 June 2019).

# DEM-DEC Recommended Read



"The terms "authoritarian constitutionalism" may appear contradictory; but as this rich and far-reaching collection of essays demonstrates it is a widespread phenomenon which must be taken seriously at a time when democracy is under threat worldwide. This superb collection serves variously as an introduction to the topic, a penetrating theoretical and jurisprudential analysis, ... and a global examination of the varying forms of authoritarian constitutionalism."

— **Tony Anghie**, Advocate, National University of Singapore and University of Utah

"What if the liberal belief in a Constitution as safeguard and backbone of a democratic, inclusive and egalitarian society turned out to be wrong? The contributors ... provide challenging evidence of the myriad ways in which constitutional texts and practices can and in fact do facilitate, endorse and empower authoritarianism."

— **Peer Zumbansen**, King's College London, UK and Osgoode Hall Law School, York University, Canada

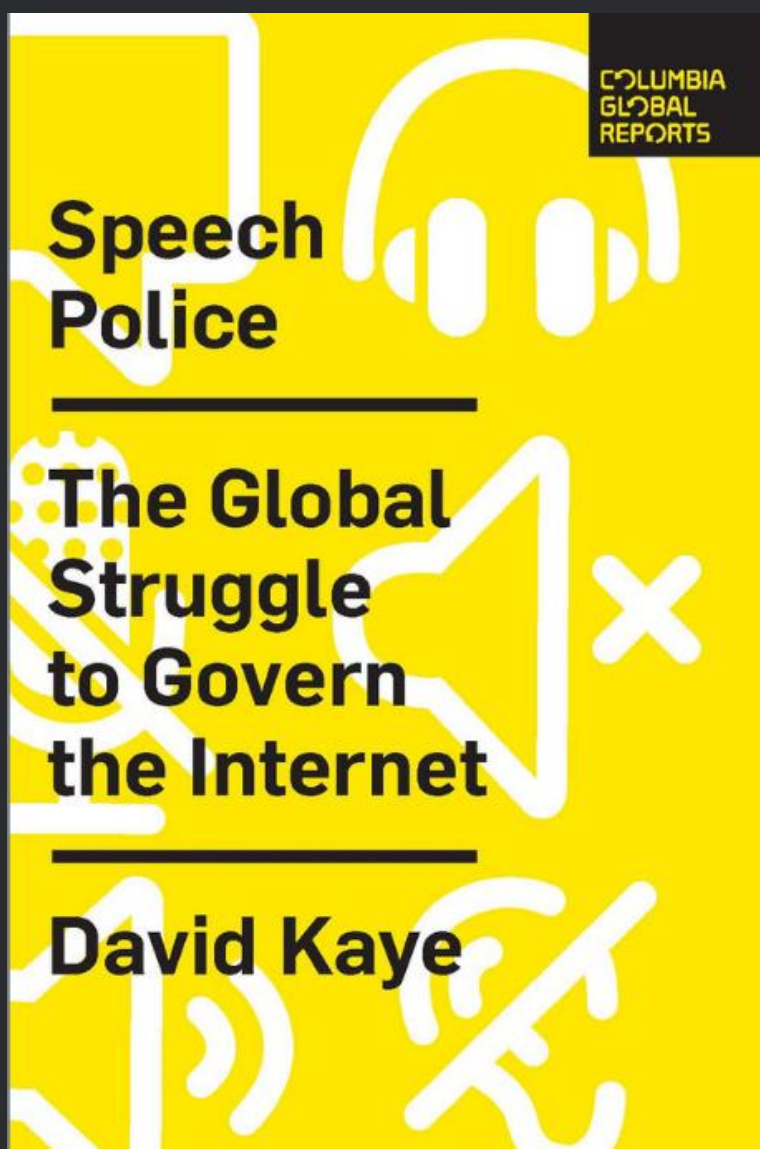
**Available from Edward Elgar Publishing**

**Hardcover £81.00 / Also available as E-book**

**Authoritarian Constitutionalism: Comparative Analysis and Critique. Edward Elgar Publishing 2019. 9781788117845. <https://bit.ly/2XI9NpX>**



# DEM-DEC Recommended Read



"Speech Police is an essential primer for understanding the toughest global governance problem of our digital age. The future of human rights and democracy depends on whether the exercise of government and private power across globally networked digital platforms can be constrained and held accountable."

— **Rebecca MacKinnon**, author, *Consent of the Networked: The Worldwide Struggle for Internet Freedom*

"Speech Police doesn't merely surface the key questions surrounding platform governance and content moderation with flair and brevity – it also introduces us to the varied people and institutions asking and answering them."

— **Jonathan Zittrain**, George Bemis Professor of International Law, Professor of Computer Science, and Co-Founder, Berkman Klein Center for Internet & Society, Harvard University

**Available from Columbia Global Reports**

**Paperback \$15.99 / Also available as E-book**

Speech Police: The Global Struggle to Govern the Internet. Columbia Global Reports 2019. 9780999745489. <https://bit.ly/2woc84l>

# Forthcoming Research

**Note 1: Where possible, hyperlinks are provided to information on the text**

**Note 2: New additions to this section are now clearly marked**

## Books

[Bruce ACKERMAN](#), The Rise of World Constitutionalism, Volumes Two and Three \* **Note: the first volume in this three-volume series was published on 13 May 2019**

[Richard ALBERT](#), Constitutional Amendments: Making, Breaking, and Changing Constitutions (Oxford University Press, due for publication August 2019).

[Carol ANDERSON](#), One Person, No Vote: How Voter Suppression Is Destroying Our Democracy (Bloomsbury Publishing, due for publication 17 September 2019).

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

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

[David F J CAMPBELL](#), Global Quality of Democracy as Innovation Enabler: Measuring Democracy for Success (Palgrave Macmillan, due for publication 22 November 2019).

Catherine DE VRIES & Sarah HOBOLT, The Rise of Challenger Parties \* **Note: manuscript under preparation; no publication date - announced on Twitter 12 May 2019.**

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

[Catherine FIESCHI](#), Populocracy: The Tyranny of Authenticity and the Rise of Populism (Columbia University Press, due for publication 30 June 2019).

[George FRIEDMAN](#), The Storm Before the Calm: America's Discord, the Coming Crisis of the 2020s, and the Triumph Beyond (Knopf Doubleday Publishing Group, due for publication 10 September 2019).

[Dipayan GHOSH](#), Digital Democracy: A New Social Contract for Our Technological Future (publisher TBA, due for publication 5 November 2019).

[Dannagal GOLDTHWAITE YOUNG](#), Irony and Outrage: The Polarized Landscape of Rage, Fear, and Laughter in the United States Hardcover (due for publication 2 December 2019).

[Ioannis N. GRIGORIADIS](#), Democratic Transition and the Rise of Populist Majoritarianism: Constitutional Reform in Greece and Turkey (Palgrave Macmillan, due for publication 7 November 2019).

[Ignas KALPOKAS](#), A Political Theory of Post-Truth (Palgrave Macmillan, due for publication 11 September 2019).

Ivan KRASTEV & Stephen HOLMES, The Light that Failed (Penguin, forthcoming 2019).

[Michael LIND](#), The New Class War: Saving Democracy from the Elite Hardcover (Penguin, due for publication 15 October 2019).

[Duncan McDONNELL & Annika WERNER](#), International Populism: The Radical Right in the European Parliament (Hurst, due for publication August 2019).

Benjamin MOFFITT, Key Concepts in Political Theory (Polity, forthcoming, 2020 \* **No online information yet: announced on Twitter**).

[John NICHOLS](#), The Danger of American Fascism: Henry Wallace, Donald Trump, and the Democratic Party's Road Not Taken (Penguin Random House Canada, due for publication 17 September 2019).

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

[Dana OTT](#), Small is Democratic: An Examination of State Size and Democratic Development (Comparative Studies of Democratization; due for publication 12 October 2020).

[Merijn OUDENAMPSEN](#), The Dutch New Right: Culture Wars in the Netherlands (Routledge, forthcoming due for publication 28 February 2019 \* **Unable to verify whether this book was published on schedule**).

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

Ertug TOMBUS, Life-Cycle of a Populist: Populism and Its Trajectory in Turkey (book manuscript under preparation \* **No online information yet: announced on Twitter**).

[Alen TOPLIŠEK](#), Liberal Democracy in Crisis: Rethinking Resistance under Neoliberal Governmentality (Palgrave Macmillan, due for publication 16 October 2019).

[James TRAUB](#), What Was Liberalism?: The Past, Present, and Promise of a Noble Idea Hardcover (Basic Books, due for publication 24 September 2019).

## Edited Collections

**NEW** [Daniele ALBERTAZZI & Davide VAMPA](#), Actions & Reactions: Populism & New Patterns of Political Competition in Western Europe (Routledge, due for publication in 2020 \* **No concrete date yet; announced on Twitter 23 June 2019**).

[Stephen ASHE, Joel BUSHER, Graham MACKLIN and Aaron WINTER \(eds\)](#), Researching the Far Right: Theory, Method and Practice (Routledge, due for publication 1 June 2019 \* **Unable to verify whether this book was published on schedule**).

Francesca BIGNAMI (ed), *EU Law in Populist Times* (Cambridge University Press (forthcoming, publication date TBC).

**NEW** [Bernhard FORCHTNER](#), The Far Right and the Environment: Politics, Discourse and Communication (Routledge, due for publication 23 September 2019).

[Yoichi FUNABASHI & G. John IKENBERRY \(eds\)](#), The Crisis of Liberal Internationalism: Japan and the World Order (publisher TBA, due for publication 29 October 2019).

[Stéphanie HENNETTE, Thomas PIKETTY, Guillaume SACRISTE & Antoine VAUCHEZ](#), *How to Democratize Europe* trans Paul Dermine, Marc LePain & Patrick Camiller (Harvard University Press, due for publication 8 August 2019).

Gerald L. NEUMAN (ed), *Human Rights in a Time of Populism: Challenges and Responses* (Cambridge University Press, forthcoming, 2019).

**NEW** [Daniel NILSSON DEHANAS & Marat SHTERIN](#), *Religion and the Rise of Populism* (Routledge, due for publication 6 August 2019).

[Stephen SKINNER \(ed\)](#), *Ideology and Criminal Law: Fascist, National Socialist and Authoritarian Regimes* (Hart Publishing, due for publication 25 July 2019).

## Book Chapters

Tímea DRINÓCZI, 'Legislation in Hungary' In Helen Xanthaki & Ulrich Karpen (eds), *Legislation in Europe – A Country to Country Guide* (Hart Publishing, forthcoming, 2019).

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, 2019).

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).

## 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, 2019).

Gila STOPLER & Iddo PORAT (eds), special issue of *Law and Ethics of Human Rights* on 'Democratic Backsliding and Human Rights' (forthcoming, 2020).

András JAKAB & Howard SCHWEBER, Special Edition of *Constitutional Studies*: 'The Role of Constitutional Design in Preventing or Contributing to Constitutional Decline'.

## Articles

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

[Bruno CASTANHO SILVA](#), '"He's Not One of Them!" Anti-establishment Supporters of Populist Governments in Bolivia and Ecuador' (forthcoming, *The Journal of Politics*).

Tímea DRINÓCZI & Agnieszka BIEŃ-KACAŁA, 'Constitutions and Constitutionalism Captured: Shaping Illiberal Democracies in Hungary and Poland', *German Law Journal* (forthcoming, summer 2019).

Tímea DRINÓCZI & Agnieszka BIEŃ-KACAŁA, 'Extra-legal Particularities and Illiberal Constitutionalism - The Case of Hungary and Poland', *Hungarian Journal of Legal Studies* (forthcoming, 2019).

[Sarah C. HAAN](#), 'The Post-Truth First Amendment' 94 *Indiana Law Journal* (forthcoming, 2019).

Tamar HOSTOVSKY BRANDES, 'International Law in Domestic Courts in an Era of Populism', International Journal of Constitutional Law (forthcoming, 2019).

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 (forthcoming, 2019).



# New Resources in DEM-DEC Links

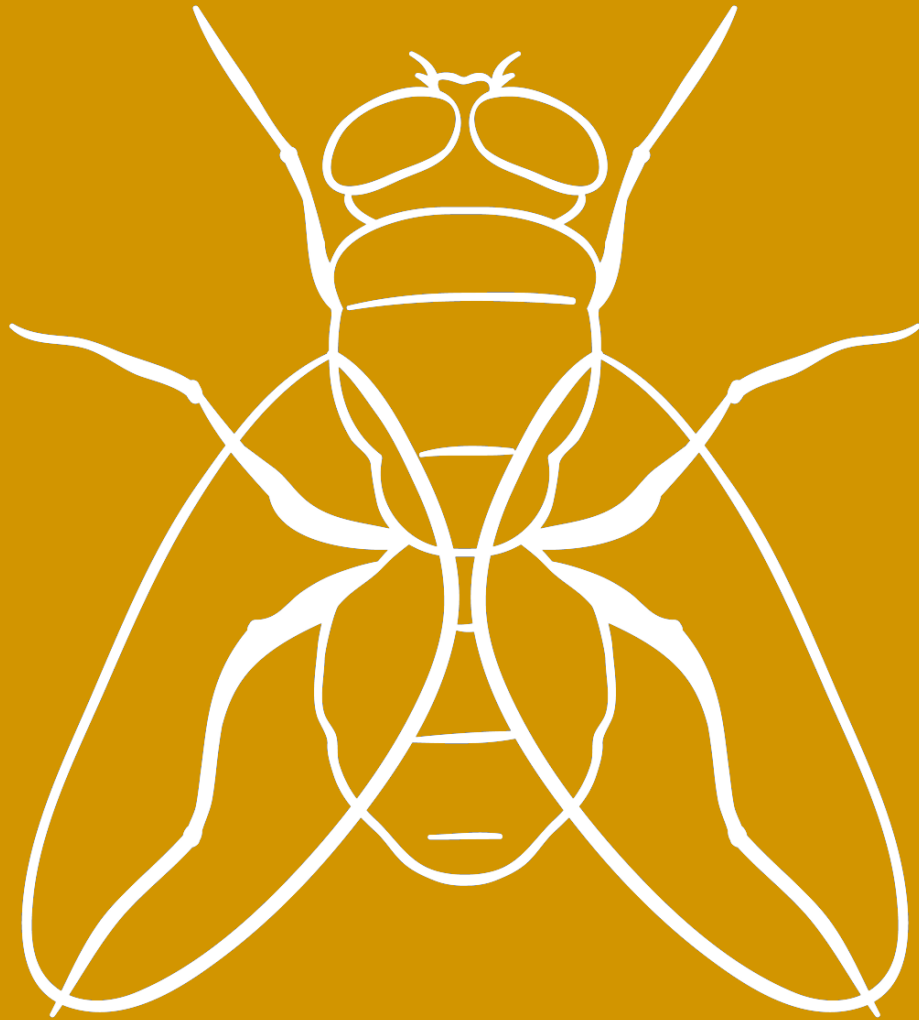
**Note: Think something could be added to the DEM-DEC Links section? E-mail the information to [democraticdecay@gmail.com](mailto:democraticdecay@gmail.com)**

New resources added to the [Links](#) section on DEM-DEC since the last Research Update include the following resources on Europe:

## Parties Database

### [WHO Governs: Party Systems and Governments Observatory](#)

Ever wondered who governs the countries of Europe? Like to know who governed more than a century ago? Not sure about which ministers came from which parties? Interested in how stable European party systems have been? Here with just one click you will be able to find data on government formation and party system institutionalization in all 48 European democracies, from the Second French Republic, through wars and crises, through the births and deaths of countries, all the way up to the present moment.



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