

DEM-DEC

May
2019



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

This Update was issued on 17 May 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

We've had a Name Change

The Democratic Decay Resource (DEM-DEC)
has become
Democratic Decay & Renewal (DEM-DEC)



This is to highlight that our mission is focused both on anatomising the threats facing liberal democracy worldwide and on finding solutions – immediate, medium-term and long-term.

The aim of democracy defenders cannot be solely to understand authoritarian advances and seek to roll them back. We must also pursue how the practice and structures of democracy can be rethought and reimagined to render democratic governance more responsive and resilient.

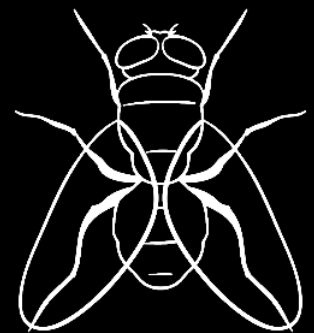
About DEM-DEC

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, 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

democraticdecay@gmail.com



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 Associate Director of the Edinburgh Centre for Constitutional Law (ECCL), Fellow at Melbourne Law School, and Co-Convenor of the Constitution Transformation Network. As a consultant he has worked on EU, 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 ICONnect blog and tweets @DemocracyTalk.

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.

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/

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



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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



DEM-DEC

DEMOCRATIC DECAY & RENEWAL

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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, 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.

Tenth monthly update since DEM-DEC was launched

Updates to the Bibliography are generally issued each month. This is the tenth monthly update provided and was issued on Friday 17 May 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 April and early May 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 Two Landmark books from Leading Scholars

This Global Research Update has been delayed a little to wait for the publication of two landmark books by leading scholars on constitutionalism and democracy, from Europe and the USA respectively – Wojciech Sadurski ([*Poland’s Constitutional Breakdown*](#)) and Bruce Ackerman ([*Revolutionary Constitutions: Charismatic Leadership and the Rule of Law*](#)). The books are very different: Sadurski’s is a single case-study expressly seeking to anatomise the dismantling of liberal democratic institutions in Poland since the Law and Justice Party (PiS) entered government in October 2015, but with clear resonance for European and global democracy-watchers. It was also not quite planned, but a diversion from another book Sadurski was already writing (see an [author interview here](#)). Ackerman’s is the first of a three-volume series on the ‘Rise of World Constitutionalism’ and, while highly relevant for anyone interested in democratic decay, analyses key questions (e.g. the roots of Poland’s democratic malaise, as well as constitutionalism in South Africa and France, among others) more obliquely. Keep an eye out for a review of Ackerman’s book by Tomasz Konieczny. I will be reviewing Sadurski’s book in the *European Constitutional Law Review* and discussing it at a book panel ([Panel #182](#)), alongside leading and emerging scholars, at the International Society of Public Law (ICON-S) annual conference in Chile.

2 A Critical Mass of Scholarship on Democratic Threats in Poland

Sadurski’s book represents the capstone of a critical mass of scholarship on threats to liberal democracy in Poland, across multiple disciplines, which has rapidly expanded during the past year. Building on a range of research on Poland in the main DEM-DEC Bibliography and other Updates to date, in this Update alone we have, in the [*Hague Journal on the Rule of Law special issue on ‘Rule of Law Decay’*](#) (April 2019): an article from Sadurski himself, on the transformation of the Constitutional Tribunal from independent organ to ‘governmental enabler; Radosław Markowski on authoritarian clientelism since 2015; and Marta Bucholc on memory laws and democratic backsliding – which resonates with the special section on [‘Poland’s Wars of Symbols’](#) in the journal *East European Politics and Societies: and Cultures* (May 2019). [Pablo Castillo-Ortiz](#) includes Poland as one of three case-studies in his article on illiberal abuse of constitutional courts in the *European Constitutional Law Review* (published online on 8 May 2019), while [Renáta Uitz’s guest editorial](#) in the same edition, and [Dimitry Kochenov’s forthcoming article](#) in the *Polish Yearbook of International Law* (recently posted on SSRN) discuss action against Poland at the EU level. Forthcoming research includes two articles by Tímea Drinóczi & Agnieszka Bień-Kacała on Hungary and Poland (see p.24 of this Update).

3 Reappraisal and Reform of Law and Politics in the USA

Perhaps the largest – and most rapidly growing – body of scholarship prompted by concerns regarding threats to liberal democracy, or at least perceptions that democratic practice is changing, is in the USA. Three items in this Update point to the intellectual energy in this area. In the *Columbia Law Review Online* (April-May 2019), Jed Handelsman Shugerman sets out an interesting argument against (mis)using the term [‘constitutional hardball’](#) – intended to denote legitimate, if aggressive, constitutional political moves. But the label “hardball” – to encompass “illegitimate, fundamentally undemocratic tactics”. Also in the CLR Online (May 2019) Tabatha Abu El-Haj continues a developing conversation with Michael Kang on the [appropriate approach to reform of the US political-party system](#), agreeing with Kang that there can be no return to a lost era of old-style machine politics and mass membership, but arguing that the response cannot be a policy focus on responsible party behaviour but a broader reform agenda that seeks to marry the inclusiveness of the past and the different means of association of the present. Finally, a forthcoming Pepperdine Law Review article by John Yoo sets out a [defence of the Electoral College](#), cautioning against any overreaction to the College’s failure to filter out a candidate such as Trump in 2016, and offering that a system of direct election could present a higher risk of danger of tyranny by the majority. Finally, in a thought-provoking forthcoming article in the *Drake Law Review*, Richard Albert examines whether [constitutional reformers in the USA may end up pursuing unconventional methods](#) to overcome the barriers standing in the way of any constitutional amendment.

4 Understanding Voters Better

As discussed in the March Update, 2019 is a critical year in terms of elections, with voters going to the polls in major elections in the EU, India, and Poland, among others. A number of items in this Update are useful to help us better understand voter behaviour. A [new policy report by the Institute for Future Studies](#) examines those voting for the far-right (or at least ‘far-right-lite) Sweden Democrats (now well-established as Sweden’s third-largest party), asking “Who are they, where do they come from, and where are they headed?”. The authors, Kirsti Jylhä, Jens Rydgren, and Pontus Strimling, observe that SD voters come from both the right and the left, primarily share a critical view of immigration, but beyond this it is not entirely clear what they have in common. Another [new policy paper by the Bertelsmann Foundation \(Stiftung\)](#), suggests that many voters are voting against the centre-ground parties rather than strongly in favour of challenger parties. An [article by Philipp Dreyer and Johann Bauer](#) in the *West European Politics* journal (January 2019), suggested for addition by a DEM-DEC user, indicates (on the basis of cross-country data from 1977-2016) that political parties respond to greater voter polarisation by adopting more extreme positions, but that this effect declines as voters’ propensity to abstain decreases (which is a flipside to recent findings by [Jennifer McCoy and Murat Somer](#) (See Theme 1-February Update), suggesting that polarisation largely results from the activity of ‘political entrepreneurs’).

5 Democratic Decay (and Breakdown) Outside the West

Various items in this Update remind us that democratic decay is also a concern outside the West (however we may define ‘the West’). In the *German Law Journal’s* first issue on populism for its twentieth anniversary, Satoshi Yokodaido analyses [‘constitutional stability’ in Japan](#), arguing that it is not due to popular endorsement of the 1947 Constitution, but in constitutional pathologies that leave the Constitution open to fundamental reinterpretation by political actors. It is notable that a

[forthcoming collection](#) edited by Yoichi Funabashi and G. John Ikenberry (due out in October 2019) suggests that the absence of “virulent strains of populism” in Japan may soon change due to deterioration of stabilising forces through a rapidly aging population, widening intergenerational inequality, and high levels of public debt. Elsewhere, two policy documents on disinformation and democracy – in [the Philippines](#) and [the EU](#) – underscore that democracies of all hues are facing some similar challenges. Aziz Huq, in a forthcoming article, examines four judgments in which the [Constitutional Court of South Africa](#) has addressed state capture under President Zuma as a threat to “constitutional democracy.” Finally, an IACL-AIDC Blog Symposium on the (constitutional) [crisis in Venezuela](#) provides not useful information on the nature of the crisis, but also highlights the need for expert analysis (from a variety of political and disciplinary perspectives) in a sea of superficial, tendentious, and misleading commentary.

6 The ‘C’ Word: Interesting Trends in Comparative Analysis

In one of my ICONnect Blog columns on democratic decay, published in March 2017 ([‘The “C word”: Democratic Decay and the New Frontiers of Comparative Law’](#)), I offered that:

democratic decay is pushing us from a long-held view of comparative constitutional analysis as a choice to a new reality where it is becoming a necessity. Decay, by presenting a novel and multifaceted challenge for democratic governance in specific states, requires scholars, policymakers, and institutions such as courts to look outside their own systems for guidance.

Of course, the importance of comparative constitutional analysis (incorporating both comparative law and comparative political studies) is evident throughout the burgeoning literature on democratic decay: analysis of Poland almost inevitably draws comparative lessons from Hungary, for instance, while US scholarship had drawn on examples from not only liberal democratic states (e.g. Poland) but also hybrid regimes (e.g. Turkey) and authoritarian states (e.g. Egypt).

Perhaps one of the most interesting trends is a growing comparison between states that are not ordinarily paired, such as Venezuela and Turkey: in particular, a recently-minted doctor, Orçun Selçuk, has just completed a political science doctoral thesis on ‘Populism and Leader Polarization in Venezuela, Ecuador, and Turkey’, which broadly examines the relationship between populism and polarization. (Congratulations Orçun!) Although it must be understood on its own merits, the Turkish experience offers many lessons. Those wishing to read more deeply about the Turkish experience will also be happy to hear that Ertug Tombus is working on a manuscript, titled *Life-Cycle of a Populist: Populism and Its Trajectory in Turkey*. Having recently heard Ertug speak at Princeton in March, I am sure that it will be an important work. By the end of this month a work aimed at a popular audience, by Ece Temelkuran, will be published: [How to Lose a Country: The 7 Steps from Democracy to Dictatorship](#) (see a good review [here](#)). Yeşim Arat and Şevket Pamuk also have a book due out in September 2019, [Turkey Between Democracy and Authoritarianism](#).

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.15 and p.23

Monographs

[Colin CROUCH](#), Post-Democracy (Wiley, 2004).

[Patrick J. DENEEN](#), Why Liberalism Failed (Yale University Press, February 2019).

[Giorgos KATSAMBEKIS & Alexandros KIOUPKIOLIS](#), The Populist Radical Left in Europe (Routledge, March 2019).

[Ryszard LEGUTKO](#), The Demon in Democracy: Totalitarian Temptations in Free Societies (Encounter Books, 2018).

[Peter MACFADYEN](#), Flatpack Democracy: A DIY Guide to Creating Independent Politics (Eco-logic books, 2014).

[Pippa NORRIS](#), Strengthening Electoral Integrity (Cambridge University Press, 2017).

[Pippa NORRIS](#), Why Elections Fail (Cambridge University Press, 2015).

[Pippa NORRIS](#), Why Electoral Integrity Matters (Cambridge University Press, 2014).

[Norman LeVaun STAMPS](#), Why Democracies Fail: A Critical Evaluation of the Causes of Modern Dictatorships (Notre Dame University Press, 1957).

Edited Collections

[Violeta BESIREVIC](#), New Politics of Decisionism (Eleven International Publishing, January 2019).

[Patrick DUNLEAVY, Alice PARK & Ros TAYLOR \(eds\)](#), The UK's Changing Democracy: The 2018 Democratic Audit (LSE Press. 2018).

[César RODRÍGUEZ-GARAVITO & Krizna GOMEZ \(eds\)](#), Rising to the Populist Challenge: A New Playbook for Human Rights Activists (Dejusticia, April 2018). ***Full book available at the link**

Articles

- [Anita BODLOS & Carolina PLESCIA](#), 'The 2017 Austrian snap election: a shift rightward' (2018) 41(3) West European Politics 1354.
- [Colin CROUCH](#), 'The March Towards Post-Democracy, Ten Years On' (2015) 87(1) The Political Quarterly 71.
- [Jennifer Raymond DRESDEN & Marc Morjé HOWARD](#), 'Authoritarian Backsliding and the Concentration of Political Power' (2016) 23(7) Democratization 1122.
- [Philipp DREYER & Johann BAUER](#), 'Does voter polarisation induce party extremism? The moderating role of abstention' (2019) 42(4) West European Politics 824.
- [Jorge M. FARINACCI-FERNÓS](#), 'Post-Liberal Constitutionalism' (2018) 54(1) Tulsa Law Review 1.
- [Diego GARZIA](#), 'The Italian election of 2018 and the first populist government of Western Europe' (2019) 42(3) West European Politics 670.
- [Anna-Sophie HEINZE](#), 'Strategies of mainstream parties towards their right-wing populist challengers: Denmark, Norway, Sweden and Finland in comparison' (2018) 41(2) West European Politics 287.
- [Sara B. HOBOLT & James TILLEY](#), 'Fleeing the centre: the rise of challenger parties in the aftermath of the euro crisis' (2016) 39(5) West European Politics 971.
- [Steven LEVITSKY & Lucan A. WAY](#), 'Why Democracy Needs a Level Playing Field' (2010) 22(1) Journal of Democracy 57.
- [Bill PARK](#), 'Populism and Islamism in Turkey' (2018) 19(2) Turkish Studies 169.
- [Dan SLATER](#), 'Democratic Careening' (2013) 65(4) World Politics 729.
- [Murat SOMER & Jennifer McCOY](#), 'Déjà vu? Polarization and Endangered Democracies in the 21st Century' (2018) 62(1) American Behavioral Scientist 3.
- [Joost VAN SPANJE & Nan DIRK DE GRAAF](#), 'How established parties reduce other parties' electoral support: the strategy of parroting the pariah' (2018) 41(1) West European Politics 1.
- [Eefje STEENVOORDEN & Eelco HARTEVELD](#), 'The appeal of nostalgia: the influence of societal pessimism on support for populist radical right parties' (2018) 41(1) West European Politics 28.

Book Reviews

- [Lisa DISCH](#), 'Reclaiming populism' Contemporary Political Theory: First Online Articles (published online 14 February 2019).

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



April 2019: New Publications

Note: A number of items were published in early May 2019

Monograph: Bruce ACKERMAN, The Rise of World Constitutionalism, Volume One: Revolutionary Constitutions: Charismatic Leadership and the Rule of Law (Harvard University Press, published 13 May 2019). * **Note: this is the first volume in a three-volume series**

Monograph: Wojciech SADURSKI, Poland's Constitutional Breakdown: Freefall 2015-2018 (Oxford University Press, published 16 May 2019).

Monograph: Bhaskar SUNKARA, The Socialist Manifesto: The Case for Radical Politics in an Era of Extreme Inequality (Verso Books, published 3 April 2019).

Edited Collection: Graham MACKLIN and Fabian VIRCHOW (eds), Transnational Extreme Right Networks (Routledge, published 1 May 2019).

German Law Journal: Volume 20, Issue 2 (April 2019)

*** This is the first issue of a double-issue 20th anniversary symposium on populism**

Rosalind DIXON, 'Introduction—Public law and populism' (2019) 20(2) German Law Journal 125.

N. W. BARBER, 'Populist leaders and political parties' (2019) 20(2) German Law Journal 129.

Gonzalo CANDIA, 'Regional human rights institutions struggling against populism: The case of Venezuela' (2019) 20(2) German Law Journal 141.

Oran DOYLE, 'Populist constitutionalism and constituent power' (2019) 20(2) German Law Journal 161.

Erik LONGO, 'The European Citizens' initiative: too much democracy for EU polity?' (2019) 20(2) German Law Journal 181.

Zoran OKLOPCIC, 'Imagined ideologies: Populist figures, liberalist projections, and the horizons of constitutionalism' (2019) 20(2) German Law Journal 201.

Andrea PIN, 'The transnational drivers of populist backlash in Europe: The role of courts' (2019) 20(2) German Law Journal 225.

David PRENDERGAST, 'The judicial role in protecting democracy from populism' (2019) 20(2) German Law Journal 245.

Satoshi YOKOYAMA, 'Constitutional stability in Japan not due to popular approval' (2019) 20(2) German Law Journal 263.

Paul BLOKKER, 'Response to "Public law and populism"' (2019) 20(2) German Law Journal 284.

German Law Journal: Volume 20, Issue 3 (April 2019)

*** This is the second issue of a double-issue 20th anniversary symposium on populism**

Paul BLOKKER, Bojan BUGARIC, Gábor HALMAI, 'Introduction: Populist constitutionalism: Varieties, complexities, and contradictions' (2019) 20(3) German Law Journal 291.

Gábor HALMAI, 'Populism, authoritarianism and constitutionalism' (2019) 20(3) German Law Journal 296.

Kim Lane SCHEPPELE, 'The opportunism of populists and the defense of constitutional liberalism' (2019) 20(3) German Law Journal 314.

Paul BLOKKER, 'Varieties of populist constitutionalism: The transnational dimension' (2019) 20(3) German Law Journal 332.

Julian SCHOLTES, 'The complacency of legality: Constitutionalist vulnerabilities to populist constituent power' (2019) 20(3) German Law Journal 351.

Théo FOURNIER, 'From rhetoric to action, a constitutional analysis of populism' (2019) 20(3) German Law Journal 362.

Mark TUSHNET, 'Varieties of populism' (2019) 20(3) German Law Journal 382.

Bojan BUGARIC, 'The two faces of populism: Between authoritarian and democratic populism' (2019) 20(3) German Law Journal 390.

Oran DOYLE, Erik LONGO & Andrea PIN, 'Populism: A health check for constitutional democracy?' (2019) 20(3) German Law Journal 401.

Hague Journal on the Rule of Law: Volume 11, Issue 1 (April 2019)

Special Issue: Rule of law decay

*** Many of these pieces have been listed in previous Global Research Updates as first online articles**

Editorial

Maurice ADAMS & Ronald JANSE, 'Rule of Law Decay: Terminology, Causes, Methods, Markers and Remedies' (2019) 11(1) Hague Journal on the Rule of Law 1.

Articles

Tom Gerald DALY, 'Democratic Decay: Conceptualising an Emerging Research Field' (2019) 11(1) Hague Journal on the Rule of Law 9.

Gábor Attila TÓTH, 'Constitutional Markers of Authoritarianism' (2019) 11(1) Hague Journal on the Rule of Law 37.

Wojciech SADURSKI, 'Polish Constitutional Tribunal Under PiS: From an Activist Court, to a Paralysed Tribunal, to a Governmental Enabler' (2019) 11(1) Hague Journal on the Rule of Law 63.

Marta BUCHOLC, 'Commemorative Lawmaking: Memory Frames of the Democratic Backsliding in Poland After 2015' (2019) 11(1) Hague Journal on the Rule of Law 85.

Radosław MARKOWSKI, 'Creating Authoritarian Clientelism: Poland After 2015' (2019) 11(1) Hague Journal on the Rule of Law 111.

Oliver MADER, 'Enforcement of EU Values as a Political Endeavour: Constitutional Pluralism and Value Homogeneity in Times of Persistent Challenges to the Rule of Law' (2019) 11(1) Hague Journal on the Rule of Law 133.

Gábor HALAMI, 'The Possibility and Desirability of Rule of Law Conditionality' (2019) 11(1) Hague Journal on the Rule of Law 171.

Bogdan IANCU, 'Quod licet Jovi non licet bovi?: The Venice Commission as Norm Entrepreneur' (2019) 11(1) Hague Journal on the Rule of Law 189.

Lisa LOUWERSE & Eva KASSOTI, 'Revisiting the European Commission's Approach Towards the Rule of Law in Enlargement' (2019) 11(1) Hague Journal on the Rule of Law 223.

East European Politics and Societies: and Cultures: Volume 33 Issue 2 (May 2019)

Special Section: Poland's Wars of Symbols

Guest Editors: Simon Lewis and Magdalena Waligórska

Simon LEWIS & Magdalena WALIGÓRSKA, 'Introduction: Poland's Wars of Symbols' (2019) 33(2) East European Politics and Societies: and Cultures 423.

Marta KOTWAS & Jan KUBIK, 'Symbolic Thickening of Public Culture and the Rise of Right-Wing Populism in Poland' (2019) 33(2) East European Politics and Societies: and Cultures 435.

Agnieszka GRAFF, 'Claiming the Shipyard, the Cowboy Hat, and the Anchor for Women: Polish Feminism's Dialogue and Struggle with National Symbolism' (2019) 33(2) East European Politics and Societies: and Cultures 472.

Magdalena WALIGÓRSKA, 'On the Genealogy of the Symbol of the Cross in the Polish Political Imagination' (2019) 33(2) East European Politics and Societies: and Cultures 497.

Simon LEWIS, 'Border Trouble: Ethnopolitics and Cosmopolitan Memory in Recent Polish Cinema' (2019) 33(2) East European Politics and Societies: and Cultures 522.

European Constitutional Law Review: Volume 15, Issue 1 (March 2019)

*** Note the articles below were published online on 8 May 2019**

Renáta UITZ, 'The Perils of Defending the Rule of Law Through Dialogue' (2019) 15(1) European Constitutional Law Review 1.

Pablo CASTILLO-ORTIZ, 'The Illiberal Abuse of Constitutional Courts in Europe' (2019) 15(1) European Constitutional Law Review 48.

Journal of Democracy: Volume 30, Issue 2 (April 2019)

*** Note: A number of items from this issue are not listed below, e.g. because they deal exclusively with authoritarian states**

Articles

Takis S. PAPPAS, 'Populists in Power' (2019) 30(2) Journal of Democracy 70.

Nate SCHENKKAN & Sarah REPUCI, 'The Freedom House Survey for 2018: Democracy in Retreat' (2019) 30(2) Journal of Democracy 100.

Félix KRAWATZEK & George SOROKA, 'Nationalism, Democracy, and Memory Laws' (2019) 30(2) Journal of Democracy 157.

Book Reviews

Christopher WALKER, 'The Era of Manipulation' (2019) 30(2) Journal of Democracy 172.

(A review of *The People vs. Tech: How the Internet Is Killing Democracy (and How We Save It)* by Jamie Bartlett.)

Documents on Democracy

Excerpts from: a speech by Armenian Prime Minister Nikol Pashinian; a letter by Bernard-Henri Lévy, Milan Kundera, Salman Rushdie, Elfriede Jelinek, and Orhan Pamuk; tributes to Lyudmila Alexeyeva; and the Parliamentary Call for Global Democratic Renewal.

Comparative Politics, Volume 51, Number 3 (April 2019)

Isabela MARES & Lauren YOUNG, 'Varieties of Clientelism in Hungarian Elections' (2019) 51(3) Comparative Politics 449.

Columbia Law Review Online: Volume 119, Nos. 3 and 4 (April and May 2019)

Jed HANDELSMAN SHUGERMAN, 'Constitutional Hardball vs. Beanball: Identifying Fundamentally Antidemocratic Tactics' (2019) 119 Columbia Law Review Online No.3.

Tabatha ABU EL-HAJ, 'The Possibilities for Responsive Party Government' (2019) 119 Columbia Law Review Online No.4.

Hastings Law Journal: Vol. 70, Issue 3 (April 2019)

Richard ALBERT, Malkhaz NAKASHIDZE & Tarik OLCAY, 'The Formalist Resistance to Unconstitutional Constitutional Amendments' (2019) 70(3) Hastings Law Journal 639.

International and Comparative Law Quarterly: Volume 68, Issue 2 (April 2019)

Konstantin DZEHTSIAROU & Donal COFFEY, 'Suspension and Expulsion of the Members of the Council of Europe: Difficult Decisions in Troubled Times' (2019) 68(2) International & Comparative Law Quarterly 443.

Working Paper: Richard ALBERT, 'The Case for Presidential Illegality in Constitutional Amendment' (Drake Law Review, forthcoming 2019; published on SSRN 2 May 2019).

Working Paper: Dimitry KOCHENOV, 'Article 7: A Commentary on a Much Talked-about "Dead" Provision' (Polish Yearbook of International Law, forthcoming, 2019; published on SSRN 29 April 2019).

Working Paper: Aziz Z. HUQ, 'A Tactical Separation of Powers?' (Constitutional Court Review, forthcoming, published on SSRN; 23 April 2019).

Working Paper: John YOO, 'A Defense of the Electoral College in the Time of Trump' (Pepperdine Law Review, Vol. 46, No. 4, 2019, forthcoming; published on SSRN 12 April 2019).

Policy Report: Institute for Future Studies, Sweden Democrat Voters: Who are they, where do they come from, and where are they headed? Research report 2019/1 (Authors: Kirsti M. JYLHÄ, Jens RYDGREN & Pontus STRIMLING).

Policy Paper: Judit BAYER, Between Anarchy and Censorship. Public discourse and the duties of social media. CEPS Paper in Liberty and Security in Europe No. 2019-03, May 2019.

Policy Study: Bertelsmann Stiftung, Rejection of parties shapes the voting decisions of Europeans (26 April 2019).

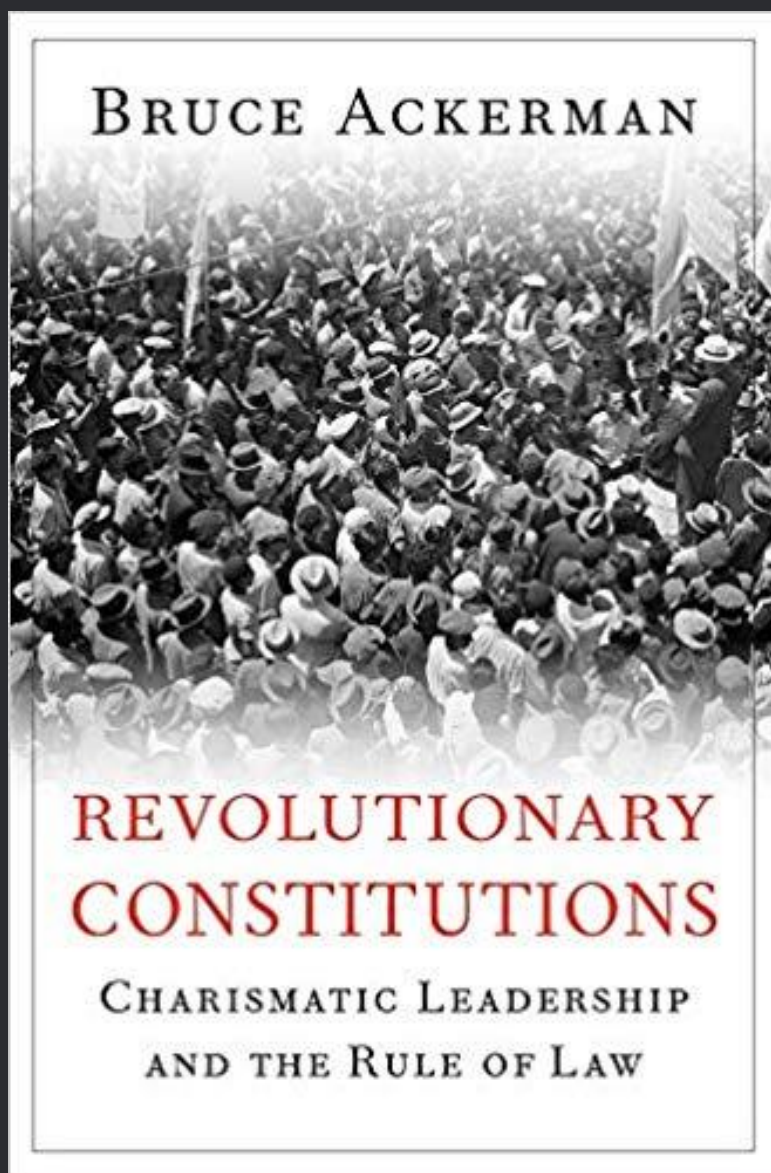
Policy Paper: Friedrich Naumann Foundation for Freedom. Southeast and East Asia, Democratic Decay and Disinformation in the Digital Age (author: John NERY, 26 April 2019).

Policy Statement: European Commission, Code of practice against disinformation: Commission welcomes the commitment of online platforms ahead of the European elections. Brussels (23 April 2019).

IACL-AIDC Blog Symposium on Venezuela: 29 April-22 May 2019

* **DEM-DEC Global Research Updates generally do not include Blog posts, for a variety of reasons, such as capacity, keeping the Updates to a manageable size, and the existence of software to aggregate posts from multiple blogs.** However, this Blog Symposium, on the IACL-AIDC Blog, is worthy of inclusion. Curated by Guest Editor Raul Sánchez-Urribarri, it gathers cutting-edge analysis of the crisis in Venezuela from a variety of perspectives. (In the interests of full disclosure, DEM-DEC Director Tom Daly is also Co-Editor of the IACL-AIDC Blog).

DEM-DEC Recommended Read



" Bruce Ackerman's *Revolutionary Constitutions* is a triumph. It enables the reader to appreciate the many complex factors that contribute to the legitimacy of constitutions and the creation of constitutionalism in a country. In doing so, Ackerman seamlessly navigates events, movements, and a range of charismatic constitutional personalities. He deftly discusses Nehru, Mandela, Ben-Gurion, and de Gaulle, amongst others, and their roles in the making or breaking of constitutional revolutions.

— **Menaka Guruswamy**, Advocate,
Supreme Court of India

" After changing how we think about the U.S. Constitution, Bruce Ackerman is doing the same for the rest of the world. This volume is a remarkable start for what is certain to become one of the most ambitious endeavors in constitutional scholarship: to understand the different beginnings of constitutionalism in the world."

—**Miguel Poiates Maduro**, European
University Institute

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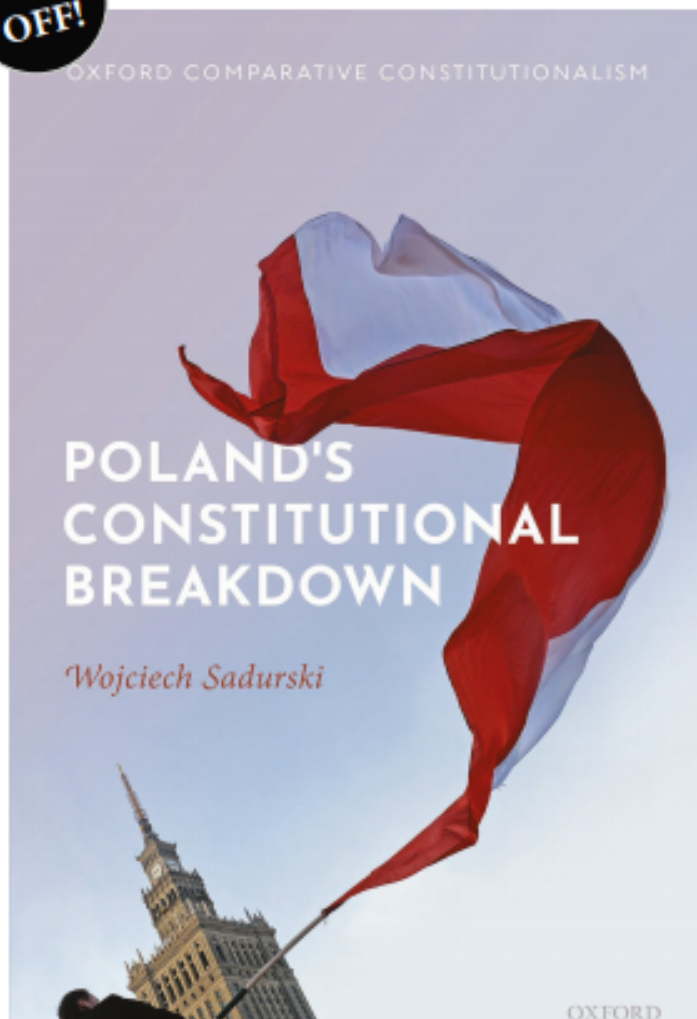
Revolutionary Constitutions: Charismatic Leadership and the Rule of Law. Harvard University Press 2019. 9780674970687. <http://bit.ly/2Hxcllt>

POLAND'S CONSTITUTIONAL BREAKDOWN

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- The first book-length treatment of the Polish case worldwide
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Since 2015, Poland's populist Law and Justice Party (PiS) has been dismantling the major checks and balances of the Polish state and subordinating the courts, the civil service, and the media to the will of the executive. Political rights have been radically restricted, and the Party has captured the entire state apparatus. The speed and depth of these antidemocratic movements took many observers by surprise: until now, Poland was widely regarded as an example of a successful transitional democracy.

Poland's anti-constitutional breakdown poses three questions that this book sets out to answer:

What, exactly, has happened since 2015?

Why did it happen?

And what are the prospects for a return to liberal democracy?

Wojciech Sadurski is Challis Professor of Jurisprudence at the University of Sydney and Professor at the University of Warsaw Centre for Europe.

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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**

[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.**

[Renske DOORENSPLEET](#), Rethinking the Value of Democracy: A Comparative Perspective (Palgrave Macmillan, due for publication 2019 (precise date TBA)).

[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 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).

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

[Fathali M. MOGHADDAM](#), *Threat to Democracy: The Appeal of Authoritarianism in an Age of Uncertainty* (American Psychological Association, due for publication 28 May 2019).

Joe MULHALL, David LAWRENCE, Simon MURDOCH & Patrik HERMANSSON, *The Alt-Right International* (Routledge, forthcoming; due for publication 30 March 2019 * **Unable to verify whether this book was published on schedule**).

[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).

[Ece TEMELKURAN](#), *How to Lose a Country: The 7 Steps from Democracy to Dictatorship* (HarperCollins, due for publication 28 May 2019).

NEW 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

[Stephen ASHE](#), [Joel BUSER](#), [Graham MACKLIN](#) and [Aaron WINTER](#) (eds), *Researching the Far Right: Theory, Method and Practice* (Routledge, due for publication 1 June 2019).

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

[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).

[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).

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, June 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

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

New Joint Initiative

[re:constitution – Exchange and Analysis on Democracy and Rule of Law in Europe](#)

Joint initiative by Democracy Reporting International (DRI) and Forum Transregionale Studien (FTS) to improve European exchanges on constitutional law and values that leads from common words to shared, concrete, concepts. re:constitution has three main components: Fellowships (FTS); Seminars (FTS); and Analysis (DRI).

Political Movement

[DiEM25: Democracy in Europe Movement 2025](#)

A pan-European political movement launched in 2015 by former Greek Finance Minister Yanis Varoufakis and Croatian philosopher Srećko Horvat.

Journal

[West European Politics](#)

Covers politics, government and public policy in Western Europe, embracing major political developments, including the EU, and coverage of all national elections in Western Europe. There are ordinarily two special issues per volume.

Featured Link

re: constitution

Exchange and Analysis on Democracy and Rule of Law in Europe

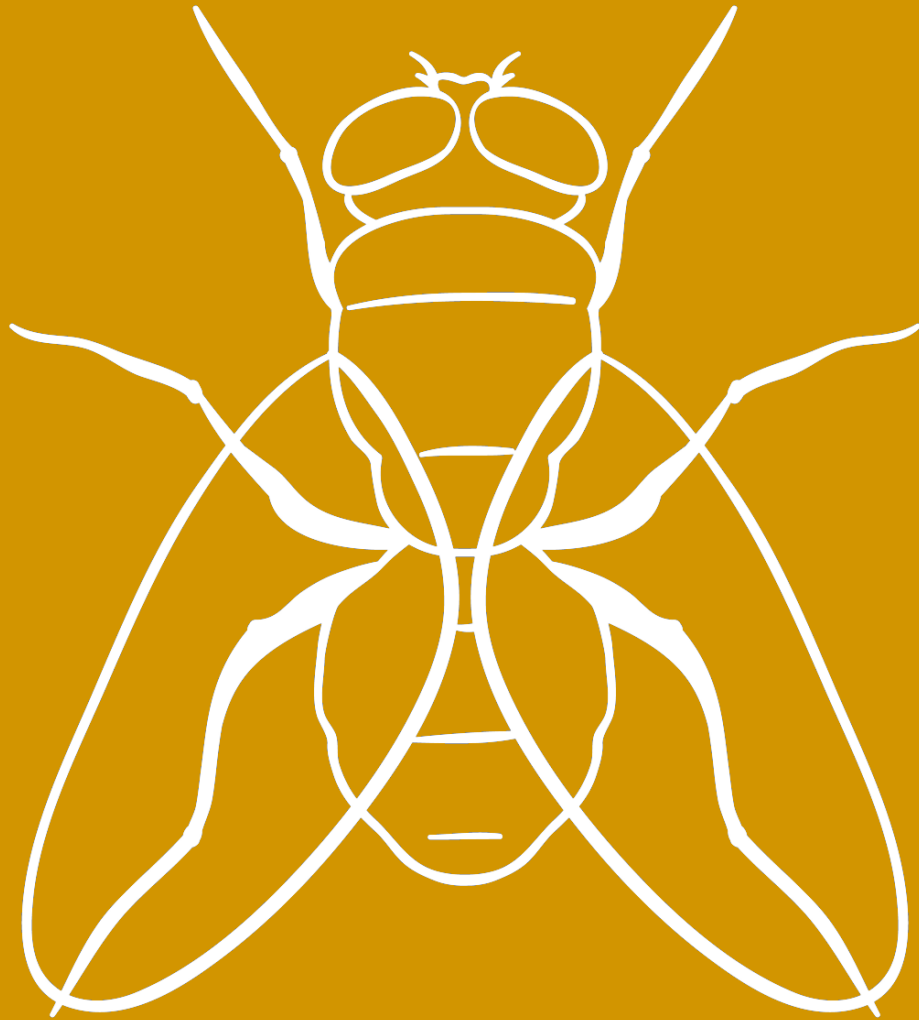
Joint initiative by Democracy Reporting International (DRI) and Forum Transregionale Studien (FTS) to improve European exchanges on constitutional law and values that leads from common words to shared, concrete, concepts.

To turn this idea into reality, re:constitution has three main components:

- re:constitution Fellowships (FTS)
- re:constitution Seminars (FTS)
- re:constitution Analysis (DRI)

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