

October  
2018



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

This Update was issued on 1 October 2018. It is based on new publications and suggestions from users of the Democratic Decay Resource (DEM-DEC) at [www.democratic-decay.org](http://www.democratic-decay.org).

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

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

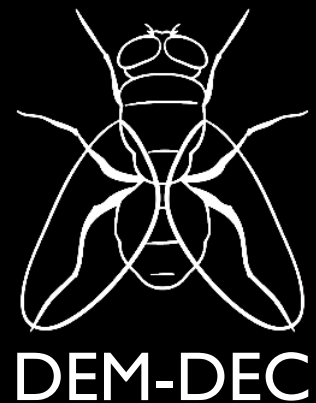
# About DEM-DEC

Created by Dr Tom Gerald Daly (Melbourne Law School) and supported by a range of leading public law and policy organisations, the Democratic Decay Resource (DEM-DEC) is an online resource aiming to provide useful information on the deterioration of democratic rule worldwide through a mixture of curated, collaborative, and user-generated content including a Bibliography, Experts Database, Events Database, Links, and Concept Index.

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

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

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## Dr Tom Gerald Daly

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

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

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

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

# Partners

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

Centre for Comparative Constitutional Studies (CCCS)

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

Constitution Transformation Network (Melbourne Law School)

Constitutionally Speaking (blog – South Africa)

Democracy Reporting International (DRI)

Democratic Erosion: A Cross-University Collaboration (USA)

Edinburgh Centre for Constitutional Law

ICON-S-Israel

International Association of Constitutional Law (IACL) Blog

International Institute for Democracy and Electoral Assistance (International IDEA)

International Journal of Constitutional Law (I-CONnect) Blog

School of Transnational Governance (European University Institute)

Verfassungsblog



## Want to be a Partner?

E-mail Dr Tom Daly at  
[democraticdecay@gmail.com](mailto:democraticdecay@gmail.com)





# Contents

1	Introduction	6
2	Key Themes from this Update	7
3	Additions Suggested by DEM-DEC Users	9
4	September 2018: New Publications	13
	<i>Monograph: The Great Delusion: Liberal Dreams and International Realities</i>	13
	<i>Monograph: Identity: The Demand for Dignity and the Politics of Resentment</i>	13
	<i>Translated Essay Collection: Democracy and Populism</i>	13
	<i>Research Paper: 'Economic Losers and Political Winners: Sweden's Radical Right'</i>	13
	<i>Hague Journal on the Rule of Law</i>	13
	– articles on 'new' authoritarianism: theoretical analysis and Poland case-study	13
	<i>Journal of Common Market Studies</i>	13
	– article on the impact of illiberal regimes on the functioning of the EU	13
	<i>Human Rights Law Review</i>	13
	– article on the compatibility of civil service purges in Turkey with the ECHR	13
	<i>Cardozo Law Review De Novo (Online)</i>	14
	– articles on judicial nominations and Brett Kavanaugh	14
	<i>Santa Clara Law Review</i>	14
	– article on the opportunistic use of Senate rules	14
	<i>Lewis &amp; Clark Law Review</i>	14
	– article on partisanship, social identity and American government	14
	<i>Chicago-Kent Law Review</i>	14
	– Special Issue: 'The Supreme Court and American Politics'	14
5	Selected Earlier Publications	16
	<i>Monograph: Crashed: How a Decade of Financial Crises Changed the World</i>	16
	<i>Edited Collection: Challenges of Democracy in the 21st Century: Concepts, Methods, Causality and the Quality of Democracy</i>	16
	<i>Seton Hall, Michigan, California, and Cardozo Law Reviews</i>	16
	– a range of articles on media access to presidential campaigns, presidential obstruction of justice, and free speech in an age of protest	16
	<i>Stasis journal &amp; Harvard, George Washington, Texas, UC Hastings law reviews</i>	17
	– a range of articles on e.g. protest and democracy, rule of law and international law in the populist age, court packing, and gerrymandering	17
	<i>Democratization journal</i>	17
	– articles and book reviews on democratic decay in Hungary and Poland, and recovery of democracy in South Africa	17
6	Forthcoming Research	18

# Have Your Say!

Send suggestions and information on new publications for the November 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)



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# Introduction

## The DEM-DEC Bibliography

The DEM-DEC Bibliography is provided on the Democratic Decay Resource (DEM-DEC) at [www.democratic-decay.org](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.

## Third monthly update since DEM-DEC was launched

Updates to the Bibliography will be issued on the first Monday of each month. This is the third monthly update provided and was issued on 1 October 2018, based on new publications and suggestions from users of DEM-DEC. All updates should be read in conjunction with the main bibliography on DEM-DEC.

## Comprehensiveness

It is impossible to be comprehensive given the broad scope of the subject. However, the updates here have been collated from suggestions by scholars worldwide, a broad search of academic journals worldwide, as well as information collated on leading public law blogs, including the weekly round-up 'What's New in Public Law' on the [I-CONnect Blog](#) (blog of the International Journal of Constitutional Law), which is a DEM-DEC Partner. Blog posts, media articles, and (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 September 2018. Items suggested by DEM-DEC users are mainly from earlier in 2018 and late 2017. In addition, a number of items from recent months, which were not covered in the September Update, have been included in this update.

## Global Coverage

The Bibliography updates aim for global coverage. However, it should be borne in mind that the Bibliography, at present, collates information exclusively in the English language.

## Hyperlinks

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

## Acknowledgments

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

# Key Themes from this Update

## Identifying Themes

Each monthly Bibliography Update includes a section identifying themes from the update. The aim is simply to provide ‘added value’ by helping users to navigate the update, and to provide some limited commentary, especially on very recent research. Although it is impossible to capture every dimension of the issues covered in this Update, six key themes can be picked out.

### 1 Democratic Decay as an Increasingly Central Focus of US Scholarship

Various items in this Update, and the last two Updates, emphasise that democratic decay is increasingly becoming a central preoccupation of US scholarship (albeit under a variety of rubrics). A landmark book, Aziz Huq and Tom Ginsburg’s [‘How to Save a Constitutional Democracy’](#) will be published on 5 October, examining the possible threats to US constitutional democracy on the basis of wide-ranging comparative analysis: see an author interview [here](#). Many other items in this Update confirm this preoccupation, including September 2018 articles in the *Cardozo Law Review*’s online *De Novo* publication on [Brett Kavanaugh and the judicial confirmation process](#). Additions suggested by DEM-DEC users for this Update include a special collection in the *Pepperdine Law Review* (March 2018) on the [US Supreme Court](#) strongly focused on how the Court can be depoliticised. [Gerrymandering and race](#) is the focus of a special issue of the *William & Mary Law Review* (April 2018).

### 2 Sweden: A Lesson in Avoiding Alarmism?

Since the last Bibliography Update was issued on Monday 3 September, much-anticipated general elections were held in Sweden. With the far-right Sweden Democrats rising in the polls, commentary became increasingly fevered in the week before the vote that the SD would become the second-biggest or even biggest party in parliament. As it happens, the party made gains, achieving 17.6% of the vote. However, this fell far short of many predictions and parties that took a strong anti-SD stance, such as the Centre Party, performed strongly. Two additions in this Update can be read together. A research paper by Ernesto Dal Bó et al., published at the end of August, analyses the [rise of the ‘radical right’ in Sweden](#) on the basis of a broad range of data. A much [earlier article from 2002 by Jens Rydgren](#) – suggested for addition by a DEM-DEC user – predicted the possible rise of authoritarian populist forces in Sweden, showing that – as elsewhere – contemporary developments have deep roots.

### 3 The Impact of Populism on International Law

The rise of authoritarian populism is having an impact on international law, most clearly in the EU setting, as [an article in the latest issue of the \*Journal of Common Market Studies\*](#) discusses. Addressing the US context, a new addition to the ‘Forthcoming Research’ section is [Harold Koh’s book on the ‘battle’ between the Trump administration and international law](#). He argues that international law is proving relatively resilient, by examining various fields: including immigration and refugee law, human rights, climate change, denuclearization, trade diplomacy, and relations with North Korea, Russia and

Ukraine. Two other items in this Update take a broader tack. Ingrid Wuerth’s *Texas Law Review* article (December 2017) on [international law in a “post-human rights world”](#) discusses the end of an era of human rights expansion – partly due to the resurgence of authoritarianism – and argues that this is not necessarily a bad thing. [Eric Posner in an Arizona State Law Journal article](#) (September 2017) – an addition suggested by a DEM-DEC user – argues that the “populist backlash” poses the most acute threat to liberal international legal institutions since the Cold War, and that the public trust in technocratic rule by elite actors, on which international law is dependent, has been called into question by a series of international crises. This picks up the central themes of Tom Nichols’ book on the role of experts in democratic governance, discussed below.

## 4 The Role of Experts in Liberal Democratic Governance

The role of experts in liberal democratic governance is a theme running – explicitly or implicitly – through much of the literature on democratic decay, whether one is discussing courts and judges, technocratic governance within and beyond the state, or the need for an informed and adequately functioning media. In an April 2017 book suggested for addition for this Update by a DEM-DEC user, Tom Nichols analyses [the ‘Death of Expertise’](#) and mounts a strong defence of the need for expert knowledge in democratic societies. Tying the rise of anti-expertise sentiment and anti-intellectualism to the openness of the internet, the emergence of a customer satisfaction model in higher education, and the degeneration of the news industry into a “24-hour entertainment machine”, Nichols argues that when ordinary citizens believe that no one knows more than anyone else, democratic institutions are in danger of succumbing either to populism or technocracy-or a combination of both.

## 5 The Intensifying Focus on ‘New’ Authoritarianism

The urgent need to better understand the nature of new forms of hybrid authoritarianism has been seized with renewed vigour by constitutional law and political science scholars. Two articles in the *Hague Journal on the Rule of Law* (September 2018) address authoritarianism in different ways. The constitutional theorist [Gábor Attila Tóth](#) discusses how the “false justification” of new hybrid types of authoritarian rule can be identified through constitutional markers, which permits constitutional democracy to be distinguished from authoritarianism. The comparative politics scholar [Radosław Markowski](#) focuses on the dismantling of liberal democracy in Poland since the victory of the Law and Justice Party in the 2015 elections, and what drove the Law and Justice success in the first place.

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

## 6 Revisiting Key Texts: Judith Shklar on the ‘Liberalism of Fear’

A useful [list of key texts on liberalism](#), published by The Economist on 29th August, reminds us that gaining better understanding of democratic decay requires not just engaging with new research, but also revisiting older texts to mine them for every insight they offer. A particular text that warrants renewed focus is [Judith Shklar’s 1989 book chapter on ‘The Liberalism of Fear’](#), in which she argues for an understanding of democratic government as a necessary shield for individuals, especially those with little power, from the abuses of the state —such as the armed forces and the police. Her ‘liberalism of fear’ rests on two pillars: freedom from cruelty and the division of powers.

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



# Additions Suggested by DEM-DEC Users

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

## Books

[NICHOLS T](#), *The Death of Expertise: The Campaign against Established Knowledge and Why it Matters* (Oxford University Press, 2017).

[BAKKE E & PETERS I \(eds\)](#), *20 Years Since the Fall of the Berlin Wall: Transitions, State Break-up and Democratic Politics in Central Europe and Germany* (BWV Verlag, 2011)

## Book Chapters

[SHKLAR J](#), 'The Liberalism of Fear' in N Rosenblum (ed), *Liberalism and the Moral Life* (reprint, Harvard University Press, 2013).

## Journal Special Issues

[William & Mary Law Review: Vol. 59 Issue 5 \(April 2018\)](#)

### Special Issue on Gerrymandering

CAIN BE, TAM CHO WK, LIU YY & ZHANG ER, 'A Reasonable Bias Approach to Gerrymandering: Using Automated Plan Generation to Evaluation Redistricting Proposals'.

CHARKES G-U E & FUENTES-ROHWER L, 'Race and Representation Revisited: The New Racial Gerrymandering Cases and Section 2 of the VRA'.

ELMENDORF CS, 'From Educational Adequacy to Representational Adequacy: A New Template for Legal Attacks on Partisan Gerrymanders'.

FISHKIN J, 'Taking Virtual Representation Seriously'.

FOLEY EB, 'The Gerrymander and the Constitution: Two Avenues of Analysis and the Quest for a Durable Precedent'.

GREEN R, 'Redistricting Transparency'.

HASEN RL, 'Race or Party, Race as Party, or Party All the Time: Three Uneasy Approaches to Conjoined Polarization in Redistricting and Voting Cases'.

HO DE, 'Something Old, Something New, or Something Really Old? Second Generation Racial Gerrymandering Litigation as Intentional Racial Discrimination'.

KARLAN PS, 'Reapportionment, Nonapportionment, and Recovering Lost History of One Person, One Vote'.

KATZ ED, 'Section 2 After Section 5: Voting Rights and the Race to the Bottom'.

LEVITT J, 'Intent Is Enough: Invidious Partisanship in Redistricting'.

MORLEY MT, 'Prophylactic Redistricting? Congress's Section 5 Power and the New Equal Protection Right to Vote'.

STEPHANOPOULOS NO, 'The Causes and Consequences of Gerrymandering'.

TOKALI DP, 'Gerrymandering and Association'.

TOLSON F, 'Election Law "Federalism" and the Limits of the Antidiscrimination Framework'.

### **Pepperdine Law Review: Vol. 45, Issue 3 (March 2018)**

#### **Symposium: The Supreme Court: Politics and Reform**

This issue was published as a special issue in Volume 45, after issue 2. As published, It does not have a numerical designation.

McCONNELL MW, 'What Are The Judiciary's Politics?'.

TUSHNET M, 'The Pirate's Code: Constitutional Conventions In U.S. Constitutional Law'.

BRYANT AC & BREEDON K, 'How the Prohibition on "Under-Ruling" Distorts the Judicial Function (and What To Do About It)'.

BARTRUM I, NYMAN K & OTTO P, 'Justice As Fair Division'.

SEGALL EJ, 'Eight Justices Are Enough: A Proposal To Improve The United States Supreme Court'.

JOHNSTONE A, 'Hearing the States'.

#### **Articles**

ANDORFER A, 'Spreading Like Wildfire: Solutions for Abating the Fake News Problem on Social Media via Technology Controls and Government Regulation' (2018) 69(5) UC Hastings Law Journal 1409.

AU LAW REVIEW, 'Judges as Diplomats in Advancing the Rule of Law: A Conversation with President Koen Lenaerts and Justice Stephen Breyer' (2017) 66 American University Law Review 1159.

CARROLL EC, 'Protecting the Watchdog: Using the Freedom of Information Act to Preference the Press' (2016) 2 Utah Law Review 193.

EISLER J, 'Partisan Gerrymandering and the Illusion of Unfairness' (2018) 67(2) Catholic University Law Review 229.

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

[FOA RS & MOUNK Y](#), 'The End of the Consolidation Paradigm: A Response to Our Critics' Journal of Democracy Web Exchange on Democratic Deconsolidation, June 2017.

[FOA RS & MOUNK Y](#), 'The Signs of Deconsolidation' (2017) 28(1) Journal of Democracy 5.

[FOA RS & MOUNK Y](#), 'The Danger of Deconsolidation: The Democratic Disconnect' (2016) 27(3) Journal of Democracy 5.

[HASEN RL](#), 'Softening Voter ID Laws Through Litigation: Is It Enough?' (2018) Wisconsin Law Review Online (20 September 2016).

[HOWE P](#), 'Eroding Norms and Democratic Deconsolidation' (2017) 28(4) Journal of Democracy 15.

[INGLEHART R](#), 'The Danger of Deconsolidation: How Much Should We Worry?' (2016) 27(3) Journal of Democracy 18.

[LEVI L](#), 'The Weaponized Lawsuit Against the Media: Litigation Funding as a New Threat to Journalism' (2017) 66 American University Law Review 761. (September 2017)

[MOUNK Y](#), 'The Undemocratic Dilemma' (2018) 29(2) Journal of Democracy 98.

[MOUNK Y & FOA RS](#), 'The End of the Democratic Century: Autocracy's Global Ascendance' (2018) 97(3) Foreign Affairs.

[OLSON TA](#), 'Making it Reign: Bow Down to Money (as Speech)' (2017) 49(1) Arizona State Law Journal 307. (June 2017)

[POSNER EA](#), 'Liberal Internationalism and the Populist Backlash' (2017) 49 Arizona State Law Journal 795. (September 2017)

[RYDGREN J](#), 'Radical Right Populism in Sweden: Still a Failure, But for How Long?' (2002) 25(1) Scandinavian Political Studies 27.

[SANDERS CM](#), 'The Battlefield of Tomorrow, Today: Can a Cyberattack Ever Rise to an "Act of War?"' (2018) 2 Utah Law Review 503.

[SCHAUER E](#), 'Free Speech, the Search for Truth, and the Problem of Collective Knowledge' (2017) 70 SMU Law Review 231.

## Working Papers

[BUGARIČ B](#), 'Central Europe's Descent into Autocracy: On Authoritarian Populism'. Central European Studies, Harvard, CES Open Forum Series 2018-2019, September 4, 2018.

## Policy Reports & Guidelines

[ABDELSALAM MR](#), Applying Civil Law to Curb Corruption: A tool for Civil Society and Individuals. 2017 OECD Global Anti-Corruption & Integrity Forum.

[ROCHA MENOCA A & DOMINGO P](#), Renewing Representation: The role of international assistance in supporting democratic revitalisation (Westminster Foundation for Democracy, September 2018).

WORLD LEADERSHIP ALLIANCE: CLUB DE MADRID, Next Generation Democracy 2014-2018: Final Insights (September 2018).

## **Additional Resources**

THE ECONOMIST, 'The literature of liberalism' 29 August 2018.



# September 2018: New Publications

**Note: Some items listed below were published at the very end of August 2018**

Monograph: MEARSHEIMER JJ, The Great Delusion: Liberal Dreams and International Realities (Yale University Press, published on 25 September 2018).

Monograph: FUKUYAMA F, Identity: The Demand for Dignity and the Politics of Resentment (Farrar, Straus and Giroux, published on 11 September 2018).

Translated Essay Collection: DE BENOIST (BERMAN RA & LUKE TW eds), Democracy and Populism: The Telos Essays (Telos Press Publishing, published on 2 September 2018).

Research Paper: BÓ ED, FINAN F, FOLKE O, PERSSON T & RICKNE J, 'Economic Losers and Political Winners: Sweden's Radical Right' (August 2018; URL indicates this version of the text is from 2 September 2018).

## Hague Journal on the Rule of Law: First Online Articles (September 2018)

MARKOWSKI R, 'Creating Authoritarian Clientelism: Poland After 2015' (24 September 2018).

TÓTH GA, 'Constitutional Markers of Authoritarianism' (10 September 2018).

## Journal of Common Market Studies (September 2018)

### **Special Issue: The JCMS Annual Review of the European Union in 2017**

MEUNIER S & VACHUDOVA MA, Liberal Intergovernmentalism, Illiberalism and the Potential Superpower of the European Union (19 September 2018).

## Human Rights Law Review: Vol. 18, No.3 (September 2018)

RUYS T & TURKUT E, 'Turkey's Post-Coup 'Purification Process': Collective Dismissals of Public Servants under the European Convention on Human Rights' (2018) 18(3) Human Rights Law Review 539.

### Cardozo Law Review De Novo (Online): September 2018

MORSE S, 'The Constitutional Argument Against the Vice President Casting Tie-Breaking Votes on Judicial Nominees' (2018) Cardozo Law Review De Novo 155. (September 2018)

ASH E & CHEN DL, 'What Kind of Judge is Brett Kavanaugh?' (2018) Cardozo Law Review De Novo 70. (September 2018)

### Santa Clara Law Review: Vol. 58 No. 2 (September 2018)

MACCHIAROLA MC, 'Constitution Over Comity: Toward Ensuring that the Senate's Advice and Consent Power Does Not "Take a Seat" to the Opportunistic Use of Senate Rules' (2018) 58(2) Santa Clara Law Review 295. (September 2018)

### Lewis & Clark Law Review: Vol. 22 No. 2 (August 2018)

PETTYS TE, 'Partisanship, Social Identity, and American Government: Reality and Reflections' (2018) 22(2) Lewis & Clark Law Review 301. (Published online 28 August 2018)

### Chicago-Kent Law Review: Vol. 93, No.2 (August 2018)

#### **Special Issue: The Supreme Court and American Politics**

SCHMIDT CW & SHAPIRO C, 'The Supreme Court and American Politics: Symposium Introduction' (2018) 93(2) Chicago Kent Law Review 315.

HASEN RL, 'Keynote Address: Judging the Political and Political Judging: Justice Scalia as Case Study' (2018) 93(2) Chicago Kent Law Review 325.

McMAHON KJ, 'Will the Supreme Court Still "Seldom Stray Very Far"?: Regime Politics in a Polarized America' (2018) 93(2) Chicago Kent Law Review 343.

MAZZONE J, 'Above Politics: Congress and the Supreme Court in 2017' (2018) 93(2) Chicago Kent Law Review 373.

SCHMIDT CW, 'The Forgotten Issue? The Supreme Court and the 2016 Presidential Campaign' (2018) 93(2) Chicago Kent Law Review 411.

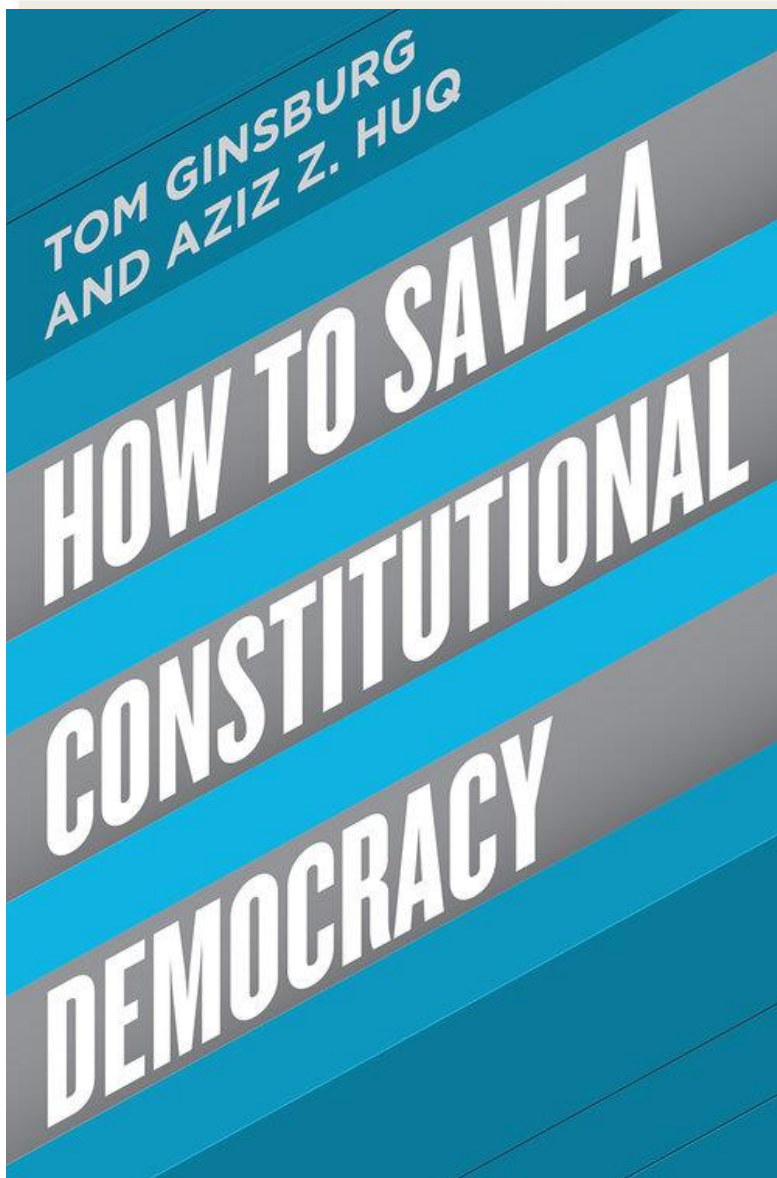
SHAPIRO C, 'What Members of Congress Say about the Supreme Court and Why It Matters' (2018) 93(2) Chicago Kent Law Review 453.

RINGHAND LA & COLLINS PM, 'Neil Gorsuch and the Ginsburg Rules' (2018) 93(2) Chicago Kent Law Review 475.

FUENTES-ROHWER, 'Taking Judicial Legitimacy Seriously' (2018) 93(2) Chicago Kent Law Review 505.

SOUTHWORTH A, 'The Consequences of Citizens United: What Do the Lawyers Say?' (2018) 93(2) Chicago Kent Law Review 525.

# DEM-DEC Recommended Read



"This is an important book—probably the most impressive marshaling of comparative literatures I have seen on this crucial set of issues. Using a wide range of examples, Ginsburg and Huq show how healthy democracies can mutate into autocratic or oligarchic systems, and they offer an incisive account of how this might happen in the United States. A cautionary tale told with case studies from around the world, this is a sobering analysis of our trying times."

—**Jack M. Balkin**, Yale Law School

"This book makes a huge contribution to our understanding of how democracies erode and what institutional reforms would make it harder for authoritarian populists to entrench their power. It should be required reading for anybody who seeks to bolster the stability of embattled democracies around the world."

—**Yascha Mounk**, Harvard University

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How to Save a Constitutional Democracy by Tom Ginsburg and Aziz Z. Huq, University of Chicago Press 2018. 9780226564388. <https://saveconstitutionaldemocracy.com/>

# Selected Earlier Publications

**Note: The following are additional items that were not included in the September Update but which are of clear relevance to democratic decay**

Monograph: TOOZE A, Crashed: How a Decade of Financial Crises Changed the World (Penguin UK, August 2018).

Edited Collection: TOMINI L & SANDRI G (eds), Challenges of Democracy in the 21st Century: Concepts, Methods, Causality and the Quality of Democracy (Routledge, April 2018).

**Seton Hall Law Review: Vol. 48 No. 4 (August 2018)**

MESCALL MJ, 'Make Campaign Coverage Great Again: Presidential Campaigns, the Press, and the Right of Access' (2018) 48(4) Seton Hall Law Review 1653.

**Michigan Law Review Online: Volume 117 (August 2018)**

PRIMUS R, 'The Republic in Long-Term Perspective' (2018) MLR Online 1.

**California Law Review: Vol. 106 No.4 (August 2018)**

HEMEL DJ & POSNER EA, 'Presidential Obstruction of Justice' (2018) 106 California Law Review 1277.

**Cardozo Law Review: Vol. 39 Issue 6 (August 2018)**

GOLDBERG E, 'Competing Free Speech Values in an Age of Protest' (2018) 39(6) Cardozo Law Review 2163. (August 2018)

**Cardozo Law Review De Novo (Online): July 2018**

PARSONS GM, 'The Institutional Case for Partisan Gerrymandering Claims' (2017) Cardozo Law Review De Novo 155. (July 2018)



**Stasis: Vol. 6 No. 1 (July 2018)**

[BERKOWITZ R](#), 'Protest and Democracy: Hannah Arendt and the Foundation of Freedom' (2018) 6(1) Stasis 36.

**Harvard Law Journal: Vol. 131 (June 2018)**

[RENAN D](#), 'Presidential Norms and Article II' (2018) 131 Harvard Law Review 2187.

**George Washington Law Review: Vol. 86 No. 1 and No. 2 (January and March 2018)**

[DIXON R & LANDAU D](#), 'Tiered Constitutional Design' (2018) 86(2) George Washington Law Review 438. (March 2018)

[RUBENSTEIN DS](#), 'Taking Care of the Rule of Law' (2018) 86(1) George Washington Law Review 168. (January 2018)

**Texas Law Review: Vol. 96 Nos. 2 & 3 (December 2017-February 2018)**

[FALLON RH](#), 'Judicial Supremacy, Departmentalism, and the Rule of Law in a Populist Age' (2018) 96(3) Texas Law Review 487 (February 2018).

[WUERTH I](#), 'International Law in the Post-Human Rights Era' (2018) 96(2) Texas Law Review 279 (December 2017).

**North Carolina Law Review: Vol. 96 No. 4 (May 2018)**

[ROBINSON EL](#), 'Revival of Roosevelt: Analyzing Expansion of the Supreme Court of North Carolina in Light of the Resurgence of State "Court-Packing" Plans' (2018) 96(4) North Carolina Law Review 1126.

**UC Hastings Law Journal: Vol. 69 Issue 6 (May 2018)**

[CUNNINGHAM M](#), 'Gerrymandering and Conceit: The Supreme Court's Conflict with Itself' (2018) 69(6) UC Hastings Law Journal 1509.

**Democratization: Vol. 25, No. 8 (Summer 2018)**

[BOGAARDS M](#), 'De-democratization in Hungary: diffusely defective democracy' (2018) 25(8) Democratization 1481.

[LARUFFA M](#), Book Review: 'Democracy in Poland: representation, participation, competition and accountability since 1989, by Anna Gwiazda' (2018) 25(8) Democratization 1539.

[EMILJANOWICZ P](#), Book Review: 'Recovering democracy in South Africa, by Raymond Suttner' (2018) 25(8) Democratization 1549.

# Forthcoming Research

## Books

[GINSBURG T & HUQ A](#), *How to Save a Constitutional Democracy* (University of Chicago Press, 2018; due for publication on 5 October 2018).

[KOH HH](#), *The Trump Administration and International Law* (Oxford University Press, due for publication 15 October 2018).

NORRIS P & INGLEHART R, *Cultural Backlash: Trump, Brexit and the Rise of Authoritarian Populism* (Cambridge University Press, forthcoming, 2018).

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

SIDES J, TESLER M & VAVRECK L, *Identity Crisis: The 2016 Presidential Campaign and the Battle for the Meaning of America* (Princeton University Press, due for publication in October 2018).

## Book Chapters

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

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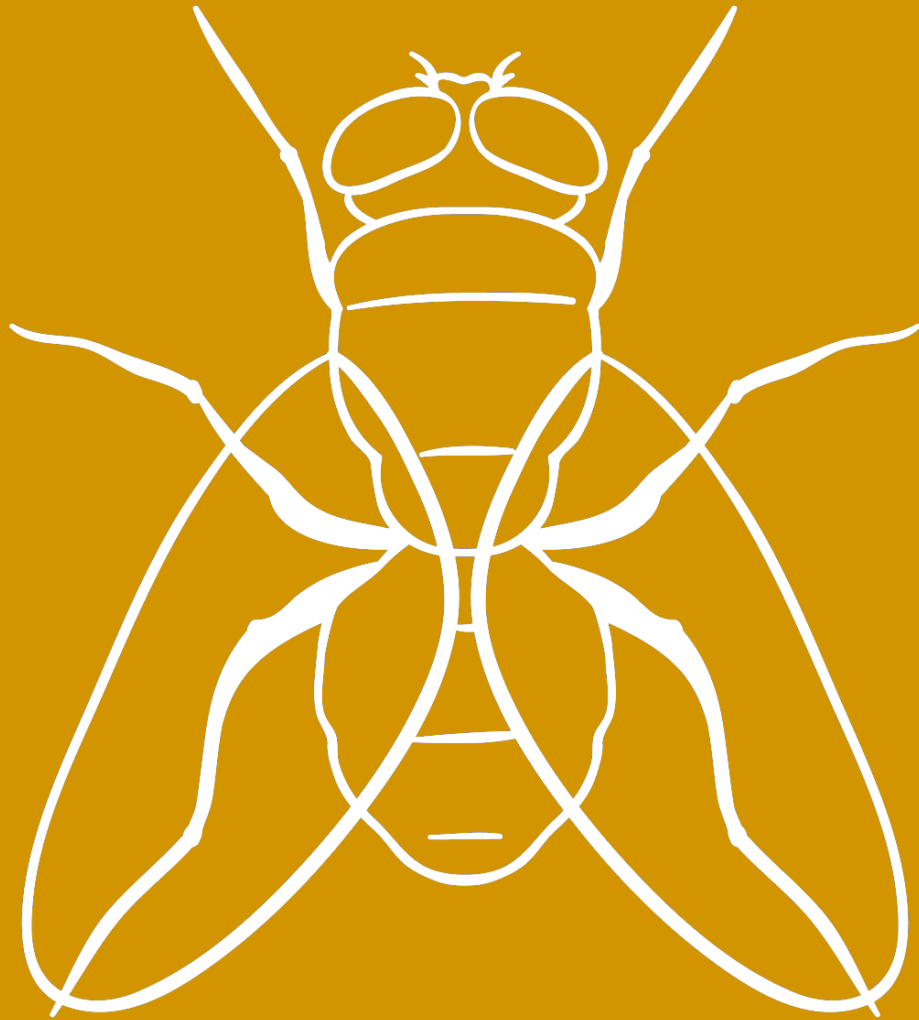
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