



DEM-DEC

November
2018



Democratic Decay Resource (DEM-DEC) Bibliography Update November 2018

This Update was issued on 5 November 2018. It is based on new publications and suggestions from users of the Democratic Decay Resource (DEM-DEC) at www.democratic-decay.org.

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

www.democratic-decay.org

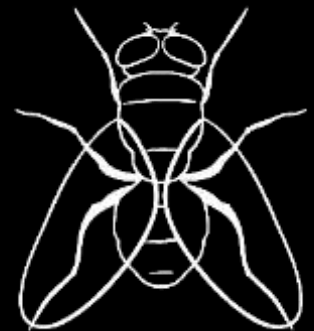
About DEM-DEC

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

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

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DEM-DEC



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?

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Have Your Say!

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



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Introduction

The DEM-DEC Bibliography

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

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

Fourth monthly update since DEM-DEC was launched

Updates to the Bibliography will be issued on the first Monday of each month. This is the fourth monthly update provided and was issued on 5 November 2018, based on new publications and suggestions from users of DEM-DEC. All updates should be read in conjunction with the main DEM-DEC bibliography.

Comprehensiveness

It is impossible to be comprehensive given the broad scope of the subject. However, the updates here have been collated from suggestions by scholars worldwide, a broad search of academic journals worldwide, as well as information collated on leading 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 October 2018. Items suggested by DEM-DEC users include earlier material. In addition, sections on populism and the radical right in this update include material from a longer time period.

Global Coverage

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

Hyperlinks

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

Acknowledgments

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

Key Themes from this Update

Identifying Themes

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

1 The Ever-Expanding Literature on Populism

The literature on populism is rapidly expanding. In this update alone we have Roger Eatwell and Matthew Goodwin’s book on [‘National Populism and the Revolt against Liberal Democracy’](#) published in October, and three books suggested by DEM-DEC users: the [Routledge Handbook on Global Populism](#) and an edited collection on [‘The Ideational Approach to Populism’](#) published in September; and [Benjamin Moffitt’s 2016 book](#) on populism’s global rise. There are two articles on populism in the latest (October) issue of the [University of California Law Review](#): Stephen Gardbaum and Richard Pildes on ‘Populism and Institutional Design’ in selecting the executive; and David Fontana on ‘Unbundling Populism’, arguing that the anti-establishment part of populism can be empirically and logically decoupled from its authoritarian and xenophobic dimensions. In addition, a special section of this Update on p.17 lists key readings on populism. Finally, in the ‘Forthcoming Research’ section the [upcoming edition of the Democratic Theory journal](#) contains a special section devoted to populism in, with three articles – one being by Benjamin Moffitt (author of the 2016 book mentioned above).

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

2 Populism and the Radical Right: What’s the Difference?

The tendency toward the use of populism as a catch-all term can obscure the clear differences between it and other terms. The election of Jair Bolsonaro as president of Brazil on 28 October has led to discussion of whether he is a populist leader, radical right leader, or even an outright [fascist](#). The scholar Cas Mudde, for instance, [has argued on Twitter](#) that Bolsonaro should not be described as a populist but as ‘far right’ or ‘populist radical right’. To aid understanding of the difference, this Update contains not only the readings on populism (p.17) mentioned above, but also lists – and compares – two leading bibliographies on the radical right on p.19. Understanding the difference is essential to understand other items in this Update, including [van Hauwaert’s new article](#) on far right parties in Europe; and [Nancy Maclean’s book](#) on the radical right’s ‘stealth plan’ to take over US democracy.

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

3 Reimagining Democracy

A central theme running throughout discussion of democratic decay concerns voters’ wishes for disruption of the status quo – whether this relates to the way democracy works in an institutional

sense, how elections do not lead to responsive government (as argued by the book [‘Democracy for Realists’](#) suggested for addition by a DEM-DEC user), calls for a greater voice for the majority, prevailing economic models or otherwise. This wish for disruption underlies, at least partly, the election of anti-democratic leaders promising change and to ‘fix the system’, and the ongoing reshaping of party systems worldwide. In a perceptive article in the *University of California Law Review* (October 2018) [K. Sabeel Rahman](#) asks not only how democracy has been degraded worldwide, but also “what kinds of new institutional and organizational forms do we need to realize democratic aspirations in the twenty-first century”. Others take an even more radical approach: for instance, an edited collection published in July 2018, suggested for addition by a DEM-DEC user, revisits the [“forgotten ideal” of ‘council democracy’](#) as a possible basis for a new democratic socialist politics.

4 Democracy in the Digital Age

As well as being reimagined, democracy is being reshaped by real-world phenomena. In particular, the impact of the Digital Age on democratic governance is the subject of a range of items in this Update: [Emily Berman](#) in the *Boston University Law Review* (October 2018) warns of the implications of AI “machine learning” for the rule of law; the [European Commission’s new report](#) addresses ‘Election Interference in the Digital Age’; and Dipankar Sinha’s [‘The Information Game in Democracy’](#) (March 2018), suggested for addition by a DEM-DEC user) examines the democratic implications and impact of information capitalism, new technology, virtual networks, cyberspace and media.

5 Toward a ‘Constitutional Role Morality’ for the Political Branches

In the *Georgetown Law Journal* (October 2018) [Neil Siegel argues](#) that, having long elaborated frameworks of ‘role morality’ for judges and adjudication, US scholarship should now develop for presidents and members of Congress “a role morality that imposes normative limits on the exercise of official discretion over and above strictly legal limits.” Siegel suggests such a ‘constitutional role morality’ would require elected officials to secure the American conception of democracy as collective self-governance and create a reasonably well-functioning federal government; and substantive components, including “a commitment to consult the political opposition before taking important actions and a rebuttable presumption in favor of moderation and compromise.” Siegel’s argument resonates strongly with existing analyses of democratic decay in a wide variety of states, which point up the ways in which bad faith exercise of power can be used to attack or degrade the democratic system. It also resonates with other items in this Update – not least the special collection on states of emergency in the [Zeitschrift für Politikwissenschaft](#) (*Journal of Political Studies*)(October 2018), which highlights how all too often emergency instruments and measures can be misused by those in power.

6 The Rule of Law and Constitutionalism: New Analysis

The entire phenomenon of democratic decay has required renewed and intensified focus on what we mean by, and value about, the rule of law and constitutionalism (as two separate but related concepts). Three items in this Update are helpful to push our understanding forward: the *Saint Louis University Law Journal* [symposium issue on Paul Gowder’s 2016 book](#) ‘The Rule of Law in the Real World’; [Gowder’s book itself](#), which is listed on p.9; and Nick Barber’s [‘The Principles of Constitutionalism’](#) published in July 2018 (suggested for addition by a DEM-DEC user).

(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

Monographs

[ACHEN CH & BARTELS LM](#), *Democracy for Realists: Why Elections Do Not Produce Responsive Government* (Princeton University Press, August 2017).

[BARBER NW](#), *The Principles of Constitutionalism* (Oxford University Press, July 2018).

[CARTER HETT B](#), *The Death of Democracy* (Random House, March 2018).

[CARTLEDGE P](#), *Democracy: A Life* (Oxford University Press, 2016).

[GOWDER P](#), *The Rule of Law in the Real World* (Cambridge University Press, 2016).

[KRASTEV I](#), *In Mistrust We Trust: Can Democracy Survive When We Don't Trust Our Leaders?* (TED Books, 2013).

[MACLEAN N](#), *Democracy in Chains: The Deep History of the Radical Right's Stealth Plan for America* (Penguin, June 2017).

[MAINWARING S \(ed\)](#), *Party Systems in Latin America: Institutionalization, Decay, and Collapse* (Cambridge University Press, February 2018).

[MOFFITT B](#), *The Global Rise of Populism: Performance, Political Style, and Representation* (Stanford University Press, 2016).

[SHEKHOVTSOV A](#), *Russia and the Western Far Right: Tango Noir* (Routledge, July 2017).

[SINHA D](#), *The Information Game in Democracy* (Taylor & Francis, March 2018).

[SNYDER T](#), *The Road to Unfreedom: Russia, Europe, America* (Random House, April 2018).

[SUNSTEIN CR](#), *#Republic: Divided Democracy in the Age of Social Media* (Princeton University Press, April 2018).

Edited Collections

[DE LA TORRE C \(ed\)](#), *Routledge Handbook of Global Populism* (Routledge, September 2018).

[GUTSCHE JR. RE \(ed\)](#), *The Trump Presidency, Journalism, and Democracy* (Routledge, January 2018).

[GÓRA M, HOLST C & WARAT M \(eds\)](#), *Expertisation and Democracy in Europe* (Routledge, November 2017).

[HAWKINS KA, CARLIN RE, LITTVAY L & ROVIRA KALTWASSER \(eds\)](#), *The Ideational Approach to Populism: Concept, Theory, and Analysis* (Routledge, September 2018).

[MULDOON J \(ed\)](#), *Council Democracy: Towards a Democratic Socialist Politics* (Routledge, July 2018).

Book Chapters

ODER BE, 'Turkish Constitutional Transformation and the EU: Europeanization towards Constitutionalism?' in C Nas (ed), *Turkey and the European Union, Process of Europeanisation* (Routledge, 2012).

Articles

[BASHESKA E & KOCHENOV D](#), 'Thanking the Greeks: The Crisis of the Rule of Law in EU Enlargement Regulation' (2015) 39(3) *Southeastern Europe* 392.

[BUTLER A](#), 'Protecting the Democratic Role of the Press: A Legal Solution to Fake News' (2018) 96(2) *Washington University Law Review* 419.

[GOWAN R](#), 'The unintended international consequences of Donald J. Trump' (2017) 27(3) *Zeitschrift für Politikwissenschaft (Journal of Political Studies)* 371.

[FORD TQ](#), 'The Question for Another Day: Hooker v. Illinois State Board of Elections and Its Effect on the Vitality of Citizen Ballot Initiatives and Redistricting Reform in Illinois' (2018) 93(3) *Chicago-Kent Law Review* 897.

[JANES J](#), 'Concentric circles: the meaning of the German elections in international relations' (2017) 27(2) *Zeitschrift für Politikwissenschaft (Journal of Political Studies)* 233.

[ORENTLICHER D](#), 'Politics and the Supreme Court: The Need for Ideological Balance' (2018) 79(3) *University of Pittsburgh Law Review* 411.

[PITTS MJ](#), 'What Has Twenty-Five Years of Racial Gerrymandering Doctrine Achieved?' (2018) 9(1) *UC Irvine Law Review* 229.

[SEN A](#), 'Democracy as a Universal Value' (1999) 10(3) *Journal of Democracy* 3.

[WEBER R](#), 'Political participation of young people in political parties: A literature review of influencing factors on the macro, meso and micro level of participation' (2017) 27(3) *Zeitschrift für Politikwissenschaft (Journal of Political Studies)* 379.

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

[WRIGHT SJ](#), 'The Origin of Disputed Elections: Case Studies of Early American Contested Congressional Elections' (2018) 81(2) *Albany Law Review* 609.

Working Papers

[SPIEKER LD](#), 'From Moral Values to Legal Obligations – On How to Activate the Union's Common Values in the EU Rule of Law Crisis'. Max Planck Institute for Comparative Public Law & International Law (MPIL) Research Paper No. 2018-24 (20 German Law Journal (2019), forthcoming).

Policy Reports & Guidelines

[EUROPEAN COMMISSION](#), Election Interference in the Digital Age: Building Resilience to Cyber-Enabled Threats (25 October 2018).

[INTERNATIONAL IDEA](#), The Global State of Democracy: Key Findings and New Data (23 October 2018).

Additional Resources

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

- [Populism Observer on Populism \(POP\) blog](#)
- [Democracy for the Desperate \(mini web series\)](#)
- [Survival Guide to Authoritarianism \(video series - Liberties\)](#)

October 2018: New Publications

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

Monograph: EATWELL R & GOODWIN M, National Populism: The Revolt Against Liberal Democracy (Penguin UK, published on 25 Oct. 2018).

Monograph: GINSBURG T & HUQ A, How to Save a Constitutional Democracy (University of Chicago Press, published on 5 October 2018).

Monograph: KOH HH, The Trump Administration and International Law (Oxford University Press, published on 15 October 2018).

Monograph: SIDES J, TESLER M & VAVRECK L, Identity Crisis: The 2016 Presidential Campaign and the Battle for the Meaning of America (Princeton University Press, published on 30 October 2018).

Journal of Democracy: Vol. 29 No. 4 (October 2018)

FUKUYAMA F, 'Why National Identity Matters' (2018) 29(4) Journal of Democracy 5.

GINSBURG T & HUQ A, 'Democracy's Near Misses' (2018) 29(4) Journal of Democracy 16.

LEVITSKY S, 'Democratic Survival and Weakness' (2018) 29(4) Journal of Democracy 102.

CAROTHERS C, 'The Surprising Instability of Competitive Authoritarianism' (2018) 29(4) Journal of Democracy 129.

WIKE R & FETTEROLF J, 'Liberal Democracy's Crisis of Confidence' (2018) 29(4) Journal of Democracy 136.

LIBMAN A & OBYDENKOVA AV, 'Understanding Authoritarian Regionalism' (2018) 29(4) Journal of Democracy 151.

Zeitschrift für Politikwissenschaft (Journal of Political Studies): First Online Articles (October 2018)

ATANASSOW E & KATZNELSON I, 'State of Exception in the Anglo-American Liberal Tradition' (11 October 2018).

- BALZ H, 'Head of State of Exception: Federal German chancellor Helmut Schmidt and the supralegal crisis management during the 1970s' (9 October 2018).
- BERTOLINI E, 'Democracy and the state of exception: The Italian experience' (4 October 2018).
- FEINBERG M, 'States of emergency in France and Israel – terrorism, "permanent emergencies", and democracy' (8 October 2018).
- FÖRSTER A, 'The expansion of executive force in the War on Terror and its impact on domestic and international norms' (30 October 2018).
- GATMAYTAN D, 'Duterte, judicial deference, and democratic decay in the Philippines' (4 October 2018).
- GOUPY M, 'The state of exception theory of Carl Schmitt and the ambivalent criticism of liberalism' (22 October 2018).
- GÖZTEPE E, 'The permanency of the state of emergency in Turkey: The rise of a constituent power or only a new quality of the state?' (29 October 2018).
- HELLER J, 'Democracy and state of exception in light of the dialectic between demos and population' (22 October 2018).
- MISCHNER S, 'The temporalities of exception. The long shadow of the American Civil War' (15 October 2018).
- MÜLLER J, 'European human rights protection in times of terrorism – the state of emergency and the emergency clause of the European Convention on Human Rights (ECHR)' (16 October 2018).
- SCHOTTDORF T, 'Law, democracy, and the state of emergency: A theory-centred analysis of the democratic legal state in times of exception' (23 October 2018).

New York University Law Review: Vol. 93, No. 4 (October 2018)

Symposium: The Presidential Nominations Process

- BAUER B, 'A Debatable Role in the Process: Political Parties and the Candidate Debates in the Presidential Nominating Process' (2018) 93(4) New York University Law Review 589.
- CAIN BE & GRAY C, 'Parties By Design: Pluralist Party Reform in a Polarized Era' (2018) 93(4) New York University Law Review 621.
- GARDBAUM S & PILDES RH, 'Populism and Institutional Design: Methods of Selecting Candidates for Chief Executive' (2018) 93(4) New York University Law Review 647.
- KAMARCK EC, 'Returning Peer Review to the American Presidential Nomination Process' (2018) 93(4) New York University Law Review 709.
- MARTIN JF, 'Fixing the Presidential Nominating System: Past and Present' (2018) 93(4) New York University Law Review 728.
- MAYER WG, 'Was the Process to Blame? Why Hillary Clinton and Donald Trump Won Their Parties' Presidential Nominations' (2018) 93(4) New York University Law Review 759.

Saint Louis University Law Journal: Vol. 62, No. 2 (Winter 2018)

Symposium on Paul Gowder, The Rule of Law in the Real World

LISTER M, 'Introduction: Symposium on Paul Gowder, The Rule of Law in the Real World' (2018) 62(2) Saint Louis University Law Journal 287.

MURPHY C, 'The Rule of Law, Democracy, and Obedience to Law' (2018) 62(2) Saint Louis University Law Journal 293.

WEST R, 'Paul Gowder's Rule of Law' (2018) 62(2) Saint Louis University Law Journal 303.

FLANDERS C, 'Keeping the Rule of Law Simple: Comments on Gowder, The Rule of Law in the Real World' (2018) 62(2) Saint Louis University Law Journal 313.

LISTER M, 'Can the Rule of Law Apply at the Border? A Commentary on Paul Gowder's The Rule of Law in the Real World' (2018) 62(2) Saint Louis University Law Journal 323.

GOWDER P, 'Resisting the Rule of Men' (2018) 62(2) Saint Louis University Law Journal 333.

University of California Law Review: Vol. 65 Issue 6 (Published Online 30 September 2018)

Symposium Issue on 'The Safeguards of our Constitutional Republic'

MICHAELS JD, 'The Safeguards of Our Constitutional Republic: An Introduction' (2018) 65(6) UCLA Law Review 1391.

CUÉLLAR M-F, 'From Doctrine to Safeguards in American Constitutional Democracy' (2018) 65(6) UCLA Law Review 1398.

CHAFETZ J & POZEN DE, 'How Constitutional Norms Break Down' (2018) 65(6) UCLA Law Review 1430.

DAVIS S, 'The Constitution of Our Tribal Republic' (2018) 65(6) UCLA Law Review 1460.

FONTANA D, 'Unbundling Populism' (2018) 65(6) UCLA Law Review 1482.

HUQ AZ, 'Legal or Political Checks on Apex Criminality: An Essay on Constitutional Design' (2018) 65(6) UCLA Law Review 1506.

KITROSSER H, 'Accountability in the Deep State' (2018) 65(6) UCLA Law Review 1532.

RAHMAN KS, '(Re)Constructing Democracy in Crisis' (2018) 65(6) UCLA Law Review 1552.

SEGAL MR, 'America's Conscience: The Rise of Civil Society Groups Under President Trump' (2018) 65(6) UCLA Law Review 1574.

Boston University Law Review: Vol. 98 (October 2018)

BERMAN E, 'A Government of Laws and Not of Machines' (2018) 98 Boston University Law Review 1277.

Columbia Human Rights Law Review: Vol. 49 No.2 (Winter 2018)

[OKONTA P](#), Race-Based Political Exclusion and Social Subjugation: Racial Gerrymandering as a Badge of Slavery (2018) 49(2) Columbia Human Rights Law Review 254.

Georgetown Law Journal: Vol. 107 (October 2018)

[SIEGEL NS](#), 'After the Trump Era: A Constitutional Role Morality for Presidents and Members of Congress' (2018) 107 Georgetown Law Journal 109.

Michigan Law Review Online: Volume 117

[EDELMAN PH](#), Is Groton the Next Evenwel? (2018) MLR Online 63 (23 October 2018).

[KALB J & KUO D](#), Reassessing American Democracy: The Enduring Challenge of Racial Exclusion (2018) 177 MLR Online 55 (10 October 2018).

Virginia Law Review: Vol. 104, Issue 6 (October 2018)

[MARINO H](#), 'The Missing Theory of Representation in Citizens United' (2018) 104(6) Virginia Law Review 1199.

European Constitutional Law Review: Vol. 14, Issue 3 (September 2018)

[BONELLI M & CLAES M](#), 'Judicial serendipity: how Portuguese judges came to the rescue of the Polish judiciary: ECJ 27 February 2018, Case C-64/16, *Associação Sindical dos Juizes Portugueses*' (2018) 14(3) European Constitutional Law Review 622 (24 September 2018).

Journal of European Integration: Latest Articles (September-October 2018)

VAN HAUWAERT, Riding the wave of success: the role of trans-national diffusion mechanisms in the development of far right parties (2018) Journal of European Integration (Published online 22 September 2018).

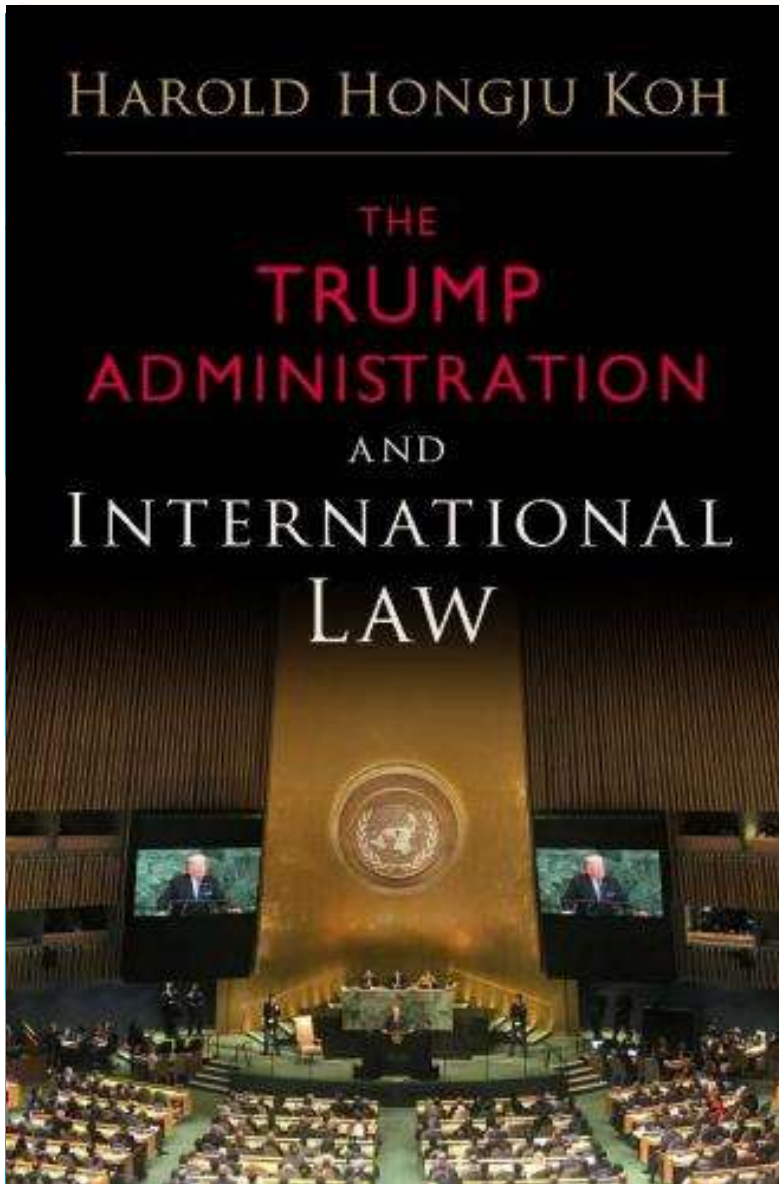
Democratization: Latest Articles (October 2018)

[BUNKER K](#), Book Review: 'Party systems in Latin America: institutionalization, decay, and collapse, edited by Scott Mainwaring' (published online: 25 October 2018).

Society: Online First Articles (October 2018)

[DOBSKY BJ](#), Book Review: 'Paul Cartledge, Democracy: A Life. New York: Oxford University Press, 2016. 383 pp. \$29.95. ISBN: 978-04199837458' (published online: 29 October 2018).

DEM-DEC Recommended Read



"A key question about our times is whether Donald Trump will succeed in dismantling the rules based international order that has guaranteed peace and prosperity since 1945. To this question, one of America's finest international lawyers answers with a surprising, heartening and engaging No. The guardrails of the rule of law, both national and international, will hold."

— **Michael Ignatieff**, President, Central European University

"In this searingly clear analysis of the Trump Administration's challenge to international law ... Harold Hongju Koh makes the compelling, reassuring claim that the vast density and depth and inherent drag of existing international order can act as an effective countervailing force against even the most irresponsible of international actors - that 'the law' as an organic totality is more powerful than particular rules."

— **Philip Allott**, Professor Emeritus of International Public Law, Cambridge University and Fellow, Trinity College Cambridge

Available now from Oxford University Press

Hardback £19.99 / Also available as E-book

The Trump Administration and International Law by Harold Hongju Koh, Oxford University Press
2018. 9780190912185. <https://bit.ly/2OrO2fR>

Readings on Populism

A Fever of Activity on Twitter

There has been a lot of activity on Twitter in the past month, with scholars of populism sharing and collecting key works on this growing (and often misunderstood phenomenon). The list below is derived from a picture tweeted on 28 October (see the photo overleaf; unfortunately, the source of the tweet cannot be found).

Selected list of populism books

On 28 October the following list of books on populism was tweeted:

[PANIZZA F](#), *Populism and the Mirror of Democracy* (Verso, 2005).

[CONNIFF ML \(ed\)](#), *Populism in Latin America 2nd ed* (University of Alabama Press, 2012).

[ALBERTAZZI D & MCDONNELL D \(eds\)](#), *Twenty-First Century Populism: The Spectre of Western European Democracy* (Palgrave Macmillan, 2008).

[AKKERMAN T, DE LANGE SL & ROODUIJN M \(eds\)](#), *Radical Right-Wing Populist Parties in Western Europe: Into the Mainstream?* (Routledge, 2016).

[WODAK R, MRAL B & KHOSRAVINIK M \(eds\)](#), *Right-Wing Populism in Europe: Politics and Discourse* (A & C Black, 2013).

[GHERGINA S, MIȘCOIU S & SOARE S \(eds\)](#), *Contemporary Populism: A Controversial Concept and Its Diverse Forms* (Cambridge Scholars Publishing, 2013).

[IONESCU G & GELLNER E \(eds\)](#), *Populism: Its Meaning and Characteristics* (Macmillan, 1969).

[MÉNY Y & SUREL Y \(eds\)](#), *Democracies and the Populist Challenge* (Springer, 2011).

[DE LA TORRE C \(ed\)](#), *The Promise and Perils of Populism: Global Perspectives* (University Press of Kentucky, 2014).

[HEINISCH R, HOLTZ-BACHA C & MAZZOLENI O \(eds\)](#), *Political Populism* (Nomos, 2017).

[MUDDE C \(ed\)](#), *The Populist Radical Right: A Reader* (Routledge, 2017)

– already included in [the DEM-DEC Main Bibliography](#).

[ROVIRA KALTWASSER C, TAGGART PA, OCHOA ESPECJO P & OSTIGUY P \(eds\)](#), *The Oxford Handbook of Populism* (Oxford University Press, 2017)

– already included in [the DEM-DEC Main Bibliography](#).

Selected list of populism books



The Radical Right: Key Resources

2 Major Resources

The [September Bibliography Update](#) listed (p.13), among items suggested by DEM-DEC users, 'Bibliographies on the Extreme Right in Western Europe', compiled by Kai Arzheimer, a Professor of Political Science at the University of Mainz.

The Centre for Analysis of the Radical Right (CARR) has also produced a major bibliography on the radical right, which may be approached as a companion resource to the Arzheimer bibliographies.

The two bibliographies are briefly compared and contrasted below for the benefit of DEM-DEC users.

Kai Arzheimer Bibliographies

Available at: <http://www.kai-arzheimer.com/extreme-right-western-europe-bibliography>

Compiled by: Kai Arzheimer, a Professor of Political Science at the University of Mainz.

Languages: English and German

Geographic scope: Western Europe

Temporal scope: 60 years (earliest work in the bibliography appears to date from 1958)

Size: 20,000 words

Additional comments: Contains useful information such as DOI of each item.

Centre for Analysis of the Radical Right – Full Bibliography

Available at: <http://www.radicalrightanalysis.com/bibliography/bibliography-2018/>

Compiled by: Scholars at Centre for Analysis of the Radical Right

Language: English exclusively

Geographic scope: Global

Temporal scope: 2018 exclusively, but will be expanded over time to include previous years

Size: 40,000 words

Additional comments: Useful table of contents, and contains useful additional material, including:

- film reviews
- other bibliographies
- databases
- maps, charts and infographics
- videos and podcasts

Forthcoming Research

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

Books

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

KRASTEV I & HOLMES S, *The Light that Failed* (Penguin, forthcoming).

[MULHALL J](#), [LAWRENCE D](#), [MURDOCH S](#) & [HERMANSSON P](#), *The Alt-Right International* (Routledge, forthcoming; due for publication 30 March 2019).

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

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

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

[WEYLAND K](#) & [MADRID RL](#) (eds), *When Democracy Trumps Populism: European and Latin American Lessons for the United States* (Cambridge University Press, forthcoming, January 2019).

Book Chapters

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

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).

SCHEPPELE K, 'Autocracy Under Cover' in T Ginsburg, T Halliday & G Shaffer (eds), *Constitution-Making as Transnational Legal Practice* (Cambridge University Press, 2018).

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

Journal Special Issues

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

Journal Special Sections

[Democratic Theory - Forthcoming Issue: Volume 5, Issue 2, Winter 2018](#)

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

Editorial

GAGNON J-P, BEAUSOLEIL E, SON K-M, ARGUELLES C & JOHNSTON CN, 'What is populism? Who is the populist? A state of the field review (2008-2018)'.

Articles

Special Section I: On Populism

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

WEBB A, 'In Praise of Democratic Ambivalence'.

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

Articles

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

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

HOSTOVSKY BRANDES T, 'International Law in Domestic Courts in an Era of Populism', International Journal of Constitutional Law, forthcoming.

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



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