This Update was issued on 6 February 2019. 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 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
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, 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.

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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 ICONnect blog and tweets @DemocracyTalk.

DEM-DEC has a New Editor!

Since the end of January 2019, Kuan-Wei Chen, a doctoral researcher in law at the University of Munich, will be assisting with production of the monthly Research Update. Delighted to have you on board, Kuan-Wei!

Kuan-Wei Chen is a doctoral student at the Faculty of Law at University of Munich (Ludwig-Maximilians-Universität München) in Germany, and an LL.M. in Public Law at National Taiwan University (2016), with experience in a transnational law firm and the Judicial Yuan (Constitutional Court) in Taiwan. Her research interests include constitutional law, international human rights law, and democracy. Her current research focuses on the challenges of democracy in the digital era and related human rights protection issues.

Want to Join the DEM-DEC Team?

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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

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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.

Seventh monthly update since DEM-DEC was launched

Updates to the Bibliography are issued in the first week of each month. This is the seventh monthly update provided and was issued on Wednesday 6 February 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 January 2019. Items suggested by DEM-DEC users include earlier material. In addition, the ‘Forthcoming Research’ section provides a rapidly growing list of future publications.

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

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 new Editor, Kuan-Wei Chen, who provided highly valuable assistance in compiling 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 Polarisation as a Key Threat to Democracy

A new special issue of the *ANNALS of the American Academy of Political and Social Science* (January 2019) is devoted to polarisation as a key threat to democracy. The issue, edited by Jennifer McCoy and Murat Somer, covers polarisation in a range of states, including long-established democracies (e.g. USA), younger democracies formerly considered to be consolidated (e.g. Poland, Hungary), unconsolidated democracies facing reversal or stalling of a long democratisation process (e.g. South Africa, Philippines) or nascent process (e.g. Bangladesh), and finally, states that we might consider to be at the ‘hard’ authoritarianism end of the spectrum (e.g. Venezuela, Thailand, Zimbabwe). The editors’ conclusions to this thought-provoking collection are highly insightful:

> We find that the emergence of pernicious polarization (when a society is split into mutually distrustful “Us vs. Them” camps) is not attributable to any specific underlying social or political cleavage nor any particular institutional make-up. Instead, pernicious polarization arises when political entrepreneurs pursue their political objectives by using polarizing strategies, such as mobilizing voters with divisive, demonizing discourse and exploiting existing grievances, and opposing political elites then reciprocate with similarly polarizing tactics or fail to develop effective nonpolarizing responses.

2 The Authoritarian Elite

A notable theme from this month’s update – and a reversal of last month’s discussion of elite perceptions of the public and electorate (Theme 4, January Update) – is picked up by a number of pieces in this Update, characterising entrenched elites as themselves authoritarian in nature. A recent book by Salvatore Babones (October 2018), suggested for addition by a DEM-DEC user, argues that when expert opinion becomes the sole point of view that is politically acceptable, it generates a new form of authoritarianism – the liberal authoritarianism of the expert class – and no longer contributes to the health of democracy. Many would agree, of course, that the excessive power of technocratic elites is not good for democratic governance. As I wrote in an ICONnect Blog column back in September 2017:

> [I] is crucial to fully acknowledge that the current global crisis of democracy is not merely a bump in the road or short-lived aberration. Even in the best-case scenario that democracy turns out to be resilient in most states and we see a sharp public swing away from the false promises of illiberal populists, nativists, and neo-fascists, we cannot approach this as a ‘course correction’
or a ‘return to normal’. There is no going back to the status quo ante. Repeat: there is no going back. Why does this bear repeating? Because there is a real danger that, if the worst of this global anti-democratic storm passes, we will just click back into our old habits, to business as usual, as though the crisis were nothing more than a bad dream.

... 

Public lawyers ... bear a portion of responsibility for constructing the dominant narrative that vaunted legal and technical solutions to crucial governance and social questions while slowly allowing the messy, raucous voice of democracy to be stifled, contained, and circumvented, until it rebelled. We cannot go back to normal because our ‘normal’ was in so many ways an illusion. It was built, not on lies, but on profound misconceptions and no small degree of elitism and arrogance. The liberal consensus handed us greater power and influence, but we have been (or should have been) humbled by recent events and need to take this lesson in humility as a time to reflect, to re-think our assumptions. To learn the lessons of the recent past. To renew our approach. To replace “we fear the people” with at least “we listen to the people”.

However, it is also all too easy to descend into caricatures, with the “elites” (often lumped together and treated as a single entity, despite clear differences between political, economic, and cultural elites) presented as venal and unresponsive, and the wider public as some repository of the ‘real’ truth or common wisdom. As Catherine Fieschi argues in a forthcoming book on ‘Populocracy’ (June 2019), the notion of popular ‘authenticity’ is easily misused. She argues, in particular, that the new dynamics of social media – “the fantasy of radical transparency, the demand for immediacy, the rejection of expert truth and facts, and the imperative of continuous involvement” —have been channelled by authoritarian populist political forces to their electoral advantage by presenting themselves, too, as more authentic than the rest of the political class.

3 ‘Digital Unfreedom’

Resonating with Fieschi’s argument above, and discussions of the impact of technology on democratic governance in previous Updates (see Theme 5-August 2018, Theme 4-November 2018, Theme 5-January 2019), five items in this Update again address the negative impact not only of technology, but of those who control society-shaping platforms. A new book by Shoshana Zuboff coins the term “surveillance capitalism” to capture a new phase of economic history involving private companies and governments tracking individuals’ every action, with the goal of controlling and predicting behaviour, and rendering the individual a data commodity – slaves to digital technology rather than its masters, with serious repercussions for democracy and freedom. In the latest edition of the Journal of Democracy (January 2019), four pieces, by Larry Diamond, Ronald Deibert, Steven Feldstein and Xiao QiQiang discuss ‘digital unfreedom’ in a variety of guises: the advent of ‘postmodern totalitarianism’; social media; the threats posed by artificial intelligence (AI); and the increasingly sophisticated use of technology as a tool of control in authoritarian societies. All five pieces raise serious questions, not only about the actors developing these technologies but also about the public’s complicity in their development. For instance, linking with Zuboff’s argument, Ronald Deibert offers three “painful truths”: (i) that social-media business is built on personal-data surveillance; (ii) that we have consented to this, albeit not entirely wittingly (in the sense that social media are designed to be addictive); and (iii) that the same algorithms underlying social media propel authoritarian practices that “aim to sow confusion, ignorance, prejudice, and chaos, thereby facilitating manipulation and undermining accountability.”
4 The New Social Classes: Neo-Aristocracy and Precariat

Picking up yet again on the themes of polarisation and the place of elites (including the rise and entrenchment of elites) are four items focused on economics. In her presidential address to the American Political Science Association (APSA), published online in the journal Perspectives on Politics (January 2019), Kathleen Thelen discusses the plight of the ‘precariat’ in the USA from a comparative perspective, urging that analysis of democracy must include substantive notions of a just society and cannot simply be confined to discussion of individual-level or constitutional questions, but also macrostructures of the US political economy generating this precarity (the video can be viewed here).

Taking a more polemical tack, in a forthcoming book (October 2019) Michael Lind argues that the real challenge facing democracy is an “overclass” that has “rigged the game in its own favor”. He characterises globalisation as simply a strategy used by “the powerful managerial elite—including the people who run our governments, businesses, and the media—to undermine the working class” through damaging trade and immigration measures, amongst others. In the Boston College Law Review (January 2019) Eric Kades analyses the rise of dynastic wealth in the USA in the twenty-first century and ends with a warning: “We are at risk of entering a vicious cycle, in which an ever-wealthier elite use their fortunes to enact laws consolidating and extending their socioeconomic hegemony.”

Beyond the USA, a recent book on Brazil by the sociologist Ruy Braga (June 2018), suggested by a DEM-DEC user, takes aim at the model of development followed in Brazil from a Marxist perspective, arguing that it has guaranteed the development of a precariat.

5 The Meaning of Populism (Again!) and Populist Tactics

Parsing the meaning of populism has become a virtually unavoidable mainstay of the DEM-DEC Research Updates since they began in August 2018 (see Theme 1-August 2018, Theme 5-September 2018, Theme 3-October 2018, Themes 1&2-November 2018, Theme 1-December 2018). In this Update, a recent special section of the journal Thesis Eleven (December 2018) is devoted to ‘populism(s)’. In their introduction, Alonso Casanueva Baptista and Raul Sanchez Urribarri emphasise how widely used – and widely misused – the concept has become and seek conceptual clarity not only by engaging in general definitional work and case-studies, but also by exploring the concept’s rich historical roots, previous traditions of thought, and reflecting deeply on the potential ramifications and challenges posed by populism. The introduction, and the four articles, focused on conceptual framing and Latin American case-studies, reward a close read. Elsewhere, a recent V-Dem Policy Brief discusses ‘populism and autocratization’, helpfully outlining three key paths by which populists achieve electoral success in the political-party system: (i) ‘populist adaptation’, where significant institutionalisation of established parties requires populists to mould their policies to public preferences to gain electoral advantage; (ii) ‘populist targeting’, where an emerging party rhetorically targets discrete segments of the electorate with weaker ties to existing parties in a less established political-party system; and (iii) ‘populist capture’, where the only option for populist forces is to assume control of an existing party.

6 Is Fascism a Relevant Concept?

Looking at the range of suggested additions focused on fascism (p.11) it seems that it retains a certain allure as a governing concept for some analysts. I welcome your views on this!

(Note: For more discussion of concepts, see the Concept Index on DEM-DEC).
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 ‘Forthcoming Research’ section on p.22

Monographs


Catherine FIESCHI, Fascism, Populism and the French Fifth Republic: In the Shadow of Democracy (Manchester University Press, 2004).


Ivo MOSLEY, Democracy, Fascism and the New World Order (Imprint Academic, 2003).


Joan Ramon RESINA, Disremembering the Dictatorship: The Politics of Memory in the Spanish Transition to Democracy (Rodopi, 2000).


Book Chapters

Timea DRINÓCZI & Ágoston MOHAY, ‘Has the migration crisis challenged the concept of the protection of the human rights of migrants? The case of Ilias and Ahmed v. Hungary’ in Elżbieta Kuzelew ska,
Amy Weatherburn & Dariusz Kloza (eds), Irregular migrations as a challenge for democracy (Intersentia, 2018).

Tímea DRINÓCZI & Agnieszka BIEŃ-KACAŁA, ‘Illiberal constitutionalism in Hungary and Poland: The case of judicialization of politics’ in Agnieszka Bień-Kaćała, Lóránt Csink, Tomasz Milej & Maciej Serowaniec (eds), Liberal constitutionalism - between individual and collective interests (Wydział Prawa i Administracji/Faculty of Law and Administration Uniwersytetu Mikołaja Kopernika w Toruniu/Nicolaus Copernicus University in Toruń, Toruń 2017).

Special Journal Collections


Symposium (on the crisis of constitutional democracy)

Note: The articles by Balkin and Mordechay & Roznai are already listed in the Main Bibliography on DEM-DEC


Symposium Issue (on presidential powers)


Articles


Vesco PASKALEV, 'Bulgarian Constitutionalism: Challenges, Reform, Resistance and... Frustration' (2016) 22(2) European Public Law 203.


V-Dem Working Papers


Print Media

Amichai MAGEN, ‘We Cannot Take Liberal Democracy For Granted’ Standpoint (December/January 2016/17).
DEM-DEC Launch Podcast

Panel Discussion to Launch DEM-DEC

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

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

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

Podcast

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

Click CTRL and this symbol to access the panel podcast
January 2019: 
New Publications

Note: A small number of items below were published in December 2018 or early February 2019


The ANNALS of the American Academy of Political and Social Science: Vol. 681, Issue 1 (January 2019)

Special Issue: Polarizing Polities: A Global Threat to Democracy

Special Editors: Jennifer McCoy and Murat Somer


I. Democratic Collapse and Return of Old Elites


II. Democratic Erosion under New Elites

Murat SOMER, ‘Turkey: The Slippery Slope from Reformist to Revolutionary Polarization and Democratic Breakdown’ (2019) 681(1) ANNALS, AAPSS 42.


III. Democratic Careening and Gridlock


IV. The Illusory Promise of Democratic Reform: Success and Failure


Conclusions


Journal of Democracy: Volume 30, Number 1 (January 2019)


Democratization: Volume 26, Issue 1, 2 (January 2019)

Book Reviews


Articles


Perspectives on Politics: First View Articles (not yet assigned)


Society (January 2019)

John H. S. ÅBERG, ‘Is There a State Crisis in Sweden?’ Symposium: Order and Disorder Around the World (Online First Articles, published online January 2019).

Israel Journal of Foreign Affairs: (December 2018)

Populism(s): Introduction


Populism(s): Articles


Lunch with Bauman (special section)


Boston College Law Review: Volume 60, Issue 1 (January 2019)


* Note: This report was issued as this Update was being finalised. It will be analysed in the next Update (March 2019).


"Zuboff’s fierce indictment of the big internet firms goes beyond the usual condemnations of privacy violations and monopolistic practices. To her, such criticisms are sideshows, distractions that blind us to a graver danger: By reengineering the economy and society to their own benefit, Google and Facebook are perverting capitalism in a way that undermines personal freedom and corrodes democracy.

— Nicholas Carr, Los Angeles Review of Books

“[E]veryone needs to read this book as act of digital self-defense.”

— Naomi Klein, author of No Logo

“A chilling exposé of the business model that underpins the digital world ... a striking and illuminating book. A fellow reader remarked to me that it reminded him of Thomas Piketty’s magnum opus, Capital in the Twenty-First Century, in that it opens one’s eyes to things we ought to have noticed, but hadn't.”

— John Naughton, The Observer

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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, since the previous Update, are now clearly marked

Books

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

NEW 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).

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

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


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


NEW 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).


NEW 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).

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


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


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


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

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


**Edited Collections**

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

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

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

Graham MACKLIN and Fabian VIRCHOW (eds), Transnational Extreme Right Networks (Routledge, due for publication 1 May 2019).
Eugene D. MAZO & Timothy K. KUHNER (eds), Democracy by the People: Reforming Campaign Finance in America (Cambridge University Press, due for publication April 2019).


**Book Chapters**


Bertil Emrah ODER, ‘Populism and the Turkish Constitutional Court: From a Game Broker to a Strategic Compromiser’ in M Javonovic & V Besiveric (eds), New Politics of Decisionism (Eleven, forthcoming, 2019).


**Journal Special Issues**


**Articles**


New Resources in DEM-DEC Links

Note: From this Update onward, new resources listed in the DEM-DEC Links section will be highlighted here

New resources added to the Links section on DEM-DEC since the last Research Update include:

New Podcast
How to Fix Democracy (Humanity in Action)

New Journal
Nuovi Autoritarismi e Democrazie: Diritto, Istituzioni, Società (New Authoritarian Regimes and Democracies: Law, Institutions, Society), publishes in several languages including English.

Research Projects
New Project: ‘Direct Democracy and Populism in Europe’, Centre for Democracy Studies (ZDA), University of Zurich (the link is to a job advert; the only information currently available in English).
CONSTRESS - Constitutionalism under Stress, is a genuinely interdisciplinary endeavor, bringing together political scientists, political philosophers, sociologists and lawyers. It includes jointly taught seminars and workshops, open to MA- and PhD-students from different disciplines at Princeton and Humboldt University.

Book Series

Key Journal
Perspectives on Politics journal.

Media Cooperation Project
DemograCE Project - Media cooperation project for Central and Eastern Europe (Visegrad Insight).
The #DemocraCE project is a platform for bringing together those who have influence in their communities, so that they can share their knowledge with others across Central and Eastern Europe (CEE).

Eventually, we would like these relationships to springboard larger pro-democratic initiatives, which will stimulate and hopefully increase the quality of public debate in post-communist Europe and address the growing resentments dominating the region as a whole.

Over the past few years, every country of CEE has seen the influence of disinformation campaigns which have negatively affected their governments, their democratic institutions and greatly weakened the bedrock of civil society. What #DemocraCE aims to accomplish is to offer articles, interviews and analysis which will hopefully combat the false narratives, often originating from Russia or other regional powers, which are disrupting and disinforming the public at large.

Our chosen course for #DemocraCE is to have knowledgeable authors write pieces for the general public published in their native language. At the same time, these articles and interviews will be published on the Visegrad/Insight website in English so as to reach the broadest of possible audiences.

Like our many colleagues across the region, we know that the most important component of a healthy democracy is a well-informed public, and we hope #DemocraCE will be part of the remedy that will help ease the problems stemming from disinformation.

#DemocraCE is realized with the help of sponsors such as the National Endowment for Democracy (NED).

Authors and Articles
DEM-DEC
Bringing Democracy Defenders Together