Democratic Decay Resource (DEM-DEC)

Global Research 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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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.

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
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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 Moffit’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


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


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).


Book Chapters


Articles


Working Papers


Policy Reports & Guidelines


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


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

Zeitschrift für Politikwissenschaft (Journal of Political Studies): First Online Articles (October 2018)
BALZ H, ‘Head of State of Exception: Federal German chancellor Helmut Schmidt and the supraregional crisis management during the 1970s’ (9 October 2018).

BERTOLINI E, ‘Democracy and the state of exception: The Italian experience’ (4 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).


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).


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

Symposium: The Presidential Nominations Process


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


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

**Symposium Issue on ‘The Safeguards of our Constitutional Republic’**


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


Georgetown Law Journal: Vol. 107 (October 2018)


Michigan Law Review Online: Volume 117


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)


Society: Online First Articles (October 2018)

"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

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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 E, Populism and the Mirror of Democracy (Verso, 2005).
ALBERTAZZI D & MCDONNELL D (eds), Twenty-First Century Populism: The Spectre of Western European Democracy (Palgrave Macmillan, 2008).
MÉNY Y & SUREL Y (eds), Democracies and the Populist Challenge (Springer, 2011).
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.


– 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


Book Chapters


Journal Special Issues

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


Articles

Special Section I: On Populism

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


Articles


DEM-DEC

Bringing Democracy Defenders Together