Democratic Decay Resource (DEM-DEC)

Global Research Update

January 2019

This Update was issued on 14 January 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 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.

www.democratic-decay.org
democraticdecay@gmail.com

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.

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
Contents

1 Introduction 6

2 Key Themes from this Update 7

3 Additions Suggested by DEM-DEC Users 10

4 DEM-DEC Launch Podcast 13

5 December 2018: New Publications 15

Monograph: On the Spirit of Rights 15
Monograph: Democracy and Truth: A Short History 15
Democratic Theory 15
– Special section on populism
Perspectives on Politics 15
– article on democratic backsliding and academic freedom in Hungary, and
– Review Symposium on Levitsky and Ziblatt, How Democracies Die 16
Journal of Communist and Post-Communist Studies & Comparative Politics
– articles on the Russian threat and political party manifestos in Europe, and on
opposition parties and emergence of democracy in Latin America 16
Constitutional Review, Hague Journal on the Rule of Law, & Society
– articles on constitutional retrogression and the Constitutional Court in
Indonesia, enforcement of EU rule-of-law values, and the political theory of the
American Founding 16
Columbia, NYU, California, & Virginia law reviews
– articles on constitutional hardball, taxing inequality, political power in judicial
review, and free speech and corporate power 17
Boston, Notre Dame, & UC Davis law reviews
– articles on social activism, historical breakdown of the rule of law in the USA,
partisan gerrymandering, transborder (inter-state) speech in the USA, elite
ignorance concerning the electorate, and federal laboratories of democracy 17
Fordham, Alabama, & Houston law reviews
– articles on judicial perceptions of democratic decay, presidential control of the
Dept. of Justice, and elitist criticism of campaign finance rules, 18
V-Dem Working Paper
– on comparing legislative powers across authoritarian regimes 18
Additional working papers 18
– papers by Rivka Weill and Sam Issacharoff on judicial review and democratic
backsliding in Israel and worldwide respectively 18
Policy report: Economist Intelligence Unit Democracy Index 2018 18

6 Women Also Know Stuff 20

7 Forthcoming Research 21
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

and don’t forget to subscribe
to the Mailing List for updates

Sign up using the Subscribe box on the homepage
Or e-mail democraticdecay@gmail.com
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.

Sixth monthly update since DEM-DEC was launched

Updates to the Bibliography will be issued on the first Monday of each month. This is the sixth monthly update provided and was issued (exceptionally on the second Monday of the month) on 14 January 2019, based on new publications and suggestions from DEM-DEC user. 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 December 2018. Items suggested by DEM-DEC users include earlier material.

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 often provided for each item.

Format Change

From this update, authors’ full names will be listed, to further the aim of fostering a global community.

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 Is Global Democratic Decay Stalling?

The 2018 Democracy Index Report from the Economist Intelligence Unit (EIU) was issued in early January 2019 and its authors suggest that the global “retreat of democracy” ended in 2018 – or, at least, stalled. An explainer carried in The Economist on 8th January summarises the report as follows:

The index rates 167 countries by 60 indicators across five broad categories: electoral process and pluralism, the functioning of government, political participation, democratic political culture and civil liberties. It is stricter than most similar indices: it concludes that just 4.5% of the world’s people live in a “full democracy”. However, the overall global score remained stable in 2018 for the first time in three years. Just 42 countries experienced a decline, compared with 89 in 2017. Encouragingly, 48 improved.

The explainer’s emphasis on its ‘strictness’ clearly seeks to place it apart from other leading indices produced by Freedom House and POLITY, and it is true that its metrics are somewhat broader. However, it is also important to highlight that indices such as V-Dem (Varieties of Democracy) also produce global democracy assessments based on highly sophisticated analytical frameworks. My advice? First, follow the old adage of “one swallow does not make a summer” – one positive report is good, but it seems important to wait and see if a consensus and similar pattern starts to develop across multiple leading indices. Second, the fine-grained story from the grassroots remains quite grim. While the EIU’s report sounds a welcome note of hope, it should not lead us into complacency.

(Note: Links to a range of democracy indices, and a wealth of other resources, can be found in the Links section on DEM-DEC).

2 The Central Importance of Political Parties

A clear theme from this month’s update is the central importance of political parties to democratic governance. To political scientists and other social scientists this will seem too obvious to state, but in constitutional law in particular theory and practice has yet to fully grapple with the status of political parties as constitutional entities whose activity directly shapes and impacts on the systemic health of the democratic order as a whole. A range of new publications provide food for thought: In an article published in the Journal of Communist and Post-Communist Studies (December 2018), John Ishiyama, Christopher Pace and Brandon Stewart argue that Russian threats appear to have had little effect on political parties’ manifestoes in Europe (especially regarding security). In an article published in early January 2019 in Comparative Politics, Raúl Madrid, analysing Chile and Uruguay, argues that the
development of a functioning democratic system in electoral authoritarian regimes is often spurred by elite opposition parties, who promote suffrage expansion in order to weaken ruling parties’ hold over elections and to improve their own electoral prospects. This highlights the importance of opposition parties to the endurance and vitality of democratic rule.

Two journal articles from 2017, suggested by DEM-DEC users, are also highly relevant. In one, *Ron Inglehart and Pippa Norris* ask: (1) “What motivates people to support Populist Authoritarian movements?” And (2) “Why is the populist authoritarian vote so much higher now than it was several decades ago in high-income countries? They conclude that declining “existential security” is the answer, which covers not just economic insecurity but broader cultural backlash. In the second, *focused on Poland, Kate Korycki argues* that Polish political parties have weak “programmatic identities” (in terms of clear policy platforms) and analyses how the party in power (the Law and Justice (PiS) party) crafted a successful political identity based on a turn to the past and a narrative of state capture by communists. This, she argues, “polarized the field, casting political opponents as essential enemies, and casting the narrators as [the] country’s saviors.”

### 3 Direct Democracy, Deliberation, and Representation

A central tension emerging in the literature concerns how best to address the deterioration of democracy: is enhancing direct democracy and/or deliberative processes the answer, or a return to greater focus on representative actors? Or can they be combined? One book from October 2018, suggested by a DEM-DEC user (*Responsible Parties: Saving Democracy from Itself*), opts for returning to representation, arguing that the decades-long trend toward devolving power directly to the public – through mechanisms including primaries and local caucuses to select party candidates, ballot initiatives and referenda – has rendered both governments and political parties less able to address constituents’ long-term interests, and less effective overall, thereby eroding trust in the political process. They argue that political systems must be restructured to restore power to political parties, as the core institution of representative democracy, to win back electorates’ trust.

The question for essayists in the collection *Politics with the People: Building a Directly Representative Democracy* (September 2018), suggested for addition by a DEM-DEC user, is how to develop a ‘directly representative democracy’. This, the editors propose, can be a new way of connecting citizens and elected officials to improve representative government, with congressional representatives meeting groups of their constituents “via online, deliberative town hall meetings to discuss some of the most important and controversial issues of the day.” They argue that this can empower citizens and move past “the broken system of interest group politics and partisan bloodsport” (which might include the *partisan gerrymandering* discussed by Mikayla Foster in the latest (December) edition of the *Boston University Law Review*). An interesting companion piece, suggested by a DEM-DEC user, is a conference paper from April 2018, whose authors argue that how we perceive solutions depends on what we believe to be the fundamental problems, which they suggest as: “(i) disconnections between citizens and their elected representatives; (ii) disconnections between multiple publics of in the public sphere; and iii) disconnections between democratic will and policy action.”

### 4 Elite Perceptions of the Electorate

Further complicating the discussion above are two recent articles, which further highlight the tension between representation and other forms of democratic participation. In the latest issue of the *UC*
Davis Law Review (December 2018), Christopher Elmendorf and Abby Wood argue that perceptions of the electorate among political elites – i.e. candidates, legislators, party officials, and campaign advisers – tend to be distorted; in particular, by assuming they are more conservative than they really are. They argue that reducing elite ignorance could have immediate benefits including reduced political polarisation in the short-term, but possible longer-term risks including more intense gerrymandering and microtargeted campaigns. In the Fall 2018 edition of the Houston Law Review, Elizabeth Reese picks up a similar theme, arguing that critics of current campaign finance rules in the USA, who see money in politics as distorting the democratic system, seem to overlook the question of voter autonomy and “risk becoming surreptitiously elitist without sufficient confrontation with certain paternalistic assumptions about voter preferences and behavior.”

5 Can Democracy Endure in an Era of Misinformation?

Further expanding on the themes above, in a new short monograph published in December 2018, Democracy and Truth: A Short History, Sophia Rosenfeld asks whether constitutional government worthy of a self-governing people can be maintained in an age of widespread misinformation and polarisation. Rosenfeld interrogates, from a historical perspective, “a longstanding and largely unspoken tension at the heart of democracy between the supposed wisdom of the crowd and the need for information to be vetted and evaluated by a learned elite made up of trusted experts.” For Rosenfeld, what we are currently witnessing is the unravelling of the functional relationship between these competing aspects of democratic culture, and the end of earlier assumptions that technological advances such as the Internet would enhance democratic discourse by empowering citizens and disrupting “outdated hierarchies of epistemic authority”. This book is useful not only in anatomising the rise and nature of ‘post-truth’ democratic discourse, but also in Rosenfeld’s attempt to offer proposals for defending the very idea of truth against the many forces that undermine it.

6 Is Hungary a Distinct Regime Type?

The questions above bring us back to mulling over why authoritarian populist forces have been gaining ground worldwide, discussed by authors such as Ron Inglehart, Pippa Norris, Ivan Krastev and Stephen Holmes (see the ‘Forthcoming Research’ section) in this Update. Of course, one dimension of authoritarian populism is the claim that a strong leader can understand the will of the ‘true’ people, which means he or she can do away with many of the mediating institutions of a democratic order and enjoy a more dyadic relationship with the public. In an article from September 2018, suggested by a DEM-DEC user, András Körösényi makes the case for viewing Hungary as a distinct regime type – a ‘plebiscitary leader democracy’ (PLD) formed through the impact of authoritarian populist discourse and other trends of contemporary politics on the political regime (e.g. de-alignment, growing electoral volatility, citizens’ disengagement, personalization of politics and policy, legitimacy problems, the decline of party membership and partisanship, and the “mediatization” of politics).

(Note: For more discussion of concepts and regime types, see the Concept Index on DEM-DEC).
Additions Suggested by DEM-DEC Users

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

Monographs

Yochai BENKLER, Robert FARIS and Hal ROBERTS, Network Propaganda: Manipulation, Disinformation, and Radicalization in American Politics (Oxford University Press, August 2018) (Note: open-access book. Link is to the full text).


Daniel INNERARITY, Democracy in Europe: A Political Philosophy of the EU (Springer, March 2018).


Frances McCALL ROSENBLUTH and Ian SHAPIR, Responsible Parties: Saving Democracy from Itself (Yale University Press, October 2018).

James MILLER, Can Democracy Work?: A Short History of a Radical Idea, from Ancient Athens to Our World (Farrar, Straus and Giroux, October 2018).

Book Chapters

Edited Collections
Michael A. NEBLO, Kevin M. ESTERLING and David M.J. LAZER (eds), Politics with the People: Building a Directly Representative Democracy (Cambridge University Press, published September 2018).

Special Journal Collections
Note: This is not technically a special collection, but all articles relate to the US electoral system

Articles
Book Reviews


Research Papers


Conference Papers


Additional Resources

Varieties of Democracy (V-Dem)

On 5 December 2018 DEM-DEC concluded a partnership agreement and Memorandum if Understanding with Varieties of Democracy (V-Dem). Based at the V-Dem Institute in the Department of Political Science at the University of Gothenburg, Sweden, V-Dem is a global team of 50 social scientists, 170 Country Coordinators (CCs) and 3,000 Country Experts (CEs). V-Dem is a new approach to conceptualizing and measuring democracy, providing a multidimensional and disaggregated dataset that reflects the complexity of the concept of democracy as a system of rule that goes beyond the simple presence of elections.

The V-Dem website is a treasure trove of information, including datasets, Democracy Reports, Country Reports, working papers, and V-Dem users’ working papers.

New Resources in the DEM-DEC Links Section

A range of additional resources have been added to the Links section on DEM-DEC, including:

- Research project: ‘Defending Democracy: Civil and Military Responses to Weaponized Information’, Princeton University (USA)
• **Research project: Political Concepts in the World – Rule of law and constitutionalism**, University of Aberdeen (Scotland, UK)

• **Research project: Political Concepts in the World – Sovereignty and the state**, University of Aberdeen (Scotland, UK)

• **Research project: Populist rebellion against modernity in 21st-century Eastern Europe: neo-traditionalism and neo-feudalism' (POPREBEL)**, Horizon 2020 (EU) - 6 universities from Central and Eastern Europe

• **Defending Democracy Together** (an advocacy organisation formed by conservatives and Republicans “standing up for the rule of law, for free trade, and for more welcoming legal immigration policies“)
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
December 2018: New Publications

Note: Some items below were published at the end of November 2018 or early January 2019


Democratic Theory: Volume 5, Issue 2, Winter (December 2018)

Special section on populism

Editorial


Articles

Special Section I: On Populism


Perspectives on Politics: Volume 16, Issue 4 (December 2018)

Articles


Review Symposium


Democracy Index 2018: Me too? Political participation, protest and democracy (8 January 2019).
"A valuable historical guide to current debates about elitism and populism, Democracy and Truth poses the hardest of questions: can we maintain a constitutional government worthy of a free people in an age of widespread misinformation and fanaticism?"
— David Bromwich, Yale University

“An essential guide to finding the roots of our current predicament ... provokes thought rather than simply assigning blame and consequently succeeds in the most important task of all: helping us navigate toward a revival of democracy at the very moment when it seems most under threat.”
— Lynn Hunt, author of History: Why it Matters

“If you are a citizen concerned and not a little confused about the frantic assault on objective truth in today’s United States, Sophia Rosenfeld’s learned but extremely accessible book is a must-read.”
— Michael Tomasky, author of Left for Dead: The Life, Death, and Possible Resurrection of Progressive Politics in America

Available now from University of Pennsylvania Press

Hardback £16.99 / Also available as E-book

Women Also Know Stuff

As the phenomenon of democratic decay has spread worldwide, it has been observed by many that female experts are often overlooked. It is also evident that there is a gender imbalance in the expert lists provided in the Experts Database on DEM-DEC. Every effort has been made, and continues to be made, to ensure that female experts are not overlooked in the collation of material on DEM-DEC. If you are a female expert on democratic decay, or know of an expert who is not currently included on DEM-DEC, simply e-mail democraticdecay@gmail.com.

A useful complementary resource to the DEM-DEC Experts Database is Women Also Know Stuff

https://womenalsoknowstuff.com/
Forthcoming Research

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

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*

Yesim ARAT & Sevket 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 XXX 2019).


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


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

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 in 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


DEM-DEC
Bringing Democracy Defenders Together