This Bibliography was completed on 24 June 2018 and is available in the Research section of Democratic Decay & Renewal (DEM-DEC). It has been re-issued in a new format to mark DEM-DEC’s first anniversary.

Global Research Updates are issued each month, to add to this starting bibliography.

www.democratic-decay.org
Democratic Decay & Renewal (DEM-DEC) was launched one year ago.

DEM-DEC was launched on 25 June 2018 to assist researchers and policymakers focused on the global deterioration of liberal democracy, and on re-thinking democracy.

Since launch DEM-DEC has been used by thousands of democracy defenders and analysts worldwide, in over 130 states. The platform has recently expanded, with recent additions including a special section devoted to the EU treaty process for addressing rule of law backsliding (curated by Prof. Laurent Pech and Dr Joelle Grogan).
About DEM-DEC

Created by Dr Tom Gerald Daly and supported by a range of leading public law and policy organisations, Democratic Decay & Renewal (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. It went live on 25 June 2018.

DEM-DEC’s core purpose is to bring scholars and policymakers together in a collaborative project to pool expertise on democratic decay and democratic renewal, 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

Director
Dr Tom Gerald Daly

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

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

His current book project concerns the role of public law in countering ‘democratic decay’ worldwide. Recent academic publications include an article on ‘Democratic Decay: Conceptualising an Emerging Research Field’ (Hague Journal on the Rule of Law). Policy publications include a chapter on ‘Democratic Decay in 2016’ in International IDEA’s Annual Review of Constitution-Building for 2016.

He has written on democratic decay as a columnist for the ICONnect blog and tweets @DemocracyTalk.
Research Editors
Kuan-Wei Chen & Anant Sangal

Two Research Editors provide valuable assistance in producing the monthly Global Research Update.

Kuan-Wei Chen is a doctoral researcher at the Faculty of Law at University of Munich (Ludwig-Maximilians-Universität München) in Germany.

Anant Sangal is a student of B.A. LL.B. (Hons.) at the National Law University Delhi, India.

Want to Join the DEM-DEC Team?

Simply fill out the form at

www démocratic-decay.org/get-involved/

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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Or e-mail democraticdecay@gmail.com
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, Democratic Decay & Renewal (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
Introduction

Rather than providing an extended introduction to this bibliography, it appears useful to highlight a number of key points and trends. The first is that there has been a veritable avalanche of new research in this area in the past three years, and it has increased year on year. The second is that a number of key countries are clear 'hot spots' for such research (i.e. Hungary, Poland, USA, Venezuela) while others are understudied, especially in English-language literature (e.g. Brazil). Third is that, outside policy reports, few works attempt a genuinely global perspective on the topic: although many analyses are based on exercises in comparative constitutional law, this is usually to serve extended analysis of 1-2 selected countries. Fourth, as far as the role of international organisations is concerned, the literature on the EU dwarfs that on any other international organisation, although a number of highly useful comparative works can be found.

Layout

Broadly following the approach adopted in Oxford Bibliographies, this bibliography is not divided by publication type (i.e. monographs, edited collections, articles, etc) but is organised thematically and geographically: see below.
A Themes

1. Framing the Research Field and Concepts
2. Background Reading: The Rises and Falls of Democracy
3. The Global Crisis of Democracy: Recent Research
4. Endurance, Resilience and Transformation
5. Constitutionalism, Democracy, Liberalism and Rule of Law
6. The 4 'Isms': Authoritarianism, Fascism, Populism, Totalitarianism
7. Hybrid Regimes and Modern Authoritarianism
8. Law as a Weapon: Hollowing Out Democracy
9. Law as a Shield: Defending Democracy

B World Regions

1. Europe & Middle East
2. North America
3. Latin America
4. Asia
5. Africa

C International organisations

1. General/comparative
2. European Union (EU)
3. Organisation of American States (OAS)
4. MERCOSUR
5. African Union (AU)
6. Commonwealth
A  Themes

1  FRAMING THE RESEARCH FIELD AND CONCEPTS

DALY TG,


2  BACKGROUND READING: THE RISES AND FALLS OF DEMOCRACY


DIAMOND L, In Search of Democracy (Routledge, 2015).


LEVITSKY S & WAY LA, Competitive Authoritarianism: Hybrid Regimes after the Cold War (Cambridge University Press, 2010).


PICCONE T, Five Rising Democracies: And the Fate of the International Liberal Order (Brookings Institution Press, 2016).


SCHMITT C, Political Theology: Four Chapters on the Concept of Sovereignty Schwab G edn (University of Chicago Press, 2010).


ZWEIG S


DIAMOND L & MORLINO L (eds), Assessing the Quality of Democracy (Johns Hopkins University Press, 2005).

O’DONNELL G,


2 THE GLOBAL CRISIS OF DEMOCRACY: RECENT RESEARCH


COOLEY A,


DALY TG,


FREEDOM HOUSE

— 'Nations in Transit 2018: Confronting Illiberalism' (Freedom House, 2018)


HUQ A, 'Terrorism and Democratic Recession' (2018) 85 The University of Chicago Law Review 457


4 ENDURANCE, RESILIENCE AND TRANSFORMATION


5 CONSTITUTIONALISM, DEMOCRACY, LIBERALISM AND RULE OF LAW


6 THE 4 'ISMS': AUTHORITARIANISM, FASCISM, POPULISM, TOTALITARIANISM

Authoritarianism


Fascism


Populism


MUDDE C,


Totalitarianism


HYBRID REGIMES AND MODERN AUTHORITARIANISM


FRANTZ E & KENDALL-TAYLOR A,

LEVITSKY S Levitsky & WAY LA,
— Competitive Authoritarianism: Hybrid Regimes after the Cold War (Cambridge University Press, 2010).
8 LAW AS A WEAPON: HOLLOWING OUT DEMOCRACY

A. GOVERNING CONCEPTS

Abusive comparative law

SCHEPPELE KL,


Abusive constitutionalism


Autocratic legalism


Constitutional capture

MÜLLER J-W,


— 'Rising to the challenge of constitutional capture' Eurozine 21 March 2014

Constitutional retrogression


Populist constitutionalism


Stealth authoritarianism


B. SUB-CONCEPTS

NOTE: A number of additional sub-concepts may be added shortly, e.g. abusive judicial review.

Abusive impeachment


Permanent states of emergency


Unconstitutional constitutional amendments


ROZNAI Y,


― 'Constitutional Amendment and “Fundamendment”: A Response to Professor Richard Albert', Yale Journal of International Law Forum (February 27, 2018).


NOTE: Additions will be made to this section soon, including literature on the special counsel mechanism in the USA.

**Civic education**


**Compulsory voting**


**Constitutional conventions**


**Courts**


**Militant democracy**


Political party bans


KOGACIOĞLU D,


— ‘Dissolution of Political Parties by the Constitutional Court in Turkey Judicial Delimitation of the Political Domain’ (2003) 18(1) International Sociology 258.


Rights innovations


Self-enforcing constitutions

B World Regions

1 EUROPE & MIDDLE EAST

General/comparative


MUDDE C, On Extremism and Democracy in Europe (Routledge, 2016).


Croatia

Hungary


KOVÁCS K & TÓTH GA,

— ‘From an Imperfect Democracy to an Incomplete Autocracy’ in Nowy konstytucjonalizm. Rzady prawa, politycznosć i sfera publiczną (New Constitutionalism. Rule of Law, the Political and the Public Sphere) 2017.


TÓTH GA,


UITZ R,


Israel


I-CONnect symposium on ‘constitutional capture in Israel’


Poland


KONCEWICZ TT,


— ‘Living under the unconstitutional capture and hoping for the constitutional recapture’ Verfassungsblog 3 January 2017.
— ‘Constitutional Justice in Handcuffs? Gloves are off in the Polish Constitutional Conflict’ Verfassungsblog 3 September 2016.


PECH L & SCHEPPELE KL


SADURSKI W & STEINBEIS M, ‘What is Going on in Poland is an Attack against Democracy’ Verfassungsblog 15 July 2016.


**Portugal**


**Romania**


**Slovakia**


**Turkey**


2 NORTH AMERICA


3 LATIN AMERICA

General/comparative


Brazil


DINERSTEIN AC, ‘Impeachment or ‘Soft Coup’?: The Revenge of the Right and the State of Democracy in Brazil and Latin America today’ DevLog@Bath Blog 19 May 2016.


ZAIDEN BENVINDO J,

Venezuela


SANCHEZ URRIBARRI R,
— ‘Venezuela - the Left Turning Further Left?’ in J Castañeda & MA Morales-Barba (eds), Leftovers: Tales of the Two Latin American Lefts (Routledge, 2008).

4 ASIA

General/comparative


CROISSANT A & BÜNTE M (eds), The Crisis of Democratic Governance in Southeast Asia (Palgrave Macmillan, 2011).

India and Sri Lanka

HUMAN RIGHTS WATCH, Stifling Dissent: The Criminalization of Peaceful Expression in India (24 May 2016).


Japan


Philippines

GATMAYTAN D,


5 AFRICA


Kenya


South Africa


LOUW R, ‘Meddling with Constitutional Court Powers a Threat to All’, speech to the 2012 Rhodes University graduation, 22 April 2012.

PITHOUSE R, Writing the Decline: On the Struggle for South Africa's Democracy (Jacana Media, 2016)

Tanzania

1 INTERNATIONAL ORGANISATIONS (GENERAL/COMPARATIVE)


MCMAHON ER & BAKER, SH, Piecing a Democratic Quilt?: Regional Organizations and Universal Norms (Kumarian Press, 2006).


PEVEHOUSE JC, Democracy from Above: Regional Organizations and Democratization (Cambridge University Press, 2005).


2 EUROPEAN UNION (EU)


COMMENTS EDITORIAL, ‘The rule of law in the Union, the rule of Union law and the rule of law by the Union: three interrelated problems’ (2016) 53 Common Market Law Review 597.


JAKAB A & KOCHENOV D (eds), The Enforcement of EU Law and Values Ensuring Member States’ Compliance (Oxford University Press, 2017).


KOCHENOV D & PECH L, ‘Upholding the rule of law in the EU: on the Commission’s ‘pre-article 7 procedure’ as a timid step in the right direction’. EUI working papers, RDCAS 2015/24.


PEERS S, ‘Protecting the rule of law in the EU: should it be the Commission’s task?’ EU Law Analysis 12 March 2014.


SCHULTE J (ed), The Other Democratic Deficit: A Toolbox for the EU to Safeguard Democracy in Member States (Friedrich-Ebert-Stiftung (FES), 2018).
SEDELMEIER U

— ‘Political safeguards against democratic backsliding in the EU: The limits of material sanctions and the scope of social pressure’ (2016) Journal of European Public Policy [Vol. and page number not yet available].


STEINBEIS M,


VON BOGDANDY A & IOANNIDIS M, ‘Systemic deficiency in the rule of law: what it is, what has been done, what can be done’ (2014) 51(1) Common Market Law Review 59.

3 ORGANISATION OF AMERICAN STATES (OAS)


4 MERCOSUR


5 AFRICAN UNION (AU)


6 COMMONWEALTH


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Bringing Democracy Defenders Together