

DEM-DEC

October  
2019



# Democratic Decay & Renewal (DEM-DEC) Global Research Update October 2019

This Update was issued on 31 October 2019. It is based on new publications and suggestions from users of the Democratic Decay & Renewal (DEM-DEC) resource,

Global Research Updates should be read in conjunction with the main bibliography on DEM-DEC (issued 24 June 2018).

[www democratic-decay.org](http://www democratic-decay.org)

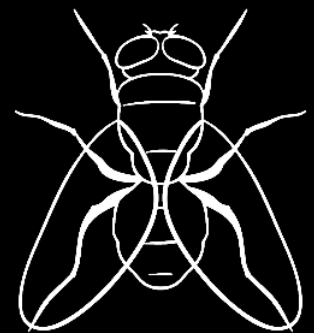
# About DEM-DEC

Created by Dr Tom Gerald Daly and supported by a range of leading academic and policy organisations, Democratic Decay & Renewal (DEM-DEC) is an online resource aiming to provide useful information on the deterioration and re-thinking of democratic rule worldwide through a mixture of curated, collaborative, and user-generated content including Research, Experts, Events and Resources databases, a Concept Index, Teaching Materials, and Campaigns.

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](http://www.democratic-decay.org)

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**DEM-DEC**



## 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 research 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

Three 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. Her research focuses on the challenges of democracy in the digital era and related human rights issues.



Ibrahim Genc is a researcher based in Melbourne. His research centres on the rise of 'phantom democracies' around the world, with specific focus on Turkey's ruling party, the AKP.



Anant Sangal is a student of B.A. LL.B. (Hons.) at National Law University (NLU) Delhi, India. His central interest is in the intersection of law and politics.

## Want to Join the DEM-DEC Team?



Simply fill out the form at

[www.democratic-decay.org/get-involved/](http://www.democratic-decay.org/get-involved/)

A variety of roles are available

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

ICON-S Portugal

International Association of Constitutional Law (IACL) Blog

International Institute for Democracy and Electoral Assistance (International IDEA)

International Journal of Constitutional Law (I-CONnect) Blog

Parliamentarians for Global Action (PGA)

School of Transnational Governance (European University Institute)

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# New Partner Portuguese chapter of the International Society of Public Law (ICON•S)

We are delighted to announce that DEM-DEC has a new partner, the latest in a global web of partnerships that attest to our mission to collaborate and amplify the important work carried out by other organisations.

## About

The Portuguese chapter of the International Society of Public Law aims at representing a forum for inter- and cross-disciplinary debate concerning public law developments, and a bridge connecting Portuguese, Portuguese-speaking, European, and other international scholars in the field.

## Co-chairs

Mariana Canotilho (University of Minho)

Rui Tavares Lanceiro (University of Lisbon)

## Inaugural Conference 2020

One of the focus areas for the chapter is the current trend of erosion of democracy and ways to fight it. The chapter's first conference, addressing this theme, will take place on 13 February 2020.

Read more:

<https://www.icon-society.org/chapters/portugal/>

# Contents

1	Introduction	8
2	Editorial: The Power of Protest	9
3	Additions Suggested by DEM-DEC Users	12
4	DEM-DEC Launch Podcast	16
5	October 2019: New Publications	17
	<i>Monographs:</i>	17
	Global Quality of Democracy as Innovation Enabler • Small is Democratic: An Examination of State Size and Democratic Development • What Was Liberalism?: The Past, Present, and Promise of a Noble Idea • Erdoğan Rising: The Battle for the Soul of Turkey • Courts, Politics and Constitutional Law: Judicialization of Politics and Politicization of the Judiciary	
	<i>Edited Collections:</i>	17
	The People and the Nation: Populism and Ethno-Territorial Politics in Europe • Critical Reflections on Constitutional Democracy in the European Union	
	<i>European Constitutional Law Review</i>	17
	– Special section on Populism and Constitutionalism, book reviews	
	<i>Journal of Democracy, Democratization</i>	18
	– Special sections on Modi and elections in South Asia, articles on European elections, Yellow Vests, resilience in South Africa, protest, among others	
	<i>Journal of Political Philosophy, Law &amp; Social Inquiry</i>	19
	– articles on dealing with dictatorial states, populism and totalitarianism, and the mythology of rule-of-law promotion	
	<i>CMLR, Communist and Post-Communist Studies, JCMS</i>	20
	– articles and book reviews on irregular migration as a challenge for democracy, satisfaction with democracy and economic crises, and constitutionalism	
	<i>Arizona, Seattle, SMU, William &amp; Mary law reviews, JEPP</i>	20
	– articles on extremely broad laws, state repression of protest in the US, deliberative democracy, judicial appointments, ecological democracy, among others	
	<i>Academic working papers/Forthcoming articles &amp; V-dem working papers</i>	21
	– on separation of powers, digital domination, democratising online content moderation, accommodation of far-right parties, democracy and populism	
	<i>Policy papers and reports</i>	21
	– on protest and mass mobilisation, rule of law in Hungary, elections in Poland, Chinese ‘malign’ influence, deliberative mini-publics, free speech, populism	
6	Forthcoming Research	25
7	New Additions to DEM-DEC Resources Database	28

# 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](http://www.democratic-decay.org) or e-mailing [democraticdecay@gmail.com](mailto:democraticdecay@gmail.com)



## DEM-DEC

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# Introduction

## The DEM-DEC Bibliography

The DEM-DEC Bibliography is provided on Democratic Decay & Renewal (DEM-DEC) at [www.democratic-decay.org](http://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 and on re-thinking democratic governance.

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.

## Fourteenth monthly update since DEM-DEC was launched

Updates to the Bibliography are issued every month. This is the thirteenth monthly update provided and was issued on Thursday 31 October 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 and experts 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 late September-late October 2019. Items suggested by DEM-DEC users include earlier material. In addition, the 'Forthcoming Research' section provides a growing list of future publications.

## Global Coverage

The Global Research Updates aim for global coverage. However, it should be borne in mind that the Bibliography and Updates, at present, collate 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 Research Editors, Kuan-Wei Chen and Anant Sangal, and new team member Ibrahim Genc, who have provided highly valuable assistance in compiling information for this Update.



# Editorial: The Power of Protest

## Identifying Themes

In each monthly Update DEM-DEC Director Dr Tom Gerald Daly writes an editorial based on key themes in 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.

## 1 The Power of Protest

October was a month of protest, with large-scale protests everywhere from Chile to Hong Kong to Lebanon, as citizens push for democratic government, removal of corrupt politicians, or a more equitable economic system (or all three). Will these protests produce change? A number of items in this Update are helpful in illuminating the power of protest and the capacity of protesters to achieve their goals. A timely comparative collection edited by Richard Youngs for the Carnegie Foundation, [After Protest: Pathways Beyond Mass Mobilization](#) (24 October 2019), suggests that the aftermath of large-scale protests is vital, with protesters facing difficult choices: to evolve into new types of civic campaign, for instance, to integrate into mainstream politics, or to deal with government backlash. Looking at states as diverse as Brazil, Taiwan and Turkey, the report provides key insights, including that broad alliance-building is key, that international action can be most productive in the post-protest period, and that social media, while providing a crucial organising tool, may permit protesters to ‘leapfrog’ the painstaking consensus-building needed for a sustainable political movement, to the detriment of achieving their goals.

The Carnegie Foundation’s report resonates with numerous items in the [Journal of Democracy](#) (October 2019), including Patrick Chamorel’s analysis of how the Yellow Vest protests have re-shaped French politics, while Mai Hassan and Ahmed Kodouda recount how the popular uprising that ousted Sudan’s longtime dictator, Omar al-Bashir, has resulted in a tenuous democratisation process threatened by the renewed strength of the security forces. [Yuko Sato & Michael Wahman](#) further argue in *Democratization* (October 2019) that, in authoritarian contexts, the capacity of popular mobilization to achieve democratic change depends on coordination with élites, especially a unified opposition translates popular grievances to democratic demands. In the US context, [Karen Pita Loo](#) in the *Seattle University Law Review* (September 2019) critically analyses state executives’ abuse of emergency power mechanisms to suppress protest and suggests possible counter-measures. Finally, in the Forthcoming Research section (p.26) we have listed a call for papers by the *Asia-Pacific Journal on Human Rights and the Law* for a special issue on ‘[Street Protests and Human Rights](#)’, which aims to highlight key human rights issues regarding the extent to which police powers and public order measures can have severe consequences for protesters, journalists, and other members of the public.

## 2 Democratic Responses to the Climate Crisis: Rebellion v Deliberation

The power of protest has come into clear focus in the context of climate crisis in recent times. In a self-published book issued in August 2019, suggested for addition by a DEM-DEC user, [Roger Hallam – one of the founders of the climate change movement Extinction Rebellion](#) – argues that the only

way to stop climate breakdown and social collapse is wholesale non-violent rebellion. For Hallam, there are two imperatives: to get the truth out about the climate crisis; and a campaign of civil disobedience. As an anonymous climate activist puts it in the foreword:

We need to get arrested, tens of thousands of us. More. No more protests or petitions. Instead, nonviolent civil disobedience, lots of it and on a large scale. Close down cities until the politicians take action. Or until the people do.

Others suggest a different, or perhaps complementary, approach. Certainly, it is notable that climate change is a focus of citizens' assemblies cropping up across the world, especially in Europe – from the citizens' convention on the climate in France to the climate crisis citizens' assembly convened by MPs in the UK (not to mention the stillborn proposal to hold such an assembly in Australia in 2010). In a recent article on [‘deliberation and ecological democracy’](#) (September 2019), suggested for addition by DEM-DEC user, Simon Niemeyer discusses argues that the deliberation of ‘mini-publics’ can act as a connector between different system levels, local to global, and when properly harnessed, can reshape public discourse and ‘decontaminate’ public debate of polarised strategic political arguments.

### 3 New Perspectives on Digital Domination

As discussed above, social media – and the internet, more broadly – have fundamentally transformed the nature of activism. In a forthcoming article in the *Columbia Journal of Transnational Law* (posted on SSRN in late October), [Tamar Megiddo](#) argues that government attempts to curb activism using the same technologies that have empowered them should be framed, not merely through the lens of surveillance and privacy, but a wider conceptual framework of ‘digital domination’ that assaults and threatens both citizen freedom and, through its reliance on ‘digital militias’ and cyberespionage, the rule of law. Megiddo sets out the main ways in which this occurs: governments “(1) gather information on activists; (2) disrupt communication channels; (3) flood online conversation to drown out the opposition; (4) deploy the state’s coercive power based on information gathered, and (5) mobilize digital militias to bully activists online.” Elsewhere, [Giovanna De Gregorio](#) in a forthcoming article in the *Computer Law and Security Review*, argues that the liberal paradigm for free speech protection is no longer sufficient to protect democratic values in the digital sphere, given that “the flow of information is actively organised by business interests, driven by profit-maximisation rather than democracy, transparency or accountability.” De Gregorio suggests the establishment of new users’ rights regarding online content moderation to enhance transparency and accountability of social media platforms. In a month that saw [Mark Zuckerberg give a widely derided address](#) on free speech to students at Georgetown Law School, hopelessly lacking in nuance, Megiddo’s and De Gregorio’s analyses are welcome, and perceptive, take on the ills of digital technology.

### 4 Far-Right Party Supporters and the Informed Voter

The effects of misinformation on voter behaviour, and the wider capacity of individuals to successfully engage in self-government have been raised time and again. In a forthcoming article in *West European Politics* ([announced on 30 October](#); text not yet available) Stijn van Kessel, Javier Sajuria and Steven M. van Hauwaert address the debate as to whether those voting for (authoritarian) populist and far-right parties are unsophisticated or uninformed protest voters. Relying on survey data from 9 democracies in Europe, they conclude that there is a correlation between misinformation and support for such parties. Even if this impact is slight, its importance is obvious: for instance, Times correspondent Hannah Lucinda Smith observes in her book [Erdoğan Rising](#) that Erdoğan tends to win

elections in Turkey “by slivers”. Moreover, , as discussed in a recent symposium of the *Maryland Law Review* (August 2019 – suggested for addition by a DEM-DEC user), as we approach [the era of ‘deep fakes’](#) the impact of misinformation could be starkly amplified, requiring a ‘deep rethink’ of our traditional understandings of free speech. That is not an argument for paternalism – as Josiah Ober argues in his 2017 work *Demopolis*: “Democracy is illusory when citizens are kept in a condition of tutelage” with choices limited to those deemed risk-free or approved by a paternalistic elite. Indeed, Silvia Suteu suggests in the *European Constitutional Law Review* that citizen-centric deliberative approaches take discontent with liberal democracy seriously and can be an antidote to populism.

## 5 The Rising Radical Right: Does Accommodation Work?

At the time of writing, the Alternativ für Deutschland party had just overtaken Angela Merkel’s CDU to place second in the Thuringia state elections in Germany on 27 October. 2 days previous, Werner Krause, Denis Cohen and Tarik Abou-Chadi issued a working paper, [‘Does Accommodation Work?’](#), arguing that evidence for the received wisdom that mainstream party accommodation of radical right policy positions tends to curtail their success is inconclusive at best. If anything, they argue, such accommodation tends to lead to more voters defecting to radical right parties. Of course, as Cas Mudde offers in the *Journal of Democracy* – discussing the success of the [‘populist radical right’ in the 2019 EU elections](#) – the centre of politics has shifted rightward, which renders the line between ‘mainstream’ and ‘far-right’ rather blurry. In the *Journal of Political Philosophy*, [Camila Vergara](#) argues that an engagement with Arendt’s writings on totalitarianism can aid clarity, helping to identify the differences that should distinguish populism from what she terms ‘proto-totalitarian’ forms of politics such as ethnonationalism – the latter being discussed at length in a new edited collection (October 2019) on [Populism and Ethno-Territorial Politics in Europe](#).

(For more discussion of conceptual issues, see the [Concept Index](#) on DEM-DEC).

## 6 International Watchdogs

This Update contains a variety of items that underscore the role of international watchdogs in affirming democratic standards and rights and holding up a mirror to undemocratic practices. A report of 9 October by the [UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression](#), David Kaye, chimes with Giovanna De Gregorio’s call, discussed above, in highlighting the responsibilities of companies as well as states and addressing how moderation of online content by companies such as YouTube, Facebook and Twitter may ensure respect for the human rights of users and the public. A report by the [International Republican Institute](#) (albeit clearly coloured by superpower rivalry) focuses on the Chinese government’s “manipulation of the information space” to neuter independent media and civil society in a variety of states worldwide, noting that lessons can be learned from Australian resilience to such tactics. A preliminary report by the [Organisation for Security and Cooperation in Europe \(OSCE\)](#), issued just a day after Poland’s 13 October elections, points to the advantage gained by the ruling PiS party through its dominance of public media. A coalition of leading human rights organisations provide a stinging rebuttal to the Hungarian government’s written response to ‘Article 7’ procedures against it for violations of the rule of law. Finally, the European Council (EU) Library has recently issued a [reading list on the rule of law](#).

(For more information on the ‘Article 7’ procedures against Hungary and Poland, go to the [Article 7 EU](#) special section on DEM-DEC).

# Additions Suggested by DEM-DEC Users

**Note 1: Where possible, hyperlinks are provided directly to the text**

**Note 2: A large number of suggested additions in this Update are found in the  
'New Publications' and 'Forthcoming Research' sections on p.18 and p.26**

## Monographs

[Julian BERNAUER & Adrian VATTER](#), Power Diffusion and Democracy: Institutions, Deliberation and Outcomes (Cambridge University Press, May 2019).

[Frank DIKÖTTER](#), How to Be a Dictator: The Cult of Personality in the Twentieth Century (Bloomsbury Publishing, September 2019).

[Timothy GARTON ASH](#), The Magic Lantern: The Revolution of '89 Witnessed in Warsaw, Budapest, Berlin, and Prague (Penguin, 2010).

[Ioannis N. GRIGORIADIS](#), Democratic Transition and the Rise of Populist Majoritarianism: Constitutional Reform in Greece and Turkey (Palgrave Macmillan, 2017).

[Roger HALLAM](#), Common Sense for the 21st Century: Only Nonviolent Rebellion Can Now Stop Climate Breakdown and Social Collapse (Self-published, [www.rogerhallam.com](http://www.rogerhallam.com), August 2019).

[Alison McQUEEN](#), Political Realism in Apocalyptic Times (Cambridge University Press, August 2018).

[Josiah OBER](#), Demopolis: Democracy before Liberalism in Theory and Practice (Cambridge University Press, 2017).

[Jirí PRIBÁN](#), The Defence of Constitutionalism: Or the Czech Question in Post-National Europe trans Stuart Hoskin (University of Chicago Press, 2018).

[Robert E. ROSS](#), The Framers' Intentions: The Myth of the Nonpartisan Constitution (Notre Dame Press, May 2019).

[Alen TOPLIŠEK](#), Liberal Democracy in Crisis: Rethinking Resistance under Neoliberal Governmentality (Palgrave Macmillan, 2018).

[Mattia ZULIANELLO](#), Anti-System Parties: From Parliamentary Breakthrough to Government (Routledge, April 2019).

## Edited Collections

[Licia CINETTI, James DAWSON & Seán HANLEY \(eds\)](#), Rethinking 'Democratic Backsliding' in Central and Eastern Europe (Taylor & Francis Limited, March 2019).

[Frances E. NOLAN & Nolan McCARTY \(ed\)](#), Can America Govern Itself? (Cambridge University Press, June 2019).

[Daniel STOCKEMER \(ed\)](#), Populism Around the World: A Comparative Perspective (Springer, 2018).

[Sharon L. WOLCHIK & Jane LEFTWICH CURRY \(ed\)](#), Central and East European Politics: From Communism to Democracy 4th edn (Rowman & Littlefield, 2018).

## Special Journal Collections

[Journal of Contemporary European Studies: Volume 26, Issue 3 \(September 2018\)](#)

### Special Section: Erosion of the Rule of Law in East Central Europe

#### Introduction

Dawid BUNIKOWSKI, Katalin MIKLÓSSY & Heino NYSSÖNEN, 'Introduction' (2018) 26(3) Journal of Contemporary European Studies 253.

#### Articles

Heino NYSSÖNEN, 'The East is different, isn't it? – Poland and Hungary in search of prestige' (2018) 26(3) Journal of Contemporary European Studies 258.

Katalin MIKLÓSSY, 'Lacking rule of law in the lawyers' regime: Hungary' (2018) 26(3) Journal of Contemporary European Studies 270.

Dawid BUNIKOWSKI, 'The constitutional crisis in Poland, Schmittian questions and Kaczyński's political and legal philosophy' (2018) 26(3) Journal of Contemporary European Studies 285.

Emilia PALONEN, 'Performing the nation: the Janus-faced populist foundations of illiberalism in Hungary' (2018) 26(3) Journal of Contemporary European Studies 308.

Katalin MIKLÓSSY & Heino NYSSÖNEN, 'Defining the new polity: constitutional memory in Hungary and beyond' (2018) 26(3) Journal of Contemporary European Studies 322.

Walter RECH, 'Some remarks on the EU's action on the erosion of the rule of law in Poland and Hungary' (2018) 26(3) Journal of Contemporary European Studies 334.

#### Book Reviews

Branislav RADELJIĆ, Reviewing European Union accession: unexpected results, spillover effects, and externalities (2018) 26(3) Journal of Contemporary European Studies 351.

Neculai-Cristian SURUBARU, 'The Routledge Handbook of East European Politics' (2018) 26(3) Journal of Contemporary European Studies 356.

### Maryland Law Review: Volume 78, Issue 4 (August 2019)

#### **Symposium on Deep Fakes**

Robert CHESNEY & Danielle KEATS CITRON, '21st Century-Style Truth Decay: Deep Fakes and the Challenge for Privacy, Free Expression, and National Security' (2019) 78(4) Maryland Law Review 882.

Mary Anne FRANKS & Ari Ezra WALDMAN, 'Sex, Lies, and Videotape: Deep Fakes and Free Speech Delusions' (2019) 78(4) Maryland Law Review 892.

Thomas E. KADRI, Drawing Trump Naked: Curbing the Right of Publicity to Protect Public Discourse (2019) 78(4) Maryland Law Review 899.

Jessica SILBEY & Woodrow HARTZOG, 'The Upside of Deep Fakes' (2019) 78(4) Maryland Law Review 899.

### German Law Journal: Volume 19, Issue 7 (December)

#### **Special Issue: Judicial Self-Government in Europe**

Başak ÇALI & Betül DURMUŞ, 'Judicial Self-Government as Experimental Constitutional Politics: The Case of Turkey' (2018) 19(7) German Law Journal 1671.

Bianca SELEJAN-GUŢAN, 'Romania: Perils of a "Perfect Euro-Model" of Judicial Council' (2018) 19(7) German Law Journal 1707.

Anna ŚLEDZIŃSKA-SIMON, 'The Rise and Fall of Judicial Self-Government in Poland: On Judicial Reform Reversing Democratic Transition' (2018) 19(7) German Law Journal 1839.

## **Articles**

Antonino CASTALDO & Alessandra PINNA, 'After competitive authoritarianism hybrid regime legacies and the quality of democracy in Croatia' Journal of Contemporary European Studies (Latest Articles, Published online: 12 August 2019).

Stuart CHINN, 'Political Parties and Constitutional Fidelity' (2018) 102 Marquette Law Review 387.

Pablo DE ORELLANA & Nicholas MICHELSEN, 'Reactionary Internationalism: the philosophy of the New Right' Review of International Studies (FirstView articles, published online: 3 July 2019).

Sandra DESTRADE & Johannes PLAGEMANN, 'Populism and International Relations: (Un)predictability, personalisation, and the reinforcement of existing trends in world politics' Review of International Studies (FirstView articles, published online: 18 June 2019).

Tímea DRINÓCZI & Agnieszka BIEŃ-KACAŁA, 'Extra-legal Particularities and Illiberal Constitutionalism - The Case of Hungary and Poland', Hungarian Journal of Legal Studies (2018) 59(4) 338.

Jonas HULTIN ROSENBERG, 'Equality, Proportionality and the All-Affected Principle' 6(1) Journal of Democratic Theory 73.

[Heinz KLUG](#), 'Transformative Constitutions and the Role of Integrity Institutions in Tempering Power: The Case of Resistance to State Capture in Post-Apartheid South Africa' (2019) 67(3) Buffalo Law Review .

[Robert LUTHER III](#), 'Two Years of Judicial Selection In The Trump Administration' (2019) 80(3) University of Pittsburg Law Review 775.

[Emilia PALONEN](#), Performing the nation: the Janus-faced populist foundations of illiberalism in Hungary (2018) 26(3) Journal of Contemporary European Studies 308.

[Robert C. RICHARDS JR.](#), 'Deliberative Mini-publics as a Partial Antidote to Authoritarian Information Strategies' (2018) 14(2) Journal of Public Deliberation 1.

[L. Darnell WEEDEN](#), 'Equal Voting Rights Require Removing Race and Partisan Discrimination from Elections and Legislative Gerrymandering' (2019) 79(4) Louisiana Law Review 781.

## Book Reviews

[Derek HAWES](#), 'Populocracy: the tyranny of authenticity and the rise of populism' Journal of Contemporary European Studies (Latest Articles, Published online: 16 July 2019).

[Henri VOGT](#), 'Powerlessness and Unfairness: A Letter to Jan Zielonka' (2019) 6(1) Democratic Theory 111.

## Working Papers

[Jeremy WALDRON](#), 'The Principle of Loyal Opposition' NYU School of Law, Public Law Research Paper No. 12-22 (posted on SSRN: 24 April 2012).

## Policy Reports & Papers

[CENTRE FOR PEACE STUDIES \(CROATIA\), HELSINKI FOUNDATION FOR HUMAN RIGHTS \(POLAND\), HUNGARIAN CIVIL LIBERTIES UNION, HUNGARIAN HELSINKI COMMITTEE, YUCOM – LAWYERS' COMMITTEE FOR HUMAN RIGHTS \(SERBIA\), HUMAN RIGHTS HOUSE ZAGREB & HUMAN RIGHTS HOUSE FOUNDATION](#), Resisting Ill Democracies in Europe \* **Link is to the English version. Text also available in Croatian, Hungarian, Polish, Russian and Serbian [here](#).**

[RECONNECT](#), Fundamental Principles under Pressure? – Democracy and Rule of Law Transformations in the European Union. European Policy Brief (31 August 2019).

# 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





# October 2019: New Publications

**Note: A small number of items were published before October 2019**

Monograph: David F J CAMPBELL, *Global Quality of Democracy as Innovation Enabler: Measuring Democracy for Success* (Palgrave Macmillan, published 28 October 2019).

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

Monograph: James TRAUB, *What Was Liberalism?: The Past, Present, and Promise of a Noble Idea* (Basic Books, published 24 September 2019).

Monograph: Hannah Lucinda SMITH, *Erdoğan Rising: The Battle for the Soul of Turkey* (Harper Collins, published 19 August 2019).

Edited Collection: Martin BELOV (ed), *Courts, Politics and Constitutional Law: Judicialization of Politics and Politicization of the Judiciary* (Routledge, published 28 October 2019).

Edited Collection: Reinhard HEINISCH, Emanuele MASSETTI & Oscar MAZZOLENI (eds), *The People and the Nation: Populism and Ethno-Territorial Politics in Europe* (Routledge, published 22 October 2019).

Edited Collection: Sacha GARBEN, Inge GOVAERE & Paul NEMITZ (eds), *Critical Reflections on Constitutional Democracy in the European Union* (Bloomsbury Publishing, published 3 October 2019).

European Constitutional Law Review: Volume 15, Issue 3 (October 2019)

**Articles**

Armin VON BOGDANDY & Luke Dimitrios SPIEKER, 'Countering the Judicial Silencing of Critics: Article 2 TEU Values, Reverse Solange, and the Responsibilities of National Judges' (2019) 15(3) European Constitutional Law Review 391.

### **Special section on Populism and Constitutionalism**

David KOSAŘ, Jiří BAROŠ, Pavel DUFEK, 'The Twin Challenges to Separation of Powers in Central Europe: Technocratic Governance and Populism' (2019) 15(3) European Constitutional Law Review 427.

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Paul BLOKKER, 'Populist Counter-Constitutionalism, Conservatism, and Legal Fundamentalism' (2019) 15(3) European Constitutional Law Review 519.

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Paul Post, 'Rethinking Europe - Dieter Grimm, The Constitution of European Democracy (Oxford University Press 2017, transl. by Justin Collings), pp. 273, originally published as Europa ja – aber welches? (Verlag C.H.Beck oHG 2016)' (2019) 15(3) European Constitutional Law Review 589.

Laetitia Houben, 'Carl Schmitt: The Ultimate Illiberal? - Benjamin Schupmann, Carl Schmitt's State and Constitutional Theory. A Critical Analysis (Oxford University Press 2017), pp. 232.' (2019) 15(3) European Constitutional Law Review 599.

### [Journal of Democracy: Volume 30, Issue 4 \(October 2019\)](#)

#### **Articles**

Rod ALENCE & Anne PITCHER, 'Resisting State Capture in South Africa' (2019) 30(4) Journal of Democracy 5.

Cas MUDDE, 'The 2019 EU Elections: Moving the Center' (2019) 30(4) Journal of Democracy 20.

Anna GRZYMALA-BUSSE, 'The Failure of Europe's Mainstream Parties' (2019) 30(4) Journal of Democracy 35.

Patrick CHAMOREL, 'Macron versus the Yellow Vests' (2019) 30(4) Journal of Democracy 48.

Mai HASSAN & Ahmed KODOUDA, 'Sudan's Uprising: The Fall of a Dictator' (2019) 30(4) Journal of Democracy 89.

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Ashutosh VARSHNEY, 'Modi Consolidates Power: Electoral Vibrancy, Mounting Liberal Deficits' (2019) 30(4) Journal of Democracy 63.

Yamini AIYAR, 'Modi Consolidates Power: Leveraging Welfare Politics' (2019) 30(4) Journal of Democracy 78.

### **Special section: Southeast Asia's Troubling Elections**

Edward ASPINALL & Marcus MIETZNER, 'Southeast Asia's Troubling Elections: Nondemocratic Pluralism in Indonesia' (2019) 30(4) Journal of Democracy 104.

Duncan MCCARGO, 'Southeast Asia's Troubling Elections: Democratic Demolition in Thailand' (2019) 30(4) Journal of Democracy 119.

Björn DRESSEL & Cristina Regina BONOAN, 'Southeast Asia's Troubling Elections: Duterte versus the Rule of Law' (2019) 30(4) Journal of Democracy 134.

Mark R. THOMPSON, 'Southeast Asia's Troubling Elections: Is There a Silver Lining?' (2019) 30(4) Journal of Democracy 170.

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\* A review of Sheri Berman, *Democracy and Dictatorship in Europe: From the Ancien Régime to the Present Day* (Oxford University Press, 2019).

### Democratization: Volume 26, Issue 8 (October 2019)

Yuko SATO & Michael WAHMAN, 'Elite coordination and popular protest: the joint effect on democratic change' (2019) 26(8) Democratization 1419.

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Wen-Chin WU & Yu-Tzung CHANG, 'Income inequality, distributive unfairness, and support for democracy: evidence from East Asia and Latin America' (2019) 26(8) Democratization 1475.

### Journal of Political Philosophy: Online First Articles (October 2019)

Chris ARMSTRONG, 'Dealing with Dictators' Journal of Political Philosophy (Published Online: 24 October 2019).

Camila VERGARA, 'Populism as Plebeian Politics: Inequality, Domination, and Popular Empowerment' Journal of Political Philosophy (Published Online: 16 October 2019).

### Law & Social Inquiry: Volume 44, Issue 4 (November 2019)

Shane CHALMERS, 'The Mythology of International Rule-of-Law Promotion' (2019) 44(4) Law & Social Inquiry 957.

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Francesco MAIANI, 'Book review: Irregular Migration as a Challenge for Democracy, edited by Elzbieta Kuzelewska, Amy Weatherburn and Dariusz Kloza.(Cambridge: Intersentia, 2018)' (2019)56(5) Common Market Law Review 1430.

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Klára VLACHOVÁ, 'Lost in transition, found in recession? Satisfaction with democracy in Central Europe before and after economic crises' (2019)52(3) Communist and Post-Communist Studies 227.

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**Book Review**

David GAZSI, 'Reclaiming Constitutionalism: Democracy, Power and the State, by M. Tzanakopoulou (Oxford: Hart Publishing, 2018, ISBN 9781509916122); xvii+211pp., £58.00 hb.' (2019)57(5) Journal of Common Market Studies 1200.

[Arizona Law Review: Volume 61, Issue 3 \(October 2019\)](#)

Kiel BRENNAN-MARQUEZ, 'Extremely Broad Laws' (2019) 61(3) Arizona Law Review 641.

[Seattle University Law Review: Volume 43, Issue 1 \(September 2019\)](#)

Karen J. PITA LOOR, 'When Protest Is The Disaster: Constitutional Implications of State and Local Emergency Power' (2019) 43(1) Seattle University Law Review 1.

[SMU Law Review: Volume 72, Issue 3 \(September 2019\)](#)

Alexander TESIS, 'Deliberative Democracy, Truth, and Holmesian Social Darwinism' (2019) 72(3) SMU Law Review 495.

[William & Mary Law Review Online Issue/ Vol.60](#)

**Lecture**

Donald F. McGahn II, 'A Brief History of Judicial Appointments from the Last 50 Years Through the Trump Administration' (2019) June 26.

[Journal of Environmental Policy & Planning: Latest Articles \(September 2019\)](#)

Simon NIEMEYER, 'Deliberation and ecological democracy: from citizen to global system' Journal of Environmental Policy & Planning (published online: 5 September 2019).

Working Paper: Lorne NEUDORF, 'Separating Powers through the Constitution: A Comparison of India and Australia' U. of Adelaide Law Research Paper No. 2019-105 (posted on SSRN: 19 September 2019).

Working Paper/forthcoming article: Tamar MEGIDDO, 'Online Activism, Digital Domination, and the Rule of Trolls'. Columbia Journal of Transnational Law, Vol. 58, Forthcoming (posted on SSRN: 6 October 2019).

Working Paper/forthcoming article: Giovanni DE GREGORIO, 'Democratising Online Content Moderation: A Constitutional Framework' Computer Law and Security Review, 2019 Forthcoming (Posted on SSRN: 24 Oct 2019)

Working Paper: Werner KRAUSE, Denis COHEN & Tarik ABOU-CHADI, 'Does Accommodation Work? Mainstream Party Strategies and the Success of Radical Right Parties' (25 October 2019).

V-Dem Working Paper: Saskia P. RUTH-LOVELL, Anna LÜHRMANN & Sandra GRAHN, Democracy and Populism: Testing a Contentious Relationship'. Varieties of Democracy Institute: Working Paper No. 91. October 2019.

Policy Report: CARNEGIE EUROPE, After Protest: Pathways Beyond Mass Mobilization (24 October 2019. Editor: Richard Youngs).

Policy paper: AMNESTY INTERNATIONAL, HUNGARIAN HELSINKI COMMITTEE, MÉRTÉK, HCLU, TRANSPARENCY INTERNATIONAL, Stating the Obvious: Rebutting the Hungarian Government's response to the Reasoned Proposal in the Article 7 procedure against Hungary - A reaction paper by NGOs. (18 October 2019).

Policy Report: OSCE/ODIHR, Poland, Parliamentary Elections, 13 October 2019: Statement of Preliminary Findings and Conclusions (14 October 2019).

Policy Report: INTERNATIONAL REPUBLICAN INSTITUTE, Chinese Malign Influence and the Corrosion of Democracy: An Assessment of Chinese Interference in Thirteen Key Countries (4 October 2019).

Policy Report: David M. FARRELL, Nicole CURATO, John S. DRYZEK, Brigitte GEIBEL, Kimmo GRÖNLUND, Sofie MARIEN, Simon NIEMEYER, Jean-Benoit PILET, Alan RENWICK, Jonathan ROSE, Maija SETÄLÄ & Jane SUITER, Deliberative Mini-Publics: Core Design Features (University of Canberra Institute for Governance & Policy Analysis (October 2019).

Policy Report: UN SPECIAL RAPPORTEUR, Promotion and protection of the right to freedom of opinion and expression. A/74/486 (9 October 2019).

Policy Report: WORLD POLITICS REVIEW, The Global Rise of Populism (23 September 2019).

Reading List: COUNCIL OF THE EUROPEAN UNION, Reading References 2019: Rule of Law (2019).

# DEM-DEC Recommended Read



“In the past ten years, a startling wave of large-scale citizen protests has washed over the political life of every region of the world.

Mass mobilization have occurred in democracies and nondemocracies and advanced and developing economies alike. They are now a major feature of global politics.

These protests attract considerable attention while they are occurring. Media coverage is extensive as the drama of revolt plays itself out on the streets of cities around the world.

But far less attention is devoted to what happens *after* such protests die down. Do protesters simply go back to what they were doing before? Does all the sound and fury lead into new types of long-term civic activism? Does the high drama of street mobilization unleash a new type of politics, or does the momentum of change quickly unwind?”

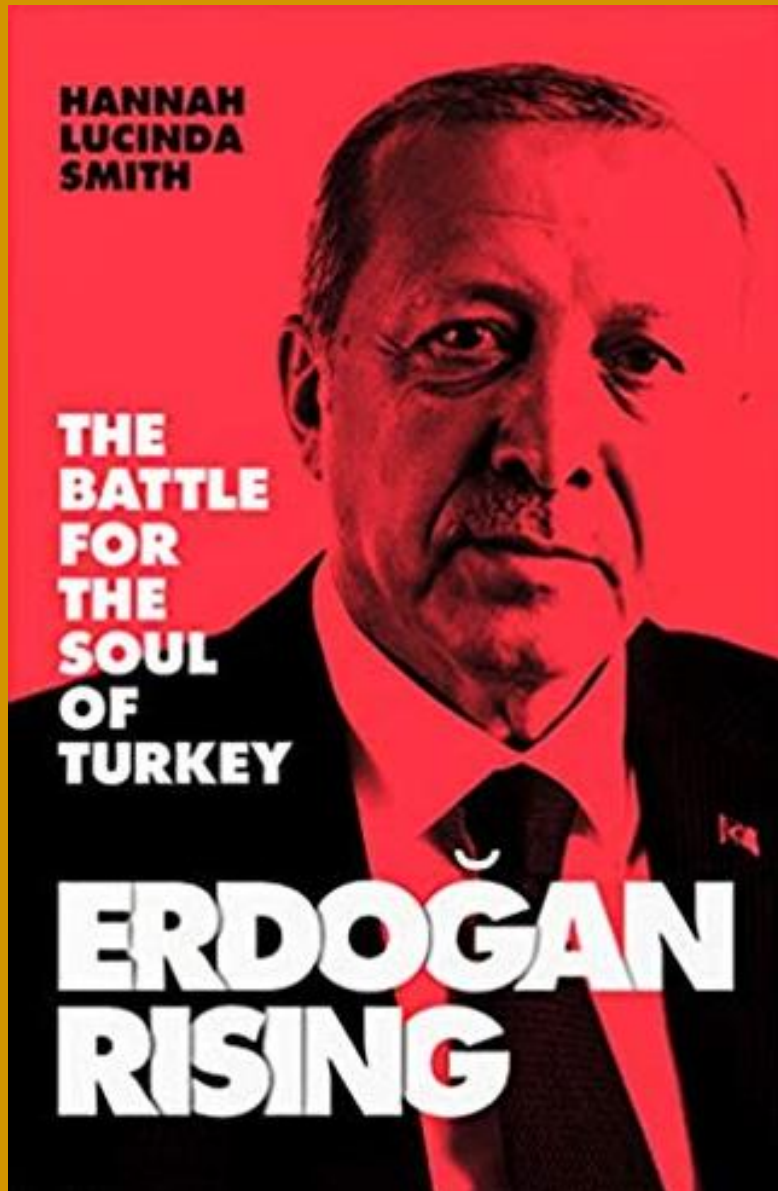
—Richard Youngs, Introduction to the collection (selected excerpts)

Available from Carnegie Endowment for International Peace

<https://carnegieendowment.org>

After Protest: Pathways Beyond Mass Mobilization. Carnegie Endowment for International Peace 2019. Available at no cost at: <https://bit.ly/34t7aTc>

# DEM-DEC Recommended Read



“Essential reading for anyone interested in Turkey and its future.”

—Literary Review

“Essential reading full stop.”

—Peter Frankopan

“It is a must.”

—The Times

Who is Recep Tayyip Erdoğan, and how did he lead a democracy on the fringe of Europe into dictatorship? How has chaos in the Middle East blown back over Turkey's borders? And why doesn't the West just cut Erdoğan and his regime off?

Erdoğan Rising introduces Turkey as a vital country, one that borders and buffers Western Europe, the Middle East and the old Soviet Union, marshals the second largest army in NATO and hosts more refugees than any other nation. As president, Erdoğan is the face of devotion and division, a leader who mastered macho divide-and-rule politics a decade and a half before Donald Trump cottoned on, and has used it to lead his country into spiralling authoritarianism.

Available from Harper Collins

Hardback AUD\$42.00 / Also available as Paperback, E-book

Erdoğan Rising: The Battle for the Soul of Turkey. Harper Collins 2019. 9780008308841.  
<https://bit.ly/2QbpRqG>



# Forthcoming Research

**Note 1: Where possible, hyperlinks are provided to information on the text**

**Note 2: New additions to this section are clearly marked**

## Books

[Bruce ACKERMAN](#), *The Rise of World Constitutionalism, Volumes Two and Three* \* **Note: the first volume in this three-volume series was published on 13 May 2019**

**INFORMATION UPDATED** [Yeşim ARAT & Şevket PAMUK](#), *Turkey Between Democracy and Authoritarianism* (Cambridge University Press, due for publication November 2019).

Paul BURGESS, *The Concept and Conceptions of the Rule of Law Across Time* (Hart Publishing: contract announced on Twitter 15 August 2019).

[Mark CHOU, Benjamin MOFFITT & Octavia BRYANT](#), *Political Meritocracy and Populism: Cure or Curse?* (Routledge, due for publication 22 November 2019).

**INFORMATION UPDATED** [Catherine DE VRIES & Sarah HOBOLT](#), *Political Entrepreneurs: The Rise of Challenger Parties* (Princeton University Press, due for publication May 2020).

[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 25 February 2020).

**INFORMATION UPDATED** [Dipayan GHOSH](#), *Terms of Disservice: How Silicon Valley is Destructive by Design* (Brookings Institution Press, due for publication 19 May 2020).

[Dannagal GOLDTHWAITE YOUNG](#), *Irony and Outrage: The Polarized Landscape of Rage, Fear, and Laughter in the United States* Hardcover (due for publication 2 December 2019).

[John KEANE](#), *The New Despotism* (Harvard University Press, due for publication 12 May 2020).

[Ivan KRASTEV & Stephen HOLMES](#), *The Light that Failed: A Reckoning* (Penguin, due for publication 26 November 2019).

[Cristina LAFONT](#), *Democracy without Shortcuts: A Participatory Conception of Deliberative Democracy* (Oxford University Press, due for publication 12 January 2020).

**INFORMATION UPDATED** [Michael LIND](#), *The New Class War: Saving Democracy from the Elite* Hardcover (Penguin, due for publication 21 January 2020).

**INFORMATION UPDATED** [Graham MACKLIN](#), *Failed Führers: A History of the British Extreme Right - Routledge Studies in Fascism and the Far Right* (Routledge, due for publication 1 March 2020).

**INFORMATION UPDATED** [Benjamin MOFFITT](#), *Populism (Key Concepts in Political Theory)* (Polity, due for publication 30 March 2020).

[John NICHOLS](#), *The Danger of American Fascism: Henry Wallace, Donald Trump, and the Democratic Party's Road Not Taken* (Penguin Random House Canada, due for publication 17 March 2020).

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

[Merijn OUDENAMPSEN](#), *The Dutch New Right: Culture Wars in the Netherlands* (Routledge, forthcoming due for publication 28 February 2019 \* **Unable to verify whether this book was published on schedule**).

Ertug TOMBUS, *Life-Cycle of a Populist: Populism and Its Trajectory in Turkey* (book manuscript under preparation \* **No online information yet: announced on Twitter**).

**NEW** [Mark TUSHNET](#), *Taking Back the Constitution: Activist Judges and the Next Age of American Law* (Yale University Press, due for publication 19 May 2020).

## Edited Collections

Daniele ALBERTAZZI & Davide VAMPA, *Actions & Reactions: Populism & New Patterns of Political Competition in Western Europe* (Routledge, due for publication in 2020 \* **No concrete date yet; announced on Twitter 23 June 2019**).

[Stephen ASHE](#), [Joel BUSER](#), [Graham MACKLIN](#) and [Aaron WINTER](#) (eds), *Researching the Far Right: Theory, Method and Practice* (Routledge, due for publication 1 January 2021).

[Francesca BIGNAMI](#) (ed), *EU Law in Populist Times: Crises and Prospects* (Cambridge University Press, due for publication 31 December 2019).

**NEW** [Michael BUTTER](#) & [Peter KNIGHT](#) (eds), *Routledge Handbook of Conspiracy Theories* (due for publication 5 April 2020).

**INFORMATION UPDATED** [Yoichi FUNABASHI](#) & [G. John IKENBERRY](#) (eds), *The Crisis of Liberal Internationalism: Japan and the World Order* (publisher TBA, due for publication 28 April 2020).

Gerald L. NEUMAN (ed), *Human Rights in a Time of Populism: Challenges and Responses* (Cambridge University Press, forthcoming, 2019).

## Book Chapters

[Tímea DRINÓCZI](#), 'Legislation in Hungary' In Helen Xanthaki & Ulrich Karpen (eds), *Legislation in Europe – A Country to Country Guide* (Hart Publishing, forthcoming, 2019).

**NEW** [Laurent PECH](#) & [J GROGAN](#), 'Upholding the rule of law in the EU: What role for the FRA?' in Rosemary Byrne & Han Entzinger (eds), *Human Rights Law and Evidence-Based Policy: The Role of the EU Fundamental Rights Agency* (Routledge, due for publication 12 December 2019).

Shawn ROSENBERG, 'Democracy Devouring Itself: The Rise of the Incompetent Citizen and the Appeal of Right Wing Populism' in D Hur & JM Sabucedo (eds), *Psychology of Political and Everyday Extremisms* (forthcoming, 2019).

Kim SCHEPPELE & R. Daniel KELEMEN, 'Defending Democracy in EU Member States: Beyond Article 7 TEU' in Francesca Bignami (ed), *The EU at a Crossroads: From Technocracy to High Politics?* (Cambridge University Press, 2019).

## Journal Special Issues

**NEW** [Stefan COUPERUS & Pier Domenico TORTOLA](#), 'Populism and the Past'. Forthcoming Special Issue of Journal of Contemporary European Studies. Encouraging cross-disciplinary paper proposals: deadline for submissions 31 January 2019.

Chris D.L. HUNT, Robert DIAB & Lorne NEUDORF (eds), Canadian Journal of Comparative and Contemporary Law Special Issue: 'Democratic Decay: Challenges for Constitutionalism and the Rule of Law' (forthcoming, 2021).

Gila STOPLER & Iddo PORAT (eds), special issue of Law and Ethics of Human Rights on 'Democratic Backsliding and Human Rights' (forthcoming, 2020).

Andr s JAKAB & Howard SCHWEBER, Special Edition of Constitutional Studies: 'The Role of Constitutional Design in Preventing or Contributing to Constitutional Decline'.

**NEW** [Simon YOUNG & Kelly LOPER \(eds\)](#), special issue of Asia-Pacific Journal on Human Rights and the Law on Street Protests and Human Rights (call for papers issued).

## Articles

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

**NEW** Tom Gerald DALY, 'Between Fear and Hope: Poland's Democratic Lessons for Europe (and Beyond)'. Review of Wojciech Sadurski, Poland's Constitutional Breakdown (Oxford University Press, 2019) European Constitutional Law Review (forthcoming, 2019).

**NEW** [Tom Gerald DALY & Brian Christopher JONES](#), 'Parties versus Democracy: Addressing Today's Political-Party Threats to Democratic Rule' International Journal of Constitutional Law (forthcoming, 2020).

T mea DRIN CZI & Agnieszka BIEN-KACAŁA, 'Constitutions and Constitutionalism Captured: Shaping Illiberal Democracies in Hungary and Poland' German Law Journal (forthcoming, 2019).

[T mea DRIN CZI](#), 'Constitutional Identity in Europe: The Identity of the Constitution. A Regional Approach' German Law Journal (forthcoming, 2020) (posted on SSRN: 5 December 2018).

[Patr cia ROSSINI & Rousiley CM MAIA](#), 'Disagreement in Online Political Talk: Comparing Discussions on News Websites and Facebook in Brazil' (Journal of Public Deliberation, forthcoming).

[Luke Dimitrios SPIEKER](#), '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 (forthcoming, 2019).

[Ben STANLEY](#), 'A new populist divide? Correspondences of supply and demand in the 2015 Polish parliamentary elections' East European Politics and Societies (forthcoming; in press).

**NEW** [Stijn VAN KESSEL, Javier SAJURIA & Steven M. VAN HAUWAERT](#), 'Informed, uninformed or misinformed? A cross-national analysis of populist party supporters across European democracies' (forthcoming, West European Politics, announced on Twitter 30 October 2019).

# New Additions to DEM-DEC Resources Database

**Note: Think something could be added to the DEM-DEC Resources Database? E-mail the information to [democraticdecay@gmail.com](mailto:democraticdecay@gmail.com)**

The Links section on DEM-DEC has been renamed the [Resources Database](#). New resources added since the last Research Update include the following:

## Leading Database on Public Participation

### [Participedia](#)

Participedia is a global community sharing knowledge and stories about public participation and democratic innovations. Anyone can join the Participedia community and help crowdsource, catalogue, and compare participatory political processes around the world. The Participedia platform is published under a Creative Commons license and is accessible and editable by anyone.

## New Research Project on Polarization

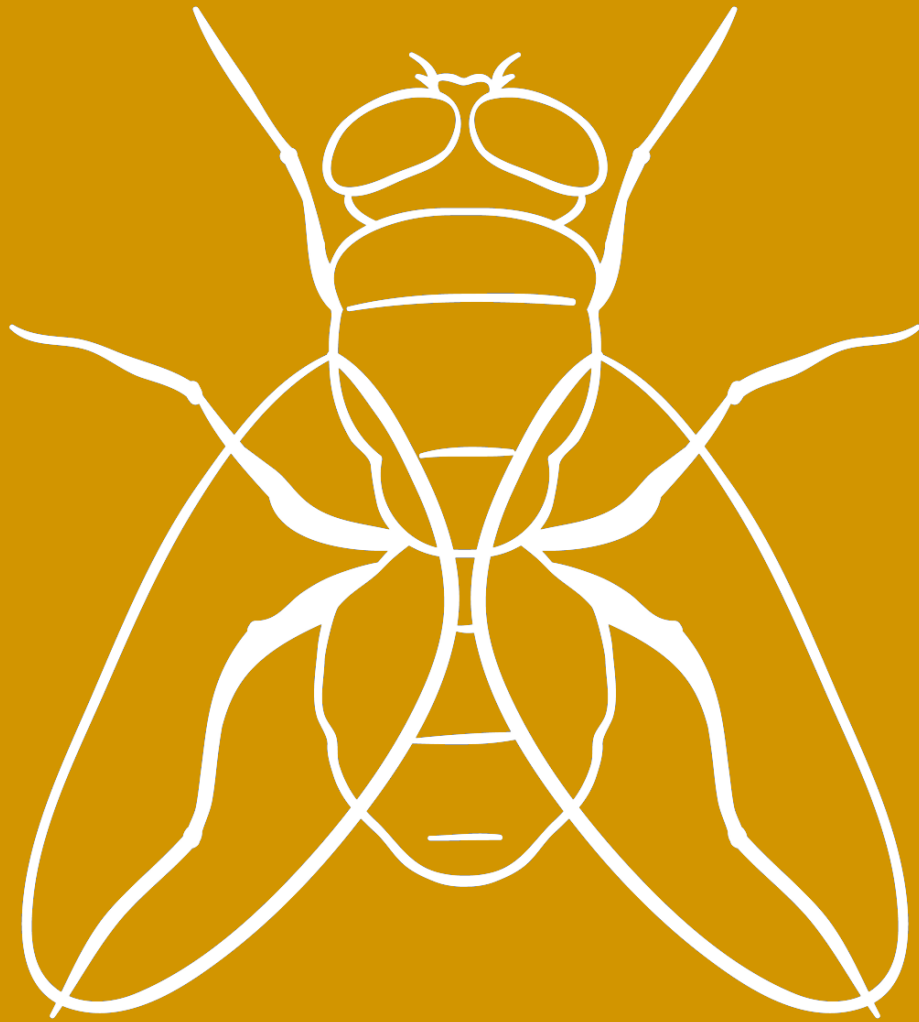
### [Polarization and Extremism Research and Innovation Lab \(PERIL\)](#)

PERIL is run by Director Dr. Cynthia Miller-Idriss, a Professor of Education and Sociology at the American University in Washington, DC. PERIL will be based at the Center for University Excellence (CUE) at American University, and the project team will be creating and empirically testing educational interventions regarding polarization.

## Extremism & Democracy Newsletter

### [e-Extreme Newsletter](#)

e-Extreme is a Newsletter published by the European Consortium for Political Research's Standing Group on Extremism and Democracy. It is published every four months.



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