Constitutional Democracy in Crisis?

Edited by
MARK A. GRABER
SANFORD LEVINSON
MARK TUSCHNET
Contents

1. Constitutional Democracy in Crisis? Introduction 1
   Mark A. Graber, Sanford Levinson, and Mark Tushnet

PART ONE | BACKGROUND
2. Constitutional Crisis and Constitutional Rot 13
   Jack M. Balkin

3. Defining and Tracking the Trajectory of Liberal Constitutional Democracy 29
   Tom Ginsburg and Aziz Z. Huq

4. Is the Sky Falling? Constitutional Crises in Historical Perspective 49
   Zachary Elkins

5. Constitutional Failure Revisited 67
   Ellen Kennedy

PART TWO | COUNTRIES AND REGIONS
6. What’s New? What’s Next? Threats to the American Constitutional Order 85
   Jennifer Hochschild

   Eric A. Posner

8. The Democratic Resilience of the Canadian Constitution 117
   Richard Albert and Michael Pal
9. Constitutional Culture and Democracy in Mexico: A Critical View of the 100-Year-Old Mexican Constitution 139
   Ana Micaela Alterio and Roberto Niembro

10. Constitution-Making and Authoritarianism in Venezuela: The First Time as Tragedy, the Second as Farce 161
    David Landau

11. Latin America: Constitutions in Trouble 177
    Roberto Gargarella

12. Brexit Optimism and British Constitutional Renewal 191
    Erin F. Delaney

13. France and the Fifth Republic: Constitutional Crisis or Political Malaise? 215
    Nicolas Roussellier

    Victor Ferreres Comella

15. A Coup Against Constitutional Democracy: The Case of Hungary 243
    Gábor Halmai

16. Constitutional Crisis in Poland 257
    Wojciech Sadurski

17. Beyond Legitimacy: Europe's Crisis of Constitutional Democracy 277
    Michaela Hailbronner

    Heinz Klug

19. Term Limits and Three Types of Constitutional Crisis in Sub-Saharan Africa 313
    James Thuo Gathii

20. Stealth Authoritarianism in Turkey 339
    Ozan O. Varol

    Yaniv Roznai

22. Constitutional Erosion and the Challenge to Secular Democracy in India 377
    Manoj Mate
   Rosalind Dixon and Anika Gauja

24. Constitutional Inertia and Regime Pluralism in Asia  423
   David S. Law and Chien-Chih Lin

PART THREE | FACTORS

25. Populism versus Democratic Governance  445
   Samuel Issacharoff

   Desmond King and Rogers M. Smith

27. Inherent Instability: Immigration and Constitutional Democracies  477
   T. Alexander Aleinikoff

28. The Party's Over  495
   Kim Lane Scheppele

29. "Religious Talk" in Narratives of Membership  515
   Ran Hirschl and Ayelet Shachar

30. Economic Inequality and Constitutional Democracy  533
   Ganesh Sitaraman

31. Disabling Constitutional Capacity: Global Economic Law and Democratic Decline  551
   David Schneiderman

32. Will Democracy Die in Darkness? Calling Autocracy by Its Name  571
   Sujit Choudhry

33. The Normal Exception  585
   Oren Gross

34. The Climate Crisis and Constitutional Democracies  607
   Robert V. Percival

PART FOUR | OBSERVATIONS

35. The Crumbling of European Democracy  629
   J.H.H. Weiler

36. Comparing Right-Wing and Left-Wing Populism  639
   Mark Tushnet
37. The Continuing Specter of Popular Sovereignty and National Self-Determination in an Age of Political Uncertainty  651
   Sanford Levinson

38. What's in Crisis? The Postwar Constitutional Paradigm, Transformative Constitutionalism, and the Fate of Constitutional Democracy  665
   Mark A. Graber

LIST OF CONTRIBUTORS  691
ACKNOWLEDGMENTS  695
INDEX  697