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Democracy In

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onal

Democracy  
In

Indonesia

Argues that the  
Constitution is

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responsible for  
subverting  
democracy in  
America,  
discussing the  
problems  
caused by the  
separation of  
powers and  
advocating for  
the end of  
constitutional

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constraints.  
Law is fast  
globalizing as a  
field, and many  
lawyers, judges  
and political  
leaders are  
engaged in a  
process of  
comparative  
"borrowing". But  
this new form of

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legal

globalization has  
darksides: it is  
not just a source  
of inspiration for  
those seeking to  
strengthen and  
improve  
democratic  
institutions and  
policies. It is  
increasingly an

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inspiration - and  
legitimation  
device - for  
those seeking to  
erode  
democracy by  
stealth, under  
the guise of a  
form of faux  
liberal  
democratic  
cover. Abusive

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Borrowing: Legal  
globalization  
and the  
subversion of  
liberal  
democracy  
outlines this  
phenomenon,  
how it succeeds,  
and what we  
can do to

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prevent it. This  
book address  
current patterns  
of democratic  
retrenchment  
and explores its  
multiple variants  
and  
technologies,  
considering the  
role of  
legitimizing

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ideologies that  
help support  
different modes  
of abusive consti  
tutionalism. An  
important  
contribution to  
both legal and  
political  
scholarship, this  
book will of  
interest to all



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those working in  
the legal and  
political  
disciplines of  
public law,  
constitutional  
theory, political  
theory, and  
political science.  
Since 2015,  
Poland's populist  
Law and Justice

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Indonesia.

Party (PiS) has  
been  
dismantling the  
major checks  
and balances of  
the Polish state  
and  
subordinating  
the courts, the  
civil service, and  
the media to the  
will of the

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executive.

Democracy In  
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Political rights  
have been

radically

restricted, and

the Party has

captured the

entire state

apparatus. The

speed and depth

of these

antidemocratic

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Indonesia

movements took  
many observers  
by surprise: until  
now, Poland was  
widely regarded  
as an example  
of a successful  
transitional  
democracy.  
Poland's anti-  
constitutional  
breakdown

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poses three questions that this book sets out to answer: What, exactly, has happened since 2015? Why did it happen? And what are the prospects for a return to liberal

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democracy?

Democracy In  
Indonesia  
These answers  
are formulated

against a  
backdrop of  
current  
worldwide  
trends towards  
populism,  
authoritarianism  
, and what is  
sometimes

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called 'illiberal  
democracy'. As  
this book  
argues, the  
Polish variant of  
'illiberal  
democracy' is  
an oxymoron.  
By undermining  
the separation  
of powers, the  
PiS concentrates

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all power in its own hands, rendering any democratic accountability illusory. There is, however, no inevitability in these anti-democratic trends: this book considers a



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number of  
possible  
remedies and  
sources of hope,  
including  
intervention by  
the European  
Union.

Janos Kis  
outlines a new  
theory of  
constitutional

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democracy.

Democracy In

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Addresses the

widely held

belief that

liberal

democracy

embodies an

uneasy

compromise of

incompatible

values: those of

liberal rights on

liberal rights on

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the one hand,  
and democratic  
equality on the  
other. Liberalism  
is said to  
compromise  
democracy,  
while democracy  
is said to  
endanger the  
values of  
liberalism.

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globalization  
and the

subversion of  
liberal

democracy

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Political Species

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and

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Indonesia  
Southeast Asia  
Program, Cornell  
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**Freedom in the  
World is the  
standard-  
setting  
comparative  
assessment of  
global political**

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**rights and civil liberties. The methodology of this survey is derived in large measure from the Universal Declaration of Human Rights, and these standards are applied to all countries and**

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**territories.**

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Provides a  
Indonesian  
**compelling**

**account of early  
American consti  
tutionalism in  
the Founding  
era.**

**Essayist, editor,  
columnist,  
author of many  
books, and  
winner of a**



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**special Pulitzer  
Prize citation in  
1958 for his  
powers of news  
analysis, Walter  
Lippmann both  
appraised and  
influenced twen  
tieth-century  
American  
politics. No  
other author of  
the century**

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**dealt with the  
persistent  
problems of  
politics from so  
many  
approaches,  
was so widely  
read, or varied  
so widely in his  
conclusions.  
Benjamin F.  
Wright's study  
is the first book**

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**devoted to an  
exposition and  
analysis of**

**Lippmann's  
nine "books of  
political  
philosophy," as  
James Reston  
called them.**

**These books  
provide a  
fascinating  
study of**

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**changes in the  
political and  
economic ideas  
of the most  
important  
journalist of his  
time.**

**Lippmann's  
books published  
in 1913 and  
1914 reflect the  
optimism of the  
Progressive**

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**Era, of faith in  
science and in  
the ability of  
people to  
choose their  
goals and attain  
them. In 1922  
and 1925, while  
editor of the  
New York  
World,  
Lippmann wrote  
searching, often**

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Indonesia  
**pessimistic  
analyses of  
what he**

**believed to be  
the prevailing  
assumptions  
regarding the  
nature and role  
of public  
opinion.**

**Although in the  
Coolidge era he  
relegated**

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**government to  
a minor role as  
mediator, he  
became an  
enthusiastic  
defender of the  
achievements of  
the early New  
Deal. Two years  
later in a longer  
look, he found  
the same New  
Deal following**

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**the path toward  
totalitarianism.**

**Keynes was  
discarded and  
his place taken  
by the  
economics of  
Adam Smith,  
bolstered by the  
common law of  
Coke and the  
Constitution of  
the founders.**



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Indonesia

**Finally, in 1955,  
in the extremely  
popular and  
very engaging  
Public  
Philosophy,  
there is a  
lament for the  
“decline of the  
West” and a  
plea to return  
to the age of  
civility and**

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Indonesia

**natural law. In  
a final  
analytical  
chapter, Wright  
presents a  
critique of  
Lippmann's  
historical  
understanding  
and the modern  
applications of  
the tradition of  
natural law. He**

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Democracy In  
Indonesia  
**also assesses  
Lippmann's  
inability to**

**translate the  
“public  
philosophy”  
into programs  
or institutional  
changes and  
the failure to  
account for the  
expansion of  
governmental**

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**functions  
together with  
the continued  
strength of  
constitutional  
democracy in  
the West.**

**In this  
provocative  
book, one of  
our most  
eminent  
political**

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**scientists**

**questions the  
extent to which**

**the American  
Constitution**

**further**

**democratic**

**goals. Robert**

**Dahl reveals the**

**Constitution's**

**potentially**

**antidemocratic**

**elements and**

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**explains why  
they are there,  
compares the  
American  
constitutional  
system to other  
democratic  
systems, and  
explores how we  
might alter our  
political system  
to achieve  
greater equality**

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Indonesia

**among citizens.  
In a new  
chapter for this  
second edition,  
he shows how  
increasing  
differences in  
state  
populations  
revealed by the  
Census of 2000  
have further  
increased the**

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**veto power over  
constitutional  
amendments  
held by a tiny  
minority of  
Americans. He  
then explores  
the prospects  
for changing  
some important  
political  
practices that  
are not**



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Democracy In  
**prescribed by  
the written**

**Indonesia,  
Constitution,  
though most  
Americans may  
assume them to  
be so.**

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Democracy in  
Indonesia ...**

**Published  
Under the**

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Program.**

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and Abuse of  
the Rule of Law  
The Calculus of  
Consent  
Will Americans  
Rule  
Themselves or  
be Ruled by  
Others?  
Constitutional  
Democracy in  
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Does constitutionalizing  
rights improve  
respect for  
those rights in  
practice?

Drawing on  
statistical  
analyses,  
survey

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experiments,  
and case  
studies from

around the  
world, this  
book argues  
that enforcing  
constitutional  
rights is not  
easy, but that  
some rights are  
harder to  
repress than

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## Constitutional Democracy In Indonesia

others. First, enshrining rights in constitutions does not automatically ensure that those rights will be respected. For rights to matter, rights violations need

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to be politically costly. But this is difficult to accomplish for unconnected groups of citizens. Second, some rights are easier to enforce than

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others,  
especially  
those with  
natural  
constituencies  
that can  
mobilize for  
their  
enforcement.  
This is the  
case for rights  
that are  
practiced by



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and within  
Democracy In  
Indonesia  
organizations,  
such as the

rights to  
religious  
freedom, to  
unionize, and  
to form  
political  
parties.

Because  
religious  
groups, trade

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unions and parties are highly organized, they are well-equipped to use the constitution to resist rights violations. As a result, these rights are systematically

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associated with  
better  
practices. By  
contrast,  
rights that are  
practiced on an  
individual  
basis, such as  
free speech or  
the prohibition  
of torture,  
often lack  
natural

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constituencies  
to enforce  
them, which

makes it easier  
for governments  
to violate  
these rights.

Third, even  
highly  
organized  
groups armed  
with the  
constitution

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may not be able  
to stop  
governments  
dedicated to ri  
ghts-  
repression.

When  
constitutional  
rights are  
enforced by  
dedicated  
organizations,  
they are thus

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best understood as speed bumps that slow down attempts at repression. An important contribution to comparative constitutional law, this book provides a comprehensive picture of the

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spread of  
constitutional  
rights, and  
their  
enforcement,  
around the  
world.

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intensive study  
of Indonesian  
politics from  
the attainment  
of full

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independence in  
December 1949  
to the

proclamation of  
martial law in  
March 1957, and  
President  
Soekarno's  
subsequent  
establishment  
of "guided  
democracy". It  
is intended as



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### Indonesia

a contribution  
to the ongoing  
discussion of  
democracy in  
the new states  
of Asia and  
Africa, of the  
ways in which  
Western  
political  
institutions  
are transformed  
when employed

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in non-Western  
Democracy In  
social  
Indonesia  
settings, and  
of the  
obstacles to be  
overcome if  
such  
institutions  
are to operate  
in consonance  
with the  
authority  
systems of new

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nations and  
with their  
solution of  
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problems. Now  
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series, The  
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considered to  
be the  
definitive  
study of  
Indonesia in  
the 1950s and  
will be of  
great interest  
to the growing

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number of  
social  
scientists  
concerned with  
the pre-  
industrial  
nations and in  
particular with  
their efforts  
to use and  
adapt Western  
political  
institutions.

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This is a solid  
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and scholarly  
account, but,  
writing on the  
basis of much  
personal  
observation,  
Dr. Feith  
manages to  
present his  
material in  
such a way that  
readers with no

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previous  
background in  
Indonesia the subject

will be able to  
follow the book  
almost as  
easily as will  
specialists.

HERBERT FEITH  
(1930-2001)

became familiar  
with Indonesia  
during 1951-53

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and 1954-56  
Democracy In

Indonesia  
when he was an  
English

Language

Assistant with  
the Ministry of  
Information of  
the Republic of  
Indonesia. A  
citizen of  
Australia, he  
received an  
M.A. degree



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from the  
University of  
Melbourne in  
1955 and a  
Ph.D. from  
Cornell  
University in  
1961. He was a  
Research Fellow  
in the  
Department of  
Pacific  
History,

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Australian  
National  
Democracy In  
Indonesia,  
University,

from 1960 to  
1962 and was  
Chair of  
Politics at  
Monash  
University from  
1968 until  
1974.

By examining  
the

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institutions of  
government  
through the

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ution-making,

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insightful

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the U.S.  
constitution,  
the book  
illustrates the  
problems faced  
by generations

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of founders,  
through  
numerous  
historic and  
contemporary  
examples. Both  
Indonesia in  
1999 and the  
United States  
in 1789 faced  
the same basic  
issue: how to  
construct a

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central  
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government for  
Indonesia  
a large and  
diverse nation  
that allowed  
the majority of  
the people to  
govern  
themselves  
without  
intruding on  
the rights of  
minorities.

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What kinds of  
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government'?

What factors  
need to be  
considered in  
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Schneier  
explores these  
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of how and why  
democracies  
succeed and  
fail. A

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concluding  
chapter on  
constitutional  
change and  
decline raises  
provocative and  
important  
questions about  
the lessons  
that citizens  
of the world's  
older  
democracies

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might take from  
the struggles  
of the new.

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that

constitutional  
states are not  
weaker because  
their powers  
are divided –  
they are often  
stronger

because they

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solve

collective

action problems

rooted in

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Rethinking

Founding in a

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Constitutionali  
sm under Stress  
Essays in  
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Sadurski  
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Learn why the Roman Republic collapsed -- and how it could have continued to thrive -- with this insightful history from an award-winning author. In *Mortal Republic*, prize-winning historian Edward J. Watts offers a new history of the fall of the Roman Republic that explains why

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Rome exchanged freedom for autocracy. For centuries, even as Rome grew into the Mediterranean's premier military and political power, its governing institutions, parliamentary rules, and political customs successfully fostered negotiation and compromise. By the 130s BC, however,

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Rome's leaders increasingly used these same tools to cynically pursue individual gain and obstruct their opponents. As the center decayed and dysfunction grew, arguments between politicians gave way to political violence in the streets. The stage was set for destructive civil



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wars -- and ultimately the imperial reign of Augustus. The death of Rome's Republic was not inevitable. In *Mortal Republic*, Watts shows it died because it was allowed to, from thousands of small wounds inflicted by Romans who assumed that it would last forever.

To address the

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growing concern about  
the decline of political  
parties in American  
politics and the  
consequences this  
might have for  
America's  
constitutional  
democracy, the twelve  
leading constitutional  
scholars who  
contribute to this  
volume examine the  
purposes of political

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parties in America's constitutional order, each major party's strongest recent manifestation-the Democrat's New Deal coalition and the Republican's Reagan coalition, and the future of the American party system.

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Affairs.

Constitutional thought is currently dominated by heroic tales of the Founding Fathers — who built an Enlightenment machine that can tick-tock its way into the twenty-first century, with a little fine-tuning by the Supreme Court. However, according to Bruce Ackerman, the

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modern presidency is far more dangerous today than it was when Arthur Schlesinger published the Imperial Presidency in 1973. In this book, he explores how the interaction of changes in the party system, mass communications, the bureaucracy, and the military have made the modern presidency too

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powerful and a threat  
to liberal  
constitutionalism and  
democracy. Ackerman  
argues that the  
principles of  
constitutional  
legitimacy have been  
undermined by both  
political and legal  
factors. On the  
political level, by  
“government by  
emergency” and

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Industry

“government by public-opinion poll”; on the legal, by two rising institutions: The Office of Legal Counsel in the Department of Justice and the Office of the Presidential Counsel in the White House. Both institutions came out of the New Deal, but have gained prominence only in the last generation. Lastly,

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Ackerman kicks off a reform debate that aims to adapt the Founding ideal of checks-and-balances to twenty-first century realities. His aim is not to propose definitive solutions but to provoke a national debate on American democracy in its time of trouble.

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coup—but with  
a whimper: the  
slow, steady  
weakening of  
critical



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doing so, they  
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is neither  
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*elections,*  
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free and fair  
multiparty  
elections are  
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given. It is  
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second reason  
for this  
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on democracy*

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generated a  
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present  
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regimes,  
regions, and  
across the  
globe,  
believing at  
this stage  
that diagnosis  
is of central  
importance -*

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as Abraham  
Lincoln said  
in his "House  
Divided"

speech, "If we  
could first  
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are, and  
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tending, we  
could then  
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*the post-*  
*revolution*  
*period of*  
*1945-1965.*

*Chosen to*  
*define and*  
*illuminate the*  
*country's*  
*complex issues,*

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of Indonesian  
political  
thinking from  
just before  
independence to  
the fall of  
Sukarno. After***

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*minor*

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***alike. HERBERT  
FEITH was  
professor of  
Politics at  
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University,  
Victoria,  
Australia. He  
first became  
familiar with  
Indonesian  
problems when  
he was an***

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**English**

**Language**

**Assistant with  
the Ministry of  
Information of  
the Republic of  
Indonesia  
during the  
1950s. He  
received the MA  
degree from the  
University of  
Melbourne, the**

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***PhD from  
Cornell  
University, and  
was a Research  
Fellow in the  
Department of  
Pacific  
History,  
Australian  
National  
University,  
1960-62.***

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Indonesia, also  
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series. LANCE  
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Melbourne  
University,  
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received the MA  
degree from  
Monash

University, and  
the PhD degree  
from Yale

University. He  
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the rise and  
morphology of a  
self-identified  
'illiberal  
democracy', the  
first 21st  
century*

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*illiberal*  
*political*

*regime arising  
in the European  
Union. Since  
2010, Viktor  
Orbán's  
governments in  
Hungary have  
convincingly  
offered an anti-  
modernist and a  
nti-cosmopolita*



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*n/anti-European  
Unionist  
rhetoric,  
discourse and  
constitutional  
identity to  
challenge neo-  
liberal  
democracy. The  
Hungarian case  
provides unique  
observation  
points for*

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*students of  
transitology,  
especially*

*those who are  
interested in  
states which  
are to abandon  
pathways of  
liberal  
democracy. The  
author  
demonstrates  
how*

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***illiberalism is  
present both in  
'how' and  
'what' is being  
done: the  
style, format  
and procedure  
of legislation;  
as well as the  
substance: the  
dismantling of  
institutional  
rule of law***

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***guarantees and  
the weakening  
of checks and  
balances. The  
book also  
discusses the  
ideological  
commitments and  
constitutionall  
y framed and  
cemented value  
preferences,  
and a***

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***reconstituted  
and re-  
conceptualized  
relationship  
between the  
state and its  
citizens, which  
is not  
evidently  
supported by  
Hungarians'  
value system  
and life-style***

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**choices.**

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in danger.**

**Around the  
world, a rising  
wave of  
populist  
leaders  
threatens to  
erode the core  
structures of  
democratic self-  
rule. In the**

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***United States,  
the tenure of  
Donald Trump  
has seemed  
decisive  
turning point  
for many. What  
kind of  
president  
intimidates  
jurors, calls  
the news media  
the “enemy of***

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*the American  
Democracy In  
Indonesia*  
*people,” and  
seeks foreign  
assistance  
investigating  
domestic  
political  
rivals?*

*Whatever one  
thinks of  
President  
Trump, many  
think the*



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**will safeguard  
us from lasting  
damage. But is  
that assumption  
justified? How  
to Save a  
Constitutional  
Democracy  
mounts an  
urgent argument  
that we can no  
longer afford**

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*to be  
complacent.  
Drawing on a  
rich array of  
other  
countries'  
experiences  
with democratic  
backsliding,  
Tom Ginsburg  
and Aziz Z. Huq  
show how  
constitutional*

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**rules can both  
hinder and  
hasten the  
decline of  
democratic  
institutions.**

**The checks and  
balances of the  
federal  
government, a  
robust civil  
society and  
media, and**

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***individual  
rights—such as  
those enshrined  
in the First  
Amendment—often  
fail as  
bulwarks  
against  
democratic  
decline. The  
sobering  
reality for the  
United States,***

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*Ginsburg and  
Huq contend, is  
that the*

*Constitution's  
design makes  
democratic  
erosion more,  
not less,  
likely. Its  
structural  
rigidity has  
had unforeseen  
consequence—Lea*

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*ving the  
presidency  
weakly  
regulated and  
empowering the  
Supreme Court  
conjure up  
doctrines that  
ultimately  
facilitate  
rather than  
inhibit rights  
violations.*

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***Even the bright  
spots in the Co  
nstitution—the  
First***

***Amendment, for  
example—may  
have perverse  
consequences in  
the hands of a  
deft  
communicator  
who can degrade  
the public***

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***sphere by  
wielding  
hateful***

***language banned  
in many other  
democracies.***

***We—and the rest  
of the***

***world—can do  
better. The***

***authors***

***conclude by  
laying out***



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*practical steps  
for how laws  
and*

*constitutional  
design can play  
a more positive  
role in  
managing the  
risk of  
democratic  
decline.*

*Abusive  
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The foundings of constitutional democracies are commonly traced to singular moments. In turn, these moments of national origin are characterized as radical political innovations, notable for their civic unity,

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perfect legitimacy and binding authority. This common view is attractive as it suggests original founding events, actors, and ideals that can be evoked to legitimize state authority and unify citizens. Anglica

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Maria Bernal challenges this view of foundings, however, explaining that it is ultimately dangerous, misguided, and unsustainable. Beyond Origins argues that the ascription of a universal authority

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to original founding events is problematic because it limits our understanding of subsequent foundational changes, political transformation and innovation. This singular view also confounds our ability to account for

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all of the actors and venues through which foundation-building and constitutional transformation occurs. Because such understandings of national foundings obscure the many power struggles at work in



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them, these origin stories are troubling and unhelpful. In the wake of these limited views of founding, Bernal develops an alternate approach: "founding beyond origins." Rather than asserting that founding events are authoritatively

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settled and relegated  
to history, this  
framework redefines  
foundings as  
contentious,  
uncertain, and  
incomplete. Indeed,  
the book looks at a  
wide variety of  
contexts-early  
imperial Rome;  
revolutionary Haiti

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and France; the  
mid-20th century,  
racially-segregated  
United States; and  
contemporary Latin  
America-to  
reconsider political  
foundings as a  
contestatory and  
ongoing dimension  
of political life.

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contemporary  
political and  
constitutional theory  
with historical  
readings, Bernal  
reorients  
approaches to  
foundings, arguing  
that it is only  
through context-  
specific and  
pragmatist

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understandings of  
political origins that  
we can realize the  
potential for radical  
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through a long view  
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important  
contribution to the  
ongoing scholarly  
and popular  
discussion of how  
America fell apart  
and what might be

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done to end the Cold  
Civil War that  
fractures the country  
and weakens the  
national resolve. In  
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the Vital Center?,  
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Sidney Milkis tackle  
a foundational  
question within  
American political

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history: Is current  
partisan  
polarization,  
aggravated by  
populist disdain for  
constitutional  
principles and  
institutions, a novel  
development in  
American politics?  
Populism is not a  
new threat to the



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country's democratic experiment, but now insurgents intrude directly on elections and government.

During previous periods of populist unrest, the US was governed by resilient parties that moderated extremist currents within the

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political system. This began to crumble during the 1960s, as anti-institutionalist incursions into the Democratic and Republican organizations gave rise to reforms that empowered activists at the expense of the median voter and

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shifted the controlling power over parties to the executive branch.

Gradually, the moderating influence that parties played in structuring campaigns and the policy process eroded to the point where extreme

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polarization  
dominated and  
decision-making  
power migrated to  
the presidency.  
Weakened parties  
were increasingly  
dominated by  
presidents and their  
partnerships with  
social activists,  
leading to a

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gridlocked system characterized by the politics of demonization and demagoguery.

Executive-centered parties more easily ignore the sorts of moderating voices that had prevailed in an earlier era. While the Republican Party

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is more susceptible to the dangers of populism than the Democrats, both parties are animated by a presidency-led, movement-centered vision of democracy. After tracing this history, the authors dismiss calls to return to some

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bygone era. Rather, the final section highlights the ways in which the two parties can be revitalized as institutions of collective responsibility that can transform personal ambition and rancorous

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partisanship into principled conflict over the profound issues that now divide the country. The book will transform our understanding of how we ended up in our current state of extreme polarization and what we can do



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to fix it.

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The International  
Criminal Court  
claims authority  
over Americans for  
actions that the  
United States does  
not define as  
"crimes." In short,  
the Twenty-First  
Century is  
witnessing an epic

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struggle between the  
forces of global  
governance and  
American  
constitutional  
democracy.

Transnational  
progressives and  
transnational  
pragmatists in the  
UN, EU, post-  
modern states of

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Democracy In  
Indonesia  
Europe, NGOs,  
corporations,  
prominent

foundations, and  
most importantly, in  
America's leading  
elites, seek to  
establish "global  
governance."

Further, they  
understand that in  
order to achieve

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global governance,  
American  
sovereignty must be  
subordinated to the  
"global rule of law."  
The U.S.  
Constitution must  
incorporate  
"evolving norms of  
international law."  
Sovereignty or  
Submission

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examines this process with crystalline clarity and alerts the American public to the danger ahead. Global governance seeks legitimacy not in democracy, but in a partisan interpretation of human rights. It

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would shift power from democracies (U.S., Israel, India) to post-democratic authorities, such as the judges of the International Criminal Court.

Global governance is a new political form (a rival to liberal democracy),

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that is already a significant actor on the world stage.

America faces serious challenges from radical Islam and a rising China. Simultaneously, it faces a third challenge (global governance) that is internal to the

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democratic world; is  
non-violent; but  
nonetheless  
threatens  
constitutional self-  
government.

Although it seems  
unlikely that the  
utopian goals of the  
globalists could be  
fully achieved, if  
they continue to



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obtain a wide spread influence over mainstream elite opinion, they could disable and disarm democratic self-government at home and abroad. The result would be the slow suicide of American liberal democracy.

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Whichever side prevails, the existential conflict?global governance versus American sovereignty (and democratic self-government in general) will be at the heart of world politics as far as the

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eye can see.

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How to Save a  
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Powers

The Constitution, the

Supreme Court, and

the Decline of

American

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*"This book describes  
and explains the  
failure of the federal*

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*courts of the United States to act and to provide remedies to individuals whose constitutional rights have been violated by illegal state coercion and violence. This remedial vacuum must be understood in light of the original design and historical development of the*

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*federal courts. At its conception, the federal judiciary was assumed to be independent thanks to an apolitical appointment process, a limited supply of adequately trained lawyers (which would prevent cherry-picking), and the constraining effect of laws and constitutional*

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*provision. Each of these checks quickly failed. As a result, the early federal judicial system was highly dependent on Congress. Not until the last quarter of the nineteenth century did a robust federal judiciary start to emerge, and not until the first quarter of the*

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*twentieth century did it  
take anything like its  
present form. The book  
then charts how the  
pressure from Congress  
and the White House  
has continued to shape  
courts behaviour-first  
eliciting a mid-  
twentieth-century  
explosion in individual  
remedies, and then  
driving a five-decade*



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*long collapse. Judges  
themselves have not  
avidly resisted this*

*decline, in part because  
of ideological reasons  
and in part out of  
institutional worries  
about a ballooning  
docket. Today, as a  
result of these trends,  
the courts are stingy  
with individual  
remedies, but*

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*aggressively enforce  
the so-called*

*"structural" constitution  
of the separation of  
powers and federalism.*

*This cocktail has highly  
regressive effects, and  
is in urgent need of  
reform"--*

*Poland's Constitutional  
Breakdown*

*Presidentialism,*

*Populist Revolt, and the*

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