



# Protect Democracy



# Protecting Democracy

**Timo Kivimäki**



## Protecting Democracy:

**Protecting Democracy in Europe** Tom Theuns, 2025-01-01 The future of Europe as a community of democratic states is deeply uncertain The European Union founded to promote ever closer integration aims nominally for peaceful prosperous cooperation But this ideal has been battered by a series of bruising crises and now by war Protecting Democracy in Europe examines how in this brave new world the EU can and must safeguard democratic governance within its member states Reviewing the Union's past responses Tom Theuns demonstrates that its existing laws and policies are normatively and expressively incoherent Its failure to defend democratic values is unsurprising the EU's existing toolbox is based on an impoverished conception of democracy and runs counter to its fundamental principles Close attention to speeches by European Commissioners shows that they see democracy in a technical and legalistic way This perspective democracy without politics is easy for would be autocrats to exploit To protect democracy in Europe Theuns argues the EU must urgently correct policies that make it complicit in democratic backsliding It must contain autocratic influences within the strict limits of its political authority And it must cultivate pluralist democracy within its constituent countries But where this fails he concludes autocratic members should be expelled Defending Democracy in an Age of Sharp Power William J.

Dobson, Tarek Masoud, Christopher Walker, 2023-07-25 This contributed volume will deepen our understanding of how sharp power is reforging international politics Fundamental Rights Protection Online Bilyana Petkova, Tuomas

Ojanen, 2020-12-25 Fundamental Rights Protection Online presents an in depth analysis of national supranational and international attempts at online speech regulation illustrating how the law has been unsettled on how to treat intermediaries

The Responsibility to Protect International Commission on Intervention and State Sovereignty, International Development Research Centre (Canada), 2001 Responsibility to Protect Research bibliography background Supplementary volume to the Report of the International Commission on Intervention and State Sovereignty *Defending Democracies* Jens David

Ohlin, Duncan B. Hollis, 2021-01-12 Election interference is one of the most widely discussed international phenomena of the last five years Russian covert interference in the 2016 U S Presidential Election elevated the topic into a national priority but that experience was far from an isolated one Evidence of election interference by foreign states or their proxies has become a regular feature of national elections and is likely to get worse in the near future Information and communication technologies afford those who would interfere with new tools that can operate in ways previously unimaginable Twitter bots Facebook advertisements closed social media platforms algorithms that prioritize extreme views disinformation misinformation and malware that steals secret campaign communications Defending Democracies examines the problem through an interdisciplinary lens and focuses on i defining the problem of foreign election interference ii exploring the solutions that international law might bring to bear and iii considering alternative regulatory frameworks for understanding and addressing the problem The result is a deeply urgent examination of an old problem on social media steroids one that implicates the

most central institution of liberal democracy elections The volume seeks to bring domestic and international perspectives on elections and election law into conversation with other disciplinary frameworks escaping the typical biases of lawyers who prefer international legal solutions for issues of international relations Taken together the chapters in this volume represent a more faithful representation of the broad array of solutions that might be deployed including international and domestic legal and extra legal ambitious and cautious

**Defending Democratic Norms** Daniela Donno, 2013-09-19 Electoral misconduct is widespread but only some countries are punished by international actors for violating democratic norms Using an original dataset and country case studies this book explains variation in international norm enforcement

Redefining Comparative Constitutional Law, 2024-11-20 Over the past two decades the field of comparative constitutional law has emerged as a major domain of scholarly inquiry It has also been a notable feature in judicial practice Many of the world's leading courts are now composed of at least some members who engage with comparative materials and thinking comparatively has developed into one of the most significant ways of engaging in constitutional analyses

Redefining Comparative Constitutional Law Essays for Mark Tushnet reflects upon the field of comparative constitutional law Among the most prominent figures in the development of the field in its ongoing renaissance has been Mark Tushnet This book uses the occasion of Professor Tushnet's recent retirement from Harvard Law School to think critically about the field Each essay takes up one of Professor Tushnet's major recent themes which focuses on variations within liberal constitutionalism and the possibility of other forms of constitutionalism that find articulation under other political regimes In this book leading scholars contribute to the debate over the nature of the field including the role of empiricism and language discussions of democracy and entrenchment analyses of rights and courts consideration of constitutional design and explorations of the extent to which there are varieties of constitutionalism At a moment of renewed stress and political debate over the relationship between democracy and constitutionalism Redefining Comparative Constitutional Law Essays for Mark Tushnet offers timely insights into comparative analyses of constitutional rights Academics and students alike will benefit from the essays that range across both methodological questions and substantive analysis in the development of constitutions throughout the globe

Revisiting the Liberal Constitutional Features of the European Union Inês Quadros, Miguel Gorjão-Henriques, 2025-08-27 This book offers an innovative insight into constitutionalism as a well established framework for describing the legal and political features of the European Union It revisits and updates the core pillars upon which the European way of life was built liberal democratic constitutionalism while confronting the threats the EU is currently facing Examining the political tensions that surface in the European Union the tools used to address the rule of law crisis and the challenges posed to the autonomy of EU law while offering a fresh look into contemporary EU policies the book is a valuable resource for scholars researchers and practitioners eager to engage in the ongoing European dialogue

Cooperation or Conflict? Carmen Gebhard, 2016-05-13 Following the end of the Second World War the creation of regional organizations in Europe provided

niche functions to help ensure regional stability through security and transition Yet as the Cold War ended and the Soviet Union dissolved each of these organizations evolved to have a post Cold War role in the region Since then the level of convergence of norms interests and objectives between these main regional organizations has increased considerably Is there a common agenda in Europe Does Europe still need so many organizational elements to tackle the major challenges This book examines the way the EU NATO OSCE and Council of Europe relate to and interact with each other identifying the areas of positive convergence and divergence as well as areas of negative cooperation and conflict By tracing the institutional development and regional integration in Europe the book questions to what degree do European organizations maintain separate identities and most importantly do these organizations still offer a unique and useful service to regional stability In developing this argument policy areas analysed include

**The Fragility of the 'Failed State' Paradigm**

Neyire Akpinarli, 2010 The absence of effective government one of the most important issues in current international law became prominent with the failed state concept at the beginning of the 1990s Public international law however lacked sufficient legal means to deal with the phenomenon Neither attempts at state reconstruction in countries such as Afghanistan and Somalia on the legal basis of Chapter VII of the UN Charter nor economic liberalisation have addressed fundamental social and economic problems This work investigates the weaknesses of the failed state paradigm as a long term solution for international peace and security arguing that the solution to the absence of effective government can be found only in an economic and social approach and a true universalisation of international law

*The Far-Right in International and European Law* Natalie Alkiviadou, 2019-04-18 Since the Second World War the international community has sought to prevent the repetition of destructive far right forces by establishing institutions such as the United Nations and by adopting documents such as the Universal Declaration of Human Rights Jurisprudence and conventions directly prohibit far right speech and expression Nevertheless recently violent far right entities such as Golden Dawn of Greece have received unprecedented electoral support xenophobic parties have done spectacularly well in elections and countries such as Hungary and Poland are being led by right wing populists who are bringing constitutional upheaval and violating basic elements of doctrines such as the rule of law In light of this current reality this book critically assesses the international and European tools available for States to regulate the far right It conducts the analysis through a militant democracy lens This doctrine has been considered in several arenas as a concept more generally in the sphere of the European Convention on Human Rights in relation to particular freedoms such as that of association and as a tool for challenging the far right movement through the spectrum of political science However this doctrine has not yet been applied within a legal assessment of challenging the far right as a single entity After analysing the aims objectives scope and possibility of shortcomings in international and European law the book looks at what state obligations arise from these laws It then assesses how freedom of opinion and expression freedom of association and freedom of assembly are provided for in international and European law

and explores what limitation grounds exist which are directly relevant to the regulation of the far right The issue of the far right is a pressing one on the agenda of politicians academics civil society and other groups in Europe and beyond As such this book will appeal to those with an interest in International European or Human rights Law and political science

International Conflict and Security Law Richard Burchill, Nigel D. White, Justin Morris, 2005-06-23 Hilaire McCoubrey wrote extensively in the area of armed conflict law and on the issues of collective security law and the law relating to arms control Although he died at the early age of 46 in 2000 he had contributed significantly to the separate study of these areas but also to the idea of studying the issues as a whole subject The collection covers difficult and controversial issues in the area of conflict and security law The contributors drawn both from academe and practice provide expert analysis of many aspects of the law governing armed conflict and collective security As well as providing a fitting tribute to the main aspects of Hilaire s contribution to knowledge the volume provides a coherent reconsideration and development of key aspects of conflict and security law at a time when that law is being applied breached debated or reformed on almost a daily basis

*The Failure to Protect* Timo Kivimäki, 2019 Timo Kivimäki investigates the reasons behind and consequences of military operations by Western powers It focuses on those interventions aimed at protecting civilians from terror dictators and criminals in fragile states In doing so it contributes to the cosmopolitan feminist and post colonial literature on humanitarian interventions

**Democratic Defence as Normal Politics** Angela K. Bourne, 2024-09-21 Populist parties in Europe attract many more votes than they did just a few decades ago and are now much more likely to govern They have also become key players in the international sphere At the same time the relationship between democracy and populism is subject to substantial scholarly and public debate This raises questions about opposition to this controversial set of political actors do opponents favour the use of rights restricting and exclusionary repertoires typical of militant democracy responses to anti democratic or extremist parties Or do opponents favour the ordinary persuasive and sometimes inclusive strategies more typical of the daily conduct of liberal democratic politics To what extent is opposition conceived of as democratic defence How do strategies vary among countries and in relation to different types of populist parties How do international and transnational actors respond Addressing these questions the book presents new research mapping opposition to the Hungarian Civic Alliance Fidesz Law and Justice in Poland Alternative for Germany League and Five Star Movement in Italy Podemos and Vox in Spain the Sweden Democrats and the Danish People s Party It argues that opposition to populist parties in contemporary Europe is in most cases best conceived of as democratic defence as normal politics That is while there is no direct link between populism and a decline in democratic quality critical claims justifying acts of opposition often problematise populist parties as threats to liberal democratic principles and values At the same time opponents are more likely to respond to populist parties using the repertoires of normal politics or strategies typically employed against less controversial groupings than the exceptional rights restricting instruments typically used against extremists The case of

Alternative for Germany in which exceptional politics continues to guide much opposition remains a case apart

**Jacaranda Humanities and Social Sciences 8 for Western Australia, LearnON and Print** Jacaranda, Robert Darlington, Judy Mraz, Graeme Smithies, Matthew Richardson, Cathy Bedson, Kathryn Gibson, Benjamin Rood, 2020-11-04  
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*When the State Speaks, What Should It Say?* Corey Brettschneider, 2016-05-31 How should a liberal democracy respond to hate groups and others that oppose the ideal of free and equal citizenship The democratic state faces the hard choice of either protecting the rights of hate groups and allowing their views to spread or banning their views and violating citizens rights to freedoms of expression association and religion Avoiding the familiar yet problematic responses to these issues political theorist Corey Brettschneider proposes a new approach called value democracy The theory of value democracy argues that the state should protect the right to express illiberal beliefs but the state should also engage in democratic persuasion when it speaks through its various expressive capacities publicly criticizing and giving reasons to reject hate based or other discriminatory viewpoints Distinguishing between two kinds of state action expressive and coercive Brettschneider contends that public criticism of viewpoints advocating discrimination based on race gender or sexual orientation should be pursued through the state s expressive capacities as speaker educator and spender When the state uses its expressive capacities to promote the values of free and equal citizenship it engages in democratic persuasion By using democratic persuasion the state can both respect rights and counter hateful or discriminatory viewpoints Brettschneider extends this analysis from freedom of expression to the freedoms of religion and association and he shows that value democracy can uphold the protection of these freedoms while promoting equality for all citizens

**Weak Constitutionalism** Joel I. Colon-Rios, 2012 It has been frequently argued that democracy is protected and

realized under constitutions that protect certain rights and establish the conditions for a functioning representative democracy. However, some democrats still find something profoundly unsettling about contemporary constitutional regimes. The participation of ordinary citizens in constitutional change in the world's most advanced democracies such as the United States, Canada, and the United Kingdom is weak at best; the power of constitutional reform usually lies in the exclusive hands of legislatures. How can constitutions that can only be altered by those occupying positions of power be considered democratically legitimate? This book argues that only a regime that provides an outlet for constituent power to manifest from time to time can ever come to enjoy democratic legitimacy. In so doing, it advances a democratic constitutional theory, one that combines a strong or participatory conception of democracy with a weak form of constitutionalism. The author engages with Anglo-American constitutional theory as well as examining the theory and practice of constituent power in different constitutional regimes, including Latin American countries where constituent power has become an important part of the left's legal and political discourse. *Weak Constitutionalism, Democratic Legitimacy, and the Question of Constituent Power* will be of particular interest to legal, political theorists and comparative constitutional lawyers. It also provides an introduction to the theory of constituent power and its relationship to constitutionalism and democracy.

**Deliberative Theory and Deconstruction** Steven Gormley, 2020-06-18 Our political climate is increasingly characterised by hostility towards constructed others. Steven Gormley answers the question: what does it mean to do justice to others? He pursues this question by developing a critical but productive dialogue between deliberative theory and deconstruction. Two key claims emerge from this: First, doing justice to the other demands that we maintain an ethos of interruption. And secondly, such an ethos requires a democratic form of politics. In developing this account, Gormley places deliberative theory and deconstruction into critical conversation with the work of Mouffe, Aristotle, Rorty, Laclau, and different traditions of critical theory.

*Asian Yearbook of International Law* B.S. Chimni, Miyoshi Masahiro, Li-ann Thio, 2009-06-02 Launched in 1991, the *Asian Yearbook of International Law* is a major refereed publication dedicated to international law issues as seen primarily from an Asian perspective under the auspices of the Foundation for the Development of International Law in Asia (DILA). It is the first publication of its kind, edited by a team of leading international law scholars from across Asia. The Yearbook provides a forum for the publication of articles in the field of international law and other Asian international law topics written by experts from the region and elsewhere. Its aim is twofold: to promote international law in Asia and to provide an intellectual platform for the discussion and dissemination of Asian views and practices on contemporary international legal issues. Each volume of the Yearbook normally contains articles and shorter notes, a section on State practice, an overview of Asian states' participation in multilateral treaties, succinct analysis of recent international legal developments in Asia, an agora section devoted to critical perspectives on international law issues, surveys of the activities of international organizations of special relevance to Asia, and book review, bibliography, and documents sections. It will be of interest to students and academics interested in international



law and Asian studies      *Five Rising Democracies* Ted Piccone, 2016-02-23 Shifting power balances in the world are shaking the foundations of the liberal international order and revealing new fault lines at the intersection of human rights and international security Will these new global trends help or hinder the world's long struggle for human rights and democracy The answer depends on the role of five rising democracies India Brazil South Africa Turkey and Indonesia as both examples and supporters of liberal ideas and practices Ted Piccone analyzes the transitions of these five democracies as their stars rise on the international stage While they offer important and mainly positive examples of the compatibility of political liberties economic growth and human development their foreign policies swing between interest based strategic autonomy and a principled concern for democratic progress and human rights In a multipolar world the fate of the liberal international order depends on how they reconcile these tendencies

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