I

Introduction

In the past two decades, several democracies have slipped into democratic recession. Faced with economic or security crises, democratically elected executives in Latin America, the Middle East, Eastern Europe, and Africa have used their popularity to push for legislation – particularly constitutional amendments – that, over time, destroys systems of checks and balances, hinders free and fair elections, and erodes political rights and civil liberties. Across the world, these heads of government have found ways to subvert democratic norms while simultaneously maintaining a democratic façade. Using and abusing elections and institutional reform, they are turning new and old democracies alike into competitive authoritarian regimes.

Throughout the second half of the twentieth century, Venezuela was one of the most stable and prosperous democracies in Latin America. It had regular elections, strong institutions, and more wealth than any of its regional counterparts. Unlike other countries in the region, it did not succumb to right-wing dictatorships or protracted guerrilla warfare. Venezuela had forty years of democracy when Hugo Chávez was elected in 1998. Once in power, Chávez introduced constitutional amendments that strengthened his hold over congress, courts, and oversight agencies, and extended his time in office. He used that power to distort the electoral playing field to such an extent that it became almost impossible for the opposition to defeat him. In twenty years, Venezuela went from being one of the most promising democracies in the continent to one of its most egregious authoritarian regimes.

Not all countries, however, have suffered this fate. In Colombia, Alvaro Uribe tried to erode democracy but failed. In line with the Chavista playbook, between 2002 and 2010, Uribe introduced constitutional amendments to undermine the independence of the legislature and the courts, enhance the powers of the executive, and extend his time in office. Uribe was popular, populistic, polarizing, and willing to undermine democratic institutions to
achieve his preferred policies. His government harassed journalists and members of the opposition and the courts, and worked in tandem with illegal armed actors to systematically intimidate those who criticized his administration. War-ridden, Colombia’s democracy had not been as stable as Venezuela’s, yet Uribe was not able to impair democratic institutions. Despite his attempts to undermine checks and balances and thwart the fairness of elections, Colombia’s constitutional order remained fairly strong. Uribe was unable to reelect himself for a third term and stepped down, giving way to a new democratically elected president.

Venezuela and Colombia are not the only countries where executives with hegemonic aspirations sought to entrench their rule. Between 1978 and 2019, Latin America has seen the rise of at least twenty-five leaders willing to undermine democratic institutions in order to fulfill their policy agenda. Fourteen of them – Carlos Menem (1989–99) in Argentina, Alberto Fujimori (1990–2000) in Peru, Jorge Serrano Elías (1991–3) in Guatemala, Evo Morales (2006–19) in Bolivia, León Febres (1984–8) and Rafael Correa (2007–17) in Ecuador, Arnoldo Alemán (1997–2002) and Daniel Ortega (2007–present) in Nicaragua, Roberto Suazo (1982–6), Juan Manuel Zelaya (2006–9), and Juan Orlando Hernández (2014–22) in Honduras, Nayib Bukele (2019–present) in El Salvador, Chávez and Uribe – tried to change or circumvent their nation’s constitution in order to remove checks on their presidency and hold on to power. However, only six of them – Fujimori, Chávez, Morales, Correa, Ortega, and Hernández – successfully transformed their countries’ democracies into competitive authoritarian regimes. The other seven did not.

Why do some potential autocrats successfully erode democracy while others fail? This is the central question of this book, and one I will explore by comparing the dynamics of erosion in Colombia and Venezuela. Unlike traditional democratic breakdowns (e.g., military or civilian coups) the erosion of democracy happens over time. It takes years for an executive with hegemonic aspirations to succeed in eroding democracy. In the discussion that follows, I conceptualize this phenomenon in two stages. The first focuses on the factors that increase the likelihood of electing these hyper-ambitious leaders. The second focuses on the circumstances that, once in power, help or hinder these executives’ success in their attempts to erode democracy.

Weakly institutionalized party systems, weak states in crisis and – to a lesser extent – weak economic performance are critical to understanding where and when we are likely to see executives willing to undermine democratic institutions in order to advance policy goals. These factors, however, cannot fully explain why some of these leaders are successful in their attempts to erode democracy while others are not. In order to better understand this puzzle, Opposition at the Margins brings attention to the opposition, an often

\[1\] I use executives/presidents with hegemonic aspirations interchangeably with potential autocrats.
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I define the erosion of democracy as a type of regime transition from democracy to autocracy that happens over time. Like classic democratic breakdowns (i.e., civilian or military coups), democratic erosion entails a regime change. In this type of democratic backsliding, incumbents introduce decrees, legislation, or constitutional amendments that enhance their powers and increase their time in office. Individually, these reforms strengthen some of the executive’s powers but fail to fully capture state institutions or provide budgetary powers large enough that would seriously unbalance the electoral playing field. Over time, however, these alterations accumulate to a point in which not only do they hinder horizontal accountability (O’Donnell 1994, 2007, 49–78) but also skew the electoral playing field by thwarting electoral accountability (O’Donnell 2007, 49–73). These alterations increase the executive’s hold over courts, congress, and oversight agencies and allow her to extend her time in office. This enables the head of state not only to run for two or more terms (in presidential systems) but, more importantly, to manipulate the electoral process to such an extent that it becomes extremely difficult for the opposition to defeat her. A democracy that has undergone erosion, therefore, is no longer a democracy, but a competitive authoritarian regime (Levitsky and Way 2010, 5–16).
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Contrary to classic breakdowns, the erosion of democracy happens gradually. In civilian or military coups, authoritarian leaders, once in office, quickly dismiss elections, ban opposition parties, and/or close state institutions. Executives with hegemonic aspirations however, want to keep a democratic façade (Schedler 2013). Although they could close congress and the courts, in the post–Cold War environment these tactics are likely to trigger an adverse response from the international community and/or jeopardize domestic support (Lührmann and Lindberg 2018). Accordingly, potential autocrats instead chose to introduce constitutional amendments or legislation that expand their hold over congress, courts, and oversight agencies slowly. It takes years before they can successfully skew the electoral playing field to such an extent that it becomes impossible to defeat them.

In other words, the rise of an executive with hegemonic aspirations and the breakdown of democracy do not happen simultaneously. Therefore, I study these events independently. I conceptualize the erosion of democracy in two stages. The first focuses on the likelihood that a country elects a potential autocrat. Following existing literature, I argue that countries that have weak states with governance problems (Mainwaring 2012a; Diamond 2015a; Handlin 2017a), weakly institutionalized party systems (Carreras 2012a; Mainwaring 2018a), and poor economic performance (Svolik 2015a; Haggard 2016a) are more likely to see the rise of these leaders. These characteristics cannot entirely explain why some of these executives successfully erode democracy while others fail, however. To understand this puzzle, the outcome of the second stage, I focus on the role of the opposition. Because democratic erosion happens over time, even after a leader with hegemonic aspirations assumes office, the opposition has institutional and noninstitutional resources it can use against the incumbent. How it uses these resources, and what it employs them for, is critical to understand why some executives can more easily erode democracy than others.

The degree of toleration for a government’s actions domestically and abroad is contingent upon the nature of the opposition’s challenge (Gartner and Regan 1996). Because executives with hegemonic aspirations come to power in democracy, opposition strategies and goals deemed unacceptable in democratic politics are risky gambles. While these strategies could potentially stop autocrats in the short term, they increase the government’s incentives to repress (i.e., violate freedoms of speech, assembly, or association, legally or verbally harass opponents, or violate integrity rights [Davenport 2007]) and decrease the costs of doing so. Such opposition tactics and goals enable the incumbent to paint the opposition as “radical” or “undemocratic,” endow her with “legitimate” reasons to remove opposition leaders from office, prosecute or jail them, and enhance the incumbent’s ability to rally citizens around the flag and push for more aggressive antidemocratic reforms.

Extrainstitutional strategies with radical goals – that is, tactics that use noninstitutional repertories like coups, protests, boycotts, or strikes to remove
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the president before the end of her constitutional term—fit these criteria. They convey a rejection of the established institutional mechanisms for redress and create a zero-sum game (McAdam 1999, 57–8). This combination of strategies and goals presents an existential threat to the incumbent—boosting the appeal of repression—and will likely be seen as unwarranted domestically and abroad—curbing the costs to repress. If successful, this combination of strategies and goals can halt the process of democratic erosion, but at the cost of breaking democracy altogether, further polarizing society, or martyrizing the potential autocrat. However, if failed, this combination of strategies and goals will likely jeopardize the opposition’s legitimacy inside and outside the country, providing the executive with more leeway to remove opposition leaders from office, and prosecute or jail them, as well as galvanize enough support to push for more aggressive antidemocratic reforms that, weakened, the opposition will be ill equipped to stop.

Strategies and goals that are considered part of “normal” democratic politics, on the other hand, are a safer gamble. While unlikely to bring the process of democratic erosion to an immediate halt, they increase the costs and reduce the incentives to repress. They protect the opposition’s legitimacy, hindering the executive’s ability to credibly label it as “undemocratic” or “radical,” reducing the incumbent’s capacity to harass or repress the opposition while keeping a democratic façade and taming her ability to rally around the flag in support for more aggressive antidemocratic reforms.

Institutional strategies with moderate goals—that is, tactics that use institutions like elections, congress, or courts to stop or modify antidemocratic reforms—fall in this category. This combination of strategies and goals convey an implicit acceptance of the proper channels of conflict resolution in a democracy and are less threatening for the ruling elite (McAdam 1999, 57–8), thus increasing the costs and decreasing the incentives to repress. Using electioneering, litigation, legislative tactics, or lobbying to modify specific reforms not only represents a low threat to the executive but also fails to provide her with “legitimate” reasons to attack the opposition or support a push for more aggressive reforms. These tactics are overall less costly to the opposition. If successful, they allow the opposition to buy time, keep some presence in the legislature, and be better equipped to repeal more radical antidemocratic reforms further down the road. If failed, the erosion of democracy may continue but the opposition lives to fight another day.

Following this logic, moderate extrastitutional strategies—that is, strategies that use noninstitutional repertoires to stop or modify antidemocratic reforms—and radical institutional strategies—that is, tactics that use institutions to remove the president before the end of her constitutional term—fall somewhere in between. Extrastitutional strategies with moderate goals decrease the incentives for repression but also the costs of doing so. Although potentially effective to exert pressure on the incumbent and call attention to her abuses, these tactics can easily turn illegal or violent, in which case they could...
provide the head of government with “legitimate” reasons to crack down on the opposition. Institutional strategies with radical goals increase the incentives for repression but also the costs of doing so. Although they can successfully remove an executive from office while protecting the opposition’s legitimacy, they can also threaten the incumbent’s existence and thus – if failed – risk a more aggressive response.

Accordingly, oppositions that resort to radical extrainstitutional strategies and, depending on the circumstances, radical institutional or moderate extrainsitutional strategies, run a high risk of curtailing their ability to prevent the erosion of democracy. Likely to fail (Baykan, Gürsoy, and Östiguy 2021), these tactics can undermine their legitimacy and resources while also increasing the incumbent’s incentives and support to advance more aggressive antidemocratic reforms that a weakened opposition will be less suited to stop. On the contrary, oppositions that resort to moderate institutional strategies alongside some types of moderate extrainsitutional or radical institutional strategies have a good shot of enhancing their ability to prevent democratic erosion. Although moderate in their achievements, these tactics can safeguard the opposition’s legitimacy and resources, protect courts and oversight agencies, and hinder aggressive antidemocratic reforms.

The argument outlined earlier draws from approaches that highlight agency and international factors in processes of regime change. Some scholars suggest that transitions from and to democracy are elite-driven (Linz 1978; O’Donnell and Schmitter 1986; Berman 1998; Capoccia 2002; Mainwaring and Pérez-Liñán 2013). They argue that democratic breakdowns are the outcome of elites’ strategic choices in response to crises. Like these theories, I emphasize the importance of actors and their decisions. Unlike these theories – and in line with more recent work on democratic backsliding and polarization (Gamboa 2017; Levitsky and Ziblatt 2018a; McCoy and Somer 2019, 2021; Cleary and Öztürk 2020) – I pay attention to elites’ choices even after an executive with hegemonic aspirations has attained power.

Elite decisions, of course, do not happen in a vacuum. International factors are also essential to understand transitions from and to democracy (Brinks and Coppedge 2006; Levitsky and Way 2010; Bunce and Wolchik 2011; Mainwaring and Pérez-Liñán 2013; Schenoni and Mainwaring 2019). International factors shape the balance of power between regime coalitions and constrain what is deemed acceptable or unacceptable in pursuit of political change. My theory highlights the importance of international and domestic audiences in shaping the executive’s and the opposition’s strategic choices. Contingent on the assumption that these audiences have a normative preference for democracy that motivates authoritarian leaders to keep a democratic

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2 Some parts of this argument were originally published in Comparative Politics (Gamboa 2017). They are reprinted here with their permission.
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façade, I argue that some goals and strategies are more useful than others at preventing the erosion of democracy.

1.2 THE IMPORTANCE OF UNDERSTANDING THE EROSION OF DEMOCRACY

My argument has three relevant implications for the study of democratic politics. First, this book offers an updated and broader understanding of democratic breakdowns. Following the trend of scholars who have theorized democratic backsliding in recent years (Bermeo 2016a; Dresden and Howard 2016a; Cameron 2018; Waldner and Lust 2018a), I distinguish democratic erosion from declines in the quality of democracy and civilian/military coups. I analyze it as a type of democratic breakdown that happens sequentially, as a process rather than a one-shot game.

This approach distinguishes the rise of an authoritarian leader from her ability to undermine democracy. Conventional theories to the study of democratic breakdowns have mostly focused on the factors that bring to power leaders with a normative preference for dictatorship or a very weak preference for democracy. With classic democratic breakdowns in mind, they assume that once these leaders are in office, there is little that can be done to prevent a democratic reversal and, as a result, they fail to consider what happens afterward.

Common approaches to regime change fall in this group. Low economic development (Przeworski et al. 2000; Svolik 2008), economic performance (Svolik 2015a; Haggard 2016a), governance problems (Fortin 2011; Mainwaring 2012a; Andersen et al. 2014; Diamond 2015a; Handlin 2017a), and weak institutions (Carreras 2012a; Pérez-Liñán and Mainwaring 2013; Mainwaring 2018a; Ginsburg and Huq 2019a; Weyland and Madrid 2019a; Weyland 2020), they claim, increase the likelihood of democratic breakdown. Economic and security difficulties lead to legitimacy crises that undermine popular support for democracy and unsettle democratic institutions. Feeble institutions, in turn, make electoral politics unpredictable, increasing the probability that leaders willing to circumvent democracy attain power.

As Chapter 3 will show, these theories are good at explaining why executives with hegemonic aspirations are elected in the first place, but they are less satisfactory when it comes to explaining why some of these leaders successfully erode democracy while others fail. Economic recessions and weak states with governance problems can shake an executive’s hold on power. Once this incumbent has been replaced by the potential autocrat, these variables should decrease her support and her ability to erode democracy, not the other way around. In other words, they should not necessarily overdetermine the concentration of power in the hands of the new president. By conceptualizing the erosion of democracy as a process, not only do I move away from accounts that see regime backsliding as inevitable once a hyper-ambitious leader comes to
power, but I also specify the effect that structural, institutional, and state-centered variables have on democratic erosion.

Second, analyzing the erosion of democracy as a process allows me to highlight the importance of the opposition’s tactics and goals after an executive with hegemonic ambitions has attained power. Few scholars have analyzed the role of the opposition in processes of democratic backsliding (for exceptions, see Gamboa 2017; Abi-Hassan 2019a; Cleary and Öztürk 2020; McCoy and Somer 2021). Recent studies of democratic erosion have mostly emphasized the role of the executive and/or the structural or institutional landscape these leaders face. These scholars argue that the erosion of democracy is the outcome of the incumbent’s ex ante popularity (Levitsky and Loxton 2013a; Corrales 2018a; Weyland and Madrid 2019a), institutional strength (Batory 2016a; Stoner-Weiss 2010), strategic choices (Carlos de la Torre and Lemos 2016; Balderacchi 2017a; Handlin 2017a, 2018), resources (Hidalgo 2009; Hawkins 2010a; Mazzuca 2013a), ideology (Weyland 2013), domestic and/or international support (Carlos de la Torre 2013; Corrales 2015), and/or the strength of the institutions she is trying to co-opt (Weyland 2020). Few of them look at the opposition, and when they do, they think of its choices as heavily constrained by feeble institutions and/or resource asymmetries.

The balance of power between the government and the opposition at the outset of erosion or the institutional setting it plays out in does not overdetermine the outcome. Variables such as economic growth, mineral resources, weak institutions, and popularity cannot fully distinguish between successful and failed cases of erosion. Indeed, Hugo Chávez had access to limitless oil revenues that helped him enhance his powers and extend his time in office, but neither Daniel Ortega nor Juan Orlando Hernández, who also succeeded in eroding democracy, had a similar advantage. The Colombian economy during Alvaro Uribe’s government did much better than Ecuador’s during Rafael Correa’s administration, yet the latter eroded democracy, while the former did not. Rafael Correa came to power in the midst of unstable institutions that helped him erode democracy; Chávez, however, did not. The average popularity of Correa was high, but so was Uribe’s. In fact, it was higher than Hernández’s, Chávez’s, or Evo Morales’s. Similarly, political polarization was higher in Colombia during Alvaro Uribe’s government than in Honduras during Juan Orlando Hernandez’s government. Yet the former failed to erode democracy while the latter did not.

This is true if we look more closely at the two cases analyzed in this book. It is often tempting to succumb to the fallacy of retrospective determinism, whereby we judge an institutional framework or an opposition relatively weak because of its ultimate demise or failure to prevent the erosion of democracy and relatively strong because of its ultimate resilience or success in protecting democratic governance. To avoid this problem, Chapters 4 and 5 provide detailed accounts of the balance of power between government and opposition in both of my cases and the institutional landscape in which they deployed their strategies. I show that at the beginning of his government, the opposition to
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Chávez was not only stronger than the opposition to Uribe but also capable of selecting among a wide set of institutional and extraterritorial strategies.

Instead of focusing on the executive and/or the vulnerability of the institutions she takes over, I join scholars that argue we ought to recognize the agency of the opposition as well (Lindberg 2009; Bunce and Wolchik 2011; Gamboa 2017; McCoy and Somer 2019; Cleary and Öztürk 2020; Jiménez 2021; Ong 2021). The resources available to the head of government, as well as her ability to use them, I posit, can be curbed or enhanced by the opposition’s strategic choices. Whereas moderate institutional strategies alongside some types of moderate extraterritorial or radical institutional strategies can help the opposition protect the resources it has (while frustrating the government’s attempts to co-opt them), radical extraterritorial strategies alongside some types of moderate extraterritorial or radical institutional strategies, can hinder the opposition’s ability to do the same. Consequently, the first set of strategies and goals can hamper the incumbent’s ability to increase her leverage vis-à-vis those who oppose her. The second set can enhance it.

This latter point is crucial. The third wave of democracy ended most military and single-party dictatorships. Between 1974 and 1999, eighty-five countries democratized (Geddes 1999), and classic coups d’état, executive coups and election-day frauds declined (Bermeo 2016a). Unfortunately, however, this democratic awakening was not durable. Not only did some regimes fail to fully democratize (Brownlee 2007; Levitsky and Way 2010; Schedler 2013a), but, even more concerning, new and old democracies began experiencing democratic setbacks. According to Freedom House’s 2021 report, since 2005, the number of countries with democratic declines has outweighed the number of countries with democratic gains every year (Repucci and Slipowitz 2021).

The erosion of democracy has become an increasingly common type of democratic reversal. It has proven to be pervasive and hard to prevent. The cases of democratic erosion have increased since the 1990s. Initially circumscribed to nations of the Global South in Africa and Latin America, democratic backsliding has spread to economically more developed and/or “poster boy” democracies like Poland and Hungary. Today, even fully consolidated democracies, like the United States, have seen threats of backsliding via executive overreach (Levitsky and Ziblatt 2018a; Roberts 2019).

Few of the mechanisms established to protect and advance democracy across the world have succeeded in constraining executives with hegemonic ambitions. These incumbents have found ways to subvert democratic norms without breaching international democratic standards. The international community (standard-bearer of democratization during the 1980s and 1990s in the West) has few means of sanctioning them (Meyerrose 2020). By studying how these leaders succeed (or fail) in their attempts to erode democracy, I provide insights not only on what countries need to do to prevent potential autocrats from coming to power but, more importantly, on what the opposition and the international community can do to improve their chances of stopping the processes of democratic erosion.
1.3 RESEARCH DESIGN

There are many ways in which scholarship can benefit from using a mixed methods approach (Seawright and Gerring 2008; Tarrow 2010; Goertz 2017). In this case, I use quantitative and qualitative analytic techniques in order to answer two different types of questions. The first – what variables increase the likelihood of electing executives with hegemonic aspirations? – focuses on the average effect that a variable, or set of variables, has on a given outcome. I wish to know under what conditions countries elect potential autocrats and to what extent these and other related variables influence the autocrat’s ability to erode democracy, not the causal path by which they come to power. Therefore, quantitative multivariate analysis is appropriate to answer this type of question.

In Chapter 3, I use descriptive and analytic quantitative techniques to assess the average effect of economic development and growth, perceptions of the economy, state capacity, state performance, trust in institutions, and party system institutionalization on the probability that a country will see the rise of a potential autocrat. I identify presidents with hegemonic aspirations using an updated version of Mainwaring and Pérez-Liñán’s (2013) regime preferences database and an original dataset of constitutional amendments introduced by democratically elected Latin American presidents between 1978 and 2019. Unlike existing datasets on institutional reform (e.g., Comparative Constitutions Project, Latin American Constitutional Change Database), my dataset records attempts to amend the constitution regardless of whether they were successful or not. This allows me to distinguish between presidents who do not try to erode democracy, presidents who try to erode democracy and fail, and presidents who try to erode democracy and succeed. I measure the independent variables using existing databases such as the World Bank’s for economic development and growth, mineral exports, and state performance; Hanson and Sigman’s (2021) for state capacity; Latinobarómetro (1995–2017) for perceptions of the economy and trust in institutions; Mainwaring’s (2018) for electoral volatility; Helmke’s (2017) and Elkins and Ginsburg’s (2021) for institutional strength; the Executive Approval Project (2019) for president approval ratings; and Varieties of Democracy (2021) for political polarization.

In the first stage, I identify twenty-five cases of presidents with hegemonic aspirations in Latin America (for details, see Table 3.1). Two of them – Fujimori (1990–2000) and Jorge Serrano Elías (1991–3) – launched coups. Twelve introduced reforms or legislation that circumvented or changed the constitution in order to enhance their powers and extend their time in office. Five of them successfully eroded democracy, six failed, and one is too early in the process to determine success or failure.

The second question – why, once elected, some potential autocrats successfully erode democracy while others fail? – is concerned with a very specific event. I do not wish to understand the average effect of a variable or set of variables in a president’s ability to erode democracy, but rather trace the set of...