

## 1 Backsliding: Concept, Mechanisms, Measurement

The “Third Wave” of democratization (Huntington 1993) began in the mid-1970s in Portugal, Greece and Spain. It picked up steam in the 1980s in Latin America and a number of East Asian countries, gaining even greater strength in the 1990s with the collapse of the Soviet Union and the winding down of the Cold War. The expansion of electoral regimes throughout the world generated optimism, even triumphalism (Fukuyama 1989).

By the early 2000s, however, significant doubts had set in about whether the new democracies would last; or indeed, whether they should be considered democracies at all (Zakaria 1997; Carothers 2002; Diamond 2002; Schedler 2002; Ottaway 2003; Zakaria 2007; Schedler 2009; Levitsky & Way 2010). Many of the countries that did manage transitions to democracy proved unable to sustain them. What was distinctive and troubling about many of these reversions, moreover, was not simply that they occurred but the mechanisms through which they did so. Rather than abrupt changes of regime via the classic coup d'état, regression from democratic rule took place through a process that has come to be known as “backsliding” (Bermeo 2016; Mechkova, Lührmann & Lindberg 2017; Waldner & Lust 2018; Kaufman and Haggard 2019). By backsliding we mean the incremental erosion of democratic institutions, rules and norms that results from the actions of duly elected governments, typically driven by an autocratic leader. While backsliding may stop short of outright authoritarian rule, a number of cases did in fact revert. Democracy was consuming itself.

The regimes vulnerable to backsliding included not only “weak” democracies that had at best met minimal electoral criteria but also some middle-income countries, such as Hungary and Poland, where democracy appeared to have been consolidated; there were disturbing signs in other Eastern European democracies as well (Lindberg 2018). The threat, moreover, was not limited to middle-income countries. The 2016 election of Donald Trump in the United States challenged the widespread assumption that rich, liberal democracies were invulnerable and unleashed an unsettling conversation on whether “it could happen here” (Ginsburg and Huq 2018; Levitsky & Ziblatt 2018; Mounk 2018; Sunstein 2018a; Hennessey and Wittes 2020; and Graber, Levinson & Tushnet 2018 for legal perspectives). Western Europe was not immune either. The rise of right-wing populist parties on the continent and the bruising fight over Brexit sparked fears about the state of democracy in Western Europe (Golder 2016; Eatwell & Goodwin 2018). Did polarizing cleavages put the advanced industrial states at risk?

In this Element, we survey the phenomenon of democratic backsliding. We start in this section with the conceptual terrain and questions of measurement: how to capture the backsliding process and to identify plausible cases. Our empirical contribution rests on an analysis of backsliding episodes in sixteen countries, with structured case studies contained in the accompanying online Appendix.<sup>1</sup>

Our theoretical approach does not privilege any single variable but sees backsliding as the outcome of a complex causal chain; the links in that chain structure the volume. We start in Section 2 with polarization: the process through which polities increasingly divide not only over policy or ideology but over identity as well. We focus less on its causes – which are multiple – than on its pernicious effects. In Section 3 we consider how political polarization translates into the election of autocrats, with a focus on changes in the party system and within parties. However, we argue that control of the legislature is a crucial step in what we call the collapse of the separation of powers: the weakening of horizontal checks on executive discretion. In Section 4, we argue that the incremental nature of the backsliding process itself has causal effects, strengthening the power of executives and disorienting and disorganizing oppositions. In the concluding Section 5 we look forward to new areas for research, considering the role of international factors, the information landscape and the effects of crises such as the onset of the COVID-19 on backsliding processes.

### 1.1 Conceptual Issues: Backsliding from What to What?

Since we conceive of backsliding as a process in which democratically elected leaders weaken democratic institutions, certain cognate forms of regime change are excluded from consideration. Coups and executive *autogolpes* (self-coups) remain an important, if diminishing, threat to democracy (Powell & Thyne 2011; Bermeo 2016, 7–8; Geddes, Wright & Frantz 2018). But our concern here is with threats that come out of the constitutional process itself. As a result, we do not focus on cases in which military elites figure prominently in the process or in which abrupt civilian seizures of power occur. Rather, we focus more attention on the elected officials and contenders – presidents, prime ministers, legislators and other political elites – who deploy majoritarian appeals to undermine the institutional checks and protections of liberal democracy.

Backsliding must also be seen as distinctive in that it can lead to a deterioration in democratic rule that falls short of outright reversion to autocracy. This possibility was anticipated in the early 1970s in debates over

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<sup>1</sup> The online Appendix can be found at [www.cambridge.org/backsliding](http://www.cambridge.org/backsliding).

the “quality” of democracy in the advanced industrial states (e.g., Crozier, Huntington and Watanuki 1975; Lindblom 1977), as well as in more recent concerns about the inability to forge policy compromises and the resulting erosion of trust in government (e.g., Diamond & Morlino 2004; Mann & Ornstein 2012 on the United States). Our analysis builds on such concerns but focuses on *purposeful institutional change*. Although we too use the term “erosion” in a particular way, it is important to avoid natural metaphors and the passive tense. Backsliding results from the political strategies and tactics of autocratic leaders and their allies in the executive, legislative and judicial branches of government.

Changes in what, exactly? The concept of democracy has received more analytic scrutiny than any other in the field of political science, but the discussion continues to rotate around three mutually constitutive pillars that will also structure our analysis: free and fair elections; the protection of basic political rights and liberties; and the existence of horizontal checks on executive discretion, including what is known as the “rule of law.”

A first pillar – for some the irreducible core of democracy – lies in the electoral process (Schumpeter 1962; Przeworski, Stokes & Manin 1999; Przeworski 2019). Democracy is grounded in the conduct of free and fair elections that permit turnover and thus assure relationships of “vertical” accountability. As the ability for oppositions to take office falls toward zero, democracy is effectively overthrown, and reversion to some form of authoritarian rule has therefore occurred. The decline in the integrity of the electoral system can occur in a myriad of ways: efforts to restrict the franchise and to suppress the vote through onerous registration or voting laws; disinformation campaigns that mislead voters about their voting rights; interference in the integrity of election monitoring; and outright fraud (see Norris 2014 for a catalogue).

An equally strong case can be made that the protection of basic political rights and civil liberties is democracy’s irreducible core. Without protections for the fundamental rights of speech, assembly and association, civil society organizations, oppositions and even political parties could not form. Protection of the media is a crucial component of this pillar of democratic rule. Although we focus primarily on core political rights, we will show that backsliding is often associated with demonization of adversaries and assaults on the rights of ethnic, racial, religious or sexual minorities as well.

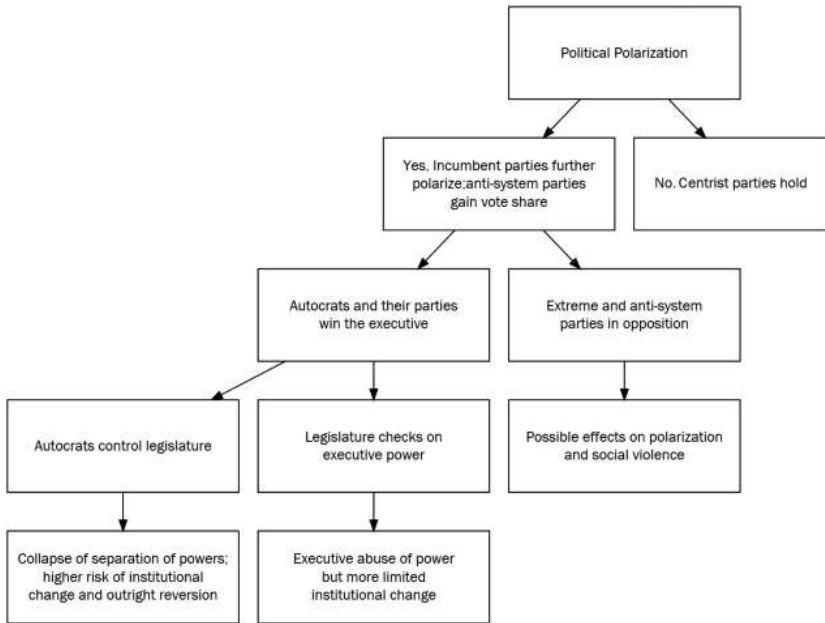
Finally, we underline the importance of horizontal checks in any definition of liberal democracy (Schedler 1999; Ginsburg and Huq 2018). The concept of constitutionalism has at its heart the paradox of self-limiting government (Elster 1988): that electoral majorities must have incentives to temper their power

through continued submission to electoral scrutiny, checks and the rule of law. The most fundamental separation of powers – between the executive, legislature and judicial branches – has a pedigree that can be traced to Montesquieu and *The Federalist Papers*. Backsliding typically involves what we call a “collapse in the separation of powers” between branches of government as the executive gains control of other branches, most importantly through appointment of loyalists and sycophants (on authoritarian constitutionalism, see Ginsburg and Simpser 2014; Graber, Levinson & Tushnet 2015; Tushnet 2015). As we will show, however, the attack on horizontal checks can involve a variety of other institutions as well, from ombudsmen and whistleblower laws to central banks and anti-corruption agencies. Ginsburg and Huq (2018) note that such checks extend to the administrative rule of law as well: the presumption that bureaucratic actors will act in accordance with statute and not at the political and personal whim of an autocratic executive.

To sum up, we define backsliding as the result of the purposeful effort of autocrats, who come to power through electoral means, to undermine the three constitutive elements of democracy just outlined. Such regress may take place *within* regimes that remain democratic – a process we label *erosion* – or it can result in regress to authoritarian rule, or *reversion*. Countries that experience erosion remain democratic, but the integrity of the electoral system, the protection of political rights and civil liberties, and horizontal checks are all made weaker as a result of executive action. Backsliding results in reversion when autocrats pursue authoritarian projects that ultimately undermine core democratic institutions altogether, including most notably the bedrock of free and fair elections.

## 1.2 Toward a Theory of Backsliding

We see backsliding as a complex causal process that we break into three broad steps, although they may overlap in any given case. Our starting point is political polarization, which increases the risk of incumbent parties moving toward extremes or new, anti-system parties gaining traction (Section 2). The second step is that autocrats and their parties exploit polarization to gain executive office and legislative majorities. The electoral victory of the autocrat, combined with control over the legislature, provides the institutional foundation for backsliding (Section 3). Finally, we emphasize that the governing strategies of backsliding autocrats are typically incremental rather than frontal, involving gradual assaults on rights, horizontal checks and the electoral system (Section 4); as we will show, the very incrementalism of the process has a causal effect. Figure 1 provides a schematic guide.



**Figure 1: Theoretical Framework.**

Our theoretical approach draws on two traditions that have structured the literature. On the one hand, we draw on demand-side theories emphasizing how underlying social cleavages and regime dysfunction can create a market for antidemocratic political appeals. Grievances driven by economic stagnation and/or high inequality have figured prominently in recent analyses (Haggard & Kaufman 1995; Przeworski et al. 2000; Boix 2003; Acemoglu & Robinson 2005; Haggard & Kaufman 2016). However, it is increasingly clear that ethnic, racial, and religious cleavages and fissures between cosmopolitan and nationalist worldviews can be equally, if not more potent, sources of mass polarization (e.g., Mudde & Kaltwasser 2017; Norris & Inglehart 2018).

At the same time, we also build on the seminal work of Linz, Stepan and Valenzuela (1978) on democratic failures in interwar Europe, a tradition that emphasizes elite as well as mass polarization and the failure of political elites and institutions to prevent the emergence and ascent of extremists (Capoccia 2005; Ziblatt 2017). This tradition is alive and well in current discussions of the backsliding process (Levitsky & Ziblatt 2018).

These two strands can be joined by focusing on *political* polarization: the process through which political elites and mass publics become increasingly divided over public policy, ideology and ultimately partisan attachments (Carothers & O’Donohue 2019; McCarty 2019, 8–9). In extremis, crosscutting cleavages are submerged into a single, reinforcing dimension that pits “us” against “them” on a range of issues (McCoy, Rahman & Somer 2018, 18); polarization can become an issue of affect and even identity (Iyengar & Westwood 2015).

Political polarization has a number of adverse effects. It reduces support for centrist political forces and, as a result, opens the door for autocratic electoral appeals. Autocrats make their substantive pitches on a number of grounds that run from ethnonationalism on the right to redistributive class appeals on the left. But these appeals share a number of political commonalities: a celebration of the majoritarian interests of “the people,” a disdain for liberal democracy and the procedural rules of the game; denial of the legitimacy of opponents; a willingness to curtail civil liberties; and toleration or even encouragement of violence. The chances of backsliding increase when the center does not hold – when support erodes for political leaders and parties willing and able to resist such appeals.

A second step in the causal chain takes us from polarization to the assumption of power and its exercise. The emergence of antidemocratic parties exerts a pull on existing parties and can thus undermine their ability to act as checks; the latter may even become “complicit backsliders” as a result of electoral concerns. Even in opposition, polarizing leaders and parties can weaken support for democracy and incite social violence.

Nonetheless, backsliding as we define it is ultimately the result of the actions of autocrats who gain executive office and control over the legislature. Holding executive authority is important because of the diverse powers that typically attach to heads of government; there is much damage that executives can do on their own. But backsliding executives will be unable to undertake crucial changes of laws and institutions in the absence of a compliant legislature. For this reason, we place special emphasis on the autocrat’s control of legislative majorities, either through a ruling party or in coalition.

Domination of the legislature can contribute to the collapse of the separation of powers by eliminating the legislature as a source of oversight and expanding the discretion of the executive. As we will see, moreover, “captive” legislatures do much more. They rewrite laws surrounding the judiciary, approve executive appointments and pass laws that can erode rights, including freedom of the press. They can even undermine the integrity of the electoral system itself. If control of the legislature is not a *sufficient* condition for the concentration of executive power, it certainly appears *necessary*.

In the third step, we document the causal effects of the incremental nature of the process, what Przeworski (2019) calls “stealth.” Executives test normative limits one initiative at a time, with each derogation making subsequent steps easier to pursue (Scheppelle 2013). At the broadest level, these steps aim at removing horizontal checks on executive discretion, collapsing the separation of powers. Curtailing the independence of the judiciary and civil service is a key element of the backsliding process, but it also has instrumental value. Autocrats can then test limits by attacking the rights and liberties of opponents. We pay particular attention to attacks on the core rights that are crucial for the functioning of democracy: speech, including freedom of the media, assembly and association. Executives may also reshape voting laws, undermine independent monitoring of elections, and attack opposition parties and civil society groups outright in order to minimize the risks of electoral defeat. As we will show, these steps are typically a prelude to outright reversion to authoritarian rule.

Incrementalism not only has causal effect through institutional and legal changes; we argue it also has social psychological effects. Legally ambiguous steps – especially ones which enjoy popular support – have a disorienting effect on publics, which frequently cannot see that backsliding is taking place until it is too late to respond. Purposeful obfuscation and control of information compounds these difficulties. Initial assaults on horizontal checks, rights and the integrity of the electoral system can easily compound into self-reinforcing cycles, both through the additional powers executives gain and through the disorganization of oppositions and publics.

### 1.3 Cognate Routes to Democratic Decay

Before diving more deeply into measurement issues, it is worth highlighting a number of other cognate routes through which democracy might weaken and situating those routes vis-à-vis our analysis of backsliding. First, backsliding might arise as a result of defensive strategies on the part of committed democratic governments: efforts to *protect* democracy from the threat of antidemocratic opponents. Such efforts can include curbing (de jure or de facto) the political and civil rights of extremist citizens, including the outlawing of extremist and antidemocratic parties. Cappocia (2005) has shown that such derogations were not uncommon among democracies in the interwar period, including in Czechoslovakia and Finland.

We do not rule out this possibility in current times. Democracies have always grappled with how to balance liberties with appropriate constraints, and particularly during crises: the rise of violent domestic challengers and insurgencies; war; economic crises; and transnational environmental or health challenges such as the

COVID-19 pandemic. We return to this issue briefly in the Conclusion but find that most such justifications in the cases we analyze are disingenuous, including those undertaken in response to the global pandemic of 2020.

In addition to being undermined by executive aggrandizement, democracy could also be undermined by central government weakness: the inability or unwillingness of the center to curb subnational derogations of democratic rule (O'Donnell 2004; Gibson 2012; Mickey, Levitsky & Way 2017; Snyder 2019). This might occur because politicians at the center have political incentives to tolerate abuses by subnational governments or because they simply lack the capacity to control them. In extremis, governments may effectively cede territory to warlords, local autocrats, bosses and *caciques*, or criminal gangs. Such collapses of state authority are clearly more likely among the very poorest countries – so-called failed states – and would therefore not be germane to the cases of interest to us. However, a number of middle-income Latin American countries – Mexico, Colombia and several Central American governments – as well as the Philippines and South Africa raise the issue of subnational authoritarianism as a possible causal path to backsliding.

Finally, we take note of interesting work that suggests that the main challenges to democracy might come not from the actions of political elites but from collusion between political and economic elites and large-scale corruption (Winter 2011; Magyar 2016 on Hungary; Mayer 2017 and Lessig 2018 on the United States). We can imagine a democratic political system in which there are free and fair elections, at least some horizontal checks on executive discretion, and protection of political and civil liberties but also in which executives are accountable not to voters but to oligarchs (Winter 2011). We are reluctant to define backsliding – a fundamentally political process – in these terms alone. Moreover, in our view these oligarchic tendencies reflect decline in institutional dimensions of democratic rule, most notably in checks on the executive and rule of law. However, we are sympathetic to the idea that backsliding may reflect the fusion of autocratic political power to the interests of economic elites; we return to this theme throughout by considering the role that corruption plays in the backsliding process.

#### 1.4 Measurement: Gauging the Extent of Backsliding and Selecting Cases

Turning to issues of measurement, we have the benefit of several recent studies that have outlined the terrain (Lust & Waldner 2015, 2018; Lueders & Lust 2018), which clearly requires continuous rather than dichotomous measures. Table 1 gives an empirical overview of the extent of backsliding in the world

**Table 1: Measuring Democratic Regress**

Source	Definition	Backsliding
<b>Economist Intelligence Unit Index (2018)</b> 82 countries, 2006–2018.	Distinguishes between full democracies, flawed democracies, hybrid regimes, and authoritarian regimes. Scores based on civil liberties, political culture, participation, government function, electoral process, and pluralism.	Among “1” • Decline • Decline (cases)
<b>Freedom House, <i>Freedom in the World</i> (2018)</b> 143 countries, 2006–2018.	Overall ratings averaged from separate civil and political rights scores ranging from 1 (most extensive protection of rights) to 7 (least protection); cases divided into “free,” “partly free” and “not free.”	Among countries • 13% (1) Among countries (n=143) • 22% (3) • 6% (8)
<b>Polity2</b> 95 countries, 2006–2017.	Scores capture regime authority spectrum on a 21-point scale ranging from -10 to +10; regimes divided into democracies, anocracies and autocracies.	Among all • 7% (7) • 9% (9) threshold

**Table 1: (cont.)**

Source	Definition	Backsliding
<b>Studies Using V-Dem data</b>		
Mechkova, Lührmann, and Lindberg (2017), using regime classification of Lührmann, Lindberg and Tannenberg (2018). 92 countries, 2006-2016.	Electoral democracy: free and fair elections and minimal institutional prerequisites. Liberal democracy: criteria for electoral democracy <i>plus</i> legislative and judicial oversight and rule of law.	Among “1 Democr <ul style="list-style-type: none"> <li>• 14% (1</li> <li>democr</li> <li>• 11% (1</li> <li>thresho</li> </ul>
Mainwaring and Bizzarro (2019), using regime classification of Lührmann, Lindberg and Tannenberg (2018). 91 “Third Wave” democracies, 1974-2017.	Transitions include all changes to Electoral Democracy; Liberal Democracy Index (LDI) used to measure changes in level of democracy.	Among “1 <ul style="list-style-type: none"> <li>• 5% (4 c</li> <li>• 2% (2 c</li> <li>remaini</li> <li>• 37% (3</li> <li>• 31% (2</li> <li>LDI 0.5</li> <li>• 25% (2</li> </ul>
Haggard and Kaufman 1974–2017, 103 countries; 2006–2017, 95 countries.	Democratic regimes score at least .5 on the EDI index for at least 8 years. Backsliding is indicated by statistically significant decline in the peak LDI score.	1974 – 20 <ul style="list-style-type: none"> <li>• 28% (2</li> <li>from pe</li> <li>• 2006-20</li> <li>• 19% (1</li> <li>from pe</li> </ul>

*Note:* a full description of all variables and methods for deriving our codings is contained in the Appendix.