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Backsliding: Democratic Regress in the Contemporary World

Appendix

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INTRODUCTION

This appendix is divided into five sections. The first four provide more detailed information on case selection, data, variable descriptions, coding, and acronyms and follow the first four chapters of the book. The fifth section is devoted to the country case studies, and leads with the template used to draft the cases. Each case study includes sources and experts consulted for that case.

APPENDIX 1. BACKSLIDING: CONCEPT, MECHANISMS, MEASUREMENT

Appendix Table 1.1: Definition of Electoral and Liberal Democracy

IN [Appendix Table 1.1](#), we distinguish between liberal and electoral democracy using a coding rule introduced by Anna Luhrmann, Staffan I. Lindberg, and Marcus Tannenberg, “Regimes in the World (RIW): A Robust Regime Type Measure based on V-Dem” (The Varieties of Democracy Institute, Working Paper, Series 2017:47, pp. 9–10). To qualify as an electoral democracy (ED), a regime has to score at least 0.5 on the ED Index, and must score above 2 on the V-Dem indicator for multiparty elections (`v2elmulpar_osp`) and above 2 on the indicator for substantial competition and freedom of participation (`Av2elfrfair_osp`); these constitute a minimalist conception of democracy rooted in elections and the most basic requirements to make them competitive, free, and fair. Liberal democracies must additionally satisfy principles of respect for personal liberties, rule of law, and judicial and legislative constraints on the executive, with a score above 0.8 on the V-Dem Liberal Component Index (`v2x_liberal`). More precisely, the Liberal Component Index itself rests on three other indexes: equality before the law and individual liberty index (`v2xcl.rol`), judicial constraints on the executive index (`v2x.jucon`), and legislative constraints on the executive index (`v2xlg.legcon`). In combination, these three indices, in turn, encompass 23 discrete measures.

Case Selection

Our concept of backsliding assumes that the country in question is “democratic” to begin with. As a result, the initial selection of cases involved two steps: first, the identification of an appropriate threshold for democratic rule; and, second, a measure of regression. In addition, we wanted to identify backsliding episodes as precisely as possible: the exact time frame within which departures from democratic rule occurred. Simple comparisons of democracy indices across fixed time periods—for example, from the onset of the Third Wave of democracy in 1974 or from the onset of the commonly defined “democratic deficit” period in 2006—will capture overall declines, but not the timing of the backsliding episode.

A third step involved triangulation with alternative measures. There is no agreed-upon definition of democracy nor a single measure of democracy that commands consensus. As a result, any given measure—including ours—is vulnerable to measurement error and the generation of dubious cases. To address this problem, we developed some simple rules for eliminating cases that were not identified as cases of backsliding using other datasets.

Defining Democracy and Backsliding

Our initial time frame for case selection was the period from 1974 through 2017, encompassing the Third Wave of democratization. We subsequently extended the coding to 2019 as we describe below. Our standard for defining democracy is relatively demanding: *eight or more consecutive years with a score of at least 0.5 on the V-Dem Electoral Democracy (ED) Index*. The principle undergirding the Electoral Democracy Index is as follows:

“ The electoral principle of democracy seeks to embody the core value of making rulers responsive to citizens, achieved through electoral competition for the electorate’s approval under circumstances when suffrage is extensive; political and civil society organizations can operate freely; elections are clean and not marred by fraud or systematic irregularities; and elections affect the composition of the chief executive of the country. In between elections, there is freedom of expression and an independent media capable of presenting alternative views on matters of political relevance. In the V-Dem conceptual scheme, electoral democracy is understood as an essential element of any other conception of representative democracy—liberal, participatory, deliberative, egalitarian, or some other. ” (See V-Dem Codebook v. 9, p. 39 for a precise definition of the elements of the index, which center on freedom of expression and association, suffrage, clean elections and that officials are fairly and freely elected).

To identify backsliding, however, we use movements in the V-Dem *Liberal Democracy* (LD) Index. The motivation for doing this is our belief that derogations from democratic rule do not necessarily arise from direct assaults on the integrity of the electoral system or basic rights; we wanted a more nuanced indicator. The principles undergirding the Liberal Democracy Index are defined as follows:

“ The liberal principle of democracy emphasizes the importance of protecting individual and minority rights against the tyranny of the state and the tyranny of the majority. The liberal model takes a “negative” view of political power insofar as it judges the quality of democracy by the limits placed on government. This is achieved by constitutionally protected civil liberties, strong rule of law, an independent judiciary, and effective checks and balances that, together, limit the exercise of executive power. To make this a measure of liberal democracy, the index also takes the level of electoral democracy into account. ” (V-Dem Codebook v. 9, see p. 39 for a precise definition of the elements of the index, which include freedom of expression and association, suffrage, clean elections and that officials are fairly and freely elected additional as well as measures of checks on executive power, including judicial checks, noted (see V-Dem Codebook v. 9 p. 40 for a precise definition of the elements of the index).

Backsliding, according to our measure, is any year or succession of years in which the score on the Liberal Democracy Index falls significantly below the peak liberal democracy score achieved during the democratic period, as it is defined by the electoral democracy scores. The drop is significant when the confidence intervals do not overlap (ie. when the upper bound of the backsliding year does not overlap with or exceed the lower bound of the peak year).

Triangulation

As a validity check, we undertook a second step: to compare our list of cases with other datasets and other uses of V-Dem, and where provided, with their identification of backsliding or regime change episodes. Our purpose was to see whether assessments of backsliding using V-Dem data are validated by movements in other indices in proximate time frames. Those datasets, their underlying conception of democracy, and the time periods they cover are as follows:

- *Polity IV*. Polity ranks countries on a “democracy-autocracy” scale from -10 to 10, with higher values associated with more democracy. The conceptual scheme consists of six component measures that record key qualities of executive recruitment, constraints on executive authority, and political competition. It also records changes in the institutionalized qualities of governing authority (see the Polity IV Regime Authority and Characteristics and Transitions Dataset [here](#)). Polity offers a tripartite regime type definition: countries with Polity scores equal to or greater than 6 are considered democracies; those between -5 and 5 are categorized as “anocracies” or hybrid regimes; and those -6 and below are autocracies. Because of the relatively compressed scale, we considered cases with drops in Polity scores that nevertheless did not dip below the 6 point threshold for democracy (6–10) either over the 1974–2017 period or for the shorter 2006–2017 period (depending on the timing of the movements in V-Dem scores). We also note changes of regime (from democracy [6–10] to anocracy [-5 to 5] or autocracy [-6 to -10]).
- *Freedom House, Freedom in the World 2018: Democracy in Crisis*, analyzing changes from 2006–2017. Freedom House ranks countries as “Free,” “Partly Free” or “Not Free” based on two indices, each on a 1 to 7 scale, where 1 represents the greatest degree of freedom and 7 the smallest degree of freedom. The underlying *political rights* questions are grouped into three subcategories: Electoral Process, Political Pluralism and Participation, and Functioning of Government. The *civil liberties* questions are grouped into four subcategories: Freedom of Expression and Belief, Associational and Organizational Rights, Rule of Law, and Personal Autonomy and Individual Rights. We consider changes from Free to Partly Free as evidence of a regime change but given the compressed scale also changes in either index within a Free ranking.
- *Economist Intelligence Unit, Democracy Index 2018*. The Economist Intelligence Unit Democracy Index is a more recent entry into the field, and we can therefore only use it to consider developments in the “democratic deficit” period of 2006 to the present. The EIU index is based on five categories: electoral process and pluralism; civil liberties; the functioning of government; political participation and political culture. The last three deserve comment as they reflect an effort to get a “thicker” conception of democracy. The functioning of government is a threshold condition that the government is capable of implementing decisions taken. The inclusion of measures of the extent of participation is also distinctive. Finally, a democratic political culture is defined as one in which the public is not passive and apathetic and in which losing parties and their supporters accept the judgments of the voters. We focus on changes from “full democracy” to a “flawed democracy” or “hybrid regime” but also on changes *within* full and flawed democracies.
- *Other V-Dem Democracy Metrics*. Unlike Polity, Freedom House and the EIU datasets, the V-Dem dataset on which we draw does not offer a definition of regime type, and self-consciously so. However, two recent studies have used V-Dem to construct measures of both regime type and regime change, and we use them here as validity checks on our measure.

- Luhrman, Lindberg and Tannenbergs (2018) develop a regime type classification based on V-Dem and Mechkova, Luhrman and Lindberg (2017, hereafter MLL) use it to identify: decline within liberal democracies; decline from liberal to electoral democracy; decline within electoral democracy; and declines from democracy to electoral authoritarianism. We simply take note of any such changes.
- Mainwaring and Bizarro (2018, hereafter MB) look only at democracies that emerged during the Third Wave period and develop a classification of regime continuity and change over the entire period. Their conception of democracy is more minimalist: only 11 of their 33 cases of breakdown, for example, meet our criteria for being democratic in the first place. They discern five different outcomes: breakdown, or outright changes in regime; erosion (within democracy); stagnation (at low levels of democracy); advances and those that maintained a high level. We triangulate our cases with the cases MB identify as “breakdown” or “erosion.”

Appendix Table 1.1 provides information on all of the cases identified using our method, including the time period of the backsliding episode. We show whether the case is validated by inclusion in the other datasets. Those that are identified as eroding or backsliding to authoritarian rule by at least two other measures are included in our list of backsliding cases; all others are eliminated. Cases with a population under one million were also eliminated (one case, the Comoros). For those included cases, we code them as undergoing either erosion, which we define as a decline in their liberal or electoral democracy classification while remaining democratic (ie. above either our liberal or electoral democracy thresholds, specified above); or reversion, which is backsliding to authoritarian rule (below the electoral democracy threshold). That process is the basis for the final list of cases presented in Appendix Table 1.2.

Appendix Table 1.1 Initial Case Selection

Country	Backsliding Episode	Inclusion in other datasets	Coding
Bangladesh	2013–2017	Polity, decline from democracy to anocracy in DD period; MB, breakdown	Eliminated; breakdown in MB reflects earlier coup, does not correspond with backsliding period
<i>Bolivia</i>	2007–2017	Polity, decline within democracy in DD period; EIU, from flawed democracy to hybrid	<i>Erosion</i> within electoral democracy
<i>Brazil</i>	2016–2017	EIU, within flawed democracy; MLL, LD to ED	<i>Erosion</i> within liberal democracy
The Comoros	2017	MLL, decline from LD to ED; MB, breakdown (2007–2015)	Eliminated (population)
Croatia	2016–2017	EIU, decline within flawed democracy	Eliminated, one other dataset only
<i>The Dominican Republic</i>	2014–2017	FH, decline from free to partly free; Polity, decline within democracy DD period; MB, but breakdown in earlier period (1990)	<i>Erosion</i> within electoral democracy
<i>Ecuador</i>	2009–2017	Polity, decline within democracy; MB, erosion	<i>Erosion</i> within electoral democracy
Ghana	2017	MLL, LD to ED	Eliminated, one other dataset only.
<i>Greece</i>	2017	FH, decline within free; EIU, from full to flawed democracy	<i>Erosion</i> within liberal democracy
<i>Hungary</i>	2011–2017	FH, within free; EIU, within full democracy; MLL, within LD	<i>Erosion</i> from liberal democracy
India	2015–2017	None	Eliminated, no other datasets
South Korea	2009–2017	FH, decline within free	Eliminated, one other dataset only

<i>North Macedonia</i>	2010–2016	FH, within partly free; EIU, flawed democracy to hybrid; MLL, within ED; MB, breakdown (2012)	<i>Erosion</i> within electoral democracy 2010, <i>reversion</i> 2012.
<i>Nicaragua</i>	2005–2019	FH, decline within partly free; MLL, ED to EA; Polity, decline within democracy DD period Note: declined in EIU, but already below 6	<i>Erosion</i> within electoral democracy 2005; <i>reversion</i> 2008.
Philippines	2004–2009, 2017	MB, breakdown (2004)	Eliminated, one other dataset only
<i>Poland</i>	2016–2017	FH, within free; EIU, within flawed; MLL, from LD to ED; MB, erosion	<i>Erosion</i> within liberal democracy
Romania	2017	EIU, within flawed democracy.	Eliminated, one other dataset only
<i>Russia</i>	2000–2017	Polity, decline to anocracy in TW period; MB, breakdown (2000)	<i>Reversion</i> from electoral democracy
<i>Serbia</i>	2013–2017	EIU, within flawed democracy; MB, breakdown (2017)	<i>Erosion</i> within electoral democracy 2013, <i>reversion</i> 2017.
Spain	2017	EIU, within full democracy	Eliminated, one other dataset only
Suriname	2017	MLL, from LD to ED; MB, breakdown (1980)	Eliminated; MB breakdown does not correspond with backsliding date
Thailand	2013		Eliminated by definition; reversion due to coup, not elected government
<i>Turkey</i>	2010–2017	FH, partly free to not free; MLL, ED to EA; Polity, decline to anocracy Note: declined in EIU, but already below 6	<i>Erosion</i> within electoral democracy 2010, <i>reversion</i> 2014.

<i>Ukraine</i>	2010–2017	FH, decline to partly free; EIU, from flawed democracy to hybrid; MLL, ED to EA; Polity, decline to anocracy in DD period; MB, breakdown (2014)	<i>Erosion</i> within electoral democracy 2010, <i>reversion</i> 2014.
United Kingdom	2015–2017	None	Eliminated, no other datasets
<i>United States</i>	2016–2017	FH, decline within free; Polity, decline within democracy	<i>Erosion</i> within liberal democracy
Uruguay	2017	None	Eliminated, no other datasets
<i>Venezuela</i>	1998–2017	FH, partly free to not free; Polity, decline within anocracy in DD period; MB, breakdown. Note: declined in EIU, but already below 6	<i>Erosion</i> from electoral democracy 1998; <i>reversion</i> 2006.
<i>Zambia</i>	2016–2017	FH, decline within partly free; MB, breakdown 2014.	<i>Reversion</i> from electoral democracy 2016

Notes: The included cases are in ***bold italics***. DD: democratic deficit period (2006–2017); TW: Third Wave period (1974–2017); MLL: Mechkova, Luhrman, and Lindberg, with their usages (LD, liberal democracy; ED, electoral democracy; EA electoral autocracy; MB: Mainwaring and Bizzarro.

Extending the Coding of Backsliding Episodes to 2018–19

While cases were initially selected for study using data that went through 2017, all of the cases selected were still in the midst of a backsliding episode at that time. To decide whether a country should still be considered as backsliding in 2018–19, we consulted updated scores for the Liberal Democracy Index in version 10 (v.10) of the Varieties of Democracy data set to see whether scores remained at low levels, fell further, or improved. We assessed these scores in conjunction with an examination of changes observed in the country narratives below, particularly whether a) autocrats remained in power in 2018 and 2019, b) they were replaced by rulers who continued the pattern of backsliding, or c) they were replaced by leaders who initiated a process of political liberalization thus ending the backsliding episode. Backsliding episodes are assessed to have ended when we observe a notable upturn in the LDI scores and where the narratives show substantial movement toward political liberalization. Those coding decisions are justified in [Appendix Table 1.2](#), which includes our final list of backsliding cases through 2019.

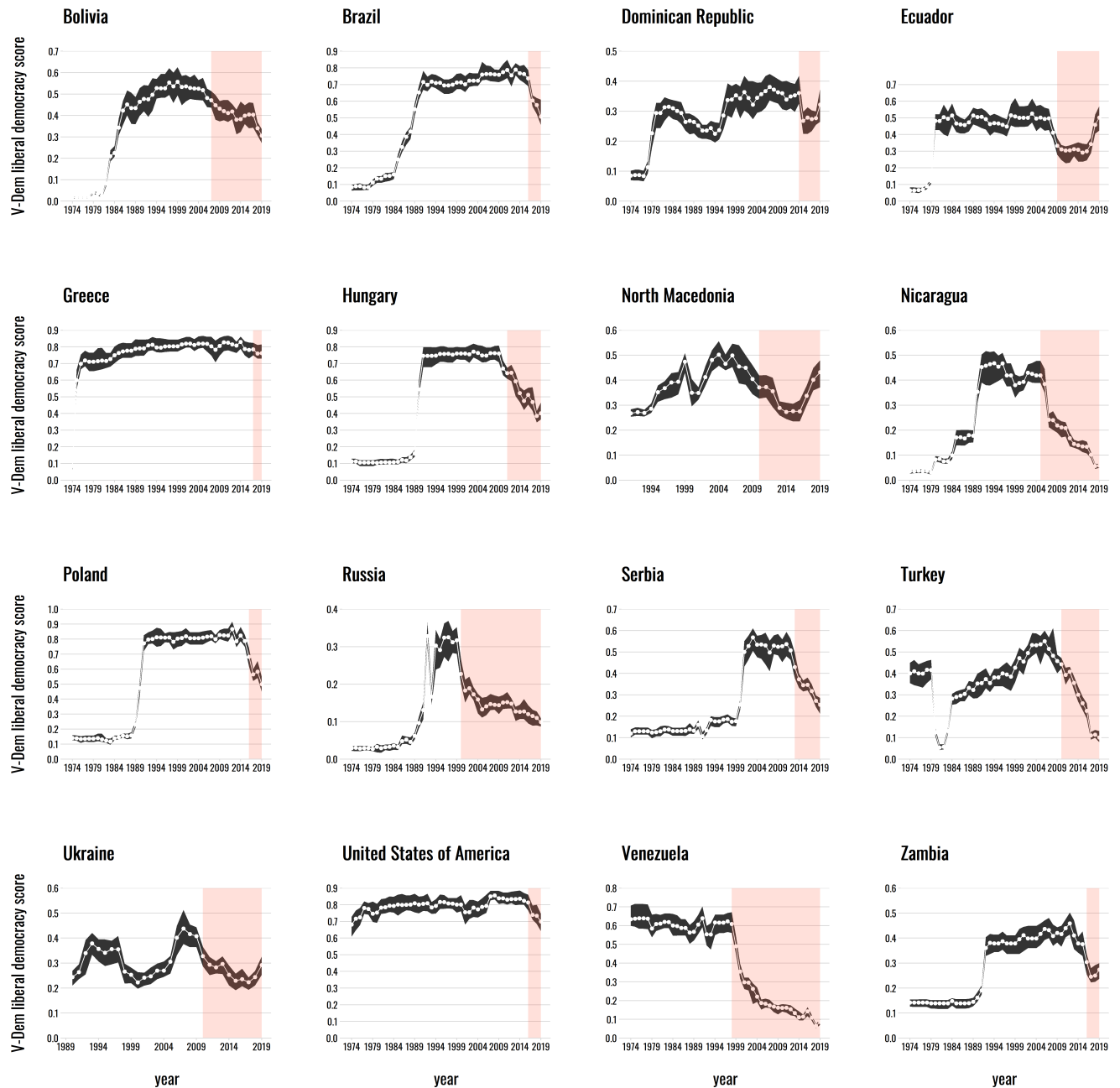
Appendix Table 1.2 Coding Backsliding in 2018-19

Country	Backsliding Episode	Coding	Justification of Coding
Bolivia	2007–2019	<i>Erosion</i> from electoral democracy	LDI continues to decline. Morales resigns from presidency in November; 2019 therefore still coded as backsliding year.
Brazil	2016–2019	<i>Erosion</i> from liberal democracy	Bolsonaro still in office end-2019; LDI continues to decline.
The Dominican Republic	2014–2017	<i>Erosion</i> from electoral democracy	Medina blocked in his bid for a third term; LDI improves in 2019.
Ecuador	2009–2017	<i>Erosion</i> from electoral democracy.	Lenin Moreno succeeds Correa, starts democratic reforms. LDI scores rise in 2018-19
Greece	2017	<i>Erosion</i> from liberal democracy	Tsipras in office until July 2019; LDI scores fall marginally in 2018-19
Hungary	2011–2017	<i>Erosion</i> from liberal democracy	Orban remains in office; LDI scores fall in 2018, increase slightly (01) in 2019 but well below 2017 level.
Macedonia	2010–2016	<i>Erosion</i> from electoral democracy 2010, <i>reversion</i> 2012	Zoran Zaev assumed office in May 2017, begins liberal democratic reforms. LDI scores rise in 2017–2019
Nicaragua	2005–2019	<i>Erosion</i> from electoral democracy 2005; <i>reversion</i> 2008	Ortega still in office; LDI continues to fall.

Poland	2016–2017	<i>Erosion</i> from liberal democracy	PiS remains in office through elections in October 2019 and is returned to power. LDI continues to fall.
Russia	2000–2017	<i>Reversion</i> from electoral democracy	Putin re-elected in March 2018 and remains in office; LDI falls slightly in 2018–19
Serbia	2013–2017	<i>Erosion</i> from electoral democracy 2013, <i>reversion</i> 2017	Vučić resigns position as prime minister to run for president in May 2017 and remains in office. (proposes Ana Brnabić as Prime Minister). LDI falls in 2018–19.
Turkey	2010–2017	<i>Erosion</i> from electoral democracy 2010, <i>reversion</i> 2014	Erdoğan remains in office. LDI stable in 2018, falls marginally in 2019.
Ukraine	2010–2017	<i>Erosion</i> from electoral democracy 2010, <i>reversion</i> 2014	Reformist Volodymyr Zelensky assumes office in May 2019. LDI scores improve in 2018–19, but end of episode dated to election of Zelensky.
United States	2016–2017	<i>Erosion</i> from liberal democracy	Trump remains in office. LDI falls marginally in 2018–19.
Venezuela	1998–2017	<i>Erosion</i> from electoral democracy 1998; <i>reversion</i> 2006	Maduro still in power. LDI falls in 2018, improves marginally in 2019 but in context of widespread regime repression.
Zambia	2016–2017	<i>Reversion</i> from electoral democracy 2016	Lungu remains in office. LDI stable in 2018, rises but only marginally in 2019.

Appendix Figure 1.1, finally, presents the data for our selected cases in a way which permits visualization of individual country paths. We use the updated v.10 LDI scores to provide coverage for the entire period—noting, however, that there was a subtle change in the composition of the LDI with v.10 that appears to have had material effect: the addition of requirements related to “transparent law enforcement” (v2cltrnslw_osp), and “access to justice for men” (v2clacjstm_osp) and “women” (v2clacjstw_osp). We take up this issue in more detail in the next section. The years shaded in red in Appendix Figure 1.1 constitute our identified backsliding episodes.

Appendix Figure 1.1 Liberal Democracy Scores and Backsliding Episodes



Note: The white points and black shaded bands indicate point estimates and 95% confidence intervals respectively. The red bands indicate backsliding episodes.

A Note on Greece

According to V-Dem liberal democracy scores, Greece had an episode of backsliding starting in 2017, during the populist SYRIZA-led government elected in 2015 (although not, it should be noted, from its onset). As explained above, based on continuity in those scores and in the party in power, the episode would appear to extend into 2019.

However, it is worth noting that our method of triangulation raised questions about the case. We included it because of changes in both EIU and Freedom House codings. EIU downgraded the country from a “full” to a “flawed” democracy, ranking it toward the very bottom of European cases (above only Turkey) by 2019. Freedom House political rights scores dropped from 1 to 2 as well, which given the 7-point scale is significant.

Yet those changes in EIU and Freedom House codings actually came earlier than the identified backsliding episode, in 2008–2010 and 2011 respectively, and in the case of the Freedom House rankings the downgrade was actually reversed in 2017, the very year that V-Dem data suggests an erosion. Moreover, EIU scores for electoral process and pluralism as well as civil liberties were broadly within Western European ranges; the EIU’s critical assessment of Greece hinged on categories that do not closely match our preoccupation with horizontal checks, rights and the integrity of the electoral system: political participation, political culture and “functioning of government,” which underwent significant decline during the financial crisis for reasons which are external as well as internal.

Moreover, as we will see below the literature on Greece is divided with respect to whether democracy was at risk or not. It should also be underlined that any erosion that might have occurred did not affect Greece’s overall ranking as a liberal democracy. We thus treat the country as a particularly ambiguous case.

A Note on Russia

In our initial case selection, we used V-Dem data from v.8 of the project (2018); in updating to 2018–2019 we used data from v.10 of the project. However, as noted above, the V-Dem project adjusted its codings in the v.10 dataset. In most cases, these differences were not material for our purposes. However, in five cases, there were differences in the coding of the years for which the country in question had exceeded a V-Dem electoral democracy score of .5.

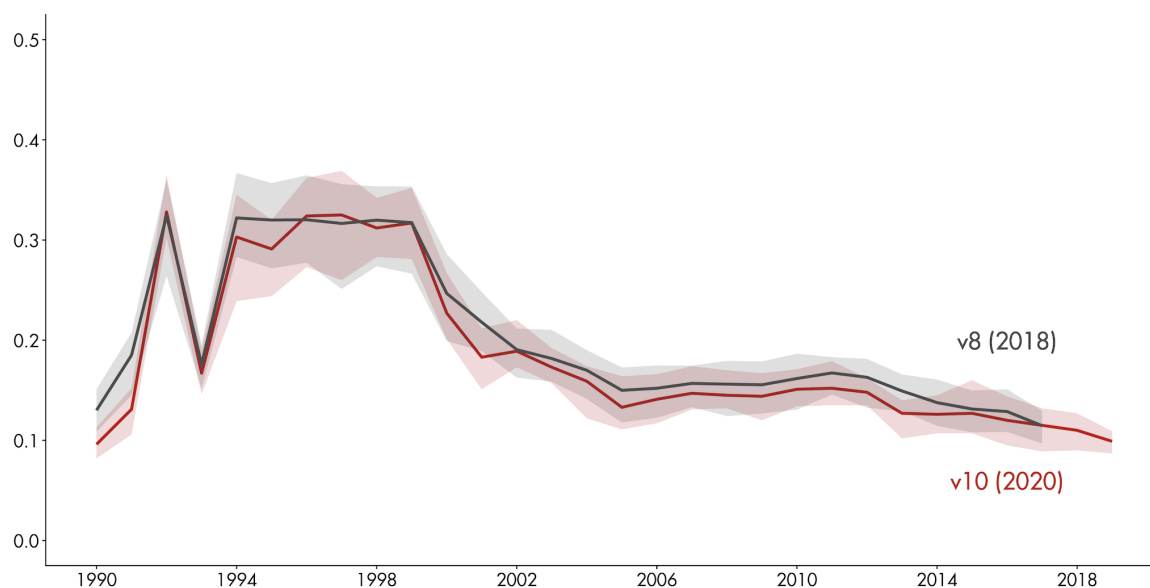
Those cases are:

- North Macedonia v.8: 1997–1999, 2002–2011, 2017; North Macedonia v.10: 1999, 2002–2012, 2017–2019
- Russia v.8: 1992–1999; Russia v.10: 1992–1993
- Ukraine v.8: 1992–1997, 2006–2013; Ukraine v.10: 1992–1997, 2006–2011
- Venezuela v.8: 1980–2005; Venezuela v.10: 1980–2002
- Zambia v.8: 1994–1996, 2000–2013; Zambia v.10: 2000–2001, 2006–2013

As can be seen, in all cases the revision in EDI coding resulted in fewer years in which the countries in question were coded as exceeding the .5 EDI threshold. However, only in Russia were these differences particularly significant.²

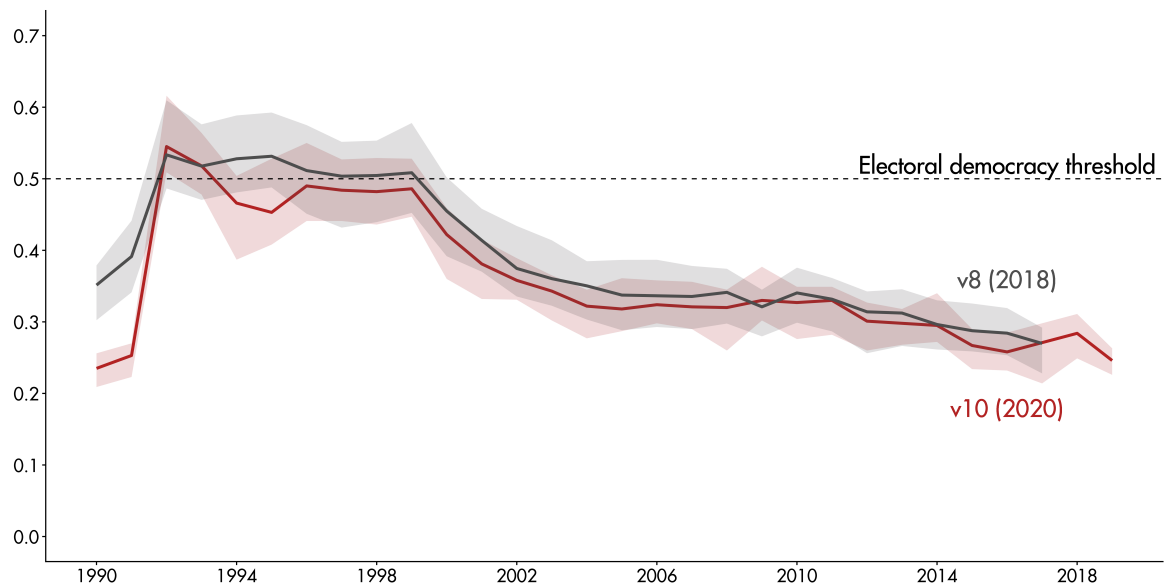
Appendix Figures 1.2 and 1.3 outline the issue by showing V-Dem liberal and electoral democracy scores from these two versions of the dataset. As can be seen, the decline in liberal democracy scores in the two datasets is very highly correlated, although v.10 makes slight downward adjustments. Yet we see a shift in the interpretation of the Yeltsin years in Russia (1991–1999) in the electoral democracy scores as well. While the v.8 version of the data set shows eight years of democracy, crossing our threshold for an electoral democracy (.5)—if just barely—v.10 shows the country crossing that threshold only in 1992–93. Using v.10 data, Russia would not qualify as a backsliding case. Rather, it would be seen as a transitional competitive authoritarian regime that subsequently slides back into autocracy, reverting to levels of democracy roughly similar to the late Communist era. Nonetheless, we decided to continue to include the case, both because of its substantive importance and because it did conform with our initial coding rules. In no other cases did this problem arise.

Appendix Figure 1.2 Liberal Democracy Scores in Russia, 1990–2019



²Ukraine also shows fewer than eight consecutive years of scores greater than .5 in the v.10 dataset, but only one year less.

Appendix Figure 1.3 Electoral Democracy Scores in Russia, 1990–2019



A Note on Developments in 2018–19

We cannot fully triangulate the data set for countries that experienced decline in 2018–19 because not all of those datasets had released the data for those years. Nonetheless, the list of those experiencing backsliding episodes using the V-Dem data alone is suggestive. As above, the following cases had achieved at least eight years above 0.5 on the Electoral Democracy Index (v.10) and then experienced a statistically significant decline in their liberal democracy scores (again, v.10) in 2018–19: Benin; Bosnia and Herzegovina; Botswana; Bulgaria; Chile; Guyana; Israel; Mali; Moldova; Paraguay; South Africa. It is important to underscore that triangulation would have almost certainly shortened this list, but we cannot say in what ways.

APPENDIX 2. SOCIAL AND POLITICAL ORIGINS OF BACKSLIDING: THE ROLE OF POLARIZATION



This section provides detail on variables used in the tables and figures in Chapter Two of *Backsliding*.

Variable Definitions for Table 2.1 and Figures 2.1-2.3 in *Backsliding*

To capture the extent of polarization, we draw on four V-Dem indicators. Two we take as indicators of elite polarization (political parties hate speech and respect counterarguments), and two as indicators of social polarization (polarization of society and CSO anti-system movements). Polarization of society and political parties hate speech are taken from Valeriya Mechkova, Daniel Pemstein, Brigitte Seim, Steven Wilson. 2020. *Digital Society Project Dataset v2* at <http://digitalsocietyproject.org/>. The wording of the question and scores are reproduced here.

- **Respect counterarguments.** When important policy changes are being considered, to what extent do political elites acknowledge and respect counterarguments?

Responses:

- 0: Counterarguments are not allowed or if articulated, punished.
- 1: Counterarguments are allowed at least from some parties, but almost always are ignored.
- 2: Elites tend to acknowledge counterarguments but then explicitly degrade them by making a negative statement about them or the individuals and groups that propose them.
- 3: Elites tend to acknowledge counterarguments without making explicit negative or positive statements about them.
- 4: Elites almost always acknowledge counterarguments and explicitly value them, even if they ultimately reject them for the most part.
- 5: Elites almost always acknowledge counterarguments and explicitly value them, and frequently also even accept them and change their position.

- **Political parties hate speech.** How often do major political parties use hate speech as part of their rhetoric?

Responses:

- 0: Extremely often.
- 1: Often.
- 2: Sometimes.
- 3: Rarely.
- 4: Never, or almost never.

Scale: Ordinal, converted to interval by the measurement model.

- **Polarization of society.** How would you characterize the differences of opinions on major political issues in this society?

Responses:

- 0: Serious polarization. There are serious differences in opinions in society on almost all key political issues, which result in major clashes of views.

- 1: Moderate polarization. There are differences in opinions in society on many key political issues, which result in moderate clashes of views.
- 2: Medium polarization. Differences in opinions are noticeable on about half of the key political issues, resulting in some clashes of views.
- 3: Limited polarization. There are differences in opinions on only a few key political issues, resulting in few clashes of views.
- 4: No polarization. There are differences in opinions but there is a general agreement on the direction for key political issues.

Scale: Ordinal, converted to interval by the measurement model.

- **CSO anti-system movements.** Among civil society organizations, are there anti-system opposition movements?

Clarification: An anti-system opposition movement is any movement—peaceful or armed—that is based in the country and is organized in opposition to the current political system. That is, it aims to change the polity in fundamental ways, e.g., from democratic to autocratic (or vice-versa), from capitalist to communist (or vice-versa), from secular to fundamentalist (or vice-versa).

Responses:

- 0: No, or very minimal. Anti-system movements are practically nonexistent.
- 1: There is only a low-level of anti-system movement activity but it does not pose much of a threat to the regime.
- 2: There is a modest level of anti-system movement activity, posing some threat to the regime.
- 3: There is a high level of anti-system movement activity, posing substantial threat to the regime.
- 4: There is a very high level of anti-system movement activity, posing a real and present threat to the regime.

Coding of Cases in Table 2.1 in *Backsliding*

Countries more polarized than benchmarks (t-10 to t+2). The case in question shows higher polarization than the benchmark in at least one year over the t-10 to t+2 period.

Countries with an increase in polarization (t-10 to t+2). The country in question shows an increase in polarization in the period.

Countries with an increase in polarization (t to end of episode or 2019). The country in question shows an increase in polarization through the end of the backsliding episode or if it is still in that episode through 2019, an increase through 2019. Note that only four cases exited from their backsliding episode by 2019 using our metric: the Dominican Republic, Ecuador, Macedonia and Ukraine.

Acronyms in Table 2.2 in *Backsliding*

Country	Acronym
Bolivia	MAS. Movimiento al Socialismo
Brazil	PT. Partido dos Trabalhadores PSDB. Partido da Social Democracia Brasileira MDB. Movimento Democrático Brasileiro (changed from PMDB in December 2017)
The Dominican Republic	PLD. Partido de la Liberación Dominicana
Ecuador	PAIS or Alianza PAIS. Patria Altiva i Soberana
Greece	PASOK. Panhellenic Social Movement ND. New Democracy ANEL. (ANEA). Independent Greeks - National Patriotic Alliance Golden Dawn. Popular Association – Golden Dawn
Hungary	Socialist Party. Hungarian Socialist Party Fidesz. Hungarian Civic Party
North Macedonia	VMRO-DPMNE. Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity) Social Democratic Coalition. Main party is Social Democratic Union of Macedonia
Nicaragua	PLC. Partido Liberal Constitucionalista ALN. Alianza Liberal Nicaragüense
Poland	PiS. Law and Justice Party
Serbia	SNS. Serbian Progressive Party
Turkey	DSP. Democratic Left Party MHP. Nationalist Movement Party ANAP. Motherland Party AKP. Justice and Development Party
Zambia	MMD. Movement for Multi-Party Democracy

APPENDIX 3. CONSTITUTIONS IN THE BALANCE: PARTIES, LEGISLATURES AND THE COLLAPSE OF THE SEPARATION OF POWERS

V-Dem Legislative Oversight Index



What we refer to in the text as the legislative oversight index is formally called the “legislative constraints on the executive index”; analysis of trends in that index were used to make the judgments we report. The index is formed out of four subcomponents, based on the following questions (page numbers refer to pages in V-Dem Codebook v. 8):

- **Legislature questions officials in practice.** If the executive were engaged in unconstitutional, illegal, or unethical activity, how likely is it that a legislative body (perhaps a whole chamber, perhaps a committee, whether aligned with government or opposition) would conduct an investigation that would result in a decision or report that is unfavorable to the executive? (p. 129)
- **Executive oversight.** If executive branch officials were engaged in unconstitutional, illegal, or unethical activity, how likely is it that a body other than the legislature, such as a comptroller general, general prosecutor, or ombudsman, would question or investigate them and issue an unfavorable decision report? (p. 130)
- **Legislature investigates in practice.** In practice, does the legislature routinely question executive branch officials? (p. 129)
- **Legislature opposition.** Are opposition parties (those not in the ruling party or coalition) able to exercise oversight and investigatory functions against the wishes of the governing party or coalition? (p. 130)

APPENDIX 4. THE BACKSLIDING PROCESS

Table 4.1 and Figures 4.1-4.3 in *Backsliding*: Data Definitions



The description of the indicators used in Table 4.1 and the subsequent figures in Chapter Four are defined by V-Dem as follows.

- **Government censorship effort.** Does the government directly or indirectly attempt to censor the print or broadcast media?

Clarification: Indirect forms of censorship might include politically motivated awarding of broadcast frequencies, withdrawal of financial support, influence over printing facilities and distribution networks, selected distribution of advertising, onerous registration requirements, prohibitive tariffs, and bribery. We are not concerned with censorship of non-political topics such as child pornography, statements offensive to a particular religion, or defamatory speech unless this sort of censorship is used as a pretext for censoring political speech.

Responses:

- 0: Attempts to censor are direct and routine.
- 1: Attempts to censor are indirect but nevertheless routine.
- 2: Attempts to censor are direct but limited to especially sensitive issues.
- 3: Attempts to censor are indirect and limited to especially sensitive issues.
- 4: The government rarely attempts to censor major media in any way, and when such exceptional attempts are discovered, the responsible officials are usually punished.

- **CSO repression.** Does the government attempt to repress civil society organizations (CSOs)?

Responses:

- 0: Severely. The government violently and actively pursues all real and even some imagined members of CSOs. They seek not only to deter the activity of such groups but to effectively liquidate them. Examples include Stalinist Russia, Nazi Germany, and Maoist China.
- 1: Substantially. In addition to the kinds of harassment outlined in responses 2 and 3 below, the government also arrests, tries, and imprisons leaders of and participants in oppositional CSOs who have acted lawfully. Other sanctions include disruption of public gatherings and violent sanctions of activists (beatings, threats to families, destruction of valuable property). Examples include Mugabe's Zimbabwe, Poland under Martial Law, Serbia under Milosevic.
- 2: Moderately. In addition to material sanctions outlined in response 3 below, the government also engages in minor legal harassment (detentions, short-term incarceration) to dissuade CSOs from acting or expressing themselves. The government may also restrict the scope of their actions through measures that restrict association of civil society organizations with each other or political parties, bar civil society organizations from taking certain actions, or block international contacts. Examples include post-Martial Law Poland, Brazil in the early 1980s, the late Franco period in Spain.
- 3: Weakly. The government uses material sanctions (fines, firings, denial of social services) to deter oppositional CSOs from acting or expressing themselves. They may also use burdensome registration or incorporation procedures to slow the formation of new civil society organizations

and sidetrack them from engagement. The government may also organize Government Organized Movements or NGOs (GONGOs) to crowd out independent organizations. One example would be Singapore in the post-Yew phase or Putin's Russia.

4: No. Civil society organizations are free to organize, associate, strike, express themselves, and to criticize the government without fear of government sanctions or harassment.

- **EMB autonomy.** Does the Election Management Body (EMB) have autonomy from government to apply election laws and administrative rules impartially in national elections?

Clarification: The EMB refers to whatever body (or bodies) is charged with administering national elections.

Responses:

0: No. The EMB is controlled by the incumbent government, the military, or other de facto ruling body. 1: Somewhat. The EMB has some autonomy on some issues but on critical issues that influence the outcome of elections, the EMB is partial to the de facto ruling body.

2: Ambiguous. The EMB has some autonomy but is also partial, and it is unclear to what extent this influences the outcome of the election.

3: Almost. The EMB has autonomy and acts impartially almost all the time. It may be influenced by the de facto ruling body in some minor ways that do not influence the outcome of elections.

4: Yes. The EMB is autonomous and impartially applies elections laws and administrative rules.

- **High court independence.** When the high court in the judicial system is ruling in cases that are salient to the government, how often would you say that it makes decisions that merely reflect government wishes regardless of its sincere view of the legal record?

Clarification: We are seeking to identify autonomous judicial decision-making and its absence. Decisions certainly can reflect government wishes without merely reflecting those wishes, i.e. a court can be autonomous when its decisions support the government's position. This is because a court can be fairly persuaded that the government's position is meritorious. By merely reflect the wishes of the government we mean that the court's own view of the record, its sincere evaluation of the record, is irrelevant to the outcome. The court simply adopts the government's position regardless of its sincere view of the record.

Responses:

0: Always.

1: Usually.

2: About half of the time.

3: Seldom.

4: Never.

APPENDIX 5. CASE STUDIES: TEMPLATE AND COUNTRY CASES

Case Template



T the end of Chapter One of *Backsliding*, we present the following brief outline of our method:

“Our methodological approach selects on the dependent variable, considering these backsliding cases as our sample. We frame our analysis of the backsliding cases with comparative reference to regional benchmarks. However, our primary interest is in exploring the plausibility of the postulated causal mechanisms we have identified, an analytic focus for which this sort of large-N qualitative analysis is appropriate. In the following chapters we draw on illustrative examples, based on more detailed causal process observation contained in the Appendix case studies.”

Here, we elaborate on this approach, which follows closely consensus views of process-tracing or causal process observation methods such as those outlined in Derek Beach and Rasmus Brun Pedersen’s *Process Tracing Methods: Foundations and Guidelines* (Ann Arbor: University of Michigan Press, 2013).

We divide each case into an introduction outlining the backsliding episode, followed by three main sections which correspond with the theory outlined in the book: the extent and sources of political polarization; the electoral and legislative factors that are conducive to backsliding, starting with election of autocrats as heads of government and autocratic parties to the legislature; and the path of backsliding itself. Conclusions address events through early 2020 and discuss those episodes in which backsliding ended prior to the book going to press.

The approach follows what Beach and Pedersen call a “theory-testing” process tracing approach in which we conceptualize the causal mechanisms contributing to the backsliding process, operationalize those mechanisms and assess whether their observable effects are consistent with the theory. Following our outline of the case template, we provide a summary assessment of the presence or absence of the stipulated causal mechanisms.

The 16 country cases then follow. References and country experts we consulted are included in each country narrative.

Polarization

We begin with the observation that backsliding is driven by deepening political divisions; at the extreme, not only are elites and publics more distant, but cross-cutting cleavages are submerged into a single, reinforcing dimension that pits “Us” vs. “Them” on a range of issues. We expect that such polarization weakens norms of tolerance and self-restraint among both competing political elites and publics, and it increases the likelihood that illiberal majoritarian appeals will generate electoral support. Polarization is also likely to lead to declining trust in government and, in some cases, was accompanied by violence.

We look opportunistically at research and data—including, particularly, the V-Dem indicators on polarization discussed above—that capture both elite and mass attitudes, as well as behavioral ones, such

as the emergence of anti-system social groups (we consider changes in the party system in more detail below):

- Changes in polarization among political elites (for example, with respect to how they vote in legislatures);
- Changes in polarization among publics (for example, with respect to how they view oppositions [“us-them”]) ;
- Declining trust in political institutions;
- The rise of hate speech;
- Polarization on social media and the emergence of divisive or disruptive social media campaigns;
- The rise of anti-system, far-right and far-left and populist social organizations, particularly those engaged in social violence and demonization of opponents or vulnerable social groups (again we take up the issue of parties in the second section).
- See the discussion of the V-Dem polarization measures above.

We are agnostic about the underlying *sources* of such polarization, and in two senses. First, we do not find the stark debate between economic and socio-cultural sources of polarization to be useful; they clearly interact. And second, we do not take a position *ex ante* on whether polarization arises “from below”—among voters and civil society—or is a result of electoral strategies pursued by political elites; again, we suspect both forces are at work. However, we do consider a possible background causes of polarization:

- Economic performance and particularly crises that provide openings for populist and other extreme parties;
- Increases in inequality, including across households or regions and social groups;
- Changes in immigration flows;
- Political crises involving minority groups, insurgencies or secessionist movements.

Openings and Realignments: The Electoral and Legislative Background to Backsliding

A second crucial stage in the backsliding process centers on how electoral victories of autocrats and anti-system parties are converted into dominant legislative majorities that permit the concentration of executive power and the weakening of horizontal checks. We consider this process in three steps: developments in, and particularly realignments of, the party system; the corresponding rise of authoritarian leaders and parties and their participation in government; and the extent to which the legislature then delegates—or abdicates—power to the executive.

We expect backsliding to occur in the wake of the breakdown or realignment of party systems. In each case study, we therefore start this section with a discussion of the path of party system change prior to the backsliding episode, typically looking at popular vote and seat shares. Where it is available, we report this data from Adam Carr's Psephos Election Archive at <http://psephos.adam-carr.net>. Where necessary, we supplement from other data sources, as reported in the narratives.

Realignments that open the way to backsliding can occur in one of two ways:

- The party system fragments, providing opportunities for candidates and parties from outside the mainstream. We focus particular attention on populist parties, ideologically extremist or anti-system parties, and nationalist, racist, and nativist parties.
- Alternatively, one or more of the established parties is captured by an extremist leadership that reflects orientations described above.

It is worth underscoring that the particular cleavage may matter less than the existence of party polarization: backsliding has come from the left, the right, and from populist parties that combine elements of both. Typically, a common feature of all of these parties, however, is majoritarian appeals and animus against established elites.

We define backsliding in terms of actions taken by duly elected governments. We are therefore interested in the extent of the majorities that autocratic executives and anti-system parties enjoy, both with respect to the popular vote and most crucially, in the translation of votes into seats. Conversely, we also consider this process through the lens of the ability of the democratic opposition to check or block autocrats and anti-democratic parties. We can rank these circumstances from the most to the least likely to generate backsliding:

- Autocrats capture executive office and enjoy legislative majorities or even supermajorities; democratic parties function as minorities.
- Autocrats capture executive office, but are forced to rule in coalition (in parliamentary systems) or face divided government (in presidential ones).
- We can also imagine executives functioning with pluralities of votes and seats that similarly constrain their ability to act.

We do not, however, rule out the possibility that the mere rise of such parties may have adverse effect on democracy by pulling established parties toward more extreme positions.

One of our key causal hunches is that backsliding is more likely—and more extensive—where legislatures not only delegate to executives but abdicate their power to check; it is the weakening of the legislative as well as judicial check that permits the centralization of power in the executive, in his role both as head of government and head of party. We therefore pay particular attention to actions such as: formal constitutional amendments that strengthen the executive; ceding power to the executive; tolerance of

executive decrees; the termination of term limits; the decline in the deliberative, oversight, and law-making powers of the legislature; and in some cases, more radical actions, such as weakening the power of the legislature or even shuttering it altogether. It is appropriate to consider these developments in the electoral context, for example where referenda are involved. In other cases, this delegation of power might itself be seen as part of the backsliding process.

Backsliding

Finally, we turn to backsliding itself: the process through which executive powers are used in a step-by-step fashion to weaken the three components of democratic rule we have identified: institutions of horizontal accountability, political and civil liberties, and the integrity of the electoral system.

In contrast to military coups or other abrupt authoritarian seizures of power, the incremental nature of this process makes it difficult to identify any single abuse that tips the balance decisively toward autocracy. We therefore pay particular attention to sequencing: how early steps in this process facilitate and normalize later stages.

We hypothesize that autocrats typically begin by using executive and legislative authority to undermine the independence of the judiciary, law enforcement agencies, and the press. Although it is not a central focus of our theoretical approach, control over the economic resources of the state and corruption often play an important role in building bases of elite support and deterring opposition, and we discuss it where appropriate. This combination of legal, economic, and coercive resources tilts the competitive playing field, but is then turned more directly to the corruption of the electoral process, intimidation of political challengers, and repression of civil and political liberties.

In order to identify and measure these discrete steps, we pay attention to three clusters of indicators.

The Weakening of Horizontal Checks on the Executive

- Attacks on the independence of the judiciary, law enforcement and justice system, particularly prosecutorial powers. This could come in part through appointments that do not require vetting or that violate previous norms with respect to such appointments.
- Weakening the “administrative rule of law”—the expectation that civil servants would abide by statute—including appointments that violate civil service norms.
- Decline in the openness and transparency of government.
- Weakening of checks on corruption.

Weakening of Political and Civil Liberties

We consider restraints on freedom of speech and the press, association and assembly, which constitute core rights that are crucial for the functioning of democracy. These include *inter alia*:

- Attacks on the media and academia, or surveillance and retribution for political speech.

- Attacks on citizens' rights to organize in different political parties or other competitive political groupings and are free from undue obstacles to the rise and fall of these competing parties or groupings. Also of interest are freedom for nongovernmental organizations, including foreign ones, particularly those that are engaged in human rights and governance-related work.
- Attacks on unions and professional associations.
- Attacks on freedom of assembly: repressing peaceful protests.
- However, we also consider some efforts to strip protections from minority and vulnerable groups, as they can be indicative of backsliding in some cases. These include ethnic, religious, womens', LGBTQ+, and other relevant groups.

Attacks on the Integrity of the Electoral System

Ultimately, the key question is whether oppositions have a viable ability to compete in free and fair elections.

- Has the government intervened in elections; are they free and fair? Is there outright fraud?
- Has the government changed electoral laws and the framework governing them?
- Have there been changes that undermine the impartiality of election management bodies?
- Is there vote suppression, including through voter registration and ID laws or outright intimidation?
- Is there extreme gerrymandering or moving toward electoral rules that are extremely disproportional?
- Does the government use other state resources to make the playing field less equal, for example in abuse of government media assets?

A Preliminary Assessment

We offer a very preliminary assessment of the findings in tabular form, focusing particular attention on the first two steps in the causal argument. Per the discussion above, we determine whether the hypothesized causal mechanism is present in the case and then assess whether the mechanism has observable implications consistent with the theory.

We determine whether polarization is present through a comparative metric: by benchmarking V-Dem measures against regional averages. We then consider three observable implications:

- Rising disaffection with the political system, particularly as a result of stalemates associated with polarization;
- Changes in the party system, including radicalization of moderate parties and/or decline of moderate parties and emergence of outsiders;

- The emergence of public support for an autocrat and, by extension, their majoritarian appeals.

We then consider whether the autocrat can count on the support of a ruling party or coalition in the legislature and ask whether that support is then used to collapse the separation of powers, particularly with respect to the independence of the judiciary; in the cases, we use both V-Dem data as well as qualitative assessments to reach this judgment.

Appendix Table 5.1 Backsliding: Summary of Case Study Findings on Polarization and Control of Legislature

Country	Mechanism	Observable Implications			Mechanism	Observable Implications
	Polarization Present?	Disaffection with system	Party system change	Support for autocrat	Control of legislature	Collapse of separation of power
Bolivia	Yes	Yes	Yes	Yes	Yes	Yes
Brazil	Yes	Yes	Yes	Yes	No	No
Dominican Republic	No	No	No	Yes	Yes	Blocked
Ecuador	Yes	Yes	Yes	Yes	Yes	Yes
Greece	Yes	Yes	Yes	Yes	Yes	Contested
Hungary	Yes	Yes	Yes	Yes	Yes	Yes
North Macedonia	Yes	Yes	Yes	Yes	Yes	Yes
Nicaragua	Yes	No	No	Yes	Yes	Yes
Poland	Yes	Yes	Yes	Yes	Yes	Yes
Russia	Yes	Yes	Yes	Yes	Yes	Yes
Serbia	Yes	Yes	Yes	Yes	Yes	Yes
Turkey	Yes	Yes	Yes	Yes	Yes	Yes
Ukraine	Yes	Yes	Yes	Yes	Yes	Yes
United States	Yes	Yes	Yes	Yes	Partial	Partial
Zambia	Yes	Yes	Yes	Yes	Yes	Yes

We simply summarize here the codings, and then discuss those that are anomalous or debated.

- With respect to polarization, we find that 15 of the 16 cases show evidence of polarization that exceeds regional benchmarks. This finding is confirmed by the qualitative metrics used as well. The exception is the Dominican Republic.
- With respect to the observable implications of polarization, 14 of 16 cases show signs of disaffection with the political system. The Dominican Republic and Nicaragua are possible exceptions.
- 14 of 16 cases show evidence of the postulated party system change; again, the Dominican Republic and Nicaragua are exceptions.

- All of the cases show strong—although not necessarily majority—support for the autocrat.
- In 14 of the 16 cases, the autocrat could count on control of their party in the legislature. The exceptions are Brazil, and partially, the United States.
- In 12 of the 16 cases, we find that there is a collapse in the separation of powers, with Brazil, the Dominican Republic, Greece, and the United States as possible or partial exceptions.

We comment briefly on each of these anomalies.

Nicaragua

Notwithstanding Nicaragua's history of revolution and civil war, polarization did not play a significant role in the rise to power of Daniel Ortega or in the backsliding episode; conflicts were muted by war weariness and conciliatory policies pursued by post-Sandinista, Liberal party governments of the 1990s. Splits within the Liberal party opened the way for Ortega to gain the presidency. From there, he was able to leverage an alliance with one of the Liberal factions to gain unilateral control of the legislature and concentrate executive power. Although backsliding in Nicaragua did not fully comport with our theoretical expectations regarding polarization, the legislature provided a crucial platform for the collapse of the separation of power.

Dominican Republic

The Dominican Republic is a marginal case, but the mild backsliding we see was the result of a bargain between President Danilo Medina of the ruling Liberal Democratic party and a faction of the minority Dominican Revolutionary party, which allowed him to overturn limits on a second term of office and to threaten to extend his power into a third term. Consistent with our expectations about legislative control, Medina's command of a congressional majority raised serious concerns about the separation of powers. We see no evidence, however, of polarization, nor of significant changes in the party system, as is characteristic of most other backsliding episodes. Medina's bid to concentrate power was the product of elite politics and was cut short by internal party rivalries and by pressure from the United States.

Brazil

Brazil exhibits all components of the postulated backsliding process with one important exception. While Bolsonaro's rise mirrors the causal process we outline, he was not able to count on a legislative majority. As president, Bolsonaro could deploy the unilateral authority of his office to engage in assaults on the civil rights of vulnerable populations, undermine environmental protections, and increase reliance on military support. Consistent with our theoretical expectations, however, the checks imposed by an independent legislature deterred a more fundamental concentration of executive authority.

Greece

As will be seen, Greece is a marginal case that is highly contested in the literature on the country. There can be no question that the country had a long history of political polarization, that disaffection with the system had risen in the wake of the financial crisis, that the party system had generated more extreme options, and that the “autocrat”—Alexis Tsipras—and his Syriza party was substantial; moreover, albeit in coalition, Tsipras enjoyed legislative support. However, it is deeply contested whether the actions taken during his administration, and particularly with respect to weakening of the judiciary, rise to the level of backsliding. It is both a marginal and contested case.

The United States

The United States conforms closely with all expectations on polarization: its presence and adverse effects. Yet there are limits on the President’s control of the legislature, rooted first in the maintenance of norms of Congressional prerogatives, even on the part of the Republican Party, and more importantly, after 2018, as Democrats regained control of the House of Representatives. Continuing control of the Senate shielded the president from accountability for abuses of power. Nevertheless, the president was unable to undermine the independence of the judiciary or the media, or to impose debilitating restrictions on civil society.



BOLIVIA

EROSION FROM ELECTORAL DEMOCRACY, 2007–2017¹



According to our V-Dem indicators, Bolivia's backsliding episode began in 2007. As we discuss below, however, this episode was preceded by constitutional crises that erupted during the early 2000s. Although our initial case selection was based on V-Dem data through 2017, we assess that democracy continued to erode in the country through most of 2019. The specific backsliding episode arguably ended in November of that year when Evo Morales—the leader of the ruling Movement for Socialism party (*Movimiento al Socialismo*, or MAS)—was forced from office by civil protesters, the police, and the military. However, as of this writing, the removal of Morales has only deepened the crisis of democracy in Bolivia; the right-wing groups that replaced him have engaged in increasingly autocratic behavior.

The rise of the MAS as a social movement and political party, as well as its bitter conflicts with conservative antagonists, drove the backsliding episode. As an opposition force in the early 2000s, the MAS led protests that forced two successive presidents to resign. After Morales was elected to the presidency, however, the political system was rocked during his first term (2006–2009) by confrontations, frequently violent, over the writing of a new constitution, which was intended to centralize power in the president's hands. Despite these efforts, Morales never fully closed the space for political contestation, either from opposition forces or from within his own social movement. However, during his second term (2009–2014) and until he was ousted at the end of his third term (2014–2019), he succeeded in subordinating the Congress and the courts, intimidating the press, and establishing his personal dominance over the system.

Although we focus in this project on the political institutional features of democratic regimes, it is important to emphasize that the Morales era had strong social and economic inclusionary components. The success of MAS was largely due to their ability to capitalize on underlying class, ethnic, and regional divisions within Bolivian society, and to the discrediting of the established political parties that had supported “neoliberal” reform. Throughout the period of democratic erosion, the lives of the Bolivian poor—and especially the indigenous sector—improved in significant ways. After taking power, Morales's populist regime capitalized on the commodity boom of the mid-2000s to reduce poverty and the concentration of income (see Madrid 2012: 162–178) and opened the way to increased participation and political engagement by previously marginalized groups.

These achievements are essential for understanding Morales's enduring popularity and consistent ability to win elections throughout most of the last decade. The social improvements and political participation effected during the Morales years fostered a significant debate over whether this erosion had paved the way for a democratic deepening, rather than decline (Anria 2016; Balderachhi 2017; Levitsky and Loxton 2013; Wolff 2013; 2018); some argued that Morales's removal in 2019 constituted a coup against these achievements. However, as we show, according to the standard metrics we use to measure democracy, the Morales years witnessed substantial erosion.

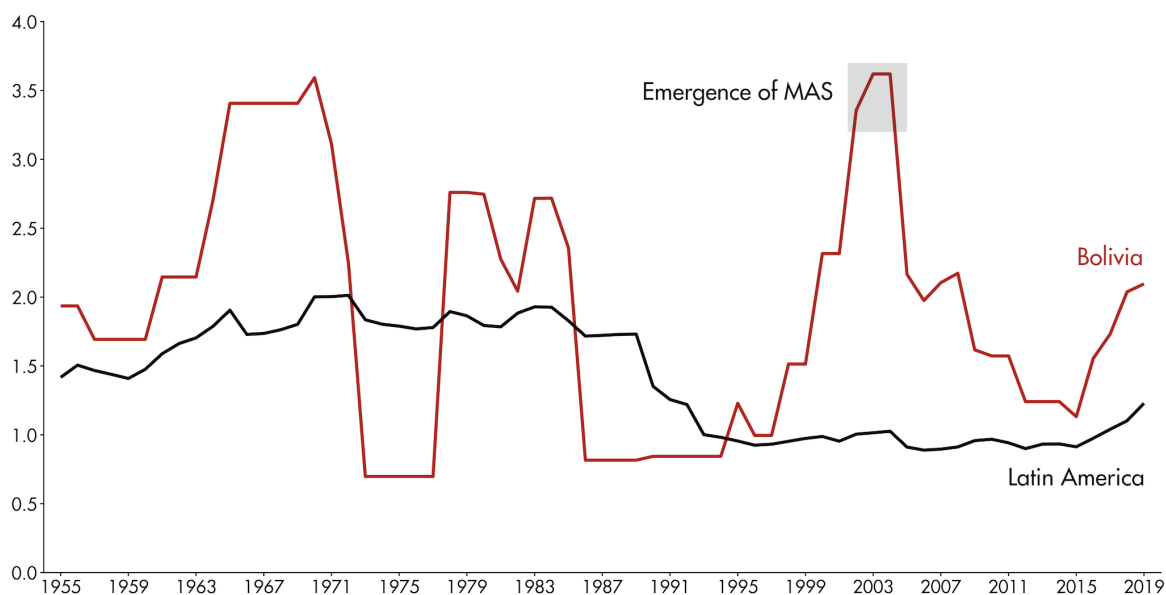
¹Our thanks to Javier Corrales and Raul Madrid for comments on this case.

Social Bases of Polarization

The socio-political conflicts that brought Evo Morales to power were rooted in the fact that Bolivia had the largest indigenous population of any country in Latin America and one of the highest concentrations of income and wealth. World Bank estimates of the Gini index reached a high of .6 in 2000 before falling sharply during the Morales era (World Bank 2018). Economic inequality, moreover, overlapped with extreme ethnic stratification. While white and mestizo elites dominated the political and economic system, an internally diverse but very large indigenous population was at the bottom; by a 2001 estimate, as much as half of the population above the age of six spoke an indigenous language (Madrid 2012: 38). Fragmentation within the indigenous population, especially between Quechua and Aymara language groups, limited the scope of appeals to specific ethnic identities. Nevertheless, the country had a long history of mass mobilizations, peasant revolts, and insurgencies, based on a combination of broader class and ethnic loyalties (Klein 1992; Dunkerley 1994). Such insurgencies included a major social revolution in 1952, led by mining and peasant unions.

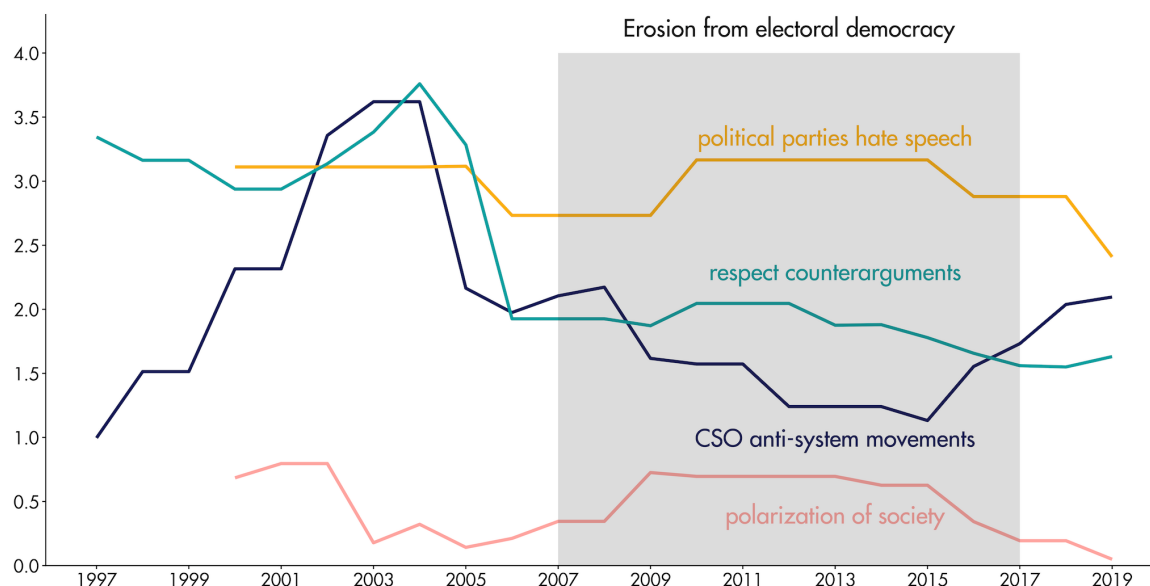
Because of the volatility of its political history, it is worth considering indicators of polarization over the long-run. The first graph ([Figure Bolivia.1](#)) shows data on the incidence of anti-system social movements from the 1950s to the 2010s. These social movements rise and fall, but on average are significantly above the Latin American mean. A peak of anti-system movements is apparent between 2002 and 2005, around the time MAS first appeared on the scene as a militant social movement and a major political force. Although the level of anti-system militancy in Bolivia continued to remain high compared to the Latin American average, it began to subside after Morales assumed the presidency and the MAS established itself as the dominant ruling party. It peaked significantly again between 2017 and 2019, as protests mounted over Morales's bid for another presidential term.

Figure Bolivia.1 CSO Anti-System Movements in Bolivia and Latin America, 1955–2019



Other V-Dem indicators also showed high levels of polarization associated with Morales's rise to political power during the 2000s (Figure Bolivia.2). Between 2003 and 2005, the most direct measure (V-Dem's "polarization of society" metric) fell close to zero, coded as "serious differences in opinion on almost all key political issues." During these years, MAS-led protests drove two successive presidents, Gonzalo Sánchez de Lozada and Carlos Mesa, from office. Indicators for hate speech and respect for counterarguments also worsened during these years, again a reflection of the antagonism among the contending social and political forces.

Figure Bolivia.2 Political and social polarization in Bolivia, 1997–2019

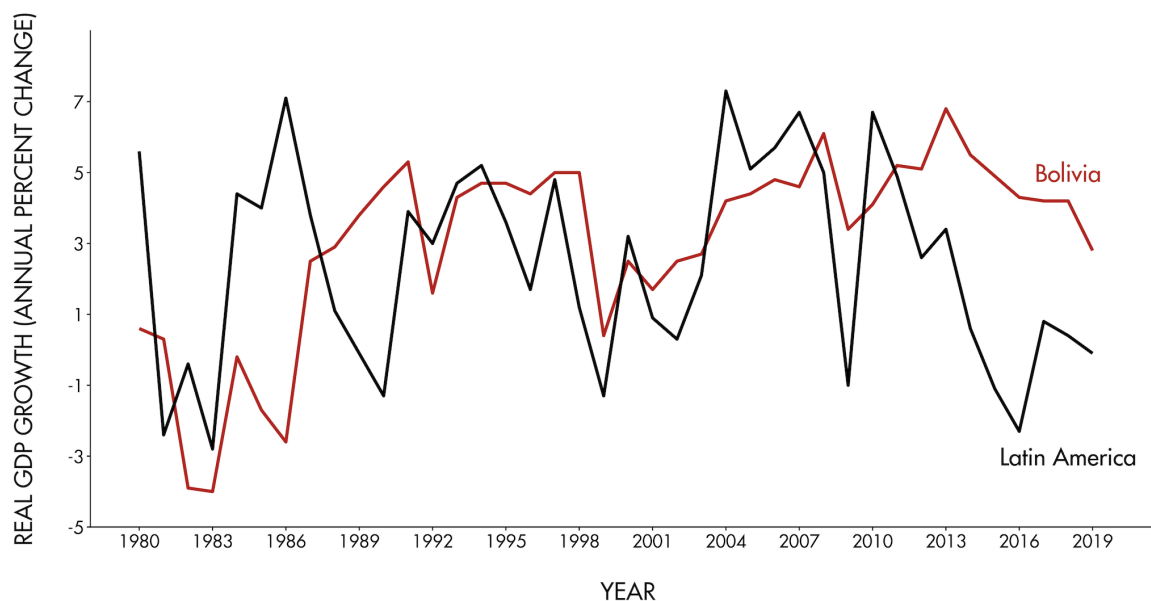


In addition to cleavages along ethnic and class lines, regional divisions were also important during the mid-2000s (Madrid 2012; Corrales 2018). These pitted the highland provinces—which were heavily indigenous, densely-populated, and poor—against the eastern lowland provinces—which were the centers of gas and oil production, with a predominately mestizo population. The eastern provinces of Tarija, Santa Cruz, Beni, and Pando became major sources of opposition to the MAS as it rose to power in the mid-2000s. Inter-regional conflicts became especially intense and sometimes violent during the MAS's rise to power between 2002 and 2005, and in the struggle over MAS's constitutional initiative to centralize authority in the federal government and strengthen presidential power in 2007 and 2008 (Corrales 2018).

These conflicts, finally, unfolded in the context of an uneven recovery from the disastrous debt crisis of the early 1980s. Figure Bolivia.3 shows moderate growth during the mid-1990s, a sharp recession during the Asian financial crisis of 1999, and slow growth during the early 2000s. Even though economic performance in Bolivia was somewhat better than in Latin America as a whole, it fell well short of the expectations generated by neoliberal reforms and was a significant source of dissatisfaction with the major parties that had dominated the Bolivian system. We turn in the next section to the impact these

conflicts on the Bolivian party system and the rise of the MAS.

Figure Bolivia.3 Real GDP Growth in Bolivia and Latin America, 1980–2019



Party Politics and Institutional Changes: The Rise of *Movimiento al Socialismo* (MAS)

In the two decades following Bolivia's transition from military rule in 1982, three major parties had rotated in power: the MNR (the *Movimiento Nacionalista Revolucionario*, or Revolutionary Nationalist Movement), MIR (the *Movimiento de la Izquierda Revolucionaria*, or Revolutionary Left Movement), and ADN (the *Acción Democrática Nacionalista*, or Nationalist Democratic Action). The transition itself occurred in the midst of a severe debt and inflation crisis, but tough austerity measures and structural reforms helped to stabilize both the economy and the democratic regime by the mid-1980s (Dunkerley 1994; Klein 1992; Whitehead 1986). The party system began to unravel, however, under the impact of the conflicts discussed in the preceding section.

The sharp recession and tepid recovery of the late 1990s and early 2000s was widely attributed to the failure of neoliberal economic policies backed by all of the major parties during the preceding decade. The financial shock of 1999 hit during the term of Hugo Banzer, leader of the conservative ADN, who had been elected president in 1997. His administration was also rocked by violent protests over a decision to privatize the water works and raise rates in the municipality of Cochabamba (later called the "Water War"), and was eventually forced to abandon the project.

His successor, Gonzalo Sánchez de Lozada, was elected in 2002, running on the ticket of the MNR, the second major party. Sánchez de Lozada had been an architect of the neoliberal reforms of the mid-1980s and had served an earlier term as president, from 1993 to 1997. As noted above, he was driven from office in 2003 after he repressed protests over plans to attract private investment into the natural gas sector and to export the gas through Chile, a geopolitical rival that had seized Bolivia's coastal territories in the late 19th century. His vice president and successor, Carlos Mesa, was also forced to resign in the face of protests in 2005. The MIR, the final major party, was not in a position to offer a credible alternative, since it had also converged toward support for market-oriented policies.

Thus, as Kenneth Roberts (2014) has argued, the party system as a whole had become “dealigned” with respect to historic left-right cleavages, creating new electoral opportunities for outside challengers (Roberts 2014; Lupu 2014; Handlin 2018; Faguet 2019). The vulnerability of the traditional parties to discontent with the economy, moreover, was compounded by the absence of strong political roots within indigenous communities. Their connection to the electorate was framed primarily around economic and class interests, and their leaders were almost exclusively white and mestizo (Lupu 2014). As the economy deteriorated, they were increasingly exposed to the ethno-populist opposition mobilized by Morales and the MAS.

Tables [Bolivia.1](#) and [Bolivia.2](#) show the rapid electoral decline of the historically-strong MNR, MIR, and ADN between the late 1990s and the mid-2000s and the corresponding rise of the MAS and PODEMOS (Poder Democrático Social, or Social Democratic Power), a major new competitor. In the 1997 election, the three major parties—the MNR, MIR, and ADN—won a combined 57 percent of both the legislative and presidential vote. The congressional and presidential elections of 2002, however, marked the collapse in support for the ADN, with its presidential vote falling from about 23 to 3.4 percent and its congressional vote share falling to less than 4 percent from about 22 percent five years earlier. By 2005, the year Evo Morales captured the presidency, support for the MNR and MIR had also collapsed (see Tables [Bolivia.1](#) and [Bolivia.2](#)).

The “unmooring” of the traditional parties from the Bolivian electorate opened the way for the rise of Evo Morales and the MAS as the dominant political party in the mid-2000s. The surge was spurred by a “rough balance between ethnic and populist appeals” (Madrid 2012: 62). Morales's original base developed out of the support he received as leader of the Quechua-dominated cocoa-growers association, but he reached out as well to Aymara activists and organizations, recruited indigenous candidates from across the ethnic divide, and supported traditional indigenous cultural and language demands. At the same time, however, he also reached out to mestizo and white voters by incorporating non-indigenous politicians into the MAS leadership and by championing anti-establishment, nationalist, and redistributive policies (Madrid 2012).

MAS first appeared on the scene as a major social movement and political force in the early 2000s (Farthing and Kohl 2014). In the 2002 presidential election, Morales captured a surprising 20 percent of the vote and MAS established itself as the largest opposition party in the Congress ([Table Bolivia.1](#)). In 2003 and 2005, as noted, the movement organized massive protests that drove two successive presidents—Gonzalo Sánchez de Lozada (2002–2003) and Carlos Mesa (2002–2005)—from office. In the 2005 general election, Morales went on to victory with almost 54 percent of the valid presidential votes and majority control of the lower house of the Congress. In a recall referendum, sponsored by leaders of wealthier eastern provinces in 2008, Morales's position was reaffirmed with two-thirds of the vote.

Table Bolivia.1 Legislative Vote for Chamber of Deputies, 1997–2014 (share of votes/share of seats)

	1997	2002	2005	2009	2014
ADN	22.2/15.4	3.9/3.1			
MIR	16.8/15.4	16.3/20.0			
MNR	18.2/20.0	22.5/27.7	†/4.5		
CONDEPA	17.1/14.6				
MAS		20.9/20.8	53.7/56.2	57.5/67.7	†/67.7
PODEMOS			26.6/33.8		
PPB-NC				26.9/28.5	
UD (DEM UNI)					†/24.6
CDP					†/7.7
Other					

Note: Blank cells indicate parties that did not run candidates; † indicates missing data.

AND, *Alianza Democrática Nacionalista*, (Nationalist Democratic Alliance); Condepa, *Consciencia de Patria*, (Conscience of the Fatherland); FUN, *Frente de Unidad Nacional*, (National Unity Front); MIR, *Movimiento Izquierda Revolucionaria*, (Movement of the Revolutionary Left); MNR, *Movimiento Nacionalista Revolucionario*, (Nationalist Revolutionary Movement); NFR, *Nueva Fuerza Republicana*, (New Republican Force); PPB, *Plan Progreso para Bolivia*, (Progressive Plan for Bolivia); Podemos, *Poder Democrático Social*, (Social and Democratic Power); PDC, *Partido Demócrata Cristiano*, (Christian Democratic Party); UCS, *Unión Cívica Solidaridad*, (Civic Solidarity Union); UN, *Unidad Nacional* (National Unity); UD, *Unidad Demócrata*, (Democratic Unity).

Source: Carr, *Psephos Election Archive*.

During the initial years of Morales's presidency, right-wing political elites also regrouped, establishing the PODEMOS party in an alliance between ADN leaders and a number of smaller right-wing parties. In the years-long struggle over a new constitution, the PODEMOS party could draw not only on veto power, which it held with its 12 seats in the Senate, but also on de facto power (Corrales 2018)—economic resources and popular support within the eastern provinces—to mobilize a powerful opposition to Morales in the streets. In this respect, Morales faced, at least temporarily, a stronger check on presidential aggrandizement than was the case in Venezuela, Ecuador, Hungary, and Turkey, where opposition parties disintegrated almost entirely.

Over time, however, the strident ethno-populist campaigns that swept MAS to victory helped establish its position as the ruling party, and Morales as the overwhelmingly dominant personal leader. Morales's political fortunes were buoyed by the commodity boom of the mid-2000s (see [Figure Bolivia.3](#)), as well as by economic support from Venezuela and China. International criticism from liberal groups in the United States, conversely, was relatively muted by his advocacy for indigenous rights and his relatively

Table Bolivia.2 Presidential Elections in Bolivia, 1997–2014 (popular vote share)

Party	1997	2002	2005	2009	2014
ADN	Banzer 22.8	MacLean 3.4			
MIR	Paz Zamora 17.2	Paz Zamora 16.3			
MNR	Duran 18.2	Sanchez de Lozada 22.5	Nagatini 6.0		
MAS		Morales 20.9	Morales 54.1	Morales 64.2	Morales 61.0
UCS	Kuljis 16.3				
Condepa	Loza 16.3				
NFR/PPB		Reyes 20.9	Angulo 0.7	Reyes 26.5	
Podemos/PDC			Quiroga 28.6		Quiroga 9.1
FUN			Medina 7.8		
UN/UD				Doria 5.7	Doria 24.5
Others	9.2	16.0	2.8	3.6	5.4

Source: Carr, *Psephos Election Archive*

cautious management of the economy. With the economic wind at his back, Morales launched major social programs directed toward the indigenous population, and he won in an overwhelming majority in the 2009 elections (Table Bolivia.2). Just as important, MAS won a sweeping victory in the 2009 congressional elections, capturing over two-thirds of the seats (Table Bolivia.1). The ruling party's supermajority in turn facilitated the consolidation of Morales's control over the main institutional levers of power.

The Backsliding Process

As noted, 2007 was the first year in our data set in which the Liberal Democracy Index fell significantly below its peak value. As mentioned above, however, between 2002 and 2005, Bolivia had already been shaken by civil unrest and constitutional crises over water privatizations and proposed gas concessions to Chile. Morales, in turn, was elected in 2005 in the aftermath of these constitutional crises, under the interim presidency of the Supreme Court Chief Justice Eduardo Rodríguez.

Against this backdrop of unrest, we can trace the process through which Morales was able to consolidate his control over the Bolivian political system. The first phase of this consolidation began with the bitter election campaign of 2005 and the subsequent struggle over the new constitution; these developments unfolded between 2006 and the ratification of the constitution in 2009. The second period of more definitive consolidation began in 2009, with Morales's smashing victories in the presidential and congressional elections. These victories enabled him to eliminate the term limit concessions he had made during the earlier period. This period came to an end in late 2019, when Morales was ousted from the presidency by civil protest and military intervention after a bid for a fourth term in office.

Rewriting the Constitution, 2006–9

The pivotal struggle during Morales's first term (the first phase of the backsliding process) was over the writing of a new constitution, which—as with Chávez in Venezuela in 1998—was a central promise of his presidential campaign. The conflict pitted the president and MAS, which sought to centralize power, against PODEMOS and its allies, who advocated for expanded protections for regional autonomy, including over natural resource revenues. The conflict escalated sharply over the rules and procedures of drafting and ratification and became increasingly violent in 2007 and 2008.

The most heated confrontations erupted over a provision imposed by the Senate that required a two-thirds majority for all assembly decisions, where as noted, PODEMOS continued to hold enough seats to block proposals coming from MAS's 55 percent majority. In February of 2007, Morales initially conceded on the two-thirds rule in the face of violent street protests by opposition forces, but then attempted to roll back the concession by shifting the site of the assembly to a political stronghold, where MAS supporters physically blocked the entry of opposition forces. MAS delegates then passed a draft of the new constitution while their opponents boycotted the meeting, allowing Morales to ram through proposals strengthening the power of the president (Corrales 2018; Lehoucq 2008).

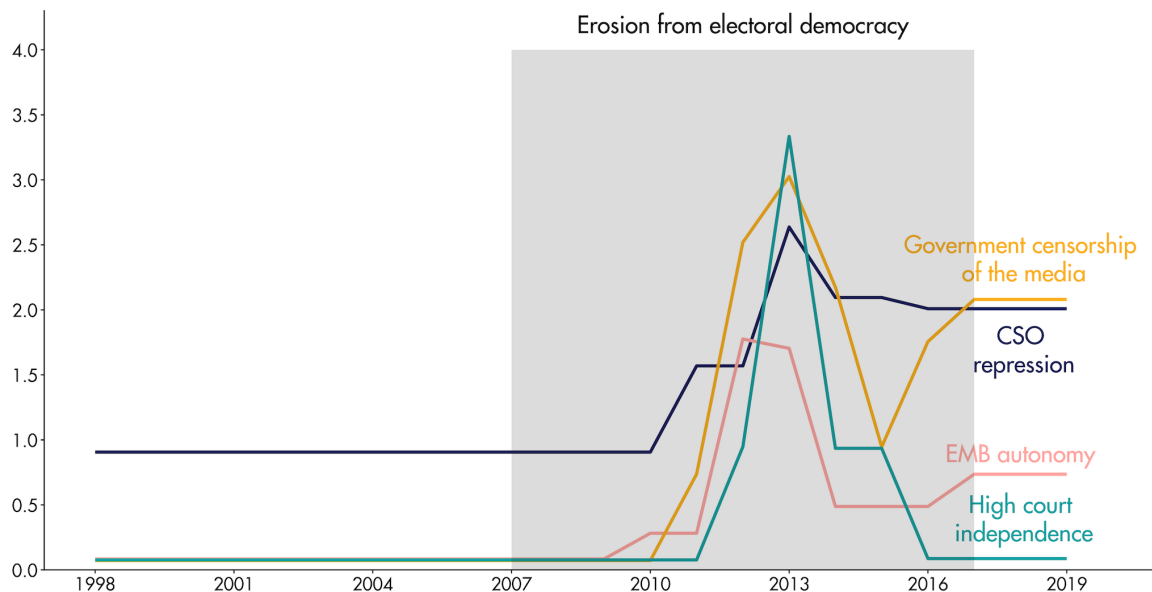
These maneuvers again triggered violent confrontations between supporters of MAS and the political opposition. The situation eased only when international pressure from the Organization of American States (OAS), the UN, the EU, and UNASUR (the Union of South American Nations) led to mediated negotiations between the two sides and a significant modification of the more radical provisions previously imposed through the vote of the rump assembly. More specifically, in his bid to expand presidential power, Morales was forced to make two major concessions to the opposition: first, the text of the constitution was altered to permit a referendum on regional autonomy, a significant barrier to Morales's goal of augmenting the power of the central government; second, and even more important, Morales agreed to accept a provision limiting him to two terms in the presidency. These limits were later voided by the courts, allowing Morales to run for a third term in 2014 and opening the way for a failed try for a fourth term in 2019. Unlike in Venezuela and Ecuador, however, the final version of the constitution itself did not directly provide for a significant expansion of presidential authority (Corrales 2018; Stoyan 2020).

The struggle to pass the constitution did, however, provide a political boost for Morales in subtler ways. A provision specifying public rights to natural resources provided a basis for the new government's nationalization of the oil and gas industries. Another provision increasing the number of legislative seats to be filled in first-past-the-post elections allowed MAS to convert simple electoral majorities into parliamentary supermajorities in the 2009 and 2014 general elections (see [Table Bolivia.1](#)). Provisions specifying land rights of indigenous communities later led to troublesome conflicts over natural resource extraction, but in the short run helped to bolster Morales's ties to the social movements within the MAS. Most broadly, the constitution formally established Bolivia as a "plurinational" state, an explicit recognition of the importance of its indigenous roots and ethnic diversity. As Stoyan suggests (2020), the writing and ratification of the new constitution in itself helped to consolidate Morales's position within his political base and contributed to the consolidation of his legislative majorities in subsequent elections.

Backsliding in Full, 2009–2019

Morales's victories in the presidential and congressional elections of 2009 opened the way to a second phase in which the president was able to deploy his supermajority to wrest back earlier concessions and consolidate his control. These acts are reflected in a further drop in the trend in all of the V-Dem indicators shown in [Figure Bolivia.4](#).

Figure Bolivia.4 Backsliding in Bolivia, 1998–2019



The most notable change was in freedom for civil society organizations. Between 2002 and 2009, the scores showed a sharp improvement in this space—a reflection of the surge in “bottom up participation” that was key to the rise of Morales (Balderacchi 2017; Silva 2017) and the mobilizations surrounding the elections and the new constitution. However, the freedom afforded to civil society groups narrowed substantially during Morales’s second and third terms. In part, this reflected the exhaustion of PODEMOS-led protests over the constitution, but it was also an indication of Morales’s increasing control over the constituent organizations of the MAS and his crackdown on left-wing and ecological protests against his increasing emphasis on resource extraction.

The deterioration in the other indicators shown in [Figure Bolivia.4](#) began earlier, but declined further as Morales consolidated his power. Pressure on the media began to increase around the time of the 2005 presidential campaign as Morales began to brand the independent press as disloyal and as his “number one enemy” (Madrid 2012: 181). The physical intimidation and harassment of journalists continued in subsequent years, however, leading to continuing downgrades in press freedom ratings by Freedom House. Between 2005 and 2009, the ratings worsened from 35 to 42, and then again to a score of 47 by 2016 (Freedom House, Freedom of the Press reports, 2005–2016).

Figure Bolivia.4 also shows a deterioration in the independence of the National Electoral Court (Corte Nacional Electoral, or CNE), which had established a relatively high level of autonomy during the 1990s. The V-Dem assessments indicate that it began to succumb to political pressures during the constitutional crises of the early 2000s (see above) and was compromised even more in 2005 when Morales replaced its president with a political loyalist. Once the MAS gained a legislative supermajority in 2009, however, they established an entirely new electoral authority, the Supreme Electoral Tribunal (TSE), and appointed nearly all of its members. EMB autonomy, as the figure shows, continued to fall thereafter. Although both Morales and MAS continued to enjoy wide electoral support during this second backsliding phase, these steps, as Freedom House (2010) notes, “seriously compromised the neutrality of the electoral authority” (Freedom House, various issues, *Freedom in the World: Bolivia*).

The decline in high court independence began from a lower baseline, and as it became embroiled in the struggle over the new constitution, its independence was compromised further. After 2009, however, the court was overhauled almost entirely. The constitution itself provided for the direct election of judges, which bypassed the requirement for legislative approval and was intended to leverage the popularity of MAS. In 2010, however, with MAS now in control of both houses of the legislature, the president was authorized to make temporary judicial appointments pending the election itself.

The subordination of the courts and the Electoral Authority cleared the way for the political harassment and prosecution of leading figures in the political opposition. Manfred Reyes Villa, the runner-up in the 2009 presidential election, was denounced as anti-democratic, subversive, and racist, and later escaped to the United States ahead of charges of corruption and malfeasance. Criminal charges were also levied against four past presidents and numerous opposition prefects on charges that often included not only corruption, but also human rights violations and treason. In effect, most of the checks on executive power had been eliminated.

The Term Limit Controversy: The Extension of the Morales Era, and its Termination

As Morales’s second term in office (2009–2014) began to draw to a close, the issue of term limits once again came to the fore. During the bitter struggle over the new constitution, the opposition had forced Morales to retreat on this question. This was a major setback in his project to consolidate presidential power. After 2009, however, the opposition was at least temporarily marginalized; with Morales now controlling all of the major institutional centers of power, he was in a position to reverse these earlier commitments.

In 2013, the Supreme Court cleared the way to reelection by ruling that the first term between 2005 and 2009 did not count against the two-term limit, allowing Morales to run again in 2014. Morales was running, moreover, with the economic wind still at his back. Between 2009 and 2014, growth rebounded strongly from the shock of the Great Recession, peaking at an annual rate of 6.8 percent in 2013, the year preceding the election (see **Figure Bolivia.3**). In the general election, Morales again won a smashing victory with over 60 percent of the vote (see **Table Bolivia.2**), extending his tenure for at least another five years.

Morales’s bid to extend his control of the system, however, did not stop there. In 2016, he engineered a referendum that would have allowed him to run for yet another term in 2019, and in fact had planned a referendum that would have eliminated term limits entirely. Potentially, his initiative would have placed him in a position to remain the unchallenged ruler until 2030.

Surprisingly, the bid to extend his time in office proved to be the beginning of the end of Morales's presidency. Unlike the runup to the 2014 election, the 2016 referendum to permit another term was launched in a much less favorable context. The commodity boom had ebbed and Morales's popularity had faded ([Figure Bolivia.4](#)). The administration was also plagued by accusations of corruption involving the Brazilian corporate giant Odebrecht, and by dissatisfaction with its slow response to wildfires that had spread in the Amazon region. These developments opened the way to a resurgence of opposition forces, and the referendum was narrowly defeated, by 51 to 49 percent.

In important respects, Morales's political position weakened even further in the years following this setback. In 2017, a decision to revive plans to build a road through the TIPNIS national park, which had initially been abandoned five years earlier, again faced strong opposition from former allies among indigenous and environmental groups. Growth continued to slow as well, reaching a low of only 2.8 percent in 2019, the year of the election (see [Figure Bolivia.3](#)).

Although on the defensive, Morales attempted to turn things around by exploiting other institutional levers of power to secure reelection. As in 2013, he turned to the Bolivian High Court, now thoroughly controlled by MAS loyalists (Castagnola and Perez-Linan 2011). The Court ruled that the imposition of term limits violated Morales's "human rights," and that the election should proceed despite the defeat in the referendum.

The election itself took place in October 2019 under highly suspicious circumstances. With over 80 percent of the votes counted, the Supreme Electoral Tribunal halted the tally when it appeared that Morales would not win by the 10-point margin necessary to avoid a runoff. When the counting resumed, the TSE announced that a surge in the remaining votes had put Morales over the top. Noting the suspicious vote surge and other irregularities, OAS observers called for new elections, a conclusion seconded by observers from the European Union. There has been considerable dispute around the OAS's statistical analysis. It was challenged by John Curiel and Jack R. Williams of MIT (2020) and defended by Irfan Nooruddin of Georgetown University (2020). It should be noted, however, that the OAS report listed other major procedural violations as well, including alteration and forgery of election material, failures in the chain of custody for ballots, and data manipulation.

Politics did not wait for a resolution of these issues. Opposition protests erupted throughout Bolivia, escalating especially after the release of a preliminary OAS report in early November. In La Paz, demonstrators clashed with pro-Morales supporters, occupied government offices, and attacked members of Morales's family. Morales also faced defections from within his own coalition, including from the Bolivian Workers' Center (COB), the largest union peak organization, and an indigenous workers' union, the Single Trade Union Confederation of Rural Workers (CSUTCB).

The final blow was defection of the military, what was then Morales's last line of defense. Local units of the Armed Forces and the police had already declared that they would not fire on demonstrators, but on November 10, General Williams Kaliman, the commander-in-chief, "suggested" that Morales resign to restore peace and stability to the country. Shortly after, Morales left Bolivia. Resignations from his top lieutenants followed, including the president and first vice president of the Senate and the leader of the Chamber of Deputies. The office of the presidency was filled on an interim basis by opposition politician Jeanine Áñez, who as second vice president of the Senate was next in the line of succession. With this transition, the Morales era had come to an end.

Conclusion

An account of the developments that have unfolded since Morales left the presidency takes us beyond the scope of this narrative. What has become increasingly clear, however, is that the dangers to democracy in Bolivia have deepened. In the period since she was appointed president, Áñez has shown little inclination to try to narrow the bitter ethnic and class cleavages that divide Bolivian society. On the contrary, her initial actions appeared directed at exacerbating them. In a legislative vote that lacked the necessary quorum, her claim to the presidency was approved only by the opposition parties in a rump session of the Senate that was boycotted by the MAS. She assumed office, declaring that the bible had returned to the presidential palace, an implicit rebuke to Bolivia's pre-Christian past, which had been acknowledged in its plurinational constitution. Her rhetoric and political associations signal a commitment to roll back many of the inclusionary achievements of the Morales era.

Most seriously, street confrontations with pro-MAS demonstrators have been met with military fire and civilian deaths. Áñez provoked a firestorm of local and international protest by decreeing that the military would not be held criminally liable for actions taken to maintain order. The decree opened the prospects for a broad crackdown, and was condemned by the Human Rights Watch, the Inter-American Commission on Human Rights, and the UN Human Rights Chief.

In sum, the transfer of power to anti-Morales forces seems considerably more likely to lead to an openly authoritarian regime than to democratic reform. The Morales regime, for all its abuses, continued to be attentive to grass-roots pressures from MAS and to accept opposition challenges at the polls. For these reasons, our V-Dem measures indicated that Bolivia remained above the threshold of electoral democracy for the entire Morales period. The preliminary indications in the post-Morales period is that Bolivia is increasingly likely to fall below this threshold.

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BRAZIL

EROSION WITHIN LIBERAL DEMOCRACY, 2016–2019¹



According to our V-Dem measure, backsliding in Brazil began in 2016. The most salient political crisis of that year was the impeachment of then-president Dilma Rousseff, led by political rivals who themselves were deeply implicated and later convicted in a widening corruption scandal (“Lava Jato”). In 2017, liberal democratic institutions were called further into question after the popular former president, Lula da Silva, was also convicted on charges of money laundering and corruption and subsequently banned from running again for the presidency. Though it was not known at the time, it later became evident that the conviction was highly tainted by collusion between the prosecutors and the judge in the case, who was ultimately appointed a Minister of Justice in the right-wing Bolsonaro administration. These events were preceded by a major economic crisis and by the escalation of concerns over crime and public services.

Democratic erosion continued during the presidential campaign of 2018 and then under the presidency of Jair Bolsonaro—a self-styled “Trump of the Tropics”—who assumed office in January 2019. Throughout 2019, strong institutions of horizontal accountability remained major impediments to a consolidation of Bolsonaro’s power. Unlike many other would-be autocrats, he faced checks in the Congress, a still highly independent judicial system, and an independent media. Nevertheless, the Brazilian Constitution provided him with important unilateral powers. Among other things, he deployed these powers to appoint military and far-right political allies to powerful cabinet positions; to engage in assaults on the civil rights of Afro-Brazilians, the LGBTQ+ community, indigenous citizens, and other vulnerable populations; and to damage the integrity of Brazil’s public university system. These steps deepened the divisions within Brazil’s already highly polarized political system and raised serious concerns about the future of Brazilian democracy.

Social and political bases of polarization

The first decade following Brazil’s transition to democratic government in 1985 was marked by severe economic and political turmoil, before stabilizing in the mid-1990s. Like many new democracies, incoming civilian governments faced problems of high inflation inherited from the military regime; inflation escalated from double to triple digits, and peaked at almost 3000 percent in 1989 (IMF 2019). As [Figure Brazil.1](#) shows, the economic shocks also included a recurrence of severe recession related to the debt crisis of the early 1980s. The first civilian government under José Sarney (1985–1990) proved entirely incapable of responding coherently to these challenges, and his successor Fernando Collor de Mello (1990–1992) became mired in a corruption scandal and was forced to resign under the cloud of impeachment. Not surprisingly, the dysfunction of these governments gave rise to a heated academic debate about whether the Brazilian democratic system was inherently ungovernable (Mainwaring 1993; Ames 2002; Haggard and Kaufman 1995; see also Limongi 1994 and Limongi and Figueiredo 1998 for a contrary view).

From the mid-1990s until about the mid-2000s, however, the Brazilian economy and political system appeared to be turning around. Two relatively moderate parties, the PSDB (Partido da Social Democracia Brasileira, or the Brazilian Social Democracy Party) and the PT (Partido dos Trabalhadores, or the

¹ We would like to thank Leo Falabella and Marian Carvalho Barbosa for their comments on this narrative.

Workers' Party), emerged as the principal competitors for the presidency, leading first to the election of Fernando Henrique Cardoso of the PSDB (1995–2003) and then to left-of-center PT governments led by Lula da Silva (2003–2011) and Dilma Rousseff (2011–2016). The smooth transfer of government from Cardoso to the left opposition under Lula, moreover, provided further evidence that the system was on the road to democratic consolidation. Each of these governments deployed cabinet appointments, earmarks, and other incentives to form relatively durable legislative coalitions.

Along with the stabilization of political democracy came improving economic performance. One of the most notable achievements under Cardoso was the containment of high inflation. “Plano Real,” initiated in 1994 while Cardoso was Minister of Finance, was an innovative stabilization program that reduced inflation from almost 5000 percent in 1994 to less than 2 percent by 1999. Economic growth remained uneven (see [Figure Brazil.1](#)) and vulnerable to shocks under both PSDB and PT governments, but the system appeared to recover relatively quickly from the crisis of the Great Recession. Under Lula, inclusionary policies, buoyed by the commodity boom of the mid-2000s, led to a significant reduction of poverty, an easing of high income inequality, and increasing political participation of formerly marginalized poor and Afro-Brazilian citizens.

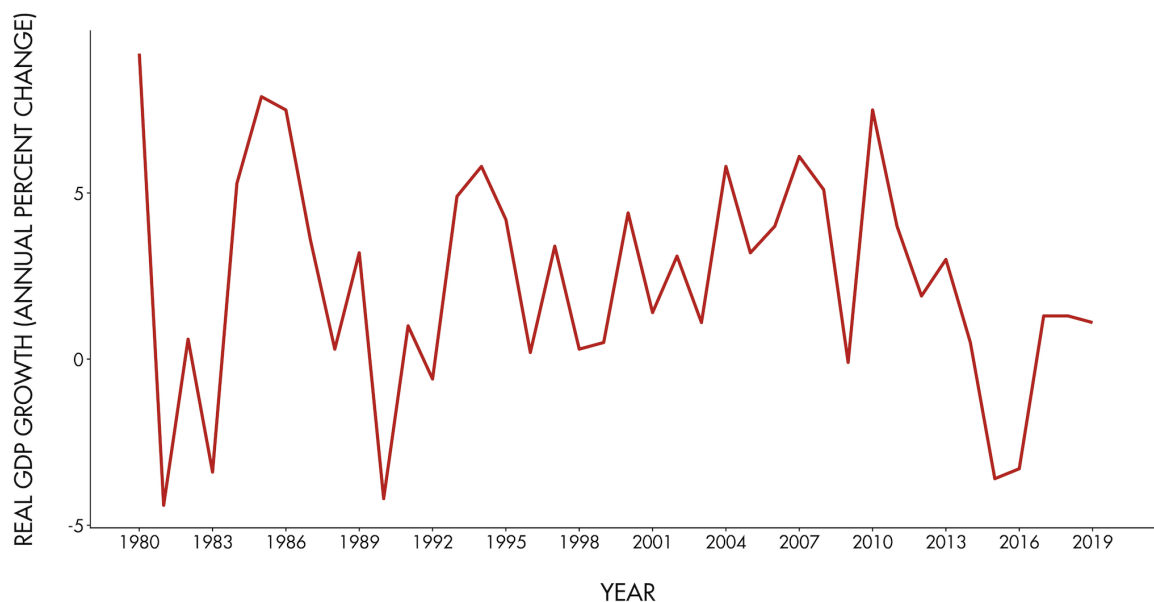
To be sure, the heterogenous coalition governments led by the major parties were often difficult to manage, particularly when it came to contentious issues related to pension and fiscal reform. Among other things, the challenges of coalition-building strengthened incentives for corruption; in 2005, leading officials of the PT were convicted of having diverted campaign contributions into monthly payoffs in exchange for legislative support from individual members of Congress. In hindsight, the “mensalao scandal” foreshadowed the much wider “Lava Jato” scandal to be discussed below. At the time, however, with the economy booming, the scandal blew over relatively quickly, and Lula sailed to reelection in 2006. More generally—and notwithstanding the more enduring questions raised by the scandal—legislation and public policy proceeded at a sufficient pace to allay earlier concerns about governability. As required by the Brazilian Constitution, Lula left office at the end of his second term, with very high approval ratings. Public support generated under his administration carried Dilma Rousseff, his hand-picked successor, to victory in the 2011 presidential elections.

Evidence of underlying popular dissatisfaction began to surface in 2013, however, with massive protests in every major city over poor public services and corruption, particularly regarding the preparation for the upcoming Olympic games. An important offshoot of these protests was the formation of the Free Brazil Movement (Movimento Brasil Livre, or the MBL), a network of young, right-wing social conservatives with ties to Brazil's 40 million evangelicals. The MBL formed initially in opposition to the PT, pressing for the impeachment of president Dilma Rousseff. In the 2018 presidential election, however, the movement became an important base of support for the candidacy of Jair Bolsonaro and his provocative homophobic, racist, and sexist rhetoric (McCann 2018).

The Olympic protests were followed in the next several years by a “perfect storm” of economic, political, and security crises, which deepened both political divisions and disaffection with the political system (Hunter and Powers 2019). The economic recession that hit Brazil between 2014 and 2016 was the worst in Brazil's history. GDP growth was close to zero in 2014, declined by almost 8 percent over the course of 2015 and 2016, and returned to an anemic one percent growth in 2017. Many factors contributed to this crash, but it was significantly exacerbated by the fiscal policies of the Rousseff administration. In the runup to the 2014 presidential election, Rousseff attempted to avert an economic slowdown with large,

off-the-books fiscal deficits in 2013 and 2014. Once the elections were safely behind her, she imposed a harsh austerity program in an attempt to course correct. The effects are registered in the virtual crash of the economy in 2015 and 2016 shown in [Figure Brazil.1](#), worse possibly even than the depression of the 1930s.

Figure Brazil.1 Real GDP Growth in Brazil, 1980–2019



Roughly concurrent with the economic crisis was the revelation of a massive kickback and bribery scandal, which implicated large sections of the political and corporate elite and further undermined the legitimacy of the system. The “Lava Jato” or “Car Wash” scandal (so known because it originated with the discovery of a suitcase full of cash left in a car wash) broke into the open in 2014, when federal prosecutors levied 37 criminal charges against 179 politicians and business leaders, and continued through 2017. The initial targets were mainly PT politicians and their allies, who had been in power since 2003—former President Lula da Silva, as noted above, was himself imprisoned and barred from contesting the presidency in the 2018 election—but the prosecution ensnared corporate leaders and major politicians from across the political spectrum and contributed to widespread disgust with the political class as a whole.

The third pivotal crisis was the increasing salience of violent crime and political insecurity. In 2017, seventeen Brazilian cities were listed among the fifty most violent cities in the world (Hunter and Power 2019: 73). Over one half of Brazilian respondents reported in a 2017 LAPOP survey that they felt unsafe in their neighborhood, ranking sixth in Latin America, well above only Venezuela and the Dominican Republic (with 67.4 and 61 respectively) and only slightly above Peru, Haiti, and Bolivia, whose scores ranged from 58 to 53.3 percent. The interim government of Michel Temer, Rousseff’s successor in the presidency, responded to this violence with a “hard hand” that made matters worse. With political discourse increasingly calling for “tough measures,” the new Temer government authorized the Armed

Forces to impose “order” in the state of Rio de Janeiro and moved trials for military abuses from civilian to military courts (Human Rights Watch 2019).

Escalating conflict and political polarization resulting from these developments is evident in [Figure Brazil.2](#) below. In 2014, we see the beginning of a sharp upturn in social polarization, significantly worse than the Latin American average. A decline in elite respect for counterarguments began earlier, around 2010, and a worsening of political hate speech coincided with the Rousseff impeachment in 2015–2016 (when future president Jair Bolsonaro devoted his impeachment vote to the military officer who had supervised the arrest and torture of Rousseff during the military dictatorship). Scores for anti-system movements began to rise from a very low level in 2004, possibly a reflection of scattered land occupations led by the Sin Terra movement, and rose again in 2013–2016. However, neither reached levels statistically different from the Latin American average. Since the protests mobilized against the military dictatorship, civil society in Brazil sustained a robust and sometimes disruptive presence; as noted, the impeachment controversy was marked by widespread peaceful mobilizations and counter-mobilizations throughout 2015 and 2016.

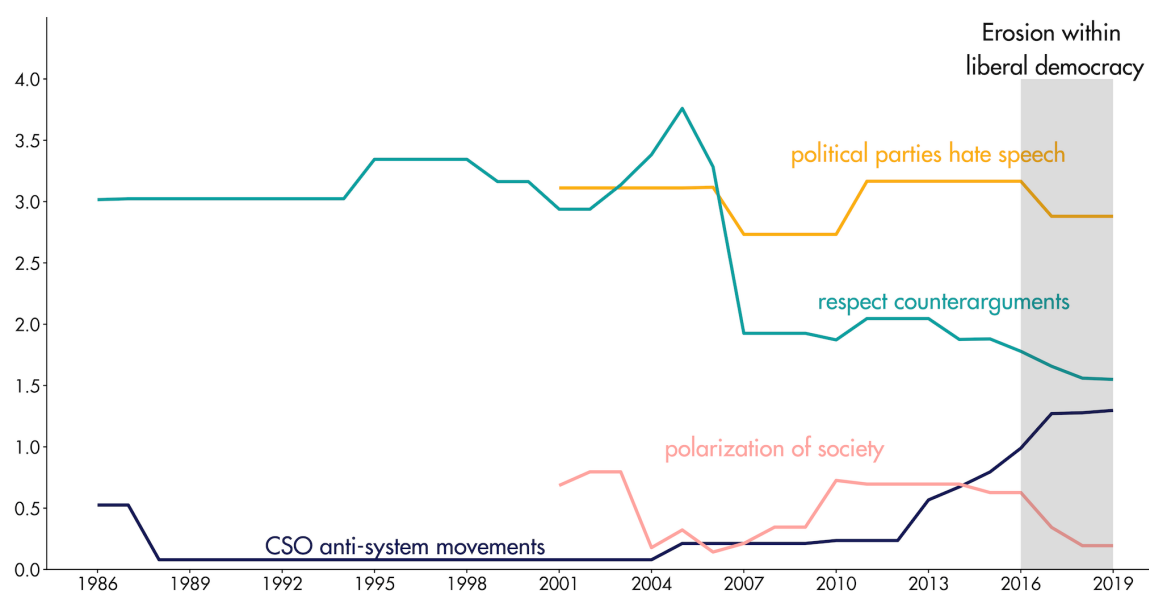
The convergence of these crises thus contributed to a marked deterioration in the legitimacy of the political system as a whole. Hunter and Power (2019:74) note that “2015 was an inflection point in Brazilians’ support for democracy: The number of respondents who agreed that “Democracy is preferable to any other system of government” started to fall while the view that “For people like me, it doesn’t matter whether we have a democratic government or an authoritarian one” began gaining in popularity. Although Brazil has routinely ranked comparatively low in the region in satisfaction with democracy—downward trend and the current absolute level of indifference and even skepticism toward democracy are alarming.”

Party Politics and Institutional Changes: Political Fragmentation and the Decline of the PSDB and PT

Electoral polarization and strains within the Brazilian party system were already evident in the 2014 presidential election. Rousseff eked out a victory, but only by the closest margin since 1989: 51.6 to 48.4. The Workers’ Party (PT) was pushed back almost entirely to its strongholds in the northern and northeastern states, while Aécio Neves, the PSDB candidate captured the wealthier Southeast and the West (Ferreira Do Vale 2015). More fine-grained studies at the municipal level have challenged claims about the ideological homogeneity of these regions (Hunter and Rodrigo-Silva 2019), but the general trend remains striking.

The polarization of political activists within the electorate also became increasingly visible between 2014 and 2016 (Império 2014; Ortellado and Moretto Ribeiro 2018). Ortellado and Moretto Ribeiro (2018) trace the evolution of Facebook “likes” between 2013 and 2016. They find that in 2013, although the “likes” of Facebook users fell along a left-right continuum, the distances were fairly narrow, and there was considerable overlap with respect to issues such as corruption, where opposition cut across other ideological divisions. These kinds of cross-cutting cleavages virtually disappeared over the next few years: “By late 2013,” they write, “citizens on the political right had coalesced around the issue of corruption,” while “those on the political left had honed in on social programs and public services.”

Figure Brazil.2 Polarization in Brazil, 1986–2019



Between 2014 and 2016, they continue, “political differences hardened into polarization... Users who once comprised six visibly distinct communities of interest separate into just two groups with very little overlap: progressives and conservatives.”

These trends deepened further during the 2018 elections that brought Bolsonaro to power. The election, notes Freedom House, “was marred by violence and the spread of election-related disinformation and hate speech on social media and messaging platforms” (Freedom in the World 2019). In October, the Brazilian Association of Investigative Journalism registered more than 150 physical or online attacks against journalists covering the election, a report denounced as “fake news” by Bolsonaro. Such observations caused Freedom House to deduct a point from its assessment of free and fair elections, and may also account for the continuing decline in the V-Dem rating of Election Board Autonomy seen in [Figure Brazil.2](#).

The most salient feature of the 2018 election, however, was the severe weakening of the two parties that had dominated presidential election contests since the mid-1990s. As noted, Lula, the popular leader of the PT, had been jailed in the corruption scandal and barred from the ballot. His replacement—Fernando Haddad—polled at less than 30 percent in the first round, only narrowly preventing Jair Bolsonaro—with over 46 percent—from winning an outright majority. The candidate of the PSDB, Geraldo Alckmin, received only 4.8 percent of the vote in the first round—the first time since 1994 that a nominee of that party had failed to make the second round runoff.

The severe decline of both the PSDB and the PT was also evident in the results of the congressional elections. [Table Brazil.1](#) shows the changes in their vote shares between 2010 and 2018. The PT vote

share fell from almost 17 percent in 2010 to 10.3 percent in the 2018 election; the share of its principal partner in the governing coalition, the PMDB (Partido Movimento Democrático Brasileiro, or the Brazilian Democratic Movement Party, from 2017 just the MDB), fell by more than half—from 13 to only 5.6 percent. Also halved was the share held by the PSDB, the leading opposition party, which went from almost 12 to only 6 percent. Already fragmented, an array of special interest and personalist parties filled the vacuum left by these more established parties. As shown in [Table Brazil.1](#), the number of parties represented in the Chamber of Deputies increased from 26 to 31, and from 17 to 21 in the Senate (Hunter and Power 2019: 30).

Table Brazil.1 Vote Shares for Major Parties in Brazil, (Chamber of Deputies), 2010–2018

	2010	2014	2018
PT	16.9	14.0	10.3
PMDB	13.0	11.1	5.6
PSDB	11.9	11.4	6.0
Total number of parties	26	28	31

Note: PMDB/MDB, *Partido do Movimento Democrático Brasileiro/Movimento Democrático Brasileiro* Party of the Brazilian Democratic Movement; PSDB, *Partido do Social Democracia Brasileira*, Brazilian Social Democratic Party; PT, *Partido dos Trabalhadores*, Workers' Party.

Source: *Election Resources* (2018)

Within this context, Bolsonaro prevailed as the ultimate outsider, a retired military captain and marginal member of Congress, with autocratic and illiberal views once relegated to the fringes of the political system. Throughout his career, he had openly expressed nostalgia for the military dictatorship that had ruled Brazil between 1964 and 1985, appealing to revanchist elements of the military and police. He was further distinguished by a long history of misogynistic and homophobic statements. Finally, in the congressional debate over the impeachment of Rousseff, he dedicated his vote to Brilhante Ustra, the military officer who had directed the torture of Rousseff during her period of imprisonment under the dictatorship. As noted, the MBL and the large evangelical community formed a strong political base of his support in the runup to the 2018 presidential election. In his face off with Fernando Haddad, the Workers' Party candidate, Bolsonaro capitalized not only on this core base of support, but on a broader reaction against the years of PT government, drawing support from the business sector, the middle class, and commercial mining and agrarian interests.

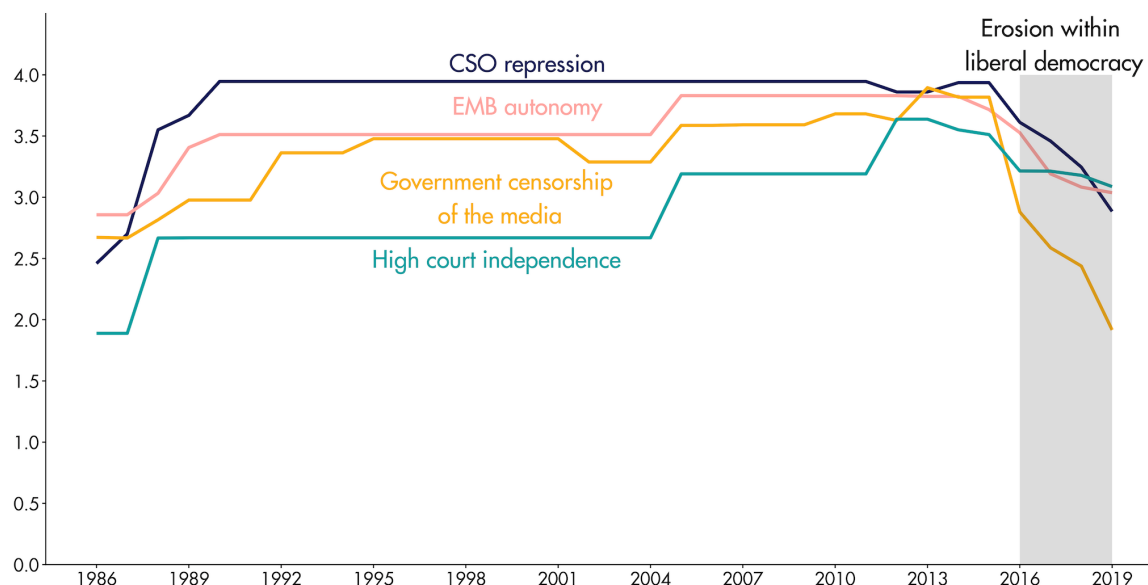
As a fringe politician, however, Bolsonaro lacked the support of a strong political party. He ran as the nominee of the Social Liberal Party (Partido Social Liberal, or the PSL), a very small personalist vehicle which previously had almost no presence in the Brazilian legislature. In 2010 and 2014, the PSL had only a single seat in the Chamber of Deputies and none in the Senate; even riding Bolsonaro's coattails, its representation increased to only 10 and 5 percent, respectively. In 2019, moreover, Bolsonaro himself broke with the party in a dispute between his sons and the PSL founder over control of its campaign funds. The absence of support from a strong legislative party placed important limitations on Bolsonaro's prospects for concentrating political power.

In contrast to his populist counterparts in Venezuela, Ecuador, and Bolivia, Bolsonaro came into the presidency dependent on a heterogeneous coalition of small parties and independent politicians to move his legislative agenda forward. We turn to the implications of this dependence in the following section.

The Backsliding Process

As already noted in the Introduction, many of the threats to Brazilian democracy preceded Bolsonaro's election and came less from the concentration of executive power or direct attacks on institutional checks and balances, than from increasing violations of civil liberties. **Figure Brazil.3** shows an increase in media censorship and repression of civil society organizations (CSO) in 2016. Although these scores continue to show high levels of political freedom relative to other Latin American countries, their decline is likely due to attacks on environmental activists, journalists, and minority communities, both by governmental authorities and private actors.

Figure Brazil.3 Backsliding in Brazil, 1986–2019



Police abuses also increased around that time, as noted above. The government also tolerated the expansion of militias, composed of off-duty police officers, who engaged in extortion for protection and neighborhood services. These gangs, according to Bloomberg, became active across Rio and 14 other cities in the state, affecting the lives of 2 million people (Valle and Valle 2019).

The clearest signs of democratic backsliding between 2016 and 2018, however, were the constitutional and political issues raised by the impeachment of Rousseff and, relatedly, by the conviction of Lula and his elimination from the 2018 presidential race. Rousseff was not charged with corruption, but with economically damaging violation of federal budgetary laws. However, the campaign for her ouster was joined by former allies—including Vice President Michel Temer—who were implicated in the Lava Jato

scandal. Embittered PT supporters, in turn, accused her adversaries of having misused the impeachment powers to carry out a “golpe” against the will of the voters.

In the meantime, banning Lula’s bid for the presidency removed voters’ opportunity to choose a man who had been widely viewed as a highly successful president and who remained a popular figure. To make matters worse (although, again, it wasn’t known at the time), tapes acquired and published by Glenn Greenwald, an investigative journalist, later revealed extensive and highly inappropriate conversations between prosecutors and Judge Sérgio Moro over how to present evidence and arguments in Lula’s upcoming corruption trial. Moro later joined Bolsonaro’s cabinet as Minister of Justice, while Lula went to jail, and Greenwald faced criminal charges for cybercrime—a step condemned by advocacy groups as an attack on the free press (Lewis 2020).

The inauguration of Jair Bolsonaro in January 2019 introduced a new, highly troubling development to the backsliding process, although its full effects are still unfolding. As noted, Bolsonaro shares many of the traits characteristic of would-be autocrats in other cases we have examined. He has revealed his contempt for civil liberties and constitutional restraint in his frequently expressed nostalgia for the harsh rule of the old military dictatorship, and in his calls for the police to use more lethal force to fight crime. The president is also infamous for his racist, misogynistic, and homophobic views—which include a statement that he would rather his own son be dead, than gay. Evangelicals, who constitute a major component of the president’s political base, generally applaud such views, providing Bolsonaro with backing for executive actions or even legislation that could potentially roll back civil liberties.

It is important to emphasize again, however, that unlike his more autocratic counterparts, Bolsonaro’s opportunities for the concentration of executive power remain limited. Even before he split with the PSL, his legislative coalition rested somewhat precariously on support from an Evangelical bloc, “ruralistas” seeking to exploit the Amazon at the expense of indigenous communities, and a variety of pro-business and small personalist parties. Rodrigo Maia, a powerful adversary, serves as the presiding officer of the Chamber of Deputies. Outside the Congress, Bolsonaro initially received some support from the São Paulo business elite, which backed him against the PT candidate in the 2018 election and welcomed the appointment of the market-oriented economist, Paulo Guedes, as Finance Minister. Business enthusiasm cooled markedly, however, as it became clearer that Guedes’s reform agenda would proceed slowly, if at all.

By April 2020, moreover, Bolsonaro faced new challenges from within his own cabinet. Minister of Health, Luiz Henrique Mandetta resigned in protest against Bolsonaro’s insistent denial of the dangers of the COVID-19 epidemic. At about the same time, Sérgio Moro, the Minister of Justice who had previously led the Lava Jato investigations, also resigned, charging the president with intervening in police investigations. In a noteworthy instance of judicial independence, the Supreme Court approved an investigation into these charges, further jeopardizing Bolsonaro’s hold on power (Phillips 2020).

The Supreme Court’s approval is only one example of the checks imposed by a highly independent judicial system, still staffed with appointees from previous administrations. Moreover, Bolsonaro faced robust checks from a highly mobilized civil society and a fiercely independent press—all legacies of liberal democratic development that followed the end of the military dictatorship.

These constraints are difficult to eliminate over the short-run, and it is perhaps for this reason that our V-Dem indicators in [Figure Brazil.3](#) do not drop to the same low levels that we find in other cases. Yet the

capacity of the president to damage Brazil's constitutional system should not be underestimated. Especially with Brazil's strong presidential Constitution, Bolsonaro and his supporters could do considerable damage to Brazilian democracy through executive action (or inaction) alone.

Appointments and executive branch reorganization constitute important areas in which this influence can be felt. To cultivate the support of his "ruralista" allies, for example, Bolsonaro transferred responsibility for the supervision of indigenous lands from FUNAI (Fundação Nacional do Índio, the Indigenous Affairs Agency) to ruralista allies in the Department of Agriculture. The reorganization has exposed indigenous communities and NGO activists to increasing predation, and even violence, from advancing loggers, ranchers, and agriculturalists. Similarly, appointments of far-right evangelicals to the Ministry of Education have posed a threat to the integrity and autonomy of Brazil's high-quality public universities.

Bolsonaro has also attempted to cultivate closer ties to the military. Ironically, his vice president, retired Army General Hamilton Mourão, is one of the more moderate voices in the administration. The cabinet, however, includes an unusually large number of other military appointments as well. Nine of the 22 cabinet positions and a growing number of sub-cabinet positions have been filled by former military officers; this has occurred with respect to the management of state-owned enterprises as well (Campello da Costa 2020).

Much like Donald Trump, Bolsonaro has exploited his presidential megaphone to raise the volume of his attacks on the press, journalists, unfriendly judges, and political activists. At times—as in the prosecution of Glenn Greenwald—this has had material consequences. Even more often, it contributes to the expansion of a public discourse that pushes back the norms and guardrails of liberal democracy. Such rhetoric is reinforced by the establishment of linkages between the Bolsonaro family and far-right international movements. Eduardo Bolsonaro, one of the president's sons, was named the South American representative to Steve Bannon's organization, "The Movement." As previously noted, Bolsonaro himself has attempted to tie himself closely to Donald Trump.

In an even darker mode, Bolsonaro has publicly defended death squads and militias, and this has lent some credibility to unproven ties between his family and paramilitary gangs that control Rio's slums. In March 2019, Marielle Franco, a human rights activist and Rio city councilor, was murdered, and evidence surfaced about connections between Eduardo Bolsonaro and those accused of the assassination (Eduardo dated one of their daughters and lived in the same gated community as the other). Investigations are still ongoing and may lead nowhere, but as Juliano Medeiros, a political ally of Franco, noted: "It is disgusting...to even consider the hypothesis that Brazil is governed by a family with ties to this kind of criminal organization. Just the hypothesis is alarming and creates a situation of utter uncertainty with regards to Brazil's future" (quoted in Phillips 2019).

Conclusion

Erosion under Bolsonaro is unlikely to end in an electoral autocracy, in part because Brazil starts from the position of a liberal democracy. However, during the first year of his presidency, it became evident that Bolsonaro's time in office would increase the preceding drift toward violations of civil liberties, abuses of rule of law, and the undermining of pockets of bureaucratic professionalism. The erosion of liberal checks on government power, in turn, increases space for lawless behavior by Bolsonaro or future presidents.

The unanswered question as of this writing is how far Bolsonaro will be able to go in his toleration of civil violence and his piecemeal abuses of political rights and civil liberties. Where a strong economic turnaround bolstered support for Chávez, Correa, and Morales, the tepid Brazilian economy is unlikely to increase popular backing for an assault on Brazil's constitutional institutions. Moreover, Bolsonaro did not appear to benefit from the kind of honeymoon effect that benefitted previous presidents at comparable points in their tenure. The full consequences of this backsliding episode are thus yet to be determined.

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DOMINICAN REPUBLIC

EROSION FROM ELECTORAL DEMOCRACY, 2014–2018¹



Our V-Dem indicators identify 2014 as the onset of backsliding in the Dominican Republic. This timing coincides roughly with an assessment by Freedom House, which in its 2016 country report downgraded the country from Free to Partly Free for developments occurring in the preceding year. In contrast to most of our other backsliding cases, erosion in the D.R. was not marked by significant institutional discontinuities—what we call the “collapse of the separation of powers”—nor by a frontal assault on the opposition or on civil liberties and political rights. Rather, erosion involved a number of more limited changes, including some concentration of executive power and—unrelated to this—restrictions on the civil liberties and citizenship rights of residents with Haitian ancestry. It is also worth noting that the Liberal Democracy Index turns up in 2018, suggesting an episode that was not only subtle but short-lived and possibly a marginal or even mis-coded case.

The concentration of executive power was the result of an agreement between the Dominican Liberation Party (Partido de la Liberación Dominicana, PLD), the dominant party in the 2010s, and the opposition Dominican Revolutionary Party (Partido Revolucionario Dominicano, PRD), to lift term limits and allow President Danilo Medina to run for a second term in the 2016 election. The deal also committed the PRD to back common congressional and municipal candidates. The agreement deepened divisions within the PRD, weakened the competitiveness of its breakaway faction, and increased the dominance of the PLD and President Medina. In 2019, however, Medina was forced to back down from a bid to continue with a third term, and concerns about the concentration of power thus proved short-lived. Nevertheless, the threat initially posed by Medina’s ascendancy within the ruling party, and the weakening of checks on his authority, appear to be one component of the backsliding process.

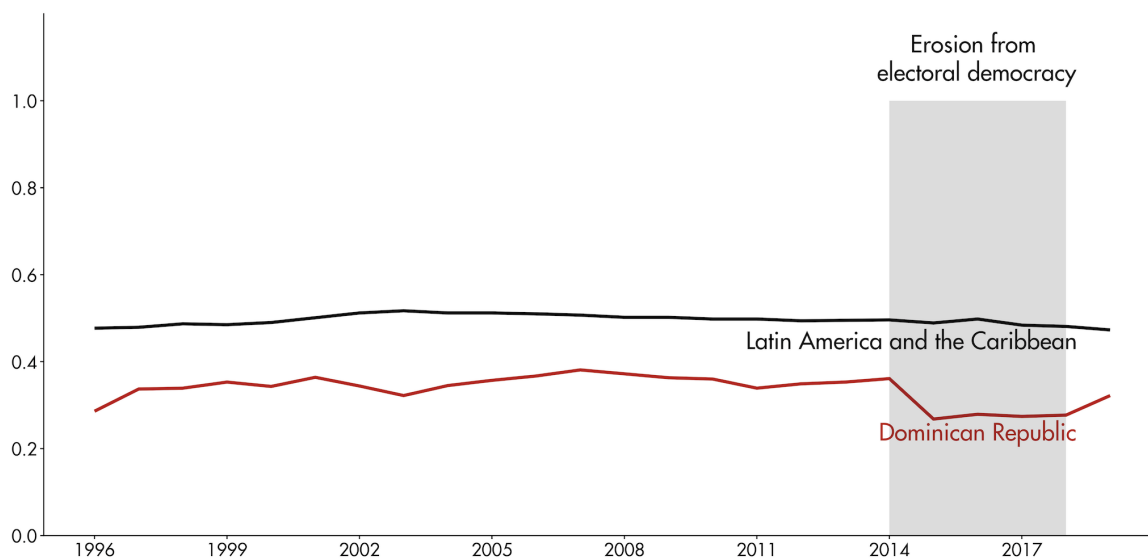
Although we typically identify backsliding with attacks on core political freedoms, they sometimes include particularly discriminatory action against vulnerable minorities; this is seen, for example, in anti-immigrant posturing in the United States and the political responses to the migrant crises in Hungary and Poland. In the Dominican Republic, a constitutional reform instituted in 2010 denied birthright citizenship to children of anyone “residing illegally in Dominican territory,” a thinly veiled attack on the rights of Haitian-Dominicans and Haitian immigrants. The attack intensified with a Constitutional Court ruling in 2013, which stated that the provision was retroactive to 1929, “fueling concerns about potential statelessness and deportation” (Freedom House 2016). Facing strong international pressure, the Dominican government passed new legislation establishing a pathway to citizenship for the most directly affected population. However, only a small portion of this population met the registration deadlines, and implementation proceeded very slowly. Again, the derogation of Dominico-Haitian citizenship rights did not constitute an unambiguous break with the past—this population had been subject to discriminatory practices under previous Dominican governments—but it went well beyond these earlier practices and included a formal repudiation of the authority of the Inter-American Court of Human Rights with respect to the issue, a move which removed an important source of international constraints.

¹ We thank Richard Feinberg, Jonathan Hartlyn, and Andrew Schrank for comments on this narrative.

Polarization

For much of the twentieth century, Dominican history was marked by U.S. military interventions, political upheavals, and caudillo rule. Joaquín Balaguer—nicknamed “the Caudillo”—ruled the country for 12 years (1966–78), and then under somewhat more competitive conditions between 1986 and 1996. Balaguer’s reelection in 1994, however, was widely condemned as fraudulent, and he was compelled by domestic and U.S. pressure to step down after a two-year term. His departure in 1996 marked the beginning of a period in which governments changed hands in regularly scheduled and relatively honest elections. The Dominican system generally fell short of sustaining the horizontal checks and civil liberties associated with liberal democracy, even by Latin American standards, and the gap widened during the backsliding years (see [Figure Dominican Republic.1](#)). Because elections remained relatively competitive, however, the D.R. continued to remain above the electoral democracy threshold.

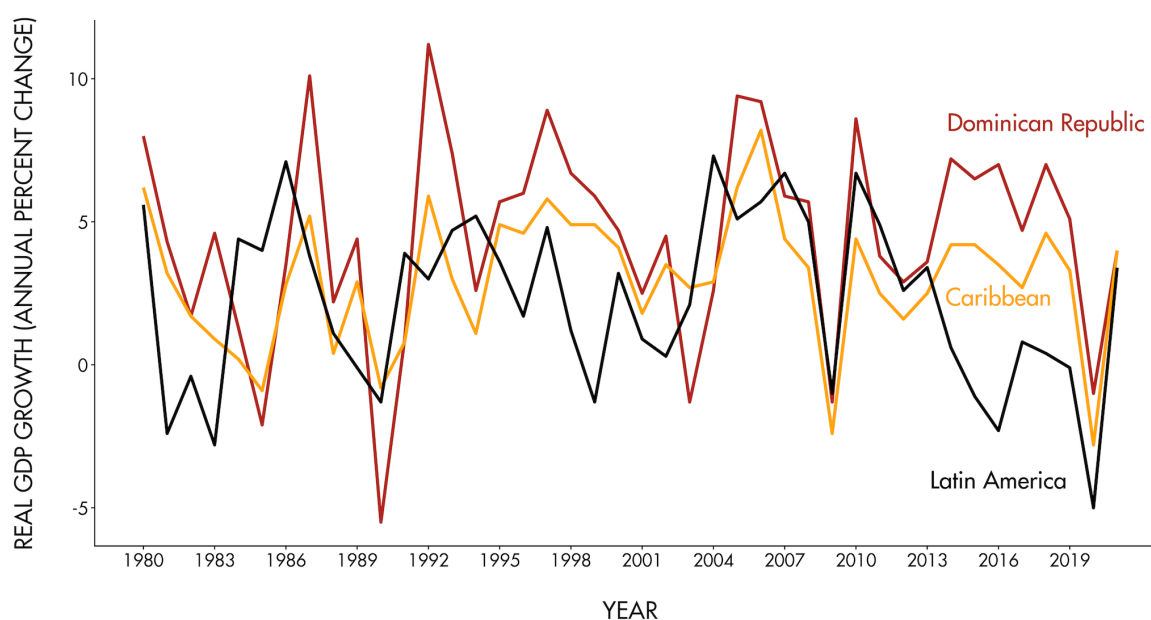
Figure Dominican Republic.1 Liberal Democracy Scores in the Dominican Republic and Latin America, 1996–2019



A strong economy contributed to this relative stability and to the stability of the party system that we discuss in the next section. As in the rest of the region, the Dominican Republic had been hit by the debt shocks of the early 1980s, but notwithstanding high deficits and inflation, its relatively open economy was less vulnerable to such shocks than the state-centered import-substituting economies of Mexico and South America (Roberts 2014). Indeed, its leading economic sectors—sugar, tourism and other services, and light manufactures—were all highly dependent on trade with the United States and benefitted from the strong dollar policies pursued by the U.S. government during the early 1980s. Thus, after a painful adjustment program imposed during the crisis, the economy recovered relatively quickly (Espinal 1987). Additional recessions followed in 1990 and 2003, but again, the economy rapidly bounced back ([Figure Dominican Republic.2](#)).

If we narrow our focus to the “democratic period” after 1996, moreover, performance is even more impressive. Between 1996 and the onset of the backsliding period in 2014, annual GDP growth averaged over 5 percent—one of the highest in the Caribbean. A brief 2003 recession, noted above, did lead to the defeat of the incumbent president, Hipólito Mejía of the PRD (the only one-term president of that era), but the economy recovered under the incoming PLD government, which claimed credit. Moreover, from the global financial crisis through the onset of the backsliding episode, economic trends do not suggest that adverse economic performance or shocks were a significant antecedent to the episode. As Morgan et al (2011: 6) note, support for the system remained relatively strong, because “...at least one traditional party could credibly promise and successfully achieve resolution of the country’s economic problems.”

Figure Dominican Republic.2 Real GDP Growth in the Dominican Republic, Caribbean and South America, 1980–2019

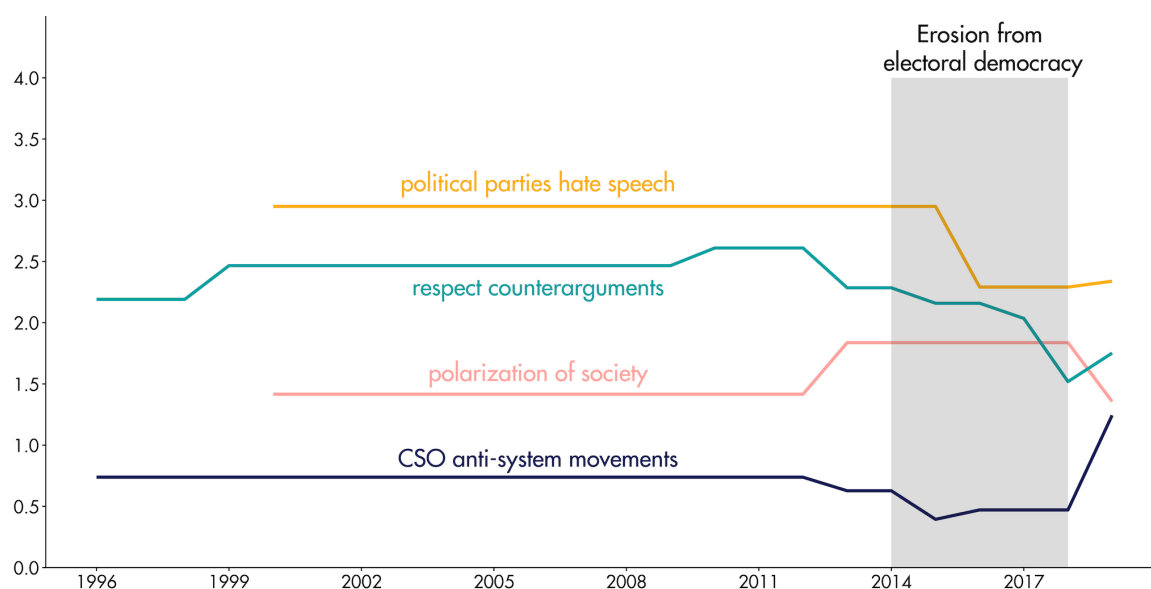


This rather placid picture, to be sure, obscures ongoing problems of both poverty and inequality. High growth rates for over two decades still left approximately one-fifth of the population (21.7 percent) living below the poverty line in 2015, which is specified as \$5.50/per day in 2011 PPP (World Bank 2019). As in most of the rest of Latin America, moreover, the distribution of income was highly unequal. The Gini index, as reported by the World Bank, averaged above 0.50 between 1996 and 2006, peaking at .52 in 2004 before declining to .45 in 2016. Even then the Dominican Republic ranked 29th highest in a worldwide sample of 159 countries, just behind Nicaragua (.46) and ahead of Jamaica (.45), Ecuador (.44), the Philippines (.44), and Bolivia (.44).

As was the case prior to the transition, finally, the Dominican Republic remained a violent society. From 2015 to 2018, it ranked among the ten most dangerous societies out of 142 countries surveyed in a Gallup “Law and Order Index” (2019), based on the percentage of respondents who reported confidence in local police, feeling safe at night, and having been robbed or mugged in the last 12 months.

Yet despite these potential sources of social division, we do not see strong evidence of an increase in polarization prior to the onset of the episode. The polarization indicators in [Figure Dominican Republic.3](#) show that hate speech occurs only rarely before 2014, there is at least moderate respect for counterarguments, and CSO anti-system movements pose very limited threats. The assessment of social polarization actually eases slightly after 2013, when the backsliding episode appears to begin. Of particular interest to us is the fact that the party system displayed remarkable continuity, with little evidence of the party polarization visible in other backsliding episodes. Outside of long-standing discrimination against Dominicans of Haitian descent, polarization in the Dominican Republic does not appear to be a strong driver of subsequent political developments, which may explain their limited nature.

Figure Dominican Republic.3 Polarization in the Dominican Republic, 1996–2019



Institutional Continuity and Personal Rivalries

The stability of the political and party system was a distinctive feature of Dominican politics between the 1990s and the 2010s. The dominant parties—the PRD (Partido Revolucionario Dominicano) and the PLD (Partido de la Liberación Dominicana)—converged toward the center-right, offering no significant left or populist alternative to the electorate. The PRD held the presidency between 2000 and 2004; the PLD from 1996 to 2000 and again from 2004 to 2020.

The PRD initially emerged as a political force in the 1960s under the left-nationalist leadership of Juan Bosch, who was ousted as president in a military coup in 1962 and was blocked from a bid to return to power in 1965 by a landing of the U.S. marines (Lowenthal 1995; Wiarda 1980; Hartlyn 1998). After losing control of the PRD, Bosch then founded the PLD in 1973 and positioned that party even further to the left. By the mid to late 1990s, however, both the PLD and the PRD had evolved into political machines that relied extensively on a clientelistic network of voters and on ties to the local business elite and the United States. A third, smaller party—essentially a personalist vehicle for Balaguer (the PRSC,

Partido Reformista Social Cristiano)—also occupied a rightist position on the political spectrum. The voters of all three parties clustered there as well: in a LAPOP survey, Dominican voters placed themselves well to the right (Morgan et al 2011: 3).

In other backsliding countries, such as Venezuela, Bolivia, and Ecuador, the absence of a left alternative within the established system opened opportunities for populist outsiders to rise to power (Roberts 2014; Morgan et al 2011). However, such opportunities were sharply narrowed in the Dominican Republic by the strong growth noted above, which generated the resources needed for the delivery of clientelist benefits. An extensive flow of remittances from the U.S.-based expatriate community and close trade and political linkages to the United States also played stabilizing roles. Importantly, Morgan et al (2011) point to the fragmentation of the popular sector—particularly along anti-Haitian lines—as a major impediment to demands that might have strained the resources of the clientelist system.

Political competition during the 1990s and 2000s thus occurred among and within the established political parties rather than through challenges from outsiders. Personalist leaders mobilized intra- and inter-party factions to compete for control of the presidency and the opportunity to wield the powers of the executive against the Congress and the courts. As can be seen in Table Dominican Republic.1, the PLD generally dominated the political system during the democratic period; between 1996 and 2020, the winners of five of the six contests for the presidency were Leonel Fernández and Danilo Medina, both of the PLD. The Dominican Revolutionary Party, the PRD, and a later offshoot, the Modern Revolutionary Party, the PRM, also maintained substantial support, but captured the presidency only once, in 2000. Balaguer's personalist party, the Social Christian Reformist Party, PRSC, steadily lost ground after 1996, although as we will see below, it exerted some leverage in congressional coalitions.

Table Dominican Republic.1 Presidential Elections in the Dominican Republic (share of popular vote)

	1996*	2000	2004	2008	2012	2016
PLD	51.3 (Fernández)	24.9 (Medina)	57.1 (Fernández)	53.8 (Fernández)	51.2 (Medina)	61.8 (Medina)
PRD	48.7 (Pena Gomez)	49.9 (Mejia)	33.6 (Mejia)	40.5 (Vargas)	46.9 (Mejia)	
PRSC		24.6 (Balaguer)	8.6 (Estrella)	4.6 (Aristy)		
PRM						35.0 (Abinar)
Other		0.6	0.6	1.1	1.9	3.2

Note: Blank cells indicate that parties did not run candidates. * Second round.

PLD, Dominican Liberation Party; PRD, Dominican Revolutionary Party; PRSC, Social Christian Reformist Party; PRM, Modern Revolutionary Party (split from PRD)

Source: Carr, *Psephos Election Archive*

Fernández, who first captured the presidency in 1996, inherited the leadership of the PLD from Juan

Bosch, who withdrew from active politics after the 1994 presidential election due to age and poor health. In a highly tainted presidential election in 1994, Balaguer claimed victory over another opponent, José Francisco Peña Gómez of the PRD, but was forced by international pressure and domestic opposition to agree to an abbreviated presidential term and to hold new elections in 1996 in which he would stand down. In that race, Fernández finished second to Peña Gómez in the first round, but won in the second with just over 51 percent of the vote. Term limits prevailing at that time prohibited him from seeking office again, and Danilo Medina, the PLD candidate that year, lost the election to Hipolito Mejia of the PRD in 2000. However, Fernández returned to office for a second term from 2004 to 2008, and he was elected to a third term from 2008 to 2012 after engineering a constitutional change that eliminated the ban on consecutive reelections.

Danilo Medina, who also served two terms between 2012 and 2020, was his principal rival within the party. Medina had been Fernández's chief of staff from 1996 to 1999 and again between 2004 and 2006, gaining significant factional support within the PLD. He fell out with Fernández in 2007, when the latter reneged on an agreement that Medina would be allowed to succeed him in 2008 (Marsteintredet 2019). Instead, as noted, Fernández ran successfully for a third term (2008–2012), defeating Medina in a bitter primary election marred by the latter's accusations of abuse of presidential power and corruption. The conflict triggered a feud between the two factional leaders that lasted throughout the 2010s and into 2020.

The manipulation of constitutional term limits was a pivotal weapon in these struggles, and was a component of the backsliding episode we discuss below. As the title of one news commentary put it, term limits “are like potato chips: you can never stop at one” (Naboa and Mateu-Gelabert 2019). In total, the Dominican Republic experienced four changes in term limit provisions as each incumbent president maneuvered to extend his mandate (Zovatto 2016). Hipolito Mejia, Fernández's predecessor (2000–2004), had previously secured a provision allowing for consecutive elections, only to be defeated for re-election during the 2003–2004 economic recession. Fernández, however, capitalized on the provision to win re-election in 2008, breaking his previous agreement with Medina. He then began to maneuver for the chance to win a fourth term with another amendment in 2009–2010 that again prohibited consecutive terms but provided Fernández with the chance to return to power after sitting out the 2012 election.

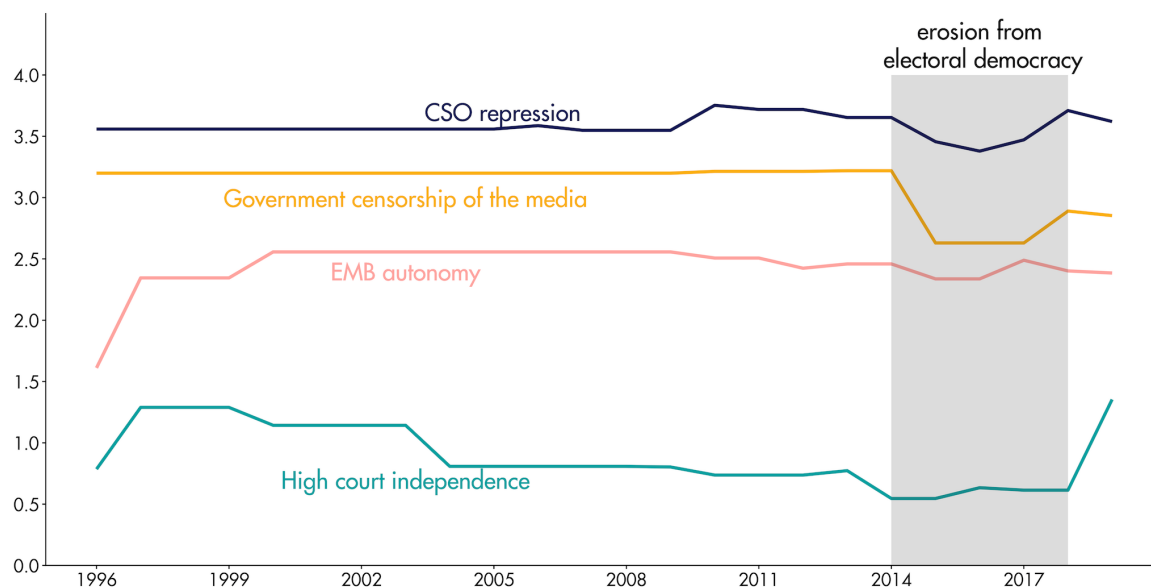
Medina, in his turn, continued this practice after finally winning the presidency in 2012. We describe his initiatives in more detail below. In broad strokes, however, coalitional alliances between his faction of the PLD and a faction of the opposition PRD enabled him to reverse the 2010 ban on consecutive terms and secure his re-election in 2016. Again, like his predecessors, Medina then began a campaign to change the rules once more to permit him to run for a third term in 2020. As we will see below, this bid eventually failed; in hindsight, this failure casts doubt on the seriousness of the threat it posed to the Dominican Republic's fragile democracy. At the time, however, the concerns provoked by Medina's attempt to extend his time in office were seen by both actors in the system and outside observers as a component of a backsliding process.

The Backsliding Process

V-Dem indicators in [Figure Dominican Republic.4](#) show the onset of backsliding in the Dominican Republic beginning in the mid-2010s, with declines in the autonomy of the high court and the electoral authorities, and increases in civil society repression and media censorship efforts. These declines, it

should be noted, were less severe than in most of the other cases we examine in *Backsliding*, and both censorship and restrictions on CSOs began to ease after 2017, for reasons we discuss below. Nevertheless, it should also be emphasized that the assessment of backsliding based on the use of V-Dem indicators is not isolated; as noted, it coincides roughly with a 2016 Freedom House assessment which downgraded the country from Free to Partly Free for developments occurring in the preceding year.

Figure Dominican Republic.4 Backsliding in the Dominican Republic, 1996–2019



The Freedom House Country reports in 2015 and 2016 offered useful points of departure for understanding the nature of this erosion, and two processes stand out. First, in 2015, Freedom House notes the “implementation of a [court ruling–TC 0168/13] preventing citizens of Haitian descent (as well as Haitian migrants) from exercising their civil and political rights.” Freedom House also noted reduced space for media freedom, stemming from threats to journalists and civil society organizations that protested these restrictions. In its 2016 report, Freedom House also pointed to a second development: an agreement between the country’s two main parties (the PLD and PRD) that substantially harmed “the level of competitiveness within the political sphere.” Finally, international observers recorded complaints of scattered violence and fraud in both the 2010 and 2016 congressional elections that might account for the decline in EMB autonomy seen in [Figure Dominican Republic.4](#).

None of these derogations were entirely unrelated to the others, but each was driven by political dynamics that require a separate analysis. We focus first on the coalitional alignments that appeared to be limiting competition and facilitating the concentration of executive power. We then turn to the initiatives to deepen the civil and political exclusion of Haitian immigrants and residents of Haitian descent.

Factional politics and the concentration of executive power

The ongoing manipulation of term limits, as noted in the preceding section, was a principal source of concern around the declining competitiveness within the Dominican system. In the negotiations over the 2010 Constitution, the PLD and PRD had agreed to permit non-consecutive re-election but to ban consecutive re-election (which would have restricted Medina from running again in 2016). In a 2015 constitutional reform, however, Medina succeeded in removing this restriction by offering members of the opposition PRD government positions in exchange for their support. Within the PLD, Leonel Fernández bitterly opposed the deal, but he was overridden by the PLD leadership which, at the time, considered Medina the only candidate able to maintain the presidency in PLD hands.

The results of these deals not only cleared the way for Medina to run for a second term, but also served to concentrate power within an electoral system that had previously been more competitive while leaving potential opponents deeply divided. Within the PLD, Fernández was at least temporarily marginalized, although he did retain some influence within the Chamber of Deputies and the judicial system. More important, the PRD decision to exchange support for the amendment for government positions had devastating effects within that party. A factional split that had divided the party since 2012 was now made official, with one of the factions defecting to form an entirely new party—the PRM or Modern Revolutionary Party. In the 2016 congressional election, the new PRM was able to gain only 42 out of 183 seats, significantly down from the 72 seats the PRD had won in the 2010 election.² Conversely, the PLD increased its representation from a relatively narrow majority in the 2010 Congress (93/183) to 106 seats (now of 190), to which its collaborators within the diminished PRD added another 16 seats.

The electoral outcomes in both 2010 and 2016 were clouded by accusations of fraud and sporadic violence. But they brought about a shift in the balance of power that—however tainted—raised serious questions about whether, in the words of one observer, the Dominican Republic was “becoming a one-party state” (Meacham 2013)—one that in turn would be dominated by Medina. “Medina,” writes Meacham (2013), “has progressively consolidated his control over all political institutions, which typically has negative effects on the separation of powers and increases the risk of abuse of power.”

Shortly after Medina’s overwhelming victory in 2016, he began to lay the foundation for the extension of his tenure through a third consecutive term in 2020—an echo of the *continuismo* practiced under Balaguer (Cambridge Analytica 2019). Media remarked that many supporters encouraged him to do so, and Balaguer began to campaign for the reelection of “the best president this country has ever had” (Marsteintredet 2019).

An initial attempt to strike down the term limit was blocked by the Dominican Constitutional Tribunal, where Fernández appointees still held considerable influence; in a second try, Medina’s supporters pushed for a constitutional amendment requiring a two-thirds congressional majority. The Fernández faction of the PLD and the MNR controlled enough legislative seats to block a two-thirds majority, but the prospect that Medina might succeed could not be ruled out at the time, given his continuing popularity and the elasticity of term limit restrictions.

² Although OAS observers declared the 2010 election free and fair, it was marred by sporadic violence and a clash with the opposition that left one dead and three wounded—a possible reason for the decline in EMB autonomy that we see in Figure Dominican Republic.4.

In fact, because the opposition remained concerned that Medina might use bribery to secure the additional votes that he required, it launched massive demonstrations aimed at ensuring their legislative veto (Marsteintredet 2019).

Eventually, however, the bid for a third term encountered powerful political headwinds that caused it to fail. The reputation of the government, first of all, suffered a major blow in 2017 over revelations that high ranking officials had received bribes and sexual favors from Odebrecht, the giant Brazilian multinational, in exchange for government contracts (Giran 2017). In addition, although Medina himself remained popular, the proposed amendment was not, and this disapproval threatened his prospects for reelection. The United States government, finally, also expressed opposition. In June 2019, the U.S. ambassador met with Medina to express his disapproval of reelection. Shortly afterwards, following a call from U.S. Secretary of State Pompeo, Medina announced that he would stand down from the attempt. The general elections of July 2020, marked a defeat for the entire ruling party. Gonzalo Castillo, its candidate for the presidency, lost to Luis Abinader of the PRM—the first time in sixteen years that the PLD had not controlled that office. Control of both houses of Congress passed to the opposition as well.

Thus, although factional bitterness lingered and deepened, this specific aspect of the backsliding crisis dissipated. The relaxation appears to be registered in the slight uptick in the backsliding indicators shown in [Figure Dominican Republic.4](#).

Attacks on the rights of Dominico-Haitians and Haitian immigrants

The Freedom House decision to downgrade the status of the Dominican Republic from Free to Partly Free was also based in part on legal rulings that severely restricted the rights of its highly vulnerable minority of ethnic Haitians. Haitian migrants and their descendants had been targets of racist and xenophobic attacks since the early 20th century, when they or their forebears began to cross the Dominican border seeking work in the sugar industry, after thousands of Haitians in the border regions had been killed in a massacre ordered by Rafael Trujillo in 1937. The most immediate blow to the contemporary democratic system, however, emerged during the 2000s from a series of exclusionary court decisions made in response to suits brought by small, right-wing and anti-immigrant parties. The cumulative effect was to impose increasingly restrictive conditions on the right of ethnic Haitians to claim *jus soli* citizenship as residents born on Dominican soil.

The most explosive of these rulings was a decision by the Constitutional Tribunal in 2013 (TC 0168/13) that invalidated all relevant documentation of citizenship issued to the children of Haitian immigrants between 1929 and 2007. As noted above, this built on a provision in the 2010 constitution that denied birthright citizenship to children of illegal immigrants. Those affected by the ruling were reclassified as “residents in transit,” without political rights and potentially vulnerable to deportation. Estimates of the size of this population are questionable, due to the unreliability of official records and the long time period covered by the ruling. An official survey conducted in 2012, however, counted at least 209,912 descendants of immigrants who would now be considered “stateless,” almost 2.5 percent of the total population (Dominican Republic National Statistics Office 2012); however, the number could be higher. At least indirectly, another 460,000 Haitian immigrants also remained at risk from threats of deportation or other sanctions (Inter-American Commission on Human Rights 2015: 113–114).

The ruling created an international firestorm. The Haitian government withdrew its ambassador, straining already sour relations between the two countries, and conflicts with the Inter-American Court of

Human Rights escalated to the breaking point. In a series of decisions, the Court had already declared rulings by the Dominican court unconstitutional, and the Dominican Republic was bound by treaty to honor these rulings. In 2014, however, the Dominican court responded by declaring that it no longer formed part of the Court's jurisdiction. In the next several months, Medina attempted to lower the temperature of these confrontations with new legislation offering tentative paths to citizenship for at least some of the affected population, but difficulties in documentation slowed the implementation of this process to a trickle.

Notwithstanding the partial retreat on TC 1068/13, many of the factors that contributed to the new exclusionary initiatives appeared likely to endure. The vulnerability of that minority itself was one such factor. Although employment among ethnic Haitians had spread well beyond the sugar industry, they remained concentrated in low-wage jobs in construction, services, and manufacturing exports, and the contemporary attacks on their rights to citizenship built on a long history of discriminatory behavior. Since the early 1990s, reports the OAS, ethnic Haitians were victims of "practices, laws, and court rulings based on discriminatory criteria—such as national origin of their ancestors, skin color, command of Spanish language, or surnames" (Inter-American Commission on Human Rights 2015: 187). Officials in the Civil Registry frequently refused requests for vital identity documents based on such judgments, which in turn impeded access to the registration of children or social services (Inter-American Commission on Human Rights 2015: 138–139).

As in other backsliding cases, the vulnerability of the Haitian population drew in other civil society actors which in turn became targets of the government's ire. In the conflicts over the citizenship ruling of 2013, Freedom House reported that at least four journalists who had spoken out against discrimination against Haitians reported being harassed and receiving death threats (Freedom House 2016). The Inter-American Commission on Human Rights report, similarly "observed with concern the climate of hostility...against those persons, including journalists and human rights defenders, who have been critical of the [court's] judgment" (2015: 193). Speakers at large right-wing rallies called for death to "traitors," and organizers issued pamphlets with the names and photos of individual publishers and journalists singled out for special condemnation. In general, the hostility and the potential for violence associated with the defense of rights reinforced a tendency toward self-censorship already evident in reporting on other sensitive topics such as drug trafficking, corruption, and extra-judicial police killings.

Members of the political establishment did not uniformly endorse such responses, but they did tend to close ranks against civil society groups that opposed the state efforts to restrict the scope of citizenship laws. The most active proponents of such restrictions, as noted, came from the far right of the party system: both from the FNP, which initiated many of the court cases, and the PRSC. Although neither had wide electoral support, each acquired strategic coalitional roles that gave them control of key institutions under both the PRD and PLD administrations. Between 2000 and 2004, politicians from FNP controlled the Migration Directorate while the PRD held power. Between 2004 and 2014, under PLD presidents, the PRSC held the Foreign Ministry, the cabinet position charged with dealing with Haiti and the Inter-American System on Human Rights (Marsteintredet 2014).

But the inclusion of these far-right parties into governing coalitions did not rest simply on a strategic calculus of the major parties; they themselves generally shared the exclusionary orientations of their small party allies. Although they disagreed on details, they generally lined up on discriminatory initiatives. There was nearly unanimous support, for example, for a 2004 citizenship law and the 2010 constitu-

tional restrictions placed on birthright citizenship—both of which laid the groundwork for TC 0168/13. The votes against these initiatives came from representatives who were in favor of even stricter provisions (Marsteintredet 2014). The infamous TC 0168/13 ruling in 2013 was issued by judges appointed under Fernández, while Medina adopted a somewhat more moderate position, but the differences were more tactical than principled. Medina as well as Fernández upheld the Dominican’s “sovereign right” to impose citizenship restrictions.

In fact, all factions of both major parties had strong incentives to push back against efforts to liberalize the citizenship regime. Restrictionist practices, as noted above, eased the strain on fiscal resources that financed the parties’ extensive patronage networks (Morgan et al 2011). More generally, the parties had little to gain from reaching out to this marginalized population, compared to the payoffs that could be derived from the exploitation of ethnic cleavages.

Conflicts with the Inter-American Court of Human Rights (IACHR) over citizenship rights led to a more definitive and potentially irreversible escalation of previous discriminatory practices, in which the issue of citizenship rights was reframed as a struggle over national sovereignty. The conflicts centered on a succession of IACHR rulings that overturned the more restrictive policies of the domestic tribunal. The reaction of the major parties, in turn, led to the evolution of what Mesteintredet (2014) termed a “pro-violation” constituency (violation, that is, of rulings by the international Court). In effect, maintaining domestic control became a nationalist valence issue around which all of the parties converged. Despite disagreement about details, there was “a large least common denominator among the parties around an agreement that the citizenship regime is an issue sovereign to the nation state, and on the restrictions of *jus soli*.”

The division widened over the course of the 2000s and reached a definitive breaking point in 2014, when the IACHR overruled TC 0168/13 and almost all of the accompanying regulations. The Constitutional Tribunal responded by declaring that it was withdrawing from the IACHR’s jurisdiction and would no longer be bound by its rulings. In the aftermath of the controversy, the Medina administration attempted to smooth the worst edges of the ruling with legislation outlining a new path to citizenship. But the withdrawal itself remained in effect, and was potentially far more consequential than the partial retreat. Rallying around the flag of national sovereignty both reinforced the cross-party consensus on citizenship restrictions, and eased the international constraints against doing so.

Conclusion

As can be seen from trends in both the overall Liberal Democracy Index and the particular components of backsliding in the last section, the Dominican Republic is a mild case of backsliding. Interestingly, we do not initially see strong signs of broad political polarization among contending political forces nor the collapse of the center and emergence of fringe parties. However, we do see the exploitation of legislative majorities and popular support to extend an executive mandate—something we have highlighted in other cases—and a particularly discriminatory attack on a minority population that enjoyed popular support and appeared to take on wider salience over time.

Given the fact that abuses of democratic rights and procedures were hardly new in the Dominican Republic, it would not be unreasonable to claim that the significance of the derogations we have described in this narrative has been exaggerated. Even so, the deterioration of the indicators we use to identify backsliding does reflect valid concerns about the concentration of power, the dominance of a single party,

and the violation of citizenship rights. Moreover, although the bid to concentrate power was reversed, the break with the international Court indicates that the denial of citizenship to Dominico-Haitians is likely to have enduring effects.

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ECUADOR

EROSION FROM ELECTORAL DEMOCRACY, 2009–2017¹



According to our V-Dem measure, backsliding in Ecuador began in 2009 and extended into 2017, a period coinciding roughly with the presidency of Rafael Correa (2006–2017). Correa's rise to power had been preceded by a turbulent political decade of congressional stalemates, social protest, and political polarization that drove three successive presidents from office between 1997 and 2005. By the time Correa appeared on the scene, these events had already shaken the foundations of our V-Dem measure of Ecuador's electoral democracy. His government was part of the populist left wave that swept to power in Latin America in the early 2000s. Relations between Correa, NGOs, and social movements were characterized by considerable conflict, but throughout the decade-long commodity boom of the 2000s and 2010s, he was able to cultivate wide popular support through distributive social programs that helped to reduce poverty rates. As in the other populist left cases, the popular vote in elections and referenda were important foundations of the regime's legitimacy.

However, Correa's assumption of office in 2007 and the ratification of a new constitution in 2008 also brought about an unprecedented expansion of presidential power at the expense of horizontal institutions of accountability. Throughout his time in office, Correa exploited the legal authority of the new constitution, along with direct personal appeals, to steadily concentrate power and weaken horizontal checks. After new legislative elections, his ruling party captured control of the National Assembly, removing the legislature as an effective check. Appointments to judicial positions and the Electoral Council eliminated the autonomy of these institutions as well. New oversight councils centralized presidential control of other quasi-independent agencies, such as those of the comptroller general, attorney general, and human rights ombudsman. The private media and opposing social movements were increasingly subject to tightening libel laws and harassment. Although our indicators do not show a reversion to authoritarianism, the erosion of Ecuador's fragile liberal institutions is clearly evident.

In late 2016, as the economy declined and opposition increased, Correa decided not to seek a fourth term in office. For a successor, he tapped his former vice president, Lenín Moreno, whom he believed could be trusted to continue his policies and maintain the possibility of a comeback. This proved to be a serious miscalculation. Moreno narrowly won the presidential election, held in April 2017, and was inaugurated in July. Once in office, however, he responded to increasing economic constraints and growing political protests by turning toward more market-oriented policies, distancing Ecuador from other left governments, and easing restrictions on political contestation. It is too soon, as of this writing, to know whether these steps reflect a definitive move toward a more democratic system, but it is reasonable to assume that the left-populist episode engineered under Correa has come to an end.

Social Bases of Polarization

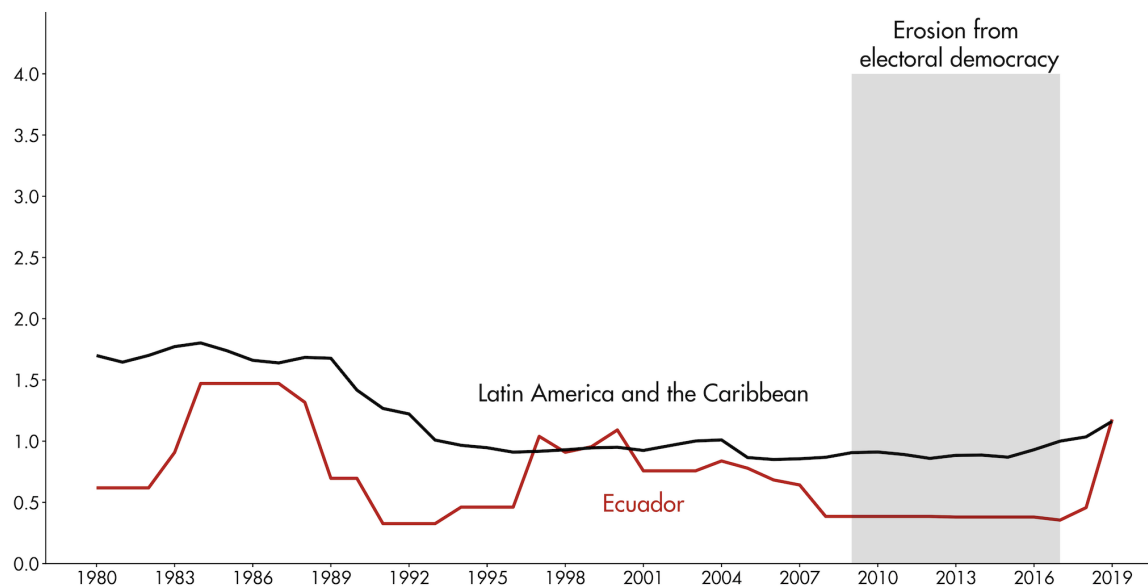
In 1979, the transfer of power from a military to civilian government in Ecuador marked the onset of the third wave of democratization in Latin America. In contrast to several other transitions that followed (Haggard and Kaufman 2016; Collier 1999), this one was a "top down" affair with no significant mass protest. Until the late 1990s, the main social and political divisions revolved principally around the rivalries between regional elites based in Guayaquil and Quito, respectively.

¹ We thank Catherine Conaghan and Eduardo Silva for comments on this narrative.

Indigenous groups emerged as an important national political force only in the 1990s, under the inclusive, ethnopopulist umbrella of the Confederation of Indigenous Nationalities of Ecuador, or CONAIE (Madrid 2012: 78–81). Although a sizable percentage of Ecuador’s population “moderately” identified with Quichua culture (29.4 percent according to a 2006 survey), only between 6 and 10 percent of the population self-identified as indigenous, according to surveys reported by Madrid (2012: 79–80). Moreover, those who strongly identified remained highly fragmented along dialectical and tribal lines, and quite separate in turn from the interests of moderate identifiers. At least until the rise of CONAIE, therefore, indigenous movements therefore mobilized (if at all) around local issues. Unions and other class-based organizations also had very limited influence, either in the workplace or the political arena (Roberts 2014). The military remained an important veto player in the post-transition period, but it remained part of the elite political game. Polarization throughout this period remained highly limited.

The relative passivity of Ecuadorian civil society when compared with the rest of the region is evident in [Figure Ecuador.1](#). The figure shows the evolution of anti-system movements from the onset of civilian government in 1979 to 2017, benchmarked against Latin American averages. The graph shows an uptick in the point estimates during the late 1990s and early 2000s—a reflection of increased political conflicts we discuss below. From 1980 until about 1997 or 1998, however, anti-system militancy remained below the Latin American average, significantly so for much of that period. This represents a marked contrast with long-term patterns in neighboring Bolivia (for a fuller account, see our case study in this appendix), which was characterized by periodic upsurges in anti-system movements that peaked well above the Latin American norm.

Figure Ecuador.1 CSO Anti-System Movements in Ecuador and Latin America, 1980–2019

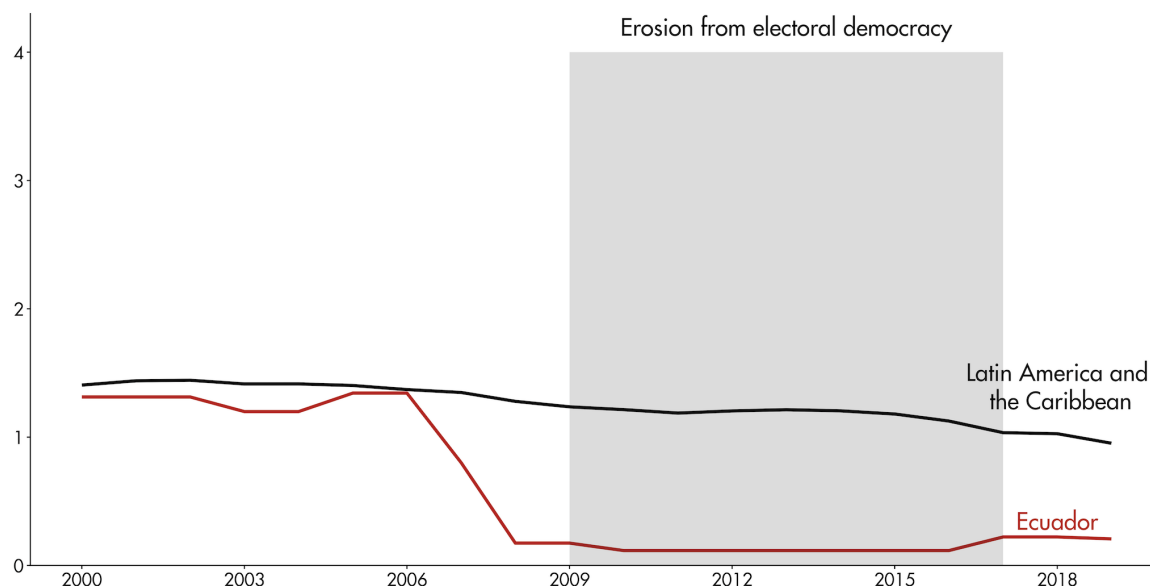


The socio-political landscape began to change substantially in the late 1990s as the social dislocations of economic crisis and the reaction against neoliberal reforms opened the way to a proliferation of militant

civil society groups and an upsurge in contentious politics. These trends are evident in Figures [Ecuador.2](#) and [Ecuador.3](#). [Figure Ecuador.2](#) highlights the estimate of social polarization relative to Latin American trends. Because the data do not go back before 2000, we cannot determine the extent to which that changed relative to the 1980s and 1990s, but it is clear that by 2000, Ecuadorian society was significantly more polarized than Latin America as a whole. Moreover, it became more so just at the time of Correa's election and following his ascent to the presidency.

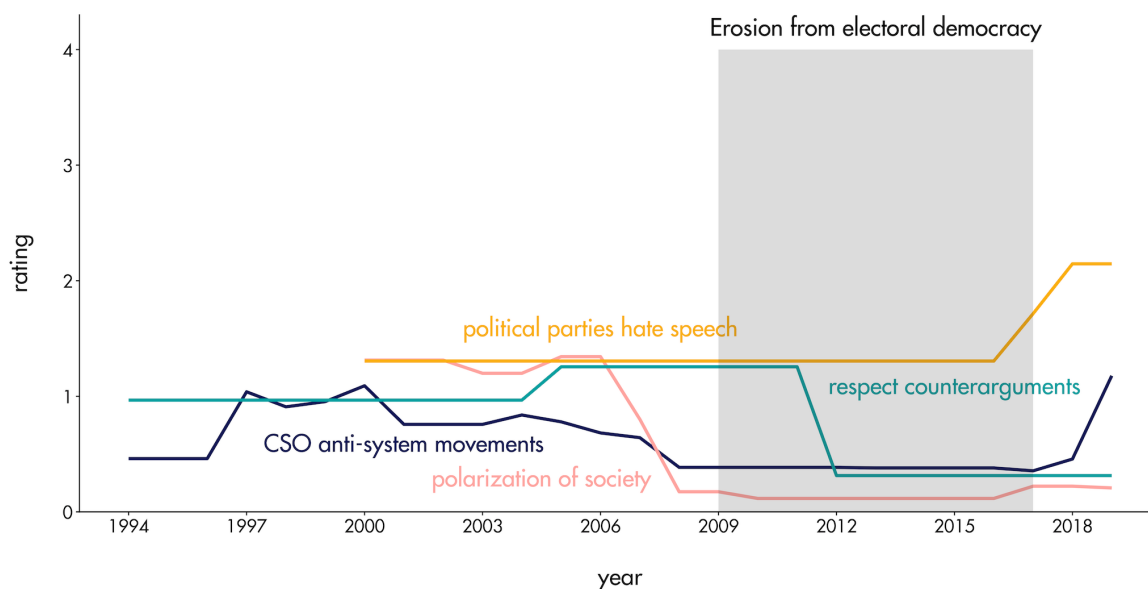
We see roughly similar patterns in the other indicators included in [Figure Ecuador.3](#). The metric indicating respect for counterarguments declined in the mid-2000s and fell below the regional average. Political hate speech did not decline, but was estimated as occurring “fairly often” throughout the 2000s, at a significantly higher level than the Latin American benchmark. Anti-system movements, as noted, was the only indicator that did not significantly exceed the Latin American average, but it also peaked in the early 2000s, with the point estimates temporarily exceeding the Latin American average.

Figure Ecuador.2 Social Polarization, 2000–2019



Conflicts stemmed from a variety of sources centering on the economic and social dislocations of recession and neoliberal reform. Even after the debt crisis of the early 1980s had eased, economic growth averaged at around only 2–3 percent throughout the rest of the 1980s and most of the 1990s; another major recession followed in 1999 (see [Figure Ecuador.4](#)). Inflation remained a chronic problem as well. It spiked at 76 percent in 1989 and at over 96 percent in 2000; it averaged at over 46 percent during that period, before dollarization and austerity began to bring it down in ensuing years (IMF 2018). These dislocations spurred increasing protests within indigenous communities and from the broader urban popular sectors.

Figure Ecuador.3 Polarization in Ecuador, 1994–2019



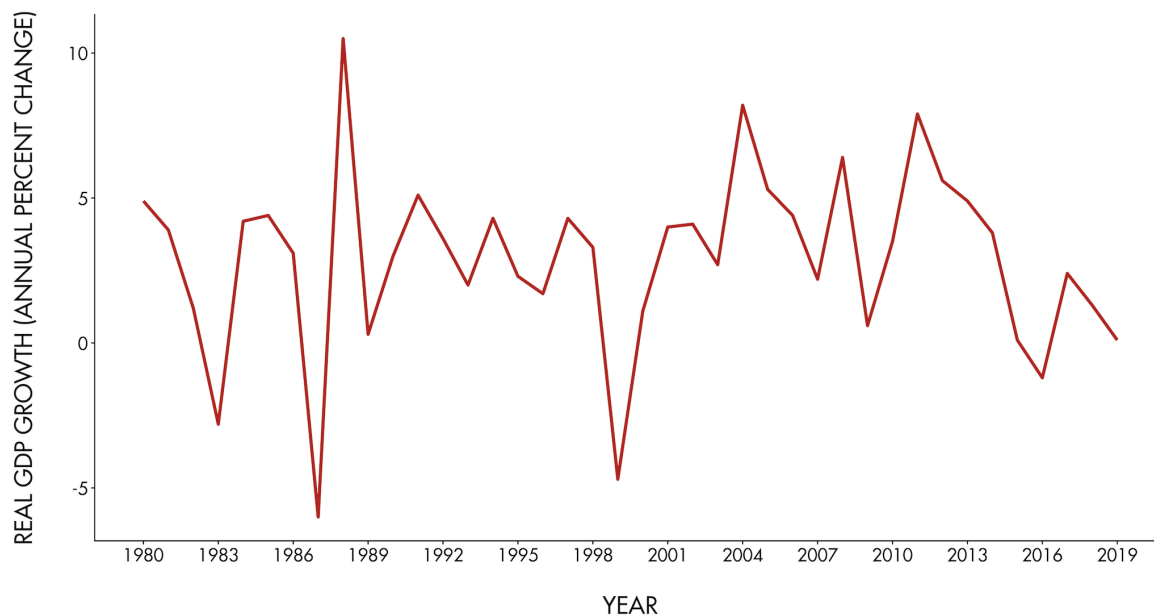
Large-scale ethno-indigenous protest first began to appear in 1986 as local and regional indigenous organizations came together to form CONAIE. With the support of environmental NGOs, the new confederation began to mobilize in defense of land rights, legal recognition, and state resources; in the early 1990s, it added provincial and national demonstrations to its protest repertoire, including blockades, marches, and the occupation of government buildings (Roberts 2014; Silva 2015).

CONAIE's importance as a political force expanded even further in the late 1990s. In 1997, it joined protests that pushed Congress to oust President Abdalá Bucaram. In 2000, it mobilized in support of a brief coup d'état led by Lucio Gutiérrez and other left-wing military officers who drove Jamil Mahuad from office; two years later, it provided crucial support for Gutiérrez's successful bid for the presidency, in concert the new ethnonationalist party Pachakutik (Movimiento de Unidad Plurinacional Pachakutik – Nuevo País; Madrid 2012). Then, when Gutiérrez reversed course and turned to the IMF, CONAIE joined a new cycle of protest that drove him from the presidency in 2005.

CONAIE's political arm, Pachakutik, also played an important role in bringing Correa to the presidency in the second round of the 2006 election, throwing its support to him after its own candidate—running on a very narrow indigenous platform—suffered a stinging defeat in the first round. Although Pachakutik declined after that point, CONAIE itself remained an important component of movement politics, and its relations with Correa became increasingly contentious during and after the passage of constitutional reforms in 2008.

As noted, the poor performance of Ecuador's economy and the dislocations of neoliberal reform were major sources of discontent for wider segments of the population as well. The urban informal sector,

Figure Ecuador.4 Real GDP Growth in Ecuador, 1980–2020



small businesses, and the urban lower-middle class were hit especially hard by stagnation and inflation, and they turned in serial fashion to political leaders promising relief. Each of the three presidents driven from office between 1997 and 2005 campaigned initially with promises of definitive solutions, only to be ousted as their programs failed and/or they switched to painful economic adjustments.

The urban popular sector, rather than the militant indigenous movements, was also Correa's main political base (Becker 2013: 51). Unlike his predecessors, his political fortunes were buoyed by the commodity boom, which allowed him to sweep to a series of electoral victories. In the years immediately leading up to the rise of Correa, however, the combination of social militancy, a poor economy, and government dysfunction had produced widespread disaffection with the Ecuadorian system. Surveys conducted in 2004, two years prior to Correa's election as president, showed Ecuador with only 42 percent support for the system—the lowest level of all Latin American countries that were sampled (Costa Rica, Mexico, Colombia, Panama, Honduras, Nicaragua, and Bolivia). An astonishingly low 15 percent expressed unconditional support for democracy, with only Bolivia ranking lower, at 14 percent. (Seligson 2006: 55). As in most of the other backsliding cases, decline in support for the existing system opened the way for the acceptance of major changes in political alignments and institutions, to which we turn below.

Party Politics and Institutional Change: The Decline of Traditional Parties and the Rise of Correa

The collapse of Ecuador's traditional party system was an important outgrowth of the social and political conflicts described in the preceding section. For most of the 1980s and much of the 1990s, as we noted earlier, political competition remained primarily an elite game, characterized by the rise and fall of individual parties that relied heavily on clientelist networks to harvest votes. However, there were four

relatively durable parties that rotated in and out of office during those years: the Social Christian Party (Partido Social Cristiano, or PSC), which evolved out of the oligarchic parties of the 19th and early 20th centuries; the Democratic Left (Izquierda Democrática, ID), a center-left party; the Concentration of People's Forces (Concentración de Fuerzas Populares, CFP), later supplanted by the Ecuadorian Roldosist Party (Partido Roldosista Ecuatoriano, PRE), a populist party based in Guayaquil; and the Christian Democratic Union (Unión Demócrata Cristiana), formerly Popular Democracy (Democracia Popular), known as the DP-UDC, a centrist party (Roberts 2014: 155).

Between 1984 and 1998, presidents from each of these parties had taken turns at attempting to stabilize inflation and implement market reforms, only to be soundly defeated at the next election. Although the rate of electoral volatility was one of the highest in Latin America, this reflected vote shifts from one established party to another, rather than a rejection of the entire party system (Roberts 2015: 160). However, as Roberts shows, none of the traditional parties—including the center-left ID—channeled growing opposition to neoliberal reform. By the end of the 1990s, voters finally began to turn against the established party system as a whole.

Table Ecuador.1 Presidential Election Results in Ecuador (popular vote share for the four traditional parties)

	CPF/PRE	PSC	ID	DP-UCD	Total
1984	13.5	27.2	28.7	4.7	74.1
1988	25.5	14.7	24.5	11.6	76.3
1992	23.3	25.0	8.5	1.9	58.7
1996	26.3	27.2		13.5	67.0
1998	26.6		16.1	34.9	77.6
2002	11.9		14.0		25.9
2006	2.1	12.1	14.8		29.0
2009		9.6			9.6
2013	1.2				1.2

Note: Blank cells indicate that parties did not run candidates.

CFP, Concentration of People's Forces; PRE, Ecuadorian Roldosist Party; PSC, Social Christian Party; ID, Democratic Left; DP-UDC, Popular Democracy–Christian Democratic Union.

Source: Nohlen, pp. 395–396, vol. 2, *Georgetown University's Political Database of the Americas* (<http://pdba.georgetown.edu/>), and Roberts, p. 292, Table 9.

This collapse is evident in the combined totals of the four traditional parties in both the presidential and legislative elections, shown in Tables [Ecuador.1](#) and [Ecuador.2](#) below. In the presidential elections, their combined vote share declined from an average of about 70 percent between 1984 and 1998 to under 30 percent in 2002 and 2006. By 2009, of the traditional parties, only the PSC ran a candidate for office, and his vote share was a mere 9.6 percent. In 2013, the sole “establishment” candidate was from the CPF/PRE and won only 1.2 percent. Between 1984 and 1998, their combined share of legislative seats ranged between 60 and 85 percent, but as [Table Ecuador.2](#) shows, it fell from about 81 percent in 1998 to 38.5 percent in 2002 and to only 31 percent in 2006. By 2009 and 2013, years in which Correa dominated

the system, their shares fell to 7.2 and 5.1 percent, respectively.

Table Ecuador.2 Legislative Election Results in Ecuador (share of legislative seats for the four traditional parties)

	CPF/PRE	PSC	ID	DP-UCD	Total
1998	20.0	21.7	12.5	26.7	80.9
2002	15.2	24.2	15.1	4.0	38.5
2006	6.0	13.0			31.0
2009	2.4	3.2			7.2
2013	0.7	4.4			5.1

Note: Blank cells indicate that parties did not run candidates.

Christian Party; ID, Democratic Left; DP-UDC, Popular Democracy–Christian Democratic Union.

Source: Nohlen, pp. 174–175, vol. 1, *Georgetown University's Political Database of the Americas* (<http://pdba.georgetown.edu/>), and Roberts, p. 292, Table 8.

The vacuum, as noted, was filled by Bucaram and Gutiérrez, populists on the right and left; by Mahuad, a neoliberal reformer; and by “surge” parties such as Pachakutik, the political offshoot of CONAIE. But the result, from 1996 to 2006, was a decade of political turbulence and repeated constitutional crises. Each of the three presidents elected during that period campaigned on promises to reignite growth, but none could count on solid support from the legislature. Ultimately, each faced economic constraints that prompted a turn to unpopular austerity measures. As opposition to these measures mobilized in the streets, their congressional support evaporated.

Abdalá Bucaram, elected in 1996, campaigned as a right-wing populist promising to clean up the mess left by his predecessors. However, his effort to deal with the financial fallout from the Mexican devaluation of the peso—the so-called Tequila Crisis—included both fiscal cutbacks and a large devaluation, generating widespread protests led by Pachakutik and the larger traditional parties. With his limited congressional support, he was deposed by the legislature in February 1997 after only seven months in office. Jamil Mahuad (1998–2000) faced a similar fate after attempting to bring inflation and the continuing banking crisis under control by freezing bank accounts and dollarizing the economy. He was forced to resign after a week of massive demonstrations and a short-lived military coup led by Lucio Gutiérrez. The cycle repeated yet again under Gutiérrez himself (2003–2005), who switched to a neoliberal policy after campaigning on a left populist platform. After Congress voted to depose him and the military announced that it had withdrawn its support, Gutiérrez fled in a helicopter from the presidential palace, seeking political asylum in Brazil.

Thus, as we discuss in the following section, by time Rafael Correa emerged as a candidate in the 2006 presidential elections, economic crises and political dysfunction had opened the way for major changes in Ecuador's battered democratic system. The weakening of the traditional parties and the failure of other personalist alternatives allowed Correa to ride to office on the basis of a strident populist appeal and to subordinate all major government institutions to the power of the president.

But although Correa's promise to lead a "Citizens' Revolution" against established political elites had broad popular appeal (Conaghan 2008), he entered the presidential race of 2006 with even fewer political party connections than his three deposed predecessors. He was an economist with a Ph.D. from the University of Illinois and had previously served as Finance Minister during the interim presidency of Alfredo Palacio (2005–2007). He ran for president as an outsider determined to restructure the political system, but his isolation from the old political parties left him vulnerable to the now familiar cycles of popular protest and congressional opposition. Although he won the presidency in the second round with 56.7 percent of the popular vote, he owed much to the tentative support of independent social movements, including CONAIE.

Correa himself relied extensively on direct television appeals to the mass public. His own party, Alianza País (PAIS), had been cobbled together primarily to support his candidacy. With PAIS's limited capacity to deliver legislative votes, Correa opted to withdraw his party from the congressional elections, ceding the ground to parties allied with Álvaro Noboa, his rival for the presidency in the 2006 election. Together with allies, Noboa's party, the Institutional Renewal Party of National Action (Partido Renovador Institucional de Acción Nacional, or PRIAN), controlled two-thirds of the congressional seats, leaving Correa almost completely devoid of legislative support.

In his strategy to overcome these vulnerabilities, Correa borrowed from the Chávez playbook and took up the long-standing demand from social movements for constitutional reform. Leveraging his personal political honeymoon and the support of his then-social movement allies, he pressed the Electoral Council to approve a referendum mandating the election of a new constituent assembly that his supporters were more likely to dominate.

As in Venezuela and Bolivia, this initiative brought Correa into immediate conflict with his opponents in Congress, leading to moves and counter-moves that severely weakened all of the existing constitutional branches of government. The congressional opposition responded to the initiative by moving to fire four members of the Electoral Council who had approved it. Correa then pressed the Electoral Council to remove 57 opposition legislators who had blocked a vote on the referendum and to suspend their right to run for the constitutional assembly. The Constitutional Court then entered the fray by ruling against the dismissal, but a majority of the remaining members of Congress voted to remove all nine judges from the Court and to proceed with the referendum.

At the end of this struggle, Correa's initial popularity as a reformer prevailed over the already discredited institutions controlled by the opposition. In April 2007, the referendum was approved by almost 87 percent of the popular vote; in the election for delegates to the Assembly, Correa's PAIS party captured 80 of the 130 seats, with his then-allies within the social movements winning most of the rest. The traditional opposition parties, on the other hand, were almost completely marginalized; Noboa's PRIAN party, which had held the plurality of seats in the old Congress, gained fewer than eight in the Assembly. Once seated, the Assembly voted overwhelmingly (110 to 18) to dismiss Congress on grounds of corruption. Congress was ultimately forced to accept the supremacy of the Assembly. The new Constitution he had sponsored was ratified in September 2008 by almost 64 percent of the vote.

Backsliding

Correa's victory in this struggle marked the onset of the backsliding process. To be sure, one notable feature of the new Constitution was the incorporation of a host of "aspirational rights" with respect to

health, education, gender equality, and indigenous rights—a reflection of the social movements that had supported Correa in the campaign for a constituent assembly.

But far more consequentially, the new Constitution marked the beginning of a decisive shift of authority toward the executive and a weakening of the institutions of horizontal accountability.

A pivotal feature of this shift was the elimination of a term limit clause that would have prohibited Correa from running for two consecutive terms. In the previous Constitution, these limits had been aimed—as was the case in many other countries—at preventing rulers from locking themselves into power for extended periods of time. The new Constitution allowed Correa to run again not only in 2009 (which would now be counted as his first term), but also again in 2013 (Corrales 2018: 184). As we will see below, this did not forestall a bitter controversy that erupted in 2015 and 2016 over Correa's eligibility to run for a third term, but in the meantime, the way was open for him to hold the office for at least a decade.

As significant, the new Constitution provided the president with important new powers over the legislature with which, in principle, he was to share authority. He was given a line-item veto and the right to bypass the legislature entirely by holding referenda; as we will see below, both provisions would prove highly consequential in subsequent years. The new Constitution also provided the president with authority to dissolve the legislature, and although it was never actually used, it armed the president with a weapon that could be deployed to keep the members of the ruling period in line (Conaghan 2016: 112). In addition, the Constitution expanded the president's fiscal authority and his control over appointments to the Central Bank.

The expansion of the popular president's power over the legislature attracted considerable support in a country that had long been plagued by fragmented legislatures and constitutional stalemates, but it marked a major step in the elimination of horizontal checks on his authority.

Another major step in this direction was the establishment in the new Constitution of a Council of Citizen Participation and Social Control. The Council was formally designated as a separate branch of government, and its ostensible purpose was to provide a channel through which social movements and civil society groups could exercise oversight and participate directly in the governmental process. The reality, as Conaghan writes (2016: 112), was that it extended presidential control over semi-autonomous agencies within the executive bureaucracy, including those of the attorney general, the comptroller general, the human rights ombudsman, and the National Electoral Council. The Council was placed in charge of appointments to these agencies, but its own members had come from executive-branch positions and they were required to choose from short lists of nominees provided by the president and his aides. Previous requirements for legislative ratification of such appointments were eliminated.

Correa's successful constitutional reform initiative marked the start of his sustained campaign to consolidate his political control and neutralize his opponents. Together with his reelection in 2009 and 2013, control of the newly established national legislature was a crucial second step (see Tables [Ecuador.3](#) and [Ecuador.4](#)). His new party, Alianza PAIS, captured 43 percent of the popular vote in the 2009 general assembly elections and about 46 percent of the seats. Together with small allied parties, this provided Correa with a solid legislative majority. In the runup to the general elections of 2013, Correa added extra insurance. He deployed the line item veto power established in the new Constitution to change parliamentary seat allocations in favor of the ruling party. Although the ruling party remained genuinely popular, the new regulations allowed it to win 100 of the 137 seats (73%) with only 52.3 percent of the popular vote.

Table Ecuador.3 Presidential Elections in Ecuador, 2009 and 2013 (share of popular vote)

2009		2013	
Rafael Correa PAIS	51.99	Rafael Correa PAIS	57.17
Luccio Gutiérrez	28.24	Guillermo Lasso	22.68
Alvaro Noboa	11.49	Luccio Gutiérrez	6.73
Martha Roldos	4.33	Mauricio Rodas	3.90
		Alvaro Noboa	3.72
		Alberto Acosta	3.26
Other	8.28	Alvaro Noboa	2.54

Source: For 2009, https://en.wikipedia.org/wiki/2009_Ecuadorian_general_election; for 2013, https://en.wikipedia.org/wiki/2013_Ecuadorian_general_election

Table Ecuador.4 Legislative Elections in Ecuador, 2009 and 2013 (vote and seat shares)

	2009	2013
Alianza Pais	43.0/47.6	52.3/73.0
Patriotic Society	15.2/15.3	5.64/3.6
Social Christian	13.3/8.9	8.99/4.4
PRIAN	6.0/5.6	
Creating Opportunities		11.42/8.0
Plurinational Unity of the Lefts		4.72/3.6
Other	†/22.6	†/7.4

Note: Blank cells indicate that parties did not run candidates; † indicates missing data.

Source: For 2009, https://en.wikipedia.org/wiki/2009_Ecuadorian_general_election; for 2013, https://en.wikipedia.org/wiki/2013_Ecuadorian_general_election

Correa's popularity and the electoral support for the ruling party, it should be emphasized, was buoyed by the dramatic boom in petroleum prices and the upturn in Ecuador's economy. Between 2007, when Correa was first elected, and his reelection in 2013, the GDP grew by an annual average of 4.4 percent, notwithstanding a rate of only 0.6 percent during the global recession of 2009. Growth, in turn, financed a major expansion of social welfare programs, and the poverty headcount ratio dropped from 36.7 to 25.6 (World Bank 2019). As a consequence of these developments, Correa's government, like those of his populist counterparts in Venezuela and Bolivia, rested on genuine popular support—both for him personally and, through him, for the ruling party.

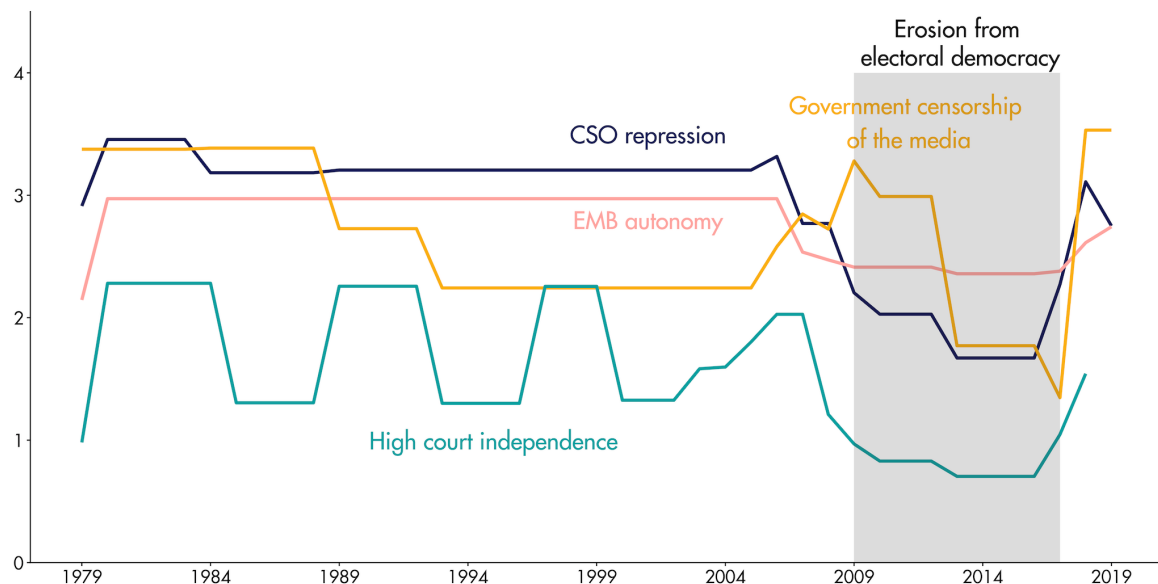
But the powers granted in the Constitution, together with Correa's strong legislative majority, provided legal and institutional resources that could be used to cover up malfeasance and serve as leverage against his opponents. The scale of corruption that characterized Correa's regime became evident only after he left office, but it was clearly extensive. In 2018, Jorge Glas—Moreno's successor as vice president and a close Correa ally—was convicted of taking bribes from Odebrecht, the giant Brazilian construction firm.

Two years later, Correa himself was convicted of taking millions of dollars in construction kickbacks and sentenced in absentia to eight years in prison. Altogether, at least 20 high-ranking officials and party leaders were caught up in the scandal (Cabrera 2020).

Political challenges to Correa's authority came from a variety of sources, including both elites and independent social movements. As Conaghan writes (2016: 112), however, the constitutional reforms and legislative dominance enabled the president to confront these challenges with "a flood of laws (organic and ordinary), executive decrees, and bureaucratic rules [that] poured forth to transform legal norms and promote executive power."

Figure Ecuador.5 maps the backsliding in the core liberal democratic indicators. We see downward inflections in civil society repression, electoral board autonomy, and high court independence beginning around 2006 and 2007—the years of the election campaign and Correa's rise to the presidency. Media censorship efforts begin somewhat later, around 2011 and 2012. However, all four indicators continue to trend sharply downward through the remainder of the time Correa is in office.

Figure Ecuador.5 Backsliding in Ecuador, 1980–2019



As was the case in many of the weak democracies included in this analysis, Correa did not have far to go to neuter the already vulnerable judicial system. Ecuador's judiciary, as **Figure Ecuador.5** shows, had long been subjected to extensive political interference. Basabe-Serrano and Polga-Hecimovich (2013) show a high correlation between the changing legislative balance of power and the turnover in Ecuador's Constitutional Court between 1999 and 2007. These influences were tightened under Correa in a referendum passed in 2011 with a militant (but not entirely unjustified) campaign against the courts as bastions of elite control. To overhaul the system, the referendum authorized the formation of a transitional and then permanent Council of the Judiciary, which quickly became an arm of the Correa gov-

ernment. A protest letter from José Miguel Vivanco, president of Human Rights Watch (2014), notes the changes that followed. In 2012, the transitional Council appointed all 21 members of the highest court, the National Court of Justice. Both the transitional Council and the permanent Council that replaced it proceeded to appoint, suspend, and remove hundreds of lower court justices all over Ecuador “through highly questionable mechanisms that we believe seriously undermine judicial independence in the country.” Between July 2011 and November 2013, the purges led to an increase in the total number of judges, which went from 1117 to 1708. Like the legislature, the courts had been brought almost completely under Correa’s control.

The management of communications followed a similar pattern. From the start of his campaign for the presidency, Correa and his allies subjected critical journalists to bitter verbal attacks. After assuming office, Correa dominated the public airwaves and increased the legal and judicial pressure against the independent media. In 2010, Correa brought charges against a leading Guayaquil newspaper that had criticized his handling of protests by the military and police over pay and benefits; in the event, Correa found himself surrounded by protesters and was evacuated in an incident that left five people dead. In the 2011 referendum, which included the measures against the judiciary discussed above, the government also created a new council to regulate media content and financial holdings—a move condemned by Joel Simon (2011), Executive Director of the Committee to Protect Journalists, as one which would “open the door to government censorship.”

Controls tightened further in subsequent years. In June 2013, the legislature passed a new Communications law that imposed additional regulation of media content. In 2015, a constitutional amendment made private communications media a “public service” subject to regulation (Conaghan 2016: 115). In 2016, these steps prompted Freedom House to downgrade the status of Ecuador’s media to Not Free.

The relationship between the Correa government and civil society movements, finally, involved a more complex combination of antagonism and cooperation. As noted, these movements provided support for Correa in the second round of the 2006 election, and most continued to support the establishment of a constitutional assembly, a development indicated in [Figure Ecuador.3](#) by the brief expansion of civil society freedom during those years. Even after that time, the space for social movements was never entirely closed. Groups such as CONAIE that challenged the technocratic orientations of the government were subject to recurrent police harassment and surveillance (Silva 2015). However, in some cases, protests were allowed to proceed; in others, the government collaborated in the provision of goods and services (Silva: 2015: 35). More broadly, although the quasi-corporatist channels established through the Council of Citizen Participation and Control were subject to extensive top-down controls, they did provide opportunities for the representation of indigenous interests.

Nevertheless, relations between the government and these movements became considerably more antagonistic after 2008—a development marked by the increase in [Figure Ecuador.3](#) scores for civil society repression after 2008 and 2009. In response to conflicts over land and mineral rights, the government expanded scrutiny and regulation of NGOs, and in 2011, a presidential decree tightened these regulations to prohibit NGO activities that were “incompatible with public security.”

In 2013, the government cracked down even more harshly during a bitter dispute with indigenous groups and environmentalists that erupted over Correa’s decision to lift restrictions on oil drilling in Yasuní National Park (Conaghan 2016: 115). It deployed the Communications law discussed above to intimidate

media investigations into the conflict. A petition for a referendum opposing the government's decision was squelched by the National Electoral Council. Finally, the government threatened protestors with the application of laws prohibiting civil society groups from "partisan activity" and "threatening national security." These threats, writes Conaghan (2016: 116), "plunged civil society into constant anxiety about questions of legal standing and what actions might prompt closure."

As noted in the introduction to this narrative, according to our V-Dem indicators, democratic erosion in Ecuador did not result in a reversion to autocracy. As we will see below, Correa was never entirely able to achieve the personal dominance over critics and opponents that Chávez saw in Venezuela. Nevertheless, the backsliding episode we have described above shows that he had come very close to the line. Until he was induced to step down in 2017, Correa had concentrated power to an extent that was unprecedented since the restoration of democracy in 1979.

The End of the Correa Regime

Correa's project to extend this power hit what proved to be a fatal roadblock in 2017 with the failure of his bid to eliminate the prohibition on reelection to a third consecutive term (which had been written into the 2008 Constitution). In 2014, the ruling party super-majority, backed by the Constitutional Court, initiated steps toward a constitutional amendment that would have permitted such a move, providing for the indefinite reelection of all public officials. But by 2015, when the measure was scheduled for final passage, the economy had turned sour (see [Figure Ecuador.4](#)), as oil prices fell to less than \$40/barrel. To gain control of a ballooning fiscal deficit, the government imposed restrictions on subsidies and other spending, combined with proposals for sharp tax hikes on inheritance and real estate transactions.

The economic squeeze placed Correa in a vulnerable political position. The proposed austerity measures generated widespread protests from across the political spectrum. Massive demonstrations erupted in Quito and Guayaquil. Public opinion surveys showed overwhelming opposition to a congressionally mandated term limit amendment that would not be subject to a popular referendum (Conaghan 2016: 116). There were even some rumblings within the ruling party itself, although these would not break into the open until after Correa had actually vacated the presidency in 2017. In the event, however, Correa capitulated to political reality by agreeing to provisions that would have barred his immediate reelection, but which left open the possibility that he might return to power after a brief period out of office. Surprisingly, however, those expectations were entirely upended almost as soon as Lenín Moreno—Correa's vice president until 2013 and hand-picked successor—assumed office.

Moreno was elected narrowly (51–49) to the presidency in a second-round runoff in April 2017 and was inaugurated the following July. Although he had already signaled during the campaign that he might modify Correa's highly personalistic governing style, the general expectation was for basic continuity. Instead, his first step was to summon a National Dialogue—which incorporated almost the entire gamut of Correa's opponents, from leaders of the business elite to left-wing antagonists such as CONAIE—and pointed the way toward the liberalization of both the political and economic systems. A referendum on proposals emerging from the Dialogue was held in February 2018, with seven questions passed by majorities ranging from 63 to 73 percent and with a turnout of over 80 percent of the eligible population. In [Figure Ecuador.3](#) above, the import of these changes is registered in the sharp upturn in our democracy indicators in 2016 and 2017.

The long-term implications of these changes remain unclear as of this writing, particularly with respect to the institutional structures built during the preceding decade. Major changes in political alignments, however, were already strikingly apparent. The breakup of the old ruling party, Alianza PAIS, was the most important of these. In the Congress, a faction of the party loyal to Moreno formed a coalition that included former adversaries, such as Pachakutik. Tensions with the Correistas within the party quickly erupted over the direction taken by the Dialogue; they were deepened further by the uncovering of the corruption scandals noted above. In January 2018, the Correa faction formally split away, forming a separate party, the Citizen Revolution Movement (Revolución Ciudadano), which joined with the opposition. These realignments, as Jonas Wolff (2018: 12) has observed, have returned Ecuador's parliament to a "central arena of the political struggle in which political parties and individual legislators negotiate alliances, laws, posts and resources as well as, in the extreme case, over the future of the government."

Such negotiations, he speculates, hold out the possibility that cross-party compromises on new appointments to judicial and executive posts might enhance the independence of institutions of horizontal accountability. These possibilities, in turn, are registered in a large one-year improvement in the Freedom House 2018 Freedom in the World report and an upgrade by the Economic Intelligence Unit from a "hybrid regime" to a "flawed democracy." Although it is beyond the scope of this narrative to fully assess the accuracy of these judgments about a situation that is still highly fluid, it is fully evident that the backsliding episode of the Correa era had come to a definitive end.

likely

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EROSION FROM LIBERAL DEMOCRACY, 2017–2019¹

(With Giovanni Francesco Angioni)



According to V-Dem liberal democracy scores, Greece had an episode of backsliding starting in 2017, under the populist Syriza-led government elected in 2015 (although not, it should be noted, from its onset). Based on continuity in those scores and in the party in power, the episode would appear to extend into 2019.²

As discussed above, however, close inspection of this case reveals considerable ambiguity about the timing and extent of backsliding and indeed whether Greece should be considered a backsliding case at all. The decline in Greece's liberal democracy scores are subtle ([Figure Greece.1](#))—only barely meeting our test for significance—and the country remains a consolidated liberal democracy by our definition. Although other datasets converge on some erosion—thus meeting our requirement that assessments triangulate—the timing of those changes does not line up with an assessment based on the V-Dem data. The Economist Intelligence Unit (EIU) and Freedom House codings suggest erosion taking place earlier, and both even see an improvement in scores in 2017.³ Moreover, the experts we consulted differed on when and whether backsliding as we have defined it occurred in Greece.

To the extent that we do see change, the causes are also ambiguous. On the one hand, there is a substantial literature on polarization and the new populism in Greece (inter alia, Stavrakis and Katsambekis 2014; Pappas 2014, 2019a; Katsambekis 2016; Mudde 2016; Andreadis and Stavrakis 2019; Grigoriadis 2020; Hawkins et. al. 2020), and the Syriza government has been taken as a virtual test case of “populism in power” (Aslanidis and Kaltwasser 2016). Moreover, a number of analysts have linked this case to the backsliding literature (Birdwell et. al. 2013; Mudde 2016; Sotiropoulos 2018; Pappas 2020, although see also Mylonas 2018).

On the other hand, Greece has a long history of political polarization, and changes after 2009 are subtle (see, for example, Kalyvas 2015; Afonso, Zartaloudis, and Papadopoulos 2015). Moreover, the country experienced extraordinary political strains from the onset of the financial crisis in 2009, and these operated regardless of whether the party in power was on the center-left (2009–2012), included the center-right (2012–2015), or represented new populist forces (2015–2019).

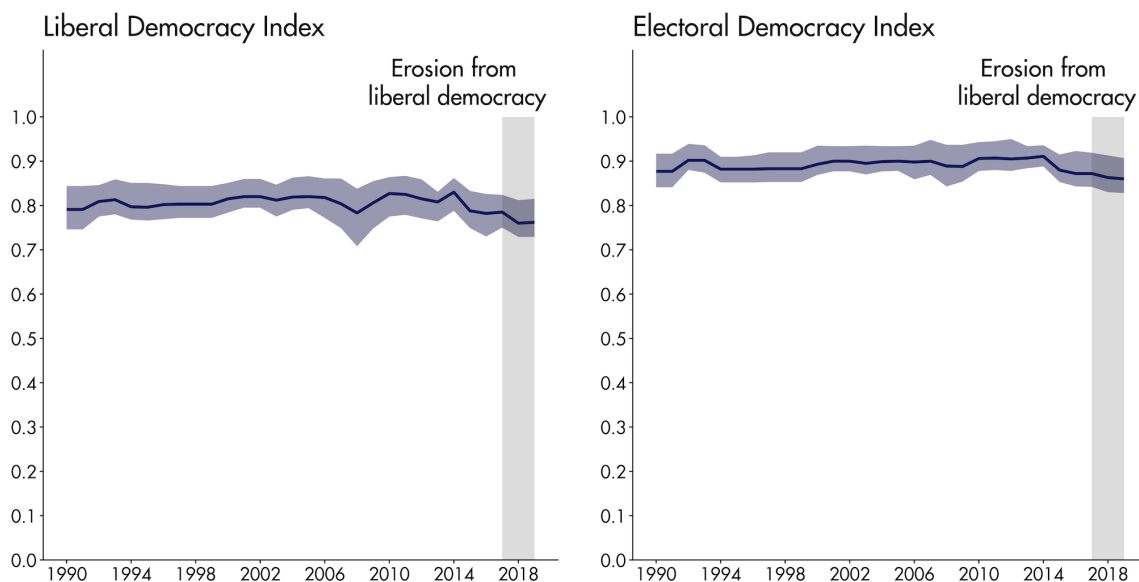
At least some of the informal institutional change in the Greek political system, including the declining ability of the legislature and judiciary to check the executive, was also associated with external constraints

¹ Our thanks to Stathis Kalyvas, Matthias Matthijs, Harris Mylonas, Takis Pappas, Dimitrios Sotiropoulos, and Sotiris Zartaloudis.

² The case extends through 2019 because the elections which oust the Syriza government take place in the second half of the year.

³ We included the case because of our coding rule: the judgment reached from V-Dem data was vindicated in both an EIU downgrade of the country from a “full” to a “flawed” democracy—ranking it toward the very bottom of European cases (above only Turkey) by 2019—and a change in Freedom House political rights scores (from 1 to 2). Yet as will be seen, we see the case as an ambiguous one. The changes in EIU and Freedom House codings actually came earlier, in 2008–2010 and 2011 respectively, and in the case of the Freedom House rankings, the downgrade was actually reversed in 2017, the very year that V-Dem data suggests an erosion. Moreover, EIU scores for electoral process and pluralism as well as civil liberties were broadly within Western European ranges; the EIU assessment of Greece hinges on categories that pertain to political participation, political culture, and “functioning of government,” which undergoes significant decline during the financial crisis.

Figure Greece.1 Electoral and Liberal Democracy Scores in Greece, with Confidence Intervals, 1990–2019



placed on the country by outside creditors. Those creditors argued that conditionality was necessary precisely because of the dysfunction of the Greek political system; those constraints cannot be treated as altogether exogenous. Nonetheless, international factors were clearly a component of the Greek story (Matthijs 2014, 2017; Ruiz-Rufino and Alonso 2017; Tsiftoglou 2019).

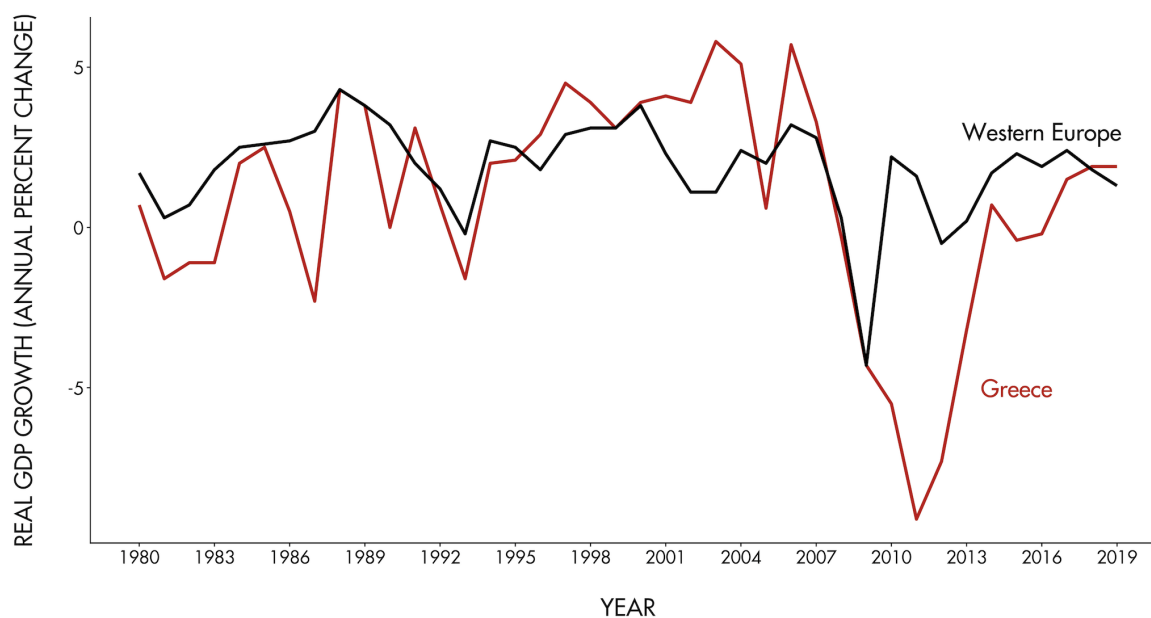
We therefore treat Greece as an ambiguous case, in which there is significant disagreement not only on the timing of the episode but on whether backsliding even occurred. As a result, we consider political developments starting with the PASOK (Panhellenic Socialist Movement) government of 2009–2012 and the New Democracy (ND)-led coalitions and technocratic governments formed in 2012–2015, as well as the coalition led by Syriza (the Coalition of the Radical Left, 2015–19).

In telling this story, we consider some of the causal factors we have highlighted here before turning to an assessment of the backsliding process. Starting in 2010, Greece lived through a sustained economic crisis that is probably without parallel in post-war Europe. These shocks were associated with unusual external constraints on the domestic political system. The consequences of the crisis—in the form of increased disaffection with political institutions, further polarization, and an uptick in extremism and social violence—led to significant changes in the party system. By 2015, support for the established parties had fallen dramatically, displaced by a new populist government. We then assess to what extent—and whether—developments in the Syriza period could be seen as constituting backsliding and whether some of those developments pre-dated the Syriza government.

Economic Crisis and Polarization

Despite reservations on the part of other EU members, Greece joined the Euro in 2001 and was a beneficiary of the lowered borrowing costs that resulted; until the Global Financial Crisis, Greece outperformed the rest of Europe (Figure Greece.2). In the 2009 global financial crisis, its performance matched the decline in Europe, but in 2010 the bottom fell out, with real GDP declining by another 10 percent. Growth did not turn positive until 2014, and then only barely; in 2015 and 2016 growth was again negative. Unemployment numbers capture the extent of distress most simply: unemployment peaked at over 27 percent in late 2013 and did not fall below 20 percent until early 2018.

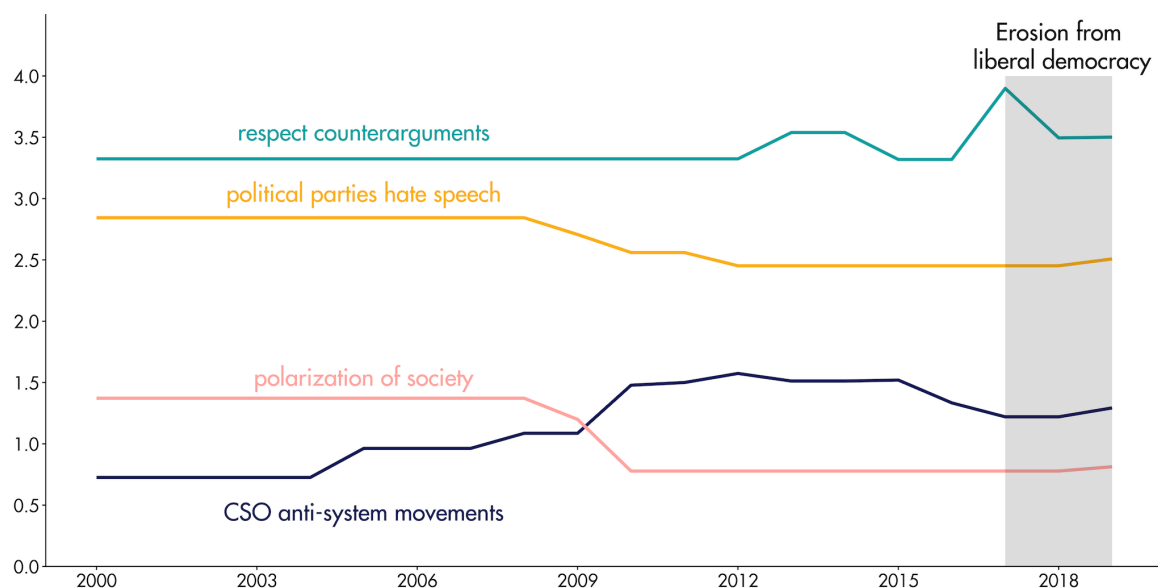
Figure Greece.2 Real GDP Growth in Greece, 1980–2019



The politics of the crisis ultimately centered on the negotiation and implementation of a succession of three Memoranda of Understanding (MoU) with the so-called troika—the European Central Bank, the European Commission, and the International Monetary Fund—in 2010, 2012 and 2015. These negotiations were accompanied by ongoing external pressure to meet an extraordinarily complex and politically difficult set of conditions, centering on drastic fiscal action and a wide range of structural reforms as well, from privatization and deregulation to reform of social policy, the public sector, and the tax system. Not surprisingly, these measures generated strong opposition, regardless of the party in power (and some were not fully implemented), in part because of their effects on longstanding clientelist networks. As we will explore in more detail below, they also gave the troika extraordinary influence over the legislative process in Greece, with a corresponding decline in the role of Parliament and the judiciary.

The effects of the financial crisis were compounded by Greece's position as a transit route during the refugee crisis that begins in 2014. In contrast to Poland and Hungary—where the actual number of immigrants was low—Greece faced particular challenges when the countries sitting along the Balkan

Figure Greece.3 Polarization in Greece, 2000–2019

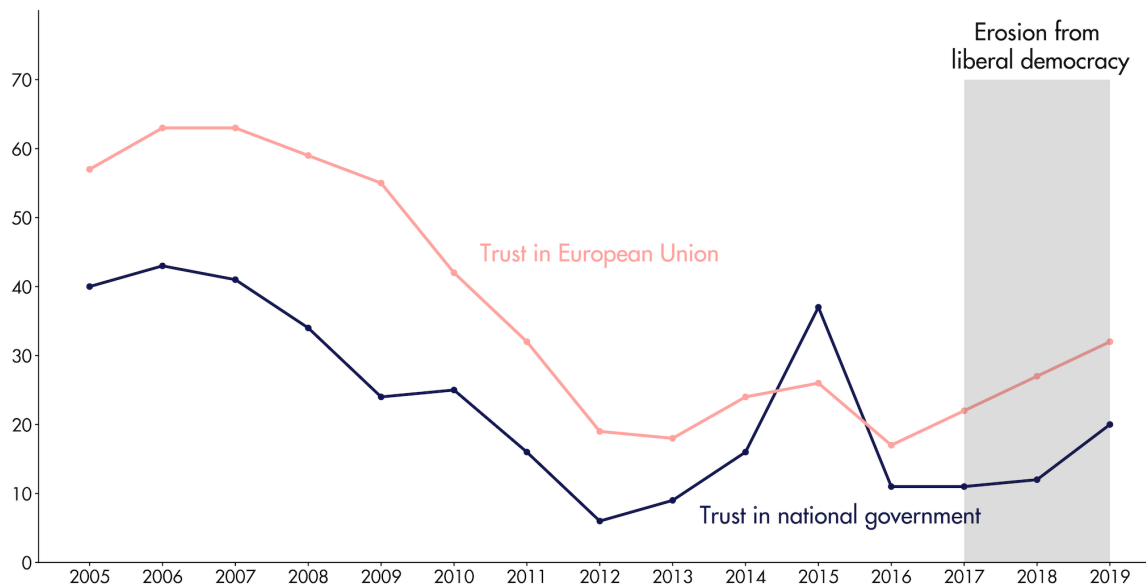


corridor closed their borders in 2016, leaving refugees stranded in Greece. The negotiation of the EU–Turkey deal improved the situation, but given the economic downturn, the refugee crisis provided an opportunity for far right and nationalist parties to mobilize anti-immigrant sentiment, adding another layer of polarization to the mix.

Figure Greece.3 outlines developments in the four indicators of polarization that we have used as proxies in our case studies. Despite the subtlety of the movement in the indicators, two findings jump out. First, polarization of society is relatively high at the outset of the crisis, well above European norms. As we will see, this has to do in part with substantial polarization of the party system between the two historically-dominant political parties—PASOK and New Democracy—even before the onset of the crisis. But second, the most significant moves in indicators of polarization—with respect to hate speech, polarization of society, and the rise of anti-system movements—occur around the onset of the financial crisis in 2009–10; if anything, shifts in these measures are probably underestimated, particularly with respect to polarization of society and the rise of anti-system movements. This can be seen by looking at another anticipated effect of polarization, which we highlight: declining trust in government institutions. Data from the Eurobarometer Survey (Figure Greece.4) shows Greece as the European country with the lowest level of trust in national government, hitting rock bottom in 2012 before recovering in 2015 (interestingly, as Syriza comes to power)—only to fall back near its floor in 2016–18 (Boda et. al. 2018). This cynicism was associated with a sharp falloff in turnout during the crisis period as well, another indicator frequently taken as an example of democratic decline.

The political polarization that we believe is most crucial to the backsliding process is best outlined in our review of the party system in the next section. However, the onset of the crisis had predictable effects on

Figure Greece.4 Trust in National Government and in the EU in Greece, 2005–2019



incumbent parties, punishing the incumbent left PASOK in particular, hollowing out the center-left, and giving rise to new parties on the far left and right. The political system subsequently came to divide to a significant extent on a single, overarching dimension: whether to seek a resolution to the crisis within the confines of a continuing commitment to the Eurozone—even if seeking to minimize the extent of austerity—or whether to reject external conditions and even reconsider EU membership altogether. In Greek politics, this division was referred to as the “memorandum cleavage.” The framing of this choice drew deeply on longstanding populist tropes we have seen in other backsliding cases.

The populist parties and social movements on both the left and right saw the old parties—despite their avowed populism—as representing an elite that sold out Greek national interests to foreign powers. The 2011 “indignados” movement was particularly interesting in this regard, as it brought together far-left and far-right movements, anticipating the unlikely coalition that was later formed between Syriza (the Coalition of the Radical Left) and ANEL (the Independent Greeks – National Patriotic Alliance). Alexis Tsipras, the leader of Syriza, cast the crisis as a betrayal of “the people” by economic and political elites, both domestic and foreign; the party’s main slogan, indeed, was “It’s either them or us.” (Pappas 2020: 60). However, it is important to underscore that Euroskepticism and nationalism became the calling cards of right as well as left parties, and right parties pulled on other social divisions, including with respect to immigrants and multiculturalism.

Finally, it is worth noting that polarization manifested not only in mass mobilization and protest, but in a sharp increase in social violence, much of it perpetrated by extremist groups. We see contentious politics and social violence as indicators of polarization. However, they are rightly considered elements of the backsliding process as well, particularly to the extent that they directly impinge on political rights

and civil liberties.

Following the death of a 15-year-old student at the hands of a police officer in December 2008, the country experienced a wave of protests and riots in which anarchist groups played a significant role (Andronikidou and Kovras 2012). With the onset of the financial crisis, protests like these became an ongoing staple of the political scene. Mavrogordatos and Mylonas (2011) provide an overview of the mobilizations in 2010 alone, and under a left government, which included farmers and labor unions linked to parties, including the Communist Party, and efforts to block access to roads and critical infrastructure. There were additionally urban protests promoted, if not organized, by Syriza against the first memorandum. Such protests were a feature not only of the PASOK and ND governments during the early years of the crisis, but took place in response to reforms initiated by the Syriza government in 2016 and 2017 as well.

Grievances were not only aired through peaceful protest. In addition to property damage and low-level violence during mass mobilization, Georgiadou and Rori (2019) provide a more granular consideration of extremist violence. From the beginning of 2008 to the end of 2018, they catalogue over 2,000 violent events, three-quarters of which can be traced to the far left and one quarter to the far right. Furthermore, political violence extended to politicians (inter alios, Kostis Hatzidakis 2010, Lucas Papademos 2017) as well as journalists and members of civil society groups. Political violence even reached the point at which a group of reservists publicly argued the case for military intervention in 2013.

Party Polarization: The Collapse of the PASOK – New Democracy Duopoly and the Rise and Fall of Syriza

Although political polarization was long a feature of Greek politics, it was profoundly exacerbated by the financial crisis. The political conflicts that grew out of the crisis drew on long-standing tropes that can be traced to the transition to democracy in 1974—and even before (Pappas and Aslanidis 2015). But the crisis was accompanied by a virtual collapse of support for the two major incumbent parties and a dramatic rise in the vote share of left-populist and far-right parties; as in other cases, we see such political polarization as contributing to risks of backsliding.

From the fall of the military dictatorship in 1974 through the onset of the financial crisis, the Greek party system showed remarkable stability, dominated by two major parties. Constantine Karamanlis (Prime Minister from 1974–1980) founded New Democracy on the center-right, with the overriding objective of securing Greece's place in the EU, which the country joined in 1981. PASOK, also founded in 1974, was positioned on the center-left. It contained strong populist and polarizing strains from its inception, arguably going back to the Greek civil war, the defeat of the Communists, and the anti-communist legacy of the dictatorship (1967–74; Pappas and Aslanidis 2015; Andreadis and Stavrakis 2019).

PASOK's founder, Andreas Papandreou, based the first party's campaign on people vs. elite narratives and a "two cultures" view of Greek political life that has persisted (Diamandouros 1994; Pantazopoulos 2001; Pappas and Aslanidis 2015), also encompassing a more pro- and anti-European divide in Greek politics and even engaging the role of religion in Greek society (Stavrakis 2002). When he became prime minister in the 1980s, Papandreou pursued the party's domestic policy objectives through a significant expansion of the state, while moderating anti-Europe rhetoric. Not only did the left expand social policy and pensions, but they used party-affiliated organizations to develop a highly-institutionalized form of patronage and clientelism (Kalyvas 2018).

However, given the nature of two-party political competition, New Democracy came to adopt quite similar strategies in the early 1990s, a tactic increasingly sustained by the access to foreign borrowing that membership in the Eurozone permitted, thus setting the stage for the crisis (Pappas 2010). Andreadis and Stavrakas (2019) in fact argue that polarization—measured as the difference in left-right positioning of PASOK and ND voters—actually declined in the years just prior to the financial crisis as parties converged on similar political-cum-economic strategies.

Strains on these dominant parties became evident from the onset of the financial crisis. PASOK had come to office in the general elections of October 2009, running on a Keynesian platform and infamously proclaiming “There is money!” The trigger for the crisis came in the form of a succession of announcements that the size of government deficits was wildly understated and that the deficit forecast for 2009 would be revised from 3.7 percent of GDP to an extraordinary 12.5 percent. Coupled with strong statements on the part of German politicians skeptical of the Greek bailout, the effects on financial markets, both in Greece and globally, were immediate.

We argue that backsliding is typically foreshadowed by the weakening of centrist parties, their move toward the extremes, and/or the rise of more extreme entrants. From the first parliamentary vote on whether to accept the tough external conditions demanded by creditors in May 2010, these forces were on display. When Papandreou announced his intention to hold a referendum on the aid package in October 2011, markets again went into a panic, and he was forced to accept a caretaker technocratic government, setting the stage for general elections in 2012; in less than a year, Greece was going to cycle through four prime ministers. A crucial second parliamentary vote on the aid package in February 2011—following on the contentious vote in May 2010—presaged the fundamental political realignments that were to come. In the 300-seat Parliament, only 278 voted on the measures at all (passing 199 to 74), but a total of 45 MPs were expelled from their parties for breaking with discipline.

In May and June 2012, in the first elections after the onset of the financial crisis, support for the two dominant parties weakened dramatically ([Table Greece.1](#)). When the May elections failed to produce a government, new elections in June showed even more clearly the changed political party landscape. While ND and PASOK had accounted for 77.9 percent of the popular vote in the 2007 general elections and 77.4 percent in 2009—holding 251 of 300 seats—the two parties secured only 42 percent of votes in the June 2012 elections. PASOK, suffering the disadvantages of incumbency, saw particularly large losses (from 43.9 percent of the popular vote in 2009 to only 12.3 in June 2012). New Democracy, which had repositioned itself from an anti- to a pro-Memorandum party prior to the election, saw its vote share fall by nearly 15 percentage points as well. The Communist Party also saw a contraction in vote share, nearly halving its 2009 results. Nonetheless, because New Democracy increased its vote share over the fragmented outcome in May, it received the bonus of 50 seats granted to the largest party. As a result, it was able to form a government with PASOK—long sworn enemies—and the center-left DIMAR (Democratic Left) party. This outcome, combined with the exhaustion of Greek society, enabled the creation of a coalition government by the pro-Memorandum political forces. Additionally, Greece saw an improvement in relations with the troika in new agreements and disbursements by the end of the year.

Yet the formation of a pro-Memorandum coalition in the legislature was a Pyrrhic victory, and in two senses. First, the largest gainers in the 2012 elections were at the extremes—Syriza, ANEL, and Golden Dawn—and the pressure on the government from these parties was relentless. Together with the Com-

Table Greece.1 Parliamentary Elections in Greece, 2007–2019 (popular vote and seat shares)

	Sep 2009	Oct 2009	May 2012	Jun 2012	Jan 2015	Sep 2015	2019
Turnout	74.1	70.9	65.1	62.5	63.9	56.6	57.9
Traditional Parties							
PASOK	38.1/102	43.9/160	13.2/41	12.3/33	4.7/13	6.3/17 (Pasok-DIMAR coalition)	8.1/22 (Movement for Change coalition)
ND	41.8/152	33.5/91	18.9/108	29.7/129	27.8/76	28.1/75	39.8/158
Populist Parties							
Syriza	5.04/14	4.60/13	16.79/52	26.89/71	36.34/149	35.46/145	31.4/86
Anel			10.62/33	7.51/20	4.75/13	3.69/10	
Other	3.8/1	5.8/15	4.2/0	2.3/0	1.0/0		
Far Right Parties							
Popular Association-Golden Dawn		0.29/0	6.97/21	6.28/17	6.99/18	6.99/18	2.9/0
Main Far-Left Party							
Communist Party of Greece	8.15/22	7.54/21	8.48/26	4.50/12	5.47/15	5.55/15	5.3/15

Source: Carr, *Psephos Election Archive*

munists, these four parties constituted an implacable opposition to a compromise with the troika and the acceptance of the conditions demanded of Greece. Second, the pro-Memorandum political forces had the unenviable task of holding their own coalition together in the face of an empowered opposition and growing street protests and social violence as economic weakness persisted. With incredible pressure being exerted on the government from the troika, there were strong incentives for the pro-Memorandum forces to attempt to control the political space, including over the legislative process and with respect to dissident voices in the media and civil society. There were also strong incentives for them to embrace more nationalist themes of their own, including in regards to such issues as the immigration crisis.

Who were these gainers in the 2012 elections? At the left pole stood Syriza, which saw a sharp increase in vote share at PASOK's expense, falling just three percentage points shy of New Democracy tallies. Syriza had longer historical roots, but was reconfigured in 2004 as a union of left and radical left parties. Prior to the crisis, it had argued for an integrated but socially-solidary Europe. The party defended immigrants and the marginalized and adopted the mantle of social justice. One of its early slogans was "Yes to the EU, no to austerity." It could not be seen as an overtly anti-democratic party by any means (Stavrakis and Katsambekis 2014). The onset of the crisis, however, provided it with a new mission, and its anti-establishment, populist, and "us-them" narratives became more intense, as well as more Euroskeptic. In 2012, Tsipras presented himself as the champion of the victims of the economic crisis and of the "left behind" (Pappas 2014).

At the other end of the political spectrum was the far-right ANEL, a breakoff from New Democracy as it sought to shed its association with other far right parties. Only formed in 2012, ANEL secured fully 10 percent of the vote in the May elections, falling back somewhat in June. Like Syriza, ANEL based its campaign on the opposition to the Memoranda, proposing to revoke them on the basis of their supposed illegality and to prosecute Greek politicians who accepted and signed them. ANEL was particularly critical of Germany's attitude towards Greece, but its core economic message sat atop a number of other right populist themes, including strong opposition to immigration and multiculturalism more generally, as well as an emphasis on traditional family values. These themes resonated with some smaller right parties, such as Popular Orthodox Rally (LAOS), that had long placed particular emphasis on immigration issues.

Even further to the right, the neo-Nazi Golden Dawn party managed to capture 7 percent of the vote and actually entered Parliament with 18 seats, draining votes away from traditional parties on both left and right (Dinas et. al. 2013). Formed in 1980, Golden Dawn started as a new right grouping devoted to protecting Western civilization from its various enemies, but it morphed into an openly neo-Nazi party, whose emblem recalls a swastika and whose leaders have invoked Hitler. The party was associated with direct actions, including involvement in the Srebrenica massacre and attacks on immigrants in Athens. Its leaders have faced arrest and trial for violent racist, homophobic, and antisemitic acts—most notoriously, the murder of leftist musician Pavlos Fyssas by a Golden Dawn member in 2013.

The second challenge facing the new government was the internal one: staying together in the face of an empowered opposition and defections from members of Parliament. The majorities enjoyed by the ruling coalition were thin to begin with and shrank still further with defections from DIMAR in 2013 and those of individual legislators. But the problems facing the coalition were also economic. The efforts made to reduce the primary deficit had stopped the bleeding by 2014 but did not generate a recovery or a sense of exit from the crisis. When the ruling coalition could not get support for its presidential candidate in December 2014, and with markets again in free-fall as negotiations faltered, the government was forced to move once again toward early elections.

2015—like 2012—was again to be a year of two elections, and it was at this moment that outsider parties actually gained the levers of power. Syriza won the January 2015 election with a ten percentage point increase in vote share—with the slogan “Hope is on its way” and the promise to end austerity—and formed a government with ANEL. Not surprisingly, negotiations with the troika, led by the controversial Minister of Finance, Yanis Varoufakis, did not go well. The government stuck to its strong populist message at home—with ANEL striking even more polarizing and confrontational themes—while simultaneously trying to reach a bargain with creditors by making more moderate appeals against neoliberalism to the left in European capitals. Negotiations ultimately reached a crisis point in June 2015. Syriza itself was increasingly split between those arguing that the party should continue to resist external pressure, even if it meant contemplating exit from the EU, and those that sought to forge the necessary compromises to remain.

To settle the issue, Tsipras proposed a referendum and secured support for it from Parliament, asking the public to vote “no” on the troika's proposal; this was without a doubt the populist high-water mark. The very proposal of such a referendum had a destabilizing effect; the surprising 61 percent “no” vote sent markets into complete meltdown and even necessitated the imposition of capital controls. The government had little choice but to abandon its election promises and return to the negotiating table. In

a surprising turn of events—and despite the polarization noted—the Syriza–ANEL government in fact managed to secure parliamentary support for all the prerequisite measures to necessary for a three-year program from the new European Stability Mechanism (ESM), albeit with defections from Syriza’s own MPs and support from the pro-Memorandum forces.

Given that the government had only secured 118 votes for the proposal, Tsipras submitted the resignation of his government and called for new elections. With turnout continuing to fall, Syriza nonetheless managed to win the September 2015 elections with a similar vote share to that it had secured in January, again turning to ANEL to re-form the odd-couple coalition that had spent six months stoking populist themes and then reached unexpected compromises with external creditors. But what would it seek to do on the domestic political front?

Backsliding

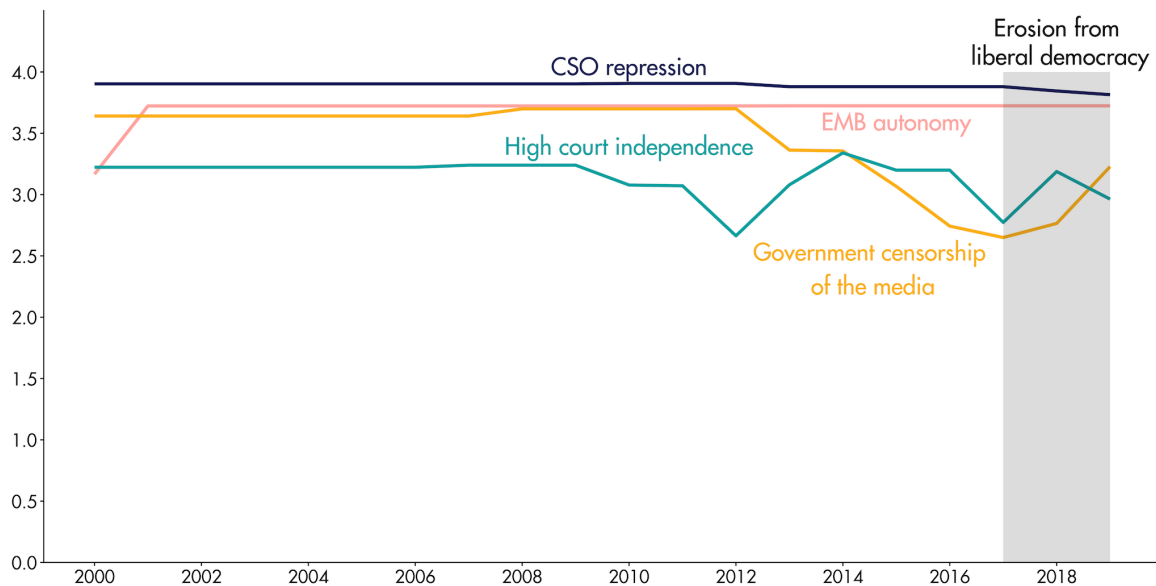
Figure Greece.5 returns to our four broad proxies for backsliding. Two things stand out: the subtlety of the changes that do occur; and the fact that they begin prior to the Syriza government and seem most closely associated with the onset of the crisis. First, in line with Greece’s continued status as a liberal democracy, we see virtually no change in the propensity for the government to repress civil society groups nor in the integrity of the electoral monitoring body; as noted in the introduction, Freedom House even codes an improvement of political rights in 2017 (see, however, Pappas 2019b). Second, while we see movements in the independence of the high court and freedom of the media, the movements are again subtle and the timing does not comport with a stylized story in which the erosion of democracy in Greece can be laid solely at the doorstep of the Syriza government. High court independence oscillates starting in 2009 and arguably shows some evidence of a loss of independence under both the ND and Syriza governments. Freedom of the media shows deterioration from 2012 to 2017 before turning up in 2018–19. Other studies that take an “indicator” approach to identifying backsliding also find evidence of the process prior to the Syriza–ANEL government (Sotiropoulos 2018), as was true in a number of other backsliding cases, including Brazil, North Macedonia, and Zambia.

A further cluster of indicators that seek to capture horizontal checks on the executive does show a pattern of decline starting in 2015, the year Syriza comes to office, and an uptick in 2019, when the ND comes back to power. These indicators include compliance with the high court, government attacks on the judiciary, and the executive’s respect for the constitution.⁴ As we will see, however, some of these changes can arguably be laid at the doorstep of the conditionality bargains that emerged during the crisis.

We explore these changes by looking at claims with respect to “big” institutions and checks on the executive, and then more narrowly, on the ongoing debate about the Greek media, a reform in the electoral system, and the problem of corruption. In doing so, we consider the important argument that the challenges facing Greek democracy were related to the imposition of draconian external conditions, which significantly narrowed the space for Parliament and even the judiciary to function.

⁴Compliance with the high court: *How often would you say the government complies with important decisions of the high court with which it disagrees?* 0: Never, 4: Always. Government attacks on judiciary: *How often did the government attack the judiciary’s integrity in public?* 0: Attacks were carried out on a daily or weekly basis, 4: There were no attacks on the judiciary’s integrity. Executive respects constitution: *Do members of the executive (the head of state, the head of government, and cabinet ministers) respect the constitution?* 0: Members of the executive violate the constitution whenever they want to, without legal consequences, 4: Members of the executive never violate the constitution.

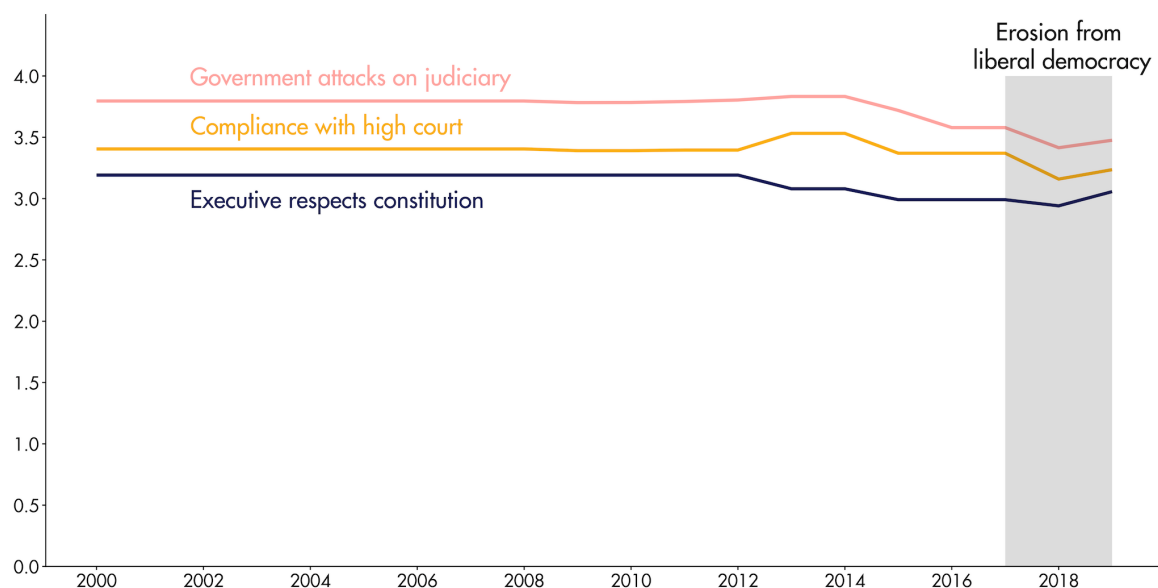
Figure Greece.5 Backsliding in Greece, 2000–2019



Collapse of the Separation of Powers?

To what extent did Greek governments seek to weaken horizontal checks on the executive? On coming to office, Tsipras quickly signaled a desire to co-opt the dominant ND opposition. He installed a conservative minister from ND as president of the republic. Although this party truce fell apart following the referendum and second elections in 2015, the move was not only surprising to Syriza and ANEL supporters, but actually checked the government's ability to exercise discretion in important areas, such as appointments to the judiciary (Mandrou 2019). Despite this gesture, an enduring feature of Greek politics is that incoming governments gain control of a particularly large number of governmental appointments, and under Syriza this number went up (Sotiropoulos 2018). However, Sotiropoulos contends that these practices were hardly new: "the governments of ND and PASOK were successful in keeping other institutions, such as prosecuting authorities, supreme courts, the public bureaucracy and independent authorities, under control, or at least at bay" (Sotiropoulos 2018: 17). As Aslandis and Kaltwasser (2016: 1083) similarly conclude, not only does Greece lack "a strong political culture of defending the independence of institutions against the sovereign...attempts to compromise them are not straightforwardly considered detrimental to democracy." Thus, while critics of the Syriza government have argued that the administration sought to undermine the independence of the judiciary (Pappas 2020: 63), the cases cited involved the appointment of particular judges or government criticisms of judicial decisions and do not rise to the fundamental overhauls of the judiciary seen in Hungary, Poland, or Turkey; indeed, government criticism of the judiciary appeared to arise precisely because of pushback against the government.

Figure Greece.6 Checks on the Executive in Greece, 2000--2019



What about more frontal efforts to weaken horizontal checks through constitutional re-engineering? Again, the record is mixed at best. Pappas (2020) can again be taken as exemplary of those seeing a distinct backsliding process during the Syriza-led government. Starting in mid-2016, Tsipras launched a drive to consider constitutional revision. Not only did the proposed measures have a populist feel, but the process by which Tsipras sought to get there also appeared to defy constitutional processes. He sought to add features of direct democracy to the Greek Constitution, for example through the direct election of the president—previously chosen by Parliament—and by opening the door to referenda on citizen petitions. Particular concern was raised, however, about the way in which the constitutional revision process would unfold, starting with a committee appointed by the government, a subsequent process of deliberative consultation, and then a referendum, all of which appeared to contravene constitutional provisions that assigned the constitutional-reform process to Parliament (Fotiadou 2016).

The entire effort stalled, however, in the politically shocking aftermath of the referendum when Syriza reversed course. In 2019, the most significant amendment the Parliament was called to vote upon was a proposal to explicitly include gender, gender identity, and sexual orientation to the list of groups vulnerable to discrimination and therefore worthy of constitutional protection. The amendment went down to defeat, but it had in fact been proposed by Syriza. While arguably a setback to human rights in Greece, this defeat certainly did not reflect efforts on the part of a backsliding executive to take rights away from citizens; to the contrary. If anything, this defeat was the product of a polarized system, which led the ND to oppose the amendment.

In contrast to the claim that the Syriza government had successfully eroded checks on executive power, it is worth noting an interesting strand of argument about the functioning of the Greek Constitution that

has gotten wider theoretical and empirical consideration: whether outside actors impinged on domestic constitutional procedures in the negotiation and implementation of the three Memoranda of Understanding and whether these external constraints were responsible for declining support for democratic institutions (Marketou 2017; Ruiz-Rufino and Alonso 2017; Matthijs 2017; Contiades and Fotiadou 2019). As Tsiftoglou (2019: 4) argues, the legal status of the Memoranda raises important questions about how their terms should subsequently be scrutinized by Parliament. “Given their legal status as soft law agreements, the MoU’s did not require ratification with qualified majorities—as international agreements do under the Greek Constitution—but could be embedded into the national legal order with very little democratic deliberation. While retaining the power to propose bills, the Greek government was mandated to find ways to implement the commitments made in the MoU’s, under the final approval of the troika. Thus, the Greek Parliament gradually acquired a more or less ratifying or executive role.”

Under this never-ending state of emergency, the Parliament—and the legislative majority in it—has been gradually stripped of its role. As a result, we see practices—and under PASOK-, ND-, and Syriza-led governments—that bear at least a family resemblance to those seen in Hungary and Poland: immoderate use of last-minute law amendments and fast-track procedures, the compression of hundreds of pages of bills into a single article, the bypass of the parliamentary review processes, the collection of laws from different ministries into a single bill, the misuse of legislative decrees, and so on (Tsiftoglou 2019). Similar to the Polish backsliding episode, laws were often voted on at unusual times, making it difficult for the opposition to intervene and challenge the majority.

Tsiftoglou (2019) goes on to argue that similar constraints arose with respect to the role of the judiciary. In an initial phase, the Council of State tended toward greater deference to the MoU’s and Parliament, even foregoing constitutional review. A subtle shift occurred after 2014 when the Council became more active in challenging particular policy initiatives, such as cuts to pensions. Yet with respect to the ability of both Parliament and the judiciary to check the executive, there is clearly an argument to be made that the concentration of power sprang in part from external constraints—even if endogenous over the long run—and more importantly, that these constraints were corrosive of public support for core domestic political institutions (Ruiz-Rufino and Alonso 2017).

Freedom of the Press

Questions about the freedom of the press in Greece are not new; although V-Dem data shows a decline in freedom of the press from 2012, the problems are of longer standing. Until the 1980s, the media landscape was dominated by the public service broadcaster, but this changed as the sector was liberalized and other industrial interests entered the field. By the onset of the crisis, media outlets exhibited increasing concentration. The granting of television licences and the enforcement of anti-concentration regulation, albeit not necessarily effective, became a political game in which the government sought to gain and maintain an upper hand vis-à-vis the media barons (Leandros 2010; Iosifidis and Boucas 2015). These problems were identified by the European Union, which established expectations that media environments would avoid excessive concentration and maintain diversity.

The global financial crisis clearly compounded these problems. Many media outlets were forced to close; the 2013 closure of the public broadcaster ERT, under external financial pressures, was particularly controversial. The concerns at this phase in the crisis did not emanate from populists controlling the media, however; to the contrary. The major mainstream media organizations, seeking government favor during

the 2012–2015 government, tended to portray austerity policies favorably, while downplaying legislation to cut employee rights and pensions.

Despite this background, critics of the Syriza government have noted that such derogations continued under the populist government (Pappas 2020). Syriza campaigned on a pledge to go after the oligarchic media structure dominated by private conglomerates through measures such as reopening ERT and revisiting licensing procedures and the allocation of spectrum. After the government assumed office, and particularly during its early populist phase prior to the referendum, officials initiated a campaign of intimidation against the press, in part through lawsuits filed against critical media outlets and even detentions of journalists for coverage of the migrant camps. As with previous governments, controversy surrounded the distribution of broadcast licenses (Mylonas 2017). When the government could secure agreement with the opposition on the composition of the National Council for Radio and Television, the government sought to organize an auction under the Ministry of State and reduced the number of licenses on offer from eight to four. However, it is worth noting that the government's effort was ultimately overturned by the courts and a subsequent agreement with the opposition was reached to re-establish the National Council for Radio and Television; this agreement may account for the uptick in scores with respect to the media.

The Electoral System

As we noted, there is no evidence in the V-Dem data that the integrity of the electoral system had been affected by the ascent of the Syriza-ANEL government, but brief mention should nonetheless be made of efforts to reform it. After the election, the government moved quickly to undertake a quite fundamental reform, but it was by no means in an authoritarian direction. The two core measures were an elimination of the 50-seat bonus given to the top vote-getting party and a move to lower the voting age from 18 to 17, a trend broadly in line with European norms. The logic of the 50 seat bonus is to improve governability by generating more stable—and narrower—coalitions. But an equally strong case could be made that the reform was democratizing, eliminating an important source of disproportionality. In any case, it would be hard to conceive of this change as a power-grabbing move on the part of Syriza, which, like other winning parties, had benefited from the rule. In any case, the failure to secure adequate parliamentary support for the measure assured that it would not be introduced in the next (2019) election, but only in the election after.

Conclusion: The Return of the New Democrats

It is easier to outline the causal factors putting stress on Greek democracy in the 2010s than it is to pinpoint exactly when and how far democratic institutions and norms as we have defined them eroded. The polity was polarized going into the financial crisis, although perhaps somewhat less than it had been in the 1970s and 1980s. The crisis unleashed a wave of populism and extremism on both the right and left, punctuated by social violence. The traditional parties saw a sharp deflation in support, providing an entry point for an outside party to come close to garnering an outright legislative majority. The financial crisis forced ND to grapple with deep discontent and defection within its own ranks. Yet it is also the case that the Syriza government itself was severely constrained, both with respect to economic policy and ultimately, with respect to its ability to reshape the political system in any decisive way.

Efforts at constitutional reform were bounded, the capacity for opposition and civil society groups to organize and mobilize did not come under the same threat we have seen elsewhere, and some of the derogations attributed to Syriza could be seen as not dissimilar to practices under PASOK and ND governments, including patronage and corruption.

We also need to note that the system appeared to snap back; Pappas (2020) provides a useful summary that we draw on extensively here. Defeated badly at the polls in 2015, New Democracy—the only one of the two traditional parties left standing—faced a fork in the road: whether to persist with its brand of right-populism, with its own illiberal overtones, or move toward the missing liberal middle. When Kyriakos Mitsotakis, a young technocrat, won the leadership of the party, he quickly sought to remake it in a new direction. Pappas summarizes: “He also began forging an antipopulist alliance through overtures to smaller centrist parties and to independent liberal politicians, several of whom began to align themselves with ND. Throughout his party’s years in opposition, Mitsotakis relied on a moderate political discourse that emphasized the need to reinvigorate Greece’s damaged liberal institutions but also stressed consensus-building and compromise” (Pappas 2020: 24). This unifying appeal focused on a variety of middle-class concerns—clean government, education, security—and resulted in a strong electoral victory in the general elections of 2019, ending the populist political interlude associated not just with Syriza but with the financial crisis. If one broader lesson emerges, it is certainly that international economic shocks—and particularly if badly managed—can have damaging effects quite apart from the domestic political processes we emphasize here.

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HUNGARY

EROSION FROM LIBERAL DEMOCRACY, 2011–2019¹



ungary appeared to be an economic as well as political success story through the mid-2000s. However, Hungarian society was deeply divided between the pro-European liberals and Social Democrats, who had engineered the transformations of the post-Communist economy, and more religious, nationalist, and conservative voters, particularly in small towns and rural areas. The disaffection of these conservative sectors and the decline of parties on the center-left provided an electoral opportunity for Viktor Orbán and his Fidesz party to shift toward the right.

The onset of the backsliding episode in 2011 follows directly from Orbán's smashing victory in the 2010 elections. Riding unusual legislative supermajorities, Orbán rapidly executed a series of major constitutional changes. These started with the judiciary and the electoral system, and set the stage for a new model of European backsliding: nationalist, Euroskeptic, majoritarian. A steady decline in horizontal checks, in the protection of rights and liberties, and even in the integrity of the electoral system followed.

Under some coding rules using V-Dem data, Hungary remained democratic through 2019—Orbán has enjoyed political support and has avoided the outright coercion on which long-standing autocrats like Putin and Chávez ultimately relied—but that assessment is clearly debatable. For example, in 2018, Freedom House formally downgraded the country from Free to Partly Free. Hungary has now become the subject of a wide literature on backsliding or outright reversion to authoritarian rule among both academics and the democracy and human rights community (inter alia, Bánkuti, Halmai, and Scheppele 2012; Kornai 2015; Greskovitz 2015; International Federation of Human Rights 2016; Keleman 2017; Lendvai 2018; Pap 2018; Bogaards 2018; Grzymala-Busse 2019).

Polarization

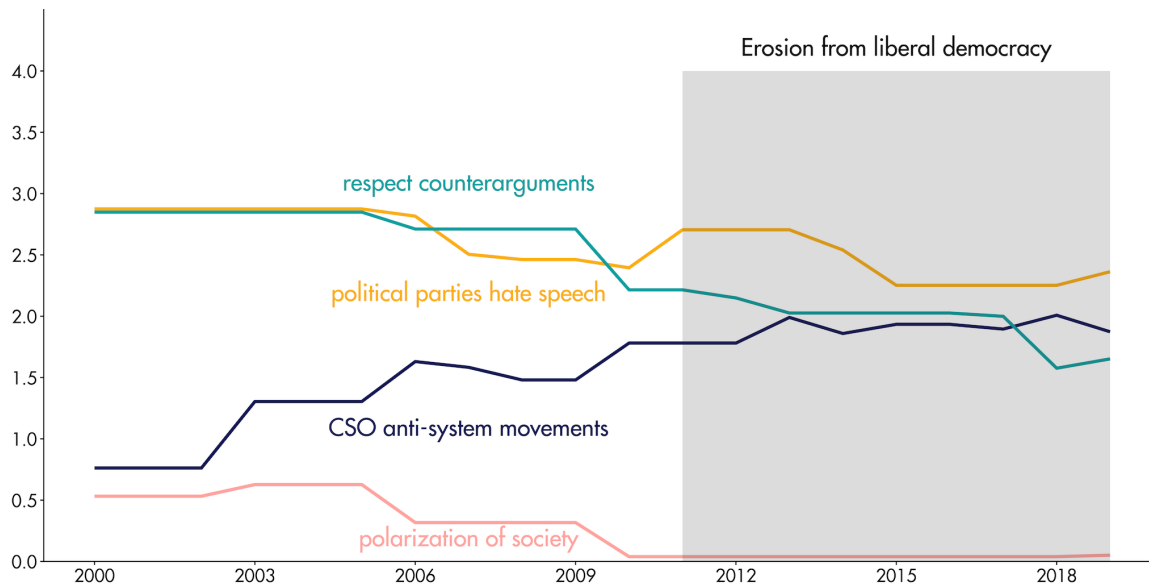
As Vegetti (2019) argues, polarization in Hungary is not simply a matter of increasing policy differentiation; rather it reflects the pattern we describe of political cleavages increasingly loading on a single “us/them” dimension (see also Palonen 2009; Tóka and Popa 2013). Comparative analysis drawing on the European Elections Studies shows that Hungary is one of the most polarized polities in the EU and that ideological polarization increased steadily from 2004—when it was already the fifth most polarized country in the EU—to 2014, the year of Fidesz's second electoral victory, when it was ranked second on this dimension (cited in Vegetti 2019: 80).

Figure Hungary.1 outlines the patterns of polarization along the four metrics that we use in this Appendix. As can be seen, the increase in polarization preceded the electoral earthquake of 2010, and levels on some indicators were already high (such as polarization of society, on which lower values indicate more polarization). The first indicator to move was the “anti-system movements” variable, a result of the increasing proclivity of Orbán from 2002—then in opposition—to mobilize demonstrations in an effort to bring the Medgyessy government down. These tactics culminated in 2006, when a series of riots broke out after a tape of the Hungarian Prime Minister Ferenc Gyurcsany surfaced in which he admitted to gross policy errors and lying to the public. These demonstrations were not a one off, but nursed regularly by the opposition. “Hate speech” and “respect counterarguments” drift down more

¹Our thanks to Zsolt Enyedi, Béla Greskovitz, and Lydia Tiede for comments on an earlier draft of this narrative.

gradually from the mid-2000s, but as can be seen, the “polarization of society” indicator drops sharply from an already low level (ie., high level of polarization) in 2010 and sits on the virtual floor through 2019.

Figure Hungary.1 Polarization in Hungary, 2000–2019



What are the substantive dimensions on which parties and the public are divided? As in many other backsliding cases, the distinctions between left and right are not the standard ones, and as in the other Eastern European cases, they rest in part on distinctive features of the transition from socialism in the region. The “left” encompassed a diverse set of policy views. These ranged from the Socialist Party (Magyar Szocialista Párt, MSZP), a direct descendant of the Communist Party, which in fact supported economic reform as well as social protection, as well as the economically liberal Alliance of Free Democrats (Szabad Demokraták Szövetsége – a Magyar Liberális Párt, SZDSZ). The “right” encompassed a similar range of parties, from moderate to radical conservative parties emphasizing traditional values of religion, morality, and ultimately ethno-nationalism.

Polarization over economic issues is thus blurred. Toka and Popa (2013: 310) go so far as to argue that by 2006, “no serious difference was apparent between the Fidesz-MPS and MSZP on economic policy.” Their detailed analysis of survey data finds that by 2010, Fidesz voters exhibited no fundamental differences with their social and liberal counterparts with respect to economic policy.

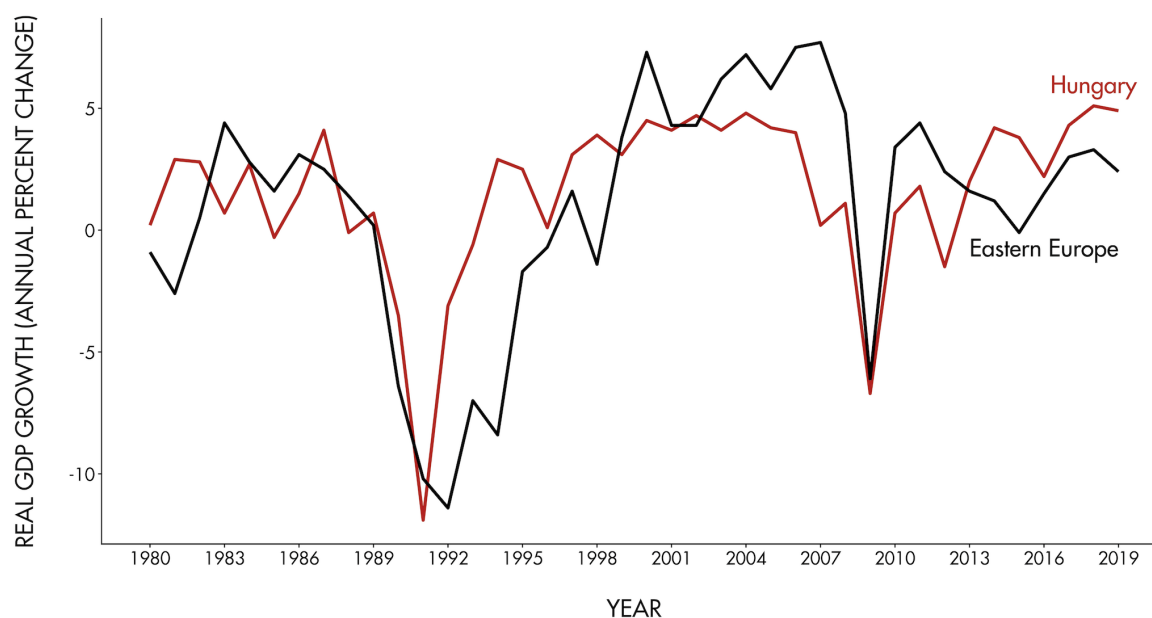
This does not mean that economic factors were irrelevant, however, and they probably played some role in the Fidesz victory in 2010. Moreover, populist economic appeals have become a part of the Orbán model. [Figure Hungary.2](#) below shows the performance of the Hungarian economy against Eastern European averages. As an early reformer, Hungary initially outperformed the region but then underperformed during the wave of social democratic governments of the 2000s. The economy showed a sharp

deceleration in growth well prior to the global financial crisis; we return to this episode in more detail below.

The economic downturn had particular effects because Hungary was not on the Euro. Many Hungarians had taken out mortgages in Swiss francs at low interest rates and were saddled with housing debt they could not repay. Orbán forced the banks to redenominate the mortgages in forints at favorable rates. Orbán also pulled Hungary out of negotiations over a standby program with the IMF.

After initially cutting public works programs initiated by the socialists, he doubled down on them, creating jobs in rural areas, while initiating radical policies like a flat income tax of 15% and the cutting of other benefits that probably had regressive effects. In addition, he undertook a number of policy reforms that increased the state's role in the economy: in the banking sector; by creating some state monopolies; and by nationalizing some strategic assets, particularly in the energy sector (Djankov 2015). From 2014—an election year, when Fidesz matched its 2010 results—through 2019, however, Orbán benefitted from an economy that was outperforming its Eastern European counterparts.

Figure Hungary.2 Real GDP Growth in Hungary and Eastern Europe, 1980–2019



Rather than economic issues being the main point of political division, from 2002 the two main blocs gradually divided along a single dimension subsuming the variety of cleavages that had long been observed in Hungarian society: around the perceived continuity of the nomenklatura, or political class; between urban and rural voters; between secular and religious forces; and perhaps most centrally, between cosmopolitan and nationalist views. This polarization was clearly an aspect of the efforts of Orbán to advance classic populist appeals—pitting “elites” against “the people” and making majoritarian appeals—while drawing on a reservoir of illiberal ideas circulating in right-wing circles (Csehi 2019; Buzogány and Varga 2017).

Once in office after 2010, Orbán pushed along a number of fronts designed to appeal to his base and further polarize politics, as will be shown below. However, a particular theme has been ethnic nationalism and—after 2015—anti-immigrant appeals. During the migrant and refugee crisis, the EU allocated only about 1,300 refugees to Hungary. However, a very much larger number—around 400,000—entered the country through its southern border en route to elsewhere in the community. Mimicking or even anticipating Trump’s approach to immigration, Orbán initiated a campaign against Brussels on the issue, invoking Christian values, national identity politics, and fears about terrorism. Orbán directed his government to install hundreds of miles of fencing along the country’s southern border, ran a referendum on the question, and passed laws criminalizing illegal entry, moving asylum seekers into detention camps and forbidding civil-society organizations from assisting undocumented immigrants (Goździak 2019). Polarizing attacks on cosmopolitan values included a campaign to force the Central European University out of Budapest, an attack on its liberal Jewish funder, George Soros.

By 2015, Orbán’s ideological appeals had veered toward more-or-less open majoritarianism and even authoritarianism. In July 2014, Orbán gave a speech to Hungarians in Romania in which he stated openly that his goal was to turn Hungary into an “illiberal state,” a system that “does not reject the fundamental principles of liberalism such as freedom...but it does not make this ideology the central element of state organization, but instead includes a different, special, national approach” (cited in Vegetti 2019: 92). Hungarian foreign policy followed suit, with the administration strengthening ties with Russia in particular (see Buzogány 2017 for an appropriately skeptical view of the role of diffusion in Orbán’s rise).

The Party System, Elections, and the Fidesz Super-Majorities

As in other backsliding cases, fundamental shifts in the party system were both cause and effect of the polarization described above, as well as an important precursor to the backsliding episode. The party system did not polarize because of fragmentation or the emergence of fringe parties only, but rather as a result of polarization among the main electoral blocs (Palonen 2009; Enyedi 2016). Slim majority victories in the popular vote translated into super-majorities in the legislature and set the stage for quite fundamental constitutional revision.

The Hungarian party system underwent a steady process of consolidation in the immediate post-transition period, with the two largest parties accounting for 46 percent of the vote in 1990, 53 percent in 1994, 61 percent in 1998, and fully 83 percent in 2002, where we pick up the story in [Table Hungary.1](#) below.

Fidesz defeated the socialist and liberal parties in 1998, and expanded its appeal by adding a variety of social policies to its portfolio, such as subsidies and tax cuts related to the raising of children and expanded tuition remission for university students. Nevertheless, the Social Democrats regained office in 2002 and were reelected in 2006. Their political support fell drastically, however, following a devastating corruption scandal. In 2006, a leaked tape of a private meeting of the Socialist Party captured Prime Minister Ferenc Gyurcsány admitting that he had lied repeatedly to the public about the strength of the economy. As we have seen, Orbán, as well as the far-right Jobbik party, mobilized mass demonstrations against the government in the fall of 2006 that quickly turned violent and further polarized the public. But as Greskovits shows, the party had also built up a substantial base in civil society over the 2000s as well, for example by mobilizing the religious middle class (Greskovits 2020). When the economy was hit by global financial shocks, Orbán continued his relentless attacks on the government and “the public’s faith in democracy faded along with the economy” (Mueller 2014: 16).

Table Hungary.1 The Hungarian Party System, 2006–2018

	2006	2010	2014	2018
	Popular vote/seats	Popular vote/seats	Popular vote/seats	Popular vote for list seats/for constituency seats/seats
FIDESZ	FIDESZ-MPS alliance 47.0/42.5	53.5/98.3	FIDESZ-MPS alliance 44.5/66.8	FIDESZ-MPS alliance 49.3/47.5/66.8
Hungarian Socialist Party (MSZP)	43.2/49.7	21.3/1.1	“Unity” coalition 26.0/19.1	
Socialist Party-Dialogue for Hungary				11.9/10.9/10.1
Alliance of Free Democrats (SzDSz)	6.5/4.7			
Jobbik		16.4/0	20.5/11.6	19.1/23.2/13.1
Other	4.7/0.02	8.9/0.1	9.0/2.5	20.9/12.9/10.0

Note: Blank cells indicate that parties did not run candidates.

FIDESZ-MPS, *Fiatal Demokratak Szovetsege-Magyar Polgári Szövetség*, Alliance of Young Democrats-Hungarian Democratic Forum; SzDSz, *Szabad Demokratak Szovetsege*, Alliance of Free Democrats; Jobbik, *Jobbik Magyarországért Mozgalom*, Movement for a Better Hungary.

Source: Carr, *Psephos Election Archive*.

In the parliamentary election of 2010, Fidesz won an overwhelming electoral victory with 56 percent of the popular vote, as support for the centrist parties collapsed. The Socialist vote share fell from 43 percent in 2006 to 19 percent. Features of the electoral system combined to generate a highly disproportionate electoral outcome. The mixed German-style system set up in 1989 gave voters two votes: one for a one-representative district and another for a multi-member district. Sixty-four non-constituency seats are distributed to assure proportionality. Fidesz won all but three of the 176 single-member districts and 84 of the 146 seats in the multi-member ones. Even with 61 of the 64 top-up seats allocated elsewhere, the combination of the divided opposition vote and a five percent threshold allowed Fidesz to convert its 56 percent of the electoral vote into a 68 percent legislative supermajority. The Socialists secured only 15 percent of the legislative seats, and the center-right MDF (Magyar Demokrata Fórum, Hungarian Democratic Forum) and center-left Alliance of Free Democrats failed even to cross the 5 percent threshold to enter Parliament. Jobbik—a party on the right of Fidesz, particularly known for its open hostility to the minority Roma party—emerged as a major beneficiary of the electoral system, winning only one single-member seat but gaining 12 percent of total seats.

As in many other backsliding cases, the power exercised by the executive came not only from control of the legislature but from control of the ruling party. Orbán had long held a dominant leadership role

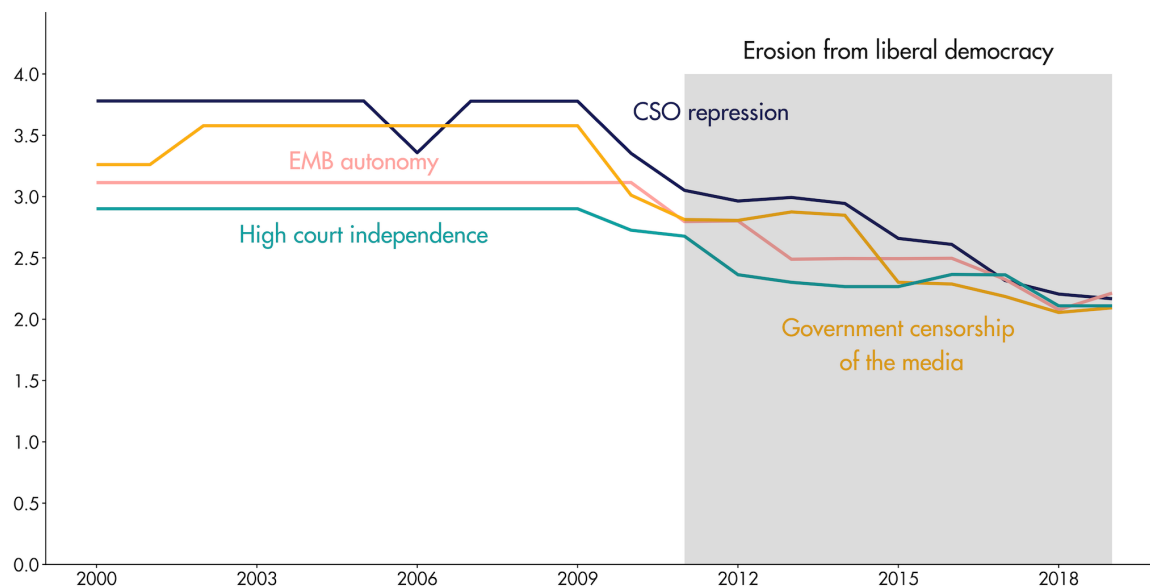
within the party. Through long-standing personal ties, control of nominations, patronage, and outright corruption he could count on the unwavering discipline of Fidesz parliamentarians.

Yet, process also mattered. Ordinary government-sponsored legislation required consultation both with interested groups and with the parliamentary opposition before a bill could be introduced on first reading. Private members' bills, however, could skip the consultation stage and be introduced without any advance notice. Exploitation of this provision allowed laws and even constitutional amendments to be taken from first proposal into full legal effect in a very short period of time, sometimes in as little as ten days. The legislature was thus quickly turned into a rubber stamp. In the words of Janos Kornai (2015: 20), it became a "bill factory" and not only with respect to regular legislation. Lendvai (2016: 101–126) shows how crucial changes in parliamentary procedure allowed "urgent" emergency legislation, including constitutional changes, to be passed and become law without deliberation in less than 48 hours. Political power resided not in the legislature but in Orbán and his inner circle.

Backsliding

As in many backsliding cases, the onset of the process in Hungary is immediately made obvious by tracking basic indicators and is visible across them: in judicial independence, and with respect to civil liberties, the media, and the independence of the electoral institutions (Figure Hungary.3). In classic incremental fashion, all of these measures start to fall in 2010–11 and, with some minor plateaus, continue to do so through the entire decade; among other sources, the following narrative draws extensively on Freedom House (various issues).

Figure Hungary.3 Backsliding in Hungary, 2000–2019



The control Orbán wielded over the party and the supermajority that Fidesz enjoyed provided the basis for quite fundamental institutional changes that weakened the separation of powers. In this section, we focus on the judicial system; in the next section, we turn to a variety of other horizontal checks that have also been weakened over time.

One of the first steps on the part of the new government was to change the process through which judges were appointed to both the Constitutional Court (one of the strongest in Eastern Europe; Schwartz 2000) and the regular judiciary (Bánkuti, Halmai, and Scheppele 2012; Keleman 2013; Kovács and Scheppele 2018). Through an amendment to the 1989 Constitution—which was amended no fewer than 12 times before being replaced altogether in 2011—the composition of the parliamentary committee tasked with nominating Constitutional Court judges was changed. Judges to the Constitutional Court were elected by Parliament by a two-thirds supermajority. The nomination process, however, moved from one in which every political group in Parliament was represented on the committee to one based on proportional representation. After Fidesz’s 2010 electoral sweep, this granted them virtually complete control of the process at both stages.

Yet this proved only the beginning of the assault on the independence of the judiciary. Starting with a constitutional revision in 2011 and continuing through 2019, Orbán’s rule has been associated with a stream of incremental “reforms” of the judicial system, designed to strengthen Fidesz control over the judiciary and weaken its independence.

Although not campaigning on the issue, Orbán announced his intention to promulgate a new Constitution in 2011. The new Constitution was rapidly passed by Parliament—in only nine days—and without input from the public or ratification through a referendum. Moreover, the opposition pointed out that details in many policy areas were relegated to so-called “cardinal laws”: those requiring a 2/3 super-majority to pass. Such laws granted Fidesz an advantage in “filling in” the Constitution while also making it difficult for subsequent governments to roll any such changes back. A number of these cardinal laws passed in 2011 pertained to the judiciary.² When the Constitutional Court challenged the process through which the Fundamental Law and its transitional provisions were written—noting that they effectively contradicted themselves—Parliament responded with a Fourth Amendment to the Constitution in 2013, which made constitutional a number of parliamentary initiatives that the high court had deemed incompatible with the Fundamental Law. A report by the International Bar Association (2015) found it “deeply concerning” that the early Orbán reforms had generated the impression, in the words of one senior judge, that the Constitutional Court was “not fit for purpose.”

The new Fundamental Law also diminished the system of checks and balances by shifting mandatory retirement age from 70 to 62—thus forcing 270 judges into retirement—and centralizing the administration of the regular judiciary with the creation of a National Judicial Office (NJO). The NJO was to be headed by a president elected by Parliament for a nine-year term, which could be automatically prolonged if no new president is elected by the Parliament with a two-thirds majority. The power of Hungary’s autonomous judicial body, the National Judicial Council (NJC), was correspondingly reduced. Among other responsibilities, the new leader of the NJO could choose candidates to fill the vacancies created by the provision in the April 2011 Constitution that sent judges into early retirement. The NJO was also given extraordinary powers over the assignment of civil and criminal cases to particular courts.

² Particularly Act CLXII of 2011 on the Legal Status and Remuneration of Judges (ALSRJ); Act CLXI of 2011 on the Organization and Administration of Courts in Hungary (AOAC); and Act CLI on the Constitutional Court (CCA).

In 2010 and 2011, Parliament also passed regular laws that limited the ability of the court to review any fiscal initiatives and that fundamentally weakened the power of judicial review altogether. The abolition of the *actio popularis* challenge garnered particular attention: under this process, citizens could seek a normative constitutional review even if they had no personal interest in the case, a mechanism which generated public interest litigation. Such challenges were now channeled through a national human rights institution effectively controlled by Fidesz.

In the second half of the decade, a new effort was initiated to centralize the administrative courts as well. A Seventh Amendment to the Fundamental Law passed in July 2018—in the wake of the general elections—which would permit the creation of a wholly separate public administration court system, including an Administrative Supreme Court that would be separate from other public courts. Although this was finally abandoned in 2019, it marked yet another effort to subordinate the courts to the government and party, particularly through the power that was to be exercised over the courts by the Ministry of Justice (Kazai 2019).

Media Control

With the fundamental changes in Hungary's constitutional system described in the previous section, other checks on executive power quickly fell in Orbán's sights. A striking feature of the Hungarian model is the particular attention Orbán paid to curbing the media. Orbán believed that the party's failure to be re-elected in 2002 was partly the result of publicly-funded media networks. An early institutional reform was to merge existing regulatory bodies into a single entity, the National Media and Infocommunications Authority (NMHH), and to create a Media Council under it with the power to impose hefty fines for violations of vaguely-defined content rules. Fidesz, with its parliamentary supermajority, controlled appointments to the Media Council, whose members serve nine-year terms. The council's president, who is directly appointed by the prime minister, nominates the heads of all public media outlets for approval by a Fidesz-dominated board of trustees.

As in other backsliding cases, Orbán used these new institutions to place pressure on independent media outlets and on civil society organizations. Shortly following the 2010 elections, the government withdrew advertising from commercial media outlets and required them to register; they were vulnerable to fines, or even revocation of licenses, for infractions (Freedom House 2016). Publishers and journalists did not initially face threats of imprisonment or physical assaults, as was the case in Turkey. As in Venezuela, however, they have been threatened with penalties for publishing content that is not “balanced, accurate, thorough, objective, and responsible” (Kelemen 2017: 12).

These institutional changes allowed Orbán's government to begin transforming MTI, the country's public news agency, into a propaganda organ. State-backed “public information” campaigns became a feature of political life. In 2011, parliament made MTI's wire-service free, driving competing news agencies out of business. Regional newspapers that lacked reporting staff became channels for MTI's pro-government messaging and provided a direct channel to Orbán's rural base. The National Communications Office, set up in 2014, coordinates both the public information campaigns and the government's advertising spending, which became a critical tool for favoring friendly outlets over critics.

Closing the circle, these campaigns were used for polarizing ends. A prominent example is the campaign against Hungarian-American George Soros, a Jewish philanthropist who has supported liberal causes, including the Central European University. In 2017, the government spent \$45M on two nationwide

surveys on support for an immigration plan allegedly favored by Soros. A subsequent billboard accused Soros of collaborating with Jean-Claude Juncker, president of the European Commission, to promote migration.

Fidesz also removed an article from Hungary's Constitution that banned media monopolies. As a result, in 2018, the consolidation of the media took a further turn and the country's domestically-owned television and radio stations are now nearly all pro-government. In November 2018, the owners of 476 media outlets, including some of the biggest in the country, donated them free of charge to a new non-profit foundation known as KESMA (Közép-Európai Sajtó és Média Alapítvány, or the Central European Press and Media Foundation), whose goals include promoting "Christian and national values." This sprawling right-wing media conglomerate includes cable news channels, internet news portals, tabloid and sports newspapers, and all of Hungary's county newspapers, in addition to radio stations and magazines. When opposition groups challenged KESMA for violating the country's media law, Orbán declared the foundation vital to the national interest, removing it from the media authority's jurisdiction. Hungary's position on the World Press Freedom Index, compiled by Reporters Without Borders, plummeted from 23rd in 2010, when Fidesz took power, to 87th in 2019.

Civil Society and Rights

Similar legal tools were deployed to harass civil society groups and NGOs, directed especially at those with financial ties to George Soros. In 2017, the parliament adopted a law requiring NGOs that receive more than about \$25,000 in foreign funding to identify their public communications as "foreign supported" and to disclose the identities of foreign donors. Failure to comply with the new requirements can result in sanctions, including closure. The Venice Commission, the European Commission, and European NGOs have denounced the law as violating freedom of association and the right to privacy, but it has remained in place and is clearly aimed at staunching criticism of the government.

At the same time, the government has generally turned a blind eye to hate crimes committed against the Roma minority (Cernusakova 2017). Migrants suffered official detention and even more violent abuse, and in 2018, the government began to press for financial penalties against civil society organizations coming to their aid (Kingsley 2018).

The Electoral System

Finally, control of the legislature and courts also permitted a series of electoral "reforms" aimed at locking in Fidesz's oversized parliamentary majority and placing its traditional rivals at long-term or even permanent disadvantage. The discussion of the outcome of the 2010 election noted these reforms in passing above. But the rule changes are complex, and we can do no better than citing at length the summary from Ahlquist et. al. (2018: 909), who also show in an experimental design how the very complexity of the measures reduced understanding and resistance to them:

“The old system provided for a parliament of 386 members, some of whom were elected from regional party lists and others from single-member constituencies. The old system was exceedingly complex, with two rounds of voting and a system whereby parties losing in single-member districts were compensated with seats assigned through party lists. The new law simplifies the elections to one round, reduces the number of electoral consti-

cies from 176 to 106, and shrinks parliament to 199 seats. A little over half of these are now single-member districts (SMD) and highly gerrymandered in Fidesz's favor. The reforms changed the votes-to-seats calculations such that the parties of those winning single-member district seats now receive a PR seat bonus for the surplus votes they received rather than compensating losing parties in proportion to the wasted SMD votes. Fidesz also passed legislation allowing ethnic Hungarians in neighboring countries to acquire Hungarian citizenship without living in Hungary. These individuals are now eligible to vote for party lists in parliamentary elections. The net effect is to reduce the proportionality between votes received and seats won for the top vote-getters while retaining the centrifugal features of mixed and proportional systems. ”

Simplified further still, the new electoral rules encouraged the formation of splinter parties to divide the anti-government vote—which also received government funding—established gerrymandered districts, and provided for the transfer of “surplus” votes won in single-member districts to party members competing in multi-member races. The extension of voting rights to ethnic expatriates in neighboring countries generated additional support for Fidesz and provided the margins required to achieve super-majorities (Orenstein, Kreko, and Juhasz 2015).

In addition to the electoral rules, there is the power that is exercised over elections themselves by the The National Election Council (NEC). In theory, this body is supposed to be independent and impartial, but since its permanent members are appointed by Parliament, where Fidesz had a two-thirds majority, the members are Fidesz loyalists. This dominance is partly offset by rules that permit some parties—those gaining adequate endorsements to run candidates in at least 27 electoral districts—to delegate a member to the Commission. Nonetheless, Freedom House (2014 and 2018) details strong government influence over media and advertising outlets and grossly unequal financial resources that far exceeded permissible limits. While the 2018 parliamentary polls were generally well administered, the proliferation of obstacles faced by opposition parties and candidates continued, including with the virtual comingling of state and ruling party resources, which made government advertising campaigns indistinguishable from ads for Fidesz. Those disciplinary actions that were taken were aimed entirely at opposition parties.

Corruption

Although our focus is primarily on institutional change, rather than its effects, a common thread in the literature on Hungary is the rise of corruption under Orbán. With parliamentary authorization, the government removed horizontal checks by seizing control of formerly independent auditing and law-enforcement agencies, enabling wide-spread cronyism within the private sector. Corruption was widespread in Hungary well before the rise of Fidesz, but the weakening of checks and balances after 2010 paved the way for what Balint Magyar (2016) has termed a “post-Communist mafia state.” Orbán used legal authorities to expand his control of public resources—including through the central bank—and to deploy blackmail and threats of prosecution to force the sale of private firms, the returns from which were subsequently used to buy support from cronies and lower-level government and party officials.

However, corruption is fundamentally tied to the removal of horizontal checks. For example, in 2016, the Parliament adopted an amendment to the laws that govern the central bank, which restricted access to information on the functioning of six foundations the bank had created and endowed; the funds in question totaled more than \$1 billion. President János Áder declined to sign the amendment, and instead

referred it to the Constitutional Court, which struck it down. Information subsequently revealed how irregular spending by the foundations benefitted the head of the central bank and his allies.

Conclusion

An important puzzle in this case is the question of why the constraints associated with EU membership—a potential external check on the regime—did not impose more of a brake on Hungarian backsliding. A key part of the answer is that Fidesz votes enabled the conservative European People's Party to maintain a majority in the EU Parliament, providing Orbán with powerful supra-national allies (Keleman 2017). In 2018, the so-called Sargentini Report was presented to the European Parliament, detailing a variety of complaints not only about the erosion of civil liberties and corruption but a series of hot-button social issues such as well. Despite the vote triggering a so-called Article 7 process, the EU has stopped well short of suspending the massive fiscal subsidies it provides to the country, leaving the government free to pursue its illiberal course.

In March 2020, the Hungarian Parliament passed emergency legislation that allowed Orbán to govern by decree and threatened arrest for spreading false or misleading information about the pandemic. Technically, Parliament can revoke this extraordinary grant of power with another vote, but Fidesz continues to control an overwhelming legislative majority, a crucial font of Orbán's power.

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NORTH MACEDONIA

EROSION FROM ELECTORAL DEMOCRACY, 2010; REVERSION, 2012¹



Backsliding in North Macedonia is associated with the ascent of Nikola Gruevski, the head of the conservative, nationalist Internal Macedonian Revolutionary Organization–Democratic Party for Macedonian National Unity (VMRO-DPMNE). Gruevski was first elected prime minister in 2006 and remained in office until 2016. His tenure was marked by the reorientation of VMRO-DPMNE, his ruling party, toward an even more pronounced assertion of Macedonian ethnic hegemony and the exploitation of fears of the ethnic Albanian minority. He reinforced this domestic appeal by stoking nationalist resentment against Greece's veto of Macedonian entrance into NATO, which stemmed from a dispute over the name and national symbols of the country.

Assaults on the already quite fragile pillars of liberal democracy accelerated in 2009 and 2010, after VMRO-DPMNE won an absolute parliamentary majority. After that time, we see a pronounced deterioration in all of the dimensions of democratic governance: increasing political interference in the judiciary, attacks and legal harassment of independent civil society organizations, and increasing repression and self-censorship in the media, coupled with the promotion of government positions in state-sponsored and allied private media. By 2012, according to V-Dem scores, the country crossed the line into a competitive authoritarian regime.

In 2016 and 2017, the backsliding episode came to a turbulent end with the ouster of the Gruevski government and its replacement by a more liberal, pro-European government of social democrats. The trigger for this change was a corruption scandal that exploded in 2015. Taped telephone conversations published by the opposition party exposed extensive corruption and abuses of power by Gruevski and top party and government officials. Following the eruption of massive protests, the European Union mediated an agreement between the major parties in July 2015 (known as the Pržino Agreement), which set the date of national election. In October 2015, additional negotiations, also supported by the EU, led to the incorporation of the opposition into a transitional government that was to supervise new elections. The elections were not actually held until December 2016, after having been repeatedly postponed because of conflicts between the two major parties.

The results left VMRO-DPMNE with a razor-thin plurality of parliamentary seats, but initially unable to form a governing coalition. Six more months of intense political maneuvering and continued stalemate stalled the formation of an alternative socialist government under the Social Democratic Union of Macedonia (SDSM) party, but in the interim VMRO-DPMNE suffered declining support within the general population and continuing pressure from the West. On May 31, 2016, Zoran Zaev, the head of the socialist party, was sworn in as prime minister and initiated a process of political liberalization.

Background: Social Strains and Ethnic Polarization

Unlike other Yugoslav republics, North Macedonia gained its independence through a peaceful referendum and a transition to multiparty politics in 1991. The transition was contingent on the Yugoslav army's exit from the country, which left North Macedonia dependent on the diplomatic and military support of the United Nations and the EU. The Organization for Security and Co-operation in Europe (OSCE) was

¹ We are grateful to Jasmina Dimitrieva and Lydia Tiede for criticism and advice on this narrative.

assigned to observe the border regions with Serbia and Montenegro; shortly afterwards, a much larger peace-keeping contingent of UNPROFOR (United Nations Protection Force) was dispatched to prevent the outbreak of ethnic violence. As we will see below, the EU, the UN, and other major international organizations continued to play key mediating roles in managing ethnic and political conflicts throughout the succeeding decades as well.

Until the election of Gruevski, the elites that dominated the first decade of Macedonian independence maintained a fragile consensus oriented toward meeting the political and economic criteria necessary for closer ties with—and eventual membership in—NATO and the EU. For most of the 1990s and early 2000s, the Macedonian government was headed by leaders of the pro-European Social Democratic Union of Macedonia (SDSM), a fusion of social democrats and reformist factions of the old Communist Party. Kiro Gligorov, a major figure in the transition, had been an official in the Yugoslav government. Another major SDSM leader, Branko Crvenkovski, served as prime minister from 1992 to 1998 and again from 2002 to 2004, and as president from 2004 to 2009. VMRO-DPMNE, the conservative and nationalist party that ruled in the backsliding period, also headed a government between 1998 and 2002, but at that time, the party was led by Ljubčo Georgievski, a relatively moderate figure who basically shared in the pro-EU consensus (Petkovski 2015: 53).

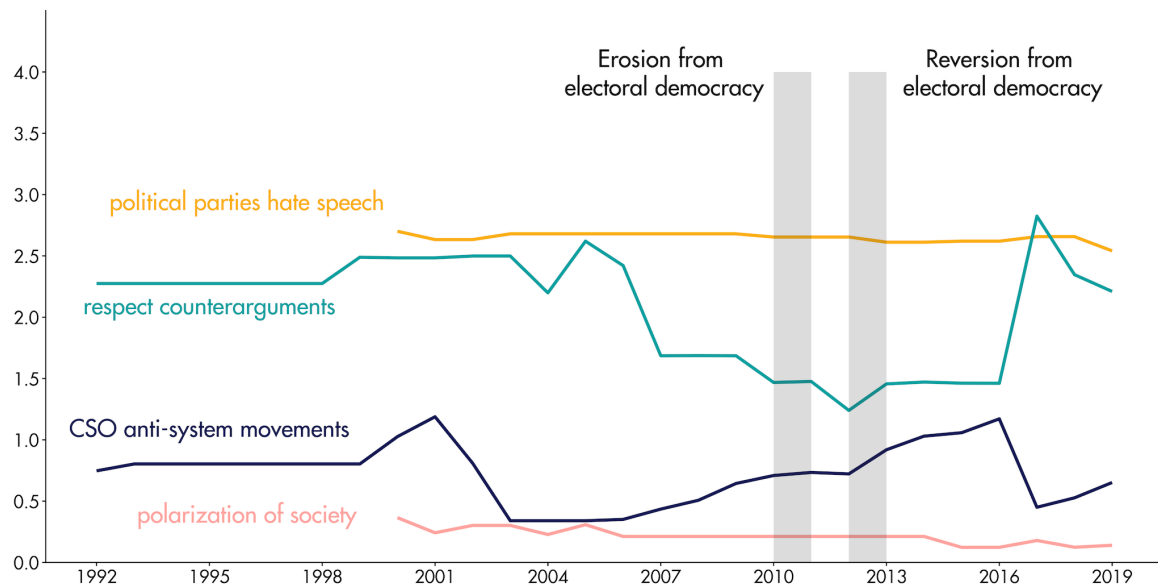
The 1990s and early 2000s were marked by considerable political tension and flare-ups of ethnic conflict. The most severe episode of ethnic violence came in 2001 with the six-month uprising of an ethnic Albanian guerilla army, which we discuss below. Nevertheless, the basic institutions of liberal democracy appeared to hold, and in some respects, seemed even to be strengthening until the onset of the backsliding period under Gruevski. Even so, the system remained vulnerable to a variety of social and political conflicts.

The polarization indicators shown in [Figure North Macedonia.1](#) provide a general overview of the dimensions and intensity of these conflicts. The respect counterarguments metric appears to be the most closely associated with the polarization of the political system under Gruevski, drifting steadily downward over the period from 2006 to 2012. There was additionally an upsurge in anti-system movements during the backsliding period, although the indicator also peaked earlier, during the 2001 Albanian uprising.

Assessments of social polarization and hate speech, on the other hand, indicate a more enduring weaknesses that clearly preceded the rise of Gruevski. Polarization scores provide a clear indication of deep divisions within Macedonian society; assessments by V-Dem that hovered close to zero throughout this period, indicating “serious differences in opinions in society on almost all key political issues, which result in major clashes of views.” V-Dem assessed hate speech as more restrained, with the frequency falling between “sometimes” and “rare.” However, these scores were also below European levels, and as we will discuss in the third section, the scores for North Macedonia probably underestimated the depth of the antagonism between the major political parties or the extent to which VMRO-DPMNE politicians demonized the opposition.

What were the underlying sources of political polarization? Like other societies in the post-Communist world, the economic dislocations of the transition shocks and the Great Recession were a significant source of social division and discontent. North Macedonia was the poorest of the new post-Yugoslav Republics (Ceka 2018: 145), and the transition was especially severe. As [Figure North Macedonia.2](#)

Figure North Macedonia.1 Polarization in North Macedonia, 1992–2019



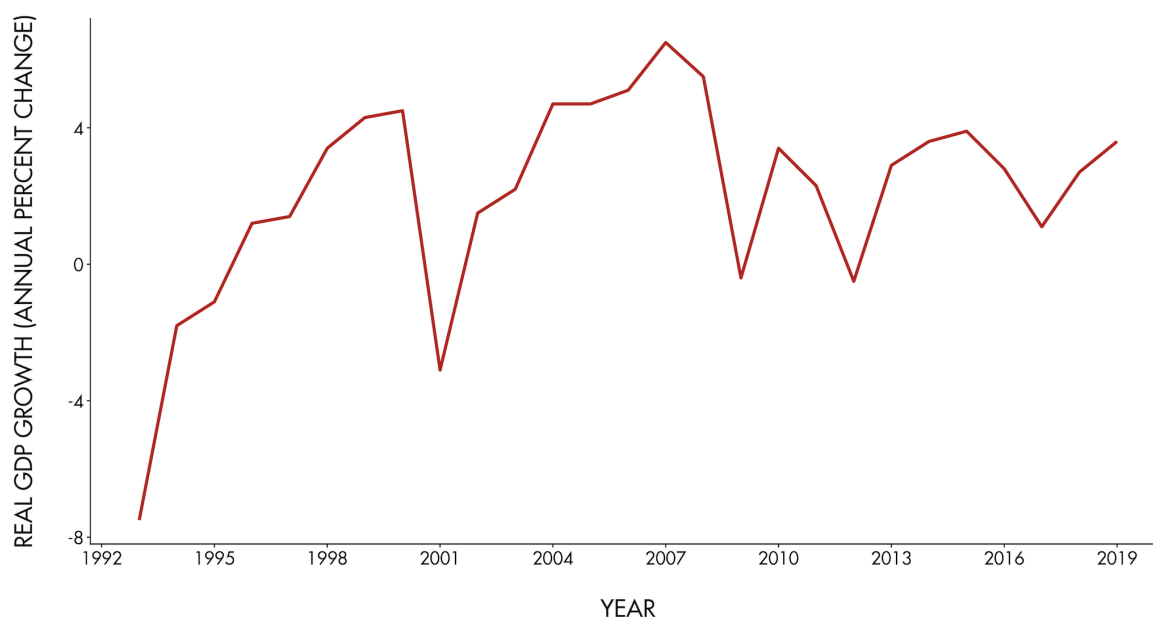
shows, the economy experienced severe recessions in the mid-1990s, again during an armed uprising in the early 2000s, and yet again in the Great Recession of 2008–2010. For the first decade of independence, the economic dislocations were justified as a necessary price to pay for continued Western protection from the turmoil and violence in the rest of the region (Petkovski 2015: 52). By the 2000s, however, this rationale had begun to wear thin. Ljubčo Georgievski, the VMRO-DPMNE prime minister between 1998 and 2002, campaigned successfully against the alleged fraud and incompetence of the socialist privatization program.

Fundamental ethnic divisions were, however, the most important sources of social tension. These divisions centered on the concept of citizenship and the nature of the state itself. Ethnic Macedonians (about 64 percent of the population) pushed for a unitary national state; the Albanian minority (about 25 percent) pushed for a bi-ethnic state system. Tensions between the two ethnic groups were fueled by intense disagreements over the use of the Albanian language and symbols, the census, education, national symbols, and the ethnic composition of police and army (Bertelsmann Stiftung, BTI 2012: 3). “The dominant ethnic parties,” writes Ceka (2018: 145) “catered to ethnic Macedonians and were unprepared to deal with the Albanian challenge. To ethnic-Macedonian parties and the successive governments that they dominated, Albanian demands seemed to threaten the national project gravely enough to justify violent suppression.”

These assumptions underlay the constitutional framework established in November 1991 (Spaskovska 2012). Legislation granted automatic citizenship to all ethnic Macedonians, including expatriates, but instituted a fifteen-year residency requirement for all those who were more recent emigres, including refugees from the war in Kosovo. Public displays of the Albanian flag were banned, the Albanian lan-

guage was repressed in the universities and public institutions, and Albanians had limited representation in the public sector. “Although Albanian parties had been part of governing coalitions in Macedonia’s unicameral parliament since independence,” writes Ceka (2018: 145), “until 2001 their agenda got little attention.”

Figure North Macedonia.2 Real GDP Growth in North Macedonia: 1993–2019



North Macedonia’s location in a “bad neighborhood” only further intensified these divisions. Bulgarian leaders questioned both the distinctiveness of the Macedonian language and the claims of ethnic Macedonians to constitute a separate “nation;” criticism of the pro-Bulgarian orientation of Georgievski was a major source of division within rightist VMRO-DPMNE and facilitated Gruevski’s rise to the leadership of the party in 2003. Ethnic Macedonians also resented the refusal by neighboring Serbia to recognize the Macedonian Orthodox Church as independent from the Serbian Orthodox Church.

Conflicts with Greece were even more explosive. Following the breakup of Yugoslavia, Greece vigorously challenged the choice of “Macedonia” for the country’s name, as well as the Macedonians’ claim to the cultural heritage of Alexander the Great and the ancient Kingdom of Macedonia. In the mid-1990s, Greece imposed a trade embargo to protest these claims, and in the 2000s, it reinforced ethnic tensions in North Macedonia by blocking the country’s bid for NATO membership and EU accession. As we will see below, these international conflicts also played into Gruevski’s effort to bid for the support of ethnic Macedonians.

Perhaps most immediately threatening to internal peace, finally, was the eruption of war between Serbia and Kosovo, countries that bordered North Macedonia to the north. Between 1998 and 1999, an estimated 360,000 Albanians took refuge in Macedonian camps. Albanian nationalists on both sides of the border took up arms demanding an autonomous region in areas of North Macedonia with heavy

concentrations of Albanians.

In February 2001, this combustible brew of inter-ethnic grievances and international conflicts sparked the armed uprising mentioned above, with attacks by an ethnic Albanian “National Liberation Army” against Macedonian security forces. The conflict lasted only a few months before a ceasefire was brokered by NATO, and it ultimately produced only limited casualties. Nevertheless, the uprising shattered claims by Macedonian politicians that their country was an “oasis of peace” (Petkovski 2015: 52). In a region already marked by bloodshed and ethnic cleansing, the risks of a wider and bloodier conflict were evident to all parties.

Recognition of these risks contributed strongly to a broader agreement about inter-ethnic relations negotiated under United States and EU auspices in the town of Ohrid in 2001. The agreement included the voluntary disarmament of ethnic Albanian military groups as well as reforms that addressed Albanian grievances, with commitments to provide greater power in municipal government, recognition of Albanian as a co-equal language at the local level, reforms of criminal procedures, and recognition of the Albanian flag.

In important respects, the Ohrid framework, which was incorporated into the Constitution, marked a major step forward in outlining new principals for reducing ethnic antagonisms in North Macedonia. Notably, the commitments outlined above were signed by leaders from the rightist VMRO-DPMNE as well as the Social Democrats. Moreover, the agreement opened the way for the formation of a new Albanian political party, the Democratic Union for Integration, or DUI, headed by the former NLA leader Ali Ahmeti. Consistent with a long-standing parliamentary practice, the DUI was included in a succession of governing coalitions with both VMRO-DPMNE and SDSM, although the relationship was often extremely tense.

The implementation of the Ohrid agreement, however, sparked a fierce backlash among ethnic Macedonians, providing the basis for a more radical rightist appeal led by Gruevski. In 2004, a grassroots movement campaigned for a referendum against a proposed Law on Territorial Organization, which would create new municipalities with ethnic Albanian majorities that could win seats on the municipal councils and could elect Albanian mayors. This campaign was eventually defeated by liberal elites and Western backers who organized a boycott against the referendum. As Ljupcho Petkovski argues (2015:54–55), however, the movement signaled that “a large number of the disenfranchised ethnic Macedonians lost their patience. Security concerns, that made the citizens prone to accept painful decisions and believe that the distant European future will be compensation for their hardships, had lost their resonance. Furthermore, the actors who had used this narrative to legitimize painful decisions had lost their moral credibility to rule...The referendum ‘failed,’ however, a new populist majority was born, which has dominated national politics ever since.”

Gruevski rose to political power on the wave of such protests. In 2003, following the defeat of the VMRO-DPMNE government in the previous year, he wrested control of the party away from Georgievski, his relatively moderate predecessor. Under his new leadership, the VMRO-DPMNE actively supported the mobilization against the Law on Territorial Organization, gathering the signatures necessary to hold the referendum. His appeal portrayed his liberal opponents as corrupt and incompetent, but also stressed his break with the political project with Georgievski (Petkovski 53: 2015). While he continued to pay some lip service to the EU and NATO, Gruevski reoriented the party in a strongly nationalist and identity-

based direction. Capturing the popular imagination, he presented himself as a novel, modern political personality who would champion the aspirations of ethnic Macedonians and resist the pressures against national independence from both the EU and the neighboring states.

The deep ethnic cleavages, as we have seen, were evident well before the protest over the Ohrid agreements and the emergence of Gruevski as the dominant ruler of VMRO-DPMNE. Although Gruevski stoked the perceived grievances of ethnic Macedonians, the political conflicts associated with the backsliding process did not map neatly onto the ethnic divisions described in this section. The underlying divisions between the dominant Macedonian majority and the Albanian minority were nevertheless highly combustible, and are an essential background condition for understanding the backsliding episode itself. Gruevski exploited a Macedonian-based nationalist narrative as a key political resource, one that could be used to consolidate political support and deployed against his challengers.

Political Party Competition and Conflict

Since independence, the Social Democratic Union of Macedonia (SDSM) and VMRO-DPMNE have dominated the party system, although usually through alliances with smaller Albanian parties. They are arrayed roughly along left-right lines, but are both based primarily in majority-Macedonian communities. As noted above, the SDSM was built from liberal factions of the old League of Communists as well as social democratic activists, and it has promoted secularism (particularly in the schools), internationalism, and the EU. VMRO-DPMNE has focused on the affirmation of patriotism, family, religion, social order, and national independence, although these values were advanced far more militantly under Gruevski. The SDSM controlled the government between the early 1990s and 2006, except for a brief interlude of a relatively moderate VMRO-DPMNE government between 1998 and 2002. After Gruevski's victory in the 2006 parliamentary election, VMRO-DPMNE dominated the government for the next 10 years. [Table North Macedonia.1](#) below shows the election and parliamentary outcomes during that period.

A second group of parties catered almost exclusively to the Albanian minority. These also positioned themselves along a left-right axis, but they were more fragmented than the two main parties and focused primarily on defending Albanian ethnic rights and competing for spoils. For most of the independence period, some combination of these parties served as junior partners in successive governing coalitions. After the 2008 election, as noted above, this position was generally occupied by the DUI, led by a former armed insurgent.

The primary axis of competition within the system was between the two predominantly ethnically Macedonian parties and was linked to the ethnic cleavages we described above in highly complex ways. The pro-European socialists who had governed for the first decade had no experience with liberal democracy and equated democracy with majority (i.e., Macedonian) rule and a unified national state, paying little heed to minority rights. Although the socialists had yielded power to VMRO-DPMNE in 1998, the Albanian insurgency of 2001 reflected, at least in part, the grievances that had accumulated during their long tenure.

For VMRO-DPMNE, the backlash against the Albanian rights that had been incorporated into the Ohrid agreements was tethered to a larger project of gaining power (and access to public funds) through the affirmation of Macedonian ethnic hegemony and the minimization of constraints emanating from the EU. Particularly after the radicalization of the party under Gruevski, party elites viewed both the Social-

Table North Macedonia.1: Elections in North Macedonia (popular vote/seat shares)

	2006	2008	2011	2014	2016
VMRO-DPMNE coalition	32.3/37.5	48.8/53.3	39/45.5	44.5/49.5	38.1/42.5
Social Democratic Coalition	23.2/26.7	23.6/22.5	32.8/34.1	26.2/27.6	36.7/40.8
Albanian parties					
DUI-PDP	12.2/14.1	12.8/15.0	10.2/12.2	14.2/15.4	7.3/8.3
Democratic Party of Albanians	7.5/9.2	8.3/9.2	5.9/6.5	6.1/5.7	2.7/1.7
Other parties	†/12.5	0/0	†/1.7	†/1.8	/6.7

† indicates missing data.

Note: There were a total of 120 parliamentary seats in 2006, 2008, and 2016. An extra three seats were reserved in 2011 and 2014 for expatriate Macedonian citizens. In 2016, however, expatriates did not cast the minimum number of votes required to fill the seats and none of the candidates were elected.

Source: Carr, *Psephos Election Archive*.

ists as well as more moderate intra-party rivals as the main road blocks on their path to power, and they sought to marginalize their influence within the political system. Politics in this system had become a “zero sum” game (Bertelsmann Stiftung, BTI 2012: 16) in which the winners would gain control of resources, and opportunities for corruption and career development.

The Albanian parties were secondary players in this competition, although they pressed for the rights of the ethnic Albanian minority, they were also interested in securing access to patronage. For Gruevski, their demands did not pose major threats to his larger objective of consolidating political power. For this reason, he—like his predecessors—enlisted Albanian parties as coalition partners when this proved necessary to round out his parliamentary majority.

Gruevski was first elected in 2006 as head of a coalition VMRO-DPMNE government. An important turning point in his move toward control, however, was the smashing ruling party victory in early elections held in 2008. The election was called after Greece blocked North Macedonia’s bid for NATO membership in a dispute over the country’s appropriation of the name “Macedonia,” and this appeared to give a boost to the ruling party’s nationalist appeal. Its vote share increased from 32.3 percent in 2006 to 48.8 percent in 2008, giving it an absolute majority of seats in the Parliament (see [Table North Macedonia.1](#)). As the Bertelsmann Stiftung report noted (2012: 10), VMRO-DPMNE faced “no restrictions in using its political and party power to transform the parliament into a simple voting machine of government.”

One of the first steps in 2010 was the initiation of a massive construction plan known as “Skopje 2014.” This envisioned the design and construction of buildings, monuments, museums, and colleges—all dedicated to an extravagant affirmation of the historical legacy claimed by ethnic Macedonians. Besides the affirmation of ethnic hegemony—the leitmotif of the VMRO-DPMNE appeal—the project provided massive opportunities for corruption. Though this was not revealed until the opposition leaked tapes in

the 2015 scandal, the project provided the government with control of an enormous flow of patronage resources.

The government also exploited its majority and an opposition boycott to begin its tightening of controls over the system. Intimidating new legislation introduced in 2011 included a lustration law that required the examination of journalists, academics, and NGO activists for collaboration with the Yugoslav secret service; an amendment later allowed for the removal of the president of the Constitutional Court on the grounds that he had been an informer. The party also changed the electoral code to provide three new parliamentary seats for citizens in the diaspora, which in practice meant ethnic Maceonians (see [Table North Macedonia.1](#)).

In the 2011 and 2014 elections, Gruevski and the ruling party lost the outright majority they had won in 2008, which did present renewed challenges. By this time, however, they could effectively counter these through their increasing control over the press, the courts, and civil society. In December 2012, the Socialist opposition threatened to derail government budget proposals; the government responded by forcibly expelling both SDSM members and journalists from the chamber, while thousands of pro- and anti-government demonstrators pelted each other with bottles and stones outside the Parliament building (Casule 2012; see also the increase in scores for CSO anti-system movements in [Figure North Macedonia.1](#)). The budget passed in the rump Parliament exclusively with ruling party votes, while the opposition launched a prolonged boycott of the parliamentary process. The expulsion came to be characterized by the opposition as “Black Monday,” and it coincides with the shift from erosion to outright reversion in the V-Dem assessment.

The ruling party also placed a heavy thumb on the scale in the electoral arena. Tapes of conversations released by the SDSM revealed extensive electoral fraud in the 2013 municipal elections. Additionally, in the parliamentary election of 2014, OSCE monitors noted extensive misuse of state resources, heavy media bias, voter intimidation, and suspect voter lists in which large numbers of voters were registered at the same address (Marija 2015: 422). The opposition boycotted parliamentary sessions in protest against these maneuvers, but this only cleared the way for new restrictive legislative initiatives.

Backsliding

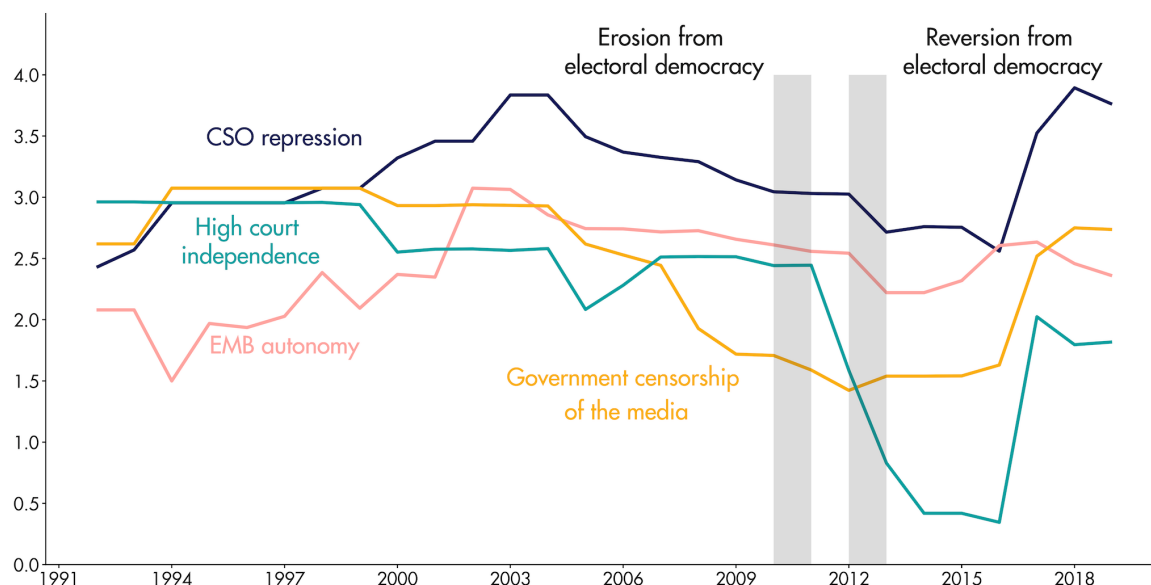
Gruevski's grip on power began to unravel in 2015, with the explosion of the corruption scandal noted above. As already indicated, however, this explosion was preceded by a major assault on the major pillars of liberal democracy. [Figure North Macedonia.3](#) provides a general overview of the deterioration of these pillars. A decline in the indicators for the media, civil society, and the electoral process was already evident in 2004 and 2005, during the controversy over the Ohrid agreements and the runup to the 2006 election. These metrics declined more sharply once Gruevski took office and generally reached new lows after 2012, the year of the reversion to competitive authoritarianism. The decline in the indicator for high court independence lagged somewhat, but by 2012, it had also reached a new low point. Ceka (2018: 150) summarizes the overall results of this process as follows:

“ Gruevski's party paid lip service to joining the EU while imposing near-total control over the courts and media and using patronage as well as fear and intimidation to manipulate the electoral process. Critical media outlets were shut down, opposition lawmakers were violently expelled from parliament in 2012, and corruption thrived (with a big boost

from the plethora of murky public-procurement contracts associated with the Skopje 2014 project). ”

In this section, we unpack these general tendencies with a more disaggregated examination of deterioration in the main pillars used to assess the backsliding process: the electoral process, the judiciary, the media, and civil society.

Figure North Macedonia.3 Backsliding in North Macedonia, 1991--2019



Manipulation of the Electoral Process

The claim to electoral legitimacy was the foundation of Gruevski's accumulation of power, and despite irregularities and violence in some Albanian areas, both the 2006 and 2008 parliamentary votes were judged by OSCE observers to have been well administered and to meet the threshold for democratic elections. The 2009 presidential elections were also judged as relatively clean (for a summary of these assessments, see Gjuzelov and Hadjievska 2019: 6).

But as the government moved to consolidate its power in subsequent elections, its practices became increasingly tainted by the intimidation of voters and the blurring of lines between state and party activities. Gjuzelov and Hadjievska (2019: 6) make an argument very close to ours on majoritarianism: that the “constant electoral legitimation generated a vicious cycle of uneven political competition; on the one hand, with continuous and convincing electoral wins, the incumbents have expanded their informal power to control and misuse state institutions and resources, while on the other, their control and misuse of state institutions and resources have increased the unfair political competition which helped them continue winning elections.”

Abuses became especially evident in the municipal elections of 2013, where observers recorded the unevenness of the “playing field,” intimidation and vote-buying, pressure on civil servants, and misuse of administrative resources (Grozdanovski, Nations in Transit 2014). Opposition politicians also faced harassment. The chair of Centar City Council, who had opposed Skopje 2014 construction projects in the capital city, was arrested in October 2013 for alleged financial fraud and held under house arrest until June 2014.

Matters got worse from there. The SDSM charged that the 2014 parliamentary elections had been stolen, and all but three of its deputies resigned, launching protest rallies and another boycott of parliamentary proceedings. The OSCE expressed concerns in the same election that the State Election Commission, which was divided along party lines, was vulnerable to political influence (Risteska, Nations in Transit 2015: 422). An envoy of the European Union enlargement commissioner participated in ensuing negotiations between the ruling party and the opposition, but it faced prolonged refusal by the VMRO-DPMNE to accede to SDSM demands for new elections (Risteska, Nations in Transit 2015: 422). When elections were finally held in 2016, the OSCE/ODIHR report “raised concerns about voters’ ability to cast their votes free of fear of retribution...” (cited in Gjuzelov and Hadjievska 2019: 6).

Conversations leaked in the 2015 scandal revealed the extent to which the government deployed its resources to maintain its electoral strength. In one recorded conversation, for example, the Minister of the Interior discussed issuing citizenship and identity cards to ethnic Macedonians from Albania so that they could vote for VMRO-DPMNE in the 2013 local elections. In another, the topic was the use of police to divert busses transporting voters to opposition rallies. And in still a third, the minister described the organization of a campaign call center on the premises of the ministry (Gjuzelov and Hadjievska 2019: 8).

Uneven electoral competition in turn fed back into the weakening of other democratic institutions. As Gruevski gained control over the electorate, he increased his ability to subvert the “already underdeveloped institutional checks and balances system...” (Gjuzelov and Hadjievska 2019: 8). We turn next to the erosion of judicial independence and of the freedom of media and civil society, which both accompanied and facilitated the electoral victories of the ruling party.

Judicial Independence

As was the case with many electoral democracies, the independence of the judicial system was already fairly limited before the onset of backsliding; V-Dem scores had already begun to slip by 1999, and from 2000 until their big plunge in 2012, these indicated a tendency of the courts to conform with government preferences nearly half the time. As noted, however, this independence deteriorated further as VMRO-DPMNE consolidated its political power. As early as 2009, 43 percent of the judges surveyed in an OSCE report complained about “external influence” on the way justice was administered, and by 2010, the U.S. State Department and the European Commission were warning about stagnation or regression in judicial reforms (Bertelsmann Stiftung, BTI 2012: 3). “The current situation of direct political influence in the work of the judiciary,” stated the Bertelsmann Stiftung, BTI report (2012: 10), “is without precedence in Macedonia’s short democratic history.”

Other independent agencies, it should be noted, also began to come under political pressure in 2010, paving the way for a massive increase in corruption associated with the Skopje 2014 building project and other government programs. The agencies subject to pressure included the National Bank, the State

Anti-Corruption Commission, and the Broadcasting Council. The head of the Agency for Electronic Communications resigned for “private reasons,” and the head of the Energy Regulatory Body was replaced by a governing party official (Bertelsmann Stiftung, BTI 2012: 14). And by this time, the prime minister had appointed a relative to head intelligence services and expanded its budget (Bertelsmann Stiftung, BTI 2012: 8).

Encroachments on the judiciary worsened further in subsequent years. Throughout 2011 and 2012, lengthy pretrial detentions were used to harass and intimidate public figures, including the owner of a major opposition press and the leader of an opposition party, who were denied access to visitors and lawyers (Dimishkovska, Nations in Transit 2012). This was far from the only abuse: the Minister of Health pressed a Skopje court to ban a doctors’ strike; prosecutors brought highly politicized charges of terrorism in the deaths of five men at a lake near Skopje; and the Constitutional Court held that the Constitution gave the assembly unfettered authority to apply amnesty laws to individuals accused by the International Criminal Tribunal of crimes against humanity in the former Yugoslavia.

In 2015, the release of telephone wiretaps provided a stark window into the political abuses of judicial independence. They showed leaders of the regime actively intervening in court decisions, making political bargains over judicial appointments, maintaining records of favorable and unfavorable judges, and awarding promotions based on political loyalty. Nevertheless, political interference not only continued, but intensified. In the same year that the scandal broke, a law passed by the ruling party established a new council responsible for initiating disciplinary proceedings before the Judicial Council, providing still more leverage over judges. NGOs and opposition parties protested the law, but the Constitutional Court overruled the protests.

In 2016, the Constitutional Court refused to examine constitutional challenges to presidential pardons (ultimately reversed under popular pressure) for VMRO-DPMNE allies implicated in the wiretap scandal. Lower courts and public prosecutors put up additional barriers by obstructing the work of a newly-formed Special Prosecutor’s Office assigned to investigate the scandal, denying requests for detention and search warrants, and bringing corruption and defamation charges against Zoran Zaev, the leader of the Socialist opposition. These actions prompted another Freedom House downgrade, this time to 4.75, and a V-Dem score in 2016 of only 0.34 (see [Figure North Macedonia.3](#)), indicating a court that “almost always” conformed to government preferences.

Constraints on the Media

[Figure North Macedonia.3](#) also highlights a sharp decline in media freedom. An increase in government censorship efforts began, as noted, around 2006, but accelerated sharply after that time. As is true of many of the other backsliding cases, the government exercised control in several ways. In addition to the public broadcasting system, much of the private media came under the ownership of ruling party allies. It received extensive public subsidies in exchange for positive coverage in election campaigns and for government projects such as Skopje 2014. “Government advertising,” according to Dimishkovska (2014: 419) “accounts for a large share of the advertising market... [and] at least 1 percent of the annual national budget is spent on state advertising campaigns, with government-friendly media favored highly over others.”

The independent media, conversely, was subjected to extensive harassment. This began in 2010 with a raid on the building of AI Television and three other independent newspapers, all owned by Velija

Ramkovski, a critic of the government who had once been close to VMRO-DPMNE (Gjuzelov and Ivonovska 2019: 10). The government arrested Ramkovski and 13 other employees, charged them with tax evasion and money laundering, and froze their bank accounts. Individual journalists were also harassed. In 2013, an investigative reporter, Tomislav Kezarovski, was arrested and placed in pre-trial detention for almost six months and then sentenced to 4 years and six months jail time for revealing the identity of a protected witness. The move was widely condemned by the Helsinki Committee on Human Rights, the European Federation of Journalists, Reporters without Borders, and the OSCE (Damjanovski, Nations in Transit 2016: 8). Other independent magazines and journalists were subjected to defamation suits and fines (Dimishkovska, Nations in Transit 2014: 422). In February 2015, the SDSM claimed that the intelligence service had placed over 100 journalists under surveillance (Damjanovski, Nations in Transit 2016: 8).

Formal regulatory legislation was also part of the arsenal the government wielded against independent journalism. In December 2013, it rammed through two new laws on media and audiovisual media services that created a new regulator broadly empowered to impose fines and revoke broadcast licenses. The criteria for such sanctions were left vague, and violations targeted political adversaries. Fines were levied against the owner and editors of the independent Telma TV, for example, for failure to provide sufficient air time for folk music. In 2015, North Macedonia's status for press freedom was downgraded from Partly Free to Not Free.

Civil Society

Tightening controls on the judiciary and the press, finally, were accompanied by a narrowing of the space for civil society. [Figure North Macedonia.3](#) shows that the constraints began to tighten in 2005, during the runup to Gruevski's first electoral victory. Between 2006 and 2016, however, civil society became increasingly contentious in response to government abuses of power, and the government moved to contain protests with public funding for counter-mobilizations, legal harassment, and even vigilante assaults (Dimishkovska, Nations in Transit 2013: 380).

Unions and minorities were among the targets of government action. In 2014, for example, the government derailed a general teachers' strike for higher wages by pressing union branches to withdraw their support for the national leadership, and it followed with a law that permitted schools to replace striking teachers with substitutes (Dimishkovska, Nations in Transit 2014: 417). In 2015, masked assailants, believed to be sponsored or tolerated by the government, attacked an LGBTQ+ support center funded by the government of Holland. In the words of the Dutch Ambassador, the purpose seemed to be to "make people afraid and try to shut people up" (Risteska, Nations in Transit 2015: 435). Whether or not the regime was actually complicit, the attacks resonated with the VMRO-DPMNE general appeal to "traditional" values, and the attacks were followed by a new law explicitly defining marriage as "between a man and a woman" (Dimishkovska, Nations in Transit 2014: 417).

The most sustained and explosive conflicts, however, came between the VMRO-DPMNE government and both civil society and protest groups linked to the Socialist party opposition. Early confrontations, for example, broke out in 2009 and 2010 over the redesign of the Skopje city center, which was aimed at highlighting the cultural hegemony of the ethnic Macedonians. Opposition rallies were met with counter-mobilizations by religious and conservative organizations aligned with the government, leading to clashes and minor injuries (Bertelsmann Stiftung, BTI 2012: 6). Similar confrontations occurred in

December 2010, with protests over the crackdown on AI TV and independent newspapers, as described in the preceding section. Major protests also erupted after the 2014 parliamentary elections, which, as we have seen, were condemned as fraudulent by the political opposition. Again, the government met these challenges by sponsoring and funding counter-rallies to crowd the civil society space.

Opposition protests and government retaliation intensified in 2015 and 2016 as conflicts escalated over the tape scandal and the run-up to special elections in December 2016, which we discuss below. The government could not fully repress political protest without incurring a costly backlash from the European Union and the United States, and this forced it into some costly retreats. The massive demonstrations in May 2015 led to the resignation of three cabinet ministers exposed in the tapes. In 2016, daily demonstrations in Skopje and other cities prompted the withdrawal of presidential pardons for party officials whose malfeasance had been exposed by the publication of the tapes. Eventually, as we will see below, such pressures contributed significantly to the VMRO-DPMNE's withdrawal from power.

Until that time, however, as the V-Dem indicators in [Figure North Macedonia.3](#) show, the government also attempted to fend off political and civil society pressure through legal harassment, political intimidation, and coercion. Nations in Transit reported that “the climate for civil engagement worsened” (Bliznakovski, Nations in Transit 2017: 8). During 2015 and 2016, VMRO-DPMNE and government officials launched sharp verbal attacks on civil society groups and political opponents, accusing them of “destroying Macedonia” and calling for a ban on critical movements and NGOs. Pro-government forces organized massive rallies to counter opposition protests. In the runup to the 2016 special election, many NGOs were subjected to inspections from the Public Revenue Office. Gruevski, in a speech outside the premises of the State Election Commission, threatened his critics with a call for the “de-Sorosization” of civil society, a reference to the Hungarian-American philanthropist.

The government also used more coercive means to defend its position. On May 5, 2015, the police used tear gas to break up a massive rally demanding Gruevski's resignation, leading to multiple injuries on both sides. In another instance, the police used stun guns and water cannons to break up a demonstration sparked by the revelation of a coverup of an election-night murder several years earlier. The government may also have tried to divert attention with a police raid on an Albanian paramilitary group in a northern town, which ended in the deaths of 8 members of the special forces and 10 militants. By the second half of 2015, the escalation of protest and repression had produced a crisis that profoundly threatened the stability of the system.

Conclusion: The End of the Gruevski Regime

Concerns about this deepening crisis, one that was erupting in the midst of a highly volatile region, drew Western powers into the fray. Beginning in June 2015, Brussels worked closely with the U.S. Embassy in Skopje to mediate a deal among VMRO-DPMNE, the Socialists, and the two largest Albanian parties. In initial accords finalized in October, the contending parties agreed to form a transitional government, which would include both VMRO-DPMNE and the SDSM, to organize new elections. The parties also agreed to appoint a special prosecutor to investigate the crimes revealed in the wiretap scandal. In the “Pržino Agreement,” finalized in July 2015, Gruevski committed to step down as prime minister at least 120 days before the special election.

These agreements, however, proved to be only the beginning of a long and turbulent process of transition. Although Gruevski did formally resign in January 2016, he continued to wield power from behind the

scenes. As we have already noted, courts and prosecutors obstructed the work of the special prosecutor, and the cycles of protest and repression continued throughout the year. Moreover, because of procedural conflicts among the major parties, the special election that was initially scheduled for April was delayed until December 2016 and raised concerns among international monitors about voter intimidation and continued misuse of government resources.

The December election itself resulted in a political stalemate. VMRO-DPMNE emerged with a two-seat edge over SDSM, with 51 seats to 49, but failed to enlist the allies needed to form a government in the 120-seat Parliament. The SDSM was able to cobble together a very small 62-seat majority with support from Albanian parties, but the president, Gjorge Ivanov, an ally of VMRO-DPMNE, refused to hand over the mandate for the creation of a new government. This was on the very questionable grounds that the language demands of the Albanian parties jeopardized the unitary character of the country.

The standoff persisted for almost six months, with VMRO-DPMNE launching street protests in support of Ivanov's decision. The low point came in April 2017, when right-wing groups, spurred on by thousands of protesters in the streets, violently invaded the Parliament to try to block the SDSM coalition from electing an Albanian, Talat Xhaferi, as speaker. The invasion did not succeed in preventing the appointment of Xhaferi, the first ethnic Albanian to hold that position, but it did produce a bloody melee in which more than 70 people were injured, including Zoran Zaev, the SDSM leader. The majority MPs were held in the building for hours before the police finally intervened (Bliznakovski, *Nations in Transit* 2018: 2).

Ugly as it was, however, the event appeared to mark a turning point. The Zaev government was finally sworn in on May 31. The incoming SDSM promptly outlined reform plans that were greeted with support by the European Union and the United States. Its hand was strengthened by a sweeping victory in the municipal elections of October, in which it captured 57 of the 81 municipal units, while VMRO-DPMNE won only five. The following year, Gruevski was entirely removed from the political scene. He was convicted in May on charges of corruption, and fled to asylum in Hungary ahead of his imprisonment. These developments by no means ended the underlying conflicts that had so seriously debilitated North Macedonia's fragile democracy. Zaev's reform agenda remained imperiled by a contentious, sometimes violent civil society, by political party polarization, and by a judiciary and state bureaucracy riddled with corruption. According to the terms of our analytic framework, however, the backsliding episode led by Gruevski had come to an end.

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NICARAGUA

EROSION FROM ELECTORAL DEMOCRACY, 2005; REVERSION 2008, 2010–2019



Our V-Dem data show that Nicaragua began to experience backsliding in 2005–2006, a period coinciding with the election of Daniel Ortega, the leader of the Sandinista party (*Frente Sandinista de Liberación Nacional*, or FSLN), to the presidency. As a result of highly tainted municipal elections, ratings briefly fell below the threshold for electoral democracy in 2008. A regime change is more fully indicated, however, in a second, sustained decline in the index from 2010 through 2019, this time after Ortega swept to a second presidential term and the FSLN captured a two-thirds congressional majority in an election again marked by major irregularities. In the following years, Ortega further expanded his personal control over the political system, marking an unambiguous reversion to a hybrid regime.

This episode is quite distinct from many other examples in Latin America. Ortega was leader of the revolutionary Sandinista movement in the 1980s, but his return to power in the mid-2000s was not based on the antagonisms of the revolutionary period. Unlike almost all of the other backsliding cases in our sample, we see little evidence that backsliding was driven by the exploitation of divisive social cleavages. Rather, we trace the origins of the episode to a power-sharing bargain with an old-guard faction of the then-ruling Liberal Party that opened the way for Ortega's rise to the presidency in 2006. Over time, Ortega was able to leverage this bargain in ways that eventually allowed him to extend his presidential mandate, dominate the legislature, and place loyalists in key positions within the electoral tribunal, the courts, and other key government agencies. By the onset of his second term in 2011, the opposition had been effectively marginalized.

Beginning in the late 2010s, a surge of street protests again began to threaten the Ortega regime. The reasons for the protests were varied, but the context was the end of the global commodity boom, the decline in Venezuelan financial support, and a sharp downturn in the Nicaraguan economy. As of this writing, Ortega has managed to face down these challenges, but only by increasing reliance on overtly coercive resources.

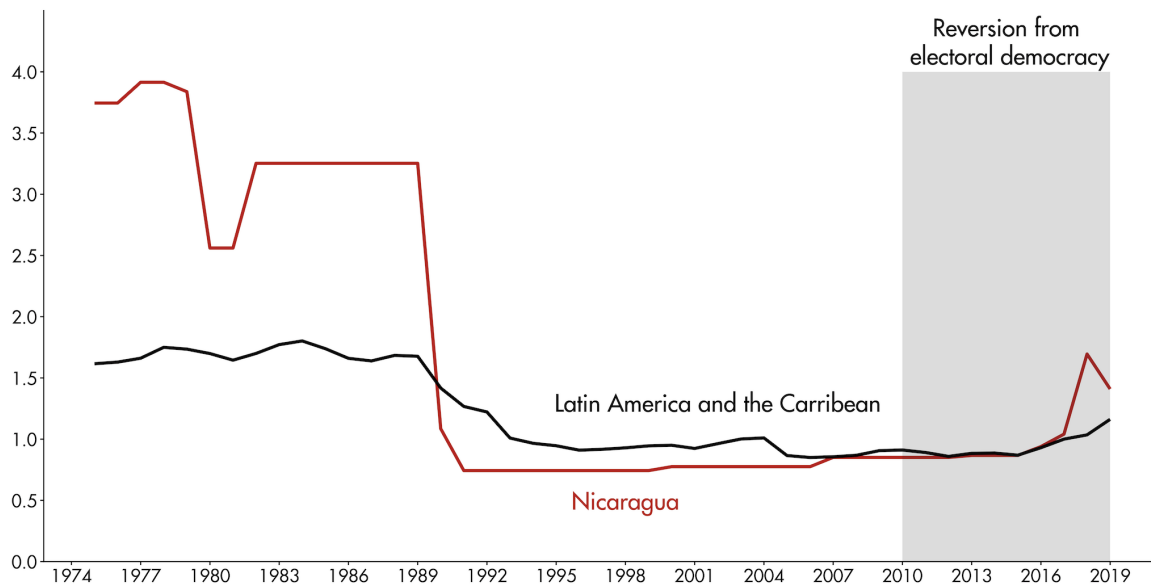
Social Bases of Polarization

Nicaragua's fragile democratic regime was established in the aftermath of an internationally-mediated election in 1990, which resulted in a transfer of power from the ruling Sandinista government (headed by Daniel Ortega) to the U.S.-backed National Opposition Union (UNO), led by Violeta Chamorro. Conservative and business-oriented candidates from the Liberal Alliance won the next three elections, all "free and fair" according to international observers. The Sandinistas remained significant competitors, with about one-third of the popular vote.

Remarkably, given the turbulent revolutionary period of the late 1970s and 1980s—including a severe economic crisis—the political system appeared to stabilize very quickly in the 1990s. This is most evident in [Figure Nicaragua.1](#), which shows how long-term trends in anti-system movements evolved in Nicaragua, compared to the Latin American and Caribbean benchmark. These forces registered far above the Latin America average during the armed struggle against the Somoza dictatorship, from 1975 to 1979, and then during the U.S.-backed Contra challenge to the Sandinistas in the 1980s. Between

1990 and the mid-2010s, the threats from such movements subsided dramatically and were not significantly different from Latin American averages. These numbers did not surge again until 2018, as militant opposition groups began to mobilize protests against the Ortega regime.

Figure Nicaragua.1 CSO Anti-System Movements in Nicaragua, 1975–2019

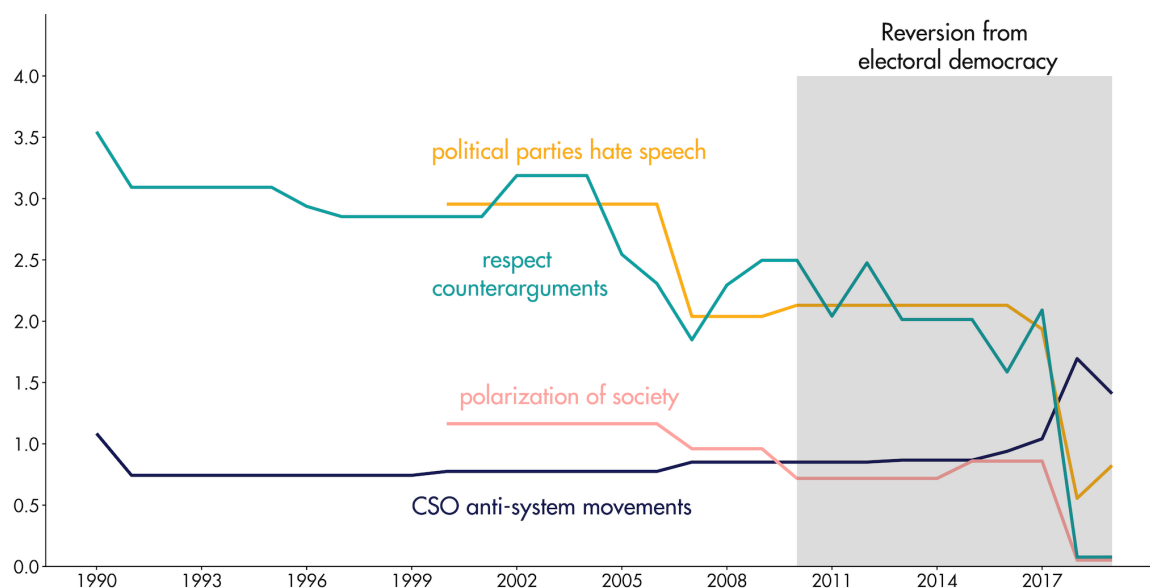


We see somewhat similar patterns in the ratings on social polarization, hate speech, and respect for counterarguments shown in [Figure Nicaragua.2](#). Anti-system movements remain steadily below 1.0 (low or very minimal) throughout the entire post-revolutionary period. Respect for counterarguments was generally tolerated under Liberal governments (scores above 3), but then declined substantially after Ortega began to consolidate power in the mid-2000s. Estimates of social polarization and hate speech (ranging from 0=often to 4=never) do appear to capture deep social divisions, which actually increase slightly during the 2000s, but the estimates do not go back far enough in time for us to see how they had changed in preceding decades. [Figure Nicaragua.2](#) does show a substantial increase in social polarization and protest, beginning around 2013 and accelerating in 2017. As we will see below, however, these indicators of polarization did not map onto the cleavages of the revolutionary years of the 1980s.

The decline of underlying social conflict during the 1990s and early 2000s can be attributed in part to war weariness, but also to the fact that the incoming Chamorro government adopted a conciliatory posture toward the Sandinistas, despite U.S. pressure to adopt a harder line. Chamorro agreed to allow a Sandinista to remain as head of the Armed Forces, she refrained from attempts to prosecute war crimes, and she accepted the FSLN as a legitimate political competitor.

Under José Arnaldo Alemán Lacayo, who succeeded Chamorro as president in 1997, sharp conflicts did erupt over rights to properties expropriated under the Sandinista government—and particularly those its leaders had seized on their way out the door (Uhlig 1991). Government initiatives to return

Figure Nicaragua.2 Polarization in Nicaragua, 1990–2019



these properties during Alemán's first year in office were greeted by FSLN-backed general strikes and demonstrations. In the face of this pressure, however, Alemán rapidly turned to resolving conflicting property claims through backroom deals with Ortega that were quickly rubber-stamped by their factions in the National Assembly (Walker and Wade 2017). The conflict ended with many powerful Sandinista figures retaining control over their wealth.

In the meantime, Ortega himself had moved in a more moderate direction. While not abandoning his rhetorical commitment to “democratic socialism,” he also professed a strong faith in Roman Catholicism and established positive relations with the Nicaraguan Church hierarchy. He also emphasized his willingness to collaborate with Nicaragua's business elite and even the United States. The IMF and international lenders were reassured by apparently responsible fiscal management and respect for property; if Nicaraguan economic performance deviated from the region it was because the country was growing more, not less, rapidly. Thus, by the time of Ortega's election in 2006, the intense social divisions over the struggles of the 1970s and 1980s had faded considerably.

Once in power, the incoming Ortega regime also indirectly rode the commodity boom (Figure Nicaragua.3). As a member of the ALBA (Alianza Bolivariana para los Pueblos de Nuestra América, or Bolivarian Alliance for the Peoples of Our America) group of left governments, it received loans and subsidized oil from Venezuela that enabled the government to rebound relatively quickly from the Global Financial Crisis of 2008–09 and to maintain a large clientelist network that helped to keep the social peace. Between 2008 and 2015, the economy was significantly boosted by an estimated \$3.5 billion in loans that flowed from the Venezuelan Petroleum Company (PDVSA) to Caruna, a FSLN bank (Thayler 2017: 165). Thayler estimates that about 38 percent of these funds went to the clientelist networks, organized

primarily through the government-controlled Citizen Power Councils (CPCs). The poverty headcount ratio (\$1.90/day threshold) fell throughout the post-revolutionary period, but the Ortega government was able to claim credit for continuing this trend. Not coincidentally, social protest began to surge in Nicaragua just as the decline in commodity prices brought this assistance from Venezuela to an end in about 2015 (Figure Nicaragua.3).

Figure Nicaragua.3 Real GDP Growth in Nicaragua, 1980–2019



Party Politics and Institutional Changes: Elite Pacts and the Return of the Sandinistas

Splits within the fractious Liberal Alliance opened the way for Ortega's return to the presidency through a series of strategic bargains with Arnoldo Alemán, once his bitter enemy. As president (1997–2001), Alemán headed a larger anti-Sandinista coalition that began to fragment in the late 1990s over issues of corruption and the control of patronage resources. In 1998, eight deputies left the ruling coalition and others threatened to follow. In turn, Alemán sought support from the Sandistas in the legislature to engineer changes that might fend off charges of corruption and enable him to remain in power.

On August 17, 1999, Alemán and Ortega announced a pact between the Constitutionalist Liberal Party (the Partido Liberal Constitucionalista, or PLC) and FLSN to form a legislative alliance that would allow them to control the National Assembly. The *pacto*, as it came to be known, was ratified by the Assembly in January 2000, the year preceding the next presidential election. The pact was aimed primarily at protecting both Alemán and Ortega from criminal charges related to corruption and sexual abuse, respectively (Hoyt 2004; Telleria 2011; Colburn and Cruz 2012). However, it also had the effect of permitting institutional changes that consolidated the power of the two blocs and weakened constitutional checks. For example, Alemán and Ortega agreed to share appointments to the Supreme Court, which was expanded from 12 to 16 seats. The pact also proposed to establish lifetime Assembly seats for ex-

presidents and required a two-thirds vote of the Assembly to strip them of immunity. Appointments to seats on the Electoral Council were also shared by the two blocs, and the power of the Controller General, which had begun an investigation of Alemán's corruption, was diluted by replacing a single official with a collegial body of five jointly-appointed members (Walker 2017: 165).

For Ortega, as we will see, the most important component was the agreement to lower the threshold for winning the presidential election from 40 to 35 percent, with a 5-point margin over the first runner up. Since he had consistently won about a third of the presidential vote during the 1990s, this provision provided an important potential road to power in 2006 (see [Table Nicaragua.1](#)).

With the political turmoil of 1999–2000, however, implementation of these changes stalled, and it was not until 2005 that they were ratified with the support of the Alemán faction. In the meantime, under the old rules, the victor in the 2001 election was the breakaway candidate Enrique Bolaños, a conservative businessman and former vice president under Alemán. Bolaños ran with the support of Liberal factions who had been alienated by the *pacto* and, even more important, with the strong backing of the U.S. government, which threatened a cutoff of aid if Ortega were elected. With the United States' thumb on the scale, Bolaños swept to victory with over 55 percent of the vote.

Nevertheless, the elite intrigues continued during the Bolaños presidency. Within the legislature, the FSLN and the Alemán old guard collaborated to limit Bolaños's agenda as president, stalemating most of his major proposals and thus contributing to government dysfunction. The Comptroller's Office—effectively controlled by the *pacto* parties—charged Bolaños with violating campaign finance requirements, and the two parties announced that unless Bolaños submitted his resignation, they would move to impeach him. During the height of this crisis, President Bolaños even called on the Organization of American States (OAS) to intervene, although he was eventually able to serve out his term. The National Assembly subsequently approved a bill that revoked the president's power to directly appoint cabinet ministers, vice-ministers, diplomats, and directors of state agencies, with Congress gaining the ability to effectively veto appointments with 60 percent of the legislature, a threshold that the *pacto* parties met.

However, Ortega also threw Alemán sharply off balance by engineering a backdoor deal with Bolaños to withdraw Alemán's immunity from prosecution. In 2003, Alemán was sentenced to 20 years for fraud and embezzlement. Although Alemán maintained a significant group of supporters in the Assembly (which supported the electoral rule change noted above) and continued to exert influence from behind the scenes, Ortega had clearly gained the upper hand in the partnership, particularly with respect to appointments in key agencies. From this position of strength, Ortega engineered Alemán's transfer to house arrest in exchange for his support of the critical change in the electoral threshold. In 2009, with Ortega then in full control of the presidency and seeking reelection, the pact was renewed more explicitly: loyalists on the Supreme Court were pressed to overturn Alemán's conviction, but the quid pro quo was that Alemán would “continue to exercise his power to ensure that Ortega receives all the support necessary to pursue his own political agenda.” (Telleria 2011: 40).

In the 2006 presidential election, the new electoral rules engineered under the *pacto* paid off for Ortega. The intrigues of the Bolaños era had intensified Liberal divisions. Eduardo Montealegre led a breakaway movement, while the rump of the Liberal party remained loyal to Alemán. The split vote allowed Ortega to capture the presidency with only 38.1 percent of the popular vote, against Montealegre, with 29 percent, and the Alemán candidate, José Rizo Castellón, with 26.2 percent. In elections to the National

Assembly, the FSLN won 38 seats and Alemán's Liberal Party faction (the PLC) won 25, giving the two parties a two-thirds majority in the 92-seat legislature (see Tables [Nicaragua.1](#) and [Nicaragua.2](#)).

Table Nicaragua.1 Presidential Election Results in Nicaragua (popular vote share)

	1996	2001	2006	2011	2016
Arnoldo Aleman AL-PLC	51.1			5.9	
Enrique Bolanos PLC		55.5			
Jose Rizo Castellon PLC			26.2		
Maximo Rodriguez PLC					15.0
Eduardo Montealegre ALN			29.0		
Daniel Ortega FSLN	37.8	43.0	38.1	62.5	72.4
Fabio Gadea PLI				31.0	
Others	11.1	1.4	6.7	0.6	12.6

Note: PLC, Constitutional Liberal Party; ALN, Nicaraguan Liberal Alliance; PLI, Independent Liberal Party; FSLN, Sandinista National Liberation Front

Source: Carr, *Psephos Election Archive*.

Table Nicaragua.2 Legislative Elections in Nicaragua (percent vote/percent seats)

	1996	2001	2006	2011	2016
AL-PLC	46.0/45.2	52.6/51.6	26.5/26.9	6.4/2.2	
ALN			26.7/24.7		15.3/14.1
PLI				31.6/29.3	
FSLN	36.5/39.8	42.6/44.1	37.6/40.9	60.9/68.5	65.7/76.1
Others	/15.0	/4.3	/7.5		/9.8

Note: Blank cells indicate that parties did not run candidates.

PLC, Constitutional Liberal Party; ALN, Nicaraguan Liberal Alliance; PLI, Independent Liberal Party; FSLN, Sandinista National Liberation Front

Source: Carr, *Psephos Election Archive*; for 2011 and 2016, https://en.wikipedia.org/wiki/2011_Nicaraguan_general_election

As president, Ortega initiated the backsliding process with moves on a variety of fronts. With his super-majority coalition, he began to implement many of the power-sharing agreements forged earlier with Alemán, while at the same time gradually sidelining Alemán allies. He also tightened control over political rivalries within the Sandinista movement and began to build a powerful political machine through the establishment of the Citizen Power Councils, headed by his wife, Rosario Murillo. These highly politi-

cized and hierarchical organizations came to overshadow many poorly-funded municipal governments as a source of social protection.

The election of 2011, as we will see below, opened the way for further consolidation of power and the slide into competitive authoritarianism. Although the election was seriously tainted, Ortega was able to capitalize on economic recovery ([Figure Nicaragua.3](#)) and clientelist benefits. This time, he won the presidency with over 60 percent of the vote and the Sandinistas gained unified control of the legislature with over two-thirds of the seats (see [Table Nicaragua.2](#)). With a unified government and legislative supermajorities, Ortega was in a position to extend and deepen the backsliding process. We turn to a closer examination of this process in the following section.

The Backsliding Process

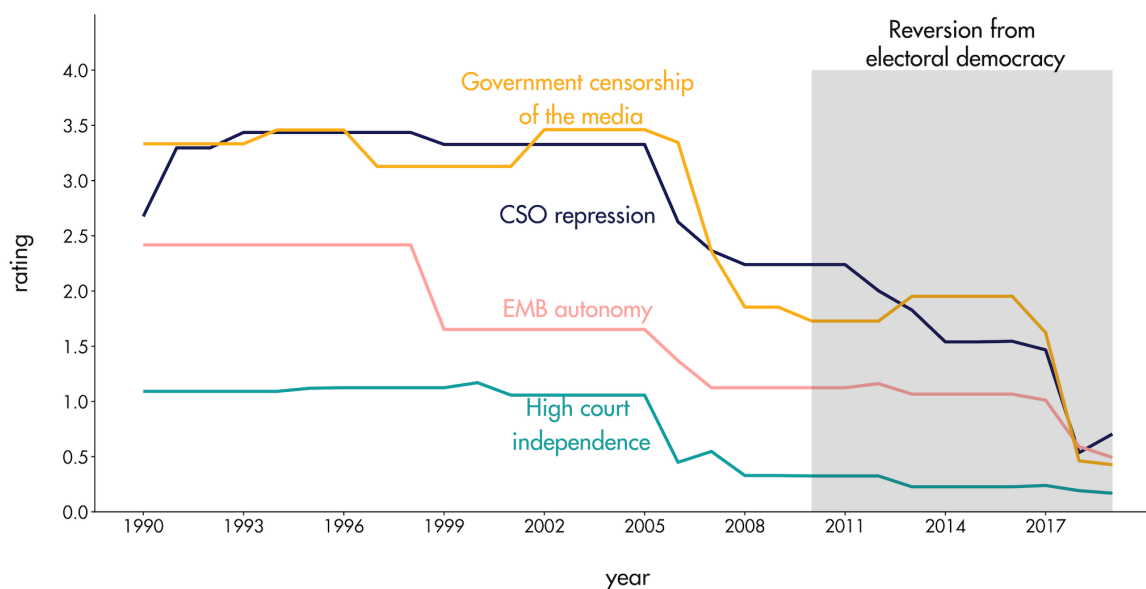
In his first year in office, Ortega made efforts to reassure foreign and domestic business investors of his intention to respect property rights and pursue moderate macroeconomic policies, but a number of his initial steps also presaged the backsliding process that would follow (Roberts 2008). He delegated extensive authority to his wife, Rosario, who in addition to her role as head of the Citizen Power Councils (CPS) was placed in charge of all government communication with the press. Critics complained of the tendency to favor left-leaning outlets while withholding information from the centrist media (Roberts 2008). Over time, Ortega was also able to deploy advertising revenue to establish direct control of about half of the media outlets, many of which came to be owned by his children (Colburn 2012). Such steps raised concerns about the “blurring of lines between party, state, and family that has occurred since Ortega took power, epitomized by his...preference for running the government from FSLN headquarters while he is still secretary-general” (Roberts 2008).

Such changes are registered clearly in [Figure Nicaragua.4](#), which shows sharp drops in estimates for press freedom after 2006. The autonomy of the Supreme Court and Electoral Authority also declined sharply at around the same time, a result of the power-sharing agreements and appointments with Alemán. civil society groups, which were being crowded out by the establishment of the Citizen Power Councils, also suffered increasing restrictions at about that time.

Our coding shows a full regression to authoritarianism around 2010. Because of our cut-off criteria (using liberal democracy scores including other parameters), this is not reflected clearly in the [Figure Nicaragua.4](#) trend lines. Nonetheless, further declines can be observed around 2013, when protests erupted over a project that would have allowed a Chinese company to construct a new cross-oceanic canal.

To an important extent, however, the absence of clear inflection points in the earlier years also reflects precisely the incremental character of the backsliding process, in which the cumulation of individual derogations aggregate in ways that blur the line between erosion within democratic regimes and regime change itself. Specific steps in this direction of outright autocracy were clearly evident by the late 2000s, however. In 2009, a subservient Supreme Court overturned constitutional restrictions on term limits, allowing Ortega to run for a second presidential term in 2011. In the election itself, the National Election Council followed with rulings that restricted the access of international organizations and civil society groups to polling stations, prompting the Carter Center to observe that the election was “the least transparent...in Nicaragua in the last 20 years...” (quoted in Thaler 2017: 159).

Figure Nicaragua.4 Backsliding in Nicaragua 1990–2019



The trend toward executive aggrandizement accelerated after the election. In 2014, following the protests over the canal project, the FSLN majority approved constitutional reforms that expanded the powers of presidential decree and gave the government wide discretion to use coercion against any person or entity deemed a threat to the state, society, or economy (Thaler 2017: 160). Even more important, the reforms signaled Ortega’s intention to remain in power over the long-run: the ruling party removed term limits entirely, allowing him to run for a third term in 2016.

With the assistance of the Supreme Court and the Election Council, the government also conducted the 2016 elections with a heavy thumb on the scale. Four months prior to the voting, the Supreme Court ruled that Eduardo Montealegre—the runner up in 2006—be disqualified as a candidate for the presidency and removed from his position as head of the opposition Independent Liberal Party. The government also prohibited international observers from monitoring the election, eliciting strong criticism from the Carter Center, which declared that “we lament this decision to ignore a key portion of Nicaragua’s own electoral law” (Thaler 2017: 160). In the event, Ortega claimed a majority of over 72 percent of the vote, and the FSLN increased its legislative majority to 70 of the 92 total seats. Ortega’s wife, Rosario Murillo, was elected vice president—another formal marker of her growing influence within the regime.

In the meantime, as oil subsidies from Venezuela began to dry up, the government began to rely on open repression to put down protests that began to erupt in the mid-2010s. Increasing conflict is registered in the upturn in anti-system movements and increasing social polarization shown in [Figure Nicaragua.2](#). In 2013 and 2014, Sandinista paramilitary groups mobilized to combat peaceful protests over corruption in the electoral system. The canal project met with a similar cycle of repression, after protests erupted

over corruption and the displacement of peasants along the projected canal route.

In 2018, this pattern of confrontation reached crisis proportions; not coincidentally, the economy also went into a tail-spin. A government proposal to cut back on pension benefits triggered marches and demonstrations by senior citizens. These were joined later by students with other grievances. The protests quickly escalated into challenges to the regime itself, leading to pitched street battles with police and militias. The Ortega government prevailed, at least temporarily, but only by deploying heavily armed military units and engaging in mass arrests, beatings, and extrajudicial killings. By the end of the decade, the authorities could no longer disguise the autocratic core that lay behind the veneer of democratic institutions.

Conclusion

In at least some respects, backsliding “from above” in Nicaragua bears a greater resemblance to the defensive adjustments made by many post-Soviet rulers in response to the collapse of their Soviet patrons, than to the more socially divisive backsliding dynamics of the majority of our other cases. In most instances, freely elected rulers deployed mass appeals and other instruments of democracy to subvert the system from within. In many of the post-Soviet cases, however, competitive authoritarian regimes emerged directly from elite efforts to establish new bases of legitimacy without actually surrendering autocratic controls (Levitsky and Way 2010). In effect, there was no “backsliding” in these cases, because there was no democracy in the first place (Levitsky and Way 2006).

Nicaragua does differ from this model, because it did experience a substantial democratic interlude during the 1990s and early 2000s. Ultimately, war weariness and poverty constrained popular involvement in the political process, and agreements between Liberal governments and the Sandinista leadership in the early 1990s quickly diffused lingering conflicts from the revolutionary period. Even during the democratic period, politics remained essentially an elite game, with the FSLN remaining as the best organized and most deeply-rooted political organization. In time, this provided the leverage for Ortega to exploit the divisions among his Liberal rivals and return to power. He professed moderation and democratic commitment at the onset of his comeback, but as was the case with his post-Soviet counterparts, democratic institutions served essentially as window dressing that could be manipulated to legitimize the concentration of authority. The autocratic control that underlaid this façade became increasingly evident in 2018, as Ortega turned more openly to coercion to repress opposition to his rule.

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POLAND

EROSION FROM LIBERAL DEMOCRACY, 2016–2019¹

Poland is identified as having an episode of backsliding from liberal democracy starting in 2016, clearly associated with the victory of the right-wing Law and Justice party (*Prawo i Sprawiedliwość*, or PiS) in the 2015 parliamentary elections. In those elections, PiS obtained an absolute majority in the country's parliament, the first party to do so since the democratic transition. The party leadership quickly exploited this advantage to initiate a wide array of constitutional and institutional reforms, as well as other policy changes that undermined liberal democracy on a number of fronts—including, most notably, by attacking the judiciary, restraining civil liberties such as freedom of expression, weakening horizontal checks on the executive, and in general, compromising the rule of law. The PiS was returned to office in general elections held in 2019, and we deem the backsliding episode to have continued through that time as a result.

As in Hungary, backsliding in Poland came somewhat unexpectedly, given the country's history: an early reformer with above average economic performance before and after the Global Financial Crisis; an apparently consolidated liberal democracy; and an early entrant into both NATO and the EU. Yet other features of the country's recent political history fit the sequence we have outlined. These include an increase in political polarization, the exploitation of large legislative majorities by a right-nationalist party to undertake significant institutional change, and an incremental process of dismantling horizontal checks—most notably, with respect to the judiciary, a weakening of opposition rights, and ultimately, an attack on the integrity of the electoral system as well.

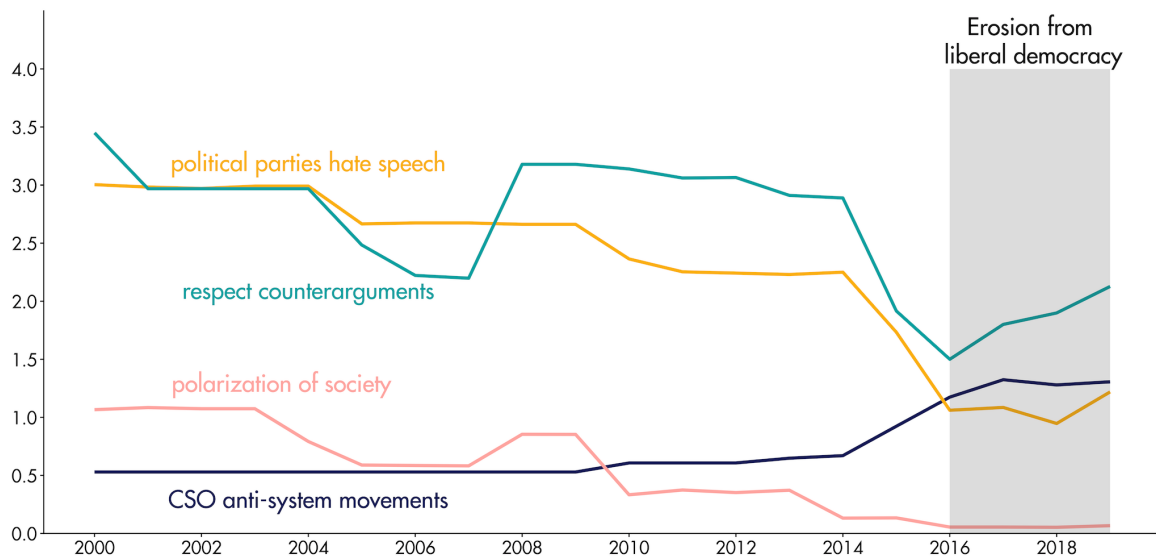
As in Hungary, the case also raises important issues about international context. PiS quickly formed a strong alliance with the Hungarian Fidesz party, developing a transnational Euroskeptic block and exploiting narratives centered on the recent migratory crises. Jarosław Kaczyński even promised “Budapest in Warsaw” (Sadurski 2018). As with Hungary, the way in which Poland evaded European censure—including with respect to allegations of outright rule-of-law violations under Lisbon Treaty's article 7—is an important aspect of the backsliding process (Przybylski 2018; Meunier and Vachudova 2018).

Polarization

Figure Poland.1 tracks polarization in Poland since 2000. First, while there is movement in several of the indicators in the middle of the first decade of the 2000s—particularly around the first PiS government in 2005–07—there are much sharper movements from 2014 onward in all four indicators. Particularly noteworthy are the drops in indicators of elite polarization: “respect counterarguments” and “political parties hate speech.” What is not captured in this graph, however, is that Poland is much more polarized than our EU benchmark on the most general of these indicators: polarization of society (**Figure Poland.2**), which shows confidence intervals around the point estimates). This measure shows a steady increase in polarization in Europe as a whole (measured as a decline in the particular measure), which Poland roughly tracks. However, the deterioration in Poland begins from a more polarized state—at least a full point higher on the scale as early as 2000—and hits the floor on this indicator five years prior to the onset of the episode.

¹Our thanks to Krzysztof Jasiewicz, Wojciech Sadurski, and Hubert Tworzecki for comments on this narrative.

Figure Poland.1 Polarization in Poland, 2000–2019

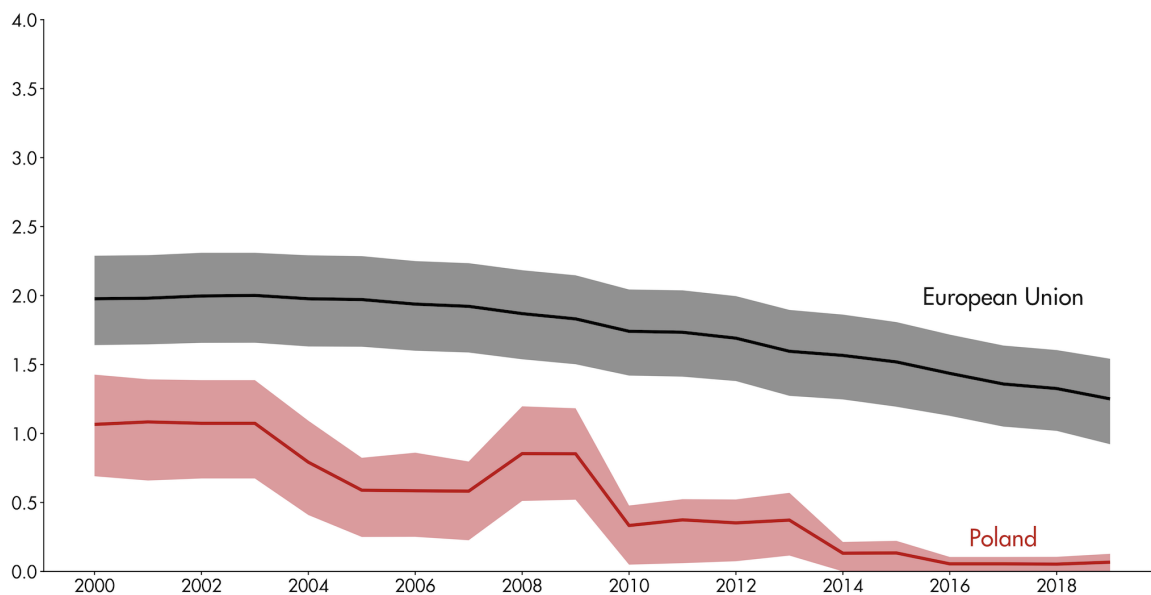


What are the sources of this polarization? Overall economic performance would not appear to be an obvious cause as it was in crisis cases such as Brazil and Greece. As in Hungary, the country underwent a deep transitional recession, but it was also an early reformer and recovered more quickly than its counterparts. Like Hungary, the country did underperform other Eastern European countries in the ten years prior to the Global Financial Crisis, but in contrast to Hungary, the country largely escaped the effects of the GFC, visible elsewhere in the region; further, the growth of the Polish economy under the incumbent Civic Platform (Platforma Obywatelska, PO) government was strong.²

What about the role of economic disparities or anxiety? Poland—like other Eastern European countries—witnessed an increase in inequality from the mid-1990s, with relative winners and losers from the massive economic transformation. As with Trump’s followers in the United States, Law and Justice voters are older, more rural, and less well-educated than their Civic Platform counterparts (Szczerbiak 2017). However, as Tworzecki (2019) documents, economic sources of polarization do not appear compelling given the country’s overall economic performance and relatively equal income distribution. Studies of support for the PiS, and voting behavior in the pivotal 2015 election in particular, find mixed evidence at best that individual-level economic factors were a determinant of support for the right (notwithstanding Ahlquist et. al. 2020 on the effects of the housing shock, see the broader results reported in Jasiewicz 2009; Markowski 2019; Tworzecki 2019). Nor are the direct effects of the migrant crisis a plausible explanation for the earthquake of 2015; although exploited as an issue by the PiS and parties to its right,

²The aggregate data shown in Figure Poland.3 does hide one important, if relatively targeted economic shock in 2015 that provided an opening for the PiS: a revaluation of the Swiss franc that dramatically increased mortgage costs for Polish households who had taken out loans in the foreign currency. Ahlquist et. al. (2020) show that this shock did have appreciable effects on both policy preferences and votes of swing constituents.

Figure Poland.2 Polarization in Europe and Poland, 2000–2019



Poland was among the most pusillanimous of all European countries and fell short of its quota of asylum seekers.

Rather, a number of analysts have drawn the conclusion that the sources of polarization in Poland can be found, to a significant extent, on the supply side: in the changing nature of PiS appeals and its drift toward open illiberalism (Jasiewicz 2008; Kubik 2012; Markowski 2017, 2019; Tworzecki 2019; and Jasiewicz 2020 for a succinct summary of recent Polish debates on the source of polarization). As early as the 2005 and 2007 elections, signs of growing party polarization were evident. As Jasiewicz (2008: 8–9) summarizes it, the Civic Platform “emphasized its commitment to individual liberties, procedural democracy, and entrepreneurial freedom as the basis of economic growth,” finding support in the major urban areas in the northwest of the country. The PiS, on the contrary, advanced ideas of social solidarity, and later ran on populist economic promises. Religion also played an important role in the polarization process, with the Catholic Church representing a powerful political actor. The PiS made openly religious appeals, and PiS voters consistently polled as more religious (Jasiewicz 2009; Markowski 2017; Tworzecki 2019). Analysis by Napieralski (2017) shows in detail how political Catholicism played a significant role in the country’s growing Euroskepticism as well.

The dimensions along which elites and voters polarized are the subject of significant debate, in part because they are complex and multiple (see particularly Markowski 2019; Pazderski 2019). The long absence from power between 2007 and 2015 allowed the PiS to nurture its right-nationalist ideas, some of which took on conspiratorial colors. The PiS tapped into populist ideas that combined economic nationalism, Euroskepticism, and resentment towards the political and business elites. PiS labeled governments headed by these elites the “Third Republic,” which was seen as corrupt, even criminal, and ul-

Figure Poland.3 Real GDP Growth in Poland and Eastern Europe, 1980–2019



timately a “post-Communist residua.” The plane crash of 2010 in Smolensk, which decimated the Polish political elite of both parties and killed Lech Kaczyński, was a defining event. Kaczyński served as president of Poland from 2005 until his death and was generally considered more moderate than his brother, Jarosław, exercising a restraining influence over the party’s strategy. The crash drew Jarosław—the effective leader of the party—in a darker direction. As Trump used birtherism, so did Jarosław Kaczyński use the Smolensk tragedy to mobilize his followers. The party even suggested that former Prime Minister Donald Tusk and former President Bronisław Komorowski had conspired to cause the tragedy.

Yet the party’s appeals were not just national-populist but also openly majoritarian. Even before the PiS ascent of 2015, PiS politicians “not only frequently challenge the legitimacy of the specific institutions of representative democracy (for example, other parties), but also, for a while, they vigorously championed a comprehensive ideology delegitimizing the whole post-Communist political order” (Kubik 2012: 84). By the end of the decade, these views with respect to liberal democracy had propagated to voters, with clear differences in support for democracy between PiS and non-PiS voters (Pazderski 2019).

As we will see in more detail below, the emergence of outsider parties did play some role in this process. Measures of polarization increased around the elections of 2005 and 2007. Between those two years, a PiS-led coalition governed, but in conjunction with two parties that were even more overtly populist in their orientation than PiS: Self-Defense of the Republic of Poland (*Samoobrona Rzeczypospolitej Polskiej*, SRP) and the League of Polish Families (*Liga Polskich Rodzin*, LPR). The 2015 elections also saw the entrance of some right-populist parties that we document below. However, developments in PiS—and within its leadership—were clearly pivotal. How, exactly, did the party system polarize?

The Evolution of the Party System

By 2005, the initial post-transition party system had gone through a realignment, driven by a corruption scandal (the “Rywin affair”) which permanently tarnished the post-Communist Democratic Left Alliance (see [Table Poland.1](#)). Until that time, two blocs had dominated parliament: the center-left and post-Solidarity electoral blocs. However, in 2001, the party system started to fragment and both of these groupings had ultimately imploded by 2005. By 2007, a new duopoly of Civic Platform and Law and Justice had emerged. In 2005, they accounted for only 51.1 percent of the vote between them. In 2007, this had risen to 73.6 percent and it stayed just short of that high in 2011 (69.1 percent). In the elections of both 2007 and 2011, however, Civic Platform bested the PiS decisively, governing for eight years in coalition with the center-right Polish People’s Party (*Polskie Stronnictwo Ludowe*, or PSL; sometimes also translated as the Polish Peasants’ Party).

Table Poland.1 Elections in Poland, 2001–2019 (vote share/seat share)

	2001	2005	2007	2011	2015	2019
Major Parties						
Democratic Left Alliance	41.0/47.0	11.3/12.0		8.2/5.9		12.6/10.7
Civic Platform	12.7/14.1	24.1/28.9	41.5/45.4	39.2/45.0	24.1/30.0	27.4/29.1
Law and Justice (PiS)	9.5/9.6	27.0/33.7	32.1/36.1	29.9/34.1	37.6/51.1	43.6/51.1
Significant populist parties						
Self-Defense of the Republic of Poland	10.2/11.5	11.4/12.2	1.5/0	0.1/0	0.03/0	
Solidarity Electoral Action	5.6/0					
Kukiz’15					8.8/9.1	
Significant far right parties						
League of Polish Families	7.9/8.2	8.0/7.4	1.3/0			
KORWiN					4.8/0	6.8/2.4

Note: Blank cells indicate that parties did not run candidates. Significant populist and far-right parties are those that secured more than 4.0 percent of the popular vote in at least one election.

The lower house (Sejm) has 460 seats. Numbers do not sum to 100% because of omission of smaller parties.

Source: Carr, *Psephos Election Archive*.

This duopoly dominated the political landscape and continued to do so in the 2015 and 2019 elections (61.7 percent of total vote share in 2015 and 71 percent in 2019). As we have argued, the drift of the PiS toward the right is a key factor in the polarization of the party system, but the post-2005 party system did see a significant amount of churning as new parties entered and exited, and some of those parties were on the extremes. In general, populist and far-right parties tended to be short-lived and marginal. In 2015, however, two more extreme parties garnered nearly 14 percent of the popular vote, signaling wider disaffection with Civic Platform rule. Kukiz’15, founded by rockstar Paweł Kukiz, combined elements of Euroskepticism with far-right populist narratives and managed to secure nearly 9 percent of both

votes and seats. KORWiN (the Coalition for the Renewal of the Republic – Liberty and Hope) captured nearly 5 percent of the vote and a corresponding number of seats on a platform that combined extreme libertarianism and strongly Euroskeptical views; the party even upped its vote share in 2019.

The PiS performance in the 2015 parliamentary elections was by no means overwhelming, at 37.6 percent of the popular vote (and that only in formal coalition with several smaller parties). In fact, the share of the popular vote obtained by parties in opposition to PiS, including not only Civic Platform but other parties that were broadly ideologically aligned (the PSL and Polska Razem, as well as a new centrist party, Modern), was actually higher than that of the PiS (40.4 to 37.6 percent).

However, the outcome reflected the strategies of the competing parties and the unintended consequences of the electoral system that generated a strongly disproportional result. The incumbent Civic Platform encountered competition from the newly-formed liberal party, Modern, which split the centrist bloc and led to a high percentage of wasted votes. The PSL, the junior partner in the outgoing government, had its worst result in 25 years (5.1 percent), just crossing the 5 percent threshold by a few thousand votes. The left also continued its disappointing run, exacerbated by a crucial strategic mistake: The Democratic Left Alliance and its partners made the decision to formally run as a coalition—with very minor parties—and thus had to meet an eight percent, rather than five percent, threshold. The Alliance consequently failed to win a seat for the first time in the country's post-transition history. This single error could have well made the difference between the PiS being in and out of office.

For its part, PiS softened its message, putting forward more moderate public faces. In the 2015 presidential elections, held in May, Jarosław Kaczyński decided to step back in favor of a more moderate candidate, Andrzej Duda, who narrowly won in the second round. He did the same after parliamentary elections a few months later; rather than assuming leadership of the party directly, Kaczyński operated behind the scenes with Beata Szydło, PiS vice-chair, assuming the prime-ministership. Yet there could be little doubt that the locus of power was centered not in the prime minister, but in the party leadership and, even more narrowly, in the hands of Kaczyński himself. Control of the party, as we will see, effectively gave Kaczyński control over the legislature and other levers of power within the bureaucracy.

As in other cases, electoral rules played an important role in the story by generating a markedly disproportionate result; high thresholds for both individual parties (5 percent) and coalitions (8 percent) were the ultimate sources of the disproportionality. With only 37 percent of the votes, PiS controlled an outright majority in the Sejm (51 percent) and a 61 percent majority in the Senate.

As the first time in Poland's post-transition history that a party exercised an outright majority, the election of 2015 was of profound institutional significance. The PiS quickly exploited this advantage to collapse any horizontal checks that the legislature might exercise on the shadow executive, which was centered within the party on Jarosław Kaczyński. The concentration of power was achieved in part through a variety of norm-breaking legislative procedures that Sadurski (2018: 46) has called "legislative fast-tracking." These techniques included ruling through private members' bills instead of governmental laws—40% of PiS proposals in 2016 belong to the former category—last-minute changes of the agenda; calling meetings at off hours; limiting speeches, readings and deliberations on bills; and bundling amendments. As Przybylski (2018: 58) argues, while previous governments also took a majoritarian approach in the Sejm, those governments "never voted on budgetary laws in a side room with access for opposition MPs blocked, as it has done under PiS. Nor did the PO [Civic Platform]-led government so often ignore

recommendations and proposed amendments from the parliamentary Bureau of Research, which for more than twenty years has provided MPs with reliable information and expertise.”

It should be noted that the 2015 electoral results for the lower house were broadly replicated in the 2019 elections, with PiS coming out with the exact same seat share but on the basis of an even more commanding majority of the popular vote (43.6 percent). However, the picture in the Senate complicated political life for the PiS. The PiS ended up with 49 seats to the opposition’s 47, but with four won by independents who allied themselves with the newly created Civic Coalition (of Civic Platform and Modern parties, formed at the time of the 2018 local elections). The PiS thus lost the control of the Senate and its agenda, which is set by a Speaker from the Civic Coalition (Koalicja Obywatelska, KO). Any Senate amendments to the bills passed by the Sejm can be overridden by a simple majority, but the process nonetheless could potentially slow the PiS juggernaut.

Backsliding

As in the other cases, we begin with an overview by considering four indicators that capture key components of democracy: derogations with respect to horizontal checks (high court autonomy), rights (CSO repression and media censorship), and the independence of the electoral monitoring machinery (EMB autonomy). It is worth noting that the changes visible from the mid-2000s correspond exactly with the first PiS government. Nonetheless, developments after the elections of 2015 are much more consequential (Fomina and Kucharczyk 2016; Grzymala-Busse 2019). Although Freedom House continues to consider Poland to be Free—in contrast to Hungary—the pattern in the two countries actually bears an uncanny resemblance. While Hungary shows between a one and one-and-a-half point drop on each of these indicators between the elections in 2010 and 2019, Poland experiences the same decline in the much more compressed 2015–2019 time frame. Government censorship efforts show the steepest and largest movement, but declines in all of the other indicators cluster quite clearly after the 2015 election.

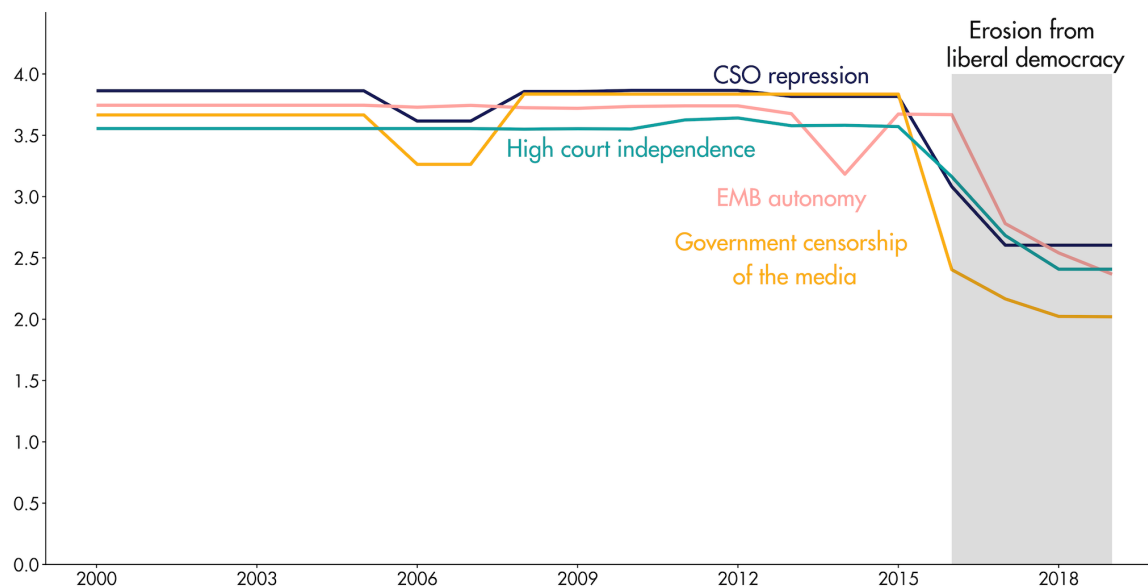
The Collapse of the Separation of Powers

As in Hungary, an early target of PiS “reforms” was the judiciary (see particularly Sadurski 2018, who also emphasizes the incremental nature and extraordinary complexity of the legal changes, involving hundreds of discrete pieces of legislation). Tracking the V-Dem indicator measuring attacks on the judiciary, however, underlines both the dramatic nature of the changes in Poland as well as the fact that they occurred from levels that not only matched but exceeded European Union norms; Poland appeared to be a “consolidated” democracy.

An official European Commission press release (2017) summarizes an extraordinarily complicated set of maneuvers as well as growing European concerns about backsliding and the decline in the rule of law:

“Despite repeated efforts, for almost two years, to engage the Polish authorities in a constructive dialogue in the context of the Rule of Law Framework, the Commission has today concluded that there is a clear risk of a serious breach of the rule of law in Poland. [...] Judicial reforms in Poland mean that the country’s judiciary is now under the political control of the ruling majority. [...] Over a period of two years, the Polish authorities have adopted more than 13 laws affecting the entire structure of the justice system in Poland, impacting the Constitutional Tribunal, Supreme Court, ordinary courts, National Council for the Judi-

Figure Poland.4 Backsliding in Poland, 2000–2019



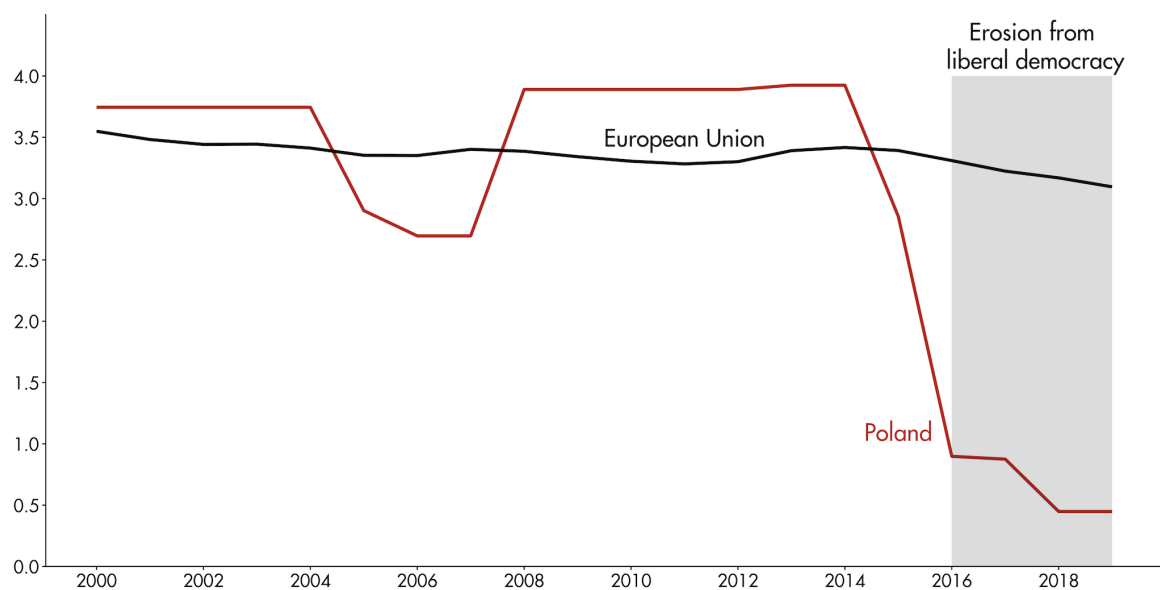
ciary, prosecution service and National School of Judiciary. The common pattern is that the executive and legislative branches have been systematically enabled to politically interfere in the composition, powers, administration and functioning of the judicial branch. ”

These efforts unfolded incrementally (Sadurski 2018 provides a detailed summary). In 2017 and 2018, parliament passed three government-backed judicial reform laws that expanded the power of the government vis-à-vis the judiciary. President Duda signed one of them, granting the justice minister the power to hire and fire district, regional, and appellate court judges; the powers were quickly deployed. Duda initially refused to sign the other two bills into law, but later signed amended versions that pursued many of the same objectives.

As in Hungary and a number of other backsliding cases, complex institutional changes with respect to the bodies appointing the judiciary had the effect of collapsing the division of powers. The law governing the National Council of the Judiciary (KRS) allows the Sejm—rather than fellow judges—to elect a majority of the Council (15 of 25), which in turn plays a key role in appointments and dismissals to both the Supreme Court and the regular judiciary. As in Hungary, the Supreme Court law, which came into effect in 2018, lowered the mandatory retirement age, with the effect that fully 40 percent of sitting members were forced to retire. The law simultaneously allowed the Polish president to grant a five-year extension to whomever they deemed worthy; this law was subsequently found illegal by the European Court of Justice (Walsh 2019).³ The law also created two additional chambers of the Supreme Court: the Chamber

³ A similar effort was undertaken in the general court system and with retirement ages that were lower for women than men, an effort that was also deemed illegal by the ECJ.

Figure Poland.5 Attacks on the Judiciary in Poland, 2000–2019



of Extraordinary Control and Public Affairs and the Disciplinary Chamber. The law established a system of special appeals on vague grounds and gave the president expanded influence over the appointment of the Supreme Court president as well as the Court's rules and structure.

An equally complex set of machinations surrounded 2015 regulations governing the Constitutional Tribunal (CT), which rules on the constitutionality of legislation, some of which was passed in June, prior to the elections, and others in November and December under PiS rule (the following draws closely on Jasiewicz and Jasiewicz-Betkiewicz 2016). The June and November amendments regarded the selection process for CT judges, and therefore related to fundamental issues on which the Tribunal itself had the prerogative to review. The Tribunal ruled that the choice of two of the five judges elected on the basis of the June amendments was unlawful, but the other three were elected properly. Yet, President Duda effectively refused to acknowledge the court ruling. The case was brought before the Tribunal by a number of state bodies, with support from both lawyers and civil society advocates for judicial independence; foreign observers also expressed concerns. Nevertheless, the objections were rejected by the PiS majority in the Sejm, the government, and President Duda, who failed to execute the CT rulings; rather, the Sejm responded by adopting even more extensive amendments with respect to the Tribunal.

These measures have not gone unopposed, both by the courts and by the EU. The Constitutional Tribunal itself ruled the effort to weaken its powers unconstitutional, in open defiance of the government. The Supreme Court's Labor Chamber ruled that "the KRS is not an impartial and independent body, while the Disciplinary Chamber [of the Supreme Court] is not a court within the meaning of EU and national law" (Freedom House 2019).

The European Commission has also been involved, first launching infringement procedures over the Supreme Court law; the Sejm retreated by passing legislation reinstating the retired judges as of December 2018. In 2019, the ECJ ruled twice more that aspects of the law on retirement age had breached EU law. In April 2019, the European Commission launched a second infringement procedure over the so-called Disciplinary Chamber and in June, the ECJ's advocate general issued an opinion with respect to the KRS reforms. In October, the European Commission formally referred Poland to the ECJ over the Disciplinary Chamber. As of this writing in early 2020, the European Court of Justice had issued a decision that the Disciplinary Chamber should be suspended. However, PiS legislation sought to muzzle judges that questioned these institutional changes and the new PiS government contemplated a raft of further reforms that were also quickly called into question by the EU.

Political and Civil Liberties and Media

As in Hungary, a central front in the attack on political and civil liberties has been the media. Poland's media are historically pluralistic and mostly privately owned, although with clear signs of becoming more and more polarized and siloed over time (Chapman 2017: 6–8). However, the public media has come under effective PiS control, the government has used its regulatory and advertising power to favor pro-government sources, and opposition media voices have faced scrutiny and increasing censure.

As in other backsliding cases, the government quickly exploited its appointment and regulatory powers for political ends. The Council of National Media is elected by the president and had three PiS representatives, but those appeared to fall directly under the influence of the party leadership centered in Jarosław Kaczyński. As Sadurski (2018: 12) summarizes in his detailed study of the early backsliding process, the Council overwhelmed the media space with a slew of new regulatory decisions: “It adopted inter alia resolutions concerning removals of the President of the Management Board of Polish Television, the members of the Management Board of the Polish Press Agency, the President of the Board of Polish Radio, the members of the Board of Polish Radio as well as resolutions creating new advisory boards and new statutes for public broadcasters. Between 2 August 2016 and 4 January 2018 it has adopted no less than 107 resolutions.” As we have argued, regulatory appointments to top bodies generate further appointments and in ways which dismantle horizontal checks on executives and violate prior norms. For example, the National Broadcasting Board, a constitutional body with broad oversight powers with respect to television and radio, was staffed entirely with PiS acolytes in contrast to traditions that permitted opposition representation. The Board quickly signaled its intent with respect to coverage by imposing fines on TVN-24, a private station, for reporting demonstrations around the parliament in December 2016; although subsequently annulled, the message was sent.

TVP, the public television broadcaster, quickly fell under central government direction and essentially became a mouthpiece for the regime, taking up polarizing themes such as portraying critical NGOs as tools of foreign forces. In 2019, public television openly supported the ruling party's campaigns in the European and parliamentary elections and subsequently sought to fire journalists willing to take more independent views. Moreover, state-controlled companies have used their advertising budgets to direct resources to allies among the private media outlets that support the PiS government (Chapman 2017). Advertising revenues and even subscriptions have been used to punish adversaries.

In 2019, the PiS leadership reiterated promises to pass a law “deconcentrating” and “repolonising” private media by reducing foreign ownership, a clear effort to reduce the influence of German-owned me-

dia that have been critical of the PiS government. These efforts were neither hidden nor clandestine; PiS's election manifesto in 2019 explicitly called for a "new media order" including "self-regulation" of journalists. As in other backsliding cases, defamation suits are an increasing tool to muzzle the media altogether. Reporters without Borders reports that as of 2020, courts were using article 212 of the criminal code, "under which journalists can be sentenced to as much as a year in prison for defamation, although the civil code offers citizens all the protection they need if they are defamed." The Warsaw daily *Gazeta Wyborcza*—which has continued critical coverage of the government—is the leading target of government lawsuits. Controls on the press extended to an effort, ultimately scaled back, to defend the "good name" of Poland and its people against any accusation of complicity in the Holocaust.

Attacks on other core rights—for example, of assembly—have been subtler, but in 2019 Freedom House had downgraded the country from the top score of 4 in this dimension to a 3. Murkowski (2018: 49–50) details how an amendment to the Peaceful Assembly Statute effectively privileged nationalist, historical, and religious gatherings over oppositional ones. An extensive report by Amnesty International (2018) elaborates on the pressures facing antigovernment protesters that took to the streets in 2017 to oppose what amounted to PiS constitutional changes with respect to the judiciary; the government reactions included use of force against demonstrators, the surveillance of activists, and the use of police custody and criminal charges to deter. In 2019, these issues crystalized around efforts on the part of the LGBTQ+ community in Poland to stage gatherings, which local governments sought to squelch.

The Electoral System

While outside observers, such as the OSCE, did not find evidence of misconduct in the 2015 elections, PiS subsequently undertook a major reform of the electoral system that bore a strong resemblance to its actions in other domains (Marcinkiewicz and Stegmaier 2018). The law effectively increased the government's control over electoral and ballot procedures and instituted changes in the composition of the Polish National Election Commission and, equally if not more important, the National Electoral Bureau, which is the administrative arm of the Commission. Rather than the Commission being composed of nine judges, appointed by the presidents of the three top courts in the country, the seven members of the Commission will be appointed by the Sejm, with only two coming directly from the judiciary. Although the law appears to provide representation from the opposition within the Sejm, it is the control over the judiciary that nearly guarantees dominance of the body. The Commission, in turn, would appoint the head of the Electoral Bureau from among candidates submitted by the Minister of the Interior, a portfolio, of course, controlled by PiS.

These and the other measures outlined above combine to make the assessment of the integrity of the electoral system difficult even for professional outside monitors. While the OSCE monitoring of the 2019 elections concluded that they were largely free and fair, they were also constrained to note that judicial reforms had left a "lack of trust in prosecutors and courts to handle election-related complaints independently"; that "regulations on campaigning by public officials and on the use of state resources in election campaigns remain insufficient"; and that "nationalist and homophobic rhetoric gave rise to a sense of threat." The OSCE mission also noted that voters' ability "to make an informed choice was undermined by a lack of impartiality in the media, especially the public broadcaster," which PiS had effectively transformed into a government mouthpiece during its previous term (cited in Freedom House 2019).

Conclusion

As in Hungary, an important question is why the EU could not put a brake on Polish backsliding (Przybylski 2018; Meunier and Vachudova 2018). Despite the similarities, support for the EU in Poland is even stronger than in Hungary (a 72–21 percent favorable to unfavorable view in Poland in 2018 as compared to a 57–39 share in Hungary; Wike 2019). The dynamics, however, are otherwise similar. As of January 2020, Poland and the European Commission remained locked in a standoff over changes in the laws governing the judiciary that date to 2017. Given the stresses in the EU in the wake of Brexit and the political support Poland—and perhaps others—can ultimately provide within the EU, there is little prospect that Brussels is in a political position to reverse the deterioration in the rule of law without a shift in sentiment among Polish voters.

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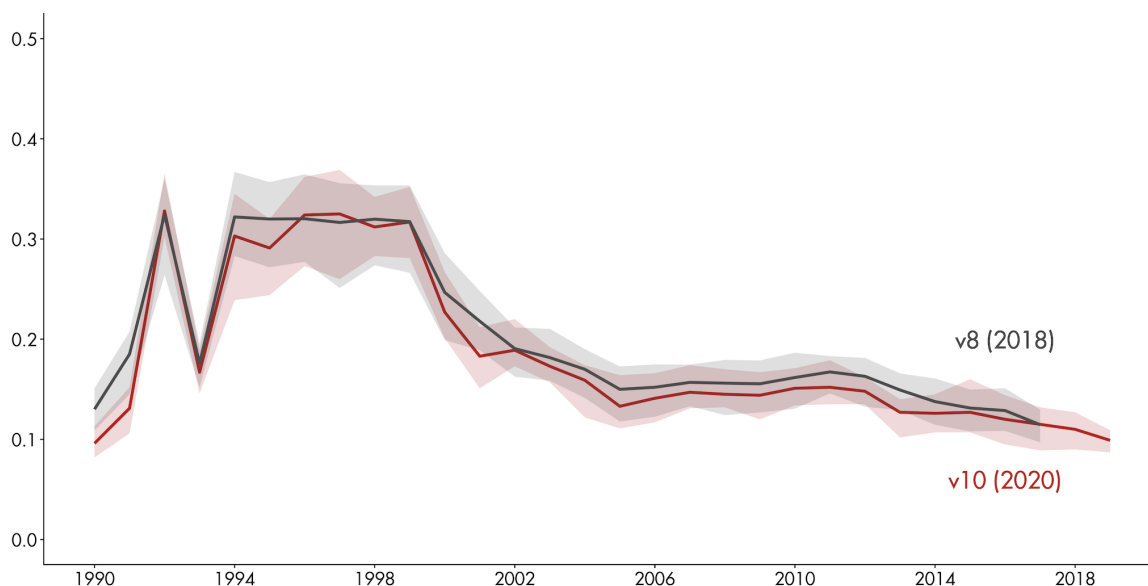
RUSSIA

REVERSION FROM ELECTORAL DEMOCRACY, 2000–2019¹



Considering Russia as a backsliding case confronts one problem from the outset: whether it was ever a democracy to begin with. This question is contested, and views have changed over time, even in the dataset that we have used to frame this project. Figures [Russia.1](#) and [Russia.2](#) show V-Dem liberal and electoral democracy scores from v.8 of the project (2018)—which we used in initial case selection—and v.10 (2020), which we used for assessing developments in 2018–2019. As is apparent from considering these figures together, the change in the composition of the index resulted in changes in the evaluation of the Yeltsin years (1991–1999) in the v.10 electoral democracy scores. While the 2018 version of the dataset (v.8) shows eight years of electoral democracy (.5 or higher), crossing the threshold for this study—if just barely—v.10 shows the country crossing that threshold only in 1992–93. Using v.10 data, Russia would not qualify as a backsliding case.

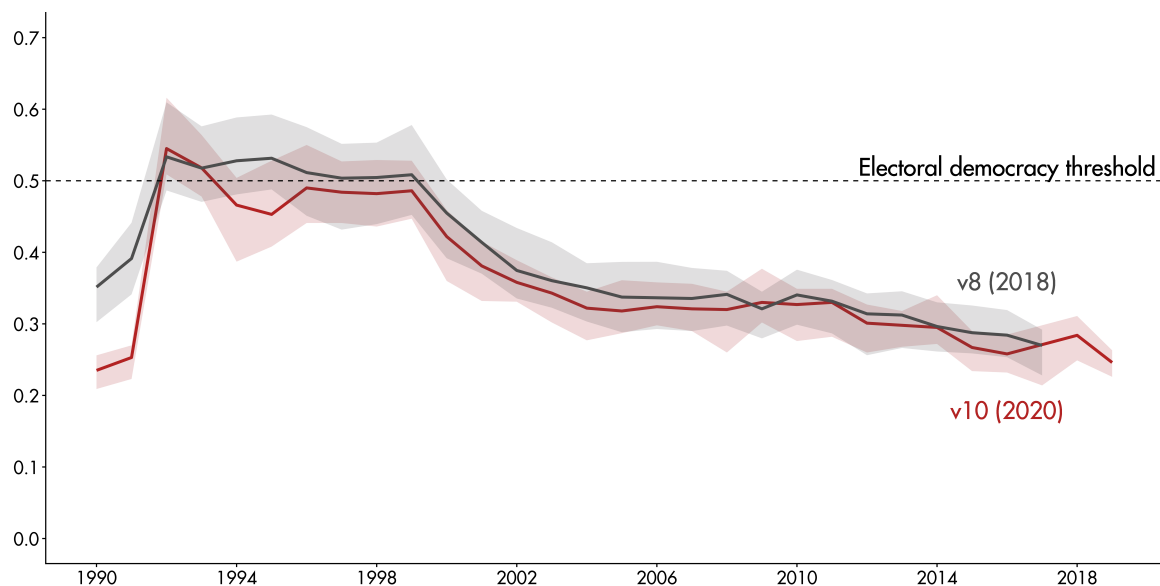
Figure Russia.1 Liberal Democracy Scores in Russia, 1990–2019



These observations are not simply an artifact of indicators and arbitrary thresholds but reflect a long-standing debate about the nature of post-Soviet Russian politics in the 1990s. Cautious hopes for Russian democracy expressed during the early years of the Russian transition (e.g. Roeder 2001; McFaul 2001; Bunce 2003; Shleifer and Triesman 2004) were sharply contested by others even at the time (see especially Fish 2005). Referring to the elections of the 1990s, Fish argued that they did not even meet minimal electoral democracy standards and were riddled with too much fraud and coercion to be called free. It was also wrong, he argued, to assume that Russians enjoyed adequate political and civil liberties to

¹Our thanks to Mikhail Alexseev, Henry Hale, Phil Roeder, and Daniel Treisman.

Figure Russia.2 Electoral Democracy Scores in Russia, 1990–2019



express their political views without fear or make informed political choices. According to this view, Russia of the 1990s was at best a competitive authoritarian regime which subsequently slid back into autocracy, resembling the late Soviet system in significant aspects.

Whether or not Russia should be considered democratic during the 1990s, however, there is little doubt that the de facto liberalization and pluralism of the Boris Yeltsin era gave way in the 2000s to the concentration of power around Vladimir Putin. By the mid-2000s, a scholarly consensus had gelled that whatever was left of Russian democracy had slipped away (see Stoner-Weiss 2010 for a review). Notwithstanding the discrepancy between assessments of electoral democracy in the v.8 and v.10 data sets, the decline in the liberal democracy scores—which we use to identify backsliding episodes—is unambiguous. Moreover, this starts precisely in 2000, the year of the election that brought Putin to the presidency.

Our decision to treat Russia as a backsliding case is also motivated in part by Russia's global importance as a spur to democratic recession and by the fact that many of the forces that we have identified as typical of the backsliding process pertain as well. We see evidence that economic crisis and deep polarization and resulting disaffection with democratic rule played a role in the consolidation of political power even under Yeltsin. Similar disaffection laid the groundwork for Putin's ascent. His political appeal increasingly drew on right-nationalist narratives and majoritarian appeals as well as national security tropes. As in other backsliding cases, legislative victories by a "party of power"—as well as state control over economic resources and patronage—ultimately served to weaken horizontal checks and aggrandize Putin's personal power.

As in other cases, backsliding happened incrementally. Although visible from Putin's first term, it extended over nearly two decades of Russian political life and encompassed all of the core elements we have identified: the removal of horizontal checks, including with respect to term limits; frontal assault on rights; and continual meddling with the electoral system. It is also important to note that as in other cases of outright reversion, the means of maintaining power hardened over time, with increasing reliance on surveillance and coercion in Putin's third and fourth terms (2012–2018; 2018–present).

Phases of Polarization: The Yeltsin and Putin Years

Polarization: The Yeltsin Years (1991–1999)

The transition that opened the way for the rise of Boris Yeltsin and the collapse of the Soviet Union can be traced to Gorbachev's attempt at reform communism, a project that combined political liberalization with piecemeal economic reform (perestroika and glasnost). Support for Communist rule collapsed over the course of 1990, when living standards fell dramatically for the first time following the initiation of the reforms (Treisman 2011b: Ch. 2). The reform Communist space disappeared amidst bitter conflicts that pitted reactionary Communist forces that Gorbachev never completely mastered—evident in the coup of August 1991—against the demands from an array of opposition forces for complete democratization and more radical economic reform.

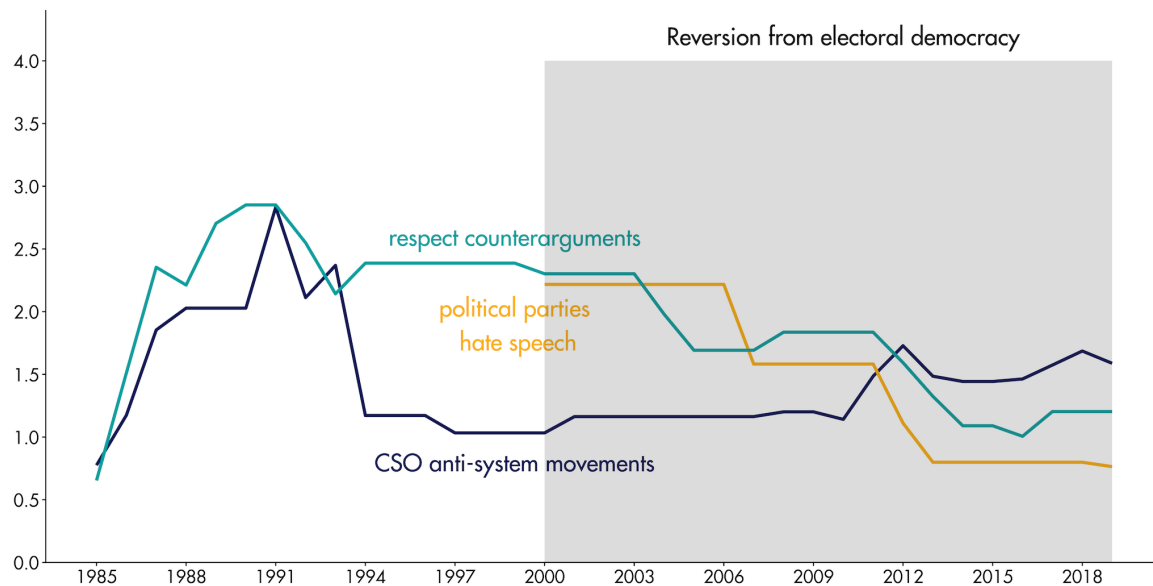
Although the early Yeltsin years were clearly liberalizing and democratizing when compared with the status quo ante, the country was also highly polarized during this phase of the transition: the period during which the Soviet Union gradually collapsed and Russia emerged as an independent state under Yeltsin's leadership. Political and economic reform had constituted the core of the opposition platform, yet almost from the outset of his reform efforts, Yeltsin faced pushback from the Congress of People's Deputies and beyond. The legislature was not only motivated by the struggle over institutions—whether the president or parliament would have the upper hand—but also by pressure on legislators from state-owned enterprises, collective farms, economic bureaucrats, and regional leaders. These political forces sought support from the government and a return to the soft budget constraint of state socialism. In addition, the deep sense of loss on the part of Russian nationalists and chauvinists—and an aversion to liberal Western triumphalism—played strongly into the ideological stew.

Although V-Dem data on the polarization of society does not begin until 2000, the contradictory tendencies of the early Yeltsin years are captured well in trends in the “respect counterarguments” and “CSO anti-system movements” indicators (see [Figure Russia.3](#)). Respect for counterarguments increased during the late Communist period and into the early post-transition period as de facto and de jure liberalization made the political system more open. But social mobilization increased dramatically in the years prior to the collapse of the Soviet Union as well, peaking first in 1991 and including both nationalist forces in the Baltics (Beissinger 2002) as well as pro-democracy and reform forces in Russia. Counter-mobilization against the new government was also a feature of the political landscape, peaking in 1993 around the standoff between Yeltsin and the Congress of People's Deputies.

Although the “polarization of society” indicator is available only from 2000, v.10 of V-Dem introduced a second polarization indicator (“political polarization”) that we can track from 1985. [Figure Russia.4](#) shows both of these indicators as well as their (relatively large) confidence intervals.² As can be seen,

²The “polarization of society” variable is rescaled so that increases in the indicator are associated with greater polarization.

Figure Russia.3 Polarization in Russia, 1985–2019

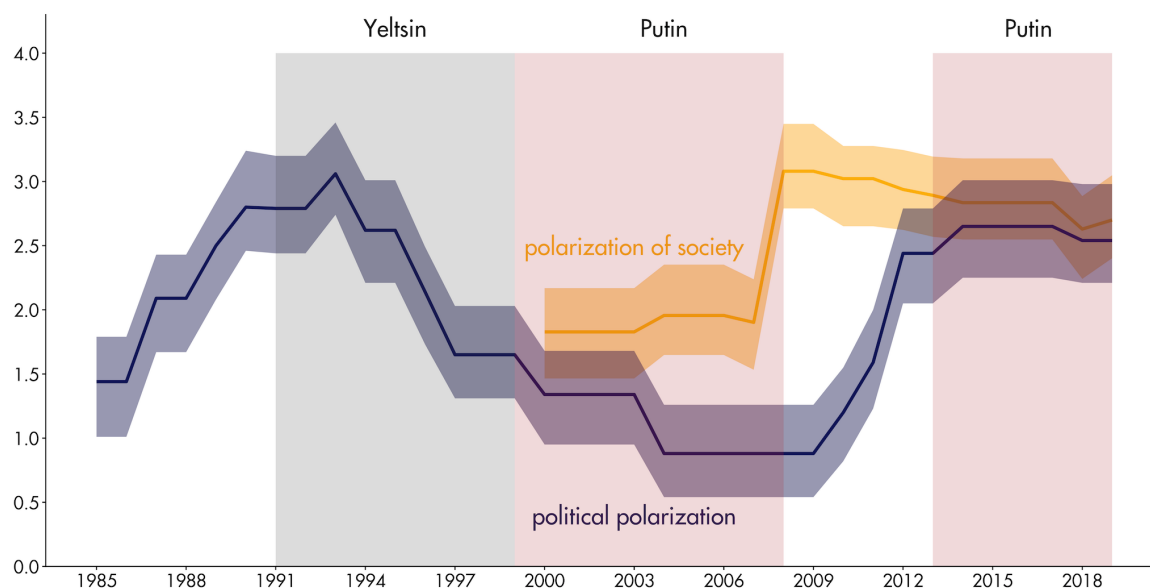


political polarization rises in the Gorbachev era, peaks in the early Yeltsin years, and then subsequently subsides under Putin, reflecting the broad support he enjoyed and his ability to position himself in a shifting political center.

On what issues did Russian society divide? As in all of the socialist regimes in transition, the economy was obviously a central point of contention, largely between reform forces and those associated with the ancien regime or otherwise disadvantaged by the transition from state socialism (Frye 2002, 2010). The early Russian reforms remain the subject of bitter controversy, particularly over whether they were appropriately designed and supported by the international community (for example, compare Cohen 2000 and Aslund 2007). For our purposes, however, the most important point is that the program taking effect in early 1992 did not manage to pull Russia out of its traumatic transitional recession; to the contrary. The lifting of price controls in early 1992 generated a near-hyperinflation, and growth did not turn positive until 1997—and then just barely—before a financial crisis struck in 1998 (Figure Russia.5). These reforms also created a new class of entrepreneurs—the largest of which were known as the “oligarchs”—and provided opportunities for those with transferable skills. Studies of elections held in

The “political polarization” variable is based on the question “Is society polarized into antagonistic, political camps?” V-Dem offers this clarification: “Here we refer to the extent to which political differences affect social relationships beyond political discussions. Societies are highly polarized if supporters of opposing political camps are reluctant to engage in friendly interactions, for example, in family functions, civic associations, their free time activities and workplaces.” Responses are coded 0: Not at all. Supporters of opposing political camps generally interact in a friendly manner. 1: Mainly not. Supporters of opposing political camps are more likely to interact in a friendly than a hostile manner. 2: Somewhat. Supporters of opposing political camps are equally likely to interact in a friendly or hostile manner. 3: Yes, to noticeable extent. Supporters of opposing political camps are more likely to interact in a hostile than friendly manner. 4: Yes, to a large extent. Supporters of opposing political camps generally interact in a hostile manner.

Figure Russia.4 Measures of Political Polarization in Russia, 1985–2019



1995–96 showed sharp class differences in political preferences, with entrepreneurs, managers and the intelligentsia more likely to side with the reformers, while those identifying as working class tended to stick to the Communist Party (for example, Whitefield and Evans 1999).

While Russia polarized into competing camps, the anti-reform forces were rooted in a “red-brown coalition” that combined disaffected Communists with the nationalist—and ultranationalist—right. Russia was clearly a case in which the old guard—in the form of a reconstituted Communist Party—was powerful (Frye 2002, 2010), but there is also a rich literature on the growth of right-wing extremism in post-transition Russia. It existed among émigrés; in the Orthodox Church as religious identification and church attendance surged; in the Cossack movement; in anti-Semitic and anti-Zionist political forces; and, as noted, in the Communist Party itself. In the early 1990s, organized right-nationalist tendencies were most visible in Vladimir Zhirinovskiy’s ultranationalist Liberal Democratic Party (LDPR), which had a strong showing in the 1993 legislative elections. The far right was even anchored at the extreme by neo-Nazis, such as Alexander Barkashov and his Russian National Unity (for early assessments of the far right and its variants see Laqueur 1993; Umland 1997; Shenfield 2001 on Russian “fascism”; Parland 2005 on the link to far-right ideas in the West). Other signs of right-wing extremism were in ample evidence as well. For example, militias born of these political tendencies engaged in social violence against journalists and other reform forces in the standoff between the Congress and the president in 1993.

Thus, although Yeltsin’s most significant political opponents during this period—for example, in both the 1991 and 1996 presidential elections—were Communists, the Communists also made far-right and nationalist as well as nostalgic appeals. As Treisman (2011b) summarizes the 1996 presidential campaign, Zyuganov offered a message for the “true believers” full of “paranoid populism, endorsing an

Figure Russia.5 Real GDP Growth in Russia, 1991--2019



anti-capitalist, anti-Western, Anti-Semitic crusade against Yeltsin's backers, the 'insatiable carnivores' of the 'comprador bourgeoisie.'" As noted above, Yeltsin only barely edged Zyuganov in the first round (35.3 to 32.0 percent) and Zyuganov managed to secure 40 percent of the vote in the second round; as we will see, parties identifying with liberal ideas gradually imploded and by 2004 were nowhere to be seen.

These economic and political circumstances naturally put stress on democracy itself, another consequence of polarization we emphasize in *Backsliding*. Poll results in 1999—the very end of the Yeltsin era—showed that more than 90 percent disapproved of his performance (Treisman 2011a). But polls taken immediately following the 1996 election also found that 71 percent saw the pre-perestroika economic system positively and fully 60 percent viewed the Soviet political order positively. The late Yeltsin years were associated with a decline in support for core democratic institutions as well (Petrov and Ryabov 2004 but see also Colton and McFaul 2002). The multiple sources of dissatisfaction—economic collapse, national humiliation, rising separatist tendencies, and violence within Russia itself—provided fertile grounds on which Putin could subsequently build.

The Rise of Illiberal Nationalism under Putin

Exploiting a demand for strong leadership, Putin initially positioned himself as a reformist who sat in the middle of the ideological spectrum; as we have noted, polarization appeared to decline in his first two terms. Two ideological themes were present from the outset: a stated desire to rebuild a strong Russian state and narratives of national humiliation and a desire to return to the world stage.

Foreign policy issues—from Chechnya to wars in Georgia, Ukraine, and Syria, and the annexation of Crimea—played a recurrent role in Putin’s domestic political appeal.

As we argue in *Backsliding*, polarization is not only an antecedent to backsliding; it can also emerge as a consequence of an autocrat’s strategy to mobilize political bases of support. Developments under Putin can be tracked using the polarization measures reported in [Figure Russia.4](#). The polarization of society measure shows a sharp (and in our view, anomalous) decrease in 2008, the year of the election that brought Medvedev to power. The path of these indicators diverges after 2010, and they are arguably misleading, as Putin’s overall approval ratings remain high, particularly following the annexation of Crimea. Yet there are other indicators of increasing polarization around the 2011–2012 election cycle, as the liberal opposition to the regime—now a distinct minority—resurfaced, and Putin resorted to increasingly divisive political appeals centered on “traditional values” and to more open repression as well.

It is impossible to discuss these internal political developments in Russia under Putin, however, without reference to Putin’s increasing antipathy to U.S. foreign policy and the gradual emergence of an explicitly illiberal nationalism as the ideological foundation of the regime (see for example, Hassner 2008). Throughout his time in office, Putin has used these themes to make exactly the kind of stark “us-them” distinctions that are defining features of political polarization. Particularly during the 2011–2012 electoral cycle, Putin strengthened his claims that opposition political forces were not only corrupted by foreign values but reflected outside interference.

Strains between the United States and Russia have historically been bipartisan—evident under the Clinton, Bush, and Obama administrations—but broke into the open toward the end of Putin’s first term (2000–2004). Putin’s initial policies toward the U.S.—on Bush’s abandonment of the Anti-Ballistic Missile Treaty, in expressions of solidarity after 9/11, and in acceptance of a U.S. presence in Central Asia—were all conciliatory. His initial response to the 2002 invitation to further expand NATO was also muted, although the inclusion of the three Baltic states—formerly parts of the Soviet Union—was later revived as a particular point of irritation.

By 2003, however, Putin was emphasizing the role of sovereignty as an inviolable proposition and vigorously protested the U.S. invasion of Iraq and the circumvention of the Security Council, where Russia retained a veto. U.S. responses to the Rose and Orange revolutions in Georgia (2003) and Ukraine (2004), however, posed a more direct, existential challenge; in the latter in particular, Putin had placed highly visible public bets on the succession of Viktor Yanukovich to the presidency (see the Ukraine case study in this appendix). A more openly anti-American rhetoric followed and, not coincidentally, came with the steady tightening of domestic political controls (McFaul 2018: 68–69). This tendency in foreign policy broke into the open in a particularly searing critique of the United States offered at the Munich Security Conference in February 2007 (Putin 2007). Putin aired a variety of grievances, from unilateral interventions, to NATO expansion, to missile defense plans for Europe. This statement of Putin’s foreign policy principles was a prelude to the 2008 war with Georgia and increased tensions over the Arab Spring and Libya intervention. In his 2012 campaign, this new focus gelled even more strongly around foreign threats and invocation of the memory of foreign invasion, from Napoleon to Hitler, which reached its crescendo in the annexation of Crimea and intervention in eastern Ukraine in 2014.

The important point for our purposes is that U.S.-Russia relations were repeatedly played for domestic political advantage, increasingly grounded in an openly anti-liberal ideological posture. At the level of foreign policy, this ideology was known in the 1990s as Eurasianism (Laruelle 2008; Stent 2019, 33–43), which had combined a sceptical approach to the West and a commitment to reconstruct relationships with Russia's near abroad; Primakov's Eurasianism, for example, was opposed to the Atlanticism of Kozyrev. In Putin's second term, these ideas were even formalized by Vladislav Surkov under the moniker of "sovereign democracy," a concept that sought to seize the democratic label while simultaneously positing an ideological alternative to liberal ideas. The ideological intricacies of this concept go far beyond our purposes here, and it was jettisoned under Medvedev (Casula 2013 for a review). However, it bore a clear family resemblance to the kinds of right authoritarian populism visible in other backsliding cases, particularly in Hungary, Poland, and the Balkans. Particularly after Putin returned to the presidency in 2012, he grounded these ideas even more strongly in a commitment to conservative "traditional values" against external influences seeking democratic and liberalizing changes; not surprisingly, measures of polarization start rising from around this point.

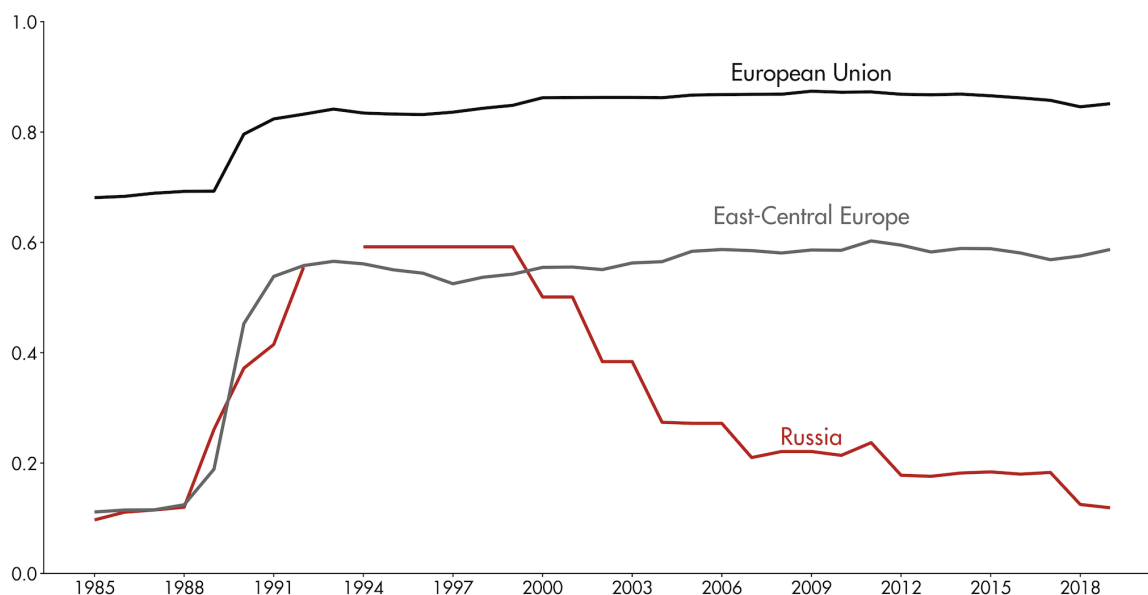
Fraud in the parliamentary elections of 2011 triggered several waves of protest against the regime and new efforts on the part of Putin to identify his opponents as operating at the behest of malign foreign powers. Not coincidentally, a new "traditional values" framework entered the domestic political debate in the wake of the parliamentary elections and following Putin's return to the presidency in 2012. Putin signed two laws in 2013 that were exemplary of the new conservative turn: one banning "propaganda of nontraditional sexual relations" and one with respect to blasphemy. We return to these issues in more detail below.

Elections, Legislative Politics, and Presidential Dominance

As in the other backsliding cases, elections played an important role in the expansion of executive power during both the Yeltsin and Putin years. Elected to the Russian parliament and ultimately assuming its chairmanship, Yeltsin had pushed a constitutional amendment to create a Russian presidency, which he won in 1991 in commanding fashion. He was re-elected in 1996 in a dramatic comeback from near-political death. Particularly during 1991–93 and again in 1998–99, however, the legislature posed a significant constraint on the executive (although not to the extent visible in Eastern Europe or the EU; see [Figure Russia.6](#), using the executive constraints index explained above). Yeltsin stared down those constraints, ultimately dissolving parliament and securing support through a 1993 referendum for a new Constitution that significantly expanded executive power. Yet while Yeltsin enjoyed the benefits of a powerful presidency, he failed to form an effective electoral machine that could provide legislative support.

The appointment of Putin first to prime minister, then to interim president in 1999, set the stage for the presidential elections of 2000. Once in office, Putin enjoyed the benefits of a strong presidential system; in our view, legislative constraints on the executive had already weakened with the 1993 Constitution, although the legislature did attempt an impeachment of Yeltsin in 1996. Unlike Yeltsin, however, Putin also gradually gained effective control over the legislature elected in 1999, both by squeezing regional elites, co-opting them into his "party of power," and by racking up electoral victories. As can be seen in [Figure Russia.6](#), the capacity of the legislature to act as a check on the executive began a secular decline almost immediately on his assumption of the presidency. The second electoral cycle in 2003–04 yielded even more decisive victories in both the legislative and presidential elections. Nominally ceding the

Figure Russia.6 Legislative Constraints on the Executive in Russia, 1985–2019



presidency to Dmitri Medvedev from 2008 to 2012, Putin returned to the office in 2012. Legislative majorities under the president's control continued to provide support for the ongoing backsliding process: the gradual delegation of additional powers, a steady weakening of horizontal checks, an attenuation of rights, and the corruption of the electoral process.

The Yeltsin Years 1990–1999

One of Gorbachev's late reforms was the creation of a Congress of People's Deputies to replace the old Supreme Soviet. Although opposition parties were prohibited from running as such, the opposition gained a foothold in the body in the elections of March and April 1989. More consequential were the regional elections, and particularly those in the Russian Federation in 1990. Again, parties other than the Communist party were banned from running as such, but the emergent Democratic Russia movement gained a presence. At both the Soviet and Russian levels, the parliament effectively operated as two bodies. Voters elected a Congress of People's Deputies (Soviet or Russian), which met only every few months. Then the Congress elected from within itself a subset of deputies to serve in the Supreme Soviet (with several hundred members), which met more continuously. Yeltsin was not only elected, but became Chairman of this body. With the dissolution of the Soviet Union, the Congress effectively became the legislature of the Russian Federation.

Using that position as a launch pad, Yeltsin engineered a constitutional amendment to create a Russian presidency. In the presidential election of June 1991, he went on to secure 57.3 percent of the popular vote on a platform of radical economic reform and on the claim that he was the only person standing between the people and a return to communism. The next closest contender, the top Communist Party

candidate (there were four), secured only 17 percent of the vote (Table Russia.1). With the collapse of the coup against Gorbachev in August 1991, in which Yeltsin played the dramatic role of leader of the resistance atop a tank, the days of the Soviet Union were numbered. Yeltsin banned the Communist Party and expanded his powers, particularly by developing the office of the Russian presidency and by creating a Security Council. He also initially got the Congress—elected during the Soviet era—to overwhelmingly vote in his favor, granting him the power to appoint and suspend regional governors and, for one year, to issue decrees that would supersede national laws. The Congress of People's Deputies then voted to pass his economic reform package as well.

Table Russia.1 Presidential Elections in Russia, 1991 and 1996 (candidate/percentage of popular vote)

	1991	1996, First Round	1996, Second Round
Top candidate	Yeltsin, 57.3	Yeltsin, 35.3	Yeltsin, 58.3
Second candidate	Ryzhkov, 17.2	Zyuganov, 32.0	Zyuganov, 40.3

Source: Carr, *Psephos Election Archive*

Ultimately, the impasse over economic reform between the president and the Soviet-era parliament came to a head in the crisis of 1993: the dissolution of parliament and the ultimate use of force against the congressional holdouts. Yeltsin invited the members of the legislature, as well as the regional governors, to participate in the constitutional conference. The body broke down when the regional governors would not agree to the government's constitutional draft. The resolution of the crisis in Yeltsin's favor fundamentally changed the political balance of power and set the stage for a referendum on a new Constitution. The Constitution dramatically strengthened presidential powers (Metcalf 1996; Weisman 1995 in particular, on the weak separation of powers; Sheinis 2004) and provided the legal foundations for many of Putin's excesses. Among the important institutional changes were the elimination of the legislative presidium and the strong parliamentary chairmanship, thus effectively shifting a variety of powers to the presidency. These included the power to dissolve the Duma (albeit for cause), control over all ministerial appointments other than that of the prime minister³, wide-ranging decree powers, and a dramatic decline in the capacity of the legislature to exercise oversight. In an important move, the new Constitution also stripped the ability of the Constitutional Court to adjudicate on its own initiative, a response to its unsuccessful efforts to play a role in the constitutional rifts between Congress and the president over the course of the year (Sheinis 2004; Trochev 2008).

Yet Yeltsin, as noted, never succeeded in building an effective legislative party. New legislative elections in 1993—on terms set entirely by Yeltsin—produced a transitional parliament, which only served to expose the widespread voter discontent and polarization described in the previous section. The election was conducted under new electoral rules, with half of the 450 seats chosen in single-member districts and the other half through proportional representation. The top vote-getting party in the PR competition was the ultranationalist Liberal Democratic Party, headed by Vladimir Zhirinovskiy, which secured 22.9 percent of the vote. Yeltsin's Russia's Choice, headed by the liberal reformer Yegor Gaidar, barely outpolled the Communists (15.5 to 12.4 percent).⁴ Support for Yeltsin's new party was even lower in

³The upper house confirmed the Procurator General.

⁴While the Constitutional Court upheld Yeltsin's ban of the Communist Party in 1992, it also upheld the right of new

the single-member districts, where Russia's Choice got only 6.8 percent of the popular vote (albeit 10.7 percent of seats). Nearly half of all representatives were elected as independents, mostly from the Soviet nomenklatura (McFaul and Petrov 2004).

The Duma elections of 1995 and 1999 showed similar polarization and fragmentation (Table Russia.2). Four points stand out. In both 1995 and 1999, the Communist Party secured over 20 percent of list votes, winning 34.9 percent of seats in 1995 and 25.3 in 1999; indeed, it was with their cooperation that Putin was assured a legislative majority through 2002. A second point is that while Zhirinovsky's ultranationalist party saw a fall-off in support as voters turned toward the Unity party, he still managed to secure over 10 percent of votes and seats. The third point is that parties we would associate with liberal democratic tendencies did poorly: Yabloko, appealing to professionals and segments of the intelligentsia, and Democratic Choice of Russia, the one unabashedly urban, liberal and pro-Western party. As we will see, these parties virtually disappeared by the time of the 2003 elections.

Table Russia.2 Legislative Elections in Russia, 1995 and 1999 (popular vote and seat shares)

	1995 Elections				1999 Elections			
	Party list popular vote share	Party list deputies seat share (225 seats)	Single-member deputies seat share (225 seats)	Total seat share	Party list popular vote share	Party list deputies seat share (225 seats)	Single-member deputies seat share (225 seats)	Total seat share
Communist Party	22.7	22.0	12.9	34.9	24.3	14.9	10.4	25.3
Yabloko	7.0	6.9	3.1	10.0	5.9	3.6	0.9	4.4
Union of Right Forces*	12.0	0	2.0	2.0	8.5	5.3	1.1	6.4
Liberal Democratic Party	11.4	11.1	0.2	11.3	6.0	3.8	0	3.8
Unity					23.3	14.2	2.0	16.2
Fatherland – All Russia					13.3	8.2	6.9	15.1
Our Home – Russia	10.3	10.0	2.2	12.2	1.2	0	1.6	1.6
Smaller parties / independents	49.6		22.9	22.9	18.6	0	25.3	25.3
Unfilled seats						2.0	2.0	

*In 1995, Democratic Choice of Russia and other right-wing parties, including Forward Russia!, Pamilova-Gurov-Lysenko and Common Cause.

Source: *McFaul 2004*.

communist parties to form, including the communist rural spinoff, the Agrarian Party of Russia which got another 8 percent of the vote.

The final and most important point worth noting about the legislative elections is the emergence of what Colton and McFaul (2000) call the “parties of power.” Parties of power are formed to advance the electoral chances of prominent candidates or incumbents; in 1995 Our Home – Russia was headed by Yeltsin’s prime minister Chernomyrdin. In 1999, however, two new parties of power emerged. The first, Fatherland – All Russia, represented a coalition of regional officials seeking to parlay their strength at the center; this challenge was to preoccupy the early Putin years. Shortly after the emergence of the Fatherland – All Russia coalition, the Kremlin created Unity to weaken challengers to Putin and to strengthen his chances (Reissinger and Moraski 2017: 40–41). The fluidity of the party system is indicated by the fact that this party—of which Putin was not even a member—went from nothing to 23.3 percent of the vote in 1999.

Informal networks of economic power emerging out of the chaotic privatization process superimposed another layer of complexity on the political process. The oligarchs who emerged from privatization and the diversion of assets from the Communist Party constituted important new centers of economic and political power that operated with a substantial degree of independence during the 1990s. Putin eventually proved masterful in gaining control over the oligarchs, manipulating both access to rents and selective coercion to create what Hale (2015) calls a “patronal” political structure. A turning point in this regard was the dismantling of the energy giant Yukos after 2003 and the transfer of many of its assets to state- and crony-owned companies (Treisman 2010; see also Dawisha 2014, Hale 2015). Under Yeltsin, however, the effects of oligarchs on the political system was arguably more mixed and placed substantially greater constraints on the power of the president. While some were associated with Yeltsin and his so-called “Family,” others remained powerful actors in their own right, and some backed further political as well as economic reform.

Equally if not more problematic for the government, finally, were the fissiparous tendencies emanating from the regions in Russia, which—like the Soviet Union—was itself a federation (Reissinger and Maroski 2017). Yeltsin initially enjoyed the power to appoint governors, but his early populist appeals for regional governments to take on “as much autonomy as they could bear” provided incentives for greater independence, particularly for those with natural resource wealth. Direct regional elections, mandated in 1996, further strengthened the power of regional politicians. From 1994 to 1998, Yeltsin was forced to negotiate a patchwork of bilateral pacts—in effect, treaties—outlining the relative responsibilities of the center and the regions, typically to the detriment of Moscow. Indeed, it was the inability of Chechnya to sign such an agreement that resulted in the disastrous First Chechen War (1994–1996), a conflict Putin would use to his political advantage in building popular support and bringing the regions themselves under control.

The Rise of Putin and the Consolidation of Power I: Economic and Foreign Policy Context

Although Putin initially became prime minister, acting president, and finally, president in a highly compressed sequence of events in 1999–2000, he came in as an outsider in the context not only of the fragmented political system outlined above but perceptions of a wider collapse of state power. The return of the mismanaged insurgency in Chechnya and terrorist episodes—including a series of grisly bombings of apartment complexes in Dagestan, Moscow, and the Rostov region—provided Putin the opportunity to exploit security fears. Subsequent economic developments also proved propitious. Putin’s popularity was initially buoyed not by oil but by a recovery from the 1998 financial crisis, which saw improved exports, new capital inflows, and a degree of domestic protection provided by the drop in the value of

the ruble (Figure Russia.5).⁵ In 2000, just as the positive results of the crisis-induced devaluation were beginning to appear, Putin's approval rating soared to about 85 percent. His numbers were to remain at extraordinary levels through virtually the entire backsliding episode; indeed, through 2018 they dipped below 70 percent only slightly in 2011–2013 before spiking again on the annexation of Crimea.

Subsequent presidential elections effectively became referenda on the Putin presidency or—in the 2008 election of Medvedev, organized to circumvent term limits—on Putinism. What is striking about these referenda is the commanding majorities he engineered vis-à-vis the closest contenders, whom he outpolled by “shock and awe” margins. These ranged from 23.8 percentage points in 2000 to a high of 64.9 percentage points in 2018. As early as the 2004 election, serious contenders were not even bothering to contest; in one election, Liberal Democratic Party leader Vladimir Zhirinovskiy sought to make a statement by running his bodyguard in his place.

Despite these margins, the effects of economic downturns and foreign policy gambits did affect Putin's electoral fortunes. In the first half of the 2000s, the rebound from the financial crisis of 1998 was gradually augmented by the effects of the oil boom. Russia faced the exact same shocks as other autocratic regimes during the global financial crisis: a sharp decline in oil prices, a slowdown in capital inflows, and a weak recovery in the early 2010s. These economic events naturally had an effect on Putin's popularity. United Russia and Putin had their weakest electoral performance in the legislative and presidential elections of 2011–2012; moreover, as we will see, the regime faced a wave of protest in the wake of the 2011 legislative elections.

Table Russia.3 Presidential Elections in Russia, 2000–2018 (candidate/percentage of the vote)

	2000	2004	2008	2012	2018
Top candidate	Putin, 53.0	Putin, 71.1	Medvedev, 70.3	Putin, 63.6	Putin, 76.7
Second candidate	Zyuganov, 29.2	Kharitonov, 13.8	Zyuganov, 13.8	Zyuganov, 17.2	Orudin, 11.8

Source: Carr, *Psephos Election Archive*

The foreign policy gambits of 2014–15—the involvement in Ukraine, the annexation of Crimea, and the engagement in Syria—appeared to boost Putin's popularity, but the nationalist strategy proved highly costly in economic terms. Growth had already begun to slow as Putin was assuming office for his third term, but ground to a virtual standstill in 2014 before turning sharply negative in 2015. Nonetheless, a modest economic rebound and prolonged decimation of the opposition combined to produce his most commanding electoral victory to date in 2018. Not until 2019 did Putin once again face serious challenges from civil society; we take up these developments in the conclusion.

How did Putin manage this fundamental makeover of the Russian political system? An important strand of research on the early Putin years highlights the growing role of the security apparatus (the *siloviki*; see Kryshatanovskaya and White 2003; Soldatov and Borogon 2010; Renz 2006 for a more skeptical view).

⁵Oil and gas constituted about 40–50 percent of state revenues and roughly 70 percent of exports during the 2000s, somewhat less than in Venezuela.

The military stood down from a political role after its intervention in support of Yeltsin in 1993. The KGB/FSB, however, provided an important base for Putin's rise to power, and as we have seen, he aggressively exploited security issues to political ends. By the end of the 2000s, there were nearly two dozen of these *silovye ministerstva*—literally “ministries of force.” But personnel from security backgrounds also occupied a wider range of state positions and were increasingly turned to the task of actively undermining any independent centers of political, civil, or economic power. As more active opposition resurfaced at the end of the 2000s, it was increasingly exposed not only to legal restraints but also to outright intimidation by both public security forces and a shadowy mafia of their supporters.

Nonetheless, as in other backsliding cases, Putin's electoral performance and control over the legislature played a crucial role in the consolidation of power. To achieve this control required a complicated and prolonged confrontation with regional political forces that had flourished in the late Yeltsin years.

Early in his first term, Putin began this effort by creating seven supraregional districts headed primarily by former generals and KGB officers. The purpose was to take control of federal agencies in their jurisdictions in order to limit their capture by regional power brokers that had gotten footholds during the Yeltsin era. The next step was to weaken the Federation Council, the upper house of Russia's parliament, which provided at least some representation for the regions at the center. Russia's 89 regions held two seats each in the Federation Council. Regional legislatures named one member, and regional executive branches appointed the other, with regional legislators and governors often appointing themselves. In 2000, Putin had the law changed so that each of those officials was required to choose someone else to be the member. Reforms also made it hard for the upper house to block legislation, and the permissive fiscal pacts of the Yeltsin era were restructured. Further legal changes made it difficult to form regional parties and the shift to an all-PR system in 2007 effectively eliminated the ability to run as an independent.

In 2001, Fatherland – All Russia—the regional party of power formed in 1999—agreed to merge with Unity to create United Russia. Putin then sought to bring Russia's governors and key regional elites into this newly created party machine (Reuter and Remington 2009; Reuter 2010). As Reisinger and Moraski (2017) document, the new party became the vehicle for assuring electoral victory not only at the federal level, but in regional and local elections as well. Along with other moves collapsing checks on the executive, this system was known as the “power vertical.”

As Putin's popularity grew, United Russia provided the foundation for continued aggrandizement of executive power. The share of legislative seats controlled by pro-government parties increased from about 18 percent in 1999 (Fatherland – All Russia and smaller allies) to 58 percent in 2003 ([Table Russia.4](#)). If bandwagoning by independents is taken into account, United Russia effectively controlled two-thirds of the seats in the Duma, with A Just Russia—a Kremlin creation—capturing another eight percent of votes and seats. The independent liberal parties, Yabloko and the Union of Right Forces (SPS), as well as the largest independent party on the left, the Communist Party of the Russian Federation, withered. Other independent parties—including the Republican Party and the Popular Democratic Union, as well as those of the Other Russia coalition—were later prohibited from even registering.

In addition to these legislative advantages, Putin gained leverage from his overwhelming presidential election victories as well, including the 70-plus percent victory in 2004. By this time, there was mounting evidence of outright fraud in the electoral system; with the governors now flipped, they played the role of ensuring turnout and votes. The report from the Organization for Security and Co-operation in Europe

(OSCE) on the elections provided evidence of Soviet-style outcomes (BTI 2005): Dagestan (turnout, 94.1 percent; share of votes for Putin, 94.6 percent), Mordovia (94.6 percent; 91.3 percent), Bashkortostan (89 percent; 91.8 percent), Ingushetia (96.2 percent; 98.2 percent), Tatarstan (83.2 percent; 86.5 percent), and Chechnya (94 percent; 92.3 percent).

Enjoying both popular and legislative support, Putin had gained virtually unchecked control over legislation, appointments, and even constitutional amendments. In effect, the business of the Duma was handled entirely by processes internal to the Kremlin and its United Russia partner. Following the 2003 elections, Putin removed the immunity of Federation Council politicians from criminal prosecution and exposed them to executive threat. New legislation further weakened regional bases of opposition by empowering the president to dismiss governors and regional legislators under a variety of pretenses. Finally, following the horrific hostage-taking episode in Beslan in 2004 in which over 300 died, the government revoked the right to elect governors altogether.⁶

Under United Russia, the Duma then fundamentally rewrote electoral laws, moving from a system in which half of all seats were elected in single-member districts to a party list system. Given that electoral opposition had already withered, it is hard to argue that these changes themselves undermined the opposition. It would also be wrong to suggest that proportional representation was any more or less democratic than a single member district system. However, in the Russian context, the shift to PR strengthened central control, further weakened regional political elites, and permitted the corrupt practice of buying seats on the party list. Thresholds for entry into parliament were raised from five to seven percent, the formation of blocs was prohibited, and state funding was made proportional to vote share. The electoral law reform also had the indirect effect of making election monitoring more difficult, since only parties competing in the elections were allowed to provide observers, with international observers permitted by invitation only.

These political moves culminated in 2007 with the stacking of the electoral commission and outright electoral fraud. With the oil boom in full gear, Putin gained control of 78 percent of legislative seats (Treisman 2011a). The fate of the Union of Right Forces—a liberal party that failed to win representation in the two previous parliamentary elections because of the high electoral threshold—was reflective of Putin's popularity and the demise of the opposition: after the legislative-presidential election cycle, the party disbanded. By late 2008, the number of registered parties had fallen from 35 (in late 2006) to 14 (NIT, 2009) before increasing again following a European Court ruling in the 2011–12 electoral cycle. In 2008, Putin effectively sidestepped term limits by handpicking his presidential successor while becoming prime minister. With only three hand picked opponents allowed to stand, Medvedev secured nearly the same share of the vote in the 2008 elections as Putin had in 2004—over 70 percent—in what was effectively a referendum on Putinism (Lukinova, Myagkov and Ordeshook 2011 on the role of outright fraud).

⁶Direct regional elections for governor were reintroduced in 2012, only to almost immediately be whittled away by an indirect electoral process.

Table Russia.4 Legislative Elections in Russia, 2003–2016 (popular vote and seat share)

	2003	2007	2011	2016*
United Russia	38.0/49.1	64.3/70.0	50.2/52.9	55.2/76.2
Communist Party	12.8/11.3	11.6/12.7	19.5/20.4	13.6/9.3 (Communists of Russia, 2.3/0)
Liberal Democratic Party	11.7/8.2	8.1/8.9	11.8/12.4	13.4/8.7
Motherland – National Patriotic Union	9.2/8.2			
Union of Right Forces	4.0/0.7			
Yabloko	4.4/0.9	1.6/0	3.5/0	2.0/0
A Just Russia		7.7/8.4	13.4/14.2	6.3/5.1
Smaller parties and against all	14.7/5.1	5.5/0	1.6/0	7.1/0.7
Other*	5.1/16.4			

Note: Blank cells indicate that parties did not run candidates. Includes all parties receiving greater than 4 percent of popular votes or seats. Threshold for PR seats is 5 percent in 2003, but with half of the legislature chosen in single-member districts. PR threshold in 2007 elections is 7 percent, with all seats chosen by PR.

*“Other” in 2003 included a large number of nominally independent candidates who won single-mandate seats and then subsequently flocked to Putin.

Source: Carr, *Psephos Election Archive*.

The 2011 legislative elections were the most sharply contested of the Putin presidency, with three parties picking up enough supporters or protest votes to capture 10 percent vote shares: the Communist Party, at nearly 20 percent, and A Just Russia and the Liberal Democratic Party with just over 10 percent each. However, it is worth underscoring that while the vote share of United Russia fell, gains did not accrue primarily to the more liberal opposition parties (Yabloko and A Just Russia); the Communist Party and the far right Liberal Democratic Party enjoyed even larger gains.

In the wake of the legislative elections, the country saw a wave of protest. Nonetheless, at the end of Medvedev’s presidential term, Putin again stood for the office under new two-term rules, now with six-year terms; effectively, the stage was set for twelve more years of Putin as president. The 2012 campaign rested on strong nationalist and traditionalist appeals outlined above, and he secured 63.5 percent of the popular vote. Following the pattern of earlier elections, Putin subsequently put together legislative coalitions around a host of restrictive legislation, moving the country further into hard authoritarian territory outlined in more detail below. These included limits on public assemblies, the re-criminalization of libel, an expanded legal definition of treason that included involvement in human rights issues, and expansive control of internet content and foreign ownership of media. On the basis of this openly illiberal platform—buttressed by outright fraud—Putin scored his largest electoral triumph

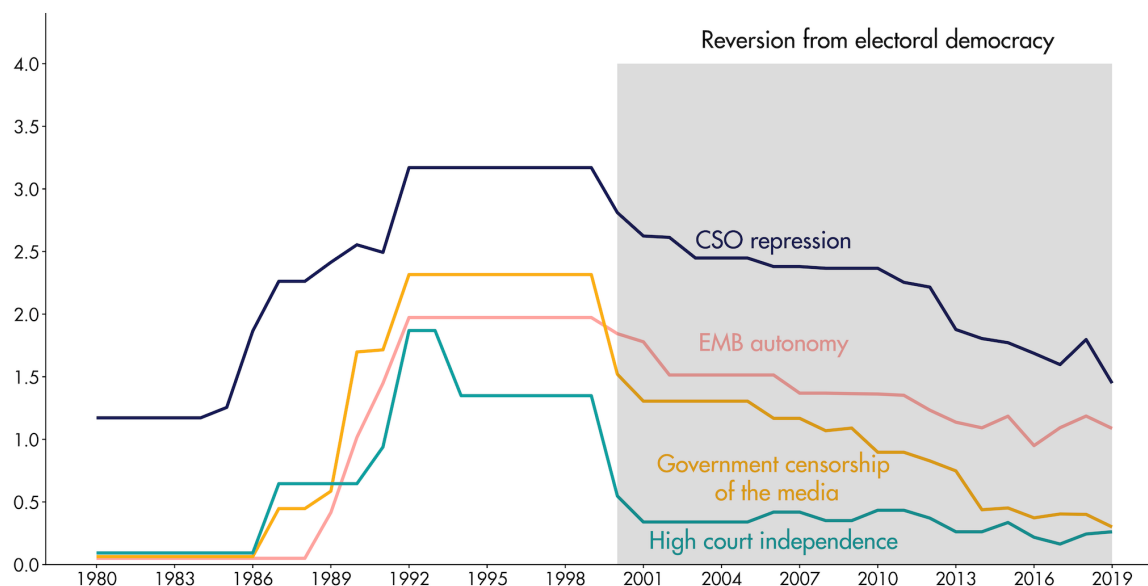
yet in the presidential elections of 2018, with over 75 percent of the vote.

Backsliding

Figure Russia.7 reports the components of democracy we use to track the backsliding process; we consider the broad sweep of the transition, starting in 1980, to capture the gradual liberalization of the Gorbachev era, the plateau of the Yeltsin years (except for the deterioration in high-court autonomy as a result of the 1993 Constitution), and the changes in the Putin era. It is worth underscoring again that many of these scores were low to middling to begin with, reflecting the fragility of democratic institutions under Yeltsin. However, as we have seen above, it is also clear that indicators of democracy fell under Putin, and in stages (see also Figures Russia.1 and Russia.2). Scores declined markedly on all measures in the 2000–2002 period, the early years of Putin’s time in power. They then saw a more incremental decline through the end of Putin’s second term in 2008.⁷ Indicators of backsliding then stabilized under Medvedev, or even improved toward the end of his term, as he undertook several liberalizing reforms. After Putin assumed the presidency again in 2012, however, scores once again drifted downward in an incremental fashion. This phase of Putin’s rule is punctuated by a series of foreign policy moves—in Ukraine, Syria, and vis-à-vis the United States—that provide the backdrop for a more repressive stance against the domestic opposition.

To simplify the story, we divide our discussion into two stages: Putin’s first and second terms and early Medvedev years (2000–2010); and the period from the onset of the 2011–2012 cycle of legislative and presidential elections, which set the stage for Putin’s third (2012–2018) and fourth (2018–) terms.

Figure Russia.7 Backsliding in Russia, 1980–2019



⁷Freedom House downgrades Russia from Partly Free to Not Free in 2005.

Putinism I: 2000–2010

As in other backsliding cases, the electoral mandate of the leader—particularly in a strongly presidential system such as Russia’s—and his control of a pliant legislative coalition provided the institutional foundations for subsequent steps to further consolidate power. In the foregoing section, we detailed how those powers were deployed to reshape the political arena and stifle electoral opportunities for the opposition. But these moves were by no means the only ones in the autocratic toolkit, with control of the media and restraints on civil society as equally important first steps. Although we see evidence of backsliding from the very onset of the Putin regime, the horrific school siege in the city of Beslan in September 2004 provided a further opportunity to go after opponents and crack down on the media and civil society.

Russian media underwent an incredible renaissance in the 1990s, as entrepreneurs, editors, and journalists operated in a surprisingly open space created by the collapse of Communist rule. Putin, by contrast, could be seen as exemplary of what Guriev and Treisman (2019) have called the new “informational autocrats,” who rely as much on the control of information as outright coercion. As in other backsliding cases, control of the media environment sent an early signal of Putin’s intentions, both with respect to the flow of information and to the newly emergent media tycoons (See Ostrovsky 2015 for an overview). At the onset of his presidency, TV was the most influential media source, and the state-owned RTR could be counted as politically loyal. In August 2000, however, Putin exploited the government’s 51 percent holdings in Channel 1 (ORT) to force Boris Berezovsky to sell his shares and leave the country. This left NTV—controlled by yet another tycoon, Vladimir Gusinsky—as one of the only remaining independent media sources, and it had backed Yavlinsky during the 2000 presidential race. In May 2000, the government used control over tax investigations, irregularities in privatization, and effective default on a large loan from Gazprom to go after Gusinsky as well, who was arrested, later freed, and emigrated to Israel. The pattern repeated with attacks on TV-6, which was ultimately closed. As in other backsliding cases, the political economy of the media, and ultimately its ownership, were crucial to these efforts. As Lipman et. al. (2018) summarize, “By the decade’s end [ie. 2010], nearly all of about two dozen national television stations were under control of just three entities—the state itself, the media subsidiary of the state gas company Gazprom, and a range of business structures controlled by Yuri Kovalchuk, a member of Putin’s innermost circle.” Regional TV stations were also brought to heel.

The instruments of control combined co-optation with more direct measures. Lipman et. al. (2018: 168–169) discuss how government officials gathered the major media players in weekly meetings that outlined how the news was to be covered once ownership had been consolidated, showing a seamless web of communication between Putin’s media managers and actual owners. Yet the state also made sure it had all of the levers of control, including technical ones. Early in Putin’s first term, the government consolidated all broadcasting and relay stations for television and radio signals under the management of a single government corporation, the All-Russia State Television and Radio Broadcasting Company (VGTRK), while blocking foreign ownership of any media that would have wide reach.

The regime was also not above using more direct means of suppressing contending media voices. Court rulings on libel and defamation were aggressively used to curtail the freedom of journalists to criticize public figures, drawing on laws passed earlier in the transition (the 1991 Law on the Protection of Citizens’ Honor, Dignity, and Business Reputation and the 1992 Law on the Mass Media, under which libel was criminalized). Particular limits were placed on press freedom with respect to controversial security

issues, such as the wars in Chechnya and later, in Georgia. Accreditation procedures and technical regulations were used to circumscribe press freedom, as well as active use of the courts to tie up journalists in costly litigation (BTI, 2003, 2005, 2006, 2009). Finally, in October 2006, well-known *Novaya Gazeta* special correspondent Anna Politkovskaya was murdered. By the end of Putin's second term in 2008, the Committee to Protect Journalists had identified Russia as one of the most dangerous countries in the world for journalists.

From the mid-2000s, internet penetration grew dramatically as the country entered its oil boom phase. As elsewhere, print, audio, video, and various internet and social media platforms merged, but around the same oligopolistic structure that had first emerged in the TV sector. Through the end of Putin's second term, developments in the sector had outpaced controls, as blogs and other social media channels proliferated. In the wake of the color revolutions, however, the discussion about control of the internet began in earnest and the regime was already experimenting with instruments it would later perfect both at home and abroad: the proliferation of Kremlin-created groups that would sow confusion and drown out or hack independent voices and the building of the technical infrastructure that would permit surveillance (Freedom House *Freedom on the Net* 2009: p. 89).

Putin's approach to civil society combined similar efforts at both co-optation—reaching out to friendly, mostly apolitical NGOs—and more direct restrictions. Early meetings with representatives of NGOs, and the convening of a Civic Forum in late 2001, appeared to signal openness, but this expectation was short-lived. A central tactic for controlling civic activity was the registration process. According to a new law on public associations, groups not registered by June 1999 could be shut down by a court order at any time. The re-registration process, however, imposed daunting requirements, such as office space and representation in over half of the country's regions; these measures provided legal cover for harassment by the police, the FSB, and even tax authorities (McFaul and Treyger 2004).⁸ Although human rights and environmental groups and independent unions were natural targets, non-traditional religious groups also came under attack (despite a 1997 Law on Freedom of Conscience and Religious Associations); notorious cases include Moscow's denial of registration to the Salvation Army and harsh persecution of Jehovah's Witnesses.

In his 2004 Address to the Federal Assembly, Putin hit more forcefully on a theme that was to be sustained throughout his rule: that NGOs obtained their funding from influential foreign or domestic foundations and were acting at the behest of dubious interests (BTI 2005). Casting doubt on the patriotism of civil society groups opened them up for attacks by regional and local officials, who were in any case not sympathetic to their activities. The post-Beslan era also saw an effort to build a pseudo civil society association along state-corporatist lines, while imposing more restrictions on NGOs and particularly foreign sources of funding. In the lead-up to this initiative, the government dismantled the Human Rights Commission in 2004 and replaced it with a Council for Developing Civil Society Institutions and Human Rights, which became a venue for Putin to attack foreign influences. Russia also pioneered the phenomenon of the GONGO: the government organized non-governmental organization; of particular interest in this regard was the formation of a youth group that served as a source of counter-mobilization. These moves vis-à-vis NGOs culminated in a new NGO law, which came into effect in 2006, followed by closure of a number of groups.

⁸Under a new tax code, grants made to individuals were subject to a 35 percent tax rate, disincentivizing large external donors from funding counterparts in Russia.

Although Guriev and Treisman (2019) consider Putin virtually the quintessential “informational autocrat,” relying as much on propaganda and media control as violence, the role of surveillance and outright repression should not be underestimated. Decrees promulgated in 2009 permitted mail to be intercepted without a warrant, and the government faced few legal or judicial constraints on securing search warrants or wire taps. 2009, toward the end of the period under discussion here, saw a number of high-profile assassinations: the human rights lawyer, Stanislav Markelov; journalist Anastasia Baburova; and Natalia Estemirova, an outspoken critic of Ramzan Kadyrov’s Chechnya. The regime may not have been responsible for these killings—the victims had plenty of enemies—but neither did the regime actively prosecute the cases. In addition, the country saw a steady drip of hate crimes, particularly during the financial crisis, directed in part against immigrants.

Russia does not see exactly the same trajectory of judicial “reform” and backsliding as is visible in Hungary and Poland, but the courts did play a critical, permissive role in the collapse of the separation of powers. As Paneyakh and Rosenberg (2018) argue, the weaknesses of the Russian judiciary do not spring solely from political interference; resources and sheer capacity matter as well. The first Putin administration made at least some efforts to make a highly closed judiciary more accountable and to increase funding (for example, Solomon 2002). Nonetheless, the concept of “telephone justice”—with decisions called in from elsewhere—has been a powerful trope in Russian society itself (Ledeneva 2008). In his first term, Putin established the precedent of meeting frequently with the country’s top judges—in the Constitutional Court, the Supreme Court, and Supreme Arbitration Court—to discuss the policy environment as well as judicial issues more narrowly conceived. This inter-branch fusion clearly raised questions about judicial independence. These questions were most visible in court judgments in high-profile cases that appeared politically motivated, such as the sentencing of oil tycoon Mikhail Khodorkovsky to long prison terms for tax evasion and embezzlement, as well as the legal actions taken against Alexei Navalny, the crusading anti-corruption activist and opposition leader. Yet they extend to the failure of the courts to protect rights of activists and, above all, the apparent impunity of the prosecutors and courts vis-à-vis politically motivated murders, including of journalists. Courts have also played a role in disqualifying opposition candidates on various grounds (the barring of former Prime Minister Mikhail Kasyanov from the 2008 presidential election for invalid signatures, for example) and in providing the venue for the effective expropriation of property by politically connected crony firms using the legal system to go after rivals’ assets.

Putinism II: 2011–2019

During Medvedev’s presidency, Putin’s popularity actually fell and his decision to return to the presidency was opposed by many, particularly urban professionals (McFaul 2018); as noted above ([Figure Russia.5](#)), economics was no longer working to his advantage as it had earlier (Treisman 2011a). Despite overwhelming advantages—wall-to-wall media coverage, financial resources, support from regional governments, plus continuation of the outright fraud noted above—United Russia still performed relatively poorly in the 2011 elections when compared with 2007 ([Table Russia.4](#)). In December 2011, the election aftermath and charges of fraud triggered the first large-scale protests that Russia had seen since the bread-and-butter pension demonstrations of 2005. Protests were abetted by the rapid penetration of cellphones and social media, as well as renewed efforts on the part of NGOs to forge coalitions around common interests, such as corruption. The five demands of the “For Fair Elections” protesters are indicative of the key issues: freeing of political prisoners; annulment of the election results; replacement of the head of the electoral commission and an official investigation into vote fraud; new legislation on par-

ties and elections that would facilitate registration; and new elections. Demonstrations on these themes broke out again around Putin's inauguration in May.

There is a consensus that Putin's return to presidency was associated with a subtle shift in the regime—a “Putin doctrine”—combining a more assertive foreign policy stance, a more repressive stance toward the opposition at home, and an appeal to the neo-traditional values outlined above (Shevtsova 2015). These themes were previewed in February 2012 when Putin claimed that the protestors were, in effect, traitors backed by the West; both rounds of protest were met with arrests. Very shortly after coming back into office, Putin passed a number of new laws designed to suppress civil society, most notably in a measure that required NGOs receiving foreign funding and engaging in ill-defined “political activities” to register as “foreign agents.” The Prosecutor General's Office subsequently conducted reviews of hundreds of NGOs, a classic means of harassment; even when the courts threw out formal charges, small, poorly funded organizations were tied up in complex and costly legal procedures. In 2015, the attack on foreign NGOs continued with a law permitting the government to classify them as “undesirable,” shutting down their operations altogether; among the targets were the National Endowment for Democracy and the Open Society Foundations and Institute.

New laws and executive actions strengthened control over traditional media and extended restraints more deeply into the internet space. After firing the head of the state news agency RIA Novosti in 2013, it became clear that the newly branded organization was essentially tasked with propaganda: attacking the opposition and highlighting foreign threats. TV Rain—the only opposition television channel left with national reach, albeit on cable and the internet—was harassed. Independent new sites, blogs, and even whole social media sites came under pressure, with the Kremlin forcing changes in leadership or shutting them down altogether. Indeed, it was in the new internet space that innovations with respect to information control were arguably most visible: blocks on sites carrying anti-government articles, cloaked in national security and public safety concerns; the deployment of trolls to harass and disrupt opposition-oriented discussions and spread disinformation; efforts to guarantee government access to all telecom, social media, and messaging services communications; and outright arrests of those engaged in criticism of the government's actions with respect to Ukraine and Crimea.

By 2017, these had gelled into a more ambitious Strategy for the Development of an Information Society for 2017–2030. Replaying earlier themes of “sovereignty” noted above, these were now extended to the internet on the premise that Russia must have end-to-end control, from the independent production of hardware and software to the capacity of the FSB—again on national security grounds—to access all traffic in the Russian segment of the internet and telecom space. Interestingly, some of these measures were introduced through revisions in the Russian Counterterrorism Act, showing how the conduct of foreign policy, national security justifications, and domestic control became tightly linked. As elsewhere, an important component of this push was to limit foreign ownership—or even the use of foreign services—in the sector, for example by barring Russian internet providers from using Google Global Cache servers (Ostrovsky 2015).

As outlined above, the second phase of Putin's rule was accompanied by a polarizing neo-traditionalist, neo-conservative turn that had implications for the rights of minorities and freedom of expression. A law against “homosexual propaganda”—formally, the law “aimed at protecting children from information promoting the denial of traditional family values,” banned the “promotion of nontraditional sexual relations to minors.” However, it effectively criminalized, or at least subjected to potential government

harassment, any advocacy for the rights of the LGBT community while affecting an array of institutions from providers of mental health services and counseling to schools (Human Rights Watch 2018). The blasphemy law was adopted in the wake of a protest performance by the feminist punk rock band Pussy Riot in a Moscow cathedral in 2012; the protest was designed to highlight the role of the Orthodox Church in supporting Putin's 2012 election bid. In 2013, a blasphemy law exploited the incident to ban acts that "express a clear lack of respect for society" or those whose goal is to "insult the religious feelings of believers."

Finally, it should again be underlined that the pressure on the opposition took a more and more direct form, combining harassment with outright incarceration and an ongoing risk of violence from pro-government social forces and criminal elements. In the aftermath of the 2011–2012 protests, a number of high-profile opposition leaders not only received long prison terms, but some were subjected to the Soviet-era practice of psychiatric confinement (BTI 2014). Alexei Navalny, a visible leader of the protest, was subjected to unrelated criminal charges, sentenced, and then released. Although he subsequently spearheaded a much more vigorous opposition in 2017–2018, such intimidation demonstrates how both the law and discretion can be used to raise costs to opposition. By the time of the regional elections in September 2014, the government aggressively sought to block opposition candidates from participating at all, albeit without complete success. In perhaps the sharpest signal in the entire post-transition period, Boris Nemtsov, the most visible opposition leader, was assassinated in February 2015 just yards from the walls of the Kremlin; no one was immune. Opposition candidates managed to win office in 2018–2019, including four governorships and a sizable bloc within the Moscow city council. Nonetheless, outright raids on opposition figures increased prior to the 2018 elections as well and was visible well into 2019.

Conclusion

Our narrative of backsliding in Russia is complicated by a very distinctive international context, which includes the effects of the position it once occupied as the political and cultural center of the Soviet Union as well as its current role as a revanchist power. The polarized society that emerged from the collapse of the Soviet Union—as is especially clear in hindsight—stacked the deck against a successful democratic transition. Indeed, many of the developments during the Yeltsin period helped to lay the groundwork for Putin's consolidation of power. At the institutional level, a hyper-presidential Constitution provided the legal framework for the consolidation of executive authority. The legislature's ability to act as a check ultimately declined and the judiciary was initially a holdover from the Soviet era. At the social and political level, there was surprisingly little organized support for a more liberal course. More than any of the other cases included in this study, "backsliding" in Russia undermined democratic institutions that were already fragile in the extreme.

Despite its unique features, however, Russia experienced significant changes from pluralism to autocracy that paralleled those in the other backsliding cases. First and foremost, Putin's Russia—at least at its outset—does reflect an electoral path to backsliding: his ability to co-opt state elites was matched by his ability to appeal to a large swath of the Russian electorate. The Putin years brought the virtual elimination of federal and legislative checks on executive authority, a severe contraction of civic space, the extinction of the robust post-Soviet media environment, and the almost complete neutering of the political opposition. And, as we have argued, executive aggrandizement under Putin was attributable to social and political dynamics evident in other backsliding cases: the exploitation and stoking of social grievances against enemies of the nation and resentments about the loss of international status; the

capture of the legislature; and the weakening of horizontal checks.

Although it extends beyond the scope of our analysis, Putin successfully sought to further extend his rule in 2020 through a maneuver visible in a number of other backsliding cases: constitutional revision. Under previous provisions of the Constitution, Putin would have been required to step down in 2024 at the end of his current term. Under the terms of his proposed reform, however, his past tenure as president would not count against him, and he would be able to serve for two additional six-year terms (ie., until 2036, giving him a lifetime tenure—if played out—of a staggering 32 years). As we would expect given the lack of horizontal checks, these and other constitutional changes sailed through the Duma, the Constitutional Court, and other institutions required to approve them. But Putin himself sought ratification in a popular vote and got it (albeit with usual skepticism about the integrity of balloting). With a 65 percent turnout, 78 percent voted in favor of the amendments and 21 percent against them.

The amendments also included a number of other measures that fit with the new conservative turn after Putin's return to the presidency in 2012: a ban on same-sex marriage; a stipulation that Russian laws supersede international law, reflecting ongoing conflicts with the European Court of Justice; an explicit statement that the Russian language takes precedence over others; a prohibition on questioning the official historical narrative about the Soviet victory in World War II; and an explicit mention of God (Stent 2020). Despite this victory—and the further evidence of backsliding it provides—questions remain about how Putin will handle a series of economic-cum-political constraints: the downward spiral of oil prices as a result of the price war with Saudi Arabia, even prior to the COVID shock; the drain on resources from efforts to project power in challenging places such as Syria; and above all, the possible resurgence of opposition in the face of the COVID-induced recession. If other “late backsliding cases” are any evidence, the key issue is likely to turn on Putin's continuing willingness and capacity to use outright coercion to manage these constraints.

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SERBIA

EROSION FROM ELECTORAL DEMOCRACY, 2013–2016; REVERSION, 2017–2019¹



We identify Serbia as an eroding electoral democracy from 2013, which subsequently reverted to competitive authoritarian rule in 2017. Freedom House similarly downgrades the country to a Partly Free designation in 2018. More broadly, the Serbian case is an example of the wider phenomenon of backsliding and a decline in the rule of law in the Western Balkans, including not only in Serbia and Macedonia—cases in this study—but in Bosnia and Herzegovina, Montenegro, Kosovo, and Albania as well (see, for example, Günay and Dzihic 2016; Bieber 2018; Haider 2018; Kapidžić 2020).

The backsliding episode is associated with the electoral success of the Serbian Progressive Party (*Srpska napredna stranka*, or SNS), led by Aleksandar Vučić. Although some see evidence of backsliding in the late Tadić government, the V-Dem data shows significant deterioration following the parliamentary elections of 2012, subsequently validated in 2014 and 2016. Vučić won the presidential contest of 2017, moving the country in the direction of de facto presidential rule. Positioning itself as a center-right party, the SNS did not have openly illiberal ideological ambitions and took pro-European and vaguely reformist positions, including with respect to settling the thorny issue of Kosovo. As a result of these stances, SNS leader Aleksandar Vučić received support from European leaders on foreign policy grounds.

But Vučić and the SNS were far from liberal with respect to political practice, and the country's democracy was not as strongly entrenched to begin with. With the parliamentary opposition in disarray, Vučić enjoyed significant legislative majorities and exploited his position first as party leader (2012–2014), then prime minister (2014–2016), and finally president (from 2017) to concentrate power, weaken the opposition, and take actions that produced setbacks for horizontal checks on the executive, political rights, and the integrity of the electoral system. From 2017, the government began to face significant mass mobilization from below, but through 2019 it had managed to maintain political control and even extend its power while making few if any political compromises with its liberal adversaries.

Polarization

Serbia's transition to democracy came late and was intimately bound up in the complex dissolution of Yugoslavia. The first democratic election took place in 1990, when Serbia was the largest constituent republic of the Yugoslav federation. The Communist Party successor under Slobodan Milošević won the first multi-party elections, deemed by international observers to have been "free but not fair." With Milošević's ambitions to create a Greater Serbia, the Slovenian, and more importantly, Croatian republics sought the exits. The subsequent wars in the Balkans ultimately gave rise to the emergence of Bosnia and Herzegovina, Croatia, Macedonia, and Slovenia as independent states. The wars actually facilitated Milošević's authoritarian grip on Serbia until he was finally ousted in the elections of September 2000. Eighteen parties formed a diverse coalition, the Democratic Opposition of Serbia (*Demokratska opozicija Srbije*, or DOS), to support the candidacy of Vojislav Koštunica; Serbia's transition to democracy is associated with this election and the ultimate ouster of Milošević.

¹ We would like to thank Jasmina Dimitrieva, Eric Gordy, Robert Hayden, Lydia Tiede, and Milada Vuchodova for their comments on this narrative.

From 2000 to 2012, Serbia's presidents and governing parties all had their roots in the Slobodan Milošević-era opposition, although as we will see below, a reformed Socialist Party of Serbia (*Socijalistička partija Srbije*, or SPS) re-enters government in 2008. However, these parties did not all share an equal commitment to integration with Europe (see Vachudova 2005 and Subotic 2010 for analysis of Serbia in comparative perspective). For example, the Democratic Party of Serbia (*Demokratska stranka Srbije*, or DSS) under Vojislav Koštunica, who served as president then prime minister, took anti-Western and anti-EU positions, sought to maintain sovereignty over Kosovo, and never supported making the concessions on Kosovo that were needed to gain a more favorable view of the country from Brussels; rather, they advocated for a “third way.” In the 2012 elections, even these less liberal parties imploded and more populist and illiberal parties and coalitions—also with roots in the Milošević era—advanced and ultimately came to dominate the political system.

Figure Serbia.1 Polarization in Serbia, 1992–2019

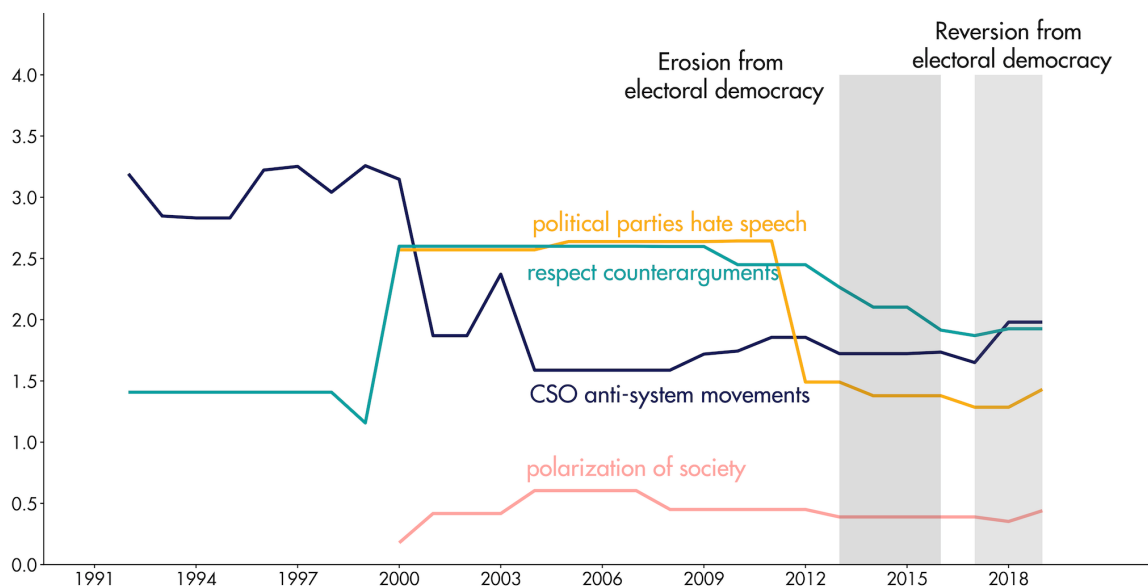


Figure Serbia.1 outlines our four measures of polarization and includes the period from 1992 through 2003 when Serbia and Montenegro were the remaining constituent parts of the Federal Republic of Yugoslavia, as well as the democratic era (2000–2012) and the period of backsliding and reversion (2013–2019). As can be seen, the Milošević years are characterized by a high-level of anti-system movements—the result of large-scale protests and counter-protests with respect to the Milošević regime—and low scores on respect counterarguments. While these measures improve with the transition in 2000, it is also worth noting the highly polarized starting point for the new democracy; although showing some decline during the democratic era, those changes are marginal at best. Beginning in 2008, indicators of polarization start to worsen with a particularly sharp fall in the measure of hate speech around the pivotal elections of 2012 when the SNS came to power.

What are the underlying sources of this polarization? As with other countries in the Balkans, Serbia

has deep cleavages between those who favor an orientation toward Europe and the West more generally and the more nationalist forces. These forces included the ultranationalist Serbian Radical Party (*Srpska radikalna stranka*, or SRS), which opposed the liberal European project and favored closer ties with Russia, though it was by no means limited to the SRS, as we will see; nominally liberal parties also held deeply skeptical views about the EU, in part because of the salience of the Kosovo issue.

These cleavages have deep historical roots—for example in agrarianism and peasant parties (Mikucka-Wójtowicz 2019)—but political polarization in the Balkans is also wrapped up in divisions over outside support for the breakup of Yugoslavia in the 1990s and intervention in the Bosnian conflict, as well as the devastating NATO air war against Serbia in 1999.

Underneath these issues is the history of nationalist ambitions: for a Greater Serbia that would have encompassed Serb populations in neighboring states; for a Croat state that appeared to threaten the large Serb minority there and had aspirations to include parts of Bosnia; and in the ethnic Albanian movement to create an Albanian state in Kosovo. The International Criminal Tribunal for the Former Yugoslavia (ICTY), which was not formally shut down until 2017, also crystallized nationalist irritation because of its particular focus on Serbs. At the time that the court was shuttered, no less than the Serbian Minister of Defense, Aleksandar Vulin, said in a speech to the military that “Serbia will no longer be ashamed of those who defended [the former Yugoslavia], and that time has come to be ‘quietly proud’ instead,” a classic nationalist appeal that was strongly backed by Russia (quoted in Rudic 2017).

Particularly sensitive for nationalists was Western support for Kosovo’s independence in 2008, which Serbia to this day has refused to recognize; indeed, European tolerance for Vučić rests heavily on his promise to reach a deal on Kosovo. Serbians regard Kosovo both as historically integral to the nation, in part because many Serbian religious sites are located in Kosovo. While talks are ongoing, tensions between Serbia and Kosovo have continued to flare under the SNS government.

As elsewhere in Eastern Europe, these underlying sources of polarization were exacerbated by the structural changes associated with the collapse of state socialism, the transition to the market, and short-run economic performance. The endgame of the wars in the Balkans, and the targeting of civilian infrastructure and industrial capacity by NATO in 1999, was a stunning blow to the economy and no doubt contributed to the delegitimation of the Milošević regime and its ouster in 2000. Subsequent governments managed robust growth broadly on par with the Eastern European countries, but then faced not only the global financial crisis but—for the incumbents—a bout of high unemployment and inflation and an ill-timed recession in 2012 that no doubt contributed to the electoral success of the SNS. The SNS positioned itself as a market-oriented party, derided the corruption of the democratic years, and claimed commitment to IMF reforms; indeed Vučić argued that strong government was necessary to undertake these needed reforms. Yet there can be little doubt—as we will see from considering electoral results—that nationalist themes were a central feature of the party’s appeal.

It should be noted, however, that the SNS had moved away from the extremes on these issues, although arguably for tactical reasons. The leadership of the SNS has roots in the extreme nationalist Serbian Radical Party and that historical lineage gave it credibility with nationalist voters, as we will see. The founder of the SRS, Vojislav Šešelj was also a founder of a paramilitary group. The Radicals advanced a chauvinist ideology envisioning an ethnically homogenous “greater Serbia” that would have included significant portions of Bosnia and Herzegovina, Macedonia, Kosovo, Montenegro, and Croatia. Šešelj’s

party regarded former general Ratko Mladić and former Republika Srpska President Radovan Karadžić as heroic Serbian figures.² Vučić himself joined the party when he was only 23, was elected to the National Assembly during the Milošević years, and even served as information minister, in which role he acted as a censor.

On the other hand, the breakup of the SRS and the formation of the Serbian Progressive Party centered in no small measure on the SRS's extremism. Shut out of power by their repeated electoral failures and the unwillingness of pro-European parties to share power with them, the SRS ultimately splintered. Tomislav Nikolić, with Vučić as his deputy, formed the SNS in October 2008. Adopting a moderate, center-right, pro-European stance on policy issues, the SNS was able to peel off votes from the more extreme SRS because of its nationalist credentials, while at the same time appealing to more moderate voters disaffected with the performance of the succession of governments led by pro-European parties. Nor were these promises disingenuous; in 2014, the SNS began complex accession negotiations with the EU. Even more difficult, the SNS government undertook talks to normalize relations with Kosovo, with preliminary agreements struck in 2013 and 2015.

There can be little question, however, that the SNS has relied heavily on national-populist appeals. Mikucka-Wójtowicz (2019) outlines the components of the SNS appeal: strong anti-elite and anti-establishment stances, recurrent reference to the interests of “the people”—despite conservative policy positions—and the tendency to question the legitimacy of opponents. Of particular salience has been the party's ambivalence about integration with the west; the SNS candidate for president in the pivotal 2012 elections was purported to have said that he would rather Serbia become a province of Russia than a member of the EU (Bilefsky 2012).

It should be noted that as in other backsliding regimes, polarization arguably increased as opponents of the process engaged in collective action. As can be seen in [Figure Serbia.1](#), the indicator of CSO anti-system movements kicks up over time. These protests began around the presidential elections of 2017 (Bjeloš 2017), but revived in 2018–19 over assaults on opposition politicians, a succession of corruption scandals, SNS domination of the media, and creeping authoritarianism. A new opposition group, the Alliance for Serbia (Savez za Srbiju), was established in September 2018. In parallel, Vučić launched his own “Future of Serbia” campaign and state-controlled media denigrated protesters and opposition leaders, linking them to fascism and engaging in disinformation campaigns. The European Parliament sought to mediate between the government and opposition, but as of early 2020, the protests had coalesced on a boycott of the 2020 general elections on the assumption that a fair election appeared improbable.

Party System and Elections

As in many other cases of backsliding, the Serbian party system underwent a fragmentation in the late democratic period, as new actors came on the scene and established incumbents saw losses in vote shares—which were, in some cases, dramatic. These developments are complex, as [Table Serbia.1](#) shows, but they can be simplified by focusing on developments following the 2008 election and on three major

²Šešelj was acquitted of charges against him in the International Tribunal for the former Yugoslavia (ICTY), although the acquittals were reversed on one charge of violations of international humanitarian law for a hate speech he gave in 1992. However, he wound up being sentenced to time served, an outcome that actually raised his stature and lowered that of the Tribunal in Serbia.

blocs in particular: the Democratic Party and its successors; the Serbian Radical Party and the Serbian Progressive Party. As noted above, a reformed Socialist Party of Serbia is also a part of the electoral mix.

Table Serbia.1 Parliamentary Elections in Serbia, 2003–2016 (Main political groupings; vote and seat shares)

	2003	2007	2008	2012	2014	2016
Center-Left and Pro-European parties						
Democratic Party (DS) and successors	12.6/14.8	22.7/25.6 (Boris Tadic)	38.7/41.2 (For European Serbia)	23.1/26.8 (Choice for a Better Life)	6.2/19	6.0/6.4 (For a Just Serbia coalition ZSS)
Democratic Party of Serbia (DSS)	17.7/22.4	16.5/18.8	11.3/12	7.3/8.4	4.4/0	5.0/5.2 (Doors-DSS)
G17 Plus	11.5/13.6	6.8/7.6				
Liberal Democratic Party		5.3/6	5.2/5.2			
Socialist Party of Serbia (SPS)	7.6/8.8	5.6/6.4	7.9/8	4.8/0	13.9/17.6	11.0/11.6 (Coalition SPS-JS)
Serbian Progressive Party (SNS)				25.2/29.2	50.0/63.2 (A Future We Believe In)	48.3/52.4 (Aleksander Vučić Serbia Wins)
Right-Nationalist Parties						
Serbian Radical Party (SRS)	27.6/32.8	28.6/32.4	29.1/30.8	4.8/0		8.1/8.8
Dveri				4.3/0	3.6/0	5.0/2.8
Others	21.9/8.8	14.4/3.2	13.5/2.8	26.9/25.6	21.9/10.8	14.2/13.6

Note: Blank cells indicate that parties did not run candidates. Total may not sum to 100 because of rounding.

Source: Carr, *Psephos Election Archive*.

After the transition to democratic rule in 2000–2001, the opposition coalition that drove the process splintered into three main parts: Koštunica's Democratic Party of Serbia; late Prime Minister Đinđić's Democratic Party, whose assassination in 2003 dealt a blow to Europeanist aspirations; and the G17 Plus group, committed to liberal economic ideas. In the elections of 2003, these groups managed to form a government with support from the socialists. In 2007 and 2008, parties rooted in the opposition to Milošević also formed governments. In the 2008 elections, the core parties were President Boris Tadić's For a European Serbia list—anchored in the Democratic Party, with nearly 40 percent of the vote—in coalition with Milošević's former party, the Socialist Party of Serbia (which saw big declines in vote share from 2003) and several minor parties.³

³The Party of United Pensioners of Serbia (*Partija ujedinjenih penzionera Srbije*, or PUPS) and United Serbia (*Jedinstvena Srbija*, or JS), captured in the "Other" parties (the SPS-PUPS-JS coalition), as well as six out of the seven representatives reserved for minorities.

Yet it is important to underscore that even these parties faced complex domestic political constraints with respect to international issues and Kosovo in particular. For example, Tadić painted himself as the indispensable pro-European politician; he warned that if both Europe and the Serbian public did not support him, the nationalists would come to power and the wars could even resume. But views within Tadić's Democratic Party on Kosovo—one of the key issues with the EU—were deeply divided; it was actually Vučić who pursued the European option more aggressively.

Nonetheless, the largest opposition force during the democratic period was the Serbian Radical Party, discussed above, which had consistently polled just below 30 percent of the electorate. The enduring appeal of this right-nationalist political line can be seen in Šešelj's political trajectory: following his acquittal on most charges in the ICTY, he ultimately returned to Serbia in 2014 and reassumed leadership of the rump SRS. The party captured nearly 10 percent of seats in the 2016 election when the electorate polled still further to the right.

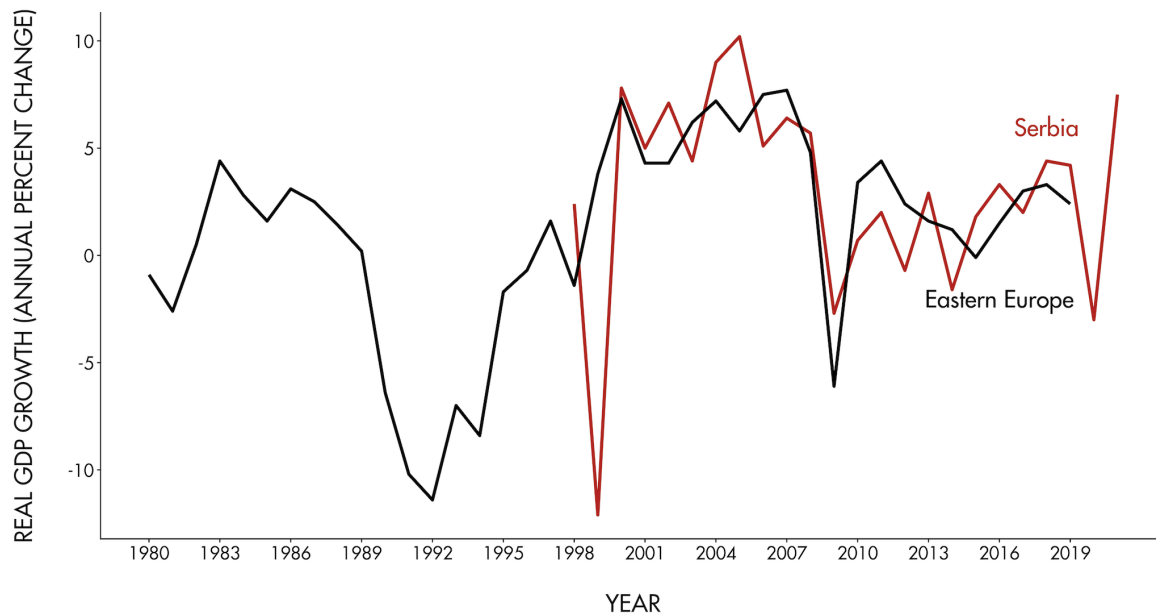
The ascent of the SNS, and of Vučić in particular, occurred in several stages. With voters disaffected by the poor economic performance of incumbents (see [Figure Serbia.2](#)), an SNS coalition rode to victory in the 2012 elections. These results were then strikingly affirmed in the general elections of 2014 and 2016 when the opposition fell into complete disarray. In the presidential elections of 2017, Vučić shifted his ambitions to the presidency and secured an unprecedented 55 percent of the vote. This succession of elections put the ruling party on a near-permanent campaign footing, as elections were called early to exploit poll advantages, to lock in those advantages, and to disorient a weakened opposition. Strong electoral showings and large legislative majorities were accompanied by the use of "urgent" legislative procedures that effectively reduced parliamentary oversight of the legislative process (Bertelsman 2018). Control of the presidency appears to have accelerated the backsliding process. We consider each of these steps in turn.

The initial SNS victory in 2012 was by no means overwhelming. The SNS eked out a narrow plurality vis-à-vis the Democratic Party and was able to form a government only with support of Milošević's former party, the Socialist Party of Serbia (SPS). The SPS was reformed in the 2000s when party leader Ivica Dačić brought in young moderates and embraced a pro-EU position. Dačić served as prime minister from 2012 to 2014.

The 2014 elections, however, marked a complete implosion of the parties that had arisen in the 1990s, as well as a fundamental realignment of the party system. Exploiting favorable public opinion polls, the SNS pushed for early elections on the grounds that they were needed to implement political and economic reforms associated with EU accession. With the country in economic crisis, the opposition parties ended up in complete disarray and Aleksandar Vučić and the SNS won a landslide victory. Disproportionality also mattered: the party translated 48.3 percent of votes into 68 percent of seats in the assembly as a result of traditional parties failing to meet electoral thresholds. Former President Boris Tadić split from the Democratic Party (DS) only two months before the election, forming his own New Democratic Party (NDS, later SDS). However, he and the DS could only capture 6 percent of the vote. Other right parties—the Serbian Radical Party, Dveri, the Democratic Party of Serbia, and the Enough is Enough (DJB) party—did not even cross thresholds to get into the assembly.

At this juncture, the SNS victory did not appear to signal the triumph of an anti-system party. Rather, their electoral platform was based on criticisms of the performance of the period of Democratic Party

Figure Serbia.2 Real GDP Growth in Serbia and Eastern Europe, 1980–2019



dominance, coupled with centrist policy measures: pledges with respect to public finances and corruption, moving forward with European Union membership, and improving ties with Kosovo (Vachudova 2014). For example, Freedom House's *Nations in Transit* report for 2015 concludes that "the election results brought parliamentary politics closer to the center of the spectrum, as neither the left-leaning Liberal Democratic Party nor the right-wing Democratic Party of Serbia (DSS) met the 5 percent electoral threshold for representation in the legislature."

In April 2016, Vučić called early parliamentary elections, again well ahead of the regularly scheduled 2018 elections, and again on the grounds that he needed a stable political foundation for negotiating entry into Europe and undertaking needed reforms. The SNS-led coalition lost some seats and Vučić was appointed prime minister. However, the political landscape continued to shift toward the right. The party that made the most significant comeback from the debacle of 2014 was the SRS, which came in third after the SPS and received 22 seats, making it the largest opposition party in parliament. The start-up Enough is Enough secured 7 percent of votes and 16 seats, and the far-right Dveri party also won seats. The liberal opposition remained divided.

In 2017, Vučić decided to run for president, effectively sidelining Nikolić from the office, winning 55 percent of the vote in the first round. This was another first: presidential races were typically highly fragmented, with candidates winning with pluralities—in 2012, for example, with only 25.3 percent of the vote. This development appeared to mark a shift toward a *de facto* presidential system, also visible in Turkey. Although presidential powers are formally extremely limited, the fact that Vučić retained control of the SNS meant that he was able to appoint a pliant prime minister to head the government, Ana Brnabić. Previously the minister of public administration and local government, she was an independent

with no political base of her own. The growing power of the presidency resulted from the fact that he was also leader of the ruling party. It is not coincidental that we date reversion to the year when Vučić assumed the presidency.

In its 2019 report on EU accession negotiations (European Commission 2019), the Commission highlights the way in which the Serbian parliament has effectively limited its role and weakened oversight of the executive. The ruling party has used tactics such as burdening legislation with unrelated amendments in order to use up allocated time for debate. “Urgent” procedures also fast track legislation, and from 2014 through early 2019, parliament had not discussed any reports from independent bodies. As noted above, a new opposition coalition was formed in 2018. From February 2019, several parties, including those in the new Alliance for Serbia, started boycotting parliamentary sessions because of the muffling of debate. This culminated in a drive to boycott the 2020 elections, which we take up in the conclusion, although it extends beyond the period covered here.

Backsliding

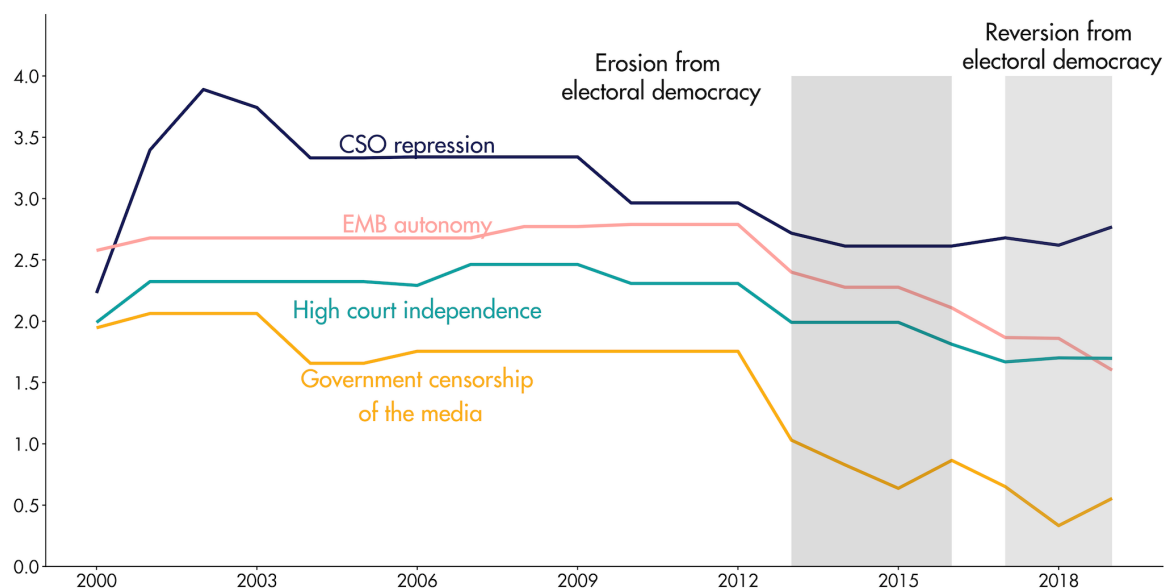
Figure Serbia.3 shows trends in our four backsliding indicators since the transformation to democratic rule in 2000. Interestingly, tolerance for free press actually declines marginally after the onset of the democratic period, and some critics have noted that the new era had its own disabilities (particularly Bieber 2017, Haider 2018, Vladislavljević 2019). As **Figure Serbia.4** shows, the Balkan cases were never as fully democratic as their Eastern European counterparts, and there has been a substantial literature on persistent weaknesses in various measures of the rule of law, both in Serbia and in the Balkans more generally (Haider 2018). As we noted in Backsliding, the risks of outright reversion are clearly higher in democracies that are weaker to begin with. However, scores on all four indicators in **Figure Serbia.3** clearly inflect in 2012, the year in which the SNS first assumed office. Similar patterns of incremental decay are visible in other parallel measures, such as those from Freedom House and the Bertelsmann Stiftung (various issues). Moreover, until 2019, the decline is more or less constant and steady.

The effort to incrementally weaken horizontal checks, target political and civil society opposition to the regime, and control the electoral process is common to other backsliding processes. Yet two additional story lines are worth noting. First, these efforts appear to intensify as the government experiences increasing mass mobilization from 2017. A second issue, common to the other Eastern European cases, is the limited response of outside actors to the backsliding process. On the one hand, the government was engaged in negotiating laws designed to bring Serbia into conformity with EU obligations. However, as these negotiations proceeded, the EU itself was openly noting that the implementation of those laws lagged as a result of political interference from the executive. The ambiguity in the backsliding process was arguably facilitated by hesitance on the part of external actors to confront Vučić, in part because of larger geostrategic calculations about stability in the Balkans (see, for example, Cierco 2016).

Media, Freedom of Speech, and Civil Society

The sharpest declines in scores, and the area in which EU negotiations with Serbia have faced the most substantial bottlenecks, concern the media and freedom of expression; by extension, these restraints spill over into the ability of civil society to mobilize (Stojarová 2019; Vladislavljević 2019). In 2011, just prior to its defeat in the 2012 elections, the previous government had outlined a broad media strategy designed to reduce political influence. Laws passed relatively early in the SNS era were designed to implement this strategy in order to facilitate accession negotiations that began in 2014. These included

Figure Serbia.3 Backsliding in Serbia, 2000–2019



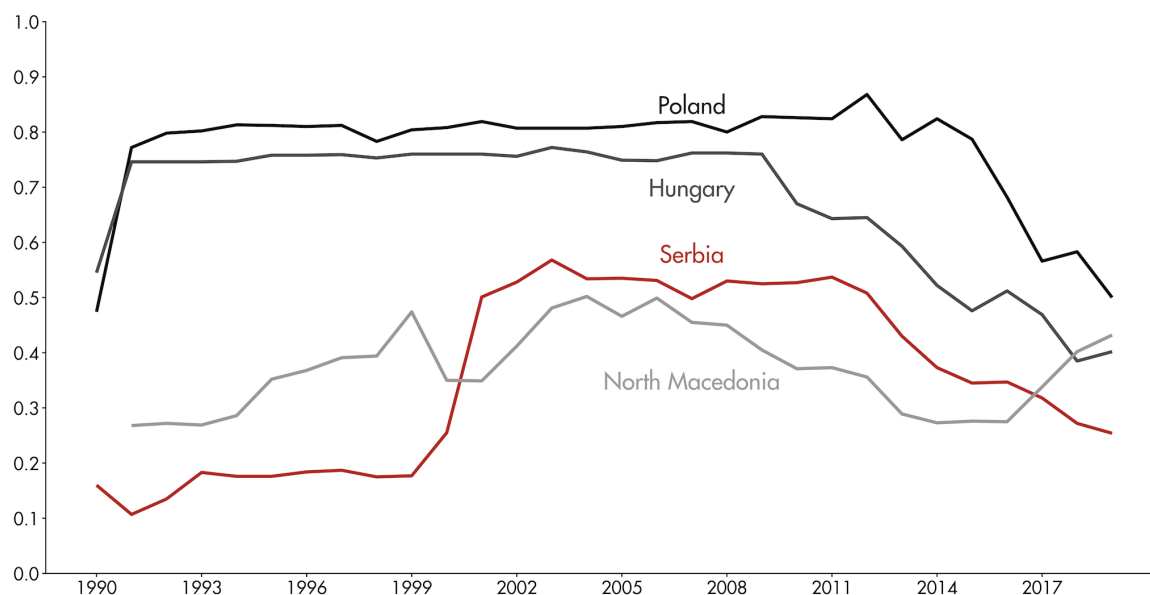
the Public Information and Media Act, the Electronic Media Act, and the Public Media Services Act passed in 2014, as well as the Law on Advertising in 2015.

But two of these laws—on public media and advertising—were subsequently watered down to effectively extend government influence over both public and private media (Huszka 2018). As in Poland and Hungary, a crucial instrument in media control is advertising expenditure, which allows the government to “buy advertising space from TV stations and newspapers that give the president favorable coverage and withhold funds from those that criticize him” (Eror 2018). Of even greater importance, however, was a pattern seen in a number of backsliding cases: the cynical use of privatization to ensure that previously independent media outlets were acquired and controlled by cronies of the regime. These highly partisan stations followed the style of journalism pioneered by Rupert Murdoch. By 2016, all broadcast and cable media with national reach were not only uncritical of the regime, but fawningly laudatory of it. In contrast, they were critical of both opposition politicians and the few remaining media companies not under regime control.

By 2018, the EU’s own reports on negotiations noted the limited progress in stemming media abuses and the deterioration in the media environment across all of the EU accession chapters open for negotiation. These included not only the information society and media chapter (Chapter 10), but cognate chapters on public procurement, competition policy, judicial enforcement of media freedoms, and even supervision of government budgets that are germane for securing an open media environment (Open Society Foundation Serbia 2018).

The problems were not limited to the legal environment but extended to more direct attacks on the

Figure Serbia.4 Liberal Democracy Index for Hungary, Poland, North Macedonia, and Serbia, 1990–2019



media and individual journalists critical of the government. After the floods of 2014, the administration started to remove websites and blogs that reported on the extent of the destruction and detained journalists for spreading panic and false information. Tabloids close to the government leaked sensitive personal information on journalists, while the government threatened journalists with lawsuits—despite the decriminalization of libel—and placed economic pressure on critical outlets (Huszka 2018).

As early as 2015, Freedom House downgraded Serbia with respect to its measure of freedom of expression, noting growing government hostility toward independent and critical media, direct attacks by Vučić on reporting critical of the government, physical attacks on journalists, and the use of economic instruments to generate self-censorship. Eror (2018) catalogues a number of prominent abuses around the 2017 election, including disproportionate and overwhelmingly positive coverage of Vučić, harassment of independent media groups by the Tax Administration, the shuttering of independent local news magazines (Vranjske), and corresponding efforts on the part of independent media to fight back through a blackout campaign in late 2017.

Detailed case studies of harassment of individual NGOs provides perhaps the most revealing information on the campaign against the media and independent think tanks, detailing legal harassment, efforts to shutter controversial events, disinformation campaigns online and on social media, and even physical threats (CEAS 2017). Of particular interest are efforts to link such NGOs to foreign funding sources—including George Soros—sensationalist tabloid defamation, and social media trolling that appeared to have Russian fingerprints on it. In 2017, the Ministry of Culture and Information formed a working group to initiate a new media strategy, seeking to co-opt media representatives. However, they quickly criticized the effort for failing to address the underlying problem of government pressure on indepen-

dent media sources (European Commission 2019).

Horizontal Checks: The Judiciary

Freedom House's 2018 *Nations in Transit* report—as well as extensive literature on the rule of law on the Western Balkans (summarized in Haidar 2018)—captures the problem of assessing backsliding in the country: namely, that judicial reform in Serbia was not that far advanced even prior to the SNS assumption of power, despite an initiative launched in 2006 to tackle the issue (see also Elek et. al.). The Bertelsmann Transformation Index report states that “despite the government’s professed desire to improve the rule of law along with the functioning of the judicial system, partly under EU pressure, the quality of Serbia’s judicial framework and independence has been stable at a rather low level. Judges and prosecutors routinely complain of political pressure, while reforms necessary for EU accession are stalling” (BTI 2018: 12).

Of particular interest for our purposes is the relatively weak de facto separation of powers and continued influence of the executive branch despite a Constitution that clearly stipulates such separation (Cierco 2017). The Constitutional Court remains weak and vulnerable to political influence (Papic and Djerić 2018). Amendments to the Law on the High Judicial Council (HJC) and the Law on the State Prosecutorial Council (SPC) were adopted in December 2015 in an effort to conform to EU standards by increasing the independence of the judiciary. However, the councils for vetting and appointing judges have not gained either budgetary or political independence, and as a result, political pressure on the election of prosecutors and judges has not only persisted but worsened. Parliament—meaning effectively the SNS party leadership—appoints new holders of judicial offices, who are then reelected after three years by the Judicial Council. As these councils are weak, the executive ends up having effective control on appointments. Moreover, the Vučić government, and particularly ministers, are in the habit of commenting on ongoing cases, including those in which government officials may have material interests.

Elections

The 2012 and 2014 elections were broadly viewed as free and fair, but outside monitors have expressed increased concern about elections from 2016 forward, and at both the national and local level. As Freedom House notes with respect to the 2016 general elections (Freedom House 2016), both domestic observers and international monitors expressed concern about vote rigging and the independence of the election monitoring body (RIK). Election observers from the Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR) outlined a variety of abuses that ultimately recurred in subsequent elections and, finally, led to the decision to press for an election boycott in 2020: “pressure on public-sector workers to vote for the ruling party; an outsized presence at official events during the campaign by the SNS and SPS, which blurred the line between state and party activities; and self-censorship among media outlets, which was attributed to government pressure and effectively narrowed the coverage available to voters.”

The electoral landscape was also closely tied up with derogations occurring with respect to the media. Citing the activities of local media monitors, the Bertelsmann Transformation Index summarizes the extent to which media control ultimately undermines the integrity of elections: “During the 45 days in the run-up to the election, the organization analyzed the content of headline news in the main news programs of Radio-Television Serbia (RTS), TV Pink, and N1 TV. The monitoring found 74.4 percent of headlines that were related to politicians and political parties, of which 76 percent mentioned Vučić, 3.2 percent Saša Janković, and 0.8 percent to Vuk Jeremić [the other presidential candidates]. While in the case of Vučić 70.5 percent of these headlines were positive and only 4.2 percent negative, when it came to Janković 25 percent were positive and 75 percent neutral, while all headlines regarding Jeremić were negative.”

Corruption

Finally, analysis of the backsliding process in Serbia and elsewhere in the Balkans has noted the problem of corruption, which has figured as a central component of the way in which governments not only weaken oppositions but also construct bases of economic support in the private sector (Günay and Dzihic 2016; Pavlović 2019). In his electoral campaign of 2012, Vučić took a common populist line of fighting against corrupt incumbents while leading the country into the EU. Yet economic reforms—and particularly deregulation and privatization—provided ample opportunities for cronyism, with the media again playing a role. Control over the implementation of privatization, as well as large public works projects and redevelopments, helped integrate and legalize pro-SNS businessmen and a pro-government bloc of media that became reliable sources of government support.

Conclusion

In January and February 2019, mass demonstrations erupted across the country.⁴ This somewhat decentralized movement gelled in the formation of an Alliance for Serbia, which focused around a set of political demands that included dismissal of the editors of the public broadcasters RTS and RTV, dismissal of members of the state’s electoral commission (RIK), as well as the National Assembly Speaker Maja Gojković, and revisions of the electoral register to assure free and fair voting. The threat of an election boycott in the 2020 elections initially generated several rounds of negotiations between the government and the opposition in the summer of 2019. With these talks failing to address opposition grievances, four opposition parties—the Democratic Party, the People’s Party, the Party of Freedom and Justice, and Dveri—declared in January 2020 their intention to boycott the upcoming elections. Initially suspended due to the pandemic, the elections were ultimately held in June under the shadow of an electoral “reform” that cast further doubt on the integrity of election lists, now under control of local governments. As in other election boycotts, this one had the perverse effect of handing President Aleksander Vučić’s SNS more than 63 percent of the votes cast, with a 53-point gap from its coalition partner, the SPS. The only other list to make it into parliament was the right-wing Patriotic Alliance. As of this writing, the Vučić’s-SNS regime is continuing to exhibit the classic elements of backsliding: the combination of electoral support with weakening commitment to democratic norms and procedures.

It is worth closing with a note that pertains to other Eastern European and Balkan cases as well, on the complex overlay of foreign policy considerations on the part of outside actors. To date, Vučić has managed to secure acquiescence if not outright support from within the EU, largely due to his willingness

⁴This paragraph draws extensively on Stojanović and Bértoa 2020.

to reverse course from the more radical nationalist parties by engaging in reconciliation with Kosovo and his support of the very process of EU accessions negotiations themselves. Yet at the same time, Vučić continued to play an extremely complex foreign policy game by balking at common EU foreign policy with respect to Russian sanctions and providing an opening for Chinese presence in the country. These foreign policy dimensions of backsliding in the Balkans conform with some of our speculations about the role of external actors, as outlined in the last chapter of *Backsliding*. Groups within the EU Parliament have raised alarms about the state of democracy in Serbia; the future path of the regime may hinge on whether the EU is willing to engage on the issue, as it did at least to some extent in North Macedonia.

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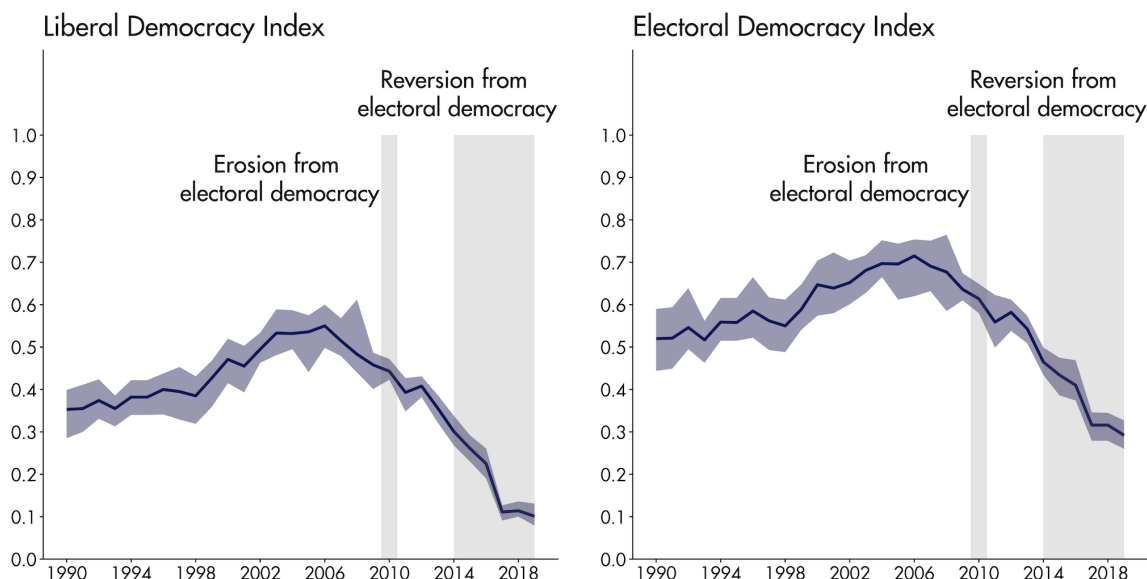
TURKEY

EROSION FROM ELECTORAL DEMOCRACY, 2010; REVERSION, 2014–2019¹



Any backsliding episodes follow closely on the heels of the election of an autocratic leader. In Turkey, by contrast, liberal democracy scores continued to rise following the victory of Recep Tayyip Erdoğan's Justice and Development Party (*Adalet ve Kalkınma Partisi*, or AKP) in the 2002 general elections (Erdoğan became prime minister in 2003). They did not fall below their 2002 level until 2008 (Figure Turkey.1). It was not until 2010 that V-Dem data showed a statistically significant deterioration in liberal democracy scores from their peak, and not until 2014 that the country reverted from democratic rule altogether. Since then, Turkey has become a widely-used example of the backsliding processes (inter alia, Aydın-Düzgüt and Keyman 2012; Bechev 2014; Özbudun 2014; Esen and Gumuscu 2016; Somer 2016; Cagaptay 2019).

Figure Turkey.1 Liberal and Electoral Democracy Index, 1990–2019



The Turkish case is a classic example of incrementalism. Erdoğan was first elected as prime minister in 2002, and initially combined democratizing reforms with increasingly polarizing messages; as noted above, liberal democracy scores initially rose during the first government. The erosion in judicial and media independence became manifest after the AKP consolidated its political position in elections in 2007 and 2011, held constitutional referenda in 2007 and 2010 that weakened constitutional checks, and cracked down on mass protests in 2013.

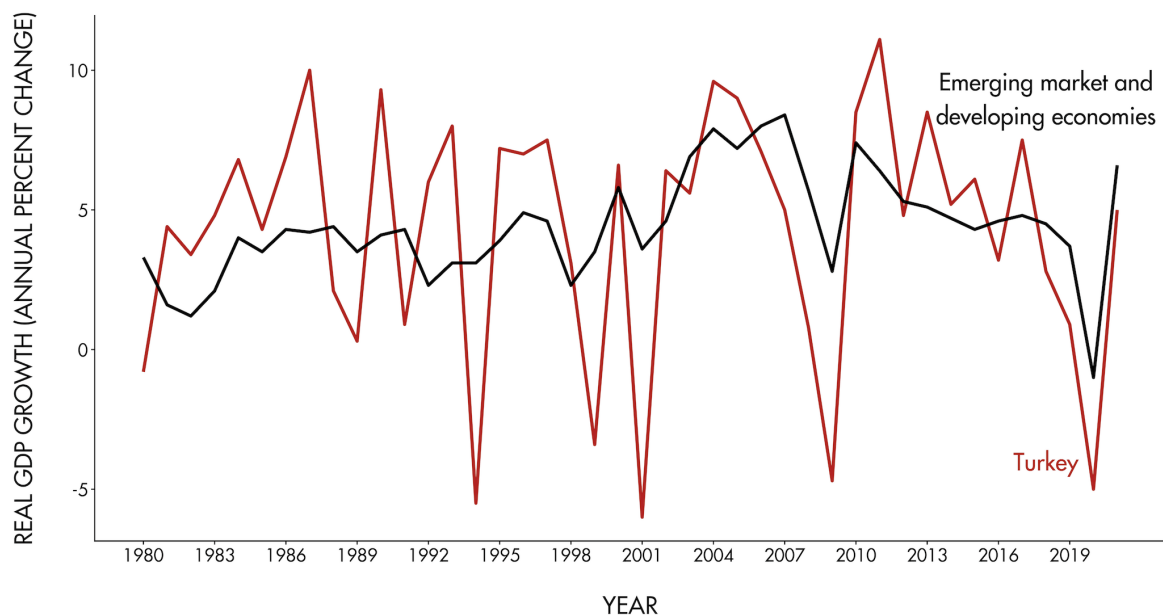
¹Our thanks to Senem Aydın-Düzgüt, Berk Esen, Sebnem Gumuscu, Ziya Öniş, Murat Somer, and Dersu Tanca for their comments on this narrative.

Erdoğan's election to the presidency in 2014 and the parliamentary elections of June 2015 marked a new stage in the backsliding process, and we code 2014 as the onset of authoritarian rule. A failed coup attempt in 2016 was yet another turning point, as it provided the pretext for widespread purges of government and social institutions and an acceleration of the transition to a presidential—hyper-presidential—system. A constitutional referendum in 2017 established a *de jure* presidency with Erdoğan in command. Although a gradual process, the further concentration of power in the executive from 2014 permitted more and more open derogations from democratic rule on all key parameters: with respect to basic political and civil liberties, including freedom of the press; with respect to horizontal checks; and—despite the loss of parliamentary majority in June 2015 and adverse results for the AKP in local elections in 2019—with respect to the integrity of the electoral system as well.

Polarization

Turkey has a history of economic volatility, punctuated by financial crises ([Figure Turkey.2](#)). The election of Recep Tayyip Erdoğan's AKP in 2002 occurred in the aftermath of a decade of volatile economic performance and high inflation, with major crises in 1994, 1999, and 2001. The crisis of 2001 was particularly debilitating and thoroughly discredited incumbent parties, providing the opportunity for an outside party to come to the fore. Erdoğan subsequently benefitted from a significant expansion during his first term in office before Turkey succumbed to the Global Financial Crisis in 2008–09. The timing of recovery from that crisis was also fortuitous, as it came prior to the general elections of 2011.

Figure Turkey.2 Real GDP Growth in Turkey, 1980–2019



Economic performance was by no means the dominant source of polarization, however (Çarkoğlu 2012; Aydın-Düzgüt 2019). Somer (2019) notes that at the onset of AKP rule, two somewhat different cleavages had divided Turkish society, although Erdoğan did not initially exploit them in full. The first was between

Turks and non-Sunni groups (non-Muslims, but particularly Kurds and Alevis). Erdoğan used these cleavages to political effect, and the late backsliding period saw an increase in hate speech from civil society (Freedom House 2014). However, the second, more important, and far deeper division was between the secular republican insiders—including in the state apparatus itself—who had led and gained from the modernization project since the time of Atatürk, and those that had been disadvantaged or shut out. This “left-out” category included not only geographically peripheral areas of the country but also pious Muslims and those identifying with political Islam.

This second cleavage scrambled standard notions of left and right (Ozbudun 2006; Öniş 2007). The center-left in Turkey is defined not simply by social policy commitments but by secularism; the center-right, by contrast, has historically rested on appeals to conservative nationalist and religious values, but also on redistribution. Polarization was by no means a function only of the emergence of political Islam; the Republican People’s Party (Cumhuriyet Halk Partisi, or CHP) had its own discourse of “us vs. them” to which it turned in the early 2000s, culminating in the effort to disband the AKP altogether. This move no doubt influenced Erdoğan’s interest in finding allies in the administration among Gülenists and ultimately “rationalizing” the judiciary.

Although he sent signals of sympathy with political Islam, Erdoğan initially campaigned and governed from the center-right, with support from a diverse coalition of those disaffected with incumbents, including nationalists and socially-conservative small and medium businesses from the Anatolian interior (see Esen and Gumuscu 2020 for a political economy account of backsliding). Erdoğan’s ability to co-opt this latter group helps explain why Turkey’s rapid economic growth was not in fact associated with greater liberalism (Gumuscu 2013; Sarfati 2017). Yet being on the right by no means ruled out populist appeals, and the promise of social welfare policies allowed Erdoğan to attract votes from low-income beneficiaries of targeted welfare programs. During his first term, improvements in education and health, as well as high growth, sustained his initial support and economic performance was a campaign theme in the 2007 elections.

Yet there can be little doubt that Islamist appeals—initially subtle, but increasingly overt over time—both widened the AKP coalition and were the source of increasing polarization (Gumuscu 2013; Özbudun 2014; Keyman and Gumuscu 2014; Somer 2016). The AKP got significant traction in the 2002 election campaign from cultural issues, such as by lifting the ban on headscarves and supporting equity between secular degrees and those offered by the Imam Hatip or clergy schools (which Erdoğan himself had attended). By the end of Erdoğan’s first term, AKP appeals increasingly took on both Islamist and majoritarian tones (Keyman and Gumuscu 2014: 45–54; Özbudun 2014). Polls were suggesting increasing polarization around religion, with believers thinking that their position had improved while secularists saw risks of Islamization, including in appointments to the bureaucracy and with respect to issues such as women’s rights (Somer 2019: 49–50).

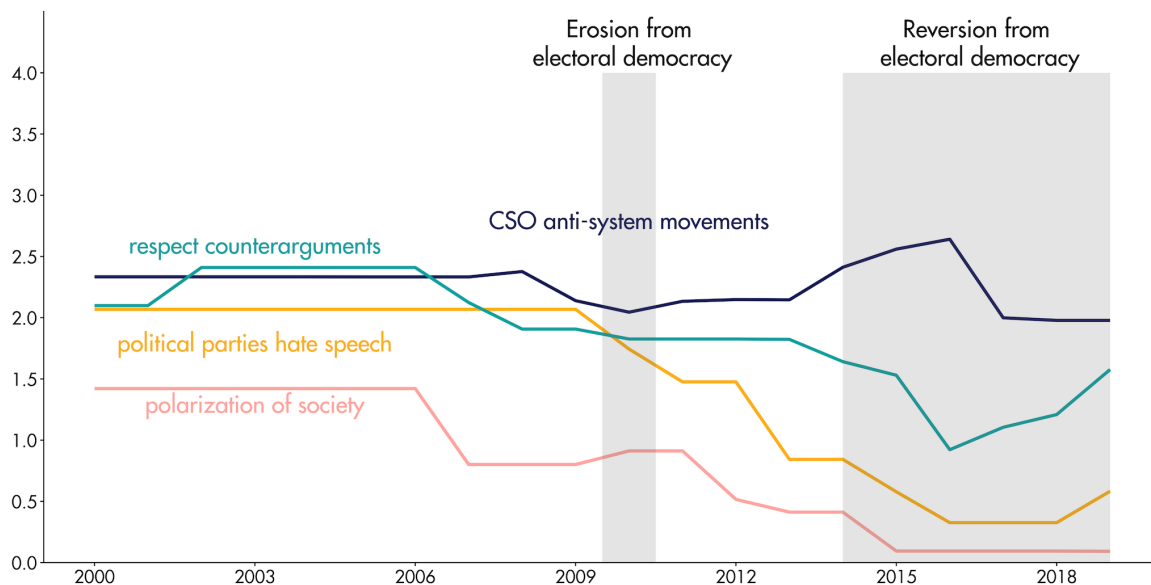
Polarization increased significantly when the AKP brushed off the secular opposition’s insistence on a consensus candidate and made the decision that Foreign Minister Abdullah Gül would stand for the presidency.² Gül’s wife wore a hijab, a striking signal in a country that had followed a particularly strong

²Per the constitutional rules at the time, the president was elected by Parliament with a required 2/3 majority. The CHP and the Constitutional Court reinterpreted this provision to require a 2/3 quorum for presidential elections. The AKP did not initially have the 2/3 majority but called for early elections in July 2007. Although they did not secure 2/3 majority, the MHP provided support for the election of Gül.

laïque tradition—borrowed from France—of separation of church and state. Significant demonstrations by secularists ensued following the announcement of his candidacy, characterized as “Republican Meetings.” Not without justification, Erdoğan and some of his followers—including a movement that coalesced around the cleric Fethullah Gülen—formulated a theory of a “deep state” (derin devlet) that had thwarted political Islam in the country. Over time, Erdoğan represented himself as the standard bearer of the “virtuous people” against an array of enemies: non-religious Kurds, Alevis, liberals, leftists, and seculars (Yabancı 2016: 598). He promised to raise “pious generations” by introducing more Islamic themes in the public school curriculum, and he adopted a hectoring tone on issues such as abortion, alcohol consumption, and a natalist posture on the role of women that divided the public into competing camps.

The 2007 and 2011 elections—as well as the constitutional referenda in 2007 on the direct election of the president, and in 2010, restricting judicial and military autonomy—were conducted in an increasingly polarized political context. As can be seen in [Figure Turkey.3](#), it is from 2007 that several measures of polarization start to deteriorate and from 2011 that the slide accelerates. By the time at which we code the country as having reverted to authoritarian rule, in 2014, social polarization was at its limit, indicators with respect to hate speech and respect for counterarguments were at all-time lows, and CSO anti-system movements were spiking, albeit in part as a result of protest activity against the regime. The Gezi Park protests of 2013 initially focused on an urban development plan for the park in Istanbul, but protests intensified and spread following the eviction of demonstrators and came to focus on a panoply of new issues on which the society was also now divided: freedom of the press, of expression, and assembly; and new social issues, such as the status of women and the role of the LGBTQ+ community in Turkey.

Figure Turkey.3 Polarization in Turkey, 2000–2019



Detailed studies of polarization show supporters of the two main blocs exhibiting sharply contrasting levels of satisfaction with democracy (stronger among the AKP than supporters of the Republican People's Party) as well as perceptions of freedom of expression and even support for democracy itself (Aydın-Düzgit and Keyman 2012; Aydın-Düzgit 2019). The AKP framed the vote on the 2010 constitutional referendum—covering a range of issues as we will see—as a battle between those defending their privileges in the “old Turkey” and those supporting a “new Turkey” (Somer 2019: 53). While economic satisfaction played some role in individual voting behavior, ideological and political factors also weighed strongly in the vote (Kalaycıoğlu 2012; Aydın-Düzgit 2019). Aytaç, Çarkoğlu, and Yıldırım (2017), for example, show clear partisan preferences with respect to core institutional issues in the mid-2010s, such as move toward a presidential system. A series of studies conducted in the mid-2010s—both before and after the 2016 coup—found evidence of extreme social polarization as well: high social distance between members of competing parties and perceived moral superiority and intolerance. Surveys also found evidence of cognitive polarization, with partisan groups getting news from completely different outlets and social media sources (Erdoğan 2018).

Electoral Institutions and the Constitutional Balance of Power

Developments in the party system, the AKP's unexpected dominance of the legislature, and a weakening of President Gül's standing in the party set the stage for the concentration of power around Erdoğan, a weakening of horizontal checks on the executive, and the collapse of the separation of powers (Gumuscu 2013; Muftuler-Bac and Keyman 2012; Önis 2013). As Lancaster (2014) shows, personal control of the party also mattered as the party became more and more personalist in nature.

However, these effects also operated through important referenda on constitutional revision, including with respect to the presidency, that were highly polarizing as well. These referenda directly collapsed the separation of powers with respect to the judiciary (Özbudun 2015) and ultimately resulted in a de facto and then de jure shift toward a presidential system. These developments unfolded in two stages: during the years when Erdoğan served as prime minister (2003–2014), enjoying substantial legislative majorities; and in the period following his assumption of the presidency in 2014, when his power became even more concentrated. Not coincidentally, Erdoğan's election to the presidency also marks the system's descent into competitive authoritarian rule.

The Parliamentary Period: 2003–2014

The stage for Erdoğan's ascent was set by the economic crises of the 1990s and the virtual implosion of the dominant pro-secular parties that had, in various forms, ruled the country largely uninterrupted since 1950. From 1995–2001, the country saw no fewer than five governments in six years. These included a short-lived coalition government in which the leader of the Islamist Welfare Party, Necmettin Erbakan, was prime minister (1996–97). Erbakan was effectively removed in 1997 by a “soft” military coup and a ruling by the Constitutional Court, which sought to disband the Welfare Party altogether on grounds of violating the country's strong secular political requirements. Resentments in the Turkish armed forces about the rise of the Welfare Party, through the instrument of the Turkish National Security Council, fueled perceptions that participation in the political system was effectively circumscribed by “deep-state” institutional residues dating to the 1980 coup if not before.

The 1999 legislative election yielded a Parliament in which five parties each held between 15 and 25 percent of seats, and the seats were relatively proportional to the popular vote (Table Turkey.1). The 2002

election, on the other hand, produced an unprecedented consolidation of the electoral system, and as in a number of other backsliding cases, a collapse of the existing party system. It is important to underline again, however, that we do not code the backsliding episode from the AKP's initial electoral victory in 2002, nor even from its second in 2007. In 2002, Erdoğan won a campaign that threaded a number of political needles and, as we will see in more detail below, even had politically liberalizing elements. Sending clear signals to the followers of Erbakan, he also moderated the Welfare Party's appeals, exploited disaffection with incumbents, and broadened out to gain support on the center-right and even from liberals who opposed the high-handed approach of the military and judiciary (Insel 2003; Özbudun 2006).

Table Turkey.1 General Elections in Turkey, 1999–2018

	1999 legislative election	2002 legislative election	2007 legislative election	2011 legislative election	2015 (June) legislative election	2015 (November “snap” election	2018 legislative election
AKP		34.3/66.0	46.7/62.0	49.9/59.2	40.9/46.9	49.5/57.6	40.3/49.1
MHP	18.0/23.4	8.3/0	14.3/12.7	13.0/9.6	16.3/14.5	11.9/7.3	11.2/8.9
CHP		19.4/32.4	20.8/20.2	25.9/24.6	25.0/24.0	25.3/24.4	51.5/57.3
ANAP	13.2/15.6	5.1/0					
DSP	22.2/24.7	1.2/0					
DYP	12.0/15.6	9.5/0					
GP		7.2/0	3.9/0				
DHP		6.2/0					
FP	15.4/20.2						
DP			5.4/0			10.8/10.7	11.5/11.1
HDP					13.1/14.5		
Independents			5.2/0				
Others	19.1/0.1	8.9/1.6	4.5/0	11.2			

Note: Blank cells indicate that parties did not run candidates or did not reach the threshold required for seats. Table shows popular vote share/seat share. Legislature had 550 seats until 2018 election when seat total increased to 600.

ANAP, *Anavatan Partisi*, Motherland Party; DSP, *Demokratik Sol Partisi*, Democratic Left Party; DYP, *Dogru Yol Partisi*, True Path Party; FP, *Fazilet Partisi*, Virtue Party; MHP, *Milliyetci Hareket Partisi*, Nationalist Movement Party; AKP, *Adalet ve Kalkinma Partisi*, Justice and Development Party; CHP, *Cumhuriyet Halk Partisi*, Republican People's Party; DHP, *Demokratik Halk Partisi*, Democratic People's Party; GP, *Genc Partisi*, Youth Party; HDP, *Halkların Demokratik Partisi*, Peoples' Democratic Party; İyi, *İyi Parti*, Good Party; SP, *Saadet Partisi*, Felicity Party.

Source: Carr, *Psephos Election Archive*.

A high 10 percent threshold for representation—initially designed by the military to keep small parties out of the Parliament—vastly magnified the AKP's seat share, allowing the party to translate 34 percent of the popular vote into 66 percent of legislative seats. The main opposition party, the secularist center-left Republican People's Party (CHP), gained only a third of the seats, while all of the parties that had comprised the previous government—including parties that were not only foundational to Turkey's tran-

sition to democracy in the 1980s but had roots going back to the 1950s—were shut out of Parliament altogether (Muftuler-Bac and Keyman 2012: 87).

In the 2007 and 2011 elections the party's popular vote share increased and legislative majorities remained robust. The legislature also authorized referenda. Indeed, the 2007 and 2010 referenda were designed to circumvent legislative constraints. In 2007, constitutional revisions—allowing for the direct election of the president—were passed by Parliament with little consultation with opposing parties. When the opposition appealed to the courts and the president vetoed putting the measure to a direct vote, the AKP overrode the presidential veto, called early parliamentary elections (July), and ultimately put the issue to a referendum in October anyway.

The process was deeply polarizing on much more than procedural grounds. As noted, the AKP's candidate for president, Abdullah Gül, was an Islamist, thus removing an important horizontal check on the AKP. Even within the parliamentary system, presidential incumbents wielded important powers over appointments to the civil service and the courts. AKP control of the presidency proved crucial to expanding executive power—including over the military, but ultimately over the judiciary as well, despite the fact that Erdoğan protected his prerogatives as prime minister. Moreover, the 2007 referendum ultimately set the stage for Erdoğan to migrate from his position as prime minister to the presidency in 2014.

The 2010 constitutional referendum—which carried with 58 percent of the vote—played an important role in expanding the AKP's and Erdoğan's power and was a crucial turning point. The referendum bundled no fewer than 26 constitutional amendments together, purportedly to ease EU accession. In fact, both the military and the courts were prime targets. Prior to the 2010 amendments, the military enjoyed prerogatives that put it beyond the reach of the AKP government; we take up this conflict with the military in more detail below. Shifting the power to try military personnel for violations of the constitutional order in civilian courts might seem like a democratizing move. Although such prosecutions had happened before in the cases noted above, this important constitutional change also made it easier for the government to try military personnel in civilian courts, including on charges that were trumped up.

The 2010 amendments also had effects on the independence of the judiciary. The High Council of Judges and Public Prosecutors (HSYK)—the body responsible for all career matters for judges and public prosecutors—was dominated by judges chosen by the two high courts (the Court of Cassation and the Council of State). Both of these, in turn, were more-or-less openly secular, as was the Constitutional Court. In 2008, the public prosecutor argued that the AKP should be shut down as a focal point of anti-secular activity, a judgment the Constitutional Court rejected, but with a warning to the party. Subtle institutional changes—expanding the size of the Constitutional Court, changing appointment powers to the courts, restructuring the HSYK—all had the same effect. By breaking the monopoly of the secularist judges in both the Constitutional Court and the HSYK, the amendments weakened their tutelary check over the elected government (Özbudun 2011: 103–107; Özbudun 2015). Although this move could be seen as democratizing, it ultimately weakened the independence of the judiciary and permitted further derogations from democratic rule that we discuss in the next section.

The Presidential Period: 2014–2019

In 2014, Erdoğan further concentrated his personal power by running for the presidency himself, while continuing to maintain de facto control over nominations and other levers of the AKP political machine. His declaration of a “de facto presidential system” defied both the norm of a neutral and non-partisan presidency and the Constitution itself, which was parliamentary. Aggrandizement of executive power in turn provided the legal foundation for an onslaught against political liberties and civil rights that was to characterize the period after 2014.

After the peace process with the Kurds failed just before the June 2015 elections, Erdoğan pivoted to court the nationalist vote to make up for the loss of Kurdish support and completely changed his political discourse: further clampdowns on the Kurds followed, including the jailing of the leader of the Peoples’ Democratic Party (Halkların Demokratik Partisi, or HDP). The Nationalist Movement Party (Milliyetçi Hareket Partisi, or MHP) came to the rescue as an alliance partner. Somer (2019: 54) summarizes the rapid-fire electoral developments and institutional changes which followed the legislative elections of 2015, where the AKP first lost the majority and then seized it back in controversial snap elections ([Table Turkey.1](#)). In quick succession, the country saw the resignation of the elected AKP prime minister under pressure from Erdoğan in the spring of 2016. The resignation expanded his control and clearly demonstrated the declining power of Parliament. A failed coup attempt, allegedly led by his former allies in the Gülenist movement, took place in the summer of 2016. The government quickly declared a state of emergency that dramatically expanded presidential powers. A highly-polarized constitutional referendum in 2017—conducted under a state of emergency—established a de jure executive presidential system. Snap legislative and presidential elections in 2018, which exploited the post-coup environment, were won by the AKP and Erdoğan despite a highly mobilized opposition.

We focus here on the electoral context and its implications. Elections in June 2015 showed an important crack in the AKP’s hegemony. Voters responded to a slowing economy, a far-reaching corruption scandal, the growing conflict with the Gülenists, and the fallout from involvement in the Syrian civil war. The result was that the AKP vote share fell to just over 40 percent and less than an outright majority of seats, while a new Kurdish party—the HDP—managed to secure over 11 percent of the vote and entered Parliament. However, with a hung Parliament and the AKP refusing to enter into a coalition or to hand over the government formation mandate to the main opposition party, the political system was stalemated. The November 2015 snap elections reversed the electoral verdict of June. Taking place against a fraught security environment, including terrorist attacks by ISIS and the PKK, the election resulted in the AKP securing roughly the same popular vote and seat share totals the party had secured in 2011 (Sayari 2016).

In a crucial move to weaken the opposition—and the legislature more generally—the AKP majority approved a constitutional amendment in early 2016 to facilitate the removal of deputies’ immunity from prosecution. Over 150 lawmakers, almost entirely from the HDP and CHP, subsequently had their immunity lifted for supposed links to terrorism or corruption. Files on no fewer than 57 deputies were sent to the Ministry of Justice for possible prosecution, and two were actually indicted for engaging in “terrorist propaganda.” Others were arrested for refusing to cooperate with the investigations.

Following the failed coup of 2016, the institutions of governance fundamentally changed as Erdoğan was able to declare a formal state of emergency (as of July 20; not lifted until two years later). A hundred and

twenty thousand police, civil servants, military personnel, teachers, and academics were dismissed or suspended. By the end of the year, 37,000 others had been formally arrested for political reasons. More important for our purposes, Erdoğan could effectively remake not only the executive branch but the composition of local governments as well through new appointment powers. Emergency powers were used to legislate entirely unrelated changes that consolidated Erdoğan's political-economic powers, such as with the foundation of an all-powerful State Sovereignty Fund. The Constitutional Court—weakened in earlier phases of the backsliding process—declined to consider the legality of these changes.

The 2018 presidential and legislative elections followed on the heels of the highly-polarized 2017 referendum on a fundamental constitutional revision—run under the shadow of the state of emergency—that turned Turkey into a *de facto* presidential system. The “pro” forces eked out the narrowest of victories (51–49) on a crucial issue of institutional reform and only with support from the Supreme Electoral Council, which allowed unverified ballots to be counted. The 2017 OSCE (Organization for Security and Co-operation in Europe) report on the referendum noted a myriad of abuses, including harassment and arrest of members of the opposition “no” campaign and heavy use of the government-controlled media. Erdoğan quickly exploited the momentum from the referendum to call early elections for president and Parliament for June 2018, again capturing the presidency and—in coalition with the MHP—a solid majority of legislative seats as well. Again, external observers (OSCE 2018) found the elections, while vibrant and contested, took place in a context that provided the government overwhelming advantages.

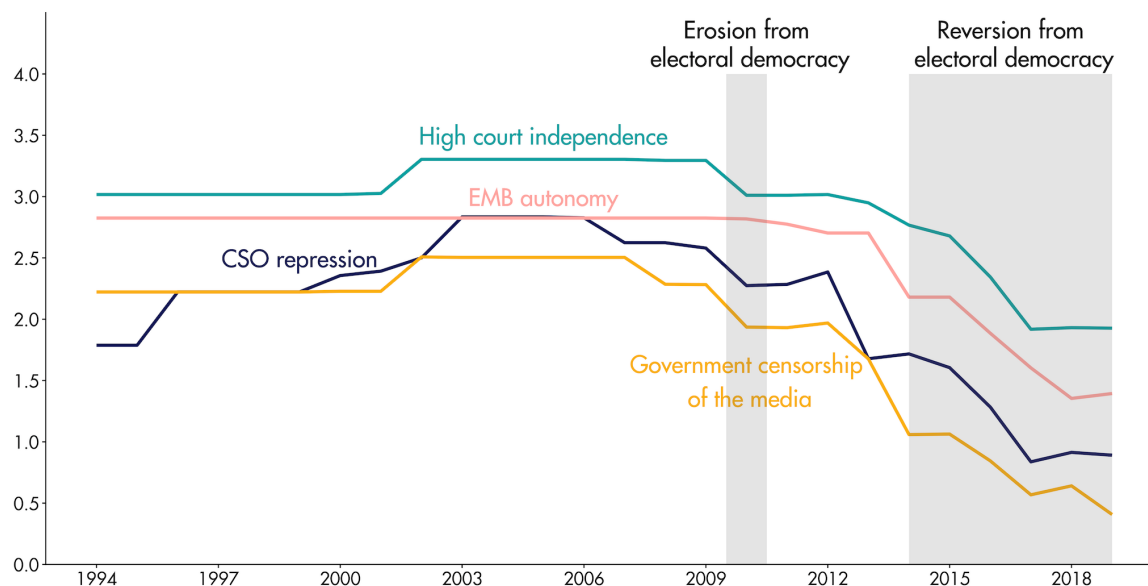
Backsliding

As noted in the introduction, the initial AKP victory in 2002 was actually followed by an increase in the country's liberal democracy scores ([Figure Turkey.1](#)), and as can be seen in [Figure Turkey.4](#), this corresponded to developments with respect to rights, media, the integrity of the electoral system, and the independence of the high courts. Scores on each of those indicators stayed high or even drifted up during Erdoğan's first term (2002–2007). The question of a European option remained a central preoccupation and arguably played a role in this process (Aydın-Düzgit and Keyman 2004). Erdoğan deepened ties to the EU and expanded protection of civil and political liberties. For example, measures to reverse a long history of torture in the country figured prominently in the EU-Turkey dialogue and Erdoğan sought to remove the issue as a roadblock. An early inventory of positive political changes in the 1999–2005 period, overlapping with the onset of the AKP government, includes: “lifting of the state of emergency and the death penalty, introduction of a new Penal Code with articles broadening the freedom of expression and association, stronger protection of detainee rights along with a significant decrease in pre-trial detention periods, abolition of Art. 8 of the (previous) Anti-Terror Law (propaganda against the indivisibility of the state) and the introduction of the right to learn and broadcast in languages other than Turkish, namely Kurdish” (Aydın-Düzgit and Keyman 2012: 8; see also Özbudun 2007; Cagaptay 2019: Chapter Seven).

As we have seen, Erdoğan also began a prolonged assault on military prerogatives. In the first AKP government, he focused on restructuring the composition and powers of the Turkish National Security Council. He would ultimately prosecute hundreds of secularist officers alleged to have plotted against the AKP government in the investigations launched in his second administration. Yet these early military reforms could also be sold—both at home and abroad—as eliminating the last “reserve domains” that the military had managed to maintain following the transition to democracy.

It should be noted that these political changes came in addition to a transformative upturn in economic

Figure Turkey.4 Backsliding in Turkey, 1994–2018



performance under the AKP that buoyed Erdoğan's support. After the election and referendum of 2007, things started to turn. It is useful to divide the subsequent backsliding process into two phases: developments from 2007 through 2014, straddling the period beginning in 2010, when our indicators suggest the onset of the backsliding episode; and the descent into competitive authoritarian rule after 2014.

Early Backsliding

We have already shown how the independence of the judiciary was an early target of the backsliding process, achieved in part through referenda. After his victory in the 2007 election, Erdoğan repeatedly made majoritarian arguments to justify the assault on horizontal checks, including open criticism of the Constitutional Court (Dinçşahin 2012). Incremental legal changes added to the powers gained by the executive in the 2010 referendum, as did aggressive staffing of the bureaucracy with AKP allies. For example, a law passed in February 2014 gave the justice minister additional authority over members of the Higher Council of Judges and Prosecutors (HSYK). Despite the fact that parts of the new law were annulled by a Constitutional Court ruling in April 2014, the government had already acted on the basis of the new authority to remove or reassign most of the HSYK and replace more than 100 judges with AKP loyalists. In addition to the reassignment of thousands of police officers, judges, and prosecutors, police officers were even arrested for alleged illegal wiretapping of state officials in connection with corruption investigations against the government.

The initiation of the so-called Ergenekon investigations and “Sledgehammer” trials showed precisely why control of the courts was so important (Rodrik 2011). The murder of a Turkish-Armenian journalist and activist Hrant Dink provided the opening for Erdoğan to resuscitate the idea of a “deep state” by

investigating a shadowy and possibly fictitious ultra-nationalist organization called Ergenekon. These investigations and a succession of show trials in 2008–2011 allowed the government to arrest, detain, and ultimately retire more than 300 high-ranking military officers on charges of subversion and plotting a coup (later acquitted and retired in 2016). In 2011 the commanders of Turkish ground, naval, and air forces all resigned. For good or ill, the military's claim to act as an arbiter of national politics had been a pillar of the post-1960 political order, which had continued traditions that dated to the founding of the Republic; this pillar had now been kicked aside as a constraint on Erdoğan's power.

As in the other backsliding cases, the press was also an early target, with pressure brought to bear both through restrictive legislation and executive discretion (Somer 2016; Esen and Gumuscu 2016). Despite reforms, the penal code retained a notorious provision that criminalized insulting the Turkish nation, the Turkish Republic, Parliament, the government or the judiciary, and the presidency. In 2006, anti-terrorism laws were revised to include jail sentences for journalists found to violate their provisions, with chilling effects on reporters. The Ergenekon investigation caught up not only military suspects but journalists. By the end of the 2000s, Turkey was one of the world's leaders in the imprisonment of journalists.

As in other backsliding cases, regulatory oversight of both traditional and new social media was an important point of leverage. Starting in 2008, the Doğan company, the largest media group in the country, was subject to repeated attacks, large fines for tax evasion, and ultimately, forced divestiture of key holdings. Cagaptay (2019) describes how regulatory powers were used to weaken media independence. Following the passage of restrictive media laws, the government would charge owners of media conglomerates such as Sabah-ATV with improper business practices or violation of statute. Control of the company would pass to a regulator, who then auctioned it to a single bidder, an AKP supporter. The new owner would then be supported with state financing to finalize the purchase. The harassment extended down to the level of individual journalists, using *inter alia* libel laws.

Domestic security concerns were also weaponized to limit rights of assembly and association. Amendments to the Antiterrorism Law (TMY) passed in 2006 allowed for the imprisonment of journalists for up to three years for disseminating the statements and propaganda of terrorist organizations. In January 2011, a new amendment to the media law was passed, allowing for television broadcasts to be suspended and stations to be fined or closed by Erdoğan or other designated ministers in cases of emergency or threats to national security. Those advocating for a settlement of the Kurdish issue were particularly vulnerable. The treatment of the Kurdish minority is a large topic in its own right, which takes us beyond the scope of our primary interest here, but suffice to say that it constitutes another deep division in Turkish society. Prior to a partial settlement in 2013 and a peace process through 2015, the government not only engaged in mass arrests of Kurdish activists, but used national security concerns as a cudgel to hold over the heads of the opposition. As Freedom House (2011) notes, journalists covering the Kurdish issue were vulnerable to long prison terms and scholars with an “academic interest, political solidarity, or humanitarian concern were subject to increased intimidation and in some cases detention.”

The space for civil society protest also narrowed sharply. In a pattern visible in other backsliding cases, police not only forcibly broke up public gatherings, but appeared to rely on radical supporters to engage in violence against protestors as well. In 2013, Erdoğan cracked down on the so-called Gezi Park protests noted above, leaving seven demonstrators dead, over 8,000 injured, and nearly 5,000 detained. In a common pattern, opposition protest was securitized through prosecution under anti-terrorism laws and

investigation of NGO finances (Esen and Gumuscu 2016) and the protests framed politically as the result of foreign conspiracies (Nefes 2017).

Reversion to Authoritarian Rule

Erdoğan's election to the presidency in August 2014 marked a further concentration of power in the executive; his dismissal of Prime Minister Davutoğlu in May 2016 illustrated the declining power of Parliament vis-à-vis the president, even prior to the 2017 referendum which established a de jure presidential system. Yet the run up to the 2014 election saw further derogations from democratic rule. Corruption—and efforts to hide it—played a role in these processes as it has in a number of other backsliding episodes. These included the “17–25 December Incidents” that involved the family of AKP ministers. In February 2014, an audio recording surfaced of Erdoğan and his son discussing hiding large amounts of cash. Further recordings subsequently surfaced suggesting that Erdoğan had interfered in judicial cases and ordered the media to run pro-government stories. The revelations unleashed purges that were to become an ongoing feature of the late Erdoğan period; in 2014 more than 2,000 police officers, judges, and prosecutors investigating corruption were dismissed or were reassigned.

The presidential election in August was not only highly-polarized—including with respect to religious appeals and denigration of moderate Alevi Muslims—but was also characterized by misuse of campaign funds, media bias, and outright irregularities. Control of the media, including social media, continued to be a central means for creating an uneven playing field. In early 2014, the administration responded to the leaked recordings by actually seeking to block access to YouTube and Twitter, an effort that was reversed by the courts. Nevertheless, the government put pressure on Twitter to close the accounts of critical writers and journalists and passed a law giving the National Intelligence Organization more surveillance powers. These and other irregularities persisted into the complex electoral sequence in 2015, in which the AKP initially lost its outright majority in Parliament but ultimately rebounded in the second general elections held in November.

In 2016, the defeat of a military uprising provided an opportunity for Erdoğan to consolidate his power even further. A full discussion of this uprising takes us far beyond our purposes here (Esen and Gumuscu 2017), but the coup—allegedly promoted by Fetullah Gülen, an erstwhile Erdoğan ally living in exile in the United States—was badly organized. It faced strong resistance not only from the government and other military factions but from opposition parties and the mass public as well. Again, further control of the judiciary facilitated these efforts to round up the opposition, showing how backsliding steps are interconnected. In June 2016, the Parliament had passed a judicial reform bill that allowed AKP-dominated judicial bodies to replace most YSK judges that September. In the wake of the coup, Erdoğan engaged in sweeping arrests that caught up tens of thousands of people in the military, the civil service, and academe, apparently drawing on an “enemies list” compiled prior to the coup. He closed down numerous schools and media organs and took over companies, many of which were affiliated with the Gülenist movement (Esen and Gumuscu 2018). A state of emergency was declared and kept in place until after the 2017 referendum.

Further exploiting this internal threat, the AKP and the Nationalist Movement Party staged the constitutional referendum of April 2017, noted above, which not only shifted the country to a de jure presidential system but substantially expanded formal presidential authority. As in earlier referenda, this one bundled a number of amendments—18—which included not only the formal adoption of a presi-

dential system but further weakening of horizontal checks, such as with the abolition of the office of the prime minister and still greater executive control over appointments to the Supreme Board of Judges and Prosecutors (HSYK). Moreover, the referendum was held under a state of emergency and the government's control of both the electoral system and the press allowed it to prevail, albeit only very narrowly (51.4–48.6 percent).

Again, backsliding steps were shown to be tightly interconnected, particularly with respect to the electoral system. AKP-appointed judges on the Supreme Electoral Council (YSK) oversaw voting procedures. As noted, the OSCE found an array of election irregularities in both the 2017 constitutional referendum and the presidential and parliamentary elections of 2018 (OSCE 2017, 2018; Freedom House 2017, 2018).

Conclusion

In 2017, Freedom House summarized its overall assessment of the country as its status was downgraded from Partly Free to Not Free, its political rights rating declined from 4 to 5, and its civil liberties rating declined from 5 to 6: “a deeply flawed constitutional referendum that centralized power in the presidency, the mass replacement of elected mayors with government appointees, arbitrary prosecutions of rights activists and other perceived enemies of the state, and continued purges of state employees, all of which have left citizens hesitant to express their views on sensitive topics.” Municipal elections in 2019 that resulted in AKP reversals in Istanbul suggested an important point about polarization: that opposition to autocrats is not easily stamped out in highly polarized settings. But as Figures [Turkey.1](#) and [Turkey.4](#) show, as of this writing in early 2020, Turkey's democratic decline might have temporarily plateaued but has not necessarily bottomed out.

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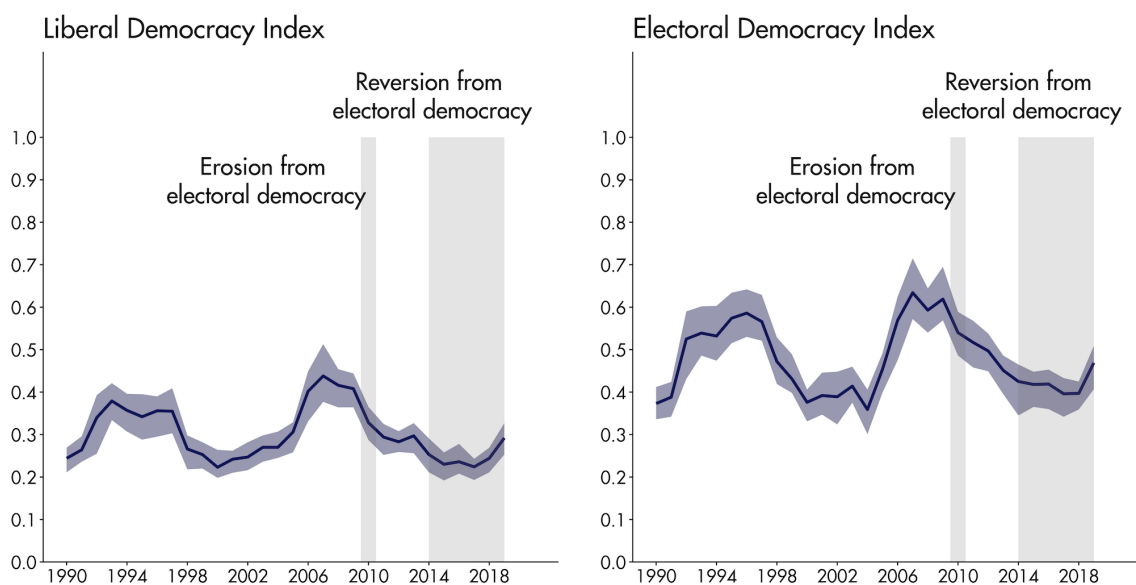
UKRAINE

EROSION FROM ELECTORAL DEMOCRACY, 2010; REVERSION, 2014–2019¹



Ukraine experienced an initial wave of democratization in the early 1990s, lasting six years, which fell just short of the eight-year threshold (Figure Ukraine.1) that we discuss at greater length in *Backsliding*. However, after experiencing a first round of erosion, Ukraine did experience eight consecutive years of democratic rule between 2002 and 2009 (V-Dem EDI v. 8) before the onset of the backsliding episode we focus on here. Although this episode is dated from 2010 to 2019, it extends across two very different governments, dominated respectively by Viktor Yanukovych (2010 to 2014), and Petro Poroshenko (2014 to 2019). Yanukovych, who was elected president in 2010, actively undermined democratic institutions in an effort to concentrate political power in his hands. Poroshenko led an administration that sought to correct these abuses; although he succeeded in stopping the slide, his reforms failed to return Ukraine to the democratic status quo ante.

Figure Ukraine.1 Electoral and Liberal Democracy Scores with Confidence Intervals, 1990–2019



In the six-year period leading up to Yanukovych's election, Ukraine's politics had been characterized by intense—if often chaotic—competition. The concentration of executive power had been checked by rivalries among powerful oligarchs and by regional cleavages between the Russophone regions of the east and south and those to the west and north. Yanukovych's victory in 2010 came amid charges of fraud by the losing side, but the election received a relatively clean bill of health by international observers. It was noted by Freedom House (2011:5) as “the fourth in a series of free and fair” presidential

¹ We thank Mikhail Alexseev, Jesse Driscoll, Henry Hale, and Lucan Way for comments and suggestions on this appendix.

and parliamentary elections that followed the Orange Revolution of 2004 and the withdrawal of Leonid Kuchma from the presidency.

Once in office, however, Yanukovych launched a concerted effort to concentrate his personal power and that of his family. Constitutional changes engineered very early in his term transformed the regime from the “post-Orange” system of shared authority between presidents and prime ministers into one in which the president dominated. Deploying powers over appointments and public resources, Yanukovych then reconstituted the pyramidal patronage structure of the Kuchma era (Hale 2014), placing “the judiciary, law-enforcement apparatus, civil service, and other public resources and institutions under his control and the control of the so-called family” (BTI 2016: 2). Yanukovych wielded prosecutorial authority against prominent political opponents, including former Prime Minister Tymoshenko, who was prosecuted on the highly dubious charge of having “exceeded her authority” and was imprisoned in 2011. The regime also cracked down on the media and freedom of assembly and increasingly manipulated the electoral process. Reflecting these developments, the V-Dem Liberal Democracy Index shows a sharp downward slope after 2010, and it falls below the democracy threshold of 0.5 during the confrontations with EuroMaidan protesters, which erupted between November 2013 and February 2014 (Figure Ukraine.1).

The protests, however, cut short Yanukovych’s bid for autocratic power. They were initially triggered by the president’s announcement that he would not sign an Association Agreement with the European Union. However, the special police’s violent response to this initial unrest (Berkut) led to broader protests against corruption and authoritarianism and demands for the president’s resignation. In an effort to diffuse the crisis, Yanukovych agreed to cede most of his powers back to the Parliament, but by this time it was too late to appease the protesters who demanded his resignation. As parliamentary support began to crumble and Interior Ministry troops began to leave their posts, Yanukovych fled to Russia in February 2014.

Petro Poroshenko, one of the leaders in the opposition, emerged the victor in presidential elections held in May 2014. Although Poroshenko had run on a pro-Western platform, however, progress toward political and economic reforms was uneven and incomplete. A return to the mixed presidential/parliamentary system was an important step forward on the institutional front, facilitating a more competitive political environment (Hale 2011, 2014). Agreements signed with the EU in 2014 placed political reforms squarely on the agenda, but these were significantly impeded by the continuing presence of oligarchs and old political loyalists embedded in the formal structures of power. Their influence—particularly within the police and the judiciary—significantly impeded efforts to strengthen the rule of law. The Russian occupation of Crimea and the war in Donbas added to the political tension. It strengthened national security justifications for constraints on political contestation aimed especially at regional rivals in the southeast of the country, and it contributed to an upsurge in far-right attacks on minorities and political opponents (Way 2014: 42). As a consequence of these and other factors to be discussed below, the Liberal Democracy Index, which had levelled off after 2014, did not begin to approximate pre-2010 levels until the election of Volodymyr Zelensky in 2019 (Figure Ukraine.1).

Social Background: The Role of the Oligarchs and the Impact of Regional Polarization

In accounting for the domestic political foundations of backsliding in Ukraine, it is important at the outset to acknowledge distinctive features of the post-Soviet space that set that country apart from others in

this study. Leaving aside Russia's direct influence on the system—an issue we take up at length below—two other major consequences of the Soviet legacy shaped the challenges to democracy in Ukraine. The first was the distinctive political economy of the post-Soviet republics. As was the case throughout the region, the “oligarchs” who seized control of the Ukrainian economy during the privatizations of the 1990s acquired a central role in the political system, posing major impediments to both economic stability and the rule of law. Far more than in most of the other countries in this study, their influence is a feature, not a bug, of the Ukrainian system.

A second core feature of the Ukrainian system—the cultural and language differences between the Rusophone south and east and the regions to the west and north—also derives from Ukraine's history as a Soviet Republic. Unlike the distinctive and pervasive influence of the oligarchy, however, the political effects of these regional divisions align more closely with the role that polarization plays in our general explanation of backsliding. Regional cleavages did not, it should be emphasized, undermine support for national independence, which remained strong throughout the country; rather, they arguably contributed to robust political competition. These rifts did, however, become increasingly fraught in the runup to the backsliding episode.

The Orange Revolution of 2004 marked a decline in the non-ideological and clientelistic “parties of power” that had prevailed under Leonid Kuchma, as well as a breakthrough of strongly pro-Western politicians with bases of support in the north and west. In turn, Yanukovich relied heavily on voters in the south and east and on legislators elected from those parts of the country. Under Poroshenko, the wheel turned again as politicians in the north and west regained dominance and backed policy measures that were seen to disadvantage the opposition, including even national security measures that placed limits on political activity in contested parts of the country. We discuss the impact of each of these factors—the oligarchy and the regional divisions—in the following sections before turning to the immediate background conditions that led to Yanukovich's election.

The Oligarchy

As in almost all post-Soviet systems, Ukrainian oligarchs have wielded power not only indirectly, through their control of resources, but directly, as leaders of political parties and members of Parliament. Access to rents was integrally tied to political power, and as a consequence, political allegiances ranged from complicity with ruling authorities to support for oppositions that were bidding for power. “Big business,” states the Bertelsmann Stiftung Transformation Index (BTI), “has acquired a firm grip on the economy and decision-making over the years of Ukraine's independence” (2016: 8). However, it “does not act uniformly: there are different oligarchs who pursue different agendas and compete with each other. This fact alone accounts for pluralism in politics and informational space” (BTI 2016:8). In 2004, for example, dissident oligarchs provided crucial financing, publicity, and leadership for the Orange protests against Kuchma's attempt to rig the presidential election.

As Henry Hale (2011, 2014) has argued, however, the extent of oligarchic pluralism has also been highly dependent on variations in domestic political institutions—notably, the extent to which presidents can exercise unilateral control over patronage. As in much of the post-Soviet world, the strong presidential Constitution established under Leonid Kuchma and again under Yanukovich facilitated the formation of a pyramidal power structure in which oligarchic factions had strong incentives to compete for resources controlled by the president: government funds, subsidized privatizations, or favorable regu-

latory policies. Significantly, many of the prominent adversaries in the post-Orange period—including Tymoshenko, Poroshenko, and Yushchenko—gained positions of economic and political power under Kuchma.

In the post-Orange system, however, a deal negotiated with the outgoing Kuchma government weakened the power of the incoming president and provided the prime minister with an independent base of authority conferred by a parliamentary majority (Wilson 2013; Hale 2011). The new presidential/parliamentary system generated incentives for competitive clientelism, which undermined coherent policy-making as we discuss below, but helped to sustain democratic competition. As Hale observes, what “largely kept Ukraine democratic since late 2004 has been the relatively equal distribution of corrupt opportunities among rival wielders of divided executive power” (Hale 2014: 93).

Regional Cleavages and Political Polarization

Regional cleavages are rooted in the differences between the southeastern population’s ethnic, linguistic, and cultural affinities with Russia, and demographic majorities in the north and west who are more likely to identify as ethnic Ukrainian and to report Ukrainian as their native language. These differences provided the primary axis of electoral competition. As noted, Yanukovych’s Party of Regions (Partiia Regionov, PR) drew its support primarily from the southeastern sections of the country, the same region from which Kuchma initially emerged as a political force. The Fatherland Party (often referred to as Batkivshchyna or BYuT) and Our Ukraine (or OU-PSD), both parties based in the west, supported Tymoshenko and Yushchenko respectively.

The effects of regional cleavages on democratic politics, however, were complex. On the one hand, it is important to emphasize that neither section of the country was monolithic, either politically or economically. Competing oligarchs often had business or cultural roots in different parts of the country, meaning that their interests were not tethered strictly to a regional base. Political conflicts within the broader population, moreover, were muted by a long history of de facto flexibility in language and cultural policies (Stepan 2005) as well as by broad, cross-regional support for independence from Russia. As Sasse (2014: 100) argues, “voters’ economic, linguistic, and political preferences are...fluid. Times of crisis and hotly contested elections make the regions appear to be more homogenous than they really are.” To the extent that the cleavages provided impediments to political centralization, moreover, they arguably helped to strengthen Ukrainian democracy (Levitsky and Way 2002; Sasse 2014: 104; Way 2005).

But the regional differences over language and culture also contributed to polarization, particularly at the level of elite politics. Especially fraught were conflicting narratives of Ukraine’s troubled history. Pro-Western groups emphasized the genocidal Stalinist repression of the 1930s. Those based in the Russophone regions, particularly the Communist Party, stressed the role that some sectors of the independence movement played in the mass murder of Jews and Poles during World War II and their intermittent cooperation with Nazi invaders (Shevel 2014). Much of the post-Soviet political elite—including Kuchma and Yanukovych—tended to avoid such hot button issues, as did a large swath of the underlying population. As Shevel argues, however (2014: 156–7), “one of the main changes brought about by the Orange revolution...was that much (although not all) of the ruling elite group...made an anti-Soviet historical memory central to their political identity.”

A notable and highly controversial example was the posthumous award that president Yushchenko extended to two prominent leaders of the independence movement, Roman Shukhevych and Stepan Bandera. Both were named Heroes of Ukraine—the highest state honor—for “defending national ideas and battling for an independent Ukrainian state” (Shevel 2014: 157). The award was condemned internationally because of the war crimes committed by some members of the movement, and it alienated those in the east and south who continued to subscribe to the Soviet narrative of struggle against the Nazi invaders. Yanukovich, with his base in the east and south, spoke against these honors and attempted to recast the 1932–1933 Stalinist genocide as “a common tragedy of the people of the USSR” (Shevel 2014: 158). As noted, however, he generally steered clear of these explosive issues.

Southern and eastern regional interests were still more clearly reflected in policies pursued by Yanukovich’s supporters in the Party of Regions. A Freedom House report issued in 2011, for example, voiced concerns about a draft education law that was viewed as an attempt to introduce the Russian model of education and to “build a Berlin Wall” between Ukrainian and Western education systems. The report also noted the disproportionate use, within the military and the prisons, of chaplains from the Russian-oriented Ukrainian Orthodox Church of the Moscow Patriarchate.

The impact of regional cleavages on backsliding should not be exaggerated; as discussed above, they were muted by the heterogeneity of interests within the regions and by cross-cutting support for national independence. Nevertheless, these differences did figure importantly in the party politics that led to the rise of Yanukovich and later, in Poroshenko’s subsequent failure to turn the process around. For Yanukovich, who won 78.5 percent of the vote in eastern Ukraine (Kudelia 2014: 21), the east and south provided an essential base of support in both the presidential and parliamentary elections.

Yanukovich’s Rise to Power

Although Yanukovich capitalized on these regional cleavages, his own career was rooted in the murky oligarchic politics of the Kuchma era, and his personal rise to power exploited other weaknesses in Ukraine’s political and economic system. He was widely believed to have established close ties with the Russian KGB early in his political career, and he rose to political prominence as a Kuchma protégé. From 2002 to 2004, he served as Kuchma’s prime minister, and (likely with Russian backing) was his designated successor in the rigged elections that triggered the Orange protests. The bitter infighting among the political winners of the Orange Revolution also facilitated Yanukovich’s rise to the presidency. These divisions, as we will discuss in more detail below, were particularly intense between Yushchenko, who had been elected president in 2004, and his one-time ally, Tymoshenko, who had assumed the newly powerful post of prime minister. In 2006 and 2007, the infighting among the dominant parties provided an opening for Yanukovich to briefly resume the role of prime minister and placed him in a position to contest for the presidency in 2010.

The election itself, finally, was held in the midst of an economic collapse, which enabled Yanukovich to portray himself as an acceptable alternative to the fractious post-Orange governments. The economy had been in recession throughout the 1990s, regaining positive rates of growth only in the early 2000s. As [Figure Ukraine.2](#) shows, however, it was hit especially hard by the financial crisis, with a contraction in GDP of over 15 percent. Moreover, major conflicts over gas sales from Russia, to be discussed below, intensified the hardships.

Notwithstanding Yanukovych's narrow regional base of support, the evident disarray of the Orange elites placed him in a position to make credible claims that by increasing the power of the presidency, he could restore governability to the system (BTI 2016). "He was not only the leading opposition figure at a time of economic crisis," notes Hale (2014: 92), "but could also claim credit for the robust growth that had taken place during his two periods as prime minister [2002–2004 and 2006–2007]... He promised change, which he said would include bringing the Ukrainian nation together after years of squabbling, restoring competency to government, and prioritizing the battle against poverty ('our biggest enemy') over all else."

Post-election developments were, as we know, quite different. Yanukovych did indeed increase the power of the presidency, but not with the objective of bringing the nation together or improving governability. Instead, what followed was a grab for power and wealth. The trade in natural gas, long a source of wealth for Ukrainian oligarchs, became a major font of rents for Yanukovych and his allies, as did kickbacks from public construction and outright thefts from the state budget (Åslund 2014: 66). Massive corruption had devastating implications for Ukraine's economy. After a brief recovery in 2010 and 2011, GDP declined steeply again from 2012 to 2014, crippled by large fiscal and current account deficits (Figure Ukraine.2). As we will see in more detail below, however, Yanukovych had by this time amassed a war chest that allowed him to extend his power into most areas of the political and economic system.

Figure Ukraine.2 Real GDP Growth in Ukraine and Eastern Europe, 1993–2020

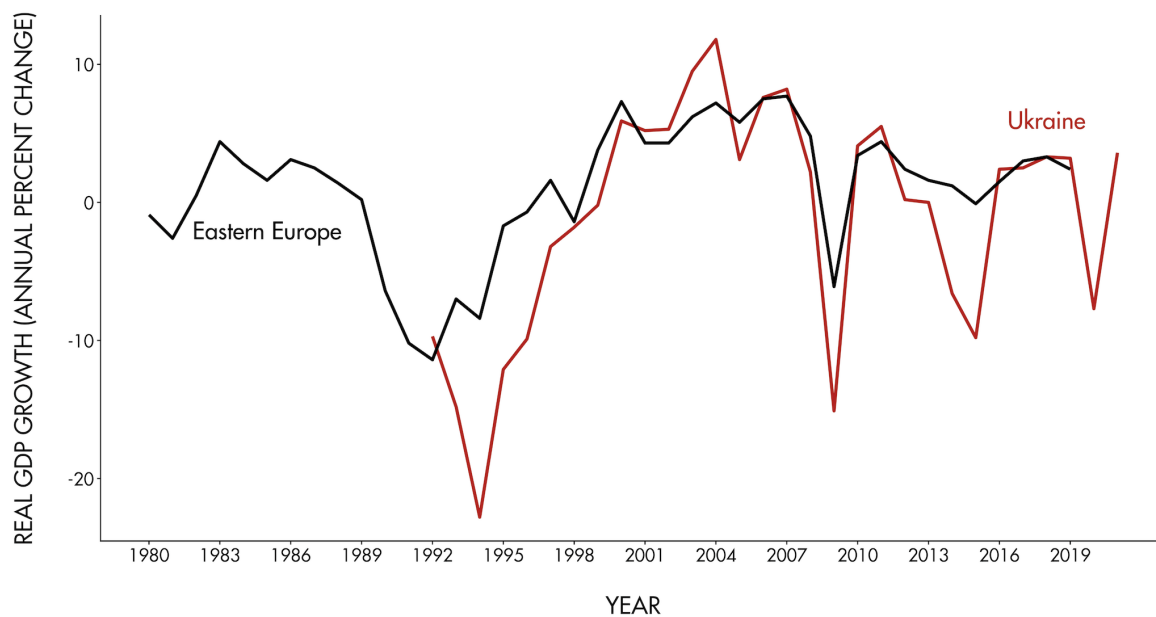
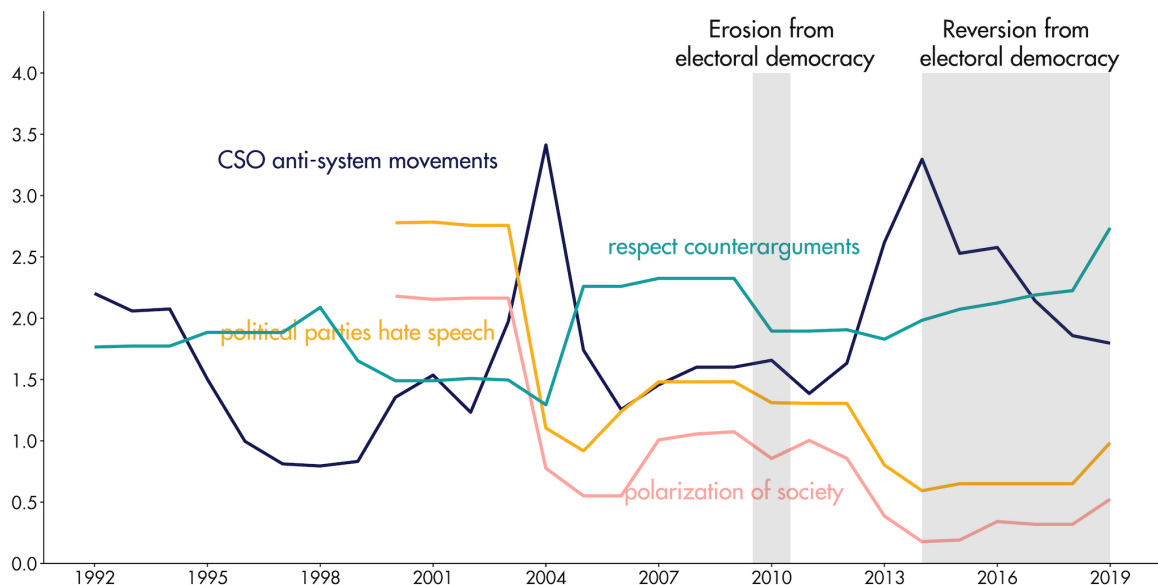


Figure Ukraine.3 maps the V-Dem indicators for political polarization from 2000 forward. They can be interpreted in ways that are largely consistent with the trends described above. CSO anti-system movements spike at the time of the Orange Revolution of 2004–2005 and social polarization and political party hate speech worsen after it, arguably a reflection of the shift from the non-ideological pragmatism of the Kuchma era to the more assertive, pro-Western nationalism of the post-Orange political leader-

ship. However, these conflicts appear to have intensified substantially during the Yanukovych years from 2010 forward, as the president increasingly turned to repressive measures to offset his declining popular support. The low points, not surprisingly, come in 2013 and 2014 during the bloody confrontations between the security police and the EuroMaidan protesters. Anti-system movements, also not surprisingly, peaked again around the EuroMaidan protests themselves in 2014.

Figure Ukraine.3 Trends in Polarization in Ukraine, 2000–2019



Party Politics in the Post-Orange Period: The Prelude to Backsliding

In this section, we turn more directly to the elite conflicts and electoral and legislative politics that facilitated Yanukovych's efforts to concentrate power. Unlike most of the other cases we consider, this did not involve the collapse or radicalization of established parties. On the contrary, a closed-list PR system established in 2004 significantly reduced the party fragmentation and increased the importance of political blocs formed mainly around regional loyalties and specific political leaders. As we will discuss below, however, the apparent consolidation of the party system did not produce more stable governments. As in other backsliding systems, coordination failures tended to undermine the capacity of party actors to stand against the appeal of an autocratic leader.

The two main blocs emerging out of the Orange Revolution were Our Ukraine—led by Viktor Yushchenko, the winner in the 2004 presidential elections—and the Fatherland bloc, led by Yuliya Tymoshenko. The former was based principally in the western regions around Lviv and was the strongest proponent of membership in NATO and the EU. Tymoshenko's BYuT had its strongest support in Kyiv, the north, and central regions and ran on a more left, populist platform. Yanukovych's Party of Regions, as noted above, was based in the eastern and southern regions that had previously provided Kuchma's initial base of sup-

port. Several smaller groups—the Communists, Socialists, and the centrist Lytvyn bloc—also acquired strategically important positions in parliamentary alliances.

The instability of the party system stemmed from several sources. In the first place, the large blocs themselves were subject to risks of defection from member groups or smaller allied parties. The leadership of all the major blocs, moreover, included powerful oligarchs with sufficient wealth and political influence to chart their own course if they deemed it advantageous. Finally, the competitive clientelism incentivized by the new presidential/parliamentary Constitution referred to above, deepened the rivalries between the two main Orange opposition leaders—Yushchenko and Tymoshenko—and strengthened incentives for shifting alliances, backroom deals, and political conflict.

The resulting government dysfunction—a frequent precursor of backsliding—was apparent almost from the inception of the post-Orange political era. As they had agreed in the runup to the 2004 presidential elections, the victorious Yushchenko appointed Yulya Tymoshenko as prime minister in January 2005; the alliance quickly fell apart, however, amidst conflicts over cabinet appointments and the resignation of senior officials (including Poroshenko, who had been a contender for prime minister). In September 2005, Yushchenko dismissed Tymoshenko after only nine months in office, leading to bitter recriminations on both sides.

In the parliamentary elections of 2006, the first held under the new electoral system, Tymoshenko appeared poised to return as prime minister. BYuT emerged from the election with over 30 percent of the seats, which—together with Our Ukraine and the Socialists—could have provided the necessary majority (Table Ukraine.1), but negotiations among the parties collapsed over the distribution of government positions. The Socialists switched sides to join in a coalition with the Party of Regions and the Communists, and in July 2006, Yanukovych became prime minister. Yushchenko acceded temporarily after Yanukovych agreed to include members of Our Ukraine in the cabinet.

Less than a year later, however, the fragile understanding between President Yushchenko and Prime Minister Yanukovych fell apart, as the parliamentary coalition launched initiatives to reduce the power of the presidency. Yushchenko responded with a call for early parliamentary elections, which in turn resulted in a tense standoff with the Yanukovych government and a full-blown constitutional crisis. As the political conflicts intensified, Yushchenko ordered units of the Internal Troops into Kyiv, after having seized command from the Ministry of Internal Affairs. The troops were blocked from entering the city by police units that had remained loyal to the Ministry, which was then headed by a Socialist ally of the Yanukovych government (Katchanovski 2008: 360). Eventually, the standoff ended when representatives from Our Ukraine and BYuT resigned their positions, depriving Parliament of a quorum and forcing new elections in September 2007.

The Party of Regions again emerged from new elections as the largest single bloc (see Table Ukraine.1), though it fell short of a governing majority because its Socialist allies failed to win any seats. The way was thus open for Tymoshenko to construct a government supported by the BYuT, Our Ukraine, and the small Lytvyn bloc. However, deep conflicts continued between the president and the parliamentary coalition, as well as within the coalition itself. In 2008, Tymoshenko's BYuT joined with the Communists and the Party of Regions in another attempt to limit the power of President Yushchenko. In response, the OU-PSD bloc pulled out of the coalition and Yushchenko threatened to call new elections. In turn, Tymoshenko accused the president of responsibility for the financial crisis that had begun to hit Ukraine

Table Ukraine.1 Legislative Elections in Ukraine, 2006–2014 (popular vote/seat share)

	2006	2007	2012	2014
Our Ukraine	15.2/18.8	14.1/16.0		
BYuT, Fatherland	23.4/30.3	30.7/34.6	25.5/22.4	5.7/4.5
People's Front (split from BYuT)				22.1/19.4
Party of Regions	32.3/40.0	34.4/38.9	30.0/41.1	
Communists	3.8/4.6	5.4/6.0	13.2/7.1	
Socialists	6.1/7.5	2.9/*		
Lytvyn's Bloc		4.0/4.4		
UDAR (Poroshenko)			14.0/8.9	
Poroshenko Bloc				21.8/31.2
Radical Party				7.4/5.2
Samopomich				11.0/7.8
Opposition Bloc (legacy of Party of Regions)				9.4/6.9
Svoboda			10.4/8.2	4.7/1.4
Other Right				†/0.7
Small Parties/vacant seats			†/1.3	
Independents			†/10.9	†/22.9
Total	450 seats	450 seats	450 seats	423 seats

Note: Blank cells indicate parties that did not run candidates; † indicates missing data.

Source: Carr, *Psephos Election Archive*.

in 2007–2008.

Matters worsened further in 2009. As noted above, the most devastating blow came from the global financial crisis; Ukraine's GDP declined by over 15 percent. In addition, however, Russia shut down crucial gas supplies from Gazprom during the winter months, a move aimed at increasing the pressure on Yushchenko and the other Orange parties. Since 2006, gas supplies from Russia had been funneled through an intermediary company owned in part by oligarchs Dmytro Firtash and Ivan Fursin. The cutoff came after the collapse of negotiations to eliminate the rents incurred through the company, ostensibly over a dispute about unpaid debts to Gazprom in 2008. Under pressure from the EU, Russia finally signed on to a new agreement, but not before the governing elites had incurred high social and political costs.

The 2010 presidential elections, which we associate with the onset of the backsliding episode, occurred against the backdrop of increasing political fallout over these events. Already, by April 2008, support for Yushchenko had fallen precipitously, from almost 40 percent in the first round of the 2004 elections to less than 15 percent in surveys conducted four years later (Katchkovski 2008: 367). Popular support for the populist Tymoshenko was stronger, but in January, she lost to Yanukovych in the first round of the presidential elections, 24.7 percent to 35.8. In the second round, the electorate was divided and the

vote was close: 48.7 percent of the vote went to Yanukovych and 45.5 percent went to Tymoshenko.

The conduct of the election generated considerable controversy. Two days before the vote, a coalition of deputies from the Party of Regions, the Communists, and Tymoshenko's former allies in Our Ukraine made last-minute changes in the composition of district electoral commissions. The changes raised concerns about the possibility of vote rigging, and in the aftermath of the election, Tymoshenko pressed charges of fraud. She withdrew the legal charges after the Administrative Court declined to review her claims, but she continued to deny the legitimacy of the election. On the other hand, as noted, international observers declared that the elections were free and fair, and there are good reasons to believe that popular discontent over the fecklessness of the incumbent Orange governments had done a great deal to carry Yanukovych to a relatively clean victory. Official results were consistent with exit polls, which showed him doing well in Kyiv and other regional cities, as well as in his eastern strongholds (Reuters 2010; Interfax-Ukraine 2010). Additionally, his victory was generally validated by Washington and the European Union.

Even as concerns began to grow over the authoritarian turn that followed the election, critics such as Freedom House (2011: 1) acknowledged the "credible and compelling" narrative that helped to bring Yanukovych to power. Following the decision to downgrade Ukraine's status from Free to Partly Free, Freedom House published "Sounding the Alarm" (2011), a special report on the country. Despite obvious concerns, it also portrayed Ukraine's civil society—the street soldiers of the Orange Revolution—as dispirited and depressed by the failures of the post-Orange political leaders, and it pointed to the relevance of the "state goal of bringing order to this chaotic situation..." (Freedom House 2011: ii). In short, the optimism following the Orange Revolution gave way to disillusion, disappointment, and divisions within the opposition that opened the way to Yanukovych's assault on Ukraine's fragile democratic institutions.

Backsliding: 2010 to 2014

Yanukovych's project of political centralization built upon the restoration of the informal practices and institutional framework of the Kuchma era. In September 2010, six months after his inauguration, Yanukovych pressured the Constitutional Court to invalidate the presidential/parliamentary system implemented in 2004 and to restore the strong presidential system that had prevailed under Kuchma. In the runup to the decision, four judges who opposed the reversal were forced to resign and replaced by judges who favored it. The Freedom House special report also notes somewhat dryly, that "there were also concerns that the arrest of the son-in-law of the Constitutional Court's chairman, combined with a criminal case against his daughter, represented a not-so-subtle form of pressure on the court" (Freedom House 2011: 1). The changes restored full control over executive appointments to the president, allowing him to place his loyalists in key positions of power, including in the Interior Ministry, the state security service, and the tax authorities.

In turn, these agencies became instruments of repression wielded against the opposition, business rivals, and civil society groups. Tymoshenko and former Interior Minister Yuriy Lutsenko, key leaders of the opposition, were among the early victims. Both were brought up repeatedly on charges until prosecutors found ones that would stick. In October 2011, after a lengthy legal battle, Tymoshenko was sentenced to seven years in prison for violating administrative procedures in the negotiation with Russia over gas sales in 2009; Lutsenko was sentenced to four years in February 2012. In both cases, the procedures were

condemned by the European Court of Human Rights as well as by the United States and other western governments.

As was the case in other backsliding episodes, control over the legislature was also a pivotal step in the backsliding process. Yanukovych's new parliamentary majority was rounded out by a highly questionable procedure that allowed individual members of the opposition parties, not just party factions, to defect and join the Party of Regions coalition. In March 2010, Mykola Azarov, a close associate of the president, was named as prime minister and continued in that capacity until Yanukovych's ouster in 2014. This move did not convert the Parliament entirely into a rubber stamp—the government's majority remained somewhat vulnerable to defection, and the opposition retained a sizable presence (see Table Ukraine.1)—but support from the legislature did provide a degree of legitimacy to maneuvers that significantly strengthened the government's hand and disarmed its critics.

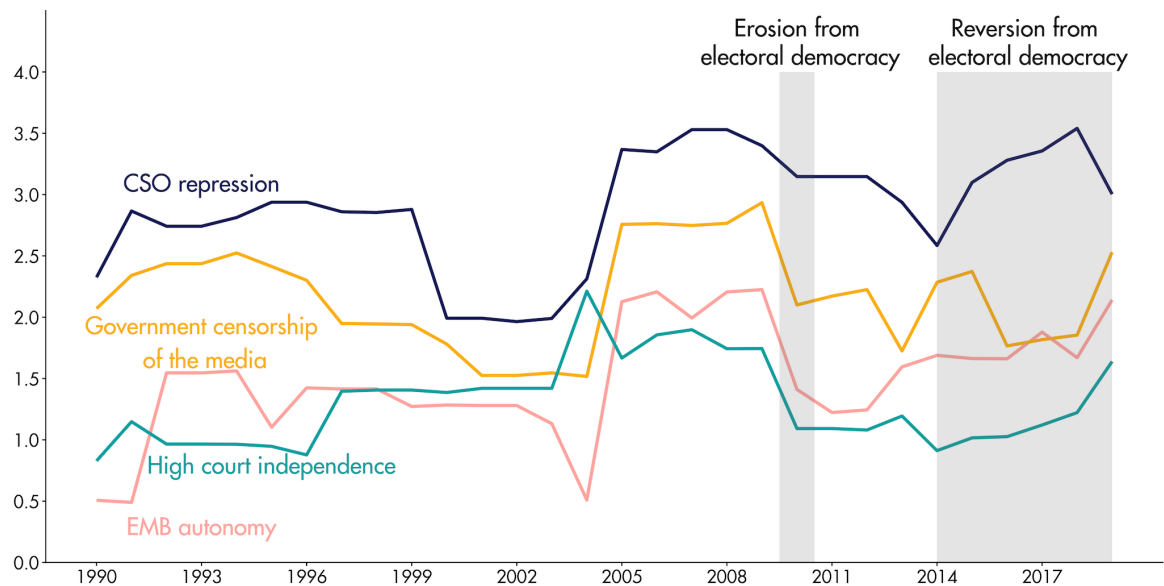
One of the Parliament's first acts was to authorize the postponement of municipal elections from May until October 2010, giving the government time to tweak the rules and manipulate the results. In Lviv, the government maneuvered a split in Tymoshenko's BYuT that eventually led to the disqualification of the entire party. This cleared the way for the local victory of the far-right Svoboda party, a far less formidable competitor on the national stage.

In November 2011, the Parliament followed with the approval of an electoral law reform that restored the mixed system of proportional representation and majority districts of the Kuchma era. Provisions for strengthening monitoring procedures attracted some support from opposition deputies, but the restoration of single-member majoritarian districts provided the government with opportunities to enhance its support through the use of state resources and local connections. Despite sharply declining popular support for Yanukovych, the government was thus able to strengthen its majority in the 2012 parliamentary elections. The Party of Regions only increased the percentage of seats it controlled directly from 38.9 to 41.1, but added almost all of the 49 independent candidates, with 10.9 percent of the seats, to its ranks as well. In the meantime, the BYuT had been weakened by the prosecution of Tymoshenko and by the victory of Svoboda in Lviv, and its representation in the Parliament fell from almost 35 percent to just over 22 percent (see Table Ukraine.1). Kovalov (2014: 782) estimates that the government's maneuvers gave the Party of Regions up to 63 additional seats (14 percent of the total): 42 gained via the changes in the electoral system and the remainder obtained through legal and illegal manipulation on the part of the president's coalition.

Figure Ukraine.4 shows the broader trends in the four democratic indicators that we use to assess the concentration of power: high court independence, censorship, freedom of civil society, and electoral board autonomy. Each turns sharply down in 2010, Yanukovych's first year in office, and remains at a low level until his ouster in 2014. Even during the Orange period, the High Court was highly responsive to government preferences (somewhat more than half the time). As we have seen, however, it succumbed completely to Yanukovych on key constitutional issues and was "usually" subservient through the remainder of his term.

The prosecutions of Tymoshenko and Lutsenko were far from the only abuses of power over law enforcement and the courts. Yanukovych wielded both as instruments of intimidation and harassment over a broader array of civil society critics and potential opponents, behavior reflected in the sharp increase in the V-Dem indicator of civil society repression. A particularly notorious example was the use of the

Figure Ukraine.4 Backsliding in Ukraine, 1990–2019



SBU (the Ukrainian Security Service) to pay “visits” to political activists and civil society organizations—a practice not seen since the Kuchma years. The brutal attempts by the Security Service to repress the EuroMaidan demonstrations in 2014 were, of course, an even more dramatic indication of the regime’s inclination to close the space for civil society. As we will see below, in the aftermath of the EuroMaidan protests, the SBU also played a significant role in covering up the crimes of the Yanukovych period, including both its pervasive corruption and its brutal attempts to suppress the Maidan protests.

The government additionally used a variety of techniques to undermine the independence of the media—a trend also evident in [Figure Ukraine.4](#). The transition from analog to digital frequencies, for example, offered Yanukovych an opportunity to redeploy broadcast licenses toward media allies. The National Council for Television and Radio Broadcasting (NTVCU) awarded 28 licenses to eight broadcasters owned by allies of the government, while none were awarded to the privately owned stations in the western regions. Regulations were supplemented by economic pressure and raids by tax authorities, assuring that political coverage would be overwhelmingly dominated by the ruling elite. In October 2011, a study by the Academy of Ukrainian Press and the Institute of Sociology of the National Academy of Sciences showed that Yanukovych and his government already were receiving 69 percent of coverage, compared to only 24 percent garnered by the opposition (Freedom House 2012: 9).

The “reforms” of the electoral laws, also discussed above, opened the way for extensive manipulation of the electoral process. The electoral environment was degraded further by the government’s domination of the media, and by regulations that allowed government loyalists to control the Central Electoral Commission and its subsidiaries in the districts.

The use of these resources should be placed in a broader political context. Yanukovych's popular support was more precarious than that of many other autocrats we have covered in this study. His margin of victory in the 2010 election was narrow and reliant primarily on his regional base, and in Ukraine's turbulent environment, public opinion was highly volatile. As noted, support for Yushchenko, Yanukovych's predecessor, had plunged sharply by the end of his term; with dissatisfaction mounting over economic conditions and political performance, surveys showed a steep decline for Yanukovych as well. By May 2013, surveys of first-round voting intentions showed Yanukovych running slightly behind Vitali Klitschko, who was at that time his main challenger for the presidency (Kudelia 2014: 26). As support slipped, the incentives increased for the president to take refuge in the support of his family circle and to rely more heavily on bribery, intimidation, and outright coercion to control broader challenges to his rule. By the time the EuroMaidan protests erupted in November 2013, Yanukovych had become increasingly isolated politically.

The Russia Factor and the EuroMaidan Protests

The EuroMaidan protests of 2013–14 were triggered by Yanukovych's decision in November 2013 to walk away from talks on association with the EU, signaling an intent to move more decisively into the Russian orbit. Until that point, his foreign policy—like that of his Kuchma and Yushchenko—had straddled a narrow line between East and West. In 2010, he signed the Kharkiv Pact, which extended Russia's basing rights in the Crimea by thirty years, but he also appeared to be moving toward an Association Agreement with the European Union. A sharp deterioration of the economy in 2012 and 2013, however, narrowed his options (see Figure Ukraine.1): signing an agreement for prospective EU membership would not offer a tangible economic boost in the short run, and it risked both electoral defections in his regional base and retaliation from Russia. As Kudelia argues (2014: 28), a better option, though still not a very good one, would have been to turn away from the EU and more fully embrace Russia. He writes that “seeking Russia's financial assistance—including reduced gas prices—would offer a way to keep social payments up, utility rates down, and short-term debt safely rolled over.” The strategy, he continues, “could also include heavy-handed electoral tactics and even out-right cheating as a last resort.”

At first, pro-EU protests over this decision involved no more than several hundred people, but the protests expanded dramatically after the government turned to deadly force to put down the demonstrators. On November 30, the regime sent riot police to disperse the crowd, but the next day, an estimated 800,000 people turned out across the country to show solidarity with the victims of the assault (Onuch 2014: 45). In a survey of protesters conducted on the demonstration sites, Onuch and a team of researchers concluded that protest rhetoric, initially about joining Europe, moved on to attack the regime for corruption, repressiveness, violation of rights, and included demands for Yanukovych's resignation. “Most importantly, the median protester [did] not seem to have been motivated by opposition to the Ukrainian government's desire to seek stronger ties with Russia, but instead cared more about the economic and political direction of the government's domestic policies” (Onuch 2014: 47). These opinions, moreover, were shared by Ukrainian- and Russian-speaking protesters alike, as well as the 26 percent of protesters who had previously voted for Yanukovych.

As the protests escalated, Yanukovych's decision to restrict power to a narrow inner-circle began to work against him; increasing dependence on family members and close allies had already shaken the support of a broader network of oligarchs and politicians who feared being shut out by his grab for power. As was the case in the Orange Revolution, dissident oligarchs provided financing and television coverage for the

protesters. With his back to the wall, Yanukovych finally agreed on February 21, 2014 to accept opposition demands for constitutional changes that would again reduce the formal power of the presidency and increase the authority of the Parliament and prime minister. By this time, however, it was too late for Yanukovych. Even the Party of Regions had begun to suffer defections, and the regime disintegrated quickly. Troops guarding the presidential compound and other government buildings stood down, and Yanukovych fled the capital ahead of the protesters' continuing calls for his resignation.

Limited Reform under Petro Poroshenko: 2014–2019

The collapse of the Yanukovych regime eliminated, at least temporarily, the threat of an autocratic restoration in Ukraine and opened the way for a deepening of ties to the European Union and the West. The political provisions of the Association Agreement were signed in March 2014, almost immediately after Yanukovych left the country, and economic provisions were signed in June, following the presidential elections. Overall, the agreements on trade, harmonization of consumer and environmental regulations, labor rights, and other political and economic reforms repositioned Ukraine more clearly within the Western orbit. Although this by no means assured steady movement toward a democratic system, these agreements did impose important external constraints on initiatives that might have moved the system backwards.

But over the next five years—during the presidency of Petro Poroshenko—progress toward the construction of a democratic system remained highly uneven at best. As can be seen in [Figure Ukraine.1](#), both electoral and liberal democracy scores remain flat in the aftermath of the election and do not see a decisive upturn until the elections of 2019. The indicators of backsliding in [Figure Ukraine.4](#) show a mixed picture as well. While CSO repression relaxed, government efforts to rein in the media are coded as equal to those during the Yanukovych years; high court autonomy and the independence of election-monitoring bodies show marginal improvements at best. In this section, we discuss some of the central challenges faced by democratic reformers in the post-EuroMaidan era: the ongoing difficulties posed by a fragmented party system, the effects of the Russian aggression, and the pervasive problem of oligarchic influence and endemic corruption. In the conclusion, we summarize the overall record of achievements and failures that characterized the Poroshenko era.

The Political Landscape

For the first four months following Yanukovych's flight, the sitting Parliament filled the vacuum by appointing an interim president, Oleksandr Turchynov, from Tymoshenko's BYuT, and a new prime minister, Arseniy Yatsenyuk, who had also been a leader of the BYuT before breaking away to form a new party, the People's Front. This duopoly in turn forged a broad coalition of anti-Yanukovych forces, among them the right-wing Svoboda party and the Ukrainian Democratic Alliance of Vitali Klitschko.

But the contours of the political landscape began to clarify only after the presidential elections in May 2014 and the snap parliamentary elections held in October (Matsiyevsky 2018). Poroshenko, the winner of the presidential election, was a “lesser oligarch in a relatively inoffensive industry [confections]” (Rohozinska and Shpak 2019: 35), who had emerged as a leader of the opposition during the EuroMaidan protests. Previously, it should be noted, he had held high government positions under every president since Kuchma, most recently as Minister of Trade and Economics under Yanukovych. Following a break with the president, he had appeared frequently as a speaker in the EuroMaidan protests and his widely viewed television station (Channel 5) had provided crucial publicity for the opposition. He won in the

first round with 54.7 percent of the vote, projecting the image of a competent manager who was “something of a self-made man whose ample personal fortune would keep him from being tempted to line his pockets...” (Rohozinska and Shpak 2019: 35). In prior negotiations, he won the support of his strongest potential competitor, Vitali Klitschko, in exchange for commitments for key cabinet posts. In the election itself, Tymoshenko, who had only recently been released from prison, was the closest runner up, but she captured only 12.8 percent of the vote. Serhiy Tihipko, a former leader of the Party of Regions and an official in the Yanukovych government, finished in fifth place, with just over 5 percent of the vote.

The snap parliamentary elections in October 2014 were called by Poroshenko after disputes over the allocation of cabinet positions produced splits in the broad front of EuroMaidan parties. He justified his decision on security grounds: Russia had annexed Crimea and begun to instigate the formation of People’s Republics in Donetsk and Luhansk almost immediately after Yanukovych’s resignation. Although the existing Parliament had condemned the separatists as terrorist organizations, the president referred to the elections as a form of lustration, necessary to purge the Parliament of current MPs who were sponsors or sympathizers of the separatists.

The elections were conducted under the mixed PR/SMD framework reestablished under Yanukovych, and the result was a proliferation of new parties and a raft of independent candidates. Perhaps most notable was the devastating collapse of the political forces associated with Yanukovych and the Party of Regions. That party, which had been the largest in the 2012 Parliament with 30 percent of the seats, chose not to participate; its legacy party, the Opposition Bloc, gained only 29 seats (or 6.9 percent of the total), and for the first time since independence, the Communist Party failed to gain any representation at all (Table Ukraine.1). Representation of the pro-Yanukovych forces was further suppressed by the fact that elections could not be held in twenty-seven districts in the Donbas region or in any part of Crimea, which together constituted about 15 percent of Ukraine’s population.

The pro-European opponents of the Yanukovych regime emerged as the overwhelmingly dominant force, but they were even more fractured than in the Orange period. By 2015, as noted, the coalition formed after the 2014 election had begun to splinter. The populist Radical Party left the coalition to protest the Minsk Protocol, a trilateral agreement between Ukraine, Russia, and the OSCE, which held out the possibility of limited autonomy for regions held by pro-Russian separatists. The following year, the governing coalition narrowed further with the withdrawal of Tymoshenko’s BYuT and the Samopomich, or Self-Reliance, Party. This left the government with the official support of only two political parties—the Petro Poroshenko Bloc (a party of power formed in 2014 by the president’s supporters), and the People’s Front, the breakaway from the BYuT. Throughout most of the Poroshenko presidency, therefore, the ruling coalition was fragile, and dependent on non-coalition political parties and individual members of Parliament on a case-by-case basis.

Conflicts among the post-EuroMaidan parties stemmed from more than a struggle over government positions; strategy toward Russia was also an important source of disagreement. The Petro Poroshenko Bloc was the only pro-European party that consistently sought to end the war through a peaceful solution. The Radicals, as noted above, split from the coalition in protest over the Minsk Protocol. Self-Reliance and BYuT criticized the government on similar grounds, and both advocated greater reliance on military force to confront the separatists and Russians. Economic issues also divided the parties. BYuT was especially critical of a government agreement with the IMF to reduce subsidies on domestic gas prices, a major drain on fiscal resources.

These parties were by no means unified internally, either. The Poroshenko Bloc and People's Front were each divided between old-guard politicians with connections to oligarchs and the traditional bureaucracy and newer members who were focused building genuine democratic institutions, the rule of law, and strong anti-corruption mechanisms. Some new members of Parliament from the ruling factions, frustrated by the slow pace of change, vocally criticized the president, the government, the prosecutor general, and political leaders who were engaged in business. This led to the formation of an anti-corruption sub-faction within the Poroshenko Bloc. Divisions within and between the governing parties, however, constituted a serious impediment to the implementation of major governance reforms initiated in compliance with the EU accords.

The Political Implications of the Russian Aggression

How did Russian incursions in Crimea and Donbas affect post-EuroMaidan political reforms? In some respects, these incursions can be viewed as products of geopolitical pressures experienced throughout the post-Soviet world, with repercussions that were largely exogenous to the domestic political forces we have emphasized in our comparative analysis. For one thing, the Russian aggression effectively disenfranchised the populations of Donbas and Crimea and severely weakened the political forces that had backed the Party of Regions.

But in many other respects, it is impossible to untangle the effects of the Russian threat from the social and political fault lines that had long been features of Ukrainian politics. The war itself, after all, was a response to the conflicts unleashed by Yanukovich's refusal to sign the EU Association Agreement and Poroshenko's sharp turn toward the West. Further, the conduct of the war reflected or magnified some of the trends and political divisions we have described in the preceding sections.

One of these effects, paradoxically, was to reinforce the already broad support for the territorial integrity of Ukraine, and to strengthen support for democratic politics. Alexseev (2015: 3) has documented the results from opinion surveys, which show a substantial increase in national identity "predominantly at the expense of local and Soviet identities," and large majorities opposed autonomy for their respective regions. Support for joining the West grew from 42 percent in 2012 to 53 percent by May 2014, while supporters of a pivot to Russia declined from 35 to 17 percent. In a later study (2019), moreover, Alexseev notes that across all geographic regions, including in the government-controlled Donbas, "a geopolitical orientation toward Russia is synonymous with the rejection of democracy at home, while a geopolitical orientation toward the West is synonymous with support for democracy at home."

However, wartime restrictions imposed by the Poroshenko government worked in the opposite direction. Some of these restrictions, to be sure, could be justified on national security grounds—for example, efforts to counter an intensive Russian misinformation campaign aimed at undermining support for the war effort. Many other restrictions, however, appeared to be aimed at the cultural and political opposition in the Russophone east and south (Way 2019), a turnabout from the power relations prevailing under Yanukovich. Media censorship, although far from comprehensive, was a central feature of this campaign. In 2015, the government passed a law on the "Protection of Information Television and Radio Space of Ukraine," which was used to restrict access to Russian social networking sites and to ban Russian films that had little obvious relevance to the current conflict. Ukrainian Russian-language news outlets were also harassed, as was the Ukrainian website Strana.ua, which was considered too friendly toward Russia.

The restrictions imposed by the Poroshenko government, moreover, extended well beyond the media. In the aftermath of the EuroMaidan uprising, writes Way (2019: 56), the government undertook the “first serious attempts to impose cultural policies aimed at breaking with the communist past and promoting Ukrainian national identity in eastern and southern Ukraine, where support for the Soviet legacy remains high.” Relevant acts included legislation that renamed hundreds of villages and cities and declared Ukrainian the sole official language for all government activities; laws banning the public disparagement of the independence movement, including the Organization of Ukrainian Nationalists (OUN); and a ban on the Communist Party of Ukraine, which had played a pivotal role in coalition politics under both Yushchenko and Yanukovich.

In 2018, after a Russian naval attack on Ukrainian vessels, the government went a step further, imposing martial law in the coastal and border regions of eastern and central Ukraine. Under pressure from allies, Poroshenko backed away from initial efforts to postpone the presidential elections scheduled for March 2019, but he retained the authority to limit rights to speech and assembly. While these limits were never seriously enforced, they did affect about 40 percent of the Ukrainian population centered in the southeastern sections of the country (Way 2019: 57).

At the margins of the Ukrainian system, finally, the emergence of violent, far-right nationalist movements constituted an additional impediment to political reform. Again, their increasing visibility in the post-EuroMaidan period owed to a combination of international and domestic influences. Clearly, the war enabled these groups to “ride the patriotic wave” (Likachev 2018: 5), but it was their participation in the EuroMaidan protests that initially opened the way to their increasing visibility in the public sphere. As noted above, the mass of demonstrators had turned out against corruption and political repression, but Yanukovich’s repressive response enabled far-right movements to assume an outsized role. They gained notoriety and some prestige through the occupation of public buildings and provocative confrontations with police sent to quash the demonstrations.

With the onset of the war, the ultra-nationalists continued to engage in polarizing and sometimes violent activities, but their significance as a political force remains unclear. Indeed, we cannot discount the possibility that Russian misinformation campaigns, aimed at increasing Ukrainian political conflicts, have contributed to an exaggerated perception of the danger posed by nationalist fringe groups. In any case, the electoral support for the far right is negligible. Svoboda, the largest right-wing party, won only six SMD seats in the 2014 elections and none in the national list vote. In the foreseeable future, there is little chance that it, or any other related group, can reach high political office.

It is possible, however, that the influence of the far right has been increasing in other parts of the political system. In a Freedom House report, Likhachev (2018) notes a gradual rapprochement with law enforcement bodies, bolstered “by the need to integrate the volunteer military formations—set up by nationalists at the start of the war—into the country’s existing structures. Far-right groups have also become increasingly active in the streets, using nationalistic and patriotic tropes to engage in violent attacks on leftists, Jews, and LGBT groups” (Nations in Transit 2017). Moreover, they have arguably acquired an outsized role in shaping the discourse about the Russian threat, which complicates the foreign policy debates among the mainstream political parties.

The Oligarchy and Corruption

The continuing oligarchic penetration of formal institutions arguably constituted the greatest impedi-

ment to a more democratic Ukraine during the Poroshenko period. Notwithstanding the turnover of power in 2014, many of the major political players, including Poroshenko himself, were oligarchs or were closely connected to them. To be sure, the return to a presidential/parliamentary system after 2014 did break up the pyramidal power structure that Yanukovych had worked to build; as in the Orange period, this institutional change incentivized the formation of competing networks centered on the president and prime minister (Hale 2014: 2011). Nevertheless, informal power relationships formed around shifting coalitions of oligarchs continued to infuse the formal agencies of government, the courts, and the Parliament itself. Although these oligarchic networks could not fully block the reform agenda adopted after the ouster of Yanukovych, their hold on the formal levers of power provided them with the political resources and incentives to slow efforts at implementation (Matsiyevsky 2018; Kuzio 2016).

The ability of these political forces to impede reforms was most evident with respect to the two pillars of the rule of law: the law enforcement agencies and the courts. The main enforcement agencies—the Prosecutor General Office (PGO), the Security Service (SBU), and the National Security and Defense Council (NRBO) remained in the hands of officials from the Yanukovych era or even before. The PGO was headed by Vitaliy Yarema, whose law enforcement career dated back to the Kuchma regime, and then by Viktor Shokin. Shokin was appointed in 2015 despite opposition from EuroMaidan activists and Transparency International (BTI 2016), who accused him of having covered up police crimes against EuroMaidan protestors. In the United States, the impeachment hearings against Donald Trump catapulted him to notoriety because of his role in burying inquiries into the Burisma energy company. But well before that time, he had been the target of criticism from the EU and the U.S. Ambassador for protecting corrupt prosecutors, blocking criminal investigations, and undermining reforms. Indeed, notes Taras Kuzio (2016), under Poroshenko “not a single official from the Yanukovych era has been criminally convicted of any crimes during the former president’s reign.”

Efforts to improve the court system similarly made little headway. In April 2014, the Parliament passed a law “On Restoring Trust in the Judicial System of Ukraine,” which prescribed the lustration of judges implicated in past abuses and transferred the power to appoint chief judges from cabinet ministers to the judges in each court. However, in a sign of entrenchment, 75 percent of the court chairpersons fired by this law were re-elected by their peers. Additional reforms set up a self-governing body for the judicial branch, the Higher Council of Justice, which would make all recruitment and disciplinary decisions. So far, however, the Higher Council has been “reluctant to reject judges shown to be corrupt or dishonest by the integrity commission comprised of civil activists” (VoxUkraine 2017).

Reforms of the gas industry, while not entirely unsuccessful, also met with significant pushback from political and oligarchic interests. Naftogaz, the energy monopoly and long a source of oligarchic rents, was placed on a more solid financial footing by reducing subsidies on tariffs charged to domestic consumers and switching from Russia to the European market as its main source of supply. However, efforts to set up an independent supervisory board stalled when three directors resigned over Cabinet interference and increased political meddling. New legislation strengthened Central Bank independence, but “the risk of appointing a political figure as head...remain[ed] high” (VoxUkraine 2017).

Pushback from oligarchic networks also retarded efforts to expand the space for civic action and public debate. In contrast to the post-Orange period, civil society coalitions continued to play an active role in driving reforms after 2014, and despite oligarchic resistance, their efforts met with some success. Among the most important achievements, for example, was the reform of public procurement procedures, which

increased competition for public tenders, required private bidders and public officials to divulge their assets, and took steps to harmonize procurement with EU and WTO standards. More generally, we see a notable upward tic in V-Dem indicators for civil society freedom between 2014 and 2017 (see [Figure Ukraine.3](#)).

But the drive for transparency and public accountability additionally encountered substantial political headwinds from powerful actors seeking to preserve their access to rents. The resistance of such actors was evident, for example, in legislation in 2017 that required civil society activists and journalists reporting on government corruption to file public declarations of their personal assets. Backers of the legislation framed it as a complement to previous anti-corruption laws, which required public officials to divulge their assets, but the move was widely condemned by Human Rights Watch and other international organizations as a blatant attempt to intimidate both civil society activists and journalists. The requirement, as one Human Rights Watch researcher noted, conflates the responsibility of taxpayer-funded state officials to divulge their assets with that of private citizens who report on issues of public interest. It is, she stated, “a slap in the face of Ukraine’s anti-corruption activists and its international partners who have been calling for a more transparent government” (Human Rights Watch 2017). The sharp increase in the V-Dem assessment of civil society repression after 2017 appears to reflect these steps.

Media and the electoral agency were subject to similar cross-pressures, and as noted, our V-Dem measures show either scant improvements or—in the case of media—outright regress. Nations in Transit (2016) reports a highly pluralistic media environment, but added that “the largest media outlets are still controlled by oligarchs, making them dependent on outside political and business agendas.” Free and fair presidential elections eventually went forward as scheduled, but until that time, oligarchic politics—as well as the war—created considerable uncertainty. This concern was also reflected in the 2016 Nations in Transit report about unresolved maneuvers over the composition of the Central Election Commission. Twelve of the fifteen members of the Commission remained in place after their terms had expired, as the major political factions could not agree on replacements.

Conclusion

There is considerable room for debate about whether the Poroshenko presidency left the glass half full or half empty with respect to the rebuilding of democracy in Ukraine. V-Dem indicators notwithstanding ([Figure Ukraine.4](#)), we should not underestimate the progress. The shift into the Western orbit, though not irreversible, reflected strong domestic pressures for the construction of a more liberal democratic system subject to the rule of law. Additionally, despite the impediments to reform, politics in Ukraine did appear to move in a more pluralistic and competitive direction. At the very least, Poroshenko’s behavior ultimately did conform to the most fundamental criterion of democratic politics: he backed away from attempts to postpone or manipulate the 2019 presidential elections and accepted his defeat at the polls without reservation or protest.

However, it is noteworthy that the aggregate V-Dem indicators shown in [Figure Ukraine.1](#) essentially move sideways during the Poroshenko presidency; the uneven and incomplete nature of the post-EuroMaidan reforms shows how difficult it is for democratic forces to transcend the dysfunctions and conflicts that led to backsliding in the first place. Comparable challenges, though different in specifics, are also evident in several other weak democracies examined in this study. In Bolivia, for example, the populist

who initiated the backsliding episode was replaced by opponents who actually intensified political repression. In North Macedonia, the reform initiatives of a new democratic government continued to face destabilizing headwinds. Democratic progress in post-EuroMaidan Ukraine has been impeded by existential threats from Russia, by political fragmentation, and—most important—by deeply embedded oligarchic interests able to launch a powerful resistance to the establishment of lawful and accountable governments.

Both in analyzing the causes of backsliding in Ukraine and in assessing prospects for the future, we cannot ignore international factors—the ways in which Ukrainian politics have been affected by the fact that it is situated within the post-Soviet space. In our comparative analysis, we have focused primarily on domestic politics: political polarization, control of the legislature, and incremental abuses of democratic institutions. However, in post-Soviet Ukraine, external geopolitical conflicts loom large. The oligarchy, the regional cleavages, and the political infighting have all been shaped directly or indirectly by the Soviet legacy or by Russian aggression.

But the narrative also shows that most, if not all, of these supposedly exogenous influences operated through domestic institutional and political channels that paralleled the ones we have emphasized in the other cases. As Hale (2011) has shown, the formation of the oligarchy was a ubiquitous feature of post-Soviet privatization, but its impact in Ukraine was also shaped by formal constitutional design. Similarly, although regional cleavages were probably not as polarized as they were in many of the other cases, given the continuing non-ideological influences of the oligarchy and clientelistic politicians, we have seen that they figured prominently in Yanukovych's rise to power and in his control of the legislature.

Russian aggression clearly had a much more overt impact on the political conflicts that unfolded under Poroshenko, but the conflicts surrounding the EuroMaidan protests set the stage for this aggression. As we have seen, Poroshenko's response tended to reflect regional fault lines, with security restrictions that fell heavily on the populations of the east and south. In these respects, the experiences in Ukraine are not inconsistent with theoretical expectations.

The smashing victory of Volodymyr Zelensky in the presidential elections of April 2019 raised hopes that Ukraine might have turned a political corner. Zelensky was a television celebrity who ran as a political outsider promising to root out corruption in Ukraine and accelerate ties to the West. In a major change from the regional politics of the past, he was carried to victory in the second round by popular majorities in all parts of the country. V-Dem liberal democracy indicators moved sharply upward during his presidential campaign in 2018 and after his election in April 2019.

It remains to be seen, however, whether he can follow through on his promises. In the parliamentary elections of July 2019, Zelensky's hand was strengthened by a landslide victory for his political party, Servant of the People, which captured over 56 percent of the seats. Like Zelensky's victory in the presidential election, this was unprecedented. It was the first time in Ukraine's post-Soviet history that a single party had held a majority, and it raised hopes that the new president would have the political support necessary to advance his reform agenda. On the other hand, serious challenges remain. Questions have been raised about Zelensky's ties to Ihor Kolomoyskyi, a major player in Ukraine's shadowy game of oligarchic politics. Kolomoyskyi is the owner of the TV channel that aired Zelensky's successful television show, but he is known to have built his fortune through violent takeovers of companies and the manipulation of Ukraine's corrupt court system. Moreover, Zelensky's hopes of promoting the rule

of law and resolving conflicts with Russia faced significant headwinds from the Trump administration. An analysis of his prospects for success in confronting these challenges, however, takes us into 2020 and thus beyond the scope of this study.

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THE UNITED STATES

EROSION WITHIN LIBERAL DEMOCRACY, 2016–2019

The presidency of Donald Trump has challenged the widespread assumption that high-income, liberal democracies are invulnerable to subversion by autocrats who come to power through electoral means (Huq and Ginsburg 2017; Frum 2017; Levitsky and Ziblatt 2018; Sunstein 2018; Kaufman and Haggard 2019; Hennessey and Wittes 2020; Gessen 2020). After Trump's election in 2016, we see a marked decline in the United States' Liberal Democracy Index, indicating the onset of an erosion episode.

Outright reversions from democracy among advanced industrial states are still non-existent; according to our V-Dem coding, the United States remained a liberal democracy—one in which the courts, the press, and civil society continued to place significant constraints on the authoritarian inclinations of the president. Throughout both his election campaign and his time in office, however, Trump has stoked underlying ethnic and class divisions, demonized his opposition, attacked the media, weakened protection of civil and political liberties, and challenged the independence of Congress, the courts, and the federal law enforcement and intelligence apparatus.

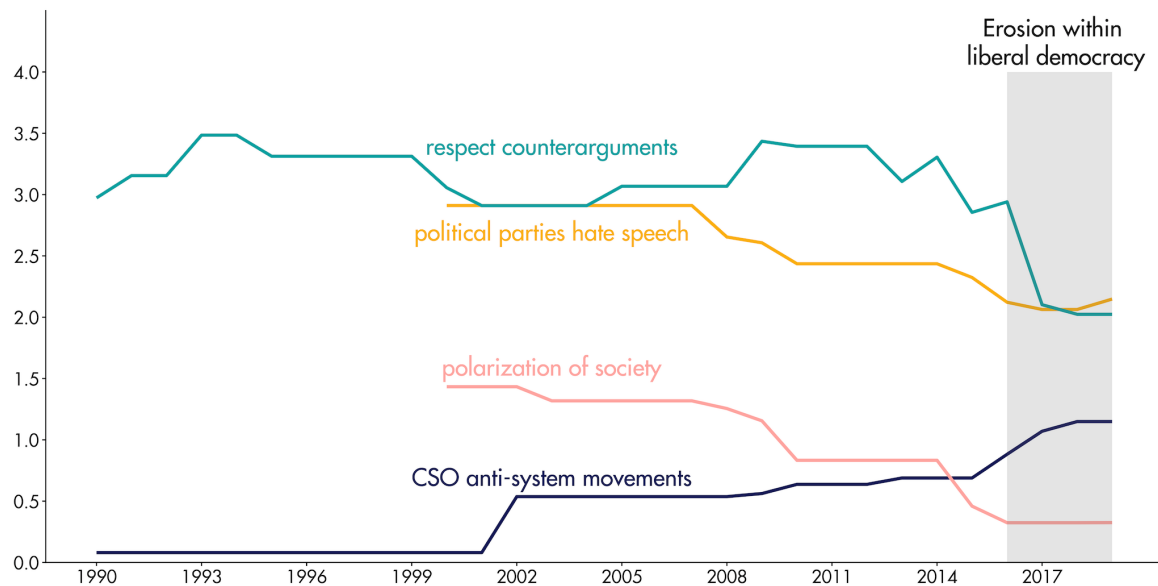
In our analysis of this process of erosion, we see evidence of the same causal processes that led to backsliding in many of the other cases that we consider. Trump's abuses of power were enabled by social and political polarization that contributed to government gridlock and dysfunction, as well as declining support for liberal institutions (Mounck 2018). We also see changes in the party system in line with theoretical expectations. The established parties did not collapse, as they did in a number of other countries, but they did become far more polarized. As in cases such as Hungary and Poland, one of the major parties—the Republicans—shifted decisively in an extremist direction. In turn, the legislative support the GOP provided to the president provided a crucial platform for executive abuses of power, a pattern we also see in most of the other cases. Through incremental abuses of power, finally, the president led an assault on the defining features of liberal democratic rule, including most fundamentally, highly charged partisan battles over the integrity of the electoral system. Norms of compromise and accommodation, once an important feature of the American political system, all but disappeared.

Democratic Dysfunction, Social Polarization, and Anti-System Appeals

Despite the idiosyncratic nature of the Trump campaign and presidency, polarization in the United States is not a recent development. As [Figure United States.1](#) shows, all of the polarization indicators we use for comparative purposes had begun to shift during the 2000s, prior to Trump's rise to the presidency. The indicator for social polarization begins to decline in 2008, coinciding roughly with the onset of the Great Recession and the election of Barack Obama; it then declines further during the Trump era. The indicator for hate speech follows a similar pattern. The indicator measuring respect for counterarguments also begins to deteriorate during the Obama years, and the upsurge in anti-system movements begins even earlier, in the 2000s.

In fact, standard narratives on the long-term sources of elite polarization in the United States trace its roots all the way back to the gradual breakup of the New Deal coalition from the mid-1960s (Mikey, Levitsky, and Way 2018; Abramowitz 2018) or even earlier (Shickler 2016). Racial divisions played a

Figure United States.1 Polarization in the United States, 1990–2019



crucial role in this process. The Democratic party splintered with the rise of the civil rights movement, the passage of the Civil Rights and Voting Rights Acts of 1964–65, and the defection of the so-called Dixiecrats. Southern Republicans started to gain a vote share, first in presidential elections, then in House and Senate contests. Ultimately, they became the dominant party in Southern state legislatures as well. The great sorting of American political parties into more homogeneous blocs had begun as the Republican party began its well-documented shift to the right. First signaled in the Goldwater candidacy in the 1964 election, the movement was carried forward by a succession of insurgents within the party such as Pat Buchanan, Phyllis Schlafly, Newt Gingrich, and ultimately Donald Trump.

“Conflict extension”—the loading of more and more differences onto the left-right axis—was also the result of other fundamental changes in American society over the course of the 1970s and 1980s: the decline of the nuclear family, the entry of women into the workforce, and the rise of the women’s and LGBTQ+ rights movements. From the mid-1970s, Republican strategists, most notably Paul Weyrich, sought to mobilize conservative evangelicals into national politics and found willing partners in televangelists such as Pat Robertson and Jerry Falwell. These efforts initially tapped into racial politics as well, and particularly resistance to the integration of public schools. Over the course of the 1980s, evangelical voters became a major constituency within the Republican party. As a result a number of policy issues, from abortion to gay marriage, subsequently divided the country on religious and moral beliefs. These divisions increasingly coincided with party affiliation, especially among white voters (for example, Mann and Orenstein 2012; Mickey, Levitsky, and Way 2018).

The increasing diversity of the American electorate between the 1970s and the 2010s extended racial attitudes to immigrants. In 1970, about five percent of U.S. residents were foreign born; by 2016, that num-

ber had tripled, to nearly 15 percent. Abrajano and Hajnal (2017) find that attitudes toward immigration—probably the dominant issue in the 2016 election campaign—were powerful predictors of voters’ stances on a wide array of other issues. There is now ample evidence that racial resentment and ethno-nationalism played a decisive role in explaining vote choice in both the 2012 and 2016 elections (Abramowitz 2018; Knuckey and Kim 2016; Morgan and Lee 2017; Tesler 2016).

Nonetheless, divisions over race and culture commingled in complex ways with economic grievances rooted in globalization, technological change, and ultimately, in stagnant wage growth and rising inequality. McCarty, Poole, and Rosenthal (2006) were the first to note the near-lockstep correlation between the increase in inequality, which accelerated in the 1980s, and measures of congressional polarization. The Global Financial Crisis only increased these divisions. Wide swaths of the population were left out of the recovery of the Obama years. Studies have noted how the Trump vote—resting on distinctive populist appeals—was associated with economic factors at the district level, such as exposure to trade (Autor et al 2018), the distinctive problems facing smaller metropolitan areas, (Florida 2016), and social markers—again at the district level—such as poor health, lower social mobility, and weak social capital (Rothwell and Diego-Rosell 2017).

While there is consensus that the U.S. has become increasingly divided, there is significant debate on whether polarization is primarily an elite or mass phenomenon (McCarty 2019 for an overview). In a succession of studies, Morris Fiorina (2008, 2017) has argued that divisions between the parties can be traced to elites and activists, and that polarization in the public has not fundamentally increased over the last 40 years. Rather, parties are more tightly “sorted” or more homogeneously ideological, as liberals gravitated to the Democrats and conservatives to the Republicans. This view has been vigorously—and in our view, successfully—challenged by those tracking the increasing polarization of the mass public (most notably, Abramowitz 2018). For our purposes, however, the distinction between sorting and polarization is moot if the divisions between the parties are in fact cast in increasingly “us-them” or tribal terms (Achen and Bartels 2016).

The appeal of anti-system political forces was visible in a variety of fringe right movements that surfaced or expanded during the Obama years, from citizens’ militias to a plethora of hate groups (Neiwert 2017). The Tea Party movement, which pulled the Republican party increasingly toward the right, was indicative of the broader manifestation of grass-roots protest among white, conservative, and evangelical voters. The movement drew sharp “us-them” distinctions between welfare that targeted immigrants, minorities, and the youth and those programs like Social Security and Medicare, which targeted the deserving—and, not coincidentally, older—citizens (Skocpol and Williamson 2016). A cascade of top-down factors exacerbated these resentments, including the way conservative media outlets amplified messages from far-right fringe groups (Neiwert 2017). But the divisive behavior and appeals of elite actors were targeted at a fertile “mass market,” characterized by long-standing racial and cultural divisions and a pronounced trend toward “tribal voting” (Achen and Bartels 2016).

Perhaps the most compelling evidence for the role that polarization played in the 2016 elections is the rise of what Iyengar and Westwood (2015) have identified as affective polarization and negative partisanship. The 2016 election pitted two relatively unpopular candidates against one another. Not only was crossing party lines unthinkable, but in line with the Svoboda (2018) model referenced in Backsliding, supporters of Donald Trump acquiesced to, and even embraced, promises that were clearly of dubious legality; we return to these below.

With polarization has come a sharp decline in the effectiveness of political institutions. Again, the sources included top-down as well as bottom-up factors: policy stalemates in Washington, the perverse incentives of the primary system, and the flow of big money into right-wing organizations and communications networks that emphasized government failures (Mayer 2017; Neiwert 2017). The Republican strategy toward Obama—masterminded by Senate majority leader Mitch McConnell—openly stated that the party’s objective was to block any initiative that Obama might propose, despite the urgent need for an effective response to the severe dislocations of the Great Recession.

Declining effectiveness was, in turn, accompanied by a sharp decline in public trust in political institutions. In every Pew poll between 2007 and 2015, trust in political institutions fluctuated between about 20 and 25 percent, the lowest level in more than 50 years (Pew 2015). Those expressing a “great deal” or “quite a lot” of confidence in Congress had seen a secular decline over decades, but it bottomed out in the single digits in 2014–16, and some studies even noted a shocking decline in support for democracy itself (Foa and Mounk 2016; Mounk 2018).

For Donald Trump, these conditions were ideal grounds for a populist campaign that resembled those of his counterparts in Hungary, Turkey, and many other countries examined in this study. How did he manage to gain a foothold—and ultimately, a victory—in a highly institutionalized two-party system? We turn next to the electoral dynamics that carried him to the presidency.

Political Polarization: The Electoral Dimension¹

As in other backsliding cases, we are interested in the autocrat’s electoral path to power and the extent of legislative support that he enjoys. In the United States, the stage was set for Trump’s ascent not only by the longer-standing cleavages noted above, but by deep divisions between traditionalist and insurgent wings of the Republican party. The growing force of the latter, fueled by new sources of funding and alternative media, allowed Trump to run the table during the 2016 Republican primaries against a divided field.

In the 2016 presidential election itself, disproportionality in the Electoral College system played a clear role in Trump’s victory: with only 45.8 percent of the popular vote share to Hillary Clinton’s 48.0 percent, Trump nonetheless managed to secure 304 of the 531 Electoral College votes (57.3 percent) by eking out narrow victories in a number of battleground states ([Table United States.1](#)). Although Democrats gained a handful of House seats and two Senate seats, Trump retained the solid majorities in both chambers that Republicans had enjoyed since 2012 (in the House) and 2014 (in the Senate). He arguably squandered this advantage in a misguided effort to dismantle Obamacare and with gratuitous fights over his border wall and immigration policy; in 2018, Democrats recaptured the House, placing significant constraints on his capacity to legislate. Nonetheless, Trump’s resonance with his base, the threat of being “primaried,” and his aggressive use of social media managed to limit the risks of Republican defection. As we show in the next section, moreover, the powers of the American presidency left ample opportunity for Trump to continue his assault on American institutions over the course of 2019 and into 2020.

¹This section draws extensively on the detailed narrative in Alberta 2019.

Table United States.1 Presidential Elections in the United States, 2008–2016 (popular vote and Electoral College vote share)

		Democrat		Republican	
		Popular vote share	Electoral College vote share	Popular vote share	Electoral College vote share
2008	Barack Obama (D) vs. John McCain (R)	52.89	67.84	45.62	32.16
2012	Barack Obama (D) vs. Mitt Romney (R)	50.92	61.71	46.98	38.29
2016	Hillary Clinton (D) vs. Donald Trump (R)	48.01	42.75	45.83	57.25

Source: House of Representatives, *Election Statistics, 1920–Present* at <https://history.house.gov/Institution/Election-Statistics/Election-Statistics/>

The Road to the White House

As noted above, Trump built on a long post-war history of insurgency and right-populism in the Republican party, running from Joseph McCarthy through Barry Goldwater, George Wallace, Patrick Buchanan, and Newt Gingrich. However, the somewhat distinctive political forces that emerged in the wake of the George W. Bush presidency and Global Financial Crisis of 2008–2009 set the stage for Trump’s capture of the party in 2016.

Fissures in the Republican party had already emerged during the 2008 nomination process, when immigration proved a surprisingly salient issue. The choice of Sarah Palin as McCain’s running mate was viewed by the establishment as an embarrassment. But her anti-elite, anti-intellectual style—including assaults on the “lamestream media”—proved highly resonant and even prescient. Palin set the stage for the Tea Party movement and the professional new-right media industry, which gained ground in the first year of the Obama presidency. Not coincidentally, the Breitbart News Network was launched in mid-2007, giving a megaphone to the so-called “alt-right.”

The Tea Party movement has proven surprisingly difficult to characterize, as it initially centered on resistance to large government, first in the form of opposition to the 2009 Obama fiscal stimulus (the American Recovery and Reinvestment Act) and later to Obamacare. These small government ideas, extending to deregulation and the appointment of conservative judges, were supported by a flood of money from new right-wing sources, such as Americans for Prosperity (AFP), a conservative political advocacy group founded by businessman and political activist David H. Koch (Mayer 2017). By the time of the 2010 midterm elections, repeal of Obamacare had become a rallying cry for an array of insurgents within the Republican party. Republicans flipped a surprising 63 seats in the House, giving them a firm major-

ity that they held until 2018, anchored by a wave of freshman from the right wing of the party. Although the Republicans did not flip the Senate until 2014, they also picked up six Senate seats as well (Tables [United States.2](#) and [United States.3](#)).

Equally if not more significant for electoral politics over the long-run were the consequences of state legislative elections and opportunities for redistricting as a result of the 2010 census. Republican operatives launched a plan called the REDMAP—the Redistricting Majority Project—which targeted swing states such as Pennsylvania, Michigan, Wisconsin, Ohio, North Carolina, and Florida. As we argue in *Backsliding*, disproportionality played a role in the ascent of a number of autocrats and it subsequently factored into the Republican grip on Congress as well. In 2012, Democrats won 1.4 million more votes for the U.S. House than Republicans, but Republicans managed to maintain a 234–201 (53.8 percent) majority.

Table United States.2 Elections for the House of Representatives in the United States, 2008–2018 (vote and seat share)

Year	Democrat			Republican		
	Seat share	Vote share	Seat share/Vote share	Seat share	Vote share	Seat share/Vote share
2008	58.9	52.9	111.2	40.9	42.4	96.6
2010	44.4	44.8	99.1	55.6	51.4	108.3
2012	46.0	48.4	95.0	53.8	47.1	114.2
2014	43.2	44.9	96.3	56.8	50.7	112.1
2016	44.6	47.3	94.3	55.4	48.3	114.6
2018	54.0	52.9	102.1	45.7	44.3	103.4

Source: *House of Representatives, Election Statistics, 1920–Present* at <https://history.house.gov/Institution/Election-Statistics/Election-Statistics/>

These new insurgent political forces did not manage to translate their grass-roots success into victory during the 2012 presidential nomination process, however. In 2008, Mitt Romney had run to the right of McCain on immigration, but by 2012, he carried the mantle of the traditionalist wing of the party against challengers to his right, such as Rick Santorum and Newt Gingrich. For his running mate, he chose Paul Ryan, who had long been identified with highly unpopular entitlement reforms. Obama successfully portrayed Romney as an elitist. Although Obama’s popular vote and electoral vote margins were not as large as in 2008 ([Table United States.1](#)), the sweeping defeat forced a painful “autopsy” among the Republican leadership.

Once again, the competing wings of the Republican party came to quite different conclusions on where the party should go. The moderates believed the party had failed by not reaching beyond its base and as a result sought greater flexibility on issues such as immigration reform and bipartisan agreement on fiscal questions. Policy entrepreneurs also explored new ideas with which to address the challenges facing blue-

Table United States.3 Elections for the Senate in the United States, 2008–2018 (vote and seat share)

Year	Seats	Democrat		Seats	Republican	
		Vote share	Seat share/Vote share		Vote share	Seat share/Vote share
2008	55	51.9	106.0	41	44.5	92.1
2010	51	44.0	116.0	47	49.4	95.2
2012	53	53.4	99.2	45	41.8	107.6
2014	44	43.9	100.2	54	51.4	105.1
2016	46	53.0	86.8	52	42.2	123.3
2018	45	58.4	77.0	53	38.4	138.0

Source: House of Representatives, *Election Statistics, 1920–Present* at <https://history.house.gov/Institution/Election-Statistics/Election-Statistics/>

collar workers. Yet these issues had no resonance with the insurgent wing of the party, which focused on the failures of the mainstream candidates in the 2008 and 2012 elections, as well as the unfavorable rulings by the Obama administration and courts on divisive issues such as gun control, climate change, and gay marriage. Insurgent legislators fueled internecine conflicts in the House in particular, focusing in no small measure on John Boehner’s leadership, on symbolic actions such as legislation to defund Obamacare, and on brinkmanship on the debt ceiling. This insurgent wing of the Republican party initially embraced libertarian and small-government ideas. But as the 2016 elections approached, they quickly pivoted to Trump’s more populist agenda as its traction with primary voters became abundantly clear.

The 2016 and 2018 Elections

Going into the 2016 elections, the Republican establishment was represented most clearly by Jeb Bush—the brother of George W. Bush—who sought to overwhelm the field with the promise of massive fundraising and mainstream Republican support. Yet the openness of the primary system provided a perfect institutional launch pad for an outsider candidate such as Trump. Trump proved masterful in his ability to both capitalize on—and stoke—the manifold social divisions and disaffection with government that had boiled over during the Obama years.

In the primaries, Trump’s candidacy rested on three main themes, which were carried over into the general election: his attacks on Mexican immigrants and Muslims, symbolized in his promise to build a wall on the southern border; a broad assault on liberal trade policies and multilateral agreements such as the Trans-Pacific Partnership, the Paris Climate Agreement, and Iran nuclear deal; and a deeper, more encompassing narrative about the corruption of Washington, the media, and the coastal elites (Trump 2017). Despite his own problematic behavior toward women, he also posed as a champion of the “traditional values” of evangelical voters, a relationship that was cemented by his ultimate choice of Mike

Pence as a running mate. These various rhetorical strands came together in his nostalgic promise to “make America great again.”

Even more important for Trump’s candidacy was his totally unorthodox personal style, his willingness to trash conventions, and his dog-whistle references to emerging media and social movements on the extreme right (Neiwert 2017). For his largely white base, Trump’s manifold shortcomings with respect to policy issues were more than offset by his fighting stance vis-à-vis entrenched elites, not only in the government but in the media and in the Republican party itself. Rather than diminishing his support, identification with fringe conspiracy theories, such as the birther movement, and outrageous, “politically incorrect” statements about the press, women, and opponents seemed only to enhance his popularity. Moreover, he openly embraced a variety of policy proposals that were of dubious legality, signaling his majoritarian approach to democratic rule and contempt for the rule of law. These proposals included surveilling and closing mosques, targeting the families of terrorists for retribution, cutting funding to sanctuary cities, opening an investigation into Hillary Clinton, and encouraging calls to “lock her up.”

The Republican leadership had few tools at its disposal to slow Trump’s primary momentum, and one by one, competing Republican candidates were demolished by the Trump juggernaut. Interestingly, the last candidate standing—Ted Cruz—rode to office in 2012 as an insurgent himself. By April, Trump’s nomination was sewn up. The perturbations of the run up to the election—leaked emails, revelations of sexual improprieties, meetings of campaign staff with Russians—take us far beyond our interests here. In the end, the election came down to three swing states (Pennsylvania, Michigan, and Wisconsin), which Trump won by a combined total of just over 75,000 votes; the Electoral College ultimately had delivered his victory.

Equally important for our purposes here, however, was the performance of the Republican party in the congressional elections (Tables [United States.2](#) and [United States.3](#)). Although they lost six seats in the House, Republicans translated a narrow majority of the popular vote—48.3 percent to Democrat’s 47.3 percent—into the maintenance of a commanding 241–194 (55.4 percent) seat majority, an even more markedly disproportional outcome than in the Electoral College tally. The well-known disproportional-ity in the Senate was also on display, with Democrats winning 53 percent of the popular Senate vote (to only 42.2 percent for the Republicans), while nonetheless winning only 46 seats.

As in almost all other backsliding cases, partisan control of the legislature provided an essential institutional base for the abuse of executive power. Even without Republican loyalty, it should be noted, Trump could exploit expansive interpretations of Article II authority to push the limits of executive power. But the backing of congressional Republicans—whether because they were ideologically aligned or intimidated by appeals to his base—played a critical role in empowering Trump’s backsliding behavior. Congressional support, especially in the Senate, allowed Trump to appoint partisan loyalists in both the judiciary and the executive branch, to undermine the professional neutrality of law enforcement and intelligence agencies, and to purge or intimidate officials charged with auditing and exposing abuses of executive power.

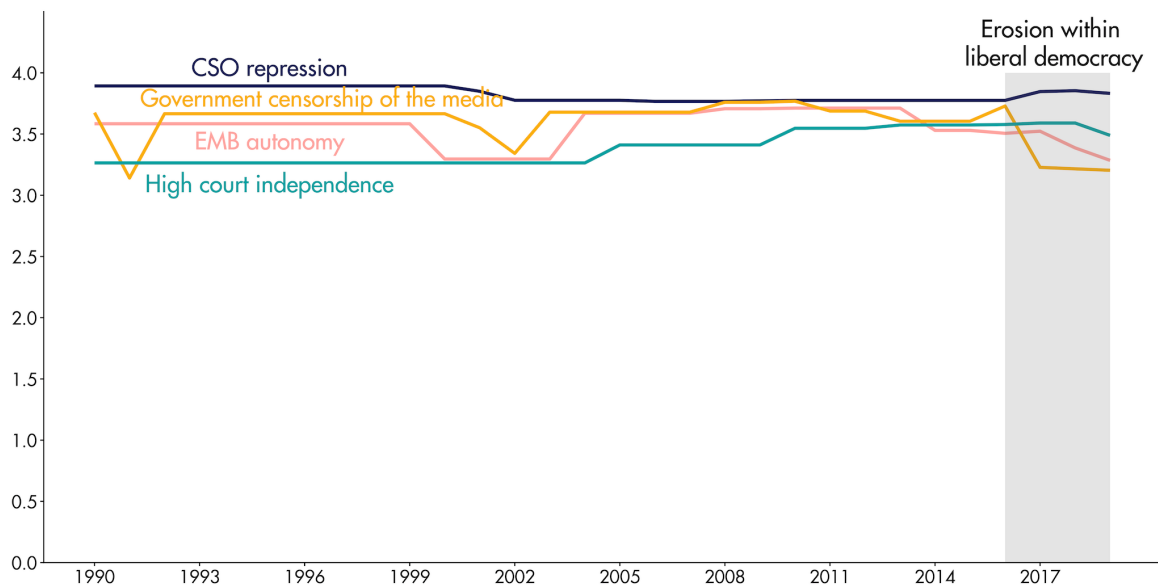
Trump experienced a major setback in the 2018 midterm elections with the loss of 40 House seats. The transfer of control to the Democrats left Trump far more vulnerable to oversight initiatives, culminating in an impeachment vote at the end of 2019. Yet the Republican majority in the Senate proved an enabler, providing a crucial shield against oversight. It blocked virtually all House initiatives to protect upcoming

elections from Russian interference and even began investigations of the FBI and Obama administration officials involved in trying to stop meddling in the 2016 presidential election. As we will discuss below, moreover, Republicans in the Senate voted with near unanimity against the impeachment charges (with Senator Mitt Romney as the only defector), and it refrained from any effort to hold Trump accountable for post-impeachment retaliation against witnesses who testified at the hearings and Inspectors General.

Backsliding

The steps toward democratic erosion under Donald Trump are somewhat difficult to pinpoint precisely. As in other liberal democracies in this study (most notably, Greece), both the V-Dem liberal democracy indicators and the more specific measures used in this study deteriorate from a very high level (Figures [United States.2](#) and [United States.3](#)). Moreover, many of the most egregious abuses of power involve the shattering of informal norms, rather than outright violations of law or constitutional limits (Levitsky and Ziblatt 2019). Consequently, the changes of discrete measures are more subtle than in many of the other cases (see Figure [United States.3](#)). The integrity of the electoral system—one of the two specific indicators that does noticeably shift—begins its downward trajectory before Trump’s election, partly reflecting voter suppression at the state level, where elections are ultimately managed. The other shift, in the indicator for government censorship effort, also begins prior to Trump’s election, although the downturn accelerates afterwards, as his attacks on “fake news” intensified once in office. While we also see changes in the other two indicators, they are even more modest.

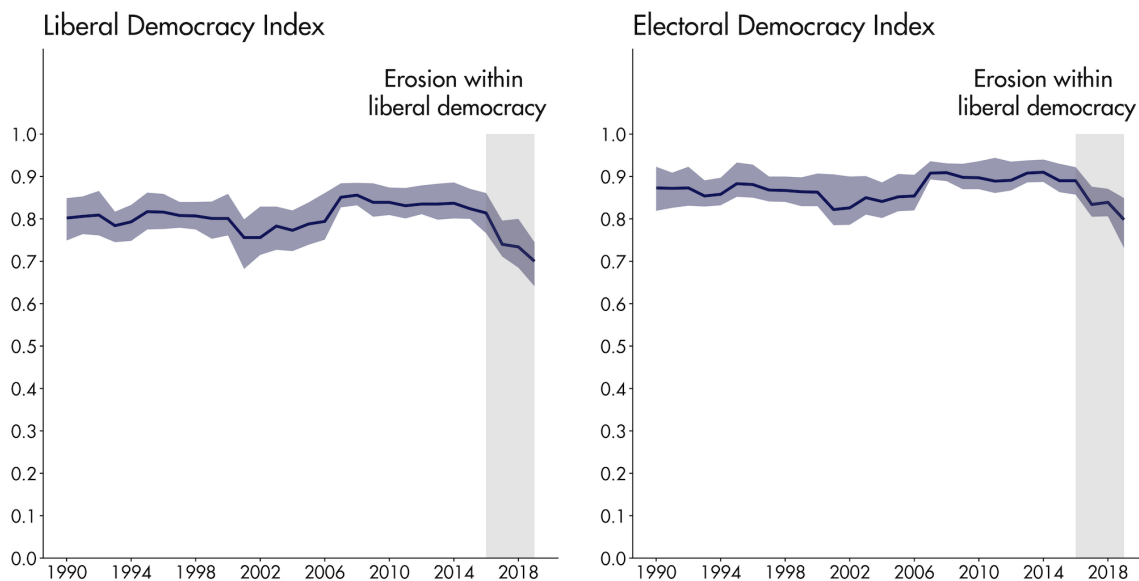
Figure United States.2 Backsliding in the United States, 1990–2019



Nevertheless, as noted above, the movement in the liberal democracy score is clear, as is the decline in the electoral democracy index. As required in our coding scheme, moreover, erosion was registered not only in the V-Dem Liberal Democracy Index, but also in ratings by at least two other coding schemes

(Freedom House and Polity; see Appendix [Tables 1.1](#) and [1.2](#)). The assessment in the V-Dem indicators is not idiosyncratic.

Figure United States.³ Liberal and Electoral Democracy Scores in the United States, 1990–2019



Other surveys that focus more exclusively on the United States, moreover, reach similar conclusions. Bright Line, for example, asked U.S. political scientists to evaluate American democracy on a scale of 1 to 100; assessments declined from 76 in 2015 to 69 in 2017 and finally to only 64 in 2018 (Bright Line Watch 2018). A subsequent Bright Line (2020) survey registered an even lower score in 2019 (63.2), with statistically significant declines in multiple components of the project’s index: accountability, judicial independence, free speech, press freedom, foreign influence, and common understanding of facts. In a separate expert survey conducted from 2018 to 2020, the threat to American democracy increased markedly, with experts coding a variety of indicators—executive constraints, media, and even civil liberties and elections—as showing “substantial erosion” (Protect Democracy 2020).

The norm-breaking tendencies already apparent in Trump’s presidential campaign quickly became evident during his first year in office. Estimates about the comparatively small size of the inaugural crowd led to intensified attacks on the press as “enemies of the people” and “fake news.” Trump’s expansive views of presidential prerogative were evident in his penchant for executive orders—starting with the Muslim travel ban—and his early efforts to undermine the independence of the FBI and Justice Department. In August 2017, his infamous declaration that there were “very fine people” on both sides of the violent “Unite the Right” rally in Charlottesville made it abundantly clear that his divisive racial and ethnic rhetoric would not be restrained by liberal norms.

In the United States’ highly institutionalized liberal democracy, Trump’s attacks on norms and outright illegal behavior did not go unchallenged. Courts in particular pushed back against extreme claims of

executive prerogative—for example, forcing a modification of Trump’s early travel ban. Despite Trump’s threats, the media and civil society remained robust sources of opposition. Nevertheless, as noted above, Republican legislative majorities set up powerful barriers to effective oversight, initially in both houses of Congress and then in the Senate. Moreover, Trump’s hold over the Republican party in Congress only became stronger over time as he solidified the loyalty of the Republican base. The constitutional powers granted to the president under Article II provided cover for a barrage of incremental tests of the limits of executive power; while some faced pushback, others effectively succeeded, if only by acquiescence. The consequence was an administration characterized by repeated presidential attacks on American political institutions, civil liberties, and even the electoral system, and an even greater polarization of American society.

Erosion of the Separation of Powers

The congressional Republicans’ inclination to shirk oversight responsibilities was quickly apparent in their treatment of the manifest conflicts of interest that Trump and his associates brought to the White House. Complex laws and norms with respect to conflicts of interest had generated a regulatory structure that included disclosure, disqualification, and divestment. Disqualification is impossible for the president, but Trump’s disclosure of assets was not only limited but repeatedly contested, while the divestiture plan Trump put in place—at his own discretion—was immediately subject to harsh critique from the Office of Government Ethics. The conflicts with respect to business strongly resembled those seen in most of the other backsliding cases (Sunlight Foundation 2018; Hennessey and Wittes 2020, Chapter Six). Similar lapses extended to over half of his cabinet and other high-level appointments (Bloomberg 2019), who had gone through confirmation hearings without legally mandated ethics reviews. Yet from the onset of his presidency, Trump faced no significant congressional pressure to conform with these conflict-of-interest norms: to more fully divest from his companies, to address possible violations of the emoluments clause of the Constitution, or to more closely scrutinize his appointments. To the contrary, the problems were compounded by nepotism: the placement of his daughter and son-in-law in formal and informal advisory roles from which they could advance their own business interests.

The most overt challenge to horizontal checks, however, crystallized initially around the Russia probe and the relationship between the executive, the Department of Justice, and the federal law enforcement apparatus. Presidents have historically exercised restraint with respect to federal law enforcement, granting independence to prosecutors and investigative units for quite obvious reasons. The firing of FBI Director James Comey, Trump’s dismissal of Acting Attorney General Sally Yates over her failure to defend the Muslim travel ban, and his repeated complaints about Attorney General Jeff Sessions’ decision to recuse himself with respect to the Russia investigation set a combative, norm-breaking tone.

Initially, congressional backlash against Comey’s firing and the efforts to influence the investigation of Michael Flynn led to the appointment of Robert Mueller as special prosecutor, and leading Republicans warned strongly against dismissing him as well. However, initial Republican pushback against Trump’s continuous attacks on the inquiry as a “witch hunt” essentially vanished over time. Hennessey and Wittes (2020, 222) highlight the damage to the constitutional separation of powers posed by this abdication of Congress’s investigative role:

“If the only thing that protects the norm of presidential consent to and noninterference with investigations is the threat of impeachment, and Congress has subcontracted its im-

peachment investigation to the very executive branch officer whose independence is supposed to be guaranteed by the threat of impeachment, then Congress is not functioning as a coordinate branch of government enforcing the norm. It is functioning as a supplicant...”

When it ultimately surfaced, the Mueller report documented extensive Russian meddling that was welcomed by the Trump campaign; although it declined to recommend charges of obstruction of justice because of a Justice Department policy against indicting a sitting president, it highlighted a number of discrete instances in which the president’s behavior might otherwise have been subject to prosecution (Jurecic 2019). By the time that the Mueller report was finally released, however, its political impact was defused by Attorney General William Barr, who had been confirmed by Senate Republicans following the dismissal of Jeff Sessions in November 2018. In a statement issued in March 2019, three weeks prior to the actual rollout of the report, Barr claimed incorrectly that it failed to find sufficient evidence to bring charges for obstruction of justice, and he downplayed its findings on cooperation with Russia during the election itself.

With Barr and congressional Republicans running political interference, Trump was then able to stonewall efforts by House Democrats to pursue the matter further. Subpoenas to obtain testimony from relevant witnesses, such as White House Counsel Don McGahn, were tied up in court by claims of executive privilege or simply ignored. Attempts to gain access to underlying materials in the report suffered a similar fate. In July 2019, in a long-awaited appearance before the House Judiciary Committee, a taciturn Robert Mueller refused to reveal anything beyond the four corners of the report itself, and the political momentum to further investigate Russian interference fizzled almost entirely. Indeed, rather than pursue the findings in the Mueller report, Senate Republicans led by Lindsey Graham began an investigation into alleged misconduct by FBI officials who had launched the Russia investigation in the first place.

Nor was the Mueller report the only issue on which the Barr Department of Justice shielded the president’s personal interests from congressional or state-level oversight. In a suit brought by the House of Representatives, the DOJ defended the Treasury Department’s refusal to turn over Trump’s tax returns, and it backed a Trump lawsuit against a congressional subpoena issued to his former accounting firm. In a separate case relating to the president’s finances, filed by the Manhattan district attorney, Barr had the solicitor general argue that the records at issue should not be turned over to a New York state grand jury, although the records in question pertained to possible malfeasance on the part of the Trump Organization. In June 2020, the offending district attorney was fired. A sharp rebuke from the Supreme Court in 2020 with respect to this case did not solve the fundamental political problem: that even if Trump’s creditors would be required to turn over financial information to New York prosecutors, the information was not likely to enter the public domain prior to the elections of 2020, if at all.

Trump’s success in staving off these investigations, in turn, appeared to embolden him to engage in further abuses of power. In September 2019, a whistle-blower report ignited a House impeachment inquiry into charges that Trump had attempted to enlist Ukraine’s new president, Volodymyr Zelensky, in a scheme to discredit Joe Biden, perceived as the strongest Democratic challenger for the presidency at the time. Trump’s assertions of privilege expanded dramatically in response to these charges, pushing crucial constitutional issues onto the courts, stalling investigative processes, and culminating in an appeals court ruling that backed away from settling these fraught issues of inter-branch powers.

Despite these efforts to limit oversight, the inquiry uncovered extensive written evidence and first-hand

testimony that the charges were true: Trump had used the prospect of an important face-to-face meeting with Zelensky to insist that the Ukrainian president open an investigation into alleged corruption between Biden and Burisma, a Ukrainian energy company. Even more important, against the express wishes of Congress, he withheld vital military aid that Ukraine needed to stave off Russian aggression in its eastern region. These findings led the House to vote for impeachment, almost entirely along partisan lines.

Once again, however, the Republican majority in the Senate decisively blocked the attempt to hold the president accountable. It dismissed the evidence produced by the House inquiry because it had not been successful in gaining direct testimony from key advisors, such as John Bolton or Mike Pompeo, who had been “in the room” with Trump. But it also declined to challenge Trump’s claims of privilege. Unlike the previous impeachment trials of Andrew Johnson and Bill Clinton, the Senate majority refused to call a single witness, and with the exception of Mitt Romney, the Republican majority voted summarily to acquit.

As was the case after the Mueller investigation, Trump’s victory in this battle appeared to weaken institutional constraints even more. In the aftermath of the Senate acquittal, Trump retaliated against the witnesses who did appear, employing the president’s capacity to fire within the executive branch: Colonel Alexander Vindman—along with his twin brother, who was not involved in the investigation—were transferred from their posts on the National Security Council; and Gordon Sondland, who reluctantly provided damaging testimony, was fired from his position as Ambassador to the European Union. Fiona Hill also resigned from the NSC, returning to a position at the Brookings Institution.

Having been “exonerated” by the Senate Republicans, Trump also moved against the network of independent oversight agencies within the executive branch. He forced out Michael Atkinson, the Inspector General who relayed the whistle-blower complaint to Congress, and went on to fire or marginalize IGs in the Transportation Department (Mitch Behm), the Defense Department (Glenn Fine), Health and Human Services (Christi Grimm), and the State Department (Steve Linick), as well as the U.S. Attorney in Manhattan (Geoffrey Berman).

The propensity to stonewall congressional oversight on other issues, although evident prior to the impeachment, also became more blatant afterwards. In addition to the cases noted above, Barr himself has simply refused to testify or failed to appear before the House Judiciary Committee. In May 2020, Trump blocked Anthony Fauci and other top health officials from testifying about responses to the coronavirus pandemic before the Democratic-controlled House panel, while allowing them to appear before a Senate panel controlled by the Republican majority.

The judiciary was somewhat less vulnerable than Congress or independent executive agencies to attacks on the separation of powers or the integrity of horizontal checks. Courts retain considerable autonomy, and as noted, Trump faced some resistance on issues of importance. Lower-court rulings forced substantial modifications to initial restrictions on immigration from Muslim countries. Singling out individual judges for criticism and threats, moreover, triggered highly unusual assertions about judicial independence from Chief Justice Roberts.

And in June 2020, the Supreme Court ruled against the Trump administration on two significant issues. It ruled that Title VII legislation barred job discrimination on the basis of sexual orientation and it rejected on procedural grounds an executive decree ending the Deferred Action for Childhood Arrivals (DACA) program.

We should not, however, underestimate the potential for Trump and his congressional allies to undermine judicial independence over the long run. Perhaps the most striking action in this regard were the August 2017 pardon of former Arizona sheriff Joe Arpaio, who had been successfully prosecuted for contempt with respect to judicial rulings on his behavior while in office, and the July 2020 commutation of the sentence of campaign advisor Roger Stone, who had been convicted of lying to Congress and witness tampering. There is little doubt that the president enjoys these pardon powers. But in these cases, he had effectively promised immunity for ignoring court orders that were of constitutional import and for engaging in election tampering.

Less newsworthy has been the repeated use by the administration of requests to the Supreme Court for stays of lower-court losses (Vladeck 2020). Once highly unusual, these stays have the effect of allowing challenged government programs to go into effect, even though lower courts have struck them down. Such stays allowed the executive to put much of the travel ban into effect after it was initially struck down, permitted the diversion of military construction funds to build the border wall, and allowed continuation of a number of asylum related policies that were of dubious legality.

Within Congress, judicial appointments proved the central battleground in the effort to maintain or impose horizontal checks on the president. With the elimination of the filibuster rule (a movement originated by Democrats under Obama), Trump and the Senate Republicans approved the appointment of Neil Gorsuch and Brett Kavanaugh to the Supreme Court, and restored the strong conservative tilt that temporarily ended with the death of Antonin Scalia and the retirement of Anthony Kennedy. The appointment of Neil Gorsuch was particularly unusual, as the vacancy on the court had emerged at the end of the Obama presidency but Senate majority leader Mitch McConnell refused to consider the president's nomination, granting Trump a Supreme Court appointment he would not have otherwise had. A Court dominated by justices mirroring the preferences of Trump and the far right of the Republican party threatened to further erode long-standing limits on executive powers and to undermine voting rights and protections for vulnerable populations. The rulings on sexual orientation and DACA, mentioned above, provided evidence of judicial independence, as did a sharp Supreme Court rebuke on presidential immunity from prosecution in 2020. Nevertheless, the prospects for an increasing right-wing tilt had already become evident in a series of 5–4 decisions that overturned lower court rulings on the travel ban and that left in place gerrymandered congressional districts in Maryland and Wisconsin.

The drive to politicize the judiciary extended to the lower courts as well. At the start of Trump's term, vacancies and expected retirements placed him in a position to fill an estimated 38 percent of district and appellate court positions, significantly more than any predecessor going back as far as Ronald Reagan. With further retirements, Trump will conceivably be able to appoint half of the federal bench during his first term (Katz 2017).

It is important to note that the capacity of these new appointments to determine judicial decisions will be constrained by both liberal and mainstream conservative judges appointed under Obama and his predecessors; unlike his counterparts in middle-income backsliding cases, Trump could not rapidly re-

structure the system or purge independent jurists. Further, rulings that went against the administration in 2020 suggested that even a Supreme Court with a majority of conservative judges could provide surprises. Nonetheless, Trump and the Republican Senate posed a serious threat that a constitutionally created branch of the government—one that is already deeply divided along partisan lines—would become even more politicized or subordinated through the use of executive pardon power.

The separation of powers did not fully collapse in Trump's America, as it did in many of the other backsliding cases. However, the obstruction of the Mueller investigation, resistance to congressional oversight, the purge of independent executive agencies, and the political uses of the Department of Justice and the judiciary all reflect weakening horizontal checks on executive discretion.

Threats to Civil Liberties and the Media

Attacks on civil society and the press accompanied the erosion of horizontal checks. This erosion, as noted above, did not uniformly begin with Trump—much of it occurred at the state or local level—but abuses of civil and political rights accelerated after Trump assumed office and grew worse over the course of his administration.

Freedom House began registering a decline in civil rights in the United States in 2010, but they came under increasing pressure after 2016. Trump's rhetoric itself revealed extraordinary hostility toward the rights of minorities. In a virtually seamless continuation of his electoral campaign, we see polarizing dog whistle appeals to white identity politics: the defense of Confederate statues, the response to the riots in Charlottesville, the stereotyping of racial minorities and other vulnerable groups, the confrontation with the National Football League over player protests, the effort to restrict the service of transgender personnel in the military, and the defensive response to the death of George Floyd in 2020.

As president, moreover, Trump transformed rhetoric into significant changes in policy. Rights groups such as the Southern Poverty Law Center (2018a) and the American Civil Liberties Union (2018) catalogued declines in government protections in the year following Trump's inauguration. Both the Department of Justice and the Department of Education changed sides in ongoing litigation or reversed commitments to prior consent decrees on a wide range of civil and political rights issues, including voter ID laws, abusive police practices, the protection of gay and transgender rights (under the claim that such protections might violate religious freedoms), affirmative action policies at high-profile universities, the contraception mandate of the Affordable Care Act, and rights enjoyed by disabled students.

The Federal Government has undertaken even more visible steps to restrict due process and the rights that foreigners have traditionally enjoyed under U.S. law. These include the Muslim travel ban (ultimately upheld by the Supreme Court on its third iteration), the protection of so-called Dreamers (on which the administration promised, but could never reach, a deal), and the treatment not only of undocumented immigrants but of asylum seekers and settled refugees as well. State and local governments have pushed back against many of these actions, including through the sanctuary city movement, but subnational governments are vulnerable to possible Court decisions favoring the federal government.

The protection of the right to assembly and peaceful protest took an especially ominous turn in the summer of 2020, after videos of the police murder of George Floyd triggered massive demonstrations against institutional racism in police interactions with minorities. In response, Trump and his administration charged without evidence that the protests had been infiltrated by leftist antifa “terrorists,” urged police

and national guard to crack down on protesters, and—invoking possible use of the Insurrection Act of 1807—threatened deployment by the active military against American citizens, an unprecedented assault on long standing norms against policing operations by the armed forces (*posse comitatus*). In the summer of 2020, the administration fanned protests by deputizing a variety of federal law enforcement forces scattered through the executive branch and sending them into cities with Democratic administrations, such as Portland. These threats and actions evoked equally unprecedented expressions of alarm and dissent among both former and current members of the military high command, and Trump was persuaded to back down on the use of the military. Nevertheless, in a widely covered photo op at a church across from the White House—where federal police in riot gear used excessive force to break up peaceful protests—and with its actions with respect to the dispatch of federal law enforcement to cities on partisan basis, the Trump administration has showed a willingness to use policy options typical of outright military dictatorships.

Trump's rhetorical attacks on the press as "fake news" and "enemies of the people" also strongly contributed to the polarization and distortion of the media environment. Freedom House (2019) highlighted the "unusual pressure" on the media as "the most concerning development of recent years," comparing it to the manipulation of information in Hungary and Serbia. "Among other things," it notes, "the president has repeatedly threatened to strengthen libel laws, revoke the licenses of certain broadcasters, and damage media owners' other business interests," referring to Jeff Bezos, owner of Amazon and the Washington Post. As in the other cases of backsliding, moreover, recourse to the "big lie" has contributed to the growing confusion about, or indifference to, verifiable facts. Although the media has fought back, devoting ever greater resources to checking the president's penchant to bend the truth, the long-term economic difficulties faced by network television and print journalism have increased their vulnerability to such pressures (Anderson Jones and West 2017).

Despite these grave challenges, it is doubtful that Trump's assault on the American media can fully suppress its independence. The major news outlets are more diversified and less dependent on the government than those in the middle-income countries, and they are less likely to succumb to pressures for self-censorship. Moreover, the multiplicity of news sources, both on cable and online, would make it hard for the government to control the flow of information to the same extent as in Venezuela, Turkey, or Hungary.

The larger threat is an acceleration of trends toward the segmentation of social media and cable TV consumers and the attendant social and political polarization, exemplified by the central role that Fox News has come to play as a megaphone for conservative causes. Trump's personal appeals exploited and reinforced a decades-long division of the political community into separate cognitive worlds, with radically different understandings of the challenges facing American society and the range of viable solutions.

Threats to Civil Liberties and the Media

Similar norm- and even law-breaking extends to the integrity of the electoral system itself. The effort to restrict voting rights originated with Republican allies in state legislatures, rather than directly from the executive. We can expect continued—or accelerated—efforts by Republicans at the state and local level to push for registration and voter ID requirements that effectively suppress the votes of minorities, low-income voters, felons, and urban voters more generally. Under Trump, however, the federal government

has encouraged, rather than restrained such practices, an intent made evident in its apparent indifference to Russian meddling, its obstruction of the Mueller probe, and the open solicitation of foreign support vis-à-vis a challenger in the Ukraine affair.

The rightward drift of the judiciary has contributed to the problem. During the Obama presidency, the Supreme Court opened the floodgates to “dark money” in political campaigns (Mayer 2017) with the Citizens’ United decision, and it voided a key provision of the Voting Rights Act that required Justice Department pre-approval of changes to voting laws in states with a history of discrimination. As noted, however, the judicial system has shifted even more strongly toward the right under Trump, and in 2018, the Court’s acquiescence to extreme gerrymandering, noted above, provides a strong indication that it cannot be counted on to correct abuses at either the federal and state level. Such concerns were reinforced in April 2020 when Brett Kavanaugh, Trump’s first appointee, led a Court majority to rule against a lower court decision to ease vote-by-mail restrictions—essential to protect voters seeking to register their choice in the midst of the coronavirus pandemic.

Perhaps the most serious threat comes from Trump’s personal effort to undermine the credibility of the electoral process. Even after his victory in 2016, he insisted that millions of “illegal aliens” provided Clinton with her margin of victory in the popular vote. The Trump administration sought to pursue these baseless claims through the creation of a Presidential Advisory Committee on Electoral Integrity in 2017, ultimately disbanded in the face of resistance from the states. One purpose of the committee was clearly to provide the evidentiary foundation for more restrictive interpretations of voting laws at the state and federal level.

The effort to delegitimize the electoral process took an even more ominous turn in 2020, as the United States was hit by the perfect storm of a coronavirus pandemic, a deep recession, and racial unrest. As opinion polls began to show Joe Biden in a commanding lead over Trump, the president pressed the case that mail-in votes were inherently prone to fraud, establishing the pretext for an attempt to force voters to choose between voting in person or staying home to avoid exposure to a potentially deadly virus. And if voter suppression were not sufficient, Trump suggested in an interview in July 2020 that he would not necessarily accept electoral defeat. In a later tweet he even suggested that the November election could be delayed.

What are the chances that conflicts over the election could escalate into a constitutional crisis? The United States does, of course, have a long historical record of peaceful elections, and Trump would face strong pressures if he refused to accept a legitimate defeat. Although the Republican party has provided a solid wall of defense throughout Trump’s term, at least some loyalists would be motivated to defect, either on principal or out of self-preservation, if Trump were actually to resist leaving office. More important, Trump would also be strongly discouraged from doing so by the economic and military elite, as well as (of course) by the Democrats and civil society.

However, in the runup to the election, Trump’s provocative calls for “law and order” and his persistent warnings about supposed electoral fraud have called into question the prospects for a peaceful transfer of power. Impediments to voting during the pandemic, combined with deliberate voter suppression and delays in the count of mail-in ballots, are all highly likely to lead to court fights and prolonged disputes over results. Such disputes, moreover, could well unfold under a cloud of threats or acts of violence by the armed, extremist fringe of Trump supporters. Even under these conditions, chances are

that governments in the United States will continue to be chosen through competitive elections, but the electoral system could emerge from a constitutional crisis with major damage to perceptions of fairness and legitimacy.

Conclusion

Although we consider it unlikely, we should not entirely dismiss the possibility that the United States might devolve toward a competitive authoritarian regime. This possibility seemed far stronger at the end of Trump's term than it did at the beginning, and a second term would increase the possibility even more. The threat is real. But it is also important to highlight the institutional and political checks in the United States that would impede an outright reversion. As we argue in *Backsliding*, liberal democracies are clearly more robust than electoral ones and for the very reasons we highlight here. The American Constitution is extraordinarily difficult to change, and the courts, the bureaucracy, media, and civil society have not rolled over. These institutions and other multiple centers of power—including in the federal structure of the country—are still likely to provide significant roadblocks to initiatives that move in an openly authoritarian direction.

But even if Trump is defeated and Democrats are returned to the presidency, we doubt that the American system will somehow “snap back” toward a liberal democratic model of principled competition and political compromise. One reason is that Trump's abnormal presidency is itself a product of long-term dysfunction and polarization that led to his election in the first place. These trends will not simply disappear after Trump leaves the scene.

The post-Trump era, moreover, will also bear the marks of long-term damage incurred during Trump's time in office. As discussed above, the most serious damage might be to the electoral system, but the politicization of the judicial and law enforcement systems is likely to leave an enduring impact as well, with serious implications for civil liberties and for the electoral process. The credibility of the media among the highly partisan has also suffered a serious blow from sustained attack by the executive, thus limiting its traditional role as a “fourth estate” capable of exercising checks on malfeasance.

Perhaps most important, the Trump experience has accelerated the erosion of norms that had long been a bulwark of democratic stability in the United States, a point emphasized by Levitsky and Ziblatt (2018) in particular. At the elite level, the discourse of the Trump era has erased the boundaries that prevented open appeals to racial and ethnic animosities and the conventions that deterred politicians from portraying their competitors as existential threats (Levitsky and Ziblatt 2018). At the mass level, Trumpian populism has deepened the polarization of American society, increasing the tendency of competing “tribes” to prioritize preventing a victory for the other side over fair democratic procedures (Achen and Bartels 2016; Svobik 2018). More fundamentally, reasoned political debate has suffered damaging blows as Trump accelerated the transition into a post-truth world in which the fundamental presumptions of democratic rule are put at risk.

Using V-Dem data, Mechkova et al (2017) have classified regimes as “electoral,” rather than “liberal,” democracies when they hold competitive elections but fall short on horizontal checks and robust protection of civil and political liberties. The United States, according to their classification metric, remains a liberal democracy—an assessment with which we concur. But we cannot rule out that the trends we describe would push the country toward an electoral democracy, especially under a second Trump term. An electoral democracy in the United States would not necessarily be vulnerable to an authoritarian

reversion, but it could devolve to the point where executive powers are expanded, horizontal checks weakened, and opposition parties become unable to check lawless behavior and the erosion of rights. With special interests entrenched in institutional centers of power, and the state increasingly unable to provide legal protection and services to vulnerable sectors of the population, polarization and the cycle of erosion we have described here could well accelerate.

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VENEZUELA

EROSION FROM ELECTORAL DEMOCRACY, 1998; REVERSION, 2006–PRESENT



Our V-Dem measures for Venezuela indicate a process of erosion from electoral democracy between 1998 and 2005—the election and first seven years of the regime of Hugo Chávez—and then a decline below the electoral democracy threshold from 2006 to the present. As in most other backsliding cases, Chávez rose to power in free and fair elections; with government resources buoyed by the oil boom of the mid-2000s, he was able to rely on strong electoral support to legitimate his rule. The reliance on elections and a constitutional framework partially obscured the incremental steps that led to erosion and reversion. Incremental decline within a constitutional framework also makes it hard to assess the precise point at which Venezuela actually tipped from a flawed democracy to a competitive authoritarian regime.

A key turning point, however, came when Chávez was able to consolidate his control over the various centers of power within the political system. Between 1998 and 2005, Chávez championed constitutional reforms and implemented legislation that centralized his control over governmental institutions, including the courts, the electoral authorities, and the legislature itself. Until 2006, however, his power was repeatedly challenged by legal and extra-legal opposition campaigns that nearly drove him from office. In 2002 and 2003, he faced a coup attempt and a crippling strike in the oil sector. In 2004, he was challenged by a referendum, authorized by the Constitution, on whether he could continue in office. By 2005–2006, however, these challenges had been put down, and the opposition had been at least temporarily vanquished. In 2005, opposition politicians decided to abstain from the congressional elections, leaving them entirely without leverage in that strategic body. In the following years, Chávez exploited this opportunity to launch further attacks on the press, civil society, and his political opponents, and to extend his control over the military and much of the economy.

Venezuela's slide into authoritarianism did not stop with Chávez's death in 2013; on the contrary, as we show below, the reliance on repression became even more apparent. With oil prices declining, it became increasingly difficult for his successor, Nicolás Maduro, to cultivate popular support. Although some façade of democratic politics remained, the post-Chávez regime relied increasingly on coercive instruments to repress challenges to its power.

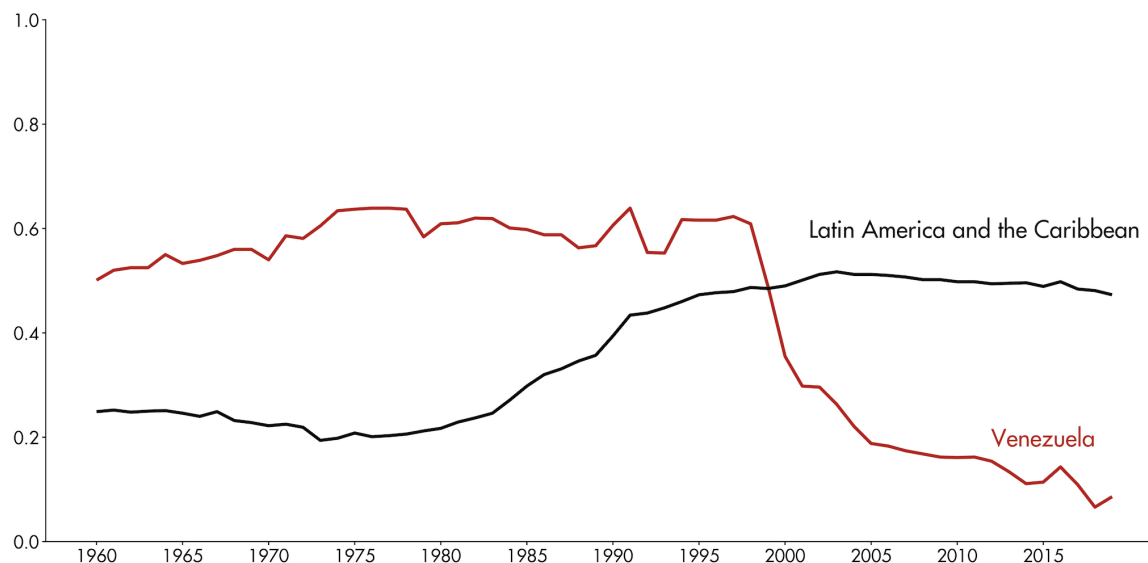
The Social bases of Polarization

From the overthrow of a military dictatorship in 1958 until at least the early 1990s, Venezuela was often portrayed as one of the few democratic success stories in Latin America. Dependence on petroleum, corruption and patronage, and the influence wielded by party, union, and business elites with access to oil resources raised doubts about the extent of democratization (Coppedge 1997; Karl 1997). Nevertheless, a long record of stable electoral competition between two deeply-rooted centrist parties provided a marked contrast to the personalist, military, or one-party regimes that had dominated most of the rest of Latin America until the early 1990s.

These contrasts emerge with striking clarity in the evolution of Venezuela's scores on the V-Dem Liberal Democracy Index, which combines electoral democracy scores with assessments of civil liberties, rule of law, judicial independence, and effective checks and balances. [Figure Venezuela.1](#) shows a wide and

statistically significant difference between Venezuela and Latin American averages between 1960 and the mid-1990s. They begin to converge only in the 1990s, as Latin American scores rise following the onset of the Third Wave and Venezuela's start to decline.

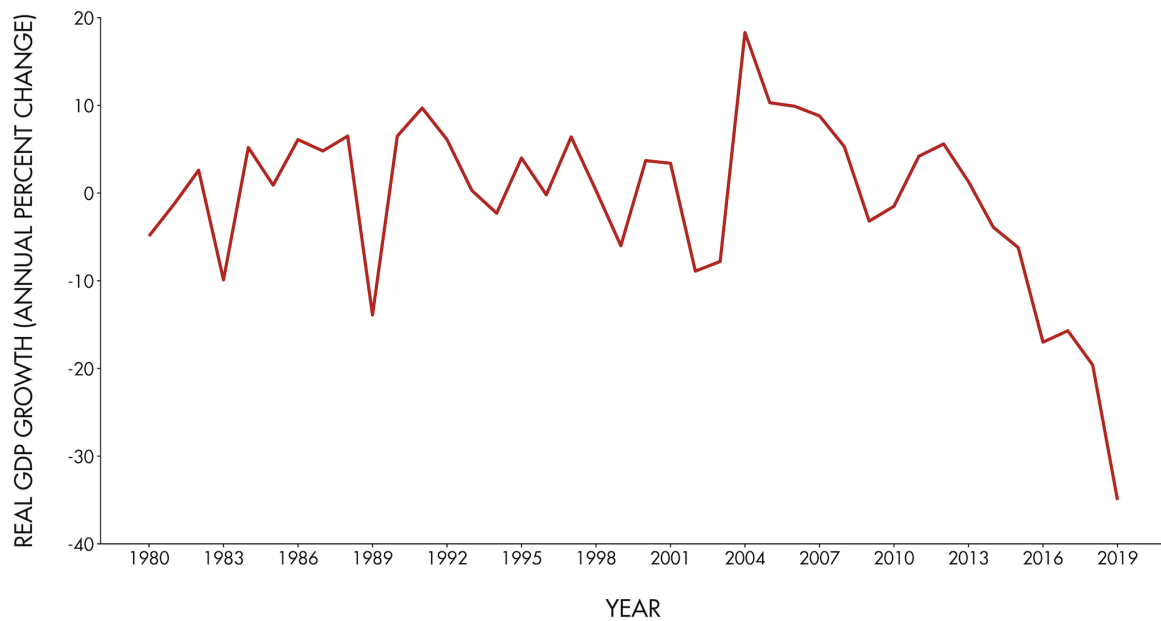
Figure Venezuela.1 Liberal Democracy Index for Venezuela and Latin America, 1960–2019



There can be little doubt that economic factors played a central role in subsequent polarization. Serious strains began to emerge with the onset of the debt crisis in the early 1980s and the collapse of oil prices after 1985. [Figure Venezuela.2](#) shows the volatility of overall performance of GDP throughout these two decades. In 1983, at the nadir of the region-wide debt shock, the Venezuelan economy crashed to depression levels. It recovered over the next four years, but only at the cost of high and unsustainable fiscal deficits and exchange rate imbalances. It then crashed even more severely as the incoming government of Carlos Andrés Pérez (1989–1993) imposed fiscal austerity measures. Growth during the 1990s remained at or below zero for five of the ten years of the decade, leading up to the election of Hugo Chávez.

As in other countries where democracy was well entrenched, however, there is substantial evidence that support for the Venezuelan political system had been eroding gradually over the course of the 1980s and 1990s in ways that were not always immediately apparent nor well-captured by these particular V-Dem measures. The shift of employment into the informal sector was one major source of weakness. Between 1980 and 1999, as the economy was hit by crises and intermittent reform initiatives, informal employment increased from about 35 percent of the labor force in 1980 to over 50 percent in 1999 (Roberts 2003: 49; Coppedge 1997; Crisp 1998). The corresponding reduction in manufacturing and public sector employment weakened the social foundations of organized labor, which had long been the primary source of support for the established parties.

Figure Venezuela.2 Real GDP Growth in Venezuela, 1980–2019

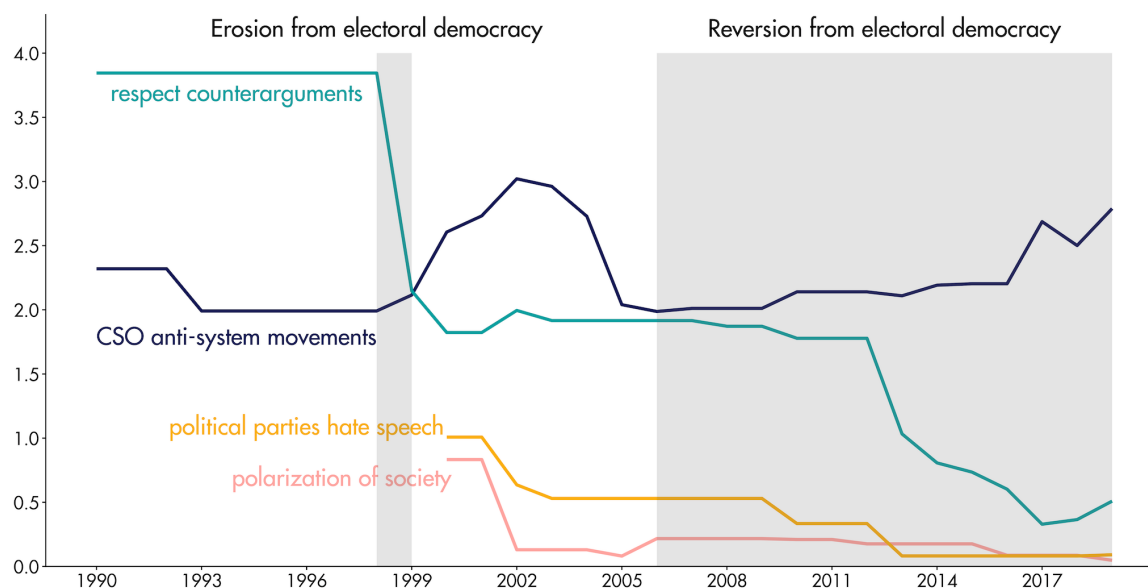


The elitist and centralized structure of the two major parties, in turn, discouraged them from opening up to new social forces or searching for ways to build new governing coalitions. Instead, the governments of the 1980s cycled erratically between unsustainable expansionist policies and painful adjustments. As we show in the next section, the constant “muddling through” not only worsened the general economic situation but ultimately led to declining support for established parties, which had provided the foundations of the democratic system.

The late-1980s and early 1990s were particularly notable in this regard. In a bid to sustain his popularity, Jaime Lusinchi (1984–1989) pursued especially reckless macroeconomic policies. His successor, Carlos Andrés Pérez (1989–1993) had been president before, during the oil boom of the mid-1970s, and his campaign in 1988 raised expectations that he could restore the “good old days.” But, with his options sharply limited by debt and currency imbalances, he turned quickly to retrenchment once in office (Stokes 2001), and the policy switch proved politically devastating.

In 1989, Pérez’s first year in office, he responded to protests over transit fare increases by ordering a massive crackdown that led to at least hundreds, and possibly several thousands, of deaths. The “Caracazo,” as it came to be known, was a major shock to a political system that had long been free of this kind of violence. Pérez managed to remain in power for several more years, but his support hemorrhaged, even from leaders of his own governing party (Corrales 2000). He was ultimately driven from office in 1993, before the official end of his term, by accusations of corruption and a vote of impeachment. Significantly, the end of his term marked the last time a major party leader was to occupy the presidency.

Figure Venezuela.3 Political and Social Polarization in Venezuela, 1990–2019



The growth of corruption during the crisis years also played a significant role in alienating the public. Corruption not only ensnared politicians but weakened confidence in other government institutions as well. In an incident with important long-term implications, the Supreme Court itself became a target of a public anti-corruption campaign when it declined to pursue charges against Jaime Lusinchí for illegal manipulation of the currency. Caught in the political cross-pressures, six of the Court's fifteen judges were forced to resign (Crisp 1998; Ellner 1993). The scandal added to the Court's already sullied reputation for honesty, and as we will see below, it increased its vulnerability to political pressures during the Chávez era.

A dramatic coup attempt led by Hugo Chávez in 1992 was an even more striking sign of systemic decay. His attempt failed to gain the backing of the senior officers, and he was temporarily imprisoned. Even so, the attempt shattered the barriers that had long restricted the military's political role. More disturbing still, it exposed a reluctance on the part of the political elite to defend the Constitution. None of the major party leaders supported the coup, but few openly condemned it. In a bid for popular support, the then-incumbent president Rafael Caldera appeared to tacitly validate the attempt by releasing Chávez from prison in 1995. Chávez was thus catapulted to fame and well positioned to undertake his divisive run for the presidency in 1998.

Democratic Crisis and Institutional Decay

Voters initially reacted to erratic economic management, hard times, and growing corruption by assigning blame to incumbent party leaders and defecting from incumbent parties, providing the opening for populist outsiders such as Chávez (Roberts 2014). As implied in the preceding section, the two domi-

nant political parties—the Democratic Action party (Acción Democrática, or AD) and the Social Christian Party (Partido Socialcristiano, or COPEI)—had been the principal pillars of democratic stability in Venezuela, and the erosion of their electoral strength was the most direct indication of the decline in the legitimacy of the system (McCoy 1999; Penfold-Becerra 1998; Coppedge 1997). [Table Venezuela.1](#) shows the decline in the vote share for each of these parties in the presidential and congressional elections from 1983 to 1998, when Chávez was elected. In the 1980s, the AD and COPEI dominated the political space, as they had done for most of the preceding two decades. Together, they captured over 90 percent of the presidential vote and between 70 and 80 percent in the elections for Congress.

Table Venezuela.1 Presidential Elections in Venezuela, 1983–1998 (share of popular vote)

	1983	1988	1993	1998
AD	56.7	52.9	23.6	Ucero 0.42
COPEI	34.5	40.4	22.7	Saez 2.8
Other			30.5 (Caldera)	56.2 (Chávez)
			21.9 (Causa R)	40.0 (Salas R)

Note: AD, Democratic Action party; COPEI, Social Christian Party.

Source: National Election Council (CNE)

By 1993—five years before the rise of Chávez—the combined vote of the two parties for both the presidency and Congress had fallen to less than 50 percent. Rafael Caldera, the winner of the 1993 presidential election, won with less than 31 percent of the vote. The rest was spread somewhat evenly between AD, COPEI, and the candidate of La Causa R, a small left-wing party. Representation in the Congress also fractured, with five parties sharing over 80 percent of the vote.

In effect, the 1993 elections marked the beginning of the end for the old party system. Caldera, like Pérez, had previously been an important part of that system. He was originally a leader of COPEI and had served an earlier term as president from 1969 to 1974. By 1993, however, he had broken from his former party. Although, unlike Chávez, he did not appeal to the populist left, he did run as an independent and as a critic of the political elite. Unfortunately, like his predecessors in the old system, he was unable to build a stable coalition around a coherent set of policies. He also shifted erratically between populist expansion and austerity, and left office in the midst of another deep economic downturn.

In the 1998 general elections, support for the old parties collapsed entirely. Both Chávez and his main competitor, Henrique Salas Römer, ran as independent critics of the system. Together, as [Table Venezuela.1](#) shows, they captured over 90 percent of the presidential vote, with Chávez emerging as the victor with about 56 percent. Votes for the AD and COPEI candidates—Irene Sáez and Luis Alfaro Ucero, respectively—shrank to just over 3 percent; their combined share of congressional votes was just over a third.

Initially, the expanded political space left by the shrinking center was filled not only by independent presidential candidates, but by an even wider array of parties also listed in [Table Venezuela.1](#). Contributing to their proliferation was a somewhat desperate attempt by the AD and COPEI elites in 1988 to regain legitimacy by democratizing their parties; they agreed to hold direct elections for mayors (and, later

Table Venezuela.2 Congressional Elections in Venezuela, 1983–1998 (share of votes/share of seats)

	1983	1988	1993	1998
AD	49.9	43.3	24.1	24.4
COPEI	28.7	31.1	22.8	12.1
Other: Parties/percentage of votes	7	MAS 10.2	Causa R 20.8 Conver 13.4 MAS 10.9 7 others/14.2	5th R(Chav) 19.8 Project V 10.2 MAS 9.1 Others 24.4
Vote share of small parties	23.1	26.4	58.5	63.5

Source: National Election Council (CNE)

governors), and to open up their nominating process by changing from a closed list to a mixed system. In the context of a declining economy and policy dysfunction, however, these moves backfired, and the effect was to accelerate the centrist decline that was already in motion. As noted, most of the parties that emerged or gained traction during the 1990s reflected left-wing and/or anti-establishment views (Handlin 2018).

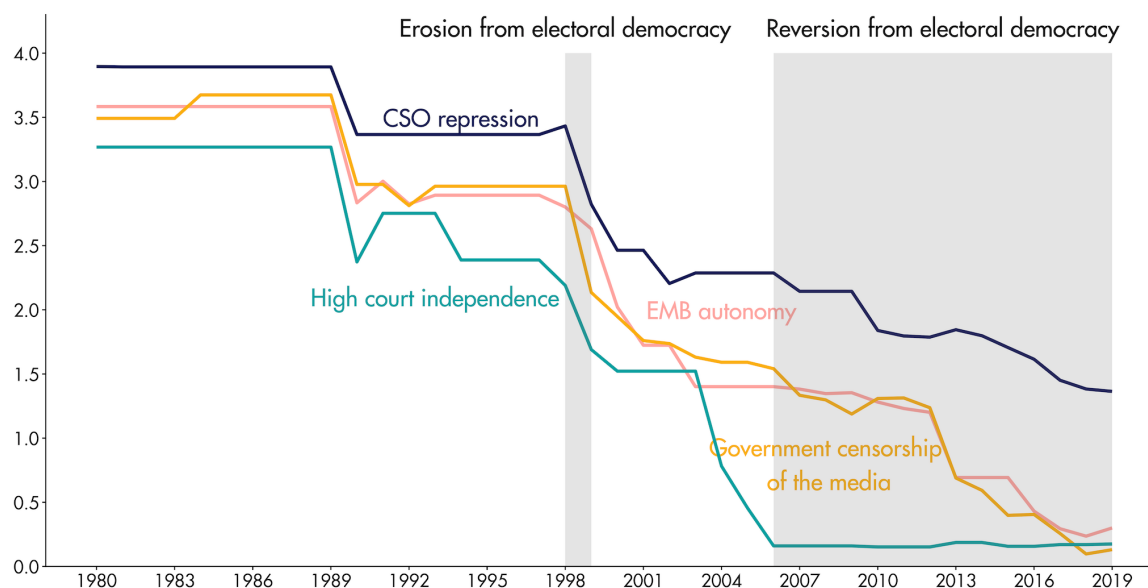
Many of these joined the ranks of the Chávez movement after 1998, and were later absorbed into the new ruling party—the United Socialist Party of Venezuela (Partido Socialista Unido de Venezuela, or PSUV) which Chávez formed in 2006. Despite Chávez’s smashing victory in the presidential race, however, the fragmented congressional landscape constituted a potential check on his power, and the absence of a coherent legislative majority provided a strong incentive for him to pursue a constitutional reform that would create an alternative legislative assembly. We turn to an account of this process in the next section.

The Backsliding Process

Figure Venezuela.4 provides a general picture of the backsliding process during the Chávez era, tracing V-Dem scores for the autonomy of the judiciary and electoral agencies and the freedom of civil society and the press. Beginning in 1998—the year of Chávez’s first electoral campaign—all four measures drop sharply, clearly marking the onset of erosion in the Venezuelan system. As noted in the introduction, however, the descent into outright regime change (which by our measure dates from 2006) is much more ambiguous in this figure. The rating for high court independence does decline sharply in this year, probably as a result of restructuring that we describe below, but all of the other indicators decline in a more or less continuous fashion. The very incrementalism of this process made it difficult both for actors at the time as well as subsequent analysts to identify precise breakpoints.

This difficulty is reflected in divergence among standard coding systems. Polity data conforms broadly to our assessment using V-Dem data: Venezuela’s rating drops below the conventional 6-point threshold of autocracy in 2006 and 2007 (Polity 2014). Freedom House, by contrast, downgrades Venezuela from Partly Free to Not Free only in 2017 (Freedom House 2017).

Figure Venezuela.4 Backsliding in Venezuela, 1980–2019



While the erosion is continuous and there can be little doubt that Venezuela gradually shifted from an electoral democracy to an authoritarian regime, we identify the crossover as occurring as the result of institutional developments. The distinguishing feature we identify in the narrative below is the consolidation of legislative power in the mid-2000s and the extent to which Chávez was subsequently able to weaken horizontal checks on his power and dominate the opposition. Until the mid-2000s, as noted in the introduction, he faced recurrent challenges to his project of executive aggrandizement. In the years that followed, until his death in 2013, he tightened his grip on power substantially. We thus divide the narrative into three sections: the initial backsliding phase from 1998 to 2005 or 2006; the descent into full authoritarianism from that point onward; and the further erosion that occurred under his successor, Nicolás Maduro, beginning in 2013.

Erosion: 1998–2005

As we argued in *Backsliding*, Venezuela demonstrates the significance of control over the legislature. However, Chávez achieved this objective through unorthodox means. Upon taking office, he immediately sought fundamental constitutional reform. The high court—already weakened by earlier scandals—reluctantly acquiesced to a referendum on two fundamental issues: first, whether to establish a constituent assembly and second, the voting rules for electing it. In the post-election honeymoon, both passed with overwhelming majorities (92.4 and 86.5 percent), albeit with very high abstention rates (63 percent). The referendum dramatically expanded the mandate that Chávez had received in the presidential election five months earlier. Most importantly, simple majority voting rules permitted the Chavistas to completely dominate the new assembly, with only six of the 125 total members representing the opposition.

These results significantly increased Chávez's leverage over the incumbent Congress, where the opposition still retained influence, and a debate immediately broke out over the legislative powers of the Assembly. In August 1999, members of the Assembly, supported by Chavista activists, physically occupied the parliament building and declared the Assembly the "originating" body authorized to legislate in the place of Congress (Corrales 2018: 121). This claim was effectively confirmed in a second referendum held in December 1999, in which 71.8 percent of the Assembly voted in favor of a constitution effectively drafted in closed committees.

Again, the Supreme Court yielded to the political pressure to approve the results, affirming the claims of the Assembly by an 8-6 vote. In the event, the chief justice resigned in protest, stating that the Court had chosen suicide over assassination, but that in the end, it was still dead. The only institutions left standing, writes Corrales (2018:122), "were the presidency and the constituent assembly, where the president had a near monopoly." Checks emanating from Congress were effectively eliminated. The decision to displace the legislature and high-handed threats to the Court prompted Freedom House to downgrade the regime from Free to only Partly Free (Freedom House 1999). It also coincides with the sharp downturn in the V-Dem indicators shown in [Figure Venezuela.4](#).

Predictably, the new Constitution that emerged from this process vastly increased the powers of the president, correspondingly weakening horizontal checks. First, it extended the presidential term to five years, provided him with extensive decree powers, and gave him the authority to appoint directors of the Central Bank. Second, it provided for a unicameral legislature, abolishing the Senate as a veto player. In the new unicameral legislature elected in August 2000, parties aligned with Chávez gained 60 percent of the seats. By 2001, Chávez had used these majorities to increase the control of the central government over education and to accrue new decree powers with respect to hydrocarbons and agriculture. Finally, control over the legislature permitted further weakening of the judicial branch and the independence of election monitoring institutions. In August 2000, a Chávez-dominated judicial reform commission established by the legislature authorized a replacement of controversial judges with Chávez allies. With his strong majority, "it became easier for the president to pack the court and tighten control over the attorney general, the comptroller general, and the [National Election Council]...the electoral monitoring body" (Corrales 2018: 122).

From 2001 through 2004, resurgent opposition forces responded to Chávez's concentration of authority with massive street protests, an attempted coup in 2002, a crippling strike in the oil sector in 2003, and local and legislative elections in 2004 and 2005, respectively. All of these events clearly threatened Chávez's power, if not his very survival in office. These challenges failed for many reasons, including the fortuitous upsurge in oil prices in 2003, which provided the opportunity for the provision of generous social benefits. Additionally, the opposition's effectiveness was undermined significantly by its association with the old order, the ambiguity of its own democratic commitments, and the decision to boycott the elections; all redounded to Chávez's benefit.

In the attempted coup of 2002, Chávez was temporarily placed under arrest, and the coup was quickly endorsed by the United States. Popular and military support for the takeover evaporated, however, after Pedro Carmona, its civilian leader, announced that he would scrap the 1999 Constitution, dissolve the legislature, and nullify elections to state governorships. The failed coup gave credence to Chávez's claim that he, not his opponents, was the true defender of Venezuelan democracy, a view shared by many academic observers (Ellner and Hellinger 2004; Smilde and Hellinger 2011). Chávez used the opportu-

nity to purge the military and rally support from his domestic and international allies, while moderate domestic and international groups that might have slowed or blocked his ascent were thrown off balance.

On returning to power, Chávez intensified his polarizing appeals with fiery attacks on the United States and the elites of the old order. In 2003, he drew on this political capital to fend off a potentially fatal work stoppage in the petroleum sector and to replace striking employees and managers with political loyalists. Even more important, as noted above, the formerly semi-autonomous management of the state oil company was brought under direct presidential control, providing Chávez with unimpeded access to the flow of petroleum revenues. What had not killed Chávez had made him stronger.

Perhaps the most decisive turning point in this struggle with the opposition came in 2004–2005. Having failed at extra-constitutional efforts to depose Chávez, the opposition seized on a provision in the new Constitution that allowed them to petition for a referendum on his continuation in office. The referendum proposal raised the requisite number of signatures and was approved by the National Electoral Council in June 2004 and scheduled for August. Rising oil prices, however, allowed Chávez to counter with a massive social spending program—food subsidies, health facilities, and clientelistic benefits—that built a large electoral following among low-income groups. Although the referendum campaign began with polls showing strong support for removal, Chávez won with over 60 percent of the vote.

This reversal of fortune further stunned and demoralized the opposition. The regime's opponents offered only a weak challenge in the October 2004 regional and local elections, leaving Chavistas in control of 21 of the 23 state governments and more than 90 percent of the country's municipalities. The opposition then boycotted the 2005 legislative elections. The effect, ultimately, was to leave Chávez with 100 percent control of the Congress. In the 2006 presidential elections, Chávez swept to victory with 63 percent of the vote, buoyed by booming oil prices and a weakened opposition. In the aftermath of this victory, he began a process of unifying the coalition of parties that had supported him into a single ruling party—the United Socialist Party of Venezuela (PSUV). As we argue, this control over the legislature now provided the instrument for further derogations from democratic rule.

The failed coup and referendum, as well as the electoral results of 2004–5, all served to strengthen Chávez's hand in dealing with the opposition. In addition to the institutional developments already noted during this first backsliding phase, the regime also commenced an incremental assault on civil and political liberties. Even prior to the coup, the press was subject to violent anti-media rhetoric on the part of the president; journalists did not need to be arrested and jailed to be intimidated. An article approved by the constituent assembly had set the stage for more direct controls by requiring journalists to publish or broadcast "truthful information," a move condemned by international observers as opening the door to government censorship. The Supreme Court ruled in 2000 that NGOs that received funding from foreign governments or had leaders who were not Venezuelan were no longer a part of "civil society." As a result, they were no longer allowed to represent citizens in court.

This was followed in 2002–2004 by a series of measures aimed at favoring the administration and tightening control over opposition media. For example, all media was required to broadcast Chávez's speeches. The Social Responsibility in Radio and Television bill, also known as the Content Law, established government policy for creating news content and subjected the broadcast media to government control. The Citizen Participation Law created a People's Watch Council to monitor the print media. Four independent media conglomerates were investigated for dissemination of "false, deceitful or tendentious

news” and inciting “lack of respect for the legitimate institutions and authorities” (FH: Countries at the Crossroads 2004).

More generally, human rights organizations such as Freedom House began to report a broader climate of intimidation. Freedom House summarizes a set of strategies used by a number of autocrats that skirt issues of legality while nonetheless significantly dampening opposition: “...outspoken remarks by the president, senior members of his government, and leaders of his political party against the media, the political opposition, labor unions, the courts, human rights groups, and the Catholic Church—is a serious problem. The virulent rhetoric employed by these official and quasi-official sources is widely seen as tacitly approving violence against government opponents, which in turn has resulted in threats, intimidation, and physical harm to numerous persons” (Freedom House 2004). This intimidation extended to the way in which security forces dealt with those involved in opposition activities. A system of military courts effectively granted immunity for members of the military from prosecution for both common criminal activity and violations of rights. Given the dramatic expansion of the military in the administration’s development efforts, these derogations were non-trivial.

From Electoral Democracy to Authoritarian Rule: 2006–2013

As noted, our coding system marks 2006 the point at which the Chávez regime devolved into authoritarianism. Although drawing such a bright line is problematic, the balance of power between the government and opposition did appear to undergo a decisive change in favor of the Chávez regime at about that time. The opposition, to be sure, continued to launch challenges to the regime after 2006, and these grew considerably stronger in the late 2000s as the economy began to slow (see Figure Venezuela.1) and a younger generation assumed the leadership. After 2006 and into the much harsher economic conditions of the 2010s, however, the opposition’s struggles and its occasional victories unfolded on a playing field dominated almost entirely by the government. By 2006, Chávez and his ruling elite had not only gained control over the legislature and other constitutional centers of power, they could also deploy the vast economic resources of the state oil company and other nationalized enterprises and could count on the coercive arms of the state—the police, the military, and law enforcement—to threaten or eliminate serious challengers.

In extending its control, the regime built on the constitutional reforms and legislative initiatives already established in the early 2000s. The Electoral Council, for example, had already been compromised by previous appointments of Chavista loyalists, but in the runup to the 2006 presidential election, the legislature appointed an entirely new board of directors, cementing the government’s control. Freedom House notes that, although the voting process in the election itself was generally considered free and fair, the CNE was ineffectual at limiting Chávez’s massive advantages in the use of public television, infrastructure investment, and the promotion of social projects. As in other backsliding cases, tampering with the integrity of the electoral system itself is typically a strong indicator that a departure from democracy is at hand.

In subsequent years, as opposition forces began to mobilize more intensively, Chávez wielded the power of the state even more directly against his political opponents. In the runup to the 2008 state and local elections, over 300 opposition candidates were disqualified from running on charges of corruption. Manuel Rosales, Chávez’s opponent in the 2006 presidential elections, was forced into exile on corruption charges after he was elected mayor of Maracaibo in 2009. Also in 2009, the government was able

to push through a referendum lifting term limits that had previously gone down in a surprise defeat in 2007. In 2010, as a unified opposition coalition organized to challenge the control of the ruling PSUV in the Congress, the PSUV changed electoral laws to insure that it could continue in the majority. Its candidates captured 48 percent of the vote, compared to 47 percent for the opposition, but PSUV secured 98 of the 165 seats.

The government also tightened its control of the courts, the press, and civil society organizations to cope with the challenges it faced over the course of the next decade. In 2005, following Chávez's victory in the 2004 referendum, the National Assembly approved a new "Organic Law of the Supreme Court." This allowed a simple majority of the Chavista-controlled Assembly to appoint and remove judges to the Supreme Court and expanded the number of seats from 20 to 32 judges, assuring the full subordination of the judicial system.

Assaults on press freedom intensified as well. These built on earlier measures—most importantly, the 2004 Law of Social Responsibility in Radio, Television, and Electronic Media, which had already authorized government control of media content that "foments citizen anxiety" of "disrespects authority." In 2007, the government followed by shutting down RCV, the most prominent independent television broadcaster. In the runup to the 2010 parliamentary election, it amended the media law to expand control over the internet and grant sweeping powers to the Venezuelan National Telecommunications Commission (CONATEL) to further cripple networks associated with the opposition (Freedom House 2013). It launched multiple investigations into Globovision, another independent broadcaster, and stripped 32 radio stations of their licenses for what it described as procedural and administrative problems.

We see the same pattern, finally, with respect to civil liberties, as government forces clashed with increasingly militant protesters and other civil society groups. "Dozens of human rights defenders have been subject to threats and even violent attacks in recent years," reported Freedom House in 2009. Controls tightened even further in 2010 and 2011 after a strong opposition showing in the 2010 Congressional elections. In 2010, the outgoing Congress passed the Law on Political Sovereignty which threatened sanctions against "any political organization that receives foreign funding or hosts foreign visitors who criticize the government." Continuing repression and threats in 2011 prompted Freedom House to lower its civil freedom ratings from 4 to 5, "due to a raft of legislation that granted [Chávez] sweeping decree powers, tightened restrictions on civil society and the media..."

The Maduro Years: 2013–2019

Political conflict between the government and opposition intensified still more following Chávez's death in March 2013 and his replacement by Nicolás Maduro. As [Figure Venezuela.2](#) shows, the leadership transition occurred in the midst of a virtual collapse of the Venezuelan economy and a humanitarian crisis—the result of both declining oil prices and more than a decade of economic corruption and mismanagement. In this context, the government's claims to rule by genuine popular consent had lost all credibility. By this time, however, the government was in a position to respond to political challenges with a more extensive use of its coercive resources, as well as with the continued manipulation of its constitutional and legal resources. The increased reliance on outright repression is clearly shown in [Figure Venezuela.4](#), in the sharp downward trend of V-Dem indicators for censorship, civil society repression, and electoral board autonomy in 2013. As of this writing, the consequence is that the Maduro regime has continued to survive, while the opposition—notwithstanding growing international support—remains

weakened and divided.

Although it is beyond the scope of this narrative to provide a full account of the post-Chávez period, we highlight two critical illustrations of the way in which the Maduro regime deployed its coercive and legal resources to prevail over the opposition. The first challenge was the management of the transition between Chávez and Maduro. In a special election held in 2014, Maduro squeaked through narrowly, with 50.6 to 49.1 percent. Not surprisingly, the validity of the vote was confirmed by the Electoral Commission and the Courts, both agents of the regime, but repression by pro-government militias and the National Guard undergirded the implementation of these rulings. In the immediate aftermath of the vote, protests over irregularities in the balloting led to the death of nine people, and hundreds more were injured. A security police crackdown the following year led to 40 more deaths, 900 injuries, and over 3000 arrests. Leopoldo López, one of the main leaders of the protests, was charged with inciting violence and subsequently imprisoned.

The regime's response to an opposition victory in the 2015 parliamentary election provides another important illustration of how it managed a potentially devastating loss. Running in the context of a collapsing economy, the opposition coalesced around a Unity Roundtable (Mesa de la Unidad Democrática, MUD), and captured 109 seats against only 55 for the PSUV. Initially, the outcome provided MUD with a two-thirds majority. In theory, a win of this magnitude placed it in a position to deal a serious legal blow to the regime and even granted the potential authority to oust Maduro from the presidency.

In reality, opponents proved to be helpless against the government's responses, which involved a mix of institutional chicanery and outright repression. The initial step was to deploy the judiciary to neutralize the most challenging legislative powers. The government engineered the appointment of 13 new judges to the 32-member Supreme Tribunal of Justice, and the TSJ followed by barring three newly-elected legislators from taking their seats in the Assembly. These measures deprived the opposition of its supermajority and thus of the possibility of censoring or impeaching the president. At the same time, the government continued to engage in political reprisals against its opponents. Leopoldo López, arrested in 2015, was sentenced to 13 years in prison after a closed-door trial, and the opposition mayor of Caracas was placed under arrest. By the end of 2016, the government also held over 100 political prisoners.

In 2017 (the year Freedom House downgraded Venezuela to Not Free), Maduro established a new National Constituent Assembly which supplanted the Congress entirely as the main legislative body. This maneuver followed the playbook adopted by Hugo Chávez in the struggle over constitutional reform in 1999, but it was executed in a context far less favorable to the regime. As in the confrontations over the presidential elections, there were massive protests that met with further repression, leaving over 100 people dead, 1900 injured, and at least 600 political prisoners.

Another fraudulent presidential election in the following year formally ratified Maduro's hold on power. Maduro was reelected by 67.9 percent of the vote; his principal competitors, Leopoldo López and Henrique Capriles, were both barred from entering the race, and the conduct of the election was condemned by observers from the OAS, the EU, and from the Lima Group of election monitors.

The congressional majority in Congress also condemned the election and refused to recognize the legitimacy of Maduro's mandate for a second term. Yet, there was little they could do against contrary rulings by the judiciary or the electoral authorities, or against the power of the military and the police to enforce these rulings. In a dramatic gesture at the beginning of 2019, the Congress declared Juan Guaidó, the

Speaker of the Assembly, the interim president, who was to serve until new elections could be held. Although Guaidó ultimately received widespread international backing, including from the United States, a hoped-for split within the military and the party elite failed to materialize, and the initiative to depose Maduro sputtered out.

Notwithstanding the evident loss of legitimacy and its increasing reliance on coercion, through the first half of 2020 the regime has managed to maintain power. The ruling elite had effectively resisted calls to defect. Even in the midst of the economic crisis, they maintained privileged access to state resources that they were unwilling to surrender, and many were compromised as well by involvement in drug trafficking that could lead to conviction if the regime were to fall. The old populist appeals of the Chávez era no longer resonate, but the public has shown signs of exhaustion from the turmoil of protest and repression and continuing economic collapse; survival strategies outweigh the capacity for effective organization or even mass protest. Political engagement is weakened by the constant pressure to find food, medication, and other necessities required to stay alive. Millions of émigrés have now chosen to leave, rather than to fight. With the apparent failure of the Guaidó initiative, strains have reappeared within opposition moderates and militants. As negotiations over a transition have gone forward under international sponsorship, Maduro has shown almost no interest in serious concessions. The authoritarian regime in Venezuela will undoubtedly draw to a close at some point, but as of the end of 2019, that point was nowhere in sight.

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ZAMBIA

REVERSION FROM ELECTORAL DEMOCRACY, 2016–2019¹



According to our V-Dem data, the backsliding episode in Zambia began in 2016, with the election campaign that carried Edgar Lungu to the presidency. Lungu first gained the presidency in a special election held in 2015 following the death of the incumbent, Michael Sata. His bid to hold onto the office was characterized by unusually high levels of political violence, and by restrictions on campaigning and on the opposition press. The campaign also coincided with a referendum on constitutional amendments that substantially expanded formal presidential powers. In the aftermath of the election, Lungu continued to engage in systematic assaults on democratic rules of the game. These included the jailing of his leading opponent in the previous election, the declaration of a state of emergency that significantly reduced checks on presidential and police authority, and a concerted effort to eliminate term limits on his continuation in office beyond 2021. With these and other restrictions, Zambia fell below our minimum standards of electoral democracy, indicating a reversion to an authoritarian regime.

The Zambian political system, it should be emphasized, had long been characterized by weak horizontal checks and protections of civil liberties, and this endemic weakness has made both the extent and timing of the backsliding episode somewhat ambiguous. For example, while noting many of the abuses that prompted us to assess a reversion to authoritarianism, Freedom House continued to rate it as Partly Free. In their assessment, Mainwaring and Bizzaro date the breakdown of Zambian democracy from 2014, the year of the succession struggle triggered by Michael Sata's death in office. Notwithstanding the differences in these assessments, however, there is a clear consensus that the increased restrictions on political competition of the late 2010s marked a clear break with previous practices.

Background: The Class and Ethnic Bases of Polarization

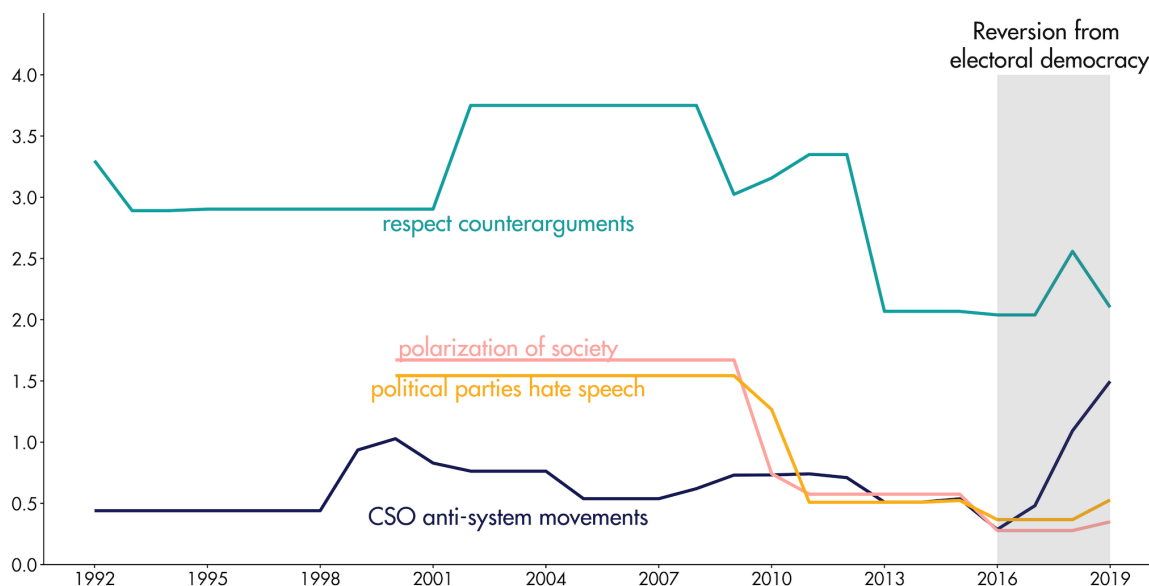
In 1991, Zambia peacefully transitioned from a one-party state to a multiparty system. Like a number of other countries in our sample, the system has consistently fallen short of the standards we normally associate with liberal democracy. Competitively-elected presidents routinely abused their power with only limited checks or active compliance from the legislature or the courts. Despite its shortcomings, however, the democratic system was widely regarded, until the mid-2010s, as relatively successful by regional standards (Bratton et al 2017). The system had already been tested by an early battle over term limits. Frederick Chiluba, who had led the fight for a transition as head of the Movement for Multi-Party Democracy (MMD), was elected president in 1991 and reelected in 1996. In 2001, he yielded to pressure to accept constitutional term limits and stood down from a bid for a third term, ceding control of the presidency to Levy Mwanawasa, also from the MMD. Between 2001 and 2011, the presidency changed hands peacefully four times.

The transfer of power that took place in 2011 is also often regarded as another democratic milestone, because it was the first turnover from an incumbent of one party to an opposition party (the Patriotic Front or PF) headed by Sata. As [Figure Zambia.1](#) shows, however, this change was accompanied by a discernible escalation of political conflict and of the indicators for polarization we have used. This

¹ We are grateful to Clark Gibson, Adrienne Lebas, Rachael Beatty Reidl, Brigitte Seim, and Michael Wahman for criticism and advice on this narrative.

appears to have moved the numbers shown in the figure. Social polarization and hate speech dip significantly away from the democratic end of the spectrum in 2011, followed by a sharp decline in respect counterarguments around 2013. Sata's term was cut short by his death in 2014, but his rise to power helped pave the way for the turn to authoritarianism under Edgar Lungu, his successor, in 2015 and 2016 (Resnick 2019; Fraser 2017). In terms of polarization, we see movements in these proxies well before the identified backsliding episode.

Figure Zambia.1 Polarization in Zambia, 1992–2019

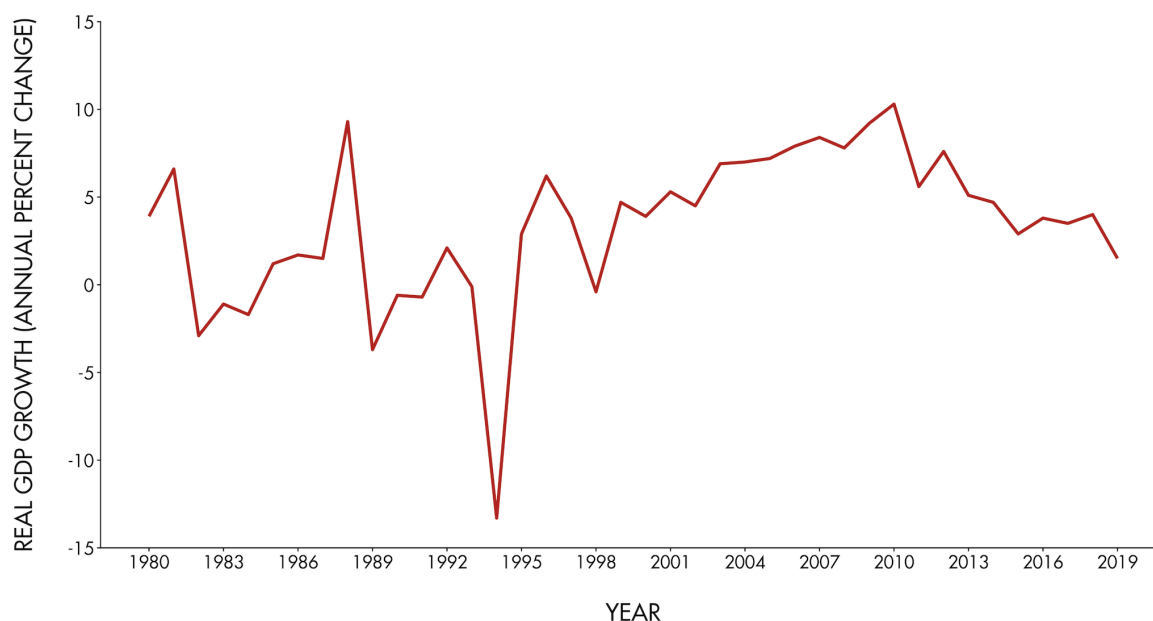


In this section, we describe the economic and social context in which these conflicts unfolded. As we will see in the following section, the backsliding process itself was driven by elite rivalries that exploited and exacerbated underlying class and ethnic cleavages and broad resentments against the political elite. Before turning to those dynamics, however, it is important to focus more directly on the economic and social divisions themselves.

Figure Zambia.2 provides a general overview of economic performance since the transition, focusing on real GDP growth. As in virtually every African country, the post-authoritarian governments had to wrestle with the essential bankruptcy of previous state-centric models of economic development and the socially disruptive impact of neoliberal reforms. For the entire decade of the 1990s, the economy struggled, averaging only 1.4 percent annual growth and plunging into a deep (-13.0) recession in 1994.

During the next decade—from about 2001 to 2010—rising international copper prices propelled a strong economic recovery; growth averaged an impressive 7.5 percent annually. Gains were very unevenly distributed, however, with the largest share going to the small upper and middle class. In 2010, after a decade of growth, the Gini index stood at .55 (World Bank estimate) and almost two-thirds of the population (64.4%) lived below \$1.90 per day at 2011 PPP. Thus, even though the election campaigns

Figure Zambia.2 Real GDP Growth in Zambia, 1980–2019



of 2006 and 2008 were conducted in a period of overall macroeconomic prosperity, “persistent poverty and inequality established an important opening for populist appeals to the more radical mineworkers and the unemployed in Zambia’s poorest urban compounds” (Cheeseman and Hinfelaar 2010:73).

After 2011, falling copper prices led to a renewed economic deterioration and arguably contributed to an even greater intensification of the political conflicts that began to surface in previous decades. By December 2015, the price of copper had declined to less than half of the all-time peak in December 2010, which had a severe impact on Zambia’s foreign exchange earnings and balance of trade. Meanwhile, after peaking at 8.3 percent in 2010, economic performance slowed steadily. Growth averaged only 2.4 percent between 2011, when Sata’s Patriotic Front gained control of the presidency, and the onset of the backsliding crisis in 2016.

Economic performance appeared to have the most direct effects on the urban working class and on unions in the Copperbelt region. Unions—particularly the well-organized and militant copper workers—initially formed a key pillar of support for the MMD. But its leader, Frederick Chiluba, and other party notables did not invest in developing channels of consultation that might have held the coalition together (LeBas 2011), and the MMD’s alliance with organized labor quickly began to unravel as the new government began to pursue market reforms. After a few years of restraint, strikes broke out in 1993 and 1994. Confrontations accelerated during the late 1990s, and by the end of the decade, the ruling party had lost its base in organized labor.

The union movement itself also emerged from these confrontations in a badly weakened condition. Privatization of the copper mines and broader structural adjustment policies undercut a major base of

union power. The government, moreover, exploited splits in the peak organization, the Zambia Conference of Trade Unions (ZCTU), to pass new labor legislation that permitted the registration of splinter unions that could compete with ZCTU affiliates. These actions, in turn, weakened the links between the ZCTU and its rank-and-file members. “Had the ZCTU decided to back an opposition party [in 2000], it would have provided a much weaker organizational base...than it did in 1991” (LeBas 2011:224).

The severing of the links between the then-ruling MMD and the union movement opened the way to the populist appeals of Michael Sata and the PF. In the elections of 2006 and 2008, the MMD lost in ethnically heterogeneous provinces to the Patriotic Front, which used cross-ethnic populist rhetoric and staunch opposition to neoliberal reforms to appeal to voters in those areas (LeBas 2011: 230). Despite high growth rates of that decade, Sata’s condemnation of poor working conditions in Chinese-owned mines and his strident criticism of foreign investors and their complicity with the incumbent government resonated strongly among unemployed workers (Cheeseman and Hinfelaar 2009). Although he captured only 3 percent of the popular vote in his first run for the presidency in 2001, his support grew significantly throughout the 2000s (see [Table Zambia.2](#)). In 2006, he finished second to the MMD’s Levy Mwanawasa in an election marred by accusations of fraud and rioting among Sata’s urban supporters. In the 2008 by-election, held after Mwanawasa’s death, he again finished a very close second.

The remnants of the union movement—the branch structures and local union organizations—might have played some role in the mobilization of Sata’s support (Larmer and Fraser 2007; LeBas 2011). However, this mobilization effort was diverted into a much more strident campaign that eventually helped propel Sata to victory in 2011. Particularly noteworthy in the 2006 campaign against Mwanawasa, and deeply controversial, was Sata’s practice at rallies of tearing apart a cabbage—a direct reference to the nickname ‘the cabbage’ given to Mwanawasa after a serious car accident in 1991 (Larmer and Fraser 2007; Cheeseman and Hinfelaar 2009: 65)

In rural areas outside the capital city and the Copperbelt, the parties relied more heavily on ethnic and linguistic identities to mobilize political support. There is, however, some disagreement about the nature and intensity of these appeals, relative to clientelism and other economic and social interests (see Posner 2007; Larmer and Fraser 2006). The Bemba, Zambia’s largest ethnic group, comprises forty percent of the population, but this provides some limit on the extent to which politicians could rely exclusively on Bemba support. In fact, the national leadership of both the MMD and most of its competitors recruited their leaders from a relatively diverse array of ethnic groups in order to maintain a broad appeal (Elischer 2013: 210-2014). Voter choice, moreover, was often based on clientelistic benefits or access to social services, which were not uniformly conditioned on ethnic ties. As LeBas shows (2011:227), party fragmentation within ethnically homogenous districts implies an “inability of the parties to coordinate votes even within [their] own ethnic block.”

But even taking these caveats into account, there is little doubt that ethnicity constituted at least one of the main bases of social and political polarization. In data drawn from surveys in 1991 and 1996, Posner and Simon (2002: 313) find that although the bad economic conditions of that decade contributed to declining support for the incumbent, “the effects were relatively small compared to noneconomic determinants of the vote such as ethnic affiliation and urban/rural location.” In their study of the 2008 presidential election, Cheeseman and Hinfelaar (2009) reach similar conclusions. They find that although Michael Sata exploited economic divisions in urban and multiethnic areas, he continued to use ascriptive appeals in low-density Bemba-speaking constituencies, exploiting his status as a Bemba-speaking

presidential candidate. His success in these areas, Cheeseman and Hinfelaar argue (2009: 74), served as an important reminder of “the continued power of ethnicity in Zambian politics.”

Ethno-linguistic cleavages may have widened, moreover, after the demise of the MMD in the 2000s (Kapesa et al 2020). Support for the MMD had initially been nation-wide and largely rested on clientelistic as well as ethnic ties to the voters. By 1996, however, much of its support outside of its Bemba strongholds had disappeared, and regional maps began to show an increasing differentiation between the Bemba-dominated North and East, and the Lozi and other ethnic groups in the West and South. As in 2008, in the 2011 elections, Michael Sata’s PF successfully merged a Northern ethno-regional campaign with his populist messaging amongst more cosmopolitan urbanites in the Copperbelt and in Lusaka (Cheeseman and Larmer 2015; Resnick 2012). To be sure, these regional differences in themselves cannot be taken as proof of ethnic voting, but by 2017, individual surveys also showed a significant ethnic sorting of partisan loyalties. **Table Zambia.1** shows the party preferences of selected ethnic groups in 2017, using Afrobarometer data. Bemba-speaking voters were strongly pro-PF, whilst Tonga and Lozi voters heavily favored another new party, the UPND (United Party for National Development), formed in 1998.

Table Zambia.1 Partisan preferences for selected ethnic groups in Zambia, 2017

	Bemba (%)	Tonga (%)	Lozi (%)	Pro-UPND groups (%)	Not pro-UPND groups (%)
UPND	11	65	64	59	11
PF	60	14	10	16	60
Other/none/ don't know/refuse	129	22	26	26	28
Total	100	100	100	100	100
N	330	144	90	372	828

Note: In addition to Tonga and Lozi, pro-UPND groups include Kaonde, Luvala, Lumda, Chokwe, Mbunda, Lamba and Tokoleya.

Source: Afrobarometer 2017; *Seekings* (2020:126)

Separately from these divisions, conflicts that emerged over the autonomy of the Barotseland province, the ancestral homeland of the Lozi tribe, threatened to further exacerbate ethnic tensions. Between 2010 and 2015, protests and riots over demands for independence led to a number of deaths and to imprisonment for members of the Barotseland provisional government. During the presidential campaign of 2011, Sata won some support with the promise to grant the province regional autonomy, but incurred backlash when he reneged on this commitment once in office (Wahman, personal communication). Tensions were increased further in the runup to the 2016 elections, when Lungu (although not Bemba himself) began to use exclusionary ethnic rhetoric and anti-Lozi appeals in order to shore up his Bemba base against challenges from Hakainde Hichilema of the UPND (LeBas, personal communication). Once in power, Lungu increasingly made use of a divide and rule strategy in which key appointments were increasingly given to loyalists from allied communities. This threatened, as one analysis put it, “to

place ethno-regional identity at the heart of politics” (Bertelsmann Stiftung 2018).

As we have suggested in a number of other cases, it is difficult to assess the relative weight of ethnic divisions compared to the economic grievances and interests that also drove political competition. For our purposes, the most useful approach is to consider both as relevant sources of polarization, particularly given that they tended to reinforce one another. Significant conflicts between rural and urban interests did, to be sure, separate ethnic voters in the countryside from wage workers dependent on cheap food. Nevertheless, “ethnopolitist” narratives that carried Sata to the presidency successfully papered over these differences with appeals to common grievances over social exclusion and victimization by foreigners and elites.

Elite Politics and Party Fractionalization

Competition among political elites added significantly to the polarization of Zambian society—both by superimposing a new layer of political conflict atop underlying social divisions and by creating incentives for the polarizing ethnic and economic cleavages described above. These conflicts occurred both around contests for the presidency and in a shifting party landscape; we take up each in turn.

As was the case throughout Africa, a zero-sum competition for control of the presidency was a major focal point in these conflicts. “The president,” state Tinenenji Banda, O’Brien Kaaba, Marja Hinfelaar and Muna Ndulo (2020: 1), “remains the key decision-maker and exercises power and influence over all key institutions in the country, including the legislature and judiciary. Crucially, there remains no effective check on the actions or powers of the president, usually resulting in a lack of transparency and accountability.” More informally, he is the gatekeeper for the distribution of all-important patronage resources that can be deployed to build coalitions or isolate political rivals (Simutanyi and Hinfelaar 2018).

Frederick Chiluba, the first democratically-elected president, deployed these powers quite aggressively to close the political space during his time in office in the 1990s. As we saw above, he used union liberalization legislation to undercut the power of the ZCTU, the peak union movement. In 1997, he declared a state of emergency, using an aborted coup attempt as a pretext. Chiluba lifted the decree after five months, under pressure from Western donors, but in the meantime, used his powers to settle political scores. Among those detained were Kenneth Kaunda, the former ruler who gave way to multiparty politics in 1991, and Dean Mung’omba, a major congressional leader.

The formal and informal concentration of presidential power created strong incentives to remain in office; toward the end of his second term, Chiluba began to campaign for a constitutional amendment that would have allowed him to run again in 2001. Eventually, his bid was blocked by civil society groups and rivals within the MMD who hoped to gain the presidency for themselves. Their success in sustaining term limits was appropriately viewed as a positive step toward the stabilization of the democratic system. But Chiluba’s attempt to prolong his control is a dramatic illustration of the stake that political contenders place in control of the office. Until the onset of the backsliding episode in 2016, none of Chiluba’s successors challenged term limits, but all deployed the powers of the presidency to enhance their political base and marginalize opponents. At the same time, challengers with their eye on the prize had strong incentives to defect from the ruling coalition in order to bid for the presidency themselves.

An unusual provision in the Zambian Constitution expanded the opportunity to engage in such bids for power. It stipulated that, if the office of the president is vacated before the end of the term, the successor would be chosen in a special by-election. Presidential by-elections were in fact held in 2008 and 2015 after Mwanawasa and Michael Sata, respectively, died in office. Together with the regularly scheduled elections of 2001, 2006, 2011, and 2016, this meant that Zambia experienced an average of one election every two and a half years, with those in 2015 and 2016 run virtually back-to-back. Until 2016, all of these challenges were resolved relatively peacefully, though they intensified the bitter succession struggles that divided the major parties and strengthened the incentive to ignore or manipulate the rules of the game. In these respects, they presaged more autocratic efforts of consolidation undertaken by Lungu, following his narrow and temporary victory in the 2015 presidential by-election.

Table Zambia.2 Presidential Election Results in Zambia, 1991–2016 (popular vote)

Party	1991	1996	2001	2006	2008*	2011	2015*	2016
MMD	75.6 (Chilula)	72.6 (Chilula)	29.1 (Manawasa)	43.0 (Manawasa)	40.1 (Banda)	36.4 (Banda)		
UNIP	23.4 (Kaunda)		10.1 (Kaunda)					
ZDC		12.7 (Mung'omba)						
UDA				25.3 (Hichilema)				
UPND			27.2 (Mazoka)		19.7 (Hichilema)	18.4 (Hichilema)	47.2 (Hichilema)	47.6 (Hichilema)
PF				29.4 (Sata)	38.1 (Sata)	43.2 (Sata)	48.8 (Lungu)	50.4 (Lungu)
Other		14.7	33.6	2.0	2.1	2.0	4.0	2.0

Note: Blank cells indicate that parties did not run candidates. * Special election to replace deceased incumbent.

MMD, Movement for Multiparty Democracy; UNIP, United National Independence Party; ZDC, Zambia Alliance for Progress; UDA, United Democratic Alliance; UPND, United Party for National Development; PF, Patriotic Front.

Source: Carr, *Psephos Election Archive*

In addition to the perverse incentives of the Constitution with respect to presidential elections, high volatility within the party system added to the vulnerability of Zambian democracy. The old ruling party, Kenneth Kaunda's UNIP (United National Independence Party), boycotted the 1996 election in response to an MMD-sponsored constitutional amendment that effectively barred Kaunda from running for the presidency. Because UNIP remained the main opposition party at that time, the boycott cleared the field for the MMD. Chiluba again won the presidency with almost three-quarters of the vote, and the governing party rolled up a large congressional majority, with 73 percent of all votes cast and

over 87 percent of the 150 seats (see Tables [Zambia.2](#) and [Zambia.3](#)). The MMD, which remained the governing party until 2011, was a loose coalition of unions, civil society groups, ethnic leaders, and former members of the old regime that never really developed institutionalized forms of party organization or channels of consultation with local constituents (LeBas 2011). Its leaders, beginning with Chiluba, did attempt to centralize control over the selection of parliamentary candidates, but the lack of consultative channels increased the vulnerability of the party to defections and weakened the bonds to local constituency leaders (LeBas 2011: 221).

Table Zambia.3 Parliamentary Election Results in Zambia, 1991–2016 (popular vote/seat share)

Party	1991	1996	2001	2006	2011	2016
MMD	74.0/83.3	60.8/87.3	27.5/46.0	38.4/48.7	33.6/40.0	2.7/2.0
UNIP	24.9/16.7		10.4/8.7			
FDD			15.3/8.0			
UDA				25.3		
UPND				17.0/18.7	40.4/38.7	
PF			22.9/28.7	38.3/40.0	42.0/53.3	
Other		39.2/12.7	23.5/4.6	39.3/4.6	11.1/4.6	14.9/6.0

Note: Blank cells indicate that parties did not run candidates.

FDD, Forum for Democracy and Development. All other acronyms provided in [Table Zambia.2](#).

Source: Carr, *Psephos Election Archive*

In some respect, the disorganization and infighting arguably had the positive effect of limiting the formidable authority of the president. Chiluba's intra-party rivals played an important role in blocking his bid for a third term, though such rivalries also impeded the development of a coherent program that could enlist the support of a stable coalition, and it eventually opened the way to the schisms and populist challenges that emerged in the 2000s.

In the short-term, there was little evident electoral cost to the MMD from these internal weaknesses. By the 2001 election, however, support for the MMD had eroded significantly outside the Bemba-speaking areas, and the party system became increasingly fragmented and volatile. In a contest marked by widespread accusations of fraud, Chiluba's successor, Levy Mwanawasa, won with only 28.7 percent of the vote—only two percent more than his nearest rival—and the MMD won only 69 of the 150 parliamentary seats, losing its control over the legislature. Within the MMD, the struggle for succession left the party deeply divided. A key issue was whether to try Chiluba for corruption. Mwanawasa had initially been selected with Chiluba's support, but he turned against him after gaining office, hoping to gain support within the party by siding with the anti-Chiluba factions.

Over the course of the 2000s and 2010s, the MMD struggled to hang onto its declining support. In 2011, as noted, it lost the presidency, and by 2016, it had virtually disappeared as a political force (see [Table Zambia.2](#)). Within the rest of the party system, much of the space was initially filled by a number

of small regional or personalist parties, often headed by defectors from the MMD. By the late 2000s, however, two new parties had emerged as the principal contenders: Sata's Patriotic Front, formed in 2001, competed for support in the copper belt and the Bembaphone regions; and the UPND (United Party for National Development), which was formed in 1998 and became the main competitor in 2008. It based its support primarily outside the Bembaphone regions. In 2001, Anderson Mazoka ran as its presidential candidate. In each of the two subsequent elections, Hakainde Hichilema became the UPND candidate, after running as the head of a coalition of parties, the UDA (United Democratic Alliance).

The increasing competitiveness of the Zambian party system enhanced its reputation as an evolving democracy. Power did change hands during the 2000s without violence or significant disruptions, but the record for maintaining free and fair elections was mixed at best. Many international and local observers viewed Mwanawasa's narrow electoral victory in 2001 as rigged (Bertelsmann Stiftung 2018). Although the 2006 and 2008 elections appeared to be somewhat cleaner, the transfer of power to Michael Sata in 2011 was allowed to stand only "after some backstage wrangling with high-ranking officials from the electoral commission and probably leaders of the military as well as some international diplomats" (Bertelsmann Stiftung 2018: 6).

Backsliding

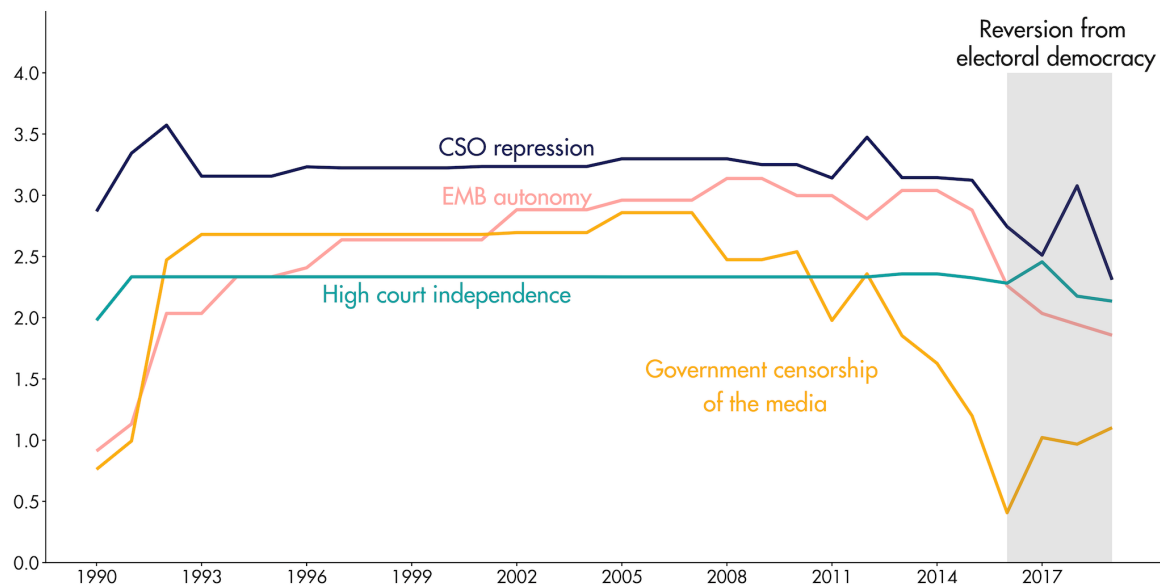
Political tensions rose substantially once Sata assumed the presidency in 2011, but the onset of the backsliding episode itself began in earnest after his death in October 2014. With only a short time to go until a by-election in 2015, the party split bitterly over the struggle for succession. Edgar Lungu, the Defense Minister, had assumed the role of acting president during Sata's illness, but his claim to represent the party was bitterly opposed by a faction headed by Sata's son, and other party heavyweights who sought the nomination for themselves and held their own party convention to name a rival candidate. A court battle eventually resolved the conflict in Lungu's favor, making him the official PF candidate in the 2015 by-election. But the campaign also escalated into violent confrontations in Lusaka and resulted in the defection of the opposing faction leadership to the candidacy of Hakainde Hichilema. In the by-election itself, Lungu defeated Hichilema by only 1.66 percent of the vote.

With the general election less than a year away, Lungu was thus in a badly weakened position, both within his own party and within the general electorate. Moreover, as noted above, he faced a deteriorating economic situation; GDP increased by only 3.6 in 2015, the lowest rate since 1998. He nevertheless enjoyed the powerful advantages of incumbency. Lungu had strong incentives to pull out all of the constitutional stops in order to ensure a victory in 2016. In his inaugural speech following the 2015 by-election, he warned that he would not tolerate "unnecessary criticism," and began to use police and party officials to harass opponents. One particularly controversial move in this early period went directly to the issue of horizontal checks: the dismissal of Mutembo Nchito, the country's public prosecutor, who was highly respected for his political independence. Critics warned, in the words of one observer, that Lungu was "eroding the separation of powers enshrined in Zambia's constitution" (Chanda 2017).

The indicators shown in [Figure Zambia.3](#) trace the course of the ensuing backsliding episode via the four indicators we have used as proxies for rights, including media freedom, horizontal checks, and the integrity of the election monitoring institutions. Although they began to decline around the time of Sata's victory in 2011, three of the four measures (CSO repression, EMB autonomy, and particularly press censorship) show sharp backsliding shifts in 2015–16 as Lungu struggled to consolidate his position

during the general election and in its immediate aftermath.

Figure Zambia.3 Backsliding in Zambia, 1990–2018



First, the figure shows a substantial decline in press freedom beginning in 2011. This is consistent with a Freedom House report of increasing harassment under criminal and civil defamation laws, sedition and obscenity laws, and provisions of the penal code, including the State Security Act. However, it reached its lowest point in 2016, after the Zambia Revenue Authority closed the leading opposition newspaper (*The Post*) and seized its building and printing press only two months before the general election, claiming it had unpaid tax debts. Its editor, Fred M'membe, was reportedly beaten and temporarily detained for "criminal trespass" after trying to gain access to his offices (Smith: 2016). Further infringements followed in the post-election period, when the broadcasting authority revoked the licenses of independent radio and TV broadcasters for "acting in a manner that 'posed a risk to national peace and security'" (Goldring and Wahman 2016: 116; Bratton et al 2017).

The government also cracked down on organized civic activity in the period just before and just after the 2016 elections, which registered in the sharp decline in the indicator for CSO repression in 2016 and 2017. In the pre-election period, the government used the Public Order Act—legislation passed under British colonial authorities in 1955—to ban opposition rallies. The PF campaign itself was marked by incidents of violence (Goldring and Wahman 2016: 110). In opposition strongholds, the PF paid young, underemployed men as foot soldiers for intimidating opposition groups. "Cadres came in buses and were prepared to act violently, particularly when their president was campaigning" (Wahman and Goldring 2020: 97). In the aftermath of the election, violence erupted again. This time, it took the form of anti-Lungu riots in which UPND cadres clashed with the police, and over 300 opposition supporters were arrested (Bbaala and Mate 2016:617). Again, however, perceived bias in favor of the ruling party contributed to the tensions (Bertelsmann Stiftung 2018: 11). Both before and after the elections, the level of violence departed markedly from the historic norm of largely peaceful elections that had previously characterized the Zambian political system since its transition to electoral democracy in 1991.

Not surprisingly, the contentious election also subjected the Electoral Commission (ECZ) to intense political pressure, as reflected in the sharp decline in measures of its autonomy. Although previous elections were sometimes marred by violations and fraud, the Commission had managed to establish some reputation for independence and fairness. However, the fact that the Commission was appointed by the president and served at his discretion called this reputation into serious question (OBrian Kaba and Privilege Haang'andu 2020), and its capacity to manage the electoral process deteriorated markedly in 2016. In Lusaka, the capital, the ECZ was forced to suspend campaigns and demonstrations for ten days after police broke up an opposition rally and killed a UPND protester. International observers noted a wide variety of abuses throughout the election, including failure to respond clearly to allegations of vote tampering or to post results as required by law (Bertelsmann Stiftung 2018: 10). Government tampering with the electoral roll, the printing of ballots, and the distribution of registration cards, moreover, continued after the election (Smith 2016).

Our measures also show a decline in the independence of the judiciary during the backsliding period; although more subtle, there is ample evidence that it was in fact quite real and possibly underestimated in the V-Dem data. Judges, it should be noted, had long been subject to political pressure from presidents and the ruling party. Sata himself had deployed his presidential powers to suspend judges who had ruled against him while he was in opposition (Bertelsmann Stiftung 2018: 12). Attacks on the courts intensified, however, during the contentious 2016 election and these attacks were directly related to the integrity of the elections. In the aftermath, PF-appointed judges in a newly-established Constitutional Court threw out a UPND challenge to the results, under "suspicious circumstances that many analysts

believe were the result of pressure from the executive” (Bertelsmann Stiftung 2018: 12). Indeed, as the Bertelsmann Stiftung (2018) report notes, all five judges on the bench were brought before a disciplinary tribunal in an apparent act of intimidation, and two judges who issued dissenting opinions were threatened with arrest. In a separate case involving the High Court, the Lungu government simply ignored a ruling that nullified the election of two cabinet ministers, who nevertheless continued to occupy their positions.

The political situation in Zambia deteriorated further in the months following the 2016 election and on into 2017. The UPND boycotted the opening of Parliament, claiming that Lungu could not legally occupy the presidency until the Constitutional Court granted a full hearing on its charges of electoral fraud. Lungu, in the meantime, refused to release the hundreds of UPND protesters who had been arrested in previous confrontations with the police (Resnick 2016).

In April 2017, Lungu expanded his campaign against the opposition by arresting Hakainde Hichilema, his challenger in the 2016 election. Hichilema was charged with treason and imprisoned without bail after his motorcade obstructed a motorcade carrying Lungu in a traditional ceremony in the Western Province. To take him into custody, the government sent more than 100 armed police officers, who sprayed his home with teargas in a midnight raid. He was held until August, when he was finally released under pressure from Patricia Scotland, the Commonwealth Secretary General.

In July 2017, Lungu assumed more sweeping powers with the declaration of a state of emergency. The pretext was a wave of arson attacks, including a major fire in the main market of Lusaka, which the government blamed on the opposition. The decree authorized the government to prohibit public meetings, close roads, impose curfews, and restrict movement, and was widely viewed by critics as a significant step toward authoritarianism. The critics included not only opposition leaders, who complained bitterly of the abuse of power, but also by the influential Conference of Catholic Bishops, which issued a statement declaring that “our country is now all, except in designation, a dictatorship.” Lungu himself offered little in the way of reassurance. In a press conference, he announced that if the emergency decree “means taking measures which are unprecedented, we will do just that; some people will have to lose their rights” (Mail and Guardian 2017).

It is useful to underline the role of the Parliament in approving this measure, because it highlights the ways in which autocrats can deploy the authority of democratic institutions to undermine the democratic system. Compared to most other backsliding cases, to be sure, Zambian presidents have been able to wield considerable power independently of the legislature. Moreover, in a weakly-institutionalized system such as Zambia’s, constitutional checks are routinely subverted by corruption. Nevertheless, the importance of the legislature as an instrument of legitimation should not be underestimated. The Zambian Constitution stipulated that the declaration of a state-of-emergency required ratification by a parliamentary majority. The results of the 2016 general election provided the president with just such a majority and it was in fact the first time since the 1990s that a governing party could exercise unilateral control. To ensure that control, the government sidelined 48 UPND members in June for boycotting the president’s state of the nation address—though they would not have been able to block the action of the government party anyway, since the PF controlled 80 of the 156 seats.

The state of emergency was lifted after 90 days, but it clearly sent a chilling message to competitors and critics of the regime. Moreover, as in most other backsliding cases, the government’s legislative major-

ity continued to provide a platform for the exercise and expansion of its power. Notably, as Freedom House reported, the government continued to “invoke the law to restrict freedom of expression and ban demonstrations and meetings, while the opposition faces onerous legal and practical obstacles in their operations” (Freedom House 2019). In 2018 and 2019, for example, legal initiatives established a variety of monitoring and regulatory rules aimed at restricting access to opposition websites and online speech.

In 2018, Lungu began an effort to consolidate and extend his control over the political system by signaling his intent to remove constitutional restrictions that would have prevented him from becoming a candidate for a third term in 2021. This was the first time term limits had been seriously challenged in Zambia since Chiluba’s unsuccessful bid in the late 1990s. The official rationale was that Lungu’s role as president in the brief 18-month period between the 2015 by-election and the 2016 general election should not be counted as a “term.” Though this was far from an implausible claim, and the Constitutional Court that was to rule on it was composed entirely of Lungu appointees, it was clear that Lungu did not intend to leave anything to chance. In November 2018, in a transparent act of intimidation, he warned that chaos would erupt if the Court blocked his bid. The following December, the Court ruled unanimously that he would be entitled to run again in 2021.

Conclusion

As of this writing in 2020, it remains unclear whether Lungu will in fact become a candidate, or if he does, whether he will win. Notwithstanding the Court’s favorable ruling, his bid to extend his power faced opposition from external donors, civil society groups, and politicians from opposing parties. Moreover, as was the case with Chiluba twenty years earlier, Lungu faced powerful opposition from rival factions within his own party. Some of these had presidential ambitions of their own, and many were concerned that Lungu would lose in 2021. The resolution of these conflicts has yet to be determined. What is evident by 2020, however, is that the backsliding episode extended through 2019 and that Lungu’s autocratic behavior had led to sharp restrictions in the political space that had previously existed in Zambia’s low-quality democratic system.

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