

Backsliding and Resilience in Liberal Democracies

One-day conference

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Introduction

A growing literature on democratic backsliding has documented the retreat of democracy around the world, including in Western liberal democracies. Illiberal right-wing movements have been on the rise in Europe, in some cases coming to power and weakening or dismantling liberal institutions. In the US, the authoritarian style that characterized Donald Trump's presidency culminated in a concerted attempt to stop his democratically elected successor from taking office. Scholars are now increasingly shifting attention to the sources of democratic resilience, i.e., the strategies, the processes, and the institutional, political, and social resources available to democrats to prevent illiberal forces from enacting their program.

This one-day conference brings together scholars of institutions, illiberalism, and democracy for a broad-ranging discussion of new theoretical perspectives on the current crisis of liberal democracies. The focus is on established liberal democracies, where both the processes of institutional change instantiating backsliding, and the potential for social and political resistance are specific vis-à-vis less advanced democracies. Contributions focus on the responses of liberal democratic governments to illiberal and populist oppositions, on the different dimensions of democratic backsliding, and on the resources available to pro-democratic forces to resist the attempts of elected autocrats to undermine democratic accountability.

Panel 1: Confronting Illiberalism and Populism in Liberal Democracies

Chair: Stathis Kalyvas (Oxford)

Presentations:

Giovanni Capoccia (Oxford)

Confronting Illiberalism in Liberal Democracies: Conceptual Challenges and Historical Perspectives

Two broad positions characterize the current debate on how best to respond to the challenge to accountability structures in liberal democracies. One view argues that responding to illiberal actors by violating informal constitutional conventions or introducing formal restrictions to their actions risks legitimizing illiberalism and should therefore be avoided. While acknowledging this risk, the opposite position maintains that respecting constitutional norms and equal treatment procedures favors in the short term those who want to undermine liberal democracy and makes later remedial action difficult or even impossible. The paper considers this debate from a historical perspective. A long history of “militant democracy” policies in Western liberal democracies, which has so far

cluded systematic comparative analysis, shows that illiberal policies have been traditionally enacted to protect the regime from its enemies. Although illiberal, these policies differ from the illiberal reforms of would-be autocrats not only in their declared goals but also in their intrinsic nature. While the conditions for the effectiveness of any strategies of response or prevention will likely remain highly contextual, the history of liberal democracies shows that abstract proceduralism is not a necessary choice in devising effective responses to illiberalism.

Ivan Ermakoff (Wisconsin)

Democratic resistance to authoritarian bids for state power: challenges and prospects

We should not underestimate the collective action problems that groups committed to democracy are likely to experience when faced with an authoritarian bid to state power. Office holders operating according to a democratic mode of governance cannot presume the ability to determine a collective response to the challenge unless they have been explicitly granted a mandate for this purpose. The rank and file for their part may find themselves unable to overcome the coordination problems arising from the lack of clear-cut directives. Investigating the factors conditioning collective action problems in times of authoritarian threats complements militant democracy arguments about legal and constitutional tools for democratic self-defense.

Isabela Mares (Yale)

The erosion of parliamentary norms: evidence from Weimar Germany

The erosion of parliamentary is a central dimension of democratic erosion. This paper leverages a new dataset of all incidents of violations of parliamentary norms in Weimar Germany to understand both individual-level and partisan factors associated with infringements on parliamentary rules. I document that the ability of mainstream parties to withstand provocations by extremist parties remained relatively strong during the first years of the Weimar period. At the same time, electoral considerations explain the decisions of legislators affiliated with mainstream parties to respond to provocations by extremist parties with strategies that violated parliamentary norms.

Vicente Valentim (Oxford)

Social Norms, Preference Falsification, and Democratic Backsliding

What role do social norms play in sustaining democracy, and how does their erosion relate to democratic backsliding? Authoritarian legacies created social norms preventing individuals with illiberal views from showing them. These norms, however, are not internalized. Instead, many individuals with undemocratic abide by them by engaging in preference falsification: they publicly comply with the norm to avoid social sanctions, but do not truly change their preferences. Against this background, exogenous shock that make individuals with stigmatized preferences realize that many others share those preferences can lead to norm erosion. In perceiving that the norm has become weaker, individuals become more willing to voice illiberal views—not because their preferences have changed, but because they have become more comfortable expressing them. This

increasing willingness to express views at odds with liberal democracy can, in turn, affect politicians' perceptions of the underlying propensity to support these views. This can make better quality politicians join illiberal parties, thus increasing their electoral success. The implication of this argument is that states should not fight illiberal tendencies in the electorate by trying to change voters' preferences. Instead, they should focus on reinforcing the strength of social pro-democratic norms and make sure that the memory of suffering under autocracy is not lost.

Panel 2—Challenges to democratic participation and representation

Chair: Adam Smith (Oxford)

Presentations:

Petra Schleiter (Oxford)

The attitudinal and behavioural effects of voter ID in the UK and Northern Ireland

The right to vote is becoming increasingly politicized in many democracies and the introduction of Voter ID is an intervention on that is central to the battle about the *de facto* scope of the franchise. Voter ID is justified by governments as a measure to combat electoral fraud and to increase voter confidence in the electoral process. However, it may also have equality implications by depressing the propensity of various disadvantaged and minority groups to register and to vote, and affect perceptions of the fairness of the electoral process. Prior work on the effects of voter ID overwhelmingly focuses on the US. However, the US is not a case from which inferences that generalize can easily be drawn because of the salience of race in politics and the extent of political polarization. This project examines the behavioural and attitudinal effects of the introduction of voter ID in the UK and Northern Ireland from the first reform in Northern Ireland in 2000, to the English voter ID trials in 2018 and 2019 and the Elections Act in spring 2022 which introduces voter ID in general elections in all parts of the UK.

Justin Grimmer (Stanford)

Crisis and Opportunity in American Election Administration

Despite the highest participation in decades, trust in US elections is at a near record low. Where does this distrust come from and how do we reverse it? I discuss two sources of distrust: exaggerated claims of voter fraud and exaggerated claims of voter suppression. I will present our evidence that there was no systematic voter fraud in the 2020 election and that the actual extent of voter suppression is small. Then, I will provide evidence of some non-partisan voter reforms that increase both security and participation. I'll argue that we should prioritize voting reforms that both increase participation and trust in elections.

Lonna Atkeson (Florida State)

Elections, Election Administration and Election Reform A View from the People

The three fundamental pillars to election administration are access, integrity and finality. These values are often in tension with one another. Greater voter access and a lack of finality may open the election to more fraud and laws meant to stop fraud may hinder voter access. Therefore, it is necessary to balance different policies to both maximize voter access and eliminate fraud. I consider what election reforms are currently being promoted by elites around voter access and compare those to voters. I consider the implications these reforms have on voter's support for election integrity and voter access.

Susan Stokes (Chicago)

Polarization as a Strategy for Aspiring Autocrats: Why does it Work? What are its Limits?

Partisan polarization in the electorate helps aspiring autocrats to get elected and reelected, which explains why these leaders' rhetoric and actions encourage further polarization. But there are risks to this strategy. It tends to mobilize voters who are partisans of opposition parties and to turn off non-partisans and moderate voters. With preliminary results from a survey experiment in the U.S. – later to be carried out in Turkey and Mexico – I explore the impact of polarizing and non-polarizing rhetoric on voters' propensity to turn out and on their partisan attachments.

Panel 3—Sources and Strategies of Resilience in Liberal Democracies

Chair: Andrea Ruggeri (Oxford)

Presentations:

Robert Lieberman (Johns Hopkins)

Backsliding in Reverse? Reflections on Democratic Fragility and Resilience

We know a fair bit about “how democracies die”: the key sources of vulnerability that threaten democratic regimes: particularly the decline of cross-cutting cleavages and the erosion of institutional accountability. But we know less about what might enable democracies to withstand these threats. But we know less about what might enable democracies to withstand these threats and retain their democratic character. In the United States, we have seen perhaps surprising pockets of resistance to democratic deterioration: a free and fair election under challenging circumstances; state election officials and courts who were unwilling to enable the president to overturn an election; a briefly resurgent Black Lives Matter movement; even a Congress able to muster bipartisan majorities on several issues. Will these prove sufficient to reverse democratic backsliding? Or will the “us-vs.-them” dynamic of recent decades persist?

David Bateman (Cornell)

Democratic hardball: Clutching for straw at the edge of the cliff.

The threat of backsliding in the US has prompted interest in “constitutional hardball,” in which actors pursue institutional changes to bias outcomes in favor of one party or set of outcomes over others; and in doing so paradoxically strengthen democratic institutions. The potential virtues rest on three premises: (1) that not all forms of manipulation are equally troubling from a democratic perspective; (2) that the identity and ideology of those pursuing manipulations is not something about which we can be indifferent; and (3) that there are in fact manipulations that could produce a new self-enforcing equilibrium. The first has some empirical support. The second is troubling normatively and suspect empirically. The third can only be addressed in concrete circumstances. This presentation examines some of the virtues and vices of hardball, the options for pursuing such a path in the US, and its applicability and history in a range of countries.

Melis Laebens (Oxford) and Marcin Slarzynski (Oxford)

Political sources of democratic resilience in Poland

Poland is among the frequently mentioned cases of democratic backsliding in Europe. While Poland's right-wing government, the United Right, has staged frontal and at times successful attacks on independent political institutions, in particular the judiciary, as well as the media and civil society organizations, the government's success at consolidating its power has in fact been mixed. The government abolished judicial independence, enriched and empowered its right-wing allies and implemented important conservative policies (such as the *de facto* abortion ban), but could not establish electoral hegemony, nor displace opposition actors from the public sphere. We leverage the richness of the Polish case to understand what kinds of institutional and political dynamics can counteract the concentration of power in liberal democracies. We focus on how the limited size and internal fragmentation of the ruling block interacted with the institutional decentralization of power common to most liberal democracies and especially acute in Poland (which has a bi-cameral legislature, a semi-presidential system, a three-tier territorial government structure and is part of the EU) to create important obstacles to the government's consolidation power over political institutions, the state and civil society. We argue that internal fragmentation combined with narrow parliamentary majorities made the government hostage to the demands of small and mostly radical political groups, which in turn undermined the possibility of building a larger and more stable governing coalition. Although other contextual factors, such as pressures from the US and a few remaining domestic independent institutions, as well as civil society and opposition successes also played role, we highlight how this underlying institutional-political environment opened up spaces for opposition success.

Stephan Haggard (UC San Diego)

Backsliding, Incrementalism and Resilience

Several observers of the backsliding process have noted its incrementalism or “stealth.” Moreover, they have theorized that incrementalism may not only be descriptive of the process but but could have causal effect. There are two ways in which this might occur. The first is institutional, and

engages the standard toolkit of path dependent processes. If an autocrat is able to pass one “reform” of the judiciary, then it can make it easier to pass more “reforms” and to use the courts for political ends against opponents. The examples can be multiplied. A second mechanism is psychological and opens onto the literature on norms and norm contestation. Autocrats normalize practices and discourse which were once considered “beyond the pale” or subject to normative restraint, thus spatially shifting the center of political gravity. The effect is disorientation. As practices and norms shift subtly, citizens—including oppositions—may miss changes that have important substantive effects on politics and fail to respond vigorously. If these observations are true, however, then how are such path dependent processes reversed? I consider some possible answers such as the existence—or absence—of checking institutions that engage only over time, the formation of counter-coalitions that target accumulated effects of autocratic incumbency, and what might be called “normative vigilance.”