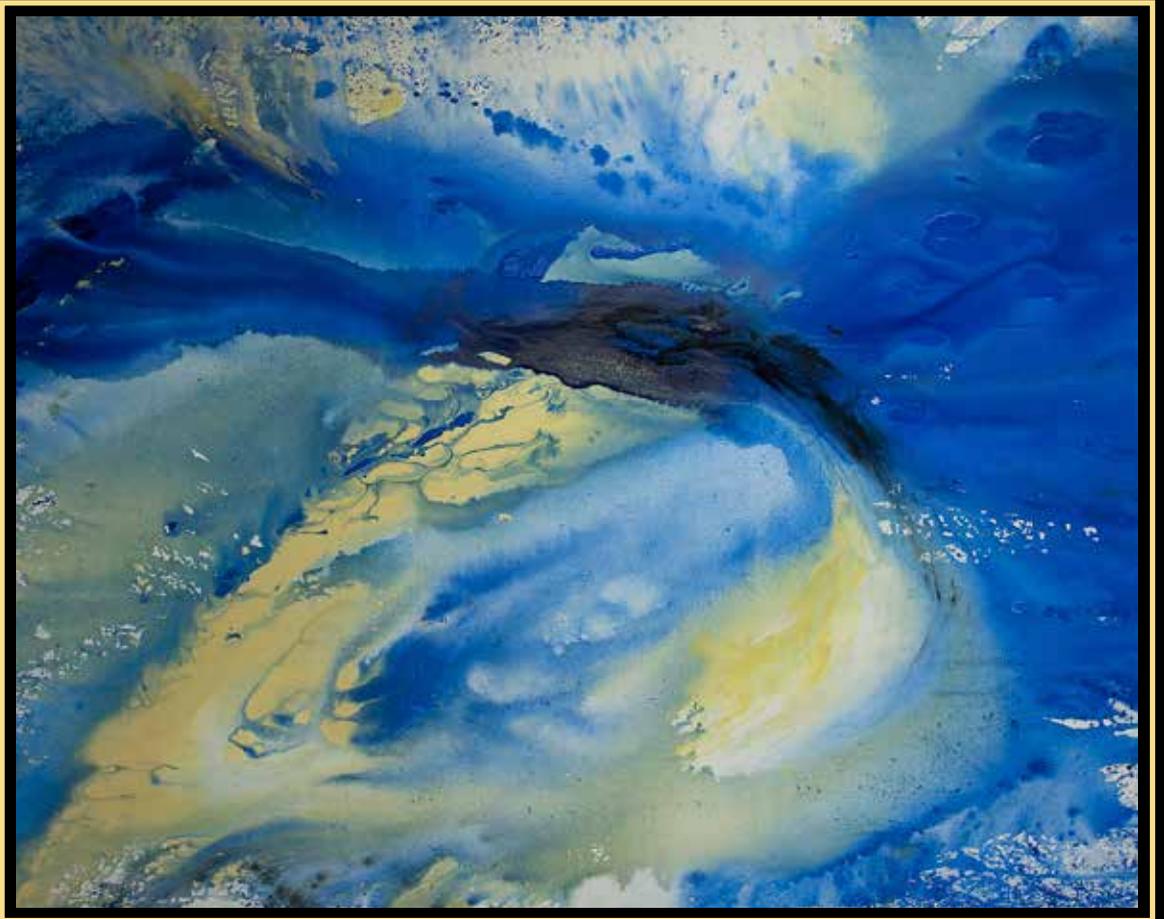


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the quality of public life in the American democracy

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Fall 2022

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# The Anatomy of Democratic Backsliding

by Stephan Haggard and Robert Kaufman

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*Democratic backsliding is the incremental erosion of institutions, rules, and norms that results from the actions of duly elected governments.*

Recent years have seen a growing number of countries around the world retreat from democracy. Unlike the emergence during the post-Soviet era of competitive authoritarian regimes in places that were never really democratic to begin with, this retreat is happening in countries that had crossed a democratic threshold. Leaders with autocratic tendencies are coming to power through democratic elections and attacking norms and institutions from within, typically with support from some portion of the electorate. While this may seem like the intuitive meaning behind the “democratic deficit”-based complaints of citizens, political organizations, and even academics, such concerns are not properly reflected within the main debates of democratic theory. Indeed, when one turns to normative democratic theory for guidance as to how to strengthen democratic institutions or reduce democratic deficits, one encounters sharp disagreement over what the ideal of democracy even requires in the first place, as well as attendant disagreements over the institutional reforms that would be most helpful for bringing current societies closer to that ideal.

Democratic backsliding is the incremental erosion of institutions, rules, and norms that results from the actions of duly elected governments. We analyze backsliding in terms of three interrelated causal factors. First, social and political polarization contributes to government dysfunction and lack of trust in institutions, and it increases the risk that incumbent parties will move toward extremes or that new antisystem parties will gain traction. Second, the effect of

polarization on backsliding will depend on whether would-be autocrats can capture the executive and then whether they manage to gain the legislature's support for or acquiescence to the concentration of their authority. Ironically, legislatures play a key role in a process that we

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## Political adversaries become not only competitors but enemies or even traitors.

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call the “collapse of the separation of powers,” which provides the political foundations for assaulting other features of the democratic system. Finally, democratic backsliding is incremental in nature, which provides tactical advantage to incumbents. The gradual subversion of democratic institutions allows incumbents to slowly accrete powers, making the process difficult to detect and counter until it is too late.

To better understand how the process works, we studied 16 cases of backsliding in the following countries: Bolivia, Brazil, the Dominican Republic, Ecuador, Greece, Hungary, Nicaragua, North Macedonia, Poland, Russia, Serbia, Turkey, Ukraine, United States, Venezuela, and Zambia. We looked at how each case was affected by the three causal factors: polarization, the capture of executive and legislative institutions, and the incremental subversion of democratic institutions. We took a multimethod empirical approach, comparing backsliding cases with relevant benchmarks<sup>1</sup> and considering indicators of the causal factors,

such as change in polarization over time. Yet the bulk of evidence comes from detailed case-study observations.

### **Polarization**

Building on a growing literature, we conceive political polarization as a process through which political elites and publics become increasingly divided over public policy and ideology. In extreme circumstances, cross-cutting cleavages become submerged by a single, reinforcing cleavage that pits “us” against “them” on a range of issues. Partisan attachments become based less on issue positions than on underlying identities.<sup>2</sup> And political adversaries become not only competitors but enemies or even traitors.

Although we trace the underlying sources and extent of polarization in the case studies, we used the four indicators from the Varieties of Democracies Project (V-Dem) for our initial assessment of the level and path of polarization: a general estimate of social polarization, the use of hate speech by political parties, the strength of antisystem social movements, and whether political elites respect counterarguments.

Based on these measures, almost all the backsliding cases had significant histories of polarization or recent periods when it spiked significantly. What were the sources of polarization? The underlying social and political bases of polarization were diverse and are difficult to disentangle. Anxieties spurred by economic crises and structural changes induced by economic reforms, greater openness to trade, and skills-biased technological change mattered in a number of otherwise disparate cases including Greece, Russia, the United States, and Venezuela. Racial, ethnic, and regional differences were also

drivers in cases as diverse as Bolivia, Ukraine, and Zambia, as were deeper ideological divides between cosmopolitan and nationalist world-views. Finally, autocratic leaders made appeals that exploited grievances and portrayed competitors as “enemies of the people,” heightening divisions.

Whatever its underlying source, polarization is bad for democracy. First, where opposing parties are polarized, government is less likely to function efficiently and more likely to witness either stalemates or swings between policy extremes. As a result, popular disaffection and distrust of institutions tends to be higher. Second, in polarized settings mainstream parties are more likely either to be captured by extremist elements or displaced by new populist political movements arising from either the right or left.

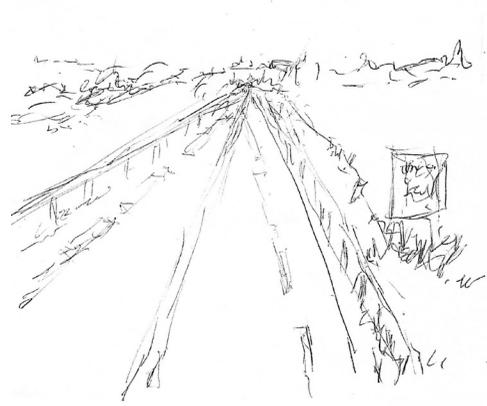
Finally, the recasting of politics into stark “us-versus-them” contests is a common feature of populism—a majoritarian conception of democratic rule that is ultimately illiberal. Pop-

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## Whatever its underlying source, polarization is bad for democracy.

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ulist movements convey a vision of society that sets the (virtuous) people against the (corrupt) elites, evoking Rousseau’s idea of a “general will” typically rooted in the nation.<sup>3</sup> When populist candidates and their voters view critics and political opponents as existential threats rather than legitimate competitors, it is but a short step for them to place greater value on winning



than on maintaining the constitutional order, including the integrity of elections.<sup>4</sup>

Yet despite such majoritarian appeals, the rise to power of elected autocrats is not always rooted in surges of support and broad electoral majorities. Autocrats did come to power with absolute majorities of the popular vote in five of our cases—Bolivia, the Dominican Republic, Hungary, Russia, and Venezuela. And in Brazil, Jair Bolsonaro fell just short of winning the presidency in the first round but won the second. In the remaining 11 cases, however, autocrats initially came to power without a majority of the popular vote. In Serbia, the United States, and Zambia, would-be autocrats were elected with less than 50 percent of the vote in knife-edge contests by deeply polarized electorates. In Nicaragua, Daniel Ortega was elected with only 38 percent of the popular vote; and in Ecuador, Rafael Correa won in the first round with under 23 percent. In Greece, North Macedonia, Poland, Turkey, and Ukraine—all parliamentary systems—the parties behind the backsliding also secured only modest pluralities at the polls.



Despite these mixed electoral results, majoritarian claims were fundamental to the campaigns of illiberal politicians as diverse as Hugo Chávez in Venezuela, Viktor Orbán in Hungary, and Donald Trump in the United States. Chávez's leftist campaign and Orbán's appeal from the right had surprisingly similar themes, evoking a battle of "the people" against corrupt economic or cosmopolitan elites and dishonest political establishments. Trump's 2016 campaign trod a surprisingly similar path, targeting Washington, DC, as a "swamp" and characterizing his political opponents as tools of "coastal elites" and a "deep state."

### **Weaker Legislatures, Weaker Democracies**

If autocrats succeed in gaining executive office, they also gain access to significant organizational resources that can be used to undermine democratic rule. Along with control of the executive branch comes command of the bureaucracy, military, and security apparatus, as well as endless opportunities to influence the media and the economy. In some cases, networks of state-owned enterprises and private-sector

cronies became vehicles of patronage and outright corruption.

Ultimately, however, the consolidation of autocratic control depends not only on becoming president or prime minister, but on the cooperation of the legislature through the support of acquiescent ruling parties or coalitions.

The degree of executive control over the legislature varied among our cases. In Brazil and the United States, opposition parties retained at least some legislative leverage, and presidents encountered significant checks on their power. Bolsonaro lacked a ruling party and was forced to govern with unstable coalitions, which constrained his ability to abuse his constitutional powers. Trump's Republican majority in the Senate, meanwhile, helped to shield him from accountability and to appoint a number of loyalists to judicial and executive positions. Yet Republicans still pushed back against executive efforts to undermine investigations into Russian election interference, and after Democrats regained control of the House of Representatives in 2018, Trump was exposed to greater oversight and ultimately impeachment. Most important, congressional majorities, including some Republicans, adhered to long-standing constitutional procedures and certified the 2020 election of Joe Biden as president, even in the face of the violent January 6 uprising.

Some South American autocrats gained control over the legislature via frontal assaults. In most of the backsliding countries, however, legislative control was achieved through less dramatic, and sometimes surprising, political routes. In Hungary and Turkey, legislative acquiescence was grounded in the control that leaders exercised over their parties; this was also

largely true in the United States. But the path to pliant legislatures ultimately ran through the electoral battlefield, where divisions within the opposition played a crucial role.

In our cases, gaining a legislative majority augmented the executive's power in at least three critical ways. First, it eliminated an important source of oversight, making it easier for the executive to misuse the bureaucracy and to deploy public resources—including prosecutors and law enforcement—to target political enemies. Where horizontal checks were weak, corruption flourished. This was true enough in Orbán's Hungary for one former politician and scholar to dub it a "post-communist mafia state."<sup>5</sup> Crony capitalism has also been documented as an essential feature of backsliding in the disparate examples of Russia, Serbia, Turkey, Ukraine, the United States, and Venezuela.

Second, legislatures both expanded and extended executive powers, including through constitutional amendments or the drafting of new constitutions. Nine countries in our sample saw fundamental constitutional change or amendments that concentrated power in the executive. That power came in different forms, both direct and indirect, ranging from increased executive discretion to greater authority in making judicial appointments to diluted independence of the legislature.

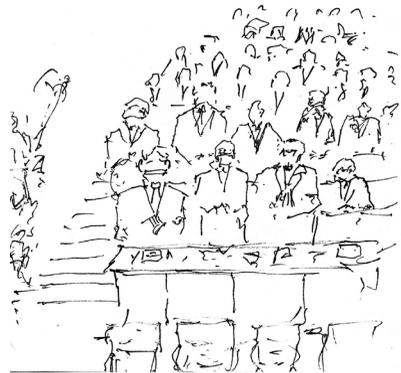
Moreover, of our 16 cases, governments in 6 undertook constitutional revisions or legislative initiatives, or effectively forced judicial rulings, that lifted term limits on the executive. The lifting of term limits allowed for exceptionally long reigns: 11 years for Rafael Correa; 13 for Evo Morales; 14 for Hugo Chávez; and, as of 2021, 14 for Daniel Ortega and 21 for Vladimir Putin.

In Turkey, constitutional reforms went so far as to shift the country from a parliamentary to a presidential system; not coincidentally, Recep Tayyip Erdoğan has now been in office for almost 20 years.

Finally, and relatedly, compliant legislatures acquiesced in steps that directly weakened or dismantled institutions of horizontal accountability. With both the judiciary and the legislature itself as key targets, the executive's power soared. Indeed, a central irony of compliant legislatures is that they were frequently complicit in weakening their own powers. But executive appointments to high-level positions in the civil service and nominally independent agencies helped to erode checks on executive power.

### Democratic Regress by Stealth

The final component of backsliding is the incremental nature of the process, the "stealth" with which democratic institutions are attacked and undermined.<sup>6</sup> Illiberal executives who reach office through elections typically test normative limits through piecemeal initiatives to weaken constraints, making each subsequent step easier to pursue.



As noted above, autocrats enlist legislatures to weaken horizontal checks on executive discretion, leading to a process that we call the “collapse of the separation of powers.” With the collaboration of a captured legislature, curtailing the independence of the judiciary is a key

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Often, verbal attacks on the veracity of the news are enough to undermine the media’s credibility and damage democracy.

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element of the backsliding process. Either verbal assaults on the judiciary or actual meddling, particularly through control of appointments, were clearly visible in 12 of the 16 backsliding cases—all but Brazil, the Dominican Republic, Greece, and Serbia. Courts are not the only targets. Aspiring autocrats deploy the power of appointment and bureaucratic reorganization to undermine a range of institutions that normally serve to limit executive discretion and provide oversight, including central banks, civil service commissions, and specialized agencies designed to provide unbiased information on the budget, climate change, and public health.

Without these checks—particularly from the judiciary—autocrats can more easily violate their opponents’ democratic rights and liberties, especially those regarding speech, media freedom, assembly, and association. Often, verbal attacks on the veracity of the news are enough to under-

mine the media’s credibility and damage democracy without having to silence the press. But, as our cases demonstrate, backsliding regimes can curtail press freedom in a host of ways, from using regulatory tools and government media to intimidating and even assassinating journalists. All our cases—with the partial exception of Greece—saw declines in press freedom as measured by V-Dem scores.

Attacks on rights, moreover, are not aimed exclusively at the media or opposition; they are often used to rally support against scapegoats on the other side of the us-versus-them divide. Minorities or marginalized groups—ethnic, racial, or religious groups, women, and LGBTQ communities—were singled out for opprobrium in Brazil, the Dominican Republic, Hungary, North Macedonia, Poland, Russia, Serbia, Turkey, and the United States. Targeted groups are often depicted as not being legitimate members of the national community but nevertheless enjoying special benefits and protections while corrupting the fabric of society. Not surprisingly, immigrants have been targets of far-right appeals across a range of backsliding cases, from Hungary and Poland to the United States and Greece.



Finally, democracy ultimately rests on the integrity of the electoral system. But the ways in which electoral integrity can be undermined are legion and have spawned an industry.<sup>7</sup> Manipulation of electoral authorities, for example, was a feature of virtually all 16 of our cases and was pivotal in those that regressed to authoritarian rule. There are also legal means on which empowered executives and pliant legislatures can rely to keep their hold on power while eating away at voters' faith in the system. These include redistricting and gerrymandering or simply taking advantage of disproportionate electoral rules, thresholds, and laws limiting voting rights and access. Should these tactics prove inadequate, a backsliding regime might interfere with the independent monitoring of elections or, in extreme circumstances, engage in outright fraud.

Viewed separately, any one of these derogations does not necessarily signal the collapse of a democratic regime; even in combination they may stop short of a full reversion to autocracy. But the very incrementalism of the process is not simply descriptive; incrementalism has causal effects, and in two ways. First, horizontal checks, rights and liberties, and the electoral system are mutually constitutive features of democracy. Therefore, an attack on any one of them poses a threat to the others. The integrity of elections depends on horizontal checks and the robust protection of rights. Rights, in turn, depend on independent judiciaries, the rule of law, and the accountability provided by elections. Weakening any of these institutions or procedures reduces the constraints on executive power and thus creates opportunities for an autocrat to grab more. The "slippery slope"

metaphor has a logic: one departure from democratic rules and norms sets the stage for the next.

The incremental nature of the backsliding process also has adverse effects through a second and unexplored social-psychological route.

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## One departure from democratic rules and norms sets the stage for the next.

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Individuals anchor expectations in the status quo. The use of piecemeal attacks can normalize abuses, disorient oppositions, and encourage acquiescence. Autocrats are masters of ambiguity and obfuscation, if not outright disinformation. As a result, even if opposition groups are aware of what is happening, the wider public may not recognize that the playing field has been decisively tilted until it is too late to mount a meaningful defense.

### **Backsliding in International Context**

Since the mid-2000s, efforts to expand and sustain democracy in the world have encountered strong headwinds. The backsliding cases that we examined unfolded as a widespread "democratic recession" placed liberal democracy on the defensive. Autocratic states, moreover, have become more prominent players on the global stage; China and Russia, the two most powerful autocracies, have become increasingly aggressive in seeking out and strengthening

authoritarian partners. Another unwelcome development is the growth of authoritarian international institutions, such as the Shanghai Cooperation Organization, the Collective Security Treaty Organization, and the Eurasian

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## If the United States wants to serve as a model, it must be worthy of emulation.

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Economic Union. Moreover, backsliding itself has had diffusion effects: Chávez's Venezuela heavily influenced Bolivia, Ecuador, and Nicaragua. Orbán's Hungary became a model for Poland. And Trump-style politics—for example, the use of catchphrases such as “fake news”—quickly globalized.

Given these international challenges, how can the democracy-promotion community help domestic political forces seeking to prevent would-be autocrats from winning office in the first place or, failing that, keep them from abusing their positions once in power? The anatomy of backsliding that we sketched above can help in identifying appropriate entry points and also suggests new areas of focus for democracy promotion.

In confronting political polarization, it is important to acknowledge the genuine anxieties and social grievances that give rise to polarization in the first place. Ultimately, if democracies are to remain viable, both national leaders and the international community need

to respond in meaningful ways by building more inclusive polities.

The viral spread of disinformation through social media, however, is clearly a critical contributor to this particular determinant of backsliding. Containing the spread will require an all-hands-on-deck approach by governments, social media companies, and civil societies in target countries. Perhaps most fundamentally, it is important to extend and deepen the debate over how to disincentivize the destructive tendencies of large social media companies that profit from circulating disinformation, misinformation, and hate speech.

What can democratic governments and activists do to deter autocratic capture of legislatures—the second major component of the backsliding process? Helping opposition parties to preserve institutional footholds, within legislatures as well as in other institutions of horizontal accountability, remains an important strategic principle for guiding democracy promotion. Beyond the still-essential task of electoral monitoring and assistance, this should include finding ways to support opposition parties more directly (where requested) through strategic advice, training activists, and encouraging closer links to civil society.

Finally, if incrementalism is central to backsliding, the United States and its allies need to think about developing early-warning systems. Annual human rights reports—whether from governments or leading organizations such as Freedom House—provide rich detail but do not necessarily spotlight the kinds of key institutional derogations that can have longer-term effects. Human rights organizations such as Amnesty International have

pioneered emergency-response campaigns to call out violations of individual rights, as have organizations such as Reporters Without Borders and the Committee to Protect Journalists with respect to attacks on journalistic freedoms. But the subtlety of individual antidemocratic abuses can impede the ability to sound the alarm, both because the signals are often faint and because the case is hard to make.

If early warnings are to be effective, the advanced industrial democracies must also place a higher priority on defending democracy as a key foreign policy objective. And any initiative to establish a formal or informal alliance of democracies must make the defense of democracy itself a common priority. Washington and other democratic capitals will need to attach significant weight to sustaining democratic institutions in the face of stealth power grabs by incumbent leaders and deploy their diplomatic influence accordingly and collectively. Fortunately, we now have catalogues of best practices for embassies on the ground in backsliding countries. These include providing credible information, supporting and even convening diverse political and civil society organizations, using diplomatic appeals to identify problems, and providing support (and sometimes protection) for activists who run afoul of backsliding governments.<sup>8</sup>

If these challenges were not enough, the United States faces one perhaps more daunting:



“Physician, heal thyself.” In a globalized world, news travels fast. The deterioration of US democracy during the last decade has eased the way for backsliding elsewhere. If the United States wants to serve as a model, it must be worthy of emulation. That goal requires restoring not only the country’s commitment to democracy promotion globally but also to democracy within its own borders.

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**Endnotes**

- <sup>1</sup> Latin American cases are compared to Latin American V-Dem regional averages; EU averages are benchmarks for the United States, Greece, Turkey, and the postcommunist countries; Zambia is compared with Mauritius, the African country with the longest democratic record.
- <sup>2</sup> Jennifer McCoy, Tahmina Rahman, and Murat Somer, “Polarization and the Global Crisis of Democracy: Common Patterns, Dynamics, and Pernicious Consequences for Democratic Polities,” *American Behavioral Scientist* 62 (January 2018): 16-42.
- <sup>3</sup> Cas Mudde and Cristóbal Rovira Kaltwasser, *Populism: A Very Short Introduction* (New York: Oxford University Press, 2017).
- <sup>4</sup> Matthew H. Graham and Milan W. Svobik, “Democracy in America? Partisanship, Polarization, and the Robustness of Support for Democracy in the United States,” *American Political Science Review* 114, no. 2 (May 2020): 392-409.
- <sup>5</sup> Bálint Magyar, *Post-Communist Mafia State: The Case of Hungary* (New York: CEU Press, 2016).
- <sup>6</sup> Ozan O. Varol, “Stealth Authoritarianism,” *Iowa Law Review* 100 (May 2015): 1673-1742.
- <sup>7</sup> Pippa Norris, *Strengthening Electoral Integrity* (Cambridge: Cambridge University Press, 2017).
- <sup>8</sup> Jeremy Kinsman and Kurt Bassuener, *A Diplomat’s Handbook for Democracy Development Support*, 3rd ed. (Waterloo, ON: Centre for International Governance Innovation, 2013).

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