



DRG CENTER LEARNING AGENDA OPENING UP DEMOCRATIC SPACES LITERATURE REVIEW

APRIL 2023

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DRG LEARNING, EVALUATION, AND RESEARCH ACTIVITY II

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DEDICATION

In memory of USAID's Maryanne Yerkes, an inspirational and compassionate advocate for the values of democracy, human rights, inclusion, and good governance.

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EXECUTIVE SUMMARY

The erosion of democratic governance in a significant number of countries over the past two decades has become a major source of debate among scholars and policymakers alike. This review of the literature examines the nature and sources of democratic “backsliding,” and identifies potential strategies to enhance the resilience of democratic norms, practices, and institutions where they are threatened by autocratic forces.

In contrast to military coups, insurgent takeovers, and other, more abrupt forms of democratic “breakdown,” processes of contemporary democratic backsliding are notable for their gradual or incremental character and the central role played by actors within democratic institutions themselves—in particular, elected officeholders. Under backsliding, incumbents subvert democracy from within, using democratic institutions themselves to concentrate powers and dismantle regime checks and balances. Although complete democratic breakdowns have been concentrated in countries at lower levels of economic development, processes of backsliding are identifiable in high and low-income countries alike. Backsliding may be both a cause and an effect of political polarization—the division of the political sphere into mutually antagonistic “us-vs.-them” camps, and the resulting drive to tilt the democratic playing field to empower one camp while excluding the other. Polarization is often associated with the rise of populist leaders who capitalize on societal discontents to mobilize mass constituencies against established elites.

In contexts of democratic backsliding, both governing institutions and civic spaces are transformed into sites of contestation between autocratic and democratic actors. This literature review examines this contestation in the following institutional spheres:

- Legislatures
- Judiciaries
- Bureaucratic Agencies
- Political Parties
- Electoral Systems

It also examines regime contestation in several key civic or societal spheres:

- The Electorate
- Civil Society Organizations
- The Media (both broadcast and social)

All of these institutional and civic sites are potential targets of incumbent backsliders and autocratizers, who seek to capture or manipulate them to concentrate powers and weaken or circumvent democratic checks and balances. However, each of these sites is also a potential bastion of resistance to autocratizing projects, as they are sites where democratic actors try to mobilize support and maintain a foothold that is independent of—and potentially a constraint on—executive power. Democratic resilience is largely a function of the capacity of pro-democratic actors to keep these spaces open to a plurality of voices from across the political spectrum and different spheres of society.

The findings presented here shed light on the conditions, contexts, and actor strategies most conducive to keeping these spaces open. The recommendations that follow (Section IV, Implications for Democratic Actors) try to identify ways to nurture those conditions, support actors working to keep democratic spaces open, and enhance democratic resilience.

Key Findings:

1. *Democratic Trends:* Democratic regression is ongoing in a significant number of countries, and in recent decades, has evolved into a process that is more likely to be incremental, initiated by an elected leader, centered around the subversion of democratic institutions, not involve military leaders, and harness politically polarizing and populist sentiments.
2. *Backsliding Process:* Contemporary backsliding tends to involve gradual executive aggrandizement, often through legal channels, as political elites engender and harness anti-democratic sentiments to weaken institutional checks and balances. Populist leaders with public support will seek to further immobilize institutions and empower themselves.
3. *Role of Polarization:* High levels of political polarization are correlated with democratic backsliding. The shift to an “us-versus-them” mentality delegitimizes political opposition and provides anti-democratic leaders with greater authority to implement discriminatory policies. Polarization also tends to lead to gridlock, which further frustrates citizens, and backsliding itself often results in a deepening of polarization.
4. *Electorate:* Voters play important roles in both enabling and blocking democratic backsliding. Contentious social and economic conditions may lead to heightened polarization and greater receptivity towards populist and anti-democratic messages. Voters may then elect an anti-democratic leader into office who initiates the backsliding process. The electorate may also, however, mobilize to vote against incumbents engaged in backsliding efforts, exercising a form of vertical accountability to preserve open democratic spaces.
5. *Civil Society:* Civil movements and organizations may play diverse roles in regime politics. They are often among the first to push back against political leaders with anti-democratic ambitions, monitoring and sometimes protesting against backsliding initiatives. Civil society, however, may also be harnessed for autocratizing projects where incumbent parties organize or capture civic groups to create a loyal following. Independent, pro-democratic civic groups are often early targets of regulation, takeover, or repression in backsliding regimes.
6. *Political Parties:* As a country begins to polarize and potentially backslide, political parties often come to represent the organizational bodies dividing elites who either support or oppose the anti-democratic leader. Political parties with robust organizations and internal democracy may reduce the likelihood of anti-democratic leaders securing their nomination and thus winning the election. Broad, cross-ideological electoral coalitions are often required to defeat an autocratizing incumbent, though are difficult to coordinate.
7. *Media:* Diverse media spheres represent an important arena for contestation between anti- and pro-democratic movements. Restriction of information, widespread disinformation, and distrust in media organizations often make engaging in backsliding easier for anti-democratic leaders. Such leaders will often target media freedom and access to wider forms of information early in their backsliding project. Independent media and information sources are vital for voters and civil society actors to resist autocratization.
8. *Judiciaries:* The courts are among the most resilient and insulated democratic institutions, able to provide vital checks and restrictions on anti-democratic policies. Backsliding leaders require time to reform the institutional rules of the judiciary and replace more independent-minded judges with loyalists to reduce this institution’s capacity for horizontal accountability. Pro-democratic actors may also lobby regional or international courts when domestic systems are compromised.
9. *Legislature:* The role of the legislature in democratic backsliding depends significantly on whether it is controlled by the executive’s party. When it is controlled by the backsliding leader, it becomes a

captured site, and the emphasis among pro-democracy actors moves from working with or seeking accountability through the legislature to supporting opposition parties hoping to take control of the legislature in the next election. In many cases, the executive uses the legislature to pass anti-democratic policies through legal channels, which legitimates them.

10. *Bureaucratic Administrative Agencies*: State bureaucratic agencies are under the directive of the executive, but often maintain strong legal directives and/or professional norms that enhance their independence and resist politicization. Bureaucratic agencies that push back against anti-democratic or radical policies may slow the democratic backsliding process.
11. *Electoral System*: The electoral rules of a country model the forms of electoral competition that ultimately make the election of an autocratic leader more (or less) likely. They also affect their chances of removal once in power. Proportional electoral systems are associated with higher levels of democracy.

I. INTRODUCTION

Democracy has been in retreat on the global stage for much of the past two decades, as measured by leading research and tracking organizations like Varieties of Democracy and Freedom House. In its 2022 annual report, Freedom House documented 16 consecutive years of decline in its global freedom index. With the share of the world’s population living in an environment of political freedom declining from 46 percent in 2005 to a mere 20.3 percent in 2021, Freedom House claimed that the “global order is nearing a tipping point” in the struggle between democracy and authoritarianism (Repucci and Slipowitz 2022:1). Similarly, V-Dem reported that “More than 35 years of global advances in democracy have been wiped out in the last decade,” leaving “the level of democracy enjoyed by the average global citizen in 2022 down to 1986 levels” (Papada et al. 2023: 9).¹ Such observers also note the *possibility* for democratic resilience amidst the global patterns of decline— that particular countries demonstrate hopeful trends and that “the struggle for democracy may be approaching a turning point” (Gorokhovskaia et al., 2023).

In this era of democratic backsliding and contested spaces for democratic opening, many important questions for democratic resilience remain open and others are keenly debated. It remains puzzling, for example, why polarization has seemingly increased *after* the eclipse of the ideological battles between capitalism and socialism that so heavily conditioned global political conflicts for nearly a century and a half. And why are more developed countries now increasingly vulnerable to democratic backsliding, whether through similar or distinct patterns to the less developed countries? Why is democratic backsliding occurring in some countries with more robust democratic histories?

Even if we understand *how* backsliding takes place—typically through the efforts of elected incumbents to use nominally democratic institutions to undermine vertical and horizontal accountability—there is no consensus as to *why* it is so prevalent in the contemporary world, or *what can be done* to contain or reverse it. If, as Waldner and Lust (2018: 95) state, “Efforts to explain backsliding remain inchoate,” explanations of how to counteract it are even less fully developed. Indeed, some scholars have questioned whether all democracies are at risk of collapse or only poorer ones (Miao and Brownlee 2023), and even questioned whether a generalized process of democratic backsliding has occurred at all (Treisman, 2023; Little and Meng 2023).² Little and Meng claim that perceptions of democracy’s global retreat more likely reflect shifts in subjective measurements—such as those incorporated in the ratings of V-Dem and Freedom House—rather than objective empirical indicators.

This lack of consensus is hardly surprising, given the complex and sometimes ambiguous nature of backsliding processes, the varied approaches to measuring and testing, and the remarkably diverse array of countries where democracy has been in retreat. Yet, all the major democracy indexes show some degree of global democratic decline on average (Papada et al. 2023; Gorokhovskaia, et al., 2023),³

¹ This democratic retreat has been vigorously debated by scholars and policymakers alike (Snyder 2017; Levitsky and Ziblatt 2018; Waldner and Lust 2018; Przeworski 2019; Diamond 2020; Treisman, 2023; Little and Meng 2023), including in a recent special forum in the *Journal of Democracy* on “Why Democracies Survive: A Debate” (see the article by Miao and Brownlee 2022 and the responses by Mounk, Bermeo, Ginsburg, and Hyde and Saunders). This scholarship has added considerably to our understanding of the sources and dynamics of democratic erosion or “backsliding.” Much has been learned about the political strategies adopted by parties and leaders who undermine democracy and foster autocratization processes (Bermeo 2016; Grzymala-Busse 2019), and important contributions have been made to the study of political polarization and its threats to democratic stability (McCoy and Somer 2019; Haggard and Kaufman 2021; Carothers and O’Donohue 2019).

² Skeptical perspectives within the democratic backsliding literature tend to focus on the relatively small number of full “democratic breakdowns”, though there is no consensus as to how this concept should be measured. Our team has identified nine episodes of “severe backsliding” that is tantamount to breakdown since 1990, whereby a gradual process of democratic erosion pushed a regime below the threshold to qualify as a democracy, resulting in a regime change to autocratic rule. By focusing only on more abrupt or discrete “breakdown” cases, scholars may miss important backsliding events which are meaningful in and of themselves, as they bring about a cumulative process of categorical regime change over time.

³ Changes over the last 10 years in the major democracy indices, expressed as a standardized scale from 0-1: V-Dem LDI: - 0.03; Economist: - 0.02; Freedom House (points system): -0.03; Polity V: 0.0; Bertelsmann: -0.04; Lexical Index: -0.01; V-Dem LDI (population adjusted): -0.08.

particularly when measured as the proportion of people living under different regimes, with some countries recovering or democratizing for the first time, while some especially large countries continue to decline. Even the skeptics find that some wealthy democracies are backsliding in their democratic quality (Miao and Brownlee 2022) and a global decline at least from 2018 using their “objective” empirical measures (Little and Meng 2023). Assessing when a country moves from the category of democracy to autocracy is more problematic, although even here there is at least an 85% agreement among democracy rankings on determining a country’s regime category change⁴.

Such quantitative indicators are reinforced through clear takeaways from qualitative case studies (e.g. Staniland and Vaishnov 2023; Svolik et al. 2023). Tracking key cases from the experiences of opposition politicians, media, jurists, civic activists, and academics provides rich information around the causes, strategies, and processes typical of contemporary democratic backsliding.

Democratic decline via military takeovers or civil war is also less common, being replaced instead by growing concentrations of power by a democratically elected executive. Democratic decline is occurring gradually and sequentially, limiting the checks and balances of legislatures, courts, media, civil society, opposition parties – and eventually, the electorate (Bermeo, 2016; Haggard and Kaufman, 2021).

This literature review harnesses social scientific expertise on the nature of contemporary challenges to democracy to help scholars and policymakers better understand **(1) the nature of contemporary challenges to democracy in different parts of the world; (2) the different strategies available to pro-democratic forces to counteract these challenges; and (3) the conditions under which these strategies are more or less effective at making democracy resilient.** In short, we summarize the current understanding of what can be done to preserve or defend competitive democratic spaces, and to reopen those that have been threatened with full or partial closure.

We understand democracy, following Schmitter and Karl (1991: 4), as a system of governance “in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their elected representatives.” Democratic spaces, then, include but are not limited to free and fair elections; they refer to a wide range of institutional and civic (or civil society) arenas where rival actors compete to access positions of authority, influence public opinion, monitor the behavior and performance of those entrusted with public office, and shape public policymaking agendas in accordance with different interests, values, and conceptions of the public good. In complex modern societies, democracy provides a set of legally-binding rules and procedures to institutionalize competition among a plethora of social and political groups which might otherwise engage in violent conflict or the coercive subjugation of rival actors (see Dahl 1971; Rustow 1970).

This understanding of democracy suggests that the narrowing or closure of civic and institutional spaces where democratic participation, deliberation, and contestation occur is integral to any process of democratic backsliding (see also Waldner and Lust 2018: 95). By definition, such closure leads to an exercise of public authority that is less accountable to diverse social groups and less restrained by countervailing powers—or, said differently, public authority that is more highly concentrated and autocratically exercised. This notion is effectively captured in the V-Dem (2022) project’s tracking of “autocratization” trend lines across the world in recent decades, whereby dominant leaders and/or ruling parties have concentrated powers in their own hands and undermined the institutional checks and balances associated with liberal democracy. It also lies at the heart of Bermeo’s (2016) analysis of “executive aggrandizement,” along with Haggard and Kaufman’s work on democratic backsliding (2021).

⁴ The level of agreement among the indexes has decreased since 2005, indicating the regime uncertainty and difficulty of assessing when democratic backsliding becomes breakdown, even for experts, during this period of global democratic erosion (Somers, McCoy, Tuncel 2023; Appendix 1).

An essential first step in any effort to design effective countermeasures to democratic backsliding is the development of an accurate understanding of how and why it occurs—that is, an understanding of its operational mechanisms and political logic. As explained below, contemporary patterns of democratic erosion tend to differ in fundamental ways from the dynamics of democratic breakdown in the recent past that heavily influenced scholarship on processes of democratization during the “third wave.” These differences weigh heavily on the kinds of political strategies domestic and international actors might adopt to defend or open democratic spaces threatened by autocratic challenges.

A. SUBVERTING DEMOCRACY FROM WITHIN: LEADERSHIP DRIVEN-BACKSLIDING AS AN ENDOGENOUS PROCESS

The study of third wave democratization in the late 20th century took place against the backdrop of the democratic breakdowns of the 1960s and early 1970s in much of Latin America, Africa, and Asia. Not surprisingly, the emerging literature on democratic transitions bore the theoretical imprint of these earlier breakdowns. The latter typically occurred by means of military coups, often in contexts of acute ideological polarization that involved revolutionary challenges to the status quo and patterns of military intervention aimed at buttressing traditional social and political orders (O’Donnell 1973; Weyland 2019). Threats to democracy, therefore, were generally understood to arise from actors located outside regime institutions—namely, from military forces and armed insurgent groups. In the language of the social sciences, these external threats were seen as largely exogenous to the democratic process itself, even if military interventions often received the backing of elite economic actors who feared the democratic empowerment of mass constituencies committed to redistributive measures.

Given this conception of the threats to democracy, the now-classical literature on third-wave democratic transitions was typically preoccupied with what might be thought of as the “losers’ dilemma”—that is, the challenge of inducing elite economic and military actors to accept the uncertainties of democratic competition and comply with its verdicts, even when they were its likely losers. As stated by Przeworski (1991: 15), “the central question concerning the durability of democracy” is to explain how “political forces that lose in contestation comply with the outcomes and continue to participate rather than subvert democratic institutions.” The literature’s strong emphasis on democratic “pacts” was expressly designed to secure this compliance; pacts were negotiated multilateral arrangements to protect elite interests and, therefore, lower the stakes of democratic uncertainty for those unlikely to prevail in unbounded competition (O’Donnell and Schmitter 1986; Karl 1987; Higley and Gunther 1992).

To be sure, military coups and other exogenous threats to democratic regimes have hardly disappeared from the global political stage. A military coup toppled Myanmar’s short-lived democratic experiment in 2021, while five African countries experienced successful coups in 2021-22 and another three experienced unsuccessful coup attempts (Mwai 2023). Nevertheless, **contemporary processes of democratic backsliding generally have a very different political logic, corresponding to a distinct set of challenges and threats to democracy.** The key distinctions are three-fold.

First, **backsliding is endogenous to democratic institutions and processes;** its central actors are incumbent officeholders and ruling parties elected to office, and they deploy the democratic institutional levers they control to tilt the democratic playing field, undermine regime checks and balances, and concentrate power in their own hands. As Svobik (2019: 20) states, backsliding entails “the subversion of democracy” from within, by “democratically elected incumbents.” It is perpetrated by democracy’s own agents, posing a very different kind of threat than a military coup conducted by actors located outside the democratic arena.

Second, **backsliding does not produce a sudden overthrow or breakdown of democracy**, as with the standard coup d'état. It entails, instead, a **piecemeal and incremental concentration of powers, weakening of checks and balances, and closure of democratic spaces**, often through legal channels, often using newly elected constitutional assemblies or referenda (Bermeo 2016).⁵ Such piecemeal processes allow democracy to be progressively subverted, as Przeworski (2019: 176-183) put it, by stealth. Indeed, there may be no clear line in the sand to demarcate when a political order has ceased to be democratic; a regime may backslide from democracy toward some sort of “hybrid regime” that blends an authoritarian concentration of powers with limited and distorted patterns of electoral contestation tilted to the advantage of incumbent officeholders (Schedler 2006; Levitsky and Way 2010).

Third, contemporary patterns of backsliding entail a very different challenge to democracy than the aforementioned “losers’ dilemma” that preoccupied scholars studying third wave democratic transitions. In contexts of backsliding, **threats to democratic stability are posed less by actors who expect to lose in democratic contestation, and more by actors who emerge victorious and then try to convert the transitory advantages of incumbency into sources of cumulative and permanent competitive advantage**. Democratic erosion, therefore, is the handiwork of those who win democratic contests, rather than those who lose them. This “winners dilemma” raises the prospect that democratic victories are susceptible to incumbent efforts to lock in “increasing returns” to political power (Przeworski 1991: 25)—that is, returns that allow winners to deploy the institutional sites they control to capture or neutralize other sites, marginalize opponents from positions of influence, challenge the independence of oversight and regulatory bodies, and generally emasculate regime checks and balances.

Incumbent efforts to secure such increasing returns severely erode the foundations of democratic governance. They undermine the iterative character of democratic contestation, which allows the “losers” of any given cycle of competition to regroup and compete again—on a level playing field—in subsequent rounds of competition (Przeworski 1991: 26-34).⁶ Increasing returns threaten to make electoral victories and defeats permanent, turning election contests into high-stakes, single-shot events with highly polarizing long-term consequences. They also transform institutional sites designed to function as checks and balances into arenas of partisan contestation that can become strongholds of partisan advantage or weaponization (Bermeo 2016; Grzymala-Busse 2019). As such, they starkly reveal that institutional checks and balances are not automatic or self-enacting; they are, instead, contingent on the political makeup and democratic commitments of the actors who occupy key institutional sites.

Taken together, these different elements of backsliding processes clearly demonstrate that **participation in elections and other democratic institutions does not necessarily generate or reproduce democratic norms and values**. These findings seriously challenge expectations that democratic norms and values would emerge endogenously from democratic practices, converting autocrats into democrats over time (Rustow 1970; Lindberg 2006). Despite institutional mimicry, competing politicians and party organizations can use the *forms* of democracy to exploit power concentration rather than democratic norms. Many—perhaps most—democratic regimes include actors and political currents with tenuous or contingent commitments to the democratic order, or no commitment whatsoever. Equally troubling, perhaps, sizable blocs of voters appear prone to support such actors, or at least unwilling to sanction or disqualify them for engaging in undemocratic practices (Singer 2018; Svobik 2019; Albertus and Grossman 2021).

⁵ In her theory of democratic backsliding, Bermeo (2016) includes events termed “promissory coups” in which military leaders force the removal of a leader for the stated purpose of either protecting democracy or initiating a democratic transition and subsequent transfer to civilian rule (e.g. Fiji, Zimbabwe, Mali). While coups have not disappeared, they have declined in frequency and are now nearly always dressed up as democratic events.

⁶ Of course, backsliding leaders who subsequently lose an election can also represent the “losers dilemma” if they refuse to accept their defeat, such as Trump in 2020 or Bolsonaro in 2022.

Table I. Differences in Past versus Present Episodes of Backsliding

FEATURES	PAST MODES OF AUTOCRATIZATION	CONTEMPORARY AUTOCRATIZATION
Origin	Exogenous to democratic institutions	Endogenous to democratic institutions and processes
Pace of Change	Sudden	Incremental
Central Actors	Military, non-Incumbents	Incumbent office holders and ruling parties elected to office
Leader Origins	Non-Electoral	Electoral
Democratic Institutions Subversion	Extra-legal (coup; suspend institutions, deploy coercive and violent means to achieve power)	Legal (deploy democratic institutional levers controlled to tilt democratic playing field, undermine regime checks and balances, and concentrate power)
Modal Regime	Autocracy	Hybrid
Popular Legitimacy	Irrelevant	Meaningful
Country Case Examples	Myanmar, Sudan	Hungary, India

The endogenous subversion of democracy from within democratic institutions inevitably directs attention to the **role of incumbent political leaders in backsliding processes**. Indeed, backsliding is indelibly linked in the public imagination to the concentration of powers in the hands of elected but autocratic leaders and the parties they command—what Bermeo (2016) characterizes as executive aggrandizement. Prominent examples include Hugo Chávez in Venezuela, Viktor Orbán in Hungary, Recep Erdoğan in Turkey, Narendra Modi in India, and Daniel Ortega in Nicaragua. As stated by Bermeo (2016: 10), executive aggrandizement differs from coup-making “in that it takes place without executive replacement and at a slower pace.” It occurs “when elected executives weaken checks on executive power one by one, undertaking a series of institutional changes that hamper the power of opposition forces to challenge executive preferences.” According to Bartels (2023), such forms of executive agency are integral to democratic backsliding, as “democracy erodes from the top,” not the bottom. Thus, many scholars agree that backsliding is not primarily attributable to authoritarian shifts in mass attitudes, but to autocratic behavior by political elites.

Nevertheless, it is important to understand how and why autocratic leaders who engage in democratic backsliding earn and retain sufficient popular support to win elections (and often re-election). Although autocratic cultural and political currents can be found in any society, a majority of citizens in most countries claim to prefer democratic alternatives. The dilemma lies in the fact that **at least some of the latter are willing to vote for autocratic leaders under certain conditions**. Citizens initially vote for such leaders based on a variety of ideological, developmental, partisan, and identity-based preferences as democratic candidates, especially in contexts of economic crises, corruption scandals or other major problems that erode electoral support for more democratic “mainstream” parties. Once in power, gradual executive aggrandizement then begins to tilt the playing field, limit opposition’s future ability to contest, and skew information channels such that citizens may or may not fully perceive the extent of autocratization in successive elections. The incremental character of backsliding processes, and

the hybrid nature of regimes experiencing backsliding, often make it hard to identify a clear line of demarcation between democratic and autocratic regime types, or the patterns of political leadership associated with them. Indeed, research has shown that supporters of a leader or party are often willing to overlook or rationalize their anti-democratic behavior because of policy preferences, partisan loyalties, or antipathy for political rivals (see Svobik 2019; Albertus and Grossman 2021; Krishnaraian 2023). Further, autocratizing incumbents often carry out such reforms in the name of a “true” or “peoples” democracy. Perceptual biases attributable to political identities, self-interest, and intense polarization may thus provide incumbents with substantial latitude to concentrate powers and undermine checks and balances without being sanctioned by the electorate. Voters may prefer democracy in the abstract, but they often fail to sanction autocratic behavior or view it as a “disqualifying” trait when they go to the ballot box. Also, because the defining feature of such executive aggrandizement is that “institutional change is either put to some sort of vote or legally decreed by a freely elected official,” voters may not perceive a sharply delineated change in regime type (Bermeo 2016: 11).

As the aforementioned examples make clear, leaders drawn from both the left and right flanks of their national political orders have found ways to claim democratic—or at least electoral—mandates for their strategies of executive aggrandizement. **These mandates often take a populist form.** Despite their ideological differences, leaders from both the left and the right may cultivate a populist appeal by posing as the champion of the common people in their battle against a corrupt and nefarious power elite. Scholars disagree as to whether populism should be treated as a “thin ideology” (Mudde 2007; Mudde and Rovira Kaltwasser 2017; Hawkins et al. 2018), a political strategy (Weyland 2017), a socio-cultural performance (Ostiguy 2017; Moffitt 2016), or a discursive division of the political field (Laclau 2005), but they largely concur that it constructs an antagonistic divide between “the people,” however conceived, and established political elites entrenched in governing institutions. This antagonistic division of the political field makes it common for populist leaders to clash with formal institutions, flaunt their rules, and adopt strident anti-establishment positions (Ostiguy 2017).

Populist leaders, therefore, typically thrive in contexts where political parties and representative bodies (such as legislatures) are widely discredited or in crisis (Roberts 2017). They weld together myriad forms of political discontent and offer them a unified expression, embodied in the figure of a dominant and often charismatic figure. Where populist leaders win elections and claim a democratic mandate, they do so by channeling these discontents, seemingly providing a corrective to flawed or failed forms of democratic representation (Mudde and Rovira Kaltwasser 2012). Indeed, populist leaders nurture a redemptive vision of popular sovereignty (see Ochoa 2011), one that claims to empower a deserving “people” embroiled in conflict with elites who have abandoned or betrayed them.

All too often, however, this **vision of popular sovereignty is exercised in ways that clash with liberal democratic norms like minority political rights and institutional checks and balances on executive power.** Populist leadership is prone to the majoritarian and plebiscitary exercise of authority, placing it in tension with political pluralism and minority political rights (de la Torre 2010; Müller 2016; Weyland 2017; Urbinati 2019). That is especially the case where populists’ binary division of the political field is achieved by vilifying their opponents—by definition, the “anti-people”—and denying their legitimacy as democratic interlocutors. As explained below, the division of the political field into mutually exclusive and highly antagonistic camps, an “us” vs. a “them,” is integral to the polarization processes that foster democratic backsliding (McCoy and Somer 2019; Haggard and Kaufman 2021; Roberts 2022). It serves to justify the denial of political rights to opposition forces, and it reinforces the autocratic proclivities of populist figures who claim to embody a unified popular will and, therefore, resist institutional constraints on their executive authority (what O’Donnell 1994 characterized as “horizontal accountability”).

In short, **populist leaders often challenge liberal democracy, but they do so in the name of democracy itself**, alternately conceived as the unbridled assertion of a popular sovereignty which they alone incarnate. Moreover, they seek an electoral mandate to legitimize their rule, and they employ the law and democratic institutions as instruments of partisan advantage to accumulate power and emasculate rivals. In so doing, they **confuse voters and opposition groups**, which remain uncertain about the true nature of the regime itself – is it still democratic, with the possibility of challenging the incumbents through the normal practices of contestation and competition, or has it devolved to a hybrid regime requiring extraordinary strategies to contest the erosion? (Somer, McCoy, and Tuncel 2022).

B. THE THREAT OF POLARIZATION FOR DEMOCRACY

An emerging literature looks to hyper-political polarization as one key factor contributing to democratic erosion and incremental autocratization. (McCoy and Somer 2018; Levitsky and Ziblatt 2018; Carothers and O'Donohue 2019; Svobik 2019; Haggard and Kaufman 2021). This literature still lacks a common definition of political polarization, and it has evolved over time (see Roberts 2022 and McCoy 2023 for reviews of this change). Classic social science conceptualizations of political polarization view it as spatial distance or difference, placing collectives such as political parties and voters along a single continuum – usually ideological or issue positions -- to measure how far apart they are. As collectives move away from the center and toward extremes, a polity risks disorder, violence and democratic collapse as a consequence. Giacomo Sani and Giovanni Sartori wrote in their study of European party systems that “working democracy and polarization are inversely related” (1983, p. 337), while Latin American democracies collapsed in the ideological battles of the Cold War as described above.

With the end of the Cold War and the major ideological battles of the 20th century, scholars in the 21st century increasingly identified a two-dimensional polarization combining the conventional Left-Right economic dimension with a cultural dimension centered around cosmopolitan-nationalist, or religious-secular divides (Kriesi et al., 2008; Bornschier, 2010; Dalton, 2018; Norris and Inglehart, 2019). In addition, beginning about 2010, scholars have focused on affective polarization as the distance between the affection for the in-group and the fear and loathing of the out-group, using social psychology insights to investigate the impact of the ingroup-outgroup conflict dynamics for democracy (Iyengar et al., 2012; Mason, 2018).

Finally, scholars studying extreme political polarization shifted to a more a process-oriented conceptualization of polarization, identifying a **process of simplifying politics leading to a binary division of society into two mutually antagonistic camps** (McCoy et al., 2018; Luhrmann et al., 2019; Carothers and O'Donohue 2019). Various terms such as pernicious, toxic, or simply severe polarization, this conceptualization incorporates ideological and affective polarization but focuses on the **mechanisms by which this process harms democracy: The “othering” and moral delegitimation of opponents through negative campaign tactics and political rhetoric reduces incentives for compromise and problem-solving at the elite and mass level, thus hurting government performance and citizen trust and satisfaction with democratic institutions**. Governments either become gridlocked and paralyzed, or unilateral decision-making is imposed. The tribal nature of inter-group conflict dynamics leads group members to assign stereotypical traits in a generalized manner; the resulting break-downs in communication and social distancing hurt social cohesion. The consequent distrust, dislike and Manichean worldview produces **zero-sum views of politics and raises the perceived stakes of elections**. In the extreme, both camps view the other as an existential threat to the nation or their way of life, motivating actors to sacrifice democratic principles to retain power or remove the opponents from power.

Polarization also affects democratic institutions. Instead of providing Madisonian checks against populists, or anti-democratic actors, Pierson and Schickler (2020) argue that democratic institutions tend to be highly susceptible to backsliding under high and sustained political polarization. In such settings, **political institutions are increasingly viewed as tools to enhance the power of one's preferred party when in control of the institution, and something to demean when not under the party's control** (Carothers and O'Donohue, 2019).

Yet the relationship between extreme polarization and democracy is complex and democratic erosion is not an inevitable outcome. Indeed, the causal direction can go both ways (Somers and McCoy, 2018). **Severe polarization may result from a democratic crisis or stagnation, such as a major corruption scandal, or even too little spatial distance between parties, resulting in policy convergence and a lack of responsiveness to voters and a lack of representation of some sectors of voters.** Such party convergence has been blamed for opening the door to extremist parties and populist actors in Europe (Berman and Snegovaya 2019; Berman and Kundnani 2021), for example, or Latin America (Roberts, 2014). Or, the uncertainty about the democratic change being carried out by democracy-eroding leaders can create polarization over the very nature of the desired or actual democracy at any given time. **The impact of severe polarization on democratic survival will depend on the resilience of democratic polities to the polarizing forces -- whether a society will successfully resist democratic erosion, or resistance is met with severe repression and autocratization, or a society fails to resist at all.**

Addressing democracy-threatening political polarization requires interventions at both the elite level (political leaders, parties, organized civil society) and the mass level (the public in general and voters in particular). Polarization is primarily agency-driven as political entrepreneurs choose to use polarizing strategies to gain and retain power. Yet in the democratic context, including backsliding ones, electoral legitimacy remains important to the ability of leaders to wield power with the support of the populace. The question then arises, why do voters who profess to value democracy then vote, often repeatedly, for candidates who erode democracy?

A large literature is emerging to answer this question and to seek antidotes to anti-democratic attitudes among the electorate. As disappointment and disillusionment with the political system engender populist sentiments, social factors may also drive political polarization that subsequently reduces democratic commitments among the electorate. **Political polarization is most pronounced when underlying social identity and ideological differences become highly sorted and exacerbated through misperception and reduced contact** (Mason, 2018; McCoy and Somers, 2021; Sides et al., 2022).

The stronger partisan identity becomes, the more likely voters are to adapt their positions on issues to follow cues from the political (and media) leaders they support. Political psychology has demonstrated that partisans tend to interpret information in biased and inaccurate ways that reflect their previously held beliefs (Achen and Bartels, 2017; Finkel et al., 2020), largely through motivated reasoning (Lodge and Taber, 2013; Jost et al., 2022). Polarization increases when citizens are primarily exposed to extreme depictions of rival partisans in the media, increasing feelings of difference and threat (Levendusky and Malhotra, 2016; Ahler and Sood 2016; Lorenz-Spreen et al., 2023). Thus, **institutional interventions to increase voter resistance to misinformation and disinformation, and to increase confidence in democratic institutions will be needed**, as discussed in Part II of this review.

In sum, **as backsliding advances and polarization deepens, democracy-eroding leaders transform the electorate, civil society, and governing institutions into arenas of contestation between democratic and autocratic forces.** These arenas can be focal points of resistance to autocratization, battling to keep democratic spaces open—but they can also be neutralized or captured by autocratic actors, and weaponized to serve their ends. The sections that follow review

the findings of the scholarly literature on these different arenas in contexts of democratic backsliding, exploring the patterns of resistance they pose to autocratic closures and their effectiveness—or lack thereof—at maintaining democratic resilience in the face of autocratic challenges.

C. METHODS

To provide a comprehensive summary of what the literature tells us about how to support democratic openings, we focus on two overarching questions:

- What are the most effective interventions focused on public institutions and actors to reverse democratic backsliding and/or support greater democratization?
- Why have some countries been able to contain backsliding processes or open (back) up democratic spaces, whereas others have not?

Our research team completed an analytical synthesis of cutting-edge research on processes of backsliding and resilience – including reviewing meta-analyses, the extensive DRI literature review documents and other sources shared from the expert workshop planning discussions, and domain specific concentration. We contracted arena specialists to review each of the key categories of resilience to provide an appendix summary and annotated bibliography on the specific institution or actor of the most relevant articles after reviewing all academic findings in that domain. We include appendices on media and the judiciary as deep dives into domains that are undergoing rapid change in the contemporary period in their use for democratic backsliding or resilience purposes (and generating new research debates on how they are used and to what end).

The literature review incorporates insights from all the major world regions, including country specific reports, policy briefs, etc., as well as cross-regional quantitative, qualitative, and experimental studies. Further, we completed an extensive data analysis on the existing databases on democratic erosion, to assess the extent and type of backsliding that is occurring around the world, which allows us to connect the trends to opportunities for resilience.

II. ARENAS OF CONTESTATION AND RESILIENCE: ACTORS AND INSTITUTIONS

We identify eight arenas relevant to attempts to arrest democratic backsliding and support recovery: the electorate (role of the voters); civil society; political parties; the media; and four institutional arenas – the judiciary, legislature, bureaucracy, and the electoral system.⁷ While most of the existing scholarship does not focus on the interaction and sequence of these arenas, our forthcoming original research will highlight the relationship between these arenas of democratic backsliding, varied degrees of polarization, and which remain available to serve as levers of democratic resilience, and in which order and rate they decline.

The key takeaway from each of the arenas in the literature is that **no single site is a purely pro- or anti-democratic actor or institution**. From the electorate to the courts, political parties to the legislature, each has the potential to tilt the balance in favor of democracy or against it. The summaries

⁷ While not a primary point of focus, this report recognizes significant sub-national variation in regime dynamics and the body of research studying both democratic and autocratic regional enclaves (Gibson 2013; Giraudy, 2015; Giraudy, Moncada, and Snyder, 2019; Perez Sandoval, 2023)

of the literature featured here suggest **how the pro-democratic character can be bolstered while the anti-democratic potential can be constrained.**

A. ELECTORATE: ROLE OF VOTERS

Democratic backsliding is more easily constrained when the electorate is less polarized and exhibits robust democratic support. In the face of democratic backsliding, pro-democracy forces have responded around the world through grassroots movements (Maerz et al., 2020; Vüllers and Hellmeier, 2022), including ethnic/racial minority mobilization against ruling parties (Yashar, 2005; Rovny, 2023). When anti-democratic parties are punished, their control of institutions is limited (Lieberman et al., 2021; McCoy and Somer, 2021).

Political parties and leaders play central roles. Underlying social and economic conditions should be addressed, particularly drivers of inequality, which should lessen the appeal of populist leaders (Berman and Snegovaya, 2019; Berman, 2021). Research shows that **when parties reframe their branding around programs** (Somer et al., 2022), **economic policy** (Malka et al., 2019), **positive campaign messaging** (Lau et al., 2017) **or convey strong commitments to democratic norms, such actions may dampen and demobilize “radical partisans”** (Druckman et al., 2019; Kalmoe and Mason, 2022; Jardina and Mickey, 2022). Exposure to informative and balanced online news may reduce polarization (Levy, 2021), leading some experts to call for stricter social media regulations (Finkel et al., 2020). Encouragingly, large majorities in highly polarized countries, like the United States, wish for depolarization (Klar and Krupnikov, 2016; Finkel et al., 2020).

At the citizen level, empathy and perceived similarity are keys to reducing negative affective partisanship (Cikara et al., 2017; Klimecki, 2019; Hartman et al., 2022; Voelkel et al., 2022). Such interventions may include positive interpersonal contact, emphasizing similarities, or new information about rival partisans that engender empathy. Relationship building across partisan lines is thought to be highly effective through increased exposure and tolerance of differing viewpoints (Mutz, 2002; Pettigrew et al., 2011; Hartman et al., 2022), though studies typically only deploy short-term interventions, such as a single conversation, which demonstrate both meaningful improvements (Rossiter, 2020; Amsalem et al., 2022) as well as minimal impacts (Santoro and Broockman, 2022). Still, a number of civil society organizations have appeared in the United States over the past decade working to facilitate meaningful discussions across partisan lines (Morton Deutsch, 2020).

The direct relationship between affective polarization and anti-democratic attitudes is a current area of debate (Lelkes and Westwood, 2017; Kingzette et al. 2021; Broockman et al., 2022, Voelkel et al., 2023). Across a range of experimental interventions, Voelkel et al. (2022) show that partisan animosity is more closely related to partisan social distancing, distrust, and biased information evaluations. These attitudes are related, tangentially, to support for undemocratic practices and candidates. The focus of a specific intervention – either on democracy or partisanship – relates most closely to the relevant outcome. Regardless, **both reducing affective partisanship and bolstering democratic support have clear benefits to promoting and protecting democratic health.**

One of the most cost-effective interventions is **correcting misperceptions**. Such adjustments, when directed towards outgroup rivals, tend to lead to increased feelings of similarity and understanding that further reduce negative partisan feelings (Levendusky and Malhotra 2016; Ahler and Sood 2018; Finkel et al., 2020; Hartman et al., 2022; Mernyk et al., 2022; Voelkel et al., 2022). The most effective interventions in engendering pro-democratic attitudes also focus on correcting information of the opposing party’s policy positions and support for violence (less radical than presumed), demonstrating a reduction in support for political violence and undemocratic practices (See Brady et al. in Voelkel et al.

2022). The actual support for radical anti-democratic practices is likely exaggerated in survey research (Westwood et al., 2022).

Emphasizing inclusive national identity, and thus commonality, has also shown to reduce affective polarization and bolster support for democracy (Levendusky, 2018; Talaifar and Swann, 2019; Bonikowski et al., 2021). Cross-cutting identities need not be patriotic, but familial or other social bonds that partisans have in common (Klar, 2013). In fact, humanization through personal narrative and sharing of experience is much more effective at reducing affective polarization compared to a simple presentation of facts (Kubin et al., 2022).

As scholars work to test and understand citizen-level interventions it's important to note the diversity and complexity across countries based on their sources of political ideology, social group hierarchies and relations, democratic history, and party system, just to name a few. The nature of communication – source, sentiment, framing, and style – are all important in influencing the effectiveness of messages and interventions around depolarization or improving democratic commitment (Jost et al., 2022).

Electoralates at the subnational level may also play a significant role in the resistance to democratic backsliding. Popular support for autocratic leaders is often geographically uneven, being stronger in some regions of the country—typically small towns and rural areas—than in others, such as capital cities and major metropolitan regions (Behrend and Whitehead 2016; Albertus 2021; Mettler and Brown 2022).⁸ Consequently, where mayors of large cities and municipal councilors are elected to office, and in federal systems where provincial governments have electoral mandates and administrative authority independent of national governments, subnational governments may become opposition strongholds. In striking contrast to subnational authoritarian enclaves under national democratic regimes, whereby state and local governments serve as laboratories for autocratic innovation (Gibson 2013; Mickey 2015), subnational governments may turn into democratic enclaves in contexts of national-level backsliding. They may resist central encroachments on their power, jealously safeguard their political and fiscal autonomy, open spaces for opposition political parties and civil society organizations to operate and encourage the development and socialization of alternative political leadership. Creative policy and institutional innovations to ensure clean elections, fortify checks and balances, and encourage governmental transparency may allow these democratic enclaves to help contain, and potentially reverse, backsliding processes.

B. CIVIL SOCIETY

Civil society is a critical arena for democratic resilience and resistance to backsliding efforts. With deep roots in organized activist networks, **civil society is typically at the forefront of societal efforts to “push back” against incumbent elites who try to concentrate powers or weaken checks and balances.** It is important to recognize, however, that **civil society is not uniformly democratic.** It is a site of contestation between pro-and anti-democratic social actors, as civil society groups that mobilize to promote or defend democracy are likely to face the counter-mobilization of other social actors who support autocratic alternatives. A strong body of scholarship highlights civil society's democratizing potential (Putnam et al. 1992; Bunce and Wolchik 2011; della Porta 2016), but important research also identifies patterns of civic activism that buttress political leaders' autocratic projects, weaken democratic norms, and undermine democracy's institutional safeguards (Berman 1997; Brysk 2000; Greskovits 2020; Hellmeier and Bernhard 2023).

⁸ Sub-national dynamics, such as salient ethno-regional identities, may also engender support for backsliders. In Turkey, President Erdogan painting the Kurdish speakers as particularly violence and unpatriotic engendered polarization and feelings of threat in order to distract from anti-democratic actions (Yavuz and Ozcan, 2015).

The fact that civil society is contested terrain can also be seen in the increasingly common efforts of autocratizing rulers to regulate, control, or repress independent civil society organizations (CSO's). These efforts to impose state restrictions—often by designating civil society groups as “foreign agents” (Krupskiy 2023)—is a clear indication that autocrats recognize and fear their potential to mobilize resistance. As V-Dem recently stated, “Civil society constitutes a fundamental defense against autocratic rule with its capacity to mobilize people against the government.” It is hardly surprising, then, that V-Dem reports a tightening of controls over CSO's in over 40 countries, and claims that the repression of civil society is “ramping up” in 37 countries (Papada et al. 2023: 16). Empirical research based on sequential modeling techniques suggests that democratic backsliding often (though not always) begins with crackdowns on the media, civil society, and the rights of freedom of association—precisely the social bastions of potential opposition resistance, rather than its institutional preserves (Wunsch and Blanchard 2022).

Although disruptive forms of social protest tend to garner the bulk of the headlines (Chenoweth 2021), mass protest is far from the only mode of resistance available to CSOs defending democracy. Indeed, **social protest often builds upon and sequentially follows—at times as a “last resort”—the networking foundations laid by less transgressive forms of civic activism.** Where autocrats pose threats to horizontal (institutional) and vertical (electoral) forms of accountability, CSO's can perform critical oversight or “watchdog” functions that provide a measure of “social accountability” to restrain rulers' freedom of action (Smulovitz and Peruzzotti 2000; see also Wunsch and Blanchard 2022 on “diagonal accountability”). CSOs may, for example, monitor electoral processes (Batura 2022), government contracts and spending policies, and attempts to undermine the independence of legislatures, courts, government agencies, and the media (Grabowska-Moroz and Śniadach 2021). **By exposing patterns of corruption or autocratic behavior to public scrutiny, or even to legal challenges, such forms of social accountability may increase the political and reputational costs of government malfeasance, heighten public awareness, broaden and activate opposition forces, and generate dissent in the ranks of authoritarian coalitions, thus weakening their political cohesion.**

Although the relative effectiveness of different types of civil society strategies is likely to be highly context dependent, research findings make it possible to identify a number of general patterns. **A central dilemma encountered by many CSOs is that efforts to resist backsliding— however necessary and justified they may be—are likely to exacerbate the very political polarization that autocrats capitalize on and typically try to stoke.** Forms of resistance that entail violence or destructive activities are especially polarizing and, not surprisingly, research has found them to be less effective at achieving desired political goals (Chenoweth 2021). They may force incumbent authoritarian coalitions to unify against a common threat, while creating tactical divisions among opposition forces that block the construction of broad, inclusive, and heterogeneous coalitions needed to halt and reverse backsliding processes. Other research confirms the **superior effectiveness of non-violent forms of resistance**, while suggesting that creative strategies laden with irony and humor may be available beyond conventional forms of protest to help delegitimize incumbent rulers, discredit their public narratives, and force them to choose between mutually unpalatable options of unpopular repression or debilitating inaction (McClennen, Popovic, and Wright 2023). **Civil society resistance is most effective when it clearly signals a commitment to democratic means and ends and employs whatever legal means may be available.**

In a number of countries, **mass protest itself has played a significant role in arresting or reversing democratic backsliding.** As Carothers and Feldman (2023) demonstrate, social protests have on occasion helped block incumbent “power grabs” involving efforts to relax or circumvent constitutional limitations on presidential re-election. Recent protests in Israel and Mexico suggest that

civil society groups may be increasingly sensitive to the dangers of incumbent power grabs and on the lookout to prevent them from becoming locked in. Term limit protests in African countries like Zambia and Malawi have been effective in preventing executive aggrandizement by autocratic presidents who want to stay in power beyond their constitutional term limits (Rakner 2021; Yarwood 2016).

Such forms of resistance clearly require that major actors in civil society maintain their political autonomy from state efforts to control or coopt them (Lorch 2021). And while CSO's may build broader socio-political opposition coalitions that include political parties, they generally need to stay independent of party organizations to overcome political fragmentation, reduce polarization, and broaden their base of appeal (Rakner 2021; Yarwood 2016). More research is needed exploring the exact nature of the relationships between political parties and civil society that can be most effective in countering backsliding. Under what conditions is the relationship positive-sum, in the sense that a strong civil society also induces a strong political society, and vice versa (Rovny 2023)? Alternatively, are there conditions under which a tradeoff exists in the relative strength of partisan and civic actors?

Polarization can affect civil society and weaken its ability to resist backsliding by fragmenting society along identity-based cleavages (Meitzner 2021). Affective polarization along these cleavages, moreover, undermines generalized trust, including trust toward out-group members, which is essential for pro-democracy civil society coalitions (Torcal and Thomson 2023). Pro-democracy civil society coalitions with roots in earlier democratic transitions may facilitate the later creation of such coalitions to resist backsliding. Deliberative platforms may also help with building a less polarized and more "united" civil society, as they can foster efforts to mediate and moderate conflicts within pro-democracy coalitions. Unifying frames that convey shared grievances facilitate civil society's success against democratic backsliding (Von Doepp 2020), while economic inequalities can divide civil society as much as they divide political parties, thus reducing its capacity to play a democratizing role. The effectiveness of civil society mobilization to protect democratic spaces often depends on unity, coordination, and coalition-building ability of key groups (Tarrow 1994; Weiss 2006; Jacobsson and Korolczuk 2016; Bernhard, 2020, Bernhard, Hicken, Reenock & Lindberg 2020). Regionally-based civil society movements based on indigenous identities have also proven highly effective in protecting democracy and pushing for national-level reforms (Yashar 2005; Ley, Mattiace and Trejo, 2019).

The responses to democratic backsliding by alliances of CSO's, foreign governments, and international non-governmental organizations (NGOs) are not well understood. These alliances and their strategies are in need of additional research. Similarly, the impact of social media on civil society capacity is a major research area and a site for potential reforms (by regulating social media technologies and their often-polarizing effects). How and where (in which public spaces) to foster more "centripetal" social activist networks (McAdam and Kloos, 2014) is a major topic of interest. Although social media make it easier for civil society actors to communicate and coordinate around protests or other forms of cyclical mobilization, they do not necessarily encourage the kinds of durable organizational networks required to engage effectively in more formal institutional settings (Bennett and Segerberg 2013).

Finally, civil society mobilizations during critical junctures – as in economic or political crises -- seem to be more crucial for civil society development than mobilizations that occur during "normal" periods of democratic development (O'Donnell and Schmitter 1986; Bernhard, Fernandes, and Branco 2017). These critical junctures can be bridge-building (forming social capital for future pro-democracy coalitions) or divisive. This is partially due to the fact that political agents – including civil society organizations – exert much greater influence over the nature of political institutions during critical junctures, but also because civil society in particular is primed to serve as "insurgents" who may rapidly organize to push for democratization or "firewalls" that resist autocratization (Bernhard, 2020).

C. POLITICAL PARTIES

Contemporary autocratizers in hybrid regimes leverage institutional attributions to dismantle the democratic qualities of their regime instead of old-fashioned power grabs, as well as consolidating control of local populations through decentralization and expanding patronage networks (Magaloni, 2006, Riedl and Dickovick, 2014; Clark 2018). While autocrats often try to co-opt the opposition to create loyal opposition and divide the opposition (Helms, 2022), these parties can be resilient actors. For instance, **organizationally strong opposition parties and parties with internal party democracy are less likely to be co-opted** (Kavasoglu, 2022). Especially in parliamentary systems with proportional representation, **opposition political parties have become the strong partisan veto players in these regimes** (Weyland, 2020). Opposition political parties take advantage of “democratic enclaves” to gain legitimacy and power (Gilley, 2010). If the autocratizing incumbent lacks a parliamentary majority, for example, then parliament can serve as a check on power. Opposition political and civil society mobilization can further result in either mass protests or electoral defeat for the incumbent. We witness this in Slovakia, in which a strong civil society movement and a coalition of opposition parties defeated autocratizer Vladimír Mečiar in 1998 and 1999 (Deegan-Krause et al., 2019; Fish, 1999); a subsequent autocratizer, Robert Fico, was unseated by mass protests in 2018 (Haydanka, 2021). Other examples include Silvio Berlusconi in Italy, who failed to garner a majority in the parliament and was held in check by a strong judiciary (Dallara, 2015; Taggart & Kaltwasser, 2016), and Andrej Babiš in Czech Republic, who lost to the electoral alliances of opposition parties in 2021 after his several attempts to erode democracy (Buben & Kouba, 2023).

Opposition political parties adopt different strategies to open democratic spaces. **While radical extra-institutional strategies (e.g., coups, protests, strikes) can backfire and weaken the legitimacy of opposition (Gamboa, 2017), more institutional strategies enable the opposition to retain its legitimacy and build resilience towards autocratizing leaders.** Somer, McCoy and Luke (2021) propose **transformative strategies changing the axis of polarization to a pro-democracy agenda and language.** Cleary and Öztürk (2022) and Gamboa (2017) propose radical **institutional “piecemeal reforms” such as recall referenda or impeachment trials, or moderate institutional strategies such as lobbying and legislating.** Similarly, Somer, McCoy, and Tuncel (2022) argue that opposition actors oscillate between the extraordinary (i.e., tools that could further polarize or delegitimize the opposition) or normal (i.e., common tools and procedures of a democratic regime) political strategies and preservative (i.e., protecting or resurrecting institutions) and generative (i.e., reformation of the political system) political goals to navigate through the political uncertainty introduced by autocratizing incumbents.

As autocratizers take different routes to secure electoral success and block the opposition’s path, **opposition parties must continuously adapt and at times develop novel mechanisms to challenge and win the election** (Aras & Helms, 2021). In particular, **cooperation and coalition-building among opposition parties have become an increasingly common strategy to attempt to oust the autocratizing incumbent.** For instance, pre-electoral coalitions were observed in a quarter of all authoritarian elections (Gandhi & Reuter, 2013). **Opposition parties pursuing a common electoral strategy or nominating joint candidates in elections raise awareness of the potential for regime change within the wider public** (Ufen, 2009). Thus, opposition parties create their version of a “menu of manipulation” (Schedler, 2006) depending on the political context they face: “nominating joint candidates, encouraging strategic voting, running a unified campaign, helping presidential candidates collect signatures, promising to support each other in the runoff, pledging to form a transitional government, transferring deputies to be on the ballot, nominating members of the smaller opposition parties under a larger party’s list, not competing in certain districts against each other, and establishing an official alliance” (Selçuk & Hekimci, 2020, p. 1496).

There are competing explanations behind this cooperation (van de Walle, 2006). Scholars have identified a **range of conditions increasing the likelihood of opposition cooperation**: i) as the likelihood of regime change increases, these coalitions become more common (Hauser, 2019; Ong, 2022a; van de Walle, 2006); ii) intermediate levels of repression enable opposition actors to unite formally (Jiménez, 2021); iii) excluded groups can unite under similar interests against the omnipresent incumbent (Casani, 2020). Institutional and structural factors like electoral rules, age of the oldest party in the country, economic development, government system type (presidential or other), or independent judiciary branch (Benoit, 2001; Gandhi & Reuter, 2013; Wahman, 2013; Weyland, 2020), and policy-agenda of parties (Wahman, 2013) are also critical factors.

There are limitations to party cooperation and coalition-building, especially across ideological lines. Cross-party voting for voters is one of the major handicaps for these coalitions (Gandhi & Ong, 2019; McCoy & Somer, 2022), though pursuing joint campaign activities increases the likelihood of success (Ong, 2022b). Strategies like election boycotting can induce reputation loss or future criticisms (Hauser, 2019) and simply enable stronger incumbent hold on public institutions. It is indisputable, however, that these parties need to coordinate in autocracies to defeat the incumbent (Bunce & Wolchik, 2011; Dettman, 2018; Esen & Gumuscu, 2019; Gandhi & Reuter, 2013; Gorokhovskaia, 2019; Jiménez, 2021; Kadima & Owuor, 2006; Malesky & Schuler, 2010; Sato & Wahman, 2019; Wahman, 2013). Furthermore, opposition parties often cooperate with grassroots organizations and civil society to overcome bureaucratic hurdles and handicaps developed by the incumbent, as seen in Russia's local elections (Gorokhovskaia, 2019). Yet, further research is needed to better understand the implications of various mechanisms for party coordination and pre-electoral coalitions.

Lastly, it is important to note that rapprochement among the opposition parties triggers political revival in the electoral field and civil society (see Ufen, 2020 for Malaysia or Selçuk and Hekimci, 2020 for Turkey examples). Social media, local blogs, and independent news portals are also critical for opposition political parties and groups to disseminate information (Siles and Boczkowski 2012). For example, in Malaysia, the opposition gained greater visibility and cooperation through new media (Ufen, 2009). Thus, harnessing of social media by civil society can foster large scale social movements, 'hashtag activism,' or regime protests (Jackson et al 2020), though may also be harnessed by authoritarians to create confusion through restricting information or spreading disinformation, leading to a dampening of collective action (Koesel and Bunce, 2013; Tucker 2017; Pomerantsev, 2019).

D. MEDIA

The scholarly literature makes clear that **media influences can be both pro- and anti-democratic** (Tucker et al 2017). **The rise of social media platforms coincides with the decline of traditional mainstream media as a pillar of democracy. The key tool of democratic resilience in media channels is to harness the power of the narrative to address underlying social concerns as well as champion pro-democracy values and strategy.** Social media can be used to improve electoral participation, e.g., via voter turnout initiatives (Bond et al 2012) and electoral campaigns (Jungherr et al 2020), and it can foster large scale social movements, 'hashtag activism,' or regime protests (Jackson et al 2020).

Autocratic capture of media can prevent citizens from accessing information and can depress collective action (Tucker 2017), and political leaders globally are executing disinformation campaigns, persecuting journalists, and using disinformation as an excuse to further restrict media access (Gunitsky 2017). Press

freedom and access to independent media has been declining globally,⁹ but it is difficult to interfere with a sovereign country's control over media. However, established democracies need to globally support and reinforce values of media freedom, and recognize the use of social media as a vehicle for pro-democratic narratives (Repucci 2019).

Recent research has consistently found a **strong association between political polarization and both the creation and spread of disinformation**. Osmundsen et al (2021) found that partisanship is the primary psychological motivation behind political fake news sharing on Twitter in the US; users are not less reflective or literate but share disinformation that reaffirms their existing partisan identity. Policy solutions need to first address polarization and identity, not necessarily social media, by making institutional reforms that encourage cross-cutting dialogue and exposure. In particular, research has found that globally, lower levels of polarization are associated with consensus institutions that foster cross cutting interactions (i.e., proportional electoral systems) (Bernaerts et al 2022; see also Electoral Systems discussion). Cross national research has also found that misperceptions linked with affective polarization can be countered with information-based interventions (Ruggeri et al 2021).

Disinformation creates false narratives that can then be used by anti-democratic actors as justifications for further restrictions on media freedom or the democratic process. One key example is the #StopTheSteal movement in the United States, a disinformation and conspiracy-based narrative that the 2020 US election was 'stolen'. Not only did this lead to January 6th insurrection in the US (and inspired a similar invasion of government buildings in Brazil in January 2023), but in the US the narrative of 'election security concerns' has led to the widespread introduction of state level laws making it harder for individuals to vote (Voting Rights Lab 2022, Brennan Center 2022). Disinformation via social media or messaging apps is now playing a disruptive role in elections in developing countries, such as Nigeria (Cheeseman et al 2020), Kenya (Olivia 2023) as well as India and Brazil (Reis et al 2020).

Therefore, **the level of societal 'resilience' to disinformation matters**. Cross national research indicates countries with high levels of audience fragmentation, weak public service media, and a large digital advertising market will face problems with disinformation undermining democracy (Humphreht et al 2020). One solution is to provide public funding support for mainstream print and digital news outlets. Prior research has found an association between secure funding for public media systems and well-informed political cultures with high levels of engagement with democratic processes (Neff and Pickard 2021). More specific policy recommendations in the public funding of media include multi-year funding, legal charters that restrict partisan influence, and independent oversight agencies (Benson et al 2017). One way to fund public-interest media system could be through a tax on digital advertising (Karr and Aaron 2019), which is a very substantial market and can be adopted through legislation to tax ads on social media (Povich 2021). Digital media literacy education and "prebunking" is now also gaining ground for children as well as adults, to help combat disinformation (Guess et al, 2020, Lee 2018, Livingstone et al., 2018).¹⁰ Building on psychological inoculation theory, researchers argue that exposing people to weaker doses of misinformation can help them develop psychological resistance (or 'mental antibodies') against such tactics (Roozenbeek and van der Linden 2019). Similar studies using attitudinal inoculation have also found it can be successful in preventing the adoption of beliefs and attitudes related to violent or extremist ideologies (Braddock 2019).

⁹ See Reporters Without Borders Press Freedom Index 2021: <https://rsf.org/en/index> Editorial decisions at news organizations are driving coverage away from local news, in response to economic incentives and competition with digital platforms (Toff and Matthews 2021). Commercial news outlets (particularly local newspapers) globally are reducing staff, geographic or substantive coverage, or closing (Nielsen 2015), providing 'news deserts' in many areas.

¹⁰ "Prebunking" refers to priming or warning citizens about anticipated false media narratives and disinformation surrounding important events or situations; often by highlighting the likely outcomes of the event and what actors planning on disseminating disinformation may be trying to accomplish or draw attention to.

Regulation of social media companies is another potential strategy, however, this is complex. It is now clear platforms have played a key role in fostering insurrections, violence, trafficking, and electoral fraud across the globe, and are struggling to define and consistently execute content moderation policies (Wall Street Journal: Facebook Files, 2022). More generally, any regulation should be independent from both partisan actors and leadership of the dominant social media companies (Epstein, 2021). Legislation should also incorporate consultation from tech integrity professionals, who are familiar with technical complexities of algorithmic and platform design (ie, see the Integrity Institute, <https://integrityinstitute.org/>).

While regulation is in the development stage, it is important for governments, journalists, and the public to keep pressure on social media firms (Margetts and Dorobantu, 2019). This should be focused on two dimensions. First, to incentivize platforms to hire more foreign language staff for developing countries, invest in content moderation, and develop strategies to protect democratic elections (Wall Street Journal, 2022). Second, to pressure social media firms for more transparency. Legislative or policy initiatives that focus on regulation include increasing transparency by mandating the disclosure of types of platform data directly to the public or to researchers (Kornberg et al., 2023).¹¹ The need for thoughtful information technology regulation in order to protect civil liberties has only grown more urgent in recent years given the rapid advances in Artificial Intelligence (AI), especially the need to bring AI agents under a rule of law framework and protect particular aspects of public life and democracy from technological colonization (Helbing et al., 2018; Nemitz 2018; Leslie et al., 2021) as well as further empowerment of autocratic governments (Feldstein, 2019; Morgenbesser 2020; Farrell, Newman, and Wallace 2022).

E. JUDICIARY

Courts are a key site of attempted autocratic weaponization, and resilience to such attempts must likewise be multifaceted, working across the professional training and support opportunities, protection of domains of judicial authority, and the use of regional and international courts as an external pressure and independent adjudicator.

Pro-democratic judicial activism is supported at the **individual level through professional trainings, peer network support groups and legal civic organizations.** Unlike regular litigants, judicial support networks are repeated players that can launch effective advocacy and litigation campaigns that incentivize courts to defend democratic principles (Epp, 1998; Galanter, 1974). By interacting with courts regularly, these networks can incentivize courts to protect democratic principles. Court autonomy is maintained through appointment processes that insulate professionals through judicial councils or service commissions composed of peers (Hatchard et al., 2004, Garoupa & Ginsburg, 2009). The judiciary's composition and procedural organization must be (re-) designed holistically to prevent autocratizing incumbents from weaponizing any institutional weakness (Melton & Ginsburg, 2014).

The domain of judicial prerogative is also a key site of contestation, with incumbents using judicial lawfare strategies to weaken courts (Gloppen et al., 2022). **Maintaining the scope and preeminence of the independent judiciary is a key lever in democratic resilience.** Autocratizing executives seek to fragment and/or underfund the judiciary to dilute the courts' authority and allow autocratic allies to engage in forum shopping by establishing new parallel courts, such as military tribunals, narco-trafficking, anti-corruption, or presidential-appointed "special domain" Constitutional or Electoral courts (Moustafa, 2014). Particularly where the judiciary is well-insulated and autonomous, autocratic incumbents create secondary courts that they can better control and use to

¹¹ The Centre for International Governance Innovation (CIGI) has also outlined guidelines for a regulatory regime for the transparency and accountability of social media platforms (MacCarthy 2022).

threaten opposition or rule in their favor on key issues, and target perceived “enemies” of the regime or the state. Such parallel courts often have different procedural requirements that are advantageous for a president eager to prosecute dissenting voices or engage in constitutional reforms (Toharia, 1974). Therefore, limitations on establishing special auxiliary courts is a key domain of judicial autonomy, and the creation of such parallel courts is generally a warning of autocratic executive interference in the judicial sphere. Domestic and international actors alike should be alert to such attempts and try to limit their creation and scope.

Evidence shows that judicial resilience is a multifactorial phenomenon (Kureshi, 2021). In Indonesia, the court resisted assaults on its independence thanks to its constitutional design but also its judicial activism (Baidhowah, 2021). In Malawi and Uganda, courts showed assertiveness when adjudicating electoral disputes despite a repressive environment, thanks to judicial culture, professional norms, and institutional configurations (Gloppen and Kanyongolo, 2012).

When domestic judicial checks and balances are compromised, and judicial support networks are banned from interacting with courts, pro-democratic actors have one remaining avenue to undo the work of captured judiciaries: **international and regional courts**. International and regional courts, like the European Court for Human Rights, the European Court of Justice, the Inter-American Court, and the African Court on Human and People’s Rights, can force courts to reverse precedents that undermine the rights of a state members’ citizens (Ginsburg, 2019, Landau and Dixon, 2019). In Europe, for instance, ordinary citizens have fought democratic backsliding measures and judicial lawfare strategies by appealing courts’ decisions before the ECJ (Blauberger & Keleman, 2017). Because EU law prevails over domestic law, domestic courts were also able to resist democratic backsliding efforts by relying on EU law provisions to justify their rationale. International courts also provide subnational constituents an alternative to an autocratizing centralized judiciary. Therefore, even if domestic levels of judicial resilience are blocked, pro-democracy forces – including local level courts - can use regional and international courts to force domestic courts to uphold human rights and serve as precedent or backstop.

F. LEGISLATURE

Legislatures have varied ability to be in charge of law-making (Arter, 2013), representation, and oversight, as potential agents of horizontal accountability and executive constraint (Kaburu and Adar, 2020; Laebens and Luhrman, 2021). Merkel & Luhrmann (2021) observe that a strong parliamentary opposition challenges the status quo in the event where there is a likelihood of power aggrandizement by the executive, in part by serving as a warning and dissemination mechanism to the citizens. Internal power struggles and factionalism within the autocratizing incumbent political party are also played out in the legislature (Wiebrecht 2021), providing an avenue for soft-liners to ally with pro-democracy opposition to protect the strength of the legislature as an institution.

Individual parliamentarians will also have their own time horizons and strategic incentives: where the transition to multiparty politics made it possible for legislators to cultivate a personal following independent of presidents (as in Kenya and Zambia), politically independent legislators are more likely to make use of their legislative institutional power to check the executive (Opalo 2019). Cheeseman (2016) notes that one of the reasons why legislators may refuse to back the executive is because they have presidential ambitions themselves and or, because these legislators are aligned to other presidential hopefuls. This is likely to be the case where the majority in the legislature belong to the opposition camps or where there are fissures within the ruling party (Metin & Ramaciotti, 2022). Such divisions within the ruling party, creating the possibility for “backbenchers” to enact parliamentary oversight to constrain autocratizing reforms, are more likely when the electoral system fosters open party lists (see

Electoral System section below for further discussion regarding the conditions under which opposition and incumbent backbenchers can hold government accountable).

The potential for pro-democracy realignment within the legislature provides some incentive for the body as a whole to protect the autonomous power and the purse of the institution. The legislature serves as a check on the executive when the institution has greater distribution of powers, automatic budgeting, and routinized access to state resources for the parliamentary agenda. The legislature is also shown to be responsive in certain cases to public opinion, and particularly to mass protest, to respond to such mobilization by using its institutional authority to constrain the executive (such as the impeachment of President Park Geun Hye in South Korea 2016; Laebens & Luhrrman, 2021).

Boese et al., (2021) demonstrates that intense constraints on the executive by the legislature is positively associated with a lower level of instances of autocratization in democracies and stronger resilience to democratic erosion at the moment where such an occurrence commences.

Evidence of a weakened or captured legislature occurs when legislatures surrender their prerogatives to the executive in the face of state emergencies, serve as a rubber stamp voting body to ratify executive proposals, or otherwise fail to express independent analysis on the state of governance or particular policies (Griglio 2020). This may also occur at the local level, such as in China where local congresses provide legitimacy and information gathering functions for the central government without meaningful contestation (Minion, 2017).

G. BUREAUCRACY: ADMINISTRATIVE AGENCIES

Because democratic backsliding often entails the purposeful weakening of institutions to diminish bureaucratic capacity, quality, and institutional autonomy, **a strategy of democratic resilience focuses on the contestation of control and functioning of the administrative agencies of the state.** Autocratizers, especially populists, are wary of the bureaucracy and wish to co-opt them to implement their agenda, and appoint loyalists (Peters and Pierre, 2022). Their tactics include capture, sabotage, dismantling, and reform (Bauer and Becker, 2020). Where bureaucracy is difficult to penetrate, they may set up party-based parallel systems to bypass the bureaucratic infrastructure in place (Muno and Bricno 2021). It should also be noted that regional bureaucracies may become autocratic via centralized patronage schemes and excessive government transfers (Gervasoni 2010, Giraudy 2015, Clark 2018) Autocratizing incumbents are likely to identify pockets of bureaucratic resistance or strategic importance, such as electoral commissions and investigative or oversight agencies, and prioritize them for takeover.

Strong, professional administrative agencies are crucial for the democratic state to function, and they require a degree of institutional autonomy from partisan pressures (Migdal, 1988; Aberbach, Putnam & Rockman, 1981; Evans 1995). As Drezner (2000) explains, bureaucrats are sometimes the only constant in the system. Politicians and ruling parties will come and go, but the bureaucrats will stay. For a democracy to thrive then, this consistency in the system is crucial. A division of responsibilities between bureaucrats and politicians allows a capable bureaucracy the “space” to do its job, without fear of political repercussions (Dahlström & Lapuente, 2017; Caughey et al., 2009; Allison & Halperin, 1972). Recent literature based on evidence from Brazil argues that it is possible to slightly improve bureaucratic effectiveness by creating upward embeddedness, i.e., political support [for the bureaucracy] that comes with increased discretion and resources (Toral, 2023).

Bureaucrats have several strategies for democratic resilience. Where fiscal, administrative and political decentralization had previously advanced substantially, local level bureaucrats can provide “subnational

footholds” of accountability and checks on centralized executive aggrandizement (Riedl and Dickovick 2010). In cases where other institutions such as the media, judiciary, and legislature demonstrate strong independence, bureaucrats may effectively engage in whistleblowing; however, as these institutions lose their independence, this becomes less effective and increasingly costly. Other strategies to push against ongoing democratic backsliding include bureaucratic isolation and autonomy; buttressing a professional community through internal career trajectories and avoiding government purges; and shirking or slow-walking autocratic reforms to mitigate the incumbent’s agenda. This includes creating institutional friction, procedural complications, and even working at cross-purposes to an autocratic agenda. Because most bureaucrats operate in situations that require them to balance interests and negotiate often contradictory policy positions (Lipsky, 1980), they frequently employ this kind of procedural creativity and/or ability to resist political intrusion. They can do so because there is a sort of tacit understanding in most political systems regarding the political insulation and anonymity offered to the bureaucracy in return for politicians taking credit for their effectiveness. Third, as more recent literature highlights, bureaucracy operates as an epistemic community that is career driven and responds proactively to both sanctions and rewards. Career growth prospects and incentives are what drive bureaucratic effectiveness (Ashraf, Bandiera and Jack, 2014; Khan, Khwaja, and Olken, 2019).

A final, and costly, strategy is for bureaucrats to resist incumbent takeover and autocratizing attacks by creating their own bypassing structures. Rich (2022) details such efforts in the case of Brazil, whereby bureaucrats dealing with an increasingly autocratic administration bypassed intrusive efforts to politicize the bureaucracy under the garb of accountability, by outsourcing policy implementation to third parties, mostly non-governmental organizations. In this example, Rich (2022) explains how the bureaucracy can fight back against a populist government, bent upon rolling back democratic gains, by creating alternative public service delivery systems. When used as a tool to support transparency and accountability (outsourcing evaluation and assessment to neutral NGOs, for example), this is an effective bureaucratic strategy. However, it can be costly because extreme outsourcing also weakens the state’s administrative capacity, reduces bureaucratic functioning and professional communities, and is difficult to reestablish in periods of democratic resurgence. However, in a sequence of extended democratic decline, it may be a necessary pivot when the state is largely captured or decimated.

When a bureaucracy is starved of resources and its legitimacy is cut down, its ability to deliver public services effectively is also lost (Dasgupta and Kapoor, 2020). This means that bureaucrats believe their rewards are not available and their career growth prospects are no longer based on merit, but rather on other factors such as loyalty. At this point, bypass structures, internal sabotage of autocratic policies, and procedural complications are the remaining tools for pro-democracy bureaucrats (Brehm and Gates, 1999).

H. ELECTORAL SYSTEMS

The effect of institutional design, such as majoritarian vs proportional electoral systems, on democratic erosion is debated among scholars. New quantitative research indicates that majoritarian electoral systems and largest party seat share (a measure of party fragmentation) are negatively associated with the level of democracy, particularly for lower levels of democracy. That is, **for less established democracies, the greatest risk to democracy is not too much fragmentation (usually associated with proportional representation (PR) systems), but rather “too much concentration of power in the hand of the ruling party/ruling elite”** (Hicken, Baltz and Vasselai, Fabricio, 2022). Even proportional representation systems can produce such disproportionalities if they have high thresholds to enter parliament, as in Turkey, bonus systems to the largest party, as in Greece, or non-compensatory parallel mixed electoral systems that reward the largest party, as in Venezuela. In turn, populist, polarizing and autocratizing leaders have used their strong majorities and

disproportionate representation to change electoral rules and even constitutions in a majoritarian direction to further entrench themselves in power (Enyedi, 2016; McCoy and Somer, 2019b).

The mechanisms through which electoral systems are thought to impact democratic erosion include their relative propensity to facilitate political polarization, political extremism, or political violence. There is debate on each of these, as follows.

The effect of electoral system design on *ideological polarization* has mixed findings. A large literature finds ideological polarization to be higher under more proportional electoral rules (Matakos et al. 2016; Bol et al. 2019; Dalton 2021), though some scholars find no evidence for the proportionality-ideological polarization link (Curini and Hino 2012; Beath et al. 2016).

Affective or identity-based polarization, on the other hand, is generally found to be associated with majoritarian electoral systems (McCoy and Somer 2019; Pierson and Schickler, 2020; Crosson and Tsebelis, 2022; Carothers and O'Donohue 2019; Horne et al., 2022; Bernaerts et al., 2022). Majoritarian electoral systems are conducive to affective polarization as they force political conflict over multiple issues onto one dimension and the disproportionate representation they create can generate perceptions of winner-take-all politics, thus increasing dislike and distrust of the opposing political camp (McCoy and Somer, 2019b; Gidron, Adams and Horne, 2020; Klein, 2020; Finkel et al., 2020; Bernaerts, Blanckaert and Caluwaerts, 2022). Proportional representation electoral systems, on the other hand, are more likely to represent more diverse voter interests due to their greater district magnitude (number of seats in one district), greater assembly size, and more permissive rules (Powell 2000). Further, multiparty systems with proportional representation encourage coalition building and produce warmer feelings toward even past coalition partners (Horne, Adams and Gidron, 2022).

Political extremism is a second mechanism by which electoral systems may contribute to democratic erosion. Earlier studies worried about an association between greater proportionality in electoral rules and an increased likelihood of political extremism, especially extreme (right-wing) party representation (Jackman & Volpert 1996; Golder 2003; Givens 2005; Kedar 2005). Yet the correlation does not replicate consistently across time-periods, regions, party type, or at the individual level (Arzheimer and Carter, 2006, Ezrow 2008; Arzheimer 2009; Bustikova 2014). Moreover, studies of recent backsliding cases emphasize that more disproportional electoral rules grant large majorities to extreme candidates, including democracy-eroders, when they win elections, allowing them to further entrench themselves in power by changing electoral rules to their advantage (Kaufman and Haggard 2019; McCoy and Somer 2019; Bernhard 2021). On the other hand, the interwar period between WWI and WWII provides multiple examples that extreme politicians gained office under PR rules while majoritarian systems prevented their rise (Cornell et al. 2017).

Within majoritarian electoral systems, we see variation between single-round elections and those with runoff elections. Using causal identification within countries, recent studies demonstrate that two-round elections reduce the chances of extreme candidates winning elections (Bordignon et al. 2016; O'Dwyer and Stenberg 2022).

The third mechanism describes the effect of electoral rules on the risk of *political violence*. Lijphart (2002) theorizes that PR rules give greater representation to diverse interests (inclusiveness) and thereby reduce the risks of violence and democratic breakdown. Empirical studies initially showed robust support for the hypothesis in different samples (Cohen 1997; Reynal-Querol 2002; Saideman et al. 2002; Cammett and Malesky 2012). Recently, more systematic work does not replicate the PR-inclusiveness link (Reilly 2005; Bormann 2019), or reveals only conditional effects of PR on conflict risk relative to other democratic electoral rules (Selway & Templeman 2012; Wilson 2020). The older literature supportive of the PR-peace link frequently tests the effect of PR on a baseline category that combines

majoritarian democratic and non-democratic systems. The newer, more limited evidence is conditional and the main mechanism by which PR reduces conflict risk remains unknown.

Finally, an issue related to electoral design, but separate from it is the type of party system – two-party versus multi-party. Whether the number of parties matters for democratic stability and quality is debated. The theory of the median voter (Downs, 1957) generated expectations that two-party systems would tend toward centrism and produce stable democracies. Likewise, Sartori’s vision of the centrifugal pull of multi-party systems with bimodal extremes predicted democratic instability and decay. Today, the debate has flipped, as scholars identify a risk of the convergence of mainstream parties on major policy to lead to general voter alienation and support for extremist or anti-system parties. In fact, highly fragmented party systems may prevent the division of politics into two blocs, and thus may restrain partisan polarization (Horne, Adams and Gidron, 2022; Mignozzetti and Spektor 2019). Nevertheless, partisan fragmentation may inhibit political polarization only until a corruption scandal or other crisis of representation leads to a widespread rejection of the political establishment by the voters and creates opportunities for populist authoritarian outsiders to emerge, as in Venezuela in the 1990s before the election of Hugo Chavez or Brazil before Jair’s Bolsonaro victory in 2017.

III. KEY FINDINGS

1. *Democratic Trends:* Democratic regression is ongoing in a significant number of countries, and in recent decades, has evolved into a process that is more likely to be incremental, initiated by an elected leader, centered around the subversion of democratic institutions, not involve military leaders, and harness politically polarizing and populist sentiments.
2. *Backsliding Process:* Contemporary backsliding tends to involve gradual executive aggrandizement, often through legal channels, as political elites engender and harness anti-democratic sentiments to weaken institutional checks and balances. Populist leaders with public support will seek to further immobilize institutions and empower themselves.
3. *Role of Polarization:* High levels of political polarization are correlated with democratic backsliding. The shift to an “us-versus-them” mentality delegitimizes political opposition and provides anti-democratic leaders with greater authority to implement discriminatory policies. Polarization also tends to lead to gridlock, which further frustrates citizens, and backsliding itself often results in a deepening of polarization.
4. *Electorate:* Voters play important roles in both enabling and blocking democratic backsliding. Contentious social and economic conditions may lead to heightened polarization and greater receptivity towards populist and anti-democratic messages. Voters may then elect an anti-democratic leader into office who initiates the backsliding process. The electorate may also, however, mobilize to vote against incumbents engaged in backsliding efforts, exercising a form of vertical accountability to preserve open democratic spaces.
5. *Civil Society:* Civil movements and organizations may play diverse roles in regime politics. They are often among the first to push back against political leaders with anti-democratic ambitions, monitoring and sometimes protesting against backsliding initiatives. Civil society, however, may also be harnessed for autocratizing projects where incumbent parties organize or capture civic groups to create a loyal following. Independent, pro-democratic civic groups are often early targets of regulation, takeover, or repression in backsliding regimes.
6. *Political Parties:* As a country begins to polarize and potentially backslide, political parties often come to represent the organizational bodies dividing elites who either support or oppose the anti-democratic leader. Political parties with robust organizations and internal democracy may reduce

the likelihood of anti-democratic leaders securing their nomination and thus winning the election. Broad, cross-ideological electoral coalitions are often required to defeat an autocratizing incumbent, though are difficult to coordinate.

7. *Media*: Diverse media spheres represent an important arena for contestation between anti- and pro-democratic movements. Restriction of information, widespread disinformation, and distrust in media organizations often propel polarization and make engaging in backsliding easier for anti-democratic leaders. Such leaders will often target media freedom and access to wider forms of information early in their backsliding project. Independent media and information sources are vital for voters and civil society actors to resist autocratization.
8. *Judiciaries*: The courts are among the most resilient and insulated democratic institutions, able to provide vital checks and restrictions on anti-democratic policies. Backsliding leaders require time to reform the institutional rules of the judiciary and replace more independent-minded judges with loyalists to reduce this institution's capacity for horizontal accountability. Pro-democratic actors may also lobby regional or international courts when domestic systems are compromised.
9. *Legislature*: The role of the legislature in democratic backsliding depends significantly on whether it is controlled by the executive's party. When it is controlled by the backsliding leader, it becomes a captured site, and the emphasis among pro-democracy actors moves from working with or seeking accountability through the legislature to supporting opposition parties hoping to take control of the legislature in the next election. In many cases, the executive uses the legislature to pass anti-democratic policies through legal channels, which legitimates them.
10. *Bureaucratic Administrative Agencies*: State bureaucratic agencies are under the directive of the executive, but often maintain strong legal directives and/or professional norms that enhance their independence and resist politicization. Bureaucratic agencies that push back against anti-democratic or radical policies may slow the democratic backsliding process.
11. *Electoral System*: The electoral rules of a country model the forms of electoral competition that ultimately make the election of an autocratic leader more (or less) likely. They also affect their chances of removal once in power. Proportional electoral systems are associated with higher levels of democracy.

IV. IMPLICATIONS FOR DEMOCRATIC ACTORS

Healthy social, economic, and political systems help stave off backsliding events. Our literature review highlights many of these dimensions. **Backsliding become much less likely when political polarization and the lure of populism are dampened, and when democratic institutions are functioning at a high capacity with strong supporting norms. Dealing with societal issues like income inequality, mending deep social divisions, and discouraging political sorting bolsters democratic commitments within the electorate. Independent media and civil society play critical mediation roles between governments and their citizens. Making electoral systems representationally fair and encouraging meaningful local and national participation provides citizens with agency.**

From an analysis of the arenas with potential for resisting autocratization and enhancing democratic resilience, it is clear that there is no single silver bullet solution for opening democratic spaces. All of the arenas analyzed above, both institutional and societal, are sites of contestation between democratic and autocratic actors; none is the exclusive preserve of democratic forces, or a guaranteed firewall against backsliding efforts. Although some general patterns can be identified, the specificities of each backsliding case must be diagnosed, and context-specific strategies designed with the realm of possibilities in mind.

The available toolkit for response to backsliding is contingent on the amount of time and the rate of backsliding (how far and how long it has been going on), as well as the sequence of institutional capture attempted by the autocrat. It is certain that today's autocrats are different than those in prior decades in their strategies and available levers.

But just as autocratizing incumbents are adapting and learning from each other, so too are bureaucrats, legislators, party officials, voters, and civil society activists. Carothers and Feldman (2023) suggest a useful categorization of four pathways for potential democratic resilience:

- Citizen mobilizations oust a leader: where mass mobilization ousts a democratically challenged leader in the midst of their term;
- Promising authoritarian successions: where an authoritarian regime experiences a leadership succession that appears to open the door to democratic progress within the framework of regime continuity;
- Blocked power grabs: where a leader already in power attempts to extend their term or authority in contravention of existing rules or norms and is thwarted, whether by legal institutions or mass mobilization; and
- Pivotal elections: where a democratically backsliding or stagnant government loses power in an election.

While even these pro-democracy moments are not guaranteed to foster further democratic endurance and deepening, they do shed light on the same actors and institutions that we have identified above: the electorate (in pivotal elections), the courts or bureaucracy (including electoral commissions) in blocking power grabs, political party leadership within the incumbent party (or defections from it to a pro-democracy opposition coalition), and civil society mobilizations to protest autocratic crack downs. The imperative remains critical for external engagement to support such actors and institutions with a varied approach, depending on the trajectory and which arenas remain open for support and resilience.

Below we highlight specific correlates of democratic resilience for each set of actors or institution:

1. *Electorate*: The electorate must depolarize and experience a strengthening of democratic support. Interventions may include: correcting misperceptions about rivals, emphasizing shared similarities and identities, balancing and regulating political information, personal relationship building and positive social contacts, increasing involvement in pro-democratic civil society, responsible media consumption, and bolstering local political involvement.
2. *Civil Society*: Independent civic organizations should push back against anti-democratic leaders while seeking to minimize further polarization. Their actions should include: non-violent protest, alliance building around democracy, seeking accountability through legal channels where possible, mobilizing mass movements in response to aggressive anti-democratic actions, and focusing on valence issues and shared identities. Interventions should be sensitive to the risk that autocratic leaders might use civil society organizations' ties to international actors as justification for imposing restrictions on their civic and political activities.
3. *Political Parties*: Once an anti-democratic leader takes office, opposition parties should: take advantage of "democratic enclaves" to seek redress and accountability, partner with civil society to build pro-democracy platforms, build broad electoral coalitions and alliances, avoid overly aggressive

or radical actions which often backfire, court previously excluded voters and groups, and generally avoid electoral boycotting.

4. *Media*: In order to protect media freedoms and maintain widespread access to information, efforts should include: working to reduce political polarization, manage and minimize social media fragmentation and digital advertising, create independent oversight committees, increase publicly-funded media, engaging in prebunking, strengthening media literacy among citizens, and require social media company transparency on policies related to disinformation and politics.
5. *Judiciary*: Both institutional structures and behaviors are important for judiciaries to retain their independence in the face of backsliding pressures. Judiciaries are most resilient when: the legal system maintains a strong judicial support network, appointment and/or nomination processes are managed by peer-controlled institutions, limitations are put in place on establishing new auxiliary court systems, and judicial autonomy is grounded within the constitution.
6. *Legislature*: Executive accountability through the legislature is more likely to occur when: the opposition is in control of some or all of the legislative chambers, the ruling party is experiencing internal divides, there are mass public movements against the executive, and legislatures have a strong history of institutional independence.
7. *Bureaucratic Agencies*: Bureaucrats are more likely to provide a check on autocratic ambitions when they: are highly professionalized and administrators serve for longer periods of time, experience some financial and administrative autonomy, engage in “procedural creativity” that complicates and frustrates subversion efforts, perform at a high level to engender public support and legitimacy, and, in extreme cases, outsource policy implementation to third parties.
8. *Electoral System*: Democratic backsliding has occurred in countries with various electoral systems, and there are competing conclusions within the literature; however, electoral systems that reduce polarization, political extremism, and violence should help block or minimize backsliding. In general, majoritarian systems, especially those with single-round rules, tend to be associated with a greater likelihood of backsliding due to higher identity-partisan based polarization, endowing extremist leaders with larger voting constituencies in two-party systems, and in most analyses, higher rates of political violence.

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APPENDIX I: DATA AND MEASUREMENT ON GLOBAL DEMOCRATIC BACKSLIDING: A FALSE DEBATE¹²

A CALL FOR TRANSPARENCY AND CLARITY

The development of the Varieties of Democracy database provided a vast trove of longitudinal and cross-national data for democracy scholars that, along with the increasing transparency and expert involvement in Freedom House's measures and the emergence of additional democracy rankings, allows for significant advancements in our understanding of democratic development and decay. But along with this proliferation of data comes responsibility in our reporting of findings based on it. The proliferation of terms, conceptualizations, and measurement of democratic backsliding, erosion and breakdown confuses the advancement of theory and explanation as well as public understanding as scholars use different criteria to measure similar concepts, at times arriving at contradictory conclusions.

The recent debate on whether democracy is advancing or receding globally exemplifies this problem. A multitude of scholars have been lamenting democratic regression since about 2005. Recent annual reports by both Freedom House and V-Dem continued to raise the alarm bells about a wave of autocratization sweeping the world (Papada et al. 2023; Gorokhovskaia, Shahbaz, and Slipowitz 2023), although their 2023 reports did note some recovery and the possibility of a tipping point. At the same time, Brownlee and Miao (2022) cautioned against alarmist views, arguing that wealthy democracies in particular are not at risk, while Little and Meng (2023) found little evidence of global democratic decline in the last decade. This apparent contradiction in conclusions, however, masks actually very similar findings. The problem is they use different measurements and even research questions, leading to confusion particularly in the broader public presentation and consumption. It is incumbent on scholars to take care with the presentation of findings, since they influence public policy and, as Tom Carothers pointed out at the V-Dem 2022 report launch, public responses to genuine concerns about democracy's health.

Slight differences in measurement can make huge differences in interpretation of findings. For example, V-dem's claim that advances in global levels of democracy over the last 35 years have been wiped out is based on a continuous variable – the liberal democracy index (v2x_libdem). They count any decline in this measure as “autocratization,” whether it is occurring in the United States or Venezuela. Further, the report's claim that the average global citizen enjoys levels of democracy in 2022 at only the 1986 global average is based on population-weighted averages, in which very large democracies like India, Brazil and the U.S. experienced democratic erosion, rather than the conventional political science use of country measures.

Little and Meng counter the gloomy assessments, arguing that expert bias may account for the overall decline (though small) in global democracy averages in the last decade found by V-Dem, in contrast to the stable average they find with more objective electoral competitiveness measures. (Yet Little and Meng seem to ignore their own score declining 2018-20 in line with the V-Dem scores.) Even here though, the interpretation of “objective” versus “subjective”, and de jure versus de facto conditions, is important. For example, Little and Meng use the NELDA variables of whether multiple parties were legal and whether opposition parties could compete. Yet, as the NELDA codebook indicates, this only means there was at least one party running that was not officially in the government, not that these were functioning opposition parties. As comparative election experts know, autocratizing leaders often give the appearance of competitive elections by allowing multiple parties, but then use misleading tactics such as disqualifying leading candidates with corruption charges, or incentivizing pseudo-opposition parties through cooptation or outright bribes.

¹² Prepared by Jennifer McCoy, co-PI on the Opening Democratic Spaces project and professor of political science at Georgia State University.

Other claims from V-Dem, Freedom House, and others about the changing balance of autocracies and democracies in the world are more problematic because they must use categorical variables, necessarily with cut-offs to distinguish the categories. Countries in the gray zone around a dividing line can be demoted or promoted rather strangely based on somewhat hidden criteria. For instance, after Carothers pointed out how strange it was that Canada was demoted to Electoral Democracy while the United States remained a Liberal Democracy, I looked closely at the data and found that Canada's demotion was due to a fall on a single criteria recently included in the Liberal Democracy category – access to justice for women, perhaps due to a major report about violence against indigenous women. Yet on every other criteria of liberal democracy, Canada scored higher than the U.S., which remained categorized as a Liberal Democracy in the Regimes of the World measure.

Brownlee and Miao ask a different question, which backsliding democracies survive? Thus, they admit wealthy democracies are backsliding (a quality of democracy concept), but argue that they are unlikely to breakdown (a regime category concept, measured by the presence or not of competitive elections in the LEID index.)

Thus, some scholars are concerned about erosion in the quality of democracy, while others are more concerned about the probability of outright collapse. Both questions, and emphases on different criteria within them, are legitimate research questions. But we might better serve both the advancement of knowledge, and a concerned public, by acknowledging the overarching scholarly agreement on widespread evidence of democratic vulnerability in the current age, while also avoiding undue alarmism with our choice of terminology or the creation of false debates.

SUMMARY AND COMPARISON OF BACKSLIDING MEASURES¹³

There are many ways to measure democracy, and the lack of consensus on regime classification is a known phenomenon to students of political science. Democracy is a latent concept and classifying regimes into autocracies and democracies is tricky due to their complex multidimensional nature (Lührmann & Lindberg, 2019). More importantly, we know that our choice of regime classification significantly affects our estimates (Casper & Tufis, 2003; Coppedge, 2012). Different tradeoffs between consistency and operationalization of democracy (e.g., year and country coverage) are known to scholars, and it is known that these competing measures are highly correlated (Casper & Tufis, 2003). Despite this high correlation, using these measures interchangeably produces different results (Casper & Tufis, 2003; Pelke & Croissant, 2021). Additionally, in specific years and countries, these measures tend to differ in terms of classification greatly (Högström, 2013).

The following report aims to offer a brief comparison of existing democracy indices. In the next section, the source of each democracy index will be introduced. Then, a comparison of these democracy measures will be discussed. Lastly, the Appendix provides detailed information about the source of these measures.

SOURCES

We limit our analysis to ten different regime classifications to compare. Table I summarizes the key features of these datasets and shows that these democracy indices show great diversity in terms of year coverage, measurement, and assessment approach. Some of these indices cover the 20th century, while others only focus on post-World War II or the 2000s. Some of these indices offer a minimal measurement using binary variables (either zero or one): a regime is either democracy or not. Others provide a more granulated approach offering categorical measurement (more than two categories) or internal measurement (score range). Lastly, some of these measures are based on the assessment of

¹³ Prepared by Ozlem Tuncel (otuncegurlek1@gsu.edu), a PhD Candidate at Department of Political Science at Georgia State University.

country experts, which requires a certain number of experts per country and year to evaluate the characteristics and quality of democracy. In others, there are in-house researchers, which does not require expertise on the country-year observations. These measures are identified based on two criteria:

- Is this measure popularly utilized by political scientists, scholars, and policymakers in the assessment of democracy?
- Does this measure provide at least 10 years of annual observation (ideally including years after the end of the Second World War)?

Table 2. Summary of democracy indices

DATA	NUMBER OF OBSERVATIONS	YEAR COVERAGE	MEASUREMENT	ASSESSMENT
Varieties of Democracy’s Regimes of the World	19,021	1900–2021	Categorical	Country-experts
Freedom House	7,908	1973–2020	Categorical and interval	Country-experts
Polity IV	12,791	1901–2018	Interval	In-house researchers
Boix et al. (2013)	12,642	1901–2015	Binary	In-house researchers
Cheibub et al. (2010)	8,508	1946–2008	Binary	In-house researchers
Wahman et al. (2013)	6,903	1972–2014	Categorical and interval	In-house researchers
Economist Intelligence Unit	2,158	2006–2020	Interval	Country-experts
Bertelsmann	1,096	2004–2018	Interval	Country-experts
Magaloni et al. (2013)	10,291	1950–2012	Binary	In-house researchers
Lexical Index	14,543	1900–2019	Binary	In-house researchers

Notes: Although RoW, Polity, and Lexical Index datasets offer information about the 19th century, we limit our analysis to all observations after 1900, and only examine observations in 20th and 21st centuries.

VARIETIES OF DEMOCRACY’S (V-DEM) REGIMES OF THE WORLD (ROW) MEASURE

V-Dem dataset version 12 covers 202 countries since 1900 (Coppedge et al., 2022). The V-Dem dataset offers detailed information on numerous issues through the country-expert survey. Similarly, RoW covers country-year observations since 1900. The RoW data is developed by Anna Lührmann, Marcus

Tannenbergs, and Staffan Lindberg. RoW can be accessed using the V-Dem dataset.¹⁴ It is important to note that this index is based on 19 variables measured by V-Dem (see V-Dem Codebook for details). These variables are indicators for multi-party competition in elections, election freedom and fairness, Electoral Democracy Index, Liberal Component Index, law enforcement, access to justice for men and women, the relative power of the head of the state and head of the government, and executive and legislative elections. While country experts provide critical information on these country-year observations, we should also be aware of any potential cognitive and hindsight bias (Levick & Olavarria-Gambi, 2020).

RoW distinguishes four types of regimes: closed autocracy, electoral autocracy, electoral democracy, and liberal democracy (Lührmann & Lindberg, 2019). These types are defined as the following. In a closed autocracy, citizens do not have the right to choose either the chief executive of the government or the legislature through multi-party elections. In an electoral autocracy, citizens have the right to choose the chief executive and the legislature through multi-party elections; but they lack some freedoms, such as the freedoms of association or expression that make the elections meaningful, free, and fair. In an electoral democracy, citizens have the right to choose the chief executive and the legislature in meaningful, free and fair, and multi-party elections. And, in a liberal democracy, electoral democracy and citizens enjoy individual and minority rights, are equal before the law, and the actions of the executive are constrained by the legislative and the courts.

FREEDOM HOUSE'S DEMOCRACY SCORE AND GLOBAL FREEDOM SCORE

Freedom House offers two alternative scores for country-year observations for 195 countries since 1973. The scores offer an assessment of political rights and civil liberties around the world. Like V-Dem, Freedom House relies on external analysts and experts to assess 210 countries and territories (195 countries and 15 de facto states), using a combination of on-the-ground research, consultations with local contacts, and information from news articles, nongovernmental organizations, governments, and a variety of other sources (Freedom House, 2021).¹⁵

Freedom House offers two different scores for Civil Liberties and Political Rights which range from 1 (most free) to 7 (least free). Then, countries are provided with different types of statuses: free, party free, not free. Countries whose combined average ratings for Political Rights and Civil Liberties fell between 1.0 and 2.5 were designated Free; between 3.0 and 5.5 Partly Free, and between 5.5 and 7.0 Not Free.

POLITY IV FROM POLITY PROJECT

Center for Systemic Peace's Polity Project offers Polity IV score to code authority characteristics of countries. The dataset covers 167 countries over the period of 1800 to 2018. The Polity IV project's financial support ended early in 2020, which might create hurdles for the project to continue to offer new versions of the dataset (Marshall et al., 2014).¹⁶

The Polity IV score is a 21-point scale ranging from -10 (hereditary monarchy) to +10 (consolidated democracy). The Polity scores can also be converted into regime categories in a suggested three-part categorization of "autocracies" (-10 to -6), "anocracies" (-5 to +5 and three special values: -66, -77 and -88), and "democracies" (+6 to +10).

¹⁴ See *Note: Access to datasets* for details on how to access and use this measurement.

¹⁵ See *Note: Access to datasets* for details on how to access and use this measurement.

¹⁶ See *Note: Access to datasets* for details on how to access and use this measurement.

THE BOIX-MILLER-ROSATO (2013) DICHOTOMOUS CODING OF DEMOCRACY

Boix et al. (2013) article, *A complete data set of political regimes, 1800–2007*, offers a dichotomous democracy measure for 219 countries.¹⁷ Dichotomous democracy measure (0 meaning autocracy and 1 meaning democracy) is based on contestation and participation and very minimalistic understanding of democracy. Countries coded democratic have (1) political leaders that are chosen through free and fair elections and (2) a minimal level of suffrage.

THE DEMOCRACY AND DICTATORSHIP DATASET BY CHEIBUB ET AL. (2010)

Cheibub et al. (2010) article, *Democracy and dictatorship revisited*, offers a dichotomous measure for democracy.¹⁸ A regime is coded 1 for democracy, and 0 for otherwise. A regime is considered a democracy if the executive and the legislature are directly or indirectly elected by popular vote, multiple parties are allowed, there is de facto existence of multiple parties outside of regime front, there are multiple parties within the legislature, and there has been no consolidation of incumbent advantage (e.g., unconstitutional closing of the lower house or extension of incumbent's term by postponing of subsequent elections). Transition years are coded as the regime that emerges in that year.

THE AUTHORITARIAN REGIMES DATASET BY WAHMAN ET AL. (2013)

Wahman et al. (2013) article, *Authoritarian regime types revisited: updated data in comparative perspective*, offers categorical and interval measures of democracy from 1972 to 2014. These scores are produced using Polity and Freedom House scores. Imputed average Polity (*revpol2* variable) and Freedom House (*fhadd* variable) scores (scaled 0-10), where missing values have been imputed by regressing the *ifhpol* index on the Freedom House scores (*fhadd* variable), which have better country coverage than Polity.¹⁹ Countries with an *ifhpol* score larger than 7.0 are coded as democracies. The dataset also offers collapsed regime types: 1 for monarchy, 2 for military, 3 for one party, 4 for multi-party, 9 for no-party, 99 for other, and 100 for democracy.

ECONOMIST INTELLIGENCE UNIT'S DEMOCRACY INDEX

Economist Intelligence Unit's Democracy Index offers democracy scores from 2006 to 2020 covering 167 countries. This index is developed by the research division of the Economist Group, a UK-based private company that publishes the weekly newspaper *The Economist*. This index is produced by a weighted average based on the answers to 60 questions, each one with either two or three permitted answers. Most answers are experts' assessments.²⁰ The index ranges from 0 to 10, with higher scores meaning higher levels of democracy. Countries with scores ranging from 0 to 4 are authoritarian regimes, 4.01 to 6 are hybrid regimes, 6.01 to 8 are flawed democracies, and 8.01 to 10 are full democracies (Economist Intelligence Unit, 2021).

BERTELSMANN TRANSFORMATION INDEX

The Bertelsmann Transformation Index (BTI) measures the development status and governance of political and economic transformation processes from 2006 until 2018 in 129 countries. The index is based on country-expert knowledge, involving some 250 experts with a multi-stage survey and review

¹⁷ See *Note: Access to datasets for details* on how to access and use this measurement.

¹⁸ See *Note: Access to datasets for details* on how to access and use this measurement.

¹⁹ See *Note: Access to datasets for details* on how to access and use this measurement.

²⁰ See *Note: Access to datasets for details* on how to access and use this measurement.

process.²¹ The index is interval, ranging from 1 (the lowest value) to 10 (the highest value). Any country that received less than 6 is considered autocracy.

MAGALONI ET AL. (2013) AUTOCRACIES OF THE WORLD MEASURE

Magaloni et al. (2013) article, *Autocracies of the World*, offers a dichotomous democracy measure between 1950 and 2012.²² The dataset mainly aims to offer distinctions among different types of autocracies. There are five types of regimes: monarchy, military, single-party, multiparty, and democracy. The dataset also offers a binary variable categorizing a given country-year as a democratic or non-democratic regime.

LEXICAL INDEX OF DEMOCRACY

The Lexical Index of Electoral Democracy (LIED) incorporates binary coding of different features of political regimes, covering years between 1789 to 2019. Binary coding is later used to create an aggregated score, called lexical scale. The dataset is created by Skaaning et al. (2015), and further explained in their article: *A Lexical Index of Electoral Democracy*. To code this index, the authors use five variables developed initially in the Political Institutions and Events (PIPE) dataset (Przeworski et al. 2013). These variables are the executive and legislative elections, opposition actors, and male and female suffrage. Authors generate an additional variable called “competition” to measure the quality of elections. All variables are binary, coded one if the following circumstances are obtained, and zero otherwise. Countries that received four or more based on these criteria are considered a democracy.

COMPARISON

Table 2 summarizes the level of agreement among these democracy measurements on regime categorization. In this comparison, the unit of analysis is country-year observation. This comparison is based on three assumptions. First, we use the Regimes of the World (RoW) measure as the basis of comparison since this measure has the highest number of observations, country, and year coverage across different measures. Second, to compare these different levels of measurement, we rely on common ground by converting each measure into a binary variable (either as democracy or autocracy). Measures that are not originally coded as binary are converted to a binary variable according to the following decisions. Closed and electoral autocracies are coded as autocracy, and electoral and liberal democracies are coded as democracy in RoW measure. For Freedom House, partly free and not free countries are coded autocracy. Country-year observations receiving six or above in Polity IV, Economist Intelligence Unit (2021), and Bertelsmann Stiftung’s Index (2022) are coded as democracy. In Lexical Index, country-year observations receiving four or more are coded as democracy. And third, we believe that regime uncertainty which perplexes experts and scholars is at its peak during the democratic erosion in the 21st century, particularly after 2005. Thus, we compare country-year observations in two groups: in the first group, we have all observations from 1975 to 2005, and in the second group, we have all observations from 2006 and onwards.

Table 2 shows that the level of agreement among all democracy indices on regime categorization declined in the post-2006 period (when many argue that a third wave of autocratization began), illustrating the uncertainty even among experts (Somer et al., 2022). Still, it is important to note that the level of agreement between these measures is quite high, showing that these measures can be used interchangeably if necessary. Percentages show the level of agreement between country-year observations of each set and the Varieties of Democracy’s (V-Dem) Regimes of the World (RoW)

²¹ See Note: Access to datasets for details on how to access and use this measurement.

²² See Note: Access to datasets for details on how to access and use this measurement.

measure (Coppedge et al., 2022). A paired two-sided t-test showed that all the differences were statistically significant. The number of country-year observations is shown in parentheses.

Table 3. Growing disagreement on regime categorization among democracy indices

DATA	YEAR COVERAGE	ROW AGREEMENT (%) ALL OBSERVATIONS	ROW AGREEMENT (%) 1975-2005	ROW AGREEMENT (%) POST-2006
RoW	1900–2021	100 (19,043)	100 (5,164)	100 (2,858)
Freedom House	1973–2020	89.20 (7,908)	91.03 (4,838)	85.25 (2,644)
Polity IV	1901–2018	91.65 (12,844)	92.19 (4,740)	88.40 (2,164)
Boix et al. (2013)	1901–2015	91.18 (12,685)	91.76 (4,954)	90.67 (1,715)
Cheibub et al. (2010)	1946–2008	89.32 (8,508)	89.98 (4,952)	85.47 (516)
Wahman et al. (2013)	1972–2014	93.14 (6,903)	93.36 (4,937)	91.85 (1,534)
Economist Intelligence Unit	2006–2020	86.38 (2,196)	NA	86.38 (2,196)
Bertelsmann	2004–2018	87.70 (1,024)	88.24 (119)	87.62 (905)
Magaloni et al. (2013)	1950–2012	90.48 (9,774)	91.70 (4,725)	88.24 (1,156)
Lexical Index	1900–2019	90.01 (13,243)	91.64 (4,950)	89.63 (2,429)

Notes: Although RoW and Lexical Index datasets offer information about the 19th century, we limit our analysis to all observations after 1900, and only examine observations in 20th and 21st centuries.

NOTE: ACCESS TO DATASETS

All analysis is conducted in R version 4.0.4 (2021-02-15). All abovementioned datasets (and more) can be also accessed using *democracyData* package (suitable for R software):

<https://xmarquez.github.io/democracyData/index.html>. This package includes over 35 different

measurements of democracy. According to this package website, these measures are highly correlated (median pairwise correlation coefficient is 0.84).²³

- **Regimes of the World (RoW) in V-Dem version 12:** V-Dem dataset can be downloaded from <https://www.v-dem.net/data/the-v-dem-dataset/>. V-Dem Codebook can be accessed from <https://www.v-dem.net/documents/1/codebookv12.pdf>. In this comparison, the name of the variable is *v2x_regime*. Related variables: *v2x_regime_amb* can be used to identify cases where we witness ambiguity in identification of the regime category.
- **Freedom House (FH) democracy scores:** Freedom House scores can be downloaded from <https://freedomhouse.org/report/freedom-world>. FH scores can also be downloaded from V-Dem using *e_fh_cl*, *e_fh_pr*, *e_fh_rol*, and *e_fh_status* variables.
- **Polity Project's Polity IV score:** Polity scores can be downloaded from <https://www.systemicpeace.org/inscrdata.html>. Polity IV scores can also be downloaded from V-Dem using *e_autoc*, *e_democ*, *e_p_polity*, *e_polcomp*, and *e_polity2*.
- **Boix-Millet-Rosato democracy score:** Boix et al. (2013) dataset can be downloaded from <https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/FJLMKT>. Boix et al. (2013) dataset can also be downloaded from V-Dem using *e_boix_regime* variable. See *References* for the journal article.
- **Democracy and Dictatorship Dataset by Cheibub et al. (2010):** Cheibub et al. (2010) dataset can be downloaded from <https://sites.google.com/site/joseantoniocheibub/datasets/dd?authuser=0>. This score can also be downloaded from V-Dem using *e_chga_demo*. See *References* for the journal article.
- **Authoritarian Regimes Dataset by Wahman et al. (2013):** Wahman et al. (2013) dataset can be downloaded from: <https://sites.google.com/site/authoritarianregimedata/home/data>. See *References* for the journal article.
- **Economist Intelligence Unit:** Economist Intelligence Unit dataset can be downloaded from: <https://www.eiu.com/n/campaigns/democracy-index-2020/>.
- **Bertelsmann Transformation Index:** Bertelsmann Transformation Index can be downloaded from: <https://bti-project.org/en/?&cb=00000>.
- **Magaloni et al. (2013) Autocracies of the World measure:** Magaloni et al. (2013) dataset can be downloaded from: https://cddrl.fsi.stanford.edu/research/autocracies_of_the_world_dataset.
- **Lexical Index of Democracy:** The most recent version of the dataset (and older versions) can be found on Harvard Dataverse (<http://thedata.harvard.edu/dvn/dv/skaaning>).

²³ See the following link for various examination of different measures: https://xmarquez.github.io/democracyData/articles/Relationships_between_democracy_measures.html.

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APPENDIX 2: MEDIA²⁴

Social media is neither democratic nor undemocratic, however, it is an arena where different actors can both promote and undermine democratization (Tucker et al 2017). On one hand, social media can play a positive role. It can be used to improve electoral participation, e.g. via voter turnout initiatives (Bond et al 2020) and electoral campaigns (Jungherr et al 2020), and it can foster large scale social movements, ‘hashtag activism,’ or regime protests (Jackson et al 2020). On the other hand, social media can be a tool for democratic backsliding, or autocratic preservation. Autocratic capture of media can prevent citizens from accessing information and can depress collective action (Tucker 2017), and both democratic and non-democratic leaders globally are executing disinformation campaigns, persecuting journalists, and using disinformation as an excuse to further restrict media access (Gunitsky 2017). Press freedom and access to independent media has been declining globally, but it is difficult to interfere with a sovereign country’s control over media. However, established democracies need to globally support and reinforce values of media freedom, and recognize the use of social media as a vehicle for pro-democratic narratives (Repucci 2019).

Instead, it is important to recognize how social media platforms have contributed to the decline of the traditional mainstream media, a pillar of democracy. Users are increasingly getting news from the internet; half of Americans now get news from social media. Print journalism traditionally relied on subscription and advertising-based revenue, and now must compete with free social media platforms and the loss of advertisers to digital platforms such as Google and Facebook (Siles and Boczkowski 2012). Editorial decisions at news organizations are driving coverage away from local news, in response to economic incentives and competition with digital platforms (Toff and Matthews 2021). Commercial news outlets (particularly local newspapers) globally are reducing staff, reducing geographic or substantive coverage, or closing (Nielsen 2015), providing ‘news deserts’ in many, often rural, areas. In general, it’s clear the level of societal ‘resilience’ to disinformation matters — cross national research indicates countries with high levels of audience fragmentation, weak public service media, and a large digital advertising market will face problems with disinformation undermining democracy (Humprecht et al 2020).

One solution is to provide public funding support for mainstream print and digital news outlets. Prior research found an association between secure funding for public media systems and well-informed political cultures with high levels of engagement with democratic processes (Neff and Pickard 2021). More specific policy recommendations in the public funding of media include multi-year funding, legal charters that restrict partisan influence, and independent oversight agencies (Benson et al 2017). One way to fund public-interest media system could be through a tax on digital advertising (Aaron and Karr 2019), which is a substantial market; several US states are in the process of drafting legislation to tax ads on social media (Povich 2021).

DISINFORMATION AND DEMOCRATIZATION

The relationship between misinformation on social media and democratic backsliding is complicated. Misinformation is defined as false information that is unintentionally shared, while disinformation is false information that is deliberately shared (and fake news is disinformation that resembles journalism) (Tucker 2018). Yet there are many myths about misinformation. While media coverage warns about the dangers of echo chambers, research has shown that the average social media user in western democracies is diverse in their news consumption, and in fact prioritize the consumption of centrist material (Barbera 2020, Guess 2021). Further, while individuals tend to pick congenial information that reflects prior beliefs, mainstream social media platforms foster cross-cutting content by design (Barbera 2020, Bakshy, Messing, and Adamic 2015). It’s not the case that people believe everything they see on

²⁴ Prepared by Alexandra Cirone (acirone@cornell.edu), an assistant professor in the Department of Government at Cornell University.

the internet; studies have also failed to find systematic effects of fake news or disinformation campaigns on behavior or beliefs (Eady et al 2023, Bail et al 2020, Altay et al 2023). It's also been established that disinformation creation, consumption, and sharing come from a small subset of users (often highly partisan individuals) (Guess, Nagler, Tucker 2021).

However, recent research has consistently found a strong association between political polarization and both the creation and spread of disinformation. Osmundsen et al (2021) found that partisanship is the primary psychological motivation behind political fake news sharing on Twitter in the US; users are not less reflective or literate but share disinformation that reaffirms their existing partisan identity. Multiple studies also found partisan differences in the production of disinformation; in the US, conservatives were more likely to share fake news (Grinberg et al 2019, Guess et al 2019). As partisan rhetoric becomes increasingly divisive and focused on identity politics, algorithms of social media platforms that are engagement-based will help amplify disinformation that reinforces partisan identities. This could, in turn, increase affective polarization (Tucker et al 2018). Such problems could also generalize to any country with societal divisions.

Policy solutions need to first address polarization and identity, not necessarily social media, by making institutional reforms that encourage cross-cutting dialogue and exposure. In particular, research has found that globally, lower levels of polarization are associated with consensus institutions that foster cross cutting interactions (ie, proportional electoral systems) (Bernaerts et al 2022). Cross national research has also found that misperceptions regarding affective polarization can be countered with information-based interventions (Ruggeri et al 2021).

Still, disinformation threatens democratic institutions in several ways. First, it creates false narratives that undermine trust in the mainstream media. Across the world, trust in mainstream media and institutions has been declining (Reuters 2022), and in polarized contexts like the US, there are partisan gaps in trust of news organizations and social media (Pew 2021). Ognyanova et al (2020) found that seeing online misinformation was linked to lower trust in mainstream media, and in turn Fletcher and Park (2017) found that people with low levels of trust in news media are more likely to seek out information from social media or non-mainstream sources (which are more subject to disinformation and anti-democratic narratives).

Second, false narratives can reduce trust in democratic governance and democratic institutions, and even undermine the electoral process (if disinformation natives present false information about election procedures or voting, candidate or parties, or electoral fraud). Relatedly, disinformation creates false narratives that can then be used by anti-democratic actors as justifications for further restrictions on media freedom or the democratic process. One key example is the #StopTheSteal movement in the United States, a disinformation and conspiracy-based narrative that the 2020 US election was 'stolen' from Trump. Not only did this lead to the January 6th insurrection in the US (and inspired a similar invasion of government buildings in Brazil in January 2023), but in the US the narrative of 'election security concerns' has led to the widespread introduction of state level laws making it harder for individuals to vote (Voting Rights Lab 2022, Brennan Center 2022). Disinformation via social media or messaging apps is now playing a disruptive role in elections in developing countries, such as Nigeria (Cheesman et al 2020), India and Brazil (Melo et al 2020).

SOLUTIONS TO COMBAT FALSE NARRATIVES

Digital media literacy initiatives are potential solutions. Digital literacy education is now being incorporated in schools, for example, Finland now includes digital literacy in primary school. For educational institutions that lack curriculum or resources, the Stanford History Education Group provides free Civic Online Reasoning Curriculum (see <https://cor.stanford.edu/>). In the long term,

sustainable and concrete media literacy programs need to be run by governments and adequately funded (Livingstone, 2018). In the short term, studies have found one-off media literacy campaigns can help adults combat fake news (Guess et al, 2020), but such interventions can also reduce faith in legitimate news and effects differ across adult subgroups. It is clear digital literacy also needs to be developed and evaluated for adults, beyond the classroom (Lee 2018).

One way to combat misperceptions is by using fact-checking. Fact-checking has been shown to be successful in updating false beliefs in developed and developing countries (Nyhan and Reifler 2017, Porter and Wood 2021). However, it's also the case that fact checks decay rapidly or individuals who hold misperceptions might not seek out fact-checking resources (Nyhan 2021). It's also true that many misperceptions are not driven by misinformation, but by other beliefs reinforced by linkages between identity or partisan politics and misinformation; this has been found in developed and developing countries (Flynn et al 2017, Badrinathan 2021) and can explain why fact-checking interventions fail. In these cases, an additional strategy must be to consider intermediaries responsible in maintaining belief systems, such as religious leaders, clan leaders, “big men”, political brokers, or other influential social elites (Nyhan 2021).

Instead, researchers are now advocating for “prebunking,” a new type of intervention that consists of preemptively warning and exposing individuals to misinformation narratives and strategies. Building on psychological inoculation theory, researchers argue that exposing people to weaker doses of misinformation can help them develop psychological resistance (or ‘mental antibodies’) against such tactics (Roozenbeek and van der Linden 2019). Similar studies using attitudinal inoculation have also found it can be successful in preventing the adoption of beliefs and attitudes related to violent or extremist ideologies (Braddock 2019). Pre-bunking initiatives can be simple information campaigns, and executed by governmental or trusted organizations. For example, in the case of democratic elections, government or electoral officials can publish information campaigns with accurate information aimed at preventing election fake news (Brennan Center Report, 2022). Prebunking could also be used to defend against anti-democratic narratives.

Prebunking can also be incorporated into building individual, mental resistance to fake news using social impact games or videos. One successful set of experiments by Roozenbeek and van der Linden (2018, 2019) in pre-bunking involved the development of a series of digital literacy teaching tools, in the form of browser-based games, which successfully taught players to resist misinformation. Similar effects were found with informational videos (Roozenbeek et al 2022). Social media companies, governments, and educational institutions could also incorporate pre bunking games in educational programs or on social media platforms (Roozenbeek, van der Linden, and Nygren 2020). While digital literacy is aimed at younger populations, social impact games are effective regardless of age, and could be a solution to combat misinformation across age groups.

Finally, regulation of social media companies is another potential strategy, however, this is complex. It is now clear platforms have played key role in fostering insurrections, violence, trafficking, and electoral fraud across the globe, and are struggling to define and consistently execute content moderation policies (Wall Street Journal: Facebook Files, 2022). In these cases, economic incentives rule —platforms are for-profit entities; algorithms used by these companies maximize engagement, and therefore advertising revenue, not accurate information. The economic clout and lobbying capabilities of powerful tech companies make it difficult to hold platforms to account. Media regulation is also sensitive in liberal democracies because of potential impacts on freedom of expression.

Large-scale regulation revolves around to what extent to make platforms responsible for content. Debates in the US have been focused on modifying Section 230 of the Communications Decency Act (CDA), but this will be challenging and perhaps have adverse effects; instead, ancillary and independent

regulation is more promising (Hwang 2020) and regulation can take many forms (Rochefort 2020). Meanwhile Europe is an example of best practices for social media regulation. Germany was notable for passing legislation that holds platforms accountable for unlawful content, and the EU GDPR establishes a comprehensive framework for consumer privacy and data protection (Fukuyama and Grotto, 2020) that applies to all member states. More generally, any regulation should be independent from both partisan actors and leadership of the dominant social media companies (Epstein, 2021). Legislation should also incorporate consultation from tech integrity professionals, who are familiar with the technical complexities of algorithmic and platform design (ie, see the Integrity Institute, <https://integrityinstitute.org/>).

While regulation is development, it is important for governments, journalists, and the public to keep pressure on social media firms (Margetts 2019). This should be focused on two dimensions. First, to incentivize platforms to hire more foreign language staff for developing countries, invest in content moderation, and develop strategies to protect democratic elections (Brennan 2022, Wall Street Journal Facebook Files). Second, to pressure social media firms for more transparency, implement legislative or policy initiatives that focus on regulation. These include increasing transparency by mandating the disclosure of types of platform data directly to the public or to researchers (Panditharatne, 2022); the recent Platform Accountability and Transparency Act in the US is an example. The Centre for International Governance Innovation (CIGI) also outlined a guideline for a regulatory regime for the transparency and accountability of social media platforms (MacCarthy 2022).

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This report, committed by the nonprofit organization Free Press, argues the online-platform business model has led to a fall in independent news reporting, and calls for economic realignment. It proposes the creation of a tax on targeted advertising to fund a public-interest media system that places civic engagement and truth-seeking over alienation and propaganda.

Altay, S., Berriche, M., & Acerbi, A. (2023). Misinformation on Misinformation: Conceptual and Methodological Challenges. *Social Media + Society*, 9(1). <https://doi.org/10.1177/20563051221150412>

This article reviews the scientific literature on misinformation, and how academia studies misinformation. It is effective in reviewing (and dismissing) many of the common narratives about disinformation. It discusses how the prevalence of misinformation is lower than believed, and individuals do not believe everything they see on the internet.

Badrinathan, S. (2021). Educative Interventions to Combat Misinformation: Evidence from a Field Experiment in India. *American Political Science Review*, 115(4), 1325-1341. doi:10.1017/S0003055421000459

The study uses a RCT to test an intervention designed to improve citizens' ability to identify misinformation in India, a country with low education but increasing Internet access. Executing a field experiment during the 2019 Indian elections, researchers administered an hour-long media literacy training to 1,224 respondents. The intervention did not significantly increase ability to identify misinformation on average, and sometimes reinforced partisan beliefs. The study highlights the resilience of combatting misinformation in developing countries (and echoes similar identity-based findings from studies in the Europe, i.e., Flynn et al 2017).

Bail, Christopher A, Brian Guay, Emily Maloney, Aidan Combs, D Sunshine Hillygus, Friedolin Merhout, Deen Freelon and Alexander Volfovsky. 2020. "Assessing the Russian Internet Research Agency's impact on the political attitudes and behaviors of American Twitter users in late 2017." *Proceedings of the National Academy of Sciences* 117(1):243–250.

This study found that, contrary to many media narratives, there was no substantive impact of American social media users exposed to IRA troll disinformation on Twitter on six political attitudes or behaviors. General interactions with troll accounts came from individuals who use Twitter frequently, have strong social-media "echo chambers," and high interest in politics.

Bakshy, E., S. Messing, L. A. Adamic, Exposure to ideologically diverse news and opinion on Facebook. *Science* 348, 1130–1132 (2015).

This study uses a large N dataset of 10.1 million Facebook users to examine the news that was shared, what information these users were presented with, and what they ultimately consumed. Friends are less likely to share cross-cutting content from news sources that are in opposition to their ideology. The study found that algorithmic ranking can reduce exposure to cross-cutting content, but individual choice limits exposure.

Barberá, P. (2020). Social Media, Echo Chambers, and Political Polarization. In N. Persily & J. Tucker (Eds.), *Social Media and Democracy: The State of the Field, Prospects for Reform (SSRC Anxieties of Democracy)*, pp. 34-55). Cambridge: Cambridge University Press.

This chapter provides a comprehensive review of the academic literature covering what we know about the link between social media and polarization. It reviews theories and research on media consumption and echo chambers, filter bubbles, and polarization. Prior research has shown that people are exposed to diverse views on social media (varies, but studies find about 30% of feeds on FB and Twitter are cross-cutting) ; they do seek out counter-attitudinal information, and that offline sorting might be a bigger issue than online sorting.<sup>[L]
[SEP]</sup>

Benson, R., Powers, M., & Neff, T. (2017). Public media autonomy and accountability: Best and worst policy practices in 12 leading democracies. *International Journal of Communication*, 11, 1-22.

This article provides policy recommendations (and rationale) for how to structure public funding for the media. It recommends 1) funding established for multiyear periods; (2) legal charters that restrict partisan government influence, (3) oversight agencies with staggered terms and legitimate authority;, and (4) audience councils and surveys designed to strengthen links to diverse publics.

Bernaerts, Kamil, Benjamin Blanckaert & Didier Caluwaerts. (2022) Institutional design and polarization. Do consensus democracies fare better in fighting polarization than majoritarian democracies?, *Democratization*, DOI: [10.1080/13510347.2022.2117300](https://doi.org/10.1080/13510347.2022.2117300)

The article conducts a quantitative analysis of the *Comparative Political Dataset* and *Varieties of Democracy* data in 36 countries over time (2000–2019), to study the relationship between consensus institutions and polarization. The results show that countries with consensus institutions, and more in particular PR electoral systems, multiparty coalitions, and federalism exhibit lower levels of both issue-based and identity-based polarization.

Bond, R., Fariss, C., Jones, J. et al. A 61-million-person experiment in social influence and political mobilization. *Nature* 489, 295–298 (2012). <https://doi.org/10.1038/nature11421>

This study finds that interventions on social media can help voter turnout. The researchers, in cooperation with Facebook, conducted an experiment with all 18+ year old users before 2016. Users were randomly assigned to a ‘social message’ group, an ‘informational message’ group or a control group (no message), and researchers measured three user actions; clicking the I Voted button, clicking the polling-place link and voting in the election. The study found effects of all treatments, and significant social network effects, indicating that adults are more likely to participate in voting if others are doing the same.

Braddock, Kurt. (2022) Vaccinating Against Hate: Using Attitudinal Inoculation to Confer Resistance to Persuasion by Extremist Propaganda, *Terrorism and Political Violence*, 34:2, 240-262, DOI: [10.1080/09546553.2019.1693370](https://doi.org/10.1080/09546553.2019.1693370)

This study tests attitudinal inoculation theory for preventing the adoption of beliefs and attitudes consistent with violent extremist ideologies. Using an experimental study of 357 US respondents, the research shows that exposure to an inoculation control message before reading extremist propaganda reduced psychological reactance and intention to support the extremist group. Inoculation had a negative effect on perceptions of the extremist group’s credibility.

Brennan Center Report, August 2, 2022. “Information Gaps and Misinformation in the 2022 Elections.” Contributors: Mekela Panditharatne, Ruby Edlin, Rory Smith, Keenan Chen, Shaydanay Urbani. <https://www.brennancenter.org/our-work/research-reports/information-gaps-and-misinformation-2022-elections>

This report reviews the 2022 midterm elections in the United States. It documents that many states have enacted an unprecedented wave of laws that restrict voting access, new voters and Latino voters face information gaps stemming from misinformation, and election denialism in 2022 makes it harder to defend against misinformation resulting from information gaps. It provides recommendations for election officials, community-based organizations, social media platforms, and journalists on how to prevent misinformation gaps in future elections; one common theme is information campaigns before the election takes place.

Cheeseman, Nic, et al. "Social Media Disruption: Nigeria's WhatsApp Politics." *Journal of Democracy*, vol. 31 no. 3, 2020, p. 145-159. Project MUSE, [doi:10.1353/jod.2020.0037](https://doi.org/10.1353/jod.2020.0037).

This paper documents the “disruptive” impact of social media and digital technology on democratic elections in Africa. It uses a case study of Nigeria in 2019, and ethnographic surveys from Ghana, Kenya, Malawi, and Sierra Leone. The authors find that digital technology (namely WhatsApp) lowers confidence in established parties and has been capitalized upon by candidates to spread disinformation. The article also finds that WhatsApp can create new opportunities for youth and women to engage in politics.

Eady, G., Paskhalis, T., Zilinsky, J. et al. Exposure to the Russian Internet Research Agency foreign influence campaign on Twitter in the 2016 US election and its relationship to attitudes and voting behavior. *Nat Commun* 14, 62 (2023). <https://doi.org/10.1038/s41467-022-35576-9>

The article uses a longitudinal dataset of Twitter users and Twitter feeds to estimate the effect of being exposed to the Russian foreign influence campaign in the 2016 US presidential election. It makes a descriptive contribution, in documenting that only 1% of users account for 70% of exposures to disinformation, and this was concentrated in Republican users. The study also finds no relationship between exposure to Russian disinformation and changes in attitudes, polarization, or voting behavior.

Epstein, Benjamin. 2021. “Why It Is So Difficult to Regulate Disinformation Online,” chapter in *The Disinformation Age: Politics, Technology, and Disruptive Communication in the United States*, edited by W. Lance Bennett and Steven Livingston. Cambridge University Press. <https://doi.org/10.1017/9781108914628>

This edited volume brings together political science, communications, and history scholars to discuss historical and modern challenges with disinformation. Benjamin Epstein’s chapter discusses the challenges in regulating information on the internet. He also proposes four standards for disinformation regulation, including targeting the negative effects of information, regulating in proportion to harm, being noble in execution, and being independent from both political leadership and leadership of the dominant social media companies.

Fletcher, Richard & Sora Park (2017) *The Impact of Trust in the News Media on Online News Consumption and Participation*, *Digital Journalism*, 5:10, 1281-1299, DOI: [10.1080/21670811.2017.1279979](https://doi.org/10.1080/21670811.2017.1279979)

This study uses Reuters Institute Digital News Report survey data (N = 21,524), to examine the relationship between trust in news media and online news behavior in 11 countries. It shows that individuals with low levels of trust prefer non-mainstream news sources like social media, blogs, and digital news sites.

Flynn, D.J., Nyhan, B. and Reifler, J. (2017), The Nature and Origins of Misperceptions: Understanding False and Unsupported Beliefs About Politics. *Advances in Political Psychology*, 38: 127-150. <https://doi.org/10.1111/pops.12394>

This is a comprehensive review article on the origins of misperceptions. The authors outline the many facets of directly motivated reasoning, and how this drives misperceptions; the article also discusses the state of the literature on interventions designed to correct misperceptions. The article also discusses why misperceptions can continue to affect opinions even after being successfully corrected and has a nice summary (and a wealth of studies) of how polarization affects misperceptions.

Fukuyama, Francis and Andrew Grotto. “Comparative Media Regulation in the United States and Europe,” chapter in Persily, N., & Tucker, J. (Eds.). (2020). *Social Media and Democracy: The State of the Field, Prospects for Reform (SSRC Anxieties of Democracy)*. Cambridge: Cambridge University Press. doi:10.1017/9781108890960

This is a policy reform chapter that focuses on how different countries regulate the Internet and social media. It reviews countries with long traditions of public broadcasting, such as France Germany and the UK, and compares this with the United States. It also highlights regulatory spillovers in the EU. It ends by discussing how the US would need to adopt to try to regulate platforms.

Grinberg, N., Joseph, K., Friedland, L., Swire-Thompson, B., Lazer, D.: Fake news on Twitter during the 2016 US presidential election. *Science* 363(6425), 374–378 (2019)

This study uses Twitter data to study the proliferation of fake news during the 2016 US Election. By matching Twitter activity to specific voters, the authors can analyze who spread fake news and who was exposed to fake news. They find that fake news accounted for nearly 6% of all news consumption but was concentrated in a small group of users. Only 1% of users were exposed to 80% of fake news, and 0.1% of users were responsible for sharing 80% of fake news. Fake news was most concentrated among conservative voters.

Guess, Andrew M. “(Almost) Everything in Moderation: New Evidence on Americans’ Online Media Diets.” *American Journal of Political Science*, vol. 65, no. 4, 2021, pp. 1007–22. *JSTOR*, <http://www.jstor.org/stable/45415732>.

This article uses a large-N behavioral dataset on Americans’ online media consumption in 2015 and 2016. The author finds most people have moderate media diets, save for a small group of partisans who drive a disproportionate amount of traffic to ideologically slanted websites. Echo chambers that exist only affect relatively few people (though these people have much more visibility).

Guess, A., Nagler, J., & Tucker, J. (2019). Less than you think: Prevalence and predictors of fake news dissemination on Facebook. *Science Advances*, 5(1). <https://doi.org/10.1126/sciadv.aau4586>

Using a dataset that combines an original survey with respondents Facebook activity, the article identifies individual-level characteristics associated with sharing false articles during the 2016 U.S.

presidential campaign. The authors find that sharing fake content was relatively rare, conservatives were more likely to share articles from fake news domains, and older individuals were nearly seven times more likely to share (even after controlling for partisanship and ideology).

Guess, A.M.; Lerner, M.; Lyons, B.; Montgomery, J.M.; Nyhan, B.; Reifler, J.; Sircar, N. A Digital Media Literacy Intervention Increases Discernment between Mainstream and False News in the United States and India. *Proc. Natl. Acad. Sci. USA* 2020, 117, 15536–15545. <https://doi-org.proxy.library.cornell.edu/10.1073/pnas.1920498117>

Researchers assessed the effectiveness of an intervention modeled closely on the world’s largest media literacy campaign, which provided “tips” on how to spot false news to people in 14 countries, in both the United States and India. The study found that exposure to the intervention reduced perceived accuracy of both mainstream and false news headlines, but effects were larger for fake news. The effects were persistent for respondents in the United States (but not India); there was also no effect of the intervention in rural India where social media usage is low.

Gunitsky, S. (2015). *Corrupting the Cyber-Commons: Social Media as a Tool of Autocratic Stability. Perspectives on Politics, 13(1), 42-54. doi:10.1017/S1537592714003120*

This article discusses four mechanisms by which autocrats use social media to help bolster regimes: 1) counter-mobilization, 2) discourse framing, 3) preference divulgence, and 4) elite coordination. The article then discusses the recent use of these tactics in mixed and autocratic regimes, with a particular focus on Russia, China, and the Middle East. The article shows how non-democratic regimes are moving beyond suppressing information, and co-opting social media for strategic ends.

Humprecht, Edda and Frank Esser and Peter Van Aelst. 2020. “Resilience to Online Disinformation: A Framework for Cross-National Comparative Research.” *The International Journal of Press/Politics, 25:3, pages 493-516.*

This article discusses digital threats to democracy and argues democracies must minimize the threat by developing resilience, defined as a collective rather than individual characteristic that equips a country. The authors argue that different systemic factors can weaken such resilience: high levels of societal polarization and the success of populist political actors, the media environment (low trust in news, weak public service media, and high audience fragmentation), and the economic environment (large size of the digital advertising market and high levels of social media use).

Hwang, Tim. “Amendment of Section 230,” chapter in Persily, N., & Tucker, J. (Eds.). (2020). *Social Media and Democracy: The State of the Field, Prospects for Reform (SSRC Anxieties of Democracy)*. Cambridge: Cambridge University Press. doi:10.1017/9781108890960

This is a policy reform chapter that discusses the United States and section 230 of the Communications Decency Act (CDA), the difficulties in changing section 230 (and adverse and unexpected effects from regulation), and potential solutions. Many of these involve independent legislation, such as ancillary regulations concerning transparency, bots, advertising, microtargeting, or a kind of “net neutrality” for platforms.

Jackson, Sarah J., Moya Bailey, Brooke Foucault Welles. (2020). #HashtagActivism: Networks of Race and Gender Justice. The MIT Press.
<https://doi.org/10.7551/mitpress/10858.001.0001>

This book documents the use of hashtag activism on social media, to begin social movements involving liberal, progressive, and social justice causes. It provides a framework to explain how Twitter uses hashtags to advocate, mobilize, and communicate, and allows for groups to build political coalitions and networks. Notable cases highlighted in the book are #OccupyWallStreet, #ArabSpring, #BlackLivesMatter, #MeToo.

Jungherr, A., Rivero, G., & Gayo-Avello, D. (2020). Retooling Politics: How Digital Media Are Shaping Democracy. Cambridge: Cambridge University Press.
[doi:10.1017/9781108297820](https://doi.org/10.1017/9781108297820)

This book provides an overview of digital media. It discusses the rise of digital media and how this affects politics and campaigns, how political information flows, and how digital media reaches different subsets of people.

Lee, N. M. (2018). Fake news, phishing, and fraud: a call for research on digital media literacy education beyond the classroom. *Communication Education*, 67(4), 460–466.
<https://doi.org/10.1080/03634523.2018.1503313>

This article discusses the state of media literacy and concerns about disinformation, and then primarily makes the point that the study of digital literacy needs to expand to adults (not just youth) and be widespread. Digital media literacy research and interventions also need to be funded.

Livingstone, S. (2018, August 5). Media literacy – everyone’s favourite solution to the problems of regulation. *Media Policy Project Blog*. Retrieved from
<http://blogs.lse.ac.uk/mediapolicyproject/2018/05/08/media-literacy-everyones-favourite-solution-to-the-problems-of-regulation/>

This blog post from the LSE Professor [Sonia Livingstone](#) of the [LSE Truth, Trust and Technology Commission](#) highlights recent debates over media literacy, and discusses what is needed for successful government oversight of digital literacy initiatives (using the example of the United Kingdom).

MacCarthy, Mark. “Transparency Recommendations for Regulatory Regimes of Digital Platforms.” CIGI Report, published March 8, 2022. Source:
<https://www.cigionline.org/publications/transparency-recommendations-for-regulatory-regimes-of-digital-platforms/>

This report synthesizes the findings of the 2021 Centre for International Governance Innovation (CIGI) organized working group’s Global Platform Governance Network. The report provides recommendations and solutions to issues of transparency and accountability of digital platforms, especially social media networks. Recommendations include defining transparency measures, options for governance (from self to government regulation), and types of oversight.

Margetts, H. (2019), 9. Rethinking Democracy with Social Media. *The Political Quarterly*, 90: 107-123. <https://doi.org/10.1111/1467-923X.12574>

This piece presents a more casual, normative and theoretical discussion for the effect of social media on democracy and argues that it fosters small acts of participation. These acts can affect political identity and institutions and can be used by good or bad actors. The author reviews attitudes of denial, grief, or depression towards how social media undermine democracy, and concludes by discussing how to stabilize democratic institutions.

Melo, J. C. S., P., Garimella, K., Almeida, J. M., Eckles, D., & Benevenuto, F. (2020). A Dataset of Fact-Checked Images Shared on WhatsApp During the Brazilian and Indian Elections. *Proceedings of the International AAAI Conference on Web and Social Media, 14(1)*, 903-908. <https://doi.org/10.1609/icwsm.v14i1.7356>

This paper reviews a novel dataset of fact-checked fake images shared through WhatsApp for two distinct scenarios known for the spread of fake news on the platform: the 2018 Brazilian elections and the 2019 Indian elections. It combines fake news in WhatsApp with fact-checking agency websites to demonstrate the types of manipulated images and memes containing disinformation.

Neff, T., & Pickard, V. (2021). Funding Democracy: Public Media and Democratic Health in 33 Countries. *The International Journal of Press/Politics, 0(0)*. <https://doi.org/10.1177/19401612211060255>

This study examines the relationship between public funding of media and strength of democracy in 33 countries in Europe, Africa, Asia, North America, the Middle East, Latin America, and South America, for 2018 and 2019. The researchers found that high levels of secure funding for public media systems and strong structural protections for the independence of the media are consistently and positively correlated with healthy democracies.

Nielsen, R.K. (2015). Introduction: The Uncertain Future of Local Journalism. In R.K. Nielsen (Ed.). *Local Journalism: The Decline of Newspapers and the Rise of Digital Media* (pp. 1–26). London New York: I.B. Tauris.

This chapter introduces an edited volume that focuses on the decline of local journalism. It argues that the existence of local journalism cannot be taken for granted, and that digital growth in local papers cannot offset losses from print media. It also notes that local journalism varies drastically by region and differs dramatically from national news coverage (and so our expectations and theories should be different). The literature on local news is much less developed than national media ecosystems.

Nyhan B. (2021). Why the backfire effect does not explain the durability of political misperceptions. *Proc Natl Acad Sci.*; 118(15):e1912440117.

This article reviews the emerging consensus that corrective information is effective at increasing belief accuracy, but the effects of fact-checking often decay or are overwhelmed by other cues by media or elites. It also provides recommendations on how to focus on intermediaries responsible for propagating false beliefs.

Ognyanova, K., Lazer, D., Robertson, R. E., Wilson, C. (2020). Misinformation in action: Fake news exposure is linked to lower trust in media, higher trust in government when your side is in power. Harvard Kennedy School (HKS) Misinformation Review. <https://doi.org/10.37016/mr-2020-024>

This study demonstrates that fake news can damage public trust in democratic institutions. Using longitudinal survey data combined with records of online behavior, it finds that online misinformation was linked to lower trust in mainstream media across party lines. However, for moderates and conservatives, right-leaning fake news strengthened trust in a Republican government; the same effect was not found for liberals.

Osmundsen, Mathias, et al. (2020). “Partisan Polarization Is the Primary Psychological Motivation Behind Political Fake News Sharing on Twitter.” *PsyArXiv*, 25 Mar. 2020. <https://psyarxiv.com/v45bk>

This article uses a large-N dataset of Twitter activity of survey respondents, to document characteristics associated with sharing of fake news. It finds that partisan polarization is the primary psychological motivation behind political fake news sharing on Twitter, and fake news sharers are not less reflected or literate — they just hate the other party more. Affective polarization indicates that fake news sharing is a function of partisan sharing.

Panditharatne, Meleka. 2022. Brennan Center Report: “Law Requiring Social Media Transparency Would Break New Ground.” Published April 6, 2022. Source: <https://www.brennancenter.org/our-work/research-reports/law-requiring-social-media-transparency-would-break-new-ground>

This Brennan Center blogpost briefly reviews the push to require social media companies to release certain types of data to academics and the public. It also discusses the new bipartisan The Platform Accountability and Transparency Act

Porter, E., and T. J. Wood. 2021. “The Global Effectiveness of Fact-Checking: Evidence from Simultaneous Experiments in Argentina, Nigeria, South Africa, and the United Kingdom.” *Proceedings of the National Academy of Sciences* 118 (37): e2104235118.

This study contributes by replicating experimental interventions regarding fact checking (namely, giving individual responses accurate information in response to a false belief). Using a team of researchers and experiments in four countries (Argentina, Nigeria, South Africa, and the United Kingdom) it finds that fact-checks reduced false beliefs in all countries, with persistent effects. The authors argue that fact-checking can serve as a pivotal tool in the fight against misinformation.

Povich, Elaine S. “Internet Ads Are a Popular Tax Target for Both Parties.” *Stateline*, an initiative of The Pew Charitable Trusts, June 8, 2021. <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2021/06/08/internet-ads-are-a-popular-tax-target-for-both-parties>

This brief blog post by Pew outlines recent initiatives to tax digital advertising, and features interviews or quotations with both Republicans and Democrats in the US in favor of the policy.

Repucci, Sarah. 2019. *Media Freedom: A Downward Spiral*. Freedom House Report: Freedom and the Media 2019. <https://freedomhouse.org/report/freedom-and-media/2019/media-freedom-downward-spiral>

This report uses Freedom House data to document a decline in media freedom. Its main findings are that media freedom has deteriorated around the world, decreasing over the past decade; this also has a

negative impact on the state of democracy. Populist leaders are increasing attempts to dismantle free press. The report ends with a policy discussion of how media systems can rebound from repression.

Reuters Institute. 2022. “Reuters Digital News Report 2022.” Contributors: Nic Newman with Richard Fletcher, Craig T. Robertson, Kirsten Eddy, and Rasmus Kleis Nielsen https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2022-06/Digital_News-Report_2022.pdf

This is a yearly report commissioned by the Reuters Institute for the Study of Journalism at Oxford University designed to understand news consumption globally. It administers a cross national survey of 46 news markets in Europe, the Americas, Asia Pacific, and Africa. Main findings for 2022 include; trust in the news has fallen in almost half the countries; consumption of traditional media, such as TV and print, declined further in the last year in almost all markets; the proportion of news consumers who say they avoid news, often or sometimes, has increased sharply across countries; and global concerns about false and misleading information remain stable this year (but showing variation across countries).

Repucci, Sarah. 2019. “Media Freedom: A Downward Spiral.” *Freedom House Report: Freedom and the Media 2019*. <https://freedomhouse.org/report/freedom-and-media/2019/media-freedom-downward-spiral>

This report uses Freedom House data to document a decline in media freedom. Its main findings are that media freedom has deteriorated around the world, decreasing over the past decade; this is also having a negative impact on the state of democracy. Populist leaders are increasing attempts to dismantle free press. The report ends with a policy discussion of how media systems can rebound from repression.

Rochefort, Alex. (2020). *Regulating Social Media Platforms: A Comparative Policy Analysis, Communication Law and Policy*, 25:2, 225-260, DOI: [10.1080/10811680.2020.1735194](https://doi.org/10.1080/10811680.2020.1735194)

The article conducts a comparative analysis of competing alternatives for social media platform regulation. The article is conceptual and outlines frameworks for policies. It focuses on three regulatory policy alternatives — Industry Self-Regulation, Limited Government Regulation, and Comprehensive Government Regulation — and provides examples of each.

Roozenbeek, J., & van der Linden, S. (2018). *The fake news game: actively inoculating against the risk of misinformation*. *Journal of Risk Research*, 22(5), 570–580. <https://doi.org/10.1080/13669877.2018.1443491>

This paper presents a pilot study where the authors create a “fake news game” where players create news articles about the European refugee crises using misleading tactics and execute a randomized field study of 95 high school students. They find preliminary evidence that educational games can help inoculate people against misinformation.

Roozenbeek, J., & van der Linden, S. (2019). *Fake news game confers psychological resistance against online misinformation*. *Palgrave Communications*, 5(65). <https://doi.org/10.1057/s41599-019-0279-9>

This is a follow-up study to Roozenbeek and van der Linden (2018), except this time the researchers created a more extensive online browser game where players pretend to be a fake news producer and learn techniques commonly used in the production of misinformation: polarization, invoking emotions,

spreading conspiracy theories, trolling people online, deflecting blame, and impersonating fake accounts. The researchers executed an evaluation of the game with 15,000 participants, and once again found players' ability to recognize misinformation improved after exposure to the game (regardless of characteristics such as age, education, or political ideology).

Roozenbeek, Jon; Sander van der Linden, and Thomas Nygren. 2020. "Prebunking interventions based on "inoculation" theory can reduce susceptibility to misinformation across cultures." *The Harvard Kennedy School Misinformation Review*, January 2020, Volume 1, Issue 2. <https://doi.org/10.37016//mr-2020-008>

This report summarizes findings from a series of collaborative continuation of the Bad News Project, where researchers adapted the Bad News game in a variety of languages to test media literacy worldwide. Similar to Roozenbeek and van der Linden (2019), in a series of experiments players were exposed to fake and real posts before and after gameplay and were asked to evaluate reliability of the information they saw. Researchers conducted experiments in collaboration with the UK Foreign and Commonwealth Office and the Dutch media platform DROG and tested the fame in four additional languages (German, Greek, Polish, and Swedish). The experiments found participants' ability to recognize misinformation significantly improved, regardless of demographic variables such as age, gender, education level, and political ideology. The report also recommends that social media companies, governmental, and educational institutions incorporate prebunking social impact games.

Ruggeri, K., Večkalov, B., Bojanić, L. et al. The general fault in our fault lines. *Nat Hum Behav* 5, 1369–1380 (2021). <https://doi.org/10.1038/s41562-021-01092-x>

This study is a cross national replication effort, to test to what extent individuals' meta-perception about polarization can be corrected. A replicated study in 26 countries shows that people on one side of the political spectrum overestimate how much the other side dislikes them. When they learn the truth, their own dislike for political opponents drops. The sheer coverage of this study is impressive, for it tackles issues of polarization across contexts (and finds robust results).

Siles, Ignacio and Pablo J. Boczkowski. 2012. Making sense of the newspaper crisis: A critical assessment of existing research and an agenda for future work. *New Media and Society*, Volume 14, Issue 8. <https://doi-org.proxy.library.cornell.edu/10.1177/1461444812455148>

This article documents the crisis facing the newspaper industry, first by discussing prior definitions and conceptions of the crises. In particular, it provides a nice summary of the economic factors facing newspaper decline (dependence on old forms of advertising, profitability, etc.) as well as competition from the internet and media sources. It also discusses the implication of the crisis for politics and public service, and discuss solutions (including public funding, switching newspapers to a new digital mode, and the funding models.)

Toff, Benjamin & Nick Mathews (2021). "Is Social Media Killing Local News? An Examination of Engagement and Ownership Patterns in U.S. Community News on Facebook." *Digital Journalism*, DOI: 10.1080/21670811.2021.1977668

This article argues that the economic incentives and logics of digital platforms may also drive editorial decision-making at news organizations away from coverage of local news. It demonstrates this is true using a dataset of 2.4 million Facebook posts by local news providers and demonstrates that platforms

value quantity over quality (and foster duplication of content). It also notes concerns with corporate consolidation in ownership among news providers, which influences types of local news coverage.

Tucker et al, (2018). “Social Media, Political Polarization, and Political Disinformation: A Review of the Scientific Literature.” <https://www.hewlett.org/wp-content/uploads/2018/03/Social-Media-Political-Polarization-and-Political-Disinformation-Literature-Review.pdf>. Pages 1-29.

This Hewlett Foundation Report provides a comprehensive summary of the academic research to date on misinformation, including exposure to disinformation, producers of disinformation and their strategies and tactics, and polarization. It is an excellent source for the many experimental and observational research studies on social media, as well as an accessible primer to these topics.

Tucker, J., Y. Theocharis, M. Roberts, and P. Barberá. (2017). “From Liberation to Turmoil: Social Media and Democracy”. *Journal of Democracy*, vol. 28, no. 4, Oct. 2017, pp. 46-59.

This article argues that internet technology and social media is a double-edged sword. It can give voice to those previously excluded from political discussion by traditional media and be used for pro-democratic aims. However, platforms are neither democratic nor nondemocratic, and are tools that can be used by a wide range of actors, including anti-democratic ones. It is particularly good at highlighting autocratic strategies.

Voting Rights Lab. “THE STATE OF STATE ELECTION LAW: A Review of 2021-22 and a First Look at 2023.” December 2022, <https://votingrightslab.org/wp-content/uploads/2022/12/VotingRightsLabTheStateofStateElectionLaw20212022-1.pdf>

This report tracks trends in voting legislation, voting access, and interference with election administration in the United States since 2020, tracking more than 3,600 bills in state legislatures having to do with voting rights. It documents a new legislative trend emerge, namely bills designed to interfere with the administration of fair, non-partisan elections.

Wall Street Journal. The Facebook Files Archive. 2022. <https://www.wsj.com/articles/facebook-files-xcheck-zuckerberg-elite-rules-11631541353>

The Facebook Files are an investigative report into the practices at Facebook, based on a whistleblower’s 2022 release of internal Facebook documents, including research reports, online employee discussions and drafts of presentations to senior management. They document that Facebook knew it exposed users to misinformation and failed to adequately address a wide range of problems.

Wasserman, Herman and Dani Madrid-Morales. Disinformation in the Global South April 2022. Wiley-Blackwell.

This volume looks at disinformation in the Global South. It uses case studies and comparative analyses to explore disinformation in Africa, Latin America, the Arab World and Asia. The chapters in this book discuss the similarities and differences of disinformation in different regions and provide a broad overview of access to online and offline misinformation in various countries. The volume provides a good introductory overview.

APPENDIX 3: JUDICIARY²⁵

In recent decades, courts have been increasingly asked to adjudicate a wide range of political issues (e.g., political and civil rights cases, public policy questions, etc.) (Hirshl, 2006). This judicialization of politics has important implications in states where powerholders seek to consolidate their power and undermine the state of democracy. Because courts can legitimize the regime's actions and repress opponents and dissenting voices, they have become a weapon of choice for incumbents eager to remain in power (Pereira, 1998; Moustafa, 2014). Powerholders have extended the scope of courts' jurisdiction to allow them to tackle issues originally assigned to representative institutions (Hirschl, 2006). For example, courts have increasingly been asked to validate electoral results (Popova, 2010; Gloppen & Kanyongolo, 2012), imprison political opponents (Shen-Bayh, 2022), or abolish presidential term limits, thus allowing incumbents to run for presidential elections for an indefinite amount of time (McKie, 2019). This literature review seeks (1) to identify the conditions under which powerholders have successfully engaged in judicial lawfare to erode the state of democracy and (2) how courts can resist these attacks and protect democratic principles.

After conducting a cross-sectional statistical analysis, Douglas and Randazzo (2011) show that judicial independence is a necessary condition for preventing democratic backsliding episodes from occurring. In other words, courts must be able to resolve disputes without undue pressure from other political actors; otherwise, they risk being weaponized. These findings, however, do not tell us how powerholders can exercise pressure on the judiciary and how courts can resist this interference from political actors. For these reasons, I identify the main factors that drive judicial independence and the strategies political actors have used to weaken it.

Conventional wisdom holds courts can only show independence and, thus, resilience when party competition is high. When inter-party competition is absent, and party discipline is high, the executive branch faces incentives to use courts to further concentrate its power (Chavez, 2004). When party competition is high, and parties are heavily polarized, political actors are more likely to accept strong judicial independence protection (Bricker, 2017). By threatening the political and economic status quo, party competition incentivizes political elites to initiate a constitutional entrenchment of rights in order to insulate courts from political pressures (Hirschl, 2000). These theories have two limits, however. First, such an argument raises some endogeneity issues. Because party competition is a feature of democratic regimes, courts could also remain independent because horizontal accountability is high. Second, Popova (2010) found that in non-consolidated democracies, electoral competition magnifies the benefits of subservient courts to incumbents. In other words, courts would be more at risk of being captured by the executive branch when incumbents are under electoral pressure.

A body of the literature has sought to go beyond these structural factors and explores the role of micro-level features. More specifically, this literature investigates whether judges' characteristics could predict courts' independence and resilience. Scholarship has found evidence that courts' decisions are based on judges' ideational characteristics and policy preferences (Segal & Cover, 1989). However, judges' ideational characteristics should not be operationalized as a dichotomous or continuous variable that varies along a single right/left dimension (Hilbink, 2012). Judges' ideology can be shaped by their understanding of their roles and function in the democratic system (Ibid). Hence, to show resilience, judiciaries must cultivate an environment where democratic principles are valued. Careful attention must be paid to the training of future magistrates and the appointment of new recruits. To facilitate the creation of such an environment, the literature has emphasized the role of judicial support networks and civic organizations (Moustafa, 2014). Judicial support networks are composed of lawyers, legal scholars, and activists specialized in judicial reforms (Epp, 1998). Unlike regular litigants, judicial support networks

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are repeated players that are able to launch effective advocacy and litigation campaigns that incentivize courts to defend democratic principles (Epp, 1998; Galanter, 1974). By interacting with courts regularly, these networks can incentivize courts to protect democratic principles. However, there are conditions under which judges cannot follow their ideological preferences. First, judges and judicial support networks have less leeway under certain legal systems. For instance, in states with a civil law tradition, judges are not allowed to interpret the law as extensively as in common-law countries (Mitchell et al., 2013; Gloppen et al., 2022). There is, therefore, less space for legal innovation and legal activism in states with a civil law tradition. Second, in repressive environments, judges behave as strategic actors. Powerholders have used various informal channels to threaten courts (Llanos, 2016). Because ignoring political actors' pressures can be costlier than following their ideology, judges will be less assertive when the president or other political actors are involved in a case (VonDoepp, 2006). Even in democratic states, like the United States, courts take into account their relationship with other branches of power before issuing a judgment (Spiller, 1992).

Powerholders do not solely rely on informal strategies to pressure courts. The literature shows that incumbents have increasingly relied on judicial lawfare strategies to weaken courts (Gloppen et al., 2022). When incumbents have legal and constitutional prerogatives over the judiciary, they can weaponize this power to manipulate courts and accelerate democratic backsliding. In Hungary, the ruling party reformed the appointment process increased the courts' size and altered the courts' original jurisdiction to weaken the judiciary and pressure it to issue rulings that disenfranchised minority groups (Bánkuti et al., 2023). As the Hungarian example suggests, judicial lawfare strategies can take various forms. Incumbents have used appointments and court-packing to place regime-friendly judges in positions of power (Landau, 2019, Hatchard et al., 2004; Gloppen et al., 2022). In other cases, courts have starved the judiciary by cutting budgets and conditioning funds on specific rulings (Domingo, 2020; Hatchard et al., 2004; Landau, 2019; Gloppen et al., 2022). Incumbents have also fragmented the judiciary to dilute courts' authority and engage in forum shopping (Moustafa, 2014). Parallel courts, such as military tribunals or constitutional courts, often have different procedural requirements that are advantageous for a president eager to prosecute dissenting voices or engage in constitutional reforms (Toharia, 1974).

How can one prevent incumbents from pressuring courts and shield the judiciary from interference? Like incumbents, pro-democratic actors can engage in similar strategies to design judiciaries that remain hermetic to executive interference. For instance, constitutional drafters can limit the risk of clientelistic relationships between the executive and the judiciary by reforming the appointment process (Hatchard et al., 2004). Instead of being appointed by the executive branch, judges can be appointed by judicial councils (or judicial service commissions) composed of peers (Garoupa & Ginsburg, 2009). The literature shows that reforming one aspect of the judiciary's functioning is not enough, however. Constitutional drafters must take a holistic approach where several aspects of the judiciary's compositions and organization are redesigned to prevent powerholders from weaponizing any institutional weakness (Garoupa & Ginsburg, 2009; Melton & Ginsburg, 2014).

When such reforms are not possible and judicial support networks are banned from interacting with courts, pro-democratic actors have one remaining avenue to undo the work of captured judiciaries: international and regional courts. International and regional courts, like the European Court for Human Rights, the European Court of Justice, the Inter-American Court, and the African on Human and People's Rights, can force courts to reverse precedents that undermine the rights of a state members' citizens (Ginsburg, 2019, Landau, 2019). In Europe, for instance, ordinary citizens have fought democratic backsliding measures and judicial lawfare strategies by appealing courts' decisions before the ECJ (Blauberger & Keleman, 2017). Because EU law prevails over domestic law, domestic courts were also able to resist democratic backsliding efforts by relying on EU law provisions to justify their rationale.

In conclusion, the literature has identified several factors that can incentivize – or discourage – courts to show resilience and protect the state of democracy. I do not believe that one explanation prevails over others. In fact, evidence shows that judicial resilience is a multifactorial phenomenon (Kureshi, 2021). In Indonesia, the court resisted assaults on its independence thanks to its constitutional design but also its judicial activism (Baidhowah, 2021). In Malawi and Uganda, courts showed assertiveness when adjudicating electoral disputes despite a repressive environment, thanks to judicial culture, professional norms, and institutional configurations (Gloppen & Kanyongolo, 2012).

To prevent courts from being captured by the executive branch, students of democratic backsliding must take into account two central points. First, the fight against democratic erosion is a comprehensive and collective effort. As evidence from the literature shows, courts struggle to show resilience when other institutions (e.g., parliaments) and civil society actors are also under threat. Second, some of the factors identified by the literature can facilitate judicial resilience only at certain moments during the sequence of events that leads to democratic backsliding. For instance, when democracies are not under threat, pro-democratic actors must take preventive measures (e.g., strengthening the institutional independence of the judiciary, cultivating judicial activism, join regional organizations). When democracies start to backslide, judicial support networks' actions must be encouraged to push for more pro-democratic reforms, incentivize courts to show resilience and use regional and international mechanisms.

ANNOTATED BIBLIOGRAPHY

Bánkuti, Miklós, Gábor Halmai, and Kim Lane Scheppele. "Hungary's illiberal turn: disabling the constitution." *Journal of Democracy* 23.3 (2012): 138-146.

Summary In this article, the authors identify the strategies used by the Hungarian government to weaken the judiciary. The government reformed the appointment process and restricted the constitutional court's jurisdiction, thus preventing it from assessing the constitutionality of new laws. The government also increased the courts' size, which introduced collective action. The court is unable to be the political referee it was before.

Evaluation Interesting case study of the Hungarian case shows the different methods governments can use to weaken an independent judiciary and how it contributed to democratic backsliding. This paper identifies the different institutions that can undermine horizontal accountability.

Baidhowah, Adfin Rochmad. "Defender of Democracy: The Role of Indonesian Constitutional Court in Preventing Rapid Democratic Backsliding." *Const. Rev.* 7 (2021): 124.

Summary This article shows through qualitative evidence how the Indonesian constitutional court prevented Indonesia's democracy from eroding. The Constitutional Court's characteristics prevented the government from weaponizing the court. The court has a high degree of judicial activism. It also heavily relied on its established precedent on electoral law to prevent parties from manipulating the electoral process.

Evaluation This piece mainly shows that the constitutional court was able to prevent democratic backsliding from occurring.

It gives us some hints as to why it was successful. The fact that the constitutional court was created under a democratic regime and had time to gain experience made it more robust once political actors tried to weaponize it to undermine the state of democracy.

Blauberger, Michael, and R. Daniel Kelemen. "Can courts rescue national democracy? Judicial safeguards against democratic backsliding in the EU." *Journal of European Public Policy* 24.3 (2017): 321-336.

Summary This article explores judicial mechanisms' potential efficacy and limitations as tools to combat democratic backsliding in EU member states.

Findings: the main strategy used to fight democratic backsliding and reverse decisions from domestic captured courts is private litigation. Plaintiffs go before the ECJ to overturn domestic decisions. The role of EU treaty law in domestic law can also prevent domestic courts from violating fundamental rights and legitimizing undemocratic laws.

Evaluation This article shows how regional and international law can prevent courts from issuing anti-democratic rulings by constraining the type of laws they can rely on or undoing domestic courts' work.

Bricker, Benjamin. "Party polarization and its consequences for judicial power and judicial independence." *Eur. J. Legal Stud.* 10 (2017): 161.

Summary Research question: Does polarization have an effect on judicial independence?

Method: a cross-sectional analysis of 38 countries using the Manifesto project

Findings: polarization among political parties affects the propensity of political actors to accept strong judicial independence protection. Also finds evidence that party competition drives the decision to adopt judicial review.

Evaluation Find further evidence that party competition is conducive to judicial independence and study the particular effect of party polarization.

I wonder, however, if this literature is really helpful in understanding how incumbents can capture courts during episodes of democratic backsliding.

Chavez, Rebecca Bill. "The evolution of judicial autonomy in Argentina: Establishing the rule of law in an ultrapresidential system." *Journal of Latin American Studies* 36.3 (2004): 451-478

Summary Argument: competitive politics is a necessary condition for autonomous courts. Without it, courts are at the mercy of the executive branch. Where significant inter-party competition is absent and party discipline is high, the president faces incentives to concentrate power and is able to do so.

Method: Case study of the Argentinian case.

Evaluation	Identify the political environment that can lead the executive branch to capture the judiciary and weaken the separation of power. If party competition decreases, the executive branch has an incentive to take advantage of the situation. This theory does not tell us how incumbents can weaponize the judiciary or how the judiciary can resist.
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Domingo, Pilar. "Judicial independence: the politics of the Supreme Court in Mexico." *Journal of Latin American Studies* 32.3 (2000): 705-735.

Summary	The article shows the limited political autonomy of the Mexican Supreme Court arises from a long-term process of constitutional reform and from the nature of dominant party rule, which affected the career paths, ambitions, and aspirations of the Supreme Court. In appearance, the constitution did not appear authoritarian. The constitutional reform did expand its jurisdiction, thus forcing it to adjudicate more political cases.
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Evaluation	Shows that the scope of the judiciary's direction can make it more prone to be weaponized for political purposes. This piece also highlights the importance of financial autonomy if the state wants to attract talent and keep them. This suggests that judicial activism can be endogenous to financial provisions.
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Epp, Charles R. *The rights revolution: Lawyers, activists, and supreme courts in comparative perspective*. University of Chicago Press, 1998.

Summary	This book seeks to identify the conditions under which individuals can gain more rights (i.e., Right Revolutions). Epp argues that the ideology of judges or the wording of the rights provisions does not matter. In order to trigger 'rights revolutions', countries must have an active judicial support network. Advocates must have the capacity to engage in deliberate strategic and repeated players
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Evaluation	The main contribution of this book is the concept of judicial support networks. The book also has important implications for scholars trying to identify what can trigger democratic backsliding. If regimes target these networks and prevent them from interacting with courts, judiciaries are more at risk of being captured and disenfranchising the population.
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Galanter, Marc. "Why the haves come out ahead: Speculations on the limits of legal change." *Law & Soc'y Rev.* 9 (1974): 95.

Summary Under what conditions can litigation be redistributive?
Argues that the architecture of the American legal system tends to confer interlocking advantages to groups that are familiar with the system (i.e., repeated players). In order to secure rights through courts, there is a need to have knowledge about the law but also the institutional facilities, legal services, and organization of parties

Evaluation This piece shows that judicial support networks play a fundamental role in the court's proclivity to uphold democratic principles.

Garoupa, Nuno, and Tom Ginsburg. "Guarding the guardians: Judicial councils and judicial independence." *The American Journal of Comparative Law* 57.1 (2009): 103-134.

Summary The article seeks to determine whether the appointment of judges through judicial councils makes courts more independent.
Judicial councils are bodies designed to insulate the appointment process. Allows the judiciary to self-manage
Use a cross-sectional regression to show that these councils improve independence and the quality of the work performed by the judiciary

Evaluation Shows that the diversity of judicial selection systems suggests that there is no consensus on the best manner to guarantee independence.
Suggests that it is a combination of provisions that can protect the judiciary. In Africa, these councils are poorly designed and let the executive branch have oversight of the council's functioning.

Gibler, Douglas M., and Kirk A. Randazzo. "Testing the effects of independent judiciaries on the likelihood of democratic backsliding." *American Journal of Political Science* 55.3 (2011): 696-709.

Summary This article tests whether independent judiciaries actually prevent democracy from eroding.
Method: cross-sectional regression with states from all around the world.

Evaluation These findings are a little bit underwhelming, but the piece shows that in order to prevent democracy from backsliding, the independence of the judiciary must be protected

Ginsburg, Tom. "International Courts and Democratic Backsliding." *Berkeley J. Int'l L.* 37 (2019): 265.

Summary Examine how international courts have done in securing the democratic gains of national polities.

Method: examine the work of the ECHR, the ECJ, the Inter-American Court on Human Rights, and the African Court on Human and People's Rights.

Findings: International courts can try to undo the rulings of domestic courts that are operating under the influence of the executive branch, but international courts are also constrained by their mandate. Ginsburg finds that they're less useful when democratic backsliding is wide spreading.

Evaluation Important piece that shows the role of international actors and the importance of countries joining these regional organizations, as their judicial institutions can serve as an additional barrier when domestic courts are captured by the executive branch.

Ginsburg notes on p.134 that the case-by-case nature of the judicial process means that agents of democratic erosion can act strategically to exploit holes in jurisprudence to accomplish their ends.

Gloppen, Siri, and Fidelis Edge Kanyongolo. "Judicial Independence and the Judicialisation of electoral politics in Malawi and Uganda." *Chirwa, DM and Nijzink, L.(eds.)* (2012): 43-69.

Summary Courts play an important role in politics and are thus perceived as a threat by political actors as they might prevent them from staying in office.

Case studies of Malawi and Uganda show that judicial independence is a key variable that affects the effectiveness of courts in performing their accountability function at all stages of the electoral cycles.

Argues that courts assertiveness is shaped by the judge's normative orientation and how it was activated in the political context

Evaluation Argues against the idea that courts are only strategic actors. In this case, courts cannot defend democratic principles and are doomed to facilitate democratic backsliding because of the power of the executive branch. The authors show that courts have been able to resist power holders.

Tries to argue against a one size fits all theory of judicial independence. Multiple factors played a role in these two cases: judicial culture, professional norms, and institutional configurations.

Gloppen, Siri, Thalia Gerzso, and Nicolas van de Walle. "Constitutional, Administrative, Judicial, and Discursive Lawfare." *Democratic Backsliding in Africa?: Autocratization, Resilience, and Contention* (2022): 58.

Summary This book chapter identifies the different legal strategies incumbents have used to remain in power. The authors identify several judicial lawfare strategies (e.g., appointments, financial constraints, removal procedures). The chapter also shows how pro-democratic actors have developed their own judicial strategies to fight back (strategic litigation, capacity-building, etc.)

Evaluation The chapter mostly focuses on the lawfare strategies used in Anglophone Africa. Hence, there is a need to assess the external validity of these claims. For instance, the executive branch is less capable of manipulating the appointment process in consolidated democracies. Other strategies might exist in states with different legal traditions.

Hatchard, John, Muna Ndulo, and Peter Slinn. *Comparative constitutionalism and good governance in the Commonwealth: an Eastern and Southern African perspective*. Cambridge University Press, 2004.

Summary Chapter 8 reviews the different constitutional provisions that are often adopted in Eastern African states and how they affect the relationship between the judiciary and the executive branch.

Evaluation By identifying the different constitutional configurations that can affect judicial independence, Chapter 8 is helpful in identifying how constitutional design could prevent democratic backsliding from occurring.

This book solely focuses on Eastern African constitutions, however. More research needs to be done to determine how these constitutional provisions operate in other legal contexts.

Hilbink, Lisa. "The origins of positive judicial independence." *World Politics* 64.4 (2012): 587-621.

Summary Research question: What are the factors that activate positive judicial independence?

Argument: Judicial attitudes are shaped by judges' backgrounds. The author goes beyond the simple ideological arguments. Judges' attitudes vary not only along a single right/left dimension but also in how they understand their function in the democratic system.

Methodology: Case study of Chile and Spain that shows how an ideology shift changed how judges changed their perception about their role vis a vis the regime.

Evaluation	Contributions: Highlights how socialization and ideology can play an important role in judicial independence. According to these findings, courts will not contribute to democratic backsliding if judges see their role as the guarantor of fundamental rights.
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Hirschl, Ran. "The political origins of judicial empowerment through constitutionalization: Lessons from four constitutional revolutions." *Law & social inquiry* 25.1 (2000): 91-149.

Summary	Argument: judicial empowerment is the consequence of a conscious strategy undertaken by threatened political and economic elites seeking to preserve their hegemony vis a vis the growing influence of peripheral groups in majoritarian policy making. Threatened elites use their influence to initiate a constitutional entrenchment of rights in order to insulate policy-making from popular political pressure Method: 4 case studies: Israel, Canada, New Zealand, and South Africa
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Evaluation	Highlight the role elites can play in influencing courts' behavior. In light of recent developments, this article makes one wonder how elites would try to sway courts in a context of increasing polarization.
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Hirschl, Ran. "The new constitutionalism and the judicialization of pure politics worldwide." *Fordham L. Rev.* 75 (2006): 721.

Summary	Argument: Document the transfer of power from representative institutions to judiciaries. This phenomenon is called the judicialization of politics: courts are asked to resolve a wide range of issues, from civil political rights to public policy questions. Courts have gained this power through the extension of the scope of their jurisdiction.
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Evaluation	Theorize what was an understudied concept at the time. This piece does not tell us how courts can contribute to democratic backsliding, but it shows us why political actors have increasingly relied on courts to reach their preferred outcome.
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Kureshi, Yasser. "When Judges Defy Dictators: An Audience-Based Framework to Explain the Emergence of Judicial Assertiveness against Authoritarian Regimes." *Comparative Politics* 53.2 (2021): 233-257.

Summary Research question: What explains the emergence of judicial assertiveness in repressive environments?

Argument: Variation in judicial assertiveness will occur depending on (1) whether institutional interlinkages exist between the executive branch and the judiciary and (2) whether judicial networks support the regime or not.

Methodology: Case study of Pakistan

Evaluation Contribution: This piece bridges two bodies of the literature (institutional theories and audience-based theories). It emphasizes the importance of institutional factors and the role of judicial support networks

This piece only focuses on appointments when examining institutional interlinkages. I'd argue that other institutional configurations can help the executive capture the judiciary. The piece also has a narrow understanding of judicial networks as it excludes civil society groups working on judicial reforms.

Landau, David, and Rosalind Dixon. "Abusive judicial review: courts against democracy." *UC Davis L. Rev.* 53 (2019): 1313.

Summary Shows how in the US and other countries in Latin America and Africa, incumbents have used courts to consolidate their power and weaken the opposition. Argues that incumbents do so because they want to legitimize their actions. This instrumentalization has led courts to engage in what the authors call "abusive judicial review" (e.g., decisions that hurt democracy).

Abusive judicial review can be weak (= courts simply uphold and legitimate authoritarian moves) or strong (= courts actively seek to dismantle democracy). The last part of the paper identifies when these strategies are successful or not.

Incumbents have used court packing (altering court size, removing judges) and court curbing (budget cuts, non-publication of decisions, non-compliance, changing the order of courts' ruling).

Identifies a couple of strategies aiming at protecting courts from incumbents' assaults. First, there is a need to engage in constitutional design (independent appointments, fragmentation of the appointment process, staggering terms on a court).

Second, the international community can play a role.

Evaluation Theory-building piece: none of the claims made are empirically tested.

The argument about the role of the international community is underdeveloped.

Llanos, Mariana, et al. "Informal interference in the judiciary in new democracies: A comparison of six African and Latin American cases." *Democratization* 23.7 (2016): 1236-1253.

Summary This article identifies the conditions under which power holders influence or curb courts informally or extra-legally.

Power holders can use different types of informal interference: physical assaults, rhetorical attacks, bribes, and unofficial communication.

Method: statistical analysis of 6 recent democracies in Africa and Latin America.

Evaluation Provides a typology of informal threats courts can receive. These informal pressures can incentivize judges to renounce their judicial independence.

I can see how these strategies can work in non-consolidated democracies, but I would argue that these strategies are harder to put into practice in well-established democracies because institutional safeguards exist, and media organizations can report this kind of behavior.

Magalhães, Pedro C., Carlo Guarnieri, and Yorgos Kaminis. "Democratic consolidation, judicial reform, and the judicialization of politics in Southern Europe." *Democracy and the state in the New Southern Europe* (2006): 138-196.

Summary This chapter examines the different institutional reforms seeking to reform the judiciary in the Southern European democracies. The authors then examine how the judicial reforms contributed to democratic consolidation in these countries.

Evaluation This chapter shows how institutional configuration can be weaponized to undermine democracy. Both in Portugal and Italy, the regimes created special tribunals that deprived litigants of their right to a fair trial and exacerbated the regime's power. In other words, constitutional courts might not be the best instrument to protect the integrity of the constitution.

McKie, Kristin. "Presidential term limit contravention: Abolish, extend, fail, or respect?." *Comparative Political Studies* 52.10 (2019): 1500-1534.

Summary This article seeks to explain the variation in presidential term limit contravention. In other words, why have some incumbents successfully managed to abolish presidential term limits while others have failed?

Argument: The piece argues that one can predict term limit contravention based on electoral competition over time.

Evaluation This piece is not about courts per se, but it shows how incumbents have increasingly relied on courts to abolish presidential term limits.

Melton, James, and Tom Ginsburg. "Does de jure judicial independence really matter? Are-evaluation of explanations for judicial independence." *Journal of Law and Courts* 2.2 (2014): 187-217.

Summary Research question: under what conditions does de jure independence improves de facto independence

Argument: identify six aspects of formal constitutions that enhance judicial independence in practice. Provisions that affect de facto judicial independence are those that are likely to be self-enforcing as a result of competition between the executive and legislative branches. Provisions must be free from political interference.

Methods: statistical analysis

Evaluation Provide further evidence that the judiciary must be institutionally equipped to prevent political actors from weaponizing it.

This piece shows that there is not a miracle provision that makes a court more independent. Rather, this piece shows constitutional drafters must think about a combination of constitutional provisions.

Mitchell, Sara McLaughlin, Jonathan J. Ring, and Mary K. Spellman. "Domestic legal traditions and states' human rights practices." *Journal of Peace Research* 50.2 (2013): 189-202.

Summary This article examines the relationship between human rights and legal traditions. The authors hypothesize that courts are more likely to enforce human rights because of some of the features of the common law traditions (adversarial system, the role of the judge, etc.).

Method: longitudinal cross-sectional analysis

Findings: states with common law traditions are more likely to engage in better human rights practices than states with other legal systems

Evaluation Show how legal traditions can constrain judges. The features of common law create an environment where judges can enforce human rights and protect democratic principles. This piece underemphasized how different legal traditions have different perceptions of the role of the judges.

Moustafa, Tamir. "Law and courts in authoritarian regimes." *Annual Review of Law and Social Science* 10 (2014): 281-299

Summary This piece is a review of the literature on authoritarian courts. In this piece, Moustafa identifies several reasons why incumbents have increasingly relied on courts (legitimacy, repression, attracting investors) and how they managed to do so (fragmented system, suppressing judicial support networks, etc.)

Evaluation This piece offers a comprehensive review of the literature on authoritarian courts and provides examples from across the world (although African courts remain understudied).

Pereira, Anthony W. "'Persecution and Farce': The Origins and Transformation of Brazil's Political Trials, 1964-1979." *Latin American Research Review* 33.1 (1998): 43-66.

Summary Argues that military courts are not solely used to repress dissenters in authoritarian regimes but also to legitimize state repression. By legitimizing state repression, courts closed public spaces where grievances could be expressed.
Case study of the Brazil case.

Evaluation This piece shows why incumbents have increasingly relied on courts to consolidate their power. In addition to repressing their opponent, courts give a legitimacy aura to the ruling regime.

Popova, Maria. "Political competition as an obstacle to judicial independence: Evidence from Russia and Ukraine." *Comparative Political Studies* 43.10 (2010): 1202-1229.

Summary Proposes a strategic pressure theory of judicial independence in electoral democracies, which posits that intense political competition magnifies the benefits of subservient courts to incumbents, thus reducing rather than increasing judicial independence.
Test this argument with a quantitative analysis of electoral registration disputes adjudicated by Russian and Ukrainian courts during the 2002-2003 parliamentary campaign.

Evaluation Important pieces as it argues against the conventional wisdom that political competition is good for judicial independence.
This piece shows that electoral pressure can push incumbents to capture courts to remain in power.

Rios-Figueroa, Julio. "Institutions for constitutional justice in Latin America." *Courts in Latin America* (2011): 27-54.

Summary Chapter that provides a systematic assessment of the institutional framework under which Latin American constitutional judges work and test whether these institutional configurations have an effect on courts' behavior.

For example, appointment, tenure, and removal mechanisms may generate incentives for judges to decide according to their preferences.

Evaluation An important chapter explores how the combination of constitutional provisions can protect the judiciary from pressure points.

Explain how institutional configuration can change the ideology of judges. Judges with a more expansionist judicial philosophy may use their institutionally protected independence to the extreme.

Spiller, Pablo T., and Rafael Gely. "Congressional control or judicial independence: The determinants of US Supreme Court labor-relations decisions, 1949-1988." *The RAND Journal of Economics* (1992): 463-492.

Summary This article shows how interactions between the judiciary and other branches of government can affect courts' decisions. The US Supreme Court takes into account the risks of Congress reversal when deciding upon labor-relations cases.

Method: Theory-building with a formal theory model. The theory is tested empirically with a linear probability model.

Evaluation Shows that courts are strategic actors that take into account their relationship with other branches of government when adjudicating cases.

Segal, Jeffrey A., and Albert D. Cover. "Ideological values and the votes of US Supreme Court justices." *American Political Science Review* 83.2 (1989): 557-565.

Summary This article seeks to determine whether courts' decisions are based on judges' ideational characteristics and policy preferences.

Method: use content analysis method on US Supreme court's decisions to determine whether a relationship exists between ideas and rulings.

Findings: Find a correlation between the vote of SCOTUS justices votes and their policy preferences

Evaluation	<p>This article finds evidence supporting the attitudinalist model.</p> <p>These findings have important implications for the study of democratic backsliding. If courts are packed with progressive judges, courts are more likely to resist pressure from the executive branch.</p> <p>It is important to note that scholarship has found mixed evidence as to the role of attitudes in court behavior. Ideology can be endogenous to other factors or mitigated by institutional constraints.</p>
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Shen-Bayh, Fiona Feiang. *Undue Process*. Cambridge University Press, 2022.

Summary	<p>In this book, the author shows how African incumbents use courts to grab power and repress political opponents.</p>
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Evaluation	<p>This book shows how courts can become an instrument of repression for a political actor eager to secure their power and how this weaponization facilitated the transition from multiparty politics to single-party politics in Africa.</p>
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Toharia, Jose J. "Judicial independence in an authoritarian regime: the case of contemporary Spain." *Law & Soc'y Rev.* 9 (1974): 475.

Summary	<p>This is an in-depth case study of the Spanish judiciary under Franco. Although the judiciary managed to remain independent ideologically, the jurisdictional structure enabled the ruling regime to keep its control over the judiciary and contain judicial activism. The regime created military tribunals to prosecute dissenting voices</p>
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Evaluation	<p>This article shows how institutional configuration can help the executive branch capture the judiciary. Institutional building efforts must be wary of parallel court systems that have jurisdiction over specific matters.</p>
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Vondoepp, Peter. "Politics and judicial assertiveness in emerging democracies: High Court behavior in Malawi and Zambia." *Political Research Quarterly* 59.3 (2006): 389-399.

Summary This article examines the factors affecting judicial assertiveness vis a vis other power-holder in the state.

Method: Statistical analysis of Malawi and Zambia's supreme court decisions.

Findings: shows that courts take into account political factors when deciding a case. Courts are less likely to be assertive when the president or members of the opposition are involved or when a turnover is expected.

Evaluation This piece shows that courts are strategic actors attuned to their political environment. It also finds that ideational factors did not play a role. In other words, judges put their ideology aside when they're under threat.

These findings have important implications for the study of democratic backsliding. It shows that courts are vulnerable institutions. To ensure institutional survival, courts are willing to close their eyes on the undemocratic implications of some rulings. Hence, there is a need to protect courts to shield them from these political factors.