

## **Pathways of Democratic Backsliding, Resistance, and (Partial) Recoveries**

By Rachel Beatty Riedl, Jennifer McCoy, Kenneth Roberts, and Murat Somer

**Abstract:** We provide an analytical framework that identifies three distinct institutional pathways for democratic backsliding that culminate in executive aggrandizement: legislative capture, plebiscitary override, and executive power grabs. We also identify a fourth pathway of elite collusion that erodes democracy without necessarily concentrating powers in the executive. These four pathways reflect different combinations of ruling and opposition party strength, institutional legitimacy, and levels of popular support and political mobilization. The pathways also open and close different institutional and societal arenas where opposition forces can counter backsliding, and they create different opportunities, challenges, and dilemmas for democratic actors. The 15 case studies featured in this volume illustrate how backsliding occurs along these pathways, and how democratic actors achieved partial reversal in some cases. The cases also suggest focal points of resistance and institutional and programmatic reform that may be helpful to policymakers and advocates working to defend democracy.

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Democratic backsliding happens under diverse circumstances, and because it evolves in different ways, prodemocratic coalitions and actors are presented with different challenges and means to resist or overcome democratic decay. The goal of this volume is to explore the various pathways of democratic erosion and the means for recovering and even deepening democracy's promise as a system of responsive, transparent, and accountable government. We pursue this through comparative analysis of 15 case studies of countries that have experienced democratic backsliding, several of which have also experienced at least a partial democratic recovery.

In this article, we introduce the 15 cases and develop a framework to analyze the processes and pathways by which democratic backsliding occurs, based on four distinct pathways. The typology we lay out here is also helpful to understanding specific responses of prodemocratic resistance and the degree to which they can be effective in protecting democracy.<sup>1</sup>

To date, scholarship on democratic backsliding has emphasized a general pattern of executive aggrandizement, whereby elected incumbents—leaders or parties—progressively concentrate powers in the executive branch and undermine the institutional checks and balances essential for horizontal accountability (Bermeo 2016; Waldner and Lust 2018; Haggard and Kaufman 2021). The cases presented in this volume confirm that executive aggrandizement plays a central role in most democratic backsliding. A key innovation of our project, however, is the identification of three distinct pathways to executive aggrandizement: legislative capture, plebiscitary overrides (e.g., mobilizing the public for a constitutional referendum), and executive power grabs that shut down and bypass other branches of government and governmental agencies.<sup>2</sup> Several cases in our analysis also suggest a fourth backsliding pathway that may or may not lead to autocratic executive control: In what we call “elite collusion,” citizens lose their

democratic rights and power to colluding oligarchic elites who rotate in power and may be power-seeking, corrupt, or at times even criminal.<sup>3</sup>

Of the four pathways described here, legislative capture is the modal case. A country on this backsliding pathway requires the presence of an executive (a president or prime minister) who has the support of a strong and disciplined political party (or party coalition) that can be used to pass laws and/or constitutional reforms that erode the independence of non-executive branches of government, curtail civil and political rights, and suppress independent civil society. Typically, courts and government agencies are packed with professionals who are sympathetic to the chief executive and keen to regulate the media and civil society in ways that further aggrandize the chief. In contrast, where the executive lacks a strong, disciplined party to control the legislative branch, they are more likely to rely on popular referendums to bypass the legislature (the plebiscitary override pathway), or simply engage in unilateral acts of executive power-grabs.

The pathways we describe here entail particular types of relationships among incumbent rulers, parties, and other political elites, as well as different relationships to mass political constituencies that support or oppose backsliding. Each pathway and site of citizens' disempowerment has implications for how and where democratic suppression is legitimized, legalized, and regulated by institutions of the state. Along all four pathways, democratic backsliding occurs under the auspices of elected authorities who operate within democratic institutions but weaponize those institutions to achieve an antidemocratic concentration of power—usually in the form of an aggrandized autocrat.

The different pathways we identify make visible vibrant pockets of resistance, which are more likely to retain their political independence, and which become heavily contested arenas of

power. The focus on institutional sites of capture or resistance in this analysis is complemented by attention to the role of the electorate and popular mobilization in electoral arenas, civil society, and nonviolent collective action repertoires, including large-scale protest. Each pathway identifies the locus of citizen support. For example, one pathway—plebiscitary override—entails citizens’ support for the executive itself and translates into voting for constitutional change that further concentrates power in the executive branch, where another locates citizens’ electoral support for the ruling party in the legislature to provide supermajorities and thus legislative pathways to autocratization. In this latter scenario, legislatures become conduits that provide legality to backsliding. Alternatively, citizens’ demobilization and acquiescence may facilitate ongoing elite collusion or executive power grabs. On the other hand, citizens engaged in protests may give legislative or judicial coalitions the courage to *check* the leader (or colluding elites), or they may even vote aggrandizing leaders out of office.

This project offers an original contribution to the existing literature on democratic erosion and breakdown (see, for example, Bermeo 2016; Diamond 2024; Fung et al. 2024; Carothers and Hartnett 2024), patterns of backsliding (Wunsch and Blanchard 2023; Balderacchi and Tomini 2024), democratic resilience (Holloway and Manwaring 2023; Merkel and Lührmann 2021; Lührmann and Merkel 2023; Volacu and Aligica 2023), and democratic backsliding and opposition behavior (Somer et al. 2021; Cleary and Öztürk 2022; Gamboa 2022; Tomini et al. 2022). It also informs debates over the extent of democratic erosion (such as the 2024 *PS: Political Science & Politics* symposium [“Comment and Controversy” 2024]; Levitsky and Way 2023; Brownlee and Miao 2022) because it focuses on connecting the processes of democratic erosion to opportunities for and success in democratic resistance and recovery. We highlight how different types of resistance strategies and policy responses might work along the different

pathways and domains of contestation. We also shed light on the ways certain strategies are likely to strengthen or weaken particular institutional spaces for democratic resilience. A central goal is to understand the sequences of democratic erosion and the particular “bright spots,” or domains of contestation that can bolster democratic resistance.

### **Pathways and Domains of Resistance**

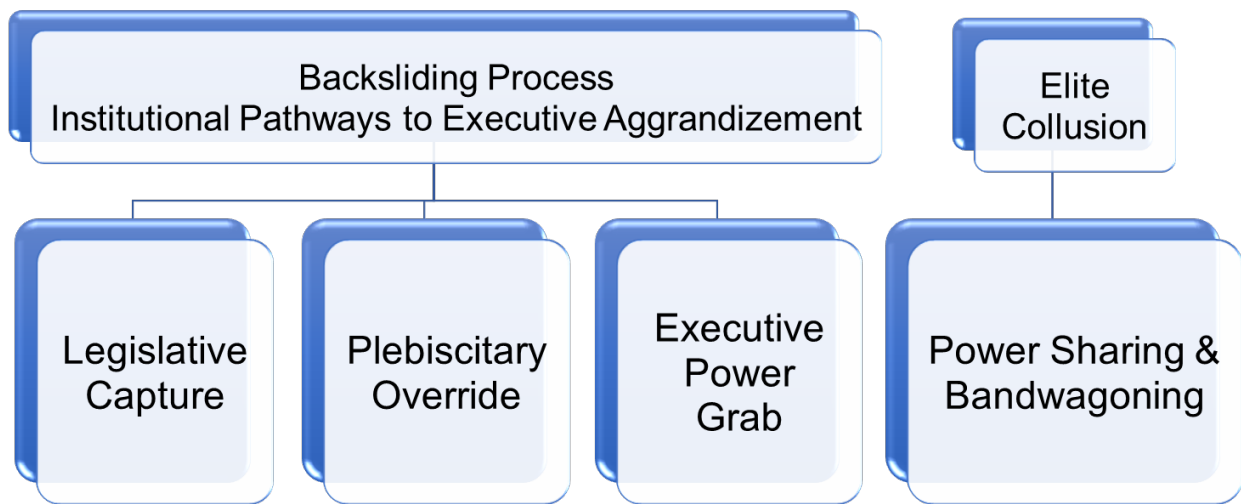
Our framework for understanding democratic backsliding and resistance pathways is based on the relationship between the executive and other institutional sites (horizontal accountability or capture), civil society (diagonal accountability or capture), and the masses (vertical accountability or disempowerment and patterns of polarization or depolarization).

Our findings suggest that the particular institutional pathway used by backsliders depends both on the electoral strength of the executive aggrandizer and their party base, as well as on the strength or weakness of opposition parties and the institutions that serve as checks and balances. These different pathways provide particular sets of *opportunities for democratic resistance*, focal points for coordination, and domains of potential checks on executive power that have seemingly been blocked off or captured at a given point.

The backsliding pathway categories that we identify include three types of executive aggrandizement: legislative capture, plebiscitary overrides, and executive power grabs. The fourth pathway, elite collusion, provides limited institutional checks on the executive (Figure 1) but typically requires that the executive enter into power-sharing arrangements with other political elites. In describing these four pathways, we describe the initial sets of sequences; some cases will start along one pathway and then move to, or add on, another. As several cases

demonstrate, historical-institutional legacies may shape which paths offer the best way to concentrate power.

Figure 1. Backsliding Pathways

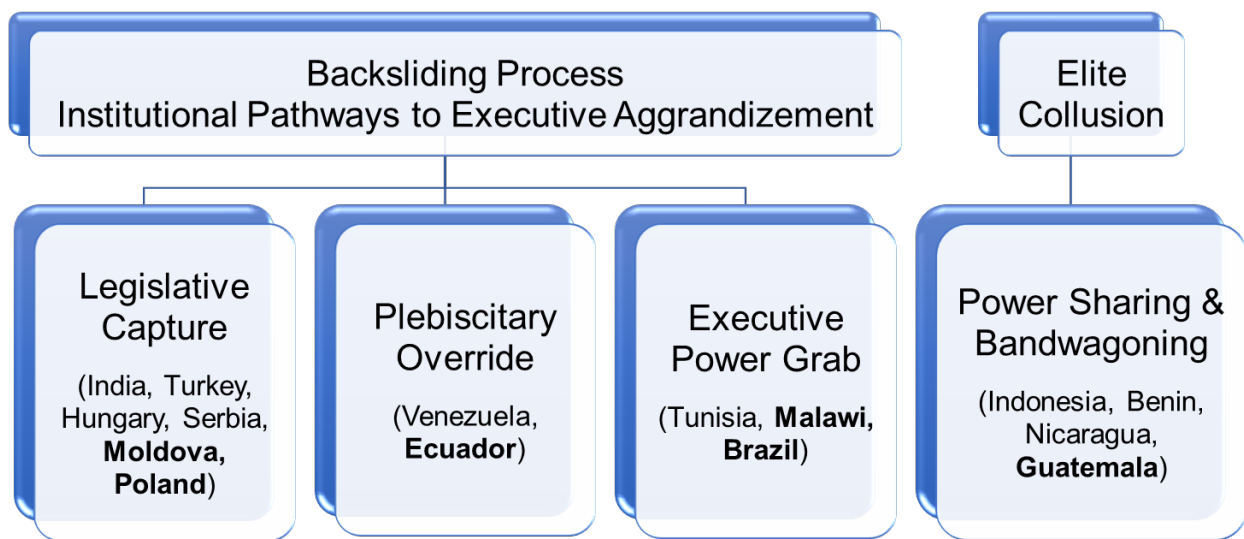


#### *Cases by pathway*

In this volume, we explore the pathways of democratic backsliding and opportunities for democratic resistance in a series of case studies that demonstrate a range of regime outcomes. The case studies include countries that experienced backsliding in the twenty-first century but then partially or fully recovered, countries whose quality of democracy has deteriorated but have not yet fallen into an authoritarian category, and countries that have slid all the way to electoral or closed authoritarianism. At the outset of this project, we selected an equal number of cases from these three categories—five each. We selected cases that we felt would illustrate the different pathways and provide cross-regional breadth. Interestingly, the middling category—those cases that tapered off to a diminished democracy—did not prove to be a stable outcome; that is, several of those countries either dramatically worsened or experienced recovery. We used

these cases to inform our understanding of the potential pathways and sequences individually and in the aggregate, identify their empirical and theoretical implications, and construct categories for an analytical framework (Figure 2). Our goal was to identify which arenas are open in a given pathway of backsliding and which are closed, as well as what resistance strategies were effective across electoral, institutional, civil society, and contentious politics domains.

Figure 2. Backsliding Pathways and Cases



NOTE: **Bold** text indicates cases of (full or partial) democratic recovery.

In this volume, we have grouped the articles in this order—legislative capture, plebiscitary override, executive power grab, elite collusion—and, to facilitate the lessons we can draw from them individually and as categories, presented cases of recovery at the end of each section.



## **Pathways to Executive Aggrandizement**

### *Legislative capture*

The legislative capture pathway is the electoral and institutional pathway that frames democracy-eroding policies as representing the popular will or that even claims to be an agent of democratization—all while legalizing autocratic transgressions. This is the modal pathway to democratic decline in systems where the parliament is the locus of governing legitimacy and where the mandate in legislative elections foregrounds the executive. Legislative capture can also be present in semi-presidential and presidential systems despite the formal separation of powers. It is the most well-represented pathway in our sample of case studies (the six cases of India, Turkey, Serbia, Moldova, Hungary, and Poland). On the legislative capture path, political will to backslide corresponds with legitimate institutional control, which evolves to the abuse of the legislature to concentrate powers, undermine institutional checks and balances, and tilt the democratic playing field. In this process, legislative power is transferred to the executive formally, informally, or both, by means of the executive's control over a disciplined ruling party or legislative coalition.

Legislative capture can be a very powerful pathway to democratic erosion, because the legislative agent of backsliding policies is a formally representative institution where opposition actors survive—until advanced stages; in this, it differs from plebiscitary overrides or executive power grabs, which are typically identified with a single leader who lacks majoritarian party support. Therefore, in cases of legislative capture, the uncertainty about whether democracy is under threat (Somer et al. 2022; Somer and Tekinirk 2024) is likely to slow the formation of opposition coalitions. Uncertainty also exists in part because contestation over the nature of the

threat becomes part of the executive's strategy: whether the threat to democracy is incumbent authoritarianism, as the opposition is likely to claim, or whether the threat is some other greater menace that justifies increased executive power (such as fascism, communism, oligarchy, immigration, socialism, etc.), as the incumbent maintains. But perhaps as important, this pathway often succeeds because legislative capture eliminates one powerful branch of horizontal accountability on the executive, and it often enables the neutralization or capture of the courts as well.

Hence, legislative capture is an especially formidable backsliding pathway to resist because the backsliding political actor has first captured the majority by establishing itself as a "system defining" party and/or leader, as several of our severe backsliding cases suggest (Vaishnav, this volume; Enyedi and Mikola, this volume; Gamboa, this volume; Somer, this volume). For example, Modi and the Bharatiya Janata Party (BJP) in India and Erdoğan and the Justice and Development Party (AKP) in Turkey exploited the weaknesses of the prior political-economic systems to reshape the political field based on issues and cleavages that delimited the opposition's room for maneuver and delivered the electoral support they needed for control of the legislature. The more the cleavages in question are identity-based and involve the country's "formative rift," the more enduring and destructive this particular process can be (Somer and McCoy 2019). India's Hindu-Muslim, Serbia's Kosovo, Hungary's nationalist-cosmopolitan, and Turkey's secular-religious (and partly Turkish-Kurdish) cleavages exemplify this dynamic (Vaishnav, this volume; Milačić, this volume; Enyedi and Mikola, this volume; Somer, this volume). The speed of backsliding also depends on how personal versus how institutional the backsliding party is, i.e., a personalist leader who builds a new movement or party (Hugo Chávez in Venezuela or Aleksandar Vučić in Serbia) versus the backsliding leader who captures

(e.g., Donald Trump and the Republican Party) or transforms a strong existing party (e.g., Viktor Orbán in Hungary or Recep Tayyip Erdoğan in Turkey). Our case studies suggest that the use of these hot-button issues is generally the result of an electoral strategy of exclusionary ethnonationalist mobilization that either exploits an existing social cleavage or creates a new division. But it can also occur in more inclusionary, class-based mobilization appeals, such as the plebiscitary override pathway Hugo Chávez used to bypass the elected congress and thus secure a legislative majority through a new constitutional assembly.

Complementing the direct path of legislative capture, incumbents can sometimes use secondary pathways, such as executive power grabs and plebiscitary overrides, depending on their electoral fortunes and the institutional background of the case in question. If they do so, this move can accelerate backsliding and help incumbents more easily disarm horizontal (institutional) and diagonal (civil society) checks and balances (Enyedi and Mikola, this volume; Somer, this volume).

It is also important not to lose sight of the fact that backsliders build on previously existing flaws of the system and may adopt previously employed transgressive policies. Modi's BJP regularly used India's 1985 anti-defection law in different areas, and Erdoğan's AKP employed the illiberal "militant democracy" policies, which the Turkish state before the AKP had overused against Islamists, Kurds, and the radical left, as a weapon against anybody who threatened the government's power and criticized its backsliding policies. Hence, illiberal and anti-pluralist practices can predate an explicit and sometimes intentional backslider; even though these problems have not always been in consistent practice, they can be ripe for new uptake and more blanket utilization to advance backsliding.

Since backsliding incumbents frequently justify their transgressions based on the sins of previous governments, which they actively vilify, the opposition may need new or renewed actors to succeed—as is suggested by the partial successes of Hungary’s Tisza, led by Péter Magyar, and of Turkey’s new main opposition party chairman, Özgür Özel, and his popular ally Istanbul Mayor Ekrem İmamoğlu.

Finally, for ordinary citizens, legislative capture may be hard to recognize since it may rely at least initially on subtle interventions; for example, changes to political party bylaws and legislative procedures and conventions may seem innocuous, and policies, such as omnibus bills that mix innocent and positive changes with democracy-eroding ones, can confuse citizens and opposition parties alike. These changes are often passed without proper opposition oversight, and these tactics can be used to pass laws as well as constitutional amendments (Somer, this volume). These maneuvers may even be difficult to identify as clearly authoritarian, given the incumbent’s majoritarian mandate and resulting ability to use democratic means—i.e., legislation—in the pursuit of autocratic goals. However, when laws are passed that clearly suppress rights, cover up corruption or crime, limit opposition, and increase the scale of the incumbent’s powers—and potentially provide immunity from oversight or checks—backsliding becomes more visible and relevant for other actors and provides “observable indicators” for scholars and analysts.

The legislative path limits the extent to which legislatures remain as sites for checking backsliding policies. This pathway can thus pose very hard obstacles to democratic resistance and recovery, especially by creating an unlevel electoral playing field for oppositions. That said, with authority and legitimacy officially residing in their electoral and legislative mandates, backsliding incumbents need to maintain the system—at least ostensibly. With the legislature compromised but intact, this pathway then both encumbers resistance *and* leaves electoral

mobilization as a viable democratic resistance strategy. Indeed, electoral competition remains a vibrant site of opposition on this path, unless oppositions, like those in Serbia (Milačić, this volume) and Venezuela (Gamboa, this volume), abandon it through misguided strategies such as boycotting.

Further, the electoral path does not close completely, and local governments and European elections in European Union (EU) member states remain important democratic spaces—as can be seen from the Venezuelan opposition’s dramatic success in the 2015 legislative elections and 2024 trouncing of Maduro in the unofficial presidential results, even though rejected by the incumbent; Turkish opposition successes in 2019 and especially the 2024 local elections; and the Hungarian opposition’s victory in the 2019 Budapest elections and partial success through a newly founded party in the 2024 European Parliament elections. Similarly, thanks to earlier decentralization reforms, local governments proved to be important democratic spaces in Moldova during its communist backsliding in the 2000s as well as during the oligarchic backsliding in the 2010s. Unlike the parties in the national parliament, local governments have the advantage of proximity to the people and civil society—for example, in Moldova where, “given their close relationship with citizens, local governments resisted autocratic pressures, thus bolstering democracy” (Marandici, this volume).

All this presents an important puzzle about the legislative capture path. Given that the backsliding incumbent relies on a formally functioning legislature to legitimize its policies and that oppositions enjoy access to the legislature, albeit on an increasingly unlevel electoral field, what keeps oppositions from stopping executive aggrandizement and democratic backsliding by regaining the control of the legislature? One answer may be the handicaps that democratic

opposition parties in backsliding legislatures face in tapping the forces of extraordinary social mobilization and contentious politics (Somer and Tekinrk 2024).

Indeed, the two partially successful cases of recovery on this path that we analyze in this volume, Poland (Tworzecki, this volume) and Moldova, relied on the interaction of electoral and social mobilization strategies. These mobilizations by civil society and ordinary citizens drew on a combination of anti-authoritarian and issue-specific reactions—against corruption in Moldova and for reproductive rights in Poland. In both countries, social protests demonstrated that incumbent autocrats faced significant societal opposition, thus encouraging opposition parties to build broad coalitions to channel social discontent into the electoral arena. The duration of the backsliding, the state’s coercive strength, and the incumbent’s capacity to control the state apparatus and security forces are also crucial factors. Hence, in India and Turkey, the incumbents came to control strong state apparatuses and managed to violently suppress anti-government social mobilizations. But the Moldovan government’s violent response to what it characterized as “Western-backed” protests against “perceived election fraud” backfired and unleashed a process that caused the Communist-led government to lose power following an election they claimed to have won.

Thus, the legislative capture pathway can be contained, as Poland and Moldova—our cases of reversal, if not yet sustainable recovery—show. At first sight, the judiciary may be expected to become a key source of resistance, but judicial appointments can be easily manipulated when an executive has supermajority support in the legislature. Indeed, legislative capture is often a prelude to court-packing strategies that erode or eliminate the independence of the judicial branch as a check on executive power. As important, backsliding incumbents can polarize society and discredit judiciaries by pitting electoral legitimacy against the rule of law,

and by portraying complex legal arguments as judicial activism or, worse, coups. This scenario has played out numerous times in Turkey since the early 2000s. Perhaps by sensing this threat, previously solid-looking and independent judiciaries may seem to coyly submit to the incumbent's will.

Independent media are also a key site of resistance, but new legislation or regulations and corrupt media takeovers for which captured legislatures fail to punish incumbents are often quickly enacted to quell that potential. Similarly, legislative capture enables the passage of legislation to monitor, regulate, or control civil society networks that might play an active role in the mobilization of social protest or electoral resistance to incumbent rulers. Ultimately, because the mandate of legislative capture comes from the electorate, the electorate and the coordination of opposition parties are the sites of potentially effective—but necessarily lagged—resistance. The odds for successful recovery significantly increase if civil society mobilization and protest combine with electoral arena resistance to raise the stakes of democracy as the ultimate issue on the voting agenda.

### *Plebiscitary override*

Plebiscitary override occurs primarily when a democracy-eroding incumbent comes to power without a legislative majority, but with broad popular support. Such leaders may then seek alternative means to implement their agenda and entrench their power, especially by using popular referenda or plebiscites to demonstrate popular approval for overriding or bypassing existing legislative and/or judicial institutions that may otherwise serve as constraints. In particular, they may employ popular referenda to convoke constitutional assemblies charged with changing or rewriting the constitution and reforming or re-founding core regime institutions, as

happened in the two cases of plebiscitary override in this volume—Venezuela and Ecuador (Moncagatta and Pazmiño, this volume). This pathway is most common in presidential systems, as it is often made possible by political or economic crises that weaken traditional parties and political elites and enable a populist figure or political outsider to capture the presidency with little or no partisan organization of their own but widespread popular acclamation. Reflecting this context, both the Ecuadoran and Venezuelan leaders described their movements as “revolutionary”: Citizens’ Revolution in Ecuador and Bolivarian Revolution in Venezuela.

When Hugo Chávez was first elected president of Venezuela in 1998, his fledgling party and its allies had only about a third of the seats in the legislature. As he had pledged during his campaign, he immediately called for a popular referendum to approve the idea of electing a special body to write a new constitution. Once the new constitution was approved, new elections were held for all government positions under the new constitutional rules, and this time, Chávez won a majority in the legislature. He then turned to the legislative majority pathway to concentrate power, while continuing to rely on new provisions for direct democracy and consulting with the electorate in referenda ranging from specific issues to the recall of governors. Perhaps even more dramatically, Rafael Correa was elected to the presidency in Ecuador without his party holding any seats in the legislature. Nevertheless, he was able to employ a similar plebiscitary override strategy to bypass the legislature, elect a constitutional assembly, and re-found regime institutions to concentrate powers in the hands of the executive, particularly regarding control of judiciary appointments. In both cases, within their first two years in office, Chávez and Correa obtained Supreme Court approval to elect constitutional assemblies; won supermajorities in those assemblies, which then not only wrote new constitutions but also



displaced the elected legislatures in their lawmaking functions; and held new elections in which the president's party won strong majorities.

This pathway, then, relies on direct approval from the electorate, bypassing other institutional bodies of accountability, to gain approval for the executive's agenda. The executive often looks first to increase their party's share of the legislature, either through modifying or rewriting the constitution, and then changes electoral laws to further advantage their party. They may also neutralize or pack the courts, gain control over national electoral bodies, undermine the independence of the media, and even create new constitutional branches of power (e.g., Citizens' Power), as happened in Ecuador and Venezuela. This strategy may be used throughout the executive's mandate, even in combination with the legislative capture pathway, by presidents and prime ministers who resort to frequent popular "consultations," as in Hungary and Turkey, to give legitimacy to their actions.

Resistance in this pathway faces similar obstacles as in the legislative capture pathway, namely, that plebiscites and referenda are billed as tools of direct democracy and thus give a strong sense of democratic legitimacy to the executive's proposals. The mixed records of the opposition in using these electoral and plebiscitary tools as sites of contestation shows the difficulties and, above all, the negative consequences of the failure to coordinate. In both Ecuador and Venezuela, the opposition parties failed to oppose the initial referenda on electing constitutional assemblies; further failing to coordinate in the election of those bodies, they lost the ability to influence the foundational changes to democracy in the rewriting of the constitution. Opposition parties each subsequently tried to use new referenda tools—i.e., a presidential recall—but ultimately failed against popular presidents. In Ecuador, Rafael Correa successfully used an omnibus referendum to include significant proposals to gain further control

over the judiciary in 2011. The Venezuelan case also demonstrates the devastating effect of an electoral boycott early in the Chávez period; with the opposition out of the race, Chávez gained total control over the legislature in 2005 and thus control of other institutions where the opposition still retained significant influence, such as the courts and the media.

Institutional sites of contestation are available at the initiation of a plebiscitary override pathway of democratic erosion. As both Ecuador and Venezuela showed, it took the acquiescence of the Supreme Court to move forward on the proposal to write a new constitution because neither country's existing constitution included provisions for such a step. Institutional change and capture often come as a result of legislative capture, but when a backslider does not initially enjoy a legislative majority, plebiscitary override is a good way to secure it. Therefore, institutional resistance—from courts, electoral bodies, and the media—is important at the beginning of the plebiscitary pathway. (In parliamentary and semi-presidential systems, some institutional resistance can also come from presidents [see Somer, this volume]).

In both Ecuador and Venezuela, the primary opposition electoral successes occurred at the local level (mayors and governors), although a good Venezuelan opposition coordination effort in 2015 enabled it to turn the rules advantaging the largest party on its head and win a supermajority in the National Assembly. The Venezuelan case also demonstrated some success in the referendum arena when the electorate, partially motivated by a reawakened student movement, defeated Chávez's first attempts to propose indefinite presidential reelection. This defeat was due not only to opposition pressure, however, but also to a misstep by Chávez; because he neglected to include mayoral and gubernatorial reelection in his proposal, even his own subnational leaders were not incentivized to turn out their voters. When he corrected that mistake two years later, the referendum passed.

Contentious politics can be sites of resistance to plebiscitary override but, in our two cases, were only intermittently successful against popular presidents. Ecuador, with a history of contentious politics, particularly within the indigenous movement that had helped bring down three prior presidents, did mobilize against some of Correa's policies. Their greatest success came when the indigenous movement focused its protests on broadly popular causes, such the fight against Correa's environmentally damaging oil and mining proposals. Contentious politics may well have played a role in Correa's turning to his legislative majority rather than relying on a popular referendum to approve his 2015 constitutional reform proposals, which included indefinite presidential reelection. The long series of protests by indigenous and labor unions most likely also contributed to Correa's decision not to run again in 2017, despite the new constitutional provision allowing him to do so.

In Venezuela, contentious politics were used early on as mass protests against Chávez's efforts to gain control of petroleum revenues and his other policies and, with the attempted coup in 2002, eventually turned extraconstitutional. Subsequent student mobilization helped defeat his 2007 constitutional referendum but failed to defeat the repeat referendum two years later. As in Ecuador, the drop in oil prices in 2014 brought widespread protests against deteriorating socioeconomic situations and worsening autocratization as Nicolas Maduro succeeded Chávez. One lesson from Venezuela is the need to link mass protests with an electoral mobilization strategy, rather than veering between them as often happened over the two-decade-long resistance. Another lesson from Venezuela and also Nicaragua (McConnell, this volume) is that, when a government becomes willing to give up its democratic facade and resorts to outright repression and state terror, contentious politics becomes almost impossible.

Organized civil society can be sites of contestation in this pathway by campaigning against both issue referenda and executive-led recall referenda. Even leaders with legislative majorities sometimes rely on consultative referenda, which not only serve to give their policy proposals some democratic legitimacy but can also drive turnout during elections, such as happened in Hungary and Turkey. This strategy is not, however, foolproof; in 2023, when Maduro attempted to buoy his support by calling a popular consultation to claim Venezuelan rights over the Essequibo Territory, long under contention with Guyana, a large-scale boycott undermined his credibility.

Finally, in our one case of partial democratic recovery in this pathway—Ecuador—the use of a referendum was, ironically, the tool that restored democratic institutionalism and repealed indefinite presidential reelection. In that case, when Correa decided he was too unpopular to win a third term, the replacement candidate was his own vice president, Lenin Moreno. But Moreno surprised Correa and many observers when he set out to repeal many of Correa’s democracy-eroding measures through popular referenda and open corruption investigations into his former chief.

### *Executive power grab*

The most dramatic example of an executive power grab is the presidential self-coup, or *autogolpe*. This case plays out in a series of events that leads to a rapid breakdown of democracy: The executive shuts down other power centers, replaces legislative bodies or ministries, annuls elections, and declares a state of emergency. But an executive power grab can come in a more gradual and cumulative form of democratic erosion, one in which the executive attempts to bypass other democratic institutions—as well as the voters. For example, a power

grab may include gaining undue executive power over independent agencies and bureaucracy through loyalist appointments, increasing the use of decree powers, or leveraging the coercive powers of the state to repress and arbitrarily detain opposition members, media critics, and protestors. It may also use state ministries, bureaucracy, and regulatory agencies to tax, fine, or otherwise harass opposition and to limit freedoms of speech, association, and information. Finally, executive power grabs may involve usurping control of the electoral commission or subnational governments to ensure the executive's power is maintained and bolstered through those channels—even to the point of rejecting election results and attempting to undermine the peaceful transfer of power, as happened in the January 6, 2021, insurrection in the U.S. or the January 8, 2023, uprising in Brazil.

Unlike legislative capture or plebiscitary override, this pathway does not rely on electoral legitimacy to ratify executive actions; instead, it doubles down on its power and seeks to eliminate or limit other contesting sites of democratic governance. Exploiting gray areas in the system, it abuses legal or de facto powers that a democratic executive should normally abstain from using based on “mutual tolerance and forbearance” (Levitsky and Ziblatt 2018).

Critically, the executive power grab pathway generally indicates that the president *lacks* legislative control and the ability to mobilize sufficient electoral support to pass a constitutional referendum that would legally concentrate power in the executive. This pathway, in its initial stages, is the most extra-institutional, the most visibly autocratic, and the most disenfranchising of other elite power centers. It is likely successful only in situations where the opposition parties and institutions are temporarily or structurally weak and unable to respond to overt power grabs and institutional shutdowns. Such was the case in Tunisia when, in 2021, the elected president Kais Saied seized control in a classic self-coup, dismissing the prime minister, closing

Parliament and local councils, and intervening in the judiciary. He did face resistance from opposition parties, civil society, and the judiciary, but popular alienation from the political establishment as a whole, mismanagement of the COVID-19 crisis, and a divided political elite rendered that resistance ineffectual. To legitimize his power grab, Saied soon turned to plebiscitary tools to win popular approval of a new constitution and his own election as president under new restrictive rules.

If initially successful, the executive can so aggressively tilt the playing field (by organizing the electoral commission, limiting opposition challengers, and potentially suppressing challenges from the population) that second-stage legislative capture or constitutional referenda become possible (as in Tunisia [Blackman, this volume]). But, in any of the pathways, once legislative capture and institutional control have been at least partially achieved, incumbents may use tools of executive power grabs. Hungarian, Nicaraguan, and Venezuelan leaders sought and were granted decree powers even when their parties dominated the legislature. Where judicial control is guaranteed, executives may flout their own constitutional rules to illegally instruct judges or intelligence agencies to investigate and prosecute opponents. Or, as in Nicaragua and Venezuela, they may use their power to instruct security forces or allied gangs to use excessive force against protestors. We thus argue that if we can identify the starting point of backsliding, we can then identify early-warning indicators, potential challengers, and strategies to combat executive power grabs—before they are able to further institutionalize autocratic rule in later electoral, judicial, and constitutional forms.

The ability to resist executive power grabs rests clearly in the credibility and coordination capacity of opposition political parties; the independence of accountability institutions, such as electoral authorities and judiciaries, and their appointment processes; the stance of the armed

forces; and the vulnerability of the executive to international and popular pressure, such as mass protests, media, and watchdog reporting. Among our three cases, Tunisian resistance to Saied's overt power grab has thus far failed, while resistance in Brazil and Malawi achieved a nascent democratic recovery (Spektor, this volume; Dionne and Dulani, this volume).

Tunisia's resistance failed first because of divisions between the opposition parties—especially the refusal of secularist parties to cooperate with the Islamist Ennahda party—and, second, because of widespread rejection of the political class and lack of confidence in Parliament. Similarly, a discredited legislature in Ecuador meant that popular reaction to Correa's dismissal of the National Congress, like Saied's dismissal of Parliament, did not generate immediate widespread protest. Second, although the judiciary did protest Saied's actions and intervention in the courts, Saied simply ignored their rulings and protests, and no other entity existed to enforce their rulings against him. The military, including appointments by Saied himself, however, backed him from the beginning of his power grab. Third, civil society was divided, and a large faction was slow to criticize Saied's moves, while mass protests were stymied by the inability of the discredited political parties to mobilize supporters. Opposition party boycotts of the constitutional referendum and subsequent national elections produced very low turnouts—and a large share of votes for Saied and his backers. Although Saied faced a dire economic situation, international pressure from the U.S. and EU were muted. Indeed, the EU actually provided a financial lifeline to Saied in exchange for border security in the context of European migration concerns.

In contrast, Malawi and Brazil saw more effective resistance and partial democratic recoveries. Although both these cases demonstrate the importance of institutional independence, an impartial military, and the role of civil society, they differ in their pathways to recovery.

Importantly, neither experienced the sudden power grab that Tunisia did, and both (particularly Brazil) had longer experience with democracy, so democratic norms and institutions had taken firmer root in the governance structures and the society.

Since 1994, Malawi's democracy had created a strong centralized presidency relative to the legislature and local governments, particularly in the president's control of revenues and spending. Moreover, a highly fragmented, personalist party system makes the legislature and elections weak sites of accountability. Instead, Malawian resistance resided in the courts; a strong civil society with a history of pro-democracy mobilization, including faith leaders and media dedicated to investigating corruption; and the opportune refusal of the military to go along with attempted power grabs.

In contrast, Brazil's large, multiracial democracy diffuses power with multiple veto points in its federal structure and a well-developed civil society and economy. The presidency is relatively weak and has historically relied on coopting legislators from multiple parties to pass legislation (a feature that presents opportunities for corruption), while state governors wield their own authority and budgets. The Brazil case study shows that President Jair Bolsonaro's attempted power grab in 2018 was limited by his lack of a legislative majority and the continued institutional independence of the courts (including the electoral court), subnational (state) governments, and the media. In his attempted executive overreach, he instead resorted to informal mechanisms, i.e., appointing military officers to public administration, bypassing the legislature, challenging the courts, and appealing directly to the electorate to delegitimize public institutions. He did not, however, control judicial appointments or election authorities, which in Brazil are located within the judiciary, and these bodies provided a strong check on the president.



In addition, a strong civil society and recovering opposition parties allowed a successful broad pro-democracy coalition to defeat the eroding incumbent after only one term.

When Bolsonaro lost the 2022 election to Lula da Silva and refused to accept the results, the decentralized nature of Brazilian power actually incentivized many in his own party to accept the election results in which they had won a significant portion of state and local offices and a large faction of the national legislature. Finally, Bolsonaro's attempts to politicize the military backfired, with one faction, receptive to pressure from the U.S. and concerned with their own economic interests, resisting internal efforts to mount a military coup against Lula's 2022 election.

### **Backsliding Pathway: Elite Collusion**

Although it is not a direct—or even necessarily intentional—pathway to executive aggrandizement, elite collusion can, under certain circumstances, open the door and abet the rise of an aggrandized executive. Among our case studies, that sequential pattern is seen most dramatically in Nicaragua's gradual descent toward autocracy after elite collusion paved the way for Daniel Ortega to return to the presidency in 2007. Elite collusion also enabled—but partially restrained—executive aggrandizement in Benin and Indonesia (Koter, this volume; Mietzner, this volume). In Guatemala, on the other hand, elite collusion eventually provoked widespread democratic resistance that led to the electoral defeat of a decentralized but increasingly authoritarian coalition of elite actors (Meléndez-Sánchez and Perelló, this volume). The second backsliding episode in Moldova also had strong overtones of elite collusion. These varied outcomes largely depended on the political strength, cohesion, and independence of the elite

actors who colluded to share power and the spoils of office, as well as on the mobilizational capacity of democratic forces in civil society and the electoral arena.

Under elite collusion, political elites from different parties, factions, or social blocs agree to power-sharing arrangements under which they allocate key public offices among themselves and share in the spoils of office. Elite power-sharing pacts are not necessarily antidemocratic; under some conditions, they can create opportunities for democratic transitions and endurance through the inclusion and incorporation of different political actors (Slater 2010; Riedl 2014; Mietzner, this volume). They may prevent excessive concentrations of authority in the hands of a dominant leader or a single institutional site, and they can allow a measure of horizontal accountability (i.e., institutional checks and balances) to be operative. This helped Guatemala's surprise reversal when a decentralized and internally competitive oligarchy's mistakes allowed the unlikely candidate Bernardo Arévalo to evade disqualification and carry the presidential election in 2023. Political elites in control of the legislature and courts, for example, may not be members of the president's party, and their willingness to collaborate with the president may have limits. An executive's power may thus be limited by the need to build and maintain a broad political coalition—for example, by accepting term limits or other informal arrangements for alternation in office. Term limits or presidential turnover have served as a red line in the political pacts that undergird elite collusion in countries like Indonesia and Benin.

Nevertheless, elite collusion can weaken democracy by offering mutual protections that entrench different elite actors and insulate them from popular democratic demands. Such collusive arrangements can undermine institutional mechanisms of oversight and accountability, allowing impunity for corruption or criminality in public office. These effects were readily apparent in Benin and Guatemala. Although elite collusion can lead to turnover in public office,

electoral accountability may be limited by the cycling in and out of power of elite allies who offer little to differentiate themselves to voters. Electoral turnover, therefore, does little to change where political power is centered, as party and candidate alignments are often fluid, and leaders who are voted out of office may remain in power by joining the next president's coalition.

Indeed, elite collusion can easily become a steppingstone to executive aggrandizement by means of legislative capture or executive power grabs. In exchange for political resources and access to state power, elites may provide an autocratic president with a compliant legislative majority, bureaucratic rubber stamps, and a deferential judiciary that tolerates executive efforts to concentrate power or close political space for opposition forces. Collusive bandwagoning by heterogeneous elites thus fosters the arbitrary use of executive powers toward autocratic ends and seriously erodes horizontal accountability. Benin and Nicaragua provide clear examples of the sequence by which elite collusion opens the door for executive aggrandizement.

The background conditions for such elite collusion generally entail weak and personalistic or patronage-based parties, none of them strong enough to govern on their own. Political leaders thus marshal their resources to barter for position and payouts within the inner circle of an elite coalition. These political resources include the ability to deliver the votes of their core constituencies; since levels of electoral support influence coalition access and positioning, political elites must invest in maintaining and mobilizing the support of their constituencies. Elite collusion is also more likely where state institutions are lacking in bureaucratic capacity and political autonomy, thus making them vulnerable to cooptation or capture. Likewise, it is easier for political elites to engage in self-interested collusion when civil society is too weak, organizationally fragmented, or politically dependent to hold elites accountable.

An independent civil society and social protest are potentially critical forms of resistance to elite collusion, as is the mobilization of discontent in the electoral arena when elites fail to deliver democratic dividends or corruption becomes unacceptably high. Voters can thus threaten to upset the collusive bargain, and their potential extra-institutional voice through forms of contentious politics is a significant limit on autocratization through elite collusion.

As the Guatemalan case analyzed in this volume shows, however, democratic resistance to elite collusion may well be conditioned by strategic errors and factional competition within the autocratic coalition itself. Extensive backsliding occurred in Guatemala, and the decentralized elite coalition that oversaw it—largely to protect its partners from domestic and international legal accountability for corruption—ensured that power was dispersed rather than concentrated in the hands of a dominant leader or ruling party. Having banned the major opposition parties from competing in presidential elections, however, over-confident elites opted to compete among themselves; this misstep opened the door for a little-known anti-corruption crusader to coalesce diverse opposition forces and defeat elite actors in the 2023 national elections. Widespread social mobilization and protest, backed by significant international pressure, subsequently blocked elite efforts to reverse the outcome of the election and allowed Guatemala to proceed along a highly unexpected, though surely incomplete, democratic recovery.

Elite collusion in Indonesia and Benin concentrated greater power in the hands of dominant presidents, but at least some constraints were placed on the exercise of this power by intra-elite political competition and personal political interests within ruling elite coalitions. As explained in the article on Benin—long recognized as a regional leader in the 1990s democratization process in sub-Saharan Africa—the country experienced severe democratic backsliding after President Patrice Talon took power in 2016 and coopted other elites to win over

compliant legislative and judicial institutions. The legislature proceeded to pass new election laws to create roadblocks for opposition parties and enacted restrictive legislation to target independent journalists and news media. The Constitutional Court approved these measures and even allowed elections to be held with no true opposition in 2019 and 2021. A partial recovery subsequently began when a key ally of Talon left the Constitutional Court to pursue other political ambitions, and the court ordered the national electoral commission to allow opposition parties to compete in 2023 elections. This political opening encouraged greater coordination among opposition forces and the election of a new, albeit minority, opposition bloc in the national legislature.

In Indonesia, elite collusion led to the formation of highly inclusive, supermajoritarian parliamentary coalitions that shared in the spoils of office while presidents gradually accumulated—and sometimes abused—executive powers. As the case study in this volume explains, however, elite coalitions also restrained presidents in order to avoid the emergence of long-term autocratic rule, especially under President Joko Widodo. The coalitions upheld the constitution's two-term presidential term limit, thus preventing Widodo's attempt to extend his time in office, and the Constitutional Court blocked him from setting up his son to run for public office. When Widodo's parliamentary allies maneuvered to circumvent this court ruling, social protests erupted and induced Parliament to accept the court's decision. The Indonesian case makes clear that, while elite collusion can undermine the quality of democracy, it may still allow for at least the partial independence of judicial and legislative institutions as different elite actors seek to protect their political interests.

Institutional independence, however, was *not* maintained in the Nicaraguan case, as seen in this case study. In Nicaragua, Daniel Ortega was able to use elite collusion to split the

conservative anti-Sandinista bloc, capture the presidency with only 38 percent of the vote in 2006 elections, and induce the Supreme Court to eliminate presidential term limits. Upon winning reelection in 2011 and capturing a legislative supermajority, Ortega was empowered to pursue executive aggrandizement by subordinating the courts, the legislature, electoral institutions, and police and military forces to his personal authority. With state institutions thoroughly controlled by Ortega and his party, and little possibility of challenging him in the electoral arena, opposition forces resorted to street protests in 2018, which were violently repressed by state security forces. Thereafter, the Ortega regime stepped up repression against the media, the Catholic Church, independent civil society organizations, and opposition parties and candidates. Elite collusion thus set the stage for patterns of executive aggrandizement that not only elicited democratic backsliding but also ushered in the transition to an increasingly closed form of authoritarian rule.

### **Sites of Resistance**

The different pathways imply different strategies of resistance for democratic recovery in key arenas of political contestation: institutional, electoral, and contentious politics (including civil society and protests). Institutional sites include the bureaucracy, judiciary, legislature, and sub-national governments (including federal systems and municipal governments). As described above, the key analytical payoff of the pathways approach is that it helps to clarify which sites have been captured and which remain open for contestation or resistance.

Institutional sites vary significantly in the extent to which they are captured and how the capture shapes their role. For example, legislative capture can quickly lead to judicial capture,

but it may not, depending on the nature of judicial appointments. Elite collusion can mean that legislative capture is often an option—the executive can mobilize the coalition of supporting parties and elected officials—but that each MP is simultaneously acting as an independent agent protecting their own interests.<sup>4</sup> Thus, there can be limits to the legislature’s willingness to comply with the executive’s agenda, particularly when it threatens rather than boosts their own power calculations. In contrast, where a strong party is led by a dominant president or prime minister and commands a legislative supermajority, the legislature is not a decision-making body, but rather a rubber stamp for what the leader and party has already decided. In this scenario, intra-party dynamics might provide a better clue to identifying the potential factions and defections that could lessen the legislative majority and limit the executive.

State capacity and the insulation of the bureaucracy and military from partisan politics are also factors that determine the institutional sites of resistance and capture. Where civil servants are protected from arbitrary appointments, the bureaucracy can serve as a key point of regulatory and process-based resistance to the whims of the executive. Alternatively, where the bureaucracy is largely a tool of the executive, the authority to tax, fine, investigate, and otherwise surveil and suppress is a powerful weapon in limiting opposition and controlling information. The more multilayered and resource-independent a bureaucracy is, the more time and effort it takes to control. Similarly, the preexisting degree of fiscal, political, and administrative decentralization shapes the degree to which subnational governments can provide a foothold for the opposition (Dickovick and Riedl 2014).

The electoral arena remains a key focal point of resistance, even when the playing field is highly tilted through rule changes and the capture of electoral management. Our case studies demonstrate that political party coalitions and strategies that maximize their advantage, given the

rules in place, can make a significant difference in successful resistance episodes—particularly in early elections. Even partial victories at the local level can demonstrate the opposition’s power and popular support for checking the executive. Elections can also shine the spotlight on the extent to which the country’s democracy is functioning: Rallying around the issue of democratic rights and processes can provide an alternative to the incumbent and thus help voters, candidates, and parties to overcome social or partisan cleavages (as in Poland and Guatemala in 2023).

A very significant site of democratic resistance lies in contentious politics. Although our case studies make clear that social protest against democratic erosion provides no surefire guarantee of success—in countries like Venezuela and Nicaragua, protests arguably led incumbents to harden regimes and intensify political repression—they nevertheless confirm a long history of literature (McAdam et al. 2001) demonstrating that protest and strikes are often powerful tools to limit or arrest executive aggrandizement at many stages in the process and across all pathways. While democratic backsliding generally succeeds where protest is weak, social protest that rallies citizens around democratic rights and electoral contests can give courage to other institutional sites and empower the legislature to block proposed legislation or the judiciary to protect rights and electoral integrity (as in Malawi and Moldova). They may even convince a democracy-eroding incumbent not to seek a new term, as in Ecuador. Finally, they can also encourage opposition parties to join forces and build broad electoral coalitions to challenge incumbents at the ballot box. Protests that are heterogeneous in social composition, nonviolent, and focused on democracy as the meta-narrative are powerful repertoires of action (Marks 2024). Several case studies in this volume (i.e., Moldova, Serbia, and Turkey) suggest that coordination between social protests and political parties is critical for contentious politics to translate into recovery, lest they backfire through deeper polarization and government backlash.



### **Conclusion: Comparative Findings**

These pathways—legislative capture, plebiscitary overrides, executive power grabs, and elite collusion—highlight the initial routes to backsliding, and we suggest that identifying them has important analytical payoffs for understanding sequential processes, policies, and potential sites of democratic resistance. The case studies also make clear that many countries go sequentially from one institutional site of backsliding to another and can combine elements of several. Attention to domains of capture provides a schema for understanding remaining zones of contention and focal points of contestation—whether they be elections (national and subnational), court cases, or bureaucratic agencies.

We can also draw lessons from the common strategies that backsliders use to create an unlevel political playing field, capture institutions, and limit the choices available to citizens. In addition to the familiar strategies of changing electoral rules and packing courts or dismissing judges, common strategies include turning public media into platforms of government propaganda, disseminating disinformation, buying out media outlets, and passing omnibus bills and referenda that make it difficult for citizens or legislators to organize against an autocratizing incumbent.

Just as backsliding episodes are attributable to political agency and not predetermined by antecedent conditions (e.g., structural factors or sociopolitical cleavages), so also are political agency and strategic choices vitally important in shaping democratic resistance. Resistance also encompasses a wide range of political behavior by media and communication outlets, business leaders and workers in the private and public sectors, civil society organizations, grassroots activist networks, and citizen mobilization strategies. Effective resistance requires that

opposition actors accurately identify the institutional and civic sites that remain open to democratic contestation. It also requires that opposition actors recognize potential sources of weakness or division within ruling authoritarian coalitions and be prepared to take advantage of these opportunities when they emerge. In cases where some sort of recovery has occurred, such as Poland, Brazil, Moldova, and Ecuador, democratic opposition forces exploited cracks in the authoritarian facade opened by leadership rivalries, factional competition, corruption scandals, and electoral limitations and then challenged autocrats within the available democratic spaces to further open those spaces.

A key takeaway is that resistance most often requires efforts in several sites of contention, even if some sites and strategies are more viable for certain pathways. The interactive effect is significant across domains of horizontal accountability (i.e., generally formal institutions, such as the courts or the legislature) and of diagonal and vertical accountability (such as media, civil society and voters). As Carothers makes clear in his conclusion to this volume, recovery from backsliding is not the norm, and state institutions do not have an impressive track record of resistance to backsliding incumbents. Opposition parties and civil society actors, therefore, are typically on the front lines of efforts to safeguard democracy, placing a premium on their ability to recognize early warning signs and coordinate a response.

Another key, and related, takeaway is that successful democratic resilience depends on *how* opposition actors use and combine different sites of resistance, rather than which sites they use per se. For example, contentious politics and social mobilization can both slow down or accelerate and deepen backsliding as an unintended consequence, as Turkey's constant and multiscale protest movements suggest (such as the 2013 Gezi protests [Somer and Tekinrk 2024]). Whether or not they succeed in replacing the incumbent is determined by various factors:

whether they link the protests with an electoral mobilization strategy (Gamboa, this volume; Pinckney 2020), how cross-ethnic and cross-ideological the movement is (Marandici, this volume), and what the organizational characteristics are (e.g., mechanisms of decision-making and leadership selection). As such, both ideological and programmatic factors play a key role, particularly since some backsliding incumbents owe much of their success to their ability to redefine the political field and bound the salient political issues to their own electoral advantage. All of this suggests that, for social and political opposition actors, internal reform—ideological, programmatic, and organizational—is critical for resisting and defeating backsliding.

Given the importance of political agency and strategic choices, we recognize that poor economic conditions can enable both executive power grabs (such as in Tunisia) and protests resisting autocratization. Such popular mobilization has at times been effective in resistance (such as in Malawi, Ecuador, and partially Brazil) and at other times less effective, even though large and quite visible (such as in Nicaragua, Venezuela, and Hungary).

Finally, as Carothers points out (this volume), international democracy supporters can play a positive role in resisting backsliding, though they can be slow off the mark, such as the EU in Hungary and Poland. But malign international actors like Russia and China have been consequential as well in supporting backsliding incumbents and actions.

In conclusion, we repeat that timing is key: The degree and duration of backsliding influences and constrains resistance options. While early in the process there are more opportunities to defend democracy, there is also more confusion about the stakes and weaker incentives to build a heterogeneous coalition. The inflection point appears to occur at around one decade. Opposition electoral coalition strategies, mass protests and social mobilization, investigative media reporting, autonomous court decisions, local elections and bureaucratic

mobilization, and factional breakaways from the incumbent regime have been key resistance strategies that respond to the threats to democracy and pave a way for a return to democratic rights, institutions, and processes.

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## Notes

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<sup>1</sup> For the original case studies (updated here to speak to a common framework) and summary findings, prepared for the USAID Center for Democracy, Human Rights and Governance, see Riedl et al. (“Summary Report,” 2023; “Case Studies,” 2023; and “Literature Review,” 2023).

<sup>2</sup> Executive power grab may include other levels of government, such as subnational decision making and accountability, as well as other institutional sites of accountability, such as the media and regulatory agencies of the bureaucracy, over which the executive can exert control.

<sup>3</sup> Such colluding elites encompass economic, political, and social domains of power.

<sup>4</sup> This likely depends on whether the MP’s position is more accountable to the party leadership or the electorate; they may not have the independence to be able to buck the party leadership.