
The End of Democracy?
Global Trends of Democratic Erosion and Cases of Persistence
Task Force 2019

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ABSTRACT

Democracy is not as stable as it once was. Confidence in the democratic system was established in the post-1989 world following the fall of the Soviet Union. However, studies indicate that this confidence has withered over the last quarter century as democratic regimes struggle to confront a rapidly globalizing world. As time passes, democratic systems seem less likely to universalize, and more likely to backslide.

This report identifies four key components of democratic erosion. At the base of democratic erosion are **citizen attitudes**. In increasing numbers, the populations of democratic nations are becoming more open to authoritarian-populist alternatives to democracy. Though not strictly democratic, **gatekeeping** institutions such as political parties and establishment media organizations have failed to filter out extremist candidates in recent years who make use of those ideologies. At the level of the political elite, adherence to *de facto* **democratic norms** is waning. As political polarization escalates, leaders of opponent parties abandon practices of mutual toleration. Consequently, these politicians discard forbearance, resorting to extreme legal measures in order to defeat their political adversaries. **Freedom of expression** has also suffered a series of defeats as democratic governments respond to public criticism with increasing severity, attempting to suppress free speech, assembly, and press.

This report also identifies two key components of democracy that show its global persistence. The past decade has seen a surge in **political participation**, with increased participation in voting and demonstrations. **Judicial independence** has proved a strong institutional safeguard for democracy, checking the power of the executive and ruling at times against majorities in order to respect constitutions, rules of law, and overarching liberal values.

This report outlines five policy recommendations for protecting liberal democratic institutions. In order to prevent significant erosion to democracies, we must **renew civic**

faith and education in democracy, **empower a free press**, **address concerns over immigration**, **reform governance of the global economy**, **strengthen international organizations and agreements**. Democracy does not currently face imminent collapse. However, significant elements of its foundation are eroding.

Table of Contents

Introduction	7
Citizen Attitudes Toward Democracy	12
Gatekeeping	26
Adherence to Norms	32
Freedom of Expression	47
Political Participation	60
Independent Judiciaries	72
Limitations	80
Policy Recommendations	82
Conclusion	87
Bibliography	89

INTRODUCTION

Liberal democracy is a system of government in which both popular views and protection of individual rights are balanced through active civil participation and electoral institutions to create public policy.

The half-century that followed the Second World War persuaded many establishment political theorists that liberal democracy might be permanent, or at least that it would remain the most popular regime type well into the future. In general, democratic governments enabled upward mobility to ordinary citizens and widespread economic prosperity. Through hard-fought political battles, minorities and historically disenfranchised groups gradually gained representation and civil rights, seemingly on a trajectory toward a more equal society. The establishment of trade agreements and supranational organizations foreshadowed a cooperative, prosperous future in which a system of nations could champion democratic norms and processes. Globalization, whether economic, demographic, or ideological, evoked general optimism about a more open world order which could appeal to progressive social idealists and enterprising capitalists alike. For social liberals, an open world entailed liberty for the movement of people, aid, information, and ideologies. The rise of democratic regimes after the fall of the Soviet Union, for example, fed the optimism of those idealists who envisioned global citizenship and universal liberal democracy. Conservatives bent on deregulation found common ground with their ideological adversaries as neoliberal economic policy became increasingly realizable. Businesses could expatriate supply chains, information, and capital around the world at unprecedented speeds, circumventing unwanted regulations and greatly cutting the costs of procurements and labor. Yet, this globalization has put immense strain on ordinary citizens and political leaders who foresaw the permanence of nation-states and mass politics.

The pace and severity of globalization exceeded expectations. The advent of the digital age has accelerated the spread of information, enterprises, ideas, and people to a speed which democracies, young and old, are not readily able to confront. At the base of this tension is the existence of “imperiled majorities:” groups who once felt socially eminent and have become increasingly anxious about their place within the shifting socioeconomic dynamic of society. Some fear economic marginalization as the exponential development of automated technology reduces the demand for human labor. Others dread the implications of unprecedented levels of migration, which threaten to make once-homogeneous communities increasingly cosmopolitan. Often, these disconcertments are deeply entangled. Disaffected workers might fear that immigrants will deprive them of their jobs. Ascriptive identities replace earned identities, as anxious and unemployed citizens identify more with their ethnic compatriots and less with the diverse workforces with whom they once shared mine shafts and factory floors.¹ As political scientist Ivan Krastev argues, “we live in a world that is more connected but also less integrated.”²

Public disaffection with the current state of affairs and its perceived trajectory brings about unprecedented implications for democracy. In the face of a rapidly changing world, many disaffected voters — to whom globalization presents an economic or social threat — believe political revolution and reactionism to be appropriate counterweights. Thus, these imperiled majorities empower a backlash of populist-authoritarians and other outsiders who promise to “take back,” “protect,” or “make great again.”³ In communities where discontent with the status quo has boiled over, individuals empathize with reactionary candidates who rail against technocrats of the political establishment and their liberal values. In building a narrative of conflict between workers and a miserly elite, the simplistic message and optimism of reactionary politicians resonates with the imperiled majority. Once in office, however, the idealism of these leaders clashes with sluggish parliaments, bureaucracies, and the

¹ “Fastest Declining Occupations.” U.S. Bureau of Labor Statistics. April 11, 2018.

² Krastev, Ivan. *The Great Regression*. Cambridge, UK: Polity Press, 2017, 69.

³ Norris, Pippa, and Ronald Inglehart. *Cultural Backlash: Trump, Brexit, and Authoritarian Populism*. Cambridge: Cambridge University Press, 2019, 14.

checks and balances to their power imposed by essential liberal-democratic institutions.

⁴ It is at this point of tension that politicians like Donald Trump, Recep Tayyip Erdogan, and Viktor Orbán have strayed from democratic norms and even subverted procedural aspects of democratic governance.

Over the last quarter-century, the post-Cold War optimism for universal liberal democracy has withered as both new and consolidated democracies show symptoms of erosion in response to an increasingly globalized world.⁵ In cases of more established democracies, erosion has been largely limited to normative practices. In countries where democracy is still in its relative youth, erosion has infiltrated institutions from constitutional tribunals to executive administrations.

It is because of both normative and institutional democratic erosion, both illiberalism and undemocratic sentiment, that such a report is necessary. Although some aspects of erosion may seem glacial in pace and relatively innocuous, we must be vigilant in tracking their progress. Although gradual, erosion is on a trajectory to reach an irreversible point. It is thus our duty as citizens to scrutinize trends that seem to be undermining the stability of democracies worldwide, and recognize policy measures which would stop and hopefully reverse this downward spiral. Our report differs from its contemporaries because it includes both instances of democratic persistence and perseverance. Whereas reports which include erosion as the focal point of their analyses may inflate the severity of democratic erosion, we strive to put trends of erosion in context. Our report will not be bound by geographic limitations. However, we will focus our analysis of erosion on flawed or full democracies, as backsliding in more stable democracies provides stronger evidence of potential global backsliding. In observing democracy's persistence, our analysis will run the gamut from authoritarian to free nations, in the interest of demonstrating both democracy's resilience under political pressure as well as its ability to grow.

⁴ Galston, William A. "The Populist Challenge to Liberal Democracy." Brookings.edu. April 17, 2018.

⁵ Norris, Pippa, and Ronald Inglehart *Cultural Backlash*, Cambridge: Cambridge University Press, 2019, 6.

In order to systematically differentiate between the status of various democracies, we employ indices from the Economist Intelligence Unit (EIU), dividing the countries into four categories: full democracies, flawed democracies, hybrid regimes, and authoritarian regimes.⁶ The EIU determines its categories using five criteria: electoral process and pluralism, civil liberties, the functioning of government, political participation, and political culture. The EIU defines a flawed democracy as one that has significant democratic failings – issues with the functioning of government, underdeveloped political culture, low levels of political participation – despite generally honoring civil liberties and free and fair elections.⁷ This categorization is employed throughout this report in order to provide context for the generalization of global trends.

First, our report points to the importance of public attitudes toward democracy as a fundamental point of stress on that regime. Over the last three decades, economic stagnation, growing inequality, the rise of migration, and the advent of social media have all contributed to embittered public opinions of democracy. Consequently, citizens living under democratic systems have become increasingly open to alternatives to democracy, notably authoritarianism and autocracy. Second, the influence of traditional gatekeeping institutions, be they large media organizations or dominant political parties, has decreased as social media grows in prominence and populist demands diverge from the agendas of the political establishment. As conventional gatekeepers leave the political arena, extremist politicians encounter less obstacles as they ascend. Third, we address rising populists and strongman-type leaders, who, once elected, have endangered and neglected democratic and liberal norms. Fourth, we analyze alarming trends illustrating a decline in freedom of expression.

While democratic norms have not fared well over recent years, democracies have also displayed an ability to resist these stressors. Key examples demonstrate the persistence and perseverance of democracy through the autonomy of judiciaries and an increasing level of citizen participation. Our report finds that on a global scale, independent judiciaries are succeeding in defining the boundaries surrounding

⁶ "The Economist Intelligence Unit." Democracy Index 2017.

⁷ Ibid.

legally-questionable acts of strongman rulers. Secondly, our report found strong or improving cases of political participation in recent years - especially in regard to women and minorities; this entails all forms of legal participation from voting and demonstrations to holding elected office. Citizen-driven political activity has increased in recent months, in both full democracies, such as Norway, and flawed democracies, such as the United States, Malaysia, and Estonia.

The rise of populists and autocrats, as well as undemocratic and illiberal sentiments, is cause for future concern. Whether through apathy or gridlocked political polarization, the threat of democratic backsliding could result in serious damage to the liberal democratic institutions which aim to safeguard basic rights and representative governance. If left unaddressed, the threats could prove existential. On the contrary, if we take the time to address the shortcomings and flaws of current regimes, democracy may be preservable.

CITIZEN ATTITUDES TOWARD DEMOCRACY

“Democratic backsliding today begins at the ballot box,”⁸ Harvard scholars Steven Levitsky and Daniel Ziblatt warned in their book, *How Democracies Die*. Before democratic norms are eschewed and institutions erode, attitudes change. This section concerns the public’s attitudes toward liberal democracy. It argues that there is a strong connection between the public’s openness to alternatives to democracy and the election and empowerment of undemocratic, illiberal politicians. Over recent years, public attitudes have strayed from the standards of consolidated liberal democracy.

Political economist Albert O. Hirschman’s concepts of “voice” and “exit,” once representing two distinct alternatives — to voice concerns within a system or to abandon that system altogether — have made a startling convergence over the last decade. “Voice” and “exit” have increasingly become interchangeable, as *voices* in support of *exiting* democracy reverberate amid growing populist circles.⁹ Across a wide array of countries where populists have stepped into the political arena or shored up political clout, authoritarianism has made its debuts, and we can see an ominous pattern in this public opinion that has implications for democracy.

Populists-turned-authoritarians are elected democratically, but often undermine the liberal rights guaranteed to minorities and their opponents. Those who support such a leader make up the “imperiled majority,” a group whose members feel as if their interests are spurned at the benefit of the few. In many instances, public attitudes have not turned on the idea of democracy itself. Rather, they have become increasingly open to modifications and alternatives to existing regimes that reflect key components of illiberal, undemocratic, or authoritarian government: ambivalence to the rights of minorities and migrants, frustration with sluggish, ineffective parliaments, and preference for a strong leader whose latitude does not meet institutional resistance.

⁸ Levitsky, Steven. *How Democracies Die*. Random House USA, 2018.

⁹ Geiselberger, Heinrich. *The Great Regression*. Polity Press, 2017.

This openness to alternatives owes partially to feelings of frustration with the outputs of a government and disenfranchisement, perceived or real, from the political decision-making process, particularly in the context of a globalizing world. According to scholar Dani Rodrik's "political trilemma of the global economy:" hyper-globalization, national sovereignty, and democratic politics cannot all exist simultaneously; only two may be present at any given time.¹⁰ Those who yearn for restored sovereignty — perhaps through stronger borders — and mass politics find their ideal vision pushed aside by the relentlessness of globalization. In short, many of those who do not benefit economically or culturally from globalization feel unsatisfied, left behind, or misrepresented. Often this sentiment temporarily subsides with the election of a new government, of a competing party who vows to change the status quo, or of legislators who promise their constituents the results of which they are wont. However, danger surfaces when frustration with a government becomes frustration with a regime. Unlike dissatisfaction with a specific government, or administration, resentment for a regime concerns the fundamental norms and operations of a political system.

In the United States, a flawed democracy, dissatisfaction with a regime led to tangible political results with the 2016 election of Donald Trump. Trump, running as a Republican, did not only promise conservative reforms - he espoused a revolutionary rhetoric. He called for the re-empowerment of working-class Americans whose wages had stagnated. He appealed to big businesses alike with a promise of sweeping corporate tax reform. He aimed to mollify all those who had felt excluded at length from decision-making in Washington. According to his oft-repeated metaphor, it was time to "drain the swamp." Defaming immigrants as criminals, calling for the arrest of his campaign rival, and threatening to expand libel laws in order to suppress a "dishonest" press, Trump made open threats to norms and even legal pillars of democracy.¹¹ And yet, the American people elected him. The erosion of democratic institutions had begun at the ballot box, under the guise of democratic restoration.

¹⁰ Rodrik, Dani. "Brexit and the Globalization Trilemma." Dani Rodrik's Weblog. June 16, 2013.

¹¹ Mounk, Yascha. *The People vs. Democracy: Why Our Freedom Is in Danger and How to Save It*. Cambridge, MA: Harvard University Press, 2018.

Similar sentiments have empowered executive aggrandisement in cases like Turkey, which is categorized as a hybrid regime. According to the Cambridge scholar David Runciman, executive aggrandisement is a postmodern-style coup in which those already in power suspend democratic institutions.¹² Turkish President Recep Tayyip Erdoğan made such a move in calling for a referendum on expanding executive latitude in 2017. Erdoğan won the referendum by an extremely narrow margin — around two percentage points — and thus retained many discretionary powers held under a soon-to-expire state of emergency.¹³ In 2017, a Pew Research poll revealed that 52 percent of Turks thought that a state ruled by experts would be a “good” form of governance; 40 percent gave rule by a strong leader the same esteem.¹⁴ Turks were not necessarily opposed to democracy. After all, leaders like Trump and Erdoğan call for a restoration of democracy in that they promise disaffected groups, usually an “imperiled majority,” proper representation. However, as will be discussed in the chapter on adherence to norms, the breakneck agendas of these politicians do not lend themselves to the sluggishness of democratic institutions or checks and balances. Nor do these leaders uphold liberalism by protecting the rights and interests of the opposition. In fact it is usually liberal values, pertaining to the rights of minorities, which these leaders often trample once in office.

In existing democratic systems, public openness to an illiberal or demagogic leader is the basis for a tangible subversion of liberal democracy. The populist successes of Trump and Erdoğan provide cases in point. The causes of this trend toward public discontent with traditional democracy are similar from country to country. This section argues that there are three main factors which both illustrate and explain the decline in citizen approval of democracy, each being linked to a general threat to identity. These factors are economic stagnation, an influx of immigrants, and the rise of

¹² Runciman, David. *How Democracy Ends*. Profile Books, 2018, 44.

¹³ Kingsley, Patrick. "Erdoğan Claims Vast Powers in Turkey After Narrow Victory in Referendum." *The New York Times*. April 16, 2017.

¹⁴ Gramlich, John, and John Gramlich. "Compare Global Views of Democracy and Other Political Systems." Pew Research Center. October 30, 2017

social media, particularly in its role in creating echo chambers of polarized citizens. In observing each of these trends, the extent to which citizen attitudes are consequential to democratic outcomes will become evident.

Socioeconomic Anxieties

Populists who promise revolutionary change draw widespread support from voters experiencing socioeconomic anxiety. One source of anxiety is the economic stagnation of ordinary household incomes over recent years. While some endure veritable economic hardships, others merely fear that they will experience that adversity in the future. Ultimately, both real and perceived financial anxiety lead to a similar result for democracy: a sense of urgency for radical change. If economic ruin is imminent, one must upend the status quo to avoid it. A study in South Africa found that financial contentedness and perceived chance of upward mobility are so important to satisfaction with a regime that those who are optimistic about their economic mobility are more likely to tolerate “government attempts to constrain freedom of information, opinion, or expression.”¹⁵ Inversely, those who fear economic turmoil in the near future are much less likely to be satisfied with the government in power, and perhaps even the overarching regime.

Deprived of this financial optimism — and increasingly marginalized by globalizing economies — a number of voters turned to Trump’s message of economic revitalization in the 2016 US presidential elections. Trump promised to revive industries which Americans had taken to be cornerstones of the US job market before their gradual, precipitous decline. One such industry was manufacturing, whose infrastructure Trump described as “rusted-out factories scattered like tombstones across the landscape of our nation” in his inaugural address.¹⁶ While the real GDP contribution of value-added manufacturing has not significantly decreased since the 1950s, employment figures have declined markedly in recent years, from 17 million in 2000 to 12 million in 2015. This is part of a historical trend: in 1953, 32 percent of workers held

¹⁵ Schotte, Simone. Report. German Institute for Global and Area Studies (GIGA), 2017.

¹⁶ "The Inaugural Address." The White House.

manufacturing jobs; by 2015 this number had dropped to 8.7 percent.¹⁷ If output — real GDP — has remained steady while jobs have been cut, it is clear that automation is on the rise. The proliferation of this technology and its diffusion around the globe is exactly the sort of phenomenon which provokes economic anxiety among the working class. “How long until I am replaced by a robot?” factory workers might ask themselves. Trump, unlike Obama who conceded that some manufacturing jobs may never be brought back, argued repeatedly during his campaign and still during his mandate that manufacturing jobs must be revived by any means necessary. He made a resurgence of manufacturing jobs seem highly realizable.¹⁸ This rhetoric implied the restoration of dignity, affluence, and an earned identity to those who only a half-century ago, represented 32 percent of the workforce.¹⁹ But Trump’s promises conflict with the limits of Rodrik’s trilemma: a nation cannot reap the benefits of hyper globalization, retain its sovereignty, and engage in mass politics all at the same time. Trump’s proposition of an everybody-wins economic-political solution, is less reality and more delusion. Unfortunately it is opposition parties and institutional checks and balances who bear the blame when a populist is not able to realize such a pipe dream. Thus, Trump is able to funnel feelings of frustration and resentment among his base toward actors like the Federal Reserve, or the Democratic Party as a whole. It is they, he argues, who sabotage his reforms or conspire to redistribute economic growth to minorities and elites.²⁰²¹

¹⁷ Federal Reserve Bank of St. Louis. "Is U.S. Manufacturing Really Declining?" St. Louis Fed. April 10, 2017.

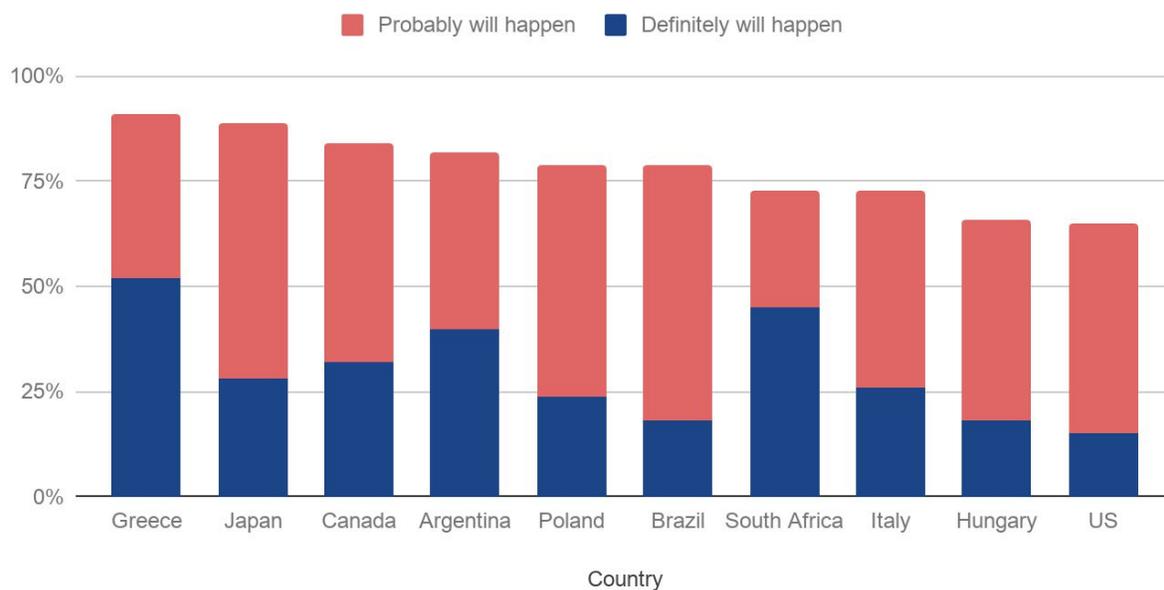
¹⁸ Fox, Justin. "Manufacturers Are Hiring, and Hiring." Bloomberg.com. March 9, 2019.

¹⁹ Federal Reserve Bank of St. Louis. "Is U.S. Manufacturing Really Declining?" St. Louis Fed. April 10, 2017.

²⁰ Liptak, Kevin. "Trump Asking Advisers If He Can Legally Fire Fed Chief." CNN. December 22, 2018.

²¹ Karabell, Zachary, Erick Trickey, Jeremy Markovich, and Rich Lowry. "Trump vs. Clinton: A Fundamental Clash over How the Economy Works." POLITICO. September 27, 2016.

Figure 1.1 How likely do you think it is that in the next 50 years, robots and computers will do much of the work currently done by humans?



Source: Wike, Richard, and Bruce Stokes. "In Advanced and Emerging Economies Alike, Worries About Job Automation." Pew Global. September 20, 2018.

Socioeconomic parallels can be drawn too in South America, where since the 1990s, a new form of populism has risen among those who feel excluded from the neoliberal policies of centrist and even some far-right politicians. In Brazil, a flawed democracy, this contemptuous dynamic has become acute. Luiz Inácio Lula da Silva, Brazil's former president indicted on corruption charges, initially enjoyed sweeping popularity for his pro-labour and pro-welfare fiscal policies. However, for several years before the 2018 election, Brazilians faced growing economic inequality, neutral or negative growth rates, cuts to public service spending, and seemingly immutable poverty.²² Growing stagnation and inequality owed largely to Lula's concessions to neoliberal and open-door economic policies, reflecting a reversal in his initial

²² Bethell, Leslie. "Populism in Brazil." In *Brazil: Essays on History and Politics*, 175-94. London: School of Advanced Study, University of London, 2018.

redistributive platform. Political scandals did wreak havoc on the public approval for Lula's PT party, but the grim economic backdrop also mobilized voters to elect someone who represented change. The 2017 Latinobarómetro found that only 42.6 percent of Brazilians believed that democracy was preferable to other regimes. Moreover, only 12.8 percent of Brazilians were at least satisfied with the functioning of their government.²³ In 2018, change came in the form of Jair Bolsonaro, an ex-military officer, widely regarded as far-right, openly illiberal toward indigenous populations,²⁴ but bearing a familiar message: prosperity, as fast as possible, by any means necessary. In January of 2019, Bolsonaro set his aim at lifting Brazil onto the list of the top 50 countries in which to do business (from 109th), speaking to an audience at Davos.²⁵ Thus, Bolsonaro's election represented a watershed moment for his supporters: a departure from the corrupt Lula dynasty and economic tumult, toward action and affluence. There is no question that economic anxiety influences the elections of leaders like Trump and Bolsonaro who threaten to erode liberal democracy. As the public's perception of the economy sours, and crisis moves up the list of concerns, voters are more and more disposed to electing someone who demonstrates a commitment to radical change. Risk management, as it pertains to the health of democracy, seems to lose focus.

The Turkish example can be brought into this context if we move a few years back. In 2015, Pew performed a sweeping survey of public attitudes and priorities, ranking the economy and crime as the country's foremost preoccupations.²⁶ Under the umbrella of economic anxieties, rising prices, the gap between the rich and the poor, and a lack of employment opportunities accounted for the three leading concerns. Moreover, Turks felt pessimistic about the upward mobility of their offspring, similar to sentiments in the US. In the same study, Pew found that 52 percent of Turks believed

²³ "Análisis Online." Latinobarómetro Database. 2017.

²⁴ Londoño, Ernesto. "Jair Bolsonaro, on Day 1, Undermines Indigenous Brazilians' Rights." The New York Times. January 02, 2019.

²⁵ "In Trump's Absence, Brazil's New President Steals Spotlight at Davos." Fortune. January 23, 2019.

²⁶ Poushter, Jacob, and Jacob Poushter. "Deep Divisions in Turkey as Election Nears." Pew Research Center's Global Attitudes Project. December 01, 2016.

children would be worse off financially when they grow up, compared to 40 percent who thought their affluence would increase. These concerns were not baseless. Between 2013 and 2017, Turkey's GDP per capita decreased roughly 16 percent, from \$12,500 to \$10,500.²⁷ As Harvard scholar Yascha Mounk asserts in *The People vs. Democracy*, consolidating democracies built popularity by delivering economic prosperity. In the US and the UK for example, there was widespread content with democratic regimes after the Second World War because residents felt confident that following generations would only be better off. If stagnation in the US could mar support for democracy to a certain degree, declining affluence in Turkey must have provoked dissatisfaction. With a sufficient sense of urgency and disdain, voters approved the expansion of Erdogan's executive powers, and consequently, the large-scale persecution of his political opponents.²⁸

If incomes and mobility continue to stagnate for future generations, democracy could lose its reputation as a provider of prosperity and opportunity altogether. According to the International Monetary Fund, the total GDP of countries rated by Freedom house as "not free" will be greater than that of Western democracies sometime in the next five years. Roberto Stefan Foa and Yascha Mounk in their article "When Democracy Is No Longer the Only Path to Prosperity" speak to the rise of authoritarian capitalism, where countries are learning to "combine autocratic rule with market-friendly institutions".²⁹ The future of democracy's global dominance is threatened if democratic ideals can no longer deliver economic wealth, given that historically citizens support governments offering prosperity.

Rise of Migration

Another component of globalization is an increase in immigration and subsequent questions of how governments should respond to migration crises. This is not a huge departure from the discussion of economic stressors on citizen attitudes. In

²⁷ "Turkey: GDP per Capita (current US\$)." The World Bank. 2019.

²⁸ "Freedom in the World 2019: Democracy in Retreat." Freedom House. February 05, 2019.

²⁹ Roberto Stefan Foa and Yascha Mounk. "When Democracy Is No Longer the Only Path to Prosperity." The Wall Street Journal. March 01, 2019.

fact, many of the countries discussed in the economic context have experienced immigration-related fears- with grave implications for citizen attitudes. This comes as no surprise, as economic anxiety and immigrant anxiety are often intertwined. For example, in the US immigrant debate, those in favor of border security often cite worries over Mexican immigrants taking American jobs. Beyond such direct links, the anxieties stoked by immigration have similar results to those stoked by economic insecurities.

The immigration debate relies on a lived reality for some, and simply a perceived threat for others. In both cases, government responses have polarized populations, with consequences for the health of democracy, in large part because of averse citizen attitudes. In 2015, Angela Merkel made the decision that Germany would welcome Syrian refugees.³⁰ While many citizens welcomed this humanitarian act, Europe did not yet have a system in place for handling a mass influx of migrants. Many saw the decision as premature and dangerous. In 2018, Merkel announced she would be stepping down in the coming years, a response largely reflective of growing right-wing and anti-immigrant sentiment.³¹ While Merkel's actions were not the sole reason for fierce responses across Europe, they had a significant impact. In the past few years, European populists have gained power, a commonality among these individuals being that they espouse anti-immigrant rhetoric. This is reflective of the causal relationship between immigration and a general decline in trust and approval of democracy.

This trend is present even in places without increases in migration. Just as economically-secure individuals may fear future decline in well-being, the perception of migration threat in many countries lies beyond its reality. For example, "64 percent of Hungarians and 71 percent of Poles say that all further migration from Muslim countries should be stopped even though the proportion of the population that is Muslim in these countries is close to zero".³² This signals that mass immigration does not need to be a reality for it to stoke fear. This pattern occurs in places that have experienced relatively

³⁰ Baume, Maïa De La, and Maïa De La Baume. "Angela Merkel Defends Open Border Migration Policy." POLITICO. August 28, 2017.

³¹ Mittelstadt, Michelle Mittelstadt Michelle. "Top 10 of 2018 – Issue #2: Pushing Migration to the Forefront, Populists Make New Strides." Migrationpolicy.org. December 21, 2018.

³² "The Future of Europe: Comparing Public and Elite Attitudes." Political Capital. July 5, 2017.

quick and extreme democratic backslides. Hungary, once representative of a post-Cold War success story, has backslid under the leadership of Viktor Orbán, who has, among other things, employed fiercely anti-immigrant rhetoric. Reflective of the nature of this pattern, the UNHCR has come out with a 2019 report claiming that though actual immigration has significantly declined across Europe since 2015, anti-refugee rhetoric is only increasing.³³ Notably, while fear is increasing, with severe consequences, there are responses which encourage openness and denounce fear. Recently, a year-long Security Decree, spearheaded by Italian populist and anti-immigrant interior minister Salvini, is being challenged by local authorities, with the hopes of it being ruled unconstitutional by the courts.³⁴ However, ultimately, it is the anti-immigrant rhetoric that is steadily increasing, while stirring citizen discontent.

Xenophobia also undermines democracy in the US. At the time of this writing, Trump's new policy on asylum seekers, which forces them to wait in Mexico, has gone into effect.³⁵ Trump has also declared a national emergency in an effort to receive border wall funding. While this anti-immigrant stance is most visible as coming from within the White House, it is undeniable that a significant portion of the US populus echoes Trump's sentiments. In a Gallup poll conducted February 2019, just before the national emergency declaration, but after a government shutdown on the basis of border wall funding, 44 percent of individuals signaled approval at Trump's presidency.³⁶ This approval rating, especially coming on the heels of a month long shut down, signals that a significant portion of citizens value Trump's policies and rhetoric over democratic norms. The US case is largely one of perceived threat. In the case of Mexico, Donald Trump has consistently misled citizens about the number of immigrants coming over and has stoked fears over MS-13. With Muslim migrants, he has invoked terrorist

³³ Reuters. "UNHCR Sees Anti-Migrant Rhetoric Rise Despite Arrivals Decline." The New York Times. January 30, 2019.

³⁴ Horowitz, Jason. "Italy's Crackdown on Migrants Meets a Grassroots Resistance." The New York Times. February 01, 2019.

³⁵ Reuters. "As U.S. Starts Deportations, Asylum-Seekers Face Perils in Mexico." The New York Times. February 01, 2019.

³⁶ Gallup, Inc. "Presidential Approval Ratings -- Donald Trump."

language. Though this threat is exaggerated, his base is increasingly fearful of immigrants and increasingly willing to erode democratic principles. In this case, the relationship between fears of immigration, citizen attitudes, and consequences for democracy is made clear.

In Turkey, such attitudes are similar. According to a 2017 Reuters poll, a majority of Turks said that immigrants negatively impacted their country.³⁷ This case is certainly one of real threat, rather than perceived, as Turkey has taken in more Syrian refugees than any other European country. Further, the sentiment that immigration is detrimental for the country has fueled Erdoğan's power. In Brazil, the recently elected Jair Bolsonaro has had a stance on immigration similar to other leaders and far-right citizens across the globe. In January of this year, he pulled Brazil out of the United Nations Migration Accord, an action that sends a strong message against democratic and liberal norms. Some Brazilians fear migration across the Venezuelan border, and while immigration was not the central issue in Bolsonaro's presidential race, his tough on crime policies, along with fears already present in the citizenry, are transferable to fears over immigration.³⁸

In the case of each aforementioned country and region, we examine an increasingly fearful public, both the result and the cause of an increasingly illiberal populist power grab. It is undeniable that this has already significantly impacted the health of democracies across the globe, welcoming in anti-establishment populist leaders who promise to protect the people, but who in reality often erode key pillars of liberal democracy. The fear-based rhetoric espoused by these leaders once in office, which often targets outsiders, then reinforces and exacerbates citizen attitudes against democratic and liberal ideals. The process is self-sustaining.

Social Media

Social media provides a powerful megaphone for the anxieties brought on by the

³⁷ Tabary, Zoe. "Turkey and Italy Most Anti-immigration While Britain Positive, Poll..." Reuters. September 14, 2017.

³⁸ Londoño, Ernesto. "Bolsonaro Pulls Brazil From U.N. Migration Accord." The New York Times. January 09, 2019.

aforementioned factors. With social media, an increasingly afraid and discontent public is exposed to information that mirrors their own anxieties, and people who hold their views. Thus, the real and perceived threats of globalization are given a voice in this digital space. Beyond this, as Mounk argues in *The People vs. Democracy*, social media elevates the voices of previous outsiders, thus accelerating change. It also contributes to the sense that democratic systems are not effective or efficient. Mounk states that in a high speed era of information processing, the slow and somewhat secretive nature of democratic decisions creates further disillusionment.³⁹ As an example of this, a 2018 study finds that 54 percent of interviewed people believe that their voice is not heard in government decision making.⁴⁰ In this way, social media's relationship with citizen attitudes relies heavily on two mechanisms: polarization, which will be discussed below, and the increasing disparity between the speed of information technology and political decision making, as discussed above.

In a Pew Research study, American social media users were asked questions pertaining to their engagement in political discussions online. For the majority, there was a negative sentiment about engaging with opposing political views, with words such as "stressful" and "frustrating" popping up.⁴¹ Such polarization is consequential, as it is translating into policy stances, and by extension into an increasingly contentious political battlefield. Another Pew Research Study finds that American Democrats and Republicans, in 2018, disagreed on which policy issues were large issues, in 18 different cases.⁴² This trend of polarization through the media is not only obvious in the US. According to one study, Italians differ in where they get their news, along ideological lines. The right ideological side is more likely to use facebook for news than the left. This highlights that not only are citizens polarized within outlets but also in

³⁹ Mounk, Yascha. *The People vs. Democracy: Why Our Freedom Is in Danger and How to Save It*. Cambridge, MA: Harvard University Press, 2018.

⁴⁰ Gerdziunas, Benas, and Benas Gerdziunas. "Citizens Disillusioned with Democracy: Poll." POLITICO. June 21, 2018.

⁴¹ Duggan, Maeve, Aaron Smith, Maeve Duggan, and Aaron Smith. "Americans, Politics and Social Media." Pew Research Center: Internet, Science & Tech. January 03, 2018.

⁴² "Little Partisan Agreement on the Pressing Problems Facing the U.S." Pew Research Center for the People and the Press. October 15, 2018.

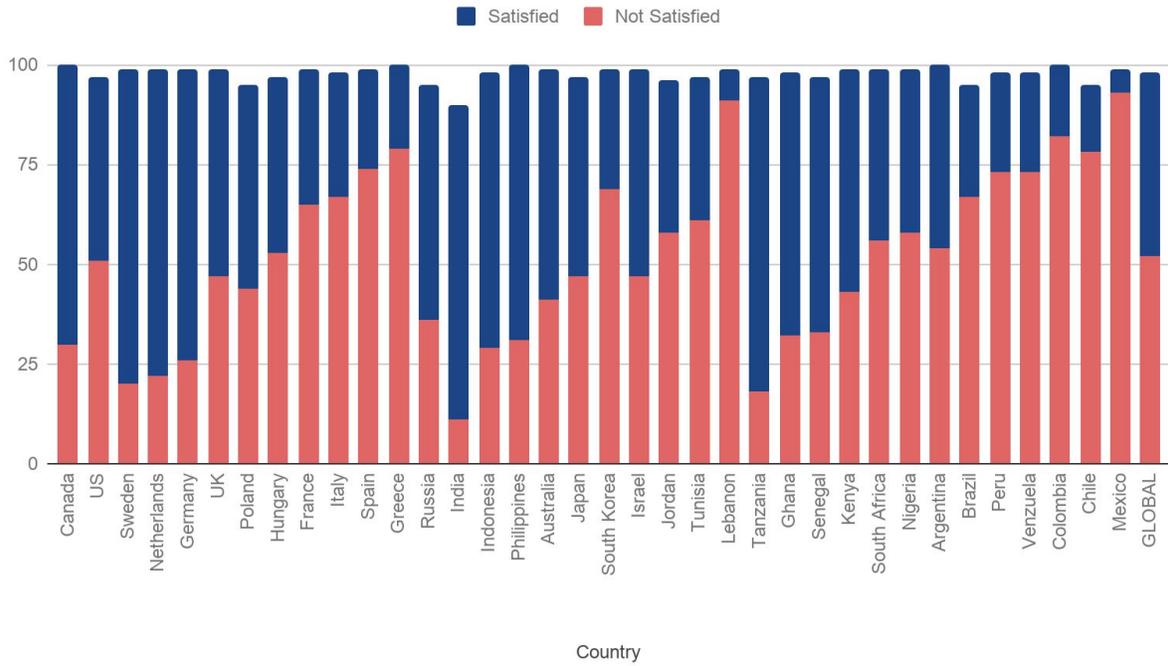
which they are using.⁴³ Such behaviors certainly stoke echo chambers and foster more extreme views. Fears over a changing economy and over mass immigration, coupled with a platform that allows for such fears to amplify, have distanced everyday citizens further away from one another, and straight into the hands of anti-democratic rulers.

Stressors associated with changes in the economy and immigration each challenge the identity of the citizen. Insecure identities, especially when felt by those who have traditionally been very secure in society, lead to distrust and frustration with the government under which those citizens reside. Then, once this dissatisfaction exists, social media then provides a medium through which beliefs become more extreme. Separately, but also through social media use and a general rise in technology, citizens have come to perceive the decisions of democratic leaders as being inefficient and out of touch from the voices of the people.

The declining public opinion of democracy is consequential. It is not only as a matter of principle that public opinion should be accounted for. Rather, democracy elevates the voice of its citizens, and when that voice is pushing back against the idea of democracy itself, or of liberal ideals that underpin democracy, there are implications. This translates into the election of populist rulers, as discussed above. This also leads to the erosion of democratic norms. And, importantly, it affects the everyday lives of people in ways that are not so visible in the polls. Hate crimes toward minorities increase. Political polarization puts stress on a society's cohesiveness. To be sure, this report argues that while the erosion of democracy is real, it is not at risk of imminent collapse. Important to this argument is that while citizen attitudes are powerful in shaping the characteristics of democracy, a declining popular view of democracy is not enough, on its own, to upend the entire system. In behavioral terms, public frustration with democratic regimes and openness to alternative political systems is a citizen-level shift away from democratic norms. The longstanding status quo, public satisfaction or tolerance of liberal democracy, is waning.

⁴³ "Facts on News Media & Political Polarization in Italy." Pew Research Center's Global Attitudes Project. May 17, 2018.

Figure 1.2 How satisfied are you with the way democracy is working in our country?



Source: Wike, Richard, Katie Simmons, Bruce Stokes, and Janell Fetterolf. "Current Government Systems Rated Poorly by Many." Pew Global. October 16, 2017.

GATEKEEPING

Democratic systems of government must address the potential for the popular will to turn against democracy and in favor of autocracy. The occurrence of this phenomenon poses a serious threat to the integrity of procedural democracy, and can be manifested both in the support of a particular individual or a particular agenda that is not compatible with democratic governance. Should the attitudes of the citizenry toward democracy become increasingly negative, there must be a process to prevent these sentiments from being translated into the election of an extremist demagogue. Steven Levitsky and Daniel Ziblatt in their book, *How Democracies Die*, discuss the concept of democratic gatekeeping, a collection of mechanisms that work to keep autocrats out of elected office.⁴⁴ In the context of the 2016 US presidential election, Levitsky and Ziblatt seek to explain how a candidate like Donald Trump was able to ascend to the presidency, and why similar candidates failed to reach such heights before 2016. The function of democratic gatekeeping is not only to preserve the procedural elements of democracy, but also to protect democracy's liberal qualities. Without the protections of individual rights that are characteristic of liberal democracy, one cannot be assured that elections are free and fair. It is then necessary, in a contingency in which the majority of the citizenry holds illiberal or undemocratic sentiments, that there are means to check their democratic power. These means are the process of gatekeeping, which in itself is undemocratic due to its exclusionary nature – candidates chosen by “power brokers” in “smoke-filled rooms”⁴⁵ – and is thus difficult to defend when close attention is paid to it. The concept of gatekeeping plays right into the hands of populists, who contend that there are a select few working against the interests of the people, a concept they emphasize for political saliency. Indeed, democracies around the world have had a difficult time responding to illiberal and undemocratic populist threats, as evidenced by

⁴⁴ Steven Levitsky and Daniel Ziblatt, *How Democracies Die* (New York: Penguin Random House, 2018).

⁴⁵ *Ibid*, 39

the political gains these movements have experienced in recent years, notably in the United States, the United Kingdom, Northern Europe, and Brazil. This is representative of a decline in gatekeeping, but put another way, it is representative of greater democratization in the political and information sharing processes which has provided the necessary channels for this kind of populism to be politically successful.

The Political Process

In the case of the United States' history, parties have historically served as a gatekeeping mechanism, influencing the selection of candidates in presidential elections. Over the years, there have been a number of systems that parties implemented to select candidates. The Congressional Caucus system involved the choosing of candidates by members of congress.⁴⁶ In the system that followed it, delegates chosen by the party selected candidates at national party conventions.⁴⁷ In an attempt to make the candidate selection process more democratic, primary elections were introduced, but elected delegates were not required to vote for the candidate who won their states primary.⁴⁸ These delegates instead complied with the wishes of their party leadership, who would discriminate against political outsiders, extremists, and individuals who demonstrated a weak commitment to democratic and constitutional norms, the assumption being that such candidates would perform poorly in general elections.⁴⁹ As a result, the selection of candidates would not necessarily reflect the level of political support they held amongst the general public.⁵⁰ For a long time, this way of thinking and the systems that enabled parties to act on it represented a significant obstacle for individuals with autocratic leanings to pursue lofty political aspirations. This changed in 1972 when the Democratic and Republican parties instituted the reforms recommended by the McGovern-Fraser Commission, which specified that delegates would first be selected by the candidates to ensure their

⁴⁶ Ibid., p. 41.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid., p.38-42.

⁵⁰ Ibid., p. 42.

support, then popularly elected in state primaries and caucuses.⁵¹ It was now up to the voters to decide a party's nomination for president, and there was virtually nothing either party could do to prevent the selection of a popular candidate. In the 2016 presidential election, Donald Trump won the primaries and received the Republican nomination, despite clear signs during the race that he posed a threat to liberal democracy.⁵² While the Republican establishment was unable to stop Trump's nomination, the opportunity remained to prevent him from winning the general election by endorsing his opponent, Hillary Clinton.⁵³ Doing so, however, would have meant sacrificing the Republican Party's short-term conservative agenda in order to preserve the integrity of United States' democracy in the long run. Unfortunately, few prominent Republicans were willing to this, and most of the party lined up in support of their nominee.⁵⁴

The inability of the Republican Party to prevent Trump's nomination is the result of what Frances McCall Rosenbluth and Ian Shapiro refer to in their book, *Responsible Parties: Saving Democracy from Itself*, as the decentralization of the power of political parties.⁵⁵ In response to calls for the greater democratization, parties have instituted primaries, caucuses, and the direct elections of party leaders, as well as ballot initiatives, referendums, and plebiscites.⁵⁶ In addition to the 2016 US presidential election, the Brexit referendum of the same year is also indicative of decentralization. In spite of the obvious benefits of remaining in the European Union and a majority in parliament favoring such a course of action, Prime Minister David Cameron held a referendum on the question of the UK's membership in the EU, the third referendum the prime minister had held since 2011.⁵⁷ To the surprise of many, voters opted to leave, in a rejection of the liberal values that membership represented. Cameron called the referendum in response to the increasing competition that the Conservative Party faced

⁵¹ Levitsky and Ziblatt, *How Democracies Die*, p. 50.

⁵² *Ibid.*, p. 65-67.

⁵³ *Ibid.*

⁵⁴ *Ibid.*, p. 68-70.

⁵⁵ Rosenbluth, Frances McCall, and Ian Shapiro. *Responsible Parties: Saving Democracy from Itself*. (New Haven; London: Yale University Press, 2018).

⁵⁶ Rosenbluth and Shapiro. *Responsible Parties*.

⁵⁷ Rosenbluth and Shapiro. *Responsible Parties*. 14-15.

from the UK Independence Party, and to calls for greater democracy in the country's political process.⁵⁸

The Media

While the decentralization of the political process has given illiberal and undemocratic populist movements the opportunity to pursue office and policy, their success in these endeavors can be explained by the decentralization of the information sharing process. For instance, in order to win the U.S. primaries, a candidate needs a considerable amount of financial resources and media coverage.⁵⁹ Indeed, in any election in any country, for a campaign to be successful, it must possess the ability to get its message to the public with the hopes of gaining the support of the majority. In the past, this required connections to donors and media organizations, without which a campaign would have little hope of obtaining a platform to communicate with citizens,⁶⁰ thereby influencing their voting behavior. "The classic gatekeeping model maintains that 'mass media are the gatekeepers deciding...which political issues and which political actors get public attention.'"⁶¹ However, with the proliferation of online media, voter behavior can be influenced without the help of donors and mainstream media organizations, and instead simply by creating content on the internet. In this kind of media landscape, certain kinds of political movements, such as those that are populist or extremist and would have otherwise found it difficult to reach voters through past channels,⁶² benefit the most. Information is no longer required to pass through the mass media on its way to the citizenry; on the contrary, individuals can directly shape the political discourse themselves.⁶³ Online media has bolstered illiberal and undemocratic populist movements in countries around the world, here evidenced in several Scandinavian countries, each of which has been listed by Freedom House as full

⁵⁸ Ibid.

⁵⁹ Levitsky and Ziblatt, *How Democracies Die*, p. 52.

⁶⁰ Ibid.

⁶¹ Bennett, W. Lance. "Rethinking Political Communication in a Time of Disrupted Public Spheres." *Journal of Communication*. 68, no. 2 (2018): 244

⁶² Levitsky and Ziblatt, *How Democracies Die*.

⁶³ Bennett, W. Lance. "Rethinking," p. 244.

democracies. In Sweden, the Swedish Democrats gained 12.9 percent of the vote in the 2014 parliamentary elections, gaining 49 seats.⁶⁴ The Norwegian Progress Party in Norway formed part of the conservative government after elections in 2013, gaining 29 seats.⁶⁵ In Finland, the Finns Party finished as the second-largest party in parliamentary elections in 2015, with 38 seats.⁶⁶ The Danish People's Party of Denmark, gaining 37 seats, was also the second-largest party following parliamentary elections in 2015. Due to mainly negative portrayals in the mainstream media of these countries as a result of nationalist and nativist connotations, these parties rely on online media platforms to construct their populist identities in a positive light.⁶⁷ Online media allowed Scandinavian populist movements to achieve political success while circumventing traditional media gatekeepers.

The recent election of Brazilian President Jair Bolsonaro serves as another example of how online media has been used by populists to gain political power. Following his election, it has been reported that Bolsonaro's campaign, with the help of several companies that supported him, organized the spread of false information that was harmful to his opponent, Fernando Haddad, via WhatsApp, a popular messaging application.⁶⁸ The information included a video that stated – incorrectly – that the election had been rigged, given all of the votes that were counted to Haddad.⁶⁹ The video was shared 800,000 times on social media, including by one of Bolsonaro's sons shortly before the election.⁷⁰ If these reports are true, Bolsonaro's campaign was able to directly influence the behavior of voters by spreading disinformation, and doing so independent of the mainstream media.

With regard to the Brexit referendum of 2016, a different variety of media gatekeeping breakdown took place. While information from online media sources did

⁶⁴ Herkman, Juha. "Articulations of Populism: The Nordic Case." *Cultural Studies* 31, no. 4 (2017): 475-476

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ibid., p. 479-483.

⁶⁸ Nalon, Tai. "Did WhatsApp help Bolsonaro win the Brazilian presidency?" *The New York Times*. (2018).

⁶⁹ Ibid.

⁷⁰ Ibid.

play a role in shaping the outcome of the referendum, mainstream British media regurgitated the Leave campaign's main arguments, of which many proved to be false.⁷¹ One such instance involved reporting on the certainty of Turkey's membership in the EU, which despite being false, still fostered perceptions of an influx of Turkish migrants⁷² and helped to fuel the anti-immigrant sentiments that underlined the Leave campaign. In doing so, the British media failed to ensure that it was providing British citizens with accurate information upon which to base their political decisions; a necessary facet of a healthy democracy.

Illiberal and undemocratic populist movements have taken advantage of the democratization of the political process and utilized the decentralization of the media to reach voters. These phenomena have allowed populist movements in a host of liberal democratic countries to gain political power in recent years, and represents a breakdown of gatekeeping. To make matters difficult, attempts to restore gatekeeping functions involve placing limitations on both the democratic power of the citizenry and freedom of expression, both illiberal and undemocratic measures in their own right. Because this is recognized by populists, populism poses an especially dangerous threat to democracy. Populism attacks gatekeeping as undemocratic, and the better its mechanisms are working to ensure the integrity of liberal democracy, the more it feeds into populist rhetoric that decries the tyranny of the elite and the repression of the majority. To be sure, the decentralization of the political and information sharing processes has allowed for the advancement of individuals and agendas that are incompatible with liberal democratic norms, which is a topic that will be discussed in the subsequent chapter.

⁷¹ Seaton, Jean. "Brexit and the Media." *Political Quarterly* 87, no. 3 (2016): 334

⁷² *Ibid.*, p. 334-335

ADHERENCE TO NORMS

When United States President Thomas Jefferson honored the presidential two-term limit, informally set by the nation's first president George Washington, he stated, "If some termination of the services of the [President] be not fixed by the Constitution... I should unwillingly be the person who, disregarding sound precedent set by an illustrious predecessor, should furnish the first example of prolongation beyond the second term in office."⁷³ Jefferson's words convey the importance of unspoken codes of conduct where institutional rules do not necessarily provide all the information and tools needed for political leaders to take action. This holds significance in democracies, political systems in which officials restricted by term limits serve to represent the people, and thus whose rules and laws rest on interpretations of the ever-changing bodies of elected leaders who employ them. As Steven Levitsky and Daniel Ziblatt assert in their book *How Democracies Die*, "because of the gaps and ambiguities inherent in all legal systems, we cannot rely on constitutions alone to safeguard democracy against would-be authoritarians."⁷⁴ From this predicament emerges the role of democratic norms.

Society is banded together by norms, unsaid modes of action set outside of the scope of formal law. Built over time, norms are integrated into populations, subpopulations, and communities to determine certain standards that individuals are collectively meant to abide by. When trends exist in which a number of society members or leaders fail to adhere to norms, they can be indicative of a change in the system, or of a change within the relationship between the system's players and the system itself.

⁷³ "Founding Era." Teaching American History.

⁷⁴ Levitsky, Steven, and Daniel Ziblatt. *How Democracies Die*. New York: Broadway Books, 2019, p. 99.

Political systems and the norms within them embody these evolving processes. Levitsky and Ziblatt define a political norm as an unwritten, informal rule or law that all players are aware of and adhere to, and know that there is some *cost* to violating.⁷⁵ While democratic institutions are designed to legally enforce democracy through rules that inform if actions are lawful or unlawful, leaders' adherence to democratic norms set a standard for political leadership to follow the *spirit* of democracy. When any given norm is violated, players demonstrate that they are willing for the political system to undergo some cost by prioritizing a desired political result over the established attitudes and moral precepts that uphold democratic government or society.⁷⁶ These "soft guardrails" of democracy, as Levitsky and Ziblatt dub them to illustrate their significance, are constructed and accepted in democratic governments over time and across regions and cultures.

Levitsky and Ziblatt provide encapsulations of two key democratic norms that they assert are essential to the function of democracy: mutual toleration and institutional forbearance. Mutual toleration requires a collective willingness to agree to disagree; as long as a politician's rivals play by constitutional rules, they must accept that they have an equal right to exist, compete for power, and govern. Institutional forbearance maintains that politicians exercise restraint for the common good. Utilizing patience and self control, politicians must avoid actions that violate the spirit of the law. Each of these norms demonstrates that political leaders must make sacrifices within their own agenda in order to uphold the greater structure of democracy within the government. As these norms encourage leaders to employ actions based upon prioritizing common good and fair competition, they also set guardrails that establish precedent for political leaders to align themselves with lawful actions. Within today's political landscape, tumultuous election cycles throughout the globe have demonstrated a break away from the norm of mutual toleration. According to Freedom House's 2019 Freedom in the World Report, "so far it has been anti-liberal populist movements of the far right—those that

⁷⁵ "Q&A: Daniel Ziblatt on Trump and How Democracies Die." Cal Alumni Association. January 25, 2018.

⁷⁶ Friedman, Gil. "Identifying the Place of Democratic Norms in Democratic Peace." *International Studies Review* 10, no. 3 (2008): 548-70.

emphasize national sovereignty, are hostile to immigration, and reject constitutional checks on the will of the majority—that have been most effective at seizing the open political space”.⁷⁷ Today’s elected demagogues, from Donald Trump in the United States to Jair Bolsonaro in Brazil, have demonstrated they are not above using rhetoric that delegitimizes political opponents, positioning themselves as the sole rational option to take power. Members of current-day political leadership have also diverged from exercising forbearance. In the past decade, presidential offices, from Barack Obama and Trump in the United States, to the Law and Justice Party in Poland, have demonstrated a pattern of utilization of executive authority to excessive degrees. While institutional and international checks and balances in play have, at times, curbed this power, leaders’ decisions which do not reflect willingness to sacrifice power in the face of controversy conveys the lessening frequency with which restraint by politicians is employed in today’s political processes.

Key trends in the erosion of democracy can be partly attributed to a weakening in politicians’ adherence to democratic norms, and its consequent deepening of political polarization. Increasing divides within government systems, their leaders, and greater society, as well as weakening attitudes toward the legitimacy of law in general demonstrate that norm erosion poses a significant threat to structures of democracy.

This chapter will examine the centrality and importance of politicians’ adherence to specific democratic norms within the health of democracies worldwide. We aim to measure how far politicians have diverged from adherence to democratic norms at the elite level, and to identify the major factors that have contributed to decreasing adherence to these norms. We explore how democratic norms promote healthy and fair competition, specifically within elections. We additionally examine the ways in which democratic norms maintain a level of checks and balances within government systems which go beyond the role of political institutions. Lastly, we consider how democratic norms contribute to setting standards for following law in less-established democracies, ensuring the protection of future judicial adherence.

⁷⁷ "Freedom in the World 2019." *Freedom House*. February 05, 2019.

Much of the analysis in this chapter stems from the consideration of well-established, historically strong democracies. We provide these examples because we seek to understand norms that have been developed and practiced consistently within a given society, and are thus less likely to erode than norms in younger democracies. The trends demonstrated in our case studies, such as the United States and France, are indicative that unofficial modes of action in the form of democratic norms can directly impact and have consequences on democratic structures. We consider nascent democracies as well such as Poland and the Philippines to examine how democracies that have more recently emerged from political structures that are antithetical to democracy may backslide when norms are violated by politicians who exert populist or authoritarian control.

Promoting Healthy and Fair Competition

Elections are defining events in the course of any given democracy, as they determine the voices of representation for the common good of a society. The examination of mutual toleration within large-scale elections – political actors at the elite level – illustrates trends that demonstrate that when candidates do not legitimize their opposition, elections can be minimized to competitions in which candidates are pushed to bolster an ideologically-divisive agenda rather than seek to better a country itself. Levitsky and Ziblatt state, “There is a recognition that nobody has a monopoly on truth and both sides are offering different visions and it is actually in the competition for power that you get the best kind of outcome”⁷⁸. When political opponents act as legitimate rivals with an equal right to exist and lead the country, leaders on both sides of the aisle are incentivized to make political decisions that benefit their constituents rather than to vote purely out of loyalty. The purpose of competition is to provide a platform for ideologically diverse arguments that seek to further society, and these arguments can not accomplish that goal if competition centers solely around the process of shutting down and discrediting opposition. Today, many election cycles,

⁷⁸ Davies, Dave. "How Democracies Die' Authors Say Trump Is A Symptom Of 'Deeper Problems'." NPR. January 22, 2018.

rather than educating the public about the most fitting candidate to improve a country's policies, economy, and society, instead feed into further political polarization and push citizens to prioritize political loyalty over democratic processes.

The most recent United States presidential election in 2016 demonstrated a clear disregard of democratic norms on behalf of Republican candidate Donald Trump, specifically in pertinence to mutual toleration. Trump's rhetoric, consisting of a complete de-legitimization of Democrat opponent Hillary Clinton, showcased to the American public that he would not abide by the established compartments of politicians acting within a democracy. Furthermore, by perpetuating the idea that Clinton and the Democratic party were not legitimate in their right to govern, the Republican party as a whole also parted from toleration, ultimately allowing Trump's rhetoric and agenda to garner his presidential win despite the fact that several parts of Trump's platform guided policies away from liberal democratic values. Practices like these fuel democratic retreat; after endless spite and undermining of opposition, political competition in the United States has shifted away from discourse that considers ways in which all citizens could benefit from their leaders. Instead, polarization caused by norm breaking has driven more members of political parties to act in ways that will benefit their party most, rather than decisions which can deliver the most benefit to a common good.⁷⁹ This is fueled by constituent support, which is reflected within approval ratings by the American public. The Pew Research Center conducted surveys on Trump's jobs ratings and has revealed these approval ratings to be more polarized of any first-year president since 1953, under Dwight D. Eisenhower. Around 88 percent of Republicans approved of Trump's performance, while only 8 percent of Democrats demonstrated approval.⁸⁰ Compared to the previous six decades of presidencies, the results of this study reveals a "downward trend in presidential approval ratings among members of the party not in control of the White House".⁸¹ The polarization of approval ratings illustrates a trend of

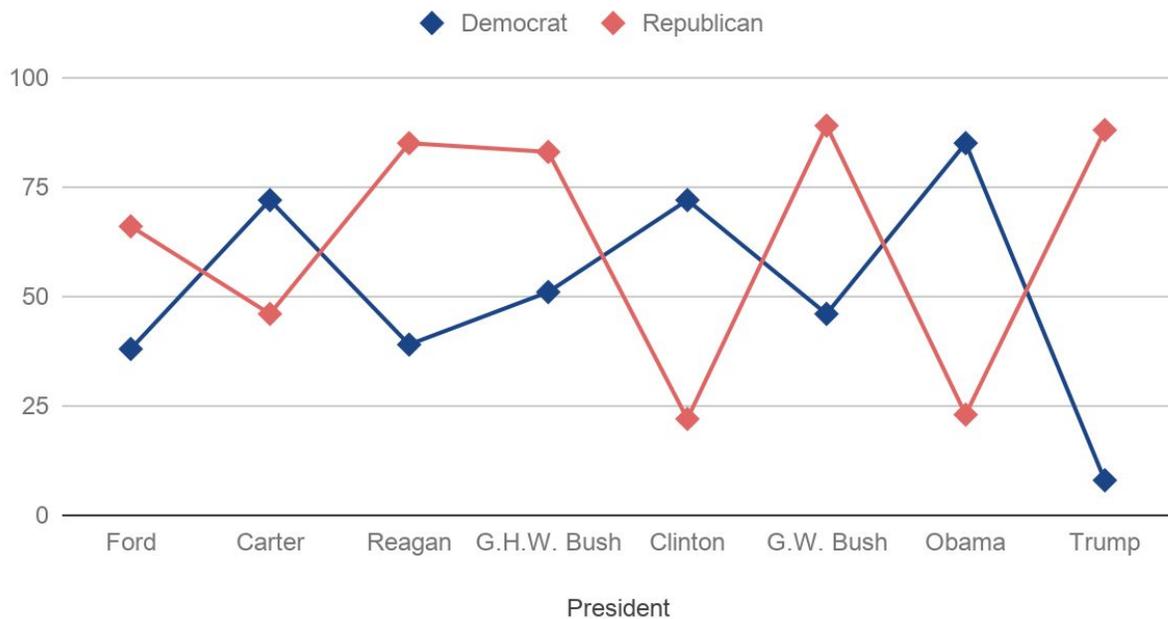
⁷⁹ "Most Border Wall Opponents, Supporters Say Shutdown Concessions Are Unacceptable." Pew Research Center for the People and the Press. February 13, 2019.

⁸⁰ Ibid.

⁸¹ Doherty, Carroll, and Carroll Doherty. "Americans' Growing Partisan Divide: 8 Key Findings." Pew Research Center. October 05, 2017.

intolerance toward counterparties. As perceptions of elected officials' success by the public is becoming increasingly dependent on party loyalty, it becomes more likely that politicians are incentivized to take advantage of the core beliefs of a party rather than work toward bipartisan goals.

% Approving of President's Job During First Year



Source: Doherty, Carroll, and Carroll Doherty. "Americans' Growing Partisan Divide: 8 Key Findings." Pew Research Center. October 05, 2017.

The French presidential election in 2017 provides another telling example of decreasing adherence to political norms at the elite level. After his defeat in the second round of elections, far-left candidate Jean-Luc Mélenchon was the only candidate who did not encourage his voting base to back centrist candidate, Emmanuel Macron, against far-right candidate, Marine Le Pen, in the next round of elections.⁸² If Mélenchon was prioritizing the greater good of French society, surely he would have made efforts

⁸² Polakow-Suransky, Sasha. "Is Democracy in Europe Doomed?" The New York Review of Books.

to counsel his voters against supporting Le Pen, an unconventional and populist choice. The fact that Mélenchon did not feel obliged to influence support toward Macron instead of Le Pen demonstrates the lack of mutual toleration. In democratic governments, political leaders like Mélenchon should strive to uphold democratic leadership, meaning influencing society toward less extreme candidates. Instead, his delegitimization of Macron's campaign resulted in further support for the populist candidate Le Pen. Mélenchon's actions demonstrate how parting from norms of toleration further polarizes society and creates a vacuum for political leaders with extremist rhetoric. Once populist-authoritarians infiltrate the political arena, elections are no longer truly fair. As elections become increasingly contentious, populist candidates berate their establishment rivals, who are vulnerable without support from their own or other political parties. An establishment candidate may be accused of cozying up to elites or scheming to give minorities special treatment. Regardless of the allegations and their accuracy, it is difficult for the target candidate to avoid decline in public approval. Citizens are then forced to choose between a candidate accused of betraying the majority and another who claims to serve it. The consequences of Mélenchon's behavior emerge as especially significant in context with the divisive election of Donald Trump in the United States election, just one year prior.

Leaders in the United States and France represent elected politicians who are breaking away from established political behaviors, specifically within longer standing democracies. Both the United States and France are examples of democracies that have had time to develop over the years, and therefore leaders with undemocratic tendencies and behaviors contrast with democratic ideals that have taken shape. While democracies are designed to sustain changes in leadership and political parties, they have simultaneously developed central norms such as mutual tolerance to ensure a cohesiveness that keeps the collective good over the agenda of any given individual politician. Furthermore, failure to uphold the democratic norm of mutual toleration has a deeper impact on the overall polarization of political systems and the people living within them. According to a Pew Research Study, "in each party, the share with a highly

negative view of the opposing party has more than doubled since 1994. Most of these intense partisans believe the opposing party's policies "are so misguided that they threaten the nation's well-being."⁸³ The importance of democratic norms extends within the greater framework of society, and does not exist simply at the level of elected officials. *Time* reporter Ryan Teague Beckwith provides insight into the dangers of competition reduced to semantics: "Once partisans start down this path, with each side justifying inappropriate behavior by the equivalent of 'well, he started it!' we are in danger of losing critically important, if unwritten, rules that safeguard reasoned democratic deliberation and make government accountable".⁸⁴ Decreasing adherence to processes of toleration is sounding off siren calls concerning the tools that keep democracy on track.

Upholding Checks and Balances

Today's elected leaders, many with tendencies leaning toward those of demagogues and authoritarians, increasingly violate forbearance, granting themselves the power to sidestep the checks and balances put in place to limit their power.⁸⁵ By setting precedent that this norm has significantly eroded, these leaders upset long standing balance struck within the government, threatening a system whose established spread of power has served to place common good as a priority over ideological favoritism.

Levitsky and Ziblatt present forbearance as an act of restraint from implementing any given legal right regardless of its availability. The act of conscious self-restraint within a government serves to curb power for the sake of the greater good of society. As it relates to the democratic norm of mutual toleration, a shared awareness for collective good of a democracy is relevant to the practice of upholding checks and balances; balanced power is established to foster the democratic ideal that different groups within society must have influence on policy, however indirect this influence may be.

⁸³ "Political Polarization in the American Public." Pew Research Center for the People and the Press. October 11, 2016.

⁸⁴ "Current & Breaking News | National & World Updates." *Time*. April 09, 2018.

⁸⁵ Levitsky, Steven, and Daniel Ziblatt. *How Democracies Die*. New York: Broadway Books, 2019.

In the United States, former President Barack Obama demonstrated notable violations of forbearance, refusing to compromise with his right-wing majority Congress. His defense to his unilateral executive actions, “we can’t wait for an increasingly dysfunctional Congress to do its job,” demonstrates the delegitimization and undermining of the checks and balances that had been placed against the presidential office.⁸⁶ Obama’s actions included a forced reduction in greenhouse emission by federal agencies and a controversial nuclear treaty with Iran, both of which - while not out of constitutional bounds - did not receive Senate consent and thus invalidated an existing, formerly well-ingrained check on executive power. Actions like these continuously pit Democrats and Republicans against each other; Obama essentially positioned himself and his party over the Republican-controlled Congress by dubbing it not useful enough to utilize as a power check.

On the heels of Obama’s actions, President Trump also defied the norm which upholds that a president should wait for their check approval before taking legislative action. Throughout his presidency, using numerous unilateral actions, Trump has avoided balances of power by enacting travel ban policies, weakening Obamacare, withdrawing from the Trans-Pacific Partnership, and much more. These actions demonstrate the erosion of forbearance in the United States; presidents have forgone the “cautious self-restraint” honored by leaders who understood the value of a government seeking to represent the entirety of the population. The decreasing adherence to forbearance illustrated by the actions of political leaders illuminates the dangers in the cycle of political polarization that such a practice causes; when politicians develop an increasing awareness that their preferred policies can not be realized unless they bypass the powers of the checks and balances that surround them, they increasingly forgo restraint, and take aggressive action to avoid these bodies. In the 1960s Cold War era, Chile, one of South America’s longest standing democracies, was plagued by polarization as fear politics on the right fueled theories that Chile would turn into the next Cuba. When socialist candidate Allende won the 1970 election, he

⁸⁶ Ibid., p. 163.

was technically committed to democracy, but panic among conservatives and the lack of a legislative majority restricted Allende, pushing him to exploit his presidential powers. Allende enacted a censure vote reserved for extreme circumstance to pass his socialist program and reappointed a senate member who had been impeached by his opposition. When politicians fight on behalf of their singular agendas rather than for democracy, their opposition has further opportunity to claim their opponents political illegitimacy. In the scope of rhetoric and decision-making within government, this constant aversion to those that players disagree with forces politicians and their constituents to place the ideal of democracy on the backburner. Players target parties instead of upholding ideals that can serve a more equal good.

Norms in Nascent Democracies

When elite players adhere to unwritten norms, they set standards and precedents that illuminate the importance of following formal codes in addition to implicit codes. Politicians who violate democratic norms signal a weakened commitment to following the established rules which aim to maintain free and fair democratic processes and liberal values. Once the guardrails are lowered, it may be more likely that politicians will undermine the value of the law as well. When younger democracies are established with the help of foreign nations and receive support by international bodies, the integration of norms into political society can not always catch up to the legal codes imposed. When populists seize power in these nations, what mechanisms serve to guarantee their accountability?

In the Philippines, where scandal has persisted throughout the presidency of Rodrigo Duterte, political leadership demonstrates a concerted effort to delegitimize the policing bodies that have criticized its extrajudicial actions and general departure from democratic and liberal ideals.

The Philippines has been a democracy, albeit a dysfunctional one, since 1986. Since Duterte took power in 2016, the populist demagogue has propagated his anti-drug platform in an increasingly violent manner and has subsequently employed

delegitimizing rhetoric to attack critics of his actions. Duterte's war on drugs, and the alleged death squads he has commissioned to carry out his fight, have resulted in the deaths of thousands. In Duterte's first three months as President, the Philippine Daily Inquirer listed over fourteen hundred drug users killed by police and vigilantes: "Front pages were filled with photos of the bloodstained victims, bound and gagged with duct tape".⁸⁷ Agencies including Amnesty quote a total figure of more than 7,000 dead. In response to claims about the killings and confessions from death squad members, the Philippine Commission on Human Rights employed a task force to investigate the extrajudicial killings. Senator Leila De Lima launched an investigation into links between Duterte and the death squads, and thus accused Duterte of unlawful, direct involvement with the death squad.⁸⁸

Duterte's response to this accusation reveals his attempts to redraw the lines for means of toleration. Following De Lima's hearings, including testimony from a professed hit man who said he belonged to a death squad that had been overseen by Mr. Duterte when Mr. Duterte was mayor of Davao City,⁸⁹ Duterte held a press conference in which he accused De Lima of accepting campaign donations from prisoners in exchange for turning a blind eye to drug dealing at New Bilibid, the Philippines' largest prison. He also alleged that De Lima was having an affair with her driver, who acted as the bagman. Duterte's allies in the House launched their own investigation into De Lima, and De Lima was removed from her post as chairwoman of the Senate panel.⁹⁰

Duterte has not been shy about his approval of the killings, implying his involvement but still denying any illegal action. When asked about his role, he said, "I am a lawyer and I will not do the extra-judicial thing, but I will clean the city for my people to live in peace."⁹¹ In breaking with mutual toleration, Duterte provides a defense which further serves to bolster the image that he is "for the people." Even as the

⁸⁷ Chen, Adrian, and Adrian Chen. "When a Populist Demagogue Takes Power." *The New Yorker*. March 10, 2018.

⁸⁸ *Ibid.*

⁸⁹ Villamor, Felipe. "Leila De Lima, Critic of Duterte, Is Arrested in the Philippines." *The New York Times*. February 23, 2017.

⁹⁰ *Ibid.*

⁹¹ *Ibid.*

international community looks on in horror at the thousands of killings and the existence of the death squads draw condemnation from human-rights groups and Western governments, many Filipino citizens themselves gloss over the killings, and Duterte's poll ratings remain high.⁹² His immense popularity - above 80 percent approval ratings throughout the scandal - illustrate that Filipino publics reinforce his methods.

Duterte's backlash at De Lima conveys a direct defense of his actions which violate the law, liberal values, and individual rights. This demonstrates considerable weakness by his office to commit to uphold values encapsulated in the Philippines' newly formed democratic constitution. The public's response, a continued stream of vehement support and political approval, signals that the populist appeal that leaders may utilize in conjunction with - and to defend - norm-breaking, can serve to break down backlash that keeps executive functions accountable.

Political leadership in Poland, where power has been seized by populist forces within the ruling party, also brings light to a departure from toleration of legitimate pressure by policing forces. The 2019 Freedom House Report asserts that the current ruling party, Law and Justice, is first and foremost a political movement devoted to overturning Poland's existing constitutional order and the democratic principles that underpin it.⁹³ Blatant refusal by Law and Justice to implement several legal rulings by court members of the opposition party demonstrates that Law and Justice Party Leader Jaroslaw Kaczynski has effectively delegitimized the democratic means for passing legislation. He thus fails to remain accountable to the spirit of law required in following democratic norms. Law and Justice has ensured their ability to essentially pack Polish courts, allowing for the existing structure of Polish democracy to parade as democratic maintenance while political leadership continually diverges from democratic principle to manipulate political control.

While Party Leader Kaczynski can ultimately claim the power of executive authority to counter certain rulings, it is clear that the party has lowered the standard by

⁹² Lamb, Kate. "Thousands Dead: The Philippine President, the Death Squad Allegations and a Brutal Drugs War." *The Guardian*. April 02, 2017.

⁹³ "Freedom in the World 2019." *Freedom House*. February 06, 2019.

which Polish leadership adheres to law in general. Party leadership repeatedly failed to meet legal demands of the EU in its criticism of the court-packing mechanism. As our report will discuss later in regard to independent institutions, the EU eventually succeeded in pressuring Law and Justice to reverse these extra judicial rulings. However, rhetoric by party leadership in regards to the EU's legitimacy only further emulated how Law and Justice sought to undermine the policing body. In retaliation to EU demands, Polish president Andrzej Duda' dubbed the EU an "imaginary community that brings no benefits to Poland".⁹⁴ Demonstrating a clear lack of toleration throughout a process designed by the EU to preserve democratic ideals – in this case, fair – representation within political power, Duda signaled to Polish society that compliance with such demands could be viewed as unessential.

Leadership in both Poland and the Philippines demonstrated violations not just of institutional law, but of the implicit laws that leaders should align their actions with; both countries were young democracies without established norms, and now both are overturning political processes and engaging in authoritarian discourse at the elite level.

Through our examination of the centrality of norms in maintaining healthy democracies, we develop an understanding that the current decrease in adherence to democratic norms by political leaders perpetuates democratic erosion. Responses to these violations come in the form of political polarization within government systems and diminished attitudes toward the legitimacy of the law. In order to ensure that democratic norms stay relevant and intact within democracy, it is important to have open conversations about what these norms are, and their implications for society. These conversations should focus heavily on identifying the costs of disregarding democratic norms, especially its potential long-term effects on society. If we can no longer set standards and expectations for the behavior of elected officials, we can no longer be sure they are acting for the collective good of a democracy.

To problematize the centrality of democratic norms in the health and continuation of democracies around the world, it is possible to argue that institutions play a greater

⁹⁴ Kalan, Dariusz. "Poland's New Populism." *Foreign Policy*. October 05, 2018.

role in upholding the common good. Political institutions were designed to uphold the law and democratic decorum, and therefore can withstand pushes and pulls in politician behavior. However, our case studies demonstrate that institutions are at risk of being subverted if democratic norms are not upheld. It is in this instance where the importance of democratic norms as a set of unwritten understandings becomes apparent, and if we circle back to the definition of norms, it involves an understanding that there is a cost to violating them.

When United States' former House Speaker James Blaine urged his fellow Republican officials to "fold up the bloody shirt," the compliance that followed demonstrated the rebirth of American democracy from its wounded status just a few years prior. The "bloody shirt" symbolized the great controversy that had transpired into not just a Civil War, but a Civil War generation which pitted the Southern-dominant white supremacists of the Democratic Party against Republicans in Northern states fighting for greater racial equality. Until the issue was entirely moved from the political agenda, democratic norms in the United States were unable to fully develop. If democratic norms are not created with the intention of benefitting all members equally of a given society, then their mission is flawed from the beginning. In revanche, democracies as well as the norms developed within them are meant to allow room for improvement and growth toward a common good. While perhaps imperfect in their inception, democratic norms have the power to positively influence democracies to prioritize the needs and well-being of citizens.

Democracies are built to convey the will of the people. As citizens gravitate toward politicians who outwardly and boldly break democratic norms throughout the globe, can we view changing attitudes simply as an implication of a natural shift in the development of democracies across the world, rather than a symptom of democratic erosion? Levitsky and Ziblatt add an interesting dimension of time in response to this counterclaim. In the short term, it is possible that no immediate detriment to democracy manifests itself in response to democratic norms breaking. However, if we view this chain of events as a spiral, we can see that in the long run, failure at the elite level to

uphold democratic norms, specifically mutual toleration and forbearance, threaten to weaken the guardrails that democratic ideals have strived to hold up. While these soft guardrails can serve to bolster the spirit of constitutional structures, they should not overshadow written law itself. Attitudes must work in tandem with strong forms of law for democracy to function and adapt effectively. We now examine the hard guardrails of democracy through trends that illustrate the progression of freedom of expression as they are recognized by today's governments.

FREEDOM OF EXPRESSION

The freedom of expression is an indisputable pillar of democracy that encompasses multiple individual rights: speech, worship, assembly, and press. Articles 18 through 20 of the United Nations Universal Declaration of Human Rights affirm the unequivocal importance of these freedoms:

“Everyone has the right to freedom of thought, conscience and religion...” (Article 18).

“Everyone has the right to freedom of opinion and expression; this includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers” (Article 19).

“Everyone has the right to freedom of peaceful assembly and association” (Article 20).

In the interest of upholding both democratic and liberal values, the tenets stated in these articles must remain inviolable. Majorities and minorities, leftists and rightists, the eminent and the persecuted alike, utilize freedom of expression to advocate their political opinions and criticize the government to call for basic civil rights. Democratic pluralism thrives in a system of free expression. It is a means of holding leaders accountable. It is a means of conveying political wills. It is a means of fighting for equal rights.

The erosion of these freedoms is correlated *a posteriori* to the erosion of democracy. The 20th-century’s autocrats and censors, from Hitler to Stalin to Mao to McCarthy, have demonstrated that much. George Orwell’s *1984* warned of what could happen in a system devoid of free expression. It is disconcerting then, that the “Freedom in the World 2019” report finds that “in the last six years, Freedom of Expression and Belief, and especially the indicator focused on people’s freedom to

express their personal views without ‘Universal Declaration of Human Rights’ surveillance or retribution, suffered the most.” This decline in freedom does not entirely indicate the existence of fascism or oppressive autocracy; the deconsolidation of the freedom of expression is a more gradual and subtle process than it once was. It is highly unlikely that *doublethink* or Stalinist-level censorship will become policy in the near future, especially in long-standing consolidated democracies. As we explain in our chapters on political participation and independent judiciaries, democracies are resisting government attempts to suppress individual liberties. However, we must acknowledge that freedom of expression has shown signs of weakness under increasingly authoritarian regimes over the last decade.

First, this section will analyze the responses of democratic governments to citizen activity, whether speech or assembly. Second, the analysis will move to issues of the free press. Our report finds while that some governments respect activism and criticism from citizens and media, a growing number of democracies neglect and infringe upon freedom of expression, contributing to the erosion of democracy on a larger scale. Democracies are responding to critical speech and demonstration with increasingly harsh legal measures, and in some cases, blatant violence. Government responses to protests in the US and France illustrate this point. Restrictions on freedom of speech in Poland provide further evidence. The press is also a primary target of government crackdowns on free expression. From Hungary to Turkey to the US to the Philippines, journalists and news outlets face state-sponsored bullying and censorship. Erosion of freedom of the press imperils citizens’ equal access to credible and diverse sources of information.

Freedom of Speech

This section first analyzes how consolidated democracies like the US and France react to their citizens’ right to voice opinions through protests. Secondly, we consider how unconsolidated democracies like Poland have taken proactive measures to subvert pluralistic discourse in order to reframe and strengthen current political agendas.

Citizens participate in politics in order to shape political discourse; protests aim to win over politicians and thus change policy.⁹⁵ Protests are a symptom of unrest, whether it be with a smaller-scale public policy or with generally perceived corruption in the government. In the past decade, the scale, geographic diversity, and number of protests has increased world-wide.⁹⁶ The way democratic governments have been reacting to protests gives us a better understanding of whether or not a country is respecting freedom of speech and by extension, the freedom of assembly. The United States witnessed evolving levels of police violence against protesters during the 2016 “Standing Rock” Sioux tribe’s protests against the planned construction of the Dakota Access Pipeline underneath Lake Oahe. On August 15th of 2016, five days before construction was scheduled to begin, between 15 and 30 Sioux protesters — citing concerns over the preservation of sacred sites and nearby drinking water — halted construction by standing on the construction site, and within days were joined by environmental activists and hundreds of Native Americans from tribes all across the nation.⁹⁷ By early September, the police had unleashed guard dogs and pepper spray against the protesters, including children. Six protesters received injuries from the dogs, and around 30 reported being being hit with pepper spray.⁹⁸ By late November, the police were using tear gas and water cannons in below-freezing temperatures, with injuries reported ranging from dozens to hundreds.⁹⁹ In early December, the protestors celebrated a short-lived victory when the U.S. Army Corps denied the permit for construction under Lake Oahe. Still, protestors and activists encountered “copious amounts of tear gas” and rubber bullets during their peaceful march in honor of “a national day of protest” to the drilling site on Martin Luther King Jr Day.¹⁰⁰ On January 24th of 2017, however, the Trump administration signed an executive order expediting

⁹⁵ Norman, Richard, *openDemocracy*, “Six reasons why protest is so important for democracy”

⁹⁶ Youngs, Richard, *openDemocracy*, “What are the meanings behind the worldwide rise in protest?”

⁹⁷ Hersher, Rebecca. “Key Moments in the Dakota Access Pipeline Fight.” NPR. Feb 22, 2017.

⁹⁸ Garcia, Feliks. “Dakota Access Pipeline: Native American protesters 'attacked' with pepper spray and guard dogs.” Independent. September 4, 2016.

⁹⁹ Kennedy, Merrit. “Police, Protesters Clash Near Dakota Access Pipeline Route” NPR. Nov 21, 2016.

¹⁰⁰ Levin, Sam. “Dakota Access pipeline activists say police have used 'excessive force.’” The Guardian Jan 18, 2017.

the review and approval process for the Dakota Access Pipeline, reversing the Obama-era administration decision.¹⁰¹ By the second week of February, the pipeline resumed construction and most of the remaining activists vacated the camps after intimidation efforts from law enforcement in military-style riot gear.¹⁰² The violence demonstrated by law enforcement against the Standing Rock activists and protestors illustrates the willingness of the US government to remove obstacles to its economic goals by any means necessary, including violence and intimidation tactics that clearly infringe upon the freedom of expression for American citizens.

Another example of a reactive governmental response to public protests is currently taking place in France. What started out as a public reaction to rising fuel prices transformed into a greater social expression of discontent, referred to as the *Gilets Jaunes*, or “yellow vests.” While there is no defined leader of the movement, it has grown to reflect a self proclaimed “people’s” resentment towards a ruling urban class.¹⁰³ Protesters hit streets throughout France in mid-November 2018, and grew in numbers throughout January.¹⁰⁴ Since the Yellow Vest Protests began, there have been around 3,000 individuals injured or even maimed, as of January 18th, 2019.¹⁰⁵ As recently as February 16th, nearly 50,000 protesters throughout France marched against President Macron, perceiving his pro-business policy to be enacted at the expense of smaller, rural French towns. The French police have been combatting the weekly demonstrations with rubber bullet launchers and stun grenades. The Council of Europe rights group has been pressuring France to cease the use of the rubber bullet guns, which critics have reported to have caused serious injuries including blindness/loss of eyeballs, a brain haemorrhage, and broken jaws.¹⁰⁶ In response to the protests, the Macron administration publicly stated that they were not going to waver and that there

¹⁰¹ The White House, Office of the Press Secretary. “Construction of the Dakota Access Pipeline.” Jan 24, 2017.

¹⁰² Levin, Sam. “Police make arrests at Standing Rock in push to evict remaining activists.” *The Guardian*. Feb 22, 2019.

¹⁰³ Collins, Lauren, and Lauren Collins. “The Gilets Jaunes and a Surprise Crisis in France.” *The New Yorker*.

¹⁰⁴ Cigainero, Jake, *NPR*, “Who Are France’s Yellow Vest Protesters, And What Do They Want?”

¹⁰⁵ *BBC News*, January 18, 2019.

¹⁰⁶ *The Local, France*. “‘Stop shooting rubber bullets at yellow vest protesters,’ France told.”

would be no changes to the stated policy. However, the protests did not subside, and due to the increasing public pressure, the administration eventually promised a wage increase and tax cuts in late 2018 as appeasement to those who were striking.¹⁰⁷ Unimpressed by the strength of the offer, in which Macron refused to reinstate a tax on the wealthy, the protesters have continued the demonstration into 2019.

While protests in the U.S. and France have been muzzled by reactive government intolerance, Poland exemplifies a case of proactive and deliberate governmental interference concerning the right to free speech and an unfiltered exchange of information. In February of 2018, the senate voted 57 to 23 for a bill proposed by the ruling Law and Justice party that prohibits any accusations any of Polish responsibility or involvement during the World War II Nazi occupation. This controversial bill gave the Polish government control of a narrative that it considers to be fact, quelling and penalizing any discourse of the controversial recorded historical narrative. In light of the growing xenophobic sentiments of far-right political actors in Poland, critics questioned the intention of the bill, specifically in regards to its limitations on freedom of expression. However, the party denied any allegations in regards to the bill, maintaining that it functioned as a response to perceived insult.¹⁰⁸ Five months later, Poland softened the law by removing the criminal penalty component, but asserted that their message had still been made clear by instating the law in the first place.¹⁰⁹ Members of the far-right leadership in Poland have successfully pushed through dangerous laws cloaked as functions of national security and pride. However, laws that enforce blanket claims like this one strip citizens not just of their freedom, but also of their ability to engage with historical narratives with nuance, directly and inordinately punishing those who do exercise this engagement.

The reactive (police violence) and proactive (laws that limit speech) measures of both consolidated and unconsolidated democratic countries to stifle free speech and free assembly indicate a wider trend of erosion that includes a freedom of the press.

¹⁰⁷ *Al Jazeera*, "France: 'Yellow vest' protesters keep up pressure on Macron"

¹⁰⁸ John, Tara. "Poland's Holocaust Law: What You Need To Know." *Time*. February 01, 2018.

¹⁰⁹ Santora, Marc. "Poland's Holocaust Law Weakened After 'Storm and Consternation'." *The New York Times*. June 27, 2018.

Freedom of the Press

Freedom of the press is critical in holding governments accountable. As US Supreme Court Justice Hugo Black remarked in *New York Times Co. v. United States* in 1971, “The press was to serve the governed, not the governors.”¹¹⁰ The press ideally serves both as a watchdog for government malpractice as well as a major medium for citizen expression. Moreover, a free press ensures that ordinary people are more informed. Equal access to information is a key component of free and fair elections, as those who are mis- or uninformed struggle to vote for a candidate aligning with their best interests.

According to the Freedom in the World 2019 report, global press freedom has reached its lowest point in 13 years. Freedom House attributes this to an unprecedented rise in threats to journalist and media outlets in major democracies. Only 13 percent of the world’s population enjoys a free press, while 45 percent live in places where the media environment is not free. Our examination of press freedoms reveal that there are nations in regions all over the world where freedom of the press is currently in jeopardy. In Hungary and Turkey, authoritarian leaders have attempted large-scale censorship of opposition media and bolstered the influence of pro-government outlets. While freedom of the press in the United States has not eroded to the level of government censorship propaganda, President Trump has both taken or threatened to take legal measures against critical journalists and whistleblowers. As news becomes increasingly biased and politicians berate reporters who speak out against them, citizens of democracies no longer enjoy equal access to information and or a pluralistic press at large; consequently, democracy continues to erode.

Hungarian Prime Minister Viktor Orbán has exerted pressure on non-loyal and opposition media outlets to consolidate his government’s influence over the press. Orbán began by encouraging loyalists to buy up news outlets, a plan that succeeded in shuttering a major opposition paper. Since 2016, senior news editors of several critical

¹¹⁰ "Freedom of the Press." American Civil Liberties Union. 2019.

publications have complained that pro-Orbán forces make it difficult to source information and to sell ads, due to the government's monopoly on advertising.¹¹¹ Consequently, the Hungarian public is fed an increasingly one-sided account of topics with which Orbán engages regularly. According to Flora Garamvolgyi, a reporter at the daily Magyar Nemzet, "People have been made to consume racist, xenophobic, anti-immigration propaganda all over the news...."¹¹² Magyar Nemzet, Hungary's last daily paper to resist state influence, was forced to shut down in April 2018. As Orbán's government cracks down on opposition media, it doubles down on loyalist propaganda. Sources from inside the state-run MTVA network spoke of "pump[ing] out government messaging, and at times false stories, with the goal of winning support for the prime minister's anti-immigration message."¹¹³ Agencies loyal to Orbán and his Fidesz party like MTVA are responsible for shaping a nativist narrative bent on xenophobia and the vilification of immigrants. The whistleblowers recall receiving predetermined talking points and even false stories from anonymous editors which they traced back to government officials.¹¹⁴ Often, almost identical stories are broadcast simultaneously, across television news channels, speaking to comprehensive nature of Orbán's media campaign. The same month that Magyar Nemzet shut its doors, Fidesz won a resounding victory in parliament giving its members a supermajority and the discretionary powers thereof.

Fidesz's takeover of the National Media and Infocommunications Authority allows the government to gather information about editorial and advertising content, as well as individual journalists.¹¹⁵¹¹⁶ Through the National Communications Office, Orbán is able to funnel advertising money toward loyal outlets, amplifying the reach of

¹¹¹ Allsop, Jon. "An Election in Hungary Sounds a Death Knell for the Free Press." *Columbia Journalism Review*. April 20, 2018.

¹¹² Kelly, Mary Louise. "Hungary's Last Daily Non-State Influenced Newspaper Closes." *NPR*. April 12, 2018.

¹¹³ Walker, Shaun, and Daniel Nolan. "Hungarian Journalists Admit Role in Forging Anti-migrant 'Atmosphere of Fear'." *The Guardian*. April 13, 2018.

¹¹⁴ Walker, Shaun, and Daniel Nolan. "Hungarian Journalists Admit Role in Forging Anti-migrant 'Atmosphere of Fear'."

¹¹⁵ "Hungary." *Media Landscapes*. 2019.

¹¹⁶ Bennett, Phillip, and Moises Naim. "21st-century Censorship." *Columbia Journalism Review*. January/February 2015.

pro-government media while drying up the advertising revenues of other actors in the press.¹¹⁷ The Hungarian example presents the ability for executive aggrandisement to successfully subvert the free press. Without freedom of the press, Hungary's citizens will be at pains to receive credible, objective information. Today, the Hungarian press is disproportionately weighted in favor of Orbán's presidency. Without press freedoms, citizens remain misinformed or uninformed, a condition under which democracy will continue to erode at the benefit of authoritarianism.

In Turkey, a 2014 amendment to internet law gave the Telecommunications Directorate the authority to close any website or content "to protect national security and public order, as well as to prevent a crime."¹¹⁸ This vague terminology allows for the government to essentially eliminate any content they do not want the public to hear about under the guise of national security. Turkish President Recep Tayyip Erdogan has also been criticized for jailing dozens of journalists and using tax investigations and huge fines as retaliation against journalists for critical coverage. Further, *The Atlantic* identifies that a vast majority of Turkey's mainstream media is owned by individuals and groups allied with Erdogan himself. Therefore, news that is critical of Erdogan's administration is highly censored, signaling a dramatic divergence from democratic ideals as they pertain to a free press.¹¹⁹ *The Atlantic* points out that while a major drop in the national currency made international headlines, Turkish readers would have had difficulty finding any mention of that news within their domestic media.

Erdogan's administration initially showed promise in supporting freedom of the press. In 2002, the government liberalized media regulations to pursue European Union membership. In doing so, journalists were given more freedom to write about topics that were previously off limits, as the government "liberalized the press law, introducing greater protections against state interference, strengthening journalists' right to protect their sources, and largely replacing prison sentences for certain violations."¹²⁰ However, while they implemented structural changes, Erdogan and his administration continued to

¹¹⁷ Bayer, Lili, and Joanna Plucinska. "Orbán's Media Puppetmaster." POLITICO. April 08, 2018.

¹¹⁸ Bennett, Phillip. "21st-century Censorship." Columbia Journalism Review. January 2015.

¹¹⁹ Weise, Zia, "How Did Things Get So Bad For Turkey's Journalists?" *The Atlantic*, Aug 23, 2018.

¹²⁰ Ibid.

flout their own principles, and the ownership of media outlets remains captured by a small, concentrated number of people. It is clear that more recent control mechanisms over the news have eroded press freedom in Turkey.

According to the 2017 Freedom of the Press Report, patterns of violence against journalists have continued unabated in several Latin American countries. Brazil, Colombia, Honduras, and Mexico remain among the world's most dangerous places for journalists, and these countries continue to face ongoing challenges in investigating and prosecuting these crimes. In Brazil, a series of nearly 50 lawsuits were filed against five reporters who had worked on articles revealing highly suspicious earnings of members of the judiciary in Paraná State.¹²¹ Venezuela's political climate combined with the economic crisis under Nicolás Maduro affected the media in a variety of ways. Journalists such as David Natera Febres and Braulio Jatar Alonso fell victim to politically motivated prosecutions, while others faced violence, robberies, and detentions. News outlets themselves were confronted with chronic shortages of newsprint, hackings, and reduced visibility.¹²²

Hungary, Turkey, and the Latin American states give us examples of restrictions on freedom in flawed democracies and hybrid regimes. A drawback of this analysis is that countries with regimes inferior to full democracies cannot demonstrate how democratic erosion occurs in a nation whose democracy was thought to be stable. In Turkey, for instance, the brief period of relatively free press in 2002 followed decades of former media suppression. Therefore, when Erdogan reinstated restrictions on press freedom, it was not entirely divergent from the country's previous relationship with independent media. To adequately demonstrate an overall decline of press freedom throughout democracies, we will need to look at threats to free press in stronger democracies. With this in mind, we turn to examples of diminishing freedoms in the US and the European Union.

According to Freedom House, some democratic leaders have begun to turn their backs on the concept of free press. Politicians have launched efforts to delegitimize

¹²¹ "Freedom of the Press 2017." Freedom House. November 09, 2017.

¹²² "Venezuela." Freedom House. October 20, 2017.

mainstream media. In the US, Donald Trump's rhetoric at rallies leading up to the 2016 elections challenged conventional attitudes about media in democracy. During his campaign for the presidency, Trump created a narrative of mainstream media as "dishonest," "fake news," or even "enemy of the American people."¹²³ In office, he insisted that CNN's slogan ought to be "the least trusted name in news," and called for *The Washington Post* to fire one of its reporters.¹²⁴ Trump's defamation of established media outlets echoed his neglect for the democratic norm of mutual toleration, as discussed in the chapter on adherence to norms. By casting news outlets as dishonest and malignant, Trump attempted to strip them of their legitimacy, just as he did with Hillary Clinton during the 2016 elections. However, Trump made threats to the press which transcended delegitimization. At a rally in Fort Worth, Texas in 2016, his usual diatribe against the mainstream media evolved into a discussion of expanding libel laws in order to strike back against critical journalism with legal repercussions. Predicting a presidential win, Trump declared,

"I'm going to open up our libel laws so when they write purposely negative and horrible and false articles, we can sue them and win lots of money. We're going to open up those libel laws. So when *The New York Times* writes a hit piece which is a total disgrace or when *The Washington Post*, which is there for other reasons, writes a hit piece, we can sue them and win money instead of having no chance of winning because they're totally protected."¹²⁵

Likewise, in Europe, verbal violence from politicians against the media is on the rise, thus encouraging a perception of journalists as political enemies. For example, Poland's Law and Justice party has attempted to delegitimize the credibility of media through such comments as party leader Jarosław Kaczyński's claim that the largest broadsheet newspaper, *Gazeta Wyborcza*, was "against the very notion of the nation."

¹²³ Schreckinger, Ben, and Hadas Gold. "Trump's Fake War on the Fake News." POLITICO. May 2017.

¹²⁴ Baker, Peter, and Sydney Ember. "Trump Escalates His Criticism of the News Media, Fueling National Debate." The New York Times. December 11, 2017.

¹²⁵Gold, Hadas. "Donald Trump: We're Going to 'open Up' Libel Laws." POLITICO. February 26, 2016.

¹²⁶ In Serbia, the government has taken extreme action to silencing its critics. Current Serbian president Aleksandar Vučić “outsourced much of his campaign to discredit unfriendly media outlets to the pro-government tabloid *Informer*, which has smeared critical journalists with familiar accusations of mafia ties or collusion with foreign intelligence agencies.”¹²⁷

Greece, another EU member state, has also struggled to guarantee freedom of the press to fully democratic standards. Greek courts have applied increasingly pressure on news outlets through legal rulings. Journalists face suspended sentences on charges of defamation, and in one notable ruling, the foreign minister Nikos Kotzias succeeded in freezing the assets of the publisher of the Athens Review of Books magazine. Kotzias sued the publisher for libel after he printed a reader’s letter which mentioned the minister’s past association with the Communist Party.¹²⁸ It was clear that Kotzias aimed to shutter the Athens Review of Books. A reference to his political past was enough to provoke the action.

Kotzias’s lawsuit is only one example in a pattern of suppressive policies which target journalists critical of the government. According to Greek law, those charged of defamation are subject to immediate arrest. The government has acted frequently on this ordinance. In September 2018, three journalists published a story alleging that the defense minister had misused EU funding in awarding contracts for the development of refugee camps to his business associates. All three were promptly arrested.¹²⁹ In mid-2017 a journalist of the newspaper *Documento* was arrested under the same charges for allegedly libeling the wife of the head of Greece’s central bank. The journalist, Kostas Vaxevanis, had reported that the wife of central banker was using her husband’s clout to secure public funding for organizing medical conferences. Even

¹²⁶ Leszczyński, Adam. "Poland's Leading Daily Feels Full Force of Jarosław Kaczyński's Anger." *The Guardian*. February 23, 2016.

¹²⁷ "Freedom of the Press 2017." Freedom House. November 09, 2017.

¹²⁸ "Greece: Progress but not Enough | Reporters without Borders." RSF. 2018.

¹²⁹ "Three Greek Journalists Covering Migrant Crisis Arrested for Defamation | Reporters without Borders." RSF. September 26, 2018.

though she had been the subject of ongoing press scrutiny, authorities swiftly detained Vaxevanis.¹³⁰

In the Philippines, President Rodrigo Duterte has waged war on the media to bolster further executive power in the country. The president's virulent departure from democratic norms and constitutional law, primarily demonstrated by measures employing death squads against drug users, has persisted; Duterte has resorted to legally restricting media outlets that have sought to expose his authoritarian behavior. The Philippines's third-largest online news site, Rappler, had its certificate of incorporation revoked by the country's Securities and Exchange Commission (SEC) in a ruling handed down last year. This ruling comes at the heels of critical reports published by Rappler that address the extrajudicial killings of drug suspects by death squads employed by Duterte and his allies. The ruling itself accuses the publication of using a "deceptive scheme to violate the country's laws against foreign ownership of mass media entities after it accepted \$1 million in funding from Omidyar Network—a charitable foundation and impact investment firm established in 2004 by eBay founder Pierre Omidyar."¹³¹ Rappler disputes the SEC decision, stating "in 2015 the SEC accepted documents outlining Omidyar Network's investment in Rappler via Philippine Depositary Receipts (PDRs), which allow foreign entities to hold equity in media organizations without owning shares or controlling the day-to-day operations of the company."¹³²

The legal strike on Rappler is not Duterte's first media attack. In March, Duterte went after both ABS-CBN and the *Inquirer*, the two largest news outlets in the country, both of which had also published stories that criticized Duterte's extrajudicial offenses. Duterte vowed to block the renewal of ABS-CBN's franchise, and three months later, the *Inquirer* was sold to a Filipino billionaire Duterte describes as a "fast friend."¹³³ Duterte has successfully curbed a large amount of public information that sought to

¹³⁰ "Greek Journalist Arrested on Libel Charges." International Press Institute. April 11, 2017.

¹³¹ Hepworth, Shelley. "Another Independent Voice Is Silenced in Duterte's War on the Media." Columbia Journalism Review. January 16, 2018.

¹³² "Greek Journalist Arrested on Libel Charges." International Press Institute. April 11, 2017.

¹³³ Ibid.

speak against the actions which have acted as the hallmark of his presidency thus far. The large base of support for the leader within the country is thus unlikely to diminish; as long as Duterte can capture control of public discourse and limit the spread of dissent against his controversial actions, there exists a higher capacity for his actions to go unchecked by the Filipino public.

The dangers of limitations on free press and speech are innumerable and revealing; the deterioration of these freedoms has allowed for myriad authoritarian and populist leaders to capture control of the information and narratives that citizens are subjected to. Citizens lose their voices and their ability to express discontent with the state of affairs as public forces apply combative measures against protests. In Poland, historical narratives are re-written out of fear politics and a desire to restore national pride. From Hungary to the Philippines, leaders demonstrate increasingly powerful attempts to limit government criticism from the media. As attempts like these become successful, citizens throughout the globe go misinformed or uninformed, and indoctrination-fueled public opinion masquerades as true popular will. Democratic backslide is inevitable in nations where public voices and public opinions are forcefully altered.

Citizens must remain persistent in their political involvement in order to combat the legal and normative measures that are currently being pushed through hypothetically-democratic governments. The power and agency of individual citizens becomes critical in light of infringements on free speech and press, as they possess the ability to influence their communities and each other, often in spaces that politicians can not reach. Agents of change in nations with precarious freedoms have opportunities to capitalize upon political participation and seize this power. The following examination of political participation seeks to provide an understanding of the ways in which participation may contribute to the persistence of democracy in the face of the erosion trends we have thus far discussed.

POLITICAL PARTICIPATION

Political participation refers to active citizen involvement in the political process, influencing the selection of leaders and the outcomes of policy.¹³⁴ Rates of participation indicate the strength of a democracy. In practice, individual participation is integral to implementing one's personal interests in policy-making; participation can provide individuals with a feeling of inclusivity in the decision-making process, and informs leaders of their obligations to constituents. Participation can take on many forms: citizens engage by seeking political knowledge, supporting and attending peaceful demonstrations, and participating in procedural components of democracies, such as voting or holding elected office.¹³⁵ In successful democratic systems, governments allow these forms of citizen participation to influence the policymaking process.

According to the Economist Intelligence Democracy Index, political participation was the only of five democratic indicators that demonstrated significant improvement in 2018, visually represented in the following graph.¹³⁶

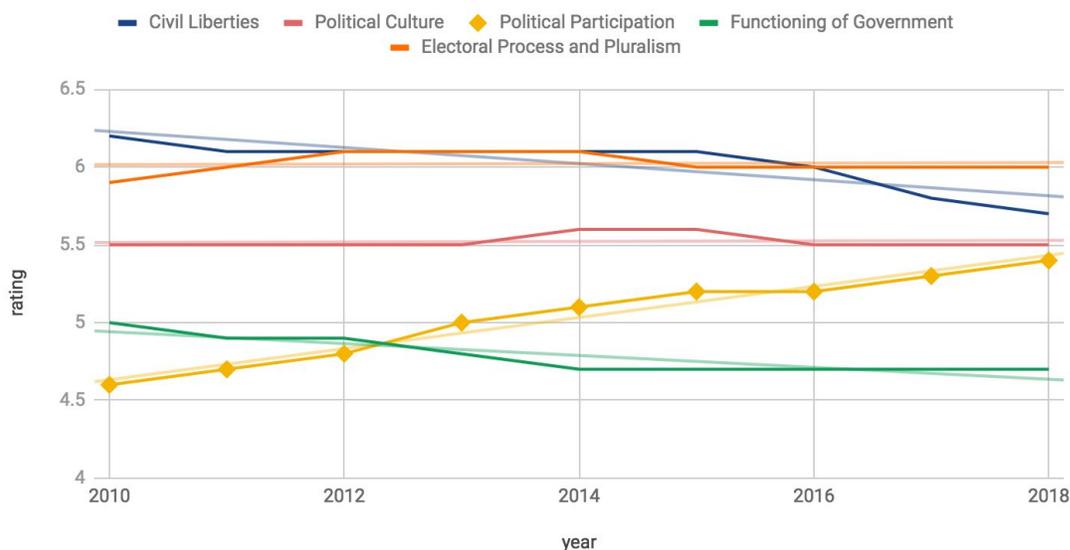
¹³⁴ Political Participation: 9 Factors Influencing Political Participation." Your Article Library. March 25, 2014.

¹³⁵ Ibid.

¹³⁶ Eiu. "Democracy Index 2018: Me Too? Political Participation, Protest and Democracy." Democracy Index 2017.

Evolution of Democracy by Category

(Index score out of 10, 10 being best)



Source: "Democracy Index 2018: Me Too? Political Participation, Protest and Democracy." Democracy Index 2018. 2019.

Globally, political participation has improved throughout the past decade; for the first time in three years, the improvement was sufficient to halt the decline shown in the Democracy Index.¹³⁷ As political participation is a necessary component of a stable democracy, the improvement of this trend demonstrates that currently, voters are not only engaged with democracy, but also seek to use their right of political participation to uphold the very democratic institutions that allow them this right. Increases in voter-turnout percentages, the participation of minorities and women in governmental processes, and engagement in civil protests denote that political participation stands as a strong pillar for democratic persistence.

Voter Turnout

Voter turnout is the extent to which eligible voters use their vote on election

¹³⁷ Ibid.

day.¹³⁸ Measurements of political participation must include this criterion. From the beginning of the 1990s and into the 2000s, voter turnout was in decline among existing democracies.¹³⁹ However, according to the EIU Democracy Index, voter turnout and political party membership reversed their negative trends in recent years, and has continued to grow as recently as 2018.¹⁴⁰

There have been increases in voter turnout in a number of democracies who have historically struggled with rates of participation. The United States, a flawed democracy,¹⁴¹ has grappled with voter suppression throughout its history. Instances include the longstanding exclusion of women from voting booths and institutional racism that contributed to Jim Crow laws, which have left a deeply ingrained legacy of disenfranchisement in the national narrative. This disenfranchisement has persisted, seen recently through deliberate voter suppression in the 2018 midterm elections.¹⁴² However, recent polling numbers exhibit signs of voter strength and persistence.¹⁴³ Polling figures from the 2018 midterms revealed a record-high turnout since 1966; more than 47 percent of eligible voters participated in the election.¹⁴⁴ In particular, an increasing share of Latino voters said they were “more enthusiastic than usual about voting.”¹⁴⁵ Canada, a full democracy, has similarly exhibited recent increases in voter turnout despite historical struggles in participation.¹⁴⁶ In October of 2008, Canadian political participation reached one of its lowest scores in decades, with a mere 58.8

¹³⁸ "Voter Turnout Trends around the World." International IDEA. December 31, 2016.

¹³⁹ Ibid.

¹⁴⁰ "Democracy Index 2018: Me Too? Political Participation, Protest and Democracy." Democracy Index 2018. 2019.

¹⁴¹ Ibid.

¹⁴² Gross, Terry. "Republican Voter Suppression Efforts Are Targeting Minorities, Journalist Says." NPR. October 23, 2018.

<https://www.npr.org/2018/10/23/659784277/republican-voter-suppression-efforts-are-targeting-minorities-journalist-says>.

¹⁴³ Bump, Philip. "Democrats Worry about Disenfranchisement. Republicans Worry about Voter Fraud." The Washington Post. July 17, 2018.

¹⁴⁴ Domonoske, Camila. "A Boatload Of Ballots: Midterm Voter Turnout Hit 50-Year High." NPR. November 08, 2018.

¹⁴⁵ Lopez, Mark Hugo, Ana Gonzalez-Barrera, and Jens Manuel Krogstad. "Latino Engagement in 2018 Election." Pew Research Center's Hispanic Trends Project. October 25, 2018.

¹⁴⁶ "Voter Turnout at Federal Elections and Referendums." Elections Canada Online | Turnout and Reasons for Not Voting During the 42nd General Election: Results from the Labour Force Survey. August 02, 1970.

percent in voter turnout.¹⁴⁷ However, the 2011 election saw an increase in voter participation, which jumped to 61.1 percent.¹⁴⁸ This improving trend continued into the 2015 election, turning out a score of 68.3 percent. In South Korea, a flawed democracy, voter turnout in 2017 during the presidential elections was 77.2 percent which hit a high since 2002 at 70.8 percent of those who casted a vote.¹⁴⁹ In addition, despite some reports of minor violence at the polling booths, Nepal, a hybrid regime, had a high voter turnout of 67 percent in the last phase of parliamentary election.¹⁵⁰ Each of these cases represents a strength in political participation, with implications for the persistence of democratic regimes.

Estonia, a flawed democracy, saw notable improvement in recent rates of political participation. Within Eastern Europe, Estonia fared the best amongst the region's flawed democracies in 2018, making it a primary example of global democratic persistence, especially in light of the history of Soviet influence in the region. In previous decades, Estonia has struggled with voter rights and participation due to "low voter confidence, voter volatility and abstentions at elections, coupled with too many parties competing for the support of the electorate".¹⁵¹ As a result, the decades following were engulfed in poor political efficacy, with the citizenry lacking confidence in its influence and representation within government. This disillusionment continued until the elections of 2007, when voter turnout reached 61.9 percent, a higher figure than recorded in the previous elections of 1999 and 2003.¹⁵² One of the most predominant factors in this increase was the implementation I-Voting, an electronic voting system which allows voters to cast their ballots for regional elections electronically from anywhere in the world.¹⁵³ In 2007, Estonia was the first country to use the system in its parliamentary

¹⁴⁷ Ibid

¹⁴⁸ Ibid

¹⁴⁹ "South Korea: Presidential Election Voter Turnout 1992-2017 | Statistic." Statista.

¹⁵⁰ Pti. "Nepal Clocks 67% Voter Turnout in Final Phase of Historic Poll - Times of India." The Times of India. December 07, 2017.

¹⁵¹ "European Election Database: Estonia." Internasjonale Makrodata | NSD - Norsk Senter for Forskningsdata.

¹⁵² Alvarez, R. Michael, Thad E. Hall, and Alexander H. Trechsel. "Internet Voting in Comparative Perspective: The Case of Estonia." *PS: Political Science and Politics* 42, no. 3 (2009): 497-505.

¹⁵³ Ibid.

elections.¹⁵⁴ Following its introduction, Estonia has witnessed a growing percentage of internet voters (roughly 25 percent of all votes casted were electronic) and consequently an increase in political participation.¹⁵⁵

According to the Economist Intelligence Democracy Index, from 2006-2018, Estonia's democratic status has increased from 7.74 in 2006 to 7.97 in 2018, increasing their global rank to 23 from the previous rank of 30. This increase in score was "mainly owing to a significant improvement in political participation and in perceived confidence in the government and in political parties."¹⁵⁶ It is noteworthy that Estonia's individual ranking improved to such an extent that it increased the overall score for its region, Eastern Europe.¹⁵⁷

Participation of Women and Minorities in Governmental Processes

In recent years, voting rates among marginalized groups have increased. Historically, both minority populations, (by race, ethnicity, religion, etc.) and women have been oppressed in the political sphere, namely in electoral systems and as elected representatives. However, the EIU Democracy Index of 2018 found that "in the past decade, of all 60 indicators in the Democracy Index, women's political participation has improved more than any other single indicator."¹⁵⁸ This is illustrated both by voter turnout as well as representation in government. Some countries have even created mandatory legislative gender quotas, promoting equal gender representation at the government level.¹⁵⁹

Political scientists Sveinung Arnesen and Yvette Peters explain that equal gender and minority representation in politics is important, arguing that as marginalized communities become increasingly represented within legislatures, policy becomes more

¹⁵⁴ "I-Voting." E-Estonia.

¹⁵⁵ Ibid.

¹⁵⁶ "Democracy Index 2018: Me Too? Political Participation, Protest and Democracy." Democracy Index 2018. 2019.

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

¹⁵⁹ "Democracy Index 2018: Me Too? Political Participation, Protest and Democracy," 2019.

relevant to the welfare of those groups.¹⁶⁰ Elected representatives acknowledge the needs and demands of minority groups and women in a functioning democracy. Women and minority politicians themselves are the most successful in responding to these members of their constituencies. Moreover, when these leaders respond actively to their constituencies, participation by minority and women's groups increases, strengthening ties between policymakers and historically disenfranchised portions of the population. This cycle perpetuates itself, as an increase in minority and women voters translates to their increased representation within a government.

Experts widely acknowledge the need for fair and proportionate representation in democratic governments. Political scientist Robert Dahl conceptualizes the framework of democracy through a series of necessary components, including “free, fair and competitive elections...and full adult suffrage.”¹⁶¹ Mounk elaborates on the necessity of adequate representation by suggesting that “any democracy should have in place a set of effective institutional mechanisms for translating popular views into public policy.”¹⁶² Political scientists Sveinung Arnesen and Yvette Peters expand on this idea and outline the necessity of representation by arguing that it “is at the heart of how contemporary democracies organize their governing ‘by the people’.”¹⁶³ The elected representative will serve as both “trustee” and “delegate” by executing orders demanded by the people.¹⁶⁴ In this sense, it is necessary for groups to elect representatives who will share and uphold their interests. In the case of the United States, Latino voters have recently taken to the polls in order to elect representatives whom they can empathize and share common political ground.

¹⁶⁰ Arnesen, Sveinung, and Yvette Peters. “The Legitimacy of Representation: How Descriptive, Formal, and Responsiveness Representation Affect the Acceptability of Political Decisions.” *Comparative Political Studies* 51, no. 7 (June 2018): 868–99.

¹⁶¹ Mounk, Yascha. *People vs. Democracy: Why Our Freedom Is in Danger and How to Save It*. Harvard University Press, 2018.

¹⁶² Ibid.

¹⁶³ Arnesen, Sveinung, and Yvette Peters. “The Legitimacy of Representation: How Descriptive, Formal, and Responsiveness Representation Affect the Acceptability of Political Decisions.” *Comparative Political Studies* 51, no. 7 (June 2018): 868–99. doi:[10.1177/0010414017720702](https://doi.org/10.1177/0010414017720702).

¹⁶⁴ Ibid.

Latino voting patterns in the 2018 United States midterm elections provide an example of increased political participation by a minority group, an unsurprising development in light of the growing frustration among Latinos over their marginalized position in American society. Critics argued that President Trump's immigration policy crisis and calls for a wall along the US-Mexico border were "rooted in xenophobia and racism."¹⁶⁵ In concurrence, many Latinos reported growing concern over Trump's proposed policy. Consequently 55 percent of registered Latino voters stated they were more passionate about voting in the 2018 midterms than in prior congressional elections. Moreover, the number of registered Latino voters surpassed 29 million in 2018, up 4 million from 2014.¹⁶⁶ The uptick in participation among Latinos demonstrates how a minority group has chosen to exercise their democratic right to vote in order to usher in a more representative government.

During the US 2018 midterm elections, women achieved a similar increase in political participation. When polling stations closed, women accounted for a record-breaking 20.3 percent of elected officials.¹⁶⁷ Female candidates, mainly Democrats, secured seats in the House of Representatives and the Senate, raising the fraction of women holding legislative positions from 19 to a high of 23 percent.¹⁶⁸ Further, the women elected hailed from an array of backgrounds; Ilhan Omar and Rashida Tlaib became the first Muslim women to serve in Congress. Deb Haaland and Sharice Davids became the first Native American women to hold the same position.¹⁶⁹ These elected women are reshaping and transforming the traditional narrative of political representation in the United States, which heretofore has been dominated by white male politicians. The rise of women and minorities holding elected office will

¹⁶⁵ Gonzalez-Barrera, Ana, Jens Manuel Krogstad, Ana Gonzalez-Barrera, and Jens Manuel Krogstad. "Hispanic Voters More Engaged in 2018 than in Previous Midterms." Pew Research Center. November 02, 2018.

¹⁶⁶ Ibid.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid.

¹⁶⁹ Cooney, Samantha, "2018 Midterm Elections Lead to Historic Wins for Women," Time, September 13, 2018.

translate into more accurate representation of US demographics in future legislative processes.

Norway provides similar examples of increased minority and women representation. As a full democracy, Norway has maintained adequate representation of its population through free and fair elections, high voter turnout, and widely supported elected representatives. According to the 2018 EIU Democracy Index, Norway is ranked as first in terms of global democratic standing, with an overall score of 9.87 and a political participation score of 10, the highest attainable mark.¹⁷⁰ Freedom House explains that Norway is one of the most persistent democracies in the world due to its ability to continuously uphold democratic standards, especially free and fair elections, civil liberties, and government accountability.¹⁷¹ Political engagement in Norway is highly ranked due to its strong levels of voter turnout and political party membership. In the 2017 election, Norway reached a voter turnout of 78.2 percent, approximately 10 percent higher than the global average.¹⁷²

These rankings gain significance in the context of how minority and women groups are represented in the electoral process. For instance, as the only recognized indigenous people of Europe, the Sami population has its own legislature to protect the cultural rights of the group while “influencing national government decisions about Sami land and resources.” In addition, women increasingly hold elected positions in Norwegian politics.¹⁷³ From 1969, the share of female representatives increased from 9.3 percent to a share of 41.1 percent in 2017.¹⁷⁴ Another study shows that immigrants and first-generation Norwegians also participate actively in elections, reaching voter turnout rates of approximately 40 percent. Norway’s robust anti-discrimination laws

¹⁷⁰ "Democracy Index 2018: Me Too? Political Participation, Protest and Democracy." Democracy Index 2018. 2019.

¹⁷¹"Freedom in the World 2019." Freedom House. February 05, 2019.
<https://freedomhouse.org/report/freedom-world/freedom-world-2019>.

¹⁷² Solijonov, Abdurashid. "Voter Turnout Trends around the World." International Institute for Democratic and Electoral Assistance

¹⁷³"Freedom in the World 2019." Freedom House. February 05, 2019.
<https://freedomhouse.org/report/freedom-world/freedom-world-2019>.

¹⁷⁴ "Norway: Share of Women in the Parliament 1945-2017 | Statistic." Statista.

reflect political representation of minorities, women, and immigrants through mandatory quotas for female elected representatives and laws against voter suppression.¹⁷⁵

Norway's commitment to rights of political participation speaks to the persistence of its democratic regime. Norway upholds an elaborate and inclusive system of voting, which attracts relatively high rates of voter turnout among women and minorities, providing a prime example of a successful citizen-level participation in democratic governance.

Civil Demonstrations

In instances of political and social unrest, citizens can call attention to violations of democratic values and advocate policy demands through protests. Distinct from the section on Freedom of Expression, which analyzes protests in terms of government responses, this section approaches protests from the perspective of the people. We can define a protest as "an expression of objection, by words or by actions, to particular events, policies, or situations."¹⁷⁶

Political participation through the medium of protest is on the rise. As opposed to a major trend of public protests in the late 1980s and early 1990s, the present wave of demonstrations differs in at least two measurements.¹⁷⁷ First, it is taking place in all regions. Second, the modern trend affects a wide range of regime types; protests have struck not just a number of authoritarian states, but numerous semi-authoritarian governments and democracies, as well.¹⁷⁸ The causes of protests can be separated into three groupings. First, motivations may be political, fueled by anger with the manipulation of elections. Others are primarily socioeconomic, concerned with a lack of government response to growing inequality. A third factor which provokes citizen-level demonstration is government corruption.¹⁷⁹ Political corruption is especially salient in

¹⁷⁵ "Freedom House." Freedom House.

¹⁷⁶ Shekhawat, Aparna. "Democracy and Protest – an Interlinked Phenomenon." *IOSR Journal of Humanities and Social Science* 9, no. 5 (2013): 59-63.

¹⁷⁷ Carothers, Thomas, and Richard Youngs. "The Complexities of Global Protests." Carnegie Endowment for International Peace.

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

provoking public protests whether in democracies, hybrid regimes, or authoritarian nations. In recent years, public frustration with governmental corruption has swelled around the world.¹⁸⁰

Citizens use the term “corruption” to depict a number of ways in which the behavior of political elites anger them: their apparent immunity, human rights violations, abuse of public authority, disrespectful treatment of citizens, overly-consolidated authority — the list goes on.¹⁸¹ In a broader sense, the response to corruption in various regions of the world reveals how protests are vital to our democracy.

This chapter uses the case of Malaysia to demonstrate how political participation operates in a flawed democracy.¹⁸² According to the 2018 EIU Democracy Index, Malaysia is ranked 52nd in global democratic standing, with an overall score of 6.88 and political participation score of 6.67.¹⁸³ Where democracies present continuous problems of corrupt governance, protests have acted as strong countermeasures in the past year in flawed-democracies like Malaysia.

In November of 2016, Rafizi Ramli, a member of the People’s Justice Party has been a leading critic of Prime Minister Najib Razak.¹⁸⁴ Razak’s mishandling of and alleged embezzlement of state development funds, 1 Malaysia Development Berhad (1MDB) which he established and oversaw, has continued to provoke extreme debates both nationally and worldwide.¹⁸⁵ Over the past decade, four demonstrations were supporting anti-corruption improvements and other democratic reforms — in November, 50,000 citizens assembled for the Bersih 5 protest in Kuala Lumpur.¹⁸⁶ Through the protests, voters in Malaysia ejected dishonored Prime Minister Najib Razak and a political federation that had ruled since liberation, paving the way for a new regime that rapidly took action by holding Najib and his family responsible for the tremendous

¹⁸⁰ Ibid.

¹⁸¹ Carothers and Youngs. "The Complexities of Global Protests."

¹⁸² EIU, "Democracy Index 2018."

¹⁸³ Ibid.

¹⁸⁴ Paddock, Richard C. "Critic of Najib Razak, Malaysian Leader, Gets Prison for 1MDB Disclosure." *The New York Times*. November 14, 2016.

¹⁸⁵ "Malaysia." Freedom House. July 21, 2017.

¹⁸⁶ "Bersih 5 and the Increase of the Malay Discontents." *New Mandala*. November 24, 2016.

corruption scandal.¹⁸⁷ The political changes in Malaysia increased public optimism about democratic growth and the new government promised to reduce restrictive rules on public assembly.¹⁸⁸ Malaysia's example provides evidence for democracy's continuing appeal and its ability to hold leaders accountable and to construct an environment conducive to free participation.

In addition to the case of Malaysia, compelling evidence for the vibrance of participation in protests is seen in recent participation crowd statistics from around the world. Some of the largest protests in US history have occurred in the past few years following the election of Donald Trump. The 2018 March For Our Lives and the 2017 Women's March tallied in at around a million¹⁸⁹ and about 4 million participants,¹⁹⁰ respectively. These protests involved individuals who do not have a history of political participation through the medium of protest: "One in five Americans have protested in the streets or participated in political rallies since the beginning of 2016. Of those, 19 percent said they had never before joined a march or a political gathering."¹⁹¹ In France, the 2018-2019 Yellow Vest protest involved 50,000 participants.¹⁹² In London, estimates of 700,000 people from all over the UK marched in demand of a second referendum on Brexit in October of 2018.¹⁹³ A January 2018 protest in Romania, in response to new laws that loosed the grip on corruption crimes, drew tens of thousands of people.¹⁹⁴ According to the EIU, the UK represents a full democracy whereas the US, France, and Romania represent flawed democracies.¹⁹⁵ In all these cases, however, such participation can be seen through two lenses: the first is as a symptom of growing

¹⁸⁷ "Freedom in the World 2019." Freedom House. February 06, 2019.

¹⁸⁸ Ibid.

¹⁸⁹ Wilson, Reid. "More than a Million People Participated in March for Our Lives Protests." TheHill. March 26, 2018.

¹⁹⁰ Chenoweth, Erica, and Jeremy Pressman. "This Is What We Learned by Counting the Women's Marches." The Washington Post. February 07, 2017.

¹⁹¹ "Echoes of Vietnam: Millions of Americans Are Taking to the Streets." The Washington Post. April 06, 2018.

¹⁹² Bell, Melissa. "'Yellow Vest' Protests across France Trigger Spurts of Violence, Calls for Calm." CNN. January 06, 2019.

¹⁹³ Brexit March: '700,000' Protesters Walk through London." Sky News.

¹⁹⁴ The New York Times. "Anti-Corruption Protest Draws Tens of Thousands Across Snowy Romania." The New York Times. January 20, 2018.

¹⁹⁵ "The Economist Intelligence Unit," Democracy Index 2017.

discontent with the government. This is in line with the first chapter of this report, which spoke of citizen attitudes toward democracy. Second, these numbers are indicative of a politically engaged citizenry, which is a necessary component of democratic strength.

Liberal democracy is based on the model that all citizens have a voice that can, and should, be heard. Participation is beyond just a value; it is a fundamental asset of our democracy. This section outlined some of the significant instances of successful political participation, which have proliferated over recent years.

The freedom to actively participate in political processes is traditionally protected by the rule of law. We have thus far emphasized the importance of political participation, and aim to understand the role of the rule of law in the following chapter. The courts are designed to uphold the will of the people against governmental interference, ensuring the system itself is operating fairly and democratically. When determining the strength of a democracy, the impartiality of its judiciaries is the next essential component to analyze.

INDEPENDENT JUDICIARIES

In 1748, French Enlightenment political philosopher Montesquieu wrote in “the Spirit of Laws” what is now known and practiced by well-established democracies and imitated by less-established democracies across the globe: “...*There is no liberty if the judiciary power be not separated from the legislative and executive.*”¹⁹⁶

“Independent judiciary” refers to the judiciary’s separation from and authority over the two other political branches of government. Vested with the power to rebuke the other branches when they overstep their power, courts are designed to decide on the legality of proposed laws and to prevent abuses of power by the executive, even if doing so without the majority mandate. Without the independent judiciary system of checks, a democracy can backslide into authoritarianism as the individuals in office flex their unconstrained power.¹⁹⁷ Protecting the judiciary’s independence is critical to preventing the erosion of democracy. Well-established democracies protect their judiciary’s independence by implementing policies: appointments rather than elections, mandatory retirement ages or lifetime terms, and generous salaries and pensions. These tools maintain the impartiality of the sitting justices, who can then function as prescribed by Montesquieu. However, the ways the judicial system is designed does not necessarily reflect how it functions. Are judiciaries of democratic nations functioning independently in recent years? In previous chapters of this report, we have discussed examples of the rise and effect of authoritarian and illiberal leaders in recent years. The question now is whether judiciaries are fulfilling their duty by checking the power of these executives. We have answered these questions by analyzing the judicial strength of a country sampling, keeping in mind the features that the judiciary needs to *function* independently and the tools needed to *protect* judicial independence. We have chosen the United States and the United Kingdom to illustrate the strength of long-operating

¹⁹⁶ Charles De Secondat Montesquieu, Jean Le Rond D’Alembert, Thomas Nugent, and J. V. Prichard, *The Spirit of Laws*. (Rothman, Revised 1991)

¹⁹⁷ Randazzo, Gibler, and Reid. “Examining the Development of Judicial Independence.”

judiciaries; we have chosen the European Court of Justice to illustrate the strength of a modern union; we have selected Brazil to represent South America’s resilience, and Lithuania to represent ex-Soviet territory.

In our analysis of the level of independence in these judiciaries, we found that they were generally able to maintain their independence in the face of challenges wrought by public and political discontent, and also found that overall, these judiciaries are properly performing the critical duty of checking executive power.

To Function Independently

In order to function independently, the judiciary must gain and maintain the trust, confidence, and respect of the public and political elites, and reside within a political sphere that encourages healthy competition.¹⁹⁸ Maintaining public confidence is essential for the judiciary’s legitimacy, and retaining respect of political elites is necessary to prevent attempts at decreditation of the court’s rulings. US President Donald Trump has a history of verbally delegitimizing judges who rule against him; he has taken to twitter to call federal judges “so-called,” “unelected,” and “unfair,” insults and accusations that the judges in question disregarded.¹⁹⁹ Research by Professor Kirk Randazzo and Douglas Gibler of the University of Alabama provided evidence that argued a judiciary is more likely to stay independent when a nation enjoys a healthy level of political competition. The courts and the Department of Justice can protect those who have been voted out of office from later retribution by the newly-elected politicians, and protect free and fair elections on all sides, regardless of party affiliation. In the United States, Trump’s campaign tagline “lock her up!” was quietly shed after his inauguration, because Clinton was protected by the FBI’s decision on the legality of her private email server, and so the case was never brought to court.²⁰⁰ This protection lends a general feeling of confidence to politicians and those interested in politics, even

¹⁹⁸ Kirk A. Randazzo, Douglas M. Gibler, and Rebecca Reid, *Examining the Development of Judicial Independence*, (Political Research Quarterly, 2016): 583–93.

¹⁹⁹ *The Trump Administration's Attacks on the Courts Pose a Serious Threat to Our Democracy*. (Protect Democracy, 2017).

²⁰⁰ *Hillary R. Clinton, Part 1 of 29*. (FBI Vault. 2016)

in the age of Donald Trump's exertion of pressure on the Department of Justice for investigation into his critics.²⁰¹ Unlike the fear present in the political climate of authoritarian nations, public servants of well-established democratic nations have little reason to fear their opposition, so competition and choice for the public is apparent in healthy quantities. Judiciary independence and political competition, then, are self-reinforcing.

Protecting Democracy

The main tool that the independent judiciary uses for protecting democracy is separation of powers, which can take different forms depending on the country. A clear sign of democratic erosion is an absence of legitimate checks and balances. In our closer look at the United States, The United Kingdom, Lithuania, Brazil, and the EU's ECJ, we find that checks and balances to unwieldy executive power are functioning overall, from both the judicial and legislative branches.

Since Donald Trump's inauguration, he has been "checked and balanced" twice: First, Trump's initial travel ban orders were slapped down by the District Courts, and only passed through the Supreme Court after significant alteration was made to the original order²⁰²; and second, the Senate voted to pull the U.S out of the unpopular Yemen war, utilizing legislation from forty-five years prior: the anti-presidential imperialism War Powers Act. Although this example demonstrates the legislature checking the executive and not the judicial checking the executive, this vote was remarkable because it was a Republican-led Senate rebuking a Republican president, and illustrates the overall health of the tripartite system in the United States government.²⁰³

Outside the U.S., checks and balances are functioning even within democracies that have unclear separation of powers. The United Kingdom has an indistinct boundary

²⁰¹ *Freedom in the World 2019: Democracy in Retreat*. (Freedom House, 2019)

²⁰² Adam Liptak and Michael Shear, *Trump's Travel Ban is Upheld by Supreme Court*. (*New York Times*, June 26, 2018)

²⁰³ John Nichols, *Bernie Sanders Getting the Senate to Check and Balance Trump Is Huge*. (*The Nation*, Dec 17, 2018).

between the executive and legislative branch, but the judiciary is more clearly defined in its power thanks to the Constitutional Reform Act of 2005. The U.K.'s judiciary flexed this power in January of 2017, when the Supreme Court of the United Kingdom ruled that Prime Minister Theresa May Thatcher must convince Parliament to sign off on Britain's exit from the European Union, which provided yet another hurdle for May Thatcher before she could invoke Article 50.²⁰⁴ There have been several developments in the Brexit case since early 2017, but it remains that the courts have played an active role in reviewing each development for legality, and ruling accordingly; the decisions are legal, but not always popular. The court's 2017 ruling on Brexit encountered an "unprecedented bitterness"; the three judges responsible for the decision were branded "enemies of the people" by the *Daily Mail*, and were accused of "subverting the will of the people" by the *Daily Telegraph*.²⁰⁵ These extreme reactions and attacks on the judiciary is demonstrative of a changing attitude toward democratic norms, which have been discussed earlier in this report, but not necessarily of judicial independence.

Brazil's independent judiciary has undergone significant reforms during and since the era of Lula Da Silva's presidency, who himself ironically enacted multiple anti-corruption laws before his symbolic conviction.²⁰⁶ The "Lava Jato" investigations have led to the discovery and conviction of dozens of corrupt politicians, leading to a near complete decreditation of Brazil's political class, the impeachment of former president Dilma Rousseff, and quite nearly to the impeachment of former President Michel Temer.²⁰⁷ The charges brought to Temer and the impeachment of Rousseff — who had also enacted anti-corruption laws for their "satiating" effect on the public²⁰⁸ — are remarkable examples of checks at work; public discontent with the normalization of corruption in politics reached a boiling point, and Brazil's judiciary, emboldened by the

²⁰⁴ Griff Witte, *Britain's Supreme Court rules Parliament must have a say on Brexit*, (The Washington Post, January 24, 2017)

²⁰⁵ Yascha Mounk, *The People vs. Democracy : Why Our Freedom Is in Danger and How to Save It*. (Cambridge: Harvard University Press, 2018.)

²⁰⁶ Vanessa Ruales, *Cleaning up: The Brazilian Judiciary Roots Out Corruption*. (Harvard Political Review, 2018)

²⁰⁷ Financial Times, *Brazilian Judges Deliver a Stunning Conviction*. (2017)

²⁰⁸ Vanessa Ruales, *Cleaning up: The Brazilian Judiciary Roots Out Corruption*.

anti-corruption laws, was equipped to combat the corruption of the executive and legislative branches.

Brazil's success with uncovering corruption within their executive and legislative branches is mirrored by Lithuania's success in uncovering corruption within its judicial branch. According to Freedom House of Nations in Transit 2018, Lithuania's judicial system demonstrated a positive trend with its rising rank in The World Economic Forum's Global Competitiveness Index. The improvement was mainly supported by the public's trust of the judiciary, compared with only 18-21 percent, the public trust in the courts rose to 26.3 percent in 2017.²⁰⁹ However, on February 22, 2019, Lithuania arrested 26 individuals including eight top judges and five lawyers in an anti-corruption crackdown.²¹⁰ The judges allegedly took bribes and influenced the outcome of some criminal and civil cases. Their arrests demonstrate that the judiciary is not exempt from the authority of checks and balances from the other branches of government. Although the finding of corruption in Lithuania's judiciary is alarming — its World Bank judicial independence rating had been on a steady upward trend since 2014 — we include it here to illustrate how the judiciary needs to be checked the same as the executive and legislative branches. At this time, the arrests are too recent an occurrence to provide a clear idea of where Lithuania's judiciary independence is heading.

Danger of a Non-Independent Judiciary

In the absence of judicial independence, democracies tend to slide into authoritarianism, and are *especially* prone to slide back if the judiciary has been established for fewer than two years.²¹¹ This is most likely to happen when a populist leader becomes impatient with the slow, deliberate tools installed to protect democracy. After being democratically voted into power, the populist might decide to remove the checks to his/her power in order to implement his/her agenda faster, usually at the expense of freedoms and civil rights. This dismantling is precisely what happened in

²⁰⁹ "Nations in Transit 2018: Lithuania Country Report." Freedom House. October 02, 2018.

²¹⁰ Borkowski, Grzegorz. *Granice Niezawisłości Sędziów I Niezależności Sądów?:* Warszawa 18-19 Stycznia 2016 R. Warszawa: Krajowa Rada Sądownictwa, 2016.

²¹¹ Randazzo, Gibler, and Reid. "Examining the Development of Judicial Independence."

Hungary and Poland in recent years. (judicial independence rated by World Bank in 2017 at 3.16, 3.22, out of seven, respectively). Viewing the judiciaries as veto points to their agendas, Viktor Orbán of Hungary and Jaroslaw Kaczynski of Poland have made clear their intention to dispose of the independent judiciary, the completion of which being the only way they can rule free from judicial checks to their power. Both Hungary and Poland were the promising new additions of the E.U, consolidated democracies placed on autopilot. According to the “experts” — E.U lawmakers and scholars — consolidated democracies could not fail, but failed to realize that “what went up could also go down.”²¹² As slightly newer democracies, (Poland: 1989, Hungary: 1990), their judiciaries are less equipped than other E.U. countries to be the institutional guard against democratic backsliding. 2015-elect Polish President Andrzej Duda placed himself above the Constitution in early July of 2018 when he signed new legislation that lowered the mandatory retirement age of the Supreme Court justices and its president from 70 to 65, forcing 27 out of the 81 sitting justices into early retirement. The bill would also expand the court to 120 judges, effectively allowing Duda to pack the court.²¹³ In December, the European Court of Justice officially ordered Poland to scrap the retirement law, allowing some judges to return to work.²¹⁴ Although Duda’s attempt to undermine Poland’s independent judiciary failed, he has demonstrated his indifference toward Poland’s Constitution.

Similarly, Hungary operated as a fledgling democracy from 1990 to 2010. Viktor Orbán won a second term as Prime Minister in 2010, and since then has revised and introduced an entirely new constitution, added seven additional seats to the Constitutional Court,²¹⁵ has passed a similar law to Duda’s justice retirement reduction,

²¹² Kovács, and Scheppele, *The Fragility of an Independent Judiciary: Lessons from Hungary and Poland—and the European Union*. (Communist and Post-Communist Studies, 2018): 189-200.

²¹³ Ada Petriczko, *Is Poland Still a Democracy?* (Newsmaven, 2018.)

²¹⁴ Philip Blenkinsop & Marcin Gocłowski, *EU court orders Poland to suspend judicial overhaul law*. (Reuters, 2018)

²¹⁵ Elisabeth Zerofsky, *Viktor Orban’s Far-Right Vision for Europe*. (The New Yorker, January 14th, 2019.)

and in December of 2018 created an entire parallel court to wield executive control over the judiciary.²¹⁶

The cases of Poland and Hungary illustrate the importance of the judiciary to democracy and the struggle for consolidation younger democracies face, which is further aggravated by their citizens' willingness to accept alternatives to democracy. In Poland's case, we see that when Duda made an attempt on his own Supreme Court, he was immediately checked by Europe's highest court, demonstrating its dedication to checks and no-tolerance policy for Duda's indifference toward the Constitution. In Hungary's case, we see what is possible when a leader whose vision involves the "end of liberal democracy" is given free reign.²¹⁷

The Power of Deterrence

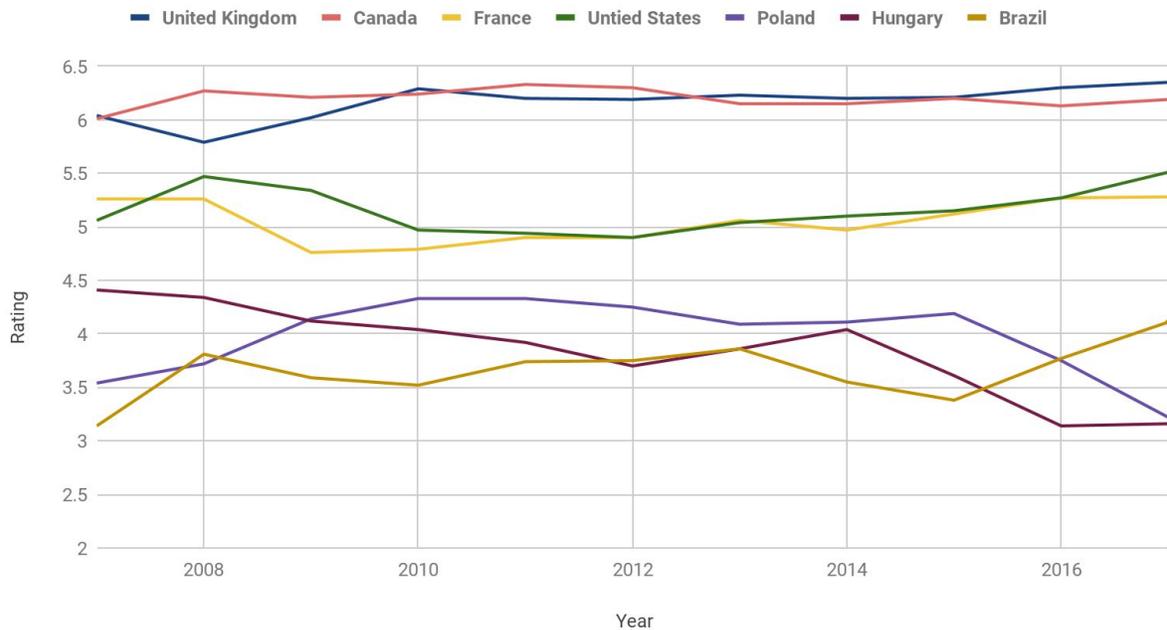
The challenge with demonstrating the strength of a nation with examples of its checks and balances at work is that the presence of a strong checks and balances system is often enough of a deterrent to prevent the need to employ the checks. This chapter does not cite examples from Canada, New Zealand, Finland, the Netherlands, etc., because these countries do not have any recent, notable examples of the executive or legislative branch running amok in need of checks to their power, which speaks for these nations' tripartite relationship strength.

By evaluating both democracies with long-established judiciaries and democracies with newer judiciaries, we are confronted with a clear discrepancy in independence and strength. The independence of the judiciaries of established democracies is, generally, intact, while the only notable examples unearthed in our research of judicial independence erosion are found in post-WWII independent nations, namely ex-Soviet states, Eritrea, Hungary, etc. The World Bank data below illustrates the directional discrepancy between the judicial independence of older democracies and that of newer democracies against the world median.

²¹⁶ Benjamin Novak & Patrick Kingsly, *Hungary Creates New Court System, Cementing Leader's Control of Judiciary*. (The New York Times, 2018)

²¹⁷ Marc Santora, *Secure in Hungary, Orban Readies for Battle with Brussels*. (The New York Times, 2018)

Judicial Independence, scale from 0 - 7



Source: Judicial Independence (WEF) Index. *The World Bank*. 2007-2017.

The state of judicial independence in well-established democracies is a reflection of the general level of liberal democracy existing in a nation. Without independent judiciaries, we run the risk of losing the guarantee of freedom of expression and the rights to political participation, while simultaneously damaging the public's confidence in democratic norms and losing the trust and respect of politicians. Without the ideal level of judicial independence, democracy has no guarantees.

LIMITATIONS

Scope

Despite the fact that, globally, nearly six-in-ten countries consider themselves democratic,²¹⁸ we were unable to analyze each one, and therefore unable to provide a 100% complete analysis of democracy's health. Through a selective sampling of countries, we sought to render a thoughtful and fair portrayal of global democracy's status. Our sample set of countries excluded those that have fully run their course from democracy to an alternative system of government, in an effort to keep our report focused in on democracy's *recent* developments.

Time

We are evaluating a topic that is still unfolding. Though democratic erosion is slow, daily political discourse tell us something about the health of our democracies. From judicial decisions on presidential overreaches to the news cycle's insights about governmental ongoings, the state of democracy in the world is constantly evolving. As a result, it is perhaps too early to know whether independent legislatures will hold leaders accountable for illiberal and undemocratic actions.

Countermovements

Similarly to the limitation of time, social movements attempting to preserve democracy are developing in real-time; it is thus impossible to entirely forecast their successes, failures, and consequences. According to the 2019 Freedom House Report, "even in a time of new threats to democracy, social movements around the world are expanding the scope of democratic inclusion." Due to the length of this report and to the constantly changing nature of the battle over democracy, we cannot say whether these countermovements will be successful in combating democratic erosion. We have,

²¹⁸ Drew Desilver. *Despite concerns about global democracy, nearly six-in-ten countries are now democratic.* (Pew Research Center, December 2017).

however, looked at the most pertinent and recent polling data, news stories, and experts on the topic, and believe that despite the limitations discussed, we have provided an honest, comprehensive and balanced analysis of the current state of democracy.

POLICY RECOMMENDATIONS

According to Yascha Mounk, the persistence of democracy rests on three driving forces: 1) citizens must be committed to democracy and 2) reject its alternatives, while 3) political parties must respect democratic norms, such as mutual toleration and forbearance.²¹⁹ These components have guided our construction of recommendations which address the most important component of any democracy: its citizens. Below are five policy recommendations that seek to promote the restoration of democratic institutions.

1. Provide Civic Education

As the Freedom in the World 2019 report affirms, investment in civic education is instrumental in enabling future generations of voters to make informed decisions.²²⁰ Democracies are composed of citizens with diverse experiences and voices, and it is vital to invest in the tools that educate and embolden those voices while simultaneously promoting confidence in the democratic system. A greater educational focus on democratic principles will contribute to a common understanding of democratic norms, and the costs of violating them.

The importance of instilling youth with concrete knowledge of democracy is especially pertinent today. The US case demonstrates a generational gap in attachment to democracy; while over two-thirds of older Americans believe that is “extremely important to live in a democracy,” less than one-third of millennials agree.²²¹ State education departments should provide states with funding earmarked for the development of civic education programs in public schools. States can then take a

²¹⁹ Mounk, Yascha. *The People vs. Democracy: Why Our Freedom Is in Danger and How to Save It*. Harvard University Press, 2018, 104.

²²⁰ "Freedom in the World 2019: Democracy in Retreat." Freedom House. February 05, 2019, 25.

²²¹ *Ibid.*, 5.

proactive role in promoting understanding of and trust in the key tenets of liberal democracy.

Further, civic education should be updated to address the position of democracy in a globalized world order. This includes discussing the importance of liberal values in heterogeneous communities, the varying political statuses of immigrants, and the systemic implications of policy decisions which are no longer confined to the borders of nation-states. Providing this comprehensive picture of democracy is more likely to equip future generations with a complete civic education: an understanding of their nation's political systems and a commitment to its ideals, along with respect and a felt connected to people living in other societies around the world.²²²

2. Strengthen International Organizations and Agreements

States must cooperate to bolster democratic principles at the international level. Just as democratic norms set standards within governments, coalitions of democracies can promote these norms through supranational institutions such as the G7 and the EU. These entities bind nations together, keeping them accountable through uniform principles and policies. In the case of the EU, member states are required to maintain compliance with the series of conditions intended to ensure the upholding of democratic principles, most notably, "stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities."²²³

In strengthening membership to pro-democratic international organizations, democratic states will hold one another accountable with greater political force, providing a buffer against authoritarian behavior. G7 countries have committed to exchanging information and to developing effective strategies for protecting democracy in each year's summit.²²⁴ Moreover, the European Commission and the European Court

²²² Heather Loewecke, "Civics Education Is the Foundation for Global Citizenship," Asia Society, October 19, 2016.

²²³ "Conditions for Membership." European Neighborhood Policy and Enlargement Negotiations, European Commission. Last updated December 6, 2016.
https://ec.europa.eu/neighbourhood-enlargement/policy/conditions-membership_en

²²⁴ "2018 G7 Ministerial Meeting: Defending Democracy – Addressing Foreign Threats." G7 Summit.

of Justice condemned Viktor Orbán move to eliminate judicial independence in Hungary.²²⁵ European institutions condemned similar developments in Poland.²²⁶ But in the cases of Hungary and Poland, European institutions stopped short of putting sanctions in place.²²⁷ More punitive measures will likely be necessary to combat the rise of authoritarianism.

3. Uphold and Empower a Free Press

A free press is critical to keeping the public informed and holding governments accountable. In many of the countries that are experiencing significant democratic erosion, populist-authoritarian leaders discredit and/or censor the media. A wide range of mechanisms facilitate this erosion, including the use of rhetoric to delegitimize news sources, the placement of government loyalists at previously independent press outlets, and, in extreme cases, full censorship of the opposition. Governments should take action to restore freedom of the press as well as public confidence in news media. Above all, governments must ensure that populations have access to a variety of information without interference. States, international organizations, and NGOs must promote standards of news-media literacy among citizens. A public educated in the standards of credible journalism will be more successful at identifying non-factual or partisan media. Individuals with a basic understanding of journalistic standards would also be less susceptible to state-influenced news and propaganda. News-media literacy has emerged as a pillar of healthy democracy and should thus be integrated into civic education programs.

4. Respond to Immigration-Related Anxieties

In many western democracies, segments of the population are responding to the threat of immigration — whether real or perceived — by advocating policies of exclusion and increased border security. Many of these individuals harbor anxiety over

²²⁵ Kovács, and Scheppele, *The Fragility of an Independent Judiciary: Lessons from Hungary and Poland—and the European Union*. (Communist and Post-Communist Studies, 2018): 192-94.

²²⁶ *Ibid.*, 195.

²²⁷ Kovács, and Scheppele, *The Fragility*, 197-98.

what they perceive to be consequences of immigration: a less homogenized society, a more competitive job market, the dilution of traditional values, and crime. Given the prevalence of demographic anxieties, politicians find political saliency in targeting immigrant populations and using inflammatory, xenophobic rhetoric.

In order to quell disproportionate fears over immigration, states must refrain from exaggerating or politicizing the issue. Legislatures, NGOs, and the press must hold politicians accountable for misleading the public and defaming the immigrant community as a whole. Judiciaries combat xenophobic policies by striking down unconstitutional measures, such as Trump's travel ban against immigrants from predominantly Muslim countries.²²⁸

Community building and policy that promotes heterogeneous interaction and association should be pursued, with the aim of fostering both a sense of commonality and empathy between identity groups. Facilitating greater integration in schools, neighborhoods, other public spaces, would serve to address anti-immigrant sentiments that, while often having little basis in reality, have been exploited to undermine liberal democracy.

5. Make Space For All Citizens in the Global Economy

The rapid pace at which globalization upended postwar economies left many working class citizens with a sense of economic insecurity. Increasingly marginalized from the benefits of globalization, manufacturers, miners, and inhabitants of rural communities have grown frustrated with the democratic regimes and their apparent indifference to rising economic inequality. On a domestic scale, tax reform and the expansion of welfare services would help offset this inequality. In the United States for example, approximately 75 percent those polled support raising taxes for the ultrawealthy.²²⁹ As long as leaders execute these policies with fiscal prudence and responsibility, the benefits for economically isolated citizens would justify state

²²⁸ Gladstone, Rick, and Satoshi Sugiyama. "Trump's Travel Ban: How It Works and Who Is Affected." *The New York Times*. July 01, 2018.

²²⁹ Tim Wu, "The Oppression of the Supermajority," *The New York Times*, March 5, 2019.

spending. Governments should also invest in jobs initiatives which pay livable wages to those who have been alienated by globalization.

As Harvard economist Dani Rodrik argued in a lecture at the University of Washington,²³⁰ the question can no longer be whether or not we should participate in globalization, but rather what kind of globalization we ought to have. Rodrik outlines a globalization whose benefits are distributed more equitably, through measures including international finance reform, increased labor mobility. Governments could work together to eliminate tax havens and rescind special privileges afforded to multinational corporations. The international community must also focus on issues of global commons, such as public health and climate change. In concerted efforts, states could cooperate to stem global warming, a crisis which experts widely agree will bring about 'profound economic adversity, especially to lower-income households.'²³¹

²³⁰ Rodrik, Dani. *Reinventing Globalization*. University of Washington, February 13, 2019.

²³¹ Neil Irwin, "Climate Change's Giant Impact on the Economy: 4 Key Issues," *The New York Times*, January 17, 2019.

CONCLUSION

By evaluating each of the six components in this report, we have sought to understand the extent to which each factor is a) eroding and b) conducive to democratic erosion. This holistic approach allowed us to observe the interplay between these components and their collective impact on the health of democracy. This report has argued that there are signs of both erosion and persistence in current democratic and hybrid regimes; we concur with the analysis from Freedom House which finds that global democracy indicates “neither despair nor complacency.” Signs of erosion are visible in the various forms we have outlined: a disillusioned citizenry, a decline in gatekeeping powers, the neglect of norms by elites, and government suppression of free speech and press. Meanwhile, the strengths of political participation and judicial review demonstrate cases of persistence. The recommendations above seek primarily to address these weakening components of democracy, while encouraging further growth in already stable areas.

The six areas this report addresses are deeply interconnected, complicating our analysis of democratic erosion. For example, it makes sense that an increasingly discontented public correlates with increased political participation. Democracy is designed to allow citizens to push for change when they feel dissatisfied with their governments. Thus, the fact that public attitudes toward democracy factor as a sign of erosion and that participation demonstrates democratic persistence does not present a contradiction. While some elections and demonstrations may contribute to overall erosion, cases like Malaysia and the US demonstrate that in many instances, political participation serves to hold governments accountable to higher standards of representation. Adherence to democratic norms and the functioning of judiciaries offer an interesting juxtaposition; both work in relatively distinct systems toward the same end. The former entails informal rules for democratic success and the latter represents legal, institutional mechanisms of democratic oversight. Both emphasize the necessity of healthy political competition, providing that their actors prioritize a common good.

Whereas departure from traditional norms signals a weakening commitment to democracy at the elite level, the continued strength of independent judiciaries demonstrates the presence of institutional safeguards of democracy.

Another overlap emerges between gatekeeping and freedom of expression. Although our analyses of these concepts find distinct phenomena — the polarizing decentralization of media, and the restriction of free speech — these trends lead to the same result: the corrosion of credible and objective information in the public sphere. Where media gatekeeping is in decline, the pervasiveness of partisan and misinformed reporting dilutes the overall quality of public information. Where freedom of expression wanes, media is constricted and brought reflects ideologies of state.

The complex health of today's democracies cannot be captured in a simple diagnosis. Democracies look and act differently across the globe, and it is misguided to assume any one country's model of democracy has realized the ideal democratic regime. After all, no liberal democracy has ever delivered on its promise of equality for all citizens.²³² Nonetheless, we have identified trends of erosion which affect democracies, full and flawed, as well as hybrid regimes. In order to reinforce the institutions which uphold liberal democracy, it is critical to track the severity of these trends, especially in the context of cases which demonstrate democratic persistence. As we develop our understanding of democratic erosion, we will be able to create policy which stabilizes democracy with efficacy. Future reports on this topic should endeavor to provide more comprehensive, quantified accounts of the trends we have identified as indicators of democratic erosion. With sufficient data, research could draw connections between the components of erosion using inductive reasoning. Further examination of democratic health should also explore the convergence of these trends in empirical terms. In the worst of cases, when and why will these inextricable trends break the foundation of a standing democracy?

²³² Mounk, Yascha. *The People vs. Democracy: Why Our Freedom Is in Danger and How to Save It*. Cambridge, MA: Harvard University Press, 2018, 54.

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