Discussion Notes

How to Lose a Constitutional Democracy

Liberal democracy

• democratic electoral system
• rights to speech and association
• rule of law

Illiberal democracy: countries with elections but not the full range of liberal rights

Yascha Mounk, *The People vs. Democracy*

two kinds of democratic backsliding:

• Illiberal democracy, abandoning liberal features like political openness and institutional protections: e.g. modern populism

• Undemocratic liberalism, retaining liberal rights (esp. property) and forms (regulative institutions), but suppressing democracy: e.g. over-powerful bureaucracy or courts, disproportionate influence of money, suppression of political opposition (electoral authoritarianism)

Authoritarian reversion (military coup, emergency powers)

vs.

Constitutional retrogression (loss of all three features of liberal democracy)

Lack of “focal points”
Pathways of constitutional retrogression

- constitutional amendment
- elimination of institutional checks
- centralizing & politicizing executive power
- shrinking the public sphere
  - “epistemic” conditions for democracy—depends on an ecology of media & civic organizations
  - mentioned briefly in later sections: “degrading” the public sphere by polluting public discussion
- eliminating political competition

“The rough playbook for would-be illiberal democrats”

- Run on a populist platform portraying majority as victimized and liberal institutions as elitist.
- Pursue steps above.

Possibilities of these steps in the U.S.

- authoritarian reversion: little evidence
- constitutional amendment: again, little opportunity
  - term limits to strengthen executive vs. legislative branch?
- elimination of institutional checks
  - possible creation of partisan judiciary
  - intra-executive procedure norms, such as prosecutorial independence
- shrinking/degrading the public sphere – esp. vs. media
- eliminating political competition – can be weakened though voter restriction, gerrymander