

## 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 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 through voter restriction, gerrymander