

Populism and Competitive Authoritarianism

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In Latin America, successful populism frequently pushes weak democracies into competitive authoritarianism, or regimes are those in which formal democratic institutions exist and are meaningful, but in which incumbent abuse tilts the playing field to such an extent that the opposition's ability to compete is seriously compromised (Levitsky and Way 2010). I define populism as the top-down mobilization of subaltern constituencies, usually by a personalistic outsider, against the entire political and/or economic elite. Following Barr (2009: 30-36), populism may be measured in terms of three characteristics. First, populists are political outsiders, or individuals who rise to political prominence from outside the established party system. Second, populism establish direct, plebiscitary linkages with voters, circumventing parties and other forms of institutional mediation. Third, populists mobilize mass support via anti-establishment appeals, positioning themselves as representatives of "the people" in opposition to a corrupt and exclusionary elite.

Populism pushes increases the likelihood that fragile democracies will break down into competitive authoritarianism, for at least three reasons. First, because populists are political outsiders, they have little experience with institutions of representative democracy. Most career politicians spend years working within legislatures or subnational governments, and in the process acquire the skills necessary to make those institutions work, such as negotiation and coalition-building. Moreover, because the institutions of representative democracy are their livelihood, professional politicians have a stake in their survival. Populist outsiders, by contrast, are often political amateurs: In Latin America, Alberto Fujimori, Hugo Chávez in Venezuela, Lucio Gutiérrez, and Rafael Correa had never held elected office before winning the presidency. Without experience in day-to-day politics, outsiders often lack the skill, patience, and commitment needed to pursue their goals within existing democratic institutions. Not having been socialized into democratic politics, they may also lack a normative commitment to those institutions. Indeed, every Latin American president to close Congress between 1990 and 2010—Fujimori, Jorge Serrano, Chávez, and Correa—was an outsider.

Second, successful populists earn an electoral mandate to bury the political establishment. The core message of populist campaigns is that the elite and its institutions are corrupt and exclusionary, and that the existing regime is therefore not truly democratic (Hawkins 2010). Fujimori, Chávez, Morales, and Correa all claimed that their countries' regimes were "partyarchies" ("rule by the parties" rather than by "the people") and pledged to replace them with "authentic" democracies. Presidential candidates who win on the basis of such appeals thus earn a mandate to "re-found" the political system. Thus, subsequent efforts to alter the constitutional order are likely to enjoy broad public support. From a regime standpoint, this is problematic, since the "system" that populists campaign against is representative democracy, and the "corrupt" or "oligarchic" institutions that they pledge to destroy are parties, legislatures, and judiciaries. It is difficult to dismantle such institutions without threatening the democratic regime.

Finally, newly elected populists generally confront hostile institutions of horizontal accountability. As personalistic outsiders, most populists lack strong parties and, as such, usually fail to translate their victories in presidential elections into legislative majorities. Thus, Fujimori and Gutiérrez had few partisan allies in Congress, and Correa did not even field legislative candidates when he first ran for president in 2006. Moreover, newly elected outsiders have typically not had any influence over past appointments to the Supreme Court, the electoral authorities, and other state agencies. After taking office, then, most populists confront legislatures,

judiciaries, and bureaucracies controlled by the very establishment elites they had promised to bury during the presidential campaign. This creates a dilemma. Populists could respond to this challenge by negotiating with established parties. For populists, however, such behavior—reconciling with traditional elite they had promised to bury—would constitute a betrayal of their mandate. As the case of Lucio Gutiérrez in Ecuador shows, abandoning a populist mandate can be politically costly. Populists thus have a strong incentive to assault existing democratic institutions: to attempt to close Congress, pack the courts, and/or rewrite the constitution.

The election of a populist president is thus likely to trigger a constitutional crisis—a showdown between an outsider with a mandate to sweep away the traditional elite and its institutions and an elite which views those institutions as its last bastion of defense. In contemporary Latin America, populist presidents have often responded to such conflicts with plebiscitarian strategies, using referenda to circumvent Congress and convoke a constituent assembly aimed at “re-founding” the institutional order. Others, such as Alberto Fujimori, have directly closed Congress, betting (correctly) that such a move would enjoy mass support.

Although populists’ plebiscitarian strategies sometimes fail (e.g., Lucio Gutiérrez), they often succeed, for two reasons. First, public opinion generally favors the president. Because populists generally win election only in the context of broad discontent over the status quo (Doyle 2011), and because they have earned an electoral mandate to bury the traditional elite, populist assaults on institutions controlled by the old elite tend to enjoy broad public support. Chávez and Correa, for example, both enjoyed approval ratings above 70 percent when they assaulted Congress and the judiciary, and Fujimori’s public approval soared to 80 percent following his 1992 coup. Second, because populist victories generally occur in the context of inchoate or collapsing party systems, the opposition tends to be weak. Indeed, the election of an outsider often accelerates party system collapse by signaling to politicians that abandoning “traditional” parties is an effective electoral strategy (Levitsky and Cameron 2003). Thus, oppositions fragment and lose their capacity to mobilize collectively against incumbent abuse.

Where such plebiscitary strategies succeed, the result is likely to be competitive authoritarianism. Backed by referendum victories and majorities in newly elected constituent assemblies, populist presidents may liquidate Congress, purge the judiciary, appoint loyalists to head the electoral authorities and other key institutions, and impose new constitutional rules of the game. With unchecked control over the state, populists have little difficulty skewing the playing field against opponents.

Successful populism often brings competitive authoritarianism in Latin America. Levitsky and Loxton (2013) examined the fate of all 14 presidents elected in Bolivia, Ecuador, Peru, and Venezuela between 1990 and 2010. If we add the now-completed Humala presidency in Peru, we have 15 cases. Of these, four were full-scale populists (Chávez, Correa, Fujimori, and Gutiérrez); two (Abdalá Bucaram and Rafael Caldera) were what we call “maverick populists,” or established politicians who make populist appeals; one (Evo Morales) was a “movement populist,” the leader of a grassroots social movement who made a populist appeal, and eight were elected as non-populists. As Table 1 shows, all four cases of full-scale populism were marked by a slide into competitive authoritarianism (albeit an abortive one in the case of Gutiérrez), as was the case of movement populism (Bolivia under Morales). None of the eight non-populist governments slid into competitive authoritarianism. Although some of these governments were undemocratic in other ways (for example, the governments of Hugo Banzer and Gonzalo Sánchez de Lozada

repressed protest in ways that violated civil liberties), none of them skewed the playing field against opponents (Levitsky and Loxton 2013).

Populism and Established Democracies

Does populism pose a comparable threat to rich established democracies? With the election of Donald Trump—the first populist president elected in modern U.S. history—the question is at least worth asking.

The U.S. clearly differs from the Latin American cases examined by Levitsky and Loxton (2013) in important ways. Here I set aside socioeconomic factors and focus on two more proximate differences: the nature of populist coalitions and the strength of institutions.

First, the ethno-nationalist character of Trump’s populism limits his ability to make successful plebiscitary appeals. Latin American populists such as Perón, Fujimori, Chávez, Correa, and Morales built vast popular majorities behind their anti-establishment appeals. They mobilized poor and marginal voters in highly unequal societies; the elite they attacked represented a small, socially unrepresentative, and deeply unpopular fraction of society. In such contexts, populists are able to mobilize as much as 70 or even 80 percent support – electoral supermajorities that are essential to re-founding the constitutional order. Such populist majorities are harder to construct in the U.S. and other rich democracies. Although Donald Trump’s ethno-nationalist appeal generated enough popular support to win the presidency, there was a relatively low ceiling to that support. The nearly 40 percent of the U.S. electorate that is non-white, together with a substantial number of liberal or cosmopolitan white voters, cannot be mobilized via an ethno-nationalist appeal. Thus, an ethno-nationalist populist like Trump is unlikely to ever build a Fujimori- or Chávez-like supermajority. And without such a supermajority, plebiscitary strategies are far more difficult to carry out.

Second, core democratic institutions—including the Constitution, the judiciary, Congress, and political parties—are considerably stronger in the U.S. than they are in countries like Ecuador, Peru, and Venezuela. The U.S. Constitution—the world’s oldest—cannot easily be scrapped via referendum. The Supreme Court cannot be easily dissolved, purged, or packed. A populist president like Trump is thus unlikely to dismantle constitutional constraints the way Fujimori, Chávez, and Correa did. Donald Trump shares many of the same illiberal and authoritarian proclivities as his Latin American counterparts. Moreover, his frustration with institutional checks and balances and his intense conflicts with establishment media and politicians resemble those seen in the early years of the Perón, Fujimori, Chávez, and Correa presidencies. Unlike these other cases, however, Trump is likely, in the end, to lose such conflicts.

Yet even if U.S. populists are unlikely to dismantle democratic institutions, they may weaken those institutions by undermining the norms that sustain them. In our forthcoming book *How Democracies Die*, Daniel Ziblatt and I argue that two “meta-norms” are fundamental to ensuring that constitutional checks and balances function well. The first is *mutual toleration*, or the acceptance of political rivals as legitimate opposition. In others, members of opposing parties may strongly disagree with (and even dislike) one another, but they do not view or treat them as unpatriotic, treasonous, subversive, or otherwise beyond the pale. When norms of mutual toleration are weak, democracy is difficult to sustain. When rival parties treat one another as an existential threat, the stakes of political competition are dramatically

heightened; if our rivals are subversive or treasonous, we have much to fear if they are elected. And therein lies a justification for authoritarian measures. Indeed, in just about every case of democratic breakdown we have studied, would-be authoritarians—from Franco, Hitler, and Mussolini in interwar Europe to Marcos, Castro, and Pinochet during the Cold War, to Putin, Chávez, and Erdogan most recently—have justified their assault on democratic institutions by labelling their opponents as an existential threat.

A second norm that is essential to the functioning of our constitutional system is *forbearance*,¹ or restraint in deploying one’s institutional prerogatives. The *Oxford Dictionary* defines forbearance as “patient self-control; restraint and tolerance,” or “the action of restraining from exercising a legal right.” For our purposes, it may be thought of as refraining from actions that, while respecting the letter of the Constitution, obviously violate or threaten its spirit. Where norms of forbearance are strong, politicians do not use their institutional prerogatives “to the hilt,” even if it is technically legal to do so, for such action could imperil the existing system. The opposite of forbearance is thus what Mark Tushnet calls “constitutional hardball,” or the exploitation of one’s institutional prerogatives in an unrestrained way, usually in an effort to permanently defeat one’s rivals.²

Forbearance is essential in presidential democracies. In its absence, as Juan Linz and others have argued, divided government can easily bring deadlock, dysfunction, and constitutional crisis.³ Unrestrained presidents can pack the Supreme Court or circumvent Congress by ruling via decree. An unrestrained Congress could block the president’s every move, threaten to throw the country into chaos by refusing to fund the government, or vote to remove the president on dubious grounds.

Norms of mutual toleration and forbearance serve as the soft guardrails of democracy, preventing day-to-day political competition from devolving into a no-holds-barred conflict that can destroy democracy. In *How Democracies Die*, Ziblatt and I argue that such norms have long sustained the U.S. system of checks and balances. For constitutional checks and balances to function as we expect them to, the executive branch, Congress, and the judiciary must strike a delicate balance. On the one hand, Congress and the courts must oversee and, when necessary, check the power of the president. They must, in effect, be democracy’s watchdogs. On the other hand, Congress and the courts must allow the government to operate. This is where forbearance comes in. For a presidential democracy to succeed, institutions that are muscular enough to check the president must routinely *under-utilize* that power.

In the absence of basic democratic norms, this balance is harder to sustain. When partisan hatred trumps politicians’ commitment to the spirit of the Constitution, a system of checks and balances risks being subverted in two ways. First, under divided government, the risk is constitutional hardball, in which the opposition deploys its institutional prerogatives as far as it can extend them—de-funding the government, blocking all presidential judicial appointments, and perhaps even voting to remove the president. In this scenario, legislative and judicial watchdogs become partisan attack dogs. Under unified government, where legislative and judicial institutions are in the hands of the president’s party, the risk is not confrontation but abdication. If partisan animosity prevails over mutual toleration, those controlling Congress may prioritize defense of the president over the performance of their

¹On forbearance, see Alisha Holland, *Forbearance as Redistribution: The Politics of Informal Welfare in Latin America* (New York: Cambridge University Press, 2017).

²Mark Tushnet, “Constitutional Hardball.” *The John Marshall Law Review* 37 (2004): 523-553.

³Juan J. Linz, “The Perils of Presidentialism,” *Journal of Democracy* 1, No. 1 (January 1990): 51-69.

constitutional duties. To stave off opposition victory, they may abandon oversight, enabling the president to get away with abusive, illegal, and even authoritarian acts.

The American system of checks and balances, therefore, requires that public officials use their institutional prerogatives carefully. Presidents, congressional leaders, and Supreme Court justices enjoy a range of powers that, if deployed without restraint, could undermine the system -- executive orders; the presidential pardon; court packing; or legislative prerogatives such as the filibuster, the Senate's power of advice and consent, and impeachment. Whether these prerogatives are formally stipulated in the Constitution or merely permitted under the Constitution, their weaponization, or overuse for partisan ends, could easily undermine our system of checks and balances, bringing deadlock, dysfunction, and even authoritarianism.

Norms of mutual toleration and forbearance have not always been strong in the United States: they were weak in the 1790s and early 1800s, collapsed in the 1850s and 1860s, and were not reconsolidated again until after the end of Reconstruction. These early periods were marked by the persecution of partisan opponents, abuse of executive power, court packing, impeachment, and other acts of constitutional hardball. Beginning in the 1880s and throughout most of the twentieth century, however, norms of mutual toleration and forbearance were well-established in American politics. Leaders of the two major parties accepted one another as legitimate rivals and resisted the temptation to use their temporary control of institutions to maximum partisan advantage. With few exceptions, American politicians used their institutional prerogatives with remarkable forbearance. This helped the United States avoid the kind of partisan fight to the death that destroyed democracies in Europe in the 1930s or South America in the 1960s and 1970s.

But norms of mutual toleration and forbearance are now weakening in the United States. During Barack Obama's presidency, for example, important actors within the Republican coalition began to treat President Obama and other Democrats as treasonous, "un-American," and a threat to the American way of life. The Birther movement—endorsed or tolerated by numerous GOP politicians—openly questioned Obama's legitimacy as president. And increasingly, politicians from both parties—albeit primarily Republicans—have cast aside forbearance in favor of winning by "any means necessary." Examples of constitutional hardball include the unilateral 1998 impeachment of President Clinton, the 2003 Texas redistricting, the use of government shutdowns and the refusal to raise the debt ceiling as hostage-taking strategies, the use of executive orders to circumvent Congress, and the Senate's 2016 refusal to even give President Obama a chance to fill a Supreme Court vacancy; and the North Carolina legislature's lame duck effort to tilt the playing field against incoming Democratic Governor Roy Cooper.

Ziblatt and I argue that democratic norm erosion in the United States is a product of deepening partisan polarization—polarization that extends beyond programmatic differences to issues of racial and cultural identity (Hetherington and Weiler 2009; Abramowitz 2012). The Republican Party has become the representative of members of a white Christian majority that, as that majority declines, perceive an existential threat. The radicalization of the GOP base has generated intense partisan animosity, which has encouraged Republican politicians to deploy increasingly hardball tactics to maintain power.

Donald Trump is not, therefore, the cause of democratic norm erosion in the U.S. However, his presidency is likely to *accelerate* that erosion. Populists almost always assault norms of mutual toleration and forbearance. Not only do they vilify their opponents as dangerous enemies, casting them as a treasonous elite, but they

routinely eschew forbearance in favor of unrestrained efforts to defeat them. Populists like Perón, Fujimori, Chávez, and Correa were masters of constitutional hardball—using the power conferred upon them by majoritarian institutions as a partisan weapon to weaken or destroy opposition.

Although President Trump is unlikely to re-write the constitutional rules of the game as Perón, Fujimori, or Chávez did, he may weaken existing democratic norms in several ways. First, his attacks on rivals as illegitimate (President Obama), criminal (Hillary Clinton), or “enemies of the people” (the press) are likely to further erode norms of mutual toleration. Although Trump is hardly the first American politician to engage in such intolerant discourse, he was the first major party candidate and the first president to do so in more than a century.

Second, Trump is likely to eschew executive forbearance. The American presidency is a potent institution, in part because the Constitution does not clearly define its limits. The Constitution is virtually silent on the president’s authority to act unilaterally, via executive orders or decrees. Presidential power has, moreover, swelled over the last century. By the early 21st century, the legal and administrative resources at the executive’s disposal were so vast that Bruce Ackerman described the body as a “constitutional battering ram.”⁴ These immense powers create a temptation for presidents to rule unilaterally. Presidents who find their agenda stalled could circumvent the legislature by issuing executive orders, proclamations, directives, executive agreements, or presidential memoranda.⁵ Or they could use the prerogative of the presidential pardon to shield themselves from judicial checks. Given this vast potential for unilateral action, nearly all of which is either prescribed or permitted by the Constitution, the importance of executive forbearance is difficult to overstate.

Most modern U.S. presidents have exercised considerable restraint in their use of executive power. As a result, even in the absence of constitutional barriers, unilateral executive action remained largely a wartime exception, rather than the rule. Donald Trump, who has rarely exercised forbearance in any realm, may be less inclined to under-utilize his power—especially in the event of a crisis.

Trump may also push the Republican Party to weaken existing norms. This can be seen, for example, in Trump’s public call for the elimination of “arcane” Senate rules such as the filibuster. Trump and the GOP are likely to accelerate the politicization of the judiciary (another example of constitutional hardball), and Republican “anti-fraud” efforts (now backed by administration) appear aimed at using the letter of the law to restrict voter registration and dampen turnout among lower income minorities.

Finally, Trump presidency is likely to deepen polarization. Populism usually polarizes societies (Corrales and Penfold 2011), and evidence from Venezuela suggests that such polarization increases public tolerance for authoritarian abuse (Svolik 2017). Recent surveys in the United States showing increased public support—especially among Republicans—for restrictions on media freedom suggests that Svolik’s finds may travel.

Polarization is especially dangerous in the United States because it is racialized. Trump’s populist discourse primed white nationalist identities in 2016 (Sides et al. 2018), exacerbating what was already a radicalized partisan divide (Abramowitz 2012; Tesler 2016). Increased perceptions among Republicans of an

⁴Ackerman, *The Decline and Fall of the American Republic*, p. 119.

⁵William Howell, “Unitary Powers: a Brief Overview” *Presidential Studies Quarterly* 35 (3), p. 417.

existential (racial and cultural) threat is likely to generate further pressure for norm eroding behavior.

Trump's polarizing behavior may also contribute to norm erosion by triggering a tit-for-rat reaction among Democrats. In the wake of the 2016 election, many progressive opinion-makers concluded that Democrats needed to "fight like Republicans." After the election, for example, some progressives called for Democrats to fight "tooth and nail" to prevent Trump from taking office.⁶ Once Trump was installed in the White House, some progressives called on Democrats to "take a page from the GOP playbook and obstruct everything."⁷ Some Democrats questioned Trump's legitimacy as president; others called for early impeachment. (Just days after Trump's inauguration, Representative Maxine Waters tweeted, "my greatest desire [is] to lead @realDonaldTrump right into impeachment."⁸)

Abandoning forbearance in opposition to Trump could be costly. Not only will opposition hardball lead Republicans to close ranks around the president (as occurred, for example, with pro-Chávez forces in Venezuela in the early 2000s), but more fundamentally, it will reinforce—and probably accelerate—the process of democratic norm-erosion. Destroying democracy's soft guard rails would only increase the likelihood of authoritarian abuse in the future.

⁶Lithwick and Cohen, "Buck Up, Democrats, and Fight Like Republicans."

⁷ David Faris, "It's Time for Democrats to Fight Dirty," *The Week*, December 1, 2016. <http://theweek.com/articles/664458/time-democrats-fight-dirty>.

⁸ Daniella Diaz, "Rep. Maxine Waters: Trump's actions 'leading himself' to impeachment," *CNN*, February 6 2017. <http://www.cnn.com/2017/02/06/politics/maxine-waters-donald-trump-impeachment/>

Table 1: Elected Presidents and Regime Outcomes in Four Andean Countries, 1990-2016⁹

Case	Populism?	Regime Outcome
Peru		
Alberto Fujimori (1990-2000)	Yes	Competitive authoritarian
Alejandro Toledo (2001-06)	No	Democratic
Alan García (2006-11)	No	Democratic
Ollanta Humala (2011-2016)	No	Democratic
Ecuador		
Sixto Durán Ballén (1992-96)	No	Democratic
Abdalá Bucaram (1996-97)	Maverick populist	Democratic/overthrown
Jamil Mahuad (1998-2000)	No	Democratic/overthrown
Lucio Gutiérrez (2003-05)	Yes	Competitive authoritarian (abortive)
Rafael Correa (2006-)	Yes	Competitive authoritarian
Bolivia		
Gonzalo Sánchez de Lozada (1993-97)	No	Democratic
Banzer (1997-2001)	No	Democratic (illiberal)
Gonzalo Sánchez de Lozada (2001-03)	No	Democratic (illiberal)/overthrown
Evo Morales (2005-)	Movement populist	Competitive authoritarian
Venezuela		
Rafael Caldera (1994-1999)	Maverick populist	Democratic
Hugo Chávez (1999-2013)	Yes	Competitive authoritarian

⁹Modified from Levitsky and Loxton (2013)

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