

The Patterns of Democratic Backsliding

**A systematic comparison of Hungary,
Turkey, and Venezuela**

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Abstract

This dissertation attempts to answer the research question on whether there is a common pattern of democratic backsliding. Levitsky and Ziblatt's theoretical model of democratic backsliding is utilized as the guiding theory. The theory suggests that Democratic Backsliding has three stages where different goals are attempted to be achieved. The goals are first to take over state institutions, thereafter to use these institutions to target political opponents and protect the government from criticism. The third stage concerns entrenching the political dominance.

The research question is answered by a systematic comparison of Hungary, Turkey and Venezuela. The results are that each case does follow the suggested path of democratic backsliding, with certain differences. More emphasis is put on the media, election monitoring, and how the institutions are controlled. The institutions are often taken control over by hijacking the nomination process, a fact overlooked by the theoretical model. These aspects are not expanded on in the theoretical model, and this dissertation suggest adding these to the model.

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1. Introduction

1.1. Research Problem

During the last two decades, there has been an ongoing discussion regarding the status of democracy in the world. The optimism after the “third wave of democratization” has now changed to pessimism concerning the future of democracies, and there is talk of a worldwide democratic recession. Authoritarian regimes across the globe are strengthened, and the conversion of authoritarian regimes to democratic regimes has come to a halt. Even more worryingly is the process in many democratic countries as they begin to show authoritarian symptoms (Levitsky, Way 2015).

These once consolidated democracies are now experiencing dramatic domestic changes. The political discourse is becoming increasingly more polarised. Checks and balances are being weakened, and the executive powers are strengthened to allow the government to advance their policies unhindered. The states are asserting control over critical media, to weaken the opposition and remove criticism. There are electoral “irregularities” that simultaneously harm the prospects of election for the opposition, while favouring the incumbent’s political parties (Ed. Diamond et al 2016). This pessimistic outlook on the state of democracies in the world is challenged by Levitsky and Way (2015), arguing that what is experienced now is more of a stagnation of democratization rather than a recession. Globally, very few states have recessed into authoritarianism. The cases mentioned above are mere outliers, and there are developments of democratization as well. More states than ever before are considered democracies, and the stagnation concerns states that have not democratized further over the decades but rather remained “hybrid regimes”.

Regardless of whether there is a global stagnation or a recession of democracies, the fact remains that several consolidated democracies have experienced democratic backsliding. These developments are an important aspect in the global world order, and unfortunately a challenge that appears to be rising with time. This important development is an aspect of democracy requiring further research, and as of yet it remains relatively unresearched. There remain many unknowns on the process of democratic backsliding. This is the starting point of this thesis, as it attempts to shed light on the process of democratic backsliding by analysing the three cases of Hungary, Turkey and Venezuela (Fao, Mounk 2017).

This is a disheartening development, and it contrasts with what was previously assumed by democratization theories. Namely, that once a democracy was consolidated, the state would remain democratic. This is obviously challenged by the democratic backsliding

experienced in these countries (Fao, Mounk 2017). The developments of democratic backsliding are relatively recent, with the form most common today only beginning roughly two decades ago with the election of Chávez in Venezuela in 1999. Democratic Backsliding has since then occurred in several countries across the globe, including Poland. These developments of democratic backsliding can be seen across the globe, from Thailand, to Poland. Liberal democratic norms are even challenged in the USA with the election of Donald Trump (Fao, Mounk 2017).

It is debated if these developments of democratic backsliding have a common pattern, similar to those found in the democratization process. Indeed, there have been literature describing a pattern of democratic backsliding. However, this debate is yet in the early stages, and any common patterns found requires additional research and verification. This dissertation then tests a model of democratic backsliding, attempting to determine if there is a common pattern of democratic backsliding by scrutinizing the cases of Hungary, Turkey and Venezuela. The dissertation also aims to showcase how seemingly inconsequential events can lead to extreme consequences for democracy when combined.

1.2. Purpose and Research question

The purpose of this study is to study the process of democratic backsliding in the three cases of Hungary, Turkey and Venezuela. By studying these cases, it is expected that a better understanding of democratic backsliding will be gained. The study will be guided by the literature, in particular Levitsky and Ziblatt book *How Democracies Die*. The literature provides with a model of democratic backsliding, claiming that there is a common process of democratic backsliding. The process includes three steps, beginning with (1) the government taking control of the judiciary and law institutions, and (2) using these institutions to target opposition. Finally, the government (3) change the laws and constitution to the benefit of the incumbent, allowing them to retain their power.

This dissertation will test this model, to determine if the three steps described can be found in chosen cases. Hungary, Turkey and Venezuela are chosen as each case have experienced democratic backsliding, with two of the cases no longer being considered democracies. These cases differ widely, in both political affiliations as well as their contemporary history and demographics. The theoretical model should be able to explain these cases if it is accurate, and it would be strengthened if the same steps can be found in each case. However, if each country experiences their own unique path of democratic

backsliding, the model would be significantly weakened. By systematically comparing the three cases, it will also be possible to find additional features of each step or to uncover potential additional steps if such are existing.

The research question to guide the research is:

- Is there a common pattern of democratic backsliding?

1.3. Previous Research

Research in democratic backsliding is still developing. Currently, literature exists mainly on explaining why democratic backsliding occurs, focusing on the changes in opinions in the Western world as people are generally more acceptable towards “stronger leaders” (Fao & Mounk, Levitsky). Democratic backsliding that has been studied has been focused on case studies, attempting to explain single events of democratic backsliding in a specific country rather than over longer periods of time (Serra, Esen & Gumuscu).

Comparative studies have been few, such as have been existing have focused on one aspect of democratic backsliding. One of these is the study on the judiciary’s effect on democratic backsliding (Gibler & Randazzo).

However, literature on the subject is emerging. Levitsky and Ziblatt’s *How Democracies Die* is an example on how the world has reacted to the democratic backsliding occurring as they respond to the election of Donald Trump and the ramifications it has on democracy.

2. Theoretical Framework

The theoretical framework of this study concerns the two essential concepts of Democracy and Democratic Backsliding, as well as the theoretical model for democratic backsliding developed by Levitsky and Ziblatt. Below all three concepts will be discussed, beginning with the broad concept of democracy. It is essential that the three cases all have been considered to be liberal democracies for several reasons. Following the definition of liberal democracy, democratic backsliding will be defined.

Discussing democratic backsliding, the form of democracy concerned is most often the liberal democratic version. The backsliding can commonly be found in the areas of liberal institutions, such as the judiciary and the media. These institutions are often being sidelined or taken control over by the government. Democratic backsliding does concern elections as

well, but this aspect is not essential to the concept. Thus, the form of democracy utilized in this paper will be the liberal democratic form and this form of democracy will be defined below. In essence, democratic backsliding can only occur in liberal democracies and it must be assured that the cases of Hungary, Turkey and Venezuela can be considered to have been a liberal democracy.

It is also important to properly define the concepts for reasons of comparability. When comparing cases, they must be judged by the same criteria, and truly be considered of the same typology and comparable. If the cases are chosen by different criteria, the comparison will be less useful as the cases might not be comparable. Thus, if the concept of democracy is unclear, it is made difficult to study how democracy is being reverted from. By properly defining the concept, I will ensure that the cases chosen will be comparable.

After defining the concepts of democracy and democratic backsliding, the theoretical model of democratic backsliding will be presented. In this part the three steps in the process will be described.

2.1. Democracy

While there is no definite understanding of the Democracy, there has been a standardisation of democracy into two branches, based on Joseph Schumpeter and Robert Dahl's definitions respectively (Collier, Levitsky 1997, 431). These two definitions encompass the two different views on democracy, and can in a simplified explanation be explained as electoral and liberal democracy. Schumpeter's definition is often described as electoral, or minimalistic, democracy. Electoral democracy mainly concerns the democratic election of political leaders (Diamond 2008, 21). Schumpeter's minimalistic definition was further developed by Dahl, as he added additional criteria to the democratic concept, what he calls Polyarchy. This democratic concept is today most often referred as liberal democracy. In addition to the electoral criteria, Dahl also includes criteria of individual freedoms and a pluralistic society (Grugel, Bishop 2014, 29). Finally, Larry Diamond's definition of democracy will be considered as the final path in the evolution of the concept. Diamond's definition is similar to Dahls liberal democratic definition. However, he makes the judicial requirements more explicit than Dahl. Thus, his definition is the most explicit and includes most aspects of liberal democracy (Diamond 2008, 21 - 22). An important aspect of liberal democracy, shared by both Dahl and Diamond is the distinction of majoritarian democracy, that many political parties involved with democratic backsliding inheres to. The majoritarian

concept of democracy argues that the will of the majority of the people shall dictate. Political powers must be centralized, allowing the party elected by the majority to rule over the minority (Coppedge, Gerring 2011: 253).

2.2. Electoral Democracy

Schumpeter's definition of democracy largely centers around the role of the people in electing their leaders. Schumpeter argue that "the role of the people is to produce a government", either directly by electing a President or indirectly by electing a parliament that in turn will elect a Prime Minister and subsequent government. Thus, democracy for Schumpeter is how the political leaders of a state are elected in competitive elections by the electorate (Schumpeter 1997, 269). Schumpeter stresses the importance of the competitive struggle of the election, as being the essential democratic feature of elections. Fairness and freedom of elections are considered by him. and are important but not essential. Schumpeter does not consider "unfair" and "fraudulent" competition to be essential to the democratic concept, because defining democracy by fairness, and without fraud would be unrealistically idealistic. That said, elections exist on a range between "idealistic" and authoritarian, and to be considered democratic they must be within range of the "idealistic" range. Similarly, he states that there is an obvious relation between democracy and freedoms, to have truly free and fair elections certain individual liberties of freedom of speech and campaign are required. In other words, Democracy is free competition for the votes of the people by the elites (Schumpeter 1997, 271 -272).

2.3. Polyarchy

Dahl is the other major influencer on the definition of Democracy. Dahl expands on Schumpeter's, and other circumventing definitions of democracy, arguing that they are not competing definitions but rather complementary. Each definition emphasizing different aspects of democracy (Grugel, Bishop 2014, 29). Dahl preferred to use the term Polyarchy instead of democracy, arguing that democracy was something not yet achieved by contemporary states (Dahl 1989, 222 - 223). Dahl's definition of polyarchy has been used to a great deal to define democracies (Grugel, Bishop 2014, 29).

Polyarchy has two major defining characteristics, extended citizenship and the electoral rights of the citizenry. These two characteristics distinguish polyarchies from other forms of government, dictatorships for example. Extended citizenship guarantees that all

citizens can participate in political life, and not only a limited group are granted citizenship. The electoral rights of the citizenry grant all citizens the right to be politically active (Dahl 1989, 220 - 221)

Furthermore, these two major characteristics can be divided into four tangible criteria, with each criterion requiring certain polyarchic institutions. The four criteria are;

1. Voting equality.
2. Effective participation.
3. Enlightened understanding
4. Control of the agenda (Dahl 1989, 221 - 222)

Violation of these criteria insinuates that not all citizens are equal, thus the state is not a polyarchy. (1) The first criteria is fairly simple, if certain individuals have votes that are worth more than others votes, then there is no voting equality. (2) Effective participation entails the right of everyone to participate in discussions. If some individuals or groups are allotted more time to express their opinions their views will be more known and there would be no equality (Dahl 1998, 35). (3) Not everyone can be an expert on each policy, but everyone should have the right to get an understanding on each policy subject under discussion. Thus, everyone should have the opportunity to be enlightened about the issues at hand to ensure that everyone can participate fully. (4) Neither should certain individuals or groups be allowed to control the agenda, as this could lead to the control of what is discussed and voted upon. Control of the agenda can effectively eliminate certain policies from being discussed if chosen to do so (Dahl 1998, 39 - 40)

More specifically, there are seven institutions defined by Dahl that serve as finer criteria for polyarchy. The Seven institutions are;

1. Elected officials being the highest authority in the state.
2. Free and fair elections, with limited fraud only
3. Inclusive suffrage
4. Right to run for office for all citizens
5. Freedom of expressions, without danger of repercussions from the government ensuring that all opinions are equal
6. Alternative information, or a plurality of information and opinion
7. Associational autonomy (Dahl 1989, 221)

All criteria must be fulfilled by a state for it to be considered a polyarchy (Dahl 1989, 221).

However, most states do not fulfill all of the criteria, but rather exist on a scale where some of

the states are closer to polyarchy than others (Dahl 1971, 7). This makes it difficult to use Dahl's definition to determine what is a democracy. It is not stated how many of the criteria must be met to be considered a "close" polyarchy etc. (Dahl 1971, 7).

2.4. Liberal Democracy

Finally, Larry Diamond has developed a ten-point criterion for defining democracies. Diamond's definition is similar to Dahl's in that it aims to define liberal democracy, in contrast to Schumpeter's minimalistic and electoral definition. The liberal democratic definition by Diamond includes ten criteria that must be ensured by a state to be considered a democracy (Diamond 2008, 22). Diamond's concept of democracy contains the following requirements:

- Individual freedom of belief, opinion, discussion, speech, publication, broadcast, assembly, demonstration, petition, and internet.
- Freedom of ethnic, religious, racial, and other minority groups (and excluded majority groups) to practice their religion and culture and to participate equally in political and social life
- The right of all adult citizens to vote and to run for office
- Genuine openness and competition in the electoral arena, enabling any group that adheres to constitutional principles to form a party and contest for office
- Legal equality of all citizens under a rule of law, in which the laws are clear, publicly known, universal, stable and non-retroactive.
- An independent judiciary to neutrally and consistently apply the law and protect individual and group rights
- Thus, due process of law and freedom of individuals from torture, terror, and unjustified detention, exile or interference in their personal lives by the state or non-state actors.
- Institutional checks on the power of elected officials, by an independent legislature, court system and other autonomous agencies
- Real pluralism in sources of information and forms of organization independent of the state, and thus a vibrant civil society
- Control over the military and state security apparatus by civilians who are ultimately accountable to the people through elections (Diamond 2008, 22).

Diamond’s criteria are an exhaustive list, including definitions both from Schumpeter and Dahl. However, he also includes criteria of the judiciary and makes it more explicit in how the democratic state is governed, with independent judiciaries and check and balances (Diamond 2008, 22). Diamond also considers the freedom and fairness of elections more detailed than previous authors. As the concept of democracy has evolved, the inclusion of fair elections has become more prevalent in the definition, but it is still understood that completely fair elections are not a possibility as the field will always be tilted one way or another (Diamond 2008, 24). Despite this, Larry Diamond has a more “idealistic” view, than that of Schumpeter, arguing that it is indeed essential for democracies to have elections with limited fraud while still understanding that elections completely free from fraud are perhaps idealistic it should be fought for and Diamond sets the standard higher.

Table 1.1: Diamond’s criteria for fair elections

Administration of the election by a neutral authority	An electoral administration that can competently and efficiently work to prevent fraud in the election
Judicial and law enforcement treats all candidates and political parties impartially	Accessible public media for all candidates and political parties
Electoral districts and rules that do not overtly benefit the incumbent political party/candidate	Independent election monitoring
Protected secrecy of the ballot	Universal suffrage
Procedures for organizing and counting the votes that are known to the public	Transparent and impartial procedures for resolving election complaints and disputes

The benefits of Diamond’s definition, compared to Schumpeter’s and Dahl’s, is its concreteness. Diamond’s criteria are extensive, covering the many different aspects of liberal democracy. But the strength is that it is covered clearly and coherently. It is a list that can be checked of relatively easily to see if the criteria are met.

Schumpeter’s minimalist definition is useful in its simplicity. However, it is inadequate for this study for two reasons. First, there are uncertainties regarding the requirements of free and fair elections, and what standards should be used. Going by

Schumpeter’s original definition, not much emphasis is put on the fairness and how it should be measured. Second, democratic backsliding mainly concerns reversal from the liberal aspects of democracy, and not necessarily the electoral. If a definition is used for electoral democracies, it is not of much use when measuring backsliding from liberal democracy. A concept measuring liberal democracies must be utilized to measure democratic backsliding.

Dahl’s definition is more useful for the purpose of this essay as it does include directly more of the liberal aspects of liberal democracy. Yet, it is less explicit than Diamond’s definition. Dahl does not explicitly mention judiciaries, nor is his definition as easily measurable. Diamond’s ten criteria does include judicial aspects, and his criteria are considerably easier to find and measure. It is easier in Diamond’s criteria to notice what aspects of liberal democracy should exist, and what forms it should take, than it is in Dahl’s criteria. It makes it explicit in what it is that will be researched and what criteria that will be used in determining what a democracy is. These criteria also conform with the definition of democratic backsliding being used as well. In this instance it is relevant to have a more including and broad definition of the concept. The cases compared are similar, and chosen by their characteristics. They relate to each other. No country would have all aspects entirely of Diamonds definition, but would have advanced significantly in each. These criteria also signify where democratic backsliding would occur, in which areas making finding them easier.

Table 1.2: Summary of Diamond’s definition of liberal democracy

- Individual freedoms of expression etc.
- Freedoms from discrimination and torture
- Legal equality of all citizens
- Independent judiciary, and institutional checks.
- Free and fair elections
- Free and independent media and civil society

2.5. Democratic Backsliding

The second concept we are dealing with in this paper is democratic backsliding. Since the paper aims at describing the process of democratic backsliding in the three cases it is important to define the concept and process.

Democratic backsliding is the erosion of the democratic criteria discussed above, and on the most basic level it concerns the erosion of democracy within a state. Democratic backsliding can range in meaning from the complete breakdown of democracy and the

establishment of an authoritarian regime, to the slow weakening of democratic institutions over decades. These widely different processes is another condition making it difficult to define democratic backsliding. Nancy Bermeo has contributed with a summary of how democratic backsliding can occur over in different processes. Bermeo identifies six major forms of democratic backsliding, with different endpoints and speeds, ranging from the swift coups d'état and turn to complete authoritarian regime, to contemporary backslidings legitimized through the democratic institutions and occurring subtly and slowly (Bermeo 2016, 5 - 6).

Bermeo identifies several swifter forms of democratic backsliding, ranging from coup d'états to executive coups where democratically elected leaders transform the system into an authoritarian regime overnight. These forms of democratic backsliding were common during the cold war, but are nearly non-existent today (Bermeo 2016, 6 - 7). Bermeo also identifies election day fraud as another form of democratic backsliding. Election day fraud is the manipulation of votes, fraudulent counting, ballot stuffing etc. on the election day. This has also declined after the end of the cold war, and is not common today (Bermeo 2016, 7 - 8).

According to Bermeo, the forms of democratic backsliding that are occurring today are subtler, and not as swift as the previous forms. In addition, they are often claimed to be legitimate as they are argued to be the will of the people. Bermeo recognises election manipulation as one form of democratic backsliding being widespread today. Electoral manipulation is different from election fraud in that it does not directly alter the election results. Instead it is aimed at influencing voters, and tilt the playing field in favour of the incumbent. This can take many shapes, and includes; restricting media access for opposition, using government funds for incumbent campaign, hindering voter registration, harassing opponents, and changing electoral rules to favour the incumbent. These manipulations often occur before the election day, so the actual election can transpire freely without fraud. Electoral fraud often occurs in tandem with executive aggrandizement, and they are not isolated from each other (Bermeo 2016: 13).

Executive aggrandizement is the most common form of democratic backsliding today. Executive aggrandizement occurs subtly, and incrementally. The same political party, or even the same leader, remains in power over a longer period of time slowly accumulating more power and removing checks on the executive's powers. These checks are not removed simultaneously, but rather targeted individually. Thus, recognising the democratic backsliding that is occurring is difficult. Democratic backsliding begins slowly and so subtle

that many citizens do not realize it is happening. Elections are still being held regularly, opposition politicians remain in the parliament, independent media exists scrutinizing and criticizing the government although often with consequences for their actions. In many ways, it still feels like a democracy. Each step is barely noticeable, and does not appear to threaten democracy. The institutional changes brought about by executive aggrandizement also weaken the opposition and the ability of the opposition to challenge executive power (Bermeo 2016, 10 - 11). Bermeo defines the democratic veil as the defining feature of executive aggrandizement. These processes are done through legal channels and institutions. It is not uncommon that the political party, or executive aiming at performing these reforms have popular support, both within the broader population and in parliament. Courts, parliaments or referenda are used to give legitimacy to the changes. Thus, the reforms are often executed in these institutions, and can be framed as being democratic to both domestic and international actors. There is no clear defining moment for when democracy is no more, as there is with military coups. Democracy simply fades away, making it easier to miss or to ignore the changes (Bermeo 2016, 11)

2.6. The Model of Democratic Backsliding

Levitsky and Ziblatt creates a model for democratic backsliding. The model assumes that the goal of the dominant political party is to consolidate their power. The model has three steps, each with a distinct goal.

Table 2.1: Levitsky and Ziblatt’s model for Democratic Backsliding

Step	Goal
1. Target the “referees”	- Gain control of law enforcement institutions
2. Target opponents of the government	- Scare away opponents from the political arena or from criticising the government
3. Change the “rules of the game”	- Ensure the continued political dominance of the governmental party

In each step of the model different aspects and institutions of the democratic state are targeted. The aim is to entrench the power of the government and political party in charge. In the first step of the model, the autocrat targets and attempts to control the judiciary, law enforcements and regulation institutions with the explicit goal of controlling these institutions (Levitsky, Ziblatt 2018: 78). In the second phase the focus is changed to political opponents and critics. Attempts are made to discourage them from opposing the government, using the institutions whose loyalty was ensured in the previous step (Levitsky, Ziblatt 2018: 81). The final step is to changes the laws of the state to allow the incumbent to continue its dominance in politics (Levitsky, Ziblatt 2018: 88). I will now go into more detail into each step.

2.7. Step 1 – Capturing Institutions

Table 2.2: Step 1 in Democratic Backsliding

Step 1.	Goal	Methods
<p>Target “referees” of the state.</p> <ul style="list-style-type: none"> - The judiciary, law enforcement, tax and regulation agencies etc. 	<p>Ensure the loyalty of the institutions, so they can protect the government and attack opponents.</p>	<ul style="list-style-type: none"> - Blackmail or bribery - Replace civil servants with loyalists - Impeach Judges - Court Packing - Create new institutions

In the first step of democratic backsliding, law and law enforcement agencies are the targets of the government. This category includes courts, police, tax institutions, and regulatory agencies. These institutions and agencies are referred to as the “referees” of the state, because their purpose is to monitor and investigate both private citizens and public officials to uncover if the law is being upheld. In a liberal democracy, the “referees” are of course designed to be independent of the government, and act as neutral actors who monitor all equally. Independent institutions, especially the judiciary, should act as a check and balance to the executive and legislative powers. Their goal is to uncover and hinder illegal and abusive actions taken by the legislative and/or executive powers. In other words, they shall ensure that all actors act according to the laws and constitution of the state. Failing that, they are to punish and aim to revert these actions. As such, these institutions are highly capable to hinder the government and executive powers from performing certain actions,

should they be deemed to be illegal or unconstitutional. The end results could be the dramatic removal of the government from power (Levitsky, Ziblatt 2018: 78).

There are several tactics for how a government can gain control over an institution, and the same tactics can be used across the institutions. There are the direct methods of blackmailing or bribing public servants to be loyal to the government, rather than the institution or state. However, since not all are vulnerable to blackmailing or bribes there are other direct ways of ensuring loyalty of an institution. By firing or re-assigning critical voices, it can be ensured that the remaining civil servants are and will be loyal to the government. Additionally, new employees will be hired based on their loyalty to the government (Levitsky, Ziblatt 2018: 79).

Similar tactics can be used on judiciary. However, the highest court is usually designed to be independent and different methods might be required. If possible, the courts can be purged of critical voices, similar to other institutions. Judges can be impeached, and be replaced by judges more sympathetic to the government. Sometimes, impeaching judges is not a possibility. Instead, courts can be packed. Court packing is what expanding the court is called. If a court is critical of the government, it can be decided to increase the size of the court. If the government can also control the nomination to the court, it can be ensured that the newly appointed judges will be loyal to the government. As part of court packing, loyalists will outnumber independent judges. The court can thereafter support the government by majority decision. Barring these options, the institution can be removed, and a new institution can be created. The new institution can be filled with loyalists from the beginning (Levitsky, Ziblatt 2018: 79 - 80).

2.8. Step 2- Targeting Opponents

Table 2.3: Step 2 in Democratic Backsliding

Step 2	Goal	Methods
Targets opponents of the government. <ul style="list-style-type: none"> - Political opponents, critical media, business leaders etc. 	To demoralize and weaken the opposition, and to dissuade criticism of the government	<ul style="list-style-type: none"> - Bribery/blackmail - Charge opponents with invented or exaggerated criminal activity

Once the “referees” are under governmental control, the targets shift to the opponents of the government. These opponents can include opposition politicians, critical media, business, or cultural and religious figures. All of these actors can in some ways influence the opposition of the government. Opposition politicians can fight them in elections and in parliaments, critical media can change opinions and investigate the government, business leaders can finance opposition media or politicians, and cultural and religious leaders can influence opinion (Levitsky, Ziblatt 2018: 81). There are many benefits for a government to control these institutions and agencies. Not only would a government be free from monitoring and critique from these institutions, but these institutions would also be able to protect the government from critique from other ways. If the executive threatens civil rights, violate laws or the constitution, the government would not have to worry about checks or criticism from the “referees”. They would not criticize the actions, which further would add a “layer of legitimacy” to the government as their actions are approved by the “referees”. The government would be able to act unhindered, without worrying about the consequences (Levitsky, Ziblatt 2018: 78). However, the main goal in assuring the loyalty of these institutions is to use them as a weapon against the government's opponents. With the loyalty of the judicial and law enforcement institutions, the government can target political opponents unhindered. Tax agencies may charge critical media with tax evasion fines for immense sums of money, the police can be tough against protests against the government, while allowing pro-government protests to act unhindered with acts of violence etc. Intelligence agencies can target political opponents, making them susceptible for blackmailing (Levitsky, Ziblatt 2018: 78 - 79).

Opponents are usually not wiped out completely, but rather targeted strategically. Instead of targeting the opposition as a whole, key figures with prominent roles are targeted. These key figures can be bought or blackmailed by the government. In exchange for public positions, bribes or favours opposition leaders can be bought to support the government or to keep silent and neutral. Similarly, media and businesses can receive government contracts or subsidiaries in exchange for less critical behaviour. The threat of losing these benefits can also be used by the government. Opponents that cannot be bought are instead targeted in other ways. As with democratic backsliding in general, the opponents are targeted by actions that have a pretense of legitimacy. After the “referees” are captured, this pretense is even easier to gain. Opponents can now be incarcerated for disrespecting or criticising the government, for invented crimes by the loyal police and courts, or for “inciting violence” at

rallies or protests. These charges are often made without any evidence at all (Levitsky, Ziblatt 2018: 81 - 83).

Media can be targeted for libel or defamation suits if they criticize the government, and be sued for immense amounts of money. Similarly, media can be targeted with tax evasion, and forced to pay fines, damaging their ability to perform. Media can also be forcefully sold off in return for the owner’s freedom. Other media owners may grow vary as they see what has happened, and they enforce a sort of self-censorship to avoid the same actions being taken against them. Finally, businessmen are also targeted by the government, due to their capability to finance opposition politicians and media. By supporting opposition, businessmen can be targeted with fraud cases, tax evasion and embezzlement. As “kinder” punishment, businessmen may lose government contracts and subsidiaries if they do not comply (Levitsky, Ziblatt 2018: 83 - 86).

Silencing the critical voices, in media, political opposition and financiers, have dire consequences. As former colleagues and friends turn against the opposition, are charged with crimes, or disappear a message is sent to the opposition that criticising the government has consequences. More opposition leaders might take the hint that criticising the government is not good for your health, and voluntarily end or decrease their opposition and/or critique It is hoped that many opponents will be demoralized or scared, and stay out of politics. This is the goal of the government, not necessarily to crush the opposition completely, but to weaken the opposition enough that they are not a threat anymore (Levitsky, Ziblatt 2018: 87).

2.9. Step 3 – Establishing Political Dominance

Table 2.4: Step 3 in Democratic Backsliding

Step 3	Goal	Methods
Change the rules of governing. - Legislation, constitution, and electoral system	Ensure the continued political dominance of the governmental political party	<ul style="list-style-type: none"> - Gerrymandering - Alter the electoral rules - Introduce legislature to favour the ruling party

The final and third step is to further consolidate the power of the government. This can be accomplished by altering the laws and constitution of the state, or by introducing new legislature with the specific goal of strengthening the government and weakening any

opposition. Laws exist and are followed, but they are being tilted to favour the government. Once again, the government retains their layer of legality as no laws or constitutions are being broken or violated (Levitsky, Ziblatt 2018: 88).

Election fraud is not a practice generally utilized. With the case of elections, there is no need to alter the results post-election. Instead, the electoral system is altered to favour the government. The electoral system can be altered to favour larger parties, which is often disadvantageous to a disunited opposition. Gerrymandering can also be used by the government to create districts the government are more likely to win in (Levitsky, Ziblatt 2018: 88).

3. Methodology

3.1. Method

In this paper the aim is to study democratic backsliding in the three cases of Hungary, Turkey and Venezuela, with the purpose of attempting to find if there is a common path of democratic backsliding. As a descriptive study, the ambitions of this study are to accurately describe the process of democratic backsliding. In this method part I will discuss the selection of cases. The cases of Hungary, Venezuela and Turkey were chosen because they are the most relevant cases when discussing democratic backsliding, due to their relatively consolidated liberal democracy before the democratic backsliding began. If democratic backsliding occurred with the same temporal sequencing in these cases with widely different characteristics, it would be beneficial for the study of democratic backsliding. The method used in this thesis will also be discussed in the following pages. Process tracing is the method chosen, and it will ensure that a detailed description of the process of democratic backsliding in each case will be possible to achieve. Levitsky and Ziblatt's model of democratic backsliding will guide the process tracing, as it will be utilized as a reference point to which processes to include in the research (George, Bennett 2005: 210). The different cases will then be compared with the model in a structured and focused comparison. The structured and focused comparison will guide the research, as it ensures that the comparison between the cases is as systematic and reliable as possible. This is accomplished by standardizing the process tracing of each case, as well as keeping the process tracing focused on relevant aspects (George, Bennett 2005: 67).

3.2. Comparative Method

This study takes the form of a comparative study, as it aims to compare the three cases against each other and against the theoretical model. A systematic approach will be taken in this study, taking inspiration from the structured and focused comparison. The structured and focused approach will aid the research in that it will guide the approaches taken.

The focused approach will aid the research by limiting the research area temporally and to certain policy areas. This research draws from this research draws from the theoretical model to set up these limitations. The temporal limiting will can be difficult to set, as the starting point for political backsliding can be very ambiguous. In addition, the process has been going on for different lengths in each case and with different starting points. The starting point for both Hungary and Venezuela can be argued to be when Orbán and Chávez were elected into office, in 2010 and 1998 respectively. Their Freedom House scores deteriorated, albeit slowly, from this point on. In both cases, a new constitution with great changes was drafted early on as well. Turkey's starting point is more ambiguous, since the same political party was in power when liberalization occurred in the country as when democratic backsliding is occurring. It can also be argued that both processes of liberalization and democratic backsliding occurred simultaneously, further strengthening the argument. For this thesis, the timeline will begin in 2008 when the first signs of democratic backsliding appeared. Democratic backsliding can be a slow process, covering many aspects that might not be evident until later. The two processes of democratic consolidation and democratic backsliding appears to have occurred simultaneously, with legislation and actions for both being taken simultaneously (George, Bennett 2005, 70).

The policy areas will also be guided by the model of democratic backsliding. The model identifies several areas of relevance, and these will be further researched. The areas identified are the judiciary and law enforcement, the media, electoral legislation, and constitutional changes. For each case, every policy area will be discussed based on the three steps described by Levitsky and Ziblatt.

Table 3.1: Summary of the Democratic Backsliding model

Step 1.	Goal	Methods
Target “referees” of the state. <ul style="list-style-type: none"> - The judiciary, law enforcement, tax and regulation agencies etc. 	Ensure the loyalty of the institutions, so they can protect the government and attack opponents.	<ul style="list-style-type: none"> - Blackmail or bribery - Replace civil servants with loyalists - Impeach Judges - Court Packing - Create new institutions
Step 2	Goal	Methods
Targets opponents of the government. <ul style="list-style-type: none"> - Political opponents, critical media, business leaders etc. 	To demoralize and weaken the opposition, and to dissuade criticism of the government	<ul style="list-style-type: none"> - Bribery/blackmail - Charge opponents with invented or exaggerated criminal activity
Step 3	Goal	Methods
Change the rules of governing. <ul style="list-style-type: none"> - Legislation, constitution, and electoral system 	Ensure the continued political dominance of the governmental political party	<ul style="list-style-type: none"> - Gerrymandering - Alter the electoral rules - Introduce legislature to favour the ruling party

The first two steps will be combined for the policy areas, and will discuss how an institution was taken over by the government and how it was used to target the opposition. The third step will describe constitutional changes and electoral system changes designed to enhance the possibilities of the government to stay in power (Levitsky, Ziblatt 2018). The structured approach enhances the comparability of the cases, as the same form of questioning will be utilized for all cases. The research and answers will be standardized, allowing for simpler and superior comparison between the cases. The research for each case will be guided by the systematic and structured approach into providing a useful and relevant narrative.

Limiting the research area based on the model of democratic backsliding there are of course dangers of relevant information being excluded. It is hoped that the limitations here instead function as focusing the research, and overlooking of information is to be avoided by first gaining an overview of each case before going into detail (George, Bennett 2005, 69 - 71).

3.3. Case Selection

As noted above, the cases of Hungary, Turkey and Venezuela have been chosen. These cases are chosen due to their consolidated liberal democracies, and subsequent reversion from it are prime examples of democratic backsliding. The process has been ongoing for almost a decade in Hungary and Turkey, and for two decades in Venezuela, providing plenty material.

Before discussing the process of democratic backsliding in each case, their status as once liberal democracies must be established. For democratic backsliding to occur, the cases must have at one point been considered liberal democracies. As discussed under the theoretical chapter, the classification as liberal democracy is rather broad and not exact. Rather than being definitive liberal democracies, or definitively not liberal democracies, countries exist on a scale and are closer or further away from being a liberal democracy. For this thesis, it is required that the chosen cases will exist close towards the liberal democratic end of the scale, rather than the electoral democratic end of the scale. Thus, the three cases will exist on different locations on this scale. The cases can still be compared as the process of democratic backsliding occurring can be argued to be the same if the cases are on the same end of the scale.

To determine the status of liberal democracy in these cases, the indexes of Freedom House and The Economist will be used. Both of these indexes are widely accepted measurement of democracy and freedom, and their definitions of democracy¹ is consistent with the definition used in this paper. Freedom House scores countries on a scale between 1 (Free) and 7 (Not free). Countries considered free (Freedom House) are comparable to liberal democracies. Partly free democracies can be considered flawed liberal democracies, with several aspects of liberal democracy not yet fully developed. The Economist's Democracy Index measures democracies on a scale of 1 - 10. Full democracies have scores of 8 - 10, and flawed democracies have scores between 6 - 8. Scores below are hybrid regimes (4 - 6) and authoritarian regimes (Below 4) (The Economist).

¹ Freedom House uses the term Freedom rather than Democracy

Table 3.2: Freedom House

Country	Scores in 1999 for Venezuela ² , 2010 for Hungary, 2007 for Turkey	Score 2018
Hungary	Freedom Status: Free Freedom Rating: 1 Civil Liberties: 1 Political Rights: 1	Freedom Status: Free Freedom Rating: 2.5 Civil Liberties: 3 Political Rights: 2
Turkey	Freedom Status: Partly Free Freedom Rating: 3 Civil Liberties: 3 Political Rights: 3	Freedom Status: Not Free Freedom Rating: 5.5 Civil Liberties: 5 Political Rights: 6
Venezuela	Freedom Status: Partly Free Freedom Rating: 4 Civil Liberties: 4 Political Rights: 4	Freedom Status: Not Free Freedom Rating: 5.5 Civil Liberties: 6 Political Rights: 5

Table 3.3: The Economist Democracy Index

Country	Score in 2010 for Hungary, 2008 for Turkey, and 2006 for Venezuela ³	Score in 2018
Hungary	7.21	6.64
Turkey	5.69	4.88
Venezuela	5.42	3.87

Based on these indexes, it is evident on all three cases that democratic backsliding is occurring as their scores are slowly decreasing. While Hungary clearly was a liberal democracy in 2010, and have experienced democratic backsliding since then. The other cases are less clear. But I argue that these cases were still in the liberal democratic end of the scale. In both Turkey and Venezuela, independent judiciary existed, the citizens had extensive freedoms and rights, pluralism in media, and a democratic process and respect for minorities (Both political and otherwise). Establishing their status as previous liberal democracies, and

² The score from 1999 is used for Venezuela to as accurately as possible represent their score before Chávez was elected. However, Freedom House does not have data on Venezuela before 1999. Thus this score is after Chávez was elected, and had started certain reforms. For earlier years it can be almost certain that Venezuela's score would be lower.

³ Democracy Index started in 2006

subsequent democratic backsliding confirms them as part of the same phenomena. Cases under the same phenomena can be compared with each other, and provide results that are applicable and generalizable. As these cases are part of the same phenomena, their comparability is also confirmed (Jahn 2010, 22 - 23).

These three cases are also of interest due to the differences between the countries. Venezuela is ruled by a socialist party, whereas Hungary and Turkey are ruled by conservative-nationalist parties. If these countries, despite differences in demographics, history and political affiliations develop similarly with the same processes it lends greater support to the model. If the same sequences are found, it would mean that regardless of political affiliation of the political party in control and how consolidated democracy is or isn't, the same sequence of events take place. The differences between the cases, and the fact that several cases are used strengthens the generalizability of the results (Peters 2013; 49 - 51).

3.4. Process tracing

Process tracing will be performed on each case, which will give a detailed description of the sequence of events in each case. Process tracing is a method commonly used to find causal mechanisms, as the method delivers detailed descriptions of the sequence of events enabling causal mechanisms to be found. However, this research does not aim to find causal mechanisms. Instead, in this study process tracing will be used to gain a complete understanding and description of the sequence of events in each case. This form of process tracing is known as detailed narrative, and it aims at chronicling an event or process. The process is presented in a linear way, describing the sequences of the process in a way to enhance the understanding of the chain of events (Van Evera 1997, 64). The result is a descriptive and extensive narrative that describes the sequence of events in the process that lead to the event occurring. The aim of a detailed narrative, is to provide this description of the process to further the understanding (George, Bennett 2005, 210).

3.5. Material

In this study a selection secondary sources will be used. Freedom House will be used extensively, to provide a clear picture of each case regarding the development in regard to democratic backsliding. Freedom House provides basic descriptions of the events in each

case, that will be worked on and confirmed by additional sources. Scholarly articles and news articles will be used to collaborate the events described within Freedom House, and primarily to expand to the events described by Freedom House. Scholarly articles are mainly used from Journal of Democracy, dedicated to the study of democracy and has been able to provide many articles. For news sources primarily Politico, New York Times and Washington Post will be used. In addition, reports from Inter-American Commission on Human Rights will be used for Venezuela whereas reports from the Venice Commission and OECD will be used for Turkey.

These scholarly and newspapers used can be considered biased towards the democratic backsliding occurring, and may describe the events from a certain point of view or neglect to report certain events. A weakness is that my study is limited by what is reported by the material chosen. If my material does not report on a specific area, important aspects of democratic backsliding may be lost. To combat this, multitude of sources will be used for each case increasing the possibility that all relevant aspects will be reported by at least one source. Using the same methods, and similar material the same results should be reached, despite the research relying heavily on the material found. The main events should be covered in most sources, thus leading to the similar results (Denk 2002, 51).

4. Empirical Analysis

From here on the empirical analysis begins. The analysis will follow the development in each country for each step in the model. The aim is to determine if there as a common temporal sequencing in each case. Each case will be discussed individually, describing different aspect of democratic backsliding. For each case, the same aspects will be described. The aspects are; The judiciary, the media, NGOs and civil society, electoral changes, and concentration of power in the executive. Concentration of power will not be discussed directly in Hungary, as a concentration of powers in the executive has not occurred. After describing the events in each case, they will be discussed separately in how they relate to the theoretical model of democratic backsliding. The analysis will begin with Hungary, to analyse the aspects described above. Afterwards Venezuela will be discussed, before finishing with Turkey. Before each case, a brief summary will be given of contemporary history and the political situation in each country.

5. Hungary

Hungary is a parliamentary democracy ruled by the nationalist-conservative political party Fidesz, the Federation of Young Democrats, led by prime minister Viktor Orbán. Fidesz has dominated Hungarian politics since 2010, receiving 68 % of the seats in the Hungarian parliament together with their coalition partner. As the coalition gained two thirds majority in the parliament, Fidesz could introduce and amend legislation without finding a consensus with the opposition (Kornai 2015, 34 - 35). Fidesz retained their parliamentary majority in the 2014 elections, winning 66.8 % of seats (Kornai 2015, 42). Their victory was repeated in 2018, winning 66.8 % of the seats again (Politico 2018).

Fidesz was established in the anti-soviet protests in the late 1980's, founded by Viktor Orbán among others (Hanley et al. 2008, 411 - 412). Fidesz, along with the other political parties in Hungary, was pro-Europe and democracy at the time (Wolchik, Curry 2011, 37 - 38). But Fidesz did not find great electoral success as a liberal party, and subsequently became a more conservative and nationalistic party and found great success. Fidesz became the leading party of a center-right coalition government in 1998 (Fowler 2004, 83 - 93). During Orbán's first term as Prime Minister of Hungary in the years 1998 to 2002, there were no major signs of democratic backsliding (Freedom House, Hungary 2002). Fidesz lost the election in 2002, and the Social Democrats ruled two consecutive terms. Fidesz won the election in 2010 with a strong two thirds majority in parliament after widespread mistrust towards the socialist government (Kornai 2015, 34 - 35). Early on, judicial changes were made, and new media legislation was introduced aimed at controlling these institutions. In 2011 a new constitution was drafted, without opposition participation. The new institution altered the electoral system, and specifically targeted the judicial system. A new retirement age was introduced, and all judges above 62 years of age were forced into retirement. Fidesz won the election in 2014, and retained their two thirds majority in parliament (Freedom House, Hungary 2015). The opposition of Social Democrats, the extreme right party Jobbik and left parties remains fragmented (Freedom House, Hungary 2018).

5.1. Problems with the Constitutional Court

Fidesz quickly realised how institutions could be used against them. The Constitutional Court vetoed a proposed retroactive tax on public-sector severance payments as unconstitutional early in their term. The Fidesz government attempted to take control of the Constitutional Court. Fidesz took control of the nomination process, and packed the court.

Previously, judges had to be accepted by a majority of parties in parliament, to then be elected by the parliament with a two - thirds majority vote. The Fidesz government made amendments so the nomination of judges could be made without consensus between the political parties on the nominee. Fidesz could now nominate candidates themselves, to be approved by parliament in which they had two thirds majority. In addition, the size of the constitutional court was also increased from 8 members to 15 members. Fidesz could now immediately nominate 7 new members to the court, presumably judges more sympathetic to their policies and agenda (Bánkuti, Halmani, Scheppele 2012, 139 - 140). With these amendments, the Fidesz government attempted to take control of the institution. By controlling the nomination process, as well as packing the court they could ensure that a majority of Constitutional Court judges would be sympathetic to Fidesz (Levitsky, Ziblatt 2018: 80).

But Fidesz was not done yet. In the 2011 constitution, many changes to the judiciary were introduced (Bánkuti, Halmani, Scheppele 2012, 141 - 142). While the Constitutional Court had been taken control over by Fidesz, the judiciary at large was still independent. Judges in local and regional courts were appointed by the National Council of Judges (OBT), elected by a committee of judges. Instead of changing the nomination process to the OBT, Fidesz created a new body that would take over these responsibilities. Thus, the National Judicial Office (OBH) was created. Fidesz ensured that they would control the new institution, as they controlled the nomination process with their two-thirds majority in parliament. The President position could be re-elected, and the term would be automatically extended if a successor was not found with support in the parliament. Meaning if Fidesz lost a future election, the opposition would not be able to elect a new leader of the OBH unless they had a two thirds majority. The OBH was set to have the powers of demoting, promoting and selecting new judges for courts in Hungary. Effectively giving the Fidesz government control over judge nominations all over Hungary. But it could take time to ensure the loyalty of all courts in Hungary, so in the new constitution the retirement age for all judges was lowered to 62 years. With this legislation, the new OBH could immediately replace the over 250 judges that were forced into retirement with Fidesz loyalists. The OBH could also re-assign court cases to other courts. This could potentially be utilized by Fidesz by moving important cases from more independent minded courts, to courts that were more sympathetic to Fidesz (Bánkuti, Halmani, Scheppele 2012, 143 - 144). However, the new institution was instantly criticized by both domestic forces and by the EU (Politico 2012 II). The

Constitutional Court declared the forced retirement as unconstitutional, and the legislation was annulled. Thus, it was becoming evident that Fidesz attempts at taking control over the Constitutional Court were unsuccessful. However, the over 200 judges that had already been forcefully retired were not reinstated automatically. The newly nominated judges could remain in many cases, and Fidesz gained many new presumably loyal judges (Freedom House, Hungary 2013).

After additional critique and threats of losing financial aid from the EU, further amendments were made. Some of the powers of the OBH were transferred to the independent OBT. The OBT could fast track procedures of public interest, rather than the OBH. In addition, if the OBH wanted to move a case to another court or propose amendments to judicial law the approval of the independent OBT was required. As a final measure, the President of the National Judicial Office will only serve for one term, and its term will not automatically be extended until a successor has been elected (Freedom House, Hungary 2013).

The Constitutional Court continued to prove a thorn in Fidesz side, striking down several additional legislations proposed by the Fidesz government. Including alterations to the electoral system, and media legislation making criticism of public figures illegal unless it is “of legitimate public interest” (Freedom House, Hungary 2015). So, in 2013, Fidesz introduced amendments to the constitution. These amendments severely reduced the Constitutional Court’s powers. With the amendments, the Constitutional Court can no longer rule constitutional amendments for conflicts with constitutional principles (Freedom House, Hungary 2014). The constitutional court can only review the procedural validity of new amendments. As the court could not be controlled, it appears Fidesz instead decided to remove powers from the court. In addition, the amendment also repelled all constitutional court decisions before 2012, that is before the new constitution was established. Thus, precedent in court cases based on decisions made before the new constitution can no longer be invoked in new cases (Bugarcic, Ginsburg 2016, 73). These amendments might seem superfluous, as a study in 2015 revealed that the Constitutional Court ruled in favour of the government 10 out of 13 in high profile cases, after the court had been packed with Fidesz appointed judges. Before the majority of judges had been appointed by Fidesz, the court ruled against the Fidesz government in 10 high profile cases (Freedom House, Hungary 2016). The Constitutional Court was not used as a tool to attack opponents directly, but rather to keep legislation from being annulled. In this way the Constitutional Court has been useful for

Fidesz, as it has allowed them to pass controversial legislation aimed at curbing independence in other institutions.

In the new constitution, the State Audit Office's powers were expanded. It has been granted additional powers to launch investigations on the misuse of public funds. This, coupled with the new head of the office being a former Fidesz MP with no former professional auditing experience gives Fidesz control of the institution (Bánkuti, Halmani, Scheppele 2012, 144). The State Audit Office was seen investigating opponents of Fidesz, as can be seen in 2017 as they investigated the largest opposition party, Jobbik. Jobbik was investigated for allegedly receiving illegal campaign financing, and could face fines of up to 2 million euros. Jobbik claimed that the State Audit Office did not follow procedure, and did not allow Jobbik from submitting certain documents relevant for the investigation (Politico 2017 V).

5.2. Authority over Media

In December of 2010, proposals for new media legislation were presented with the overall theme to increase government control over media. There already existed a Media Authority in Hungary, regulating all media as well as controlling the state media. All media have to register at the Media Authority, and follow the regulations and rules by the Media Authority (Bánkuti, Halmani, Scheppele 2012, 140 - 141). Instead of disbanding the Media Authority, the Fidesz government created a new body with authority over the Media Authority. Thus, the Media Council was created. The President of which was directly appointed by Prime Minister Orbán, and who would also be the president of the Media Authority. The remaining members of the Media Council are elected by two thirds majority in Parliament. With this nomination process, Fidesz gained control over both media institutions and could appoint individuals loyal to them (Freedom House, Hungary 2011). The new legislation introduced at this point introduced fairly vague and undefined regulation. Media in Hungary were now required to cover news objectively and balanced, and failure to do so can lead to fines of up to 730 000 euro for broadcasters and 90 000 for newspapers (Politico 2011 I) or even revoked license. In 2014, additional legislation was introduced aimed at reducing criticism of the government. The new legislation dictates that criticism of public figures is only allowed if it is in a "legitimate interest of the public, does not harm human dignity, and is necessary and proportionate" (Freedom House, Hungary 2015). These undefined and vague regulations are left to be interpreted by the Media Council, which

controlled by Fidesz can target used for politicized actions. What was then done can almost be described as a purge in state media, as over 1 000 employees were being laid off in as part of a “restructuring process” initiated by the Media Council. This restructuring process allowed Fidesz to remove any critical voices existing within the institutions and the state media (Freedom House, Hungary 2011). Government state media employees are also stating that they are being dictated what to report, and how to report it. Failure to comply results in unemployment. This can be seen as attempts made by the government to increase their control over state media, and to broadcast the message the government requires (Politico 2012 IV).

The new Media Council acted in favour of the government less than a year later. In October 2011, the critical radio station *Klubradio* was denied renewal of their broadcasting license. *Klubradio* would lose the right to use the frequencies they broadcasted on. Many reasons were cited by the Media Council, including that these frequencies were being reserved for local music (Freedom House, Hungary 2012), issues of contract with the distributor of Klubradio (Politico 2012 IV), and invalid license applications as the blank pages were not signed. The rights to the frequency used by *Klubradio* was given to an unknown broadcaster, that later disappeared. Courts repeatedly ruled in favour of *Klubradio*, yet the media council would not end the conflict. As part of the court rulings, *Klubradio* managed to gain temporary frequency contracts. These contracts were only for a couple of months, and it was always uncertain if they would receive extensions on their contract. The uncertainty of these contracts scared away advertisers, and *Klubradio* lost much money due to loss of advertisers (New York Times 2013 I).

As a response to the court's' rulings against the will of Fidesz, the parliament passed new legislation. The new legislation would not only give the Media Council more powers regarding broadcasting license control, but would also limit court's abilities to review the decisions of the parliament (Politico 2012 IV). In 2013, *Klubradio* managed to get back their long-term frequency, after both domestic and international pressure. Nevertheless, this episode showcases the new power the Media Council has over regulating media. *Klubradio* may not have been closed for good, but it lost many advertisers and presumably many listeners as well due to the uncertainties. Which of course can be seen as a victory for the Fidesz government, as the critical Klubradio has fewer listeners and a worse financial situation (New York Times 2013 I).

Klubradio is not the only example of media being regulated or controlled in Hungary. The governmental critical newspaper, *Népszabadság* was another target. The independent newspaper had been critical of the government, and in 2016 they ran several articles covering alleged corruption of several leading Fidesz members and government officials. Shortly after these articles were published, *Népszabadság* declared that it was shutting down. *Népszabadság* cited lack of economic success for the reason the newspaper closed. The newspaper had been in financial distress the latest decade, but this was deemed a drastic measure to close the newspaper rather than implementing other changes aimed at reducing costs (New York Times 2016). It was later uncovered that *Népszabadság* had been bought by a firm with ties to Prime Minister Viktor Orbán (Politico 2016 IV).

In 2014 the Constitutional Court ruled that website operators are responsible for comments on their websites. If the media law is violated on a website, the owner of the website is considered to be responsible and can be taken before the law. This legislation can lead to further self-censorship and disable public comments on many websites to avoid breaking the new law (Freedom House, Hungary 2015). As a result of the new legislation, an editor-in-chief of a government critical online news portal called Origo had to resign in June after publishing a story on alleged misuse of public funds by the state secretary at the office of the prime minister (Freedom House, Hungary 2015).

Independent newspapers in general are having difficulties. Subsidiaries are granted to Fidesz friendly media only, and private advertisers are reluctant to invest in advertisements in critical media. This is partly due to the issues *Klubradio* experienced, with uncertainties of if the media outlet will remain in the future. But there are also fears of losing government contracts by associating with critical opinions and media. It is thus evident that there are indirect ways the government can affect independent media. However, the results are the same. Critical media are removed, their financial capabilities lessened, and their audience reduced (Politico 2012 IV).

Additionally, journalists attempt at reporting and gathering public information has been hindered on occasions. Journalists have been banned from parliament (UD 2017 I, 3), and requests for public information from state institution has been made more difficult. Certain information that has been used in decision making processes can be kept from the public for up to ten years. These are examples for how the government deters critical journalists from investigating those in power, by making it harder to receive information on them (Freedom House, Hungary 2016). The end result of all the legislation discussed above is

a sort of soft censorship made by the state, and especially self-censorships for fear of reprisal or loss of income (UD 2005 - 20016, 8)

5.3. Troubling NGOs and Businessmen

Non-Governmental Organizations (NGO) are also targeted by the Fidesz government. NGOs can be troublesome for the state in similar ways that the media is. NGOs can uncover mismanagement by the government, and bring attention to issues.

In the summer of 2014, the government initiated investigations into several NGOs funded by the Norwegian government. These NGOs were accused by the National Bureau of Investigation for mismanaging funds, and for being involved with illegal financial activities. The Government Control Office was reported confiscating documents and computers from three groups that are associated with Norway Grants (Freedom House, Hungary 2015). These investigations were later ended, after pressure from Norway and a threat of loss of development funds from them (Politico 2015 II).

Many other NGOs have been targeted by state institutions, particularly those who have produced critical reports on the Fidesz government. These NGOs have been targeted with tax investigations, intended to harass and silence them (Washington Post 2015). In June 2017, Hungary passed legislation imposing stricter restrictions on NGOs operating in Hungary. If an NGO receives more than 24 000 dollars annually from foreign donors, the NGO must register as a foreign supported organization. Noncompliance leads to fines or closure of the NGO (Politico 2017 IV). In line with Orbán's rhetoric, as he has called NGOs "Paid political activists attempting to assert foreign interests in Hungary" (Freedom House, Hungary 2015).

In 2015, the old Fidesz ally Lajos Simicska had a falling out with Orbán. Simicska had become one of Hungary's oligarchs under Fidesz rule. Simicska had a great media empire that received government contracts and state advertising. After their friendship ended, so did the government support (Politico 2017 I). Simicska is not the only former Fidesz ally to have stopped receiving government funding and contracts. While these businessmen are not directly attacked, they not only lose their previous privileges of government contracts and subsidiaries. Their abilities to aid the opposition is hampered by the loss of economic power (Freedom House, Hungary 2017).

5.4. A new Electoral System

Fidesz ensured control over the Election Commission as they entered government in 2010. The Election Commission has two main responsibilities; election monitoring and deciding on proposals for referendums. The commission serving in 2010 was supposed to serve until 2015, and thus set monitor the next parliamentary election in 2014. But the mandate of the Election Commission was prematurely terminated, and new members to the committee were to be elected. It can only be assumed that the Election Commission's mandate was prematurely terminated because of its independence. The members of the Election Commission had been elected by mutually agreed upon candidates by earlier parliaments, thus their independence was assured. If Fidesz could control the Election Commission, it could be used to stop referendum proposals from the opposition that were set to stop Fidesz legislation. Thus, making it easier for Fidesz to pass legislation, as there was one less obstacle with the possibility of vetoing their legislation. Each political party in the parliament can appoint one member to the commission. The remaining five are to be candidates agreed upon by all political parties in the parliament, and elected by two thirds majority in parliament. Since Fidesz has two thirds majority in parliament on their own, they simply elected the remaining five candidates without garnering a consensus on the candidates with the other political parties (Bánkuti, Halmani, Scheppele 2012, 140).

A large feature of the new constitution from 2011 was a new electoral system. In the previous system, the parliament housed 386 MPs elected through a complex mixed system of direct representation and proportional representation (Fowler 2004, 94). The new constitution brings several changes to the electoral system. First of all, the parliament is reduced in size to 199 seats. To account for the changing size of the parliament, new districts were required. It was reported that Fidesz used this opportunity to gerrymander the districts, to create an electoral map where Fidesz was more likely to win. This is not outright electoral fraud, but gerrymandered districts do increase the chance for Fidesz candidates to be elected. The field is tilted, reducing the chance for opponents being elected and increasing the chance that Fidesz will retain their supermajority in parliament. The chances that Fidesz candidates will be elected is increased by the removal of the two-round system. Instead, the winner of the first round is the winner. This favours the large party Fidesz, and is unfavourable for the divided opposition. It is difficult for the opposition consisting of everything from Left parties to the extreme right will unify on a candidate in the first round.

Further favouring Fidesz is that superfluous votes cast for all candidates, including the winning candidates, goes toward the proportional system election. With these aspects favouring Fidesz candidates in the direct representation system, the number of MPs being elected through direct representation is also increased from 45 % to 53%. With these changes Fidesz entrenches their advantages, ensuring that they will have greater chance of staying in power. The creation of instant political parties was also simplified during Fidesz first term. This could possibly lead to many opposition votes to disappear to these instant parties that were formed on election day. These instantly created political parties are not likely to achieve the 5% threshold votes. These votes would be wasted, splitting the anti-government vote and favouring Fidesz (László, Political Capital, 2015).

After WW1, Hungary lost land in the peace treaty that was signed. In these electoral reforms, the process for ethnic Hungarians living in these lands to could gain Hungarian citizenship was simplified. It was argued that it was easier for these new citizens to vote, than for Hungarian expats. These changes are important due to the fact that Fidesz gains a large amount of the votes from these new citizens. Fidesz members, and even Orbán himself, travels to these areas to campaign (Freedom House, Hungary 2013). Mandatory voter registration was also introduced in a later amendment. The amendment requires voters to register at least 15 days before an election. This amendment is expected to reduce voter turnout, which in turn will favour the largest party Fidesz (Freedom House, Hungary 2013).

In 2017, Fidesz passed legislation more blatant in their targeting of the opposition. The extreme right party Jobbik had risen in the opinion polls after the support of former Fidesz man Simicska put his support and wealth behind them. Jobbik was allowed the use of Simicska's billboards for a discount price. The new bill introduced banned billboard owners for giving discounts to political parties (Politico 2017 I). These legislation, and other media laws regulating the use of public media and billboards for advertising introduced by Fidesz are aimed at reducing the competitiveness of opposition parties (Freedom House, Hungary 2013). None of these reforms are blatantly illegal, or give a certain victory to Fidesz. But all the electoral changes and new bills discussed above do give an unfair advantage to Fidesz in elections. Fidesz have better access to media, which also often self-censors criticism against Fidesz as seen in the chapter above. The new electoral system, developed by Fidesz, favours a large party such as Fidesz. Thus, it is not unsurprising that Fidesz has won three elections against the divided opposition given that they have these advantages.

The Budget Office was created with the new constitution in 2011. Members to this institution were elected by two thirds majority in parliament, which of course Fidesz had at the point. Thus, Fidesz had the possibility to elect members they knew to be loyal to the party. The Budget Office had the power to cancel any budget proposed, that adds anything to the debt of Hungary. This power becomes important in the context of another addition in the new constitution, stating that if parliament fails to agree on a budget by March 31 every year, the President can call for re-election. If the opposition wins a future election, the Budget Council can cancel any budget that adds to the debt, thus forcing an election to take place. This constitutional addition makes it difficult for any opposition government taking place to rule (Bánkuti, Halmani, Scheppele 2012, 144).

It is important to note that not only were all the nominations to state institutions made without the consideration of other political parties, but all new posts created had a term length longer than the electoral cycle. Judges to the constitutional Court, the State Audit Office, Budget Council, Media Council etc. were all elected on 9 or 12-year terms. The longer terms ensure that these institutions can oppose any future government without Fidesz in it, as all the Fidesz appointed members will be there after next election. It can of course be argued that this is the point of these institutions, so they can function as a check on governments and not be affected by elections. But the issue here is that Fidesz has controlled the nomination process for a long time, and because they do not try to find candidates with consensus behind them. The consensus ensuring aspects of the nomination process have specifically been removed, to ensure that these institutions can work in the favour of Fidesz.

5.5. Concluding Hungary

In Hungary, the democratic backsliding can generally be concentrated to three areas; The judiciary, the Constitutional Court in particular, the media with heavy regulation and control by the Media Council, and regarding elections with changes made to the electoral system. The areas mostly conform to the process described by the theoretical model, and the same process can be seen occurring as predicted. An interesting aspect regarding Hungary, is that the processes in the different aspects occurred simultaneously. Fidesz altered the electoral system simultaneously as they were attempting to take control over the judiciary. Many of the changes were introduced immediately as Fidesz came to power in 2010, with the drafting of the big constitutional amendment introduced in 2012.

The Constitutional Court was targeted immediately, even though it was not brought under Fidesz control until 2014, when constitutional amendments rendered the Constitutional Court powerless. The attempts at controlling the judiciary mostly conform with the theoretical model. Fidesz have packed the court, and created a new institution to allow them to replace local judges. However, the judiciary has not been used extensively to go after opponents in Hungary. Instead, the judiciary has been used to make it easier for Fidesz to rule, as the constitutional court will not challenge legislation introduced. With the judiciary not objecting to Fidesz, a veneer of legitimacy is granted to them. In the end, the judicial institutions appear to have been mostly used to ensure the political dominance of Fidesz, rather than to dissuade criticism and to demoralize the opposition. Thus, the judiciary can better fit in the third step in the model to establish continued dominance of Fidesz (Bánkuti, Halmani, Scheppele 2012).

Table 4.1: Democratic Backsliding in Hungary’s Judiciary

Step 1.	Fidesz’s goal	Methods
The Judiciary	Gain control of the judiciary	<ul style="list-style-type: none"> - Fidesz controlled the nomination process to the Constitutional Court, by ignoring gathering consensus for nominees - Fidesz simultaneously packed the court, to immediately be able to nominate 7 new members - As the Constitutional Court remained independent, Fidesz reduced the Court’s powers - A new judicial institution, the National Judicial Office (OBH) was created, with authority to nominate judges
Step 3.	Fidesz’s goal	Methods
The Judiciary.	Ensure the continued political dominance of Fidesz	<ul style="list-style-type: none"> - Constitutional court would not contest unconstitutional legislation (Before the constitutional court challenged Fidesz often) - After Fidesz created OBH, they forced the retirement of judges to be able to appoint new loyal judges

The media was one aspect not covered extensively in the theoretical model, and are mainly described in how tax agencies or the judiciary can be used to target and regulate the

media. These options have been used in Hungary, but Fidesz have used other methods as well. Fidesz used similar methods as in the judiciary, by taking over the existing media regulating institutions to regulate the media through legislation and regulation. Whereas the theoretical model mainly focuses on the judiciary and law enforcement institutions, Fidesz have put just as much effort in their attempts at controlling the media.

Table 4.2: Democratic Backsliding in Hungary’s Media landscape

Step 1.	Fidesz’s goal	Methods
Media	Gain control over media regulatory agencies	<ul style="list-style-type: none"> - Created the Media Council in 2010, with authority over existing media regulation institutions. - Control nomination process to the media council. - Draft vaguely defined legislation to regulate critical media
Step 2.	Fidesz’s goal	Methods
Media	To demoralize and weaken the opposition, and to dissuade criticism of the government	<ul style="list-style-type: none"> - Use Media Council to target critical media with vague legislation & regulation - Force critical media to pay fines, or refuse to grant broadcasting rights - Buy critical media

Fidesz concentrated heavily on the electoral system to allow them to ensure their continued political dominance. While the electoral commission is not an institution described directly in the model, it follows the similar pattern of taking control of state institutions. Once state institutions are controlled, they are used in whichever way they work best. Thus, Fidesz taking control of the Election Commission conforms with the model in how the ruling party aims at taking control of state institutions. However, a process not ascribed in the model is used. Fidesz has ignored the consensus seeking aspect of nominating members. Instead, Fidesz nominates members without consulting with the other political parties, and can thus elect loyal candidates.

Table 4.3: Democratic Backsliding Regarding Hungarian Elections

Step 1.	Fidesz's goal	Methods
Electoral monitoring	Ensure the loyalty of the electoral institutions	- Elect members to the Election Commission without finding consensus for their nominees from the other political parties
Step 3.	Fidesz's goal	Methods
Electoral monitoring	Ensure the continued political dominance of the governmental political party	- Stop referendum proposals from opposition

Finally, Fidesz altered the electoral system introducing features increasing their chances of winning future elections. The electoral changes are consistent with the theoretical model, while not remaining exactly the same. Fidesz has been accused of gerrymandering districts, one of the tactics described in the model. However, their focus has been on changing the system to allow for more direct representation. An alteration that is completely acceptable for democracies, yet in the case of Fidesz it has ulterior motives. Direct representation favours Fidesz, as they are competing against a divided opposition. It is only with this context that the change can be seen as democratic backsliding.

Table 4.4: Democratic Backsliding in Hungary's Electoral System

Step 3.	Fidesz's goal	Methods
Electoral system	Ensure the continued political dominance of the governmental political party	<ul style="list-style-type: none"> - Change the electoral system to allow more MPs to be elected through direct representation - Introduce one round in the direct representation election, favouring the larger party Fidesz compared to the divided opposition - Allow citizens living abroad to vote easily.

New legislation allows the Fidesz controlled budget council to call for reelection if a budget is not found by March 31 every year. The budget council can null any budget that adds to the debt of Hungary. More importantly, Fidesz took control of the election monitoring institution

Table 4.5: Democratic Backsliding by Controlling Institutions

Step 3	Goal	Methods
Change the rules of governing.	Ensure continued political dominance of Fidesz	<ul style="list-style-type: none">- Control budget institution- Amend legislation, if a budget is not found there can be re-election. - Longer terms for all new positions

6. Venezuela

Venezuela is officially a presidential democracy. Hugo Chávez’s socialist party PSUV⁴, United Socialist Party of Venezuela, has dominated Venezuelan politics since 1998 when Chávez was elected president. Chávez’ popularity remained high during his lifetime, and he was re-elected three times with a large majority each time (Corrales, Penfold 2015, 1 - 2). Maduro on the other hand is not as popular, and was only narrowly elected president in 2013 with 50.6 % of the votes (Freedom House, Venezuela 2015).

Venezuela was under military regime until the 1960’s, when the country transitioned to a liberal democracy. In the 1990’s, citizens became dissatisfied with the political system they perceived as inefficient and corrupt. Former coup maker Hugo Chávez was elected President in 1998 on a populist, anti-establishment programme vowing to transform the political system (Corrales, Penfold 2015, 17). Chávez became president in 1999 and created a new constitution after a referendum approving the decision. The new constitution concentrated powers in the presidency, and created a new parliament, the National Assembly (Corrales, Penfold 2015, 20 - 21). The previously divided opposition unified in opposing Chávez, and demanded his resignation. In 2002 the opposition marched for his resignation, held a national strike, and held a referendum on Chávez resignation. Chávez won the generally free and fair referendum in 2004, and remained in power (Corrales, Penfold 2015, 22 - 27). The next parliamentary election was boycotted by the opposition, arguing it would not be free and fair. Chávez gained complete control of the parliament as a result of the boycott. The opposition decided to challenge every future election after this (Corrales, Penfold 2015, 29). However, Chávez remained a popular president. Partly because of

⁴ PSUV was established in 2011 when all the government parties merged into one political party. Initially Chávez ruled a coalition government comprised of many political parties. For simplicity, the government political party will be referred to as PSUV even before the party was formed.

increased social spending, which critics argue created a client - patron relationship (Corrales, Penfold 2015, 27). In 2007, Chávez lost a referendum that would have changed the constitution and removed term limits on the presidential position. However, it passed in a referendum at a later point. At this point, the response towards the opposition became harsher (Corrales, Penfold 2015, 35 - 38). In 2012, Chávez won his last presidential election, before he died in 2013. Nicolás Maduro was elected his successor. Tensions rose, as the government again began to target opposition leaders, accusing them of corruption and generally adopting a tougher stance towards them. Widespread protests escalated into violence between the opposition and police. Due to reliance on oil, falling oil prices, and mismanagement of the economy, Venezuela's economy was in a crisis (Freedom House, Venezuela 2015). The opposition managed to overcome all obstacles, and won a majority in the 2015 parliamentary elections. However, the government controlled Supreme Tribunal of Justice removed the legislative powers from the National Assembly, and assumed these powers themselves temporarily before a new Constitutive National Assembly was created, tasked with drafting a new constitution. Opposition leaders and members continue to be imprisoned, and massive street protests with hundreds dead or injured and a humanitarian crisis plaguing the country (Freedom House, Venezuela 2018).

6.1. Supreme Tribunal of Justice

With the new constitution in 1999, a new judicial system was created. The old Supreme Court was dismissed (Freedom House, Venezuela 1999), and the Supreme Tribunal of Justice (TSJ) was created as the highest judiciary institution with authority over all other judicial institutions in Venezuela. The new constitution stated that the TSJ was to be elected by the National Assembly (AN), for a nonrenewable 12-year term. However, the AN could not elect anyone. A judicial and a citizen committee were tasked with evaluation, and nominating candidates to the AN. The nominated candidates could then be elected to the TSJ by the AN with a two thirds majority. The process was made to ensure that the members of the TSJ would be relatively independent, as the nominees had to be nominated by independent institutions. So even though Chávez created a new institution, it was still designed according to liberal democratic norms to be independent. However, the Chávez government decided to ignore the constitution and the liberal democratic norms immediately. The government controlled AN passed a bill changing the nomination process to the TSJ. Instead of the independent judicial and citizen committees, a commission made up of 15 MPs

should evaluate and nominate candidates. In addition, the nominees could be elected with simple majority rather than two thirds majority if a consensus could not be found. With this legislation, the PSUV government could control the nomination process. They had a majority in parliament, and thus could nominate judges they themselves deemed loyal. The PSUV controlled parliament could also elect new members to the TSJ without considering the opposition, as the new legislation allowed the members to be elected with a simple majority (IACHR 2009, 47 - 51).

The independence of the TSJ was further threatened in 2004, when the size of the was increased from 20 to 32 justices. The PSUV controlled parliament would then be able to appoint 12 new members. But Chávez goal was to control the TSJ completely, so in addition to the court packing five members of the TSJ resigned or retired at the same time. The tactical resignations allowed the PSUV controlled parliament to appoint 17 members to the TSJ, giving them a simple majority in the court. It was ensured that the new members would be loyal to the government. Many were members of the PSUV, some were even former MPs for the PSUV (IACHR 2009, 50 - 51). The timely and tactical resignation seen above is a recurring “problem” for the TSJ. Members often resign or retire to allow the AN to appoint new members, allowing the government to retain the control of the court. If the members were to serve their full term, it is possible that an opposition controlled parliament would appoint members not loyal to the government. This can most blatantly be seen in 2015, when the opposition won control of the parliament. Thirteen members of the TSJ retired early, so the outgoing government controlled parliament could appoint new members to retain the control of the TSJ (IACHR 2017, 49 - 50).

As the government controls the TSJ, the TSJ controls the judiciary. Purges of local judges have been recurring in Venezuela. The PSUV government aimed at controlling the whole judiciary, in order to target opponents at all levels. The actions taken here are more in line with the description by Levitsky and Ziblatt. In attempting to control the judiciary, a wide array of tactics has been used. “Inappropriate” judges have been weeded out after TSJ “evaluations”, judge’s ruling against the interest of the government have been removed (IACHR 2009, 70 - 72). In addition, judges are repeatedly being threatened and intimidated to rule in the interest of the government (IACHR 2009, 70 - 72).

With control of the judiciary, it has been used extensively against the opposition. Elected local opposition leaders have been targeted by the courts for allowing anti-government protests to take place (IACHR 2017, 93-95). There have also been charges

against opposition leaders for instigating violence, and for planning coups or assassinations. Most accusations are presented without any evidence, but through the government controlled courts often rule against the accused opposition leaders. The judges who have decided not to rule against the opposition have themselves been charged with similar accusations. The judiciary was not completely under the control of the government until relatively late. Local judges regularly refused to act in the interest of the government, demanding evidence to rule against opposition members and releasing them after serving their time. But the intimidation tactics worked, and eventually the local courts were loyal to the government. Through these local rulings, the government is effectively quelling all opposition (Freedom House, Venezuela 2016).

As can be seen above, by capturing the judiciary the PSUV government has been able to do much. Initially, their actions can even have been seen as legitimate. The TSJ and local courts ruled in favour of them, without obvious bias. But as time went on, the legitimacy disappeared. There were some extraordinary developments after the opposition won a majority in the 2015 parliamentary elections. The TSJ became blunt in their allegiance to the government. The National Assembly was declared “in contempt” by the TSJ in January 2016. Being “in contempt”, the TSJ stripped the national Assembly of its powers, and declared all its decisions “null and void and inapplicable” for as long they were in contempt (IACHR 2017, 58 - 61). In March 2017, the TSJ ruled the National Assembly treasonous for inviting foreign individuals to monitor human rights developments. As a result, the TSJ assumed the legislative powers. Thus, the TSJ had effectively removed the legislative powers from the elected parliament (IACHR 2017, 61 - 62). The legislative powers were later transferred to the new National Constituent Assembly, set to draft a new constitution. A new National Constituent Assembly can only be created after approval in a referendum. Such a referendum was not held, but the TSJ did not object (IACHR 2017, 67).

6.2. Attacking Private Media

Media control has been on the agenda for the government from the beginning. In the new institution from 2000, there is a clause regarding journalism stating that only “truthful information” can be published (New York Times 1999). But it was not until 2004 that the targeting really began. Legislation was introduced forcing journalists to register at the National Journalism Association. Members of the association have to follow the rules and regulations, failure to comply can result in up to six months in prison. In addition, the now

government controlled TSJ ruled that the legislation protecting public figures from “insulting criticism” was constitutional (Freedom House, Venezuela 2005). But most importantly, the law of social responsibility was introduced. The law stated that TV or radio providers can have their licence suspended or revoked if they promote, advocate or incite war, crime or disturbance of the public order (IACHR 2009, 91 - 92). The law was extended in 2010 to also apply to the internet (Corrales 2015, 39). In 2007, a hate-speech law was introduced with fines and up to 20 years imprisonment for spreading “intolerant” information via media. (Freedom House, Venezuela 2018). Through these legislations, attempts at controlling the media are made. Most of the above rules and regulations are vague and undefined, giving the government controlled judiciary plenty of opportunities to target opposition media for breaking any of them. The media is pushed into self-censoring to avoid these fines and imprisonments (IACHR 2009, 116).

Through these legislations, the independent TV stations *RCTV* and *Globovisión* have been targeted repeatedly. *RCTV* got their equipment confiscated and was refused renewal of their TV licence in 2007 for “seeking to destabilize the government” (Corrales 2015, 42). Broadcasters who toned down their criticism were not targeted in the same way. However, *RCTV* remained critical of the government but was shut down completely in 2010 for several violations. One of the more noteworthy violations was refusal to broadcast the official speeches of the government (Freedom House, Venezuela 2011). *Globovisión* was targeted after it compared Chávez with Mussolini, and for broadcasting opposition candidates demanding to know the results from a local election. For this they were charged with promoting public disorder and criminal acts (IACHR 2009, 117 - 118). In 2011, *Globovisión* was fined \$2.1 million for the way it reported on a prison riot (Freedom House, Venezuela 2012). *Globovisión* was sold in 2013, leading to it becoming softer in its political critique. Journalists left as they lost independence (Freedom House, Venezuela 2014).

The government has attempted to control the media through other means as well. Advertisement and subsidies from the government are given only to pro government media (Corrales 2015, 41). State media has also been established under Chávez. It is blatantly biased towards the government, and enjoys almost unlimited resources (Freedom House, Venezuela 2008). The state media is much more easily accessible than private media, as it is a lot cheaper or even for free (Corrales 2015, 40). All print media was independent before Chávez came to power. In 2014, about half of it was state owned. For TV, about 80 % were

independent before Chávez. In 2014, roughly half of it state owned. Even more at local levels, with 40 % independent only (Corrales 2015, 41).

With these measures, critical investigations of the government are removed or reduced in capacity. But more importantly in the Venezuelan context is the lack of coverage of the opposition. Marches and protests are unreported by pro-government media or given very little air time (Corrales 2015, 42).

6.3. Foreign Threats

Civil society, and perhaps NGOs in particular, often function similarly as media in that they critically investigate the government and can bring attention to an issue. Thus, several legislation and court rulings have been introduced to make it more difficult for NGOs to operate in Venezuela. The TSJ has ruled that NGOs receiving financial aid from foreign governments are not part of Venezuelan society. Thus, they cannot represent citizens in court, or use legal actions themselves (Freedom House, Venezuela 2007). By receiving foreign funding, or by hosting foreign visitors critical of the government, an NGO and political parties can be fined or be banned from running for office (Corrales 2015, 39). Additionally, foreign NGO representatives have been expelled from Venezuela if they have been critical (Freedom House, Venezuela 2008). The AN has even created commissions to investigate NGOs receiving foreign aid, as it is a cover for plotting to undermine the PSUV government (Freedom House, Venezuela 2014).

6.4. Executive Aggrandizement in Venezuela

Since Chávez was elected President in 1998, he has increased the powers of the president gradually. In the constitution drafted in 1999 the powers of the president were increased. Mainly in the form that the presidential term was expanded to six years, with the possibility of reelection once. The presidential position could also call for referendums without legislative approval, and was given greater powers over the military being able to promote within the military without legislative approval. With these changes, Chávez could remain in power for 12 years and retain legitimacy simultaneously. Two terms for a president is common practice, however a six-year term is slightly unusual. But the altered constitution still appears normal (Corrales, Penfold 2015, 18 - 20). However, this legitimacy was later removed when Chávez removed the term limits on the presidential post. The change was brought almost nine years later, and not simultaneously with the constitutional changes.

The term limit on the presidential post, along with all other public offices, were removed in 2009 after a referendum. Chávez can be reelected unlimited number of times. Rule by decree has been granted to the president several times, giving Chávez the possibility to create laws independent of parliament (Freedom House, Venezuela 2010).

Chávez exploited the powers of the president extensively, putting old military friends in position in the police, military, and in his government. It is illegal for active duty military to be in these positions (New York Times 1999). But the TSJ did not rule the action unconstitutional. Thus, by the end of Chávez reign in 2013, 30% of his ministers had military connections (Corrales, Penfold 2015, 174 - 175). The incorporation of the military is a strategic move. As they become associated with the government's crimes, they are less likely to support the opposition as they themselves are guilty (Alarcón, Álvarez, Hidalgo 2016, 31).

In addition, there has been great centralization of power in Venezuela. Local municipalities have had reduced budgets and powers removed (Kornblith 2013, 54). The centralization begun already in 2004, when the opposition won many local and regional elections. In order to hamper the opposition, the PSUV government decided to centralize powers nationally, putting the powers over budget and police in the hands of the government directly. The police force was nationalized early on, and local cities lost control over the police. This severely damaged the opposition, as now the PSUV government could utilize local police to target opposition protests and marches where before they could protest in peace (Freedom House, Venezuela 2005).

The electoral system was reformed in 2009 to give seat bonuses to the largest political party in parliament to give stronger majority governments. More seats were also allocated to rural and thinly populated states. The reforms are favourable to the government, as it controls the largest political party. Especially considering the divided opposition. The PSUV is also more popular in rural states (Alarcón, Álvarez, Hidalgo 2016, 25).

The AN has over the years transferred many of its powers to the executive branch, and does not function as a check on it any more. This has happened after many years of work by Chávez and Maduro to retain the majority in the AN (IACHR 2017, 58). It has been particularly noticeable under Maduro's reign. Two opposition leaders were expelled from the National Assembly in 2013, for alleged corruption and money laundering. After these were expelled, the government regained their three fifths majority allowing them to pass legislation with their own majority (Freedom House, Venezuela 2014). Maduro also created a

Constituent National Assembly after losing control of the National Assembly in the 2015 election, bypassing the National Assembly completely (IACHR 2017, 18).

6.5. Controlling the Elections

The National Electoral Monitoring Body (CNE), as the name suggests, monitors elections in Venezuela. The CNE consists of five members, and shall by the constitution be nominated by an Electoral Candidacies Committee made up of civil society representatives. Candidates will then be elected by parliament with two thirds majority. The process was made to ensure the independence of the institution (IACHR 2017, 74). Unfortunately, it has not functioned the way it was intended since Chávez came to power. As the new constitution was adapted, the old parliament was dismissed. So, Chávez created a “little congress” made up of the elected people to draft the new constitution. The “little congress” then elected the members to the CNE, giving Chávez control of the institution immediately (Corrales, Penfold 2015, 20 - 22). Thus, three out of the five members were associated with Chávez (Kornblith, Jawahar 2005, 125 - 126). In 2015, the CNE had become a government institution as four of the CNE members were open members of the PSUV and the final member had ties to the political party (Alarcón, Álvarez, Hidalgo 2016, 24).

As the government controlled the CNE, it has not once since 2000 ruled against the government interest. The CNE attempts to control the elections, and to ensure that the government remains in power. Similar to the judiciary, the decision taken by the CNE can be seen as legitimate as it is taken by an on paper independent institution. But the institution favours the government, in some subtle and some less subtle ways. The CNE has denied opposition parties to register as parties, kept opposition parties and candidates off the ballots, postponed elections the government was projected to lose, and gerrymandered districts to favour the government (Alarcón, Álvarez, Hidalgo 2016, 24). The CNE has also banned international election monitors, and invited so called “zombie monitors”. These monitors can be bought to give positive rulings on the elections. Additionally, the CNE has not limited the PSUV’s use of state resources for political campaigns. Welfare spending has increased before elections, as attempts by the PSUV to build client - patron relationships. In addition, public workers have been threatened with loss of job if they vote for the opposition (Kornblith 2013, 53).

How the CNE acts in favour of the government can be seen in 2003. The opposition demanded a referendum on Chávez resignation, as is allowed in the constitution. The CNE

made the process very difficult for the opposition, monitoring every step in the process signature collection process. The CNE implemented a complex verification process for signatures, leading to over a million signatures declared invalid by the CNE. Specific bank paper had to be used, and the papers could not be filled in by anyone except the signer. The CNE also limited the amount of signature collection centers allowed to operate (Kornblith, Jawahar 2005, 125 - 130). In the end, the CNE demanded a restart of the whole process making it take a over a year until the referendum could be held. During the time, Chávez had managed to change the opinion in his favour (Corrales, Penfold 2015, 25 - 26). Even worse, after the referendum a blacklist of the people signing for Chávez's resignation surfaced. The release of the list violates the secret ballot principle of elections. After the list was released, the names on the list were often threatened to remove their signature or to face consequences of losing welfare benefits or even their jobs (Kornblith 2013, 53).

As the government became less popular during Manduro, the CNE has taken to more extreme measures. Attempts have been made to remove opposition parties from elections. For political parties to be recognised as a legitimate political party, they have to receive more than 1 % of votes in the previous election, or participated in the last two elections. According to these rules, only 22 out of 64 parties were recognized as legitimate for the 2015 election (IACHR 2017, 86). The CNE have also relocated voting centers, only days before an election (IACHR 2017, 88 - 89). When the opposition requested a referendum on Manduro's resignation, the CNE demanded 20 % of signatures from each district in Venezuela rather than the 20 % nationwide required by the constitution. The government controlled TSJ declared the decision constitutional (IACHR 2017, 86 - 87).

6.6. Concluding Venezuela

Venezuela generally conforms to the theoretical model. PSUV has concentrated on first gaining control of state institutions, mainly the judiciary, before moving on to target media and the opposition parties. Thus, the development in Venezuela can almost be seen as occurring in steps, PSUV completing one step before moving on to the next step. The judiciary was taken control over with the methods described by the theory, as the TSJ first was created as a new institution and later packed. The democratic backsliding started immediately, as Chávez began drafting a new constitution just after he was elected president. Media regulating legislation was also introduced early, the law of social responsibility in 2004. After these large amendments early on, PSUV has since 2005 fought to retain the

power of the institutions to be able to attack the opponents. IT can also be seen of Venezuela has concentrated the powers in the executive position, and centralized powers to remove powers from the opposition.

The process of controlling the judiciary has been a continuous process for Venezuela. Even after the court has been packed and the nomination process controlled, PSUV still has been afraid of losing control of the institutions to the opposition. Judges have not been impeached. Instead PSUV continuously retired members of the TSJ, so they could appoint new loyal members. It was not done to gain control of the institution, but for fear that the opposition would win an election and be able to appoint members if there were empty seats.

The judiciary has been used exactly as described in the model. The TSJ is used extensively as a tool against the opposition. Many opposition leaders and members have been unjustly imprisoned or charged with crimes. The extraordinarily measures taken by the TSJ under the last couple of years are beyond what is ascribed by the theoretical model, yet they could still fit the pattern. The TSJ have removed the legislative powers from the parliament, as they charged the parliament with treachery. The same tactic is used, but against an institution rather than individuals.

Table 5.1: Democratic Backsliding in Venezuela’s Judiciary

Step 1.	PSUV’s Goal	Methods
Judiciary	Gain and retain control of the judiciary	<ul style="list-style-type: none"> - Disband the old judiciary and create a new judicial institution, the TSJ in 2000. - Control the nomination process by ignoring independent citizen and judicial committees charged with nominating members. - Pack the TSJ in 2004. - Force early retirements in TSJ regularly to be able to appoint new members, to ensure that the opposition never gets the chance - Purge local and regional courts of independent judge
Step 1.	PSUV’s Goal	Methods
Judiciary	To demoralize and weaken the opposition, and to dissuade criticism of the government	<ul style="list-style-type: none"> - Imprison opposition leaders - Disallow anti government protests - Remove legislative powers from opposition controlled National Assembly - Allow unconstitutional changes to be made by the PSUV government, or allows the government to ignore the constitution when favourable for them.

Media has been targeted heavily by the PSUV, as has been predicted by the model. However, the SUV has focused heavily on gaining control of the media and it has received more attention than the literature would have suggested. PSUV has also used additional methods than those suggested, as legislation has been introduced to regulate the media. The drafted legislation has been designed with broad interpretation opportunities to be able to target opposition media efficiently. PSUV has also simply denied broadcasting rights to TV stations, a method not described in the model.

Table 5.2: Democratic Backsliding in Venezuela’s Media Landscape

Step 1.	PSUV’s Goal	Methods
Media	Establish legislation	- Introduce vague legislation, including the law of social responsibility from 2004.
Step 2.	PSUV’s Goal	Methods
Media	To demoralize and weaken the opposition, and to dissuade criticism of the government	- Media is targeted with the vague legislation - Force critical media to pay fines, or refuse to grant broadcasting rights - Buy critical media - Establish state media

Executive aggrandizement is described by Bermeo as one of the main aspects of democratic backsliding. Despite this, executive aggrandizement is not an aspect described in the model. However, executive aggrandizement is featured heavily in the developments in Venezuela as PSUV has entrenched their power. Chávez continuously sought to increase the powers of the executive, and especially to remove time limits on the position. Despite not being featured in the model directly, executive aggrandizement can be related to the fight for continuing political dominance.

Table 5.3: Democratic Backsliding in Venezuela’s Executive Branch

Step 3	Goal	Methods
Executive aggrandizement	Ensure the continued political dominance of PSUV	- Increasing term length for President, with possibility of re-election. - Remove term limits in 2009 - Centralisation of power. Removing authority over police etc. from local opposition politicians

Per the theoretical model, PSUV has altered the electoral system in order to improve their chances of staying in power. These alterations were important for the PSUV to win elections early on, when the opposition united and garnered popular support. Lately these changes are less important, as the PSUV decided to ignore the election results and removed legislative power from the parliament when the opposition won control of it.

Table 5.4: Democratic Backsliding in Venezuela’s Electoral System

Step 3.	Goal	Methods
Electoral system	Ensure the continued political dominance of PSUV	<ul style="list-style-type: none"> - Alter the electoral system to give extra seats to largest political party, favouring PSUV. - Gerrymander districts to favour PSUV - More seats allocated to thinly populated and rural states, where PSUV is more popular

Finally, the CNE has featured heavily in Venezuelan politics. The method of taking control over electoral monitors is not described directly by the theoretical model. Yet, the taking over of the CNE can be equated to taking control of the judiciary. However, not the methods described in the model are used. Instead, PSUV has hijacked the nomination process to the CNE. Instead of allowing independent institutions nominate members, the PSUV controlled parliament does so instead.

Table 5.5: Democratic Backsliding in Venezuela’s Election Monitoring

Step 1.	Goal	Methods
Electoral system	Gain and retain control of the institution	<ul style="list-style-type: none"> - Take control of CNE, by controlling the nomination process
Step 3.	Goal	Methods
Electoral system	Ensure the continued political dominance of PSUV	<ul style="list-style-type: none"> - Use CNE to favour government in elections - Make it difficult for opposition to perform referendums by applying harsh criteria

7. Turkey

The ruling party in Turkey, The Justice and Development Party (AKP), has been in government since 2002 and has won all general and presidential elections since then (UD 2017 II, 4). Turkey is currently a parliamentary system, though constitutional amendments were accepted in a referendum in 2017 transforming Turkey into a presidential style democracy (OECD 2017, 4).

Since Kemal Ataturk established the Republic of Turkey after the end of World War I, Turkey have sought to approach Europe and the West. Turkey joined NATO, and has cooperated with Europe since the 60's. The path towards Europe was particularly dominant in Turkish politics during the early 2000's. AKP came to power in 2002, and a main goal of theirs was for Turkey to join the EU. In 2005, official talks to join the EU started. Many reforms were implemented to transform Turkey to a liberal democracy. Greater freedoms of expressions were introduced, the Kurdish minority gained more rights and reforms of the judicial system started. But the process was slow and difficult, partly due to skepticism among some EU leaders and citizens. As the goal of joining the EU seemed more and more distant, support waned and the momentum was lost (Freedom House, Turkey 2013). Since 2007 the presidential powers have increased incrementally, with the goal of changing Turkey's parliamentary system into a presidential system. In 2014, Erdoğan was elected president, and in 2017 a referendum was passed amending the constitution changing Turkey to a presidential system with a very strong president (Venice Commission 2017 I, 13). In 2016, Turkey experienced a military coup. However, the coup failed and Erdogan has used the coup as an excuse to purge Turkish society of political enemies (Freedom House, Turkey 2017).

7.1. Transferring Powers to Loyalists

The High Council of Judges and Public Prosecutors (HSYK) is the judicial body in Turkey responsible for personnel in the Turkish judiciary system. The council appoints, transfers, promotes and dismisses judges and public prosecutors (Ed. Tekin, Guney 2015, 40). The institution has undergone great change the last couple of years. In 2010, the constitution was amended and the size of the HSYK was increased from 7 to 22 members. Surprisingly, the expanded court was not a form of court packing. For while the court was increased in size, the nomination process was also amended to be more independent. While the President and Parliament, both controlled by the AKP, can appoint members to the HSYK

most members are in fact elected by the judges and prosecutors of Turkey. Thus, the amendments resulted in a more independent judicial system (Ed. Tekin, Guney 2015, 40 - 41). The amendment became unpopular for AKP only a few years later. The independent judiciary investigated several AKP ministers and their sons for corruption, even Erdogan's son was investigated. Audio of the alleged corruption was leaked, and the ministers resigned despite Erdogan's claims that this was a plot by the Gulen movement⁵ to remove AKP from power. The police officers investigating the ministers were later charged for plotting a coup (HRW 2014). The legislation was altered, forcing police officers to report on an investigation to administrative authorities immediately. Thus, the government would in the future be alerted on any future corruption investigations, giving the government ample of time to take action. But the larger issue was the independent judiciary, which had aided the police investigation. The government did not have majority enough in the parliament to amend the constitution without opposition support (Özbudun 2015, 46 - 47). So, the AKP government passed legislation altering the power balance within the HSYK instead. The Minister of Justice is a permanent member of the HSYK, and is obviously appointed by the AKP. Previously, this position was mostly ceremonial with the real power being in the council. With the new bill, much of the authority was transferred to the Minister of Justice. The Minister gained the powers to appoint, dismiss and transfer public judges and prosecutors. The composition of the HSYK was also altered by the Minister of Justice, as he could remove many positions within the council. In this way, several critics were effectively removed. With these new powers in the Minister of Justice, a purge immediately begun of the Turkish Judiciary (Özbudun 2015, 46 - 47). Local judges who had made decisions against the interest of the AKP government were relocated or fired (Çelenk 2016, 243 - 244).

In 2014, the election to the HSYK was to take place as well. Several of its members were to be elected by the judges and prosecutors in Turkey. The AKP supported a pro-government group of judges who publicly proclaimed that they aimed to work in harmony with the government. This group of AKP supported judges won a majority of the seats in the HSYK. As the openly pro-government now had a majority in HSYK, the judiciary stopped to function as a check and balance to the legislative and executive powers (Özbudun 2015, 51). With the control over the HSYK established, parliament then passed a bill creating many new High Court positions. The HSYK quickly appointed AKP loyal judges to the new positions,

⁵ The Gulen movement is a large religious network in Turkey. Former allies of AKP, the movement has now been accused of the AKP for building a parallel state in Turkey's Judiciary, Police and bureaucracy aiming to overthrow the government

before the Constitutional Court could declare it unconstitutional. The judiciary as a whole became packed with AKP loyal judges this way (Özbudun 2015, 52). The judiciary effectively became dependent on the executive. With control over HSYK, AKP replaced 3 750 judges and prosecutors, a quarter of all judges and prosecutors in Turkey (UD Turkiet, 2).

The Constitutional Court was amended simultaneously as the HSYK in 2010. Similar to the HSYK, it would be increased in size to 17 members, who would be appointed from a variety of different actors to ensure its independence. However, the Constitutional Court has remained independent, and has ruled against the government on several occasions. (Celenk 2016, 243).

7.2. Controlling the Narrative

Turkey has long had a restricted media, and it has been the aspect of the liberal democracy least developed in many ways. Even when Turkey underwent a liberalisation of society, there were still restrictions on media and government involvement to control the media. Despite these flaws, the media in Turkey functioned to a certain degree as an independent institution providing a plurality of information (Venice Commission 2017 II, 16). In attempts to control the media, the regular tools of tax investigations and fines are used against independent media covering stories unfavourable to the government. Critical media are also being investigated or closed by the government. It is also reported that government officials regularly contact media about censoring certain segments, to either edit their articles or not to report on a specific issue at all. Individual journalists have been named during these phone calls, urging the company fire journalists for their critical reporting. In addition to these phone calls, the government has also seized control of media by buying the parent companies and sell them to companies sympathetic to the AKP. Thus, many media companies self-censor and even fire critical journalists before the phone calls to avoid problems (Freedom House 2014, 4 - 13).

One early situation on how the AKP wrestles control of the independent media was in 2008. A media company owned by Aydin Dogan reported on a corruption case regarding the misuse of funds of the charity Lighthouse, and reportedly Erdogan was involved (Freedom House, Turkey 2009). Erdogan denied any involvement, and accused Dogan of inventing the corruption case as retaliation against the government for not granting him business favours. Erdogan then publicly called for a boycott of Dogan's companies, and closed 11 of his

unlicensed TV channels. In the end, the Dogan company was targeted by the Tax agency and ordered to pay a \$2.5 billion fine for tax evasion. The fines severely crippled Dogan's business, as they almost amount to his company's total worth (New York Times 2009). Several of Dogan's media outlets were reportedly sold to pro-government business men at a later point. Due to these fines, Dogan will be hard pressed to criticize the government again as he may not be able to pay for a similar fine again. Thus, effectively reducing criticism and investigations into the AKP governments business (Freedom House 2014, 7).

The control over the media was once again seen in 2013, as anti government protests spread across the country in what has been referred to as Gezi Park. The protests were a fight for freedoms and rule of law in Turkey, and against the recent authoritarian changes brought by Erdogan and AKP. Media failed to report on the great protests, and brutal response by the government. Instead of covering the events, Turkish media broadcast cooking and nature shows (Politico 2013 III). Those that did cover the protests could be fined for inciting violence, and several journalists covering the protests were fired or forced to resign (Freedom House, Turkey 2014).

Erdogan also battled to control the internet. In 2014, audio was uploaded on YouTube and Twitter implicating Erdogan and several other government officials of corruption. Erdogan attempted to block these websites several times, but each was blocked by the Constitutional Court. First Erdogan simply attempted to block the websites. As the Constitutional Court ruled against this, the parliament passed a bill giving the Telecommunications Directorate authority to block websites. Again, the Constitutional Court ruled this unconstitutional. Finally, the Prime Minister's office was given this authority, only to later be overruled by the Constitutional Court (Venice Commission 2016 II, 6 - 9).

After the failed military coup in 2016, the government's resolve to control the media was strengthened. In the fight against the Gulen movement, prison sentences for up to nine years have been introduced to journalists and editors charged with publishing leaked intelligence (HRM 2014). In addition, over 170 news agencies have been ordered closed by the government, and many journalists have been imprisoned (UD Turkiet, 9 - 10). Many media outlets have also been liquidized by the government after the government introduced legislation by presidential decree. The new decree states that media with "connections" or "affiliations" with terrorism can be liquidized. This is an undefined decree law, allowing the government to interpret it broadly. Since both opposition movements of the Kurds and the

Gülen movement have been branded as terrorist organizations by AKP, they can both be targeted by this legislation (Venice Commission 2017 II, 9 - 14).

Newspapers with ties to the Gülen movement had been closed earlier, including *Zaman* in 2014 (Freedom House, Turkey 2015) and *Bugün* and *Millet* which were bought and turned into pro-government media (Freedom House, Turkey 2016). Similar to in Venezuela and in Hungary, media outlets friendly to the government often receive lucrative government contracts (Freedom House 2014, 12).

7.3. Electoral Institutions under Control

The Supreme Board of Elections (YSK) is the highest electoral authority in Turkey. The institution consists of 11 members elected by and from two High Courts. Parties in parliament can also nominate to the YSK (OECD 2017, 7). After the coup in 2016, three members have been imprisoned opening up new positions to be appointed. The newly elected members to the YSK have been elected by a judiciary controlled by the AKP, as they control the appointments through the HSYK. AKP did not only gain control of this institution, they also ensured control over regional and the hundreds of local electoral boards. Through emergency decrees ordered by President Erdogan, thousands of judges were replaced and massive personnel changes were made to the electoral administration. Over 500 electoral board staff were also placed in custody, as were several individuals at higher levels (OECD 2017, 7 - 8).

Controlling the YSK, the government could influence the campaign process. For a political party to participate, strict criteria must be met. Only 10 out of 92 registered political parties were approved to participate in the referendum by the YSK (OECD 2017, 10). Generally, the campaign process was made difficult by the YSK (OECD 2017, 6). In particular, the campaign was made uneven. The President campaigned for the yes side, despite the constitution requiring the president to remain neutral. The line between party and state were blurred, as the President toured the country. The opposition side faced many difficulties, often times not being able to rent venues for campaign events. Many were also arrested on charges of organize of unlawful public event or for insulting the president (OECD 2017, 11 - 13). Most significantly, non political organizations were denied to campaign for the referendum. The decision made by the YSK damaged the opposition, as many civil society organisations were against the referendum (OECD 2017, 19 - 20). Neither did the YSK take action on the media violations, as state media clearly favoured the Yes campaign.

Significantly more airtime was given to AKP politicians in broadcast media. State media covered the Yes campaign favourably, whereas the No campaign was mostly ignored or treated neutrally (OECD 2017, 17). Most importantly, the YSK decided to count unstamped ballots as valid. The move was heavily protested by the opposition, yet the YSK rejected all appeals. Only one member on the council approved (OECD 2017, 22).

7.4. The Turkish Super-President

AKP has for the last decade strengthened the executive position. Early on, the AKP set its eyes on amending the constitution and altering the position of the president. The Presidential position had until this point been officially politically neutral, and was elected by parliament. When AKP wanted to select one of their own to the position in 2007, but the opposition in parliament rejected the suggestion. The opposition argued that a President with AKP membership would not be politically neutral, and boycotted the election. The Constitutional Court concurred that the election of a president required a qualified majority of MPs to participate in the vote, and with the opposition boycotting the vote that number was not reached. A referendum was held on constitutional amendments to elect the President directly by the popular vote. In addition, the presidential position would serve for 5 years and be able to be re-elected once. The reforms were accepted in the referendum (Celenk 2016, 242). With this reform, AKP had greater possibility to elect a president of their own liking to the position. At the time of the referendum AKP was still very popular and managed to get their candidate elected. The President also had the powers to veto legislation, and could appoint certain judicial positions. As the AKP controlled this position, an important check on the Prime Minister was removed (Freedom House, Turkey 2010)

In 2014 the first direct presidential elections were held, and Erdogan stood for election. The election was narrowly won by Erdogan, gaining 51.8% of the votes (Freedom House, Turkey 2015). As President, Erdogan clearly and often violated the constitution. As mentioned above, the president is meant to be a nonpolitical position and cannot be a member of a political party. But Erdogan campaigned for AKP regularly in the parliamentary election briefly thereafter (Freedom House, Turkey 2016).

In 2017, further amendments to the constitution were proposed by AKP to be accepted in a referendum. The proposed amendments would bring a complete overhaul to the Turkish political system as it would be changed from a parliamentary to a presidential system. The main changes are the removal of the Prime Minister, and the strengthening of the

Presidential position. The President would be able to appoint his ministers and Vice Presidents independent of the parliament. The president can also appoint “high level state officials”, what these positions may be is to be interpreted by the president (Venice Commission 2017 I, 17). The president will also have the authority to appoint six members to the HSYK, along with parliament electing the remaining seven members. Given that it is extremely likely that the same party will control both parliament and president, the power of the HSYK is entirely given to one party (Venice Commission 2017 I, 25 - 26).

An important feature of the amendments is the possibility for the president to be re-elected twice, despite the constitution putting a two-mandate term limit. However, if parliament decides for new elections during the president's second term, the president can run again for presidency and serve for three consecutive terms. The amendments can also be interpreted that unlimited new elections can be called, making it possible for a president to serve for life (Venice Commission 2017 I, 14).

The political neutrality of the president would be removed, allowing Erdogan to be a member of AKP again. Despite Erdogan never leaving the party as he served as president. Unlike the other changes, this one would take effect immediately allowing Erdogan to officially be leader of the party and serve as president. The other changes to the political system would occur first after the next presidential election in 2019. With these changes, it is very likely that the same party controls both the executive and legislative. Since these institutions now also appoint members to the judiciary, it would also be under control by the same political party. (Venice Commission 2017 I, 13 - 14).

7.5. Concluding Turkey

Turkey under AKP leadership has conformed to the theoretical model during the last couple of years. After the liberalisation period, AKP has focused on gaining control of many state institutions. AKP appears to have put emphasis on assuring the loyalty of the judiciary, and on regulating media. AKP has been very sensitive to criticism, and has targeted the media heavily with regulations and fines even before the judiciary was taken control over. AKP introduced a large constitutional amendment in 2017, aimed at further entrenching the political dominance of AKP

AKP did take control over the judiciary in Turkey, but not in the way ascribed by the method. Instead of packing the court or taking control of the nomination process, AKP altered the composition of HSYK transferring the power from the independently appointed

members to members appointed by AKP. However, even if the method differs it is to serve the same purpose to take control of the institution.

Table 6.1: Democratic Backsliding in Turkey’s Judiciary

Step 1.	AKPs Goal	Methods
Judiciary	Control the HSYK	<ul style="list-style-type: none"> - Change structure of HSYK, transferring authority from the council to the Minister of Justice - Support pro-government judges in the election
Step 2.	AKPs Goal	Methods
Judiciary	To demoralize and weaken the opposition, and to dissuade criticism of the government	<ul style="list-style-type: none"> - Reassign independent judges, and appoint new loyal judges - Create new positions to appoint new loyal judges - Stop corruption investigations of AKP members

AKPs handling of media in Turkey follows the pattern described in the model, including using the same methods of intimidating and liquidizing media. Turkey has also attempted to block certain websites to prevent spread of critical information, a method not described in the model. Even if the methods differ, the goal conforms with the model.

Table 6.2: Democratic Backsliding in Turkey’s Media Landscape

Step 1.	AKPs Goal	Methods
Media	To demoralize and weaken the opposition, and to dissuade criticism of the government	<ul style="list-style-type: none"> - Create vague and undefined legislation (Connection/affiliation with terrorism) - Buy independent media - Intimidate and threaten media
Step 2.	AKPs Goal	Methods
Media	To demoralize and weaken the opposition, and to dissuade criticism of the government	<ul style="list-style-type: none"> - Target with tax agency (Dogan Company) - Block YouTube and Twitter - Order media outlets closed for violating regulations

Regarding ensuring the continued political dominance, AKP has not gerrymandered districts nor altered the electoral system. However, AKP have seized control over the

electoral monitor body YSK. Through YSK, AKP have influenced the electoral results. Further altering the electoral system may not have been necessary yet, as AKP has remained popular in Turkey. IF AKPs popularity wanes, perhaps they will need to take action.

Table 6.3: Democratic Backsliding in Turkey’s Election Monitoring System

Step 1	AKPs Goal	Methods
Electoral institutions	Take control of the institution	<ul style="list-style-type: none"> - Appointed AKP approved members by the controlled judiciary to the election monitor YSK.
Step 3.	AKPs Goal	Methods
Electoral institutions	Ensure the continued political dominance of AKP	<ul style="list-style-type: none"> - Use YSK to favour government in election campaigns - By giving more media time to AKP, and rule against opposition.

Finally, AKP has made major advancements regarding executive aggrandizement lately. As mentioned above, this process is not described by the model. Yet, it is an important development especially in concordance with Bermeo’s description of democratic backsliding. Bermeo determines executive aggrandizement to be the main characteristic of democratic backsliding, hence the decision to name this stage similarly as her.

Table 6.4: Democratic Backsliding in Turkey’s Executive Branch

Step 3	AKPs Goal	Methods
Executive aggrandizement	Ensure the continued political dominance of AKP	<ul style="list-style-type: none"> - Made the presidential position elected by popular vote, rather than by parliament - Violated constitution when Erdogan was elected president, as he remained a member of AKP despite the presidential position being politically neutral. - Amend constitution in 2017, to transform Turkey to a presidential system. - Add a clause allowing the president to be re-elected indefinitely by parliamentary approval

8. Conclusions

In conclusion, a common pattern of democratic backsliding can be found between Hungary, Venezuela and Turkey. In all three cases, attempts can be found of attempts to take control over the judiciary and other state institutions through various means. The state institutions have then been used to target the opposition, to demoralize them and to stop criticism of the government. Finally, all three cases have used methods to ensure their continued political dominance.

However, the different cases have used different methods to gain control of the institutions. Most notably is the hijacking of the nomination process. The judicial institutions in Hungary, Turkey and Venezuela have not only been assumed control over by packing the courts or by impeaching judges. In both Hungary and Venezuela, judicial institutions were taken over by hijacking the nomination process. In Hungary, Fidesz used their majority in parliament to ignore gathering consensus for nominees to the constitutional court as they had they had the required number to elect members. In Venezuela, PSUV hijacked the nomination process in a similar manner. PSUV ignored the independent Judicial and Civil committees set to nominate justices to TSJ. Instead, PSUV created a committee from the parliament to nominate members. The method of hijacking the nomination process, while might be obvious, should be added to the theoretical model. Without control of the nomination process, court packing and other methods will not work. In addition, the method alone can be used to gain control of an institution as seen in Venezuela with the TSJ.

The developments in the different areas occurred simultaneously in all three cases. There was no temporal sequencing to be found, that once the institutions were taken under control the focus was shifted to establishing continued political dominance. Instead, all processes occurred simultaneously. Electoral changes were introduced the same time as the courts were packed. Partly is due to the difficulty of gaining control of these institutions, as in Turkey and Hungary, and of retaining control of the institutions as in Venezuela. The large importance of nomination process should not be overlooked, as Fidesz, AKP and PSUV use all these methods to retain their control of the parliament and presidential positions to be able to continue ruling. Continued control of all institutions is essential for the survival of them all. On this matter, it is interesting to note that all three cases brought large constitutional amendments sought to address many issues simultaneously.

Media is not specifically mentioned by Levitsky and Ziblatt as they describe three stages of democratic backsliding. But based on the three cases, media appears to be heavily

targeted by the regimes. In certain ways the media is handled similar to other institutions, in that the regimes take control over the media regulating institutions as Fidesz did with the Media Council. More extensively used is media legislation. All three cases have introduced vague legislation that can be interpreted broadly by courts and law enforcement. Venezuela for example introduced the law of social responsibility, where TV or radio stations can have their license suspended for promoting, advocating or inciting war, crime or disturbance of the public order. The law was used extensively in targeting TV stations in Venezuela, and thus gaining control of the narrative. Aspects of civil society and NGOs have been targeted by the different regimes, but does not appear to be a major target of the governments like the media is.

Election monitoring institutions received more attention than the theory would have suggested. All three cases targeted these institutions, and took control of them. They have been utilized as important institutions to ensure that the political parties can remain in power. The institution has especially been used in Venezuela, where the government's popularity has decreased after Chávez death. The CNE has been used extensively to favour PSUV in elections, and to impose harsh restrictions on the opposition. The electoral monitor institutions have been used less in Hungary and Turkey where Fidesz and AKP have remained popular.

Finally, executive aggrandizement as a concept has been neglected by the theoretical model. In both Turkey and Venezuela, the process of concentrating the powers in the presidential position has been seen. Executive aggrandizement has been especially prominent in Turkey, where the latest constitutional amendments creates a very strong president. The president in Turkey will have the powers over legislature, executive and judiciary, being able to appoint many positions in these institutions. The term limit is essentially removed for Erdogan as well. Executive aggrandizement is of course discussed by Bermeo, and can be considered an essential part of democratic backsliding. These developments have not been seen in Hungary, as the country remains a parliamentary democracy. However, it can be argued that the influence of the EU has prevented this development from occurring.

A new and revised model for democratic backsliding with the proposed amendments in broad text.

Table 7: Modified Model for Democratic Backsliding

Step 1.	Goal	Methods
Target “referees” of the state. - The judiciary, law enforcement, tax and media regulation agencies, and electoral monitor institutions	Ensure the loyalty of the institutions	- Blackmail or bribery - Replace civil servants with loyalists - Impeach Judges - Court Packing - Create new institutions - Control the nomination process
Step 2	Goal	Methods
- Target opponents of the government.	To demoralize and weaken the opposition, and to dissuade criticism of the government	- Bribery/blackmail - Charge opponents with invented or exaggerated criminal activity - Draft vague legislation to target critical media
Step 3	Goal	Methods
Change the rules of governing. - Legislation, constitution, electoral system, and executive aggrandizement	Ensure the continued political dominance of the governmental political party	- Gerrymandering - Alter the electoral rules - Introduce legislature to favour the ruling party - Concentrate powers in the executive branch

The results obtained in the research is of course reliant on the methods used. A case study would have provided a greater understanding of the processes occurring within a case. As such, it would have been able to gather greater detail about the specific methods, and how effective they were. A potential future research would be able to focus on this aspect, to see the applicability of the model and also to expand on it in a case study. In addition, the the accuracy of the theoretical model could also be tested in another comparative study. The accuracy of the theoretical model can be tested on other cases of democratic backsliding. There are a few current and past examples of democratic backsliding where the theoretical model could be applied. Poland, Russia and Peru are just a few examples of countries with experiences of democratic backsliding. By testing the theoretical model on other cases, the suggested additions to the model can also be tested simultaneously.

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