

Democratic Backsliding Below the Constitutional Threshold: Early-Warning Signals from Democratic Theory and Open Democracy in the United States

Mohd. Ruhul Amin

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Abstract

This article presents open-democracy theory as a framework for detecting democratic backsliding before a formal constitutional rupture occurs. It describes institutional closure through reduced agenda access, restricted public records, narrow appointment processes, consultation after decisions, unequal participation, and limited explanations for official actions. The article mentions openness, inclusive deliberation, sortition, citizen assemblies, and continuing access to public power as mechanisms that complement electoral democracy. However, participatory institutions may become symbolic through tokenism, capture, or isolation when citizens lack agenda rights, evidence, resources, authority, or a visible institutional response. Early-warning indicators also include partisan replacement of professional officials, attacks on election personnel, restrictions on assembly, selective investigations, emergency powers, and pressure on independent media. The article concludes that democracy remains resilient when citizens can access agendas, examine evidence, participate in deliberation, challenge implementation, and receive reasoned responses from institutions with the authority to change public decisions.



Because the process of democratic backsliding can often be opaque, and because democratic researchers are often dependent on the occurrence of constitutional ruptures to understand it. Open-democracy theory would point to a warning system more generally for the U.S., in September 2025. Closure, where it is difficult to access the agenda, where the decision process is happening within a closed circle and decisions are being made, where the management of an event is limited, where the participation is different between entities, where the control of the tools of public management is a monopoly of a group of professionals, can be the beginning of decline. Ordinary people can be deprived of effective avenues of access to governance and elections can remain competitive. Hence, measuring openness and responsiveness, contestability and how dissent is treated should be included in early warning, in addition to more traditional indicators of electoral integrity and civil liberties.

With view to support the existence of open-democracy theory it is necessary to pay attention to the continuous accessibility of power, differently from the old focus on periodic authorization. Hélène Landemere's research focuses on the concepts of openness, inclusive deliberation and forms of representation that could enable citizens, beyond the electoral sphere, to participate in political and democratic life. One institutional way is sortition and citizens' assemblies, but by selecting alone, we cannot be sure there is equality. The practicing influence of Agenda control, Expert support, Compensation, Accessibility, and public response.

The cognitive diversity and decreasing the monopoly of a profession are possible ways

open institutions can complement elections. All the constitutional rights, good administration and a relationship between citizens bodies and authoritative and binding public power remain as conditions for success.

Democratic innovations can go wrong via tokenism, capture or isolation. With an assembly picked at random, deliberation can be performed in a thoughtful manner while elected institutions need to hear none of the recommendations. Digital participation can increase accessibility, but can also provide a platform that reinforces organized groups and disfavors even well-meaning individuals who are not well connected, who lack language access, have limited time or who do not trust the platform. Hence, there is a need for an institutional mechanism for citizens to influence outcomes that involves them in decision, review and implementation processes.

The public authorities should place explanations regarding the acceptance, modification or rejection of proposals. Look at representativeness, learning, influence on the agenda, policy change and extended trust outcomes of evaluation, not participant surveys to gauge satisfaction and attendance.

Knowledge of the intent to breach the constitution should be included in early-warning systems. Signals include partisan removal or replacement of professional officials, partisan investigations, threats against poll workers, restrictions on peaceful assembly, extraordinary or arbitrary invoking of emergency powers, attacks on the independent press, and invalidating of normal checks and electoral balances. There can be a “good” or non-threatening reason for each event.” The more multiple indicators are moving in the same direction, and the more that action is taken to resolve the issues is rendered ineffective, the more that rhetoric to make collective action appear justifiable is blatant and exclusionary, the more that the risk increases. Clustering can be identified before a dramatic collapse at an institution through administrative records, court filings, legislative procedure, personnel data, event datasets and surveys.

Using, or being used by, a wheelchair does not equate with power. To expand voice while maintaining the agenda-setting, information control and final decision-making authority of the governing actors, consultations, hearings, digital portals, citizen panels and advisory boards can be used. Questions to pose to the evaluation should include such questions as: Who gets into the room, who gets a platform, who gets to be heard, which recommendations to policy are made, and do excluded groups have an avenue for appeal? Participation may come across as symbolic when it involves the participation of selected appropriate participants or is undertaken to provide a comment following core decisions.

A well-designed process provides the participants with information in time, independent facilitation, clear communication about the issues and appropriate responsibility about how to choose, and a clear link between deliberation and the final decisions.

The measurement of democracy involves complex institutions being transformed into comparable indicators, with each index the result of choices in relation to themed, evidence, aggregation and uncertainty. Electoral competition, civil liberties, judicial independence, media freedom, participation, equality and deliberation describe various aspects. To overcome this complexity, V-Dem included several indices and coded several indicators with aid from experts, and other projects also have different frameworks. While score can be used to make comparisons, perhaps at the national level local variations or unequal citizenship, or perhaps in a country with rapid administrative change, can be hidden. Thus, movement at indicator level, confidence intervals, coding notes and corroborating evidence are some of the factors that will be considered, rather than the single rank taken as a diagnosis.

Institutional constraints operate via means of independence, capacity, transparency and coordination. A court that is supposed to be independent, and that does not have access or enforceable remedies in time provides poor protection. One of the features of a professional civil service is that no one is secure in their job, which makes them susceptible to loyalty testing. Election officials require resources, physical security, protection and confidence in the law, and public accountability.

Access to Information and freedom from Retaliatory Investigation are key to Media freedom. Constraints are made durable if multiple institutions are able to detect, expose, delay and fix abuse. Redundancy also decreases the risk of the entire accountability system being eliminated if one of the bodies was caught.

Often times, instead of ever actually repressing the masses, authoritarian politics is carried out by dealing with coalitions. Leaders of these institutions gingerly loosen rules, incentivize them to maintain loyalty, carve out divisions among opponents, and leave sufficient space for elections in order to secure a measure of legitimacy. As a result, democratic backsliding can happen in a variety of different ways, such as shaping appointments; making changes to the procedures; paying selective attention or exerting pressure on information institutions. The voters will be presented with ambiguous messages and will be told each component is just normal governance.

Allergods'afsl ring' og 'institutional asymmetri' skal v re analysens fokus. The critical one relates to whether the ability to either break the rules, exercise control over the

referees, or penalize critics is at a lower cost than opponents are.

When protection in times of uncertainty, fear and political asymmetry stays alive, fundamental rights are also resilient. Most challenging instances are when it comes to unpopular communities, controversial speech, migrants, prisoners, protesters or communities labeled as security threats. Equal protection in calm times provides some evidence on the strength of the constitution. Resilience is manifested in due process, in the assessment of individual cases, in legal representation, review and reasoned arguments being maintained in a pressure situation.

Spatial effects are very important to consider, as is the effect of the rule on people with disabilities, the language they speak, and their income; also, migration status, but also effects through access to digital systems; a formally neutral rule can generate concentrated effects on the distribution. So that rights are protected, therefore, both doctrinal and implementation attentions have to be paid.

The powers on the agenda decide what problems are discussed, and what are not put up for discussion. Petitions and minority proposals, evidence and reviews of rejected issues can be made in an open institution. Thresholds should not be set too high or too low that either a gatekeeper does not hear claims or they are blocked from being nice and tolerated. Rather to avoid politics, of which your attorney is no stranger.

The opening up of agendas also helps with early warning, the likelihood that closure has come first often precedents to a formal repression. Authorities tend to exclude more and more, and to exclude in ways that create a narrow participation around pre-determined options, but the more it is narrowed the less democratic the access becomes and it wouldn't seem like an exclusion unless the authorities show some consultation.

Deliberation means there should be infrastructure for this deliberation and not just a single public meeting. They require a well-rounded support to the evidence, sufficient time, a good facilitator, accessibility, protection from harassment, and an explanation of authority. Minority reports are retained without having to construct a kind of pseudo consensus. Public observation and documentation increases legitimacy, and private discussion, while providing an opportunity to be candid, can be seen as building on transparency of safeguards.

One should look at learning, respect, agenda influence, as well as policy response and evaluate them. But democratic innovation only really comes to life when both the design of institutions supports informed judgment, as well as when the judgment is linked with a

decision process that is able to take action.

Open-democracy warning indicators are that there is reduction of access to agendas and decline in publications of reasons, reduction of diversity in appointments and barriers to access of public records and consultation after decisions are made. Usually, constitutional posturing is not set off by such changes. They can impart this ability jointly that citizens will be able to transform from participants into spectators even if formal elections are still on.

Citizens' assemblies and other innovations have the potential to be diagnostic institutions. Looking for evidence, time and authority, a diverse body can discover what has been filtered out because of party competition. Nevertheless, fundamental importance for the spread of democratic values is entailed by the official reaction and popularization. An ignored assembly provides symbolised not an open-door to power.

An automatic remedy for institutional erosion is provided in open democracy. Citizen assemblies, consultations and participatory systems involve granting authority, providing information, ensuring inclusion, and ensuring a tangible decision-makers' response. Openness can increase democratic ownership, reveal early closing, and is coupled with elections, rights and courts and professional administration. Active citizenship to participate in public reasoning on issues, to challenge implementation and to see decision change makes recovery durable.

Power remains democratic if it is access that is not restricted and opposition remains legitimate and not blocked off by a temporary majority. Openness is vital to provide access to agendas, evidence, deliberation, reasons and implementation review. Demonstrated participation but nothing shows up to the contrary can increase cynicism not trust in democracy. There is a need for citizen bodies to have authority commensurate with their functions.

Electoral institutions and participatory institutions the two should enhance each other, and not supplant each other. Openness is vital to provide access to agendas, evidence, deliberation, reasons and implementation review. Non-participation can exacerbate cynicism and a lack of trust in democracy. There is a need for citizen bodies to have authority commensurate with their functions.