

Winners' Restraint:

Do Citizens Reject Political Processes When Procedural Violations Accumulate?

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ABSTRACT

Losers' consent is widely considered a key resource for the perceived legitimacy and stability of democratic political systems. However, recent concerns around democratic backsliding and elite attempts to undermine democratic processes demand a shift in focus to the responsibility of political winners: They are expected to recognize and reject procedural violations, even when they receive favourable outcomes. Existing studies suggest that citizens are quite permissive of undemocratic behavior as long as it serves their own preferences. But are there limits to what citizens, particularly political winners, will tolerate? In this paper we argue that "winners restraint" – the flipside of losers' consent – is an essential resource in established and newer democracies. We test the existence and limits of winners restraint for accumulating procedural violations in the context of policy decisions. Using a survey and two experimental studies in the UK, we investigated how many violations citizens were willing to tolerate before dissenting. Respondents exhibit double standards, with support for the winning side as the main predictor of how individuals perceive the legitimacy of political decisions. However, a majority of these winners demonstrate 'winners' restraint' by revising their perceptions of fairness and legitimacy when violations accumulate.

Keywords: Democratic legitimacy, procedural fairness, democratic norms, democratic backsliding

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What is the role of citizens in maintaining the quality and stability of democracies? Traditionally, the political science scholarship has emphasized the importance of democratic legitimacy, as granted by the public, in securing the functioning and survival of political systems (e.g. Easton 1965; Lipset 1959). In particular, the role of political losers has been considered decisive because they have few instrumental reasons to grant legitimacy to a system that does not produce the desired political (electoral or policy) outcomes. Losers' consent is widely considered a crucial democratic resource. However, recent political events and new research findings call into question whether losers really are there only relevant subgroup to determine the health and stability of democratic systems. The concept of losers' consent rests on the assumption that the political system and its actors operate according to democratic principles and fair procedures, and hence, ought to be considered as legitimate by all citizens. But liberal democracies are increasingly under threat, as evidenced by retreating trends on key democratic indexes across the globe registered by the V-Dem project (Boese et al. 2022). These threats tend to come mostly from within: Political elites, often enjoying robust popularity and approval rates, will bend democratic rules to achieve their goals (Lührmann 2021). Therefore, it is those citizens that *gain* from such violations, who are most likely to overlook, condone or even endorse undemocratic behavior to reach their own political goals (Krishnajan 2022; Mazepus and Toshkov 2022; McCoy et al. 2020; Singer 2018; Lelkes and Westwood 2020; Wunsch and Gessler 2022).

In this paper we argue, first, that we have to reconsider the responsibilities of winners and losers in a democracy. We propose that, next to losers' consent, "winners restraint" is an essential resource for democratic stability, even in established democracies. We define winners restraint as the *withdrawal of perceived legitimacy by electoral or policy winners from elites in power when those elites violate rules or democratic principles*. Just as democratic leaders should exercise forbearance in their use of political power (Levitzky and Ziblatt 2018), citizens on the winning side of the political contest have a clear responsibility towards democracy to exercise restraint in condoning and supporting processes, decisions and behaviours that violate democratic norms and principles. Our argument builds on research carried out in newer democracies in Latin America (Cohen 2022; Monsiváis-Carrillo 2022; Singer 2018) and Africa (Moehler 2009), indicating that outcome winners play an important role in holding political

elites to account. We suggest that winners are key players in established democracies as well, and that winners' restraint is a critical quality to resist democratic erosion.

Second, we ask whether we can count on winners to resist the temptation to turn a blind eye to democratic violations, especially when those violations accumulate. Recent findings from the literature on democratic backsliding paint a rather pessimistic picture: The emerging conclusion is that we cannot rely on citizens to punish political elites for democratic transgressions in situations of policy or partisan gains (e.g., Graham and Svobik 2020). But how far are winners willing to go? Is there a tipping point when winners begin prioritising democracy over self- and group-interests? So far, extant research has focussed on single, high-profile events or candidate behaviours that present democratic transgressions. But it remains unclear whether this permissiveness has its limits and whether winners will start to exercise restraint when the evidence of procedural violations piles up and becomes harder to ignore. This is a key question in light of the incremental nature of democratic erosion in the real world (Levitzky & Ziblatt 2018; Lührmann 2021).

We present three studies from the United Kingdom; one survey that examines the presence of winners' restraint and two pre-registered survey experiments testing how an increasing number of violations of democratic principles affects the legitimacy perceptions of policy winners. All three studies confirm that winners' restraint cannot be taken for granted. Even in a stable and mature democracy like the United Kingdom outcome winners are less likely than losers to reject processes with procedural violations. Nevertheless, we find strong declines in decision acceptance among winners when violations of democratic principles occur. Although subsequent violations have smaller effects than the first, we find consistent evidence that respondents are: (i) critical of procedural violations; (ii) sensitive to the increasing number of violations; and (iii) sometimes willing to reject outcomes representing short-term policy gains when these outcomes result from a flawed process. We interpret this as evidence that cumulative violations do activate winners' restraint. It is important to note that there is ample room for improving winners reaction to procedural violations, especially among certain population groups like the more ideologically conservative or those assigning high importance to a particular political issue.

Citizens' role in protecting democracy

Citizens are expected to play a vital role in maintaining democratic regimes (Booth & Seligson 2009; Diamond 1999; Easton 1965; Lipset 1959; Mattes & Bratton 2007; Norris 2011; Rose, Mishler & Haerpfer 1998, for a recent empirical test see Claassen 2019). Scholars such as Lipset (1959) or Easton (1965) have argued that the perceived legitimacy of, or the diffuse support for, a political system is a key requirement for its stability. With perceived legitimacy we refer to the belief that the political arrangement is proper and just and that its decisions and rules ought to be obeyed (Tyler 1990; 2006). Perceived legitimacy, the theory goes, enables democratic functioning because the political system must otherwise rely on (costly) coercion. A decline or even withdrawal of perceived legitimacy thus poses a fundamental problem to democratic stability.

Political scientists have mostly been concerned that political losers, defined as citizens on the losing side of a policy conflict or an electoral contest, could withdraw such legitimacy. By design, political decisions cannot satisfy all substantive preferences. Essentially, losers have not received the political outcomes that they wanted and hence are especially difficult to convince that the political arrangement is legitimate. Early work by Nadeau and Blais (1993) and Anderson et al. (2005) kickstarted a flourishing research line that investigates the reactions of losers to political defeat, both in elections and policy conflicts. The central premise is that “the attitudes and behaviors of losers determine whether the game will go on in the first place and whether it will continue to be played in the long run“ (Anderson et al. 2005, p. 2; see also Esaiasson 2011). Considerable literature has addressed difficulties in obtaining losers' consent following elections and policy conflicts. There is overwhelming evidence of so-called winner-loser gaps in perceived legitimacy (e.g. Anderson et al. 2005; Esaiasson 2011; Blais & Gelinau 2007; Singh et al. 2012). Generally, these gaps are interpreted as signs of weak democratic commitment by political losers and their biased assessments of the political process (Esaiasson et al. 2022).

The losers' consent literature is based on two important assumptions: First, that political processes are generally conducted in a fair and proper manner, following the rules and norms of the democratic arrangement. For instance, Esaiasson (2011) specifies a *procedural*

requirement that must be fulfilled before losers have any obligation to consent, which he considers generally given in established democracies (see also Anderson et al. 2005). From this follows the obligation of political losers to accept and comply with the decisions produced through these processes. The second, connected, assumption is that high levels of perceived legitimacy, including the acceptance, compliance and cooperation with the state, are always beneficial to democratic quality and stability. This builds again on the more general legitimacy theory that emphasizes the role of voluntary consent to enable democratic functioning. In consequence, the (implicit) normative goal of the losers' consent literature has been to increase losers' levels of perceived legitimacy and to close the winner-loser gap.

We argue that we need to pay more attention to cases when these two assumptions are not fulfilled. There are ample examples in both new and established democracies of procedurally flawed processes, ranging from the infringement of voting rights to corruption scandals. In fact, in the past decades threats to democratic stability mostly came from within democracies (Ulfelder 2010). Recent moves to restrict institutions of checks and balances and encroach on democratic rights in Poland, Brazil, Hungary and the United States, and the severe conflict between branches of political power in the United Kingdom during the Brexit negotiations, illustrate that democratic erosion can and does occur in contemporary Western democracies (Boese 2021; Bermeo 2016; Cohen 2020). In cases of procedural violations, a fully supportive and compliant citizenry might not be the most useful resource in constraining elite attempts at democratic erosion. The famous Eastonian “reservoir of support” helps to facilitate governance but it can become harmful for democracy when it also extends to authoritarian elites and processes because it can enable authoritarian aspirations (Cohen 2020; Monsiváis-Carrillo 2022). As Singer (2018) pointedly puts it: “If democracy is threatened by public acquiescence to incumbent politicians attempting to consolidate their power, then the problem is not a lack of legitimacy but a surplus of it” (p. 1755).

Winners' responsibility in exercising restraint

We argue that winners and losers both have an important responsibility in how they react to political processes. What is required of the citizenry is not to provide a “reservoir of support” at all times, but rather to respond to the actual behavior of political elites and democratic quality

of political processes (Monsiváis-Carrillo 2022). In cases when democratic procedures are up to standards, this means that citizens, especially losers, are expected to swallow their defeat and play to win another day. But when these procedures are flawed and political elites attempt to erode democratic principles and norms, pushing their political agenda, citizens are expected to resist. When elites undermine democracy, it is winners, rather than losers, that have the responsibility to exercise ‘winners’ restraint’ and withdraw their support from the elites in power. The threat of potential sanctions via the loss of votes, party membership or protest helps discipline leaders by constraining illicit behaviour (Luhrmann et al. 2021). It is winners’ responsibility to hold leaders to account, and to not ‘trade democracy for policies’ (Graham & Svobik 2020). We therefore argue that winners’ restraint is an important, but largely overlooked, resource in resisting democratic backsliding from within.

Our argument builds on studies from new democracies that have recently started to account for the role and motivations of political winners in contexts of vulnerable democratic institutions and (potentially) weakly established democratic values. For instance, Singer (2018) finds that across various Latin American democracies, citizens that won the previous election or profit from the current economic conditions are more likely to condone restrictions of civil rights and opposition rights and the bypassing by the president of other branches of government, which questions their democratic commitment. Cohen and colleagues (2020) study the 2018 election of Bolsonaro in Brazil and find that the electoral victory of an authoritarian leader changes the dynamics of the winner-loser gap by boosting political support among previously dissatisfied winners and alerting democratically committed losers. Moehler (2009) uses Afrobarometer data to show, counter to expectations, that while (electoral) losers may have too little support for the regime, winners appear to have too much of it, which leads them to uncritically comply and accept even fraudulent elite behavior. In her survey data, losers are more willing to defend democracy against elite attempts to dismantle institutions, such as the free press or future elections, than winners. Similarly, Monsiváis-Carrillo (2022) uses survey data from the Americas Barometer and observes that in Latin America electoral losers tend to evaluate the actual democratic performance of their country more accurately than winners. These pioneering studies situate their work theoretically and empirically in emerging and new democracies with varying degrees of democratic quality and a high risk of authoritarian takeover. With this paper we aim to broaden the scope and argue that winners restraint is an

essential concept for understanding the stability and health of established democracies as well. In doing so, we connect the literatures on losers' consent and democratic backsliding. The resulting perspective of winners' restraint can help us understand the trade-offs between citizens' procedural and instrumental considerations that shape their political attitudes and behavior. Furthermore, insights from the literature on loser's consent and procedural fairness can inspire new research into the drivers and interventions that may activate winners restraint.

Can we expect winners restraint in established democracies?

Can we expect winners in established democracy to fulfil their responsibilities and exercise restraint when faced with procedural violations? Recent research around citizens reactions to political misconduct has cast doubts on the previously assumed strong democratic commitment of the public. Citizens tend to prioritize their partisan or policy goals over commitment to democratic norms and principles. Overall, this body of research shows that citizens are more permissive of undemocratic behavior of their preferred party, especially in the US (Graham & Svulik, 2020; Lelkes and Westwood 2018) or when their own policy position is advanced (Mazepus and Toshkov, 2022; Krishnajaran, 2022; Gildengil et al. 2022; Wunsch & Gessler 2022). Worryingly, citizens in established democracies are even less likely than in newer democracies to sanction undemocratic behavior by incumbents because democratic stability is simply not a salient concern (Frederiksen 2022). In some cases, citizens may not purposely decide to act against democracy, but may struggle to identify democratic transgressions as such because of perceptual biases (Krishnajaran 2022). This recent body of work suggest that winners restraint might be hard to obtain even in established democracies. But are there limits to how far winners are willing to go to have it their way? Is there a point where winners, despite the potential policy or partisan gains, prioritize democracy or will they always be "partisans first, democrats second" (Graham & Svulik 2020)?

Theorizing and investigating a potential tipping point where winners reject and sanction procedural violations despite favorable outcomes is essential. Recently, democratic backsliding does not occur at once through a forceful power grab, but rather gradually until democratic institutions are left dismantled or disempowered (Pryeworski 2018, Waldner & Lust 2018). While a single procedural violation may not pose a threat to democracy itself, as violations

accumulate in number or intensity, they endanger democratic institutions (Ahmed 2020; Levitzky & Ziblatt 2018). Citizens might be willing to let the occasional transgression slide when it helps them get ahead in the political game, but the democratic threat results from continuous neglect of such violations. Thus, a key question regarding the role of citizens—particularly outcome winners—in resisting democratic erosion is how they react to *accumulations* of procedural violations in number or intensity.

There are some reasons to expect that winners will – at some point - reject undemocratic behaviour even if it produces results they favour. First of all, studies in social psychology, specifically on procedural fairness, have established that individuals care deeply about the quality, particularly the fairness, of how collective decisions are made (Tyler 2006, 2011 also see Colquitt et al. 2001 for an overview). People generally dislike it when rules are broken and consider such behavior as unfair (Baird and Gangl 2006; Gangl 2003; Tyler 1994; Wilking 2011). Even though the winner-loser status colors how citizens evaluate processes and procedural violations, this does not mean that winners are insensitive to the quality of the decision-making. They can simultaneously care about both policy outcomes and procedural fairness (Werner and Marien 2020).

Second, according to decade-long survey research, citizens in established democracies largely embrace democracy, share democratic values and agree that living in a democracy is important (e.g. Wuttke et al. 2022). Even though these survey results have been criticized for merely demonstrating the existence of ‘paper democrats’, the widespread existence of democratic norms gives us reason to believe that citizens do generally care about democracy and its survival, despite perceptual biases and instrumental motivations. Third, and exigently, political reality demonstrates that not all democracies that experience challenges to norms and institutions slide into democratic breakdown. In many cases, democracies persist and citizen resistance can be instrumental in preventing erosion (Lührmann et al. 2020; Laebens and Lührmann 2022).

How accumulated procedural violations can affect winners restraint

Building on the above we assume that decision winners will be more permissive of instances of procedural violations than decision losers, even in the context of an established democracy such as the UK. We also expect that winners restraint is activated when such violations accumulate. The activation of winners' restraint should be observable as a decrease in legitimacy perceptions among winners. In our experimental studies, we are interested in two attitudinal outcomes as proxies for perceived legitimacy (for similar approaches see Esaiasson et al. 2019; Arnesen 2017). First, we investigate individuals' perceptions of fairness regarding the decision-making process. Second, a harder test for exercising restraint, is individuals' willingness to appeal the final decision, i.e., to reject an outcome due to a procedural violation, although it advances their personal preferences. All our hypotheses, measures and testing strategies were preregistered¹. Deviations from the preregistration are discussed in Appendix A.

In light of broad evidence for perceptual biases in process evaluations based on outcome favourability (e.g. Esaiasson et al. 2019), we formulated the following baseline hypotheses for winner-loser gap in instances where democratic principles are *violated*:

H0a/b: Decision winners will be more likely to perceive a process with procedural violations as fair compared to decision losers/ will be less likely to believe that a process with procedural violations should be appealed than decision losers.

However, in line with previous scholarship on the independent effects of process and outcome, we expect winners to be sensitive to violations of democratic principles and to withdraw some perceived legitimacy when confronted with flawed democratic processes.

H1: The percentage of decision winners who believe the process was fair decreases when exposed to procedural violations.

H2: The percentage of decision winners who believe a decision should be appealed increases when exposed to procedural violations.

¹ Anonymous preregistration pdf available at: https://aspredicted.org/blind.php?x=9QM_3X8.

What effects can we expect when violations accumulate? The accumulation of violations can take place as an increase in the number of *instances*, an increase over *time* and/or an increase in *intensity*. In this paper we aim to investigate the former by studying increasing number of violations in the context of a political decision-making process. We theorize two potential mechanisms, that apply for all kinds of accumulation to violations of democratic norms.

First, we might expect a mechanism of aggravation. Here the assumption is that even winners care about democratic principles and will update their beliefs when enough information regarding democratic violations is presented. This is in-line with Claassen's (2020) model of thermostatic democratic commitment, where democratic defence among citizens is increasingly activated when democracy faces actual dangers. Accordingly, we would expect that the more violations occur, the stronger the boost to democratic commitment and hence winners restraint.² In the case of procedural violations, singular flaws might be easy to overlook but once these violations accumulate, the evidence of an unfair process becomes too much to dismiss (Doherty and Wolak 2012, see also research on tipping points in corrective information processing, Redlawsk et al. 2015). A single additional procedural violation could become the straw that breaks the camels back, after which winners' restraint is activated.

Second, democratic norm violations could have a diminishing impact among winners through a process of normalisation. Following this logic, citizens become desensitised to procedural violations (for an example from research on political communication see Clayton et al. 2021). There may be a first initial shock when exposed to a violation, followed by a muted effect for additional transgressions, as normalisation occurs. Such normalisation processes would result in diminishing returns on winners restraint as violations accumulate.

² This thermostatic model, originally developed by Wlezien to explain opposing trends in public opinion and policy, also applies to changes in 'democratic mood'. Claassen argues, with some optimism, that democratic support responds to its demand—when democracies perform well, support decreases, but when they erode—i.e., if elected leaders begin to dismantle democratic institutions and rights—support for democracy is boosted, with the public mood likely to swing back towards democracy and thus hinder democratic backsliding (2020).

Given these two competing theories for the effects of accumulation, we formulate a hypothesis for a baseline additive effect, where each additional violation causes an incremental withdrawal of perceived legitimacy. Hypotheses 3 and 4 test this additive rationale that reflects the general direction of restraint being increasingly activated as violations accumulate, but maintained the alternative expectations (aggravation vs. normalisation) in mind when discussing results.³

H3: The percentage of decision winners who believe that a process was fair decreases with every additional violation.

H4: The percentage of decision winners who believe that a decision should be appealed increases with every additional procedural violation.

Empirical approach

We conducted three studies in the United Kingdom between 2019–2022. The United Kingdom provides an ideal case for the study of winners’ restraint, because it is a long-established and stable democracy that until recently enjoyed relatively high levels of political trust and perceived legitimacy. Although it is a multi-party system, the majoritarian (“first past the post”) electoral system results in a strong two-party system dynamic, akin to the United States. Due to political developments since the referendum on European Union membership, new cleavages not necessarily in line with traditional party positions have emerged. Polarization in the United Kingdom is therefore less driven by party identification, but by positioning on salient policy issues (Hobolt et al. 2021). Since most literature has focused on party identification in the United States as the driving force in rejecting democratic commitments, the United Kingdom presents a good case to examine these questions for major issue policy conflicts.

³ We preregistered and tested two additional hypotheses (on an additional dependent variable, political trust, and the time spent reading about the flaws). Given space constraints in the paper, these hypotheses and the results are discussed in the Appendix C, Figure C8 and C9. These results are in line with the broader conclusion of the paper.

We examine three issues representing these new lines of political antagonism in the United Kingdom. The first study was carried out at the height of Brexit negotiations and procedural controversies. In the aftermath of the referendum on EU membership, the result and ensuing negotiations generated unprecedented tensions between and within different institutions of the British constitution (Blick and Salter 2021). This first study shows that also in the UK, being on the winning side of politics is a key predictor of accepting procedural violations – winners struggle to exercise restraint. Subsequently, Studies 2 and 3 focus mainly on winners in political processes dealing with two further salient policy issues: immigration (Study 2) and climate change (Study 3). These two issues were selected to ensure that our results are not driven by passionate supporters of one or another side of these new salient lines of division. The preregistered survey experiments in these studies test the hypotheses on winners’ restraint and the effect of accumulating procedural violations on the activation of restraint.

Acceptance of democratic flaws in the United Kingdom: Study 1

We first aimed to establish whether citizens in the United Kingdom evaluate the acceptability of democratically ambiguous procedures through the lens of ‘winning’ and ‘losing’, and if so, to what extent? Next, we explored whether these evaluations were shaped primarily by outcome preferences on a specific issue, or by partisan identification. Finally, we aimed to investigate how citizens respond to real and hypothetical scenarios that ranged in the extent to which they violated democratic principles. To date, little is known about whether citizens agree or disagree on the severity, acceptability and significance of different types of actions that may undermine liberal democracy. This is a crucial question, both in substantive terms, when theorizing on the backlash that severe violations may generate among a population, and in terms of research design to test whether what scholars deem as ‘severe violations’ are actually perceived as such by citizens.

We conducted an online survey, administered by the survey company YouGov, to a representative sample of adults living in the United Kingdom (n=1350) in November 2019, which gauged intentions to accept outcomes related to Brexit negotiations. More than three years after the referendum on the United Kingdom’s EU membership, Brexit negotiations and specific details of the future relationship between the EU and the United Kingdom had pushed

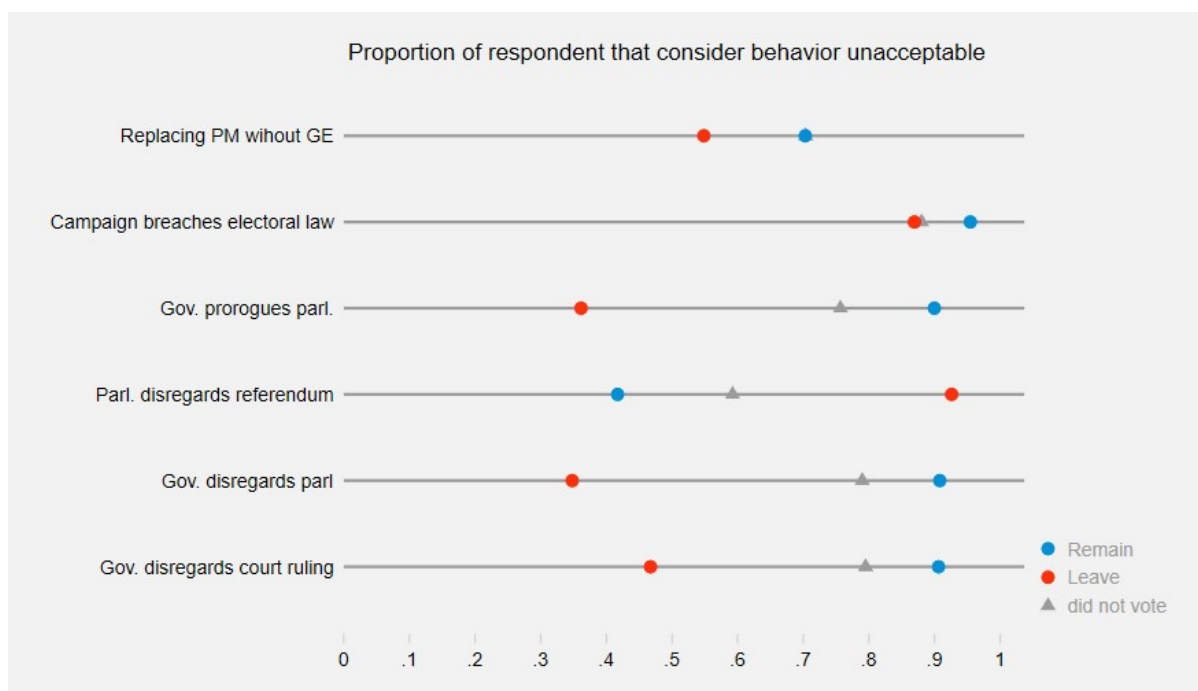
the latter’s democratic institutions and processes to unprecedented limits (White 2022). At the same time, worries regarding executive centralization in the Johnson cabinet were rising (Ward and Ward 2021). Our survey was carried out as the British Prime Minister attempted to prorogue Parliament (discontinue Parliamentary meetings and activities) shortly before the country was set to leave the EU, a move that would have removed Parliamentary oversight and pressure over Brexit negotiations. The prorogation was later found not to be lawful by the Court (Hanretty 2020).

Against this backdrop, survey respondents are asked to indicate their perceived legitimacy of hypothetical (Items 4-6) and non-hypothetical (Items 1-3) scenarios that posed challenges to the spirit of the democratic process to varying degrees. Respondents record whether they consider these different scenarios to be acceptable or unacceptable in their democracy. The scenarios are presented in Table 1 and are formulated to cover a range of behaviours, from regular political practice (item 1) through legal violations (item 2).

Table 1. Items used in Study 1

Items	
1	Replacing a Prime Minister without holding a general election.
2	A campaign breaching electoral law during a referendum campaign.
3	The government stopping Parliament meeting in the run up to Brexit.
4	If Parliament ignored the outcome of the 2016 referendum and revoked Article 50, meaning Britain stays in the EU.
5	If a law is passed in Parliament which aims to prevent a “no deal” Brexit, but the government disregards the law and goes ahead with a “no deal” Brexit.
6	If the High Court decided that a majority of MPs must approve the final Brexit outcome, but the government ignores this ruling and does not allow Parliament to vote on the final outcome.

Figure 1. Proportion of respondents that considered these behaviours unacceptable



Note: N= 1,134-1,230

The survey results suggest two important findings for the study of winners' biased evaluations. First, actions that clearly go against the law (item 2) are much easier to condemn unanimously than violations of principles and norms. Nevertheless, the attempt to prorogue Parliament, found illegal by the Supreme Court (but not described as such in the survey), did not receive unanimous condemnation.

Second, results show that there are stark differences between citizens as to whether the described behaviors were considered acceptable. Especially the way in which respondents had voted (Remain or Leave) in the 2016 referendum on Britain's membership of the European Union was a clear predictor for how they evaluated the items. Positioning on this issue was by far the most powerful driver in reporting potential violations relating to Brexit as 'acceptable' and was equally strong for both "camps" of the Brexit debate. For instance, prorogation of Parliament (favourable to Leave, unfavourable to Remain) was deemed unacceptable by 89.7% of Remain voters, but only by 38% of Leave voters. The explanatory power of other determinants, including party affiliation, was dwarfed by that of Brexit vote choice (see Appendix A, Table A2 and Table A3). Finally, items representing what scholars might consider "more severe" violations, such as the executive going against the judiciary, gathered similar

responses to other scenarios of institutional conflict, showing that deciding a priori how citizens assess severity in democratic norm violations, is best to be avoided.

We can conclude that citizens in the United Kingdom are not immune to double standards when evaluating what is acceptable in their democracy, and that being on the winning side of the policy issue is, by far, the most important factor colouring their evaluations. This holds for both camps on Brexit preferences. This exploratory study emphasizes the difficulty in relying on winners' restraint and the need to further investigate under which conditions it can be activated.

Study 2 and 3: Do Accumulating Procedural Flaws Activate Winners' Restraint ?

In Study 2 and 3, pre-registered survey experiments test hypotheses regarding the existence of winners' restraint in flawed democratic processes and the effects of accumulating the number of procedural violations on winners' restraint. We focus on two political issues of importance in British politics – immigration and climate change. These issues were selected because, while polarising, they evoke strong beliefs and extreme opinions among different groups in the population. This way we can ensure that polarisation associated with only one side of the debate (strong anti-immigration or strong pro-environmental attitudes) does not drive the results regarding the existence and activation of winners' restraint. The experiments were included in online surveys administered by YouGov in Spring 2022 with 3,600 respondents for each study. The samples approximate the United Kingdom population in gender, age and education (see Appendix B for detailed demographic information).

The experimental treatments include four different types of procedural violations, that were randomized to create four treatment groups among winners and one group among losers (see Figure 2). Based on insights from Study 1, we ensured that procedural flaws are legal and realistic for the context of British politics. As such, they present violations of democratic norms rather than actual illegal activity (see Levitzk & Ziblatt 2018). We use Leventhal's (1980) procedural fairness rules (in particular, the ethicality rule) and V-Dem's democracy dimensions to formulate specific violations that undermine the decision-making process and run counter to key democratic norms (for similar approaches see Krishnajaran 2022, Lelkes & Westwood 2020, Graham & Svobik 2020). Nonetheless, we do not claim that these are comprehensive or

the most important violations of democratic norms and principles. Importantly, we use the number of flaws, as opposed to a pre-determined scale of severity, to create the accumulation that we wanted to investigate. Table 2 below presents the specific flaws used in the experimental treatments.

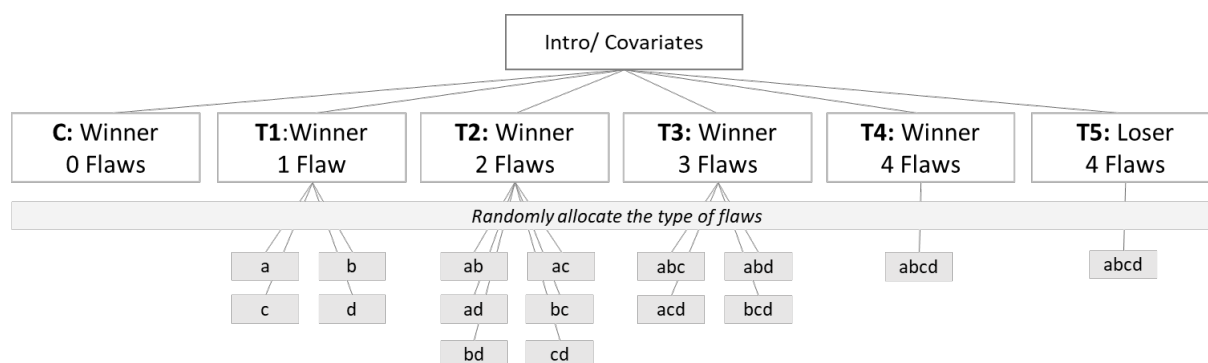
Table 2: Procedural flaws used in survey experiments

Procedural flaws
Flaw 1: MPs cancelling a public hearing where groups are expected to give evidence
Flaw 2: MPs having financial incentives for policy to be enacted/not be enacted
Flaw 3: MPs banning large public march before the decision is being made
Flaw 4: Denying access to certain media to discussions regarding details and consequences of proposed policy

Experimental Design

In the pre-registered experiments, we ask respondents about two hypothetical proposals submitted to Parliament: one that would substantially lower immigration numbers (Study 2), and one that would substantially lower CO2 emissions through a meat and dairy tax (Study 3). We note respondents' initial preference (support or opposition) for these bills and present them with the outcome of the political process, i.e., whether the bill passed/failed, to create 'winners' and one group of 'losers' in this process of democratic decision making. Next, respondents receive additional information about democratic flaws in the decision-making process. The accumulation of democratic violations is achieved through the number of flaws respondents are exposed to. The control group (C) are 'winners' who see no flaws in the political decision-making process. Treatment groups (T1-T4) are 'winners' who see an increasing amount of procedural democratic violations, from one to four. The types of flaws and the order in which they appeared in the treatment groups were randomized to ensure that there are no effects driven by specific flaws or their sequencing, some of which could be perceived as more severe than others (robustness analysis shows no such effects, see results section). The final treatment group (T5) is of outcome 'losers' who are exposed to four procedural flaws, and is used to test our baseline hypothesis of a winner-loser gap in the presence of flawed democratic processes (H0), rather than the well documented winner-loser gap in the event of fair democratic processes.

Figure 2: Experimental design: Allocation to experimental conditions and flaw types



Note. For conditions T2, T3, T4 and T5, the order of flaws was randomized.

Table 3 shows an example of what two respondents assigned to different experimental groups would read in Study 2 (immigration). The full survey and treatments are available in Appendix B. A respondent who favours the bill to limit immigration and is assigned to the control group would see the text in the left-hand panel, while a respondent who opposes the same bill and is assigned to the winner treatment group with two flaws would see the text in the right-hand panel.

Table 3. Example Vignettes

C: Winner, No Flaws(Respondent Pro-Bill)	T2: Winner, 2 Flaws (Respondent Anti-Bill)
<p>A decision must be made on the proposed bill. As always, the draft bill is circulated to all members and discussed in parliament. The majority of MPs votes for the new bill and the proposal will become law. This means immigration flows are expected to decrease in the future.</p>	<p>A decision must be made on the proposed bill. As always, the draft bill is circulated to all members and discussed in parliament. The majority of MPs votes against the new bill and the proposal will not become law. This means immigration flows are expected to remain the same in the future.</p> <p><i>Next screen</i></p> <p>After the vote in parliament, there is controversy surrounding the decision-making process. It is revealed that MPs in favour of migration cancelled a public hearing where anti-immigration groups would give evidence on the benefits of lower migration for the UK. In addition, some MPs who are leading critics of lowering migration are involved in businesses that would lose financially from this bill.</p>

Variables and Measurement

The dependent variables of interest are: (i) whether citizens evaluate the process as unfair; and (ii) whether they believe the decision should be appealed. Both dependent variables are measured on a scale from 1 (The process was completely fair/ The decision should definitely not be appealed) to 6 (The process was completely unfair/The decision should definitely be appealed). The results section below shows the analysis for the dichotomized dependent variables, reflective of our conviction that the results are more meaningfully interpretable to answer the question of winners' restraint in the face of procedural violations. Results for the hypotheses on mean changes using the full scale are available in Appendix C (Figure C1).

Finally, we pre-registered our intention to carry out a series of exploratory sub-group analyses to examine whether winners' restraint was activated in different degrees across population sub-groups. These include variables such as issue importance, ideology (conservative-liberal), party preference and support for democracy. We also include a recall check for the outcome of the political decision and conduct an additional CACE analysis using only the group of subjects who complied with the experimental treatments (Appendix D, Figure D1).

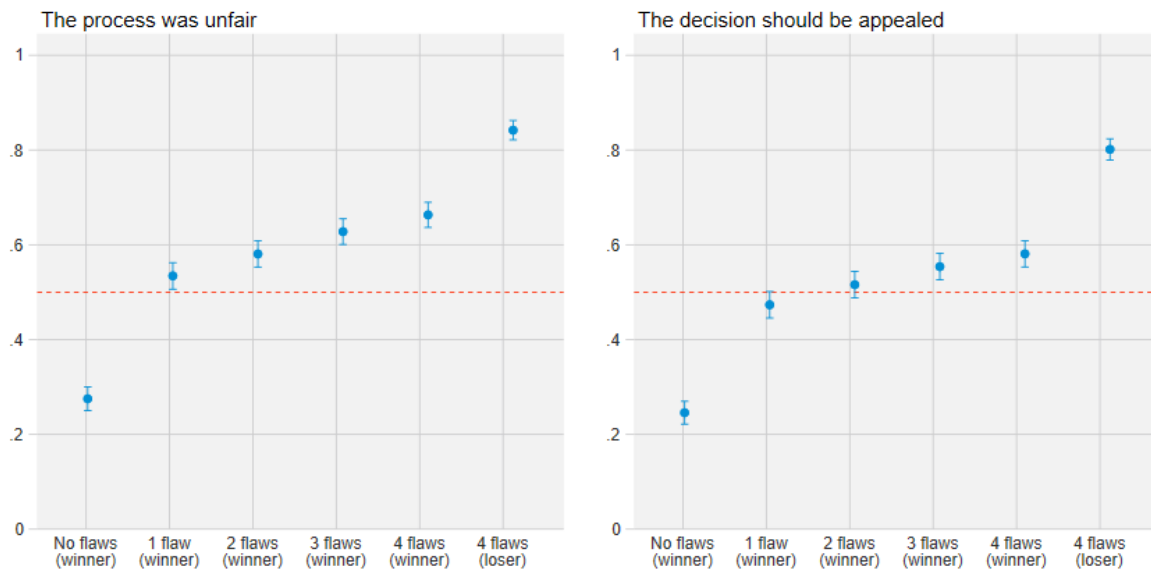
Results: A glass half-full and half-empty

The results from the two experimental studies, one using a proposed bill to limit immigration (Study 1) and the other a bill that aimed to curb CO2 emissions (Study 2) were substantially similar. We therefore present findings for the two policy issues together (analyses broken down by each study are available in Appendix D, Figure D2 and D3).

Figure 3 provides an overview of the proportion of respondents who considered the process unfair, or who thought the decision should be appealed across all treatment groups. First, as expected, the two bars on the right-hand side show that the winner-loser gap also applies to perceptions of how unfair a political process was and whether the decision should be appealed, when these processes involve multiple democratic norms violations ($H_{0a/b}$). Presented with four identical democratic flaws, 66% of winners thought the process was unfair, contrasted with

84% of losers, while 58% of winners believed the decision should be challenged, contrasted with 80% of losers.

Figure 3: Proportion of respondents who considered the process unfair and were willing to challenge the decision across all treatment groups



Note. Higher values denote a higher proportion of respondents who considered the process unfair/ thought the decision should be appealed. Reference line at 50%. Data from Study 1 (immigration) and Study 2 (climate change) are pooled. Error bars present 95% CIs. N= 7,359.

Second, we find that, among winners, the presence of flaws immediately reduced respondents' perceptions that the process was fair, and increased their belief that the decision should be challenged. Compared to the baseline of zero flaws, the presence of one flaw increased perceptions that the process was unfair among 25.9% of this group and willingness to challenge the decision among 22.7% of respondents. Furthermore, one procedural flaw (in the case of perceptions of unfairness) or two flaws (in the case of willingness to appeal the decision) are enough to activate winners' restraint among a majority (50%) of winners. In sum, we find support for H1, where we expected a significant difference between the responses of winners exposed to zero flaws and winners exposed to one flaw, both in their evaluations of fairness (H1a) and their beliefs that a decision should be appealed (H1b).

Turning to the effect of cumulative violations (H2_a and H2_b) we find partial evidence supporting both hypotheses positing a cumulative effect on legitimacy perceptions. Regarding H2_a, the proportion of respondents who claim the process is unfair increase with the accumulation of flaws. Among winners exposed to a single flaw, 53.3% claim the process is unfair. This rises to 58.0% for those exposed to two flaws, 62.7% for three flaws and 66.3% for four flaws. While the effects for exposure to one incremental flaw fall short of statistical significance, there is a significant difference between treatment groups that are exposed to two or more additional flaws (T₁–T₃, T₁–T₄, T₂–T₄).

Hypothesis 2_b, refers to respondents' willingness to challenge the decision. This is admittedly a harder test for demonstrating winners' restraint. It is possible that winners might be willing to admit that a process was less fair due to a violation of democratic norms, but still not choose to challenge it, since that may put their winning status in jeopardy. While this is indeed the case (as seen by the lower percentage of appeal intentions and a lower average), we find the same pattern of effects once flaws accumulate, as for evaluations of unfairness. Treatment group 1, presented with one violation, sees less than half of respondents willing to challenge the decision (47.3%). This percentage rises to 51.5% for group 2, 55.4% for group 3 and 58.0% for group 4, exposed to four violations. Again, the marginal effect of adding one additional flaw among treatment groups are small and often not statistically significant. However, there were significant effects with the accumulation of two or more flaws. Overall, while evidence for H2_a is mixed, we do observe an increase in unfairness perceptions that approximates a linear line after an initial boost when the first flaw is introduced. Regarding H2_b, we also observed a similar pattern in the increase in respondents' beliefs that a decision should be appealed when flaws accumulated, but the initial effect was smaller.

While we did not hypothesise about the shape of the curve of the effect of cumulative norm violations, we described two potential deviations from a linear increase—either an aggravation effect, increasing respondents' sensitivity to each additional flaw, or a normalising effect, decreasing sensitivity to each additional flaw. We do not find strong support for either of these theories. While we do see the biggest boost in winners' restraint when the first flaw is introduced, the accumulation of flaws produce a fairly linear pattern of winners' restraint increasing with each flaw. This suggests that political elites might expect less backlash to

further transgressions after an initial violation, however, these smaller effects may still be additive and reach a critical tipping point, where citizens reject a political decision, political party or candidate altogether.⁴

As a robustness check, we explored the individual impact of the four different flaws that we selected for the experiment. Since the types of flaws were randomized across treatment groups, we can reject a potential contamination of our results by design. Nonetheless, knowledge of potential differences can provide more insights into the nature of winners' restraint. We designed all flaws to be (legal) violations of democratic norms, and we did not have any theoretical expectation of differences in their perceived severity. To provide a conservative test, we focus on the one flaw condition to which respondents were most likely to pay full attention to its nature. Indeed, as the results of a logistic regression in Figure 4 show, we found no systematic differences between the four flaws for either of our dependent variables.

Figure 4: Predicted probabilities of unfairness perceptions and the willingness to appeal across flaw types



⁴ In the pre-registration, we also hypothesized an effect on a diffuse measurement of political support, namely trust in Parliament (H5) which exerts a similar pattern than our main dependent variables. A process with one democratic flaw decreased trust in Parliament by 6.1%, while a process with four democratic flaws decreased trust by 10.6% compared to an unflawed process (Appendix C, Figure 8). Further, we hypothesised that outcome losers would spend more time reading about the flawed process than winners (H6), but we found no evidence of differences in time spent on the respective survey pages (Appendix C, Figure C9).

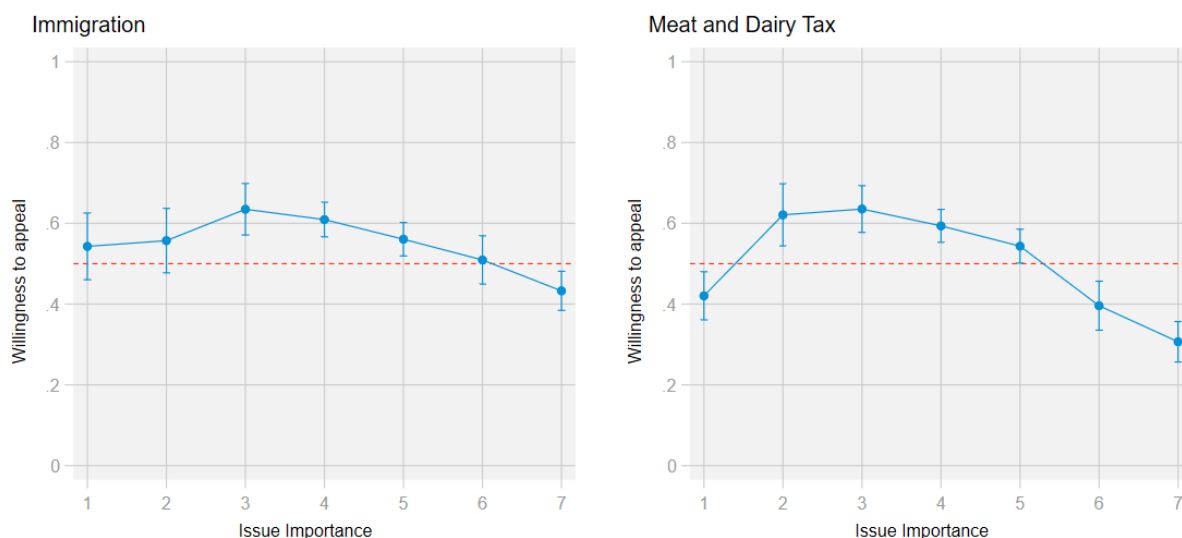
Note. Marginal effects plots displaying the results of a logistic regression (predicted probabilities) comparing one flaw (T1) to zero flaws (C). Error bars present 95% Cis. Reference line at 50%. $N_{\text{unfair}} = 1,224$, $N_{\text{appeal}} = 1,223$

Who exercises winners' restraint?

We conduct a series of pre-registered exploratory subgroup analyses to investigate covariates that might reinforce or inhibit winners' restraint. Theoretical considerations point to the role of issue importance, ideological placement, party preference and democratic views as predictors of acquiescence to democratic norm violations. Since the findings for both our dependent variables are similar, we present here results for the more conservative measure of *willingness to appeal a decision*. Results for unfairness perceptions can be found in Appendix C, Figure C2-C5)

For both policy issues, we find some indication that winners who attach high importance to the issue at stake are less likely to support appeals compared to winners who do not attach high importance to the issue (while also those assigning very low importance also seem to not exercise restraint, see Figure 4). This helps explain why deeply polarised issues provide fertile ground for elite behaviours that undermine democratic norms, as citizens on the winning side of the conflict are less likely to perceive flawed processes and dubious behaviour as a democratic affront and punish misbehaving elites. We did not find any heterogenous treatment effects for the accumulation of democratic violations.

Figure 5: Predicted probability of appealing a flawed process across issue importance among decision winners



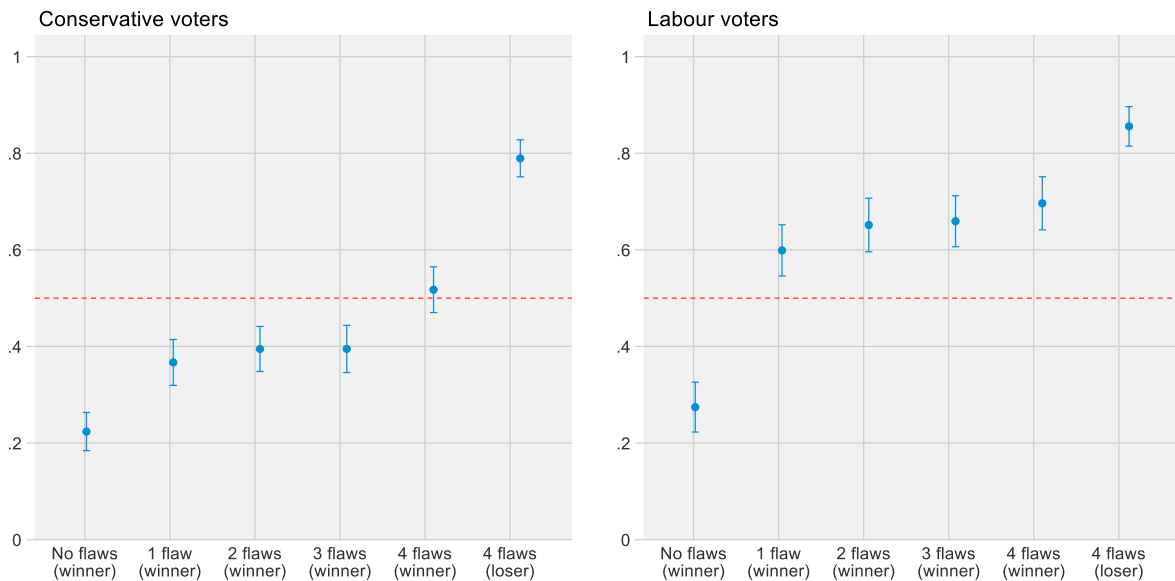
Note: Marginal effects plots displaying the results of a logistic regression (predicted probabilities) of willingness to appeal on the presence of flaws (T1 to T4 are pooled, baseline: C). Error bars present 95% CIs. Reference line at 50%. $N_{\text{immigration}}=2,784$; $N_{\text{meattax}}=2,960$.⁵

Regarding partisanship and ideology, in line with existing studies in the United States and elsewhere, we find that winners with a more right-wing ideology (e.g., those opposing economic redistribution and/or not supporting equal rights for LGBTQ people) are less likely to express willingness to challenge a democratically-flawed process compared to those with more left-wing views (See Appendix, Figure C6). Subgroup analysis comparing Conservative and Labour party supporters (measured as party supported in the last general election) are in line with these results (Figure 6). Winners that are Labour supporters are quicker to express willingness to challenge a flawed process compared Conservative voters. Importantly, this is not driven by differences in general affinity to protest, since the scores for the zero flaw condition are comparable for Labour and Conservative voters. The key difference lays in the

⁵ For the issue of a proposed “meat tax” to combat CO2 emissions, we found higher willingness to appeal the decision among those who assigned the minimum value of importance to the issue (1 on a 7 point scale). This could be explained by the choice of policy proposal to combat CO2 emissions, a limitation of this experiment given the non-availability of more highly visible proposals that are concerned with fossil fuels and energy consumption (see the Experimental Design section for discussion). Controlling for general perceived importance of climate change as a policy issue results in a small increase of the coefficient at the lowest level of issue importance.

effect size of moving from zero flaws to one flaw, whereas the pattern of accumulation beyond that was fairly similar. We, therefore, did not find any heterogenous treatment effects for the accumulation of democratic violations.

Figure 6: Predicted probability to challenge a process across number of flaws for conservative voters and labour voters among decision winners



Note: Marginal effects plots displaying the results of a logistic regression (predicted probabilities) of willingness to appeal across treatment groups for respondents that voted Conservative or Labour in the last general election. Error bars present 95% CIs. Reference line at 50%. $N_{\text{conservative}}=2,501$; $N_{\text{labour}}=1,766$.

The reasons why conservatism (as an ideology or partisan identity) appears to inhibit winners' restraint are not conclusive. Importantly, since our data was collected when the conservative party was in government in the UK, we might simply observe an incumbency effect. However, scores in the loser-four flaws condition between Labour and Conservative party supporters are not statistically significant, which indicates that incumbency does not generally affect the willingness to appeal (flawed) processes. Furthermore, there are indications from other studies that conservative leaning individuals might generally be less alert to democratic violations. Researchers have pointed to the possibility of conservatives' differing conceptions of democracy as a potential explanation of their reluctance to denounce

democratically dubious practices, especially a majoritarian conception of democracy (Grossman et al. 2022). However, none of the three studies conducted for this project saw personal commitment to democratic norms and democracy having a significant effect in accepting violations of democratic principles. Sub-group analyses of the two experimental studies among those respondents who consider democracy to be “the best political system” and those who consider it “good only as long as it provides effective governance” do not yield any systematic differences in how winners evaluate flawed processes (Appendix C, Figure C5 and C7). Alternatively, differences between left-wing and right-wing voters may stem from the discourses of conservative elites use to justify political stances, which in recent years has travelled across national contexts (Krishnarajan 2022). In our study we find that, outside the US context, winners’ restraint is more readily activated among those with more left wing positions. There is therefore ample room for encouraging conservatives to engage in restraint when on the winning side of a political conflict that undermines democratic norms.

Conclusion

This paper has sought to emphasize the responsibility of winners as safeguards of democracy and to investigate the prevalence of winners restraint and its activation potential in the UK. Our aim was not only to show that winners restraint is a relevant concept in established democracies, but also to investigate how winners respond to cumulative procedural flaws in political processes. Our results provide cause for both concern and optimism. In line with recent scholarship, we find strong biases in fairness perceptions and willingness to appeal hypothetical scenarios that involve procedural violations among citizens on the winning side of decisions. An individual’s position on a particular issue, coupled with the importance allocated to it, provide a perceptual screen that colours their evaluations.

But we also find two reasons for optimism. First, being exposed to accumulating procedural flaws that violate the spirit of democracy significantly reduces winners’ legitimacy perceptions of these decisions. The introduction of a single procedural flaw resulted in a large and significant increase in perceptions of unfairness, and the belief that the decision should be challenged. Second, the accumulation of flaws increased these perceptions, showing that winners are not insensitive to procedural violations in their fairness perceptions and beliefs

regarding the status of the decision. In a field that has been delivering rather pessimistic verdicts, these findings should give researchers hope that winners' restraint can be exercised, and that it is sensitive to accumulating procedural violations—a scenario that often occurs in real-world contexts. We find these results especially meaningful because of the rather moderate nature of the violations described, many of which find real precedent in established democracies.

However, we found that winners' restraint was not as widespread as one might hope. Even in the strongest condition with four democratic violations, 33–34% of winners still considered this deeply flawed process to be fair. Appealing the decision—an action that would put their winning status into jeopardy—was not a step that 41–43% of winners were willing to take, even in the hypothetical environment of a survey experiment. In both cases, this represents a sizeable minority. Therefore, it is clear that there is ample room for improvement in conveying to winners their democratic duty of restraint, even in long-established democracies such as the United Kingdom.

Clearly, our study has limitations. Our experiments exposed respondents to accumulation as an increase in number of violations at one point in time. As mentioned earlier, in the real world, such violations often occur and are revealed over much longer periods, and so potential normalisation effects or simply fading public memory could weaken the impact of accumulation. Investigating winners' restraint over time is thus an exciting next step in this research agenda. Further, we could study only a limited number of cumulative violations (four). It is possible that, with a greater number of violations in specific processes and decisions, we may observe a different pattern of effects. Despite our constraints, we found that four flaws were enough to make the majority of winners perceive processes as unfair and agree that the decision should be questioned.

Our findings find support in the real world in a recent example of British politics and its former Prime Minister, Boris Johnson. Violations of democratic principles began in earnest during his premiership, with his attempts to prorogue Parliament, and continued with the support of co-partisan MPs under investigation by the Ethics Committee or under suspension for breaching

lobbying rules.⁶ The biggest scandal—a series of social gatherings at Downing Street that violated coronavirus lockdown rules in 2020–2021, dubbed “Partygate”—seriously tainted his leadership, but did not completely remove his support among the public and the Conservative Party. His subsequent misstep however, which came in the shape of misconduct of a recent appointee, was enough to end Boris Johnson’s premiership and his resignation was gladly accepted by the public.

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⁶ Priti Patel was found to breach Ministerial Code and Owen Paterson was suspended for breaching lobbying rules. <https://edition.cnn.com/2022/07/06/uk/boris-johnson-scandals-intl/index.html>

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