



PROJECT MUSE®

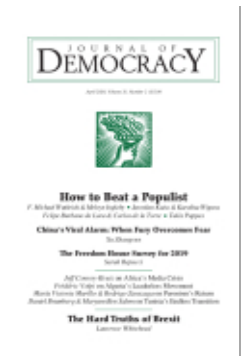
## The Pushback Against Populism: Why Ecuador's Referendums Backfired

Felipe Burbano de Lara, Carlos de la Torre

Journal of Democracy, Volume 31, Number 2, April 2020, pp. 69-80 (Article)

Published by Johns Hopkins University Press

DOI: <https://doi.org/10.1353/jod.2020.0022>



➔ *For additional information about this article*

<https://muse.jhu.edu/article/753195>

# The Pushback Against Populism

## WHY ECUADOR'S REFERENDUMS BACKFIRED

*Felipe Burbano de Lara and Carlos de la Torre*

*Felipe Burbano de Lara is research professor in political science at the Facultad Latinoamericana de Ciencias Sociales (FLACSO) in Ecuador. Carlos de la Torre is director of the Center for Latin American Studies at the University of Florida. He is editor, most recently, of the Routledge Handbook of Global Populism (2019).*

Since taking office in May 2017, Ecuadorean president Lenín Moreno has made headline-grabbing efforts to reverse the transformations wrought by his populist predecessor, Rafael Correa (2007–17). Initially elected as Correa's handpicked successor and the candidate of his Alianza PAIS movement, Moreno departed from the course set by his erstwhile patron on matters ranging from the abolition of term limits to the launch of anticorruption investigations. The new president has portrayed his program as one of restoring Ecuador's democracy after years of accountability-shredding populist rule. Correa, who is now living in Brussels, faces charges in connection with a failed kidnapping attempt against an exiled opposition politician as well as allegations of illicit campaign financing. If the longtime president sets foot in Ecuador, he could well go to prison.

Yet illiberal populism's architect in Ecuador and his antipopulist successor have turned out to share one key political habit: namely, a reliance on referendums. Despite their profound differences, both Correa and Moreno have understood referendums as direct expressions of the sovereign will of the people. Because these votes enable political leaders to circumvent standard institutional channels, they are mechanisms that allow the president "to decide in exceptional situations, in states of emergency, in which the normal constitutional order is suspended and the sovereign can act in an unconstrained, unlimited way."<sup>1</sup> This, as analysts have noted, makes referendums a powerful instrument in the hands of populists who seek to undermine checks and balances. The case of Ecuador, however, suggests that referendums may also be an instrument liable to backfire when used in the service of restoring democracy.

Over the course of his decade in office, Correa used referendums to replace a liberal democracy in crisis with a populist plebiscitarian variant. This practice began in the first year of his administration, when citizens were summoned to vote on calling a constituent assembly that would draft a new constitution. The existing constitution provided no mechanism for convening such a body, but the administration argued that the constitutive power of the people has priority over constituted power. A second referendum in September 2008 secured popular approval for the new constitution produced by the assembly. Correa's administration once again appealed to the primacy of the people's will in 2011, when it called for a new referendum on restructuring the justice system.

In 2018, Moreno used a referendum for a very different purpose: to reinstitutionalize democracy in the wake of populist authoritarian rule. When Moreno won the presidency in 2017, the expectation was that he would serve one term and then hand power back to Correa in 2021. Instead, the new president broke with his predecessor, uncovered cases of corruption, and began purging the state's accountability and justice institutions of Correa's cronies. New appointees were named to the positions of general prosecutor, ombudsman, and comptroller, as well as to the electoral authorities and constitutional court. Yet in order to swiftly get rid of Correa's personnel, Moreno's administration employed methods that bent the law and sometimes failed to meet the demands of due process. These tactics raise the likelihood that citizens will view the reform process as just one more series of political maneuvers, rather than a return to governance by durable and agreed-upon procedural norms. Today, Moreno's political strength is on the wane, and there are risks that his reforms might last only as long as there is a consensus on undoing Correa's populist legacy.

Examining the use of referendums challenges strict demarcations between populists and democrats in Latin America. Scholars have correctly shown how populists, often legitimizing their actions via referendum, have instrumentally used laws and constitution making to put more power in the hands of the president, weaken accountability, and undermine the separation of powers.<sup>2</sup> In Venezuela, Bolivia, and Ecuador, for instance, populist constitutions added to the list of citizens' enumerated rights while also concentrating power and reducing the clout of institutions of accountability. Yet the paradoxes and dangers of using referendums to undo populist legacies still require greater consideration.

The Ecuadorean case shows that both populists and antipopulists use laws instrumentally to bring rapid change. Yet they differ in how they present and rationalize this behavior. Populists cast themselves as redeemers of the people who therefore should not be constrained by norms. Antipopulists argue that they are making an exception to procedural norms in order to clean house after populist rule, expel the populist and his cronies, and bring back democracy. There is a fundamental flaw, however, in their

choice of means for achieving this end. When self-described democrats invoke a state of exceptionalism that authorizes them to govern outside the limits imposed by the rule of law, they perpetuate arbitrariness, weaken institutions and constitutions, feed political instability, and pave the way for the return of the ousted populist ruler or the emergence of a new one.

## **Populist Referendums**

Populists assume that they and only they represent “the people,” while casting their opponents and others they consider to be outside the body of the people as enemies. The people’s voice and the people’s will, they argue, have priority over existing institutions that amount to tools used by the elite to exclude citizens. Referendums let the people speak. Once they have done so, their voice—as interpreted by the charismatic leader—has primacy over institutional arrangements, constitutional procedures, and political norms.

Populist referendums give exceptional powers to the leaders whom the people elect to represent their will. Hence, those living under populism may experience it as a series of extraordinary moments of democratic refoundation. “The people” mobilizes and speaks with one voice by voting on the creation of new constitutions and institutions. Populist moments energize those excluded from or apathetic about politics. Citizens are encouraged to take sides, to be partisan, and to get involved. This is why Margaret Canovan and Ernesto Laclau distinguished between bureaucratic-institutional-normal politics on the one hand and, on the other, those brief and extraordinary political moments when the people take charge of their own destinies.<sup>3</sup>

Critics have pointed to several dangers inherent in such appeals to the will of an undifferentiated people. They argue that these appeals, for the most part, take place under conditions of plebiscitarian and nondeliberative politics. Skeptics further stress that populist appeals exclude all those who do not fit into the leader’s definition of the people, and they contend that this approach can lead to the undermining of democratic institutions and even the advent of competitive authoritarian rule.<sup>4</sup>

The case of Rafael Correa aptly illustrates the authoritarian dangers that can arise when populists appeal to the people to authorize a swift overhaul of institutions. When Correa was first elected in 2006, Ecuador was experiencing a deep crisis of political legitimacy. The presidents elected in 1996, 1998, and 2002 had all failed to serve out their full terms in office. Two of these leaders had faced impeachment processes driven in part by widespread popular opposition to neoliberal economic policies. Correa, a professor of economics, united behind his candidacy segments of the population fed up with the corrupt parties that had implemented these policies. He pledged to “refound” all political institutions to give back power to the people, to put an end to neoliberalism,

to promote social justice, and to adopt an anti-imperialist foreign policy that would end Ecuador's subordination to Washington. This was precisely the course he followed once in office.

Asserting that the will of the people had primacy over the existing constitution, Correa transformed the institutional framework of Ecuadorean democracy. When he departed from the existing constitutional order by initiating the 2007 referendum on a constituent assembly, the National Congress—in which Correa did not have a single representative—threatened to block this legally questionable move. After securing key support from the Supreme Electoral Tribunal (TSE), however, Correa managed to push his project through, and a tussle between the TSE and congressional opponents of the president's plans ended in the expulsion of 57 legislators. The referendum took place in April 2007; an overwhelming 87 percent of ballots cast were in favor of holding an assembly “with full powers to transform the constitutional framework of the state.”

When an election for constituent-assembly delegates was held in September 2007, Correa's Alianza PAIS won the majority of seats. This constituent assembly immediately sent into recess the sitting Congress, which had been voted in during the same election cycle as Correa himself, and assumed legislative prerogatives. The avowed goal of the constitutional drafters was to replace a liberal democracy in crisis with one that would empower citizens. In the event, however, the assembly created a plebiscitary-populist democracy that expanded rights but also concentrated power in the hands of the president, reducing institutional accountability.

One important change mandated by the new constitution—a move perhaps inspired by the constitution adopted under Hugo Chávez in Venezuela—was the creation of a new “transparency and social control branch” meant to incorporate citizens' direct control and participation into the structure of the state. Within this branch, a key institution was the Council of Citizens' Participation and Social Control (CCPSC). This body was tasked with naming the comptroller, the ombudsman, and the attorney general, as well as members of the electoral council, the judiciary council, and other key authorities responsible for horizontal accountability. Candidates for the CCPSC were proposed by the president of the republic and by civil society organizations, with the electoral council selecting the finalists after evaluating their credentials. In practice, Correa's appointees dominated the seven-member body. Instead of ensuring transparency and giving citizens a voice in government, it allowed the president to shore up his control over government agencies and electoral institutions.

## **Democracy Subverted**

In 2011, Correa held another referendum with questions on the ballot that ranged from forbidding owners of media outlets from owning other

businesses to banning bullfights. Most critically, it enabled the president to take control of the justice system by naming an ad hoc Council of the Judiciary that would appoint the members of the nation's highest court. Once he had secured a firm grip on the judiciary, Correa resorted to what Kurt Weyland describes as "discriminatory legalism" to punish critics.<sup>5</sup> Like other radical populist leaders such as Chávez in Venezuela and Bolivia's Evo Morales, Correa introduced statutes that he could wield in conjunction with his control of the justice system to silence critics while maintaining a veneer of legality. Among these measures was legislation that provided for monitoring the activities of civil society organizations and for the closure of NGOs deemed to pursue partisan activities or to disturb the public peace. In 2013, a new communications law created a state institution, Supercom, with the mission of monitoring private media outlets; this body quickly swung into action by, among other moves, levying a heavy fine against the newspaper *El Universo* over a cartoon critical of the government.<sup>6</sup> Other laws were used to criminalize protest, and two-hundred indigenous and peasant leaders were accused of terrorism and sabotage.

Since Ecuador possesses significant oil resources, high global energy prices yielded windfalls for Correa's administration to redistribute during most of his time in office. From 2006 to 2014, the poverty rate fell while the ranks of Ecuador's middle class came to include just over a third of the public. It is therefore no surprise that Correa, who enjoyed popular approval ratings above 50 percent up until 2015, was comfortably reelected in 2009 and 2013.<sup>7</sup> With the February 2013 general election, Correa added an overwhelming 100-seat majority (out of 137 seats) in the unicameral National Assembly created by the 2008 Constitution to his control of the judiciary, the electoral authority, and the institutions of accountability.

By this point, elections took place on a skewed playing field. Correa's government had not only undermined accountability, but also weakened the separation of powers, rigorously restricted the freedoms of information and association, and subverted judicial independence. His populist rhetoric branded as enemies traditional politicians, the handful of businesspeople who openly criticized his administration, private-media owners, journalists, and the leaders of social movements and other civil society organizations. Some, especially those of indigenous and rural backgrounds, were repressed with violence. Journalists and other critics of middle-class origins were, for the most part, spared physical punishment, but they faced harassment and legal intimidation in a context where judges almost always ruled in favor of the executive.

Correa viewed himself as something more than a regular politician elected for a set period of time: The president positioned himself, and his cadre viewed him, as the leader of a revolutionary transformation that was to last several decades. Yet in contrast to an older generation of Latin American revolutionaries, he used ballots rather than bullets, winning ten plebiscitary elections in as many years. (In addition to the three referen-

dums noted above, these included a fourth, held in 2017, that prohibited officials from keeping assets in tax havens.) This meant that Correa was in permanent campaign mode, and he constantly attacked his enemies from the stump. He sustained his charismatic appeal to the public by crisscrossing the country to distribute resources and promise public works.

Following Chávez's example, in 2015 Correa had his allies in the National Assembly change the constitution (which he himself had introduced seven years earlier) to allow for the president's unlimited reelection. Yet the gambit was ill timed: As the 2017 election approached, Correa's popularity was plummeting amid a combination of falling oil prices and protests led by indigenous organizations, public-sector workers, environmentalists, and citizens who rejected his attempt to extend his stay in power indefinitely. Afraid that he might not be able to muster a large enough margin of victory to avoid a runoff, Correa saw to the passage of a transitional law under which he was barred from running in 2017. A placeholder successor, he had calculated, would pave the way for a triumphal return in 2021.

### **A Surprising Postpopulist Succession**

Elite fights and rivalries within Alianza PAIS provoked the transition to postpopulism in Ecuador. Correa made sure that a ticket comprising two of his trusted former vice-presidents (Moreno at the top and Jorge Glas at the bottom) won the presidential race in 2017. Yet Moreno betrayed Correa's populist project and instead entered into dialogue with his predecessor's enemies, with the aim of reinstitutionalizing democracy.

When Moreno took office, Ecuador was politically polarized. Taking advantage of his own position within Alianza PAIS, Moreno sought to bring unity by casting Correa as the common enemy of all Ecuadoreans, the personal embodiment of corruption and autocracy. In addition to the cases against Correa himself, the former president's close collaborators are now under investigation or facing charges of corruption or abuse of power. Moreno's erstwhile vice-president Glas is himself in jail for receiving US\$13.5 million in bribes from the scandal-plagued Brazilian construction firm Odebrecht.<sup>8</sup>

In addition, Moreno's administration used institutions and laws instrumentally to marginalize Correa and his followers, pushing them to the sidelines of the political process. Moreno took over the organizational structure, name, banners, and logo of Alianza PAIS. The electoral council, controlled by Moreno, refused to register Correa's new party *Movimiento Revolución Ciudadana*, whose candidates had to run under the auspices of another party in the 2019 local elections. As of February 2020, Correa's party still had not been granted legal status.

Under Moreno's government, three main options for breaking Correa's political clout were considered. The first possibility was calling for a new

constituent assembly. The second would have involved eliminating the CCPSC. The third, which was the course chosen by Moreno, centered on asking citizens to endorse the creation of a transitional CCPSC.

In February 2018, Moreno won a referendum on amending the constitution. On the ballot were seven proposals on issues that ranged from banning mineral exploitation in urban areas and national parks to forbidding politicians charged with corruption from participation in political affairs. Two results in particular, both affirmed by more than 63 percent of voters, would prove key to Moreno's efforts at unraveling Correa's institutional legacies. First, citizens were asked to reverse the 2015 constitutional reform that allowed for unlimited reelection. The original limit of two presidential terms was reinstated, meaning that Correa would never again ascend to the presidency. Second, voters agreed to disband the CCPSC and to name a transitional CCPSC that would assess the performances of all officials responsible for accountability functions. The reasoning was that the sitting CCPSC had been staffed by arbitrarily selected Correa cronies who covered up corruption cases. For instance, former comptroller Carlos Pólit, whom the Council twice elected, is alleged to have received more than \$10 million in bribes from Odebrecht.<sup>9</sup>

Empowered by the results of the referendum, Moreno selected the members of a transitional CCPSC from among nominees submitted by civil society groups. With Julio César Trujillo, a well-known politician and critic of Correa, at its head, the temporary body took up the challenge of restoring democracy, the rule of law, and judicial independence. In so doing, however, it acted on contradictory logic. The transitional CCPSC produced written mandates with clear rules on how to evaluate officials and to select their replacements, providing a guarantee of due process. Yet the Council simultaneously claimed to operate under exceptional conditions established by a referendum that expressed the will of the people.<sup>10</sup> On this basis, the Council argued it had the authority to act above the law—with the precedent having been set by disbanding the previous Council, an act that contravened established procedures concerning the tenure of CCPSC members.

The interim CCPSC sacked and replaced 28 high-ranking officials appointed by the Correa administration and loyal to the former president. After technical commissions had evaluated the performances of these officials, they had to respond to accusations made by citizens' commissions in open meetings. In some cases, these meetings lent themselves to theatrical antics that put the legitimacy of the process in question. When the members of the Council of the Judiciary were undergoing evaluation, its president Gustavo Jalkh—a former personal secretary to Correa who had also previously headed up Correa's interior and justice ministries—brought a throng of supporters to the hearing. After delivering his speech, he insisted on sitting with these supporters rather than in his assigned place, leading the presiding official (CCPSC president Tru-



jillo) to threaten to call the police. Jalkh and his supporters responded by abandoning the session. Trujillo then claimed that the members of the judicial council had given up their right to defend themselves, and all of them were promptly removed and replaced.<sup>11</sup> Incidents of this sort provided ammunition to critics, who blasted Trujillo's council for sidestepping legal obligations in its haste to expel Correa's allies.

The new CCPSC also overstepped its powers when investigating allegations of high-profile corruption under Correa. Even though the CCPSC had not been given jurisdiction over the Constitutional Court, the Council ordered the removal of the Court's nine judges, several of whom faced money-laundering investigations. According to the *Economist*, Trujillo reasoned that Moreno's February 2018 referendum "gave the council 'extraordinary' powers to remove officials who obeyed Mr. Correa rather than the law."<sup>12</sup> Trujillo named a new slate of judges to the Court, and they repaid the favor by declaring that the actions of the transitional CCPSC would not be subject to reversal by its permanent successor.<sup>13</sup>

One unanticipated result of these maneuvers has been that former president Correa, who often bent the rule of law while in office, has been able to position himself as its champion by challenging the unconstitutional and illegal actions of the transitional CCPSC. He claims that he and his allies are being persecuted by Moreno, whom Correa casts as a pawn of the extreme right. Public opinion, however, favored Trujillo and the transitional CCPSC, particularly due to revelations emerging from its corruption investigations.<sup>14</sup> These showed that more than six-hundred publicly funded infrastructure projects, including work on oil refineries and hydroelectric plants, had yet to be completed. Computers for schools and advanced medical equipment had been purchased but were gathering dust. Thanks to these disclosures, many citizens came to view Correa and his associates as interested more in using public funds to serve their own interests than in working for the benefit of Ecuador's citizens.<sup>15</sup>

## The Destructive Power of Referendums

Since the restoration of democracy in Ecuador in 1979, ten referendums on a variety of topics have taken place, with the outcomes in most cases tied to the popularity of the incumbent president. Of these leaders, Moreno was not the first to use a referendum as an instrument for restoring democracy after populist rule. In 1997, the administration of Fabian Alarcón (1997–98) called on the public to endorse Congress's removal of President Abdalá Bucaram, who after six months in office had been ousted based on allegations of mental instability (no medical evidence was provided). Alarcón—who had been president of Congress prior to Bucaram's removal—was named interim president in defiance of the constitutionally established order of succession, according to which power should have passed to the vice-president. Asked to endorse the ouster as

having a “popular mandate,” 75.8 percent of Ecuadoreans said yes; 68.4 percent further expressed agreement with Congress’s resolution to replace Bucaram with Alarcón, with only 31.6 percent voicing opposition.

Much as Moreno’s government would later do vis-à-vis Correa, Alarcón and his allies, including privately owned media outlets, forged an image of Bucaram as the embodiment of corruption, barbarism, and mob rule. Bucaram moved to Panama to avoid being jailed on corruption charges. He returned briefly in 2005 but had to flee once again, his political clout having largely evaporated. Yet Alarcón, despite his rout of Bucaram, failed to secure popular legitimacy for Ecuador’s political system. Even though a new constitution was drafted in 1998, Bucaram’s removal inaugurated a period of political instability that lasted ten years. Political stability returned, ironically, with the appearance of another populist: Correa.

For political leaders, referendums offer the advantage of enabling rapid change in the direction that these leaders prefer. Yet precisely because referendums enable leaders to work around procedural norms, reforms that flow from such votes may last only as long as the political winds favor their sponsor. Moreno’s institutional changes, though aimed at reestablishing democracy, have not brought stability to a polarized society. He is a weak president, and he nearly lost his hold on power in October 2019 after raising the price of gasoline in order to comply with conditions for an IMF bailout. A coalition of indigenous persons and urban dwellers took to the streets in protest, paralyzing the country for about twelve days; Moreno blamed this on attempted subversion by Correa. The intensity of the protest in Quito forced Moreno to move the government temporarily to the city of Guayaquil, several hundred miles away, and he ultimately declared a state of emergency to put an end to the demonstrations. Ten demonstrators died and hundreds were injured.<sup>16</sup> Moreno was compelled to reverse the hike in gasoline prices. His government is now in an extremely precarious position, and may well find itself lacking the power to implement the economic reforms demanded by the IMF even if it decides to do so.

Moreno also faces challenges that stem directly from his choice of methods for rooting out Correa’s legacies. His instrumentalization of the CCPSC following the 2018 referendum led to a deep institutional crisis when, per a new procedure established by that same referendum, a permanent CCPSC was popularly elected in March 2019. This body promptly began trying to modify and even reverse the decisions of its predecessor. Congress responded by removing the newly elected CCPSC members, and many are now calling to eliminate the Council altogether.

Long-lasting institutional reform cannot depend on the circumventing or the instrumental use of laws. Latin America has seen cycles in which populists and antipopulists alike have selectively used and disregarded laws for political purposes, and the result has been weak institutions and constitutions. Appealing to the unitary will of the people, both

populists and their foes have transformed democratic institutions into tools for excluding and punishing their critics, whom they accuse of corrupting democracy. Contrary to any expectations that the rule of law would return once populist leaders fell, forces on both sides of the political divide have thereby undermined any sense of clear and agreed-upon rules of the game—without which strong constitutional democracies cannot survive. Rather than putting an end to political instability, the use of referendums to authorize extraordinary change produces fragile institutions. The constant changes to the democratic rules of the game led to a drop in trust in the president and in democracy. Whereas about 50 percent of Ecuadoreans expressed trust in Correa in 2016, the figure for Moreno was only 31.2 percent as of 2019. The share saying they were satisfied with how democracy works in Ecuador amounted to 38.7 percent in 2019, compared to a high point of 68.8 percent under Correa in 2014.<sup>17</sup>

### **Populists and Their Rivals**

What distinguishes populists from other politicians in Latin America is their claim to be redeemers of the people and of the nation. Because they think that only they can give voice to the people's will, populists do not recognize limits to their projects of redemption. When the legal system hinders these projects, populists create new laws and constitutions. Populists are hyperpersonalist, often viewing power as their individual possession, and they prefer to not be hemmed in by parties or institutions. Similarly, constraining factors such as the alternation of power, the separation of powers, and a critical public sphere represent a threat to their plans for long-lasting transformative projects. Yet this antidemocratic view of the leader as an unbounded messiah coexists with the democratic conviction that elections are the only legitimate route to office, giving populism in power something of a self-contradictory character.

Both populists and their foes often manufacture enemies. But populists tend to have a wide range of enemies—often including former fellow travelers as well as longtime critics, and sometimes extending to all those the leader sees as outside the unitary body of “the people.” Antipopulists, by contrast, concentrate their fire on populist leaders. They seek to marginalize populists by depicting them as the source of all democracy's ills, and even as tyrants. At times, such rhetoric has been used to justify bans on political participation by populist forces (including Peronism in Argentina and the powerful American Popular Revolutionary Alliance in Peru). Antipopulists have also sought to reengineer political systems so as to replace personalism with a politics based on parties and institutions. The architects of Ecuador's 1979 transition to democracy aimed to overcome populism by creating strong ideological parties. Yet populism returned with the first elections.

In Ecuador after Correa, three paradoxes arose from the ways in which antipopulist politicians sought and failed to reinstitutionalize democracy. First, these politicians acted in a manner very similar to their populist predecessors when they proclaimed that they were enacting the will of a unitary people as expressed in a referendum. It was on this basis that Moreno's transitional CCPSC claimed *carte blanche* to employ exceptional powers in its efforts to remove Correa's cronies, overhaul accountability institutions, and otherwise cleanse the state of populist legacies. Second, Moreno's government used discursive strategies similar to those of its foes when it began arguing that to reinstitutionalize democracy, it had to expel the barbarian autocratic populist—Correa—and his acolytes from the democratic political community. Third, Ecuador's antipopulists relied on a dual logic to legitimize their actions. On the one hand, they appealed to democracy, the division of powers, constitutionalism, and the defense of political rights and freedoms as the framework for their exercise of authority. On the other, like their populist foes, they invoked the idea that exceptional circumstances justified stepping outside the bounds of the rule of law.

Despite these similarities, Ecuador's populists and antipopulists differed in the scope of the exceptionalism that they claimed and in the actor that assumed exceptional authority. Whereas populists invoke a permanent state of exception as the backdrop to their open-ended struggle against enemies within and without, postpopulist exceptionality is more limited in time and scope. For antipopulists, the goal is to get rid of populism and its legacies. While under populism the charismatic and personalist leader embodies the exception, in postpopulist Ecuador it was not Moreno personally, but rather the CCPSC as an institution that assumed responsibility for reconstituting democracy.

Despite their good intentions, Lenín Moreno and his allies damaged the prospects for a restored democracy when, echoing their populist foes, they appealed to the people for permission to assume powers outside the law. They similarly erred by approaching their opponents as enemies, rather than as political rivals with whom one might disagree. In the end, the institutions they created are weak. Even if Moreno is able to complete his term in office after the violent repression of October 2019, his government's institutional changes now bear the stamp of the extralegal methods by which they were achieved. Should the political winds begin to blow in the opposite direction, a new or returning populist leader may soon be able to reverse these reforms—perhaps with the help of a fresh appeal to the will of the people.

## NOTES

1. Saul Newman, *Political Theology: A Critical Introduction* (Cambridge: Polity Press, 2019), 27–28.

2. Paul Blokker, "Populist Constitutionalism," in Carlos de la Torre, ed., *Routledge Handbook of Global Populism* (New York: Routledge, 2019), 113–29.

3. Margaret Canovan, "Trust the People! Populism and the Two Faces of Democracy," *Political Studies* 47 (March 1999): 2–16; Ernesto Laclau, *On Populist Reason* (New York: Verso, 2005).

4. Kurt Weyland, "Latin America's Authoritarian Drift: The Threat from the Populist Left," *Journal of Democracy* 24 (July 2013): 18–32.

5. Weyland, "Threat from the Populist Left," 19.

6. Catherine M. Conaghan, "Surveil and Sanction: The Return of the State and Societal Regulation in Ecuador," *European Review of Latin American and Caribbean Studies* 98 (April 2015): 15.

7. Catherine M. Conaghan, "Delegative Democracy Revisited: Ecuador Under Correa," *Journal of Democracy* 27 (July 2016): 114.

8. Renee Picard, "Odebrecht Case: Ecuador VP Sentenced to Six Years in Prison," OCCRP, 14 December 2017, [www.occrp.org/en/daily/7406-odebrecht-case-ecuador-vp-sentenced-to-six-years-in-prison](http://www.occrp.org/en/daily/7406-odebrecht-case-ecuador-vp-sentenced-to-six-years-in-prison).

9. Kevin G. Hall and Paúl Mena Mena, "He Was Busted for Taking \$10M in Odebrecht Bribes. Now He's Being Sued over the Money," *Miami Herald*, 28 June 2019, [www.miamiherald.com/news/nation-world/world/americas/article232011722.html](http://www.miamiherald.com/news/nation-world/world/americas/article232011722.html).

10. Darwin Enrique Seraquive, Informe final de gestión de la coordinación técnica de transparencia, lucha contra la corrupción y participación ciudadana, March 2018–May 2019, 23, [www.cpccs.gob.ec/wp-content/uploads/2019/05/informe-fin-de-gestion-del-consejo-transitorio-2018-2019-v-3.pdf](http://www.cpccs.gob.ec/wp-content/uploads/2019/05/informe-fin-de-gestion-del-consejo-transitorio-2018-2019-v-3.pdf).

11. "Jalkh y vocales de la Judicatura abandonaron audiencia ante Consejo Transitorio," *El Telégrafo* (Guayaquil), 31 May 2018, [www.eltelegrafo.com.ec/noticias/political/3/gustavo-jalkh-vocales-abandono-audiencia-consejo-participacion-transitorio](http://www.eltelegrafo.com.ec/noticias/political/3/gustavo-jalkh-vocales-abandono-audiencia-consejo-participacion-transitorio).

12. "The Power of the Purge: Julio César Trujillo Is Ecuador's Second-Most Powerful Man," *Economist*, 30 August 2018, [www.economist.com/the-americas/2018/08/30/julio-cesar-trujillo-is-ecuadors-second-most-powerful-man](http://www.economist.com/the-americas/2018/08/30/julio-cesar-trujillo-is-ecuadors-second-most-powerful-man).

13. "Consejo de Participación Ciudadana definitivo no podrá revisar actuaciones del entre transitorio saliente," *El Universo* (Guayaquil), [www.eluniverso.com/noticias/2019/05/09/nota/7321784/sentencia-corte-blinda-acciones-cpccs-saliente](http://www.eluniverso.com/noticias/2019/05/09/nota/7321784/sentencia-corte-blinda-acciones-cpccs-saliente).

14. Pedro Martín Páez Bimos and Adriana Rodríguez Caguana, "El Consejo de Participación Ciudadana y Control Social Transitorio en Ecuador: Entre la legitimidad y la legalidad de sus actuaciones," *Revista Internacional Transparencia e Integridad* no. 8 (September–December 2018), 10.

15. Felipe Burbano de Lara, "Parricidas, leales y traidores: La dramática transición ecuatoriana hacia el poscorréismo," *Ecuador Debate* 102 (December 2017): 17.

16. "10 muertes en el contexto de las protestas registra la Defensoría del Pueblo; ocho personas perdieron un ojo," *El Comercio*, 23 October 2019, [www.elcomercio.com/actualidad/defensoria-pueblo-derechos-humanos-manifestaciones.html](http://www.elcomercio.com/actualidad/defensoria-pueblo-derechos-humanos-manifestaciones.html).

17. J. Daniel Montalvo, *The Political Culture of Democracy in Ecuador*, AmericasBarometer, LAPOP, July 2019, 36, 30, [www.vanderbilt.edu/lapop/ecuador/AB2018-19\\_Ecuador\\_RRR\\_Presentation\\_W\\_09.25.19.pdf](http://www.vanderbilt.edu/lapop/ecuador/AB2018-19_Ecuador_RRR_Presentation_W_09.25.19.pdf).