DRG CENTER LEARNING AGENDA OPENING UP DEMOCRATIC SPACES ORIGINAL RESEARCH: CASE STUDIES

JULY 2023

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DRG LEARNING, EVALUATION, AND RESEARCH ACTIVITY II

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DEDICATION

In memory of USAID's Maryanne Yerkes, an inspirational and compassionate advocate for the values of democracy, human rights, inclusion, and good governance.

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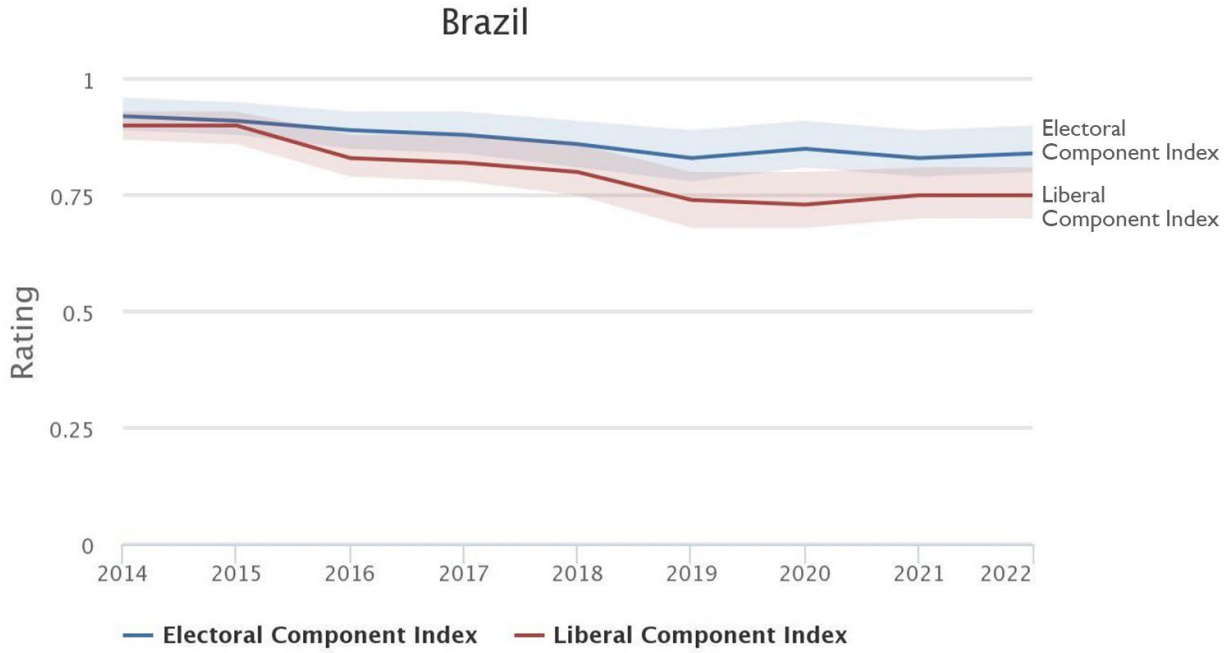
1. BRAZIL

Figure 1. V-Dem Electoral Component Index and Liberal Component Index for Brazil, 2014-2022



In 2011, Brazil's V-Dem liberal democracy score peaked at 0.795 as one of the highest in Latin America. One decade later, however, the score had plummeted to 0,511, a steep erosion. Accounting for the decline is a critical juncture that catalyzed decline: a profound realignment of social and political forces in the wake of economic recession and a corruption scandal that effectively shattered both the formal and informal deals and procedures that had in previous decades undergirded Brazilian democracy. Starting around 2014, democratic backsliding peaked under the watch of Jair Bolsonaro (2018-2022), the first president in Brazil's recent history to overtly challenge democratic institutions (Hunter and Power, 2019). Yet, his offensive has met sustained pushback from a broad societal coalition which successfully managed to deny him reelection. This was resistance by a broad societal coalition to oust a backsliding incumbent. As of writing, it is impossible to know whether the pro-democracy coalition now in government under the administration of Luiz Inácio Lula da Silva will manage to craft a new political equilibrium that is resilient to backsliding in the long term.

This case study tells the story of the strategic interactions between the contending forces that brought Brazilian democracy to where it is today. To do so, the paper proceeds as follows. The first section shows how, starting in 2014, a stable democratic equilibrium built over three consecutive decades came undone. The second section then narrates how grass-root movements fueled an anti-establishment sentiment that opened the door for the first time in Brazilian democracy to overtly undemocratic candidates for office. The section also recounts the successful campaign strategy by congressman Jair Bolsonaro to secure the anti-establishment vote in 2018. The third section tells the story of the early days of the Bolsonaro administration and the incipient pro-democracy coalition that set out to block some of his policies. Then, a fourth section looks at how Bolsonaro in 2020 and 2021 leveraged the COVID-19 pandemic to further his political project and undo some of Brazil's existing democratic

institutions. The fifth section inspects the evolution of the pro-democratic resistance: a coalition between political parties, federal states, and Supreme Court justices that formed around the presidential race of 2022. The sixth section looks at civil-military relations, given the outsized role of the Armed Forces in the process. Section seven looks at international factors, with a focus on the role of the United States in warning Brazilian political actors including the military. Section eight focuses on the transition to the Lula administration in 2023 and the attempts to rebuild a democratic equilibrium in Brazil. The final section looks at patterns of polarization and depolarization in the country during the last several years. The various institutions that worked as sites of resistance to democratic backsliding in Brazil and the dynamics they helped engender are covered in the chronology.

SHATTERING THE DEMOCRATIC EQUILIBRIUM

In 1985, Brazil transitioned to democracy after two decades of authoritarian rule, with hopes that universal suffrage would usher in a new era of programmatic politics. However, despite the introduction of majoritarian elections for Executive office (and a proportional representation system for the Legislature), Brazil's nascent democracy still maintained remnants of the old regime. Authoritarian regime tools, such as vote-buying, clientelism, and patronage, remained in use, allowing powerbrokers from the old regime to retain their influence. Additionally, the rules of the new democratic game created several hurdles for the provision of quality public goods. This is to say that the new electoral system introduced constraints on how much democracy could achieve (Bersch et al 2022; Taylor 2020). The new rules established that presidents would be elected under a majority system but would coexist with members of congress elected in an open-list, proportional representation system, engendering two complementary dynamics. On the one hand, presidents would have to deliver on their campaign promises by relying on broad, heterogeneous coalitions in parliament that had been elected on a different set of programs. In order to govern, presidents would therefore have to dilute the original party promises that helped them get elected in the first place and sustain ideologically heterogeneous coalitions through the provision for coalition members of pork, cabinet positions, and opportunities for corruption in Brazil's large developmental state. On the other hand, electoral rules for members of congress ensured blunt accountability to voters by creating massive electoral districts and setting up a get-out-the-vote system whereby candidates with excess votes could transfer these votes to candidates from other parties within the same registered coalition (Mello and Spektor 2018). Some have argued that redistricting to ensure smaller districts could improve levels of accountability, but no push for reform has in effect succeeded. In practice, this means that Brazilian voters do know who they vote for in congress, but they do not know which candidates they actually elect.

These dynamics emerging from Brazil's institutional design did not, however, undermine political stability. The successive tenures of Fernando Henrique Cardoso (and his center-right coalition) and Luiz Inácio Lula da Silva (and his center-left coalition) in the period between 1995 and 2010 illustrate the trend. For all their differences, the two poles coalesced in the middle and produced a series of results such as low inflation, conditional cash transfers, and minimum wage hikes above the inflation rate—all of which contributed to reducing Brazil's socioeconomic inequality (Hunter 2010). To do this, both Cardoso and Lula built multiparty cabinets to secure a majority in the legislature. But rather than forming watertight, small winning coalitions in parliament, they built oversized coalitions with little ideological coherence. This was an insurance policy against defections and indiscipline, both of which are rampant and usually go unpunished in the Brazilian political system. The mechanisms for coalition-building included the distribution of ministerial posts and various lucrative positions in the state

apparatus, appropriation of government resources to coalition members' home districts (commonly referred to as pork barrel politics), and, as recent investigations have shown, opportunities for political corruption (via bids and tenders for public contracts with large business conglomerates).

As a result, Brazil continued to provide its own citizens low-quality public services in exchange for high levels of taxation. But starting in 2004, a commodity boom made the economy grow for the first time in decades, helping Lula preside over a short but intense period of social inclusion which, through targeted social policies and government activism, lifted millions out of poverty. Unsurprisingly, Lula managed to get elected his anointed successor, Dilma Rousseff, in 2010. By then, however, economic growth began to tank in the wake of the 2008 global financial crisis and citizen dissatisfaction grew with the quality of public services like security, healthcare and education (Mainwaring, 2022; Michener, Amorim & Civitarese, 2023).

A wave of spontaneous popular protests in 2013 took millions to the street as political crisis struck. By 2014, outrage with the political establishment only intensified as an anti-corruption investigation known as Operation Car Wash (*Operação Lava Jato*) unveiled the extent of systemic corruption at the heart of Brazilian politics. The investigation revealed to the Brazilian voter that overpayments on contracts issued by the Brazilian government had been siphoned into a secret slush fund operated by the Executive branch that funneled the money to political parties and well-connected business conglomerates. Billions of dollars in taxpayer money funded election campaigns illegally, while a broader scheme of corruption allowed private interests to purchase political favors in all three branches of government. Brazilian conglomerates and party officials involved in the scheme bribed officials in twelve other countries in Latin America and Africa and stashed their illegal funds in Europe and the United States. The Lava Jato task force also indicted four former presidents, revealing crimes that go back decades and involve just about every major political party in the country (Pavão 2018; Taylor 2020).

The political effects of Lava Jato were manifold (Avritzer 2019; Borges 2021; Limongi 2021; Gonzalez-Ocantos et al, 2023). Lava Jato undermined public confidence not just in the ruling PT but the entire political establishment. As a result, the political system collapsed: president Rousseff was impeached, Lula was sentenced to time in jail and all traditional parties suffered in the polls. The field was ripe for a candidate running on popular anger against a corrupted and ineffective political class, surfing the wave of public discontent (Anderson 2019).

THE BACKSLIDING COALITION

At the root of Bolsonaro's appeal was his anger-driven, anti-establishment message (Amorim and Pimenta, 2020; Pereira 2020; Ribeiro and Borges, 2020). Of all the candidates on offer in 2018, he was the only one to give the electorate clear signals of his commitment to change. He did this by radicalizing his policy proposals. For example, he promised to take Brazil out of the UN Human Rights Council, and appoint a Chicago-trained economist to implement a maximalist neoliberal agenda. To signal his commitment to break with the establishment, he also came out in overt support for the old days of dictatorial rule and publicly defended the use of torture against 'communists' and 'criminals', speaking favorably of extrajudicial killing squads. He promised security forces that under his watch they would be protected from prosecution.

The Bolsonaro campaign also targeted the LGBTQ community and indigenous Brazilians. His comments on women and gender relations fueled culture wars in which he proved to be unsurpassed by any other

professional politician. In a country where support for political parties and democratic norms is very low, Bolsonaro tailored a message that appealed to the few institutions that do command popular respect: family, religion, and the Armed Forces. His campaign also thrived on misinformation, fake news, and hearsay at a time when Brazil's traditional media conglomerates were facing hard economic times and were struggling to adapt to online news. Abuse and violence against journalists became a staple of the Bolsonaro campaign. As observers pointed out at the time, it was obvious that he was borrowing extensively from Donald Trump's playbook.

Crucially, even as the supreme electoral court announced his victory, Bolsonaro took to the podium to question the credibility of the electronic ballot box that had just elected him. He claimed that the system was unreliable, and that he had probably gotten more votes than the final count suggested. This critique against the existing voting system would become a centerpiece of his administration, as he began to argue that unless congress agreed to pass a new law mandating a return to a paper voting system he would push for a postponement of the upcoming election of 2022.

Bolsonaro spent the first year of his administration in 2019 advancing his strategy to upend the political system. The strategy centered on challenging the traditional way of managing Executive-Legislative relations in Brazil's multiparty, minority system. Contrary to his predecessors, who had built their governing coalitions in Congress through the use of traditional pork and barrel plus illicit campaign funds, Bolsonaro set out to do without a broad party coalition. He chose instead to pressurize members of Congress to pass his agenda by appealing directly to the people and pitting them against Congress and the courts if need be. His brand of politics therefore relied on firing up a hard core base of popular support through rage against the establishment. But then, the pandemic struck.

THE SHOCK OF COVID-19

Starting in February 2020 when the first reports of Covid-19 appeared in Brazil, Bolsonaro took the pandemic to be an opportunity to double down on his strategy (Ringe and Rennó, 2023). From the outset, the president denied the seriousness of the virus, campaigned against social distancing measures, was purposefully slow in negotiating vaccine contracts, stalled coordination within the federal government, and moved to block any health crisis action by governors and mayors in Brazil's federal system. Bolsonaro's radical response to Covid-19 consolidated his image as possibly the most extremist leader in office during the pandemic. Bolsonaro began by downplaying the pandemic, calling the disease in March 2020 a *gripezinha* ("a light flu"), stating that those who were physically fit would be immune to the virus, and lamenting that those who were unfit would have little choice but confront their fate. From the very beginning, the president defied the social distancing recommendations issued by the World Health Organization on the argument that they would seriously hurt the economy as a whole, and that they would be very hard to implement in an economy that relies on a largely informal workforce. In August 2020, the president vetoed legislation to make mask wearing mandatory, and went on to state (contra expert opinion) that face masks had no efficacy preventing contagion. Bolsonaro also used his hallmark live sessions on social media to promote controversial treatments such as the use of hydroxychloroquine, in outright defiance of the recommendations of the medical community in Brazil and worldwide. Bolsonaro cultivated his image as a challenger of the scientific consensus by attending pro-government rallies and other official business without a mask. He incentivized his ministers to challenge the pandemic in public, and to take the health crisis as an opportunity to further consolidate

policy change across the board - from sweeping reforms to deregulate the education sector to legislative change to undo the environmental protections of previous administrations.

By leading the charge to weaken compliance with medical recommendations, the president became an obstacle to the activation of an effective pandemic response. He repeatedly challenged the notion that social distancing was an effective tool to curb the number of Covid-19 related deaths. As a result, Brazil never implemented an efficient, nationwide lockdown. Perhaps more dramatic, the president issued a consistent set of anti-compliance cues to discredit scientists and those officials who contradicted him. He denounced the virus as little more than a fantasy fueled by the media to undermine his administration, and he went on to say that Covid-19 posed little danger to Brazilians because they were used to exposure to dangerous diseases and never really caught anything. This placed citizens in an environment of disputed information and mixed messages, and future work will have to determine the degree to which these contradictory cues fueled mistrust in some or all sources of information.

The president also stalled any government action to swiftly and quickly set up an integrated, nationwide response to assist those poorer regions that were bound to suffer the most from lack of access to hospitals, doctors, and sometimes ventilators. Furthermore, the president was slow or outright opposed to federal government negotiations with pharma to secure the purchase of vaccines. All this was particularly tragic as Brazil was well placed to successfully cope with the pandemic: the national health service has nationwide coverage, state capacity to vaccinate the bulk of the population in short notice was firmly in place and had been tested on several occasions, and systems were put in place to facilitate and promote coordination among the relevant ministries and agencies at the federal level on the one hand, and at the local level on the other. In particular poor regions such as the state of Amazonas soon became overwhelmed and unable to cope with the sheer number of patients and deaths. In the process, Bolsonaro sacked three consecutive cabinet ministers for health. Citizens saw their president state time and again that the virus was not serious and that citizens should not follow public health guidelines. Messaging from the president remained consistently and reliably anti-vaccine, anti-social distancing, and anti-science.

When Bolsonaro's approval rates for handling the Covid-19 crisis began to sink in early 2020, the president stepped up the ante and moved to overtly challenge the institutions that tried to act as a check on his office. He started to regularly attend supporter rallies and publicly question the legitimacy of the Supreme Court and Congress. In rallies across the country, supporters called for "military intervention with Bolsonaro". By August 2020, the president seemed to have stabilized approval rates at around 40%, a relatively high figure that left outsiders struggling for an explanation. There are several reasons for this. As the pace of vaccination picked up, the public health system largely managed to cope, avoiding the images of bodies on the streets that many feared. Also, the president benefited from the impact of the government's emergency stipend of BRL 600 per month, which reached the staggering figure of 43% of Brazilian households (or 60 million people). In a country where the median income sits at BRL 2,300 on a monthly basis, this was a significant boost to low income workers suffering with the economic crunch.

The Covid-19 pandemic derailed Bolsonaro's original plans for governing and for managing the economy. As his approval rates shrunk down to some 20-25% by mid-2021, he deployed the old-time tools Brazilian Executives mobilize to secure congressional support and, in this particular case, avert any potential threats of legislative impeachment: making a U-turn on his strategy, Bolsonaro began to dispense vasts amounts of pork and barrel to members of Congress in full knowledge that they too

would face reelection in 2022. Furthermore, sensing the president was not leading the pandemic response, Congress quickly set out to fill the void left by the president. They did so by unfolding new social security policies to help the population cope with the lockdown. This involved leading legislation for new emergency aid to around a third of Brazilian families.

As Bolsonaro bucked public health guidance, state governors too took center stage. It was they who provided the bulk of support for the pandemic response. On some occasions, governors who had supported Bolsonaro during the 2018 election abandoned him to enact public health measures. As governors imposed stringent measures of social distancing, closed non-essential businesses and schools, and canceled large public gatherings, Bolsonaro denounced the measures as an insurrection against the federal government. Governors pressed ahead nonetheless, at some point 26 out of 27 of them met without the president to try to produce some degree of coordination, making them key pillars of the resistance movement. As a result, Brazil featured high variation in the quality and intensity of responses. By the same token, compliance with social distancing norms across the country was heterogeneous.

Bolsonaro did not take pressure from the governors lightly, and called on mayors to roll back their restrictions. He went on to state that the distancing measures adopted by local authorities were a crime, and called on the people to ignore local mandates for lockdown. Perhaps more worryingly, Brazil had no national coordination over the distribution of medical equipment, and states had little choice but to compete over supplies. For governors and mayors this was no small feat, given the fact that they too felt the pressure from the streets to reopen the economy. In fact, several governors lifted restrictions early on, following the president's cue.

Bolsonaro's response to the pandemic also had the unintended consequence of breeding an incipient, broad-based coalition from the center right to the left that stepped up to protest the president's posture and press for change. After all, Brazil amassed over 22.2 million cases and some 617.000 deaths. In the face of the administration posture, Congress and governors united to curb contagion rates and impose medical recommendations. The senate also passed a committee to investigate corruption allegations and other misdemeanors in the government's response to the pandemic, and the president saw his approval rates fall to around 30% of the electorate. The pandemic helped revive Lula's star. Crucially, the Supreme Court opened the door for Lula to run for president in the October 2022 election. Yet, the stabilization of the pandemic in early 2022 and the provision of handouts to poorer families meant the president remained a competitive candidate for reelection.

SUPREME POLITICS

The Supreme Court was the most prominent of institutions to push back against Bolsonaro (Aguiar Aguilar 2023). The trigger for this was the COVID-19 pandemic (Biehl, Prates and Amon, 2021). Justices ruled against the Executive's attempt to concentrate authority over lockdowns on several occasions, and transferred responsibility for social distancing policies to governors and mayors. The Supreme Court in April 2021 mandated the Senate to establish a committee to probe the administration's response to the pandemic, unveiling a series of scandals involving bribes and other misdemeanors. But Justices also took on a major public role in defending the electronic electoral system that Bolsonaro was attacking on a regular basis.

Progressively, justices became key political actors in coping with Bolsonaro's backsliding push (Da Ros and Taylor, 2022; Taylor 2022; Taylor 2014). As the 2022 election approached, they united against Bolsonaro because they see him as a threat not only to democracy, but a threat to themselves. The

president had threatened justices with impeachment and had been calling on his base to defy Supreme Court orders. This backfired for Bolsonaro in multiple ways, as it fueled judicial activism. First, the court began to investigate threats to the court and a "fake news" campaign on social media. The decision by the court to play both the role of investigator and judge of attacks against themselves was seen by many as a conflict of interest, but this did not prevent justices from sentencing a pro-Bolsonaro member of congress to prison. Second, the court froze the bank accounts and conducted search warrants against a group of pro-Bolsonaro business leaders who in private social media conversations made statements that they preferred the return of the military to power over Lula coming back to office. Third, the electoral court (a subset of the Supreme Court) threatened a conservative TV station with financial penalties if its commentators kept making undue statements that Lula was associated with criminal organizations, which critics denied as a curtailing of the free press. Fourth, the electoral court took several decisions to shut down social media profiles spreading fake news during the campaign, hitting the Bolsonaro camp hard. They also stripped the campaign of part of its airtime over allegations that the president's campaign was making undue associations between Lula and organized crime. Fifth, several justices aired their concern in public over the extent to which Bolsonaro represents a threat to democracy.

Court activism has deepened the anger of the conservative base. The idea that there is no level playing field has further expanded the sentiment that "the system is broken". As a result, a significant portion of the Bolsonaro base became convinced even before the election that the election was bound to be stolen - not so much in the sense of outright electoral fraud, but stolen in the wider sense of the word. As a result, conservative forces who support Bolsonaro began to make the argument that Brazil is confronting serious democratic backsliding coming from the Left. To them, the threat to democracy is coming from a political establishment - read the courts and mainstream media - who tilted the scales in favor of Lula, violating freedom of the press and individual due process. This risks deepening the levels of popular distrust in the system, as beliefs have polarized over perceived mutual threats to electoral integrity, fairness, and democracy.

It is also worth highlighting that criticizing the courts as part of a rotten political establishment is a winning electoral strategy. For several years the Supreme Court has been mired in controversy. It sanctioned questionable impeachment proceedings against then sitting president Dilma Rousseff when her popularity dipped, and it supported the Lava Jato probe when its popularity soared (only to reverse tack when the probe's popularity dipped). The court barred Lula from running for president in 2018, but allowed him to run in 2022. Recurring intramural fights among justices are normally aired in public. As a result, the court has been seen as politicized, shifting its positions with the wind.

SECURITY FORCES

It is impossible to account for the rise of Bolsonaro to office without reference to Brazil's alarming levels of citizen insecurity (Pereira 2014). According to most measurements, around a third of the world's most violent cities are in Brazil. Heightened fear of crime cuts across socioeconomic and ideological demographics, and creates a fertile political market for 'law and order' candidates. In 2018, Bolsonaro used this to catapult himself to office and elect a string of mayors, governors, and members of congress that embody the hard-line 'eye for an eye' discourse that, in that contexts, translates into the notion that human rights ought to be subordinated to public safety. This is an area where the left and center-left have failed to provide alternative answers for the electorate, making the topic an easy catch for the Bolsonaro coalition. Once in office, the president came out in support of security forces

even when evidence suggested the widespread invasion of private homes, threats, massacres and torture of victims who are in their majority male, under 30, non-white and residents of *favelas* (slums). The president also publicly advocated for impunity for those security forces who pull the trigger, and in particular a law passed in 2017 which places crimes of intentional homicide and manslaughter of civilians committed by the armed force personnel in 'law and order' operation under the jurisdiction of federal military courts. These courts are made up of one civilian judge and four active-duty military officers, and tend to acquit soldiers accused of homicide on the grounds of self-defense. Human rights activists see these courts as lacking impartiality and independence.

Under Bolsonaro, the armed forces in particular agreed to an increased role in public life (Amorim Neto & Accorsi, 2022). There were 6,157 active-duty and retired officers in the administration, nine of them in the cabinet. This led several military officers to take overtly political stances, in violation of the code of conduct that had prevailed since transition from autocratic rule in the 1980s. The armed forces also secured large budgets for military purchases, increases in salaries above and beyond the rest of the public service, and presidential support for rewriting the history of dictatorial rule (1964-1985) as a positive contribution by the military to protecting Brazil against international communism. All of these factors negatively impacted civilian control of the military in recent years. But the prominent role of the armed forces in Brazilian democracy far precedes the arrival of Bolsonaro in office. For example, through article 142 of the 1988 constitution, which grants the armed forces the responsibility to ensure 'law and order', successive presidents and governors have resorted to deploy the army in policing during major events or at times of crisis (Hunter and Vega 2022).

What is new under Bolsonaro is that he overtly celebrates the country's dictatorial past, speaks in favor of the use of torture that was the hallmark of that time, and packed his administration with military officers. Crucially, Bolsonaro encouraged demonstrators to call for military intervention in politics. Yet, this has not led to the colonization of the government by the military. Within the higher echelons of the force, key commanders have been divided on the issue of how far to exercise tutelage over politics. Those who align themselves more closely with Bolsonaro would like to see all three branches play a more prominent role in government, both through executive appointments and through self-identified candidates for legislative office coming from the security forces. Those who oppose the trend for fearing that this will politicize the armed forces and threaten existing hierarchies within the troops, have argued that rather than take on a prominent role in governing Brazil (and therefore pay the political cost when things go wrong), the military corporation would be better off playing the role they were playing before the arrival of Bolsonaro in office: act as a powerful, unaccountable interest group capable of securing benefits for their own irrespective of what civilian coalition is in office. At least up to now, it is the latter group that has retained the upper hand.

THE ROLE OF THE UNITED STATES

The United States played a constructive role in reinforcing the coalition supporting democratic principles amid potential backsliding. This was evident when Bolsonaro expressed doubt about the reliability of the country's electronic voting system, mirroring the challenge posed to the American electoral system by former President Donald Trump. In response, the Biden administration took proactive measures by instructing its embassy in Brasília to release a series of statements affirming the transparency and dependability of Brazilian elections. Furthermore, high-ranking officials from the United States, including Bill Burns of the CIA and Jake Sullivan of the National Security Council, were dispatched to Brasília to directly communicate to Bolsonaro and his inner circle that any interference in the electoral process would face swift condemnation from the United States.

These diplomatic visits not only conveyed the message to the president and his advisors but also generated extensive public discussion and media coverage, leading pundits and journalists to speculate on the potential international isolation Bolsonaro would face if he attempted to undermine democracy through a coup. The significance of this clear signal from Washington was amplified by the improving military cooperation between Brazil and the United States. The mere prospect that the United States might refuse to acknowledge an unconstitutional power grab, thereby jeopardizing the cooperation that had become crucial for the Brazilian armed forces, was enough to prompt senior military officials to publicly oppose any potential disruption of the electoral process. Notably, even Bolsonaro's Vice President, himself an army general, distanced himself from any coup discussions, fearing that such actions would result in the United States turning its back on the ensuing administration. Through the implicit threat of diplomatic consequences and military cooperation implications, the Biden administration effectively deterred any attempt by Bolsonaro to undermine the electoral process and consolidate power undemocratically.

The European Union too demonstrated an unusual and positive engagement in bolstering the pro-democratic coalition against backsliding through diplomatic statements and high-level visits. This assertive reverberated throughout the public sphere, emphasizing the international community's commitment to democratic norms and discouraging similar actions in other contexts.

CRAFTING A NEW EQUILIBRIUM?

In October 2022 Brazilians elected a new president, a new lower chamber and a third of the senate, and new governors for all of its 27 federal states. These were clean, highly competitive elections. Lula of the Workers Party unseated President Bolsonaro with a tiny two percent advantage. The Bolsonaro coalition lost the presidency, but elected the largest number of legislators and secured half the governorships for his allies. Brazil emerged from the election a house divided alongside regional and class markers, between the wealthier South and Southeast (which went for Bolsonaro) and a poorer North and Northeast (that went for Lula).

For the progressive wing of the country’s political spectrum this election was about resisting democratic backsliding under Bolsonaro. Many worried that if the president were to repeat the political playbook that Trump used in the 2020 presidential elections, Brazil would suffer far more than the United States, given its relatively weaker democratic institutions and the high-level support Bolsonaro enjoyed among mid-level officers in the armed forces. As a result, Lula’s campaign was all about building a pro-democracy coalition. Politically, Lula set out to build a broad-church coalition, bringing on board rivals

and cobbling together a common front that is ideologically quite heterogeneous, but that wants to preserve democracy and democratic institutions. More specifically, Lula drew in former rival Geraldo Alckmin of the center-Right as his VP on the ticket, signaling to several other parties that he would be willing to coordinate campaign messages and then the new administration with a program going far beyond the traditional Left and center-Left. There were promises of power-sharing in the model of coalitional governance that has been the hallmark of the Brazilian system. Lula also coordinated with a broad range of parties to throw his support for candidates for legislative and gubernatorial elections with a view to oppose pro-Bolsonaro candidates. This strategy worked in several states, although, in others, the various anti-Bolsonaro candidates ended up competing against each other, one of the reasons why around half of the governorships ended up in the hands of candidates who are sympathetic to Bolsonaro.

Socially, Lula reached out to groups falling well beyond his own camp, including financial markets and the very fast expanding Evangelical denominations (Smith 2023). In order to do so, Lula had to come for them, moderating his programmatic promises and signaling his commitment to staple conservative agenda items such as a promise not to introduce an abortion law, a promise to maintain laws ensuring churches pay no taxes, etc. In return, civil society organizations publicly endorsed him and helped mobilize voters. Social media personalities in their turn came out in support of Lula by launching major initiatives for young voter registration (although voting in Brazil is mandatory for those above the age of 18, voters in the 16-18 years-of-age bracket is optional). But the outlook is challenging for pro-democracy forces in Brazil, given tight fiscal constraints over public spending, high inflation, meager economic growth, deep distrust of the political establishment, and anger over the quality of public services. In a country where the taxation burden is already at 34%, there is little room for more spending based on higher taxes. The alternative pathway of increasing spending through the issuing of debt threatens inflation, which has in the past proven to hurt political leaders badly.

The Bolsonaro campaign focused on battling the courts, the mainstream media, and questioning the efficacy of the country's electronic voting system, speaking and acting as if he was a political outsider. The president and his advisors built their campaign around these democracy-threatening ideas precisely because they believe large swathes of the electorate respond well to attacks against mainstream institutions. The anti-system sentiment in Brazil did not look good before the pandemic and it has only deepened since. Bolsonaro and the political phenomenon he represents may have lost the election but they almost won it, made major inroads into Congress and state governorships, and is here to stay. This is because the feeling that the 'system is broken' is not going to go away. The real danger in Brazil and in much of Latin America is the deep levels of distrust that voters have in the political establishment. Bolsonaro tapped into a large conservative base of voters, but one that has lost trust in the political system. He should not be discarded as a potential candidate for president in 2026.

POLARIZATION AND DEPOLARIZATION

The 2018 election of Jair Bolsonaro resulted in a significant increase in mass affective polarization, which measures the extent of dislike between people on opposite sides of the political spectrum. This was not the beginning of polarization in the country, though. Brazilian society saw a surge in affective polarization in the context of social protests erupting in 2013 and then again in the run up to the impeachment of president Dilma Rousseff in 2016. Many observers believe this to be one of the driving causes of the democratic backsliding that ensued. Despite the political turmoil, however, Brazil has experienced relatively low levels of ideological and partisan polarization. Traditional left-right divisions do not

strongly divide the general public or representatives in Congress and their respective parties. Rather than partisan polarization, it is the growing anti-establishment sentiment that has primarily fueled Brazil's recent political upheaval. Evidence suggests that citizens harbor significant frustration towards the ruling class. The election of Jair Bolsonaro highlighted not so much a demand for extreme Right-wing programmatic politics but the widespread appeal of anti-establishment rhetoric.

As it has been argued elsewhere, four sets of Brazilian political institutions—multiparty presidentialism, electoral rules, clientelism, and the weakness of oversight institutions—have tempered partisan polarization (Mignozzetti and Spektor 2019). These institutions have inhibited democratic accountability and reduced the importance of ideology and party programs, thereby limiting elements that typically fuel political polarization. But they have also fostered collusion and corruption among the traditional parties, fueling widespread popular disillusionment with the status quo. Frustration with this system led many Brazilians in 2018 to support a populist candidate who promised to overturn the existing system. In 2022, frustration with Bolsonaro's poor economic and pandemic performance helped Lula win the election by the smallest of margins. There is little evidence to date to suggest that a middle-ground position or renewed center might be emerging in Brazil today. At least as of writing, affective polarization seems to be firmly in place. It is hard to imagine where depolarizing trends might gain sufficient traction to produce significant change.

This means that in terms of polarization, the major danger for democracy in the country remains the risk of popular disillusionment with the political status quo. As long as this is the case, a high number of Brazilians will remain indifferent as to whether democracy or authoritarianism is preferable. Mistrust of a wide range of social and political institutions will continue to be a major magnet for populist candidates which, be them Right or Left, will find it politically profitable to advance the argument that the best way to unlock the country's potential is to burn existing institutions to the ground

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2. ECUADOR

Figure 2. V-Dem Liberal Component Index and Electoral Component Index for Ecuador, 2002-2022

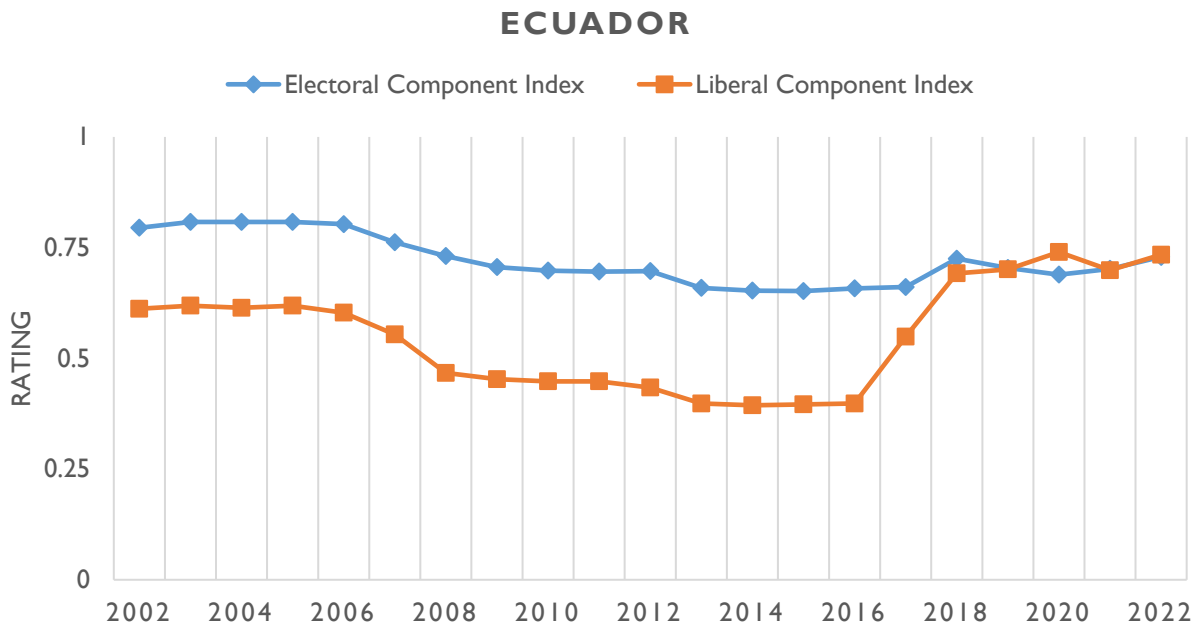
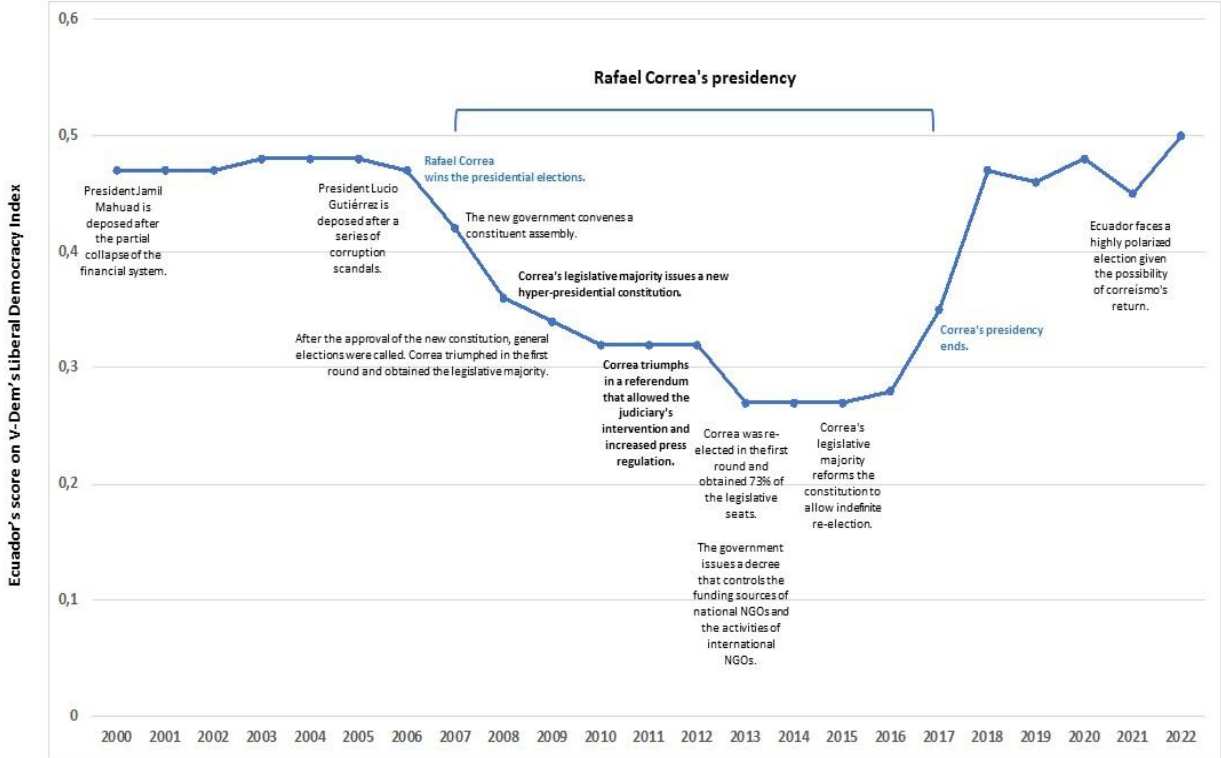


Figure 3. Timeline of Critical Junctures in Democratic Backsliding in Ecuador (Mapped Against V-Dem's Liberal Democracy Index Score), 2000-2022



In recent decades, Ecuadorian democracy has faced several challenges that have posed difficulties for its consolidation. Between 1997 and 2005, the country experienced the successive overthrow of all presidents elected by popular vote (Abdalá Bucaram in 1997, Jamil Mahuad in 2000 and Lucio Gutiérrez in 2005), resulting in a period of great political instability and high citizen disenchantment with politics. Mahuad's fall resulted from the implosion of a traumatic financial crisis that led to the dollarization of the Ecuadorian economy. Gutiérrez's fall, on the other hand, marked the collapse of the Ecuadorian party system, which in the social imaginary became a tool for the sole benefit of the elites. This scenario provided fertile ground for the rise of Rafael Correa, an outsider who advocated the transformation of the Ecuadorian political system through a "Citizens' Revolution," a project that managed to capitalize on massive popular support based on the establishment vs. citizens social cleavage. Correa would be elected president for the first time in 2006, and his mandate would last a total of ten years (2007 - 2017). During this period, the country experienced a progressive dismantling of its liberal democratic institutions, which facilitated the installation of a regime that could be classified as a "competitive authoritarianism" (Levitsky and Way 2010).

Subsequently, in 2017, the election of Lenín Moreno meant a breaking point from the authoritarian regime of Correa, as the country returned to an environment of greater liberalization of the public debate, respect for the rights of political participation, and even political and societal depolarization (refer to Appendix I - V-Dem Graphs and Tables). However, despite these achievements, Ecuador is a living example that -although autocratization processes can be stopped (or even reversed)- democratic consolidation remains one of the great unfinished tasks for many developing nations (Lührmann et al. 2020).

While having partially recovered from the backsliding processes that affected it in the 2000s and 2010s, it would be difficult to affirm Ecuadorian democracy today is in good shape. Ecuadorian democracy has repeatedly been qualified as a "delegative democracy" (Conaghan 2016; O'Donnell 1994), a type of regime where "there is no sign either of any imminent threat of an authoritarian regression, or of advances toward representative democracy" (O'Donnell 1994, 56). The Ecuadorian political system would seem to be stuck in the "democratic stagnation" that appears to be affecting many countries in the Latin American region (Mainwaring and Pérez-Liñán 2023). Today, it seems safe to argue that the Ecuadorian political culture still closely resembles a delegative democratic system, in the sense that its citizens are willing to allow the discretionary rule of the executive in exchange for results that guarantee basic levels of material well-being (Pazmiño and Moncagatta 2021).

WHICH INSTITUTIONS PLACE CONSTRAINTS ON AUTOCRATIZING OR BACKSLIDING LEADERS AT NATIONAL AND SUBNATIONAL LEVELS OF ANALYSIS? HOW DO THEY DO THIS? HAVE OTHER INSTITUTIONS FAILED TO PLACE CONSTRAINTS ON AUTOCRATIZERS, OR EVEN ENABLED AUTOCRATIZATION PROCESSES?

During the ten-year term of Rafael Correa (2007 - 2017), the institutional conditions established as part of the political project of the so-called "Citizens' Revolution" practically annulled any possibility of a real counterbalance to the hegemonic ambitions of the project. Our argument postulates that there are two main critical junctures that can be identified in the process of institutional debilitation during the Correa period. First, is the creation of the "Council of Citizen Participation and Social Control", as a result of the new constitution approved in 2008. Second, is the Popular Consultation of 2011, which was designed to reform the justice system. The combination of both constituted the cause of the quasi-disappearance of institutional counterweights during Correa's regime. The aforementioned is reflected

in the evolution of V-Dem's liberal component index score, which went from 0.44 in 2007 to 0.16 in 2016. Today, six years after Correa's departure from power, this component is at a score of 0.78. In the following paragraphs we describe both of these junctures in more detail.

After assuming power in 2007, one of Rafael Correa's first measures was the call for a referendum, in which citizens were consulted regarding the installation of a Constituent Assembly. Since Correa did not have a bloc in Congress at the beginning of his term, the opposition-controlled legislature initially blocked his call for a constituent assembly. However, through questionable political lobbying, he convinced the country's highest electoral body to dismiss the legislators who opposed the creation of the constituent assembly. The Supreme Electoral Tribunal, citing a law that allows for the dismissal of authorities that interfere with the development of any electoral process, swore in the replacement deputies from the opposition parties (Diario El Universo 2007). To Correa's advantage, many of the new legislators signed on to the draft of the new constitution after demonstrating the mechanisms the new government was willing to use to implement its agenda. Once the Constituent Assembly took office after being approved in a popular consultation, the National Congress ceased to function and the new body assumed legislative power in addition to the task of drafting a new constitutional text.

This action represented the initial pillar of the "Citizens' Revolution" political project, as during the electoral campaign, Correa had promised voters the re-foundation of the country based on the issuance of a new constitutional text. As expected, the initiative was widely approved with 81.72% of the votes, due to the profound effect of Correa's anti-system rhetoric on Ecuadorian citizens, who had grown increasingly dissatisfied with the "traditional" political figures and institutions that had let them down in recent years.

Among the novelties of the constitution drafted in 2008, the creation of two new branches of the state stood out: the Electoral branch and the Transparency and Social Control branch (mainly represented by the "Council of Citizen Participation and Social Control"). The function of Transparency and Social Control was born with the normative objective of promoting citizen participation and "returning" the powers of oversight and selection of control authorities to the people. These functions, which were previously in the hands of the legislative power, were transferred to the Citizen Participation Council. The argument for this reform was the need to ensure the depoliticization of the vertical accountability processes, and to avoid political loyalties of the control authorities.

With the approval of the new constitution in 2008 with 63.93% of citizen support, the creation of the Citizen Participation Council was consolidated. Although in theory this body was going to represent the "voice of the people" in making critical public decisions, in practice, it was made up of only seven people who lacked legitimacy and representation, but who attributed themselves to be the expression of the popular will (Pachano 2021). During the rest of Correa's term (until 2017), all members of the Citizen Participation Council were aligned with the political line of Movimiento Alianza País (Correa's party). Although their selection was made through a merit contest organized by the state's Electoral Function, there was obvious inbreeding, since the Citizen Participation Council handpicked the authorities of the Electoral Function.

At that time, few people realized the scope of state reengineering that Correa's project sought to advance. Although certain voices warned of the dangers of hyper-presidentialism due to the new and broad powers attributed to the executive branch, it was difficult to predict the future of the Citizen Participation Council. This new institution turned out to be crucial for Correa's regime, as it allowed for

concentration of powers in the executive branch, especially because of its faculties of selecting the State's control authorities (General Attorney, Comptroller, Ombudsman, Prosecutor, among others).

Among the agency's actions, there were selection processes that -at least- can be classified as suspicious. Among these, the appointment of Galo Chiriboga (former Minister of Energy, Ambassador, and in-law of Correa) as Attorney General stands out, as well as the appointment of Gustavo Jalkh (former Minister of Justice and Minister of Government of Correa) as President of the Council of the Judiciary. Another suspicious case is that of the former State Comptroller General, Carlos Pólit, who won three consecutive contests with almost perfect scores and remained in office throughout the whole Correa government, and is now under investigation in the United States for corruption accusations related to the Odebrecht scheme.

The second episode that explains the lack of counterweights towards Correa's political project, as well as towards his authoritarian practices, goes back to 2011, the year in which the former president promoted a new Popular Consultation. The referendum included a range of questions related to security issues, gambling, regulation of the media, as well as reforms to the judicial system. However, it was this last topic that interested the Executive the most, since the central objective of the consultation was to obtain a *carte blanche* that would allow a "tailor-made" reform of the judicial system (Freidenberg 2012). Of the ten questions included in the consultation, two were enough to access a legal mechanism that allowed the government to renew the members of the Council of the Judiciary and the National Court of Justice. In the case of the Council of the Judiciary, the body in charge of restructuring the justice system, a commission of three delegates from the Executive, the Legislative, and the function of Transparency and Social Control was formed. By then, Correa had already controlled the aforementioned functions of the State without any problem. After the process of renewal of the judicial system took place, all the legal disputes in which Correa and his cabinet members were involved were favorable to them until 2017 (when he finished his last term).

Regarding subnational institutions, although there were critical municipal administrations such as those of Quito and Guayaquil that at the time were presided by opponents of the regime, they could only raise their voices in the face of Correa's authoritarian actions. In practice, they lacked the strength and resources to face the process of autocratization that was launched under the so-called Citizens' Revolution.

Subsequently, in 2018, the new president Lenín Moreno organized a new Popular Consultation to reshape the Ecuadorian State and restore the independence of functions to the different bodies and institutions of control and justice. The largest corruption scandals became public only after these reforms, which were carried out by installing a temporary Citizen Participation Council, which replaced the control authorities appointed during Correa's government.

UNDER WHAT CONDITIONS IS ELECTORAL RESISTANCE MORE OR LESS EFFECTIVE? AND WHAT ARE EFFECTIVE STRATEGIES OF ELECTORAL RESISTANCE (BY WHOM)? PARTICULAR FOCUS SHOULD BE PLACED ON OPPOSITION STRATEGIES - HOW OPPOSITION PARTIES (WHETHER IN PARTY COALITIONS OR INDEPENDENTLY, AND/OR WITH SOCIAL FORCES AND ORGANIZATIONS), ARE ABLE TO RESIST DEMOCRATIC EROSION OR NOT.

During Correa's government period, the opposition participated in a clearly inclined field in the electoral sphere since the political project of the Citizen Revolution controlled all of the state machinery to

maintain what Conaghan and De La Torre (2008) have described as a permanent political campaign. Using the argument of keeping the public informed, the Government's Communications Secretariat publicized the presidential work agenda extensively, as well as the most outstanding activities of the members of his cabinet. To this aspect, we must add the national TV and radio chain broadcastings, better known as *"sabatinas"*, in which, very much in the style of Hugo Chávez's "Aló Presidente" programs, Correa transmitted a message to the nation from different parts of the country every Saturday. These interventions had a curious "techno-populist" character (De la Torre 2013), as they consisted of a mixture of a magisterial lecture where the president (former professor of economics) explained to the nation the achievements of his administration while at the same time, he took the opportunity to discredit and mock his opponents, using a populist-polarizing rhetoric.

From the 2009 general elections onwards (until the end of his administration in 2017), Correa had a legislative majority that significantly reduced the political capacity of opposing political parties and movements. This was largely because Correa's understanding of democracy was limited fundamentally to the electoral field (several times he repeated "if they want to govern, first they have to win elections" - mainly referring to social and indigenous movements), a fact that ended up turning the national elections into a zero-sum game. Despite this, in the 2013 and 2017 electoral contests, opposition parties and movements did not stop participating, unlike in Venezuela, where opposition parties decided to stop participating in elections altogether.

From the left, parties and movements linked to indigenous organizations, trade unions, and social democrats ran in both elections in coalition backing the candidacies of Alberto Acosta in 2013 (heterodox economist and former ally of Correa) and Paco Moncayo (retired military and former mayor of Quito) in 2017. However, they did not obtain good electoral results, reaching only 3.26% and 6.71% of the votes respectively. Their electoral failures could be attributed to the fact that the Alianza País political project already occupied the ideological space on the electoral board they were aiming for, and although they differed from the Citizens' Revolution in their conceptions of democracy and social values, these issues were not so relevant to the electorate.

Regarding the political offer of the right, although their electoral performances were better than those of the left-wing in 2013 and 2017 (partly because ideologically, they represented the natural contradiction to *correísmo*), the political forces of this tendency demonstrated a greater difficulty for the articulation of alliances. Speaking specifically of 2017, the candidates who arrived in second (Guillermo Lasso of the CREO Movement) and third place (Cynthia Viteri of the Social Christian Party) ran independently after the failure of several alliance initiatives. The summed vote for both in the first round totaled 44.41% (28.09% for Lasso and 16.32% for Viteri) compared to that of Lenín Moreno (the Alianza País candidate), who obtained 39.36% (Consejo Nacional Electoral 2018). In the *ballotage*, the cooperation between CREO and the Social Christian Party was not very visible.

It is worth mentioning that allegations of fraud were present in the *ballotage* of the 2017 general elections. Guillermo Lasso, the candidate who wound up losing the election that year, resorted to international organizations such as the Organization of American States to denounce irregularities present in the electoral process, which, according to him, led to Lenín Moreno's victory (Constante 2017a). After several days of protests in the streets in front of the National Electoral Council, Lasso gave up on his complaints due to a lack of evidence, and Moreno was ratified as the newly elected president (Constante 2017b).

Local elections at the sub-national level may give a clue to the strategies that opposition parties and movements had to resort to in order to subsist in front of the hegemonic political project of the Citizens' Revolution. In 2014 Alianza País suffered a major electoral setback, as its candidates were defeated in the three main cities of the country: Quito, Guayaquil, and Cuenca. In the case of Quito, the country's capital, the defeat was much more significant since the *correísta* candidate was the incumbent mayor seeking re-election. In Cuenca, the acting mayor, also a member of Alianza País, was not re-elected as well. In the case of Guayaquil, the Social Christian Party (center right) had no major problems retaining power since its strategy for several years had focused on concentrating its electoral efforts in that city. These victories, although mainly symbolic since they did not reverse or stop the Correa regime's authoritarian or unilateral practices, contributed to demystifying the public perception that Alianza País was undefeatable in elections.

Due to the aforementioned, it can be argued that the only effective electoral strategy for the opposition to face the predominance of the Citizens' Revolution was fair competition in local elections. Apparently, at those levels of competition, the paternalistic figure of Correa and the results of the public policy of the national government were not enough to convince the local electorates that a predominance of *correísmo* at all levels of government would be the most appropriate option.

According to the V-Dem project (see Appendix 1), since the general elections of 2017, the electoral processes' integrity in Ecuador has improved. The scores the country obtained in the "electoral democracy index" during Correa's mandate were significantly lower than today's. But the scores have not bounced back to their pre-Correa levels. Although there has been some recovery, electoral democracy in Ecuador is still not as strong as it used to be in the early 2000s.

WHAT PATTERNS OF CIVIL SOCIETY RESISTANCE ARE EFFECTIVE AT ARRESTING OR REVERSING DEMOCRATIC BACKSLIDING?

Before the rise of Rafael Correa, Ecuador was considered an example of a country characterized by a robust civil society with a great capacity for mobilization, within a weakly institutionalized political system and with significant structural socioeconomic deficiencies. Not surprisingly, Ecuadorian citizens deposed the three presidents they elected by popular vote between 1996 and 2002. In addition, the force with which the indigenous movement emerged in the early 1990s made Ecuador one of the symbolic case studies in the research agenda on collective action in Latin America.

With the arrival of Correa to power in 2007, the indigenous movement, like other groups of civil society, was progressively aggrieved and dismantled by the Executive branch, which resulted in them losing their capacity to influence the national political agenda. From Correa's perspective, the Citizens' Revolution project had a moral obligation to inhibit the particularistic interests of sectors such as business associations, the Church, indigenous organizations, and unions. Although these sectors did establish themselves as important veto players since Ecuador returned to democracy in 1979, it is likely that Correa's main incentive to dismantle these groups was to avoid a fate similar to that of his democratically elected predecessors (i.e., being deposed).

In the case of indigenous organizations, perhaps their most effective strategy in dealing with the authoritarian attacks of the Correa regime was to defend widely supported causes, specifically the fight against extractivism. By championing such a popular cause -which certainly went beyond the ethnic interests of the indigenous movement- the discrediting speeches they received from Correa

strengthened them in the face of national and international public opinion. Thus, by adopting causes such as the fight against large-scale mining, President Correa's accusations that sought to position indigenous organizations as corporatist, quasi-representative groups with monopolistic interests (De la Torre 2012) were no longer sustained. Instead, Correa's image was harmed in that struggle since he represented a government that self-identified with progressivism but persecuted environmental defenders (for the most part, ethnic minorities).

One other strategy that demonstrated partial effectiveness but represented a significant moment of self-convening and spontaneous cooperation between different sectors of civil society were the demonstrations against indefinite re-election that took place in 2015. In this case, various sectors of heterogeneous nature converged in the streets to denounce Correa's anti-democratic claims to indefinitely extend the political project of the Citizen Revolution (Vera Rojas and Llanos Escobar 2016). Although the Constitutional Court (at that time close to the Correa regime) finally did approve the constitutional reform that enabled indefinite re-election, the pressure in the streets seems to have been one of the aspects that stopped Correa from his intention to appear on the ballot in 2017.

Since the end of Correa's mandate, there has been an important revitalization of the indigenous movements in Ecuador. The popular uprising of October 2019 -a response to a presidential decree proposed by president Lenín Moreno that aimed at reducing fuel subsidies- served as an opportunity for the reorganization of CONAIE, the principal national indigenous confederation of Ecuador, which had been severely weakened during the Correa regime. Today, the indigenous movement stands out as the strongest -and most organized- social movement in Ecuadorian society. Its political branch, Pachakutik, came in third place in the 2021 general elections with its candidate Yaku Pérez, almost making it to the *ballotage* with close to 20% of the popular vote. In another important popular uprising that took place in June 2022, CONAIE again showed its power, forcing the Executive to back down from several decrees that had already been passed (again, mostly related to fuel subsidies). The paradoxical issue with the indigenous movements in Ecuador is that, while being an important force that can act as a civil form of resistance to democratic backsliding, its president and main leader Leonidas Iza is a promoter of "indoamerican communism", a Marxist current of political thinking that follows the ideas of Peruvian philosopher José Carlos Mariátegui. In this sense, CONAIE's political methods -at least in the comprehension of Leonidas Iza- go against the traditional ways of liberal representative democracy.

HOW DOES THE REGIME TYPE (E.G. ELECTORAL DEMOCRACY, ELECTORAL AUTOCRACY) SHAPE THE NATURE AND OPPORTUNITIES FOR DEMOCRATIC OPPOSITION STRATEGIES?

Regarding the type of regime consolidated under Rafael Correa's administration, the diagnoses of many scholars who have studied the quality of democracy in Ecuador coincide in that the mechanisms used for the development of the Citizens' Revolution project were authoritarian in nature. For example, Montúfar (2020) postulates that Correa installed a regime that meets the criteria of an "electoral authoritarianism" (Schedler 2006): a system essentially based on limitations to pluralism, demobilization, and disrespect for social autonomy. Similarly, Moscoso and Villavicencio (2019) and Basabe-Serrano and Martínez (2014) agree in classifying the Correa regime as a competitive authoritarianism. All these authors consider that the Correa regime did not comply with sufficient guarantees for having free elections, broad protection of civil rights and liberties, or a level playing field for all actors (Levitsky and Way 2010). In other words, although there was electoral competition, it was unfair. This diagnosis is reflected in the V-Dem electoral democracy index score, which stood at 0.71 in 2006 (just before the

Correa era), and reached its lowest points in 2014 and 2016 at 0.54. Immediately after Correa left power, this score bounced up to 0.68 in 2018.

A first example that reflects the "sloping court" under which the opposition participated has to do with the electoral reforms approved for the allocation of provincial seats in the National Assembly. In 2011, the legislative bloc of Alianza País passed a series of reforms to the electoral law by direct will of the Executive, which, among other things, replaced the application of the Webster method (which is more proportional in the allocation of seats) by the D'Hondt method (which benefits the representation of the parties with the most votes at the expense of the representation of those that obtained the least votes)[6]. Thanks to the legislative majority of the Alianza País bloc, the amendment was approved in February 2012. However, although the general elections were scheduled for January 2013, the reform would -in principle- only take effect starting in the elections of 2017. At that time, a series of legal provisions established that reforms to this type of laws would begin to be applied one year after being approved (in this case, February 2013). Despite this, the directors of the National Electoral Council (the country's main electoral body) decided to delay the elections for a month so that the reform could be applied immediately. At that time, Correa's popularity was at its peak, and the members of the National Electoral Council were supporters of the regime. After this rescheduling of dates, the opposition's complaints were ignored, and a massive parliamentary bloc accompanied Correa's victory in a single round. In a way never seen before in Ecuadorian democratic history, the president's bloc obtained 100 of the 137 total seats in the National Assembly: an increase of 41 assembly members in the government bench. This meant that thanks to the one-month delay in the elections for the D'Hondt method to come into force, Alianza País obtained 74.14% of the provincial seats with only 52.30% of the votes for those dignities (Moscoso Moreno and Villavicencio Mancero 2019).

In addition to the aforementioned electoral reform and the permanent campaign that the Correa government carried out taking advantage of access to public resources (Conaghan and de la Torre 2008), it is important to pay attention to what political scientist Simón Pachano has deemed a "manipulated democracy" (2021). This last concept specifically refers to the conformation of the National Electoral Council during the Correa regime, since, as the previous example demonstrated, the directives of this council were always aligned to Alianza País's political project. The reasons that allow us to presume that the three presidents of the National Electoral Council during the Citizens' Revolution were not independent will be briefly discussed below.

After the issuance of the new constitution in 2008, the National Electoral Council was born as an institution. Its first president between 2008 and 2011 was Omar Simon, who in 2014 was appointed as Correa's private secretary in the presidency. Subsequently, Domingo Paredes (former Secretary of the Water Resources portfolio) was appointed head of the organization between 2011 and 2015; after leaving the institution, he publicly announced his adhesion to Alianza País in 2016. Finally, Juan Pablo Pozo assumed the presidency of the council between 2015 and 2017. After the proclamation of the results of the 2017 presidential election that resulted in the victory of Lenín Moreno, Pozo was publicly decorated by Correa with the *'Orden Nacional al Mérito en Grado de Gran Cruz'* for his "total dedication

[6] In addition to these reforms to the proportional representation system for allocating seats in the legislature, it is also worth mentioning that the electoral reforms introduced in the 2008 constitution ensured certain prerogatives in favor of Correa. Under the previous 1998 constitution, the presidential candidate who received more than 50% of the vote in the first round was declared the winner without participating in a second round. The 2008 Constitution, drafted and approved by a Correa majority, changed the threshold of votes needed to win in the first round. From then on, candidates who received at least 40% of the votes and a 10% difference from the second round would be declared the winner without the need for a runoff. In this way, Correa virtually guaranteed his re-election, given that his approval ratings were above 40% throughout his term.

to the Nation's service" during the electoral process (Noboa 2017). Although this last fact does not prove any favor, at the time it raised suspicions about the independence of the functions of the State, especially in the light of the allegations of fraud present in the process.

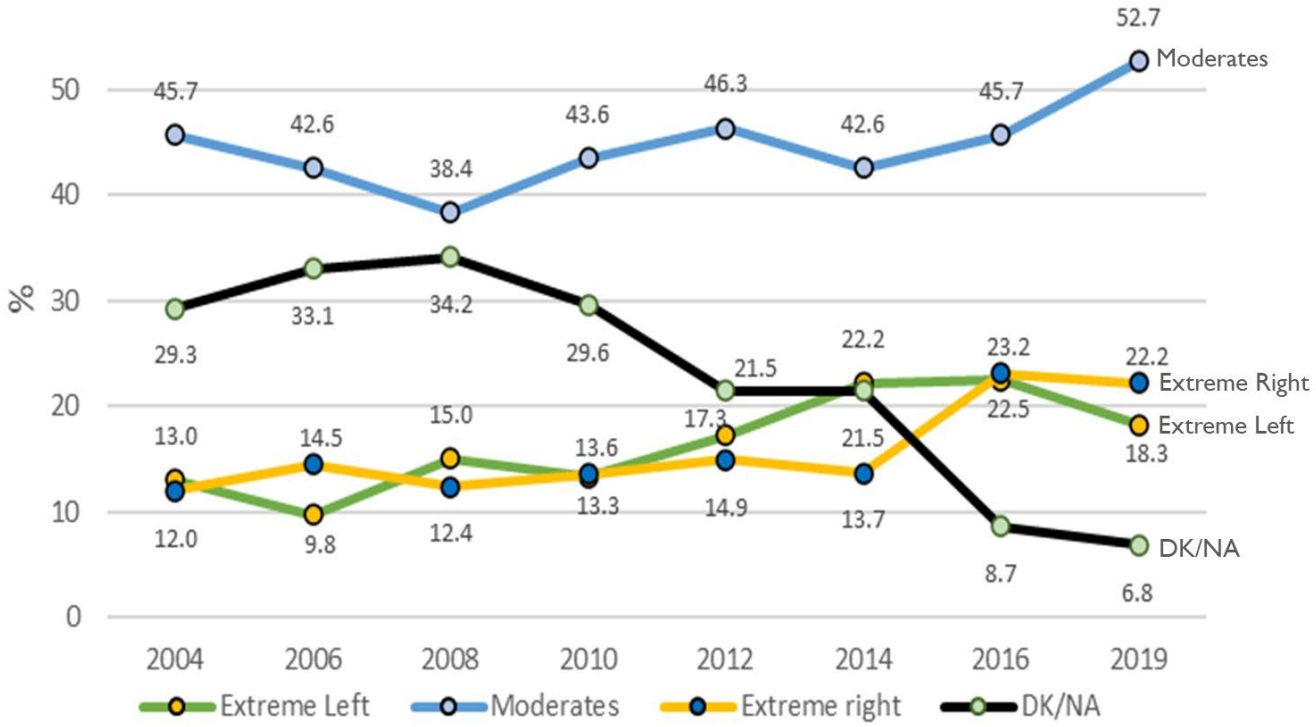
In more recent times, after the Popular Consultation convened by Lenín Moreno in 2018, the confirmation of the National Electoral Council was renewed. Although the organization of electoral processes continues to have technical problems, today it can be said that the body is relatively independent. Since 2018, both right- and left-wing parties and movements have won and lost in the elections with few serious accusations of fraud. Recently, for example, President Lasso lost the referendum that he called in February of this year; and in the local elections, Rafael Correa's party won the two most important mayoralties in the country (Quito and Guayaquil). The only case that could stand out in recent years is the accusation of fraud by Yaku Pérez and Pachakutik in the 2021 presidential elections' first round. Pérez and his followers demanded a vote-to-vote recount, as they believed there were irregularities in the process that enabled Guillermo Lasso to pass to the second round instead of him (Redacción Primicias 2021). The case was later dismissed by the Electoral Contentious Tribunal for lack of evidence.

WHEN THERE ARE DEPOLARIZING EPISODES (OF VARIOUS DEGREES), WHAT IS THEIR BEST EXPLANATION? WHAT WERE DRIVERS OF POLARIZATION, AND THEN HOW DID DEPOLARIZATION OCCUR, IN THE CASES WHERE IT DID?

When speaking specifically of Correa's term, the episodes of greatest polarization took place in 2015 and 2017. In 2015, the sharp fall in international oil prices complicated the situation of the Ecuadorian economy. Correa's government was forced to cut public investment and adopt unpopular measures, such as presenting two bills that sought to increase taxes on inheritance and capital gains. Although the measures mainly affected the upper and upper-middle classes, the business chambers and productive unions carried out a social mobilization strategy that unleashed important protests throughout the country. Seeing himself threatened for the first time in his term by this type of demonstrations, Correa called on his followers to counter-mobilize to demonstrate their support for the regime. Thanks to the visit of Pope Francis in the summer of 2015, the protests were diluted by an implicit truce that guaranteed a return to social peace in the face of this historic event for a country with a Catholic majority.

As previously mentioned, in the last months of 2015, the opposition protests resumed in the streets before Correa intended to approve indefinite re-election. In 2016, under the pre-electoral heat, the confrontation between those who identified themselves as *correístas* and those who identified themselves as *anti-correístas* went beyond the political level and even reached the socioeconomic level (Meléndez and Moncagatta 2017). This meant that in the collective imaginary, *correísta* voters began to be associated especially with the popular classes and *anti-correístas* with the upper classes.

Figure 4. Evolution of Ideological Self-Placement in Ecuador, 2004-2019



Source: Moncagatta and Poveda (2021) - (elaboration based on AmericasBarometer data - LAPOP)

Figure 1 above shows the evolution of the ideological self-placement of Ecuadorians. As can be seen, in 2016 (the last year of Rafael Correa's term in office), the percentages of the population that self-identified with the extreme left and the extreme right reached their all-time high. This peak is not coincidental, as it was recorded just months before the general elections in February 2017.

Probably the highest point in the levels of societal polarization was recorded in the first months of 2017 when the presidential election *ballotage* between Lenín Moreno and Guillermo Lasso was held. In that election, for the first time since 2006, the possibility of defeating the Alianza País candidate seemed plausible, since the wear and tear of ten years in the exercise of power had taken its toll for the incumbent. Unfortunately, the round of LAPOP surveys closest to the episode to which we have referred was carried out in 2016, months before the presidential election, so there is no data regarding that period.

When talking about the causes of polarization, it could be argued that its main origin was found in the populist rhetoric of former President Correa, who, in his public interventions, was concerned with reiterating that the project of the Citizens' Revolution had rescued the country from the Ecuadorian people's "enemies". These enemies included the *"partidocracia*", the "corrupt press", the "golden ponchos" (the leaders of the indigenous groups) and the *"pelucones"* (the economic elites).

As Moncagatta and Poveda (2021) have pointed out, the arrival of Correa to power reflected not only a growing polarization but also a progressive politicization of the Ecuadorian society. As can be seen in Figure 1, since 2008, the percentage of citizens who did not identify themselves with any ideological current decreased progressively, reaching its lowest point in 2019.

Regarding depolarization processes, the mandate of Lenín Moreno (initially heir to the *correísta* political project) constitutes a fundamental turning point. From the first months of Moreno's government, expressed his willingness to "turn the rudder", as he promised to create an environment of greater social peace to reduce the socio-political tensions that Correa's populist and authoritarian leadership had bequeathed to Ecuadorian society.

Although Correa successfully exerted his influence in the constitutional court and in the assembly to introduce the figure of indefinite re-election in 2015, his decision not to participate in the 2017 elections seems to be a response to the complex scenario that the country was facing. After the end of the commodities boom, the government no longer had sufficient financial resources to maintain the high levels of public spending that were at the core of Correa's broad popular support. In the last years of his administration, the opposition had demonstrated violently against the fiscal measures used to support the treasury. Therefore, if someone had to face difficult moments, it had to be another face. In this sense, Lenín Moreno (Correa's vice president between 2007 and 2013) was the only face of correísmo whose numbers reached, according to the polls.

Once in government, Moreno decided to completely distance himself from the hegemonic project that Correa had constructed during his decade in power. According to Pachano (2023), this decision could be classified as a "betrayal due to the infeasibility" of the Citizens' Revolution project. In his first statements after assuming the presidency, Moreno publicly criticized his predecessor, whom he accused of lying about the economic situation he inherited (Diario El Universo 2017). Similarly, during the campaign he had already indicated that he would seek to replace Correa's confrontational rhetoric with a broad national dialogue. Although this decision seems to have been in line with Moreno's liberal democratic convictions, it could also be argued that his motivation was purely pragmatic. Lacking the leadership and strength to sustain a strategy of constant warfare against the opposition (as his populist predecessor had done), dialogue may have been the new ruler's only recourse.

In addition to the aforementioned, it is important to point out that Correa underestimated the political and institutional contingencies he set up to cover a possible betrayal. After the first public disagreements with Correa, Moreno only had to encourage the judiciary to investigate the corruption cases surrounding Vice President Jorge Glas, who had also served as Correa's vice president during his last term (2013-2017). This way, it took less than half a year for Correa's trusted man to be dismissed for links to the corruption of Correísmo's most emblematic energy and infrastructure projects (El Comercio 2017).

After getting rid of Jorge Glas and separating the Correista officials from his cabinet, Moreno brought into his team several former militants of the Citizens' Revolution who had broken away from the project due to Correa's hegemonic ambitions (Diario El Universo 2019). In the same way, he tried to get closer to the trade unions and indigenous movements that Correa had wronged, sending a message to civil society that announced the end of Bolivarian and populist socialism. Other political forces, such as the Social Christian Party (center-right), also reached out to Moreno, offering him legislative support and token sympathy from his constituency. Even Guillermo Lasso's political movement eventually supported some of the initiatives that the Moreno government presented to the legislature. Because of his position, Moreno's policies softened the state-centric and redistributive logic in order to win the favor of the business sector. This shift was reflected in the appointment of Richard Martínez (former leader of the Ecuadorian business community) as Minister of Economy (El Comercio 2018).

After convening a Popular Consultation in 2018 to "de-Corretize" the State and restore the independence of functions to the control bodies, Moreno adopted a much less media-focused leadership and approached and cooperated with the former opponents of *correísmo*. Although this earned him the reproaches of the most faithful supporters of *correísmo*, with Correa out of the country and involved in corruption scandals, the polarization around this political identity decreased. As can be seen in Figure 1, although the percentage of citizens who self-identified with the extreme right in 2019 remained relatively stable, those who self-identified with the extreme left decreased by 4.2%, in comparison to 2016. It would seem that Correa's absence from power -and from the country- served as an escape valve for Ecuadorian society, which contributed to the depolarization of the citizenry. This is also reflected in the V-De indicators of "political polarization" and "polarization of society" (see Appendix 1).

More recently, the 2021 elections once again represented a high point of polarization -especially in the second round, as Lasso's campaign articulated an anti-Correa coalition which brought together several sectors who had been persecuted and aggravated by *correísmo*. In addition, part of his strategy highlighted the risk that Ecuador would become another Venezuela if the Citizens' Revolution project regained presidential power.

MEDIA AS AN ACTOR (BOTH TRADITIONAL AND SOCIAL MEDIA): WHO IS CONTROLLING INFORMATION FLOWS AND CONTENT? TO WHAT EXTENT DOES THE MEDIA REMAIN OPEN? DESCRIBE WHAT ROLE MEDIA IS PLAYING, AND WHO SHAPES MEDIA CONTENT AND ITS ROLE IN POLARIZATION OR DEPOLARIZATION PROCESSES.

During Rafael Correa's term in office, the private media denounced constant intolerance and harassment by the government for having adopted a critical line towards his administration. In addition, the confrontations between the press and the Citizens' Revolution project often ended in personal conflicts between the former president and the journalists and media owners. This confrontation is intrinsically explained by Correa's populist logic, who considered the traditional media as part of the "hegemonic powers" that should be deposed.

Among the most controversial episodes of Correa's term, the trial for damage to honor that the former president initiated against the newspaper El Universo stands out. In this process, Correa requested a compensation of USD 80 million and three years in prison for a columnist and executives of the newspaper after publishing an article that was critical of the former president. Another controversial episode is framed within the referendum called by Correa in 2011, which included a specific question to prohibit businessmen from the financial sector from owning shares in the media. This legal reform was clearly directed against banker Fidel Egas, then shareholder of Teleamazonas, one of the media outlets more critical of Correa's government.

Regarding the role of traditional media in the growing societal polarization, it is important to mention Correa's strategy of consolidating a public media platform. Although the justification for consolidating this platform was to promote the government's agenda, in practice, one of its primary functions was to systematically attack and discredit the regime's opponents. Among the most important media that articulated the communication platform of the Citizens' Revolution is EcuadorTV, which was born in 2007 thanks to a donation from the Venezuelan government. This media focused on the publication of historical documentaries that highlighted the shortcomings of the system and of the political and economic elites before Correa's arrival to the presidency. In addition to this channel, the government had control of the GamaTV and TCTelevisión channels, seized by the State from one of the financial

groups that went bankrupt in the country's 1999 economic crisis. Although the communication of these media passed to state control in 2008 -and Correa promised to sell them in less than a year- this promise never materialized.

When talking about digital media, their impact on public opinion began to consolidate due to Correa's persecution of opposition journalists. Many of them chose to take refuge in Internet spaces after abandoning traditional media due to pressures. Currently, digital media, which circulate mainly through social networks such as Twitter, are the ones publishing most of the investigative journalism, something that traditional media stopped doing to a large extent after being intimidated by *correísmo*. For example, the allegations underpinning the current impeachment attempts against President Lasso are the product of an investigation by a digital media.

In this line, it is worth mentioning that although *correísmo* no longer has the state media to install narratives that defend its agenda, it has managed to successfully establish a series of web pages and digital media that act in an articulated manner. In addition, it has the international support of media such as Telesur (belonging to the Venezuelan government).

Finally, although the departure of Rafael Correa brought a greater liberalization of the public debate and journalistic practice, and a depolarization in the government of Lenín Moreno, the current administration of President Lasso has recently shown little tolerance for criticism from the press. Although it has not incurred in openly authoritarian practices like correísmo did, its current attitude contrasts with the pro-press freedom discourse that traditionally characterized it.

BUREAUCRACY/ ADMINISTRATIVE STATE: TO WHAT EXTENT DO BUREAUCRACIES AND CIVIL SERVANTS SERVE AS A CONSTRAINT, VERSUS BEING CAPTURED BY AND POLITICIZED BY THE AUTOCRATIZING ELITES? AND HOW DO THEY DO THAT, IF SO? THIS WILL INCLUDE NOMINALLY INDEPENDENT OVERSIGHT AGENCIES SUCH AS STATE AUDIT INSTITUTIONS, CENTRAL BANKS AND HIGHER EDUCATION AND MEDIA REGULATORY BODIES.

- To the extent that military institutions or subnational governments play an important constraining role, please address these in the case.

When talking about counterweights and horizontal and vertical control capacities during Correa's administration, it is important to highlight that there was practically no institution capable of stopping the Executive's agenda at the national and subnational levels. Thanks to its wide popularity, *correísmo* was able to promote a comprehensive reform in the different institutions of the State through the issuance of the 2008 Constitution. This reform has been considered as the central element of an explicit strategy to consolidate a structure of impunity for authoritarianism and corruption practices (Montúfar 2020).

As mentioned earlier, the Council of Citizen Participation and Social Control maintained throughout the whole mandate a Comptroller undisputedly loyal to Correa's project. On the other hand, after creating the Superintendence of Communication as the entity in charge of monitoring and sanctioning the "excesses" of the media, the Council of Citizen Participation and Social Control appointed a former journalist loyal to the government as the head of this institution.

In the economic field, the Central Bank also lost independence and professionalism as its management positions began to be occupied by economists without seniority in the public sector but who shared Correa's ideological line. In the case of public universities, the government promoted the creation of institutions initially aimed at controlling educational quality. However, over the years, these entities allowed the development of mechanisms to place academics who were close to the regime in management positions, which ended up silencing the voices of academics opposed to the government.

Currently, after the approval of the Law for the Defense of Dollarization in 2021, the Central Bank has recovered some technical autonomy to avoid interference from the Executive. Likewise, the disappearance of the Superintendence of Communication in 2019 and the repeal of the Communication Law in 2022 have also contributed to strengthening the institutions that ensure the accountability of the Government.

As a final point, it is important to note that since 2005 the Armed Forces have not intervened in the Ecuadorian democratic game. Their last participation took place after the interference of former president Lucio Gutiérrez in the justice system, who dismissed the magistrates of the Supreme Court of Justice and replaced them with other magistrates who were sympathetic to the government and its allies.

INTERNATIONAL ARENA (I.E., FOREIGN POWERS, NEIGHBORING COUNTRIES, TRANSNATIONAL INSTITUTIONS, INTERNATIONAL LINKAGES, ETC.) AND WHETHER/HOW THEY IMPACT DEMOCRATIC BACKSLIDING/RESILIENCY IN YOUR CASE.

Ecuador was one of the countries most aligned with the "21st century socialism" promoted by Hugo Chávez at the beginning of the century. During Rafael Correa's presidency, Ecuador was characterized by its active support for the "Bolivarian" regional integration projects promoted mainly by Hugo Chávez's Venezuela.

Under the same "21st century socialist" identity, Correa's government actively supported the creation of organizations such as the Union of South American Nations - *UNASUR* and the Community of Latin American and Caribbean States - *CELAC*. According to the former president, these initiatives were important because they allowed Latin American countries to move away from the Organization of American States - OAS, where the presence of the United States and Canada bothered the governments of the Latin American "pink tide".

As for bilateral relations with the United States, the arrival of the Citizens' Revolution affected cooperation between the two countries. Episodes such as the closure of a U.S. military base intended to support the fight against drug trafficking in 2008 and the expulsion of the U.S. ambassador in 2011 showed that Correa's international agenda prioritized relations with other countries. Likewise, in 2014 USAID was expelled from Ecuador after President Correa stated that Ecuador did not need the organization's "charity". This episode meant the weakening of many NGOs that were left without sources of funding and technical support to promote vertical accountability from civil society.

In the economic sphere, Correa distanced himself from multilateral credit organizations such as the International Monetary Fund (IMF), the World Bank and the Inter-American Development Bank (IDB), which he accused of imposing neoliberal economic "recipes" in favor of large economic groups. As an alternative, it sought financing from China, which, unlike the aforementioned organizations, did not demand the independence of key institutions such as the Central Bank, nor was it concerned about the transparent availability of the funds disbursed. Although during the last years of Correa's government investigative

journalistic works denouncing corruption schemes linked to international credits from China began to come to public light, only after the end of the citizen revolution have these cases begun to be known in the courts. Since Correa's departure from power, relations with multilateral credit organizations have strengthened again, first under the presidency of Lenín Moreno, and currently under the presidency of Guillermo Lasso.

CONCLUSIONS

When making a general assessment of the capacity for action of Ecuadorian actors and institutions in the face of autocratization, in general terms, it is clear that there is a need for greater cooperation and organization among the different sectors of civil society, as well as political parties and movements.

As already mentioned, citizen disenchantment with the functioning of Ecuadorian democracy at the end of the past century and the beginning of the current one led to a generalized enthusiasm for the political project of the Citizens' Revolution, which would lead to a hyper-presidentialism capable of restructuring the entire State at will. In this first episode, much of the responsibility fell on the political elites who governed the country before the arrival of Correa in 2007. These elites never bothered to internalize in the citizenry the values of respect for the independence of powers, accountability and political tolerance. In the electoral sphere, although the opposition found important spaces of resistance to Correa's autocratic hegemony by winning the country's main mayoralties in 2014, the opposition's inability to generate national alliances added to the lack of independence of electoral institutions explains the invincibility of the Citizens' Revolution in the presidential and legislative elections.

In the case of civil society organizations, there was also a certain lack of solidarity and cooperation among sectors that were not linked to each other. For example, when the referendum that curbed press freedom was held in 2011, other sectors did not mobilize much against the measure. Only at the critical juncture of 2015, when the indefinite reelection project was announced, there was an organic cooperation of them to protest against the measure; however, that was only in the last years of Correa's regime.

In terms of practices that could be strengthened to improve the resilience of actors and institutions in the face of autocratic projects, it is important to support NGOs and civil society initiatives that carry out projects to ensure accountability. Likewise, these organizations can help disseminate among citizens the normative and technical reasons why bureaucratic agencies should be professional, independent and transcend the government of the day. In this way, if there are new attempts to co-opt them, citizens and the political class will be more alert to prevent such an attempt.

Finally, although the arrival of Lenín Moreno in 2017 allowed recovering the independence of certain institutions, this process was carried out under an openly *anti-correísta* agenda, which does not set a very positive precedent. Ideally, this process of institutional strengthening should transcend political identities, partisan agendas or interest group interests. In this sense, Ecuador still has a long way to go.

In summary: Ecuador went through a process of significant democratic regression with the arrival of Rafael Correa's authoritarian project to power. This regime--which lasted ten years- managed to significantly weaken the country's institutions of representative democracy and concentrate power in the executive through extensive constitutional reengineering and a strategy of constant populist propaganda. While the end of Correa's term brought some recovery to Ecuador's democratic system, the institutional, partisan, electoral, and civil society dimensions of democratic resilience remain weak. By no means can it be affirmed today that Ecuador is on the road to being a consolidated democracy.

APPENDIX 1 - V-DEM GRAPHS AND TABLES

Figure 5. Liberal Democracy Index - Ecuador, 2000-2022

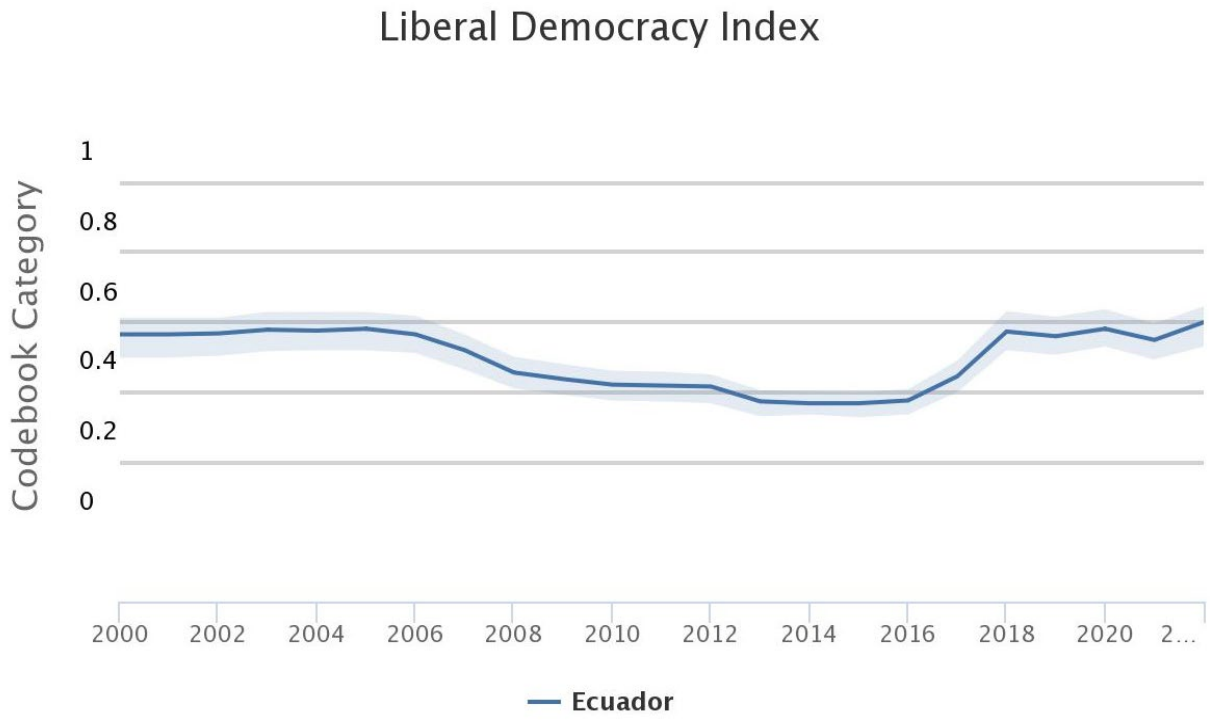


Table 1. Liberal Democracy Index - Ecuador

YEAR	ECUADOR	ECUADOR CI (LOW)	ECUADOR CI (HIGH)
2000	0.466	0.398	0.513
2001	0.466	0.398	0.513
2002	0.468	0.403	0.514
2003	0.479	0.417	0.528
2004	0.476	0.419	0.530
2005	0.481	0.420	0.530
2006	0.466	0.411	0.518
2007	0.420	0.363	0.466
2008	0.356	0.311	0.401
2009	0.338	0.292	0.380
2010	0.322	0.277	0.362
2011	0.319	0.273	0.358

YEAR	ECUADOR	ECUADOR CI (LOW)	ECUADOR CI (HIGH)
2012	0.315	0.268	0.352
2013	0.272	0.232	0.306
2014	0.268	0.236	0.304
2015	0.268	0.229	0.301
2016	0.276	0.235	0.309
2017	0.346	0.300	0.391
2018	0.473	0.419	0.531
2019	0.460	0.408	0.517
2020	0.482	0.43	0.538
2021	0.449	0.393	0.498
2022	0.500	0.431	0.545

Question: Liberal democracy index (D) (v2x_libdem)

To what extent is the ideal of liberal democracy achieved?

Clarification: The liberal principle of democracy emphasizes the importance of protecting individual and minority rights against the tyranny of the state and the tyranny of the majority. The liberal model takes a ~negative~ view of political power insofar as it judges the quality of democracy by the limits placed on government. This is achieved by constitutionally protected civil liberties, strong rule of law, an independent judiciary, and effective checks and balances that, together, limit the exercise of executive power. To make this a measure of liberal democracy, the index also takes the level of electoral democracy into account.

Project Manager(s): Jan Teorell
Scale: Interval, from low to high (0-1).
Source(s): v2x_liberal v2x_polyarchy
Data release: 1-13. Release 1, 2, and 3 used a different, preliminary aggregation formula.
Aggregation: The index is aggregated using this formula:
$v2x_libdem=
.25* v2x_polyarchy^{1.585 + .25* v2x_liberal + .5* v2x_polyarchy ^{1.585* v2x_liberal$

Figure 6. Electoral Democracy Index - Ecuador, 2000-2022

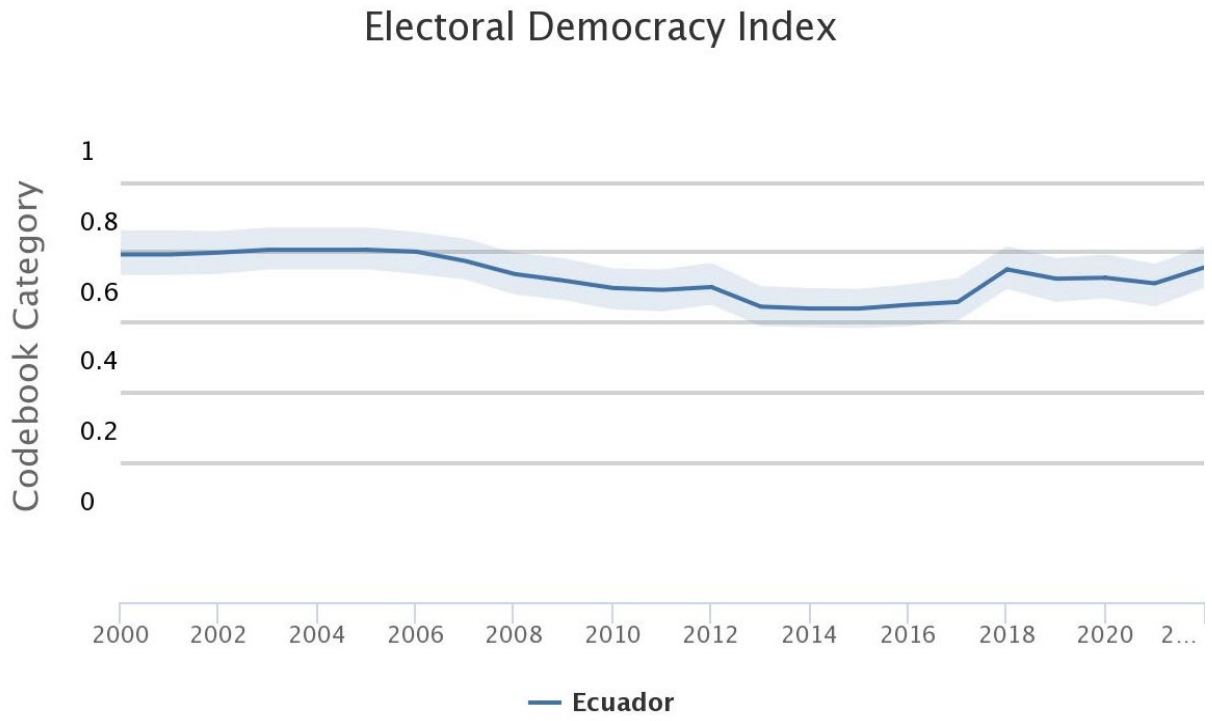


Table 2. Electoral Democracy Index - Ecuador

YEAR	ECUADOR	ECUADOR CI (LOW)	ECUADOR CI (HIGH)
2000	0.696	0.637	0.763
2001	0.696	0.637	0.763
2002	0.699	0.64	0.761
2003	0.709	0.652	0.773
2004	0.709	0.652	0.773
2005	0.709	0.652	0.773
2006	0.703	0.639	0.758
2007	0.677	0.622	0.739
2008	0.640	0.581	0.701
2009	0.621	0.565	0.684
2010	0.599	0.536	0.655
2011	0.593	0.533	0.652
2012	0.600	0.550	0.670
2013	0.545	0.488	0.604
2014	0.541	0.486	0.599

YEAR	ECUADOR	ECUADOR CI (LOW)	ECUADOR CI (HIGH)
2015	0.54	0.483	0.596
2016	0.551	0.489	0.61
2017	0.559	0.505	0.627
2018	0.652	0.597	0.719
2019	0.625	0.559	0.684
2020	0.628	0.569	0.695
2021	0.613	0.545	0.667
2022	0.657	0.599	0.720

Question: Electoral democracy index (D) (v2x_polyarchy)

To what extent is the ideal of electoral democracy in its fullest sense achieved?

Clarification: The electoral principle of democracy seeks to embody the core value of making rulers responsive to citizens, achieved through electoral competition for the electorate's approval under circumstances when suffrage is extensive; political and civil society organizations can operate freely; elections are clean and not marred by fraud or systematic irregularities; and elections affect the composition of the chief executive of the country. In between elections, there is freedom of expression and an independent media capable of presenting alternative views on matters of political relevance. In the V-Dem conceptual scheme, electoral democracy is understood as an essential element of any other conception of representative democracy --- liberal, participatory, deliberative, egalitarian, or some other.

Project Manager(s): Jan Teorell
Scale: Interval, from low to high (0-1).
Source(s): v2x_freexp_altinf v2x_frassoc_thick v2x_suffr v2xel_frefair v2x_elecoff
Data release: 1-13. Release 1-5 used a different, preliminary aggregation formula.

Aggregation: The index is formed by taking the average of, on the one hand, the weighted average of the indices measuring freedom of association thick (v2x_frassoc_thick), clean elections (v2xel_frefair), freedom of expression (v2x_freexp_altinf), elected officials (v2x_elecoff), and suffrage (v2x_suffr) and, on the other, the five-way multiplicative interaction between those indices. This is halfway between a straight average and strict multiplication, meaning the average of the two. It is thus a compromise between the two most well known aggregation formulas in the literature, both allowing partial "compensation" in one sub-component for lack of polyarchy in the others, but also punishing countries not strong in one sub-component according to the "weakest link" argument. The aggregation is done at the level of Dahl's sub-components with the one exception of the non-electoral component. The index is aggregated using this formula: begin{equation* begin{aligned v2x_polyarchy = { & .5 * MPI + .5 * API & = .5 * (v2x_elecoff * v2xel_frefair * v2x_frassoc_thick * & v2x_suffr * v2x_freexp_altinf) & + .5 * ((1/8) * v2x_elecoff + (1/4) * v2xel_frefair & + (1/4) * v2x_frassoc_thick + (1/8) * v2x_suffr & + (1/4) * v2x_freexp_altinf) end{aligned end{equation*

Figure 7. Political Polarization - Ecuador, 2000-2022

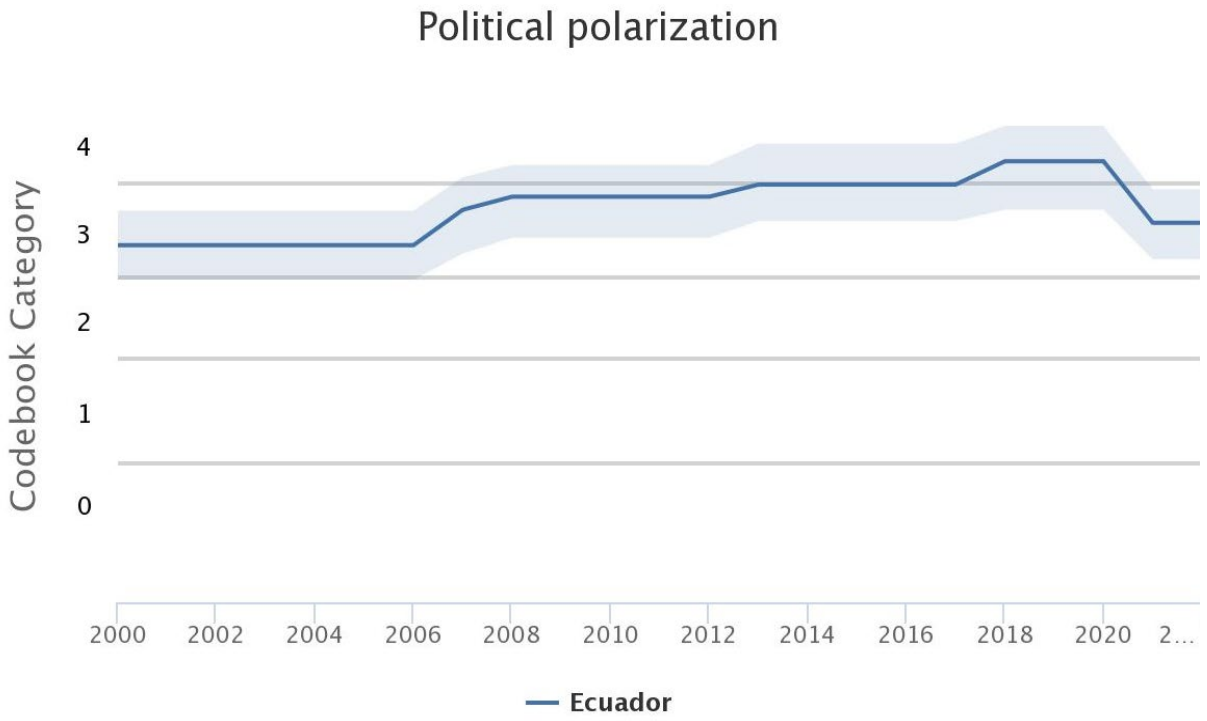


Table 3. Political Polarization - Ecuador

YEAR	ECUADOR	ECUADOR CI (LOW)	ECUADOR CI (HIGH)
2000	2.792	2.481	3.173
2001	2.792	2.481	3.173
2002	2.792	2.481	3.173
2003	2.792	2.481	3.173
2004	2.792	2.481	3.173
2005	2.792	2.481	3.173
2006	2.792	2.481	3.173
2007	3.138	2.861	3.539
2008	3.250	2.969	3.586
2009	3.250	2.969	3.586
2010	3.250	2.969	3.586
2011	3.250	2.969	3.586
2012	3.250	2.969	3.586

YEAR	ECUADOR	ECUADOR CI (LOW)	ECUADOR CI (HIGH)
2013	3.351	3.098	3.693
2014	3.351	3.098	3.693
2015	3.351	3.098	3.693
2016	3.351	3.098	3.693
2017	3.351	3.098	3.693
2018	3.519	3.286	3.832
2019	3.519	3.286	3.832
2020	3.519	3.286	3.832
2021	3.016	2.666	3.330
2022	3.016	2.666	3.330

Question: Political polarization (C) (None)

Is society polarized into antagonistic, political camps?

Clarification: Here we refer to the extent to which political differences affect social relationships beyond political discussions. Societies are highly polarized if supporters of opposing political camps are reluctant to engage in friendly interactions, for example, in family functions, civic associations, their free time activities and workplaces

Responses: 0: Not at all. Supporters of opposing political camps generally interact in a friendly manner. 1: Mainly not. Supporters of opposing political camps are more likely to interact in a friendly than a hostile manner. 2: Somewhat. Supporters of opposing political camps are equally likely to interact in a friendly or hostile manner. 3: Yes, to a noticeable extent. Supporters of opposing political camps are more likely to interact in a hostile than friendly manner. 4: Yes, to a large extent. Supporters of opposing political camps generally interact in a hostile manner.

Project Manager(s): Sebastian Hellmeier
Scale: Ordinal, converted to interval by the measurement model.
Data release: 10-13.
Cross-coder aggregation: Bayesian item response theory measurement model (see V-Dem Methodology).

Figure 8. Polarization of Society - Ecuador, 2000-2022

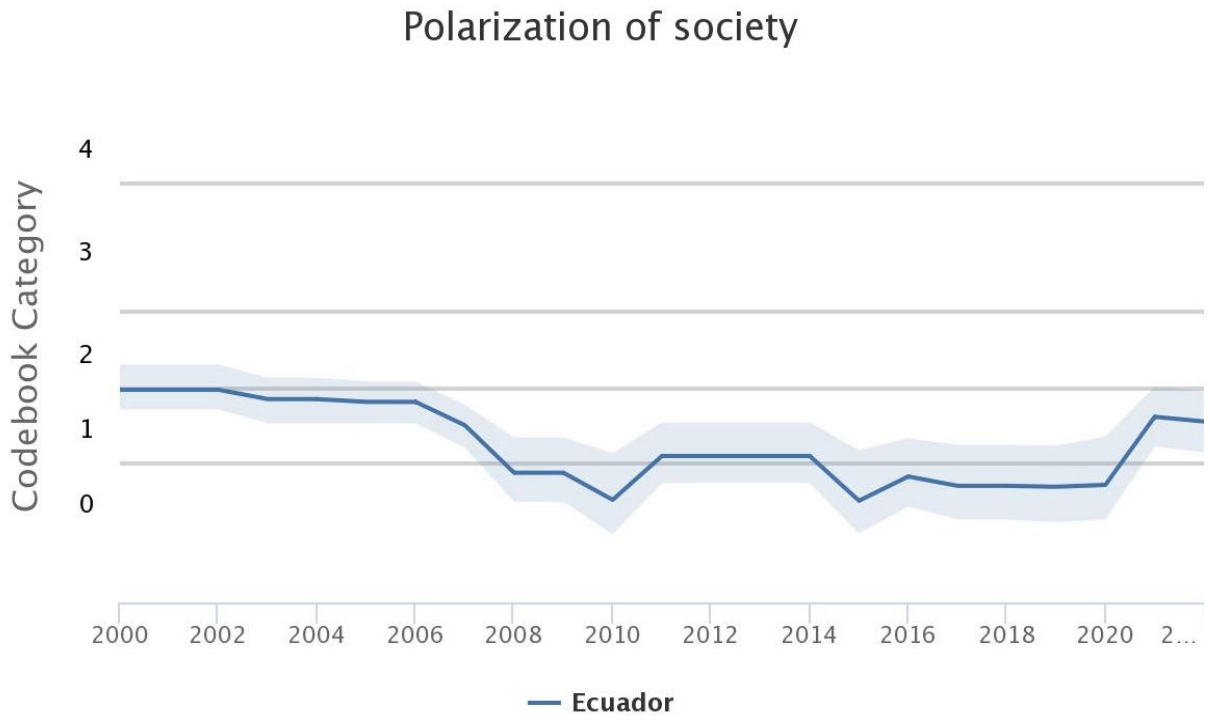


Table 4. Polarization of Society - Ecuador

YEAR	ECUADOR	ECUADOR CI (LOW)	ECUADOR CI (HIGH)
2000	1.475	1.186	1.714
2001	1.475	1.186	1.714
2002	1.475	1.186	1.714
2003	1.363	1.097	1.618
2004	1.363	1.097	1.618
2005	1.328	1.081	1.567
2006	1.328	1.081	1.567
2007	1.069	0.801	1.28
2008	0.589	0.333	0.881
2009	0.589	0.333	0.881
2010	0.385	0.590	0.561
2011	0.740	0.444	1.029
2012	0.740	0.444	1.029

YEAR	ECUADOR	ECUADOR CI (LOW)	ECUADOR CI (HIGH)
2013	0.740	0.444	1.029
2014	0.740	0.444	1.029
2015	0.382	0.57	0.565
2016	0.564	0.261	0.821
2017	0.486	0.138	0.69
2018	0.486	0.138	0.69
2019	0.482	0.128	0.699
2020	0.497	0.127	0.734
2021	1.166	0.822	1.497
2022	1.108	0.779	1.462

Question: Polarization of society (C) (None)

How would you characterize the differences of opinions on major political issues in this society?

Clarification: While plurality of views exists in all societies, we are interested in knowing the extent to which these differences in opinions result in major clashes of views and polarization or, alternatively, whether there is general agreement on the general direction this society should develop.

Responses: 0: Serious polarization. There are serious differences in opinions in society on almost all key political issues, which result in major clashes of views. 1: Moderate polarization. There are differences in opinions in society on many key political issues, which result in moderate clashes of views. 2: Medium polarization. Differences in opinions are noticeable on about half of the key political issues, resulting in some clashes of views. 3: Limited polarization. There are differences in opinions on only a few key political issues, resulting in few clashes of views. 4: No polarization. There are differences in opinions but there is a general agreement on the direction for key political issues.

Scale: Ordinal, converted to interval by the measurement model.
Data release: 9-13.
Cross-coder aggregation: Bayesian item response theory measurement model (see V-Dem Methodology).

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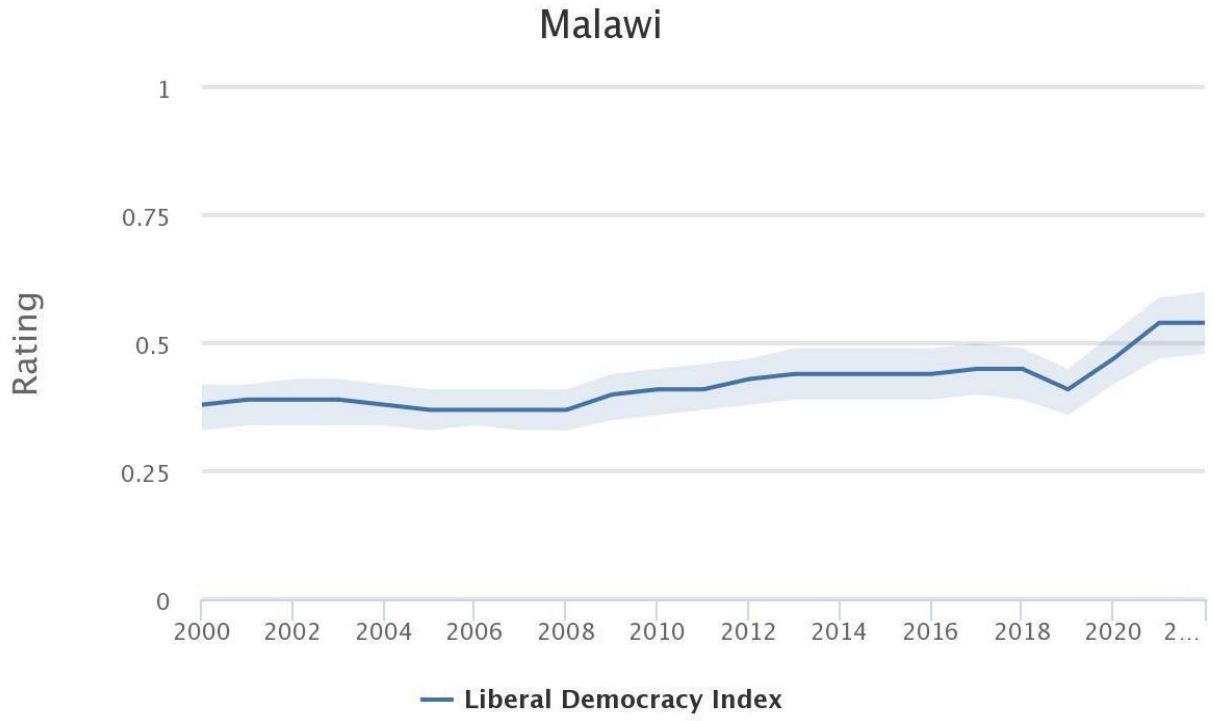
3. MALAWI

Figure 9. V-Dem Liberal Democracy Index in Malawi, 2000-2022



Notes: Average index score drawing on responses by expert coders of Malawi on "To what extent is the ideal of liberal democracy achieved?" Interval scale from 0 (low) to 1 (high). Source: V-Dem.

Malawi's democratic history since 1994 has been dynamic, with episodes of erosion and resilience. While the V-Dem "liberal democracy index" over the 2000-2022 period suggests some democratic stability and a recent, promising upward trend, we contend key events are obscured by the relatively smooth line in Figure 1. For example, Bakili Muluzi, who served as president from 1994 when Malawi reintroduced competitive democratic politics to 2004, had some success in further centralizing power in the executive during his second term as president, even if he proved ultimately unsuccessful in amending the constitution to be eligible to seek a third term in office.[7] Likewise, multiple reports and articles by expert analysts and scholars noted autocratizing moves by Muluzi's successor, Bingu wa Mutharika, in the years immediately preceding his death in office in 2012.[8] Yet, there is no downward trend in V-Dem's measure of Malawi's liberal democratic scores during those years.[9]

[7] Dulani, Boniface. "Democracy movements as bulwarks against presidential usurpation of power: lessons from the third-term bids in Malawi, Namibia, Uganda and Zambia." Stichproben. Wiener Zeitschrift für kritische Afrikastudien 20, no. 11 (2011): 115-139; Dulani, Boniface, and Jan Kees Van Donge. "A decade of legislature-executive squabble in Malawi, 1994–2004." African parliaments: Between governance and government (2005): 201-224.
[8] Cammack, Diana. 2012. "Malawi in Crisis, 2011-2102." Review of African Political Economy 39 (132): 357-88; Dionne, Kim Yi, and Boniface Dulani. "Constitutional provisions and executive succession: Malawi's 2012 transition in comparative perspective." African Affairs 112, no. 446 (2013): 111-137; VonDoepp, Peter. 2012. "Malawi," In Freedom House, Countries at the Crossroads 2012; VonDoepp, Peter. "Resisting Democratic Backsliding: Malawi's Experience in Comparative Perspective." African Studies Review 63, no. 4 (2020): 858-882; Wroe, Daniel. "Donors, dependency, and political crisis in Malawi." African Affairs 111, no. 442 (2012): 135-144.
[9] See timeline of selected key events in appendix.

Cammack (2017) has characterized Malawi's politics as a "settlement," wherein political elites emerged from the commercial bourgeoisie rule in a way that benefits them individually and as a group,while providing only minimal public services to "sustain social conciliation."[10] The settlement between Malawi's political and business elites involves "a political culture where business people and companies seeking government contracts have to grease the palms of political leaders of all types in return for government business and contracts."[11] Ultimately, Malawi's political settlement post the democratic transition of 1994 has been described by Tenthani and Chinsinga (2016:39) as being of an extractive type, where elites pursue short-term personal ambitions "at the expense of long-term developmental goals that could have been more beneficial to Malawi"[12].

Even though presidential power has changed hands multiple times in Malawi - in terms of party turnover and incumbency loss followed by peaceful transition - neopatrimonial politics continue to drive Malawian politics and state-society relations.[13] Although Malawi's constitution of 1994 envisioned a robust system of separation of powers with checks and balances among the three branches of government, in reality, significant power resides in the presidency. During election campaigns, presidential contenders regularly pledge to change the status quo by trimming presidential powers but rarely follow through once elected into office.[14] Meanwhile, reflecting a carry-over from the long years of authoritarian rule under the life presidency of Hastings Kamuzu Banda, Malawi's politics is largely personalized, which in turn incentivizes politicians to defect and form new parties, resulting in an unstable and fragmented party system.[15]

Malawian Presidents may wield significant power, but except for Bingu wa Mutharika in 2009, Malawi's presidents have been relatively unpopular. Peter Mutharika (2014-2020) of the Democratic Progressive Party (DPP) twice won office with only a minority of the popular vote (36 percent in 2014 and 39 percent in 2019),[16] and had to leave office in 2020 after Malawi's Constitutional Court nullified the 2019 presidential election results and ordered a "fresh election" that he lost. Current president Lazarus Chakwera of the Malawi Congress Party (MCP) joined Mutharika's former vice president Saulos Chilima of the opposition UTM party in a pre-electoral coalition and won office with nearly 59 percent of the popular vote in the 2020 fresh elections.[17] Just two years later, Chakwera's approval ratings had nosedived, with two-thirds of Malawians responding in the nationally representative Afrobarometer survey that they disapproved of his performance in office, which is notably higher than his unpopular predecessor, who only had 56 percent of Malawians disapproving of his performance in office when polled by Afrobarometer in 2019.[18]

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[10] Cammack, Diana. "Malawi's Political Settlement: Crafting Poverty and Peace, 1994–2014." Journal of International Development 29, no. 5 (2017): 661-677.
[11] Dulani, Boniface. "Political parties, campaign financing and political corruption in Malawi." In Political Corruption in Africa, pp. 135-154. Edward Elgar Publishing, 2019.
[12] Tenthani, Kizito and Chinsinga, Blessings. "Political parties, settlement and development." In Political Transition and Inclusive Development in Malawi, pp. 35-56. Routledge, 2016.
[13] Gabay, Clive. "Two 'transitions': the political economy of Joyce Banda's rise to power and the related role of civil society organizations in Malawi." Review of African Political Economy 41, no. 141 (2014): 374-388.
[14] Meki, Ntchindi. "Chakwera U-turns on powers," The Malawi Nation (July 5, 2022). Available at: https://mwnation.com/chakwera-u-turns-on-powers/
[15] Svåsand, Lars. "Regulation of political parties and party functions in Malawi: Incentive structures and the selective application of the rules." International Political Science Review 35, no. 3 (2014): 275-290.
[16] Dulani, Boniface, and Kim Yi Dionne. 2014. "Presidential, parliamentary, and local government elections in Malawi, May 2014." Electoral Studies 36 (2014): 218-225; Dionne, Kim Yi, and Boniface Dulani. "A Malawi court just ordered a do-over presidential election. Here's what you need to know." The Washington Post (February 4, 2020). Available at: https://www.washingtonpost.com/politics/2020/02/04/malawi-court-just-ordered-do-over-presidential-election-heres-what-you-need-know/
[17] Dionne, Kim Yi, and Boniface Dulani. "Malawians elected a new president in Tuesday's historic election." The Washington Post (June 28, 2020). Available at: https://www.washingtonpost.com/politics/2020/06/28/malawians-elected-new-president-tuesdays-historic-election/.
[18] Authors' calculations using Afrobarometer data from Rounds 8 (2019) and 9 (2022) in Malawi. Access data and learn more about Afrobarometer at www.afrobarometer.org.

In his analysis focused on the resistance against Bingu wa Mutharika's autocratizing moves before his 2012 death in office, VonDoepp (2020) identified multiple conditions favorable for resisting democratic backsliding. First, the poor economic conditions during Bingu's truncated second term in office had generated widespread grievances.[19] Together with limited polarization among the public, and the existence of credible civil society organizations, these grievances facilitated collective action - notably massive protests calling for better economic and political governance in July 2011. In response, the state used violent repression against the protesters, leaving at least 20 people dead and scores injured and arrested.[20]

The key actors for resisting democratic backsliding in Malawi have been the courts and civil society, which together have stopped Malawian presidents who wield significant power from further consolidating and entrenching their power and extra-constitutionally extending their tenure. Malawi's military, the mainstream religious groups, the media, and even its legislature have all played important, but limited, roles during periods of political crisis. A primary condition favoring resistance, unfortunately, is a poor economy. Civil society engagement and court independence seem strongest when presidents are unpopular.[21] We also cannot rule out the potential importance of the absence of political polarization in Malawi. Even as these actors and conditions have been critical to resisting autocratization, it is unclear the extent to which they can push Malawi beyond its current stagnation towards greater democratic consolidation.

POLITICAL INSTITUTIONS

The major challenge for democratization in Malawi is the presidency, which Svåsand (2014) aptly characterized as "by far the most important political institution upon which party leaders or ambitious politicians have their eyes."[22] a carryover from the authoritarian era (1964-1994), when Malawi's first president, Hastings Kamuzu Banda ruled with an iron fist and run the country literary as his personal estate[23]. Malawi's politics are largely driven by the centralized power of the executive and leadership fixation in its (weak) political parties.[24] However, a recent, historic court ruling indicating a new legal interpretation of the constitution as requiring a majority rather than a simple plurality to win the presidency could initiate some shift towards greater inter-institutional balance.[25] The first presidential elections held following the ruling showed parties more willing to form pre-electoral coalitions, but no meaningful implications for party strength are yet apparent.

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[19] On how popular perceptions of a poor economy may have a positive relationship to demand for democracy, see Dulani, Boniface. 2016. "Progress or stagnation? Twenty years of democracy." In *Political Transition and Inclusive Development in Malawi: The Democratic Dividend*, eds. Dan Banik and Blessings Chinsinga. Routledge, pp. 15-34.

[20] Presidential Commission of Inquiry into the Demonstrations, Deaths, Injuries, Riots, Looting, Arson, Public Disorder, and Loss of Property that Took Place on the 20th and 21st of July. 2012. *Report of Findings and Recommendations.*

[21] VonDoepp, Peter. 2005. "Political and judicial assertiveness in emerging democracies: High court behavior in Malawi and Zambia." *Political Studies Quarterly* 120 (2): 275-301.

[22] Svåsand, Lars. "Regulation of political parties and party functions in Malawi: Incentive structures and the selective application of the rules." International Political Science Review 35, no. 3 (2014): 275-290.

[23] Hodder-Williams, Richard. 1973. "Malawi's Decade under Banda." *The Round Table,* 63 No. 252 (1973): 463-470

[24] Rakner, Lise, Lars Svåsand, and Nixon S. Khembo. "Fissions and fusions, foes and friends: Party system restructuring in Malawi in the 2004 general elections." Comparative Political Studies 40, no. 9 (2007): 1112-1137; Resnick, Danielle. 2013. "Two Steps Forward, One Step Back: The Limits of Foreign Aid on Malawi's Democratic Consolidation." In *Democratic Trajectories in Africa: Unraveling the Impact of Foreign Aid*, eds. Danielle Resnick and Nicolas van de Walle. Oxford University Press, pp. 110-138.

[25] Dionne, Kim Yi, and Boniface Dulani. "A Malawi court just ordered a do-over presidential election. Here's what you need to know." The Washington Post (February 4, 2020). Available at: https://www.washingtonpost.com/politics/2020/02/04/malawi-court-just-ordered-do-over-presidential-election-heres-what-you-need-know/; Kainja, Jimmy. "Malawi court orders fresh elections. What now?" African Arguments (February 4, 2020). Available at: https://africanarguments.org/2020/02/malawi-court-orders-fresh-elections-what-now/.

Malawi's parliament is limited in its ability to be a check against the presidency, namely because of parliament's lack of autonomy in determining its budget and agenda.[26] Malawi's legislature has occasionally challenged the president. Among the most notable examples of the Malawi Parliament standing up against the presidents include the National Assembly's rejection of Bakili Muluzi's proposal for legislators to support the removal of the presidential term limit clause from the Constitution.[27] A similar standoff between Parliament and the Executive occurred during President Bingu wa Mutharika's first term following the president's decision to defect from the party that sponsored him during his campaign for the presidency in 2014. Even as the legislature attempted to check the president's power through various battles over rules, he had the upper hand, leaving parliament with a dismal record of having not met for less time than their statutory minimum requirement, really only enough to pass the budget.[28] At the same time, legislators can also be tools used by the president. For example, when presidents want parliamentary support of controversial bills, they will inflate their cabinets with co-opted members of parliament.[29]

A major political institution constraining autocratization is the courts. Malawi's judiciary is noted for its relative independence, and courts have ruled against sitting incumbents, especially when public opinion is supportive.[30] The judiciary played an important role in the 2012 transition following the president's death in office[31] and have generally been reliable in seeking to uphold the rule of law, even if their rulings are sometimes ignored.[32] For example, Kanyongolo (2009) likens courts to a safety valve for losing candidates to seek arbitration rather than violence or other extrajudicial means to express grievances.[33]

DuringBingu wa Mutharika's presidency, (2005-2012)', local elections that serve to constitute local district councils were suspended, a decision that was justified by government as part of a strategy to reduce government expenditure[34]. Even though having popularly elected local governments was a constitutional obligation, Mutharika and his DPP feared they would not fare well in the elections scheduled for 2005 shortly after he formed the DPP.[35] Until 2014, when elections for ward councilors resumed, district-level decisions were largely driven by district commissioners, who are appointed by the president. Even with the return of elected local government officials in 2014, however, there is a lack of meaningful devolution, especially because there is insufficient local revenue generation, making

[26] Svåsand, Lars. "Democratization in Malawi: Moving Forward, Stuck in Transition or backsliding?" In Forum for Development Studies, vol. 38, no. 1, pp. 1-24. Routledge, 2011; Patel, Nandini. 2016. "Against all odds: parliamentary oversight over a dominant executive." In *Political Transition and Inclusive Development in Malawi: The Democratic Dividend*, eds. Dan Banik and Blessings Chinsinga. Routledge, pp. 133-146.
[27] Dulani, Boniface and Jan Kees VanDonge. 2009. "A Decade of Legislature-Executive Squabble in Malawi, (1994-2004)". In African Parliaments:Between Government and Governance, ed. Muhammed Salih. Palgrave MacMillan, pp. 201-224
[28] Chinsinga, Blessings. 2009. "Malawi's Political Landscape, 2004-2009." In *Democracy in Progress: Malawi's 2009 Parliamentary and Presidential Elections,* eds. Martin Ott and Fidelis Edge Kanyongolo. Zomba: Kachere Press, pp. 115-152.
[29] Patel, Nandini. 2016. "Against all odds: parliamentary oversight over a dominant executive." In *Political Transition and Inclusive Development in Malawi: The Democratic Dividend*, eds. Dan Banik and Blessings Chinsinga. Routledge, pp. 133-146.
[30] Von Doepp, Peter. "Politics and judicial assertiveness in emerging democracies: High Court behavior in Malawi and Zambia." Political Research Quarterly 59, no. 3 (2006): 389-399; Dionne, Kim Yi, and Boniface Dulani. "Constitutional provisions and executive succession: Malawi's 2012 transition in comparative perspective." African Affairs 112, no. 446 (2013): 111-137.
[31] Dionne, Kim Yi, and Boniface Dulani. "Constitutional provisions and executive succession: Malawi's 2012 transition in comparative perspective." African Affairs 112, no. 446 (2013): 111-137.
[32] Svåsand, Lars. "Regulation of political parties and party functions in Malawi: Incentive structures and the selective application of the rules." International Political Science Review 35, no. 3 (2014): 275-290.
[33] Kanyongolo, Fidelis Edge. 2009. "Back to the Courts: Legal Battles and Electoral Disputes." In *Democracy in Progress: Malawi's 2009 Parliamentary and Presidential Elections,* eds. Martin Ott and Fidelis Edge Kanyongolo. Zomba: Kachere Press, pp. 47-65.
[34] Chiweza, Asiyati, Joseph Chunga and Charles Chunga. 2021.
[35] Chinsinga, Blessings. 2009. "Malawi's Political Landscape, 2004-2009." In *Democracy in Progress: Malawi's 2009 Parliamentary and Presidential Elections,* eds. Martin Ott and Fidelis Edge Kanyongolo. Zomba: Kachere Press, pp. 115-152.

district councils dependent on central government transfers. [36] Chiweza (2016) characterized district councils as empty shells lacking substantive decision-making powers to drive effective service delivery.[37]

BUREAUCRACY/ADMINISTRATIVE STATE

Malawi's bureaucracy will not be a force to challenge authoritarian tendencies or push for democratic reforms. First, political favoritism and nepotism dominate recruitment to civil service jobs, with presidentially appointed ministers directing top-level civil servants to favor their relatives and friends in hiring for ministry positions.[38] Additionally, despite the formal articulation of "fiscal decentralization," Malawi's central government retains substantial control over spending related to development and capital investments at the local level, either in the form of the local development funds and constituency development funds, both of which are largely controlled by legislators who use them to finance pet projects in return for electoral support. .[39]

Traditional leaders, who are a ubiquitous feature of especially rural Malawian society, are powerful at the local level. Across the two decades Afrobarometer has been surveying nationally representative samples of Malawians, respondents regularly report having "a lot" of trust in traditional leaders. During Bingu wa Mutharika's tenure, he increased remuneration of traditional leaders and in return, tasked them with promoting the government's development agenda.[40] In addition, wa Mutharikademonstrated reverence for the role of traditional leaders, among others, by elevating many chiefs to higher positions, then later drew on them for support.[41] Following his lead, subsequent presidents, Joyce Banda, Peter Mutharika and incumbent, Lazarus Chakwera, engaged in similar chieftaincy elevation activities and in supporting chiefs' powers as custodians of customary land.[42]

Recent events suggest Malawi's Anti-Corruption Bureau (ACB) has increasing potential to serve as a constraint on autocratizing power. In the past, the ACB has had limited impact in curtailing corruption or holding senior politicians accused of corruption accountable,[43] not least because of inadequate funding and politicized appointments.[44] The arrest of Vice President Saulos Chilima in November 2022 on the ACB's allegations of his having received money and gifts in exchange for government-awarded contracts[45] suggests the ACB may be entering a period of stronger engagement. To be sure, elites are politicizing the ACB's actions and some demonize while others lionize its current Director General, Martha Chizuma, whose assertive actions have caused a backlash so strong she found herself arrested

[36] Chiweza, Asiyati. 2016. "The Political Economy of Fiscal Decentralisation: Implications on Local Governance and Public Service Delivery." In *Political Transition and Inclusive Development in Malawi: The Democratic Dividend*, eds. Dan Banik and Blessings Chinsinga. New York: Routledge, pp. 95-111.
[37] Chiweza, Asiyati. 2016. "The Political Economy of Fiscal Decentralisation: Implications on Local Governance and Public Service Delivery." in *Political Transition and Inclusive Development in Malawi: The Democratic Dividend*, eds. Dan Banik and Blessings Chinsinga. New York: Routledge, pp. 95-111.
[38] Dzimbiri, Lewis B. 2016. "Politics and the Public Service." in *Political Transition and Inclusive Development in Malawi: The Democratic Dividend*, eds. Dan Banik and Blessings Chinsinga. New York: Routledge, pp. 75-94.
[39] Chiweza, Asiyati. 2016. "The Political Economy of Fiscal Decentralisation: Implications on Local Governance and Public Service Delivery." in *Political Transition and Inclusive Development in Malawi: The Democratic Dividend*, eds. Dan Banik and Blessings Chinsinga. New York: Routledge, pp. 95-111.
[40] Svåsand, Lars. "Democratization in Malawi: Moving Forward, Stuck in Transition or backsliding?" In Forum for Development Studies, vol. 38, no. 1, pp. 1-24. Routledge, 2011.
[41] Cammack, Diana. "Malawi's Political Settlement: Crafting Poverty and Peace, 1994–2014." *Journal of International Development* 29, no. 5 (2017): 661-677.
[42] Power, Joey. "Chieftaincy in Malawi: Reinvention, re-emergence or resilience? A Kasungu case study." *Journal of Southern African Studies* 46, no. 2 (2020): 263-281.
[43] Dulani, Boniface. "Political parties, campaign financing and political corruption in Malawi." In Political Corruption in Africa, pp. 135-154. Edward Elgar Publishing, 2019; Kateta, Madalitso Wills. 2021. "How Corruption Derails Development in Malawi." *Foreign Policy* (May 21). https://foreignpolicy.com/2021/05/21/how-corruption-derails-development-in-malawi/
[44] Cammack, Diana. 2009. "The Politics of Chameleons Revisited: The Burden of Malawi's Political Culture." In *Democracy in Progress: Malawi's 2009 Parliamentary and Presidential Elections,* eds. Martin Ott and Fidelis Edge Kanyongolo. Zomba: Kachere Press, pp. 153-184.
[45] Dionne, Kim Yi. 2022. "Malawi's VP was arrested for corruption. There's more to the story." *Washington Post* (November 27). https://www.washingtonpost.com/politics/2022/11/27/malawi-corruption-chilima-chakwera-sattar/

on politically motivated charges.[46] In addition to popular desire for accountability in the wake of multiple corruption scandals,[47] donors and the judiciary - two key agents in resisting autocratization in Malawi - have backed Chizuma and what she is trying to do at the ACB.[48]

Malawi's universities have long been sites of opposition to authoritarianism. University students and faculty from the University of Malawi Chancellor College and Polytechnic campuses, for example, were at the forefront of agitating for multiparty democratic politics in the early 1990s.[49] In subsequent years, University students and faculty have become a key player in safeguarding the democratic space, most notably at the turn of the Century when University of Malawi students joined forces with Civil Society Organizations to protest against Bakili Muluzi's attempts to remove the constitutional clause on presidential term limits.[50] Meanwhile, threats to academic freedom by the Bingu wa Mutharika government led to protests at the University of Malawi's Chancellor College and also contributed to broader, nationwide protest actions led by civil society in July 2011.[51]

Subnational governmental institutions play little role in constraining the centralization of power, at least partly due to the lack of elected local government leaders, until their reintroduction in the 2014 elections.[52] Following those elections, Malawi's government launched decentralization initiatives supported by donors to build capacity for service delivery though local governments.[53] Those efforts have not yet proven fruitful, which may be repeating earlier, failed decentralization initiatives.[54]

Malawi's military has played a limited, but important, role in constraining authoritarianism during critical moments in Malawi. During the democratic transition in the early 1990s, for example, the Malawi Defence Force (MDF) played a decisive role by disarming the Malawi Young Pioneers, the paramilitary wing of the Malawi Congress Party, t in what was dubbed as "Operation Bwezani," severely undercutting the MCP's and banda's ability to use force to frustrate the various groups that were campaigning for democratic change.[55] In the contemporary period, the MDF played yet another pivotal role in safeguarding the democratic order in Malawi following the death in office of President Bingu wa Mutharika.[56] The Malawi Defence Force (MDF) was consequential during a significant turning point in the succession battle between then-Vice President Joyce Banda, who was the rightful successor according to the constitution, and then-Foreign Affairs Minister Peter Mutharika, the brother of the late president. Both the Banda and Mutharika camps reached out to MDF Commander General Henry

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[46] Africa Confidential. 2023. MALAWI Anti-corruption furore goes global. *Africa Confidential* 64(4): 11-12.
[47] Chunga, Joseph J., and Raphael Nedi. 2022. "Malawians dissatisfied with government efforts on corruption, want swift action against corrupt officials." *Afrobarometer Dispatch* No. 522.
[48] Africa Confidential. 2023. MALAWI Anti-corruption furore goes global. *Africa Confidential* 64(4): 11-12.
[49] van Donge, Jan Kees. 1995. "Kamuzu's Legacy: The Democratization of Malawi: Or Searching for the Rules of the Game," in African Affairs, 94, no. 375 (1995), pp. 227-257. See also Chirambo, Reuben. 2004. "Operation Bwezani: The Army, Political Change and Dr. Banda's Hegemony in Malawi," Nordic Journal of African Studies 13(2): 146-163.
[50] Gondwe, Innocent. 2010. "Youth and Politics in Malawi: The Case of University Students Since 1965," Available at SSRN: https://ssrn.com/abstract=2626625.
[51] Cammack, Diana. 2012. "Malawi in Crisis, 2011–2102." Review of African Political Economy 39 (132): 357-88; Dionne, Kim Yi, and Boniface Dulani. "Constitutional provisions and executive succession: Malawi's 2012 transition in comparative perspective." African Affairs 112, no. 446 (2013): 111-137; Mueller, Lisa. 2018. *Political protest in contemporary Africa*. Cambridge University Press.
[52] Chasukwa, Michael, Asiyati Chiweza, and Mercy Chikapa-Jamali. 2014. "Public Participation in Local Councils in Malawi in the Absence of Local Elected Representatives-Political Elitism or Pluralism?" Journal of Asian and African Studies 49(6): 705-20.
[53] Dionne, Kim Yi. Malawi LGAP Midterm Performance Evaluation. *Report prepared for USAID*. Landover, MD: Cloudburst Group, 2021. Available at: https://pdf.usaid.gov/pdf_docs/PA00XM8V.pdf
[54] Chinsinga, Blessings. Decentralization and Poverty Reduction in Malawi–A Critical Appraisal. In Decentralisation in Africa: A pathway out of poverty and conflict? Gordon Crawford and Christof Hartmann (eds.). Amsterdam University Press, 2008.
[55] Chirambo, Reuben. 2004. "Operation Bwezani: The Army, Political Change and Dr. Banda's Hegemony in Malawi," Nordic Journal of African Studies 13(2): 146-163 (2004)
[56] Dionne, Kim Yi, and Boniface Dulani. "Constitutional provisions and executive succession: Malawi's 2012 transition in comparative perspective." African Affairs 112, no. 446 (2013): 111-137.

Odillo to request the army's support. Odillo pledged his and the army's loyalty to Banda, shifting the balance of power from the Mutharika camp to Banda. Banda was inaugurated shortly thereafter. Importantly, the military has high public trust and has not used multiple opportunities - e.g., the unpopular, violent response of Bingu wa Mutharika's administration to peaceful popular protests in 2011 - to assert power beyond its mandate and instead has maintained support for civilian rule.

In sharp contrast with the military, Malawi's police have often served as a tool of presidents and ruling parties, continuing a legacy of the central role police played in suppressing freedoms during authoritarian rule pre-1994.[57] Police are seen as too close to the incumbent party.[58] Popular trust of police is low and many Malawians perceive police as involved in corruption. [59]

ELECTIONS

Malawi's elections are administered by the Malawi Electoral Commission (MEC). MEC Commissioners are nominated by political parties that secure at least one tenth of the national parliamentary vote and appointed by the president.[60] After Bingu wa Mutharika created his new party, the Democratic Progressive Party (DPP), in 2005, he delayed making appointments to MEC, postponed local elections, and then subverted the norms of having MEC appointments aligned to party representation in parliament - all to minimize any disadvantages to his new party.[61] Additionally, MEC suffered from the civil service's typical delays in recruitment and hiring, which led to poor capacity in carrying out MEC's duties.[62]

Elections serve as a focal point, not just for democratization but also for autocratization, e.g., when uncertain incumbents change the rules to maximize their continued tenure in office.[63] Malawi has had three incumbent presidents lose elections: Hastings Kamuzu Banda in 1994, Joyce Banda in 2014, and Peter Mutharika in 2020. Ultimately, the transitions following these losses were peaceful. However, these losses and extra constitutional maneuvers during the Bakili Muluzi and Bingu wa Mutharika presidencies - tested Malawi's democratic commitment and suggest a latent appetite among some rulers for autocratization. Afrobarometer surveys consistently show strong public opposition to autocratic modes of government among Malawians. In Afrobarometer's 2022 survey, for example, 87% of Malawians were opposed to one-man dictatorship; a further 75% expressed opposition to military rule while 69% said they were against one-party rule. The ruling party can use an upcoming election as a way of consolidating its power - through both the monopolization of media coverage but also through courting contributions from government agencies for ruling party campaign funds.[64]

Critical to the ability of elections to serve as resistance against authoritarianism or promoting further democratic consolidation will rest in the strength and capacity of opposition parties. However, Malawi's

[57] Chunga, Joseph J. and Chikumbutso Herbert Manthalu. 2022. "Malawians cite lack of professionalism, integrity, responsiveness among police failings." *Afrobarometer Dispatch No. 581*.
[58] Svåsand, Lars. "Democratization in Malawi: Moving Forward, Stuck in Transition or backsliding?" In Forum for Development Studies, vol. 38, no. 1, pp. 1-24. Routledge, 2011.
[59] Chunga, Joseph J. and Chikumbutso Herbert Manthalu. 2022. "Malawians cite lack of professionalism, integrity, responsiveness among police failings." *Afrobarometer Dispatch No. 581*.
[60] See Section 4 of the Malawi Electoral Commission Act (2018)
[61] Rakner, Lise. 2009. "The Management of the 2009 Electoral Process: The Role of the Malawi Electoral Commission." In *Democracy in Progress: Malawi's 2009 Parliamentary and Presidential Elections,* eds. Martin Ott and Fidelis Edge Kanyongolo. Zomba: Kachere Press, pp. 25-45.
[62] Duncan, Charlotte. 2009. "The Technical and Financial Support of Development Partners." In *Democracy in Progress: Malawi's 2009 Parliamentary and Presidential Elections,* eds. Martin Ott and Fidelis Edge Kanyongolo. Zomba: Kachere Press, pp. 93-112.
[63] Rakner, Lise. "Don't Touch My Constitution! Civil Society Resistance to Democratic Backsliding in Africa´ s Pluralist Regimes." Global Policy 12 (2021): 95-105.
[64] Dulani, Boniface. "Political parties, campaign financing and political corruption in Malawi." In Political Corruption in Africa, pp. 135-154. Edward Elgar Publishing, 2019.

democratization process has given rise to "more but not better political parties" - with all of them serving as vehicles to access state power and resources rather than furthering shared ideological goals.[65] Elites come together in a party because of their shared loyalty to the person who built the party, rather than through shared ideology.[66] Malawi's political parties are fractured and generally lack internal democracy.[67] Newer parties such as the DPP and People's Party (PP) were "created from the top" by a president and vice president, respectively; originally these had no local structures[68] and only the former remains a viable opposition party - though it is unclear if the DPP will outlast the life of its current leader, the octogenarian brother of its late founder. Parties are highly personalized with centralized power. For example, the sole signatory for the DPP's bank account when it was the ruling party was President Peter Mutharika.[69] This centralization creates some uncertainty about any party's future as parties have "never-ending" internal squabbles due to lack of investment in developing viable and credible institutional mechanisms for succession.[70] Beyond expert analysis citing the shortcomings of Malawi's parties, public opinion data also demonstrate how parties lack relevance among ordinary citizens.[71]

CIVIL SOCIETY

In a comparative case study with Zambia, Rakner (2021) argues that the legacy of pro-democracy movements has provided a mobilizing structure for contemporary civil society and that the relative autonomy of Malawi's civil society has been key to the country's resilience to autocratization.[72] Gabay (2014) has characterized Malawi's civil society as disciplined and docile, with civil society organizations reliant on donor funding being reluctant to come out against the government.[73] Dulani (2009, 2011) has argued that because Malawian CSOs were instrumental in the birthing of democracy in the early 1990s, they have assumed it as their duty to defend the democratic order especially when it has faced threats. Examples include the CSOs advocacy against Bakili Muluzi's quest for a third term between 2001 and 2004; resistance against Bingu wMutharika's authoritarianism between 2009 and 2012 and protests against electoral manipulation by the DPP government in 2019[74]. Even if leaders in civil society are susceptible to threats and cooptation, the capacity for civil society to call for mass protests - as they did in the face of poor economic and political governance in 2011[75] - is powerful as a check on presidential

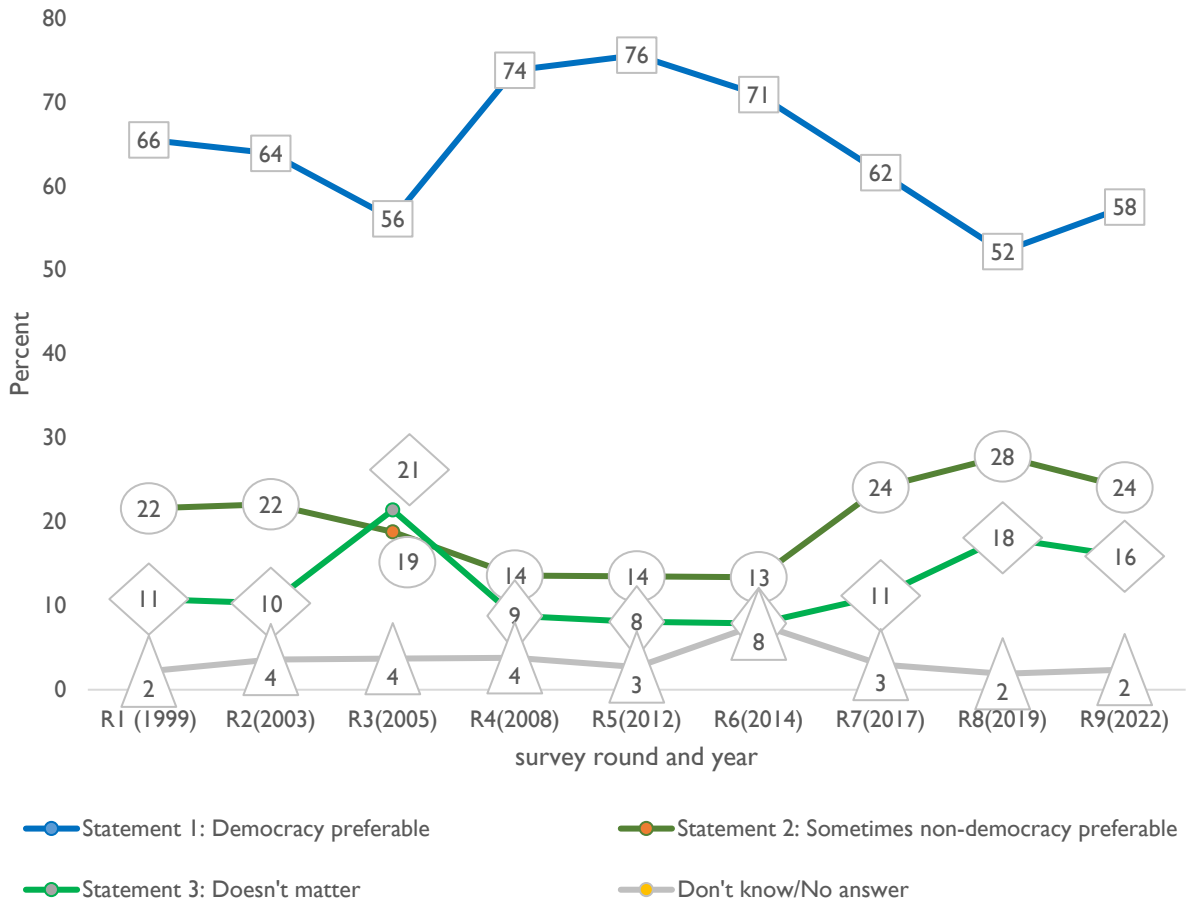
[65] Chinsinga, Blessings. 2009. "Malawi's Political Landscape, 2004-2009." In *Democracy in Progress: Malawi's 2009 Parliamentary and Presidential Elections,* eds. Martin Ott and Fidelis Edge Kanyongolo. Zomba: Kachere Press, pp. 115-152.
[66] Cammack, Diana. 2009. "The Politics of Chameleons Revisited: The Burden of Malawi's Political Culture." In *Democracy in Progress: Malawi's 2009 Parliamentary and Presidential Elections,* eds. Martin Ott and Fidelis Edge Kanyongolo. Zomba: Kachere Press, pp. 153-184.
[67] Svåsand, Lars. "Democratization in Malawi: Moving Forward, Stuck in Transition or backsliding?" In Forum for Development Studies, vol. 38, no. 1, pp. 1-24. Routledge, 2011; Rakner, Lise, Lars Svåsand, and Nixon S. Khembo. "Fissions and fusions, foes and friends: Party system restructuring in Malawi in the 2004 general elections." Comparative Political Studies 40, no. 9 (2007): 1112-1137.
[68] Svåsand, Lars. "Regulation of political parties and party functions in Malawi: Incentive structures and the selective application of the rules." International Political Science Review 35, no. 3 (2014): 275-290.
[69] Dulani, Boniface. "Political parties, campaign financing and political corruption in Malawi." In Political Corruption in Africa, pp. 135-154. Edward Elgar Publishing, 2019.
[70] Chinsinga, Blessings. 2009. "Malawi's Political Landscape, 2004-2009." In *Democracy in Progress: Malawi's 2009 Parliamentary and Presidential Elections,* eds. Martin Ott and Fidelis Edge Kanyongolo. Zomba: Kachere Press, pp. 115-152.
[71] Chunga, Joseph. 2014. "Examining the Relevance of Political Parties in Malawi." *Afrobarometer Briefing Paper No. 125.*
[72] Rakner, Lise. "Don't Touch My Constitution! Civil Society Resistance to Democratic Backsliding in Africa´ s Pluralist Regimes." Global Policy 12 (2021): 95-105.
[73] Gabay, Clive. "Two 'transitions': the political economy of Joyce Banda's rise to power and the related role of civil society organizations in Malawi." Review of African Political Economy 41, no. 141 (2014): 374-388.
[74] Dulani, Boniface. "Democracy Movements as Bulwarks against Presidential Usurpation of Power: Lessons from the Third-Term Bids in Malawi, Namibia, Uganda and Zambia," in Vienna Journal of African Studies, Volume 20 (2011) pp. 115-139; Dulani, Boniface. (2009). "Nurtured from the Pulpit: The Emergence and Growth of the Democracy Movement in Malawi", in Stephen Ellis and Ineke van Kessel (eds), Movers and Shakers: Social Movements in Africa, Boston: Brill, pp 138-155
[75] Wroe, Daniel. "Donors, dependency, and political crisis in Malawi." African Affairs 111, no. 442 (2012): 135-144.

power and should not be underestimated. Such popular resistance can trigger a broader challenge to government.[76]

Centrally important among civil society actors are Malawi's churches and faith leaders. Religious leaders hold the public's trust, especially when compared to elected officials and even when compared to traditional leaders such as chiefs and village headmen. More than half of the Malawians surveyed by Afrobarometer in 2022 reported putting "a lot" of trust in religious leaders. Compare this to the 13 percent who reported having a lot of trust in the president, 15 percent who had a lot of trust in parliament, and 37 percent who reported having a lot of trust in traditional leaders. Malawi's churches and religious leaders played a critical role in the transition away from Kamuzu Banda's autocratic rule in the early 1990s and since have regarded themselves as custodians of democracy.[77]

Public support for democracy has fluctuated over the years but has never been eclipsed by a preference for non-democratic rule in the two decades that Afrobarometer has collected survey data in Malawi (see Figure 2).

Figure 10. Support for Democracy in Malawi, 1999-2022



[76] VonDoepp, Peter. "Resisting Democratic Backsliding: Malawi's Experience in Comparative Perspective." African Studies Review 63, no. 4 (2020): 858-882.
[77] Ross, Kenneth. 2004. "'Worrisome Trends': The Voice of the Churches in Malawi's Third Term Debate." *African Affairs* 103: 91-107.

Notes: Respondents were asked, "Which of these three statements is closest to your own opinion? 1. Democracy is preferable to any other form of government. 2. In certain situations, a non-democratic government can be preferable. 3. To people like me, it doesn't matter what form of government we have." Source: Afrobarometer.

MEDIA

Traditional media is an important actor in Malawi, particularly radio. Seventy percent of Malawians get their news from the radio at least a few times a month.[78] At the same time, more than three-quarters of Malawians reported never getting their news from the daily newspapers, which are typically available in cities and towns. However, as in other settings, the work that newspaper journalists do has an impact on what is reported on the radio and what circulates on social media. An overwhelming majority (73 percent) of Malawians report never getting their news on social media, but social media usage is increasing over time; only 3 percent reported daily use of social media to access news in 2014, but 12 percent reported doing so in 2022.

Especially when in partnership with civil society, the media has played a significant role in checking power in Malawi. The media broke news about the Cashgate scandal in 2013 that ultimately dogged Joyce Banda in the 2014 elections; likewise, the media provided evidence connecting President Peter Mutharika to fund withdrawals from an account supported by a Malawian company with a government contract to supply the Malawi Police Services.[79] The media played an important watchdog role in the third term debate during Muluzi's presidency, keeping the issue salient among the public through constant coverage.[80] Media specialized in investigations has emerged and has played a major role in exposing corruption in the Tonse Alliance government from 2020. Among the leading investigative media houses is the Platform for Investigative Journalism,[81] an online media house that was founded in 2019 and has played a pivotal role in exposing corruption linking the Tonse government of President Lazarus Chakwera with British businessman, Zuneth Sattar who is accused of paying bribes to senior officials in the Tonse administration in return for multiple government contracts[82].

Nonetheless, there are important limits to the media's power. Kainja (2022) clarifies that media freedoms in Malawi are largely *de jure,* not *de facto.* Some of these freedoms were not codified until 2020, and some laws even restrict media freedom. Malawi's political economy makes media less of a public priority and challenges journalists' capacity to be unbiased reporters. Furthermore, the government has significant influence on the media through its power as one of the country's major advertisers in daily newspapers.[83]

State influence is most obvious during election campaigns, which have consistently demonstrated differences in *de jure* and *de facto* media regulations: the state-run Malawi Broadcasting Corporation

[78] Authors' calculations on Malawians' media consumption come from nationally representative survey data collected by Afrobarometer in February 2022.
[79] Dulani, Boniface. "Political parties, campaign financing and political corruption in Malawi." In Political Corruption in Africa, pp. 135-154. Edward Elgar Publishing, 2019.
[80] Zeleza Manda, Levi. "Media." In Government and Politics in Malawi, eds. Nandini Patel and Lars Svåsand, pp. 239-265. Centre for Social Research (CSR) and Chr. Michelsen Institute (CMI) Kachere Books 33, 2007.
[81] See https://www.investigativeplatform-mw.org/
[82] PIJ Investigations. Sattar's Web of patronage. Exposed in Court. 2022. Available at: https://www.investigativeplatform-mw.org/sattars-web-of-patronage-exposed-in-court/. Accessed 12 May 2023
[83] Kainja, Jimmy. "The Media and Freedom of Expression in Democratic Malawi: A Formality or Reality?" In The Palgrave Handbook of Democracy, Governance and Justice in Africa, pp. 279-293. Cham: Springer International Publishing, 2022.

(MBC) is, by law, required to maintain neutrality in reporting on campaigns but election observer reports consistently show that with the exception of the 1994 elections, MBC has yet to provide a level playing field.[84] However, while state media denies access to the opposition, independent media stations have provided balanced coverage, and some stations have increased transmitter coverage to extend the reach of independent media to rural Malawians.[85]Although private media are increasingly getting an increased share of media consumption, the public broadcaster still remains the primary source of news for most Malawians, owing in part to its national footprint.

Championed for its potential to level the playing field, social media has not yet displaced traditional media in controlling information flows and content in Malawi. Seventy-three percent of Malawians report ***never*** getting their news from social media.[86]

REGIME TYPE

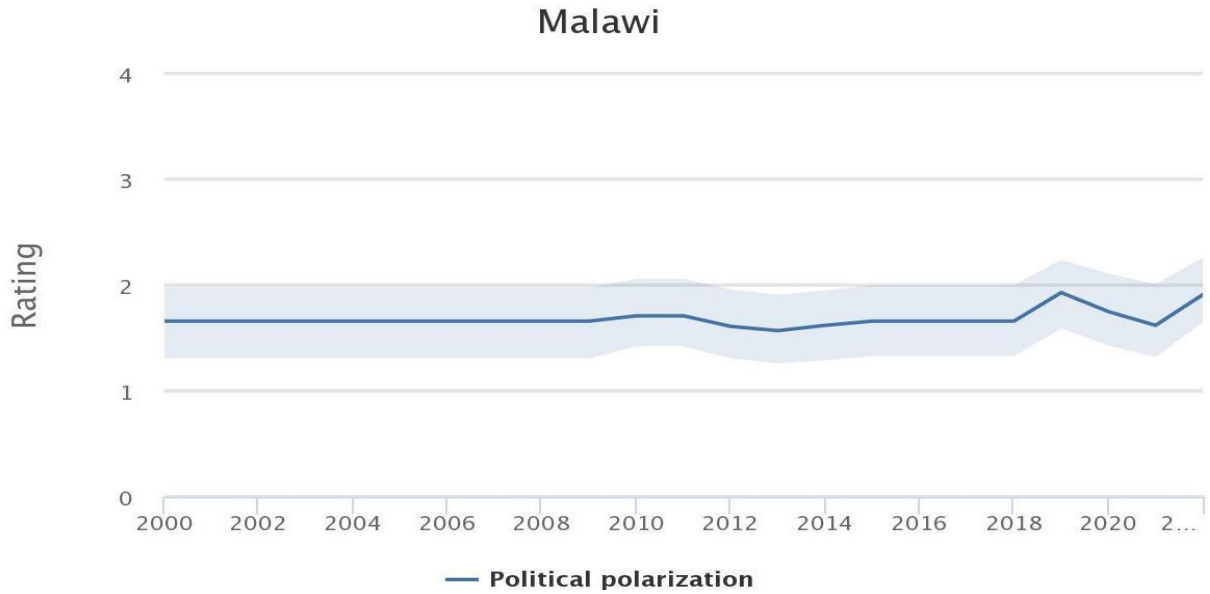
Malawi has experienced episodes of democratic backsliding, resistance, and resurgence, but we would not characterize the regime type as having changed since the return to multiparty democracy in 1994.

POLARIZATION AND DEPOLARIZATION

Malawi has not experienced significant political polarization in the contemporary era (see Figure 3). Malawi's lack of polarization has been key in recent resistance to democratic backsliding.[87] However, the recent coronavirus pandemic has shown some signs of potential polarization that should be watched with caution. Although the outgoing president Peter Mutharika did not politicize the pandemic and there was not meaningful partisan divergence in policies and practices to mitigate infection,[88] there have been partisan patterns among the public in reported adherence to protective measures.[89]

[84] Såsand, Lars. "Regulation of political parties and party functions in Malawi: Incentive structures and the selective application of the rules." International Political Science Review 35, no. 3 (2014): 275-290.
[85] Chiyamwaka, Baldwin. 2009. "The Media: Political Players or Honest Brokers." In *Democracy in Progress: Malawi's 2009 Parliamentary and Presidential Elections,* eds. Martin Ott and Fidelis Edge Kanyongolo. Zomba: Kachere Press, pp. 339-364.
[86] Authors' calculations from nationally representative survey data collected by Afrobarometer in February 2022.
[87] VonDoepp, Peter. "Resisting Democratic Backsliding: Malawi's Experience in Comparative Perspective." African Studies Review 63, no. 4 (2020): 858-882.
[88] Dionne, Kim Yi, Boniface Dulani, and Sara Elisa Fischer. "Pandemic amid Political Crisis: Malawi's Experience with and Response to COVID-19." *Coronavirus Politics: The Comparative Politics and Policy of COVID-19* (2021): 541-559.
[89] Ferree, Karen. Understanding Vaccine Hesitancy in Malawi. *GLD Policy Brief No. 4,* 2021. Available at: https://gld.gu.se/media/2372/gld_policy_brief_no_4.pdf; Dionne, Kim Yi, Boniface Dulani, Karen Ferree, Adam Harris, and Weiyi Shi. Politics and Vaccine Hesitancy: Evidence from Malawi. *Unpublished working paper,* 2023.

Figure 11. Political Polarization in Malawi, 2000-2022



Notes: Average response by expert coders of Malawi judging "Is society polarized into antagonistic, political camps?" Scale from 0 = Not at all. Supporters of opposing political camps generally interact in a friendly manner." to 4 = Yes, to a large extent. Supporters of opposing political camps generally interact in a hostile manner." Source: V-Dem.

INTERNATIONAL FACTORS AND EXTERNAL ACTORS

Malawi is heavily dependent on foreign aid. Development assistance has been so large in Malawi that aid suspensions and withdrawals interrupt service delivery, weakening the government's ability to provide for citizens.[90] Dependence on the international community for aid - especially governance aid that serves to strengthen parties and the party system - can restrict domestic political actors from making independent decisions.[91]Malawi's high dependency on foreign aid further makes international aid donors an important veto player that helps to limit the possibility of democratic reversal. Although the threat of losing aid (or its actual loss) have not always prevented various leaders from Muluzi and the Mutharika brothers from attempting to undermine democratic institutions.[92]

Nevertheless, key institutions for democratic consolidation have been supported by the international community, including the costs of holding general elections, constructing a building to house parliament, and supporting civil society, which has sometimes been successful at resisting autocratization.[93] The

[90] Dionne, Kim Yi, and Boniface Dulani. "Constitutional provisions and executive succession: Malawi's 2012 transition in comparative perspective." African Affairs 112, no. 446 (2013): 111-137; Svåsand, Lars. "Democratization in Malawi: Moving Forward, Stuck in Transition or backsliding?" In Forum for Development Studies, vol. 38, no. 1, pp. 1-24. Routledge, 2011; Banik, Dan, and Michael Chasukwa. 2019. "The impact of emerging donors on development and poverty reduction." In *Political Transition and Inclusive Development in Malawi: The Democratic Dividend*, eds. Dan Banik and Blessings Chinsinga. New York: Routledge, pp. 147-168.
[91] Svåsand, Lars. "Democratization in Malawi: Moving Forward, Stuck in Transition or backsliding?" In Forum for Development Studies, vol. 38, no. 1, pp. 1-24. Routledge, 2011.
[92] Dulani, Boniface. 2016., "Progress or Stagnation? Twenty Years of Democracy in Malawi," in D. Banik and B. Chinsinga (eds), The Democratic Dividend - Political Transition and Inclusive Development in Malawi, London: Routledge
[93] Resnick, Danielle. 2013. "Two Steps Forward, One Step Back: The Limits of Foreign Aid on Malawi's Democratic Consolidation." In *Democratic Trajectories in Africa: Unraveling the Impact of Foreign Aid*, eds. Danielle Resnick and Nicolas van de Walle. Oxford University Press, pp. 110-138; Svåsand, Lars. "Democratization in Malawi: Moving Forward, Stuck in Transition or backsliding?" In Forum for Development Studies, vol. 38, no. 1, pp. 1-24. Routledge, 2011.

influence of donors in checking Malawi's presidents, however, depends at least in part on the general economic conditions; under poor economic conditions, donors have more leverage with presidents.[94]

CONCLUSION

The contemporary conditions in Malawi seem favorable to resisting democratic backsliding. The key actors that have safeguarded Malawi's democracy - particularly the courts and civil society - have not missed opportunities to challenge autocratic tendencies of powerful presidents. This has been especially true during periods of economic hardship and presidential unpopularity. Even if they do not intentionally work in concert to constrain powerful presidents, resistant courts and civil society may both be necessary conditions for Malawi's resilience against authoritarianization. To be sure, we cannot rule out the possibility that Malawi's courts would be independent and rule against powerful presidents in the absence of an engaged civil society, but we see no such events in the recent historical record.

It is not clear that these actors and conditions are sufficient to move Malawi towards greater democratic consolidation, however. And, we might expect Malawians want the normative goods of having economic prosperity and a likable president, so we should imagine what may be needed to sustain and promote democracy in the absence of economic hardship and presidential unpopularity.

There are political institutions that have shown some - albeit limited - capacity in the past in sustaining democracy and may have unrealized potential to promote democratic consolidation in Malawi, particularly the legislature. There were previous externally funded parliament strengthening initiatives, though the pattern of multiple donors ending such programming[95] suggests limited return. Nonetheless, a program providing professional, technical support to legislators from underrepresented groups in parliament (e.g., women, youth, or disabled MPs) could go a long way in promoting professionalization among parliamentarians, allowing them to carry out administrative rather than political tasks. The initiative could provide women, youth, or disabled MPs with staff, space, and other resources and could focus in particular on adoption of technology, which has been noted as a weakness in the legislature.[96] This could build parliament's capacity to perform its oversight role. So long as this support is offered to MPs from underrepresented groups of all political parties, the assistance will not be interpreted as supporting one party or ideology over another. Were the program to also facilitate engagement among supported MPs, it could also encourage cross-party collaboration, potentially strengthening future interparty coalitions, which have had limited success in Malawian contemporary politics. Efforts specifically supporting underrepresented groups may also chip away at the "big men" tendencies that keep Malawi's political parties personalist and patrimonial, rather than collective in striving to achieve shared ideological goals.

[94] Resnick, Danielle. 2013. "Two Steps Forward, One Step Back: The Limits of Foreign Aid on Malawi's Democratic Consolidation." In *Democratic Trajectories in Africa: Unraveling the Impact of Foreign Aid*, eds. Danielle Resnick and Nicolas van de Walle. Oxford University Press, pp. 110-138; VonDoepp, Peter. "Resisting Democratic Backsliding: Malawi's Experience in Comparative Perspective." African Studies Review 63, no. 4 (2020): 858-882.
[95] Resnick, Danielle. 2013. "Two Steps Forward, One Step Back: The Limits of Foreign Aid on Malawi's Democratic Consolidation." In *Democratic Trajectories in Africa: Unraveling the Impact of Foreign Aid*, eds. Danielle Resnick and Nicolas van de Walle. Oxford University Press, pp. 110-138.
[96] Patel, Nandini. 2016. "Against all odds: parliamentary oversight over a dominant executive." In *Political Transition and Inclusive Development in Malawi: The Democratic Dividend*, eds. Dan Banik and Blessings Chinsinga. Routledge, pp. 133-146.

APPENDIX

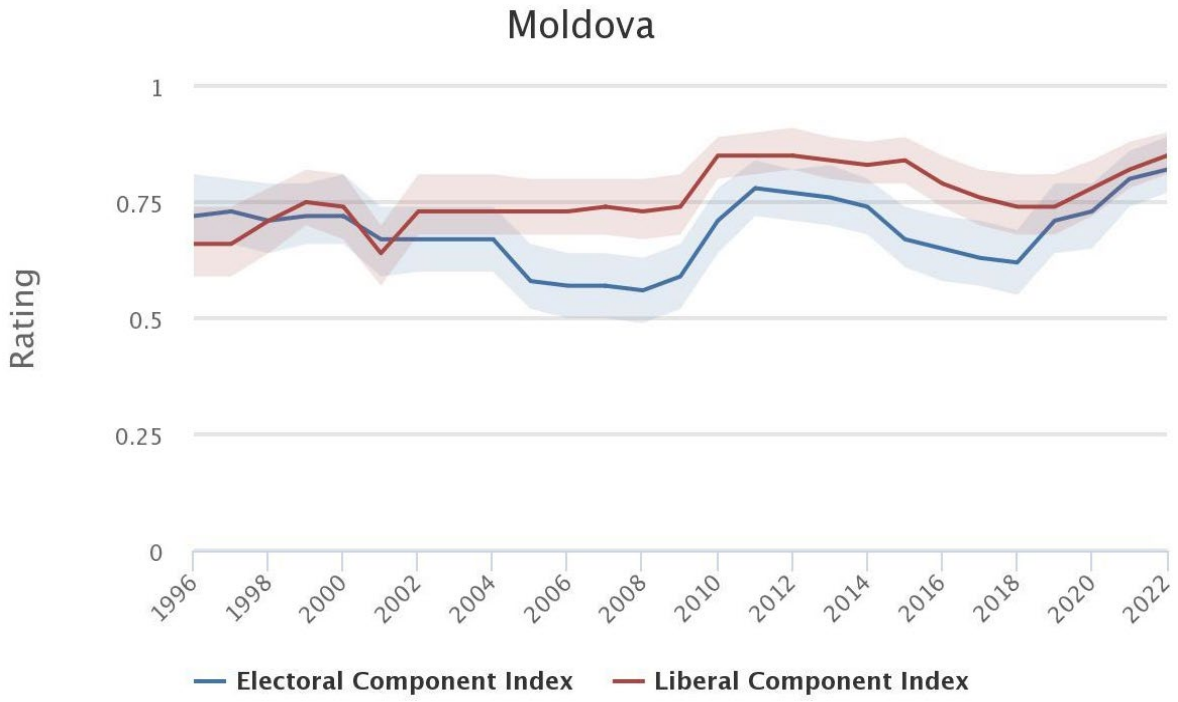
Table 5. Timeline of Selected Key Events Since 2000

DATE	EVENT	SIGNIFICANCE & IMPLICATIONS
July 2002	"Open Terms Bill" - to give President Bakili Muluzi opportunity to run for a third term - tabled in parliament. Bill failed after falling 3 votes short of the two-thirds majority needed to become law. Despite failure, Muluzi continues to vie for a third term and seek other ways of maintaining a hold on power (e.g., choosing a relative unknown to be his successor).	Muluzi's third term quest fractures his UDF party and divides other political parties as well, weakening parties and the party system. Likewise, it perpetuates personalism, a legacy from the previous authoritarian era. Analysts credit civil society and dissent within the ruling party as factors that constrained this attempted autocratization.
Feb 2005	Breaking with former president Bakili Muluzi and his United Democratic Front (UDF) party, incumbent president Bingu wa Mutharika forms a new party, the Democratic Progressives Party (DPP).	Forming the new party further personalizes and weakens parties. In subsequent elections, more candidates run (and win) as independents, safeguarding potential to "join" the ruling party, whichever that may be when votes are counted.
May 2005	Malawi fails to hold local government elections. Mutharika used his electoral commission appointment powers to delay elections he knew his new party would lose.	Failing to hold local elections further centralizes power.
2004-2009	There are numerous tense battles between President Mutharika and parliament, up to and including threats of impeachment of the president. Parliament got little done, achieving little more than passing budgets.	Parliament was effectively suspended during this time, meeting less than the stipulated statutory minimum. Shows parliament can resist autocratization, but even when fighting its hardest, parliament can't beat a president.
Early 2011	President Mutharika and his government limit freedoms, including academic freedom, press freedom, and freedom to assemble (and protest). Critics of the president were regularly harassed and victimized. At the same time, there are serious economic issues, including shortages of foreign exchange, fuel, and electricity. Mutharika also expels the British High Commissioner.	Foreign relations sour, leading to significantly reduced foreign aid. Malawians struggle to meet basic needs and to voice grievances, ultimately culminating in street protests led by civil society and whose organization was widely reported in the media. Protests occurred nationwide on July 20, 2011.

DATE	EVENT	SIGNIFICANCE & IMPLICATIONS
July 2011	Protesters deliver a 15-page petition highlighting peoples' economic and political grievances as well as a list of demands. Mutharika's state security forces violently repress popular protests, killing at least 20 people and injuring and arresting many more.	Civil society, especially religious leaders, attempt to negotiate with the government, but civil society is fractured and somewhat compliant due to efforts by the administration to threaten some civil society leaders and co-opt others.
April 2012	President Bingu wa Mutharika's death in office was initially obscured from the public; his brother Peter Mutharika attempted to circumvent constitutional succession. Vice President Joyce Banda was later sworn into office.	Key actors among political elites, the judiciary, independent media, civil society, and especially the military protected against a constitutional crisis.
2013-2014	The media breaks news of a corruption scandal dubbed Cashgate in which civil servants siphon tens of millions of dollars from government funds through fraudulent payments and loopholes.	Multiple donors suspend foreign aid and withdraw budgetary support. President Joyce Banda initiates austerity measures. Popular trust in government falls. Banda's political reputation is sufficiently tarnished by the scandal that she loses the May 2014 elections to Peter Mutharika.
2019-2020	The May 2019 elections were contested in court and street protests demanded the firing of the chairperson of the Malawi Electoral Commission. The Constitutional Court ruled the elections had sufficient irregularities to require a fresh presidential election, held in June 2020. Concerned he would lose the election, the president attempts to use the COVID-19 pandemic as a reason to ban campaign rallies but is overruled by the courts. Opposition parties MCP and UTM form a pre-electoral coalition and win; the incumbent leaves office peacefully.	Civil society, protests, the judiciary, and opposition parties together protected against the potential authoritarian moves by an unpopular president. The incumbent's peaceful departure from office after his loss also served to strengthen democratic norms surrounding elections.
Nov 2022	Vice President Saulos Chilima arrested, accused by the Anti-Corruption Bureau of receiving gifts and money in exchange for government-awarded contracts. His arrest was part of a broader investigation of high-level corruption in Malawian politics.	Chakwera's arrest signals a breakdown in Malawi's nascent coalition politics and in the ruling coalition more specifically, but it is also consistent with previous administrations experiencing tensions between presidents and their vice presidents.

4. MOLDOVA

Figure 12. V-Dem Liberal Component Index and Electoral Component Index for Moldova, 1996-2022



SUMMARY

Democratization advanced slowly in Moldova, interrupted by two episodes of democratic backsliding and subsequent recoveries. The first instance of democratic erosion occurred while the Party of Communists (PCRM) governed the country from 2001 to 2009. The major enabling factors of democratic backsliding included a deteriorating economy followed by an institutional crisis, an electorate polarized along ethno-linguistic lines, and political polarization centered on the cleavage between Communists and democrats. The symptoms of the ongoing democratic erosion included the readiness of the ruling party (i.e., PCRM) to bend electoral rules, undermine pluralism, weaken media freedom and harass the opposition in order to remain in power. Still, the PCRM was unable to suppress democracy at the local level and could not control the emerging online media space. Autocratization was reversed by mass protests against election fraud, which paved the way for the victory of the opposition parties in free elections. However, the first recovery did not last long as the state institutions, weakened by the previous authoritarian pressures, were unable to resist the informal influence exerted by the Moldovan oligarchs. The ruling pro-Western coalition, which replaced the PCRM, was soon embroiled in a major corruption scandal, which brought to light horizontal accountability issues and undermined the public trust in democratic institutions. The second instance of democratic backsliding (2015-2019) was qualitatively different from the first as democratic institutions were captured by oligarchic interests rather than controlled by a dominant party. Democratic backsliding was reversed after the 2015 anti-corruption protests, which gave rise to new opposition parties, winning the next elections. The accession to power of new politicians, displaying a deep commitment to open society values and the rule of law, contributed to the EU's decision to grant Moldova candidate status.

INTRODUCTION

In 2023, forty-two countries were autocratizing, whereas only fourteen were democratizing.[97] As the number of democracies succumbing to autocratization continues to grow, the processes underlying such worrying trends require more attention. Democratic backsliding, understood as the incremental decline of the quality of democracy in a given national context has been traced to multiple factors. For instance, Waldner and Lust distinguish among explanations emphasizing individual agency, political institutions, economic conditions, political culture, social structure, and international factors.[98] Isolating the effect of each of the causes influencing democratic backsliding is a complicated endeavor and depends to some extent on how democracy is measured and conceptualized.[99] Much of the research on the causal drivers of democratic backsliding tends to rely on large datasets such as Polity IV, V-Dem, Freedom House and BTI, omitting multi-stage complex pathways and concatenations of processes unfolding simultaneously over years. Following Mahoney and Falleti, I use process tracing and adopt the comparative sequential method to explore democratic backsliding in the case of Moldova.[100]

Moldova's experience deserves careful scrutiny for two reasons. First, Moldova along with Bolivia, Ecuador, Maldives, North Macedonia, Slovenia, South Korea and Zambia features as one of the cases in which democracy bounced back and previous autocratization tendencies were reversed.[101] Second, it is argued here that democratic backsliding in Moldova resembles a cycle rather than a one-off sequence of events. The within-case analysis of Moldova's experience serves to identify temporal and causal sequences conducive to backsliding and recovery, a multi-stage cycle illustrating how each sequence generates transformations and societal reactions, which in turn lead to the next episode of democratic decline and comeback.

It is important to note that Moldova's recoveries from democratic backsliding occur under extremely adverse conditions. Despite the official rhetoric, Moldova remains one of the poorest countries in Europe, affected by a chronic demographic crisis and massive outmigration. Also, Moldova can be considered a divided multiethnic society. The 1992 conflict between Chișinău and the breakaway region of Transnistria and Russia has not been resolved. Despite the apparent stability, the prospects for a durable peace in Transnistria are slim, posing significant security risks in the context of the Russian war on Ukraine. Furthermore, Moldova's democratization path has been negatively affected by Russia as an external actor, a state acting as a former imperial power, constantly meddling in Moldovan politics. Moscow impedes democratic consolidation by sponsoring parties and politicians, who peddle narratives questioning the norms and values of liberal democracy, undermine the rule of law, and express support for authoritarian practices, essentially imitating autocratic policies prevailing in the Russian Federation.[102] Despite the external attacks on democracy, the precarious socio-economic situation, the ethnolinguistic

[97] Evie Papada, Fabio Angiolillo, Lisa Gastaldi, Tamara Köhler, Martin Lundstedt, Natalia Natsika, Marina Nord, Yuko Sato, Felix Wiebrecht, and Staffan I. Lindberg. 2023. Defiance in the Face of Autocratization, V-Dem Report, March. https://www.V-Dem.net/documents/29/V-Dem_democracyreport2023_lowres.pdf

[98] David Waldner and Ellen Lust. 2018. "Unwelcome Change: Coming to Terms with Democratic Backsliding." *Annual Review of Political Science*, Vol. 21, pp. 93-113, 2018.

[99] Haemin Jee, Hans Lueders & Rachel Myrick. 2021. "Towards a unified approach to research on democratic backsliding," *Democratization*, DOI: 10.1080/13510347.2021.2010709

[100] Tulia G. Falleti and James Mahoney. 2015. "The Comparative Sequential Method." In James Mahoney and Kathleen Thelen, eds., *Advances in Comparative-Historical Analysis*. Cambridge: Cambridge University Press, 211-39.

[101] Papada et al., Defiance in the Face of Autocratization, 2023.

[102] Ion Marandici. 2022. "Nostalgic Voting? Explaining the Electoral Support for the Political Left in Post-Soviet Moldova." *Eurasian Geography and Economics* 63:4, 514-542, DOI: 10.1080/15387216.2021.1918565

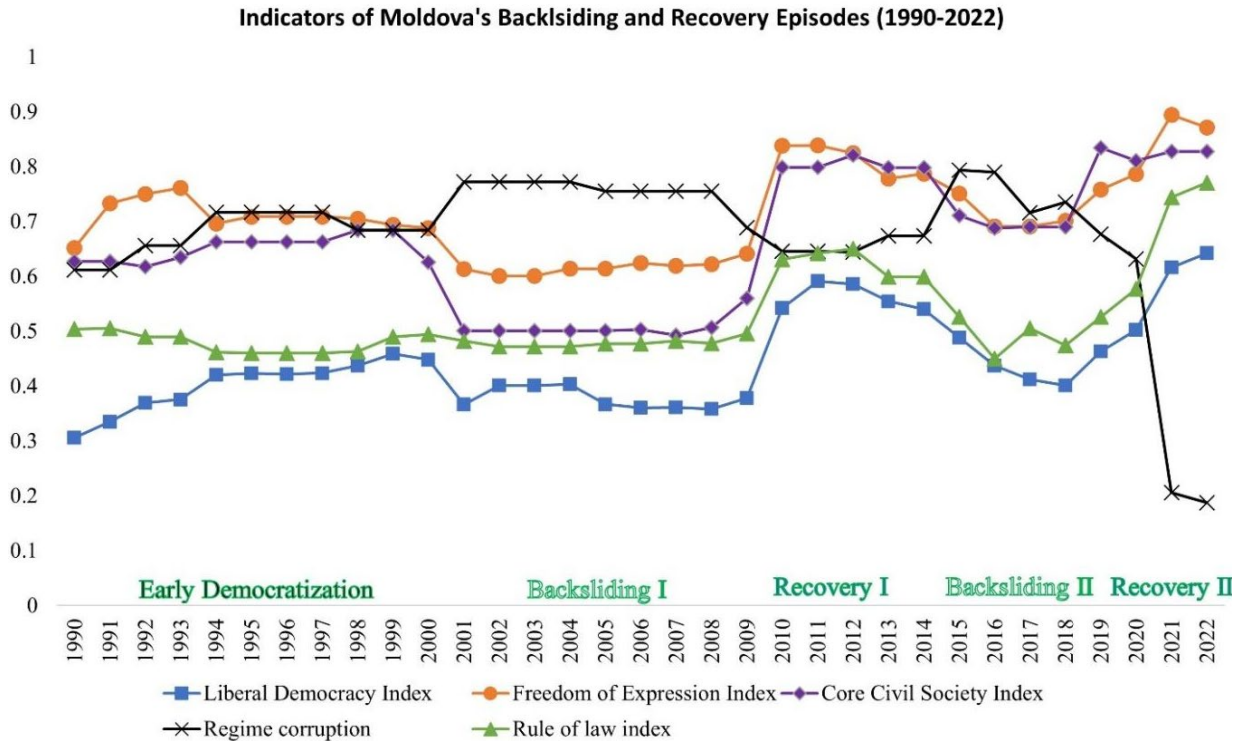
polarization, the widespread corruption and the lack of permanent peace, democracy in Moldova has recovered, displaying remarkable resilience under duress.

CYCLES OF DEMOCRATIC BACKSLIDING AND RECOVERY

Moldova's democratic experience can be best described as one marked by cycles of backsliding and recovery. In Figure 1, I have plotted the V-Dem Liberal Democracy Index, which indicates the presence of two distinct cases of backsliding followed by two recoveries.[103] Since the fluctuations of the V-Dem Liberal Democracy Index are closely correlated with the Core Civil Society Index, the Freedom of Expression Index, and the Rule of Law Index, it can be argued that civil society participation, media freedom, and the rule of law indicators point to recovery or backsliding in each case. Interestingly enough, Figure 1 suggests that corruption increases during episodes of democratic backsliding. The V-Dem data indicate that none of the two democratic erosion instances led to a transition to full-blown authoritarianism. Both in the mid-2000s and the mid-2010s, Moldova made a U-turn and escaped the authoritarian trap, reversing autocratization.

However, the two cases of democratic erosion were qualitatively different. In the first instance, a dominant party set up a competitive authoritarian regime, whereas in the second case, backsliding involved oligarchs, who exerted informal influence over politics and rendered state institutions ineffective. Such nuances are, unfortunately, not captured by the quantitative indices measuring democratic regression.

Figure 13. The V-Dem Liberal Democracy Index for Moldova, 1990-2022



[103] Michael Coppedge et al. "V-Dem Dataset v13." Varieties of Democracy (V-Dem) Project, 2023. https://doi.org/10.23696/V-DEMDS23.

Source: Author's graph using data from the V-Dem dataset at https://www.v-dem.net

Select V-Dem indicators have been used to construct Table 1. As can be observed in Table 1, the processes and the configurations of conditions accompanying each instance of democratic decline and recovery change over time.

Table 6. Characteristics of Democratic Backsliding and Recovery in Moldova

Democratic Backsliding	Institutional Crisis	Local Democracy	Autonomous Opposition	Civil Society	Political Polarization	Media Freedom	Bureaucratic Autonomy	Independent Judiciary
Episode I 2001-2009	+	+	-	-	+	-	-	-
Recovery I 2009-2013	-	+	+	+	-	+	-	-
Episode II 2014-2019	+	+	-	-	+	-	-	-
Recovery II 2019 - Present	-	+	+	+	-	+	-	+
V-Dem Variables	N/A	Local Government Index	Opposition Parties Autonomy	Core Civil Society Index	Political Polarization	Freedom o Expression Index	Impartial Public Admin.	Rule of Law Index

Source: Author using V-Dem data.

Next, each of the democratic backsliding episodes and the recovery paths are discussed in more detail with special attention devoted to the processes accompanying each stage.

DEMOCRATIC BACKSLIDING AND RECOVERY I

The first democratic backsliding episode (2001 - 2009) occurred as a result of an institutional stalemate, which facilitated the emergence of the Party of Communists (PCRM) as the dominant party in the country. The Party of Communists used its control over the state to restrict the political competition, harass the civil society, commit human rights violations, weaken the independent media, and institute an informal control over the public media, all of which feature as symptoms of democratic decline. Several primary causes led to the first case of democratic backsliding, in essence, a transition to a competitive authoritarian regime.

Institutional gridlock accelerated the onset of democratic erosion. Until 2000, Moldova was a semi-presidential republic with both the Parliament and the President elected directly by voters. As president Petru Lucinschi (1996-2001) did not have a parliamentary majority to rely on, he initiated a referendum in 1999 to find out whether there is public support for the transformation of the semi-presidential system into a presidential republic.[104] Most voters supported the idea and the acting President crafted a set of constitutional amendments in order to convert Moldova into a presidential republic and thereby accrue more power for himself. However, Lucinschi's plan backfired. The MPs were concerned that the reform was just a ploy meant to ensure that the sitting president would stay longer in power. To counter the move toward presidentialism, the MPs approved alternative constitutional modifications,

[104] Vitalie Armasu. 2022. "Republica Moldova: între republica prezidențială și republica parlamentara." *Moldoscopie* 2 (97): 25-29. https://ibn.idsi.md/sites/default/files/imag_file/25-29_48.pdf

opting for parliamentarism. In practical terms, the reform abandoned the direct elections of the president granting instead the Parliament the prerogative to elect and remove the head of state. To overcome the institutional stalemate, new legislative elections were organized, which PCRM unexpectedly won by a landslide.

Polarized electoral preferences feature as the second contributing factor to democratic erosion. There is always a large group of voters in Moldova preferring "an iron hand," which then encourages some politicians to adopt anti-democratic discourses. There is also some evidence of economic voting as the electorate experiencing a dramatic decline in its living standards due to the 1998 economic crisis turned toward the Communist politicians promising a return to "the good old times." Indeed, the PCRM constituents were mostly pensioners, the Russian-speaking population (approx. 25% of the voters), and the losers of the market transition. The pro-Communist vote was in fact a protest against the ongoing impoverishment. The Communists, aware of the popular dissatisfaction engaged in negative campaigning, crafting nostalgic appeals, promising to reverse privatization, bring back the universal healthcare system, introduce price controls and return to the imaginary prosperity of the Soviet times. Such populist messages were well-received by an electorate lacking the civic culture associated with the democratic experience, enabling the PCRM to accede to power via free and fair elections.

The third element impacting democratic backsliding was PCRM's readiness to undermine pluralism and restrict political participation in order to remain in power. The process of deconsolidation began soon after the Communists gained control of the Parliament. The absolute majority in the legislature allowed the PCRM to elect the President (i.e., Vladimir Voronin) and form a government without the need to negotiate with other parties. Free of such constraints, the PCRM took control over all state institutions, building a quasi-authoritarian personalistic regime centered on the figure of Vladimir Voronin, who acted both as Moldova's president and PCRM's leader. PCRM's rule was marked by the constant surveillance of its political opponents, the stifling of the independent media, the subordination of the judicial and legislative branches to the executive, numerous human rights infringements, restrictions on the freedom of assembly, the exploitation of the state for private gain by the presidential family and the co-optation of the private sector.

By the 2005 elections, PCRM's approval ratings declined, and it failed to achieve a decisive electoral victory. The Communists were forced to hold talks with the parliamentary opposition, enter governing coalitions in certain districts, privatize state-owned media to loyal individuals and manipulate the election rules, hoping to win the next elections. Strategic electoral manipulation, one form of democratic erosion, manifested itself as the ruling party sought to limit the political competition and create an unlevel playing field, preventing some opposition parties from participating in elections and gaining seats.[105] In other words, PCRM increased the costs of getting in the Parliament, making it difficult for opposition groups to register parties and get funding. To that end, PCRM changed the electoral rules raising the required threshold for parties and electoral alliances, complicated the procedures to establish new parties and used the Ministry of Justice to investigateand deny registration to various political

[105] Moldova uses a PR electoral system with a 5% threshold for political parties, 7% for electoral blocs and 2% for independent candidates. In 2007, the Communists raised the threshold to 6% for parties, 9% for electoral blocs and 12% for blocs of three parties and more. In 2009, the election blocs were banned from participating, whereas in 2010, the PCRM as an opposition party agreed to reintroduce higher thresholds for election blocs and lower the electoral threshold to 4%, hoping that some of its satellite parties would cross it. Satellite parties were organizations associated with the PCRM presenting themselves as part of the political opposition.

organizations. Specifically, it changed the law on political parties requiring a higher number of signatures from each administrative unit (i.e., rayon) before a party would be allowed to participate in elections.

Bureaucratic autonomy and horizontal accountability were weakened as the ruling party appointed loyal civil servants in key administrative positions. The Anti-Corruption Agency, the Election Commission, the Central Bank, the Broadcasting Authority, the state-owned enterprises were all controlled by the PCRM as were the government, the Parliament, the Presidency, and the judiciary. The constitutionally mandated separation of powers was absent. Still, Voronin and the PCRM did not contemplate full authoritarianism as an option and did not imprison the opposition leaders as it was happening in Belarus and Russia, mostly because such policies were deemed as too costly in a context, where the incumbent expected to win a new majority in the next free but unfair elections.

Civil society and independent media were in a disadvantaged position, because many prominent NGOs and media outlets depended heavily on Western and Romanian grants in order to function as watchdogs of democracy. The ruling party would regularly depict them as "paid by the West" and unpatriotic in order to delegitimize their critiques.

The end of the autocratization episode was caused by a combination of factors. First, the PCRM and Voronin could not wipe out political pluralism, subdue the civil society and annihilate the media. Local authorities would regularly challenge the central government, blocking PCRM's attempts to monopolize power. For instance, the Communists were never able to win the mayoral elections in Chișinău, the capital city, which turned into a base of anti-PCRM resistance. The Communists attempted to squash such local democratic activism by strangling financially the city administration in order to damage the reputation of its opposition mayor. However, the mayor's defiance inspired other politicians, who jumped at the opportunity to abandon the old parties, founded new organizations and contested the Communist rule. One of the challengers was Vlad Filat, a wealthy politician, who created a brand-new opposition party, attracting prominent civil society figures, academics, entrepreneurs, and other opposition politicians. Unlike the PCRM, the opposition did not control significant media resources and, hence, was forced to innovate and rely on new communication technologies such as social media platforms, blogs, online news portals and mobile text messages to get out the vote. Such a strategy proved successful as the online space was beyond the reach of the state. The major opposition parties would stage common protests and organize rallies against the Communist government.

The 2009 election campaign unfolded in a highly polarized environment in which neither the opposition nor the governing party were willing to make any concessions. The Twitter Revolution, a violent protest against the perceived election fraud, proved to be a turning point. Voronin ordered its brutal suppression, imprisoning thousands of young voters and beating them in detention centers. Despite the Communists' victory in the April 2009 elections, the crackdown heightened the political polarization. Societal pressure increased with public calls on the opposition parties to reject any negotiations with the Communists. In contrast to 2005, when PCRM successfully co-opted sufficient opposition MPs to elect Voronin as President, in 2009, PCRM lacking just one vote, failed to persuade or bribe any of the opposition MPs into voting for the Communist presidential candidate. The high degree of political polarization prevented any compromise and produced an institutional impasse. After three failed attempts to elect the President, the Parliament was dissolved and a new round of elections was organized, bringing to power the opposition and ending the first instance of democratic backsliding.

The opposition succeeded in reversing backsliding because the major center-right parties formed an informal alliance and refrained from campaigning against each other. During the post-election period, the Alliance for European Integration, the new governing coalition, completed a series of reforms, allowing Moldova to obtain the visa-free travel regime with the European Union. Moldova's human rights record improved resulting in fewer condemnations at the ECHR, free and fair elections were conducted and the political pressure on the judiciary declined. Despite some early successes, the new incumbents inherited institutions, which were easily corruptible led by civil servants ready to serve political interests. Much like the Communists, the new ruling parties relied on clientelism and patronage to consolidate their influence. Oligarchic interests and the frictions among the parties of the ruling coalition led to competitive state exploitation and the onset of the second backsliding episode.

DEMOCRATIC BACKSLIDING AND RECOVERY II

The second instance of democratic erosion differs from the first one in one major respect. Unlike the quasi-authoritarian rule of Voronin, one observes the disproportionate influence of the Moldovan oligarchs on public policies and democratic institutions, a phenomenon dubbed by local commentators as the privatization of democracy. The oligarchs include the wealthiest Moldovans, who were interested in wealth-defense and state exploitation, derailing political and economic reforms. While during the recovery stage the parties forming the ruling coalition monitored each other, by 2014, the system of checks and balances became dysfunctional due to the informal pressures on the bureaucracy, judiciary, legislature, and media exerted by the oligarchic networks. The problem of oligarchic state capture defined the second instance of democratic erosion.

The distinctiveness of the second episode of democratic backsliding is illustrated by "the robbery of the century," a major corruption scandal, backed by the Prime Minister, Vlad Filat (200-2013). In partnership with other oligarchs, Filat fraudulently privatized and took over the state-owned Savings Bank (Banca de Economii a Moldovei), the country's largest financial institution. The new shareholders acting in tandem with the PM and other officials depleted the bank of funds by awarding bad loans to two private banks, offshore firms, and politically connected companies (Marandici 2021).[106] Given the imminent bankruptcy and systemic importance of Banca de Economii, successive governments controlled informally by Filat approved multiple bailouts to save the financial sector from collapsing. Some whistleblowers from inside the state apparatus, the opposition and the media warned publicly about the ongoing fraud, but the regulators did not intervene as they prioritized political loyalty over public interest. The bank fraud, the greatest corruption scandal in Moldova's history, revealed problems with horizontal accountability.

The institutionalized civil society, which until then refrained from criticizing the pro-Western government and the political opposition reacted vigorously post-factum, after the details of the fraud were publicized. The grand corruption scandal generated outrage and anger, fueling civic activism and the creation of new parties demanding an end to the excessive oligarchic influence over governmental matters. Multiple grassroots groups, the institutionalized civil society and the new parties transformed state capture into a major issue on the public agenda, which prompted other parties to adopt it as a campaign issue and engage in collective action. The public pressure provoked a rift among the ruling oligarchs and empowered state actors such as the General Prosecutor, who detained one of the

[106] Ion Marandici. 2021. "Taming the Oligarchs? Democratization and State Capture: The Case of Moldova." *Demokratizatsiya: The Journal of Post-Soviet Democratization* 29, no. 1: 63-89. muse.jhu.edu/article/780977.

oligarchs amidst a parliamentary session.[107] The inter-oligarchic conflict and the formation of a broad coalition overcoming the ethnolinguistic divisions structuring the party system since independence weakened Filat's political network.

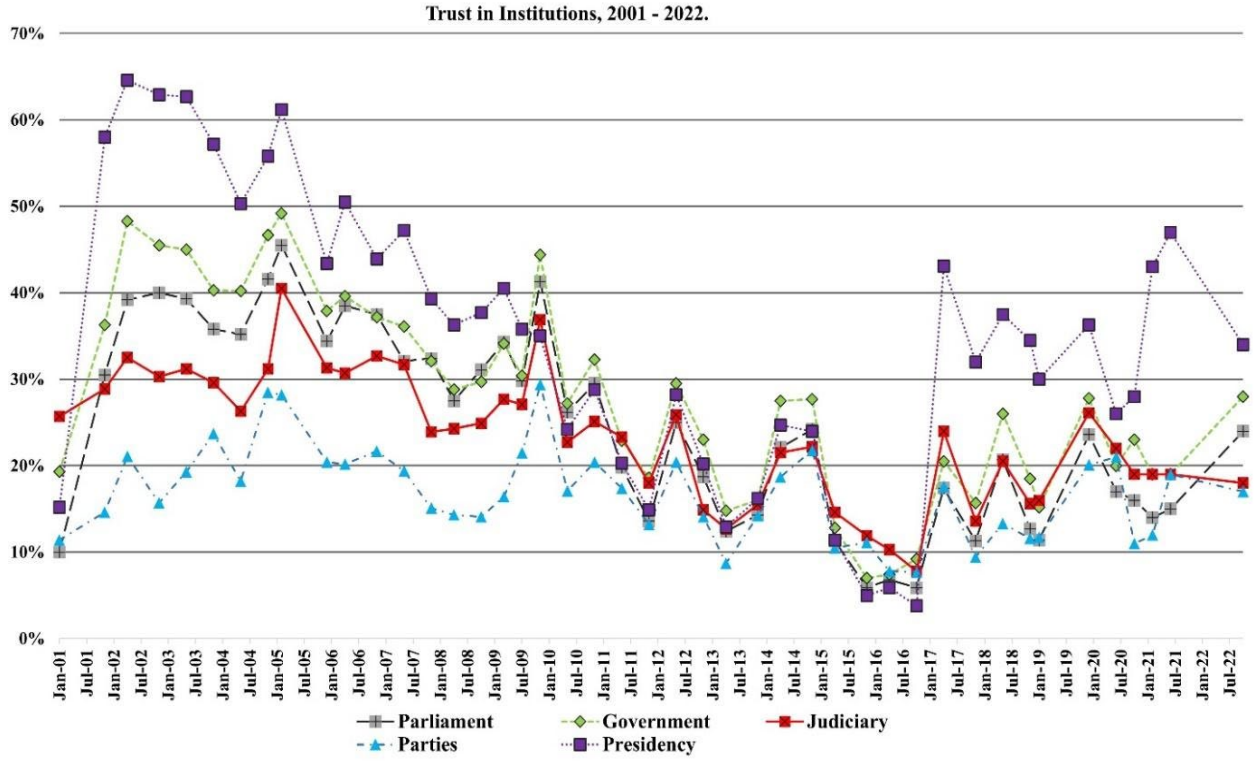
Democratic backsliding, however, deepened. Knocking out one oligarch strengthened the rival patronage network centering on Vladimir Plahotniuc, the leader of the Democratic Party of Moldova. With no informal checks to constrain Plahotniuc, he set up an informal governance system akin to a Mafia organization, corrupting the formal democratic institutions and undermining the rule of law. Even though Plahotniuc was not holding any governmental job, he was able to influence policy making via access to funds, media resources, loyal bureaucrats, and select judges, who worked to advance his private and political interests.

Plahotniuc controlled a large media conglomerate, which was used to target political opponents and shape public opinion. The oligarch consolidated his party by using private funds to persuade politicians to switch parties and adhere to his camp. The weakening of the court system featured as another important element of democratic backsliding. Plahotniuc relied on the judicial system and the law enforcement agencies to intimidate his political and business rivals. For instance, Plahotniuc used his influence over the General Prosecutor to direct judicial inquiries focusing on figures from the political opposition. The most egregious case of judicial interference occurred in June 2018, when Plahotniuc pressured a judge to cancel the municipal elections, which were won by Andrei Nastase, an opposition politician from Platforma DA.[108] Too much judicial discretion thus may undermine democracy as in this case the election results were canceled due to a minor technicality.

[107] Mariana Colun, "Vlad Filat, in arrest pentru 30 de zile," *Anticoruptie.md*, October 18, 2015. https://anticoruptie.md/ro/dosare-de-coruptie/vlad-filat-in-arest-pentru-30-de-zile-

[108] "Criza politică din Moldova ca urmare a invalidării alegerilor locale de la Chișinău," European Parliament Resolution, July 5, 2018. https://www.europarl.europa.eu/doceo/document/TA-8-2018-0303_RO.html

Figure 14. Trust in Public Institutions, Moldova, 2001-2022



Source: Author based on data from the Public Opinion Barometer. https://ipp.md/sectiuni/barometrul-opiniei-publice/

The second instance of democratic backsliding was associated with a sharp decline in the people's trust in institutions. Figure 2 illustrates how the corruption scandal caused citizens to distrust the main representative and political institutions and, ultimately, engage in protests aimed at "liberating" the state from oligarchic interference.

Democratic backsliding in the mid-2010s did not end up in full authoritarianism for several reasons. Given their close relationship with citizens, local governments resisted autocratic pressures, bolstering democracy. The capital city, when controlled by opposition parties, slowed down backsliding. Earlier decentralization reforms enhanced local autonomy, which in turn acted as a bottom-up defense mechanism. Local resistance was not always successful. The municipal and district councils were very easily captured by populist and Russia-funded parties as happened in the cities of Bălți and Orhei. Interestingly enough, the 2018 mayoral elections in Bălți, the second largest city, were won by a candidate representing *Our Party*, a party, which despite its illiberalism opposed backsliding. In Orhei, the Șor Party led by an oligarch hiding abroad due to his involvement in the banking fraud, won consecutive elections by buying votes and funding local projects, using money from illicit sources.[109]

[109] Nadejda Coptu, "Câți bani au ridicat procurorii de la Partidul Șor timp de nouă luni de anchetă," Radio Free Europe, March 10, 2023. https://moldova.europalibera.org/a/c%C3%A2%C8%9Bi-bani-au-ridicat-procurorii-de-la-partidul-%C8%99or-timp-de-nou%C4%83-luni-de-anchet%C4%83/32312083.html ; Moldova's Secret Service, "Noi detalii în cauza penală privind finanțarea ilegală a Partidului Politic Șor," Press Release, February 19, 2023. https://sis.md/ro/content/noi-detalii-%C3%AEn-cauza-penal%C4%83-privind-finan%C8%9Barea-ilegal%C4%83-partidului-politic-%C8%99or

The second episode of democratic erosion ended in 2019 as the main party on the Left (PSRM) and the main party on the Right (PAS), both pledging to end the oligarchic rule, accumulated sufficient seats in the Parliament to form a grand coalition.[110] Overcoming the ethnolinguistic divide and ideological disagreements, the unusual coalition, after prolonged negotiations, voted in at the last hour the Sandu government, which was immediately challenged by the incumbent Democratic Party as unconstitutional.[111] After the Constitutional Court suspended the sitting Socialist president for his refusal to dissolve the Parliament, a political crisis ensued as the new Sandu government and the acting government both claimed their right to govern the country.[112] Each of the two sides brought out their supporters, occupying public squares, but the overwhelming international support for the Sandu government persuaded the incumbent to retreat from power.

Despite the unfavorable context, the Solidarity and Action Party (PAS), a party putting anti-corruption at the center of its campaign won decisively the 2021 parliamentary elections, upsetting the previous informal arrangements centered on patronage networks constructed by powerful oligarchs. The electoral success of the party led by the Maia Sandu, Moldova's first woman president, was largely driven by three factors: a) a broad domestic and diaspora mobilization, b) the loss of credibility suffered by the Party of Socialists (PSRM) as the main opposition party on the Left due to its acceptance of funds from oligarchs and Russia and c) the ability of PAS to avoid highly contentious identity issues and overcome the polarization of the electorate along ethno-linguistic lines by crafting broad appeals focused on a common task - the removal of oligarchs from politics. The social foundation of the new power configuration was broad and included ethnolinguistic groups, which traditionally were antagonistic (i.e. Russian speakers and Romanian speakers).

Currently, PAS enjoys extensive control over the state, which, given its declared commitment to democratic values, should make it easier to consolidate institutions, reform the judiciary and prevent democratic setbacks. The removal of the old parties from power rendered the sidelined oligarchs unable to use their usual levers to shape policies, block anti-corruption initiatives, and undermine institutions. The promising environment that emerged after 2021 appears favorable for democracy, although the extended state of emergency, the Russian war on Ukraine, the extensive control over the state and the supermajority enjoyed by PAS may pose certain challenges as the party may be tempted to use the state apparatus to weaken the domestic opposition.

THEORETICAL AND POLICY IMPLICATIONS

What lessons can be learned from Moldova's successful recoveries from democratic backsliding? The comparative examination of the two backsliding episodes revealed that Moldova's experience aligns with the broader democratic backsliding trends observed worldwide. Backsliding in Moldova did not start after a successful coup or outright electoral fraud.[113] Instead one observes in Moldova the strategic

[110] "Înțelegerea politică între PSRM, PAS și PPPDA," Alegeri.md, September 16, 2019. https://alegeri.md/w/%C3%8En%C8%9Belegerea_politic%C4%83_%C3%AEntre_PSRM,_PAS_%C8%99i_PPPDA

[111] "Criza din R. Moldova. Plahotniuc predă puterea, guvernul Filip demisionează. Maia Sandu: Avem de curățat instituțiile" Radio Free Europe, June 14, 2019. https://romania.europalibera.org/a/criza-din-r-moldova-plahotniuc-pred%C4%83-puterea-guvernul-filip-demisioneaz%C4%83-maia-sandu-avem-de-cur%C4%83%C8%9Bat-institu%C8%9Biile-/29999895.html

[112] The Constitutional Court rulings during the crisis left the political elite dissatisfied. The Court was attacked by political parties as being biased and contributing through its rulings to the deepening of the crisis with some politicians calling for the judges to be dismissed. Such attacks prompted a public reaction from the court. See Press Release from June 11, 2019. https://www.constcourt.md/libview.php?l=ro&idc=7&id=1504&t=

[113] For a discussion of the new forms of de-democratization see Nancy Bermeo. 2016. "On Democratic Backsliding." *Journal of Democracy* 27, no. 1: 5-19. doi:10.1353/jod.2016.0012.

manipulation of elections and mild signs of executive aggrandizement, accompanied by the decline of media freedom, judicial corruption, and the suppression of civil society activism. Political institutions and the state bureaucracy could not prevent democratic erosion as they were too weak to resist the process of autocratization and the informal influence of the oligarchs. Amidst the major corruption scandal of 2014-2015, trust in democratic institutions dropped to a historical low (Figure 2), which in turn had a debilitating impact on their effectiveness. Without public support, bureaucrats and state officials were unwilling to risk taking on the oligarchs. Moreover, the legacy of the initial backsliding episode persisted and accelerated democratic erosion the second time via a subservient state apparatus abetting state capture.

In both cases, the would-be autocrats accede to power via free and fair elections and afterwards subverted democracy. In 2001, the Communists obtained a supermajority, which allowed Voronin to build a de facto presidential system in a parliamentary republic. In the second case, democratic erosion proceeded gradually with the civil society and the media community failing to detect immediately the democratic regress and reacted only after details of the grand corruption scheme were made public.

In both instances, the incumbents fearing a potential electoral loss changed the rules of the game to ensure the victory of their party in the upcoming elections. Moldova's closed party-list proportional representation (PR) rules allow a diversity of interests to compete for representation in the unicameral legislature. Compared to the American and British majoritarian systems, the PR rules should entice parties to share power and compromise. Indeed, despite the permanent manipulation of the electoral threshold by various incumbents, the PR rules favored the emergence of a multi-party environment, lowering the costs of setting up a party and running for office. When in 2016 Vlad Plahotniuc and his Democratic Party replaced the PR electoral system with a mixed one, civil society and smaller parties opposed the change as they perceived "the reform" as a de-democratization attempt, advantaging the incumbent.[114] Even though thousands of Moldovans protested against the implemented modifications, the 2019 elections took place in line with the mixed electoral system. Despite all the manipulations, the elections did not produce a winning majority for the incumbent. With the Democratic Party ousted from power after a standoff resembling a failed promissory coup, the Parliament voted to return to the previous PR rules, a development suggesting that political institutions are struggled over, opposed, and modified to advance the interests of the parties in power.

Moldova's parliamentarism was similarly contested. Parliamentary systems seem less prone to degenerate into autocracies compared to presidential systems as they prevent the emergence of a national leader, capable of subverting democracy.[115] Parliamentarism is also associated with consociational democracies and said to be more suitable for multiethnic and divided societies.[116] By contrast in presidential and certain semi-presidential systems, both the president and the Parliament are

[114] For previous attempts to introduce the mixed electoral system in Moldova see ADEPT, "Înlocuirea sistemului electoral proporțional cu cel mixt," Alegeri.md, August 1, 2019. https://alegeri.md/w/%C3%8Enlocuirea_sistemului_electoral_propor%C8%9Bional_cu_cel_mixt

[115] The case of Hungary, a parliamentary republic since 1989, disconfirms claims about the superiority of parliamentarian democracies. Hungary has experienced a prolonged episode of democratic backsliding under Prime Minister Viktor Orbán, who adopted populist appeals in a polarized environment to accede to power. See Zsolt Enyedi. 2016. "Populist Polarization and Party System Institutionalization: The Role of Party Politics in De-Democratization." *Problems of Post-Communism* 63 (4): 210–20. https://doi.org/10.1080/10758216.2015.1113883

[116] Arend Lijphart. 1999. *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries.* New Haven, CT and London: Yale University Press; John Gerring, Strom Thacker, & Carola Moreno. 2009. "Are Parliamentary Systems Better?" *Comparative Political Studies* 42(3), 327–359.
https://doi.org/10.1177/0010414008325573

elected directly and lay equal claims to represent the voters.[117] Despite much scholarly praise for parliamentarism, it did not prevent democratic backsliding in the Moldovan case. Moreover, the electoral threshold and the d'Hondt method for allocating seats function as majoritarian elements preventing the excessive fragmentation of parliamentary politics, limiting the representation of minor parties and advantaging larger parties, among them, those, which installed governments driving the process of democratic backsliding.

The failure of parliamentarism to inhibit de-democratization prompted the opponents of the oligarchic rule to turn their attention to the Presidency and transform it into a critical site of resistance. Even though mostly decorative, the President during the second episode of democratic backsliding resisted oligarchic pressures, rejecting, for instance, Plahotniuc's appointment as Prime Minister.[118] The small act of defiance displayed by the President exemplified how the informal autocratizing pressures prove ineffective when directed at institutions situated beyond the control of the cabinet and the legislature. As the left-wing and right-wing opposition parties realized that a directly elected President may enjoy significant legitimacy and moderate backsliding by becoming an additional veto point, they initiated a campaign for the return to the direct election of the head of state. Hence, in 2016, the Constitutional Court, one of the few remaining judicial constraints beyond the reach of the oligarchs, reinterpreted Art. 78 of the Constitution, and reintroduced the two-round presidential elections.[119] Unsurprisingly, the 2016 and 2020 presidential elections were won by candidates, who publicly opposed the political influence of the oligarchs.

Polarization had an ambivalent effect on democratic decline. Polarization, understood as a version of the "Us versus Them" rhetoric, has been part of the domestic political discourse since independence.[120] In this sense, the Western classification of political parties along the left-right ideological spectrum is of limited applicability for understanding politics in the Moldovan context. Traditionally, Moldovan politics was polarized along an underlying ethnolinguistic cleavage structuring the party system since its birth. The persistence of the ethnolinguistic cleavage refers to the fact that the Russian-speakers in Moldova, constituting roughly 25% of the electorate have traditionally voted for what in the Moldovan context are considered left-wing parties such as the Party of Communists and the Party of Socialists, which have been often (but not always) backed by Russia and its state media broadcasting in Moldova. The Romanian-speakers voted mostly for right-wing parties perceived as pro-Western, pro-independence, and embracing a distinct conception of national identity. Both camps alternated in power until the PCRM received a parliamentary supermajority in 2001. During the recovery phase after the initial backsliding episode, polarization prevented the defection of the opposition politicians to the Communists, a situation, which led to a chain of events, culminating with the electoral victory of the challengers. By contrast, de-polarization helped end the second backsliding period.

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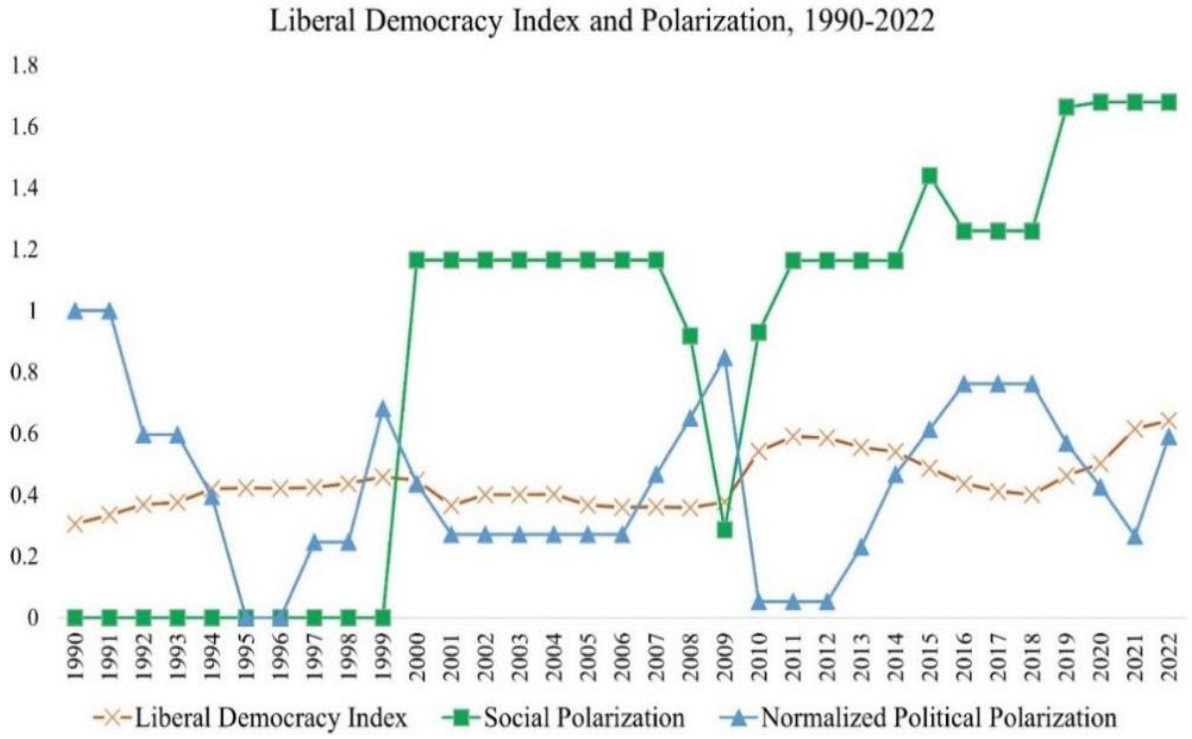
[117] On the perils of presidentialism see the classic article by Juan J. Linz. 1990. "The Perils of Presidentialism." *Journal of Democracy* 1, No. 1: 51-69.
[118] Vitalie Calugareanu, "Moldova, în pragul Revoluției!" DW-Chisinau, January 14, 2016. https://www.dw.com/ro/update-un-nou-ultimatum-al-pre%C8%99edintelui-timofti/a-18980325
[119] Moldova's Constitutional Court, Decision No. 7, Chișinău, March 4, 2016. https://www.constcourt.md/ccdocview.php?l=ro&tip=hotariri&docid=558
[120] For the conceptualization of polarization as an "Us versus Them" antagonism see Jennifer McCoy, Tahmin Rahman, & Murat Somer. 2018. "Polarization and the Global Crisis of Democracy: Common Patterns, Dynamics, and Pernicious Consequences for Democratic Polities." *American Behavioral Scientist* 62(1), 16–42. https://doi.org/10.1177/0002764218759576

Figure 15. Political Polarization and the V-Dem Liberal Democracy Index for Moldova, 1990-2022



Source: Author using V-Dem Data.

In Figure 15, one observes that political polarization as measured by the V-Dem project was constantly above pernicious levels with improvements occurring in 1991-1995, 2001-2005, 2010-2012 and 2019-2021.[121] By contrast political polarization peaked in 1990-1991 (i.e. a period marked by the nationalist pro-independence movement), 2009 (i.e. the year of the so-called Twitter Revolution), 2015-2016 (i.e. the mobilization against corruption) and 2022 (i.e. the start of the Russian invasion of Ukraine). The Pearson correlation coefficient calculated at -0.4 suggests that the relationship between political polarization and the Liberal Democracy Index is negative and of medium strength. Declines in political polarization are associated with increases on the Liberal Democracy score. Respectively, higher political polarization seems to be associated with the deteriorating quality of democracy. At the same time, there is a positive correlation of 0.44 between the polarization of society and the Liberal Democracy Index, which is puzzling. Equally perplexing is the lack of correlation between the political polarization and the social polarization V-Dem variables.[122]

Political polarization results in diverging attitudes among voters on salient issues, which prompts parties to adopt ideological positions mirroring those of their constituents. Thus, left-wing parties always attract the vote of the Russian-speaking population by promoting social conservatism, the Moldovanist

[121] Figure 3 includes a normalized measure of political polarization to better visualize the data. For the effects of pernicious polarization, its measurement and depolarization episodes see Jennifer McCoy, Benjamin Press, Murat Somer, Ozlem Tuncel, "Reducing Pernicious Polarization: A Comparative Historical Analysis of Depolarization," Carnegie Endowment for International Peace Report, May 2022. https://carnegieendowment.org/files/McCoy_et_al_-_Polarization_final_3.pdf

[122] This analysis is limited as it is based solely on the data on Moldova. It could be taken further. For instance, it would be interesting to find out whether in other cases one observes a) the lack of correlation between the political and social polarization measures and b) the inexplainable positive association between the social polarization variable and the Liberal Democracy Index.

conception of the nation, Euroscepticism, statism, strong ties with the Orthodox Church, Soviet nostalgia, and an anti-LGBTQ+ agenda.[123] By contrast, right-wing parties rely mostly on the Romanian-speaking voters, advance European integration, display social conservative values, back market reforms and closer ties to the West and Romania. Until 2019, the major parties on the left and right have typically refrained from forming cross-ideological coalitions to avoid alienating their constituencies.

The major depolarizing episode of 2019 stands as a notable exception. At that time, the left-wing and right-wing parties (Socialists and PAS) formed a large coalition backed by the West and Russia, intent on removing the oligarchic influence over governmental policies. Depolarization occurred because combatting the oligarchs superseded the ideological differences between the left-wing and right-wing parties. However, the alliance between PAS and the Socialists proved to be temporary. Once the common rival was removed, the alliance disintegrated, lacking a raison d'être. In 2022, the political camps returned to the standard political discourse often centered on divisive identity and geopolitical issues (see Figure 3). The Russian invasion of Ukraine further amplified the identity-related cleavage in Moldova as the left-wing opposition refused to publicly condemn the invasion, siding with and accepting logistical support from Moscow. That is why the cross-ethnic coalition between the Socialists and PAS remains a somewhat unique episode in Moldova's history.

During both episodes of democratic backsliding, media freedom declined. In the mid-2000s, the Communists concentrated media ownership and shut down under various pretexts independent media outlets criticizing the government. Via its control over the regulatory agencies, PCRM denied broadcasting rights to private TV stations. The opposition parties, thus, lacked access to traditional media, campaigning online in an attempt to bypass the unofficial censorship regime prevailing in the traditional media. During the second backsliding episode, the Communist media was replaced by private media conglomerates controlled by oligarchic interests. Likewise, from 2016 onwards, the state-owned media was constrained through political appointees to refrain from unfavorable reporting on the ruling party. As the opposition parties were informally banned from the corporate media, they relied much like in the late-2000s on social and online media to organize protests and counter official narratives.

Attacks on independent media and civil society often precede the advance of democratic backsliding. [124] In this respect, the ongoing recovery seems to be robust as *Reporters without Borders*, a reputable organization, ranked Moldova 28th in terms of media freedom globally, a standing higher than that of some Western democracies such as Austria, Belgium, Spain, Italy, and the United States.[125]

In terms of identifying the temporal sequence of events contributing to a recovery, it can be argued that the end of backsliding was brought about by mass protests either against perceived election fraud/the incumbent Communists as it happened in 2009 or against corrupt oligarchs as in 2019. In 2009, such protests encouraged the consolidation of the opposition and the defection of Communist politicians to the other side. By contrast in 2015, the corruption scandal triggered grassroots civic mobilization leading to the formation of new parties resisting the old parties controlled by oligarchs. Both in 2009 and in 2015, such coalitions framed politics as either a struggle against the Communists or against the oligarchs,

[123] Ana-Maria Dolghii, "PSRM, gata să iasă la protest alături de Mitropolia Moldovei împotriva legalizării cuplurilor LGBT+," Newsmaker.md, February 1, 2023. https://newsmaker.md/ro/psrm-gata-sa-iasa-la-protest-alaturi-de-mitropolia-moldovei-impotriva-legalizarii-cuplurilor-lgbt-suntem-gata/

[124] See Natasha Wunsch & Philippe Blanchard. 2023. "Patterns of democratic backsliding in third-wave democracies: a sequence analysis perspective," *Democratization* 30:2, 278-301, doi: 10.1080/13510347.2022.2130260

[125] Reporters without Borders, World Press Freedom Index 2023, May 3, 2023. https://rsf.org/en/map-2023-world-press-freedom-index

constructing discursively a new regime cleavage with the opposition presenting itself as defending democracy and, ultimately, defeating the autocratizers.

This story is, however, oversimplifying the recovery path. First, there is the problem of path dependence. The weakened state institutions resulting from the first episode of backsliding (2001-2009) encouraged the second instance of backsliding. The main parties of the broad coalition, which defeated the Communists in 2009, in effect caused the second episode of democratic erosion, generating a wave of civic mobilization around a new pro-oligarch/anti-oligarch axis. Second, the anti-Communist actors opposing the centralization of power under Voronin contributed to de-democratization by engaging in major acts of corruption, which, in turn, caused the rise of new political forces, which removed the oligarchs. In other words, the within-case analysis revealed that the same actors opposing autocratization may at a later stage feature as the central figures of the next democratic backsliding episode.

CONCLUSION

Resistance to democratic backsliding came from a mix of actors. Political entrepreneurs and civic activists engaged in collective action, reversing democratic erosion. In doing so, they were backed by independent media outlets, non-captured courts such as the Constitutional Court (in 2016), and external players such as the EU and the US. Even parties which were embracing an illiberal agenda and received funding from Russia opportunistically positioned themselves as opponents of oligarchic interference. Both episodes of backsliding ended with institutional crises resolved via popular mobilization in favor of the political opposition.

Still, democracy is on shaky grounds, because illiberal values remain widespread in Moldova. For instance, same-sex marriage is not recognized by the state. [126] Some voters oppose immigration, secularism, minority rights, displaying Islamophobia, antisemitism, and anti-Roma sentiments.[127] On top of that the ethnolinguistic and regional cleavages continue to structure the party system, incentivizing the programmatically weak parties to adopt tribalist discourses and reinforce the polarization of the electorate along various identity-related lines. While it may seem counterintuitive, partisanship and identity-related polarization, occasionally, have a moderating effect on democratic backsliding as there is always a group of voters willing to express their critical views vis-à-vis a government formed by a party other than their own. More often, however, polarization generates alternative dynamics, whereby it strengthens different forms of nationalism and impedes competent policymaking.

Both autocratizers and democratizers understand that institutions structure political processes, incentives, and outcomes. That is why the Moldovan incumbents during both episodes of democratic backsliding modify electoral institutions to their advantage under the pretense of increased voter representation and enhanced accountability. When incumbents succeed in doing that, their strategic

[126] See Madalin Necsutu, Moldovan LGBT couple sues state for recognition, Balkaninsight.com, April 27, 2023. https://balkaninsight.com/2023/04/27/moldovan-same-sex-couple-sues-state-for-recognition/

[127] See US Department of State, 2022 Country Reports on Human Rights Practices: Moldova, March 20, 2023. https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/moldova/; Equal Rights Trust, "'No Jobs for Roma': Situation Report on Discrimination against the Roma in Moldova," *The Equal Rights Review*, Vol. 15, 2015. https://www.equalrightstrust.org/ertdocumentbank/%E2%80%9CNo%20Jobs%20for%20Roma%E2%80%9D%20Situation%20Report%20on%20Discrimination%20against%20the%20Roma%20in%20Moldova.pdf ; Reliefweb, Moldova: Romani Refugees from Ukraine Face Segregation, Press Release, May 25, 2022. https://reliefweb.int/report/moldova/moldova-romani-refugees-ukraine-face-segregation ; For data on antisemitism see Survey on Religious Beliefs and National Belonging in Central and Eastern Europe, Pew Research Center, May 8, 2017. https://www.pewresearch.org/religion/2017/05/10/democracy-nationalism-and-pluralism/pf-05-10-2017_ce-europe-08-01/

manipulations trigger resistance from civil society and political opponents, who operate their own institutional changes once the opportunity arises. The switch to parliamentarism in 2000, the multiple instances of tinkering with the electoral threshold, the experiment with the mixed electoral system and the reintroduction of the direct presidential elections are all examples, which demonstrate that both autocratizers and their opponents regard institutional engineering as an extension of political competition, a creative way to tilt the playing field to one's advantage.

To complete the recovery from the last democratic backsliding episode, PAS would need to strengthen the autonomy and capacity of the state. The reform of the judiciary, currently underway, would play a central role in preventing the return of the oligarchs and autocratizers. To that end, the networks of corrupt judges are being dismantled, while magistrates demonstrating integrity are being promoted based on meritocratic principles by a non-partisan pre-vetting commission. Moreover, bringing to justice the perpetrators of the bank fraud would set a positive precedent, deter grand corruption, and encourage state officials to oppose backsliding tendencies.

Given the current circumstances, the key question is as follows: how can Moldova's government fortify democratic institutions and prevent future episodes of democratic backsliding? Safeguarding democracy would entail the design of institutional mechanisms that constrain future governments to follow the recovery path and avoid the authoritarian temptation. Indeed, there is no guarantee that Moldova's route toward the EU will endure. Politicians, who do not support the EU accession agenda, could win the next elections, and reverse reforms. Persuading the major parties to put their ideological differences aside and sign a symbolic pledge to pursue the European integration of Moldova as it happened, for instance, back in 2005 could be one option to achieve elite consensus on the objective of European integration.[128] Another example is the Snagov Pact of 1995, an agreement among the major parties in Romania setting European integration as the main strategic goal for the country. Such consensus among the elites could be supplemented by events and initiatives maintaining the high public support for European integration. According to a survey from April 2023, circa 60% of Moldovans would have voted for EU accession in a referendum.[129]

The anchoring mechanism through which the current reforms may acquire permanency involves the EU's conditionality approach. The EU's pre-accession conditionality policy includes monitoring and verification mechanisms, whereby pre-accession funding is made available to a candidate-state once it reaches certain democratic and good governance standards.[130] Consolidating public support for European integration would increase the EU's leverage in Moldova and make it costly for any politician to abandon the EU integration objective. The current incumbent is well-positioned to complete the recovery as PAS differs qualitatively from other parties in that it is committed to liberal democratic

[128] "24 martie 2005. Parlamentul Republicii Moldova adoptă Declarația cu privire la Integrarea Europeană a Republicii Moldova," Moldpres, March 23, 2005. https://www.moldpres.md/news/2021/03/23/21002176

[129] See "WatchDog.MD Community presented the results of the third survey on the perception of disinformation and political preferences of the population," April 19, 2023. https://www.watchdog.md/2023/04/19/watchdog-md-community-presented-the-results-of-the-third-survey-on-the-perception-of-disinformation-and-political-preferences-of-the-population/ . Likewise, the Public Opinion Barometer survey from November 2022 indicated that circa 50% of the Moldovans backed the accession to the EU, whereas 30% would have opted for the Russia-led Customs Union. Support for the EU course may increase as the ruling party plans to stage a mass rally on May 21, 2023, to endorse the EU integration goal. On June 1st, Moldova will host the summit of the European Political Community, a high-profile event, with numerous European attending, which supposedly will also strengthen the pro-EU sentiment in the country.

[130] Moldova obtained the EU candidate status in 2022, which indicates that Brussels regarded it as a full democracy, one of the Copenhagen accession criteria. The examples of Poland and Hungary illustrate how the EU's pre-accession conditionality mechanisms seem to be stronger than its post-accession capacity to prevent democratic backsliding. See Daniel R. Kelemen. 2017. "Europe's Other Democratic Deficit: National Authoritarianism in Europe's Democratic Union." *Government and Opposition* 52, no. 2: 211–38.

values and succeeded in getting Moldova recognized as a candidate for EU membership. Also, PAS is not funded by oligarchs and thus is not "indebted" to any of them.

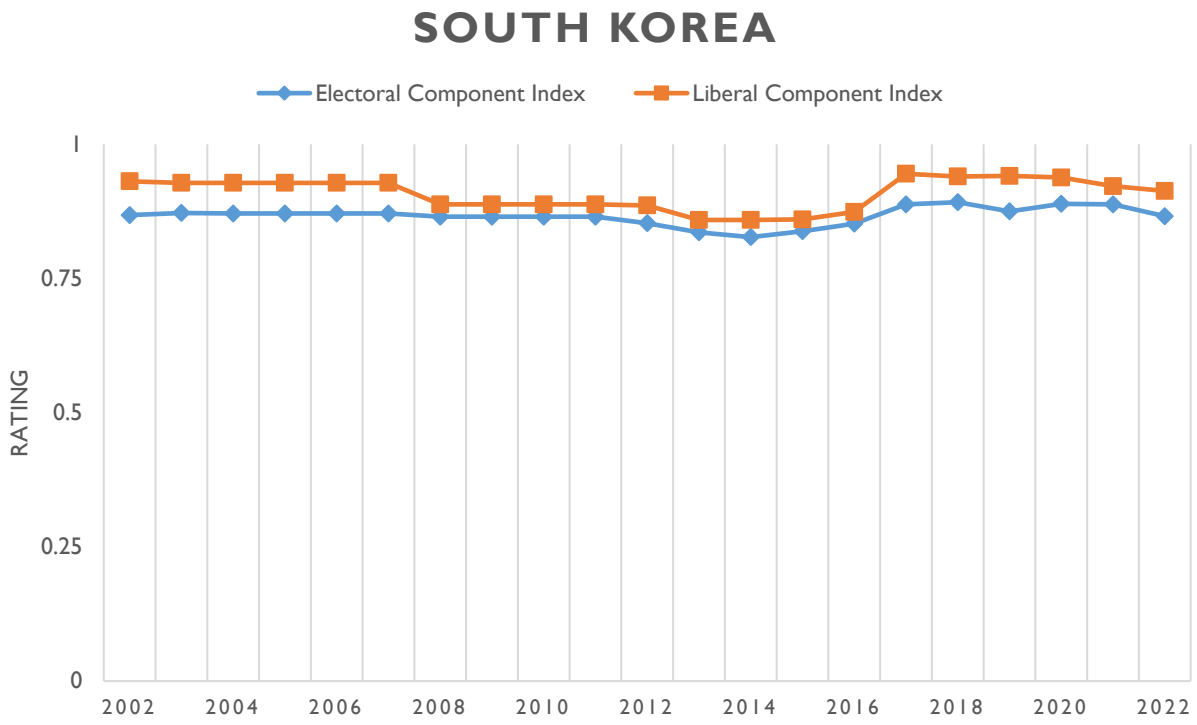
Yet the democratic rebound may be short-lived as the structural conditions are not favorable for long-term consolidation. The increase in energy prices, high inflation, and the unsustainable import-oriented economic model dependent on remittances from a large diaspora point to looming structural problems. Moreover, Moscow's direct interference and the full-scale war waged by Russia on Ukraine may spill over into Transnistria, posing additional security challenges. Despite the extensive Western support, the absolute dominance exercised by PAS may encourage another episode of erosion, whereby the incumbent party fails to complete the reform of the judiciary and engages in questionable practices vis-à-vis its opponents.[131]

Overall, the Moldovan democracy has displayed a remarkable ability to survive in an adverse geopolitical and economic environment. Much of it has to do with the high degree of pluralism, the numerous interest groups competing for power, the resilient civil society, the pockets of democracy at the sub-national level, the functioning of independent media organizations, the growing leverage exercised by the EU and the general acceptance of free multi-party elections as an essential requirement for democratic development. Even though time and again authoritarians cast democracy as a problem, countervailing influences in the Moldovan society coalesce and roll back undemocratic trends.

[131] Parliamentary supermajorities may be the first step toward backsliding as it happened in Moldova in 2001 or in Hungary in 2010. Moreover, the Hungarian example suggests that such supermajorities may perpetuate themselves. On the causal effect of supermajorities see Antonio Benasaglio Berlucchi and Marisa Kellam. 2023. "Who's to blame for democratic backsliding: populists, presidents or dominant executives?" *Democratization*, doi: 10.1080/13510347.2023.2190582

5. SOUTH KOREA

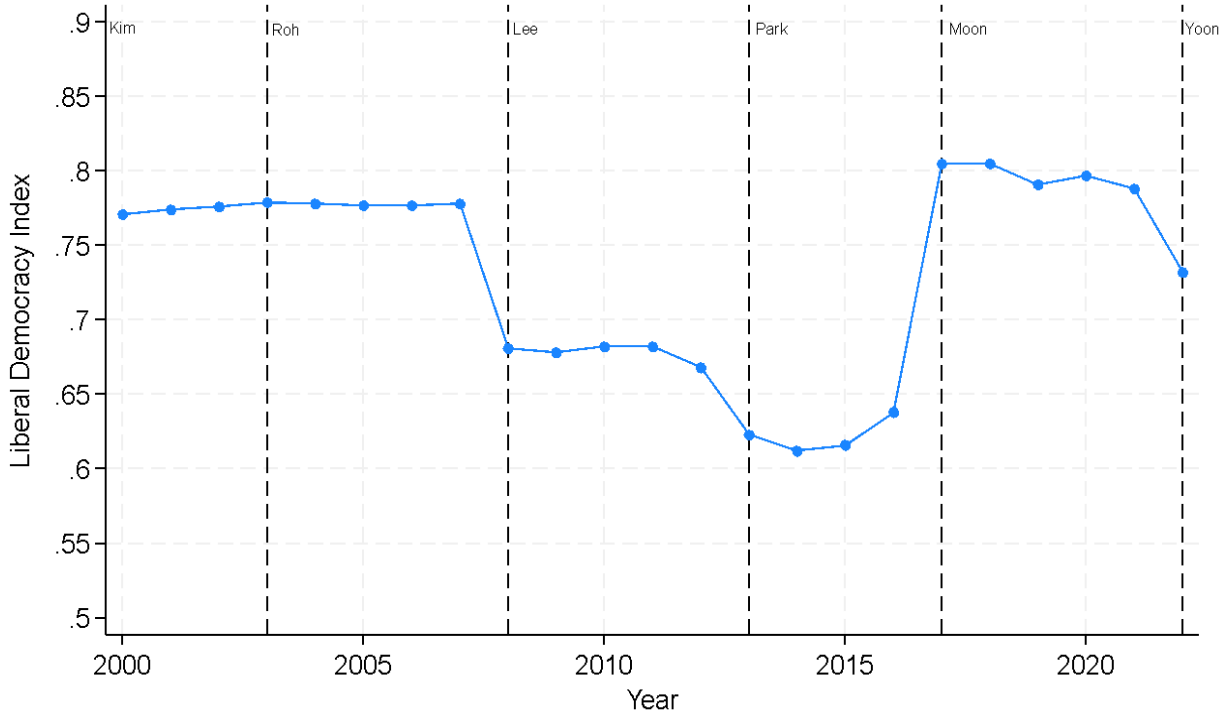
Figure 16. V-Dem Liberal Component Index and Electoral Component Index for South Korea, 2002-2022



South Korea is the only liberal democracy that bounced back from autocratization over the last 20 years.[132] Its unique experience jibes with the concept of 'democratic near misses' in which a polity "1) experiences a deterioration in the quality of initially well-functioning democratic institutions, without fully sliding into authoritarianism, but then, 2) within a timeframe of a few years, at least partially recovers its high-quality democracy."[133] As illustrated in Figure 16, when it completed its two consecutive turnovers of executive office between political parties - the first was from conservative President Kim Young-sam to liberal President Kim Dae-jung in 1997 and the second from liberal President Roh Moo-hyun to conservative President Lee Myung-bak in 2007, the country seemed to achieve its democratic consolidation with the Liberal Democratic Index (LDI) score of 0.78.[134]

[132] Evie Papada, David Altman, Fabio Angiolillo, Lisa Gastaldi, Tamara Köhler, Martin Lundstedt, Natalia Natsika, Marina Nord, Yuko Sato, Felix Wiebrecht, and Staffan I. Lindberg, "Defiance in the Face of Autocratization. Democracy Report 2023," University of Gothenburg: Varieties of Democracy Institute (V-Dem Institute) (2023): 28-31.
[133] Tom Ginsburg and Aziz Huq, "Democracy's Near Misses," *Journal of Democracy* 29, no. 4 (2018): 17.
[134] Chaibong Hahm, "South Korea's Miraculous Democracy," *Journal of Democracy* 19, no. 3 (2008): 128–142.

Figure 17. South Korea's Liberal Democracy Index, 2000-2022



Source: Michael Coppedge, John Gerring, Carl Henrik Knutsen, Staffan I. Lindberg, Jan Teorell, David Altman, Michael Bernhard, Agnes Cornell, M. Steven Fish, Lisa Gastaldi, Haakon Gjerløw, Adam Glynn, Sandra Grahn, Allen Hicken, Katrin Kinzelbach, Kyle L. Marquardt, Kelly McMann, Valeriya Mechkova, Anja Neundorf, Pamela Paxton, Daniel Pemstein, Oskar Rydén, Johannes von Römer, Brigitte Seim, Rachel Sigman, Svend-Erik Skaaning, Jeffrey Staton, Aksel Sundström, Eitan Tzelgov, Luca Uberti, Yi-ting Wang, Tore Wig, and Daniel Ziblatt, "V-Dem [Country-Year/Country-Date] Dataset v13," Varieties of Democracy (V-Dem) Project (2023). https://www.v-dem.net/data/the-V-Dem-dataset/

Since then, however, the country entered a precarious democratic near-miss zone in which the polity cycles between democratic regression and democratic reversal. After the LDI score plummeted to 0.68 in 2008, reaching its nadir of 0.61 in 2014 when the public at large questioned democratic responsiveness of conservative President Park Geun-hye for her poor handling of the sinking of the ferry MV *Sewol*, it gradually recovered to its apogee of 0.81 in 2017 when the Constitutional Court upheld the impeachment of Park.[135]

During liberal President Moon Jae-in held the executive power, the LDI score had basically stayed the same, only to decrease suddenly to 0.73 in 2022 when conservative President Yoon Suk-yeol began his tenure. Whether this most recent downturn of the LDI score indicates the beginning of another episode of autocratization remains to be seen.[136]

As the U-shaped (or possibly W-shaped) concavity characterizes the evolving path of the democratic quality for the last two decades, South Korea has come to serve as an example either of democratic

[135] Gi-Wook Shin and Rennie J. Moon, "South Korea After Impeachment," *Journal of Democracy* 28, no. 4 (2017): 117-131.
[136] Gi-Wook Shin, "South Korea's Democratic Decay," *Journal of Democracy* 31, no. 3 (2020): 100-113.

regression[137] or of democratic reversal.[138] This report argues that the up and down of South Korea's democratic quality is explained by the dynamics of democratic careening for the last two decades.[139] Democratic careening occurs either when a liberal president who prioritizes electoral mandate over constitutional constraints overreaches toward populist excess or when a conservative president who prioritizes constitutional constraints over electoral mandate overreach toward oligarchical excess.[140]

There have been two episodes of democratic careening in South Korea.[141] The first episode of democratic careening involved the causal and consequent events of the impeachment of Roh in 2004. It was triggered by the Roh's violation of constitutional provision mandating presidential impartiality, which instigated the political reaction of conservative oppositions to impeach him in March. The impeachment of Roh was perceived as oligarchic excess by the general public who expressed their widespread discontent against conservative oppositions through large-scale candlelight rallies and gave a clear mandate to Roh's governing party with a legislative majority in the National Assembly election in April. Reflecting the popular verdict over the issue, the Constitutional Court overturned the impeachment, reinstituting him as president in May.

The second episode of democratic careening included the causal and consequent events of the impeachment of Park in 2016 and 2017. Several news media reported that Park was at the center of an unprecedented corruption scandal, which activated large-scale candlelight rallies that demanded the impeachment of her in October 2016. Liberal oppositions were cautious to initiate the impeachment motion because of political backlash that they had seen in the first episode of democratic careening. However, they finally passed the motion with some dissident legislators from Park's governing party mainly due to the political pressure of a million participants of candlelight rallies who perceived Park's corruption as oligarchic excess in December. The candlelight rallies lasted to March 2017 when the Constitutional Court unanimously upheld the impeachment, ousting her from office. The episode was completed as Moon's opposition party won the snap presidential election in May.[142]

In both episodes, what halted democratic careening was an accountability mechanism that started with diagonal accountability - pressure from civil society and media. In the first episode, candlelight rallies nudged vertical accountability - victory of the Roh's governing party in the legislative election and in turn horizontal accountability - overturning the impeachment by the Constitutional Court. In the second episode, media revelation and large-scale candlelight rallies jolted horizontal accountability - the

[137] Natasha Wunsch and Philippe Blanchard, "Patterns of Democratic Backsliding in Third-wave Democracies: A Sequence Analysis Perspective," *Democratization* 30, no. 2 (2023): 278-301; and Aurel Croissant and Jeffrey Haynes, "Democratic Regression in Asia: Introduction," *Democratization* 28, no. 1 (2021): 1-21.
[138] Vanessa A. Boese, Amanda B. Edgella, Sebastian Hellmeiera, Seraphine F. Maerz, and Staffan I. Lindberg, "How Democracies Prevail: Democratic Resilience as a Two-stage Process," *Democratization* 28, no. 5 (2021): 885-907; and Melis G. Laebens and Anna Lührmann, "What Halts Democratic Erosion? Changing Role of Accountability," *Democratization* 28, no. 5 (2021): 908-928.
[139] Dan Slater, "Threats or Gains: The Battle over Participation in America's Careening Democracy," *Annals of the American Academy* 699 (2022): 90-100; and Dan Slater, "Democratic Careening," *World Politics* 65, no. 4 (2013): 729-63.
[140] In South Korea, one of the main differences between conservatives and liberals has been their priorities in approaching North Korea. Conservatives have largely focused on strengthening ties with the United States and emphasized the need to coerce North Korea into giving up its military power by reaching economic deals in exchange. Liberals, on the other hand, have believed in the potential of a spillover effect in approaching North Korea, meaning they expect to make steps toward unification by providing aid to encourage cooperation across the peninsula. See Youngmi Kim, "Evolution of Political Parties and the Party System in South Korea," in *Routledge Handbook of Contemporary South Korea*, ed. Sojin Lim and Niki J.P. Alsford (New York: Routledge, 2022), 65-81.
[141] A timeline of democratic careening in South Korea is available in the Appendix.
[142] Hannes B. Mosler, "The Institution of Presidential Impeachment in South Korea, 1992-2017," *Verfassung und Recht in Übersee / Law and Politics in Africa, Asia and Latin America* 50, no. 2 (2017): 111-134.

impeachment of Park initiated by the National Assembly and upheld by the Constitutional Court and in turn vertical accountability - victory of the Moon's opposition party in the presidential election.[143]

POLITICAL INSTITUTIONS

The longevity of the post-transition 1987 Constitution evinces the robustness of democratic political institutions in South Korea. Since the Constitution was ratified in 1948, the document had been amended seven times before 1987 with the average constitutional endurance of less than six years.[144] As the eighth-amended document, the 1987 Constitution has lasted for thirty-five years thus far. Unlike many other democratic backsliding countries that have frequently changed the constitutions in favor of incumbent leaders, thus, politicians and political parties have had to learn and adapt to, rather than to repudiate and overturn, the rules of the game that the 1987 Constitution delineate in South Korea. Undoubtedly, constitutional stability is one of the most fundamental institutional sources that underlie democratic resilience of the country.[145]

Non-renewable single-term presidency institutionally opens the windows of opportunities for executive excess, be it populist or oligarchic.[146] As a new national leader with a refreshing electoral mandate, every incoming president has a strong motivation to overturn the policy status quo set by the outgoing one, finding the propitious chance to embark on an ambitious program of reform in the earlier period of her term. She sometimes tends to overreach, opening the windows of opportunities for executive excess in which she suspends, ignores, or even violates the requirements of the rule of law. The windows of opportunities for executive excess are disposed to closing in the later period of her term in which presidential hopefuls from both conservative and liberal camps incline to repudiate the legacies of unpopular outgoing presidents in order to acquire a brand-new electoral mandate.[147]

Whether an incoming president restrains her executive excess or not depends in part on the effectiveness of horizontal accountability. The National Assembly, as legislative constraints on the executive power, and the Supreme Court and the Constitutional Court, as judicial constraints on the executive power, has substantial power to hold the president accountable. What makes horizontal accountability effective is institutional independence of the National Assembly, and the Supreme Court and the Constitutional Court. Due to non-concurrent electoral cycles between president and the National Assembly members, every chief executive must encounter at least a mid-term-like legislative election that enables or constrains her executive excess.[148] When a president inherits a legislative minority situation or faces a divided government situation, the National Assembly acquires institutional independence that reduces the chance of executive excess.

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[143] For the concept of vertical, horizontal, and diagonal accountability, see Anna Lührmann, Kyle L. Marquardt, and Valeriya Mechkova, "Constraining Governments: New Indices of Vertical, Horizontal, and Diagonal Accountability," *American Political Science Review* 114, no. 3 (2020): 811-820.

[144] Zachary Elkins, Tom Ginsburg, James Melton, "Constitute: The World's Constitutions to Read, Search, and Compare," (2023). https://www.constituteproject.org/.

[145] Hannes B. Mosler, "Understanding the Politics of Constitutional Resilience in South Korea," *Seoul Journal of Korean Studies* 33, no. 2 (2020), 459-491.

[146] The president is directly elected for a single five-year term by plurality vote.

[147] Jin Seok Bae and Sunkyoung Park, "Janus Face: The Imperial but Fragile Presidency in South Korea," *Asian Education and Development* 7, no. 4 (2018): 426-437.

[148] The National Assembly has 300 members elected for a four-year term, 253 in single-seat constituencies and 47 members by proportional representation with a mixed-member majoritarian electoral formula. Each individual party willing to represent its policies in the National Assembly is qualified on the legislative election if the national party-vote reaches over 3% on proportional contest or more than 5 members of the party are elected from each of their first-past-the-post election constituencies.

According to the Constitution, 14 Supreme Court justices are appointed by the president, subject to the approval of the National Assembly. Out of 9 Constitutional Court justices, three are appointed by the president, three by the National Assembly, and three by the Chief Justice of the Supreme Court, and all of them must attain the approval of the National Assembly.[149] Because of the co-appointment system in the Supreme Court justices and the Constitutional Court justices between president and the National Assembly, a divided government situation is likely to increase institutional independence of the judicial branch that restrains executive excess. In other words, it is unlikely to sever institutional independence of legislative and judicial branches from the executive one unless a president holds a unified government situation for a substantial time.

Liberal presidents Kim and Roh had had a serial replacement of divided and unified government during their terms, which invigorated checks and balances from the National Assembly controlled by the conservative opposition parties.[150] In fact, the legislative constraints were excessively strong so that Roh was even impeached by a supermajority in 2004. While a serial replacement of divided and unified government situations during a president's term is often blamed for the recurrent stalemate in the executive-legislative relations, it is also credited with activation of the checks-and-balances mechanisms engrained in the separation-of-powers constitution.[151]

The period that conservative presidents Lee and Park (until 2016) had reigned was exceptional in the sense that experienced no such serial replacement of divided and unified government during their tenures, which was more likely to dampen the working of horizontal accountability mechanisms. It was the 2016 legislative election that ended the eight-year conservative unified government period and started another serial replacement of divided and unified government, triggering a reactive sequence that connected media exposure of Park's corruption, the candlelight rallies, the presidential impeachment initiated by the National Assembly and upheld by the Constitutional Court, to the 2017 snap presidential election that installed Moon as the chief executive. The last year of Park evinced how vertical, horizontal, and diagonal accountability mechanisms can work in a mutually reinforcing way.[152]

Liberal president Moon governed the country under a divided government situation during the earlier three years and under unified government situation during the final two years. The serial replacement of divided and unified government situations during his term contained his executive excess as an ambitious incoming president who set the agenda to clean up the corruption accumulated by previous conservative governments.

Moon governed the country under a divided government situation during the earlier three years and under a unified government situation during the last two years. The serial replacement of divided and unified government situations during his term contained his executive excess as an ambitious incoming president who set the agenda to clean up the corruption accumulated by previous conservative governments. To bridge the gap between popular mandate for anti-corruption reform and political

[149] While the Supreme Court justices and the Constitutional Court justices are appointed for a *de jure* renewable six-year term, no justices have been reappointed since the Kim Dae-jung presidency.
[150] For the concept of serial replacement, see Daniel M. Brinks, Steven Levitsky, and María Victoria Murillo, "The Political Origins of Institutional Weakness," in *The Politics of Institutional Weakness in Latin America*, ed. Brinks, Levitsky, and Murillo (New York: Cambridge University Press, 2020), 1-40.
[151] Jörg Michael Dostal, "South Korea: The Lasting Pitfalls of the 'Imperial Democracy'," *Political Quarterly* 94, no. 1 (2023): 57-68.
[152] Melis G. Laebens and Anna Lührmann, "What Halts Democratic Erosion? Changing Role of Accountability," *Democratization* 28, no. 5 (2021): 908-928.

stalemate from the serial replacement, he bypassed the legislative channel, playing politics by other means: politicization of prosecutors.

BUREAUCRACY/ADMINISTRATIVE STATE

Democratization has weakened state agencies specializing in coercion such as Agency for National Security Planning (intelligence), Defense Security Command (military), and National Security Headquarters (policy), elevating law enforcement agencies to the core of the executive authority pursuant to the norm of the rule of law. Among them, Prosecution Service, consisting of Supreme Prosecutors' Office, High Prosecutors' Offices, District Prosecutors' Offices and Branch Prosecutors' Offices, deserves a special attention.[153]

While the Prosecutive Service is run under the Ministry of Justice, it works with the Supreme Court and below so that it acquires the status of a quasi-judicial organization of which political independence from the executive power becomes of paramount importance. As the nation's highest law enforcement agency, only prosecutors' offices have the authority to indict elected politicians for corruption. Because of its infungible power, political independence of the prosecutors' office has been one of the most controversial political issues since the democratic transition in the country. Most presidents were not good at resisting the weaponization of indictment power against opposition parties and politicians until Roh had stopped employing the prosecutors' office for such political purposes in order to keep the electoral promise of independent Prosecution Service in 2003. While he allowed the prosecutors' office to maintain political independence by not exercising his appointment power, however, he could not find the effective way of holding it accountable to the popular branch of the government. As a result, the prosecutors' office could exploit the opportunity of political independence to maximize its organizational autonomy and reputation.[154]

Once Roh turned his executive power over to Lee in 2013, the prosecutor's office, which was under the control of the incoming president who saw the peril of organization's independence without accountability, indicted the outgoing president for corruption. As humiliated by the prosecutors' office, he committed suicide. Roh's suicide came to launch the politics of vengeance for his liberal co-partisans and constituency against the conservative camp and the prosecutors' office. As Moon assumed the office as president, they had their first vengeance in 2017 when Park was imprisoned for malfeasance and second one in 2018 when Lee was incarcerated for bribery. The incarceration of the two presidents became the seed of the politics of vengeance for their conservative co-partisans and constituency against President Moon and the liberal camp. During the Moon's five-year term, elites and voters polarized over the perceived presidential actions: for liberals, they were the enactment of the popular mandate for anti-corruption and prosecutorial reform while for conservatives they were the abuse of power that undermined constitutional constraints and civil liberties. In a nutshell, Moon's politics of vengeance was a democratic action based on legitimate electoral mandate for liberals while it was a typical populist excess of a liberal president for conservatives.[155]

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[153] Olli Hellmann, "High Capacity, Low Resilience: The 'Developmental' State and Military-Bureaucratic Authoritarianism in South Korea," *International Political Science Review* 39, no. 1: 67-82.
[154] Hyang-Joo Lee, "Monopolizing Authority: The Construction of Presidential Power in South Korea," *Korean Studies* 46 (2022): 195-226.
[155] Hannes B. Mosler, "Democratic Quality and the Rule of Law in South Korea: The Role of Public Prosecution," in *The Quality of Democracy in Korea: Three Decades after Democratization*, ed. Mosler, Eung-Jeung Lee, and Hak-Jae Kim (New York: Palgrave, 2018), 73-120.

Moon's politics of vengeance was weird in that he weaponized the indictment power of the prosecutors' office that was the main culprit in Roh's suicide. The strange bedfellow coalition turned out to be effective to accomplish Moon's agenda for cleaning-up corruption that the conservative Lee and Park had hoarded, empowering the prosecutors' office and Prosecutor General Yoon, who is now serving as president from conservative camp, with a mantle of popular legitimacy. Once the anti-corruption campaign was completed, Moon sought to dissolve the strange bedfellow coalition, debilitating the prosecutors' office by devolving a part of the jurisdiction of its investigation authority to the National Policy Agency and establishing the Corruption Investigation Office for High-ranking Officials. Yoon clashed with Moon until his resignation as prosecutor general in 2021, announcing his candidacy for the 2022 presidential election. For the liberal camp, Yoon was the case that the hero turns villain while for the conservative camp, he was the case that the demon turns into an angel. As he was inaugurated as president, elites and voters started to polarize over perceived his actions: for conservatives, they were the restoration of constitutional order and civil liberties while for liberals, they were the abuse of power that culminated in impeachment.[156]

ELECTIONS

Facing Park who showed presidential actions of oligarchical excess, liberal opposition parties and politicians tended to take the position of strategic alarmists. While they spread the perception that the presidential actions were an extraordinary threat to democracy to the general public, they employed ordinary tools of normal politics in dealing with the incumbent government. For them, extraordinary political strategies were too risky to take, not least because they had witnessed an electoral backlash against conservative opposition parties and politicians who passed the motion to impeach Roh in the National Assembly in March 2004. Next month, for the first time in the nation's history, Roh's Uri Party secured a legislative majority in the National Assembly election as liberal party. The popular verdict in favor of the incumbent president nudged the Constitutional Court to overturn the impeachment decision, restoring Roh as president in May.

More than seventy percent of South Koreans opposed the impeachment even though Roh had his job approval rating of less than twenty percent when the motion was passed in the National Assembly. The conservative opposition parties seized the opportunity to remove the chief executive in a radical, if not unconstitutional, way, interpreting the low popularity of the incumbent president as a public endorsement of the impeachment. The strategic miscalculation cost them historic electoral defeat as the public perceived the impeachment as an example of the abuse of power to the advantage of conservative camp. The 2004 electoral outcomes contained oligarchic excesses of the conservative party and its allies controlling the National Assembly and disciplined the Constitutional Court to follow popular verdict.

The Roh impeachment and its electoral backlash against opposition parties set a political precedent that electoral mandate trumps constitutional constraints. Because of this political learning, the liberal opposition parties were extremely cautious to take the radical strategy of impeaching Park in October 2016, demanding that she voluntarily step down. It took more than a month for Moon and his liberal party to negotiate with a splinter conservative party to build a two-thirds majority coalition in the National Assembly for presidential impeachment, confirming more than eighty percent of South Koreans

[156] Erik Mobrand, "Prosecution Reform and the Politics of Faking Democracy in South Korea," *Critical Asian Studies* 53, no. 2 (2021): 259-283.

supported the motion. The coming presidential election deterred potential populist excess of the liberal party and its allies controlling the National Assembly.[157]

The fact that the strategic avoidance of electoral backlash was at the heart of opposition parties' countering strategy to the aggrandizing presidential actions testifies the importance of vertical accountability mechanism to preserve the democratic regime status quo. While, due to the intrinsic tension between majoritarian vision and countermajoritarian vision, South Korea's democratic regime may care either toward populist excess or toward oligarchic excess, the working of electoral accountability has been highly effective to restore the balance between the two visions of democracy.[158]

In fact, as for the National Assembly election results, Roh's liberal party secured a legislative majority in 2004, Lee's conservative party regained a legislative majority in 2008 and 2012, Park's conservative party lost its legislative majority in 2016, and Moon's liberal party reclaimed a legislative majority in 2020. The insecure majorities situation in which liberal and conservative parties compete for the control of the National Assembly at relative parity underlie the serial replacement of divided and unified government situation that temper the presidential actions of executive excess be it populist or oligarchic to get out of democratic careening. At the same time, as long as control of the National Assembly remains within reach for both parties, opposition parties have strong incentives to perpetually seekissues that undercut the incumbent president's democratic reputation in the midst of democratic careening. Whenever vertical accountability works to resolve oligarchic or populist excesses of opposition parties in the Roh or Park impeachments, electoral competition at relative parity continues to intensify polarization between partisan camps due to the lock-in effect of perpetual campaign strategy to denigrate the democratic quality of incumbent presidents.

CIVIL SOCIETY/MEDIA

As the autocratic regime mainly relied on repression, rather than redistribution, as a compliance mechanism, South Korea's democracy inherits a lasting structural legacy that the state-society architecture lacks significant mediating institutions that could play an independent role in the political process. Political parties are only weakly institutionalized and easy prey for ambitious politicians while civic associations struggle with a lack of organizational resources and institutionalized access to the political decision-making process. The weakness of mediating organizations such as political parties and civic associations hinders the establishment of stable and enduring political representation and interest intermediation between the government and the citizens that in turn sets the upper limits of the democratic development.[159]

Because political parties are incapable of translating many social cleavages universal in an advanced industrial society to programmatic platforms, they become electoral and legislative agents of ambitious political leaders rather than the other way around, which accounts for why political parties reorganize themselves and rebrand their names every presidential election. At the same time, civic associations are

[157] Mark Turner, Seung-Ho Kwon, and Michael O'Donnell, "Making Integrity Institutions Work in South Korea," *Asian Survey* 58, no. 5 (2018): 898-919.
[158] Slater and Arugay's characterization of polarization in Asian democracies is relevant here: "democratic polarization's deepest and most enduring source is not ideological or sociological but institutional. Even when leading political parties are virtually indistinguishable in ideological or sociological terms, polarization can arise as a predictable byproduct of democracy's definition and design." See Dan Slater and Aries A. Arugay, "Polarizing Figures: Executive Power and Institutional Conflict in Asian Democracies," *American Behavioral Scientist* 62, no. 1 (2018): 93.
[159] Olli Hellmann, "South Korea's Democracy and the Legacies of the Development State," in *Stateness and Democracy in East Asia*, ed. Aurel Croissant and Olli Hellmann (New York: Cambridge University Press, 2020), 47-70.

not entitled to be social partners for collaborative policy-making process with the government in relevant functional domains, they tend to seek informal political channels rather than to be incorporated into formal political process, which explains why a lot of civic associations engage in militant strategies to grab the attention of the government.

The misalignment between political parties and societal interests leaves a substantial segment of the population who are strongly disaffected by and relatively independent from partisan clashes revolving around narrow issues about the democratic reputation of incumbent presidents. Majoritarian nature of presidential and legislative elections reinforces the misalignment between politicians and citizens who have made floating voters decide the fate of ambitious presidents to punish their excessive actions in times of formal political participation. In times of informal political participation, they have engaged citizens who decide the success of large-scale collective actions to deter the chief executives' populist or oligarchic excesses. The weakness of mediating organizations paradoxically through creating sizable floating voters and/or engaged citizens sets the lower limits of the democratic regression.[160]

Understanding the paradox of the weak state-society mediating organizations is the last part to complete the reactive sequence that shapes the dynamics of democratic careening in South Korea. In 2004, even though many South Koreans did not appreciate the policy performance of Roh when the conservative opposition party and its allies decided to impeach him, a large number of those who were unfavorable of him did not think that his actions deserve to be punished to that strength. Instead, they considered the impeachment an oligarchic excess of the conservative opposition party and the allies, joining candlelight rallies as engaged citizens to deter more excessive actions and voting for Roh's liberal party as floating voters to punish the conservative camp. As a result, the first democratic careening was halted.

In 2016, reflecting the low policy responsiveness of the Park government in dealing with the ferry MV *Sewol* disaster, the National Assembly election resulted in a divided government situation that opened the windows of opportunities to resuscitate inter-branch accountability initiated by Moon's liberal party and its centrist allies. Divided government situation also facilitated a series of media exposures of Park's corrupted behaviors and her excessive actions not only from liberal newspapers and broadcasting media but also conservative ones by alleviating the peril of political reprisal from the presidential office. The bipartisan media collaboration to debunk oligarchic excess of Park triggered another round of candlelight rallies in which engaged citizens organized large-scale collective actions, demanding that she step down for a month. The scale of candlelight rallies tended to swell as Park's faulty responses repeated to enrage engaged citizens who now demanded her impeachment. While cautiously avoiding the appearance of populist excess in the earlier period, Moon's liberal party and its allies finally passed the motion of presidential impeachment in the National Assembly and the Constitutional Court upheld it. The second democratic careening ceased.[161]

During the last two decades, the political influence of civil society organizations (CSOs) tended to be weakened mainly due to the institutional co-optation of liberal governments. Among others, the two CSOs - Citizens' Coalition for Economic Justice, founded in 1989, and People's Solidarity for Participatory Democracy, founded in 1994, once having critical political influence in the issues including

[160] Jang-Jip Choi, "Korean Democracy in a Hyper-Centralized State," in *The Quality of Democracy in Korea: Three Decades after Democratization*, ed. Mosler, Lee, and Kim (New York: Palgrave, 2018), 27-49.
[161] Shin-Goo Kang, "Candlelight Demonstrations and the Presidential Impeachment in South Korea: An Evaluation of the 30 Years of Democracy," *Asian Education and Development Studies* 8, no. 3 (2019): 256-267.

anti-corruption, electoral integrity, and economic justice, had functioned as recruitment channels to presidential offices and other executive posts, losing organization reputation of political impartiality. In addition, Moon's politics of vengeance introduced partisan polarization in the space of civil society so that the ecosystem of CSOs is now divided into conservative and liberal camps.[162]

The ecosystems of traditional and new media are also polarized today. The national newspapers, which are basically independent from the government, are divided between conservative ones including *Chosun*, *Joong-Ang*, *Dong-A* and liberal ones including *Kyunghyang* and *Hankyoreh*. While there is a commercial national television network - Seoul Broadcasting System, the two national television networks - Korean Broadcasting System and Munhwa Broadcasting Corporation are owned by the government so that their institutional independence from the executive power is always in question from the perspective of the public. While the influence of the traditional media over the public has declined, that of the new media has risen mainly due to the spread of smartphones and other information-technology devices. However, the partisan polarization in the ecosystem of new media has increased to the point that reinforcing echo-chamber effects effectively shut down the possibility of deliberation between conservative and liberal camps.[163]

REGIME TYPE

For the last two decades, regime uncertainty has been relatively low even though opposition parties tend to exaggerate the actions of incumbent presidents as if they are symptoms of autocratization. Whenever incoming presidents set their reform agendas, they tend to deny the quality of the previous democratic regime and to prioritize the building of a new democratic order. Despite the generative political goal in rhetoric, however, they incline to employ normal political strategies to restore the democratic regime *ex ante* in action. The difference lies in the emphasis: the liberal camp tends to highlight the importance of reviving vertical accountability with electoral mandate while the conservative camp inclines to stress the significance of revitalizing horizontal accountability with constitutional constraints.

As long as opposition parties and politicians take normal strategies to deal with aggrandizing presidential actions, the tension intrinsic in democratic careening can be resolved within the boundaries of liberal democratic regime. Their escalatory rhetoric to vilify democratic profiles of incumbent president may have long-term negative effects that undermine a part of the liberal democratic regime, in conjunction with presidential politics of vengeance that pits the liberal camp against the conservative camp in an extremely effective way, party competition in a relative parity that elevates the political stake of winning elections over governing.

Each episode of democratic careening can be contained by the chains of vertical, horizontal, and diagonal accountability workings as far as opposition parties and politicians play the role of strategic alarmists. Repeated resolutions of democratic careening with strategic alarmists may result in pernicious polarization, depending on participatory motivation of floating voters and/or engaged citizens.[164]

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[162] Kisuk Cho and Hye Yun Park, "The Evolution of South Korean Civic Activism," in *The South Korea's Democracy Challenge: Political System, Political Economy, and Political Society*, ed. Hannes B. Mosler (Berlin: Peter Lang, 2020), 185-214.
[163] Dal Yong Jin, "The Internet and Social Media," in *The Oxford Handbook of South Korean Politics*, ed. JeongHun Han, Ramon Pachco Pardo, and Yongho Cho (New York: Oxford University Press, 2023), 394-407.
[164] Murat Somer, Jennifer McCoy, and Ozlem Tuncel, "Toward a New Transition Theory: Opposition Dilemmas and Countering Democratic Erosion," Working Paper (2022).

POLARIZATION AND DEPOLARIZATION

Polarization is a cumulative consequence of democratic careening. Due to the misalignment between political parties and societal interests, ideological or sociological polarization is less likely to take root in electoral politics. Instead, the enduring source of polarization is institutional. Before democratization, it pitted those who supported autocratic regimes against those who supported democratic regimes. After democratization, it pits those who prioritizes majoritarian vision of democracy against those who prioritizes countermajoritarian vision of democracy. While political actors polarized between two different institutional regimes in the former, they polarized between two different institutional principles within democratic regime in the latter.[165]

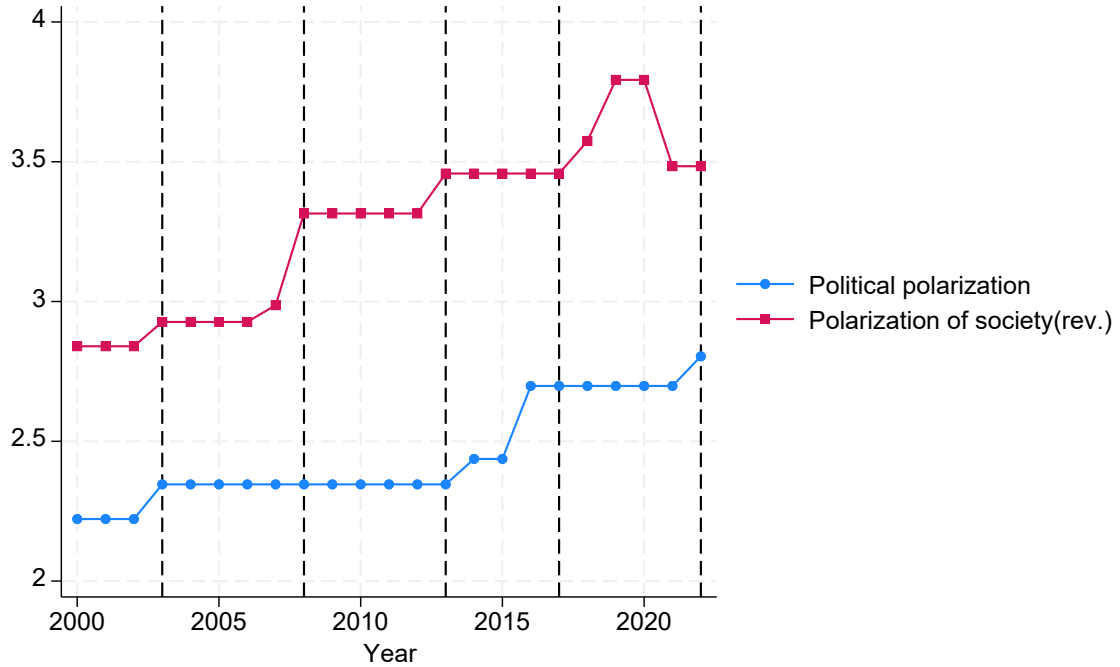
In South Korea, the liberals tend to prioritize a majoritarian vision of democracy with emphasizing electoral mandate and vertical accountability while the conservatives prioritize countermajoritarian vision of democracy with emphasizing constitutional constraints and horizontal accountability. Democratic careening can occur either when a liberal president overreaches its democratic vision toward populist excess or when a conservative president overreaches its democratic vision toward oligarchical excess.

In principle, democratic careening should not result in pernicious polarization as far as populist and/or oligarchical excesses can be corrected by the normal workings of vertical, horizontal, and/or diagonal accountability mechanisms. In fact, both the first democratic careening in 2004 and the second democratic careening in 2016 were resolved by building broad bipartisan coalitions of elites and voters to activate accountability mechanisms, which implied depolarization rather than polarization. The aftershocks of each democratic careening resolution - the suicide of Roh after the first resolution and the incarceration of Lee and Park after the second resolution - have long-term effects to increase polarization as by-products of presidential politics of vengeance.[166]

As illustrated in Figure 2, ideological polarization, which is reflected in Political Polarization Index, has increased but is short of getting pernicious in South Korea over the two decades (lower than score of 3). However, affective polarization, which is reflected in Polarization of Society Index, reached to the point of pernicious polarization of score 3 after the end of the Roh's term and went beyond score 3.5 during the Moon's tenure.

[165] Wook Kim, "Political Polarization: Regionalism, Ideology, and Generational Changes," in *Routledge Handbook of Korean Politics and Public Administration*, ed. Chung-in Moon and M. Jae Moon (New York: Routledge, 2020), 112-125.
[166] Hannes B. Mosler and Hee Kyoung Chang, "Namnamgaldŭng: Partisan Media Framing of Political Polarization in South Korea," *Korea Observer* 50, no. 3 (2019): 331-354.

Figure 18. Polarization in South Korea, 2000-2022



Source: Michael Coppedge, John Gerring, Carl Henrik Knutsen, Staffan I. Lindberg, Jan Teorell, David Altman, Michael Bernhard, Agnes Cornell, M. Steven Fish, Lisa Gastaldi, Haakon Gjerløw, Adam Glynn, Sandra Grahn, Allen Hicken, Katrin Kinzelbach, Kyle L. Marquardt, Kelly McMann, Valeriya Mechkova, Anja Neundorf, Pamela Paxton, Daniel Pemstein, Oskar Rydén, Johannes von Römer, Brigitte Seim, Rachel Sigman, Svend-Erik Skaaning, Jeffrey Staton, Aksel Sundström, Eitan Tzelgov, Luca Uberti, Yi-ting Wang, Tore Wig, and Daniel Ziblatt, "V-Dem [Country-Year/Country-Date] Dataset v13," Varieties of Democracy (V-Dem) Project (2023). https://www.v-dem.net/data/the-V-DEM-dataset/

CONCLUSION

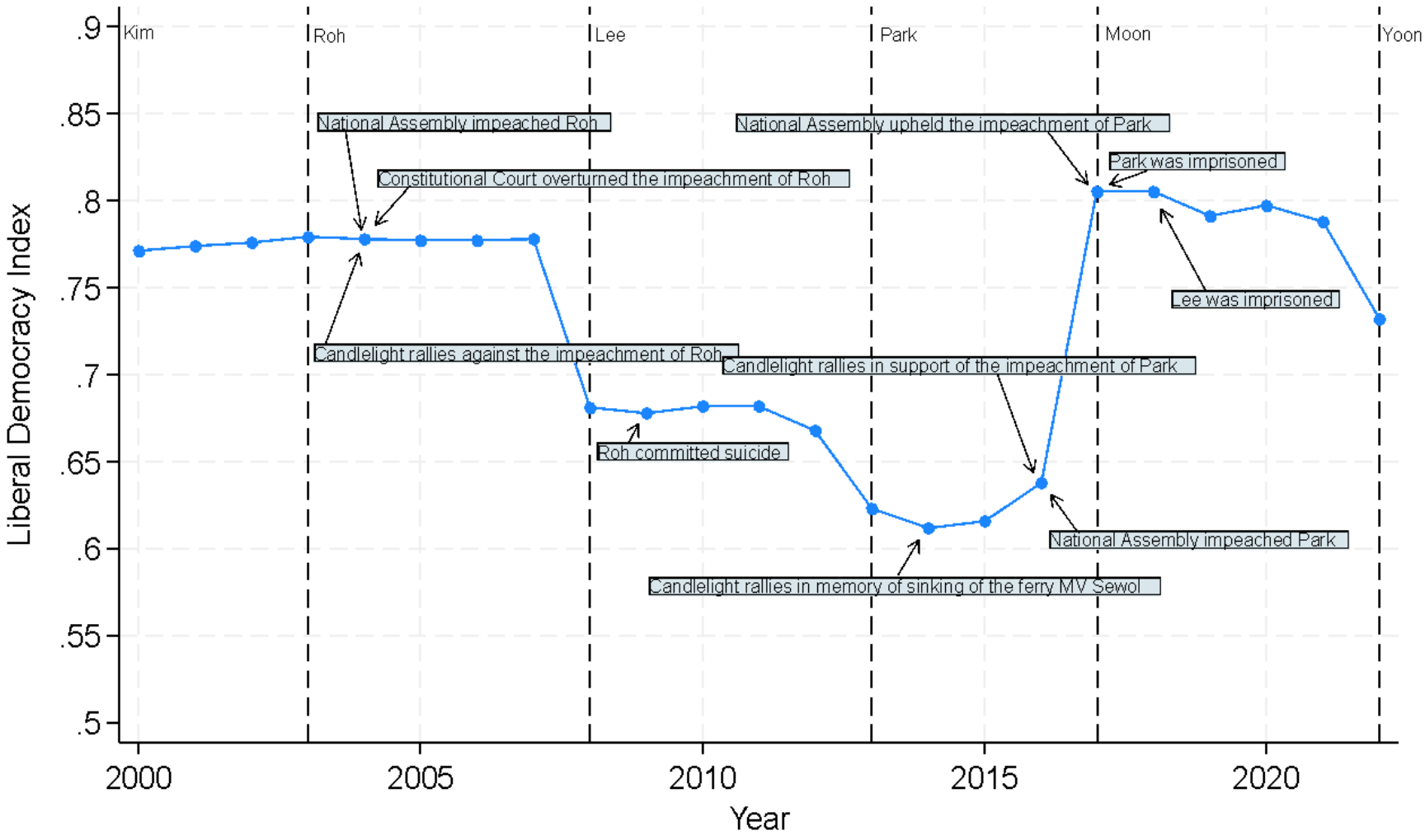
South Korea's democratic experience has been unique in the sense that it is the only liberal democracy that "near-misses" over the last 20 years. The regression and reversal of democratic quality of the country is best characterized by the dynamics of democratic careening that happens either when a liberal president who prioritizes electoral mandate over constitutional constraints overreaches toward populist excess or when a conservative president who prioritizes constitutional constraints over electoral mandate overreach toward oligarchical excess.

In the two episodes of democratic careening, what started to halt democratic careening was diagonal accountability - pressure from civil society and media. In the first episode, engaged citizens voluntarily organizing candlelight rallies nudged vertical accountability - Roh's governing party secured a legislative majority for the first time as liberal party in the nation and in turn horizontal accountability - the Constitutional Court overturned the impeachment being sensitive to popular verdict. In the second episode, media revelation and large-scale candlelight rallies jolted horizontal accountability - the National Assembly passed the motion of impeachment and the Constitutional Court dismissed Park as president and in turn vertical accountability - the Moon's opposition party won the presidential election.

In sum, South Korea's democratic near-miss is a byproduct of the recurrent democratic careening that has been contained by the sequence of accountability mechanisms from diagonal one to vertical or horizontal one.

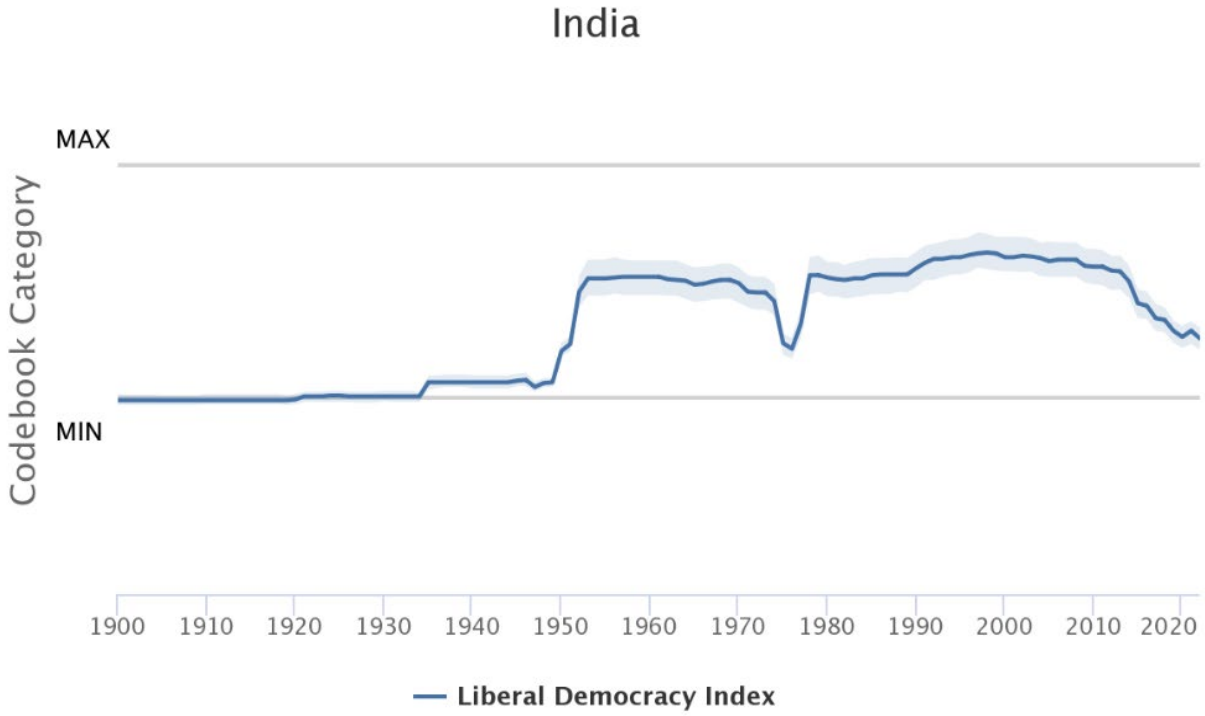
APPENDIX. A TIMELINE OF DEMOCRATIC CAREENING IN SOUTH KOREA, 2000-2022

Figure 19. Timeline of Democratic Careening in South Korea, 2000-2022



6. INDIA

Figure 20. India's Performance on the V-Dem Liberal Democracy Index, 1900-2020



INTRODUCTION

In 2014 and 2019, Narendra Modi led the Bharatiya Janata Party (BJP) to consecutive single-party majorities in the Lok Sabha (lower house of Parliament)—a feat not attained in three decades and never once accomplished by a party other than the once-dominant Indian National Congress (hereafter, the Congress Party). Modi was propelled to power on the backs of popular disenchantment with governance and corruption, Hindu anxiety over the community's social and cultural status, and the belief that India has long been a big country—but not necessarily a big *and* important one. Modi pledged to rectify all three maladies.

Since the BJP government took office in May 2014, however, India has demonstrated unmistakable signs of democratic backsliding. While many of the roots of this backsliding pre-date Modi's rise to power, there is no doubt that several negative trends have intensified during his eight years in office. When it comes to India's democratic regression, there are three principal areas of concern: the consolidation of a Hindu-majoritarian brand of politics; the excessive concentration of power in the hands of the executive and decay in the autonomy of independent institutions; and a clampdown on political dissent and freedom of the press.[167]

[167] Milan Vaishnav, "The Challenge of India's Democratic Backsliding," *Democracy: A Journal of Ideas* 62.

On the electoral front, India enjoys competitive elections in which more than 600 parties and 8,000 candidates take part.[168] At the subnational level, there is regular alternation of power and competitive balance between the BJP and the opposition. There is robust citizen participation in elections at all levels; in 2019, national elections witnessed the highest voter turnout on record (67.4 percent). From the standpoint of demographics, India is witnessing a transformation of its political elite with enhanced representation from non-elite castes and groups in society.

Yet while Indian democracy continues to demonstrate vitality in the electoral sphere, there is credible evidence of democratic decay in non-electoral domains. It is largely due to this shrinking democratic space that major global indices, including the Economist Intelligence Unit, Freedom House, and V-Dem, have all downgraded India's status in the democracy league tables.[169] Today, V-Dem terms India as an "electoral autocracy," a classification that captures the coexistence of robust electoral life with decaying democratic practices outside of the electoral spotlight (Figure 20).[170]

This paper argues that the BJP has further entrenched itself in power at the national level by reshaping the playing field in its favor. Through regulatory changes and the weaponization of investigative agencies, the government has shrunk the space for civil society, media, and political opposition. The BJP has been able to brandish India's relatively robust electoral procedures, and the democratic legitimacy that flows from them, to defend its illiberal actions. External actors have been unable or unwilling to serve as a check because of their own geopolitical calculations.

REGIME TYPE

India's "electoral autocracy" both empowers and constrains the opposition. In electoral terms, the BJP has consolidated its hegemony at the national level, but it has struggled to do so sub-nationally. India is a federal country comprising 28 states and 8 union territories (3 of which have directly elected governments, with the remainder under the central government's civilian administration). Although the BJP's political footprint has ebbed and flowed over the past nine years, at the time of writing, it (along with its allies) controls power in roughly half of India's state assemblies.

The BJP is an unusual political party as it is the political arm of a broader constellation of civil society organizations dedicated to the advocacy of *Hindutva* (Hindu nationalism).[171] This movement, which is guided by the Rashtriya Swayamsevak Sangh (RSS)—a volunteer corps that is the ideological wellspring for the movement, has long embraced elections as the path to social change. Because 80 percent of India's population belongs to the Hindu community, the *Sangh Parivar* (as the family of Hindu nationalist organizations is known) has always been committed to elections. It believes that if it can contain the divisions within the Hindu population—be they caste, linguistic, or regional—it can construct an

[168] India's Westminster parliamentary system features single-member districts with first-past-the-post electoral rules. Its lower house of Parliament has 543 directly elected parliamentary constituencies.
[169] Milan Vaishnav, "The Decay of Indian Democracy," *Foreign Affairs*, March 18, 2021.
[170] According to V-Dem, India's score on the Electoral Democracy Index (EDI) has roughly tracked its decline on the Liberal Democracy Index (LDI). EDI focuses on procedural democracy through electoral competition, lawful elections, and deliberative politics while the LDI focuses on the liberal principle of democracy measured by the limits placed on government to protect civil rights, rule of law, and judiciary independence. While India is facing serious challenges on the electoral front, the decline in its EDI score may be overstated given it is on par with India's score at the height of Emergency Rule (1975-77).
[171] Milan Vaishnav, ed., *The BJP in Power: Indian Democracy and Religious Nationalism* (Washington, D.C.: Carnegie Endowment for International Peace, 2019).

unstoppable electoral majority.[172] This has meant that the broad functioning of elections has remained unperturbed, providing an important opening for the opposition to contest the BJP's dominant position.

However, the shrinking space for democracy between elections has also hampered the opposition's mobilizational capacity. Consider three key constraints.

Campaign finance. In 2018, the Modi government instituted a new modality of political giving, known as "electoral bonds."[173] Using this instrument, individuals and firms wishing to donate to political parties can purchase time-limited bonds that would be deposited into parties' registered bank accounts. It is suspected that because the transactions occur through a public sector bank, the regulator (and hence, the government) can track purchases and deposits, skewing the playing field in their favor. According to the latest data available, the BJP has accrued 65 percent of all electoral bonds purchased between 2017-18 and 2020-21. This is nearly six times that of its foremost rival, the Congress Party.[174]

Investigative agencies. The BJP has used its powers of incumbency to selectively investigate, prosecute or harass prominent opposition members. The most notable example is the arrest and conviction by a local court of Congress leader Rahul Gandhi on criminal defamation charges. The case was brought by a BJP state politician and former minister. While opposition leaders may well be worthy of investigation, the question arises as to why few, if any, BJP members are the subject of such high-profile investigations. An independent report found that investigations carried out by India's Enforcement Directorate have greatly intensified since 2014. During this period, of all politicians under the scanner, 95 percent belong to the opposition.[175]

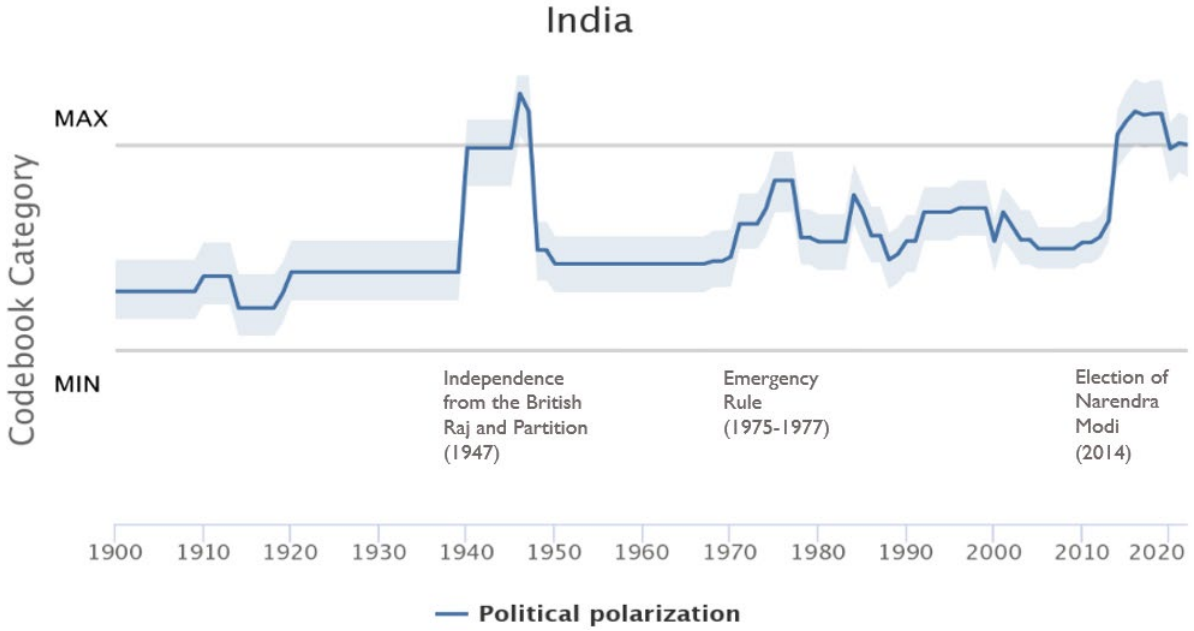
Media control. The BJP has used direct and indirect forms of pressure to muzzle media that is seen as critical to the government and/or favorable towards the opposition.[176] Newspapers which publish critical content find that the central government reduces or cuts its (large) advertising buys. Editors who take critical stances are marginalized, harassed, or sacked by management to placate the government. Most perniciously, many media companies engage in self-censorship to avoid running afoul of the government of the day. This means that critical content is becoming a rare commodity. Even publications that have maintained an independent editorial stance have struck a quid pro quo with the government; in exchange for running critical columns/edits, they must cede pro-government voices adequate space.

POLARIZATION

Since 1947, India has experienced three major moments of political polarization. These are easily discernible when one reviews V-Dem's longitudinal data on political polarization (Figure 2).

[172] Vinay Sitapati, *Jugalbandi: The BJP Before Modi* (London: Hurst & Co., 2020).
[173] Milan Vaishnav, "Political Finance in India," in Sumit Ganguly and E. Sridharan, eds., *The Oxford Handbook on Indian Politics* (forthcoming).
[174] Association for Democratic Reforms, "Electoral Bonds and Opacity in Political Funding," March 27, 2023.
[175] This increase in cases, in part, can be attributed to amendments to the Prevention of Money Laundering Act (PMLA). Under PMLA, the agency can make arrests, arrest and attach properties and assets of the accused with minimal checks and balances. See Deeptiman Tiwary, "Since 2014, 4-fold jump in ED cases against politicians; 95% are from Opposition," *Indian Express*, September 21, 2022.
[176] Sevanti Ninan, "How India's Media Landscape Changed Over Five Years," *The India Forum*, June 6, 2019.

Figure 21. India's Performance on the V-Dem Political Polarization Measure, 1990-2020



Source: V-Dem, version 13.

The first, coinciding with independence, ended with the partition of the subcontinent, a bloody and wrenching division of colonial India that gave birth to India and Pakistan (and later Bangladesh). The situation normalized after the creation of these three countries, though the costs were exceedingly high.

The second episode centered on the Emergency, the 21-month period of autocratic rule under Indira Gandhi between 1975-1977, when many fundamental freedoms guaranteed under the Constitution were suspended and elections were halted. This polarization episode ended with the surprise 1977 electoral defeat of Gandhi and the inauguration of the first non-Congress government led by the Janata Dal. The Janata interregnum would prove short-lived and both Gandhi and the Congress would retake power in the 1980 elections. By this point, Gandhi largely abided by the Constitution, but it marked the beginning of the end of the Congress Party as the center of political gravity. The third episode is the current moment, beginning with the BJP's landmark victory in 2014.[177] This election has ratcheted up the degree of polarization of society, especially along identity grounds. The BJP and the Hindutva movement seek to usher in a Hindu *rashtra* (nation) in India in which Hindus are considered *prima inter pares*. For followers of Hindutva, Indian culture is coterminous with Hindu culture. In pursuit of its vision, the government has altered a key citizenship law, unilaterally changed the status of the pivotal border state of Jammu and Kashmir, and urged on the building of a Hindu temple on a disputed religious site in Ayodhya. The BJP's words and deeds have created a sharp dividing line between a Hindu-centric vision of India and a secular, syncretic vision—of the kind that was championed by nationalist leaders like Gandhi and Nehru.

This polarization is not new; it has been present in India as an undercurrent of politics dating back to pre-Independence times. The primary driver of polarization since 1947 has been the vexed question of

[177] Niranjan Sahoo, "Mounting Majoritarianism and Political Polarization in India," in *Political Polarization in South and Southeast Asia: Old Divisions, New Dangers,* eds. Thomas Carothers and Andrew O'Donohue, (Washington, D.C.: Carnegie Endowment for International Peace, 2021).

nationhood: should India be a secular or a Hindu nation?[178] But what has transpired recently is a ratcheting up of this central cleavage on account of several factors. First, especially in the 1970s and 1980s, secular parties pandered to religious interests when it suited them politically, eroding the concept of national secularism. Since then, they have failed to articulate a modern form of secularism that is viewed as fair and impartial. Second, as Niranjan Sahoo notes, economic modernization, rapid changes in traditional and social media, and the rise of caste-based politics produced further anxiety around questions of status and belonging.[179] Third, the BJP has been able to exploit these two developments to expand the ambit and appeal of the Hindu conservative movement. Under Modi's leadership, the BJP has made religious majoritarianism a core component of the party's electoral strategy.

POLITICAL INSTITUTIONS

When it comes to placing constraints on backsliding at the center, India's federal design offers a natural safety valve. Although India's Constitution has regularly been described as "centralizing," and "quasi-federal," states enjoy considerable power over many aspects of day-to-day governance—from agriculture to law and order and health. Furthermore, India's linguistic and cultural diversity has created barriers for national parties to deeply penetrate all four corners of the country. They often bear the baggage of being "outsiders" insufficiently steeped in the local milieu. Indeed, some of the most strident opposition voices sounding the alarm bell about nationalism, democratic erosion, and centralization come from states with a history of mobilization around federalism and states' rights. These states—Andhra Pradesh, Kerala, Telangana, Tamil Nadu—are concentrated in the southern tip of the subcontinent and all are ruled by strong opposition parties.[180]

The pushback these parties articulate is around northern/Hindu/Hindi chauvinism. When it comes to respecting democratic norms, however, most state leaders are hardly paragons of virtue.[181] In nearly every state capital, the executive rules virtually unchallenged. Nearly all chief ministers (CMs)—irrespective of partisan affiliation—have sought to eliminate or marginalize the second-rung leadership. The efforts of CMs to centralize power is aided by India's feckless state assemblies. A July 2022 report by PRS Legislative Research notes that for 17 states—for which data were available—assemblies met for an average of 21 days in 2021.[182] Across states, the apex judiciary is hamstrung in performing its official functions. As of January 2022, the Department of Justice reports that nearly four in 10 high court judgeships lie vacant. While numerous factors limit the efficiency of India's courts, the chronic shortage of personnel is chief among them. Roughly 5.6 million cases are pending in high courts across states.[183]

Moving from the states to the central government, the picture does not improve.

India's Constitution establishes a parliamentary system, with its central feature of the executive's responsibility to the legislature.[184] It is Parliament—not the people directly—that selects the prime minister, and legislators exercise oversight over executive action. In recent years, however, India has begun to resemble a presidential system adorned with parliamentary characteristics, rather than the

[178] Ashutosh Varshney, "Contested Meanings: India's National Identity, Hindu Nationalism, and the Politics of Anxiety," *Daedalus*, no. 3 (Summer 1993): 227–261.
[179] Sahoo, "Mounting Majoritarianism."
[180] Milan Vaishnav and Jamie Hintson, "The BJP's East Coast Challenge," Carnegie Endowment for International Peace, January 15, 2019.
[181] Milan Vaishnav, "The Dismal Functioning of Democracy in Indian States," *Hindustan Times*, March 5, 2022.
[182] Mridhula Raghavan, Niranjana Menon, and Saket Surya, "Annual Review of State Laws, 2021," PRS Legislative Research, July 2022.
[183] Vaishnav, "The Dismal Functioning of Democracy in Indian States."
[184] Madhav Khosla and Milan Vaishnav, "The Three Faces of the Indian State," *Journal of Democracy* 32, no. 1 (January 2021): 111-125.

other way around. In large measure, the roots of this transformation lie in a 1985 constitutional amendment known as the "anti-defection law" that sought to address legislator defections and bribery-related scandals.

To remove lawmakers' incentives to switch parties in exchange for bribes, the anti-defection law stipulates that individual legislators who defy their party whip on a vote can be disqualified from holding a seat in Parliament. As a result, the relationship between the legislature and the executive is turned on its head. The executive controls the ruling party, and the ruling party controls how legislators can vote. The executive no longer answers to Parliament. Rather, Parliament answers to the executive. The people's elected representatives are stripped of the power to check the executive.[185]

Perhaps the most worrisome development at the central level is the dismal fate of so-called "referee" institutions in India.[186] Like referees on a football pitch, these institutions ensure that contesting parties adhere to a common set of rules and sanction those who violate them. These institutions are not players on the field themselves, but instead operate independently to ensure that the match is played fairly. These institutions— such as the Supreme Court, Lokpal (anti-corruption ombudsman), and Central Information Commission—are crucial for ensuring accountability.

Yet, by any objective standard, over the last eight years they have struggled. In some cases, they have been victims of executive interference; in other cases, the executive has simply neglected accountability institutions, choosing not to fill vacancies. However, there is a third pathology—abdication—that is even more disturbing. In India, many institutions have chosen to cede ground without formal legal or constitutional changes to their powers. The Supreme Court's failure to rule on a constitutional challenge to electoral bonds has no explanation other than the institution's desire to avoid confrontation with a politically dominant executive. Furthermore, the Election Commission's muddled response to the new funding instrument, its unwillingness to sanction ruling party candidates who flout electoral speech norms, and its questionable judgements on the timetable of elections all fit the pattern of excessive deference.

ELECTIONS

At the national level, there has been little effective electoral resistance to the BJP. Opposition parties are badly divided, regionally fragmented, and lack consensus on a common ideology or leader. At present, there is only one opposition party that can plausibly claim nationwide reach: the Congress Party. However, the party is in a state of disarray. The Congress suffers from three simultaneous deficits—of leadership, ideology, and organization.

In 2014 and again in 2019, the Congress projected Rahul Gandhi as its prime ministerial candidate in the general elections. And, in two successive elections, the Congress has been badly routed. Gandhi resigned the presidency of the party, but the Congress high command moved quickly to install a party loyalist in his stead. Prior to his recent conviction, Gandhi led a monthslong *pad yatra* (journey by foot) across the length of India to bolster the party cadres and rehabilitate his own image as an ineffectual leader.

[185] Ibid.
[186] Milan Vaishnav, "Backsliding in India? The Weakening of Referee Institutions," in Rachel Beatty Riedl, Ken Roberts, Tom Pepinsky, and Valerie Bunce, eds. *Global Challenges to Democracy: Cross-Regional Perspectives* (in progress).

While the yatra had some success on both counts, the Congress lacks a strong apex leader that can go head-to-head with Modi in the national theater of politics. According to the Morning Consult's Global Leader Tracker, Modi has a 76 percent approval rating, higher than any other world leader for which data is available. In fact, Modi leads the second most popular leader by 15 percentage points.[187]

The Congress is currently also experiencing an ideological dilemma. For decades, the Congress positioned itself as the defender of India's secular fabric. Of late, secularism has become a four-letter word coterminous with "minority appeasement" and "pandering to Muslims."[188] For a country that is overwhelmingly Hindu, such framing is electorally fatal. Under the guise of secularism, the Congress often cynically and opportunistically wielded religious communities as "vote banks," corroding the notion that it championed an even-handed approach.[189] The party is also stuck on its second key plank: welfare delivery. The BJP under Modi has skillfully positioned itself as the party dedicated to efficiently and effectively delivering welfare services to India's poorest citizens—a shift that has placed the Congress on the backfoot.

Finally, the Congress organization has atrophied over time as the party has centralized power in the hands of the family and a close circle of trusted aides. Unwilling to coexist with strong state-level leaders who occupy secondary rungs of the party hierarchy, party elites eventually undercut or eliminate them entirely. Continued electoral underperformance has had adverse consequences for party morale, organizational wherewithal, and political funding. As the Congress high command dithers in addressing its leadership woes, numerous Congress stalwarts have left the party.

In almost every way, the BJP presents a mirror image of the Congress' woes. Under Modi and Amit Shah (who now serves as Home Minister), the BJP has built a formidable electoral organization. The BJP wields an organizational, technological, and financial advantage over all its rivals.[190] In its efforts, the BJP is aided by the significant presence of the *Sangh Parivar*, or the collection of Hindu nationalist organizations of which it is a crucial part. The Sangh provides the BJP with street power that is readily transferable to electioneering. In between elections, the Sangh helps to spread information about the BJP's positive performance in office. Today, the BJP is one of the rare cadre-based parties in India.[191]

The Congress' battered brand makes it a less attractive option for the scores of regional parties who round out India's political landscape. It is important to keep in mind that slightly less than one out of every two votes cast in an Indian general election accrues to a party other than the Congress or BJP. However, the regional landscape is deeply fragmented, with dozens of parties siding with the BJP and dozens more opposed but unwilling or unable to cooperate to keep it out of power. In a first-past-the-post electoral system, such dynamics have allowed the BJP to win 37.5 percent of the national vote and an overwhelming majority of parliamentary seats.[192]

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[187] See Morning Consult, "Global Leader Approval Ratings," March 30, 2023. Domestic polls in India also show Modi with a clear advantage. According to the 2023 *India Today* Mood of the Nation Poll, 72 percent of respondents nationwide rated Modi as outstanding to good, a nine-percentage point increase from 2022. See Raj Chengappa, "Mood of the Nation poll: Narendra Modi all the way," *India Today,* February 1st, 2023.
[188] Christophe Jaffrelot, "The Fate of Secularism in India," in Milan Vaishnav, ed., *The BJP in Power: Indian Democracy and Religious Nationalism* (Washington, D.C.: Carnegie Endowment for International Peace, 2019).
[189] Vaishnav, The BJP in Power.
[190] Prashant Jha, How the BJP Wins: Inside Indian's Greatest Election Machine (New Delhi: Juggernaut Books, 2017).
[191] Walter K. Andersen and Shridhar D. Damle, *The RSS: A View to the Inside* (New Delhi: Penguin Books, 2018).
[192] In previous eras, it was the Congress Party that exploited this disproportionality between votes and seats. In fact, despite the Congress' deep reservoir of support in the post-independence era, it never won more than fifty percent of the all-India vote.

At the state level, however, regional opposition parties in some states have been able to successfully challenge the BJP. At the time of writing, the BJP-led National Democratic Alliance (NDA) holds power in 17 of India's 31 states and union territories with elected assemblies. Not all opposition parties have had the same success challenging the BJP. On the one hand, there are regional parties, or parties that are only electorally relevant in a specific region but may have larger national ambitions. This category includes caste-based outfits such as the Bahujan Samaj Party (BSP) and Samajwadi Party (SP), which are largely concentrated in the northern Hindi belt. These parties have relied on "social engineering" or devising caste combinations that can effectively challenge the BJP by appealing to caste groups on the basis of social justice. For the most part, the BJP has managed to contain these parties by tarring them as parochial, narrow-minded, and corrupt.[193]

On the other hand, however, there are "regionalist" parties.[194] Regionalist parties are regional in the sense that their electoral catchment is geographically circumscribed. But, unlike the regional parties described above, regionalist parties focus on the interests of their particular states and they mobilize voters by appealing to their state's regional pride, culture, language, and customs. By and large, regionalist parties dominate politics in the eastern seaboard of India—the territory stretching from West Bengal in the East to Tamil Nadu in the South.

The BJP has struggled against regionalist parties for several reasons. First, the BJP is widely perceived to be a party of northern India, which historically provides the bulk of the party's leadership and support. Second, the BJP espouses a pan-Indian, polity-wide platform that might not grab the attention of voters in states where state-specific agenda items are top of mind. Third, the BJP has typically done best on the eastern seaboard when working with local alliance partners. But electorally relevant parties have not always been willing to ally for the simple fact that their own brands might get tarnished in the process.

ADMINISTRATIVE STATE

The administrative state plays an essential role in the formulation and implementation of public policy in India. From the era of the British Raj to the License Raj, India's administrative complexity is legendary. The term civil service in India is an umbrella category for several discrete organs. The Indian Administrative Service (IAS), along with the Indian Forest Service and the Indian Police Service (IPS), comprise the All-India Services. The IAS is perhaps the most critical component of the civil service. It constitutes a tiny fraction of all government bureaucrats—roughly 5,000 out of 3.3 million individuals employed by the government of India (at all levels)—but occupies the most prestigious and powerful posts.

This mandarin-style service has several important characteristics: meritocratic recruitment via a competitive examination; a rigid set of allocation and assignment procedures, especially in the early stages of an employee's career; dual control by the central and state governments; and predictable, long-term career incentives that reward seniority.[195]

Collectively, these characteristics grant the IAS a certain degree of independence from the political executive. First, selection is based on a rigorous exam-based selection, negating the prospect of political

[193] Asim Ali, "The Opposition Space in Contemporary Indian Politics," July 12, 2022, Carnegie Endowment for International Peace, 2022.
[194] K. K. Kailash, "Regional Parties in the 16th Lok Sabha Elections: Who Survived and Why?" *Economic and Political Weekly* 49, no. 39 (September 27, 2014): 64–71.
[195] Milan Vaishnav and Saksham Khosla, "The Indian Administrative Service meets Big India," Carnegie Endowment for International Peace, September 2016.

influence. Second, dual control implies that while the central government largely controls recruitment and advancement, IAS officers belong to state cadres. As a result, they are deeply embedded in India's unique federal framework. Third, IAS officers are intimately familiar with the machinery of government, which means they are well versed in both how to advance policy as well as how to stall it.

However, the executive does wield important influence over the civil service. The most visible and lamentable aspect of political interference in the civil service has been the phenomenon of punitive transfers and postings.[196] Furthermore, the current government has also engaged in certain activities which could be seen as circumventing the traditional bureaucratic chain of command. For instance, the government has concentrated power in the hands of the Prime Ministers' Office (PMO). This means that the PMO makes all critical policy decisions, including bureaucratic appointments, in a way that strips ministries and departments of autonomy and emphasizes political loyalty. In addition, the government has cultivated direct links between the PMO and sub-state bureaucrats, circumventing elected state governments and state chief ministers. This centralized monitoring ensures that local bureaucrats are working in lockstep with the PMO to achieve the latter's policy objectives, blurring the lines between administration and political accountability.[197]

CIVIL SOCIETY

Civil society organizations—from student groups to women's collectives to NGOs advocating for the rights of minorities and even individual citizens—enjoyed a resurgence in the wake of the passage of the 2019 Citizenship Amendment Act. This law, coupled with the suggestion of an all-India enumeration of legal residents intended to single out undocumented aliens, triggered intense street protests beginning in December 2019, starting first on university campuses in and around New Delhi and then spreading to cities and towns across India.

The protests invoked the preamble of the Constitution—which speaks of India's commitment to justice, liberty, equality, and fraternity—and comprised a cross-section of Indian society, with Muslim women acting as the vanguard.

The government adopted a mix of accommodation and repression to counter the protests. On the one hand, the protestors won rhetorical concessions from the Modi government that it has no plans "for now" to pursue an all-India citizen's registry.

On the other hand, state governments—particularly BJP-ruled states—have often employed coercive tactics to curb protests. The most egregious example of this is Uttar Pradesh, where there is credible evidence there that the police used indiscriminate violence to punish Muslims civilians and predominantly Muslim neighborhoods during the anti-CAA protests. The sustained protests in Delhi also drew a violent response in February 2020, when mob violence broke out in the streets of the nation's capital, allegedly instigated by a local BJP politician and aided and abetted by the Delhi police (who come under the jurisdiction of the central government).

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[196] Lakshmi Iyer and Anandi Mani, "Traveling Agents: Political Change and Bureaucratic Turnover in India," *Review of Economics and Statistics* 94, no. 3 (August 2012): 723–739.

[197] As the authors write, "It has now become common practice for senior central government bureaucrats to interact directly with district-level administrators through video conferencing to monitor progress. By convention, direct lines of communication were never encouraged between the center and district officials because district administrators are accountable to their state bosses." See Yamini Aiyar and Louise Tillin, "'One Nation,' BJP, and the Future of Indian Federalism," *India Review* 19, no. 2 (117-135).

But the larger contextual issue is that civil society in India works under severe constraints. The regulatory footprint of the Indian state is so vast that it enjoys nearly unlimited powers to constrain actors with whom it vehemently disagrees. The complex thicket of laws, rules, and regulations in India mean that, at any given time, one might unknowingly be in violation of several esoteric statutes without even knowing it. This is a power that is not new to the Modi government but has been applied more effectively than in the past.

Through the selective application of the Foreign Contribution Regulation Act (FCRA), the government can deny organizations foreign funding—an important source of income for leading NGOs. Combined with pressure placed on domestic funders, this can squeeze civil society coffers. Indeed, several prominent NGOs operating in India—including the Ford Foundation, Sierra Club, and Greenpeace India—have fallen afoul of FCRA regulations during the last six years.[198] In select high-profile cases, such as with Amnesty International and Greenpeace, these organizations are no longer able to function in India once their authority to receive foreign contributions was revoked by the government.[199] In Fall 2022, the government undertook an income tax "survey" of the Centre for Policy Research (CPR), India's most highly-regarded independent think tank. This is ongoing but has already resulted in the suspension of CPR's FCRA license, a decision that could force it to shutter.[200]

Another hindrance to civil society is the absence of an absolute right to free speech in India. Individuals are subject to a wide range of "reasonable restrictions" on free speech, which often allow for the ruling party or its allies to use defamation or sedition charges as a way of curbing speech that is antithetical to the government's priorities.

MEDIA

The media, as a critical pillar of civil society dedicated to holding the government accountable, faces both deep structural and regime-specific challenges.[201]

In structural terms, mainstream media in India is deeply beholden to the government, which is a principal provider of revenue through the purchasing of government advertisements. In India, it is not uncommon to witness page after page of government ads in leading English-language and vernacular newspapers across the country. The government can wield its power as a principal ad buyer to keep the media in check. For instance, in June 2019, the government temporarily curbed or froze advertisements in three major newspapers, allegedly as retaliation against the newspapers' investigative reporting into the government.

But the mainstream media is also beholden to corporate advertising. This has both a direct and indirect effect. The direct effect is that media houses face enormous pressure to underplay or simply ignore negative stories that place corporations (who are also ad buyers) in a negative light. The indirect effect is that many corporations might also reallocate advertising in order to move ads toward more "pro-government" sources or risk running afoul of government authorities. Given the government's intensive regulatory footprint, it wields multiple levers that can shape a private firm's media behavior. The result is

[198] Thomas Carothers, "The Closing Space Challenge: How are Funders Responding?," Carnegie Endowment for International Peace, November 2015.
[199] Divyani Dubey, "Everything You Need to Know About FCRA, the Law That Regulates Foreign Donations to NGOs," *Scroll.in,* July 23, 2022.
[200] "FCRA Licence of Think Tank CPR Suspended: What is FCRA, Why the Licence Matters," *Indian Express*, March 2, 2023.
[201] Ninan, "How India's Media Landscape Changed Over Five Years,"

increased self-censorship and, occasionally, actual censorship; there have been several notable instances of media houses removing content that was critical of key BJP leaders in response to calls from angry government officials.

While it is true that India is home to a burgeoning cadre of digital and independent news sites as well as hundreds of millions of social media users (who can convey both pro- as well as anti-government news and views), these new media ventures are relatively small, both in scale as well as in reach, given India's vast media market.

Indian authorities have used legal measures to curb the freedom of many media and social media companies. Under legislation and regulatory powers already on the books and, in many cases, validated by the courts, the government has placed limits on the activities of media and social media companies.

For instance, in July 2021, the government implemented the new Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021.[202] Among other objectives, these new rules mandate the traceability of messages to their first originator when asked. Both Meta, the parent company of WhatsApp, and Twitter have approached India's High Courts to dispute the new law.[203]

More recently, the government invoked emergency provisions in the 2021 Rules to ban a BBC documentary examining Narendra Modi's role in the 2002 Gujarat riots.[204] These new rules give the government wide latitude to censor speech; it may demand information from social media intermediaries that relates to the verification of identity, or prevention, detection, investigation, or prosecution of offenses under any law or for cybersecurity incidents.

In January 2023, the Ministry of Electronics and IT (MeitY) issued a new proposal to empower a government agency to police "fake news" on social media platforms and other digital services. If the agency tags any piece of news as "fake," it can immediately prohibit online intermediaries from posting such content.[205]

The clampdown on media and social media companies has not been restricted to takedown requests or curbs on dissemination. In the BBC case, just weeks after the government banned the controversial Modi documentary, the media organization was subject to arbitrary and clearly retaliatory income tax raids in India.[206] Tax and anti-money laundering actions have become a favored tool to harass and intimidate media and civil society organizations by burying them in paperwork and tarnishing their public reputation. These legal mechanisms are complemented by a host of informal mechanisms that can stifle free speech and freedom of expression without the government playing a direct role. With BJP acquiescence and de facto support, the Hindutva-oriented social media landscape can suppress unpopular views.

The media also faces practical challenges in its day-to-day job or reporting and newsgathering. As discussed above, the Modi government possesses a great skepticism about the intentions and biases of mainstream media. As a result, it has pursued a communications strategy that largely eschews it: the

[202] PRS Legislative Research, "The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021," February 25, 2021.
[203] Subimal Bhattacharjee, "India's IT Rules: Twitter & FB's Court Cases May Decide the Future of Regulation," *The Quint*, July 30, 2022.
[204] Hannah Ellis-Peterson, "India Invokes Emergency Laws to Ban BBC Modi Documentary," *The Guardian*, January 23, 2023.
[205] "MeitY to Conduct 'Separate' Talks on PIB Fact-check in Feb: MoS IT," *Indian Express*, January 25, 2023.
[206] Mujib Mashal, "Indian Tax Agents Raid BBC Offices After Airing of Documentary Critical of Modi," *New York Times*, February 14, 2023.

PMO has no media advisor; the PM has yet to address a single press conference; and the PM travels only with official (state-run) media on overseas visits.

Modi instead takes advantage of his gargantuan following on social media—87 million followers on Twitter and counting—to communicate directly with the masses. The ruling party also enjoys close connections with several leading cable news networks, which often serve as conveyor belts for government talking points.

EXTERNAL ACTORS

Foreign pressure is often invoked as a potential guardrail that might prevent India from further backsliding. But, as a large democracy with a history of resisting foreign meddling, India has rarely proved vulnerable to foreign pressure.

But even before questions of the efficacy of foreign pressure, there is the issue of whether foreign countries would press India on issues of democracy and rights given the pressing foreign policy, economic, and security dimensions of their relationships with India. Indeed, foreign powers such as the United States seem to be prioritizing the latter in favor of the former.

Most global capitals welcomed Modi's victory in 2014 with open arms. By then, many of India's international partners had grown wary of the Congress-led government, whose second term was marked by policy paralysis, weak leadership, and innumerable graft allegations. Several governments, such as the United States and the European Union, had a tumultuous history with Modi on account of the riots that broke out in Gujarat in 2002. But, upon seeing the writing on the wall, even these governments rolled out the red carpet for Modi once it became clear he would be India's next leader. Many of India's partners, while nervous about Modi's Hindu nationalist credentials, welcomed his pro-business outlook and inclusive, development-focused campaign mantra.

Despite checkered progress on the economic reform front, most foreign partners remain bullish about India's prospects under Modi—especially given the set of political alternatives on offer. Their calculations rest on the attractiveness of India's economic market, its centrality to Western strategies to contain China's rise, and the belief that India is connected to the West due to their shared democratic values. Even as the third pillar has been called into question, the other two have provided sufficient ballast for external partners.

To date, most official criticism has been muted and delivered largely through senior officials as opposed to key Cabinet ministers of heads of state.[207] For many of India's diplomatic partners, especially in the West, the calculation is grounded in *realpolitik*. The West, led by the United States, has made a significant bet on India: that it presents the only viable challenger to China in the Asia-Pacific; that its economy represents the consumer market of the future; that bilateral trade and investment ties are lucrative and enduring; and that, as a democracy, it will pursue policies largely in sync with western democracies.[208]

[207] As Ashley J. Tellis notes, "The recent Indian domestic political developments have raised concerns even within the administration, but senior officials have been careful enough not to make this an issue publicly. This public silence should not be misinterpreted as an absence of anxiety, though the depth of the apprehensions varies depending on the individual." See Ashley J. Tellis, "On Trump's Visit to India," *Business Standard*, February 23, 2020.
[208] Robert D. Blackwill and Ashley J. Tellis, "The India Dividend," *Foreign Affairs* 98, no. 5 (2019) 173-183.

Given the geopolitical weight placed on partnership with India and the rising tide of populist governance in the West, it is unlikely that India's domestic moves will spark a real rupture in bilateral ties. India's domestic churn may represent a new set of irritants but, given the larger stakes surrounding the "India bet," a move to sanction, penalize or ostracize India is highly unlikely.

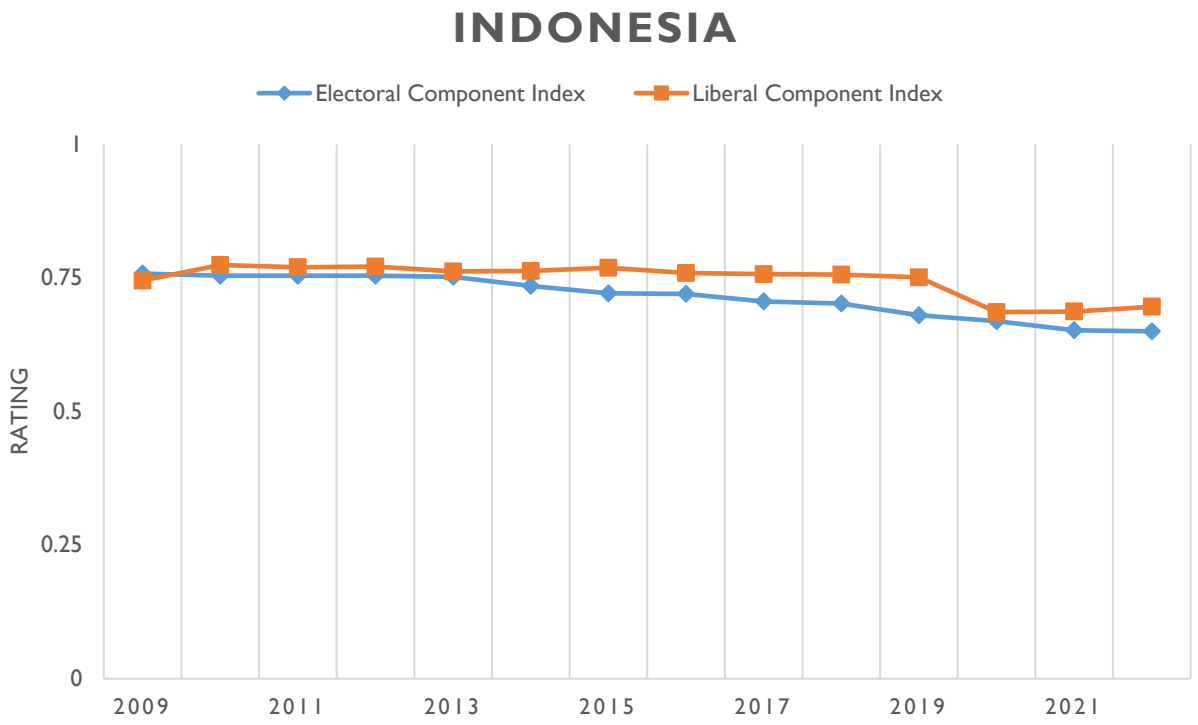
CONCLUSION

India's states have provided the greatest challenge to democratic backsliding in India. States have done this not because they are themselves paragons of democratic virtue, but rather because several states with strong linguistic, cultural, and subnational identities have resisted the monolithic "*Hindu, Hindi, Hindustani*" narrative that the ruling party has regularly propagated. Civil society and some segments of the media have pushed back against the excesses of the current regime but the regulatory levers the government employs have limited their room to maneuver. More worrisome has been the deference paid toward the executive by nominally independent accountability institutions. In part, this can be understood as a rational response to a dominant-party regime that enjoys significant popular support. However, it is also likely that the executive's tools of retribution have also kept them at bay.

Looking ahead, the response to illiberalism must come from India's political opposition itself. From the perspective of the United States, three principles should guide their strategic planning. First, the United States must create space internally that validates critiques of democratic practice in India. While the U.S. government might not wish to make these critiques public, policymakers cannot blind themselves to the realities unfolding on the ground or assume they will not impact the bilateral relationship. Second, the United States must think strategically about what direct channels of communication are viable for raising difficult issues related to democracy and human rights, what channels might fall on deaf ears, and which could even be counterproductive. Finally, the United States must communicate clearly about what measures might trigger a significant reevaluation of the U.S.-India partnership.

7. INDONESIA

Figure 22. V-Dem Liberal Component Index and Electoral Component Index for Indonesia, 2009-2022



Emerging from four decades of authoritarianism between the late 1950s and late 1990s, Indonesia embarked on an ambitious democratization project in 1998. After reaching its peak in the second half of the 2000s, the development of democratic quality first stagnated and then regressed (see Table 1).[209] Today, Indonesia remains a functional electoral democracy in which elections are generally free and fair but mostly limited to candidates with sufficient financial resources.[210] Somewhat paradoxically, the same forces responsible for Indonesia's democratic erosion are also the biggest obstacle to its full autocratization. Political elites, consisting of party leaders, populist technocrats, religious figures, oligarchs and officials affiliated with the military, police and the bureaucracy, have collectively designed an elite democracy that serves their interests - and in which they watch carefully and anxiously over each other so that no single actor can assume autocratic control.[211] In this elite democracy, most actors are absorbed into government, protecting the interests of each group and thus making political reform

[209] Thomas Power and Eve Warburton (eds.). *Democracy in Indonesia: From Stagnation to Regression?* (Singapore: ISEAS – Yusuf Ishak Institute, 2020).
[210] Edward Aspinall and Marcus Mietzner (2019). Indonesia's Democratic Paradox: Competitive Elections amidst Rising Illiberalism. *Bulletin of Indonesian Economic Studies* 55(3): 295-317. Indonesia has a presidential system, and direct presidential elections have been held since 2004. Since 2019, presidential and parliamentary elections have been held simultaneously (between 1999 and 2014, parliamentary elections were conducted a few months before presidential elections). The parliamentary elections are based on a proportional representation system, but have witnessed a gradual shift from a fully closed party list system in 1999 to a fully open party list system from 2009 on. This shift has led to a personalization of elections, increased vote-buying and a weakening of parties.
[211] Marcus Mietzner and Jun Honna (forthcoming). Elite Opposition and Popular Rejection: The Failure of Presidential Term Limit Evasion in Widodo's Indonesia. *South East Asia Research*.

slow and regression almost inevitable. But if any one of these political actors tries to change the status quo in its favor, the others are quick to express opposition.

For example, when incumbent president Joko Widodo sought to evade constitutional term limits and stay in power beyond 2024, the vast majority of elite actors - including his own party - thwarted the plan.[212] For most elites, the maintenance of the power equilibrium that characterizes Indonesia's post-1998 is the best option to secure their vested interests. Sustaining electoral democracy - which elites dominate through their privileged access to the resources necessary to effectively participate in it - is key to this agenda.[213] Autocratization, on the other hand, carries risks that most elite actors find much less palatable than the occasional uncertainty built into an elite democracy. Actors outside of these elites only played a secondary role in producing both slow democratic decline and defending a minimalist electoral democracy: the public has become socially conservative and often follows the preferences of their leaders;[214] Constitutional Court judges have turned - after a brief period of democratic activism in the 2000s - into guarantors of the status quo;[215] the media is largely in the hands of government-affiliated oligarchs;[216] and many civil society groups have been co-opted by, or aligned with, elites.[217] Thus, attempts to revive Indonesia's stalled democratization agenda would either have to focus on re-empowering at least some of these actors, or rely on the democracy-preserving interests of elites themselves.

Table 7: Democratization and Democratic Backsliding in Indonesia, 1998-2021

Year	Event	V-Dem Liberal Democracy Score
1998	Long-time autocrat Suharto resigns	0.12
1999	First democratic elections since 1955 held	0.43
2002	Final round of constitutional amendments passed	0.52
2004	First direct presidential elections	0.53
2005	Direct elections for local government heads introduced	0.53
2007	Former rebels take power in Aceh, following a democratic election based on a 2005 peace agreement	0.54

[212] Widodo's party did not want another term for Widodo because it felt the president had not sufficiently advanced its interests in the multi-party coalition he led; other key leaders wanted to run for the presidency themselves; and yet others thought that they could get a better coalition deal from Widodo's successor. Collectively, they also feared that Widodo might turn into a full autocrat – something they had no appetite for. Thus, Widodo did not have a majority for a necessary constitutional change or a delay of the 2024 elections. For some of these trends and attitudes, see Mietzner and Honna (forthcoming); and Ken Setiawan (2022). Vulnerable but Resilient: Indonesia in an Age of Democratic Decline. *Bulletin of Indonesian Economic Studies* 58(3): 273-295.
[213] Edward Aspinall and Ward Berenschot. *Democracy for Sale: Elections, Clientelism, and the State in Indonesia* (Ithaca, New York: Cornell University Press, 2019).
[214] Diego Fossati. *Unity through Division: Political Islam, Representation and Democracy in Indonesia* (New York: Cambridge University Press, 2022); Diego Fossati, Burhanuddin Muhtadi and Eve Warburton (2022). Why Democrats Abandon Democracy: Evidence from Four Survey Experiments. *Party Politics* 28(3): 554–566
[215] Simon Butt (2018). Religious Conservatism, Islamic Criminal Law and the Judiciary in Indonesia: A Tale of Three Courts. *The Journal of Legal Pluralism and Unofficial Law* 50(3): 402-434.
[216] Ross Tapsell. Media Power in Indonesia: Oligarchs, Citizens and the Digital Revolution (London: Rowman and Littlefield, 2017).
[217] Marcus Mietzner (2021). Sources of Resistance to Democratic Decline: Indonesian Civil Society and its Trials. *Democratization* 28(1): 161-178.

Year	Event	V-Dem Liberal Democracy Score
2009	Increase in violence against religious minorities	0.53
2014	Highly polarized presidential elections, populist challenge by Prabowo	0.52
2017	Islamist mass mobilization against Christian-Chinese governor of Jakarta; ban of conservative Muslim group Hizbut Tahrir	0.49
2019	Repressive moves against dissidents; another highly polarized presidential election	0.47
2021	Government uses COVID-19 pandemic to push through unpopular legislation; imprisonment of Islamist leader on the charge of lying about his COVID-19 status	0.41
2022	President Widodo tries to evade the two-term limit set by the constitution, but ultimately fails	0.42

This paper develops these themes and arguments in nine brief sections. The first looks at institutions as both enablers of and barriers to democratic erosion; the second considers the role of opposition actors in Indonesia; the third turns to the relevance of civil society groups in stemming the tide of illiberalism; the fourth reflects on the significance of Indonesia's regime type; the fifth discusses episodes of polarization and depolarization; the sixth looks at the influence and ownership structures of the media; the seventh assesses the impact of the bureaucracy (which in Indonesia is largely absorbed into the broader political elite); eighth, special consideration is given to the role of the military and local governments, and ninth, international influences are briefly assessed.

INSTITUTIONS

In assessing which institutions enable or mitigate autocratization, it is important to note that Indonesian government coalitions have been, for the last two decades, not only multi-party, but also multi-institutional. [218] Under a coalitional presidentialism regime increasingly institutionalized after 2004 (when constitutional amendments on presidential elections and the powers of other institutions came into force), Indonesian presidents have not only integrated most parties into cabinet to achieve supermajorities in the legislature,[219] but also included other actors with potential veto powers.[220] For instance, retired military and police officers have become ministers, as have representatives of the bureaucracy, big business, Muslim organizations and local government. This constellation has ensured the remarkable stability of Indonesia's presidential polity - there has not been a single attempt at impeachment since 2004, and both presidents since then won easy re-election. But the downside of this stability has been that the institutions thus integrated into government use this regime participation to

[218] Marcus Mietzner. The Coalitions Presidents Make: Presidential Power and its Limits in Democratic Indonesia (Ithaca, New York: Cornell University Press, forthcoming).
[219] Dan Slater and Erica Simmons (2012). Coping by Colluding: Political Uncertainty and Promiscuous Powersharing in Indonesia and Bolivia. *Comparative Political Studies* 46(11): 1366–1393.
[220] Dirk Tomsa, Dirk (2018). "Regime Resilience and Presidential Politics in Indonesia." *Contemporary Politics* 24 (3): 266-285.

gain a share of the patronage spoils, rather than holding government to account. Most importantly, they have also used their privileged inside position to protect their vested interests, making reforms of key policy areas highly protracted.

As such, most institutions have enabled democratic erosion because they have blocked policies that could threaten their interests or the distribution of patronage to them. This includes institutions often misleadingly credited with being engines of democratization.[221] For example, Indonesia's largest Muslim organizations Nahdlatul Ulama (NU) and Muhammadiyah have both been represented in all post-Suharto cabinets, and have used this participation primarily not to advance democratic values, but to obtain material and other benefits for their constituencies. In 2019, the spiritual head of NU became Widodo's vice-president, symbolizing the institutional entrenchment of NU in the regime's infrastructure. NU gained access to more state funding for its boarding schools, but otherwise exhibited a socio-religiously conservative agenda and endorsed repressive measures against some of its rival Muslim groups (In 2017, the government banned Hizbut Tahrir, and in 2020 the Islamic Defenders Front, both hard-line but mostly non-violent groups opposed to the Widodo administration). Thus, with most relevant institutions sitting in government and protecting their various group interests, democratic impulses have been weak and rare.

As indicated above, however, the many parties and institutions involved in government are systematically monitoring each other's moves to prevent any one of them from seeking and securing hegemony. It is mostly this interest of elite actors in limiting the chances of another long-time autocrat monopolizing the political system that has kept Indonesian democracy competitive, at least in the elite arena. While presidents have been powerful actors, none has been able to tie elite actors to their personal interests beyond their constitutionally prescribed two terms.[222] This is because each of the elite actors wishes to have their own shot at the presidency, or at least to be given a chance to re-negotiate the rewards for their government participation with a new - and potentially more generous - incumbent.

The complex interrelationship between broad government inclusiveness, democratic erosion and continued intra-elite competitiveness is reflected in the examples of the judiciary and the media. The Constitutional Court, which oversees most political cases, has lost much of its activist spirit of the 2000s.[223] In 2022, the chief justice of the court married President Widodo's sister, raising questions about his independence. Nevertheless, the bench reflects the interests of many elite actors (hence, not only the president's), ensuring overall conservative decisions but making personalized autocratization difficult. Similarly, while oligarchs own most large media outlets,[224] they still leak damaging stories about government figures and their autocratization attempts. This is partly due to the interest of media consumers in such stories, but also a result of the interest of oligarchic media owners to publish compromising content about their rivals. Hence, in both the judiciary and the media we find elite interests stalling democratic reform and preventing autocratization at the same time, as has been the overall dynamic of Indonesia's democracy since the late 2000s.

[221] Alfred Stepan and Jeremy Menchik (2010). Indonesia's Democratic Islam. *Project Synd*icate. November 6.
[222] Mietzner and Honna, forthcoming.
[223] Butt 2018.
[224] Tapsell 2017.

ELECTORAL RESISTANCE

Elections in post-Suharto Indonesia have generally been free and fair, and they have been competitive for elite actors.[225] Opposition parties and figures have thus had the opportunity to credibly challenge incumbents at the ballot box if they possess the financial resources to do so. Significantly, the dynamics of government inclusiveness described above have ensured that many parties that supported the losing side in elections get still included in cabinet. In 2019, Prabowo Subianto, who had just lost the presidential elections against Widodo, was appointed Minister of Defense. (This came after Subianto had described, without evidence, the elections as fraudulent). In the current electoral period (2019-2024), only two out of nine legislative parties are not represented in government. These two, the party of former President Susilo Bambang Yudhoyono (Partai Demokrat) and an Islamist party (PKS), are currently building an alliance for the 2024 elections, with former Jakarta governor Anies Baswedan as their candidate. The parties claim that there have been government attempts to undermine Baswedan's candidacy (by obstructing his appearances in the regions, for example), but his chances at winning remain substantial. Widodo, who had his assistants push unsuccessfully for a term extension, will not stand in 2024.

While elite actors with access to resources therefore can effectively and routinely challenge for power, the same can't be said for figures and groups that lack such resources. Entry barriers for new parties and candidates have been gradually increased over the last two decades, making it very hard for actors without pre-existing funds to get on the ballot. As noted, some groups with electoral influence, such as Hizbut Tahrir and the Islamic Defenders Front, were even banned, with the leader of the latter exiled and imprisoned at various stages of his career.[226] The high entry barriers for new actors have been justified as a means to prevent party system atomization, but they have conveniently protected the interests of parties already in the center of power. Efforts to re-vitalize Indonesian democracy would hence have to consider ways of allowing better and broader electoral participation of marginalized actors, without undermining the effectiveness of the party system. If such efforts are not made, elections and Indonesian democracy are set to remain an elite-based affair in which power can be plausibly contested by some but in which others are permanently locked out.

It is important to note that this narrowing political space has affected both the left and right margins of the political spectrum. At the left end of the spectrum, labor unions, environmental activists and human rights defenders have faced severe difficulties in organizing electoral resistance to the status quo. At the other end of the spectrum, that of the most conservative elements of political Islam, many non-violent actors have been excluded from competition, and some even criminalized. This exclusion of both the left and the religious right has allowed political moderates to dominate the scene - both Yudhoyono and Widodo fit into that category (Prabowo failed in 2014 and 2019 with his attempts to mobilize the religious right, causing him to adopt a catch-all profile for the upcoming 2024 elections). But this moderation has come at the price of ignoring the voices of non-mainstream actors in Indonesian politics, reducing its diversity.

While inclusiveness and moderation have won elections, this does not mean that populist outsiders have not been able to launch credible challenges. Prabowo's 2014 and 2019 campaigns used Islamist groups for mobilization purposes, but their broader ideological frames were populist in nature. Prabowo rallied

[225] Aspinall and Mietzner 2019.
[226] Greg Fealy (2020). Jokowi in the Covid-19 Era: Repressive Pluralism, Dynasticism and the Overbearing State. *Bulletin of Indonesian Economic Studies* 56(3): 301-323.

against corrupt elites and claimed that only he could clean up a political system beyond repair (of course, as Suharto's former son-in-law and a general under his rule, he was part of these elites). It was testimony to the strength of Prabowo's hard-line populist challenges that they would only be overcome by another outsider with a "softer" agenda. Widodo became Indonesia's first president who did not originate from one of the country's traditional elites: that is, nationalist-aristocratic, military or Islamic leaders. A former small-scale furniture entrepreneur, Widodo positioned himself against Prabowo as a more accommodating outsider - but still an outsider. After his two defeats (with 47 and 45 percent of the votes, respectively), Prabowo recognized that while Indonesia's electorate shared anti-elite sentiments, there was no majority for a radical break with the status quo. Prabowo's entry into government in 2019 was the consequence of this insight - as was his positioning as a more mainstream candidate for 2024.

CIVIL SOCIETY

In the first decade and a half of the post-authoritarian period, many Indonesian civil society groups were reliable promoters of democracy. Indeed, as the democratization process began to stall in the early 2010s, key civil society actors were crucial in defending democratic achievements and preventing democracy from backsliding.[227] The vitality and abundance of civil society groups in Indonesia created good conditions for such democracy activism, and the civil society focus of many foreign aid organizations provided resources to groups to pursue their agendas effectively. Civil society opposition to elite attempts to roll back democracy was also effective because there were many common causes that the politically and ideologically diverse groups could agree on. Issues such as electoral reform, civil liberties, government accountability and freedom of organization and assembly were areas of concern that almost all groups agreed needed to be advanced. The fact that in the early 2010s democracy only stagnated but not significantly regressed was thus largely due to collective civil society activism.

But by the mid-2010s, many civil society groups became entangled in the country's increasing religion-ideological polarization.[228] The main dividing line in this regard was support for religious pluralism on the one hand and a greater socio-political role for Islam on the other.[229] In the 2014 elections, Widodo broadly represented the former camp and Prabowo the latter, with many civil society groups also aligning one way or another. Hence, the pool of politically neutral civil society groups that fought for democratic values as a matter of principle became smaller. Many religiously pluralistic civil society groups began to qualify their support for democratic rights if they related to the rights of Islamist groups to exist and operate. For many pluralists, the defense of Indonesia as a religiously pluralistic state now took precedence over the freedom of expression and assembly of Islamists.[230] Thus, when the government banned Hizbut Tahrir and the Islamic Defenders Front with questionable legal mechanisms, it received much applause from the majority of pluralist civil society groups. Islamist civil society groups, on the other hand, rightly protested against the government's repression, but some of them also questioned the right of non-Muslims to fully participate in the political process.[231]

[227] Marcus Mietzner (2012). Indonesia's Democratic Stagnation: Anti-reformist Elites and Resilient Civil Society. *Democratization* 19(2): 209-229.
[228] Mietzner 2021.
[229] Fossati 2022.
[230] Fealy 2020.
[231] Marcus Mietzner and Burhanuddin Muhtadi (2018). Explaining the 2016 Islamist Mobilisation in Indonesia: Religious Intolerance, Militant Groups and the Politics of Accommodation. *Asian Studies Review* 42 (3): 479-497.

As a result, the effectiveness of civil society in opposing democratic backsliding has suffered. For example, when party elites and the government agreed in 2019 to curtail the authority of the Corruption Eradication Commission (KPK), many pluralist groups remained silent. This was because some in the government argued, and many pluralist NGOs believed, that the KPK had been infiltrated by Islamists and therefore had to be controlled better. With this, anti-corruption activism had become part of a broader ideological contest, and it consequently weakened. In principle, civil society activism against democratic erosion is only effective if it is non-partisan. In Indonesia, such ideology-transcending civil society cooperation has become rare, however, allowing illiberal policy projects to succeed without much resistance from non-state groups. In the most recent passing of the revised Criminal Code, for instance, civil society opposition was fragmented. Pluralists objected to articles imposing religious moral norms on society, while Islamist groups warned against more new legal instruments to criminalize dissidents.[232] Only a handful of groups opposed both clusters of regulations at the same time. Any attempt to re-strengthen civil society's pro-democracy activism, then, would have to identify areas of common interest among polarized groups, and explore strategies of cooperation.

REGIME TYPE

Indonesia's status as a minimalist but solid electoral democracy brings advantages and disadvantages for democratic activism and opposition. On the one hand, Indonesia's democratic nature offers space for dissent to be expressed, groups to organize and issues to be advanced. While the government has tried to increasingly control the space given for democratic activism, it has not been able to do so entirely. As noted above, the electoral competitiveness at the elite level also means that a wide range of actors contest power, with the outcome of these contests not predetermined. In this democratic climate, actors and groups with fully autocratic agendas have found it hard to succeed. While they have managed to chip away at the country's democratic substance by pushing for certain legislation and policies, they have not been able to concentrate power in the hands of one individual or group. Thus, Indonesia's democratic regime status has allowed its actors to sustain that very regime type over a significant period of time. The current period of electoral democracy has already lasted three times longer than Indonesia's first democratic experiment, which stretched from 1950 to 1957.

But Indonesia's persistence as an electoral democracy - in which erosion continues but the border to autocracy is not crossed - has also complex drawbacks for democracy activists. Most importantly, the collective impression that Indonesia remains a democracy has, in the eyes of many Indonesians, reduced the urgency to take measures to protect it more strongly. While there have been some fluctuations, roughly about two thirds of Indonesians routinely express satisfaction with the way democracy is practiced in Indonesia (73 percent in mid-2022). This is despite the fact that many Indonesians have identified significant challenges to democracy. In a September 2020 opinion survey, 69.6 percent of respondents agreed that citizens were 'increasingly' afraid of stating their opinion.[233] This means that a large number of Indonesians are aware of democratic deficits, but either think that they're not a big problem or are not even deficits. In this constellation, building a narrative that Indonesia needs to counter trends of democratic backsliding has been a significant challenge for activists.

In this sense, it can at times be easier to rally pro-democracy activism in an autocracy than in a defective and eroding democracy (I am indebted to Allen Hicken for making this point). In the former case, groups

[232] Sana Jaffrey and Eve Warburton (2022). Indonesia's New Criminal Code Turns Representatives into Rulers. *New Mandala*, December 6.
[233] Eva Safitri (2020). Survei Indikator: Mayoritas Responden Takut Nyatakan Pendapat Saat Ini. *Detik*, October 25.

mobilize around the fight against a common adversary - such as the military or monarchy in Thailand, for instance. In Indonesia, by contrast, not enough actors are convinced that democracy needs serious repairs for an effective movement for democracy rejuvenation to emerge. This points to very clever political engineering by the political elite since the early 2010s: they have established strong controls over the electoral democracy they run, but have left enough democratic features in place for the extent of the polity's qualitative deterioration to be obscured for many citizens. Thus, while Indonesia's status quo democracy provides activists with the means to pursue a progressive agenda, it has also sucked the oxygen out of the rationale for a new democracy movement to revive the reform spirit of the early 2000s.

Put differently, democracy is surviving at a low but functional level because it is in the elite's interests to remain frozen at that level. Significantly reducing the current degree of democratic quality (that is, moving faster towards or crossing the border to autocracy) would likely revive public activism that is currently dormant - and full authoritarianism isn't in the interests of competitive elites anyway. Increasing democratic quality (that is, returning it to previous levels or beyond) is also not in line with the elite's agenda - too much accountability and transparency would hurt the circulation of patronage that feeds elite entrenchment and reproduction. At the same time, the democratic freedoms currently available to Indonesians are enough to uphold the image of an electoral democracy, but are insufficient to substantially threaten the elite's dominance over it. Hence, a minimalist democracy offers Indonesian elites the best of both worlds: it puts it in control of the polity, while not being subordinated to an unpredictable autocrat or the uncertainties of full democratic competition.

POLARIZATION AND DEPOLARIZATION

Primordial polarization has been a key driver of democratic erosion around the world. "Primordial" polarization describes polarization along ethnic, racial, religious, class or other identity lines, and is different from conventional political and programmatic polarization, which is healthy - indeed, necessary - for democratic politics. As indicated above, the main issue of primordial polarization in Indonesia is of a socio-religious nature, and focuses on the extent to which religion - and especially the majority religion, Islam - should dictate state and constitutional affairs.[234] This division has existed since the early days of the founding of the Indonesian Republic, but has fluctuated in intensity. Under Suharto's authoritarian regime from the mid-1960s to the late 1990s, the discussion of the issue was tightly controlled. Many ultraconservative Islamists went underground or into exile, while Suharto made some concessions to mainstream Muslim groups to gain their support. Post-1998 democratization saw the return of far-right Islamism to the open political stage, and thus polarization intensified. Importantly, however, the level of polarization intensity after 1998 has mostly been a function of elite interest in such polarization. Recall that the most recent incidents of polarization began with the 2014 elections, when Subianto mobilized radical Islamist groups. This was followed by another polarization episode surrounding the gubernatorial elections in the capital Jakarta in 2017, when a Christian ethnic Chinese ran against a conservative Muslim figure.

Hence, polarization is high when political elites escalate it, and is lower when elites have nothing to gain from it.[235] This means that polarization tends to intensify in both national and local elections, and is

[234] Fossati 2022.

[235] Eve Warburton. Polarization and Democratic Decline in Indonesia, in *Democracies Divided: The Global Challenge of Political Polarization*, ed. Thomas Carothers and Andrew O'Donohue (Washington, DC: Brookings Institution Press); Marcus Mietzner, Burhanuddin Muhtadi and Rizka Halida (2018). Entrepreneurs of Grievance: Drivers and Effects of Indonesia's Islamist Mobilization. *Bijdragen tot de Taal-, Land- en Volkenkunde* 174: 159-187.

generally less pronounced in election intervals when elites cooperate in governance and the distribution of patronage. Studies have shown, however, that episodes of elite-induced polarization can lead to a long-term hardening of views on both sides of the pluralism vs Islamism debate.[236] Thus, while elites can de-escalate polarization if they choose to do so, it takes longer for citizen attitudes to soften after polarization campaigns have ended. It would be risky, therefore, to reduce polarization to just an event of political elite engineering - it can entrench itself in society, and may be difficult to overcome in the long term. Elites losing control over the masses they mobilized is a common phenomenon in weakening democracies, including the United States.

Strategies to support de-escalation would hence have to concentrate on reducing the motivation for elites to trigger polarization events in the first place. One way of achieving this - and one already recognized by many elite actors - is to arrange for multi-candidate elections and thus avoid highly divisive showdowns between only two nominees. In the 2004 and 2009 presidential elections, in which five and three pairs participated respectively, polarization was lower. The 2014 and 2019 contests, by contrast, saw high levels of polarization as voters aligned with either Widodo's pluralist camp or Prabowo's Islamist-led alliance. The shrinking of the candidate pool had been a result of increasing election costs and entry barriers (in 2004, parties only needed to have won 3 percent of the votes in the preceding parliament to make a nomination - subsequently, this threshold rose to 20 percent). Consequently, relaxing entry requirements for both parties and candidates would not only produce a more diverse political arena, but also help to reduce polarization. (To be sure, there are currently no plans for such a relaxation - elites enjoy the high thresholds as a mechanism to keep unwanted reformers out and themselves in charge). Observers have already warned that if the 2024 race will be a two-way race between the pluralist Ganjar Pranowo and the Islamist-leaning Anies Baswedan, a new polarization episode is all but guaranteed. If, however, more candidates enter the race - which is possible - the contest might shift to other issues than the socio-religious divide.

THE MEDIA

Indonesians generally have access to a broad range of sources of information, but media ownership structures and government regulation of social media put limits on the quality of that information.[237] In the traditional media arena, national or local oligarchs own most outlets. These oligarchs, in turn, are often connected to governing elites. This constellation became particularly visible after the 2014 elections. In that contest, many media oligarchs sided with Subianto, while only a few outlets backed Widodo. After Widodo's victory, however, one after the other media oligarch switched sides and supported the incumbent president. Partly, this was due to political opportunism, but partly, the government also exerted pressure on media owners. Hari Tanoesoedibyo, for instance, whose media conglomerate dominates about 40 percent of the private television market, abandoned Subianto and backed Widodo after law enforcement had started investigations into his business affairs. Other media owners followed suit, so that Widodo had most of the media companies behind him during the 2019 election.

Current media owners affiliated with the government include Tanoesoedibyo, whose daughter is a deputy minister; Surya Paloh, who is the chair of a government party; Erick Thohir, a minister; and Aburizal Bakrie, chair of the advisory board of another party. While the outlets of these figures still offer

[236] Marcus Mietzner and Burhanuddin Muhtadi. The Mobilisation of Intolerance and its Trajectories: Indonesian Muslims' view of Religious Minorities and Ethnic Chinese, in Contentious Belonging: The Place of Minorities in Indonesia, eds. Greg Fealy and Ronit Ricci (Singapore: ISEAS Publishing, 2019), 155-174.
[237] Tapsell 2017.

professional reporting, the overall tone of it is friendly towards the government, and naturally does not touch on issues related to their owners. They are happy, however, to dish out negative news on political rivals - allowing Indonesians to benefit from competing coverage.

In the social media sphere, government regulation has had a curtailing effect on freedom of expression. The main instrument for this has been the 2008 Law on Information on and Electronic Transactions, which allows for the criminalization of social media users who publish allegedly slanderous statements. In Yudhoyono's second term (2009-2014), there had been 74 such cases;[238] in Widodo's first (2014-2019), this number shot up to 233, with 82 of them directly related to alleged insult of the president (several government critics were charged just prior to the 2019 election). Outside of these cases, the police have set up a task force that contacts social media users to reprimand them for posts seen as offensive to the government, and arrest perpetrators if no apology is forthcoming or if officials demand further action. This rise in cases of criminalized social media users led many Indonesians to believe that expressing one's opinion was becoming increasingly risky - as the survey result cited earlier indicated. In the 2022 revisions of the Criminal Code, regulations on insulting government institutions and officials were tightened further, adding additional instruments of intimidation.

Hence, as in the electoral arena, competition between elites has kept the media sector vibrant but elite-dominated. Politically interested elites own most of the outlets, but their scrutiny of each other provides an insurance policy against monopolization of information flows. In the social media terrain, elites try to protect themselves against attacks from users, but their interest in using social media against rivals also ensures that information continues to flow despite increasing regulation. The sheer quantity of social media activity in Indonesia - there were 176 million Facebook users in 2021 - has also reduced the government's ability to establish full control. The state of the media is therefore a reflection of the state of Indonesia's democratic infrastructure overall: it is far from the ideal of an independent "fourth estate" operating in a liberal democracy, but has also put roadblocks in the way of full political autocratization.

BUREAUCRACY

In Indonesia, the bureaucracy is highly politicized. This politicization has two dimensions. The first concerns the way politicians use bureaucrats for their political agenda: for instance, to mobilize electoral support or to raise funds for them. Concretely, politicians often require bureaucrats to deliver promises of political and financial support if they wish to get promoted to a certain position. Indeed, many positions in the bureaucracy have an exact price that bureaucrats have to pay to obtain it. Obviously, this constellation severely damages the ability of bureaucrats to constrain the autocratic tendencies of their political superiors, or to just scrutinize their actions. The second dimension of bureaucratic politicization, however, is the increasing infiltration of the political realm by bureaucrats.[239] After democratization opened political competition for more societal elites, bureaucrats have been one of the largest groups to enter electoral races, especially at the local level. In the first direct elections for governors, mayors and district heads in 2005, about a third of candidates were career bureaucrats, and this level has remained stable since then. Their experience, networks and wealth (while being squeezed

[238] Usman Hamid (2019). Indonesia's Information Law has Threatened Free Speech for More than a Decade. This must Stop. *The Conversation*, November 25.
[239] Ward Berenschot (2018). Incumbent Bureaucrats: Why Elections Undermine Civil Service Reform in Indonesia. *Public Administration and Development* 38(4): 135-143.

by politicians above them for funds, they extract resources from the bureaucratic layers below them) made them primary contenders.

Thus, the political and bureaucratic worlds are marked by deep inter-penetration, with the bureaucracy becoming political and politics featuring bureaucratic ideas, norms and thinking. Far from being an apolitical instrument of democratically elected state officials on the one hand or an effective check on ambitious politicians on the other, the bureaucracy is an integral part of the socio-political elite that runs Indonesia.[240] As a result, even bodies formally in charge of supervising the elite have been compromised. For example, a police officer with a questionable record (and a record of hostility towards the KPK) was made the chief commissioner of the KPK in 2019. Many independent investigators left the anti-corruption agency after that, undermining its credibility in society. Members of the State Auditing Board (BPK) are also often recruited from the pool of politicians or bureaucrats close to them (BPK members are selected by parliament from a government-authored list). Not much critical - let alone consequential - questioning of elite behavior therefore originates in such bodies.

There are, of course, some cases in which civil society or independent figures have been able to get elected to state oversight bodies. In fact, politicians tend to include such representatives in most agencies to highlight their credibility - but invariably, these non-elite members remain in the minority. Over time, their number also decreased, pointing to the growing success of the elite to re-capture political and social spaces after the unruly dynamism of the early years of democratization. This elite expansion has been a main characteristic of Indonesia's democratic decline and the entrenchment of an elite-controlled, minimalist democracy. Even traditionally more independent bodies such as universities have been increasingly subject to elite capture: in recent years, the government has used its counter-radicalization agenda as a justification to directly appoint university rectors. Officially, this has been done to prevent the appointment of rectors too close to Islamic radicals (Fealy 2020), but it has allowed the government to put persons in charge of universities who are generally supportive of the status quo. Similar efforts have been made to put regime-friendly figures in charge of the central bank and other formally independent institutions.

Nevertheless, as in other areas, the competition among elite groups ensures some level of effectiveness in oversight mechanisms. A person put on the board of an oversight agency might close their eyes vis-à-vis transgressions by the elite group that nominated them, but can be fierce in investigating other actors that are in competition with that group. Consequently, state agency monitoring is often partisan but delivers some accountability if it is in the interest of specific actors.

THE MILITARY AND SUBNATIONAL GOVERNMENTS

Recent Indonesian presidents have accommodated the military into their regimes by appointing retired officers to cabinet, giving the generals much autonomy to regulate their own affairs, providing protection from legal investigations into past and present human rights abuses, and tolerating systematic self-enrichment in the officer corps. Presidents have accepted these concessions as necessary because they fear that the military could turn against them.[241] Given Indonesia's history, this thinking is understandable. Indonesia's first president, Sukarno, was removed by the military in the late 1960s; the second, Suharto, had to resign after being told by the military that they could no longer protect him

[240] Mietzner 2023.
[241] Jun Honna. Civil-Military Relations in an Emerging State: A Perspective from Indonesia's Democratic Consolidation, n *Emerging States at Crossroads*, eds. Keiichi Tsunekawa and Yasuyuki Todo (Singapore: Springer, 2019), 255-270.

from mass protest; the third, B.J. Habibie, dropped his candidacy for re-election in 1999 partly because the head of the armed forces refused to become his running mate; and the fourth, Abdurrahman Wahid, was impeached in 2001 with the votes of the then military faction in the legislature. Subsequent presidents, therefore, tried to prevent military insubordination (or worse) by systematically purchasing their continued support with material and policy rewards.

The co-optation of the military by presidents is part of the democratic erosion narrative in Indonesia, but unlike in Thailand or Myanmar, the generals have not been its main authors or drivers. The military is one of many elite actors that collectively manage Indonesia's democracy, and it has thus far accepted that a coup or other attempts at seeking more direct political power would run into strong opposition from co-members of this loose but effective elite alliance. Possible military ambitions for a takeover are also constrained by a likely public backlash. Surveys show very little support for military rule, but also demonstrate that the generals' current position as participant-rulers makes them popular. In polls, the military invariably tops the list of Indonesia's state institutions - giving the armed forces self-confidence while highlighting that the current status quo of a minimalist democracy serves the interests of the officer corps best.

Subnational governments, for their part, have fiercely defended themselves against attempts by Jakarta to re-centralize fiscal and political authority. Following a radical decentralization reform in the early 2000s, close to half of all government revenue is now spent in the regions. Since then, presidents have tried to reclaim some of their lost authority, and while they have had isolated successes,[242] a full reversal of decentralization would trigger a massive wave of opposition from governors, mayors and district heads. As noted, these officials have been directly elected since 2005, and thus possess political legitimacy that can be mobilized against central government moves to concentrate power in its hands. But while subnational governments have set a reliable barrier towards autocratization at the center, they have also been sites of immense corruption (Aspinall and Berenschot 2019). The very power that allows local government heads to mitigate centralist ambitions has also given some of them room to entrench semi-autocratic enclaves in which power is handed to relatives or proxies once the two-term limit is reached. Consequently, similar to many other actors, subnational governments block autocratization attempts not because of a principled belief in liberal democracy, but because their vested interests in the status quo make such opposition the most rational choice.

INTERNATIONAL FACTORS

While external factors assisted in the downfall of Indonesian authoritarianism and helped triggering democratization - most importantly, the Asian Financial Crisis destroyed the economic foundations of Suharto's regime - the erosion of democratic quality from the 2010s onwards has been primarily a domestic process. Obviously, Indonesia's polity developed amidst rising US-Chinese tensions in the region and other international events, but none of these have been decisive in shaping Indonesia's democratic path. For instance, although Indonesian politicians speak with admiration about China's economic success, they have been deeply suspicious of its intentions and thus have carefully limited its influence. Unlike states such as Sri Lanka, Laos or Cambodia, Indonesia has not become dependent on Chinese debt, however important China may be as a trading and investment partner. Traditional anti-Chinese sentiment in the electorate have also prevented the successful use of the "China model" to

[242] Blane Lewis (forthcoming). Indonesia's New Fiscal Decentralization Law: A Critical Assessment. *Bulletin of Indonesian Economic Studies*.

justify autocratic moves.[243] Instead, Indonesian elites have defended their conservative stance on many issues, and their call to tame the effects of "excessive" democracy, by pointing to Indonesia's proud history as an independent nation that has to find its own path.

A similar approach can be seen in Indonesia's approach to the Middle East. While the influx of ideas from Saudi Arabia and other Middle Eastern countries has played some role in Indonesia's rising Islamic conservatism, it is important not to overstate this impact. Indonesian Islam has always had radical streams, even when the cliché of its high levels of tolerance, moderation and pluralism was still dominant in Western views of the country. Thus, Muslim groups in Indonesia have consolidated their influence by building on pre-existing traditions, while only occasionally accessing outside assistance. Similarly, the Indonesian government has been mostly interested in investment from the Middle East, rather than in any kind of spiritual guidance. On the contrary, the Yudhoyono and Widodo governments offered Indonesian Islam (or "Islam Nusantara") as an alternative for the Arab World. In other words, crediting only the Middle East with hardening Islamic views in Indonesia would be misleading, as it underestimates Islam's domestic strength.

There has also been no "contagion" effect from the Southeast Asian region. The democratic collapses in Thailand and Myanmar have not been attractive for Indonesian elites - in fact, Indonesia took the unusual step of leading a critical response by the Association of Southeast Asian Nations (ASEAN) towards Myanmar's 2021 coup.[244] If anything, these brutal returns to autocracy motivated Indonesian elites to find a more elegant way to defend their interests - one that doesn't do away with democracy, creates instability and scares off investors, but one that establishes elite dominance within a functional democratic framework. This, once again, points to the domestic patronage interests of competing elite actors as the main driving force behind Indonesia's democratic erosion *and* survival.

CONCLUSION

In sum, Indonesia's post-Suharto democracy has - after a dynamic first decade - been increasingly captured by elites, producing a polity that remains formally competitive but grants privileged access to the wealthy and well-connected. In this process of gradual elite capture, democratic quality has receded. But elites have stopped short of overturning democracy, mostly because a return to autocracy is not in their interest. The current regime gives all major mainstream players a share of the patronage spoils, and there is no guarantee that a reconstituted autocracy would do the same. Thus, elite opposition to full autocratization has been the highest hurdle to an authoritarian renaissance. Popular resistance, on the other hand, has been a less consistent factor. Popular attitudes towards democracy have been vague and shifting. What exactly constitutes democracy depends on each individual's understanding of the concept, and as we noted, some Indonesians find limiting freedom of expression compatible with satisfactory democratic standards. Thus, Indonesians' views on autocratization moves are highly contextualized - for instance, in some surveys, some Indonesians who initially stated that they reject relaxing the presidential term limits answered affirmatively when asked whether Widodo should be allowed to run a third a time.

In terms of the sequencing of democratic erosion and resilience, Indonesia recorded a messy transition between 1998 and 2004, a period of democratic consolidation between 2005 and 2008 (without ever reaching the "state" of consolidation), a phase of stagnation between 2009 and 2013, and since then

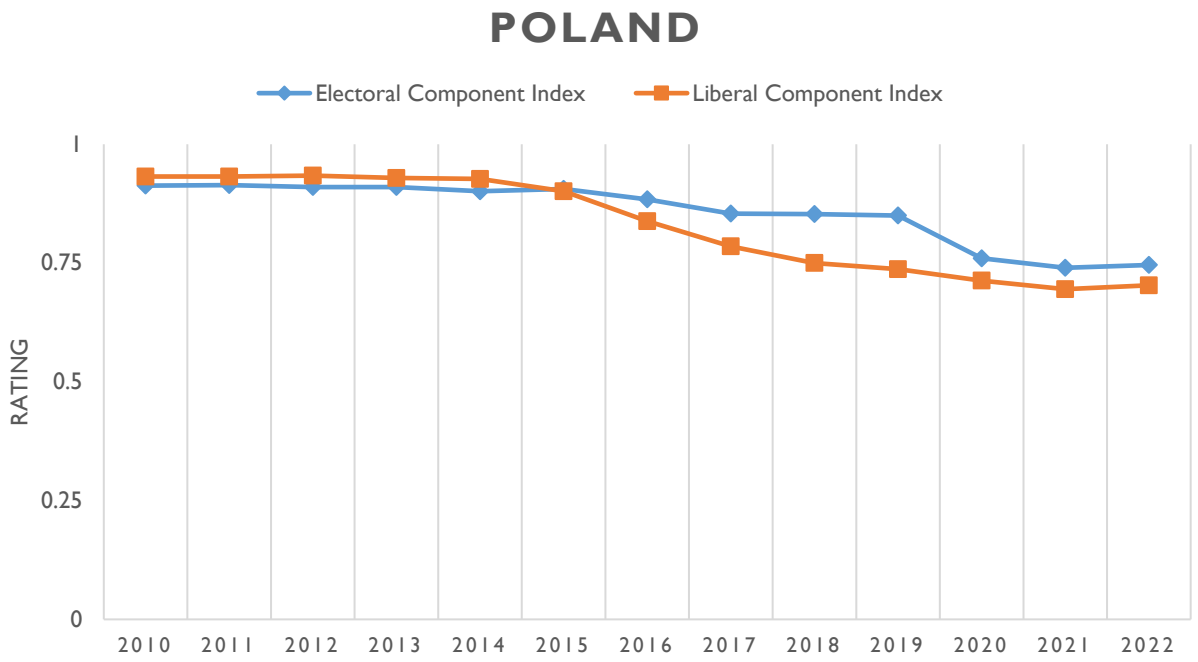
[243] Mietzner and Muhtadi 2019.
[244] Philip Heijmans (2022). Indonesia Proposes Ban on Myanmar Junta Beyond Asean Summits. *Bloomberg*, November 11.

slow erosion (with some fluctuations). This outcome, and the pace of the process, reflected the interests of the elites who oversaw these events, and pointed to a remarkable elite capacity for clever social engineering. Maintaining a minimalist democracy that does not erode dramatically enough to trigger mass protests but delivers for the ruling class has proven a winning strategy for Indonesia's elite actors. With this, Indonesia took a different path compared to many of its neighbors in the Southeast Asian region that have either seen political instability (in Myanmar, even civil war) or the retention of full autocracy.

Any programs trying to reinvigorate Indonesia's democratization need to consider potential risks and benefits. As highlighted before, making Indonesian democracy less elite-controlled would require opening political and electoral space for actors thus far excluded from the arena of contestation. Reducing regulatory and financial entry barriers could be part of the solution - the former requires changes to the electoral laws, and the latter would have to involve a fundamental revamping of the country's political funding laws and mechanisms. But it should be remembered that such reforms could undermine the current elite buy-in, and question the architecture of the current system in which elites support democracy in exchange for being allowed to control it. Reducing that control might in fact increase elite support for full autocratization. This risk, in turn, suggests that democracy programs must also target civil society and the population at large - which need to offer opposition to autocratization moves should the elite abandon its support of the democratic status quo. This means reactivating some of the fundamental democratic education and support initiatives of the early post-Suharto period, which foreign donors in the early 2010s gradually phased out with a misguided "mission accomplished" rhetoric. The "governance" programs taking their place, while useful in specific areas, have evidently failed to arrest Indonesia's slow descent into a permanently defective democracy.

8. POLAND

Figure 23. V-Dem Liberal Component Index and Electoral Component Index for Poland, 2010-2022



INTRODUCTION

In mid-2023 Poland best fit the description of a "stagnation"-type case where democratic erosion—ongoing since 2015—had lost its momentum and where there was much uncertainty about the country's future trajectory. The governing far-right coalition dominated by the Law and Justice (PiS) party was readying itself for parliamentary elections, due in the second half of the year, in which it would seek its third term in office. But with its lead in the opinion polls narrowing to single digits (Stanley 2023), with inflation over the 18% mark (Ptak 2023), and a sour public mood (55% saying that the country was "on the wrong track" according to the government's own polling firm; CBOS 2023), PiS could not count on an easy win.

On the other side, opposition parties were cautiously optimistic but concerned that the incumbents would seek to tip the scales to their advantage by both "constitutional hardball" (Tushnet 2004) and by underhanded or downright unconstitutional means. After all—the argument went—one does not erode the institutions and procedures of liberal democracy only to play fair and concede gracefully in the event of losing. Those fears notwithstanding, as of mid-2023 the opposition parties were still reluctant to commit themselves to running together under a single banner, even though doing so would have strengthened their chances of dislodging PiS from power. Adding to the uncertainty was the complexity of Poland's relations with external actors, principally the European Union and the United States, including in the context of Poland having become a key player in the delivery of Western military and humanitarian assistance to Ukraine in its defense against Russia's ongoing war of aggression. The question on everyone's mind was whether the PiS government's support for Ukraine would deflect

Western criticism of Poland's democratic backsliding, or would the example of Ukraine's courageous stand against Putin's invasion undermine autocratizing trends in Poland and elsewhere?

How did Poland arrive at the current crossroads between a possible return to liberal democracy and further autocratization? Figure 1 shows an overview of key trends in the country's post-1989 experience with democracy based on expert ratings collected by the Varieties of Democracy Institute (Coppedge et al. 2022). Long regarded as a case of rapid and successful democratic consolidation, Poland's democracy scores declined after the 2015 parliamentary elections, when due to a quirk of Poland's election law—an 8% threshold for coalitions, which a collection of leftist parties narrowly failed to clear, thus finding themselves shut out of parliament—the far-right PiS was able to win a bare majority (51%) of seats in the lower house of parliament and form a government despite having won a far smaller (37.6%) percentage of votes (Tworzecki and Markowski 2015). Lacking the two-thirds parliamentary majority necessary for constitutional changes, PiS nonetheless set about governing as if it had received a popular mandate for a systemic transformation, and specifically for turning Poland into an illiberal democracy in the mold of Viktor Orbán's Hungary. In a rapid-fire series of assaults on the existing constitutional order, the judiciary was brought under political control, legislation was repeatedly rammed through in violation of the national parliament's own rules of procedure, the Constitutional Tribunal was packed with PiS loyalists and effectively knocked out as a check on executive aggrandizement, publicly-owned radio and TV outlets were filled with PiS loyalists and turned into government propaganda outlets and, perhaps most ominously of all, actual executive authority came to be exercised extra-constitutionally by the PiS chairman Jarosław Kaczyński, who technically remained only an ordinary member of parliament (Nalepa 2017; Tworzecki and Markowski 2017).

These assaults did not come out of the blue. Contrary to the impression given by the general flatness of V-Dem's indices prior to 2015, the roots of Poland's democratic decline went back to at least a decade earlier, to when PiS was first in government during 2005-7 (albeit in coalition with two other parties), or arguably even further back, to Jarosław Kaczyński's (PiS leader's) rise to prominence in the early 1990s as one of the then President's Lech Wałęsa's closest advisors, followed by an acrimonious break with Wałęsa and ostracism by much of the political establishment due to his reputation for intrigue. Unfulfilled ambitions, long-nursed grievances, and a sense that he had been denied his rightful place as a leading figure in Poland's post-1989 transformation made for a heady mix and paved the way toward Kaczyński's slide into ever greater radicalism. Political science is fond of explanations that invoke broadly generalizable theories incorporating the impact of institutional, macroeconomic or macro-societal factors, or explanations grounded in predictions drawn from the rational choice paradigm. The remainder of this report will certainly address those at some length. But it would be amiss of us not to pay attention to the motivations and actions of key individuals in whose absence—and specifically in the absence of their ability to convince others that tearing down the existing political order would be just retribution for past wrongs, and would offer them gains unachievable under normal, democratic politics—Poland's history (and not a few other countries' too) might well have taken a different turn.

POLITICAL INSTITUTIONS

As with other countries in the region, Poland's post-1989 institutional design choices reflected a blend of indigenous political traditions, lessons drawn from other countries' democratic experiences, and perceived self-interests of the various actors involved in the process. The fact that proportionality of parliamentary elections had been explicitly written into Poland's pre-war Constitution of 1921 (Art.11),

along with uncertainty about the actual popularity of the various nascent parties preparing to run in the first free elections (eventually held in late 1991), resulted in PR being settled on as both a historically-grounded as well as everyone's least-risky, "safest" choice (Matyja 2013, 106-7). Likewise, Poland's unusual model of parliamentarism with a popularly elected but nonexecutive presidency emerged as a compromise between the country's historical practice of parliamentary government and the pragmatic aim of settling a clash of ambitions between two leading political figures of the early 1990s—the then Prime Minister Tadeusz Mazowiecki and the Solidarity leader Lech Wałęsa—by letting them square off against each other in a presidential campaign (won by the latter; see A. Dudek 2017, 108).

When a new Constitution was eventually adopted in a popular referendum in 1997, Poland could boast a system of checks and balances that included a bicameral parliament in which 460 members of the lower house (the *Sejm*) were elected under the d'Hondt PR formula in multi-member districts, along with 100 members of the upper house (the *Senat*) elected by plurality vote in multi-member districts (changed to single-member in 2011). The Constitution held that the *Senat* could veto legislation, but could be overridden by the *Sejm* by simple majority. The popularly elected president's signature was required for a bill to become law, but this veto could be overridden by a 3/5 vote in the *Sejm*. Alternatively, the president could refer proposed legislation to the Constitutional Tribunal (consisting of 15 justices chosen by the *Sejm* for single 9-year terms). The Constitution itself could be amended by 2/3 vote in the *Sejm*, plus a simple majority vote in the *Senat*, plus the president's signature. In addition, a series of reforms implemented during the 1990s resulted in significant devolution of power from the central government to popularly elected provincial (*województwo*), county (*powiat*) and commune (*gmina*) assemblies and executives (e.g., town mayors), granting them responsibilities in areas such as infrastructure, health and education, and equipping them with an independent tax base (Izdebski 2014).

In short, Poland's relatively complex institutional framework placed numerous obstacles in the path of anyone seeking to erode democratic governance or effect broader systemic change. Although no system can be designed to be fully secure against would-be autocrats, a comparison with Hungary is illustrative: in Hungary, winning a 2/3 majority is the country's unicameral parliament—a task made easier by a mixed, but effectively non-proportional election law[245]—is enough to amend the Constitution, which is precisely what happened after Viktor Orbán's Fidesz party came to power in 2010, having won 68% of seats with only 53% of votes (Scheppele 2018). Poland's PiS— winning only 51% of *Sejm* seats in 2015 and then losing its majority in the upper house in 2019—was unable to change the Constitution to its liking and tried to govern "as if" it had done so. But such pretense can go only so far. This was best illustrated in the case of the judiciary: when a government lacks the constitutional authority to reshape the courts but insists on appointing a whole slate of judges anyway through unlawful, extra-constitutional procedures (Pech et al. 2021), their authority—along with verdicts in any cases they presided over—can eventually come into doubt when reality begins to creep in (e.g., in the form of pushback from the European Union), leading to legal chaos or, as one scholar put it, a legal "black hole" (Pech 2023). More broadly, lacking the crucial imprimatur of legalism, the entire illiberal democracy project that PiS embarked on in 2015 began to look more tenuous and ramshackle with each passing year, placing doubts about its durability in the minds of supporters and opponents alike.

[245] In the 2010 election Hungary used a mixed system where 46% of seats were contested in single-member districts (increased to 53% in 2011) and the rest under PR; this majoritarian component makes the Hungarian system vulnerable to electoral manipulation because gerrymandering, for example, is meaningfully effective only in the context of single-member, winner-take all elections. Needless to say, new district boundaries favorable to Fidesz were drawn up after its initial 2010 win; see Political Capital. (2012). "The New Electoral Law in Hungary," https://www.valasztasirendszer.hu/wp-content/uploads/PC_ElectoralSystem_120106.pdf.

BUREAUCRACY/ADMINISTRATIVE STATE

One of the first pieces of legislation passed by PiS after it came to power in 2015 was a new law that abolished open competitions for senior civil service positions along with the requirement that candidates must not have belonged to a political party in the last five years (Dz.U. 2016 poz. 34). This was accompanied by a propaganda offensive in PiS-aligned media outlets describing criticisms of its actions as the cries of those who had been "yanked away from the trough" (Janicki and Władyka 2017). In a case of "speaking the quiet part out loud," PiS was admitting that what animated its activist base was not the problem of handing out state jobs and contracts to partisan loyalists (which all previous governing parties had been guilty of to a greater or lesser extent; Batory Foundation 2018), but finally having their own turn at the trough after eight lean years in opposition. Barnyard metaphors aside, the larger issue was that Poland's large state sector—with its roughly 3 million jobs (Janicki and Władyka 2016)—turned out to be a point of democratic vulnerability. When PiS was in opposition, the party's gradual radicalization was, among other things, a consequence of making an implicit promise to its activists that their loyalty and perseverance would be eventually rewarded with state-sector jobs that would become available through a large-scale purge of current employees. But delivering on that promise necessitated a capture of the judiciary so that those wrongly dismissed in the purge could not successfully appeal in the courts. Differently put, the PiS assault on judicial independence was driven not only its illiberal ideology, but also the pragmatic goal of constructing a system in which elite cohesion would be maintained through "authoritarian clientelism;" that is, a system where public office could be used for private gain while being shielded from legal accountability thanks to a captured judiciary, with *de-facto* legal immunity for those involved (Tworzecki and Markowski 2017; Markowski 2018).

If small-d democrats return to power in 2023 or in a future election, the legacy of this experience will pose a major challenge to reformers. PiS and its authoritarian clientelism model was appealing to many people's gut feelings that facially meritocratic criteria for public sector appointments and promotions in place prior to 2015 were in fact privileging people with higher levels of cultural capital and discriminating against those from humbler backgrounds who "never got the breaks"—hence a whole slate of appointments of officials who manifestly lacked qualifications for high office, but whose meteoric elevation well above and beyond what they could have hoped to achieve under normal circumstances fit the textbook narrative of a populist revolt against corrupt, deracinated elites (Mudde and Kaltwasser 2017). Depoliticizing the civil service and restoring meritocratic criteria for appointments and promotions in a way that does not generate grievances and lead to a future backlash will demand that future reformers borrow from other countries' successful best practices, but perhaps most importantly wean their own parties away from relying on political patronage and clientelism for organizational cohesion and electoral advantage.

ELECTIONS

During the period of 1990-2015 the conduct of elections in Poland received generally high marks from international observers, as evidenced by the "Clean Elections Index" in Figure 1. With a proportional representation (PR) system that has no systemic counter-majoritarian bias, multi-member districts with fixed boundaries, public financing of parties and election campaigns, and low barriers to citizen participation (automatic voter registration, elections always held on a Sunday or state holiday with polling stations open from 7am to 9pm, provisions for absentee ballots, no "felon disenfranchisement" laws), Polish election laws offer relatively few opportunities for vote suppression, gerrymandering, or other forms of electoral manipulation.

Post-2015, perhaps the most egregious case of attempted manipulation was the attempt in early 2020, at the height of the Covid-19 pandemic, to hold a presidential election by mail-in ballot in a legally dubious manner and with no assurances that votes would be counted accurately. In the event, the proposal was a step too far even for some within the PiS coalition who *de facto* vetoed it, and the election was eventually held in a regular manner later that same year (Tworzecki and Markowski 2020). Another highly problematic case concerned the 2019 parliamentary elections during which leading opposition figures (including Senator Krzysztof Brejza, head of the Civic Coalition's election campaign) had their phones hacked with Pegasus spyware by the government's security services (European Parliament 2022).

Another issue—one that has prompted some observers to call the fairness of all post-2015 elections into question, has been the unprecedented use of state resources for partisan gain. This included total politicization of state-owned television, radio and print outlets (which were turned into government mouthpieces without even a pretense of balance), use of the state budget to hand out new cash benefits immediately ahead of elections, and involvement of various government functionaries in election campaigns.[246] To be sure, separating partisan from governmental responsibilities is always tricky, and offering new benefits to voters in the run-up to elections was hardly an unknown practice before PiS came to power. The difference, however, lay in the sheer scale of the phenomenon, in its effects on the state budget and, in turn, on the national economy as a whole. What PiS has done, in effect, was to buy popularity with social spending by draining the state's coffers, and in the process running up the national debt to unprecedented levels (S. Dudek et al. 2022).

Finally, with its lead in the polls slipping to a mere few percentage points, in May 2023 the government rushed through a bill creating a "State Committee for the Examination of Russian Influence"—a quasi-judicial body with the power to subpoena witnesses and impose sanctions, including a prohibition on the holding public functions for up to 10 years. The bill, dubbed *Lex Tusk* by the press (after the name of a key opposition leader, former Polish prime minister and European Council president Donald Tusk) sparked both domestic and international uproar not just because of its blatant illegality under both Polish and EU law, but also because of its poorly disguised intent to serve as a cudgel against opposition figures (or, at the very least, as a mechanism for inflicting reputational damage on political opponents). In consequence, on June 8, 2023, the European Commission launched an infringement procedure against Poland, explicitly stating that the bill in question violates the principle of democracy enshrined in Articles 2 and 10 of the Treaty on the European Union (TEU).[247] It is possible that the Polish government will back down. But even if it does, close monitoring by international observers will be vital in the run-up to the 2023 elections to discourage further attempts by the government to interfere with the democratic process.

CIVIL SOCIETY

Uniquely among former Eastern Bloc countries, Poland entered the post-1989 period with a legacy of mass protests that begat a social movement called Solidarity, which at its peak in late 1980 had around ten million members. The sheer scale of this societal self-organization forced the communist authorities to sit down at a negotiating table and agree—at least temporarily, until they reneged under Soviet

[246] For example, when PiS was seeking a second parliamentary term in 2019, it expanded its flagship, non-means-tested "500+" child benefit program to cover all families (previously the program was means-tested for recipients with only one child). It also introduced a bonus, 13th monthly payment (equal to the statutory minimum) for old age pensioners each year.
[247] The European Commission, June 8, 2023, "Rule of Law: Commission launches infringement procedure against POLAND for violating EU law with the new law establishing a special committee"; https://ec.europa.eu/commission/presscorner/detail/en/ip_23_3134.

pressure—to an unprecedented concession of legalizing Solidarity as an independent trade union. Some scholars have called this experience Poland's "self-limiting revolution" (Staniszkis 1984).

Mass protests remained a feature of Polish politics even after the transition to democracy (Ekiert and Kubik 1999), in contrast to generally low public confidence in political parties and only modest (typically below 50%) turnouts in national parliamentary elections. The post-2015 period of backsliding saw multiple waves of protests in defense of the Constitution (2016), in defense of an independent judiciary (2017), and in reaction to the passage of a draconian abortion law (2020) to name a few (Grzymała-Busse 2020; Grzymała-Busse and Nalepa 2016). But PiS was able to weather all of them—as evidenced by its unchangingly leading position in the opinion polls through its two terms in office—partly because of its generous social transfers and partly because of the power of its populist narrative of reclaiming the country on behalf of those "left behind" in the post-communist transition.

Furthermore, both before and since 2015 PiS invested resources in building up an "uncivil society" (Bernhard 2020) grounded in ultranationalist, skinhead, soccer "ultras" and other subcultures, including rushing to the ultranationalists' defense each time they marched through Warsaw smashing windows and setting fires during their annual Independence Day (November 11) demonstrations. After gaining power, PiS sought to bring some of the leaders of these extreme right organizations on board, rewarding them with patronage appointments and financial resources. The effects have been mixed: putting on a suit and living the good life does rather tend to diminish one's willingness to take to the streets with a baseball bat, so notwithstanding episodes such as use of extreme right goons to counter the 2020 women's protests—with predictably disastrous optics—the governing party had little to show for these efforts. Likewise, an attempt to build a social movement around the ultranationalist religious broadcaster *Radio Maryja* has met with limited success, in part due to the institutional Catholic Church's ambivalence about relinquishing its own influence in favor of an upstart organization (Krzemiński 2017).

Taking the long view, polling data shows a slow but steady increase in political engagement (Czesnik et al. 2013). This includes rising turnouts across a range of elections (not just national but also local, regional and European) over the past twenty years. It is arguably indicative of Poland transitioning to more of a "participant culture." But it is a process that will take decades and is unlikely to benefit from foreign assistance. A more likely area for learning from mature democracies would be in internal organization of political parties in a way that would lead to more accountability to their members and the broader public.

MEDIA

When considering the political consequences of a country's broadly defined media environment, one crucial aspect is idea production, meaning how the media define, expand or constrain the sphere of political discourse in ways that are consequential for political entrepreneurs' efforts to create intra-elite coalitions and forge ideational links to the broader electorate. Another other aspect concerns the actual patterns and pathways of communication in society, as summarized by Laswell's (1948) famous formula of "Who", "Says what", "In which channel", "To whom", and "With what effect?" Political science research on comparative media systems has identified ownership structure (public versus private, domestic versus foreign), regulatory environment, journalistic ethics (professional detachment versus politicized engagement), and "party-press parallelism" (partisan alignment of media outlets) as some of the key factors at play (Hallin and Mancini 2004).

In the Polish case, in the early 1990s the communists' loss of monopoly in the sphere of mass communication was followed by efforts to engender journalistic norms and practices broadly in line with those found in mainstream Western media outlets. Key to these efforts, thanks to its initially towering position in terms of reach and influence, was the newspaper *Gazeta Wyborcza* and its editor-in-chief Adam Michnik. A former dissident who, as a university student, found himself on the receiving end of the Communist authorities' antisemitic purges of 1968, Michnik was keenly aware of the destructive potential of ethnonationalism and was determined to keep it beyond the scope of permissible political discourse. However, these efforts eventually led to push back from right-wing idea entrepreneurs fluent in and comfortable with ethnonationalism and keen to exploit it for both commercial and political gain by launching their own print, broadcast and (in later decades) online outlets, as well as through social media presence.

An early success story in the far-right media sphere was Father Rydzyk and his *Radio Maryja* network that from the 1990s onward has been broadcasting a mix of Roman Catholic services and call-in shows that gave free rein to callers and listeners alike to revel in their assorted fears, resentments and bigotries without being rebuked or silenced. At first, the Church hierarchy and even some right-wing politicians (including the future PiS leader Jarosław Kaczyński; see Sakiewicz and Wierzbicki 1998) kept their distance from Rydzyk and his media because some of *Radio Maryja's* transmitters were located on the territory of the Russian Federation, which led to uncomfortable questions about who was sponsoring him and why. But gradual secularization of Polish society and the sense of being on the losing side of value change (with the country becoming more pluralistic and open to diversity) led to a rise of a culture warrior faction within the Catholic episcopate and an eventual alliance between it and PiS. Secularization trends notwithstanding, around 40% of Polish Catholics still attend services at least weekly, so the extent to which the clergy has allied itself with PiS and used the pulpit a medium for illiberal, ethnonationalist, and pro-government messaging should not be underestimated as a factor in Poland's democratic backsliding.

Apart from church pulpits, television remains the most important medium of mass communication.[248] In the immediate aftermath of the fall of communism, the state-owned *Telewizja Polska* (TVP) was a monopolist, but in the 1990s it was joined by privately-owned *Polsat* and TVN networks, each of which developed their own prime-time newscasts and, eventually, their own 24-hour news channels as well. Owned by a Polish businessman with an extensive array of interests (including with state-owned companies), post-2015 Polsat has steered a cautious course reminiscent to that followed by media oligarchs in Hungary who did not want to find themselves on Prime Minister Viktor Orbán's bad side. The generally opposition-supporting TVN, owned by U.S.-based Discovery Networks, has found itself in a heated battle over its future in which PiS leaders eventually had to relent under the pressure of domestic protests and U.S. diplomatic intervention (Reporters Without Borders 2021). Arguably, the U.S. government's role in the TVN saga has been crucial to its survival, and similar pressure needs to be maintained in the future to ensure that the opposition is not marginalized in the television space.

REGIME TYPE

In political science terminology, in the years since 2015 Poland has been gradually transformed from a "liberal" into an "electoral" democracy, but not yet into an "competitive authoritarian" regime in which

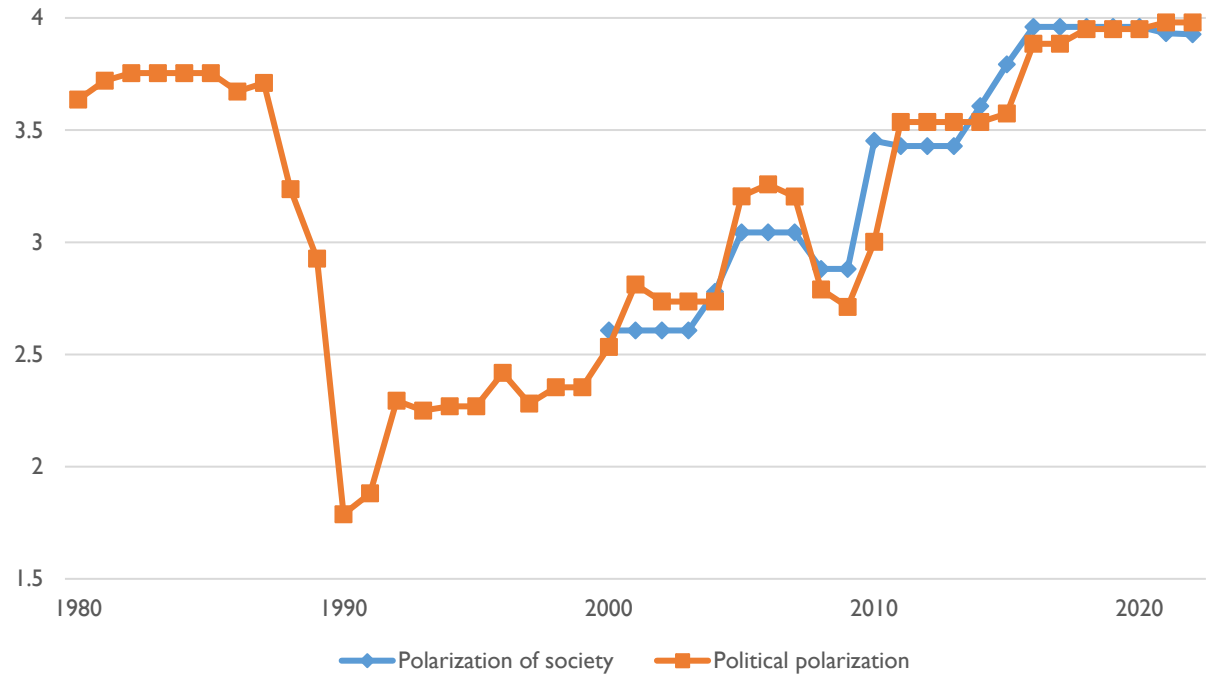
[248] According to a 2019 CBOS survey, in answer to the question "What is your main source of national and international news?," 58% of respondents mentioned television, 27% online, 9% radio, and 2% print outlets (CBOS 2019, 1).

multi-party elections still happen but are no longer free, fair or consequential for who keeps or loses power (Levitsky and Way 2010). Yes, civil liberties have been eroded along with rule of law and various procedural aspects of democratic governance. But although weakened, the basics—as per Tilly's (2007, 13-4) definition that "a regime is democratic to the degree that political relations between the state and its citizens feature broad, equal, protected, mutually binding consultation"—remain in place, and electoral competition still broadly conforms to the model of "certain procedures" with "uncertain outcomes" (Bunce 2000, 33). And it is precisely the possibility that the next elections can go either way that may prompt some politicians, public servants, journalists and businesspeople presently in the government's orbit to hedge their bets or even switch sides. Conversely, for the opposition parties the possibility that PiS may actually lose power is not just a morale-booster, but can lead to an inflow of resources from opportunists on the lookout for changes in how the political winds are blowing. In short, given the relatively limited degree of backsliding that Poland has experienced thus far, a variety of future trajectories remain in the realm of the possible and, likewise, a variety of strategies remains open to the democratic opposition.

POLARIZATION/DEPOLARIZATION

During the past four decades Poland has seen several cycles of polarization and depolarization. In the late 1970s, a rapidly worsening economic situation forced the Communist authorities to bring in rationing of basic foodstuffs (not fully eliminated until 1989). Attempts to stabilize the macroeconomy through price increases led to an explosion of popular protests in 1980, which led to the formation—and eventual recognition by the authorities—of the independent trade union Solidarity. In December 1981, facing intense pressure from the Soviet Union, the Polish authorities imposed martial law, placed many Solidarity activists in internment camps, and declared the union itself an illegal organization. As a consequence, political polarization remained very high for much of the 1980s (Figure 2). But facing insoluble economic problems and encouraged by Mikhail Gorbachev's *perestroika* and *glasnost* reforms in the Soviet Union, the Polish authorities gradually adopted a more conciliatory posture, eventually paving the way toward the Round Table talks that led to the Poland's democratic transition in 1989.

Figure 24. V-Dem Polarization of Society and Political Polarization Indices, Poland, 1980-2022



A period of depolarization followed, with broad consensus in favor of Poland taking all necessary steps toward rapid integration into Western institutional structures including the European Union and NATO. All of this took place amid the "End of History" climate of the 1990s, when no viable ideological alternatives to liberal democracy seemed to be available. With the former Communist Party eager to shed its authoritarian baggage and remake itself in a social democratic mold, not to mention painful memories of Polish communism's catastrophic economic performance during its final years, the idea of finding some "third way" between communism and capitalism was not an attractive proposition. The big loser during this period was the far right, whose poorly concealed longing for an Iberian or Latin American model of reactionary authoritarianism (although a 1999 trip by a trio of right-wing politicians to visit the ailing Gen. Pinochet was something of a giveaway) was out of touch with the liberal-democratic spirit of the times. Largely shut out of parliament after its poor performance in the 1993 parliamentary elections, the far right felt excluded from the constitutional negotiations that followed and never regarded the 1997 Constitution as its own.

But the transition from communism to capitalism, plus exposure to Western cultural trends and value shifts, eventually began to generate backlash among the economically and culturally "left behind." These sentiments were soon being exploited by various idea entrepreneurs. However, the first truly successful effort to polarize society did not materialize until 2005, when PiS rebranded itself from a center-right into a far-right party and went into that year's elections under the banner of seeking to replace the politics of liberalism with the politics of social solidarity.

Nonetheless, contrary to the impression given by experts' ratings of societal polarization shown in Figure 2, public opinion research has shown that partisan affective polarization (i.e., the difference in sentiment between a respondent's own party and other parties) has not increased (Tworzecki 2019).

Indeed, some studies based on focus group interviews have suggested the possibility that popular support for PiS is grounded not so much in effect (positive or negative) as in approval of its social policies, notwithstanding all the negative baggage that comes with them. A few lines from a report on the subject are worth quoting in full (in present author's translation):

[PiS] voters are not naïve recipients of messages from the party or the media that help it. They share a fair portion of the flaws attributed to [it]. They see their party as sucking up to the Church, violating the principles of democracy, prone to "kookiness", and "embarrassing." However, they care a great deal about the social promises implemented by [PiS] and not only about them, although they are of critical importance to them, which they do not hide (Sadura and Sierakowski 2019, 12).

At the elite level, another dimension of polarization is grounded in the history of the Polish political scene long being dominated by competition between PiS and PO (the Civic Platform, now part of the Civic Coalition or KO). Although at their founding in 2001 both PiS and PO positioned themselves on the center-right (and thus in opposition to the then-governing center-left SLD), over time PiS has drifted to the far right, while PO (in government during 2007-15) has cautiously moved in a socially progressive direction. This long stretch of PO/PiS alternation in power has stood in the way of other party leaders' own ambitions, so it is not uncommon to hear some of them talk critically about the "PO/PiS duopoly." The prospect that a defeat of PiS would mean a return of PO to a leading position on the political scene—with the minor parties again left on the sidelines—explains some of the reluctance of opposition parties to form a united anti-PiS front, but the end result is fragmentation on the opposition that may help PiS get reelected later in 2023.

INTERNATIONAL FACTORS/EXTERNAL ACTORS

The onset of Poland's democratic backsliding episode took place against the backdrop of significant developments in its international environment. First, the economic rise of China made it possible for would-be autocrats to imagine decoupling their countries from the West—in Poland's case, from the European Union—yet still chart an economically successful path forward by reorienting their countries to the East. Second, Russia's post-2012 descent into the ranks of the world's closed autocracies was accompanied by an increasingly aggressive foreign policy stance. Viewing popular protests against autocratic regimes—the "Rose Revolution" in Georgia (2003), the "Orange" and "Euromaidan" revolutions in Ukraine (2004, 2014), the "Arab Spring" (2011-12) , and the "Bolotnaya Square" demonstrations against electoral fraud in Moscow itself (2011) —as U.S.-sponsored influence operations, the Kremlin responded by "weaponizing information, culture and money" (Pomerantsev and Weiss 2014): sponsoring radical candidates and parties, corrupting politicians and business leaders, meddling in elections, and using both broadcast and social media platforms to stoke social divisions in democracies.

In Poland, the months prior to the 2015 election campaign saw an incident that in some ways foreshadowed Russia's "hack and leak" operation in the 2016 U.S. presidential contest: over the course of several weeks, politicians from the then governing PO were surreptitiously recorded in a restaurant owned by individuals with Russian connections .[249] Although the contents of these conversations did not reveal any illegality, the combination of expensive food, drink, and bad language was an irresistible mix for the press. PO's popularity suffered, paving the way to a PiS election victory. Another factor was

[249] The big caveat is that it still remains unknown whether the persons involved were explicitly tasked with conducting this operation by Russian intelligence services, or whether they carried it out on their own initiative in the hope of winning some future favors in Russian business or government circles (Rzeczkowski 2019).

Russia's 2015 intervention in Syria aimed at propping up the al-Assad regime, which had the knock-on effect of causing that year's Mediterranean refugee crisis which, along with a spate of terror attacks in Western Europe, propelled immigration to the top of the political agenda and put wind into the sails of the populist radical right across the continent.[250]

Indeed, prior to Russia's 2022 invasion of Ukraine, PiS was clearly aligning itself with the transnational far-right, seeking to ingratiate itself with the Trump administration (including proposing building a U.S. military base in Poland called "Fort Trump"[251]), forging close links with the likes of Viktor Orbán, Marine Le Pen, Georgia Meloni and Santiago Abascal (the latter of the Spanish VOX party), and even hosting a far-right summit in Warsaw in December 2021, with Orbán, Le Pen and several others in attendance. But when the war did come, Poland clearly sided with Ukraine (as did Italy under Meloni's government) providing it with military and humanitarian assistance and hosting millions of Ukrainian refugees, in contrast to Orbán's Hungary barely concealed bet on a Russian victory or at least some kind of inconclusive "frozen conflict."

It is likely that Poland's pivotal parliamentary election, due in the second half of 2023, will take place shortly after a summer of Ukrainian counter-offensives against the Russian occupiers. A decisive Ukrainian victory could rub off on PiS and boost its chances, but a stalemate could benefit it as well, given how it would accentuate Poland's role as a frontline state whose geopolitical significance might lead Western powers to avert their eyes from the issue of democratic backsliding. Electoral consequences of darker scenarios—the use of tactical nuclear weapons by Russia, or the war spilling over beyond Ukraine, including to Poland itself—are difficult to foresee, but such developments and their probable "rally 'round the flag" effects would almost certainly not be to the democratic opposition's advantage.

CONCLUSION

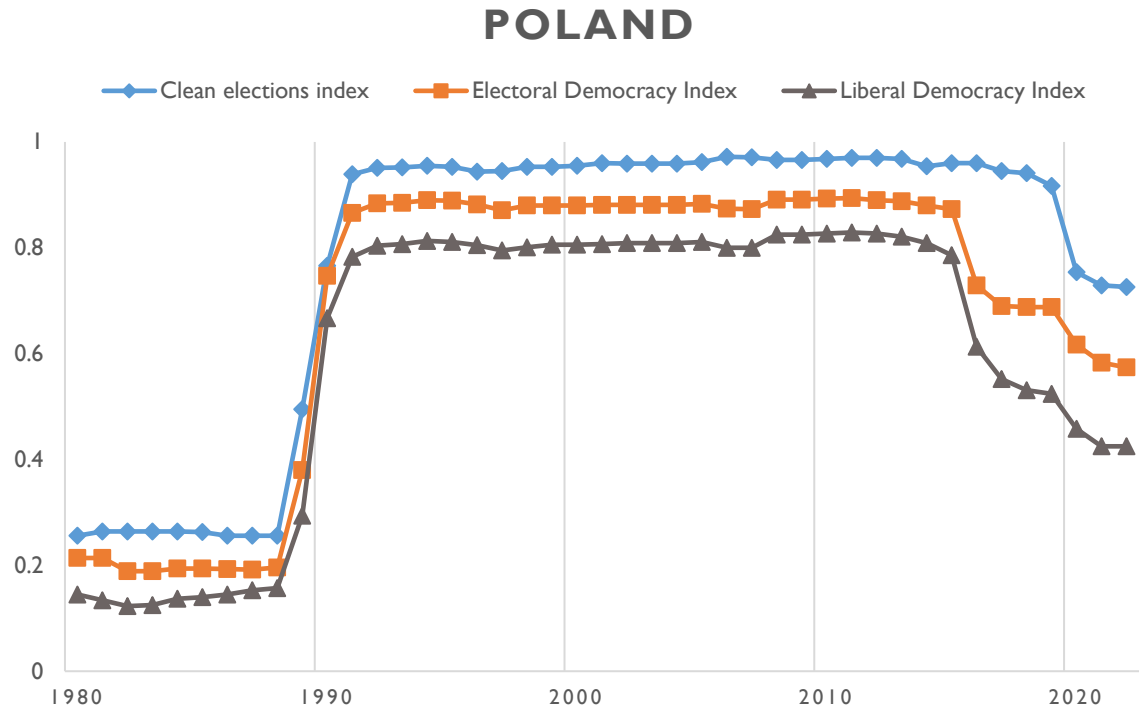
In 1989, on the eve of transition to democracy, a Polish Communist official was heard to remark "What matters is not whether we would win or lose but what we would lose" (Przeworski 2014, 2). PiS leaders are likely asking themselves the same question ahead of the 2023 elections. In any system where elite cohesion is maintained by granting loyalists wide latitude to use public office for private gain under the cover of a politicized judiciary, the costs of giving up power and returning to rule of law include not just the loss of access to state resources, but also the potential of prosecution on charges of corruption and abuse of power. In 1989, the communists agreed to give up on the implicit understanding that they would face no legal consequences. This facilitated a peaceful transition, but also set a bad precedent: what is the downside of serving an autocratic (or autocratizing) regime if in the worst case you can just leave office without risk to your freedom or to your ill-gotten gains? As of this writing (in May 2023), opinion polls show a roughly fifty-fifty chance of the coming election resulting in a victory for hypothetical far-right/extreme right coalition (PiS and *Konfederacja*), or for an equally hypothetical coalition of parties broadly committed to reversing Poland's course of democratic backsliding (KO, Polska2050, the Left, PSL). Assuming that the latter can be formed despite its leaders' competing ambitions, its chances will depend not only on mobilization of its own diverse support bases, but also on demobilization—and lack of determination to cling to power at all costs—on the side of PiS. Promises of

[250] The 2015 refugee crisis did not affect Poland directly, but fears that arrivals from the Global South might reach Poland in the future were played by PiS in the election campaign (Tworzecki and Markowski 2015).
[251] *The Economist*, January 12, 2019, "Poland wants a fort with Donald Trump's name on it"; https://www.economist.com/europe/2019/01/12/poland-wants-a-fort-with-donald-trumps-name-on-it .

impunity are already being floated. The big question facing Poland is thus whether democratic restoration now is worth the risk of another cycle of backsliding in the future.

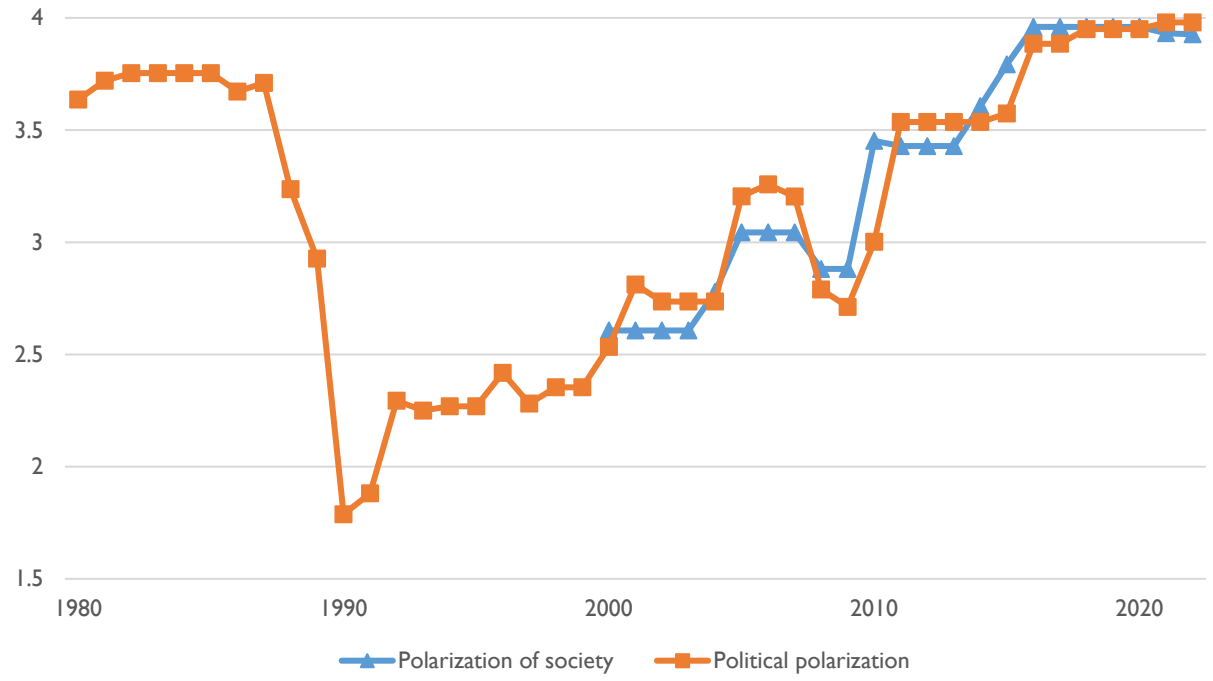
FIGURES

Figure 25. V-Dem Liberal Democracy, Electoral Democracy and Clean Elections Indices, Poland, 1980-2022



Note: In V-Dem's conceptual scheme these three indices may be viewed as "nesting" in each other in so far as clean elections are necessary if a country is to qualify as an electoral democracy, and likewise electoral democracy is a sine qua non of liberal democracy. Data for the graph was generated using the "original scale" option. Date coverage is from the rise of the Solidarity movement in 1980 onward. Shading indicates 95% confidence bands.
Source: Varieties of Democracy project data set; https://www.v-dem.net/data_analysis/CountryGraph/ .

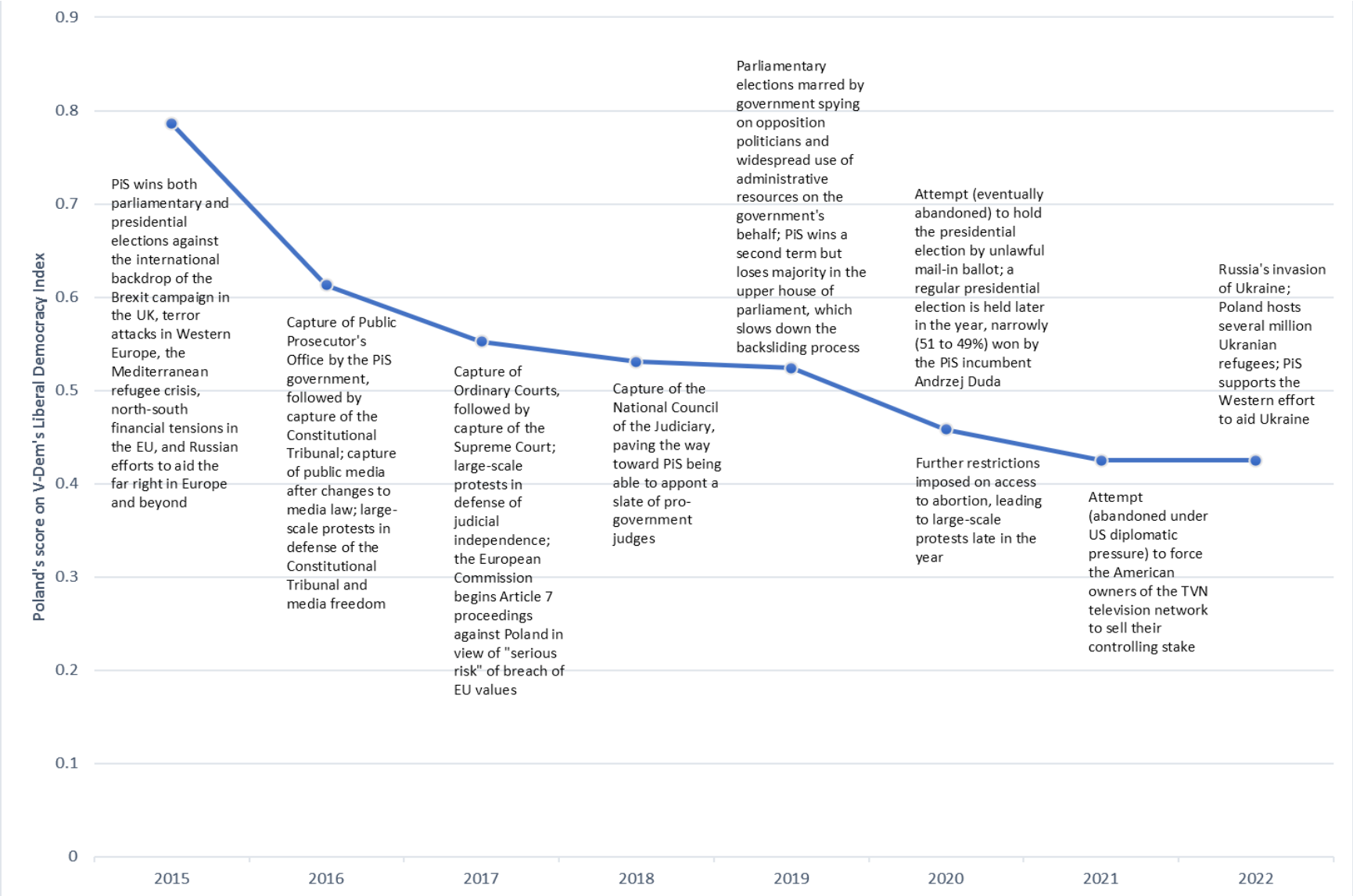
Figure 26. V-Dem Polarization of Society and Political Polarization Indices, Poland, 1980-2022



Note: The "Polarization of Society" scale has been reversed from the original, so that higher values mean greater polarization. Data for the graph was generated using the "original scale" option. Date coverage is from the rise of the Solidarity movement in 1980 onward. Shading indicates 95% confidence bands.

Source: Varieties of Democracy project data set; https://www.v-dem.net/data_analysis/CountryGraph/

Figure 27. A Timeline of Events in Poland's Democratic Backsliding, 2015-2022



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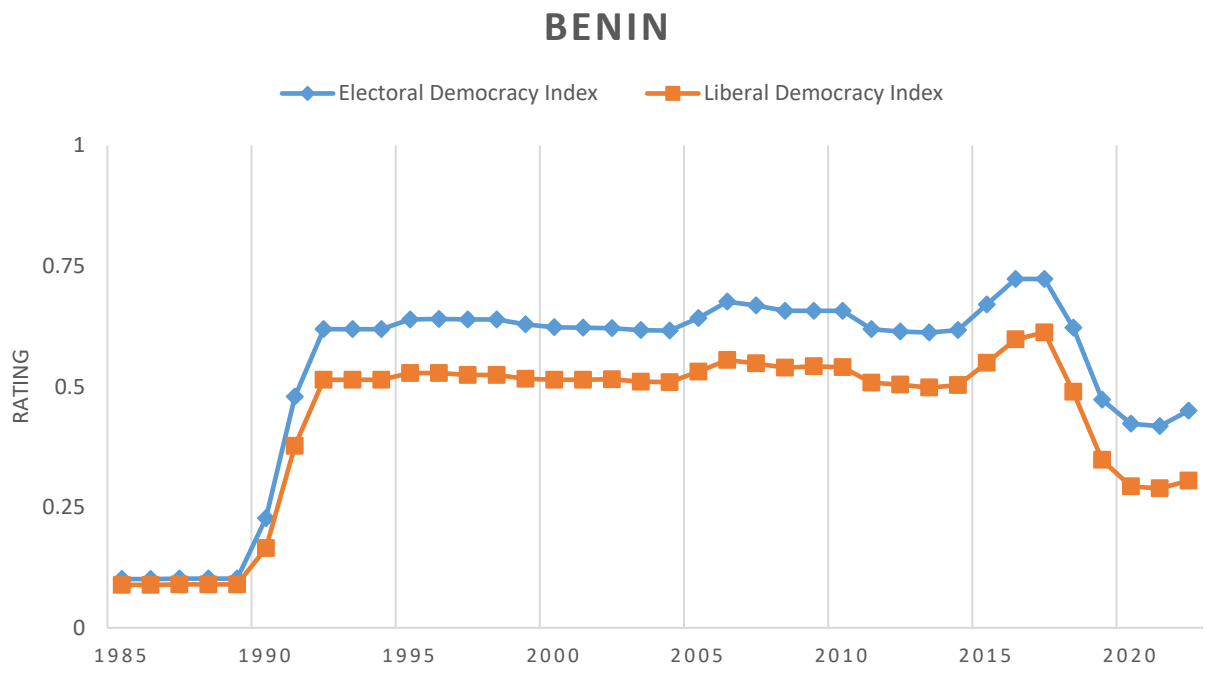
9. BENIN

Figure 28. Benin's Electoral Democracy Index and Liberal Democracy Index, 1985-2022



INTRODUCTION

After 25 years of successful experience with democracy, Benin entered a phase of democratic backsliding after President Patrice Talon came to power following the 2016 election. In early 1990s Benin became a poster child of successful democratization in Africa. The country not only experienced meaningful political reforms itself, but it also became a template for other African countries, gaining praise across the continent and beyond. Following extensive protests by students and civil servants in the late 1980s, Benin's Marxist dictator, Mathieu Kérékou made significant concessions, paving the way for an eventual transition to democracy. In late 1989 he conceded that Benin would move away from one-party rule and allow multi-party competition. Kérékou also convened the National Conference of Active Forces (*Conférence Nationale des Forces Vives du Bénin*) to discuss the country's political future. The conference included major representatives of civil society, trade unions and religious leaders. It disbanded the country's authoritarian constitution, drafted a new one, later overwhelmingly endorsed by Beninese citizens, and set the groundwork for the country's first free and fair multi-party elections in decades. The March 1991 presidential election brought about Kérékou's defeat to Nicéphore Soglo. After the defeated president conceded, Benin became the first mainland African country where a sitting president became peacefully replaced through the electoral process.[252] Being the first case of successful alternation in power, Benin thus became a model for other countries on the continent. Indeed, several other African countries copied its national convention, though with mixed success.

[252] Michael Bratton, and Nicholas van de Walle. *Democratic experiments in Africa: Regime transitions in comparative perspective*. Cambridge university press, 1997: 7

In the following years, Benin continued holding competitive free and fair multi-party elections,[253] leading to further alternation in power. When Soglo lost his re-election bid in 1996, the country experienced its second peaceful transfer of power, further establishing its democratic credentials. The ability of Beninese citizens to vote their presidents out of office, in contrast to many other African countries, was a mark of a functioning democracy. Indeed, some measures of democracy[254] use two successful instances of alternation as a precondition for coding a country a democracy. Benin experienced further alternation in power in 2006 and 2016, along with frequent turnover in parliament. All of Benin's presidents respected term limits, even though President Yayi Boni came close to attempting to run for a third term in 2016. The endurance of term limits at a time when many other African countries have undermined them, can be considered a further democratic achievement.

After experiencing a fourth successful alternation in power after President Yayi stepped down and Patrice Talon assumed the presidency in April 2016, Benin's democratic credentials began to suffer. This development was both unsettling and surprising, as after 25 years of democratic practice, democracy seemed secure. As one observer noted, given that Benin had been considered one of West Africa's strongest democracies, when Talon became president in 2016, "few predicted that the country's democracy would be on the verge of collapse just five years later".[255] Yet, during his time in office, President Talon undermined the state of democracy in his country. A "former model democracy" is now witnessing "democratic tragedy".[256]

After a successful quarter century of democratic politics, democracy in Benin is in decline. In 2021, Freedom House labeled Benin as the country with the steepest democratic decline, after years as one of the most stable democracies in sub-Saharan Africa. According to Freedom House, Benin's democratic rating dropped from 82 points out of 100 in 2017 to 65 in 2021, with most of the decline happening on the eve of, and following, Talon's reelection in 2021 and continuing to dip with the most recently released Freedom House rating (2022) falling to 59.[257] Measures developed by the Varieties of Democracy Institute (V-Dem), reveal a similar pattern. V-Dem's electoral democracy index recorded a decline from 0.7 in 2017 to 0.5 in 2019.[258] V-Dem's liberal democracy index also shows visible deterioration; while between 1992 and 2016 the score oscillated between 0.5 and 0.6, it then fell dramatically to 0.29 by 2020 and remained around that level ever since.

Democratic erosion in Benin happened on several fronts and through multiple strategies. Most visibly, President Talon managed to weaken, or almost eliminate, political competition, primarily through electoral reforms during his first term, which significantly raised barriers to running for office. Opposition figures have also been harassed, persecuted, or became subjects of politically motivated judicial proceedings,

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[253] In legislative elections, Benin uses proportional representation with multimember districts. Starting in 2023, 24 seats (one per electoral district) are reserved for women. In presidential elections, if no candidate receives more than 50% of the vote, there is a run-off between the two highest vote getters.

[254] E.g. Adam Przeworski, Michael E. Alvarez, Jose Antonio Cheibub, and Fernando Limongi. *Democracy and development: Political institutions and well-being in the world, 1950-1990*. No. 3. Cambridge University Press, 2000.

[255] Tim Hirschel-Burns, "Benin's King of Cotton Makes its Democracy a Sham," *Foreign Affairs*, April 8, 2021. https://foreignpolicy.com/2021/04/08/benin-election-democracy-sham-patrice-talon/

[256] Peter Burdin, "As Guinea Suffers New Coup, Benin's Light Fades in the Region," *Democracy in Africa*, October 5, 2021, http://democracyinafrica.org/as-guinea-suffers-new-coup-benins-light-fades-in-the-region/

[257] "Benin: Freedom in the World 2022 Country Report," Freedom House, https://freedomhouse.org/country/benin/freedom-world/2022.

[258] Coppedge, Michael, John Gerring, Carl Henrik Knutsen, Staffan I. Lindberg, Jan Teorell, Nazifa Alizada, David Altman, Michael Bernhard, Agnes Cornell, M. Steven Fish, Lisa Gastaldi, Haakon Gjerløw, Adam Glynn, Sandra Grahn, Allen Hicken, Garry Hindle, Nina Ilchenko, Katrin Kinzelbach, Joshua Krusell, Kyle L. Marquardt, Kelly McMann, Valeriya Mechkova, Juraj Medzihorsky, Pamela Paxton, Daniel Pemstein, Josefine Pernes, Oskar Rydén, Johannes von Römer, Brigitte Seim, Rachel Sigman, Svend-Erik Skaaning, Jeffrey Staton, Aksel Sundström, Eitan Tzelgov, Yi-ting Wang, Tore Wig, Steven Wilson and Daniel Ziblatt. 2022. "V-Dem [Benin-2022] Dataset v12" Varieties of Democracy (V-Dem) Project. https://doi.org/10.23696/V-DEMds22.

including through a new court, Court for the Repression of Economic and Terrorism Infractions. State institutions under the Talon administration have increased scrutiny and restrictions placed on media outlets, using a new Digital Law. Consequently, freedom of expression has greatly deteriorated. It is also clear that during this period Beninese judicial institutions have lost some of their independence, notably as a result of President Talon's nominations and political pressure placed on judges. These different strategies fit with President Talon's general penchant for centralization and concentration of power. He appeared to view checks and balances as an obstacle to development and willingly sacrificed them for increased ability to act decisively. Before becoming president, Talon was a businessman, popularly known as the "king of cotton"[259] which might explain why he is used to concentrating control and little horizontal accountability. With no prior experience in the legislature or any other state institutions, Talon might also have less appreciation for the country's institutions. Importantly, during his first term in office, President Talon benefited from an accepting environment. After winning the presidency decisively in 2016, he claimed a popular mandate and benefited from initially high popular support and weak and disorganized opposition. There were no strong prior indications that President Talon would constrain democratic institutions and many civil society and political actors, as well as the broader electorate, were caught off guard.

Both the electoral reforms and harassment of opposition figures have resulted in non-competitive elections with weak voter turnout. During the 2019 legislative elections, voter turnout plummeted to 23%, from 66% in the previous legislative election.[260] The electoral contest itself was deemed neither free nor fair.[261] The 2021 presidential election was marked by low turnout, with some polling stations seemingly empty and some voters describing the election as "electoral parody".[262] Furthermore, the 2021 presidential election has been marred by electoral irregularities, including intimidation and threats. Some polling stations, including in the hometown of the former president, have failed to open.[263] Freedom House also reported that "serious irregularities during the 2021 presidential election undermined the democratic legitimacy of the incumbent."

In contrast, with greater international attention and better-organized opposition, the most recent legislative election of January 8, 2023 marked the return of opposition to political competition and to parliament, albeit in small numbers. The election was considerably better run, with seven parties allowed to compete, and this positive development offers some hope that it will prevent further backsliding in Benin. It is too early to say if this will stop democratic decline in Benin, but this is a positive development. As further discussion will highlight, this more competitive election can be attributed to an important decision made by the Constitutional Court, which reversed an earlier ruling by the Electoral Commission (CENA), allowing opposition parties to contest the election. The Constitutional Court made this important decision, and regained some of its lost independence, after the court's president, and President Talon's friend, Joseph Djogbénou, resigned to pursue a political career. Opposition parties were also better prepared, organized and more consolidated, an important factor given the high barrier to entry imposed by President Talon's reforms.

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[259] For more on the role of businessmen in Beninese politics see Dominika Koter, 2017. "Costly Electoral Campaigns and the Changing Composition and Quality of Parliament: Evidence from Benin", *African Affairs* 116, 465: 573-596.
[260] Hirschel-Burns.
[261] Freedom House 2022.
[262] Fiacre Vidjingninou. "Présidentielle au Bénin: Faible Mobilisation dans les Urnes »*Jeune Afrique*, April 12, 2021. https://www.jeuneafrique.com/1153027/politique/presidentielle-au-benin-faible-mobilisation-dans-les-urnes/
The turnout figures are themselves contested. According to official reports, they were 50% but some experts claim that the true figure was 26%. See also Burdin 2021.
[263] Vidjingninou.

POLITICAL INSTITUTIONS

The institution that has had the greatest impact on the level of democracy in Benin are the courts. The courts have had a mixed impact on democratic backsliding. In some instances, they approved controversial measures, such as reforms of the electoral system, elections without meaningful opposition, or persecution of journalists. On the other hand, they played a more positive role ahead of the January 2023 election.

For most of the period since 2016, the courts have failed to prevent the democratic backsliding that occurred. Most notably, the courts allowed elections without true opposition during the 2019 presidential election. The Constitutional Court ratified and validated it. Judicial independence of the court was undermined when President Talon appointed his personal lawyer and friend, Joseph Djogbénou, as Constitutional Court president.

President Talon has used the court's complicity to persecute his political opponents. Opposition figures have been harassed, and often became subjects of politically motivated judicial proceedings. The most high-profile example is Reckya Madougou, a former minister who sought to challenge President Talon as a candidate in the 2021 election but ended up in jail. After months in detention, Madougou was sentenced to 20 years in prison on terrorism charges. Investigation into Madougou's alleged wrongdoing was launched by the Court for the Repression of Economic and Terrorism Infractions, known as CRIET, a new court created during Talon's first term. The case against Madougou is widely viewed as spurious and politically motivated, so much so that a judge on her case fled to France, decrying the charges as "phony."[264] The list of persecuted political rivals is much longer. President Talon's government either jailed or forced into exile most viable rivals.[265] This includes both the second and third place finishers from the 2016 election, Lionel Zinsou and Sébastien Ajavon, respectively. Zinsou has been banned from campaigning for 5 years and Ajavon fled to France after being sentenced to 20 years in prison on drug charges by CRIET.[266] The African Court on Human and Peoples' Rights later ruled in Ajavon's case that Benin had violated its human rights obligations.[267]

Courts have also played a negative role in the democratic process by supporting enforcement of laws that target journalists, most notably in the case of Ignace Sossou. The journalist was charged and convicted of "harassment by means of electronic communications" on the basis of Benin's Digital Law. Sossou's conviction was further supported by the Cotonou appeal court in May 2020 and a couple months later by the Supreme Court, which concluded that Benin's laws were correctly applied. In this respect, the courts upheld and supported the use, and abuse, of repressive legislation. Reporters Without Borders (known by the French acronym RSF) has issued a blistering critique of the ruling, calling it *"an unprecedented setback for the freedom to inform in Benin."*[268] Assane Diagne, the director of RSF's West Africa bureau, further noted that *"By using the Digital Law to punish a journalist who did nothing wrong, Benin's judicial system has circumvented the right of the press and has issued a decision that violates international standards." RSF urged the government to amend the Digital Law to "bring it into line with international law so that it doesn't serve as a tool for arbitrarily detaining journalists.*" The supreme court ruling upholding Sossou's conviction also runs

[264] Danielle Paquette, "She could have been Benin's first female president. She was just sentenced to 20 years in prison.", *The Washington Post*, December 11, 2021.
[265] "Benin" Freedom in the World 2022 Country Report. *Freedom House* 2022.
[266] *The Washington Post*, December 11, 2021.
[267] Freedom House 2022.
[268] "Court's Decision to Uphold Conviction Deals 'Unprecedented Setback' to Press Freedom in Benin," *Reporters Without Borders*, July 27, 2021, https://rsf.org/en/court-s-decision-uphold-conviction-deals-unprecedented-setback-press-freedom-benin.

counter to the decision issued a year ago by the Working Group on Arbitrary Detention, which concluded that Sossou did not get a fair trial, that his conviction had no legal basis and that his imprisonment was arbitrary. Arnaud Froger, the head of RSF's Africa desk, argued that *"It is inconceivable that the supreme court could confirm this journalist's conviction because it would send a disastrous message for press freedom in Benin."*[269]

In contrast, the Constitutional Court has played a more positive role in the leadup to the 2023 legislative election. After the National Autonomous Electoral Commission (known as CENA) rejected the candidacies of the opposition party, The Democrats, the Supreme Court sided with the opposition's appeal and instructed CENA to accept their candidate list. This was instrumental in restoring a sense of political competition in Benin since the Democrats became the strongest opposition party. Had they not been allowed to participate, there would have been very little opposition representation in parliament.

The Beninese legislature has not been an effective break on democratic backsliding and its complicity has allowed the weakening of the democratic space. While the Beninese parliament has been historically weak, and Beninese parties are weakly institutionalized,[270] In recent years the legislature has also been dominated by pro-government forces, exercising few checks and balances. Given the majority pro-Talon forces in the legislature, the government was able to push through reforms, such as those of the electoral code, that further weakened opposition. The legislature was thus the first body to approve reforms that contributed to democratic backsliding, before the courts cemented those changes. During the course of the last legislature, 2019-2023, there has been no real opposition in parliament, allowing the government to pass laws with little contestation. The January 2023 legislative election brought opposition back to parliament, though in limited numbers. The main opposition party, the Democrats, had 28 seats out of 109, while pro-Talon parties continued to have a majority. The limited presence of opposition might at least create a possibility of more robust debate of laws in the coming years, though the opposition will not have sufficient votes to block any legislation.

BUREAUCRACY/ADMINISTRATIVE STATE

State bureaucracy and administration have not played a decisive role in shaping the political situation in Benin. They are not the sources, or drivers, of democratic decline but neither have they played a significant role in preventing it. The military has remained a relatively neutral and trusted institution and it does not engage itself significantly in politics.

ELECTIONS

Uncompetitive elections with little opposition participation have been one of the factors that has allowed continued democratic backsliding in Benin, resulting in legislative bodies largely controlled by the incumbent. The most recent elections represent a step in the right direction and offer hope that greater accountability can be accomplished through the electoral process.

[269] "Beninese Journalist's Conviction Must be Quashed," *Reporters Without Borders*, July 23, 2021, https://rsf.org/en/beninese-journalist-s-conviction-must-be-quashed
[270] Riedl, Rachel Beatty. *Authoritarian origins of democratic party systems in Africa*. Cambridge University Press, 2014.

After being largely prevented from competing in 2019 legislative elections, 2020 local elections (with the limited exception of FCBE) and 2021 presidential elections, opposition was able to compete in the 2023 legislative elections. The decision of the Constitutional Court discussed earlier was one of the most consequential enabling factors. The bad publicity following previous elections might have also made President Talon more predisposed to allow more political competition. While President Talon's suppression of political competition in 2019 might have taken people by surprise, this suppression was much clearer after two subsequent electoral cycles. Presidential elections also garner more international attention than legislative elections, so foreign (alongside domestic) criticism of Talon increased, and accumulated, after 2021. The 2023 legislative election was very closely watched, illustrating the growing scrutiny of Talon. As journalist Jouvance Akpaki noted, in 2023 President Talon announced that he was "ready to turn the page" in his relationship with the opposition.[271] There are rumors that President Talon supported some opposition groups, perhaps to avoid the bad look that non-competitive elections would pose. For example, the UP Renewal coalition was headed by the president's friend, Joseph Djogbenou, who resigned as President of the country's Constitutional Court to contest elections. Incidentally, a side effect of Djogbenou's resignation was increased independence of the Constitutional Court.

Better coordinated opposition strategies have also played an important role. The strongest opposition was fielded by a relatively new party, the Democrats, created in 2019 with the former President Yayi Boni as the party's de facto leader. Yayi campaigned across the country, driving up enthusiasm for the party. The Democrats won 28 seats out of 109 in the legislature, posting the strongest showing for Beninese opposition in several years. Counterintuitively, tough election laws introduced under President Talon might have galvanized the opposition. There is a constitutional provision that requires any political party that does not participate in two consecutive elections to dissolve.[272] Opposition was thus highly motivated, if not forced, to contest this election. Despite concerns about fairness of the electoral protest, the opposition could not afford to boycott the election.

Following the January 2023 legislative election, the Democrats have filed a complaint with the Constitutional Court concerning electoral irregularities, including ballot stuffing, political corruption, vote counting, but they have asked their supporters for calm. The party has taken up its seats in parliament and plans to exercise some accountability and oversight, within limits, given that pro-Talon parties hold a comfortable majority. Party members have publicly stated that stopping, if not reversing, democratic decline is one of their top priorities. Eric Houndété, the president of the party, claims that the party has the goal to "restore" democracy. More specifically, he would like to see a revision of the electoral code and increased freedom of expression.[273] The party's Vice President, Eugène Azatassou, wants voters to get more involved and convince them that if they turn out in higher numbers, it will be more difficult for the regime to cheat.[274] The Democrats used the appeal to restoring democracy and preventing further slide into authoritarianism with mixed effects. Azatassou admits that there is a lot more work to do to convince the electorate that his party is capable of revitalizing democracy. The party also plans to push for amnesty law to liberate political prisoners and allow those in exile to return to Benin. While the party has limited power, it is at least in a position to shape debate and draw attention to issues of democracy. The

[271] Personal communication, January 25, 2023.
[272] Idayat Hassan, "Democratic Deficiencies in Benin," *Democracy Paradox*, January 11, 2023, https://democracyparadox.com/2023/01/11/democratic-deficiencies-come-to-define-benin/
[273] Fiacre Vidjingninou. "Eric Houndété: Nous sommes députés pour la nation, pas pour Patrice Talon," *Jeune Afrique*, February 26, 2023. https://www.jeuneafrique.com/1414404/politique/eric-houndete-nous-sommes-deputes-pour-la-nation-pas-pour-patrice-talon/
[274] Manon Laplace. "Au Bénin meme minoritaire au parlement les Démocrats forceron le débat sur l'action gouvernementale," *Jeune Afrique*, January 13, 2023, https://www.jeuneafrique.com/1408346/politique/au-benin-meme-minoritaires-au-parlement-les-democrates-forceront-le-debat-sur-laction-gouvernementale/

Democrats represent a more united, and therefore more capable opposition, but they have not united all opposition forces. They also suffer from some credibility problems. Former President Yayi, the party's de facto leader, remains popular but his previous attempt to run for a third term harmed his democratic credentials.

One of the difficulties of preventing democratic backsliding is the disillusionment of the Beninese electorate. The electorate is not apathetic, but cynical and mistrustful of politicians. There continues to be a great appetite for democracy, and rejection of anti-democratic measures. For example, a large majority of the public expressed disapproval of President Talon's electoral reforms.[275] Yet, many Beninese view the entire political class negatively and they seem to be skeptical that the opposition, led by figures who have been in politics for many years, will bring positive changes. The continued low turnout in 2023, albeit higher than in 2021, is one manifestation of this disillusionment.

CIVIL SOCIETY

Civil society organizations have spread pro-democracy messages, but they operate within an increasingly constrained environment, which limits their effectiveness. Both public opinion and civil society messaging indicate that Beninese are strongly attached to democracy, despite its flaws. Religious authorities issued early warnings about the 2023 legislative elections and demanded peaceful elections.[276] In 2020, Catholic bishops issued formal statements unsuccessfully asking the government to abolish the sponsorship law, namely one of the electoral reforms which was crippling political competition ahead of the 2021 presidential election.[277] Civil society organizations also educate voters about electoral laws and voting without undue pressure, and fight against electoral corruption. Close to 200 organizations deployed more than 700 election observers.[278] The Konrad Adenauer Foundation trained 30 journalists in March 2021 ahead of the April 2021 presidential election on how to cover the election and retain journalistic independence.

Yet, it is evident that voter skepticism remains. Positive messaging from civil society around the 2023 elections might have contributed to higher turnout than in 2019 but even though it was ten percentage points higher, at 38.7 percent it was still very low. Civil society groups have not managed to sufficiently galvanize the voting public to challenge the ruling party's grip on power.

There are clear constraints on civil society in Benin that affect the degree to which civil society can act to protect the democratic space. Civil society actors are clearly not free to operate unencumbered as many activists were subjected to mass arrests during the 2021 presidential election.[279] During the 2019 legislative elections, police often used disproportionate force to disperse protesters.[280] There is general sentiment that civil society actors fear government reprisals, which affects their independence. Some civil society actors have also aligned themselves with the government, either as a result of cooptation or coercion. While the situation for civil society has deteriorated under President Talon, it is fair to say that

[275] Afrobarometer, Round 8 (2020), Question Q80c-BEN.
[276] Francis Laloupo, TV5 Monde.
[277] Magdalene Kahiu, "Les évêques du Bénin demandent au gouvernement d'abolir la loi sur le "parrainage" des candidats à la présidence", ACI Africa, 12 December, 2020 https://www.aciafrique.org/news/2186/les-eveques-du-benin-demandent-au-gouvernement-dabolir-la-loi-sur-le-parrainage-des-candidats-a-la-presidence
[278] "Elections législatives 2023 : le Bénin expérimente ses réformes," Konrad Adenauer Stiftung. https://www.kas.de/de/veranstaltungen/detail/-/content/elections-legislatives-2023-le-benin-experimente-ses-reformes
[279] Freedom House.
[280] US Department of State, 2022 Country Reports on Human Rights Practices: Benin. https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/benin

there have always been notable limitation of civil society organization in the country including friction or lack of coordination between umbrella organizations and local branches, conflicts of interest, weak technical capacity, distrust, lack of transparency, potential lack of independence and politicization as NGOs are overseen by a ministry in charge of civil society.[281] Civil society organizations also struggle to sustain a constant level of engagement. While they have organized successfully at crucial moments in Benin's history, most notably, during the transition to democracy, they do not operate at that heightened level of mobilization consistently over time and they require new causes or events to re energize their networks.

MEDIA

Beninese media have been unable to prevent democratic decline and the position of Beninese journalists over the last few years has deteriorated. Reporters Without Borders (RSF) notes that there has been a marked decline in press freedom in Benin. Since 2016 Benin has fallen 43 places in RSF's index of 180 countries. Between 2021 and 2022 there has been a fall of seven places, from 114 to 121, with the absolute score falling from 61.82 to 48.39. One of the limitations of the media is their financial dependence, which causes a lot of media outlets to adopt a pro-government stance and avoid raising tough questions. As the RSF reports, "media landscape is diversified, but is marked by the absence of viable major news organizations."

Apart from financial limitations, Beninese media have been constrained by the Digital Law. This law has been used to persecute and intimidate journalists. Apart from the most well-known case of Ignace Sossou, at least two other journalists, Casimir Kpédjo and Aristide Hounkpèvi, have been arbitrarily detained. They both spent days in police custody for allegedly disseminating false information online.[282] Kpédjo, the editor of the newspaper *Nouvelle Economie*, spent seven days in police custody in April 2019 for publishing "false information" about a Eurobond issued by Benin. Hounkpèvi was detained in January 2020 for a tweet wondering whether Benin's foreign minister was going to be appointed ambassador to Paris.[283] RSF has urged Benin's authorities to overhaul the country's Digital Law, which poses a threat to its journalists. The organization was one of the signatories of an op-ed piece published in Benin on World Press Freedom Day calling for an overhaul of the country's Digital Law, which has been used to throttle free speech and press freedom. Headlined "Digital Law, Trojan horse for press freedom in Benin?" and co-signed by three newspapers, *Nord Sud Quotidien*, *L'Inter* and *Ecofin*, the op-ed says that, although initially portrayed as an "appropriate and reliable tool" for combating cybercrime, the Digital Law has been used in practice as an instrument to "threaten the exercise of journalism in Benin."[284] The law, which was adopted in 2018, allows the authorities to prosecute journalists as ordinary citizens as soon as what they say or write appears online. The United Nations Working Group on Arbitrary Detention said the Digital Law has many vaguely worded provisions that, combined with its heavy criminal penalties, were liable to be used to penalize the peaceful exercise of human rights.[285]

There have also been instances of media outlets being ordered to close, which can appear as an effort to censor journalists. Benin's media regulator, the High Authority for Broadcasting and Communication (HAAC), has ordered the immediate closure of all "unauthorized" online media outlets.[286] *Soleil FM*, a

[281] "Les Organisations de La Societé Civile et le Renforcement Démocratique: le cas du Bénin."
[282] Reporters Without Borders, https://rsf.org/en/court-s-decision-uphold-conviction-deals-unprecedented-setback-press-freedom-benin
[283] Reporters Without Borders, https://rsf.org/en/beninese-journalist-s-conviction-must-be-quashed
[284] Reporters Without Borders, https://rsf.org/en/op-ed-urges-benin-end-digital-law-threat-journalism
[285] Reporters Without Borders https://rsf.org/en/benin-urged-implement-findings-working-group-arbitrary-detention
[286] Reporters Without Borders, https://rsf.org/en/benin-regulator-orders-unauthorized-media-outlets-close

radio station owned by government opponent Sébastien Adjavon, was forced to stop broadcasting because the HAAC refused to renew its license. Its signal had previously been disconnected during the parliamentary elections held in April 2019. The HAAC closed *La Nouvelle Tribune*, a pro-opposition newspaper, in May 2018 on the grounds that it had insulted President Talon and it closed four opposition media outlets in December 2016. Three of them resumed broadcasting but one, *Sikka TV*, also owned by Adjavon, was unable to resume broadcasting despite a court ruling in May 2017 ordering its reopening.[287]

Talon's government is in negotiations with the French private TV provider Canal+ to create a new channel, Benin+. The Beninese state would contribute around half of the costs of the project and would thus have the rights to editorial control.[288] Even though Benin+, which is supposed to come into existence in mid-2023, is meant to focus on cultural and not political content, it would give the state a bigger role in the media market, possibly crowding out other, more independent outlets.

REGIME TYPE

Democratic decline happened in Benin relatively quickly, in a span of a few years since 2016. It is possible that Benin's twenty-five-year period as an electoral democracy made actors take democracy for granted. Many political actors in Benin appear to have been caught off guard by the sudden change.

The most consequential institutional changes that limited democratic strategies have been changes made to Benin's electoral laws passed by the legislature and enacted in 2018 and 2019. A new charter of political parties increased the requirement of minimum number of members attending the founding general assembly of a party from 120 to 1555.[289] This costly and onerous requirement effectively limits party formation. Electoral reforms also increased filing fees from 15 million CFA to 250 million and increased the number of "sponsors"; in order to contest presidential elections, candidates need endorsements of at least 19 parliamentarians or mayors. Because of limited opposition participation in the 2019 legislative and 2020 local elections, parliamentarians and mayors belong overwhelmingly to the ruling camp, making it difficult for opposition candidates to secure "sponsors." Furthermore, failure to win 10 percent of the vote would cause a party to lose its deposit. The effects of these reforms on political participation have been clear as only two parties participated in the 2019 legislative elections, down from around 150 in 2016. Only two candidates, apart from the president, managed to get on the ballot for the 2021 presidential election. The ten percent threshold for parties to be able to sit on municipal councils also reduced competitiveness even at the local level. The impact of these reforms has been both dramatic and sudden, limiting the political space in a short period of time.

POLARIZATION

V-Dem recorded increased polarization in Benin during President Talon's time in office. Polarization of society, namely whether there are serious differences of opinions on major political issues, deteriorated over the last few years. Between 2000 and 2017 it oscillated around 2 on a 0-4 scale (between 2.4 in 2000 and 2.05 in 2017), corresponding to "medium polarization." By 2020 the score worsened to 0.47, with scores close to 0 implying serious polarization, and it improved only slightly to 0.86 by 2022. Political polarization, defined by V-Dem as whether society is polarized into antagonistic political camps, also

[287] Reporters Without Borders, https://rsf.org/en/benin-regulator-orders-unauthorized-media-outlets-close
[288] Julien Clémençot, "Bénin: Avec Canal+, Patrice Talon s'espère se taille rune télé sur mesure," *Jeune Afrique,* December 8, 2022, https://www.jeuneafrique.com/1398744/economie/benin-avec-canal-patrice-talon-espere-se-tailler-une-tele-sur-mesure/
[289] Hassan, op. cit.

worsened during this period; while it hovered between -1.35 in 1990 and -1.08 in 2015, it increased to -0.2 in 2019 and remained at that level, with higher scores indicating more polarization.[290] V-Dem does not provide explanations of the recorded polarization. This increased polarization around political issues appears to be epiphenomenal; it is a consequence, and not a driver, of democratic decline. Preventing further democratic decline, or reversing the decline that already happened, would most likely have a positive impact on polarization measures. Because polarization is not linked to deep or long-standing social divisions, there are few reasons to believe that the existing polarization would preclude rebuilding Benin's democracy.

INTERNATIONAL FACTORS & EXTERNAL ACTORS

Even though Benin is dependent on foreign donors, foreign countries have not been able to exert sufficient pressure to prevent democratic erosion. President Talon's reforms, which are at the root of democratic decline, have received bad press and criticism both from regional bodies such as ECOWAS and Western countries but this has been insufficient, especially early in Talon's term. It is possible that the cumulative effect of criticism over the years might be beginning to add pressure, in addition to other developments such as recent court rulings allowing opposition participation. International attention to the January 2023 legislative elections was helpful in contributing to a better political climate and less intimidation during the electoral season, resulting in higher quality elections. A statement issued following the election by the US, Swiss, Japanese, Canadian and EU ambassadors expressed relief that the election took place without violence and major problems, showing the heightened vigilance of foreign actors.[291]

CONCLUSION

The steep democratic decline that occurred in Benin since 2016 can be largely attributed to reforms initiated by President Talon, which weakened political competition and freedom of expression, resulting in parliament dominated by pro-government forces, further limiting opposition's ability to counterbalance those in power. Beninese courts have been to a large degree complicit in this process by allowing controversial reforms and politically based attacks on individuals, such as journalists and opposition candidates. Benin's press and civil society, while diverse and varied, have been unable to effectively prevent democratic decline. Their weak resource base contributes to lack of complete autonomy, undermining their ability to hold the government accountable and express criticism freely.

The legislative election of January 2023 offers some hope, albeit limited, that further democratic decline can be prevented. The parliament now has some true opposition, even though they are a minority, which can lead to more discussion and scrutiny of government plans. The opposition expressed its aim to improve freedom of expression and it demands freeing or return of exiled government critics. It is unclear whether it will be able to do so, but perhaps in conjunction with pressure from international organizations, such as Reporters Without Borders, which highlight the plight of journalists, harassment of government critics through punitive laws might abate.

TIMELINE

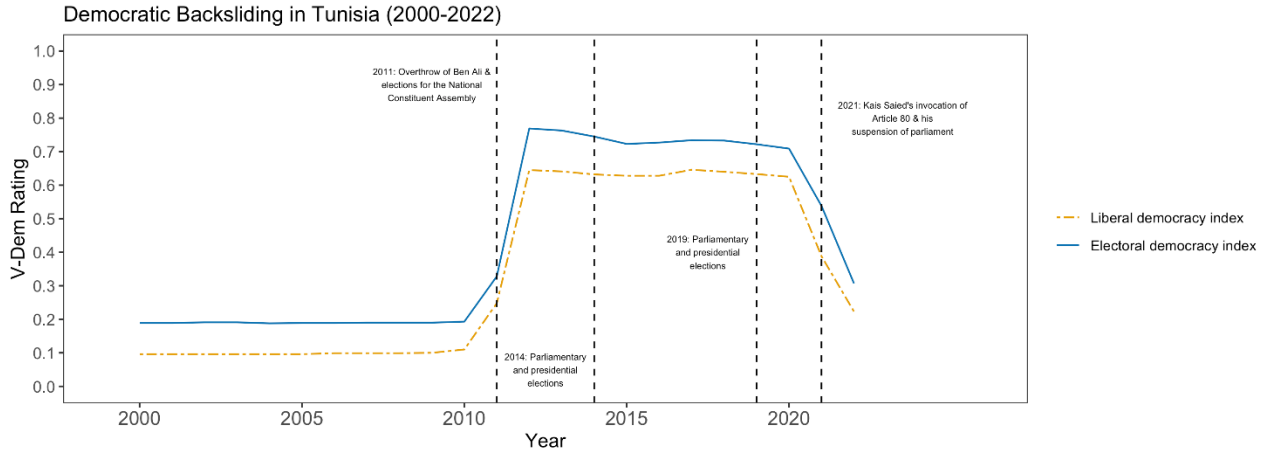
[290] V-Dem, op cit.
[291] "Déclaration des ambassadeurs du Canada, des Etats-Unis d'Amérique, du Japon, de la Suisse, et de l'Union Européenne au nom des Etats members représentés au Bénin," Cotonou, January 24, 2023. Published on the official website of the European Union, https://www.eeas.europa.eu/node/424678_en?s=84

Table 8. Timeline of Political Events in Benin

Date	Event	Significance
1972-1991	Marxist dictatorship of Mathieu Kérékou	
1989-1990	National Conference of Active Forces	Drafted new constitution that paved the way for multiparty politics
March 1991	1st free multiparty presidential election	Kérékou voted out of office, start of a democratic transition
1991-2016	Period of successful democratization	
2016	Patrice Talon elected president	Shortly after Talon's election, Benin enters a period of democratic backsliding
2018-2019	Electoral reforms passed by the legislature	These reforms Increased barriers to running for office and diminished competitiveness of elections
2019	Legislative elections without opposition; opposition parties barred from participating	Further consolidation of Talon's power
2021	Talon re-elected; several political opponents arrested	The election was very controversial and marked by violence, damaging Benin's democratic reputation
2023	Legislative elections with some opposition participation after the Constitutional Court allows their participation	Return of limited opposition to parliament

10. TUNISIA

Figure 29. Timeline of democratic backsliding in Tunisia, 2000-2022



On July 25, 2021, Tunisia's president, Kais Saied, suspended the country's parliament and dismissed the prime minister, Hichem Mechichi. Saied invoked Article 80 of the constitution to justify these extraordinary actions, appealing to the emergency clause for threats to the country's security and independence.[292] Prior to these political maneuvers, Tunisia was regarded as the Arab Spring's lone success story; the country had held several successful elections and peacefully transferred power between parties and presidential administrations.

Saied's seizure of power was precipitated by several simultaneous crises in Tunisia; some of these crises were proximate - such as a recent COVID-19 wave in the country - while others were more long-term - including a continued economic crisis and a crisis of faith in the political parties and political elite of the country.[293] In July 2021, Tunisia was struggling through a devastating fourth wave of the COVID-19 pandemic, which placed the healthcare system under enormous strain and led to the dismissal of Faouzi Mehdi, the Minister of Health.[294] Saied, for his part, blamed the health crisis on the political elite, claiming that some political actors wished to spread the virus throughout the country. At that time, he warned that the "political epidemic" was more dangerous than the COVID-19 pandemic.[295] In the subsequent days, large popular protests broke out against Prime Minister Mechichi's government, with many pointing to the failures with COVID as indicative of the government's failure.[296] In the midst of this health crisis, which sparked popular protests and accelerated a growing schism between President Saied and Prime Minister Mechichi, Saied suspended the parliament, dismissed the government, and announced he would assume extensive executive power.

[292] Ahmed Maher, "What is Article 80 of Tunisia's constitution?" *The National*, July 26, 2021, https://www.thenationalnews.com/mena/2021/07/27/what-is-article-80-of-tunisias-constitution/.
[293] Carlotta Gall, "Why Tunisia's Promise of Democracy Struggles to Bear Fruit," *The New York Times*, July 28, 2021, https://www.nytimes.com/2021/07/28/world/africa/tunisia-revolution-democracy.html.
[294] "Tunisia virus situation catastrophic: health ministry," *France 24*, July 8, 2021, https://www.france24.com/en/live-news/20210708-tunisia-virus-situation-catastrophic-health-ministry; "Mismanagement of vaccinations exacerbates Tunisia's political tensions," *The Arab Weekly*, July 22, 2021, https://thearabweekly.com/mismanagement-vaccinations-exacerbates-tunisias-political-tensions.
[295] "Tunisia: president describes vaccination crowds as a 'crime'," *Middle East Monitor*, July 22, 2021, https://www.middleeastmonitor.com/20210722-tunisia-president-describes-vaccination-crowds-as-a-crime/.
[296] "En Tunisie, des milliers de manifestants défilent contre leurs dirigeants," *France 24*, July 25, 2021, https://www.france24.com/fr/afrique/20210725-en-tunisie-des-milliers-de-manifestants-d%C3%A9filent-contre-leurs-dirigeants.

There was immediate resistance to Saied's actions. Rached Ghannouchi, the president of Tunisia's main Islamist party, Ennahda Movement, and the speaker of the parliament, tried to enter parliament the next day to hold a parliamentary session. He was joined by other members of parliament and supporters of his party in a protest outside the parliament building on July 26, 2021.[297] Ennahda was not alone in its condemnation of Saied's moves. Notably, several civil society organizations and political parties from across the political spectrum rejected Saied's power grab and argued that parliament should not be suspended. Nearly all other parties, including those which did not immediately condemn Saied's actions, eventually called the moves a coup and Saied's regime a dictatorship. However, these parties and MPs' opposition to Saied was hampered by political disagreements and polarization between these various actors themselves, particularly between Islamist and secular parties, as well as popular alienation from the political class.

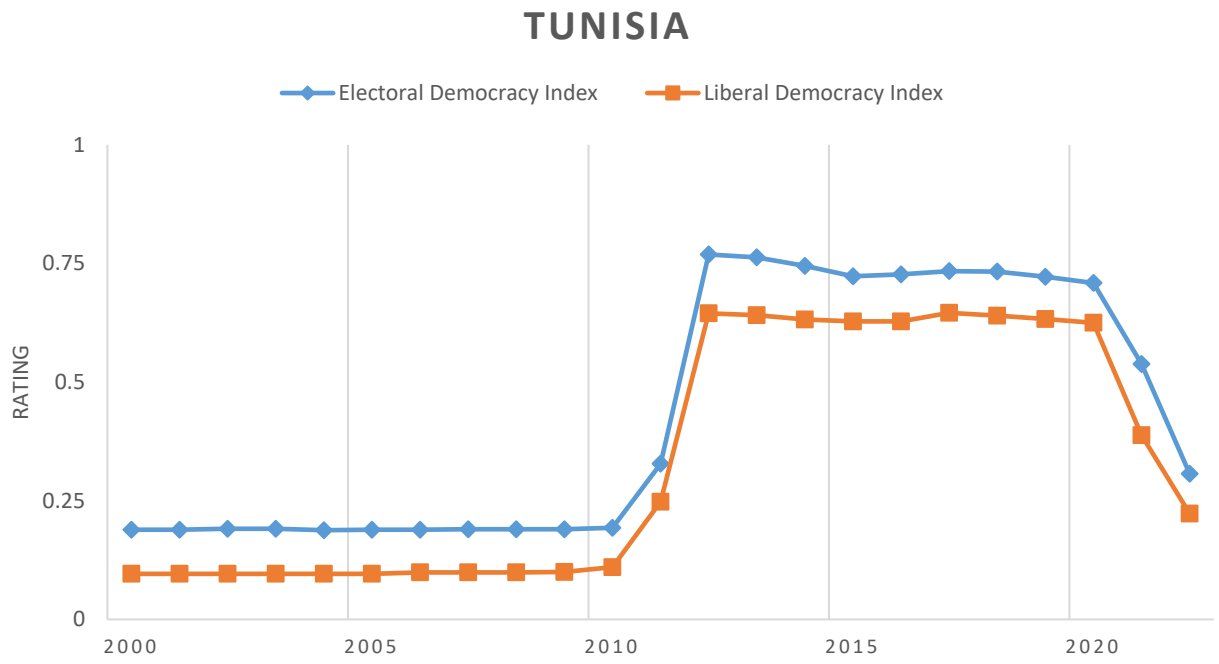
The resistance to Saied assumption of power in Tunisia has not slowed the country's democratic backsliding. Saied has continued to lead Tunisia down a path of autocratization despite resistance by civil society, the judiciary, political parties, and popular protests. In the months following July 2021, Saied announced that he would rule by decree until a new election law and election could take place, engaged in open attacks on members of the judicial branch, called political actors opposed to him "traitors" to the country, eliminated the Ministry of Local Affairs tasked with decentralization, unilaterally announced a new political roadmap, dissolved the Supreme Judicial Council (CSM) tasked with maintaining the independence of the judiciary, and attacked non-governmental organizations (NGOs) that receive any foreign funding.[298] In a particularly illustrative case, Saied withdrew the diplomatic passport of Moncef Marzouki, a human rights activist who formerly served as the president of Tunisia from 2011 until 2014, after Marzouki called Saied's regime "dictatorial." Saied stated, "I will withdraw [Marzouki's] diplomatic passport because he is among the enemies of Tunisia."[299] These attacks on his political opponents continue through today. Most recently, on April 18, 2023, Ghannouchi was arrested, and the opposition offices were raided and closed.[300]

In the following sections, I outline the role that various political institutions, actors, and processes have played in supporting or resisting Tunisia's democratic backsliding. In particular, I highlight the relatively fruitless efforts of the political parties and civil society to stop Saied's assumption of political power. I also highlight the ways that the Saied regime undercut and weakened the independent judiciary in the country and used the military judicial system to his benefit. Finally, I argue that polarization and appeals to populism preceded and played key roles in authoritarian retrenchment in Tunisia over the past two years. One of the key dimensions of polarization in the country is between citizens and the political class, which

[297] Francesca Ebel, "Tunisia: Rivals hold rallies outside parliament after presidential power grab," *Middle East Eye*, July 26, 2021, https://www.middleeasteye.net/news/tunisia-coup-crowds-stage-sit-outside-parliament-questions-over-constitutional-legitimacy-build.
[298] "Kais Saied announces new exceptional measures," *Agence Tunis Afrique Presse*, September 22, 2021, https://www.tap.info.tn/en/Portal-Top-News-EN/14409801-kais-saied; "Tunisian president rejects dialogue with 'traitors'," *Reuters*, September 15, 2021, https://www.reuters.com/world/africa/tunisian-president-rejects-dialogue-with-traitors-2021-09-14/; Eliza Volkman, "Tunisia's Interior Ministry takes control of local government" *The National*, November 25, 2021, https://www.thenationalnews.com/mena/tunisia/2021/11/25/tunisias-interior-ministry-takes-control-of-local-government/; "Saïed announces parliamentary elections for December 17, 2022, and constitutional reform referendum for next July 25," *Agence Tunis Afrique Presse*, December 13, 2021, https://www.tap.info.tn/en/Portal-Politics/14679363-sa%C3%AFed-announces; Tarek Amara, "Tunisian president dissolves Supreme Judicial Council," *Reuters*, February 6, 2022, https://www.reuters.com/world/africa/tunisian-president-dissolves-supreme-judicial-council-2022-02-06/; "Tunisia's Saied will bar foreign funding for civil society," *Reuters*, February 25, 2022, https://www.reuters.com/world/africa/tunisias-saied-will-bar-foreign-funding-civil-society-2022-02-24/.
[299] "Tunisia withdraws diplomatic passport of ex-leader as Western pressure mounts," *Reuters*, October 14, 2021, https://www.reuters.com/world/africa/tunisian-president-says-he-will-withdraw-diplomatic-passport-former-president-2021-10-14/.
[300] "Tunisia bans meetings at opposition offices after detaining leader," *The Guardian*, April 23, 2023, https://www.theguardian.com/world/2023/apr/18/tunisia-bans-meetings-opposition-leader-ennahda.

President Saied has benefitted from by positioning himself as a political outsider who works in defense of the Tunisian people.

Figure 30. Timeline of democratic backsliding in Tunisia, 2000-2022



POLITICAL INSTITUTIONS

There are several political institutions that have sought to halt Saied's autocratization of the country without much success since July 2021. Foremost among these institutions are the majority of political parties, including the former MPs of the now-dissolved parliament, and the judiciary, primarily the Supreme Judicial Council (CSM). Municipal councils were further weakened under Saied and eventually dissolved. Local governance has largely been (re-)subsumed under the Ministry of the Interior.

FORMER PARLIAMENTARIANS AND POLITICAL PARTIES

Political parties have been active in resisting Kais Saied's power grab; however, they have been largely ineffectual in restraining the Saied regime and preventing democratic backsliding as a result of in-fighting among the political parties and the widespread popular lack of confidence in the political elite. The political elite were also further weakened by Saied's political moves because of the political splits and resignations that resulted from the July 2021 power grab.

The political parties and former MPs are united in their opposition to Kais Saied's proposed plan for a new constitution, but they have not formed a united front. Immediately after the power grab, some politicians criticized Saied, and several of these critics of Saied were arrested, placed under house arrest, or banned

from international travel, including Yassine Ayari, as well as members of Ennahda and Karama Party.[301] Parties also exchanged critiques of the actions of other political parties, with the parties that were part of the governing coalition receiving blame for not addressing the health and economic crises that faced Tunisia.

However, most MPs refocused their attention on the Saied regime quickly and argued that Article 80 of the then-constitution granted the MPs a role in authorizing the emergency measures that Saied had invoked on July 25. A group of MPs issued a statement declaring their intention to return to the parliament in October 2021.[302] The Saied regime seemed undeterred by such efforts.

The efforts of the political parties were also weakened, however, with the absence of a unified front. For instance, in January 2022, Ennahda leader Ghannouchi held an unauthorized parliamentary session to mark the anniversary of the signing of the 2014 constitution, together with MPs from several parties including Heart of Tunisia, the Karama, and his own Ennahda party.[303] Other political parties, including the Democratic Current, Al Joumhouri, and Ettakatol held a parallel press conference calling for an alliance of democratic forces opposed to Saied's power grab.[304] Despite their shared opposition to Saied, this second group of political parties called for national dialogue that would exclude Ennahda, who they argue is responsible for the political crisis in the country.

At the end of March 2022, the political parties and suspended MPs made another push to come together and challenge Saied usurpation of power in the country. In an online meeting attended by 124 of the 217 members of parliament, 116 voted to end the "exceptional measures" that Saied had put in place on July 25 and extended in the subsequent eight months. Even in such moments, the Tunisian political elites remain divided. While the Free Destourian Party (PDL) condemned the Saied regime and led anti-Saied protests, Abir Moussi, the PDL president, still criticized efforts led by Ennahda.[305] In response to the disparate actions by Tunisia's political parties, Saied condemned the move as a "coup attempt" and officially dissolved the parliament at the end of March 2022.[306]

This move highlights the extra-constitutionality with which the Saied regime operates. While Saied initially claimed that his July 25, 2021 moves were authorized by the constitution, the official dissolution of the parliament and refusal to hold new elections within 90 days are both clearly prohibited by the Tunisian constitution. Faced with opposition from the political parties and a renewed effort to re-constitute the parliament, Saied simply eliminated the threat by further dismantling the country's existing democratic institutions.

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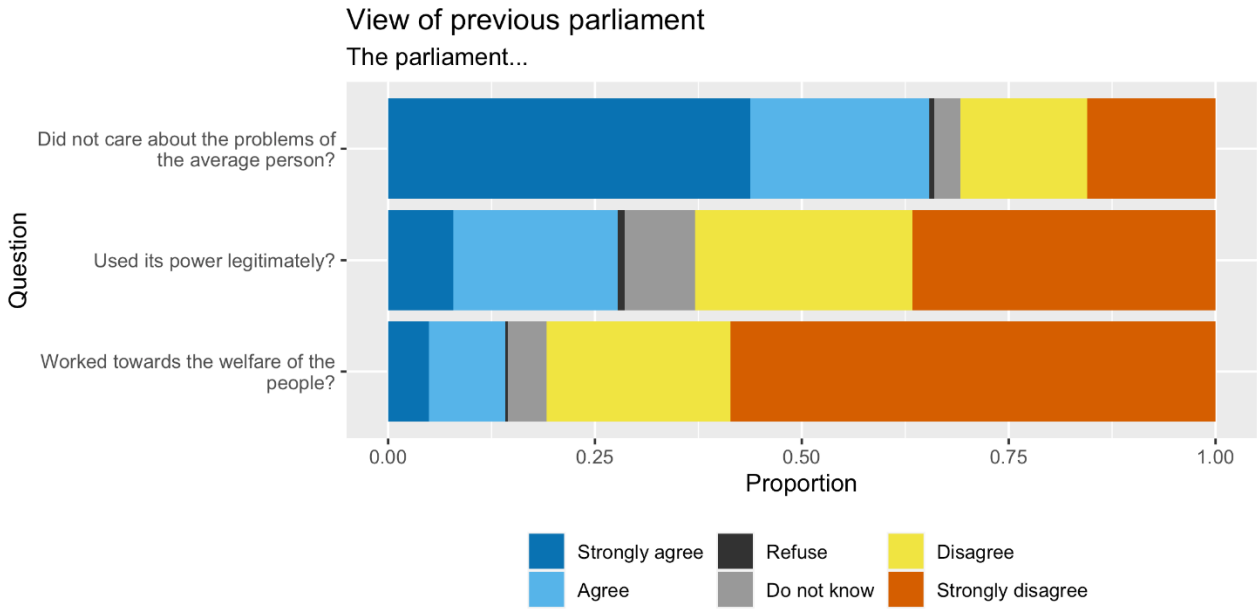
[301] "Tunisia coup: MP Yassine Ayari 'abducted by presidential security forces'," *Middle East Eye*, July 30, 2021, https://www.middleeasteye.net/news/tunisia-coup-yassine-ayari-mp-abducted-presidential-security-forces; "MP Lotfi Ali arrested in Tunis," *Agence Tunis Afrique Presse*, August 21, 2021, https://www.tap.info.tn/en/Portal-Politics/14313809-mp-lotfi-ali; "Tunisia military judge jails two members of parliament," *Reuters*, September 21, 2021, https://www.reuters.com/world/africa/tunisia-military-judge-jails-two-members-parliament-2021-09-22/.
[302] "Des députés appellent à la reprise des activités de l'ARP, demain," *Mosaïque FM*, September 30, 2021, https://www.mosaiquefm.net/fr/actualite-national-tunisie/965931/des-deputes-appellent-a-la-reprise-des-activites-de-l-arp-demain.
[303] "Tunisian opposition leader warns of social explosion," *Reuters*, January 27, 2022, https://www.reuters.com/world/africa/tunisian-opposition-leader-warns-social-explosion-2022-01-27/.
[304] "Democratic parties' coordination calls for alliance 'against Saied's coup'," *Agence Tunis Afrique Presse*, January 27, 2022, https://www.tap.info.tn/en/Portal-Politics/14819201-democratic-parties.
[305] "Tunisia opposition holds protest against President Saied's power grab," *Africa News*, March 14, 2022, https://www.africanews.com/2022/03/14/tunisia-opposition-holds-protest-against-president-saied-s-power-grab/; "Abir Moussi saisit la justice pour annuler la plénière du 30 mars," *Business News (Tunisia)*, March 29, 2022, https://www.businessnews.com.tn/abir-moussi-saisit-la-justice-pour-annuler-la-pleniere-du-30-mars,534,117832,3.
[306] "Tunisian president announces dissolution of parliament," *Deutsche Welle*, March 30, 2022, https://www.dw.com/en/tunisia-president-announces-dissolution-of-parliament/a-61310969.

The efforts of political parties to reign in the authoritarian tendencies of Saied have largely failed for two main reasons. First, the parties have struggled to form a unified front, both within the various parties but also across the political parties. The parties that were previously in the opposition in the 2019 parliament blame Ennahda and Qalb Tounes - the main governing partners - for the political, economic, and health crises that created the pretext for Saied's extra-constitutional actions. Some of these parties, such as the Free Destourian Party (PDL), which is a staunchly sectarian party that valorizes the pre-revolution *ancien regime*, have long supported the disqualification of religiously-oriented parties like Ennahda and Karama from political competition.

Second, citizens have a significantly negative view of the political elite and the previous parliament. In a survey conducted in December 2021, we found that over 80 percent of respondents in Tunisia believed that the previous parliament did not work to improve the welfare of the people (Figure 31). This lack of trust between Tunisian citizens and the political elite has made it difficult for the political elite to mobilize popular opposition to the Saied regime, even if citizens dislike some of the president's actions.

In December 2022, Saied's government held new elections under a new electoral system, replacing the 2019 parliamentarians and undercutting the influence of political parties. Under the new electoral law, the proportional representation system was replaced by a single-member district (SMD) system in which all candidates had to run as independents. This is discussed further in the *Elections* section below.

Figure 31. Views of 2019 Parliamentary Legitimacy



Source: Nationally representative survey conducted in December 2021 in Tunisia

JUDICIARY

The Tunisian judiciary has been one of the primary targets of the Saied regime, particularly the Supreme Judicial Council (CSM), the body tasked with overseeing the judiciary and maintaining the independence of the judicial branch. Saied escalated his attacks on the CSM in January 2022, issuing a decree that ended

benefits for the members of the CSM.[307] Then, in February 2022, Saied dissolved the CSM, which he accused of corruption and obstruction of key cases, especially certain cases related to terrorism.[308] While members of the CSM and of the judicial branch more broadly have harshly criticized Saied's moves, there has been little recourse to stop such actions.

With the dissolution of the CSM, Saied also granted himself greater power over the judiciary and continued to undermine the independence of the judiciary. In June 2022, Saied issued Decree 2022-35, granting himself the power to fire judges and prosecutors and then quickly fired 57 judges without a clear rationale for each judge's dismissal.[309] Groups such as the Association of Tunisian Judges (AMT) condemned the decision, arguing that Saied dismissed the judges only to create judicial vacancies he could fill with his supporters. The AMT led a strike of Tunisia's judges in protest of the move; however, again, the resistance by groups like the AMT was not successful in overturning Saied's actions.[310] Although the Administrative Court stayed the dismissal of most of the judges, the Saied regime has pushed ahead with its decision, ignoring the ruling of the Administrative Court and opening up criminal cases for some of the judges.[311]

The judiciary has remained a favorite target of Saied, and, despite less public in-fighting than the political parties, has also been mostly ineffectual in its efforts to resist the Saied regime's autocratizing moves. For instance, even though 49 of the 57 dismissed judges had their dismissals stayed, the Saied regime has simply ignored the court order to reinstate them. Although the judiciary has tried to respond to Saied's actions through legal processes, the Saied regime tactic of dissolve and ignore has proven an effective response to any attempts to constrain the regime.

BUREAUCRACY AND ADMINISTRATIVE STATE

In the case of the Saied regime in Tunisia, the bureaucracy has either lacked the power or lacked the desire to serve as a constraint on the regime's actions. In this section, I examine three institutions of the state and discuss the regime's strategy for engaging with each. First, in the case of the Constitutional Court, Saied played a key role in ensuring that the Court was not empowered to challenge his rule. Second, in the case of the military and the election oversight body, Saied was able to capture the support of the institution, and, in the case of the security apparatus, he used military institutions against his opponents. Finally, in the case of the media oversight body, the Saied regime has largely left the institution untouched but also largely ignored.

CONSTITUTIONAL COURT

When Saied suspended the parliament and invoked Article 80 related to emergency measures, the 2014 Constitution had in place specific checks to prevent an authoritarian power grab.[312] The main check on

[307] Présidence Tunisie [Facebook], "Announcement: Decree regarding the revision of Basic Law No. 34 of 2016 related to the Supreme Judicial Council," January 19, 2022, https://www.facebook.com/Presidence.tn/posts/297059225786018.
[308] Tarek Amara, "Tunisian judges accuse president of seeking control, setting up new struggle," *Reuters*, February 6, 2022, https://www.reuters.com/world/africa/tunisian-judiciary-head-says-presidents-move-illegal-judges-wont-be-silent-2022-02-06/.
[309] "Tunisian president purges judges after instituting one-man rule," *Reuters*, June 2, 2022, https://www.reuters.com/world/africa/tunisias-president-sacks-57-judges-accuses-them-corruption-2022-06-01/.
[310] "AMT decides one-week strike starting Monday," *Agence Tunis Afrique Presse*, June 4, 2022, https://www.tap.info.tn/en/Portal-Politics/15260730-amt-decides.
[311] "Tunisia: President Intensifies Attacks on Judicial Independence," *Human Rights Watch*, February 27, 2023, https://www.hrw.org/news/2023/02/27/tunisia-president-intensifies-attacks-judicial-independence.
[312] Ahmed Maher, "What is Article 80 of Tunisia's constitution?" *The National*, July 26, 2021, https://www.thenationalnews.com/mena/2021/07/27/what-is-article-80-of-tunisias-constitution/.

the emergency powers of the president is the Constitutional Court. If the emergency measures are challenged, the Constitutional Court is tasked with determining whether the measures should still be in place. While this check on executive power is clearly outlined in the former constitution, the Constitutional Court was never formed in the years following 2014 and, thus, the check does not exist.[313]

The political deadlock over the formation of the Constitutional Court cannot be placed on the shoulders of Saied. The court's members were supposed to be named by the parliament, president, and the CSM (each would name four of the court's twelve members), but, in the years following the ratification of the 2014 Constitution, Tunisia's parliaments and presidents all failed to seat the court. Saied did contribute to this deadlock in the months preceding his July 2021 usurpation of power. In April 2021, Saied refused to ratify a bill that would have finally established the Constitutional Court, stating: "After more than five years, after a deep sleep, they've remembered about the Constitutional Court ... I will not accept a court formed to settle accounts."[314] This refusal to establish the Constitutional Court illustrates one approach of the Saied regime to parts of the administrative state: preventing potential institutional checks from even coming into existence.

MILITARY AND THE SECURITY APPARATUS

The military has largely been portrayed as neutral throughout Tunisia's post-independence period. During the overthrow of the Ben Ali regime, Tunisia's military was lauded for remaining apolitical.[315] During the period of democratic backsliding under Kais Saied, however, the military and its associated institutions - most notably the military judiciary - have been more clearly on the side of the Saied regime. Several of Saied's critics have been arrested by order of a military court, and the military played an active role in preventing the members of the suspended-and-then-disbanded parliament from re-entering the building.[316] Some of Saied's opponents, including former MP Yassine Ayari have even been convicted and sentenced by the country's military courts.[317]

Some observers argue that Saied has been cozying up to the military in the months prior to July 2021. They believe that Saied has used these military officers to legitimize his decisions and policies. It is less clear, however, what the military gains from being so explicit in taking sides under the current regime. Importantly, Saied's relationship with the military illustrates his regime's ability to capture key state institutions.

OVERSIGHT AGENCIES (ISIE AND HAICA)

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[313] Francesca Ebel, "Tunisia: Rivals hold rallies outside parliament after presidential power grab," *Middle East Eye*, July 26, 2021, https://www.middleeasteye.net/news/tunisia-coup-crowds-stage-sit-outside-parliament-questions-over-constitutional-legitimacy-build.

[314] "Tunisian president resists parliament's bid to create constitutional court," *Reuters*, April 6, 2021, https://www.reuters.com/article/uk-tunisia-politics/tunisian-president-resists-parliaments-bid-to-create-constitutional-court-idUSKBN2BT1PF.

[315] Cathrin Schaer and Tarak Guizani, "Tunisian crisis: What role for the military?" *Deutsche Welle*, September 20, 2021, https://www.dw.com/en/what-role-military-tunisia-political-crisis/a-59242642. Some have argued that the Tunisian military is not apolitical, but rather remained on the sidelines during the overthrow of Ben Ali in order to protect its own organizational interests. See, for example: Risa Brooks, "Abandoned at the Palace: Why the Tunisian Military Defected from the Ben Ali Regime in January 2011," *Journal of Strategic Studies*, 36:2 (2013): 205-220.

[316] "MP Aloui, TV host Amer Ayed arrested over remarks critical to President Saied," *Agence Tunis Afrique Presse*, October 3, 2021, https://www.tap.info.tn/en/Portal-Politics/14441387-mp-aloui-tv-host; Francesca Ebel, "Tunisian trial shines light on use of military courts," *Associated Press*, November 21, 2021, https://apnews.com/article/middle-east-africa-tunisia-19c96e9b4d0e72a50d39855f0be3843c; Cathrin Schaer and Tarak Guizani, "Tunisian crisis: What role for the military?" *Deutsche Welle*, September 20, 2021, https://www.dw.com/en/what-role-military-tunisia-political-crisis/a-59242642.

[317] "Yassine Ayari sentenced to 10 months in prison (Lawyer)," *Agence Tunis Afrique Presse*, February 18, 2022, https://www.tap.info.tn/en/Portal-Politics/14895369-yassine-ayari.

In the immediate aftermath of his power grab, Saied was focused primarily on marginalizing former MPs and attacking the judiciary. However, as his transitional roadmap, including the constitutional referendum, came into view, Saied sought to capture key oversight agencies. The most important oversight agency for Saied's project is the Independent High Authority for Elections (ISIE), which is the body that administers the country's elections and verifies all electoral results. After facing some criticism from the then-ISIE president for his lack of transparency regarding the constitutional referendum, Saied issued a decree which changed the size of the ISIE and replaced most of its members, including the president.[318] This is a clear case in which the autocrat was able to use his power to capture a key part of the administrative state.

By contrast, Saied has demonstrated less interest in the Independent High Authority for Audiovisual Communication (HAICA), a body established to ensure a pluralistic media sector in the country. Since July 2021, HAICA has taken actions that challenge Saied (e.g., issuing a report that shows biased media coverage in favor of Saied), as well as broadly support his agenda (e.g., shutting down the TV station of his 2019 presidential election competitor).[319] However, unlike ISIE, the Saied regime has not taken the same steps to subordinate HAICA to executive power. This is an example of the Saied regime's ability to simply disregard certain, potentially threatening parts of the administrative state.

These various institutions of the administrative state illustrate the three strategies that the Saied regime has employed to prevent the bureaucracy from placing any constraints on Saied's democratic backsliding: (1) undermine/dissolve/eliminate, (2) capture, and (3) ignore.

ELECTIONS

There have been two elections held in the time since Kais Saied's dissolution of the democratically-elected parliament. The first was a referendum on a new constitution that emerged from a notably flawed constitution-drafting process, and the second were the first parliamentary elections held in accordance with Saied's new electoral law, which also came out of a widely-criticized drafting process with little feedback from other political actors or organizations. The opposition, for the most part, has opted to boycott the constitutional referendum and the parliamentary elections, not wanting to offer any legitimacy to the drafting and ratification of the new constitution or electoral law. The boycott has been effective in signaling the low public interest in the Saied regime to the international community; turnout rates for the parliamentary election were astonishingly low. But the boycott has done very little to move the needle domestically. Saied and his supporters have been undeterred by low participation in the elections.

PARTICIPATION IN THE CONSTITUTION (RE-)DRAFTING PROCESS

In pursuit of a new constitution, the Saied regime undertook two processes that were purportedly aimed at facilitating consultation during the constitution drafting process. In January 2022, Saied launched a roughly two-month national consultation process *online* aimed at soliciting popular opinion on what types of constitutional reforms were desired by the public.[320] Public engagement with this online consultation

[318] "Tunisian president seizes control of electoral commission," *Reuters*, April 22, 2022, https://www.reuters.com/world/africa/tunisia-pres-appoints-electoral-commission-members-by-decree-latest-power-grab-2022-04-22/.
[319] HAICA, "Report on political pluralism after July 25," September 13, 2021, https://tinyurl.com/haica-report; "Tunisia shuts critical media outlets," *Deutsche Welle*, October 27, 2021, https://www.dw.com/en/tunisia-closes-tv-station-of-presidents-political-rival/a-59641816.
[320] "Tunisia launches national consultation on reforms," *AlJazeera*, January 1, 2022, https://www.aljazeera.com/news/2022/1/1/tunisia-launches-national-consultation-reforms-constitution.

process was low; only around 500,000 Tunisians out of twelve million participated.[321] Women and youth were especially underrepresented in the consultation.[322]

Following this process, Saied organized a national dialogue that included almost exclusively Saied supporters and excluded anyone Saied regarded as a political opponent. Organizations like the Tunisian General Labor Union (UGTT) were initially invited, but then boycotted or were excluded when they raised concerns about the exclusionary make-up of the national dialogue. As with other decisions by the Saied regime, the national dialogue moved ahead even in the face of criticisms and boycotts. By June 2022, this exclusionary national dialogue had evolved into a constitution-drafting committee and produced a draft constitution.[323] Despite the fact that the constitution-drafting committee was constituted of Saied allies, the Saied regime published a final draft of the constitution - only two and a half weeks before the referendum - that differed from that which the committee produced.[324] Sadok Belaid, an ally of Saied hand-picked to lead the constitution-drafting committee, criticized the final draft, arguing the differences were significant.[325] Hence, even being an ally of Saied and included in the process is not a guarantee of having influence over the process.

ELECTORAL PARTICIPATION

During the July 25, 2022 constitutional referendum, it was evident that there is no clear winning strategy of electoral resistance in Tunisia currently. Both parties that participated in the process but campaigned against the referendum and those that called for a complete boycott were largely ignored throughout the election, and the Saied regime's preferred outcome was confirmed. Most political parties called for a boycott of the constitutional referendum, with the exception of Afek Tounes which has encouraged its supporters to vote "No" in the election.[326] Ultimately, the "Yes" vote won over 90 percent of the vote, although turnout was low (around 30 percent, although the official numbers are disputed).[327]

Appeals of the results of the July 25, 2022 constitutional referendum were limited to organizations that participated in the referendum. This meant that parties that boycotted had no legal recourse to contest the process or results of the referendum once it had taken place. A few parties and organizations which had participated in the referendum but called for a "No" vote were able to file appeals, but all were dismissed. The new constitution was ratified and took effect on August 17, 2022, just three weeks after the referendum took place.[328]

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[321] Vivian Yee, "In Tunisia, an Authoritarian's Reform Plan Meets With Skepticism," *The New York Times*, March 21, 2022, https://www.nytimes.com/2022/03/21/world/middleeast/tunisia-constitution-consultation.html.
[322] "Online consultation: over 500,000 participants, politics take lead [Upd 1]," *Agence Tunis Afrique Presse*, March 21, 2022, https://www.tap.info.tn/en/Portal-Politics/15015617-online.
[323] Sadok Belaid: second meeting planned next Saturday to concretise participants' proposals," *Agence Tunis Afrique Presse*, June 4, 2022, https://www.tap.info.tn/en/Portal-Politics/15260892-sadok-belaid.
[324] "President Saied says all rights and freedoms untouchable in constitution submitted to referendum," *Agence Tunis Afrique Presse*, July 8, 2022, https://www.tap.info.tn/en/Portal-Politics/15364238-president-saied.
[325] "Tunisian constitution committee head condemns president's draft," *AlJazeera*, July 3, 2022, https://www.aljazeera.com/news/2022/7/3/tunisian-constitution-committee-head-blasts-presidents-draft.
[326] Faïrouz ben Salah, "To vote or not to vote? That is Tunisia's constitutional question," *Middle East Eye*, July 19, 2022, https://www.middleeasteye.net/news/Tunisia-opposition-divided-constitution-referendum.
[327] "Tunisians vote to give President Saied more power," *Deutsche Welle*, July 25, 2022, https://www.dw.com/en/tunisia-voters-endorse-new-constitution-give-president-saied-more-power/a-62582194; "Isie : une erreur s'est glissée dans les documents des résultats préliminaires du référendum," *Business News (Tunisia)*, July 27, 2022, https://www.businessnews.com.tn/Isie--une-erreur-sest-gliss%EF%BF%BDe-dans-les-documents-des-r%EF%BF%BDsultats-pr%EF%BF%BDliminaires-du-r%EF%BF%BDf%EF%BF%BDrendum-,520,121411,3.
[328] "President Kais Saied promulgates new Constitution [Upd 2]," *Agence Tunis Afrique Presse*, August 18, 2022, https://www.tap.info.tn/en/Portal-Politics/15471549-president-kais.

This process was repeated in large part during the December 2022 parliamentary elections. Saied unilaterally changed the election law and set elections for December 2022, without any consultation from other political organizations or parties.[329] The law eliminated the closed list proportional representation system that was adopted in Tunisia after the overthrow of Ben Ali.[330] Instead, Saied's new election law created fewer, smaller districts, each of which would be represented by a single member. In practice, this transformed Tunisia's electoral system into a majoritarian system that favors individual candidates rather than parties.[331] In fact, parties were banned from campaigning or financing the campaigns of candidates for the election.[332]

In response, the majority of political parties - now largely united as the 'National Salvation Front' - announced that they would boycott the December election.[333] Despite criticism of the election law and low enthusiasm among candidates, the election went forward as planned; turnout estimates range from 8 to 12 percent.[334] There has, however, been little national or international fallout from the lackluster participation in and enthusiasm for both the referendum and the parliamentary elections.

CIVIL SOCIETY

Civil society organizations in Tunisia have had a mixed relationship with the Saied regime following his power grab in 2021. Organizations focused on democracy-building, governance, and human rights have been critical of Saied since the July 2021 suspension of parliament, while some other organizations - including some focused on women's rights or economic issues - have been less quick to criticize the regime and have even sought to work with the regime at specific junctures. The Saied regime has been largely unresponsive to both modes of engagement; Saied has ignored his critics or offered a critique in return, and he has also ignored many of the overtures of organizations giving his regime and his policies the benefit of the doubt.

CIVIL SOCIETY ORGANIZATIONS (CSOS)

Tunisia's prominent democracy and human rights organizations link IWatch and Bawsala all came out quickly against Saied's usurpation of power in July 2021, arguing against the concentration of powers in the hand of the president.[335] And a large group of human rights and women's organizations put out a collective

[329] Amira Mohammed, "Election for individuals in two rounds. Al-Mansari reveals the details of the election law [Arabic]," *Mosaïque FM*, September 15, 2022, https://tinyurl.com/ISIE-new-law; "Saïed announces uninominal majority-based system with two rounds for next legislative elections," *Agence Tunis Afrique Presse*, April 6, 2022, https://www.tap.info.tn/en/Portal-Top-News-EN/15071548-sa%C3%AFed-announces.
[330] Sarah Yerkes and Mohammad al-Mailam, "Tunisia's New Electoral Law Is Another Blow to Its Democratic Progress," Carnegie Endowment for International Peace, October 11, 2022, https://carnegieendowment.org/2022/10/11/tunisia-s-new-electoral-law-is-another-blow-to-its-democratic-progress-pub-88127.
[331] Fadil Aliriza, "Saied's new rules for Tunisia's elections," Middle East Institute, October 17, 2022, https://www.mei.edu/publications/saieds-new-rules-tunisias-elections.
[332] "Political parties have no right to campaign for legislative elections, says spokesman for ISIE," *Agence Tunis Afrique Presse*, September 29, 2022, https://www.tap.info.tn/en/Portal-Politics/15593416-political-parties.
[333] "Tunisia opposition to boycott polls, slams electoral law written 'by president alone'," *France 24*, September 7, 2022, https://www.france24.com/en/africa/20220907-tunisia-opposition-to-boycott-polls-slams-electoral-law-written-by-president-alone; "PDL threatens to boycott next legislative elections if electoral law is amended," *Agence Tunis Afrique Presse*, September 7, 2022, https://www.tap.info.tn/en/Portal-Politics/15526926-pdl-threatens-to.
[334] Habib Wathan, "Legislative elections: seven constituencies without a candidate, and 10 constituencies with a single candidate [Arabic]," *Mosaïque FM*, November 3, 2022, https://tinyurl.com/saied-legislative-2022; "There is pressure on the Tunisian president after election turnout was less than 9%," *NPR*, December 18, 2022, https://www.npr.org/2022/12/18/1143928163/pressure-on-tunisian-president-saied-after-election-turnout-nine-percent.
[335] Al-Bawsala, "Al-Bawsala Organization Statement: Against the measures taken by the President of the Republic," July 27, 2021, https://www.albawsala.com/ar/publications/20214772; IWatch, "Letter to the President of the Republic," July 26, 2021, https://www.facebook.com/I.WATCH.Organization/photos/a.1660835701128 80/4101268333261031/.

statement in August 2021 criticizing the extension of exceptional measures beyond the 30-day window.[336] This pattern of public condemnation of the non-democratic actions of the Saied regime has continued since that point. However, these criticisms from civil society seem to have fallen on deaf ears. The Saied regime's main response to these CSOs has been to criticize any organization that receives foreign funding and paint them as promoting foreign interference in Tunisian affairs.

TUNISIAN GENERAL LABOR UNION (UGTT)

The Tunisian General Labor Union (UGTT) is one of the most powerful non-governmental organizations in the country, using its power to influence negotiations with the International Monetary Fund (IMF), mobilize general strikes, and broker political settlements. Unlike most political parties, the judiciary, and other civil society organizations, its response to Saied has been much more muted and ambiguous, often arguing that they dislike a particular action of the Saied regime but agree with the spirit of frustration that led the regime to take that action. Initially, after the July 25, 2021 power grab, the UGTT, along with other civil society organizations, including the National Union of Tunisian Journalists (SNJT), the National Bar Association of Tunisia, the Tunisian Association of Democratic Women (ATFD), the Association of Tunisian Judges (AMT), the Tunisian League of Human Rights (LTDH) and the Tunisian Forum of Economic and Social Rights (FTDES), stated that they supported the move as a necessary revision of social and economic policies in the country but urged Saied to follow the timeline and processes articulated in the then-constitution.[337]

The UGTT leadership remained willing to work with the Saied regime, particularly as the economic crisis in Tunisia deteriorated and the government pursued a loan from the IMF. At various points, the UGTT offered (or was asked) to participate in a national dialogue but that never fully came to fruition. The UGTT's approach of supporting aspects of the Saied regime's agenda has not given it any additional control or leverage over the actions of the Tunisian government. By December 2022, the UGTT had joined the many organizations which were publicly critical of the regime and calling the regime undemocratic. After failing to have any influence over the drafting of the new constitution or the political process leading up to the 2022 parliamentary election, the UGTT Secretary-General Noureddine Taboubi stated that, "[the UGTT] no longer [accepts] the current path because of its ambiguity and individual rule, and the unpleasant surprises it hides for the fate of the country and democracy."[338] Currently, the UGTT has been mobilizing against Saied's agenda, but it remains to be seen whether this more confrontational strategy will have any effect.

INTERNATIONAL FACTORS

European and U.S. response has been muted. Both have repeatedly condemned Saied's power grab but have not used any leverage to try to stop Saied's actions.[339] Tunisia has been in a protracted and

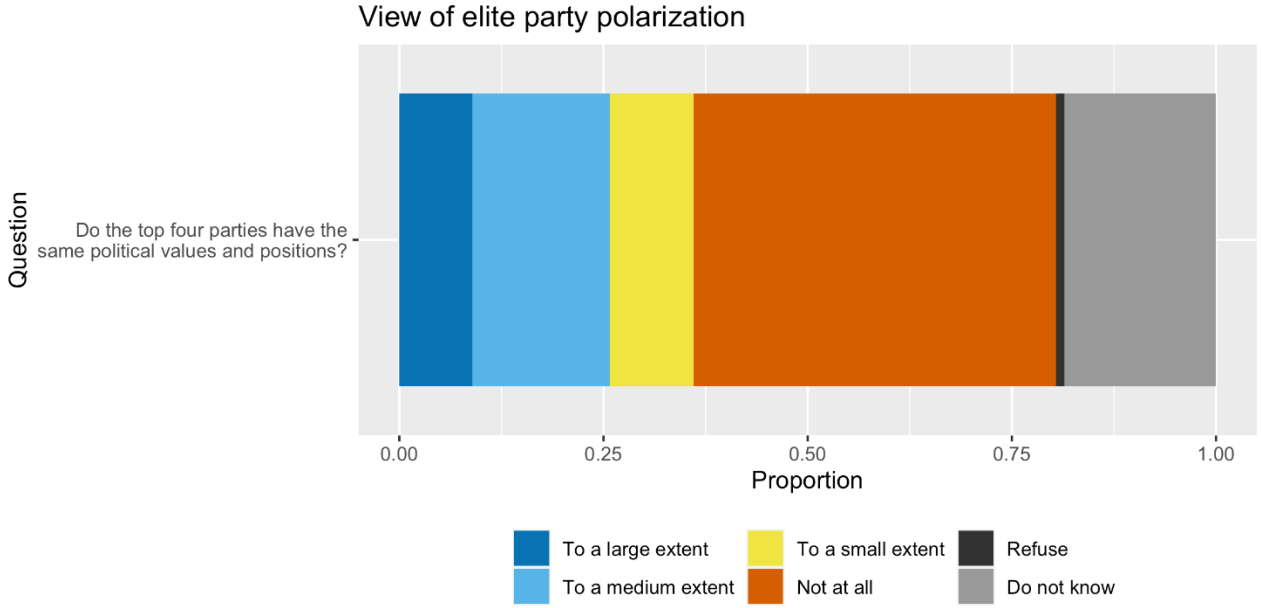
[336] "Les mesures exceptionnelles jusqu'à quand et quelle issue?" *Association Tunisienne de Défense des Libertés Individuelles*, August 28, 2021, http://adlitn.org/les-mesures-exceptionnelles-jusqua-quand-et-quelle-issue/.
[337] "Organisations and trade unions announce their support for people's demands," *Agence Tunis Afrique Presse*, July 27, 2021, https://www.tap.info.tn/en/Portal-Politics/14238205-organisations-and.
[338] "Tunisia's powerful labour union rejects December election, attacks president's agenda," *Reuters*, December 3, 2022, https://www.reuters.com/world/africa/tunisias-ugtt-union-says-elections-expected-this-month-have-no-colour-or-taste-2022-12-03/.
[339] European Parliament, "Tunisia: Deep concern about the powers concentrated in the President's hands," October 21, 2021, https://www.europarl.europa.eu/news/en/press-room/20211014IPR14930/tunisia-deep-concern-about-the-powers-concentrated-in-the-president-s-hands; U.S. Embassy in Tunisia, "Deputy Assistant Secretary for Democracy, Human Rights, and Labor Christopher Le Mon Visits Tunisia," October 18, 2022, https://tn.usembassy.gov/deputy-assistant-secretary-for-democracy-human-rights-and-labor-christopher-le-mon-visits-tunisia/; U.S. Senate Foreign Relations Committee, "Menendez, Risch: It's Time Biden Admin Addresses Tunisia's Democratic Backsliding," October 26, 2022, https://www.foreign.senate.gov/press/dem/release/menendez-risch-its-time-biden-admin-addresses-tunisias-democratic-backsliding.

increasingly difficult economic situation. It has been in talks with the International Monetary Fund (IMF) for years for assistance, but the Saied regime and the country's powerful union, the Tunisian General Labor Union (UGTT), have been unable to agree to terms for a loan. Tunisia has also received some funds and COVID-19 vaccine assistance from the U.S. and Europe to help address the proximate crises that precipitated Saied's takeover. Saied, for his part, has very effectively appealed to rhetoric about the dangers of foreign interference in order to reframe any condemnation of his actions as foreign actors seeking to undermine Tunisia's sovereignty. Conversely, most regional leaders such as the leaders of Gulf countries have welcomed the Saied power grab.

POLARIZATION

Polarization and the rise of populism have played a significant role in the country's democratic backsliding. There are two types of polarization that have plagued Tunisia at several points over the last decade. First, there is elite party polarization; this type of polarization is primarily along the Islamist-secular cleavage in the country. This type of polarization has taken different forms since the revolution, but it is typified by the acrimonious relationship between Tunisia's main Islamist party, Ennahda, and the Free Destourian Party (PDL), a staunchly secular party that valorizes the pre-revolution *ancien regime*. Abir Moussi, the PDL president, has repeatedly called for Ennahda to be labeled as a terrorist organization and banned from party politics.[340] To a lesser extent, similar tensions existed between Ennahda and Nidaa Tounes, Tunisia's main secular party from 2014 until 2018. This is reflected in citizens' perceptions of the political elite. As Figure 32 indicates, the majority of Tunisians do not believe that the top four political parties have shared values and policy positions.[341]

Figure 32. Citizens' Perception of Elite Party Polarization



Source: Nationally representative survey conducted in December 2021 in Tunisia

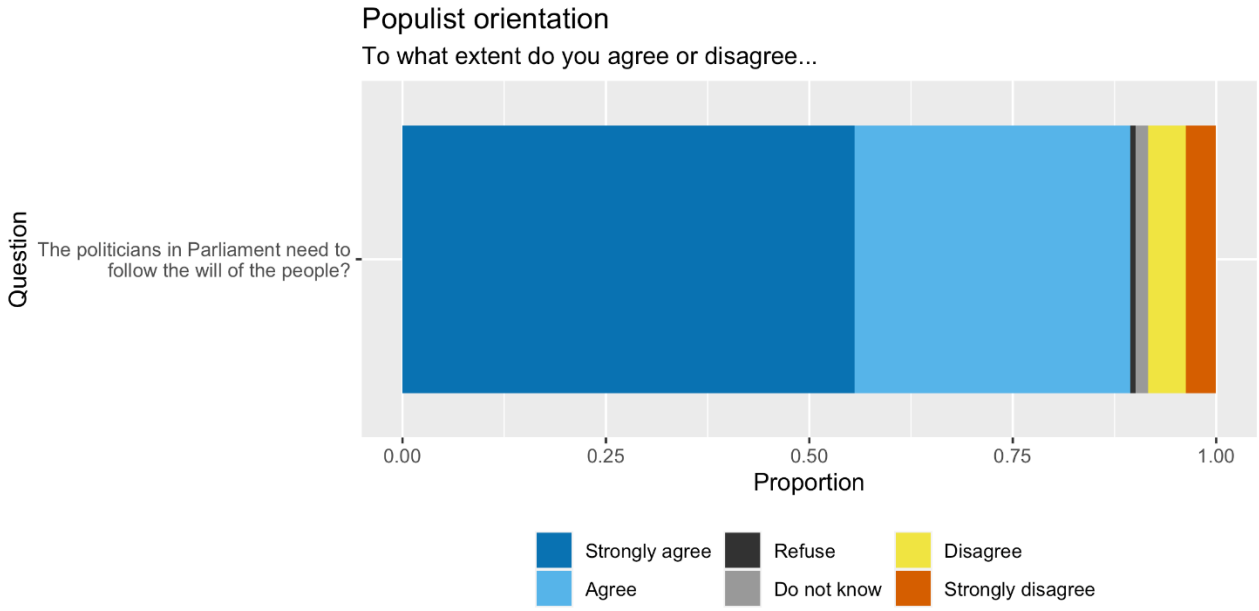
[340] Anne Wolf, "Snapshot – The Counterrevolution Gains Momentum in Tunisia: The Rise of Abir Moussi," *Project on Middle East Democracy*, November 18, 2020, https://pomed.org/publication/snapshot-the-counterrevolution-gains-momentum-in-tunisia-the-rise-of-abir-moussi/.
[341] At the time of the survey, the top four parties were: Ennahda, Qalb Tounes, the Democratic Current, and Karama.

Despite numerous moments of government deadlock and several high-profile assassinations, the country's political elite had largely managed to navigate various political crises, with Ennahda and Nidaa Tounes forming a coalition government after the 2014 elections. These moments of depolarization - albeit brief - were built on personal relationships and careful choices by leaders of the main political parties to de-escalate. However, this elite polarization along the Islamist-secular dimension has persisted since 2011, worsening ahead of the 2019 elections. Since entering parliament in 2019, the PDL has not signaled any interest in working with Ennahda. Even though both parties have opposed Saied's power grab, the deeply polarized parties have not been able to come together, even just to protest the Saied regime.[342] This polarization between the political elite is an important factor that has facilitated Saied's usurpation of power.

In addition to elite party polarization, there is also deep polarization between citizens and elites, with many citizens feeling that the political elite do not care about the average Tunisian or work to represent their interests (Figure 31). This alienation between citizens and the political elite is the result of the perceived gridlock among the elite over challenging political issues (e.g., major economic reforms or establishing the Constitutional Court) paired with the political elites' cooperation over issues that do not benefit the Tunisian public. This growing gap between citizens and elites has fostered a culture of distrust and helped pave the way for Saied's non-democratic moves. Saied has used this rift to his benefit; in his remarks, he often rails against the political elite, calling them traitors to the country and seeking to pin all of Tunisia's political and economic woes on them. Saied also describes his actions as a corrective to the policies implemented after the revolution and as actually realizing the "will of the people."[343] This populism is also reflected in citizens' attitudes (Figure 33). Saied has used populism in service of his actions, both to gain popular support and to justify actions such as the exclusion of political parties, which according to Saied only represent narrow interests rather than those of the Tunisian people.

[342] Alex Binley, "Tunisia: Thousands from rival political parties protest against President Kais Saied," *BBC News*, October 15, 2022, https://www.bbc.com/news/world-africa-63271812.
[343] Malek Lakhal, "The ghost people and populism from above: The Kais Saied case," *Arab Reform Initiative*, March 23, 2022, https://www.arab-reform.net/publication/the-ghost-people-and-populism-from-above-the-kais-saied-case/.

Figure 33. Citizens' Populist Orientation



Source: Nationally representative survey conducted in December 2021 in Tunisia

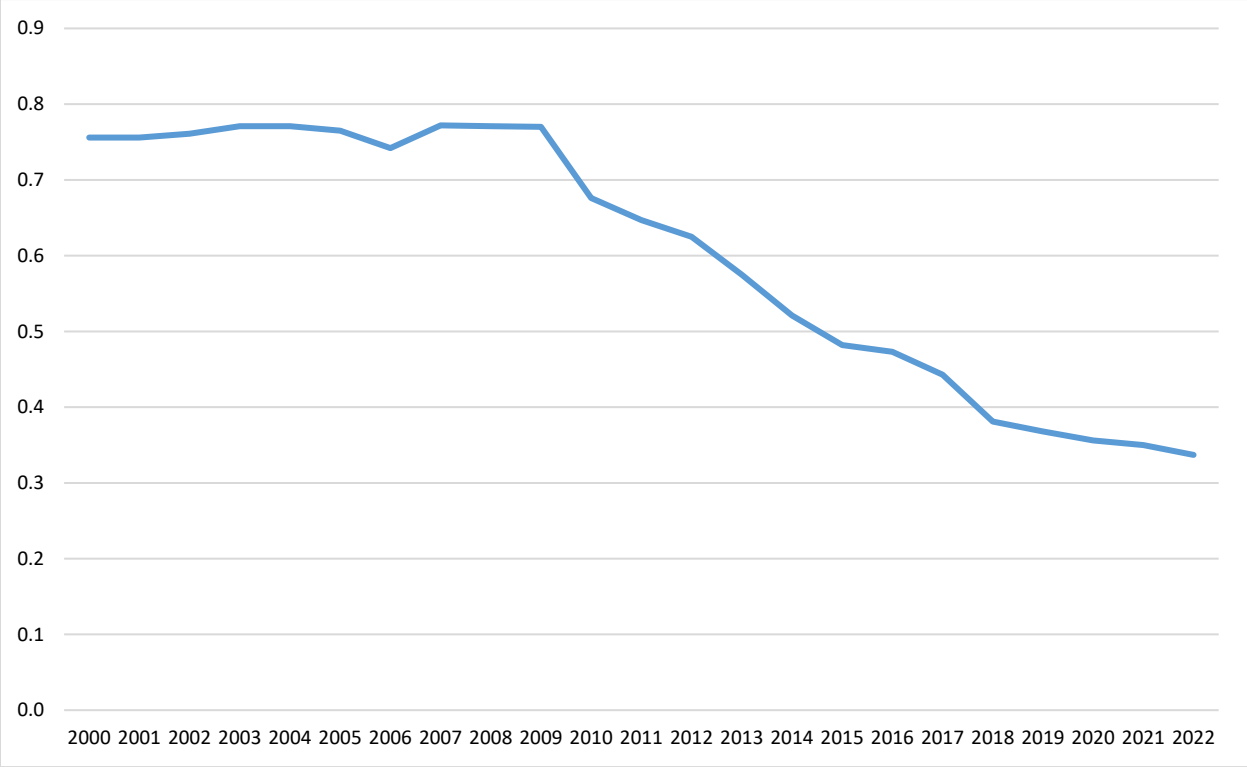
CONCLUSION

The Tunisian case is not an optimistic one. In the months since July 2021, Tunisia's political institutions, parties, and civil society organizations have been able to do very little to slow the process of democratic backsliding that has occurred under Saied. The failure of these actors to prevent autocratization is the result of several challenges in the country: (1) the lack of unity among the political elite as a result of polarization and distrust, (2) the lack of popular support for an alternative to Saied among the political elite because of citizens' alienation and distrust of the political class, (3) the weakness or absence of political institutions that could act as a counterweight to executive overreach, including the judiciary, especially the Constitutional Court and the Supreme Judicial Council (CSM), (4) the military's complicity with the Saied regime, and (5) the ambiguous response of Tunisia's largest and most powerful civil society actor, Tunisian General Labor Union (UGTT).

The ability of outside actors to influence domestic politics in the country is somewhat limited. Given the current economic crisis in the country and Tunisia's current negotiations with the IMF, the international community has some leverage to request a reversal of certain authoritarian actions. However, Tunisia is currently an important U.S. and European ally in the fight against terrorism and in the efforts to limit migration flows. These points mean that the international community is eager for the destabilizing economic situation in Tunisia to improve. Moreover, Saied has successfully used anti-foreign sentiment to build popular support for his actions, and any perception of foreign interference may serve to strengthen his position.

11. HUNGARY

Figure 34. Hungary's Liberal Democracy Index (V-Dem) Score, 2000-2022[344]



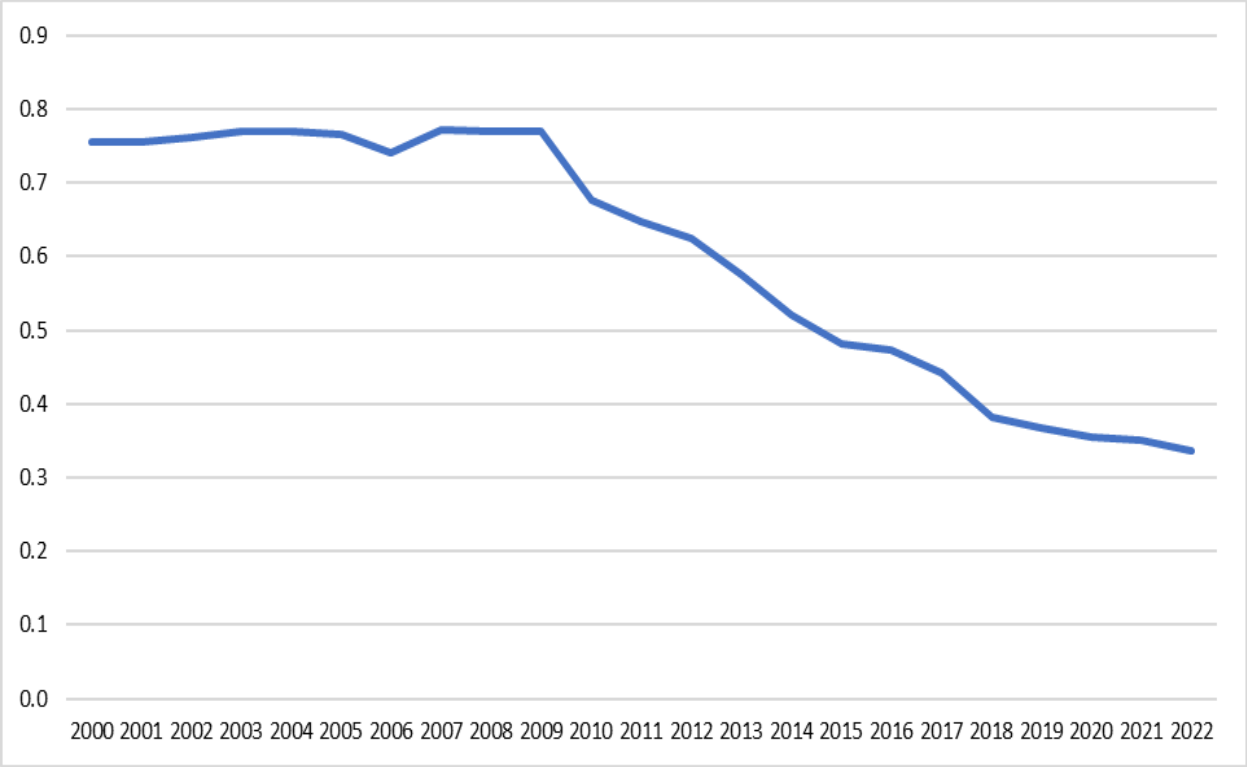
INTRODUCTION

In terms of the quality of democracy, Hungary has had a turbulent recent past. According to the classification of V-Dem, the country underwent several regime changes in the last decades. It used to be closed autocracy until 1989, then, for one year, electoral autocracy and electoral democracy, respectively, then, for almost two decades, liberal democracy, then, for eight years, electoral democracy, and, finally, in the last five years, electoral autocracy (Papada et al. 2023). In Europe only Greece, Poland, Portugal, Serbia, and Spain experienced periods of all four regime types since the start of measurement (1972), and only the Serbian political system declined to the level of "electoral autocracy". Since 2020 Freedom House (2020) also considers Hungary to be a "transitional/hybrid regime", being only "partly free". As of 2023 and according to all major rating agencies, Hungarian democracy performs the worst among the members of the European Union. It ranks below countries such as Ukraine, Poland, Bulgaria, or Romania (Bertelsmann Transformation Index 2022)[345] and also below Tanzania, Bolivia, or Mexico (V-Dem). While the academic community is split on the question whether Hungary can be still considered to be a democracy (Bozóki and Hegedüs 2018, Bogaards 2018, Kreko and Enyedi 2018, Greskovits 2015), the majority of the experts would probably disagree by now.

[344] An extended version of this graph with a timeline of "critical junctures", i.e., transformative events that contributed to democratic backsliding is available in the Appendix.
[345] See detailed scores on the BTI website at the following address: https://bti-project.org/en/?&d=D&cb=00000

The dramatic nature of the changes is well illustrated by ***Figure 1.*** During the first decade of the 21st century, Hungary appeared to consolidate its position as a stable liberal democracy (with the Liberal Democracy Index scores fluctuating between 0.75 and 0.77 on a 0-1 scale). The index started nosediving in 2010, reaching 0.34 by 2022. This sharp decline turned Hungary into one of the top "autocratizers" of the world. The decline during the last 13 years was continuous.

Figure 35. Hungary's Liberal Democracy Index (V-Dem) Score, 2000-2022[346]



* To what extent is the ideal of liberal democracy achieved? - Interval, from low to high (0-1)
Source: Coppedge et al. 2023

Since 2010 Fidesz has used its 'constitutional majority' to systematically weaken checks-and-balances, tailoring the institutional rules to its advantage and nominating close political allies to the leadership of all democratic control institutions. Under the slogan of increasing national ownership in key economic sectors including energy, banking, media, and increasingly retail, the government vastly extended its economic scope. In the new regime independent actors such as NGOs and media outlets face regulatory restrictions, financial disincentives, and smear campaigns (Bajomi-Lázár 2013). The independent media survives mainly in the online sphere. The entire public TV and radio is under the strict partisan control of Fidesz. The commercial national media and the local press are also dominated by pro-government outlets.

After 2010 the electoral rules were altered to make the system more majoritarian (Papp and Zorigt 2018) and the constituency boundaries were also changed in favor of the ruling party.[347] The efforts of the

[346] An extended version of this graph with a timeline of "critical junctures", i.e., transformative events that contributed to democratic backsliding is available in the Appendix.
[347] Since 1990 the Hungarian electoral system is a disproportional, mixed-majoritarian system. The disproportionality caused by the single-member districts has been only partially compensated by the closed party list-based proportional channel. The electoral threshold was 4% until 1994,

opposition to initiate referenda were thwarted through a combination of judicial and administrative decisions and, in some instances, physical intimidation.

Part of the Hungarian society mobilized against the autocratic drift. Major protest events occurred in 2014 (against the internet tax), 2016 (teachers' demonstrations), 2017 (against "Lex CEU" and the "NGO law") and 2018 (against changes in labor code). Most recently, in 2022-2023, there was a wave of demonstrations sparked by low wages in education and by rigid national curricula. Few of these demonstrations achieved, however, their goals (with the exception of the protest against the internet tax). The erosion of the influence of trade unions and the suspension of regular trilateral talks between the government, employers' and employees' organizations (Huzyak and Overmyer 2012, Neumann 2009) coupled with a weak and fragmented opposition means that single-issue protest actions are likely to remain sporadic and short-lived.

As of 2023, the opposition parties are still recovering from the shock of their electoral defeat in April 2022 and are busy restructuring their internal power relations. The municipal and European Parliament elections of 2024 are anticipated to intensify competition among opposition parties.

For a country that had one of the least oppressive communist regimes and was among the frontrunners of post-communist democratization, the current state of democracy constitutes a dramatic reversal. There is no obvious social, economic or cultural factor that could explain the country's U-turn. Hungary is a small, unitary, unicameral, middle-income state, without a recent history of political violence, without threatening neighbors, with regularly held, professionally organized elections, with exceptionally stable governments and without major conflicts between national authorities such as the prime minister and the president. The country is ethnically largely homogeneous (though with a sizable, politically unorganized, Roma population), the social inequalities are moderate and there are no politically relevant religious differences. The first years of post-communist transition were economically difficult for many of its citizens, but across the last three decades the country experienced virtually continuous growth (with the exception of the global financial crisis and the Covid-crisis, of course). To conclude, most of the usual suspects of democratic collapse are not present on the Hungarian scene.

POLITICAL INSTITUTIONS

The Hungarian *Parliament* plays no autonomous role in decision making. The exceptionally disciplined Fidesz never has to worry about the outcome of a vote, whether the quorum is 50% or 66.6%. As a legacy of the past, some of the parliamentary committees have an opposition MP as chair, but whenever the chair convenes a session that could embarrass the government the Fidesz MPs boycott the event, depriving the committee from its quorum. The politically sensitive legislative acts are rushed through the Parliament, major legal acts are discussed only for one-two days. Despite the comfortable majority, the Parliament declared a 'state of exception' in 2016, allowing the government to rule through decrees. This 'state of exception' was originally introduced with a reference to the migration crisis, but it has since then been prolonged many times with various justifications, from Coronavirus to the War in Ukraine.

afterwards 5%. In 2011 Fidesz adopted several changes that strengthened the majoritarian elements, including increasing the share of SMD mandates vis-à-vis proportional ones, redrawing district boundaries to increase the weight of smaller municipalities, as well as eliminating the two-round system in SMDs and giving a "majority bonus" to the winning candidates' party lists. Extending voting rights to diaspora citizens also favored Fidesz, just like increasing in 2020 the number of SMD candidates required for national party lists.

The lower-level *courts* relatively often decide against the members of the regime's elite and even against the officials of the state on various defamation, freedom of information, freedom of speech, etc. cases. The highest body of judiciary, the Curia, is led by a government loyalist since 2020, and it is no longer in the position to constrain executive aggrandizement. But the council of judges frequently criticizes the attempts of the government aimed at weakening the autonomy of the judiciary.

The Hungarian Constitutional Court used to have an unusually large power and it was one of the most active courts in the world, frustrating many consecutive governments in the 1990-2010 period. But after 2010 its jurisdiction was severely restricted (for example it cannot decide on budget-related matters), and the two-thirds Fidesz majority in the legislature assured that only conservative judges, close to the party, are nominated.

Prior to 2012 the *ombudsman* raised pertinent issues and was able to structure the public discourse, but afterwards this position was also occupied by a pro-governmental official and since then it made no statements on politically sensitive issues.

The direct election of *mayors and councilors* provides them with legitimacy that could be used to make the political system more pluralistic. But the centralized state administration and the low level of fiscal autonomy severely limits their room for maneuver. Financial restrictions implemented during the COVID-19 pandemic have placed a new burden on local governments. Most importantly, they were deprived of their local corporate tax income. Municipal associations and the capital city are lobbying for the direct funding for cities from the European Union to offset the loss of resources, without avail so far. The municipalities led by the governing party were typically compensated for their losses with various targeted subsidies.

The most important opposition victory so far was the election of a left-wing politician, Gergely Karácsony, to the mayorship of Budapest in 2019. So far, he has managed to maintain popularity, but his constant conflicts with the central government hindered the completion of most major and symbolic public works and foreclosed the emergence of a national-level political alternative to the Fidesz-rule.

A new anti-corruption supervisory agency, the *Integrity Authority*, could potentially also limit the power of the government. This agency was established in November 2022 to meet the European Commission's rule-of-law conditionality criteria and to ease Hungary's access to the Cohesion Funds and the Recovery and Resilience Facility (RFF) funds. The Agency's work is supported by an Anti-Corruption Task Force composed of government representatives and civil society/NGO representatives on a parity basis. In principle both the Agency and the Task Force could criticize governmental practices (mostly concerning the non-competitive public procurements), but there is widespread skepticism among experts concerning the ability of these two institutions to go beyond general recommendations (Simon 2023, Löwenstein and Seiser 2022).

To conclude this section, courts and local governments remain the two most autonomous institutions within the Orbán-regime. But there have been effective attempts at compromising their independence. As far as municipalities are concerned, the main technique was financial blackmailing. By now the bulk of resources and prerogatives of local governments were transferred to the national government. As far as the judiciary is concerned, the main tools of control are court packing, limitations posed on the scope of their authority (especially for the Constitutional Court), and public criticism of specific decisions.

BUREAUCRACY/ADMINISTRATIVE STATE

In 2011, right after coming to power, Fidesz introduced a new law according to which *civil servants* can be fired on grounds of "lack of loyalty" and "nonconformance with the supervisor's value standards". This, and further modifications resulted in the elimination of civil servants' special labor protections (Hajnal and Boda 2021). In parallel, the government dismissed those independent experts whose job was to evaluate the proposed name of public sites, simply because the formula favored by this supposedly independent advisory body was marginally different from the one favored by the ministry.[348] From that point onwards Hungarians working in public administration understood that even a microscopic difference from the central directives can lead to the loss of their job. To further neutralize the bureaucracy the government forbids since 2016 any public official (i.e., directors of schools, hospitals, etc.) to talk to the press without central approval.

Prior to 2010, the Hungarian state included a number of powerful and largely autonomous institutions, like the Competition Authority, the State Audit Office, the Public Procurement Authority, the National Bank, the Hungarian Academy of Sciences and the Rectors' Conference. Through changes in regulations and changes in leadership all of them were absorbed into the Fidesz party-state.

The conduct of the *State Audit Office* is particularly worrying as it supervises the parties' campaign funding and annual financial reports in a highly selective manner. Across the last decade it has proposed several times cuts in state subventions to the opposition, pushing specific parties to the brink of insolvency. At the same time, it has refrained itself from sanctioning the apparent electoral campaign overspending by Fidesz, and it has also remained inactive in sanctioning fake parties that siphoned off campaign funds.

The *Hungarian Competition Authority* regularly fines retailers and pharmaceutical companies for selling unsafe products or providing insufficient or misleading information about potential hazards, but it virtually never takes a stance in cases that involve the use of public funds, such as takeover bids involving state ownership. Furthermore, there is an increasing number of projects that cannot be evaluated by the Authority as they are categorized by the government as matters of "national interest" and therefore exempt from competition rules. A similar pattern may be observed in the field of public procurement, which is overseen by the *Public Procurement Authority*, even though the large share of single-bidding procedures has been repeatedly flagged by the European Commission as a serious concern (e.g. European Commission 2022).

The final major financial institution that needs to be mentioned here is the *National Bank*. Since 2013, the Governor is the former finance minister of the Orban government, whom the PM repeatedly called his 'right-hand man'. In 2022 (after learning that he will not be renominated), the Bank's Governor started to criticize the government's monetary policies. The conflict had no major political consequence so far, but it shows that the regime has a number of high-ranking officeholders who could potentially use their authority to introduce genuine debates.

The *Hungarian Scientific Academy* used to have a robust independent voice across the 2010s. The government responded by depriving the Academy from its research institutions and most of its property. In 2020 the members of the Academy elected a new president who was known to be loyal to the regime. Subunits of the Academy still formulate dissenting opinions on some sensitive issues, but the public role of

[348] "Liszt Ferenc Nemzetközi Repülőtér, Budapest-Ferihegy" vs. "Budapest Liszt Ferenc Nemzetközi Repülőtér".

the Academy has diminished radically. There was even less resistance by the *Rectors' Conference*. Instead of objecting to the banning of certain degrees (e.g., MA in Gender studies) and against the privatization of most universities to Fidesz-controlled quasi-private foundations, the rectors decided to remain silent in order to secure the survival of their institutions.

ELECTIONS

The past three Hungarian general elections were described as "free but not fair" by international observers, due to the heavily tilted playing field. Critics primarily emphasize the role of government advertising and the domination of mass media by Fidesz (OSCE 2022). Furthermore, the mail ballot option available to Hungarian citizens living in the neighboring countries provides no room for control over electoral integrity, and it introduces a bias against Hungarian citizens who work or live abroad temporarily and must visit far-away embassies to cast the vote.

While the opposition can do little about the asymmetry in resources, it can adjust better or worse to the electoral rules. The majoritarian nature of the electoral system (strengthened by the Fidesz-government in 2011) creates a necessity for cooperation among opposition parties. This necessity was realized only gradually. In 2014 most of the leftwing parties formed a pre-electoral alliance, but the Greens and the radical-right campaigned separately. In 2018 there was even less cooperation in the PR channel of the electoral system, but somewhat more in the single-member districts, and the readiness of voters to support the locally strongest opposition candidate signaled that there is an appetite for comprehensive cooperation. Responding to this popular demand, the opposition parties jointly endorsed candidates during the 2019 local elections. Moreover, the local election was preceded by a primary in Budapest for the mayorship where all the opposition parties nominated candidates.

Encouraged by the relative success of the local elections, in the 2022 national elections the district-level cooperation continued. More importantly, all major opposition parties (except the extreme-right Our Homeland) coalesced around one national party list. The parties selected candidates in SMDs and the PM-candidate (and national list leader) through joint primaries. The latter process resulted in the choice of an outsider who eventually proved to be unable to maintain good relations with the parties or to bring in new voters.

One may argue that by now the opposition parties have exhausted all logical combinations of electoral strategies. Since each of the above listed legislative elections delivered a two-thirds parliamentary majority for Fidesz, today a general sense of inefficacy and impotence prevails. After the 2002 elections some prominent opposition leaders suggested that a proper ('Darwinian') competition needs to take place among opposition parties, hoping that the winner of that competition will be able to rally all the opposition voters around its own flag. But the currently strongest opposition party, the Democratic Coalition, is unpopular both in the country at large and within the opposition elite, and therefore this route doesn't look promising either.

So far, the 2019 municipal election can be considered as the high point of electoral resistance. A broad electoral coalition of the opposition parties managed to win the mayoral seat not only in the capital, but also in the majority of the districts of Budapest, as well as in 10 regional capitals. However, this does not easily translate to a strategy applicable to the national level. There exist at least two outstanding constraints: the opposition is divided along ideological and personal lines and all of them compete for the urban Hungarians.

CIVIL SOCIETY

Independent NGOs have irritated the Fidesz government ever since it came to power in 2010, but the first years of its tenure were characterized by peaceful coexistence. The first sign of oppression against civil society occurred in 2014 when the tax authority raided the office of green NGO Ökotárs on (unfounded) charges of financial misconduct. The main objective of this operation was to intimidate independent civil society actors, which was followed by legislation with the same ambition. The so called "Lex NGO" adopted in 2017 aimed at stigmatizing NGOs that received funding from abroad by requiring them to label themselves as "foreign-funded organizations" in all their publications (Bárd 2020), similarly to Russian anti-NGO legislation (Timmer and Docka-Filipek 2018). An even more direct financial disincentive was provided by the 2018 "Stop Soros" act which levied a 25% surtax on all "activities that support migration". Both acts were loosely worded, never enforced, and thus mostly served as tools of intimidation.

In this hostile environment, NGOs have mostly focused on maintaining their financial resilience, on securing alternative sources of funding such as crowdfunding, and on liaising with international organizations such as the European Commission. At the same time, the government has channeled funds to co-opted NGOs also referred to as GONGOs which have loyally echoed the government narrative in fields ranging from minority rights, migration to child and family policies (Gerő et al. 2023). Nevertheless, a group of 10-15 independent NGOs remain influential mostly through their embeddedness in independent media, and therefore, their impact on public opinion is still significant. It is mainly the result of their work that Hungarians are aware of the corrupt practices of the government.[349]

MEDIA

The capture of the Hungarian media landscape by Fidesz has been well documented, and the government's ambitions in this regard have been apparent ever since the adoption of a new Media Act in 2010 which has ensured the single-party dominance of the national Media Authority. Fidesz has secured its dominance in traditional (print, TV, radio) media via three channels: 1. hostile takeovers; 2. rejecting appeals for licenses and hindering mergers and acquisitions; and 3. channeling state advertising budget to government-friendly outlets (Bátorfy and Urbán 2020).

The perhaps most consequential move towards media dominance was the gradual and complete buyout of regional and local outlets that were previously owned by several independent commercial publishers. This has culminated in the creation of an unprecedented phenomenon: pro-government oligarchs voluntarily "donated" these outlets to a not-for-profit association called Central European Press and Media Foundation (Hungarian acronym: KESMA) in 2018, concentrating more than 400 outlets in a single conglomerate, covering the whole regional media market with very few and negligible exceptions. While such market concentration has naturally raised competition law concerns, the government was quick to declare the merger to be of "national interest", therefore exempting it from competition authority procedures. The radio market is likewise dominated by pro-government outlets, while independent radio stations routinely struggle to get licenses. Since 2021 the most relevant independent radio, Klubrádió, can only function online. The commercial television market is somewhat more pluralistic thanks to the continued presence of the German RTL group which broadcasts independent news coverage.

[349] See the results of a 2022 Eurobarometer survey on corruption here: https://europa.eu/eurobarometer/surveys/detail/2658

The online media space remains relatively balanced, despite remarkable efforts from the government to extend its sphere of influence to this realm, too (Heinrich Böll Stiftung 2022). Landmarks in this regard were the takeover of two of the most popular online news sites Origo.hu (in 2015), and Index.hu (in 2020) through businessmen close to the ruling party and attempts to intimidate the owner of independent new site 24.hu in 2022. Despite these attempts, several independent news sites remain among the most popular ones, and these outlets have increasingly relied on subscription-based or crowdfunding models to compensate for the distortions of the advertising market. Therefore, online media remains resilient and has significant reach despite enormous discrepancies in the resources available to them.

REGIME TYPE

In the academic literature various labels have been applied to describe the current Hungarian political system, such as "externally constrained hybrid regime" (Bozóki and Hegedüs 2018), "illiberal regime" (Krekó and Enyedi 2018), "diffusively defective democracy" (Bogaards 2018), etc. All these labels imply that the cards are stacked against the opposition, but the institutional framework of liberal democracy remains seemingly intact.

The public discourse on the authoritarian nature of the government began very early on, already after Fidesz unilaterally changed the country's constitution in 2011. Some opposition leaders concluded that conventional methods are useless against an authoritarian government and they either called for the boycott of the Parliament or engaged in actions of civil disobedience. But the large majority of political actors considered these radical tactics counterproductive. The politicians who use conventional methods are further divided between those who focus on specific policies (e.g., the Green party, LMP) and those who call for a regime change and for the accountability of the current elite, meaning the initiation of court cases leading to the imprisonment of the main powerholders. The 2022 campaign was dominated by radical rhetoric.[350] The majority of the opposition leaders appeared to be ready to violate, after a hoped electoral victory, the written words of the Fidesz-imposed constitution in order to restore liberal democracy. This radical stance failed to attract new supporters.

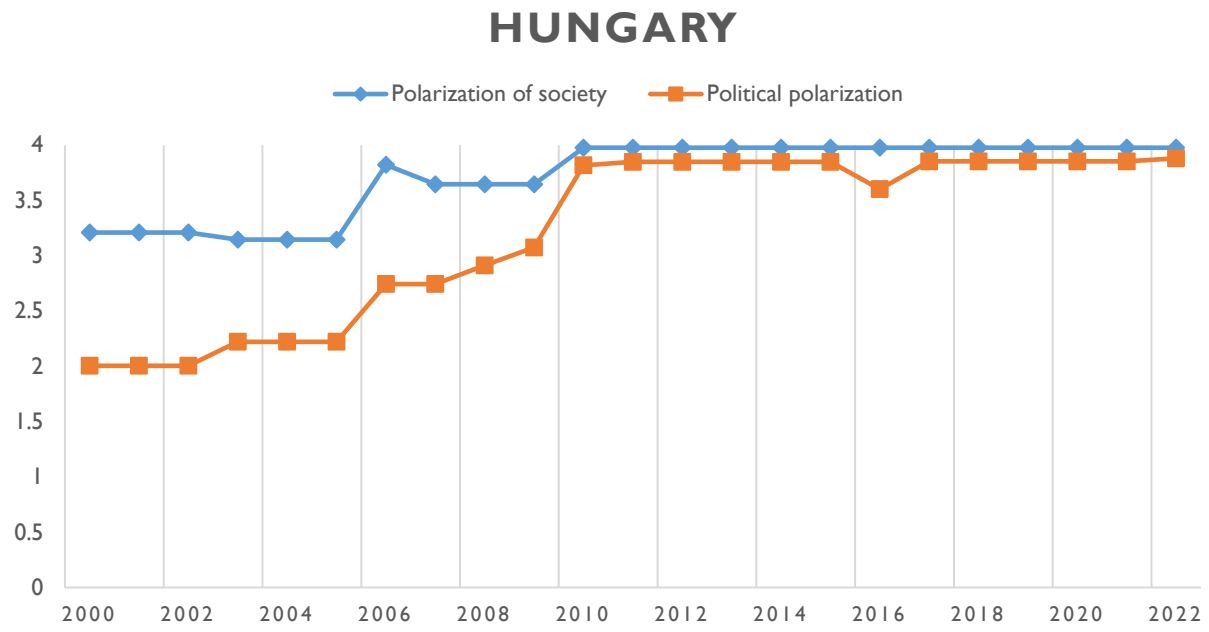
The post-2022 period lacks a uniform strategy, the parties typically focus on consolidating their internal affairs. Democratic Coalition established a shadow-cabinet. This innovation helped to structure communication and to appear as a more serious political actor than the other opposition parties, but it did not lead to a breakthrough.

[350] Even though the opposition alliance lacked an elaborate joint platform, anti-corruption appeals were central to their electoral narrative, along with pro-EU, pro-Atlantic, healthcare and education-related messages. Candidate for PM Péter Márki-Zay centered his campaign around the fight against corruption, promising to set up a national-level Anti-Corruption Prosecutor's Office, as well as to join the European Public Prosecutor's Office (EPPO) once elected. Calls to consider the new constitution adopted by Fidesz in 2011 as illegitimate have also been prevalent throughout the campaign.

POLARIZATION AND DEPOLARIZATION

The changes in the degree of polarization preceded democratic backsliding. As shown on *Figure 2*, the quick deterioration of the socio-political climate can be traced back to 2006, when an economic crisis coincided with the loss of legitimacy of the government (as a result of a leaked speech in which the PM acknowledged that the government lied during the electoral campaign) and with brutal police response to street riots. The governmental crisis was further exacerbated by the 2008 global financial crisis. The right-wing opposition led by Fidesz opted for a confrontational strategy, and the 2010 elections, won by Fidesz with supermajority in the legislature, was interpreted by the new government as a peaceful revolution that ushered in a new political regime.

Figure 36. Polarization in Hungary (Based on V-Dem Indicators,) 2000-2022



** Is society polarized into antagonistic, political camps? - 0 - Not at all; 4 - Yes, to a large extent.

*** How would you characterize the differences of opinions on major political issues in this society? - Scale reversed to 0 - No polarization; 4 - Serious polarization to allow for easier interpretation and joint use with the other two scales

As *Figure 2* demonstrates, V-Dem's polarization of society score reached its theoretical maximum in 2010 and has stayed at this level ever since, while political polarization has stabilized around 3.5 out of 4, following a sharp increase between 2007 and 2010.

In fact, the academic literature has considered Hungary highly polarized since the mid-1990s (Körösényi 2013), with a drift to particularly conflictual relations between 2002 and 2010 (Vegetti 2019). Given the lack of underlying social cleavages, most of this polarization appears to be discursively created (ibid.), but it has its roots in Hungarian history. During the 1918-1920 period Hungary lost two-thirds of its territories and experienced both white (right-wing) and red (communist) terror. A considerable segment of the left-wing and bourgeois intellectuals were of Jewish origin, and antisemitism was part of the country's ruling ideology across the interwar period. The Communist takeover in 1948 was interpreted by the nationalist forces as promoted by the same 'foreign-hearted' groups whom they considered to be responsible for the loss of the territories. These memories, together with the memories of communist oppression, resurfaced

after 1989 and led to an emotionally charged opposition between the nationalist conservatives and the urban liberals, solidifying the urban-rural and nationalist-cosmopolitan divides as dominant cleavages in the party system (Enyedi 2006). Fidesz emerged originally as a centrist force but by 2002 it turned vehemently against the urban liberal groups. The prevailing Manichean narratives (Hegedüs 2019) resulted in both camps having very negative perceptions of their political adversaries (Political Capital 2022).

The increasingly divided media landscape (Polyák et al. 2020, Tóth et al. 2022) contributes further to polarization, and it encourages the spread of fake news and conspiracy theories (Krekó 2022). The refusal of the government to provide information and press conference admission to independent journalists results in information asymmetry and speculative coverage. There are fact-checking initiatives such as the EU-sponsored site lakmusz.hu that try to mitigate these effects, but their reach and impact are negligible. The information bubbles are, however, not completely isolated, since even lower educated citizens living in the countryside consume political news from outlets not aligned with their ideological preferences (Róna et al. 2020).

INTERNATIONAL FACTORS/EXTERNAL ACTORS

The European Union tolerated Hungarian backsliding for about a decade. But after 2021, when Fidesz quit the European People's Party (to avoid being expelled, Politico.eu 2021), the tone changed. The EU made some of its funds conditional on rule-of-law performance and, thereby, blocked Hungary's access to them. The financial sanctions forced the Hungarian government to make some concessions in 2023, such as establishing an Integrity Authority or changing the rules for the selection of the board members of the privatized university foundations, but their overall effect was so far rather limited. The disregard towards Brussels' expectations is well illustrated by the fact that - even though the Commission explicitly demanded consultations with stakeholders - the government changed the legal status of the Hungarian Medical Chamber in an extraordinary legislative act in March 2023, simply because the leadership of the Chamber opposed the government's health-care plans. The new law, adopted by the Parliament in 24 hours, deprived the Chamber of most of its powers (Telex 2023).

In general, the EU's slow and bureaucratic responses have proven ineffective so far, while its critical evaluations could be used by the government to build an increasingly intensive anti-EU campaign. A more significant impact could be expected if Hungary was compelled to join the European Public Prosecutor's Office (Karsai 2021).

Hungary's growing isolation within the EU and the Euro-Atlantic alliance has been coupled with strengthening the ties to Russia (Ámon and Deák 2015). While bilateral negotiations have mostly focused on economic issues such as the provision of natural gas supply and the construction of a nuclear power plant, Hungary has also agreed to provide headquarters to the International Investment Bank, a bank that is largely seen as a vehicle of extending not only Russian economic influence, but also intelligence operations (Rácz 2019), and has only decided to terminate its membership in April 2023, upon diplomatic pressure from the US.

Since the invasion of Ukraine, the pro-Russia orientation of the government materializes in a rhetoric that treats the war as a territorial dispute between two Slavic nations, as well as in the criticism of EU sanctions against Russia. Much of the blame is put on the United States, with the claim that Washington profits from the war while European countries suffer. The Russia-friendly attitude led to the isolation of Hungary within the Visegrad Four (V4) regional cooperation framework, disrupting Hungary's former

alliance with Poland. The current decision to delay the ratification of Sweden's NATO accession was another symbolically important decision, although it is widely understood that once Turkey approves the request Hungary will follow suit.

From a more general perspective, the Hungarian government has for long argued for the necessity of diversifying its foreign relations following the doctrine dubbed "Eastern opening", which has led to strengthening economic and cultural ties with CIS countries, Turkey, China, and South Korea. Intensifying relations have also been coupled with symbolic acts, such as joining the Turkic Council.

CONCLUSIONS

State institutions and bureaucracy have been monopolized by Fidesz to the extent that their capacity to prevent further autocratization remains very limited. The opposition parties seem unable to overcome their coordination problems. Next to the hostile propaganda environment and the asymmetry in resources, the lack of a clear vision and leadership also play a role in their repeated failures. Both opposition parties and independent NGOs mostly appeal to the educated, urban audience which is insufficient to achieve political change.

Despite the takeover of traditional news outlets, the media remains a sphere where intervention is possible and may have tangible impact. The governing party has struggled to reach young voters, and even though it has drastically increased its online and social media presence, it tends to lag behind the independent news sites and alternative media (e.g. YouTube-channels). The almost complete absence of independent local media is a problem that deserves particular attention.

The capital city has the role of the "reservoir of democracy", and it is able to use resources efficiently and transparently. It is therefore worthy of support, but its success is unlikely to spill over to the countryside.

Besides media, education remains a sphere where tangible impact may be achieved. Although the education sector is highly centralized, the role of private institutions with alternative curricula is increasing. Reaching young generations either online or through education may be key to endorse the democratic spirit.

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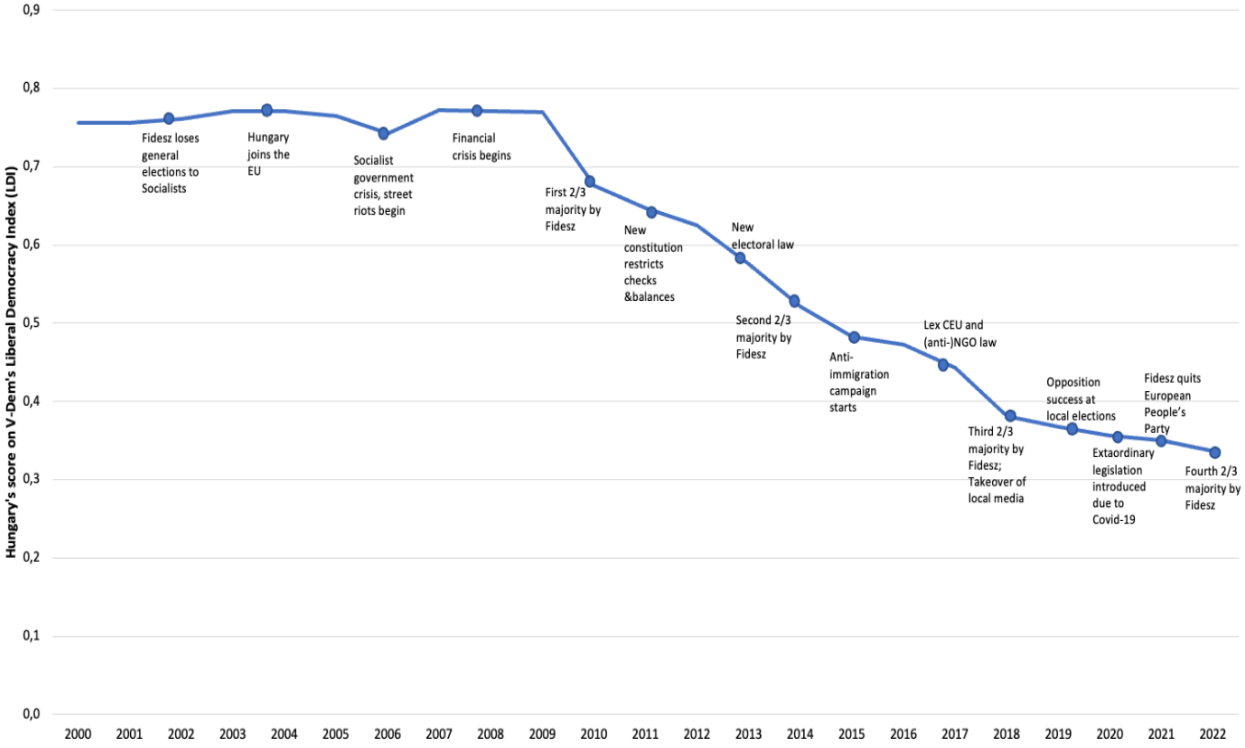
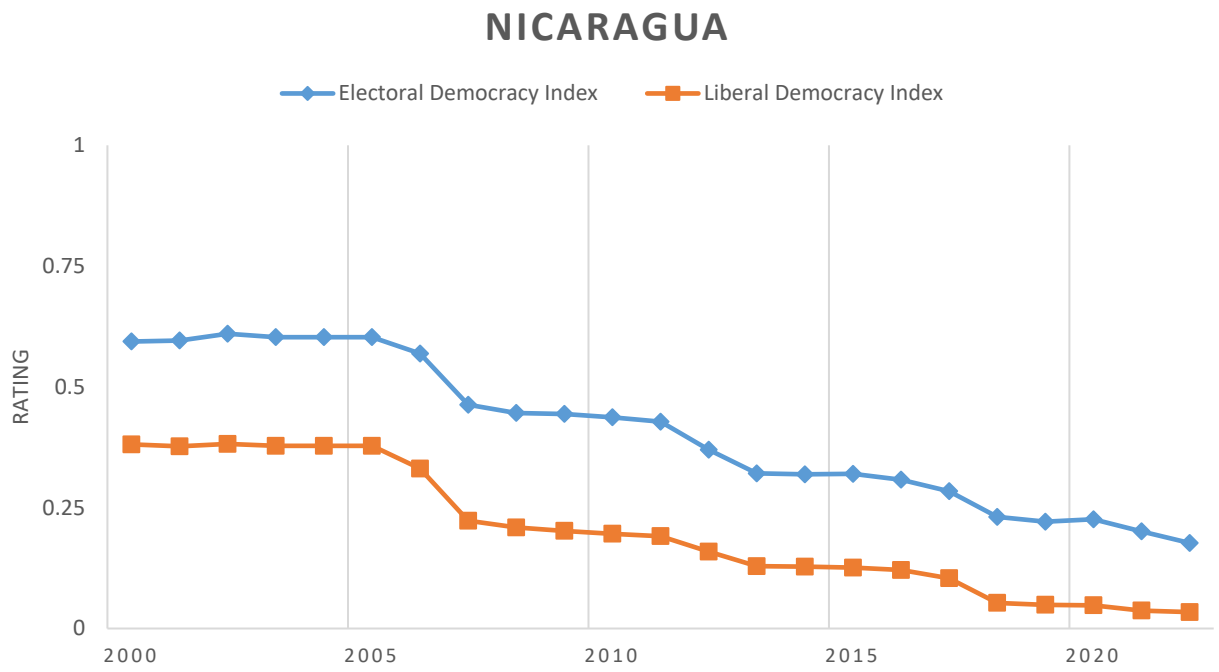
APPENDIX 1.

Figure 37. A Timeline of Critical Junctures in Democratic Backsliding (Mapped Against Hungary's Liberal Democracy Index Score), 2000-2022



12. NICARAGUA

Figure 38. Nicaragua's Electoral Democracy Index and Liberal Democracy Index, 2000-2022[351]



Nicaragua is governed through a personalist authoritarian regime whose leader Daniel Ortega has systematically extended his party's control over state institutions and eliminated the opportunity for democratic opposition. Currently the regime's main opponents are in exile or in jail, and no viable strategy for opening the political space has been articulated.

A rough timeline of Nicaragua's political evolution over the past five decades would show revolutionary authoritarianism (1979-1989) followed by a weak democracy (1990-1999), then a hybrid regime (2000-2007), the emergence and consolidation of a one-party dominant system (2008-2017) and an increasingly repressive police state (2018-2023). Autocratization was gradual compared to the coups that instituted authoritarian rule in Latin America during the 1960s, and was achieved not through military force but through adroit political manipulation of weakly democratic institutions by ambitious politicians.

The most important actor in Nicaragua's post-2000 return to authoritarian rule was Daniel Ortega, a former revolutionary leader who governed throughout the 1980s but lost power in transition elections held under international auspices in 1990. He was elected to a second term as president in 2006 and proceeded to dismantle democracy. His wife Rosario Murillo, who later became his vice president, helped radicalize that autocratization, in part because she was more comfortable with a populist leadership style than her reclusive husband.

[351] An extended version of this graph with a timeline of "critical junctures", i.e., transformative events that contributed to democratic backsliding is available in the Appendix.

Unlike many modern populists, however, Daniel and Rosario were reliant on an established political party, the Sandinista National Liberation Front (FSLN).[352] The FSLN was an ideologically committed Marxist-socialist revolutionary group in 1979 when it overthrew the Somoza dictatorship via violent insurrection. Afterwards it became a leftist political party that governed throughout the 1980s. Following the transition to democracy in 1990, it continued to organize on the streets and in the legislature. Autocratization after 2000 was helped enormously by the FSLN's slow transformation into a personal vehicle for advancing the Ortega-Murillo family's political ambitions.

The FSLN and its "sandinismo" ideology were opposed by the Liberals who had historically supported the Somoza regime but had been displaced by the 1979 revolution. Various Liberal factions formed an alliance under *caudillo* Arnoldo Alemán to win the Nicaraguan presidency in 1996, and then united into the Constitutionalist Liberal Party (PLC). Unexpectedly, in 2000 Alemán colluded with Ortega to reduce political uncertainty for both leaders via a "governability accord" to reduce the number of parties.[353] The resulting contrived two-party system did not build ideological middle ground. To the contrary, this pact between the two *caudillos* institutionalized the polarization of the revolution and counterrevolution, substantially reduced pluralism and eliminated centrist parties and alliances. It also crippled horizontal accountability by explicitly transforming the judicial and electoral branches of state into partisan tools of the two largest parties.

The pact also reduced the percentage of the vote needed to secure the presidency without a runoff to 35% plus a five percent lead over the next best finisher. When the Liberals divided, Ortega was re-elected in 2006, running on a moderate left-wing platform of reconciliation that gathered lapsed Sandinistas back into the fold and reassured Nicaraguans that his election would not mean a return to socialism and war. Subsequently, however, the FSLN manufactured a 2009 Supreme Court decision that permitted presidents to seek immediate re-election without term limits, and that was reconfirmed by the full Court in 2010 and ratified through a constitutional reform in 2014. Nicaragua slid into autocracy characterized by *continuismo* and a one-party dominant system. [354]

Creeping autocratization initially involved little violence. For a decade after Ortega re-entered the presidency in 2007, the FSLN manipulated the constitution, laws and procedures to disarticulate the opposition, consolidate the FSLN's electoral dominance, and increase presidential control over previously independent institutions such as the police and military. Embracing corrupt capitalism, it co-opted much of the business sector and brought up critical media. Substantial economic aid from a "black knight"[355] (Venezuela) permitted Nicaragua to evade international conditionality that called for a non-partisan Supreme Electoral Council and return to politically neutral electoral administration. Civil society opponents objected to growing authoritarianism, but the government discredited them through defamation and displaced independent organizations with partisan ones. The Nicaraguan public *writ large* acquiesced to autocratization because of economic growth due to high commodity prices combined with the Ortega government's anti-poverty programs to improve the quality of life. Citizen security was also

[352] Roberts, Kenneth "Parties and Populism in Latin America," in Carlos de la Torre and Cynthia Arnson, eds. *Latin American Populism in the Twenty-First Century* (Washington, D.C.: Woodrow Wilson Center Press and Johns Hopkins University Press, 2013), pp. 37-60
[353] McConnell, Shelley A., "Nicaragua's Pacted Democracy" in Cynthia Arnson, Ed. *In the Wake of War: Democratization and Internal Armed Conflict in Latin America* (Stanford: Stanford University Press, 2012).
[354] McConnell, Shelley A. "The Return of *Continuismo*?," *Current History*, Vol. 109, no. 724 (February 2010) pp. 74-80.
[355] The concept of authoritarian "black knight" states aiding the erosion of democracy is developed in Levitsky, Steven and Lucan A. Way , *Competitive Authoritarianism: Hybrid regimes after the Cold War,* Cambridge University Press, 2010. https://doi.org/10.1017/CBO9780511781353

notably higher than in Central America's "Northern Triangle". That generated performance legitimacy in what remained a deeply underdeveloped country.

Those who opposed autocracy, or at any rate Sandinista rule, initially focused their resistance on winning elections, attempting to recapture the presidency and legislature in national elections held in 2011, 2016 and 2021. The strategy proved ineffective, in part because they did not unite around a viable alternative but increasingly because the FSLN's control of the Supreme Electoral Council (*Consejo Supremo Electoral*, CSE) allowed the government to perpetrate fraud. Local elections in 2008 were swept by the FSLN amid opposition complaints of fraud. Afterwards the CSE downgraded international election observation to electoral accompaniment in anticipation of regional elections in 2010.[356] By 2011 when national elections were again held, the vote count lacked transparency. The FSLN was awarded a suspiciously high number of seats in the legislature, and the PLC was simply broken, losing its second-place position to a right-wing coalition. The 2016 national election results were also unverifiable and produced an even more outsized victory for Ortega and the FSLN after the opposition's leading presidential candidate was stripped of his party and rendered ineligible to run. Nicaragua became a one-party dominant system in which other parties competed on an uneven playing field without any prospect of winning control of the state.

As the economy faltered, in 2018 Nicaraguans took to the streets in peaceful protest against a proposed pension reform. After the national police fired on demonstrators, the protests quickly spread and morphed into an unarmed popular uprising that demanded not just policy reform but regime change. Thus the dynamic of opposition to autocratization shifted from the ballot box to the streets, but even so the central demand from protestors was for clean elections. In response, the Ortega-Murillo government abandoned co-optation and periodic intimidation of opponents in favor of violent repression and a Manichean discourse that painted civic resistance as a coup attempt and political activists as traitors. The OAS reported that between April 18 and July 18 of 2018, 400 Nicaraguans were killed and 2000 injured in clashes between unarmed civilians and armed police, though the number of deaths was stated elsewhere as 355.[357] In addition there were hundreds of disappearances which the government neither acknowledged nor investigated, many carried out by police or parapolice who report directly to government agencies or the FSLN.[358] The number of political prisoners would eventually exceed 200, and prisoners were frequently held for months and subjected to cruel and degrading treatment without access to legal counsel or family visits.[359]

Formal dialogues between the regime and its opponents mediated by the Catholic church in 2018 and by the Vatican and OAS in 2019 both failed to map an exit ramp. What followed was a new phase of authoritarian consolidation marked by systematic exclusion of opponents of all types, achieved through laws eliminating civil liberties and routinization of the use of force for partisan control. Blatantly fraudulent elections in 2021 were denounced by the OAS and EU as undemocratic.[360] Afterwards, political closure

[356] McConnell, Shelley A., Jennifer McCoy and Michael McCarthy, "Desafiando la norma? Accompanamiento electoral en Nicaragua y Venezuela," *América Latina Hoy*, Vol. 70, August 2015.
[357] Cerna, Christina M, "Introductory Note to Resolution on the Situation in Nicaragua (OAS)", July 18, 2018. https://www.cambridge.org/core/services/aop-cambridge-core/content/view/0E552AD80CD20442D7BDEBC709394392/S0020782918000463a.pdf/resolution-on-the-situation-in-nicaragua-oas.pdf
[358] US Department of State, "Human Rights in Nicaragua, 2022," Accessed June 5, 2023, https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/nicaragua
[359] Hassan, Tirana "Human Rights Watch World Report 2023: Nicaragua," Accessed June 5, 2023, https://www.hrw.org/world-report/2023/country-chapters/nicaragua
[360] European Parliament, "European Parliament Resolution of 16 December 2021 on the Situation in Nicaragua (2021/3000(RSP))," December 17, 2021. Organization of American States, "Resolution: Outcome of the Permanent Council's Deliberation of November 29, 2021, on the Situation in Nicaragua Pursuant to the resolution Adopted at the Fifty-First Regular Session of the General Assembly," CP/RES. 1188 (2355/21), December 8, 2021.

accelerated and came to include repression of the Catholic church and non-cooperating groups in the private sector. By 2023 political space had all but disappeared and few non-Sandinista intermediary organizations remained to connect state and society. Although Nicaragua does not fit well into the category of totalitarian regimes it is now a consolidated *dictadura* laying the groundwork for a long-term dynastic dictatorship.

POLITICAL INSTITUTIONS:

Although the central premise of this study is to analyze the decline of democracy that began in 2000 and opposition resistance to it, these cannot be understood without reference to Nicaragua's political history of dictatorship, revolution and democratization in the 20th century because the most important political parties, leaders and institutions operating today were formed through the 1979 Sandinista revolution. The Sandinistas overthrew the dynastic dictatorship of the Somoza family, which had governed since the 1930s through the National Liberal Party and with support from the United States and Nicaragua's military, the National Guard.[361] The revolution thrust Daniel Ortega into leadership of a junta that attempted a transition to mixed-economy socialism in the early 1980s. The United States responded by funding counterrevolutionary forces, collectively nicknamed the "Contras", and placing a trade and financial embargo on already impoverished Nicaragua.

Against this tumultuous backdrop, Nicaragua's current political institutions were founded through the 1983 Political Parties law, the 1984 Electoral Law and the 1987 Constitution.[362] These included a presidential system with a powerful presidency, a unicameral legislature composed of political party representatives, a judicial branch headed by the Supreme Court and a fourth branch for administering elections headed by the Supreme Electoral Council. Nicaragua retained a unitary state with subnational departments and municipalities. Twenty elected seats in the National Assembly represented the country as a whole, and seventy more represented sub-national territorial units, with two unelected seats added later for the outgoing president and second-place finisher. Members are elected through proportional representation to a five-year term. In 1988, Nicaragua granted the ethnically distinct Atlantic Coast region a special status, erroneously termed "autonomy", with elected regional government offices.

Ortega first won election to the powerful presidency via the 1984 elections and thus had control of the armed forces and police, budgetary authority, a veto and substantial powers of appointment. However, hyperinflation and a military draft eroded government popularity. To end foreign support for the counterrevolution, Nicaragua agreed through the Central American Peace Process to hold more broadly competitive elections in 1990. With UN and OAS international observers present, a 14-party coalition called the National Opposition Union (UNO) won control of the legislature and conservative Violeta Chamorro won the presidency. The US withdrew support for the Contras and they demobilized.

The advent of democracy in 1990 induced important shifts in how state institutions operated.[363] Socialist ideology and wartime exigencies had produced a governing apparatus that centered power in the presidency and partly fused state institutions to the FSLN party. Separation of the party from the state was achieved through elite bargaining to balance the Supreme Court and broaden representation of parties within the Supreme Electoral Council. In 1994, the National Assembly approved a new Military Code that fulfilled a post-election accord to establish a non-partisan military. A constitutional reform in 1995 shifted

[361] For background on Nicaragua prior to the 1979 revolution see Millett, Richard *Guardians of the Dynasty,* New York: Orbis, 1977.
[362] McConnell, Shelley A. "Institutional Evolution," ed. Thomas Walker, *Nicaragua Without Illusions,* New York: Scholarly Resources, Inc. 1997.
[363] Close, David, *Nicaragua: The Chamorro Years*, Boulder,CO: Lynne Rienner, 1999.

budgetary power from the executive to the legislative branch, permitted the legislature to override a presidential veto and eliminated the pocket veto, and prohibited immediate re-election of the president and his close relatives, reducing presidential power. In 2014, however, this careful balance of power would be undone by constitutional reforms that gave presidential decrees the force of law.

Nicaragua's democracy began to fail just five years later. This was a case of instauration, not restoration. Nicaragua had no prior experience of democracy, no old democratic institutions to revive. New and weak liberal democratic institutions struggled to take root in Nicaragua's specific context where traditional patterns of political culture such as personalism, patrimonialism, *caudillismo* and elite pact-making had never disappeared. These contributed to democracy's undoing through a leadership pact negotiated in secret that laid the groundwork for the return of authoritarian rule.[364] In 1999, the *caudillo* founder of the PLC, President Arnoldo Alemán, forged a pact with Daniel Ortega, leader of the largest opposition party, the FSLN, to restrict electoral competition and divide control of state institutions between just two parties - in principle the top two parties in the legislature, but as the Sandinistas and Liberals had won 88% of the vote in the 1996 elections it was clear they would benefit.[365]

The pact was implemented in 2000 through constitutional reforms and legal changes. The Supreme Court was expanded to 16 Magistrates, eight of whom would be appointed by each of the two largest parties in the legislature. The Supreme Electoral Council would have seven members, three from each of those parties and a purportedly neutral presiding officer who in practice would be from the governing party. The Controller General, an agency charged with tracking the use of government funds and stopping corruption, was also made a collective of five members, with two each from the FSLN and Liberal Party and an ostensibly neutral leader. Thus the institutions of state became partisan tools once again as a consequence of elite pact-making, and small parties were excluded from representation in them.

Reforms to the Electoral Law as part of the pact made it difficult to establish new parties by requiring signatures from registered voters who were only allowed to support one party, and by insisting that parties register and run candidates in all 153 municipalities.[366] Though the thresholds for obtaining a seat in the legislature were low, parties that did not win a seat found their registration canceled. It became harder to form alliances or merit public finance. Thus the 2001 national elections were so constrained that the FSLN and PLC captured all but one seat in the National Assembly.

Despite the power-sharing aspects of the pact, the FSLN and PLC did not reach an accord to trade the government back and forth as the Colombian, Venezuelan and Brazilian governments had done in so-called *café con leche* systems. Indeed, old ideological hatred between Sandinistas and Liberals resurfaced during elections, and collusion was largely replaced by sharp competition for power. However, with other parties displaced, either the PLC or FSLN was sure to win, and the party coming in second would still secure sufficient state power to protect its vital interests. This model of bracketed uncertainty in which votes mattered but choice was severely constrained suggested that a hybrid regime had emerged. Although the rules for competition were loosened in the next national elections in 2006, permitting four parties and

[364] McConnell, Shelley A., "Nicaragua: The Resurgence of Authoritarian Rule," in *Latin American Politics and Development*, eds. Harvey F. Kline and Christine J. Wade (New York: Routledge, 2022).
[365] McCoy, Jennifer and Shelley A. McConnell, "Nicaragua: Beyond the Revolution," *Current History* Vol. 96, no. 607, (February 1997) pp. 75-80.
[366] McConnell, Shelley A. "The Uncertain Evolution of Nicaragua's Electoral System," in *The Sandinistas and Nicaraguan Politics since 1979*, eds. David Close, Salvador Marti i Puig, and Shelley A. McConnell eds. (Boulder, CO: Lynne Rienner Publishers, 2011)

alliances to compete, that would be done entirely at the discretion of, and in the interests of, the PLC and FSLN through their control of the Supreme Electoral Council.

BUREAUCRACY/ADMINISTRATIVE STATE:

The bureaucracies at lower levels of state institutions, and the civil servants who staff them, showed neither the will nor the capacity to block Nicaragua's creeping autocratization. Traditionally Nicaragua's government posts were filled with supporters of the governing party. Patrimonialism penetrated the civil service, and the fortunes of bureaucratic followers would rise and fall with the politicians whom they were known to serve. Bureaucratic positions were more than simply a steady job with some benefits, they were opportunities to demonstrate loyalty to the ruling family and supplement household income through corruption.

Democracy was short-lived and the civil service did not have time to develop a non-partisan culture. Massive turnovers followed elections where the government changed hands, and while there was a gloss of revanchism on that, the main driver was simply underdevelopment. Good jobs were scarce, and so a sought-after reward for loyalty to a party while it was out of power. Quite overtly and without apology, the job of a bureaucrat was not to administer the state in a disinterested fashion but rather to further the ambitions of their party. The pacted state appointments system implemented in 2000 was the root of the problem since low-level bureaucrats risked being purged unless they took their cues from partisan institutional leaders.

Corruption had existed under democracy but became pervasive under the FSLN's crony capitalism. When Ortega took office in 2007, the Transparency International Corruption Perception Index ranked Nicaragua 123rd out of 179 countries measured, but a steady downward trajectory followed and by 2022 Nicaragua ranked 167th of 180 countries with a score of just 19 out of a possible 100.[367] The Central Bank was initially able to remain relatively independent because the regime needed international loans but it eventually succumbed to politicization as well. Although the president did not require the Bank to directly underwrite the regime, during the post-2018 recession it at times suppressed economic statistics uncomfortable for the government's narrative. Later the government forced the closure of some private sector intermediary organizations, including in the banking sector, through the simple expedient of forcing them to register as civil society organizations and then canceling their legal right to operate.

In the 1990 transition to democracy, military partisanship was more of a concern than subordination to civilian rule. Nicaragua's military was born of the revolution, not tied to the upper class in Central America's classic alliance of "oligarchs and officers", and it had no history of direct governance. In a transition accord, officers in the armed forces resigned their FSLN membership in exchange for institutional autonomy with control over officer promotions.

Once Daniel Ortega was re-elected, however, he saw to it that retired officers had privileged access to lucrative business opportunities, giving active-duty personnel something to look forward to if the Sandinistas stayed in office. Ortega then chose the former head of the armed forces, Omar Halleslevens as his running mate in 2011, the first national election since the advent of democracy that was not transparent. As the regime continued to autocratize, the armed forces made no move to constrain Ortega. Instead, in 2014 the National Assembly enacted constitutional and legal changes that reduced the

[367] Transparency International, Corruption Perception Index, https://www.transparency.org/en/cpi/2022

military's independence by granting the president a larger role in military appointments.[368] The military has yet to be called upon to assist the regime in controlling dissent through force of arms, as Somoza's National Guard did, but generals appear in public with President Ortega in a silent signal of continued support.

The police underwent a similar trajectory, showing early progress toward professionalization under democracy but later losing their independence to the Ortega government. The 2014 reforms placed the police under the direct control of the president's office. The government temporarily kept a seemingly capable police chief in office as a figurehead while depriving her of any real control. By 2018 the police were willing to fire live ammunition on unarmed protesters when ordered to do so, casting their lot with the Ortega regime's authoritarian ambitions.

Most universities also capitulated fairly rapidly to autocratization, in part because many already had strong pockets of Sandinismo in the faculty and administration, and also because of reliance on public finance. In the first decade after Ortega's re-election, his government's emphasis on free primary education was lauded. In 2018, however, university students were among the leaders of the mobilization against the regime, and many were jailed and exiled.[369] Between December 2021 and February 2022, 18 universities had their legal status canceled. Eight private universities were taken over wholesale by the government, and the Catholic church's university in Managua closed "voluntarily" in 2023 to prevent seizure of its property.[370] The Central American University (UCA), a Jesuit institution, is perhaps the only space where a degree of free thinking has been able to continue, but with the regime now openly attacking the Catholic church, the UCA may soon come under increased government scrutiny.

ELECTIONS

Nicaragua is now a closed autocracy with a *de facto* one-party system in which elections are not transparent and opposition parties and candidates are forcibly excluded from participation in political life. Election quality declined steadily after Ortega became president in 2007, beginning with signs of fraud in the 2008 municipal elections followed by a rigged Supreme Court decision in 2009 that permitted unlimited re-election of the president and mayors. The 2011 national elections were the first in which there was insufficient transparency for opposition parties or international observers to know whether fraud had occurred. The 2016 national elections blocked the most important opposition party through manipulation of electoral regulations, and the 2021 elections blocked them through the outright arrest of FSLN opponents.

Resistance to creeping autocratization centered on elections. Perhaps inspired by the 1990 elections in which the FSLN controlled the entire government, but a united opposition still won both the presidency and the legislature, citizens repeatedly formed parties and competed for elected offices even as election quality fell. The international community of democratic states also focused on elections, conditioning aid on reforms to make election administration less partisan and funding civil society projects to improve election quality. Even so, the FSLN's control over the electoral apparatus and willingness to employ it to tilt the playing field allowed the Sandinistas to retain power. Increasingly unlikely official election results

[368] Thaler, Kai M. "Nicaragua: A Return to Caudillismo", *Journal of Democracy* 28(2):157-169.
[369] Robles, Frances "We Are Nicaragua: Students Revolt, but Now Face a More Daunting Task," *New York Times*, April 27, 2018. https://www.nytimes.com/2018/04/27/world/americas/nicaragua-students-protest.html
[370] Oliva, Leonardo "The Lesther factor: Ortega's onslaught on the universities," *Confidencial* (English edition), February 26, 2022. https://confidencial.digital/english/the-lesther-factor-ortegas-onslaught-on-the-universities/

ratcheted up the regime's ability to govern unilaterally by giving the FSLN sufficient legislative seats in 2006 to block constitutional reforms, then enough in 2011 to reform individual articles of the constitution unilaterally, and finally sufficient seats in 2016 to replace the entire constitution at will.

The fact that Daniel Ortega could remain the leader of the FSLN and its presidential candidate despite losing elections for 16 years straight, and that Alemán could continue to command his party's loyalty even after he was arrested and jailed for corruption, shows the depth of personalism within their parties. The same was true of smaller parties, which tended to be personal vehicles rather than institutional representatives of an ideological position. Nicaraguans did develop identification with political parties, but the parties were typically synonymous with their leaders.

The Varieties of Democracy election quality indicator shows a decline in election quality after 1990, but the pattern is not perfectly linear. When Ortega was first elected in November of 1984 the V-Dem Election Free and Fair indicator stood at .2 in elections boycotted by the most important opposition parties. With the 1990 transition to democracy the indicator peaked at .79.[371] The 1996 elections that transferred power to the Liberals featured messy ballot collection in two large departments that forced a recount and partial cancelation of votes, and the FSLN's rejected some results, lowering the Election Free and Fair score to .37 despite the fact that international observers considered the process overall to be good enough. Then although the 2001 elections were less competitive due to the pacted reform of the electoral law in 2000 that constrained party formation, Nicaragua's V-Dem score improved to a .69. This may reflect the fact that procedures were followed better even if the election laws being complied with were less fair. International observers criticized biased election preparation, but accepted the election overall, and the man who won the presidency, Enrique Bolaños, was independent of either of the two caudillos even though he ran on the PLC ticket.

The rules governing party formation that had been so severely restricted in 2001 were loosened in 2006 to permit more competition, permitting not only the FSLN and PLC but also a splinter party from each camp to participate. Ortega's long-awaited return to the presidency was aided by the untimely death of the presidential candidate of the Sandinista Renewal Movement (MRS), a center-left party, and by rivalries among ambitious Liberal leaders unwilling to unite around a single candidate to oppose him.[372] The shift to permit presidential election with 35 percent of the vote and a 5 percent lead over the second most popular candidate meant that Ortega regained the presidency with a plurality of just 38.07 percent. His victory should also be credited to the FSLN's inclusive campaign strategy, designed by Rosario Murillo, that softened the party's image, reassuring voters that an Ortega presidency would not end capitalism or precipitate a return to civil war. The 2006 elections reduced Nicaragua's V-Dem score to .2 despite participation by four viable parties and alliances, perhaps because the CSE was by then no longer a neutral arbiter, showing substantial bias in favor of the FSLN and PLC in pre-election preparations.

Discouraging as this erosion of election fairness was, the 2011 elections would be categorically worse, tumbling Nicaragua into undemocratic territory as reflected in V-Dem's election quality indicator of -.44. A cluster of small parties of varying political persuasions participated. The MRS and other small parties supported an independent candidate, Fabio Gadea, who ran under the banner of the Independent Liberal Party (PLI), a longstanding party of Liberal origins that had opposed Somoza and now opposed Alemán. For its part, with help from the FSLN, Alemán obtained a reversal of conviction in 2009, and thus he was

[371] Varieties of Democracy: V-Dem, Nicaragua, indicator Election Free and Fair, https://V-Dem.net/data_analysis/VariableGraph
[372] Lean, Sharon. "The Presidential and Parliamentary Elections in Nicaragua, November, 2006", *Electoral Studies 26* (2007): 828-832.

eligible to run for the presidency in 2011 and did so. Alemán reportedly won less than six percent of the vote. His PLC party was awarded only 2 seats in the legislature, a blow from which it would never recover. Ortega was reported to have won 62.46% of the vote, a huge gain that may have been partly manufactured.[373]

Ortega was such a polarizing figure that the focus was on the presidential election, but the legislative results arguably mattered more. The FSLN was awarded just enough seats in the legislature to reform individual articles of the constitution, which it would do in 2014 to consolidate presidential control over the legislature, the police, and military promotions.

Opposition parties, the independent media and civil society groups exposed how election authorities had reduced safeguards in 2011 and made it impossible to verify that tally sheets were recorded correctly. But absent an independent electoral court there was no mechanism by which opposition parties could obtain fair consideration of the challenges they filed.

Interpretation of the results was difficult because the strong economy had made the governing party genuinely popular. The World Bank poverty headcount ratio stood at 9.1 in 2005 just prior to Ortega's re-election, and by 2014 it had fallen to 3.9.[374] It seemed plausible that the FSLN and Ortega had indeed won re-election. Thus, despite negative election quality reports by the EU and The Carter Center, international concern about the flaws in the 2011 process was relatively muted.

Opposition actors would try again to defeat Ortega via elections in 2016. The PLI allied to the MRS to form a centrist alternative, and PLI leader Eduardo Montealegre was seen as Ortega's chief rival for the presidency, but his candidacy was derailed when the Supreme Electoral Council summarily transferred control of the PLI to new leadership. When legislators from the PLI and MRS objected, sixteen of them were ousted from their seats and replaced with people loyal to the substitute PLI leader. When the election was held, the opposition was in disarray. Once again, the results were reported in a fashion that meant they could not be verified. Ortega was awarded an even larger percentage of the vote than in 2011, 72.44%. The PLC candidate earned just 15.03%. Though slightly better than in 2011, the prospects for a genuine PLC resurgence were poor as the party was compromised by Alemán's ongoing cooperation with the Ortega-Murillo regime. Thus by 2016 a one-party dominant system was in place. Although the FSLN was prepared to have opponents hold a handful of legislative seats, there was no uncertainty about which party would control the state. V-Dem scored Nicaragua on its Elections Free and Fair indicator for 2016 at a -.89.

After violent repression of civil society protests in 2018, opposition parties still had trouble uniting around a single candidate to oppose Ortega in the November 2021 elections, but he took no chances. In June of 2021, the government arrested and jailed the main opposition leaders who seemed likely to become presidential candidates, together with many other opposition party members, civil society leaders, members of the press and even business leaders. The blatant and breadth of this attack on democracy was stunning. Under new laws passed in 2020 and 2021, those charged with treason were denied the right to participate as candidates in the upcoming election. The Inter-American Commission on Human Rights described the 2021 electoral context as one of "repression, corruption, electoral fraud and structural impunity" and alleged the goal of the exercise was not competition but "indefinite perpetuation in

[373] McConnell, Shelley A., "Nicaragua's 2011 Elections," *Electoral Studies* 34 (2014): 300-303.
[374] World Bank, Nicaragua data, "poverty headcount ratio at $2.15 a day (2017 ppp)", accessed May 30, 2023. https://data.worldbank.org/country/nicaragua?view=chart

power".[375] Although a CID-Gallup survey published just prior to the elections showed that in a fair election only 17% of voters would support Ortega, the Supreme Electoral Council awarded him 75.87% of the presidential vote.[376] The same poll showed that 65% of voters would vote for any candidate other than Ortega, suggesting that opposition unity around a single candidate in a fair race would have resulted in regime change, but that would remain untested. On the V-Dem election quality indicator, Nicaragua declined to a -1.54 in 2021. The thoroughness with which the Sandinistas have insisted on dominating elected office now includes not only control of the presidency and 90 of 91 seats in the legislature but also, since 2022, control of the mayorships in every municipality.

CIVIL SOCIETY:

Civil liberties rose with the end of the Somoza dictatorship, and reached their peak in 1990, but wobbled after 2006 when Ortega was re-elected, and then entered into a steep decline in 2016. Freedom worsened markedly in 2018 after the pension reform protests in April and resulting police suppression triggered a civic uprising against the Ortega government. The government continued to arbitrarily arrest, injure, and kill unarmed opponents. New limitations on freedom of assembly were announced in September of 2018, and in December the government instituted closure of human rights agencies that received foreign donations.

Dialogue between the government and opposition groups collapsed in 2019, and thereafter the regime accelerated its erasure of political space, broadening the array of NGOs subject to closure. Estimates varied widely, and it was often difficult to determine whether an organization had closed voluntarily or under government pressure, but key NGOs were forcibly shuttered. Operating in exile, respected news outlet *Confidencial* reported that the regime revoked the operating licenses of 60 NGOs in 2021, and then "canceled" 94 more in the first four months of 2022 alone, bringing the total to 168.[377] Others ceased operation "voluntarily". Nicaragua's leading opposition newspaper *La Prensa* reported that by the end of 2022, of the 7,227 NGOs that the government had listed since imposing a registration requirement, 3,106 had closed, reducing the political space by an estimated 42 percent.[378]

Interest associations, meaning those based on how one earns a living, including unions and middle-class professional associations, are now either allied to the FSLN or no longer important. By demanding that the private sector's intermediary organizations such as the chambers of commerce register as non-profits, and then closing some at will, the regime has effectively intimidated non-Sandinista businesses of all sizes. However, the wealthiest businesses benefit from the status quo and show no interest in opposing authoritarianism.

Churches hold the potential to be formidable regime opponents because they are the only organizations other than the FSLN with ongoing connections to a broad popular base. Protestant evangelicals and Catholic clergy have had the capacity to spread messages through weekly sermons and they also controlled some media. However, the evangelicals had supported Ortega's re-election and were in any

[375] Inter-American Commission on Human Rights, *Nicaragua: Concentration of Power and the Undermining of the Rule of Law,* OAS/Ser.L/V/II, Doc.288, October 25, 2021, p.65.
[376] Federico Rivas Molina and Carlos Salinas Maldonado, "Latin America prepares for Frantic Month of Elections in November," *El País*, Buenos Aires and Mexico, November 4, 2021.
[377] "Ortega, cancelador en jefe: 94 oenegés eliminadas en cuatro meses," *Confidencial*, 24 April, 2022, https://confidencial.digital/nacion/ortega-cancelador-en-jefe-94-oeneges-eliminadas-en-cuatro-meses/
[378] "Régimen cancela al 42 porciento del espacio cívico que existía en Nicaragua", *La Prensa*, December 6, 2022. https://www.laprensani.com/2022/12/06/derecho-humano-ni/3075589-cierre-ong

case too internally divided to pose much threat to the increasingly authoritarian regime. The Nicaraguan Catholic church was a more important potential source of pressure on the FSLN government, particularly because the Church had reconciled with Ortega prior to his re-election in 2006. Yet as autocratization crept in Church leaders initially voiced few concerns and lauded the regime's restrictions on abortions.

It was not until the government committed widespread human rights abuses in 2018 that the Catholic Church hierarchy strongly objected to the government's autocratic turn. Traditionally sacrosanct, the Church was a logical facilitator of the 2018 dialogue between the regime and its opponents. But after the dialogue failed the government began to articulate a narrative in which the 2018 uprising was supposedly a foreign sponsored coup attempt. Ortega and Murillo began to refer to clergy as "coup plotters" and "terrorists". The US Department of State reported in 2022 that, "Catholic leaders who provided shelter and medical assistance to peaceful protesters in 2018 continued to experience government retribution, including slander, arbitrary investigations by government agencies, charges they said were unfounded, withholding of tax exemptions, and denial of religious services for political prisoners, according to Catholic clergy."[379] In a clear attempt at intimidation, the Nicaraguan National Police staked out the home of Cardinal Leopoldo Jose Brenes, the Archbishop of Managua, photographing those who came and went. In 2021 the government began arresting priests, and in 2022 the regime closed ten Catholic radio stations and expelled two congregations of nuns. Some branches of the Church's charity arm Caritas were then closed. In 2022, Nicaragua ordered the Vatican's representative out of the country. When the arrest of a bishop caused Pope Francis to compare such tactics to Nazi Germany, Nicaragua suspended relations with the Vatican indefinitely and the papal nunciature was closed.[380] A Nicaraguan Human Rights organization Nunca Más has reported that roughly 50 religious leaders have fled the country since 2018.[381]

By 2023, freedom of expression and the press had almost entirely disappeared within Nicaragua's borders, and freedom of religion had begun to erode. The V-Dem Civil Liberties index had scored the Somoza dictatorship at .14 prior to the 1979 revolution, but in 1995 Nicaragua had reached a score of .87. [382]The Civil Liberties Index was still a .69 in 2016 when the de facto one-party system was implemented, but by 2023 the Ortega regime's score was little better than Somoza's at .19. The refusal of bishop Rolando Álvarez to go into exile with other political prisoners released in 2023 resulted in him being given a 26-year prison sentence.[383] He is a potent symbol of principled resistance, but the Church is not a political organization able to dedicate itself to regime change. The potential cost to its religious mission was made clear at Easter in 2023 when the government forbade traditional religious processions in the streets.

MEDIA:

[379]US Department of State, 2021 Report on International Religious Freedom: Nicaragua, June 2, 2022. https://www.state.gov/reports/2021-report-on-international-religious-freedom/nicaragua/
[380] Nicole Winfield and Gabriela Selser, "Vatican closes embassy in Nicaragua after Ortega's crackdown," ABC News, March 18, 2023. https://abcnews.go.com/International/wireStory/vatican-closes-embassy-nicaragua-after-ortegas-crackdown-97959404
[381] "Líderes religiosos nicaragüenses buscan refugio en el exilio," *Diario Las Americas*, May 31, 2023 https://www.diariolasamericas.com/america-latina/lideres-religiosos-nicaraguenses-buscan-refugio-el-exilio-n5331776
[382] Varieties of Democracy Project, "Variable graph: Nicaragua, Civil Liberties Index," https://V-Dem.net/data_analysis/VariableGraph/
[383] Eyder Peralta, "Nicaragua sentences Catholic bishop to 26 years in prison," *National Public Radio*, February 10, 2023. https://www.npr.org/2023/02/10/1156260758/nicaragua-sentence-cathollic-bishop-prison

The Ortega regime now controls or suppresses media within Nicaragua's borders, though information flow on non-traditional media continues. Between April of 2018 and June of 2022, more than 100 journalists fled the country.[384]

After Daniel Ortega regained the presidency in 2006, the Ortega family purchased television and radio stations and persuaded leading news anchors and reporters to switch networks, thereby disrupting popular independent news programs. By 2011 some independent media were failing due to global changes in media markets. Later the Ortega-Murillo government began using force to silence the press. A glance at the major news sources in Nicaragua illustrates the trend.

In print press, both *La Prensa* and *El Nuevo Diario* were openly critical of the human rights violations perpetrated by the government in 2018, and soon found their access to ink and newsprint curtailed by artificially engineered shortages and high prices. *El Nuevo Diario* closed in September of 2019, its wealthy owner declining to invest in an online presence.[385] *La Prensa*, affiliated to the Chamorro family, had its offices raided and its editor arrested in 2021.[386] *Confidencial*, founded by Carlos Fernando Chamorro, had its offices raided in 2018, its files and property seized.[387] Key staff from these independent print press outlets were persecuted and forced into exile. *La Prensa* and *Confidencial* now operate only online, providing vital information to outside observers as well as Nicaraguans.

Founded by Miguel Mora as a news show in 1995, *100% Noticias* evolved into a 24-hour cable television news channel branded as Channel 15 and became a leading source of political information. In 2018, Channel 15's operating license was revoked, and its offices were confiscated by the police.[388] Mora and the station's news chief were arrested and jailed, serving six-month sentences, and Mora would be re-arrested in 2021 and falsely accused of terrorism after he made plans to run for the presidency against Ortega. The channel now operates online from abroad. Meanwhile, the FSLN retained television Channel 4 as its major outlet, and the Ortega-Murillo family acquired Channel 6 and Channel 13. Channel 21 had its license revoked after its owner, the presidential candidate of a small evangelical party, denounced the irregularities in the 2021 election.[389] In September of 2022, the Nicaraguan government ordered cable news channels to no longer carry CNN en Español.

The most important FM stations either already supported the FSLN in 2006 or were co-opted. In August of 2022, the government closed at least 17 radio stations. By then the Ortega family media companies had grown to include 9 radio stations, one of which, Radio Ya, has a large youth audience.[390] Traditionally Nicaragua has had very localized AM radio stations operating in rural areas, but with the regime now exerting political control over every municipality, any opposition they might voice will draw repression.

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[384] "Más de 100 periodistas huyeron de Nicaragua en cuatro años," *La Hora*, June 12, 2022. https://www.lahora.com.ec/mundo/nicaragua-periodistas-exiliados-junio-2022/

[385] "Un año desde el cierre de El Nuevo Diario: desempleo, migración y resistencia", *Confidencial*, 27 September 2020. https://confidencial.digital/nacion/un-ano-del-cierre-de-el-nuevo-diario-desempleo-migracion-y-resistencia/

[386] "Staff of Nicaragua's La Prensa newspaper flee abroad," *Agence France- Presse*, July 22, 2022, https://www.voanews.com/a/staff-of-nicaragua-s-la-prensa-newspaper-flee-abroad-/6669712.html

[387] Wilfredo Miranda and Carlos Maldonado, "El regimen de Daniel Ortega vuelve a atacar y detener periodistas en Nicaragua," *El País* (Mexico), May 20, 2021. https://elpais.com/internacional/2021-05-20/el-gobierno-de-ortega-vuelve-a-atacar-y-detener-periodistas-en-nicaragua.html

[388] "Nicaragua: Detienen por segunda vez a periodista Miguel Mora," *AP Noticias,* June 21, 2021. https://www.independentespanol.com/ap/nicaragua-detienen-por-segunda-vez-a-periodista-miguel-mora-nicaragua-detienen-por-segunda-vez-a-periodista-miguel-mora-b1869584.html

[389] "Telcor cancela la licencia para operar de Enlace Canal y a Radio Nexo," *Nicaragua Investiga*, November 10, 2021 https://nicaraguainvestiga.com/politica/65431-telcor-cancela-la-licencia-para-operar-a-enlace-canal-21-y-a-radio-nexos/

[390] Octavio Enriquez "The Ortega-Murillo family's private business network", *Confidencial* (English edition) 22 February, 2022. https://confidencial.digital/english/the-ortega-murillo-familys-private-business-network-22-companies-at-the-expense-of-the-state/

With respect to social media, an annual household survey published in La Prensa showed that in 2021, although only 13.3 percent of households had access to a computer, 85.9 percent had at least one cellular telephone.[391] Many of those phones may be used to access the internet, including the online versions of *La Prensa*, *Confidencial* and *100% Noticias*. With so many opponents in exile, citizen reporting from inside Nicaragua is important. However, the government actively works to shape its social media profile and steer online discourse. In November of 2021, just prior to national elections, Meta-Facebook shut down over 1000 Facebook and Instagram accounts operated by a troll farm headquartered in the national post office and clearly run by the Nicaraguan government.[392] The Ortega government also approved a cybercrime law in 2020 that criminalizes many types of communications, and online communication that the government considers false is publishable by up to five years in prison.[393]

REGIME TYPE

When opposition parties are repeatedly closed and opposition leaders sent to jail to prevent them from presenting their candidacies, elections cannot measure the will of the people. With freedom of the press ended, freedom of assembly limited, and freedom of religion beginning to erode, Nicaragua has become a closed autocracy. The Inter-American Commission on Human Rights summed up the situation before the 2021 vote, reporting that Nicaragua had "complete breakdown of the separation of powers" and a de facto state of emergency in which the government uses "repression against individuals believed to be government critics, arbitrary arrests, criminalization through legal proceedings with unwarranted charges, shutdown of democratic platforms, suspended liberties, and the arbitrary use of lethal and nonlethal force."[394]

Although Nicaragua is clearly a hardline authoritarian regime, it does not fit comfortably in the category of a totalitarian regime. The level of violence used to date is appalling but not yet on the scale of totalitarian regimes of the past. Despite police harassment and some surveillance, the utter lack of privacy one would expect in a totalitarian regime is not yet practiced. A police state has emerged and conducts disappearances, holding prisoners without due process, but the state has not attempted to accumulate massive archives of information on ordinary citizens.[395] The regime has a nationalist narrative and labels its opponents as foreign agents, but it lacks a deep guiding ideology or mentality. Domination of the public narrative is incomplete absent control of the Internet. Some opponents are blocked from leaving the country, their passports confiscated by the regime, but many people simply walk across the border into exile. An estimated 154,000 Nicaraguans sought asylum in Costa Rica between 2018 and 2022. In November of 2022 some 34,000 Nicaraguan migrants sought asylum in the United States in a single month, whereas five years prior there had been only about 1,000 Nicaraguans seeking asylum in the US during the entire year.[396]

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[391] "Solo el 13% de las casas en Nicaragua tiene computadora," *La Prensa,* July 29, 2021. https://www.laprensani.com/2021/07/29/economia/2857795-solo-el-13-de-las-casas-en-nicaragua-tiene-computadora-los-impresionantes-numeros-que-revelan-como-viven-los-nicaraguenses

[392] "Nicaragua accused of Running Internet Troll Farm", *BBC News*, November 2, 2021. https://www.bbc.com/news/world-latin-america-59129894

[393] Tirana Hassan, "Amnesty International World Report 2023: Nicaragua," Accessed June 5, 2023, https://www.hrw.org/world-report/2023/country-chapters/nicaragua

[394] Congressional Research Service, "Nicaragua in Brief: Political Developments and U.S. Policy", Updated June 3, 2022, 6-7. https://crsreports.congress.gov

[395] OAS, "IACHR Publishes Report on the Concentration of Power and Weakening of the Rule of Law in Nicaragua," Press Release 284, October 28,2021.

[396] Alfonso Flores Bermúdez and Frances Robles, "In Record Numbers, an Unexpected Migrant Group is Fleeing to the U.S.", *New York Times*, December 27, 2022 https://www.nytimes.com/2022/12/27/world/americas/nicaragua-us-migration.html

It is the reduction in rights to voluntary political participation and freedom of expression that characterize the post-2018 regime rather than mobilization through Sandinista-affiliated organizations. Some FSLN-affiliated mass organizations from the 1980s continue to exist, but these had never been the "conveyer belts" of classic totalitarianism. After Ortega's re-election in 2006, first lady Rosario Murillo helped develop a network of Citizens Power Council's (CPP) directly linking the presidency to the Sandinistas' base of support. Funds intended for local governments were redirected to CPPs so that they could respond to citizen demands for public works such as streetlights and parks. When she became vice president, these helped Murillo to play a populist role to which her husband was ill-suited due to his reclusive personality. The CPPs utility lessened somewhat in 2012 when the governing party won control of the mayorships in 134 of the country's 153 municipalities. It increased that number in 2017 and took control of 100 percent of the mayors offices in 2022. The CPPs are nominally open to all citizens, though their delivery of goods and services has been biased toward pro-Sandinista neighborhoods and households. [397] CPPs also helped mobilize Sandinista voters and transport them to the polls on election day in 2021. [398] However, the regime's mode of operation between elections is not grounded in involuntary mobilization. Nor has the regime used plebiscitary tactics to rally public support through frequent referendums, as Hugo Chávez did, in part because Daniel Ortega is less comfortable with campaigning but largely because the FSLN's control of the legislative and judicial branches has made such tactics unnecessary.

POLARIZATION AND DEPOLARIZATION:

Political polarization in Nicaragua was for many years arrayed along ideological lines, with Marxist socialist revolutionaries at one extreme and Liberal capitalists at the other. From the 1960s through the revolution in 1979, the FSLN guerrilla movement represented one pole, and Somoza's National Liberal Party the other. In the 1980s, the division was perpetuated with the remnants of Somoza's National Guard forming the core of the Contras whom the United States sponsored to overthrow the FSLN government. Although Sandinismo seemed to be defeated in 1990, the FSLN continued to be the largest single party in the legislature and competed fiercely in elections against Liberals in 1996 and 2001. The discourse at election time was so acerbic that some citizens feared that civil war might break out again.

Pernicious polarization between the Sandinistas and Liberals may have provided incentives for de-democratizing leader behavior, notably the use of secret leadership pacts rather than open debate as a means to reform state institutions.[399] Though they had no common ground ideologically, Ortega and Alemán shared political-cultural traditions of *caudillismo* and political pacts. These informal institutions became the basis for reshaping the political system in undemocratic ways. By the time Ortega returned to the presidency, the Liberals had been forced into the role of junior partner in the pact, cooperating with the FSLN in hopes of obtaining its Supreme Court support to overturn Aleman's conviction for corruption, and in 2011 the PLC's fortunes slid so far that in effect it became one among many small parties co-opted by the Sandinistas. Political polarization in Nicaragua is no longer primarily about

[397] Bay-Meyer, K. Do Ortega's Citizen Power Councils Empower the Poor in Nicaragua? Benefits and Costs of Local Democracy. *Polity* 45, 393–421 (2013). https://doi.org/10.1057/pol.2013.10
[398] Leila Miller, "The secret poll-watchers of Nicaragua," *Los Angeles Times*, November 10, 2021. https://www.latimes.com/world-nation/story/2021-11-10/how-hundreds-of-nicaraguans-secretly-monitored-the-presidential-election
[399] The concept of pernicious polarization is explored in McCoy, Jennifer, and Murat Somer, "Overcoming Polarization," *Journal of Democracy,* Vol. 32, No. 1, January 2021, pp.6-21.

socialism versus capitalism or even Sandinistas versus Liberals, but instead centers around whether the Ortega-Murillo government should stay in power.

INTERNATIONAL FACTORS/EXTERNAL ACTORS:

Ortega returned to the presidency in 2006 when Latin America's swing to the left was in full flower. Hugo Chávez was president of Venezuela and attempted to build what he called 21st century socialism. Pushback against neoliberalism was at an all-time high. A committed internationalist, Chávez formed the ALBA trading alliance to link leftwing governments in the region, and Nicaragua joined it. Chávez' oil diplomacy provided half of Nicaragua's oil on long-term credit with generous terms for debt repayment, and Nicaragua could use that oil to meet its own energy needs or re-sell it on the international market at a profit. By some estimates the value of this credit may have reached one-fifth of Nicaragua's annual budget, and that largesse continued for a time even after Chávez' death. The funds were handled outside the budget and acted as a kind of discretionary fund for Ortega and Murillo. The money allowed spending on social services and helped relieve poverty. It also enabled Ortega to implement popular programs (gifts of farm animals and roofing materials, free eye operations in Venezuela) when he came up for re-election in 2011.

Although the United States has consistently opposed Nicaragua's growing authoritarianism, the Ortega years coincided with a reduction in US attention to Latin America. The 9-11 attacks had abruptly re-focused US policy, forcing security to the front of its agenda and drawing attention to the Middle East, especially after 2003 when the United States engaged in the war in Iraq. Only Colombia, which still had active Marxist revolutionary movements and was the primary producer of cocaine, received substantial quantities of US aid. After winning re-election in 2006, Ortega's attitude was initially opportunistic, seeking to stay on cordial terms with the United States by cooperating to fight terrorism and some illicit drug transit through Nicaragua. However, when the US set electoral reforms as a precondition for certain types of aid Ortega moved in the opposite direction.

The US Treasury has implemented carefully targeted financial sanctions against the regime's enablers, and the US State Department has selectively withdrawn visas even from members of the ruling family, seeking to punish elites within the regime without hurting the general public in the way broader economic sanctions would. The US Congress has passed two pieces of legislation limiting the availability of certain loans to Nicaragua until the government takes steps to reinstate democratic elections.[400] However, unlike the 1980s, unilateral US armed intervention was never seriously considered. Given the history of US support for the Somoza dictatorship and the counterrevolution, any US unilateral actions are likely to play into the Ortega regime's narrative that erroneously claims Nicaragua's opposition acts on behalf of foreign agents.

As it became clear in the local and regional elections of 2008 and 2010 that the electoral system was decaying, the European Union also demanded electoral reforms as a condition for its aid, but again Ortega's refused to comply. For the Sandinista faithful this resistance to politicized aid was proof that the FSLN government was indeed a force for nationalism. However, Ortega's authoritarianism continued to alienate European countries, and one by one they closed their development offices and downscaled from

[400] Congressional Research Service, "Nicaragua in Brief: Political Developments and U.S. Policy", Updated June 3, 2022, 8-11. https://crsreports.congress.gov

embassies to consular offices. After the European Union denounced the 2021 elections as undemocratic, the EU ambassador became *persona non grata* and was forced to leave Nicaragua.[401]

The OAS championed liberal democracy in the 1990s, approving in 2001 the Inter-American Democratic Charter that required member states to be democratic and hold competitive elections. However, by 2006 the OAS was internally divided and effectively paralyzed, with Latin America's New Left governments joining forces to block propositions they viewed as interventionist. The OAS was therefore unable to do much to enforce the Inter-American Democratic Charter's provisions for preventing democratic erosion. Importantly, its human rights agency sent a fact-finding mission in May of 2018 that denounced the Ortega-Murillo government's repression against unarmed citizens, as did the UN and Amnesty International. The regime's reaction was to expel such critics.[402] The OAS also established a committee to track and report on the situation in Nicaragua, keeping up pressure. The organization's most serious criticism of Nicaragua came in 2021 when the region's foreign ministers meeting at the General Assembly denounced Nicaragua's elections as undemocratic. In response, Nicaragua promptly announced its withdrawal from the OAS.[403]

The regime's release of 222 political prisoners in February of 2023 has invited speculation that some sort of international pressure worked to achieve that end, but US sources say that the initiative came from the Nicaraguan government for its own reasons, perhaps to jettison its most visible opponents.[404] The National Assembly stripped the released prisoners of their Nicaraguan citizenship while they were still on the plane, rendering them stateless in violation of international law, and proceeded to do the same to 94 additional opponents who were already in exile.[405] In March of 2023, the United Nations Group of Human Rights Experts on Nicaragua, an independent investigative agency, delivered to the UN Human Rights Council a report concluding that the Nicaraguan government's human rights violations may have reached the level of crimes against humanity.[406]

CONCLUSION:

The elimination of presidential term limits in 2009 and a shift to violent repression of civic protests in 2018 were the most obvious turning points on Nicaragua's path to becoming a closed autocracy, but other red flags were visible along the way. Opposition resistance to creeping autocratization centered on winning national elections, but this was ineffective because the 2000 pact had transformed the electoral branch into a partisan tool of the two largest parties. Civic resistance between elections included creation of civil society organizations to support democracy, but these would be forced to register and then stripped of their operating licenses. Mass demonstrations proved harder for the regime to control. The government's willingness to use force, including lethal force, on unarmed opponents initially galvanized

[401] "Nicaragua asks EU Ambassador to leave the country – diplomatic sources", *Reuters*, September 29, 2022, https://www.reuters.com/world/americas/nicaragua-declares-eu-ambassador-country-persona-non-grata-local-media-2022-09-28/
[402] Amnesty International, "Instilling terror: From lethal force to persecution in Nicaragua," October 18, 2018. Index Number: AMR 43/9213/2018, https://www.amnesty.org/en/documents/amr43/9213/2018/en/
[403] "Nicaragua sparks backlash in quitting OAS over Ortega re-election criticism," *Reuters*, April 25, 2022. https://www.reuters.com/world/americas/nicaragua-quits-oas-over-ortega-re-election-criticism-says-it-is-not-colony-2022-04-25/
[404] Maria Abi-Habib, "Nicaragua Frees Hundreds of Political Prisoners," *New York Times*, February 9, 2023. https://www.nytimes.com/2023/02/09/world/americas/nicaragua-prisoner-release.html
[405] "Nicaragua: Ortega crackdown deepens as 94 opponents stripped of citizenship", *The Guardian,* February 16, 2023. https://www.theguardian.com/world/2023/feb/16/ortega-regime-strips-nicaraguans-citizenship
[406] "Crimes against humanity likely committed in Nicaragua, says independent rights probe," *United Nations News*, March 2, 2023. https://news.un.org/en/story/2023/03/1134072

resistance but later repression became more severe and widespread, and the police prevailed against their civilian opponents. Nicaragua's human rights record is abysmal, and its elections are a sham.

Short of a UN-sanctioned multilateral military intervention, the first opportunity to reverse autocratization in Nicaragua may come when Ortega dies, as is often the case in personalist authoritarian regimes. In Nicaragua, however, even that may not bring change because Ortega's wife and vice president Rosario Murillo is positioned to succeed him. Prior to the 2021 fraudulent election, Ortega referred to Murillo publicly as a co-president, and although no such post exists the governing party controls sufficient seats in the National Assembly to create the post prior to the next national elections.[407] Moreover, although both Ortega and Murillo are in their 70s, the couple's son Laureano has been groomed for leadership of what may become another Nicaraguan dynastic dictatorship. Meanwhile, without free elections or a free press through which to express their political preferences, Nicaraguans are voting with their feet.

[407] Office of the High Commissioner on Human Rights, United Nations, "Nicaragua: Crimes against humanity being committed against civilians for political reasons," March 2, 2023, https://www.ohchr.org/en/press-releases/2023/03/nicaragua-crimes-against-humanity-being-committed-against-civilians

TIMELINE OF KEY EVENTS

2000 Pact of the caudillos makes Supreme Electoral Council and Supreme Court partisan agencies.

2006 Daniel Ortega elected to a second term in elections criticized for administrative bias but nonetheless peaceful and orderly.

2008 Municipal elections swept by FSLN show signs of fraud; national election observers disallowed.

2009 After opposition parties in the legislature refuse to support a constitutional reform to end term limits, FSLN orchestrates a decision by the Supreme Court constitutional bench ruling that term limits on presidents and mayors are not constitutional.

Or…2010, Full Supreme Court confirms 2009 ruling that term limits on president and mayors are not constitutional.

2010 International election observation demoted to electoral accompaniment, though EU and OAS negotiate better conditions for themselves to observe in 2011.

2011 Ortega re-elected to third term in deeply flawed elections where opposition competes on uneven playing field and vote count is opaque; FSLN wins qualified majority to change the constitution. PLC and Alemán perform poorly and one-party dominant system emerges.

2014 Constitutional reforms confirm no term limits on president, give Ortega direct control of police and more say in military promotions, and make presidential decrees carry the same force of law as decision by the National Assembly.

2016 Ortega re-elected to fourth term in elections that are undemocratic, where main opposition candidate is forced out of the race. A de facto one-party system emerges wherein other parties do not have the right to contest races unless FSLN permits it.

2018 Mass protests after police and para-police open fire on unarmed demonstrators protesting pension reform; demonstrations spread across the country and are repressed with arbitrary arrests, non-lethal force and lethal force, and activists are disappeared. Human rights agencies receiving foreign donations are forcibly closed and OAS and UN human rights delegations are expelled. Freedom of assembly and the press are curtailed.

2020 After dialogue fails, regime increases the closure of civil society organizations, and implements laws to deprive those arbitrarily arrested of their political rights.

2021 Freedom of the press ends. Ortega re-elected to a fifth term in national elections denounced the OAS and EU as undemocratic, where the main opposition hopefuls for the presidency are arbitrarily arrested and jailed, together with many other regime critics. Nicaragua announces withdrawal from the OAS. FSLN wins complete control of legislature.

2022 Regime closes universities, increases attacks on Catholic Church hierarchy. Closed autocracy. FSLN wins 100% of mayorships in local elections.

2023 222 Political prisoners released but forced into exile and stripped of citizenship. Freedom of religion curtailed. Relations with Vatican suspended.

13. SERBIA

Figure 39. V-Dem Liberal Component Index and Electoral Component Index for Serbia, 2008-2022

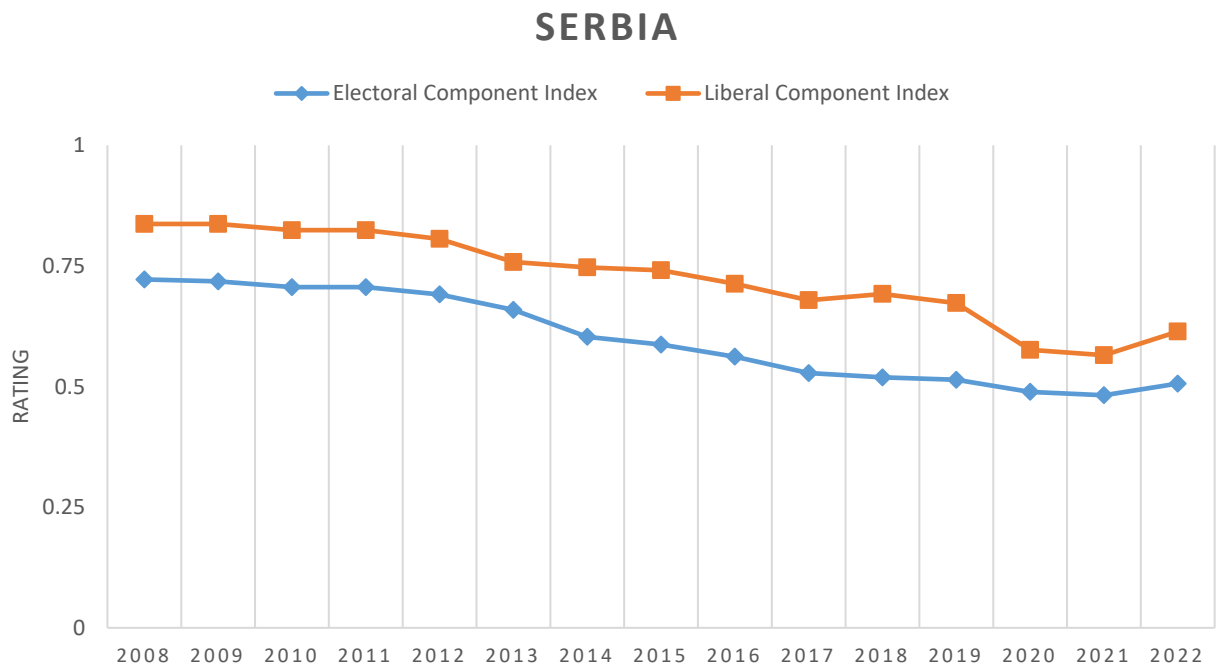
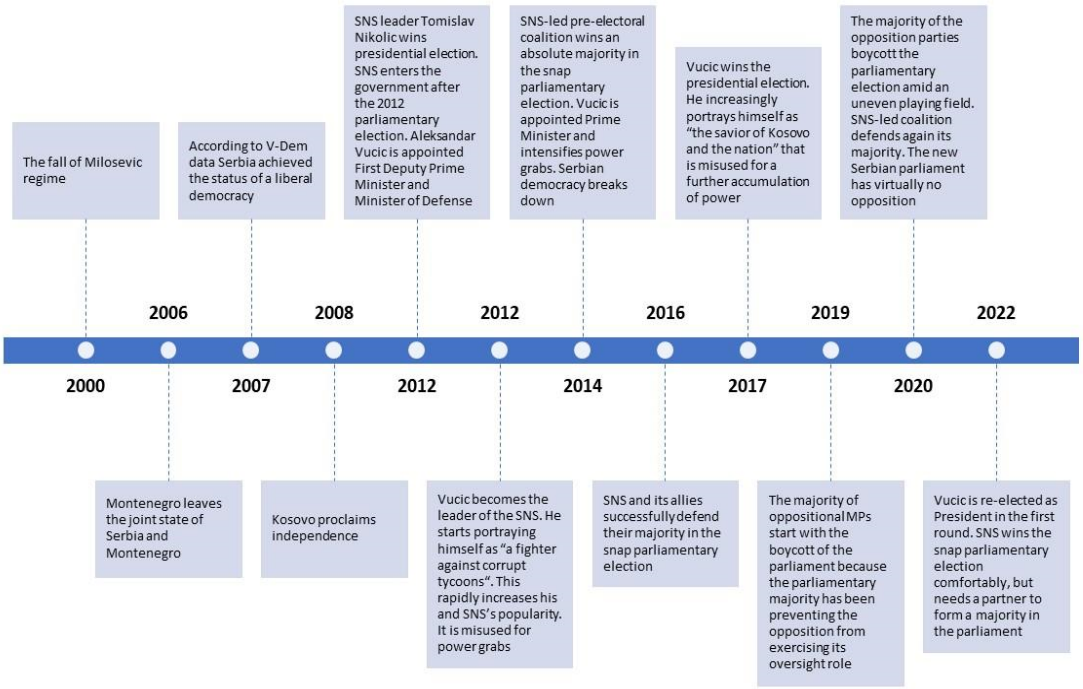


Figure 40. Timeline of Political Events



After the fall of the regime of Serbian strongman Slobodan Milosevic in 2000 Serbia made significant progress on its path toward democratization, crowned in 2007 when according to V-Dem data Serbia achieved the status of a liberal democracy.[408] However, since the Serbian Progressive Party (SNS) took power in 2012 Serbia has been marked by continuous yearly deterioration with respect to three key tenets of democracy (electoral fairness, civil liberties, and checks and balances). Hence, Serbia's liberal democracy index dropped from 0.51 in 2011 to 0.27 in 2022 and the country is now classified as electoral autocracy.[409] How did it happen that in such a short period of time Serbia went from being a success story to being one of the top ten autocratizing countries in the world?

Serbia is a textbook case of grievances-centered democratic backsliding. Indeed, in a first step of this process, Serbian President Aleksandar Vucic[410] and his SNS politicized pre-existing sources of discontent and frustrations. After they came to power in 2012, they initially addressed socio-economic grievances by promising to fight widespread corruption (Serbia ranked 80 in the corruption perception index of Transparency International[411]) and to tackle rising unemployment (it rose from 13.7 percent in 2008 to 24 percent in 2012[412]). For both of these problems, they blamed their predecessors. A few years later, however, Vucic and the SNS started politicizing grievances related to the formative rift.[413] More concretely, they addressed the grievances related to the loss of Kosovo[414] and the West that is perceived as a midwife of Kosovo's independence.[415] In this context, Vucic portrayed himself as the leader of all ethnically defined Serbs in the region and the protector of Serbia's national interests regarding the Kosovo issue. This personalist legitimation strategy has been confirmed by V-Dem's 'person of the leader' item that deals with the extent to which the chief executive is portrayed as being endowed with extraordinary personal characteristics and/or leadership skills: an increase to grade 3 (to a large extent but not exclusively) in 2013 and later in 2017 to grade 4 (almost exclusively)[416] coincides with the initial portrayal of Vucic as 'a fighter against corrupt tycoons' and his later portrayal as 'the savior of Kosovo and the nation'.

Vucic and his SNS allies did not politicize grievances only to advance their electoral chances, but to more easily subvert democracy as well. Put simply, in a second step, they weaponized grievances against democracy. The violations of democratic rules were disguised as addressing grievances, which in turn legitimated authoritarian actions and increased the willingness of voters to tolerate undemocratic behavior: Elections were rigged by promoting clientelism as patronage networks were wrapped up in a narrative about a strong state that can take care of its people; the power was personalized in order to more successfully address the grievances, while democratic procedures and constitutional norms were perceived as an obstacle to it; and politics of resentment were directed against the opposition, civil society, and the independent media, aiming to silence them.

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[408] "Varieties of Democracy (V-Dem)", Country Graph, accessed March 2, 2023, https://V-Dem.net/data_analysis/CountryGraph/
[409] Ibid.
[410] Vucic was a prominent official of the far-right Serbian Radical Party (SRS) that in the nineties acted as both an extreme nationalist opposition and an ally to Milosevic. The SNS was formed in 2008 by former SRS leader Tomislav Nikolic and his then deputy Vucic, who decided to leave the SRS.
[411] "Corruption Perception Index", Transparency International, accessed March 1, 2023, https://www.transparency.org/en/cpi/2012
[412] "Unemployment, total (% of total labor force) (national estimate) – Serbia", World Bank, accessed February 22, 2023, https://data.worldbank.org/indicator/SL.UEM.TOTL.NE.ZS?locations=RS
[413] Jennifer McCoy and Murat Somer, "Toward a Theory of Pernicious Polarization and How It Harms Democracies: Comparative Evidence and Possible Remedies", *Annals of the American Academy of Political and Social Sciences*, 681 (2019), 234–271.
[414] Kosovo is not simply regarded as a territory, but as a symbol of Serbia's national consciousness and statehood as well as of Serbian history and mythology. Hence, it does not come as a surprise that Serbia has not recognized Kosovo's independence that was unilaterally proclaimed in 2008.
[415] Filip Milacic, Stateness and Democratic Consolidation: Lessons from former Yugoslavia (Wiesbaden: Springer, 2022).
[416] "Varieties of Democracy (V-Dem)", Variable Graph, accessed March 3, 2023, https://V-Dem.net/data_analysis/VariableGraph/

In other words, President Vucic and his SNS successfully tapped into the great potential of disenchantment in the Serbian electorate and weaponized it against democracy. In the Serbian case, the question is not whether all democratic elements were attacked or whether the degradation of one component preceded the attacks on the other. According to the V-Dem data, all key tenets of democracy were simultaneously attacked, with some elements being more intensely assaulted than the others. In line with this, in the beginning of this process the most intensive attack concerned the media. The freedom of expression index recorded the highest degree of democratic decline, as within a single year (2012-2013), it fell from 0.79 to 0.62, while between 2012 and 2014 the Serbian government's attempts to censor went from 'direct but limited to especially sensitive issues' to 'direct and routine'.[417] The erosion of horizontal accountability, i.e., the concentration of power in Vucic's hands at the expense of legislative and judicial branches, also advanced. This particularly affected the parliament, as legislative constraints on the executive index recorded a drop from 0.88 in 2012 to 0.63 in 2019. The situation even exacerbated after the opposition started to boycott the parliament's sessions in 2019, culminating in the boycott of the 2020 parliamentary election. Consequently, the index fell further to 0.33 in 2021, before improving to 0.48 in 2022 after the opposition returned to the struggle within the institutions of the system.[418] The judicial constraints on the executive index also decreased to the level of a legislative one (from 0.64 in 2012 to 0.5 in 2022), but the decline was not as steep since before the start of democratic backsliding the former was performing its oversight role much better.[419] Hence, the judiciary was not in a position to serve as a bulwark of democracy when the attacks on it started.

The ethno-nationalist narrative, which started to dominate political discourse after 2016 and contributed to the accumulation of power in Vucic's hands, was also used for further attacks on civil liberties. This has been demonstrated by the civil liberties index that shows a particularly large drop between 2016 and 2018 (0.83-0.76).[420] Moreover, the very core of democracy - free and fair elections - also eroded in the last ten years (from 0.64 to 0.38). An unequal access to the media was not solely responsible for it. The more the SNS entrenched itself in power the more it was able to increasingly capture the state, which in turn was used to unlevel the electoral playing field. Indeed, according to V-Dem data an increase in clientelism went hand in hand with the decrease on the clean election index.[421]

In sum, during the reign of Vucic and the SNS, all democratic elements eroded, without significant phases of recovery. Vucic's undemocratic behavior led furthermore to the creation of the two camps: pro-Vucic vs. anti-Vucic. Hence, the polarization was a byproduct of democratic backsliding.

POLITICAL INSTITUTIONS

Misusing grievances paved the way for executive aggrandizement as it was a useful cover for power grabs. It started with an arrest of tycoon and allegedly richest Serb Miroslav Miskovic and his son in 2012. Shortly after the arrest, media close to the SNS reported that Miskovic threatened Vucic, which his lawyer denied, but which was nevertheless used by the SNS officials and media as proof that Vucic was personally responsible for Miskovic's arrest.[422] Vucic himself also embraced such a narrative and a 'the corruption

[417] V-Dem, Country Graph.
[418] Ibid.
[419] Ibid.
[420] Ibid.
[421] Ibid.
[422] Radmilo Markovic, "Slucaj Miskovic", *Vreme*, October 5, 2017, https://www.vreme.com/vreme/slucaj-miskovic/. At the time Vucic was deputy prime minister and minister of defense. Thanks to the latter function, he was a member and a secretary of the Council for national security, which was by government's decision responsible for the fight against corruption.

fighter in chief'-role by promising that "tycoons will not rule Serbia".[423] Shortly afterwards the polls showed that Vucic became by far the most popular politician in the country.[424] This was confirmed in the 2014 parliamentary election as the SNS-led coalition, campaigning with the slogan 'SNS or Miskovic', won the majority of the seats.

The process of accumulation of power further intensified after the Kosovo issue and grievances related to it became the subject of politicization. By portraying himself as a protector of Kosovo and interests of all ethnic Serbs, theatrically claiming that he will never recognize Kosovo's independence even if, in his words, "they beat me on the head with the sticks"[425], Vucic personalized power and enjoyed a disproportionate share of it. As a result, in Serbia, power is now highly concentrated in Vucic's hands. Vucic enjoys an outsized impact on policies and outcomes, thereby trumping constitutional provisions and rules, whereas the politics unfold outside of formal rules[426], with personal connections to Vucic being paramount. Therefore, it has been irrelevant whether Vucic held the position of a prime minister (2014 - 2017) or the president (since 2017, with Prime Minister Ana Brnabic being handpicked by him).

Other institutions failed to place constraints on Vucic and prevent the depicted development. The system of checks and balances is now almost dismantled. Indeed, parliament's oversight role became formalistic[427] as it gradually turned into a rubber stamp parliament. Several factors have been responsible for this: First and foremost, Vucic exploited his popularity to achieve full control over the party, which became a vehicle for him to exercise power, and thus to gain control of the legislature. The parliamentary majority furthermore prevented the opposition from exercising its oversight role. In order to prevent any debate, the ruling majority frequently relied on accelerated legislative procedures[428] as well as a disproportionate use of disciplinary measures, late changes to the legislative agenda, and meaningless amendments (in hundreds) to draft laws in order to use up the allocated time for debate.[429] Moreover, draft legislative proposals and legislative amendments tabled by the opposition were not even discussed.[430] Perhaps the most striking example was the suspension of the work of parliament for a month in 2017 by Speaker Maja Gojkovic (SNS), citing a desire to "preserve the dignity" of the institution as the oppositional MPs might use it as a platform to criticize Vucic ahead of the presidential elections.[431]

With politics becoming a trench warfare, the parliament's oversight role was additionally weakened. The parliamentary majority had no incentives to constrain and control the executive via parliamentary hearings, questions, or interpellations, which resulted in an even stronger executive. In addition, the vast

[423] Branka Trivic, "Predstava zvana "Hapsenje Miskovica"", *Radio Slobodna Evropa*, March 9, 2016, https://www.slobodnaevropa.org/a/predstava-zvana-hapsenje-miskovica/27600373.html
[424] Vuk Jeremic, "Do savrsenstva izrezirano „krunisanje" Aleksandra Vucica: Deset godina od hapsenja Miroslava Miskovica", *Danas*, December 25, 2022, https://www.danas.rs/vesti/drustvo/do-savrsenstva-izrezirano-krunisanje-aleksandra-vucica-deset-godina-od-hapsenja-miroslava-miskovica/
[425] Cited in "Vucic Mekalisteru: Da me tuku motkama, necu priznati Kosovo", RTRS, 2018, https://lat.rtrs.tv/vijesti/vijest.php?id=312311
[426] Nebojsa Vladisavljevic, "Media discourse and the quality of democracy in Serbia after Milosevic", *Europe-Asia Studies*, 72 (2019), 8–32.
[427] "Serbia Report 2020", European Commission, accessed February 5, 2023, https://ec.europa.eu/neighbourhoodenlargement/sites/near/files/serbia_report_2020.pdf
[428] "Fifth evaluation round- Serbia", Council of Europe, accessed 15 February, 2023, https://www.coe.int/en/web/greco/evaluations/serbia. For example, in the period between 1 November 2017 and 1 October 2018, the parliament adopted 237 acts, of which 124 under urgent procedure.
[429] "Serbia 2020", European Commission; "Report Serbia 2020", Bertelsmann Transformation Index, accessed 11 February, 2023, https://www.bti-project.org/content/en/downloads/reports/country_report_2020_SRB.pdf; "Nations in Transit 2018-Serbia", Freedom House, accessed 17 February, 2023, https://www.refworld.org/type,ANNUALREPORT,,,5b3cc26ea,0.html#_ftn16; Maja Zivanovic, "Serbia's Parliament Using Penalties 'to Silence Opposition'", *Balkan Insight*, October 12, 2017, https://balkaninsight.com/2017/10/12/serbia-s-parliament-using-penalties-to-silence-opposition-10-12-2017/
[430] "Serbia 2020", Bertelsmann.
[431] Branka Trivic, Milan Nesic, and Ognjen Zoric, "Predizborno zakljucavanje parlamenta Srbije", *Radio Slobodna Evropa*, March 2, 2017, https://www.slobodnaevropa.org/a/predsednica-skupstine-srbije-blokada-parlament/28342983.html

majority of the opposition's parliamentary questions went unanswered by the government.[432] The depicted obstructions of parliamentary debates further exacerbated polarization since the excluded Serbian opposition grew disillusioned with the political process.[433] The main opposition parties - 55 out of 88 MPs - started to boycott parliament's sessions in February 2019. Their dissatisfaction culminated in the boycott of the ensuing 2020 parliamentary elections, which produced a parliament with virtually no opposition (the opposition was composed of seven MPs out of 250).

The independence of the judiciary was curtailed slowly over time through the control of the appointment process in a parliament. A legal framework that "does not provide sufficient guarantees against potential political influence over the judiciary"[434] enabled the appointment of loyalists to key judicial positions.[435] Such a judiciary was also employed against those who resisted erosion. For example, the High Court in Belgrade handed down a ruling against the weekly news magazine NIN, which was sued by the then Minister of Interior Nebojsa Stefanovic, just one month after the first and only hearing.[436]

The members of the judiciary, who were not appointed by the SNS and who dared to criticize these shortcomings, have been discredited and targeted in the pro-government tabloids that portrayed them as "property" of one of the opposition's leaders, Dragan Djilas[437], or as enemies of the state.[438] Attacks on individual judges and prosecutors also originated from the highest government officials and MPs, raising doubts whether these insulting campaigns were actually coordinated.[439] In some cases, the pressure exercised on judges and their families was extraordinary and meant that some of them even asked to be excused from adjudicating on cases involving politicians.[440] Members of the public prosecution who had spoken out against problems within their profession or who dared to fight the deterioration of the rule of law also had to endure a similar treatment.[441] In a very recent case from February 2023, two prosecutors who indicted six persons for embezzlement in the state-owned electricity company EPS were removed from the case the day after the arrest.[442] This was followed by the spread of disinformation about them in the pro-government tabloids.[443] All this ensured the judiciary's overall passivity and a lack of resistance in light of the executive take-over.

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[432] "Freedom in the World 2022-Serbia", Freedom House, accessed 21 February, 2023, https://freedomhouse.org/country/serbia/freedom-world/2022
[433] V-Dem, Variable Graph.
[434] "Serbia Report 2021", European Commission, 5, accessed 11 February, 2023, https://ec.europa.eu/neighbourhood-enlargement/ser bia-report-2021_en.
[435] Such as, for example, new president of the Supreme Court of Cassation, Jasmina Vasovic. The appointment of Zagorka Dolovac for a third six-year mandate as public prosecutor was another example. See "Nova predsednica najviseg suda u Srbiji polozila zakletvu", *Radio Slobodna Evropa*, April 13, 2021, https://www.slobodnaevropa.org/a/31201102.html
[436] "Visi sud po tuzbi Nebojse Stefanovica kaznio NIN sa 300.000 dinara", *Blic*, 4 January, 2017, http://www.blic.rs/vesti/politika/visi-sud-po-tuzbi-nebojse-stefanovica-kaznio-nin-sa-300000-dinara/yt8hfqy
[437] Dejan Vukelic, "Stanje srpskog pravosudja: Kad sudija u vlasnistvu Djilasa mora da da intervju portalu u vlasnistvu Djilasa", *Objektiv*, December 13, 2020, https://objektiv.rs/vest/425346/stanje-srpskog-pravosudja-kad-sudija-u-vlasnistvu-djilasa-mora-da-da-intervju-portalu-u-vlasnistvu-djilasa/.
[438] Slobodan Georgijev, "Istraga Sudija i Pravnika", *Vreme*, April 15, 2021, https://www.vreme.com/cms/view.php?id=1934849.
[439] "Serbia 2021", European Commission. The most prominent targets of such attacks were judges on the Belgrade Appeals Court Miodrag Majic and Omer Hadziomerovic and the President of the Regional Court in Pančevo Stanka Simonovic. See "Drustvo sudija Srbije: Verbalni napadi na sudije dodatno urusavaju poverenje u pravosudje", *Danas*, May 21, 2019, https://www.danas.rs/vesti/drustvo/drustvo-sudija-srbije-verbalni-napadi-na-sudije-dodatno-urusavaju-poverenje-u-pravosudje/; "Medijski linc sudije u Pancevu", *Radio Slobodna Evropa*, April 19, 2017, https://www.slobodnaevropa.org/a/sudija-mediji-napad/28439259.html
[440] "Serbia 2020", European Commission.
[441] Milos Radenkovic, "Tuzioci u panicnom strahu od tabloida", *Danas*, December 8, 2019, https://www.danas.rs/vesti/drustvo/tuzioci-u-panicnom-strahu-od-tabloida/
[442] "Ovo više ne može da se trpi: Koleginice pružile podršku tužiteljki Savović u Utisku nedelje", *Danas*, February 26, 2023, https://www.danas.rs/vesti/drustvo/ovo-vise-ne-moze-da-se-trpi-koleginice-pruzile-podrsku-tuziteljki-savovic-u-utisku-nedelje/
[443] "Tužilaštvo: Savović je htela da se oslobodi predmeta EPS prošle godine", *Telegraf*, February 25, 2023, https://www.telegraf.rs/vesti/hronika/3636435-malverzacija-u-eps-u

BUREAUCRACY/ADMINISTRATIVE STATE

The entrenchment in power was accompanied by a gradual capturing of an administrative state in order to secure an uneven playing field. The administration was filled with party loyalists[444], while party control of state-owned enterprises has been another form of patronage that distorts the level playing field.[445] Through a control over economic resources of public enterprises and other public funds, jobs were provided for party activists and party officials.[446] The construction projects such as the 'Belgrade Waterfront', which "feeds into the nationalist claim of Serbia's 'awakening' under his (Vucic's) leadership' ', also played an important role in the redistribution of public resources to businessmen close to the ruling SNS.[447] The details about this project have never been made available to the public.[448]

The state capture also affected other institutions that are important for political processes. Loyalists were placed in the Media Regulatory Body (REM) that assigns national broadcasting licenses. Unsurprisingly, it granted it to four pro-government media outlets: Prva, Pink, Happy, and B92. Although the regulations foresee five national broadcasting licenses, the REM has been continuously postponing its decision on the fifth one, hence effectively denying it to an oppositional media outlet. This is an important decision since the surveys show that television is still by far the most consumed type of media in Serbia and that in most cases channels with a national frequency are watched. [449]

Other state bodies were misused as well. The instrumentalization of judiciary, police, and inspections occurred in the form of overzealously applying legal norms or by not applying them at all.[450] An example of the former is the intimidation of activists of the opposition by the police and public prosecutors when in 2017 they organized post-elections protests under the slogan 'against the dictatorship'.[451] Activists of another protest movement, 'Let's not drown Belgrade', also reported about illegal surveillance by what they suspected were Serbia's intelligence agencies or other bodies.[452] Moreover, in 2020, the Finance Ministry's Administration for the Prevention of Money Laundering misused money-laundering laws and antiterrorism-financing mechanisms in order to obtain the banking information of 20 journalists, activists, and other individuals, as well as 37 organizations — primarily media outlets and CSOs engaged in monitoring of the government's work, human rights promotion, and investigative journalism.[453]

Citizens' Ombudsman Sasa Jankovic, who investigated such undemocratic practices and warned about the lack of depoliticization and professionalization of the state administration, was a victim of a months-long smear campaign in the pro-government tabloids, which tried to denigrate both his function and his person.[454] The smear campaign was accompanied with threats, while the MPs from the ruling majority

[444] "Serbia 2020", European Commission.
[445] "Politicki uticaj na javna preduzeca i medije", Transparency Serbia 2017, accessed February 11, 2023, https://www.transparentnost.org.rs/images/dokumenti_uz_vesti/Politicki_uticaj_na_javna_preduzeca_i_medije.pdf
[446] Marija Babovic and Slobodan Cvejic, "Briefing on Party Patronage and Clientelism in Serbia", 2016, 13, accessed March 16, 2023, https://secons.net/en/publikacija/briefing-on-party-patronage-and-clientelism-in-serbia/.
[447] Cengiz Günay and Vedran Dzihic, "Decoding the authoritarian code: Exercising 'legitimate' power politics through the ruling parties in Turkey, Macedonia and Serbia", *Southeast European and Black Sea Studies*, 16 (2016), 1–21.
[448] "Freedom 2022-Serbia", *Freedom House*
[449] Katarina Zivanovic, "REM probio rok za dodelu pete nacionalne frekvencije", *Danas*, November 28, 2022, https://www.danas.rs/vesti/drustvo/rem-probio-rok-za-dodelu-pete-nacionalne-frekvencije/
[450] Babovic and Cvejic, "Briefing"
[451] "Serbia 2020", Bertelsmann.
[452] "Nations 2018-Serbia", Freedom House
[453] "Spisak pojedinaca i organizacija Uprave za sprecavanje pranja novca - zloupotreba zakona ili samo kontrola", *Insajder*, July 28, 2020, https://insajder.net/arhiva/vesti/spisak-pojedinaca-i-organizacija-uprave-za-sprecavanje-pranja-novca-zloupotreba-zakona-ili-samo-kontrola; "Freedom 2022-Serbia", Freedom House
[454] "Jankovic: Prete mi, ne osećam se bezbedno", *Blic*, January 21, 2015, http://www.blic.rs/vesti/drustvo/jankovic-prete-mi-ne-osecam-se-bezbedno/32ehszc

demanded his resignation.[455] Under Jankovic's successor the institution of the ombudsman became much more government-friendly.

ELECTIONS

Organizing an effective electoral resistance in a context marked by what Sartori called counter oppositions — meaning that two oppositional groups are ideologically closer to the governing parties than to each other[456] — proved difficult. On the one hand, on the current Serbian political spectrum there are oppositional pro-European forces, such as the DS, the SSP, and Moramo.[457] On the other hand, there are oppositional parties — Dveri, Zavetnici, NS, and Nova DSS — for whom Vucic and his SNS are not ethno-nationalist and pro-Russian enough, which in turn allowed Vucic and the SNS to present themselves as a moderate force. These differences further deepened due to two recent developments. While the ethno-nationalist opposition is against the Franco-German plan for the normalization of the relationship between Serbia and Kosovo and announced the start of "great national gatherings" as a reaction to Vucic's possible acceptance of the plan,[458] the pro-European opposition sides with Vucic and the SNS in this regard. Moreover, Russian aggression in Ukraine also made these two groups more distant. While the pro-Russian opposition endorses the government's policy of not imposing sanctions against Russia, the pro-European opposition called for, at least partial, alignment with EU's sanctions on Russia.[459]

Such a dualism within the opposition ranks has not only been present in the current composition of the parliament. In fact, this has been a steady feature of Serbian politics, with different parties (the SRS, the DSS, the SDS etc.) representing these ideological poles in the past. This made their cooperation in resisting democratic erosion much more complicated. It is furthermore very questionable whether the ethno-nationalist and pro-Russian opposition can be perceived as a genuine partner in re-democratization efforts. Nevertheless, there was an attempt to bridge this ideological gap by forming the Alliance for Serbia in 2018 that included both pro-European and ethno-nationalist parties. This represented a two-fold change of the strategy: firstly, pro-European and ethno-nationalist opposition united; secondly, the Alliance played one of the crucial roles in initiating and coordinating the protests in Serbia in 2018-20, which gave birth to the beginning of the boycott of the work of the parliament and the ensuing boycott of the 2020 parliamentary election. Yet this new strategy did not bring success. In spite of the boycott the government organized the election. And without the opposition, the parliament turned even more into a rubber stamp parliament and thus the executive aggrandizement intensified. The Alliance ceased to exist in 2020, whereas a part of it - the SSP, the NS, and the DS - united around one presidential candidate for the 2022 presidential election. Zdravko Ponos, former chief of the army staff, was however defeated by Vucic in the first round of the election and managed to get only 18.8 percent of the votes.

Hence, the Serbian case confirms the difficulties to counter democratic backsliding when the opposition is ideologically heterogeneous: if the opposition parties join their forces, they risk alienating some of their partisans; if they act independently, they do not offer a clear alternative to the regime.

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[455] Branka Trivic, "Brisel prati napade na Sasu Jankovica", *Radio Slobodna Evropa*, April 21, 2015 https://www.slobodnaevropa.org/a/brisel-informisan-o-napadima-na-sasu-jankovica/26969732.html
[456] Giovanni Sartori, *Parties and Party Systems: A Framework for Analysis* (Cambridge: Cambridge University Press, 1976)
[457] With, however, some of them like the SSP now also holding somewhat skeptical views about the EU amid an increased salience of the Kosovo issue.
[458] Ljudmila Cvetkovic and Maja Zivanovic, "Desnica u Srbiji 'nacionalnim okupljanjem' preti evropskom planu za Kosovo", *Radio Slobodna Evropa*, January 30, 2023, https://www.slobodnaevropa.org/a/srbija-desnica-kosovo-francusko-nemacki-plan/32246237.html
[459] "Djilas: Delimicne sankcije Rusiji vec su morale da budu uvedene", *Portal Forum*, March 6, 2023, https://portalforum.rs/blog/2023/03/06/djilas-delimicne-sankcije-rusiji-vec-su-morale-da-budu-uvedene/

CIVIL SOCIETY

Popular mobilization against the incumbent failed to counter autocratization or to pave the way for the critical election that would bring an alternation in power. After Vucic won in the first round of the 2017 presidential election, a series of short-lived daily rallies took place in all major Serbian cities. Thousands of mainly young protestors, who gathered after calls on social media and were keen to maintain a distance from political actors, accused Vucic of rigging the election and described his victory as the beginning of a "dictatorship". [460] In the years 2016 and 2017, the mobilization from below against the increasingly authoritarian government also occurred in the form of a grassroots movement 'Don't Let Belgrade Drown'. The protests were triggered by the illegal night-time demolitions carried out in Belgrade's Savamala district on April 24, 2016 for the benefit of the already mentioned Belgrade Waterfront development project. Vucic later admitted that he gave an order.[461] These protests, however, also failed to have much impact.

The physical attack on Borko Stefanovic, one of the opposition's leaders, led to nationwide massive protests in 2018 and 2019, jointly organized by the civil society and the opposition. Later named '1 from 5 million' the protests demanded the end of violence, more freedom, and a return of democracy.[462] Initially, the protests attracted thousands of people, but were not able to sustain such an attendance.

A few years later, massive environmental protests emerged that were triggered by the announced exploitation of lithium by the Rio Tinto company.[463] These nationwide protests forced Vucic and the SNS to amend the new law on referendums and to withdraw legislation that would make it easier for the state to expropriate land, from which the mining company would profit.[464] The protests showcased that a popular mobilization can be successful against arbitrary power, but they have not shaken the regime. Vucic accommodated the requests in order to shut down a popular mobilization that could have served as a springboard for the opposition ahead of the 2022 parliamentary and presidential elections. In addition, the policy was not as highly valued to the stability of the regime. Out of the protests a new pro-democratic political force, Moramo, emerged that entered the parliament after the last election in 2022.

The reaction of the regime to these challenges followed the same pattern. The CSOs and activists have been subjected to verbal attacks, denigration, and delegitimization by Vucic and senior SNS officials as well as to the harassment and smear campaigns in media outlets close to them.[465] More concretely, they were portrayed as hostile toward Serbia and its rise[466], as "foreign mercenaries"[467], as protests with an aim to "dismember Serbia"[468] or as "part of the strategic war of the West against Serbia"[469] that includes a "color

[460] Maja Zivanovic, "Protesters in Serbia Denounce Vucic's Poll Victory", *Balkan Insight*, April 3, 2017 http://www.balkaninsight.com/en/article/protest-against-the-dictatorship-in-several-cities-in-serbia-04-03-2017-1
[461] "Vucic: Ja sam doneo odluku o rusenju u Savamali", *Danas*, April 24, 2023, https://www.danas.rs/vesti/politika/vucic-ja-sam-doneo-odluku-o-rusenju-u-savamali/
[462] "Protesti '1 do 5 miliona': Vratiti demokratiju u institucije", *Radio Slobodna Evropa*, March 15, 2019, https://www.slobodnaevropa.org/a/29823961.html
[463] "Environmental protests and roadblocks across Serbia, masked men attack citizens", *EWB*, November 28, 2021, https://europeanwesternbalkans.com/2021/11/28/environmental-protests-and-roadblocks-across-serbia-masked-men-attack-citizens/
[464] "Skupstina Srbije usvojila izmene Zakona o referendumu", *Radio Slobodna Evropa*, December 10, 2021, https://www.slobodnaevropa.org/a/srbija-zakon-referendum-izmena-/31603286.html
[465] Serbia 2021", European Commission; Milacic, *Stateness and Democratic.*
[466] Marko Kmezic, "The masks have fallen in Serbian house of cards", *BiEPAG Blog*, May 31, 2016, http://www.biepag.eu/2016/05/31/the-masks-have-fallen-in-serbian-house-of-cards/.
[467] Sasa Dragojlo, "'Mercenary' Accusations Limit Demolition Fallout for Serbia Govt", *Balkan Insight*, June 10, 2016, https://balkaninsight.com/2016/06/10/mercenary-accusations-serves-serbian-government-for-cutting-damage-06-09-2016/
[468] "Nations 2018-Serbia", Freedom House.
[469] "CSO Sustainability Index 2019", 205, accessed January 27, 2023, https://www.fhi360.org/sites/default/files/media/documents/res ource-csosi-2019-report-europe-eurasia.pdf.

revolution" against which Serbia and Russia will jointly combat.[470] This narrative also applied to the environmental protests as Vucic later accused unnamed foreign intelligence service of stopping Serbia's exploitation of lithium in order to prevent Serbia's rise.[471]

Moreover, an increased deployment of ethno-nationalist appeals led to a strengthening of uncivil society and facilitated its mobilization. These illiberal organizations opposed the rule of law and civil liberties by promoting an understanding of society based on ethnic exclusion, illiberalism, and violence against the ideologically unfit. Their actions included physical attacks on members of organizations that promoted reconciliation and peace in the region[472], attacks on theater plays and exhibitions that dealt with Serbia's responsibility in the Yugoslav wars[473], and an extremely hostile attitude towards advocates of gender equality and LGBTQ groups, most visibly during the gay Pride parades that they tried to prevent.[474] These organizations of the uncivil society are, at least indirectly, supported by the Serbian Orthodox Church (SPC), as it shares a similar ethno-nationalist political ideology. For example, the announced organization of Euro Pride, which Vucic tried to ban stating national interests relating to the Kosovo issue as a reason[475], prompted the counter-mobilization in the form of religious processions organized by the far-right and the SPC. Besides presenting LGBTQ rights as a part of Western imperialism, they also insisted on Serbia's undisputed claim over Kosovo.[476]

The uncivil society was also favored by the SNS governments and embedded in widespread patronage networks as it provided support for their liberal policies. Indeed, these organizations were used for violently disrupting peaceful protests of citizens[477] or for attacking journalists (as during the 2017 inauguration of Vucic) and were not convicted for these offenses.[478] The example of Serbia thus supports the necessity of reassessing the thesis of inherent virtuousness of civil society and its unquestionably beneficial role in strengthening democracy.[479]

MEDIA

The attempts to suffocate critical media were among the first signs of autocratization in Serbia. They involved various practices: arbitrary tax investigations and selective enforcement of tax laws against critical

[470] As discussed in the meeting between the then Interior Minister Aleksandar Vulin and the secretary of the Kremlin's Security Council, Nikolai Patrushev, see Dusan Stojanovic, "Serbia and Russia pledge to combat 'color revolutions'", *AP*, December 3, 2021, https://apnews.com/article/europe-russia-environment-and-nature-moscow-serbia-9c1e4fef540909927d02caa1f7d05c1b

[471] ""Strane službe su nas uništile sa litijumom, smeje nam se ceo svet"", *B92*, January 8, 2023, https://www.b92.net/biz/vesti/srbija/strane-sluzbe-su-nas-unistile-sa-litijumom-smeje-nam-se-ceo-svet-2270362

[472] Filip Milacic, Nationalstaatsbildung, Krieg und Konsolidierung der Demokratie. Kroatien, Serbien und Montenegro (Wiesbaden: Springer, 2017).

[473] Marko Taskovic, „U KANDZAMA EKSTREMISTA Ultradesnicari divljaju, prete smrcu, upadaju na izlozbe, bacaju suzavac... Bozovic: Ovu bolest moramo da SPRECIMO, *Blic*, October 16, 2020, https://www.blic.rs/vesti/politika/u-kandzama-ekstremista-ultradesnicari-divljaju-prete-smrcu-upadaju-na-izlozbe-bacaju/74cfgfg

[474] The most prominent examples are the Serbian People's Movement 1389, the National Serbian Front, the Serbian People's Movement Choir, Blood and Honor as well as different football fans groups such as the one led by Veljko Belivuk. In 2021, he was arrested for murder, kidnapping, illicit possession of weapons and explosives and drug trafficking and during the court process he stated that the group took orders from senior state officials. See Milica Stojanovic, "Serbian Alleged Gang Leader Tells Trial: 'We Served State's Needs'", *Balkan Insight*, October 17, 2022, https://balkaninsight.com/2022/10/17/serbian-alleged-gang-leader-tells-trial-we-served-states-needs/

[475] Nemanja Rujevic, "Pride u Beogradu otkazan zbog Kosova?", *Deutsche Welle*, August 27, 2022, https://www.dw.com/hr/pride-u-beogradu-otkazan-zbog-kosova/a-62950527.

[476] Sofija Petrovic, "Litija u Beogradu: Protiv Europrajda a o Kosovu", *Vreme*, October 2, 2022, https://www.vreme.com/vesti/litija-u-beogradu-protiv-europrajda-a-o-kosovu/.

[477] "Environmental protests", EWB; Omer Karabeg, "Ko kontrolise ekstremnu desnicu u Srbiji - Vucic ili Moskva?", *Radio Slobodna Evropa*, September 11, 2022, https://www.slobodnaevropa.org/a/srbija-desnica-kontrola-vucic-moskva/32027620.html

[478] Snezana Congradin, "Oslobodjeni za „nevolje" na Vucicevoj inauguraciji", *Danas*, February 9, 2021, https://www.danas.rs/vesti/politika/oslobodjeni-za-nevolje-na-vucicevoj-inauguraciji/

[479] Grzegorz Ekiert, "Civil society and a threat to democracy: organizational bases of the populist counterrevolution in Poland", *CES Open Forum Series*, 2019–2020, accessed March 17, 2023, http://aei.pitt.edu/102615/1/Ekiert%2DWorking%2DPaper%2D2020%2DFinal.pdf

media[480]; choking-off advertising revenues by running advertisements only in government-friendly media[481]; rewarding pro-government media outlets[482]; outright intimidation, including smear campaigns in pro-government media, defamation charges, cyber and physical attacks[483]; purging public broadcasters from critical journalists[484]; media privatization that led to the concentration of media ownership in the hands of businessmen close to the SNS[485] or left influential outlets, such as the newspapers Politika and Vecernje novosti, under state control[486]; and censorship.[487]

The results of such assaults on the media cannot be more clear. Together with the public broadcasters RTS and RTV, most major private national TV stations and print media became the SNS's "mouthpiece, broadcasting propaganda destined to discredit an opposition deprived of a voice".[488] They also glorify Vucic and his actions[489], which has the purpose of elevating his status above other state institutions. During the 2017 presidential campaign, for example, Vucic received ten times more airtime than all other candidates combined[490], with a great majority of headlines related to Vucic being positive.[491]

The 2022 elections campaign was no different. Public TV broadcaster RTS1 allocated almost three quarters of the primetime political news programs to Vucic and his government, whereas private TV channels with national coverage (O2/B92, Happy, Pink, and Prva) almost only covered the incumbents (90 percent of coverage in news programs), thereby portraying them positively.[492] The same dominance also holds true for print media, as the combined positive and neutral coverage of the incumbents exceeded 76 percent in eight Serbian dailies.[493]

Media dominance of Vucic and his SNS has been a reality in Serbia even beyond the electoral campaigns. The monitoring of the central news programs of TV stations with national coverage (RTS, Pink, Prva, Happy, and O2/B92) in the period between December 2020 and February 2022 showed that only 54:45 minutes were reserved for the opposition, with only one minute of reporting time presenting the opposition in a positive manner. Contrary to this, 3 hours, 24:23 were reserved for the SNS, out of which

[480] For example, the cases against the Adria Media Group, one of the largest publishing companies in Serbia, and its tabloid Kurir, or against local newspapers such as Vranjske Novine.
[481] Only 20% of state funding to media outlets is awarded through competitive processes. See "Media Ownership Monitor-Serbia", accessed March 18, 2023, http://www.mom-gmr.org/en/countries/serbia/
[482] For example, the Pink International Company, the owner of pro-Vucic TV Pink, was granted more than €7 million in public loans between June 2014 and January 2016, despite being one of the largest tax debtors in Serbia. See "A Cry for Help from Serbia's Independent Media", *Freedom House*, October 5, 2017, https://freedomhouse.org/article/cry-help-serbias-independent-media
[483] For example, the 2018 arson attack on journalist Milan Jovanovic by an SNS official.
[484] "Smenjeni svi urednici Radio-televizije Vojvodine", *Danas*, May 18, 2016, https://www.danas.rs/vesti/drustvo/smenjeni-svi-urednici-radio-televizije-vojvodine/; Branka Trivic, "Bivsi novinar TV Pancevo: Posao uslovljen ulaskom u SNS", *Radio Slobodna Evropa*, January 26, 2016, https://www.slobodnaevropa.org/a/bivsi-novinar-tv-pancevo-posao-uslovljen-ulaskom-u-sns/27512950.html
[485] For example, businessman Igor Zezelj who used state money to buy the tabloid Kurir that was critical of the government or the purchase of several media outets by businessman Radoica Milosavljevic and the Kopernikus Cable Network. See Sandra Maksimovic, "Serbian government weaponized state-owned Telekom to curb media freedom?", *EWB*, March 9, 2021, https://europeanwesternbalkans.com/2021/03/09/serbian-government-weaponized-state-owned-telekom-to-curb-media-freedom/; Tanja Maksic and Ulrika Gruska, "Who owns the media in Serbia?", *Reporters without borders*, June 21, 2017, https://rsf.org/en/who-owns-media-serbia
[486] "Serbia's Independent Media", *Freedom.*
[487] When, for example, the Kopernikus Cable Network belonging to the state-owned Telekom does not renew the broadcasting contract with critical media (United Media). See Maksimovic, "Serbian government".
[488] Bojan Stojanovic and Fernando Casal Bértoa, "Orbanization of Serbia: Vucic's path towards competitive authoritarianism", *Globe Post*, April 24, 2019, https://theglobepost.com/2019/04/29/serbia-vucic-orbanization/; "Special election assessment Mission final report Serbia", *ODIHR*, 2020, accessed March 18, 2023, https://www.osce.org/files/f/documents/a/3/466026.pdf
[489] "Izvestaj posmatracke misije CRTA–gradjani na strazi: predsednicki izbori 2017", *CRTA*, 2017, accessed March 8, 2023, https://crta.rs/zavrsni-izvestaj-o-predsednickim-izborima-2017-godine-2/.
[490] Maksic and Gruska, "Who owns?"
[491] "Izvestaj posmatracke", *CRTA*, 2017.
[492] "Election Observation Mission: Final Report", *ODIHR*, 2022, accessed 27 January, 2023, https://www.osce.org/files/f/documents/0/0/524385_0.pdf.
[493] Ibid.

almost 69 percent was positive reporting, while the rest was neutral. As a clear demonstration of personalization of power in Serbia, 76 hours, 46:08 minutes were reserved for Vucic, out of which 87 percent was positive reporting and the rest neutral.[494] Hence, the media strongly contributed to the creation of Vucic's personality cult.

Few independent media outlets that remained and fought autocratization had to face the same attacks as other actors that showed resistance. They and their journalists had to endure smear campaigns in the pro-government tabloids, including hate speech from the members of the parliamentary majority.[495] Indeed, the critical journalists were branded as national traitors who are endangering their own country,[496] as tools of foreign intelligence agencies[497] and foreign countries with an aim to destabilize Serbia[498], as associates of the mafia,[499] and even as drug addicts.[500]

Bots on social media were also heavily employed to discredit and denigrate the opposition. One SNS party report mentions 3,456 bots tasked with diligently leaving comments on portals, websites, Facebook pages etc.[501] This was recognized by Meta that removed 5374 Facebook accounts, 12 groups and a hundred Instagram accounts related to the SNS for policy violations.[502] Moreover, Twitter also deleted 8500 accounts of the SNS that tweeted as many as 43 million times in four years.[503]

REGIME TYPE

Institutionalized uncertainty in Serbia, an electoral autocracy, is highly reduced. The opposition can compete in the elections, but they are not fair. According to the ODIHR reports, the two most frequent pre-electoral manipulations that made the playing field uneven concern the use of state bodies and resources for incumbent campaigns and the hampering of equal opportunities of access to the media. The use of public buses to transport loyalists to rallies,[504] pressure on public sector workers and their families to support Vucic and the SNS, vote buying, and the misuse of state business-related activities by President Vucic and government's ministers for the electoral campaign are only some of the examples of the misuse of public resources.[505] Moreover, the SNS benefits from an highly unbalanced media coverage and the decision of the Regulatory Media Body to turn a blind eye to these violations, which has been already depicted.

There are additional actions from the authoritarian repertoire that made the election unfair: direct intimidation of voters by the SNS activists and the practice of snap parliamentary elections in 2014, 2016, and 2022. Although the SNS majority unilaterally changed the electoral legislation as well, one cannot

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[494] "Vanizborni monitoring medija", *Birodi*, accessed 13 March, 2023, https://www.birodi.rs/vanizborni-monitoring/
[495] "Serbia 2021", European Commission.
[496] "Novo pomracenje Vucica: Nazvao Novu i N1 „lokatorima", retorika podseca na devedesete i napade na Curuviju", *Nova*, December 30, 2022, https://nova.rs/vesti/politika/novo-pomracenje-vucica-nazvao-novu-i-n1-lokatorima-retorika-podseca-na-devedesete-i-napade-na-curuviju/
[497] The top SNS leadership described TV N1 as CIA TV. See "Vucic's media advisor spreads untruths about N1 at lightning speed on Pink TV", *N1*, November 18, 2019, https://n1info.rs/english/news/a545003-vucics-media-advisor-tells-untruths-about-n1/
[498] "Serbia PM Slams EU, Alleging BIRN 'Lies'", *BIRN*, January 10, 2105, https://balkaninsight.com/2015/01/10/serbia-pm-slams-eu-alleging-birn-lies/
[499] "Nations in Transit 2022-Serbia", Freedom House, accessed 17 February, 2023, https://freedomhouse.org/country/serbia/nations-transit/2022
[500] Like KRIK editor in chief Stevan Dojcinovic, see Maja Zivanovic, "Serbian Minister's Party Vilifies Editor as 'Drug Addict'", *Balkan Insight*, September 19, 2017, https://balkaninsight.com/2017/09/19/serbian-defence-minister-s-party-called-investigative-journalist-drug-addict-09-19-2017/
[501] "SNS botovi napisali 10 miliona komentara", *Danas*, December 2, 2018, https://www.danas.rs/vesti/politika/sns-botovi-napisali-10-miliona-komentara/
[502] "Marinika Tepić otkrila podatke o novoj SNS bot mreži", *Danas*, February 25, 2023, https://www.danas.rs/vesti/politika/marinika-tepic-otkrila-podatke-o-novoj-sns-bot-mrezi/
[503] Vesna Radojevic, "Kako je radila srpska „bot" armija: 43 miliona tvitova podrške Vučiću", *Raskrinkavanje*, April 4, 2020, https://www.raskrikavanje.rs/page.php?id=Kako-je-radila-srpska-bot-armija-43-miliona-tvitova-podrske-Vucicu-642
[504] "Freedom 2022-Serbia", *Freedom House*
[505] Zlatko Minic and Nemanja Nenadic, "Funkcionerska kampanja kao vid zloupotrebe javnih resursa", accessed March 18, 2023, https://transparentnost.org.rs/images/dokumenti_uz_vesti/funkcionerska-kampanja-policy-paper-final.pdf

argue that the electoral system has been skewed to strongly favor the ruling party.[506] Hence, the opposition can challenge the regime in the election, but an unlevel playing field strongly affects its chances for success. Opportunities for resisting the regime via protests are limited as well. Freedom of assembly is granted, but the space has been rapidly shrinking since 2019 (V-Dem data shows a drop from 2.52 to 1.32).[507] As already mentioned, the anti-government protests are often violently disrupted by pro-regime groups and in some cases by police brutality. An example are the 2020 protests against covid measures that turned into protests against the regime.[508]

POLARIZATION

According to the V-Dem data, since 2009 Serbia has been marked by serious polarization of its society that further increased during Vucic's reign. However, I disagree and argue that Serbian society is not polarized on key political issues. The Kosovo issue is not a polarizing issue in Serbia as all relevant political parties and a great majority of Serbian citizens (91 percent) reject Kosovo's independence.[509] Moreover, according to the Friedrich Ebert Foundation's survey on democracy and polarization from 2021, same-sex couples' rights is the single issue that strongly polarized Serbian society, while another burning political issue — pro-EU vs. pro-Russia foreign policy orientation — is the least polarizing issue in Serbia.[510]

When it comes to political polarization, V-Dem data has recorded a rather lower degree of polarization, which changed in 2020 as opposing political camps started to increasingly interact in a hostile rather than friendly manner. I only partly agree with this assessment. I argue that even in the period before 2020 Serbia was marked by strong hostilities between the government and the opposition. The origins are not to be found in ideology, but in Vucic himself, who acted as a polarizing figure, as well as in his undemocratic style of governing. Indeed, the Serbian context prevents a building of two ideological camps since the nationalist opposition is ideologically closer to the ruling majority than to the pro-European opposition. Hence, the two camps in Serbia are built along a pro-Vucic/anti-Vucic division and the polarization was a byproduct of democratic backsliding.

Vucic has been strategically polarizing society with his discourse that was also disseminated by other party members. The polarizing discourse was based on different grievances that were, in general, misused to subvert democracy. Vucic, SNS officials, and their media portrayed one of the opposition's leader Djilas as the embodiment of all evil accusing him of corruption,[511] crime,[512] and national treason regarding the

[506] Serbia has a proportional system with closed candidate lists from a single nationwide constituency. The threshold for entering the parliament was lowered from five to three percent only a few months before the 2022 parliamentary election. This was done in order to help smaller parties to pass it and thus minimize the impact of the election boycott by the main opposition parties.
[507] V-Dem, Variable Graph.
[508] "Scene policijske brutalnosti u Beogradu", *SNews*, July 8, 2020, https://www.snews.rs/scene-policijske-brutalnosti-u-beogradu-video/
[509] Miljan Mladenovic, "Svaki peti građanin Srbije sigurno se neće vakcinisati protiv korona virusa", *Istrazivanja*, August 21, 2021, https://istrazivanja.rs/svaki-peti-gradjanin-srbije-sigurno-se-nece-vakcinisati-protiv-korona-virusa/.
[510] Elena Avramovska, Johanna Lutz, Filip Milacic and Milan Svolik, "Identity, Partisanship, Polarization: How democratically elected politicians get away with autocratizing their countries", accessed March 8, 2023, https://library.fes.de/pdf-files/bueros/wien/19536-20220926.pdf.
[511] "Vucic: Zasto ne kazete da se skupila "Lopovska koalicija"? Ne mozete da prevarite narod", *Telegraf*, December 24, 2017, https://www.telegraf.rs/vesti/politika/2922102-uzivo-vanredno-obracanje-konferencija-za-novinare-predsednika-vucica; Katarina Zivanovic, "Kako je Dragan Djilas u tabloidima od „zutog tajkuna" postao „gospodin", *Danas*, April 12, 2022, https://www.danas.rs/vesti/drustvo/kako-je-dragan-djilas-u-tabloidima-od-zutog-tajkuna-postao-gospodin/
[512] "Vucic: Djilas je megafon Belivukove grupe", *B92*, May 13, 2021, https://www.b92.net/info/vesti/index.php?yyyy=2021&mm=05&dd=13&nav_category=11&nav_id=1856741

Kosovo issue.[513] Only on social media Djilas was mentioned negatively 340 000 times by SNS bots.[514] Other leaders of the opposition were also victims of such a derogatory language that has been normalized. For example, presidential candidate Ponos was accused of hating Serbia and of being a spy of Western embassies and the henchman of NATO. [515] Hence, Vucic and his SNS allies strongly contributed to an emergence of an 'us vs. them' division by depicting opposition and independent media as enemies.

Moreover, the Serbian opposition grew disillusioned with the authoritarian governing style of Vucic. As already mentioned, it organized protests and boycotted the parliament and the 2020 parliamentary election. This coincides with the rise of political polarization according to the V-Dem data, whereas the opposition's decision to continue the struggle within the institutions of the system reduced the polarization a year later. Yet the polarization remains high as the oppositional criticism of Vucic's undemocratic practices is still met with derogatory language, such as the accusation that the opposition hates Vucic[516] and that there is no cure for its sickness.[517]

INTERNATIONAL FACTORS

After the fall of the Milosevic regime in 2000, the accession to the EU became Serbia's key foreign policy goal. The accession process was also beneficial for Serbian democracy as it involved democratic reforms. However, the enlargement fatigue within the EU — rooted in the economic and migration crisis as well as in democratic backsliding within its own ranks —removed the most important check on authoritarian tendencies of Serbian political actors: a clear path toward EU membership in the near future. The depicted change influenced the actors' preferences as it reduced the costs of authoritarian behavior and facilitated democratic backsliding. This is an important factor for understanding how democratic backsliding occurred in Serbia. In other words, within the new context, political actors could more easily subvert democracy as they did not have to fear the consequences. The EU's decreased interests in the developments in the region were later confirmed by its limited response when the backsliding occurred.[518] What is more, Russia has been another international factor that heavily influenced Serbian political dynamics through pro-Russian political parties and CSOs, with negative effects on Serbian democracy.

CONCLUSION

Serbia represents an example of grievances-driven democratic backsliding. The grievances related to the corruption and particularly to the formative rift (Kosovo) were initially politicized by political entrepreneurs (Vucic and his allies) and later weaponized against democracy. When it comes to the sequencing of democratic backsliding, Serbia shows that it is also possible that all key tenets of democracy simultaneously come under pressure, albeit with different intensity. Nevertheless, a pathway of erosion

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[513] "PREMIJERKA BRNABIC: Djilas govori ono sto ni Kurti ne prica! A cuti kad ROSU puca na Srbe!", *Kurir*, November 5, 2021, https://www.kurir.rs/vesti/politika/3803131/premijerka-brnabic-djilas-govori-ono-sto-ni-kurti-ne-prica-a-cuti-kad-rosu-puca-na-srbe; Marija Vucic, "Informeru javna opomena zbog tekstova o Djilasu", *Raskrinkavanje*, November 5, 2018, https://www.raskrikavanje.rs/page.php?id=Informeru-javna-opomena-zbog-tekstova-o-Djilasu-296

[514] "Marinika Tepić", *Danas.*

[515] "MINISTAR MILOS VUCEVIC: Ponos je osvedoceni mrzitelj Srbije i spijun zapadnih ambasada", *Kurir*, February 8, 2023, https://www.kurir.rs/vesti/politika/4104020/milos-vucevic-ponos-je-osvedoceni-mrzitelj-srbije-i-spijun-zapadnih-ambasada; "POKRET SOCIJALISTA: Vucic i Vulin vratili snagu i ugled srpskoj vojsci i to NATO poslusnik Zdravko Ponos ne moze da im oprosti", *Kurir*, December 23, 2022, https://www.kurir.rs/vesti/politika/4075796/pokret-socijalista-vucic-i-vulin-vratili-snagu-i-ugled-srpskoj-vojsci-i-to-nato-poslusnik-zdravko-ponos-ne-moze-da-im-oprosti

[516] "Vucic: Pricu o Danilu pokrece samo gola mrznja", *Danas*, January 13, 2023, https://www.danas.rs/vesti/politika/vucic-pricu-o-danilu-pokrece-samo-gola-mrznja/

[517] "Premijerka Brnabic se na Tviteru u "pet reci" obratila opoziciji i medijima", *Danas*, February 18, 2023, https://www.danas.rs/vesti/politika/premijerka-brnabic-se-na-tviteru-sa-pet-reci-obratila-opoziciji-i-medijima/

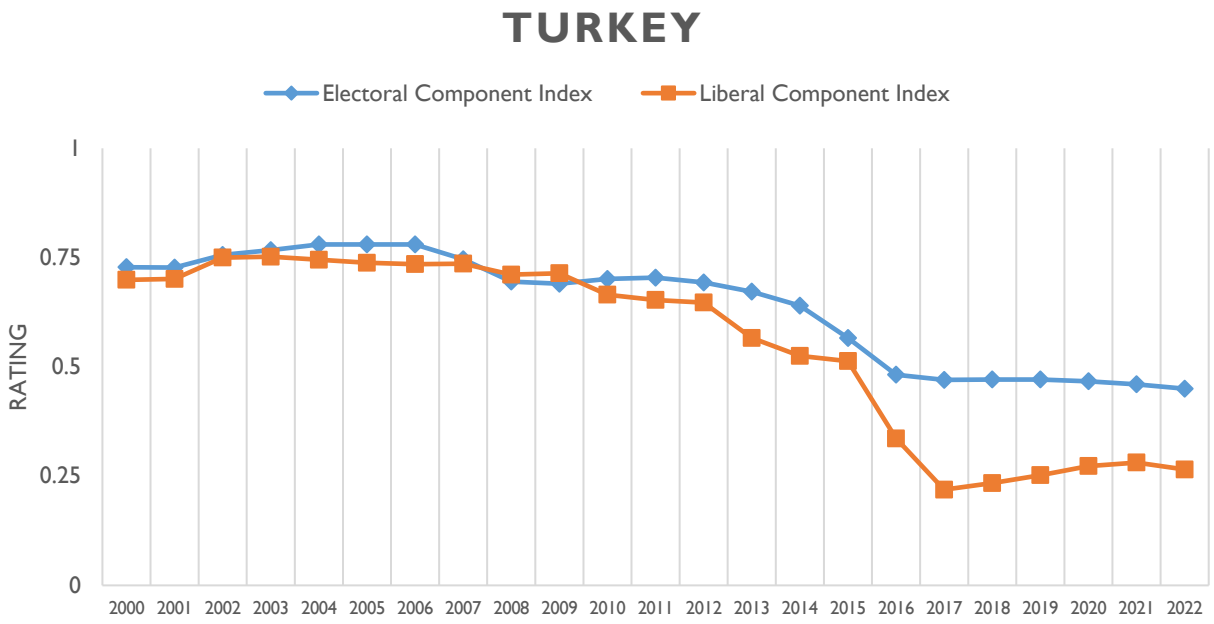
[518] Stephan Haggard and Robert Kaufman, *Backsliding: Democratic regress in the contemporary world*, (Cambridge: Cambridge University Press, 2021).

can be identified: Firstly, the control over key media was pursued in order to spread the grievances-narrative for the purpose of electoral gains. After the SNS and Vucic entrenched themselves in power, an executive take-over and power grabs advanced more intensely, coupled with an unleveling of the playing field to more easily remain in power. For both of these developments the alleged addressing of grievances served as a cover or as an excuse. During this process, the state institutions and pro-government media were used to suppress the resistance. The latter frequently launched smear campaigns against those actors that resisted (civil society, opposition, independent media, the ombudsman, and individual judges), while Vucic and SNS officials accused them of being national traitors or corrupt. The whole process was facilitated by the fact that the ideologically divided opposition was not able to offer a clear alternative to the regime as well as by the lack of a clear response from the EU.

The politicization of grievances this turned out to be a precursor for the assaults on democracy. Hence, the Serbian case could be useful in identifying early warning signs in case political actors from other countries start employing a similar strategy. The early warning signs could strengthen democracy's resilience by telling us when decisive actions by pro-democratic actors — the progressive political leadership, democratic institutions, and civil society — is necessary.

14. TURKEY

Figure 41. V-Dem Liberal Component Index and Electoral Component Index for Turkey, 1999-2022



Turkey has a significant legacy of multiparty electoral democracy, being a multiparty democracy since 1950 - albeit an illiberal one with military tutelage and periodic interventions for a long time - and significant experience with competitive party politics, local and national elections and institutional checks on power that go back to Ottoman times.

Under the governments of Justice and Development Party (AKP) and its leader Recep Tayyip Erdoğan, which came to power at the end of 2002, Turkey has endured severe democratic erosion combined with extreme social and political polarization since the early 2000s. At some point between 2014 and 2018, it has also suffered a breakdown, or, according to some arguments, "suspension" of democracy. Hence, as a result of two decades-long and continuous backsliding, the country's regime was downgraded from electoral democracy in early 2000s to open autocracy in late 2010s. Prior to the AKP coming to power in 2002, negative precursors of democratic backsliding included: a financial crisis (2001); political and economic instability, ethnic-regional conflict, corruption, and tutelary impingements of the military-bureaucratic actors in civilian politics and civil society upon (1990s); unresolved formative rifts of religious-secular divisions and the ethnic-regional Kurdish Conflict, and the unresolved nature of the civil- military relations since the 1980s.

However, the 1990s also witnessed considerable democratization initiatives at civil society and political party levels and growing social-political pluralism and mobilization, such as the women's and LGBTQ movements, Alevi (a major Muslim religious-cultural minority) and ethnic Kurdish movements, a vibrant and diversifying media, and more liberal, critical and pluralistic reinterpretations of official history and state ideology in civil society. Hence, the case of Turkey suggests that precursors to backsliding may not always

have to be "negative" factors and developments from the point of view of democracy. There may also be "positive" precursors. In other words, backsliding can also be triggered by pro-democratic mobilizations that the political system, i.e., mainly the judicial and political institutions and political parties, fails to accommodate or process.

Polarization, which had been part and parcel of Turkish democracy, was already high and close to pernicious levels when the AKP came to power. After that, it has grown in tandem with democratic erosion, becoming pernicious and then making Turkey one of the most perniciously polarized countries in the world in the 2010s. This suggests that polarization has been both a cause and a consequence of democratic backsliding in Turkey in the 2000s. During this process, there emerged an autocracy-democracy axis, or a pro-government/pro-opposition axis depending on one's perception, which partially overlapped with and reinforced previously existing axes of polarization.

Also noteworthy is that Turkey presents a case where society, institutions, and opposition civil society and political parties experienced significant dynamism as well as learning vis-à-vis democratic erosion. Voter turnout has remained consistently above 80 percent (except for one election in 2014 when it was 74 percent), with around 48 percent of voters adamantly supporting opposition parties and candidates during the last decade or so. From the very beginning, the AKP governments and their creeping authoritarianism have been faced with fierce legal-institutional, social, and political resistance and opposition. But the opposition in the first decade, and to a lesser extent to this day, has been motivated by and expressed through pro-secular rather than merely pro-democracy interests, ideologies and discourses. Also, during the first decade, the checks of institutional actors on the AKP's incremental backsliding practices, such as gradual capture of state institutions, systematic corruption and media, verged on extra-institutional interventions. This is because they drew on broad and alarmist interpretations of laws and legal authorities, and, in one case in 2007, involved a threatened military intervention, besides reflecting seemingly ideological motivations. As a result, backsliding has evolved through many contentious, disruptive and fiercely combatted ruptures, crises and critical junctures.

Main responders to backsliding have been Judicial and bureaucratic institutions, political institutions in particular the parliament, the military, media, civil society, ethnic and mobilization and religious minorities, voters, local governments and opposition political parties, who acted with various justifications and motivations. As the AKP one by one captured the state institutions including the military, the locus of opposition shifted from institutional actors such as the parliament, bureaucracy, universities, judiciary and military to social and political actors such as social movements, political parties and civil society. Opposition took the shape of both issue-based and anti-government mobilizations, mass protests and many other initiatives. These produced intended and unintended consequences at different stages of backsliding. These developments occurred in tandem with the growing mobilization and organization of pro-AKP segments of society in a complex relationship with state institutions increasingly captured by the party. The AKP became a massive interest group rather than only a party, featuring 11 million party members (roughly one fifth of active voters).

Opposition to the AKP took explicit as well as implicit and strategic shapes and forms, where the latter included alliance-building with the AKP. Hence, implicit opposition not only involved practices such as passive bureaucratic and judicial resistance to unlawful practices based on technicalities. It also included strategic moves by leaving or joining the AKP. Many actors defected from the AKP since the beginning and especially since the transition to an authoritarian hyper-presidential system in 2017, while many others

joined it in order to restrain it from within. A more subtle strategic move through alliance-building came from Turkey's ethnic (Turkish) nationalist and Eurasianist (partially also pro-Russian) far-right, which has less than 10 percent of voter support. When the opposition including a pro-Kurdish party increased its votes and the AKP lost its parliamentary majority in 2015, the far-right decided to switch sides and built an alliance with the AKP, shifting the AKP's policies and discourses to extreme right and transforming its policies on the Kurdish issue as well as foreign policy including Middle Eastern, Russian and Trans-Atlantic relations.

International actors in particular the EU and the US played active but also controversial roles whereby they might have unintendedly facilitated backsliding according to critics. At later stages of backsliding, autocratic international actors such as Russia have supported and facilitated democratic erosion. During these experiences, opposition actors experimented with and developed various *sui generis* strategies for preserving and opening democratic spaces, and for countering and overcoming polarization and democratic backsliding. These are informative also for other cases.

Democratic backsliding can be analyzed in several periods, which were separated from each other through major critical junctures (in the sense of changing actor incentives and perceived power balances thereafter):

- Nascent stages of democratic erosion (2002-2006): opposition through parliament, president (until 2017 Turkey had a parliamentary system with prime ministers as heads of government, albeit one where the president elected by parliament played a more than symbolic supervisory role in the executive), bureaucracy, mainstream media, civil society mobilization (as in women's movement or bar associations) issue-based protests.

The AKP has significant (66 percent) parliamentary majority (with 36 percent of the vote, thanks to a ten percent national electoral threshold) just short of a super majority necessary to change the constitution, but lacks ideological-discursive legitimacy and power in state institutions and mainstream civil society, media, culture, and education.

Critical juncture (2007): Parliamentary crisis over election of president; Mass (republican, anti-Islamist and pro-secular) popular protests and a military ultimatum. The AKP won the battle based on increased popular support and legitimacy, and by successfully portraying its institutional and popular opponents as oligarchic.

- Consolidation of the eroder's (AKP) power (2008-2013): opposition through judiciary, parliament, political parties inside and outside parliament, bureaucracy, electoral mobilization, mainstream media, military statements (2008-2010), issue-based protests, civil society mobilization. The AKP and its Gülenist allies fight back through extrajudicial trials against the military, media battles and takeovers, a "permanent political campaign" (See Ecuador case study in this report) against its critics.

Critical juncture (2013): Mass (pro-secular, pro-democracy, anti-neoliberal) Gezi protests attended by c.a. 10 million protesters over 3 months, massive and documented corruption charges brought against the AKP by Gulenist actors within the judiciary and security forces (hence arguably interest-based in-fighting within and split from the backsliding government). AKP wins battle through repression and by exploiting secular-nationalist and pro-state reflexes of the public.

- Advanced democratic erosion (2014-2016): Opposition through parliament, political parties inside and outside parliament, electoral mobilization, "opposition media", issue-based protests, civil society mobilization, extraordinary mobilizations such as "Justice March" where main opposition leader (and 2023 presidential candidate) walks 200 miles from Ankara to Istanbul.

Critical juncture (2017): aborted coup attempt by AKP's former ally (Gülenist) officers, state of emergency, autocratic hyper-presidential system endorsed by a small margin of votes in a referendum held under state of emergency conditions.

- Suspension of democracy, and opposition innovation and advances (2018 - May 2023 elections): opposition through growing opposition political party coordination and alliance-building, political party activities outside the parliament, which is marginalized in the new system, electoral mobilization, "opposition media", issue-based protests, civil society mobilization, social media, passive resistance in bureaucracy. Opposition actors build democratic spaces though subcultures, life-style specific neighborhoods, popular culture, social media, independent media organizations, professional associations.

Democratic opposition has increasingly coalesced around this democracy-autocracy axis. They did so based on a unifying, non-polarizing message and political innovations at discursive, programmatic and organizational levels to simultaneously overcome autocratization and pernicious polarization.

They made significant advances in the 2019 local elections by winning the country's most important city governments (mayorships but not the majority in city councils) including Istanbul and Ankara.

Opposition political parties came together in two alliances on an anti-government and pro-democracy basis. They and their joint candidate Kemal Kılıçdaroğlu run on an explicit platform of governing through consensus and power-sharing, rebuilding democracy through legal-institutional reforms and depolarizing society by healing polarizing differences and wounds.

All this increased the chances that Turkey could become a crucial case of how to successfully defeat and reverse democratic backsliding.

Critical juncture (May 2023 elections): Allied opposition parties lost both parliamentary and, in a run-off, presidential elections with 48 percent of the vote. This critical juncture produced four very important lessons.

- The advantages that entrenched electoral autocrats in contexts of backsliding are formidable. It is extremely hard for opposition parties to overcome them even when they do many things right on levels of alliances, discourse and program.

- The May elections showed that disinformation enabled by incumbent media advantages can really pay off. The AKP used blatant disinformation by using modern technologies including deep fakes which the opposition simply could not defeat for major segments of the electorate.

- Party organizations are extremely important in backsliding contexts where state institutions and free media can no longer be trusted. Opposition parties were well-organized in urban areas but not in rural settings for communicating with voters, tailoring their messages to their needs, and protecting ballot

security. The Turkish opposition faced a problem that many other political parties in the world including the Democrats in the US are confronted with: they seemed to be out of touch with the values, language and stories of various segments of the electorate especially in rural areas, so they could not convince them even though they were proposing policies that were designed to serve these voters' interests. Only year-round active party organizations constantly in contact with people in their daily lives may be able to overcome this problem by producing new narratives and policies.

- Polarizing politics pays off for backsliding autocrats. It is very hard to overcome it for democratic oppositions with discursive strategies alone. Material interests created by clientelist and patrimonial policies of the incumbent also reinforce a pro-government block effectively predisposed against the opposition. Oppositions need to develop complex and multidimensional policies in response.

- Possible Consolidation of Electoral Autocracy, and Marginalization or Remaking of Political Opposition (May 29, 2023 - present):

Having won an electoral victory against a hopeful, highly mobilized and allied opposition and winning the presidency and parliamentary majority for the next five years in May 2023, President Erdoğan and the AKP might have gained a real chance of consolidating an electoral autocratic, and perhaps even a closed regime.

They face five challenges, however, around which new democratic spaces can be formed:

1. The painful social consequences of a deep economic crisis, which the government kept partially at bay with populist and monetary expansionist policies for two years before the elections.
2. Upcoming local elections in 2024, in a context of successful opposition governance of major cities since 2019.
3. Possible defection of far-right from the governing alliance, possible new parliamentary alliances between the AKP and small center-right parties for a new constitution.
4. Possible ideological and organizational makeover of the opposition parties, ,in particular the main opposition Republican People's Party CHP.
5. Popular demands for change (which continue to represent voters' majority but did not translate to electoral outcome)

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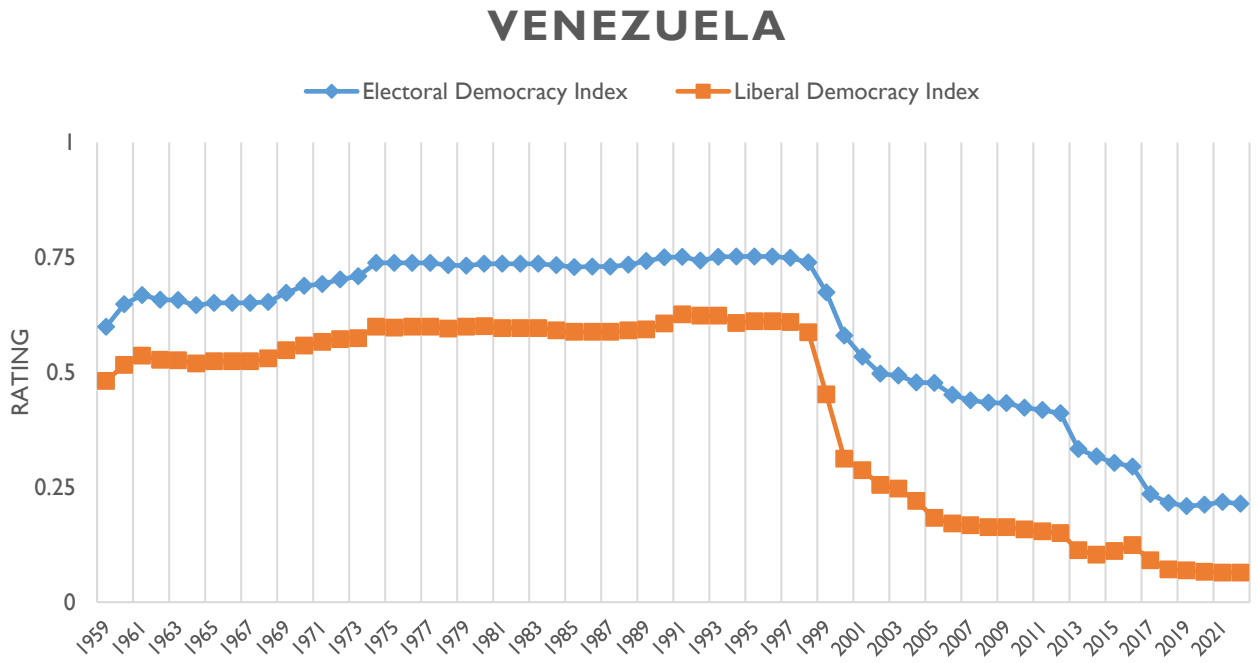
15. VENEZUELA

Figure 42. Electoral and Liberal Democracy in Venezuela, 1959-2021



Up until the 1990s, Venezuela was one of the oldest democracies in Latin America. Today it is one of the region's most entrenched authoritarian regimes. In a little over twenty years, Hugo Chávez (1999-2013) and his successor, Nicolás Maduro (2013-present) destroyed the system of checks and balances, ended competitive elections, and terminated political rights and civil liberties. By now, Venezuela has not only delayed and canceled elections, circumvented the authority of the elected bodies, but also imprisoned and exiled political opponents without trial, used lethal force against protesters, and co-opted or banned opposition parties. How did this happen?

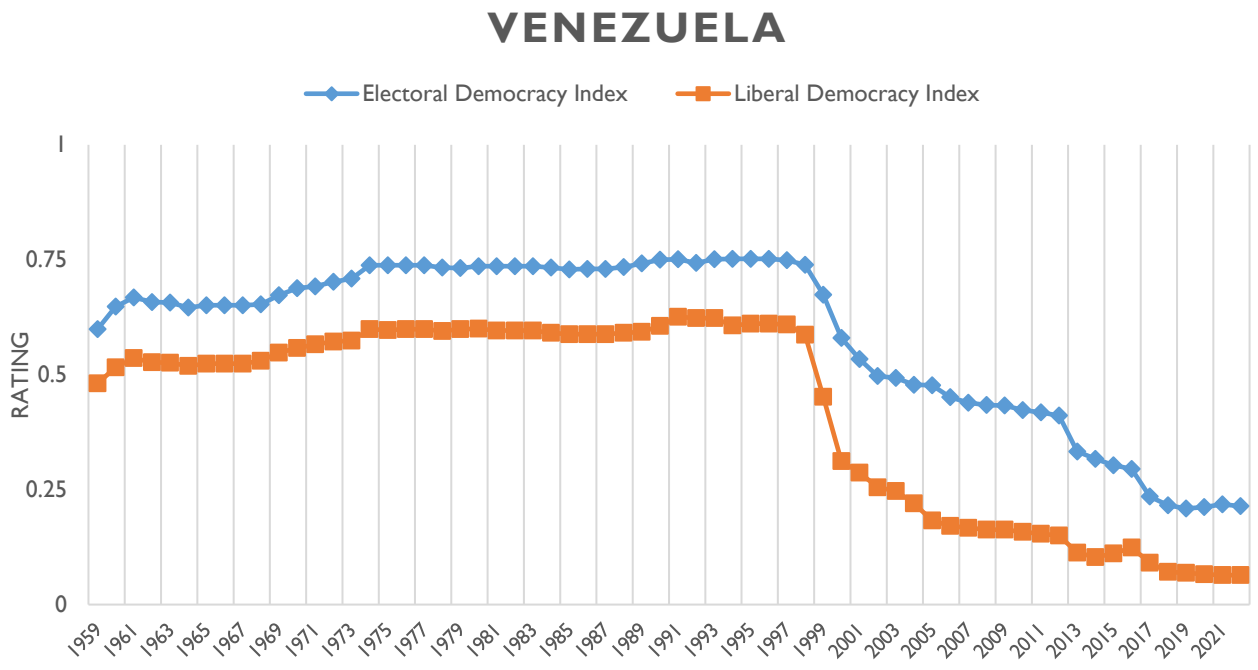
In this report, I discuss Venezuela's autocratization with an eye towards democratic strategies and spaces. I split this phenomenon into three stages. The first stage refers to the process of democratic erosion. That is the process by which Venezuela transitioned from a delegative democracy to a competitive authoritarian regime between 1999 and 2006. The second stage is one of stability. Between 2008 and 2015 Venezuela was a somewhat stable electoral autocracy.[519] The third stage marks a process of deepening authoritarianism that started in 2016 and transformed the country into a fully authoritarian regime.

The resources and opportunities available to fight autocratization are different in each stage. Between 1999 and 2006, the anti-Chavista coalition had control over media outlets, influence over the armed forces and the oil company (PDVSA), a significant presence in the legislature, some support inside courts and oversight agencies, and the ability to mobilize millions of Venezuelans to the streets. At this point it had a range of tactical options to resist democratic backsliding.[520] By 2006, however, the opposition had

[519] Between 2006 and 2008, Venezuela is neither democratic nor competitive authoritarian. Certified by the OAS, the 2006 elections had irregularities but were minimally free and fair; the 2008 regional elections, were not. Not only did the government disqualified opposition candidates based on bogus corruption charges but there was a clearer unbalance of media and resource access.
[520] Gamboa, *Resisting Backsliding* Chapter 4.

lost most of these resources. Having gained control of courts and oversight, and curbed free media, by 2008, Chávez had turned Venezuela into a competitive authoritarian regime. The country had unfair, but nonetheless, competitive elections. Opposition candidates were able to participate in electoral contests, had some (irregular and highly obstructed) access to resources and media outlets, and some ability to mobilize people to the streets without facing outright repression. That began to change in 2016 (which marks the start of the third stage). After losing control over the National Assembly (AN), in 2015, Maduro's government started a process of deepening authoritarianism. Relying increasingly more on the military, the government limited the opposition's ability to compete in elections, increased repression against opponents, and became overall less tolerant to dissent. This autocratization limited the opposition's strategic choices even further. By 2017, Venezuela had ceased to be competitive authoritarian, and transitioned into a fully authoritarian regime.

Figure 43. Electoral and Liberal Democracy in Venezuela, 1959-2021



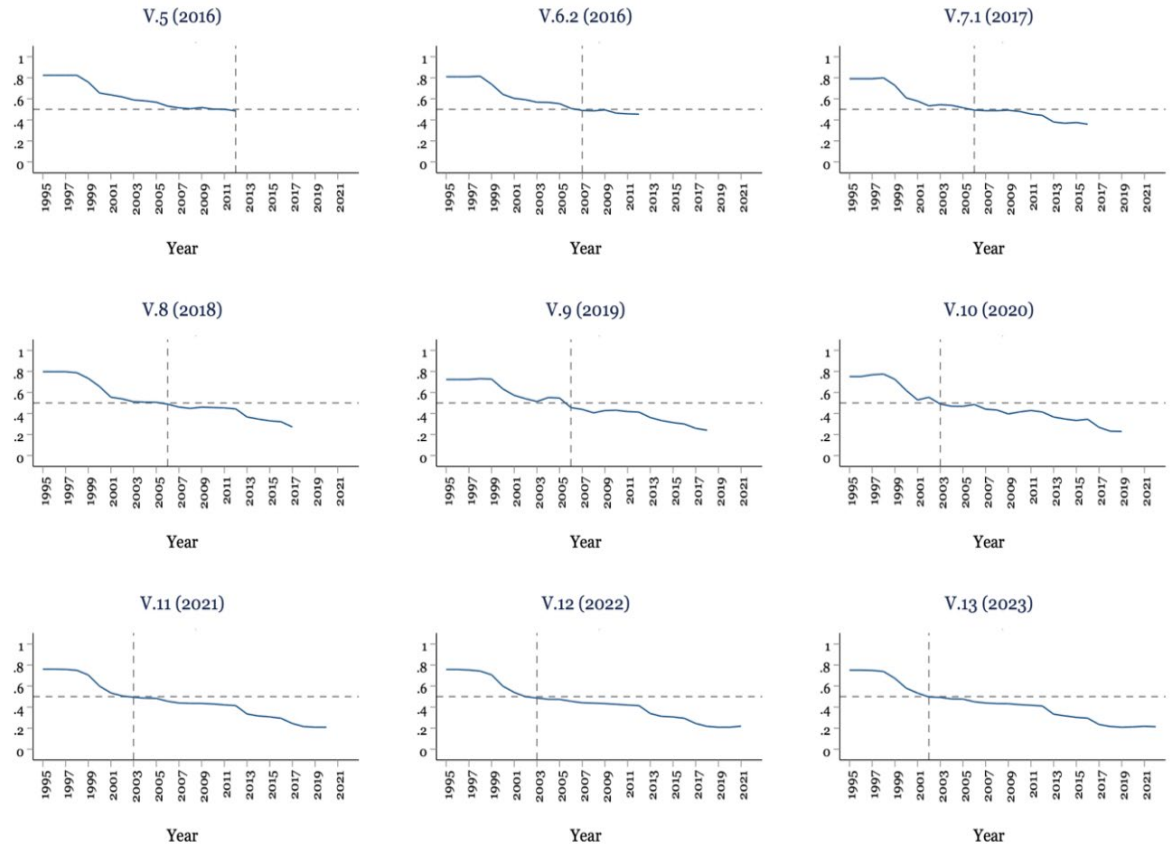
DATA: V-DEM DATASET V.13

I conceived these stages using a combination of qualitative and quantitative data. According to V-Dem, Venezuela became a competitive authoritarian regime (or electoral autocracy) in 2002 (See Figure 1). I disagree. Though diminished by earlier power-grabs (i.e., a new constitution that greatly expanded the powers of the executive and elections that diminished the opposition's presence in elected bodies), up until 2006, elections in Venezuela were certified by international authorities (i.e., the Carter Center, the Organization of American States, and the European Union)[521] as irregular, but ultimately free and fair. The marker of competitive authoritarian regimes is the existence of an unbalanced electoral playfield.[522] That is, elections in which the opposition's uneven access to resources, uneven access to the media, as well as

[521] After 2006, the Venezuelan government chose not to invite these organizations to do electoral observation anymore. They invited the Unión de Naciones Suramericanas (UNASUR), but this organization was biased and their reports overall unreliable.
[522] Levitsky and Way, Competitive Authoritarianism: Hybrid Regimes after the Cold War.

the government's manipulation of electoral laws and harassment of opponents is such that it is almost impossible to defeat the incumbent. Despite irregularities and "constitutional hardball", the government in Venezuela did not have a distinct advantage over the opposition until 2006. Resources (mostly the state-owned oil company, PDVSA) were in opposition hands until 2003, the media was relatively accessible for opposition candidates until at least 2007, and manipulation to electoral law didn't reach a breaking point until 2008. Earlier versions of V-Dem agree with this assessment (See Figure 44).

Figure 44. Electoral Democracy Index in Venezuela by V-Dem



Note: The vertical line signals the point at which the regime's Electoral Democracy Index goes below 0.5.

In what follows, I describe the "openings" available at each of the stages of democratic erosion focusing on political institutions, bureaucracy, elections, civil society, the media, polarization, and international factors.

POLITICAL INSTITUTIONS

Processes of democratic backsliding, especially in their early stages, are uncertain. Political institutions are up for grabs. In settings like Venezuela's where the fight is over courts, congress and oversight agencies and the rules that govern them, it is hard to conceive these institutions in them of themselves as "drivers" or "constrainers" of backsliding. I conceive political institutions as spaces for contention that, depending on the regime type, can be leveraged by pro-democratic coalitions to protect democracy or weaponized by autocrats to deepen authoritarianism.

1999-2005

Chávez came to power in a country with relatively strong institutions. Venezuela's constitution had been in place since 1960 and rarely reformed since. Venezuela had a total of two constitutional amendments since it transitioned to democracy.[523] The country's institutions were also relatively stable vis-à-vis other Latin American countries. Before Chávez came to power, Venezuela had experienced only two interbranch crises.[524] In comparison, Ecuador had eighteen before Rafael Correa (2007-2017) became president, Nicaragua had had eight before Daniel Ortega was elected (2007-present), and Bolivia had six before Evo Morales (2006-2019) rose to power.

Though stable and longstanding, Venezuelan courts, congress, and oversight agencies were not necessarily equipped to withstand the erosion of democracy. Chávez came to power in the midst of a state crisis.[525] Dissatisfied with the government's ability to deliver basic goods and services, citizens had become disenchanted with the functioning of state institutions. Political parties, congress, and courts were seen as illegitimate in their eyes and (therefore) vulnerable to the potential autocrat. This lack of legitimacy facilitated the president's first power-grab: the 1999 Constitutional Assembly. When Chávez called for a referendum asking citizens not only to decide whether they wanted to call for a constitutional assembly but also if they would allow the president to design the mechanism to elect its representatives,[526] the Supreme Court ruled in favor of it. Notwithstanding that the decree was unconstitutional, the high court did not enjoy its own popular support and do not want to rule against the new popular president.

The Constitutional Assembly expanded the powers of the executive and created a unicameral congress. It also abrogated itself legislative powers and, once done writing the text, created a Chavista legislative commission that ruled with little restraint for six months (January-August 2000). This commission selected members to the courts and oversight agencies. In July 2000, Chávez held general elections (at the national and subnational level). These shaped the composition of congress and subnational offices. The opposition lost half of the governorships and the legislative simple majority it had won in 1998.

Despite these downturns, the opposition was able to hold on to 35% of the seats in congress, 30% of all governorships, and at least 50% of all mayorships and leverage them to influence appointments, do oversight, counteract government power grabs, and mostly delay Chávez's project.[527] The opposition was able to do so in part, because their numbers grew late in 2001, when, in a polarized environment, a splinter in the Chavista coalition enhanced the opposition's hold over most political institutions. Between 2002 and 2004, the anti-Chavista coalition controlled almost half of the seats in the National Assembly (AN), half of the seats in the Supreme Court (TSJ)[528] and had a decisive role in the fight to elect a new Electoral Council (CNE).[529]

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[523] Elkins and Ginsburg, "Characteristics of National Constitutions, Version 3.0."
[524] Helmke, Institutions on the Edge.
[525] Handlin, State Crisis in Fragile Democracies.
[526] The rules in of them themselves were not unfair, but the majoritarian system implemented (with a set number of representatives by states) created important disproportionalities. Chávez' coalition won 95% of the seats, with 60% of the votes.
[527] Gamboa, Resisting Backsliding , 103, 121–24; Petkoff, El Chavismo al Banquillo, 33.
[528] Though the distribution inside the chambers was uneven (with the government holding slim majorities in two important chambers: the Constitutional and the Administrative Chamber). Sanchez Urribarri, "Courts between Democracy and Hybrid Authoritarianism: Evidence from the Venezuelan Supreme Court."
[529] Sanchez Urribarri; Medina and López Maya, Venezuela: Confrontación Social y Polarización Política, 160–64; McCoy and Diez, International Mediation in Venezuela, 111–13.

By 2006, however, the opposition had lost that leverage. In 2004 and 2005 it effectively boycotted regional[530] and legislative elections against the advice of international election observers, losing all but two governorships, 60% of their 2000 mayorships, and most of its presence in the National Assembly. With a hold over legislative and subnational offices, Chávez was then able to fully co opt court[531] and oversight agencies.

2006-2015

In 2008 the opposition created an electoral coalition—the *Democratic Unity Roundtable* (MUD)—that was able to win back some of the elected offices the anti-Chavistas had lost in previous contests. In 2008, the MUD elected five governors (3 more than they did in 2004) and in 2010 it won 40% of the seats in the National Assembly. Unfortunately, by 2008 the regime had turned competitive authoritarian. Not only was it harder to recover these spaces (vis-à-vis what it would have been to keep them in 2004 or 2005) but there was less the opposition could do with them. By the time the opposition officers were sworn in, the government had used its control over congress, courts and oversight agencies to modify the rules of procedure in the National Assembly to the detriment of minority coalitions (2010),[532] reformed the constitution to allow for indefinite reelections (2009) and created parallel governing institutions in opposition-controlled states and cities.[533] In control of all the branches of power, Chávez remained in office until his death in 2013, when he was replaced by Nicolás Maduro.

2016-PRESENT

After an impressive coordinated electoral effort, in 2015, the MUD won a qualified majority in the National Assembly (112 out of 167 seats), seated in 2016.[534] Threatened, the government moved quickly to curb the opposition's power in the legislature. In December, the TSJ signed an injunction against three opposition deputies cutting the MUD's qualified majority. In January 2016, when the legislature swore into power the contested deputies disregarding the injunction, the high court declared the entire legislature in contempt and allowed Maduro to bypass the AN to govern. In 2017, the government further sidelined the opposition-controlled legislature: with the consent of the TSJ and the CNE,[535] the government's party (*Partido Socialista Unido de Venezuela* -PSUV) violated the constitution to elect a Constitutional Assembly to ostensibly write a new constitution, but that became the de-facto legislative body in Venezuela until 2020.

The 2015 efforts to win back the legislature were not entirely in vain. Despite being kneecapped,[536] the opposition was able to capitalize its control over congress to visualize government abuses. In 2017, Maduro's regime lost any veneer of democratic legitimacy.[537] In a creative move to push for democratization, the opposition was also able to leverage their hold over the National Assembly to launch an interim government with international support. In 2018, Maduro was re-elected in a fraudulent

[530] Though they ran some candidates in the 2004 regional elections, opposition leaders sent messages delegitimizing the elections and, thus, demobilizing voters.
[531] In 2004—after a year and a half of delays orchestrated by opposition deputies—the government was able to pass the Organic Law of the Supreme Tribunal (LOTSJ). This law increased the size of the TSJ, allowing Chávez to have a decisive majority.
[532] Reformal parcial del reglamento interior y de debates de la Asamblea Nacional.
[533] Jiménez et al., "La oscilante (in)capacidad de la oposición venezolana en la disputa por el poder subnacional (2008-2022)."
[534] The qualified majority was a game changer. The AN had rules that enhanced the powers of majorities. As the new majority the MUD could block presidential powers of decree, censure members of the president's cabinet, nominate or remove members of courts and oversight agencies, call for referendums or even a constitutional assembly. Scharfenberg, "¿Qué puede hacer la oposición con 101 diputados?"
[535] Which had also shut down an effort to call for a recall referendum in 2016.
[536] This is in part due to the opposition's strategic and ideological divisions, as well as their lack of coordination. Rosales and Jiménez, "Venezuela"; Gamboa and Urribarri, "Venezuela's Getting a New Constitution Whether the People Want It or Not"; Gamboa and Urribarri, "Venezuela on the Verge of Dictatorship."
[537] Gamboa, "Venezuela Has Lost Its Democratic Facade."

electoral contest boycotted by most of the opposition. The AN refused to recognize the elections or inaugurate the president in office. In violation of the constitution, Maduro was sworn in by the TSJ instead. Such a move gave leeway to opposition officers to invoke Articles 233, 333 and 350 of the Constitution and swear in Juan Guaidó (president of the AN) as interim president.

The interim government caught Maduro by surprise and enjoyed (at least at first) the endorsement of more than fifty countries. Yet, divisions inside the opposition, poor strategic decisions by the international community, and an overall lack of coordination quickly closed that window of opportunity. By the time a new AN was elected in 2020 in an election boycotted by most of the opposition, Guaidó had been unable to translate his international recognition and resources into democratic concessions, much less Maduro's ouster. In a context of increasing authoritarianism, it was harder to leverage a powerful institution like the National Assembly.[538]

BUREAUCRACY AND ADMINISTRATIVE STATE

Besides congress, courts, and oversight agencies. Venezuela has two other entities that play an important role in its autocratization process: the security apparatus and the state-owned oil company PDVSA. Like what happened with the political institutions described above, the ability to use these entities to oppose or advance democratic backsliding has rested on who controls them and to what extent. This is something that has changed significantly across the different stages of autocratization.

1999-2005

Between 1999 and 2002, the opposition had sympathizers in the armed forces. In April 2002, however, after a short-lived coup, it lost them all. Using the coup as an excuse the government purged the National Bolivarian Armed Forces of Venezuela (FANB). The putsch gave Chávez the information, the reasons, and the excuse he needed[539] to dismiss members of the military and replace them with loyalists.

Likewise, between 1999 and 2003, high and mid-level PDVSA managers opposed the government. In November 2002, they called for an indefinite oil strike that sought to push Chávez to resign. The government, however, was able to survive the stoppage. Using the military, it put PDVSA back up and running and with the help of countries like Brazil it overcame the food shortages. By January 2003, the strike had faded away, but Chávez used it as an excuse to fire 60% of the company's employees and replace them with loyalists.[540] Once in control of PDVSA, the president was able to use oil revenues to buy domestic and international support.[541]

2006-2016

After 2003, both PDVSA and the military stopped being tools for the opposition and were used by the government to support Venezuela's competitive authoritarian regime. Between 2004 and 2014, PDVSA received approximately one billion dollars in oil revenues. In control of the company Chávez was able to

[538] Jiménez, "Contesting Autocracy."
[539] Interview with a former journalist of El Universal, Caracas, March 21, 2014.
[540] Corrales and Penfold-Becerra, Dragon in the Tropics: Hugo Chávez and the Political Economy of Revolution in Venezuela, 78.
[541] Domestically, oil revenues helped pay for Misiones (poverty alleviation programs) designed to offer housing, health services, subsidize food, and education to poor communities (but distributed with a clientelist criteria). Internationally, the oil windfall helped pay for investment, aid, and subsidies to a large number of countries in South America and the Caribbean. The latter became what Javier Corrales calls Venezuela's "alliance of tolerance". A group of countries unwilling to criticize the government. Corrales, "Autocratic Legalism in Venezuela."

use this windfall to win the 2005, 2006, 2007, 2008, 2009, 2010, and 2012 elections. The resources paid for basic campaign expenses, electoral analyses, as well as vote buying. They also helped legitimize the regime by funding social programs, supporting a low exchange rate, subsidizing basic services, and financing public business to maintain employment and salaries.[542]

The security apparatus also played an important role. As early as 1999, but particularly since 2002, the government worked hard to politicize the armed forces. Originally, the FANB were involved in the government Missions. Later, they were put in charge of key national security and the economic sectors.[543] The security apparatus was also used to repress dissent. According to the human rights NGO, Provea, between 2006 and 2015 they were engaged in 425 cases of torture, 17,553 illegal raids, 293 cases of harassment, 128 instances of forced disappearance, and 1,890 killings. They detained 1,395,493 individuals during protests and engaged in 207,126 massive detentions.[544]

2016-PRESENT

Mismanagement, corruption, and the collapse of oil prices in 2014 ended PDVSA's ability to fund the government, and with that, Maduro's ability to buy support. This reality became evident in 2015 when the opposition won back control of the National Assembly.[545] Without money to fund social programs, subsidize public services, or fuel the economy more broadly—and in the absence of a charismatic leader like Chávez—Maduro could not mobilize voters to sustain himself in power. Under pressure, the president chose to rely more heavily on the security apparatus.

Maduro enhanced military investment in the government. Not only did he increase the participation of the armed forces in the government—granting them cabinet positions and governorships—but gave them control of at least sixty state-owned corporations (including PDVSA),[546] and bankrolled numerous business initiatives owned by the military or its members. On top of that, the government allowed the military to engage in several illicit businesses including drug traffic and illicit mining.[547]

Not surprisingly, efforts to split the armed forces and trigger a transition to democracy have failed. On April 30, 2019—amid high levels of citizen mobilization against the government—the interim president, Juan Guaidó along with long-time opposition leader, Leopoldo López, and a small group of soldiers, launched a coup d'état against the government. The coup failed to gather enough support inside the armed forces which, loyal to the government, quelled it in a couple of hours sending López and the supporting soldiers into exile.[548] With such a stake in the current government, existing international sanctions, and the threat of persecution for corruption and human rights abuses, key members in the security apparatus have a lot to lose and little to gain from a transition to democracy.[549]

ELECTIONS AND POLITICAL PARTIES

[542] Anzola, "El uso político de Pdvsa."
[543] Polga-Hecimovich, "Bureaucratic Politicization, Partisan Attachments, and the Limits of Public Agency Legitimacy."
[544] My own calculations using data reported by PROVEA in their Annual Reports (https://provea.org/category/publicaciones/informes-anuales/)
[545] Although Venezuela's economy showed signs of decline well before that.
[546] Ana Díaz, "Venezuela incorporará más militares a petrolera estatal PDVSA."
[547] Corrales, "Authoritarian Survival."
[548] Coscojuela, "Operación Libertad."
[549] Gamboa, "Why Venezuela's Regime Hasn't Collapsed."

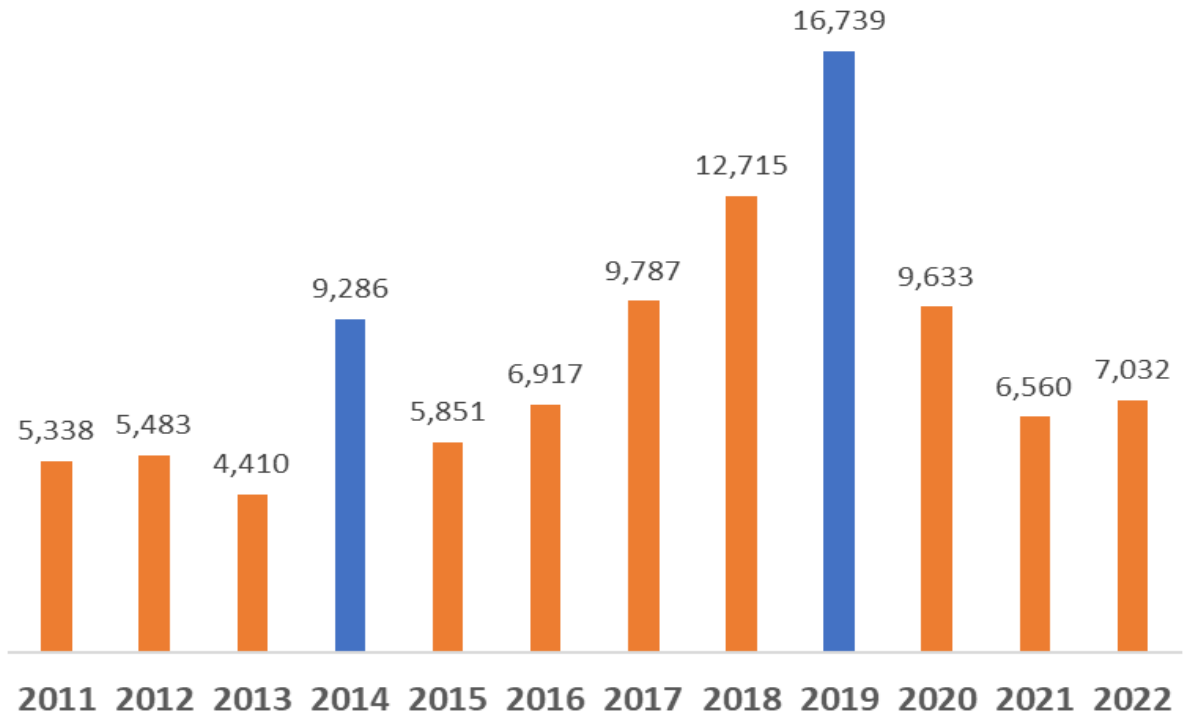
Elections have provided important opportunities to push back against autocratization in Venezuela. Their usefulness, however, has been contingent on opposition strategies and regime type. Elections could have been immensely powerful during the first stage of democratic backsliding. Unfortunately, the opposition failed to leverage them. By the time they organized and coordinated to compete in electoral contests, the government had consolidated its grip over the National Assembly and important state institutions. At that point elections were highly unfair and significantly harder to win. The opposition competed effectively but given the government's control over courts, congress, and oversight agencies, it was almost impossible to defeat the incumbent. When it finally did, in 2015, the opposition fumbled the short window of opportunity it had to push for liberalization, trying to quickly remove the president instead through a recall referendum. Threatened (and facing very high democratization costs[550]), Maduro opted to autocratize. He used the TSJ and the CNE to bypass the National Assembly, block a recall referendum, and create a Constitutional Assembly that replaced the legislative body.

It is important to note that part of the opposition's lack of success in leveraging elections to push for democracy is its inability to devise a comprehensive strategy using both the ballot box and the streets. Unlike other oppositions to competitive (and uncompetitive) authoritarian regimes,[551] the anti-Chavista coalition has had a hard time connecting elections with street demonstrations. Rather than using them in tandem to overcome the electoral hurdles imposed by the government, they seem to work in competition with each other. They are seen as either/or rather than strategies that could be used jointly to advance democracy in the country. As shown in the graph below, between 2011 and 2022, protests have seen spikes not during election years (i.e., 2013, 2015 or 2018), but rather in off-election years (i.e., 2014 and 2019).[552]

Consequently, up until 2019 (at least)[553] elections and street demonstrations have behaved in cycles. Electoral defeats tend to strengthen opposition factions that favor extra-institutional means to transition back to democracy (i.e., street pressure, international invasions etc.) and lead to massive demonstrations. The lack of success of these repertories, in turn, strengthen the more institutional opposition factions, who then garner enough support to devise electoral strategies.

[550] In 2016, after they were sworn in office, the opposition signaled unwillingness to compromise. They engaged in symbolic battles against Chávez's image and declared their intention to "get rid of Maduro" in six months. "ENTREVISTA-Crisis Económica de Venezuela Hundirá a Maduro"; "La polémica reitirada de los retratos de Hugo Chávez de la Asamblea Nacional de Venezuela."
[551] Trejo, "The Ballot and the Street: An Electoral Theory of Social Protest in Autocracies."
[552] Although we see a rise in demonstrations between 2016 and 2019, it is not clear that these are pro-democratic protests. Rather, they seem to be the outcome of an increasingly difficult socio economic situation in Venezuela. According to the Observatorio Venezolano de Conflictividad Social, in 2018 only 11% of the protests were related to topics of political and civil rights. In 2019, on the contrary 42% of all the protests were related to civil and political rights.
[553] It is hard to analyze the behavior of demonstrations in 2020, 2021 and 2022 given the Covid-related strict lockdowns implemented by the government. It is not clear if the decrease in demonstrations is part of the normal behavior of these strategies, or if it is the result of the lockdowns.

Figure 45. Number of Demonstrations in Venezuela, 2011-2021



Data: My own graph using data collected from the reports of the *Observatorio Venezonalo de Conflictividad Social* (https://www.observatoriodeconflictos.org.ve/)

1999-2005

Elections between 1999 and 2000 were highly ineffectual for the opposition. Held on the coattails of Chávez 1998 victory and with the traditional parties facing widespread rejection from the 1990s, the opposition had little chance to succeed. Both the referendum that called citizens to vote for or against a constitutional assembly and the electoral contests by which delegates to that assembly were selected had historically low turnout. Only 38% and 46% of the eligible citizens participated. Relying on the enthusiasm inspired by Chávez and his anti-system agenda, the government was able to mobilize its voters, the opposition was not. The 2000 general elections had a similar problem. In a country that votes at very high rates, only 56% of the voters cast a ballot. Uncoordinated, the opposition was unable to create a strategy to defeat the government at the polls.

The opposition had newer opportunities to defeat the government in 2004, 2005 and 2006. The 2004 recall referendum was the outcome of a negotiation coordinated by the Carter Center and the OAS in the aftermath of the 2002 coup. Though initially strong, the opposition failed to leverage the negotiation table and had to agree to a recall referendum that—having taken hold over the CNE (after a prolonged battle over who would sit in it)[554]—the government was able to delay and win in 2004.

Disillusioned and divided, the opposition gave mixed signals effectively boycotting both the regional elections of 2004 and the legislative elections of 2005. This proved to be a serious mistake. Chávez won

[554] McCoy and Diez, International Mediation in Venezuela.

both contests handily. With 46% turnout, he was able to win 20 out of the 22 governorships, and 270 out of the 330 mayorships, as well as most of the seats in the National Assembly.

2006-2015

In 2006 the opposition started building an electoral coalition. Its candidate (Manuel Rosales) lost the 2006 presidential elections by 25 points but in 2007, the opposition was able to defeat a government referendum that sought to enhance the powers of the president, allow for indefinite reelections, and overall deepen socialism at the cost of liberal democracy.[555] In 2008, the opposition formalized their coalition in the MUD.[556] Unified, under that banner, it put forward candidates in the 2008 regional elections, the 2010 legislative elections and the 2012 and 2013 presidential elections.

This kind of formal coordination helped the opposition run better and more successful campaigns. In 2008, the MUD won back three governorships, and in 2010 it got almost 40% of the seats in the legislature. In 2012 and 2013, the coalition gave Chávez and Maduro a run for their money. Its candidate, Henrique Capriles, lost to Chávez by 11 points, and to Maduro by less than two points. The joint platform not only helped mobilize voters, but created a focal point for the international community whose help has proven essential to overcome the hoops imposed by incumbents in competitive authoritarian regimes.[557]

Despite an overall positive cumulative trend, the 2013 defeat hit the opposition hard. Henrique Capriles cast doubts over the electoral results without a clear strategy to prove the alleged fraud or a strategy to combat it. Opposition factions that didn't favor elections as a means to transition back to democracy took the lead. In February of 2014, Leopoldo López (*Voluntad Popular*) and others started several months long sets of demonstrations that sought to oust Maduro. *La Salida* (The Exit, as these demonstrations were called) proved disastrous for the opposition. Important leaders like López were imprisoned, around 3,500 people were detained, and at least 41 were killed in the protests.[558] Following the cycle outlined above, the failure of the demonstrations strengthened the more institutional opposition factions which returned to the electoral strategy.

The height of the opposition coordination effort came in 2015, when the opposition electoral alliance won two-thirds of the legislative seats due to the disproportionate representation to the largest party. Overcoming uneven resources, uneven access to the media and extensive manipulation to electoral law, the opposition was able to win back the National Assembly. The win, however, was short lived and overall detrimental to the opposition. First, once in power, the MUD was effectively replaced by the AN. The new arrangement created rules to distribute power inside the legislative but failed to articulate a new long-term strategy. Rotating the AN presidency, parties began imposing their preferences and ambitions to capitalize on an eventual transition.[559] Second, and not unrelatedly, the opposition was unable to leverage its hold over the AN to achieve a long-term strategy. Instead, they stuck to the short-term plan of overthrowing the government in six months. Threatened, Maduro responded in kind, deepening autocratization.

[555] López Maya, Democracia Para Venezuela: ¿representativa, Participativa o Populista?; "The Wind Goes out of the Revolution."
[556] Cannon, "As Clear as MUD."
[557] Bunce and Wolchik, "Defeating Dictators."
[558] Gamboa, "The Uncertain Outcome of Protests in Venezuela."
[559] Rosales and Jiménez, "Venezuela."

2016-PRESENT

In 2017 the government put an end to competitive elections. In 2016, it blocked the opposition recall referendum. In 2017, it called for a Constitutional Assembly without the constitutionally mandated steps. The body was elected in highly irregular elections with rules that limited the ability of the opposition to compete.[560] Once in place, the Constitutional Assembly was used in lieu of the opposition-controlled legislative.

Maduro eliminated opposition political parties. Using the TSJ and the ANC, his government intervened or failed to renew several political parties including major stakeholders like Acción Democrática, Copei, Primero Justicia, Voluntad Popular, Un Nuevo Tiempo and Vente Venezuela. Though these survive in name, their directorates have been replaced by individuals close to the government and leading opposition candidates disqualified from running for office.[561] This environment of enhanced repression has not only limited the opposition's ability to compete in electoral contests, but heightened divisions inside the opposition coalition—and thus its ability to coordinate.

CIVIL SOCIETY

Though often thought as a driver for democracy, depending on the setting, civil society can be harmful for democratic regimes.[562] In Venezuela, we have seen both sides of it.

1999-2005

Notwithstanding their strength, CSOs did not help stop democratic backsliding during the first years of Chávez's government. Between 1999 and 2005, in a highly polarized environment, they abandoned universal values of tolerance and non-violence, gave up on strategies of networking and aggregation to relate to the state collectively, and aligned with the pro-or anti-Chávez coalition.[563]

In the absence of legitimate politicians or political parties, anti-Chavista CSOs (mainly unions, business associations and media organizations) led the opposition. With a maximalist strategy and feeling strong in the streets, they orchestrated a coup in 2002, hindered the government-opposition negotiation table organized by the Carter Center and the OAS in 2002-03, pushed for an indefinite oil strike in 2002-03, and created the setting that favored the 2005 electoral boycott. These moves backfired. They allowed Chávez to purge the armed forces, take control over PDVSA, and win an almost 100% Chavista National Assembly.

2005-2016

Weakened after 2003, between 2005 and 2016, the CSOs that had been active in the earlier years of the Chavista government took a back seat. As the opposition shifted strategies and coordinated to participate in elections, other CSOs like student associations, electoral non-partisan organizations, and human rights NGOs helped mobilize voters, provide civilian oversight to elections, as well as organize non-violent demonstrations and track and report corruption and human rights abuses. In 2007, for example, student associations were key to defeat Chávez's referendum to expand his powers, lengthen his term in office, and overhaul the 1999 constitution.

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[560] Gamboa and Urribarri, "Venezuela's Getting a New Constitution Whether the People Want It or Not."
[561] Martínez, "El TSJ Ha Cambiado La Directiva de Siete Partidos de Oposición."
[562] Berman, "Re-Integrating the Study of Civil Society and the State."
[563] García-Guadilla and Mallén, "A Rude Awakening: The Underside of Venezuela's Civil Society in the Time of Hugo Chávez."

2016-PRESENT

Autocratization has decreased the opportunities available to independent CSOs. The government has passed laws that hinder international funding, increase barriers to register new organizations, and used state media and the security apparatus to stigmatize and repress CSOs and their members. These efforts, however, have not silenced these organizations.

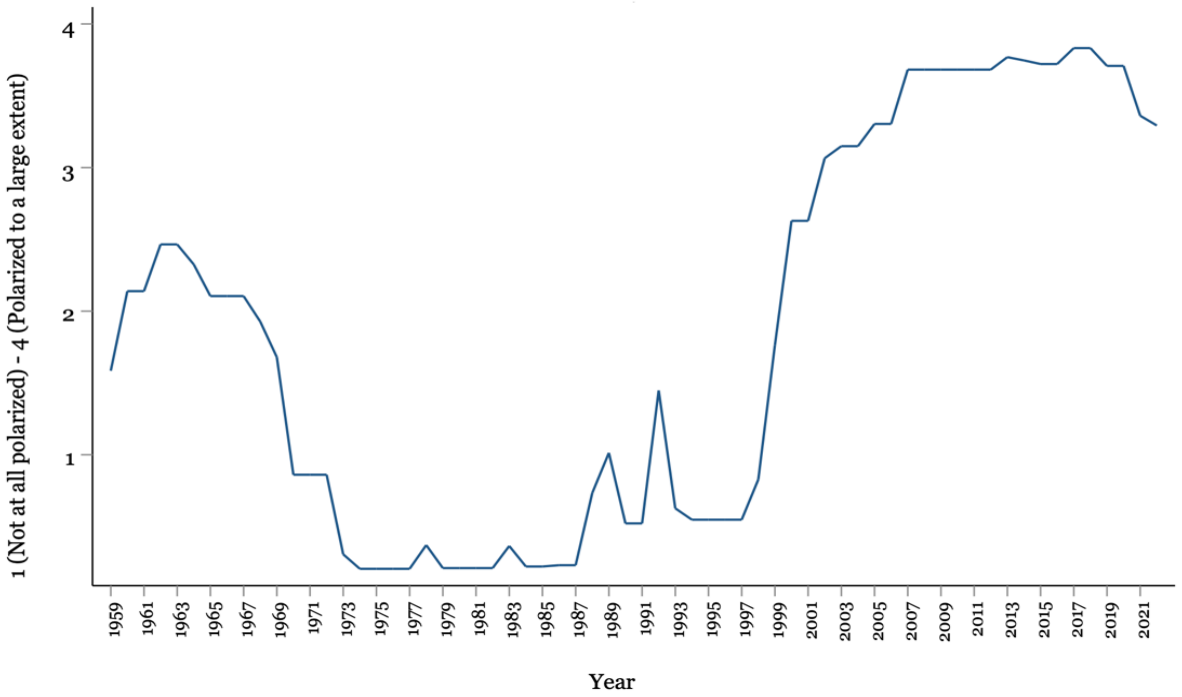
In the absence of competitive elections (or a coordinated opposition with a clear electoral strategy), most CSOs serve accountability purposes. They investigate, keep track, and visuaailize corruption and human rights abuses, particularly during times of heightened street demonstrations (i.e., 2014, 2016-17, 2019). In a highly authoritarian regime, this function is not minor. These organizations have been able to perform these tasks thanks to their ability to transfer knowledge about prior experiences, create resilience networks, and cultivate international linkages.[564] CSOs have also played a very important role in the negotiations between the government and the regime, pressuring Maduro in 2022 to grant some humanitarian relief and a new CNE, as well as the opposition to return to the negotiation table.

POLARIZATION AND DEPOLARIZATION

Polarization has been pervasive since Hugo Chávez came to power. A state crisis enabled the populist outsider to polarize society—and win the 1998 election—along a pro-systemic/anti-systemic cleavage.[565] Through his discourse and actions, Chávez skillfully polarized around that cleavage to heighten conflict and mobilize supporters.[566] The opposition responded in kind. Very high levels of polarization have marked politics in Venezuela ever since (See Figure 4). Initially class-based, these have morphed into polarization between supporters and detractors of the government.[567]

[564] Jiménez and Trujillo Ariza, "Developing Resilience in Authoritarian Contexts: Lessons from Venezuela in Comparative Perspective."
[565] Handlin, "The Logic of Polarizing Populism."
[566] Corrales, "Why Polarize? Advantages and Disadvantages of Rational-Choice Analysis of Governemnt-Opposition Relations under Hugo Chávez."
[567] McCoy, Rahman, and Somer, "Polarization and the Global Crisis of Democracy."

Figure 46. Political Polarization in Venezuela, 1959-2021



Data: V-Dem Political Polarization (Is society polarized in antagonistic, political camps?)

1999-2005

Polarization has hurt democracy in Venezuela differently across its different stages of autocratization. Between 1999 and 2005, Chávez' polarizing rhetoric enraged opponents, enhancing the appeal of and the tolerance towards very risky extra-institutional radical strategies over less risky moderate institutional strategies. The former cost the opposition the resources it had and ultimately helped Chávez erode democracy.

2006-2015

In the 2004 referendum, but mostly after 2005, polarization served a different purpose. Still high, both government and opposition were able to leverage polarized communities to cast a ballot for or against the regime. Despite a highly uneven playfield, turnout in these elections was impressive. It oscillated between 66% and 80%. The electoral successes of the opposition in the 2007 referendum, but particularly their progress in 2012, 2013 and victory in the 2015 electoral contests were in part thanks to their ability to present themselves as a viable alternative against a failing government.

2016-PRESENT

Despite decreases since 2018 (See Figure 3), polarization in Venezuela remains very high. Unfortunately, divided and without a clear strategy on how to move forward, the opposition has been unable to channel it effectively. As it stands right now, polarization is manifesting itself within the opposition coalition where opponents advocating for maximalist radical alternatives (i.e., street protests, coups, or international

invasions) have been constantly attacking those pushing for more gradual minimal changes via dialogue and elections. This seems to be declining in 2022 and 2023.

INTERNATIONAL FACTORS

The role of the international community in Venezuela's process of autocratization has changed over time and across actors.

1999-2005

Between 1999 and 2005 countries like Colombia and the US were very vocal against Chávez and supported (tacitly or actively) radical extra-institutional strategies implemented by the opposition.[568] Organizations like the Carter Center and the Organization of American States, on the other hand, served as intermediaries, supporting moderate institutional strategies in attempts to find a negotiated solution to the conflict between the government and the opposition.[569]

2006-2015

Between 2006 and 2015, the role of the international community changed. Except for Colombia (which until 2010 was very vocal against Chávez), most countries ceased to openly denounce the dictator and focused on behind the scenes work (and funding). Organizations like USAID, the International Republican Institute, the National Endowment for Democracy, and National Democratic Institute supported the opposition's coordination efforts to win election funding for opposition parties, paying for expertise, and fostering new CSOs.[570] This strategy is not uncommon in competitive authoritarian regimes.571 To the extent that electoral autocracies hold competitive but unfair elections, external funding and training can help overcome the obstacles to win electoral contests. The hope was that by funding and training opposition parties, the opposition was going to be able to defeat the regime and foster a transition to democracy.

2016-PRESENT

Starting in 2016 the international context changed significantly. The rise of Donald Trump (2017-2021) in the United States transformed US policy towards Venezuela. With an eye towards domestic constituencies, the president became a vocal opponent to the regime. Alongside the Lima Group,[572] He moved towards a strategy of maximal pressure and isolation against Maduro. This strategy included more and more severe international sanctions and pressure in regional organizations.

The consequences of this strategy were nefarious. First, it isolated the Venezuelan government, weakening its linkages with democratic nations and strengthening its dependence on authoritarian regimes like Russia, China, and Turkey.[573] Second, it fostered divisions inside the opposition. Traditionally divided along strategic lines (those that favor an institutional approach to regime change vs. those that favor more radical extra-institutional alternatives), the opposition coalition is hard to keep united. Strengthened by the US, its radical factions have spoiled moderate tactics, in pursuit of immediate, but highly unreal,

[568] Nelson, The Silence and the Scorpion: The Coup Against Chávez and the Making of Modern Venezuela.
[569] Martínez Meucci, Apaciguamiento: El Referéndum Revocatorio y La Consolidación de La Revolución Bolivariana.
[570] Gill, "Shifting Imperial Strategies in Contemporary Latin America."
[571] Bunce and Wolchik, "Defeating Dictators."
[572] A group of fourteen Latin American countries committed to internationally isolate Maduro and push him to resign.
[573] Corrales, "Authoritarian Survival"; Mijares, "The Versatile Amalgam."

alternatives such as coups and military invasions.[574] Lastly, this strategy shrank Venezuela's sources of income and international markets, generating incentives to implement what Jiménez and Rosales call "splintered liberalization." [575] Like Cuba in the 1990s,[576] Venezuela was forced to implement market reforms to navigate the economic crisis but did so selectively in ways that benefited a selected few, strengthening their stake in regime survival.

Although other countries have tried to counteract this isolation and open negotiated paths out of conflict, these efforts have failed to achieve concrete steps towards democratization. Between 2014 and 2023 there have been five efforts to engage the government and the opposition in negotiations. All but one (still ongoing) have ended without concrete agreements. Part of the problem is the government's lack of incentives to negotiate. Divided and without the clear support of key players like the US it has been difficult for negotiators to lower the costs for government officials to step down. Likewise, able to survive with limited reforms and the support of international "black knights," the government has not faced heightened costs to staying in power.

CONCLUSIONS

Democratic spaces in Venezuela have changed over time. Each stage of autocratization has generated different opportunities to oppose the autocrat. Between 1999 and 2005, the opposition had plenty of opportunities and resources to fight against the erosion of democracy. Embedded in a highly polarized context, it, however, wasted them all. Between 2006 and 2008, Venezuela morphed into a competitive authoritarian regime. Though limited, these regimes still offer spaces to contest autocrats. United, the opposition used these spaces effectively. With the help of CSOs and the international community it was able to increase its electoral capabilities, eventually defeating the government in legislative elections for the first time in 2015. This victory, however, was short lived. Once in control of the AN, the opposition pursued a six-month strategy to remove Maduro from office. Threatened, the government chose to become more authoritarian. By 2017, Venezuela had become fully authoritarian. Not only did the government heighten repression, but it also reduced spaces for electoral contestation.

The alternatives in this scenario are very limited. Negotiation is still on the table. Up until last year, the government and the opposition were engaged in a fifth round of dialogues in México.[577] Though unlikely to negotiate free and fair elections, the table could deliver some partial improvements for the 2024 presidential elections. The survival of these negotiations is, however, fragile. First, it relies on a divided opposition and leaders afraid that concessions to the government could hinder their electoral prospects in a democratic Venezuela. Second, it depends to a large extent on the US, whose approach to the country is contingent on its domestic politics. Last, but not least, the dialogue has now become vulnerable to newer actors. Eager to be part of the process, Colombian president, Gustavo Petro (2022-present) organized a conference in Bogotá to "re-start" the Mexico dialogues and new Brazilian President Lula da Silva invited Maduro to a South American summit of presidents in May 2023. The call was done unilaterally without consulting the current facilitators or the opposition delegation. Improvisations like this could be very detrimental for the process.

[574] Smilde and Ramsey, "International Peace-Making in Venezuela's Intractable Conflict."
[575] Rosales and Jiménez, "Venezuela."
[576] Corrales, "The Gatekeeper State."
[577] Although this dialogue has been suspended by the government, which refuses to go back to the table until the United States releases $3 billion dollars in frozen assets.

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