

AUTHORITARIANISM'S LAST LINE OF DEFENSE

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Over the past twenty years, we have seen a good amount of democratic progress across the planet. The collapse of the Soviet empire led to an impressive expansion of electoral democracy, especially in Eastern Europe and sub-Saharan Africa. At the same time, we have witnessed the startling spread of multiparty elections *without* democracy. Today the unambiguously nondemocratic regime types of the Cold War era—single-party systems, military regimes, and personal dictatorships—have almost disappeared (even as the Chinese single-party regime rules over a fifth of humanity).

The new stars in the constellation of nondemocratic governance are “electoral authoritarian” regimes, which conduct regular multiparty elections at all levels of government yet violate basic democratic standards in serious and systematic ways. Some of them are holdovers from earlier periods (such as Singapore and Egypt); some were born in transitions from single-party rule (Gabon and Cameroon); others arose after military coups (Algeria and Gambia); and still others emerged from processes of democratic erosion (Venezuela and Russia). These regimes represent the last line of authoritarian defense in a long history of struggle that has been unfolding since the invention of modern representative institutions.¹

The system of representative government that we call “liberal democracy” rests upon a configuration of institutions that were conceived and crafted in the eighteenth century—constitutional government, individual rights and liberties, the rule of law, checks and balances, the functional and territorial division of power, representative legislatures, popular elections, civil society, and independent media. Mass political parties came later, as a product of nineteenth-century suffrage extensions. The

twentieth century, while catastrophically creative in developing technologies of repression and destruction, added little to the inventory of basic democratic institutions, save for the invention of constitutional courts after World War I and the development of international human-rights law after World War II.

The ideational and factual emergence of representative institutions in the century of enlightenment and revolution did not lead to the immediate diffusion of such institutions throughout the expanding world of independent states. It did, however, trigger a long-term struggle for representative government that has been underway for more than two centuries now. This struggle has always been conducted in two stages—first the battle to establish representative institutions in form, and then the battle to render them effective in practice.

The democratic battles of the nineteenth century in Europe and the Americas largely strove to establish and empower representative institutions, to liberate them from domination by powerful elites, and to extend civil liberties and political rights beyond the propertied and educated minority. But the totalitarian regimes of terror that arose in the first half of the twentieth century swept away the democratic gains of the post-World War I period. Hitler and Stalin shut down most representative institutions; the few that they kept (criminal courts in Nazi Germany, legislatures in the Soviet Union) were fully integrated into their bureaucracies of repression and extermination.

After the eclipse of totalitarianism, the struggle for democracy resumed under changed circumstances. In the postcolonial world, democrats seeking to build effective representative institutions did not face semi-constitutional monarchies or electoral oligarchies anymore, but military regimes and single-party states. In many places they extracted limited concessions, such as the partial and contingent toleration of civil liberties, civic associations, and legislative elections. The fall of the Berlin Wall—or, rather, its artisanal destruction by a spontaneous assembly of merry quarrymen—marked yet another historical turning point in the authoritarian management of representative institutions. It triggered a broad shift from selective to comprehensive institutional concessions, and thus from selective to comprehensive institutional manipulation.

Rather than suppressing representative institutions altogether, or accepting only some of them, the new electoral authoritarian regimes of the post-Cold War era have embraced them all. They have set up the full panoply of liberal-democratic institutions—from constitutions to constitutional courts, from legislatures to agencies of accountability, from judicial systems to federal arrangements, from independent media to civic associations. Most important of all, they hold regular multiparty elections at all levels of state power. In their institutional forms, these regimes are virtually indistinguishable from liberal democracies. Yet authoritarian rulers invariably compensate for these formal concessions

with substantive controls. While renouncing the suppression of representative institutions, electoral authoritarian regimes specialize in their manipulation. Operating under the primacy of repression, totalitarian systems occupied one pole on the continuum of authoritarian regimes. Operating under the primacy of institutional manipulation, electoral autocracies occupy the other.

Menus of Institutional Manipulation

All institutional creations involve some delegation of power, or at least the formal pretense of delegation. Their very existence implies that rulers put others in charge of undertaking certain tasks. Authoritarian delegation of power, however, is never meant to sanction the autonomous exercise of power by the designated agent. The institutional creatures that authoritarian regimes breed are not meant to grow and flourish in liberty. They are meant to be tame domestic animals—not merely paper tigers, but resilient workhorses. Authoritarian rulers cannot tolerate genuine institutional autonomy. They will always strive to constrain and contain their own institutional creations in order to ensure that nominally democratic bodies and procedures remain substantively authoritarian.

Authoritarian rulers may deploy a wide range of strategies to keep control over their agents, as well as their adversaries, in various institutional arenas. In electoral authoritarian regimes, elections constitute almost by definition the central arena of struggle. Accordingly, both scholars and practitioners have paid substantial attention to the diverse strategies that autocrats pursue in order to control nominally competitive electoral processes. Our conceptual coordinates and empirical maps are much less developed with respect to the manifold manipulative techniques that authoritarian rulers deploy in other institutional arenas, including the legislature and judiciary as well as the media, civil society, and subnational governments. What follows are some rough sketches of the various menus of manipulation that authoritarian rulers have at their disposal in these arenas. This “menu of menus” does not pretend to be either complete or uniform in its analytical structure, but is an initial effort to map the methods by which authoritarian rulers domesticate formally representative institutions.

The legislature. Most authoritarian regimes establish some kind of legislative assembly. That is, they create some collective body tasked with writing the rules that the central state (backed by its coercive capacity) seeks to impose on the people. Given their relatively small size, legislatures are easy objects of authoritarian control. In order to ensure legislative subordination, rulers may pursue three broad strategies:

1) *Disempowerment.* Rulers can place formal constraints on the legislature’s powers, strictly limiting what it can and cannot do;

2) *Agent control*. Even if the legislature possesses broad formal powers, authoritarian governments can transform it into a rubber stamp if they control the selection of legislators—either by directly appointing deputies or by choosing who runs for elective office. Alternatively, they can set up an irresistible incentive structure (via intimidation or cooptation) that impels deputies to cooperate with the executive;

3) *Fragmentation*. Where rulers cannot control lawmakers' behavior, they can impede coordination among them by keeping the assembly divided and encouraging the multiplication of party factions.

The judiciary. In principle, modern judicial systems serve to adjudicate disputes between private citizens, between citizens and state authorities, and between the authorities themselves. Although no modern authoritarian regime can do without a court system, it can employ a range of methods to clip the wings of “the least dangerous branch”:²

1) *Disempowerment*. Authoritarian rulers can place formal constraints on the powers of courts, limiting their jurisdiction to specific issue areas and denying them investigative powers (leaving them to rely on state authorities as the only source of relevant evidence). They can set up hierarchical appeals systems that centralize and homogenize judicial rulings, constraining lower-level judges by controlling the higher-level courts. They can also limit the courts' range of discretion by imposing on them dense networks of formal regulation (in other words, by bureaucratizing judicial deliberation). Finally, rulers can neutralize the effects of judicial decision making by simply “underenforcing” inconvenient rulings;

2) *Agent control*. As with the legislature, authoritarian rulers can rein in a formally powerful judiciary by controlling the judges through a mixture of appointment procedures and incentive structures: They can select politically reliable magistrates, and they can discipline them through dissuasive penalties. Authoritarian regimes are huge employment agencies for loyal servants, but they are also masters of what students of public administration call “incentive compatibility.” Through mutually reinforcing sets of intrajudicial and extrajudicial incentives, they can make sure that judges find any judicial strategy other than “self-restraint” personally costly and politically self-defeating;³

3) *Fragmentation*. Rather than establishing a unified judiciary, authoritarian rulers can impede coordination among the courts and “contain judicial activism by engineering fragmented judicial sys-

tems” in which “exceptional courts run alongside the regular court system.”⁴ Special executive-dominated courts, whose jurisdictions often overlap those of regular courts, facilitate the political control of sensitive cases;

4) *Insulation*. For all their pretensions to being closed systems of rule-based dispute arbitration, judicial systems, just like all other state institutions, are embedded in their social environments. Their capacity to protect citizens “horizontally” against resourceful private actors as well as “vertically” against public authorities very much depends on the surrounding network of professional and civic associations that are willing and able to challenge powerful actors. By “incapacitating judicial support networks,” authoritarian rulers can effectively preempt the emergence of judicial challenges.⁵

Elections. When authoritarian rulers convene elections, they can minimize the risk of losing by keeping them noncompetitive or, if they allow for multiparty competition, by limiting them to lower levels of government. Even if they introduce multiparty elections at all levels, thereby becoming “electoral authoritarian” regimes, they have at their disposal a broad array of manipulative tools for reducing the uncertainty that elections can bring:⁶

1) *Disempowerment*. Rulers can simply remove sensitive policy areas from the jurisdiction of an elected official’s portfolio (reserved domains) or subject elected officials to veto powers by unelected actors (authoritarian tutelage);

2) *Market restrictions*. Rulers can limit the choices available to voters by excluding, subverting, or fragmenting opposition parties (supply restrictions); they can obstruct the formation of voter preferences by denying the opposition fair access to public space (demand restrictions); and they can alter the composition of the electorate through the legal or de facto disenfranchisement of citizens (voter expropriation);

3) *Preference distortions*. Rulers can prevent citizens from expressing their genuine preferences at the polls with the threat of violence (voter intimidation) or the allure of money (vote buying);

4) *Vote distortions*. Finally, once voters have expressed their will at the ballot box, the results may be seriously distorted, either through discriminatory practices (election fraud) or through dis-

crimatory institutions put into place beforehand to incapacitate opposition parties at the polls (such as majoritarian electoral rules that deny them legislative representation).

The media. Just as access to “alternative sources of information”⁷ is an essential feature of democracy, misinformation and disinformation constitute core features of authoritarianism. To minimize citizens’ exposure to competing constructions of political reality, nondemocratic rulers can place restrictions on means of communication, media content, and media consumption:

1) To restrict private control over *means of production and distribution of political information*, authoritarian regimes typically exercise state monopolies of print, broadcast, or electronic media. Claiming a full monopoly on legitimate political communication, some dictatorial states have gone even further, limiting private access to decentralized means of written communication, such as typewriters, photocopiers, computers, and the Internet. Of course, even if a regime chooses to allow nonstate media, it still has a number of ways to constrain or even eliminate those enterprises that prove troublesome—for example, by denying them operating licenses or public advertising, or by having the police, tax administration, or anticorruption bureau shut them down;

2) Authoritarian governments that leave means of communication in private hands often turn to restricting *media content*. Sometimes they use censorship regulations. At other times, they resort to more informal, indirect techniques, such as beating up journalists or subjecting outlets to harassment by the tax agency. Both legal censorship and extralegal intimidation tend to induce self-censorship;

3) To restrict the *consumption* of available information by citizens, rulers may legally prohibit or materially disable mass access to information that has been produced outside the bounds of authoritarian control (including the international media).

Civil Society. Repression and cooptation are the most obvious authoritarian strategies to keep citizens from practicing the modern “art of association.” In general terms, to alleviate pressures from below, authoritarian governments can subject interest groups to state-controlled organization (hierarchy), keep citizens from acting together (disorganization), or pit civil associations against each other (division):

1) Mobilizational single-party regimes and state corporatist re-

gimes both use hierarchical organization to prevent the emergence of autonomous civil society;

2) By contrast, demobilizing authoritarian regimes—including most electoral autocracies—aspire to confine atomized citizens in their private spheres, and then bet on the disorganization of societal forces to achieve popular acquiescence;

3) If civil society constitutes an associational realm that is autonomous with respect to the state, hierarchy and disorganization represent logically opposite modes of controlling that realm: The former establishes organization without autonomy, and the latter, autonomy without organization. For the purpose of authoritarian containment, vertical control and the disruption of horizontal communication are functionally equivalent. In between these extremes is the strategy of “divide and conquer”: Through the selective dispensation of punishments and favors, rulers can sow division among existing civil society organizations. We find such intermediate situations, for instance, in the “divided structures of contestation” that help to maintain contemporary regimes in the Middle East.⁸

Local government. Authoritarian governance seldom spells the end of local politics. To preempt the emergence of local challenges, central authorities must devise “institutional mechanisms that minimize the odds that [they] will lose control over local elites.”⁹ Perhaps the most prominent mechanisms are repression, bureaucratic control, accountability, and arbitration.

1) In *repressive regimes* of center-periphery relations, central authorities set up parallel bureaucracies of surveillance and physical punishment, such as the Soviet secret police under Stalin, to terrorize lower-level authorities into subservience;

2) In *bureaucratic regimes*, central authorities set up territorial layers of government in a hierarchical fashion. They control local authorities by dictating appointments from top to bottom. In such settings, each unit of subnational government is “critically constrained by the capacity of a hierarchically superior unit to appoint, remove, or dismiss [its] leading officials”;¹⁰

3) In *accountability regimes*, authoritarian governments delegate broad authority to local actors, yet hold them accountable for severe performance failures. The criteria for such results-oriented accountability may be political (such as the maintenance of social peace) or nonpolitical (like the achievement of economic growth);¹¹

4) Finally, in *arbitration regimes*, the authoritarian ruler in the capital city acts as arbiter between rival subnational factions that compete for his favors. Similar to a regional hegemon in international relations, he appears as the overpowering external actor whose intervention tips the internal balance of power within regions and localities.

Institutional Ambiguity

Students of modern authoritarianism have long been aware of the institutional bases of nondemocratic rule. Whether examining the logic of totalitarian dictatorship or of military rule, they have acknowledged the role of both military bureaucracies (including the political police) and civil bureaucracies (including single parties) as crucial instruments of dictatorial power.¹² In contrast to repressive institutions, formally representative institutions in authoritarian regimes have been given scarce attention. Observers have assumed authoritarian regimes to be realms in which formal constraints are weightless in the face of factual correlations of power and informal practices of governance.

Certainly, representative institutions make for lovely decorations in the shop windows of authoritarian regimes. Yet, in addition to their aesthetic value, such institutions are also likely to hold some instrumental value for authoritarian governments, helping them to exercise and to maintain power. Whether presiding over a premodern hierarchical state or the complex bureaucratic structures of a modern state, governments have to resolve two fundamental tasks: First, whatever the substantive goals they pursue, they must secure their ability to govern (the challenge of governance); and second, they have to secure their continuity in power (the challenge of political survival). Scholars often think of the former as a problem of “cooperation” (since subjects have to contribute labor and taxes in order to develop and maintain structures of power) and the latter as a problem of “compliance” (since subjects as well as the elite must acquiesce to the status quo in order for the rulers to stay in power).

Responding to democratizing pressures by creating and manipulating representative institutions should help authoritarian governments to ease their existential problems of governance and survival. It should help them to elicit cooperation from societal groups and individual actors, and to diminish the (actual or potential) challenges that these pose to the regime. On average, as the emerging body of comparative studies on authoritarian regimes indicates, representative institutions do seem to fulfill such regime-supporting functions.¹³ Yet they inevitably, although to varying degrees, contain the seeds of subversion. Institutions are not machines. As they are run by human beings, they cannot be subject to absolute control; and if they were, they would stop serving the needs of their dictatorial creators.

This is the dilemma of authoritarian institutional concessions: Unless political institutions are granted at least a minimal range of power and autonomy, they cannot make an independent contribution to authoritarian governance and survival. But as soon as political institutions are granted some power and autonomy, they can turn against the dictator. They open up arenas of struggle and sites of resistance—public or underground, explicit or veiled, heroic or mundane, altruistic or self-interested—where multiple actors test in multiple ways the limits of the permissible.

In autocracies, then, representative institutions are arenas of control and cooptation, but also of contention. Even if authoritarian institutions work as intended, channeling, deflecting, or dispersing oppositional efforts, critics of the regime may still succeed to some extent in neutralizing these institutions or even appropriating them for their own purposes. Even if nominally democratic institutions make autocracy work and augment authoritarian rulers' *probability* of surviving in office and governing effectively, they still contain the *possibility* of eroding authoritarian stability and governance. Yet if political institutions are not simply useful but also threatening, if they have the power not just to sustain but also "the potential to undermine autocratic rule, why would any incumbent create or tolerate them?"¹⁴

The answer is rather straightforward: Rulers cannot have one without the other. They cannot establish institutions that will effectively secure their rule without accepting the structural risks that these involve. Such risks even extend to the repressive institutions that are designed to be the primary guardians of the authoritarian order. How many dictators have fallen victim to the paramilitary security forces that they established for their own personal protection? How many have been deposed by factions within the political parties that they had created as instruments of dominance? Even the totalitarian project of a comprehensive bureaucratization of society in the name of socialism ended up defeating itself. The all-powerful institutions of the Soviet empire "that had defined [the socialist systems] and that were, presumably, to defend them as well, ended up functioning over time to subvert both the regime and the state."¹⁵

The Politics of the Possible

Authoritarians certainly dream of "purging ambivalence"¹⁶ from their institutional creations and would undoubtedly love to build regime-supportive institutions that hold no regime-subversive possibilities. Yet an authoritarian world without such inherent contradictions is the autocrat's impossible dream. Formal representative institutions may make an autocrat's life easier and longer, but they might also one day threaten their creator's very existence. As a matter of course, though, such institutions

differ widely as regards the nature and magnitude of the various structural risks that they involve. In recent years, political scientists have focused much of their attention on the institution that seems to hold the greatest risk for authoritarians—multiparty elections. Responding to the expanded use of multiparty elections by authoritarian regimes, scholars have started to examine in systematic fashion “the power of elections”¹⁷

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under authoritarian governance. In faithful reflection of the ambiguous nature of authoritarian elections, the debate has experienced an intriguing bifurcation: The literature on the political economy of dictatorship has emphasized the *regime-sustaining* value of authoritarian elections, while comparative studies of “democratization by elections” have stressed their *regime-subverting* potential. These two strands of theoretical inquiry and empirical analysis have been developing in peaceful coexistence and mutual ignorance. Although their major claims seem to be at odds with one another, they are in fact essentially compatible. That authoritarian multiparty elections are most likely to strengthen

the survival capacity of the incumbent is a *probabilistic* assertion; that elections create opportunities for opposition forces to weaken or even topple the incumbent regime is a *possibilistic* assertion.¹⁸

Contemporary electoral autocracies have given up the longstanding battle against the establishment of representative institutions. Abandoning all pretense of ideological rivalry, they have introduced the entire set of formal institutions that we associate with liberal democracy. They have shifted their authoritarian energies from repressing formally democratic institutions to manipulating them. In response, prodemocratic opposition forces have redirected their efforts from establishing the institutional skeleton of democracy to breathing democratic life into the bones of formal representative institutions. If institutional manipulation represents the last trench of authoritarian defense, then institutional liberation—that is, the emancipation of formally democratic institutions from authoritarian controls—represents the final front in the struggle for democracy. Of course, one might say that this is only business as usual: Democracy advocates never have been simply able to take for granted the autonomy and effectiveness of representative bodies. Just as their establishment required political struggle, so does their effective functioning.

If setting up and running an electoral authoritarian regime involve

deep ambiguities, so too does the act of opposing one. This is true for international as well as domestic opponents. Outside actors always run the risk that their efforts to undermine an authoritarian regime or push it to democratize might end up backfiring. Dictators can always blackmail international actors by threatening to harm the population that they hold hostage. Likewise, the domestic opposition must choose whether to oppose, support, or critically engage with the representative institutions maintained and manipulated by an authoritarian regime. Each option runs the risk of strengthening rather than weakening the regime, either on the spot or in the long run. Yet even if opposition forces remain aware of the *probability* that the regime will benefit from the appearance of democracy, they can draft subversive strategies and gather strength based on the realistic *possibility* that democracy could prevail.

Electoral authoritarian regimes are vulnerable. The last line of authoritarian defense—the manipulation of formally democratic institutions—is fragile. For all its difficulties, breaking through defensive lines of manipulation is easier on average than tearing down authoritarian walls of repression. Even if the odds of success seem low, the democratic opposition can reasonably embrace the politics of the possible called for by Albert O. Hirschman.¹⁹ With realistic hope, it can engage its authoritarian adversaries in democratizing battles that it will probably lose—within a democratizing campaign that it may possibly win.

NOTES

1. For a synthesis of democratic advances and setbacks since the mid-1970s, see Larry Diamond, *The Spirit of Democracy: The Struggle to Build Free Societies Throughout the World* (New York: Henry Holt, 2008), 39–87. On the rise and demise of electoral autocracies, see Andreas Schedler, ed., *Electoral Authoritarianism: The Dynamics of Unfree Competition* (Boulder, Colo.: Lynne Rienner, 2006) and Staffan I. Lindberg, ed., *Democratization by Elections: A New Mode of Transition* (Baltimore: Johns Hopkins University Press, 2009).

2. My outline of authoritarian strategies of judicial containment largely follows Tamir Moustafa and Tom Ginsburg, “Introduction: The Functions of Courts in Authoritarian Politics,” in Tom Ginsburg and Tamir Moustafa, eds., *Rule by Law: The Politics of Courts in Authoritarian Regimes* (Cambridge: Cambridge University Press, 2008), 1–22, although I reframe and rename some of their analytical categories.

3. See Martin Shapiro, “Courts in Authoritarian Regimes,” in Ginsburg and Moustafa, eds., *Rule by Law*, 326–35.

4. Moustafa and Ginsburg, “Introduction,” 18.

5. Moustafa and Ginsburg, “Introduction,” 20. See also Daniel Brinks, *The Judicial Response to Police Killings in Latin America: Inequality and the Rule of Law* (New York: Cambridge University Press, 2008).

6. See also Andreas Schedler, “Elections Without Democracy: The Menu of Manipulation,” *Journal of Democracy* 13 (April 2002): 36–50, and “The Logic of Electoral Authoritarianism,” in Schedler, *Electoral Authoritarianism*, 1–23.

7. Robert A. Dahl, *Polyarchy: Participation and Opposition* (New Haven: Yale University Press, 1971), 3.

8. See Ellen Lust-Okar, *Structuring Conflict in the Arab World: Incumbents, Opponents, and Institutions* (Cambridge: Cambridge University Press, 2005).

9. Pierre F. Landry, *Decentralized Authoritarianism in China: The Communist Party's Control of Local Elites in the Post-Mao Era* (New York: Cambridge University Press, 2008), 25.

10. Landry, *Decentralized Authoritarianism*, 40 and 79.

11. See Joy Langston and Alberto Díaz-Cayeros, "From Hegemony to Glory: Mexico's Governors," unpubl. ms.; Carlos Bravo, "The Science of Not Losing: Electoral Politics in Mexico during the Porfiriato," a paper presented at the Mellon Latin American History Conference, University of Chicago, 2–3 May 2008; Landry, *Decentralized Authoritarianism*, 39.

12. See, for instance, Carl J. Friedrich and Zbigniew K. Brzezinski, *Totalitarian Dictatorship and Autocracy* (New York: Praeger, 1961); Guillermo O'Donnell, *Modernization and Bureaucratic-Authoritarianism: Studies in South American Politics* (Berkeley: University of California Press, 1973); and Valerie Bunce, *Subversive Institutions: The Design and the Destruction of Socialism and the State* (Cambridge: Cambridge University Press, 1999).

13. See, for example, Jennifer Gandhi and Adam Przeworski, "Authoritarian Institutions and the Survival of Autocrats," *Comparative Political Studies* 40 (November 2007): 1279–1301; Barbara Geddes, "Why Parties and Elections in Authoritarian Regimes?" paper presented at the annual meeting of the American Political Science Association, Washington, D.C., 2005; and Beatriz Magaloni, "Credible Power-Sharing and the Longevity of Authoritarian Rule," *Comparative Political Studies* 41 (April–May 2008): 715–41.

14. Jennifer Gandhi, *Political Institutions under Dictatorship* (New York: Cambridge University Press, 2008), xvii.

15. Bunce, *Subversive Institutions*, 2.

16. Zygmunt Bauman, *Modernity and Ambivalence* (Cambridge: Polity, 1991), 24.

17. Guiseppe Di Palma, *To Craft Democracies: An Essay on Democratic Transitions* (Berkeley: University California Press, 1993), 85.

18. For an elaboration of this argument, see Schedler, "The Contingent Power."

19. Albert O. Hirschman, "In Defense of Possibilism," in Albert O. Hirschman, *Rival Views of Market Society and Other Recent Essays* (Cambridge: Harvard University Press, 1986), 171–75.