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The New Institutionalism in the Study of Authoritarian Regimes

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Abstract

In recent years, we have seen the rise of a "new institutionalism" in the study of authoritarian regimes that takes seriously previously neglected pillars of non-democratic governance: nominally democratic institutions, such as legislatures, multiple parties, and elections, that form integral parts of most authoritarian regimes. Drawing together previously disconnected pieces of research, the paper provides an analytical topography of new institutionalist studies of dictatorship. It discusses four central issues: (I) institutional imperatives: the fundamental challenges authoritarian institutional designers address, (II) institutional landscapes: the fundamental institutional choices authoritarian rulers face, (III) institutional containment: the strategies of control they may deploy in various institutional arenas, and (IV) institutional ambivalence: the tension between regime-supporting and regime-subverting roles authoritarian institutions tend to introduce.

Resumen

En los últimos años hemos visto el surgimiento de un "nuevo institucionalismo" en el estudio de regímenes autoritarios. Esta nueva corriente en política comparada toma en serio instituciones formalmente representativas, como legislaturas, partidos múltiples y elecciones, que forman parte integral de muchas autocracias y que antes se habían pasado por alto como irrelevantes en contextos no democráticos. El presente trabajo revisa cuatro temas centrales para el estudio "neoinstitucionalista" de regímenes autoritarios: (I) imperativos institucionales: los retos fundamentales que los creadores autoritarios de instituciones enfrentan; (II) paisajes institucionales: sus opciones básicas de elección institucional; (III) contención institucional: las estrategias de control institucional que tienen a su disposición y (IV) ambivalencia institucional: la tensión entre efectos estabilizadores y desestabilizadores que instituciones formalmente representativas tienden a generar en regímenes autoritarios.

Introduction

Over the past years, we have seen the rise of a "new institutionalism" in the study of authoritarian regimes that takes seriously previously neglected pillars of non-democratic governance: nominally democratic institutions, such as legislatures, multiple parties, and elections, that form integral parts of most authoritarian regimes. Scholarly interest in non-democratic institutions is not new. Modern dictatorships have been founded upon modern institutions: single parties, bureaucracies of surveillance and repression, civil bureaucracies, systems of mass education and mass communication, militaries. Accordingly, the "old institutionalism" in the study of dictatorship focused its theoretical attention on institutions of repression and manipulation that were distinctively authoritarian, such as the party state, the military junta, the Gulag, the secret police, the machinery of propaganda. By contrast, new institutionalist studies of authoritarianism have shifted their focus to those institutions of representation and division of power we tend to associate with liberal-democratic regimes, such as legislatures, constitutional courts, multiparty elections, non-state media, and federalism.

What I propose to call the "new institutionalism" in the study of authoritarian regimes has not yet been recognized as such by its practitioners. It represents an emergent field of comparative political study whose topography is barely discernible. As a matter of fact, at present more than a coherent and self-conscious field of research it looks like a fortuitous collection of dispersed pieces of research that do not take that much notice of each other. Studies of nominally democratic institutions in authoritarian regimes have much to gain, however, if they recognize existing theoretical affinities, empirical commonalities, and strategic interdependencies across institutional fields. This essay strives to provide a first outline, rough and incomplete, of the common ground new institutionalist studies of authoritarianism stand upon. In part it pretends to be synthetic, as it points towards hidden similarities across research on different authoritarian institutions. In part, it aspires to be constructive, as it nails together a provisional analytical framework meant to encourage the development of a common language and research agenda in the comparative study of authoritarian institutions.

To a certain extent, the new institutionalism in the study of authoritarianism seems to respond to new empirical realities. It seems to reflect the fact that contemporary non-democratic regimes, more than their historical predecessors, tend to set up elaborate façades of representative institutions (such as multiparty elections), rather than trusting the persuasive force of repressive institutions. However, new institutionalist approaches well transcend the study of "hybrid" or "pseudo-democratic" regimes that go

furthest in their institutional simulations of liberal democracy. It is not a specific set of authoritarian regimes I am referring to, but a specific perspective on authoritarian regimes.

In the following pages, I shall discuss four central issues that arise almost invariably when institutional designers set out to shape the authoritarian arena[1] —and when comparative scholars set out to study the resulting configurations of authoritarian institutions: *(I)* institutional imperatives: the fundamental challenges authoritarian institutional designers address, *(II)* institutional landscapes: the fundamental institutional choices authoritarian rulers face, *(III)* institutional containment: the strategies of control they may deploy in various institutional arenas, and *(IV)* institutional ambivalence: the tension between regime-supporting and regime-subverting roles authoritarian institutions tend to introduce.

1. Institutional imperatives

The so-called new institutionalism in political science has revived the empirical study of formal political institutions (rules and organizations). In the comparative study of politics (outside Western Europe), its emergence has been driven to a large extent by the emergence of democratic regimes. Students of modern authoritarianism have long been aware of the organizational bases of non-democratic rule. Whether examining the logic of totalitarian dictatorship[2] or military rule,[3] they have been recognizing the role of both military bureaucracies (including the political police) and civil bureaucracies (including single parties) as crucial instruments of dictatorial power.[4]

By contrast, those institutions we usually associate with the procedural infrastructure of liberal democracies, such as constitutions, courts, legislatures, multiple parties, elections, and civil associations, have been deemed mostly irrelevant for authoritarian governance. Authoritarian regimes have been assumed to be realms in which formal constraints or "parchment institutions"[5] are weightless in the face of factual correlations of power and informal practices of governance. The panoply of "nominally democratic" institutions many dictatorships have established in one form or the other has been regularly "dismissed as insignificant window dressing."[6]

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[1] I am paraphrasing Ruth Bernis Collier and David Collier, Shaping the Political Arena: Critical Junctures, the Labor Movement and Regime Dynamics in Latin America, Princeton, Princeton University Press, 1991.

[2] See Carl Friedrich and Zbigniew K. Brzezinski, Totalitarian Dictatorship and Autocracy, New York, Praeger, 1991.

[3] See Guillermo O'Donnell, Modernization and Bureaucratic-Authoritarianism: Studies in South American Politics, Berkeley, University of California Press, 1973.

[4] See Valerie Bunce, Subversive Institutions: The Design and the Destruction of Socialism and the State, Cambridge, UK, Cambridge University Press, 1999.

[5] John Carey, Parchment, Equilibria and Institutions. In: Comparative Political Studies 33/6 (2000), pp.735-61.

[6] Jennifer Gandhi, Political Institutions under Dictatorship, Cambridge, UK, Cambridge University Press, 2008, p. xxi.

Certainly, "nominally democratic" institutions make for lovely decorations in the shop windows of authoritarian regimes. These artful institutional handicrafts are irresistible eye-catchers for the innocent window shopper strolling by the dictatorial fashion house. Yet, as the proponents of new institutionalist analyses suspect, in addition to satisfying the aesthetic demands of the unsophisticated public, such institutions are likely to carry some instrumental value for the authoritarian ruler too. Unless they would make some contribution to address the perennial imperatives of governance and survival, why should non-democratic rulers bother to create them?

Over the past years, alongside with the rediscovery of *informal* institutions in *democratic* regimes,[7] we have been witnessing the discovery of *formal* institutions in *non-democratic* regimes by scholars of comparative politics. The new institutionalism in the study of democratic politics has been founded upon the credo that *institutions matter*. What we may call the new institutionalism in the study of authoritarian politics rests upon the same theoretical intuition: even under non-democratic conditions, formal institutions are likely to matter. Yet what for? In broad terms, both students of authoritarian institutions and students of authoritarian policies tend to give the same two-fold answer: the accumulation of power and the perpetuation in power.

In the study of comparative politics it has become common to start the enterprise of micrological theory building, not with the functional requirements of political systems, but with the functional requirements of individual rulers. According to the emergent general (and in its generality persuasive) standard account, rulers, whether presiding a pre-modern hierarchical state or the complex bureaucratic structures of a modern state, have to resolve two fundamental challenges. Whatever the substantive goals they pursue, they have to secure their ability to govern (the challenge of governance) and they have to secure their continuity in power (the challenge of political survival). Authors often conceive 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 other elite members have to acquiesce to the status quo in order to maintain rulers in power).[8]

Securing political governance requires the construction of basic infrastructures of power. For modern states (or political systems aspiring to resemble modern states), this involves, above anything else, the dual task of enforcing their territorial claims to the twin monopolies of legitimate violence and legitimate taxation. Securing political survival requires the construction

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[7] See Guillermo O'Donnell, Illusions about Consolidation. In: *Journal of Democracy* 7/2 (1996), pp. 34-51; Gretchen Helmke and Steven Levitsky (eds.), Informal Institutions and Democracy: Lessons from Latin America, Baltimore and London, Johns Hopkins University Press, 2006.

[8] For a concise statement, see Gandhi, Political Institutions, pp. xvii-xviii.

of solid alliances of power. It is basically a task of multilateral threat management.[9] In principle, threats to political survival may be either *vertical* or *horizontal*. The former originate from below, the citizenry, the latter from within, inside the ruling coalition. Popular rebellions are the classic instance of vertical threats, palace coups and military coups typical manifestations of horizontal threats. Given the empirical regularity that "most of the time the most serious challenge to dictators' survival in office comes from high level allies, not from regime opponents",[10] much of the literature on the political economy of dictatorship focuses on horizontal, rather than vertical threats.[11]

Continuing time-honored traditions of political thought on succession and violence, some authors have recently been refining the calculus of political survival by distinguishing between *violent* and *peaceful* threats. Rulers care about their political welfare and survival —but perhaps even more so about their physical welfare and survival. The average dictator presumably hates losing power, but even more going to jail or losing his life. His first preference will be to remain in power. Yet when confronting the alternative of being evicted from office through peaceful or violent means, he will opt for the former as the lesser evil. Political survival matters, that is, but forms of death do, too.

In their *Archigos* dataset on political leaders in the world from 1875 to 2004, Henk E. Goemans, Kristian Skrede Gleditsch and Giacomo Chiozza distinguish between "regular" (rule-based) forms of exit from power and various forms of "irregular" (force-based) exits (such as coups, rebellion, popular protest, and assassination).[12] In addition they register the forms of political afterlife rulers are granted after their withdrawal from power: no punishment, exile, prison, or death. The former foreshadows the latter: Chief executives' exit routes from power strongly determine their posterior careers. "While only about 8% of leaders who lost office in a regular manner suffered exile, jail or death, fully 80% of leaders who lost office in an irregular fashion suffered such punishment".[13]

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[9] Of course, problems of governance and survival interact in manifold ways. The strength and structure of the state bears multiple implications for the types and intensity of threats authoritarian rulers are likely to face as well as for the resources they have at their disposal to manage either latent or manifest challenges.

[10] Barbara Geddes, Why Parties and Elections in Authoritarian Regimes, 101st Annual Meeting, American Political Science Association (APSA), Washington, DC, 2005, p. 6.

[11] Notable exceptions are Ronald Wintrobe, The Political Economy of Dictatorship, Cambridge, UK, Cambridge University Press, 1998; and Daron Acemoglu and James A. Robinson, Economic Origins of Dictatorship and Democracy, Cambridge, UK: Cambridge University Press, 2006.

[12] Henk E. Goemans, Kristian Skrede Gleditsch, and Giacomo Chiozza, Introducing Archigos: A Dataset of Political Leaders. In: *Journal of Peace Research* 46/2 (2009), pp. 269-283.

[13] Henk Goemans, Which Way Out? The Manner and Consequences of Losing Office, Rochester, NY, University of Rochester, unpublished typescript, 2008. The Archigos dataset is available on the web (http://mail.rochester.edu/~hgoemans/data.htm). In a similar manner, Abel Escribà Folch (The Political Economy of Growth and Accountability under Dictatorship, Madrid, Instituto Juan March de Estudios e Investigaciones, Centro de Estudios Avanzados en Ciencias Sociales, 2007) has developed a dataset on the fate of non-democratic leaders after their loss of power (1946-2000): continuing public service, peaceful retirement, exile, imprisonment, or assassination. For an earlier empirical study of institutionalized versus violent forms of leadership succession in Sub-

For reasons of parsimony, theories of authoritarian decision-making tend to focus on specific types of challenges autocrats face to their continuity in office, be they vertical or horizontal, violent or peaceful. Yet, the institutional choices dictators make are likely to respond not to isolated threats, but to configurations of threats. To complicate matters, when doing so, they are likely to create not isolated institutions, but configurations of institutions.

2. Institutional landscapes

When setting out to build their restricted arena of politics they oversee, authoritarian institutional designers face two sets of fundamental choices. First, they have to decide the rough outlines of the institutional landscape they whish to create. They may find themselves sitting on top of a state whose basic structures they may be unable to transform in the short place. Still, within the constraints and opportunities afforded by the structure of state power they pretend to command, they have to decide how to structure the political regime they wish to inhabit. They have to give shape to the institutional arena of struggle over power and policies they wish to oversee. Second, once they have opened up certain institutional spaces, they have to constrain and contain them and make sure they do not get out of hand. That is, once they have picked from the menu of institutional choices they have to pick from the menu of institutional manipulation.

Of course, authoritarian rulers do not encounter an institutional *tabula rasa* upon taking office. They "inherit an economy, a system of property rights, a class of wealth holders, and a range of pre-existing organization and institutions —not the least of which are constitutions, legislatures, political parties, opposition political movements, trade unions, police forces and militaries."[14] Only totalitarian rulers with an ambition of creating a new state and a new society will repudiate *tout court* the institutional inheritance they stumble upon. Most autocrats will be selective in accepting, modifying, or transforming given structures of rules and power. Still, whether they continue, create, transform, or destroy political institutions, their first task of macro-institutional landscaping involves at least seven basic choices:

Saharan Africa, see Rodger Geova and John Holm, Crisis, violence and political succession in Africa. In: Third World Quarterly 19/1 (1998), pp. 129-148. For a formal analysis of expectations of violence in political succession and levels of rent appropriation by leaders, see Kai Konrad and Stergios Skaperdas, Succession Rules and Leadership Rents. In: *Journal of Conflict Resolution* 51/4 (2007), pp. 622-645.

[14] Stephen Haber, Authoritarian Government. In: Barry R. Weingast and Donald A. Wittman (eds.), The Oxford Handbook of Political Economy, New York, Oxford University Press, 2006, pp. 693-707, here p. 696.

1. *Legislatures:* Shall rulers establish a specialized collegial body that produces the formal rules the central state aspires to impose on the inhabitants of its territory ("the law")?

2. *Courts:* Shall rulers establish specialized bodies that adjudicate disputes that arise among subjects, between subjects and authorities, and among authorities?

3. *Elections:* Shall rulers establish decentralized appointment procedures that make access to (some) positions of state power conditional upon formal ratification by the population subject to state authority (the citizenry at large or some subset of it)?

4. *Parties:* Shall rulers build a regime-supporting organization that fields candidates for elections (and selects candidates for non-elective positions)? In case they do, shall the single party monopolize the nomination of candidates for elective office or shall rulers permit the existence of multiple parties outside formal state control?

5. *Media:* Shall rulers strive to monopolize mass communication or shall they permit the existence of private media outside formal state control?

6. *Civil society:* Shall rulers strive to monopolize mass organization or shall they permit the existence of civic *associations outside formal state control?*

7. *Subnational units:* Shall rulers strive to monopolize decision making in the capital city or shall they permit subnational units to exercise bounded political autonomy? Shall they strive to steer local politics in an immediate fashion, or shall they introduce intermediate layers of government between the center and the localities?

Whatever the concrete shape authoritarian rulers give to the institutional arena, their grand institutional choices are commonly assumed to serve the overwhelming purposes of governance and survival (either by facilitating the coordination among regime actors or by obstructing the coordination among opposition actors). The literature on contemporary authoritarian regimes has begun to take these institutional macro-choices seriously and has started to systematically examine institutional configurations and their underlying strategic logic. Most scholarly attention has focused on the use of multiparty elections by authoritarian regimes. The new institutionalism in the study of non-democratic regimes, however, has gone well beyond the study of "electoral autocracies."[15]

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[15] Andreas Schedler (ed.), Electoral Authoritarianism: The Dynamics of Unfree Competition, Boulder and London, Lynne Rienner Publishers, 2006. See also, for instance, Jennifer Gandhi and Ellen Lust-Okar, Elections Under

For instance, in her award-winning analysis of political institutions under dictatorship (1946–2002), Jennifer Gandhi[16] studied the establishment of legislatures and parties as vehicles of policy concessions that facilitate authoritarian governance and survival.[17] Barbara Geddes has analyzed the role of mobilizational regime parties in increasing authoritarian rulers' odds of deterring or surviving military insurrections by creating counterweights to military establishments.[18] A number of comparative scholars of the Middle East and Northern Africa have examined the regime-supporting roles quasi-autonomous civic associations may perform when playing the role of willing victims of tyranny.[19]

Even judicial institutions that seem least likely to escape vertical controls and enjoy spaces of autonomy under dictatorship have attracted scholarly attention. The emergent literature on authoritarian legality ("rule by law") has been examining the multiple roles courts may play in the containment of vertical as well as horizontal threats, in particular through the "judicialization of repression,"[20] the imposition of hierarchical controls on administrative agents and political competitors, and the simulation of rule of law as a source of political legitimacy.[21]

Insofar as court systems work as decentralized arenas of arbitration, they disperse conflicts and deflect responsibility from the political center. Federal arrangements may work in an analogous manner. Miniature dictatorships like the city state of Singapore have no need for political decentralization. By contrast, authoritarian rulers who oversee immense countries like Argentina, Brazil, China, Mexico, and Russia have been developing federal or at least decentralized structures of governance. In large countries, the principal-agent

Authoritarianism. In: *Annual Review of Political Science* 12 (2009), pp. 403-422; and Staffan I. Lindberg, Democratization by Elections: A New Mode of Transition, Baltimore and London, Johns Hopkins University Press, 2009.

16 Gandhi, Political Institutions.

17 See also Jennifer Gandhi and Adam Przeworski, Cooperation, Cooptation and Rebellion under Dictatorships. In: Economics & Politics 18/1 (2006), pp.1–26; and Jennifer Gandhi and Adam Przeworski, Authoritarian Institutions and the Survival of Autocrats. In: Comparative Political Studies 40/11 (2007), pp. 1279-1301.

18 Barbara Geddes, Why Parties and Elections in Authoritarian Regimes, 101st Annual Meeting, American Political Science Association (APSA), Washington, DC (2005). See also Jason Brownlee, Authoritarianism in an Age of Democratization, Cambridge, UK, Cambridge University Press, 2007; and Benjamin Smith, Life of the Party: The Origins of Regime Breakdown and Persistence under Single-Party Rule. In: *World Politics* 57 (2005), pp. 421-451.

19 See also Holger Albrecht, How Can Opposition Support Authoritarianism? Lessons from Egypt. In: Democratization 12/3 (2005), pp. 378-397; Francesco Cavatorta, 'Divided they stand, divided they fail': opposition politics in Morocco. In: Democratization 16/1 (2009), pp. 137-156; Ellen Lust-Okar, Structuring Conflict in the Arab World: Incumbents, Opponents, and Institutions, Cambridge, UK, Cambridge University Press, 2005; and Lise Garon, Dangerous Alliances: Civil Society, the Media and Democratic Transition in North Africa, London and New York, Zed Books, 2003.

20 Anthony Pereira, Of Judges and Generals: Security Courts under Authoritarian Regimes in Argentina, Brazil, and Chile. In: Tom Ginsburg and Tamir Moustafa (eds.), Rule by Law: The Politics of Courts in Authoritarian Regimes, Cambridge, UK, Cambridge University Press, 2009, pp. 23-57.

21 For an overview, see 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, UK, Cambridge University Press, 2009, pp. 1-22.

relations that stretch from the capital center to distant peripheries are too complex, and the informational advantages of local actors on the ground too big, to permit close authoritarian oversight and control. Accordingly, the new literature on "decentralized authoritarianism"[22] and authoritarian federalism[23] studies the complex balancing acts central elites perform in granting autonomy to the regions while striving to keep them under control. In post-revolutionary Mexico, for example, presidents delegated sweeping authority over policy making and personnel selection to state governors, while holding them personally responsible for competent conflict management within their states.[24]

3. Institutional containment

All institutional creations involve some delegation of power, or at least the formal pretension of some delegation of power. They all imply that authoritarian rulers, instead of following their anti-institutional instincts of DIY governance, put others in charge of performing certain tasks. Authoritarian delegation of power, however, is never meant to sanction the autonomous exercise of power. The institutional creatures authoritarian regimes breed are not meant to grow and flourish in liberty. They are meant to be tame, useful domestic animals, not paper tigers necessarily, but resilient workhorses. Authoritarian rulers cannot tolerate genuine institutional autonomy. They will always strive to constrain, contain, control their own institutional creations. They will always try to make sure that the *nominally democratic* institutions they set up remain *substantively authoritarian*. Political institutions that are created by and embedded in an authoritarian regime are never, except by a slip of language, "democratic institutions."[25]

To balance the "conflicting imperatives"[26] of delegation and control, authoritarian rulers have to move from institutional landscaping to institutional gardening. They have to shift their attention from the grand decisions of institutional macro-design to the more specific choices of institutional micro-design and micro-management. After institutional creation, they have to move on to institutional containment. The range of generic power resources they may deploy to keep their agents as well as their adversaries in various institutional territories under control is rather wide. It includes, at the very least, violence, money, law, organization, information

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[22] Pierre Landry, Decentralized Authoritarianism in China: The Communist Party's Control of Local Elites in the Post-Mao Era, New York, Cambridge University Press, 2008.

[23] See Valerie Bunce, Subversive Institutions: The Design and the Destruction of Socialism and the State, Cambridge, UK, Cambridge University Press, 1999.

[24] See Joy Langston and Alberto Díaz Cayeros, From Hegemony to Glory: Mexico's Governors, Mexico City, CIDE, and Stanford, Stanford University, 2008, unpublished typescript.

[25] Gandhi, Political Institutions, p. xv.

[26] Andrew Gould, Conflicting Imperatives and Concept Formation. In: *Review of Politics* 61/3 (1999), pp. 439-63.

(knowledge), and language (ideology). The range of specific strategies of containment they can deploy in various institutional fields is much broader still. Given the central conceptual and normative role competitive elections play when it comes to distinguish democratic from non-democratic regimes, the comparative literature has paid substantial attention to the variegated strategies both historical and contemporary regimes have implemented to keep a lid on nominally competitive electoral processes. By comparison, our cartography of authoritarian manipulation is less developed with respect to other fields of authoritarian institution building.

The following menu of menus of manipulation is not entirely uniform in its analytical structure. It is most coherent with respect to those institutional fields in which authoritarian governments face the core challenge of delegating power, yet containing the *agents* it deploys to exercise it: legislatures, courts, and subnational units. In these institutional spheres authoritarian principals strive to contain their authoritarian agents through four major strategies: formal constraints on the delegation of power, the control over agent selection, the management of agent incentives through repression and cooptation, and the induction of coordination problems among multiple agents. By contrast, the repertoires of manipulation are more context-specific with respect to those institutional fields in which authoritarian governments face the core challenge of opening up, yet containing, spaces of contention by *adversaries*: multiparty elections, independent media, and civil society.

The menu of legislative manipulation

Most authoritarian regimes establish some kind of legislative assembly.[27] That is, they create some collective body specialized in writing the rules the central state, backed by its reservoirs of violence, pretends to impose on the inhabitants of its territory. Given their relatively small size, legislatures are easy objects of authoritarian control. To ensure legislative subordination, rulers may pursue three broad strategies:

(a) Disempowerment: They may tightly circumscribe their formal powers of legislative assemblies.[28]

(b) Agent control: Even in the face of formally powerful legislatures, rulers may create pliant "rubber stamp" assemblies by either controlling the selection of legislators (through direct appointment or the control of candidacies to elective legislatures) or by setting up irresistible incentive structures that push deputies towards cooperation with the executive, be it through intimidation or cooptation.

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[27] Gandhi, Political Institutions, pp. 34-37.
[28] See M. Steven Fish, Creative Constitutions: How Do Parliamentary Powers Shape the Electoral Arena? In: Andreas Schedler (ed.), Electoral Authoritarianism: The Dynamics of Unfree Competition, Boulder and London, Lynne Rienner Publishers, 2006, pp. 181-197.

(c) Fragmentation: In case rulers cannot control the behavior of legislators, they can try to make sure nobody else can either. They can disorganize the legislative assembly, for instance by encouraging the multiplication of party factions or by manipulating the legislative agenda.[29]

The menu of judicial manipulation

In principle, modern judicial systems serve to adjudicate disputes between private citizens, between citizens and public authorities, and between authorities. Although no modern authoritarian regime can do without a court system, it can do many things to clip the wings of "the least dangerous branch."[30]

(a) Disempowerment: Authoritarian rulers can restrict the formal powers of judicial actors by limiting their jurisdiction to certain issue areas and withdrawing others from their purview. They can deny them investigative powers thus leaving them at the mercy of executive authorities for the establishment of relevant case facts. They can limit their margins of discretion by imposing dense networks of formal regulation (the bureaucratization of judicial decision-making). And they can neutralize the effects of judicial decision making either by circumscribing them to individual cases (as in Mexico's *amparo* system of judicial review) or by simply "under-enforcing" inconvenient court rulings.

(b) Agent control: Even in the face of formally powerful court systems, authoritarian rulers can strive to control them through a mixture of appointment procedures and incentive structures. They can select politically reliable magistrates or discipline them through dissuasive punishment regimes. 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 intra-judicial and extra-judicial incentives they can make sure that all judicial strategies except prudent "self-restraint" appear personally costly and politically self-defeating. If they wish to simplify matters, they can set up hierarchical systems of appeal that centralize and homogenize judicial rulings[31] and that allow them to constrain lower-level judges by controlling the veto player at the top.

(c) Fragmentation: Rather than establishing unified judicial systems, authoritarian rulers can "contain judicial activism by engineering fragmented judicial systems" in which executive-dominated "exceptional courts run alongside the regular court system."[32] Special courts, often endowed with

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[29] William Riker, The Art of Political Manipulation, Yale University Press, New Haven 1986.

[30] My outline of authoritarian strategies of judicial containment largely follows Moustafa and Ginsburg, Introduction, pp. 14-21, even if I reframe and relabel some of their analytic categories.

[31] See Martin Shapiro, Courts in Authoritarian Regimes. In: Tom Ginsburg and Tamir Moustafa (eds.), Rule by Law: The Politics of Courts in Authoritarian Regimes, Cambridge, UK, Cambridge University Press, 2008, pp. 326-335.

[32] Moustafa and Ginsburg, Introduction, p. 18.

overlapping jurisdictions with regular courts, facilitate the political control of sensitive cases and arenas of conflict.

(d) Insulation: For all their formal pretension to work as closed systems of rule-based dispute arbitration, judicial systems, just like all other state institutions, are embedded in their societal environments.[33] Their capacity to provide "horizontal" protection against resourceful private actors and "vertical" protection against public authorities, very much depends on the surrounding network of professional and civic associations that are willing and capable to challenge powerful actors.[34] By "incapacitating judicial support networks"[35] authoritarian rulers can effectively pre-empt the emergence of judicial challenges.

The menu of electoral manipulation

When authoritarian rulers convoke elections, they can limit their exposure to electoral risks by keeping elections non-competitive or, if they allow for multiparty competition, by limiting them to lower levels of authority. Even if they introduce multiparty elections to all levels of authority, and thus enter the category of "electoral authoritarian" regimes, they have a broad repertoire of manipulative measures at their disposal to contain the uncertainty of electoral outcomes:

(a) Disempowerment: Rulers can remove sensitive policy areas from the jurisdiction of elected officials (reserved domains) or subject them to veto powers by unelected actors (authoritarian tutelage).

(b) Supply restrictions: Rulers can limit the range of choice available to voters by excluding, subverting, or fragmenting opposition parties.

(c) Demand restrictions: Rulers can obstruct the formation of voter preferences by denying opposition actors free and fair access to the public space.

(d) Suffrage restrictions: Rulers can alter the composition of the electorate through the legal or de facto disenfranchisement of voters.

(e) Preference distortions: Rulers can prevent citizens from expressing their genuine preferences at the polls through violence (voter intimidation) and money (vote buying).

(f) Vote distortions: Once voters have expressed their will in the polling station, rulers may distort results through "redistributive" practices (vote rigging) or "redistributive" rules of aggregation (biased institutions).[36]

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[33] See Joel Migdal, State in Society: Studying How States and Societies Transform and Constitute Each Other, Cambridge, UK, Cambridge University Press, 2001.

[34] See Daniel Brinks, The Judicial Response to Police Killings in Latin America: Inequality and the Rule of Law, New York, Cambridge University Press, 2008.

[35] Moustafa and Ginsburg, Introduction, p. 20.

[36] For more extensive discussions of types of authoritarian elections and repertoires of electoral manipulation, see Andreas Schedler, Elections Without Democracy: The Menu of Manipulation. *Journal of Democracy* 13/2 (2002), pp. 36-50; Andreas Schedler, The Logic of Electoral Authoritarianism. In: ibidem (ed.), Electoral Authoritarianism: The

The menu of media manipulation

Just as access to "alternative sources of information"[37] represents an essential feature of democracy, misinformation and disinformation represent core features of authoritarianism. To minimize the exposure of citizens to competing constructions of political reality, non-democratic rulers can place restrictions on means of communication, media content, and media consumption.

(a) Restrictions on private ownership in the *means of production* of political information typically take the form of state monopolies in print or electronic mass media. Claiming a full monopoly on legitimate political communication, some dictatorial states have gone much further, though, restricting private access to decentralized means of written communication, such as typewriters, copying machines, computers, and the Internet. Of course, once a regime allows for the existence of non-state media, it can still deploy a broad array of instruments to keep or kick uncomfortable communication enterprises out of the market. It can clear the market through the political control of operating licenses, productive inputs, and public advertising, or else, through the political deployment of state agencies, like the police, the tax administration, anticorruption bureaus, and judicial agents.

(b) Post-production restrictions on *media content* may take the form of official state censorship or more indirect and informal sanctions against informational transgressions, such as the withdrawal of operating licenses, the harassment of media enterprises by tax agencies, and the beating or assassination of journalists. Both legal censorship and extra-legal intimidation tend to induce self-censorship.

(c) To restrict the *consumption* of available information by citizens rulers may legally prohibit or materially disable mass access to symbolic products that have been produced outside the bounds of authoritarian control (which includes information distributed by international media).

The menu of associational manipulation

Repression and cooptation are the most obvious authoritarian strategies to keep citizens from practicing the modern "art of association." In general terms, authoritarian rulers either work towards the subordinate organization of societal interests, the disorganization of societal actors, or the competitive division of civil society.

Dynamics of Unfree Competition, Boulder and London, Lynne Rienner Publishers, pp. 1-23; Andreas Schedler, The Contingent Power of Authoritarian Elections. In: Staffan I. Lindberg (ed.), Democratization by Elections? A New Mode of Transition, Baltimore and London, Johns Hopkins University Press, 2009.

[37] Robert Dahl, Polyarchy: Participation and Opposition, Yale University Press, New Haven 1971, p. 3.

(a) Mobilizational single-party regimes and state corporatist regimes are both grounded in the use of *hierarchical organization* to prevent the emergence of autonomous civil society.

(b) By contrast, demobilizing authoritarian regimes that aspire to confine atomized citizens in their private spheres bet on the *disorganization* of societal forces to achieve popular acquiescence. If civil society constitutes an associational realm autonomous of the state, hierarchy and disorganization represent logically opposite modes of controlling the birth of civil society: The former establishes organization without autonomy, the latter autonomy without organization. For the purpose of authoritarian containment, vertical control and the disruption of horizontal communication are functionally equivalent.

(c) In between these extremes lie *divide et impera* strategies in which rulers strive to pit existing civil society organizations against each other through the selective dispensation of punishments and favors. We find such intermediate situations in the "limited pluralism" Juan Linz held to be characteristic of authoritarian regimes[38] or the "divided structures of contestation" Ellen Lust-Okar has analyzed for contemporary regimes of the Middle East.[39]

The menu of local manipulation

Authoritarian governance seldom spells the end of local politics. To pre-empt the emergence of local challenges, central authorities thus face the challenge of devising "institutional mechanisms that minimize the odds that [they] will lose control over local elites."[40] Perhaps the most prominent mechanisms are repression, bureaucratic control, accountability, and arbitration.[41]

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

(b) In *bureaucratic* regimes, central authorities set up territorial layers of government in a hierarchical fashion and strive to control subnational authorities by controlling the "appointment game"[42] from top to bottom. In such settings, each unit of subnational government is "critically constrained

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[38] Juan Linz, Totalitarian and Authoritarian Regimes, Boulder and London, Lynne Rienner Publishers, 2000 (orig. 1975).

[39] Lust-Okar, Ellen, Structuring Conflict.

[40] Landry, Decentralized Authoritarianism, p. 25.

[41] Note that the issues of institutional creation and design I discuss at the national level reappear at the subnational level. To meet challenges of governance and survival, authoritarian rulers may introduce (or replicate) at the local level any of the political institutions discussed above.

[42] Landry, Decentralized Authoritarianism, p. 40.

by the capacity of a hierarchically superior unit to appoint, remove, or dismiss [its] leading officials."[43]

(c) In *accountability* regimes, authoritarian governments adopt a sort of new public management approach to center-periphery relations. Instead of micro-managing or closely regulating and monitoring subnational politics, they delegate broad authority to local actors, yet hold them accountable for severe performance failures. The criteria for such result-oriented accountability may be political, like the maintenance of social peace, or non-political, like the achievement of economic growth.[44]

(d) Finally, in *arbitration* regimes, the authoritarian ruler in the capital city acts as arbiter between rivaling 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.

4. Institutional ambivalence

Creating and manipulating political institutions should help the average dictator ease his existential problems of governance and survival. It should help him elicit cooperation by societal groups and individual actors and diminish the (actual or potential) challenges they pose to his exercise of power.[45] On average, authoritarian political institutions indeed seem to fulfill such regime-supporting functions. And yet, inevitably, although to variable degrees, they contain 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 purposes of their dictatorial creators. This is the dilemma of authoritarian institutional design: Unless political institutions are granted minimal margins of power and autonomy, they cannot make an independent contribution to authoritarian governance and survival; and as soon as political institutions are granted minimal margins of power and autonomy, they can turn against the dictator. They open up arenas of struggle, sites of resistance, public or subterranean, explicit or veiled, heroic or mundane, altruistic or self-interested, with multiple actors testing in multiple manners the limits of the permissible.

In autocracies, then, institutions are arenas of control and cooptation, but also of contention. In authoritarian Brazil under military rule, for instance, "lawyers stretched the boundaries of permissible activity and speech within

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[43] Landry, Decentralized Authoritarianism, p. 79.

[44] See Langston and Díaz Cayeros, From Hegemony to Glory; Carlos Bravo, The Science of Not Losing: Electoral Politics in Mexico during the Porfiriato, Mellon Latin American History Conference, University of Chicago, 2-3 May 2008; Landry, Decentralized Authoritarianism, p. 39.

[45] The average dictator is male. Thus the gendered nouns.

national security law"[46] (Pereira, 2008: 35), while journalists defied formal censorship, "trying to publish content that [was] taboo under either explicit or implicit constraints."[47] Even if authoritarian institutions work as they are supposed to, absorbing, channelling, dampening, deflecting, or dispersing oppositional energies, regime-critical actors may still succeed to some extent in neutralizing these institutions or even appropriating them for their purposes. Even if institutions make autocracy work, and augment the authoritarian ruler's *probability* of surviving in office and governing effectively, they still contain the *possibility* of eroding authoritarian stability and governance.

If political institutions "have the potential to undermined autocratic rule, why would any incumbent create or tolerate them?"[48] The answer is rather straightforward: Rulers cannot have one without the other. They cannot establish effective institutional safeguards without accepting the structural risks they involve. Notoriously, they may fail to guard even those institutions they designate as primary guardians of the authoritarian order. How many dictators have fallen victims of the paramilitary security forces they set up for personal protection? How many have been deposed by factions within the single parties they created as instruments of dominance? Even the totalitarian project of a comprehensive bureaucratization of society in the name of socialism ended up self-defeating. 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."[49]

Of course, authoritarian institutional designers dream of "purging ambivalence."[50] No doubt, they would love to grow regime-supportive institutions that do not contain any regime-subversive possibilities whatsoever. An authoritarian world without ambivalence seems to be an authoritarian illusion, however. If dictators wish to reap the fruits of stability and governance from their orchards of political institutions, however, they have to accommodate themselves under the shadow of ambivalence their home-grown institutional trees project.

Authoritarian institutions differ widely in the nature and magnitude of structural risks (and thus ambivalence) they involve. Over the past years, the comparative literature has focused much of its attention on the authoritarian institution that seems to carry the most systematic and forceful democratizing potential: multiparty elections. Responding to the expanded use of multiparty elections by authoritarian regimes, scholars have started to examine in

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[46] Pereira, Of Judges and Generals, p. 35.
[47] Elizabeth Stein, Mainstream Newspaper Coverage: A Barometer of Government Tolerance for Anti-Regime Expression in Authoritarian Brazil, Cambridge, Harvard University, Research Paper, 2007, p. 4.
[48] Gandhi, Political Institutions, p. xvii.
[49] Bunce, Subversive Institutions, p. 2.
[50] Zygmunt Bauman, Modernity and Ambivalence, Cambridge, UK, Polity, 1991, p. 24.

systematic fashion "the power of elections"[51] under authoritarian governance. In faithful reflection of the ambivalent nature of authoritarian elections, the debate has experienced an intriguing bifurcation.

On the one hand, the literature on the political economy of dictatorship has been emphasizing the *regime-sustaining* value of authoritarian elections. On the other hand, comparative studies of democratization by elections have been stressing their *regime-subverting* potential. These two strands of theoretical inquiry and empirical analysis have been developing in peaceful coexistence and mutual ignorance. Yet, although their major claims seem contradictory, they are in fact essentially compatible with one another: the *probabilistic* claim that authoritarian multiparty elections strengthen the survival capacity of the incumbent and the *possibilistic* claim that they create opportunities for opposition forces to weaken, or even topple, the incumbent.[52]

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[51] Guiseppe Di Palma, To Craft Democracies: An Essay on Democratic Transitions, Berkeley, University California Press, 1993, p. 85.

[52] For an elaboration of this argument, see Schedler, The Contingent Power.

Conclusions

The study of institutional choices and their consequences under non-democratic conditions still lacks self-recognition as a broad strand of research that shares a common empirical object (authoritarian regimes) and a common theoretical assumption (formal authoritarian institutions matter). The "new institutionalism" in the study of dictatorship still consists of a disparate collection of research enterprises that could benefit much from recognizing the common ground they share and engaging in systematic dialogue, exchange, and cross-fertilization. By the way of conclusion, I would like to highlight three among the common challenges new institutionalist studies of non-democratic politics might address jointly: one methodological, one theoretical, and one practical.

One common *methodological* challenge lies in the systematic observation of institutional manipulation. It is relatively easy to map the big institutional choices authoritarian rulers adopt; it is much more difficult to trace the strategies of institutional manipulation they pursue. The notion of institutional manipulation comprises a broad bundle of strategies, most of them carried out undercover, hidden from the floodlights of the public space. Measuring institutional manipulation requires contextual knowledge and powers of discernment. Cataloguing the presence or absence of basic institutions can be done on the basis of simple observable phenomena whose discernment does not require complex calls of judgment. Thus, the temptation is strong to engage in data-driven institutional analysis; to narrow our comparative inquiries to the grand institutional landscapes we can survey with ease; to look at those macro-institutional phenomena we can easily see, while discarding the less visible micro-institutional designs and strategies that form the core of political struggles in authoritarian regimes. Eventually the comparative study of authoritarian institutions will ask for the development of effective bridges of collaboration between large-N research and the in-depth expertise of country and area specialists.

One common *theoretical* challenge resides in bridging the chasm between probabilistic and possibilistic explanatory approaches. The former understand institutions as constraints and seek to build law-like propositions about their general consequences. The latter conceive institutions as enabling devices and seek to build contingent generalizations about their structural vulnerabilities. Since "nominally democratic" institutions tend on average to fulfill their purpose of "making authoritarianism work," probabilistic approaches tend to emphasize their regime-supporting role, the capacity of authoritarian rulers to control and co-opt societal actors through political institutions. Since institutions also contain the potential of developing into sites of anti-authoritarian contestation, possibilistic approaches tend to

emphasize their regime-subversive role, the opportunities they offer to opposition actors to weaken authoritarian domination.

Finally, a common *practical* challenge both domestic and international actors confront when responding to authoritarian institutions lies in the management of ambivalence. Whenever opposition actors or international agencies lend their support to nominally democratic institutions that are embedded in authoritarian regimes, they face the criticism (as well as the very real risk) that they are lending their support to the authoritarian regime that hosts these institutions. Neither authoritarian rulers nor opposition parties nor international actors can wish away the ambivalence of authoritarian institutions. Whether their interventions end up reinforcing one side or the other is often hard to tell even after the fact. In the last instance (as well as in the first), the democratizing "art of the possible" does not rest upon scientific certainties, but practical intangibles: local knowledge and political judgment.

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