

Does the state of emergency create an opportunity for democratic erosion? Lessons from post-communist Central and Southeast Europe

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Abstract: *The paper's key puzzle is the variation in lockdown-related democratic decline in the region of Central and Southeast Europe given the incumbents' ideological and regime (dis)similarity. Why did similar regimes not respond to the pandemic in the same manner by using the opportunity to grab more executive power and diminish the authority of other institutions? While some argue that a state of emergency provides an ideal opportunity for democratic decline due to reduced costs, others believe that autocratic regimes with a 'pre-existing condition for autocracy' are more vulnerable. To contribute to this discussion, I examine three examples from post-communist Central and Southeast Europe (Slovenia, Croatia and Serbia) during the pandemic-related state of emergency and lockdowns of 2020 and 2021. I consider several relevant factors, the most important of which is the prospect of winning the next election. To erode democracy, autocratic incumbents must feel insecure about the outcome of the next election to use the opportunity created by the state of emergency. If they are uncertain of victory, they may prefer to expand their executive powers during the state of emergency, thus undermining democracy.*

Keywords: *democratic decline; executive aggrandisement; hybrid regimes; state of emergency*

1. The Problem

Since the outbreak of the COVID-19 pandemic, governments across the world have imposed restrictions on the wider population and, in cases, assumed excessive executive power. Some governments imposed weak (smart) lockdowns, some declared a state of emergency and some went as far as to impose general curfews. This created an opportunity not only for the temporary abuse of office but also for the introduction of more permanent regime changes via the concentration of power. A textbook example of this would be Hungary, a country whose democracy has slumped under the second Orbán cabinet in ten years, saw additional democratic decline on 30 March 2020 when Premier Orbán was given indefinite authority to rule by decree with legislative force, thus practically suspending the Parliament (Juzová 2020; Krekó 2020). After the state of emergency was lifted, this legislation was abolished in June 2020, but a new one has been adopted under which the executive can declare state of emergency without consulting the Parliament (Vegh 2021; Guasti 2021: 93). Its effect, therefore, could still be felt in 2021 and beyond (Hajnal et al. 2021: 7; Ádám – Csaba 2022).

Granted, the excuse of the pandemic has served many other autocrats, among other things, to extend incumbents' time in office (Venezuela, Guyana, Nicaragua, Bolivia), introduce a variety of disproportionate measures to intimidate the opposition and the press (Hungary, Thailand), remove protesters from the streets (Algeria, Montenegro), arrest people for 'spreading misinformation' (Turkey, Bolivia) and vilify ethnic minorities (India). According to the V-dem Pandemic Backsliding Index (Pandem) that assessed democratic standards in 144 countries from March 2020–July 2021, worrisome developments were recorded in 131 countries *vis-à-vis* the media, side-lining the legislature and abusive enforcement (Edgell et al. 2020; Lührmann et al. 2020).

Despite the fact the state of emergency creates the opportunity for different kinds of abuse of office, not all incumbents did so. Which incumbents did use the 2020–21 lockdown, curfew or state of emergency to enforce more permanent system changes, thus redesigning the system toward less democratic or more autocratic? Most recent reports and scholarship on the political responses to the pandemic have been overly focused on short-term violations of human rights, abusive enforcement of protective measures, restrictions of media freedom and the like (IDEA 2020; Edgell et al. 2021). Granted, these aspects are critical to taking stock of how the 2020 pandemic has affected politics and political institutions worldwide. However, we need to look beyond short-term responses. To be able to address the problem of democratic erosion under state of emergency, I suggest we look at *permanent regime changes* introduced in 2020–2021, which may be less visible and more informal. In other words, we should ask if the incumbents used a state of emergency to change the system to accomplish more

lasting executive aggrandisement to ensure their future comparative advantage after the pandemic is over.

The text's contribution is twofold. The discussion can help us conceptualise the problem of democratic decline under emergency situations (state of emergency, curfews, lockdown, etc) in general. But it also contributes to the ongoing discussion about democratic decline in post-communist Europe, which in some the post-communist regimes began well before the pandemic (Ágh 2015, 2016, 2019; Kapidžić 2020; Stojarová 2020; Csaky 2020).

To achieve this goal, I propose to explore an aspect of democratic decline that has been overlooked in discussions about how states of emergency affect the deterioration of democratic institutions. Specifically, I will focus on the potential impact of upcoming elections (Section 2a). I will assume, as defined in Section 2d, that incumbents hold autocratic preferences, which essentially means that they are committed to some form of extremist and anti-democratic ideology. Recent experiences in post-communist Europe have shown that such preferences are primarily held by right-wing and populist political parties. Therefore, the key question for the incumbent is whether they can win the next elections. If they believe they can, they will likely make no permanent changes to the regime. If they have doubts, they may take advantage of the state of emergency to permanently expand executive powers, thus undermining democracy. In my discussion of the pandemic lockdowns from 2020–2021, Serbia serves as an example of the former case, while Slovenia represents the latter. My conclusions can be seen as a contextual rebuttal of arguments suggesting that democratic decline is more likely during an emergency because a state of emergency reduces the cost of democratic decline (Lührmann and Rooney 2020; 2021), and that regimes with so-called pre-existing conditions are less likely to resist the expansion of executive powers (Croissant 2020; IDEA 2020).

2. Research Design

2.1 Theory

I offer an alternative theory to the one claiming that a state of emergency offers an opportunity for democratic erosion because the cost of the erosion goes down. The main claim of the cost theory is that democratic erosion under such circumstances becomes easier because the executive can use natural disasters, pandemics or an armed conflict threat as a pretext to accumulate power and divest other branches of government of their powers (Rooney 2019; Lührmann – Rooney 2019; 2020; Maerz et al. 2020).

Although these extraordinary measures may be viewed as short-term solutions, they can provide tools that facilitate long-term (lasting) changes. Research shows that a regime is 59 percent more likely to undergo some sort of democratic

erosion or reversal under a state of emergency than in normal times (Lührmann and Rooney 2020). This thesis is supported by recent reports and research on democracy during the 2020 lockdowns. The IDEA report claims that 59 percent of governments across the world declared some sort of state of emergency in response to the pandemic in 2020, and 61 percent of these introduced measures were problematic from a democratic point of view. Another variant of this theory is that regimes with so-called 'pre-existing conditions' (i.e. those which are already in a hybrid form) are more likely to deteriorate during a state of emergency. Incumbents who expanded their powers prior to the pandemic are more likely to make the regime more autocratic. In contrast, democracies are at a lower risk of democratic erosion (Croissant 2020; IDEA 2020).

In this paper, I build on these arguments. Based on the experiences of the Central and Southeast European post-communist countries, I claim that democratic decline may have nothing to do with the 2020 pandemic-related states of emergency or lockdowns. Granted, a state of emergency may open up the possibility for an autocratic incumbent to introduce more permanent changes. However, even if such incumbents have adopted a preference for autocratisation and the regime has already been rigged to ensure an ample possibility that the non-democratic incumbent will win the next elections and remain in office, they may not take the first subsequent opportunity to grab more power. Conversely, if incumbents feel unsafe (say, about the outcome of the next election), they might do the opposite. Therefore, we should focus on an episode of democratic erosion that involves a prospect of long-term executive aggrandisement.

The theory expounded here states that an incumbent who has adopted an autocratic preference but is safe as far as the upcoming elections are concerned, may not use the opportunity to expand their powers. Consider what President Recep Tayyip Erdoğan did in Turkey 2016–2018, or Mahinda Rajapaksa in Sri Lanka in 2015–2020. Granted, during the 2020 lockdown, Erdoğan did harass the oppositional mayors of Turkey and Ankara but stopped short of further expanding his presidential prerogatives during the pandemic. Why? 'If the Turkish president has not used the pandemic as an opportunity for a blatant power grab à la Viktor Orbán of Hungary, that is because such a feat was already achieved in Turkey between 2016 and 2018' (Akkoyunlu 2020). Erdoğan began executive aggrandisement with the 2016 state of emergency (which he saw as 'the gift from God'), the 2017 constitutional changes and the 2018 presidential elections he won without a runoff. However, recall that these constitutional changes came in the wake of the 2015 hung parliament, which was the first sign for Erdoğan that his next electoral victory was not safe.

Consider another example of executive aggrandisement from Sri Lanka under President Mahinda Rajapaksa. He was elected president in 2005. Though his rule after 2005 was ripe with corruption, nepotism and gradual degradation

of democratic institutions (DeVotta 2011; Ginsburg and Huq 2018), it was not until 2015 that Sri Lanka saw a radical democratic decline. This is the moment Rajapaksa felt uncertain about the outcome of the next election. When Maithrapala Sirisena, former minister of health, decided to run on her own for the next elections, Rajapaksa considered imposing a state of emergency and cancelling the result if he lost (DeVotta 2016). At that moment, he was blocked by the non-elected and non-majoritarian agents, but he used another opportunity which emerged in 2020 during the pandemic (DeVotta 2021).

These changes have been lasting. Erdoğan still uses these powers to ensure his continued rule. In my analysis, this aspect is exemplified by the case of Serbia (to follow in Section 4b). Rajapaksa is not using them anymore, but only because he had to resign and flee Sri Lanka in order to escape the popular uprising in July 2022.

My theory draws on the literature that explains the behaviour of the incumbents with the prospect of winning the next elections (Wright 2009; Miller 2017). Joseph Wright argues that an autocrat will accept foreign aid as a condition to building democratic institutions only if they believe they can win elections under these new democratic rules (Wright 2009). The autocrats' willingness to allow democracy is contingent upon their chances of winning the next elections (which depends on the type of incumbent coalition and economic growth). A similar argument can be found in Miller's discussion on why autocrats are not against multiparty elections. He argues that 'autocrats are more likely to adopt contested elections if they anticipate that they can reliably win them' (Miller 2017, 17). The cases of Turkey and Sri Lanka, referred to in Section 3, confirm this theory in a more general sense. I argue here that the same logic applies to an incumbent when they consider if they would like to use the opportunity to autocratise the system under the emergency situations.

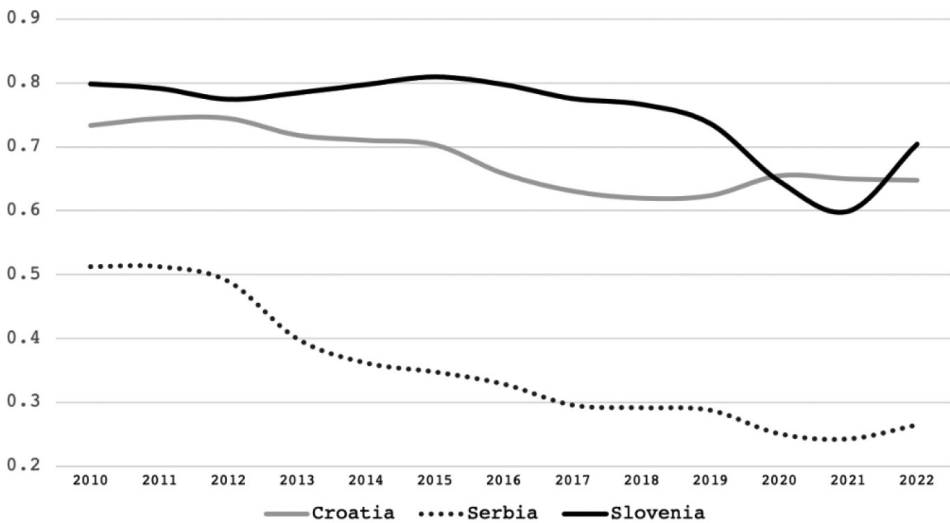
As the Section 3 analysis shows, if the incumbent feels safe about the next elections, they may miss the opportunity created by the pandemic state of emergency. This was the case in Serbia and Croatia during and after the pandemic. Andrej Plenković and his HDZ were confident that they would win the 2020 parliamentary elections. Aleksandar Vučić and his SNS were confident that they would win the 2020 and 2022 parliamentary elections and they did win them. (Vučić himself won the 2022 presidential elections with a landslide majority.) If, in contrast, they feel uncertain about the next elections' outcome, they may try to erode democratic institutions, thus autocratise the institutional design. As discussed in Section 4a, this was the case in Slovenia. Janez Janša and his Slovenian Democratic Party (SNS) was right to worry about electoral loss in the April 2022 parliamentary elections. They did lose them.

2.2 Case Selection

The key puzzle of this paper is the variation in lockdown-related democratic decline in Central and Southeast Europe, considering the ideological and regime (dis)similarity of the incumbents. The post-communist region of Central and Southeast Europe provides empirical cases that allow us not only to understand democratic decline during a state of emergency, but also to study ‘near misses’ – cases where democracy started to decline but then bounced back (Ginsburg and Huq 2018; Boese et al. 2021). In this regard, I follow King, Keohane and Verba’s suggestion to select more than one dependent variable. An effective approach to comprehending the reasons behind the decline of democracy during a state of emergency involves carefully choosing observations based on specific explanatory factors, while also allowing for the possibility that the dependent variable, i.e. the level of democratic decline, could vary widely, ranging from minimal to severe (King et al. 1994: 107–109).

In the region’s regimes which are considered democracies (under the V-dem index), we should expect all regimes to go one way, thus experiencing no changes in the status of democracy during the pandemic. Yet we see different developments in Slovenia and Croatia under the most similar systems’ design (Figure 1). Likewise, in hybrid regimes like Serbia,¹ we would expect a deeper

Figure 1: Democratic Decline in Croatia, Slovenia and Serbia in 2010–2022 (V-dem)



¹ Serbia is the region’s only hybrid regime among many, meaning we could have also looked at Bosnia and Hercegovina, Montenegro or North Macedonia, and would have arrived at same conclusions. Bieber’s work on nationalism and covid-19 contains a similar research design (Bieber 2022).

democratic decline during the pandemic (per the pre-existing conditions for autocracy argument). And yet, we observe similar outcomes in Serbia and Croatia under the most different systems' design: neither the Croat nor the Serbian incumbent attempted to introduce permanent institutional changes during the lockdown. However, their response to the lockdown protest (in terms of resorting to violence) differs significantly. Serbia used violence to move the protestors off the street, while Croatia did not. However, as I explain in the next sub-section, such acts are not new in the repertoire of the Serbian incumbent, as we had already seen them during the first inauguration of President Vučić in 2017 (Damjanović 2018). I suggest in the next subsection we focus only on novel acts that constitute a more permanent expansion of power.

2.3 Descriptive Inference – Where to look?

Since this is a small-n research, random selection cannot be used (King et al. 1994: 128). To avoid selection bias, I explain what will be omitted from the analysis. As previously mentioned, I will only consider political actions that result in a permanent expansion of powers. If the incumbent repeats some undemocratic or violent actions, the regime type will remain the same. However, if the incumbent acquires new executive powers during a state of emergency or diminishes the power of other institutions (such as those responsible for oversight, media, civil society organisations, etc.), and these changes persist *beyond* the state of emergency, we can speak of permanent changes. Such gradual but permanent changes have been a frequent practice of so-called Golem parties in Central and Eastern Europe since 1989, particularly in countries where the initial post-communist party system collapsed (Ágh 2015; Ágh 2019: 170–180).

The distinction between these two states corresponds roughly to the two non-democratic paths defined by Coppedge (2017: 3–5). The first path may involve a heightened level of repression, which may involve no additional concentration of power and no lasting changes. The V-dem Pandemic Backsliding Index (PAN-DEM), put together in March 2020, is another good example of an approach that largely considered this aspect of democratic decline (autocratisation episode). It measures six critical types of violations, restrictions and abusive enforcement, informing the readership about the level of repression (Edgell et al. 2020; Kolvani et al. 2020). The reports did not consider whether these actions belonged to the regime's previous repertoire, or are rather a new practice that is likely to remain after the pandemic is over and lockdown measures are lifted.

The second path to autocratisation involves the weakening of democratic institutions or strengthening of authoritarian institutions, primarily by way of (gradual) executive aggrandisement, or executive takeover, which aim at enabling the concentration of power and discretionary decision making of the executive whilst weakening control institutions (Bermeo 2016; Svobik 2019; Ágh

2019). To be non-short-term and permanent, such changes must remain in force when the pandemic's state of emergency is over. In contrast to the first path, these may involve neither heightened repression nor human rights violations. As outlined in Section 3a, during the 2020 lockdowns, Slovenian premier Janez Janša tried to expand its executive prerogatives without using overt repression. In contrast to Serbia (section 3b), where the regime type remained as it was in pre-pandemic times, the Janša cabinet continued with this practice in 2021 as the health crisis persisted and some lockdown measures were re-reinforced.

2.4 Preference Formation

As mentioned at the outset, the main independent variable is the incumbent's belief about the likelihood of taking the next elections. However, other variables, such as the preference of incumbents who are engaged in executive aggrandisement, are critical and used in the analysis. I submit that that the incumbent must have an autocratic preference to erode democracy but it does not immediately follow that such incumbents will do it whenever the opportunity appears.

I adopt Florian Bieber's definition under which 'the term "autocrats" describes prime ministers or presidents who rule informally democratic systems while displaying patterns of rule that either erode or bypass democratic institutions' (Bieber 2020: 7). Granted, every politician dreams about staying in office forever and they use their office's resources to increase their chances of winning the next elections. However, not every incumbent will take the opportunity to abuse office to prolong their stay. Some politicians will reject flouting the rules, concentrate power, hush up corruption scandals and will be prepared to acknowledge an electoral loss and yield office (Przeworski 2019: 19).

However, there may be incumbents who take their office as a kind of religious-like mission. As Przeworski explained, highly ideological incumbents such as those in Poland, Hungary, Venezuela or Turkey might believe that all other political groups are enemies that must be stopped by any means (Przeworski 2019). Typically, such leaders are more prepared than others to irregularly grab additional power. Such agents will take advantage of opportunities to solidify their chances when the opportunity is right. Usually, the latter engage in tweaking, corrupting, violating and changing rules to remain in office. When they feel they could be removed (by, say, losing the next elections), they change the rules in the middle of the game without the consent of the other players to reduce the likelihood of this happening. Let me call such agents incumbents with non-democratic or autocratic preferences.

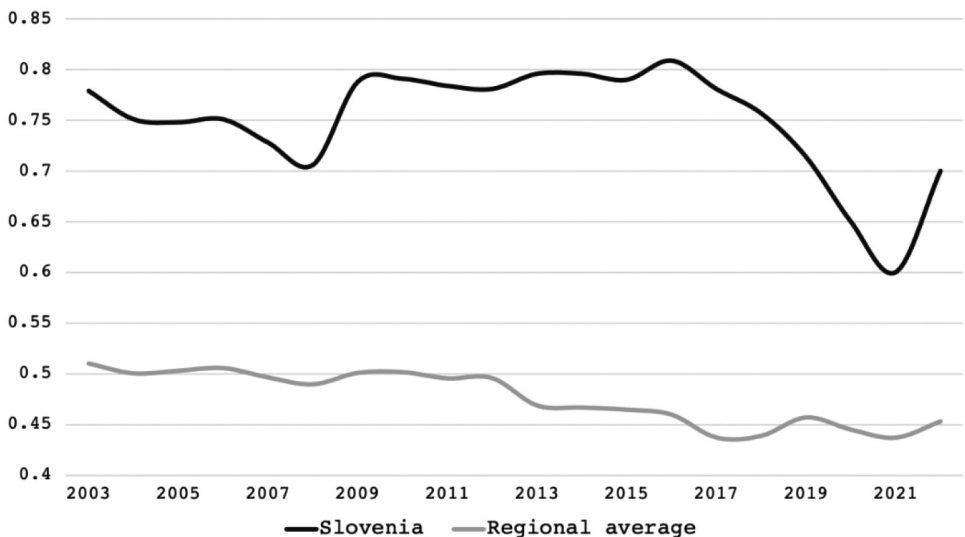
To ideologically define these agents, we can apply the qualifier 'illiberal' or 'populist', which has been commonly used since 2008 in Europe and the US to explain democratic backsliding. Nearly all declines of democracy that happened after 2006 in post-communist Europe were initiated by right-wing, illiberal or

populist cabinets. Ideology could play a significant role in the preference formation of such incumbents (Bustikova 2014; Ágh 2015; 2016; 2019; 2022; Rupnik; 2017; Bertelsmann 2018; Przeworski 2019; Bieber 2018; 2020; Kapidžić 2020; Kapidžić – Stojarová, 2021; Svulik et al 2023).

3. Post-Communist Central and Southeast Europe during the 2020 states of emergency

Recent democracy reports point to new authoritarian trends in post-communist Central and Southeast Europe and the Western Balkans under states of emergency induced in response to the COVID-19 pandemic (BIEPAG 2020; Juzová 2020). I claim only two cases exemplify such trends: Serbia and Slovenia. Consider first the current state of affairs in the region. Figure 2 represents the democracy score for the eight post-communist Southeast European regimes² measured by the V-dem Liberal Democracy Index (LDI) between 2003 and 2022, and separately for Slovenia. We can observe that the average score for the region already dropped below 0.5 in 2013.³ The LDI score for Slovenia has, in contrast, always been high and has never dropped below 0.7, until 2019 when the downturn was the sharpest, hitting 0.6.

Figure 2: V-dem LDI for Slovenia and Average for Southeastern Europe (2003–2022)



2 These are: Albania, Bosnia and Hercegovina, Croatia, N. Macedonia, Serbia, Montenegro, Kosovo and Slovenia.

3 The 0.5 score is the cut-off point for the regime to be categorised as a democracy under the V-dem regime classification system.

According to the lower cost for autocratisation thesis, the whole region would have used the opportunity to become more autocratic, although Slovenia would be the least likely to do so, which is contrary to what V-dem score suggest for 2020–2021. According to the pre-existing condition thesis, the regimes with LDI scores under 0.5 were more likely to use the opportunity for executive aggrandisement than those with scores above 0.5. Yet, we observe differences in the behaviour of these regimes, thus resisting these predictions. For example, the Serbian executive under Aleksandar Vučić used excessive force to handle political street protests in July 2020 but did nothing to expand its prerogatives (in terms of grabbing more power) during the lockdown. In contrast, Slovenian Premier Janša undertook no actions against anti-government cycling protests that started on 2 May 2020 in several Slovenian towns and was repeated every Friday, but did try to grab more power by interfering with the media. The Croatian cabinet under Plenković, as the third case being studied for this article, did nothing either in terms of violence, or in terms of expanding its prerogatives. In the next three subsections, I look more closely into each case.

3.1 Slovenia

Until 2019, Slovenia was a poster child of post-communist reforms and one of the most advanced post-communist new democracies. Rizman concludes that Slovenia has passed the threshold of democratisation and shown early signs of democratic consolidation (Rizman 2006).

Slovenia enjoyed a long period of political stability as one of the most successful post-communist transition countries (Fink-Hafner – Hafner-Fink 2009) due to the broad corporate consensus established in the country after the breakup of former Yugoslavia (Krašovec – Johannsen 2016; Krašovec – Lajh 2021). However, the control (oversight) institutions remained weak, politicised and underdeveloped (Bugarčić – Kuhelj 2015). The cracks in this consensus already appeared in 2004 with the election of the first cabinet of Janez Janša, who had already expressed a preference to abuse office but did not have a suitable opportunity to do so (Krašovec – Johannsen 2016).

Janša has been active in Slovenian politics since 1988 when Slovenia was still a part of former Yugoslavia. He was premier twice (2004–2008 and 2012–2013) and a minister several times. In 2013 he was convicted for corruption and sentenced to two years in jail and given a € 37,000 fine (Haček 2015). The constitutional court struck the sentence down in December 2014, and let Janša out (Krašovec and Lajh 2021). His connections to illiberal circles go as back as far as 2011 when journalist Anuška Delić exposed his party's ties to neo-Nazi groups. Janša's ideas to change the Slovenian political system by establishing the so-called 'second republic' (Janša 2014) have been known for quite some

time under the name ‘Janšizem’ (Fink-Hafner 2020). In developing these ideas, Janša has been getting closer to other post-communist autocrats.

An opportunity for Janša to implement his version of democracy for the third time opened up shortly before the pandemic on 27 January 2020, when Premier Marjan Šarec submitted his resignation. A new cabinet headed by Janez Janša was voted in on 3 March. Janša began his third term as premier with the immediate removal of the heads of the police and army, including the head of military intelligence (Lukšič 2020a)⁴ According to some, such removals were done to stop ongoing investigations into media ownership (Zgaga 2020). Some members of Janša’s Slovenian Democratic Party (SDS) are the founders and initial owners of a TV network (Nova24TV) and a weekly newspaper (Demokracija), through which the party propagates the idea of the abolition of the state’s public broadcaster (Radio televizija Slovenije). Janša believes that state television is biased against the SDS, spreads lies about him and employs too many overpaid people (Faktor 2020; Lovec 2021; Krašovec – Lajh 2021: 165–166).

Both media outlets are majority-owned by people who have close ties to the Hungarian incumbent party Fidesz (led by Viktor Orbán) and have invested over €1.5 million in their Slovenian media ownership. Since this kind of foreign investment is illegal in Slovenia, the ownership structure has been under investigation. Nevertheless, since the head of the police was replaced during the first lockdown, it is unclear how these investigations will end (Faktor 2020; Zgaga 2020). This fact has brought about fears of the ‘Orbánization’ of Slovenia (Vladisavljević 2020).

Another move that can be qualified as executive aggrandisement were changes the Janša cabinet made to the Public Broadcaster Program Council on 29 April 2020. The Council is a regulatory institution that issues and withdraws broadcasting licenses. The Janša cabinet installed seven new members in the council, thus ignoring a representative from the largest opposition party, as a continuation of the precedent established during the Cerar cabinet (2014–2018) when Janša’s SDS did not have it representative as the largest oppositional party. The new majority subsequently removed the head of the Council in May 2020 (Lukšič 2020b, 40).

Such personnel changes in regulatory institutions have been part of the new face of hybrid regimes (Levitsky – Way 2020). Rather than scrapping controlling and regulative institutions, incumbents in such regimes allow their existence but pack them with yes-men, often young and professionally inexperienced people. This applies to media regulatory bodies and a whole array of other institutions charged with oversight – the courts, public prosecution, electoral commissions, budget office, national bank, human rights protector, agency for the fight against corruption, to name a few. Such institutions are converted into

4 Granted, this is done by his predecessors Cerar and Šarec as well as his successor Golob.

toothless agents with a merely decorative purpose. The change is gradual and, at first, may not undermine the democratic structure of the system. But, with time, these institutions do not perform their duties but rather imitate them. Recent literature on non-democratic regimes refers to this as isomorphic mimicry or authoritarian innovations (Andrews et al. 2017; Morgenbesser 2020; Pepinsky 2020). If such practices continue, they may gradually convert a democratic regime into a hybrid one.

The final and most effective blow to media freedom was dealt by an administrative institution that was supposed to fund the Slovenian Print Agency, a state-sponsored news agency founded in 1991 when Slovenia got independence (Novak – Lajh 2023). The 2020 decision to deny funding remained valid throughout most of 2021, thus adversely impacting the Agency's long-term operations. Its head stepped down and over 15 journalists left the job. The Agency was nearly brought to a financial collapse in November 2021, after which the government endorsed the funding, but only until the end of the year.

Similar strategies were applied to civil society activities. The Janša cabinet attempted to limit the protests and demonstrations organised by NGOs during the pandemic, impose administrative obstacles on their activities, tarnish their public image through media under the control of his cabinet and suspend the financing of NGOs from the state budget (Novak – Lajh 2023).

The outcome of the April 2022 Slovenian parliamentary elections confirms the hypothesis developed in Section 2a. Janša was not certain he would win the next elections, which is why he attempted to grab more power in an informal manner. Although his Slovenian Democratic Party won a significant share of the electorate (nearly 24 percent), it did not have enough coalition partners, and thus had to vacate the office and go into opposition.

3.2 Serbia

After some 15 years of democratic development (2000–2014), Serbia's path to democracy was halted in 2014, and the country moved back to a hybrid regime where it was during the 1990s (Vladisavljević 2019; Pavlović 2020). This is how it entered the 2020 pandemic. Under the Pandem Index, Serbia was categorised as one of the countries where major violations of democratic practice were noted, together with Hungary, El Salvador, India, the Philippines, Sri Lanka and Uganda (Edgell et al. 2020). Serbia is a country that, during the 2020 lockdown, saw no regime changes during the state of emergency (second path) but did see a rapid rise in violence (first path).

A state of emergency was imposed on 15 March 2020. The Assembly, which is the only legitimate institution to pass such a measure, was deliberately bypassed. Instead, the Assembly was declared as being unable to meet, while the decision was co-signed by President Vučić, Premier Brnabić and Assembly

Chair Gojković. (The Assembly met only on April 28) (Orlović 2020). The most critical event involving executive aggrandisement was the 1 April government decree under which no institution was supposed to print information about the pandemic without the explicit approval of the government. Any media outlet that would print such information was made liable to criminal charges. One journalist was detained for writing about the situation in a Novi Sad hospital but released the next day after the decree was withdrawn. Even the judiciary behaved in a non-constitutional manner. During the state of emergency, some trials were carried out via Skype, and one person was fined up to € 1,300 for not abiding by the self-isolation rules and ‘not listening to the advice of the President not to do it’, following the president’s words about the pandemic on TV days earlier (Orlović 2020).

Granted, such behaviour of an incumbent points to democratic erosion—legislative side-lining, human right violations, media harassment and abusive/selective enforcement of rules. The rise of violence (the first path to autocratisation) was vivid on 7–8 July when President Vučić declared the re-imposition of a three-day curfew in response to a new wave of infections. This enraged a part of the population that came together before the Assembly the same night to protest against the curfew. The police responded by brutally dispersing the protestors. The police reaction was reminiscent of the 1990s when the police, controlled by then-President Slobodan Milošević, used water cannons, batons and tear gas to move people off the streets. However, we saw this practice under Vučić’s incumbency in 2017. During his inauguration, citizens gathered before the Assembly to protest. Although the protestors were peaceful, the police used force to drag them off the street. The same act appeared in December 2021, when the protestors blocked the highway to protest against proposed new expropriation legislation. Although in all three cases the demonstrations were not violent, the police used (sometimes brutal) force to remove the protestors. Again, this practice has been a usual repertoire of the Serbian regime over which its grade has been low since 2017 when it occurred for the first time under Vučić.

Other practices have also represented nothing new for Serbia. Tzifakis claims Aleksandar Vučić ‘put the Serbian Assembly under quarantine’ during the 2020 pandemic (Tzifakis 2020). However, the Serbian Assembly was transformed into a rubber-stamp institution back in 2014. Tighter control of broadcasting brought about a decline in media freedom the same year. When the state of emergency was lifted on 6 May, the regime’s nature did not change. It remained the hybrid regime similar to what it was before 15 March 2020.

Vučić simply had no reason to resort to grabbing new or expanding existing executive powers. His popularity has been rising and continued to rise amidst the pandemic. In the April 2016 parliamentary elections, his electoral list won 1.85 million votes. In the June 2020 elections (one and a half months after

the emergency was lifted), his list won 1.95 million votes.⁵ In the April 2022 presidential and parliamentary elections, Aleksandar Vučić won 2.2 million votes, and the electoral coalition he led garnered 1.63 million votes, which was way ahead of the United coalition, which received 0.52 million votes. In other words, Vučić had already achieved his preferred level of autocratisation in previous years, felt secure about the next elections and did not need to concentrate power further.

3.3 Croatia

Croatia is an example of a weakly consolidated democracy that has experienced partial democratic decline since 2013 (Čepo 2020: 143; Petak 2021). However, Croatia also confirms that an opportunity for autocratisation will be passed by if the incumbent does not hold autocratic preferences. Croatia's response to the pandemic was a set of measures that were restrictive but not repressive and demonstrated full respect towards media freedom (Zakošek 2020a). In other words, we could observe neither of the noted paths to autocratisation primarily because the incumbent did not appear to hold autocratic preferences.

Consider first this presumed absence of autocratic preferences. Premier Andrej Plenković was brought to power after an attempt at executive aggrandisement under the Croat Democratic Union (HDZ)-led cabinet in 2015–2016. The then-cabinet was formally headed by the technocrat Tihomir Orešković (no party affiliation) but was under the heavy influence of the HDZ and its head Tomislav Karamarko, who was also vice-premier. The HDZ attempted to push forward several revisionist and right-wing policies and decreased media freedom by not reacting to an assault by right-wing groups against Mirjana Rakić, then-head of the Broadcasting Agency, over the broadcast license of Z1 (Čepo 2020). (Z1 is a local TV network that broadcasts shows involving right-wing hate speech – precisely why the Agency stripped it of its license.) After Rakić stepped down, the HDZ-led Ministry of Culture started installing loyalists in it. After this move, the Orešković cabinet, pushed by Karamarko, removed the general manager of the Croatian state TV network and made the management (over which it has official influence) employ around 70 people loyal to the HDZ (Mikleušević Pavić et al. 2020; Petak 2021).

Further confirmation of the absence of an autocratisation preference was confirmed by Plenković's handling of corruption. A corruption scandal broke out in mid-2016 involving the former wife of Tomislav Karamarko. To protect her, Kara-

5 While it is true that the increase in electoral popularity can be partly attributed to the significant opposition parties boycotting the 2020 elections, it is worth noting that the opposition had already announced their boycott in mid-2019 and would have done so even if there was no pandemic. Furthermore, even if the entire opposition had participated in the elections, Vučić would still have won, as demonstrated by the 2022 presidential and parliamentary elections in which the opposition participated.

marko wanted to hush up the scandal. However, the party Most, HDZ's coalition partner, was not prepared to approve this move and effectively brought down the Orešković cabinet. (Officially, the cabinet was brought down by HDZ, but this was because Most refused to support Karamarko.) When a similar corruption scandal broke out during the lockdown (29 May 2020), Plenković handled it differently from Karamarko. This affair involved Josipa Rimac, a high-level HDZ and state official under Karamarko and Plenković's leadership, alongside several other mid-ranking HDZ officials. Rather than hushing it up, Plenković immediately kicked Rimac out of the party, potentially signalling his lack of autocratic preferences.

This, somewhat longer, analysis of pre-pandemic events in Croatia, emphasises the importance of autocratic preference for democratic erosion. Tomislav Karamarko wanted but failed to achieve what Orbán and Kaczyński achieved in Hungary and Poland, respectively, prior to the pandemic (Pecnik 2021). In contrast, Plenković did not use the opportunity created by the 2020 pandemic because he was a different kind of politician. He governed Croatia for the entirety of the first wave of the pandemic. The biggest issue during the crisis emerged at the start of the pandemic when the cabinet decided to curtail citizens' freedoms and movement (but did not declare a state of emergency). According to articles 16–17 of the Croatian Constitution, the executive can do this only with a 2/3 supermajority, meaning the executive must work with the opposition. Although the pandemic would justify a state of emergency, nobody wanted to act on these articles. Instead, Premier Plenković wanted to activate another mechanism (the so-called legislative delegation under Article 88) to allow his cabinet to make parliamentary decisions for one year. This has been done in the past, but after an initial meeting with opposition leaders, Plenković dropped this idea. It turned out that it was more straightforward to handle the pandemic under regular procedures.

The Plenković cabinet drafted a bill that would allow it to track the electronic devices of citizens in self-isolation, but this was met with outrage from the opposition, civil society and the media, after which the cabinet forwarded this bill into the regular procedure of the Sabor (the Croatian Parliament). However, the Sabor never considered the bill.

As in all of the countries in the Balkans, party patronage thrives in Croatia. The cost of this came to a head when 18 residents of a care home in Split died from COVID-19 within a few days of each other. This was the highest death toll in a single institution and was, according to many, a consequence of the professional incompetence of the care home's head, Ivan Škaričić, a member of HDZ. Škaričić was mayor of Omiš, a municipality near Split. When HDZ lost local elections in Omiš in 2013, Škaričić was appointed to head the care home simply because he had nowhere else to go. Moreover, he had no professional qualifications relevant to the running of such an institution (Zakošek 2020b).

Granted, this is an example of the party patronage that has been troubling Croatia's democracy for decades (Šimić-Banović 2019), but this example took place long before the lockdown.

Similar examples of rent-seeking and clientelism are the Agrokor affair or the Karamarko affair in 2018 (Petak 2021). Neither of these affairs resulted in establishing legal consequences for the two main agents – Ivica Todorić and Tomislav Karamarko. However, these features of the Croatian political system were known before the 2020 pandemic and did not change during the period under consideration (2020–2021).

As we can see, before and during the pandemic, some incumbents simply did not hold a desire for autocracy, which is why nothing happened when an opportunity emerged. Croatia's most observable democratic erosions took place in 2013 and 2015 when the ruling HDZ and the cabinet were effectively under the leadership of Tomislav Karamarko. With the arrival of Plenković, Croatia re-embraced its former role as the 'good European pupil' (Čepo 2020). Plenković has been a member of HDZ since 2011 and a civil servant in the Croat Ministry of Foreign Affairs who spent the few years prior to becoming prime minister as a Croat representative in the European Parliament. His ambition to obtain a new position in the European bureaucracy after his premiership made him most likely to embrace democratic rather than autocratic options. Therefore, he decided not to act when the opportunity for the expansion of executive powers opened up.

4. Conclusions

We can draw several conclusions for both the theory of democratic decline during a state of emergency and the ongoing debate about democratic decline in Central and Eastern Europe. Specifically, we can examine how the general theory of democratic decline can benefit from the Southeast European experience by considering two types of state of emergency: endogenous and exogenous. The first type is a kind of autogolpe, which is an auto-coup d'état (Przeworski et al. 2000: 21) declared by the incumbent to expand their powers more permanently.

The 2020 pandemic has been an exogenous state of emergency. My argument, thus, rejects the view that state of emergency in itself contributes to democratic erosion because the cost of autocratisation go down. In fact, I show that the democratic development during the 2020 pandemic has been largely a path-dependant continuation of the pre-pandemic trends. The argument here is that the process of democratic decline during the Covid pandemic has been broadly a part of a broader process of the democratic backsliding that has started in the early 2010s (Ágh 2019). Such a thesis has already been discussed and confirmed in the cases of Hungary, Poland, Czech Republic and Slovakia (Guasti 2020, 2021; Guasti – Bustikova 2023). The Hungarian and Polish incumbents, who

started the process of executive aggrandisement prior to the 2020 pandemic, continued with this process during the state of emergency. The events in the Czech Republic and Slovakia could be interpreted as ‘swerving’ rather than democratic decline (Guasti 2021).

The thesis about pre-existing conditions also does not apply to the countries under consideration here. The likelihood of losing the next elections, given the autocratic preference, matters more than the regime type. If the accomplished level of executive aggrandisement ensures an easy win in the next elections, autocratic incumbents may shy away from further aggrandisement. This was the case with Serbia during the pandemic. We did see an aggressive use of violence during a protest against the pandemic-related measures in July 2020. However, Aleksandar Vučić did not attempt to change the system to accumulate more power. Even if the regime is hybrid (non-democratic) and the incumbents hold an autocratic preference, they may not use every opportunity to grab more power.

In contrast, even if the regime is democratic, but the autocratic (illiberal) incumbent is not certain about their future in office, they may attempt to assume more power in a piecemeal manner, especially if autocratic preferences were developed in the pre-pandemic times. This was the case in Slovenia in 2020–2021. As argued in Section 4a, the outcome of the Slovenian 2022 parliamentary elections confirmed this hypothesis.

The example of Croatia emphasises the role of autocratic preference. Under the Karamarko leadership (2015–2016), the incumbent HDZ was prepared to achieve some sort of executive aggrandisement and move toward illiberal public policies, as were seen in North Macedonia, Hungary, Serbia and Poland during the 2010s. Karamarko attempted to abuse office even though the opportunity was narrow (or next to non-existent) simply because he held an autocratic preference. His attempt collapsed in 2016 precisely because the opportunity was not right (Pavlović 2019). In contrast, the HDZ under Plenković attempted no such aggrandisements, even during a state of emergency and several lockdowns that his cabinet imposed in 2020–2021.

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