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Perpetually ‘Partly Free’: Lessons from Post-Soviet Hybrid Regimes on Backsliding in Central and Eastern Europe

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Abstract

This article discusses the lessons that can be drawn from post-Soviet experiences of democratisation in hybrid regimes for debates on Central and Eastern Europe (CEE) ‘democratic backsliding’. Focusing on Moldova and Ukraine, the article investigates the ebb and flow of post-Soviet democratisation in hybrid regimes. It explores factors that have hindered democratisation, namely state and media capture by business-political interests, and factors that have hindered authoritarian consolidation, namely civil society and citizens’ potential for mobilisation. The article reflects on how these factors can inform debates on backsliding in more consolidated democracies, such as CEE states.

Keywords: Ukraine, Moldova, post-Soviet, democratic backsliding, democratisation, hybrid regimes

> *“In an age of images and symbols, elections are easy to capture on film. (How do you televise the rule of law?)”*
> *— Zakaria (1997, 40)*

Introduction

Whether in Russia, Turkey, or Hungary, there is a fear that democratisation has been waning and democratic backsliding is “incipient” (Diamond 2015; Cooley 2015; Kapstein and Converse 2008). Backsliding, however, in terms of increasing repression and decreasing political competition (Dresden and Howard 2015), is not a uniform process that affects all states, or even all democratic states, in similar ways. Instead, states experience backsliding at different speeds, within different regime types, and reach different endpoints (Bermeo 2016).

This article addresses the lessons for understanding backsliding in Central and Eastern Europe (hereafter CEE) that might be learned from observing backsliding in post-Soviet hybrid regimes. These hybrid regimes have largely remained in the grey zone between consolidated

democratic and authoritarian regimes for more than 25 years. These regimes have also oscillated between periods of democratic progress and backsliding which I conceive as a democratic-authoritarian dynamic equilibrium. This article addresses two questions: first, *how and why have these hybrid regimes remained in a democratic-authoritarian dynamic equilibrium?* Second, *what lessons can we learn for understanding CEE democratic backsliding from the democratic-authoritarian dynamic equilibrium in hybrid regimes?*

In this article, I focus on the cases of Moldova and Ukraine as two hybrid regimes which are typical cases of the democratic-authoritarian dynamic equilibrium. Hybrid regimes are useful sites to consider processes of backsliding (Diamond 2002), by thinking comparatively about what lessons from hybrid regimes can be learnt relevant to understand CEE backsliding. In part, this is because CEE states may become—or in the case of Hungary have become—hybrid regimes (Bozóki and Hegedűs 2018).[1] Backsliding, then, may not result in a slide into consolidated authoritarianism (Mechkova, Lührmann, and Lindberg 2017). Rather, backsliding might, in more subtle ways, keep states in a democratic-authoritarian dynamic equilibrium that is hard to overcome where democratization and backsliding rather ebb and flow in ways that maintain hybrid regimes (see also Hale 2014).

The article proceeds as follows. First, I conceptualise backsliding and discuss backsliding in relation to hybrid regimes. Second, I situate hybrid regimes—specifically Ukraine and Moldova—within a broader post-communist context which includes CEE (semi-)consolidated democracies and other post-Soviet (semi-)consolidated authoritarian regimes. Third, I address the specific lessons for CEE that hybrid regime cases can provide in understanding democratic backsliding in a democratic-authoritarian dynamic equilibrium. On the one hand, I argue that corruption and state capture, together with media capture, help to explain why efforts towards democratization have seemed difficult to sustain and often appeared to implode on themselves. On the other hand, I argue that civil society and citizens' potential to mobilise has provided checks on authoritarian consolidation.

Backsliding through the Lens of Hybrid Regimes

Political scientists have long accepted the need to think beyond democracy as a dichotomous variable to consider the "grey zone" of regime types (Carothers 2002). Within this "grey zone", I focus on hybrid regimes, or as Levitsky and Way (2010a) term them, competitive authoritarian

[1] It is worth noting that whether Hungary is a hybrid regime is an area of contention. Bozóki and Hegedűs (2018) consider Hungary to have backslided into a hybrid regime, whereas Freedom House's 2018 report on Nations in Transit still considers Hungary to be a semi-consolidated democracy.

regimes. In hybrid regimes, like Ukraine and Moldova, democratic institutions are fragile and challenges to political rights and civil liberties persist. There is competition in the form of regular multi-party elections, but this competition is often not fair because it does not take place on a "level playing field" (Levitsky and Way 2010a, 2010b). Many post-Soviet hybrid regimes, such as Ukraine and Moldova, have experienced periods of democratic progress (while falling short of becoming fully democratic) and periods of backsliding. Hybrid regimes can be distinguished from semi-consolidated democracies like Romania and Bulgaria—as electoral democracies that are only partially consolidated—and semi-consolidated authoritarian regimes like Armenia—as non-electoral democracies, which are only partially consolidated as authoritarian (Freedom House 2017a).[2]

Backsliding is different from critical junctures, such as coups or electoral fraud, which result in more instantaneous authoritarianism (Bermeo 2016). Backsliding concerns a gradual process of democratic erosion and weakening initiated by political elites, typically presidents (Kapstein and Converse 2008, 57). In this article, I use the term backsliding, as opposed to democratic backsliding. This is to emphasise how backsliding can, and does, occur not only within countries that have become (semi-)consolidated democracies but more commonly within states, like hybrid regimes, that have not become consolidated democracies (Dresden and Howard 2015).

Backsliding may take place through elections, in particular, the strategic manipulation of elections, electoral rules and for example via media control, and practices which favour incumbents and harass opposition (Bermeo 2016).[3] Backsliding may also concern forms of increasing repression outside the electoral process (e.g., violating civil liberties) and/or decreasing competition outside of electoral periods with the aim of ensuring and aggrandising incumbent's executive power (Dresden and Howard 2015; Levitsky and Way 2010a; Bermeo 2016). Pech and Scheppele (2017) also discuss "rule of law backsliding" and judicial capture where public authorities with large parliamentary majorities, at least in the cases of Poland and Hungary, seek to change electoral rules to create clear majorities and, thus, maintain their hold over power. Further, Greskovits (2015) distinguishes between backsliding and hollowing. Greskovits (2015) conceives of hollowing as declining interest of citizens to participate in and identify with politics to show that backsliding and hollowing are neither coterminous nor causally related. In other

[2] Of course, consolidated and semi-consolidated authoritarian regimes often still have regular elections, as a source of legitimacy, but these elections are flawed (e.g., opposition are controlled, results fabricated) rather than free or fair.

[3] This manipulation of elections is strategic because it is less likely to be exposed to international criticism from election observers.

words, backsliding may be accompanied by hollowing, but civic engagement in politics may also continue even if formal politics is experiencing backsliding.

This article, however, makes an additional point: understandings of backsliding need to go beyond focusing on the power and aggrandisement of incumbents and backsliding via formal politics. Previously, scholars have emphasised structural factors which have facilitated and limited strong incumbents, emphasising the plurality and weakness of central authorities in hybrid regimes (Way 2002; Haran 2012; Way 2015).[4] Understandings of both hybridity and backsliding focus on incumbent officeholders in central authorities and their attempts to limit competition and increase repression to increase the incumbent's hold on power (Dresden and Howard 2015; Levitsky and Way 2010a; Bermeo 2016). These incumbents use the state to create or maintain resource disparities, and capturing institutions such as judiciary so that they do not check, but rather cement, power (Levitsky and Way 2010a, 10).

However, there are factors beyond the concentration and aggrandisement of incumbent power, which I term extra-incumbent factors, which have resulted in hybrid regimes remaining in a democratic-authoritarian dynamic equilibrium. Extra-incumbent factors are those which concern the informal power held by those outside the presidency, and formal political office more generally (such as cabinet posts). These extra-incumbent factors include grey cardinals who pursue successful state capture. At least in Ukraine and Moldova, these grey cardinals hail from business-political elites and engage in media capture as processes separate to, while enabling, state capture.

These extra-incumbent factors are critical for understanding why hybrid regimes remain in a democratic-authoritarian dynamic equilibrium. In backsliding CEE states, the sequence of extra-incumbent forces may differ (see also Hanley and Vachudova, this issue) and may intersect with incumbent aggrandisement (e.g., in Hungary and Poland). But in CEE cases of backsliding, we also see the growth of extra-incumbent forces pursuing state capture and media capture in ways that make backsliding harder to overcome, in particular for states like Hungary which increasingly resemble hybrid regimes.

The Ebb and Flow of the Democratic-Authoritarian Dynamic Equilibrium in Moldova and Ukraine

Hybrid regimes in the post-Soviet context did not experience a rapid democratic transformation (Levitsky and Way 2010a). Rather, hybrid regimes have remained strikingly dynamic

[4]Scholars have also considered the diversity of hybrid regimes, in terms of ethnicity, language, and regional diversity (D'Anieri 2011; Brudny and Finkel 2011).

as hybrid regimes experiencing periods of democratisation and backsliding that maintain them in this state of hybridity (Hale 2014). Two exemplary cases of the dynamism of post-Soviet hybrid regimes are Moldova and Ukraine. The article focuses on these cases not for comparative leverage (e.g., to consider differences between Ukraine and Moldova) but for the fact that both demonstrate this hybridity and dynamism well, in particular since the 2000s.[5]

As Figure 1 demonstrates, both Ukraine and Moldova have ebbed and flowed in terms of periods of democratic improvement and backsliding. Figure 1 also shows the extent to which these periods have mirrored each other in Ukraine and Moldova, ebbing and flowing at different periods in time. Here I use data from V-Dem because these measures can demonstrate this nuance more effectively, by teasing out different measures of democracy, and is more receptive to changes on the ground than Polity IV and Freedom House measures of democracy (Bernhard 2017).[6] What Figure 1 shows is how measures of electoral democracy have been consistently higher in Ukraine and Moldova than measures of political inclusion, deliberation, resource allocation, and protection of rights.[7] At the same time, it is worth noting that measures of electoral democracy are higher than other measures of democracy across most states in the V-Dem indices.[8] This demonstrates the need to look beyond elections as sites where democracy might ebb and flow given that electoral forms of democracy might paint a more positive picture than measures of democracy beyond elections. Following Figure 1, I now briefly examine how Moldova and Ukraine have remained in this equilibrium (summarised in Table 1). I focus primarily on the period from the early 2000s when the ebb and flow of democratisation and backsliding became more apparent and after the stalling (and dynamic) democratisation of the mid-late 1990s.[9]

In Moldova, as we might expect in a hybrid regime (Levitsky and Way 2010a), elections

[5]Ukraine and Moldova also share many relevant similarities, such as Soviet experiences/legacies, being members of European Union (EU) neighbourhood and ethnic/linguistic diversity, as well as differences, in terms of demographic and territorial size and role of regions.

[6]Polyarchy is a measure of electoral democracy, liberal democracy is a measure of protection of individual and minority rights, participatory democracy is a measure of the ability of citizens to participate in electoral and non-electoral forms of politics, deliberative democracy is a measure of how far "public reasoning focused on the common good motivates political decisions" and, finally, egalitarian democracy is a measure of how power and material/ non-material resources are distributed. See Coppedge, Gerring, Knutsen, Lindberg, Skaaning, Teorell, Altman, Bernhard, Cornell, et al. (2018) for the full explication of these indices and their sub-components.

[7]In Ukraine, electoral democracy is on average 0.163 points higher (SD = 0.035) than the average of the four other measures; in Moldova electoral democracy is on average 0.184 higher (SD = 0.029) (1990-2017).

[8]In fact, the only countries in the V-Dem dataset where electoral democracy is not higher than the average of the four other measures (1990-2017) are United Arab Emirates, Vietnam, Bhutan, Qatar, and Saudi Arabia.

[9] I use a variety of sources of quantitative data (e.g. V-Dem), journalistic/local evidence, and Nations in Transit reports to substantiate the cases, and the lessons that can be drawn from these cases.

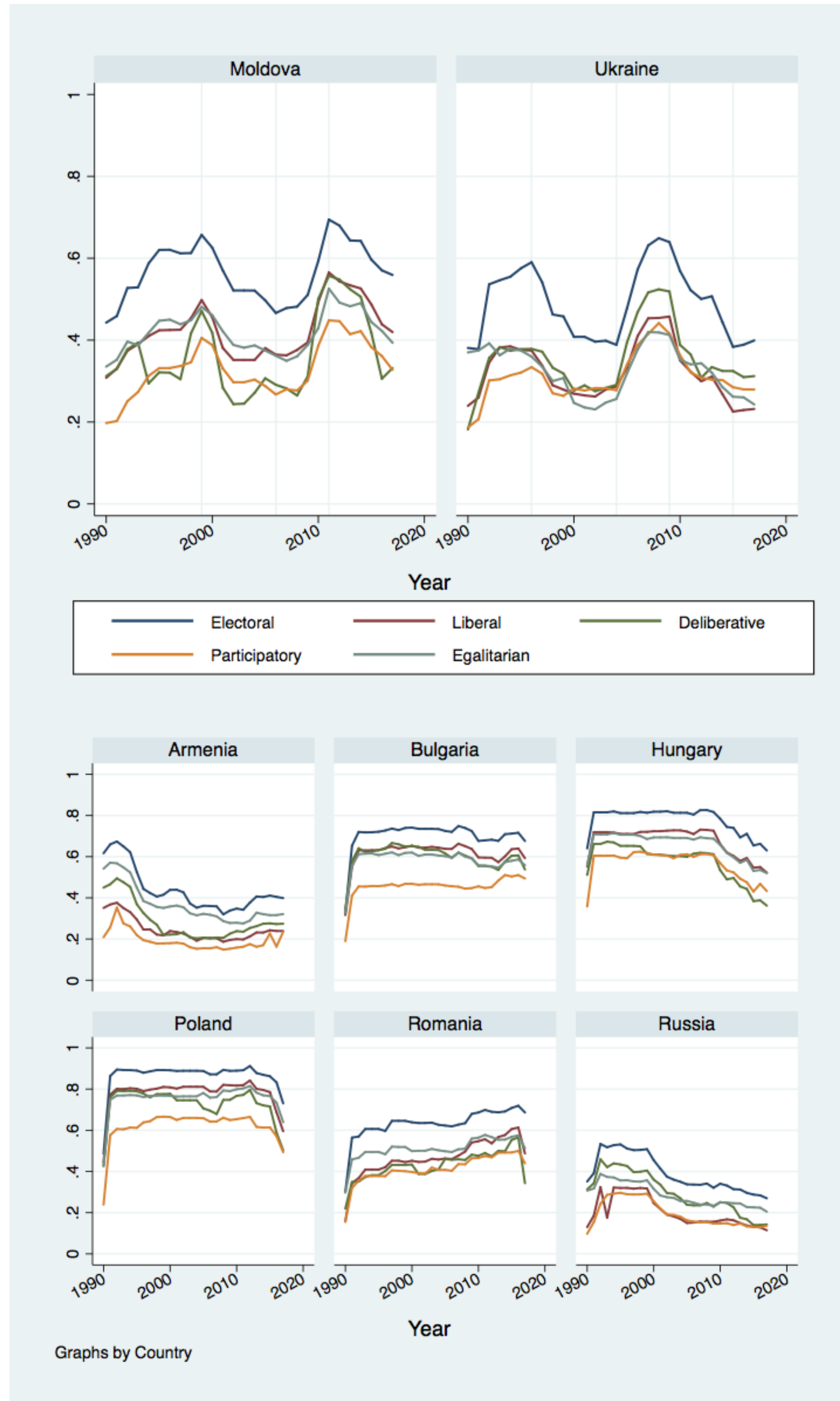

Figure 1: Measures of Democracy for using V-Dem (2018) Indices (1991-2017)

This figure was assembled using V-Dem data on five democracy indices collected from Coppedge, Gerring, Knutsen, Lindberg, Skaaning, Teorell, Altman, Bernhard, Fish, et al. (2018).

have generally been free and transparent since independence (BTI 2016).[10] At the same time,

[10]The point is that manipulation of elections does not occur at the point of the election (e.g., vote rigging) but around and between election cycles, by maintaining an uneven playing field (see Levitsky and Way 2010b).

Table 1: Summary of Democratic-Authoritarian Dynamic Equilibrium

	Ukraine	**Moldova**
Democratization	2004-2010 under Yushchenko	2010-2013: under pro-European coalitions
	2014-present: since Euromaidan under Poroshenko (to some extent)	
Backsliding	2010-2014: under Yanukovych	2008-2010: towards repressive final year of Communist government
		2015-present: under Plahotniuc-led state capture

Moldova has experienced periods of increasing repression, and curtailment of political rights, notably during the end of the administration of the Communist Party of Moldova (2008-2010) which ruled as a successor, but democratically elected party, in Moldova (2001-2009). Moldova has also experienced brief periods of transformation and reform, for example, reforms improving the rule of law and anti-corruption, under the pro-European coalition (2010-2013).

Moldova's party in government and its underpinning ideology changed in 2009, from Communist to pro-European. Similarly, the set of favoured oligarchs who made their wealth through privatisation changed, away from Vladimir Voronin, Moldova's Communist president (2001-2009), towards pro-European oligarchs (Hale 2013). The most notable oligarch has been Vladimir Plahotniuc.[11] Yet, redolent of Hellman's (1998) "winner takes all" model, the pro-European coalition failed to instigate or enact more dramatic and long-lasting changes that might substantially change Moldova's political system because of the rents individuals and groups, such as political parties, could gain from an unreformed system. For example in 2014, the largest worldwide banking theft ever occurred in Moldova, with $1 billion lost in Moldova's banking system (Radu, Munteanu, and Ostanin 2015). The fact that such a large theft could occur and the way it has been investigated are both evidence of the extent to which Moldovan politics has become rotten from the inside despite the promise of reforms. Hence, Moldova remains a system dominated by overlapping business-political interests, which have sought to capture the state for profit.

Like Moldova, Ukraine remains in a democratic-authoritarian dynamic equilibrium, experi-

[11]To some extent, it remains unclear how Plahotniuc made his fortune. Officially, Plahotniuc forged his career exporting wine to Russia and through Moldovan-US investments. There are also accusations that human trafficking and prostitution have provided important sources of revenue (Całus 2016).

encing periods of democratisation (under Viktor Yushchenko, 2004-2009) and backsliding (2009-2014) with the "soft" authoritarian regime of Viktor Yanukovych (Haran 2011). Following the 2004 Orange Revolution, protests gained momentum against claims that Yanukovych had participated in electoral fraud to secure his victory. Yushchenko was then elected President in the re-run elections. As President, Yushchenko was both a "determined reformer" and a "failed statesman" (Yekelchyk 2007, 207, 28), offering hope of reform which he could not deliver (like the pro-European government in Moldova).[12] For example, the Yushchenko administration did not and could not introduce necessary reforms, such as a public television service, to build a state more resilient to subsequent backsliding because of political rivals supported by oligarchs and their clan networks, such as Yanukovych (Haran 2011). Perhaps, paradoxically, Hale (2014, 12-13) shows how this "democratic interlude" occurred because of this "pact" between those holding formal power and those wielding informal power because neither could aggrandise their power. At the same time, this limited the scope for democratic reforms that might overhaul these systems of power. It also alienated voters from supporting Yushchenko or Yulia Tymoshenko after 2010 (Kudelia 2014), but did not entirely undo the role of the Orange Revolution, showing "Ukrainian citizens that their votes matter" and that protests could achieve results (Yekelchyk 2007, 228).

Ukraine experienced democratic backsliding, and "soft authoritarianism" under Yanukovych's presidency, culminating in the Euromaidan revolution in 2013-2014. Yanukovych won the presidency in 2010 in what were considered to be "generally free and fair" presidential elections (Freedom House 2011a). In office, the Yanukovych regime practised "public and formal" coercion, including show trials, as well as constitutional vandalism, using the constitutional court to revert to the 1996 constitution, introducing a mixed electoral system and strengthening the presidency, after it was abolished following the 2004 Orange revolution (Kudelia 2014; Wilson 2014). Euromaidan, which began in late 2013 as a pro-European protest movement, switched with increasing repression and violence to the "Revolution of Dignity", as an anti-corruption and anti-system protest. Yanukovych's exit left Ukraine with a hole in its public finances, through years of embezzlement of millions of dollars of state funds (Aslund 2014), and without central authority, empowering Russia to seize Crimea and stoke violence in Donbas, a region once dominated by Party of Regions. Since Euromaidan, Ukraine has become freer but reforms—which might strengthen the degree of checks and balances—remain slow.

[12] It is for this reason that I conceive of Ukraine as reforming and democratising during Yushchenko's presidency but falling short of consolidating a democratic breakthrough.

1. Post-Soviet Lessons of being Perpetually 'Partly Free'

In the following sections, I examine in more detail the reasons behind the democratic-authoritarian dynamic equilibrium that we can observe in Ukraine and Moldova, with an emphasis on extra-incumbent factors. The reasons presented are not exhaustive but draw attention to what makes the democratic-authoritarian dynamic equilibrium hard to overcome towards consolidated democracy and authoritarianism. Similar to Hellman (1998) and Hale (2014), I focus on the system of politics that perpetuates enrichment-based politics in an uneven playing field in ways that provide useful lessons for understanding CEE backsliding.

These factors steer beyond what might be considered "formal politics", incumbents and the role of political parties (except where political parties take on the role of clientelist clan networks) to demonstrate the need to see hybrid regimes and CEE backsliding through the lens of "informal politics". It is in the scope of informal politics, and the encroachment of informal politics into the space of formal politics, that we can start to examine how hybrid regimes function through informality, such as patron-client relationships (see also Hale 2014).

These factors also steer away from emphasising the role of nationalism and ethnic politics. A great deal has been written about the role of ethnic politics as a reason for weakness in hybrid regimes, including in Ukraine and Moldova (Way 2015). However, ethnic politics can often obscure the importance of informal politics which often does not map on to ethnic cleavages neatly but is used by political forces in hybrid regimes to deflect from informal politics which, in turn, can provide further disincentives for reform.

The first two sections deal with the factors that this article conceives have limited the potential for democratisation (corruption and extra-incumbent state capture, and extra-incumbent media capture) by perpetuating the unequal playing field. Meanwhile, the third section considers the role of civil society and protest movements in limiting the potential for authoritarian consolidation. While these three factors appear somewhat directional—preventing large-scale democratisation or abating large-scale authoritarian consolidation—the point is that these factors contribute to maintaining the dynamic status quo where efforts to reform, for example in the direction of democratization, can only go so far before they seemingly implode on themselves.

Lesson One: State Capture and Crony Capitalism

All post-Communist states, including (semi-)consolidated democratic CEE regimes, struggle with corruption. However, corruption in hybrid regimes like Ukraine and Moldova is more rife and systemic than in CEE countries. As Figure 2 illustrates, corruption in Ukraine and Moldova, compared to Romania and Hungary, centres on the judiciary and enforcement institutions (po-

lice), but also representative institutions (parties, legislature).[13] What marks hybrid regimes like Moldova and Ukraine out is the scope and scale of corruption which, redolent of Hellman's (1998) argument of a "winner takes all equilibrium" provides incentives for reproducing the hybrid system of self-enrichment, rather than reforming it, for example, by strengthening checks and balances which might advance democratization.

Systemic corruption in Ukraine and Moldova, like in Russia, is a legacy of both Soviet state-society relations, and a product of the scarcity, banditry and crony capitalism of the 1990s (Ledeneva 2013; Darden 2001). In post-Soviet hybrid regimes, corruption is not, according to the investigative journalist Oliver Bullough (2017), something that affects "an otherwise healthy organism [...] Corruption was the system, and it metastasised into any parts of the state apparatus that remained healthy". At the everyday level, as Figure 3 demonstrates, bribes function as ways to get things done in Ukraine and Moldova, even more quickly or at all. By contrast in Hungary and Romania, and especially in Hungary, bribes function as an expression of gratitude. At the social level, systems of patronage and nepotism underpin the fabric of society, forming networks of loyalty across friend-family ties. Social practices, such as weddings and baptisms, formalise these into *cumătrism/kumovstvo* networks in Moldova and Russia with godparents (*cumătri/kuma*) to the children or married couple a statement of these networks of loyalty (Institute of World Policy 2012; Ledeneva 2013).[14] This is not to suggest that all social practices are necessarily nepotistic, and thus pathological. Rather, it indicates how systems of loyalty across friend-family networks are a critical dimension of politics which is easily overlooked. Moreover, they demonstrate the extent to which informal politics and networks of power pose challenges for reforming formal politics because informal politics, through systems of nepotism, incentivise a type of formal politics that maintains the status quo and does not encroach on informal politics (Hellman 1998; Hale 2014).

This means that, at the formal level, the state in hybrid regimes is entrenched in corruption. The system encourages elites to compete with each other for power over the system outside

[13] These weak judiciaries leave hybrid regimes exposed to international corruption schemes, such as the Russian "laundromat" which used Moldovan courts to certify and launder Russian debt (Sanduta and Preasca 2016). Moldova's rule of law remains weak while there are few incentives to reform, because of the potential to profit from this weakness.

[14] *Cumătrism/Kumovstvo* are frequently translated to mean cronyism or nepotism. However, this does not fully capture the concept, where marrying couples choose "godparents", who integrate into the family in a formal sense, as older individuals with whom couples build networks of influence and deference. More work in post-Soviet states should investigate these practices and the systemic way in which they affect state-society relations and the potential for reform.

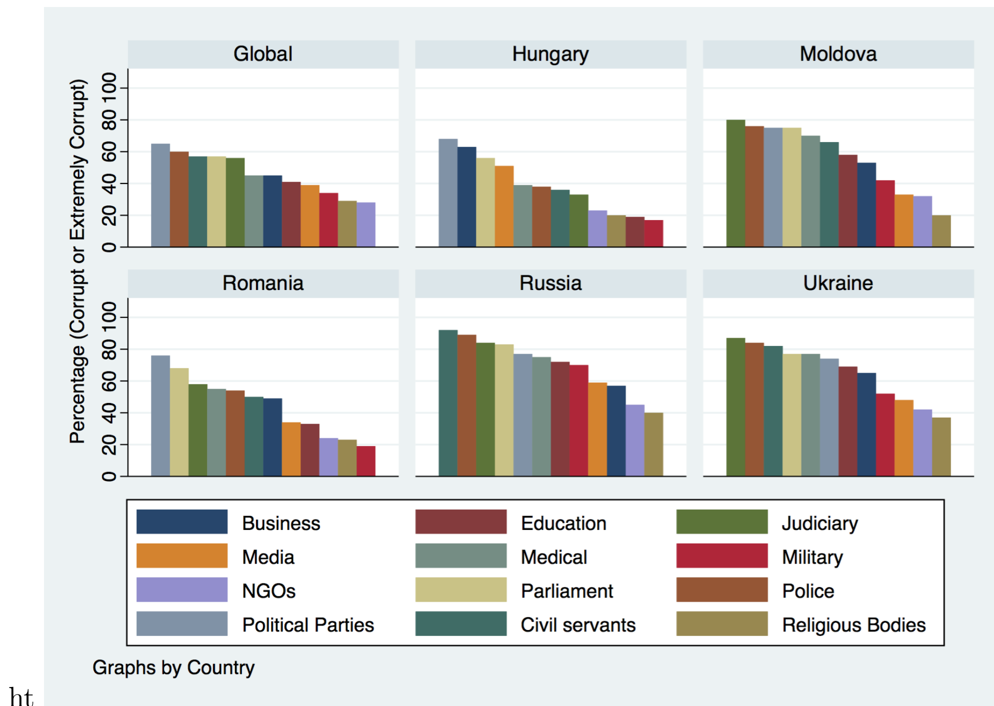

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Figure 2: Sites of Most Corruption

Source: Global Corruption Barometer (Transparency International 2013) NB: the cases used are determined by the data available (e.g., there is no available data on Poland).

of elections, rather than compete in terms of policies (Christensen, Rakhimkulov, and Wise 2005). For Moldova and Ukraine, as hybrid regimes, this is an issue of status quo: elites since independence have been more concerned with competing with each other over rents than over policies. Regimes and even elites may change. However, the system of corruption, cronyism, and nepotism is maintained because there is little political appetite, and few incentives, for wider-reaching reforms that would provide checks on state capture and threaten the livelihoods and power of those pursuing state capture (Freedom House 2017a). The incentives are to be part of, to need and to profit from the system and, thus, to maintain the democratic-authoritarian dynamic equilibrium.

Most pernicious in maintaining hybridity has been the rivalry between oligarchs over the state and its resources. In Ukraine, under Leonid Kuchma, crony capitalism fuelled the growth of rival and regional clans, which entered into a "cosy symbiosis" between government and oligarchs, centred around the regional-industrial centres of Donbas and Dnipropetrovsk (Yekelchyk 2007, 204-5). Under Yanukovych, the Donbas clan became the most influential, allowing the Yanukovych "family" and its patrons, via the Party of Regions, to enrich themselves while coercing others (Kudelia 2014; Wilson 2014). Yanukovych's victory allowed for the monopolization of state control by a "party of power" (the Party of Regions), as a party-clan which dominated

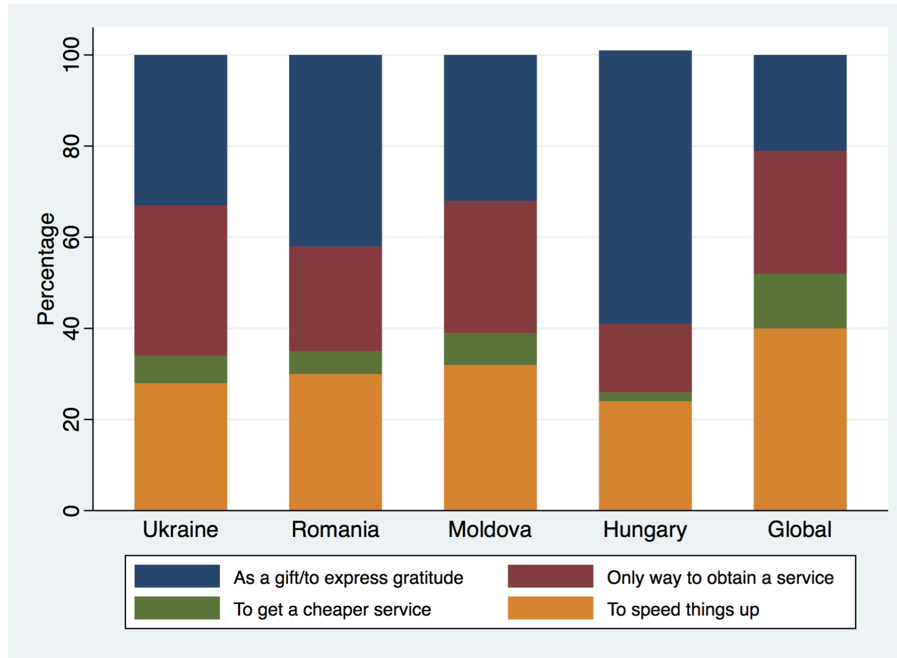

Figure 3: The most common reason for paying bribes

Source: Global Corruption Barometer (Transparency International 2013) NB: the cases used are determined by the data available (e.g., there is no available data on Poland).

Ukraine's presidency, legislature, and judiciary and had conquered many regions beyond the industrial Donbas hub, for the first time in Ukraine's history (Kudelia 2014; Freedom House 2011b). Moreover, the Party of Regions was merged with the "family"—Yanukovych, his direct family, patrons and allies—and, in turn, with the state (Kudelia 2014).

State capture by Moldova's key oligarch and grey cardinal, Plahotniuc, has become more noticeable since 2013. Plahotniuc has been able to use the state to enrich himself, while engaging in racketeering, to seize assets from competitors with impunity (BTI 2016; Chayes 2016).[15] At the same time, Plahotniuc has rarely held public office because he is in the strange position of being unpopular in Moldova and, thus, unelectable by traditional routes. Instead, Plahotniuc has acted either in the shadows, via proxy candidates, or informally to gain power within, and over, the political system (Knott and Popșoi 2016; Chayes 2016). Further evidence of this are the recent changes to Moldova's electoral system in significant ways in ways that benefit Plahotniuc and signal rule of law capture. First, were changes to the presidency using the constitutional

[15]For example, in the case of the 2014 banking theft, those implicated have received unequal punishment demonstrating how the judicial system is a weapon against rivals rather than a check on power. While Moldova's former Prime Minister, and Plahotniuc's central business and political rival, Vlad Filat was sentenced to nine years in prison for his involvement in the banking theft. Meanwhile, others, such as Ilan Shor, have received a lesser penalty, including periods of house arrest (Knott and Popșoi 2016).

court to switch to directly elected presidents in 2016.[16] Switching to a directly elected president provided opportunities for Plahotniuc to have proxies elected president because both Plahotniuc and the Democrat party were also so out of favour with Moldovan voters that Plahotniuc came to implicitly endorse Igor Dodon (finance minister in the Communist government during the period Plahotniuc made his fortune), through the Plahotniuc-owned media attack on Dodon's pro-EU reformist rival, Maia Sandu. Second, have been moves to switch Moldova from a proportional to a mixed electoral system in 2017 in ways that might allow Plahotniuc's Democrat Party to increase their seats.[17]

Business-political clans, centred around figures like Plahotniuc and Yanukovych, use the tools of the state, such as security services, as well as their private assets, such as hotels, to gain compromising information (kompromat) to use as leverage over opponents through blackmail; the state is then effectively a "blackmail state" (Darden 2001, 67). Business-political clans also seek external legitimacy, to secure funding (e.g., from the IMF) and buttress internal legitimacy through international lobbying firms, or as Puddington (2017a) describes them "K Street representatives". [18] What is more shocking is that, for external western audiences, Dodon is often portrayed as a pro-Russian proxy of Russian President, Vladimir Putin, including by Plahotniuc in ways that play up a geopolitical rivalry between Dodon and a "pro-European" and "pro-Western" Plahotniuc, and threat posed to Moldova by Russia (and by Dodon).[19] In reality, Dodon and Plahotniuc are more united by their shared goals of self-enrichment. Yet, their performance of a geopolitical cleavage plays into the way that western audiences want to see Moldova, as dominated by a west versus Russia cleavage. These tactics are designed to woo governments in western democracies, notably the US, using the language of being supportive of democratisation, reform and stability to please donors while deflecting international attention and criticism away from state capture.[20]

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[16] Plahotniuc is aware that he is too unpopular in Moldova to be President. The constitutional court was able to change the electoral system by cancelling a 2000 constitutional amendment.

[17] The Venice Commission and OSCE (2017) jointly condemned the changes to the electoral system because electoral system changes should be a broader public debate than within parliamentary political parties (e.g., include civil society, public consultation) and because it was condemned by some political parties. The joint report also argued that "the proposed reform could potentially have a negative effect at the constituency level, where independent majoritarian candidates may develop links with or be influenced by businesspeople or other actors who follow their own separate interests".

[18] In reference to the street in Washington DC where the firms are gathered. Puddington (2017a) notes China as the "vanguard" in this, with examples also from Russia, Kazakhstan, Azerbaijan, Turkey, Ethiopia and "practically all of the authoritarian states in the Middle East".

[19] See, for example, op-eds by Plahotniuc (2017, 2016) in Politico and The Hill.

[20] For example, the US firm Podesta has been hired both by Plahotniuc/Democratic Party and by the European

In all, the systemic nature of corruption creates incentives for self-enrichment and policies to maintain the regime, rather than to pursue reforms which are fundamental to democratisation, such as the rule of law. The costs of exit, to individuals, their families and patrons, are high (Kuzio 2005). For example, when Yanukovych left office, he and most of his family and allies left to Russia, to retain as many of their assets as possible and avoid punishment for embezzlement.[21] Moreover, the systemic nature of corruption makes individuals dependent on the system, liable to be leveraged via compromising information, and thus resistant to reform (Darden 2001; Ledeneva 2013).

To some extent, there are positive and negative implications of this lesson for CEE backsliding. First, CEE cases do not have the same systemic, and malignant, networks of patronage. Even Romania, which is culturally similar to Moldova, does not have systems of cumătrism as Moldova does, even if Romania is still a system exposed to nepotism and cronyism. The systemic nature of these networks are the fabric of society where these networks, so far, have remain untouched by any reforms in Moldova. This means that even if Hungary functions as a "party state" using Fidesz to distribute resources, such as EU transfers, through "clientele systems of friendly oligarchs" (Agh 2016), party does not extend into the same degree of pre-existing networks of patronage that bind together regimes like Moldova. Here, the issue of sequencing is also important. In Hungary, clientelism is an outcome of backsliding rather than a factor that inhibits democratization, as it is in hybrid regimes.

Second, the systemic nature of corruption in hybrid regimes and the importance of informal power, where grey cardinals pursue state capture, focuses our attention beyond formal politics. In hybrid regimes, there has been more discussion of the role informal politics plays in maintaining these systems as hybrid. In CEE states, thus, we need to focus more on the role of informal power. In Romania and Poland, we see the role of grey cardinals who have power within parties, such as Liviu Dragnea within Romania's Social Democrat Party (PSD) and Jaroslaw Kaczyński within Poland's Law and Justice Party (PiS), often as the presidents of these parties. At the same time, neither Dragnea nor Kaczyński hold much formal power within the system (i.e., they are not incumbents), but instead hold a great deal of informal power over the system. For example, Dragnea has been instrumental in having his preferred candidates become Romania's prime minister. Romania's most recent prime minister, Viorica Dăncilă, is the third example

Centre for a Modern Ukraine, an organisation with ties to Party of Regions, to create a positive image in the US of these individuals and organisations (Knott and Popșoi 2016; Leshchenko 2014b).

[21] Yanukovych is wanted by Interpol. However, Russia refuses to extradite him or to seize his assets (Transparency International 2015).

of Dragnea being able to install his preferred candidate. In part, this arises because Dragnea cannot hold the office of prime minister himself due to previous corruption convictions though can work in wielding informal power to try to lessen anti-corruption laws (Freedom House 2018). Thus, like Plahotniuc in Moldova, we need to focus beyond the power of incumbents to examine the crucial ways in which capture of the state and rule of law can be pursued by those outside of formal power.

Finally, we can learn from hybrid regimes in taking a more honest appraisal of why grey cardinals, as well as incumbents, pursue state capture. For example, in the case of Hungary it is often framed as if self-enrichment and state capture are goals purely for the pursuit of power (Agh 2016), as opposed to self-enrichment for the sake of it. From hybrid regimes we can learn that, perhaps, this distinction is less useful if the result if the same. Business-political elites wielding formal and/or informal power pursue state capture to protect themselves for as long as they can in a system where the incentives for reform are reduced while the costs of exit rise.

Lesson Two: The Dark Side of Media Ownership

The media is an additional layer demonstrating the business-political "cosy symbiosis" in hybrid regimes and CEE (semi-)consolidated democracies. The importance of an open independent media, whether public or private though free from the gaze of the state, does not need to be underlined as an ideal of a consolidated democracy (Dahl 1973). Media allows citizens to be informed and make informed political choices. Media "muckrakers" are a crucial check on governments with the potential to expose corruption and cronyism (Institute of World Policy 2012). Business-political interests are savvy to the role of "muckrakers" in democratisation and have an incentive to control media through ownership and repression.

In cases of CEE backsliding, such as Poland, Hungary, and Romania, we see the media continually under attack, and increasingly in the hands of those seeking to consolidate power and pursue backsliding. We see this more severely, in hybrid regimes, whether in terms of attempts to reduce media freedoms or to control the media market through ownership, to control the information circulating about those in formal and informal positions of power. Thus, media, and in particular ownership and capture of media, plays a crucial role in supporting the corrupt system of personal oligarchic enrichment and, in turn, the democratic-authoritarian dynamic equilibrium found in hybrid regimes. This seemingly obvious point is often overlooked. But media capture is a significant process separate to, but often occurring alongside (and often by the same group of political-business actors), state capture helping to underscore the accumulation of informal power of grey cardinals and formal power of incumbents.

What is especially problematic about the media in hybrid regimes has been the murky and

uncertain terrain surrounding ownership which is controlled not by the state but those wielding informal power. In Moldova, it was unclear for many years who owned many of the media outlets. Following pressure from civil society, media outlets revealed what many had suspected: high level of ownership concentration in the hands of one individual—Plahotniuc—who controls about 60-70% of the broadcast market (Gogu 2016; Independent Journalism Center 2015). [22] In Ukraine, media ownership is similarly concentrated in the hands of the overlapping business-political elites. At the same time, it is more pluralistic than in Moldova because of the rival oligarchs involved, given the oligarchic-regional competition existing in Ukraine.[23] Again, the disclosure of media ownership is a recent phenomenon, as a result of lobbying by civil society, which has not resulted in reform, or the selling of media by oligarchs, but has confirmed what was suspected about media ownership. Unlike in Moldova, media interests in Ukraine are not deterred from criticising the government, but this still results in a highly politicised media landscape. For example, Yanukovych's remaining allies use their ownership of the media to criticise the government and Petro Poroshenko (Freedom House 2017b).[24]

The point is not the capture of the media by formal politics or incumbents but the capture of the media by business-political elites who capture the media to cement their informal power and encroach into formal politics via the politicisation of media reporting in favour of the owners and their interests (OSCE 2015). This media landscape mirrors the "Berlusconization" of media ownership in CEE states which, in turn, has facilitated the politicisation of the media and perpetuated state capture (Wyka 2007; Shekhovtsov 2016). Beyond free and fair elections, what

[22]TV is the primary form of media in Moldova. Plahotniuc owns four out the five major TV stations (*Prime TV, Publika TV, Canal 2, and Canal* 3). The fifth channel is public (*Moldova 1*). Plahotniuc also owns three major radio stations (*Publika FM, Muz FM and Maestro FM*).

[23]Aside from Yanukovych's allies, oligarchs owning media include: Petro Poroshenko, Ukraine's current president, who owns Channel 5; Ihor Kolomoysky, former Dnipropetrovsk governor, who owns 1+1 media group; and Viktor Pinchuk, a businessman and husband of Kuchma's daughter, who owns the media conglomerate StarLight-Media, which comprises four channels. Even more pro-EU media is reportedly owned by the business/political class, including President Poroshenko who retained ownership of Channel 5 despite becoming President (Freedom House 2016). Rival oligarchs to Poroshenko, some of Ukraine's wealthiest, also have media holdings, including Viktor Pinchuk (Star Light Media), former Dnipropetrovsk governor Ihor Kolomoysky (1+1 Media Group) and Rinat Akhmetov (Media Group Ukraine).

[24]For example, Serhiy Lyovochkin and Dimitri Firtash (Opposition Bloc) own TV Inter, Evghen Murayev (pro-Russian "For Life" party) owns NewsOne, while Channel 112 and Channel 17 are owned by offshore companies allied to Yanukovych (Freedom House 2017b). At the same time, state-owned media is not entirely subservient to incumbents. For example, the state-owned First TV channel has been open in its criticism of government figures, including the involvement of politicians such as Poroshenko in the Panama Papers scandal (Freedom House 2017b).

is critical is the nature of reporting during, and around, campaign periods (Levitsky and Way 2010a; Dresden and Howard 2015). Plahotniuc's dominance of the media landscape allows his outlets to be biased, reporting more often and more in favour of Moldova's Democratic Party and against Plahotniuc's rivals (both pro-European and anti-European).[25] While Moldova has regulatory bodies, such as the Audio-visual Co-ordination Council (CCA), designed to ensure elections are reported impartially. These bodies are weak, and lack a definition of impartiality, allowing it to act with discretion, or more often not to act (OSCE 2017). The politicisation of the media can also extend beyond the sphere of media ownership into society. While media freedom has improved somewhat in the post-Euromaidan and post-Yanukovych era, journalists continue to face violence, [26] including from civil society groups, and towards media, that is seen as more pro-Russian.[27]

On the other hand, it is worth mentioning the role of grassroots and new media in Ukraine and Moldova. Since the end of the Communist government in Moldova in 2009 and the Euromaidan protests in Ukraine in 2013, there has been a plurality of written and visual media, primarily online, that is more critical of politics and more pro-EU. In Moldova, such outlets did not, and could not, exist during the Communist government (Freedom House 2010). While much of the post-2009 market in Moldova is owned by business-political interests, there are also examples of media outlets that overlap with civil society, such as rise.md, which have been a critical part of investigative efforts (for example on the 2014 banking theft). In Ukraine, online TV stations such as *Hromadske* (Civic), which was established following the beginning of Euromaidan, demonstrates how the internet might change, or at least counter, traditional media ownership. These outlets offer ways for those seeking to challenge business-political interests. For example, in Moldova despite harassment from Plahotniuc-owned media Sandu adopted a counter-media strategy in the 2016 presidential campaign by avoiding mainstream TV and media. The challenge is the proliferation of the media sources and messages beyond urban centres and capital cities, for example where internet access can be sparser, given that business-political interests have sought to capture the sources of media, such as TV, most prevalent in rural areas (at least in Moldova).

[25]For example, Dodon's formal (and Plahotniuc's informal) rival in the 2016 race for the presidency, Maia Sandu, was treated especially harshly by Plahotniuc-owned media outlets.

[26]For example, the Ukrainian Institute of Mass Media recorded 113 physical attacks against journalists in Ukraine in the first part of 2016 alone (Human Rights Watch 2017). In July 2016, Pavlo Sheremet, a prominent *Ukrainskaya Pravda* journalist, was murdered by a car bomb in the centre of Kyiv.

[27]For example, Inter (owned by Yanukovych's former chief of staff, Lyovochkin) was attacked, and equipment was broken, likely by Far Right Ukrainian nationalists (Freedom House 2017b).

Media capture is, thus, fundamental to explaining why Ukraine and Moldova have remained in a democratic-authoritarian dynamic equilibrium. It is emblematic of the capture of business-political elites into terrain beyond the state in efforts to sure up their take-over of the state. Puddington (2017b) argues that the momentum of media crackdowns has been "led by Russia and China". However, this obscures the momentum that has taken hold within hybrid regimes to keep them within this dynamic equilibrium as informal power holders, as business-political elites have increased their power via the media. It is also important to recognise, at least in Moldova and Ukraine, how attempts to curb media freedom, in particular since Russia's incursion in Ukraine, have occurred in the name of cracking down on media propaganda that these states see as emanating from Russia.

We see the process of media capture by business-political elites too in CEE states, where information is captured by business-political interests or dominant ruling parties to curtail media freedom. Indeed, the worst performing CEE democracies, such as Bulgaria, are worse in terms of press freedom than Ukraine or Moldova (Reporters without Borders 2017). As Hanley and Vachudova note (in this issue), the sequencing of media capture and electoral victories varies between CEE cases. However, the point is the same that media is a key terrain to be captured, as a source of profit for business-political elites and a process which aids power accumulation by restricting messages which work against, or seek to investigate, the business-politics symbiosis. We see also, in the case of Romania, the embroilment of business-political elite media owners in corruption scandals while, at the same time, journalists within these media organisations are subservient to the interests of these owners (Freedom House 2018).

The point is not only the sequence of this media capture within the formal assemblage of power. Rather, it is also the intractability this creates, as well as the furthering of cleavages between urban centres/capital cities—which might have more access to diverse and more critical media sources—and rural areas which are more likely to have restricted access to diverse and freer media sources. This means even if newer media, from civil society or via social media, can take hold it will find it hard to overcome these rural-urban dichotomies that are emblematic of hybrid regimes and cases of backsliding in CEE states.

Lesson Three: The Hope of Civil Society and Political Engagement

Civil society is often conceived as the keystone between citizens and the state, allowing individuals to engage in debate, organise collective action and affect policy. In turn, civil society encourages political participation and political skills beyond political parties and, thus, promotes democratisation by acting as a check on elites by making them more accountable (Diamond 1994).

Soviet societies mobilised at the end of the Soviet period for national independence and democracy (Beissinger 2002). However, post-Soviet societies in hybrid regimes are conceived as inert and unwilling to become involved in collective action (Onuch 2015; Darden 2001). This is explained by Soviet legacies, where individuals were subservient to the state. This subservience fostered a political culture of civic passivity, and the disenchantment and disillusionment following independence, where national-democratic movements failed to radically transform states and societies, and the state-society relationship (Howard 2002). In all, the fall-away of the paternalist state may have encouraged individuals to fall back more on friend-family networks. This may explain the continued weakness of civil society where individuals choose to invest trust and loyalty in internal friend-family networks rather than external issue-based networks (Kostovicova 2006; Smolar 1996).

Civil society in Ukraine and Moldova does not mobilise individuals to participate in collective action. In the Euromaidan protests, scholars have found that civil society networks were a "weak dispatcher" for the protest movement (Way 2014). Rather, individuals mobilise spontaneously and via friend-family networks. These individual networks have also proved more significant than social media, which disseminated information which mobilised neither protesters in Euromaidan (Onuch 2015), nor in Moldova's 2009 "Twitter revolution that wasn't" (Hale 2013). Protests might also not lead to the generation of new civil society organisations (CSOs), or organisations that can penetrate more deeply into society. For example, organisations present in the Orange Revolution did not become more significant in Euromaidan. Similarly, Lutsevych (2013) argues that following Moldova's 2009 so-called Twitter revolution, no new protest movements or CSOs emerged.

Further, not all civil society in Ukraine and Moldova, present in CEE also, is liberal or civil in terms of its values. In other words, some dimensions of civil society may promote values that are precisely illiberal and intolerant, and sometimes violent. This counters assumptions that civil society is necessarily benevolent and implicitly pro-democratic, promoting values of tolerance and liberalism because, as in the case of Jobbik in Hungary, it promotes precisely the reverse (Kopecký 2003). The involvement of the some of the most extremist parts of Ukraine's uncivil society, such as Azov Battalion in the fight against Russian and separatist forces in Donbas, has only served to embolden and normalise the position of these groups in Ukrainian society (Freedom House 2017b; Zhurzhenko 2015).

Yet, a good deal of power lies outside of how civil society is typically conceived, in terms of formalised institutions, such as non-governmental organisations (NGOs), engaging with international organisations and networks. Ukraine and Moldova demonstrate how ordinary citizens

can be a check on governments and help to counter political-business groups when they take to the street to protest against systemic corruption. For example, while Euromaidan began as a movement protesting for closer relations between Ukraine and the EU, it transformed into a movement against the corruption, and after January 2014, the violence of the Yanukovych regime. These protest movements are significant, in bringing civil society actors into the political sphere, and potentially in abating democratic backsliding. This power is not transformative, to the extent of being able to democratise hybrid regimes. But these movements can pull them back from further backsliding within the democratic-authoritarian dynamic equilibrium.

Civil society and ordinary citizens, therefore, remain a powerful force in hybrid regimes, demonstrating large numbers of people can mobilise for issues they care about, such as state capture and corruption, and limit authoritarian consolidation. In CEE states, also, we see the potential of ordinary citizens mobilising, against threats to Polish public media and abortion rights, in Hungary against threats to Central European University (CEU), where 80,000 have taken to the streets in April 2017. From the beginning of 2017, Romania has witnessed the largest protests since the end of Communism with up to 600,000 mobilising to oppose proposed changes to the Criminal Code, including the pardoning of offences including abuse of office (Freedom House 2018). Thus, backsliding does not mean ordinary citizens retreat into inertia. Rather, ordinary citizens have issues to protect, in particular opposing state capture and systemic corruption, by taking to the streets and are a fundamental part of the story of the democratic-authoritarian dynamic equilibrium by preventing the slide into authoritarianism. Protests are rarely sufficient in themselves in forcing change towards democratization either at the formal and informal levels, by requiring governments to enact reforms that might reverse rule of law capture. Yet, they do show incumbents and informal power holders that citizens matter in hybrid and backsliding regimes.

Conclusion

This article conceived of backsliding as a process of limiting competition and/or increasing repression. It has flagged three key arguments. First, in the context of post-Soviet hybrid regimes, it argues, we need to consider not only how backsliding can lead to a wholesale change of regime, where hybrid regimes backslide into consolidated forms of authoritarianism. We also need to consider how hybrid regimes have experienced both periods of democratisation and backsliding in which there are barriers which make consolidation of either democracy or autocracy difficult.

Second, while scholars have previously focused on the power of incumbents, this article

discussed how those who hold informal power beyond the executive limit the consolidation of democracy through systemic corruption and nepotism. In turn, this limits incentives to strengthen the rule of law, because of the potential rents gained from the weak rule of law which limit the potential for democratisation out of the dynamic equilibrium. Media ownership and freedom are a further dimension in which political-business interests intersect to keep hybrid regimes in a democratic-authoritarian dynamic equilibrium by limiting the possibility to enact democratising reforms.

Third, a check is provided by civil society and grassroots mobilisation which has limited authoritarian consolidation, and thus also helped to maintain hybrid regimes within the dynamic democratic-authoritarian equilibrium. However, in the context of hybrid regimes, some qualification is needed. Civil society in post-Communist and post-Soviet states has been typically conceived as weak, but hybrid regimes have seen people mobilise on the streets at vital moments and caused governments to change policies, if not to leave office. While state and media capture are significant hurdles in hybrid regimes which maintain states in democratic-authoritarian dynamic equilibria, citizens are armed with new tools of mobilisation and information, via social media, which will be significant in opposing oligarchs and state capture.

Considering lessons for other post-communist regions, hybrid regimes are different from consolidated and semi-consolidated democratic regimes and experience democratic backsliding in different ways. CEE states are, comparatively, less subject to systemic corruption and cronyism than hybrid regimes and have stronger institutions, but hybrid regimes provide a bad omen scenario for CEE, concerning the incentives political-business clans, even in the absence of strong ruling parties, have for pursuing backsliding for state capture and self-enrichment. On the other hand, these lessons suggest that CEE states may not continue to backslide straight into authoritarianism but rather, potentially, towards the democratic-authoritarian dynamic equilibrium typical of hybrid regimes. As Hale (2014) argues, hybrid regimes are not a stage in between authoritarianism and democracy but a type of regime in their own right which, by their dynamic equilibrium nature, can become intractable. Following Hellman (1998), hybrid regimes resemble systems of loyalty, and a symbiosis between business and political elites within formal politics but also, crucially, within the domain of informal politics. It is these systems of loyalty difficult to reform because the dynamic equilibrium serves the interests of those with power within the system and, eventually, those seeking to challenge the system. In other words, CEE states that backslide into hybrid regimes might be unlikely to slide into authoritarianism. However, they might find themselves within such a dynamic democratic-authoritarian equilibrium that can be difficult to overcome where the elites that pursued backsliding have few incentives to enact

democratising reforms.

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