Competition and Participation, but No Democracy

The Politics of Elections in Africa´s Feckless Regimes

Lise Rakner & Lars Svåsand

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The majority of African regimes combine autocratic practices with formal democratic contestation and the electoral cycle – from the setting of the electoral rules through campaigns and actual voting – has become part of the mechanics by which political leaders remain in power. In this article the focus is placed on "feckless pluralist regimes", in which power is contested, yet the political systems cannot be characterized as democracies. Questioning approaches that equate electoral victories with democratization and the belief that repeated elections over time will lead to democratization, the paper argues that, in feckless pluralist regimes, competitive elections and power alternation have not induced political leaders to carry out programs for development and change. The concept of feckless pluralism is illustrated by a case study of electoral politics in Malawi where, in a never-ending process, the next electoral cycle begins as the votes are counted in the previous one.

Introduction

In democratic theory elections are intended to ensure popular representation and accountability through free contestation between contending parties (Dahl 1971; Pateman 1970). In practice, however, elections are often introduced in settings where rulers have no intention of allowing for alternation of power. According to Freedom House, 2012 was the seventh consecutive year of an average decline in global political rights and civil liberties (Puddington 2013). While this may suggest a global democratic regression, at the same time an increasing number of countries now chose their leaders through multiparty elections. In 1989 only 51.3 percent of the world's countries had a legislature and 48.7 percent an executive selected through elections in which an opposition won at least a portion of the votes (Beck et al. 2001). By 2009, the corresponding figures were 85.6 and 80.9 respectively. The fact that more and more countries are

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holding multiparty elections but that these elections do not necessarily lead to democratization suggests that we need to take a closer look at what happens in between elections and question why competitive elections and electoral turnovers do not necessarily produce democratic outcomes.

This question has a distinct relevance for the study of sub-Saharan Africa as the majority of the regimes on the continent combine autocratic practices with formal democratic contestation (Lynch and Crawford 2011). Across the continent, electoral processes display formal institutions interacting with informal practices, producing outcomes that often undermine the democratic intentions of elections (Rakner and van de Walle 2009). The electoral cycle – from the setting of the electoral rules through campaigns and actual voting – has become part of the mechanics by which political leaders remain in power (Elklit and Reynolds 2005). Informality linked to patronage politics and corruption is closely related to the costs of losing office (Cammack 2011). Sub-Saharan Africa post-1990 displays a wide range of political outcomes ranging from democratic progress, processes stuck in a mid-position between authoritarian and democratic regimes, and outright democratic reversals. Yet, we have scant knowledge of why the quality of democracy differs markedly among the sub-Saharan nations that adopted multiparty systems in the early 1990s. In part, the problem is that the current literature has been too focused on election day events and electoral outcomes.

In this article, I argue that in order to gain a deeper understanding of the role that electoral politics plays for democratic developments in sub-Saharan Africa, it is necessary to differentiate between various clusters of political systems based on their democratic trajectories. Questioning the democratizing effects of elections, I focus on a particular kind of hybrid regimes in sub-Saharan Africa, referred to as "feckless pluralist regimes", where power is contested and alternates between parties and candidates, but yet, empirically, the political systems cannot be characterized as democracies. In feckless pluralist regimes, elections are generally free and competitive, but in-between elections there is manipulation by highly influential executives that manage to offset institutional checks and balances. Probing both approaches that equate electoral victories with democratization (Huntington 1991; Przeworski 1991) and studies holding that repeated elections over time will lead to democratization (Lindberg 2006; 2009), I argue that in feckless pluralist regimes, competitive elections and power alternation have not induced political leaders to carry out programs for development and change. The concept of feckless pluralism is illustrated by a case-study of electoral politics in Malawi. After four electoral cycles, elections are regarded as the only legitimate way of gaining political power in Malawi. Furthermore, the institutional rule of a two-term limit to the presidency has 'survived' two attempts at revision and term limits seem to be institutionalized together with the five-year electoral cycles. But in Malawi elections take place in an institutional context of highly personalized rule and excessive presidential power, where the cost of losing elections is high. As a result, electoral politics have become an on-going political process, in which a new electoral cycle begins even while the votes are being counted in the previous.

The remaining parts of the article are organized as follows: Section two discusses the recent theoretical literature on elections and hybrid regimes. In part three, the concept of feckless pluralism is linked to the political developments in sub-Saharan Africa. Part four illustrates the concept with a discussion of Malawi´s electoral policies since the return to a multiparty system in 1994. A final section concludes the article.

Elections and hybrid regimes

To date, much of the debate on elections in hybrid regimes has concentrated on the nature of these regimes and how to define and categorize them (Boogaards 2009; Carothers 2002; Diamond 2002; Schedler 2002a; Wiggel 2008; Morlino 2009). The common approach to regime classification is to view hybrid regimes as a broad category consisting of multiple subtypes. A non-exhaustive list of frequently used labels comprises electoral authoritarian, semi-authoritarian, semi-democratic, competitive authoritarian, hegemonic authoritarian, liberalized authoritarian regimes. The categories are often overlapping, and contribute marginally to our understanding of the underlying mechanisms that determine the political outcomes.

Another strand of literature focuses on whether elections in hybrid regimes are venues of democratization or autocratization. In the latter case, incumbents are often found to use various types of agency to prevent their losing an election (Birch 2011; Gandhi and Lust-Okar 2009; Howard and Roessler 2006; Rakner and van de Walle 2009). At other times autocratization by election is explained by structural variables (Gandhi and Przeworski 2007; Greene 2010; Levitsky and Way 2010; Magaloni 2006). On the other hand, it is sometimes found that repeated elections have a positive effect on democratization (Hadenius and Teorell 2009; Lindberg 2009), or at least that elections in these types of regimes have destabilizing effects on regime stability (Brownlee 2009; Teorell 2010).

POLITICAL REGIMES AND CLASSIFICATIONS

The scholarly debates and limited conclusive findings underline the problem of pin-pointing the precise nature of a democratic legacy. In the literature definitions of democracy range from very minimalist (thin) ones to more restrictive / realistic (thick) ones resembling western democracies. Among the more minimalist definitions, a central position is held by Schumpeter’s (1942) definition of democracy as a system where the most important political positions are filled by means of competitive and free elections (Møller and Skaaning 2013; Alvarez et al. 1996). Others have included criteria relating to the freedom and fairness of elections. In his famous conceptualization of polyarchy Dahl (1971) included in his definition civil liberties such as freedom of expression and association. O'Donnell (2004) has later added the concept of rule of law.

In response to the empirical realities that not all new democracies emerging as part of the third way advanced to consolidated democracies, in the 1990s a literature emerged that distinguished between diminished democracies, or various subtypes of democracies. These distinctions proliferated during the 1990s, with Zakaria's (1997) concept of an illiberal democracy as one of the strongest proponents. Starting in the early 2000's, concepts depicting diminished authoritarian regimes proliferated, where authoritarianism, rather than democracy, was taken as the root concept. Illustrating this new focus on hybrid regimes, as distinct from both democracies and autocracies, Gilbert and Mohseni (2011) adopted a configurative approach. They situate democracy and authoritarianism within two concepts found at the meta-level (i.e one level higher than the root concept), as electoral and non-electoral regimes. Electoral regimes are traditionally seen as comprised by multiparty elections, whereas countries with no elections or only single party elections are deemed to belong among the non-electoral regimes. This, according to Gilbert and Mohseni, creates confusion as competitive authoritarianism and electoral authoritarianism are seen as diminished subtypes (i.e. a subtype that lacks one or several defining attributes) of authoritarianism, at the same time as they are a subtype of electoral regimes. To overcome this confusion the authors prescribe narrowing the notion of an electoral regime to one in which there is competition. Hybrid regimes are electoral regimes. There is thus competition, but this competition is unfair. Their definition of competiveness is a regime that has had at least one turnover in the last four electoral cycles. Thus, like Alvarez et al. (1996), they assert the primacy of turnover. However, while Alvarez et al. conclude that turnover indicates democracy, Gilbert and Mohseni (2011) argue that these states are not necessarily democratic, and that there is more to democracy than turnover (civil liberties and absence of tutelary).

Møller and Skaaning (2013) argue that while many of the configurative approaches are praiseworthy, they often fail to distinguish valuable empirical classifications. Rather they propose classifying regimes on the basis of *the* most crucial characteristic of democracy, namely elections. A country without competitive elections cannot be a democracy. According to Møller and Skaaning (2013), a country with competitive elections (following Schumpeter, the elections need not be free and fair) is therefore a democracy, although a minimalist one. Countries with more inclusive and high integrity elections (free and fair) are characterized as electoral democracies. Polyarchies combine such elections with civil liberties and finally liberal democracies are democracies where competitive elections are free and fair, civil liberties are secured and the rule of law is upheld. According to Møller and Skaaning (2013) this fits neatly into a hierarchical typology of various sequences of democracy. This means that a country that is a polyarchy is also an electoral democracy.

Wiggel (2008) finds past typologies lacking in dimensions and proposes a two-dimensional typology consisting of electoralism and constitutionalism. These can be combined and give four main types of regimes: Authoritarianism that lacks both electoralism and constitutionalism; electoral autocracy, which has free and fair elections but lacks constitutional arrangements; and constitutional oligarchy, which does not meet the electoral criterion, but still accords substantial civil liberties. Lastly, democracy is defined as a regime where electoral rights and civil liberties are respected. Illustrating ongoing debates about regime classifications, Wiggel (2008) terms countries in which free and fair elections are held, but where civil liberties are not respected, "electoral autocracies" whereas Møller and Skaaning (2013) see these countries as electoral democracies. In order to qualify as Liberal Democracies in Wiggel's scheme, a range of more stringent requirements need to be met. Based on how far these are (or are not) fulfilled one can further distinguish between different types *and* degrees of democracy. These types are referred to as "limited democracies", which meet only the minimum requirements.

The literature on regime classification, including the role of elections in processes of democratization, has developed markedly over the past two decades, and the specific focus on the traits of hybrid regimes, which emerged in the mid-1990s, has been particularly helpful. It made clear that merely holding elections did not suffice to constitute democracy. The emphasis on the role of elections and electoral outcomes as defining characteristics of democracy is, nevertheless, fraught with both theoretical and empirical problems (Bogaards 2007; Wahman 2012). Even if elections are won by the opposition and turnover is secured, there are no guarantees that the new regimes will ensure free elections and constitutional rights. Thus, it is an empirical question when and if electoral turn-overs lead to democratization (Wahman 2012). Turning now to a discussion of a sub-type of hybrid regimes, namely feckless pluralist regimes, it shows that regimes characterized by political freedom, regular elections and the alternation of power between different groups may still contain most elements of hybrid regimes.

Feckless regimes and the study of electoral policies in sub-Saharan Africa

Thomas Carothers referred to "feckless pluralist regimes" in his article "The end of the transition paradigm" (2002), in which he criticizes much of the early third-wave democratization literature on account of its contention that countries in which authoritarian and democratic features co-exist are necessarily on a path towards democratization. Carothers identified two distinct political syndromes identified within the so-called “gray zone”: Hybrid regimes characterized by “feckless pluralism” or “dominant party politics”. According to Carothers, the root of feckless pluralist regimes is the fact that the whole class of political elites, though plural and competitive, is fundamentally cut off from the citizenry, …”rendering political life an ultimately hollow, unproductive exercise” (Carothers 2002: 11). Carothers identifies feckless pluralist regimes according to different characteristics of the party system and the way in which opposition and incumbent(s) relate to each other. He distinguishes between instances where the party in opposition may try to prevent other parties from governing and other cases in which the parties may collude, rendering alternation fruitless. Political competition may also be between deeply entrenched parties that operate as a patronage network, unable to renew themselves. Other countries again are plagued by a system in which alternations occur between constantly shifting political groupings, short-lived parties led by charismatic leaders or temporary alliances searching for political identity.

Feckless pluralist regimes range across multiple levels of democracy. At a minimum level, feckless pluralist regimes are found among Levitsky and Ways (2010) unstable competitive authoritarian regimes. In feckless pluralist regimes, elections are conducted on a regular basis, usually with a wide range of political freedoms. While elections may be fraudulent, they are generally relatively free and fair. Alternation in power is common. However, there is little participation beyond voting and, above all, the choice offered to citizens is limited, since most parties are deemed to be similarly corrupt (Carothers 2002). Building on Carothers term, Gel’Man (2008) distinguishes between hyper-fragmentation of competition (feckless) versus a concentration of power (dominant power). Using the example of Ukraine, he argues that that feckless pluralism and dominant power politics are most likely in countries experiencing “cartel-like-deals” which stem from there being one part that is dominant, but in which the cost of coercing one’s opponents is higher than that of cooperation. Several other traits are identified, such as the level of civic participation and corruption that de-legitimizes institutions and formal procedures, and undermines democracy as a whole (Gel’Man 2008: 165). A different form of feckless pluralism is highlighted with regard to Bulgaria, namely that of collusion between opposing parties, which has eliminated political distances between parties (Ganev 2006). According to Ganev, in furthering their desire to form a ruling coalition the parties have swept away the grounds on which people were supposed to vote, thereby contributing to the growth of disenchantment with the political elite (Ibid).

While weakly institutionalized party systems are a feature of many feckless pluralist regimes there are underlying factors that cut across party institutionalization. The example of Venezuela illustrates this point. Myers and McCoy (2003) demonstrate how under the Punto Fijo regime (a pact between three parties, which lasted roughly from 1958 to 1998 with a view to ensuring, among other things, the mutual respect of election results) Venezuelan politics resembled one of the variations of feckless pluralism described by Carothers (2002). Under the Punto Fijo regime, deeply entrenched political parties alternated power between them and successive regimes were able to buy off opposition by the expenditure of huge volumes of economic resources derived from the oil industry. As a result of the pacts made with businessmen and unions, the political institutions remained closed to other groups such as the urban poor, intellectuals and civil society.

FECKLESS PLURALISM AND THE STUDY OF ELECTORAL POLITICS IN SUB-SAHARAN AFRICA

Feckless pluralist regimes should not be considered exclusively as a condition of one type of diminished democracy. Rather it is a description that may be present to some degree or other in regimes ranging from minimalist democracies (in which there are elections considered to be relatively free and fair) to electoral democracies or polyarchies but not full-scale liberal democracies as these countries are, precisely, in a grey zone that is *neither* full-scale authoritarian *nor* liberal democratic. One of the strengths of the concept of feckless pluralism is that it is not tied to any linear understanding of democracy, which remains more of a theoretical construct rather than an empirical observation. By diagnosing a syndrome rather than a specific type of cases in a typology, we arrive at a more flexible concept that may be used in a variety of situations. Importantly, feckless pluralism does not exclusively focus on what happens on election day and the concept makes it possible to focus on electoral politics *between* elections. While there is no lack of competition or potential alternation of power within feckless pluralist regimes, in electoral politics and the competition for office there is an absence of responsiveness and interaction between populace and politicians. A number of political parties may be present, but, irrespective of which of them comes out on top, there is no change in output. As Carey (2002) duly notes, in feckless pluralist systems there may be alternation in power, but it takes place between parties that are almost indistinguishable from one another, be it with regard to “their ideology, goals pursued, or official corruption” (Carey 2002: 28).

Initially, Carothers (2002) characterized most sub-Saharan Africa regimes as being in the category of dominant party regimes, since alternation of power was considered rare generally (2002:11). Indicating that there may be more cases of feckless pluralism than Carothers initially noted, van de Walle identified 18 cases between 1990 and 2004 in which the opposition had managed to defeat the incumbent president (2005: 5). By 2011, according to African Development

Bank statistics, 19 additional cases where an opposition had ousted an incumbent in Africa were identified, in 13 of which, the incumbent accepted defeat (Ncube 2011). However, while according to definitions of democracy focusing on the prevalence of elections these electoral results may be characterized as indicating at least minimal democracies, empirically, the democratic developments are still superficial. Turning now to the case of Malawi, the discussion will illustrate why it is empirically problematic to equate elections and turnovers with democracy because in feckless pluralist regimes, competitive politics may be an integral part of the erosion of democratic institutions.

Feckless regimes: The case of Malawi

On January 23, 2012 Malawi newspaper readers were told that only the chairperson was left in the Malawi Electoral Commission (MEC). The term of office had expired for four of its members, one member had died in 2011 and another had been appointed ambassador to the United States (Times 2012). That the term of office would expire was of course well known in advance, and presumably the appointment of the ambassador was not made out of the blue. Thus, if the President had so wished, five new commissioners could have been appointed early to ensure a smooth transfer to a new commission. But this did not happen because the President *chose not to do so.*

Why would President Mutharika choose to delay the process of appointing new commissioners as reported in the news? Politicians everywhere seek to win elections, and to be re-elected. This basic fact is even more important in countries like Malawi because the alternatives to winning office are so unattractive or not available at all. In the context of sub-Saharan politics, there are additional reasons why office-seeking behavior by political candidates is so prominent. First of all, public office carries with it lucrative positions in terms of resources and prestige, often in the absence of other attractive career alternatives (Saffu 2003). A related issue is what is termed (Ihonvbere 1998) “the leadership fixation of African parties”: many African parties have little internal democracy and party strength is often a function of the charisma and financial power of its leader. Thus, across sub-Saharan Africa elections often violate important constitutional norms that are the foundations of democracy (Schedler 2002b: 39-40). Elections are competitive, but not necessarily “free and fair” (Elklit and Reynolds 2005; Rakner and van de Walle 2009).

The general scenario of executive dominance as witnessed across sub-Saharan Africa is particularly pronounced in Malawi. Malawi is a presidential system in which cabinet ministers and deputy ministers are appointed and dismissed by the President alone. As the head of the civil service the President wields enormous powers in appointing and dismissing senior civil servants, such as for instance district commissioners, ambassadors and heads of parastatal organizations. The current president has also revived the use of traditional authorities, whose promotion, demotion and remuneration is controlled by the President (Hussein and Muriaas 2013). As Malawi has no elected regional tier of government and no functioning elected local government, all distribution of resources comes from the central level. Parliamentary oversight is generally weak, (Patel & Tostensen 2007) which may increase the incumbents' opportunity to manipulate the electoral process (Schedler 2002a). Malawi is a case where whoever occupies the presidency wields constitutionally strong powers and the spoils of office are extensive. Although parliamentary support is needed for the president to enact legislation, to pass the budget and to make appointments to a number of top positions in the civil service, in practice the president has extensive powers. The parliament does not control its own budget or when and for how long it should meet.

Illustrating the "feckless pluralist" nature of Malawi´s political system, elections in Malawi's since 1994 present a number of paradoxes. On the surface, they seem to have fulfilled their primary purpose; in the 1994 transition elections a party and president were replaced and yet another president replaced the first democratically elected president in the 2004 elections. All presidential and parliamentary elections since 1994 have been competitive, and elections in Malawi may, therefore, qualify as democratic under common result-oriented definitions such as Przeworski's (1991) definition of democracy as uncertainty of outcome and Huntington's definition that democracy is consolidated when an incumbent has lost power twice through competitive elections (Huntington 1991). While these criteria have often been criticized for being too stringent and ignoring democratic countries simply because legitimate results have not led to turnover (Bogaards 2007; Diamond 1996), Malawi serves to show that even if electoral turnover signals competitive elections this does not necessarily signify democracy. In 2009, Bingu wa Mutharika was re-elected with a large majority and with support from all regions in an election deemed "free and fair" (though not without caveats) by most international observers (Chinsinga 2010). However, by 2010 the democratic system in Malawi was clearly under stress (Svåsand 2011a), and the politics of elections contributed to the evident democratic erosion.

After four electoral cycles, elections are regarded as the only legitimate way of gaining political power in Malawi. Furthermore, as the institutional rule of a two-term limit to the presidency 'survived' an attempted revision in 2003, and further an attempt by former President Muluzi to reopen the term-limit debate in 2009, it is likely that term-limits have been institutionalized together with the five year electoral cycles. The closely fought elections in 1999 and 2004 also indicate the uncertainty of election results, a key indicator of democratic consolidation. Yet, it cannot be argued that elections in Malawi since 1994 have led to democratic consolidation. Despite an institutionalized electoral cycle, little

Table 1. Results of Presidential Elections in Malawi, winner to third place, 1994 – 2009.

	1994	**1999**	**2004**	**2009**
First candidate pres. el.	Muluzi (UDF)	Muluzi (UDF)	Mutharika (UDF)	Mutharika (DPP)
% 1st candidate pres. el.	47,2	52,3	36	66,17
Second candidate pres. el.	Banda (MCP)	Chakuamba (MCP-AFORD)	Tembo (MCP)	Tembo (MCP)
% 2nd candidate pres. el.	33,5	45,17	28,2	30,49
Third candidate pres.el.	Chihana (AFORD)	Kalua (MDP)	Chakuamba (Unity Coal.)	Chibomba (PETRA)
% 3rd candidate pres. el.	18,9	1,45	25,2	0,79

actual institutional change has occurred in Malawi since the reintroduction of multiparty democracy in 1994. Instead, elections take place in an institutional context of highly personalized rule and excessive presidential power, where the cost of losing elections is exceedingly high. As a result, electoral politics have become an on-going political process, in which a new electoral cycle begins as the votes in the previous election are being counted. In this process, incumbency advantages play a major role, and in the case of Malawi, the 'menu of manipulation' available to the executive has meant that the process of democratic consolidation has not progressed since 1994.

Election regulations, and particularly the electoral administrative apparatus, are not only the starting point for each individual election but are also factors that may be subject to continuous change and serve political purposes other than conducting elections. It is therefore necessary to distinguish between the rules and administration of the electoral process on the one hand and the phases within each election cycle, such as voter registration, candidate nominations, campaigning, voting and the handling of post-election disputes on the other hand. The legal and administrative part of an electoral process itself is subject to set of factors, some more difficult to change while other factors may be changed at short notice. The establishment of, and changes in, the legal and administrative framework for the electoral process is usually concentrated in the pre-election and the post-election phases. Thus, each election provides an opportunity for actors to learn from the experience of the most recent election and – in a benign interpretation of such experience – to introduce changes that will improve the process next time. While the *establishment* of the electoral management structure can be identified to a particular point in time, no institution can survive over time without some form of adaptation and change. To illustrate: in the case of the electoral management body (EMB), even if the legal basis for the institution is unchanged, changes may, nevertheless, occur

Table 2. Results of the Parliamentary Elections in Malawi, largest party to third largest party, 1994 – 2009.

	1994	**1999**	**2004**	**2009**
First party	UDF	UDF	MCP	DPP
% Seats 1st party	**48**	**48,18**	**29,5**	**58,85**
Second party	MCP	MCP	UDF	Independents
% Seats 2nd party	**31,6**	**34,19**	**25,4**	**16,67**
Third candidate	AFORD	AFORD	Independents	MCP
% Seats 3rd party	**20,3**	**15,02**	**20,7**	**14,06**

among the staff, commission members, modifications of procedures, organisational change, availability of resources etc., all of which will impact on how the electoral management body functions. The President has made use of all of these opportunities to tilt the process in his favour. 'His' party is controlled by the President himself and all office-holders in the party organization have been appointed by him. No one has been elected as stipulated in the party constitution. Defections from opposition party groups to the President's party has always been widespread in Malawi (Rakner et al. 2007; Svåsand 2011b).

As tables 1 and 2 highlight, there has been a change both in ruling person and party at the national level, though not at the same time (the consequences of this will be debated later). Two presidents have left office by constitutional means. Three different parties have gained the most seats in Parliament in the four Parliamentary elections held.

Apart from a slight reduction in the 2004 elections, turnout has remained high in national elections (see table 3), and they are therefore based on the participation of large segments of the population.

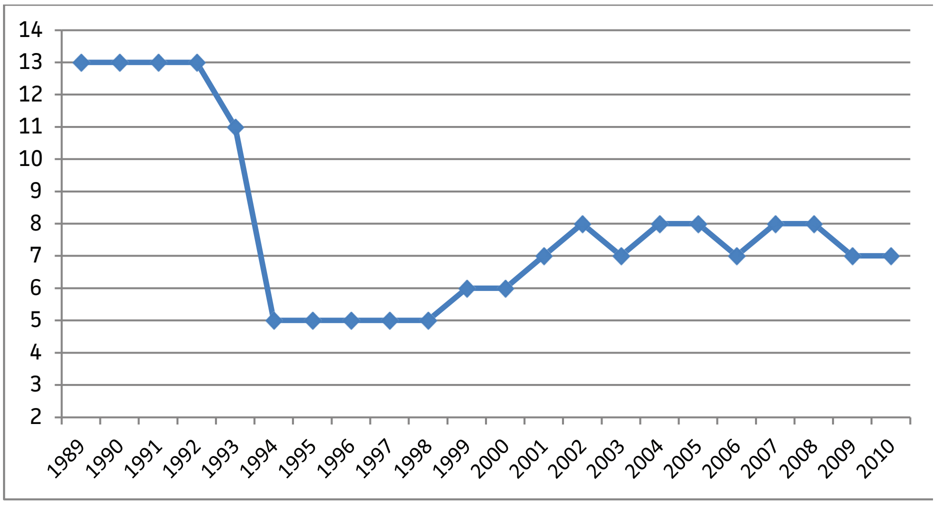
These are all elements that suggest an acceptance of the electoral process as the only way of gaining political power in Malawi. International election monitoring reports confirm the findings above. Through four election cycles, Malawian elections have been characterized by limited violence. The actual voting and operations on Election Day have often been lauded and no elections in Malawi have been marred by election day blatant rigging.

Table 3. Turnout in Presidential and Parliamentary Elections in Malawi, 1994 – 2009.

	1994	**1999**	**2004**	**2009**
% Turnout pres. el.	80,5	93,8	59,3	78,3
% Turnout parl. el.	79,6	88,8*	55,0*	NA

* Invalid votes not included.

Figure 1. FH Political Rights + Civil Liberties rating for Malawi, 1989 – 2010.



Source: Freedom House, Freedom in the World report, 1972 – 2011.

While the results in Malawi reflect uncertainty about the outcome of election, they also reflect a situation of relative instability within a relatively stable country. The instability is again reflected in the democracy ratings of the country: Figure 1 illustrates that since the election in 1999, Malawi has not been given the same Freedom House total rating more than 2 years in a row. These fluctuations have more often than not been detrimental: since the fall of Banda in the referendum and the first term of Muluzi after the 1994 election where Malawi was labeled as "free" by Freedom House, the country has since the 1999 election been firmly placed in the "partly free" category. Illustrating the feckless character of electoral politics, in Malawi levels of democracy appear to vary considerably *within* a term in office. The discussion of the 2009 elections and its aftermath indicates that the electoral politics in Malawi is a nested game between political parties as well as individual political representatives and their views on individual gains, their relationship to their constituencies as well as political prospects (Svåsand 2013: 323).

THE 2009 ELECTIONS IN MALAWI

The May 2009 elections were held in a tense political atmosphere, linked to the political conflict caused by the creation of the DPP in February 2005, leading to an executive without a significant political base against an opposition-dominated parliament. The political tension was further intensified by the decision of the former president Baliki Muluzi to contest the May 2009 General Elections and thus challenge the two-term limit again. Former President Muluzi's re-election bid was denied as the MEC ruled to bar the candidature of Muluzi only a few weeks before the elections. But, overall, on May 19, the day on which both the presidential and parliamentary elections were held, there was a positive assessment from both local and international observers. The polling appeared better organized and conducted in a more orderly fashion. Voter participation in this election was higher than in 2004 (Commonwealth 2009; European 2009). Thus, if the May 19 elections were regarded as, arguably, a special event, some notable improvements were to be observed.

After the 2009 elections, however, parliamentary control declined further, as President Bingu wa Mutharika and his Democratic Progress Party (DPP) obtained a majority of the parliamentary seats. Mutharika´s second term in office saw a President taking increasingly greater control over the economy, which in 2010-11 resulted in a foreign exchange crisis as, the local currency became overvalued, the development of a parallel foreign exchange market, fuel and electricity shortages and the interruption of bilateral and multilateral aid (Cammack 2011). The deteriorating economic policy situation was followed by significant political developments as the DPP government initiated several reforms with the apparent purpose of changing the political playing field in favor of the incumbent government and in preparation for the 2014 elections. The declining governance situation that gathered momentum in 2010 escalated further in 2011, with civil society and the opposition in Malawi staging massive demonstrations on the 20th of July 2011. This came about after several contentious pieces of policy were put forward, including a presidential directive aimed at limiting demonstrations and several Acts manipulating legal institutions and the police (Chinsinga 2011). In June Mutharika proceeded to sign into law the Civil Procedures Bill Number 27, which is popularly known as the "Injunctions Law." Originally tabled in Parliament in January 2011, this legislation prevents the postponement of any government decisions by means of a judicial review. This bill was seen by Malawi's civil society as a significant threat to public accountability since such judicial reviews had previously been a key mechanism used to stop the executive from overextending its power. In essence, the law would prevent the courts from intervening in legislation that could be harmful to the opposition.

Early in Mutharika's second term, the issue of succession politics started to affect the government's agenda. The struggle against internal and external opposition to the candidacy of President Mutharika took center stage, and increasingly more autocratic means were used. As argued by Cammack: "Already the 2014 election is distracting most politicians from doing business of governing. Jockeying for power in the major parties consumes energies" (Cammack 2011: 16). President Mutharika's decision to postpone local government elections indefinitely provides another insight into the incumbent's use of legal and administrative tools to maintain power. Since his election in 2004, President Mutharika had relied extensively on traditional authorities to implement and monitor policies at the local level. The Chiefs in Malawi filled the void left when the term of office expired for local Councillors in 2005. Through the Chiefs Act (2007), Mutharika elevated several Chiefs to higher status. The fact that the President was able to promote and demote Chiefs suggests that the traditional authorities may have had greater loyalty to the President than Councillors elected through local elections (Eggen 2011). Secondly, the President also chose to use party-controlled local structures, such as market-councils (Cammack 2011).

In April 2012, President Bingu wa Mutharika died while in office. Following Constitutional guidelines, his vice President Joyce Banda, who months before had been expelled from the DPP and subsequently formed her own party, the People´s Party (PP), became the new President of Malawi. Her accession to power was welcomed by local opposition forces and international observers as she reversed some of the controversial economic and political decisions taken by her predecessor. However, Joyce Banda faces serious challenges in the 2014 elections as many of the same players and political dynamisms prevail (Resnick 2012; Cammack 2012).

POST ELECTION POLITICS IN MALAWI – A CASE OF FECKLESS PLURALISM

The election results highlight the importance of personalities over parties and the fact that Malawi is a candidate- rather than party-centered system. A key factor is the weakly institutionalized party system. Mutharika first fell out with and then left the UDF-party after the 2004 election. In most democracies, leaving your own party (the largest party in parliament at the time) immediately after the election would be political suicide. In Malawi, President Mutharika and his new DPP-party not only won the following election; they won by a landslide. The issue of weak parties is also reflected in the rise in both number and support of independent candidates, as reflected by the results in the 2004 and 2009 elections. In the case of Malawi, the opposition has been able to use its strength in parliament to oppose the president. A number of independent media outlets, both newspapers and private radio stations have been created and are operating, although occasionally subject to attempts on the part of the authorities to constrain their ability to criticise the government. Few of the formal rules regulating elections in these two countries can be characterized as "undemocratic". But as the discussion has indicated, the rule *application* as witnessed in the period after Malawi's 1994 elections do not contribute to democratic consolidation. Experience with several elections has not resulted in a gradual elimination of improper practices.

The fierce competition for political office and the extensive use of the courts and the Constitution to serve political ambitions indicate that formal institutions are at the centre of power struggles. Nevertheless, this does not mean that the political institutions function as intended by the Constitution and liberal democratic standards. The case of Malawi demonstrates how informal practices compete with the formal political institutions, producing outcomes that undermine the intentions of the formal institutions. The consequence is that the formal constitutional mechanisms in the Malawian political system have been incapable of solving the repercussions of informal rivalries within political parties stemming from the personal ambitions of members of the political elite, presidential dominance and patronage. In the case of Malawi, the informality linked to patronage politics is compounded by a weak and declining economy and limited private sector. Political position is the primary route to business opportunities (licences, contracts with the state and donors) and this has been the driving force in the fragmentation of the party system as well as in the commercialisation of Malawian politics. The Malawian parties have increasingly become mere vehicles for individual candidates to get into potentially lucrative positions. Hence, party cohesiveness lasts only as far as individual interests converge, as has repeatedly been demonstrated when the various party leaderships have attempted to enforce party discipline in nomination processes, resulting in defections and the loss of candidates who prefer to stand as independents. For individual candidates this is a rational response as they seek a return on their often substantial investments. This individual rationality creates a vicious circle. When political office becomes central to business opportunities, it hampers the development of a private sector-based middle class that can serve as a countervailing force to self-seeking political behaviour. As argued by Cammack, in the case of Malawi, losing an election can see a politician returned to the streets (Cammack 2011: 2). As a result: *"Succession politics in a neopatrimonial environment … has created a need for large (and expensive) cabinets and perks for ministers and a politicization of public policy making"* (Cammack 2011: 19).

Conclusion

In this article the empirical challenge of defining democracy by elections and electoral outcome has been highlighted through a focus on one particular form of hybrid regimes, referred to as feckless pluralist regimes. Feckless pluralist systems are characterized by electoral competition and some political freedoms. Elections may be fraudulent, but are generally relatively free and fair. What differentiates feckless pluralist regimes from dominant party regimes is that the political elites are fragmented and that power alternates between different political groupings and parties. However, unlike the situation in democratic regimes, in feckless pluralist regimes competitive elections resulting in turn-overs and power alternation have not brought about political accountability to the extent that politicians are held accountable to their electoral programs. The political differences between the political parties are marginal and politics appears to be a vehicle for individual career advancement.

Feckless pluralism ranges across multiple levels of democratic and autocratic regimes. This means that it is not exclusively a condition of one type of diminished democracy. Rather it is a description that may apply, to varying extents, in regimes ranging from electoral autocracies via minimalist democracies (in which there are elections considered to be relatively free and fair) to electoral democracies (but not full-scale liberal democracies as these countries are in, precisely, a gray zone that is *neither* full-scale authoritarian *nor* liberal democratic. By diagnosing a syndrome rather than a specific type of cases in a typology one arrives at a flexible concept that may be used in a variety of situations. Moreover, feckless pluralism does not exclusively focus on what happens on election days (fraud), since the problem in feckless pluralist countries relates more to what goes on *between* elections. Indeed, within feckless pluralism it is not the prospect of competition that is lacking, it is rather the content of policies, the nature of leadership and the lack of responsiveness and interaction between populace and politicians.

The application of the concept of feckless pluralism has highlighted the problems associated with defining democracy by outcome, such as elections and turnovers. Feckless pluralist regimes remind us that elections and power alternations do not necessarily signal democracy. This point has been illustrated by the case of Malawi. Like most electoral autocracies, Malawi holds periodic elections, but all four presidential and parliamentary elections since 1994 have witnessed violations of liberal democratic norms and limitations of political and civil liberties. Malawi has also experienced one electoral turn-over (the 1994 elections), but each election since then has been closely contested and three different party groupings have formed governments.1 Competitive elections and turn-overs at the level of Presidency and MPs in the case of Malawi cannot, however, be considered as signs of democratization, as witnessed by the declining levels of democracy over time and also within electoral terms. As argued by Schedler (2002), in electoral authoritarian regimes elections are not instruments of democracy but battlefields of democratization. This observation also holds for feckless pluralist regimes, here illustrated by the case of Malawi. Electoral politics in Malawi since 1994 has shown that the electoral cycle is part of the mechanics by which political leaders remain in power. Competitive elections are held, but the playing field is tilted in favour of the incumbent. Furthermore, the administrative electoral apparatus has become an important part of the tool-box that the executive can use in the daily political process. As a result, it cannot be argued that consecutive elections necessarily further the

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1 While the 2004 elections has been depicted as a turn-over election (Wahman 2012), arguably, only the 1994 elections witnessed a real electoral turnover, when Muluzi and United Democratic Front (UDF) ousted Hastings Banda and the Malawi Congress Party (MCP). Bingu we Mutharika only formed a new party after he became president in 2009, and the reign of Democratic Progress Party (DPP) cannot therefore be considered an electoral turn-over. Similarly, Joyce Banda only left the DPP and formed her People´s Party (PP) once she was a vice-president and expelled from DPP.

process of democratic consolidation. Malawi's third and fourth multiparty elections took place in a context of a de-stabilised party system. While it is clear that reversals to authoritarian forms of rule are not proving particularly attractive to Malawi's leaders, the incumbents' use of bureaucratic mechanisms to affect electoral outcomes suggests that elections in the context of deep seated presidential powers and weak institutions of restraint have become part of a process that is not conducive to democratic consolidation. The formal structures of the post-1994 democratic state with its liberal constitution, independent judiciary and parliament and regular elections have established a formal political environment that breaks with the former authoritarian rule of the Hastings Banda one-party state. However, the case of Malawi shows that transitioning from one party leader to the next is challenging because in a poor country control of state resources offers members of the elite the most central avenue to wealth and power. The institutions that were intended to ensure predictability of policy and compliance with institutional rules are therefore undermined by the needs of powerful individuals for flexibility and freedom from accountability. Two-term presidencies, and elections at five year intervals introduced at the transition, have not succeeded in moving the democratic agenda forward in Malawi. Instead, in an environment where political parties are centered around 'big men', rather than issues, the competitive elections and term-limits have turned politics into quasi permanent elections, in which it is exceedingly difficult for a development vision and program to emerge and even harder to keep and implement a program consistently over time.

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