

SNAP ELECTIONS IN ILLIBERAL DEMOCRACIES: CONFIRMING TRUST OR ESTABLISHING HEGEMONY? THE CASE OF NORTH MACEDONIA

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ABSTRACT

Often, the road toward illiberal democracy is paved with constitutional amendment or replacement. The case of North Macedonia is one example showing us that unfortunately, there are other less detectable yet equally successful ways of “achieving” similar results. Snap elections are a litmus paper revealing constituents’ trust in government. At the right time, they are a tool for elevating majorities and/or perpetuating power. In illiberal democracies, unlike in liberal democracies, the results of the democratic process are not uncertain, or at least their uncertainty is *significantly reduced*. The right time is when there is not only expected but almost determined electoral victory. This paper discusses the case of North Macedonia, where between 2006 and 2016 five snap general elections were held. First, I argue that snap elections in illiberal democracies *can* have several other purposes: (1) to

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reinforce the populist notion of electoral legitimacy as bases for a narrative justifying violation of constitutional restraints and (2) to perpetuate power, aiming to rearrange the composition of government institutions in lack of a majority necessary to enact constitutional change. Second, I argue that the then-sitting government not only anticipated but also ensured electoral victory through several means, including securing votes through public employment and thereafter voter/employee intimidation.

KEYWORDS: *illiberal democracy, North Macedonia, snap elections, dissolution power*

INTRODUCTION

The rise of illiberal democracy across the world, in both young and so-called consolidated, once liberal constitutional systems, has recently attracted vast scholarship. As a form of government, illiberal democracies mix “a substantial degree of democracy with a substantial degree of illiberalism” (Zakaria 1997, 24). Simply understood as antithetical to liberal democracy, illiberal democracies are systems wherein constitutional restraints and checks on state or government power do not serve their function; rather, embedded liberal structures are adjusted (Scheppelle 2018), and then they are used toward illiberalization. As such, even though free or partially free elections are held, and an institutional framework of separation of powers and protection of rights might be in place, the lack of judicial independence, rule-of-law safeguards, and protections of liberties is manifest. Thus, the illiberal state is democratic—at least in the narrow sense, in that there are multiple parties and elections—but lacks constitutionalism. As Sajó has recently argued, “illiberal democracies are democracies of a troubling sort enabling the totalitarian potential inherent in mass democracy” that “bring to light the authoritarian elements in liberal constitutions, which are historically unfinished and internally vulnerable” (Sajó 2021, 23). The justification and argued legitimation of such practices depend on a populist notion—namely, that the legitimately elected leaders are representative of the “real people” (Sajó 2019) and their actions translate the “real people’s” will into the legislative universe. Thus, in this vast area of research, debates on the intersection between illiberalism and populism (Plattner 2017; Ferrara 2018), as well as illiberalism and the erosion of the rule of law and judicial independence (Sajó and Tuovinen 2018; Drinóczi and Bień-Kacała 2020), have been primary.

In connection to electoral policies, attention has been paid to electoral schemes and gerrymandering and their effect on disenfranchisement, as well as their

operationalization by illiberal regimes (Csaky 2020). In general, works on snap elections and dissolution power have been focused on their impact on voting behavior (Daoust and Pélouquin-Skulski 2021); on procedures and conditions that accelerate their frequency (Strøm and Swindle 2002); on legislative bargaining (Becher and Christiansen 2015), as well as coalition bargaining (Lupia and Strøm 1995) under the executives' dissolution power; and/or on the impact of dissolution power on the “imbalance of executive power” (Brunclik 2013). What is lacking in this sea of scholarship is a study on *the connection* between snap elections and illiberal regimes: specifically, if and how these regimes operationalize snap elections, the end product of such endeavor, and the weakness in constitutional design that allows for such operationalization. This paper aims to fill that gap.

The possibility of snap elections, triggered before the end of the constitutionally prescribed mandate, is a common feature of parliamentary democracies. Elections give citizens the opportunity either to confirm their trust in the governing party or coalition or to channel their discontent, culminating in its ousting. Snap elections, as Turnbull-Dugarte argues, “[provide] citizens with an additional means of endorsing or rejecting the incumbent—giving voters a chance to ‘have their say’—[and thus] can be interpreted by citizens as normatively desirable and demonstrative of the incumbent’s desire to legitimize their agenda by (re)-invigorating their political mandate” (Turnbull-Dugarte 2021, 1). The assumption follows - snap elections not only confirm but also increase political trust.

Indeed, dissolution power and snap elections serve a primarily democratic function: to confirm people’s trust in the government (e.g., in anticipation of decisions or events of historic importance or in their aftermath), to save the country from a weak or nonfunctioning government or parliament, or to settle inner-party disputes within a coalition. This cautionary tale argues that snap elections in illiberal democracies *can* have two additional functions: (1) to reinforce the populist notion of electoral legitimacy as a basis for a narrative justifying violation of constitutional restraints; and (2) to perpetuate power, aiming to rearrange the composition of state institutions. This paper takes inspiration from the example of North Macedonia between 2006 and 2016, when a total of five snap elections were held. The period coincides with the rule of Nikola Gruevski’s reformed VMRO-DPMNE,² a center-right nationalist party categorized as populist and authoritarian (Petkovski

2. Internal Macedonian Revolutionary Organization–Democratic Party for Macedonian National Unity.

2016; Ruzin 2016; Danailov Frčkovski 2014), within which the country’s democracy coefficient experienced a significant decline.³

Part I of this article briefly elaborates on the Macedonian constitutional framework on parliamentary dissolution power and the weakness of parliamentary regimes under stress. Parts II and III map out the role and implications of snap elections in general and in the context of North Macedonia between 2006 and 2015. Part IV focuses on the tools used to achieve elevated electoral certainty.

I. THE CONSTITUTIONAL FRAMEWORK AND THE CONUNDRUM OF PARLIAMENTARY MODELS UNDER STRESS

The role of snap elections as a tool to perpetuate power must be understood within the Macedonian institutional setting, related partly to the specificities of parliamentary models and premier-presidential mixed systems per se and, notably, to the particularly loose constitutional arrangement regarding dissolution power in the Macedonian system.

The Macedonian system of governance is not parliamentary in the traditional understanding of the model but is characterized as somewhere between a semi-presidential (mixed) and parliamentary model, or as a semi-presidential model with particularly strong parliamentary powers. In Siljanovska-Davkova’s words, it’s a “Macedonian cocktail”—a parliamentary system of governance with elements of the presidential model and relics of the previous assembly system (Siljanovska-Davkova 2011)—or in the words of Dimitrov, it is a parliamentary model with elements of an assembly system (Dimitrov 1998). In Shugart and Carey’s (1992) dichotomy of semi-presidential systems (premier-presidential and president-parliamentary), the Macedonian model falls under the premier-presidential design, the most prevalent model in Eastern Europe,⁴ as well as in so-called third-wave democracies (Huntington 1991). More specifically, North Macedonia falls under

3. According to Freedom House, in 2006 Macedonia was characterized as a democratic state with an estimated democracy score of 3.38. By 2017 Macedonia’s democracy score dropped dramatically to 4.43, characterizing the state as a transitional government or hybrid model. Information from Freedom House available at <https://freedomhouse.org/report/nations-transit/2017/macedonia>.

4. This model “generates a higher degree of parliamentary agency over government formation” but nevertheless differs according to the level of both legislative power (“decree authority, reserved policy areas, budgetary powers, and the ability to propose referenda”) and nonlegislative powers (“cabinet formation and dismissal, censure, and dissolution of the parliament”) of the president (Shugart and Carey 1992, in Roper 2002).

the category of premier-presidential models closer to parliamentarianism (Shugart and Carey 1992).

As such, the Macedonian system does not fully fit into Duverger's model of semi-presidentialism as an ideal type (predominantly based on the French), according to which semi-presidentialism is characterized by a double executive (i.e., a popularly elected president with "considerable constitutional authority" and a prime minister and cabinet) subject to the confidence of the assembly majority (Duverger 1980). The Macedonian president is directly elected for the maximum of two terms of five years each, has the right of a suspending veto and can be impeached,⁵ but unlike in classic mixed systems does not enjoy particularly strong executive powers.⁶ This becomes further clear when we consider the president's weak position in terms of "choosing" the *formateur* (see below), thus making the Macedonian model very close to the parliamentary.⁷

Unlike in presidential and mixed systems where term limits are set to curtail power, in parliamentary regimes there are no institutional solutions limiting the terms of prime ministers: if a party repeatedly wins elections, one prime minister can hold office in perpetuity. Legislative term limits are extremely rare, whereas prime ministerial term limits are virtually nonexistent. In parliamentary and mixed systems, term limits are focused on the president, notwithstanding if they are vested with strong executive powers (as in some mixed systems) or just ceremonial functions. The logic behind such constitutional constellation is the envisioned position of the prime minister. Presidential term limits are set to protect the prime minister's position, as perpetuation of the president's power might weaken the prime minister's position. Landau has recently argued that this aspect of the constitutional design has proved problematic and is under stress from illiberal, populist governments, personalist in nature (Landau 2020). Especially in Southern and Eastern Europe, charismatic prime ministers have created new "cults of personality" that

5. In addition, the president is the commander in chief of the armed forces, is responsible for appointments and recall of foreign diplomats, appoints a very limited number of members of the Security Council, Judicial Council, and Constitutional Court and grant pardons. See Art. 84 of the Macedonian Constitution.

6. First, the president enjoys only a weak qualified veto power, for only a majority vote of the total number of representatives is needed for override. Second, the president does not enjoy decree-making competences, budgetary powers, nor the ability to propose referenda. See Art. 75 of the Macedonian Constitution.

7. However, it must be noted that the power of the president *in practice* also differs according to the political power and popularity of the particular president holding office. Thus, in the context of North Macedonia, there have been more and less influential presidents. See Siljanovska-Davkova (2011).

seem to grow fruitfully on soils that not long ago broke away from similar conditions. Through the examples of Hungary and Poland, and given the threat that populist prime ministers pose to democracy, Landau argues that the lack of term limits on the office of prime minister, instead of having a stabilizing function, “[prolongs] and [deepens] authoritarian interludes” (Landau 2020, 305–6).

Such is the Macedonian example, because of both the constitutional positioning of the prime minister and the factual situation concerning the *real* allocation of power between branches. The prime minister arises from and follows the faith of the parliamentary majority. The Assembly is composed of representatives elected every four years through free and general elections. The leader of the coalition or political party that wins the majority of seats in the Assembly receives a mandate from the president to form a government. The Constitution gives the president the role of selecting the *formateur*; however, under the constitution the president is obliged to entrust that mandate to the candidate from the party or coalition having a majority in the Assembly, thus making the handing over of the mandate almost a ceremonial function.⁸ Once the ministers are chosen by the *formateur* and a program is concluded, the Assembly must approve the proposed ministers.

As in all other semi-presidential systems, the prime minister and cabinet are *exclusively* accountable to the Assembly majority; what is lacking is a mechanism according to which the executive can dissolve the parliament—a common feature of the parliamentary model and mixed systems. Regarding dissolution power, the Macedonian institutional structure is as “parliamentary” as the Westminster model was before the Fixed Terms Parliament Act (2011). Positioning the Assembly as a central body in the constitutional system, the constitution does not give the executive the power to dissolve the Assembly, but it does give the Assembly the power to take a vote of no-confidence in the government (Articles 92 and 93) and bestows the power of interpellation concerning the work of any public officeholder, the government, and any of its members individually (Article 72). The only mechanism by which snap elections can be called (and thereby cut short the four-year mandate) is enshrined in Article 63 of the Constitution, which allows the Assembly to vote on its own dissolution. “Self-dissolution” is quite rare when seen in a comparative perspective (Siljanovska-Davkova 2011), and it gives the Assembly significant power. Furthermore, the Assembly enjoys absolute discretion, for Article 63 does

8. This has been the case with exception of the 2016 elections, when the president, acting outside his constitutional competencies, required the leader of the majority party to issue a statement guaranteeing that the unitarian character of the country would be preserved. See Panov (2017).

not determine the circumstances in which snap elections can be proposed, nor does it lay out specific time limits. The only requirement is an absolute majority, a vote of more than half of the total number of representatives in the Assembly (which numbers between 120 and 140 representatives). Thus, it is very easy for a parliamentary majority to dissolve itself and call for snap elections.

What makes this even more problematic in the context of North Macedonia, and in general in illiberal democracies, is that even if parliaments are positioned as the central branch of the political system, they can be or can become simply “a rubber-stamp and voting machine of party-led policies and decisions made elsewhere” (Siljanovska-Davkova 2014). Such a culture of obedience and party loyalty—which often goes hand in hand with strong party leadership personalized in the prime minister—leads to “presidentialization” of parliamentary regimes (Poguntke and Webb 2005), and erodes the functions of both the parliament and the cabinet (Schneiderman 2022). In conditions where the legislative branch becomes a servant of the executive under the “super-legitimacy” of the prime minister, illiberalism often follows (Rosanvallon 2018, 55).

“Getting parliament out of the way” is a drastic measure; instead, “in a parliamentary and semi-presidential setting, a parliamentary majority can serve populist leaders who wish to (or have to) stay in the background, without any need to adjust constitutional rules or rules of parliamentary procedure” (Uitz 2022). What follows is the development of what Scheppele calls *autocratic legalism* described as “the deployment of law by ‘new autocrats’ to deliberately attack the basic principles of liberal and democratic constitutionalism in order to consolidate power and entrench themselves in office for the long haul” (Scheppele 2018, 545). I argue that illiberal leaders *can* and *do use* this already established practice to also call for snap elections through the Assembly if and when desirable, and they do so with the same aim and result: consolidation of their power and perpetuation of their time in office.

II. THE GOOD AND THE BAD: FREQUENCY AND SNAP ELECTIONS IN LIBERAL DEMOCRACIES

From a liberal standpoint, “democracy is supported because people believe that it will ensure liberty better than any other political method, but that support is conditional” (Katz 1997, 46); hence, the highest value to be protected is liberty. In *Federalist* No. 52, writing on the nature and role of the House of Representatives, Alexander Hamilton and James Madison wrote that “it is essential to liberty that

the government in general should have a common interest with the people, so it is particularly essential that the branch of it under consideration should have an immediate dependence on, and an intimate sympathy with, the people. Frequent elections are unquestionably the only policy by which this dependence and sympathy can be effectually secured” (Hamilton and Madison 1788).

Under prevalent liberal theory, it is considered that government constraint is achieved by both constitutionally entrenched guarantees and the distribution of power in society; in institutional design this means “having the rulers chosen and periodically removable by the ruled in freely contested elections” (Katz 1997, 48). Thus, two of the most fundamental preconditions and guarantees for a functioning liberal constitutional democracy are representation and vertical and/or horizontal accountability.⁹ Democratic representation is achieved through active and passive suffrage, and in liberal democracies, mechanisms are in place that guarantee their substantive aspects. Active suffrage, or the active aspect of the right to vote, includes the right for each eligible citizen to vote freely according to his or her own conviction, in elections that are *frequent*, free, and fair and are conducted through a secret ballot.¹⁰

Frequent parliamentary elections align the interests of the governed with those that govern through lawmaking, and they guarantee that “the fundamental changes in prevailing public opinion are reflected in the opinions of the representatives of the people.”¹¹ If all other conditions are met, vertical accountability, among other means (freedom of association, freedom of expression, etc.), is best guaranteed by the frequency of elections. Frequency ensures that citizens can either confirm their trust or transform their grievances into concrete political action. In parliamentary and semi-parliamentary regimes where the executive derives directly from the legislative body, this function is even more emphasized, as parliamentary elections determine the composition of the legislature and also the party responsible for composing the executive through the *formateur*.

9. These preconditions are considered enough to define a democracy under minimal conceptions of democracy (Przeworski 1999, 23), such as the Schumpeterian conception that understands the democratic method “as a method is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people’s vote” (Schumpeter 1962, 269).

10. The scope of the active aspect of the right to vote is protected both by national constitutional provisions and international human rights instruments. See Art. 3 of Protocol No. 1 of the European Convention of Human Rights and Art. 25 of the International Covenant on Civil and Political Rights.

11. *Timke v. Germany*, Application No. 27311/95, Decision of admissibility of 11 September 1995, European Commission of Human Rights.

Different constitutional arrangements and electoral models determine different intervals for parliamentary elections. International human rights standards determine that frequency ought to be *reasonable*¹²—that is, not unduly long so that it ensures that “the authority of government continues to be based on the free expression of the will of electors.”¹³ Studies have shown both positive and negative effects of frequent elections. Boyd argues that frequent voting increases voting habits and familiarity with voting processes and therefore increases voter turnout in elections of all levels (Boyd 1986). Others argue, in contrast, that frequent elections lead to voter fatigue, resulting in lower voter turnout and political disengagement (Noris 2004; Franklin and Hobolt 2011). Comparatively, constitutional design guarantees parliamentary elections in intervals of four to five years.

However, *legal frequency* of parliamentary elections often differs from *real frequency* of elections (Council of Europe 2021), as the constitutional possibility for snap elections by entrenching dissolutions powers under specific conditions leads to accelerated frequency. Dissolution powers serve a primarily democratic function: to confirm people’s trust in the government (e.g., in the aftermath or in anticipation of decisions or events of historic importance), to save the country from a weak or nonfunctioning government or parliament (with weak, unstable majorities resulting in the ineffectiveness of the legislative process), or to settle internal conflicts within the ruling party or coalition. Certainly, in the case of North Macedonia some of these factors were employed as justifications for calling snap elections—namely, weak governing coalitions,¹⁴ failures and mishaps on the road toward the country’s Euro-Atlantic membership (2008), and a paralyzed Assembly boycotted by the opposition (2011).¹⁵ Nevertheless, we should consider that snap elections in illiberal democracies *can* have other, additional functions.

12. See Art. 3 of Protocol No. 1 of the European Convention of Human Rights. It should be noted that the High Contracting Parties enjoy a wide margin of appreciation in establishing frequency.

13. General Comment No. 25: The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service (Art. 25), 12/07/96. CCPR/C/21/Rev.1/Add.7, General Comment No. 25. (General Comments).

14. “FYRO Macedonia, Premature Parliamentary Elections, June 1st, 2008,” Final Report by the Mission for Election Observation OSCE/OIDHR (Warsaw, 20 August 2008), <https://www.osce.org/files/f/documents/5/e/33153.pdf>.

15. “FYRO Macedonia, Premature Parliamentary Elections, June 5th, 2011,” Final Report by the Mission for Election Observation OSCE/OIDHR (Warsaw, 6 October 2011), <https://www.osce.org/files/f/documents/6/5/84061.pdf>.

III. THE POTENTIALLY UGLY: SNAP ELECTIONS IN ILLIBERAL DEMOCRACIES

Much has been written about the relationship between populism and illiberal regimes, as well as about the intimate and distorted relationship populist governments have with elections. In populist-led illiberal democracies vertical accountability is bent and shifted into *vertical reconfirmation* aimed to *serve*. Elections serve populist leaders as a legitimization tool and (re)assert their role as the true representative of the real people. They do not follow healthy political competition that determines democratic outcomes; rather, they serve the purpose of confirming results or majorities (Urbinati 2019). Thus, populists are distinguished by positioning their role as exclusive or sole legitimate representatives of the people (Müller 2016). Similarly, in connection to “authoritarian populist” regimes in transitional democracies in the Western Balkans, Frčkovski argues that these regimes do not believe in elections per se but, simply, in verification *via* elections; consequently, they employ methods such as “abuse of the police at elections, electoral lists, corruption, and blackmail of the administration at elections, and with other electoral fraudulent activities” to achieve electoral victory (Frčkovski 2014, 334). Opposition parties then “serve” as scapegoats for failures and as targets for delegitimization. Thus, competition and an opposition legally exists, but their legitimacy (Sajó 2021, 27), or full legitimacy, is denied: “the opposition is in effect tolerated as a foreign body and conspiratorial force” (Urbinati 2019, 119). As such, vertical accountability becomes reconfirmation; and democracy, a shallow form without substance.

As Sajó has recently argued, the phenomenon of illiberal democracies is not a drift toward authoritarianism but an abuse of constitutionalism (Sajó 2021). Illiberal democracies, as regime types (in the language of political science), are not autocracies but electoral autocracies or electoral democracies (Lürmann et al. 2018). In the words of Huq and Ginsburg, illiberal democracies aim, not at *authoritarian reversion*, which is a rapid collapse into authoritarianism, but at *constitutional retrogression*. *Constitutional retrogression* is “a more incremental (but ultimately substantial) decay in three basic predicates of democracy,” which are “competitive elections, liberal rights to speech and association, and the adjudicative and administrative rule of law necessary for democratic choice to thrive” (Huq and Ginsburg 2018, 83). Thus, unlike in liberal democracies, the results of the democratic process in illiberal democracies are not uncertain (Przeworski 1991), or at least uncertainty has been *significantly reduced* by restricting political plurality and competition (Müller 2017). This downgrades elections (snap or otherwise) to a merely performative,

almost ritual-like event or simply a show.¹⁶ One of several identified illiberal practices is that of enabling incumbents to perpetuate their own rule by using democratic and/or constitutional processes (Uitz 2022). I argue that under conditions of reduced uncertainty, snap elections can be such a tool—for elevating majorities or/and perpetuating power—and can also serve as a mean to reinforce populist notions of electoral legitimacy as bases for a narrative justifying violation of constitutional restraints.

A. Elevating Majorities and the Gift of Time . . . in Office

Snap elections in illiberal regimes at the right time can be used to elevate majorities to the extent of gaining constitutional amendment or replacement power. A party that has the parliamentary majority necessary for constitutional amendment and/or replacement may consolidate its power by dismantling institutions in place to check it. Indeed, packing government institutions and courts is commonly achieved through constitutional changes that reorganize the composition and the manner in which these institutions function (Landau 2013), as has occurred in Hungary. When such majority is not enjoyed, illiberal leaders rely on other tools to consolidate power, among them widespread legal changes through ordinary laws (Varol 2015). Such is the Polish example post-2015, where a series of legislative changes were enacted that blatantly ignored the valid liberal constitution (Halmai 2019). This gradual process of “anti-constitutional populist backsliding” ultimately led to “constitutional breakdown” (Sadurski 2019).

However, in parliamentary systems (and depending on the constitution, of course), if a party remains in power or sustains a parliamentary majority long enough, it can consolidate power and diminish horizontal accountability by following existing constitutional procedures and prescribed mandates, in order to replace individuals holding positions in existing government institutions and the judiciary. I call this the “the gift of time in office.” This is less problematic in so-called consolidated democracies where media remain free, institutions function transparently, and mechanisms of accountability are implemented. The story is quite different where the goal is to undermine constitutional restraints, perform state capture, and control administrative state resources and the media.

16. In “Impatient Dictators: How Snap Elections Shore Up Authoritarianism in Eurasia” a 2018 blog post to Open Democracy, human rights activists and journalists Ismail Djalilov and Tamara Grigoryeva wrote on the “snap election epidemic” in the context of Euro-Asia, arguing that snap elections are used in large by authoritarian leaders (they call them impatient dictators) as a “show.” See Djalilov and Grigoryeva (2018).

A reasonable assumption is that in the case of North Macedonia, two motivations led to choosing such a route. The most obvious one is the lack of a necessary majority for constitutional replacement and/or amendment. In the case of North Macedonia, a two-thirds majority vote in the Assembly is necessary for constitutional amendment. VMRO-DPMNE alone never had a two-thirds majority in the Assembly; even when such a majority could have been achieved together with its post-election government coalition partners, major reconstruction of the constitution was and would have been subject to intensive political bargaining. The second motivation is that even if such a majority had been in place, the party would have been careful not to raise red flags, especially since joining the European Union—and thus, being subject to accession procedures—was a priority to both the government and the electorate. The gift of time in office allows officeholders to engage in institutional restructuring by using previously established rules and to easily fly under the radar (if only laws and procedures are considered).

Between 2006 and 2016 North Macedonia held five general elections, four of which were snap elections (in 2008, 2011, 2014, and 2016). With the exception of 2016, coalitions led by the incumbent VMRO-DPMNE won the elections and formed a government with DUI (Democratic Union for Integration), the largest ethnic-Albanian party. Every two years, *de jure* and *de facto*, the coalitions led by VMRO-DPMNE won four more years in power (in two instances by a larger majority), amounting to ten consecutive years in power. The length of the rule and the fact that between 2008 and 2011 and again between 2014 and 2016 the coalition *alone* had an absolute majority (sixty-one seats) allowed the government to pack institutions by using previously established constitutional procedures.

Let's take the Constitutional Court, for example. The Court has nine members, elected by the Assembly with an absolute majority for a single nine-year term (constructed as to surpass one or two parliamentary [*i.e.*, government] terms). According to North Macedonia's constitution, two members are proposed by the president, two by the Judicial Council; for the rest, the constitution is silent. As a result, a practice has developed that allows for the other five judges to be proposed by the Assembly—the same body that elects them. This by itself is problematic, especially considering that the ruling party or coalition almost always has an absolute majority. That was certainly the case with VMRO-DPMNE and DUI from 2008. During their ten-year rule, the parliamentary majority led by VMRO-DPMNE elected a total of seven Constitutional Court judges.

Another example is institutionalized patronage. As Bauer and Becker argue, in illiberal democracies the state bureaucracy is transformed “into [an instrument] of populist rule” by “centralization of structure (1) or resources (2), politicization of

personnel (3) or norms (4), and reduction of accountability (5)” (Bauer and Becker 2020, 20). Thus, a common practice of illiberal democracies in Europe is cleansing the civil service (Polyakova et al. 2019), replacing ousted officeholders with loyal servants—loyal not to the citizens but to the party in power. This is what has happened in North Macedonia. According to surveys, only 7 percent of government employees believe that their recruitment is based on merit. Instead, “political affinity, cronyism, nepotism, patronage, and bribes [have become] the major recruiting factors on the part of the administration” (Ruzin 2016). Another feature in the Macedonian context is the extreme expansion of the civil service. Between 2006 and 2016 the number of public employees increased threefold, from sixty thousand to one hundred eighty thousand (Ruzin 2016). Extreme expansion serves two purposes: establishing complete control of state institutions (blurring of the line between state and party) and, as I will further argue, ensuring electoral outcomes. Thus, the gift of time in office allows for not only state capture through creation of a loyal civil service but also extreme expansion of the civil service that also serves the purpose of reducing electoral uncertainty (see below).

B. Narrative Reinforcement

They will of the majority is also operationalized as a justification for actions against the rule of law and other values of the liberal state. Like most nationalist populist parties that extract from the populace “the true people” on the basis of nationality or culture (Deiwkis 2009, 2), in the narratives of VMRO-DPMNE (especially in those of Nikola Gruevski as party leader and prime minister) the true people were ethnically Macedonian, touted as descendants of national heroes,¹⁷ and glorified through the myth of ancient decent (Vangeli 2011). They were also Christians committed to the “great European Christian Democracy idea,”¹⁸ to God and Christian values. In the party’s Manichaeic outlook (Mudde 2004; Hawkins 2009), the enemies are “the values of the [(post-)communist, pro-western elites that embraced the values of (neo)liberal ideology during transition” epitomized in the political opposition—primarily SDSM (Social Democratic Union of Macedonia)¹⁹—as the main opposition party (Petkovski 2016).

17. See, e.g., “Address by the Prime Minister Nikola Gruevski at the Celebration of the Day of the Republic” (from 02.08.2015), available at <https://vlada.mk/>.

18. See Nikola Gruevski’s 2006 address, available in the “Prerodba vo 100 cekori” program booklet of the VMRO DPMNE party for the parliamentary elections of 2006.

19. Social Democratic Union of Macedonia.

The role of “the people” (equivalent to the electoral majority) is grand: they are “the final instance that makes any form of moral, legal or political judgment . . . an arbiter in a legal dispute” (Petkovski 2016); they decide if accusations made by the opposition regarding constitutional violations are true, if criticism by non-governmental organizations and the international community regarding the state of democracy has any merit, and if corruption exists. It is not the task of impartial institutions to investigate corruption, nor is it for the courts to judge—as all these functions are performed by “the people.” How do “the people” fulfill this grand role? By casting their vote.²⁰ Thus, the task of elections is not only to confirm results but also to legitimize otherwise unconstitutional or/and unlawful actions. What snap elections add to the mix is reinforcement of plebiscitarian support. Snap elections enable confirmation of the majority will within smaller intervals than is possible with set, general elections and thereby reinforce the justification for unrestrained state action.

Thus, if in liberal democracies the logic behind snap elections is to legitimize an incumbent’s agenda by (re)invigorating the officeholder’s political mandate (Turnbull-Dugarte 2021), in illiberal democracies the stakes are higher: what is legitimized are practices that erode constitutional restraints through elevated frequency and *re*-enforcement of plebiscitarian support.

IV. TOOLS FOR SECURING ELECTORAL VICTORY

One might only speculate as to how parties in power *really* assess the “right time” to hold premature elections. In functioning liberal democracies, polling can be such an indicator. However, in illiberal democracies, the right time is when electoral victory is not only expected but almost determined. I argue that at the time, the government of North Macedonia used several tools to reduce electoral uncertainty, most notably (1) capturing and then controlling the media, (2) using the civil service as a political instrument, and (3) engaging in blatant electoral irregularities.

A. Media Capture and Control

Those in power in illiberal democracies reduce electoral uncertainty through media capture and control. Media capture is achieved through financial means in addition to both legal and prosecutorial action. Financial capture is characterized by

20. See, e.g., the text of the address by Nikola Gruevski, president of VMRO-DPMNE (from 16.10.2016), available at <https://vmro-dpmne.org.mk/node/5974>.

practices that give economic incentives to the media in turn for favorable coverage. In North Macedonia between 2006 and 2016, the government was one of the biggest advertisers in the country (see Ordanoski 2014). Government funding through “state advertising funds” contributed to “favorable” editorial policies from media outlets whose existence depended on such advertising revenue (see Nikodinoska and Grozdanovska-Dimiškovska 2015). In contrast, opposition and independent media outlets not only were out of such financial schemes but, in certain instances, were closed—as was the case with one of the biggest TV stations, A1, considered as pro-opposition (Reporters Without Borders 2016). In addition, in 2013 two new laws were adopted in a rather opaque procedure, the Law on Media and the Law on Audiovisual Services, imposing over-regulation and thereby restricting editorial freedom (Shishovski and Lechevska 2015). Finally, blatant attacks on media outlets and individual journalists were evident (Freedom House 2016). Direct attacks on journalist included death threats, physical violence, and arson (Freedom House 2016), as well as imprisonment (Ifex 2013). Until 2017 Freedom House characterized the state of the media in the country as “not free,” emphasizing that “the ruling party wielded considerable control over the news cycle through the public broadcaster and friendly private outlets, and reporters risked attacks while covering antigovernment protests” (Freedom House 2017).

B. The Public Sector as a Political Instrument

As noted, another strategy that a party in power might use to strengthen its position is to exploit the public sector of government as a political instrument. North Macedonia has suffered high levels of unemployment, especially among young people, and thus securing government employment is considered achieving “a success” due to its presumed stability. In 2013, 39 percent of young people expressed their preference for government employment, whilst in 2018 the number rose to 45 percent (Topuzovska Latkovikj et al. 2019). As mentioned earlier, government employment was used as a tool to reward party loyalists and was thus based on loyalty to the party rather than on merit. According to surveys, only 7 percent of individuals believed that recruitment is based on merit alone (Ruzin 2016). As a result, government employees feared termination of employment in the event of change of government, making their livelihood dependent on the sustainability of the party in power. This relationship produces indirect pressure on public employees not only in their individual capacity as voters but also in their capacity as voter recruiters (ostensibly prompted by personal motivation) (Meta 2016). However, the reports and the tapes from the 2015 wiretapping scandal

(Gardner 2015) have shown that public employees faced direct forms of voter intimidation both in an individual capacity (through direct pressure to vote for a certain party) and in terms of voter recruitment (by being tasked to provide a list of names of voters they have recruited to vote for the party)—all under the threat of being fired.

The Priebe Report showed “electoral irregularities, blurring of state and party [and] extortion (pressure on public employees to vote for a certain party with the threat to be fired).”²¹ Monitoring organizations have constantly noted the pressure exerted on public administration employees to provide lists of voters who will vote for the party in the upcoming elections and the pressure to attend party rallies (Meta 2016). In the 2016 Progress Report for Macedonia, the European Commission noted that the “use of the public sector as a political instrument, allegations of pressure exerted on public employees and alleged politicization of administration in an electoral year continue to be of concern.”²² Several reports by the OSCE (Organization for Security and Co-operation in Europe) Electoral Observance Mission have observed that there is “inadequate separation between state and party activities and allegations of voter intimidation,”²³ particularly on election days.

C. Electoral Irregularities

Just to be sure, a third strategy to stay in power is to ensure electoral victory through blatant electoral irregularities. In North Macedonia, the Electoral Law has been amended according to recommendations from the Office for Democratic Institutions and Human Rights (ODIHR), and overall elections have been found to be efficiently administered. However, both reports and the wiretapping tapes revealed that there were electoral irregularities, including extortion; manipulation of voter lists; voter buying; voter intimidation, including threats against civil servants; and

21. The former Yugoslav Republic of Macedonia: Recommendations of the Senior Experts’ Group on systemic rule-of-law issues relating to the communications interception revealed in spring 2015 (Brussels, 8 June 2015), p. 4, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/news_corner/news/news-files/20150619_recommendations_of_the_senior_experts_group.pdf.

22. The former Yugoslav Republic of Macedonia 2016 Report (Brussels, 09.11.2016), p. 5, accessed available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_the_former_yugoslav_republic_of_macedonia.pdf.

23. The former Yugoslav Republic of Macedonia: Recommendations of the Senior Experts’ Group on systemic rule-of-law issues relating to the communications interception revealed in spring 2015 (Brussels, 8 June 2015), p. 4, available on https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/news_corner/news/news-files/20150619_recommendations_of_the_senior_experts_group.pdf.

prevention of voters from casting votes. This wealth of electoral irregularities further goes to show that in illiberal regimes, well-drafted laws and fulfillment of formal requirements do not necessarily guarantee truly free elections.

CONCLUSION

Illiberal democracies “coloring within the lines” of liberal constitutional settings find ever “creative” means to adjust pre-existing institutional rules and bend them to their will, with one main aim: perpetuation and consolidation of power. I have argued here that snap elections in parliamentary and mixed models, and under certain constitutional preconditions, can be one of them. In illiberal democracies, obedience and party loyalty or even more so, loyalty to a strong prime minister, erode the role of parliaments; thereby leading to “presidentialization” of parliamentary regimes and to autocratic legalism. Illiberal leaders can use this already established practice to call for snap elections if and when desirable— as in North Macedonia doing so through the Assembly. Even though snap elections primarily serve a democratic function and elevate trust in governments and the political process, in illiberal democracies under conditions of reduced uncertainty, snap elections can become a tool to *serve*. They *serve* populist leaders by (1) providing them with a “higher stakes” legitimization tool, as what is legitimized are practices that erode constitutional restraints through elevated frequency that *re-enforces* plebiscitarian support, and 2) “gifting them” with time in office to change and rearrange the composition of government institutions and the judiciary in accordance with existing constitutional and legal procedures.

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