Resisting Democratic Backsliding: Malawi's Experience in Comparative Perspective

Peter VonDoepp

Abstract: Why does collective resistance to democratic backsliding emerge in some contexts and not others? The experience of Malawi in 2011–2012 offers an opportunity to explore this question. In the face of attacks on democratic rights and institutions, large-scale popular and civil society mobilization challenged the government's authoritarian tendencies. Drawing on collective action theories and comparing Malawi's experience to that of Zambia, VonDoepp argues that Malawi's resistance arose in an environment that was favorable to its emergence. Economic conditions had generated grievances against government, polarization remained modest, and civil society organizations benefitted from credibility and the presence of allies that facilitated activism.

Résumé: Pourquoi la résistance collective au recul démocratique émerge-t-elle dans certains contextes et pas dans d'autres ? L'expérience du Malawi en 2011-2012, offre l'occasion d'explorer cette question. Face aux attaques contre les institutions et les droits démocratiques, la mobilisation populaire et de société civile à grande échelle a mis au défi les tendances autoritaires du gouvernement. S'appuyant sur des théories d'action collective et comparant l'expérience du Malawi à celle de la Zambie, VonDoepp soutient que la résistance du Malawi a émergé d'un environnement qui lui était favorable. Les conditions économiques ont suscité des plaintes contre le gouvernement, la polarisation est restée faible et les organisations de société civile ont bénéficié de la crédibilité et de la présence d'alliés qui ont facilité l'activisme.

Resumo: Por que motivo a resistência coletiva aos retrocessos democráticos emerge em determinados contextos e noutros não? A experiência do Malaui em 2011-2012 oferece uma oportunidade para analisar esta questão. Perante vários ataques

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desferidos contra instituições e direitos democráticos, emergiu uma mobilização popular e da sociedade civil em larga escala, desafiando as tendências autoritárias do governo. A partir das teorias da ação coletiva e analisando comparativamente as experiências do Malaui e da Zâmbia, VonDoepp defende que a resistência malauiana surgiu num contexto favorável à sua emergência. As condições económicas tinham gerado descontentamento em relação ao governo, a polarização política permanecia diminuta, ao mesmo tempo que as organizações da sociedade civil gozavam de credibilidade e da presença de aliados que fomentavam o ativismo.

Keywords: Malawi; democracy; backsliding; civil society; protests; demonstrations

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Introduction

On July 20, 2011, mass demonstrations took place in Malawi's urban areas. Frustrated by a severe deterioration in economic conditions and the serious erosion of democratic rights and institutions, protest organizers issued a list of demands to government that, among other things, challenged the country's slide into authoritarianism. Tragically, as the protests and the heavy-handed government response devolved into violence and unrest, twenty people lost their lives, nearly all of them shot by police. In the aftermath, with the government on the defensive, civil society groups worked collectively to press government to address economic and political concerns. This culminated in a national stakeholders meeting that called on President Bingu wa Mutharika to resign. Following Mutharika's death a few weeks later, the new government reversed a number of the measures he had put in place.

Democratic backsliding, such as that witnessed in Malawi from 2010 to 2012, is now a global phenomenon, and scholars have devoted considerable attention to the issue, focusing especially on how it occurs and why it takes place. The experience of Malawi presents a unique opportunity to examine a particular type of resistance to democratic backsliding—that in the form of popular and civil society collective action and mobilization. Whether or not this resistance was successful in Malawi is an open question. Yet, the emergence of such vociferous and broad-based activism still represents a critical puzzle, the resolution of which may offer theoretical insights into the important question of why societal resistance to backsliding might emerge in some contexts and not others.

Pursuing this line of thought, this article offers a depiction of this resistance and provides an analysis of its development. In undertaking such an analysis, I draw on theories of collective action to develop a framework for understanding the conditions that enabled the emergence of the resistance. I also bring attention to the "negative" case of Zambia as a means of

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leveraging comparative insight into the question. In the last few years, Zambia has faced its own period of democratic deterioration, yet collective societal resistance has remained relatively muted. Reflecting the fact that the situation in Zambia is still unfolding, the analysis of that case is more limited. Nonetheless, the juxtaposition of these two cases reveals that the resistance in Malawi took place in an environment that was relatively favorable to its emergence. Economic conditions had generated widespread grievances against the government, limited polarization, coupled with the existence of credible civil society organizations, facilitated collective action, and the presence of key allies provided an opportunity structure that encouraged activism. This serves as a reminder that societal resistance to democratic backsliding may depend on particular conditions that vary across contexts. Hence, while Malawi's experience may inspire optimism, it should also give pause to those hopeful for similar developments in other societies facing backsliding.

This article draws on documentary analysis undertaken remotely, on fieldwork in Malawi in 2011, and on fieldwork in both Malawi and Zambia in 2018. During the latter research, documentary work was supplemented by interviews with individuals who had been active in, or who had closely observed, political developments in these countries. It bears noting that many interviewees in Malawi were asked to reflect on events that had taken place six to seven years prior, with the result that recollections of certain details may have been imprecise. Nonetheless, sources were triangulated, and the time lag between events and interviews likely allowed sober reflection on the developments in question.

Challenging Democratic Backsliding: Situating and Explaining Societal Resistance

Over the last few years, scholars have developed solid conceptual frameworks to describe democratic backsliding (Bermeo 2016; Dresden & Morje Howard 2016; Huq & Ginsburg 2018). Although emphases may differ, the process of backsliding essentially entails the denigration of basic democratic rights and institutions by incumbents seeking to aggrandize their own power. This includes reductions in civil liberties, decreasing constraints on executive branch power, attacks on the rule of law, and the undermining of free and fair electoral contestation. Likewise, we are developing an understanding of the conditions under which backsliding occurs. Some important insights, particularly those concerning the role of economic and institutional factors, are found in scholarship on democratic survival and consolidation that has emerged in the last fifteen years (Maeda 2010; Fish 2006; Kapstein & Converse 2008; Teorell 2010; Dresden & Morje Howard 2016). More recent work has revealed the significance of political factors such as polarization (Svolik 2017; Levitsky & Ziblatt 2018) and the authoritarian impulses connected to populist leaders (de la Torre 2013; Freedom House 2017b).

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While this scholarship has advanced our knowledge, the question of how democratic backsliding might be challenged has received less attention. As a first step in considering this, we should recognize that different types of actors might be involved in efforts to halt or reverse backsliding. Four of these actor types seem especially relevant. The first are ruling elites themselves (see Levitsky & Ziblatt 2018:188–90). Elite defection from an authoritarian project can undermine the capacity of incumbents to push through institutional changes or survive electoral challenges, and one key question that deserves attention is under what conditions co-travelers of would-be autocrats will abandon them. A second set of actors is those ensconced in the state apparatus. Incumbents who are dismantling democratic rights and institutions often need the support of the judicial and coercive arms of the state. Judiciaries can facilitate institutional modifications, while coercive institutions can be critical in thwarting mass challenges to regime changes. However, to the extent that these elements resist backsliding, incumbents lose capacity and may face political and personal risk in pursuing an authoritarian project. Courts can uphold elements of liberal orders and enable the activities of those challenging the government. Elements of the coercive apparatus can refuse to fire on crowds or develop an interest in displacing incumbents.

Actors outside the country represent a third potential source of resistance. Foreign donors, for instance, might shape the incentive structure facing would-be autocrats. Especially for aid-dependent governments, signals of displeasure from donors can raise the costs and risks of engaging in backsliding. Danielle Resnick and Nicolas van de Walle (2013:39) suggest that donor pressure has contributed to the failure of potentially anti-democratic measures in several African countries. To be sure, the literature also indicates that such leverage is at best a blunt instrument (Levitsky & Way 2006), is deployed sparingly, and may not succeed (Dietrich & Wright 2015). Yet the potential significance of this factor should not be overlooked.

Finally, and most important for this article, is resistance from individuals and organizations in society. The literature on democratization is very clear that mass protests and civil society activism can be critical for democratic transitions (Teorell 2010; Diamond 1994). The role of such mobilization in challenging democratic backsliding is less well understood, despite the visibility of such mobilization in struggles over term limits (Yarwood 2016). Yet, it seems reasonable to suggest that the activation of such resistance could be highly consequential. If for no other reason, such activism and mobilization may encourage resistance from the other actors just described. Popular mobilization sends signals to members of the ruling elite that there may be incentives to defect from the regime or, more minimally, costs in sticking with the backsliding project. It can also force the military to make choices about whether their loyalties lie more with "the people" than the regime, or alert donors about popular dissatisfaction with the regime.

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This article is concerned with the emergence of precisely this kind of popular and civil society resistance. As a necessary caveat, whether such resistance leads to the reversal or halting of democratic backsliding is an open question. The cases of Burundi (2015), Venezuela (2014–17), and Nicaragua (2018) indicate that governments can and do resist such popular and civil society pressure and even further entrench authoritarian projects in the context of it. The impact of societal resistance is conditional on other factors, especially on the ways that other actors respond. Yet particularly in light of its potential impact, the emergence of such resistance represents an important analytical puzzle in and of itself.

As with resistance from other actors, that emerging from society is dependent on particular conditions. The classic literature on collective action is instructive in this regard. Taking the broader insights from this scholarship, whether discussing protests, social movements, or other forms of concerted activism, such action is believed more likely in situations where: 1) substantial grievances exist that can be effectively "framed" by movement organizers to spur action; 2) aggrieved groups have access to communication networks, leadership, and organizational and material resources that can be harnessed to generate and sustain collective action; and 3) the political opportunity structure provides incentives and signals indicating that collective action can yield benefits at acceptable levels of risk and cost (McAdam et al.1996; Mueller 2018).

The Malawian case brings these points into relief and, in this respect, offers theoretical insight into how societal resistance might emerge. In the remainder of this article, I describe and analyze the emergence of popular and civil society resistance challenging democratic backsliding. Although my focus is on the emergence of this resistance, evidence also suggests that this resistance helped to spur challenges to the regime from other quarters. More importantly, the analysis indicates that the resistance reflected particular conditions that facilitated its emergence. This becomes apparent when we compare the situation in Malawi with that of Zambia, which has also seen democratic backsliding, but not the same kind of resistance. Whereas economic conditions generated substantial grievances in Malawi, in Zambia they have not. Moreover, by comparison, Malawi encountered limited political polarization and benefitted from the existence of civil society organizations that could effectively mobilize collective action. Finally, in Malawi, the presence of allies provided a favorable opportunity structure to encourage the efforts of resistance organizers.

Malawi's Democratic Deterioration 2010–2012

Although Malawi was not a star performer among the African countries that underwent democratic transitions in the early 1990s, from 1994 to 2009 the country could plainly be described as "semi-democratic" given that democratic rights and institutions represented the core features of the regime. That situation began to change in the aftermath of Bingu wa

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Mutharika's re-election to the presidency in May 2009. Especially from mid-2010 onward, the government began to undertake a classic three-pronged assault on the country's democracy.[1]

First, civil liberties came under attack. For example, in 2011, in the context of worsening press freedoms, a law went into effect allowing the minister of information to ban any publication deemed threatening to the public interest.[2] In that same year, planned demonstrations were curtailed with scant regard to laws guaranteeing rights to assemble.[3] In turn, President Mutharika called on his supporters to harass civil society organizations that were critical of him and demanded that groups pay a hefty sum in order to be allowed to demonstrate.[4] Moreover, academic freedom came under threat in the form of intimidation tactics against one faculty member accused of issuing seditious comments in class.[5]

Second, as the Mutharika administration concentrated power, it weakened other government institutions that might have checked the president's behavior. The authority of the judiciary was curtailed through legislation in 2011 that removed the power of courts to issue *ex parte* injunctions. Other statutory bodies and their leaders, most notably the chair of the Malawi Human Rights Commission, also came under attack. Indeed, in 2011, Mutharika accused the chair of having committed treason, while ruling party cadres also threatened the chair.[6]

Finally, Mutharika's government weakened electoral contestation. His administration sought to interfere with the registration of a new political party organized around his rival, estranged vice president Joyce Banda, and interfered with her supporters' efforts to demonstrate in her favor.[7] The government also placed a key opposition leader, the son of the former president, in jail.[8]

Key democracy indices corroborate this picture of Malawi's regime trajectory. Freedom House listed Malawi as having a downward trend arrow in its report for 2011 (Freedom House 2012a). The *Varieties of Democracy* project, while not indicating an overall decline in democracy, registered reductions in key indices between 2009 and 2011. These included indices for government attacks on the judiciary, civil society repression, government censorship efforts, and freedom of academic and cultural expression. (See Figures 1–4).

This democratic backsliding took place in a context where the government was facing profound economic challenges. GDP growth had been remarkably high during the last three years of Mutharika's first term, yet by the middle of the second year of his second term, economic growth had begun to level off and, more significantly, Malawi began to encounter a foreign exchange crisis. This reverberated across much of society, but most clearly in urban areas. The costs of a basic basket of food increased by 20 percent between December 2010 and July 2011 (Centre for Social Concern, cited from Gabay 2014), while dramatic fuel shortages sometimes forced consumers to wait for days for gasoline (Cammack 2012:376). Electricity blackouts became more common, while other "shortages rebounded

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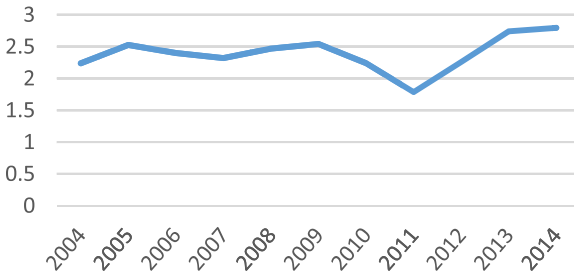
Figure 1. Govt. Attacks on the judiciary, 2004-2014



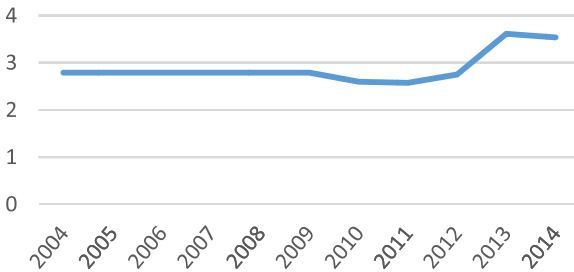
Source: Coppedge et al. (2019).

throughout the economy as mini-buses increased fares and/or stopped running, transport costs rose, factories closed and dismissed staff, and the availability of consumer goods declined" (Cammack 2012:376).

Malawi's economic woes were partly a result of strained relations with foreign donors (see Wroe 2012). Concerns over economic policy and governance, for instance, led the IMF and the German government to withhold funds (Brooks & Loftus 2016). Perhaps most dramatically, in May of 2011, after the leaking of an email in which the British High Commissioner was critical of Mutharika, the Malawi government expelled the High Commissioner. Britain responded by expelling the Malawian ambassador and ultimately refusing to renew development aid for the year. The Malawi government, in turn, implemented a "zero-deficit budget" that imposed taxes on a variety of goods, compounding the financial woes of the average citizen.

In light of this point about the economy, one might legitimately question whether the first stage of societal resistance, in the form of mass protests, was indeed "about" democratic backsliding, as opposed to being a response to the worsening economy. I discuss this below, yet two points deserve to be emphasized. First, drawing from Lisa Mueller's (2018) work on protests in Africa, multiple agendas have inspired and shaped recent protest movements. Especially critical in the emergence of these movements has been the coupling of middle-class concerns about governance

Figure 2. CSO Repression, 2004–2014



Source: Coppedge et al. (2019).

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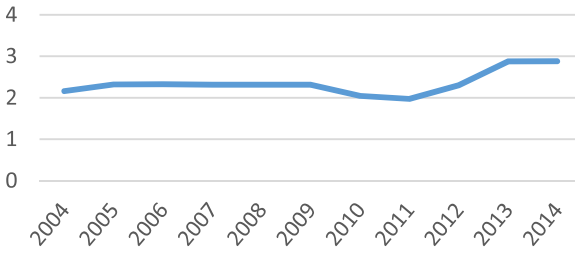
Figure 3. Freedom of Academic and Cultural Expression, 2004–2014



Source: Coppedge et al. (2019).

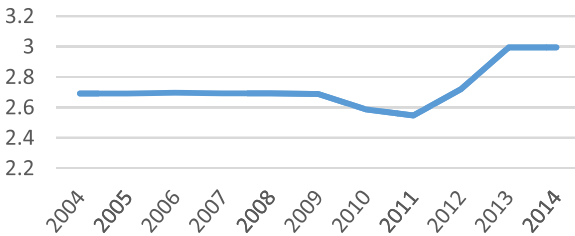
with lower-class concerns about economic issues. This was also true in Malawi, where, as the demands of the protesters made clear, multiple issues inspired the protests. Second, appreciating the central role of these economic concerns reinforces the cautionary tone adopted here: societal resistance to democratic backsliding in Malawi reflected a particular economic context—one that might not be replicated elsewhere.

The Resistance

In early 2011, the prospect of effective challenges to democratic backsliding seemed remote. While some voices in the ruling party had attempted to take an independent line, they were easily tamed by the leadership. Other locations of power, such as the judiciary, demonstrated a willingness and capacity to challenge government actions (USAID 2011). Yet, the chances of this generating far-reaching changes to the governance climate seemed unlikely, if only because of the somewhat narrow scope of challenges through the legal system and the slow speed of the legal process. Opposition parties were internally disorganized and faced limited prospects of using parliamentary measures to challenge the government.

Moreover, civil society seemed an unlikely engine of socially-generated resistance. This was true despite the fact that civil society groups, especially faith-based groups, had mobilized a decade earlier in the context of resistance to efforts to change term limits (Ross 2004). Yet, with the exception of faith-based organizations, many prominent civil society groups lacked a broad

Figure 4. Government Censorship Effort-Media, 2004–2014



Source: Coppedge et al. (2019).

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membership base and substantial organizational capacity. Divisions fostered by government manipulation hampered unity within the sector. Perhaps as a reflection of this, Clive Gabay's (2011) work, based on research conducted in 2008, described civil society as "largely docile" (see also USAID 2012).

With this in mind, it is striking that on July 20, 2011, mass demonstrations did take place across the country, calling for changes in policy and governance. At the center of the demands was a twenty-point petition pinpointing specific measures the government needed to address. Key concerns included economic issues such as access to fuel and foreign exchange and low wages, and political issues such as civil liberties, the rule of law, academic freedoms, and corruption.[9] Originally intended to occur in three major cities, during the planning process the initiative spread to include other urban centers.

Although substantial effort and organization went into preparation for the demonstrations, with consultations with police and local government officials beforehand, on the day the demonstrations were held chaos erupted in a number of locations. Part of this was the result of a late injunction that forbade the demonstrations from going forward. Although this injunction was eventually vacated, the delay and resulting confusion undermined the organization of the protests. As the demonstrations actually started, police reacted forcefully and violently, contributing to the disarray. In several locations, looting and riots broke out, with demonstrators and others targeting foreign-owned businesses and ruling party vehicles and buildings. The police response included firing tear gas and live ammunition at protesters and bystanders. Most tragically, in addition to enormous property damage, twenty individuals lost their lives, ten in the northern city of Mzuzu (Presidential Commission of Inquiry… 2012).[10] By authoritative accounts, the demonstrations were unprecedented in Malawi's democratic era (Africa Confidential 2011; Africa Research Bulletin 2011).

These demonstrations occurred in the context and aftermath of smaller resistance efforts in the early part of 2011. Perhaps the most visible of these was a boycott of classes by university professors protesting infringements on academic freedom. While this protest was localized and affected only a small portion of the population, it garnered substantial national attention, as faculty demonstrated, challenged government efforts to dismiss several lecturers, and engaged in legal battles against the government. More substantial student protests met aggressive police response (Brooks & Loftus 2016; Cammack 2012). Beyond this, in February 2011 several small NGOs had attempted to organize protests against fuel shortages; these protests were quickly halted by the government. In the aftermath, several civil society representatives were granted an audience with the president, during which they presented a list of concerns, to which the president is reported to have responded angrily (Interviews, Lilongwe, February 2011 and February 2018).

In this context, a number of civil society groups organized themselves into a so-called "grand coalition" with the aim of working together to

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pressure the state and to move forward constructively on governance and other concerns. This group met sporadically over the next few months, issuing a number of statements challenging the government. A subsequent meeting of several members of this group with the president in April 2011 also yielded little progress. In turn, a select number of individuals from civil society groups, frustrated with the lack of success with dialogue and concerned about other members of the coalition being coopted by the administration, began to plan a more aggressive path of challenging the government through mass demonstrations (Phiri N.D., Presidential Commission of Inquiry… 2012).

The key organizing force was an umbrella NGO, the Human Rights Consultative Committee, and its leader, Undule Mwakasungule, although several other figures, including the heads of smaller NGOs, businessmen, and journalists played important roles.[11] Early on, the decision was made to ensure that the demonstrations were nationwide, and to that end, regional committees were established to organize the efforts. Key figures involved with these committees included representatives of faith organizations, NGOs, and trade unions. Formally, these groups were tasked with the responsibility to facilitate communication for the demonstrations and work with local authorities to obtain necessary approvals and agree on logistical plans. Yet, at a more fundamental level, they took on the task, along with and under the guidance of a national committee, of mobilizing and organizing for the day. Some of the strategies included setting up local committees to help mobilize in townships and peri-urban areas, developing flyers and leaving them at marketplaces, spreading information to vendors and minibus owners, asking opposition parties to recruit supporters, and mobilizing members of unions and professional associations. Meanwhile the national committee, meeting regularly, located financial support, printed placards, organized the import of red cloth for demonstrators to wear, and held regular press conferences to update the public on the plans. Organizers also had the support of members of the legal community, some of whom were present during meetings with local police and municipal authorities. While opposition parties were involved, their role was secondary and the organizers deliberately sought to minimize their visibility (Interviews, Blantyre, February 2018; see also Phiri N.D.).

Despite the tragic outcomes, in key respects, the demonstrations were a success. Organizers spoke of their surprise at the numbers of people who took to the streets, the support and participation of market vendors, minibus drivers, and students, and the emergence of several protest centers in smaller cities, all despite ruling party efforts to thwart the protests through legal challenges and threats of violence (Interviews, Blantyre and Lilongwe, February 2018). Most fundamentally, the demonstrations changed the political situation in Malawi. Civil society demonstrated mobilizing and disruptive potential, the resolve and unity of the regime appeared to weaken, and a new dynamic of interaction was introduced which would later result in a new challenge to government from civil society.

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In the immediate aftermath of the demonstrations, the government and president took a combative and threatening posture towards civil society and the demonstrators. President Mutharika claimed that he would "smoke out" the organizers, while leading civil society activists were threatened with arrest. For their part, several leading civil society activists claimed that another round of demonstrations would take place in the coming weeks if the government did not meet the demands in the petition. Although some efforts to initiate dialogue were undertaken, civil society activists began planning to demonstrate again. Meanwhile, rumors circulated that the government had hired mercenaries to be unleashed against the new demonstrations (Hajat 2011).

The threatened new demonstrations never took place. Although planning reached an advanced stage, just before the set date, several leading civil society activists, under pressure from the United Nations representative, agreed to meet with a "Presidential Contact and Dialogue Group," facilitated by the United Nations, to address the concerns raised in the petition. As some activists saw this as capitulation (Hajat 2011), divisions among civil society activists became more acute in the aftermath (Interview, Lilongwe, February 2018).

In the end, the dialogue group made almost no progress. Worse still, shortly after its formation, several civil society and opposition activists came under violent attack. The office and home (respectively) of two prominent NGO representatives were firebombed, while thugs beat two opposition party figures (Hajat 2011). Most tragically, a student blogger at Malawi's Polytechnic University was murdered under highly suspicious circumstances. The emerging context was thus one in which government continued its aggressive tone toward activists and opponents, while the dialogue committee sputtered with civil society representatives variously divided and frustrated over the lack of substantive movement. Owing to the violence and lack of progress, civil society organizations pulled out of the group, only to be coaxed to rejoin by UN representatives. By mid-October, three months after the July protests, the dialogue group could claim almost no substantive gains (Sonani 2011).

Going into 2012, although government offered modest concessions, such as submitting some legislation for review, the hope for progress through the dialogue group began to dissipate. Civil society remained divided between those who wanted to stay in the dialogue group and those who began planning for a renewal of the demonstrations. On the government side, especially as economic conditions continued to worsen, the unity of the ruling party began to falter as a faction of MPs emerged to question the direction of the government, while a select few even defected to the opposition.

In this context, a new initiative emerged at the hands of the leadership of one of Malawi's oldest and most respected NGOs, the Public Affairs Committee (PAC). Constituted of faith-based organizations, PAC had emerged in the early 1990s as a leading force pushing for and facilitating

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the transition to democracy. In the aftermath, it had remained an important voice that raised public concerns and questioned government, perhaps most notably ten years earlier when President Bakili Muluzi attempted to obtain a third term in office. Unlike most civil society groups, PAC can claim connections to the majority of Malawian citizens. It also enjoys credibility by virtue of its links to religious bodies which, both independently and through PAC, have played important public roles in Malawi over the last twenty-five years (Ross 2004).

Although PAC had been involved in developments up to that point, reflecting its generally cautious approach to entering the political thicket, it does not appear to have been a central player. Its most visible role had consisted of issuing public statements questioning the direction of the government and serving, along with other NGOs, in some of the organizational structures for the demonstrations and on the dialogue group. Yet in late 2011, PAC's executive secretary developed plans and obtained funding to hold a national stakeholders conference early in 2012. The goal of this conference was to bring together stakeholders to create a common strategy for engaging government to address the political and economic challenges facing Malawi (PAC Secretariat 2012). Slated to chair the conference was the venerable Anglican Bishop James Tengatenga. Highly respected, as bishop, Tengatenga had been publicly engaged in political matters since the late 1990s, but had been less visible in the opposition to Mutharika.

As the plans for the conference emerged, the government faced renewed threats of demonstrations by civil society groups frustrated with the slow pace of dialogue, ongoing economic challenges, and confrontation with a variety of social and political groups. Judges and magistrates went on strike over payment arrears, while vendors demonstrated in January of 2012. As Diana Cammack aptly put it:

> By March 2012 the DPP was running scared, not just of the masses who were angry about their declining living standards, but also of civil society leaders who were organising them, and of the political opposition. Added to the latter was a faction of the DPP MPs (called the Hope Alliance) who feared they could not win re-election if the president failed to change his policies and tactics. (2012:282)

Throughout all of this, Mutharika remained bellicose and intransigent, while the government worked to undermine the conference and the opposition more generally. Key opposition figures were imprisoned in the weeks prior, ministers called on the chief organizers asking them to delay the conference, and the government accused the organizers of plotting a coup. On top of this, the original venue, allegedly under pressure from government, canceled the booking three days prior to the conference date. The organizers re-located the event to a Catholic cathedral.

The two-day conference took place on March 14 and 15, under heavy police presence and attended by over 200 delegates from academia, civil

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society, religious communities, political parties, and other circles. Bishop Tengatenga's opening comments set the tone for the event, validating the right and responsibility of those gathered to come up with solutions to remedy the situation (Kasunda 2012). Beyond hearing a number of speakers, delegates were asked to deliberate in groups and put forward plans for action. The most substantial outcome was the adoption of a resolution calling for the president to resign within sixty days, failing which a referendum would be called within ninety days (PAC Secretariat 2012).

Of course, the conference had no legal authority or capacity to enforce any of this. Yet, it could certainly claim support for its position, and the civil society groups that participated held the potential to set off another round of demonstrations. On his part, Mutharika refused to resign, which set the stage for more conflict. Government ministers also held meetings with the head of PAC and scheduled for him to meet with Mutharika on April 6 to discuss the resignation demand. Yet Mutharika died unexpectedly on April 5, only weeks after the communique had been issued. In the aftermath, he was succeeded by his political opponent, Vice President Joyce Banda, who reversed several of the more problematic measures he had enacted.

Mutharika's death leaves open the question of whether the resistance was successful in halting Malawi's democratic backsliding. At the risk of engaging in speculation, the record suggests that it was indeed successful. Even before the conference, Mutharika had been pushed into a defensive position, and his government had undertaken at least token gestures, which included re-opening the university and sending contested legislation for review by Malawi's law commission. In addition, the combination of the demonstrations and the conference had begun to fracture the unity of the ruling party and state security apparatus. By 2012, some ruling party MPs were challenging the government while others had defected to the opposition. The violence of the demonstrations had reportedly left divisions between the police (who were responsible for most of the deaths) and the army (Interviews, Mzuzu, February 2018). Beyond this, civil society groups had allies in the security sector who tipped them off on government plans to disrupt the conference (Interviews, Lilongwe, February 2018). In this respect, it remains an open question whether the military would have remained loyal to Mutharika in the context of more demonstrations. Notably, in the aftermath of his death, the military leadership helped to undermine an effort to install Mutharika's brother, rather than Vice President Joyce Banda, as president (Dionne & Dulani 2012).

More concretely, while we cannot say that the resistance halted democratic backsliding, that it emerged at all is in itself important. For in other countries facing democratic backsliding, such as Zambia, such resistance has certainly not developed. In this regard, from a comparative perspective, Malawi's resistance poses an interesting puzzle.

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A Brief Detour to Zambia 2015–18

There is little question that Zambia has recently undergone democratic backsliding, with developments not unlike those witnessed in Malawi and other societies: significant reductions in civil liberties, decreasing constraints on executive powers, attacks on the rule of law, and the undermining of free and fair electoral contestation. Based on conversations with observers of the Zambian political scene, there is some debate about when this process began. Some date it to the presidency of Michael Sata, especially the period after 2012, when judicial independence, civil liberties, and media freedoms came under attack.[12] Others point to more recent developments, especially after Edgar Lungu's ascension to the presidency. Michael Wahman (2017), for instance, describes the recent repression as far "out of the ordinary" even by the standards of Zambia's weak democracy. Worrisome developments have included: the very problematic elections of 2016, when the playing field was clearly tilted in favor of the incumbent; the subsequent imprisoning of opposition leader Hakainde Hichelema on charges of treason; the closure of *The Post,* the largest independent daily newspaper in the country and a persistent critic of Lungu; attacks on civil society organizations such as the Law Association of Zambia; and government interference with the judiciary. As a reflection of this, Freedom House's Freedom in the World report for 2016 gave Zambia the steepest score decline of any of the African countries considered free or partly free by that organization (Freedom House 2017a). Public opinion data indicate that Zambians have seen reductions in the levels of freedoms they enjoy (Bratton et al. 2017).

While resistance to these trends has been apparent, the extent and character has been far different from that observed in Malawi in 2011 and 2012. To date, no mass demonstrations have occurred, and coordinated civil society action has been limited. Given that events are still unfolding in Zambia, this article cannot offer a fully systematic comparison of these two cases. It can, however, look at the factors that appear to have facilitated social and civil society resistance in Malawi and, in that context, consider how the Zambian case compares. This can enhance our understanding of the conditions and processes supportive of societal resistance to democratic backsliding.

Making Sense of Resistance

Recalling the discussion above, the literature suggests that the emergence of collective resistance is more likely in the presence of easily-framed grievances, organizational and material resources, and a favorable opportunity structure. Keeping these in mind in considering the Malawian case compared to the Zambian situation, attention to four factors helps us to understand why these conditions were operative. These include the economic context, the nature of polarization and party system, the status of civil society organizations, and the presence of allies.

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The Economic Context

There is little question that opposition to Bingu wa Mutharika, especially at the mass level, reflected the deterioration of economic conditions starting in 2010, as described above. Although Malawi had achieved remarkable economic progress during Mutharika's first term, with per capita GDP growth rates between 4 and 6 percent, during the second term, circumstances changed. In 2011, growth rates had dropped to 1.8 percent, declining still further to a negative rate in 2012.[13] The clearest manifestation of Malawi's economic downturn was the foreign exchange crisis that affected most of society, but which was especially felt in urban areas and among the middle and business classes. These circumstances saw little change following the July 20 protests. Major donors continued their freeze on aid, while the government continued to implement its zero-deficit budget. This economic context generated substantial grievances against the government, especially from mobilizable sectors of society. This helps to explain the mass turnout at the demonstrations on July 20 and the active involvement of key economic groups—businesspeople, professional associations, trade unions, minibus operators, and market vendors—in those protests and in the subsequent efforts to pressure the government.

The economic dimension is indeed so central to the Malawian case that one might rightly ask whether the protests were largely about economics as opposed to governance concerns, and indeed, whether the economic situation would have been sufficient on its own to generate demonstrations against the government. There is little doubt that the mass turnout at the demonstrations reflected the dire economic situation. Resistance to democratic backsliding may have ridden a wave of economic grievances, especially as the organizers could harness those. Yet it deserves recalling that governance was central to the concerns of the protest organizers and clearly delineated on the list of demands they put forward. Again recalling Mueller (2018), both economic and political agendas motivated the protests that emerged in Africa in the last decade (2018:7), and Malawi was no different. In this regard, it would be fallacious to dismiss the resistance to democratic backsliding as epiphenomenal to the material concerns operating in Malawi, despite the fact that the depth and breadth of mobilization would have been highly unlikely in their absence.

Returning to the comparative analysis, reflecting on the Zambian case, there has certainly been no parallel on the economic front. While per capita GDP growth in Zambia was in the negative in 2015, since that time growth has been positive. In addition, in 2017, growth figures began to see an upward trend, with the World Bank issuing a report that was decidedly upbeat about future economic prospects (World Bank 2017). On top of this, Zambia's middle classes have had less reason to challenge the government.

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Polarization and the Party System

It is increasingly acknowledged that cultural and political polarization can encourage and facilitate democratic backsliding. The threat to democracy from polarization stems, in one respect, from the way it facilitates and encourages the breaking of democratic norms, especially what Steven Levitsky and Daniel Ziblatt (2018) describe as mutual toleration and institutional forbearance. Drawing from the work of Milan Svolik (2017), polarization also undermines the potential check on democratic backsliding presented by a democratic political culture. Although mass publics may have preferences for democratic regimes, polarization can trump such preferences. In particular, in contexts of high polarization, incumbent supporters will discount government actions to curtail democratic rights and institutions when those actions simultaneously undermine the political opposition.

Taken to the question of resistance to backsliding, the key issue regarding polarization is how it affects possibilities for collective action. The Malawian case suggests that environments with low polarization can offer more viable resources to generate and support such action and a more favorable opportunity structure (especially in the form of more allies) to encourage it. Reflecting on the situation from 2011 to 2012, it appears that levels of polarization were relatively low. Especially as the opposition had performed so poorly in the 2009 elections, and as they were themselves highly disorganized, there was little in the way of a definitive "other" in the political arena during Mutharika's second term, at least at the start. Similarly, the media environment remained relatively non-polarized. Mutharika's attacks on the media had targeted both of the major independent daily newspapers, leaving each of them somewhat unsympathetic to the regime. With respect to broadcast media, although the state-owned Malawi Broadcast Company took a strongly pro-government tone, other independent outlets ranged from positions of relative neutrality to openly supportive of the political opposition.

The significance of this was twofold. First, because the media remained relatively non-partisan, it was also therefore trusted by Malawian citizens. While we lack direct measures of this, Afrobarometer surveys conducted between 2008 and 2018 indicate that the percentage of Malawians who agreed with the statement "media should have the right to publish any views and ideas without government control" was never lower than 66 percent.[14] As indicated below, the media proved a critical ally to the organizers of both the demonstrations and the national conference, especially in communicating to citizens about these events. That key media outlets remained trusted likely facilitated popular engagement with them. Second, building on Svolik's insights, the lack of polarization likely made Mutharika's anti-democratic measures less palatable to his sympathizers in the political class and mass public. Indeed, his attacks on the judiciary met with resistance from members of his own party.

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The importance of this becomes even more apparent when we consider the contrasting situation in Zambia. "Polarization" has been a watchword of the political scene for the past five to seven years (Yezi Consulting & Associates 2013; Sishuwa 2018a; QFM 2017), and remains a key theme when individuals discuss current politics (Interviews, Lusaka, February 2018). As Sishuwa Sishuwa, one of the keenest observers of Zambian politics, puts it: "We are a deeply polarised nation, especially since the 2016 elections, and the actions of those in power have only fuelled this split, which has mainly taken ethnic and political expression" (Sishuwa 2018b). This polarization has extended to the media sector as well (Freedom House 2015). Indeed, in contrast to Malawians, the percentage of Zambians expressing similar support for media freedoms during the most recent period of backsliding was as low as 41 percent.[15] This may help to account for the relative ease with which the government closed down the largest independent daily, *The Post*. Deeply aligned with the opposition and accused of legal and financial improprieties, the newspaper and its owners were a relatively easy target for the government, and the collective outcry in response to its closure from the mass public, civil society, and other media outlets was relatively muted. Yet another consequence of this polarization is that civil society organizations in Zambia have been associated with different political camps. This has undermined their capacity to work together and provide an organizational basis for collective action.

Closely connected to this is the nature of the party system and, particularly, the extent to which opposition parties represent a viable and credible organizational resource for generating resistance. Some have argued that weak and discredited opposition parties open the door to democratic backsliding (de la Torre & Lemos 2016; Puddington 2017), and there is a degree to which these dynamics have been applicable to the Malawian (and Zambian) cases. In Malawi, opposition parties were feeble, disorganized, and to a degree somewhat discredited during the start of Bingu wa Mutharika's second term. This was most clearly manifest in the weakness of those parties in parliament, but it was also apparent in the leadership and internal conflicts that afflicted major parties (USAID 2011). Moreover, these parties faced substantial credibility problems. As Kim Dionne (2011b) put it, summarizing the perceptions of bloggers commenting on Malawi's political scene in 2011, "even opposition MPs have nothing to offer."

Yet, in the Malawian context, this weakness of opposition parties proved somewhat beneficial to the resistance. With opposition parties out of the picture, the initiative for resistance fell upon civil society organizations. Indeed, when one looks at the political discourse over the course of 2011 and 2012, Mutharika targeted NGOs much more than opposition parties, some of which retained credibility on the Malawian political scene. One participant in the events described the dynamic in this manner: "The parties had no answers and people wanted to hear a voice, they found that voice in civil society" (Interview, Blantyre, February 2018). Others maintained that both the demonstrations and stakeholders conference had

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much more credibility without the opposition playing a central role (while also acknowledging that party operatives did mobilization work behind the scenes).

The situation has been quite different in Zambia. There, leading opposition parties and figures have come to represent the primary locus of potential resistance. Given that they represent one "pole" in the deeply divided Zambian political context, their ability to lead the defense of the democratic regime is limited. Any effort to mobilize on those grounds could be dismissed as a partisan endeavor. The *Africa Confidential* (2017) has described opposition figure Hakainde Hichilema as "ill-suited to street politics," yet this may be less a reflection of the man than of the divisive context in which he is embedded.

Credible Civil Society

The party environment in Malawi opened opportunities for other actors to step in and mobilize resistance to Mutharika. Yet it also mattered that credible organizations existed to play this leading role. The significance of this is especially apparent with regard to the national stakeholders conference. The conference was initiated and organized by PAC, an organization that is unique in Malawi in terms of the respect it enjoys and its organizational outreach to faith communities. In the lead-up to the demonstrations, PAC had played a decidedly less visible role. And although it had been involved in the dialogue group that followed the demonstrations, it did not play a central role. Thus, by the time PAC developed plans for the stakeholders conference, it was untainted by many of the developments to date, and its long-held stature contributed to its legitimacy. Few other organizations could have done this. On top of this, Bishop Tengatenga was quite respected for his intelligence and leadership. His role, along with that of other faith leaders and civil society representatives, enhanced the visibility, credibility, and impact of the conference.

It also bears mentioning that Mutharika deserves some credit for the collective efforts of civil society groups with respect to the demonstrations and national conference. By targeting civil society, engaging in hostile rhetoric and encouraging violence, and alienating so many sectors of society, few groups or individuals were willing to take his side, despite allegedly being enticed to do so. Indeed, although he called on the state NGO board to "cancel" the demonstrations of July 20, that organization claimed it did not have the authority to do so. Moreover, although serious divisions characterized NGOs in the aftermath of the July 20 demonstrations, especially after the violent targeting of several civil society activists and the failure of dialogue, key civil society groups united around a more aggressive strategy that informed the groups as they deliberated at the stakeholders conference (Interviews, Lilongwe, February 2018).

Zambia has a history of effective civil society activism, witnessed, for instance, in the activities of the Oasis Forum during Frederick Chiluba's

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effort to stand for a third term, or the long-standing public advocacy roles of the Jesuit Center for Theological Reflection and the Episcopal Conference of Zambia. It is also not lacking in courageous and committed individuals willing to challenge the government. For example, throughout 2017, the Law Association of Zambia was a key voice confronting the authoritarian impulses of government. NGOs have also worked collectively to address the governance situation in the country, as evident in the formation in 2017 of the Civil Society Constitution Agenda (Manakatwe 2017) and the reinvigoration of the Oasis Forum.

While the jury is still very much out on where such activism will lead, one factor that concerns civil society observers is the presumed connections and linkages between individuals within civil society and political players. Given polarization and the perception that groups, organizations, and individuals are "compromised" in some fashion, it remains an open question whether the same sort of collective civil society effort can be effective in Zambia. As Alastair Fraser described the situation:

> Hyper-partisanship has overwhelmed many once proudly non-partisan civil society organisations, churches, traditional authorities and civil servants. Where once, in a national crisis, these groups, led by the Churches, might have stepped up to mediate or organize processes of reconciliation, almost no organization currently holds any status as a trusted neutral intermediary. (2016)

Allies

In studying resistance movements, it is apparent that the opportunity structure is much more conducive to collective action if the aggrieved groups have allies, especially in so far as those allies signal that chances of success are relatively good. Such allies can also contribute to the resources critical for collective action.

Four particular kinds of allies appear to have played a critical role in the emergence of resistance in Malawi. The first was Malawi's media sector (Presidential Commission of Inquiry… 2012). Several actors who helped to organize the demonstrations maintained that support from independent outlets was critical to their success. Of singular importance was one major radio station that provided regular and free coverage of the press conferences held by organizers of the demonstrations in the weeks before the event. This not only spread the word about the protests but also affirmed that they would indeed take place. Media also reported on the stakeholders conference, and newspapers carried leading stories of the call for Mutharika to resign.

Alliances with other economic actors also proved critical, especially as these actors had greater resources and mobilization potential than the NGOs involved in planning the demonstrations. Businesspeople paid for the printing of placards and the distribution of fliers and bought the red

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cloth that demonstrators wore on July 20. They also utilized their connections to vendors and minibus operators to spread the word about the demonstrations. Trade unions and professional associations also were critical in mobilizing their memberships to participate in the protests (Interviews, Blantyre and Lilongwe, February 2018).

Additionally, the presence of a relatively independent judicial system aided the activists. Setting aside the court injunction that nearly halted the demonstrations, court rulings challenged the actions of government and were supportive of other protest activities. This was most evident in several rulings that supported the boycott by lecturers at Malawi's university. As one of those involved in the demonstrations put it, "We knew we would win, that's what kept us going and removed fear…the law was on our side, politics was on our side…" (Interview, Zomba, February 2018).

Finally, donors abetted the resistance. This was true with respect to the removal of donor aid, which signaled displeasure with the regime (and, by extension, sympathy with those involved in the resistance) and forced the government to undertake the draconian measures associated with the zero-deficit budget. In addition, the PAC stakeholders conference was supported by the Open Society Institute, providing the financial resources and support for the activists who organized it.

Returning to the Zambian case, these kinds of allies seem less apparent for those who wish to challenge the government. Although independent broadcast media operate and openly challenge the government, harassment of the media has increased in recent years. In addition, although a few smaller newspapers continue to challenge the government, as of 2018, the country lacked a major independent daily paper. The country's judiciary has shown less inclination to stand up to government in defense of the rule of law and civil liberties and is viewed as compromised by many actors within civil and political society (VonDoepp 2018). Donors have made less noise about governance in Zambia and hold less leverage with the government. Their support only amounts to 20 percent of central government expenditures, in contrast to nearly 80 percent on the Malawian side in 2010.[16]

Conclusion

Democratic backsliding is now a key feature of our global environment, affecting seemingly robust democracies (such as Hungary and Poland), countries that appeared to be within the democratic camp (such as Turkey), and those that had made substantial advances toward democratic rule (such as Nicaragua and the Philippines). We are developing better understandings of why this phenomenon is taking place, yet an equally important issue, in both an academic and normative sense, concerns how such backsliding might be resisted. Such resistance might emerge from a number of different locations; while I have examined societal resistance in this article, future inquiry would do well to target the dynamics surrounding the

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activation of resistance from important players within the state and the political elite.

With this in mind, it seems plausible that the most effective means of challenging democratic erosion is to generate resistance from a variety of quarters. In this context, robust societal resistance may be an especially key element of efforts to challenge backsliding. Particularly, such resistance may encourage challenges from other actors, as political and state elites may come to believe that there may be costs in sticking with would-be authoritarians and benefits in siding with pro-democracy forces. The case of Malawi bears out this latter point, as elements of the ruling party and security sector began to appear sympathetic to the demands of those challenging Mutharika.

Yet while the case of Malawi indicates that popular and civil society resistance to backsliding is not only possible but also quite effective, it also suggests that the emergence of such resistance may be contingent on a particular set of contextual factors. In Malawi, the societal resistance that emerged reflected the economic situation, the character of the political environment, and the presence of viable allies. It also hinged on the specific nature and status of civil society. This suggests that we might exercise caution in suggesting that such broad-based resistance might similarly emerge in other contexts encountering backsliding. This is not to imply that the hope in challenging threats to democratic rule is misplaced; it merely reminds us that the path may not be easy.

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Notes

1. This story has been ably told by others, most notably by VonDoepp (2012), Cammack (2012), Gabay (2014), and Brooks and Loftus (2016).
2. Freedom House (2012b).
3. Njiragoma (2011); Presidential Commission of Inquiry …(2012:23).
4. See Somanje (2011); VonDoepp (2012); U.S. Department of State (2012).
5. *University World News* (2011).
6. VonDoepp (2012); Kasunda (2011).
7. *The Nation* (2011); Munthali (2011).
8. *Nyasa Times* (2012).
9. The 20-point petition can be found in Cammack (2012).
10. See also Dionne's (2011a) excellent account.
11. For specific details on the key players see Presidential Commission of Inquiry… (2012).

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12. Certainly, concerns were raised about the trajectory of the country at this time. See Freedom House (2013, 2014); *Lusaka Times* (2012a, 2012b).
13. World Bank, World Development Indicators, http://databank.worldbank.org.
14. www.afrobarometer.org.
15. www.afrobarometer.org.
16. The World Bank, World Development Indicators, http://databank.worldbank.org.

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