



**MAP OF AUTHORITARIANISM IN
GEORGIA**
METHODOLOGY

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Based on the methodology the map of authoritarianism in Georgia was developed.

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METHODOLOGY AND RESEARCH DIRECTIONS FOR STUDYING AUTHORITARIAN AND ILLIBERAL PRACTICES IN GEORGIA

Davit Zedelashvili, Research Institute - Gnomon Wise

1.1 Introduction: From Regime Classification to Authoritarian Practices

Over the past thirty years, following the restoration of sovereignty, Georgia has consistently been labeled as a hybrid political regime within the "gray zone" where it neither fully embodies a constitutional democracy nor represents a complete autocracy, despite its liberal-democratic constitution from a formal standpoint. There is a consensus on this classification, as evident in the reports of global democracy rating agencies (Freedom House, 2023) and academic literature (Morlino, 2021).

The contemporary definition of authoritarian regimes in political science carries a negative connotation. Authoritarianism is characterized as a regime where power lacks accountability through democratic means (Linz, 1975). Consequently, studies on authoritarianism are methodologically reliant on the normative theory of democracy and the definition of democratic processes, such as the notion of free and fair elections.

The thesis regarding the increasing autocratization of Georgia holds significant prominence in both public and academic discourse, stemming from the assessment of the combined impacts of the contentious elections in 2018 and 2020 and the measures implemented by the ruling regime of the "Georgian Dream" to consolidate power (Kakachia & Lebanidze, 2023).

Autocratization is characterized as a process aimed at transforming a particular political regime into an authoritarian one (Lührmann & Lindberg, 2019). Consequently, it is crucial to examine Georgia within both global and regional contexts. Moreover, when discussing autocratization, the discourse within academic literature and the reports of global democracy rating agencies diverges into two main directions.

Firstly, the outcome of the autocratization process, namely the consolidation of an authoritarian regime, which is reflected in the regime classification, is assessed. Secondly, the autocratization process and its impact on the decline in the quality of democracy are evaluated.

In Georgia's case, regarding the first aspect, global rating agencies have not altered the regime classification; Georgia remains categorized as a hybrid regime. Conversely, although the quality of democracy has declined in the ratings, this has not prompted an anticipation of a potential alteration in the regime classification.

The escalating decline in the quality of democracy indicates a broader global trend. Specifically, there is a growing consensus among academic literature and democracy rating agencies regarding the increasing tide of autocratization (V-Dem, 2023). This consensus is rooted in the empirical data collected and analyzed by these agencies concerning the state of democracy worldwide. However, despite these agencies' academically sophisticated and diverse methodologies, the results and conclusions from such methodologies continue to evoke significant controversy in academic literature and public discourse (Treisman, 2023).

In recent times, central criticism has shifted away from the scope and stringency of the criteria utilized to evaluate the state of democracy and categorize regimes and towards the level of dependency of data analysis and interpretation on subjective factors within this methodology (Little & Meng, 2023). Remarkably, the methodological foundations of coding quantitative data and the influence of researcher bias on both the coding process and the resultant findings warrant significant critical scrutiny.

Recent academic research indicates that bias, as mentioned earlier, plays a significant role in data analysis. However, this acknowledgment does not diminish the value or credibility of the methodologies employed or undermine the results, including regime classifications, derived from them. Instead, it underscores the importance of exercising increased caution and self-restraint when concluding with far-reaching implications.

Biases are inevitable and cannot be eradicated, especially regarding normative concepts such as democracy or constitutional democracy, which are rooted in theories rich with values. Eliminating or substituting the value judgment component is impossible in such instances.

The formalization of research models and reliance on statistical data can either strengthen or weaken such value judgments and conclusions. When measuring the extent to which normative requirements are met, the formal model is a supplementary tool for value judgment. It cannot transform it into an objective, value-free assessment.

Despite the dynamic nature of democracy rating agency models, which continuously track the trajectory of democracy in countries over time, there is often a lack of timely assessment of deteriorations in the quality of democracy, regression, and changes in regime classification. This limitation is attributed to the objective factors inherent in the methodology, as previously discussed.

While particular criteria utilized by rating agencies are less affected by value bias and are comparatively more objective, relying solely on them for assessing the state of democracy and particularly for determining regime classification would not be justified.

Regardless, a research program aimed at studying the process of autocratization in Georgia and its outcomes cannot rely solely on qualitative criteria for regime classification. To fruitfully study Georgia's autocratization, it would be essential to develop and operationalize a methodology similar to that used by global democracy rating agencies. However, replicating their work would be less desirable due to limited resources in both academic and civilian spheres.

Furthermore, concentrating solely on regime classification and qualitative indicators of democracy, especially in the context of ongoing processes, may yield fewer results and necessitate a shift in methodological perspective.

Considering these factors, the methodological perspective proposed in this paper for examining the ongoing process of autocratization in Georgia advocates for a practice-based approach (Glasius, 2018). While this approach may be relatively new in political science, its innovative and adaptable nature is increasingly gaining traction.

In a practice-based approach, the focus shifts from examining the regime type to studying specific practices. Authoritarian and illiberal practices are particularly interesting to researchers of authoritarianism. It's crucial to note that these practices extend beyond formal legal actions conducted by state actors.

The practice perspective broadens the range of actors involved (encompassing private actors within society and transnational and international private and public actors) while extending the scope of these practices beyond the confines of the state system, encompassing other societal organizations and international actors.

Crucially, the practice-based approach to authoritarianism research moves away from a singular focus on elections, which traditionally serves as a primary axis for classifying regime types, and instead incorporates a broader methodology. While elections remain an essential factor, exclusively centering on them may overlook significant information regarding the behavior of authoritarian regimes and actors.

These methodological reorientations present significant opportunities for analyzing the process of autocratization, including the evaluation and anticipation of established outcomes. However, adopting the practice-based approach does not preclude judgments on regime classification. Moving away from the traditional focus on regime classification does not entail completely disregarding this issue.

Applying a practice-based perspective enables the analysis of deeper layers of

autocratization that a focus on regime types and elections might have overlooked. For instance, the collaboration between authoritarian and illiberal state and non-state actors in transnational repressions against civil activists and journalists is a crucial indicator of autocratization (Gorokhovskaia and Linzer, Freedom House Report, 2022).

An illustrative instance in Georgia is the case of Azerbaijani journalist and civil activist Afgan Mukhtarli. He was unlawfully detained by the Georgian security service and subsequently handed over to Azerbaijan's state security agencies in the neutral zone of the Georgia-Azerbaijan border.

The probability of overlooking instances of unlawful detention and transfer to another state, exacerbated by the lack of clarity regarding the involvement of state actors due to the state's failure to conduct a thorough investigation, is substantial within the frameworks utilized by democracy rating agencies. However, recognizing such actions as authoritarian and illiberal practices could significantly enhance the understanding of the autocratization trend in Georgia.

1.2 Authoritarian and Illiberal Practices and their Role in Authoritarianism Research

Authoritarianism research agenda based on the practice approach has been proposed by Glasius (Glasius, 2021). She defined authoritarian as well as illiberal practices and elaborated on the issues of similarities and distinctions between them.

Authoritarian and illiberal practices both undermine the values and institutions of constitutional democracy, however they differ according to the **type of harm** they inflict. Specifically, authoritarian practices undermine accountability, while illiberal practices undermine individual autonomy and dignity.

Therefore, Glasius defines authoritarian practices as authoritarian practices “... patterns of action that sabotage accountability to people (the “forum”) over whom a political actor exerts control, or their representatives, by means of secrecy, disinformation, and disabling voice.” In contrast to authoritarian practice, illiberal practice “...is patterned and organized infringements of individual autonomy and dignity.”

Despite analytical distinctions, authoritarian and illiberal practices are closely related. Sabotaging accountability sought by authoritarian practices ultimately undermines human rights and their fundamental underlying values, like individual autonomy and human dignity. At the same time, widespread recourse to illiberal practices also shatters accountability.

Therefore, these practices are mutually overlapping and reinforcing. However, maintaining an analytical distinction between them is still valid, especially for academic and research purposes. In addition, it is essential to underline that authoritarian and illiberal practices are not exclusively linked to any specific political regime type.

We find these practices in constitutional democracies, hybrid, and authoritarian regimes. Engaging in these practices is not a sufficient or decisive factor in regime classification. However, the cumulative effect of these practices may result in regime transformation.

The embeddedness of these practices in specific contexts implies that their authoritarian and illiberal objectives are cognizable only in these contexts. It is also important to note that identification of these objectives is conclusively done only in retrospect once the harmful consequences have arrived.

Context embeddedness implies that some instruments, specifically constitutional and legal means employed in authoritarian and illiberal practices, are not authoritarian and illiberal per se. They are rendered authoritarian and illiberal

by local power actors in local contexts who wield these instruments to achieve illiberal and authoritarian ends.

Illiberal constitutionalism and authoritarian constitutionalism are practices that parasitically relate to liberal constitutionalism and abuse its institutions and mechanisms (Uitz, 2021).

Thus, it is possible to work out the typology of authoritarian and illiberal practices based on these definitions. Specifically, authoritarian practices can be classified according to the process or channel of accountability they target. In this regard, Glasius included measures relating to restricting **access to information** on the one hand and measures **disabling the people's voice**.

In relation to illiberal practices, classification is possible according to the fundamental rights and values they target. In this respect, it is important to note that illiberal practices which target fundamental civil and political rights (e.g. Freedoms of speech, assembly, and association) could be simultaneously categorized as authoritarian practices as its collateral effect also undermines accountability.

It is also possible to analyze authoritarian and illiberal practices according to the actors involved in them. Namely, such actors could be any of the following: those with formal power or those having influence or control over formal institutions of power at the levels of state, society, organizations, or the international arena.

It is also essential to study how these practices are implemented in constitutional and legal systems. Authoritarian and illiberal practices may be implemented constitutionally or through legislation on society and legal system levels.

studied constitutional law, authoritarian and illiberal practices are already studied in the academic literature on illiberal constitutionalism (Landau, 2021; Sajó, 2021) and authoritarian constitutionalism (Tushnet, 2015; Frankenberg, 2019). In this respect, the constitutional perspective of analysis of illiberal and constitutional practices is essential in the Georgian case, too.

Beyond the constitutional perspective, it is also essential to study authoritarian and illiberal practices on the levels of legislation, public policies, practices of executive, local self-government, and judicial institutions, as well as practices of informal institutions and actors of informal power.

1.3 Authoritarian and Illiberal Practices in Georgia- Overview of the Research Landscape

After defining authoritarian and illiberal practices and listing their general typologies, it is necessary to operationalize this methodology in the Georgian context and distinguish those types of authoritarian and illiberal practices that are particularly ripe for exploration.

Authoritarian Practices

Authoritarian practices can be grouped according to these general effects:

- a) Capture of executive power and consolidation of state power around the executive branch.***
- b) The capture of independent institutions and their instrumentalization in subverting accountability of state power.***
- c) Sabotage and breakdown of existing constitutional mechanisms of accountability.***
- d) Ensuring that leaders stay indefinitely in power through abusing democratic and constitutional processes.***

Regarding heading a), it is crucial to explore in depth the following practices: Capture of nominally independent executive and quasi-executive institutions located beyond the formal confines of the executive branch and their integration into a single consolidated power vertical. Such capture could be executed by constitutional, legislative, or informal means or their combination. The institutions under focus may include: The prosecution service; State security service; Independent regulatory agencies (communications and energy regulators); Central election commission; Election administration.

The COVID-19 pandemic response and management could be the subject of a separate inquiry, focusing on how the delegation of untrammelled discretionary powers aggrandized the regime's executive arm. Broad legislative delegation copied the legal regime applicable under the state of emergency, and the captured constitutional court cleared its constitutionality.

Regarding the heading b), independent constitutional institutions such as the public defender, state audit service, and National Bank of Georgia (central bank) could be studied. Statutory bodies like the Special Investigative Service, inspectorate of Personal Data Protection, and Anticorruption Service could be examined.

Regarding the heading c), practices of the rule of law abuse and breaches both on constitutional and level and in the practice of executive power and informal actors

deserve closer scrutiny. In this respect, capturing judicial institutions like the apex court and ordinary judiciary warrants special attention.

In addition, it is also advisable to examine those practices that sabotage parliamentary oversight and control over the executive, including the barriers that hamper parliamentary opposition from exercising its functions.

Regarding heading d), those constitutional, legislative, and informal measures warrant additional scrutiny that aims to manipulate the electoral process with the purpose of perpetuating the hold of the regime's leadership to power. In this respect, beyond the constitutional and legislative measures, those informal practices need further exploration, which, combined with formal power mechanisms, are used to mobilize the regime's electoral support base.

The following is the non-exhaustive list of such practices: 1. Voter recruitment through offering employment in civil service (including the public corporations and public law legal entities of the central government and local self-government bodies). 2. Leveraging repressive measures in exchange for voter mobilization (using promises of parole, suspended sentence, amnesty, including the amnesty of administrative fines, return of revoked licenses, and permits in return for voter mobilization for the regime. 3. Using the regime's client business organizations (including the recipients of public procurement contracts) for voter mobilization for the regime. 4. Practices of direct vote buying.

Illiberal Practices

Illiberal practices could be grouped into two main types according to their consequences:

a) Sabotage of individual autonomy and human dignity and increasing the dependence on the regime power.

b) Breaching the constitutional principle of state neutrality and equality through Constitutionalization and legislation of substantive ethical considerations. Bolstering the privileged status of dominant social groups and regime loyalists.

Regarding heading a), In the Georgian context, several essential issues require scrutiny, namely:

- › **Illegal mass surveillance** (Feldstein, 2021) – In this respect, examining the constitutional court's role is crucial. Since 2018, the constitutional court has been postponing the decision, keeping a massive presumptively unconstitutional “legal black hole” in legislation, which enables state security services to conduct mass surveillance under the veneer of “legality.” Mass leaks of the so-called “surveillance files” and the Georgian state’s inadequate legal response also require examination.
- › **Restrictions on freedom of expression, media control, persecution, and repression against journalists** – Georgia has experienced all practices that scholars identify as measures of media control in authoritarian and illiberal regimes (Culloty & Suiter, 2021), namely: 1. Ownership capture (Rustavi 2 case). 2. Imposing financial hardship with the aim of capture (cases of Mtavari TV and Formula TV). 3. Regulatory pressure: In this regard, the transformation of the communications commission into a media censorship entity and selective punishment of opposition media is noteworthy. 4. Attacks and persecution against journalists, including legal repression: In this respect, the politically motivated conviction and imprisonment of Nika Gvaramia is notable. Also, the regime orchestrated the pogrom of journalists on July 5, 2021, and cases of persecution and attacks against individual journalists.
- › *Deterioration of the legal and constitutional protection of freedom of expression and the relevant standards deserves further attention, notably in libel cases (so-called SLAPPs) where plaintiffs are the central public figures of the regime and members of their family/entourage.*
- › **Curbing freedom of assembly and protest mobilization** (Hamilton, 2021)- In this respect, practices to be studied are repressive instrumentalization of

qualitative defects of the code of administrative offenses, also the police, and other repressive practices against protest movement and protest mobilization, including pressuring civil servants to refrain from protest-related rights, repressive measures due to the involvement in protest activities against the protesters and their family members, and similar measures.

- › **The instrumentalization of drug enforcement policies for voter mobilization and increasing individual dependency on the regime-** Practices of using repressive measures as leverage of voter mobilization (promises of annulment of fines, using suspended sentence or release on parole on drug offenses in exchange for vote mobilization in regime's support) and abusing institutions of social care for voter recruitment (for example, the control and electoral mobilization of the beneficiaries of methadone substitution programs).
- › **The instrumentalization of the social welfare benefits system for voter mobilization and increasing individual dependency on the regime.**

Regarding heading b), it is warranted that these issues are further examined:

- › *The instrumentalization of homophobic and xenophobic rhetoric during the regime's election campaign in 2016 on the issues of the constitutional prohibition of same-sex marriage and the sale of agricultural land to foreign nationals. The regime obtained a constitution-amending majority in the parliament and enacted both constitutional bans.*
- › *The privileged constitutional status of the Georgian Orthodox Church and the relevant state policies and practices entrench this privileged standing in the society.*

1.4 Conclusion

It is expected that the analysis of the regime practices in Georgia based on the methodology sketched in this document will contribute to creating systematized empirical data on the functioning of Georgia's constitutional system and political regime. The final objective of this work is not to pass judgment on the classification of Georgia's political regime. However, the knowledge generated based on this methodology will also help scholars working on the issues of political regime types and classifications.

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