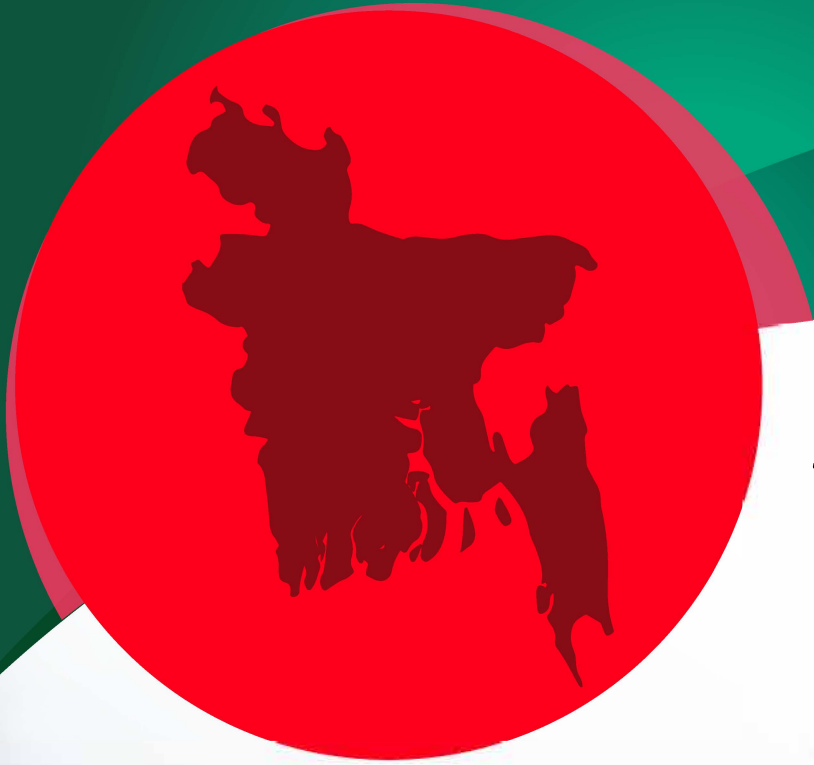


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The Nature and Quality of Democracy in Bangladesh: An Assessment

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Abstract

This paper argues that since the democratization process began in 1991 Bangladeshi politics has shown symptoms of hybrid regimes. With serious shortcomings in governance in Bangladesh – from non-functioning of the parliament, absence of rule of law, politicization of the judiciary, extra judicial killings, etc. – the country’s transition from authoritarian to democratic norms in fact remains quite incomplete. The article uses empirical measurements instead of anecdotal evidence or subjective analysis to examine the “*hybrid regime*” phenomenon. Six defining characteristics form the basis of analysis: competitive elections, corruption, democratic quality, press freedom, civil liberties, and rule of law. To facilitate the processes of democratization, lest the country reverts to a de-facto one-party authoritarian state, the need for a strong and effective political opposition and a renewed interplay between ordinary citizens and the opposition is emphasized, in addition to developing a civic culture of engagement.

1 Introduction

In the past two decades, despite conducting several free and fair elections and being ruled by elected civilian regimes, Bangladesh has witnessed serious shortcomings in governance. Non-functioning of the parliament, absence of rule of law, politicization of the judiciary, unabated extra judicial killings, and a growing phenomenon of enforced disappearance have given credence to the argument that the nation’s transition to democracy from authoritarianism has remained incomplete. Some fundamental elements of democracy have remained elusive for decades, and the quality of governance is deteriorating at an alarming rate. Events since the 1990s show that the nation is in a state of perpetual political crisis.

Against this backdrop, the paper assesses the nature and quality of democracy in Bangladesh. I argue that Bangladesh displays emblematic features of “*hybrid regimes*” (Diamond 2002) — “*regimes [that] are neither a subtype of autocracies nor of democracies but a regime type on their own, encompassing those political systems that on plausible grounds cannot be classified as either autocracy or democracy*” (Bogaards 2009, Lauth 2002).¹

This paper draws on composite data of various elements of democratic governance and political culture to test the hypothesis and provides an empirical analysis of the quality of democracy in Bangladesh. I will utilize composite indices and country rankings currently available in the public domain. The objective is to assess the

extant political system vis-à-vis the dominant features of hybrid regimes.

Given the expansive nature of the definition of “*hybrid regimes*” the paper probes further into the causes of their emergence and the nature of democracy. This exploration leads to the conclusion that Bangladeshi democracy bears the defining characteristics of “*delegative democracy*” (O’Donnell 1994) — a system which “*rest[s] on the premise that whoever wins election . . . is thereby entitled to govern as he or she sees fit, constrained only by the hard facts of existing power relations and by a constitutionally limited term of office.*”

The paper will conclude with brief remarks on the crucial elements of maintaining hybrid regimes and an attempt to shed some light on the future trajectories of democracy in Bangladesh.

2 Democratization, Reverse Wave and the Hybrid Regime

The scale of the global move towards democracy beginning in the 1970s, underscored in Samuel Huntington’s seminal study, *The Third Wave* (Huntington 1991), gave rise to the idea that the ideological battle had been won by democracy. It was proclaimed, almost in a triumphalist manner, that the twentieth century was the age of democracy. Fukuyama (1991) went to the extreme insisting that we had arrived at the “*End of History*” in the Hegelian

sense.² These discussions also underscored that democratization is a process which has various stages and each of them warrants closer attention. Hence, “*theories of democratic transition*” emerged.

By the beginning of the twenty-first century, the primary euphoria associated with the “*third wave*” had subsided. A whole new set of studies and analyses expressed serious concerns that some democracies were not consolidating, but were actually rolling back. An array of studies have discussed this new phenomenon (see Carothers 2002, Diamond 2008, Nathan 2003, Ottaway 2003).

Researchers since then have demonstrated that while a number of countries have progressed towards democratic systems, some have since regressed to authoritarianism, and others have remained stagnant either by choice or by default. It was a stark contrast to the predictions of the transition thesis.

It has now become evident that some regimes had adopted constitutionalism and electoral processes to the extent that free, fair, competitive, multi-party elections were held at regular intervals and limited political rights and civil liberties were granted, but the essence of democracy — to allow the voices of people in governance — remained unfulfilled. This deficiency has been blamed on the unwillingness of the political class, irrespective of ideological persuasion. At this point it became evident that the binary frame to understand the state of democracy was unhelpful; consequently the question metamorphosed into how to describe these democracies?

Various adjectives are being used to describe these regimes; for example, “*semidemocracy*,” “*virtual democracy*,” “*electoral democracy*,” “*pseudodemocracy*,” “*illiberal democracy*,” “*semi-authoritarianism*,” “*soft authoritarianism*,” or “*electoral authoritarianism*” (Levitsky and Lucan 2002). Diamond (2002) has broadly described them as “*hybrid regimes*.” Increasingly it has come to be accepted that hybrid regimes are neither a subtype of autocracy nor of democracy but a regime type of their own, encompassing those political systems that on plausible grounds cannot be classified as either autocracy or democracy (Bogaards 2009, Lauth 2002). Hybrid regimes are not to be confused with regimes in transition. Hybrid regimes are a particular type of regime whereas a regime in transition is precisely that, a regime changing from one type to another (Diamond 2002).

3 The Nature of Democracy in Bangladesh

Drawing on discussions and differentiation between various elected civilian regimes, this paper assesses the nature of Bangladeshi democracy under the civilian regimes

(1991–2006, 2009–to date). Instead of anecdotal evidence and subjective analyses, we turn to empirical measurement, utilizing various composite indices and country rankings currently in the public domain. This model is developed following Ekman (2009). The idea is to identify the features that fit the hybrid regime profile noted in the available literature, i.e. political systems that combine regular democratic elections with a number of democratic deficiencies, such as corruption, lack of press freedom, and poorly working systems of checks and balances between the executive and the legislative branches of government.

We look into six defining characteristics of “*hybrid regime*” and measure the status of Bangladeshi democracy with available data. We have distilled these data by a specific *combination* of scores: relatively high scores when it comes to elections, but low scores when it comes to other democratic practices. In succeeding paragraphs, we will develop empirical measures for, in turn, competitive elections, corruption, lack of democratic quality, press freedom, civil liberties, and the rule of law. We use several sources, such as European Intelligence Unit’s *Democracy Index*, Freedom House’s *Freedom in the World*, Transparency International’s *Corruption Perceptions Index* (CPI), *World Press Freedom Index* by Reporters without Borders, Amnesty International (AI) and the United States’ State Department (USSD)’s Terror Scale data. Instead of using single-year data we have used average data over a decade. When available we have used data for two decades (1991–2011).

3.1 Competitive Elections

The condition of having free and fair elections is a basic requirement for a democracy. To establish the presence of a hybrid regime, by contrast, the requirement is closer to “*elections make a potential difference*.” Here, we have utilized the Economist’s *Index of Democracy* 0–10 scale, where 10 represents the top score. In order to make an assessment of the elections, the designers behind the Economist index have looked at a number of aspects. For example, are elections for the national legislature and head of government free and fair? Do opposition parties have a realistic prospect of achieving government positions? The average of past years’ score shows Bangladesh scores relatively highly on the category “*electoral process*” (6 and above) in the Economist index. Four years’ average is above 7 on a 10-point scale.

3.2 Levels of Corruption

In order to assess the levels of corruption, we have utilized the country ranking provided by Transparency International’s *Corruption Perceptions Index* (CPI).

Table 1: EIU Democracy Index

Year	Rank	Overall score	Electoral process and pluralism	Functioning of government	Political participation	Political culture	Civil liberties
2006	75	6.11	7.42	5.07	4.44	6.25	7.35
2008	91	5.52	7.00	5.07	4.44	3.75	7.35
2010	83	5.87	7.42	5.43	4.44	5.00	7.06
2011	83	5.86	7.42	5.43	5.00	4.38	7.06

Source: European Intelligence Unit, Economist, *Democracy Index*, Various Years.

Table 2: Level of corruption

Index									
2011	2010	2009	2008	2007	2006	2005	2004	2003	
2.7	2.4	2.1	2.0	2.0	1.7	1.5	1.3	1.2	

Source: Transparency International, *Corruption Perception Index Report*, Various Years, <http://www.transparency.org/research/cpi/overview>

Table 2 shows that on the CPI 1–10 scale, where 10 represents no corruption and 1 highly corrupt countries, Bangladesh scored 2.7 or below between 2003 and 2011.

3.3 Lack of Democratic Quality

By lack of democratic quality we meant the lack of checks and balances of government and government accountability. The Economist Index uses a series of data to arrive at an average score. These data are gathered through the following questions: Is there an effective system of checks and balances on the exercise of government authority? Are sufficient mechanisms and institutions in place for assuring government accountability to the electorate in between elections? Is the civil service willing and capable of implementing government policy? We have used an average of the four available index scores and used 6 as the cutting off point. Bangladesh has consistently scored below 6.

3.4 Press Freedom

The state of press freedom in Bangladesh is derived from data in the “*World Press Freedom Index*” by Reporters without Borders. The index ranges from 0 to 110, where 0 signifies the top rating, i.e. no press freedom obstacles, and 110 the worst rating. Countries with scores above 20.00 are characterized as having a “*problematic press freedom situation*.” Between 2002 and 2012 Bangladesh has scored above 40, at times above 60.

3.5 Civil Liberties

We have utilized three sets of longitudinal data from the Freedom House’s *Freedom in the World* index to arrive at our gradation: a. 20 years of ratings of Civil Liberties (1991–2011, average is 3.9 on a scale of 0 to 7) (Table 4); b. 10 years of aggregate scores (2002–2012, average 31.8 on 0–60 scale) (Table 5); c. subcategories’ data of civil rights for seven years (between 2006 and 2012) of which one subcategory passed the 60 percent threshold (9 out of 15 points) (Table 6). The record here is mixed. Despite some years with serious deterioration, other years show a positive trend.

3.6 Rule of Law

One of the key features of the hybrid regime is the poor rule of law as a regime selectively uses laws for its own benefit and persecutes potential opponents. It also undermines the independence of the judiciary. Countries with hybrid regime experiences extra judicial activities including extra judicial killings. Operations of vigilante groups are commonly sanctioned by the government. We have utilized three sources to determine the rule of law situation: a. scores in the subcategory of ‘rule of law’ in the *Freedom in the World* (2006–2012, average 6.2 on a 0–15 point scale, the higher the points, the better is the rule-of-law situation) (Table 6); b. terror scale of Amnesty International (1991–2010, average 3.4 on a 1–7 scale where 7 is the worst) (Table 7); c. terror scale of United States Department of State (1991–2010, average 3.7 on a 1–7 scale where 7 is the worst) (Table 7). Drawing on these three

Table 3: Press Freedom

Year	2011–2012	2010	2009	2008	2007	2006	2005	2004	2003	2002
Rank	129	126	121	136	134	137	151	151	143	118
Score	57.00	42.50	37.33	42.70	53.17	48.00	61.25	62.50	46.50	43.75

Source: Reporters Without Borders, *World Press Freedom Index*, Various Years, <http://en.rsf.org/press-freedom-index-2011-2012,1043.html>

Table 4: Freedom House Scores 1991–2010

Year	Political Rights	Civil Liberties
1991	2	3
1992	2	3
1993	2	4
1994	2	4
1995	3	4
1996	2	4
1997	2	4
1998	2	4
1999	3	4
2000	3	4
2001	3	4
2002	4	4
2003	4	4
2004	4	4
2005	4	4
2006	4	4
2007	5	4
2008	4	4
2009	3	4
2010	3	4

Source: Freedom House, *Freedom in the World*, Various Years, <http://en.rsf.org/press-freedom-index-2011-2012,1043.html>

Table 5: Freedom House Aggregate Score, 2003–2012

	PR (0–40)	CL (0–60)
2003	21	33
2004	21	33
2005	22	32
2006	22	31
2007	22	31
2008	12	28
2009	22	30
2010	26	33
2011	26	34
2012	25	33

Source: Freedom House, *Freedom in the World*, “Freedom in the World: Aggregate and Subcategory Scores,” various years, <http://www.freedomhouse.org/report/freedom-world-aggregate-and-subcategory-scores>

Table 6: Subcategories of Political and Civil Rights

Year	Political Rights			Civil Liberties			
	Electoral Process	Political Pluralism	Functioning of Government	Freedom of Expressions	Associational and Organizational Rights	Rule of Law	Personal Autonomy and Individual Rights
2006	8	10	4	8	8	6	9
2007	8	10	4	8	8	6	9
2008	3	5	4	7	6	6	9
2009	9	9	4	8	8	5	9
2010	9	11	6	9	8	7	9
2011	9	11	6	9	9	7	9
2012	9	11	5	9	8	7	9

Note: The ratings process is based on a checklist of 10 political rights questions and 15 civil liberties questions. Political Pluralism and Participation (4), and Functioning of Government (3). The civil liberties questions are grouped into four subcategories: Freedom of Expression and Belief (4 questions), Associational and Organizational Rights (3), Rule of Law (4), and Personal Autonomy and Individual Rights (4). Scores are awarded foreach of these questions on a scale of 0 to 4, where a score of 0 represents the smallest degree and 4 the greatest degree of rights or liberties present. The highest score that can be awarded to the political rights checklist is 40 (or a total score of 4 for each of the 10 questions). The highest score that can be awarded to the civil liberties checklist is 60 (or a total score of 4 for each of the 15 questions). (*Source:* Freedom House, *Freedom in the World*, "Freedom in the World: Aggregate and Subcategory Scores," various years, <http://www.freedomhouse.org/report/freedom-world-aggregate-and-subcategory-scores>)

Table 7: Rule Law/Terror Scales

Year	Terror Scale AI	Terror Scale USSD
1991	3	4
1992	4	4
1993	3	3
1994	3	3
1995	3	3
1996	3	4
1997	3	4
1998	2	4
1999	3	3
2000	3	3
2001	4	3
2002	3	4
2003	3	4
2004	4	4
2005	4	4
2006	4	4
2007	4	4
2008	4	4
2009	4	4
2010	4	4

Source: Political Terror Scale (PTS), www.politicalterror.org/countries.php?region=Eurasia&country=Bangladesh

sources we have concluded that the rule-of-law situation in Bangladesh is a matter of serious concern.

3.7 The Comprehensive Picture

These disaggregated data on six key features of governance and state of democracy are now compiled into a table to present a comprehensive picture (Table 8).

In the last column in Table 8, we have summarized the number of affirmative “*hybrid regime*” indicators. The highest possible score is 6, and Bangladesh scored 5.

The indices have clearly revealed that democracy in Bangladesh can be described as hybrid regime. Bangladesh is not unique in this regard; an array of countries falls into this category. As we have discussed earlier the category is broad enough to include a wide range of regimes which do not fit into either the full democracy or outright authoritarianism categories. Hence, it is incumbent on us to explore further and discuss other characteristics that help us to bring some specificity to the nature and quality of democracy. In this regard, the concept of Tutelary Control (TC) provides helpful clues.

4 Tutelary Powers

Tutelary powers undermine the authority of democratic politics and they (elected representatives) are subordinate to the whims and wishes of their unaccountable masters (Schedler 2002). According to (Puhle 2005), “*This type of defective democracy is characterized by the existence of reserved domains of undemocratic forces functioning as extra-democratic power centers and veto players, like the military or some traditional oligarchic factions and groups. Apart from the classical case of Atatürk’s Turkey, this type has been more frequent in Latin America (down to its somewhat reduced form in contemporary Chile) and in Southeast Asia, than in other parts of the world.*”

In new democracies this often means that power lies with the military (for example, Guatemala, El Salvador) or clerical leadership (for example, Iran). The concept has been used more frequently and its analytical value has been tested more vigorously in the context of Latin America. For a critique of the concept and its usage in the Latin American context, see Rabkin (1992–1993). Tutelary power as practiced in Bangladesh takes the form of party leaders who have been elevated to leadership positions due to their family lineages and established *dynastic rule* within parties. Power has been concentrated in the hands of one or two leaders (for example, Sheikh Hasina, Khaleda Zia, General Ershad). For a detailed discussion on dynastic rule in Bangladeshi politics, see Ali (2010). The entire political class, irrespective of their party affiliations, has adopted two strategies: majoritarianism and coercion. The former is achieved through elections. In this

regard the Bangladeshi political class has internalized the archetypal characteristics of what O’Donnell has called “*delegative democracy*” (O’Donnell 1994).

5 Delegative Democracy

In delegative democracy what is needed is to create a majority and establish a claim that the elected leader embodies the nation. The system is highly individualistic, yet it emphasizes the electoral process, because election is the way to create a majority. “*This majority must be created to support the myth of legitimate delegation.*” And given the significance “*elections are very emotional and highstakes events.*” Ironically, the role of the election and electorates are limited: “*candidates compete for a chance to rule virtually free of all constraints save those imposed by naked, noninstitutionalized power relations. After the election, voters/delegators are expected to become a passive but cheering audience.*” Typically the Presidential system provides the opportunity, although it is easy to discern how that fits into the parliamentary system in Bangladesh where the Prime Minister has a Presidential aura: “*whoever wins election to the presidency is thereby entitled to govern as he or she sees fit, constrained only by the hard facts of existing power relations and by a constitutionally limited term of office. The president is taken to be the embodiment of the nation and the main custodian and definer of its interests*” (O’Donnell 1994).

Gramsci further opined that consent and coercion co-exist in all societies. The coercive elements inherent in a hegemonic system are laid bare if, and when, the ability of the ruling classes to organize consent weakens. Under normal circumstances, the elements of coercion are kept latent, concealed. The ruling classes seek and, of course, prefer the active and voluntary consent of the subordinate masses. But when the masses ‘do not “consent” actively or passively’ or the consent is not sufficient to reproduce capitalist relations, the apparatus of state coercive power “legally enforces discipline on those ... who do not consent” (Gramsci 1971). That is why the ruling classes, in any society, attempt to impose a general direction on social life through their ideology and ensure social conformity to that ideology. If this fails, coercion becomes the principal tool to rule the masses. The enactment of laws inimical to human rights, either creating or continuing paramilitary force such as the Rapid Action Battalion (RAB), and providing impunity to coercive forces by all elected civilian regimes in the past two decades reveal that the political class of Bangladesh has opted for coercion to make up for the absence of hegemony.

In the event of lack of hegemony and consequent dependence on coercion, the political class not only tramples on political rights and civil rights at will, but also

Table 8: Indicators of Hybrid Regime

Competitive Elections	Significant levels of corruption	Lack of democratic quality	Problematic press freedom situation	Poor civil liberties situation	Lack of rule of law	Hybrid regime indicator
x	x	x	x		x	5

Source: Author's compilation.

resists any efforts to hold it accountable. In common understanding accountability is of two kinds: vertical and horizontal. There is an inherent contradiction in underscoring the importance of elections on the one hand while opposing the notion of accountability on the other. For the political class accountability has only one meaning — vertical accountability (making elected officials answerable to the ballot box); whereas, “*in institutionalized democracies, ... accountability runs also horizontally, across a network of relatively autonomous powers (i.e., other institutions) that can call into question, and eventually punish, improper ways of discharging the responsibilities of a given official*” (O'Donnell 1994). Smulovitz and Peruzzotti (2000) have suggested a third kind of accountability: societal accountability: *Societal accountability is a non-electoral, yet vertical mechanism of control that rests on the actions of a multiple array of citizens' associations and movements and on the media, actions that aim at exposing governmental wrongdoing, bringing new issues onto the public agenda, or activating the operation of horizontal agencies. It employs both institutional and noninstitutional tools* (Smulovitz and Peruzzotti 2000).

In Bangladesh, not only does the political class oppose but actively frustrates any efforts to build institutions that will be the source of horizontal accountability. The long standing struggle to create the National Human Rights Council (NHRC) in Bangladesh is illustrative in this regard. While the NHRC has finally come into being in the past year, it has remained fragile and ineffective due to lack of resources and the government's unwillingness to provide it any power. Similar attitudes towards the Anti-Corruption Commission (ACC) corroborate the point. These institutions are considered by the political class, irrespective of their party affiliations, as unnecessary, burdensome and detrimental to the political mission. Vilification of social movements by party leaders and ministers including the PM is the most glaring example that the ruling regime is opposed to any kinds of societal accountability. If any evidence is necessary, one can recollect the reactions of the ruling party and the PM regarding the social movement against the road accidents in August 2011. In similar vein, the PM has incessantly criticized the media for finding fault with her administration.

The notion of rule has remained elusive to Bangladesh

for decades. The narrowest definition of the *rule of law* involves ensuring security of the citizens, guaranteeing equality before the law and the separation between the executive and judiciary. Any observer of Bangladesh knows that no progress has been made in these three aspects since 1991. The extrajudicial killings, at the hands of the law enforcing agencies and through public lynching, have been on the rise. Between January and May of 2012, at least 45 people were killed by the law enforcing agencies according to a Human Rights Group. The group also informs of an ominous development — enforced disappearance. At least 13 people have reportedly disappeared during this period (Odhikar 2012). The impunity accorded to the perpetrators, throughout the history of the nation, has made the situation worse.

6 Conclusion

There is a clear consensus among political scientists and analysts that no specific subset of hybrid regime is in a transitional stage; that means there is no clear path to full democracy or authoritarianism. There is a dearth of data to determine the durability of the hybrid regime, including delegative democracies, as the phenomenon is new. Thus charting the trajectory of the delegative democracy is a challenging task, to say the least. However, three arenas are considered crucial for the maintenance of hybrid regimes: the electoral arena, the executive and legislative arena, and the judicial arena. In a study of three hybrid regimes — Russia, Venezuela, and Tanzania, Joakim Ekman argued that in addition to these three “*the role of the public stands out as a distinct dimension.*” In hybrid regimes, since elections serve as a source of legitimacy and are often bitterly contested, they are open to a certain level of manipulation and abuse of state power. The level of manipulation depends on the strength of the opposition political parties and civil society. The records of hybrid regimes show that electoral manipulation has been both blatant and stealthy; constitutional measures have often been used by the regime. As for executive–legislative relations, weak and ineffective parliaments serve the purpose of the regime. However, they can still function as potential platforms for the opposition.

Subordination of the third arena is almost a prerequisite for the maintenance of the hybrid regime. Levitsky and Way argue that this is often done by means of bribery and extortion, and, if possible, by appointing and dismissing judges and officials. According to Brown and Wise (2004), institutions such as the supreme court or constitutional courts tend to function not only as arbiters of constitutionality and legal principles but also as advocates of the current regime. Ekman (2009), in all three hybrid regimes he studied, found both structural and political cultural elements as enabling forces. Among the structural factors “a weak or ineffective political opposition,” and “lack of interplay between ordinary citizens and opposition parties” were present in all three cases. As for political culture, the lack of civic culture and widespread disillusionment with politics continue to play roles, in various degrees.

While the enabling factors for the maintenance of hybrid regime are by no means the perfect predictors for the trajectory of democracy in Bangladesh, they do indicate what to avoid if Bangladeshi citizens want to move in a different direction.

Endnotes

1. Originally written by Lauth (2002) and translated and quoted by Bogaards (2009).
2. The central argument of the book (Fukuyama 1991) was made in an essay (Fukuyama 1989).

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