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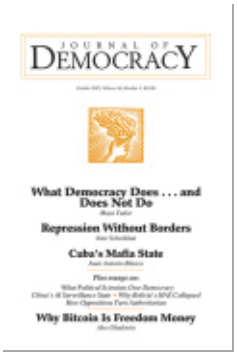

Journal of Democracy, Volume 36, Number 4, October 2025, pp. 75-91 (Article)

Published by Johns Hopkins University Press
DOI: *https://doi.org/10.1353/jod.2025.a970350*

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The presidential elections in Malawi in 2020 and Zambia in 2021 were hailed as watershed moments for democracy in sub-Saharan Africa. In the years leading up to these contests, both countries had drifted toward autocracy as increasingly powerful executives quashed dissent and bent state institutions to their will. Yet in Malawi, a landmark Constitutional Court ruling annulling the 2019 vote due to widespread irregularities—only the second such decision in African history—cleared the way for opposition leader Lazarus Chakwera to assume the presidency. In Zambia, growing frustration with President Edgar Lungu's controversial bid to prolong his tenure translated into a decisive electoral victory for longtime challenger Hakainde Hichilema. Regional and international observers greeted these outcomes as proof that constitutional guardrails and popular resolve could still halt democratic erosion. Chatham House celebrated Malawi as setting "a bold precedent for the continent" that was the result of a "process built upon the resilience of democratic institutions and the collective spirit of opposition,"[1] while the Council on Foreign Relations stated that the "resilience and resolve of Zambian institutions and voters is cause for optimism."[2]

These celebratory narratives assume that once an opposition party takes office, it will dismantle the illiberal scaffolding left by its autocratizing predecessor and return the polity to a democratic path. This premise is understandable: Opposition forces were decisive in many third-wave transitions, mobilizing protest and brokering elite pacts that toppled one-party or military regimes across Africa and beyond.[3] Yet scholarship on democratic resilience shows how formidable the structural and institutional barriers to recovery can be, particularly for oppo-

Journal of Democracy Volume 36, Number 4 October 2025

sition groups confronting autocratization.[4] Building on this perspective, we argue that excessive faith in opposition victories as a path to democratic recovery is misplaced. Just as electoral turnovers do not automatically imply democratization,[5] alternation after backsliding often fails to halt erosion and can even accelerate it; simply replacing an autocratizing incumbent seldom reverses the underlying trajectory.

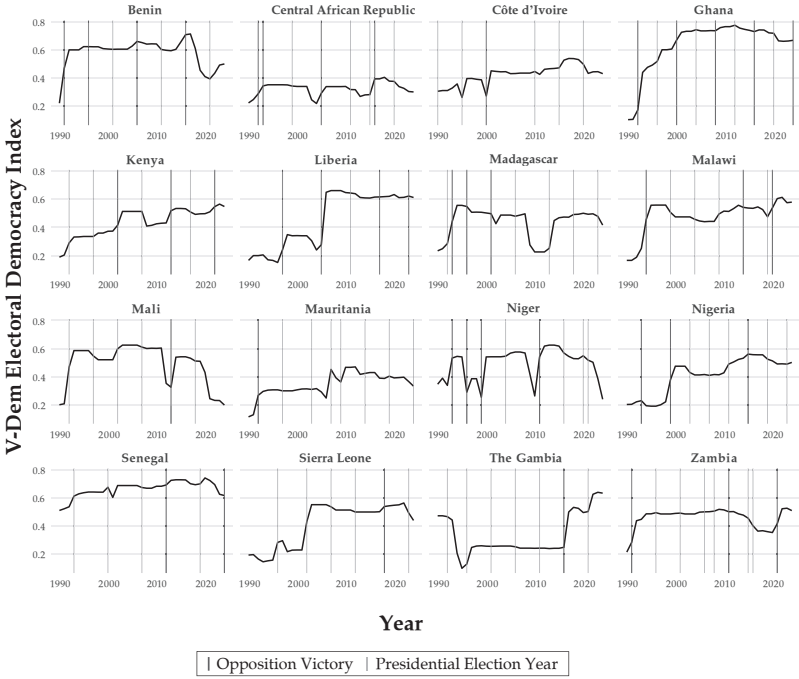
We attribute the challenges to democratic recovery to two key factors, both of which are often shaped during the preceding period of backsliding. First, the very process of democratic erosion leaves behind a set of severely weakened institutions, including pliable and subservient legislatures, politicized and captured courts, and compliant oversight structures. An opposition-turned-incumbent that inherits these institutions is either forced to confront the daunting task of rebuilding these institutions or is tempted to exploit them in order to consolidate power. Second, a lengthy period spent under the repression of the autocratizing incumbent can leave an indelible imprint on the opposition, including a firsthand understanding of what type of coercive and cooptive strategies are most effective in thwarting the opposition. The joint confluence of these two factors often entices the opposition, now in control, to wield the same tools that their predecessors had used against their opponents, who are now out of power. Many new opposition-turned-incumbents end up preserving—or even expanding—the authoritarian machinations they once so vehemently denounced.

Africa's Democratic Trajectory After Opposition Victory

There is a remarkable degree of optimism around opposition victory in the immediate aftermath of the autocrat's electoral ouster. By virtue of their role as challengers of the status quo (and the fact that they are often persecuted by the incumbent), it is easy for oppositions to cast themselves as defenders of democracy, especially in the period leading up to elections. When the opposition wins in the wake of a contested and potentially violent campaign, its victory symbolizes a public rebuke of the incumbent's authoritarian agenda—a sign of better things to come and the beginning of a democratic restoration.

In this way, the image of the opposition aligns well with the notion of the "liberator" that has extensively developed in research on democratic transitions. Yet the legacy of such liberators is mixed. While some live up to their democratic promise, a variety of examples across Africa, Latin America, and beyond illustrate how yesterday's liberator can become tomorrow's aspiring autocrat.[6] A brief cross-national examination of African cases provides corroborating evidence on this trend. In the Figure, we present data from Varieties of Democracy (V-Dem) on the democratic trajectory of African countries that have experienced at least one opposition victory since 1990.

FIGURE—DEMOCRATIC TRAJECTORIES AND OPPOSITION VICTORIES IN AFRICA



Source: Data from the Varieties of Democracy (V-Dem) project's Electoral Democracy Index, recoded by authors.

Notes: Figure depicts electoral democracy trends in African countries that have experienced at least one opposition victory since 1990 according to V-Dem data.

Plotted series represent electoral democracy scores. Vertical lines indicate years in which presidential elections were held, with black vertical lines indicating the years in which there was an opposition victory and gray vertical lines indicating the years of elections that did not result in a transition.

From Kenya (2002) to Benin (2016), opposition victories that initially looked like significant democratic breakthroughs often stalled or reversed, even within a single presidential term. Indeed, in roughly half of the forty opposition victories over autocratizing incumbents in sub-Saharan Africa since 1990, democracy scores plateaued or continued to decline in the five years that followed. Malawi and Zambia—whose earlier status as democratic trailblazers in southern Africa has already begun to ebb—appear to be on the same path.

These quantitative trends, while revealing, demand further inquiry. Why does opposition victory so often fail to halt or reverse democratic erosion? While it is tempting to attribute these failures to a simple lack of democratic commitment from new leaders, this explanation overlooks how new leaders often inherit a political system wherein the incentives for survival outweigh the ideals of reform. The complexity of this dy-

namic is often obscured by the very data we use to track it. Expert-coded indices such as those of V-Dem may be slow to register genuine improvements, yet they can be equally blind to the subtle, "smarter" forms of autocratization, such as the strategic use of judicial appointments or anticorruption bodies to stack the institutional deck in the incumbent's favor. The stagnation shown in the Figure could therefore be masking a more deliberate erosion that aggregate data alone cannot explain.

It is important that we understand why opposition victories often pave the way for a new, "smarter" form of autocracy while others do not. Indeed, given how oppositions often depict themselves as saviors of democracy, the frequency with which opposition victors renege on their democratic promises soon after coming to power presents a critical puzzle. To explain these phenomena, we turn our attention to the period preceding the opposition victory. Doing so underscores how new leaders do not begin their tenure in a vacuum; their decisions are often shaped by institutions inherited from the outgoing regime, as well as their personal experiences of victimization or harassment under the former incumbent. In what follows, we lay out a theory explaining how these factors create a logic for political survival that undermines democratic recovery and use case studies to demonstrate how such mechanisms operate and produce forms of subtle erosion that quantitative data can miss.

Inherited Legacies: Weak Institutions and Learned Repression

Our theory contends that what opposition-turned-incumbents do in office is not simply a matter of political will after assuming the reins of power; it is shaped by the period leading up to their election. Specifically, two factors shape how a newly elected opposition leader governs after the ousting of an autocratic incumbent: The first is the institutional landscape into which an opposition leader enters power, which affects subsequent courses of action; the second is the experience of the opposition leader during their persecution by the *ancien regime,* which affects the preferences of opposition-turned-incumbents once in office.

The ousting of an autocrat may remove the autocrat himself but not necessarily the institutions and norms that were cultivated under his rule. These include compliant courts, partisan electoral institutions, security apparatuses stacked with loyalists, and fiscal authority concentrated around the executive. Furthermore, rebuilding democratic institutions is often costly and time-intensive, especially when opposition victors inherit crippling debt or economic crises that ballooned under the outgoing regime.[7] Where legislatures are weak, judiciaries are politicized, and oversight institutions are captured, restoring the independence of these institutions may require years of reform efforts and coalition-building.

However, the political landscape inherited from the outgoing regime presents not just a challenge to opposition-turned-incumbents; it also

presents a temptation. In particular, captured institutions offer tools for new regimes to consolidate their own power. A subservient judiciary, for example, is accustomed to serving political masters rather than upholding the letter of the law; this makes it easier for incoming leaders to turn such institutions against political rivals, perpetuating the culture of autocratic lawfare that was created in the prior period. Similarly, a politicized electoral commission offers services that go beyond simple vote-rigging; it can be leveraged to disqualify opponents on technicalities, manipulate voter rolls, or push through constitutional amendments that advantage the new leader in future elections.

Beyond the judicial and electoral institutions of the *ancien régime*, the state's coercive and cooptive infrastructure offers opposition-turned-incumbents a potentially powerful weaponry. This includes a partisan security apparatus, including the police, military, and intelligence agencies, that can be used to surveil and intimidate political adversaries. At the same time, executive control over the economy, from state-owned enterprises to natural-resource contracts, provides a vast patronage network that allows a new leader to reward loyalists, buy the silence of critics, and ensure the financial dependency of key political actors and voter bases.

Faced with a choice between engaging in the slow, uncertain work of democratic restoration or using the well-oiled authoritarian machinery at their fingertips, many opposition-turned-incumbents find the latter path more tempting. This dynamic has played out in numerous post-turnover contexts. Benin's President Patrice Talon, for example, rose to power in 2016 as an opposition candidate on a reformist agenda to cleanse a corrupt political system. But he reversed course after assuming the presidency when the reforms deemed necessary to strengthen institutions seemed antithetical to his continued reelection, opting instead to engage in the very type of machinations against his political foes that his predecessor had used against himself. Talon's behavior exemplifies how the inherited institutional landscape creates not just the opportunity for authoritarian practices but a powerful pull toward them—one that is magnified by the second legacy to which we now turn.

The experience of opposition leaders as survivors of authoritarian repression can shape them in such a way that, if they come to power themselves, they may seek retribution against their former oppressors using the same methods that had been used against them. Autocrats who survive challenges against their rule learn to refine and adapt their repressive strategies.[8] The converse is true for dissident-turned-victors; they learn which instruments of power will be critical for their political survival once in office.

The impetus for retribution reinforces this tendency. Once in power, leaders who endured imprisonment and persecution under the *ancien régime* often face political pressure among their supporters—elites and

voters alike—to pursue a tit-for-tat strategy against their enemies.[9] In Côte d'Ivoire, Alassane Ouattara's 2011 victory at the polls was celebrated as an overdue moral reckoning. But two years into his tenure, Ouattara and his regime were accused of committing the same crimes against supporters of his predecessor, Laurent Gbagbo, to which they were once subject.

Retribution is not just about hot-headed revenge; it also feeds into the cold, strategic calculus of political survival. From the perspective of a new leader, allowing a former autocrat and that autocrat's network to remain a viable political force could pose an existential threat. If being in the opposition makes one a target for repression, it is in the self-interest of the opposition-turned-incumbent to ensure that opponents are prevented from resuming power lest the cycle of repression continue. Violence thus begets more violence as each side does whatever it takes to ensure that it does not lose control (and thus become the target of the regime in power).

This vicious cycle is not inevitable, however. Polities can escape the retributive trap when specific institutional and elite-level checks are present. Institutionally, the establishment of formal transitional-justice mechanisms, such as truth-and-reconciliation commissions, can replace the logic of "victor's justice" with a more inclusive process of national reckoning. Elite-level bargains are also critical. In some cases, outgoing autocrats negotiate explicit pacts or amnesty deals that guarantee a peaceful exit, dampening the victor's incentive for retribution. Furthermore, the nature of the opposition itself matters: A broad-based coalition may contain moderate factions that can act as an internal check on hardliners demanding retribution. Yet the absence or failure of such mechanisms can leave the strategic logic of political survival dominant, raising the risk of descent into a new cycle of repression.

Permissive Conditions: Why Backsliding Goes Unchecked

Opposition-turned-incumbents who hypocritically repress their ousted opponents are engaging in a costly strategy, especially when considering that their own rise to power was based at least in part on overturning the practices of their authoritarian predecessors. Two key factors, however, can attenuate these concerns: domestic polarization and international indifference.

First, in many polarized countries, whether repression is deemed good or bad is often correlated with support or opposition to the regime in power. Recent research has shown that partisanship conditions how voters interpret whether a leader is democratic in polarized contexts, especially where democratic backsliding has already taken place.[10] In short, everyone thinks their leader is the democratic champion. An opposition-turned-incumbent's crackdown on the incumbent-turned-oppo-

sition will thus not necessarily be seen as democratic backsliding to the former's supporters, but as a necessary and justified action to protect the nation from the "villains" of the old regime.

Second, even if Western donors mandate liberalizing reforms in exchange for access to foreign funds, they will likely be reluctant to activate these terms when new governments backslide, especially if cooperation on other key sectors, such as security or natural resources, is affected by withholding money. Ethiopia under Abiy Ahmed illustrates the dynamic: Foreign-aid agencies hailed the country's 2018 transition from nearly three decades of iron-fisted rule under the Ethiopian People's Democratic Revolutionary Front and disbursed unprecedented financial support, only belatedly imposing limited conditionalities after Abiy's security crackdowns in 2020–22. The increasing diversification of donor countries, and especially the rising importance of Chinese foreign aid in Africa, further weakens donor pressure as a binding constraint on opposition victors' behavior.

From Opposition Victory to Deepening Erosion

The cases of Malawi and Zambia illustrate how opposition victories can entrench legacies of democratic erosion. According to the quantitative evidence presented in the Figure, neither country jumps out as an obvious case of severe backsliding; their democracy scores have largely plateaued since the opposition victory. But this apparent stagnation is precisely what makes these cases so telling and thus so crucial, as aggregate indices such as V-Dem's so often fail to capture the subtle, procedural forms of institutional decay that occur behind a semblance of reform.

Both countries were celebrated for rejecting would-be autocrats at the ballot box, yet new leaders soon confronted the same pliable institutions and survival incentives that had enabled and impelled their predecessors to subvert democracy. In Malawi, Chakwera has quietly repurposed inherited tools—expansive appointment powers, politicized anticorruption enforcement, and selective voter registration rules—to strengthen executive dominance while passing rule-of-law reforms that purport to constrain arbitrary authority. In Zambia, meanwhile, Hichilema has pursued a more overt strategy of court packing, lawfare, and stringent policing of opposition activity, deepening the very distortions he once decried. Together, these cases demonstrate that opposition victory is no antidote to backsliding; where illiberal institutions remain intact and opposition leaders have learned to value their utility, democratic erosion is likely to persist, albeit in a subtler and more sophisticated form.

Malawi: Quiet cooptation and persecution as prosecution. In 2019, the courts played a decisive role in Malawi's presidential election by overturning the reelection of President Peter Mutharika (2014–20),

paving the way for Chakwera's election. The historic ruling—only the second time in African history that a court nullified the election of an incumbent president—was initially heralded as a profound moment of democratic resilience. The court upheld its decision despite intense pressure from Mutharika, most notoriously through his failed attempt to forcibly retire the presiding chief justice and other superior judges. This showed a remarkable degree of judicial autonomy in such a young democracy and was widely interpreted as a sign of the robustness of Malawi's democratic institutions, especially its courts.

Presidential deference to the judiciary, even in the wake of controversial decisions, is an important touchstone of judicial independence. Mutharika's attempts to punish the judiciary following the nullification of his election were condemned by both domestic and international jurists as blatant subversion of the rule of law. Yet the president's subsequent effort to control the courts in the lead-up to the rerun vote—by appointing three new justices to the High Court—did not receive the same degree of condemnation, though there was speculation that the move was calculated to stack the bench in his favor.[11]

While Mutharika's eleventh-hour appointments did not have an immediate bearing on the election outcome (he still lost), they do point to a broader strategy of court packing that predated Mutharika and has persisted under Chakwera. The logic of court packing is to fill the bench with like-minded allies, mitigating the risk that courts will disobey the president's preferences in the first place. Court packing is common practice in both democracies and autocracies, but is more complicated in Malawi, whose judiciary is chronically understaffed. Thus many such appointments have been part of a broader effort to ensure that the courts can perform at their intended capacity. Court packing could, therefore, be interpreted as a particularly insidious strategy of reining in judicial independence because, on the surface, the president is simply building out an understaffed judiciary.

In Malawi, the power of the president to determine the composition of the bench is unusual, considering what is specified in the 1994 Constitution: Judicial appointments are to be coordinated between the president and the Judicial Service Commission (JSC), which is composed of the chief justice and other leading jurists. Yet presidents routinely appoint their preferred picks and ignore JSC recommendations.[12]

Indeed, Chakwera, much more than his predecessor, has exercised his presidential prerogative to an extreme degree by undertaking a flurry of judicial appointments during his first term in office, which is nearing its end. In fact, he has appointed more judges during his five years in office than any other president in Malawi's democratic history: more than two-dozen justices (half of them during his first five months in office) to both the High Court and the Supreme Court of Appeal.[13] His efforts have thus significantly expanded the bench at various levels of the judi-

cial hierarchy. In addition to filling vacant postings, Chakwera has also benefited from the constitutional expansion of the court following the 2024 passage of the Judicial Service Administration Bill and Constitution (Amendment) Bill, which created several new judicial positions, including that of deputy chief justice.

Chakwera's waning popularity heading into the election suggests that he may face a hard battle and a potential déjà vu moment with Mutharika as they vie for the presidency.

Chakwera is often praised for his efforts to expand a chronically understaffed judiciary, as well as his attempts to strengthen judicial infrastructure through Chinese investment in the construction of a new national headquarters for the judiciary that will also house courtrooms, with the aim of handling cases more swiftly.[14] But some of these measures have raised eyebrows. Particularly remarkable was Chakwera's July 2024 appointment of Steven Kayuni, former principal secretary in the Ministry of Homeland Security and director of public prosecutions (DPP), to the High Court. The president had removed Kayuni from his post as DPP just a year earlier due to allegations of partisan prosecutions under Kayuni's leadership.

At the time of his dismissal, Kayuni was overseeing the prosecution of anticorruption czar Martha Chizuma, who was involved in a controversial bribery investigation of then–Vice-President Saulos Chilima. Chizuma's investigation of the vice-president, who had also served under Mutharika but eventually started his own political party, the United Transformation Movement (UTM), became mired in scandal and, ironically, allegations of corruption when private phone calls that compromised her investigation (and her impartiality) were leaked to the press. She was subsequently arrested and suspended, though Chakwera himself intervened and released Chizuma while firing Kayuni, who was accused of pursuing a personal vendetta against Chizuma. After Kayuni's dismissal, the criminal case against Chizuma was dropped.

Nonetheless, the cumulative effects of these events hampered the credibility of the anticorruption office, and Chizuma's tenure was not renewed. In light of this controversy, returning Kayuni to the bench—this time as a High Court justice rather than a prosecutor—just a year after the scandal (while not renewing Chizuma's position) suggests a culture of impunity for allies of the president and retribution for the rest.

The Kayuni-Chizuma controversy is indicative of broader patterns of half-hearted corruption investigations, practices that predated Chakwera's presidency. Corruption scandals similarly marred Mutharika's presidency, some involving Mutharika himself, which were further exacerbated by economic crises that brought issues of abuse of government funds into sharp relief. While Malawi's budgetary shortfalls predated

Mutharika's tenure, it did not help that during his rule, the seemingly toothless Anti-Corruption Bureau more often than not failed to investigate and prosecute ruling-party leaders while aggressively pursuing cases against the opposition. Worryingly, a culture of impunity for the president's allies appears to have largely persisted under the Chakwera administration. Among Chakwera's allies who have been caught in corruption probes, most have faced light punishment or impunity, and have been allowed to continue in government posts.[15]

These issues are pertinent as we look toward the September 2025 election, in which former President Mutharika is running as an opposition candidate. While the long-term effects of Chakwera's court expansion remain to be seen, he faces a potentially more favorable bench than did his predecessor. Yet Chakwera's waning popularity heading into the election suggests that he may face a hard battle and a potential déjà vu moment with Mutharika as they vie for the presidency.

It is also telling that some of Chakwera's main rivals and their party strongholds have been targeted by the state. In addition to new corruption investigations against opposition leaders, efforts to criminalize the opposition have also escalated to the realm of treason. The most extreme instance of this is the case proceeding against cabinet minister and UTM secretary-general Patricia Kaliati, who was brought before the High Court in April 2025 and accused of conspiring to assassinate Chakwera with two others in 2024. This is not the first time that Kaliati has faced treason charges; she stood trial in 2012 alongside several other cabinet ministers (and Peter Mutharika) for allegedly attempting to stage a coup d'état against then-President Joyce Banda.[16] Since the return to multiparty rule in 1993, treason trials against the opposition in Malawi have happened less frequently than corruption trials, but such cases tend to be suspiciously concentrated around contested elections.

Zambia: Distorting institutions and neutralizing opposition. Hakainde Hichilema's 2021 landslide victory was heralded as proof of Zambia's democratic resilience. Yet in the three years since his election, Hichilema's rule has borne all the markings of the two mechanisms we outlined above: First, the president's United Party for National Development (UPND) appears to have found it cheaper and more expedient to deepen the distortion of state institutions rather than reverse them. And second, Hichilema and his closest allies seem to have learned, through more than a decade in opposition, which levers of government matter most for their continued survival and how to use them, encouraging selective retribution against rivals rather than a principled approach to reform.

Recent tampering with Zambia's judiciary provides the clearest example. Within two years of taking power, Hichilema had already enlarged the Constitutional Court from seven to eleven and promoted a close ally and confidant to head it. In October 2024, the president

dismissed the three Constitutional Court justices (it was a five-judge court at the time) who had rejected his 2016 petition to ban Lungu from contesting the 2021 election and later ruled him eligible for a third try. Zambia's Bar Association condemned the firings as a serious case of executive overreach, and critics have noted that Hichilema seems focused on manipulating the Constitutional Court, in particular, because it is the final arbiter of all matters pertaining to Zambia's constitution, including the election of the president.[17]

This approach is, of course, eerily familiar. Under Hichilema's predecessor, the courts were drafted as an instrument to stymie the opposition, a process that scholars have termed authoritarian lawfare or legal autocratization.[18] Much like Hichilema, Lungu created a friendly bench by appointing the original Constitutional Court justices and then benefited when that court twice upheld his eligibility for a third shot at the high office.[19] Hichilema, with four additional appointments and the sacking of the three Lungu-appointed justices, wielded the reconstituted Constitutional Court to successfully bar Lungu from seeking reelection in 2026 and subject lesser challengers to strategically timed prosecutions aimed at rendering them ineligible to run.[20]

Hichilema's meddling with the Electoral Commission of Zambia (ECZ) has followed the same logic. When the seven-year terms of the commission's chair and deputy ended in 2022, Hichilema declined to renew their appointments,[21] replacing them with his former lawyer and a ruling-party activist, respectively. This is the first time in ECZ history that a non-judge has chaired the body. According to the academic and political commentator Sishuwa Sishuwa, four of the five current commissioners hail from Hichilema's regional strongholds, undermining the cross-regional and nonpartisan credibility that the ECZ once enjoyed.[22]

Statutory provisions invoked to coerce the opposition into submission in the previous regime have likewise been retained. The colonial-era Public Order Act, which Hichilema vehemently attacked while in the opposition as antidemocratic, remains in place and continues to curb opposition rallies and gatherings outside election periods. The police under Hichilema continue to justify the ban as a public-safety measure. But in reality, the statute's reach extends far beyond typical opposition campaign activities. The police, for instance, warned Lungu in 2023 that his Saturday jogs with supporters constituted unlawful political activism that contravenes the language of the law (the former president passed away in June 2025).[23]

The inheritance of weakened institutions alone, however, cannot explain the precision with which the opposition victor has targeted his political opponents. Years spent in the political "wilderness" taught the now-ruling UPND which instruments of lawfare can most reliably and effectively neutralize opposition threats.

Expectedly, the immediate target was Edgar Lungu, who was plan-

ning to run again in 2026. Within days of his announced comeback in 2023, a UPND youth activist petitioned the Constitutional Court, now stacked with Hichilema appointees, to declare Lungu—whose first term following the death of President Michael Sata had lasted only from January 2015 to September 2016—permanently ineligible to contest future presidential elections, despite three prior rulings in Lungu's favor by the same court.[24] Meanwhile, police continued to interfere with his political-mobilization efforts, including his weekly jogs, and routinely barred his foreign travel, perhaps as a way to bring public humiliation to Lungu.

But Hichilema's machinations escalated beyond Lungu. Leaders of other opposition parties with only minor electoral support, including Fred M'membe, Edith Nawakwi, and Sean Tembo, have also been arrested or prosecuted on a variety of charges including espionage and hate speech.[25] Detentions have routinely exceeded statutory limits before charges are dropped or converted into protracted trials, a tactic that is likely aimed at exhausting resources and visibility.

Parallel efforts have also focused on the main opposition party, Lungu's Patriotic Front (PF). In late 2023, Miles Sampa, a prominent PF member and parliamentarian, convened a hastily organized party meeting where he declared himself party president with what appeared to be the implicit backing of Hichilema.[26] When the party's leadership challenged the move in court, Hichilema-appointed judges dismissed the cases on technicalities. Emboldened by this decision, Sampa then moved to expel nine prominent MPs—some who were considered presidential hopefuls—from the PF for gross indiscipline, eventually clearing the way for the speaker of the National Assembly (who was aligned with UPND and Hichilema) to vacate the nine PF seats and trigger by-elections in 2024.[27] Astute observers have claimed that this ploy was part of a deliberate attempt to engineer a two-thirds supermajority that would allow Hichilema to make far-reaching amendments to the constitution, including proposals to add a significant number of constituencies in UPND strongholds and lift the cap on presidentially nominated members of parliament.[28]

The calculus behind these moves is grounded in what we term opposition learning and the fear of reciprocal repression. Hichilema's party spent fifteen years observing how incumbents used term-limit litigation, selective prosecutions, and control of the election commission to cling to power. Once in office, replaying these strategies seemed safer than unilaterally disarming, especially as the persistence of the economic crisis that started in 2020 eroded the government's popularity and raised the likelihood of defeat after a single term in office.

The trajectories of Malawi and Zambia underscore our central claim: Opposition victory after a period of backsliding neither guarantees democratic recovery nor even modest institutional repair. In both countries,

opposition leaders inherited pliable courts, partisan oversight bodies, and expansive executive powers; the long years that these leaders spent in opposition also taught them which levers most effectively secure survival. The result diverged only in style: In Malawi, Chakwera has pursued a quieter strategy of cooptation—selective anticorruption drives, incremental but extensive judicial appointments, and administrative tweaks to voter registration; in Zambia, Hichilema has overseen an overt program of court packing, lawfare, and police repression. In neither case has democratic erosion reversed. Instead, democracy had plateaued in Malawi and begun to decline again in Zambia.

Pathways to Democratic Recovery

Although our analysis of Malawi and Zambia is pessimistic, it does not imply that democratic recovery after opposition victory is impossible. But it does suggest that successful transition requires a set of enabling conditions that were absent or too weak in these two cases. To understand what might allow a country to avoid this fate, it is useful to examine a regionally comparable case where an opposition victory appears to have broken the cycle of autocratization: We thus turn to the 2016–17 democratic transition in the Gambia, which highlights a different combination of factors that were absent in Malawi and Zambia that can create a pathway out of the pernicious cycle. The Gambia is an intriguing story of successful democratic consolidation after opposition victory. In the 2016 presidential election, the presumed victor was incumbent President Yahya Jammeh, a notoriously repressive ruler who had created a "pervasive climate of fear" since seizing power via military coup in 1994.[29] It was thus a shock to both domestic and international observers when a seven-party opposition coalition won the election and delivered the presidency to political outsider Adama Barrow, a former real-estate tycoon who had never before held public office.

While Jammeh initially accepted the results, he soon reversed course after the incoming governing coalition announced its intentions to prosecute members of the outgoing regime (including Jammeh himself) for crimes committed during Jammeh's rule. Fearing retribution, Jammeh contested the election results and refused to stand down, prompting a constitutional crisis that was roundly condemned by domestic civil society groups, the United Nations, the African Union, and the Economic Community of West African States (ECOWAS). The conflict came to a head when Barrow, threatened by Jammeh, fled to neighboring Senegal and ECOWAS sent in military troops to ensure that Barrow would be sworn in on inauguration day.

The Gambia's constitutional crisis proved to be intense but short-lived; in the approximate decade since Jammeh's ousting, democracy in the country has proven to be remarkably robust. Part of the credit goes

to Barrow's first initiatives after taking office, which explicitly targeted and dismantled institutions that had long been associated with Jammeh's dictatorship. This break with the past is perhaps best epitomized by the establishment of a Truth, Reconciliation, and Reparations Commission to investigate human-rights abuses committed under Jammeh. The process of democratic consolidation, however, has not been entirely smooth. While the Commission represented a profound milestone for victims of the Jammeh regime, progress and implementation of the investigation's recommendations were slow and uncertain.[30]

Barrow's reelection in 2021 also drew criticism after his new government formed an alliance with Jammeh's former party, a move that underscored uncertainty regarding whether Jammeh's cronies would ever be held accountable. Another concerning development has been the lack of constitutional reform despite the efforts of a specially constituted Constitutional Review Commission, which failed to install presidential term limits due to the efforts of Barrow's allies who want to prolong his tenure.[31] Finally, there are worrying signs that the Barrow government is growing more repressive of civic activism, including violent and arbitrary crackdowns on peaceful protestors.

What lessons does the Gambia provide for our understanding of democratic recovery in the wake of autocratization? The country's democratic resilience after decades of brutal authoritarian rule has been attributed to a variety of domestic factors—most notably, the "inward evolution" among voters and civil society leaders that led to bottom-up demands for democratization.[32] Barrow himself demonstrated a strong commitment to maintaining democratic principles rather than resorting to the tactics of his authoritarian predecessor. It is worth noting that Barrow himself was never the direct victim of Jammeh's repression. His status as a political outsider may have been crucial here: Since he never served in political office prior to his presidency, he never experienced the targeted harassment suffered by opposition players that is common in autocratic regimes.

In addition to these domestic factors, external pressure may also have played a defining role in ensuring democratic recovery in the immediate aftermath of Jammeh's ouster. The United Nations, the African Union, and ECOWAS all publicly and explicitly called upon the Gambia's government to abide by its constitutional responsibilities and condemned Jammeh's attempts to invalidate a free and fair election. The influence of ECOWAS may have been particularly significant due to its threat to intervene militarily if Jammeh refused to step down according to the terms dictated by the constitution. These kinds of subregional pressures were arguably the most effective in promoting economic integration and human rights.

What distinguishes the trajectories of Malawi and Zambia from the relative, albeit imperfect, success of the Gambia? In these cases, the

new leaders were longtime opposition insiders who inherited pliable institutions and, facing immense pressure to consolidate power, quickly began leveraging the autocrat's playbook. In the Gambia, by contrast, these legacies were effectively mitigated. The "first legacy" of weakened, coopted institutions was rendered less salient by the decisive intervention of external actors, while the "second legacy" of persecution was blunted by the emergence of a nontraditional leader, whose outsider status insulated him from the retributive cycles that often consume longtime opposition veterans.

The overarching implication of all this is straightforward: An opposition victory is at best a prelude to democratic recovery. But it is not a synonym. Absent powerful counterweights like those seen in the Gambia, new leaders often find themselves constrained by the very political logics that empowered their predecessors, leading to the preservation rather than the reversal of autocratic practices. Those who are committed to halting the wave of democratic erosion should therefore have a dual focus: encouraging robust international and regional support for new democracies, while simultaneously cultivating sustained domestic vigilance from a citizenry and civil society capable of holding today's opposition victors accountable tomorrow.

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