State Capture, Hybrid Regimes, and Security Sector Reform

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Abstract: In this introduction into the special issue on state capture and security sector governance, we argue that state capture is a relevant concept that helps us understand the current autocratisation and the rise of hybrid regimes. We argue that the extraction of public resources via party patronage, privatization of public administration, judiciary, security institutions, and media are vital for influencing political competition. In the second part of the article, we argue that the concept of state capture brings added value to the understanding of security governance and transformations. We show why the parts or whole of security and justice institutions are the inevitable targets of state capture and what it means to understand the success of security sector reform (SSR). Finally, we examine a range of possible positions of the security sector within the captors and what it means for both the literature on state capture and civil-military relations.

Keywords: state capture, party patronage, security sector, autocratisation, hybrid regimes

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Introduction

The concept of state capture has been in use for some 20 years. It has already been shown to be critical for understanding the statics and dynamics of both market economies and democratic regimes. This paper will classify state capture varieties, identify new development trends, and focus on state capture in the security sector.

The security sector reforms (SSR) have received less continued academic research[1] and until recently, they were mainly studied from the perspective of international actors and the stabilization effect of their interventions.[2] The reason for this was that the concept and practice of security sector reform have been rooted in the ideas of liberal peace-building and state-building that assume that proper external assistance, can transform democratizing, fragile and post-conflict societies into a Weberian like 'form of statehood that … rests on a state's exclusive monopoly on the use of legitimate force.'[3] As a consequence of this perspective and additional securitization and militarization in the aftermath of 09/11,[4] the focus of many SSR interventions has been on the stabilization of unstable and undeveloped countries and their transformation into allies in the war of terror rather than on good governance and democratic civilian control of security institutions.[5] Due to this conceptual bias, most of the academic research on transformations of security and justice governance has been done within the security studies, the sub-field of international relations.[6] The scholars of comparative politics and political science have more recently started addressing local agency and domestic political dynamics of SSR. This article is a contribution to political science research of autocratisation and security governance, as its primary focus is on the gradual domestic transformations which frequently stay out of sight for the international observers as they are not newsworthy as violent autocratic turns and they require an understanding of local context and nature of political disputes.[7] We believe that this approach is particularly relevant for studying countries with the experience of statehood, such as the post-communist states and South Africa, which were once considered the champions of democratization and security sector reform and are now leading examples of transformation into hybrid regimes through state capture.

We claim that state capture has gone beyond the economic system and affected other systems such as security sector, thus becoming one of the most critical concepts to understand the current process of democratic backsliding and the rise of the number of hybrid regimes globally.[8] The second part of the article argues that state capture is a unique phenomenon undertheorized within the security sector reform (SSR). Consequently, it can assist in understanding how the course of security sector reform may be perverted. The article makes manifold contributions to the literature on state capture. First, by focusing on security issues, we argue that 'non-economic' issues are as crucial for studying state capture as economic ones. Secondly, by claiming that security and justice institutions are the inevitable targets of state capture, we claim that it serves threefold purposes: a) guaranteeing impunity for the captors, b) selective enforcement of rules on their behalf, and c) legitimisation of elite and governance through securitization.

State Capture – Changes in the Concept

By state capture, we understand 'the abuse of good governance rules (which is also abuse of power) in the process of drafting, adoption and enforcement of the rules (including the judiciary rules) in favour of a small number of captors at the expense of society and business at large.'[9] Initially, the concept was introduced to the study of transition by a World Bank research paper.[10] It was primarily related to businesspeople capturing the political administration to obtain regulatory and policy privileges. Private agents were seen as influencing politicians to change laws, regulations, and public policies so that selected businesses could extract rents and market dominance. Informally, these people were dubbed oligarchs or tycoons (kind of an equivalent of robber barons of 19th century US history). Such a conceptualization of state capture made an impact on the research on the post-communist transition in Central and Eastern Europe and was used to rank the quality and speed of economic reforms.[11]

The political and economic developments in Central and Eastern Europe after 2000 showed that the concept started to change. The change was acknowledged by *Runaway State* and *Rebuilding Leviathan*, books written by Conor O'Dwyer and Anna Grzymała-Busse, respectively.[12] A similar trend was observed in South Africa by the end of the 2000s.[13] We refer to both regions because they are relevant for the development of state capture in the state security sector, which is discussed in the second part of the article. The authors' argument (which we adopt) was that the principal captors are not any more businesspersons (private entrepreneurs, tycoons, oligarchs etc.), but rather politicians and political parties. Following this, Abby Innes identified two varieties of state capture – corporate and party state capture.[14] The latter is of our interest here because it created room for state capture in non-economic areas.

This shift in the understanding of state capture was not a consequence of a theoretical change (due to the use in different disciplines), but rather a consequence of the political shift in the post-communist world (notably in Russia, Central Europe and the Balkans), but also in South Africa after the death of Nelson Mandela. It is evident that the concept of corporate state capture (as defined by political economists) is not able to explain the reality of most post-communist economies, especially after 2004 when Putin won the war with the oligarchs.[15] After the Yukos affair and Boris Berezovski's exile in 2003, Rus-

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9   Stoyanov *et al.* 2019, 26.

10   Hellman, Jones, and Kaufmann 2000.

11   World Bank 2002.

12   O'Dwyer 2006; Grzymała-Busse 2007.

13   Bhorat *et al.* 2017; Chipkin and Swilling 2018.

14   Innes 2014.

15   Kinyakin 2013; Sakwa 2014; Mihályi and Szelényi 2019; Mihályi and Szelényi 2020, 138.

sian politicians became more powerful than the Russian oligarchs,[16] Furthermore, we saw something that may be called reverse capture.[17]

A similar scenario unfolded in several other post-communist countries a little bit later, which transformed corporate state capture into party-state capture.[18] It does not mean that corporate state capture ceased to exist. On the contrary, the tycoons and oligarchs of Central Europe and the Western Balkans continued to extract rents and exert influence over public policies.[19] However, some Central European and Balkan governments replicated Putin's policy towards oligarchs. Some several European post-communist oligarchs and tycoons had to leave (Lajos Simicska in Hungary, Bogoljub Karić in Serbia), reduce their activities by giving up some of their wealth (Miroslav Mišković in Serbia), or were left unprotected when they fell (Ivica Todorić in Croatia). In the Western Balkans, politicians became stronger than tycoons and oligarchs like in Russia under Putin.

Party (political) state capture has radically changed the nature of the relationship by changing not only the agents (captors) but also the purpose of the abuse and the outcome. State capture is not anymore about getting a market advantage. Neither it is exclusively about politicians and incumbent officeholders getting private benefits.[20] As several examples suggest (including some discussed in this issue), the incumbent will use public funds for party purposes.[21] The repurposing of public resources[22] is done to enable the advantage of the incumbent and handicap the opposition on the political market. The incumbents need resources for their political party machinery to collect votes. As a result, incumbent political parties become the primary beneficiaries of state capture.[23] Of course, winning an election is a complex matter. The incumbent needs to capture the economic resources and practically the whole public administration – namely, the central state institutions that will help them win elections. Among them are the judiciary, media, security service, public companies, etc.

This understanding of state capture has had significant repercussions for several political science and political economy concepts and several ongoing political science debates such as public administration, clientelism and party patronage, political party system, political party organization, the nature of capitalism, and the most recent democratic erosion in the post-communist world. Because of state capture, we practically need to revisit and

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16   Mihályi and Szelényi 2019.

17   Yakovlev 2006.

18   Innes 2014.

19   Orenstein 2019; Bartlett 2021.

20   Grzymała-Busse 2008 and 2010.

21   Petrović, 2021; Pavlović 2021b.

22   Bhorat *et al.* 2017; Chipkin and Swilling 2018.

23   Pešić 2007; Pavlović 2021a.

rethink all these concepts and reframe them to be useful. This piece focuses on how state capture affects public administration, focusing on the security sector.

We finish this discussion by classifying different variants of state capture, but also different subjects and outcomes of state capture. Apart from corporate and party state capture, which were discussed above, we could also isolate regulatory[24] and reverse state capture. The former is a subvariant of corporate state capture where captors demand from the public administration favourable public policies and regulatory market advantage. The latter is a subvariant of party-state capture where the politicians re-captured the state by taking it away from the corporate agents.[25]

One could differentiate between types of agents as the main captors. The main captors of corporate and regulatory state capture are businesspersons (oligarchs, tycoons, entrepreneurs etc.). In contrast, the main captors in party-state capture are politicians and political parties.[26] Finally, one could differentiate among the aims of state capture. Businesspersons are not interested in occupying administrative and public sector posts. They are satisfied with the influence on public administration and the public sector, which will enable them the privileged access to and the rise of economic wealth and market influence. In contrast, politicians prefer access to office and information. They are interested in occupying administrative and public sector positions because they will enable the abuse of public funds and the required protection. This aspect of state capture will be extensively discussed in the remainder of the article.

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24   Stigler 1971.

25   Yakovlev 2006.

26   Innes 2014.

Clientelism as the Main State Capture Mechanism

The fact that political parties became the primary beneficiaries of state capture shed light on some practices previously studied in political science but rarely connected to the research of state capture. These are party patronage (an essential aspect of clientelism) and hybrid regimes (discussed in the next section). We think it is critical to distinguish party patronage from clientelism by drawing on the recent work of Kopecký, Mair, and Spirova.[27] Clientelism is about the relationship between the political party and the electorate or society.[28] The electorate exchanges the votes for specific policies and services which will benefit them. The exchange may include some public goods, but essentially these may be beneficial for a larger electorate. If, for instance, the government promises to increase public sector wages by 5 per cent, every public sector employee will benefit from it. Party patronage, however, is about rewarding party members and party activists for the political and campaign fieldwork. These are usually local party members who provide electoral support in broader society and are rewarded with positions in the public sector or public procurement contracts.[29] We see party patronage 'as a power of parties to appoint people to positions in public and semi-public life. […] Patronage in this sense can best be considered as (one of the forms of) party – state linkage(s), rather than as a party – society linkage.'[30] We are thus looking more closely into party patronage as an organizational resource (related to machine activity) that enables the incumbent to distribute jobs within the public sector as an incentive for party activists.[31] Party patronage is thus highly relevant for state capture of the security sector, which is the second part of this article.

To win the next elections, political parties must colonize public administration and subjugate it to their primary goal – winning elections. Party patronage is, therefore, the most prominent practice after a political party wins an office. Party leadership will appoint loyal people to every important administrative position (including the public sector and public companies) to enable public funds extraction and abuse to win the next elections.[32] Practically, the parties will abuse public administration to build an army of members that will be active for any kind of party activity but most notably for the next elections. These people will have a job and be paid for it but might not need to show for work.[33] This will impact the work of public administration not only because most of these people will not have the required professional credentials but also because it will transform it into private administration, which essentially changes the nature of the concept.

The Serbian example of capturing the state security sector confirms the thesis that such practice will dramatically lower the criteria for public administration posts. Even under the Milošević rule during the 1990s, the personnel who headed state security were the people who previously served in the military and security institutions. These were professionals. This practise was continued after 2000 when Milošević stepped down. However, since 2016, the Serbian state security was for the first time headed by a politician with no education and no practice in administrative and security structures. Bratislav Gašić, who became the head of BIA, used to be a tile setter and coffee trader when he joined the

Serbian Progressive Party in 2008.[34] Nevertheless, he continued to staff security services with the people from the Serbian Progressive Party. As Petrović points out, around 250 new staff were hired to the BIA in 2012 – 2018. Most of them were from the incumbent Serbian Progressive Party. Other public administrative posts and judiciary underwent a similar trend.[35]

As party activists occupy public administration, public spending will rise. So will the non-transparency thereof. That public administration is always interested in inflating its administrative budget is nothing new in the political economy. However, the rise in public spending as a function of state capture differs markedly from the understanding in the American tradition of public administration and public management defined by William Niskanen.[36] Based on the American experience from the 1960s, Niskanen implied that public officials enjoy certain autonomy *vis-à-vis* elected politicians and inflate offices' budgets. Nothing similar can be observed in post-communist Southeast Europe. Granted, the administration's budgets will be inflated, but not because public administration enjoys autonomy. On the contrary, politicians and incumbent political parties will colonize public office and use the budget for political and party purposes. Since Bratislav Gašić became the head of BIA in 2017, the amount of money BIA receives from the state budget doubled (Figure 1) without the most general rationale for why the rise was necessary and how the funds were spent.[37]
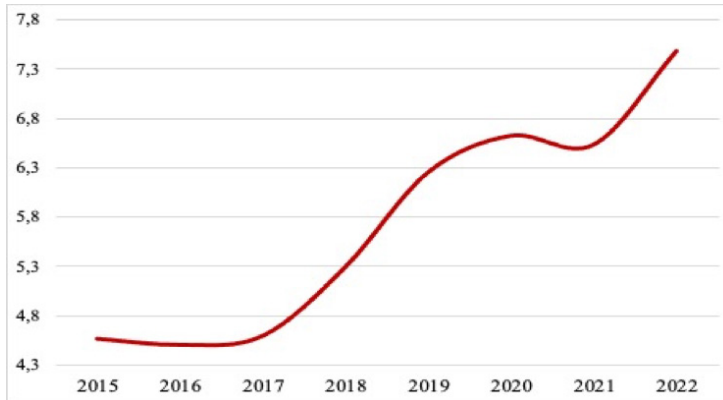
Figure 1: *Serbian State Security budget spending 2015–2022 in billion dinars (Source: The Law on the 2022 Serbian Budget.)*

Hybrid Regimes and State Capture

Since its transformation in the South African and the Balkan context, state capture became highly relevant for understating the dynamics of hybrid regimes. The thesis adopted over time has been that such regimes may survive only if the autocratic incumbent extracts public funds and abuses them for political competition. As a result, the hybrid regimes' incumbents who control resources are more likely to prolong their rule. In contrast, those who enable a more competitive economic environment will likely lose the next elections and vacate the office.[38]

The early work on hybrid regimes appeared at the beginning of the century, around the same time the concept of state capture appeared. Yet, this scholarship never mentioned state capture[39] and considered no argument to the effect that these regimes can survive only if 'economically' supported. Instead, the scholarship focused on the four areas: elections, legislative, judiciary, and media.[40] While the research identified the four areas, the manipulations in the electoral arena were given priority and seen as essential in the early scholarship on hybrid regimes.[41] Only in 2010, when Levitsky and Way published *Competitive Authoritarianism: Hybrid Regimes After the Cold War*, the abuse of public funds was recognized as an essential element of the hybrid regime but was not discussed at length.[42]

More recent studies on non-democratic regimes point out that the survival of autocratic incumbents is not solely due to electoral manipulations, media, and judiciary control. The control of the economy, the extraction of public funds, and the control of public administration (security sector including) was seen as essential too. More advanced studies of how autocratic incumbents sustain non-democratic regimes by way of economic means were done by a number of authors.[43] The main idea is that the incumbent can manipulate the elections, control the judiciary, legislative, and media *only and only if* it controls administrative resources. Thus, the autocratic incumbent will monopolise and abuse the state budget, public administration, public sector, and a large chunk of the market and society. However, this time, regulatory capture does not favour independent private businesspeople but rather the agents who are essentially politicians or have tight connections to the government.

Typically, the incumbent will extract public resources via budget funds, privatization, state aid, subsidies, public procurement, and party patronage. The budget funds will be doled out to the cronies or loyal and crony private firms and media either directly (in the form of a subsidy) or indirectly via the public procurement system. As an extraction mechanism, the public procurement system became extremely attractive after privatisation was over in Eastern Europe. During the first two decades of the economic transformation, cronies had priority in buying socially owned enterprises, which helped them accumulate initial wealth.[44] However, the 2010s were mainly characterised by public procurements, which were the main channel for public funds extraction.[45] Another channel was significant state investment, since the more extensive the investment, the larger the extraction. Some of this practice was described in the piece titled 'Whitewashing State Capture' in this special issue by Ana Marjanović Rudan. The hybrid and captured regimes frequently engage inexpensive projects, prioritizing the private agents connected to the incumbents. The projects will be megalomanic, thus involving hefty investments, which is often financed by foreign loans,[46] and will be presented as a significant boon for the economy and the people and a *conditio sine qua non* of economic progress and jobs.[47]

We do not claim that state capture is a high-ordered form of hybrid regime. Granted, state capture appears in democratic regimes and market economies.[48] However, we believe it is critical for the understanding of the dynamics of hybrid regimes. We claim, by paraphrasing Seeberg, that hybrid regimes with high state capture index – where the incumbent tightly controls public administration, public sector, and oversight institutions – stand more chances to survive and is most likely to move closer to fuller authoritarianism. In

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43   Megaloni 2006; Greene 2007 and 2010; Seeberg 2014; Seeberg 2018; Seeberg 2021; Chipkin and Swilling 2018; Pavlović 2020 and 2022.

44   Åslund 2013.

45   Dávid-Barrett and Fazekas 2020.

46   Prelec 2020.

47   Marjanović Rudan 2021.

48   Lindsey and Teles 2017; Hertel-Fernandez 2019.

contrast, hybrid regimes that did not complete this kind of control are more likely to collapse.

Party capture is, therefore, a predictor rather than a consequence of autocratisation. Strong democracies, with strong public and oversight institutions, are more successful in fighting the abuse of public posts. Hence, party capture in such a system is less likely, which is why political parties in such democracies do not attempt to colonise public administration and the public sector to remain in office when they lose popular support. In contrast, the weakness of oversight institutions is a kind of invitation to political parties to attempt to capture the state. Once they decide to do it, they will erode democratic and oversight institutions. Where an opportunity for party capture exists, the incumbent has a strong motive to move away from democracy and transform the system into a kind of non-democracy to block access to the opposition to the public funds.[49] A higher level of clientelism and party patronage distorts the nature of political competition because the parties that have access to public funds will do better in elections than those that do not. The regimes with prominent state capture create hyper-incumbencies,[50] which makes it difficult for the incumbent to lose elections and easy to sustain its rule for much longer than democracy would typically allow. As Capussela shows in this special issue, it is extremely difficult for the citizens to organise to counter or stop this trend due to the problem of collective action. The incumbent does not face this problem in such an extreme form.[51]

State capture is critical for studying the dynamics and breakdown of hybrid regimes. We adopt Bogaards's double-root strategy in classifying political regimes arguing that hybrid regime (electoral authoritarianism) is a specific regime type rather than a diminished type of democracy.[52] We stress this because the research strategy depends on the definition of the regime type. The research questions that are asked when one studies democracies (and their subtypes) differ from the research questions which are asked when one studies hybrid regimes. Here we discuss state capture as a condition that can strengthen and stabilize the authoritarian regime. We thus understand state capture as a common practice ingrained in the regime's structure. The discussion on state capture in democracy, by contrast, would instead look for the origin of state capture and would view it as an anomaly.

Higher state capture may not, however, always strengthen hybrid regimes. Sometimes it is a double-edged sword and can lead to an unstable equilibrium. Because they believe that a captured state enables them to beat the opposition, the incumbent will retain a competitive political system. They will, in other words, not decide to develop full-blown autocracy or totalitarianism. However, as long as the political system remains competi-

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49   Pavlović 2016.

50   Greene 2007.

51   Capussela 2021.

52   Bogaards 2009.

tive, uncertainty remains.[53] High state capture and large social and political inequalities may create a large dose of dissatisfaction which motivates the electorate to vote for the opposition massively. Something similar happened in Serbia in 2000, North Macedonia in 2016, Ukraine in 2004, or Montenegro in 2020.

The previous discussion indicates that the capture of the state security sector (as a part of public administration) will be of particular interest for the incumbent. The capture of this sector will not only be an opportunity for an incumbent to find jobs for party members (party patronage), but also to enable guaranteeing impunity for the captors, selective enforcement of rules on their behalf, and the legitimisation of elite and governance through securitization. It is to these issues we turn to in the following four sections.

State Capture and Security Sector

This is how we arrive at state capture in the security sector. If a political party is the main agent of state capture, it will occupy all state sectors which will be relevant and useful for political and electoral conflicts. Either as a way to eliminate internal opposition within the party of the winning coalition,[54] but also between the incumbent and the 'wayward' opposition. State capture is a unique political and economic context that can assist in the understanding of how the course of security sector reform may be perverted. The paradox is that the mechanisms of the capture of security institutions may be disguised as the attempts of modernisation, democratisation, or Europeanisation of security governance, while in reality, they may lead to colonisation of security and justice institutions for private gain/advantage. The outcome of their activity may undermine both the national security of a state and access to safety and justice for its citizens. As Gavin Cawthra explains on the case of South Africa during President Zuma, once a champion of SSR and a model of best practice for other democratising states, the shift from "protection of a state to criminalization"[55] may go while legal and institutional façade of democracy may remain almost intact. Similarly, the states in the Western Balkans on their way to membership in the EU have been characterised by the European Commission for "state capture, including links with organised crime and corruption at all levels of government and administration, as well as a strong entanglement of public and private interests."[56]

Most of the academic literature on state capture focuses on the most visible governance sectors such as economy, media and political sector, while the links between security governance and state capture remain under-researched. This article will try to unpack the linkages between state capture and security sector reform. By bringing together literature

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53   Schedler 2015.

54   Such were the conflicts between Đinđić and Koštunica in 2001–2003, or Vučić and Nikolić in 2012–2017 analysed by Petrović 2021 and Pavlović 2021a.

55   Cawthra 2019, 224.

56   EU Enlargement Strategy 2018, 3.

on state capture and SSR, we can enrich the understanding of the reversal of democratisation and SSR.[57] The concept of state capture can assist us in uncovering the process of undermining structures of democratic governance of security and reinforcing authoritarian power structures by the interplay between local agents and international actors.

This part starts with a summary of key assumptions of the concept of state capture important for analysing its consequences for security governance. In the second section, we present the argument that a security sector, including statutory and non-statutory security and justice providers, as well as the institutions in charge of their management and oversight, is an indispensable target of those capturing the state. This is supported with three unique purposes of capturing security sector in comparison with other parts of public administration and an explanation of the effects on economic and political competition in a country. In the third section, we proceed to analyse a range of possibilities for positioning of security professionals within the agents of capture: from being an instrument or subordinated part of the captivating agency to being a leading agent within institutional capture. In that way, we explain that the besides business or corporate interests and political parties, the captors may also be crime groups, as well as the state institutional agents, such as security professional elites or the networks made of various actors.

Key Assumptions of State Capture

There are four assumptions of the state capture concept. The first assumption is that capturing process is a deliberate attempt of taking over control of state resources, decision-making, and enforcement capacities for 'virtual long-term privatization of the state functions which ensures a systemic privilege for captors'.[58] The outcome of state capture may be related to lack of capacity and resources for governing although it is not unintended, but intentional strategy of managing state institutions by those close to the captors. It is frequently carried by or with the support of elected politicians through legal means and may lead to the institutionalisation of new power arrangements. As such, the state capture of the security sector is the process of combining items from the 'menu of autocratic innovations' – "techniques designed to maintain the façade of accountability without allowing the practice of it."[59] This aligns with the recent focus on autocratic practices proposed by Marlies Glasius. She defines autocratic practices as deliberate "patterns of action that sabotage accountability to people over whom a political actor exerts control, or their representatives, by means of secrecy, disinformation and disabling voice." They are a threat to democratic processes, while – illiberal practices are a threat to human rights as they are "patterned and organized infringements of individual autonomy and dignity."[60] Nicole Curato and Diego Fossati highlight that while many autocratic practices are not new, their

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57   Chappuis and Siegle 2015.

58   Stoyanov *et al.* 2019, 36.

59   Morgenbesser 2020, 1056.

60   Glasius 2018, 517.

novelty is how in "they undermine democratic goods"[61] and "constrain meaningful public participation."[62] The focus on everyday calculated practices rather than the nature of political regime helps us understand that the state capture may take place also in democratic regimes, including gradually "within the boundaries of democratic institutions" by democratically elected politicians.[63] It also assists in following that the practices may travel and be learned by the authorities in different political regimes.

The example of autocratic practices is the case of change of the legislation governing the security sector as to expand discretionary powers of politicians at the expense of professionals and subdue actions of security institutions to politicians, decrease the level of transparency and introduce the exceptions to a democratic system of checks and balances.[64] Democratic civilian control over the security sector is further weakened by politicized bodies charged with oversight, such as parliament,[65] independent oversight bodies or intimidated civil society, media. These processes are understudied even though gradual deterioration of SSR is the most common type of reversal, as proven by Fairlie Chappuis and Joseph Siegle. They explain that capture of security governance is often not obvious to the non-expert community as the authorities try "to maintain the appearance of security sector professionalism and democratic governance."[66] As a result of both visible and hidden moves, the key security and justice institutions are "re-purposed"[67] to serve rent-seeking networks and not the citizens and national security.

This is an important insight for the literature and practice on security sector reform that has over-emphasised structures over processes in line with liberal state-building.[68] One of the key assumptions of SSR is that if the right structures – liberal institutions, including security and justice institutions, are set in place, with the competencies and resources for professionalisation, democratic management and oversight of security providers and rule of law checks, the provision of security and justice in the interest of citizens and peace will follow.[69] Such a linear approach[70] neglects local political dynamics and power games that may take place behind the institutional façade and lead to politicisation of security governance and repurposing for private gain. The researchers of the second generation of SSR have therefore emphasised the need to recognise "considerable autonomy of local

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61   Curato and Fossati 2020, 1010.

62   *Ibid.,* 1011.

63   Curato and Fossati 2020, 1015.

64   Check the example of Serbia in Pejić and Stojanović Gajić 2018, 19–21.

65   Ignjatijević 2020, 81–86.

66   Chappuis and Siegle 2014, 3.

67   Chipkin and Swilling 2018.

68   Jackson 2018, 7.

69   Jackson and Bakrania 2018, 6–7.

70   *Ibid.*

political elites *vis-à-vis* external reform efforts"[71] and the possibility to creatively resist, ignore or adapt to external interventions. This literature opens the venue for the study of local agency of state and non-state actors in the competition over security governance that takes place both within and outside state structures and does not necessarily fit the liberal ideal promoted by external actors.[72] By focusing on practices instead of structural factors, we are able to better detect early stages of democratic and SSR reversal and how it is "mediated by existing power relations…among key state and non-state actors" and how the domestic consensus or acceptance of autocratic governance is manufactured.[73]

The second assumption of state capture is that despite its reliance on the use of legal and institutional channels for the influence of political and economic outcomes, it is also highly relying on informal networks and practices. While informal practices also exist in liberal democracies, they are the dominant type of relations in state capture. As Balint Magyar and Balint Madlovics explain three features of informality in captured states:[74] "informality overrules formal institutions,"[75] "formal decision-making bodies become transmission-belt organizations, deprived of real power" and frequently "informal relations are coercive… through the instruments of public authority (selective law enforcement as well as discretional state coercion and intervention)."[76] As a result, the decisions are frequently made by those who legally hold political power, like presidents or prime ministers, but who overstep their competencies or by those whom *de facto* hold power to make decisions outside of formal institutions. For example, in the case of party capture of Poland, Jaroslaw Kaczynski is one of 460 MPs in Poland, while in reality, as the chairman of the ruling Law and Justice party, he is the most influential leader in the country.[77] Other examples are Thailand and Pakistan, where military-backed political parties are privileged in the elections, as to be able to act on the military's behalf.[78] The chief patrons, whether a person, family or a network, "use formal institutions [and 'political and economic front men'[79] occupying them] to the extent they are needed"[80] to redefine rules of the game, enforce them and exploit public resources. In this way, the façade of democracy may be preserved, while the decisions and accountability are maintained outside of formal institutions.

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71   Schroeder and Chappuis 2014, 139.

72   Sedra 2018.

73   Curato and Fossati 2020, 1015.

74   Magyar and Madlovics 2020 call them patronal autocracies.

75   Magyar and Madlovics 2020, 81.

76   *Ibid.,* 82.

77   No author, Politico Class of 2017.

78   Suhartono and Ramzy 2019.

79   Michal Klíma calls these frontmen in the Czech Republic – Ken "slick and pragmatic politicians…driven by a desire to get rich through pollical-economic schemes" (Klíma 2019, 55).

80   Magyar and Madlovics 2020, 81.

The informal relations between the patrons and their subordinates in the pyramid are not voluntary but compelled by the use of threats or violence. This may involve the means less extreme than military coups, such as engagement of law enforcement and justice institutions, to selectively enforce the rules or the employment of intelligence services to collect and spread compromising information[81] against potential challengers within and outside of capturing pyramid. As Claudia Baez-Camargo and Alena Ledeneva explain, the use of "'politics of fear' and 'suspended punishment' generates self-censorship among the members of elites and social networks."[82] In this way, informal disciplining is used as a preventive way of maintaining control.

The third assumption is that state capture is always also 'a political project'.[83] As it obstructs the opportunities for citizens, these changes have to be legitimised. This is especially true in the cases of political party capture, which are interested in political control, as much as in economic gains.[84] Ivor Chipkin and Mark Swilling explain in the case of South Africa that the process of state capture was legitimised with the ideology of 'radical economic transformation' that promise 'reforming the white-dominated economy' by empowering the black capitalist class.[85] Ana Marjanović Rudan examines in this special issue the communicative strategies used to legitimise state capture in the construction sector.[86] She provides a contribution to the study of state capture by proposing the model for analysis of outcomes of legitimisation strategies in terms of its social acceptance. In this text, we are particularly interested in analysing how securitization or the discourses and practices related to security and urgency are being used to provide cover for the state capture process.

The fourth assumption is that state capture is a highly path-dependent process, as it builds on a particular legacy of relations between state, business, and society, as well as institutional legacies, including the ones in the security sector that make access to rent and the ability to influence its distribution. As explained earlier in this article, many researchers studying state capture in Eastern Europe link it to the process of transition during which the political power had been translated into an economic power in the process of privatisation. In many cases, the key players in privatisation have been members of previous political and security elites, especially with intelligence backgrounds that had access to the information and external networks that provided them with a privileged position in economic competition. Also, the nature of state capture may change during the transition, as Yakovlev explains in the case of Russia, which was colonised by oligarchs during the nineties and taken over by the network of the political party and security professionals in

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81   The most famous is the social practice of *kompromat.* See more in: Ledeneva 2006; Mesquita 2018, 435–441.

82   Baez-Camargo and Ledeneva 2017, 64.

83   Chipkin and Swilling 2018, 28.

84   Magyar 2016, 73.

85   Chipkin and Swilling 2018, 31.

86   Marjanović Rudan 2021.

the early 2000s.[87] This shows how inherited informal power asymmetries from the Communism contributed to the transformations in its aftermath. Moreover, in the case of the Western Balkans, the violent dissolution of Yugoslavia is the critical juncture in which some political and institutional actors enhanced their power through the fight for their ethnic communities against "domestic and external challengers to sovereignty"[88] and subsequently converted the support of citizens to monopolise economic resources and later political power.[89]

Literature on security sector reform also recognizes that peace deals are an opportunity for demilitarization and democratization of security governance, but also may be used to consolidate the power of groups in conflict through institutionalized power-sharing. The Dayton Peace Agreement that ended the war in Bosnia and Herzegovina has also led to "the focus of competition on the form of state" (unified or confederate) "from a focus on good governance."[90] Such understanding opens the door for studying security sector transformations beyond a static analysis of current context into the more dynamic historical tracking of key institutional legacies, political processes, and norms.

Different institutional designs, informal power asymmetries, and societally defined norms may help explain the variations in focus and extent of state capture of law enforcement, defence, intelligence and judiciary in different countries. Their attractiveness and susceptibility to capture depend on the context and institutional legacies. As explained in the case of Eastern Europe, the most powerful security actors have been intelligence services, who controlled other law enforcement authorities (police, customs etc.) and were frequently directly linked to republic/state level elites in contrast to the armed forces who were loyal to the federal state as in the case of Yugoslavia or to the foreign power as in the case of Warsaw Block countries. Therefore, intelligence services are the primary target of state capture. In many countries of Africa, Latin America, Middle East and Southeast Asia, despite the decreased number of coups, armed forces are still the most powerful actor, the dominant provider of internal security, and the patrons or kingmakers to formally entitled civilian governments.

Another important consequence of the path-dependent nature of state capture is that it means that this process does not happen overnight, but it is an "evolutionary institutionalization of the corruption."[91] The institutionalisation of a new patrimonial regime relies on governance deficiencies such as weak democratic oversight over security institutions, as well as contingent events during which the decisions made will shape societal transformations. Christopher Jackson explains in this special issue how the power-sharing of the peace deal is a moment when power was concentrated by the local ethnic elites in

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87   Yakovlev 2006.

88   Džankić 2018, 87.

89   Stoyanov *et al.* 2019, 36.

90   Hulsey 2018, 26, quoting Džankić 2018.

91   Stoyanov *et al.* 2019, 28–30.

Kosovo and North Macedonia.[92] Latin American researchers list the example of Guatemala "where the civil war forged strong links between army officers, criminals and civil politicians under the pretext of the counterinsurgency struggle"[93] which led to collusion between politicians, armed forces, and organised crime in its aftermath.

This is an important insight to understand that state capture may be prevented if detected and stopped early enough. Magyar and Madlovics differentiate among three phases of capturing political power through state capture: autocratic attempt, autocratic breakthrough, and autocratic consolidation.[94] The first phase is linked to taking over key political power positions and chipping away the control from formal bodies to informal power bases. This usually happens through the win in elections and initial changes of legislation to concentrate power. The breakthrough[95] refers to changes of the Constitution through which separation of power is maintained on paper, but it is dissolved in practice through either narrowing competencies of judiciary and prosecution or by putting them under control through top appointments in their key branches. This phase is critical for ensuring impunity for captors and getting hold of key institutional instruments for selective enforcement of the law. The consolidation of state capture happens when the autonomy of broader civil society, including non-profits, academia and entrepreneurs, is taken away, thus disabling the emergence of challengers to the regime.[96]

Similar logic may follow with the capture of security institutions, as it never occurs at once. It usually starts with taking over control over top positions in key security and justice institutions and proceeds with ensuring its loyalty through the changes of legislation so to increase the discretion of politicians in charge and purges of the professionals who dare to challenge corruptive and clientelist practices of regime.[97] Security governance is also used to criminalise the potential challengers of a captive regime. Therefore, for national and external supporters of security sector reforms, it is important to follow both the institutional re-design, as well as the processes taking place behind the public's eyes, such as clientelist employments in security institutions and removals of professionals from investigative and prosecutorial bodies. While there are some common features of the capture of security institutions across the countries, the trajectory of this process and the deployment of security institutions to capture other segments of society need to be examined empirically in each country.

Unique Value of Security Governance Within State Capture

Much of the literature on state capture emphasises private gain, understood as regulatory capture or re-channelling of public funds for the enrichment and taking over the political competition. We argue that the parts or whole of security and justice institutions are inevitable targets of state capture to ensure the monopoly of the force/coercion in the hands of captors. The capture of control over whole or part of security institutions ensures a 'systemic privilege for the captors' (businesses, government officials, political parties, politicians, mafia, etc.) in four ways: a) guaranteeing impunity for their breach of rules, b) selective enforcement of rules for the benefit of the captors and c) legitimisation of elite and its governance through securitization narratives and practices and d) economic gain for the employees of security institutions and their patrons.[98] The first three core purposes of capturing security sector expand the understanding of private gain in state capture beyond extraction of resources and assist understanding that it is not only a strategy of establishing the control over state systems, but also the politics of legitimising new power arrangements.

Impunity

The core mandate of law enforcement institutions and judiciary to investigate, prosecute and convict for the wrongdoings and abuse of rules is why these institutions are one of the first elements of the state to be put under the control of the captors. Impunity may result from abstinence from the action or non-initiation of investigations against the captors who had violated the rules. Michal Klíma explains how in the Czech Republic, the police did not investigate any case of high-profile corruption until 2011, as there was a police instruction that required that all cases involving politicians first get cleared by police management, which subsequently led to blocking investigations.[99] Another way to secure impunity is the use of official positions and unique competencies of security and justice institutions in favour of the captors. An example of this would be manipulating the investigative and prosecutorial process to ensure inaccessibility of evidence at court. The result is "the impossibility, *de jure* or *de facto*, of bringing the perpetrators of violations to account – whether in criminal, civil, administrative or disciplinary proceedings – since they are not subject to any inquiry that might lead to their being accused, arrested, tried and, if found guilty, sentenced to appropriate penalties, and to making reparations to their victims."[100] To ensure impunity, the key is to capture police and prosecutors, while defence forces have a less important role unless they are the dominant security institution in a country. There are also cases when only some sections of law enforcement and prosecutorial agencies have been colonised by the captors, while the rest was undermined by the private institutions. For example, in South Africa, the key targets of state capture in the security sector by the Zuma regime have been intelligence service (both criminal intelligence and the State Security Service) in command of surveillance and prosecutor (the National Prosecution Authority), while the parts of the judiciary, along with independent media and civil society were the ones resisting the capture and helping it being

uncovered.[101] Predrag Petrović argues in this special issue that intelligence services first become targets of the state capture process, and later get engaged as a principal agent in the capture of other elements of governance. He justifies the attractiveness of security services for state capture due to their ways of operating such as secrecy, informality, the exclusivity of access and networked structure, as well as a monopoly on covert interception of communications, which make them less prone to public scrutiny and a good tool for safeguarding impunity of captors.

Selective Justice and Security as a Control Mechanism

Besides protection of the captors by key security and justice institutions, the security and justice institutions play an important role in selective enforcement of rules and procedures[102] on behalf of private interest. By its action or inaction in favour of a client (company, political party, network), the security sector may influence the chances for potential competitors in the political or economic market, as well as enable the criminalization of the state. This may include targeted action against their competitors, as well as denial of protection to those who are challenging the interest of the captors.

The first type of activity is called *over-enforcement of law*. This could include extensive use of competencies given to law enforcement and other security and justice institutions to target challengers of captors. The challengers may include internal members of the network or external challengers such as political parties, civil society, independent media, businesses. Selective enforcement of laws may be used to directly harass opponents by *over-policing* such as extensive use of stop-and-search, force during public gatherings, and other forms of repression. Morgenbesser also highlights intrusive surveillance, such as "use of artificial intelligence, facial recognition, malware hacking, machine learning and/or satellite infrastructure to systematically control individuals and groups" as one of the standard items on the menu of autocratic innovation.[103] The internal challengers to the captors, such as members of its clique or professionals within public administration, including security and justice institutions that want to operate in line with constitutional principles, may be controlled by abuse of surveillance, leaking private information, smear campaigns, strategic litigations to planting evidence. The example of the first would be "the abuse of police, investigation and prosecution powers against competitors without proper legal grounds, thus sabotaging the chance of competitor to win …".[104] An example of this is a significant number of arrests of former members of political opposition and police units in South Africa which ended up without judgments.[105] South African research-

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101   Cawthra 2019, 226.

102   Stoyanov *et al.* 2019, 28.

103   Morgenbesser 2020, 1058.

104   Stoyanov *et al.* 2019, 39.

105   The Institute for Security Studies and Corruption Watch 2019, 15.

ers list that the Zuma and Guptas used intelligence agencies to compete with opposing factions within the ruling party of the African National Congress.[106]

The purposeful avoidance to provide protection to challengers of the system is called *under-policing* or *under-enforcement of law* by, e.g., not responding to their requests for assistance, not intervening when challengers of captors are attacked by private security, criminals or hooligan groups. This is a case in Mexico where mayoral candidates who are not willing to work for organized crime are assassinated during campaigns and remain unprotected by the federal level of government.[107] In Central Europe, there has been an increase of attacks by right-wing groups on migrants, minority groups[108] and the civil society activists without proper investigation and prosecution by the government. The purpose of selective enforcement of laws is to take control over possible contenders and thus create monopolies of political and economic power. In this way, the security sector is one of the key instruments for capturing other elements of state and society.

Selective enforcement of rules and procedures may assist criminalisation or even mafia capture of the state. By allowing "some criminals (…) preferential treatment over their competitors by law enforcement bodies due to their political ties or in exchange of information"[109] security officials may contribute to 'black market capture' or impunity for crime groups that are close to the government. Iztok Prezelj and Nina Otorepec Vogrinčič[110] analysed how the Zemun Clan used the links with the Serbian intelligence service and some politicians to dominate drug trafficking in the region and influence politics in Serbia. Investigative journalists from Serbia and Montenegro have also documented that the Serbian government acted on behalf of one clan in the so-called Balkan Cocaine Wars[111] and used it also to influence domestic political competition. Criminals may provide illicit funding for elections, intimidation of political opponents, as well as an alternative revenue source to the politicians, while they expect support for their money-laundry, impunity from prosecution, and access to rents. This trend of cooperation between government and organised crime is especially evident in Latin America,[112] where hybrid power relations have been the dominant way of security governance in many localities. The criminalisation of governance may result in a decreased level of safety for citizens, as in the case of South Africa, where during Zuma, the number of aggravated robberies and murders increased due to the deployment of police for political purposes.[113] There are also cases of pacts between the political patrons and criminal groups that result

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106   *Ibid.,* 49.

107   Weiss 2021; Trejo and Ley 2021.

108   Bjørgo and Mareš 2019.

109   Stoyanov *et al.* 2019, 39.

110   Prezelj and Otorepec Vogrinčič 2020, 547–570.

111   OCCRP, 2020.

112   Briscoe, Perdomo, and Burcher, 2014.

113   The Institute for Security Studies and Corruption Watch 2019, 49.

in better safety for citizens, as in the case of the informal agreement between the Mexican government with criminal organisations on 'ten commandments' during the hegemony of Partido Revolicionario Institucional (PRI).[114] The Centre for Study of Democracy lists another way of criminalisation of society is by "granting a privileged position in the process of legalization of a competitive gray/informal market…" as in the case of "video rentals, urban transportation"[115] or more recently production of green energy. Italian mafia is most famous for infiltration in legalising and increasing its income through infiltration into legal business, especially public procurement.[116] The key question for the analysis of crime state capture is the balance of power between the politicians and organised crime that "may change according to the circumstances or depending on how far the political partner is prepared to go in order to consolidate its power."[117]

Some criminologists called state capture a particular type of state crime, "a product of action or inaction on behalf of the state or a state agency breaching sense of duty to its citizens"[118] and "committed by the state in the interests of an 'elite'" and not the state.[119] As explained earlier, the crime might be a result of both explicit and implicit acts of commission (e.g. over-policing), as well as an omission to protect all or some of the citizens (e.g. under-policing). Balint Magyar does not think that the government has to have links with organised crime or be engaged in criminal activities or use violent means for everyday operation.[120] He has compared state capture to mafia based on "arrays of mafia tactics, personnel and practices deployed for governance."[121] Magyar called Hungary a 'mafia state' – "the privatized form of parasitic state, the business venture of the adopted family managed through instruments of public authority."[122] The key element of a mafia state is the functioning of state apparatus as a mafia "in terms of internal culture and rulership."[123]

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114   The commandments included rules like not living dead bodies in the streets, investing profits in the country, not allowing drugs in the schools, punishing errors by the imprisonment rather than killings etc. Briscoe, Perdomo and Burcher 2014, 38–39.

115   Stoyanov *et al.* 2019, 39.

116   Canonico, Consiglio, De Nito, Mangia 2021; Caneppele and Martocchia 2014.

117   Briscoe, Perdomo and Burcher 2014, 44.

120   Magyar and Madlovics 2020,106.

121   Ries 2020, 1.

122   Magyar 2016, 70–71.

123   Magyar and Madlovics 2020, 106.

Securitization and State Capture

The third purpose of the capture of security governance is related to the processes of legitimisation of the elite and governance through securitization. Ivor Chipkin highlights that the set of political convictions used to justify state capture is "a dimension mostly overlooked in legal, political and scholarly discussions of the phenomenon."[124] The same gap exists in the literature on SSR that frequently overlooks local political contestation and how it influences public imagination of what is a desirable way of security governance. The literature on autocratic innovations contributes by showing how we should not take consensus on democratic and liberal values for granted and how they could be intentionally eroded by the deployment of security discourses and practices.

We suggest that by using the concepts developed in the securitization theory, we will better understand the political dynamics of state capture. By focusing on who can be a securitizing actor, what or whom is to be protected (referent object), who is the key audience and what is the context in which the adoption of proposed measures could take place, we will be able also to analyse nature and freedom of political competition. In applying the concept of securitization, we rely on both traditions of the Copenhagen School[125] that studies securitization in discursive acts, as well as the Paris School[126] that includes both public statements and practices, as well as routine institutional practices that may take place out of public eyes. Sarah Léonard differentiates between the security practices that are traditionally used to tackle security issues, as well as the measures used 'out of ordinary' or not previously or rarely applied to a specific policy issue in each political context.[127] The example of the former would be the deployment of military troops at the boundary between Serbia and Kosovo in response to the Kosovo Police's action against smugglers in North Kosovo. By this move, the Serbian Government wanted to signal that the move by the Pristina authorities is not related to crime-fighting, but the endangerment of the community in Kosovo and symbolically indicate its readiness to engage against to defend the rights of the Serb community. An example of an out-of-ordinary measure would be the deployment of the policy instrument that was not previously or rarely applied to a specific policy issue in each political context. For example, Szalai and Gobl list the use of barb wire at the border between Serbia and Hungary that was never applied before in the cases of migration.[128] Thierry Balzacq put forward the concept of non-discursive securitizing tools and securitizing instruments.[129] This refers to "an instrument which, by its very nature or by its very functioning, transforms the entity (i.e. subject or object) it processes into a threat."[130] For example, by categorizing some groups of people as risky (e.g. migrants, non-citizens) in the police procedures (e.g. profiling) and databases, their access to other public goods such as freedom of movement and political action may be limited.

Thierry Balzacq mentions that "a new threat could be identified in the absence of a discursive articulation."[131] He lists the example of EU security professionals who have alleviated public problems to threats, such as terrorism, through risk assessments that are not shared with a larger public. The Paris School underlined the role of the audience and the context in which the securitization takes place, including the power relations between

securitizing actors, veto actors and audiences. In line with such understanding of the audience, we can analyze both the supply side of state capture through the securitization moves, as well as the demand side or level of acceptance by the analysis of relevant audiences, such as voters, members of capturing network, external partners or potential opponents. This is especially relevant for understanding political orders that are becoming less democratic.

Juha Vuori was the first to emphasise that "security is a strong legitimator even in non-democratic political systems."[132] The assumption is that political legitimacy is also needed in not-(fully)democratic systems and that subordination cannot be secured purely by means of coercion or clientelism. In this regard, Balint Magyar and Balint Madlovics make a difference between those political actors that are driven by ideology and those that are *ideology-applying*, so to explain how the autocrats are using populist narratives instrumentally and flexibly to fulfil their political ambitions and not necessarily to implement the proclaimed values.[133] As we have explained that state capture may exist in a range of political systems from democratic ones to totalitarian ones, it is important to explain that the securitization refers both to the break of democratic and other types of constraints that exist in non-democratic regimes. Another example of the break of democratic constraints during state capture is the use of security and defence as a blank excuse for secrecy and avoiding accountability.[134] For example, some governments used Covid-19 emergency to use military and security tools such as, e.g. confidential procurement for medical supplies, equipment and construction, thus circumventing public scrutiny.[135] Securitization could also serve for the reproduction of "the political order, for renewing discipline, and for controlling society and the political order."[136] In such understanding, the success of securitization is both in getting support for proposed measures, but also silencing or de-legitimising challengers such as protest politics, intra-elite revolts or active non-participation.[137] In this section, we are interested in the study of *securitization from above*, by formal or real power-holders (state captors) and how they influence political and economic competition in society. Such understanding of the securitization process is primarily focused on those acts of securitization aimed at monopolizing political and economic power and countering possible social alternatives.

The second purpose of securitization is to legitimise policies by state captors. State capture creates losers and obstructs the opportunities for citizens, and it must be justified. The securitizing actors are 'decision-makers or someone acting on their behalf' especially in the cases of political party capture, which are interested in political control, as much as

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132   Vuori 2008, 68.

133   Magyar and Madlovics 2020, 577.

134   See: Pejić and Stojanović 2018.

135   Stojanović and Jeremić 2021.

136   Vuori 2008, 69.

137   Weaver 1995.

in economic gains.[138] The response to who needs to be convinced or who is legitimisation audience depends on cultural and political systems and the socio-political situation. This may vary from the potential voters, as in the majority of literature on securitization, to the persuasion of power-elite in the one-party system of China.[139] It could also be aimed at external backers – the EU, the U.S. The same securitization move may be addressing parallel audiences – at home and abroad at the same time. This could be done by partially addressing real-life problems and responding to "pre-existing social tensions"[140] such as the unjust privatisation process in Central and Eastern Europe, oligarchic anarchy in Russia and Ukraine, inequalities in terms of income and wealth increased during an economic crisis or created during colonialism.

For example, Ivor Chipkin explains how the repurposing of state institutions in South Africa was driven by more than the abuse of public office for private gain. It was a widely spread perception that corruption and inequality could not be fully addressed due to the constraints imposed in "a constitutional settlement that protects property rights, 'Western' norms and gives whites and new Black elites powerful legal instruments through which to maintain their privilege."[141] This is also an example of cooperation between political party and private actors to set the agenda and prepare for state capture, as "the PR firm of the Guptas, Bell Pottinger, a UK-based public-relations company, developed the narrative that the real protagonist of capture was something called 'white monopoly capital.'"[142] It is an example of how state captors used securitization to justify favouritism and economic patronalisation[143] by privileging Black procurement by Zuma and Gupta family associates. Securitizing actors may link the threat to problems with markets and imperialist political and economic actors. Victor Orbán has similarly used the disappointment with democratic and economic transition in Hungary to question consensus on liberal political order, human rights and promoted as a response the illiberal democracy.[144]

An example of ideology-applying is autocratic innovation. Nicole Curato and Diego Fossati argue that contemporary state captors are more difficult to detect as they "draw from democratic discourse and disguise themselves as democratic"[145] often using the same tools and practices previously used for democratisation, such as civil society engagement, social media, public protests.[146] They build the "consensus for more or less explicit autocratic turns (…) often present[ing] themselves as being hyper-democratic rather than

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138   Magyar 2016, 73.

139   Vuori 2008.

140   Magyar and Madlovics 2020, 590–591.

141   Chipkin 2020.

142   *Ibid.*

143   Magyar and Madlovics 2020, 583.

144   *Ibid.,* 171–172.

145   Curato and Fossati 2020, 1017.

146   Pepinski 2020, 1097–1098.

anti-democratic, and in doing so they draw on conceptions of democracies that are distinct from liberal ones."[147] In doing so, they securitize liberal democracy as due to its "failure to deliver desirable policy outcomes for all, accuse political elites of hijacking liberal democratic institution for self-interested goals, or point to gross deficiencies in descriptive or substantive representation."[148] Curato and Fossiati give an example of an authoritarian innovation that instead of open advocacy for replacement of democratic institutions and practices with the authoritarian ones, state captors "may sow doubt in the minds of the public by casting issues such as the defence of civil liberties and the preservations of institutional checks and balances as controversial arenas of political and partisan contention."[149] The state captors could use legitimisation to mobilize the political system or to reproduce security by legitimisation of past acts.[150] Legitimisation may also be used to preserve the *status quo* or to construct a *post hoc* security status for an issue. An example of this is spreading official representation of past events and making alternative representations a taboo.[151] This is an example with memorization policies of NATO bombing in Serbia[152] in which the West is to be blamed, while Serbian authorities and security institutions are exempted from responsibility. As a consequence, the same discourse of external threat to national interest is triggered in contemporary circumstances once the misuse of security institutions is highlighted.

The third purpose is deterrence or intimidation of the audience.[153] Those who *de facto* have power may use such discourse or practices to intimidate the audience, such as their potential opponents, whether they are another country, political opposition, or the groups in a society that may protest etc. This could be done through active stigmatisation of potential opponents, especially 'actively critical actors' who have a voice and possible some access in selected media.[154] Security governance is used to criminalise the potential challengers. Morgenbesser lists on the menu of standard autocratic innovations the adoption of laws that curtail civil society autonomy by limiting their activities and funding under the excuse of confronting financing of terrorism or confronting the spread of fake news.[155] The other strategy may be aimed at silencing potential challengers by the politics of fear. This could be done by misuse of security institutions for signalling threats through, e.g., publicized arrests without indications, spreading fake intelligence, surveillance and misuse of private data. Moreover, Morgenbesser lists that the measures to prevent critical actions may take place beyond national borders through the deployment of Interpol red

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147   Curato and Fossati 2020, 1016.

148   *Ibid.,* 1017.

149   *Ibid.*

150   Vuori 2008, 83.

151   *Ibid.,* 93.

152   See the special issue *Memories and Narratives of the 1999 NATO Bombing in Serbia* by Fridman and Racz 2016, and Ejdus 2017.

153   Vuori 2008, 81.

154   Magyar and Madlovics 2020, 600–601.

155   Morgenbesser 2020, 1057.

alert notices.[156] In this case, Vuori highlights that the success of such securitizing move is if the audience "adheres to the 'rituals' the practice entails and subjugate themselves to its discipline (i.e. apathy equals legitimacy)."[157] Success of securitization measures at elections, but also by the absence of demonstrations, coups, active non-participation.

One of enabling conditions for securitization and state capture is media capture,[158] as in this way, counter-narratives and their reach may be limited. Besides the tools for privatisation of media, through informal control of ownership and financing, the media may be captured by the supply of dramatic and sensational content. Besides traditional media, Morgenbesser lists as a standard autocratic innovation, the capture of dialogue in the internet and social media through production and dissemination of information "designed to stir cognitive dissonance."[159] This is done by the deployment of troll armies that harass critics, spread misinformation and flooding of "information by an authority with the intent of competing with or distracting from information the authority would rather consumers not access."[160] Vuori explains that the desirability of dramatic and extraordinary content is the reason why the security frames receive precedence in traditional and social media over other types of content. This is another reason why the captors want security institutions under their control, so to be able to produce drama, e.g., through massive arrests or subjecting opponents and themselves to lie detector. In the words of Magyar and Madlovics, the ultimate purpose of intimidation is "to eliminate social autonomies"[161] of broader civil society, including non-profits, academia and entrepreneurs, thus creating the conditions for full autocratic capture.

The fourth purpose is to ensure control of those under the authority of securitizing actors,[162] whether those are party members or citizens. This is especially important concerning potential veto players in democratic states, such as the opposition within the captors' ranks or the judiciary and the media who can question the securitization claims of the governing elite and check the legitimacy of the policies they introduce. The institutions of public administration and the judiciary could be encouraged to preserve impunity without the public narratives, e.g., through clientelist practices, but also intimidation and other administrative ways of ensuring loyalty. As a state capture, the securitization process is also path-dependent, deeply located in a particular social and political context. Vuori explains that the same securitizing move may be perceived differently legitimate at

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156   Morgenbesser 2020, 1057.

157   Vuori 2008, 73.

158   Stoyanev *et al.* 2019, 40–41; Magyar and Madlovics 2020, 245–255.

159   Morgenbesser 2020, 1058.

160   Roberts 2018, 80.

161   Magyar and Madlovics 2020, 583.

162   Vuori 2008, 88.

different points in time, depending on whether there is a strong counter-narrative or the event that undermines the authority of securitizing actor.[163]

Captors or the Captured?

The position of the security sector within state capture agents may differ from being an instrument of capture by the business, political party or criminal syndicate or being one of the agents of capture. In the previous sections, we have explained that security and justice institutions are the targets of capture by other agents, so to ensure impunity for their governance, control over possible contenders through selective enforcement of laws and to legitimise this way of governance. Moreover, the private security may be clients of state capture by the development of clientelistic relationships as a precondition for getting business through public procurement.[164]

Security professionals may also be agents of capture. The security professionals may be part of the network privatising state with different levels of autonomy and power within the network. The security professionals may be just "one of the informal networks that co-exists with other informal patronal networks" as in the case of Romania.[165] As agents of capture, security professionals may be in a lead position as in the case of military coups or the case of institutional capture by former intelligence officers as in Russia. The institutional capture is the case of informal privatisation of governance over security institutions by their managers and employees, so to serve their private interests, whether it is an appropriation of corruption rents[166] or taking hold of political power as in the case of military coups. There are several African and Middle Eastern countries in which militaries are both political powerholders and economic actors that control significant segments of the national economy. The armed forces may also earn rents for services provided to autocratic regimes that rely on control and internal repression for staying in power.[167]

The most famous case of institutional capture is Russian *siloviki* or 'people of force' who refer to "representatives from the security and military services, including former service personnel occupying positions of power in political and administrative authorities as well as in big business"[168] that act as an informal network that manages the country. They have emerged at the top of political elites in the early 2000s with the rise of Putin in response to the criminal anarchy of the 1990s and the re-introduction of the state monopoly of the force. While they have successfully decreased the use of violence in society, they had not installed the rule of law. Ilja Viktorov explains that they used the judiciary, state appara-

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163   Vuori 2008.

164   Pešić and Milošević 2021.

165   Magyar and Madlovics 2020, 679.

166   Stoyanov *et al.* 2019, 37.

167   Lopes de Silva 2020.

168   Viktorov 2019, 445.

tus, and state monopoly of violence for personal enrichment.[169] The *reiderstvo* practice or raiding of businesses thus continued but in a more sophisticated way, e.g., through police and judicial actions, monopolizing political and economic competition in the country.

The preconditions for an agency of security professionals in state capture is that they have maintained or expanded formal competencies, as well as the informal social capital and knowledge that they can use to control other actors in state capture. Their main bargaining chips within the networks of captors are both formal competencies and informal ways of operating. The first aspect includes competencies for management of violence and coercion, access to compromising data through surveillance, and confidentiality of functioning. The secrecy and "legal obfuscation"[170] or mystification of security governance, which makes it more difficult for those that are outside of executive and security institutions to track what is going in it. This is illustrated in the article by Predrag Petrović in this special issue, who studied the case study of the capture of Serbian intelligence service and its transformation into a principal-agent in the capture of other elements of governance. The informal advantage of security professionals is unique knowledge and skills for the use of coercion and surveillance, as well as networks of informants, which gives priority to insiders for capture. As Petrović analyses in this issue, the state capture process resembles "the aspects of a complex intelligence operation,"[171] therefore requiring the know-how on how to run such process.

In some countries, new governments tried to confront the challenge of governing security professionals by dissolving the institutions and recruiting new members of the service, as in the case of Georgian traffic police. However, while this has led to a decrease in petty corruption, the patterns of clientelist relations were maintained at the higher echelons of police. In other countries, like Bulgaria, the dissolution of the communist intelligence service at the early stages of transition led to the emergence of organised crime groups that maintained informal links with their colleagues in the security system.[172]

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169   Viktorov 2019, 446

170   Cawathra 2019, 226.

171   Petrović 2021.

172   CSD 2008, 49.

Conclusion

In this article, we have shown that the concept of state capture enriches the understanding of reversals of democratisation and security sector reform into hybrid regimes, as well as the consolidation of autocratic regimes. In contrast to much literature on autocratisation that emphasises control over political institutions and political processes (elections, parliaments, judiciary and media), state capture brings to the front the control of public administration for extraction and abuse of public funds for political competition. Public resources are extracted through party patronage, privatisation of public administration, judiciary, security institutions and media and they are used to influence political competition. Moreover, state capture helps us understand that democratic backsliding, corruption and autocratic consolidation may take place in front of our eyes and without us acknowledging it. It is often a gradual process that abuses democratic institutions and processes to change and enforce the rules of the game to privilege captors. While these changes may be piecemeal, legal, they are always intentional and used to undermine accountability and participation in democracies, which is why some authors have referred to them as autocratic innovations.[173] To recognise them, we need to focus not only on the nature of political regimes, but practices used to govern and influence political and economic competition. In this way, the attempts of reversals of democracy and SSR may be prevented, slowed down and acknowledged before they consolidate into full autocracy.

Depending on the context and particular legacies of political competition and institutional setup, some actors may have more chances than others to become captors. Therefore, we differentiate between the corporate capture by business actors, political capture by political parties, most frequently incumbent ones, criminal capture by criminal groups and institutional capture by members of public administration, most frequently by security professionals. Besides autocratic practices and colonisation of significant institutions for governance (public administration, media, security sector), the success of state capture relies on the legitimisation of these changes through different discourses and practices. We claim that securitization practices are particularly important as they may be very dramatic and used to distract the attention from the scrutiny of government or take place out of public scrutiny with serious impact for democratic competition. This article argues that, to understand the political dimensions of the state capture process and outcomes in a hybrid regime, one must look beyond civilian state administration and widen the perspective onto the security sector and its governance. While the literature on autocratisation and autocratic innovations has addressed individual autocratic practices of misuse of security institutions, it has not tried to synthesise to understand broader logic of action. The paper emphasises the overall significance of the security sector as both the captured part of the state apparatus and the agent of the capture.

The central contribution of the paper to the scholarly literature is a synthesis of existing evidence into a more coherent framework for studying the interaction between the security sector and state capture. We put forward the function of the security sector in the process of state capture through three distinct functions: impunity, selective law enforce-

ment and securitization. This adds to the literature on state capture that has mostly focussed on economic gain for the captors (whether political parties, corporate or criminal actors, or the employees of security institutions) and political advantage.

We believe that we showed in this introductory essay that state capture and security studies are the two areas of political science research that will be increasingly intertwined and possibly produce further reconceptualization of the notion of state capture. This special issue of *the Journal of Regional Security* contains a collection of essays offering some empirical evidence to this effect. Future research will have to bring in evidence from other countries and all regime types — democracies, hybrid regimes, and autocracies.

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