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Democracy at the Crossroads: South Africa 30 Years after Apartheid

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Abstract

This study explores the contemporary democracy in South Africa three decades after the end of Apartheid. Based on the classical study provided by Juan Linz and Alfred Stepan (1996), the challenges to South Africa's democracy are analyzed in the political, judicial, bureaucratic, economic and civil societies. Each society is important as a single-case study analysis, but they are also interrelated societies, together bringing deepened insights to the quality of democracy. It is argued that although the African National Congress (ANC) was once the promoter of democracy, its long-term political dominance has resulted in major hindrances for further democratization in the political, bureaucratic and economic societies, but with positive signs in the judicial and civil societies.

Key-words: *South Africa, ANC, Democratization, Sub-societies.*

Introduction

On April 27, 1994, all South African nationalities were, for the first time ever, allowed to cast their vote in a national election. Then, the triumph of democracy, human rights and rule of law expanded universally. Today, the situation is very different (Arriola, 2023). The global democratic upsurge has halted because of a decade of worldwide autocratization, which refers to the decline of rights and liberties in autocracies as well as democracies (Cooley, 2016, p. 60; Lührmann & Lindberg, 2019).

This study explores South Africa's democracy three decades after the end of Apartheid. It is argued that South Africa is facing serious challenges in the political, bureaucratic and economic society, with the main root to such challenges in the former liberator in the ANC (Silander et al, 2023). This study is structured into four parts including the introduction. The following part discusses the theoretical notions of the quality of democracy by focusing on the democracy/sub-society nexus, followed by an analysis of democracy in South Africa before presenting concluding remarks.

Theoretical Perspective: Democracy and Sub-societies

There has been a long tradition of research on democratization (Bernhagen et al, 2018). Overall, democratization has referred to "political changes moving in a democratic direction," (Potter et al, 1997, p. 3) including liberalization, transition and consolidation. One scholarly perspective has been to explore *liberalization*, referring to the process of growing pluralism in the socioeconomic and political societies. Studies on democratization have also explored transitions to democracy in the collapse of an authoritarian regime and the launch of free and fair elections (O'Donnel & Schmitter, 1996). After decades of democratization across the globe and numerous studies on how to explain liberalization and transitions into new democracies, today's global democracy seems to be at a crossroad, leaving the academic community with greater interests in understanding challenges to democracy. Studies on democratization have identified how democracies (Molino, 2021; Levitsky & Way, 2010) have had free and fair elections but have continued to face hindrances to further democratization (Diamond, 2020). The ongoing autocratization (Boese et al, 2022) has included both the retreat of democracy within nondemocratic settings as well as democratic backsliding within democracies. Although authoritarian states

have continued to oppress rights and liberties for their citizens, democracies have also seen dissatisfied democrats and illiberal and antidemocratic movements and leaders (Blokker, 2021; Lijphart, 2011, pp. 17-18). Today, many democracies may be improved both in the quality of participation and contestation as well as in the protection of liberties. In this sense, no democracy will ever be ‘100% consolidated’ (Schedler, 1998). A democracy may be more or less consolidated but never fully consolidated.

There are many different perspectives on consolidation. One approach to consolidation has referred to negative and positive perspectives. The negative perspective on consolidation has focused on how to avoid democratic breakdown through the promotion of political and judicial institutions, whereas the positive perspective has concentrated on how to deepen the democracy in the society at large (Schedler, 1998, pp. 92-100). Studies have therefore focused on both the *institutionalization process*, in the development of effective and representative institutions, and the *socialization* of a prodemocratic societal culture (Schedler, 2002).

The many decades of studies on the consolidation of democracy have referred to democracy as the only game in town (Di Palma, 1990). The only game in town demands political support in the political system and the society at large. This has included consolidation as democratic *behavior*, democratic *attitudes* and a democratic *constitution*. Democracy, as the only game in town, rejects behavior that seeks to overthrow the democratic system and attitudes that are unsupportive to the idea that political decisions and political reforms are based on the democratic code and in accordance with the constitution (Diamond, 1999).

Based on previous discussions on consolidation in terms of institutionalization and socialization, as a political and societal process, our understanding in this study on the consolidation of democracy is that it is a complex, never-ending process that needs to consider political and societal conditions. In the classic study *Problems of Democratic Transition and Consolidation*, Juan Linz and Alfred Stepan explored how to study changes and challenges to democracies. Although they argued that the political, judicial, bureaucratic, economic and civil societies are crucial for democratization, they also stressed how these societies were interrelated where progress or problems of democracy in one society had impact on others. Democratization had to take place in all societies in order to result in a fully-fledged democracy as summarized in Table 1 (Linz & Stepan, 1996).

Table 1

Sub-societies	Content
Political	Sub-society where political actors compete for power over public policies and the state apparatus through free and fair elections, and where the people participate and support democratic institutions and institutions that are transparent and representative.
Bureaucratic	Sub-society with usable and efficient bureaucracy to implement democratic governance and the rule of law; in addition, a sub-society to protect citizens' rights and liberties and to pull resources to the state in order to afford the delivery of basic services to the people.
Judicial	Sub-society based on the independent rule of law with judicial institutions ensuring check and balances, democratic institutional performances and accountability, as well as the protection of citizens' rights and liberties.
Economic	Sub-society with rules on how economic affairs are to be conducted, to some degree controlled by the political society, but without the risk of state-controlled economy; a set of norms, values and regulations that combine private and state interests to provide for market autonomy, ownership diversity and state regulations.
Civil	Sub-society of autonomous and self-organized activities where citizens are mobilized into organizations, associations and/or movements to articulate aggregated interests relatively independent from the political society.

First, democratization of the *political society* refers to when political actors compete for power over public policies and the state apparatus through free and fair elections and when the people participate and support democratic institutions that are transparent, representative and with checks and balances. *Second*, democratization of the *bureaucracy society* implies a usable and efficient bureaucracy to implement democratic governance. It embeds power to follow through on democratic decisions taken within the political society and to pull resources to the state in order to afford to deliver basic services. *Third*, a high-quality democracy also needs democratization of the *judicial society* with the independent rule of law and judicial institutions ensuring check and balances, democratic institutional performances and accountability, as well as the protection of citizens' rights and liberties. *Fourth*, democratization further includes an *economic society* of institutions on rules on how economic affairs are to be

conducted, to some degree controlled by the political society in order to avoid pure market economic forces, but without the risk of a state-controlled economy. *Fifth* and finally, democratization further embeds a *civil society* of autonomous and self-organized organizations, movements and activities where citizens are empowered and mobilized to articulate aggregated interests relatively independent from the political society.

Methodology

The five sub-societies to democratization are to be applied to South Africa. Each society is important as a single-case study analysis. They are developed based on a long tradition of scholarly studies on causes and challenges to democratization. In addition, these societies are also interrelated ones, together bringing deepened knowledge of the quality of democracy. By exploring five crucial societies to democratization, this study presents a comprehensive analysis of contemporary democracy in South Africa.

South Africa is an interesting study-object. In the global and African spirit of democratization of the late 1980s and 1990s, South Africa launched a transition towards democracy after decades of Apartheid. The South African transition was a major symbol of expanded freedoms around the world. Today, the worldwide autocratization has challenged democracies such as South Africa's. It is therefore important to increase our scholarly knowledge on challenges to democracy and how democracies may be protected.

The study has applied qualitative methodology using multiple sources of information comprising primary and secondary sources. The analysis of South Africa is based on scholarly studies on democratization, autocratization and South Africa's society and democracy. Although the timeframe of the study includes societal and democratic changes from the 1990s and forward, the dominant analytical part focuses on contemporary South Africa

Analysis: South African Democracy

The Political Society

South Africa has over the last three decades of post-Apartheid politics been a beacon of hope throughout Africa (Clark & Worger, 2016). There have been five national democratic elections, which have all resulted in

majority victories for the ANC. The elections have been rooted in the 1996 constitution. The constitution sets out rights and liberties for all people without racism but recognizes the injustices of the past and how the new democracy must be united based on national diversity. South African Government, 1996). Although the constitution is one of the most democratized in the world (Nilsson, 2022; Alence & Pitcher, 2021), South Africa's democracy is today challenged within the political society by corruption, state capture and an underdeveloped political culture.

During the presidency of Thabo Mbeki, 1999-2008, South Africa's democracy was severely challenged by corruption. In 2008, before his second term was finalized, Mbeki had to leave office after accusations of undermining the rule of law when interfering in the judicial process where the ANC leader, Jacob Zuma, was prosecuted for corruption. Despite the accusations against Zuma, he eventually became the new president in 2009 to 2018, although he had to leave his office in advance due to accusations of corruption and constitutional misbehavior. In 2018, President Cyril Ramaphosa came to power and raised new hope for democratic reforms. Even with declining support in the 2019 election, supporters of Ramaphosa longed for harsh strategies against corruption and patronage to avoid growing illegitimacy for the ANC. President Ramaphosa soon, however, faced accusation of wrongdoings with public funding and corruption (Alence & Pitcher, 2021). Today, South Africa is assessed as a country with high and widespread corruption. Despite a firm constitution on democracy and corruption, anti-corruption laws have been inadequately implemented due to a lack of political will. The public also perceives reporting on corruption as a dangerous thing to do with possible retaliation as a consequence (Transparency International, 2019; Pithouse, 2016).

A closely related democratic challenge to corruption is the state capture in South Africa. State capture "can be defined as the actions of individuals or groups both in the public and private sectors, influencing the formation of laws, regulations, decrees and other government policies to their own personal advantage" (Martin & Solomon, 2016, p. 22). State capture has been visible in the close ties between the ANC and state institutions, which have intensified from one presidency to another and become most visible during Zuma's presidency (Southall, 2019). His close collaboration with the Gupta family became an alarming symbol of the interplay between the political and economic elites and state institutions. Over the years, the friendship and collaboration between President Zuma with allies and the Gupta family resulted in private

interests over political decisions and state institutions as well as a systematic extraction of public financial resources from the state to individuals (Martin & Solomon, 2016). The years under President Zuma included serious democratic setbacks where state institutions transformed into a system for selfish, material accumulation by loyal elites, and where the ANC authority of patronage and corruption exploded (Alence & Pitcher, 2021; Martin & Solomon, 2016).

An additional alarming democratic challenge, closely related to corruption and state capture, is people's growing disbelief in the ANC as the leading political party in the country. After decades of the ANC being in power, internal political fighting has resulted between factions, which has led to popular illegitimacy and distrust toward the ANC with shrinking electoral support, falling from about 89% in 1999 to 58% in 2019. Today, the ANC is followed by the democratic alliance (DA) with 21% and the radical economic freedom fighters (EFF) with 11%, where the opposition has had great victories at the municipal level (BBC, 2019). The declining trust in the ANC has also led to the rise of radical political parties such as the EFF and the Freedom Front Plus (FF+), with an overall political culture characterized by inflammatory statements and tensions. The EFF has become the third-largest party in the National Assembly (BBC, 2019b), based on an anti-democratic Marxist–Leninist ideology. The growing democratic discontent and radicalization of politics provide the question of whether this is a sign of a questioned democratic political society. Voter turnout has continued to drop to 65% in 2019 compared to 73% in the previous election, with a declining figure from one presidential election to the other since 1994. Statistics also points out how about 15-20% of the South Africans support a nondemocratic government as a better solution to problems than the existing democratic one. (Müller, 2021; BBC, 2019).

The Bureaucratic Society

The bureaucratic society functions as a service delivery institution based on the political decisions made (Nokele, 2022, pp. 76-81). Overall, research has, however, pointed out many limitations of public service delivery in South Africa due to state capture, a cadre deployment system and corruption (Ibid., pp. 76-81).

The South African bureaucracy has been influenced by the dominating party politics of the ANC. The strong ANC ideology has guided the bureaucracy, to a large extent leading to an administration that

is first leftist oriented but gradually shifting toward a “rightist neoliberal” side (Peet, 2022, 56). This became obvious when the party launched the Growth, Employment and Redistribution policy (GEAR) after the Reconstruction and Development Program (RDP) (Ibid., p. 56). Although it is quite common that one-party-dominated political systems do have a strong ideological impact on the bureaucratic system, the ANC domination in South Africa has led to state capture where many of the founding democratic values and principles have been severely challenged, such as public participation, impartiality, transparency and accountability. Despite the high ambition by the government to launch reforms and policies in the public sector, to meet the dire demands of the people, the bureaucracy has had major difficulties equipping public schools with sufficient and correct study material, developing infrastructure in roads, water, electricity supply and housing, as well as providing health care and employability. The many malfunctions of the bureaucracy have resulted in inefficient reforms on targeting the many socioeconomic challenges that exist, resulting in widespread poverty and inequality. As a consequence, growing tension and instability, as well as protests and violence, have emerged, targeting politicians and public services as well as the society at large (Nkomo, 2017).

The state-captured phenomenon of the bureaucracy escalated under the presidency of Zuma with the establishment of a cadre system. The cadre deployment system, with politically steered public servants, has led to years of increasing wage bills within the bureaucracy; the political elite provided a reward system to loyal public servants. Research shows how the increase of wages among state employees significantly grew between 2006 and 2017, especially so under the Zuma presidency where incompetent and unqualified individuals were employed to strategic positions primarily based on loyalty to the party (Croucamp, 2022). This undermined the independence of the bureaucratic society, as well as the efficiency and needed diffusion of public resources to the large groups of citizens in great need of socioeconomic improvements (Jankielsohn & Mollentze, 2021; Mlambo et al, 2022, p. 12).

The cadre deployment system has also resulted in overspending financial resources on outsourced goods and services with poor quality services. Over the last two decades, the government has increased its purchases of goods and services from the private sector by about 25%. This has come with opportunities for political-economic elite negotiations and corruption (Mandosela, 2019). Today, the political-bureaucratic nexus, with public servants used to serve the interests of the

ANC, has left South Africa with limited public funding for the overall public good.

The Judicial Society

The judicial society is essential for a democracy. It embeds the rule of law, ideas of constitutionalism, governmental principles and procedures, as well as a hierarchy of laws providing for an apolitical legal culture. The South African post-apartheid judicial society was first based on the interim constitution of 1993 and second on the new constitution decided on in 1996 (Silander & Malmgren, 2022).

In the context of many challenges in the political and bureaucratic societies, the Constitutional Court has at numerous times played a pivotal role in safeguarding democratic rights and liberties by promoting checks and balances. The Constitutional Court has assessed wrongdoings by presidents and other members of the political elite accused of corruption and misuse of power, but it has also safeguarded important laws regarding equality, discrimination, labor, electoral freedom, life, accountability and transparency (Heydenrych, 2022).

The Constitutional Court has been highly active in monitoring the abuse of power. This was especially the case under President Zuma where numerous corruption cases occurred in addition to wrongdoings regarding appointments to public positions, state money used for private purposes and replacement of ministers in favor of politicians with strong ties to economic interests and families. The most powerful symbol of the important role of the judiciary was when, on June 29, 2021, the Constitutional Court sentenced President Zuma to imprisonment. Zuma had refused to appear before a judicial commission investigating possible wrongdoings, and the imprisonment was a victory for an independent court system (Human Rights Watch, 2021).

The required activity by the Constitutional Court points out how the judicial institutions have come to safeguard democratic institutions. The courts have for years been under political pressure from the government party in the ANC and provisional governments as well as from opposition parties (Kawadsa, 2018). This could on the one hand be part of a democratization process where different branches of governance are developing their roles and functions within the newly established democracy but, on the other hand, may also be a symbol of political attempts to centralize power and undermine for checks and balances. Despite the importance of an independent and impartial judiciary, as set

out in section 165 of the constitution, courts and judges have continued to face pressure by political actors misusing the judiciary system. For example, in the early 2000, the Minister of Health, Manto Tshabalala-Msimang, refused to obey the Constitutional Court on providing HIV medication, and, more recently, the ANC accused the court system of exceeding its power when prosecuting the former President Zuma (The Conversation, 2019). In addition, for years, various types of right defenders have been under political attack. Such right defenders have been environmental rights activists as well as right defenders against racism, xenophobia and discrimination. In 2019, a new National Action Plan came into effect addressing rights abuses, but crimes based on racism and xenophobia have continued (Human Rights Watch, 2021).

The Economic Society

It is common knowledge that democratization is favored by social and economic development (Lipset, 1959/1983). South Africa has severe challenges in extreme economic inequality, widespread poverty and high unemployment. The economy is very fragile with limited growth over the last decades; about 1.6% of gross domestic product (GDP) in 2022 and with an unemployment rate of about 35% or more (OECD, 2022). According to the World Bank, about 20% of the population lives in poverty (World Bank, 2023).

To address many of the economic challenges, the South African government has promoted an expansionary fiscal policy to increase economic growth, provide new opportunities and escalate private consumption (Borneman, 1976, pp. 125-136). This was stated by the ANC in the electoral victory of 1994, and since then the ANC has pushed for a state-regulated market economy (Van der Elst, 2022). The debate on economic policies has, however, intensified after decades of economic reforms, but with little remedies to socioeconomic disparity and with remaining economic divisions between a rich White minority and a poor Black majority. At times, the ANC has been accused of abandoning its socialist posturing to please the White minority, national business owners and the international capital, whereas others have argued that the ANC had to adopt a liberal global economy order to become part of international economics (Graham, 2015; Padayachee & Van Niekerk, 2019).

The first step of economic reforms was the so-called Reconstruction and Development Programme (RDP), an economic program initiated

before the first election of 1994. This socioeconomic policy framework was part of the liberation process with the objectives of building democracy, growth and prosperity for everyone. Although signs of social improvements were seen, the policy failed to improve the socioeconomic situation for many and had a limited impact on growth and employment (Van der Elst, 2022, pp. 104-105). In 1996, a second reform was taken, specifically targeting growth, privatization and programs to include the marginalized majority. The GEAR policy was a new macroeconomic policy to push for economic growth by restructuring the public sector and inviting international investor. The limited economic impact of the reforms resulted in a new launch of the National Development Plan (NDP) in 2011 to target the escalating problems of unemployment, inequality in education and hindrances to access a quality health system (Ibid., pp. 106-107).

Despite reforms and an outspoken ambition within the ANC to strive for growth, the country has had a lower growth rate over the last two decades compared to other similar middle-income economies in the world (World Bank Group, 2021). This has left many South Africans deprived of basic social and economic means, leading to growing popular discontent over the ANC (Paret, 2015). The shrinking growth within manufacturing and mining sectors is related to employment based on loyalty and corruption rather than competency among prospecting employees. State-owned enterprises and institutions have increasingly come under the control of the ANC loyalists, resulting in policies based on selfish interests rather than what is best for the public. Additionally, there is a labour aristocracy, referring to labor members who benefit from the political support their unions give to the ANC, leaving a large part of the population disadvantaged in the job market (Martin & Solomon, 2016).

Internationally, South Africa's economic society is integrated into Africa's regional economy being actively involved in the New Partnership for Africa's Development (NEPAD), the Southern African Customs Union (SACU), the Southern African Development Community (SADC) and the Africa Continental Free Trade Area (ACFTA) (UNCTAD, 2019). Globally, South Africa has partnered with Brazil, Russia, India and China in the BRICS as well as with India and Brazil in the IBSA Dialogue Forum. The foreign policy on the economy resulted in a particular relationship with China. China's search for raw materials and market opportunities has included high levels of investment and trade with South Africa, leaving China as the largest

trading partner with South Africa (Carmody, 2013). Chinese labor and companies have increasingly been present through labor recruitment of Chinese workers to South African mining companies but also in developing South Africa's infrastructure. This has left South Africa with an export of about 90% of raw material to the Chinese industries (FOCAC, 2018). The close ties to China have been criticized by the West. The West has argued how South Africa's economic alliance with China comes with authoritarian norms and values with future negative impact on South Africa's fragile democracy (Silander & Simunkombwe, 2022).

The Civil Society

The civil society has played an extremely important role in promoting South Africa's democracy in the context of apartheid. The ANC was for decades a forceful civil society actor against undemocratic and racial institutions and the collective advocate against state misbehavior and human rights abuses. Today, the South African civil society continues to promote democracy through traditional NGOs, movements and popular demonstrations in addition to growing online networks and activities. There are, however, two major challenges to the civil society–democracy nexus, besides the attempts by the ANC to politically steer civil society actors, in the decline in democracy support and in the violent democracy South Africa has become.

Although the ANC has used the expertise and legitimacy of civil society organizations to reach out to society, the ANC has also tried to politically steer the civil society, resulting in weakened independence of organizations and movements. The excessive policing by the ANC has tried to water down the independence of the civil society and its role as watchdog. However, the civil society has forcefully struggled for its political independence and to continue to be a democracy promoter in South Africa. More recently (Riet & Silander, 2022; Joseph, 2019, pp. 63-66) such a democratic battle concerned electoral reforms. For years, the ANC refused to reform the electoral system as advised by the academy and the civil society organizations. The civil society refused to be defeated and sustained lawsuits, eventually resulting in important reforms before the 2014 general elections.

The civil society has also been a strong advocate for socioeconomic reforms. The growing concerns over the inability of the government to handle persistent and structural injustices and inequalities have led to

growing tension. Many citizens and civil society organizations are today frustrated and disappointed over the incapacity of the ANC to build a sustainable society (Francis & Webster, 2019). With widespread corruption and misuse of authority, civic activism and protests have developed. Civil society organizations have directed massive critique against President Mbeki for refusing to provide access to HIV/Aids treatment at public hospitals. In addition, civil society organizations have also protested against President Mbeki and Zuma for the inability to promote crucial socioeconomic rights regarding housing, health, food and social welfare. Finally, civil society organizations have impatiently also worked against remaining discriminatory attitudes toward sexual orientations, race, women's equality and labor rights (Cvics, 2018; Sellers et al, 2020).

Research points out a growing trend of popular political protests against poor democratic governance. This has raised the question as to whether these actions are a prodemocratic force for improved democratic institutions against corruption or a challenge to South Africa's fragile democracy. It is obvious how the ANC loses political support in traditionally protest-prone areas but not to alternative democratic parties; rather, it loses support to alienation. In July 2021, major challenges in violence, riots and loitering have spread on the streets of South Africa. This mainly happened in former President Zuma's political stronghold of KwaZulu-Natal and the economic center of Gauteng. It took the intervention of about 25,000 soldiers to restore stability (BBC, 2021; Holdt, 2013).

Conclusion

Table 2 summarizes the main challenges to democracy in South Africa. It is obvious that the force for democracy the ANC once provided has seriously changed. By exploring five sub-societies, the hindrances provided by the ANC are many and foremost in the political, bureaucratic and economic societies. The *political society* consists of a constitutional democracy, with free and fair elections but also weakened democratic institutions due to corruption as well as political polarization. The domination of power by the ANC has hindered transparency and accountability and with shrinking popular trust in the ANC and South African democracy. The *bureaucratic society* has been challenged by state capture by the ANC, resulting in a bureaucracy promoting the interests of the dominating party rather than providing civil services. Finally, the

economic society has had limited socioeconomic improvements with high unemployment, widespread poverty, undeveloped infrastructure and extreme inequality based on race. Despite new economic reforms, South Africa has seen an expectation–delivery gap with frustration among citizens over limited and poor redistribution of economic growth.

There are two positive signs for democracy. First, the *judicial society* has played a crucial role in protecting South Africa’s democracy. The Constitutional Court has consistently battled the misuse of political power by the ANC by protecting democratic rights and liberties. Second, although the ANC has tried to steer the *civil society*, popular protests have become a major symbol of popular frustration. Such protests have had democratic motives, including dissatisfied democrats, demanding improved democratic governance. Unfortunately, widespread violent and antidemocratic actions are rampant, causing South Africa to become a violent democracy.

Table 2

Sub-societies	Content	Current Challenges
Political	Sub-society where political actors compete for power over public policies and the state apparatus through free and fair elections, and where the people participate and support democratic institutions and institutions that are transparent and representative.	No turnover test Corruption State capture Weakened political culture
Bureaucratic	Sub-society with usable and efficient bureaucracy to implement democratic governance and the rule of law; in addition, a sub-society to protect citizens’ rights and liberties and to pull resources to the state in order to afford the delivery of basic services to the people.	State capture Cadre deployment system Corruption
Judicial	Sub-society based on the independent rule of law with judicial institutions ensuring check and balances, democratic institutional performances and accountability, as well as the protection of citizens’ rights and liberties.	Political pressure
Economic	Sub-society with rules on how economic affairs are to be conducted, to some	Scarcity of state finances

	degree controlled by the political society, but without the risk of state-controlled economy; a set of norms, values and regulations that combine private and state interests to provide for market autonomy, ownership diversity and state regulations.	Poor redistribution High unemployment rate Widespread poverty
Civil	Sub-society of autonomous and self-organized activities where citizens are mobilized into organizations, associations and/or movements to articulate aggregated interests relatively independent from the political society.	Decline in support for democracy Violence

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