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# THE SILENT CONSTITUTION OF EXCEPTION: FROM THE LANGUAGE OF THREAT TO THE LEGITIMACY OF NORMS

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## ABSTRACT

*This article conceptualizes a logic of transformation through which democracies are not “destroyed” by coups, but rewritten in narratives of external threat. Let us begin with this: what is termed an “external threat” is often not an objective event, but rather a regime of meaning that confines the ordinary politics of the times and paves the way for the exception. As time goes by, this regime not only affects policy choices but also the limits of what may be considered legitimate means. The article presents Threat-Driven Norm Shift (TDNS) consisting of five stages – establishment of threat framework, psychological activation under uncertainty, normative reweighting (the conditionalization of freedoms), legal codification, and habitus cycle (increase in cost of reversal). The method deliberately avoids the claim of “impact measurement with a data set”; instead, it sharpens the boundary conditions of TDNS through two-step comparison and legal-discursive vignettes. Lithuania, as the focus case, examines whether the migration pressure, war context, and hybridizing threat horizon between 2021–2025; Latvia is used to see whether a similar threat produces different legal language and control practices within the most similar system comparison (MSSD); South Korea is used within the most dissimilar system comparison (MDSD) to test the capacity of “anti-state/external enemy” semantics to produce legitimacy for suspending norms in a different democracy. Findings suggest that hybrid threat semantics are conducive to normalizing the exception by generating constant vigilance; conversely, parliamentary and judicial oversight, ombudsman reports, and time limits can break the TDNS cycle.*

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**KEYWORDS:** Threat Discourse; State of Emergency; Legitimacy Threshold; Normative Erosion; Hybrid Threat.

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## 1. INTRODUCTION

The fragility of democracy often reveals itself not at the moment of “collapse,” but at the moments when it redefines itself. A regime may maintain its electoral calendar; courts may continue to issue rulings; parliaments may convene. But the real foundations of the political system, the legitimacy of the opposition, the respect for civil liberties, the moral worth of pluralism can shift with time. Over time, a variety of seemingly small things produce this change. For example, the language of “exception” becomes commonplace, the ‘temporary’ takes on habitual guise, and the justification of “protection” redraws the boundaries of the norm. Contemporary authoritarianism often emerges from a gradual drift wherein elected governments slowly erode institutional checks and advance through legal means, as the literature on democratic backsliding has long highlighted (Bermeo, 2016; Lührmann and Lindberg, 2019; Waldner and Lust, 2018). There’s a deeper question here: the erosion of institutions is often rendered possible by the emergence of legitimacy for tools, which were once considered illegitimate. Typically, we interpret the impact of external threats on democracy through policy choices the defense budget grows, border regimes tighten, and intelligence powers expand. This reading isn’t wrong but can be somewhat superficial. Rather than “what to do,” external threats affect “what to permit” as well. As society makes new provisions to control risk, the boundaries of “the legitimate” are redefined. The essential move here is between instrumental rationality and normative boundaries: the security justification first begins to make its appearance as a preference; subsequently, one begins to speak of it as a truth. The necessary becomes the right. The literature on institutional legitimacy reminds us that legitimacy is not only interest based but also a moral and cognitive construction. This shows how politically significant this transformation can be (Suchman, 1995). This paper explores how external threats affect democracy as a change in the threshold of legitimacy and not “policy outcomes.” At a conceptual level, the shift is conditioned by tensions between states of emergency and regimes of exception. Modern constitutional orders encompass mechanisms that confer generalised powers upon the executive during times of crisis, which can sometimes be essential and at times, dangerous. The “extraordinariness” in law is more than a practical instrument of governance. It also has a political character capable of a redrawing the limits of the normative order (Ferejohn and Pasquino, 2004) The securitization approach, in security studies,

articulates a similar insight in other terms: if something is framed as an “existential threat,” it is moved outside the realm of ordinary politics, meaning that measures which would be regarded as controversial can be legitimized as “necessary” (Balzacq, 2005; McDonald, 2008). At this point, the issue is not whether the threat is real, but rather in what linguistic and legal forms the threat is constructed: “threat” is not an object, but a regime of interpretation.

Lithuania's experience in recent years has become a conceptual showcase for this theoretical problem, beyond being a “news” topic. On February 24, 2022, hours after Russia's invasion of Ukraine, a two-week state of emergency was declared in Lithuania; the President announced that the army would be deployed to the borders in response to “possible provocations and disturbances” due to the military buildup in Russia and Belarus (Syta, 2022). This was an understandable example of a constitutional reflex in the face of an external threat: the war beyond the border had given rise to “extraordinary measures” on the other side of the border. However, a few weeks later, on March 10, 2022, the Lithuanian parliament tightened the state of emergency; the regulation, which imposed restrictions on freedom of expression and the right to peaceful assembly, was interpreted by critics as the harshest restrictions on personal freedoms seen since the Soviet era (Reuters, 2022c). Where important to note is that the perception of threat did not only produce “security capacity” but also redrew the normative contours of the democratic sphere. This redrawing reappeared in 2025 with a completely different threat. On December 9, 2025, Lithuania’s government declared a state of emergency over weather balloons from Belarus disrupting air traffic; Lithuanian officials characterised the occurrence as smuggling and a “hybrid attack” and that the government wanted the army to be able to be given further powers to assist police and border guards (Reuters, 2025b). In an Associated Press report, it was mentioned that the military’s support role in border regions was “on the agenda,” and specially justified by national security and civil aviation risks (Associated Press, 2025a). The threat here was not a traditional military invasion, but rather an intervention that was ambiguous and low-intensity and operated in the grey zone. Nevertheless, the outcome raised a similar normative question: At what point does the language of “protection” become the conditionalization of freedoms? As the justification for the exceptional changes, why does the normative effect of the exceptional tend to flow in a similar direction?

This article addresses this question without reducing it to a binary psychology such as “fear-trust.” The conceptual framework it proposes is a mechanism called Threat-Driven Norm Shift (TDNS): when the perception of external threat becomes persistent, even if the formal institutions of the democratic order remain in place, the citizen's and the political sphere's perception of “legitimate means” may shift; thus practices such as surveillance, censorship, extraordinary powers, and suppressing dissent in the name of security may cease to be exceptions and begin to be seen as “necessary and right.” TDNS argues that democracy can narrow first in the lexicon of legitimacy, not at the ballot box.

The article develops this claim not as an empirical survey test but as a theory-building analysis; it then concretizes it with legal-discursive mini-vignettes. Lithuania will be taken as a case study to show how normative boundaries can be stretched under a “rising/hybridizing threat horizon.” The comparative design will be two-tiered: the Lithuania-Latvia pairing will use the Most Similar Systems Design logic to reveal normative and legal differentiation within similar systems; the Lithuania-South Korea pairing will use the Most Different Systems Design logic to test whether traces of the same mechanism can be seen in very different contexts (Lijphart, 1971; Seawright and Gerring, 2008). Thus, the article opens up a discussion on how “threat” is not merely a foreign policy phenomenon, but a political form capable of rewriting the internal norms of democracy.

## 2. METHOD: THEORY BUILDING, TWO-STEP COMPARISON, AND LEGAL-DISCURSIVE VIGNETTE

This article explores how democracy, under threat, reconstitutes itself in texts, justifications, the language of exception, and the rhythm of normalization of this language. Here, “method” is not a list of techniques; it is a discipline of reading, a logic of comparison, and a tracking procedure that tests the claim of mechanism. So, instead of measuring the impact in the classical sense, the analysis constructs a trajectory explaining how the perception of external threat alters the normative threshold. Expanding upon the recommendation made by Hedström and Ylikoski (2010) for mechanistic explanations and. According to Tilly (2001), TDNS (Threat-Driven Norm Shift) becomes a mechanism map of interconnected stages and feedback loops, rather than a typology. This explanation can be further expanded as the article notes that it can become a lower value. A term like

threat or exceptionalism or legitimacy can easily be used for anything which means it explains nothing. According to this article, methodological rigor should be an approach to avoid this. The warning given by Sartori (1970) on “concept misformation” and the discussion of “conceptual stretching” by Collier and Mahon (1993) are not merely references to the literature here. They form a kind of methodological safety belt that the line claimed by TDNS, threat → norm → legitimacy, is comparable. Thus, the research follows “democratic erosion” not through regime types, but through which discursive and legal moves redraw which normative boundaries and on what grounds. The ‘transformation of democracy without a coup’ could be seen as a series of smaller but cumulative shifts taking place at the margins of the possible, rather than the collapse of an institution.

### 2.1. Theory-Building Strategy: TDNS Is Not a Classification but a Mechanism Design

TDNS suggests a mechanism that explains how the perception of threat in a democratic society legitimises authoritarian norms through certain mediating links rather than building a classification language that says ‘these countries are like this, those countries are like that’. This perspective emphasises on intermediate processes, legitimacy justifications, regimes of exception, discursive coercion, persistence of legal forms, and not an explanation reduced to a single cause (Hedström and Ylikoski, 2010; Tilly, 2001). The evidence for this research is not just a correlated number; it is diagnostic traces that suggest a particular mechanism is at play for the same reason. The strength of process tracing literature lies in being able to read small but meaningful pieces of the narrative next to preformulated explanatory expectations (Collier 2011; Mahoney 2012). Nonetheless, process tracing is frequently employed to evaluate direct causal assertions. This paper, however, adopts a more restrained yet more rigorous approach. It aspires to investigate whether the discursive and legal markers essential for the constant functioning of the TDNS mechanism occur in comparable ways in different contexts. This view claims that discourse does not merely “reflect” institutions, but rather constitutes and transforms their functioning. Schmidt (2008) states that ideas and discourse are not just policy narratives but the framing of institutional change. Krebs and Jackson (2007) remind us that legitimacy is not only a production of consent, but a regime of persuasion/coercion essentially limiting the ‘sayability’ of competing options. Thus, the TDNS

methodologically examines how the threat discourse re-draws the rules of the game through various rhetorical and legal tools, without relying on simplistic dichotomies such as “fear increase ↔ freedom decrease”.

## 2.2. Case Selection: Two-Tiered Comparison And “Menu” Logic

Through a comparative analysis of a comprehensive and competitive nature, this article goes beyond the narrative of one country. In doing so, it claims the explanatory power of TDNS. In the classic rationale for the comparative method, similarities and differences are not random choices, but rather design tools that improve explanatory power (Lijphart, 1971; Przeworski and Teune, 1970). Seawright and Gerring (2008) systematize this point with the “menu” metaphor: researchers select cases based on the logic required by the research objective, typical, extreme, deviant, most similar, most different, and the selection is not only about accessibility but also about what type of inference is targeted.

The case in focus in this study is Lithuania. Lithuania presents a context that makes visible how perceptions of external threats (military risk, hybrid attacks, disinformation, border tensions) can affect the limits of democratic norms, especially in the transition zone from the ‘ordinary’ to the ‘extraordinary’.

**However, to limit TDNS to just Lithuania, it just becomes a ‘contextual narrative’. So, the design happens in two stages.**

The first stage is established using Most Similar Systems Design logic. Lithuania selected Latvia as its “closest twin.” This pairs up Lithuania and Latvia while keeping structural background constant. Underlying parameters that are similar are: geography – Baltic, post-Soviet state-building legacy, eu/NATO membership, security concerns with Russia, hybrid threat repertoire. A basis of similarity of this kind allows for a stronger view of the “mode of operation” of the TDNS, i.e., how the normative threshold is shifted through which legal forms and which legitimation repertoire (Lijphart 1971). As Anckar (2008) points out, in the first place, a single case design is not the “best design” according to MSSD. But in the second place, when the research question is more concerned with making certain mechanisms visible. Tracing the divergent outcomes in similar systems can be explanatory.

The second tier creates an additional layer of testing with the logic of Most Different Systems

Design. South Korea was chosen as democracy which is culturally, geographically, and historically and institutionally different from Lithuania but where the perception of external threats has long affected the political arena. The chronic security context of South Korea makes it an appropriate place to explore how the distinction between “ongoing threat” and “exception” could become a permanent governance language. We do not seek to juxtapose the similar security policy, but to assess whether the essence of the claim of TDNS (the threat narrative rewrites the normative threshold) produces similar discursive-legal traces in a context that is very different (Anckar, 2008). The second stage involves undergoing a “portability” test that will narrow or broaden the scope conditions of one theory.

One valuable outcome of this design is a heightened awareness of selection bias. In his classic warning, Geddes (1990) made it clear that looking only at cases where we “see the outcome” validates the theory in an artificial way. For that reason, case and vignette selection would not focus only on moments of dramatic constraint; it would also include “negative” examples where visible withdrawal, limitation, control or objection takes place. As stated by Mahoney and Goertz (2004), negative examples must be selected from contexts where the outcome was actually possible. If not, the comparison will be of the nature of a showcase that protects the theory rather than testing it. This serves as the ethical principle of the method here.

## 2.3. Document Corpus and Vignette Logic: Law, Discourse, And Chronology

The analytic backbone of this research is not a quantitative data matrix, rather, it is a document corpus made up of legal texts and discursive performances. The corpus is made up of four different kinds of sources: (i) binding normative texts such as states of emergency regimes, emergency regulations, national security legislation, and justifications; (ii) official speeches, parliamentary transcripts, policy documents by the executive and legislature that narrate the security story; (iii) high court decisions, ombudsman/human rights institution reports, and texts produced by oversight institutions; and (iv) sequences of events put out by credible news agencies and mainstream media for verification of chronology. The project aspires to grasp both “what” the legal step constitutes and “how” the discursive justification is built up, without being restricted to one story of any one source.

This text is consumed by breaking it down into small yet composite synthetic analytical units called

“vignettes”. The vignette here is not a hypothetical scenario in survey literature but is instead a limited time frame in which the narrative materialising external threat happens, a legal/ legal decision is taken, and this decision is legitimated. The “norm-setting” action that draws the vignette border is typically a legal regulation/state of emergency decision/court ruling; discursive justifications + control reaction produced in the same time are placed around it. This shows that law is not only an effect but also a vehicle of legitimacy; discourse is not only ‘language’ but a power that narrows the field of legitimacy of other competing norms (Schmidt, 2008; Krebs and Jackson, 2007). Moreover, vignettes help to distinguish the different formal types of extraordinary powers: different “forms of exception” are not conflated, be they executive decrees, legislative authorizations or security regimes extending within ordinary law; the typology of emergency powers of Ferejohn and Pasquino (2004) helps to make this distinction methodologically.

#### **2.4. Analysis Strategy: Structured Comparison and Mechanism Consistency**

Vignettes are read not on the assumption that “everything is self-explanatory, but through a comparison through a structure”.

George and Bennett's (2005) structured focused comparison is decisive here: the same basic questions are asked of each vignette, and the answers are put into a comparable format. These queries relate to the procedure map of the TDNS mechanism: What is the name of the threat? Which “thing to be protected” is central (state, nation, public order, democratic order)? Which rules are depicted as temporary sacrifices and which become “conditional rights”? How are oversight and sunset provisions crafted? How do they function in real life? How is dissenting language rendered legitimate or pushed to the fringes? This collection of questions seeks not just to describe the text but provide an account of the trajectory of the normative threshold shift that the TDNS claims.

The study here draws on two contributions from the process-monitoring literature but limits its claim. First, the idea of “diagnostic evidence”: some texts and decisions are stronger signals of a mechanism's existence than others (Collier, 2011). Additionally, they highlighted the distinction that not all evidence is of equal strength. Some evidence allows for the possibility of something happening, while others, like the evidence for laws of nature, imply necessity (Mahoney, 2012). The authors here do not translate the Bayesian sensitivity emphasised by Fairfield and

Charman (2017) into a technical calculation; nevertheless, it is kept as an important principle that any interpretation that does not systematically disallow alternative explanations is merely a story. As often as we see fit, we conduct vignette readings alongside counter-evidence and alternative interpretations; in particular, the assumption that the “language of security” does not happen spontaneously but by narrowing normative competition is tested continuously.

The main sentence in this part of the text states: This article makes a theoretical diagnosis not based on claims of causal effect, but on traces as a mechanism consistent and normative threshold. Clinical certainty is not guaranteed by diagnosis; however, it requires symptom identification, pattern differentiation, and taking seriously all the possibilities that could falsify the mechanism.

### **3. CONCEPTUAL CORE: THREAT, NORM, LEGITIMACY, DEMOCRATIC PERSONALITY**

To develop a theory about how democracies ‘get rewritten’ in times of danger, we need to first box those terms. The first indication of democratic decay is not always when institutions begin to crack. It is rather the change in the conceptual map. What does “security” do? What does ‘necessity’ make possible? When does “democracy” stop being a principle and become a decoration? In this section, the four concepts that form the basis of Threat-Driven Norm Shift (TDNS) are unambiguously defined and distinguished from one another. It is not the goal to produce any dictionary definition; it is the goal that each link in the future mechanisms to be established has the same contents analytically. Concerns regarding the allegedly detrimental impact structural “flexibility” has on comparative research theory are not merely methodological footnote here but a justification for conceptual discipline (Sartori 1970; Collier and Mahon 1993).

#### **3.1. External Threat: Not An Objective Danger, But A Regime of Meaning**

This article does not treat “external threat” as a catalogue of objective danger waiting at the doorstep of a state.Resource. An external threat is a way of making meaning that rearranges the political space into ‘normal’ and “exceptional”, that makes certain measures discussable and delegitimizes certain options from the very outset. It is exactly here where the potentially most productive contribution of the securitization debate in the security studies literature lies: security is not just “something to be protected”, but also a form of politicization that determines

“which language legitimizes which tools” (Balzacq 2005; Stritzel 2007; McDonald 2008). In defining the external threat as a “regime”, I am not claiming that it is “fictitious”, only that we are making a distinction: danger and threat are not the same; danger is situational or factual; threat is political, usually in terms of a “perpetrator”, a “we”, a “subject to be protected”.

This regime has three important analytical dimensions. The discourse of threat selects a referent object. This referent object is sometimes the existence of the state. At other times, it is the identity of a nation. Then, the democratic order itself may also get coded as something that must be protected. It also selects which norms may be suspendable norms. The threat regime not only identifies the threatening entity, but also sets up a time horizon; the threat can either be narrated as shock of the acute kind or presented as one of permanent ‘siege’. The gain in continuity of the threat horizon tends to transform the exception from a brief parenthesis to a long-term mode of governing; this transformation affects the condition under which the lacuna in the normal is breached. Normatively, the focus in securitization literature on ‘transgressing the boundaries of ordinary politics’ gains transgressively more affinity, especially in the face of the possibility of a chronicity (McDonald, 2008). The risk regime, third, produces an economy of uncertainty, in which ambiguous threat forms (hybrids, disinformation attacks, cyber interventions, etc.) blur the lines between attacks and ordinary events. With increasing ambiguity, the argument for “more control” becomes easier to justify. Studies show disinformation and communication disruption erode democratic institutions both physically and epistemically (Bennett and Livingston, 2018; Tucker et al., 2018). For this reason, TDNS does not see the external threat as a danger from outside, but as a meaning and permission structure that constrains normal politics from within.

The “external threat” bubble cannot be extended here to include every internal conflict or political tensions. According to TDNS19, external threat, at least at the level of discourse, is a framework “associated with an external actor” which allows for the justifications for exceptional measures through this association. This definition doesn't view the threat as “coming from outside” with any negotiation and it pushes us to reflect upon what normative effects the threat that is presumed to be coming from outside produces inside.

### **3.2. Norm: Not Just a Rule, But the Limit of Legitimate Means**

The term “norm” is often used interchangeably with “rule” in common parlance, but a norm is more than a rule. A norm is a set of shared expectations about what is “appropriate” or “right” under certain conditions; it is also a boundary line which means are “legitimate”. The most important classic studies of how norms come about, spread, and get internalized in international relations basically show that norms constrain behavior but also construct the meaning of behavior: that is, norms answer not the question what is done? But what is the appropriate thing to do?” (Finnemore and Sikkink, 1998; Legro, 1997). According to the institutionalist tradition, which stresses logic as a behavioural determinant, institutions also operate through a ‘logic of appropriateness’. Thus, actors may avoid calculating their interests and act because it is normatively appropriate to do so (March and Olsen, 1998).

Within the context of TDNS, norms are not simply the procedures, as in the ‘rules of procedure’, of democracy; they refer to its moral limits. Laws/statutes help in determining which tools can be used by the state for varied purposes. These may include imposition on the scope of freedom of expression, legitimacy to opposition, inviolability of minority rights, and acceptability of arbitrary surveillance and punishment. Thus, we cannot take the concept of “norm shift” simply to mean a change in policy. Changes in policies can cause changes in direction in the same normative framework while change of norm redrawing the framework itself. According to researchers, norms are not as stable, but rather open to struggle, negotiation and reinterpretation over time. Therefore, this redrawing often happens not through “open conflict” but through changes in meanings. (Wiener, 2004; Acharya, 2004). TDNS claims that when the battle over norm contestation occurs in the context of an external threat, the contestation field can become asymmetrical. It means that as the moral weight of the threat increases, defense of certain norms can be classified as “naive” or “irresponsible”. Consequently, norm contestation will not be a public negotiation on equal terms anymore.

The analytical criterion is the following: the existence of a measure is not sufficient for a normative shift; it is rather its justification with regard to its permanence that indicates a normative shift. Thus, the sections that follow will be less concerned with the question “what measures were taken?” What measures redrew which normative boundaries?”.

### **3.3. Legitimacy: Moral Justification, Not Effectiveness**

Legitimacy is the most important concept in TDNS since norm drift usually takes place not through coercive means, but rather moral consent. By defining legitimacy as “it works”, we miss the most insidious part of erosion. According to TDNS, legitimacy is the acceptance of a device or a regulation, not simply because it works but because it is right. Suchman's (1995) typology of institutional legitimacy is helpful here. Legitimacy can be pragmatic (a matter of interests), moral (a matter of values), or cognitive (a matter of appearing natural and inevitable). The external threat regimes mainly gain power through the second and third channels, i.e., when the measures become (or are presented as) “morally necessary” or “inevitable”, the debate is no longer confined to cost-benefit analysis; the normative field itself is being reorganized.

Hurd (1999) associated legitimacy in the international relations literature with the “rightness” of authority. Furthermore, he showed that legitimacy produces obedience beyond coercion. According to TDNS views, the transfer of emphasis to domestic politics means a state which uses extraordinary powers not only expands its capacity, but also its claim to justification; as the expansion gains acceptance, the boundary of norms loosens. At this stage, the connection between “law” and “legitimacy” becomes particularly important. The legalization of a measure does not automatically make it legitimate; however, it often strengthens the cognitive channel of legitimacy: the idea that “since it is in the law, it must be normal” creates a strong foundation for the normalization of the exception. As studies identifying the typology of emergency powers remind us, the “exception” is often established not outside the law, but within it; this is precisely where the problem begins (Ferejohn and Pasquino, 2004). TDNS centrally accepts this legal capacity for legitimacy to understand at what point the language of “protection” turns into “conditionality.”

Therefore, legitimacy will be treated in this article not as an outcome but as a process. The regime of threat produces legitimacy; legitimacy stretches the boundaries of norms; stretched norms enable more exceptions. The feedback loop that TDNS will establish in the following section is based on this conceptual grounding.

### ***3.4. Democratic Personality: Not A Measurement, But A Normative Resistance Architecture***

The fourth concept of TDNS is “democratic personality.” This is not a psychometric claim; nor is

it a single scale proposal. Democratic personality is a theoretical component that expresses the normative infrastructure of the democratic order at the citizen level: acceptance of pluralism, viewing civil liberties as a principled limit, belief in the legitimacy of opposition, tolerance of minority rights, and the capacity to live with uncertainty. These components have been examined separately in the literature on political psychology and democratic citizenship; the TDNS brings these components together under a single analytical framework to understand the normative impact of external threat regimes.

The political tolerance literature has demonstrated long ago that democracy is not only majority rule; it is also the ability of actors to make space for “disturbing” groups and views (Gibson, 1992; Gibson, 2006). The ability to tolerate dissent and difference can become more fragile under threat conditions; for the threat regime can frame dissent and difference as “risk,” making tolerance look like an ethically costly virtue. Research on deliberative democracy similarly suggests “cross-cutting” social contacts can bolster tolerance and capacity to negotiate. When such contacts weaken, however, group lines become sharper and normative resistance, less robust (Mutz, 2002). This indicates that individual personality is not solely an individual phenomenon but also a social event.

A key relation is that of democratic personality and uncertainty. The multiplication of threat regimes gives rise to uncertainty. The higher the cost of uncertainty, the stronger the need for cognitive closure and for the search for order (Webster and Kruglanski, 1994). According to literature that reads political ideology as “motivated social cognition” a psychological tendency to avoid uncertainty and a sensitivity to threat related to more rigid, hierarchical and exclusionary attitudes (Jost et al., 2003). According to the authoritarianism literature, certain predispositions are activated when respondents feel threatened; these predispositions drive stronger demands for “strong leadership”, as well as “punishment” and “conformity” (Feldman, 2003; Hetherington and Suhay, 2011). TDNS uses democratic personality as a distinguishing concept precisely at this point: under threat, not everyone moves in the “same” direction; some choose caution, others choose submission. Democratic personality is necessary to understand the normative face of this divergence.

One final distinction must be made here: democratic personality is not the “absence of authoritarianism.” Authoritarianism often involves the desire for order and harmony transforming into

political preferences under threat; democratic personality, on the other hand, involves the preservation of pluralism and the boundaries of rights under uncertainty. TDNS argues that the regime of external threat not only awakens authoritarian tendencies; it also erodes the components of democratic personality, thereby expanding the legitimacy of authoritarian norms. The mechanism map to be established in the following sections of this article will link these processes of erosion and expansion.

#### **4. THEORY: THREAT-DRIVEN NORM SHIFT**

Threat-Driven Norm Shift (TDNS) is not a story of the “collapse” of the democratic order; rather, it is a story of transformation in which democracy's self-preservation reflex quietly recalibrates which tools it considers legitimate. This theory treats external threats not merely as a “fear-inducing emotion,” but as a regime of meaning that narrows the boundaries of ordinary politics: Threats may become visible through a specific sequence of events; however, their political impact emerges not so much from the events themselves, but from the way these events are organized within a continuous “language of exception.” Precisely for this reason, TDNS establishes the threat → norm → legitimacy line without getting caught up in the “fear/trust” dichotomy; it offers a mechanism map that connects psychology with discourse and law without reducing the erosion of norms to psychology.

The theory's claim is stark: while democratic The theory claims that the presence of democratic institutions will alter the limits of legitimacy. Elections may still take place within society, but norms which convey a democratic ethos may have “conditional” status. These norms include the meaning of elections, the legitimacy of the opposition, the range of the sphere of expression and the protection of minorities. The essence of TDNS lies in this “conditionalization,” in that freedom is no longer a principle. For this theory, it is now an option that can be set aside during crisis management. It is not to be, one stroke of a pen. The TDNS works as a five-stage process that feeds into each other in a linear way. Establishing the threat, psychological activation, normative reweighting, legal codification, and the habit cycle.

##### **4.1. Establishment Of the Threat: Narrowing of Normal Politics**

The initial step for TDNS is not so much “identifying” the threat, but rather politically

establishing the threat. By the “establishment” we do not simply mean a propaganda trick. We mean the removal of a phenomenon from being debatable within ‘normal’ politics and its transfer to an “existential” category. As per the traditional argument in securitization literature, security issues become prioritized and will disrupt normal political balances and procedures because they require urgent action (Wæver, 1995; Buzan et al., 1998; Balzacq, 2005; Stritzel, 2007). This change modifies the issue “What are we defending, and against whom? What is Necessary for Survival? As a result, the limits of norms are no longer debatable; they are the technique of decision.

At this stage, the threat is often presented as something like a hybrid attack, anti-state activity, an external enemy being assisted from within, “systemic infiltration,” or “disinformation wars”. The common function of this deployment is to both expand and blur the threat – a conceptual bridge is built between the actor beyond the border and the dissenting voice within the border; critique is subjected to a “purity test”; objection gets coded as risk production.

Through this setup, the threat is not an event but a political logic that shrinks the public sphere. Uygur and Sever's discussion of Threat Studies, a critical vein in threat studies, confirms that the threat is usually not found as an “objective phenomenon”, the threat is produced and mobilized in historical, institutional, and discursive contexts.

TDNS draws the following distinction at this stage: The question ‘Is there a hazard? The affect of the threat set up ordinary politics is more crucial than how compelling the threat is. Threats not only shape what can be talked about, but they also condition what cannot be talked about. Consequently, the “norm” itself, that is, the limits of legitimate discovery options, is shifted discursively even before the mechanism starts working.

##### **4.2. Psychological Activation: The Need for Order and Reliance on Authority**

The second phase concerns the penetration of the established threat into the inner world of the citizen. The TDNS's contention here is not simply that people become authoritarian “because they are afraid” in straightforward psychological reflexes. Rather, the process we are discussing is more technical still: as uncertainty increases, the need for cognitive closure grows; the need for order encourages reference to signs of authority rather than complex political discussions (Webster & Kruglanski, 1994; Kahneman, 2011). This does not imply that all rational judgment is lost but instead that “shortcuts” become more

alluring in political preferences.

At this stage, we are confronted with the authoritarian predisposition approach of Feldman (2003): authoritarian tendencies do not act as a constant visible label of a personality that is part of a certain personality type. In the same way, Stenner's "authoritarian dynamic" approach shows that authoritarian reactions increase in response to threats to norms and social diversity somehow perceived as "disruptive" (Stenner, 2005). The theorists examined whether a politically relevant way to enhance support for an authoritative government is to heighten a sense of threat among the citizens. Their findings reveal that such a perceived threat does enhance authoritarianism and security policy support. Further, this effect is strongest among those people who possess a high need for order/conformity (Hetherington & Suhay, 2011). Jost et al. (2003) argue that the motivation of social cognition means that threat hardens political attitudes through avoidance of uncertainty and desire for stability.

TDNS provides an important connection here: the construction of threat is not merely the portrayal of an external enemy, but also creates a basis for politically justifying the internal demand for 'order'. When uncertainty is politicized, relying on authority is no longer a moral weakness; it becomes an adaptation strategy. As a result, psychological activation is no longer an individual "reaction"; it is now an orientation synchronized with the constriction of the political field.

#### **4.3. Normative Reweighting: The Conditionalization of Freedom**

At the third stage, TDNS brings together psychological activation with a normative outcome or a reconfiguration of acceptable means. At this point, the freedom-security trade-off leads to the establishment of a regime of legitimacy. According to Davis and Silver's classic study of the US public immediately after September 11, as threat perception increases, support for civil liberties decreases and more acceptability of restrictions in the name of security; Moreover, they see that this relationship can interact with mediating variables, such as political trust (Davis & Silver, 2004). TDNS takes this finding further: The issue here is not that "individuals want less freedom"; rather, freedom is no longer treated as a 'principle' but rather as a "conditional reward."

Normative reweighting works in two ways. On the one hand, civil liberties are seen as an area that can be "suspended" when crisis management is at stake. On the other hand, opposition and criticism are

drawn into a "semantics of risk." Belief in the legitimacy of opposition may give way to a regime of loyalty tested by the rhetoric of "national unity" and the "home front." This reveals the point at which the concept of democratic personality narrows: pluralism, sensitivity to freedom of expression, the legitimacy of opposition, tolerance for minority rights, and tolerance for uncertainty cease to be "virtues"; they are recoded as potential "weaknesses."

At this stage, the TDNS's divisive claim is this: Normative drift may not come as an explicit declaration of an "authoritarian desire"; it appears in more insidious language: "For now...", "under these conditions...", "extraordinary times...", "temporary measure...". These words do not destroy the core of liberal democracy overnight; however, they reduce it to a conditional contract. Loyalty to democracy is adjusted according to the continuity of the threat, not to norms.

#### **4.4. Legal Codification: Embedding The Exception in Text**

The fourth step normative reweighting gets translated into legal language. The important thing to remember is that the exception is institutionalized as a procedure not as arbitrariness. The most dangerous thing about modern authoritarianism is not that the law disappears; rather, the law gets remade to contain the exception. According to Ferejohn and Pasquino's typology of emergency powers, modern democracies because of the constitutional and legal forms are extending what we know as "state of exception". The exception finds its place within the law (Ferejohn & Pasquino, 2004). According to Gross and Ní Aoláin, the law can become a "normalizing" technology in times of crisis; how temporary measures can leave lasting traces (Gross & Ní Aoláin, 2006). Dyzenhaus (2006) explores this line of thought on a more normative level: the encroachment of the emergency into the law can enhance the law's capacity to 'suspend itself', creating a paradox that lies at the core of liberal constitutionalism.

According to TDNS, codification is not simply understood as 'new law enacted'. Instead, it gives rise to questions such as: how was the duration of the measures defined? Were the oversight mechanisms strengthened or weakened? Is the scope unclear or narrow? Is the definition of threat wide or narrow? Since the exception often grows within the text: vague definitions, broad delegation of powers, data collection, greater capacity for intervening in the areas of assembly and expression become normalized under the umbrella of "emergency"

justification. This process intersects with the phenomenon conceptualized by Scheppele as “autocratic legalism”: power does not erode democratic balance by acting outside the law but by using the law (Scheppele, 2018).

In this stage, the link between them become clear: legitimacy is concerned with the production of what is “effective” and also with what is “right”. Codification is the institutional form of the power of correctness. Legal texts do not merely confer power, but rather they reconfigure political morality: which means are “reasonable,” which oppositions are “irresponsible,” which oversight is “necessary” ... As a result, the reduction of objectives then begins to appear as the natural state.

#### **4.5. *The Cycle of Habit: Silence, The Cost of Reversal, And the Invisible Shift***

The fifth stage of the TDNS, which is the transformation of the exception into a habit, is certainly the most decisive stage; yet, it is also the least conspicuous stage. The change in this case does not involve a major rupture; rather, it takes place through a gradual buildup of costs. The longer the exception persists the higher the cost of the reversal because institutions, bureaucracy, data infrastructure, political language have been adjusted to the exception. This creates a path dependence, wherein a security architecture, once established, creates self-reinforcing increasing returns (Pierson, 2000). At this stage, not just the state's preferences, but also the habits and expectations produced by the new order, continue to drift normatively.

The social aspect of the habit cycle is silence. Just because you don't say anything it doesn't mean you approve. Sometimes it just means that they are taking their time. According to Noelle-Neumann (1974), the spiral of silence concept indicates that people tend to withdrawal public opinion for the fear of social isolation. Kuran's preference falsification analysis shows that this withdrawal causes silence not just on an individual level but also on a collective level: If everyone is silent everyone thinks “everyone agrees” (Kuran 1995). Schauer's remarks on the chilling effect also show that legal-political pressure can reduce speech without “prohibiting speech”; even the mere possibility of uncertain sanctions can constrict the space for expression (Schauer, 1978). TDNS calls this “invisibility”: the shift in norms seems to happen spontaneously, without an announcement, because the price of dissent has risen, dissent has become less legitimate, and the language of dissent has been delegitimised.

At this point, the continuous threat narration is

decisive. Uygur and Sever (2025) say that threats do not exist but rather are produced, adopted and habitualized with “force, discourse, emotion, perception”. The same process applied to democratic default norms is the focus of the rest of the essay. As threats become continuous defaults, they become exception; as they become exception, default reflexes of democratic personality dull; as they dull, making a new exception become easy. The system shuts: the cycle recreates self.

#### **4.6. *Theoretical Expectations Of TDNS: What Are We Looking for in a Two-Tier Comparison?***

The aim of TDNS is not a crude diagnosis such as “there is authoritarianism in this country”; it is a tracking logic that captures where and how the normative threshold shifts. Therefore, the theory generates expectations that will test Lithuania in two ways.

The Lithuania-Latvia comparison along the Most Similar Systems Design (MSSD) line tests how the same geopolitical pressure (Russia-driven military risk, hybrid threat, and possibility of disinformation) produces different normative traces in similar institutional contexts. According to TDNS, even if the presence of the threat is similar in both countries, what determines the speed and scope of the norm shift is how the threat is framed and how the exception is coded. The divergences expected to emerge between Latvia and Lithuania can be traced at three levels: First, the tone and boundaries of the discursive framing; is the threat narrative fixed in an “existential” language, or is it kept within a technical-administrative framework? In the second instance of legal codification the exception is concentrated in a regime of emergency, or is it established through permanent extensions within ordinary law? The third factor, which will occupy us for much longer and through a series of subsequent meetings, is the architecture of control: Are sunset clauses, judicial review, and parliament oversight brakes that keep the exception temporary, or are they really just symbolic thresholds? After differences become evident, TDNS can formulate a mechanism-based answer to the question, “Why do norms diverge when the threat is identical?”.

The Lithuania-South Korea Comparison along a Most Different Systems Design Line Tests Whether Divergent Historical, Cultural and Geographical Conditions produce Similar Normative Traces. In cases where external threats are chronic (for example the Korean peninsula), the establishment of the threat can lead to an anti-state semantics that lasts longer;

this in turn sets forth a legitimacy ground that is more susceptible to the drawing in of opposition and criticism into the risk area. The post Threats, Counter-Reactions, Opposition and Legitimacy : Anti-State Semantics Amidst Political Risk Assessment appeared first on Critical Investigations: Journal of Politics and Society. Even if the two countries have different regime traditions, legal cultures, and media ecologies, TDNS looks for similar signs: the threshold at which national security-based restrictions are considered “right,” the normalization of interventions in the areas of surveillance and expression, the response to criticism with a loyalty test, and most importantly, the emergence of self-censorship in the public sphere as a norm of “caution.” If the appearances of these signs occur similarly in distant contexts, the TDNS is strengthened: the change in the normative is produced by a mechanism stemming from the threat-legitimacy relationship, not a particular type of regime.

In the end, TDNS is not a pessimistic theory of fate. The mechanism only works if threat perpetuates. If the language of uncertainty and urgency becomes more normalised; if the checks and balances are weakened; and if the democratic personality becomes fragile. Conversely, strong oversight, open legitimacy debates, limited and justified measures, political ethics that preserve the legitimacy of the opposition, and a culture of citizenship with high tolerance for uncertainty can break the cycle. This is the very question that will be explored in the subsequent sections of this article through legal-discursive vignettes: When the threat is established under the name of “protection,” at what point does democracy begin to transform into a “conditional” regime?

## 5. MINI-CASE I: LITHUANIA (FOCUS CASE), 2021–2025 “HYBRIDIZING THREAT HORIZON”

What makes Lithuania the “case study” in this article is that, despite the formal stability of its democracy, it offers a timeframe conducive to observing the rapid diversification of the language of threat and how this diversification has redrawn the normative threshold. The border pressure in 2021, referred to as “instrumentalized migration” via Belarus, the war context that expanded the security regime with Russia’s full-scale invasion of Ukraine in 2022 expanded the security regime with Russia’s full-scale invasion of Ukraine, and the hybrid attack rhetoric established through “balloons” in 2025 produced three moments that appear different but

are linked by the same logical line: the external threat first narrows the vocabulary of ordinary politics; then stretches the limits of legitimate means; and finally makes the “exception” appear less and less exceptional each time (Bartasevičius et al., 2025; Sytas, 2021; Reuters, 2025b).

This section is not a country monograph; it reads the “traces” left by TDNS (Threat-Driven Norm Shift) in Lithuania through short scenes and the continuity established by the transitions between them. The aim is not to label every step taken by the state as “authoritarianism”; but to reveal how the language of “protection,” under certain conditions, accumulates a capacity for legitimacy and what kind of pressure this exerts on the components of democratic personality (pluralism, sensitivity to civil liberties, the legitimacy of opposition, tolerance for minority rights, tolerance for uncertainty).

### 5.1. 2021: “Instrumentalized Migration” And the Border's Capacity to Produce Exceptions

With the summer of 2021, the Lithuania-Belarus border ceased to be merely a geographical line; it became a scene where the law rapidly intensified. Lithuania's experience, as one of the moments when the “migrant instrumentalization” debate materialized in the Baltic context, was coded as a crisis in both academic literature and institutional reports, where the idea of “organized steering” took precedence over the “spontaneity of migration flows” (Bartasevičius et al., 2025). This framework reveals the “establishment of the threat” corresponding to the first phase of the TDNS: the threat is no longer a singular event but becomes a continuous regime of meaning that constricts ordinary politics.

This regime became visible with decisions such as the declaration of a state of emergency at the border in November 2021; the rationale for the decision was to frame irregular crossings via Belarus in terms of “crisis” and “security” (Sytas, 2021). However, the movement of the normative threshold was not only in the decision itself, but also in the formula of legitimacy implied by the decision: border security made it possible to re-evaluate procedural guarantees related to the right to asylum in favor of “speed” and “order.” At this point, counter-voices reminding us of democratic balance also appeared simultaneously. A letter from the Council of Europe Commissioner for Human Rights to the Lithuanian authorities explicitly raised the risks that acceleration and restrictions in asylum procedures could pose in terms of fundamental rights (particularly in the context of the right to an effective remedy and the

principle of non-refoulement) (Mijatović, 2021).

Similarly, a 2021 review published by the Lithuanian Seimas Ombudsmen's Office opened a discussion in institutional language about the practices and compliance issues with the rights regime in temporary accommodation facilities for foreigners crossing the Belarusian border (Seimas Ombudsmen's Office of the Republic of Lithuania, 2021a). What is important here is to grasp the following point from the perspective of TDNS, without getting caught up in Lithuania's "rights violation/no rights violation" dichotomy: when crisis language is established, the boundary between "ordinary law" and "extraordinary governance" becomes blurred not only in practice but also in the perception of legitimacy; rights begin to be thought of as a "conditional" resource rather than a principle.

The crisis was not only encountered at the frontier; simultaneous crises (pandemic management, energy prices, implementation of sanctions, social protest) constituted the hybrid discourse within the country. Bartasevičius et al. (2025) note that the violence of the protests around the Seimas on August 10, 2021, and the camp unrest during the same period were interpreted within the framework of the Minister of the Interior's "coordinated hybrid attack." This is a critical intermediate bridge on the path to the TDNS's "habit cycle": the threat is reproduced not only externally but also in the language of internal unrest; thus, the exception can spread from a singular domain (the border) to the governing mindset.

## 5.2. 2022: The Context of War and the Pull of the "Symbol-Expression-Organization" Field into Security Semantics

After February 24, 2022, the threat horizon changed for Lithuania: migration pressure was no longer solely a border issue, but a part of the security order embedded in the language of "existential risk" under the shadow of war. Lithuania's declaration of a state of emergency immediately after Russia's invasion made the second and third stages of the TDNS (psychological activation and normative reweighting) traceable at the institutional decision-making level (Sytas, 2022).

The tightening of the state of emergency in March 2022 drew the symbolic sphere, expression, organization, public demonstration, into the semantics of "risk." The debates and regulations reported by Reuters showed that the state could introduce stricter restrictions in the name of protecting internal public order in the context of war (Reuters, 2022c). Along the same lines, the April 2022

ban on symbols associated with war propaganda (e.g., "Z") in public spaces redefined the boundary between 'threat' and "expression": expression can now be treated not only as a right but also as a security vector (Reuters, 2022b). The fact that such regulations are recorded in the U.S. State Department's country human rights report shows that these restrictions are not only part of the daily news cycle but also part of institutional monitoring frameworks (U.S. Department of State, 2022).

It would be inaccurate to portray Lithuania as a country condemned to an "exception regime"; however, what is critical from a TDNS perspective is that the legitimacy of these restrictions is becoming increasingly easier to establish. Moreover, this process is not limited to national decisions: EU-level regulations imposing broadcast restrictions on Russian state media (e.g., decisions and regulatory changes concerning RT and Sputnik) have anchored the rationale of "combating disinformation" within a normative framework at the European level (Council of the European Union, 2022a, 2022b). Lithuania's extension of its ban on Russian and Belarusian television/radio broadcasts in 2024 also signals the security temporality of the war, which has shifted from being a "moment" to a "regime" (Lithuanian National Radio and Television [LRT], 2024).

## 5.3. 2023–2024: The Socialization of the Threat, Passports, Property, Mobility, And the Logic Of "Selective Security"

From 2023 onwards, another facet of the normative threshold shift emerged in Lithuania: the threat began to be embedded not only in events but also in identity categories. In April 2023, the parliament's decision to ban Russian citizens from purchasing real estate directly transferred the security justification to the realm of property; thus, "risk" showed a tendency to become a category associated with status rather than behavior (Reuters, 2023a). National measures that came into force in 2023 and tightened the visa and application regime for Russian/Belarusian citizens also expanded the legal toolkit for the perception of external threats (Ministry of Foreign Affairs of the Republic of Lithuania, 2023).

During this period, the "border" was redefined within the language of threat not only in terms of migration flows but also in terms of military and paramilitary movements. In the context of rising concerns about the presence of Wagner elements in Belarus, Lithuania's decision to temporarily close some border crossings shows that the threat horizon is now intertwined along the lines of migration-war-

hybrid (Dapkūnas, 2023). From a TDNS perspective, what is being observed here is this: while the discourse of external threat narrows the field of “normal politics,” it does not merely multiply the tools at the administration's disposal; it also lowers the threshold for the normalization of these tools.

From the perspective of democratic values, these years have another meaning: while security intensifies, democratic identity components such as pluralism and minority rights continue to exist as contentious issues in domestic politics; however, they carry a constant risk of being “deprioritized” in the agenda hierarchy. For example, the progress of the civil union bill in parliament in 2023, and the intense opposition it faced, demonstrated the internal tensions of normative pluralism in Lithuania (Lithuanian National Radio and Television [LRT], 2023). The fact that the 2024 presidential election campaign largely revolved around the Russian threat and security issues is a strong indication of how this “security-centered political time” shaped the agenda (Sytas, 2024).

#### ***5.4. 2025: Legal Externalization and the Spread of the “Hybrid” Across the Country, The Balloon Crisis, Media Debates, Tests of Pluralism***

In 2025, Lithuania sought to reframe the 2021 migration crisis not only through the security narrative but also on the basis of international law. Lithuania's announcement that it was filing a case against Belarus at the International Court of Justice (ICJ) demonstrates the codification of the threat narrative through “legal externalization”: here, the threat becomes not only a justification for internal order but also the language of international responsibility (Reuters, 2025c). This move has a dual meaning in terms of TDNS: on the one hand, it is a quest to legitimize exceptional practices with international legal arguments; on the other hand, it is a move to consider “threat” as a permanent administrative category.

The declaration of a nationwide state of emergency in December 2025, allegedly originating in Belarus and involving “balloons” used for smuggling, exemplified the spatial generalization of the threat under the label of “hybrid.” According to Reuters, the government requested broader powers, such as movement restrictions, stop-and-search, identity checks, detention of suspects, and use of force, to enable the army to support the police and border forces; the European Commission President's characterization of this as a “hybrid attack” also reinforced the discursive framework at the

supranational level (Reuters, 2025b). According to the Financial Times and AP, the disruption of air traffic and closure of airports combined with security operations spreading across the country created a moment when the “state of emergency” was visible at the border and in the infrastructure of everyday life (Financial Times, 2025; Associated Press, 2025a).

A notable aspect in this image is that the narrative of external threat not only broadens security institutions but also forms a space that can exert pressure on another vein of the democratic sphere. The 2025 European Commission Rule of Law Report notes that the general framework in Lithuania safeguards media freedom and pluralism but also notes that discussions surrounding the funding model of the public broadcaster LRT and certain internal steps within the institution are causing concern. The same report also records that legal changes concerning LRT in 2024 provided additional guarantees for transparency and independence (European Commission, 2025b). During the same period, press freedom organizations and broadcasters' associations published assessments raising the alarm about political pressure and regulatory attempts on LRT; these texts provide important insights into how the components of democratic personality, namely “sensitivity to freedom of expression” and “legitimacy of opposition,” are defended on an institutional level (European Broadcasting Union, 2025; European Centre for Press and Media Freedom, 2025; Reporters Without Borders, 2025).

Finally, tensions observed in domestic politics in the last months of 2025 highlight the “democratic character” dimension of TDNS: minorities, social tolerance, and public language. As reported by Reuters, protests surrounding the conviction of a coalition partner party leader for hate crimes against Jews and the coalition's decision to continue with the party nonetheless serve as a reminder that Lithuania is undergoing tests of pluralism alongside its security agenda (Reuters, 2025e). Such events show that external threats alone do not produce “authoritarian norms”; rather, they leave the question of how tolerance for “the other” and the legitimacy of dissent can be preserved in the public sphere on more fragile ground.

The Lithuanian vignette shows precisely why the TDNS is not a deterministic “collapse narrative”; rather, it shows how small shifts at the normative threshold can, in a context of multiple crisis phenomena, crystallise into a new regime of legitimacy. Ombudsman reports, European institutions' rule of law monitoring mechanisms,

courts, and civil society's capacity for objection appear as restraining factors against this accumulation (European Commission, 2024b, 2025b; European Court of Human Rights, 2025b; Seimas Ombudsmen's Office of the Republic of Lithuania, 2021a, 2021b). However, at the same time, the line stretching from 2021 to 2025 shows that as the "type of threat" changes, the "language of protection" can also expand, and the extraordinary can appear less extraordinary each time.

## 6. MINI-CASE II: LATVIA (MSSD COMPARISON), SIMILAR THREAT, DIFFERENT LEGAL LANGUAGE?

Latvia, located just north of Lithuania, is a state situated in the same fault line of the Baltic geopolitics: part of the same alliance system (EU/NATO), surrounded by the same neighboring authoritarian regimes, carrying the same post-Soviet memory burden, and possessing similar demographic-tension lines (particularly the size of the Russian-speaking population). Therefore, the irregular crossings that rose in the summer of 2021 via the Belarus border were interpreted not as a "new wave of migration" but as a form of 'instrumentalization' and "hybrid pressure," as the European institutions also put it (European Parliamentary Research Service, 2022; Forti, 2023). The similarity itself is what gives the comparison its value: the TDNS claim (i.e. threat-driven norm shift) is not so much about the existence of the threat, but how the threat is framed and what normative threshold it legitimises. The Latvian case is thus not a "country story"; it is a short but meaningful strand through legal texts, executive language and institutional reactions.

In Latvia, the exception first made it onto the map, and then it was inscribed in the text. With a Cabinet of Ministers' decision from August 10, 2021, a state of emergency was declared in some of the administrative territories at the Belarusian border (Ministru kabinets, 2021). Until this point, the version matched that of its Baltic neighbour; the difference occurred in the legal language of the exception. The consolidated text specifically outlined the task of the security apparatus – Armed Forces and police, not as a limited "surveillance" authority with border guards, but as an authority which may "immediately" order a person to stop crossing the border or "immediately" return when illegal crossing is detected (Ministru kabinets, 2021). The "return" order did not only work as an administrative order but also a normative signal that expanded the repository of means. This is due to the fact, that in cases of "galējās nepieciešamības" (extreme

necessity), where the order is not obeyed, physical force and "special means" can be employed (Ministru kabinets, 2021). The exception in question was not established merely with an abstract "if necessary" clause but by way of a verb tense prescribed according to law and taking the form of a command that can be enforced. Thus, from a TDNS perspective the threat not only produce authority in law but also dictates which tools can be said to be "normalized."

A more punitive threshold emerged with the constriction of the right to asylum with respect to the geography of the administrative unit. The same decision established that applications for refugee or alternative status would be accepted only at border crossing points and at the foreigners detention center in Daugavpils, not at institutions in the emergency state zone (Ministru kabinets, 2021). From a legal point of view, this is not just a "procedural" change. Normatively, the asylum procedure is no longer a universal right but instead a privilege conditioned on space. The phrase "applications will not be accepted" does not simply mean that the right is suspended. It is the political weight of such technicalized sentences that is the thesis of TDNS: A permanent exception is not made via bombast but through a bureaucratic sentence.

The occurrence of the text on the ground created a simultaneity that heightens the legitimacy of the security language. On August 11, 2021, a Reuters report from the field narrated how Latvian border guards turned back groups that crossed the border irregularly towards Belarus only hours after the emergency was declared; this practice was justified by "hybrid warfare" and "weaponisation" (Baczynska, 2021). On the one hand, there is the image of children shaking and people waiting in the woods. On the other, the state's effort to qualify this as a "strategic assault" and not a "humanitarian emergency." This crossing is important for the TDNS: when tipping's threat language infuses the law, the "protection" no longer merely regulates the border. It regulates which rights will be visible at the border.

The initial phase was revised in law to promote sustainability and did not just drag on over time. The exception's continuation does not always stay as hard; it is often made somewhat softer with touches of "humanization". In the Latvian example, the text of the decision was supplemented with provisions on the provision of food and basic necessities and provision of emergency health services (Ministru kabinets, 2021). Such additions serve two different purposes: on the one hand, they reduce the actual

burden in the field; on the other hand, they increase the moral defensibility of the exception. However, this does not mean that the normative threshold has been lowered. On the contrary, reducing rights to the level of “minimum humanitarian aid” acts as a kind of “legitimacy amortizer” for the exception to be sustainable over the long term. The European Parliament's LIBE delegation's fact-finding visit to Vilnius and Riga in 2022 also bears the institutional mark of this period of border management debates at the EU level (European Parliament, Committee on Civil Liberties, Justice and Home Affairs, 2022). Therefore, in Latvia, the exception is not merely a national decision; it has settled into an area woven with mutual observation and implicit approval/objection regimes within the EU's border policy.

However, the same period also opened institutional channels for a strong counter-narrative regarding the “legitimacy” of the exception. In an August 2022 letter, the Council of Europe Commissioner for Human Rights called on Latvian authorities to conduct an investigation into reports that refugees and asylum seekers were being violently blocked at the Belarus border, held in inhumane conditions in the forest, and denied access to asylum procedures (Council of Europe Commissioner for Human Rights, 2022). From the TDNS perspective, such a transformation shows us that the drift of norms is never automatic. There is always an exception created through a legitimacy struggle. The exception is not only claimed, but it is also continuously justified, criticized or defended.

The agenda of the European Court of Human Rights (ECHR) features the most legal level of this battle for legitimacy. The Court's record of the hearings in February 2025 shows there are many cases of “pushbacks” alleged at the border of Belarus from the summer of 2021 to the summer of 2023, one of which is *H.M.M. and Others v. Latvia*, where the applicants allege they were pushed back at the border of Latvia-Belarus beginning on August 11, 2021 (European Court of Human Rights, 2025a). This information is important for two reasons: first, using an exception is no longer merely a political choice, but a subject of litigation. In addition, this means that the normative threshold set by Latvia's “return” orders will be re-evaluated in the European legal order through the lenses of “collective expulsion” and “effective remedy”. The “legal codification” phase of the TDNS will now move on to the next stage: that of codification undergoing supranational judicial scrutiny.

Against this background, Latvia's reaction to the

crisis on the Lithuanian-Belarusian border was certainly similar to that of Lithuania, but the “hybrid” language of the threat quickly spread to other fields. Latvia's revocation of the license of independent Russian television channel TV Rain due to “national security threat” shows a notable shift from the border to the information sphere (Reuters, 2022a). This incident alone obviously does not indicate “authoritarianism”. However, from the perspective of the TDNS, it shows what sorts of expressions can be pulled into the security category with what sort of “risk” semantics. Legitimacy scale works differently when ‘misinformation’ or “ethical violation” are not used as frameworks to discuss field of expression, but national security is used as a category of framework. Adopted in language and citizenship, the same shift occurred. As reported by Reuters (2023), Latvia was requiring, in the name of security, certain Russian passport holders to take a Latvian language test to be allowed to stay; this was linked to Russia's justification of its invasion of Ukraine as protecting Russians abroad (Reuters, 2023b). In a sense, symbolic threats (such as those to identity, language and belonging) and realistic threats (such as external intervention and Security Not being linked in the same sentence. According to a Reuters report (2024b), Moscow reacted strongly to the regulations in 2024, citing that they were ‘in contravention of human rights treaties’. Thus, this conflict had foreign policy overtones too. The normative reweighting phase of TDNS comes into focus right here: when language policy is targeted not just at integration, but as an extension of the security reflex, the democratic personality's tolerance for minority rights and pluralism can be stretched more easily.

The Rule of Law reports from the European Commission reflect the institutional traces of this tension. The National Security Concept adopted in 2023 includes a contentious proposal, criticized by journalism organizations, to restrict Russian-language production in public media from 2026. Despite this, the 2024 country section notes that the Latvian Constitution guarantees freedom of expression and that the media regulatory authority operates independently (European Commission, 2024a).

The most insidious aspect of the TDNS is that the change in norms occurs not through blatant censorship, but through concepts with a positive key, such as “security of the information space”, and indeed through the language. Despite the 2025 report stating that the civil society sphere remains “open and stable” overall, it made an observation regarding

the online environment deteriorating and online attacks against journalists ramping up (European Commission, 2025a). In this dual picture, the overall robustness of the institutional framework and the expansion of security language, Latvia and Lithuania are apposite cases for a “similar systems” comparison: even when the democratic infrastructure is not completely broken down, the norm threshold can quietly shift.

In the end, the mini-case of Latvia shows how the exception may be established with different “legal grammars” in two similar systems sharing the same threat horizon with Lithuania. The situation in Latvia, where the state of emergency regime has codified the exception earlier and more explicitly by more or less directly embedding the “return” order, the use of physical force and the spatial restriction of asylum applications in the text (Ministru kabinets, 2021). Such severity does not invariably signal that a norm shift will occur; on the contrary, it hastens the struggle for legitimacy and leaves behind a more intense space of scrutiny in the EU-Council of Europe-ECHR triangle (Council of Europe Commissioner for Human Rights, 2022; European Court of Human Rights, 2025a). A similar threat may receive a similar response, the implication for TDNS goes. However, it is not merely the existence of the threat that determines where the norm threshold will settle, but also the wording of the legal code, the reflexes of the oversight institutions and the ease with which the security justification can circulate in the public domain. We can set the stage for some-hopefully useful- reflections on this phenomenon. The divergence observed in two “very similar” countries will allow us to open up a more incisive discussion of the boundary conditions of TDNS (capacity for institutional oversight, severity of discourse, level of continuity of the exception).

### **7. MINI-CASE III: SOUTH KOREA (MDSO SCOPE TEST), SUSPENSION OF INTERNAL NORMS IN THE LANGUAGE OF THE EXTERNAL ENEMY**

The tale of South Korea has never permitted us to neglect the older shadow lurking behind the label of “stable democracy”: once declared, extraordinary might change not just the streets, but also the language. It is thus indicated that South Korea offers a beneficial testing ground for comparison with Lithuania. The geography is different, the history is different, and the architectural makeup of institutions is different; but the figure of the external enemy serves the same function: producing the capacity to shift the normative threshold by

translating internal political conflict into the dangerous semantics of “the survival of the state.” Here, North Korea is not merely an actor across the border; it is a repository of meaning with which to constrain the “inside” using the language of the “outside” in public discourse (Green & Denney 2024; Shin 2024).

In essence, law is the starting point of this vignette because in South Korea, the politics of exception is discussed through intra-rule rather than extra-rule means. The Constitution associates martial law with the existence of “war, armed conflict, or a similar national emergency”. In addition, it states that, during a national emergency, “no search or arrest may be made without a judicial warrant” and that “specific measures concerning freedom of expression, press, assembly and association may be taken” (Constitution of the Republic of Korea, 1987, art. 77). This provision does two things at once: it defines martial law as an exception; but at the same time, it incorporates the idea of suspension into legal language by specifying which freedoms can be suspended and on what grounds.

When plugged into one of the older and more established security laws, this textual possibility multiplies the conduits through which the language of external threat can intersect with internal norms. The National Security Act (NSA) establishes a broad teleology in its purpose clause: to protect “state security” and “the existence and freedom of the nation”; moreover, the text also contains a warning against “unreasonably restricting fundamental rights” and “broad interpretation” in practice (Republic of Korea, National Security Act, 1948/2016, art. 1). However, the same law, after defining the category of “anti-government organization,” also contains provisions that directly make internal expression and contact areas objects of security: for example, it punishes acts such as “praising, inciting, or propagating” the activities of “anti-government organizations” and relationships established with the knowledge of harming the “democratic fundamental order.” (Republic of Korea, National Security Act, 1948/2016, arts. 7–8). Thus, relations with external enemies produce legal risk not only at the level of actual collaboration but also at the level of symbolic circulation and contact; the boundaries of “threat” expand from actual action to speech (Green & Denney, 2024).

The 2016 counterterrorism regime also displays a similar dual attitude: it first promises not to “harm fundamental human rights” and provides guarantees whose violation will be “unconstitutional”. And second, it deepens

institutional power. The “Act on Anti-Terrorism for the Protection of Citizens and Public Security” contains certain articles that stress the importance of human rights. However, the same text also allows for the gathering of information about those considered “terror suspects” as well as sharing information with relevant institutions. This architecture permits the security forces to establish a wide-reaching information regime even during what is termed as “normal” times (Republic of Korea, Act on Anti-Terrorism for the Protection of Citizens and Public Security, 2016). This refers to the fourth stage of TDNS (legal codification): the tools of the extraordinary become a permanent repertoire within ordinary politics.

In the early 2020s, this area experienced minor yet insightful cracks in the expression-security tensions. In a decision made in 2023, the Constitutional Court overturned a law that made it illegal to send propaganda leaflets to North Korea, claiming that the law was unconstitutional as it violated the freedom to express oneself (Reuters, 2023c). The decision was like the new institutional reaffirmation of “the tolerance of the legitimacy of dissent and uncomfortable expression”, which is part of democratic character. However, at the same time, border authorities were trying to effectively defend against similar actions on grounds of security and public order, meaning the threat has re-emerged at the level of practical administration (Reuters, 2024c). This simultaneous judicial correction and administrative deterrent indicate that the change in the normative threshold is not one of linearity but rather a state of tension.

In the night of December 3, 2024, the rupture of this tension occurred in dramatic circumstances. The martial law decree text, published by Reuters, concentrates the TDNS’s “normative reweighting” and “legal codification” loops in one text. The objective of the decree is to prohibit all those activities ranging from political party activities to legislative ones; to ban collective action forms such as meetings, demonstrations, and strikes; and to place the media and publishing sphere under the control of the martial law command (Reuters, 2024a). What is critical here is not only the scope of the restrictions but also the language used to justify them: the executive branch used the claim of “protecting the liberal democratic system” as the key to legitimizing the suspension of fundamental freedoms. In other words, democracy was brought onto the stage, not as a “rule” this time, but as a “justification for suspension.”

However, the same event also showed that martial

law does not always work in one direction. Martial law was withdrawn within about six hours after the National Assembly quickly rejected the decision and parliamentarians under pressure breached the security cordon to reach the building; a chronology published by Reuters a year later details the speed of this process and the simultaneous forms of institutional resistance (Reuters, 2025a). Shin’s assessment shows that this fast reversal shows that South Korea’s democratic “immune system” still works. Definitely, this immunity functions on a backdrop of polarization and erosion of norms that had been building up for some time (Shin, 2024). From a TDNS perspective, it is not the failure of martial law which constitutes the “trace” in reality, but its very possibility. The lexicon of external enemies and “anti-state forces” was mobilised as a powerful semantic resource to situate normal executive-legislative tensions within a “national emergency” frame (Reuters 2025a).

The developments of 2025 are also evidence of how democratic oversight took place “after the fact”. In April, Yoon’s declaration was said to have “no justifiable grounds” by the Constitutional Court ruling and that constitutional obligations were violated, confirming his ouster according to Reuters. The article states that, however, Yoon continued to defend himself with the mantra of “anti-state forces” and faced a judicial process on insurrection charges (Reuters, 2025f, 2025g). According to an Associated Press report at the end of 2025, even interim leaders who served during the crisis could be investigated and indicted for charges like negligence and false statements; moreover it was reported that “independent investigation” mechanisms have been expanded under the new administration (Associated Press, 2025b). In this way, the process demonstrates that the “habit cycle” in the fifth stage of the TDNS is not automatic; in some open contexts, instead of the exception becoming prolonged, the exception itself may be translated into a heavy political and criminal cost.

Nonetheless, the case from South Korea is not simply a “resistance” story, as the normative threshold had already grown controversial before the crisis. Human Rights Watch indicates that even before Yoon’s martial law initiative, the administration made intensive use of “criminal defamation” mechanisms against critics, and the December 3 decree contained comprehensive restrictions on media, expression and association (Human Rights Watch, 2025). The digital freedom reports prepared by Freedom House also highlight that the capacity of the defamation regime to

generate heavy criminal penalties, especially in the online space, makes for a punishing environment that lowers the cost of 'self-censorship' in society, while establishing a climate in which extraordinary discourses become socially acceptable. (Freedom House, 2024, 2025). Thus, the operation of the TDNS in South Korea is not a sudden event: the 2024 martial law could be legally enabled so quickly because it was built on existing normative constrictions; at the same time, it could be reversed so quickly because institutional checks were strong (Han, 2026).

The "external threat" in both cases does not only generate security policy but also reshapes the parameters of political legitimacy. Lithuania-South Korea MDS Comparison's conceptual contribution comes down to this. In the case of Lithuania, we see how the hybridized threat horizon opened the door to the escalation of extraordinary means with recourse to 'protection'. In another context of South Korea, we observe how the threat emanating from North Korea and the anti-state lexicon served as a semantic apparatus to organize the presentation of an executive crisis as a 'national emergency'. From a TDNS perspective, this points to a core mechanism that is not geographically rooted. Specifically, the threat, before violating the standard, impinges on the boundaries of 'acceptable means'. Institutions may halt this impinging, sometimes they cannot. The South Korean example is particularly powerful for testing the scope of the theory: the withdrawal of the exception does not diminish the political-psychological significance of the moment when the exception can be legitimized; on the contrary, it lays bare the possibility of democracy being "rewritten."

## 8. COMPARATIVE DISCUSSION: THE BOUNDARY CONDITIONS OF TDNS

This section refuses to elevate the previous vignettes to the level of "proof." It reads them as stress tests to see under which conditions TDNS (Threat-Driven Norm Shift) accelerates and under which conditions it hits a wall. Because the most honest way to construct a theory is to make visible not only where it works, but also the thresholds where it stumbles: When is the exception a "temporary tool," and when does it become "regime language"; which brake mechanisms can halt this transformation; and why does the semantics of "hybrid threats" produce a particularly high-risk climate for democratic norms?

### 8.1. *When Is the Exception a Temporary Tool, And When Does It Become The "Language of the Regime"?*

The state of emergency is often designed in democracies as an "engineering solution": short-term, limited, targeted; a tool that is supposed to be withdrawn once the crisis is over. This optimistic design rests on a tension long debated in the literature: the promise to keep the "exception" within the law simultaneously produces the authority to stretch the boundaries of the law (Ferejohn & Pasquino, 2004; Gross & Ní Aoláin, 2006). This tension creates a critical threshold for the TDNS. As long as the exception remains a "tool," even if norms are suspended, the language of legitimacy is limited to temporariness; however, as the exception is repeated and broadened each time, crisis management begins to transform into a style of governance. Here, the transformation does not appear as a 'coup'; it appears as a "habit", in the minds of both institutions and citizens.

In the Lithuanian example (the focus case), the traces of this threshold become clear. Following Russia's invasion on February 24, 2022, the state of emergency declared in March 2022 evolved into a stricter regime, with discussions of "the harshest restrictions" in the areas of expression and peaceful assembly reflected in the public sphere; and measures such as blocking access to a media outlet for up to 72 hours on the grounds of "disinformation/war propaganda" were envisaged (Reuters, 2022c). This demonstrates that the "limits of legitimate means", that is, the norm, can be redrawn according to the language of crisis: freedom of expression is no longer formulated as a principle but as a variable subject to conditions.

This threshold reappeared in a different form in the nationwide state of emergency declared in December 2025 over "balloons" allegedly originating from Belarus. In this case, a threat changed in character from "smuggling" - a criminal act - to the much looser framework of a "hybrid attack". This incident brought with it demands for wider search, movement restriction and detention-type powers in support of the military/police (Reuters 2025b). From a TDNS viewpoint, the crucial aspect to note is the following: once the character of the threat alters (migration-war-hybrid), the lexical repertoire option that makes the exception possible extends; the language of "protection" obtains the capacity to render "reasonable" means that were previously considered illegitimate. This capacity is established each time by declaring "this time it is truly necessary"; however, the repetition itself erodes the claim of temporariness (Pierson, 2000).

Therefore, the transformation into the "language of the regime of exception" must be sought not in a

single moment of decision, but in three concurrent processes: first, repetition (the perpetuation of the threat horizon); second, scope expansion (the shifting of tools: from borders to information, from information to opposition); and third, the increasing cost of reversal (the politically high cost of the claim that security vulnerabilities will arise if the exception is withdrawn). This third dimension is captured in the literature by the concepts of “increasing returns” and path dependency: once established, authority and institutions tend to reproduce themselves (Pierson, 2000). Silence/self-censorship is the social mechanism that renders this path invisible (Noelle-Neumann, 1974; Kuran, 1995).

## 8.2. *Institutional Brakes: What Can Break the TDNS Cycle?*

The TDNS argument is not deterministic: the perception of threat does not always translate into a shift in norms. What determines the speed and depth of transformation is the capacity of both institutional and discursive “brakes.” The PACE report on states of emergency clearly recalls the classic inventory of these brakes: strong legislative oversight, judicial review, time limits and “sunset clauses”, avoid restricting the freedom of expression as far as possible, and maintain constant access to independent media (Parliamentary Assembly of the Council of Europe, 2009). In a similar vein, the Venice Commission compilation underlines that the scope of extraordinary powers must be clearly defined, that mechanisms to extend their duration must be subject to democratic oversight, and that principles like proportionality and predictability must not be ‘suspended’ during the exceptional period (European Commission for Democracy through Law [Venice Commission], 2020).

A 2021 report published by the Seimas Ombudsmen's Office in the context of migration in Lithuania provides a concrete example of how these brakes can work within the “legal language.” The report addresses the protection of human rights and freedoms in temporary accommodation facilities within the framework of torture prevention obligations (OPCAT) and explicitly notes that the practice may create tension with the standard of human dignity (Seimas Ombudsmen's Office of the Republic of Lithuania, 2021a). Such reports break the “habit cycle” of the TDNS in two ways: first, they break the silence that normalizes the exception; second, they reintroduce the vocabulary of ‘rights and “proportionality” into the language of legitimacy. The same braking logic becomes visible in EU law: The CJEU's June 30, 2022, decision C-

72/22 PPU discussed the incompatibility of practices such as the practical blocking of access to asylum applications on the grounds of a state of emergency with EU asylum procedures (Court of Justice of the European Union, 2022). Thus, the restrictive effect of the language of “threat” is tested by a supranational regime of rights.

In Latvia, the ombudsman institution establishes a similar brake function more directly through the demand for ‘proportionality’ and “alternative solutions.” The Latvian Ombudsman's letter dated January 27, 2023, highlights the need for regular reassessment of the extension of the state of emergency in the context of the Belarus border, which has been ongoing since 2021, the burden of providing publicly justifiable reasons, and issues of compliance with EU law; and also implies that as the crisis drags on, the persuasiveness of the “no other solution” rhetoric should diminish (Ombudsman of the Republic of Latvia, 2023). From the view of rule of law perspective what is critical warning is that restriction by itself does not cause the gravest danger in chronic emergency rather the greatest danger which threat to a normal functioning society that is the restriction become “default” and no longer needing explanation.

In addition to the institutional brakes, which, on their own, are not enough; the brakes also need a foundation of ‘acceptability’, that is, a sort of social legitimacy ecosystem. When independent media, civil society, and academia fail to produce a “public deliberation” that questions the language of the regime of exception, oversight mechanisms can be reduced to mere procedure. Therefore, it should be noted that the debates in Lithuania in the fall of 2025 regarding the governance of the public broadcaster LRT and the spillover of these debates into the streets along the axis of “independence” are not a minor detail for TDNS, but a sign of where the line of legitimacy is drawn (Reuters, 2025d).

## 8.3. *Why Is the Semantics Of “Hybrid Threat” Particularly Dangerous?*

The most vulnerable point of TDNS is that the threat takes on an ‘uncertain’ and “continuous” form. In NATO's strategic documents, hybrid threats are defined as a set of methods that target the vulnerabilities of democratic societies through the simultaneous use of non-military means (cyber-attacks, disinformation, economic pressure, proxy actors) (NATO, 2022). The European Commission's 2016 “countering hybrid threats” framework similarly treats hybrid threats as a form of attack with blurred boundaries, multiple actors, and widespread

effects (European Commission, 2016).

This semantics poses a particular risk in terms of democratic norms: Hybrid threats are not like events with a clear end point, such as “war”; they are more like a climate. Climate, in turn, produces constant vigilance. Constant vigilance narrows the “normal” debates in the political arena, because every debate is linked to the question “does it create a security vulnerability?” Uygur and Sever's discussion of the concept of threat is directly relevant here: threat is often not objective data, but a set of interpretive practices that can expand the security regime; the vagueness of the concept can allow the “security” category to swallow everything (Uygur & Sever, 2025).

The “information” dimension of hybrid threats is particularly sensitive in terms of norms and legitimacy, because freedom of expression and the legitimacy of opposition are tested precisely in this area. The possibility of imposing temporary restrictions on media access on the grounds of “disinformation/war propaganda” in Lithuania's 2022 regulations tightening the state of emergency is an example of the security discourse being transferred to the epistemic sphere (Reuters, 2022c). In Latvia, too, in 2022, in the context of the Russia-Ukraine war, media restrictions and website blockages increased on the grounds of national security through “war disinformation”; these moves were recorded in the Council of Europe's media monitoring mechanisms (European Audiovisual Observatory, 2022).

At this point, TDNS goes beyond the classic “freedom-security” trade-off debate: the issue is not merely the temporary restriction of certain rights; it is the rewriting of the line between what speech is ‘legitimate’ and what speech is “threatening.” The text of the martial law decree announced in South Korea on December 3, 2024, provides an extreme example of this: Provisions such as the prohibition of “all political activities,” including the National Assembly and political parties; the prohibition of “fake news, public opinion manipulation, false propaganda”; and the subordination of “all media and publications” to the control of the martial law command were formulated under the pretext of protecting “liberal democracy” (Reuters, 2024a). In this context, the alteration in standards pertains not only to the harshness of actions taken but additionally to the moral justification for that harshness: democracy may be “protected,” but politics itself may be suspended. It resonates with the well-known Agamben's paradox of the state of exception in which the exception transcends the law

in the name of protecting the law (Agamben, 2005).

Disinformation securitization, as studied here, extends this danger to the larger plane of othering. Bennett and Livingston make the case that disruption in the information ecosystem weakens democratic institutions (Bennett and Livingston, 2018), but a new updraft of literature indicates that securitized responses to this disruption risk narrowing the space of expression (Vériter, 2025). TDNS makes its point clear: When the semantics of the hybrid threat replace “enemy” with “hostile information events,” the opposition can be readily pushed into “manipulation.” As such, the shift in the normative threshold occurs not just at a legal level but at the levels of public norms.

#### **8.4. *Expected Boundary Conditions from the MSSD And MDSD Comparison***

In the comparison of most similar systems design (Lithuania-Latvia), the expected divergences arise not from the existence of the “threat” but from how the threat is translated into legal architecture. Both countries saw debates on “instrumentalization” and extraordinary regimes in the context of the Belarus border; however, the Latvian Ombudsman's insistence on “regular reassessment,” “search for alternative mechanisms,” and “proportionality” in the face of extensions can be read as a brake on the automaticity of the exception (Ombudsman of the Republic of Latvia, 2023). In Lithuania, the ombudsman's report (2021) making local practice visible through the language of human rights and the CJEU ruling (2022) drawing a supranational line show two different channels of oversight that could break the TDNS cycle (Seimas Ombudsmen's Office of the Republic of Lithuania, 2021b; Court of Justice of the European Union, 2022).

In the comparison of the most different systems (Lithuania-South Korea), similar traces are sought not in the similarity of the tools, but in the form of justification. In the South Korean example, the state of emergency was withdrawn very quickly, and the constitutional court then produced a severe political consequence: Yoon's declaration of martial law was deemed an abuse of constitutional authority, he was removed from office, and the election process was triggered (Reuters, 2025g). This demonstrates two things simultaneously from the perspective of TDNS. First, strong legislative-judicial checks can halt the process before the “habit cycle” begins. The language of the enemy - ‘anti-state forces’ - and the rhetoric of ‘protecting liberal democracy’ provide a common vocabulary that can justify the suspension of norms in an otherwise very disparate historical-institutional

context (Reuters, 2024a). Consequently, looking for a “similar trace” in the comparison of the MDSD involves not so much the same outcome but the emergence of the same logic of legitimacy in different systems.

### 8.5. *The Limits of Theory: What Does “Diagnosis” Promise?*

The end of the section is a warning: the existence of state of exception do not suffice for TDNS, what is truly sufficient, is form of discourse over time and the control ecology of the exception. The sunset clause raised in 2009 PACE report alongside brakes like legislative-judicial oversight freedom and media freedom are not mere procedures. They are public memory types meant to keep the normative threshold fixed (Parliamentary Assembly of the Council of Europe, 2009). The memory of normality is eroded by the hybrid threat climate. In fact, this climate normalises exceptionality. What TDNS does here is not to claim “causal effect”; it is to diagnose at which points the democratic normal begins to become conditional, that is, where the limits of legitimate means lie. The diagnosis does not generate “results” from vignettes; it does make vignettes the boundary stones of theory.

## 9. CONCLUSION: LIVING UNDER THREAT OR BEING GOVERNED BY THREAT?

This article does not focus on how a regime was “overthrown,” but how a regime was rewritten. Because, in fact, today’s democracies transform not under the shadow of tanks, but under that of words: when “danger” stops being a description of a phenomenon and becomes part of the political language, it also defines the borders of a debate – the intuition of what means are considered “excessive” is gradually shifting further. The threat is itself not a given. Rather, when the threat becomes a category that is constructed, circulated and politically mobilized (Wæver, 1995; Buzan et al., 1998; Uygur & Sever, 2025), then the fragility of democracy is no longer about whether “institutions function or do not function” but about the legitimacy threshold.

The Threat-Driven Norm Shift mechanism begins at this very threshold. The threat is first established as a framework that narrows the “normal politics” field; it then produces psychological activation through uncertainty and the need for order; this activation will accelerate a normative re-weighting that tends to see rights and plurality not as ‘principles’ but as “conditional privileges”; and finally, the exception becomes codified through legal texts and procedures and turns into habit through

repetition. At every stage of this cycle a silence is produced. The more costly citizen protest becomes the more the public sphere leans into the language of ‘conformity’. On the one hand, the regime appears to ‘stand still’ from the outside. On the other hand, from the inside, a democracy with ever thinner boundaries is being experienced (Noelle-Neumann, 1974; Kuran, 1995). The TDNS claim is different from the ordinary observation that certain rights can be restricted in times of threat. The question is not about the restriction of rights, but about the continuation of the way in which the restriction is treated as being justified.

We examined this theoretical line with three vignettes not to generate “evidence” but to clarify the boundary conditions. The MSSD comparison (Lithuania–Latvia) revealed that, even with similar geopolitical positions and comparable pressures at the border, the legal grammar of the exception can change. The fact that something similar took place did not automatically mean that it must be appropriate or a good idea. The tone of the text, the words used in describing the authority, how continuity was justified and the involvement of oversight bodies (ombudsman, judiciary, time-limits) are all things that will matter too. Together those issues determine the normative threshold. This finding suggests that when a state of emergency arises, the phrase “what was done?” involves far more than just performance; it begs the question: which language, with what justification and with what oversight architecture was this done? The European Court of Human Rights’ underlined that a free and independent media system is fundamental (Parliamentary Assembly of the Council of Europe, 2009; European Commission for Democracy through Law [Venice Commission], 2020). To put it differently, it is not the case of the same response to the same threat but, rather, different legitimations of the same threat through different legal languages.

The comparison of MDSD (Lithuania–South Korea) revealed even more that even if institutions and historic paths significantly differ, the semantics of “external enemy/anti-state” can activate the legitimacy repertoire to suspend internal norms with remarkably similar logic. This similarity did not mean that the outcomes would be the same; the South Korean example confirmed that the TDNS is not deterministic by showing that strong legislative-judicial checks can quickly reverse the exception and that the attempt at exception can incur a heavy political cost (Ackerman, 2004; Dyzenhaus, 2006). However, the same example is disturbing from another perspective: when the claim of “protecting

liberal democracy” becomes an elastic discourse capable of justifying the suspension of democratic politics itself, democracy can wound itself with its own words. The risk of ‘authoritarianism within the law’ in contemporary literature is not only about institutions – it is also about the legitimization discourse (Scheppelle 2018).

By this time, the actual question is no longer “is there a threat? Should we allow ourselves to be governed by threat or to live with it? Living with the Threat means that democracy can take security seriously without compromising its normative core by thinking of freedom as the moral limit to risk-management, instead of a concession; not pushing opposition into the category of ‘risk’; committing to plurality as a source of resilience, rather than a burden, even in times of crisis. When security becomes the universal language of politics, it drags every debate into the logic of ‘urgency’; when it normalizes uncertainty and constant vigilance (Aradau & van Munster, 2007; Bennett & Livingston, 2018), hybrid semantics, which easily normalize the exception, become the norm. The diagnosis of this work ends here: TDNS has a logic of transformation that does not wait for a coup. Behind apparently “normal” tools, it reminds us that the definition of “normal” also changes.

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- The research agenda for the future is to translate this diagnosis into empirics. The micro-level operation of the TDNS can first be tested with panel data and experiments that manipulate threat frames; especially, the effects of framing on who produces “caution” and who produces “compliance/conformity” can be measured systematically (Druckman, 2001). Next, a “text-data” approach can trace normative threshold shifts through linguistic markers (urgency, demonization, conditionality, rhetoric of protecting “liberal democracy”) in legal texts, parliamentary transcripts, and leader speeches; thus allowing the “legal codification” phase of TDNS to be mapped more finely at the level of discourse (Grimmer & Stewart, 2013). Third, from a comparative perspective, the combined use of MSSD and MDSM can be expanded to test patterns of “similar threats–different legal language” and “different systems–similar legitimacy logic” across more country pairs; this transforms the menu logic of case selection into a more robust theoretical testing tool (Lijphart, 1971; Seawright & Gerring, 2008). Such an agenda finally moves the TDNS beyond being a “warning diagnosis” and transforms it into an analytical framework capable of capturing the early stages of democratic erosion.

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