

Erdmann, Gero; Elischer, Sebastian; Stroh, Alexander

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## Can Historical Institutionalism be Applied to Political Regime Development in Africa?

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GIGA Research Programme:  
Legitimacy and Efficiency of Political Systems

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<[workingpapers@giga-hamburg.de](mailto:workingpapers@giga-hamburg.de)>

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Phone: +49 (0)40 – 4 28 25 – 548

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GIGA German Institute of Global and Area Studies  
Leibniz-Institut für Globale und Regionale Studien  
Neuer Jungfernstieg 21  
20354 Hamburg  
Germany  
E-mail: <[info@giga-hamburg.de](mailto:info@giga-hamburg.de)>  
Website: <[www.giga-hamburg.de](http://www.giga-hamburg.de)>

## **Can Historical Institutionalism be Applied to Political Regime Development in Africa?**

### **Abstract**

Historical institutionalism has been used to explain the emergence of democracy and dictatorship in various regions of the world, but not applied to political development in Africa. Based on the recently refined concepts of historical institutionalism, the aim of this study is to provide a framework for the analysis of the various regime types that have been established in Africa during the last two decades: democratic, hybrid and authoritarian. Surprisingly little effort has been dedicated to a historically grounded explanation of these regime types. Against a common claim that African politics is mainly driven by informal institutions or behaviours, we argue that an institution-based examination of African politics is justified. We then provide a proposition of how to link up concepts of historical institutionalism with empirical cases in Africa, within a comparative approach. Our proposition for tracing specific development paths will not be based on the regimes as a “whole”, but on the deconstruction of a political regime into partial regimes and subsequently into selected formal and informal institutions. This will allow for an empirical analysis of the different components of a regime over long periods of time, and thus for path-dependent analyses of regime development.

Keywords: Historical institutionalism, Africa, critical junctures, path dependency, political regimes

### **Dr. Gero Erdmann**

is head of GIGA's Research Programme 1 “Legitimacy and Efficiency of Political Systems” as well as a member of GIGA's Research Programme 4 “Power, Norms and Governance in International Relations”. He is also head of the GIGA Berlin Office.

Contact: <erdmann@giga-hamburg.de>

Website: <<http://staff.en.giga-hamburg.de/erdmann>>

### **Dr. Sebastian Elischer**

is a political scientist and research fellow at the GIGA Institute of African Affairs.

Contact: <elischer@giga-hamburg.de>

Website: <<http://staff.en.giga-hamburg.de/elischer>>

### **Alexander Stroh, M.A.**

is a political scientist and research fellow at the GIGA Institute of African Affairs.

Contact: <stroh@giga-hamburg.de>

Website: <<http://staff.en.giga-hamburg.de/stroh>>

# Can Historical Institutionalism be Applied to Political Regime Development in Africa?

Gero Erdmann, Sebastian Elischer and Alexander Stroh

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- 3 A Conceptual Proposition: Partial Regimes and Institutions
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## 1 Introduction

During the last 15 years, within the field of comparative political science historical institutionalism developed as an elaborated scholarship (Hall/Taylor 1996; Thelen 1999; Mahoney 2000; Mahoney/Thelen 2010). The various conceptual tools of the approach – such as path dependence, critical junctures, self-reinforcing mechanisms, sequencing and so on – have been subject to critical scrutiny. Scholars discussed and refined these concepts, which previously used to be rather vague catch-all terms (for example, Mahoney 2003; Mahoney/Terrie 2007; Pierson 2000, 2004; Capoccia/Kelemen 2007; Capoccia/Ziblatt 2010). They built on the scholarship of related subdisciplines – such as historical sociology and economic institutionalism – and particularly on the work of Douglass North (1990) and his theory of institutional change. The result is a rich and elaborated social science tool kit. However, in this complex form it has rarely been applied and tested in the context of empirical research (for one exception, see Mahoney 2010).

The traditional works of historical institutionalism used to be comparative macro-historical analyses that took whole polities as the focus of their study. Barrington Moore's (1966) enquiry about the "origins of dictatorship and democracy" is paradigmatic, and a number of other studies followed in one way or the other this classical question. Since Moore's work, scholars applied historical institutionalism to various issues and to developments on different continents, such as Europe, Latin America and Asia (Collier/Collier 1991; Rueschemeyer et al. 1992; Skocpol 1979; Mahoney 2001; Slater 2003; Slater 2010); it has not, though, been tried on developments in sub-Saharan Africa.

This paper will address two interrelated questions: First, can historical institutionalism be used to explain political development in sub-Saharan Africa? Second, how can historical institutionalism be applied to explain the proliferation of these different regimes types? The second question relates to the fact that, after a period of widespread authoritarianism, during the last two decades authoritarian, hybrid and democratic regimes have simultaneously emerged or been rebuilt in Africa; there are no systematic historical explanations for these recent developments. In answering these two questions, we shall provide a conceptual proposition about how to link up historical institutionalism notions with empirical cases, within a comparative approach.

The lack of a historical-institutional analysis of African politics is explicable for epistemological, theoretical and conceptual reasons. The epistemological reason is that, for many Africanist scholars, the approach was considered to be too much a "Western" political science because of its alleged normative focus on formal institutions that were regarded as irrelevant for understanding African politics. Although this claim used to be partially true, it cannot be uphold any more, as we shall explain below. We will argue that formal institutions have become more important than they used to be. In fact, the "traditional" scholarship on Africa is full of historical institutionalist arguments, for example about the long-term impact of the "colonial legacy" (for example, Berman 1984; Mamdani 1996; Cooper 2002).

A theoretical critique associated with historical institutionalism is that the approach is biased towards explaining continuity and less suitable for accounting for change. The emphasis of an older strand of the literature on path dependence confirms this view. And, indeed, as political development in Africa is often characterised by political instability and frequent change, African politics appears to be unsuitable to historical institutionalism. However, more recent theoretical and conceptual clarifications of this approach redirect attention to the importance of critical junctures – in other words, situations of high contingency and possible changes. Aside from these epistemological and theoretical reasons, a number of methodological concerns regarding the application of the approach to the African context also need to be discussed.

The outline of the paper will be as follows: In the first section, we shall discuss several conceptual challenges that Africa poses for the application of historical institutionalism. The second section presents our conceptual proposition for addressing the problems previously discussed, and thereby explains how these concepts can be used for the analysis of regime development in Africa.

## 2 African Challenges to Historical Institutionalism

Institutions constitute the rules of the game in a society. They are “humanly devised constraints that shape human interaction” (North 1990: 3). Actors create institutions, and institutions, in turn, structure actors’ behaviour through the incentives that they provide. In addition to actors and institutions, the literature refers to organisations. Organisations consist of “groups of individuals bound by some common purpose to achieve objectives” (North 1990: 5). Organisations include political, social and economic bodies. Just as actors are, they are also agents of institutional change. As the main focus of our work is on institutions, we thus regard organisations as actors.

Institutions can be both formal and informal. Formal institutions are “rules and procedures that are created, communicated and enforced through channels which are widely accepted as official” (Helmke/Levitsky 2006: 5). Informal institutions are “socially shared rules, usually unwritten, that are created, communicated and enforced outside officially sanctioned channels” (Helmke/Levitsky 2006: 5). Formal institutions have an apparatus in place that can sanction actions that are in breach of these rules. They are designed to create stable outcomes around which actors adjust their expectations and their behaviour. However, what makes them different from informal institutions is their two-step process of coming into existence: formal institutions are created in a formal, usually legal, act. Only thereafter, they are implemented – but implementation may remain partial, imperfect and substantially contested. Nevertheless, we would suggest the retention of the concept of formal institutions, if they do not completely fail.

This is different from informal institutions, which only exist through implementation over a certain period of time as there is no formal act of creation. However, informal institutions also can create stable expectations. The literature on politics in new democracies actually suggests that informal institutions often create more stable expectations than formal institutions. Informal institutions do not command a formal apparatus that sanctions the breach of their rules, yet non-compliance with these rules carries some form of sanction, otherwise it is impossible to distinguish between informal institutions, other forms of informal behaviour and informal organisations.

As indicated above, scholars of African studies used to claim that formal institutions were irrelevant to the understanding of African politics. There are four issues which might be seen as a hindrance to a meaningful application of the central concepts of historical institutionalism. First, the ubiquitous question: Do formal institutions matter in Africa at all? Closely related to this question is the second issue; namely, the claim that informal institutions are dominant in Africa. Both concerns go to the conceptual heart of the approach. The third problem is the historical time-frame which addresses the question of whether the life-span of modern formal institutions in Africa is sufficiently long to be able to identify stable institutional developments. Finally, and again closely linked with the previous issue of time, is the question of whether it is possible to identify critical junctures and path dependence.

## 2.1 Do Formal Institutions Matter?

For a long time Africa was regarded as a realm of non-formal politics, in which modern political institutions did not really matter. Many Africanist scholars regarded the state centrism of (western) political science – with its focus on formal institutions – as inappropriate for analysing and understanding political developments in Africa. Even among political scientists dealing with Africa, “old certainties [of the 1960s] on the relevance of legal, formal-institutional (legislatures, executives, parties, judiciaries) [...] and purely historical frameworks” had largely disappeared, as noted in a textbook on politics in Africa in 1992 (Chazan et al. 1992: 14; see also, Jackson/Rosberg 1982: 266). This described the state of affairs fairly well, until the “wind from the East [shook] the coconut trees” (Omar Bongo, *West Africa*, 09 April 1990) and the “third wave” of democratisation hit the African continent. Closely linked to these surprising developments was the publication of Bratton and van de Walle’s “Democratic Experiments in Africa” (1997), which became a landmark for the neo-institutionalist approach in African studies. However, the old view of African politics did not disappear. The assumptions about African politics and the analytical approach remained, at least, bifurcated.

In quite a substantial portion of the literature, the conventional perception of non-formal and non-institutional politics in Africa prevailed. Although a number of democracies have been established in Africa that are based on the adherence to formal institutions, a broad strand of the scholarship on Africa continued to insist on the irrelevance of formal institutions: “the state in Africa was never properly institutionalised” and one consequence of that is the “informalisation of politics on the continent”. Patrimonialism and “personal rule” were still thought to be the most adequate concepts for understanding politics and society in Africa. This approach does not deny the existence of formal institutions, but claims that the institutions of the modern state are not “meaningfully institutionalised” (Chabal/Daloz 1999: 4, 10, 13). Even more recently, Hydén (2006: 98) made the similar point that in Africa “abstract constitutions and formal institutions exist on paper, but they do not shape the conduct of individual actors, especially those in power”.

At the same time, a growing strand of research, in which the established institutional framework of African states is taken more seriously, clearly shows an emerging “institutionalisation” of African politics. Posner and Young (2007) point out that, in the 1960s and 1970s, three-quarters of African leaders left power under violent circumstances. Up until the early 2000s this pattern had changed; much less than ten per cent have been forced by violent means to leave power, which is almost at the world average of about five per cent. The likelihood of an irregular, violent change of power, for which Africa was so exceptional, is thus now almost as high or low as in the rest of the world. Concluding their survey, Posner and Young claim that:



[...] leaders today are more constrained by formal rules in trying to achieve their most preferred outcomes. They accept electoral defeats when they might prefer to stay in office. Many of them (roughly half) stand down in the face of two-term limits when they would prefer to run for a third term. Or they change the rules so that their preferred outcome no longer violates those rules.

(Posner/Young 2007: 137)

Along these lines, Lindberg – in analyzing 232 elections in African countries since 1990 – argues that the “democratic qualities of the elections are improving with experience and with increasing institutionalisation”. He concludes that iteration creates self-reinforcing mechanisms and that “institutions can create pro-democratic behaviour, which in time may turn into democratic beliefs” (Lindberg 2006: 96, 97).

A further observation supports the argument that formal institutions have become more effective over time. Since the mid-1990s the number of democracies has remained at a level of about ten (that is, until 2009). Only one case of a complete breakdown of a democracy occurred since 1990, in Gambia. In three instances democracies transformed into hybrid regimes – Malawi, Senegal and Zambia.<sup>1</sup> This means that in a number of African states democratic institutions have become institutionalised, which implies that they were valued and reproduced over time.

The neo-institutionalist camp does not only insist that institutions matter. Such scholars do not ignore the informal dimension of politics but acknowledge and include this aspect of politics in their conceptualisation of institutions, for example in the concept of neopatrimonialism, with all its shortcomings (Bratton/van de Walle 1997: 63; Erdmann/Engel 2007).<sup>2</sup> Although the relevance of formal institutions is still a contentious issue in African studies, there is a growing body of evidence that the institutionalisation of formal institutions has taken place (see above). These institutions might still be weak, but they are in place and beginning to matter to a greater extent than previously. In various countries, a number of formal institutions have been in place for a long period but have not been functioning properly or have been following other purposes than the ones that they were created to fulfil. From a historical institutional perspective, the crucial point is: to one degree or another, they were framing and constraining the behaviour of political actors. In some countries, some of these institutions were much longer in operation than has usually been recognised.

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<sup>1</sup> This analysis is based on Freedom House data; it takes countries classified as “free” as democracies and “partly free” as hybrid regimes; see <<http://www.freedomhouse.org>>. In Mali, democratic development was intercepted only briefly, when the regime turned into a “hybrid” in 1994. Zambia has thus far only been rated as free in the two years following transition. Senegal is undergoing a rather recent development, which is still to be observed.

<sup>2</sup> It should be noted that not all scholars who use the concept of neo-patrimonialism belong to the institutionalist camp referred to above (Erdmann/Engel 2007: 97–104).

## 2.2 Are Informal Institutions Dominant?

Directly linked to the controversial view of African politics is the claim that informal political behaviour is more crucial than formal institutions are. Informal behaviour usually refers to political and social behaviour that is ruled, for example, by kinship ties, clientelism, patronage, corruption – and which is not directed by formal rule prescriptions. Critics of the institutionalist approach, who emphasise the non-formal dimension of politics, do not frame their analysis in institutionalist terms. Typically, a conceptualisation of an informal institution is missing.

However, as pointed out above, “modern” institutionalism clearly distinguishes between formal and informal institutions (North 1990: 4; Helmke/Levitsky 2006). Yet the conception of institutions as a set of rules is not reduced only to an analysis of the state. The concept can also be applied to non-state entities – such as state-less societies in pre-colonial Africa and those institutions that survived the onset of the modern state. Nobody would seriously deny that there were rules regulating social and political behaviour in what was once termed a “traditional” society. Quite to the contrary, so-called traditional societies were conventionally perceived as “governed” by rules which were in operation unchanged for countless generations (Fortes/Evans-Pritchard 1967 [1940]).

While historical institutionalism can incorporate the informal dimensions of politics, there remain a number of methodological problems with it. First, it is more difficult to analyse informal than formal institutions. Since informal institutions are usually orally transmitted, they are much more susceptible to different interpretations than formal institutions are. This can make it difficult to identify them and recognise their precise meaning, particularly if there are various rule sets – formal and informal – in operation at the same time. Closely related to the former is, second, the challenge of distinguishing between non-rule-bound behaviour and behaviour according to an informal institution. Not all non-rule-bound behaviour constitutes an informal institution (Helmke/Levitsky 2006: 6–8). A formal rule might not be observed, but that does not mean that the deviant behaviour is guided by a different rule-set or institution. Corruption, for example, is often portrayed as an informal institution. However, it can be either informal behaviour according to an informal institution or deviant behaviour violating a formal institution.<sup>3</sup> This differentiation between deviant behaviour and behaviour according to an informal institution is often not accounted for, when the informal dimension of politics is analysed. Finally, even fairly regular non-rule behaviour does not necessarily equal an informal institution. A high frequency of deviant behaviour might suggest that there is an informal institution in operation. However, before interpreting the high frequency of non-rule bound behaviour as indicative of an informal institution, one should also consider the possibility that actually a weak formal institution is in place. This weakness can be responsible for the regular deviant behaviour because the institution is, in practice, not in a sufficiently strong position to sanction any “aberrant” behaviour.

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<sup>3</sup> While some corruption, might, for example, be directed by family obligations, which can be linked to a particular (informal) social institution, most often corruption, particularly among the ruling elite, is difficult to explain by a different rule-set. More often, it is simply non-rule bound behaviour, which results from available opportunities and a lack of sanctions.

### 2.3 Is the African Time-frame Insufficient?

Macro-historical comparative analyses of the origins of different regime types usually analyse long-term processes that are based on causal chains with lasting effects over a time period that covers not only decades but also centuries (Pierson 2004: 79). An argument against the application of historical institutionalism to African politics could be that the lifespan of modern political institutions is simply too short to allow for the detection of path dependent developments. The roughly half-century of independent political development in Africa is indeed short compared to the lifetime of formal institutions on other continents. Even if the period of analysis is extended to the later period of colonialism, still can only one or two decades of institutional development be added to the research. Before, the colonial state was a weak structure based on the “indirect rule” of indigenous rulers with a tiny modern state centre that served mainly a small group of colonial officials (in this regard, French colonial rule did not differ significantly from that of the British).

Classical works of historical institutionalism usually cover at least a century, most often much longer. Tracing the roots and developmental paths of democracy and dictatorship, Barrington Moore sources his analysis from the fourteenth and fifteenth centuries in England. Lipset and Rokkan (1967: 45) traced “critical junctures” of political party systems in Europe back to the sixteenth and seventeenth centuries; Mahoney (2002) sought the origins of liberalism in Latin America back in the early nineteenth century.<sup>4</sup> Different from these “longue durée” arguments there are also “shorter” studies. Collier and Collier (1991) identify the critical juncture in the 1930s. Their outcome of interest is regime proliferation in the 1980s. Thus in Collier and Collier’s analysis the period under scrutiny covers only fifty years. The point is that the time-frame required for an application of historical institutionalism is not fixed a priori. It depends on the outcome that we want to explain (Pierson 2004: 96).

- Despite the fact that there has been no attempt to apply historical institutionalism to Africa, one can find numerous historical arguments in many African studies that are actually institutionalist in character. One example is the argument about Africa’s “colonial legacy” and its long-term impact on the African state (Englebert 2002: 5; Leonard/Straus 2003: 8). A very frequently cited example is the distinction between Anglophone and Francophone countries and the differences in their institutional arrangements, and the different relationship that exists between the former colonial powers and the respective colonies (see, for example, Firmin-Sellers 2000). Another argument is that the political formation in the pre-colonial society has an impact of the prospects of democratisation in Africa. This, again, is essentially a historical institutionalist argument.

Apart from these very general references to the overall institutional developments, there are a number of other studies that make path dependent arguments in the tradition of Barrington

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<sup>4</sup> Another example is Rueschemeyer et al. (1992: 79), who start their analysis of the development of democracy for “advanced capitalist countries” around 1870. We leave aside the references to the rich literature on the development of social welfare policy, which dates back to the mid-nineteenth century.

Moore, and claim a “political economy” approach. The studies of Kathryn Firmin-Sellers (2000) and Catherine Boone (2003) are such cases. Firmin-Sellers traces the different economic policies of Ghana and the Ivory Coast to different processes of class formation in the countries, which she links with different property rights and landholding patterns created by the British and the French. Boone tries to explain the difference of the institutional design in the power relationship between the urban centre and the rural periphery of African countries not by “exogenous determinants” but by “endogenous” causes, namely the “political struggles between rulers, their rural allies and their provincial rivals” and traces these struggles back into the colonial era (Boone 2003: 2). In both studies, institutions and the choices of actors explicitly play a crucial and meaningful role (Boone 2003: 4–9, 17–24; Firmin-Sellers 2000: 253).

Both studies start the period under investigation in the late colonial era. They neither discuss nor explain the selection of that particular point in time (which would be a critical juncture) as a conceptual or empirical problem (it should be noted that neither of them see themselves as located in a historical institutionalist tradition). They take for granted that colonisation was the decisive causal event that triggered a path dependent process. However, there is no reason why any historical analysis should not be extended to the pre-colonial period. The distinction between formal and informal institutions allows the researcher to broaden their analysis historically beyond the formal institutions of the colonial state and thus also include pre-colonial societies. However, there are some problems related to the extension of the analysis, because our knowledge about pre-colonial societies in Africa is limited.

This is also a general problem for historical explanations; the further we go back in time the “thinner” our knowledge becomes (Lustick 1966). No doubt, this problem is more crucial for African history than for most other regions because the availability of written sources started much later than on other continents. At the same time this comparatively limited time horizon makes it easier to avoid what Pierson (2000: 263) called the “infinite regress”, in the search for the historical starting point or critical juncture of the specific trajectory.

## 2.4 Identifying Critical Junctures and Path Dependence?

Critics of the historical institutionalist approach point out that these studies often overemphasise path dependent developments and hence suffer from a deterministic bias. As Capoccia and Kelemen (2007: 342) have pointed out, apart from a few exceptions, most of these studies devote little attention to identifying critical junctures and to explaining why this particular juncture was chosen and not another one. Their discussion of the concept of critical juncture highlights the fact that the identification of, and the explanation for, a critical juncture is the most crucial “art” of historical institutionalism. It is the critical juncture that “decides” what the path dependent development is. They define critical junctures as “relatively short periods of time during which there is a substantially heightened probability that agents’ choice will affect the outcome of interest” (Capoccia/Keleman 2007: 348).

Several points are important to note: First, critical junctures are periods of political uncertainty, in which the outcome from political decisions is open-ended. Second, in order to qualify as a critical juncture, the decisions of agents must trigger a path-dependent process that lasts much longer than the time-frame within which these decisions are being undertaken. Third, a heightened probability that change can occur does not mean that change is bound to occur. Critical junctures can result in both change and non-change in the outcome of interest. Critical junctures trigger path-dependent processes; once a particular institution has been created, they become “locked in” and are reproduced over time. Historical institutionalists use various terms for the reproduction of institutions: “increasing returns”, “positive feedback”, “self-reinforcing mechanisms” (Pierson 2000; 2004; Mahoney 2000; Alexander 2001). We use the term “self-reinforcing mechanism” as it refers to social science phenomena, while the others have been used in economic analyses. However, it is necessary to specify the mechanisms by which institutions are reproduced – by using functionalist, rational choice and power theories, for example power dynamics based on power asymmetries (Pierson 2004: 30–53; Thelen 1999: 392–399; Mahoney 2000; 2003; Peters 2005; Levi 1997).

Despite the “short” formal institutional history of most African countries, the frequent changes in political regimes in many African countries, particularly during the 1960s and 1970s, might suggest that there have been too many critical junctures and therefore that there has hardly been any chance for the institutionalisation of any institutional setting to taken place. The consequence is that there was no path dependent development of hardly any institutions. Ghana serves as a good example by which to illustrate this: between its independence in 1957 and 1992, Ghana experienced several short spells of democratic rule interrupted by one-party rule and at least five military coups ushering in years of military dictatorship.

The argument that Africa has experienced too many critical junctures conceives of the regime in terms of only one institution. A more detailed analysis of African history reveals that during non-democratic periods a number of formal institutions, related organisations and most of the personnel remained in place. Although these institutions did not function in the same way as under the democratic regime, the “hardware” (for example, the judges, the non-political jurisdiction) and the “software” (as a collective memory of the original function of the institution) nevertheless survived. All this depends, of course, on the character of the authoritarian regime and for how long it lasted.

Therefore, we argue that it is necessary to go underneath the regime level of analysis and search for continuities (and discontinuities) in single institutions, groups of institutions or partial regimes, which might support a path dependent development that is crucial for the later development of the political regime as a whole. This means, as Pierson (2000: 263) has also pointed out, that it might not be the “big bang” changes of political regimes that are the critical junctures in the long run, but the way in which a particular institution is created and the way in which it becomes institutionalised – in short, the “small events” and changes can actually be the most critical. However, it should be noted that the impact single institutions

have on the regime is theoretically often not that clear – apart from elections, for example, which are clearly decisive for the determination of regime type.

This discussion about the distinctive relevance of “smaller” institutions and “bigger” events highlights the significance of sequencing: “*when* a particular event in a sequence occurs will make a big difference” (Pierson 2004: 44, 45). It is essential to historical institutionalist analyses that the outcome of interest cannot be explained without also addressing questions of temporal ordering. To give an example, various scholars (Dahl 1971; Diamond et al. 1989: 4; Dix 1994) argue that the most “favourable path” to democracy used to be the one in which political competition was introduced before the expansion of political participation. Thus, historical institutionalism uses a distinct logic of causality: it does not base causal inference on variable-oriented methods of covariance; but it requires that all interactions between institutions, actors and events are causally linked. During a critical juncture unforeseen circumstances and events can greatly affect the future developmental pathway or provoke backlash sequences at a later stage. These factors can be comparatively small if compared to the effect that they produce.

To sum up, in order to identify critical junctures it might be useful to combine the comparative analysis of the development of single institutions or institutional arrangements below the regime level – those that might have a crucial impact on the regime evolution – with the sequence in which they came into being.

### **3 A Conceptual Proposition: Partial Regimes and Institutions**

In the previous section we argued that there is no methodological or theoretical reason why one should not be able to use the concepts of historical institutionalism for an explanation of political regime development in Africa. This section provides the conceptual basis for an empirical application of historical institutionalism to understand the emergence of different regime types on the continent. First, drawing on the existing literature on regime theory, it illustrates how political regimes can be examined in institutional terms. Second, it outlines how formal and informal institutions relate to each other and how they interact with different regimes types. Third, it shows how African institutions can be analysed over time, by drawing on the key concepts of historical institutionalism.

#### **3.1 Political Regimes and Institutions**

While numerous studies have applied historical institutionalism approaches in order to account for diverse regime outcomes, scholars have not yet come up with an institutionalist framework by which regimes can be analysed over time. This is surprising given the great importance that historical institutionalism scholars attach to institutions and their conviction that historical institutionalism is well suited to explain complex social phenomena such as democratisation (Collier/Collier 1991; Skocpol 1994; 1995). If the regime type is the outcome

of interest, we need to identify the critical institutions for the emergence of democracy, dictatorship or – Africa’s most prevalent regime type – hybrid regimes. Unfortunately, most of the relevant literature is biased towards explaining democracy. However, we consider this literature to be a viable starting point as the emergent literature on authoritarianism has so far not provided a distinct set of authoritarian institutions (Bogaards 2009).<sup>5</sup> According to this literature, many authoritarian regimes use formal democratic institutions to organise and legitimise their power (Slater 2003; Gandhi/Przeworski 2007; Brownlee 2007; Magaloni 2008).

A political regime composes several elements; it combines “the formal and informal organisation of the centre of political power, and of its relations with the broader society. A regime determines who has access to political power, and how those who are in power deal with those who are not” (Fishman 1990: 428; similarly, Merkel 2010: 63–64; Hermet et al. 2005: 282). A regime is clearly more than one institution and therefore ought to be deconstructed into its components. Merkel and his collaborators have provided the most systematic and detailed analysis of what a democratic regime contains. They divide the political regime into five partial regimes: the electoral regime, political liberties, civil rights, horizontal accountability and the effective power to govern (Merkel et al. 2003: 73–95; Merkel 2004). The content of the partial regimes can briefly be summarised as follows:

- Electoral regime (core partial regime): free and fair elections and elected officials.
- Political liberties: freedom of opinion, press and information as well as freedom of association.
- Civil Rights: individual protection against state and private actors as well as the right to equal access to, and treatment by, courts.
- Horizontal accountability: checks and balances between the executive and the judiciary and between the executive and the legislative.
- Effective power to govern: elected leaders effectively govern without the interference of extra-constitutional veto-players, such as the military.

Merkel’s division of a political regime into five partial regimes recognises the interdependence of all partial regimes but attributes particular significance to the *electoral regime*. Free and fair elections constitute the core regime of democratic rule: there is no democracy without elections. The quality of elections is key to the distinction of regime types. Therefore, we are particularly interested in how the partial regimes enhance or depreciate the democratic quality of elections. *Political liberties* are necessary in order to make free and fair elections possible. We cannot imagine free and fair elections without at least a certain degree of freedom of organisation and the free articulation of political alternatives. For instance, political parties must have the right to exist.

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<sup>5</sup> See, for example, Slater (2010: 134–5) who provides very broad “despotic institutions” that “range from autocratic (personalistic) to oligarchic (collectivistic)”; these institutions combined with “infrastructural power” provide the concepts for a four-fold typology of authoritarian regimes: “machine”, “bossism”, “strongman” and “junta”.

For analytical reasons, the *civil rights* dimension is split into its two constituent elements: individual physical protection and equal access to the judiciary. The distribution of these two elements to two different partial regimes – political liberties and horizontal accountability respectively – clarifies the direct link to the quality of elections. Violations of the physical integrity of individuals are particularly relevant for the regime quality if they systematically hamper political association or articulation. We thus capture this part of Merkel's civil rights partial regime with the "political liberties" partial regime. The second part of the civil rights partial regime, equal access to the judiciary, becomes useless if horizontal accountability does not work. Thus, we incorporate this aspect into the horizontal accountability partial regime.

Third, deficits in the *horizontal accountability* regime allow for authoritarian decision-making by elected governments. During their time in office, democratically-elected executives without horizontal checks possess a greater capacity to act undemocratically. The last partial regime is the *effective power to govern*. A lack of the ability of the rulers to govern effectively renders democratic competition meaningless. In other words, if other actors – such as the military – systematically hamper the government's ability to rule, the last partial regime obviously affects the quality of the core regime.

Merkel aims at examining democratic regimes. His partial regimes are therefore framed as democratic partial regimes. However, Bogaards' (2009) concise analysis of Merkel's work has shown that the partial regimes framework holds great potential to be fruitfully applied to the analysis of all types of regimes. The historical institutionalist approach now requires us to associate institutions with the partial regimes. In order to keep modifications to a low level, we formulate these general institutions as rules that support democracy. This leaves us with the following partial regimes, which we suggest to analyse the origins and the developmental pathways of:

- Electoral regime (core partial regime): access to political power is dependent on competitive elections.
- Political liberties: political participation is guaranteed and not systematically hampered.
- Horizontal accountability of the President: parliament and the judiciary effectively check the presidential executive.
- Effective power to govern: lawful (civil) authorities control potential illegal veto-players, in particular the security forces.

### 3.2 Breaking Down Partial Regimes: Constituent and Intervening Institutions

The institutions attached to each partial regime need to be specified. As purely deductive work is impossible (George/Bennett 2005; Rueschemeyer/Stephens 1997), and because previous historical institutionalist approaches have failed to provide a conceptual set of institutions that matter for regime outcomes, we reviewed the literature in order to identify relevant institutions for each partial regime.



We distinguish between constituent and intervening institutions. “Constituent institutions” are the defining part of the partial regime. As indicated previously, the electoral regime is of particular importance for the regime. Institutions which constitute the electoral regime are thus called the “core constituent institutions”. In order to avoid semantic or any other confusion the fact should be pointed out that institutions being constituent institutions does not mean that they determine the regime type; the quality of a regime is determined by the specific content of these rules. It simply means that constituent institutions describe the defining feature of a partial regime. “Intervening institutions” do not constitute the defining feature of a partial regime, yet also affect either the whole regime or specific partial regimes. The distinction will become clearer once the institutions are outlined in greater detail.

The more precisely that we identify the institutions that make up the partial regimes, the better we can distinguish formal institutions (FORIs) and informal institutions (INFIs). This is important for historical institutionalists as they are interested in the origins of institutions, and because FORIs and INFIs follow different logics by which they come into existence.

Helmke and Levitsky’s typology of INFIs, and their relationship to FORIs, sheds greater light on to how institutions interact and how this interaction might impact on the regime type – depending on the content of the rules that these institutions contain (Helmke/Levitsky 2006). In particular, scholars of African politics intuitively will equate INFIs with being challenges to FORIs. However, INFIs can support FORIs. If INFIs support effective FORIs, INFIs are *complementary* to FORIs. If INFIs confront ineffective or “weak” FORIs, INFIs are *substitutive*. In the case that INFIs challenge FORIs – and the informal rule ousts the formal –, INFIs are *competing*. INFIs are *accommodating* if the informal clashes with effective formal rules. Consequently, we can identify two types of informal institutions which can be constitutive for the regime type. Substitutive INFIs may be constitutive for democracy if their formal counterparts fail or do not exist. In an autocracy, substitutive and competing INFIs can become constitutive. All other institutions are “intervening” by definition (see Table 1).

**Table 1: Informal Institutions: Types, Functions and their Relation to Formal Rules**

	<b>Autocratic FORIs</b>		<b>Democratic FORIs</b>
	<i>supportive</i>	<i>challenging</i>	<i>supportive</i>
<b>Constitutive INFIs</b>	substitutive competing		(substitutive)
<b>Intervening INFIs</b>	complementary	accommodating competing	complementary
<i>Expected Outcome</i>	<i>Autocracy</i>	<i>Hybrid Regimes</i>	<i>Democracy</i>

Source: Authors’ own compilation, based on Helmke/Levitsky 2006.

### 3.3 Partial Regimes and their Respective Institutions

Which institutions make up our partial regimes? Starting with the basic principles of the partial regimes, as outlined above, we reviewed the democratisation literature on Africa in order to provide a list of which institutions affect regime outcomes. Conventional historical institutionalism advocates might argue against such a preliminary examination as it presupposes some knowledge on which institutions matter and thus might predetermine the outcome of our research. Instead of composing a list of potential institutions they would argue in favour of an intense and holistic research process, in order to reveal all relevant institutions and events (Rueschemeyer/Stephens 1997: 67; Abbott 1990: 144). While we agree about the need for conducting process-tracing and an extensive historical analysis of the development of all partial regimes over time, we equally hold to the proposition that some degree of preliminary structuring is necessary in order to enhance academic transparency. We further wish to avoid a research outcome which merely highlights the diversity of individual cases; by virtue of definition, the outcome of regime development will need to take account of a variety of factors – events, antecedent institutions and the decisions of all major political actors. To incorporate these factors, and to relate them to a particular outcome of interest, is the great analytical strength of a historically-grounded approach. Best academic practice requires an explanation of how institutions came into being, which actors were involved and how those institutions were reproduced (or in the case of reactive sequencing: which reactions they provoked).

All institutions considered relevant for the study of regime development in Africa are detailed in Table 2. In addition to the four partial regimes we added some *general institutions*. General institutions are institutions whose effect on regime types is not reduced to any partial regime in particular. Their impact is much wider, and in some cases they affect the democratic quality of the overall regime. In order to better illustrate the relationship between the respective FORIs and INFIs and the regime type, we have outlined the hypothetical causal relationship between each institution and democracy.

**Table 2: Partial Regimes, Institutions and Hypothetical Causal Relations**

<i>Institution</i>	<i>Type<sup>6</sup></i>	<i>Function<sup>7</sup></i>	<i>Hypothetical Causal Relation<sup>8</sup> with Democracy</i>
<b>Partial Regime 1: Electoral Regime</b>			
Elections take place	FORI	core-con	Many elections, particularly pluralist – i.e. multiparty or multi-candidate – ones, support the competitiveness of elections (Lindberg 2006).
Electoral system	FORI	core-con	Electoral rules favouring ruling competitors weakens the competitiveness of elections.
Independent control of the electoral process	FORI	core-con	Independent control mechanisms ensure competitive elections (Elklit/Reynolds 2005).
Neutralisation of electoral opposition	INFI	int	If government usually takes predictable informal measures to neutralise the opposition's fair participation in the elections, the competitiveness of elections is threatened.
Limited eligibility of incumbents	FORI	int	Limits facilitate de-concentration and alternation (including break-up of long-term personalisation) which favours democratisation (Bratton 2004).
<b>Partial Regime 2: Political Participation</b>			
Liberty to create parties	FORI	con	Free creation of political parties strengthens participation and supports the competitiveness of elections.
Neutralisation of opposition parties	INFI	int	If government takes predictable informal measures to neutralise the organisation and articulation of opposition parties, political participation is threatened.
Liberty to create and act as an independent Civil Society Organisation (CSO)	FORI	con	The more and the longer CSOs are brought in line under authoritarianism, the more difficult the (re-)turn to pluralist political participation gets. If the state “captures” civil society, it is weakened in its independence and, therefore, in its function to scrutinise government.
Neutralisation of independent CSOs	INFI	int	If government usually takes predictable informal measures to neutralise the organisation and articulation of political CSOs, political participation is threatened.
Liberty of the media to report independently	FORI	con	Free media are capable to scrutinise government.
Impediment of the media	INFI	int	If government usually takes predictable informal measures to neutralise the organisation and articulation of independent media, political participation is threatened.
<b>Partial Regime 3: Horizontal Accountability of the President</b>			
Classic Parliamentary Oversight Rights	FORI	con	If parliament has these rights, it is able to scrutinise the presidential executive.
Semi-presidentialism	FORI	int	Intended effect: distribution of power facilitates horizontal accountability (Shugart/Carey 1992). Unintended effect: cohabitation leads to political deadlock which destabilises the system of formal institutions.
Presidential power to block parliamentary action	FORI	int	Too many presidential powers over parliament undermine its capacity to scrutinise the president.
MPs lose seat if expelled from their party	FORI	int	If MPs fear to lose their seat, they are less objective and follow government guidelines (only applicable to ruling parties).
Incompatibility of seat and office	FORI	int	Incompatibility ensures the needed separation in presidential systems in order to enhance accountability.

<sup>6</sup> Formal (FORI) or informal (INFI) institutions.

<sup>7</sup> Constituent (con) or intervening (int). Institutions which are constituent for the first partial regime, the electoral regime, are also called “core constituent”.

<sup>8</sup> These hypothetical causal relations between the specific institution and the political regime or the partial regime rely on relevant pieces of literature, including Merkel and associates, as well as on plausible considerations – based on empirical knowledge – about regime development in Africa.

<i>Institution</i>	<i>Type</i> <sup>9</sup>	<i>Function</i> <sup>10</sup>	<i>Hypothetical Causal Relation</i> <sup>11</sup> <i>with Democracy</i>
Rules determining the independence of constitutional judges	FORI	con	Different actors in charge of appointments, independence from re-appointments (term in office) and professional appoint criteria strengthen the independence of constitutional judges.
Competence of the judiciary to solve disputes between government bodies	FORI	int	Independent adjudication contributes to avoid political deadlock which has the potential to provoke a breakdown of the regime.
Constitutional review of laws	FORI	int	Independent reviews strengthen the formal institutions and guarantees of the constitution that are fundamental to democracy.
<b>Partial Regime 4: Civil-Military Relations</b>			
Political intervention of the military	INFI	con	If the military steps into politics when a civil government deadlock occurs, any regime is threatened.
Effective public oversight vs. oversight concentrated among individuals	FORI	con	Effective public oversight reduces the risk of abuse for political repression.
Individual (non-public) control over security forces	INFI	con	Informal individual control over the security forces undermines any legal regime.
Domestic use of the military for security purposes allowed	FORI	int	Domestic availability of the military to an individual leader facilitates the possibility of abuse for political repression.
Strong self-regulation of the military	FORI	int	Military autonomy undermines public control (Creation of a "state within the state" weakens civilian superiority).
Significant parts of the military are permanently sent to international missions	INFI	int	War experience and access to international funds reduce the readiness to participate in domestic political repression. <sup>12</sup>
<b>Additional General Institutions</b>			
Marxism	FORI	int	Marxism rules against religious influence and, thus, induces a more critical view of the Church about the government, which strengthens its will to act as an independent CSO, also in political issues.
Privileges for traditional authorities	FORI	int	Privileges for traditional authorities – such as public salaries or ex officio positions in the state – enhance their support for the regime in place. Political change may be blocked by the traditional leaders.
(Partial) Autonomy for traditional authorities	INFI	int	Same.
Personality cult	INFI	int	A single person has the power to decide regardless of formal arrangements. This impedes criticism (and scrutiny) through official channels.
Political negotiations are broad and inclusive <sup>13</sup>	INFI	int	Established modes of inclusive negotiation facilitate democratic pluralism after transitions.
Peaceful conflict resolution among the elite	INFI	int	The lower the personal risk of affected people, the more likely they are open to participate in and support democratic reforms.

<sup>9</sup> Formal (FORI) or informal (INFI) institutions.

<sup>10</sup> Constituent (con) or intervening (int). Institutions which are constituent for the first partial regime, the electoral regime, are also called "core constituent".

<sup>11</sup> These hypothetical causal relations between the specific institution and the political regime or the partial regime rely on relevant pieces of literature, including Merkel and associates, as well as on plausible considerations – based on empirical knowledge – about regime development in Africa.

<sup>12</sup> The provision of troops also affects the physical availability of the military for domestic intervention, which reduces the risk of a regime breakdown.

<sup>13</sup> Here we think of consultative bodies such as round tables, conferences and regular consultations – and not of co-optation which aims at suppressing opinions.

### 3.4 Putting Historical Institutionalism into Practice

Now that we have conceptualised a systematic access to institutions as potential determinants of regime types in Africa, we need to also illustrate how we approach their historical development over time.

The advantage of the African milieu for comparative research is that the continent provides a relatively high number of cases that are similar in terms of their historical and their socio-economic conditions. Most of them became independent from Britain or France some 50 years ago. Until roughly twenty years ago, the vast majority of sub-Saharan Africa's political systems were autocratic one- or no-party states. In total 36 out of 48 countries experienced a transition to multiparty politics around 1990 (Bratton/van de Walle 1997). While a smaller number of these countries have shown significant democratic progress, in other countries virtually no democratic progress has been visible. A third group ended up in hybrid regimes. Given the political upheavals in Africa in the late 1980s and early 1990s, we assume this period – henceforth called P90 – to qualify as a potential critical juncture, henceforth called CJ90. African political actors faced a high propensity to initiate political change – but change has not necessarily taken place (Capoccia/Kelemen 2007). In line with our theoretical considerations of what constitutes a regime, change might affect the whole regime, individual partial regimes or none of the partial regimes under scrutiny. There are five possibilities for what has happened to institutions in P90<sup>14</sup>:

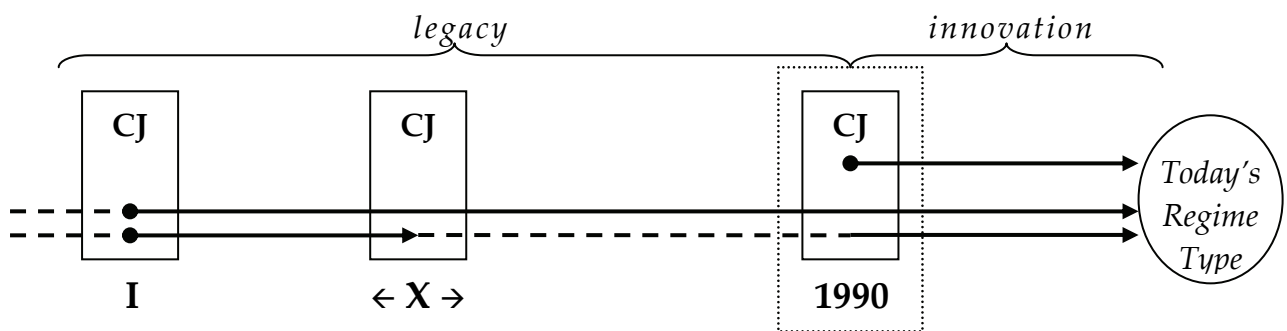
- A new institution was created in CJ90. The institution is an innovation because it has not previously existed in the country in question. A new path has been constituted and is being reproduced over time. A previously authoritarian regime might, for example, decide to create and implement the liberty of the media to report freely. The institution is an innovation if the country has never known press freedom before.
- An already existing institution was modified in CJ90. The modification was one of several alternatives. The modified institution is an innovation. A previous path has been deflected. A classic example is the turn from regular semi-competitive one-party elections to multiparty elections.
- Changes of an institution were discussed by relevant actors in CJ90 but the institution remained unchanged despite there being several alternatives. The institution is a legacy. The path has been deliberately reinforced. A previously authoritarian regime decides, for example, to regain its coercive media laws; in that case the liberty of the media to report freely remains absent.
- An institution was re-activated in CJ90. Relevant actors opted for an alternative which builds on earlier experience. This experience had been interrupted in an earlier critical juncture. The institution is a legacy. An earlier path has been resumed. A country has known the liberty of the media to report freely, but that institution was abolished (for example, due to a military coup). During CJ90 it was reintroduced.

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<sup>14</sup> For an illustration of different institutional paths, see Figure 1.

- An institution passed through P90 without any debate. The institution is a legacy. The path which came into being in an earlier critical juncture has continued. A country might have always enjoyed the freedom of the media to express itself freely. Alternatively, the country might have always experienced the neutralisation of effective opposition. In that case there has been no critical juncture for this institution.

**Figure 1: Critical Junctures, Legacies and Innovation**



Source: Authors' own model.

The a priori focus on the CJ90 structures our research in various ways. First, it requires an examination of institutional change/continuity between the authoritarian pre-CJ90 period and the ensuing institutional pathway of the following period. It further requires an in-depth examination of the role of external and internal actors vis-à-vis potential institutional change, as well as the role of other events in this process. Those institutions which came into being before CJ90 will have to be traced back to their origins. These origins can be anywhere between the pre-independence period and CJ90. While formal institutions are unlikely to have originated long before independence, informal institutions might have. This might raise serious problems in identifying their origin. Our main research interest, however, is on the regime outcome in the post-1990 environment. In line with the theoretical imperatives of historical institutionalism, we would merely be obliged to demonstrate how these informal institutions – whose origins cannot be traced back – have been reproduced over time throughout the post-CJ90 period.

#### 4 Conclusion

Traditionally, there is a widespread epistemological reservation in African Studies about the use of an institutionalist approach towards African politics. Despite this scepticism, we argue that no substantial conceptual arguments should hinder political scientists from applying historical institutionalism to Africa. Our argument is, first, that a substantial degree of formal institutionalisation has taken place in Africa. Second, the distinction between formal and in-

formal institutions facilitates an institutionalist approach to African politics that is often perceived as being dominated by “informality”. One conceptual challenge is to separate non-formal institutions from informal behaviour. Third, the inclusion of informal institutions allows scholars to extend institutional arguments to the colonial and, if necessary, the pre-colonial era. The time-frame at the disposal of scholars does not stand in the way of a causal analysis with the instruments of historical institutionalism. Fourth, while the high frequency of regime change in Africa suggests that no path dependent trajectories can be identified, we stress the importance of identifying the “right” critical junctures, the actual moments of institutional creation. We argue that the big events of regime change are not necessarily critical junctures; at least not for all of the institutions that matter for the regime type.

The aim of this paper was to suggest a research design that is capable of dealing with the given constraints and which can shed new light on to the causes underlying the proliferation of different regime types in Africa. In order to achieve this aim, we suggested a three-step procedure. First, we analytically deconstructed a political regime into several partial regimes and those institutions that directly constitute or indirectly influence the democratic quality of the partial regimes. This enables a historical analysis of the origins of institutions and their respective roles in critical junctures. Second, we suggested a model of how informal institutions interact with formal institutions and how this relationship might affect the regime type. Informal institutions can support formal institutions – whether democratic or autocratic in character. By contrast, we assume that informal institutions, which challenge formal institutions, are particularly conducive to the formation of hybrid regimes. Third, we suggest the initiation of a historical institutionalist analysis of regime proliferation in Africa, by taking the political upheaval of the 1990 period as a starting point. We further claim that there is more institutional legacy in Africa than the existing literature assumes.

In addition, we argue that our framework contributes to a more systematic analysis of the historical development of political institutions in Africa than previous studies have done; previous works have either focused on individual cases or pursued ethnographic accounts of institutional development. Follow-up research needs to evaluate the suggested institutional framework with the help of empirical data. It seems likely that this will lead to changes in the choice of institutions. Generally, the argument developed in this paper calls for a vitalisation of the debate about long-term institutional influences on regime types in Africa, something that is needed in order to counter a certain political science bias towards short-term contemporary developments.

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