Workshop proposal for the conference

‘Political Legitimacy and the Paradox of Regulation’

Workshop team:
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Workshop title:
Compliance with International Standards and Legitimacy in Hybrid Regimes

1. Outline of the topic

Introduction
The proliferation of regimes combining democratic formal institutions with authoritarian practices—hybrid regimes— is one of the most significant recent phenomena in global politics. The once widespread belief that most countries with a recent authoritarian past will almost inevitably transition to democracy—the transition paradigm—has been proven wrong by the developments in countries that did not follow a linear path to democracy but instead established relatively stable mixed systems (Carothers 2002). According to the Freedom House ratings (Freedom House 2012), virtually on every continent there are countries rated as ‘partially free’ or ‘not free’, which shows that diffusion of democracy is neither as effective nor universal as had been previously assumed. In many of the regimes caught in the grey zone between democracy and autocracy elections are held but systematically manipulated in favor of incumbents and formal democratic institutions are present (parliaments, courts, rule of law) but often not effective. In addition, despite democratic rhetoric of the authorities in these states, the international community and domestic opposition movements report violations of human and civil rights, corruption, restrictions of media freedom, and elimination of opposition groups and parties (Ekman 2009, pp.10–11).
The interactions between international regulation—standards, norms, and laws—and domestic development of hybrid regimes are at the core of this workshop. The main topic for discussion is the bearing of international standards on hybrid regimes, for example, the effect of democracy promotion on the evolution of institutions in hybrid regimes, the impact of market liberalization on economic performance, the influence of the international community on foreign policies and civil societies in hybrid regimes. A concept that links all these interactions is political legitimacy of both international regulation in hybrid regimes and the authorities ruling in hybrid regimes in relation to their citizens. We would like to encourage both theoretical and empirical discussion of hybrid regimes and international regulations’ influence on these regimes in the context of legitimacy.

Hybrid regimes
On the theoretical level, mixed systems, although not new (Diamond 2002), presented scholars with a conceptual challenge. Multiple typologies have been developed, which led to the spread of democracies and authoritarianisms with adjectives (Collier & Levitsky 1997) and a peculiar ‘conceptual Babel’ (Armony & Schamis 2005). Moreover, the types assigned to mixed regimes, are either diminished types of democracy (electoral, managed, illiberal, paternalistic/patrimonial, and limited) or diminished types of authoritarianism (competitive, hegemonic, and contested). The multiplicity of terms used to describe various constellations of democratic and authoritarian elements in hybrid regimes demonstrates the relevance of this phenomenon in scholarly debate and in today’s political reality (Levitsky & Way 2010; Levitsky & Way 2002; Bogaards 2009; Gilbert & Mohseni 2011; Morlino 2009; Wigell 2008). As not only definitions of hybrid regimes but also of democracy are frequently discussed and contested (O’Donnell 2007), during this workshop we would like to propose a critical discussion of the core definitions of the main regime types (democracy and authoritarianism) and criteria for the classification of hybrid regimes as derived from the main regime types. One of the issues for consideration could be the evolution of hybrid regimes: designation of phases, sequences and degrees of hybridity. A second aspect of hybrid regimes that we would like to suggest as a topic for discussion is the influence of regime type on domestic legitimacy.

Legitimacy and hybrid regimes in the context of international regulation
Legitimacy, of domestic and international actors, is a relevant issue in both democratic states and in states with mixed political systems. Hybrid regimes voluntarily commit to international standards, for instance by joining the UN, participating in the OSCE, or by signing WTO agreements. Regardless of their nominal commitment to international standards, hybrid regimes tend to be selective with regard to the standards with which they do and do not comply. Compliance and non-compliance with international
standards are inextricably bound up with questions of legitimacy both at the domestic level and at the international level. Domestically, hybrid regimes may want to enhance their legitimacy by conveying an image of the country as a responsible actor in international affairs. At the same time, compliance with international standards may be at odds with the regime’s modus operandi, or even undermine the regime’s survival. Hybrid regimes in some cases may also appeal to their populations by explicitly renouncing international standards. Internationally, hybrids may seek to be perceived by other governments and external actors as reliable international partners. A failure to comply with international standards can incur reputation costs with wide-ranging consequences, but can also bolster the country’s image as a strong, self-reliant force. Weighing the respective pros and cons of compliance and non-compliance with international standards, hybrid regimes typically maintain a balance between the two.

Hybrid regimes are, in other words, confronted with conflicting incentives whether or not to comply with international standards. The tension between compliance and non-compliance is especially pertinent to hybrid regimes that allow for the presence of democratic institutions (including at least multi-party elections) in the absence of democratic substance, i.e. accountability and competition. More so than most unequivocally authoritarian regimes, hybrid regimes lay a strong claim on legitimacy deriving from democratic procedures or at least popular support. In the words of Andres Schedler (2002), ‘[t]heir dream is to reap the fruits of electoral legitimacy without running the risks of democratic uncertainty’. The leaders of hybrid regimes realize that compliance with international standards often entails an increase in political and economic competition. When the Cold War ended, regimes that had recently abandoned dictatorship were almost universally eager to join international organizations and sign international agreements, and to show their allegiance to an open political and economic system. Concomitantly, democratic states and intergovernmental organizations over the past two decades have increasingly found it ‘normal’ to interfere in the domestic political affairs of other countries, whether through democracy assistance on the consensual end, or military intervention on the coercive end. In response to this trend, a growing number of hybrid regimes have over the past decade resisted the ‘post-sovereign’ spread of international norms and standards and the backlash against democracy promotion has been observed (Carothers 2006). Some countries have gone as far as advancing ideological constructs such as ‘sovereign democracy’ (Morozov 2008; Surkov 2009): democracy tailored in line with political culture of a country and without the need of international community’s interference in the domestic affairs. In sum, while the norm of sovereignty to a certain degree has eroded for many democratic states, it is re-claimed by hybrid regimes that see themselves threatened by the readiness of external actors to undermine their sovereign hold on power and challenge their legitimacy.
The limits on the exercise of power according to the rules established in a given society are one of the inherent elements of legitimacy. As outlined above, the interaction between these rules established by a given society and international regulation creates interesting tensions with implications for domestic and international legitimacy. The form of law, source of authority, and ends of a government vary depending on the regime type (Beetham 2006), therefore most probably legitimacy of hybrid regimes is not limited to characteristics of legitimacy in just one regime but rather is a compilation of several elements of legitimacy from different regimes. How is this compilation affected by the international standards and how do the domestic actors (e.g., leaders, parliaments, civil societies, and courts) interact with them is the puzzle we would like to attempt at solving through this workshop.

2. Workshop questions
The questions that we are interested in within the framework of this workshop include:
How do hybrid regimes evolve in the context of diffusion of international standards and norms (e.g. international organizations, democracy promotion, and liberalization)?
How do international regulations affect domestic legitimacy of hybrid regimes?
How do hybrid regimes deal with the tension between the pressure to comply with international standards on the one hand and domestic political and economic interests on the other hand?
Are international standards and regulations compatible with political cultures of hybrid regimes?
What are the actors pushing for adoption of international standards by hybrid regimes and what is their legitimacy to influence domestic matters of hybrid regimes?
How do various domestic actors (e.g., leaders, parliaments, courts, civil societies, and citizens in general) interact with international regulation?
How do hybrid regimes use compliance and non-compliance with international standards to buttress their claims to legitimacy?

3. Relation to the conference theme and existing work
This workshop has direct bearing on the theme of the conference as it explores the relation between one type of regulation (international standards) and the question of legitimacy in relation to hybrid regimes. The topic of the workshop foremost connects with existing literature on international norms, democracy promotion, and legitimacy in hybrid political regimes.

4. Interdisciplinary approach
The topic of our workshop speaks to a number of different disciplines. The workshop can be interesting to political scientists, legal experts, area specialists, and scholars of modern history. We believe that
bringing together scholars with different disciplinary perspectives can contribute to a better understanding of the dynamics of compliance and non-compliance with international standards in hybrid regimes.

5. Type of papers
The workshop aims to be a platform for innovative research with strong empirical and theoretical components. We welcome single case studies and on compliance and non-compliance by hybrid regimes with international standards, as well as comparative studies. There is no particular geographical focus: studies of cases in all regions with hybrid regimes - the post-Soviet area, East Asia, sub-Saharan Africa, Latin America, the Middle East - are welcome. We are equally interested in historical studies of interactions between international standards, hybrid regimes and legitimacy of actors involved in these interactions.

6. Biographical note
Patricio Silva is a Professor of Latin American History at Leiden University. His research interests are contemporary history, democratization, political sociology and state-society relations in Latin America. Some of his recent publications were devoted to technocratic democracies in Latin America, to social change and political deactivation in Chile, and to citizens and participatory schemes in Brazil and Chile.

Honorata Mazepus is a PhD candidate at Leiden University affiliated with the Political Legitimacy research profile area. She investigates how legitimacy is obtained and sustained in hybrid regimes through the case study of the Russian Federation.

Max Bader is assistant professor of Russian and Eurasian Studies at the Department of European Studies of the University of Amsterdam. His research focuses on political institutions and democracy promotion in post-Soviet Eurasia.

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7. References


