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## **Elections in Hybrid Regimes**

**Keywords:** Elections, democracy, authoritarianism, hybrid regime

**Słowa kluczowe:** Wybory, demokracja, autorytaryzm, reżim hybrydowy

### **Abstract**

Elections are nowadays treated as a symbol of a democratic order. However, this view is not true. The institution of elections also occurs in states that are far from being a democracy. However, their course and functions significantly differ from the elections carried out in democratic countries. As it has been shown in the article, the analysis of the title issue becomes particularly important due to the growing group of countries referred to as hybrid regimes.

### **Streszczenie**

## **Wybory w reżimach hybrydowych**

Wybory traktowane są współcześnie jako symbol demokratycznego porządku. Jednak pogląd ten nie jest prawdziwy. Instytucja wyborów występuje również w państwach, które są dalekie od demokracji. Jednak ich przebieg i spełniane funkcje w istotny sposób różnią się od wyborów realizowanych w państwach demokratycznych. Jak ukazane to zostało w artykule analiza tytułowego zagadnienia staje się szczególnie istotna z związku ze zwiększającą się grupą państw określanych jako reżimy hybrydowe.

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## I.

Understood as the participation of citizens in the exercise of power, elections are commonly regarded as an indicator of democratic order. Wojciech Łączkowski stressed that “(f)ree elections conducted according to the rules allowing for the fair and accurate consideration of the will of voters can be regarded as one of the fundamentals of the democratic system”<sup>2</sup>. Today, we cannot imagine a country willing to function in the democratic regime that does not refer to this procedure for participation of citizens in the exercise of power, because “elections are the driving force of democracy”<sup>3</sup>. Thus, we very often treat this form of expression of political activity as an integral or maybe even the most characteristic element of democratic order.

## II.

There is no single commonly accepted definition of democracy in legal doctrine<sup>4</sup>, and attempts to define it more precisely usually amount to facilitating the understanding of this concept<sup>5</sup>. But at the same time, in order to make these attempts even more complicated, it is emphasized in literature that: “both in colloquial and philosophical language, the term »democracy« can be used for denoting a certain ideal and an actual system that considerably deviates from it”<sup>6</sup>. Thus, we should not be surprised by Bernard Crick’s idea that de-

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<sup>2</sup> W. Łączkowski, *Prawo wyborcze a ustrój demokratyczny*, “Ruch Prawniczy, Ekonomiczny i Socjologiczny” 2009, vol. LXXI, No. 2, p. 51.

<sup>3</sup> L. LeDuc, R.G. Niemi, P. Norris, *Introduction: Comparing Democratic Elections*, [in:] *Comparing democracies 2. New challenges in the study of elections and voting*, eds. L. LeDuc, R.G. Niemi, P. Norris, London-Thousand Oaks 2002, p. 1.

<sup>4</sup> As early as the beginning of the previous century, Thomas Mann said that if two people speak of democracy, it is very likely that they have different things in mind. T. Mann, *Betrachtungen eines Unpolitischen*, Berlin 1918, p. 270, [after:] B. Banaszak, *Porównawcze prawo konstytucyjne współczesnych państw demokratycznych*, Kraków 2004, p. 289.

<sup>5</sup> W.T. Kulesza, P. Winczorek, *Demokracja u schyłku XX wieku*, Warsaw 1992, p. 28.

<sup>6</sup> R.A. Dahl, *Demokracja i jej krytycy*, Warsaw 1995, p. 13.

mocracy means *all things bright and beautiful* today, so it can be understood both as a civil ideal, as representative institutions and almost as a way of life<sup>7</sup>.

At the same time, democracy is a political model that has developed for centuries. Moreover, it is closely linked to a sense of social commitment and the active participation of the collective sovereign entity in the exercise of power. Many institutions through which the sovereign entity (nation, people) could make decisions of high importance for the functioning of the state emerged thanks to democracy, but also for the purpose of putting democracy into effect. Looking for a definition of democracy, we note that it can be defined as a form of exercising power in a few senses: as a source of power (its legitimization), as a goal for the ruling authorities and as procedures used in establishing power<sup>8</sup>. This last – formal – understanding of democracy was initiated by Joseph A. Schumpeter, who defined it as a “democratic method” being ‘institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people’s vote’<sup>9</sup>. The procedural understanding of democracy became dominant in scientific discourse<sup>10</sup>, but it also met with criticism in the course of time. According to J.A. Schumpeter, the very fact of competing for citizens’ votes was sufficient to regard the central government formed as a result of voting as accountable to voters and, consequently, to consider the system in which the election took place to be democratic. Critics of the procedural definition stress, e.g., that this minimalism of requirements concerning democracy may easily lead to blurring the distinction between it and autocracy<sup>11</sup>.

The procedural understanding of democracy was developed by Robert A. Dahl. He thought that, in order to be regarded as true democracy, a political system must contain “all necessary political institutions”, among which he listed the eligibility of representatives; free, fair and frequent elections; the freedom of speech; the diversity of sources of information; the freedom of as-

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<sup>7</sup> B. Crick, *Democracy. A Very Short Introduction*, Oxford 2002, p. 8.

<sup>8</sup> S.P. Huntington, *Trzecia fala demokratyzacji*, Warsaw 2009, p. 15.

<sup>9</sup> J.A. Schumpeter, *Kapitalizm, socjalizm, demokracja*, Warsaw 1995, p. 336 et seq.

<sup>10</sup> As Samuel P. Huntington notes, this happened ‘in the early 1970s’. S.P. Huntington, *Trzecia fala...*, p. 16.

<sup>11</sup> A. Gutmann, *Demokracja*, [in:] *Przewodnik po współczesnej filozofii politycznej*, eds. R.E. Goodin, P. Pettit, Warsaw 2002, pp. 531–532.

sociation and *inclusive* society<sup>12</sup>. Therefore, democracy in R.A. Dahl's model is a vision of an ideal state which is rather unlikely to be achieved, but which should nevertheless be pursued. In order to be able to approach this ideal at least, it is necessary to ensure access to alternative sources of information, to guarantee the freedom of political expression and to recognize the freedom of association<sup>13</sup>. Looking for a definition of democracy, it is also worth noting a statement by Karl R. Popper, who pessimistically (realistically?) stressed that "nowhere do the people actually rule, but it is governments that rule" and reduced the essence of democracy to the possibility of bloodless dismissal of failed rulers by a majority vote<sup>14</sup>.

### III.

Karl R. Popper's observation functionally links democracy to the institution of elections. However, elections are not easy to describe, either. This was indicated by Dieter Nohlen, who stressed that "elections in various political systems are understood differently already at the definition level. There is a significant difference when the voter can choose between a number of parties and his decision can be free and when he can vote only one party, because other parties could not put up their candidates"<sup>15</sup>. However, the problem cannot be reduced to such a simple dichotomy, because the world is not divided into democracies and dictatorships. The complexity of the situation is noticeable in hybrid regimes – the states that are not democratic, but have preserved some institutions referring to democratic models.

However, the category of hybrid regimes as such<sup>16</sup> is not new. Larry J. Diamond points out that states combining democratic and authoritarian elements and preserving a multi-party system, albeit with certain limitations in

<sup>12</sup> R.A. Dahl, *O demokracji*, Kraków 2000, pp. 96 and 80.

<sup>13</sup> A. Antoszewski, R. Herbut, *Systemy polityczne współczesnego świata*, Gdańsk 2001, p. 19.

<sup>14</sup> *Popper on Democracy*, "The Economist", 23–29.04.1988, p. 26.

<sup>15</sup> D. Nohlen, *Prawo wyborcze i system partyjny. O teorii systemów wyborczych*, Warsaw 2004, p. 24.

<sup>16</sup> In scientific discourse, the term has been in use since the end of the 1990s. Elemer Hankiss used this term as one of the first persons toward communist Hungary under the rule

some cases, and elections existed as early as the 1960s and 1970s. L.J. Diamond lists Malaysia, Mexico, Rhodesia, South Africa, Senegal, Singapore and Taiwan<sup>17</sup> among them. However, the category of such states was not characteristic enough to become the subject of more extensive research. In the opinion of L.J. Diamond, this is proved by the fact that J.J. Linz made only a brief mention of these states in his encyclopaedic work *Totalitarian and Authoritarian Regimes* (published for the first time in 1975)<sup>18</sup>. In the following years, interest in this category of governance became considerably higher, corresponding significantly to an increase in the number of these states<sup>19</sup>.

#### IV.

The second half of the 20th century seemed to be a great triumph of democracy<sup>20</sup>. After the Autumn of Nations and the fall of the Berlin Wall, post-communist states also declared that they would commence democratic transition processes. In many cases, however, it turned out that new elites (or often the same elites as before, but disguised in new political colors) had no intention of building a civic society and functioning within the democratic model of governance. Thus, the democratic system was not consolidated in all cases<sup>21</sup>, with many states returning to the authoritarian model of governance or remaining in the “sphere of greyness”, in a group of countries suspended in

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of János Kadar. E. Hankiss, *The “Second Society”. Is There an Alternative Social Model Emerging in Contemporary Hungary?*, “Social Research” 1988, vol. 55, No. 1/2, p. 26.

<sup>17</sup> L.J. Diamond, *Thinking About Hybrid Regimes*, “Journal of Democracy” 2002, vol. 55, No. 2, p. 23.

<sup>18</sup> Ibidem, p. 24.

<sup>19</sup> Barbara Geddes states that the consolidation of democracy occurred only in 30 out of 85 states that started the “third wave” of democratization in 1974. B. Geddes, *What Do We Know About Democratization After Twenty Years?*, “Annual Review of Political Science” 1999, No. 2, pp. 115–116.

<sup>20</sup> This triumph was so big that Francis Fukuyama considered it to be the “end of history” and the ultimate victory of democracy. F. Fukuyama, *Koniec historii*, Poznań 1996.

<sup>21</sup> When analyzing democratic transition processes in states, Juan J. Linz and Alfred C. Stepan noticed a sort of transition period that occurs before the proper consolidation of democracy. J.J. Linz, A.C. Stepan, *Problems of democratic transition and consolidation. Southern Europe, South America, and post-communist Europe*, Baltimore 1996, p. 5.

the *continuum* between democracy and authoritarianism<sup>22</sup>. However, taking this category of states into account leads to the breakdown of the dichotomy distinguishing between the democratic regime and the authoritarian regime. This classic dichotomy assumes the existence of competing choices in the state as the differentiating criterion<sup>23</sup>. This results in the formation of a separate category of states that cannot be classified in a standard manner and are currently often defined by the capacious term of hybrid (democratic-authoritarian) regimes<sup>24</sup>.

Elections are still held in states of this kind – the rulers do not resign from this attribute of legitimacy of their power, but these are not competing elections, and it is impossible for the rulers to lose them<sup>25</sup>. Assuming Adam Przeworski's definition that democracy is a "system in which parties lose elections"<sup>26</sup>, we can say in this case that the hybrid regime is a "system in which opposition parties lose elections"<sup>27</sup>.

However, even in this case, the existence of opposition in the state is necessary. It can function in diverse conditions, either as entirely controlled "licensed opposition" or – almost – freely as one of the legally existing political parties. The impossibility of winning elections in the latter case is a consequence of the application of diverse legal and factual constraints that lead to uneven chances in the electoral process. Steven Levitsky and Lucan Way stress that chances will be uneven if "(1) state institutions are widely abused for partisan ends (2) incumbents are systematically favored at the expense of the opposition, and (3) the opposition's ability to organize and compete in elections is seriously handicapped"<sup>28</sup>. They also stress that three aspects of

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<sup>22</sup> L.J. Diamond, *Is the Third Wave Over?*, "Journal of Democracy" 1996, vol. 7, No. 3, p. 20.

<sup>23</sup> M. Alvarez, J. Antonio Cheibub, F. Limongi, A. Przeworski, *Classifying political regimes*, "Studies in Comparative International Development" 1996, vol. 31, No. 2, p. 21.

<sup>24</sup> P.C. Schmitter, *Zagrożenia, dylematy i perspektywy konsolidacji demokracji*, [in:] *Narodziny demokratycznych instytucji*, ed. J. Hausner, Kraków 1995, pp. 45–46.

<sup>25</sup> A. Antoszewski, *Współczesne teorie demokracji*, Warsaw 2016, p. 139.

<sup>26</sup> A. Przeworski, *Democracy and the market. Political and economic reforms in Eastern Europe and Latin America*, Cambridge-New York 1991, p. 10.

<sup>27</sup> A. Schedler, *The Menu of Manipulation*, "Journal of Democracy" 2002, vol. 13, No. 2, p. 47.

<sup>28</sup> S. Levitsky, L. Way, *Competitive Authoritarianism. Hybrid regimes after the Cold War*, Cambridge-New York 2010, p. 10.

unequal chances are of particular importance: access to resources, the media and law<sup>29</sup>.

## V.

In this situation, it is clear that holding elections, even on a regular basis, is not a sufficient condition for the state to be recognized as a democracy and its elected representatives as representatives holding a democratic mandate<sup>30</sup>. If elections do not comply with democratic rules, they serve only as a technique of formation of decision-making bodies or a way of entrusting certain persons with managerial positions<sup>31</sup>.

It should be noted, however, that there are cases when, in spite of unfavorable factual circumstances and sometimes even legal measures preventing an equal electoral campaign, opposition (aspiring) parties won the elections, and the Polish elections of 1989 are a particularly illustrative example here.

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<sup>29</sup> Ibidem.

<sup>30</sup> W. Wojtasik, *Funkcje wyborów w III Rzeczypospolitej. Teoria i praktyka*, Katowice 2012, p. 15.

<sup>31</sup> D. Nohlen, *Prawo wyborcze i system partyjny. O teorii systemów wyborczych*, Warsaw 2004, p. 23.

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