

2

Power, Politics and Hybridity

Paul Jackson and Peter Albrecht

Introduction

Hybridity and hybrid political orders form part of a body of literature that critiques the fragile-state discourse through which the modern state is contrasted with traditional or non-state modes of ordering in the global South.¹ The notion of hybridity proposes an alternative lens that aims to move beyond normative notions of fragility and failure and beyond dichotomous thinking that articulates states and non-states as discrete and independent actors and institutions. Instead, the concepts of hybridity and hybrid political orders offer starting points for comprehending the processes at work between diverse and competing structures of authority, sets of rules, logics of order and claims to power that co-exist, overlap, interact and intertwine. The blending of these spheres is the explicit focus of the hybridity lens.

Despite its burgeoning popularity, hybridity itself is undertheorised and is applied by different scholars to mean a number of things. For instance, it has been used as a means of viewing interaction between the international and the local,² to analyse the space of intervention;³ it has been used descriptively by some scholars and prescriptively by

1 Wiuff Moe and Albrecht, 'Hybridity and Simultaneity in the Global South'.

2 Mac Ginty, *International Peacebuilding and Local Resistance*.

3 Charbonneau and Sears, 'Fighting for Liberal Peace in Mali?'.

others. This chapter regards the development of prescriptive hybridity as lacking conceptual clarity and developing approaches that assume the international community can construct hybridity through external, international program planning.

The emergence of hybridity is really a response to the failure of intervention in postconflict environments where complex social, political, economic and cultural conditions co-exist with an international approach dominated by liberal, Western thinking. Furthermore, the experiences also show there are both considerable local variations in the outcomes of such interventions, but also difference in degrees of local ownership and involvement. Hybridity contains promise within this framework by providing a critique of the binaries involved in such interventions, notably between international/modern and local/traditional. As such, it is commonly presented as a means of merging these two worlds into a mutually created political, social, economic and cultural world where the international and the local co-exist and co-produce hybrid political orders.

In addition, these hybrid orders are both locally and internationally owned, opening up the possibility of continuing external and international intervention and a new prescription for international agencies seeking to program and manage. Programming in this area typically assumes that hybridity can be planned within projects, to produce 'hybrid programming' and to make programming better through increasing legitimacy and trust. The argument follows that hybridity within political systems can improve both of these by using local networks and providers with the aim of increasing cooperation and increasing legitimacy, a role that is, in fact, very similar to colonial indirect rule.⁴ Alongside this is a desire to equip local actors so they can play a more constructive role in statebuilding more broadly through incorporation (absorption?) of traditional norms and institutions into the constructing of conventional liberal states.⁵ Hybridity, therefore, attempts to show that violence and the alternative governance systems that arise from it are part of an authentic and legitimate process of state formation that enjoys greater popular legitimacy than the (attempted) international imposition of Weberian state systems.⁶

4 Johnson and Hutchison, 'Hybridity, Political Order and Legitimacy'.

5 Clements et al., 'State Building Reconsidered'.

6 Boege et al., *On Hybrid Political Orders*.

Before continuing, we need to provide a short caveat on the international/local dichotomy. We recognise that in many ways this is problematic, not least because national elites and national concerns do play a role within both international and local spheres of (political) activity. However, this chapter focuses on the interaction between the international and the local, recognising that any idea of the 'national' aggregates several different experiences. At the same time, the term 'local' encompasses communal and individual experiences of security and justice that we are interested in, whereas the overwhelming involvement in the design, application and evaluation of development programming is by an 'international community' of wealthy states and multilateral institutions.

Recognition of 'the local' as important in what has been termed 'the local turn in peacebuilding',⁷ especially political science, is to be welcomed. It is also important to keep in mind that in itself this is not new, and Menkhaus, among others, has drawn attention to 'the obvious but often overlooked observation that local communities are not passive in the face of state failure and insecurity, but instead adapt in a variety of ways to minimize risk and increase predictability in their dangerous environments'.⁸ The local turn has shifted the literature towards a far more positive view of these societal adaptations and their legitimacy as sources of power, even a somewhat romantic notion of local non-state orders as inherently positive models of governance. This has in some cases led to reification of the local as a defence against the ostensibly hegemonic order of the liberal state.⁹ The work of Richmond,¹⁰ for example, moves beyond seeing the liberal state itself as being hybrid and towards hybridity as a form of resistance and survival to externally imposed ideas. At the same time, he uses the concept of everyday peace as a means to move beyond hybridity as just a description of two things combined and towards an approach that sees hybridity as a set of 'practices'. As Millar points out, however, this does not provide a way out of the core issue of how to establish peace without external intervention and international management and control of hybridity.¹¹

7 Mac Ginty and Richmond, 'The Local Turn in Peace Building'.

8 Menkhaus, 'Governance without Government in Somalia', 75.

9 See, for example, Richmond, *A Post-liberal Peace*.

10 Ibid.

11 Millar, *An Ethnographic Approach to Peacebuilding*.

This chapter interrogates the concept of hybridity by exploring security and justice systems across a number of African contexts and how they are conditioned by power and politics. As such, the chapter has an explicit focus on the power of local actors to resist the imposition of liberal statebuilding processes. It shows that some hybrid structures do provide a means to subvert externally imposed statebuilding but, importantly, access to these approaches is controlled and moderated by the political power of local elites. In addition, prescriptive hybridity makes assumptions about the nature of local institutions that are not grounded in the reality of those institutions themselves. The implication is that much current thinking on hybridity reifies and idealises ‘the local’. It assumes representation, legitimacy and equilibrium, and underrepresents power struggles and political processes of inclusion and exclusion from decision-making and resource allocation.¹²

In the following, we make a case for explicitly including the political into the notion of hybrid orders. This is because most prescriptive forms of hybridity assume that the local can be managed and manipulated without acknowledging the political agency of local institutions.

Origins: Hybridity and peacebuilding

Hybridity as a way of conceptualising resistance to liberal statebuilding has been an emerging theme within both development and peacebuilding literatures. On one hand, hybrid approaches derive from a well-established recognition among development scholars and practitioners that conventional Weberian state models do not reflect realities on the ground and are incompatible with local structures of power.¹³ On the other hand, within the peacebuilding literature it has been recognised that state-centric approaches to postconflict reconstruction commonly are exclusionary and often do not develop into stable and peaceful situations.¹⁴ An additional literature on the effects of security and justice reform efforts challenges the state-centric approaches of many international agencies, reflected mainly within evaluations and case studies.¹⁵ They do not necessarily use the

12 Albrecht and Kyed, *Policing and the Politics of Order-Making*.

13 See, for example, Hagmann and Péclard, ‘Negotiating Statehood’; Meagher, ‘The Strength of Weak States’; and Menkhaus, ‘Governance without Government in Somalia’.

14 Boege et al., *On Hybrid Political Orders*; Mac Ginty, ‘Hybrid Peace’; Richmond, *A Post-liberal Peace*.

15 Albrecht et al., *Perspectives on Involving Non-state and Customary Actors*.

hybridity label, but convey a similar message of how state institutions and other actors interact with traditional leaders and non-state groups more generally, suggesting there are some complex empirical challenges to ideas of 'state-centric' approaches and simple state/non-state dichotomies.¹⁶

Many scholars go beyond this, making the assumption that a combination of individuals and processes from both the local and the international will improve the prospects for peace, moving beyond the institutional gap between existing experiences of internationally led statebuilding and local realities. However, there is an underlying assumption that there is a direct causal relationship between programming and results on the ground that can be planned and predicted. In addition, there are a set of assumptions about the nature of the local that are rooted in the political agendas of peacebuilding and the representation of the local that goes beyond local people's experience of those institutions.¹⁷ Finally, there is a tendency to assume a 'static' quality to many 'traditional' authorities and local political structures, without recognising that all of these institutions and structures are political and evolve as a consequence of internal dynamics, but equally through interaction with the outside world, including the international system.

Hybridity as a concept contributes to the articulation of the fluidity and networked quality of social systems and orders. Mac Ginty provides the most institutionally structured analysis of hybridity and, as he points out, it is useful for moving analytically beyond romanticised and purist notions of 'pristine systems', recognising that all social orders by definition are 'tainted with the "original sin" of hybridity'.¹⁸ This shifts the focus away from dichotomous approaches with clear divides between state/non-state and international/local to an explicit focus on the political-cum-power dynamics and interactions between international and local systems that are always already hybrid and represent 'grey areas' of interaction. For instance, Richards points out that the inclusion of traditional authorities in the central government of Somaliland merges external demands and internal necessities, but itself produces complex sets of interaction between actors that are more unpredictable than formal, bureaucratic state institutions.¹⁹

16 Albrecht and Buur, 'An Uneasy Marriage'; Baker, 'Beyond the Tarmac Road'.

17 Hirblinger and Simons, 'The Good, the Bad, and the Powerful'.

18 Mac Ginty, 'Hybrid Peace', 398.

19 Richards, 'Bringing the Outside In'.

Current approaches to policy and, indeed, much scholarly work, take a simple starting point as the relationship between state and non-state actors. This is hardly surprising given the peacebuilding roots of hybridity as it has evolved over the past 10 years in peace and conflict studies,²⁰ which is at least partly guided by the imperative to recreate or reconstruct a functioning state in the face of armed challenges to its sovereignty. Part of the issue with this conceptualisation is the lack of clarity about what is actually non-state, whether there is a simple dividing line or whether non-state actors can be more legitimate than state ones in particular circumstances. The example of South Sudan is interesting, in that a non-state challenge of the Sudanese state in the form of the Sudan People's Liberation Army²¹ eventually became the government of South Sudan that gained independence in 2011, and now faces challenges to its own authority. What this shows is that the categories of state and non-state are fundamentally fluid.

Looking more closely, it can also be observed that some actors, networks and institutions are more fixed than others, and some actors, for example, can be both state and non-state at the same time. A paramount chief in Sierra Leone, for instance, is a traditional authority, but is also defined within the constitution and has a formal role. This type of fluidity has led scholars like Albrecht, in the case of chiefs in Sierra Leone,²² as well as Visoka in the case of Kosovo, to concentrate on processes of hybridity rather than hybrid actors. They do this to move away from a notion of hybridity that involves taking two separate entities and combining them to make a new (hybrid) order.²³

Local elites and the politics of resistance

The notion of hybridity as process has led Mac Ginty and others to argue that hybridity is largely produced through interactions between the local and the international and is a result of active resistance by local people.²⁴

20 Boege et al., *On Hybrid Political Orders*; Mac Ginty, 'Hybrid Peace'; Richmond, *A Post-liberal Peace*.

21 The Sudan People's Liberation Army was renamed South Sudan Defence Forces in May 2017.

22 Albrecht, 'Hybridisation in a Case of Diamond Theft in Rural Sierra Leone'.

23 Visoka, 'Three Levels of Hybridisation Practices in Post-conflict Kosovo'.

24 Mac Ginty, *International Peacebuilding and Local Resistance*.

This implies that any analysis must understand the explicit balance between alternative sources of legitimacy and authority. Who, for example, has the power to resist and in what way? Is all resistance positive and for whom?

The answers to these questions are all political in the sense that all hybridity is partly a political choice and partly the result of institutional pressures that arise from institutional constraints. A realistic analysis of hybridity must, therefore, involve analysis of the empirical dimension of domestic politics, or the ‘politics of the everyday’.²⁵ Recent literature has begun to examine the nature of these local political interactions and their role in shaping, resisting and constraining international projects. Pouligny²⁶ and Autesserre,²⁷ for instance, focus on peacekeeping from below, while there is a growing literature on the role of domestic elites in taking opportunities to benefit from international intervention, but also in developing international approaches to democratic transition.²⁸ This leaves a number of unresolved issues concerning legitimacy and political power at the local level. Part of any analysis of a hybrid system therefore has to include a focus on where power lies within such systems, who exercises power and how, a dynamic that is not well captured by the analytically homogenising effects of prescriptive hybridity approaches.

Accepting Mac Ginty’s premise that hybridity is variable according to context, and also the overarching premise that local actors are capable of resistance to international intervention, makes the concept of hybridity difficult to categorise with one simple theory. Millar also adds another important element beyond agency: ‘some areas of social life in any context ... are inherently resistant to purposeful planning—the ritual and the conceptual—but ... do not demand wilful action on the part of local actors to serve as points of resistance’.²⁹ In other words, there are always local political and social structures rooted in belief systems that are going to be difficult to manipulate or manage in the context of Western liberal intervention. This would include the admission of magical or secret society beliefs in court, aspects of cultural practice or even the use of specific rituals. Millar identifies four types of hybridity—institutional, practical,

25 Roberts, ‘Everyday Legitimacy and Postconflict States’; Schroeder and Chappuis, ‘New Perspectives on Security Sector Reform’.

26 Pouligny, *Peace Operations Seen from Below*.

27 Autesserre, *The Trouble with the Congo*.

28 Hensell and Gerdes, ‘Elites and International Actors in Post-war Societies’; Sending, ‘The Effects of Peacebuilding’; Tansey, *Regime-Building*.

29 Millar, *An Ethnographic Approach to Peacebuilding*, 4.

ritual and conceptual—that are progressively difficult to manipulate. This conceptual typology is useful to illustrate a spectrum of hybridity from institutional/legal elements that can be changed through to belief systems that are resistant.³⁰

Of course, these elements themselves do not sit independently of power structures at the local level. Belief systems may constrain certain actions of chiefs at the local level, for example, but this does not stop chiefs from seeking to manipulate them or interpret them in ways that maintain local power structures and hierarchies. Indeed, some actors may even gain from political disorder or resistance as a source of political power, as well as being in a constant state of flux and renegotiation of position.³¹ In some places those in charge of delivering justice may be those most responsible for insecurity in the first place,³² or alleged agents of insecurity may be providing a particular form of security.³³ This means that the concept of hybridity may be more useful as a tool to critique liberal approaches to peacebuilding than to offer a credible alternative strategy or practical approach.³⁴

It could be questioned whether the term hybridity represents a useful alternative analytical framework, or whether it is simply a way of describing empirical complexity and as such appears to have little practical utility to practitioners of statebuilding. Goodfellow and Lindemann³⁵ point out in the case of Uganda that the mere co-existence of different institutional forms does not by definition mean that a hybrid system emerges. Indeed, for them it is the distinction between the Buganda Kingdom and the bureaucratic state of Uganda that is partly a source of power for those who operate within Buganda.

This does not mean that Buganda and Uganda operate at arms-length from each other, but the relationship is not a simple one. Goodfellow and Lindemann³⁶ therefore have a point when they suggest substituting ‘hybrid’ for ‘complex’ and using hybridity to describe institutional multiplicity.³⁷ These considerations further negate the concept of hybridity as giving

30 Millar, ‘Disaggregating Hybridity’.

31 Chabal and Daloz, *Africa Works: Disorder as Political Instrument*.

32 Baker, ‘Beyond the Tarmac Road’.

33 Goodhand and Mansfield, ‘Drugs and (Dis)Order’.

34 Luckham and Kirk, ‘Security in Hybrid Political Contexts’.

35 Goodfellow and Lindemann, ‘The Clash of Institutions’.

36 Ibid.

37 Hesselbein et al., ‘Economic and Political Foundations of State Making in Africa’.

rise to a single integrated system but also add the idea that an end user of security or justice, for example, is faced with a series of competing institutions, each linked and each exhibiting different forms of hybridity. The end user may therefore be faced with a series of institutional choices each leading to different consequences and with different sources of legitimacy, power and agency. In the topography of such an institutional landscape, there are choices between different linked, but also potentially competing, providers. For example, in Sierra Leone someone seeking compensation in a court may look to a chieftom court first, but then use local paralegals to access a district court. This could then lead to formal legal proceedings, or alternatively to an improved offer from the chieftom court. This form of ‘justice shopping’ may be empowering to some end users.

This is an important conceptual clarification of an institutional landscape that has been continually shaped, partly by local actors and customs, and partly by external influences, including resources of the international community.³⁸ At the same time, reification of the local through use of the label ‘hybridity’ in fact underestimates the flexibility, pragmatism and fluidity of many local systems, at least partly by seeing ‘the local’ as one thing rather than several different sets of processes. Using hybridity as an analytical tool does not allow a distinction to be made between what Meagher refers to as ‘constructive’ and ‘corrosive’ elements of hybridity.³⁹ Indeed, hybridity has been associated with state making and state breaking,⁴⁰ conflict increase⁴¹ and conflict decrease.⁴² This evidently weakens the analytical vigour of hybridity, since an inability to predict or differentiate between effects when hybridity is present suggests that hybridity itself might not lead to one specific outcome, but may act as a mediating factor in underlying state formation that is not predetermined but contextual.⁴³

The value of hybridity, then, lies in moving away from binary conceptualisations of the world and towards recognition of all governance systems as the product of numerous sources of authority that are drawn

38 Albrecht and Wiuff Moe, ‘The Simultaneity of Authority’.

39 Meagher, ‘The Strength of Weak States’.

40 Renders and Terlinden, ‘Negotiating Statehood in a Hybrid Political Order’.

41 Ganson and Wennmann, ‘Operationalising Conflict Prevention as Strong, Resilient Systems’.

42 Williams, *Chieftaincy, the State, and Democracy*.

43 Balthasar, ‘From Hybridity to Standardization’.

upon simultaneously.⁴⁴ External influences on those processes, such as those involved in justice reform, will change their dynamics and not simply replace them. The exercise of power in this case then becomes the process of negotiating the relative influences of intervention and resistance and it places much power in the hands of those who control processes at the local level, including chiefs, local headmen, religious leaders and the leaders of other local institutions such as secret societies.⁴⁵ One of the most common institutions exercising power at the local level in Africa is the chief. The role and scope of chiefs varies considerably across the continent, although most commonly chiefs act as regulators of traditional social controls, frequently over access to land or other aspects of social life such as marriage.

Drawing on our own fieldwork in Sierra Leone, it is clear that chiefs play an important role in everyday politics.⁴⁶ Chiefs in Sierra Leone frequently play the role of 'opinion formers' within communities and have considerable powers, yet most of these power relationships are not established in writing. The role of the chief is thus flexible and not always clearly specified, even if there are strong local traditions within which chiefs operate. Despite their central role, chiefs remain empirically underrepresented in much of the literature on statebuilding, while this very literature recognises that capable democratic states must be based on shared social values and that this might be achieved by incorporating indigenous institutions and norms, while adapting those systems to international expectations.⁴⁷ The nature of the local political system means that incorporation, or even harmonisation, into a formal state institutional system as espoused by statebuilding, remains extremely difficult, even if it is actually desirable at all.⁴⁸ Chiefs themselves equate their control of local justice mechanisms to a source of power rather than a means of dispensing justice.⁴⁹ It is the nature of this approach that is particularly interesting, since it is essentially a conservative way of maintaining social cohesion. Justice is primarily about the maintenance of social control rather than conceptualised as an abstract aspiration or value.

44 Wiuff Moe and Albrecht, 'Hybridity and Simultaneity in the Global South'.

45 Albrecht, 'Secrets, Strangers and Order-Making in Rural Sierra Leone'.

46 Albrecht, 'The Chiefs of Community Policing'; Albrecht, 'The Hybrid Authority of Sierra Leone's Chiefs'; Jackson, 'Chiefs, Money and Politicians'; Jackson, 'Reshuffling an Old Deck of Cards?'

47 Crook et al., 'Popular Concepts of Justice and Fairness in Ghana'; Jackson, 'Chiefs, Money and Politicians'.

48 Baker, 'Beyond the Tarmac Road'; Piot, *Remotely Global*.

49 Jackson, 'Reshuffling an Old Deck of Cards?'

Importantly, the local regulations within which the chief operates comprise a system designed to maintain social cohesion and so the exercise of traditional law is about maintaining social control. This has a number of effects, including the maintenance of social structures in which an elite has a vested interest and where dissent among groups that do not benefit from such social conformity (youth, women and other excluded groups) takes the form of silence where conformity is taken as consent or absence of power conflict. In other words, local justice systems reinforce the social systems they are derived from, including providing a mechanism for a local elite to reinforce and maintain their own power.

The inclusion of such power at a local level begs questions about the predictability of hybrid approaches to intervention, as well as the nature of everyday approaches to local structures of peacebuilding and justice. Even the concept of justice may be resistant to Western ideas of just outcomes, reflecting more the maintenance of particular forms of social hierarchy in which some experiences of the everyday are less benign than others. Unfortunately the literature to date gives comparatively little attention to the politics at play within these relations at the level of everyday practice. Indeed, making order is more often than not done with efforts to concentrate power and consolidate particular power positions.⁵⁰

Conclusion

Citizens across Africa seeking justice face a multilayered and fluid set of choices. However, those choices are limited by local power structures and relations, and specifically self-perpetuating elites. Such elites manage what local justice and order mean as an integral part of maintaining and reproducing their own power/dominance, with justice having the aim of conserving social control and conformity. As such, local justice systems become a method of maintaining security for the state, but at the price of potentially alienating specific groups or ensuring their continued subordination. International reform efforts across Africa have overlooked the inherent political dimensions of justice provision, which are deeply embedded in informal social structures, including kinship relations and secret societies, but which have also been influenced by more recent local

50 Albrecht and Kyed, *Policing and the Politics of Order-Making*, 5.

government reforms and the continuing influence of chiefs. This raises questions of whether a hybrid system is emerging or whether there is a multiplicity of institutions that co-exist and compete.

Most people need to navigate a complex network of institutions operating between a formal state system and resilient local systems at the local level, which may or may not be codified or even visible to external observers. These institutions constantly change and are subject to a variety of controlling bodies that regulate the meaning and enforcement of common law. Indeed, even the formal institutions of local and magistrate's courts draw on customary law rather than formal law in many of their cases, and this is open to interpretation and influence according to changing local customs and agency. Different social structures exercise influence over justice processes and outcomes. Local power is at least partly exercised through the appointment to courts and through the role of elders within villages. This leads to institutional bias within the customary system, particularly against women and youth.

This political process at the local level is about preserving power and conserving institutions and hierarchies rather than social transformation, even if political processes inevitably have a transformative effect. This can have significant benefits in environments where social cohesion has been destroyed, and in activities that require some form of social development following trauma, such as peacebuilding. However, there is an issue here of how to treat those who do not conform. In practice these are people who are effectively alienated from the benefits of those communities and are isolated from political participation and justice. It is these norms that may clash with international ideas of human rights, partly because international law tends to try individuals for crimes that are perceived to hold some degree of individual responsibility, whereas most local systems are really about social conformity.

This leads to a dilemma for international support in the justice sector. Some argue that international support should place less emphasis on formal, Western justice and support the local systems.⁵¹ However, there are considerable issues with this style of justice. Indeed, abuses of this system may have significantly contributed to war in the first place, as was

51 Baker, 'Beyond the Tarmac Road'.

the case in Sierra Leone.⁵² For the powerless, this means they have no effective access to justice, while justice is accessible for those from the indigene kinship group or for those who can afford suitable recompense.

The analysis of power at the local level raises questions about who actually exercises ownership, since the implication of hybridity is that some local owners can be incorporated into broader reform processes, but these will tend to be elites who are able to control local power systems rather than those who are excluded from those systems. In the short term, this may be acceptable—indeed it may be the only choice—but the question for international donors must be how far they are willing to provide support for those who navigate these systems locally. This is especially the case with respect to those who are excluded, as opposed to elite agents who may be able to exist in and use the formal system on one level and also control a traditional system on another. The question of who resists and why is thus partly answered by looking at local elites who are in a position to resist in the first place. In turn, the question for donor agencies is whether the maintenance of local elites was what they had in mind by introducing and operationalising the notion of hybrid orders.

52 Jay and Koroma, *From 'Crying' and Clientelism to Rights and Responsibilities*.

This text is taken from *Hybridity on the Ground in Peacebuilding and Development: Critical Conversations*, edited by Joanne Wallis, Lia Kent, Miranda Forsyth, Sinclair Dinnen and Srinjoy Bose, published 2018 by ANU Press, The Australian National University, Canberra, Australia.

doi.org/10.22459/HGPD.03.2018.02