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Neopatrimonialism Revisited – Beyond a Catch-All Concept

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Abstract

The article provides a critical discussion of the literature on "patrimonialism" and "neopatrimonialism" as far as the use in Development Studies in general or African Studies in particular is concerned. To overcome the catch-all use of the concept the authors present their own definition of "neopatrimonialism" based on Max Weber's concept of patrimonialism and legal-rational bureaucracy. However, in order to make the concept more useful for comparative empirical research, they argue, it needs a thorough operationalisation (qualitatively and quantitatively) and the creation of possible subtypes which, in combination, might contribute to a theory of neopatrimonial action.

Key Words: Neopatrimonialism, patrimonial and legal-rational bureaucratic domination, hybrid regimes, rent seeking.

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Zusammenfassung

Neopatrimonialismus – quo vadis?

Der Artikel unterzieht die beiden Konzepte „Patrimonialismus" und „Neopatrimonialismus", wie sie in der entwicklungstheoretischen Literatur und in Afrikastudien Verwendung finden, einer kritischen Analyse. Damit dem Konzept des Neopatrimonialismus mehr als nur eine heuristische Bedeutung zukommen kann, präsentieren die Autoren eine eigene Definition des Begriffs, die sich eng an die Weber'schen Konzepte des Patrimonialismus und der legal-rationalen Bürokratie anlehnt. Darüber hinaus ist auf dieser Grundlage (1) eine sorgfältige (qualitative und/oder quantitative) Operationalisierung des Konzeptes und (2) die Bildung von möglichen Subtypen notwendig. Erst dann kann das Konzept sinnvoll für die vergleichende empirische Forschung eingesetzt und möglicherweise etwas wie eine neopatrimoniale Handlungstheorie entwickelt werden.

Article Outline

1.   Introduction

"Neopatrimonialism" is a commonly used concept in political science[1]. A survey of the *International Political Science Abstracts* indicates a wide range of articles and monographs that refer in one way or another to the concept in a whole variety of different contexts: from Latin America to the Middle and Far East; to the former communist empire; and to southern Europe. Recent publications also indicate a renaissance of its application in African Studies (cf. Bratton & van de Walle 1997, Erdmann 2002a, 2002b, van de Walle 2001, Englebert 2000, Chabal & Daloz 1999). Neopatrimonialism is indeed a universal concept, although one that has received little critical analysis, in particular of its appropriateness for understanding African politics. It is also not a cut-and-dried concept; in fact it is not far off the mark to say that there is no general understanding of what it is all about. Instead there is a mute culture of acceptance of the concept with the result that there is a general impression that we have a fairly homogenous understanding in some quarters of African Studies (see, for instance, Bratton & van de Walle 1997: 62); while scholars working with a rational choice or a Marxist orientation would not subscribe to the concept, although they hardly discuss it. This uncriti-

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cal attitude has prevented the development of a controversial and methodologically fruitful debate about the meaning and usefulness of "neopatrimonialism". Thus, Theobald's warning of the early 1980s still holds true:

> "rather than isolating a socio-political phenomenon, it tends to gloss over substantial differences … it has become something of a catch-all concept, in danger of losing its analytical utility" (Theobald 1982: 554, 555).

Indeed, reviewing the current African Studies literature one obtains the impression that neopatrimonialism is widely accepted; and in some instances it enters an argument as a *deus ex machina*. Yet the place of neopatrimonialism in African Studies is somewhat unclear. Most often the concept is used affirmatively (and uncritically), although there is a more critical attitude in the informal circles of university lecture halls and in the seminar rooms of the conference and workshop circuit. Only a few scholars of the "radical political economy school" share our concerns about the uncritical use of the concept (Olukoshi 1999: 458). Based on a different methodological understanding of the state, they do not discuss the concept, but repudiate it fundamentally. Their criticism comes down to the reproach that it is part of the "neo-liberal project" as an ideological justification for the current onslaught on the state (Olukoshi 1998: 14, Beckman 1993: 21 f., Mustapha 2002).[2]

The aim of this article is to address these conceptual lacunae. We will argue that despite the indiscriminate use of neopatrimonialism, and its obvious flaws, it is a concept that *does make sense* if it is properly defined.

This article is broadly structured as follows. We will begin with a critique of how the concept has been generally used in the past. The literature on "patrimonialism" and "neo-patrimonialism" will be revisited as far as the use in Development Studies in general or African Studies in particular is concerned. We will concentrate on significant publications only (signified by later references in the neopatrimonialism discourse itself, i.e. by the academic notion of "importance") and deal with these publications in chronological sequence to high-

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[2]   We try to see it rather as an analytical tool that might be useful to get a better understanding of state structures, and, if the diagnosis is right, our political conclusion would certainly not be to weaken the state, but to strengthen the legal-rational bureaucracy and its capacity to implement policies and protect them against private intervention. Beyond the polemical and ideological dust of reproaches and sweeping statements that something is "wrong", it is difficult to find out what precisely they think is wrong with the concept, although it is clear that they have a particular understanding of the state as based on social relations, particularly on class relations. In his more detailed critique of "neo-patrimonialism" Mustapha (2002) criticizes only Bayart (1989, engl. 1993) and Bayart/Ellis/Hibou (1999), which is indeed a particular "strand in the neo-patrimonialist literature on Africa" to which we would not subscribe either as will become obvious below. He points out a number of Bayart's et al. conceptual weaknesses, but to our knowledge they do not use the term "neo-patrimonialism".

light in detail old conceptual problems and their recurrence today. This is not to deny that there are interesting case studies making use of Weberian concepts of political domination, for instance on "patrimonial" Zaire.[3]

We will then move on to present our definition and understanding of the concept. Finally we address four key conceptual questions which are related to the operationalisation of "neopatrimonialism" in empirical research:

1. How does neopatrimonialism relate to classical typologies of political regimes?

2. How can neopatrimonialism be delimited vis-à-vis the concepts "clientelism" and "patronage"?

3. Is there a political economy of neopatrimonialism?

4. How can neopatrimonialism be "measured"? By way of conclusion we will discuss the theoretical status of "neopatrimonialism" and sketch some avenues for their conceptualisation.

2. "Patrimonialism" and "Neopatrimonialism" Revisited

The literature on patrimonialism and neopatrimonialism is closely related to the reception of the writings of the German sociologist Max Weber (1864-1920), in particular his *Economy and Society*. Weber's political sociology is based on two primary concepts: "domination" and "legitimacy". He also established three ideal (or pure) types of domination "according to the kind of claim to legitimacy typically made by each" (Roth 1978: XXXIX). Thus, Weber singled out three types of authority: legal, traditional, and charismatic. The early reception of Weber in Development Studies focused on the third of these: charismatic domination (e.g. Aké 1966). Influenced by the fusion of social-anthropological concepts and sociological functionalism, the second type (traditional authority) started to attract attention by the end of the 1960s. Under this form of domination

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[3] For example, in critical contrast to Willame (1972) who explains Zairian politics with reference to Weber's original patrimonialism concept, Callaghy (1984) in his work on Zaire employs Weber's notion of "bureaucratic patrimonialism". He labels Mobutu's Zaire a "patrimonial-bureaucratic state that is engaged in a state formation struggle with, among others, local patrimonial interests" (1984: 75). According to Callaghy Zaire is the African version of an absolutist state, "an early modern form of organist-state authoritarianism" (1984: 19), but not a modern state (which, according to Callaghy, is characterised by the central role of bureaucratic administration) – hence the lack of debate on any "neo"; for our understanding of the concept see below section "Neopatrimonialism redefined".

"obedience is owed not to enacted rules but to the person who occupies a position of authority by tradition or who has been chosen for it by the traditional master" (Weber 1978: 227).

Conceptualizing political power in Africa in terms of charisma did not prove to be very fruitful. The next wave of Weber reception, therefore, turned towards another of Weber's concepts of traditional domination, that of "patrimonialism". As Eisenstadt (1973) argued, "patrimonialism" explicitly constituted a "critical attitude to some of the assumptions of the first studies of modernisation and political development" (ibid.: 8). With a view to accounting for the obvious lack of "modernisation" or "development" in sub-Saharan Africa, different notions of patrimonialism, patronage or clientelism were employed (cf. Roth 1968, Lemarchand and Legg 1972). This discourse was always closely linked to debates about patronage and clientelism (cf. Powell 1969, 1970, Weingrod 1968, Scott 1969, and, for Africa, Zollberg 1969), which became the orthodoxy of the 1970s and early 1980s. To our knowledge, Eisenstadt (1973) was the first who used the term "neo-patrimonialism" with the additional adjective "modern" as distinct from "traditional patrimonialism". On this basis, Médard (1982) and others developed the term. The most recent wave of Weber reception, since the mid-1990s, was concerned with the drawbacks of democratic transitions experienced in the 1990s (Bratton & van de Walle 1994, 1997, Chabal & Daloz 1999) or the emergence of "hybrid regimes" (Erdmann 2002a, 2000b). At the same time, scholars tried to make sense of Africa's continued economic crisis by referring to "neopatrimonialism" (cf. Englebert 2000, van de Walle 2001). Over the years, the connotation of the term has changed. While in the 1970s "patrimonialism" was employed in terms of social capital as a way of explaining political cohesion in African societies (Theobald 1982: 555), today "neopatrimonialism" is regarded as a functional threat to the peaceful political development of African states and the development of societies in general. We will now turn to some of the contributions in more detail.

The debate on "patrimonialism" was reopened in 1968 by Roth. He took the position that it had been ignored for far too long and that it could, in many instances, replace the widely used and more familiar concept of charisma and charismatic domination.[4] Roth (1968) distinguished between "traditionalist patrimonialism" and "personal rulership" (in the sense of detraditionalised, personalised patrimonialism) which Theobald (1982: 549) in his review of Roth turned into "modern patrimonialism". A decade and a half later, in his Max Weber Lec-

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[4] For the translation of the German term *Herrschaft* as in "Types of Domination", i.e. "Typen der Herrschaft" (Weber 1980: 122), we use "domination", not "authority", which was used by Parsons alternately with "imperative co-ordination", or by Roth and Wittich who used it alternating with "domination" (Weber 1947, 1978). When we are specifically concerned about a governance relation (ruler–ruled), we use the term "rule". For a more detailed discussion of the proper translation of *Herrschaft* see Mommsen (1974a: 72).

tures in Heidelberg, Roth (1987: 18) used the term "neopatrimonialism" explicitly as a synonym for "personal rulership" or "particularistic personal rulership", as distinguished from "universalistic personalism" which prevails in societies such as the United States. For Roth (1968: 196), "personal rulership" operates "on the basis of loyalties that do not require any belief in the ruler's unique personal qualifications, but are inextricably linked to material incentives and rewards'. Although personal rulership is an ineradicable component of the bureaucracies in industrialised countries, in the new states of Africa, Asia, and Latin America it is the dominant form. The crucial point is that there is a difference between traditionalist patrimonialism and personal rulership. Firstly traditionalist patrimonialism differs "from charismatic rulership in that the patrimonial ruler need to have neither personal charismatic appeal nor a sense of mission". Secondly, it differs "from legal-rational bureaucracies in that neither constitutionally regulated legislation nor advancement on the basis of training and efficiency need be predominant in public administration" (ibid.). This notion of "personal rulership" – different from Jackson and Rosberg's (1984) "personal rule" which gained a neutral, rather patrimonial characterisation based on Machiavelli's "Prince" and with little "systemness" – might come some way close to our conceptualisation of neopatrimonialism in which we emphasise the co-existence of patrimonial and legal-rational bureaucratic elements (see below). Roth failed, however, to indicate in what way these two elements are related to each other. He described what "personal rule" is not, but did not say what it is. His emphasis on the personal element – not as a feature of personal relations, but rather fixed on the ruling person – is not sufficient to explain the continuous features and internal dynamics of these regimes. The most crucial point is that Roth turned "personal rule" or "neopatrimonialism" into a feature which can be found in any society. In his usage it becomes an element of any political system; an element that can appear in any other kind of rule. The implication is that neopatrimonialism is not a form of domination by itself, but only part of all sorts of political regimes. This takes him to the point where he warns that "patrimonial" is not to be equated with "authoritarian rule":

> "The latter term has been useful in establishing a continuum ranging from pluralistic democracy to totalitarism; the former category properly belongs to a typology of beliefs and organisational practices that can be found at any point of such a continuum" (Roth 1968: 197; reiterated 1987: 19 f).

This touches upon a central problem of fleshing out the meaning of "neopatrimonial rule" (which we will discuss later): how does neopatrimonial domination relate to the typology of political regimes? We cannot but disagree with the idea that "neopatrimonialism" runs across all types of political regimes.

It should also be noted that in his analysis of the relationship between "neopatrimonialism" and "clientelism" Roth took a quite unique turn. While clientelism is often equated or incorporated into "neopatrimonialism" as a component of the latter, he defined "neopatrimonialism" as an even narrower concept than clientelism. In his understanding, clientelism provides a traditional legitimation to the patron-client relation that is missing in the neopatrimonial patron-client relation (1987: 18).

René Lemarchand and Keith Legg (1972) approached the problem from the perspective of clientelism. Within their typology of clientage systems – feudal, patrimonial[5] and industrial clientage – the patrimonial-clientage system, "patrimonialism", takes two possible forms:

> "In one, the traditionalistic variant, the patron-client relationship permeates the entire political system. … In the second, the modernizing patrimonial system, the greater rate and extent of social mobilization lead to potential discontinuities in the set of patron-client relationships, not only between different levels of governmental authority but between different sectors as well" (1972: 166-167).

According to this part of the definition, the difference between the two patrimonial systems seems to be the rupture of the all embracing patron-client relationship.[6] Several questions remain. Firstly, it does not seem entirely clear what replaces the patron-client relationships. Secondly, to which degree are these relationships replaced? Are they still dominant or only to a lesser degree? Thirdly, where are these relationships replaced? The implication is not very satisfying: "Social mobilization", which as a very general term does not explain much. Hence, it leads to only "potential discontinuities". It remains open as to what exactly will take the place of the now pushed aside patron-client relations. One can only assume that it will be some "modern" form social relations or, as can be interfered from the suggested criteria for distinguishing between different types of clientage systems, "the formal governmental structures" (ibid.: 159). In addition, there is further ambiguity created by the implicit suggestion that relations between rulers and ruled might not exclusively be determined by "patronage networks".

Another problem with Lemarchand and Legg's approach is that they distinguish between two interrelated "sectors" within society, a "modern" and a "traditional" one. On the interplay between the two worlds, they write:

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[5] They altered the Weberian sequence – which is patrimonial, feudal, industrial – where feudal is a particular subtype of patrimonial domination. Whereas Weber might be somewhat ambivalent here (in *Economy and Society*), the sequence is clearly that patrimonial comes first and feudal second whether as a subtype or not (Weber 1980: 136-137, 148).

[6] A further quotation might be helpful: "The fundamental distinction, however, is between state structures which coincide with, and replicate, the client-patron relationship with the state acting as the major source of "prebends", and state structures which are superimposed upon patronage networks, with the latter acting as intermediary links between rulers and ruled" (ibid.: 168).

> "Precisely the change is restricted to specific sectors, mobilization is uneven and a hiatus tends to develop between the clientelistic structures inherited from the previous model and incipient 'legal-rational' orientations of leading members of the mobilized sector. Despite the growing differentiation of the social, economic, and political spheres, the expansion of bureaucratic structures, the emphasis on welfare values and secularization — social change at the mass level tends to lag far behind the structural changes effect at the center. Thus, in its actual operation, the system constantly tends to swing back in to the clientelistic mold of its predecessor. The result is a hybrid situation in which clientelism resuscitates itself in the traditionalistic interstices of the modernizing polity" (ibid.: 167).

This kind of dichotomy is not really helpful, not even for analytical purposes, because there are no such distinct worlds. To the contrary, in our understanding there is always a mixture of both: clientelism exists not only in the "traditional interstices" and the "traditional periphery" but also in the "modern center" itself, which itself is not so modern, but very much tainted by, and interwoven with, "traditional" elements. In other words, Lemarchand and Legg's conception misses, above all, the closely interwoven texture of patrimonial and legal-rational bureaucratic domination – something that we believe is essential.

Finally, the analysis offered is somewhat vague about the difference between modernising patrimonial clientage systems and industrial clientage systems: "the line of demarcation … is highly arbitrary: all industrial systems share some aspects of modernisation as do most contemporary modernizing societies" (ibid.: 168).

The implication is – probably not intended, but implicitly offered – that we demarcate an industrial or a modernizing patrimonial clientage system. This form of indetermination is highly unsatisfying. Further, Lemarchand and Legg did not address the conceptual relationship between the clientage systems and different political regimes. Their concern is whether clientage systems contribute to modernisation or not, and since they are sceptical towards a modernising role of clientelism one can assume that they will not attribute it any positive contribution towards the development of democracy.

When we turn to Eisenstadt's (1973: 12, 59 f.), we find an attempt to justify the use of the term "patrimonial" to the analysis of modern political systems. He argued that many modern political systems have developed specific characteristics which are different from "the nation state" or "revolutionary models of modernity". Yet he did not provide a definition of modern neopatrimonialism or – as he sometimes used it – "modern patrimonialism". Eisenstadt did, however, identify three specific characteristics in which neopatrimonial systems differed from proper "modern" models: Firstly, the "distinctiveness" of "the centre and of its relations to the periphery", secondly "the definition of boundaries", and thirdly "the pattern of political organisation, struggle and change within them" (ibid.: 13). He then describes these "characteristics" at great length but often in very abstract terms. A frequently used expression is "ten-

dency" or "to tend", which in the end makes it quite difficult to identify the core argument, apart from the very general statement that these systems are different (ibid.: 14).

In our understanding, the point of the "distinctiveness of the centre" comes down to the argument of the "modern center" and the "traditional periphery", and the "incomplete penetration and modernisation". Hence, the characteristic "pattern of political organisation, struggle and change within them" translates into nothing else but a "trend" to authoritarian rule (ibid.: 15), co-optation, factionalism, and clientelism, and all sorts of elitist policies. Eisenstadt described these various phenomena, however, without bringing them into a systematic order. He failed, in particular, to explain how they are interrelated.

While Eisenstadt made it very clear that the term patrimonialism is very useful for the analysis of modern societies, albeit appended with the prefix "neo-" or the adjective "modern", he skipped the crucial relationship between patrimonial and legal-rational bureaucratic domination. In fact, he did not treat the problem of administration and bureaucracy at any length. Instead, by finally explaining the major differences between "traditional and modern patrimonial [i.e. neopatrimonial] political regimes" he identified, the types of problems and demands with which they have to cope, and differences in the patterns of political organisation – with a trend "to more complex, bureaucratic or party organisations in the modern ones" (ibid.: 60).

In contrast to all the works discussed above in which a universalistic approach to neopatrimonialism is taken, Victor T. Le Vine (1980) tried to adapt the concept to Africa. He employed Roth's concepts and distinctions of *traditional patrimonialism* and *modern personalist patrimonialism* (i.e. personal rulership) – the latter is also called "neopatrimonialism". Le Vine's contribution to the debate was the idea of a particular variant of patrimonialism, namely an "African patrimonialism". Le Vine claims that a specific African character of patrimonialism was that "traditional African reality has always been closer to a diffuse patrimonialism than to patriarchy" (ibid.: 658). The attempt to broaden the analysis of patrimonialism by linking it to a Weberian understanding of the term in fact had a rather constricting effect. In his view, Weber's concept of patrimonialism was too close to patriarchy, which is of very little importance to African societies. Le Vine also insisted on the continuity between the traditional patrimonialism and the modern variant.

In our view, this interpretation of Weber is not very convincing nor is his argument in favour of the African patrimonialism at this stage.[7] In the end, Le Vine's African neopatrimonialism

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[7]   Even if his interpretation of Weber is plausible, an African patrimonialism as a culturally based subtype would only make sense if there were additional subtypes such as an Asian, European, French or Russian patrimonialism.

is hardly anything more than a variation on Roth's concept with the emphasis on personalism, i.e. a fixation on the person at the top.

> "What is novel about 'neo-patrimonial' régimes is the extent to which personalism plays a significant role, a development that owes as much to the introduction of imported political structures, ideologies, and behaviours, as anything else" (ibid.: 666).

The final discussion of the "possible relationship between African political instability and African varieties of patrimonialism" (which are not mentioned, but seem to signify different empirical observations) is unfortunately too short in order to make any clear contribution.

In a short "Research Note", Theobald pointed out a number of shortcomings in the debate on patrimonialism, some of which we have reviewed as well. In particular Theobald notes that as a result the concept looses any analytical utility (Theobald 1982: 555). In order to overcome this situation, he also suggests that in using a Weberian framework we need to determine the fundamental difference between a patrimonial and a legal-rational bureaucracy, a distinction which is, indeed, not all that clear in the neopatrimonialism literature (see below).[8] However, with reference to Wertheim (Theobald 1980: 556), Theobald compared the bureaucracies of developing countries with bureaucracies of "pre-modern empires". He then concluded:

> "A patrimonial bureaucracy thus is the administrative instrument of an underdeveloped economy: that is to say, a primarily agrarian economy with limited trade and a large subsistence sector" (ibid.: 557).

Given that Theobald's argument is closely modelled on Weber, it has to be pointed out that Weber himself did indeed use the term "patrimonial bureaucracy". But he gave it a totally different meaning,[9] and one which does not at all fit the African context in the second half of the twentieth century. Apart from this terminological misconception, the basic problem remains of the differences between old imperial bureaucracies and that of contemporary neopatrimonialism, and of legal-rational bureaucratic rule.

While Lemarchand and Legg conflated clientelism and patrimonialism, Médard (1982: 165) saw clientelism and neopatrimonialism as two competing models for explaining the "politics of underdevelopment". For him, the concept of clientelism is far too narrow to encompass all the diverse practices of the underdeveloped state. Nepotism, corruption, tribalism (or ethnicity), and clientelism were said to be constitutive elements of the underdeveloped state, or as we would prefer to say, of politics in a neopatrimonial state. Médard's conclusion is unam-

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[8]   See footnote 23.

[9]   Weber referred to "patrimonial bureaucracy" as a particular form of bureaucracy, and in European history quite an early one, which is based on unfree officials such as "slaves or ministeriales" (dependents or bondsmen; German: *Ministeriale*; Weber 1978 [1968]: 221 or 1980: 127).

biguous: the concept of neopatrimonialism "best expresses the logic of political and administrative behaviour in Africa" (ibid.: 185):

> "It has the advantage of including political clientelism, while placing it in its general context. … The notion of the privatization of public affairs, which is at the core of the concept of neopatrimonialism, is common to all the elements we have reviewed. … This privatization of the public has two consequences: the first is that political power, instead of having the impersonal and abstract character of legal-rational domination, specific to the modern state, is on the contrary personal power" (ibid.: 185, 181).[10]

There is, however, some ambiguity in the formulation, which we have not been able to solve here. Does this mean that all political power is personal power? Are all public affairs privatised in Africa?

The problem with Médard's formulation is, that it overemphasises personal power and privatisation. If all political power is personal power and all public affairs are privatised, then we are back to patrimonialism, albeit in a "modern environment" (whatever that means) in order only to justify the prefix of "neo". This one sided perspective or ambivalence could be related to Médard's notion of "bureaucracy" or his understanding of the combination of patrimonialism and bureaucracy in the case of "bureaucratic empires and absolute monarchies" (Médard 1982: 179). Again, Médard referred to some interpreters of Weber like Eisenstadt (1973), Bendix (1967) or Schwartzman (1976). Weber, indeed, discussed "patrimonial bureaucracy", although in a way that is completely at odds from with a legal-rational bureaucracy (see the discussion of Theobald's concept).[11]

In his introduction to "Politics in the Third World" Clapham (1985) provided a short definition which in a sense comes close to our understanding. According to Clapham, neopatrimonialism is,

> "a form of organisation in which relationships of a broadly patrimonial type pervade a political and administrative system which is formally constructed on rational-legal lines. Officials hold positions in bureaucratic organisations with powers which are formally defined, but exercise those powers, so far as they can, as a form not of public service but of private property. Relationships with other likewise fall into the patrimo-

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[10] The second consequence, which shall not be omitted, is "... that politics becomes a kind of business, as it is political resources which give access to economic resources: politics is reduced to economics and recovers the depersonalized character inherent in the market" (ibid.).

[11] This ambivalence is reinforced by Médard's statement that the legal-rational components or postulates or pretensions of the state in Africa show a legal-rational public façade behind which patrimonialism hides (Médard 1982: 181). In other words: "In neopatrimonial societies, although the state is a façade, compared to what it pretends to be, it is not only a façade, for it is able to extract and distribute resources" (ibid.: 180). The latter provokes the question whether one really needs a state for extraction and distribution of resources – or whether this cannot be done without a state? So why do they need this façade? The misconceived representation of the post-colonial state as a façade resurfaces later in Chabal & Daloz's (1999) work. We will come back to this representation below.

nial pattern of vassal and lord, rather than the rational-legal one of subordinate and superior, and behaviour is correspondingly devised to display a personal status, rather than to perform an official function" (Clapham 1985: 48).

He continues with empirical details of the possible behaviour of officials in order to demonstrate to readers unfamiliar with Third World politics how the system works. As this book is written as an introductory textbook, Clapham did not elaborate on the problems, but continued with a discussion of corruption and patron-client relations as elements and products of this kind of system.

If we turn to some more recent contributions, which are based either in historical institutionalism (Englebert 2000)[12] or in sociological institutionalism (van de Walle 2001, Bratton & van de Walle 1997), we find that the space has been opened up for a more precise understanding of neopatrimonialism. For instance, in their seminal work "Democratic Experiments in Africa" Bratton and van de Walle (1997) were the first ones to define neopatrimonialism as clearly distinct from patrimonialism. They demarcated the two types of domination (though stating, not quite correctly, but politely, that this reflects a general understanding in political science):

> "to characterise as neopatrimonial those hybrid regimes in which the customs and patterns or patrimonialism co-exist with, and suffuse, rational-legal institutions" (Bratton & van de Walle 1997: 62).

However, when Bratton & van de Walle turned to characterising or operationalising the concept by using the informal institution of "presidentialism" as the first variable, the concept becomes ambiguous. In a clear deviation from the general and well established use of the term in political science, Bratton and van de Walle defined "presidentialism" in a very special way: "one individual, who resists delegating all but the most trivial decision-making tasks" (ibid.: 63). Yet, presidentialism usually refers to a democratic regime headed by a president as opposed to a parliamentary democracy (Linz 1994, Lijphart 1994, Sartori 1994). Apart from the somewhat unfortunate definition, the phrasing puts almost everything at the discretion of personal (or privatised) rule which is not circumscribed by any rules or law. Essentially this converts "neopatrimonialism" into "patrimonialism" – or at least comes very close to it. What was gained in the definition was lost in the operationalisation.

More recently, Chabal and Daloz (1999) utilised the concept of neopatrimonialism with explicit reference to the Weberian tradition, the work of Eisenstadt (1973) and Médard (1982), but did not take into account Bratton and van de Walle's contribution. Although they were not completely satisfied with this tradition, they failed to explain why. In the end, Chabal

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[12] Chabal & Daloz 1999.

and Daloz outlined their own understanding of the state in Africa. And again, their interpretation of Médard came closer to patrimonialism than to neopatrimonialism:

> "From the neopatrimonial perspective, the state is simultaneously illusory and substantial. It is illusory because its modus operandi is essentially informal [their emphasis] … It is substantial because its control is the ultimate prize for all political elites: indeed it is the chief instrument of patrimonialism" (Chabal & Daloz 1999: 9).

The obvious question is: When the *modus operandi* is essentially *informal*, what is the mode of patrimonialism and what is then "neo-" about this patrimonialism (for in our understanding patrimonialism is informal)? Of course, Chabal and Daloz pose this question themselves, but the answer is not very convincing in particular because "the operation of a political system is no longer entirely 'traditional'" (ibid.). The question that follows is, then, what is the other non-traditional operation of the political system? The argument continued stating that "the political legitimacy derives from a creatively imprecise interaction between what might be termed 'ancestral' norms and the logic of the 'modern' state" (ibid.). Still, the conceptual problem remains. From where exactly does the "logic of the modern state" come in when the state is "illusory", "essentially" governed by informal rules, the "instrument of patrimonialism"? Chabal and Daloz conclude by offering their own interpretation of the African state:

> "… in most African countries, the state is no more than a décor, a pseudo-Western façade masking the realities of deeply personalised political relations. … In Western Europe the Hobbesian notion of the state led to the progressive development of relatively autonomous centres of power, invested with sole political legitimacy. In Black Africa … such legitimacy is firmly embedded in the patrimonial practices of patrons and their networks" (ibid.: 16).

So we are left with a "pseudo-Western façade" which is not even a proper Western façade (as opposed to Médard's rational-legal public façade; 1982: 180, 181). In conclusion, it seems that Chabal and Daloz' concept of the African state is, to a large extent, based on an understanding of patrimonialism rather than *neo*patrimonialism.

Where does this leave us? The shortcomings in the current use of the concept are obvious. Firstly, neopatrimonialism appears to be used as a catch-all concept "in danger of losing its analytical utility" (Theobald 1982: 555). In addition, as Le Vine has pointed out, it has conceptual limitations. "The idea is useful as an organising concept, but much less so as an analytic guide" (Le Vine 1980: 663). Thirdly, neopatrimonialism per se does not give us a handle on differences in time and geography. A fourth problem has been described by Clapham. By focusing on sub-conceptual variables such as clientelism one "may be led to exaggerate the importance, in the overall scheme of things, of those relationships which it is best able to illuminate" (Clapham 1982: 32). Fifthly, research based in the neopatrimonialism discourse

faces a problem of sources and has to cope with a major methodological challenge for empirical research (which we will address under "Neopatrimonialism and Political Regimes").

3   Neopatrimonialism Redefined

All the attempts to define neopatrimonialism (or "modern patrimonialism") deal with, and try to tackle, one and the same intricate problem: the relationship between patrimonial domination on the one hand and legal-rational bureaucratic domination on the other, i.e. a very hybrid phenomenon. All those authors who contributed substantially to the debate were well aware of this conceptual tension. Chabal and Daloz (1999: 9) acknowledged that the neopatrimonial approach "seeks to make sense of the (real or imaginary) contradictions to be found in the state in sub-Saharan Africa" – and we would like to add: they are more "real" than "imaginary". Various authors gave different weight to it, but almost all failed to sufficiently elaborate on the constituting elements of this form of hybrid structure.[13] In this, the tendency is to minimise the legal-rational bureaucratic aspect and push the concept too far towards patrimonialism. This, we argue, is mistaken. In other words, the problem is that the conceptualisation of neopatrimonialism must account for both types of domination. As indicated above, only Bratton and van de Walle's (1997) accommodated the two elements of these different types of domination into their definition. They failed, however, to operationalise it adequately. It is our contention that a proper conceptualisation of neopatrimonialism equal treatment to both dimensions of neopatrimonialism has to be taken into account from the very start. The term clearly is a post-Weberian invention and, as such, a creative mix of two Weberian types of domination: of a traditional subtype, patrimonial domination, and legal-rational bureaucratic domination. We have to elaborate a little on this point before we can turn to our definition.

An understanding of politics in Africa which depicts *all* official relations as privatised or the *modus operandi* as being *essentially* informal does not reflect African realities. What we want to emphasise here is that there is more than a legal-rational façade. It is a daily experience that *not all* political and administrative decisions are taken according to informal rules determined by private or personal gusto. The distribution of jobs, administrative careers, as well as credits and licenses is also exercised according to fixed procedures, rules, and laws that follow the formal procedure of a legal rationality. This is not to deny that at the same time quite a number of jobs, promotions, credits and licenses are distributed according to

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[13]   We are not talking about a "hybrid state", a term with which Chabal and Daloz (1999: 9-10) tried to catch Bayart's (1989, 1993) approach to the problem which "stresses the success of the rise of a genuinely different 'indigenous' African state".

private discretion. If we talk about the invasion of the informal personal relations into the formal structures of legal-rational relations, we actually presuppose there is something to invade.[14] The implication, of course, is that for analytical purposes we have to take the formal institutions of the state, its legal-rational bureaucratic components more seriously in the construction of our concept.

Now to our definition, which we give in the most simplest way as a derivation from Weber's concepts of patrimonialism and legal-rational bureaucracy (Weber 1978: 217 ff., 231 ff. 1070 ff.; 1980: 124 ff., 625 ff.). Neopatrimonialism is a mixture of two, partly interwoven, types of domination that co-exist: namely, patrimonial and legal-rational bureaucratic domination. Under patrimonialism, all power relations between ruler and ruled, political as well as administrative relations, are personal relations; there is no differentiation between the private and the public realm. However, under neopatrimonialism the distinction between the private and the public, at least formally, exists and is accepted, and public reference can be made to this distinction (it is a different matter whether this is observed or not). Neopatrimonial rule takes place within the framework of, and with the claim to, legal-rational bureaucracy or "modern" stateness. Formal structures and rules do exist, although in practice, the separation of the private and public sphere is not always observed. In other words, two systems exist next to each other, the patrimonial of the personal relations, and the legal-rational of the bureaucracy. Naturally these spheres are not isolated from each other; quite to the contrary, they permeate each other; or more precisely, the patrimonial penetrates the legal-rational system and twists its logic, functions, and effects. That is, informal politics invade formal institutions. Informality and formality are intimately linked to each other in various ways and by varying degrees; and this particular mix becomes institutionalised as suggested by Bratton and van de Walle (1997: 63).

Neopatrimonialism is, then, a mix of two types of domination. Elements of patrimonial and legal-rational bureaucratic domination penetrate each other. The distinction between the private and the public sphere formally exists, but in the social and political practice it is often not observed. Thus, two role systems or logics coexist, the patrimonial of personal relations and the bureaucratic of impersonal legal-rational relations. The patrimonial system penetrates the legal-rational system and affects its logic and output, but does not take exclusive control over

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[14] If all or almost all decisions would be taken according to personal interest the consequence would be that (1) all officials would be corrupt, (2) most jobs would go to unqualified people, (3) hardly anything would be left that could be labeled a legal-rational bureaucracy, but everything would be arbitrary, with the result that (4) after a couple of years or decades hardly anything would be working in Africa. This, however, is only part of the reality – despite the gloomy situation which we experience for almost two or more decades.

the legal-rational logic. Ideally people have a certain degree of choice as to which logic they want to employ to achieve their goals and realise their interests best.[15]

Thus neopatrimonialism is a type of political domination which is characterised by *insecurity* about the behaviour and role of state institutions (and agents). This insecurity structures the reproduction of the system:

- Actions of state institutions or by state agents are not calculable – probably apart for the head of the state. All actors strive to overcome their insecurity, but they do so by operating on both the formal as well as the informal logic of neopatrimonialism. Ultimately, the inherent insecurity is reproduced in a systematic way.[16] The relationship between the two logics of neopatrimonialism, the formal and the informal, can thus be conceptualised as a mutually reinforcing one, as a mutually constitutive cycle of reproduction.

- Within such a pattern of social and political relations, formal state institutions cannot fulfil their universalistic purpose of public welfare. Formal public institutions and the politics ascribed to them cannot, therefore, gain sufficient legitimacy. Instead, politics and policies are determined by particularistic interests and orientations.

- Political informality has gained such a dimension that one can even speak of institutionalised informality. This experience of this specific type of institutionalised informality (patrimonial mixed with legal-rational) has become so manifest that there is good reason to speak of a separate type of political culture.

Clearly the historical root of neopatrimonial rule in Africa is the colonial legacy. The colonial state was never a modern state, but rather a "traditional" one with some of the characteristics of old empires. The legal-rational sphere was confined to the centre of power at the colonial capital and its reach to the population of European decent and some small immigrant groups. The vast majority of the population was under indirect rule, governed by intermediary authority. This was the realm of patrimonial rule, of kings, chiefs, and elders. It was only during a short period that lasted hardly a decade after the World War II (during the "second colonial occupation" [Low & Lonsdale 1976: 12]) that the colonial powers made an effort to build up a legal-rational bureaucracy that included and extended to some degree Africans. The period was too short and the resources too small for there to have been a major and lasting move to an "autonomous" legal-rational bureaucratic culture. After independence, with the Africanisation of the bureaucracy and the establishment of authoritarian rule, the bureaucracy was extended and at the same time challenged and invaded from above and below by informal relationships.

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[15] A somewhat similar point one could read into Ekeh's "two publics" (1975).
[16] For an earlier elaboration see Erdmann (2002: 329-30, and very briefly 1998).

Thus, the state in Africa has always been a hybrid one, a mixture of patrimonial and legal-rational domination.[17]

4   Conceptual Elaboration

In order to avoid the reduction of neopatrimonialism to a fluid catch-all concept which looses any heuristic value, a careful conceptual discussion of at least four pertinent problems is essential. Firstly, we must delimit neopatrimonialism, clientelism, and patronage. Secondly, we will address the question of empirical operationalisation of the concept. Thirdly, the relation between neopatrimonialism and rent-seeking needs to be explored. And, finally, we must examine the position of neopatrimonialism vis-à-vis a typology of political regimes.

Neopatrimonialism, Clientelism and Patronage

Unlike Médard (1982) who treated clientelism and neopatrimonialism as competing models, we conceptualise clientelism together with patronage – like a number of other scholars (Eisenstadt 1973, Bratton & van de Walle 1997) – as an integral part of neopatrimonialism. Political clientelism evolves as extended and partly changing nets of political client-patron relationships.[18] Clientelism means the exchange or brokerage of specific services and resources for political support in the form of votes. It involves a relationship between unequals, in which the major benefits accrue to the patron; redistributive effects are considered to be very limited. The difference between patrimonial and neopatrimonial clientelism is, firstly, that the latter is more complex than the former. It is a reiterating patron-client relation, forming a hierarchy of dominance relations. In neopatrimonialism there are brokers to mediate the exchange between the "little man" and the "big man". While, in patrimonialism there is only a direct dyadic exchange relation between the little and big man. Secondly, the object of the exchange is different. The transactions are less about the exchange of private or personal goods and services but more about the transfer of public goods and services by the patron. Although clientelism can be linked to kinship, often it is not. It can be based on some kind of "traditional" relations, but it is to be understood as a modern phenomenon, linked to

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[17] For an extended version of this argument cf. Erdmann 2003: 278 ff. For a discussion also see Engel 2002.

[18] We make only a very general reference to some major contributions to the debate on clientelism of which the most recent of van de Walle (2002) provides an excellent overview and discussion of the major political implications of clientelism, although we don't share his typology of clientelism: tribute, patronage and prebends. See also Powell 1969, 1970, Weingrod 1968, Scott 1969, and, for Africa, Zollberg 1969, Lemarchand 1972, and Spittler 1977.

the existence of a state. In an African context it is relevant to note that clientele relations are relatively unstable.

For analytical purposes, we distinguish between clientelism and patronage. The latter is the politically motivated distribution of "favours" not to individuals but essentially to groups, which in the African context will be mainly ethnic or subethnic groups. Clientelism implies a dyadic personal relationship between patron and client, while patronage refers to the relationship between an individual and a bigger group. The difference between clientelism and patronage is essentially the distinction between "individual" and "collective goods"; clientelism implies, first of all, an individual benefit (land, office), patronage collective benefits (e.g. roads, schools etc.).[19] It should not, however, be thought that there is a strong redistributive effect from this patronage. What matters instead is that it is symbolic, i.e. the leading politicians or members of the elite are involved in the patronage leverage. The mechanism is usually based on the following perception and rationality: if one of us is involved, it will be more beneficial for us (at least probably so) than if another who is not of our kin and who may (probably) not have our interests at heart – at least, much more likely than if others are involved who will not care about us, but about their own kin. Politically, it seems to be more important than clientelism itself. Patronage is part of high-level politics and an important instrument in creating and maintaining political cohesion, i.e. a coalition of ethnic elites which is needed to form and support a government or a political party. In contrast, clientelism concerns individuals and, thus, based on personal relations. It involves the personal network of a politician, but it also occurs within and around the bureaucracy on all levels.

What is the conceptual relationship between neopatrimonialism and political clientelism? The answer is "uncertainty". Political clientelism in both forms is a child of uncertain prospects. A client needs a patron for protection either to avoid something or to assist in gaining something which otherwise would not be obtainable. In short, developing a clientelist network it is a means to gain protection and to achieve goals in a situation of societal uncertainty created by public institutions which may behave in ways that are not calculable.

Clientelism clearly contributes to the reproduction of the institutional uncertainty that it is designed to overcome. For as soon as many actors turn to this means in order to reduce their uncertainty, the uncertainty will become more ubiquitous and provoke further investment in it. In other words, clientelism is to be understood as an answer to the institutional uncertainty created by neopatrimonial rule. However, the situation created by a widely used clientelist strategy is not necessarily one of chaos, because if officials or official institutions are confronted with competing clientelistic demands, they can take refuge in the formal rules that they are supposed to exercise. It is also important not to forget that there may be circum-

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[19]   Here we built on Clapham's (1982: 11 f.) distinction between different forms of clientelism.

stances in which the interests of the politically or economically strong are better supported by the official legal-rational rules than by informal political relations. The result will be that the formal rules will be supported and advanced rather than circumvented and diminished.

"Measuring" Neopatrimonialism

There are two fundamental problems in operationalising neopatrimonialism, one related to sources, the other to questions of measurement (i.e. indicators, variables etc.). As has been noted by many scholars who have tried to apply the concept in empirical research, it is very difficult to operationalise it. This applies, above all, to the concept and use of clientelism as a key element of neopatrimonialism (Lemarchand 1972: 69). Landè (1983: 440 ff.) has noted three problems related to comparative research on clientelism: the problems of conceptualisation, observation, and explanation. This means

1. we lack basic agreement as to what is to be included in the study of clientelism;

2. the "amorphousness", the "latency" and the "elusiveness" of clientelism concretises the problem of observation; and finally;

3. the methodological question for the explanation of the existence of clientelism is not satisfactorily answered.

Because the confusion about the terminology has not substantially improved, it is still very difficult to deal with clientelism in a comparative research design. The solution to these problems is not, as suggested by Lemarchand (1972: 69), to restrict analysis to seemingly more clearly institutionalised clientage systems, but to define the methodological equipment for doing so.

Obviously there is a great variety of forms of neopatrimonial rule in sub-Saharan Africa, as anyone familiar with the cases of Ghana, Kenya and Congo (Brazzaville) will note – not to mention, e.g., the differences between neopatrimonialism in Africa and the Middle East. In their important review of Bratton and van de Walle (1997), Snyder and Mahoney (1999: 112, 118) argue that criteria need to be defined in order to differentiate institutions of patronage and core rules (norms) of the political game in neopatrimonial regimes. We need not only to be able to clearly delineate neopatrimonial rule and legal-bureaucratic rule, but we also must be able to delineate neopatrimonial and patrimonial rule. Moreover, we must be able to determine if a regime is neopatrimonial or corporatist. And, finally, we must be able to distinguish between different (sub-)types of neopatrimonial rule.

According to our definition – neopatrimonialism understood as a true mix of patrimonial and legal-rational rule – we can start with a very general observation. In a political system characterised by neopatrimonial rule, political and administrative decisions partly follow

legal-rational or formal rules, but also patrimonial or informal ones. The problems start when we look for empirical evidence.

Only a few authors have explicitly addressed this problem. Snyder (1992: 379) identified "an extensive network of personal patronage, rather than through ideology or impersonal law" which determined the character of neopatrimonial regimes, and stated that the penetration of state institutions by these networks "tend to be uneven". But he did not explain how we can establish the existence of an extensive network of personal relations and the degree of penetration into state institutions. Theobald (1982) took the issue only a bit further. Based on the assumption that there is a vital link between patrimonialism and broader socioeconomic factors, he suggested relating specific instances of patrimonialism to "these contextual variables". He, however, confined himself vaguely to "three sets of variables" which, apart from naming some casually, he did not elaborate further as regards their relationship to each other. In fact it remains questionable whether specific instances of neopatrimonialism (or patrimonialism in his case) can be linked to a certain size and composition of GDP, etc.[20] His third set of variables, on the "characteristics of specific bureaucracies" (ibid.: 559), comes closer to our approach, although it does not take us any further beyond that we have to look for the bureaucracy or the "state structure". Lemarchand and Legg (1972) offered a number of very general variables in order to differentiate between various forms of "clientelism".[21] Possibly as a result of the very general nature of their variables (e.g. rate of social mobilisation) it is not really surprising that the literature on neopatrimonialism has made no systematic use of their effort.

More recently, Bratton and van de Walle (1997: 63 ff.) suggested another substantive approach to the problem. They identified three "variables", which are said to be the three informal political institutions typical for neopatrimonial regimes: Firstly, "presidentialism" which here means the "systematic concentration of political power in the hands of one indi-

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[20]   He suggested three sets of variables of which two concern general economic and political features, i.e. the size and composition of the GDP, the character of trade and manufacturing, the size of the subsistence sector etc.; political factors such as the historical evolution, the character of the state structure, the degree of internal political integration, and the "general nature of the relationship between the political executive and the administration" (Theobald 1982: 559). The idea to find a "correlation" between the size and composition of GDP and a specific feature of patrimonialism amounts to the old and very optimistic proposition of the 1960s and 1970s that political rule in general or democracy in particular can be linked and explained through specific economic factors. This, however, did not hold true.

[21]   They formulated "systemic (political) variables" and "sub-systemic (clientage) variables" (Lemarchand & Legg 1972: 160-1), such as "differentiation of system boundaries" or "rate and extent of social mobilization". The implicit assumption, based on system analysis (K. W. Deutsch, D. Easton), seems that, for instance, a specific urbanisation rate X can explain the particular quality and extent of a clientage system.

vidual, who resists delegating all but the most trivial decision-making tasks". Secondly, "systematic clientelism" which implies that the president or "strongman" relies on awarding of personal favours, e.g. the distribution of public sector jobs and public resources through licenses, contracts and projects, and, thirdly, the "use of state resources for political legitimation" which is closely linked to clientelism. As indicated above, the first problem with this approach is that the first variable is not indicative of neopatrimonialism, but of a kind of patrimonialism, for everything is left to the discretion of the unrestrained ruler. Another problem is that the second variable is underspecified – "use of state resources for political legitimation" does not say very much. This is a phenomenon which can be identified in all sorts of political regimes. What was meant is simply that political office is used for appropriating public wealth for private enrichment as well as selective patronage. However, it might be worthwhile to explore the possibilities of patronage as *one* indicator for neopatrimonialism some more. The systematic analysis of the distribution of public resources, including development projects to particular regions, districts or ethnic (sub-)groups together with the distribution of ministerial and other major political and administrative posts, might provide an indicative pattern of patronage politics. Apart from that, what is necessary is a dimension which allows us to analyse the relationship between the operation of legal-rational and patrimonial rules in the wider sphere of governance.

Thus we return the distinction of two dimensions of governance, i.e. firstly to the political "level" of the elected or nominated officials (politicians) and, secondly, to the administrative level of the bureaucracy proper. For the second level, Weber's characteristics of legal-rational bureaucratic rule of the pure type might provide some indicators:[22]

1. Officials are employed on the basis of technical qualifications, i.e. tested by examination/diploma; and they are appointed, not elected.

2. They obtain fixed salaries in money, and for the most part they have a right to pensions. The payment is graded according to rank in the hierarchy.

3. The office is the only one for the incumbent or at least the primary occupation.

4. The bureaucracy offers a career that is a system of promotion according to seniority and/or to achievement. Promotion is dependent on the judgment of superiors.

5. Officials are entirely separated from ownership of the means of administration and without appropriation of his position.

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[22] We have not named the first four criteria of Weber's list: "(1) They are personally free and subject to authority only with respect to their personal official obligations. (2) They are organized in a clearly hierarchy of offices. (3) Each office has clearly defined sphere of competence in the legal sense. (4) The office is filled by a free contractual relationship. … in principle, there is free selection" (Weber 1978: 220).

6. They are governed by strict and systematic discipline and controlled in the conduct of the office (Weber 1978: 220 f.).[23]

The implication is that we have to separately analyse the two dimensions of governance; first, the conduct of political office and, second, the conduct of bureaucratic office. While for the first one we can use the well known criteria which allow us to distinguish between authoritarian and democratic governance, for the second one we might use the indicators from the above list, although these are clearly not exhaustive. In addition, we have to analyse the bureaucracy as it operates. Hence, we have to establish how far the stipulated rules are observed; how the officials concur with their formal obligations of the legal-rational roles; and to what extent and with which frequency do they deviate from the conception of their role. This should provide an answer to the question to which degree formal bureaucratic behaviour is routinised vis-à-vis informal behaviour.

If we examine more closely the functioning of any bureaucracy we will probably be able to detect neopatrimonial remnants in democratic and in hybrid regimes as well. Obviously, this needs to be related to the exercise of domination by the supreme authority, the legally elected president and his government in general, and how far they are subjected to the rule of law etc. The implication here is a concept of democracy which explicitly includes the rule of law, or what in German is called *Rechtsstaat*. By implication, the application of the above mentioned criteria to a neopatrimonial bureaucracy will produce negative results, i.e. it will be indicative of the existence of non-rational legal principles. Still, we will not be able to understand what actually is working (rather than describing the absence of legal-rational rule). Here the concept of clientelism and/or patronage comes in as it, at least, provides a theoretical explanation for a number of phenomena which are so difficult to observe empirically.

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[23] As has been indicated above, in general reception of Weber has a problem with the understanding of bureaucracy as an administrative staff in general and the specific legal-rational bureaucracy. For Weber, legal-rational bureaucracy is only "one category of domination through an administrative staff" (Weber 1980: 124; our translation as opposed to Roth's Weber 1978 [1968]: 222, and Parsons' Weber 1964: 335 identical translation), i.e. one type of bureaucracy that is the "specifically modern type of administration" (Weber 1978: 217; 1980: 124). When dealing with traditional domination Weber explains what is – in contrast to the pure type of a legal-rational bureaucracy – absent in the administrative staff (bureaucracy) of traditional domination: "(a) a clearly defined sphere of competence subject to impersonal rules, (b) rationally established hierarchy [of superiority and inferiority], (c) a regular system of appointment on the basis of free contract, and orderly promotion, (d) technical training as a regular requirement, (e) (frequently) fixed [and regularly paid] salaries […] [more often] paid in money" (Weber 1978: 229; in [ ] our translation, based on Weber 1980: 131). For all those familiar with Weber, this clear cut distinction is nothing new.

Neopatrimonialism and Rent-seeking

Initially, the discussion about neopatrimonialism was limited to the politics, but later discussions picked up upon its reciprocal impact on socio-economic development. Lemarchand, for instance, discussed the distributive properties of patrimonialism and the likely impact of "intervening socio-economic changes" for the "original base" of patronage (1972: 159). He also realised that "the pattern of resource allocation prevailing at any given time" constituted an important variable in this type of system (ibid.: 83). Based on a hypothetical cost-benefit analysis, Clapham expected clientage systems

> "to decline when, over a period, either patrons or clients or both see themselves as no longer gaining a benefit from the transaction sufficient to outweigh its costs" (1982: 14).[24]

In the 1970s, when the focus shifted towards what was conceived as Africa's failure to develop, the debate went beyond the microeconomics of clientelism and patronage. "Modernisation", Lemarchand and Legg predicted in 1972, "may simply fail to occur because of the excessive volume of demands imposed upon the system via party-directed patronage" (1972: 176).

Médard made a similar point when he stressed that "patrimonialism" distorted economic development and, as a concept, "helps explain the inefficiency of the underdeveloped state" due to the rising cost of patronage (1982: 169). Both accounts, however, one on the microeconomics of clientelism and the other on the macroeconomic costs of patronage, were not fully elaborated.

Instead, a more specific theme developed with a view to employ the neo-classical economic theory of rent-seeking (cf. Krueger 1974) for understanding the relationship between politics and economy in Africa during the 1990s. The focus of this approach is on the relevance of rents, the development of a culture of rent-seeking, and rentier states. Rents are defined as a "premium above opportunity costs for a given set of resources" (Lewis 1994: 440), which is when market's price setting mechanisms are distorted by non-market forces. Rentier activities are "politically mediated opportunities for obtaining wealth through non-productive economic activity" (Boone 1990: 427).[25] Rentiers, belonging to the "political class", gain wealth through the privatisation of state resources (loans, property, subsidies, cash transfers

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[24] Lemarchand and Legg even predicted that "whatever success the clientelistic model may achieve in promoting economic and social development must ultimately lead to its disintegration ... in an environment of scarcity the struggle is likely to become particularly intense. Violence and chronic instability are predictable under these circumstances" (1972: 177, 178, resp.).

[25] See also Gallagher 1991, Boone 1994, and Dillman 2002.

etc.), and the appropriation of rents generated by state intervention in markets (government contracts, trading in state controlled markets etc.).

Little consent, however, emerged with regard to the conceptualisation of the exact relationship between African politics, the state and the economy. While some adopted the narrow "rentier-state" terminology for oil-rich states (e.g. Yates 1996 on Gabon), others imagined the "rentier economy" (or a "politicised crony capitalism") linked to a "neopatrimonial state" or a "prebendal state" (Lewis 1994). The "prebendal state" was defined as a "congeries of offices susceptible to individual *cum* communal appropriation" (Joseph 1983: 31), translated by Lewis (1994: 440) into "essentially a distributive state". However, there was no explicit reference to rents or rent-seeking in this concept. The idea was that Africa's ruling classes did not invest in productive activities, but rather privatised state resources for consumptive or prestige purposes. This form of accumulation was said to be closely related to strategies of political control which were only possible through the "neopatrimonial" or "prebendal" nature of the state. It appears that all these terms try to capture the same phenomenon, namely, private appropriation of public resources through public office for non- productive investment. The relation to the rentier economy as well as terminological differences on the side of the state remains unclear, in particular if some of the terms are used as synonyms.

Irrespective of the terminological differences, empirical evidence suggests that it is plausible to assume the existence of a culture of rent-seeking. In this context van de Walle (2001: 285) has made the crucial point to discriminate between rent and rent-seeking, while the difference is most often conflated. Rents can decline while rent-seeking is increasing. Privatisation and liberalisation might reduce the amount of rents, but increase rent-seeking as behaviour or endeavour to acquire rents. For our purpose, the important question is on the relation between neopatrimonialism and this culture of rent-seeking. In a Nigerian case study, Lewis explicitly described the "mutually reinforcing pattern of neopatrimonial governance and a rentier economy" (1994: 438). Van de Walle is not that explicit, but seems to make the same point. He says that "the administration is weakened by … patronage and rent-seeking", on the other "low state capacity has facilitated various rent-seeking and corrupt practices" (2001: 55, 135). To him Africa's permanent economic crisis is caused by a "mixture of ideology, rent-seeking and low state capacity" (ibid.: 115). Low state capacity in his case is neopatrimonial rule.

A number of questions remain unanswered. First, is the concept of the rentier state an alternative to that of the neopatrimonial state? Second, what is the relationship between the concept of the prebendal state, which has no explicit reference to rents, and rent-seeking? And, third – this concerns the relationship between neopatrimonialism and rent-seeking – is neopatrimonialism conceivable without rent-seeking?

Rent-seeking as a characteristic of neopatrimonial rule is indeed useful. Firstly it brings economic analysis back in. Secondly, and more concretely, it draws attention to a fundamental nexus between neopatrimonialism and rent-seeking which we regard as equivalent in role to the nexus between neopatrimonialism and uncertainty as outlined above (sect. 3). We have stated that the relationship between the logic of neopatrimonialism and the logic of the formal and the informal can be conceptualised as a mutually reinforcing one, as a mutually constitutive cycle of reproduction. In principle, this could also be assumed for the economic side of neopatrimonialism. It seems reasonable to presume that a culture of rent-seeking reinforces and reproduces neopatrimonialism. From a methodological point of view, we are very much in need of more theoretical advancement and empirical investigations. This is supposed to find out how the presumed close interrelationship between rent-seeking and neopatrimonialism can be disentangled.

Neopatrimonialism and Political Regimes

How does neopatrimonialism relate to the classical typology of political regimes? Although only a few authors explicitly refer to this question, the exception is Roth (1968), there seems to be agreement that neopatrimonial rule belongs to the realm of authoritarian regimes. Democracy is closely linked and dependent on the rule of law and thus dependent on legal-rational bureaucracy and its rules. Legal-rational domination finds its logical incarnation in a democratic framework only. But one has to be aware that only the purest type legal-rational bureaucratic domination accommodates democratic rule as well. Germany during the second half of the nineteenth century was, for instance, largely governed by a legal-rational bureaucracy and the rule of law, although this version of the "rule of law" was not based on human rights and definitely not on common democratic rights. Thus authoritarian rule can be combined with legal-rational domination, and does not necessarily equate with neopatrimonialism. This is quite obvious, but has not always been sufficiently observed in the discussion of patrimonialism or neopatrimonialism. Bratton and van de Walle (1994) made the very crucial point as regards the different outcomes of transitions in different parts of the world: transitions in southern and eastern Europe or even in Latin America departed from authoritarian regimes which were corporatist in nature, while authoritarian regimes in African were distinctly neopatrimonial which provided a major institutional impediment for successful democratic transitions. The implication here is the necessity for an analytical differentiation between two spheres of government (and governance), i.e. the government proper which is the sphere of politicians – whether elected, nominated, or self-nominated by force – and that of the state bureaucracy and administrative staff. These two spheres or levels of governance are very often conflated or at least not sufficiently distinguished.

The distinction between these two spheres of governance within the legal-rational type of domination is perfectly at one with Weber's concept of rational domination:

> "There are very important types of rational domination which, with respect to the [head of administrative staff], belong to other types …; this is true of the hereditary charismatic type … and of a pure charismatic type of a president chosen by plebiscite" (Weber 1978: 219; 1980: 126; and own translation).

This means: "at the top of a bureaucratic organisation, there is necessarily an element which is at least not purely bureaucratic" (ibid. 1978: 222). Thus, modern ministers or presidents are not proper "officials" (*Beamte*) within the legal-rational bureaucracy which requires technical qualifications. To put it differently, there is always a personal moment even in the most advanced legal-rational bureaucratic domination. This is a fact that preoccupied Roth (1968) and which misled him in discerning modern patrimonialism ("personal rulership") even in industrialised societies. In one sense, this personal element is part and parcel of the pure type. The crucial difference between the authoritarian and democratic variant is simply that the democratically elected leader or head of government (state) is subjected to legal rules himself (the rule of law), while the authoritarian ruler is not. Various combinations of the form of government and the form of bureaucracy in relation to authoritarian and democratic regimes are illustrated in *table 1* (below).

Related to this problem is the reach of neopatrimonial rule. Is such a form of rule confined to authoritarian regimes? In many parts of the world, transition from authoritarian rule was confronted with the legacy of neopatrimonial institutions (e.g. Central and South-East Asia, Central America). Richard Snyder (1992) has pointed out that the transition from neopatrimonial rule is most likely to result in the continuation of non-democratic rule. These features were observed before the "wind of change" reached the shores of most of the neopatrimonial regimes in Africa. Many observers of Africa felt that there were only a few successful transitions, but numerous cases for which it is difficult to decide whether they were back to an authoritarian regime or not. The reason is that many fundamental principles of democratic rule are in place, although in a very chequered manner (e.g. selective observation of human rights, but without any gross violations). There seems to be a protracted struggle for democratisation going on which appears to be an extended transition. In order to deal with this problem, some scholars conceptualised a third, hybrid, type of regime which lies between the authoritarian and democratic one. In the African case, these can be termed "neopatrimonial multi-party systems" (Erdmann 1998, 2002).[26] Others, however, opted for a different solution to the problem and suggested to place these imperfect or flawed democracies as sub-

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[26] For Central America see Karl (1995), for a general theoretical and methodological discussion cf. Rüb 2002, and for a critical review of the debate Krennerich 2002.

types of democratic rule, such as "delegative", "illiberal" or "defect" democracies (O'Donnell 1994, Merkel & Croissant 2000) – all close to authoritarianism.[27]

This discussion is yet unresolved; different possibilities to classify regime types in relation to form of government and bureaucracy are shown in *table 1*. The final empirical test for a separate "hybrid type" stands out because we are still lacking acceptable conceptual tools to categorise empirical cases.[28]

Table 1: Government and bureaucracy in different regime types

Regime type	Democratic		Hybrid	Authoritarian	
Sub-type		Illiberal/ defect/ deliberate etc.	**Possible sub-types**	Bureaucratic	Neo-patrimonial
Government	Legal	Legal (personal)	Legal (personal)	Personal	**Personal**
Bureaucracy	Legal-rational	Neo-patrimonial	Neo-patrimonial	Legal-rational	Neo-patrimonial

5   Perspectives

Neopatrimonialism is a heuristic concept, derived from the works of Weber, for the comparative analysis of political domination. We have argued that the discourse on "neopatrimonialism" has been characterised by several terminological weaknesses which, in the end, has given rise to conceptual confusion. In its present use, neopatrimonialism really is in danger of becoming a catch-all concept. This, we argued, is mainly due to the absence of clear definitions which, firstly, allow for a distinction between neopatrimonial and other types of domination and, secondly, enable us to apply the concept for empirical research. In addition, the literature has lacked a clear delineation between patrimonialism and its "neo" counterpart. As we have shown, neopatrimonialism has frequently been conflated with patrimonialism and the "neo" prefix has become a synonym for "modern".

Yet despite our critical review of major contributions to the debate, we think that the concept itself is a very useful one and can be given more substance. This view is based on four rea-

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[27]   For a critical review of democracies with an adjective see Collier & Levitzky 1997. For the discussion of the methodological problems involved cf. Krennerich 2002.

[28]   On the basis of human rights see Erdmann 2002: 324 and, more detailed, Rüb 2002: 105 ff.

sons. Firstly, neopatrimonialism is based on a universal view. Secondly, the concept in principle permits comparative analysis. Thirdly, neopatrimonialism systematically links politics to the exercise of power or – in Weber's terminology – "political domination" which is a core subject in political science. Fourthly, despite conceptual ambiguities, many studies that use the concept have come to far-reaching conclusions.

In addition to these general reasons, we have tried to elaborate the concept in order to re-establish its heuristic usefulness, but also to sketch perspectives for advancing the theoretical debate. We attempted this, firstly, by redefining the term neopatrimonialism; secondly, by setting it off from clientelism and patronage; thirdly, by examining the relationship between neopatrimonialism and rent-seeking; and, fourthly, by discussing the operationalisation of neopatrimonialism for the purposes of empirical research. The results of this endeavour can be summarised as follows: Neopatrimonialism is a mix of two types of political domination. It is a conjunction of patrimonial and legal-rational bureaucratic domination. The exercise of power in neopatrimonial regimes is erratic and incalculable, as opposed to the calculable and embedded exercise of power in universal rules (or, in Weber's terms, *abstrakter Regelhaftigkeit*). Public norms under neopatrimonialism are formal and rational, but their social practice is often personal and informal. Finally, neopatrimonialism corresponds with authoritarian politics and a rent-seeking culture, whereas legal-rational domination relates to democracy and a market economy.

Against this background, a major conceptual challenge remains. We have tried to demonstrate that neopatrimonialism can be factored into patrimonial and rational-legal domination, connected by a specific interaction. For heuristic purposes this is an advance. Yet, it still leaves us with the problem of specificity. We hold that on the basis of our concept of neopatrimonialism it should be possible to develop a typology of sub-types of neopatrimonial rule. Such a typology would at least be composed of a bureaucratic and a personalistic dimension. To identify different features of neopatrimonialism we need empirically observable variables. As yet we do not have any common indicators for clientelism, patronage or neopatrimonialism in toto. However, some clearly operationalised variables are essential so as to permit at least a "thick description" (*dichte Beschreibung*, not in the social anthropological sense but as a theory-based description) of the phenomena on which a proper comparative approach will be possible.[29] We simply know too little about how people structure their ac-

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[29] An example for this kind of approach might be Burnell's (2001) analysis of the "financial indiscipline" which gives ample and detailed evidence of how the Chiluba government blocked any attempt to close institutional loopholes for patrimonial politics. An analysis of the set up of the local government and the decentralisation policy of the same government in Zambia provides another example how a bureaucracy is systematically undermined by patrimonial political maneuvers (Crook/Manor 2001).

tions in a neopatrimonial setting, what constitutes choice and what restraint. In the end, the neopatrimonial system of rule should be complemented with what we would like to call a theory of neopatrimonial action.

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