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# Post-Communist Transformation and the Problem of Weak States

Reconceptualizing the Legacy of Communism

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## Abstract

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In the transformation processes in post-communist East Central Europe and in the processes of integration with the West the legacy of dysfunctional state structures and state-society relations have turned out to be some of the gravest problems. A strong state is essential for the former communist countries both in terms of carrying through comprehensive reforms and in the development of mature democratic systems. In this paper, the development of state structures and the antecedents of today's states are analyzed in order to gain an understanding of the sources of today's government failures and cross-national differences. To facilitate this two concepts are elaborated. *Legalism* has to do with whether the state conducts its policies in a rule-governed or an arbitrary way, that is to say with the style of political authority. *Étatization* in turn has to do with the penetration of the social and economic systems by political authority, i.e. the scope and intrusiveness of political authority. In countries with a legacy of arbitrariness and extensive étatisation impediments and resistance to change have proved formidable. High personalizations of exchange relations, systematic rule-breaking, bureaucratic inertia, and weak state-society relations have inhibited efficient and accountable policy-making. It is concluded that administrative reforms – like civil service reforms and improved channels of communication – ought to have a high priority and that it is important to have a thorough understanding of the various conditions for reform in the different post-communist countries.

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# 1 Introduction

As emphasized by several authors government shortcomings are the order of the day in all modern societies. Governments in the West systematically fail to carry out policies as intended despite long traditions as modern complex states. This is not only troubling for the efficiency of policy making and the ability of the political sphere to control future societal development, but it is also a democratic problem if politicians do not manage to carry out their political agenda (Rhodes, 1997; Lindblom & Woodhouse, 1993; Bovens & Thart, 1998). Still, this is greatly exceeded by the wide gap in post-communist countries between political reform rhetoric and actual change (Nunberg, 2000). The former communist countries have inherited dysfunctional and weak states<sup>1</sup> which has turned out to be one of the gravest problems in the transformation processes and in the processes of integration with the West. In spite of the efforts made in the Soviet-type party-state to achieve a monopoly of power, public administration was in fact weak during communism. This could be observed for example in massive inefficiencies in the bureaucracy, shortages of consumer goods, and the spread of rent-seeking behavior among party-state officials during the last decades of communism. Since the fall of communism we have come to realize that the former communist states started the reform processes with inherently different legacies. Countries like Poland and Hungary were in 1989 endowed with less dysfunctional state structures than for example Romania and Albania where totalitarian features were in place until the very end of the previous regimes. *In this paper I will analyze how the states in East Central Europe (ECE) have developed and I will do this in order to understand the sources of today's government failures. The questions are what kind of states the post-communist countries have inherited, how we should understand the differences between the countries, and how this affects state capacity. Scholars and practitioners alike need to develop an understanding of the legacies in the different countries affecting the conditions for reform today in order to make sound analyses and policy recommendations.*

My analysis rests on two assumptions: firstly, that the historical development and the antecedents of today's states are vital for understanding how the states in ECE and the state-society relations are functioning, and, sec-

only, that state strength is crucial for explaining the differing reform or transformation success in the ECE countries. The first assumption rests on a historical institutional perspective where path dependence is emphasized (c.f. Steinmo *et al.*, 1992). Institutions do not develop as an efficient response to changes in the environment, but they are characterized by “stickiness”. Path dependence implies that current events are dependent on what has happened earlier in a sequential institutional development process. To understand the functioning of state structures, we have to look at the historical development and to the historical antecedents of today’s states, rather than limiting ourselves to explanations found in the current context or in the level of development. This implies not only going back to the communist state, but also to pre-communist traditions. Due to the limited scope of this paper the analysis will focus on the first matter, but also more briefly touch on pre-communist patterns.

The second assumption is based on my view that the importance of the state or the public administration has generally been underestimated in the analysis of post-communist transformation. In understanding the specific circumstances affecting the democratization process in post-communist countries, the so-called transi-tology has emphasized the “simultaneity problem” – that is, the need to make the transition to market economy and political democracy simultaneously (Linz & Stepan, 1996:244). If any other “area-specific factor” is brought into the analysis, it typically has to do with the redefinition of national boundaries. Although the simultaneity problem is very real, the transi-tology analysis oversimplifies the extraordinary complexity of post-communist transformation. Both academics and practitioners have tended to underestimate the great importance of the legacy of the communist state. Countries in transition are in particularly great need of state capacity, as they have to carry through extraordinary complex reform bundles. Moreover, the very rules of the game are in flux. Countries do not only have to carry through massive reforms, but must do so under a period of institutional turmoil. The characteristics of the state and state-society relations are vital for whether a country will succeed in overcoming obstacles to change and coordinating the process of change (Weiss, 1998:6). Compared to other “third wave” counterparts, the post-communist countries had particularly problematic starting points in the transformation processes, as the inherited post-communist state is supposedly weaker (Nunberg, 1998:1).

One reason why the importance of state transformation in post-communist countries has been underestimated is due to the transition discourse.<sup>2</sup> In the struggle against the communist regimes a discourse developed that emphasized “civil society versus the state” (Linz & Stepan, 1996:9).<sup>3</sup> As practically all political opposition was repressed, civil society groups played a decisive part in the resistance against the communist regimes in countries like Poland and Czechoslovakia. Civil society became a catchword representing the democratic opposition and democracy in general. The state was rightly seen as a part of the communist regime because of the merger between the party and the state apparatus. The failure in the West and not least in the U.S. to grasp the magnitude of the weak state problem has, as argued by Stephen Holmes, to do with national self-images and Cold War stereotypes. The West in general and the U.S. in particular have been seen as the liberal stronghold protecting individual freedom versus the state. The Soviet Union and the Communist World were the ideological “other” representing totalitarianism and state repression. The all-powerful Soviet State was seen as the cause behind the problems in the communist countries. The legacy of these cognitive maps seems to obstruct the ability to comprehend that one of the gravest problems in post-communist countries as of today is the “weak-state-syndrome”. As aptly put by Stephan Holmes: “Destatization is not the solution; it is the problem (1997:32).” After the fall of the *ancien regimes* the prevailing discourse has been largely focused on reducing the size of the state and empowering political parties and groups in the economic and civil society. Arguments in favor of building a strong post-communist administrative apparatus did not fit well into this. However, during the last few years observers have started to recognize the vast problems of the legacy of the communist state and the subsequent great need for state transformation. The consequences of the problems have become obvious, not least in the ECE applicant countries’ processes of adaptation in to the European Union.

In analyzing the legacies of communism, the former Eastern Bloc countries have generally been classified in terms of totalitarian, post-totalitarian, sultanistic, authoritarian and other regime types (see Linz & Stepan, 1996). The aim of this paper is to analyze the state and its relations to society in a long-term perspective and under different regime types (in particular communist and post-communist ones). To facilitate a comparison between the countries and a historical account I will develop two concepts for state

classification during different times in history. *Legalism* has to do with the style, and *etatization* with the scope, of political authority. All states, independent of political regime, might be classified according to the presence of these two variables. The concepts can also be used in analysis of pre-modern governing systems that predated the development of the modern state.

This paper focuses on the ECE countries, although often being more general in scope. ECE is used as a generic term for the Eastern Bloc excluding the Soviet Union, that is East Germany, Hungary, Poland, Czechoslovakia, Romania, Bulgaria, Albania, and Yugoslavia. In the analysis of the post-communist development I focus on the countries that have shared similar post-communist developments and that share similar goals, i.e. democratization, marketization, and membership of the EU. The countries of former Yugoslavia, East Germany and Albania are therefore largely left out. The paper starts with an elaboration of the two central concepts of legality and *etatization*. It then turns to an analysis of the communist state, which is subsequently contrasted with pre-communist traditions of political authority structures. The concluding parts of the paper deal with the post-communist development and cross-national differences.

## 2 Conceptualizing state structures

In studying the state we have to analyze both the internal workings of the state apparatus and state-society relations. State structures take shape through history and events like wars and revolutions as well as the place countries occupy in international political, cultural, and economic systems have profound consequences for how the state structures evolve (Dunleavy & O'Leary, 1987:3). Two central concepts for understanding the functioning of the state and state-society relations are legality and *etatization*, which I will explain in turn.

*Legality* has to do with whether the state conducts its policies in a rule-governed or an arbitrary way, that is to say with the style of political au-

thority. In a state with a high degree of legality, actions are ordered by rules, that is laws or administrative regulations (typically formal). For a state to be rule-governed, rules do not have to regulate every instance of administrative action, but bureaucrats have to follow the rules that do exist. When discretion is left to individual administrators, but they act in accordance with professional norms, their behavior can indeed be seen as rule-governed. A low degree of legality means that the state is not ordered by rules or is breaking its own rules. Action is governed by something other than rules, like the whims of the ruler, family or friendship relations, political connections or money (Blomkvist, 1988:185). The concept of legality is of course related to Weber's *legal-rationality* – where administrative action is ordered by the systematic application of the law – and the idea of the *rule of law*, i.e. a *Rechtsstaat* – which has been a central part of the Western cultural tradition. Impersonality, equality, and predictability are important common characteristics (Blomkvist, 1988:188). A degree of legal-rational authority is an irreducible part of a state in a democratic society and the rule of law has through history developed hand in hand with political democracy.

The degree of legality is vital for the functioning of the state and for state-society relations. When considering the internal workings of the state apparatus parallels can be drawn with discussions on institutionalization. When formal rules and behavior do not match in organizations there is a low degree of institutionalization (Lundquist, 2001:136). This typically creates problems of efficiency, coordination, and control. When formal rules are out of play exchanges are personalized which raises the risk of internal conflict, power play, corruption, patronage and the like (Pfeffer, 1981; Sönne, 1998:17). It becomes more difficult to coordinate state activities and individual decision-makers may have a strong influence on politics. When these are not constrained by any regulations they have potentially more *power over* subordinates and citizens. Rules and procedures do not limit their discretionary power. An arbitrary state has, however, typically less power over events (*power to*) and is not as efficient in getting things done as a rule-governed state (Blomkvist, 1988:312). Hierarchies for decision-making and information-processing are confused. In a democratic system this all of course raises concerns for political control of the bureaucracy and for transparency and accountability. When it comes to state-society relations powerful outside interests may gain control over the state when

actions are not ordered by formal rules, i.e. it affects the potential for state autonomy. Lack of transparency and accountability makes it difficult, also in a democratic system, for most citizens and interest groups to obtain access to actual policy-making.

*Étatization* in turn has to do with the penetration of the social and economic systems by political authority, i.e. the scope and intrusiveness of political authority. In an ideal type manner we can distinguish between three different sectors or steering systems of society with different mechanisms of coordination and different functions: the political, the economic, and the social systems. The political system is associated with authoritative power, the economic one with money as a medium, and the social system with communicative cooperation (Lundqvist, 2001:47). When political authority is total all spheres of activity are controlled by the state, e.g. the economy is managed by and for the state which also intrudes even in the most private spheres of life (c.f. Janos, 2000). The concept of *totalitarianism* is often used to describe this total domination of the state. Totalitarianism has, however, come to be a much more specific concept denoting a particular regime type. Friedrich and Brzezinski's commonly used definition of totalitarianism – i.e. a system that comprises 1) an official historicist ideology, 2) a massparty penetrating the state apparatus and generally led by one man, 3) a powerful secret police, 4) monopoly over mass-communication, 5) monopoly of means of violence, and 6) a commando economic system – demonstrates this (Tarchys, 1976:325). Stalin's regime and Hitler Germany are typically described as totalitarian – the concept has indeed been very much developed to capture the features of these systems. When the concept of totalitarianism is used here it denotes this particular regime type. A totalitarian system is characterized by an almost total *étatization* of the social and economic sector as well as by arbitrariness and lack of legality. Notwithstanding, the concepts of *étatization* and *legalism* are used here, as they refer to two analytically separate phenomena that do not necessarily exist in a symbiotic relationship. Logically an extensively *étatized* system could be upheld by other means than rule-breaking authority.

Unlike totalitarian regimes authoritarian ones leave the economic and sometimes also the social sector without major interference (Lundqvist, 2001:14). Democratic regimes vary quite substantially in the scope of political authority and the political discourse typically centers on the desirability of a welfare state. State intervention in democracies is, however, not

a simple political left-right issue. The “New Right” political movements in the West have for example often been strongly against state intervention in the economic sector, while at the same time they advocate state intervention in order to uphold traditional moral values in society (Dunleavy & O’Leary, 1987:7).

Why then is the tradition of *étatization* important in order to understand how the state functions today in ECE? And what is the connection between the degree of *étatization* and government performance? The historical development of the scope and intrusiveness of political authority is vital for the character of state-society relationships as of today. In modern democratic states the question of the desirable scope of political authority is highly political and ideological and of no interest in this study. It is also likely that different degrees of *étatization* are optimal under different regimes depending on regime goals and the particular political formula.<sup>4</sup> In the case of the former communist regimes that have chosen the paths of democratization and marketization it is notwithstanding clear that countries with a legacy of a high degree of *étatization* have a more problematic starting point than those with more moderate *étatization*. Most obviously a legacy of extensive *étatization* implies that more sweeping reforms are needed in order to adjust to the post-communist context. Also, domination by political authority to the degree characterized by communism signifies that the economic and social sectors are highly underdeveloped and repressed. It should be pointed out that the scope and intrusiveness of political authority is conceptually independent of the question of state strength. In a full-blown *étatized* system, the state has assumed all power. The fact that the state monopolizes power does not, however, mean that it is “all-powerful”. Certain groups can simply accumulate power by denying it to others (Gross, 1989:208). State capacity on the other hand is a question of the power to achieve things, to carry out actual change. There is a commonly observed difference between *power over* and *power to* (e.g. Lukes, 1974). Authors on state capacity in democratic systems have come to emphasize that to be efficient in developing and implementing policies the state has to be able to mobilize *cooperation* with society (e.g. Weiss, 1998:26). Peter Evans argues with his concept “embedded autonomy” that states that achieve their goals are embedded in social ties (1995). For this the economic and social systems need to be strong and a degree of trust is required between actors in society. Many studies have shown that the communist systems

were devastating for the presence of cooperative relations between the state and society and for the level of trust (Rose, 1994; Smolar, 1996).

### 3 The Communist state

We now turn to the analysis of the communist state. The political systems all over communist Europe were constructed after the model of the Soviet Union. This model was shaped by the particular conditions in the imperial center, and consequently the development of the Soviet State must be analyzed as a first step in understanding the communist systems.

Marxist-Leninism was a reinterpretation of Marxism by Lenin and the Bolsheviks in order to adjust it to Russian conditions (Gerner, 1991:25). The fundamental purpose of the Leninist State was world revolution and the main instrument for this was the Comintern, which was organizationally separated from the Soviet State. The party became the modern priesthood interpreting the ideology. The cadre could, in the words of Janos, “supersede the narrow mandates of law and even the broader mandates of traditional morality” (Janos, 1996:5). In the administrative system, as in all complex organizations, a degree of routinization and rules gradually came about. “But these rules served only as guidelines of limited relevance, for unlike the ideal typical bureaucrat, the communist functionary was called upon to make critical judgements, above all the judgement whether a given case should be handled ‘by the book’ or in terms of political expediency expressed in an always changing party line” (Janos, 1996:6).

As we all know, the Bolshevik strategies and the Comintern failed to create a communist revolution in the advanced capitalist countries. Lenin’s death in 1924 brought with it a fierce debate on the goals and means of Marxist-Leninism. Stalin emerged victorious from the struggle. Without giving up the objective of promoting communism world wide, the political formula changed to massive industrialization and militarization by and for the state. To quote Janos, Stalin “put these classical [Marxist] principles through the filter of étatism” (Janos, 1996:8). State socialism was born un-

der Stalin and the aim was to create an all-powerful state that repressed all autonomous initiatives in society in order to mobilize for the state. The political and administrative system resembled that under Lenin – notwithstanding that most characteristics, like the use of terror, were more pronounced under Stalin. The 1936 constitution expressed a highly complex set of rules with some democratic characteristics, but actual behavior differed in a fundamental and indeed systematic fashion.

The principle of “democratic centralism” was already formulated under Lenin. It came to be characterized by extreme centralization with strict hierarchical authority chains. In the “ideal type” Stalinist system horizontal relationships between institutions were eliminated and vertical structures with narrow specialization dominated. Just as characteristic was the fusion between the state and the ruling Communist Party. The party controlled all levels of state administration through the parallel organization of the party administration. The basis for a successful career in the state apparatus was commitment to the Communist Party and not meritocratic criteria. T. H. Rigby has captured these features by describing the communist system as “mono-organizational” taking its shape as a consequence of the political leadership’s attempt to exercise total control (1982:10). State structures were not only hierarchically centralized but also deliberately disordered. The separation and insulation of different state institutions became a principal control strategy. The result was a highly complex organization of the state.

In the post-Stalin years the goals of the regime became more incremental and the official ideology more pragmatic. Among the reasons for this were the reluctance of the post-Stalin elite to maintain the system of terror – which had been affecting not least their own security – as well as a much testified gradual routinization of the previous revolutionary regime, which corresponds with Weber’s theory of the “routinization of charisma” (Weber, 1946). When the revolutionary fever cools off, institutionalization and everyday concerns set in. The post-Stalin leadership became to an increasing degree dependent on genuine legitimacy, which can be seen as a compliance means making subordinates and the people at large obey orders and rules. In the tradition of Weber, political power is seen as legitimate if there is general belief in the need to obey its orders. All political systems strive for legitimacy. As put by Dente: “legitimacy represents the real basis for the existence of the state” (1988:184). In the Stalinist system coercive compliance means were used and legitimacy was not as vital for the survival of the



regime. Still, the leadership was in need of a facade of legitimacy for its policies. This was claimed through “goal-rationality” instead of legal-rationality, meaning not that the system efficiently designed policies to achieve goals, but rather that the demand for compliance was justified in terms of the ultimate goal of communism (Rigby, 1982). In the destalinization period and particularly after Khrushchev the goal-rational variant gradually lost its significance along with the belief in the ideology. The communist regimes became dependent on different kinds of instrumental legitimacy, such as functional legitimacy – where loyalty is based on the ability to satisfy the demands of the population – and legal-rational legitimacy – where people obey the law because they find these rules to be enacted by a correct procedure. It is questionable, however, whether a legal rational variant developed in the communist regimes with the partial exception of some East Central European ones. Particularly among state officials, so-called “clientelistic legitimacy” substituted more coercive compliance means. In this kind of relationship loyalty of subordinates depends on the exchange of specific favors (c.f. Dente, 1988:174).

Due to these changes, the relationship between superiors and subordinates became more reciprocal (Janos, 2000: ch. 6). Behind the facade of the all-powerful state, the reach of political authority began to diminish. A consequence of this was that it was no longer possible for the cadre to break the law light-heartedly and to demand total and unconditional commitment from the people. Arbitrariness was partly replaced by “socialist legality”, meaning a deeper commitment to more formalized, professionalized and more predictable administrative and judicial institutions. The rhetorical commitment to rules was, however, not accompanied by institutional and procedural changes. The party still performed the functions that in a system with high legality are carried out by a non-partisan administration and courts, and there were no procedures for upholding the rule of law. Socialist legality produced only *quasi-legal states* and not western-type rule of law (Janos, 1996). In spite of this, the changes created some autonomy for subordinates and the people at large.

It was now that the so-called “third worldization” of the communist state set in, as officials started to use their new-found discretionary power to enrich themselves at the expense of the population at large (Janos, 1996:13). It became more and more obvious that the party’s effort to achieve a monopoly of power created a highly inefficient state. The weakness of the state in this sense

could be observed in the development of considerable informal networks between state institutions, in the massive shortages of consumer goods, and the spread of rent-seeking behavior among party-state officials.

### The State in ECE

But what about the socialist countries of East Central Europe? The features of the Soviet State were present to different degrees in the satellite countries of the Soviet Bloc. Before the communist take-overs in the immediate postwar era, the countries of the region were socially, politically, culturally, and economically very different from one another. The spread of the Soviet Empire was an attempt to standardize the countries of the region in all aspects. In the Stalin period, the state structures closely followed the Soviet model. The strongly centralized state was implemented at the end of the 1940s and the beginning of the 1950s throughout ECE. Khrushchev’s destalinization in the mid-1950s allowed differences between the countries to come into the open once the pressure from Moscow was somewhat relaxed. It gradually became apparent that the countries could choose separate roads within the common commitment to building socialism. The limits to the new-found freedom were made clear through the Soviet interventions in Hungary and Czechoslovakia. Still, the differences between the countries were considerable. The East Central European countries in the post-Stalin era might be classified according to the two variables above: degree of étatisation and legality.

Table 1. Variations in post-Stalin communist states

Étatization/ Legality	Limited	Extensive
Quasi-legal	Pol, Hun, Yugo	Czech, GDR, (Bul)
Arbitrary		Alb, Rom

In Poland, Hungary, and Yugoslavia the scope and intrusiveness of political authority was narrowed down in the desalinization period. In these countries – although only explicitly stated in Yugoslavia – the regimes chose to leave the common project of constructing communist regimes over the globe and instead made national economic development the main purpose. Related to the changes in foreign policy, the internal activities of the states were also limited. In Yugoslavia the changes started as early as 1948 and were formalized in what was known as Titoism, which included concession to the market mechanism and the introduction of a mixed system of private and “social” ownership. Other changes that came about were efforts to restore an autonomous private and social sphere through, for example, freedom to travel, artistic expression, and information (Janos, 1996). Also in Poland and Hungary efforts were undertaken to reform the economy and liberalize the cultural sphere and the existence of civil society groups was generally tolerated.

Bulgaria, Czechoslovakia, and East Germany remained faithful to the Soviet Union and to a large extent followed the same development as the imperial center. Political authority remained intrusive in society and the Soviet economic model was followed. Of the three, Bulgaria stands out as it, together with Romania and Albania, had a regime that intruded into the most intimate aspects of private life, like birth control and divorces. In Czechoslovakia there were manifestations of more liberal influences surviving the pressure from the Stalinist regime. This was most vividly manifested in the Prague spring in 1968, when the harsh Stalinist system was interrupted for a short time, but can also account for the gradual development of some civil society groups during the last decade. The emergence of a (very weak) civil society was a consequence of the decay of the totalitarian regime and not of conscious liberal reforms (Linz & Stepan, 1996:294). Similar tendencies were present, but to a lesser degree, in East Germany. Until the Berlin Wall was erected in 1961, a flow of refugees, indiscipline among the population and even occasional open revolts were the order of the day. This was, however repressed and controlled by the harshest regime of the three towards adversaries and the strictest discipline inside the party.

Romania and Albania both chose to distance themselves from the Soviet Union and pursued an independent foreign policy. The major difference between these two countries was that the Romanian regime became

focused on internal affairs and domestic development, whereas Hoxha's regime was mainly directed towards external affairs and communism on a world scale. Janos has concluded that Romania's subsequent enormous economic and developmental problems have to do with an astonishing mismatch between objectives and means. As in Hungary, Poland, and Yugoslavia the goal was domestic development, but while these three countries abandoned the Stalinist model, created for militarization and external power, Romania continued to adhere to it strictly (1996:15). Both Ceausescu and Hoxha created regimes that were at the time more totalitarian than that of Soviet Union. Ceausescu is the most notorious of the two dictators, with policies of systematic destruction of villages, forced movement of people to agro-industrial complexes, the terror of the ever present Securitate, and purges against intellectuals and people that somehow differed from the centrally dictated norms (Nelson, 1995:205-213).

When it comes to the second dimension, the degree of legality, the countries might broadly be divided into those that observed a quasi-legal order like the one in the Soviet Union after Stalin, and those regimes that were run in an arbitrary fashion with state activities not being governed by any rules but by the whims of the leader, terror, and personal contacts. In Romania and Albania, and to some degree in Bulgaria, the regime became highly personalized. Linz and Stepan have named the Ceausescu regime *sultanistic*, alluding to these conditions. “Ceausescu's policies and personal style made it clear that he was unbound by rational-legal constraints [...] and his rule was highly personalistic and arbitrary” (1996:349). Like a sultan Ceausescu put his relatives in key positions in the party-state. These dynastic tendencies were also highly present in Albania and, to a lesser degree, in Bulgaria. What mattered in these countries were personal contacts and family and friendship relations and not rules and established procedures. During the regimes of Ceausescu and Hoxha everyone – officials as well as the people at large – was permanently at risk of being subject to the leaders' arbitrary intervention (Linz & Stepan, 1996:341). If the leadership had any legitimacy it rested on their image as fathers and saviors of the people. They had been given the task to guide their people towards the ultimate goal and in this stood above the law.

In the rest of the countries a kind of quasi-legality developed according to the principles of socialist legality. As established above, this was a far cry from fully fledged rule of law. There were generally no institutionalized

procedures for the application of the law and the regimes were still not prepared to limit themselves within the rules that they prescribed. There were, however, important differences between the countries, although this is an area in which it is particularly hard to obtain a clear insight. In Hungary and Poland, binding procedures for the systematic application of the law developed to some extent in some limited areas, for example private property rights in Hungary after 1982. In Hungary, the creation of an economic society based on principles of legalism started well before the fall of communism (Linz & Stepan, 1996:249). Another important development had to do with the recruitment and dispositions of the elite. In Hungary the recruitment system started to be based on meritocratic criteria, instead of party affiliation, as early as the 1960s. A new elite emerged better educated and with concomitant professional norms and rather ill-disposed towards old methods of wielding power (Lengyel, 1998:205). Bulgaria clearly stands out in this group of countries as it shared characteristics of personalization and “familization” of official affairs with Romania and Albania. Zhikov, in the same fashion as Ceausescu and Hoxha, behaved as a patrimonial ruler, creating a personality cult, treating the state as an extension of his household, using public funds as his private, and giving important government positions to relatives (Janos, 2000:90). The country has, notwithstanding, been placed in the quasi-legal group as it bore similar commitment to rules as Czechoslovakia and East Germany, which partly restricted the arbitrary behavior of the leadership, and brought with it a degree of predictability of political authority.

## 4 State structures in a long term perspective

Before turning to the post-communist development in the region we will briefly look into the longer traditions of political authority structures. In order to understand the different development paths under communism and post-communism it is necessary to take account of the historical legacy.

This kind of brief retrospect by necessity becomes sketchy and highly simplified. With this in mind we still need to resort to these simplifications due to limited scope of this paper.

With a historical perspective, a culturally, economically, and politically relevant dividing line can be drawn from the Baltic to the Adriatic between what might be called Central Europe and South East Europe. The southern eastern parts have through history, together with the Soviet parts of Europe excluding the Baltic States, been characterized by autocratic rule and economic backwardness. Countries like Poland, the Czech Republic, Slovakia, Slovenia, Croatia and Hungary have been more integrated into the so-called western European tradition where the rule of law, political democracy and market economy developed. At the time of the communist take-overs, the idea of a legal and limited state was well-established in countries like the Czech lands, Hungary, and Poland (Janos, 2000:118). In South East Europe on the other hand, despite inter-war efforts to copy western type constitutions, arbitrariness and unrestricted state intervention were the order of the day.

Many authors have emphasized that this historical dividing line coincided with that between western and eastern Christianity implying two different cultural traditions with of course blurred boundaries in the borderlands and cross-national variations (e.g. Gerner, Hedlund & Sundström, 1995; Badersten, 1995). The two cultures can in an ideal type manner be labeled as the *communalism* and *paternalism* of the East and the *individualism* and *legal impersonality* of the West. Western Christianity developed in coexistence with the Roman legal tradition, which meant that sins, or the breach of contract and violation of the law, were punished in a predictable manner through pre-established regulations and it was the individual's own responsibility to obey the law. In the eastern cultural tradition the idea of legalism was overshadowed by that of God's love and the call for total devotion from the subjects, paving the way for arbitrary and autocratic government. The worldly and spiritual power was one and instead of increasing pluralism, societies were dominated by an “all-encompassing politico-religious sphere” (Janos, 2000:41). As pointed out by Janos, “this blurring of boundaries between the state and society anticipated some of the features of modern totalitarianism and made some of its practices easier to accept when and where they would occur” (Janos, 2000:41).

In the countries of western Christianity a legal state gradually developed where law and contract regulated the relationship between kings and estates and, to a certain degree, between lords and peasants. This development also influenced the borderlands of western Christianity in Central Europe. In the eastern parts paternalism and autocracy became dominant. The status of landowners as well as serfs was ill-defined inviting arbitrary behavior in all relationships (Janos, 2000:41-47). For centuries the East Central European countries suffered under empires like the Habsburg, the Ottoman, and the Romanov empire, and, furthest to the west, the Hohenzollern Prussian Kingdom. Imperial rule does not necessarily have to be exploitative and induce stagnation. The Habsburg empire, that included most of Central Europe, represented an intermediary area between the pluralistic and economically dynamic Western Europe and the static, agrarian, and authoritarian areas under the Russian and the Ottoman empires (Gerner, 1991). In order to keep up with the economic development of the West, the elite in the countries of South East Europe reinforced authoritarian structures and the exploitation of the peasantry in the nineteenth century. There was a perceived need among the elite to raise money to keep up with the developments of their western counterparts. This meant extracting resources from the underdeveloped agricultural sector and repressing concomitant rebellions (Chiriot, 1989:5-8, Kovrig, 1995). The further to the east, the weaker the civil societies and the more intrusive and arbitrary the states (Janos, 2000:116).

Looking at the cross-national differences in ECE under communism these historical paths seem indeed to have been of importance. In Romania and Albania the maintained totalitarian character of the system meant that arbitrariness in authority relations prevailed and society was extensively étatized. In Bulgaria, in spite of the fact that the development closely followed the Soviet path, a tradition of paternalism was still evident. In all the Central European countries counteractive tendencies of opposition and civil society activity were manifested at different times. Poland, Hungary, and Yugoslavia most evidently developed state structures with resemblance to the western legal state and the scope of political authority was somewhat restricted.

It is obvious, however, that to fully understand the different development paths in the communist satellite countries, elite choices are of importance. One of the most evident examples of this is the post-Stalin differ-

ence between Hungary and Czechoslovakia. Despite the fact that the Czech lands were some of the most developed parts of the Habsburg Empire and probably the most successful of the interwar East Central European democracies (Linz & Stepan, 1996:316), the country continued to adhere to the Soviet model, with the exception of the 1968 interlude. This should be compared to the more liberal turn in Poland and Hungary, two countries with similar traditions as Czechoslovakia. Both Hungary and Czechoslovakia had harsh Stalin-time regimes which in the destalinization period were interrupted by reform committed leaders. Still, the Czechoslovak development ended up in a reinstatement of the Soviet model, whereas Hungary embarked on a more independent and liberal path. The difference cannot be explained without taking account of the difference between Husák in Czechoslovakia and Hungary's Kádár. Both were installed by the Soviet Union as an answer to popular unrest and liberal tendencies within the party, but turned out to have very different long term agendas (Linz & Stepan, 1996:318). Romania and Bulgaria are other countries with similar historical traditions that chose different post-Stalin paths. Again elite choices and the personality of the leadership played a decisive part. However, these choices must be seen in the light of a high legitimacy for the Russian influence in Bulgaria and a traditional hostility towards everything Russian in Romania. To consolidate the Romanian communist regime, Ceausescu and his predecessor rationally chose to develop a unique Romanian variant with strong nationalistic sentiments.

## 5 Post-Communism

So where do the post-communist states stand today? Looking at transformation success in general it is clear that the Central European countries have been most successful in the transformation of the political, social, and economic sectors. Bulgaria, Romania, and Albania form a group of laggards. This is of course very much dependent on different starting points in the transformation processes in several respects. Today, more than ten years

after the fall of the communist regimes the countries are still engaged in complex reform efforts, not least in terms of adaptation to the European Union. In spite of dramatic transformation since 1989 many fundamental problems remain (Nations in transition, 2000). Academics and practitioners alike have come to emphasize the fact that the functioning of the state is of major importance for transformation success. Weak states hinder the ability to carry through complex reforms. Also, the democratic development as well as the quality of the economic and civil society sectors are indeed dependent on the ability of the state to uphold the rule of law, protect rights, and regulate transactions in society. It is a democracy and legitimacy problem if reform-committed governments fail to carry out their policies. During the communist period state agencies were more or less the instruments of control and repression, whereas to support a democratic political system, state agencies need to be based on a degree of legal-rational authority and to be politically accountable and responsive to demands from society.

Turning to the question of state restructuring, authors who have tried to estimate the degree of success in creating modern, democratic public administrations since 1989 have concluded that Poland and Hungary have been most successful followed by the Czech Republic. The rest of the Central European countries closely follow, whereas Albania, Romania, and Bulgaria form a group of laggards together with the countries of former Yugoslavia, Slovenia excluded, and the former Soviet Union, the Baltic States excluded (Nations in Transition 1997; 2000; Nunberg, 2000).

Returning to the previous terminology of *étatization* and *legalism*, countries with a high degree of *étatization* towards the close of the communist period have had more need for sweeping reforms. Observers have shown that in post-communist Europe the main problem is not over-dimensioned central and local government administrations (Nunberg, 1998:158, 243). Compared to western standards they are not particularly large. The fall of the Communist Party meant that the extensive party apparatus fell apart leaving a dysfunctional state administration at all levels of government. Notwithstanding, the state has to withdraw from the economic and other parts of society in all the countries. Political authority controlled society through different institutions that are now removed or in the process of being removed. The degree of *étatization* is, as pointed out before, not only important for state restructuring, but also for the qual-

ity of the economic sector and the civil society. Efficient and democratic policy making requires an autonomous economic and civil society. In the most *étatized* countries all forms of independent activity were repressed, leaving very weak economic and social sectors today.

The degree of *legalism* is important for reform capacity today because, as discussed earlier, it affects the efficiency of policy-making both internally in and between state institutions and externally in state-society relationships. A great problem in societies with a tradition of arbitrariness is a more devastating lack of trust between different actors than in countries where political authority was more restricted and predictable.

Quite evidently then, Poland and Hungary have had a much better starting point – with less *étatized* societies and a relatively high degree of *legality* in public affairs – than countries like Romania and Albania. Particularly Hungary entered the reform process with considerable advantages, as state institutions were more autonomous from the party, the economy and society less controlled by the state and a new reform committed and professional elite partly in place by 1989. Hungary also made most progress in the first years of post-communism. The development in Poland was initially slower, but after a couple of years the reform process received a considerable impetus (Nunberg, 1998:2, 47). The rest of the countries were in greater need for state restructuring, as the party-state penetration of society was more extensive as was the merger between the party and the state. In the Czech Republic the necessity to restructure the state was taken most seriously by the first post-communist regime and the efforts were largely successful. A contrast has been Romania where state restructuring has been very slow (Linz and Stepan, 1996:436). The differences can partly be explained by the fact that a wing of the former communist party stayed in power in Romania while the opposition won the first round of elections in Czechoslovakia. But this is only part of the truth. In 1996 a change of government took place in Romania. The new government set out to speed up reforms but this did not manifest itself in any real change. The differences can be partly understood by the fact that the Czech Republic has had an advantage compared to Romania due to a kind of quasi-*legality* prevailing in 1989 and the country having the longest tradition of rule of law in Central Europe. Without *legalism* relationships are personalized, coordination and control are difficult, and more discretion is left to bureaucrats who can block reform. Bulgaria has been considerably

less successful than the other former quasi-legal regimes, but still not to the same extent as Romania, or Albania for that matter. This goes well with my previous analysis of Bulgaria as a quasi-legal communist regime but with a tradition of paternalism and arbitrariness.

We will now look more thoroughly into the question of the functioning of the state and reform capacity in post-communism. As established before, in the concrete analysis of the state and the policy process we have to look both at *attributes and organization of the state and linkages between state and society*.

### **Attributes and Organization of the State**

In the countries with the least favorable starting points like Romania, impediments and resistance to change have proved formidable. High personalization of exchange relations, vested interest, systematic rule-breaking and bureaucratic inertia have blocked any real change. The state apparatus is highly fragmented and the lack of institutionalized procedures and rules inhibits coordination, and strategic planning. Policies are not prepared in a systematic fashion and are blocked in the implementation process (Nunberg, 1998:66, 92). The transitional flux and great uncertainty in the system – characteristic of all countries in transition – seem to reinforce tendencies of corruption, nepotism and patronage. There are indeed indicators that the level of corruption is rising in most ECE since the fall of communism, with Romania and Bulgaria as leading examples (The 2000 Corruption Perception Index). Substantial power in all the countries seems to rest with segments of the bureaucracy and the new management elite, constituted mainly by former nomenclature members that profited from the initial privatization processes. Due also to frequently shifting political power and a high degree of politicization of the public administration at all levels – a legacy of communism per se – political efforts have often been concentrated on short-term tasks and the distribution of political patronage. All this of course has enormous effects not only on the efficiency of policy making but also on transparency and accountability of government.

Another much testified problem of the post-communist states, affecting the ability to coordinate changes, is a lack of vision, common purpose, knowledge, and skills among officials (Holmes, 1997). As put forward by Eric M. Rice: “Few officials grasp the broad shape of national reform program or can express the underlying motivations for the policies being enacted” (Rice, 1992:117). These problems seem to have been less pronounced in the Central European countries where the “Return to Europe” is more readily translated into the indigenous context than in Romania and Bulgaria where historical memories fit less easily into the new discourse. There is evidence that the incentive to join the EU has been most important for bringing forward comprehensive change in the Central European countries closest to membership (Nunberg, 1998:47). Also, norms of public service are weak, as evidenced by widespread rent-seeking behavior. Bureaucrats seem insufficiently concerned with public welfare and social justice in terms of service and human rights (Rice, 1992).

Transitional periods are typically characterized by delegitimation of the public sphere due to political turmoil (Ekiert, 1999). During the previous regimes, the quasi-legal states in general and Hungary and Poland in particular developed a degree of predictability of authority, facilitating legal-rational legitimacy as of today. Attitudes and behavior towards institutions are very much affected by historical experiences and memories. Other countries were more dependent on clientelistic legitimacy and have a tendency to get caught in vicious circles of exchanges of favors for political support and obedience. The legacy of weak legitimacy of political authority reinforced by transitional turmoil is an important underlying condition behind today’s government failures. When state officials do not believe in the system, they have a tendency to resort to self-serving behavior instead of serving common goals.

## Linkages between State Institutions and Societal Groups

Since the fall of communism there has been a virtual explosion of civil society groups and the economic sector has been largely privatized all over the region. It seems to take a longer time to establish channels of communication between societal groups and state institutions, especially in countries like Romania and Bulgaria with a historical legacy of penetrative political authority (Hesse, 1993:154). Communist-time incentive structures are still affecting the expectations and behavior of individuals. There is, for example, a tendency in post-communist societies to have low expectations of one's own political efficacy, which might discourage groups from seeking influence.

A great problem in countries like Romania with a tradition of an intrusive political authority is an incestuous relation between the economic and political sectors. Through scoundrelly privatization deals politicians and former nomenclature members have seized control over companies, giving them personal interests in policy-making. Business has acquired a strong influence on politics through personal relations and vice versa and the channels of influence are concealed from the general public and outside observers. Informal channels of communication and influence prepare the ground for inequalities between societal actors.

The degree of legitimacy of political authority is essential for understanding the relationship between state and society. Without a minimum level of legitimacy citizens do not feel obliged to obey state laws and even less so to take part in the political process. If reform rhetoric and legislative intent are not followed through and citizens observe no actual changes, they become frustrated and lose faith in the regime as well as the state. The relatively low degree of legalism in some countries is destructive for state-society cooperation. As put by András Sajó: "Where law is erratically and weakly enforced, law avoidance – an enduring communist and post-communist strategy of individual and national survival – becomes reasonable and normative" (1997:46). Legal-rational shortcomings, government failures and economic decline create vicious circles in terms of obedience and trust in the new regimes.

## 6 Concluding remarks

This paper has focused on the reasons for and problems of government failures in post-communist societies and has therefore centered on negative legacies and developments. From a different perspective a much more positive story could be told about dramatic transformation and successful reform efforts. The fact that some of the ECE countries have become members of NATO and a first round of EU-enlargement is scheduled for 2004, are indeed astonishing considering the situation only a decade ago, when the then two parts of Europe seemed so far a part. Still, it is evident today that the countries have very different prerequisites and that policy priorities – largely set by external actors like the EU and the IMF – have not always been based on sound analysis of the situation in each country. Cutting down on public spending as one of the main policy priorities indeed seems like the wrong way to go about the problems of post-communism.

A strong public administration is essential for the former communist countries, both in terms of the capacity to carry through comprehensive reforms and in the development of mature democratic systems. Administrative reforms are vital for all other transformation efforts and therefore ought to have a high priority on the political agenda. Reforms aiming at breaking the vicious circles of weak states – like civil service reforms and improved channels of communication – are central for the long-term development of countries like Romania and Bulgaria.

Finally, some words about the methodology of this paper. The aim was to analyze the historical development of the states in ECE and the antecedents of present states in order to further our understanding of the sources of today's government failures. In doing this I am not claiming that history and the institutional legacy can explain everything. Indeed, to fully understand these problems as well as the mechanisms that make history important for today's development, a different study is needed: We would have to analyze and compare the particularities of the transitions in the different countries and more systematically look at the institutional contexts shaping the policy processes, as well as the political struggles, the strategies and responses of different actors. The analysis provided in this paper, however, shows at the importance of placing these kinds of studies within a historical framework and the significance of the institutional legacy.

## Endnotes

<sup>1</sup> The state constitutes the apparatus of government independent of level (municipalities, the nation-state etc) and is in this paper used interchangeably with the public administration. State strength has to do with freedom of action (from specific societal forces) and capacity for action (efficiency in policy-making) (c.f. Weiss, 1998).

<sup>2</sup> The all too common neglect of state factors in post-communist transitions is of course also affected by the fact that the state is still left out in many influential social science schools. There is a tendency to assume that all states are alike which makes the state uninteresting in comparative research (Dunleavy & O'Leary, 1993).

<sup>3</sup> The idea of a dichotomy between civil society and the state is of course not new and can be traced back to antiquity and was taken up by the first liberal thinkers.

<sup>4</sup> As proven by history highly centralized and arbitrary states can be very efficient at mobilizing for short term specific tasks, like massive militarization. Stalin's totalitarian system was, as put forward by Janos (2000:223), inspired by the Wilhelmine German model of "war economy" where society is mobilized through the principles of *étatization* to build a strong military capacity. In the German counterpart the model was used for a short-term task, whereas in the Soviet case the model was, with modifications, kept for six decades. This is an important explanation of the subsequent enormous inefficiencies in the Soviet system.

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