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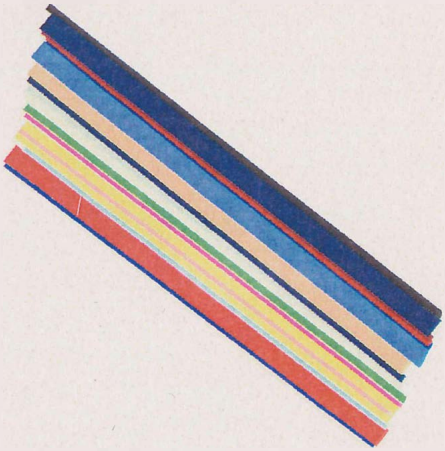

Frode Overland Andersen

# FRAGILE DEMOCRACIES

## A Study of Institutional Consolidation in Six Eastern and Central European Democracies, 1989-1997

November 2000

**Frode Overland Andersen** completed his hovedfag-education in Comparative Politics at the University of Bergen, Norway, in 1999. He now works at the Royal Ministry of Foreign Affairs in Oslo.

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## A Study of Institutional Consolidation in Six Eastern and Central European Democracies, 1989-1997

by

**Frode Overland Andersen**

Program on East European Cultures & Societies

Trondheim, 2000

# PREFACE

The publication of the present issue in TSEECS calls for a few explanatory lines from the Editor of the series. TSEECS has always been intended as a series that should include the best writings (hovedfag-theses and doctoral dissertations) from our as well as other institutions' research students specializing in the study of East Central Europe and Russia.

With much pride and with great pleasure I can reveal that the book in the reader's hand is the first of three excellent *hovedfag*-theses TSEECS plans to publish within a short period of time. All the three works have been written (and, for the purposes of publication, revised) by Norwegian graduate students in the humanities and social sciences. The fact that two of them are coming from students affiliated with the Program on East European Cultures & Societies at the Norwegian University of Science & Technology, is most encouraging with a view to the future of East European Studies in Trondheim.

The present work, however, is from a promising young scholar from the Department of Comparative Politics in Bergen, Frode Overland Andersen. Giving priority to the publication of his work is to demonstrate not only our appreciation of the empirically solid and theoretically sound contribution this book represents, but also our wish to attract to TSEECS submissions of the best works of area study produced by research students in this country, even outside Trondheim.

In preparing the present book's manuscript for publication we received a great deal of assistance from Professor Jonathon Moses of the Department of Sociology and Political Science at this university. Also on the author's behalf, I would like to thank Professor Moses for the generous help he rendered both in the form of his comments on the first draft and in the form of a highly effective as well as most conscientious language editing.

György Péteri

Editor of TSEECS

Trondheim – Dragvoll, November 2000.

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# ABSTRACT

This study analyses the question of institutional consolidation in six Eastern and Central European democracies between 1989 and 1997. Institutional consolidation is the process of optimisation, institutionalisation and habituation of the democratic institutions – a process that is initiated after the transition to democracy. The process of consolidation is not only a vital step in the completion of the democratisation process, it is often argued to be instrumental in making democratic systems of government more resistant to breakdown and instability.

This study seeks to analyse two questions within the limits of the above-mentioned parameters: *How much progress has been made in the institutional consolidation process since 1989, and how can this process be analysed and understood?*

To answer these questions it is necessary to construct an analytical model for the empirical study of institutional consolidation. The model proposed is based on three broad dimensions, focusing on different aspects of the phenomenon: the level of political conflict, executive stability, and the independence of vital state institutions. By assessing each of these dimensions it is possible to reach a conclusion regarding both the process itself and the status of the process in early 1998. The analysis clearly shows that despite the fact that these countries have enjoyed roughly similar periods of time since their first elections, they reveal substantial differences in their degree of institutional consolidation. Some of these differences are obviously caused by the countries' different structural points of departure. However differences are also significantly shaped by the inability to tackle fundamental problems in the transition to democracy, and to the "self-inflicted" problems inherited by less benign choices made during earlier phases in the democratisation process.

# INTRODUCTION

The historical earthquake of 1989 left most observers puzzled by the speed and extent of the changes. For political scientists an important part of the "shock" was the absence of warnings, or perhaps the lack of theories, predicting these events. Hence, subsequent studies of the dramatic changes largely focused on the nature and causes of the transition: why did it happen just then, and how did it occur? Still, transition is only a part of the democratisation process. This process also involves a further stabilisation, routinisation and institutionalisation of the democratic regime after its inauguration.[1] It soon became apparent that what had happened in 1989 was only the beginning of a much longer process; a process that was perhaps more difficult than first anticipated: *"...the East Europeans are discovering that there is a large, dangerous chasm between grabbing freedom and establishing democracy; there is no natural progression."*[2]

Almost a decade has passed since these historic events and the installation of democratic regimes throughout the region. The time should now be right for a study of the progress that has been made in the transition to democracy. Contrary to many of the fine words and celebratory speeches in the aftermath of 1989, the process of democratisation does not end with the installation of a democratically elected government. This fact is duly emphasised by Pridham and Lewis in their work on Eastern and Central Europe's political landscape after 1989:

> *"New democracies are by definition 'fragile democracies' in the sense that at first they are not formally constituted, elite loyalties are almost certainly not yet confirmed and may well be questioned, while the various political, societal and possibly economic instabilities inherent in the transition process may seem daunting."* [3]

---

[1] It is worth clarifying that the term "democratisation" describes the overall process of change from an authoritarian regime to a consolidated democracy.

[2] *The Times*, 19 January 1991 quoted in Pridham and Lewis, 1996, p. 2

[3] Pridham and Lewis, 1996, p. 1

The adjective "fragile" could be exchanged for the term unconsolidated, thus illustrating the relationship between a discussion of fragility, uncertainty and democratic consolidation. These distinctions touch at the very heart of the consolidation concept; the qualitative change from a situation of procedural uncertainty and questionable loyalty to a situation of "bounded uncertainty" (Karl and Schmitter) and a state of affairs where democratic procedures have become the "only game in town" (Linz). These *differences* between politics conducted in unconsolidated and consolidated democracies constitute a central assumption in the study of consolidation. Consequently, consolidated systems of democracy are seen to be more resistant to breakdowns and instability than are unconsolidated democracies. This does not mean that a consolidated system is immune to breakdown or cannot be de-consolidated; only that it is less likely.

**A study of democratic consolidation**

Despite the fact that most countries in Eastern and Central Europe embarked on a transition to democracy in 1989 (or shortly after), there are rather substantial differences in terms of progress in the democratisation process that followed. Some countries can today be seen as relatively stabile democracies, while others are struggling with forms of "proto-democracy" or are threatening to slip back into autocracy. These differences make democratic consolidation an intriguing and clearly valuable concept in the study of Eastern and Central Europe after 1989. Take, for instance, the debated paradox of Czechoslovakia, a country with two provinces sharing the same political development until 1. January 1993. After that date, the country split up – going in seemingly different directions in terms of democratisation.[4] This description calls for a closer examination along two fronts: 1) to better examine the merit of the above argument; and 2) to explore the possible causes for the alleged difference in political development.

The purpose of this study is to examine both the consolidation process itself and the causes of the differences in the degree of consolidation uncovered by the empirical analysis. This will be done in two stages: 1) through an examination and comparison of the consolidation processes from 1989 to 1997[5] for a selection of Eastern and Central European countries; and 2) by testing different explanations that can account for the observed variation. By using the

[4] Olson, 1997, p. 190; and Wolchik, 1997, p. 197-198

[5] The data-collection was concluded in January 1998.

term "institutional consolidation", the study of consolidation will be limited from a broad concept of "regime consolidation" to a more concentrated focus on political institutions. There are two reasons for this analytical restriction: First, the assumption of institutional consolidation acts as a vital prerequisite for broader democratic consolidation. Second, the relatively short timeframe available for consolidation since 1989/90 calls for some caution in employing the basic concept. More precisely, this means that one should be careful not to expect a too speedy process. Neither should one evaluate the countries according to standards that are unsuitable in the present situation. The use of the broader consolidation concept (in its broadest variants) might lead to a too pessimistic conclusion (on the one hand), or an "over-interpretation" of the achievements made in the consolidation process (on the other). Taking these considerations into account, the two main questions of the study could be put like this: How much progress has been made in the institutional consolidation process in Eastern and Central Europe after 1989, and how can this process be analysed and understood?

As explained above, the research object and the dependent variable of this study will be "institutional democratic consolidation". This inhibits a focus on the way that the basic political institutions consolidated themselves and the obstacles to that process. Though the research area is Eastern and Central Europe generally, resource constraints will narrow the study to a limited group of countries.

The study will be conducted in three parts. Part one will continue the introduction of the subject by defining the main concepts and providing a short review of the existing literature on democratic consolidation. One of the main aims of the introductory chapters is to construct a research model for the later empirical analysis of democratic institutional consolidation. Part one will conclude by selecting and introducing six relevant cases.

The final part of the study will analyse the process of institutional consolidation in six Eastern and Central European countries, based on the research model introduced in part one. The first chapter of the analysis will explore the level of democracy. The subsequent chapters will examine the different dimensions of the institutional consolidation process before the whole analysis is summarised and a conclusion is reached regarding the level of institutional consolidation. The purpose of the analysis in part two is to explore and compare both the consolidation process in the given countries, and the differences in the process itself.

# PART I

# INTRODUCTION AND THEORY

# CHAPTER 1

# CONSOLIDATION AND DEMOCRATISATION

It is natural to start this study by seeking a definition and specification of the main concept: democratic consolidation. This will be pursued through an analysis of the consolidation concept in relation to democracy and the more general democratisation process. The main aim of this chapter is to establish some definitions of the main concepts and to construct the "skeleton" of a research model, which could be utilised in an empirical analysis of the consolidation process in six democracies in Eastern and Central Europe.

The concept of democratic consolidation is commonly viewed as an important term within the broader context of democratisation. Based on the insights derived from the existing literature in this field, democratic consolidation can be roughly defined as a state of affairs where all significant actors find democracy to be the only sustainable political regime.[1] A key element of the democratic consolidation concept is that the basic character of politics conducted within a consolidated democracy is different from the political interaction within unconsolidated systems. This crucial difference is seen as the enhanced prospect for the sustainability of a democratic regime in the long run. This does not imply the deterministic assumption that only unconsolidated democracies can break down - or necessarily do so – but rather that a consolidated democracy is less likely to revert to authoritarian rule.

Of course, this definition is quite broad and rather indistinct. Nonetheless, it illustrates the theoretical span of the research field, and hence the range of studies that can be conducted within the framework of the concept. A suitable starting point would be to approach the subject with a firmer, and perhaps more restricted, definition of consolidation. As can be seen

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[1] Przeworski, 1991, p. 21; and Linz and Stepan, 1996, p. 5

in much of the research on democratisation, definitions of the main concepts have important bearings on what are later deemed as significant findings and explanatory factors.

A point of departure in defining consolidation is to place it in a comparison and interaction with important related concepts. For a start, consolidation should be analysed in relation to the broader area of democratisation, both to clarify the concept and distinguish democratic consolidation from other stages in the democratisation process. Consolidation also implies a relation to democracy in the sense that consolidation is a process towards the goal of a secure and lasting democracy. Thus, we can explore democratic consolidation as a process towards the goal of regime stability.[2] This will lead up to the third part of this chapter, where the concept of consolidation is defined more closely.

## 1.1 Transition, consolidation and democratisation

A rather substantial literature on the democratisation processes, especially on the transition authoritarian to democratic rule, has been produced over the past decade. This line of research draws on earlier works on transition, such as Dankwart Rustow's classic article "Transition to democracy" and O'Donnell, Schmitter and Whitehead's "Transition from Authoritarian Rule".[3] In recent years, however, there has been a growing interest in studying the democratisation process beyond the transitional phase; namely, the process of democratic consolidation.[4]

In light of the insights derived through the study of transitional democracies, the basic question has shifted from explaining different paths of transition to explaining different degrees of success (and tempo) in the consolidation of new democracies. There are several approaches to the problem of democratic consolidation. The main differences between these lie in their definition of the concept. In addition, Schedler notes that one of the largest shortcomings of much consolidation research is the often vague and unclear way that the main

---

[2] Stability here refers to regime stability, not government stability, which is mentioned later (chapter 2).

[3] Rustow, 1970; and O'Donnell, Schmitter and Whitehead, 1986

[4] Gunther, Puhle and Diamandouros, 1995, p. 3

concept is defined.[5] One way of approaching the consolidation concept is to contrast it with the process of transition. Transition and consolidation are linked together chronologically, being sub-phases of the broader democratisation process. But by acknowledging this fact, one might mistakenly treat both terms as analytically similar. Though they may partly overlap in time, it does not necessarily imply that the processes can be treated with the same analytical tools. Several authors have emphasised the theoretical benefits of viewing the two processes as being analytically distinct. For example, Gunther, Puhle and Diamandouros note that transition and consolidation entail different causal relations that subsequently require different analytical treatment:

> *"Key different variables may differ significantly between the two processes: confining conditions of a transition may be renegotiated and made irrelevant through the subsequent consolidation process [...] In short what matters for the transition may be less relevant or irrelevant for democratic consolidation, and vice versa."* [6]

For example, a seemingly strong and coherent opposition can be valuable in the transition to democracy, but might actually hinder the consolidation process if it is not willing to change its mode of operation to favour a continued democratisation process. The Romanian National Salvation Front's use of mass mobilisation to curtail and intimidate political opponents is a telling example of this effect.

Gunther, Puhle and Diamandouros's analytic point is also recognised by Linz and Stepan in their latest book *"Transition and Consolidation"*[7]. Still, it should be emphasised that all of these authors recognise that differences in the transition processes create different settings for the consolidation that follows. Hence, the nature of the transition can affect the consolidation. Keeping this in mind, it can be useful to conceptualise democratisation in terms of two analytically distinct processes: 1) the transition from authoritarian rule to the installation of a democratically elected government; and 2) the process towards a consolidation of the democratic regime. This insight is valuable for studying the chronology and time span of the

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[5] Schedler, 1998, p. 2

[6] Gunther et al., 1995, p. 2

[7] Linz and Stepan, 1996

consolidation concept. However, the connection between consolidation and democracy should be examined before exploring this further.

## 1.2 Consolidation and democracy

Despite its own claims to the contrary, there is no guarantee that a newly inaugurated regime will be fully democratic after its transition. Democratic consolidation - as defined here - requires compliance with the criteria inherent to a definition of democracy.

As mentioned earlier, consolidation is only a part of the democratisation process; the third stage in a process that includes the initial liberalisation and transition phases.[8] In referring to a *process*, consolidation will not have any meaning before we define both the starting point, and - perhaps more importantly - where the process ends. It can be compared with the logic of means and ends; to define the means one logically has to first define the ends. Of course, it is difficult to determine when exactly the transition process ends, and the consolidation process begins. But many observers suggest that the successful installation of an elected democratic government is an important watershed in this respect.[9] The problem of defining the end of the consolidation process is even more complicated. In this project, consolidated political democracy is the desired "end state", hence it is necessary to define *democracy* before one is can define *consolidation,* and thereafter *democratic consolidation*. Both consolidation and democracy should be interpreted as ideal types, which can only be empirically approximated.

A procedural definition of democracy suggested by Juan Linz, but based on an elaboration of Dahl's definition of polyarchy, will be used here.[10] In accordance with this definition, a system is democratic:

---

[8] This is only schematically speaking. In most cases, these three phases will tend to overlap, or even run continuously. Henceforth, the liberalisation and the transition phase will be referred to as the transition.

[9] Linz and Stepan, 1996, p. 5; Gunther et al., 1995, p. 5; O'Donnell, 1992, pp. 18-20. This is not an unproblematic measure: a regime can have its first democratic elections without fulfilling the other requirements of democracy. This means that the transition process continues simultaneously with the consolidation process.

[10] Dahl, 1971

> *"... when it allows the free formulation of political preferences, through the use of basic freedom of association, information, and communication, for the purpose of free competition between leaders to validate at regular intervals by nonviolent means their claim to rule, [...] without excluding any effective political office from that competition or prohibiting any members of the political community from expressing their preferences."*[11]

After the first publication of this definition in 1975, Linz added an extra criterion, which states that there should be no significant "reserved domains" of political power outside democratic control.[12]

As this definition of democracy is a procedural one, it entails that the consolidation term does not reflect the more qualitative aspects of democracy (such as actual voting turnout, participation in local government, people's perception of their own power, etc.). Hypothetically, it is possible to imagine an unstable, unconsolidated democracy that is qualitatively broader than a stable, consolidated one. The idea is that one has to separate between the mere achievement of a democratic consolidation - as defined here - and the expansion of democracy - as a model - to other parts of society. This point again illustrates how the definitions of consolidation and democracy are closely interconnected.

## 1.3 A definition of consolidation

The process of consolidation has been described by Gramsci as the change from a "war of movement" to a more stable "war of positions", where the latter takes place within a framework of agreed-upon rules.[13] In other words, after a transition period of considerable uncertainty, the rules of political interaction change and are institutionalised into stable and generally accepted forms. Karl and Schmitter recognise this shift from a situation of overall uncertainty to a more limited and structured form of political interaction.[14] They see

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[11] Linz, 1996, pp. 9-11

[12] Ibid., p. 8

[13] Gramsci, quoted in Schmitter, 1992. p. 158

[14] Karl and Schmitter, 1991, p. 78

consolidation as the move from an institutionalisation of uncertainty to a state of "bounded uncertainty" where the actors give their "contingent consent" to respect the outcomes of the democratic process.

Most definitions of consolidation involve the stabilisation, routinisation, institutionalisation and legitimating of politically relevant behaviour and attitudes. Whitehead asserts that the essence of the consolidation process is that *"the new regime becomes institutionalised, its framework of open and competitive political expression becomes internalised"*.[15] In the same manner, Schmitter emphasises that patterns of interaction may become so regular in their occurrence - and so strongly rooted in the population - that they become autonomous and fairly resistant to externally induced change.[16] Przeworski (and later Linz and Stepan) argues that democracy - with its particular system of institutions - is consolidated when it has become the *"only game in town"*.[17]

Despite similar reflections around the term, there are significant differences in approaches to the study of democratic consolidation. Much of this variation can be traced to differences in the definition of the term itself and - as mentioned above - the definition of democracy. Crudely, one might separate definitions by their theoretical range, and the negative or positive quality of the consolidation term. Linz and Stepan purpose a rather broad definition, which includes other (non-political) spheres of society: *"In short, with consolidation, democracy becomes routinized and deeply internalized in social, institutional, and even psychological life, as well as in calculation for achieving success"*.[18] This definition looks at the more positive side of consolidation because it views consolidation in terms of factors that might (in themselves) promote consolidation, rather than a process of overcoming hurdles and avoiding negative factors.

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[15] Whitehead, quoted in Gunther et al., 1995, p. 7

[16] Schmitter, 1995, p.7

[17] The phrase refers to a state of affairs where democracy is almost exclusively preferred as a system of government. Przeworski, 1991, p. 21; and Linz and Stepan, 1996, p. 5

[18] Linz and Stepan, 1996, p. 5

Contrary to the broad, "positive" definitions above, the proposed definition will focus primarily on the "negative" consolidation of political institutions and norms of political behaviour. The focus is also limited to the *political* sphere of society. This later focus is derived from the assumption that full-fledged *political* democracy is the most basic goal for newly democratic regimes. One can also view the achievement of political democracy as a prerequisite for the diffusion of democracy to other spheres of society.

Gunther, Puhle and Diamandouros have proposed a "negative" definition that focuses on the absence of factors hindering consolidation. According to them, a regime may be considered democratically consolidated: "*...when all politically significant groups regard its key political institutions as the only legitimate framework for political contestation, and adhere to democratic rules of the game*".[19]

The proposed definition calls for a clarification of "political significance". It seems clear that not *all* political groups in a democracy are significant in the political landscape, nor is it possible to study extensively all political actors. Hence some criteria for the selection of politically significant will have to be addressed in the operationalisation of the definition in chapter two. The inclusion of political significance in the definition makes a seemingly straightforward and comprehensible definition open for some level of interpretation regarding which actors are seen as significant. Keeping this limitation in mind, the definition by Gunther et al. will be the starting point of this analysis.

As proposed by the above-mentioned authors, the current analysis of consolidation will be limited to the "negative" side of the term - i.e., factors which could prevent or slow down a democratic consolidation process. Furthermore the concept of democratic consolidation will be seen as a dual question, containing the notions of both democracy and consolidation. The two concepts will have to be analysed separately in order to gain insight into the status of the political regime. Neither of the two concepts are sufficient conditions in themselves, but each is individually necessary. To be able to conclude that democratic consolidation has succeeded

[19] Gunther et al., 1995, p. 7. Key political institutions are related to the central procedures and institutions of a representative democracy (as defined by Linz and Dahl), such as the principle of equality, political freedom, civil rights, responsible governments, division of power, party system, free and fair elections, etc.

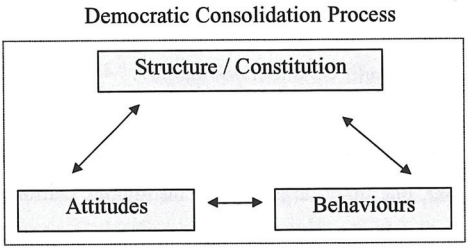
in a particular case, it is first necessary to ascertain whether the regime is democratic. Only then can one determine if the regime is consolidated. As already mentioned, the two concepts are strongly linked, but this does not lessen the benefits of analysing the two concepts as distinct criteria. It is useful to reiterate that both democracy and consolidation are defined as ideal types. In order to conclude that a democratic consolidation has occurred, both ideal types should be approximated empirically.

## 1.4 Institutional consolidation

The previous sections set forth a "negative" definition of democratic consolidation with a focus on political institutions. This clarification offers a fairly clear-cut concept, but one might be tempted to scrutinise it further by looking into different dimensions of the democratic consolidation process.

The definition proposed above has distinct attitudinal, behavioural and constitutional/structural aspects. Linz and Stepan especially emphasise the structural aspects, in which they stress the importance of "rule of law" and the political institutions within the sovereign boundaries of a state. O'Donnell, Mainwaring and Valenzuela also focus on institutions in their book *"Issues in Democratic Consolidation"*.[20]

**Figure 1.1:** *Dimensions in the democratic consolidation process*




As mentioned above, the consolidation process can be conceptualised through different dimensions (Figure 1.1): the attitudinal dimension where the actors' attitude to democracy is

important, another dimension where pro-democratic behaviour is important, and finally a dimension relating to the rules and institutions of democracy. Linz and Stepan use both a behavioural and an attitudinal aspect in their definition of consolidation, but (as explained above) they also include "constitutional" consolidation as a third dimension.[21] Here they emphasise the subjection and habituation of political interaction to democratic laws, institutions and rules of procedure. Linz and Stepan's constitutional dimension is partly a reflection of the imperative need for a democratic frame of rules that define consolidation, but focuses on the practical functioning of these institutions not merely their presence. This correspondence between democratic institutions and constitutional consolidation is also recognised by Gunther et al. where they state that their "structural dimension" of consolidation overlaps with their definition of political democracy.[22] This is true in the sense that the structural dimension seeks to define the empirical reality of proclaimed democratic features as well as the actors' adherence to the democratic "rules of the game", hence how consolidated the democratic rules of procedure are in a given society.

The important point is that the structural/constitutional dimension emphasises the vital role played by political institutions in the consolidation process. Following Dieter Nohlen, institutions play perhaps the most crucial part in the changing process of democratisation:

> *"Beginning with Max Weber, intellectuals have viewed modernization as a process of institutionalization. At the same time, institutions delimit political behaviour. Basic underlying values about political behaviour are shaped by their interdependence with institutions, such that political culture and political institutions influence and mutually condition one another."* [23]

As emphasised above, the importance of a consolidation of the basic political institutions seems rather clear. To be blunt, one might argue that if institutions malfunction, or fail to consolidate themselves, then it will be difficult for democracy to continue; supportive

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[20] O'Donnell, 1992, pp. 48-49

[21] Linz and Stepan, 1996, p. 6

[22] Gunther et al., 1995, p. 79

[23] Nohlen, 1996, p.45

attitudes and behaviour, or a written constitution, are not enough. Still, the three dimensions of regime consolidation all have central institutional components, or are closely related to them. Attitudinal consolidation relates to the question of attitudes towards the democratic institutional rules and structure. Behavioural consolidation prevails if political actors behave in accordance with these institutions and rules. Finally, constitutional or structural consolidation is defined as the functioning and actual implementation of the constitution's paragraphs and political institutional design. Accordingly, the analysis of democratic political institutions and what will be labelled *"institutional consolidation"* is a precondition for, or a first step toward, the overall consolidation of a democratic regime. In the same manner one might suggest that institutions also represent the focal point - or perhaps a gauge - for the attitudes and behaviour of political actors. Because democratic institutions constitute the very centre of the process, they reveal important features of the democratic consolidation process.

Philippe C. Schmitter analyses overall regime consolidation as consisting of several smaller areas or "partial regimes".[24] These partial regimes encompass different aspects of society and institutions. In a similar vein, Gunther, Puhle and Diamandouros emphasise the importance of political institutions: *"From the standpoint of regime consolidation, the most important [partial regimes] are those encompassing the central institutions of representative government and the party system."* [25] Following the approach of Schmitter and Gunther et al., one could view political institutions as constituting a partial regime; hence they could be kept theoretically distinct from the broader concept of regime consolidation. This does not imply that these institutions operate in a vacuum, but rather that one might profit from analysing them separately (from the other partial regimes).

This analytical focus on institutions can also be related to the above-mentioned importance of political institutions in the process of democratic consolidation. One can see political institutions as a catalyst for the consolidation process. Political institutions are the first things to be established after a transition to a democratic regime, the same institutions function as the framework and fields of interaction for the later exercise of democratic politics. The crucial

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[24] Schmitter, 1992, pp. 160-165; and Schmitter, 1995, pp. 286-288

[25] Gunther et al., 1995, p. 411

part played by political institutions in the consolidation process is strongly emphasised by Philippe Schmitter:

> *"Let us not, however, be misled by all emphasis on choice and voluntaristic action. The core of the consolidation dilemma lies in coming up with a set of institutions that politicians can agree upon and citizens are willing to support."*[26]

According to the definition proposed by Gunther et al. earlier, a democratic system may be regarded as being consolidated if the legitimacy of its key institutions is not challenged, or if its basic rules of political behaviour are not regularly violated by politically significant groups.[27] This definition corresponds well with a limited research concept of institutional consolidation.

To sum up, one could say that political institutional consolidation focuses on the establishment and consolidation of the important political institutional framework in a democracy. In the current case, emphasis will be placed on the "negative" side of the consolidation term, where possible obstacles and hindrances for an institutional consolidation will be analysed. The implicit assumption is to view institutions as important links between the regime and the public. Democratic political institutions regulate and structure the relationship between the governors and the governed. This means that institutions will become the central ground for political interaction in a democracy. Given this, it should prove productive to limit the dependent variable in an analysis of the consolidation of political institutions.

## 1.5 Research design

The previous sections have gone through several stages in defining and specifying the consolidation concept. The term institutional consolidation was regarded as both an integrated part of, and a prerequisite for, overall regime consolidation. The behavioural, attitudinal and constitutional dimension of regime consolidation all have distinct institutional aspects, which can be analysed as a separate entity or "partial regime". Institutional consolidation was

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[26] Schmitter, 1992, p. 159

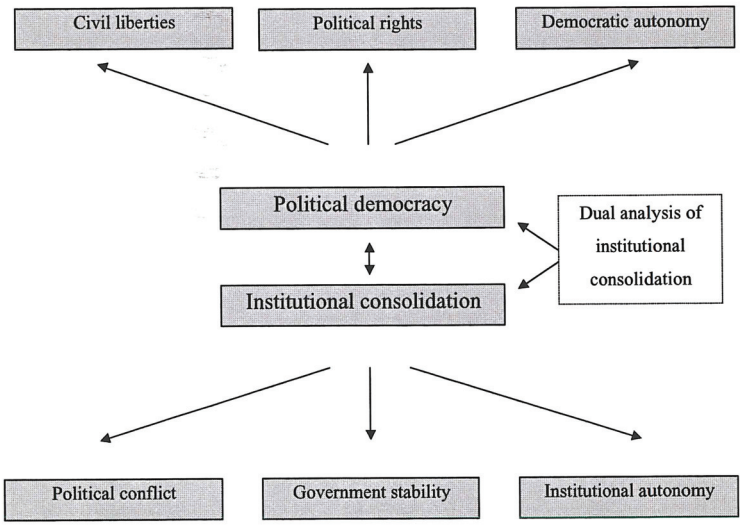
[27] Gunther et al., 1995, p. 8

regarded as crucial for a subsequent, general, regime consolidation - hence a favourable starting point in an analysis of fairly new democracies.

Democratic institutional consolidation was defined as a situation where all politically significant groups regard the key political institutions as the only legitimate framework for political contestation, and adhere to democratic rules of the game. As argued, the study of consolidation - as defined here – can be split into two questions. First, is the country in question democratic? If so, how institutionally consolidated is the system?

Figure 1.2 illustrates the proposed dual analysis and the proposed framework for analysing democratic institutional consolidation.

**Figure 1.2:** *A dual analysis of institutional democratic consolidation*




The analysis of institutional consolidation will be conducted as a dual process, examining first the level of democracy, and then the degree of institutional consolidation. In order to analyse how far the process of consolidation has come one must develop theoretical

indicators for both political democracy and institutional consolidation. This question will be dealt with at length in chapter two, but the following comments will give a brief outline of the subject. Political democracy is seen as entailing two distinct concepts: civil liberties and political rights. As an additional elaboration, Linz includes the demand for democratic autonomy from non-elected actors. The analysis of institutional consolidation looks at several dimensions of political institutions. This is done through three broad theoretical indicators: the level of contestation or political conflict around the institutional structure, government stability over time, and the autonomy of vital institutions from other actors.

The next chapter will develop the model suggested here (figure 1.2) and elaborate on both the choice of indicators and their operationalisation.

# CHAPTER 2

# TOWARDS A RESEARCH MODEL

This chapter is moving towards a model for analysing empirically the level of democratic institutional consolidation. In describing institutional consolidation as a dependent variable it utilises the double-based structure suggested in chapter one. Establishing a reliable measure for the level of democracy can be seen as the first step. Then one can look into the complex structure of indicators describing institutional consolidation.

The layout of this chapter will follow the outline above; first we will focus on indicators measuring political democracy, then indicators for institutional consolidation. Each indicator will be explored with the purpose of presenting a framework for further empirical analysis. This analysis will be conducted in part two of the study (chapters 4-8).

## 2.1 Indicators of democracy

There is a rather substantial literature on how to measure democracy, even if we set aside discussions about the impossibility of capturing the concept quantitatively. As with the definition of consolidation, many differences on the subject arise from which concept of democracy is used as a point of departure. In this analysis, democracy is defined in rather minimalist, procedural, terms (as described in chapter one); accordingly the empirical measures applied here must adhere to these criteria.

In constructing an index of democracy (to measure the level of democracy in 132 Third World countries), Hadenius defines democracy in a way quite similar to the procedural definition applied here.[1] The method of measurement consists of seven indicators, divided into two

[1] Hadenius, 1992, p. 32. Applying Hadenius' method Gramer (1996) has analysed Eastern European countries in relation to democracy. Thus, the analysis done here will be based partly on Gramer's findings.

groups: political elections and political liberties. This leads to an index that estimates the level of democracy on a scale from zero to ten (where ten is total compliance with a procedural definition of democracy).[2]

Another way of measuring democracy is to use the annual "Freedom in the World" survey, published by Freedom House. Among others, Linz and Stepan use this frequently quoted index in their analysis of the level of democracy in Eastern and Central Europe.[3] The Freedom House index uses a seven-point scale to rank countries according to a procedural definition of democracy.[4] The method involves two scores: one for civil liberties and one for political rights. Combined, these scores are used to assess whether a country is "free", "partly free" or "not free". Linz and Stepan convert the index into three similar categories: "above", "border" and "below" the level required to be labelled a democratic regime. Using both Hadenius' *Index of Democracy* and the *Freedom House Index* it should be possible to give a qualified answer to whether or not a regime can be defined as a political democracy. The further operationalisation of both these measurements will be analysed more thoroughly in chapter four.

### 2.1.1 Democratic autonomy

One important point related to the methods proposed so far, is that they do not explicitly consider the extra criteria added to the traditional procedural definition of democracy (chapter 1). As previously mentioned, several researchers have emphasised the benefit of adding extra criteria to the traditional procedural definition of democracy, especially in studies of new democracies.

The question regarding "reserved areas" of power is relevant. Linz and Stepan address this problem and its links to the process of democratic consolidation.[5] They distinguish between the formal, institutionalised "reserved areas" of power occupied by non-elected actors, and the more abstract "autonomy" of political institutions. Valenzuela makes the same distinction

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[2] For a detailed study of the index and operationalisation, see: Hadenius, 1992, pp. 36-71; and Gramer, 1996, pp. 16-23

[3] Linz and Stepan, 1996, p. 445. For a detailed explanation of the Freedom House Index, see Karatnycky, 1996, pp. 530-535

[4] Karatnycky, 1996, p. 530

[5] Linz and Stepan, 1996, pp. 8-10

with his emphasis on the possible negative effect of "reserved domains of power" and "tutelage powers" for the democratic consolidation process.[6]

In general these indicators relate to the political institutions of democracy, and the way in which they are dependent upon, or controlled by, forces outside the political sphere of society – or, in other words, through non-democratic channels. Of course, it is a normative question to ask which channels of influence are to be considered "benign" in a democracy. Nevertheless, it seems reasonable to claim that it is not desirable for the military, an economic segment, or specialised pressure groups to have strong and direct influence on the democratic decision-making process. This is especially critical if the influence of non-elected actors is institutionalised in the political system. Linz and Stepan argue for the general importance of political society's relative autonomy from other spheres of society - especially the organised interests of civil society.[7] This does not mean that they advocate an isolated political society. Rather, they emphasise the importance of a clear and workable agreement regulating the relationship between the two.

The notion of "reserved areas" of political power implies that there should be no areas of public authority held by groups that are not democratically responsible. This aspect is targeted at special powers (e.g., a monarch, the military, religious leaders or the bureaucracy). It is important to emphasise that this does not imply that institutions like those consociational institutions that protect minorities in Belgium or the German "Bundesbank" are anti-democratic institutions. Such arrangements may be the product of formal or informal agreements. The main point is that the agreement can be politically revoked through democratic channels. Problematic reserved domains of power are those areas that a government would like to control, but is prevented from accessing by non-elected actors. Examples of such domains of power might be the special status of the military (outside democratic control), or the less institutionalised veto-powers of non-elected actors.

Valenzuela also mentions "tutelage powers" as another (more subtle and informal) kind of power held by non-elected actors. Tutelage power is an attempt to exercise broad oversight of

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6 Valenzuela, 1992, pp. 62-65

7 Linz and Stepan, 1996, pp. 9-10

the government and its policies, with reference to some higher interest (the public good, sake of the nation, etc.). In the words of Valenzuela a regime cannot *"... be considered a consolidated democracy if those who win government-forming elections are placed in state power and policy-making positions that are subordinate in some manner to those of non-elected regimes."* [8]

Both "reserved domains" of power and "tutelage powers" are difficult to measure quantitatively. Nevertheless, they both represent significant limitations to democracy. Hence, they are important to this analysis. For this reason, it seems necessary to analyse each case qualitatively, in search of institutions or agreements that grant special privileges to non-elected elites. Should such indicators be discovered, it could mean that procedural democracy is seriously flawed and that the democratisation process has produced what Valenzuela dubs "perverse institutions", i.e., institutions that might hinder or slow down the institutional consolidation process.[9]

## 2.2 Indicators of institutional consolidation

The second part of this chapter will concentrate on defining a model for the empirical study of institutional consolidation. Recalling the definition of institutional consolidation, such a model will be sensitive to the absence of negative factors hindering consolidation, as well as the absence of significant conflict around the institutions, as such. Approaching the term, one might intuitively turn to the level of political conflict for an indicator of the consensus around political institutions. The idea is that a controversy about the legitimacy of institutions should be reflected in the general level and nature of the political conflict in society. In addition, it should be argued that the nature of political opposition and inter-institutional conflict would also be reflected in this dimension. However, by using political conflict as an indicator it is important to be able to separate between normal political conflicts (that occur in every democracy) and possibly destabilising political conflicts.

In addition, institutional consolidation captures the degree of routinisation in, and stabilisation of, democratic institutions and practices. As a second indicator one might therefore turn to an analysis of the executive stability of a democratic system. As a modifying condition to this

[8] Valenzuela, 1992, p. 63

[9] Ibid. p. 62

indicator it should be emphasised that stability without democratic change – or turnover – might be just as counterproductive as instability. The third indicator will concentrate on two aspects: the judiciary as the third vital sphere of power in a democracy and the role of an autonomous and well-functioning bureaucracy. The following three sections will examine each indicator, as components of a model for analysing institutional consolidation as a whole.

## 2.3 Level of political conflict

As mentioned above, political institutions can be viewed as the central instrument for regulating and institutionalising political conflict. But if the nature of political conflict is over institutional arrangements or fundamental value-questions, the level of political conflict will have a significant bearing on the institutional consolidation of a regime. Sartori has broken down the notion of political consensus into three useful, and hierarchically ordered, groups: 1) consensus over "ultimate values"; 2) consensus over the "rules of the game, or procedures"; and 3) consensus over "specific governmental policies".[10] He notes that a consensus over ultimate values is a facilitating condition for stable democracies, but it is not indispensable. Indeed, it is difficult to find a new democracy that can produce the same sort of value-consensus that is at work in more established democracies (e.g., in Scandinavia). Nonetheless, it is not difficult to picture how the process of institutional consolidation might suffer from in a conflict between strong ideological opponents. It is quite possible that such a situation might lead to mistrust and a destructive parliamentary opposition. Examples of such cases might be the tragic fate of the Weimar Republic or the more recent breakdown of Yugoslavia.[11] Though the latter was not fully democratic, both regimes were victims of a breakdown in elected institutions, provoked and instigated by extremists. Ultimate values can also be tied to an assessment of constitutional principles. Adherence to both the letter of the constitution and its (constitutional) principle - and hence the democratic mode of conducting politics - is of great importance to all democracies, especially new and fragile ones.

The second point of Sartori's typology is a consensus on procedures. This is conceived as a consensus on basic democratic institutions, or the "rules of the game". Sartori himself puts

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[10] Sartori, 1987, pp. 90-91

[11] The question of ethnical coexistence is regarded as an ultimate value issue.

this consensus forth as a fundamental prerequisite for democracy, and thereby an important component in any assessment of institutional consolidation. One can compare this dimension with Linz' notion of democratic "disloyalty" or "semi-loyalty".[12] Thus, both Sartori and Linz make the same point: without agreement over, or trust in, the basic political institutions, it is difficult to make democracy work. Dawisha also emphasises the importance of consensus around institutional norms and procedures; it is one of her four main indicators of regime consolidation.[13] An example is democracy in Latvia, where a large part of the Russian-speaking population is left without voting rights.[14] Not surprisingly, this situation has produced an opposition founded on the will to alter the criterion for citizenship and electoral institutions. One might also mention the early debates around Hungary's and Poland's electoral laws, as a less extreme - but nonetheless illustrative - example. Disagreements over institutions can be hard to overcome, and such disagreements can dominate the political agenda. Hence, they have the potential of slowing down the consolidation process or - in the worst case – derailing it.

The third point in Sartori's typology is consensus over specific governmental policies, which represents the political issue- and policy-oriented differences between political actors. This sort of consensus can be considered "normal" in any democratic system. A high level of conflict at the policy level would probably not interfere with democratic consolidation, as long as it is independent of either institutional or "ultimate value" conflict.

Valenzuela points out that it is difficult to view the first two aspects of Sartori's consensus-levels as completely separate.[15] There are two reasons for this. First, democratic procedures and institutions will have a greater chance of reaching a consensus if they are viewed as fair by the various political forces (indicating that value consensus facilitates procedural consensus). Second, it is not benign for the long-term consolidation process if a procedural consensus includes what Valenzuela calls "perverse institutions" (if they are perceived as negative for the consolidation process). This involves institutions like the above-mentioned

[12] Linz, 1978, p. 22

[13] Dawisha, 1997, p. 44

[14] Dellenbrant, 1991, p. 100

[15] Valenzuela, 1992, p. 83

"reserved domains of power", that are forced through by the previous regime as a condition for transition - and conflict with the functioning of the democratic institutional system.

In assessing these theories it seems reasonable to suggest that the general level of conflict in a society is a significant factor in analysing institutional consolidation. However, the practical operationalisation of the term "political conflict" raises problems associated with measurement and operationalisation. It is not uncommon to examine the party system when studying the nature of political conflict. By analysing political parties, it should be possible to identify examples of ultimate value and institutional conflicts. Even though a party system may be without significant anti-system parties, it does not mean that it is without institutional conflict. For this reason, it is important to consider the debate around the political institutions themselves, and look for possible conflicts between institutions within the political system.

This analysis will approach political conflict by looking at two types of indicators. First, it is possible to look at manifest dissatisfaction with the institutional structure, represented by anti-system parties. Second, it is possible to look for signs of conflict over democratic institutions (represented by other political methods). In addition, the political significance of these factors will have to be analysed before any conclusion can be reached regarding the relevance of political conflicts for institutional consolidation. The next three sections will examine anti-system parties and institutional conflict as indicators of the above mentioned types of political conflict.

### 2.3.1 Anti-system parties

As an indicator of the type and nature of political conflict one might examine the concept of anti-system parties. The term was developed by Sartori as a part of his theory on "polarised pluralism". His definition of an anti-system party is a party that *"would not change - if it could - the government, but the very system of government"*.[16] This implies that a significant anti-system opposition represents a destabilising and delegitimising force, and hence an obstacle for institutional consolidation. In relation to the previously mentioned level of conflict, the presence of significant anti-system parties can be an indicator for both conflicts

[16] Sartori, 1990, p. 329

of "ultimate values" and institutional opposition towards the current regime. In their assessment of viable indicators of consolidation, Gunther et al. share this idea: *"One broad indicator of consolidation is the absence of a politically significant anti-system party or social movement".*[17] This emphasis makes the configuration and composition of party systems in post-communist countries especially interesting, also as a measurement for level of conflict. If one also considers the relative weakness of civic society in post-communist countries, this analysis becomes even more important.

One problem associated with utilising Sartori's definition of anti-system parties is that it excludes all but the most extreme and declared anti-democratic parties. In his study of parties and party systems, Robert A. Dahl has offered a detailed analysis of different kinds of "anti-system parties", or what he calls "structural opposition parties".[18] By looking at parties' goals and strategies, Dahl concludes that one can make a clear distinction between limited and major structural opposition. Limited structural opposition is the wish to change parts of the political structure, but keep the regime as such. Dahl uses the women's suffrage movement as an example. Major structural opposition is reserved for parties that not only want to change the political structure, but also the socio-economic, or founding, structure of the regime. Revolutionary movements or right-wing extremists are obvious examples.

Despite this distinction we are still left with the problem of ethnic, or regional parties wanting some degree of autonomy. It is possible to include these sorts of parties by adding "preservation of territorial entity" to Dahl's list of party goals. Using this variable it is possible to distinguish between limited opposition (i.e., parties that want some change in the political structure, e.g., federalism or regional autonomy), and major opposition (where the legitimacy of the present state is questioned, e.g., separatism or irredentism). The demarcation criterion concerning this special group of parties should be whether or not they question the state's territorial legitimacy.[19] Using these modified notions of structural opposition, it is possible to analyse institutional consolidation by examining the relative significance and type of such opposition.

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[17] Gunther et al., 1995, p. 13

[18] Dahl, 1966, pp. 342-343

[19] This point refers to Linz' thesis on democracy and the imperative of the state's absolute territorial control (chapter 1).

### 2.3.2 Semi-loyalty

The presence of structural opposition is a rather clear measure for the manifest level of conflict presented through parties. But as already mentioned, there can be several ways of obstructing a consolidation process apart from this organised opposition to institutional arrangements. Linz and Stepan label such phenomena as disloyalty or semi-loyalty towards the democratic institutions and constitution: *"If all major parties perceive each other as loyal [to democracy] this decreases the cost of [electoral] losers and increases the cost of 'intertemporal' disengagement from the democratic process."*[20] These concepts touch on two important aspects of institutional consolidation. First, the cost of losing an election is reduced to parties that know there will be other elections to follow; this should make it easier for them to accept electoral defeat. The second factor of the disloyalty-concept concerns the functioning and nature of opposition in democratic institutions. Overt disloyalty or semi-loyalty to the idea of democratic procedures or democratic institutions constitutes a rather strong form of opposition. Most political actors would probably be careful in expressing doubts about the democratic idea as such. But it is equally important that vital actors in political life perceive each other as loyal to democratic principles. Without such perceptions of loyalty it is hard to conduct a democratic opposition and to agree on institutional arrangements. For example, if a political actor were to perceive other actors as power-seekers – only conditionally interested in democracy, as an instrument to obtain power - most institutional arrangements would probably be viewed in light of this perception. Gunther et al. clearly emphasise the importance of loyalty to the analysis of institutional consolidation: *"The existence of a politically significant semiloyal organization also constitutes evidence that full, or perhaps even sufficient, consolidation has not been achieved."* [21]

### 2.3.3 Conflict of institutional competence

Semi-loyalty touches the border area between Sartori's "ultimate value" and institutional conflicts. This section will look more exclusively into the different institutional conflicts that might be influencing the overall level of conflict. There are several possible institutional conflicts that might arise in the process of consolidation, but one might especially mention

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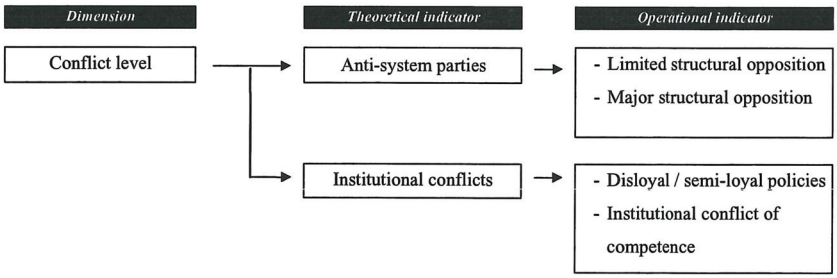
[20] Linz and Stepan, 1996, p. 156

[21] Gunther et al., 1995, p. 14

conflicts of competence, or high-intensity power-struggles, between institutions. For instance, a government - in a time of crisis - that wants special emergency powers to pass legislation outside the parliament, thereby curtailing the sovereignty of the legislative assembly. The other side of the story is an irresponsible parliamentary opposition trying to defeat the government with every means available. Both these patterns will lead to conflicts about institutional competence and hence produce situations of potential deadlocks and possibly increase the frequency of government turnovers. Needless to say, these are not optimal conditions for an institutional consolidation.[22] Institutional conflict represented by limited structural opposition parties and semi-loyal attitudes have already been discussed. Hence, this section will be looking more exclusively for conflicts of competence between institutions; particular attention will be paid to the possible conflicts arising from a dual executive. By using institutional conflict as an indicator for institutional consolidation, institutional design will not be taken into account. Instead, it is possible to look at the empirical frequency and nature of such conflicts.

**Figure 2.1:** *Theoretical operationalisation of the conflict level dimension*




To conclude the discussion around indicators, figure 2.1 is a summary of what has been said thus far about "political conflict" as an important dimension in the analysis of institutional consolidation. The "political conflict" dimension is operationalised into two main theoretical variables: the presence of anti-system parties and institutional conflict. These variables are again subdivided into more precise questions for empirical analysis. Further operationalisation and specification of the analytical model will be done as an introduction to the empirical analysis in chapter five.

[22] Ibid.

## 2.4 Executive stability and turnover

Executive stability and turnover were the second types of indicators proposed to measure institutional consolidation. On the one hand, executive stability and system governability are important aspects of institutional consolidation, understood as the routinisation and stabilisation of a democratic system. These indicators emphasise the smooth and normal functioning of the executive power without constant power-shifts and high levels of volatility. On the other hand, government turnover is an important means of showing the opposition that it is possible to gain executive power through elections. This might be especially important in the early years after a transition. This implies that we must crudely separate between the stability of an elected government in office and the possibility of turnovers (as a result of elections). Following this line of argument, both a reasonably stable executive power and peaceful government-turnover are of great importance to the legitimation, routinisation and stabilisation of a democratic institutional structure.

### 2.4.1 Government stability

Low government stability can be seen as a sign of political or institutional crisis. The most obvious examples are from Europe in the inter-war period, but they can also be found in the new Latin-American democracies from the 1950s and 1960s. In addition, low government durability might create a situation of ungovernability, thereby harming the legitimacy of the democratic institutions as such. In cases of extreme instability, demands for a "strong man" leadership, or curtailment of democratic institutions (for the sake of "national salvation") are often generated.

This suggests that low government stability can hinder, or slow down, the process of institutional consolidation. One way to measure government stability is in terms of the durability of government (i.e., the share of the designated period that the government stays in power). The advantage of this indicator is that it should be fairly easy to measure, and it takes into account differences in government periods. But if stability is the only measure, it could prove to be misleading in terms of institutional consolidation. A high level of government stability may not necessarily be a sign of institutional consolidation if the same power or coalition holds continuously on to power. A good example of this situation is the extreme dominance by the PRI in Mexico (up to the early 1990s). This dominance would have given Mexico a high score in terms of the stability indicator, but the lack of an

alteration in power is not necessarily positive for the process of institutional consolidation. As mentioned above, one will therefore have to include an indicator for the turnover of executive power.

### 2.4.2 Two-turnover test

Democratic turnover relates to a situation of government change after a resignation, an electoral defeat, or a parliamentary vote of no-confidence. Some authors have even suggested that the so-called "two-turnover test" is a sufficient measure of consolidation.[23] This means that a democracy is considered consolidated if the party or group that wins power in the initial election, thereafter loses an election and turns power over to the winners of that (second) election, which subsequently loses the next election and hands power over to the latest winners. In other words power is twice transferred between different parties or coalitions.[24]

The peaceful acceptance of electoral defeat (and the resulting democratic turnover of power) indicates that significant political actors view the democratic process and its institutions as legitimate. Equally important, it signals vital trust in other groups by letting them occupy power. The turnover test is an indicator of faith in the political institutions and in other political actors, but should perhaps not be considered as *the* decisive test of consolidation. If one applied the criteria strictly, neither Japan nor Italy could have been classified as truly consolidated democracies until well into the 1990s. In a recent book on consolidation, Dawisha suggested that one should treat consolidation as a continuum rather then a two-step process.[25] According to this view, the turnover test should be treated as only one of several indicators of consolidation. This view will be followed here.

One additional aspect to executive turnover is that it takes place within institutional rules. The definition of democracy used in our analysis will consider the correctness of formal elections, but there are other ways of changing the government (outside formal rules). The way a government falls, and the nature of the resulting turnover are also interesting analytical points

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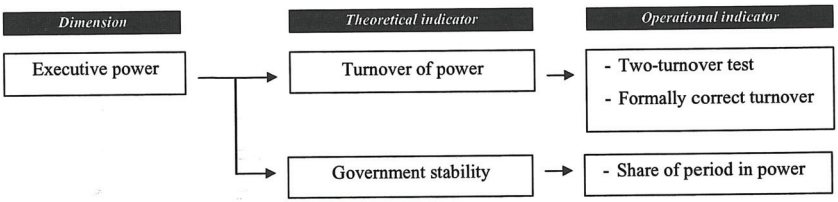
[23] Huntington, 1992, pp. 266-67

[24] The example used relates to power-shifts through elections. However, as mentioned above, turnovers can occur through other (non-electoral) democratic channels.

[25] Dawisha, 1997, pp. 43-44

to consider. One might distinguish between turnovers as a product of elections - and hence a new division of power in the national assembly, and turnovers as a product of extra-electoral situations. The first category is covered by the procedural definition of democracy. The last category can be subdivided again into legal and illegal turnovers. A legal turnover may be brought about by, for instance, a coalition breakdown, a vote of no-confidence, or a cabinet question. The concept of illegal turnover spans from military interventions, to threats of violence, to more subtle economic pressures or bribes. The nature of the change of power has a significant influence on the consolidation process. If the turnover is viewed as illegitimate, the whole institutional construct of democracy will be harmed by a loss of confidence. It has already been mentioned how too many turnovers over a short period of time can pose stability problems.

**Figure 2.2:** *Theoretical operationalisation of the government stability dimension*




The performance of democratic institutions, by way of a stable executive power and the peaceful acceptance of power-shifts, provides important insights into the way a democracy is institutionalised and consolidated. Both of these indicators suggest that institutional consolidation can be achieved through what previously has been described as "bounded uncertainty" and "contingent consent".

## 2.5 Independent state institutions

So far the indicators of institutional consolidation have mainly focused on the executive and legislative institutions of society. Apart from these institutions, political democracy also requires an impartial and independent judiciary. In addition, democracies require a credible bureaucracy in order to shield the individual from abuses of power and to provide predictability. The need for integrity and independence are vital for the legitimacy and integrity of both these institutions. The following two sections will explore the question of independence for both institutions and suggest indicators for further empirical study.

The bureaucracy is interesting because it touches on the internal functioning of the institutions. Thus far, indicators have been concerned with how political institutions' relate to each other and society, through the party system. Another important aspect of institutional consolidation concerns how well institutions function internally. The legitimacy and consolidation of institutions is closely related to the effectiveness of bureaucracy. Without a professional and competent bureaucracy, the running of the state and the administration of institutions will be difficult to manage. This notion draws on Schumpeter's view of modern democracy as best served if a stratum of professional bureaucrats supports the politicians. Even though the bureaucracy is not democratically "elected", its activities may contribute to the efficiency of democracy, and hence promote its survival. Seen in this light, the bureaucracy plays an important role in providing legitimate and governable democracy. This aspect is very important in post-communist regimes, where the bureaucracy and the ruling "Party" were closely interlinked under the former regime. According to the Hungarian political scientist Fellegi, a professional "Weberian" bureaucracy never developed under state-socialism in Eastern Europe: *"Bureaucratic competency and authority flowed from the political hierarchy, not from the internal rules of a professional bureaucratic system."* [26]

Linz and Stepan emphasise the role of a well-functioning state bureaucracy as a precondition for consolidation.[27] They suggest that this problem is especially acute in Eastern Europe, where the separation between party and state bureaucracy was virtually obliterated during the communist era. Given this history, they suggest a number of potential problems that might be found in the bureaucracies of today's post-communist countries. First, when the Communist Party was ousted from power, the bureaucracy was severely weakened because of its earlier links to the party. Second, massive purging of the bureaucracy (as in East Germany) or the absence of significant change (as in Romania) creates problems for the consolidation process (through loss of legitimacy, expertise, or both). The third problem is more general in character and relates to the delegitimation of the state-bureaucracy (because of its extensive role in the former communist regime).

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[26] Fellegi, 1992, p. 123

[27] Linz and Stepan, 1996, p. 11

Together, these problems are all related to bureaucratic autonomy, or rather the lack of autonomy from other spheres of society. The bureaucracy can lose autonomy through widespread practices of corruption. In their description of the communist bureaucracy, Miller, Koshechkina and Grodeland state: *"Citizens could expect neither serious consideration nor fair treatment without some means of 'interesting' the official in their case. Dependence upon the use of bribes and contacts were notorious."*[28] Needless to say, a situation of widespread corruption is a serious deficiency in bureaucratic autonomy, and a threat to the institutional consolidation process.

### 2.5.1 Political corruption

One could expect that internal institutional deficiencies, such as corruption, undermine legitimacy for the institutional structure of democracy and for democracy in general. In his introduction to the subject, Paul Heywood states:

> *"The effects of corruption are especially disruptive to democracies: by attacking some of the basic principles on which democracy rests – notably, the equality of citizens before institutions [...] and the openness of decision making – corruption contributes to the delegitimation of the political and institutional system in which it takes root."* [29]

Following this line of reasoning, if corruption is widespread in the state bureaucracy it might lead to a loss of faith in the impartiality of the institutions and a general distrust towards them. Della Porta and Vannucci describe what they call the "perverse effects of political corruption" as a vicious circle created by the mutually reinforcing effects of corruption, clientelism and misadministration. Ultimately, these effects undermine the consensus for the political regime and its institutions.[30] The former bureaucratic systems in the Soviet Union and Eastern Europe (in its more perverted form) could – to borrow a phrase - be described as an "autocracy tempered by corruption".[31]

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[28] Miller, Koshechkina and Grodeland, 1997, p. 181

[29] Heywood, 1997, p. 9

[30] della Porta and Vannucci, 1997, p. 120

[31] Miller, Koshechkina and Grodeland, 1997, p. 181. The quote is from Gogol's novel "*The Government Inspector*".

The concept of corruption is defined as the criminal misuse of one's public position for the advantage of another party, in return for some proposed or actual benefit.[32] It is important to remember that corruption is a means to an end: by proposing a bribe, an actor indicates that he does not accept the official decision-making process; by accepting the bribe the public servant condones this attitude. It should not be necessary to state the danger of such actions on a larger scale, or if it is allowed to escalate to what has been called "systemic corruption". In the latter instance, corruption is not merely an individual phenomenon, but a quasi-accepted, institutionalised part of the decision-making and bureaucratic processes.

The fact that corruption is illegal introduces serious measurement problems. This criterion naturally makes corruption a rather elusive term; it is difficult to obtain valid data. Despite these difficulties there have been some attempts to measure the level of corruption through different actors' *perception* of corruption in their own country. The German based organisation "Transparency International", issues an annual index of corruption, which is comprised of their own research and that of several other sources. The index is based on a number of surveys made among different occupational groups and the general population at large. Both the index and its methodology will be introduced at length in chapter seven.

"Perceptions of corruption" is a relatively imprecise measure for the level of corruption. A country that is openly trying to expose corruption (e.g., through the judicial system and media) will probably be perceived as being more corrupt than a country that ignores the problem. Nonetheless, perceptions of corruption do provide important information about how widespread corruption is perceived to be in a state. This is especially true if we consider that *perception* is the basis for *evaluating* he bureaucracy's legitimacy. This is why it is used as an indicator in this analysis.

### 2.5.2 Judiciary autonomy

In a democracy, the judiciary plays a special dual role as being part of the balance of power and a vital source of legitimacy (through the administration of the law). Hence the autonomy

[32] Bogdanor, 1991

of the judiciary is important both as a guarantee for rule of law and –more generally - for the legitimacy of democratic institutions. The latter point refers to Weber's concept of legitimacy derived from rational-legal authority.[33]

The traditional state-socialist system of justice was not independent from the government. Rather, it was an integrated part of the system, serving the purpose of the state and the party. Judge and prosecutor positions were controlled through the nomenclature system and were hence political (rather than juridical) in nature.[34] For instance the Supreme Soviet (or the equivalent institution) would normally elect the Supreme Court. In short, a classically independent judiciary, as a balance to the executive and legislative powers, did not develop. Instead, the judiciary was subject to political control and in many cases was used as an instrument of repression. By using the judiciary to punish undesirable political opinions and to impose (often) arbitrary justice, the legitimacy of the judiciary deteriorated, as did faith in the rule of law.

Over time, however, communist countries developed different systems of management, with varying degrees of meritocracy – or, in other words, a mixture of technocrats and nomenclature. With the advent of democracy, there would have to be substantial changes in these administrations - depending on the degree of politicised bureaucracy and repression. There is, of course, rather significant variation in the severity of the problems facing different states; for instance Poland and Hungary were probably better off – than was Romania - in terms of a functioning and professional bureaucracy under communism. This sort of variation offers different problems to the institutional consolidation process (in the way that countries are able to restructure and professionalise their bureaucracies and judiciaries). By any standard, the communist legacy leaves the new democratic judiciaries with tremendous tasks of re-building public confidence in their institutions. Hence, independence and autonomy become indispensable assets.

As indicators of judicial autonomy, one might measure both the outcome of the judiciary process (through an analysis of the "rule of law") and the judiciary itself (through a classical approach). Weber's ideal of the bureaucracy, and Montesquieu's balance-of-power principle,

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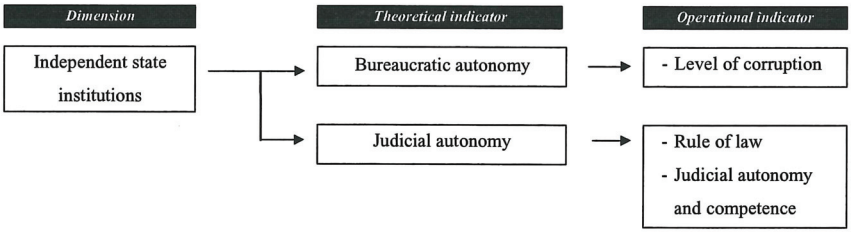
[33] Weber, 1994, pp. 91-92

[34] White, Gardner, Schöpflin and Saich, 1990, pp. 266-267

have influenced the ideal of a competent, impartial and independent judiciary. Hence the empirical analysis will be focused on judicial autonomy and independence from other spheres of society, as well as the internal competence and functioning of the judiciary.

**Figure 2.3:** *Theoretical operationalisation of the bureaucratic and judiciary autonomy dimension*




The complete dimension of bureaucratic and judiciary independence is illustrated in figure 2.3. Corruption will be used as an operational indicator for bureaucratic autonomy. Judicial autonomy relates to a special institution that is a part of both state institutions (while at the same time being an autonomous state power). This heightens the demand for autonomy from other spheres of power and the need to be perceived as a legitimate and fair institution (not only for its own sake but to protect the legal legitimacy of political institutions in general).

Institutional autonomy was the last of three dimensions of institutional consolidation. Both these dimensions, and the analysis of political democracy, are parts of the research design suggested in this chapter. This design is summarised in a model that will be presented below.

## 2.6 Research model

This chapter has worked towards a model for an empirical analysis of democratic institutional consolidation. Following the theoretical framework drawn up in chapter one, a set of research dimensions and operational indicators has been constructed and integrated in the form of a model. There is still some work left on the detailed empirical exploration of the operational indicators, but this will be dealt with in the respective chapters of the analysis.

**Figure 2.4:** *Research design for an analysis of institutional democratic consolidation*

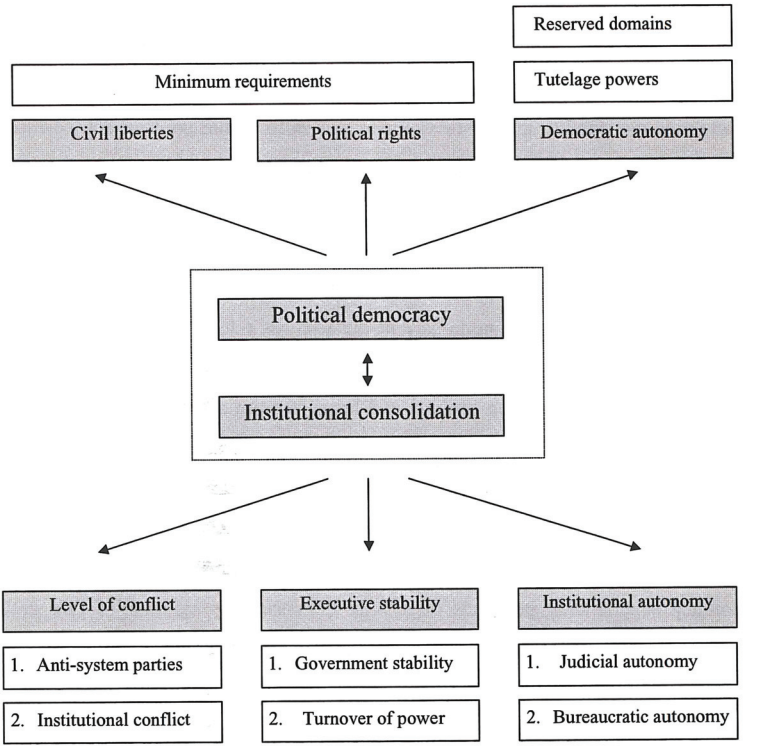



Figure 2.4 illustrates the two-step analytical model. The question of political democracy is analysed first, followed by the degree of institutional consolidation (the dual-analysis framework described earlier). The background for this chronology was discussed earlier. It is important to establish whether or not a regime is democratic before one can proceed to ask about the degree and nature of consolidation in the political institutions. Democracy is examined according to a minimal procedural definition and is divided into political rights and civil liberties. In addition, an extra criterion is included that emphasises the formal democratic autonomy from non-elected actors. The two main dimensions will be analysed quantitatively in chapter four, whereas the additional

criterion of democratic autonomy will be examined qualitatively to ensure that there are no significant limitations to the sovereignty of democratic procedures.

Institutional consolidation is divided into three dimensions, which analyse the subject from different perspectives. Political conflict examines the type and nature of conflict by looking at anti-system parties (structural opposition) and conflict around political institutions. The second dimension analyses the stability in executive power and shifts in the political composition of governments (turnovers). The last dimension looks into the autonomy and functioning of two different (but important) state institutions – namely, the bureaucracy and the judiciary.

The dimensions suggested for institutional consolidation have so far been described one by one, and will be handled fairly autonomously in the analysis (chapters 5-7). Although they ultimately measure the same phenomenon, the approaches to these dimensions emphasise different aspects of the consolidation process and hence require a separate treatment in the analysis. The conflict dimension examines the presence of significant structural opposition and disagreements over basic institutional arrangements. The stability dimension, on the other hand, analyses the stability of the executive power and so forth. Each dimension is seen as equally important for the successful completion of the institutional consolidation process. Hence, a country experiencing problems on several dimensions is assumed to face greater challenges than a country experiencing a more limited problem (even though the basic question could be the same). For instance an extremist party will influence the political conflict dimension. But such a party, in a swing position in parliament, could also influence the level of executive stability. Such a party, in government, could influence the degree of institutional autonomy. This example illustrates that the research dimensions are empirically connected, but it also emphasises the benefit of analysing them independently in order to detect the size and composition of possible hindrances to the consolidation process. The analysis of the three dimensions will conclude in a chapter where the findings are summarised and compared before a final assessment of the level of institutional consolidation is reached.

# CHAPTER 3

# SELECTION OF RELEVANT CASES

The previous chapters have focused on the theoretical basis of the analysis and the construction of a research model. Before proceeding to the empirical analysis, it is important to introduce the selection of countries to be included in the study. Within the limits of this study, one cannot hope to capture all elements of communality and difference in such a diverse area as Eastern and Central Europe; hence a selection of countries must be made. The objective is to choose countries that are fairly similar in some respects (e.g., communist command economy and political system), but different in other vital ways that might benefit an analysis of institutional democratic consolidation (e.g., degree of restructuring problems, both politically and economically). The purpose of the study is not to reach general conclusions about the region as such, but rather to analyse the process of institutional consolidation in the context of Eastern and Central Europe after 1989. Hence the cases will be selected with this aim in mind. Due to the method of case selection, it is not possible to generalise results beyond these cases. Nevertheless, it should be possible to apply the theoretical approach and the analytical model elsewhere. This chapter will seek to give a short presentation of the selected countries in terms of which factors they share and how they differ.

## 3.1 The new democracies of Eastern and Central Europe

Up to this point, the only limitation to the geographical size of the empirical analysis has been the reference to post-communist countries of Eastern and Central Europe. This term, Eastern and Central Europe, is often rather vaguely defined: sometimes it includes only the countries outside of the old Soviet Union; other times it includes all the post-communist republics from Russia to Hungary. It further complicates matters that certain countries consider the label "Eastern" a historical stigma. Consequently, these countries often prefer to regard themselves as *Central European*. Geographically, the complexity has also increased. In an area that once included just nine states in 1989, there are now between 19 and 27 states (depending on how

many former Soviet Republics the definition includes). For these reasons, great care should be used when selecting cases for empirical analysis. The empirical variation and magnitude of the area is overwhelming no matter how one defines Eastern and Central Europe.

It is possible to start by defining the area of interest as the belt of post-communist countries stretching from the Baltic Republics to the former Yugoslavia. Though this limitation excludes Russia and almost all the successor states of the old Soviet Union, it still leaves 15 possible cases from which to choose. The area selected is almost identical to the old "cordon sanitaire", constructed after World War I. However, as previously argued, the analysis requires the presence of democratic institutions in order to conduct a study of institutional consolidation. A closer examination of the countries in question shows that all the former Yugoslav republics (with the exception of Slovenia) hardly qualify as democracies. This leaves 11 countries from which to choose.[1]

## 3.2 Relevant cases

Using existing knowledge of the area, it should be possible to pick a limited number of countries to be included in the analysis. The goal should be to get a group of countries that can give important information regarding different outcomes and processes towards institutional consolidation. Hence the purpose of the study is not to reach generalised statements about the region as such, but rather to analyse institutional consolidation (both the process and its causes) through the limited number of cases selected here. On this background, the cases have been qualitatively selected with emphasis on the indicators suggested in the previous chapters. In particular, the criterion for selection was broad variation in terms of possible explanatory variables (such as recent history, political development and economy). The countries selected here are Latvia, Poland, the Czech Republic, Slovakia, Hungary and Romania. Again, the results of the analysis are not generaliseable outside their context, but the mode of analysis may well travel. The next sections will examine some differences found within this group of countries, before each country is itself introduced.

[1] Karatnycky et al., 1997; The Freedom House Survey 1995 and 1997. The method used in evaluating these democracies is described at length in chapter 4.

Perhaps the most widely used demarcation criterion between countries is the level of socio-economic development. The communist countries of Eastern and Central Europe were often treated as a homogeneous group. Looking back at the regimes before 1989/1990, it has become increasingly clear that there were substantial differences between the countries regarding both classical economic indicators and the possibility for personal initiative in the economy. Though the latter differences have been reduced with the broad introduction of a market economy, economic differences in the region have prevailed. This process has revived classical modernisation theories regarding the casual link between socio-economic development and sustained democratisation.[2]

The countries proposed for this analysis capture some of the differences in the region regarding economic indicators. Hungary and Poland represent more liberal economical regimes (during the communist era), and - together with the Czech Republic – they have enjoyed rather successful privatisation and economic restructuring processes. Although Latvia represented one of the more developed former Soviet Republics, its loss of Russian markets has brought substantial restructuring problems. With an industrial basis in heavy armaments, Slovakia suffered disproportionally from the collapse of the Warsaw Pact and the disappearance of its export markets. Romania's communist economy was one of the region's weakest, and it still seems to struggle economically.

Another interesting distinction is the type of institutional arrangements used. Though all the selected countries are democracies (as of 1996), there are still important variations in their institutional structures. Differences in institutional arrangements have inspired theories regarding the effect of institutional choices on the democratisation process. Perhaps the most obvious differences are found among executive institutions. Both Poland and Romania have a system of executive power-sharing (between a president and a prime minister). The other four states (Latvia, Slovakia, the Czech Republic and Hungary) have parliamentary systems. There are also other institutional differences, including differences in the chamber-structure of the national assemblies, constitutional protection of minorities, and contrasting degrees of party

[2] E.g., Huntington, 1991; Przeworski, Alvarez, Cheibub and Limongi, 1996

system fragmentation (e.g., where Poland has between 20 to 25 parliamentary parties, while Hungary has but six to eight parties in parliament).[3]

Finally, the selected cases also represent a rather good spectrum of previous regime-types. According to Linz and Stepan, an important aspect in any analysis of consolidation is to look at the nature of the previous regime-type.[4] The above selection of countries represents a solid span of variation, from the extreme "sultanistic" model of Romania to Poland's more authoritarian regime. The other previous regime-types can be characterised in terms of different shades of "post-totalitarian".

The following six sections will introduce each country briefly, to give an outline of the overall situation as a general background for the more specialised analysis of part two (chapters 4-8). To highlight some of the country variation, each section will focus on three broad areas: economics, political development and recent history.

### 3.2.1 Poland

Poland's modern history has been one of foreign rulers and shifting borders. Its geopolitical placement between the historical empires of Germany and Russia has earned Poland the ironic nickname "the doormat of Europe". In the context of this study Poland can be seen as the country where the liberalisation process started, from which eventually led the fall of the "Iron Curtain".

Politically, the unifying theme of the last few decades has been the transformation of Solidarity. Beginning as a labour union, Solidarity metamorphosed into a broad-based social movement, then into a parliamentary party, then nearly disintegrating (due to internal conflicts) before completing the circle and returning to its manifestation as a trade union. The re-emergence of plural politics in Poland has also produced new cleavages. A distinct clerical-secular divide, combined with an urban-rural or national-cosmopolitan cleavage, has

[3] The names and acronyms of the political parties are translated into English. The original names are listed in Appendix B.

[4] Linz and Stepan, 1996

supplemented the classic left-right divide in Polish politics. These partly overlapping, partly crosscutting, cleavages have contributed to a multitude of parties that make the Polish party system a colourful, but rather intricate, picture.

In the eight years following the introduction of democracy (1989), Poland has had four parliamentary and two presidential elections. The last presidential election in 1995 ended with a close runoff between the old president Lech Walesa and the social democrat Aleksander Kwasniewski. Kwasniewski won by a narrow margin with 51.7% of the votes. However, Walesa did not accept the defeat and launched a petition to declare the election invalid on the grounds that Kwasniewski had misrepresented his credentials to the voters. (The Supreme Court later dismissed the petition.) The 1997 parliamentary elections brought the centre-right parties back into power after an electoral defeat in 1993.

Economically, Poland left the communist era with an international indebtedness of US$ 40 billion for a population of 37 million.[5] This is not what one would call an optimal starting point for the sort of economic restructuring that would accompany the introduction of market capitalism. Though the introduction of a market economy can be described as a relative success, it has left the restructuring of the social welfare system largely in the shadows. A host of economic issues – radicalised trade unions, unemployment, undersized welfare programs, the demands of the IMF and the EU, dissatisfied pensioners, etc. – present the authorities with an agenda of contradicting political demands. Despite a sometimes-difficult situation, the most dramatic predictions of social revolt and institutional collapse have not been fulfilled.[6]

### 3.2.2 Hungary

The communist era in Hungary can be described in terms of contrasting periods: from the totalitarian Stalinist period (1948-53), to a liberalisation and popular revolt (1956), followed by a repressive communist regime (1956 to 1962), and again a liberalisation and opening of the country towards the transition (1989). In the latter period Hungary can be said to have

[5] Europa World Year Book, 1990, p. 2099

[6] Roskin, 1991, p. 183

occupied the position of Eastern Europe's display-case to the West. However the economic reforms that created this picture of relative prosperity were largely financed by foreign loans; by 1986, the debt amounted to a staggering 62.2% of GDP. [7]

The 1989 transition to democracy was characterised by the Hungarian political scientist Rudolf L. Tökes as a "negotiated revolution" or a "leverage buyout", depending on the use of political or economical terminology.[8] This quiet transformation is largely ascribed to the National Round Table Conference, which managed to broker an agreement between the outgoing and incoming political elites. This formal pact, together with an understanding reached between the winners of the 1990 election (Hungarian Democratic Forum) and the runners-up (Alliance of Free Democrats) were major landmarks in Hungary's transition. This rather smooth transition can be interpreted as the culmination of an almost two-decade long process of economic reforms, institutional transformation and cognitive change.[9]

The ex-communists' return to power in May 1994 marked the end of the Christian-democratic dominance that had prevailed since the first election.[10] The Hungarian Socialist Party's (HSP) landslide victory secured them a majority (54.1%) of the seats in the National Assembly. With only 33% of the votes, the HSP can thank the multiplier effect of Hungary's complex electoral system for the comfortable victory. This outcome added insult to injury for the defeated Hungarian Democratic Forum (HDF), which had been one of the main authors of the new electoral law.

Given Hungary's relatively favourable position (in terms of an already growing private economy and an ongoing restructuring of society at the time of transition) it suffered less economic hardship than other post-communist economies. Keeping this in mind, it is perhaps not surprising that the Hungarian economy was one of first to show signs of growth after initial difficulties (1989-1991). As one of the most successful economies in Eastern Europe

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[7] East and Pontin, 1997, pp. 52-53

[8] Tökes, 1997, p. 111

[9] Ibid., p. 120

[10] Bihari, Mihaly. "Parliamentary Elections and Governmental Change in Hungary in 1994", in *Hungarian Yearbook*, 1995

today, Hungary enjoys rather good prospects for entering the EU at the next round of enlargement. NATO-membership (together with Poland and the Czech Republic) can also be seen as a sign of Hungary's relatively stable development since 1989.[11]

### 3.2.3 The Czech Republic

Contrary to the tranquil negotiations of Hungary, Czechoslovakia's transition started in November 1989, with brutal beatings at a peaceful student demonstration in Prague. The protests that followed literally swept the old regime away: first came the forced resignation of the Communist Party leadership, then came the renunciation of the party's leading role, and finally came the creation of a non-communist dominated government (in early December). The new government took immediate steps towards introducing democratic institutions and prepared the ground for an election.

The first free parliamentary and local elections were held in June and November 1990, respectively. It was hoped that a substantial change in leadership, at all levels, would secure popular legitimacy for the large restructuring process that would follow. The transition also introduced a number of new public issues. Most important of these, was ethnical issues that complicated steps towards economic and constitutional reform. Initially both the leaders of the Czech and Slovak republics supported the continuation of some form of common state. However, support for greater autonomy for Slovakia, or a separate Slovakian state, increased together with the political crises. In the period before the 1992 parliamentary elections, political leaders were able to contain the conflict. However, Vladimir Meciar's "Movement for a Democratic Slovakia" victory in the Slovak parts of the country brought increased conflicts over federal and state level of authority. These conflicts eventually split the country into two independent states.

As David M. Olson states in his assessment of the democratisation process in the Czech Republic, the break-up of Czechoslovakia did not disrupt the development of democracy, economic reform, or a new party system within the Czech Republic.[12] The governing coalition

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[11] East and Pontin, 1997, p. 61

[12] Olson, 1997, p. 150

suffered a light setback in the Czech elections of 1996, but the elections did not produce a change in government, as they had in Poland and Hungary. The centre-right coalition of Václav Klaus could continue in office, but it lost its majority (99 of 200 deputies) and the leftist Social Democratic party came to occupy the swing position in parliament.

Because of Czechoslovakia's unique past as the only democracy to survive the inter-war period in Eastern and Central Europe, this period was used vividly to gain legitimacy for the new democratic regimes, especially in the Czech Republic. On the whole, the transition to democracy was interpreted as a *return* to democracy, rather than the founding of it. This meant that the new republic had both a basis for legitimacy and a pattern for reconstructing the institutions. This situation might have eased the initial difficulties of coping with the problems of a simultaneously restructuring of the economy and political institutions.

### 3.2.4 Slovakia

Slovakia differed from the Czech lands both politically and economically, even before the break-up of the federation. This fact, together with the knowledge of the different political developments seen in the two countries after the Velvet Divorce, suggests a separate treatment of these cases.

Economically, the main difference between Slovakia and the Czech Republic lay in the relatively late industrialisation of the former. Most Czech industry was developed in the communist era, and consisted mostly of large enterprises in the armament and other heavy industries' sectors. This bias hit Slovakia particularly hard when the main buyers of such equipment disappeared along with the Warsaw Pact and the Soviet Union. In addition, the sheer size of the units posed problems for restructuring and privatisation-programs. In sum, these issues seemed to feed the popular resonance of parties and politicians claiming that Prague did not understand the problems of Slovakia. But scepticism towards the central government in Prague also had deeper roots. The increased oppression and centralisation of power by the Prague-government (as a reaction to the revolt of 1968) allowed Slovak leaders to blame Czechs for the decisions of the central government.[13]

[13] Wolchik, 1997, p. 202

The legacy of the Slovak nationalist movement of the 1930s is evidenced in patterns of support for political parties in the post-communist period. The support for nationalist parties, and the use of nationalist rhetoric, has not varied consistently with the level of economic hardship (as in many other post-communist democracies). Rather, nationalist support in some regions has remained at the same high levels as it was during the inter-war period.[14] This might have made it easier for politicians to play on nationalistic sentiments, both before and after the break-up of Czechoslovakia.

Reportedly, Slovaks view their inter-war period as less glorious than their Czech neighbours, and perhaps less legitimate as an institutional model for their new democracy.[15] This might explain why Slovakia selected other institutional arrangements than did the Czech Republic. The relation between different power centres in the institutional structure has not been without conflict. Since independence, Slovakia has already experienced one early national election (due to the parliamentary ousting of the Prime Minister Vladimir Meciar, in March 1994). The new elections again made Meciar's "Movement for a Democratic Slovakia" the biggest party, and allowed him to build a new coalition government.

### 3.2.5 Latvia

In Latvia, as in the other Baltic Republics, the broad popular movements (the Latvian Popular Front) that started the process of liberalisation eventually won the first partly free legislative elections in 1990. Later the same year, the newly formed Supreme Council proclaimed their intention to leave the Soviet Union. This led to a fifteen-month-long power-struggle between the Baltic Republics and Moscow, which ended with the Soviet Union's recognition of the republics' sovereignty after the failed intervention of August 1991. Due to its struggle for independence, Latvia is the latecomer in our group of new democracies.

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[14] Ibid.

[15] Ibid., p. 200

As was seen in the Czech Republic, the new Latvian government uses its brief, inter-war, period of democracy as a reference for legitimacy. Latvians themselves refer to the process of breaking away from the crumbling Soviet empire as their "third awakening", with the intent of emphasising their history as an independent state.

If one defines the first free elections as the culmination of a transition to democracy, Latvia did not reach this point until the spring of 1993. Up to that time, the "Supreme Council" functioned as a government. This council was a prolongation of the old Supreme Soviet, which was elected for the Soviet Republic of Latvia in 1990. By 1993, it consisted only partly of the people originally elected in 1990. The reason for this (transitory) institution's long life might be the amount of popular support it secured after the successful independence struggle with Moscow.

The second parliamentary elections of Latvia were held in October 1995, but it took eleven weeks of negotiations before a new government could be installed. During this interregnum, different blocks of Latvian politics tried several combinations of parties without success. Both right- and left-oriented coalitions were voted down, and in the end President Ulmanis had to reach outside traditional political circles to find a prime minister. In the end, the successful entrepreneur (and former Deputy Minister of Agriculture) Andris Škele got the assignment and he formed a cabinet with persons from both political blocs. The long interregnum, together with the political chaos of the cabinet negotiations, made some observers question Latvia's readiness for plural politics.[16]

### 3.2.6 Romania

Contrary to the eventful, but fairly un-bloody, transitions of the other selected countries, Romania came very close to experiencing a revolution (in terms of both bloodshed and drama). In addition, Romania was the only country in the sample where high communist officials managed to stay in power after the first election; and they even were re-elected in the next.

[16] Plakans, 1997, p. 245

Another interesting fact distinguishes Romania from the other cases: there is a surprising lack of knowledge surrounding the precise turn of events during the transition. Most official accounts of the events are challenged by competing stories and rumours, producing fertile ground for conspiracy theories. Linz and Stepan describe this variation in theories in terms of a spectrum stretching from "genuine popular revolution" to a "well orchestrated palace-coup against Ceausescu".[17]

After the initial confusion of December 1989, it gradually became clear that the self-proclaimed "National Salvation Front" (NSF) was controlling the country. This organisation was led by a high official in the former government - Ion Iliescu. The group was made up of high-ranking members of the old nomenclature and senior army officers. This is one of the paradoxes of the Romanian transition: how could members of the old elite gain legitimacy through a revolt that was apparently meant to overthrow their regime? Linz and Stepan point to the highly personalised - or what they call the "sultanistic" - nature of the Ceausescu-regime. Because of the personality cult that surrounded the dictator, it was sufficient to remove only a few persons to gain legitimacy for a "new" regime. "Guilt by association" did not seem to touch Romania's communists to the same extent that it did communists in founding elections throughout Eastern and Central Europe.

In May 1990, Romania held its first democratic elections: not surprisingly, the NSF won a comfortable victory. The NSF found support in both the rural population (as in Bulgaria) as well as in the cities. Ion Iliescu was elected president with 85% of the votes, and the NSF was able to form a government backed by 66% of the parliamentary seats. It has been argued that the election victory would have been impossible without the advantage of controlling the media and the old communist party organisation. This argument is partly countered by the fact that the NSF was, at time of the election, the only cohesive and organised political power in the country. Linz and Stepan conclude, *"...the uprising was too short, spontaneous, and politically manipulated to produce a governing alternative"*.[18]

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[17] Linz and Stepan, 1996, p. 345

[18] Ibid., p. 359

The elections of 1992 granted both Ion Iliescu and the NSF a new period of rule. The opposition gained strength, but was still too weak to pose a real challenge to the governing party. Additionally, the government was accused of using the ethnic question (in particular, the large Hungarian minority) to divide the opposition. Hungarians were also used to direct focus away from the poor health of the country's economy, and its sluggish rate of economic recovery.[19] Much of this changed after the opposition victory in the 1996 election, though the ethnic question would remain a problem.

## 3.3 Summary

As described above Poland, Hungary, the Czech Republic, Slovakia, Romania and Latvia differ in several important respects. They enjoy different levels of economic development, diverse institutional structures and different experiences with previously undemocratic regimes. But there are also important commonalties among the six. Although Linz and Stepan emphasise the differences in previous regimes, their similarities in heritage (from the communist system) are equally evident. These countries share common problems of making the market work in a society built around central planning, and slowly building an independent civil society after decades of strong state organisations. Still, what remains to be seen are the consequences of these factors, and how they will influence the institutional consolidation process. It should again be emphasised that the countries are not selected with the intent to generalise the results. Rather, the intent is to study the specific countries in question, and to test an analytical model for the study of institutional consolidation (which may very well be applied in other contexts).

In accordance with the analytical structure suggested in the first two chapters, the first step in the dual analysis is to examine the degree of political democracy. The question of democracy, in the six selected countries, will be examined in the next chapter.

[19] Ibid., pp. 362-363

# PART II

# EMPIRICAL ANALYSIS

# CHAPTER 4

# INTRODUCING THE LEVEL OF DEMOCRACY

The structure of the empirical analysis, as presented in chapter one, is dual: to first assess the degree to which the study countries are political democracies, then to analyse their progress towards institutional consolidation. This chapter will focus on the first question: to what degree are Hungary, Poland, the Czech Republic, Latvia, Slovakia and Romania democracies? Keeping in mind that the process towards procedural democracy takes time, and that some countries find themselves in the midst of this process, the development of democracy over time and the chronology of the indexes become important analytical points.

The chapter will introduce two different ways of measuring the level of democracy in a given country. The Freedom House's "Annual Survey of Political Rights and Civil Liberties" and Hadenius' "Index of Democracy" will be applied to the six countries in the analysis. The objective of this approach is to provide more than one point of reference for assessing the level of democracy (and hence a later *democratic* consolidation). Both of these methods use a procedural definition of democracy similar to the one used here. For this reason, they should be fairly comparable.

In addition to the formal criteria measured by these indices, Linz and Valenzuela have pointed to additional aspects of democracy that must be analysed before we can reach a conclusion. The presence of "reserved domains" of power and "tutelage powers" are hard to measure quantitatively, but still represent important hindrances to the functioning of liberal democracy. Therefore, these aspects of democracy will be investigated separately.

## 4.1 Freedom in the world

The "Freedom in the World" publication is an annual survey published by the Freedom House research institute and has become one of the most cited references when it comes to comparative surveys of democracy and human rights.[1]

The "Freedom in the World" index is a scale measuring two main dimensions of democracy: civil liberties and political rights.[2] Stretching from one to seven, the scale uses two cut-off points to separate between "free", "partly free" and "not free" regimes in the world. The countries rated as "free" are democracies without substantial limitations on the exercise of democratic rights. Where such limitations are found, the labels "partly free", "semi-democracies", or "restricted democracies" are used.[3] Linz and Stepan utilise the above typology to label countries "above", "below" or in the "border" zone of the minimum requirements for political democracy.[4] Linz and Stepan's labels will be used in the following analysis.

It is important to emphasise that labelling a country "above" the democratic threshold does not imply that the country's situation is completely without problems or perfectly free. Rather, this label simply denotes that the actual situation in the country is in compliance with the minimum procedural requirements for democracy, as listed in chapter one. By using the label "above" instead of the original label "free", one can enhance this important distinction. In

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1 Gramer, 1996, p. 92; Linz and Stepan, 1996, p. 39. Freedom House was established in 1941 to monitor human rights' practices throughout the world. Since the late 1970s the institute has published an annual comparative survey, using political activists, journalists, editors and opposition politicians as sources. Each edition consists of regional essays and schematic studies of each country, plus the general index of "Freedom in the World".

2 Survey teams, in co-operation with local journalists, human rights' activists, MPs and other experts, gather the data for the Freedom House survey. Each of the 191 countries is analysed according to two checklists of questions, one for political rights and the other for civil liberties (For the complete checklist see Karatnycky, 1996, pp. 531-533). The researchers assign initial ratings to countries by awarding them zero to four points per question, depending on the rights or liberties actually present. After placing countries in preliminary categories, based on checklist points, the survey team makes minor adjustments to account for other political factors whose intensity may not be reflected in answers to the questions. Finally, the country is given its concluding survey-score (one to seven). This means that the grading of a country is not purely mechanical, but also reflects a critical evaluation of the overall political situation.

3 Karatnycky, 1996, pp. 530-531

4 Linz and Stepan, 1996, p. 445. The only difference between the Freedom House' and Linz and Stepan's categories is the labels. The notion of a democratic threshold relates to whether the specific country is deemed in compliance with the minimum procedural requirements for democracy.

handling a continuous index, with distinct cut-off points, one should be aware that there may be but marginal differences between countries that barely qualify as "above" the threshold and those just "below" that threshold.[5] Hence it is important to keep the nominal scores in mind, as well as the final labels.

Table 4.1 shows the 1995/96 edition's score for the six countries being analysed. With the exception of Romania, all countries are scored above the democratic threshold. To make the rather abstract numbers in the table more understandable, it is possible to list countries that share the same total score. The Czech Republic, Poland and Hungary are gathered together with most established democracies (such as Belgium, Germany, France and United Kingdom), scoring a 1.5. Latvia, with a 2.0, scores the same as countries such as Chile, Greece and South Korea. Slovakia, with the poorest score before the cut-off point, finds itself with other recently democratised Latin American countries (e.g., Argentina, Ecuador and Panama). Romania trails farther behind in the "border" group (together with Russia, Thailand and the Ukraine).

**Table 4.1:** *Freedom in the world: Annual survey of political rights and civil liberties 1995-96*

| Countries | Dimension 1: Political Rights [1] | Dimension 2: Civil Liberties [1] | Survey score | Rating [2] |
|---|---|---|---|---|
| Czech Rep. | 1 | 2 | 1.5 | Above |
| Hungary | 1 | 2 | 1.5 | Above |
| Poland | 1 | 2 | 1.5 | Above |
| Latvia | 2 | 2 | 2.0 | Above |
| Slovakia | 2 | 3 | 2.5 | Above |
| Romania | 4 | 3 | 3.5 | Border |

**Source:** Adrian Karatnycky (ed). *Freedom in the World: Annual Survey of Political Rights and Civil Liberties 1995-1996*, New York, Freedom House, 1996

**Notes:** [1] Varies between one and seven, one is maximum.

[2] Cut-off points: Label "above" when the sum of political rights and civil liberties are 2.5 or better, the label "below" is used when the sum is 4.5 or worse, the label "border" is used when the sum is lower than 2.5 and above 4.5. For a more detailed explanation, see Karatnycky, 1996, p. 534-535

In the above table, Romania (especially) and Slovakia are struggling with the requirements for political democracy. In the case of Slovakia, the intensified power struggle between President Kovac and Prime Minister Meciar has produced a rather harsh political climate with mutual

[5] Karatnycky, 1996, p. 11

allegations of anti-democratic intentions and behaviour. Other reasons for Slovakia's low score on the civil rights' dimension include the repression of the large Hungarian minority and attempts to curtail freedom of the press. Still, Slovakia manages to stay (just) above the threshold value. Romania is also punished on the civil rights' dimension for its treatment of ethnic minorities and its attempted censorship. In addition to its poor performance on the civil liberties' dimension, Romania also scored poorly on the political rights' dimension in 1995/96. In Romania, there have been serious restrictions on the exercise of political rights, especially at the local level - where abuses of power and violence orchestrated by the governing party were rather frequent.[6] This situation has improved after the opposition's victory in the 1996 elections, and the 1996/97 edition of the Freedom House survey grants Romania a two-point increase on the civil liberties' dimension (table 4.2).

Though Romania seemed to lag behind in its practical implementation of democratic rights, the situation is slightly improved since the last Freedom House survey in 1993/94 (and even more if we look at the 1996/97 survey). Table 4.2 shows how developments in both political rights and civil liberties in the four latest surveys have been positive or stable at a high score (except in Slovakia and Romania). Especially Latvia and Slovakia have shown marked improvement since the 1993/94 edition of the Freedom House survey. Both countries have managed to move up from the "border" category to the top group. Latvia scored well for its overall improvement of the political climate and its compliance with international human rights' standards in (that led to its admission to the Council of Europe in February 1996).[7] Though Slovakia had shown considerable improvement in its democratic practice since 1993/94 (the first rating after independence), the 1995/96 survey still warns of dangerous tendencies in the political system (especially the general level of conflict and poor minority rights' record, as described in the above section).[8] This is confirmed by the 1996/97 survey, where Slovakia lost a point on the civil liberty dimension. At the other end of the spectre, Poland gained a point from 1994/95 to 1995/96 on the political rights' dimension (for a general improvement and institutionalisation of the democratic rights of its people).[9]

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[6] Ibid., pp. 390-392

[7] Ibid., p. 301

[8] Ibid., p. 419

[9] Ibid., p. 383

**Table 4.2:** *Freedom House Annual Survey: Trends in political rights and civil liberties 1991/92-1996/97*

| Country | Dimension[1] | 1991/92 | 1992/93 | 1993/94 | 1994/95 | 1995/96 | 1996/97[2] |
|---|---|---|---|---|---|---|---|
| Czech Republic[3] | PR | 2 | 2 | 1 (+) | 1 | 1 | 1 |
| | CL | 2 | 2 | 2 | 2 | 2 | 2 |
| Hungary | PR | 2 | 2 | 1 (+) | 1 | 1 | 1 |
| | CL | 2 | 2 | 2 | 2 | 2 | 2 |
| Poland | PR | 2 | 2 | 2 | 2 | 1 (+) | 1 |
| | CL | 2 | 2 | 2 | 2 | 2 | 2 |
| Latvia | PR | 2 | 3 (-) | 3 | 3 | 2 (+) | 2 |
| | CL | 2 | 3 (-) | 3 | 2 (+) | 2 | 2 |
| Slovakia[3] | PR | 2 | 2 | 3 (-) | 2 (+) | 2 | 2 |
| | CL | 2 | 2 | 4 (--) | 3 (+) | 3 | 4 (-) |
| Romania | PR | 5 | 4 (-) | 4 | 4 | 4 | 2 (++) |
| | CL | 5 | 4 (-) | 4 | 3 (+) | 3 | 3 |

**Sources:** Adrian Karatnycky (ed). *Freedom in the World: Annual Survey of Political Rights and Civil Liberties 1995-1996*, New York, Freedom House, 1996. Raymond D. Gastil (ed.). *Freedom in the World: Annual Survey of Political Rights and Civil Liberties* 1993-1994, New York, Freedom House, 1994, listed in Linz and Stepan, 1996, p. 447;

**Notes:** [1] Varies between one and seven, one is maximum.
[2] Adrian Karatnycky (ed). *Freedom in the World: Annual Survey of Political Rights and Civil Liberties 1996-1997*, cited from Freedom House on the Internet: http://www.freedomhouse.org/political/frtable1.htm
[3] The scores of 1991/92 and 1992/93 are for the whole of Czechoslovakia.

**Legend:** PR= Political Rights' dimension; CL= Civil Rights' dimension; (-) = negative change from previous survey; (--) = strong negative change; (+) = positive change; (++) = strong positive change

In order to facilitate comparisons with Hadenius' analysis, the Freedom House survey of 1995/96 is used as a basis for this chapter. This decision leaves out political developments after January 1996. For this reason, the Freedom House survey of 1996/97 is included in table 4.2, to complete the picture. This is an important limitation, as some of the sample countries are still in the process of political adaptation (after the events of 1989). As observed in table 4.2, Romania and Slovakia have rather mediocre scores, though they are both improving up to 1995. In the case of Slovakia, warnings about the democratic situation in the 1995/96 survey were not heeded, and the country lost a point in the following year (slipping down into the "border" category). This development is substantiated by Wolchik's analysis from 1996, where she emphasises the uncertain future of Slovakian democracy due to institutional

conflicts and political infighting.[10] As noted, Romania had an important election in 1996, which led to a significant change in government (for the first time since the transition). In addition, Romania has improved its political rights' record.

As illustrated in table 4.2, democracy is by no means a fixed attribute. Conditions can improve, or deteriorate, and countries can loose their classification as political democracies. However the important fact for an analysis of democratic consolidation is whether or not a country has been democratic at some point in the period from 1989-1998. As already mentioned, it is only logical to assume that a country has to achieve political democracy before it can start the process of democratic consolidation. The fact that the situation has deteriorated or improved since a country's first classification as a democracy is an important analytical point in itself.

The turn of events in 1996 actually pushed Slovakia down into the border group, while Romania moved up above the democratic threshold. Taking the above distinction into account, none of these countries were excluded from the analysis since they either are, or have been, rated as democracies. Still, more than anything else, this suggests that these countries are experiencing an important process of institutional change, which will be examined at length in part two of the analysis (chapters 5-7).

## 4.2 Index of democracy

In the same manner as Freedom House, Hadenius proposes to measure democracy with an index. But unlike Freedom House, he does not base his method on data from a single year, but rather on a period covering more than one election. In particular, this analysis will rely on time-series data mainly for the period between 1990 and 1995.[11] There are important differences that result from employing these different scales of democracy. In the Hadenius scale, countries might be punished for mistakes or democratic flaws several years back in time; in the Freedom House index, scores might vary from year to year depending on the current political situation in the respective countries. By keeping these

[10] Wolchik, 1997, pp. 233-236

[11] Op cit., p. 92

differences in mind, the careful use of both methods will most likely strengthen the validity of the analysis conducted here.

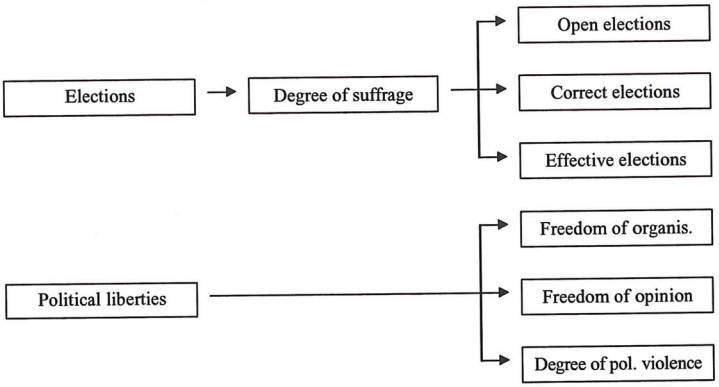
Hadenius' index measures democracy on a scale from one to ten (ten is maximum), using a dimension that examines the electoral process and another that analyses the presence of political liberties. These are again subdivided into several indicators for each dimension. The four indicators for the electoral dimension are: degree of suffrage, open elections, correct elections and effective elections. A measurement is taken by first assessing the degree of suffrage and the percentage of parliamentary seats up for free election. After this overall assessment of the degree of franchise, the elections themselves are analysed in terms of other limitations. The "degree of suffrage" is an intervening variable that will affect the three later variables (see figure 4.1 and note 12). The logic is that it does not matter if you stage technically perfect elections as long as nobody is allowed to vote, or the number of seats put up for election are negligible.[12] The score obtained by the three election indicators will be multiplied with the score for "degree of suffrage"; if the suffrage is universal, the multiplier will be one. On each of the three indicators it is possible to obtain four points, making the maximum score 12. This calculation is made for both parliamentary and executive elections, making the maximum total score 24 (12+12).[13]

The second dimension concerns political liberties, and is captured by three indicators: freedom of organisation, freedom of opinion, and degree of political violence and oppression. Each variable ranges from zero to eight, making the maximum total score 24. Figure 4.1 illustrates the two dimensions and the subsequent indicators.

[12] The "degree of suffrage" is found by multiplying the proportion of the total electorate that is entitled to vote by the proportion of seats to be filled by public elections. For instance a country where women have no suffrage, and the only three quarters of the national assembly can be publicly elected, the score would be 0.5 * 0.75 = 0.375. This product may logically vary between 0 and 1.

[13] In a system with only parliamentary elections, the score will be doubled, making the maximum available score 24.

**Figure 4.1:** *Hadenius' model for measuring democracy (indicators)*




Gramer has measured the level of democracy in 16 Central and Eastern European countries using Hadenius' method.[14] His findings are listed in more detail in Appendix A, but the most significant results are listed below (table 4.3). The purpose of using the Hadenius/Gramer index (as well as the Freedom House index) is to give a qualified statement about the extent of democratisation in the study countries.

The continuous character of Hadenius' "Index of Democracy" creates application problems; in particular, the lack of a cut-off point that separates democracies from non-democracies. This poses a problem for the utilisation of Hadenius' method for our purpose. One could fix the problem by introducing artificial thresholds, splitting the index into groups imitating the proportions of the Freedom House index. There are two significant problems with this solution. First, it is difficult to justify the location of cut-off points in an index that was not constructed with this in mind. Second, imitating the proportions of the Freedom House Index may prove to be misleading because of differences in both methodological and analytical focus. Another aspect to consider is that Freedom House has had several decades to test and refine its index and thresholds, while Gramer's analysis is one-of-a-kind. To illustrate the above point we could try a cut-off point of 7.5 (top 25%). Such a cut-off would classify all the sample countries as democracies, except Romania (table 4.3). Moving the threshold down to 6.4 (top 36% as in the Freedom House Index) would allow for the inclusion of Romania.

[14] Gramer, 1996

An analysis based only on a categorisation through threshold values is not sufficient. A more satisfactory solution would be to include an analysis of the nominal scores' deviation from the maximum obtainable score. Table 4.3 summarises Gramer's analysis and shows the scores and raw numbers of the six countries in this analysis.

***Table 4.3:*** *Index of democracy. Nominal and index scores.*

| Countries | Dimension 1: Elections [1] | Dimension 2: Political liberties [1] | Total sum | **Index score [2]** |
|---|---|---|---|---|
| Poland | 24 | 20 | 44 | **9.2** |
| Hungary | 24 | 19 | 43 | **9.0** |
| Czech Republic | 24 | 18 | 42 | **8.8** |
| Slovakia | 24 | 15 | 39 | **8.2** |
| Latvia | 17.3 | 20 | 37.3 | **7.8** |
| Romania | 21 | 11 | 32 | **6.7** |

**Source:** Eivind Gramer, 1996, pp. 92-114
**Notes:** [1] Varies between one and 24, 24 is maximum.
[2] The score is a standardisation of the total after the formula: (10/48)*Total = Score. (10 is maximum)

Similar to the results of the Freedom House Index, Poland, Hungary and the Czech Republic performed rather well (and obtained the maximum score) on the electoral dimension, and slightly less well on the political liberty dimension. In total, these three countries range from between 92 - 88% of the maximum score. In contrast to the Freedom House rating, Gramer's analysis rates Slovakia better than Latvia, because of Latvia's poor score on the electoral dimension.

Latvia is the only country that scored higher on the political liberties' dimension than it did on the free elections' dimension. This is largely due to the lack of voting-rights for a large section of Latvia's Russian-speaking minorities. Of Latvia's 2.5 million inhabitants, only 54% are listed as ethnic Latvians in the official statistics; the most significant minorities are Russians (33%), Belorussians (4.1%) and Ukrainians (3.1%).[15] Because of strict limitations on citizenship, about 28.6% of the possible electorate is without voting rights; a number that is almost exclusively comprised of the Russian-speaking minorities listed above.[16] This means

[15] Figures are from the *"Statistical Yearbook of Latvia 1995"*, cited in Plakans, 1997, p. 249

[16] *"Diena"* (Latvian Newspaper), January 26th, 1994, quoted in official information from the Latvian Consulate in Oslo

that ethnic Latvians comprise about 54% of the population, but almost 76% of the electorate. The ethnic bias in voting rights is an obvious limitation on otherwise free and fair democratic elections. Because of Hadenius' formula for calculating scores on the electoral dimension, the above-mentioned factor can explain Latvia's poor performance on that dimension.[17] On the political rights' dimension, the picture is much more favourable, where Latvia (together with Poland) has the best score among the six case countries.

For Slovakia and Romania, the adverse situation applies. On the electoral dimension, Slovakia has the maximum score and Romania is at almost 90% (of its 21 points). But on the political rights' dimension, the picture is less favourable: with scores of only 63% and 46% of the maximum for Slovakia and Romania, respectively. If we look closer at the score on each variable (Appendix A), both countries perform well on the organisational freedom variable, but scored low in terms of freedom of opinion and political violence.[18] This might indicate that there are stricter limitations on the practical expression of opposition politics (rather than the organisation of them).

Romania had a rather sad record of breaching the rule of law, political discrimination and human rights' violations, especially in local government and matters concerning minorities (gypsies and ethnic Hungarians).[19] The media's access to the Parliament was restricted and "incorrect reports" of events could lead to denying a particular reporter or media from access to government buildings.[20] There was also a clear bias in the distribution of foreign aid-money, favouring the pro-government media. In addition, there existed laws prohibiting "malignant" reports about the country and its "leading politicians". Though there were few cases of actual government censorship, the self-imposed censorship of the media was thought to be extensive.[21] Most of the violations described here occurred in the period up to 1995, and there has been an improvement of the situation, especially after the political turnover in 1996.

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17 Only about 72% of Latvia's potential electorate is enfranchised. This reduces Latvia's potential score on the electoral dimension with 28% after the formula 0.72*(24) = 17.3 (Latvia's score on the electoral dimension).

18 The more detailed scores are listed in Appendix A.

19 Linz and Stepan, 1996, p. 364; Gramer, 1996, p. 114; Berglund and Dellenbrant, 1991, p. 11n

20 Gramer, 1996, p. 114; Linz and Stepan, 1996, pp. 360-361

21 Gramer, 1996, p. 114

Many of the same phenomena can also be found in Slovakia; where there are also laws that protect state leaders from "malignant" criticism and that support a self-censoring press. According to Wolchik, there were significant efforts made by the government to control the media, either through indirect pressure (via the state ownership of certain media) or through direct pressure on journalists and editors. A Council for Mass Media was established to ensure the media's compliance and respect for the Constitution.[22] Contrary to the situation in Romania, the results of these attempts have been mixed: though the government has been able to restrict plurality in broadcasting, the print media has proved less susceptible to control.[23] The Czech Republic also has a law prohibiting "malignant" criticism of the president. Although this law has hardly been used, it has affected the country's score on the democracy index.

## 4.3 Reserved domains and tutelage powers

As previously mentioned, Linz has emphasised the necessity of adding extra criteria to the sort of procedural definitions of democracy used above. His argument is double-sided: first, there can be no democracy without a defined and undiminished state (both territorially and administratively); and second, the elected government must be autonomous and sovereign to be democratic.

The cases selected here are well-defined states and have no present problems in meeting the first requirement. With regard to the issue of sovereignty, however, Hungary, Romania, Slovakia and Latvia do have the potential for developing conflicts over state legitimacy (stateness conflict).[24] Hungary, who lost three fifths of its population and two thirds of its territory at the Treaty of Trianon in 1920, is still struggling with the nationalist issue and its relations to neighbouring countries. On the other side of the table, Slovakia and Romania both have problems dealing with large ethnic Hungarian minorities. Unlike the situation in Hungary, Romanian and Slovakian politicians are actively trying to play the ethnic-nationalist card for support.[25] As mentioned earlier, Latvia is trying to cope with a large Russian-

[22] Wolchik, 1997, pp. 224-225; Gramer, 1996, p. 110

[23] Wolchik, 1997, p. 224

[24] For a more thorough definition of the stateness problem see Linz and Stepan, 1996, pp. 26-33

[25] Wolchik, 1997, p. 215; Linz and Stepan, 1996, p. 363

speaking population, a population that constitutes almost a majority compared to the titular population. These conflicts are all, more or less, manifest in their respective societies, and pose the potential for serious conflict if they become galvanised in anti-system parties or in the form of institutionalised discrimination. At the present, however, they do not pose a threat to the sovereignty of any of the states analysed here. The question of institutionalisation will be analysed at length in the next chapter.

The second criterion asks: to what extent are the elected political elite subordinate to or "handicapped" (formally or informally) by non-elected actors? The more formal limitations of democratic power are the so-called "reserved areas" or "reserved domains" of power. These terms relate to situations where non-elected actors occupy - or are protected by - areas of political decision-making power outside democratic control. These phenomena were rather common in the young Latin-American democracies, where general amnesties or special powers for the military were often placed as conditions for a democratic transition.[26] Linz and Stepan dismiss the danger of an old communist elite operating in the same manner (as the Latin-American military) on two grounds: organisational relationships to the state and incentives.[27] Organisationally, a defeated communist party has resources that might help it win a later election, but has no comparable power-basis within the state (as for instance the military) with which to demand "reserved domains" as compensation. Regarding incentives: the old nomenclature will still occupy important positions in virtually every sector of society, but there will be no significant incentive to use this in an organised manner (to undermine the authority of the new regime). Once the party is ousted from power there will be little point in fighting the new regime on behalf of old loyalties. Rather, the point will be to profit individually from their central positions.[28]

On the whole, Linz and Stepan seem to be correct in dismissing the possibilities for reserved domains of power in the countries selected here. Romania was the only case where the old elite managed to control or impose significant limitations on the new regime. However, this

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[26] Cases like Chile, Argentina, Uruguay and Peru could be listed as examples. For a more detailed analysis, see Linz and Stepan, 1996, pp. 67-69; Valenzuela, 1992, pp. 62-65; Alfred Stepan. "Paths Towards Redemocratization", in O'Donnell, Schmitter and Whitehead (eds.), 1986

[27] Linz and Stepan, 1996, p. 69

[28] Ibid., p. 70

was probably due to the fact that the old elites could claim new legitimacy by winning the first elections (rather than imposing their will through corporative or other non-electoral channels). The point is not to dismiss the influential role that the old regime played in the negotiated transitions of Hungary and Poland. Rather, the point is to stress that the old elites lacked the power and incentive to impose lasting undemocratic restraints on the new regimes. If the rules of the first partly free election in Poland (only 1/3 of the seats were up for free elections) had persisted, one might begin to speak about such limitations on democracy.

There are no signs of formal, institutionalised reserved domains of power in the six countries of this analysis. Still, powerful non-elected actors might construct informal restraints on democratic sovereignty. According to Valenzuela, the informal subordination of elected elites to non-elected actors (tutelage powers) can be as disruptive to democracy as formal reserved areas of power. Tutelage powers can be identified as cases where some actors have de facto vetoes on political decisions (under the threat of a coup or under the appeal to "what is best for the nation", national unity, etc.). The role of Russia and Russian-speaking minorities in the interior politics of Latvia could have been such a relation; but thus far Russia has been preoccupied with its own problems. In the case of Latvia, possible interference could come from an external actor (Russia), supported by internal groups appealing to Russia for the protection of their rights.

Questions about the strength of challenging elites in post-communist societies also seem to apply here. In cases where the communist party lost the first election, no societal force was cohesive or influential enough to put the new government under sufficient pressure to create tutelage power. The nature of the changes in Central and Eastern European societies seemed to shatter the power-basis of the communist past, at least temporarily. With the introduction of pluralism, the local communist party lost its hegemony; with a free press describing the mistakes of the old regime, it also lost the potential of playing up the better sides of the old regime (at least until the new regime failed to meet the tremendous expectations of the people). Privatisation and restructuring of old state monopolies, together with the purging of the government, meant that the once powerful nomenclature was left rather curtailed. The obvious exception is Romania, where old elites won the first elections and could consolidate their position with newly gained legitimacy. Consequently, it took three elections before a new elite was able to challenge and defeat the remnants of the old regime. In conclusion, it

seems that the six countries analysed here largely have avoided the dangers of "reserved domains" and "tutelage powers". Some questions could be asked about Romania in the early 1990s, but the elections of 1996 might be interpreted as a breakthrough in that respect.

## 4.4 Summary and conclusion

This chapter has examined two different ways of analysing the level of democracy and it has looked into some criteria that could influence the conclusions of the aforementioned analyses.

Gramer's analysis reaches many of the same conclusions as the Freedom House index, despite differences in research method. With the exception of Latvia, Gramer ranks countries in the same order as Freedom House. There is also a rather high degree of communality in explanations of the different countries' scores (between the two indexes). On the basis of both analyses and the concluding discussion, it seems fair to classify Poland, Hungary and the Czech Republic as well above the minimum requirements for political democracies. Despite the problematic issue of citizenship, Latvia is also confirmed to be functioning institutionally as a democracy.

Slovakia has a rather mixed record on democracy. Still, Gramer's analysis rates them at 78% of the maximum score and Freedom House places them above the democratic threshold. Romania is ranked last by both reports, and the severity of the critique makes it problematic to call Romania a qualified political democracy by late 1995. But, as noted earlier, both Romania and Slovakia are still in the process of institutional change, perhaps more than others. Hence, the timing of the analysis becomes important, a point that becomes clear if we take the 1996/97 Freedom House survey into account. Here the two countries switch places; Slovakia loses a point (together with that its label as a political democracy), while Romania gains two points (achieving its first ranking above the minimum threshold). Both of these countries have basic institutions in place and elections are functioning; but civil liberties, which accompany elections, are not always respected. It seems that both countries are fluctuating in the border-zone of what justifiably could be called political democracy. But, as mentioned, both countries have been labelled democratic at some point between 1989 and 1997; thus, they can be brought further into the analysis. Still, the limitations concerning democracy presented in this chapter will be considered in the further analysis, and in the final assessment of democratic institutional consolidation.

# CHAPTER 5

# THE LEVEL OF POLITICAL CONFLICT

Having analysed the level of democracy, it is now time to focus on the question of institutional consolidation. This is the first of three chapters analysing different dimensions of institutional consolidation in the six study countries. The findings of these chapters will be summarised together in chapter eight.

This chapter will focus on the level of political conflict. As previously outlined, the overall nature and level of conflict will be analysed through mainly two variables: the presence of so-called anti-system parties, and the level of institutional conflict. A state's level of conflict is relevant to this study because a conflict of institutional or "ultimate" values can affect the democratic consolidation process (as described at length in chapter two). Parties and institutions will be examined as separate cases, before the whole "level of conflict" dimension is summarised. Before proceeding to the empirical analysis, however, it might be helpful to look at the relevant variables and indicators.

## 5.1 Anti-system parties: two types of structural opposition

Level of conflict is arranged theoretically in three different groups, where two of the groups - institutional and the "ultimate value" conflicts - are assessed as possibly disruptive to the consolidation process. The task of this chapter is two fold: to search for parties that are examples of such conflicts, and to assess their importance and nature.

So far, the parties in question have been loosely labelled "anti-system" parties. Although Sartori's notions of anti-system parties and polarised pluralism are indeed useful as theoretical foundations, they need to be made more flexible to cover the variations in this study. Sartori's examples include a scenario of polarised pluralism with the centrifugal drive of a bilateral, irresponsible opposition. Such a scenario is not evident in any of the current cases. Nevertheless,

there are significant parties opposing the established political order. Furthermore, it is hard to distinguish parties with a real anti-system profile (from parties spouting anti-system rhetoric). As a result, Sartori's notion of anti-system parties is rather difficult to apply – but, nonetheless, theoretically important. The solution suggested here is to use Dahl's classification of parties (according to their patterns of opposition and political strategies).[1]

Dahl's approach is based on the assumption of parties having "ultimate goals" that they pursue through strategies or "patterns of opposition". Parties are classified in three broad groups (ideal types), according to the type of goals that shape their strategy. The first group contains non-structural opposition parties. These are distinguished by goals that include office seeking, policy implementing, or both. Though most of today's democratic parties would fit this description, some parties focus on altering the political or socio-economical structure.

The second group of parties pose limited opposition to the political structure. They can be office seeking or not, but their overriding goal is to change important features of the political structure. Dahl's classic example is the women's suffrage movement, which did not strive for major social restructuring, or government positions, but rather an extension of suffrage, and hence an important change in the institutional "rules of the game". One can argue that movements demanding more federalism or regional autonomy (but otherwise recognise the state's legitimacy) can be included in this group. The existence of a limited structural opposition confirms that there is significant opposition to the institutional structure. This might be an impediment in the process of institutional consolidation, because this institutional difference/disagreement will have to be settled before one can reach a reasonable procedural consensus. The strength and policy-intensity of the party in question will determine the importance such disagreements might represent. In an assessment of this ideal type, Dahl sees it as a "*historically somewhat transitory kind of opposition*", which implies that this kind of political party is connected to a situation of political mobilisation and institutional development, and hence important to this study.[2]

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[1] Dahl, 1968, pp. 332-348

[2] Ibid., p. 342

The final group consists of parties that have major structural change as their ultimate goal. These parties not only want to change the political system, but they want to change the overall political and economic structure of society. Examples of this can be revolutionary socialist parties or anti-democratic movements of the extreme right. One can also include parties that represent those separatist movements that ultimately do not respect the legitimacy of the existing state. Secessionist parties would create what Linz and Stepan have called "stateness" problems, with ensuing difficulties for the consolidation process.[3] Similarly, significant left-revolutionary, as well as extreme nationalist or fascist parties could be equally destructive. Dahl also recognises the disruptive potential of these kinds of political parties in that their overriding strategy is to pursue goals that are incompatible with the stable functioning of democracy.[4] Dahl's "major structural opposition party" seems to come closest to Sartori's ideal type "anti-system party", but in the analysis that follows, the term "anti-system party" will be applied loosely as a collective label to both major and limited structural opposition.

### 5.1.1 When is a political party significant?

An obvious problem of dealing with parties in Eastern and Central Europe is the sheer number of possible units.[5] The number of existing parties at the national level range from 272 in Poland to about 20 in the Czech Republic.[6] All of the countries in this analysis have registered parties that could be labelled in terms of major structural opposition. But not all of these parties are large enough to be significant to their respective political system, and hence this analysis. This situation calls for some rules for selecting relevant cases. In his essay on a typology of party systems, Sartori establishes some "rules for counting relevant parties".[7] His first requirement is party representation in the lower chamber of the national assembly, and its relative strength (measured in proportion of seats). Sartori's second requirement is to ask whether or not a party is significant as a coalition partner, or has blackmail potential (changing

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[3] Linz and Stepan, 1996, p. 27

[4] Dahl, 1968, p. 346

[5] The names and acronyms of political parties are translated into English, the original names are listed in Appendix B.

[6] Party counts were made in April 1995 in Poland and June 1996 in the Czech Republic. Sources: *The Europa World Year Book*, 1997, p. 2682; Karatnycky et al., 1997, p. 120

[7] Sartori, 1990, pp. 319-321

the behaviour of other parties by its existence or behaviour). By taking these rules into account, the analyst must first located structural opposition parties that are - or have recently been - represented in Parliament. Thereafter, it is possible to assess whether or not they are significant.

## 5.2 Institutional conflict and semi-loyal politics

The second aspect in assessing the level of political conflict concerns institutional conflict and institutional loyalty. The negative consequences of long-term institutional conflict were described earlier. The main argument was the necessity for fundamental agreement on the basic political institutions before groups can be consolidated through practical "everyday" politics. Before going into the empirical analysis, it is useful to take a closer look at the main concepts of this discussion.

The most straightforward approach to the question of institutional conflict is to search the political debates for signs of disagreement over basic institutions (e.g., political rights, rules of competence, level of government, constitutional issues, etc.). As already discussed, political parties may voice some of these conflicts, but it is just as important to examine closely conflicts of competence and jurisdiction between institutions. In young democracies, where rules are untested and often ambiguous, there is a real possibility of such conflict. Particular interest will be paid to the relationship between the executive and legislative powers, but also between the president and the cabinet. These questions are no doubt important, because of the negative potential of an institutional conflict. It is not favourable to any democracy, not to mention an institutional consolidation process, if the political debate is locked up by an internal struggle over competence.

A second question, in the institutional context, is the actors' intentions and loyalty to the institutional rules of the game. A party or government can officially claim to be committed to democracy, but might show signs of disloyalty or semi-loyalty to democratic ideals (when it is not in their interest to comply). It is not hard to find examples of such conditional support for democracy. An example of disloyalty can be when a democratically elected government calls for the army to protect the regime from an electoral defeat (e.g., in Algeria). In contrast to disloyalty, semi-loyalty is subtler; it can be pursued through supposedly legal means (e.g., Turkey's Constitutional Court ban of the Islamic party as "unconstitutional"). Other examples

of semi-loyal activities include hindering the opposition's access to the media, the use of threats and intimidation and/or "clever" engineering of electoral rules. All of these examples illustrate conditional support for the democratic rules of the game.

Why is the notion of loyalty to democracy important to this analysis? This is a question concerning an actors' own behaviour, but it also concerns the perception of other actors' behaviour. If all actors are perceived as being loyal to democracy it decreases the cost of losing elections – or, more generally, of belonging to a minority in a democracy - because one knows there will be future opportunities.[8] Secondly, if some actors display semi-loyal tendencies it hinders co-operation and fosters distrust in democratic institutions. As in the previous section, this criterion applies only to significant actors.

There are not many examples of overt democratic disloyalty among the six countries in this study. Most actors will probably claim a commitment to democracy and be careful not to openly challenge democracy as a system of government. Still, it remains to be seen whether these claims are reflected in their practical policies, or are merely conditional.

### 5.2.1 What is the relative significance of the two analytical dimensions?

So far the concepts "anti-system party" and "institutional conflict" have been theoretically clarified. It remains to clarify their relative, comparative, significance. For instance, how would one rank two cases: one with significant anti-system opposition, but without institutional conflict in general, another the other way around? It is almost impossible to answer this question comprehensively. Nevertheless, it is an important question to bear in mind throughout the analysis. As previously explained, specific variables related to each theoretical dimension can themselves distort the consolidation process, but there is little theoretical support for predicting the outcome of a specific empirical combination of variables.

[8] Of course, there are certain limitations to this general assessment: if a minority is constantly overruled by a majority that does not respect the minority's high intensity issues, this could very well lead to loss of faith in democratic institutions.

The most straightforward scenario concerns a country displaying significant problems on both dimensions. In this instance it is very likely that the dimensions will have a mutually reinforcing effect. For example, it seems fair to assume that an extreme anti-system party would benefit from a situation of institutional chaos, and would contribute to the situation by exploiting the institutional uncertainty. Historical examples might be drawn from Hitler's take-over in Germany, communist take-overs in Eastern Europe after World War II, and right-wing support of military coups in Latin America. Questions of the relative significance of the two theoretical dimensions are a more complex nature. Though they are rare, the distortive potential of large powerful anti-system parties is indisputable (and rather well documented). Still, the growth of such parties is often in a context of institutional conflict and acceptance of semi-loyal behaviour/positions.[9] These sorts of questions will be answered on a case-by-case basis, given the empirical variation revealed by the analysis. As a result, they will be addressed at the end of the chapter.

In the following sections, each country will be analysed according to the theoretical lines described so far. The study will focus on anti-system parties and institutional conflicts. Together, these indicators provide a general assessment of a country's level of conflict.

## 5.3 Hungary

The Hungarian party system has been remarkably stable since the transition. Of the six parties that hold 99,5% of the seats in the National Assembly in 1997, none experienced significant cleavages, and all have been represented since the first election in 1990.[10] The Hungarian party-formation process started in the late 1980s. Some of the stability might be explained by this comparably early starting point, and the fact that many of the major parties claim to be descendants of parties existing prior to the communist take-over in 1947-48.

Of the parties in parliament, only the right-wing, agrarian Independent Smallholders' Party (ISP) can be said to hold elements of structural opposition towards the present system and/or goals

[9] Linz, 1980, p. 168

[10] Minor party splits have occurred, but the new parties emerging from such processes have yet to enter the Parliament. Keri and Levendel, 1995, p. 135

that involve changing the political structure.[11] The ISP wants to change the form of government from a parliamentary to a presidential system. In addition, the ISP wants to introduce recallable mandates to the National Assembly. Despite these bold objectives, Segert and Machos describe their program as an *"eclectic mix of left and right populism"*, where they combine an argument for "the right to work" and the "right to an apartment" with a stronger president and a call for justice to the victims of communism.[12] In his assessment of the party, Tökes states that it is unclear whether the party is an electoral vehicle for the "shrewd populist demagogue" József Torgyán, or an emerging rural nationalist protest movement.[13] In an article on Hungarian parties before the 1998 elections, Schöpflin describes the party as purely populist.[14]

The ISP got 11.4% of the seats in the first Parliamentary election and participated in the first coalition government (although it officially withdrew its support at the end of 1992, most of the deputies continued to support the government). After the 1994 election, ISP support fell to 6.7% of the seats (mostly because of internal divisions that had troubled them in the year preceding the election).

### 5.3.1 Drafting a new Constitution and the legacy of Triano

Hungary has yet to finish drafting its Constitution. The present Basic Law dates back to the Round Table talks of 1989 and is a complex patchwork of amendments to the 1949 Constitution. While most legal experts agree that this amended version conforms to the requirements of a parliamentary democracy, they point out that its wording is often vague.[15]

Due largely to the strong consensus on Hungary's status as a parliamentary democracy, the under-specified nature of the old Constitution has not provided the Hungarian political system with major institutional problems. There has been some argument over the practical distribution of power between the executive and the legislature, but the Constitutional Court

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11 Segert and Machos, 1995, pp. 99-101; Keri and Levendel, 1995, p. 147

12 Author's own translation: "...ekelectishen Mischung von Links- und Rectspopulismus". Segert and Machos, 1995, p. 101

13 Tökes, 1997, p. 143

14 Schöpflin, George: *"Hungary's elections: The dilemma of the right"*, RFE/RL Newsline Vol 2, No. 82 Part II, 29 April 1998.

15 Karatnycky et al., 1997, p. 184

has been active in settling many of these issues in an acceptable and final manner.[16] With the 1994 social-liberal government holding a two-thirds majority, the process of writing a new constitution was sped up, and a special parliamentary committee for constitutional matters was established. By late 1997, it seems that the new constitution will not be ready for approval until after the 1998 election.

Hungary is one of the most homogeneous countries in Eastern and Central Europe; nearly 97% of its population is ethnic Hungarian. However, of the estimated 15 million Hungarians in Europe, only approximately 10 million live in Hungary. This situation could provide fertile soil for irredentism and extreme nationalism. Indeed, between 1990 and 1994, Hungary had a very suspicious relationship with its neighbours Slovakia and Romania (both of which have large groups of ethnic-Hungarians). In August 1992, the situation was exacerbated by Prime Minister Antall's proclamation of his government's obligation to defend the interests of any Hungarian, regardless of borders.[17] With the introduction of the Horn cabinet in 1994, the official policy changed radically. Hungary later renounced all territorial claims in exchange for guarantees on the civil rights of Hungarian minorities living in neighbouring countries. This "historic reconciliation" was manifested in a friendship treaty with Slovakia (in March 1995) and Romania (in September 1996). Hungary also signed the Council of Europe's Convention on Protection of National Minorities in February 1995. These treaties have served to cool off nationalism. As a result, nationalism has ceased to be a dominant issue in Hungarian politics. Hungary's aspirations to join NATO and the EU have undoubtedly assisted the moderation and settlement of the nationalist issue. But despite these facts, and Hungary's emphasis on minority rights, there are still reports of frequent discrimination and vigilante violence against gypsies.

Without significant opposition to its institutional system, Hungary enjoys a relatively fortunate situation. Although there is a relatively small agrarian protest party, it has – at present – minimal influence. The question of Hungarians living outside Hungary seems to have been settled in a rather permanent manner, but future mistreatment or discrimination of Hungarians in Romania

16 Ágh, 1996, pp. 16 and 18

17 East and Pontin, 1997, p. 61

and Slovakia can revitalise this issue. Despite the ethnic issue and the problems associated with the final drafting of the constitution, it must be said that the conflict level in Hungary is comparably low, and hence no hindrance to the institutional consolidation process.

## 5.4 Poland

The Polish party system is a strange mixture of everything from loose organisations (aimed at securing a seat for an independent representative) to a protest party for "friends of beer" to a classical agrarian party appealing to a specific social group. From the first free elections in 1991, to the latest parliamentary election in 1997, there has been a steady decrease in the number of parties represented in the National Assembly. The restricted election of 1989 produced six parties and a number of independent representatives; but after the first free election in 1991, the number increased to 29 parties. Through the introduction of a new election law (with higher thresholds) the number of parties was reduced to seven in 1993 and six in 1997.

Among the parties represented in 1993 and 1997 there were no clear signs of anti-system opposition. Though there were some populist parties, none of these seemed to be particularly significant.[18] Still, one could mention the Confederation for an Independent Poland (CIP), which was founded in 1979 by a group of dissidents. Today, the CIP is a populist right-wing party that combines hard-line nationalist rhetoric with economic liberalism.[19] Support for the CIP has been declining since the 1991 election, when it was the fourth largest party (with 10% of the seats). In 1993, the CIP managed 5% of the seats, and it ceased to be represented after 1997.

Because Poland's size and location have shifted throughout history, border-questions have the potential of becoming an additional source of concern. However, much of the growing debate was settled by a border-treaty with Germany in November 1990. In this treaty, the post-1945 borders were recognised by both countries. As with Hungary, Poland's membership application to NATO, and to the EU, has undoubtedly served to keep nationalist issues in check.

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[18] Segert and Machos, 1995, pp. 131-132; Dawisha and Parrott, 1997, pp. 93-94; East and Pontin, 1997, pp. 36-37

[19] East and Pontin, 1997, p. 28

### 5.4.1 Institutional conflict – constitutional issues

The role of the President has produced a significant amount of institutional conflict in Poland over the past years. The issue became increasingly urgent while work was underway on the interim basic law (also called the "Little Constitution") from 1989 to 1992. The need to specify a division of power and competence between government institutions was obvious, but there were considerable differences that separated early suggestions and drafts. These differences came to head when President Walesa and the Parliament argued over the division of power between their two institutions (especially in relation to the cabinet); this conflict contributed to high levels of governmental instability in this period.

At the height of the conflict, during the spring of 1992, Walesa described the fierce competition among the institutions as an institutional "Bermuda Triangle".[20] The six months prior to the dismissal of the Olszewski-cabinet (in June 1992) can be characterised as a full-scale institutional battle between the President, the Prime Minister and the Parliament.[21] Prime Minister Olszewski asked the Parliament for special powers to mend the worst effects of the previous government's economic "shock therapy". This plea was refused by both the Sejm and by President Walesa, who viewed it as a bid for increased cabinet power. Olszewski then launched a "de-communisation" program designed to root out former communists from the political scene, the army and the bureaucracy. This was interpreted as a direct attack on the left wing in Parliament and the conflict escalated. The whole discord reached its climax when the Interior Minister released ostensibly incriminating police-files that suggested Walesa and other leading politicians were guilty of misconduct. This was the final straw, and the Olszewski-cabinet was ousted. But the conflict continued over several weeks with bargaining between the President and the Parliament over the formation of a new government. This conflict left little doubt in Polish politics that there was an urgent need for harmonising and clarifying the institutional rules of the game.[22]

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[20] Simon, 1996, p. 65

[21] Ibid.

[22] Ibid., p. 66

The final drafting of the "Little Constitution" (adopted in August 1992) included a semi-presidential arrangement patterned on the French Constitution. This was a compromise that accommodated the political situation in Poland at the time. The compromise reflected the relatively substantial power of President Walesa, due to the weak and fragmented Parliament of that period.[23] But the adoption of the Little Constitution offered only a temporarily solution to the most pressing questions concerning institutional rules of competence. From 1992, and especially after the electoral victory of the centre-left coalition in 1993, work on the new constitution has dominated the political debate.[24] The conflict did become less extreme after the adoption of the "Little Constitution", but still continued to trouble Polish politics. The lack of a final settlement of this important institutional dispute raised the stakes in ordinary political competition, since the rules of the game had yet to be finally settled. Finally, in May 1997, after four years of negotiations, the new constitution was adopted in a referendum. The constitution weakened slightly the power of the President by reducing the number of votes needed to overturn a presidential veto (from two-thirds to three-fifths).[25]

If we analyse the level of conflict in Poland from a party system perspective, the picture is rather bright. This is especially so, given the absence of significant anti-system parties. However, when the institutional aspect is included, the case appears differently. The serious nature of the conflict of competence between institutions was undoubtedly an impediment to the functioning of democracy. This contributed to a high level of institutional conflict in the political system. As described above, the conflict was moderated by the introduction of the Little Constitution in 1992; though the issue became less dominant, it lingered until mid-1997.

## 5.5 The Czech Republic

The Czech party system is characterised by a rather clear division into two camps: one group of centre-right parties supporting the government coalition, and a mixed opposition representing everything from former communists to extreme nationalists. There has been an

[23] Michta, 1997, p. 83

[24] Ibid., p. 86

[25] The Europa World Year Book, 1997, p. 2672

attempt to establish a centrist coalition between the two blocks, but it eventually failed (due to the loss of mandates of smaller centrist parties in the 1996 election).

In a matter of just a few years, the Czech party system has become rather stable. In their book on East European parties, Segert and Machos claim that the Czech party system has more in common with the average West European party system than other post-communist countries.[26] A sign of party system stabilisation was a reduction in the number of "wasted votes" [27] (from over 19% in 1992 to only 11% in the 1996 election) to a level that is rather good in comparison to other post-communist party systems.[28] In comparison to their neighbours in the east, the parties of the Czech Republic generally seem quite moderate and do not show the same tendency toward populism and high-intensity conflict. Still some parties in the Czech National Assembly call for closer examination.

Judging by its program, the Communist Party of Bohemia and Moravia (CPBM) is a rather orthodox successor of the old Communist Party of Czechoslovakia.[29] The CPBM, with 22 representatives, is the third largest party in the present parliament, but it remains isolated on the left wing, due to the lack of a viable coalition alternative. Still, its conduct in practical politics and in Parliament is by most standards "normal" and uncontroversial. In his assessment of the party, Olson makes a point of emphasising the reformist and democratic nature of the party, despite its radical program.[30] There is no doubt that the CPBM's ultimate goal would suggest they are striving to be some kind of major structural opposition, but their practical politics suggest that they are well within the reformist tradition. For this reason, the CPBM can hardly be called a significant structural opposition.

The Republican Association (RA-RPC) is an extreme nationalist party that vocally attacks foreigners and calls for a protection of Czech culture and "nationhood". The party has kept a

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26 Segert and Machos, 1995, p. 147

27 The term "wasted votes" refers to the percentage of votes cast for parties that did not clear the electoral threshold.

28 In comparison, Poland had 34.5% wasted votes in 1993, Romania had 20% in 1992.

29 Olson, 1997, p. 187

30 Ibid., p. 187

distinct profile, staging highly visible actions (e.g., parades and street meetings to get media attention). One of the most debated episodes occurred in the parliament in July 1997: the former chairman of the RA-RPC, Miroslav Sladek, had a "savagely racist outbreak", attacking foreigners and especially gypsies.[31] Sladek eventually lost his parliamentary immunity and was (by late 1997) in pre-trial detention on charges of spreading racial hatred.[32]

The above-mentioned incident is just one of several scandals that has shaken the party and provoked defections from the parliamentary group. Still, their influence has increased: both in sheer numbers (from 14 seats in 1992 to 18 in the 1996 election) and through the fact that Klaus' centre-right coalition lost its majority (thereby contributing to the RA-RPC's influence by giving them the swing position in Parliament). Despite overt xenophobic tendencies and a rather uncooperative attitude in practical politics it is hard to be absolutely certain whether the party is a real anti-system force, or a more flexible populist party. However, judging by the rhetoric, practical campaigns and their aggressive attitude in parliamentary negotiations, it is tempting to call them a major structural opposition.

The last party to be examined is a regional autonomy association called "Movement for Self-Governing Democracy - Society for Moravia and Silesia" (MSDMS). The movement was started in response to the feared Bohemian dominance over Moravia and Silesia; it advocated regional autonomy for these territories within the boundaries of the Czechoslovakian, and later the Czech Republic.[33] In 1992 the movement tried to persuade the Czech National Council to name the new republic "the Czecho-Moravian Republic". Although these attempts failed, they succeeded in making local government reform a vital issue in the years to come. The MSDMS's acceptance of the Czech State suggests that their scope of opposition is structurally limited.

Not surprisingly, electoral support for this party is mainly limited to certain districts in Moravia; but it has experienced a steady decline (slipping from 22 seats in 1990 to 14 in 1992,

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[31] Britannica: "Book of the Year 1997: World Affairs: Czech Republic" Britannica Online. Http://www.eb.com:180/cgi-bin/g?DocF=boy/97/K03970.html. [Accessed February 11th, 1998].

[32] Olson, 1997, p. 187

[33] East and Pontin, 1997, p. 107

and failing to clear the threshold in 1996).[34] The catholic Christian Democratic Union (CDU-CPP) also enjoys a stronghold in the Moravian region, and its increased popularity in the 1996 election might help to explain the disappearance of the MSDMS.[35]

### 5.5.1 Institutional settlement and semi-loyal nationalists

As noted, the Republican Party has a rather unorthodox political style, and promotes messages that are often in conflict with many of the liberties that are associated with modern political democracy. Whether or not these actions and rhetoric are the product of a low commitment to democratic ideals, or part of a populist protest strategy, is hard to assess. Either way, having a party in parliament that expresses serious doubts about the benefit of democratic ideals can hardly be benign for the institutionalisation of democracy. The prosecution of Republican Party MPs for racism and document forgeries (aimed at stirring up anti-foreign sentiments) shows that the party is ready to break democratic rules when it serves their purpose. These facts, taken together, give grounds for concern. On the other hand, the relatively small size of the party and today's special parliamentary situation must be taken into account when assessing overall significance. A justifiable conclusion seems to be that the party represents a rather small group of extremists, which at the moment has some influence due to the political balance of power.

Institutional development in the Czech Republic is still in its early phase; so far it has avoided major crisis. There were some minor conflicts over competence between the government and the Chamber of Deputies (the lower house in Parliament) due to the powerful position of the Parliament.[36] In drafting the Chamber of Deputies' "Rules of Procedures" bill in 1994, some deputies wanted to increase the power of parliamentary committees to force the administrative authorities to appear before the committee. The government barred this attempt, along with several others, on the grounds that they attempted to increase the powers of the Parliament outside the limits of the Constitution.[37] As an additional problem, one might depict the debate over Moravian claims for autonomy in terms of an institutional conflict. Still, this issue does

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[34] Kostelecky, 1995, p. 88; Olson, 1997, p. 188

[35] Olson, 1997, p. 163; Kostelecky, 1995, p. 85 and map 5.9 on page 97

[36] Reschová and Syllová, 1996, p. 83

[37] Ibid., p. 85

not appear particularly potent at the moment (though the mere presence of the problem might impose restrictions on the political debate).[38]

A matter that has produced significant debate, throughout the period stretching from 1992 to 1996, was the establishment of a second chamber in Parliament (the Senate). The Senate is described in the 1992 constitution as a body with merely supervising and overseeing functions. Still, neither the Parliament nor the governing parties could initially agree on an election date or procedure for the Senate. The conflict was only resolved by the active mediation of President Havel, under pressure of the upcoming 1996 election.[39] In assessing Czech institutions in 1995, Reschová and Syllová described the current state of affairs as an *"...equilibrium between a stable parliament and a stable government, not lacking dynamic and disputable moments both in legislative activities and in practical development of further powers of both bodies."*[40]

This picture of equilibrium and stability is probably less representative of the situation after the 1996-election, when the Klaus-coalition lost its majority in Parliament. However, at that time the majority of controversial matters were settled. Due to the government's shifting basis of support in the Chamber of Deputies, one should expect a certain flux in the balance of power between the cabinet and the parliament. The main point is that this is done within the existing institutional framework and takes place without major institutional debate or change.

Though the ultra-nationalist RA-RCP has caused some upheaval in the Czech political system, it should not conceal the prevailingly modest level of conflict. After the "velvet divorce" from Slovakia, the institutions and the "everyday" management of politics have run rather smoothly. The demand for regional autonomy from Moravia and Silesia is still present, but has not managed to sustain a specialised opposition party. On the whole, the level of conflict seems to be concentrated on the policy-level, rather than in terms of ultimate values or institutions.

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[38] East and Pontin, 1997, p. 107

[39] Olson, 1997, p. 188

[40] Reschová and Syllová, 1996, p. 107

## 5.6 Slovakia

The first years of the independent Slovakian Republic have provided a steady flow of crises and conflicts at the political level. As described in chapter three, and compared to the Czech Republic, some of these differences can be located in economic and other structural preconditions, but they can also be ascribed to extremism and populism in the political system.

Of the three parties comprising the current coalition government, at least two of them should be examined closer. The third, and biggest party, Movement for a Democratic Slovakia (MDS), is more of a populist party, concentrated around Prime Minister Meciar, and with goals of "office-occupation" rather than structural opposition.[41] The two coalition partners – the ultra-nationalistic Slovakia National Party (SNP) and the radical leftist party, Association of Slovak Workers (ASW) – will be examined closer in the following sections. Of the remaining four parties or coalitions that are represented in the National Assembly, none of them seem to show significant anti-system potential. Conditions in Slovakia suggest that a Hungarian secessionist movement is likely, but Wolchik finds no present signs of such tendencies within ethnic Hungarian organisations.[42]

The Slovak National Party (SNP) is an extreme right-wing party, which is perceived to be overtly flirting with the memories of the Slovakian fascist movement from the 1930s and 40s.[43] The party is openly xenophobic and has an outspoken policy to ban all Hungarian political organisations and parties, on the grounds that they are "seeking to overthrow the government of Slovakia". Following a leadership struggle that led the ultra-nationalistic Jan Slota to power in February 1994, the party has moved further to the right. An immediate effect of this was the party's refusal to accept ethnic minorities as party members. The SNP has benefited from occupying the balance of power in Parliament, and has served as the junior partner in both of Meciar's coalitions (June 1992 to March 1994, and from December 1994). To the frustration of both liberal Slovaks and especially the Hungarian minority, the SNP's government portfolio has included education and defence. The political environment between

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41 East and Pontin, 1997, p. 114

42 Wolchik, 1997, p. 230

43 Wolchik, 1997, p. 231; East and Pontin, 1997, p. 115

the government and the Hungarian minority has become even tenser after the passing of a new language law in 1995 (requiring classes in Slovak in Hungarian schools and making the use of the Slovak language compulsory in many official and cultural contexts).[44]

The third party in what has been labelled Meciar's "red-brown" coalition is the Association of Slovak Workers (ASW). This small, hard-line, socialist party was included in the governing coalition after the December 1994 elections, and is one of the successor parties of the Communist Party of Czechoslovakia (CPC). Though it seems rather unlikely that the party wants a return to a full-scale plan economy, it still favours a high degree of state ownership and general control of the economy. Politically, the ASW expresses doubts about the political system, and argues for a stronger centralisation of power (in particular, the increased independence of the government from the parliament). Still, it is hard to say whether or not their scepticism towards democracy is motivated by populism or ideology.

To sum up so far, it seems fairly probable that the ASW and the SNP inhibit clear elements of major structural opposition. Nonetheless, despite their programs and (at times) radical statements, both the SNP and the ASW – presently - are content with a predominantly office seeking strategy. Their pragmatism concerning positions should not conceal the fact that these parties express goals that hardly can be seen as compatible with the long-run stable institutionalisation of democracy. There should be no doubt that these two parties represent a rather significant political force, with almost 15% of the seats in parliament (the ASW and the SNP have, respectively, 13 and 9 representatives). Within the government coalition, both parties occupy a "veto-position", since all three parties are needed to secure a majority.

### 5.6.1 Institutional conflict and semi-loyalty

Since its independence in 1992, a very high level of institutional conflict and a general political antagonism between the MDS-dominated government and the opposition has troubled Slovakia. In their general assessment of the two coalition cabinets headed by Meciar, East and Pontin argue that the governments have *"demonstrated a tendency to*

[44] Wolchik, 1997, p. 234

*authoritarianism, and an inconsistent approach to the rule of law".*[45] This statement reflects the two main problems of Slovakian democracy over the last years: the conditional respect for democratic principles and human rights, and the triangular conflict of competence between the President, the Prime Minister and the Parliament.

Since 1992, the most dominating political conflict has been the struggle between Prime Minister Meciar and President Kovac. Kovac played a crucial role in the breakdown of Meciar's coalition-government in March 1994. At the time, Meciar of incompetence, populism, inhibiting democracy and that he *"could be considered dangerous for Slovakia".*[46] The nature of the conflict was both institutional and personal, but the main point was that it was fought within the political institutions, using democratic rules and procedures as weapons.

There are many examples of the uncompromising nature of this political conflict. Meciar has repeatedly tried to force Kovac from power, using questionable legal means. In 1994, the President was investigated for his "unconstitutional role" in the ousting of the Meciar government. In March of the same year and later in 1995, Meciar succeeded in passing a bill that severely reduced the budget of the President's office. This, again, led to massive staff reductions, and limited the activities of the President.[47] In August 1995, President Kovac's son was kidnapped and delivered to Austria where he was wanted for questioning in connection with a fraud-investigation. This incident was obviously staged to damage the reputation of the President and there are strong suspicions tying it to the Slovakian secret service (SIS).[48] The latest development in this conflict happened after Kovac's presidential period ended in 1997. Due to the inability of the Parliament to agree on a successor, Meciar was instituted as acting President. His first "presidential" acts were to cancel the referendum on direct election of the President (which was to be held in April 1998) and to fire 28 of Slovakia's 59 ambassadors (which had been appointed by the former President).[49]

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[45] East and Pontin, 1997, p. 109

[46] President Kovac, cited in East and Pontin, 1997, p.110

[47] Wolchik, 1997, p. 231

[48] East and Pontin, 1997, p. 110

[49] NTB-Reuters referred to in *Nettavisen*, March 3rd 1998. Http://www.nettavisen.no/utenriks/24851.html. Accessed on 5 March 1998.

Another sign of the high level of conflict in Slovakian politics was the reversal of almost all the Moravcik government's programs after the return to power by Meciar's coalition in December 1994. One particularly illustrative example was the privatisation scheme and implementation of IMF guidelines that had been initiated by the Moravcik cabinet; the ASW's new Privatisation Minister quickly scrapped these. Given the anti-privatisation orientation of the ASW, the Ministry of Privatisation should be an illustrative indication of the harsh climate between the opposition and the government at the time. The Meciar government has also tried to curtail the power of the opposition by restricting its access to the media, and by gerrymandering certain constituencies to reduce the power of ethnic Hungarian parties.[50]

The description so far suggests that some of Slovakia's political actors are openly semi-loyal, or at least perceived as being temporarily or conditionally linked to democratic norms and procedures. Even though most of these examples fall within the letter of the law (taken very literally), many of the measures used to fight political opponents are - to say the least – questionable. Together, they suggest a dubious instrumental attitude towards democracy and democratic institutions.

To sum up, the political situation in Slovakia is obviously quite different from that in its former partner state, the Czech Republic. Institutional conflict and sharp ideological opposition have dominated Slovakia's political landscape. There is an intense conflict over the role and the power of the presidency. Furthermore, there are significant institutional disagreements over the protection of ethnic minorities and changes made in electoral boundaries. All of these conflicts are reinforced by the sharp bipolar division of the Parliament, and a general conflict over ultimate political values (such as the adoption of market economic principles). On top of all of this, the government consists of parties that have an outspoken and ambiguous attitude towards democratic rules of conduct. In sum, this indicates a high level of conflict on both institutional matters and over ultimate values.

[50] Wolchik, 1997, p. 223

## 5.7 Latvia

The political situation in Latvia has been rather fluid since the break-up of the popular front in 1992-93. Many parties have competed for power and their alliances have been of a more temporary nature. Still, some patterns seem to be emerging. Though the economic policies of right-wing parties are fairly divergent, they seem to find common interest in a strict policy with respect to the naturalisation of ethnic minorities. Remembering the ethnic composition of Latvia, it is not surprisingly that the ethnic issue has dominated Latvian politics, together with the economic reform program.

On the right wing of Latvian politics lies the populist People's Movement for Latvia (PML), also known as the Zigerists' Party (after the controversial front figure Joachim Zigerists). The party was registered in November 1994, being founded by four MPs that were expelled from the Latvian National Independence Movement (LNIM), on grounds of extremism. According to Plakans, Zigerists and his supporters were the *"most blatantly populist campaigners [...], seeking to appeal to the ranks of the many Latvians whose standard of living had plummeted during the on-going transition"*.[51] In 1995, Zigerists was expelled from the Saeima on two grounds: 1) he had failed to learn the Latvian language, after repeatedly having promised to do so; and 2) he had been habitually absent from sessions in Parliament.

The PML's political platform is a mixture of state intervention in the economy and rejection of the Soviet past, combined with the rhetoric of *"protection of the Latvian Nation from unwanted Slavic influence"*. Like many other parties of the right, the party's criticism was not directed against the new democratic system. Rather, criticism was aimed at the politicians that were accused of being part of the old nomenclature, who showed insufficient loyalty to the new independent "Latvian Nation". Still, one might suspect this to cover more profound doubts about the democratic system itself, and the party has been overtly opposed to granting citizenship to the large Russian-speaking minority. In Latvian politics, the PML is treated as a potential anti-democratic and irresponsible force and it was deliberately kept out of the government negotiations after the 1995 election (despite being

[51] Plakans, 1997, p. 272

the PML, as discussed above).[60] The left in Latvian politics struggles with "guilt by association" to the communist past, i.e., the Soviet occupation. In particular, the extreme right portrays the left parties, and parties consisting of mainly the Russian-speaking minority, as potentially subversive to democracy and to Latvian independence. In addition to this rhetoric, certain hard-line leftist parties and politicians have been banned for their allegedly active participation on the Soviet side in the struggle for independence. Still, neither the primary leftist parties, or parties advocating the interests of the Russian-speaking population, are reported to hold the views ascribed to them by nationalists.[61] Most of these parties emphasise strongly that they seek practical solutions to the question of citizenship, within the limits of the Latvian state and Latvian sovereign law. On the other hand, there is little to be gained by territorial separatism, since different ethnic groups are spread rather evenly across the country (the sharpest distinction is that ethnic Latvians normally constitute a majority in the countryside, while Russian-speaking minorities dominate the major cities).

Isolation of the populist Zigerists' Party in the Latvian Party system can be read as a sign of democratic responsibility from the other political actors. The absence of significant anti-system opposition, especially among the left wing, seems to indicate that the level of conflict is kept at a responsible level. However, the conflict over citizenship and voting rights for the large Russian minority continues to pollute the political atmosphere and define the political agenda.[62] This problem contains both a potential "stateness" conflict (over the legitimacy of the Latvian state) and an institutional question of determining who constitutes "the people" in the democratic system. Though the conflict has been moderated, and Latvia has signed various treaties on the treatment of ethnic minorities, a portion of the population remains without democratic rights.

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60 Ibid., p. 269

61 Plakans, 1997, p. 280; East and Pontin, 1997, p. 306

62 Bransten, Jeremy: Latvia: Complicated Citizenship Issue Defines Politics, *Radio Free Europe Features*, November 28th 1996, Http://www.rferl.org/nca/features/1996/11/F.RU.961128122908.html. [Accessed March 16th, 1998].

## 5.8 Romania

Since the dramatic days of December 1989, Romania's political development has been turbulent. After playing a leading role in the overthrow of the Ceausescu-regime, the National Salvation Front (NSF) became the dominant political party. In 1992, the party split up; but its successors continued to dominate Romanian politics until the 1996 elections. Between 1992 and 1995 the most pressing matter in Romanian politics, besides economic reform, was the situation for the 9% of the population that is ethnic-Hungarian. This period was also marked by a bitter conflict between the government and opposition (and within the opposition) over the "Hungarian Issue". Both nationally and internationally, the government has been accused of anti-democratic actions and using nationalism as a mechanism to divide the opposition while drawing attention away from its failure to deal with the mounting economic crisis.[63] A factor that contributed to these hostilities was the government's reliance on extremist parties for support in Parliament.

Of the Romanian parties, the hard-line nationalist movements are worthy of a closer look. The Romanian National Unity Party (RNUP) and the Greater Romanian Party (GRP) are two, rather similar, extreme nationalist parties advocating a very tough line on ethnic minorities. Ethnic Hungarians are targeted in particular, as they are accused of being a vanguard for Hungarian expansionism. Both the RNUP and the GRP have been connected to several episodes of violence and intimidation against gypsies and ethnic Hungarians.[64] Both parties combine extreme nationalism with socialist rhetoric and call for a rehabilitation of Ceausescu and other prominent communist leaders.[65] The most notorious episode occurred when Gheorghe Funar (later chairman of the RNUP) was elected mayor of the ethnically mixed city Cluj, in 1992. He began his period in office by removing all Hungarian street-signs and replaced the elected ethnic Hungarian prefects with Romanians from his own party. This incident, and similar episodes, has earned Funar the nickname "little Zhirinovsky".

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63 Karatnycky, 1996, pp. 391-392

64 The Europa World Year Book, 1997, p. 2734

65 East and Pontin, 1997, p. 177

The nationalist parties portrayed here are unquestionably hard-line; using elected democratic institutions to curtail the rights of ethnic minorities.[66] The RNUP is also the political wing of the nationalist Movement for Romania, which deliberately uses many of the same slogans and symbols as Romania's fascist-inspired interwar movement, the Iron Guard. Both in practical politics and in rhetoric, these parties have shown a vague and hesitant commitment to the democratic rules of the game. Their political programs are a mix of command economy; a call for the return to the law and order that prevailed under the previous dictatorship; and extreme xenophobia directed against Jews, gypsies and Hungarians. Still, it is not a straightforward issue to call these parties a major structural opposition, as they have proved to be office seeking at certain times. In order to reach an agreement with the DNSF-government in 1994, both parties amended their economic policies in return for a tougher line on minorities.[67] However, amending an economic policy in return for a policy that favours extreme treatment of ethnic minorities can hardly be said to be an improvement in terms of structural goals.

After the elections of 1992, the RNUP got 8.8% (and GRP 4.7%) of the seats in the Parliament, giving them a critical swing position. This situation made them vital team players for the Democratic National Salvation Front (DNSF), through the Vacariou-cabinet. The influence of these parties can be seen in legislation from the period, where a number of anti-pluralist laws were passed on language and education. Due to international pressure (and the need for new loans) the governing DNSF (later renamed "Party of Social Democracy in Romania") tried to distance itself from the influence of the most extreme nationalists; as a result, most of the offensive legislation was reversed and a friendship agreement with Hungary was eventually signed. In the 1996 election the RNUP won 5.5% of the seats but lost one third of its mandates. The GRP, on the other hand, gained two seats, winning 5.4% of the total. In addition to the modest reduction in number, government influence was evaporating and the ethnic minority party, the Hungarian Democratic Union (HDUR) was included in the new cabinet (comprised of former opposition parties). In their 1997 report on the situation in

[66] Ibid., p. 169

[67] East and Pontin, 1997, p. 177

Romania, Karatnycky, Motyl and Shor confirm that the situation for ethnic minorities has improved considerably after the change in power of 1996.[68]

### 5.8.1 Constitutional settlement and democratic semi-loyalty

A referendum in December 1991 approved the new Constitution, giving extensive powers to the President, safeguarding pluralism, human rights and a free market economic system. But despite the democratic assurances of the Constitution, the Romanian political elite has not always been consistent in their practical implementation of these principles. An example of this sort of questionable attitude towards democratic opposition was the use of vigilante justice to put down anti-government demonstrations in June 1990. President Iliescu of the NSF publicly appealed (and generously arranged transportation) for coal miners from the Jiu valley to defend the government and rid the city of "hooligans".[69] The resulting clashes between miners and opposition followers were extremely violent, resulting in several deaths. In addition, the party headquarters of the two main opposition parties were heavily damaged. When the miners left the capital after two days of rampage, the newly democratically elected Iliescu came to the railway station to thank them in person.

In addition to such extreme outbursts of violence, the government also used more subtle measures to hamper opposition activity. Up to 1996, it was frequently reported that the government used various quasi-legal and illegal measures to restrict the freedom of the press and deny the opposition access to the state media.[70] Various measures were used to quiet the press, including access to the state's monopoly on printing supplies, different tax codes, surprise official audits, etc. In its attempt to control the electronic media, the government also used political motivations for the hiring and firing of employees.

Especially at the local level, there were many incidents of undemocratic behaviour by the governing party from 1992 to 1996, purging local and regional officials representing opposition parties. In the period from 1992 onwards, the DNSF-government suspended 133

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[68] Karatnycky et al., 1997, p. 305

[69] The Europa World Year Book, 1997, p. 2732; Linz and Stepan, 1996, p. 361

[70] Karatnycky et al., 1997, p. 302

mayors for "breaking the law" and another 262 resigned "voluntarily", almost all these mayors belonged to, or supported, opposition parties. In light of this, the EU claimed that the central government was seeking to rebuild the undemocratic pre-1989 administrative system at the local level, to consolidate its power before the 1996 general election.[71]

So far several incidents of semi-loyal or conditional loyalty to the democratic institutional rules have been listed. A related problem is the ethnic issue. Linz and Stepan identify the ethnic-Hungarian population as a "simmering stateness problem", especially between 1992 and 1995. During this period, ethnic-Hungarians were isolated both from government and opposition parties, due to strong nationalistic currents in Romanian politics.[72] Opponents portrayed the HDUR as a potentially anti-democratic secessionist force, whose ultimate goal was to join Hungary. This situation made it difficult for the opposition to accept the HDUR, without alienating their own constituencies, and it effectively diverted political focus away from the government's poor handling of economic reforms. In light of the semi-loyalty problem, such a situation is not benign. As described previously, it is potentially disruptive to the democratic consolidation process because political actors will come to distrust each other's motives and hence increase the political level of conflict.

Since the approval of the current constitution, constitutional matters have been relatively uncontroversial; major confrontations between political institutions over constitutional prerogatives have largely been avoided.[73] Still, despite the apparent calm surrounding these issues, the institutional structure is not uncontroversial. Executive dominance over the legislative was the "order of the day" between 1990 and 1996, due to the legislative powers of the President (which were used actively by Iliescu) and the government's use of decree rule.[74] In their assessment of potential future problems in Romania's institutional structure, Crowther and Roper point to the executive's dominance over the legislature and the weak institutionalisation of the legislature: *"Perhaps the real test for the Romanian legislature will*

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71 Karatnycky, 1996, p. 391

72 Linz and Stepan, 1996, p. 363

73 East and Pontin, 1997, p. 172; Crowther and Roper, 1996, p. 139

74 Crowther and Roper, 1996, p. 143; Karatnycky et al., 1997, p. 306

*come when the opposition controls either the legislature or executive".*[75] This might very well produce a future institutional conflict, since many critical decisions regarding institutions were already made at the time the opposition took over in 1996. Indeed, after 1996 the Parliament has shown signs of increased assertiveness. So far, however, major institutional conflicts of competence have been avoided.[76]

To sum up, one can say that Romania has so far avoided significant institutional conflicts of competence, but the growing awareness of the legislature might one day lead to a conflict concerning the current institutional balance of power. Of the more acute problems, Romania has the most significant anti-system opposition of the countries in this analysis. Both the GRP and the RNUP have proved in practical action - as well as through policy-statements - that they promote major structural goals. Moreover, they exhibit semi-loyal attitudes towards democracy. Between 1990 and 1995/96, semi-loyalty towards democracy, and rather questionable attitudes towards political pluralism, seems to have been the order of the day (rather than the exception). To this list one could also add the cynical use of nationalism to distract attention from the government's poor handling of the economic reform program. The possible stateness problem posed by the Hungarian minorities in Transylvania was exploited politically. Still, due to the major political change after the election in 1996, the level of conflict in Romania can be separated into two separate periods. Much of the problems described thus far belong to the years prior to 1995/96. As described above, in the past 2-3 years there have been improvements with respect to minority rights and political pluralism. In addition, the 1996 centre-right government has drastically reduced the influence of extremist parties. Though there still appears to be conflict over the ultimate values represented in the political system, the general level of conflict has been moderate after 1996.

## 5.9 Summary and conclusion

So far the level of conflict has been examined for each country on two dimensions: the presence and significance of structural opposition and institutional conflicts. Table 5.1, 5.2

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[75] Crowther and Roper, 1996, pp. 143 and 156

[76] Karatnycky et al., 1997, pp. 305-306

and 5.3 are attempts to systematise and bring some order into the large amount of information presented in the preceding analysis. Tables 5.1 and 5.2 summarise the two dimensions analysed in this chapter, while table 5.3 summarises the assessment of a more general level of conflict for the six countries in the analysis.

**Table 5.1a:** *Political conflict: Anti-system and populist parties in Hungary, Poland, the Czech Republic and Latvia (dimension 1)*

| | Hungary | Poland | Czech Republic | | Latvia |
|---|---|---|---|---|---|
| Party: | ISP | CIP | RA-RPC | MSDMS | PML |
| Type of party: | Populist | Populist | Major | Limited | Populist |
| Significance of party: | 7% | | 9% | | 16% |
| | Junior-partner in gov. coalition (1990-92) | No represent. after 1997 | Some infl. Blackmail potential 1996-98 | No represent. after 1996. Minor influence. | Minor infl. Politically isolated. |
| Conclusion: | Minor importance | No significant anti-system parties | Some influence from anti-system party, due to balance in parliament | | Isolated populist party |

**Legend:** *Type of party*: "limited"; "major" = structural opposition party; "populist" = populist party
*Significance of party:* Current percentages of seats in parliament and a further assessment of general influence.

Below, table 5.1 presents a summary of the different parties analysed in this chapter. Though the populist parties are not classified as anti-system parties, they are still included in the table (to make the overall picture more complete, and because they represent an unstable and disturbing political phenomenon in their respective countries).

In the case of Hungary, it is not entirely clear-cut whether the agrarian ISP should be labelled a limited structural opposition or predominantly populist: it had significant elements of both types. Still, several observers deemed the latter to be more prevailing, due to an incoherent mix of issues in the party program. After the introduction of a new electoral law in 1993, the Polish party system has become more manageable in number and political affiliation. There are no anti-system parties in the parliament today, and the last markedly populist party (CIP) did not clear the threshold in the 1997 election.

**Table 5.1b:** *Political conflict: Anti-system and populist parties in Romania and Slovakia (dimension 1)*

| | Romania | | Slovakia | | |
|---|---|---|---|---|---|
| Party: | GRP/RNUP | PSDR[1] | ASW | SNP | MDS |
| Type of party: | Major | Populist | Major | Major | Populist |
| Significance of party: | 11% | 26% | 9% | 6% | 41% |
| | Gov. coalition | Gov. party | Jr. partner | Jr. partner | Major infl. |
| | 1992-96 | 1990-96 | Gov. 94-98 | Gov. 92-94 and 94-98 | Gov. 92-94 and 94-98 |
| Conclusion: | Major anti-system influence in politics until 1996. | | Major anti-system influence in politics. Strong populist party dominating party system. | | |

**Legend:** See table 5.1a

**Notes:** [1] PSDR is equivalent to DNSF (pre 1996 government party)

Latvia has a strong populist party, with considerable potential political influence. At the moment, however, it is politically isolated because of its controversial and irresponsible political style. The same can be said about the present situation for ultra-nationalistic parties in Romania: they are isolated, but wielded (until recently) considerable influence through their participation in the former governments. Moreover, these parties can be referred to as a major structural opposition, due to their questioning of democratic basic principles and the nature of their economical goals (which demand broad structural change, both politically and economically). The former main government party, the PSDR, is classified as a populist party that is more concerned about position than policy. However, since its electoral defeat in 1995, the party has been transformed into a more policy-oriented social democratic party. The present government in Romania does not include populist or structural opposition parties.

Slovakia's 1994 government had many of the same features as the former red-brown coalition of nationalists and communists in Romania. The coalition was headed by Meciar's populist-oriented MDS, and supported by the nationalist SNP and the communist ASW. Both of these junior coalition partners have been classified as major structural opposition parties in the analysis, since they advocate views that conflict strongly with the stable development of a liberal democracy and market economy. Both parties are rather small, but the fact that they possess important government portfolios makes them highly influential.

Table 5.2 summarises the findings on the second dimension – the presence of institutional conflict and semi-loyal behaviour. So far, Hungary has avoided major conflict over institutional arrangements. Though there has been some debate around the drafting of a new constitution, the relatively strong consensus concerning the basic framework of parliamentary democracy has contributed to a common platform for discussion. The new constitution is yet to be drafted; hence it remains a potentially disputable issue. If we compare Hungary's and Poland's process of constitutional engineering, the contrast is overwhelming. After 1989, Poland's most potent problem - alongside economic restructuring – has been an institutional conflict of competence. Much of the difference between Hungary and Poland can be ascribed to Poland's lack of consensus on institutional arrangements in the latter. The institutional conflict in Poland has been moderated by the introduction of an interim constitution in 1992, but the drafting of the final text remained a matter of political controversy until 1997. As far as this analysis has been able to ascertain, neither Poland nor Hungary suffers from important political actors reflecting significant degrees of semi-loyalty.

In relation to semi-loyal behaviour and attitudes, Poland and Hungary differ from the four other countries in the analysis – all of which have displayed different facets of the problem. In the case of the Czech Republic, the problem is restricted to an ultra-nationalist environment mainly articulated by the Republican Party (RA-RPC). As in Hungary, developments have been uncontroversial at the institutional level. There have been some minor conflicts over competence between institutions, and a debate around regional and local autonomy, but these conflicts seem to be either settled or at least predominantly dormant. The same cannot be said for the Slovakian case, which has experienced intense institutional conflict of competence, and an almost constant controversy over minority rights. The situation has been intensified by overtly semi-loyal tendencies from the governing coalition (towards political pluralism in general and towards ethnic minorities in particular).

**Table 5.2:** *Political conflict: Institutional conflict and semi-loyalty (dimension 2)*

| | Hungary | Poland | The Czech Rep. | Slovakia | Latvia | Romania |
|---|---|---|---|---|---|---|
| Institutional Conflict | Some debate around drafting of a new constitution (Still unfinished) | Major conflict of competence between institutions. Conflict moderated after new constitution in 1992 | Some tendencies to conflict over regional autonomy | Major institutional conflict of comp. Also conflict over the rights of ethnic minorities | Strong inst. conflict over the citizenship issue. Moderated after 1995 | Institutional conflict over minority rights. Moderated after 1995 |
| Semi-loyalty | Not evident | Not evident | Tendencies to semi-loyal behaviour from nationalist party. | Semi-loyal behaviour of the MDS-led governments | Tendencies to semi-loyalty from extremists | Semi-loyal behaviour of government from 1990 to 1995/96 |
| Conclusion | Still unsolved constitutional questions | Moderate inst. conflict after 1993 | Minor inst. conflict. Nationalist semi-loyalty | Major inst. conflict reinforced by semi-loyalty | Inst. conflict over citizenship. Semi-loyalty from extremists | Minority rights conflict. Semi-loyalty moderated after 1996 |

Latvia's dominant political issue has been – and, indeed, still is – the institutional conflict over citizenship, and the naturalisation of a large Russian-speaking minority. This conflict has been moderated after the abolishment of the worst discriminatory rules by 1995, but continues to be both an internal and external (in terms of the relationship to Russia) menace to the consolidation process. There have been some signs of semi-loyalty, mainly by Latvian extreme nationalists. Still, on the whole, these groups remain largely politically isolated. Romania has also had some conflict over minority rights, especially under governments before 1996. These years were also marked by semi-loyal behaviour from the government: limiting the opposition parties' access to the media, using political trials to purge opposition from important positions, etc. The situation has dramatically improved since 1996, but the presence of extremists on both sides of the political spectre sustains a high level of conflict in ultimate values and hence in practical politics.

As indicated in the introduction, the question concerning the relative significance of the two analytical dimensions is saved for the end. This question will have to be answered by the same theoretical framework, from which the indicators were developed: namely, Sartori's

typology for political conflict.[77] Since the two theoretical dimensions used here (anti-system parties and institutional conflict) are meant to measure "ultimate value conflict" and "institutional conflict", the relationship between them will have to be understood in terms of these ideal types. This means that the anti-system parties and institutional conflict (as indicators) are theoretically equally important, and will have to be interpreted through the broader concept of "political conflict".

The final illustration (table 5.3) is an attempt to clarify the picture by breaking the overall level of conflict down into the three original components suggested by Sartori (see chapter two). Needless to say, this crude classification can hardly do justice to the empirical variation. Rather, it should be interpreted as an attempt to capture the general tendency in political conflict. As argued in chapter two, the composition and intensity of political conflict has a significant impact on the consolidation process. A high level of institutional or "ultimate value" conflict hinders the process of institutional consolidation by occupying political space, weakening the governability of the system, and undermining institutional legitimacy. "Policy conflict" is included to complete the picture of the three ideal levels of conflict, and to indicate a cumulative tendency across levels. To accentuate the differences between countries (in terms of level of conflict), countries are ranked according to their intensity of the respective dimension of conflict.

**Table 5.3:** *General level of political conflict*

| Country | Policy conflict | Institutional conflict | "Ultimate value" conflict | Sum[1] |
|---|---|---|---|---|
| Hungary | Moderate | Low | Low | 5 |
| Czech Republic | Moderate | Low | Low/Moderate | 6 |
| Latvia | Moderate | High/Moderate | Low | 8 |
| Poland | High | High/Moderate | Low | 10 |
| Romania | High | Moderate | High | 13 |
| Slovakia | High | High | High | 15 |

**Notes:** [1] The calculations are based on 1 point for a low level, 3 for moderate and 5 for a high level of conflict.

[77] As explained in chapter two, Sartori uses three hierarchical levels of conflict: policy conflict, institutional conflict and "ultimate value" conflict, of which the two latter was deemed especially important for our analytical purpose. This is because they involve conflicts that are seen to be disruptive to the institutional consolidation process (chapter 2).

The distribution reflected in the table closely resembles what has been indicated by the summary so far. Both Hungary and the Czech Republic show moderate or low levels of conflict, while Latvia and Poland are troubled by institutional conflict. At the bottom of the ranking we find Romania and Slovakia. In these countries, institutional conflict is combined with significant disagreement over "ultimate values", which in both cases is catalysed through major structural opposition parties. The table reveals a clear pattern in the cumulative nature of the three levels of conflict, where a higher level of conflict influences the lower levels. In essence this implies that a conflict over "ultimate values" (such as the democratic idea) will have an impact on the chances for a procedural consensus and the everyday functioning of politics (i.e., policy conflict). The empirical variation seen in table 5.3 substantiates this interpretation (most clearly seen in the opposites of Hungary and Slovakia).

# CHAPTER 6

# EXECUTIVE POWER: STABILITY AND TURNOVER

Executive stability and turnover is the second dimension in the analysis of institutional consolidation. As argued in chapter 2, these institutional aspects are important for the process of consolidation. Both stability and turnover can be disruptive to an institutional consolidation process, by causing either too little turnover or too low stability. For instance, low executive stability can be a sign of ungovernability. But high stability without significant turnover can also disrupt the consolidation process by denying other actors access to power.

This chapter concentrates on the cabinet as the primary executive agent. This is done because there is practically no variation in presidential stability and turnover in the six case countries. All presidents have been able to complete their period in power; needless to say, this is not the case for cabinets. This chapter will examine two key features of executive power; the stability of cabinets, measured as a percentage of their designated period; and whether or not the political system has experienced significant turnovers in government. Before turning to the empirical analysis, it is important to take a brief look at the two indicators and their operationalisation.

## 6.1 What is stability and turnover?

"Stable government" usually refers to durability. As argued earlier, low government durability is assumed to hamper the process towards institutional consolidation (by weakening the legitimacy of democracy). The classical definition of durability is a government's period in office. The question, then, is how to define "change in government", and hence the end-point of the present government. This question reveals the way in which government stability and turnover are linked.

Turnover can be defined as a change of government (to a different political coalition or party). This does not entail instances where a new party is included in an already existing coalition

government, or the mere change of prime ministers within the same coalition. The idea is to capture changes in the government that lead to significantly different parties or coalitions taking power, the change of guards between position and opposition. A standard way of classifying governments is by the prime minister's name. While this classification is used here, it is fortified by making a distinction between a change of government and a mere change of personnel. This distinction is done to identify when there is significant change in the political affiliation of the government, rather than a mere reshuffling of the government's personnel.

According to the above definition, a breach in stability can be seen as a change in the political composition of the government, i.e., a change of coalition-partners or the governing party. It is not sufficient to change ministers or the prime minister within the existing coalition. Electoral periods will be used as a yardstick for measuring durability (as a percentage of the designated period). Hence, a change of government or altered government composition (due to an election) will not be regarded as a breach of stability. If one looks at the definition of stability and turnover combined, it becomes apparent that turnover – as defined here – is more limited than stability. Stability can be impaired in several different ways, including coalition changes and votes of no-confidence; real political turnover is restricted to a significant change in the political colour and composition of the government. The whole idea behind using the concept of turnover is that it signifies the political will and ability to change government in a peaceful and orderly fashion. In the following sections, each country will be analysed according to these operationalisations.

These operationalisations are not flawless, but they approximate the intention. For instance, when one party resigns from a large coalition government, it is doubtful that it changes the government in any significant degree. According to the definition used here, this is seen as a breach of stability. However, a government that has to keep juggling coalition-partners to keep afloat can hardly be seen as stable.

Another question concerns when one should start to consider democratic turnovers. According to Olson, initial elections throughout Eastern and Central Europe in 1989/90 were less of a

choice between parties and programs and more of a referendum on communism.[1] In a sense these elections did not act as founding elections for the new party systems. Instead, the elections can be understood as a united action by the opposition to rid themselves of the old political structure and the communist party. The broad popular umbrella-organisations that participated in the first elections in each country support this interpretation. These organisations deliberately avoided party labels. With names like Civic Forum, Popular Forum, Democratic Alliance etc, these were not parties in the traditional sense, but rather broad social movements. Only at a later stage did these movements give way to parties in the more traditional sense.

According to Grzybowski, the fight against communism and the old elite was the "raison d'être" and the "glue" that kept the broad, popular opposition movements of Eastern and Central Europe together in the early years of democracy.[2] The centrifugal tendencies and almost unanimous breakdown of these movements during the first years of plural politics seems to support Grzybowski's argument. Empirically, this argument provides a good description of all the countries included in the analysis (except Hungary, where the foundation of a party system had been engaged at an earlier point).[3] Another common factor for all the countries, with the repeated exception of Hungary, is the short session of the first parliament. All the countries in this analysis have a normal parliamentary session of four years, but the first period lasted for just two years. For these reasons, caution should be used when drawing firm conclusions on the basis of the first parliamentary session (in terms of turnover and stability).

## 6.2 Hungary

Hungary's first free multi-party elections since 1945 were held in two rounds: in March and April 1990. The winner, the Hungarian Democratic Forum (HDF), formed a cabinet together with the Independent Smallholders Party (ISP) and the Christian Democratic People's Party (CDPP). The coalition controlled close to 60% of the 386 seats in the National Assembly, which made the passing of legislation fairly uncomplicated. Although the three coalition-

[1] Olson, 1997, p. 173; Crawford, 1996, pp. 228-229

[2] Grzybowski, 1991, p. 66

[3] Tökes claims that the development of a plural party system in Hungary had begun as early as 1985/86, and continued until the Round Table negotiations of 1989/1990. Tökes, 1997, p. 110

parties suffered a severe setback in the local elections of October 1990, and the ISP had to deal with internal divisions on the question of continued support for the government, the cabinet managed to last its full term.

**Table 6.1:** *Cabinets of Hungary 1990 - 1997*

| Date | Prime Minister | Months | Period | Type of cabinet | %Seats | Political | Turnover |
|---|---|---|---|---|---|---|---|
| April 1990 | J. Antall[1] P. Boross | 48 | 100% | Majority coalition | 59.3%[2] | Centre-Right | Election |
| May 1994 | G. Horn | - | - | Oversized coalit. | 72.3% | Centre-Left | Election |

**Sources:** *The Europa World Year Book,* 1991 and 1997; Tökes, 1997
**Notes:** [1] Boross took over as Prime Minister after the death of Antall in December 1993
[2] In February 1992 the ISP split on the question of whether or not it should continue to support the government, however most of the deputies from the ISP continued their support for the coalition.
**Legend:** "Months" - number of months the cabinet was in office
"Period" - percentage of the governmental period the cabinet was in office.
"Type of cabinet" - the type of cabinet in relation to the Parliament and number of parties.
"%Seats" - Percentage of seats in Parliament taken by the parties in cabinet
"Political" – general political orientation on the left-right continuum of the cabinet
"Turnover" - how the cabinet in question came into office

As signalled by the local elections in 1990, an opposition led by the Hungarian Socialist Party (HSP) won a landslide victory in the 1994 parliament elections. The HSP secured a clean majority of 209 deputies; but it still chose to form a coalition-government, together with the liberal Alliance of Free Democrats (AFD). It is said that this oversized coalition was meant to send an appeasing gesture to western governments that feared the return to power of former communist elites in Central Europe.[4] The 1994 election was also a major turnover, both in coalition-composition and political colour. The three parties in the centre-right coalition from 1990 went into opposition and were replaced by a two-party, centre-left, coalition. It is, however, questionable whether the broader policy of the two governments was as different as their political colours suggest.

In short, the 1994 election represents a major turnover, with a new government consisting of former opposition parties. With this change of government, nearly all of Hungary's major parliamentary parties had been represented in office. Perhaps equally important, the reformed communists (represented by the HSP) were granted power without protest from other political actors. Both the introduction of new governing parties and the

[4] Hungarian Ministry of Foreign Affairs, *Fact Sheets on Hungary,* no. 5, Sept. 1994, p. 3

reintroduction of old elites into new democratic institutions, reflect faith and confidence in the institutional arrangements of Hungarian democracy.

Regarding stability, the HSP-coalition has suffered much internal dissent and resignations because of the difficulties associated with restructuring the Hungarian economy. So far, however, they have avoided major governmental instability.[5] Though there has been friction within governing coalitions and within the major parties, governments have avoided extra-electoral changes. Apart from the favourable aspects described above, the positive vote of no-confidence may have contributed to the stability seen in Hungary.[6] To sum up, Hungary has achieved a remarkably stable democracy in a few years, both in terms of government stability and the ability to peacefully change power between position and opposition.

## 6.3 Poland

The short history of semi-presidential democracy in Poland stands in stark contrast to the tranquil situation described in Hungary. Over a period of eight years, Poland has had nine prime ministers; none of them have managed to survive their term, or to get re-elected.

As mentioned above, the first post-communist elections were more like referendums on a political system, than government-forming elections. Poland's first parliamentary election is an example of this. But these elections were also restricted as a result of the preceding Round Table Negotiations. The governing communist party, The Polish United Workers Party (PUWP), and its two traditional allies (the United Peasant Party (UPP) and the Democratic Party (DP)) were entitled to receive no less than 65% of the deputies in the Sejm – regardless of the electoral results. Only the remaining 35% was open for free contestation. On the basis of this distribution, general Kiszczak was elected Prime Minister in August 1989. This cabinet lasted only one week before the UPP and the DP withdrew their support from the governing coalition and entered negotiations with Solidarity to form a new coalition. Subsequently, Tadeusz Mazowiecki was elected Prime Minister for a new centre-right coalition. Though Mazowiecki resigned after losing the presidential-elections to Walesa in 1990, the coalition managed to stay in power until the first free elections of 1991.

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[5] *The Europa World Year Book*, 1997, p. 1564

[6] Ágh, 1996, p. 17

**Table 6.2:** *Cabinets of Poland 1989 - 1997*

| Date | Prime Minister | Months | Period | Type of cabinet | %Seats | Political | Type turnover |
|---|---|---|---|---|---|---|---|
| Aug. 1989[1] | C. Kiszczak | 0.5 | 2% | Majority coalit. | 65% | Centre-Left | Election |
| Aug. 1989 | T. Mazowiecki | 24.5 | 98% | Majority coalit | 57.4% | Centre-Right | Resignation |
| | J. Bielcki | | | | | | |
| Oct. 1991 | J. Olszewski | 8 | 14.6% | Minority coalit. | 24.1% | Centre-Right | Election |
| June 1992 | H. Suchocka | 16 | 22.9% | Majority coalit. | 50.6% | Centre-Right | No-confidence |
| Oct. 1993 | W. Pawlak[2] | 48 | 100% | Majority coalit. | 65.9% | Centre-Left | New election[3] |
| | J. Olesky | | | | | | |
| | W. Cimoszewicz | | | | | | |
| Sept. 1997 | J. Buzek | - | - | Majority coalit. | 56.7% | Centre-Right | Election |

**Sources:** *The Europa World Year Book,* 1990, 1992, 1993, 1994 and 1997; *Keesing's Record of World Events,* 1990-1997; Michta, 1997; Kuusela, 1994; Grzybowski, 1991; Lewis, Lomax and Wightman, 1994; Simon, 1996; Brodal, 1997. See notes to table 6.1 for legend.

**Notes:** [1] Not entirely free elections, the Communist Party and its allies were guaranteed 65% of the Parliament. The elections were in July, but due to difficult negotiations, the government was not in place before August.
[2] Pawlak was forced to resign in February 1995 after a conflict with the President. He was replaced by Olesky who had to resign in February 1996 because of allegations of espionage for the Soviet Union and later Russia. He was replaced by W. Cimoszewicz.
[3] The Suchocka-government was brought down by a vote of no-confidence in May 1993. Instead of appointing a new cabinet, the President called for new elections to be held in September 1993.

As with most post-communist political systems, Poland experienced a transformation and fragmentation of its party system during the first parliamentary session; the broad mass-movement Solidarity was the main victim of this process. After the parliamentary elections of 1991, the largest party controlled only 15.2% of the deputies, and there were 17 parliamentary fractions or political "clubs" in the Sejm.[7] This created a rather unstable environment for political coalition building. Solidarity was shattered, but a new centre-right alliance (between the Centre Alliance (CA), the pro-solidarity Peasant Alliance (PA) and the catholic Christian National Union (CNU)) managed to form a government, with the CA's Jan Olszewski as Prime Minister. In June 1992, the government fell with a vote of no-confidence, after a controversy regarding attempts to investigate so-called "communist conspiracies in central positions".[8] Under the first female Prime Minister in Poland, Hanna Suchocka, a new seven-

[7] Simon, 1996, p.70

[8] *The Europa World Year Book*, 1997, p. 2670

party, centre-right, coalition was formed, dominated by the Democratic Union (DU) and the CNU. This government was forced to resign in May 1993 in the face of a massive wave of social unrest and increasing problems within the coalition. President Walesa refused to accept the resignation, and scheduled new elections for September 1993.

The 1993 elections were held under the amended electoral laws, which increased the electoral threshold to 5% (8% for a coalition). This created a less fragmented Sejm, with only seven political parties or coalitions. Parties of the leftist coalition, the Democratic Left Alliance (DLA) and the centrist Polish Peasant Party (PPP) were the winners of the new system. These two parties formed a coalition that secured a clean majority that lasted throughout the period. The 1993 elections hit the right wing of polish politics especially hard and the former governing parties (the CA and the CNU) failed to clear the threshold. The 1997 elections showed that the conservatives had learned their lesson, and the 25-party strong electoral coalition of Solidarity Election Action (SEA) won by a landslide, taking 201 of 460 deputies. They later formed a coalition government together with the liberal Freedom Union, led by the Solidarity veteran, Jerzy Buzek.

Simon states that the period leading up to the 1993 elections taught Polish politicians and parties a lesson regarding the consequences of conflict; this left some room for optimism regarding increased government stability.[9] By combining this hypothesis with the fact that the new parliament and government consisted of comparably few parties, it is possible to interpret these events as a sign of increased stability in the Polish executive. But as already noted, frequent changes of government personnel due to scandals, votes of no-confidence and inter-institutional conflicts still pose critical questions about the high level of conflict in the system.

The adoption of the so called "Little Constitution" is another factor that might have contributed to the increased stability after 1992. This document clarifies and delimits the powers of both the President and the parliament, it also specifies how a government can be formed and dismissed. This interim document replaced the 1952 Constitution, and was an important measure in preventing further institutional conflicts due to unclear rules.[10]

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[9] Simon, 1996, p. 67

[10] Ibid.

The nine different prime ministers do not all represent significant turnovers in Polish politics. Although there were significant changes in the party-composition of the centre-right governments from 1990 to 1993, the first major turnover occurs when the DLA came to power in the autumn of 1993. This represents a return to power for parties that had been kept out of government negotiations in the previous years. After a rather harsh climate (with allegations of "communist conspiracies to overthrow the government" and espionage), the return to power by parties dominated by former communists can be interpreted to mean that both sides came to accept the institutional rules of the game. The shift back to a centre-right coalition after the 1997 elections can also be viewed as a qualified turnover.

Through these two major turnovers, Poland has fulfilled the requirements to Huntington's two-turnover-test; but it can hardly be said to have experienced significant government stability. It should be noted that recent years seem to give promise of increased stability. Still, this prediction is closely linked to the possible conflicts produced by the semi-presidential system, as described in chapter five.

## 6.4 The Czech Republic

Together with Hungary, the Czech Republic has also experienced considerable governmental stability. Indeed, the Czechs have even managed to dissolve a federation and establish a new state without major political turmoil affecting government stability. When Czechoslovakia was dissolved in January 1993, the Czech State Assembly (The Czech National Council) became the new National Assembly for the Czech Republic and the state government became the national government. This was possible because the 1992 Czechoslovakian elections, in effect, represented two territorially separate elections. According to Olson, the "velvet" divorce was possible because of the clear division between the two parts of the federation in the 1992 election with respect to issues, participants and parties.[11]

The first election in Czechoslovakia was typical for many post-communist countries. Broad popular movements, which had grown during the transition period, won the election (e.g.,

[11] Olson, 1997, p. 177

Civic Forum in the Czech Republic and Public Against Violence in the Slovak Republic). These movements formed a government, but split into several different parties during the period leading up to the second elections. As previously argued, it is these second elections that can most often be seen as founding elections. In the Czech Republic, the liberal Civic Democratic Party (CDP) won the 1992 elections, taking 38% of the seats in the National Assembly. They formed a centre-right coalition government together with the Christian Democratic Union - Czechoslovakian Peoples' Party (CDU-CPP) and the Civic Democratic Alliance (CDA), with CDP's Václav Klaus as Prime Minister.

**Table 6.3:** *Cabinets of the Czech Republic 1990 - 1997*

| Date | Prime Minister | Months | Period | Type of cabinet | %Seats | Political | Type turnover |
|---|---|---|---|---|---|---|---|
| June 1990[1] | M. Calfa | 24 | 100% | Grand coalition | 65% | - | Election |
| June 1992[2] | V. Klaus I | 48 | 100% | Majority coalit. | 52.5%[3] | Centre-Right | Election |
| June 1996 | V. Klaus II<br>J. Tosovsky | - | - | Minority coalit. | 49.5% | Centre-Right | Election |

**Sources:** *The Europa World Year Book,* 1991, 1993 and 1997; Kuusela, 1994; Olson, 1997; Http://www.rferl.org/newsline
See notes to table 6.1 for legend.

**Notes:** [1] Election for the whole of Czechoslovakia
[2] Result of elections to the Chamber of Nations in the Czechoslovakia National Assembly, transformed to Czech National Assembly after January 1st 1993.
[3] During the period the majority increases to 56%, due to splits in the opposition and independents joining coalition parties

Unlike some of the other countries in this analysis, the Czech Republic did not experience a major change of government coalition in the second or third election. Klaus' governing coalition lost its majority by a hair (49.5%) in the 1996 elections, but stayed on as a minority cabinet. In December 1997, Klaus was forced to resign due to proof of bribes and corruption at top levels within the CDP and the government. The old coalition, and some of its ministers, continued in government after a major reshuffling of portfolios. The cabinet was headed by the non-affiliated banker Jozef Tosovsky, who led the country until new elections were held in the second half of 1998.

Until recently, Czech governance has been remarkably calm compared to other post-communist countries, with no turnovers and governments lasting their full term. On the other hand, the lack of any significant change could be a source of disillusionment in Czech

democracy, along with the corruption scandal within the CDP, and the later debacle around the re-election of President Václav Havel (in January 1998).

## 6.5 Slovakia

Like the Czech Republic, Slovakia has handled the transformation to a sovereign state without serious government instability. But the adoption of a new set of institutions and rules of procedure has provided some additional institutional problems. This has naturally influenced Slovakia in terms of stability. For example, one government turnover resulted from a vote of no-confidence on Meciar's coalition-government in 1994, and one premature election came later the same year. However, the second Meciar coalition (from late 1994) has proved to be rather persistent; especially given the harsh political climate described previously.

**Table 6.4:** *Cabinets of Slovakia 1990 - 1997*

| Date | Prime Minister | Months | Period | Type of cabinet | %Seats | Political | Type turnover |
|---|---|---|---|---|---|---|---|
| June 1990[1] | M. Calfa | 24 | 100% | Grand coalition | 65% | - | Election |
| June 1992[2] | V. Meciar I | 20 | 42% | Majority coalit. | 59.3% | Centre-Left | Election |
| March 1994 | J. Moravcik | 9 | 19% | Majority coalit. | 55.3% | Centre-Right | No-confidence[3] |
| Des. 1994 | V. Meciar II | - | - | Majority coalit. | 55.3% | Centre-Left | New election |

**Sources:** *The Europa World Year Book,* 1991, 1993 and 1997; Wolchik, 1997. See notes to table 6.1 for legend.
**Notes:** [1] Election for the whole of Czechoslovakia
[2] Result of elections to the Chamber of Nations in the Czechoslovakia National Assembly, transformed to Slovakian National Assembly after January 1st 1993.
[3] A group of 15 deputies from the MDS left the coalition and formed the Democratic Union of Slovakia (DUS). This ended the government's majority and opened for a vote of no-confidence in March 1994, and a new election was scheduled for October 1994.

As in the Czech Republic, the Chamber of Nations for Slovakia was transformed to the Slovakian National Assembly in January 1993. The governing coalition consisted of Meciar's Movement for a Democratic Slovakia (MDS) and the nationalistic Slovak National Party (SNP); but it was brought down by a vote of no-confidence in March 1994 (after a split in the parliamentary group of the MDS). A five-party centre-right coalition, led by Jozef Moravcik from the Christian Democratic Movement (CDM), was created to lead the country until the new elections in September. However, due to difficulties in negotiations after the elections, a new government was not in place until December 1994.

As described in the previous chapter, Slovakian politics is quite different from that in the West. Though there has only been one extra-electoral change of government, Slovakian politics has had a remarkably high level of conflict. The 1994 turnover came about after a split in Meciar's governing coalition. This split eroded the government's majority, and made it possible for a vote of no-confidence in March. The new government consisted of opposition parties, but ruled only until the new elections in September. Though the MDS returned to power after the election, its acceptance of defeat and the subsequent turnover showed that it was willing to step aside and obey one of the basic principles of parliamentary democracy. On the other hand, it must be added that strong criticism has been raised against the MDS for its attempts to curtail the free press and restrict the opposition's access to state media.[12]

Despite internal divisions during the previous government period, the MDS returned strong after the 1994 elections. As a result, Meciar could form what has been labelled, the "red-brown" cabinet with the nationalistic SNP and the leftist Association of Slovak Workers (ASW).[13] Despite a serious conflict with the President and opposition over institutional rules and legislation, the coalition managed to remain in power. The tension between opposition and government has also produced difficulties within the coalition. In mid-1996, parts of the government were replaced after a conflict over adherence to the coalition program.

Overall, in terms of government stability, one could say that Slovakia has had a turbulent start with being an independent state. In light of the latest government's performance, however, the trend seems to be positive. Having had one extra-electoral change of government and one premature election since the divorce from the Czech Republic in 1993, the situation conveys the image of a boiler under pressure. This is particularly true if one takes into account the previously described intensity of the power struggle between institutions and leading politicians. However, the peaceful turnover of power in 1994 indicates that the opposition has an opportunity to pursue executive power through democratic channels.

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[12] East and Pontin, 1997, p. 112; Wolchik, 1997, pp. 224-225

[13] East and Pontin, 1997, p. 114. The MDS entered an electoral coalition with the small Peasant Party of Slovakia (PPS) before the 1994 elections.

## 6.6 Latvia

In addition to the common problem of transforming the economy, Latvia had to gain independence and become democratic at the same time. This unfortunate combination is not the best point of departure for securing a stable and workable democracy, as other newly independent countries have illustrated earlier in this century.[14]

The Latvian 1990 election was for the Supreme Soviet of Latvia, and was only partly free. Nonetheless, these elections share many of the same features as the first elections in other East European countries. As in Poland, Hungary and Czechoslovakia, Latvia's first elections brought broad popular movements to power: the Latvian Popular Front (LPF) and the Latvian National Independence Movement (LNIM). Like the other examples, these elections were more of a plebiscite on independence and democracy than a traditional policy-centred election.[15] The Supreme Soviet changed its name to the Supreme Council and began to lay the groundwork for a separate Latvian state and extensive internal reforms. Though independence was achieved in August 1991, the Council stayed in power until the first free elections in June 1993. Plakans explains this long period of rather stabile government - without a renewed popular mandate – by the legitimacy gained by the Council during the struggle for independence.[16]

At the time of the first free elections in 1993, the centrist Latvian Way (LW) won 36% of the seats and formed a minority cabinet together with the Latvian Agrarian Union (LAU). The remains of the popular movement from the transition, the LPD, did not pass the electoral threshold. Because of problems connected to the restructuring of the economy - especially the agricultural sector - the agrarian LAU withdrew its support for the government in July 1994. The cabinet resigned in September, and was replaced with a LW-dominated government, led by Maris Gailis.

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14 Huntington, 1991, p. 276; Valenzuela, 1992, pp. 84-85

15 Plakans describes the 15 months, from March 1990 to August 1991, as a hidden transition covered by the struggle for national independence. Plakans, 1997, pp. 257-260

16 Plakans, 1997, p. 258

**Table 6.5:** *Cabinets of Latvia 1990 - 1997*

| Date | Prime Minister | Months | Period | Type of cabinet | %Seats | Political | Type turnover |
|---|---|---|---|---|---|---|---|
| March 1990[1] | I. Godmanis | 38 | 100% [3] | Grand coalit. | 78.8% | - | Election |
| June 1993 | V. Birkavs | 15 | 53.6% | Min. coalition | 48% | Centre-Right | Election |
| Sept. 1994 | M. Gailis | 13 | 46.4% | One party min. | 36% | Centre-Right | Resignation |
| Oct. 1995 [2] | A. Škele<br>G. Krasts | - | - | Oversized coalit. | 72% | - [4] | Election |

**Sources:** *The Europa World Year Book,* 1994 and 1997; Plakans, 1997. See notes to table 6.1 for legend.

**Notes:** [1] Partly free election to the Supreme Soviet of the Soviet Republic of Latvia, later renamed the Supreme Council and functioned as a National Council and Government until 1993.
[2] Several coalitions failed to achieve a majority in parliament and the negotiations lasted until December 1995.
[3] No pre-arranged government period. After the independence of Latvia, the National Council became obsolete, but stayed in power until 1993.
[4] Coalition dominated by centre and right-wing parties, but it also contains the leftist LUP (until January 1997) and the moderate left-of-centre Samnieks (DPS).

At the 1995 elections, the old coalition partners (the LW and the LAU) lost almost half their mandates and it took three months of negotiations before a new cabinet could be approved by the parliament. The independent entrepreneur, Andris Škele, formed a broad coalition-government with members from the two old governing parties, together with the conservative parties (the Union for Fatherland and Freedom (UFF) and the Latvian National Conservative Party (the former LNIM, renamed in 1994)), and the new centrist parties (the Samnieks (DPS) and the Latvian Unity Party (LUP)).[17] The government's broad political span began to take its toll in late 1996; by January 1997 the LUP left the coalition. Turbulence in the coalition intensified throughout the spring and the summer, with five ministers resigning. By July the crisis had reached a state where Prime Minister Škele was forced to resign. According to Zvagulis, the resignation resulted from problems of co-operation within the coalition, not policy differences.[18] The President appointed the former Minister of Economy, Guntars Krasts (of the UFF) as a new Prime Minister to continue the same coalition.

Though Latvia has had several governments and governing coalitions, the governing parties have normally come from the political centre or right wing (with the slight exception of the LUP in the last cabinet). In addition, the majority of the governing parties have been

[17] The UFF is also known as "For Fatherland and Freedom" (FFF).

[18] Zvagulis, Peter: Latvia: Government Crisis Culminates in Premier's Resignation, *Radio Free Europe Features*, July. 29th, 1997, Http://www.rferl.org/nca/features/1997/07/F.RU.970729111449.html. [Accessed March 16th, 1998].

dominated by ethnic Latvians, conceivably sharing similar views on the delicate ethnic issue. One worrisome factor is the continued oppositional role of parties based in the Russian-speaking minority (not to mention the large disenfranchised minority itself). On a more positive note, Krasts' government contains deputies from the DPS (earlier also the LUP) - a party that is rather critical to the restrictive citizenship laws applied by former governments. However, the question remains: is it benign for Latvian democracy that parties representing large segments of the population are kept outside of government? To complicate matters even more, there is the general problem of gaining voting rights for non-Latvian minorities.

Despite all the predictable problems associated with gaining national independence and moving towards democracy, Latvia has shown considerable stability in executive power. The present government has experienced some turbulence, with a party defecting from the coalition and a change in prime ministers. Despite these problems, the broad coalition has managed to stay together. However, one might ask if this is due to the unifying influence of the citizenship issue, or a real reflection of a stable and responsible democracy. As noted above, there are also questions to be asked regarding the lack of alternation in government power and the political representation of ethnic minorities.

## 6.7 Romania

Contrary to other nations in this study, the broad opposition movement in Romania, the National Salvation Front (NSF), was not led by the typical mix of students, intellectuals and dissidents, but by high-ranking officials of the previous communist regime. According to Linz and Stepan, this was possible because the former regime was so attached to Ceausescu himself that other high officials avoided the "guilt by association" syndrome, and could convincingly pose as fresh alternatives in the new post-communist democracy. By defeating Ceausescu and by abolishing many of the most hated laws (during a six months interregnum) the NSF gained legitimacy and a considerable advantage in the first free elections of May 1990.[19] Not surprisingly, this produced an overwhelming victory for the NSF, and gave them an absolute majority of 68% in the parliament.

[19] Linz and Stepan, 1996, p. 360

Despite its initial popularity, the new government soon faced the enormous task of rebuilding the country after decades of neglect. The drastic efforts required to do this produced a series of anti-government riots and strikes, which eventually led to the resignation of Roman's cabinet in September 1991. To satisfy some of the national and international criticisms of the former government - especially because of civil liberty violations - the NSF agreed to include opposition parties in the government. The new coalition included two centrist parties, the Agrarian Democratic Party of Romania (ADPR) and the Romanian Ecology Movement (REM), and was led by Theodor Stolojan from the NSF.

**Table 6.6:** *Cabinets of Romania 1990 - 1997*

| Date | Prime Minister | Months | % period | Type of cabinet | %Seats[1] | Political | Type turnover |
|---|---|---|---|---|---|---|---|
| May 1990[2] | P. Roman | 17 | 57% | One party maj. | 68% | Left | Election |
| Oct. 1991 | T. Stolojan | 11 | 43% | Oversized coalit. | 80.1% | Centre-Left | Resignation |
| Sept. 1992 | N. Vacaroiu | 50 | 100% | One party min. | 35.7% | Centre-Left | Election |
| Nov. 1996 | V. Ciorbea | - | - | Majority coalit. | 61.0% | Centre-Right | Election |

**Sources:** *The Europa World Year Book* 1991, 1992, 1993 and 1997; Kuusela, 1991. See notes to table 6.1 for legend.
**Notes:** [1] The number of deputies in the National Assembly varies due to ex officio representation of minorities not gaining independent mandates. The total number used to calculate here is 387 for 1990-1991. After the new constitution in 1992 the number was reduced to 328 (in addition there were 15 rep. for ethnic minorities).
[2] The 1990 election has been criticised for not being free and fair by international observers and the local opposition. *The Europa World Year Book*, 1997, p. 2732; Linz and Stepan, 1996, p. 360

Prior to the 1992 parliamentary election, the NSF split in two, and followers of president Ion Iliescu formed the more moderate left-wing Democratic National Salvation Front (DNSF) - later renamed the Party of Social Democracy in Romania (PSDR).[20] In the national elections, the DNSF became the largest party and formed a one-party minority government led by Nicolae Vacaroiu. Despite a difficult parliamentary situation, the government managed to survive six votes of no-confidence and lasted its full term. The government received support from the extreme nationalistic parties: the Romanian National Unity Party and the Greater Romanian Party.[21]

[20] The remnants of the NSF later joined the coalition "Social Democratic Union", together with the Democratic Party and the Romanian Social Democratic Party.

[21] These two parties also became junior coalition partners from August 1994 to the autumn of 1995. *The Europa World Year Book*, 1997, p. 2733

The national election of 1996 made the broad centre-right electoral coalition, the Democratic Convention of Romania (DCR), the biggest party. They formed a government with the centre-left coalition Social Democratic Union (SDU) and the ethnic-based Hungarian Democratic Union of Romania (HDUR). Many observers have claimed that the 1996 elections were an important milestone in Romania's slow building of institutional democracy.[22] After six years in government, the PSDR turned over power to an opposition that had struggled hard to build its organisation and gain full democratic rights. The former governments had a rather mixed record when it came to allowing free and fair competition (both before and under the elections), especially towards the ethnic minority parties. The introduction of the Ciorbea-cabinet in 1996 was a victory not only for the opposition (which finally obtained positions), but also for the Hungarian minority party, the HDUR, which was included in the government.

Though Romania has not been especially turbulent in terms of instability and turnover, it is nonetheless clear that the years from 1990 to 1996 can be characterised as a learning-by-doing process. According to Linz and Stepan, Romania had a rather meagre point of departure for building and sustaining democracy because of the repressive character of Ceausescu's regime.[23] Despite these structural constraints, Romania managed to continue the process of democratisation and institutionalisation. This positive, but slow, process was also recognised when the trend in democratic development was explained in chapter four. Romania has only had one non-electoral change of government and can hence be said to be fairly stable. This, together with the important turnover of 1996, should suggest a slightly optimistic conclusion.

## 6.8 Summary and conclusion

As revealed by the analysis of this chapter, the six countries vary considerably in terms of government stability and number of turnovers. The main findings of this chapter are summarised in table 6.7, where the countries can be studied comparatively.

In examining the average number of months a cabinet has been in office, it must be remembered that many of the first cabinets only had a two-year electoral period – in contrast to the normal

22 *The Europa World Year Book*, 1997, pp. 2734 and 2736

23 Linz and Stepan, 1996, p. 350

four years (three years in Latvia). This problem can be diminished through introducing a measure for the average time in office, measured as a percentage of the total government period regardless of duration (column 2). Because some countries were in between elections at the time the data was gathered, it could be useful to take the durability of the present government into account (column 4). Consequently, if the durability of the present government is higher than the country's average, the trend in stability is positive (as seen in Latvia and Slovakia).

**Table 6.7:** *Average cabinet stability and number of significant turnovers 1989-1997* [24]

| Country | Average number of months in office pr. gov. [2] | Average time in office pr. gov. in % of gov. period [2] | Months in office: Present gov. | Governments[3] | Number of Prime Ministers[3] | Number of significant turnovers[3] |
|---|---|---|---|---|---|---|
| Hungary | 48 | 100 | 44 | 2 | 3 | 1 |
| Czech Republic[1] | 36 | 100 | 13 | 3 | 3 | 0 |
| Romania | 26 | 66.7 | 13 | 4 | 4 | 1 |
| Latvia | 22 | 66.7 | 27 | 4 | 5 | 0 |
| Slovakia[1] | 17.6 | 53.7 | 36 | 4 | 3 | 2 |
| Poland | 19.6 | 47.5 | 4 | 6 | 9 | 2 |
| Average | 28.2 | 72.4 | | 3.8 | 4.5 | |

**Sources:** Calculations are based on Table 6.1-6.6.
**Notes:** [1] Both the Czech Republic and Slovakia's average include the first cabinet of Czechoslovakia.
[2] Present government excluded (see note 24)
[3] Present government included (see note 244)

Looking at the score for Hungary, we must remember that this figure is calculated on the basis of only one government. Nevertheless, the present government seems to duplicate this performance. As previously indicated, this high level of stability might have something to do with Hungary's use of a positive vote of no-confidence. Only recently has the Czech Republic had its first extraordinary change of prime minister; despite the change of personnel, the governing coalition has survived so far. Still, the parliamentary situation for the minority cabinet has become so difficult that the President called for a new election (for the autumn of 1998).

Romania has also had rather stable cabinets, with only one significant breakdown (1991). It should be noted, however, that these figures conceal a series of government reshuffles, and six

[24] The table is updated as of 1. January 1998

votes of no-confidence that the Vacaroiu-cabinet narrowly managed to survive. The same can be said of the Latvian case. But here the image of stability is numerically less convincing than is the case in Romania. Latvia experienced an extra-electoral change of government in 1994, and was very close to another in 1997. In the 1995 election, the voters' punishment of the former government parties made it difficult to establish a viable coalition. This resulted in a chaotic, oversized, coalition that included parties stretching from the conservative right-wing to the moderate left-wing. Keeping this coalition together became increasingly difficult; eventually, the prime minister was changed, and government portfolios were renegotiated in the summer of 1997. Still, the coalition remained together (with some minor modifications).

Since gaining independence, Slovakia has had one government brought down by a vote of no-confidence and one premature election. Both of these episodes have had a negative influence on the country's stability score: Slovakia's average cabinet durability is only 53.7%. The average would improve by including the latest government, indicating that the stability trend seems positive. In the case of Poland the trend is also positive: the centre-left coalition elected in 1993 managed to last its full term, despite substantial difficulties (signified by a change of prime ministers in both 1995 and 1996). Still, government turbulence in Poland has left it with the lowest average score for cabinet durability.

If we examine the variation in government stability in table 6.7, clear differences are evident among the countries. For example, the average cabinet durability of the two first countries (Hungary and the Czech Republic) is almost two years longer than the average for the two last countries (Slovakia and Poland). By taking into account the durability of the Slovakian government (in column four) and the premature election in the Czech Republic (scheduled for the autumn of 1998), this large difference can be reduced. Nevertheless, there are still substantial variations among countries, as further substantiated by cabinet durability, measured as a percentage (column 2).

Turnovers are important for the institutional consolidation of a democracy because they exhibit a degree of trust in institutions and other political actors. In addition, turnovers signal that executive power can be obtained through democratic channels. By looking at the occurrence of significant turnovers, the cases display a fair amount of variation. Only the Czech Republic and Latvia have not yet experienced a major political turnover (in terms of a

significant change in the party affiliation of the government). In both cases, centre-right coalitions have met increasing difficulties in recent years. Though these problems have led to some changes in government, the events hardly qualify as significant political turnovers. In Latvia, the centre-right coalition was expanded after the 1995 election to include left-of-centre parties. In the Czech Republic, the coalition had to continue as a minority cabinet after the 1996 election. All the remaining countries have experienced at least one significant turnover, giving former opposition parties the responsibility of wielding executive power.

# CHAPTER 7
# INDEPENDENT STATE INSTITUTIONS

This chapter will look into the independence of two vital state institutions: the bureaucracy and the judiciary. As outlined in chapter two, the independence of these institutions is essential to the legitimacy and functioning of a modern democracy. The judiciary is supposed to shield individuals from abuses of power by public or private actors, and its legitimacy is therefore connected to the autonomy and professionalism of its performance. The bureaucracy also affects the lives of citizens through its implementation of laws and regulations. Again the legitimacy of the institution is connected to its impartial and just administration of the law. As indicated earlier, these institutions shape people's views and attitudes through daily contact and reports; thus, they are a vital source of legitimacy for the entire democratic institutional system. Consequently, the lack of independence and/or autonomy in the bureaucracy and judiciary might severely hinder institutional consolidation.

So far the dimensions of institutional consolidation - treated in the two previous chapters - have focused on the executive and legislative branches of power. To complete the analysis this chapter will focus on the third branch of power: the judiciary. The judiciary is an especially important autonomous power, both as part of the institutional structure and as an autonomous branch of power. Though not considered a part of state power, an independent bureaucracy is equally important as an indicator of the institutional structure's autonomy and administrative performance.

## 7.1 Bureaucratic autonomy

As argued in chapter two, political corruption could severely affect democracy, especially its bureaucracy – by eroding bureaucratic autonomy. Analysing what they call the "perverse effects of political corruption", della Porta and Vannucci describe how substantial corruption can lead

to a vicious circle of misadministration and loss of institutional legitimacy.[1] More precisely, this mutually reinforcing process leads to a "*parallel growth of corruption, inefficiency and clientelism*", that contribute to the "*delegitimation of the political and institutional systems in which it takes root*".[2] According to this description, bureaucratic inefficiency encourages people to use corruption. Corruption removes incentives for increased efficiency and produces clientelistic ties between public officials and the private sphere of society. Thus, corruption is well suited as an indicator of bureaucratic autonomy, and hence institutional consolidation.

Before proceeding to the empirical analysis, the term "corruption" needs some elaboration. This analysis will emphasise the political implications of corruption; hence the definition will focus on political corruption.[3] Attention is therefore devoted primarily to the public sphere, in which political actors operate. As Heywood emphasises, in his introduction to the subject, it is virtually impossible to develop one "generalizable and incontestable" definition of political corruption, since such a definition presupposes a notion of "incorrupt" politics that will vary considerably between political cultures.[4] Still, to be able to conduct a comparative analysis such as this, it is necessary to have a fairly clear starting position. By defining corruption in terms of the misuse of one's public position (see chapter two), it is possible to capture the political aspects of the term. Using this "public position" definition will facilitate this chapter's focus on the bureaucracy.

Political systems might display different degrees of corruption, in terms of both the type of corruption and the extent of the problem. To simplify, we can distinguish between two broad concepts. On the one hand, corruption can be performed in isolation by individual civil servants. On the other, a system of public administration can be built around corruption, infecting the entire state apparatus.[5] It should not be necessary to state the danger of large-scale corruption, also called "tidal" or "systemic" corruption, when it completely penetrates the political system. In this case, corruption is not merely an individual phenomenon, but a quasi accepted, institutionalised, part of the system.

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[1] della Porta and Vannucci, 1997, p. 120

[2] Ibid., p. 121

[3] The broader term of corruption also involves corruption between actors in the private sector.

[4] Heywood, 1997, p. 6

[5] Corruption, as defined by Alatas, in Krieger, 1993, p. 198

So far corruption has been treated as an exclusively distortive feature; not all analysts would agree with this conclusion. From the 1960s onwards, liberal economists and some political scientists (within the "modernisation" school) have described the effects of corruption in terms of a lubricant: helping to foster economic development by mending the inadequacy of the official system.[6] However, in recent years several researchers have conducted empirical analyses to test the relationship between corruption and development, both economically and politically. Ades and di Tella summarise much of this literature and conclude that corruption acts more like sand, and less like a lubricant in the economy's machinery.[7] And, as already described, della Porta and Vannucci argue that corruption has far from benign political consequences.

## 7.2 Corruption in practice

This section of the chapter will analyse empirical indicators of political corruption and begin a comparative assessment of its existence in the six study countries. In light of the aforementioned problem of comparing corruption across different political cultures, one is well advised to start an analysis with a comparative study. By doing this, it is possible to approximate the relative size of the problem before looking into specific situations. Reliance on country-reports and non-comparative material alone could lead to biased conclusions, where the more documented cases appear to be more corrupt than the less studied ones.

As already explained, the comparative analysis of political corruption is a difficult project, due to differences in culture and understanding of the phenomenon. Nonetheless, there are several comparative indices used for measuring corruption. One of the most comprehensive efforts in this respect is done by Transparency International (TI), which produces an annual index of corruption.[8] The TI Corruption Perception Index (CPI) is a "poll of polls" (combining 4-10 different indices), comprising the evaluations of business people, political

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[6] Heywood, 1997, pp. 17-18

[7] Ades and di Tella, 1997, pp. 97-98

[8] Heywood, 1997, p. 9; Druker, 1998, p. 58. TI is a non-governmental organisation founded in 1993, it has over 60 offices worldwide.

analysts and the general public in 52 countries (for the full index, and the methodology of the index see Appendix C). To be included in the index a minimum of four surveys must be available as analytical background.[9]

Table 7.1 summarises some of the data from the CPI over a period of time. The index ranges from zero to ten, where ten indicates a perceived corruption-free society. The scores are given with two decimals, but the authors warn that this exceeds the precision of the original data. Unfortunately the table has some blank cells, especially with respect to historical data, due to the recent inclusion of some of the post-communist countries in the Index.

**Table 7.1:** *Transparency International: Corruption Perception Index*

| Country | 1997 | Number of surveys (1997) | Variance between surveys (1997) | 1996 | 1988-92[1] | 1980-85[1] |
|---|---|---|---|---|---|---|
| Czech Rep.[2] | 5.20 | 5 | 0.22 | 5.37 | 5.20 | 5.13 |
| Hungary | 5.18 | 6 | 1.66 | 4.86 | 5.22 | 1.63 |
| Latvia | 5.11 | 2 | 0.05 | --- | --- | --- |
| Poland | 5.08 | 5 | 2.13 | 5.57 | 5.20 | 3.64 |
| Slovakia[2] | 3.65 | 2 | 0.12 | --- | 5.20 | 5.13 |
| Romania | 3.44 | 4 | 0.07 | --- | --- | --- |
| Average | 4.61 | 4 | 0.71 | | | |

**Sources:** Transparency International Corruption Index 1996, 1997 and Historical Data. Sources are downloaded from http://www.transparency.de/press/ [Accessed at September 9th and November 11th 1997]. Data for Latvia and Slovakia are contributed by Dr. Johann Graf Lambsdorff, University of Göttingen, they will be published in his contribution to Jain, A.K (ed.): *"The Economics of Corruption"*, Dordrecht, Kluwer Academics, forthcoming.

**Notes:** [1] Country's average in period.
[2] Historical data (column 5 and 6) are for Czechoslovakia

Similar to the definition employed here, the CPI relies on a "public position" definition of corruption.[10] The 1997 score clearly divides the countries in this analysis into two distinct groups: one group at the middle of the scale (e.g., the Czech Republic (5.20), Hungary (5.18),

[9] The averages for Slovakia and Latvia in 1997 are only based on two surveys contrary to the others, which are based on at least four and even six surveys. Still the low variance between the surveys of Slovakia and Latvia (0.12 and 0.05 respectively) do offer a fairly good indication of their accuracy.

[10] TI definition of corruption: *"corruption involves behaviour on the part of officials in the public sector, whether politician or civil servants, in which they improperly and unlawfully enrich themselves, or those close to them, by the misuse of the public power entrusted to them."* TI Sourcebook: "Setting the Stage for a National Integrity System", http://www.transparency.de/sourcebook/Part_A/Chapter_1/index.htr [Accessed April 20th 1998]

Latvia (5.11) and Poland (5.08)); the second group is nearer the bottom third of the scale (e.g., Slovakia (3.65) and Romania (3.44)). Scores within these two groups are remarkably similar and do not leave much room for significant intra-group comparison. However, it may be interesting to compare with other countries achieving similar score on the TI-index. The first group is at the same level as mainly Southern European countries (e.g., Spain (5.90), Greece (5.35), and Italy (5.03)). Though this group can be considered to have a rather mixed experience with corruption, they are certainly well off compared to the situation in the latter group. In the latter group, Slovakia and Romania end up in the company of Brazil (3.56), Turkey (3.21) and Thailand (3.06).

Unfortunately, historical data is only available for four of the six countries. Still, it is interesting to see how Hungary – especially, but also Poland – has improved its corruption reputation after the early 1980s. Hungary's recovery is remarkable, moving from an average score of 1.63 (in the period 1980-85) to an average of 5.22 (for the years 1988-92). Similarly, Poland rose from a 3.64 in the first period to a 5.20 in the second period. In contrast to these countries Czechoslovakia remained fairly stable over these periods; but after the split in 1993, Slovakia's rating has fallen from 5.20 (average 1988-92) to 3.65 (1997). It is hard to say how valid the historical data is for the post-communist countries since they rely only on surveys using special groups such as business people and diplomats.

Though the CPI is rather easy to interpret, there are some methodological problems that arise from using the index. As already mentioned, the problem of defining corruption affects survey respondents. For example, the index does not indicate the extent to which polling subjects hold the same concept of corruption. Still, one indicator of overall performance is the fact that different surveys are highly correlated with one another (normally between 0.9 and 0.7).[11] The second problem - as the authors of the index themselves argue – is the perceptions of corruption do not necessarily provide a fair image of the actual size of the problem. For instance, a country trying to expose corruption might be perceived to be more corrupt than a country ignoring or implicitly accepting the practice. Nonetheless, the perception of corruption is indeed a political reality, shaping public opinion and thus affecting the legitimacy of the system. This is true even if the perception only approximates the actual situation.

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[11] See sourcebook of TI-index. Http://www.transparency.de/sourcebook/Part_C/cvA/a6.html [Accessed April 20th 1998]

### 7.2.1 Poland, Hungary, the Czech Republic and Latvia

According to David M. Olson, corruption in the Czech Republic is perceived in terms of "individual behaviour [...] more than as a collective event".[12] This indicates that the problem of corruption is neither institutionalised nor accepted as a part of the public administration. Still, the absence of systemic corruption does not exclude the possibility of corruption among both higher and lower ranking public officials. In a comparative study on post-communist officials, Miller, Koshechkina and Grodeland conclude that using personal contacts, favours or mere arguing to gain privileged access to the bureaucracy is more common than traditional bribes in the Czech Republic.[13] Rather than taking classic cash-bribes (which entails some risk), Czech public officials are generally seen as more willing to accept personal favours (or small gifts) in exchange for special treatment.

There have been some highly publicised corruption scandals involving both high-ranking bureaucrats and politicians. In 1995, Jaroslav Lizner, the top official in charge of privatisation was convicted for taking a $300,000 bribe in connection with the sale of a dairy enterprise. In late 1997, Prime Minister Klaus had to resign because of corruption at the top level in his party and in the central administration. Also this time, the scandal was connected to undervalued privatisation-sales of government property. Despite these examples, Freedom House's 1996 assessment of the Czech economy states: *"There have been several cases of corruption in privatisation and other economic crimes, but the problems are not indicative or pervasive nor are these practices tolerated when discovered, but are turned over to the courts."* [14]

In the case of Poland, Karatnycky, Motyl and Shor argue that corruption is present, but is not a major obstacle to the functioning of the economic and political institutions.[15] As in the Czech Republic, there have been several "high-profile" cases of corruption involving senior civil servants and government officials. For instance, in 1994 the Deputy Minister of Finance was dismissed after

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[12] Olson, 1997, p. 164

[13] Miller et al, 1997, pp. 196-197

[14] Freedom House: *"World Survey of Economic Freedom 1995-1996"*, Freedom House 1996, [Accessed April 28th 1998] Http://www.freedomhouse.org/Econ/Toc.htm

[15] Karatnycky et al., 1997, p. 293

wilfully underestimating the value of a bank in a privatisation-sale. And in 1996, the former mayor of Gdansk was arrested for taking a 50,000 DM bribe from a German company.

Hungary shares much of the same experience as Poland and the Czech Republic, with some large corruption scandals and more common petty corruption by civil servants. In a 1994 survey, 79% of both Hungarian and Czech MPs thought that they could expect fair treatment by public officials, whereas only 19% of Russian MPs thought the same.[16] When the same question was asked to members of the public, only 43% of Hungarians and 61% of Czechs thought the same, contrary to 16% of the Russians. The discrepancy between the MP's and ordinary people's perception of corruption might indicate that petty corruption by lower officials is still a problem (while the more destructive systematic corruption is less common). Comparisons with the Russian results, and the more detailed data from the Czech Republic, tend to support this argument. Miller, Koshechkina and Grodeland's analysis confirms that the corruption problem of East Central Europe is more of an individual phenomenon, compared to most countries in the former Soviet Union.[17]

Latvian corruption is rather moderate, compared to its neighbour Russia (which the TI-index rates near the bottom of the index, with a score of 2.27). Political corruption in Latvia is frequently portrayed by the press as a serious problem, despite the lack of accurate statistics. A 1996-survey revealed that in the previous year 12.7% of respondents had encountered some form of corruption, mainly in connection to lower civil servants.[18] In their analysis of the economy, Freedom House states *"... bureaucracy, corruption and organised crime are a fact of life affecting trade and investment"*.[19] As in the other countries, corruption in Latvia has also been linked to the privatisation-sale and public administration of large state-owned firms. The implication of several ministers in these scandals was one of the factors that led to a serious government crisis in July 1997. In their report on the present situation, Karatnycky, Motyl and Shor underline the problem of economic irregularities involving a combination of

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16 Miller et al., 1997, p. 185

17 Ibid., p. 184

18 UNDP *"Latvian Human Development Report 1997"*, UNDP 1997, Chapter 2, p. 45 [Accessed June 2nd 1998] Http://www.undp.riga.lv/hdsr/1997/index.html

19 Freedom House: *"World Survey of Economic Freedom 1995-1996"*, Freedom House 1996, [Accessed April 28th 1998] Http://www.freedomhouse.org/Econ/Toc.htm

public administration, private banks and state-owned companies.[20] Similarly, Plakans argues that the conventional wisdom on economic success often links it to corruption, even in the absence of any evidence.[21] By contrast, the number of officials charged, tried or punished for corruption is relatively small, though this might also be attributed to imprecise laws and an overloaded legal system (there are also reports on corruption within the legal system).[22] A report by the UNDP claims that the debate, handling and counter-measures initiated in the aftermath of the large corruption scandals of July 1997 strengthened the fight against corruption, and raised the ethical standards of the state administration.[23]

To sum up, it seems that these four countries have fairly similar experiences with political corruption. Each country has had several corruption scandals involving high-ranking civil servants and politicians. In addition it seems that there is a relatively widespread practice of petty corruption, involving the use of personal favours, small bribes and presents. Still, political corruption is not perceived to be of such a scale that it seriously hinders the functioning of the administration, nor does it continue unchecked or tolerated. A fair conclusion seems to be that these countries are experiencing a relatively common individual-level type of corruption, not systemic corruption, reaching deep into the core of the political system.

### 7.2.2 Romania and Slovakia

Table 7.1 indicates that political corruption is perceived to be more extensive in Slovakia and Romania than in the countries analysed above. This tendency is confirmed by a report on corruption in post-communist societies, where the percentage of respondents saying that they expected fair treatment only in connections with bribes was 14% in Slovakia, but only 7% in Hungary and 5% in the Czech Republic.[24] Together, these indicators suggest that corruption in Slovakia and Romania - in contrast to the other four countries - is more common in society (in general) and in the bureaucracy (in particular).

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[20] Karatnycky et al., 1997, p. 241

[21] Plakans, 1997, pp. 250-251

[22] Karatnycky et al., 1997, p. 237

[23] UNDP *"Latvian Human Development Report 1997"*, UNDP 1997, Chapter 2, p. 45 [Accessed June 2nd 1998] Http://www.undp.riga.lv/hdsr/1997/index.html

[24] Miller et al., 1997, p. 185

Slovakia's ambiguous privatisation program has been tainted by corruption. An explanation for this may be that the privatisation agency, the National Property Fund, lacks independence.[25] Throughout the post-independence period, the ruling political party (the Movement for a Democratic Slovakia (MDS)) has controlled the privatisation agency. The politicisation of the agency has shielded several large government enterprises from privatisation while profitable businesses have been sold below market value (contributing to considerable corruption at the elite level). This process is perhaps not surprising since the MDS has strong ties to the old nomenclature (that is still running government enterprises) and is dependent on electoral support from workers in these factories. In addition, the opposition and independent observers claim that the government has been using the privatisation program as an instrument for rewarding loyal supporters.[26] This claim is supported by the Freedom House's assessment of the Slovakian privatisation program, where: *"...government officials used their positions for "spontaneous privatisation" schemes involving friends and associates."* [27]

According to East and Pontin, the legitimacy of Romanian democracy has diminished over the years since the revolution because of a growing reputation of corruption among the government and nomenclature.[28] This assessment is confirmed by the Freedom House in their economic survey, where they emphasise widespread *"corruption, nepotism and cronyism"* in the state apparatus.[29] The latest corruption scandal may be seen as symptomatic of the situation, and illustrates how severe the problem of corruption has become. In this case, large quantities of cigarettes were smuggled into Romania using the military's air transport and airports. It is widely believed that the officers arrested were acting under direct orders from senior civil servants or possibly members of the cabinet.[30] The problem of corruption in Romania seems to be connected to the lack of change in the bureaucracy among elites after the transition. The

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[25] Karatnycky et al., 1997, p. 348

[26] East and Pontin, 1997, pp. 110-111

[27] Freedom House: *"World Survey of Economic Freedom 1995-1996"*, Freedom House 1996, [Accessed April 28th 1998] Http://www.freedomhouse.org/Econ/Toc.htm

[28] East and Pontin, 1997, p. 164

[29] Freedom House: *"World Survey of Economic Freedom 1995-1996"*, Freedom House 1996, [Accessed April 28th 1998] Http://www.freedomhouse.org/Econ/Toc.htm

[30] RFE/RL Newsline, Vol. 2, No. 82 Part II, 29 April 1998. Http://www.rferl.org/Newsline

clientelism and corruption that had developed during decades of misadministration under the Ceausescu dictatorship seem to be perpetuated through the new state administration.

### 7.2.3 Summary

Both the TI index, and the individual assessments of each case, seems to support the assumption that there are qualitative differences between Poland, Latvia, the Czech Republic and Hungary (on the one hand) and Slovakia and Romania (on the other). The more widespread, systemic nature of the phenomena in the latter group has had severe effect in terms of trust in the institutions, bureaucracy and in the economy. This is not to say that corruption in Slovakia and Romania is exclusively systemic rather than individual-based. Rather, the general nature of the problem seems to contain systemic features in addition to individual-level corruption. As seen in the analysis, both Slovakia and Romania have had problems with corruption reaching to the very top of the state administration. In addition there is evidence of corruption being tolerated or ignored at several levels within the bureaucracy. On the whole, it seems that the institutional consolidation process has more severe problems in Romania and Slovakia than in the other four countries.

## 7.3 Judicial autonomy

The second part of this chapter provides a closer look at the judiciary. As mentioned earlier, an independent and well-functioning judiciary is important both as an institution in itself, and as a regulator for the institutional structure (through the division of power). Linz and Stepan emphasise the importance of the judiciary by arguing that the rule of law is a precondition for consolidation. They emphasise that all significant actors – and especially the government and other state institutions – must respect and uphold the rule of law, and that an independent judiciary is crucial to this process.[31] Rule of law is most commonly related to certain constitutional and procedural rights. Constitutional rights are rather similar to classical civil liberties (freedom of organisation, expression, etc.), and procedural rights include aspects such

[31] Linz and Stepan, 1996, p. 10

as "due process of law, fair legal procedures, fair trials, judicial independence and access to courts for the enforcement of legal rights".[32]

In their research on nations in transit in the former Soviet Union and Eastern Europe, Karatnycky, Motyl and Shor, use a seven-point scale to measure the "rule of law" in each country. However, the independence of the judiciary will also have to be analysed through more qualitative measures. As already mentioned, judiciary independence is a key question. Independence will be analysed by looking at administrative independence and at independence from direct political influence. Administrative independence relates to the fact that the judiciary is often administratively connected to the executive bureaucracy, through the ministry of justice. It is a serious infringement of judicial autonomy if this administrative channel is used to convey political pressure. This might happen through a politically controlled system of promotion and appointment or by pressure that results from a biased allocation of resources. Other channels of political influence might include: direct pressure on judges or prosecutors, and/or political comments in the media or parliament on trials in progress.

Additional criteria related to the rule of law are the juridical competence of judges and the fair administration of justice. As previously noted, the judicial system was highly politicised under communism, hence the competence of judicial personnel varied tremendously. For this reason, it may be fruitful to examine the extent to which communist-era personnel remain in the judiciary. Obviously all of these variables are closely inter-connected. For instance, the fair and impartial administration of justice is related to both the competence of the personnel and the independence of the judiciary.

The following sections will analyse both general tendencies in the rule of law, and indicators related to the autonomy of the judiciary (from other spheres of power). Accordingly, variables used to describe this indicator will concentrate on the rule of law and the practical independence and competence of the judiciary in these six countries. Most data will be based on a study done by Karatnycky, Motyl and Shor in 1997 and the International Helsinki Federation's (IHF) annual report for 1997.

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[32] Miller, 1994, p. 459

### 7.3.1 Hungary

As established by the Hungarian Constitution, the judiciary is independent from other branches of government. This division of power is reinforced by a regulation prohibiting judges to be members of political parties or to engage in any political activities. Administratively, the independence of the judiciary is guaranteed in several ways. First, the sector is financially independent from the executive branch of government, and the court's budget is separate from the Ministry of Justice. Second, law exclusively determines the system for promotions and positions. Third, with the exception of the President of the Constitutional Court (elected by Parliament), the President of the Republic appoints all judges, with the consent of the Judicial Council. Finally, judges can only lose their positions, be transferred, detained or prosecuted by their peers in the Disciplinary Council. The Constitutional Court has played a very active and independent role in Hungarian politics. On average, it has ruled on 150 cases a year, of which approximately 35% were declared unconstitutional.[33]

Approximately 55% of the judges in Hungary were appointed before the 1989 transition, and according to Karatnycky, Motyl and Shor *"... the decisive majority of judges is respected for being impartial and fair."* [34] On the basis of these assessments, one can conclude that the Hungarian judiciary is both professionally competent and independent of political influence (both in theory and de facto).[35]

### 7.3.2 Poland

Poland's court system has three levels: regional courts, provincial courts and a Supreme Court. In addition there is a Constitutional Tribunal, which offers opinions on legislation, but has limited authority (compared to a traditional constitutional court). The President appoints judges for life, after recommendation by the National Judicial Council; they can only be dismissed for breaking the law or "betraying the principle of court independence". The National Judicial Council has the power to reassign judges that are deemed incompetent.

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[33] East and Pontin, 1997, p. 62 and 58; Karatnycky et al., 1997, p. 185

[34] Karatnycky et al., 1997, p. 184

[35] Ibid., p. 186

Karatnycky, Motyl and Shor report that most judges rule fairly, and many (but not all) of the pre-transition judges have stepped down or been removed.[36]

Administratively, the courts are independent but still linked to the Ministry of Justice. In their assessment of the judiciary in Poland, Karatnycky, Motyl and Shor state that the courts are fairly independent, but there exists some controversy around the autonomy of the Prosecutor's Office. They especially emphasise the "hazy relationship between the Prosecutor's Office and the State Security Office" (the latter is under the jurisdiction of the Minister of Internal Affairs).[37] A bleak example of this was seen in the "communist conspiracy" allegations of 1992-93 (the Olszewski-cabinet issued a list of prominent persons suspected of collaborating with the previous communist regime), where there were clear links between the secret service, the Prosecutor's Office and the government.[38] Furthermore, the government and the presidential office, as well as the political parties, are seen to exert political pressure on the Prosecutor's Office.[39]

### 7.3.3 The Czech Republic

The independence of Czech judges - both in ordinary courts and in the Constitutional Court - is secured by the Constitution. There are, however, two important problems regarding the question of de facto independence. A 1995 Czech Helsinki Committee report notes incidents of interference in ongoing trials by politicians, making statements through the media.[40] Secondly, the financial situation of the courts is strained and does not always resources for adequate law clerks, court reporters and legal material. A more general problem is the difference in salary between public and private sectors; the best-qualified law-experts are attracted to private firms rather than to the public sector. In addition, scarce resources have led to the long pre-trial detention of suspects.[41]

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36 Karatnycky et al., 1997, p. 285

37 Ibid., p. 286

38 East and Pontin, 1997, p. 25

39 Karatnycky et al., 1997, p. 286

40 International Helsinki Federation, *1995 Annual Report*, The Czech Republic

41 Ibid., p. 4

Judges are reported to rule fairly and impartially, and there has been a substantial change in personnel between 1989 and 1992.[42] A great number of judges were dismissed after 1989, for their connection to the former Communist regime: some left voluntarily and the remaining had to seek official reappointment. Judges appointed after 1990 were appointed for life, and cannot be transferred or recalled against their will. The President appoints judges to the Constitutional Court for a period of ten years. Administratively, the judiciary is connected to the Ministry of Justice but is guaranteed independence through constitutional protection of their independent status, promotion and position system.

### 7.3.4 Latvia

In 1995, Latvia completed the process of reforming the old Soviet criminal justice system. The new system includes courts at three levels: provincial, regional and supreme. In 1996 a Constitutional Court was established, consisting of seven judges (three are appointed by the Parliament, two by the government, and two by the Supreme Court). The judiciary's independence is guaranteed by the Constitution. In practice, however, the courts must rely on the Minister of Justice for administrative support. There have been no reports of undue political pressure or influence on the courts, but the International Helsinki Federation cites examples where court decisions have been ignored by executive authorities, especially on citizenship issues.[43]

In their assessment of the Latvian judiciary, Karatnycky, Motyl and Shor argue that: "*Although free from direct political control, most judges have little legal education and are not well-trained, and the inefficiency of many judges does not always ensure the fair administration of justice.*"[44] This situation is probably related to the fact that most judges remain from the communist era, where positions were political as well as judicial. The IHF concludes that the low quality of the courts, and a shortage of qualified public lawyers, have left the judiciary with rather low prestige.[45] Because of this situation, combined with high salaries in the private sector, more than 50 vacancies for judges were recently waiting to be filled (August 1996).

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[42] Karatnycky et al., 1997, p. 124

[43] International Helsinki Federation, *1997 Annual Report*, Latvia p. 2

[44] Karatnycky et al., 1997, p. 237

### 7.3.5 Slovakia

The Minister of Justice, on peer recommendation, appoints ordinary judges for life. Supreme Court judges are selected for indefinite terms (there is a four-year "trial" period before the permanent appointment) by Parliament on the advice of the government. Judges to the Constitutional Court are appointed for seven years terms by the President, and approved by Parliament. Administratively, the judiciary is located under the Ministry of Justice, and its formal independence is guaranteed by the Constitution. Despite this formal guarantee, there are several problems connected to the impartiality of the judiciary. First, the precise jurisdiction of the courts is only safeguarded by ordinary law, and not by the Constitution. Second, the Ministry may make declarations concerning judicial procedures within the existing laws. Finally, the executive branch and a parliamentary majority have decisive influence on the appointment of judges, especially to the Supreme and Constitutional Courts. According to the International Helsinki Federation (IHF), the Association of Judges in Slovakia started a campaign in 1995 to improve the independence of its courts and heighten professional standards; however their proposals have not been adopted.[46]

In 1994 it was estimated that almost two thirds of Slovakia's 1091 judges were appointed during the communist regime.[47] The fairly limited replacement rate is due to a constitutional article securing the position of judges elected before 1989 (Article 154). According to the IHF's annual report of 1997, the legal system has lost public trust due to "inactivity, bias and even corruption".[48]

### 7.3.6 Romania

Romania's judiciary system was reorganised in 1992, but some features from the old system linger. Administratively, the Ministry of Justice nominates judges and prosecutors for public office. This leaves them with considerable control over the selection and advancements of candidates. The government's right to dismiss judges was not removed until July 1996. In

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45 International Helsinki Federation, *1997 Annual Report*, Latvia p. 2

46 International Helsinki Federation, *1997 Annual Report*, Slovakia, p. 4

47 Karatnycky et al., 1997, p. 344

48 International Helsinki Federation, *1997 Annual Report*, Slovakia, p. 4

light of the rather modest number of sentences passed against members of the former regime - especially the Securitate - there have been strong allegations of political pressure protecting former colleagues and friends.[49] These allegations have only been strengthened by the early pardoning, and reduced sentences, of the few actually convicted (by appeal courts). A good example may be the high-profile case of Nicu Ceausescu, who was sentenced to 20 years imprisonment for incitement to murder in 1990. In 1991, his sentence was shortened to 16 years; a year later he was released on the grounds of poor health.

There has been no real process for replacement of judges appointed before the transition. Hence, judges from the communist period continue to dominate the judiciary, especially at the higher levels.[50] Karatnycky, Motyl and Shor argue that low wages and unrecognised social status have made judges susceptible to bribery and political pressure.[51] Another serious infringement on judicial independence is that a two-thirds majority in Parliament may overrule a decision made by the Constitutional Court.

### 7.3.7 Judicial independence and the "rule of law"

The empirical analysis of these six cases has revealed several important differences regarding judicial independence. In most cases, independence is formally guaranteed by the Constitution. In practice, however, there is considerable variation in the degree of both formal and informal (external) influence. The competence, status and quality of judges and other judicial personnel also vary substantially. These questions are probably closely connected to the degree of change in judicial personnel, as a result of the transition to democracy.

The variables proposed to measure judicial independence seem to be mutually reinforcing, thereby supporting the overall conclusion. To strengthen the validity of the analysis one might compare these variables to a more general indicator. The indicator "rule of law" is included in table 7.2 to provide a point of reference when comparing the different countries. The "rule of law" index comprises eight variables (analysing minority rights, reform of criminal code, presence

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[49] East and Pontin, 1997, p, 167

[50] Karatnycky et al., 1997, p. 305

[51] Ibid.

of a post-communist constitution, respect for human-rights and an independent judiciary). "Rule of law" is measured according to a scale from one to seven, where one indicates total compliance with the procedural and constitutional requirements listed previously (page 127).

Table 7.2 summarises the variables analysed in the previous sections, and includes the variable "rule of law", as described above.

**Table 7.2:** *Judicial autonomy (summary of indicators)*

| Country | Rule of law: | Impartial judges | Courts: Free of political influence and control | Administrative indep. from executive power | Pre-1989 judges [2] |
|---|---|---|---|---|---|
| Czech Rep. | 1.50 | Fair rule, but lack of qualified judges | Politicians do not abstain from comments to trials in progress | Independent. Problems of low funding | NA[1] |
| Poland | 1.50 | Most judges rule fair and impartial | Several incidents of political pressure on the Prosecutor's Office | Fairly independent, apart from Prosecutor's Office | 20% |
| Hungary | 1.75 | Decisive majority is reported impartial and fair | Independent. Impartial rules for appointments and promotions | Highly independent, separate budget | 55% |
| Latvia | 2.25 | Poorly educated judges, but mostly fair treatment. Lack of qualified judges | No direct pressure, but court decisions have been ignored by exe. Authorities | Must rely on Ministry of Justice for administrative support | 80% |
| Slovakia | 4.00 | Reports of biased decisions and corruption in courts | Decisive political influence on appointment of judges | The Ministry can interfere on procedural questions | 67% |
| Romania | 4.25 | Poorly trained and underpaid judges, reports of bribes and pressure | Decisive political influence on appointment of judges. Political influence in trials | The Ministry of Justice wields large formal and informal power | 80% |

**Sources:** Karatnycky et al., 1997; East and Pontin, 1997; International Helsinki Federation, *1997 Annual Report*
**Notes:** [1] No data available, but remaining pre-transition judges have had to seek official reappointment.
[2] The percentages are approximate, Latvia and Romania lack official figures.

Comparing quantitative "rule of law" index to the more qualitative variables produces a rather high degree of correspondence. This is perhaps not surprising since the variables, more or less, measure the same phenomenon. Nonetheless, it strengthens the conclusion of the analysis. The "rule of law" measurement ranks countries in two fairly compact groups: 1) the Czech Republic, Poland, Hungary and Latvia (ranging from 1.5 to 2.25); and 2) Slovakia and Romania – that are well down on the bottom half of the scale (4.0 and 4.25, respectively). These findings are supported by the qualitative variables in the analysis. For instance, only

Slovakia and Romania formally recognise political influence in the appointment of judges and clear administrative influence on the judiciary. In addition to this, judges are reported to have low technical competence and rulings can be influenced (either politically or through corruption). This might have something to do with the comparably large amount of pre-transition judges in the system. Latvia might also be affected by this, but seems to be performing comparatively better in the analysis (than does Slovakia and/or Romania).

In summary, the variation revealed by the analysis indicates that there are substantial differences in what can be expected from the judiciary in terms of fair treatment and independence in these six countries.

## 7.4 Summary and conclusion

The independence of the bureaucracy and judiciary has been the focus of this chapter. Both analyses revealed important variations affecting developments in the institutional consolidation process. The following section will summarise the main arguments and findings.

Bureaucratic independence was analysed through an assessment of political corruption. This was based on the assumption that corruption damages the bureaucracy's legitimacy and the functioning of the administration in general. Analytically, a distinction was made between an individual and a systemic mode of political corruption. The individual type of corruption is where the phenomenon is limited to individual behaviour and cannot be attributed to institutional practices. Hence, corruption is perceived as clearly illegal and would be prosecuted when discovered. In contrast, systemic corruption integrates the practice of bribes and favours into the administrative system and politics. Such different notions of corruption not only take the quantity of the problem into account, but also its quality. Systemic corruption is perceived to be more damaging to an institutional system. This is so because it infects the entire system of administration – from top to bottom – making corruption indispensable. Corruption clears the way for clientelism, cronyism and organised crime.

The results of the study clearly divide the countries into two groups, with separate characteristics. The first group, consisting of Poland, the Czech Republic, Hungary and Latvia, had a moderate degree of political corruption (both in quantity and methods). There

were some examples of large-scale corruption involving several high-ranking officials, but these were prosecuted and punished according to law. In sum, there were significant problems of corruption, but the magnitude of the problem seemed to be concentrated around individuals rather than a systematic misuse of public positions. The picture presented by the two countries in the other group is quite different. Romania and Slovakia also have problems of petty corruption among low-level civil servants, but there are signs indicating that this is only part of a larger system, where corruption stretches all the way to the top. This is not to say that every bureaucrat in Slovakia and Romania is corrupt, or that the entire system of government is so. Still, there are indicators of systemic features in political corruption. To conclude, it seems that the first group has a more independent and less corrupt bureaucracy. The second group displays signs of systemic corruption. Of course, there are differences within each of the two groups, but these differences are moderated by the advantage of an inter-group comparison. It must remain clear that what is being reflected here is a general comparative tendency rather than an individual picture.

The analysis of judicial independence was mostly qualitative, through assessments of freedom from political influence, administrative autonomy and competence of judicial personnel. In addition to these variables, the quantitative measure "rule of law" (which also takes judicial independence into account) was introduced to strengthen the validity of the comparison, and to provide a ranking. The analysis showed that judiciary independence and the rule of law vary considerably among the six countries. Poland, Hungary, the Czech Republic and Latvia displayed fairly independent and competent judiciaries, an assessment supported by a rather high score on the rule of law indicator. Some small deficiencies were registered with regard to the lack of professional competence among Latvia's judges, and political influence at the Prosecutor's Office in Poland. At the other end of the scale, Romania and Slovakia were struggling to create an independent judiciary. Politicians in both countries seem to wield considerable influence on the appointment of judges, and sometimes even directly on trials. In addition, frequent shortcomings in the rule of law have been recorded.

In addition to the problems listed above, all the countries suffer from a lack of qualified judicial personnel in the public sector, and a general shortage of funds in public administration. These problems are rather general, but one might suspect that their impact would be more severe when added to an already negative trend in judiciary independence.

Summing up the analysis of judiciary independence offers an interesting parallel to the results presented for bureaucratic independence. Both analyses of independence seem to divide the six countries into two groups. The first group consists of Poland, Hungary, the Czech Republic and Latvia; these countries are well underway in creating independent and rather well functioning state administrations and courts. Though there are some problems regarding low-level corruption and a lack of qualified judicial personnel, the general tendency is fairly positive in terms of institutional consolidation. Latvia occupies a slightly weaker position, not quite keeping up with this group of countries. Nevertheless, it is far better off than the remaining two countries. Romania and Slovakia make up the trailing group: in terms of both political corruption and a rather ambiguous judicial independence. The corruption problem and political influence on the appointment of judges must be perceived as particularly serious infringements on the process of institutional consolidation.

# CHAPTER 8

# DEMOCRATIC INSTITUTIONAL CONSOLIDATION

The previous four chapters have analysed the degree of democratic institutional consolidation - the dependent variable of this study. This was done in accordance with a two-step model, where focus was first placed on the presence of political democracy (chapter 4) and than on the degree of institutional consolidation (chapters 5-7). The logic behind this analytical model was the necessity of first establishing the level of a country's democratic institutions (in terms of procedural democracy), before proceeding to ask about their level of consolidation.

The layout of this chapter follows the chronology of the analytical model described above: the first section will focus on political democracy; the second part will summarise and assess the degree of institutional consolidation.

## 8.1 Assessing the level of democracy

The level of democracy was analysed according to the theoretical layout discussed in chapter two. Two different indices (The Freedom House's "Freedom in the World" and Gramer/Hadenius' "Index of Democracy") were used to measure compliance with a procedural definition of democracy.[1] The two indices use the same definition of democracy, but apply different indicators and methods. These two measures were seen as particularly valuable, as complimentary tools, because they shared definitions, but not modes of analysis.

Table 8.1 summarises the countries' score on the two indices for 1995/96. The Freedom House rating for 1996/97 is included to illustrate important developments for some of the countries.

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[1] As examined in chapter four, the two empirical measurements and this analysis operate with nearly identical definitions of democracy.

**Table 8.1:** *The level of political democracy*

| Country | Freedom House: [1] 1995/96 | Freedom House: [1] 1996/97 | Gramer: [2] 1996 |
|---|---|---|---|
| Poland | 1.5 (above) | 1.5 (above) | 9.2 |
| Hungary | 1.5 (above) | 1.5 (above) | 9.0 |
| Czech Republic | 1.5 (above) | 1.5 (above) | 8.8 |
| Latvia | 2.0 (above) | 2.0 (above) | 7.8 |
| Slovakia | 2.5 (above) | 3.0 **(border)** | 8.2 |
| Romania | 3.5 **(border)** | 2.5 (above) | 6.7 |

**Source:** Table 4.1, 4.2 and 4.3
**Notes:** [1] Varies between one and seven, one is the best. Cut-off points: "above" the minimum requirement for a democracy when the sum is 2.5 or better, the label "below" is used when the sum is 4.5 or worse, the label "border" is used when the sum is lower than 2.5 but above 4.5. For a more detailed explanation, see Karatnycky, 1996, pp. 534-535.
[2] Varies between zero and ten. Ten is the maximum score.

Using cut-off points as specified by Freedom House, it seems that Poland, Hungary, the Czech Republic and Latvia are all well-above the procedural minimum requirements for classification as political democracies.[2] Both the Freedom House and Gramer's analysis rate these countries close to the maximum score. Still, Gramer's analysis adds a small question mark to the case of Latvia. His method is more sensitive to the fact that a large segment of the Russian-speaking minority is without voting-rights, hence Latvia's total score is rather low despite an otherwise qualified situation. However the development trend in political democracy has been positive since 1993. This trend reflects a slow improvement, both in terms of democratic institutions (in general) and minority rights (in particular).[3]

It seems that the first four countries have – more or less – finished shaping and initialising their democratic institutions (adding an important caveat to the minority question in Latvia). The last two countries, Slovakia and Romania show a need for further institutional development. Changes in their index ratings indicate that their political institutions are still developing, seeking a point of equilibrium. Accordingly, when assessing the level of democracy in Slovakia and Romania it becomes important to consider the development of their political democracy over time (schematically illustrated in table 4.2).

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[2] According to Freedom House, all scores from 1 to 2.5 are to be considered *above* the minimum requirements for democracy.

[3] See table 4.2.

Slovakia is just above the Freedom House threshold on the 1995/96 rating, but slips a point and ends up in the "border category" in the next year's rating.[4] When the raw data were studied closer it appeared that civil liberty violations were responsible for moving the total score in a negative direction. This does not mean that Slovakia should be excluded from the analysis. Slovakia was in accordance with the requirements for political democratic during certain periods; it can be perceived to have embarked upon a process of consolidation. Slovakia shows how a country may change in both positive and negative directions from a given starting point, and hence emphasise how democratisation can be reversed. The analysis showed that Slovakia's most basic democratic institutions were in place, but the functioning and practical implementation of their procedures did not fully satisfy democratic standards.

In contrast to Slovakia, Romania has had a slow, but positive, development in terms of political democracy. The difference between the 1995/96 scores (for both Freedom House and Gramer), and the Freedom House' 1996/97 index suggest that the 1996 election improved the democratic situation dramatically. As previously argued, one might see the 1996 election as the real beginning of Romania's democratic period, after a rather long transitional period dominated by prominent officials of the previous regime. This may be a somewhat hard judgement of the post-1989 regime, in light of its early establishment of democratic institutions. Still, the early years after 1989 were characterised by frequent disrespect for civil liberties and overt abuse of elected positions. Due to the length of time it took to establish a set of functioning institutions in Romania, the country was left in a position of latecomer to the consolidation process.

All six countries in this analysis have satisfied the minimum procedural criteria for political democracy (for a shorter or longer period) since the transition in 1989/90. However, there are two important differences among them. First, countries fulfilled the criteria at different times: Poland, Hungary and Czechoslovakia were seen as political democracies already in 1990/91,

[4] As noted in chapter four, for a country to be included in this analysis it was sufficient for it to have been democratic in a period between 1989 and 1998. The reason for this principle was to allow countries to move in both positive and negative directions in terms of democratic development.

whereas Latvia and Romania did not pass the threshold until 1994 and 1996, respectively. [5] The second point concerns the trend in democratic development. Most countries have improved, or at least maintained, the status of their democratic institutions. However, both Slovakia and Latvia have experienced periods where the development has regressed. This point is significant because it illustrates that democratisation, and the building of democracy, is not necessarily a one-way process.

## 8.2 Assessing the level of institutional consolidation

Chapters five to seven analysed the level of institutional consolidation by the model suggested in chapter two. This model was constructed on the basis of a negative definition of institutional consolidation, focusing on what might hinder (or slow down) the consolidation of democratic institutions. Hence, the institutional consolidation process is regarded as the normal functioning of political institutions without certain types of conflicts or other factors stalling or diverting the process. The theoretical model consisted of three dimensions - with related indicators – that were subsequently examined in three separate chapters.

The first dimension focused on the level of political conflict, or more precisely the level of institutional and "ultimate value" conflict. The central argument was that significant opposition to institutional arrangements or conflicts over fundamental political values might hinder or slow down the process of institutional consolidation. The dimensions were measured by the presence and significance of anti-system parties and institutional conflicts. For example, the strong conflict over citizenship laws in Latvia was deemed to have serious implications for the Russian-speaking population's faith in Latvian democracy (and hence the legitimacy of its democratic institutions). Another example was how the rather strong ultra-nationalist parties of Romania advocated views that in effect denied basic political rights of individuals belonging to ethnic minorities. The values promoted by these parties were in direct conflict with Romania's democratic institutions. As a result, they were weakening the basis for institutional consolidation.

[5] For further details see table 4.2 in chapter 4.

Chapter six analysed the stability of executive power and the history of significant democratic turnovers of governments. This second dimension was based on the assumption that instability has a damaging effect on faith in political institutions and possibly - over time - in democracy. The turnover-indicator was added to emphasise the importance of significant changes in executive power. The effects of turnovers were viewed as important in at least two ways: they might help make parties more responsible (through the experience of executive authority) or they could broaden an actor's trust in the institutions and one another (through proving that political power is obtainable through democratic channels). In a sense, one might say that some degree of stability is benign, but high levels of stability without real political turnovers could have the opposite effect. Whereas Poland has experienced rather low levels of government stability, they have had several political turnovers. The opposite seems to be the case in Latvia, where the level of stability has been fairly good, but there has not yet been a significant political turnover.

The third dimension examined the autonomy of two vital political institutions not accounted for by the other dimensions. The judiciary is meant to be an autonomous institution of state power, able to balance the executive and legislative authorities, contribute to the rule of law, and protect the legal rights of individual citizens. Hence the autonomy of the judiciary, from other state powers, should be considered a vital prerequisite for both the legitimacy and the functioning of the democratic institutional system. The bureaucracy affects the institutional system by its implementing and interpreting laws and regulations. Again the institution's legitimacy is connected to its level of autonomy and the competence of its performance. As already discussed, the bureaucracy's central position in the institutional structure means that its performance will affect more than the institution itself.

### 8.2.1 Summary of the findings

Table 8.2 summarises the findings of the three preceding chapters. All indicators are standardised into a simple scale, ranging from "good" to "poor" performance on the respective indicator. The only exception is the "turnover" indicator, which measures the numbers of significant turnovers. The use of these rather imprecise labels ("good", "moderate" and "poor") is meant to emphasise the qualitative nature of the majority of data utilised in this analysis. Awarding a certain number of points for performance on each indicator, and calculating their average, produces the table's summary.

**Table 8.2:** *Level of institutional consolidation (summary of the analysis)*

| | Hungary | Czech Rep. | Poland | Latvia | Romania | Slovakia |
|---|---|---|---|---|---|---|
| **Political conflict:** | | | | | | |
| • Institutional conflict | Good | Good | Mod./Poor | Mod./Poor | Moderate | Poor |
| • Ultimate value conflict | Good | Good/Mod. | Good | Good | Poor | Poor |
| **Executive power** | | | | | | |
| • Stability | Good | Good | Mod./Poor | Good | Good | Moderate |
| • Turnover | Yes (1) | No | Yes (2) | No | Yes (1) | Yes (2) |
| **Institutional independence** | | | | | | |
| • Bureaucracy | Moderate | Moderate | Moderate | Moderate | Poor | Poor |
| • Judiciary | Good | Good | Good | Moderate | Poor | Poor |
| Sum [1] | 26 | 22 | 22 | 18 | 14 | 12 |
| Average | 4.3 | 3.7 | 3.7 | 3.0 | 2.3 | 2.0 |
| Assessment [2] | Good/Mod. | Good/Mod. | Good/Mod. | Moderate | Mod./Poor | Mod./Poor |

**Sources:** Table 5.3, 6.7, 7.1 and 7.2. The three dimensions and the respective indicators applied in the analysis of institutional consolidation constitute the framework for this table.

**Notes:** [1] The calculations are based on 1 point for poor, 3 for moderate and 5 for good performance on the variable. Yes (2)=5, Yes (1)=3, No=0

[2] The assessment is based on the average converted to a scale from one to five where =4.5=good, 4.4-3.5= good/moderate, 3.4-2.5=moderate, 2.4-1.5=moderate/poor, =1.4=poor

The table presents a rather clear picture, in which Hungary, Poland and the Czech Republic seem to be in fairly good positions, while Slovakia and Romania are closer to the other end of the scale. Latvia occupies a middle position between these groups. If each individual country is examined closer, the variation in institutional consolidation becomes more distinct. Poland and Latvia are both troubled by relatively strong institutional conflicts. In addition, Poland has changed governments rather frequently, and Latvia has yet to have a significant turnover in executive power. On the other hand, the picture is not all that bleak for Slovakia and Romania despite their low total scores. Both countries have had significant turnovers and their governments have been fairly stable; the low total is due to their modest scores on almost all of the other indicators.

The results of the analysis are summarised at the bottom of the table 8.2. These figures indicate that Hungary, the Czech Republic and Poland are well underway to institutional consolidation. Latvia has made more moderate, but still satisfactory progress. Slovakia and Romania lag behind the others in almost every respect; they both seem to struggle with several parts of the

institutional consolidation process. The executive stability and turnover dimensions are positive exceptions to an otherwise mediocre performance for these two countries.

**Figure 8.1:** *Composition of score on institutional consolidation (diagram)*

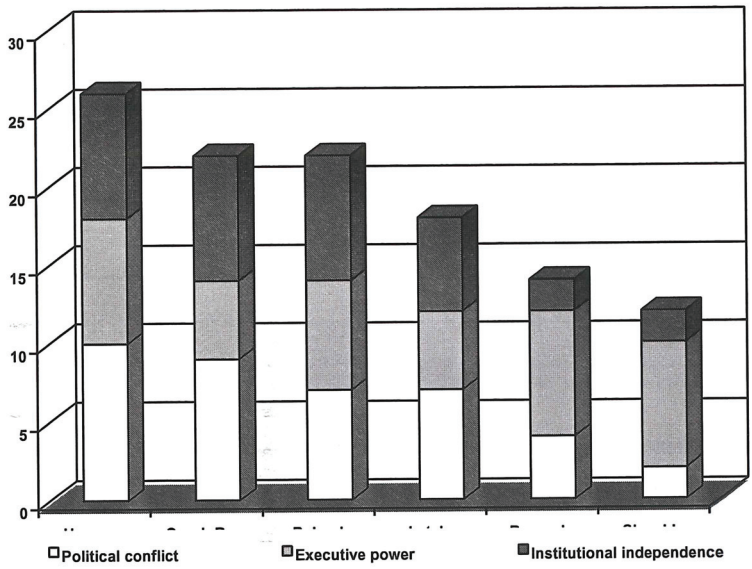


Figure 8.1 is an illustration of table 8.2. It shows the composition of the countries' total score on institutional consolidation. Each column represents a country and the height indicates the total score on institutional consolidation. The columns are split into three shades, indicating the effect of the respective dimension used in the preceding analysis.

Table 8.2 does provide some indication of the countries' internal rankings. To further clarify the point, table 8.3 has ranked the countries on all six indicators. The countries respective ranking (from one to six) is presented for each indicator and concluded by an average ranking. The average ranking is not directly connected to the assessment of institutional consolidation, but clarifies the internal rankings of the six countries. The table also includes the standard deviation for each country's ranking. This figure indicates how much variation there is across the indicators, in terms of ranking.

**Table 8.3:** *The countries' ranking on the indicators of institutional consolidation*

| | Hungary | Czech Rep. | Poland | Latvia | Romania | Slovakia |
|---|---|---|---|---|---|---|
| **Political conflict:** | | | | | | |
| • Institutional conflict | 1 | 1 | 4 | 4 | 3 | 6 |
| • Ultimate value conflict | 1 | 4 | 1 | 1 | 5 | 5 |
| **Stability and turnover** | | | | | | |
| • Stability | 1 | 1 | 6 | 3 | 3 | 5 |
| • Turnover | 3 | 5 | 1 | 5 | 3 | 1 |
| **Institutional independence** | | | | | | |
| • Judiciary | 3 | 1 | 2 | 4 | 6 | 5 |
| • Bureaucracy | 2 | 1 | 4 | 3 | 6 | 5 |
| Average ranking [1] | 1.8 | 2.2 | 3.0 | 3.3 | 4.3 | 4.5 |
| Standard deviation [2] | 1.0 | 1.8 | 2.0 | 1.4 | 1.5 | 1.8 |

**Sources:** Table 5.3, 6.7, 7.1 and 7.2

**Notes:** [1] The figure "average ranking" range between 1 and 6. An average score of 1.0 means that the country in question has been ranked first on all indicators.

[2] The standard deviation is a measurement of the dispersion of the six rankings for each country. A standard deviation of 0 indicates no dispersion, and hence equal ranking on all indicators.

The assessment of institutional consolidation (table 8.2) gave Poland and the Czech Republic equal total scores. The table above indicates that the Czech Republic has usually been ranked before Poland (this is suggested by the Czech Republic's average ranking of 2.2, compared to Poland's 3.0). Slovakia and Romania have occupied the last two places on almost all the indicators. As already pointed out, one significant exception is the executive stability and turnover dimensions. Romania has a moderate score, reflecting an intermediate position on the dimension as a whole; Slovakia has an uneven score, reflecting a volatile executive power with two significant turnovers.

The analysis of the previous chapters has treated the three dimensions of institutional consolidation as fairly autonomous from one another. As discussed in chapter two these dimensions will probably influence each other empirically, but for analytical reasons they were treated separately. Each dimension is seen as equally vital for the successful completion of the institutional consolidation process. Hence, a country experiencing problems on several dimensions will probably face greater challenges than a country experiencing a more limited problem – even though the basic question could be the same. For instance, a conflict over the treatment of ethnic minorities might – if not handled properly - easily transform from policy conflict to institutional conflict, and eventually cause instability in executive power, etc. To reach a final conclusion on the level of

institutional consolidation for each individual country, the pattern and composition of its score on the different dimensions would have to be analysed as a whole.

Table 8.2 and 8.3 illustrate that the selected cases represent quite a broad variation in the level of institutional consolidation. The following sections will summarise the findings for each country and look at the trend in institutional development over time. The purpose of this summary is to approach a final conclusion to the question of institutional consolidation and an appropriate classification of the cases.

## 8.3 Institutionally consolidated democracies

Throughout the analysis, Hungary has performed well, both in terms of its nominal score and in comparison to other countries. Of the six indicators, Hungary had a full score on all but the measures for bureaucratic independence and the number of turnovers. Regarding bureaucratic independence, the level of corruption in Hungary - though modest compared to many other post-communist countries - was seen as a problem for the legitimacy and the administrative capability of the bureaucracy. Hungary has had only one significant turnover, but can hardly be blamed for not having another since its number of elections has been insufficient. Still, the two-turnover-test does not take this factor into account and Hungary wins but a moderate score as a result. With an average score of 4.3 on the institutional consolidation indicators (with maximum being 5.0), Hungary comes close to a full score, and should be qualified for the label: institutionally consolidated democracy. In addition, its average internal ranking of 1.8 indicates that Hungary is by far the best-positioned country in this analysis. As mentioned above, Hungary suffers from one or two problems that demand its attention. Nevertheless, considering Hungary's short experience with democracy, at least the turnover problem should be easy to overcome.

Like Hungary, the Czech Republic has performed well on most indicators. The most serious problem is perhaps the lack of any significant turnover. This fact, together with a weakening economy and problems with minority governments might be the reason for the increasing political turbulence (since the beginning of 1997). The Czech Republic failed to achieve a full score on the political conflict dimension due to the rising influence of the extreme nationalist right, which several observers have depicted as a vanguard for xenophobia and intolerance. In

addition to this, the Czech Republic also suffers from a corrupt bureaucracy. Despite these problems, the overall situation in the Czech Republic is fairly good in terms of institutional consolidation. Its total score is lower than Hungary's, but it should still be classified as an institutionally consolidated system.

In contrast to the two previous countries, Poland's score varies considerably on the different indicators. In particular, Poland's total score was weakened by strong institutional conflicts and (related) government instability. As with the two previous countries, Poland suffers from a problem with corrupt civil servants. On a more positive note, Poland has experienced two significant turnovers, both of which were conducted without difficulties. Its total score of 22 (and the following assessment) indicates that Poland can be classified as an institutionally consolidated democracy. This conclusion is arrived at cautiously. Closer examination of the data reveals that that both the institutional crises of competence and Poland's instability have been moderated after the introduction of a temporal constitution in 1992. Since the 1997 election, there has been a more stable parliamentary situation. In addition to these factors, there is hope that the adoption of the final draft of the constitution will continue to be a positive influence in settling institutional disputes. As stated before, the Czech Republic and Poland have the same total score, but Poland's average internal ranking is favourable to the Czech Republic's.

## 8.4 Partial institutional consolidation

In contrast to the settling of institutional disputes in Poland, Latvia continues to experience institutional conflicts. Over recent years, the conflict over citizenship regulations has escalated from a predominantly domestic conflict to an international question influencing the relations between Russia and Latvia (on the one hand) and Latvia and Western Europe (on the other). Though the Latvian government has made concessions and liberalised its naturalisation policy, Russians see these changes as being "too little too late". One should add, however, that there are few significant signs of a political radicalisation of the Russian minority in Latvia. In addition, one might suspect that increasing Russian dissatisfaction with Latvian policy has just as many causes in Russian domestic politics.

Another problem, closely related to the question of citizenship, is the absence of any significant turnovers in Latvia. Up to now, ethnic Latvian parties opposing liberalisation of the

naturalisation laws have dominated the Latvian government. It is true that the 1995 election brought a more liberal minded party to power (the Samnieks), but its coalition partners still prevented major changes in policies that affect non-citizens. In addition to this problem, both indicators for the "institutional independence" dimension suggest further weaknesses. The analysis in chapter seven emphasises the problem associated with the lack of qualified judges and the funding of the judiciary. Political corruption is also a problem, but there are positive signs of increasing anti-corruption attitudes and campaigns. With its moderate score, Latvia falls short of the first group of consolidated systems, but is seemingly better off than the last two countries. Considering the problems that remain and its achievements won, Latvia can be assessed as a partially institutionally consolidated democracy.

## 8.5 Transitional democracies

In many ways, the two remaining countries – Slovakia and Romania – are quite different; but they share a modest level of progress in terms of institutional consolidation.

The analysis described two particular problems facing Romania in the process of institutional consolidation. First and foremost, Romania's democratic institutions have met serious opposition from extreme nationalist parties, challenging the institutionalised rights of ethnic minorities and more general democratic values. These problems have been exacerbated by incidents of semi-loyalty towards democratic institutions and procedures (especially in the period before 1996). It must be added that the 1996 turnover produced a government that drastically improved Romania's standards of democracy and its respect for the rules of the game. Another positive feature is the rather high degree of government stability displayed so far. Indeed, this stability has prevailed "in spite of" more than "because of" the political climate in the National Assembly, where votes of no-confidence were common during certain periods.

As described at length in chapter seven, the situation for the bureaucracy and the judiciary in Romania is rather poor. The analysis concluded that political corruption had acquired certain systemic features, reflected in the extent and depth of this problem in the public administration. This indicates that corruption has become a serious challenge to the legitimacy, and the governability, of the institutional system. The insufficient quality, and low independence, of the judiciary does not make the overall picture any brighter. The use of

political – and especially government – control of the judiciary has curtailed its independence and autonomy. In summary, it can be said that the Romanian process of institutional consolidation is facing serious challenges, at several levels.

Due to the dubious democratic record of the first governments (1990-1996), it is possible to argue that the real consolidation process did not really begin until after the 1996 elections. Although developments after 1996 have undoubtedly been positive, Romania has a long way to go before it can be called institutionally consolidated. With a score of only 14 points, and the second lowest average rating, it seems that the institutional consolidation process has barely started in Romania. Despite its positive developments since 1997, the country falls short of consolidation and is better referred to as a transitional democracy. This description takes into account the fluid nature of the situation, and that some institutional arrangements have yet to find their point of equilibrium.

Slovakia's point of departure is quite different than Romania's. As a part of Czechoslovakia it basked in the status of being one of the most promising post-communist democracies. Five years after the velvet divorce, Slovakia is rated as the least institutionally consolidated of the countries included in this analysis (with just above half the score of the Czech Republic). Politically, Slovakia has experienced significant difficulties with a very intense institutional conflict. This conflict has been partly fuelled by strong ideological and personality conflicts. A further problem is that the institutional conflict was seen to instigate semi-loyal and even unconstitutional political behaviour. The conflict between the president and the government has been fought with every means available. Formally speaking, the government (backed by a parliamentary majority) has abused legal procedures and institutions to block or hinder the actions of other parties. The inclusion of extremist – and potentially anti-democratic - parties in government has led to a worsening of the situation for ethnic minorities, and a sharpening of the political conflict between opposition and government. In addition, this hostile political climate has led to less government stability. However, changes in governments have also produced significant alterations in power (turnovers), and these have been conducted in a peaceful and orderly fashion.

The analysis of Slovakian bureaucratic and judicial independence proved disappointing. Slovakia has troubles curbing political corruption, which is perceived to be a severe problem

both by foreigners and by Slovaks themselves. Politically controlled appointments, and the broad authority of the Ministry of Justice on legal issues, were seen as hindrances to the practice of judicial independence. Compared to the rather favourable picture presented of the consolidation potential of Slovakia in 1992-1993, the trend has been stagnant, or perhaps even negative, after the partition of Czechoslovakia. Overall, it seems that the present institutional situation has yet to reach a consolidated state. With only 12 points, Slovakia cannot be labelled institutionally consolidated. Rather, Slovakia is a transitional democracy. Although Slovakia quickly established a set of democratic institutions, it has failed to consolidate its democracy, due to a series of unfortunate circumstances.

## 8.6 Summary and conclusion

This chapter has summarised the level of democratic institutional consolidation for the six countries included in the study. The presence of democratic institutions was seen as a logical prerequisite for an analysis of their consolidation. Hence, the analysis and the summary were done separately for the level of democracy and the degree of institutional consolidation.

The analysis of the level of democracy concluded that all six countries did satisfy the minimum procedural criteria for political democracy. Though Slovakia seemed to be slipping beneath the criteria in the latest evaluation (in 1997), the country was labelled democratic from its independence in 1993 to 1996. This justified its inclusion in the analysis. In terms of levels of democracy, there are two important differences among the countries. First, different countries fulfilled the minimum criteria at different times: Poland, Hungary and Czechoslovakia were rated as political democracies already in 1990/91, whereas Latvia and Romania did not pass this threshold until 1994 and 1996, respectively. The second point concerns the trend in democratic development. Most countries have improved - or at least maintained - the status of their democratic institutions. However, both Slovakia and Latvia have experienced periods of negative development. This point is significant because it illustrates that democratisation, and the building of democracy, is not necessarily a one-way process.

The analysis of institutional consolidation was split into three dimensions, which were analysed separately in the previous chapters. These analyses were summarised in this chapter and the overall picture of the consolidation process was assessed for each country. The six

countries in the analysis showed significant variation in terms of consolidation. For this reason they were divided into three broad categories. Hungary, the Czech Republic and Poland were classified as institutionally consolidated democracies, which indicate that the process of institutional consolidation has passed a point where there are no significant challenges to the institutional system. This does not mean that the process of regime consolidation is at its end (as discussed in chapter 1), or that the institutional systems in question are flawless and/or without problems. Nor does this label mean that the consolidation process cannot be reversed or is determined for all times. The label "institutionally consolidated" means that the current state of affairs reflects a stable and consolidated set of institutions that are without serious contestation in their respective societies.

Latvia ended up in a middle position, scoring better than the transitional democracies, but facing problems that prevented it from joining the group described above. The label "partial institutional consolidation" signifies Latvia's middle position; it has managed to consolidate parts of its institutional structure, but there are important questions that remain. Questions about voting-rights and full citizenship for Russian-speaking minorities continue to trouble Latvian politics. Although this issue has been dealt with to some extent, the process of naturalisation is going slowly. For this reason, there is a risk of alienating certain segments of the population from the country's democratic institutions.

Romania and Slovakia were found to be at a transitional stage of the democratisation process, having established basic democratic institutions but still struggling to institutionalise the system. This does not mean that they have failed to start the consolidation process, but rather that the outcome of this process is still uncertain or pending. Though these countries share the same label, they have very different starting points (in terms of consolidation). Whereas Romania has used a good deal of time trying to make its basic democratic institutions function, Slovakia was classified as a political democracy as early as 1990/1991. Despite these differences, the analysis concluded that both countries have rather substantial tasks ahead of them before they can consolidate their institutional systems. This contrast between Romania and Slovakia clearly shows that institutional consolidation is by no means automatic, nor does it follow a single transition process with a predetermined outcome.

# SUMMARY AND CONCLUSION

This study set out to analyse the nature and causes of the institutional consolidation process in six Eastern and Central European democracies: Hungary, Poland, the Czech Republic, Latvia, Slovakia and Romania. Though all of these countries experienced a breakdown of their former regimes in 1989 (1991 in Latvia), they today show a considerable variation in terms of progress in the consolidation process. Two questions arise from this paradox: 1) how did these processes differ from each other in practice; and 2) how did these differences in process affect the outcomes?

The study was divided into two parts, focusing on different theoretical and empirical aspects of the consolidation process. Part one was an introduction to the subject, both theoretically and methodically; part two contained an empirical analysis of institutional consolidation.

The main objective of the introductory chapters was to define the central concepts – democracy and consolidation – and to construct a theoretical model for the subsequent empirical analysis. Part one also contained a short introduction to the six countries included in the analysis.

In the discussion about basic definitions it was argued for a more limited concept of democratic consolidation, described as institutional consolidation. Institutional consolidation was defined as consolidation of the basic political institutions of a democracy, and as a first step towards (a broader) regime consolidation. A consolidation of these institutions functions as a prerequisite for broadening the consolidation process to include other areas. In addition, given the relatively short amount of time available for consolidation since the transition to democracy, some caution must be applied when generating expectations about how far the process could proceed. Hence a more limited definition was used to safeguard against conclusions based on expectations (rather than the empirical analysis).

The research model (constructed in part one) was based on a dual analytical structure; verifying whether or not a country is a political democracy is necessary before asking about the level of institutional consolidation. Part two utilised this framework in its empirical analysis. Accordingly, chapter four analysed the level of democracy, while the degree of institutional consolidation was analysed in the three subsequent chapters (chapters 5-7). All of these chapters included a discussion and elaboration on the respective dimension's operational indicators. Chapter eight summarised the main findings of the analysis and compared the different countries' progress in terms of institutional consolidation.

**The degree of institutional consolidation**

As a result of the empirical analysis, the countries were ranked (in decreasing order) according to their level of institutional consolidation: Hungary, the Czech Republic, Poland, Latvia, Romania and Slovakia. This ranking was further subdivided into three broad categories, reflecting levels of institutional consolidation: institutionally consolidated, partially consolidated and transitional democracies.

Hungary, the Czech Republic and Poland were classified as institutionally consolidated democracies. This indicates that their process of institutional consolidation has passed a point where there are no significant political challenges to the institutional system. This does not mean that the process of regime consolidation is at its end (as discussed in chapter 1), or that the institutional system is without problems. The label "institutionally consolidated" means that the current state of affairs indicates a stable and consolidated set of institutions; a state of affairs that is no seriously contested in these countries.

Latvia ended up in a middle position, scoring better than the least consolidated countries, but worse than the institutionally consolidated states. The label "partial institutional consolidation" signifies that Latvia has managed to consolidate parts of its institutional structure, but important questions remain. In particular, these questions concern voting-rights and full citizenship for the Russian-speaking minorities. Although some progress has been made in dealing with these issues, the process of naturalisation is going slowly. As a result, there is some risk of alienating the disenfranchised groups from the democratic system.

Romania and Slovakia were found to be at a transitional stage in the democratisation process: they have established basic democratic institutions, but they are struggling to consolidate them. This does not mean that these countries have failed to initialise a consolidation process; rather, the outcome of this process is still uncertain or pending. Although they share the same label, these two countries have very different starting points in terms of consolidation. Whereas Romania has used a relatively long period of time to establish its basic democratic institutions, Slovakia was classified as a political democracy as early as 1990/91 (as Czechoslovakia). This contrast between Romania and Slovakia clearly shows that institutional consolidation is by no means automatic; nor does it follow a single transition process with a predetermined outcome.

By examining variations in the degree of institutional consolidation, some interesting observations can be made. As the first country to start the process of transition (in 1989), Poland might be expected to have had an advantage in the consolidation process that followed. In fact, the does not appear to be the case. The cautious role of the "ice-breaker" slowed down the democratic process. The new democracy had to deal with – what in retrospect were – unfortunate compromises made in the transition process (e.g., partly free elections and a dual executive). The different paths taken by the two successor states of Czechoslovakia pose another interesting question. Whereas the Czech Republic is counted amongst the most consolidated countries, Slovakia seems to have difficulties in getting up and going. It is tempting to consider the counterfactual situation where Czechoslovakia had stayed together. In contrast to the slow progress in Slovakia, Latvia has been relatively successful, and from a later starting point. However, shortcomings in the citizenship issue have haunted the process from the beginning.

One might say that Slovakia inherited from Czechoslovakia a rather benign starting point. Due to subsequent political development, however, these proposed advantages were not converted into progress in the consolidation process. The case of Slovakia exemplifies the danger of a deterministic interpretation of the institutional consolidation process, and its causes. The discrepancy between what one "should have expected", and the actual outcome in Slovakia, illustrates the danger of jumping to hasty conclusions. As the analysis of institutional consolidation has shown there are far too many potential obstacles and pitfalls in this process.

One last point, concerning levels of institutional consolidation, requires attention. Though Romania and Slovakia shared roughly similar levels of development, they differ in terms of the combination of factors that caused their outcomes. In the case of Romania, the causes seem to be largely structural (such as lack of institutional infrastructure); in Slovakia the causes were seen as predominantly actor-oriented (political conflict and tendencies to misuse elected power). A further analysis of the dynamics (between the further process of consolidation, and the hindrances that will have to be overcome) might reveal that Slovakia has an advantage compared to Romania. If one assesses actor-oriented causes as less profound, and more temporary in nature, than structural obstacles one can assume that the potential for short-term improvement (in terms of consolidation) is better in Slovakia than it is in Romania. This question certainly calls for further investigation into the dynamics of the consolidation process. If accurate, however, the Slovakian condition does not appear so bleak.

**Concluding remarks**

It is not possible to return to the project's point of departure. The tasks of this project were two. On the one hand, it was necessary to produce a tangible definition, and a framework for analysis, of institutional consolidation. On the other hand, it was necessary to construct a research model and to conduct an analysis of the democratisation process.

It has proven rather fruitful to limit the broad concept of consolidation to a more strictly defined concept of institutional consolidation. Such a limitation has made the concept more accessible as a foundation for an empirical model. In addition, the limitation was warranted by the short period of time that has elapsed since the transition to democracy. In reviewing the research model, on the basis of the empirical analysis, it seems that the model was able to grasp vital aspects of the institutional consolidation process. Not only was it possible to divide the six countries into categories according to their level of institutional consolidation, but the analysis also revealed important differences within the categories (such as between Poland and the Czech Republic, and between Slovakia and Romania). These important differences might have been overlooked by a more general approach.

# APPENDICES

# APPENDIX A

# INDEX OF DEMOCRACY

The following tables conclude Eivind Gramer's findings for the relevant Eastern and Central European countries.[1] The logic and structure of Gramer's analysis draws exclusively on Hadenius' analytical framework for his "Index of Democracy".[2] The data are not for just a single year, but relate to the latest election in each country. This means that there will be a certain time span in the survey. It is difficult to say how this influences the outcome. Sources for the index are "Keesing Record of World Events" 1990-1995, "Index on Censorship" 1990-1995 and "Freedom in the World" 1993-1994.

**Table A.1:** *Index of democracy (dimension 1): Free and fair elections 1990-1995*

| | Degree of suffrage[4] | | Open elections[2] | | Correct election[2] | | Effective elections[2] | | Total | **Score[3]** |
|---|---|---|---|---|---|---|---|---|---|---|
| Type of election[1] | Exe | Leg | Exe | Leg | Exe | Leg | Exe | Leg | | |
| Czech Republic | 1 | 1 | 4 | 4 | 4 | 4 | 4 | 4 | 24 | **10.0** |
| Hungary | 1 | 1 | 4 | 4 | 4 | 4 | 4 | 4 | 24 | **10.0** |
| Poland | 1 | 1 | 4 | 4 | 4 | 4 | 4 | 4 | 24 | **10.0** |
| Slovakia | 1 | 1 | 4 | 4 | 4 | 4 | 4 | 4 | 24 | **10.0** |
| Romania | 1 | 1 | 4 | 3 | 4 | 2 | 4 | 4 | 21 | **8.8** |
| Latvia | 0.72 | 0.72 | 4 | 4 | 4 | 4 | 4 | 4 | 17.3 | **7.3** |

**Notes:** [1] Type of elections refers to democracy in executive (exe) and legislative (leg) elections.
[2] Varies between one and four, four is maximum.
[3] The score is a standardisation of the total, according to the formula: (10/24)*Total = Score. (10 is maximum)
[4] Varies between zero and one, one is maximum.

[1] Gramer, 1996. The tables displayed here are the conclusion of pages 92-124 in Gramer's analysis.

[2] Hadenius, 1992

Table A.1 shows how the six countries score on the electoral dimension. The score varies from 10.0-7.3. Thus, all the countries find themselves within the top quartile of the scale. In addition, four of the six countries achieved the maximum score of 10. Latvia scores lowest (7.3) because of its substantial Russian-speaking population without voting-rights, and Romania's score is reduced due to irregularities in the parliamentary election of 1992 (a large numbers of votes were discarded).

**Table A.2:** *Index of democracy (dimension 2): Political liberties 1990-1995*

| Country | Freedom of organsation[1] | Freedom of opinion[1] | Political violence[1] | Total | **Score[2]** |
|---|---|---|---|---|---|
| Latvia | 8 | 7 | 5 | 20 | **8.4** |
| Poland | 8 | 4 | 8 | 20 | **8.4** |
| Hungary | 8 | 5 | 6 | 19 | **8.0** |
| Czech Republic | 8 | 4 | 6 | 18 | **7.6** |
| Slovakia | 7 | 4 | 4 | 15 | **6.3** |
| Romania | 6 | 1 | 4 | 11 | **4.6** |

**Notes:** [1] Varies between one and eight, eight is maximum.
[2] The score is a standardisation of the total, according to the formula: (10/24)*Total = Score. (10 is maximum)

Generally, the summary of the "Political Liberties" dimension shows a less positive result. None of the countries receive a full score and only four of them are within the top 25% of the scale. Both Slovakia and Romania display low scores on both the "freedom of opinion" and the "political violence" indicators. In Romania, this is due to the country's strict control of the media, the use of force to put down demonstrations, and its arbitrary violence against ethnic minorities. The same factors are present in Slovakia, but the limitations on Slovakia's media were less severe.

**Table A.3:** *Index of democracy 1990-1995*

| Country | Dimension 1: Elections[1] | Dimension 2: Political liberties[1] | Total | **Score[2]** |
|---|---|---|---|---|
| Poland | 24 | 20 | 44 | **9.2** |
| Hungary | 24 | 19 | 43 | **9.0** |
| Czech Republic | 24 | 18 | 42 | **8.8** |
| Slovakia | 24 | 15 | 39 | **8.2** |
| Latvia | 17.3 | 20 | 37.3 | **7.8** |
| Romania | 21 | 11 | 32 | **6.7** |

**Notes:** [1] Varies between one and 24, 24 is maximum.
[2] The score is a standardisation of the total, according to the formula: (10/48)*Total = Score. (10 is maximum)

Table A.3 is a summary and conclusion of Gramer's findings. This table shows that five of the six countries score within the top 25% of the scale. Romania's poor result is largely due to its weak record of political liberties. Latvia is the only country that achieved a higher score on "political liberties" than it did for its electoral dimension. This is largely due to the previously mentioned problems associated with disenfranchised minorities.

# APPENDIX B

# PARTIES IN EASTERN AND CENTRAL EUROPE

Due to their magnitude and volatility, political parties of Eastern and Central Europe are not easily summarised. Matters are complicated by the fact that different studies use different translations (and hence other acronyms) for the same party names. In this study all party names and acronyms are in English. To avoid confusion, the tables below list the party names and acronyms in both English and the original language. The parties listed here are predominantly the ones mentioned in the study.

The information listed is largely gathered from the "*Europa World Year Book*", Ágh (1998) and the web page of the European Forum for Democracy and Solidarity (http://www.europeanforum.bot-consult.se/).

**Table B.1:** *Names and acronyms of the main political parties in Latvia, 1991-97*

| Original name | Original acronym | English name | English acronym |
|---|---|---|---|
| Latvijas Tautas Fronte | LTF | The Latvian Popular Front | LPF |
| Latvijas Nacionala Neatkaribas Kustiba [1] | LNNK | Latvian National Independence Movement | LNIM |
| Latvijas Nacionali Konservativa partija [1] | LNKP | Latvian Nat. Conservative Party | LNCP |
| Latvijas celš | LC | Latvian Way | LW |
| Latvijas Zemnieku savieniba | LZS | Latvian Agrarian Union | LAU |
| Apvieniba "Tevzemei un Brivibai" [1] | TUB | Union for Fatherland and Freedom | UFF |
| Latvijas Vienibas partija | LVP | Latvian Unity Party | LUP |
| Tautas Kustiba "Latvijai" [2] | TKL | People's Movement for Latvia | PML |
| Demokratiska partija Samnieks | DPS | Democratic Party Samnieks | DPS |
| Tautas Saskanas partija | TSP | National Harmony Party | NHP |

**Notes:** [1] LNNK changed its name to LNKP in 1995, and merged with TUB in June 1997
[2] Also known as the "Zigerists' Party" after the party leader Joachim Zigerists (also spelled Sigerists by some authors).

**Table B.2:** *Names and acronyms of the main political parties in Poland, 1989-97*

| Original name | Original acronym | English name | English acronym |
|---|---|---|---|
| Porozumienie Centrum | PC | Centre Alliance | CA |
| Konfederacja Polski Niepodleglej | KPN | Confederation for an Independent Poland | CIP |
| Zjednoczenie Chrzescijansko-Narodowe | ZChN | Christian National Union | CNU |
| Sojusz Lewicy Demokratycznej [1] | SLD | Democratic Left Alliance | DLA |
| Stronnictwo Demkratyczne | SD | Democratic Party | DP |
| Unia Democratyczne [2] | UD | Democratic Union | DU |
| Unia Wolnosci [2] | UW | Freedom Union | FU |
| Porozumienie Ludowe | PL | Peasant Alliance | PA |
| Polskie Stronnictwo Ludowe | PSL | Polish Peasant Party | PPP |
| Polska Zednoczona Partia Robotnicza | PZPR | Polish United Workers' Party | PUWP |
| Socjal-demokracja Rzeczyp. Polskiej [1] | SdRP | Social Democracy of the Rep. Poland | SDRP |
| Akcja Wyborcza Solidarnosc | AWS | Solidarity Election Action | SEA |
| Zjednoczone Stronnictwo Ludowe | ZSL | United Peasant Party | UPP |

**Notes:** [1] The SLD is a conglomerate of different leftist and social democratic organisations. One of the leading organisations is the SdRP.
[2] The UW is dominated by former leading members of Solidarity. The UW was formed through a merger of the UD and the Polish Liberal Congress (KLD) in April 1994.

**Table B.3:** *Names and acronyms of the main political parties in Hungary, 1989-97*

| Original name | Original acronym | English name | English acronym |
|---|---|---|---|
| Szabad Demokratak Szövetsege | SZDSZ | Alliance of Free Democrats | AFD |
| Magyar Demokrata Fórum | MDF | Hungarian Democratic Forum | HDF |
| Magyar Szocialista Part [1] | MSZP | Hungarian Socialist Party | HSP |
| Független Kisgazda Part | FKGP | Independent Smallholders' Party | ISP |
| Fiatal Demokraták Szövetsége | Fidesz | Alliance of Young Democrats | AYD |
| Munkaspárt [1] | MP | Workers' Party | WP |
| Kereszténydemokrata Néppárt | KDNP | Christian Democratic People's Party | CDPP |

**Notes:** [1] The MP and the MSZP are successor parties of the Hungarian Communist Party

**Table B.4:** *Names and acronyms of the main political parties in the Czech Republic, 1989-97*

| Original name | Original acronym | English name | English acronym |
|---|---|---|---|
| Obcanska Demokraticka aliance [1] | ODA | Civic Democratic Alliance | CDA |
| Obcanska demokraticka strana [1] | ODS | Civic Democratic Party | CDP |
| Krestanska a demokraticka unie - | KDU- | Christian and Democratic Union - | CDU-CPP |
| Ceskoslovenska strana lidova | CSL | Czechoslovakian Peoples' Party | |
| Obcanske forum [1] | OF | Civic Forum | CF |
| Kommunisticka strana Cech a Moravy [2] | KSCM | Communist Party of Bohemia & Moravia | CPBM |
| Kommunisticka strana Ceskoslovenska [2] | KSC | Communist Party of Czechoslovakia | CPC |
| Ceska strana socialne demokraticka | CSSD | Czech Social Democratic Party | CSDP |
| Levy Blok [3] | LB | Left Bloc | LB |
| Hnutie za samospravnou demokracii - | HSD- | Movement for a Self-Governing Dem. - | MSDMS |
| Spolcnost pro Moravu a Slezsko | SMS | Society for Moravia and Silesia | |
| Struzeni pro republiku - | SPR-RSC | Republican Association - | RA-RPC |
| Republikanska strana Ceskoslovenska | | Republican Party of Czechoslovakia | |

**Notes:** [1] The ODS and the ODA split from the broad popular movement, OF, in 1991.
[2] The KSCM is a successor party of the KSC.
[3] The LB split from the KSCM.

**Table B.5:** *Names and acronyms of the main political parties in Slovakia, 1989-97*

| Original name | Original acronym | English name | English acronym |
|---|---|---|---|
| Hnutie za demokratické Slovensko | HZDS | Movement for a Democratic Slovakia | MDS |
| Strana demokratickej lavice [1] | SDL | Party of the Democratic Left | PDL |
| Krestansko demokratické hnutie | KDH | Christian Democratic Movement | CDM |
| Slovenská národná strana | SNS | Slovak National Party | SNP |
| Zduženie robotníkov Slovenska [1] | ZRS | Association of Slovak Workers | AWS |
| Demokratická únia Slovenska | DUS | Democratic Union of Slovakia | DUS |
| Verejnost proti nasiliu | VPN | Public Against Violence | PAV |

**Notes:** [1] The ZRS split from the SDL in April 1994

**Table B.6:** *Names and acronyms of the main political parties in Romania, 1989-97*

| Original name | Original acronym | English name | English acronym |
|---|---|---|---|
| Frontul Salvarii Nationale [1] | FSN | National Salvation Front | NSF |
| Partidul Democratiei – FSN [1] | PD-FSN | Democratic Party - National Salvation Front | DP-NSF |
| Frontul Democrat al Salvarii Nationale [1] | FDSN | Democratic National Salvation Front | DNSF |
| Partidul Democratiei Sociale din Romania [2] | PDSR | Party of Social Democracy in Romania | PSDR |
| Conventia Democrata din Romania [3] | CDR | Democratic Convention of Romania | DCR |
| Uniunea Social-Democrat [1] | USD | Social Democratic Union | SDU |
| Uniunea Democrata Maghiara din România | UDMR | Hungarian Democratic Union of Romania | HDUR |
| Partidul Unitatii Nationale Române | PUNR | Romanian Nat. Unity Party | RNUP |
| Partidul Socialist al Muncii | PSM | Socialist Labour Party | SLP |
| Partidul România Mare | PRM | Greater Romania Party | GRP |

**Notes:** [1] A faction of the FSN broke away in 1992 and formed the FDSN (which later became the PD-FSN in May 1993). The PD-FSN later changed its name to the USD.
[2] The remaining FSN merged with two small parties (the Romanian Social Democratic Party and the Republican Party) in July 1993 and formed the PDSR.
[3] The CDR is a conglomerate of many centre-right political parties and non-party organisations. The most important ones are the Christian Democratic National Farmers' Party, the National Liberal Party, the Romanian Ecological Party, the Party of Civil Alliance and the Civic Alliance.

# APPENDIX C

# TI CORRUPTION PERCEPTION INDEX

Transparency International (TI) uses 1995 as a starting point for assembling their new ranking of perceptions on corruption. New surveys have been added after conducting the following adjustments: *"The countries considered in a new survey are normalized to the same mean and standard deviation these countries had in the 1995 ranking"*. Hence, the inclusion of a survey, which only contains a subgroup of countries, affects only the scores between those countries (and not the performance of the subgroup in relation to other countries). This principle has also been applied when surveys included in the 1995-97 rankings have been deleted. Especially the surveys conducted by the World Competitiveness Report and Political & Economic Risk Consultancy Ltd are considered to be very valuable by the TI. Each of the ten sources of the index has been assigned the same weight: *"According to the respective quality of the sources, this appeared plausible. However, there is no 'objective' weight which can be applied to the sources and a different weighting may be justifiable"*. With equal weights, the simple average has been calculated from the normalised data.[3]

The "Corruption Perception Index" (CPI) for 1996 and 1997 is listed below, as first published by the TI. Latvia and Slovakia were not originally included, but the TI supplied their scores separately (at a later stage, as explained in chapter 7 (notes to Table 7.1)).

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[3] The section is based on Chapter C of the Transparency International's "Sourcebook" for the interpretation of the index. Http://www.transparency.de/sourcebook/Part_C/cvA/a6.html [Accessed April 20th 1998]

**Table C.1:** *Transparency International: Corruption Perception Index for 1996 and 1997*

| Rank | Country | Score 1997 | Score 1996 | Number of surveys in 1997 | Variance between surveys |
|---|---|---|---|---|---|
| 1 | Denmark | 9.94 | 9.33 | 6 | 0.54 |
| 2 | Finland | 9.48 | 9.05 | 6 | 0.30 |
| 3 | Sweden | 9.35 | 9.08 | 6 | 0.27 |
| 4 | New Zealand | 9.23 | 9.43 | 6 | 0.58 |
| 5 | Canada | 9.10 | 8.96 | 5 | 0.27 |
| 6 | Netherlands | 9.03 | 8.71 | 6 | 0.23 |
| 7 | Norway | 8.92 | 8.87 | 6 | 0.51 |
| 8 | Australia | 8.86 | 8.60 | 5 | 0.44 |
| 9 | Singapore | 8.66 | 8.80 | 6 | 2.32 |
| 10 | Luxembourg | 8.61 | --- | 4 | 1.13 |
| 11 | Switzerland | 8.61 | 8.76 | 6 | 0.26 |
| 12 | Ireland | 8.28 | 8.45 | 6 | 1.53 |
| 13 | Germany | 8.23 | 8.27 | 6 | 0.40 |
| 14 | United Kingdom | 8.22 | 8.44 | 6 | 1.43 |
| 15 | Israel | 7.97 | 7.71 | 5 | 0.12 |
| 16 | USA | 7.61 | 7.66 | 5 | 1.15 |
| 17 | Austria | 7.61 | 7.59 | 5 | 0.59 |
| 18 | Hong Kong | 7.28 | 7.01 | 7 | 2.63 |
| 19 | Portugal | 6.97 | 6.53 | 5 | 1.02 |
| 20 | France | 6.66 | 6.96 | 5 | 0.60 |
| 21 | Japan | 6.57 | 7.05 | 7 | 1.09 |
| 22 | Costa Rica | 6.45 | --- | 4 | 1.73 |
| 23 | Chile | 6.05 | 6.80 | 6 | 0.51 |
| 24 | Spain | 5.90 | 4.31 | 6 | 1.82 |
| 25 | Greece | 5.35 | 5.01 | 6 | 2.42 |
| 26 | Belgium | 5.25 | 6.84 | 6 | 3.28 |
| **27** | **Czech Republic** | **5.20** | **5.37** | **5** | **0.22** |
| **28** | **Hungary** | **5.18** | **4.86** | **6** | **1.66** |
| **29** | **Poland** | **5.08** | **5.57** | **5** | **2.13** |
| 30 | Italy | 5.03 | 3.42 | 6 | 2.07 |
| 31 | Taiwan | 5.02 | 4.98 | 7 | 0.76 |
| 32 | Malaysia | 5.01 | 5.32 | 6 | 0.50 |
| 33 | South Africa | 4.95 | 5.68 | 6 | 3.08 |
| 34 | South Korea | 4.29 | 5.02 | 7 | 2.76 |
| 35 | Uruguay | 4.14 | --- | 4 | 0.63 |
| 36 | Brazil | 3.56 | 2.96 | 6 | 0.49 |
| **37** | **Romania** | **3.44** | **---** | **4** | **0.07** |
| 38 | Turkey | 3.21 | 3.54 | 6 | 1.21 |
| 39 | Thailand | 3.06 | 3.33 | 6 | 0.14 |
| 40 | Philippines | 3.05 | 2.69 | 6 | 0.51 |
| 41 | China | 2.88 | 2.43 | 6 | 0.82 |

| | | | | | |
|---|---|---|---|---|---|
| 42 | Argentina | 2.81 | 3.41 | 6 | 1.24 |
| 43 | Vietnam | 2.79 | --- | 4 | 0.26 |
| 44 | Venezuela | 2.77 | 2.50 | 5 | 0.51 |
| 45 | India | 2.75 | 2.63 | 7 | 0.23 |
| 46 | Indonesia | 2.72 | 2.65 | 6 | 0.18 |
| 47 | Mexico | 2.66 | 3.30 | 5 | 1.18 |
| 48 | Pakistan | 2.53 | 1.00 | 4 | 0.47 |
| 49 | Russia | 2.27 | 2.58 | 6 | 0.87 |
| 50 | Colombia | 2.23 | 2.73 | 6 | 0.61 |
| 51 | Bolivia | 2.05 | 3.40 | 4 | 0.86 |
| 52 | Nigeria | 1.76 | 0.69 | 4 | 0.16 |

**Source:** Http://www.transparency.de/press/1997.31.7.cpi.html. (Index press release). © Transparency International & Dr. Johann Graf Lambsdorff, 1997

**Index sources:** The index draws on several sources including Gallup International: The World Competitiveness Yearbook; Political & Economic Risk Consultancy; DRI/McGraw Hill Global Risk Service; Political Risk Services, and data gathered by index author Dr. Johann Graf Lambsdorff, Göttingen University, Germany.

**Legend:** **Variance** indicates differences in the values of the sources for the 1997 index: the greater the variance, the greater the differences of perceptions of a country among the sources. The **rank** relates solely to the results drawn from a number of surveys and reflects only the perceptions of business people that participated in these surveys. The **number of surveys used** had to be at least 4 for a country to be included in the CPI. **Score 1997** and **score 1996** relate to perceptions of the degree of which corruption is seen by business people - a perfect 10.00 would be a totally corruption-free country.

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