

# Twenty Years After: from Fall to Fall?



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# FOREWORD

## Twenty Years After: from Fall to Fall?

Twenty years after the fall of the Berlin wall, Eastern and Central Europe has traveled the full cycle: from the greatest success to the greatest liability. How sustainable is the success of Eastern European countries? What explains their uneven performance during the transition and integration years? Is "catching-up" to remain only a distant dream, after the economic crisis? Are the lines dividing the region to become permanent? What was the effect of EU integration for institutional building during transition in CEE countries? The papers in this issue address these topics in a historical and comparative manner.

# Socio-Economic Transformations in Post-Communist Countries: Central and Eastern Europe and Russia Compared

By Alfio Cerami<sup>1</sup>

## Abstract:

*This article provides a brief description of the main systemic problems (strukturprobleme) of post-communist capitalism(s), as well as exploring the main changes occurring in the socio-economic structure and the subsequent new social risks emerging. It shows that post-communist societies are characterized by more intense strukturprobleme, which are resulting in the materialization of broader social risks types and groups. As a consequence of a difficult and still uncompleted process of recalibration (functional, distributive, normative and institutional), the welfare states in Central and Eastern Europe and in the Russian Federation are called to face a double burden of responsibilities: they must ensure protection against old and new social risks for a larger proportion of citizens than those in the West, while, simultaneously, dealing with the most serious social, economic and political challenges stemming from the transition.*

## Keywords:

Russian Federation, socio-economic transformation, varieties of capitalism, Central and Eastern Europe, new social risks, post-communist transformation.

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## Introduction

This article investigates the most recent socio-economic transformations occurring in post-communist countries taken as example the cases of Central and Eastern Europe<sup>2</sup> (CEE) and of the Russian Federation. It also provides a sufficient overview of the new social risks emerging in these transition economies. The investigation is structured around three crucial questions. Section One aims to respond to the question of what kind of systemic problems (from now onwards *strukturprobleme*<sup>3</sup>) characterize post-communist capitalism(s). Section Two addresses the issue of what kind of social structure is developing, while Section Three deals with the question of what kind of new social risks are emerging.

The reason why finding an adequate response to these questions is crucial depends on three principal factors. Firstly, systemic deficiencies present in the economic environment can greatly influence the social structure of a country. Secondly, these deficiencies contribute, at the same time, to the emergence of specific new social risks. Thirdly, they also determine the subsequent welfare state responses. As it is well known, the transition from communism to capitalism has implied huge social costs in both CEE and in the Russian Federation. GDP dropped severely, many state-owned enterprises collapsed, several million workers lost their jobs, the paternalistic system of social protection was, to a large extent, dismantled, and, as a result, poverty rates and income inequality dramatically increased with a large proportion of the population now living below the poverty threshold (Cerami 2006a, 2006b, 2009; Cook 2007; Manning and Tikhonova 2009).

An enormous transformation, however, occurred not only in the economic sphere, but also in the

relationship between the *state*, the *market* and the *society*. In the immediate aftermath of 1989, new ideas, interests and institutions had to be quickly introduced<sup>4</sup>. A new social contract, no longer based on one-party rule and full-employment, had to be established with the citizens, whereas, in order to put the new social contract in action, new feasible institutions and interests had to be developed. This implied a process of *functional, distributive, normative* and *institutional recalibration*<sup>5</sup> in which the functional prerogatives, distributive objectives, normative foundations and institutional structures of these communist systems had to be adjusted to the post-communist environment. As highlighted by several authors, communist ruins represented, in this context, the main institutional material in which the new societies could be built (Offe 1996; Crawford and Lijphardt 1997; Stark and Bruszt 1998; Ekiert 2003). In other words, a *recombinant transformation* of ideas, interests and institutions took place (Cerami forthcoming).

This study is based on the assumption that the *strukturprobleme* of contemporary capitalism(s), changes in social structure and emergence of new social risks are not unrelated issues, but elements strictly linked together. The main hypothesis, which will then be tested in the following sections, is that due to more drastic systemic structural changes occurring in post-communist societies, more intense and more diversified *strukturprobleme* are taking place in transition economies than those present in the West. These are resulting in faster changes in social structure as well as the emergence of broader new social risks types and groups. If this is the case, then post-communist welfare states are in front of a double burden of responsibilities. On the one hand, they will be called to ensure citizens both against old and new social risks, as Western welfare states are also required to do, while, on the

<sup>2</sup>The countries of Central and Eastern Europe included in this article are Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia.

<sup>3</sup>In the course of this research the German word *Strukturprobleme*, as introduced by Claus Offe (1973, 2006), instead of the English translation "structural problems" will be used. "Structural problems" tend, in fact, to have a different meaning from the original German translation, which more clearly makes reference to "problems of the structure" (or systemic problems).

<sup>4</sup>For the role played by ideas, interests and institutions in the process of institutional change, see Hall (1997).

<sup>5</sup>The concepts of functional, distributive, normative and institutional recalibration have been introduced by Ferrera et al. (2000) and Ferrera and Hemerijk (2003) to describe the changes that contemporary welfare systems are facing. According to the authors, not only an institutional recalibration is taking place in western welfare states, but also a recalibration of the main welfare functions, distributive aspects and basic norms. Recalibration, as a result, is described as an on-going process of domestic lesson-drawing associated to cross-national social learning (see also Hemerijk 2006).

other hand, they will also be forced to intensify their efforts in order to deal with the more severe problems stemming from the transition.

### What Kind of *Strukturprobleme* Characterize Post-Communist Capitalism(s)?

This section aims to improve understanding of the main *strukturprobleme* of post-communist capitalism(s). On the basis of Claus Offe's reflections (Offe 1973, 2006), the *strukturprobleme* of modern capitalism(s) may involve three distinct dimensions: political, economic, and societal<sup>6</sup>. In the political dimension, the main *strukturprobleme* of contemporary capitalism(s) concern the *system-stabilizing* capacity of political institutions, in the economic dimension, they concern the *economic capacity and performance* of firms and markets, while, in the societal dimension, they concern the *social integration capacity* of political, economic and societal institutions. For the sake of brevity, only the key elements for each distinct dimension will be highlighted. What is important here to note is that even though no country is immune to systemic problems, in the specific case of transition economies, due to the still uncompleted process of consolidation of democratic institutions, these *strukturprobleme* are likely to have more serious destabilizing consequences. In this context, a crucial question concerns not simply the link that exists between short-term economic achievements of a nation and stability of its democratic institutions, as the supporters of *modernization theory* would emphasize (see Lipset 1959; Zapf 1960, 1994, 2002), but also the long-term political legitimacy of the system, as well as the preservation of mass loyalty to the newly-established institutions. This will depend, on the one hand, on the political capacity to manage societal conflicts, while, on the other, to find a response to the new social risks.

#### *Political Dimension*

In the political dimension, the main *strukturprob-*

*leme* of post-communist capitalism(s) concern the *system-stabilizing capacity* of political institutions. This primarily involves the organization and conflict capacity of political institutions to: (i) address internal challenges; (ii) stabilize unstable economies; (iii) manage societal conflicts while finding a response to the emerging new social risks; (iv) ensure mass loyalty and political legitimacy to the system; (v) permit effective interest representation (trade unions' and civic society's organization and conflict capacity); and (vi) deal with the exogenous forces of European Integration and globalization.

*Addressing internal challenges* in an effective way has probably been the most difficult task that post-communist governments have been called to face. Disintegrative processes initiated with the fall of the Berlin Wall have clearly not disappeared overnight, but have produced long-lasting consequences to the stability of the political systems recently introduced. In fact, even though recent studies (Vanhuyssse 2006) have shown how violent protests have almost been absent in CEE (but not in Russia) during the entire period of transition, the presence and, depending on the periods of crisis, the increasing support for extreme-right or ultra-nationalist political formations (see Shenfield 2001; Mudde 2005) clearly represents a serious threat to these modern democracies. The 2005 and 2006 annual reports of the *European Monitoring Centre on Racism and Xenophobia* (EUMC 2005, 2006) highlighted, for instance, not only a worrying lack of systematic data collection concerned with racist crimes in the region, but also, in some cases, that even a general upward trend was taking place. In the Russian Federation, although no accurate information is available, the newspapers continuously report aggressions against minorities or vulnerable groups. In 2005, these corresponded to at least 28 people killed and 366 assaulted (BBC News 2006).

*Stabilizing unstable economies* would, probably, be the best way to avoid undemocratic drifts. According to the well-known argument of Lipset

<sup>6</sup> Arguably, the systemic problems of contemporary capitalism(s) can also have a "cultural" dimension, which concerns the specific "Wirtschaftskultur" (economic culture) or "Wirtschaftsstil" (economic style) of a country, as highlighted by the German economist Sombart (for an up-to-date discussion, see Backhaus 2003). Due to the impossibility to conduct a thorough investigation at the micro-level of the citizens' and firms' economic preferences and behaviour, only the key elements of the abovementioned three distinct dimensions will be highlighted in the course of this article.

(1959: 56) "the more well-to-do a nation, the greater the chances it will sustain democracy". Other more recent versions of *modernization theory* have called attention to the redistributive impact of the nations' economic achievements (see Zapf 1960, 1994, 2002; Vanhanen 1997; Przeworski et al. 2000; Przeworski 2005). For Przeworski (2005), the probability that a democracy survives rises steeply not in terms of GDP growth, as previously emphasized, but rather in terms of per capita income. Despite the possible criticisms concerned with *modernization theory*, in CEE and in the Russian Federation economic instability has been associated with political instability, with left- and right-wing coalitions that have rarely survived the duration of one legislature (Cerami 2006a, 2009) and, even when it happened, such as in the case of Putin's Russia, questions about the democratic quality of the system have been raised (Shevtsova 2003; Politkovskaya 2004; Eicher and Beichelt 2006).

*Managing societal conflicts while finding a response to new emerging social risks* becomes, in fact, a much more difficult political exercise when governments are facing a moment of severe economic instability. Which were, in this context, the main political and policy strategies put in place by governments in order to deal with the new challenges? In a path-breaking but also highly contestable work, Vanhuyusse (2006) argues, for instance, that some governments in these regions (notably in Hungary and Poland) pursued a *divide and pacify strategy*. According to the author, the hidden aim of politicians and policy-makers was that of dividing workers by sending them out of the labour market while simultaneously pacifying them by granting access to early-retirement policies and generous unemployment benefits. Unquestionably, while a "pacify strategy" certainly took place in Eastern Europe (but not in Russia where the workers' requests have systematically remained unheard), then it has still to be clarified whether the part concerning the "divide strategy" was an intended, or rather an unintended, outcome of policies that simply aimed at preventing the return to an authoritar-

ian system.

*Ensuring mass loyalty and political legitimacy to the system* cannot be simplified as a matter of paying social benefits to the most vulnerable groups present at a determined moment in time, but must be understood in terms of a long-term strategy that takes into account the systemic problems of a capitalist society. These *strukturprobleme* go beyond temporary situations of economic vulnerability and cannot be explained only in terms of economic performance. Can long term mass loyalty and political legitimacy be ensured by simply dividing and pacifying people, while reimbursing them with a low quality of life and extremely limited living standards? Clearly not and this for the simple reason that the construction of political consensus is a highly unstable process which has material, but also normative foundations. It is based not only on minimum income protection, or on the perception that an authoritarian alternative would be more damaging to the individual's own interests (Przeworski 2005), but also on the moral aspirations of citizens. Individuals could decide to renounce some of their interests and benefits in the light of higher moral values, such as the refusal of racist attitudes, solidarity towards more vulnerable groups or other less rational choice oriented elements (see Inglehart 1997).

*Permitting effective interest representation* could, for example, be another element that would make democracies more attractive to autocracies. Ensuring effective interest representation in transition economies has, however, been an uncompleted and mutilated process. Even though, tripartite consultations have played a crucial role during the entire process of transition by facilitating the introduction and continuation of reforms, mediating different interests and needs (Ladó 2003), actors in Eastern Europe, however, have lacked the capacity of being true corporatist actors in both policy formation and implementation. Priority was, in fact, very often given to macro-economic stabilization measures. In this context, *state-led corporatism*

<sup>2</sup>Opponents of modernization theory have criticized its simplicity in explaining extremely complex and problematic processes of social and institutional change. Modernity has, in fact, too often become synonymous of the West, while the existence of other, different forms of modernity has systematically been neglected or underestimated (Ettrich 2005). In addition, while emphasizing processes of differentiation and rationalization, modernization theory has not paid serious attention to the self-destructive mechanisms that may exist in capitalist societies (Offe 1986).



(Schmidt 2006) or, to use Ebbinghaus' typology, a *consultation model of social governance* (Ebbinghaus 2006) has been the main characteristic of the Central and Eastern European model of post-communist interest representation (Cerami forthcoming). In the Russian Federation, by contrast, due to the presidential (or super-presidential) character of the political system (see Eicher and Beichelt 2006), *unilateral state intervention* (see Ebbinghaus 2006) seems to have been the main model of social governance. As it happened during communism, tripartite consultations were, in fact, highly subjected to the reasons of the state (or the President).

*Effectively dealing with the exogenous forces of European Integration and globalization* can also be mentioned as an important factor for the system-stabilizing capacity of political institutions. CEE countries largely benefited from the direct and indirect support of EU institutions, which helped them to find an immediate place in the EU 15 (now EU 27) as well as benefitting them through an increase in trade, which had, in turn, an indirect effect in diminishing the economic vulnerabilities of these small economies in the global arena. In the case of the Russian Federation, however, the impact of EU institutions was clearly more limited due to the obvious different geo-political context. Restructuring the Russian economy was also a much more difficult task due to the size of the country, which multiplied its economic vulnerabilities making policy responses less effective. It comes, then, as no surprise that the democratization process was and still is more difficult to complete in the Russian Federation than in Eastern Europe.

#### *Economic Dimension*

In the economic dimension, the main strukturprobleme primarily concern the *economic capacity and performance* of firms and markets in dealing with endogenous and exogenous pressures. These involve: (i) the macro-economic vulnerabilities of markets; (ii) the companies organization and conflict capacity to deal with the challenges coming from national and international markets; (iii) the development of new *institutional complementarities* able to produce *comparative institutional advantages* in the post-communist environment;

(iv) the reduction of regional and local disparities (existence of regional and local capitalisms); and (v) corruption and clientelism as self-destructive mechanisms.

Undeniably, the now open economies of Eastern Europe and Russia are characterized by more intense *macro-economic vulnerabilities* than those usually identified in Western countries (see Scharpf and Schmidt 2000). The collapse of the central planned economy has coincided, in fact, not only with the collapse of the industrial organization, in force for more than forty years, but has exposed these emerging markets to a more severe global competition to which they were, for structural reasons, not ready for. Industrial production and employment rates dramatically decreased, while inflation and poverty rates systematically increased in CEE and with a even higher intensity in the Russian Federation. Even though a stable economic recovery seems to be observable or predicted in the near future (more clearly for Eastern Europe than for the Russian Federation), questions about the long-term economic and social performance of these countries must still be raised (Hanson 2003; Simai 2006). Economic and industrial restructuring is, in fact, an extremely complex and long process of *institutional recalibration*, which depends not only on the successful actions of policy-makers to deal with internal structural problems, but also on the actions and eventual speculations of foreign investors, whose contributions, more often than not, have worsen the country's own vulnerabilities. In Eastern Europe and in the Russian Federation, foreign speculators have, voluntarily or not, contributed to the increase of inflation rates by buying and selling huge amount of currencies in periods of crisis, as well as, as in the case of big international supermarket chains, altering the equilibrium of the prices of products.

The *firm's organization and conflict capacity* to deal with the challenges coming from national and international markets was clearly more limited in CEE and in the Russian Federation than in Western Europe. Companies in post-communist countries were, in fact, robustly attacked and put under pressure by more competitive Western firms and products, which found it easy to alter the false stability

established by the communist planners. Only a few "communist" brands survived the shock of transition, and among the most successful almost none survived takeovers from Western firms. Just to quote a few examples, the East German beer Radeburger, the *Vita Cola*, the fp6 cigarettes and the Czechoslovak car producer SKODA are now in the hands of foreign investors. The *Trabant*, once the most well known family car of communist citizens, has now completely disappeared from the production and has now become an object for collectors and nostalgia of the communist era. The negative results of the balance of payments speaks clearly in this context. Exception for the Czech Republic and the Russian Federation<sup>8</sup>, all Eastern European countries showed in 2005 still negative signs (see Table 1).

A way to reduce these shortcomings could be linked to the development of new *institutional complementarities*<sup>9</sup> able to produce *comparative institutional advantages* (see Hall and Soskice 2001) in the post-communist environment. Unfortunately, with the collapse of the central planned economy the set of existing *institutional complementarities* in force during communism also collapsed. The communist economic system was highly integrated and strong ties existed among all economic sectors. Financial, industrial and labour market institutions were not separate entities, but were fully part of the central planned economy. It comes then as no surprise that once the command economy collapsed, post-communist countries found themselves unprepared in the new open environment. The process of capitalist conversion meant, in fact, a drastic recalibration of the once established institutional structures and associated ties. Rigid financial markets had suddenly to be replaced by more flexible financial markets. Flexible labour markets had also to be introduced practically by dictation. As a result of this difficult process of adaptation, the mobilization of resources and the creation of new businesses,

**Table 1 Resource Balance  
(Exports of Goods and Services Mio. USD)**

	<b>2005</b>
Bulgaria	-4589
Czech Rep.	2546
Estonia	-422
Hungary	-1325
Latvia	-1280
Lithuania	-1705
Poland	-764
Romania	-7927
Russian Federation	103571
Slovakia	-2129
Slovenia	-212

Source: World Bank 2007, *Country At a Glance*

which in return would have sustained the demand, were, even though rapid, not effective at all.

The *reduction of regional* and local disparities has also become a priority for the *economic capacity and performance* of firms and markets. The Central and Eastern European and Russian economies are, in fact, still characterized by the existence of very distinct levels of regional and local socio-economic development. The presence of different regional and local capitalisms (see Crouch et al. 2004) seems to apply for the Eastern part of Europe, probably, much more than for the West. Several studies have, in fact, emphasized the presence and the reproduction over time of these disparities (European Commission 2005a; World Bank 2005). In all Eastern European countries and in the Russian Federation, urban areas are not only still much more developed than rural areas, but also have a faster degree of development in comparison to the catch-up processes of rural areas (EFILWC 2006a).

The emergence of *corruption and clientelism as self-destructive mechanisms* can also be mentioned as a further example of the *strukturprobleme* that characterize post-communist capitalism(s).

<sup>8</sup>Please note that the positive results of the Russian balance of payments can be attributed to the massive devaluation of the currency which took place in 1998. The exchange rate changed from 6 to approximately 25 roubles to the US dollar.

<sup>9</sup>In the Variety of Capitalism (VoC) account (see Hall and Soskice 2001), "two institutions can be said to be complementary when the presence of one increases the efficiency of the other" (Amable 2003, p.6), thus, resulting in a comparative institutional advantage. For example, "flexible labour markets may be more efficient when financial markets allow for a rapid mobilization of resources and creation of new businesses that in return sustain labour demand" (ibid.). The key question here is to what extent do changes in one sphere of political economy influence or stimulate change in another sphere (Hall 2006, p. 191)?

Although the emergence of specific forms of clientelism is not an invention of the West, but rather a heritage of the communist past, where in order to deal with the shortages caused by central planning, "second" and "informal" economies emerged almost everywhere in the region (see, for instance, Szélenyi 1988; Hankiss 1991; Szalai 2005), clientelist relations, that once served to ensure legitimacy for a system unable to provide material support for all

citizens and for these functional reasons tolerated by the communist nomenklatura, now contribute to its own disintegration. The *Transparency International Corruption Perceptions Index*<sup>10</sup> for the year 2006 ranks these countries from the 24<sup>th</sup> place in the case of Estonia to the 84<sup>th</sup> in the case of Romania and up to the 121<sup>st</sup> in the case of the Russian Federation (Table 2).

**Table 2 Transparency International Corruption Perceptions Index**

Country Rank	Country	2006 CPI Score
24	Estonia	6,7
28	Slovenia	6,4
41	Hungary	5,2
46	Czech Republic	4,8
46	Lithuania	4,8
49	Latvia	4,7
49	Slovakia	4,7
57	Bulgaria	4
61	Poland	3,7
84	Romania	3,1
121	Russia	2,5

Corruption Perception Index scores relates to perceptions of the degree of corruption as seen by business people and country analysts, and ranges between 10 (highly clean) and 0 (highly corrupt) (Source: Transparency International web-site. URL: <http://www.transparency.org/>).

### *Societal Dimension*

In the societal dimension, the main *strukturprobleme* of post-communist capitalism(s) concern the social integration capacity of political and economic institutions. From a societal point of view, the transition from a planned to a market economy could be described in terms of a "social implosion". The major societal changes here have involved three main areas: (i) the *social inclusion*, (ii) the *life chances* and (iii) the *quality of life* of citizens.

In terms of *social inclusion*, post-communist countries have witnessed a rise in poverty, income inequality, social fragmentation, as well as in material, cultural and social deprivation. According to the most recent World Bank estimations (poverty threshold of 2 US dollars a day), even though 40 million people have moved out of poverty as a whole, in the Central and Eastern European and CIS region, more than 60 million still remain poor, while more than 150 million are addressed as being economically vulnerable (World Bank 2005, p. 2). Social exclusion has also drastically increased.. The poor

<sup>10</sup>Corruption Perceptions Index scores relate to perceptions of the degree of corruption as seen by business people and country analysts, and ranges between 10 (highly clean) and 0 (highly corrupt) (Source: Transparency International web-site. URL: <http://www.transparency.org/>).

are not only more often excluded by the labour market, but also face more difficulties in establishing a decent social life. Material, cultural and social deprivation, certainly not absent even before the fall of the Berlin Wall, have now drastically increased (Simai 2006). Recent studies on intergenerational transmission of poverty conducted in Bulgaria, Estonia, Lithuania, Poland and the Russian Federation (Manning and Tikhonova 2004; Profit 2005a, 2005b) show, for instance, how poverty has now a much more self-perpetuating character than it had during communism, where belonging to, or not, the nomenklatura was the main means of transmission of inequalities.

In terms of *life chances*, the increase in mortality, drugs and alcohol abuse, infectious diseases, and suicides is one of the main concerns following the dissolution of the Iron Curtain. Statistics provided by the *World Health Organization* show that mortality rates, which have now diminished in CEE from an average of 1120 per 100 000 inhabitants in 1989 to 971 in 2005, are steadily increasing in the Russian Federation from 1160 in 1989 to 1510 in 2005. Alcohol abuse has also grown as a result of transition. In CEE countries, for example, the pure alcohol consumption (litres per capita) has increased from 8.7 in 1989 to 9.3 in 2005, while in the Russian Federation it has almost doubled (from 5.3 to 8.9). HIV/AIDS has also become a major problem. In Eastern Europe, the number of new HIV infections has increased of twenty times, from an average of 9 in 1989 (without Poland<sup>11</sup>) to 176 in 2005. In the Russian Federation, the number of new HIV infections in 2005 was 131 times higher than in 1989 (from 272 in 1989 to 35739 in 2005) surpassing many third world countries. As correctly emphasized by Zinoviev (quoted in Field and Twigg, 2000, p.5), this can now be described as a form of "self-induced genocide". Last but not least, after the shock of the first years of transition where the number of suicides increased in all countries, the number of suicides and self-inflicted injuries per 100 000 inhabitants in CEE decreased from 23 in 1989 to 19 in 2005, while in the Russian Federation, no sign of improvement (it has increased, in fact, from 27 in

1989 to 30 in 2005) is observable (WHO *Health for All Database* 2007).

In terms of *quality of life*, the major political and economic changes have implied an increase in social closure, the deterioration of family relations and traditional family ties, as well as a reduction of social networking capacity, especially for the poorest social strata, with the consequent diminution of possibilities for finding a job. Reports conducted by the *European Foundation for the Improvement of Living and Working Conditions* (EFILWC) have, in fact, not only constantly emphasized the link existent between poverty and social segregation (in some cases emphasizing also the "self-segregation" character of poverty), but have also highlighted the presence of a North-South as well as of a East-West divide (EFILWC 2004a, 2006b; Manning and Tikhonova 2004). As a consequence of these increasing economic and social gaps, not three (Esping-Andersen 1990) or four (Ferrera 1998), but rather five different "social Europe" seem to characterize the Old Continent in the most disparate areas of the individual's social life. These areas include, for example, income inequality and deprivation (EFILWC 2005a), life satisfaction and happiness (EFILWC 2005b), family, work and social networks (EFILWC 2004b, 2005c), reconciliation of work and private life (EFILWC 2006c), participation in civil society (EFILWC 2006d) as well as the social dimension of housing (European Commission 2005b; EFILWC 2006e).

#### *What Kind of Social Structure is Developing in CEE and Russia?*

In the previous section, some of the main *strukturprobleme* of post-communist capitalism(s) have been highlighted. The following section aims to clarify what kind of social structure is developing in CEE and in the Russian Federation. Dramatic changes clearly occurred in the labour structure, family and household composition, but how dramatic were these changes? The most important impact can, probably, be identified in the emergence of completely new forms of *vertical* disparities, the positions of individuals in the social class,

<sup>11</sup>In Poland the number of new HIV infections was already higher in 1989 than the normal Eastern average. It increased from 517 in 1989 to 652 in 2005.

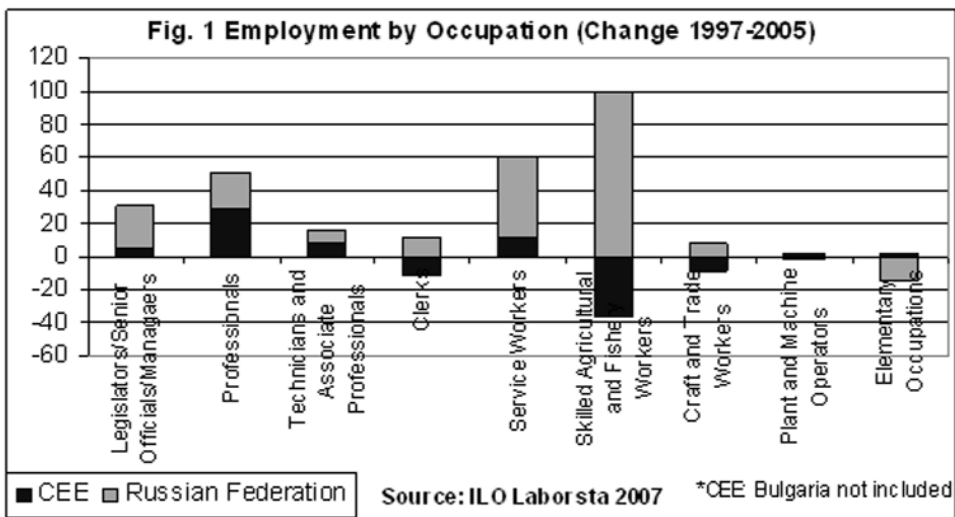
as well as in new forms of *horizontal disparities*, increasing poverty and income inequality for households.

*Labour Structure*

As far as the changes in the labour structure are concerned, these have primarily involved: (i) an increase in the number of unemployed due to the dismissal of workers in numerous state-owned enterprises; (ii) an increase in employment in the private sector (and in self-employment) due to the privatization of the central planned economy; (iii) a drastic decrease of people working in the agricultural and industrial sector only in part covered by an increase in the number of those employed in the service sector; (iv) the formation of a new managerial elite (class), formed, however, in a large part by previous administrators and technocrats (see Szélenyi 1988; Eyal et al. 1998); (v) the emergence of a new middle class, including self-employed people who work in their own enterprises, white-collar workers and intellectuals (Adamski et. al. 2001; Machonin et al. 2001; Spéder et al. 2001; Tužek 2001; György and Róbert 2003); and (vi) the dissolution of the once crucial social class of the "skilled manual workers" (Slomczynski and Mach 1997).

As a more in-depth comparison of patterns of employment according to the occupational sector shows, most recently (from 1997 to 2005), that

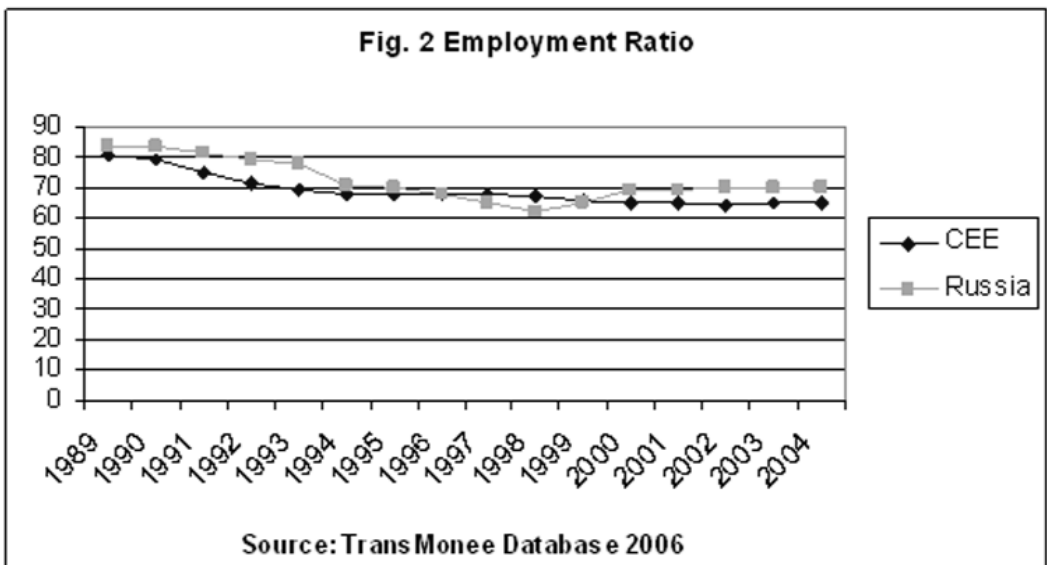
major changes have, first and foremost, involved: 1) the skilled agricultural and fishery workers whose number has doubled in the Russian Federation (+100%), but decreased by one-third in CEE (-36%); 2) professionals, whose number has increased by one-third in CEE (+29%) and by one-fifth in the Russian Federation (+22%); and 3) service workers and shop and market sales workers whose number has increased by more than one-third (+48%) in the Russian Federation, and with a lower intensity, by approximately one-tenth (+12%) in CEE. Interestingly, in the Russian Federation, the number of citizens employed as legislators, senior officials and managers have increased by approximately one-fourth (+26%) in recent years, while workers in elementary occupations have decreased by approximately one-sixth (-15%) (see Fig. 1). Used with due caution, these results lead to the conclusion that patterns of change in the labour structure have not proceeded with the same speed and intensity in Eastern Europe than in the Russian Federation, even though these two regions share the same communist legacies. CEE countries are, in fact, moving faster towards a labour structure similar to those in more consolidated Western societies (e.g. drastic reduction of farmers), while, in the case of the Russian Federation, the communist transition seems still to be underway, as the growing number of people occupied in the agricultural sector indicates.

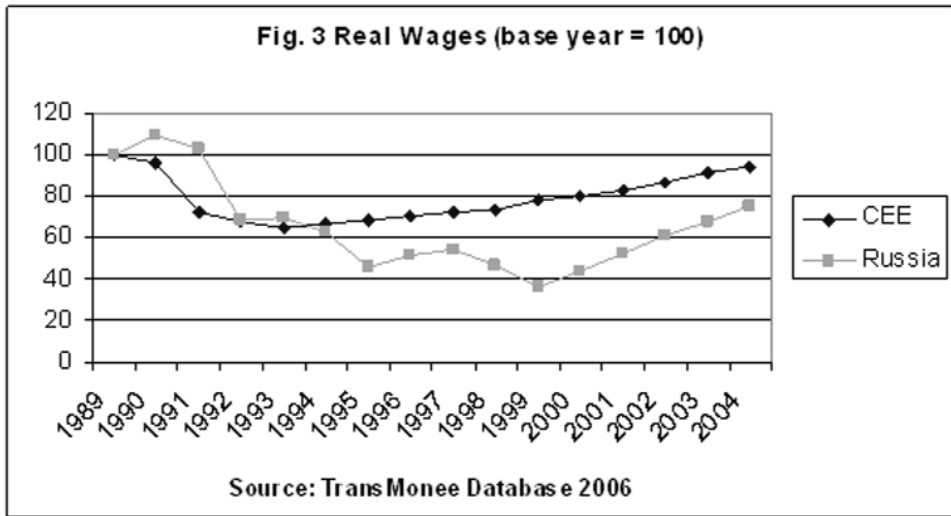


### Employment Relations

Changes in the labour structure have also resulted in changes in employment relations and, in particular, in: (a) the dismissal of life-long employment status; (b) the alteration of the relationship between work performance vs. work remuneration; and (c) the establishment of new wage gaps. Fig. 2 shows how the employment ratio (the number of employed as per cent of population aged 15-59) in CEE and in the Russian Federation has dropped from approximately 80% in 1989 to less than 70% in 2004. Despite increasing income differentiation, real wages (the income of an individual after taking into consideration the effects of inflation on purchasing power) have also declined. In 2004, only in CEE were real wages close to the value they had in 1989, while in the Russian Federation they still corresponded to 75% of the value in 1989 (Fig. 3). The "new" phenomenon of the working poor citizens has also dramatically come to the attention of the international community. A forthcoming report of the World Bank emphasizes, for instance, how this category of citizens remains the largest constituents of the poor in both CEE and Russia (World Bank forthcoming). Despite this group of workers being difficult to identify and to quantify, a seminar report prepared for the European Commission suggests

that the number in the Eastern region should be substantially higher than the 17% of self-employed people and 6% of those employed present in Western Europe (EFILWC 2004c). Wage gaps (occupational wage gap, generational wage gap, educational wage gap) have also drastically increased. If, on the one hand, this had some positive connotations, since it provided a first response to the excessive income homogeneity in force during communism, where unskilled workers and professionals earned almost the same amount of money (this also resulted in lower economic performance in absence of work incentives), excessive wage differences now exist between the *nouveaux riches* (those few people who massively benefited from the privatization of the economy) and the rest of the population who continue to suffer for the rise in living expenses. In addition to wage gaps existent between different people employed in different occupational sectors as well as between people of different ages and educational levels, there are also wage differences between men and women (the so-often quoted "gender wage gap") that, once almost nonexistent in the region, have now dramatically increased, with women now facing new forms of gender segregation (Manning and Tikhonova 2004; Pascall and Kwak 2005).





#### Family and Household Composition

With regards to the major changes that are occurring in the family and household composition, these primarily involve an increasing poverty for: (i) single-headed households; (ii) single parents; (iii) single women with children; (iv) households with unemployed, part-time or atypical workers; (v) households with elderly; (vi) households with young people; and (vii) households of the Roma minority. For these groups of people extreme poverty still represents a major and unresolved problem both in CEE and in the Russian Federation (for a brief overview, see World Bank 2005; Cerami 2006a, 2006b, 2009). Extreme poverty, however, is not the only negative outcome, social segregation is also on the increase, with a higher number of family members from these categories now formally excluded by those normal activities that were once available to the society at large (such as access to cultural events) (Manning and Tikhonova 2004; Szalai 2005). Even though these systemic changes are not very different from the ones that are taking place in other post-industrial societies, one should bear in mind that the negative repercussions tend to be multiplied by the more unstable nature of these democracies in transition. As noted by Doma?ski (2005) and Keller (2005), while during communism

withdrawal from public life and abstention from active political participation was functional to the survival of the communist system, in the post-communist environment, increasing political apathy represents a serious threat to the stability of democratic institutions since participation in public life and political participation are the foundations of modern democracies.

#### What Kind of New Social Risks are Emerging?<sup>12</sup>

As a consequence of the *strukturprobleme*, and changes to the social and political structures, it is important to identify the new social risks faced by CEE countries and the Russian Federation. The literature on new social risks primarily concerned with Western European countries (Esping-Andersen 1999; Esping-Andersen et al. 2002; Taylor-Gooby 2004; Armingeon and Bonoli 2006) identifies as the principal factors for the emergence of new social risks, the de-industrialization and tertiarization of employment, women's entry in the labour market, increasing instability of the family structure, as well as processes linked to the privatization of the welfare state. Can such factors, developed for the West, be applied *in toto* to Eastern Europe and the Russian Federation as well? Here, one important

<sup>12</sup>The reflections present in this part are based on Cerami (2008).

remark has to be made. Whereas during communism, the main risks that Eastern citizens faced were primarily related to the possibility of not finding the necessary consumables in the shops due the "economy of shortage" (Kornai 1992) or dealing with poor or the bad quality of social services, in the post-communist environment the spectrum of "new" social risks is substantially broader. New social risks include, for example, balancing paid work with family responsibilities, care for elderly parents and lacking skills (or having obsolete skills) in the labour market, as identified for the West, but also having no longer access to a secure job, pension, health care, or minimum income (Cerami 2008).

#### *New Social Risks Types: West vs. East*

According to Esping-Andersen's classification (1999, pp. 40-43), three different types of social risks can be identified in Western Europe: *class-based risks*, *life-course risks* and *intergenerational risks*. While *class-based risks* are primarily concerned with the uneven distribution of risks in the social class, *life-course risks* tend to involve their uneven distribution during the entire life of the individual. *Intergenerational risks*, by contrast, are those more directly concerned with intergenerational transmission and inheritance of chances and associated hazards. An example of *class-based risks* is the possibility of unemployment for those in a poorer social strata due to obsolete training and/or skills, where as *life-course risks* include increasing poverty for elderly or for younger generations. Finally, *intergenerational risks* include the possibility that the sons of the unemployed will face higher chances of becoming unemployed themselves. An alternative, but not very dissimilar model proposed by Kitschelt and Rehm (2006) divides new social risks in terms of *general existential risks* (those concerning the inability to work due to illness and old age), *group-specific risks I* (those concerning the obsolescence of skills due to structural changes), *group specific risks II* (those concerning the uncertain returns on higher education, e.g. of specific academic fields) and *group specific risks III*: demographic risks (those concerning the loss of earnings due to demographic reproduction, e.g. raising children).

Regardless the type of classification one decides to adopt, an important question that still has to be

clarified regards the fact of whether these new social risks types in the West really correspond to the new social risks types present in the East. Although de-industrialization and tertiarization of employment is occurring both in the West as well as in the East, the social changes associated with the restructuring of the central planned economy, and the fast emergence of a new social structure no longer based on central planning, are a phenomenon only present in Eastern European societies and Russia. Moreover, while the entry of women in the labour market can be addressed as a possible threat to already existing equilibriums present in western labour markets, this certainly cannot be the case for post-communist countries, which were already structurally characterized by higher levels of female employment. Rather, the new challenge that post-communist societies are called to face in this area of social protection seems to be concerned not with a *farewell to maternalism*, to use Orloff's metaphor (Orloff 2006), but rather with the establishment of new forms of *refamilization*.

It can, as a consequence, be concluded that in addition to the new social risks types present in Western societies, Eastern societies are also characterized by peculiar "past-dependent" *property-related social risks*, which find their origin in the restructuring of the central planned economy and in the subsequent changes occurring in the social structure. Here, the term "property" should be understood in the broadest possible sense, including not only *material capital* (such as the ownership of property assets), but also *cultural capital* (such as the impossibility of transforming educational skills developed for the communist system to skills that can be used in the post-communist environment), as well as *social capital* (such as the capacity to develop or to be part of post-communist social networks) (see Cerami 2008).

#### *New Social Risks Groups and Political Preferences*

On the basis of the considerations mentioned above, for transition countries, new social risks groups also tend to be larger and more variegated constituencies than those existent in the West. They involve, in fact, a broader spectrum of citizens, which includes the traditional categories present in



the West, such as the unemployed, women, young, elderly, handicapped, children, minorities, large families with children, single parents, single women, and working poor (Armingeon and Bonoli 2006; Kitschelt and Rehm 2006), as well as other categories of workers such as all those citizens unable to conduct a reconversion of their *material, cultural and social capital* (e.g. middle-age employees of ex state-owned enterprises, low level bureaucrats and civil servants, people out of post-communist social networks, etc.).

As it is easy to imagine, these new social risks constituencies will have distinct interests, needs, party preferences and political affiliations. The increasing number of unemployed, pensioners, young and women in part-time or atypical jobs are likely to be an important predictor for the future emergence and political strength of new welfare preferences in the region. It is, in fact, to be expected that in countries where the economic crisis has been stronger there will also be a tendency to develop stronger requests for an active management of the state in protecting against new social risks. Due to the higher number of people involved, these welfare constituencies are also likely to be stronger in Eastern, rather than in Western Europe. The clearest indicator of this trend lies, probably, with the high instability of governments, which characterizes transition countries since the first free parliamentary elections, and the use of economic and social reforms as primary determinants and reasons for governmental change (see Cerami 2006a, esp. pp. 16-29; 2008).

### Conclusions

This article has attempted to respond to the three main questions, which were at the core of the investigation. It has been argued that post-communist societies are characterized by more severe *strukturprobleme* than those usually identified for Western countries. These concern the *system-stabilizing* capacity of political institutions, the *economic capacity and performance* of firms and markets, as well as the *social integration capacity* of political, economic and societal institutions. It has also been argued that these *strukturprobleme* are associated with faster changes in the social structure, which are, in turn, resulting in the emergence of broader new social risks types and constituencies. Welfare

states in these transition economies are, as a consequence of a difficult and still unfinished process of *functional, distributive, normative and institutional recalibration*, charged with a double burden of responsibilities. They are, on the one hand, called to find an immediate response to more pressing old and new social risks, while, on the other, they are requested to deal with the challenges stemming from more drastic economic, political and societal transformations that has followed their transition towards democracy.

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# The Impact of the EU on Governance Reforms in Post-Communist Europe: A Comparison between First and Second-Wave Candidates

By Martin Mendelski<sup>1</sup>

## Abstract:

*The article aims to elucidate the variation in governance quality (administrative and judicial quality) among those post-communist countries which were granted EU membership in the late 1990s. It is argued that the differences in governance development between the more advanced first-wave EU candidates (Luxembourg group) and the less advanced second-wave EU candidates (Helsinki group) cannot be solely explained by historical domestic factors (pre-communist and communist legacies), but by more recent and external factors, such as EU conditionality. The impact of the EU on governance quality is revealed in an indicator-based comparative analysis, which yields two main findings. First, EU conditionality had a stronger impact on governance quality in the Helsinki group than in the Luxembourg group. Second, despite a substantial impact on the formal and efficiency-related aspects of governance, persisting structural and power-related aspects exposed the limits of EU conditionality.*

## Keywords:

Europeanization, EU conditionality, governance reforms

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## 1. Introduction

Transition from communism to capitalism had an uneven development. A short glimpse at some institutional and economic indicators (e.g. from World Bank, the EBRD etc.) at the end of the 1990s reveals a more or less clear variation between "first-wave" and "second wave" EU candidate countries. The former, also labeled as the "Luxembourg group" (Czech Republic, Estonia, Hungary, Slovenia, Poland) started accession negotiations two years earlier because they were in general more advanced than the latter, the less developed "Helsinki group" (Bulgaria, Latvia, Lithuania, Slovak Republic, Romania)<sup>2</sup>. Why did the Luxembourg group until recently have for many years a higher institutional (governance) quality than the Helsinki group? What explains variation in governance quality among post-communist transition countries and what explains the recent catch-up of the laggards?

Several authors try to explain variation by emphasizing the difference in historical and institutional legacies. They point to the incompatibility of Western-type institutions with pre-communist institutions and claim that this incompatibility increases transaction costs and makes the enforcement of the new laws more difficult, resulting in a slower institutional change<sup>3</sup>. Their argument is basically that the German or Habsburg legacy is more beneficial for economic and institutional performance than the legacies of the Ottoman or Russian Empires. It is, however, hard to prove such claims because it is difficult to tell whether pre-communist legacies persisted, especially when we additionally consider communist legacy<sup>4</sup> or post-communist developments. Because institutional quality is a complex and interrelated process, monocausal explanations which focus only on historical legacies and ignore the recent history or future developments are not sufficient to provide the answer. The recent catch-

up of the less advanced Helsinki group (which had the "less beneficial", mainly Russian or Ottoman historical legacy) speaks clearly for the importance of recent factors, for instance the impact of the European Union.

In this article I argue that that the recent improvement of judicial and administrative quality (or governance) was driven by EU membership, which was conditioned on the fulfillment of democratic, economic and institutional (administrative) requirements. The argument of EU-driven governance reforms is less convincing for first-wave countries, which to a great extent reformed their institutional framework already in the early 1990s and had a sufficient governance quality already by the mid 1990s. Since the involvement of the EU the less advanced countries from the Helsinki group caught-up and developed faster than the advanced Luxembourg group countries. I compare the recent governance development of both groups and demonstrate that EU conditionality had on average a stronger impact on the former laggards from the Helsinki group. I also demonstrate that the impact on governance (and especially administrative) reforms was limited as improvement concerned more formal and efficiency-related aspects and less structural power-related aspects. My comparative and historical grounded analysis contributes to the debate on institutional change during transition by highlighting the importance of a more differentiated approach which includes the interplay of different factors (e.g. structural legacies, domestic factors and the EU as an external actor) and different levels of analysis (formal and informal institutions). This analysis shows that communist legacies played a role mostly at the beginning of post-communist transition. It equally shows that the effect of EU conditionality is diffused and depends on the domestic conditions of each country, as well as of the subsector in focus.

<sup>2</sup> I excluded the candidate countries Cyprus and Malta from both groups and from the analysis because they are not post-communist countries.

<sup>3</sup> Valentina. P. DIMITROVA-GRAJZL, *Essays on the Historical and Current Institutional Development of South East and Central European States*, Dissertation, 2006, <https://drum.umd.edu/dspace/bitstream/1903/3403/1/umi-umd-3216.pdf>; Carsten GOEHRKE/Seraina GILLY, *Transformation und historisches Erbe in den Staaten des europäischen Ostens*, Bern: Peter Lang Verlag, 2000; Stephan M. PANTHER, "Cultural Factors in the Transition Process: Latin Center, Orthodox Periphery?", in: Jürgen G. BACKHAUS/Günter KRAUSE (eds.), *Issues in Transformation Theory*, Marburg: Metropolis, 1997 p. 95-122; Jan WINIECKI, "Determinants of Catching Up or Falling Behind: Interaction of Formal and Informal Institutions", in: *Post-Communist Economics*, 16 (2004) 2, pp. 137-152; Svetozar PEJOVICH, "Toward a Theory of the Effects of the Interaction of Formal and Informal Institutions on Social Stability and Economic Development", *Freiburger Diskussionspapiere zur Ordnungsökonomik*, 1998 (2). Douglass C. NORTH, *The Contribution of the New Institutional Economics to an Understanding of the Transition Problem*, WIDER Annual Lectures 1, 1997.

<sup>4</sup> Ken JOWITT, "The Leninist Legacy", in: Ken Jowitt (ed.), *New World Disorder: The Leninist Extinction*, Berkeley: University of California Press, 1992, pp. 284-305.

The paper is structured as follows. The second section discusses the role of pre-communist legacies for governance quality and shows how pre-communist institutions and actors, despite certain continuities in some countries, were to a great extent replaced by imported institutions from the West (before World War I) and especially by communist institutions (after World War II). These two institutional ruptures at critical junctures produced distinct communist legacies which produced different starting conditions at the beginning of transition. Due to the "positive" (i.e. modernizing, capacity increasing) and negative effects (i.e. politicization) of communism these initial conditions were not always worse for Ottoman successor countries. The third section argues for the need to include the EU as an external and non-historical driver of governance reforms in recent years. It answers how (mechanisms of Europeanization) and under which conditions the EU generates institutional change in candidate countries and reveals empirically when and where (i.e. in which candidate countries and on which dimensions on governance) reforms were successful. The last section concludes.

## 2. The role of historical legacies for governance quality

With regard to pre-communist institutional legacies, different types of legislative and administrative systems can be identified in pre-communist Central and Eastern Europe (CEE). A more favorable Habsburg judicial and administrative system - in general relative efficient, and less corrupt, based on an effective legal system<sup>5</sup> - was present in the Czech Republic, Slovakia, Hungary, Slovenia and parts of Romania (Transylvania, Banat, Bukovina) and Poland (Galicia). Additionally, the favorable Prussian-German administrative system was installed in the

Western parts of Poland. In contrast, the Baltic States were under the influence of the Russian administrative system, which despite the importance of the law, was characterized by close relations between politics and civil service, strong centralisation and hierarchy<sup>6</sup>.

After independence from Russia in 1918/1920, the Baltic States borrowed legislative and administrative institutions from Western Europe, particularly from Germany<sup>7</sup>. Bulgaria and parts of Romania (Moldavia, Wallachia) inherited the less favorable administrative and judicial system from the Ottoman Empire which in its final centuries was characterized by a huge, badly paid and inefficient bureaucracy, corruption, and low enforcement of legislation<sup>8</sup>. Briefly and simplistically stated, one could argue that the differences in historical legacies reflect the variation during transition. Such an argument, which was used until recently<sup>9</sup>, was facilitated by the inferior institutional and economic development of non-Habsburg successor countries. Can the different pre-communist institutional legacies account for the diverse institutional performance of first and second-wave countries during the last two decades?

The answer on the importance of pre-communist legacies depends upon the degree of institutional break with the Ottoman, Russian and Habsburg institutions and the subsequent penetration of the following ones. In this regard, we have to consider that already at the turn of the 19th century a formal institutional break from the former Empires had occurred, which can be considered a critical juncture<sup>10</sup>, especially for formal institutional development. This transition was accompanied partly by changes in personal structures but in general less by a deep and structural modernization. Central and

<sup>5</sup> Barbara JELAVICH, *A History of the Balkans, Eighteenth and Nineteenth Centuries*, Volume 1, Cambridge: Cambridge University Press, 1983; Robert A. KANN, *A History of the Habsburg Empire, 1526-1918*, Berkeley: University of California Press, 1974.

<sup>6</sup> Barbara LIPPERT/ Gaby UMBACH, *The Pressure of Europeanisation: From Post-Communist State Administrations to Normal Players in the EU System*, Baden-Baden; Nomos, 2005, p. 63.

<sup>7</sup> Stanley VANAGUNAS, *Civil Service Reform in the Baltics*, paper prepared for presentation at *Civil Service Systems in Comparative Perspective*, School of Public and Environmental Affairs, Indiana University, Bloomington, Indiana, April 5-8, 1997.

<sup>8</sup> David SUGAR, *Southeastern Europe under Ottoman Rule, 1354-1804*, Seattle, London: University of Washington Press, 1977;

Bernard LEWIS, *What Went Wrong? Western Impact and Middle Eastern Response*, New York: Oxford University Press, 2002;

Carter V. FINDLEY, *Ottoman Civil Officialdom: A Social History*, Princeton: Princeton University Press, 1989.

<sup>9</sup> Valentina. P. DIMITROVA-GRAJZL, *Essays on the Historical and Current Institutional Development of South East and Central European States*, Dissertation, 2006, <https://drum.umd.edu/dspace/bitstream/1903/3403/1/umi-umd-3216.pdf>; Jan WINIECKI, "Determinants of Catching Up or Falling Behind: Interaction of Formal and Informal Institutions", in: *Post-Communist Economies*, 16 (2004) 2, pp. 137-152.

<sup>10</sup> Ruth. B. COLLIER/David COLLIER, *Shaping the Political Arena: Critical Junctures, the Labor Movement, and Regimes Dynamics in Latin America*, Princeton: Princeton University Press, 1991, p. 29; Barbara JELAVICH, *A History of the Balkans, Eighteenth and Nineteenth Centuries*, Volume 1, Cambridge: Cambridge University Press, 1983; Paul PIERSON, *Politics in Time: History, Institutions, and Social Analysis*, Princeton: Princeton University Press, 2004, p. 51.



Eastern European Countries (CEECs) had become independent nation states and had to build up new independent structures (legal system, administrative system). During this transition process native civil servants replaced the former Russian judicial and administrative officials in Poland and the Muslim ones in Bulgaria<sup>11</sup>. In contrast to Ottoman successors, Habsburg countries did not have to replace so many civil servants and judges as they had mainly employed native personal. This fact contributed to a more pronounced elite and personal continuity in Habsburg territories<sup>12</sup> and indicates a less pronounced break with the pre-communist legacy.

However, in all countries a formal institutional change occurred, which implied the transplantation of institutions and practices from more advanced Western Europe. In order to strengthen national unity and power, the newly established states (e.g. Bulgaria, Romania, partly also Poland) were centralized and bureaucratized<sup>13</sup>. The formal institutional change was however weaker in the countries with Habsburg legacy. In Hungary, for instance, legal continuity could be upheld until 1945.<sup>14</sup> Although CEECs succeeded often to copy Western legal systems and import formal institutions, they were not able to fully catch up with regard to economic development and informal institutions. This is why some scholars claim that only forms without content were imported<sup>15</sup>. In general, institutional reforms were more successful in former Habsburg states than in Ottoman successor states<sup>16</sup>. Especially

Bulgaria and Romania had to deal with difficult structural and economic conditions and lack of qualified staff<sup>17</sup> which lead to an insufficient implementation of newly imported institutions and superficial modernization<sup>18</sup>. Such a formal institutional change of a small group of elites makes it probable, that informal institutions and former administrative practices (especially at the countryside) could persist during the first decades after the breakdown of the two Empires<sup>19</sup>.

The second and much more intensive institutional and structural break occurred in 1945. The introduction of communism after World War II can be seen as a significant critical juncture which changed both the formal institutions (e.g. new constitutions) and the informal institutions (e.g. habits, attitudes and behavior of citizens)<sup>20</sup>. Changes of informal institutions occurred through the transformation of society structure, triggered by the emphasis on industrialization and education. Inefficient structural patterns manifested in a strong bureaucratic state, the separation between state elites and society, corruption and the evasion of law. Indoctrination and totalitarian control led to defensive and reverse effects like non-obedience of rules, non-respect of laws, distrust and double standards of talk and conduct<sup>21</sup>.

The break occurred additionally at the agency level. One reason why Ottoman, Russian or Habsburg administrative legacy could hardly persist is that for-

<sup>11</sup>On Bulgaria see Bernard LORY, *Le sort de l'Empire ottoman en Bulgarie*, Istanbul: Isis, 1985, p. 63; on Poland see Christopher HAMILTON/Wojciech ROSZKOWSKI, "Bureaucratic Poland: Organized Life inside the Maverick Society", in: Jaroslaw Piekal-kiewicz/ Christopher Hamilton (eds.), *Public Bureaucracies between Reform and Resistance. Legacies, Trends, and Effects in China, USSR, Poland and Yugoslavia*, New York: St. Martin's Press, 1992, pp. 131-178, p. 137.

<sup>12</sup>A. J. P. TAYLOR, *The Habsburg Monarchy 1809-1918. A History of the Austrian Empire and Austria-Hungary*, London: Hamish Hamilton, 1948, p. 86 and p. 185.

<sup>13</sup>Wolfgang HÖPKEN, "Zentralstaat und kommunale Selbstverwaltung in Bulgarien 1880-1910. Zum Charakter eines "Modernisierungskonfliktes", in: *Jahrbücher für Geschichte Osteuropas* 39 (1991), pp. 199-213, p. 200; R. F. LESLIE, *The History of Poland since 1863*, Cambridge: Cambridge University Press, 1983.

<sup>14</sup>Tomasz GIARO, (2006): *Modernisierung durch Transfer-Schwund osteuropäischer Rechtstraditionen*, in: Tomasz Giaro, (ed.): *Modernisierung durch Transfer im 19. und frühen 20. Jahrhundert, Rechtskulturen des modernen Osteuropa. Traditionen und Transfers*, vol. 1, Frankfurt, pp. 275-332, p. 304.

<sup>15</sup>Holm SUNDHAUSSEN, "Die "Modernisierung" der Balkanländer in vorsezialistischer Zeit: ein Mißverständnis und seine Folgen", in: Iliana GERGORI/Angelika SCHASER, (eds.), *Rumänien im Umbruch. Chancen und Probleme der europäischen Integration*, Bochum: Winkler, 1993, pp. 23-34, p. 25.

<sup>16</sup>Tomasz GIARO, (2006): *Modernisierung durch Transfer-Schwund osteuropäischer Rechtstraditionen*, in: Tomasz Giaro, (ed.): *Modernisierung durch Transfer im 19. und frühen 20. Jahrhundert, Rechtskulturen des modernen Osteuropa. Traditionen und Transfers*, vol. 1, Frankfurt, pp. 275-332, p. 313.

<sup>17</sup>Bernard LORY, *Le sort de l'Empire ottoman en Bulgarie*, Istanbul: Isis, 1985, p.77.

<sup>18</sup>Holm SUNDHAUSSEN, "Die "Modernisierung" der Balkanländer in vorsezialistischer Zeit: ein Mißverständnis und seine Folgen", in: Iliana GERGORI/Angelika SCHASER, (eds.), *Rumänien im Umbruch. Chancen und Probleme der europäischen Integration*, Bochum: Winkler, 1993, pp. 23-34.

<sup>19</sup>Bernard LORY, *Le sort de l'Empire ottoman en Bulgarie*, Istanbul: Isis, 1985 ; Wolfgang HÖPKEN, "Zentralstaat und kommunale Selbstverwaltung in Bulgarien 1880-1910. Zum Charakter eines "Modernisierungskonfliktes", in: *Jahrbücher für Geschichte Osteuropas* 39 (1991), pp. 199-213.

<sup>20</sup>Jon ELSTER/ Claus OFFE/ Ulrich. K. PREUSS, *Institutional Design in Post-Communist Societies: Rebuilding the Ship at Sea*, New York: Cambridge University Press, 1998, p. 158.

<sup>21</sup>Piotr SZTOMPKA, *Civilisational Competence: A Prerequisite of Post-Communist Transition*, 2000, p. 6. <http://www.ces.uj.edu.pl/sztompka/competence.rtf>.

mer political elites (as well as administrative and judicial bureaucrats) were abruptly eliminated after World War II<sup>22</sup>. This sudden elite change in turn changed power relations and led to new institutional choices. A consequence from such new ideological and institutional choices was the all-embracing role of the state (communist party), which used the administrative system as an "implementation machine" for its decisions or for the suppression of citizens<sup>23</sup>.

Through its central planning mechanisms and strong state control the Communist system equalized regional pre-communist administrative differences. Romania, for instance, with its inherited Habsburg regions (Transylvania, Banat, Bukovina) and Ottoman Empire ones (Moldova, Wallachia) adopted a common system which engendered uniform structural and behavioral patterns in the administrative and legal domains. Of course, regional cultural particularities remained; however, through strong centralized governance which punished dissident practices and thinking, former historical structures merged more or less into a single one<sup>24</sup>. A recent proof of this uniformity is the inquiry made by Badescu/Sum which shows that Romanians have similar opinions on democracy or levels of informal trust in all regions.<sup>25</sup> Also in Poland the interwar system and communist rule replaced most of the former bureaucratic traditions of the Russian, German and Habsburg Empires and introduced a single centralized administrative system.<sup>26</sup>

Communist legacy - the common norms and patterns of behaviour engendered by socialist ideology and planned economy- is considered to be a stumbling block on the way to market economy, capitalism and effective governance.<sup>27</sup> Communist public administrations were characterized by political influence, no consequent separation of competencies, high centralization, no precise career patterns, autocratic style, corruption and an overall low quality of bureaucracy<sup>28</sup>. Communist legal and judicial systems were described by the World Bank as follows: *"The entire purpose of the legal system under communism was to enforce the inter-ests of the working class, as represented by the communist party. Courts and judges were part of the executive branch and fully subordinated to the political leadership of the communist party. There was no idea of limited government, checks and balances, or individual or corporate rights vis-à-vis the state. The position of judge was not particularly prestigious and was often staffed on a part-time basis. Courthouses were drab and unwelcoming, designed for an inquisitorial system of criminal prosecution where the defendant was almost always found guilty."*<sup>29</sup> Communist administrative and judicial ideology had therefore many negative features, which led to deterioration in judicial and administrative independence.

<sup>22</sup> Higley and Lengyel would term such a process replacement circulation. See John HIGLEY/ György LENGYEL, "Introduction", in: John Higley/György Lengyel (eds.): *Elites after State Socialism. Theories and Analysis*, Lanham: Rowman & Littlefield, 2000, pp. 1-24, p. 6.

<sup>23</sup> Tony VERHEIJEN, "Administrative Reform: Public Administration in Post Communist States", in: Guy B. PETERS/Jon PIERRE, (eds.), *Handbook of Public Administration*, London: Sage, 2003, p. 489-497, p. 490.

<sup>24</sup> Zolt K. LENGYEL, "Politisches System und Minderheiten in Rumänien 1918-1989", in: *Zeitschrift für siebenbürgische Landeskunde*, 24 (2001) 2, pp. 190-212, p. 199.

<sup>25</sup> Gabriel BADESCU/Paul. E. SUM, "Historical Legacies, Social Capital and Civil Society: Comparing Romania on a Regional", in: *Europe-Asia Studies*, 57 (2005) 1, pp. 117-133.

<sup>26</sup> Christopher HAMILTON/Wojciech ROSZKOWSKI, "Bureaucratic Poland: Organized Life inside the Maverick Society", in: Jaroslaw Piekalkiewicz/ Christopher Hamilton (eds.), *Public Bureaucracies between Reform and Resistance. Legacies, Trends, and Effects in China, USSR, Poland and Yugoslavia*, New York: St. Martin's Press, 1992, pp. 131-178, p. 139.

<sup>27</sup> See Ken JOWITT, "The Leninist Legacy", in: Ken Jowitt (ed.), *New World Disorder: The Leninist Extinction*, Berkeley: University of California Press, 1992, pp. 284-305.

<sup>28</sup> Barbara LIPPERT/ Gaby UMBACH, *The Pressure of Europeanisation: From Post-Communist State Administrations to Normal Players in the EU System*, Baden-Baden: Nomos, 2005, p. 71. Georg BRUNNER "Verwaltungsstrukturen in den kommunistischen Einparteidiktaturen Osteuropas", in: Erk. V. Heyen, (ed.), *Die öffentliche Verwaltung im totalitären System*, Baden-Baden: Nomos, 1998, pp. 153-182, p. 161; Stanley VANAGUNAS, *Civil Service Reform in the Baltics*, paper prepared for presentation at Civil Service Systems in Comparative Perspective, School of Public and Environmental Affairs, Indiana University, Bloomington, Indiana, April 5-8, 1997.

David COOMBES, *Politics and Bureaucracy in the Modern Administrative State: Comparing Western and Eastern Europe*, in: Tony VERHEIJEN (ed.): *Politico-Administrative Relations: Who rules?*, Bratislava: NISPAcee, 2001 p. 26-44, p. 36.

<sup>29</sup> James H. ANDERSON, /Cheryl W. GRAY (2007): *Transforming Judicial Systems in Europe and Central Asia*, Washington: Worldbank paper, <http://sitere-sources.worldbank.org/INTECA/Resources/ABCDE.pdf>.

Nonetheless, communism was not a uniform experience and differed widely across communist Europe.<sup>30</sup> This diversity of "communist legacies" is best expressed in the words of Ekiert/Hanson: "...it becomes clear that the types of communist takeovers; the degrees of enforcement and institutionalization of Marxist ideology, Leninist party rule, and Stalinist economics; modalities of transition to a post-totalitarian regime; and modes of deconstruction in the final years of state socialism varied widely across the region".<sup>31</sup> This variation is also reflected in the different administrative systems, which despite a common communist approach, began to distinguish themselves as some countries started reforms in the 1980s. Poland and Hungary abolished in 1971/1972 the subordination of national soviets and of the special organs and divid-

ed local administration competencies.<sup>32</sup> Other states (Bulgaria, Romania, Baltic States) in which communist leaders remained strongly committed to central planning and authoritarian rule experienced fewer reforms, leaving the relationship between the executive and the bureaucracy (or judiciary) unchanged. Thus, in terms of political, administrative and organizational changes only few countries reformed. Yet, communism turned out to be economically beneficial for Ottoman successor states. Bulgaria's and Romania's economic and structural indicators (GDP per capita, illiteracy rates, urbanization rate) as well as the relatively high ranking of these countries in the EBRD Initial Conditions Index (see Table 1) suggests an economic and structural catch-up which was reflected in increased administrative and judicial capacity as well.

Country	Index Value
Czech Republic	3.5
Hungary	3.3
Slovenia	3.2
Slovakia	2.9
Bulgaria	2.1
Poland	1.9
Romania	1.7
Lithuania	0.0
Latvia	-0.2
Estonia	-0.4

**Table 1: EBRD Initial Conditions Index**

**Source:** *EBRD Transition Report*, 1999, p. 29.

**Note:** The initial conditions index is a weighted average of different indicators which represents the starting conditions at the turn of the 1990s. A higher the index value reflects better structural conditions at the start of transition. The structural indicators include: GDP per capita in 1989, pre-transition growth rate, urbanization rate, rate of over industrialization, endowment with natural resources, years spent under central planning, distance to the EU, trade dependence on the CMEA, macroeconomic disequilibria.

<sup>30</sup>Ed CLARK/Anna SOULSBY, "Transforming Former State Enterprises in the Czech Republic", in: *Organization Studies*, 16 (1995) 2, pp. 215-242, p. 223.

<sup>31</sup>EKIERT, Grzegorz/ Stephen. E. HANSON, "Time, Space and Institutional Change in Central and Eastern Europe", in: Grzegorz Ekiert/Stephen. E. Hanson (eds.), *Capitalism and Democracy in Central and Eastern Europe: Assessing the Legacy of Communist Rule*, Cambridge, New York: Cambridge University Press, 2003, pp. 15-48, p. 29.

<sup>32</sup>Barbara LIPPERT/ Gaby UMBACH, *The Pressure of Europeanisation: From Post-Communist State Administrations to Normal Players in the EU System*, Baden-Baden: Nomos, 2005, p. 74.

Bulgaria's governance catch-up is reflected in the data provided in the International Country Risk Guide (ICRG) from the PRS group. According to the composite governance indicator, Bulgaria had a similar level of governance as Poland and Czechoslovakia in the last years of communism. This development would speak for the importance of communist legacy, as opposed to pre-communist legacy (see table 2). On the other hand, the gover-

nance values for Hungary and Romania would speak for the persistence of pre-communist legacies. Thus, a clear verdict for or against the importance of pre-communist legacy depends on the country and period in focus. What becomes evident, however, is that similar historical legacies do not have to engender a similar institutional development in the future.

**Table 2: Composite governance quality indicator**

	1987	1988	1989	1990	1991	1992	1993
<b>Bulgaria</b>	3.67	3.67	3.33	3.33	3.33	3.67	4.00
<b>Czechoslovakia</b>	3.67	3.67	3.67	3.67	4.33	4.33	4.33
<b>Hungary</b>	4.00	4.00	4.00	4.00	4.33	4.33	4.33
<b>Poland</b>	3.00	3.00	3.00	3.00	4.00	4.33	4.67
<b>Romania</b>	1.33	1.33	1.33	1.33	2.67	2.67	3.00

Source: ICRG, PRS group

Note: The composite governance indicator is the average of three indicators (Bureaucracy Quality, Corruption, Law & Order). Higher values on a scale 0-6 indicate higher governance quality.

Pre-communist and communist legacies (or initial conditions for the transition) are important in the sense that they provided a certain continuity of political, social and economic aspects of the governance system during the first years of transition. As a consequence of more favorable or less favorable communist legacies, post-communist countries entered transition with diverse structural starting conditions. These initial conditions seem to have facilitated the transition towards market economy in the first years and laid down a different starting basis for economic and governance reforms. They were especially bad for the Baltic States which did not possess independent governance structures as they were strongly integrated in the centralized system of the Soviet Union. After their independence from the Soviet Union the Baltic States had to build

up their administrative and judicial structures almost from scratch. But this less favorable communist legacy could be overcome some years later.

To sum up, the inherited pre-communist and communist stumbling stones on the way to an efficient institutional framework and effective governance differed across post-communist countries, i.e. communist states had a considerable structural diversity, resulting in different initial conditions for economic and governance reforms. It should have become clear that administrative and judicial pre-communist institutions became less important during the communist period. I argue that the same happened for communist legacies during the last years as well. While communist legacies played certainly a role at the beginning of transition, they cannot explain

<sup>33</sup>On the role of initial conditions see Martha DE MELO/DENIZER, Cevdet/Alan GELB/Stoyan TENEV, "Circumstances and Choice: The Role of Initial Conditions and Policies in Transition Economies", World Bank Policy Research Working Paper (1998) no. 1866; FISCHER, Stanley/ Alan GELB, "The Process of Socialist Economic Transformation", in: Journal of Economic Perspectives, 5 (1991) 4, pp. 91-105; Oleh HAVRYLYSHYN/Ron VAN ROODEN, "Institutions Matter in Transition but so do Policies", IMF Working Paper no. WP/00/70, 1999.

why most countries from the Helsinki group managed to catch-up with the Luxembourg group in recent years. Besides historical legacies, non-path dependent factors, such as external influence (e.g. EU conditionality) account for the recent improvement in governance quality. In the following section, I will analyze the role of the EU as a crucial recent factor for governance reforms.

### 3. The role of the EU for governance reforms

#### 3.1 Mechanisms of Europeanization and conditionality effectiveness

The influence of international financial organizations (e.g. IMF, World Bank, Council of Europe) on governance and institutional change has been acknowledged<sup>34</sup>. While the World Bank exerted influence in sectoral projects, the IMF especially influenced macroeconomic policies.<sup>35</sup> As ten transition countries from CEE obtained a perspective to join the EU, at least from 1998/2000 onwards, the impact of EU-legislation on institutional performance should be taken into consideration. While EU impact played an important role in the institutional choices of CEEC, it would be wrong to ascribe the whole impact on governance reforms to Europeanization effects. The triggers and support for governance reforms came as well from other donors (e.g. Council of Europe, USAID), but the EU was the most important external actor. Evidence for the dominant role of the EU as the principal exter-

nal actor in CEE comes from the Official Development Assistance (ODA) database, OECD. EU financial aid accounted almost every year for more than 50% of the total aid provided by all international donors. On average the relative aid allocated by the EU was with 73% higher for the Luxembourg group than for the Helsinki group (65%), which can be explained with lower allocated financial aid to Bulgaria and Romania during this period (which however increased until 2007)<sup>36</sup>. The net sum of the ODA disbursements during 2001-2004 ranged from 245 million USD for Estonia to 2.7 billion USD for Poland. Some numbers for Phare support to Public Administrative and Judicial Capacity reform in Romania and Bulgaria reflect the financial importance of the EU. The total allocations for administrative and judicial capacity reforms between 1998 and 2006 amounted to 452 million EUR for Romania and 260 million EUR for Bulgaria.<sup>37</sup>

The central role of the EU for domestic reforms in CEE is appreciated in the Europeanization literature<sup>38</sup>. Most scholars speak of Europeanization "...when something in national political systems is affected by something European"<sup>39</sup> or as "*the impact of EU rules on domestic change*".<sup>40</sup> Domestic change as the dependent variable refers to the capacity of the EU to engender either institutional change or policy change.<sup>41</sup>

<sup>34</sup>Wade JACOBY, "Tutors and Pupils: International Organizations, Central European Elites and Western Models", in: Governance, 14 (2001) 2, pp. 169-200; Ronald H. LINDEN, Norms and Nannies: The Impact of International Organizations on the Central and East European States, Lanham: Rowman & Littlefield, 2002; Randall W. STONE, Lending Credibility: The International Monetary Fund and the Post Communist Transition, Princeton: Princeton University Press, 2002; Janine R. WEDEL, Collision and Collusion: The Strange Case of Western Aid to Eastern Europe, London: Macmillan, 1998.

<sup>35</sup>Lucian CERNAT, Europeanization, Varieties of Capitalism, and Economic Performance in CEECs, Basingstoke, New York: Palgrave Macmillan 2006, p. 127 and p. 161.

<sup>36</sup>The only exception made Bulgaria with approx. 40% in the year 2002 and 2003. Data extracted on 13 Oct 2009 10:53 UTC (GMT) from OECD.Stat.

<sup>37</sup>EU Commission 2006 Support to Public Administrative and Judicial Capacity in Bulgaria and Romania. Thematic Evaluation Report of the European Union Phare Programme

<sup>38</sup>Heather GRABBE, "How does Europeanization Affect CEE Governance? Conditionality, Diffusion and Diversity", in: Journal of European Public Policy, 8 (2001) 6, pp. 1013-1031; Frank SCHIMMELFENNIG/Ulrich SEDELMEIER (eds.), The Europeanization of Central and Eastern Europe, Ithaca: Cornell University Press, 2005; Barbara LIPPERT/Gaby UMBACH/Wolfgang WESSELS, "Europeanization of the CEE Executives: EU Membership Negotiations as a Shaping Power", in: Journal of European Public Policy, 8 (2001) 6, pp. 980-1012; Geoffrey PRIDHAM, "Romania and EU Membership in Comparative Perspective: A Post-Accession Compliance Problem? - The Case of Political Conditionality", in: Perspectives on European Politics and Society, 8 (2007) 2, pp. 168 - 188; Geoffrey PRIDHAM, "Romania and EU Membership in Comparative Perspective: A Post-Accession Compliance Problem? - The Case of Political Conditionality", in: Perspectives on European Politics and Society, 8 (2007) 2, pp. 168-188; Milada Anna VACHUDOVA, Europe Undivided. Democracy, Leverage, and Integration After Communism, Oxford: Oxford University Press, 2005.

<sup>39</sup>Maarten VINK /Paolo GRAZIANO, Introduction, in: Paolo GRAZIANO/Maarten VINK (eds.): Europeanization: A Handbook for a New Research Agenda, Houndmills: Palgrave Macmillan, pp. 1-38, p. 4.

<sup>40</sup>Frank SCHIMMELFENNIG/Ulrich SEDELMEIER (eds.), The Europeanization of Central and Eastern Europe, Ithaca: Cornell University Press, 2005, p. 1.

<sup>41</sup>Kevin FEATHERSTONE, "Introduction: In the Name of Europe", in: Kevin FEATHERSTONE/Claudio M. RADAELLI (eds), The Politics of Europeanization, Oxford: Oxford University Press, 2003, pp. 3-26, p. 7.

This becomes clear in the definitions of Europeanization.

According to Mair, Europeanization encompasses "...the penetration of European rules, directives and norms into the otherwise differentiated domestic spheres".<sup>42</sup> Radaelli's definition covers besides the formal rules also many informal ones: "Europeanisation consists of processes of a) construction, b) diffusion and c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms which are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic (national and subnational) discourse, political structures and public policies".<sup>43</sup>

In contrast to Europeanization as a two-way interaction process between member states and European institutions, Europeanization of former post-communist countries was a one-way process as they did not have a formal mechanism to influence the EU prior to accession. The EU membership negotiations were in fact a top-down process of hierarchical, "asymmetrical bargaining" in which the EU was a dominant influencing power.<sup>44</sup> That is why bargaining is in fact a misleading term as the governments of candidate countries can only bargain about transitional periods and some exceptions, but on the whole have the obligation to fulfill the fixed "Copenhagen criteria" prior to their entry. These criteria consist of stable democratic institutions (rule of law, human rights), the existence of a functioning market economy, as well as the capaci-

ty to cope with the competitive pressure and market forces within the EU, the ability to take the obligations from the membership, i.e. to adopt the *acquis communautaire*. At the Madrid Council in 1995 a fourth criterion with a similar importance was announced, namely the creation of administrative capacity<sup>45</sup> to enforce the *acquis communautaire* in practice.<sup>46</sup>

In the following section I will explain the mechanisms (how?) and the requirements of effective Europeanization in CEECs. With regard to the "how" question, conditionality is mentioned as the main Europeanization mechanism to transfer EU institutions into candidate countries.<sup>47</sup> Conditionality basically means that the EU offers membership and pre-accession support to candidate countries and, at the same time, maintains a strong pressure on the fulfillment of the accession requirements. In fact, conditionality consists of multiple conditionalities which are related to democratic, economic and administrative requirements which have to be fulfilled in order to achieve accession. However, these partial conditionalities are interrelated. Administrative conditionality is for instance linked to the democracy requirement (rule of law, reform of judiciary) and the capacity to implement the internal market *acquis*.<sup>48</sup>

Regarding administrative conditionality/*acquis* conditionality, Grabbe distinguishes between five different conditionality mechanisms through which the EU stimulates institutional and governance changes: gate-keeping (i.e. the access to negotiations and

<sup>42</sup>Peter MAIR, "The Europeanization Dimension", in: *Journal of European Public Policy*, 11 (2004) 2, pp. 337-348, p. 341.

<sup>43</sup>Claudio M. RADAELLI, "The Europeanization of Public Policy", in: Kevin FEATHERSTONE/Claudio M. RADAELLI (eds.), *The Politics of Europeanization*, Oxford: Oxford University Press, 2003, pp. 27-56, p. 30.

<sup>44</sup>Claudio M. RADAELLI, "Europeanisation: Solution or problem?", in: *European Integration online Papers (EIoP)*, 8 (2004)16, <http://eiop.or.at/eiop/texte/2004-016a.htm>. Antoaneta L. DIMITROVA, "Europeanization and Civil Service Reform in Central and Eastern Europe", in: Frank Schimmelfennig/Ulrich Sedelmeier (eds.), *The Europeanization of Central and Eastern Europe*, Ithaca: Cornell University Press, 2005, pp. 71-90, p. 71. PAPADIMITRIOU, D./PHINEMORE, D., "Europeanization, Conditionality and Domestic Change: The Twinning Exercise and Administrative Reform in Romania", in: *Journal of Common Market Studies*, 42 (2004) 3, pp. 619-639, p. 623.

<sup>45</sup>Administrative capacity refers to sectoral capacity (capacity to implement the specific areas of the *acquis*) and to a horizontal capacity (general reform of administrative structures and the judiciary system). See Antoaneta L. DIMITROVA, "Enlargement, Institution Building and the EU's Administrative Capacity Requirement", in: *West European Politics*, 25 (2002) 4, pp. 171-190.

<sup>46</sup>The relevant literature on the Europeanization of administrative reforms is: GOETZ, Klaus "Making Sense of Post-Communist Central Administration. Modernization, Europeanization or Latinisation?", in: *Journal of European Public Policy*, vol. 8 (2001) 6, pp. 1032-1051; Barbara NUNBERG, *The State After Communism: Administrative Transitions in Central and Eastern Europe*, Washington, D.C.: The World Bank, 1999; Heather GRABBE, "How does Europeanization Affect CEE Governance? Conditionality, Diffusion and Diversity", in: *Journal of European Public Policy*, 8 (2001) 6, pp.1013-1031; Barbara LIPPERT/ Gaby UMBACH, *The Pressure of Europeanisation: From Post-Communist State Administrations to Normal Players in the EU System*, Baden-Baden; Nomos, 2005, p. 178.

<sup>47</sup>See Frank SCHIMMELFENNIG/Ulrich SEDELMEIER (eds.), *The Europeanization of Central and Eastern Europe*, Ithaca: Cornell University Press, 2005.

<sup>48</sup>Antoaneta L. DIMITROVA, "Europeanization and Civil Service Reform in Central and Eastern Europe", in: Frank Schimmelfennig/Ulrich Sedelmeier (eds.), *The Europeanization of Central and Eastern Europe*, Ithaca: Cornell University Press, 2005, pp. 71-90, p. 80.

further stages in the accession process), benchmarking and monitoring (i.e. evaluation in the country progress reports), aid and technical assistance to improve the administrative capacity for the implementation of the *acquis communautaire* (i.e. PHARE, pre-accession funds SAPARD and ISPA), policy advice and twinning (i.e. the secondment of EU officials and experts to improve applicant countries' civil administrations).<sup>49</sup> While Grabbe mentions a fifth mechanism, namely models (i.e. provision of legislative and institutional templates), she notes that the EU was reluctant "to provide administrative models in areas where member states' administrations remain so diverse".<sup>50</sup>

Regarding the conditions of effective Europeanization (when conditionality is effective), scholars agree on the necessity of a "misfit" or a "mismatch" between EU requirements and the domestic status quo.<sup>51</sup> Such a misfit thesis assumes that the bigger the institutional gap between EU requirements and current domestic institutional setup, the stronger the Europeanization effect. Or in the words of Börzel/Risse: "*The lower the compatibility between Euro-pean and domestic processes, policies, and institutions, the higher is the adaptation pressure on the Member States.*"<sup>52</sup> However, rule adoption is also possible without adaptation pressure<sup>53</sup> and although misfit is a necessary condition, it is not considered to be a sufficient one for institutional change: "*Whether misfit produce a substantial effect at the domestic level depends on the presence of various factors facilitating adaptation and serving as catalysts for domestic change.*"<sup>54</sup>

Some of these facilitating and impeding factors for effective rule transfer/conditionality are identified in

the external incentives model.<sup>55</sup> According to this rationalist bargaining model of external governance, the EU establishes rules and conditions which the CEECs have to fulfill in order to receive rewards. As the governments of applicant countries use cost-benefit calculations, they will only adopt EU rules if the economic and political benefits from EU membership exceed the costs of domestic adoption (costly domestic reforms). Besides the costs of adoption, conditionality depends on the preferences of the government and on opposing groups (veto players). Such political and economic elites, which have higher benefits from the status quo and strive to preserve their power, often oppose EU rule transfer and delay institutional change. After all, rule adoption and implementation is done by the national government, which has to balance EU and domestic pressures in order to maximize its own benefit. Given the immense benefits of EU membership, national governments of applicant countries had the will and could finally push through policy and institutional reforms against the resistance of domestic anti-reformist groups. Because of the immense reward of EU membership which comes at the end of a "*much longer and more structured conditionality process*", EU conditionality is perceived as more effective than conditionality of other international financial organizations such as the World Bank or the IMF.<sup>56</sup>

Despite the existence of several tools and conditionality mechanisms, the EU's influence is regarded as diffuse because of several factors: a lack of institutional templates, uncertain linkage between requirements and benefits, the late reward of accession, no transparency in the evaluation of progress and inconsistencies within EU's advice.<sup>57</sup> The EU has

<sup>49</sup>Heather GRABBE, "How does Europeanization Affect CEE Governance? Conditionality, Diffusion and Diversity", in: *Journal of European Public Policy*, 8 (2001) 6, pp.1013-1031, p. 1020ff.

<sup>51</sup>Heather GRABBE, "How does Europeanization Affect CEE Governance? Conditionality, Diffusion and Diversity", in: *Journal of European Public Policy*, 8 (2001) 6, pp.1013-1031, p. 1023.

<sup>52</sup>Tanja A. BÖRZEL/Thomas RISSE, "When Europe Hits Home. Europeanisation and Domestic Change", in: *European Integration online Papers (EIoP)*, 4 (2000)15, pp. <http://eiop.or.at/eiop/texte/2000-015a.htm>; Christoph KNILL/ Dirk LEHMKUHL, "How Europe matters: Different Mechanisms of Europeanization", in: *European Integration on-line Papers*, 3 (1999) 7, pp. 1-19. <http://eiop.or.at/eiop/texte/1999-007a.htm>.

<sup>53</sup>Tanja A. BÖRZEL/Thomas Risse, "Conceptualizing the Domestic Impact of Europe", in: Kevin FEATHERSTONE/Claudio M. RADAELLI (eds), *The Politics of Europeanization*, Oxford: Oxford University Press, 2003, pp. 57-82, p. 61.

<sup>54</sup>Claudio M. RADAELLI, "Europeanisation: Solution or problem?", in: *European Integration online Papers (EIoP)*, 8 (2004)16, p. 7. <http://eiop.or.at/eiop/texte/2004-016a.htm>.

<sup>55</sup>Tanja A. BÖRZEL/Thomas Risse, "Conceptualizing the Domestic Impact of Europe", in: Kevin FEATHERSTONE/Claudio M. RADAELLI (eds), *The Politics of Europeanization*, Oxford: Oxford University Press, 2003, pp. 57-82, p. 63.

<sup>56</sup>Frank SCHIMMELFENNIG/Ulrich SEDELMEIER (eds.), *The Europeanization of Central and Eastern Europe*, Ithaca: Cornell University Press, 2005, p. 10.

<sup>57</sup>Milada Anna VACHUDOVA, *Europe Undivided. Democracy, Leverage, and Integration After Communism*, Oxford: Oxford University Press, 2005, p. 7.

been criticized that it could not provide a specific blueprint for public or administration or judicial reforms.<sup>58</sup> Indeed, there was no administrative *acquis* (specific administrative rules) which had to be transposed. But why should the forceful application of an abstract administrative blue-print be desirable? The lack of an EU blueprint left the candidates more flexibility to choose from different national administrative traditions and practices of member states which served as models for their own transformation.<sup>59</sup> Although the EU, jointly with the OECD group SIGMA<sup>60</sup>, developed specific criteria and guidelines for administrative reforms in the late 1990s, they never reflected common EU administrative norms.<sup>61</sup>

What seems to be more important for governance change is not the lack of administrative blueprints but the continued EU pressure on candidate states to fulfill the administrative criterion. And despite the lack of clear administrative rules, the EU could nonetheless trigger administrative reforms in some candidate countries. The next section will try to provide some empirical data and explain when and where EU generated governance and institutional change.

### 3.2 Measuring EU impact on governance

Europeanization has become a trendy theoretical concept which is used as a general explanation for numerous phenomena of change. Yet, a remaining challenge of Europeanization re-search is to provide

indicators and empirical methods to measure and operationalize the impact of the EU on institutional development. Some recent studies attempted to do so.<sup>62</sup> However, to separate EU influence from globalization (IMF, World Bank) or domestic effects is not an easy task. According to Börzel "...it is often difficult to isolate the 'net effect' of Europe and to disentangle it from other sources of domestic change not only at the global, but also at the national level and local level". Although comparative case studies can offer thorough analysis and a partial solution, they concentrate on particular policies or few countries and do not solve the lack of large-N studies and the problem of intentional selection of cases. Thus, a more general comparison of governance performance over time is necessary. The crucial question which I will try to answer is: Which impact (deep or superficial) has EU's transformative power in the area of governance in EU candidate countries during the last decade?

For the purpose of the analysis, I use the concept of governance as the quality of bureaucracy and the judiciary, including both legal rules and players. Good governance is reflected in a non-politicized, impartial, uncorrupt and efficient bureaucracy and judiciary which provide stability and certainty for human interaction. In detail the quality of bureaucracy and the judiciary are assessed by formal and efficiency-based aspects (e.g. new legislation, creation of new bodies and agencies, increased budget etc.) and structural and power-related aspects

<sup>57</sup>Heather GRABBE, "How does Europeanization Affect CEE Governance? Conditionality, Diffusion and Diversity", in: *Journal of European Public Policy*, 8 (2001) 6, pp. 1013-1031, p. 1025.

<sup>58</sup>Antoaneta L. DIMITROVA, "Enlargement, Institution Building and the EU's Administrative Capacity Requirement", in: *West European Politics*, 25 (2002) 4, pp. 171-190, p. 186; Daniela PIANA, "The Power Knocks at the Courts' Back Door. Two Waves of Postcommunist Judicial Reforms", in: *Comparative Political Studies*, 42 (2009) 6, pp. 816-840, p. 823.

<sup>59</sup>Barbara LIPPERT/ Gaby UMBACH, *The Pressure of Europeanisation: From Post-Communist State Administrations to Normal Players in the EU System*, Baden-Baden; Nomos, 2005, p. 178.

<sup>60</sup>SIGMA stands for Support for Improvement in Governance and Management in CEEC. It was established in 1992 as a joint cooperation programme of the OECD and the EU's PHARE programme.

<sup>61</sup>Antoaneta L. DIMITROVA, "Enlargement, Institution Building and the EU's Administrative Capacity Requirement", in: *West European Politics*, 25 (2002) 4, pp. 171-190, p. 181.

<sup>62</sup>Markus HAVERLAND, "Does the EU Cause Domestic Developments? The Problem of Case Selection in Europeanization Research", in: *European Integration online Papers (EIoP)*, 9 (2005) 2, pp. 1-14. <http://eiop.or.at/eiop/texte/2005-002a.htm>;

Gerda FALKNER, "Comparing Europeanisation Effects: From Metaphor to Operationalisation", in: *European Integration online Papers (EIoP)*, 7 (2003) 13, 1-18;

Tanja A. Börzel, "Participation Through Law Enforcement. The Case of the European Union", in: *Comparative Political Studies*, 39 (2006) 1, pp. 128-152; Ellen MASTENBROEK, "Surviving the Deadline: the Transposition of EU Directives in the Netherlands", in: *European Union Politics*, 4 (2003) 4, pp. 371-96; Daniel VERDIER/Richard BREEN, "Europeanization and Globalization. Politics Against Markets in the European Union", in: *Comparative Political Studies*, 34 (2001) 3, pp. 227-262.

<sup>63</sup>Tanja A. BÖRZEL, *How the European Union Interacts with its Member States*, Institut für Höhere Studien Political Science Series (2003)93, p. 18.

<sup>64</sup>Maarten VINK/Paolo GRAZIANO, Introduction, in: Paolo GRAZIANO/Maarten VINK (eds.): *Europeanization: A Handbook for a New Research Agenda*, Houndmills: Palgrave Macmillan, pp. 1-38.

<sup>65</sup>Markus HAVERLAND, "Does the EU Cause Domestic Developments? The Problem of Case Selection in Europeanization Research", in: *European Integration online Papers (EIoP)*, 9 (2005) 2, pp. 1-14. <http://eiop.or.at/eiop/texte/2005-002a.htm>.



(e.g. merit-based recruitment/promotion; the extent of politicization, impartiality, and administrative and judicial corruption). I will not consider the often included dimension of political stability in my concept of governance, as the political conditions were met in both groups until the mid 1990s, except for Slovakia, which met the Copenhagen political criteria in 1999<sup>66</sup>. The comparative analysis deals mainly with the period after the year 2000, i.e. when EU membership requirements became a driving motor for governance reforms.

### 3.2.1 Quality of the bureaucracy

#### a. Formal and efficiency-related aspects

Formal legal or constitutional change was the first step of a public administration reform in EU candidate countries. However, there was a considerable variation in terms of the launching administrative reforms. Most first-wave countries were early reformers (Hungary in 1992, Poland in 1996, Estonia in 1995/1996), except for the Czech Republic which adopted the civil service legislation required by the EU only in 2002. With increasing EU pressure to focus more on administrative reforms, most first-wave countries adapted and revised the earlier passed laws and amended formal administrative legislation between 2000 and 2003.<sup>67</sup> In contrast, the second-wave countries can be characterized as partial reformers (Latvia, Lithuania) or late reformers (e.g. Romania, Bulgaria, Slovakia which started reforms only at the end of the 1990s). Lithuania and Latvia, for instance, introduced administrative reforms quite early (1993-1995), but had difficulties with their implementation and continued administrative reforms. With increasing pressure from the EU, since 2000 they advanced from laggards to frontrunners later on.

The reasons for a later start and an insufficient

implementation of administrative reforms can be attributed to less favorable economic conditions (lack of capacity) or political resistance (lack of will). In contrast to early reformers from the Luxembourg group, second-wave countries had much weaker economies and faced sharper economic downturns in the wake of the Russian financial crisis in the mid 1990s. While some authors saw these external shocks as a hindrance for administrative reforms (as countries had to focus on macroeconomic stabilization), others reported that the external economic shock was a trigger to reform governance in the Baltic States.<sup>68</sup> Most probably, both authors are right. A weak economy reduced the government's capacity and the political leeway to advance with administrative reforms for a while.<sup>69</sup> But the economic shock was especially for the Baltic countries a new impetus to learn from old mistakes and improve governance structures. Similarly, Romania's public administration reforms advanced after economic recovery in 1999/2000.<sup>70</sup>

Besides these economic-related reasons politics played a role as well. In Slovakia, an economically more stable country, non-economic factors, such as the desire for power and control of the illiberal Meciar government, hindered administrative reforms. Only after the Meciar government was replaced in 1998 could the new government under the leadership of Dzurinda successfully launch reforms and even catch-up with the performance of the first-wave countries.<sup>71</sup>

While government changes and the consecutive replacement of officials impacted in Slovakia, Bulgaria and Romania on the administrative memory and thus on the effectiveness of administrative reforms, this was less the case in the Baltic States. In this context, authors argued that the structure of party competition affected the degree of politicization.<sup>72</sup>

<sup>66</sup>COMMISSION COMPOSITE PAPER, Reports on Progress towards Accession by Each of the Candidate Countries, European Commission, 1999.

<sup>67</sup>Antoaneta L. DIMITROVA, "Europeanization and Civil Service Reform in Central and Eastern Europe", in: Frank Schimmelfennig/Ulrich Sedelmeier (eds.), The Europeanization of Central and Eastern Europe, Ithaca: Cornell University Press, 2005, pp. 71-90, p. 85.

<sup>68</sup>Iveta REINHOLDE, Challenges for Latvian public administration in the European Integration process, in: Antoaneta L. Dimitrova, A. L. (ed.): Driven to Change. The European Union's Enlargement viewed from the East, Manchester: Manchester University Press, 2004, pp.163-178, p. 164; Tony VERHEIJEN, Administrative Capacity in the new EU Member States. The Limits of Innovation?, Washington, D.C: The World Bank, 2007, p. XI.

<sup>69</sup>Stanley VANAGUNAS, Civil Service Reform in the Baltics, paper prepared for presentation at Civil Service Systems in Comparative Perspective, School of Public and Environmental Affairs, Indiana University, Bloomington, Indiana, April 5-8, 1997, p. 13.

<sup>70</sup>Calin HINTEA/Sorin Dan SANDOR/Veronica JUNJAN, "Administrative Reform in Romania and the European Union", in: Antoaneta L. DIMITROVA, (ed.), Driven to Change. The European Union's Enlargement Viewed from the East, Manchester: Manchester University Press, 2004, p. 145-162, p. 152.

<sup>71</sup>Milada Anna VACHUDOVA, Europe Undivided. Democracy, Leverage, and Integration After Communism, Oxford: Oxford University Press, 2005, p. 200.

<sup>72</sup>Anna GRZYMALA-BUSSE, Rebuilding Leviathan: Party Competition and State Exploitation in Postcommunist Democracies. Cambridge: Cambridge University Press, 2007; Conor O'DWYER, Runaway State-building: Patronage Politics and Democratic Development, Baltimore, MD: Johns Hopkins University Press, 2006.

With the increased pressure of the EU since 1999/2000 (the announcement of the opening of EU membership negotiations at the December 1999 Helsinki Council), accelerated formal and legal development occurred. The EU's impact on formal administrative change was in general more effective in the Helsinki group (and especially in Bulgaria and Romania) as these countries lacked the formal administrative and legal structures and agencies which had already been introduced in the mid 1990s in the Luxembourg group (except for the Czech Republic). Most countries from the Luxembourg group had already achieved a substantial level of formal administrative capacity during the mid 1990s and had to make relatively smaller adaptations to comply with EU requirements.

Evidence from the EU progress reports shows how all candidate countries built up new agencies, designed new strategies or action plans and made formal legal changes. Examples are numerous, such as the establishment of training and coordination institutes (e.g. Institute for Public Administration and European Integration in Bulgaria, National Institute of Administration in Romania, Office of Public Administration Reform in Estonia etc.) and diverse administrative Commissions and Councils to monitor the implementation of the civil servants law. Besides, different amendments to the Civil

Service law were made, which introduced mandatory competitive selection for new entrants to the civil service and a strengthening of the merit principle<sup>73</sup>. To make the civil service more accountable and less corrupt, codes of conduct (or codes of ethics) for the civil service as well as obligatory asset declarations of high-ranking civil servants were introduced. Organizational measures included the establishment of performance appraisal systems and databases of trained civil servants<sup>74</sup>. Salaries and the number of officials (except for Estonia) increased continually. New islands of excellences were for instance reflected in Hungary's new "civil servant elite" which received outstanding salaries<sup>75</sup>. The Twinning program provided training for public officials from different sectors and focused especially on less developed candidates who benefited from more joint training projects (see table 3).

In sum, despite some structural and inhibiting factors during the mid 1990s (worse starting conditions and economic crisis) which delayed administrative reforms in the Helsinki group, the EU membership provided a new impetus for reforms. While formal and efficiency-related change occurred in all countries, it was especially pronounced in the countries of the Helsinki group.

#### b. Structural and power-related aspects

How effective were the EU-driven administrative

**Table 3: Twinning projects per sector in SEE, 1998/2000-2005**

Sector	Helsinki group					Luxembourg group				
	CZ	EST	HU	SI	PL	BG	RO	LV	LT	SK
Public Finance & Internal market	14	11	8	9	27	34	42	14	17	10
Justice & Home Affairs	26	18	14	10	27	42	50	18	18	18

Source: *Twinning. Key Facts and Figures 2006*, presentation by the Twinning and Sigma Coordination Team, Institution Building Unit.

<sup>73</sup>EUROPEAN COMMISSION 2004, 2004 Regular Report on Bulgaria's progress towards accession; EUROPEAN COMMISSION 2005, Romania 2005 Comprehensive Monitoring Report.

<sup>74</sup>EUROPEAN COMMISSION 2004, 2004 Regular Report on Bulgaria's progress towards accession.

<sup>75</sup>EUROPEAN COMMISSION 2001, 2001 Regular Report on Hungary's Progress Towards Accession, p. 16.

reforms? Despite the formal and legal change, in practice politicization and favoritism continue. In terms of the creation of a depoliticized and merit-based bureaucracy reforms mostly failed. Persistence of politicization is reflected in the data provided by the International Country Risk Guide, ICRG (table 4). The ICRG data indicate the general failure of post-communist countries to get rid of the legacies of communism. The scores remained unchanged except for two negative trends (Hungary's decline after accession and Estonia's decline in 2002) and two success stories (Latvia and Lithuania).

Some recent case studies confirm these less encouraging results of reforms. The cases of Romania<sup>76</sup>, Hungary<sup>77</sup>, Slovenia<sup>78</sup> and the Czech Republic<sup>79</sup> show that despite the introduction of formal legislation and new agencies to reduce politicization, power structures (political-administrative relations) were hardly changed. The new created bodies and agencies were often politically weak and after accession were even dismantled in Poland and the Slovak Republic. Politicization continued in the appointment of top level bureaucrats in Hungary as well<sup>80</sup>. As the legislation had become quite protective,

**Table 4: Bureaucracy Quality (merit-based and non politicized bureaucracy)**

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<i>Luxembourg group</i>										
<b>Czech Republic</b>	3	3	3	3	3	3	3	3	3	3
<b>Estonia</b>	3	3	3	2.5	2.5	2.5	2.5	2.5	2.5	2.5
<b>Hungary</b>	4	4	4	4	4	4	3	3	3	3
<b>Slovenia</b>	3	3	3	3	3	3	3	3	3	3
<b>Poland</b>	3	3	3	3	3	3	3	3	3	3
<i>Helsinki group</i>										
<b>Bulgaria</b>	2	2	2	2	2	2	2	2	2	2
<b>Latvia</b>	2	2	2	2.5	2.5	2.5	2.5	2.5	2.5	2.5
<b>Lithuania</b>	2	2	2	2.5	2.5	2.5	2.5	2.5	2.5	2.5
<b>Slovakia</b>	3	3	3	3	3	3	3	3	3	3
<b>Romania</b>	1	1	1	1	1	1	1	1	1	1

Source: ICRG, PRS group

Note: High points are given to countries where the bureaucracy has the strength and expertise to govern without drastic changes in policy or interruptions in government services. In these low-risk countries, the bureaucracy tends to be somewhat autonomous from political pressure and to have an established mechanism for recruitment and training. For instance, Germany, Sweden or Great Britain have a very good quality of bureaucracy and have received 4 points.

<sup>76</sup>Alexandru-Leonard IONITA/Annette FREYBERG-INAN, "Public Administration Reform in the Context of European Integration: Continuing Problems of the Civil Service in Romania", in: Southeast European and Black Sea Studies, 8 (2008) 3, pp. 205-226.

<sup>77</sup>Jan-Hinrik MEYER-SÄHLING, "The Bumpy Road to Depoliticization: Civil Service Reform in Postcommunist Europe", in: West European Politics, 27 (2004) 1, pp. 69-101; Jan-Hinrik MEYER-SÄHLING, "The Changing Colours of the Post-communist State: The Politicisation of the Senior Civil Service in Hungary", in: European Journal of Political Research, 47 (2008) 1, pp. 1-33.

<sup>78</sup>Miro HACEK, "The Relationship between Civil Servants and Politicians in a Post-Communist State: A case of Slovenia", in: Public Administration, 84 (2006) 1, pp. 165-184.

<sup>79</sup>OlgaVIDLAKOVA, "Performance and Regulation in Public Administration", paper presented at the conference A Performing Public Sector, Leuven University, Belgium, 1-3 June, 2006. [http://soc.kuleuven.be/io/performance/paper/WS2/WS2\\_Olga%20Vidlakova.pdf](http://soc.kuleuven.be/io/performance/paper/WS2/WS2_Olga%20Vidlakova.pdf)

<sup>80</sup>Tony VERHEIJEN, Administrative Capacity in the new EU Member States. The Limits of Innovation?, Washington, D.C: The World Bank, 2007, p. 11.

informal pressure was applied in Romania to dismiss people<sup>81</sup>. According to Verheijen, only Latvia and Lithuania "constitute the main exceptions to the general trend towards increasing politicization of appointments and career management"<sup>82</sup>. These countries also experienced more administrative reform continuity despite a rapid turnover of governments<sup>83</sup>.

Despite the increase of administrative and judicial capacity, some scholars point out that this improvement did not affect the whole bureaucracy and created sectoral "islands of excellence"<sup>84</sup>. These bureaucratic islands were filled with skilled and motivated bureaucrats who were responsible for innovative tasks, mostly related to EU funding (EU funded programs) as opposed to the majority of the officials who performed routine tasks.<sup>85</sup> Unfortunately, hardly any spill-over occurred from these excellence centers to the periphery of the bureaucracy (which remain underfinanced) or to other core ministries (which remain politicized). Even where the EU impacts positively on the creation of these new centers which are filled with a new young generation of well educated bureaucrats, sustainability is seldom achieved as "after gaining experience and improving their skills" they leave for better conditions either in the private sector or in international and non-governmental

organizations".<sup>86</sup>

Impartiality is an important feature of a modern Weberian bureaucracy. Survey data from the Global Competitiveness Report (World Economic Forum) on favoritism in decisions of government officials speak for a mixed impact of the EU (table 5). On the one hand, the data reveal that some success during the accession period was achieved in the Czech Republic, Estonia and Slovakia. On the other hand, the indicators show that some countries (Hungary, Slovenia, Bulgaria) experienced even deterioration during the accession period. Finally, deteriorating values after accession indicate a backlash of reforms and speak against a sustainable effect of the EU to create an impartial public administration.

An important goal of administrative reforms was to reduce corruption. This goal was mostly attained. Irregular payments to government officials show an overall positive trend towards less administrative corruption (see table 6). This positive development is in line with corruption ratings provided by Freedom House or Transparency International and reflects the general trend of less petty corruption in CEE. It is noteworthy, however, that shortly after accession several countries from both groups experienced a decline (Estonia, Hungary, Lithuania), which again raises the question of sustainability of corruption reforms.

<sup>81</sup>Alexandru-Leonard IONITA/Annette FREYBERG-INAN, "Public Administration Reform in the Context of European Integration: Continuing Problems of the Civil Service in Romania", in: *Southeast European and Black Sea Studies*, 8 (2008) 3, pp. 205-226.

<sup>82</sup>Tony VERHEIJEN, *Administrative Capacity in the new EU Member States. The Limits of Innovation?*, Washington, D.C: The World Bank, 2007, p. 35.

<sup>83</sup>Tony VERHEIJEN, *Administrative Capacity in the new EU Member States. The Limits of Innovation?*, Washington, D.C: The World Bank, 2007.

<sup>84</sup>Geoffrey PRIDHAM, *Designing Democracy: EU Enlargement and Regime Change in Post-Communist Europe*, Basingstoke: Palgrave Macmillan, 2005; Alexandru-Leonard IONITA/Annette FREYBERG-INAN, "Public Administration Reform in the Context of European Integration: Continuing Problems of the Civil Service in Romania", in: *Southeast European and Black Sea Studies*, 8 (2008) 3, pp. 205-226; Tony VERHEIJEN, *Administrative Capacity in the new EU Member States. The Limits of Innovation?*, Washington, D.C: The World Bank, 2007.

<sup>85</sup>Alexandru-Leonard IONITA/Annette FREYBERG-INAN, "Public Administration Reform in the Context of European Integration: Continuing Problems of the Civil Service in Romania", in: *Southeast European and Black Sea Studies*, 8 (2008) 3, pp. 205-226, p. 173.

<sup>86</sup>Alexandru-Leonard IONITA/Annette FREYBERG-INAN, "Public Administration Reform in the Context of European Integration: Continuing Problems of the Civil Service in Romania", in: *Southeast European and Black Sea Studies*, 8 (2008) 3, pp. 205-226, p. 221.

**Table 5: Favoritism in decisions of government officials**

	2002	2003	2004	2005	2006	2007	2008
<i>Luxembourg group</i>							
<b>Czech Rep.</b>	2.8	2.9	3.1	3.1	3	2.7	2.5
<b>Estonia</b>	3.6	3.7	4	3.6	3.6	3.5	3.5
<b>Hungary</b>	3.1	2.9	2.9	2.8	2.7	2.6	2.4
<b>Slovenia</b>	3.6	3.4	3.3	3.2	3.3	3.4	3.2
<b>Poland</b>	2.6	2.9	2.1	2.6	3.4	3.1	2.5
<i>Helsinki group</i>							
<b>Bulgaria</b>	2.7	2.3	2.3	2.3	2.2	2.4	2.4
<b>Latvia</b>	3.1	3.8	3.1	3	3	2.9	2.9
<b>Lithuania</b>	3.6	3.6	3.5	3.1	2.6	2.9	2.9
<b>Slovakia</b>	2.5	2.6	2.8	2.5	2.8	2.6	2.3
<b>Romania</b>	2.1	2	2.6	2.5	2.2	2.3	2.4

Source: *World Economic Forum. The Global Competitiveness Report*

Average responses of business executives surveyed to the following question (scale of 1 to 7): When deciding upon policies and contracts, government officials: 1 = usually favor well-connected firms and individuals; 7 = are neutral among firms and individuals.

**Table 6: Irregular payments to government officials**

	2000	2001	2002	2003	2004	2005	2006
<b>Czech Rep.</b>	4.92	5.08	5.83	5.95	6.3	-	6.17
<b>Estonia</b>	6.91	7.32	7.38	7.86	7.8	7.51	7.59
<b>Hungary</b>	7.35	6.73	7	6.93	7.3	7.27	6.27
<b>Slovenia</b>	6.58	7.43	7.36	7.83	7.8	8.27	7.83
<b>Poland</b>	5.6	4.72	5.55	5.17	5.5	5.55	5.59
<i>Helsinki group</i>							
<b>Bulgaria</b>	6.57	7.44	6.79	7.45	7.2	7.42	5.46
<b>Latvia</b>	5.84	5.44	6	5.98	5.8	6.44	6.18
<b>Lithuania</b>	8.29	8.01	6.67	6.81	6.9	6.86	6.21
<b>Slovakia</b>	6.47	5.06	5.6	6	6.3	-	6.32
<b>Romania</b>	5.18	3.84	3.48	4.81	5	5.18	5.14

Source: *World Economic Forum's Global Competitiveness Report*

Irregular, additional payments connected with import and export permits, business licenses, exchange controls, tax assessments, police protection, or loan applications are very rare. The indicator is normalized from 0 to 10 with higher scores indicating lower levels of irregular addition payments. This indicator is a subcomponent of the Regulation of Credit, Labor, and Business dimension of the Index of Economic Freedom.

### 3.2.2 Quality of the judiciary

#### a. Formal and efficiency-related aspects

In general, all countries experienced increased formal and efficiency-related changes during the pre-accession period. One area of formal legal change where the EU had a strong impact was the adaptation and adoption of civil and penal codes and procedures, as well as the obligation to conform to international conventions. The legislative changes also involved new procedures for the selection, promotion and assessment of judges. As regards judicial governance, several new structures and agencies were created to enhance administration (e.g. court administrators), improve law enforcement (e.g. the bailiff service was privatized in most countries) and training (e.g. training institutes, judicial academies). Judicial councils were introduced in all countries to increase the independence and the self-government of the judiciary (selection, promotion, evaluation and training of judges).

Despite these general improvements, some indicators speak for a stronger impact of the EU on judicial quality in the Helsinki group. For instance, annual data on the annual judicial budget indicate that the relative budget increase was more pronounced in the laggard countries from the Helsinki group, where budget figures more than doubled between 2002 and 2006 (see table 7).

In contrast, the Czech Republic, Hungary, and Slovenia had already in 2002 a sufficiently high court budget which did not increase in the following years so strongly. Most of the budget was spent on salaries, but also on training (e.g. creation of Judicial Academies or Judicial Training Centers), court administration (e.g. introduction of court directors and court managers) and equipment (e.g. computers, office equipment). Similarly, organizational changes led to an increase of the number of judges and court staff between 2002 and 2006. While the number of professional judges increased in both groups almost to a similar extent (+15% for the Luxembourg group and +19% for the Helsinki

group), the number of court staff augmented much more in the Helsinki group (+75%) than in the Luxembourg group (+10%).<sup>87</sup> The data suggest that while EU-driven judicial infrastructure reforms improved judicial capacity in all countries, the impact was in general bigger for countries from the Helsinki group.

Indicators of judicial independence provided by the World Economic Forum's Executive Opinion Survey reflect in general a beneficial role of the EU (see table 8). Several interesting trends can be noticed. First, most countries (except for Slovenia, Poland and partly for Bulgaria) advanced judicial independence until 2004, the year of accession. This trend reflects the pressure of the EU and the general attitude of other external donors to stress reform of judicial independence. Second, while the more advanced Luxembourg group experienced deterioration after accession (except for Poland), almost all countries from the Helsinki group continued to catch up and advanced further. Thus, while the momentum for judicial reform was kept up in the laggard countries, it was lost in the frontrunner group. According to Pridham evaluation of the Latvian case, "Judicial reform did not stop with EU entry. The accession process had created a certain dynamic".<sup>88</sup> It seems that the EU had a bigger leverage on less advanced countries and especially on Bulgaria and Romania where EU conditionality worked through the Special Cooperation and Verification Mechanism.<sup>89</sup>

#### b. Structural and power-related aspects

While it was easier to adopt laws and regulations on judicial independence and increase the judicial budget (together with salaries, training and equipment), the effective implementation of new rules as well as learning how to use the new resources was more difficult to achieve. Daniela Piana, who analyzed the development of judicial quality in Hungary, Poland and the Czech Republic, concluded recently that "the preaccession strategy was not able to subvert the distribution of power that already existed in the candidates at the beginning of the preaccession negotiations, mainly because of the technical and

<sup>87</sup> Calculation based on the data provided by Council of Europe. See COUNCIL OF EUROPE, *European judicial systems Edition 2008 (data 2006): Efficiency and quality of justice, 2008*; COUNCIL OF EUROPE, *European judicial systems Edition 2006 (data 2004): Efficiency and quality of justice, 2006*; COUNCIL OF EUROPE, *European judicial systems Edition 2002 Facts and figures on the basis of a survey conducted in 40 Council of Europe Member States, 2002*.

<sup>88</sup> Geoffrey PRIDHAM, "Romania and EU Membership in Comparative Perspective: A Post-Accession Compliance Problem? - The Case of Political Conditionality", in: *Perspectives on European Politics and Society*, 8 (2007) 2, pp. 168-188, p. 182.

<sup>89</sup> Geoffrey PRIDHAM, "Romania and EU Membership in Comparative Perspective: A Post-Accession Compliance Problem? - The Case of Political Conditionality", in: *Perspectives on European Politics and Society*, 8 (2007) 2, pp. 168-188, p. 179.

**Table 7: Annual budget allocated to all courts and prosecution per inhabitant (EUR)**

	2002	2004	2006	change (%)
<i>Luxembourg group</i>				
<b>Czech Rep.</b>	21	29	28	+33
<b>Estonia</b>	12	18	24	+100
<b>Hungary</b>	27	38	39	+44
<b>Slovenia</b>	51	34	75	+47
<b>Poland</b>	17	27	39	+129
<i>Helsinki group</i>				
<b>Bulgaria</b>	4	9	12	+200
<b>Latvia</b>	7	14	22	+214
<b>Lithuania</b>	10	18	25	+150
<b>Slovakia</b>	11	20	27	+145
<b>Romania</b>	7.8	9	17	+118
<i>Source: Council of Europe</i>				

apolitical nature of EU conditionality".<sup>90</sup> She pointed out that "organizational changes have been introduced to the extent they were not detrimental to the allocation of power inherited from the first wave of reforms" so that the status quo could be upheld, especially in terms of the governance of the court system, the appointment, promotion, evaluation, and training.<sup>91</sup>

Power-related enforcement aspects of judicial governance remain an issue in Romania and Bulgaria. For instance, judicial councils, which should guarantee more judicial independence, do not have real power in practice as they are understaffed and not permanent bodies.<sup>92</sup> Despite the newly introduced ethical codes, "there is little evidence of enforcement of these ethical codes, including by the SJC as far as the ethical codes for the three categories of magistrate are concerned".<sup>93</sup> Recently, the EU reported that "progress in the judicial treatment of high-level

corruption is still insufficient".<sup>94</sup>

Despite the positive trend towards an independent judiciary, absolute levels of independence remained low - especially in Bulgaria and Romania - as new legislation which aimed to reduce politicization of the judiciary were not put into practice. In Romania, this led to an intervention by the EU in 2004 and a new reform endeavor to bring an end to the political appointment of judges.<sup>95</sup> The main instrument for an increased pressure was the introduction of the "safeguard clause" which speeded up Romanian judicial reforms after 2004.<sup>96</sup>

Despite certain power-related enforcement problems there are signs that the overall judicial capacity increased. There is also some evidence that judicial quality improved relatively more in the Helsinki group than in the Luxembourg group. BEEPS (Business Environment and Enterprise Performance Survey) data provided by a World Bank survey of

<sup>90</sup>Daniela PIANA, "The Power Knocks at the Courts' Back Door. Two Waves of Postcommunist Judicial Reforms", in: *Comparative Political Studies*, 42 (2009) 6, pp. 816-840, p. 835.

<sup>91</sup>Daniela PIANA, "The Power Knocks at the Courts' Back Door. Two Waves of Postcommunist Judicial Reforms", in: *Comparative Political Studies*, 42 (2009) 6, pp. 816-840, p. 818.

<sup>92</sup>EUROPEAN COMMISSION 2006, Bulgaria. May 2006 Monitoring Report, p. 5; EUROPEAN COMMISSION 2006, Romania. May 2006 Monitoring Report, p. 7.

<sup>93</sup>EUROPEAN COMMISSION 2005, Bulgaria. 2005 Comprehensive Monitoring Report, p. 10.

<sup>94</sup>Report from the Commission to the European Parliament and the Council on accompanying measures following Accession, Brussels, 27.6.2007.

<sup>95</sup>Geoffrey PRIDHAM, "Romania and EU Membership in Comparative Perspective: A Post-Accession Compliance Problem? - The Case of Political Conditionality", in: *Perspectives on European Politics and Society*, 8 (2007) 2, pp. 168-188, p. 182, p. 178.

<sup>96</sup>Sorana PARVULESCU/ Bogdan VETRICI-SOIMU, *Evaluating EU Democratic Rule of Law Promotion: Country report - Romania*, Bucharest: National Association of the Romanian Bars, 2005, p. 11.

**Table 8: Judicial independence**

	2002	2003	2004	2005	2006	2007	2008
<i>Luxembourg group</i>							
<b>Czech Rep.</b>	3.9	4.2	4.5	4.3	3.8	4.1	4.2
<b>Estonia</b>	4.7	5.3	5.5	4.7	5.3	5.3	5.3
<b>Hungary</b>	4.4	4.9	4.6	4.3	4.2	4.4	4.3
<b>Slovenia</b>	5	4.3	3.9	4	4.5	4.5	4.2
<b>Poland</b>	3.7	3.9	3.1	3.4	3.5	3.5	3.7
<i>Helsinki group</i>							
<b>Bulgaria</b>	2.9	2.7	2.7	2.5	2.5	2.8	2.9
<b>Latvia</b>	3.5	4.2	3.4	3.5	3.8	3.8	3.8
<b>Lithuania</b>	3.1	3.3	3.3	2.8	3.4	3.6	3.8
<b>Slovakia</b>	3.2	3.2	3.6	3.3	3.6	3.6	3.7
<b>Romania</b>	2.7	2.4	3.0	2.6	2.9	3.1	3.3

*Source: World Economic Forum's Global Competitiveness Report*

*Note: 1=lowest;7=highest; Average responses of business executives surveyed to the following question (scale of 1 to 7): The judiciary in your country is independent from political influences of members of government, citizens or firms: 1 = no, heavily influenced; 7= yes, entirely independent.*

firms which use courts, measures several components of judicial quality (enforcement capacity, affordability, speed, honesty/corruption and fairness). This data show that in countries where a certain judicial quality was reached already in 2002 (e.g. Czech Republic, Slovenia, Hungary) no progress was made 3 years later (figure 1-10 in appendix). Estonia and Poland (little improvement) are positive exceptions in the Luxembourg group. In contrast, the picture looks much friendlier in the Helsinki group where all countries (except for Bulgaria) experienced an improvement. Taking into account Bulgaria's and Romania's lagged progress which occurred in 2006 and 2007, the data suggest

that the Helsinki group together with Estonia made a significant improvement on judicial quality in general. The data reflect also the difficulty to advance with reforms after a certain threshold is reached. The more pronounced positive trend of the Helsinki group is confirmed by survey data on irregular payments in judicial decisions, from the World Economic Forum's Global Competitiveness Report which reflects a better on average development in terms of less bribes in the Helsinki group (+0.62) than in the Luxembourg group (+0.24) (see table 9).

To sum up, a number of general observations can be



**Table 9: Irregular payments in judicial decisions**

	2003	2004	2005	2006
<b><i>Luxembourg group</i></b>				
<b>Czech Rep.</b>	4.5	4.5	4.7	5
<b>Estonia</b>	5.4	5.5	5.4	5.5
<b>Hungary</b>	5.3	5.1	5.3	5.4
<b>Slovenia</b>	5.5	5.8	5.6	5.9
<b>Poland</b>	4.2	3.9	4.3	4.3
<b><i>Helsinki group</i></b>				
<b>Bulgaria</b>	4.7	5.2	5.1	5.2
<b>Latvia</b>	4.2	4	3.9	4.6
<b>Lithuania</b>	4.4	4.4	4.4	4.7
<b>Slovakia</b>	3.4	3.7	3.7	4.2
<b>Romania</b>	2.8	3.4	3.6	3.9

**Source:** *World Economic Forum's Global Competitiveness Report*

**Note:** Average responses of business executives surveyed to the following question (scale of 1 to 7): In your industry, how commonly would you estimate that firms make undocumented extra payments or bribes connected with getting favorable judicial decisions? 1= common; 7= never occurs.

drawn from the comparison of the two groups of countries. First, in terms of judicial and administrative quality the EU mattered more for the less advanced countries from the Helsinki group. The catch-up of the Helsinki group suggests a stronger EU leverage on countries with a lower level of governance. Second, deterioration of governance indicators after EU accession speaks against the sustainability of reforms for countries (e.g. Hungary, Slovenia, Poland) which had started administrative and judicial reforms before the EU got involved. Third, formal and efficiency-related reforms were more successful than structural and power-related reforms (except for the decreasing irregular payments to government officials).

What are potential explanations for the limited EU impact on governance reforms? First, there are EU specific reasons for the limited impact. They include the lack of a public administration or judicial model which could enable a visionary and coherent strategy of transformation, based on specific criteria for the governance area. Although European principles for public administration (reliability, predictability, transparency, and a basis in law) were outlined by the joint EU-OECD initiative SIGMA, there was no

methodology for how to put these abstract principles into practice or how to monitor their implementation. Regarding judicial capacity and independence, regular reports failed to translate these abstract concepts into a set of well-defined criteria. One could also argue that the EU has not done enough, especially as concerns public administration reforms. The question is whether training (e.g. through Twinning) was effective and sufficient enough to produce a critical mass of well-trained bureaucrats and will remain in the civil sector. Besides, the general technocratic approach was requesting fast visible results in the form of formal and efficiency-based aspects of governance, too often neglecting the pressure on domestic power-related aspects of governance. The punctual approach which aimed at one final point in time (entry into the EU as the main goal) and not at a long-term vision of governance transformation led after accession to a reversal of governance reforms in the Luxembourg group. This approach questions the sustainability of EU-driven reforms in some candidate countries (mainly in the Luxembourg group) and calls for the need of a post-accession conditionality (e.g. like in Romania and Bulgaria).

Second, there are domestic reasons for a limited

impact of EU conditionality. These reasons are basically related to enforcement problems of new rules (lack of implementation), which can be capacity-related and power-related. The capacity-related lack of enforcement<sup>97</sup> normally occurs because of a weak state capacity and missing financial resources. While this problem has been to a great extent reduced by the financial help of the EU (and the economic growth in the last years), power-related lack of enforcement was neglected. The EU was in most cases (except for the Baltic States) not able to change power structures (e.g. networks of senior officials, favoritism, politicization) which turned out to survive in a parallel, often less formal way. This already entrenched parallel system hardly changed and was big and resistant enough to block possible spill-over from islands of excellence. Governance reforms could not mutually enhance each other (lack of complementarity), especially as other sectors of the political economy were not reformed (e.g. health and social system, education system). In contrast to the other states here in focus, the newly created Baltic States had different facilitating conditions which could explain their success under increased EU conditionality. First, they experienced a bigger rupture in political, administrative and judicial elites after the exit of the Soviet Union and could build up new administrative and judicial structures almost from scratch. Second, despite a lack of administrative capacity in the first years they could overcome this burden as they are relatively small states and additionally experienced favorable economic conditions (e.g. GDP growth, Foreign Direct Investment influx). Under these favorable conditions, EU's leverage was higher than in the other countries.

#### 4. Conclusion

The goal of the comparative analysis was to explain divergent development between the first-wave countries (Luxembourg group) and the second-wave countries (Helsinki group), two groups of post-communist transition countries which experienced EU conditionality during the pre-accession period for several years. In order to consider alternative explanations for post-communist variation -

such as explanations based on pre-communist and communist legacies - I traced back the persistence and change of historical institutions and actors and demonstrated that historical legacies are not sufficient to explain the some accelerated breakthroughs in governance reforms at different critical junctures in time. Rather, I discovered the relevance of more recent factors, such as the influence of the EU. The impact was however uneven depending on the sub-sector or the country in focus. In terms of cross-country impact, the analysis has shown that EU conditionality had on average a stronger impact on second-wave candidates than on first-wave candidates. The reform reversals after accession in most first-wave countries confirm the limited (unsustainable) impact of the EU. In terms of subsector impact, my indicator-based analysis suggests a stronger impact on judicial reforms than on administrative reforms. In this context, most countries improved their administrative and enforcement capacities relatively more than the power-related aspects (e.g. impartiality, independence) of their judiciaries and bureaucracies. The Baltic States are a positive exception in this regard.

What can we learn from the comparative analysis for further analysis of institutional change? First, variation in institutional development is not only a consequence of structural or historical legacies. Similar historical administrative and judicial legacies do not necessarily bring about a similar development in the future. Variation can be equally explained by temporally more proximate and external factors, like the impact of EU conditionality. This does not mean that historical legacies do not matter, however their effect can be intensified or diffused by more recent factors (be it external conditionality or spill-over from economic crisis or wars). Consequently, it is the interplay of different external and domestic factors which shapes the institutional path of a policy or the overall governance development of a country. Unfortunately, this complex interplay can be context and time-specific so that only the right combination will produce a breakthrough in governance reforms.

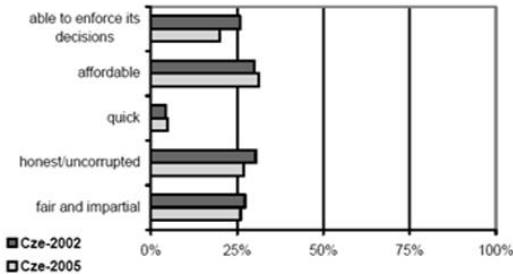
Second, it is important to distinguish between

<sup>97</sup>Already the internal market scoreboard - a benchmarking study which evaluates institutional compliance of internal market directives - has revealed a gap between rule transfer (decreasing transposition deficit) and rule implementation (increasing infringement cases). See [http://ec.europa.eu/internal\\_market/score/index\\_en.htm#score](http://ec.europa.eu/internal_market/score/index_en.htm#score).

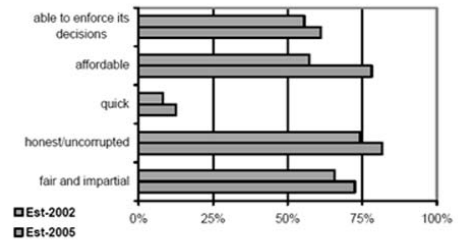
superficial and deep effects of external donors. This calls for a more nuanced analysis of EU conditionality as the impact can vary according to the country or the sector in focus. Depending on which aspects of governance one takes as a measure for success, external conditionality can be successful or not. In this regard, it was demonstrated that the EU impact was often limited to the technical, efficiency increasing facets of governance (capacity) and less able to transform the political and power-related aspects

(e.g. independence of bureaucracy). This result should make alert those practitioners who tend to design reform strategies that are based on short-term performance indicators or efficiency benchmarks and do not condition reforms on a change in political-administrative/judicial relations. Such non-political, non-comprehensive and short-term activities are prone to reforms reversal and non-sustainable change.

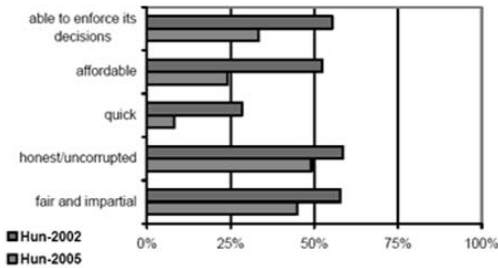
## Appendix



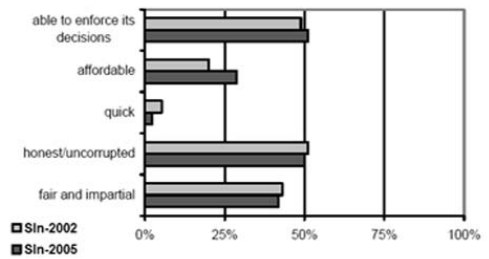
**Figure 1: Judicial quality in Czech Republic**  
Source: BEEPS, World Bank



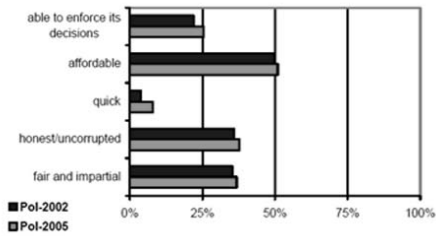
**Figure 2: Judicial quality in Estonia**  
Source: BEEPS, World Bank



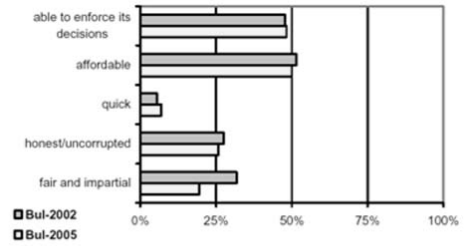
**Figure 3: Judicial quality in Hungary**  
Source: BEEPS, World Bank



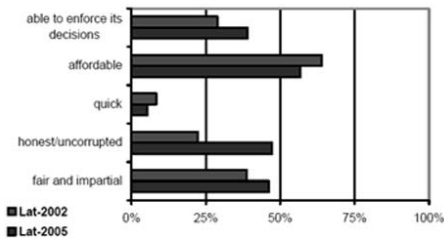
**Figure 4: Judicial quality in Slovenia**  
Source: BEEPS, World Bank



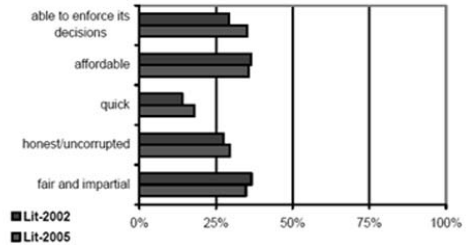
**Figure 5: Judicial quality in Poland**  
Source: BEEPS, World Bank



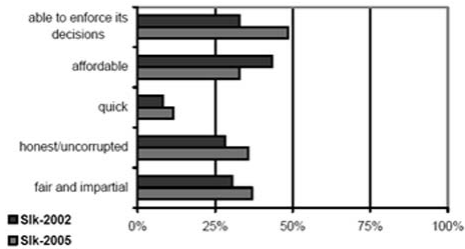
**Figure 6: Judicial quality in Bulgaria**  
Source: BEEPS, World Bank



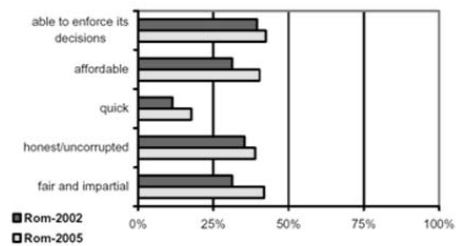
**Figure 7: Judicial quality in Latvia**  
Source: BEEPS, World Bank



**Figure 8: Judicial quality in Lithuania**  
Source: BEEPS, World Bank



**Figure 9: Judicial quality in Slovakia**  
Source: BEEPS, World Bank



**Figure 10: Judicial quality in Romania**  
Source: BEEPS, World Bank

# The Helping Hand: The Role of the EU in the Democratization of Post-Communist Europe

By Sergiu Gherghina<sup>1</sup>

## Abstract:

*Two decades after the collapse of communism, there are major differences in the extent of democratization within the Iron Curtain countries. Aware of the complex mechanism to trace possible causes for such a variation, this study uses qualitative comparative analysis (QCA) to test the influence of nine international and domestic factors in influencing this process in 20 out of 29 post-communist countries. The evidence indicates that, out of all considered potential explanations, the perspective of the EU accession and a constant economic development are the primary propellers that induce democratization in the region. These quantitative results support and complement the literature that emphasizes the increased role played by the EU promise in the democratization process of the region.*

## Keywords:

post-communism, EU accession, democratization, economic growth.

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## Introduction

The Huntingtonian third wave of democratization following the collapse of the Soviet Union represents an important area of study for many political scientists. It concerns a political transition from autocracy to democracy in the countries of Central and Eastern Europe (CEEC) and rests on a premise that a regression to the political *status quo ante* is unlikely (Schmitter and Schneider 2004). The mere fact of such paradigmatic shift however is not always synonymous with successful democratization across the CEEC. One can identify four distinct categories of the former Communist states according to their level of democratization: (1) states that democratized, (2) states that returned to the former regime, (3) states that chose a different type of an authoritarian regime than before, and (4) states that did not clearly define their course.

Consequently, in order to explain the differences in the extent of their democratization, one has to account for numerous factors. Building on theories of democratization and previous research, this study aims to identify factors that lead to the differences in democratization across 20 out of the 29 post-Communist countries<sup>2</sup>. This study gathers, in a single model, most of the variables used in previous research on democratization and shows which has a greater impact on democratization. Accordingly, the research is guided by the question: *what factors shape the different developments of democratization across post-Communist European countries?*

Considering that democracy is a form of governance of a state, no modern polity can turn into democracy unless it first becomes a state<sup>3</sup> (Linz and Stepan, 1996, 7). Therefore, this particular study concerns the time period that begins in 1993, a year that marks the complete formation of independent states after the disintegration of the Soviet Union, and ends in 2004 when several of those post-Communist countries joined the EU. It uses qualitative comparative analysis (QCA) and tests nine international and domestic factors, extracted from the literature, which may potentially influence the level

of democratization across the CEEC. The results reveal the importance of the "carrot" of membership in the EU as a major factor in the process of democratization of the CEEC. In this context, this research tackles a significant issue at the border of comparative politics and international relations and generates lessons for both academia and practitioners. At the scientific level, these findings complement the existing literature in *two ways*. On the one hand, it establishes a link between post-Communist states and an international organization, namely the EU. On the other hand, this evidence confirms the suppositions of texts from early 90's that claimed that, based on the democratization experience of other regions, the role of international organization is crucial in such transitions. For practitioners, these findings are arguments for the beneficial role of the EU and permit to use it constructively in the future enlargements.

The first section of this article conceptualizes variables of the study and derives hypotheses for testing. The following three sections operationalize the concepts, present the research design and provide empirical findings of the research. The final section explains the results and tackles their implications.

## Theoretical and Conceptual Framework

The adequate definition and conceptualization of terms and concepts is especially challenging when there is little agreement in the literature about them. Once established the conceptual framework, operationalization can be easier tackled. This section has two goals. First, it reviews both the literature on democratization in the post-Communist Europe and the factors that influence that process. Second, in light of previous research, it clarifies the concepts of this study and derives working hypotheses for testing. The first subsection concerns the notion of democratization, namely the dependent variable of the study; the second identifies independent variables, both international and domestic, and hypothesizes relationships.

<sup>2</sup>I include solely the European post-communist countries in order to test the influence of the EU. Non-European countries are not subject to EU conditionality for accession.

<sup>3</sup>When speaking about state, we target the three basic elements highlighted in Weber's definition: population, territory, and legitimate use of force. In this respect it should be avoided the confusion with Rechtsstaat, based on limitation of power, rule of law, the prevalence of authorities and norms and respect for procedures. When the latter is achieved, a relatively high degree of democracy is present.

*Democratization - working definition*

Developments in the post-Communist world received greater attention after the collapse of its authoritarian regimes and the disintegration of the Soviet Union. As such, the end of the transition process initiated between 1990 and 1991 became the primary topic of many studies. The variation in the end results of the transition reveals that: (1) some regimes have chosen and completed a transition to democracy, (2) others have been "arrested" at some point on their path to democracy and either regressed to the authoritarian type they had before or chose a different type of authoritarianism, and (3) others still struggle between democracy and Communism. This particular typology exposes that the common link between the three categories lies in its reference to democratization. Despite its widespread coverage in the literature, this concept remains difficult to operationalize.

This study aims to evaluate the extent of democratization reached in the transition process across the CEEC., However, considering that a successful process of democratization leads to democracy, the concept of democracy should be narrowed before clarifying the notion of democratization. Lipset defines democracy "as a political system which supplies regular constitutional opportunities for changing the governing officials and a social mechanism that permits the largest possible part of the population to influence major decisions by choosing among contenders for political office" (Lipset 1960, 45). Dahl (1971) approaches the concept by emphasizing its main features and, thus, providing measurable dimensions. At a general level, he sees the "continuous responsiveness of the government to the preferences of its citizens, considered a political equals" as a main characteristic of democracy (Dahl 1971, 1). In this context, he proposes a model with two axes, namely public contestation and participation, so as to emphasize the importance of government's receptivity and the possibility for people to formulate their preferences. By establishing four ideal-types of political systems-competitive oligarchies, closed hegemonies, inclusive hegemonies, and polyarchy-Dahl enumerates the necessary attributes for a political system to become a polyarchy: freedom to form and join organizations, freedom of expression, the right to vote, eligibility for public office, the right to run as a candidate,

alternative sources of information, free and fair elections, and institutions for ensuring responsiveness of citizens (Dahl 1971, 3). Building on these bases, Diamond, Linz and Lipset (1990, 6-7) use the term "democracy" to describe a system of government where three conditions are met: meaningful and extensive competition among individuals in organized groups at regular intervals and excluding the rule of force; an inclusive level of political participation in the selection of leaders and policies; and a level of civil and political liberties sufficient to insure the integrity of political competition and participation.

All those definitions emphasize basic features of democracy and provide useful grounds for an appropriate conceptualization of democratization. By studying transition countries, Linz and Stepan (1996) provide a valuable definition of the process. Building on the idea that democracy should be seen as "the only game in town", they consider it composed of behavioral, attitudinal and constitutional features. The behavioral component tackles the non-existence of a significant political group in the state to overthrow the democratic regime; the attitudinal component assumes that even when facing severe crises, the vast majority of the people expect further changes to emerge only by respecting the democratic rules. At the constitutional level, the conflict has to be solved according to the norms and regulations already established, as their violation is costly and inefficient (Linz and Stepan 1996, 5). In this respect, democratization is a process of reaching agreement on political procedures that lead to election of a government in a free and popular vote. All this needs to occur when the government has de facto the power to generate new policies, and when the executive, legislative and judicial branches do not have to share power with other bodies de jure (Linz and Stepan 1996, 3). According to the above literature review, democratization is *the process of transformation from an authoritarian (including totalitarian and semi-authoritarian) regime to a democracy, and is not a matter of existence or non-existence, but one of speed.*

*International Independent Variables and Hypotheses*

Once established the dependent variable, it is imperative to provide details of the independent

variables and formulate hypotheses regarding the outcomes they produce. At a first glance in the CEE region, the European Union (EU) and Russia are significant actors and dialogue partners for the majority of the states. The former represents the perspective of the future, whereas the latter represents, for the vast majority of the states, their past. The increased political and economic capabilities of these two actors can definitely influence the direction a state assumes and/or the speed of its transition, as detailed below.

In the absence of cross-national studies examining this issue and inspired by Linz and Stepan (1996) as well as by Pevehouse (2005), I consider the role of the EU in the pre-accession period (herein Europeanization) as a principal external factor in determining the degree of democratization. In the process of Communist erosion and delegitimation, the European Union and the Council of Europe induced post-Communist states to adopt their liberal norms and values of appropriate international and domestic conduct (Schimmelfennig 2000). The Western European states and the international organizations can be seen as socialization agencies that taught the CEE states the beliefs and practices of the international community; the CEE states internalized Western normative configurations and accepted them as legitimate because they identified themselves with the liberal democracies and desire to learn out of self-interest (Schimmelfennig 2000).

For many post-Communist states, the prospect of the EU integration provided the impetus to break away from old political structures and to instigate multifarious reforms. For example, to affirm their desire to accede to the EU, in December 1991 Poland and Hungary were the first among the post-Communist states to sign the Europe Agreements concerning political dialogue, legal harmonization (*acquis communautaire*) and other areas of cooperation (i.e. trade, industry, customs, environment, and transport). Having suffered an institutional breakdown with the fall of communist regimes, and lacking both solid democratic institutions and the structural power to negotiate with a powerful transnational actor, Post-Communist countries succumbed to the ways of the asymmetrically more powerful EU. As such, the EU pressures left an important mark on the newly adopted institutional

arrangements of the CEE countries and the resultant political processes. Among others, special aid programs from the EU (e.g., PHARE) for associate members from Eastern Europe were specifically aimed at achieving democratization.

Schimmelfennig and Sedelmeier (2005, 7) consider that this is a "process in which states adopt EU rules", whereas Kohler-Koch (1999) sees it as extending the boundaries of the relevant political space beyond the member states. These accounts of Europeanization emphasize its impact on both public policies and national institutions coming from European level. Radaelli (2003, 30) conceives Europeanization as "processes of (a) construction, (b) diffusion, and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things,' and shared beliefs and norms which are first defined and consolidated in the making of EU public policy and politics and then incorporated in the logic of domestic discourse, identities, political structures, and public policies". Basically, the literature on Europeanization identifies influences of the EU on its member states at various levels and examines a two-faceted process: the EU impact on domestic actors and institutions and the adaptation of domestic institutions to the obligations stipulated by the EU membership (Wallace 1999; Olsen 2002).

Consistent with these aspects, Schimmelfennig argues that, as a process, international socialization has an impact on national states. His study reveals that high material and political rewards of membership in the EU and NATO appear to have the greatest influence in triggering domestic change in those CEE states that "initially violated the liberal-democratic community norms" (Schimmelfennig 2005, 828). The conditioned accession, a strategy of positive reinforcement, implies that these organizations offer the CEE states membership under the condition of conformance with the community norms and rules. If a country does not conform, the EU withholds the reward but does not engage in coercive enforcement. In light of this research, I expect the promise of EU membership to determine whether countries comply with requirements and implement democratic reforms more quickly than their neighbors:

H1: The existence of the promise of belonging to



the EU favors the democratization process.

The causal direction implied by this hypothesis cannot be reversed (i.e. states were invited to join the EU due to their levels of democratization) for two main reasons. First, states had different speeds in democratization or they had not even started this process when they were invited for negotiations (e.g. Bulgaria, Slovakia, Romania). Second, the EU invited for discussions all those states that expressed their willingness to do so. As a result, there was no selection made on the speed of democratization criterion.

In studying democratization, transitologists examined a variable that measures the distance between the capital of the post-Communist state and the closest Western capital in order to predict the level of democratization (Dogan and Kazancigil 1994). The theory relies on two major premises: (1) states that are distant from each other are less likely to interact, and (2) in the world we can identify a geographical clustering of democracies (Gelpi and Grieco 2001, 804). Consequently, the further a state is from a democratic region, the less likely it is to interact and to develop its democratic institutions. Thus, utilizing their logic, I derive the second hypothesis by considering the geographic proximity of Russia and her former satellites. Russia represents a specific factor for this analysis that is hard to ignore due to her former regional hegemonic power that continues to influence politics of her former satellites even after the dissolution of the USSR.

H2: A long distance between the capital of the post-Communist state and Moscow allows for a faster democratization process.

This hypothesis focuses on the other central actor in the region, Russia, and inverts the logic of the theory that a close relationship between a post-Communist state and the EU leads to a higher probability of successful democratization in that state. With respect to Russia, close relationships brings the opposite of democratization. Russia's political, economic and security influence on its neighbors and close states can be examined from two perspectives. First, in 1993 (the starting point of this analysis), Russia demonstrated strong authoritarian tendencies in its attempt to remake the former USSR by creating and maintaining the Commonwealth of

Independent States. The close relationships between Russia and most of the former Soviet Republics made it impossible for the latter to implement democratic reforms at that moment. Second, during the transition years, Russia promoted a politics of authoritarianism in neighboring states by economically and politically supporting enemies of democratization: Lukashenko in Belarus, Ryazev in Azerbaijan, Kuchma in Ukraine, and authoritarian leaders in Central Asia. As a result, states within the Russian political sphere of influence and highly dependent on its economic resources or on its trade partnership are more likely than others to have features that are favored by Russia and that hinder democratization.

#### *Domestic Independent Variables and Hypotheses*

The existing literature proposes different sets of domestic variables to explain the variation in the process of democratization. The studies that examined the relationship between domestic factors and democratization did not examine more than a handful of states, and they focused primarily on either the Warsaw Pact states or the post-Soviet region (Linz and Stepan 1996, Zielonka and Pravda 2001, McFaul 2002, Bunce 2003). This study instead concentrates on a pair of international factors specific to the CEEC region that tend to be ignored in the literature. Those two variables and the hypothesized relationships will be examined first; then, seven variables and hypotheses that rely on previous studies will be explained.

Economic and financial conditions are the first of the neglected factors that affect democratization. Despite the controversial nature of the link between domestic economies and democracy, there seems to be a general consensus that the status of the former influences the success of the latter (Dahl 1989). Studies by Bollen (1979, 1983), Bollen and Jackman (1985), Brunk et al. (1987) and Burkhart and Lewis-Beck (1994) confirm this assertion. The first four studies conclude that economic development has a substantive positive effect on democracy. Despite such strong evidence, the studies have shortcomings that raise questions regarding their explanatory potential. The first three studies sampled a rather small and explicitly non-representative group of states, excluding the formerly Communist states. By using a cross-sectional design that ignored temporal dimension, they could not demonstrate the

dynamic dimensions of the variables.

Studies by Arat (1988) and Gonick and Rosh (1988) mitigate those shortcomings as they use relatively large samples of nations, inclusive of the Communist states, and extend the measurement of democracy for time-series. However, their outcomes do not support the previous findings and find that the relationship between economic factors and democracy is much weaker than initially predicted. Considering those contradictory findings, I hypothesize that:

H3: A high economic development trend (measured as evolution of GDP/capita) triggers democratization.

The transition literature often asserts that the character of a former non-democratic regime has implications for the course of and challenges in the process of democratization (Linz and Stepan 1996, 55). In a study on the former Warsaw Pact states, Kitschelt (1999) analyzes former regime types; for his independent variable, he uses features of bureaucracy in the inter-war period. He concluded that the variable that determines democratization outcomes in post-Communist states is the presence or the absence of professional bureaucracy (as opposed to patronage bureaucracy) in the Communist regime. As such, states that experienced a certain degree of professionalization faced a lower degree of politicization from the state (Kitschelt 1999, 24-25). As a result Kitschelt identifies three types, ranging from the most to the least permissive: authoritarian-bureaucratic, national consensus, and patrimonial Communism.

The typology created by Linz and Stepan (1996) is more comprehensive and includes Kitschelt's criteria. It categorizes Communist regimes according to five different standards: the autonomy of civil society, the autonomy of political society, constitutionalism and the rule of law, the autonomy of bureaucracy, and the pluralism of property forms. The resulting forms are, ranging from the most to the least permissive: authoritarianism, totalitarianism, post-totalitarianism, and sultanistic (Linz and Stepan 1996, 56). By studying the features of the previous regime in relationship with the democratization process I hypothesize that:

H4: A more permissive type of previous regime allows for a faster process of democratization.

Related to the aforementioned hypothesis, another variable affects the nature of the transfer of power after the collapse of the Communist regime. Specifically, I examine whether the transfer occurred through democratic means-silent protests, negotiations, round table talks, and elections-or through violent means-aggressive street protests, killings, and army and police involvement. The type of transfer might have an impact on the democratization process as the mechanisms that are developed during that period can perpetuate and find their ways into political institutions. This hypothesis is based on institutional theories of democratization that argue for democratic institutions in transition states (Diamond and Plattner 1994; Linz and Stepan 1996). Thus, I hypothesize that:

H5: A low level of violence in the transfer of power at the end of Communism favors the democratization process.

The same logic applies to the next two independent variables - the nature of the first holders of power after the fall of Communism and the chosen type of government. The first elections after the collapse of Communism were characterized by different degrees of freedom and fairness. Their results were dichotomous: either successors of the Communist parties won the elections or new and democratic forces assumed power. In this context, I hypothesize that democratization will be more difficult when Communist's successors are in power because of their political affinities, interest, mechanisms and structures they support. Conversely, when democrats are in power, democratization will be easier, as those in power will be more preoccupied with establishing a path towards democratization and establishing the institutions that can best achieve this goal, leaving behind old structures.

H6: The electoral success of the democratic forces in the first elections after Communism secures the path towards democratization.

Juan Linz's article on "The Perils of Presidentialism" (1990) represented the starting point of an era that marked by an ongoing debate over the classification of countries according to the separation of powers.

Countries were divided into two main categories, presidential and parliamentary, with a hybrid form in between, called semi-presidentialism. The article explored which type leads to a higher democratic performance. Although Linz only took a few cases into account, he concluded that parliamentary regimes favor democratization and extrapolated his findings. Donald Horowitz (1990) criticized Linz's methodological shortcomings and argued in favor of a positive relationship between presidentialism and democracy, emphasizing the political stability produced by this type of government. Due to this controversy and to the debates it provoked in the literature, a country's type of democratic system is an important variable that influences the democratization process in post-Communist states. As Shugart and Carey (1992), Lijphart (1994) and Mainwaring (1998) refined the field of possible democratic systems by introducing other types beside presidentialism and parliamentarism<sup>4</sup>, the hypothesis takes their work into account. The operationalization section sheds light on how I incorporate this variable in the analysis.

H7: The states that opted for a parliamentary system at the beginning of the transition period have greater chances to achieve democratic performances faster than the rest.

Another independent variable that may influence the process of democratization is the internal conflict a state suffered after the fall of Communism, excluding the violence that occurred when the transfer was made (see H5). I expect this variable to be inversely related to the success of a transition to democracy, since internal violence is unlikely to foster democracy (Diamond and Plattner 1994). With a few exceptions, democratic states do not face upheavals due to economic and political situations, but rather due to attitudinal features emphasized when speaking about democracy (Linz and Stepan 1996, 107-108).

H8: A great level of internal violence enhances difficulties in the democratization process.

The last variable in the domestic set is represented

by the ethnic heterogeneity of the populace and concerns the number of significant minorities living on the territory of a state. Linz and Stepan (1996, 16) argue that states that have large communities of ethnic minorities end up with "competing nationalisms within one territorial state". In this respect, the positions of the main minorities and of the majority might end up conflicting (see H8) in such a way that influences the path of transition. Thus, by undermining the legitimacy of the state, this variable negatively affects the process of democratization (Pevehouse 2005, 84).

H9: Ethnic heterogeneity reduces the speed of the democratization process.

With these hypotheses in mind, the following section briefly operationalizes each of the variables and specifies their data source. I utilize binary coding, as the use of the QCA requires dichotomous variables.

### Concept Operationalization and Research Design

#### *Measurement and data for democratization*

Measuring the degree of democratization represents a continuous challenge in the literature. Based on Dahl's approach, many researchers have tried to explain the variation in democratic performance across countries and regions through different indicators. However, a variety of errors can be encountered in their measurements. Cutright constructed an index of political development that took into account the characteristics of the executive and legislative branch of government in a country for a period of 21 years (Cutright 1963, 253-256). Bollen (1980) proposed an index composed of six indicators, with three of them focused on the popular sovereignty dimension (fairness of elections, effective executive selection, and legislative selection) and the other three on political liberties (freedom of the press, freedom of group opposition and government sanctions). All these indexes display different shortcomings and, generally, any aggregated measurement is deficient. In order to mitigate those problems with indexes, I combine two measurements, one from Freedom House and one from the Polity IV Project, that allow us to cover a wider spectrum of democratization. Freedom House examines

<sup>4</sup>Shugart and Carey (1992) identify the following types: premier-presidential, president-parliamentary, presidential, parliamentary, assembly-independent.

issues around civil liberties and political rights, while Polity IV deals with the executive recruitment, independence of executive authority, and political competition and opposition. As both measurements provide scores (Freedom House on a scale from one to seven; Polity IV on a scale from zero to ten) I added the scores to get the total score for a given state; the higher the score, the more democratized the state<sup>5</sup>. As democratization is considered an evolutionary process from a former political regime to democracy, I am interested in the trend the states register across the entire period considered here. Thus, I code 1 if the state presents a generally ascendant trend over the period, and 0 in any other instance (descendent, oscillatory or stable<sup>6</sup>).

#### *Measurement and data for independent variables*

Coding for the nine variables is described below. Data for the independent variables are taken from national constitutions, OSCE and MAR reports (for conflict and heterogeneity of population), census, election results databases (see bibliography), and the EU documents for formal invitations of states to join the EU.

a) International factors: The promise of membership in the EU is coded 1 if the EU launched such a promise in the form of a formal partnership or a bilateral treaty. In the absence of such an invitation, the cases are coded 0. Regarding the proximity to Moscow, I code 1 all those states that were part of the Soviet Union, as they are considered geographically proximate to Russia, whereas I code 0 all those states that were ruled indirectly by Moscow during Communism.

b) Domestic factors:

Economic independence is operationalized through the amount of external resources a country uses. Based on economic reports, I code 0 if a state is based more than 50% on external resources and I consider as economic independent (coding 1) all those states that have the dependency level less than 50%. There is a similar relationship between

GDP/capita and democratization. If there is an ascendant trend in GDP/capita over the years I code 1, otherwise 0.

The previous regime variable is coded 1 whenever it was fluent for a long period of time, with no major upheavals or contestation coming from various actors. All cases where the length and intensity were diminished are coded 0. When examining the transfer of power, there are two variables to consider: the manner in which the transfer of power was made (violent is coded 0; non-violent is coded 1) and first-election winners (if democrats won, I code 1; where successor or reformed Communist parties won, I code 0).

Based on the theories recalled in the first section of this paper that claim that a parliamentary system is more conducive to democracy, I code 1 all those cases with parliamentary system and 0 all those with a different type (presidential and semi-presidential)<sup>7</sup>.

Internal violence is coded 1 only when significant conflicts (including any type of armed conflict) and systematic aggressions were constantly present in society for a long period of time<sup>8</sup> (over 1 year). I code 0 all those cases where there were isolated conflicts or fragmented violence with causes that were soon afterwards solved. Ethnic heterogeneity is the last variable taken into account; I code 1 when the ethnic majority is formed through less than 80%<sup>9</sup>, the rest of more than 20% being divided among more than one minority; 0 goes for all other cases.

Data for the independent variables are taken from the constitutions, OSCE and MAR reports (for conflict and heterogeneity of population), census, election results databases (see bibliography), and the EU documents for formal invitations of states to join the EU.

<sup>5</sup>I reversed Freedom House scoring in order to be able to appropriately add up its scores with Polity IV. FH initially provides scores from 1 to 7 and considers the most democratized states to be those that have the smallest scores. In my case, the state that gets the highest score is the most democratic. In adding up the scores provided by Polity IV and Freedom House, we have standardized them, so that both of them run from a 0-10 scale.

<sup>6</sup>We code 0 those situations that were stable as in 1993 none of these states had an acceptable level of democratization. Thus, if they are stable across time that means that their level today is quite low.

<sup>7</sup>There are a few states that modified their type of government between 1993 and 2004. However, the changes were insignificant in terms of power sharing / the system modified, but the power remained concentrated in the hands of the same actor (Albania 1998, Slovakia 1998) or too late to influence something in the analysis (Moldova 2002).

### Cases and Method

This research concerns 20 post-Communist states that, following the collapse of the Soviet Union, expressed interest in membership in the EU and which, according to the geographical criterion of integration, can become EU members: Azerbaijan, Armenia, Albania, Belarus, Bosnia-Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Georgia, Latvia, Lithuania, Hungary, Macedonia, Moldova, Poland, Romania, Slovakia, Slovenia, and Ukraine<sup>10</sup>. These cases require a clear understanding of their paths towards democratization (an aspect that will be clearer from the third research phase). In this context, QCA allows a case-oriented approach. It is based on Boolean algebra and set theory, and uses dichotomous variables, logical operations between variables (causal conditions and outcomes in QCA terminology), logical operators (AND, OR, and NON), and truth tables. The steps to be taken with QCA are: specifying a model that includes specified independent variables (table 1) and creating a data matrix; running the necessity analysis for each individual causal condition (independent variable); running an analysis summarizing the primitive results in a table (2); and re-running the analysis with simplifying assumptions in order to identify more parsimonious results (table 3).

### What makes the difference in democratization?

Of the 20 cases covered in this study, I arrive at a conclusive result in the 12 instances but not in the remaining 8. Below is the truth table used in the analysis, containing 29=512 lines (where 9 is the number of causal conditions). I display only those with the corresponding cases. The rows which do not have any empirical correspondence reflect the limited diversity; there are no cases corresponding to them.

After conducting the necessity test in fsQCA, the only necessary variable for the existence of democratization is the 'carrot' of the EU membership. An

outcome of 1 is accepted only for those rows with a consistency higher than 0.9 (necessary in at least 9 out of 10 cases). The consistency of the causal condition referring to the EU is 0.92. The only reason it does not reach a perfect value of 1 is the case of Bosnia, which, while on a democratization track, did not receive the promise of accession to the EU. However, this state can be considered an outlier as it did not reach as a high level of democracy as the other states with an outcome of 1; its performance was notably higher than in 1993 when it was ranked for the first time. The variable of the EU's 'carrot' of membership has coverage of 1, meaning that whenever it appears in a case, the outcome of democratization will occur. A second variable that is close to the necessity threshold and also has coverage of 1 is GDP/capita. Thus, the analysis confirms, in over 80% of the considered cases, the hypothesis that a higher evolution of this indicator leads to increased probability for democratization.

There are nine rows explaining the outcome, covering 12 cases. There are seven combinations explaining the outcome where the variables for EU membership and GDP/capita are coded 1, given in the formula below<sup>11</sup>:

$$\text{ERgFwvpvh}^{12} + \text{ERgFwPvh} + \text{ERgFTWvh} + \text{ErGFTWpvh} + \text{eRgftWpVH} + \text{ErGFTWPVh} + \text{ErGFTWPvH} \text{ ' D} \quad (1)$$

This solution is reached without making any simplifying assumptions about the possible outcome of logical combinations which do not have an empirical correspondent. Consequently, this is the most complex solution that has the potential to explain the occurrence of the outcome. The cases corresponding to each combination are listed in table below.

The first combination covers two countries, with a raw coverage of 0.17, while the second combination in the solution formula has a raw coverage of 0.33, meaning that it covers four cases out of the

<sup>10</sup>For the armed conflicts I do not apply the time dimension. Any armed conflict, unless it has private connotations provides a code of 1 to that case.

<sup>11</sup>I was inspired in using the 80% threshold by the Minorities at Risk Project.

<sup>12</sup>I excluded from the analysis the Central Asian states and Serbia that had continuous problems regarding territory and population, two essential components of the state.

<sup>13</sup>Capitals indicate the presence of the condition, whereas small letters indicate its absence.

<sup>14</sup>QCA uses one-letter coding for variables. As a result, I renamed all variables as follows: EU = E, distance from Russia = R, GDP/capit = G, Former Regime = F, Power Transfer = T, Winners of the first election = W, Parliamentary system = P, Internal Violence = V, Ethnic heterogeneity = H, Democratization = D.

**Table 1: TRUTH TABLE – 9 CONDITIONS, DEMOCRATIZATION AND CORRESPONDING CASES**

Row #	Causal conditions											Outcome	Corresponding cases
	EU	Distance	GDP/capita	Former regime	Power transfer	First winner	Parl. regime	Violence	Ethnic heterog.	Democratization			
1	0	1	1	0	0	1	0	1	1	1		Bosnia	
2	1	1	0	1	1	0	0	0	0	1		Bulgaria	
3	1	1	1	0	0	1	0	0	0	1		Croatia	
4	1	1	1	0	1	1	1	0	0	1		Czech Rep., Hungary	
5	1	0	1	1	1	1	1	0	1	1		Estonia	
6	1	0	1	1	1	1	1	1	0	1		Latvia	
7	1	0	1	1	1	1	0	0	0	1		Lithuania	
8	1	1	1	0	1	1	0	0	0	1		Poland, Slovakia, Slovenia	
9	1	1	0	1	0	0	0	0	0	1		Romania	
10	0	1	0	1	1	1	1	0	0	0		Albania	
11	0	0	0	1	1	0	0	1	1	0		Azerbaijan, Moldova	
12	0	0	0	1	1	1	0	1	0	0		Armenia	
13	0	0	0	1	1	0	0	0	0	0		Belarus	
14	0	0	0	1	1	1	0	1	1	0		Georgia	
15	0	1	0	0	1	0	0	0	1	0		Macedonia	
16	0	0	0	1	1	1	0	0	1	0		Ukraine	
...													
512												?	

Source: Truth table compiled by fsQCA software.

Note: 0 = the absence of the causal condition, 1 = its presence.

12 in which the outcome occurs. The third covers five cases, having a raw coverage of 0.42, whereas the rest of four combinations cover one case each. Thus, the total coverage of this proposition is 1 (all cases are covered). Each of the seven primitive combinations has a consistency of 1, meaning that each of them is a sufficient, but not necessary, conjunctural cause for the democratization, and therefore the consistency of the entire proposition is also 1.

A closer look at the results displayed in table 2 provides some relevant initial conclusions. Bulgaria and Romania follow the same analytical pattern (ERgFwpvh), which might explain their delay in join-

ing the EU and a slower democratization process. The two states are often examined together in analyses; the findings of this research also emphasize their similarities. At the same time, it is interesting to observe that Poland, Slovakia, and Slovenia share the same pattern of democratization with Croatia; the first three countries became the EU members on May 1, 2004. The third combination (ERGfTWvh) confirms the direction identified in the hypotheses (excepting the one regarding the parliamentary regime that is not included in the logical minimization). Five cases are covered by this combination and they have similar democratization paths and scores: the three leading countries in the CEE

transitions (Czech Republic, Hungary, and Poland) are accompanied by Slovakia (similar development grounds with the Czech Republic) and Slovenia (adapting well to developments). Working with simplifying assumptions will lead to easier interpretation of results. According to these three formulas that cover 66% of the cases, a more successful process of democratization can result from a combination of several factors, namely the EU's promise of membership, significant distance from Russia, no internal violence, and ethnic homogeneity.

The initial solution formula can be simplified further in several ways; the one that I adopt is factoring out terms of the proposition (1). However, both Tosmana and fsQCA provide the result after taking simplifying assumptions into consideration. For this case there are 375 simplifying assumptions; the most parsimonious solution formula, obtained after computing the simplifying assumptions is:

$$E + G \rightarrow D \tag{2}$$

**Table 2: PRIMITIVE (COMPLEX) CAUSAL EXPRESSIONS ASSOCIATED WITH DEMOCRATIZATION AND CORRESPONDING CASES**

Expression	Raw coverage	Unique coverage	Consistency	Corresponding cases displaying the outcome
ERgFwpvh+	0.166667	0.166667	1.000000	Bulgaria, Romania
ERgFWpvh+	0.333333	0.083333	1.000000	Croatia, Poland, Slovakia, Slovenia
ERgFTWvh+	0.416667	0.166667	1.000000	Czech Republic, Hungary, Poland, Slovakia, Slovenia
ErGFTWpvh+	0.083333	0.083333	1.000000	Bosnia
eRGftWpVH+	0.083333	0.083333	1.000000	Estonia
ErGFTWPVh+	0.083333	0.083333	1.000000	Latvia
ErGFTWPvH	0.083333	0.083333	1.000000	Lithuania

Solution coverage	1.000000
Solution consistency	1.000000

**Source:** Table compiled using output results generated by fsQCA and Tosmana.

The raw coverage indicates the amount of outcome explained by each condition. The EU promise explains almost 92% of the outcomes whereas the evolution of the GDP/capita explains around 83%. By taking a look at the unique coverage, the former condition covers approximately 17% whereas the latter only 8%. The direct conclusion is that there is a high overlap between them, an aspect reflected also when examining individual cases. The EU promise explains the outcome for nine states plus Bulgaria and Romania, while GDP/capita excludes the two from explanation, including Croatia next to the body of nine states. These findings are strengthened when examining the conditions that are

required in order to have an absence of democratization. The results of the analysis are that the absence of EU promise and a decrease of GDP/capita lead to non-democratization.

$$eg \rightarrow d \tag{3}$$

This combination of conditions is represented in the formula above and covers all the states under observation that have not democratized: Albania, Azerbaijan, Moldova, Armenia, Belarus, Georgia, Macedonia, and Ukraine. Such a result strengthens the main findings, which suggest that the EU promise and the economic growth represent major expla-

nations for fast democratization.

The immediate post-1989 declaration of many CEEC to attain membership in the European Union paved the way for the subsequent diffusion, institutionalization and absorption of the EU-conceived normative configurations, political structures and public policies in the CEEC. The formal and informal membership requirements stipulated by numerous EU obligations and conditions, like the Europe Agreements or the Accession Partnership, are the essence of the EU's influence on the democratization process of the CEEC. Triggered mainly by the accession conditionality (i.e. the "carrot and the stick" policy), the EU guides the post-communist countries to adopt Western liberal norms and values of appropriate international conduct (according to the socialization theory exposed by Schimmelfennig 2000). In this case, the democratization process is the result of a vertical interaction between the EU and the post-communist states where the latter react in response to the stipulations of the potential EU membership. As stipulations involve major components of democratic performance (e.g. the Copenhagen criteria), the conformance of the CEEC to the prescribed norms and practices fosters democratization. The mechanisms of guided Europeanization of the region can be summarized

as lesson-drawing (i.e. the import of models and programs from abroad), socialization (i.e. the learning and internalization of regulatory and prescriptive norms), obligation (i.e. duties, responsibilities and potential sanctions for actors who want to or are pressured to obey the established rules), and sanction (punitive instruments designed to secure actors' obedience with the rules). Basically, this complex of factors explains most of the differences in democratization that occurred in the post-communist space. Overall, the countries subjected to conditionality have witnessed faster democratization when compared with the rest.

The second variable that explains the speed of democratization is democratic development. Moving beyond the continuous debates about the causal relationship between democratization and economic development, there is evidence from the post-communist countries that increases in the GDP/capita creates a more favorable environment for democratization. However, one must bear in mind that a functional market economy represents a basic component of the accession conditionality. It is not surprising that countries that receive the promise of EU accession perform better on the economic indicator compared to their neighbors. For

**Table 3: THE SIMPLEST CAUSAL EXPRESSIONS ASSOCIATED WITH DEMOCRATIZATION AND CORRESPONDING CASES**

Expression	Raw coverage	Unique coverage	Consistency	Corresponding cases displaying the outcome
E +	0.916667	0.166667	1.000000	Bulgaria, Croatia, Czech Republic, Hungary, Estonia, Latvia, Lithuania, Poland, Slovakia, Slovenia, Romania
G	0.833333	0.083333	1.000000	Bosnia, Croatia, Czech Republic, Hungary, Estonia, Latvia, Lithuania, Poland, Slovakia, Slovenia

Solution coverage 1.000000

Solution consistency 1.000000

Source: Table compiled using output results generated by fsQCA and Tosmana.



example, the Czech Republic, Poland, and Hungary benefit of fundamental reforms in the mid-90's and become the forerunners of economic transition. The conditionality makes Slovenia join the group later on and transforms it in a real economic success, being also the first former communist country that adopts the European currency. Even the delayed accession countries (Bulgaria and Romania) perform better in economic terms than Albania, Macedonia or Azerbaijan, countries that were not subjected to EU conditionality. Put simply, economic development goes hand in hand with the EU promise for accession and sets the ground for faster democratization.

### Conclusions

This study reveals that out of nine potential explanatory variables tested there are two that make a difference with respect to democratization in the CEE region: the "carrot" of the EU accession and a constant increase of the GDP/capita. The states that have met at least one of those conditions reached high levels of democratization, whereas the others were not as successful. From the study of the causal mechanisms of democratization, it appears that EU accession was a primary factor that propelled democratization in the region. In this context, the model presented in this article, although complicated, provides valid explanations and represents bases for further research.

These findings bear two major implications. First, both at theoretical and empirical level, the institutional impact of foreign intervention and objective economic factors should be included in analyses concerning the developments in the post-authoritarian space. In this respect, our study bears a particularity that makes it difficult to replicate for other regions (the EU interest in getting new members), but it also entails general concepts (i.e. the role of foreign institutions) that may be useful to develop an argument in other settings. Second, at a policy-making level, being aware of effects produced by their actions, the actors can take advantage of the situation. On the one hand, knowing its potential in the democratization process, the EU may model the subsequent accession processes for the future member states. On the other hand, the domestic institutions may enhance an economic increase in order to

provide solid grounds for democratization.

The limits of this research are represented by the level of the analysis. A general look allowed us to observe patterns and to hypothesize about the macro-relations and to provide a possible explanation about the functioning of those mechanisms. It would be useful if further research concentrated on a micro-level approach. Hopefully, a closer look will say more about the underpinnings of the causal mechanisms in the process of democratization in the states that democratized as a result of Europeanization. Furthermore, as the QCA analysis provided dual results (the EU promise and GDP were found to be promoters of democratization), further research should focus on the relationship between the two variables instead of positing that the "carrot" of the EU membership fosters a more rapid increase in the GDP.

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# Anti-Semitic and Holocaust-denying Topics in the Romanian Media

By Alexandru Florian<sup>1</sup>

## Abstract:

*The following study uses qualitative analysis to identify the main anti-Jewish and Holocaust denial themes used in Romanian media. The hypothesis of the analysis is that even in modern societies freedom of expression is limited, particularly when it comes to messages which incite hate or which urge for discriminatory actions. In 2002, Romania joined other countries which in implementing active policies in order to discourage the public denial of Holocaust and pro-fascist symbolism. Despite this, the media continue to disseminate anti-Jewish and Holocaust denial symbols. The paper identifies and analyzes the main themes and instruments the media employs in order to deliver such messages.*

## Keywords:

Nationalism, Antisemitism, Romanian Holocaust, Holocaust Denial

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## Introduction

This paper will be looking at the main anti-Semitic and Holocaust-denying topics in the Romanian media during 2007. The axiological premise of this assessment is that in a modern society, freedom of expression is not unlimited. According to J.S. Mill, individual freedom should be used in such a way so as not to damage or limit somebody else's freedom (1994: 17). Thus, in some European countries, especially where the tragedy of the Holocaust and of the Fascist experience were more obtrusive, public manifestations of Holocaust denial were forbidden by law. One of the reasons was that in the period between the two world wars, xenophobic, nationalist and anti-Semitic right-wing radicalism easily succeeded to transform its discriminating message into physical extermination on ethnic and racial grounds. The reaction of civil society, democratic political parties and public opinion leaders against this policy was minor, if at all. Wherever fascist movements or political parties came to power, anti-Semitism became state policy.

In 2002, Romania joined the states that committed themselves to an active policy that discourages the use of Holocaust-denying and pro-fascist symbols. Austria, Germany, France and Spain have specific legal provisions that make Holocaust-denial a crime. In France, the Gayssot Law (July 13, 1990) brings some technical changes to the French criminal legal code, by adding art. 24 bis to the *Law of mass-media freedom* (1881). This article creates sanctions for those who publicly deny the existence of crimes against humanity, as defined in art. 6 of the *Statute of the International Military Tribunal*<sup>2</sup>. The Austrian law is also a completion of an older legal provision. Art.3 par.h of the *The law for banning Nazi or Fascist signs and organizations* (1947) states that

[...] whoever denies the Nazi genocide or other Nazi crimes against humanity, or describes them as

bluntly inoffensive, approves them or tries to justify them in a written work, on radio or by other means of public communication, or by another means that makes one publicly accessible to many people, will be punished.

Romania, Law 107/2006 reinforced the provisions initially stated by Governmental Order 31/2002, on banning fascist, racist or xenophobic organizations and symbols, as well as the promotion of the memory of persons found guilty of having committed crimes against peace and humanity. The law emerged in the context of a Romanian political scene where political actors and private persons were making efforts to rehabilitate Ion Antonescu using the myth of the hero who saved his country or of the one who symbolically reunited the split parts of his country. Before the Order was issued, from 1990 to 2001, six statues and monuments in Ion Antonescu's memory erected (T. Friling et al. 2005:364). Moreover, in the public area of media communication and culture, anti-Semitism and Holocaust denial were and still are present, some of them even having inciting connotations<sup>3</sup>. Another aspect is the Internet promotion of webpages that are dedicated to the mythology of the Legionary Movement. Without necessarily being exclusively anti-Semitic, these messages promote nationalism, mysticism, authoritarianism and order, seen as opposing the values of the so called destabilizing democracy<sup>4</sup>.

Bearing in mind the Romanian context, this work is structured on two main directions of assessment and interpretation. First it will try to identify the main subject matters and media expressions of support for spreading anti-Semitic or Holocaust-denying messages. Second, it will look at the dynamics of the anti-Semitic and Holocaust-denying discourse in the Romanian media from 2000 to 2007.

*Holocaust denial and anti-Semitism: two subject-matters of the public message*

<sup>2</sup>Part of the Addenda of the London Agreements signed in August 8, 1945. The articles states "the killing, extermination, slavery, deportation and any inhuman act committed against any civilian population, before or during the war, or persecution on political, racial or religious grounds, independently on whether these acts or persecutions were or a violation of the internal laws of the country or not, or whether they were committed as a result of a crime that the Tribunal was entitled to deal with or connect to that crime" should be punished.

<sup>3</sup> See G. Voicu (200, 2003), T. Friling et al. (2005, p. 339-387). Ion Coja's message is very strong, "There was no Holocaust in Romania! Open Letter to Mr. Traian Basescu", in Greater Romania Magazine (Romania Mare), no. 855, December 1, 2006, where he foresees: "Be happy of the news that we bring. There was no holocaust at all in Romania! It didn't even visit us! No holocaust, no genocide, no pogrom! It didn't happen in Antonescu's time or at any other occasion! We missed them all! Who knows, maybe we shall make this holocaust some other time, properly, all legal! With witnesses, documents and surely with victims, why not?! Everything by the book!"

<sup>4</sup> See web pages such as: miscarea.net, fgmanu.net, geocities.com, sarmisegetuza.faihtweb.com, pages.prodigy.net, rostonline.org, etc.

Apart from the content of a particular message, we find there are at least two other factors which influence public opinion. The channel of communication is one of them, while the author is the other. For both, the successful reception of a message is enhanced by fame, credibility, the "package" of the resources that spread the message, its frequency, and so on. As a result, it is probable that an anti-Semitic or Holocaust-denying message will enjoy a more favorable reception if its author is the media channel that delivers it is better known and has a better market position.

*Methodology, theoretical assumptions and working definitions of anti-semitism*

This work employs qualitative data collected out of the main national newspapers, such as *Adevarul*, *Atac*, *Cotidianul*, *Cronica Romana*, *Curentul*, *Gardianul*, *Gandul*, *Evenimentul Zilei*, *Jurnalul National*, *Romania Libera*, *Tricolorul*, *Ziua*, as well as of periodical magazines (*Aldine*, the cultural supplement of *Romania Libera*, *Lumea*, *Obiectiv Legionar*, *Puncte Cardinale*, *Romania Mare*) and websites (*AlterMedia*, *HotNews*, *Noua Arhiva Romaneasca*, *Permanente*, *Rost*). Reference to local or regional media outlets is simply peripheral, since this work is not intended to assess this category of media outlets.

This study is centered on two themes of symbolic communication: *anti-Semitism* and Holocaust denial. Both categories of messages express the same negative feelings towards Jewish people. A large part of the existing literature classifies Holocaust denial as a new expression of anti-Semitism or of Judeo-phobia (P. Novick, 1999, Pierre-Andre Taguieff, 2002, M. Wieviorka, 2005). In the interpretation of the public discourse on Holocaust, we used the interpretative scale proposed by M. Shafir, according to which Holocaust-denying messages can be classified into: full denial, defective (with the variants "it's the fault of the Germans", the blaming of "peripheral people" or "oblivion" of the main culprits, the Jews are to be blamed), selective denial and trivialization by comparison (M. Shafir, 2002).

The concept of anti-Semitism has multiple meanings. After the end of World War II, in 1946, J.P. Sartre published an essay book dedicated to this social phenomenon. Interested in defining anti-Semitism, the French philosopher recalled the liberal vision according to which "all tastes are found in nature, all opinions are allowed" (J.P. Sartre, 2005, p. 9). If anti-Semitism were a simple opinion, it would have legitimacy to exist (J.P. Sartre, 2005, p. 9). Thus, it could enjoy a public area of expression. However, Sartre finally reaches the conclusion that such messages, which bestow an imaginary blame on identifiable persons, do not have the features of opinions. On the contrary, they belong to the doctrinal discourse. "I refuse to call "opinion" a doctrine whose clear purpose is the stripping of rights or the extermination of a certain person" (J.P. Sartre, 2005, p. 11).

In order to underline the difference between classical doctrines (liberalism, socialism, conservatism) and anti-Semitism, the philosopher introduces an extra criterion, that of the message's universality. He notices that, for anti-Semitism, the Jew is not the expression of a human ideal, but a person which can be identified in society after a series of features. This way, his or her role is to incite. Thus, "the Jew being vexed by the anti-Semite is no longer an abstract being, only defined by his or her position, as in administrative law, or by his situation or actions, as in the Legal Code. He is a JEW, the son of a Jew, identifiable by his or her physical appearance, clothes and, nonetheless, his or her character. Anti-Semitism is not part of the category of messages under the protection of the Right to Free Expression" (J.P. Sartre, 2005, p. 11-12). It is an ideology where "passion", emotions and irrationality, all have an important part in the construction of the message.

For the purpose of this analysis we will employ the definition of anti-Semitism as provided by the European Monitoring Centre on Racism and Xenophobia (EUMC, 2004, p. 12): "any attitude/action that is hostile towards Jews perceived as "Jews" or "because they are Jews""<sup>5</sup>. This sentence puts forward, on the basis of the anti-

<sup>5</sup>EUMC was founded in 1998 as an independent organism of the European Union and its purpose is to survey racist, xenophobic and anti-Semitic phenomena and displays. From 2007, EUMC became FRA (The Fundamental Rights Agency). Thus, after consultations with various Jewish organizations and researchers in this field, EUMC elaborated a working definition of anti-Semitism in 2005.

Semitic literature from Nazi Germany, seven stereotypes for the identification of anti-Semitism. Sentences in which the Jew appears as: (1) liar, dishonest, shrewd; (2) alien, having a different nature from others; (3) hostile, irreconcilable, agitator; (4) radesman, a symbol of capitalism; (5) corrupt; (6) holder of power and influence, conspirator; (7) author of deicide (having killed Jesus).

This perspective also has its critics. Kenneth S. Stern in *Anti-Semitism Today*. How it is the Same, How it is different, and how to fight it, considered that stereotypes are derived from anti-Semitism, and not a feature of it (Kenneth S. Stern, 2006:98). As a result, EUMC formulated a new definition of anti-Semitism in 2005. This time, the organization planned to elaborate "a practical guide for the identification of incidents, for gathering information and for supporting the implementation and application of legislation about anti-Semitism". Under these circumstances, anti-Semitism was defined as

*[...] a certain perception about the Jews, which can be expressed as hatred for the Jews. Verbal and physical displays of anti-Semitism are focused against Jewish individuals, non-Jews or/and against their properties, against Jewish communal institutions and religious buildings.*

Among other things, EUMC's framework qualifies as anti-Semitic public displays the support or justification of violence against Jewish people on behalf of a radical ideology or accusing Jewish people of being guilty for real or imaginary abominable deeds. EUMC equals Holocaust denial to a form of anti-Semitic display.

In our view, Holocaust denial and anti-Semitism are not the same things. As Michael Shafir mentions, though anti-Semitism is for sure one of the causes of Holocaust denial, it could not be the only one, and definitely not always the main one. Shafir is right to mention that "Holocaust denial is a reflection of a self-defense mechanism that cannot at all be limited to anti-Semites or to those who are trying to use denial as a political tool" (2003). Many times in historiography or in mass media messages,

the deflective or selective Holocaust denial is stimulated by radical nationalism. This ideology is much more visible in many of the texts that circulated after 1990, their purpose being to promote the image of an impeccable, powerful Romania, whose failures are always caused by foreigners. From this perspective, Holocaust denial in Romania is more than a type of anti-Semitism or Judeo-phobia.

### *Holocaust denial*

In most cases, the European Holocaust is associated with the image of Nazi Germany and is reflected in the media as such. In its June 21<sup>st</sup> edition *Ziua* publishes two articles, one on anti-Semitism and the other on the tragedy of the Jews in the period of the Second World War. The second article, signed by Camelia Ciobanu (C Ciobanu, 09.21.2007), takes on a rather ironic and sarcastic approach to the difference between the life of criminals and the tragedy of the Holocaust's victims' last days<sup>6</sup> (for example Auschwitz is "the famous concentration camp").

The viewpoints on anti-Semitism and the Holocaust of the Jewish people in Romania are so contradictory, that *Ziua* succeeded to host the dispute between two such views. Thus, the article, "Corneliu Zelea Codreanu. Eighty Years Since the Beginning of the Legionary Movement", is a polemic on the legionary anti-Semitism. The article is an answer by Tesu Solomovici, to a letter addressed to the editors by Aurel Vainer, President of the Federation of Jewish Communities of Romania. In the letter he asked for the newspaper to mention, "as a continuation to the article, [...], that Corneliu Zelea Codreanu, the main creator and promoter of the legionary ideology, also introduced into the Romanian political life, acts such as murder, urges to hate and violence and an aggressive anti-Semitism, as means of fight for the conquest of power" (T Solomovici, 09.21. 2007).

Much of the legitimacy of anti-Jewish messages in Romanian media was drawn from foreign literature. As Michael Shafir shows, most of the "arguments" from Holocaust-denying messages are generally adopted from Western Holocaust-denying literature (M. Shafir, 2003). Most cited are Norman Finkelstein

<sup>6</sup>Taken in the summer and autumn of 1944, when the gas chambers were used at maximum capacity and the Zyklon B gas killed about 6.000 prisoners per day, the photos depict the carefree life style of the SS officers. They are having fun, relax in the company of young women and receive visits. Nothing of their attitude seem to be connected to Hitler's gruesome "death factory", where 1.1 million prisoners were killed, most of them Jewish".

and Roger Garaudy. These are taken as landmarks around which the message of doubt is built, combined with the so-called guilt of the Jews for their own extermination. For example, Adrian Botez, following Garaudy's texts, qualifies the existence of the Holocaust as "extremely problematic and having left extremely many question marks" (A. Botez, 2007).

The responsibility for the atrocities is passed off to the Jewish people themselves. He makes a distinction between two situations: a) "the great Jewish bankers who made the most pure racial standpoints and negotiated with Hitler the surrender of the Jewish "second class" citizens, so that the New Zion would not be hindered by "the slime bags" of such a noble, "chosen" people" (A. Botez, 2007); b) Hitler himself was the son of Rothschild, the Jewish magnate. The following quote describes the construction of Jewish guilt arguments:

*Only the Rothschilds are the great defenders of the Jewish people, while Hitler slaughtered this people, together with the Roma, communists and all those who opposed to him or he wanted to get rid of. The Rothschilds are Jewish, so they would never do such a thing! Really... According to researchers and informed people, Hitler was not only supported by the Rothschilds, he was a Rothschild, as well. This revelation is in perfect compliance with the Rothschilds' actions and those of the other genealogic lines of the Illuminati from Germany, who brought Hitler to power, accepting his dictatorship over this nation. (D. Icke, 2007).*

However, most of the times, the responsibility of Nazi Germany and its collaborators for the persecution and systematic annihilation of the European Jewish Community is acknowledged. On the other hand, in some cases, the discourse is quite ambiguous. One of the most firm and vocal authors of Holocaust denying works, when discussing Romania's responsibility for more than 250.000 killed Jews, acknowledges the extermination of the European Jewish people, but stumbles in the so-called problem of numbers.

"In fact, I don't know of anybody, any author, professional or amateur historian, or any of their texts, which

mentions that the Holocaust, the genocide against the Jews, did not exist. As far as my quotes from the "Holocaust-denying" literature are concerned, as those works are labeled, their content only denied the dimensions given to the Holocaust: six million Jews... But they do not deny the Jewish tragedy proper - we can also call it a Holocaust, as it was lived during those times. I repeat, I never met authors and texts, books that deny the suffering and persecutions suffered by the Jews in the period 1939-1945" (I. Coja, 03.07.2007)

The particular features of the Romanian case is always questioned. In other words, they reject, in various ways, the responsibility of the Antonescu Government or the participation of members of their own nation in the implementation of discriminating and exterminating measures, thus expressing a selective denial. I. Coja does not abandon the propagandistic race of denial, using expressions such as "the so-called Holocaust", while C.V. Tudor's *Tricolorul* includes an unsigned article called "There was no Holocaust in Romania!"<sup>7</sup>.

When the policies and violence against the Jewish community are in fact acknowledged, the strategy is to use minimizing distortions: the number of victims is lower than claimed, the purpose of the repressive measures was just and the responsibility for having initiated and implemented those measures is someone else's. In Romania, this deflective Holocaust denial transfers the responsibility of the crimes committed by Antonescu's regime to either the Germans (I. Coja, July 13, 2007, I. T. Popescu, 2007), or the Anglo-Saxons, since

"the allied armies [...] played a role and used biologic and bacteriologic warfare, arms which were forbidden by the international community, being directly responsible for the ravage of the exanthematic typhus suffered by the civilian population and the enemy fighters!... One cannot stop, but make a connection between this piece of information (or hypothesis!) and the well-known typhus disease because of which so many Jews died in Transnistria! Of course, their number matters, but the causes of their death matter just as much, when one finds out, in fact, who condemned them to death and executed them! It was not the Romanians, let me

<sup>7</sup>See in *Tricolorul*, (June 7, 2007), Ion Coja, (June 25, 2007); other expressions of selective Holocaust denial, Mihai Buracu, (December 12, 2007), Andrei Vartic, (February 26, 2007).



state this again! Thousands of Jews and non-Jews, including their guards, also died in Auschwitz, having been killed by the same exanthematic typhus, imported from over the Ocean..." (Ion Coja, March 2007);

or the Jewish people in general and the communist Jews in particular.

The Iasi Pogrom is the best "example". A great number of Jewish people were living at the time in the city (50% of the population). Despite historical documents Romania Mare claims to discover false causes of mass murder:

"I am not an anti-Jew. On the contrary, I have a special respect for this Biblical people, which gave so many values to humanity... I do not deny the Pogrom... It is very important to keep in mind that, among the Jews from Iasi, there were also many hard-line communists, many of whom had run away in the Russian territories. Also, let us remember that, in the Russian planes which were hit and fell to the ground, Jewish pilots and parachutists who had been born in Iasi were captured, and they bombarded the town with the precision of knowledgeable people. Keep in mind that the gendarmes, as well as the soldiers and civilians found and arrested Jews which were signaling with flashlights or flares during the night bombings... Of course, it was enough for just a few hundreds, of the more than 51.000 Jews that lived at the time in Iasi, to commit such acts of terrorism and treason, so as to lead to an answer of the army and even to the revolt of the civilian population" C. Bazgan, 07.20.2007);

Natural causes are also invoked as a cause of Holocaust. Panic, the dog-days, the bad hygiene, were unintentional causes of the Holocaust. For the Noua Arhiva Romanesca magazine, there is no doubt there was no Holocaust in Romania. One of their issues states that "we are close to the day when mankind will admit that there was no Holocaust in the territories controlled by the Romanian Government during the war". The death of the Jewish people during the events in Iasi, at the end of June 1941, was not caused by the Pogrom, but by their psychosis when the authorities wanted to save them. The text transforms "death trains" into "saving trains". Fearing that the Germans could con-

tinue the reprisals, the Romanian Government ordered for the Jews to be taken to shelter, out of the capital city of Moldova. They were to be urgently evacuated by train. The panic caused by their urgent evacuation, the clashes with some of the evacuated people, the rush inside the train cars and the heat of the summer days lead to their death, especially in the case of those who had a weak heart." (I. T. Popescu, 9/2007).

#### *Praising the perpetrator*

As opposed to the Holocaust denial spread in Western public communication, Romanian media messages are mainly doubled by a combination of extremist nationalism and idolatry for Antonescu. The connection and juxtaposition of the myth "of the Marshall who saved the nation" and that of "Judeo-bolshevism" leads to serious distortions in the interpretation of history. Thus, Antonescu did not persecute the Jews, but tried to protect them.

"[...] meaning that, while Romanians were freezing to death at Stalingrad or as prisoners in Siberia or Vorkuta, the Jews were taken out to clean the snow on Victoriei Avenue".

In the same context, the victims from Transnistria cannot be explained only by exanthematic typhus which, in its turn, is considered to be caused by the "'dirt' which the Jews from the ghetto used to live in", especially since the Romanian authorities did their best to provide humanly proper conditions for survival, but limited to their possibilities at the time: "à la guerre comme à la guerre"<sup>8</sup>. Their deportation to Transnistria is interpreted as temporary, and the selection of the deportees is said to have been made on political grounds - only the communist Jews. They give credit to the idea that Antonescu wanted all the Jewish people to emigrate to Palestine ( I. Coja, October 8, 2007) while the Marshall protected the Jews more than anybody else ( N.D. Petniceanu, July 20, 2007, Vasile Gruian, July 15, 2007, M Buracu, December 12, 2007).

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"In a discreet manner, Ion Antonescu, as top military leader, had given a verbal order (not written, so as not to give proof to Hitler's SS) for the Romanian soldiers, wherever was required by the situation and was possible, to marry, at least only on paper, young Jewish women, so that, by changing their name, after getting married, they would be saved from the German executioners. In this way, several Romanians married not just on paper, but did so effectively" (N.D. Petniceanu, July 20, 2007).

Another expression of selective Holocaust denial is the acknowledgement of only the tragedy of the

Jews from Basarabia and Bukovina. This acknowledgement is conditioned, since the causes of the massacres were said to be no others but the Jews. As underlined each time by P. Goma, what happened starting from July 1941 is nothing else but the natural answer of the Romanian authorities in front of the aggressively anti-Romanian displays of the Jewish people in the summer of 1940, when these territories were ceded to the USSR. "Eye for an eye" is the author's solution for rewriting history.

Other historians also support the idea of the Holocaust as deserved sanction. For example, out of the interview with Dinu Giurescu, published in *Ziua* by Tesu Solomovici, the "inventor" of the minimizing formula "the asymmetric Holocaust", we learn that the same anti-Romanian reactions of the Jews from Basarabia and Bucovina led to pogroms and the deportation of the Jews by the Romanian authorities. Moreover, according to D. Giurescu, the Jewish people from those territories were communists, thus, the anti-Jewish actions of Antonescu's regime were understandable (A. Florian, January, 2008). This academician seems to find the explanation of Antonescu's anti-Jewish massacres in one of his resolutions from 1941. More precisely, it is

"a resolution that the Marshall wrote on a memo submitted by the Federation of Jewish Unions, dated October 19, 1941: "I committed myself to the Jews from the Old Kingdom. I am keeping my commitments. But I have made no commitment towards the Jews from the new territories (Bassarabia and Northern Bukovina). Most of them were beasts. The really guilty ones cannot be found, all of them. They are many, under cover. I am sorry for the honest people. There are some of them too..." (D. Giurescu, November 3, 2007).

For Antonescu's supporters, the most powerful argument is the refusal of the Romanian authorities to deport the Jews from the Old Kingdom and Southern Transylvania to the Nazi camps from Poland. In order to consolidate this attitude within public conscience, Antonescu's decision is often presented in opposition to Horthy's, which led to the deportation of Hungarian Jewish people to

<sup>8</sup>See Ion Coja, (March, 2007). The same linguistic obsessions that are used instead of arguments in order to rehabilitate Ion Antonescu can be read in the work of Ion Toma Popescu, (2007).

Auschwitz in 1944. Moreover, while the Hungarian authorities were organizing the deportation of the Jewish communities from Northern Transylvania, Romanian people allowed Jews from that area to move to the territories controlled by Romania (V. Roman, 2007). Such comparisons are however biased. They do not take into consideration two historical aspects: the Holocaust of the Jews from Romania and from the territories that were controlled in the period 1941-1944 and the factors that made Antonescu's Government to quit, not to refuse, the plan to deport the Jews from the Old Kingdom in Belzec, in the fall of 1942.

Many times, selective Holocaust denial underlines respect for the victims, independently of their number. This procedure is a simple stylistic device. Finally, everything is reduced to a matter of mathematic details: if "it is morally compulsory to acknowledge the killing of 20-30.000 Jews in personal disputes, local conflicts, or military repressions", "from the statistical point of view, there is a huge difference from the few thousands, the tens of thousands of Jews which were killed during the war, to the half of million people claimed by the supporters of the Holocaust theory in Romania" (M. Buracu, December 12, 2007).

*Discrediting or contesting the authority and competence of the authors who specialized in this field.*

Holocaust denying messages are not meant to be part of the academic circuit of debated ideas. Since they lack scientific arguments, their discourse is intended to discredit the credibility of the authors which develop a rational endeavor, based on the interpretation and evaluation of primary sources. Presenting Antonescu as a savior is proper to those who plan to rewrite recent history in compliance to scientific evidence. They were not only called "holocaustologues", but were also accused of having initiated a project meant to fake history by a "horrible campaign of defamation led against the Romanian nation"<sup>9</sup> (I.T. Popescu, 2007).

In this context, three discursive practices are used for devaluating or minimizing rational research: (a) the insinuation that researchers were using only their own interpretative model, which was presumably built on the selective assessment of sources or which even lacked a scientific basis; (b) ambiguity, which places Holocaust studies face to face with Holocaust-denying productions, while the author of the message leaves the impression that his or her attitude is presumably neutral. Dan Stanca, for example, when he quoted J. Ancel and P. Goma found the truth to be somewhere in the middle.

"Paul Goma had not gathered his thoughts and memories, yet, in the volume called 'The Red Week, nor did such acknowledged Jewish historians as I. Ancel and Lya Benjamin write those works that we learned about later on. Of course, both parties exaggerate. Once historical facts take place, they lose their clarity and get into a certain area of subjectivity that distorts them and sends them to the future generation in a form that is incorrect, most of the times. Probably this is the case as well" (D. Stanca, November 23, 2007)<sup>10</sup>. It is probably true, but only as far as Goma's memory is concerned. Ancel works as a historian, and not as a writer who recalls his memories.

The third argument is that (c) researchers are hiding certain documents. Alter Media excels here by V. Zarnescu to whom

"the whole propaganda about the pretended Holocaust committed by Romania against the Jews is practically annihilated! Thus, as Israel steals documents in order to steal the proofs, it means that it is all a typical lie of the kikes, in order to extort money from the Romanians - and from others. This was proven, in fact, by N. Finkelstein"<sup>11</sup>

Also, there is a supposed destruction of archival funds or faking testimonies which could be in favor of Antonescu's regime (e.g. Mihail Sebastian)<sup>12</sup>.

<sup>9</sup> Also see Tricolorul, (June 7, 2007), AlterMedia, (February 16, 2007). It is worth mentioning that the pejorative term of "holocaustologues" was first used by Paul Goma, being later taken over by all those who want to discredit the rational research of the tragedy of European Jews; Ion Coja, (October 8, 2007), where writer Norman Manea is told that he presumably does not provide a correct interpretation to documents.

<sup>10</sup> Also see Viorel Roman, (February 23 2007).

<sup>11</sup> Ion Coja, (June 25, 2007), where he claims that Israeli secret services presumably hid W. Filderman's Memoirs; Also see Vasile Zarnescu, (September 20, 2007).

<sup>12</sup> Coja, (June 25, 2007), where he expresses his certitude that M. Sebastian's Diary was forged.

*Exploitation of the Holocaust by the Jewish people*

Many of the radical articles that were assessed in this study, which use a very aggressive discourse, adapt arguments from Western Holocaust-denying literature (AlterMedia, August 14, 2007) to the Romanian case. They apply denigrating labels to the literature that focuses on the Romanian Holocaust, being considered unreliable, "a large-scale international fraud, guided by the World Jewish Council"<sup>13</sup>. In this logic, the study of Jewish history during the Second World War is only the expression of a direct interest in money or connecting the destiny of the country to "world finances". Acknowledging Romanian Holocaust would thus mean to "economically enslave Romania and to empty the budget of this unlucky nation for a few decades (Mihai Buracu, December 12, 2007).

A new reason for the emergence of anti-Semitism arises: the implosion of communism. The study of the Holocaust is meant to shift the public's attention away from communism and the crimes of this political system, which was allegedly brought to Romanian by Judeo-communists. The Holocaust propaganda would equal hiding "communism and the crimes behind it". In other words,

"when you have such a tragic historical past, which brings money and strengthens your position in the society, it is only natural to restlessly defend this strange world of the Holocaust" (Viorel Patrichi, March 2007).

This fake competition between the Gulag and the Holocaust was also supported by representatives of the intellectual elite who unjustifiably feared that the symbol of the Holocaust could have monopolized the cultural area, thus minimizing anti-communist rhetoric<sup>14</sup>.

*Revision of the "de-fascization" process in Romania after 1944*

As far as this discourse topic is concerned, our study

makes a distinction between two types of media messages. On one hand, restoring the legitimacy of the ideology and activity of the Legionary Movement, and on the other, legally rehabilitating Antonescu's Government and its members.

Entire publications and Internet pages are dedicated or claim to belong to the Legionary Movement. The Legionary Objective (*Obiectiv legionar*), The Legionary Word (*Cuvantul legionar*), webpages such as The Legionary Movement (*Miscarea Legionara*), the New Right Association (*Noua Dreapta*), all promote legionary symbols and ideology. Apart from these specialized publications, the Legionary Movement enjoys a positive image in other publications as well. The harmfulness of such messages is not strictly dependent upon possible anti-Semitic opinions, but upon the fact that they promote political and cultural values which are contrary to democracy.

Some intellectuals have an attitude of shading or minimizing the ideological values that were shared by intellectuals who symbolically supported the Legionary Movement in the inter-war period. Many times, Mircea Eliade's Fascist orientation is called an act of "skidding". For example, high rank members of the scientific community, such as Eugen Simion, former president of the Romanian Academy, give credit to people like Vintila Horia saying that he was not among the ones who publicly supported the Legionary Movement through his writings. In one of his articles he states that:

"For more than 50 years, an idea was spread that Vintila Horia was a legionary man and that he wrote abominable articles in the media of the time. It is from Marilena Rotaru's book that I found out about Vintila Horia's firm acknowledgement that he was and remains a man of the right ("the cultural right", he says, not the political right), but he mentions that he never was a partisan of the far-right. It is time we believed him...", suggests the academician (Eugen Simion, April 28, May 5, 2007).

<sup>13</sup>Vasile Zarnescu, (September 20, 2007); Also see Tricolorul, (May 22, 2007), Viorel Patrichi, (March, 2007), Ion Toma Popescu, (2007), Tom A. Peter, (October 29, 2007).

<sup>14</sup>We remind, for the sake of the example, G. Liiceanu's attempt in 1997, when Mihail Sebastian's Diary from 1935 to 1944 was edited, to equal his hardships during the communist regime to those of the Jews during the Holocaust (M. Shafir, 2002).

However, one should bear in mind that Vintila Horia was the head editor of several legionary magazines, such as *Porunca Vremii*, *Sfarma Piatra* or *Gandirea*, and he published several articles in favor of Mussolini, Hitler and Antonescu<sup>15</sup>.

Every year, there are public religious commemorations of legionary heroes. The use of Christian Orthodox mystics is meant to assert the idea that the legionary death is surpassing the sphere of the contingent and gets into the "transcendent sphere of the destiny of the Romanian nation". Thus, it becomes "a supreme sacrifice for the belief in Christ" (Adrian Cerhat, January-February, 2007). For example, Ion Mota and Vasile Marin, volunteer legionaries in Franco's army, who died in the Spanish Civil War are commemorated every year as real martyrs of the nation (Bogdan Munteanu, January-February 2007, *AlterMedia*, January 15, 2007, Mircea Nicolau, January 2007, Radu Popescu, January 2007, Florin Dobrescu, January 2007, Iosif Niculescu, January 2007, Florin Niculescu, May 2007). The association of the legionaries with the Orthodox Church is thus meant to "sanitize" its ideology and political movement, to rehabilitate it in front of public opinion (Mihai Chioveanu, 2007, p. 560). The attempt to legally rehabilitate the members of the Antonescu Government was widely presented in the Romanian media (Liliana Nastase, Ionel Stoica, February 19, 2007, Ionel Stoica, May 5, 2007, V. Alexandru, February 26, 2007, Andrei Ghiuciusca, August 7, 2007, *Ziua*, February 20, 2007, *Tricolorul*, February 26, 2007, *Cronica Romana*, March 2, 2007, George Daniel Ripa, March 2, 2007, Rost, March 2007).

The process of legal review was open by Sorin Serban Alexianu, the son of the former governor of Transnistria, Gheorghe Alexianu, sentenced and judged within the Antonescu group in 1946. At the end of 2006, the Court of Appeal decided to acquit Gheorghe Alexianu, Ion Antonescu, Horia Sima and other members of the government, but only for the accusation of crimes against peace. The Court maintained the sentences for crimes against humanity and war crimes. Such a legal initiative entails some questions related to the institutional capability of

the justice system to decide on matters or reactions that are part of history. Naturally, the work methods of a judge and those of a historian, respectively, are just as different as the purpose of their activity<sup>16</sup>. Most of the media simply provided the pieces of information, but underlined the Marshall's role, as a hero and patriot, in gaining back Romania's territorial integrity. On the contrary, in Chisinau, there were critical reactions about the possibility of Antonescu's rehabilitation, even if partially (*Gardianul*, January 27, 2007).

Since there is no debate about the implications of such a development, there can be a confusion of areas. Strictly from the legal point of view, the non-final decision of acquittal refers only to the accusation of crimes against peace. The Court rejected the demand of rehabilitation related to war crimes and crimes against humanity, as it was considered groundless. This technical distinction is hard to be sent efficiently to the public opinion. Moreover, as Julie Trappe mentions, "it is not that easy to dissociate war actions from racial policies. Even if this is a partial rehabilitation of Alexianu, Antonescu, etc, meaning, in fact, a minimization of the *Holocaust*" (Julie Trappe, 2007), after the confusion created in the legal, historic and educational areas, the rehabilitation was rejected once and for all (*Gardianul*, May 7, 2008).

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<sup>15</sup>About the fascist works published by Vintila Horia, see Alexandru Laszlo, (2009).

<sup>16</sup>For the difference between the legal and historic discourse, see Éric Conan, Henry Rousso, 2001, pp 243-244.

*Anticommunism and fascism - a rehabilitation of the Romanian far-right in the terms of its anticommunist fight*

The collapse of the communist regime after 1989 created the premises for assuming and re-evaluating Romania's recent past. Many academic and public disputes followed, which means that the rational review of recent History mixed was with various individual or collective memories. The choice on what and how to resubmit for interpretation led to what Michael Shafir calls *the clash of competitive memories* (M. Shafir, 2007, 2008). After listing the main mechanisms that lead to a selective memory bias, M. Shafir pleads for assuming the norm "of acknowledging the other" as a premise for the dialogue of memories. The next step is that of liberating the interpretation of history from certain biases and preconceptions. In rewriting Romania's recent history, believes Shafir, "a good start would probably be to clarify certain concepts. Otherwise, I'm afraid we are still locked in the area of myths and legends" (M. Shafir, 2007, p. 101). Within this framework, the intellectual dispute Holocaust vs. Gulag remains a competition of mythologies .

As Tony Judt mentions, in Eastern Europe, "there are too many memories, too many pasts that people cling to, using them as a weapon against somebody else's past" ( Tony Judt, 2003, p. 387). This risk is even greater during the transition from a series of non-democratic political systems to democracy. The weight of totalitarian pasts makes it possible for executioners to become victims and vice versa, making it legitimate for the new democracy to consider possible rehabilitation moral. Thus, part of far-right's rehabilitation was based on its fight against communism. Regardless of the methods of rehabilitation used, the purpose was to obtain a respectable, moral, exemplary image of the representatives of a far-right political movement. What this argument intentionally omits is the fact that legionaries' opposition to communism was, in fact, a clash between two non-democratic political projects.

A common feature of the people who take on this type of rehabilitation is the fact that they belong to or support the legionary policy while promoting their status of victim of communist reprisals. Even if they acknowledge their political affiliation in many

articles, they highlight their status of communism victim. The implications of the legionary commitment are never reconsidered in the reconstruction of their biographies. Tony Judt speaks of

"the temptation to combat the memory of communism by reversing it". In other words, they reconsidered "all anti-communists which had been discredited until then [the fall of communism], including the fascists. The nationalist writers of the 1930's are fashionable once again. Post-communist parliaments voted motions that honored Marshall Antonescu in Romania or his homologues in the Balkans and Central Europe. Once denounced as being nationalists, fascists or Nazi collaborators, statues were now erected in their honor, for their heroism during the war (the Romanian Parliament even kept a moment of recollection in Antonescu's memory)" ( Tony Judt, 2008, pp. 750-751).

Given this situation when values and principles mix, when only simple logic is applied, according to which the ones who were bad yesterday are good today, and the other way around, the media avalanche of attempts to rehabilitate legionary leaders or members of Antonescu's Government entail symbols that are at least disturbing for the new generation, for whom recent history is just a written page.

*The World Jewish Conspiracy*

This discursive model develops the scenario of a world Jewish plot, with a special focus on the Romanian case. According to this type of message, the purpose of Zionist imperialism is to "establish a cosmopolite, planetary state under the leadership of a small number of plutocrats". The Jewish elite would exert its authority on political, social, economic, and cultural systems (Ovidiu Lapusneanu, August 7, 2007). Since this plutocracy has been exerting its influence from the oldest times "in 2007 the situation is unchanged and the Great Israelite Finance is leading the world" (Adrian Botez, 2007, Viorel Roman, June 15, 2007). The conspiracy theories that focus on the world political role of the Jewry follow three main defining directions considered necessary for conquering and dominating a country: its position in the system of international relations, eliminating religion and Christian institu-

tions and destroying national political leaders which have a patriotic and heroic-saving potential.

Due to its geo-strategic and natural resources Romania is a preferred target for Jewish people, who were "in front and/or behind all those who could decide the fate of the world, they say" (Ovidiu Lapusneanu, August 8, 2007). One of the ultimate objectives of the Zionist organizations, starting with those who control the world finances is the "de-Christianization of the population" (D. Zavoianu, February 28, 2007; Informatia Aradului, March 1, 2 and 5, 2007). Since the "Orthodox Church is the only one that kept unaltered the teaching of the primary Church until today" (Ovidiu Lapusneanu, August 7, 2007), the interest for destroying the true religion is obvious.

This period of transition to modernization is seen as a decay caused by the market and democracy, and it could be "the finalization of two centuries of fight sustained by the international Jewry" (Ovidiu Lapusneanu, August 7, 2007). Symbolic sentences such as the one cited above always express regret for the disappearance of non-democratic political leaders. The death of dictators such as Ion Antonescu, Nicolae Ceausescu or the murder of Corneliu Zelea Codreanu are explained by the intervention of the occult world leadership, whose hierarchy is composed of the Universal Israelite Alliance and the Francmasonry. Sometimes the arguments have a minimal credibility and they are the result of an anti-Semitism supported by all means, for which the logic of the discourse has no importance whatsoever. This way, the "Jews are fed up with the weather from Israel", and, as a result, they will come to Romania. Accepting one million Jews is considered a prerequisite for the country to join the European Union (Ion Coja, January 26, 2007).

### Conclusions

After 1989, the evolution anti-Semitic or Holocaust-denying topics was anything but smooth. As shown in my essay, the assessment of such symbolic displays entails the marking of several vectors: the topics of the messages, authors, media outlets, etc. Such realities can hardly be assessed quantitatively,

entailing quality assessments. As a result, the few pieces of information that could sketch a general image of the Holocaust-denying or anti-Semitic symbols over a period of time point out certain characteristics of the messages that carry them - their lifespan, stability or longevity of their authors.

This article drew primarily on surveys of publications with extremist subject-matters<sup>17</sup>.

Most of the communication channels have a very good coverage: a) dailies: *Tricolorul*, *Natiunea* (a weekly publication now), and *Ziua*, have existed for more than ten years, while others, such as *Atac la persoana* no longer exist; b) periodicals: *Romania Mare*, *Puncte cardinale*, *Permanente*, *Rost*, *Romania Libera*-Aldine a cultural supplement; for the 1990's, *Europa*, *Politica*, *Noua dreapta*, *Gazeta de Vest*, for the period after 2000 *Obiectiv legionar*, *Cuvant legionar*, *Lumea*.

The main anti-Semitic and Holocaust-denying topics and clichés are constantly repeated. Some publications, for example the *Lumea Magazine*, are remarkable for the promotion of subject matters that belong to the new anti-Semitism, i.e. a global critic against the State of Israel, perceived as the main destabilizing political actor in the area of the Middle East (Pierre Stambul, 2007; Seth Ackerman, 2007; Corneliu Florea, 2007).

The newly adopted legislation that forbids organizations and symbols which support fascism, racism xenophobia, the promotion of the memory of persons who were found guilty of crimes against peace and humanity, as well the promotion of Holocaust denial (Law 107/2006 for the approval and modification of Government Emergency Order no. 31/2002) did not lead to important changes, i.e. a decrease of the loudness or simply the halt of Holocaust-denying messages from being spread (Gina Pana, August 2004). Of the cases that were signaled to public institutions as being an infringement of the Government Order, none was solved so as to admit that something against the law took place.

The apparition of the *Final Report* of the International Committee for the Study of the Holocaust in Romania (November 2004), supported by the presidency and by the government, lead to a development in the public acknowledgement of

<sup>17</sup>For this, see George Voicu, 2000; 2003; The Center for Monitoring and Fighting Anti-Semitism in Romania, *Anti-Semitism in Romania. Report* (2002, 2003, 2004, 2005); Michael Shafir, 2002; William Totok, June-July 2005; A. Florian, C. Gusu, 2007.

Holocaust-denying messages, even though it was not very widely publicized (William Totok, June-July 2005). The public area for communicating messages that question the responsibility of Antonescu's regime or the suffering of the Jews from Romania is now smaller. Even though Holocaust denial was not eliminated from public life after 2004, the media display went through a change of stress. On one hand, the scale/frequency of the messages were reduced while on the other, more articles about the Holocaust were published<sup>18</sup>.

Practically, the mainstream message is that indirect denial or minimization of the Holocaust from Romania disappeared. After 2004, a few radical Holocaust deniers, some of them highly related to Antonescu's glorification, became more vocal and repetitive. They succeeded to get more opportunities to express their points of view in the communication channels<sup>19</sup>. Also, some publications use editorial policies in which the nostalgic extremist message (nationalist, anti-Semitic or Holocaust-denying) mixes with the democratic discourse (for ex. Ziua, Romania Libera - Aldine). This editorial policy makes it possible, most of the times, for the publication not to consider itself involved in anti-Semitic, Holocaust-denying opinions or attitudes. Thus, they try to save the publication, to keep a civic-democratic aura and to transfer responsibility for anti-Semitism only to the authors of the articles.

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<sup>18</sup>For this, see Ionut Dulamita, March 22, 2007; Ionel Dancu, February 6, 2007; Adrian Ciolfanica, October 3, 2007; June 29, 2007; October 17, 2007; Mircea Marian, August 11, 2007; Viorel Ilisoi, October 23 2007.

<sup>19</sup>Ion Coja, C.V. Tudor and P. Goma are all following the same trend of overstating selective Holocaust Denial and repeating the same topics until saturation



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