The quality of democracy in Europe: Soviet illegitimacy and the negotiated revolutions of 1989

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Veröffentlichungsversion / Published Version
Arbeitspapier / working paper

Working Paper Series of the Research Network 1989

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Abstract
The 'Quality of Democracy' is a meta-level research programme, the rise of which is tied to the events of 1989 in a structural and ideational sense. Democracy, as a concept, has spread widely and external threats have become almost non-existent. Thus, research of democracy has turned inward in attempting to appraise its quality. Upon examination, however, it is clear that the research programme falls short of its promise. It is insufficiently comparative both conceptually and historically. Proponents seem captivated by the 'end of history' narrative in their adherence to a single standard 'liberal' democratic quality by which all regimes are assessed and ranked. Symptomatically, observers both East and West imagine Eastern European democracies as backsliding, claiming that new democracies must be externally assisted. Singular notions of good democracy lead to poor research.

Consequently, it is suggested that the 'Quality of Democracy' research programme must become more reflexive. Methodologically, this implies a reckoning with the different types of democratic substance and procedure that exist as ideas and institutions. With regard to 1989, it is argued that the key to understanding the transition to democracy and the failures of democratization in Eastern Europe lies in, firstly, reckoning with the Soviet legacy; and, secondly, establishing whether a negotiated revolution occurred or not. In conclusion, the foundations for an analysis of the institutional types of Eastern European procedure and substance are offered. Thus, a historical and comparative analysis of the quality of democracy in Europe is outlined.

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Introduction: The Quality of Democracy as a research programme

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The Quality of Democracy as a comparative appraisal of democratic procedures, rights and outcomes has become a significant concern. It attracts an increasing number of social and political scientists and draws on international research funding and has become crucial to global governance and finance - in institutions as diverse as the Council of Europe and the World Bank. It has also become a matter of political importance in the transition to being a 'quality democracy' and in improving a country's ranking in various ways.

The future of democracy in Europe, published by the Council of Europe (2004), exemplifies the rising concern with the quality of democracy. Conceptualised and written while the Council of Europe was expanding eastwards, it was co-authored by academics, politicians and representatives of international organisations.[1] Concern was prompted by an observable shift of political decision-making to supranational bodies (also known as European integration and globalisation) and a significant drop in the political participation of citizens.

The end of the Cold War significantly enhanced and accelerated international integration, but the rise of pro-democracy movements in Eastern Europe and around the world has not led to a resurgence of political participation. Quite to the contrary, political participation in Europe continues to decline overall and is significantly lower in Eastern than in Western Europe. Moreover, there is a widespread impression that only (prospective) membership of the European Union stabilises democracy. Indeed, notions of the efficacy of external assistance, conditionality and even intervention have become widespread.

The year 1989 is pivotal in a structural and ideational sense. As dictatorships and autocratic rule were swept aside, democracy spread and was consolidated. External threats to democracy have all but disappeared. Consequently, democratic theory has become self-reflexive. The Quality of Democracy is the research programme that combines reflexivity and history in its focus on a comparative appraisal of established and new democracies (Sen 1999; O'Donnell/Cullell/Iazzetta 2004; Diamond/Morlino 2005). The comparative and integrative nature potentially gives this research programme more explanatory power than its rivals. The theorisation of procedural variants, such as participatory and deliberative democracy, is equally reflexive, but any variant can be the subject of a comparative appraisal. Description of (national) varieties of democracy is also reflexive, but is equally subjected to a comparative assessment. Principally speaking, The Quality of Democracy is a meta-level research programme under which the examination of national varieties and procedural variants can be subsumed.

Moreover, The Quality of Democracy coincides with the shift in the academy to frontier research, which is premised by the rise of context-driven and problem-focused research. The Quality of Democracy blurs the boundary between science and society. It is to be expected that *The future of democracy in Europe* was co-

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[1] The project was co-ordinated by Alexander Trechsel (then of the University of Geneva, now European University Institute) and Philippe Schmitter (European University Institute). Alexander Trechsel is the founder of the European Union Democracy Observatory (www.eudo.eu).

authored by researchers and practitioners and that the indicators deployed in measuring the quality of democracy were provided by international organisations (e.g. United Nations, World Bank) as well as by non-governmental organisations (e.g. Freedom House). Equally, it is obvious that researchers and practitioners would intervene in conceptualising and executing national audits (e.g. Costa Rica, United Kingdom) and in building observatories (e.g. European Union Democracy Observatory).[2] The Quality of Democracy has a broad appeal because it addresses issues of overriding contemporary concern (e.g. global integration, declining participation, rulers' accountability) in a way that is both historical and comparative.

However, The Quality of Democracy (QoD) presently falls short of its promise as a meta-level research programme. My dissatisfaction was triggered by the observation that even though the rise of the QoD programme is intimately connected to 1989, it seems embedded in a discourse characterised by assumed superiority, ingrained prejudice and cultural stratification: the 'West is Best' and the rest of the world needs to catch up, but other places cannot be trusted to do this unless the West 'aids' democratisation. In the face of structural integration by pan-European democratisation from Lisbon to Tallinn, ideational divergence is created: Eastern Europe is re-imagined as a set of inferior and defective democracies. This is surprising since the revolutions of 1989 have given the world a model for peaceful and negotiated revolutions, implying that emerging democracies may be consolidated quickly.

The aim of this paper is to further develop QoD as a research programme that:

> Recognises variation diachronically and synchronically by modelling types of the procedural and substantial dimensions of democracy;
> Is methodologically sophisticated enough to enable comparisons to become explanatory;
> Is historically sensitive enough to offer embedded explanations on a case-by-case basis that are meaningful to pro-democratic actors.

The initial step is, necessarily, a reconstruction of the more orthodox research programme (1.). Following on from that, the critique and suggested improvement of the comparative methodology is employed (2.). Then a critical examination of contemporary quality assessments of Eastern Europe is offered (3.). In order to substantiate the call for historical sensitivity, the historical and regional conditions for democratisation in Eastern Europe are enunciated by illuminating the Soviet legacy (4.). This is followed by a comparative appraisal of democratisation, which explains consolidation through the occurrence of negotiated revolutions (5.). Variation among the consolidated democracies is acknowledged by classifying regimes according to their mix of democratic substance (e.g. socioeconomic rights) and outcome (e.g. relative inequality) (6.).

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[2] For example, the Swedish International Development Agency (SIDA) and the United Nations Development Programme (UNDP) funded the Citizens' Audit on the Quality of Democracy in Costa Rica, on which O'Donnell/Cullell/Iazzetta (2004) is based. See also Democratic Audit, an NGO attached to the Human Rights Centre, University of Essex (www.democraticaudit.com), which features an extensive assessment framework and coverage of the state of British democracy. Freedom House at www.freedomhouse.org; and the European Union Democracy Observatory at www.eudo.eu.

My line of reasoning demonstrates that the QoD research programme would do well to delineate different types of substance and procedure, to seek explanatory comparisons and to be historically sensitive. The following argument also advances a particular hypothesis on Eastern European democratisation. As the Soviet relations of domination characterising the old order were beset by illegitimacy, leading to lawlessness, corruption and the emergence of a parallel society, democratisation was negatively constrained. The particular accomplishment of 1989, and the revolutionaries, was to have found a modus whereby democratic legitimacy was secured first and foremost internally by means of a negotiated revolution. The hypothesis that I advance is that the consolidation of democracy was prefigured neither by an external wave of democratisation nor by the return to Europe, however applicable these metaphors may seem, but, by whether an indigenous, negotiated revolution occurred or not.

1. Quality of Democracy as procedure, substance and outcome

For the notion of 'quality of democracy' to be meaningful, one needs to define the features that make a regime democratic or otherwise, e.g. authoritarian. Then, one needs to identify a threshold that warrants the appellation of democratic. Typically proponents of the QoD research programme will worry about what democracy is and is not and will offer a list of minimal requirements such as "1) universal adult suffrage; 2) recurring, free, competitive, and fair elections; 3) more than one serious political party; and 4) alternative sources of information" (Diamond/Morlino 2005:XI). Democracies, which do not meet certain minimal requirements, be it by the characteristics cited or by others, are labelled as being defective. The QoD programme requires a judgement as to whether the regime under consideration merits further comparative examination or not. The quality of democracy is initially a binary judgement: yes or no. Past this threshold, a form of differentiated judgement is required in order to determine where any regime is located on a sliding scale from low to high quality.

Next, the dimensions of quality must be elucidated and this requires empirical reasoning as to what the 'true' dimensions of quality are. A variety of proposals have been made. The most comprehensive has been floated by a group of well-known comparativists (e.g. Larry Diamond, Leonardo Morlino, Guillermo O'Donnell, Philippe C. Schmitter, David Beetham, Dietrich Rueschemeyer and G. Bingham Powell, Jr.; in: Diamond/Morlino 2005), distinguishing a procedural from a substantive dimension. Some variance may be recorded as to whether satisfaction with the outcome is considered the most important quality. Perhaps the law is the all-important procedural base, but all are generally concerned with developing indicators that lend themselves to comparison across regimes. Proponents speak not just of linkage but also of trade-off and tension, but nevertheless they assume that they may comprehensively rank the world's democracies.

Table 1 – Dimensions of democratic quality

Procedural	Substantive	Results
The Rule of Law	Freedom	Responsiveness
Participation	Equality	

Competition Vertical Accountability Horizontal Accountability		

Source: Diamond/Morlino 2005

For the procedural dimension, typical indicators would be, for example, the rule of law: corruption, independence of the judiciary, access to courts, enforcement of court rulings; participation: the degree of civic self-organisation and electoral participation; competition: free and fair elections and diverse political organisations; vertical accountability: freedom of information and independent media; and of horizontal accountability: the degree of independence of parliament, constitutional court or central bank. Indicators give a measure of procedural quality, both positively and negatively. For example, one could build indicators that measure judiciary independence or corruption. Moreover, one may contrast the generic properties of 'good' and 'bad' procedures. For example, it has been suggested that indicators of successful accountability may be juxtaposed with those of failure. At the level of the citizens, this would be exemplified by participation in and attention to political decision-making, followed by an obligation to abide by decisions or alternatively, by traits of absention, indifference and resentment (Schmitter 2005:25-6).

Freedom is seen as consisting of political, as well as civic and socio-economic, rights. Political equality is understood to be the bedrock of democracy. Political rights are seen as being essential, especially those related to elections. Civic rights of liberty, privacy and freedom of expression and association bolster democracy. Socio-economic rights may refer to property or minimum pay. Thus equality may be defined as a right, but it is also as a question of opportunity or outcome. Tensions may emerge, such as when extensive property rights impinge on the equality of opportunity or, further still, as entrenched disparities of wealth constrain the ability of individuals to participate and to compete. While much of the literature on the quality of democracy describes how certain dimensions positively or negatively reinforce each other, there is some recognition of tension. However, among QoD proponents, this is conventionally resolved conceptually, for example, by declaring that while property rights are essential, they ought to be balanced by socioeconomic rights such as a minimum wage.

A democracy may continue, it may even be regarded as legitimate, yet this does not satisfy QoD proponents They want the result to signal that it is a 'good' democracy. Democracy must satisfy not just the needs of citizens but also their expectations. The proposition is that the empirical study of responsiveness will indicate the quality of the outcome. Broadly speaking, this comes from the idea that the more responsive rulers are to the preferences of citizens (and the more reliably they may be aggregated) the higher the quality of democracy. Presumably, a democratic regime could enter a virtuous circle as the quality of outcome allows for enhanced quality of procedures and substance, further improving the results. After all, there always seems to be room for improvement of the quality of democracy.

2. Methodological critique: delineating types, reckoning with history

One may seek to fault the QoD research programme for its 'scientific pretensions' or, alternatively, seek to uncover its internal fault line of insufficient attention to the difference between democracy and governance, i.e. there is no necessary link between a responsive democracy and positive governance (Plattner 2005). Moreover, the assumption that a single ranking of all democracies may be produced is somewhat disconcerting. But, these faults in the ideational framework can be fixed. What is more difficult is that proponents of the QoD programme have allowed themselves to be captivated by the 'end of history' ideology. In the aftermath of 1989, amidst the third wave of democratisation, it may have seemed to many observers that there is only one model of democracy; whether there is only one 'working' model of democracy or only one model, which survives. This is the problem with context-oriented frontier research: it is easy to accept the 'context-of-the-day' instead of exploring historical variation and considering conceptual variety.

That the QoD research programme has neglected variation in the substance of democracy is surprising. Europe, for example, has known such distinctive practices as Liberal, Social and Christian democracy, and Western Europe has been characterised by relative stable macro-regions with a distinct mix of freedom and equality. Analysed as Anglo-Saxon, Nordic and continental models of welfare (Esping-Anderson 1990), they suggest not only the prevalence of certain political ideas and parties in these macro-regions, but also indicate that a particular outcome is seen as legitimating democracy. Moreover, there is an argument that socio-economic data indicate that more macro-regions are emerging, for example, in East Asia and Latin America. Macro-regions are characterised by intra-regional similarities and distinct inter-regional differences (Mann 2006).

On the procedural plane it is surprising that the QoD proponents have similarly neglected to examine variation. To be sure, the authors of *The future of democracy in Europe* list numerical, negotiative and deliberative democracy as procedural alternatives, but then only declare that a mix of them is a 'good' thing (Council of Europe 2004). However, once the distinction between democracy and dictatorship became less defining after 1989, critique and elaboration of the theory and practice of democracy proliferated. Notable have been the extended debates on deliberative and participatory democracy that have, like QoD, spawned the divide been science and society.[3]

A singular notion of good democracy makes for bad research. However, it is possible to name the methodological requirements for elaborating the QoD research programme. Since many QoD proponents are comparativists interested in capturing and explaining variation among democratic regimes, one would assume that they pick up on this. It is possible to:

> Describe the benefits to be derived from embedding the comparative method in the conceptualisation of QoD; and
> Explicate how researchers might go about building (ideal) types of procedure and substance.

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[3] For example, www.deliberative-democracy.net; cdd.stanford.edu; the case of Porte Alegre as a model of participatory democracy; www.nuovomunicipio.org.

The QoD programme is open to the charge of downplaying the partisan and divisive character of democracy to the extent of foisting a single, unified ideal of democratic quality upon the world. This makes for a logical contradiction. This inconsistency may be resolved by acknowledging that there are partisan notions of the quality of democracy. These partisan notions matter theoretically in defining substance and procedure of democracy, just as they matter historically as characteristics of democratic regimes and their outcome. To acknowledge partisanship does not require one to give up on the notion of a threshold for democracy. Yet, it requires specifying, at the very least, the major types of procedure and substance as well as reckoning with historical variation. In that framework, a much more explanatory assessment of the quality of democracy becomes possible.

Acknowledging that historical and contemporary variation exists, or that there is a partisan struggle over the procedure and substance of democracy, is not to give up a neutral standpoint. Quite to the contrary, by examining historical and contemporary variety, and distilling types, it becomes possible to evaluate any democratic regime in relation to its ideas and institutions as well as in comparison to other regimes. Instead of having to invoke a fixed set of dimensions as 'tertium comparationis', defined a priori, suffused with the prejudices-of-the-day, the researcher can compare against historical ideal types, current ideals and practices, and alternative contemporary cases. To be sure, simple 'credit' ratings and national rankings would no longer be meaningful, but it is hard to see how scholarship would be worse off for that. What emerges is a more complex matrix of cases that may be evaluated, criticised and commended from the inside (specific ideas and institutions) and the outside (comparative cases), fostering an explanatory understanding of the quality of democracy across time and space.

3. Deficient democracies in Eastern Europe?

It is clear that a significant number of regimes in Eastern Europe, whatever the rulers' pretensions and propaganda, are not democratic (Hutcheson/Korosteleva 2006). From the countries that eventually emerged from the Soviet imperial breakdown, followed by the Yugoslav wars of secession, perhaps ten regimes are consolidated democracies (Germany, Poland, Czech Republic, Slovakia, Hungary, Slovenia, Bulgaria, Lithuania, Latvia, and Estonia). Judging by the QoD studies and indicators that are available (Berg-Schlosser 2006:43), a few countries have democratic prospects (Croatia, Macedonia, Romania); some are borderline cases with some prospects of becoming democratic (Serbia, Albania, Montenegro, Moldova, Ukraine, Georgia); some lack state capacity (Bosnia-Herzegovina, now also Kosovo); or some have moved beyond the pale (Russia). A few regimes do not seem to have the will to become democratic anytime soon (Belarus, Armenia, Azerbaijan, Kazakhstan, Uzbekistan, Kyrgyzstan and Turkmenistan). In fact, an emerging alternative model to electoral democracy might be competitive authoritarianism, including Ukraine and Georgia (Way 2006). Based on statistics alone, the legacy of the Soviet period is anything but edifying.

Yet, moral panic ensues not over the authoritarian regimes but instead over democracy: "Is East-Central Europe Backsliding*?"* asked the *Journal of Democracy* in 2007. While it did allow for the possibility that the notion of a (newly)

precarious democracy was overblown, the battery of questions presented left no doubt that the editors were seriously concerned. The distinguished respondents by-and-large concurred, with one exception, noting that democracy was solid as long as the system of checks and balances would continue to function (Jasiewicz 2007:30). An alternate conclusion blames the elites: "The real clash is between elites that are becoming ever more suspicious of democracy and angry publics that are becoming ever more hostile to liberalism" (Krastev 2007:63). Principally the whole region was thought to be in danger, while Poland and Romania were singled out in particular for a whole list of deficiencies such as populist electoral gains, political radicalization, weak majority, factional behaviour and misbehaviour of political elites (Mungiu-Pippidi 2007:10).

Box 1 – *Is East-Central Europe Backsliding?*

The editors of the Journal of Democracy, Marc F. Plattner and Larry Diamond, wrote:

"The global "third wave" of democratization has produced a remarkable number of transitions from authoritarian rule, but so far relatively few of these have led to democratic consolidation. The region that seemed to be successful in this regard was Central and Eastern Europe. By 1998 the former Warsaw Pact countries, despite confronting difficult obstacles, had progressed to the point where they all had been designated by Freedom House as Free countries. Whatever danger remained of their reverting to authoritarianism seems to be removed by their entry into the European Union… Yet today, all are beset by sharp political conflict, and there is growing concern about the solidity of their democracies."

This op-ed was followed by questions:

"1. Is the perception that democracy is increasingly precarious in these countries well-grounded or is it overblown?
2. In either case, what has changed to create the impression of democratic weakening? To what extent are the relevant factors country-specific or common to the region as a whole?
3. What is the greatest source of danger to democracy: Populism? Extremism? Failure to break sharply enough with the communist past? Failure to deliver good governance (e.g. by controlling corruption)? Disappointing economic performance? Other factors?
4. What has been the effect of entry into the EU? Is the EU part of the problem? Part of the solution? Or both? To what extent is the EU still a source of scrutiny and pressure for improved governance, now that these countries have become members?
5. To what extent is the current political malaise specifically tied to the region and its communist past? And to what extent is it a manifestation of Europe-wide problems or of even broader, global problems facing new (and not so new) democracies?"

Source: Journal of Democracy 18:4:5-6

The moral panic over East-Central Europe demonstrates what is wrong with the current version of the QoD programme:

> An implicitly partisan notion of quality that results from having only a single standard;

The idea that citizens and their attitudes are the problem, seen in the dismay in seeing that even EU membership cannot guarantee solidity;

The mistake of inferring the quality of democracy from contemporary election results;

The lack of a historical analysis as to the character of the democratic regime, which allows analysts to be misled by surface phenomena.

Citations from the Journal of Democracy serve to demonstrate this. The authors' place of birth, country of residence and position in 1989 seem not to have significantly influenced current perceptions. The authors of the quotes are not identified to make the point that a discourse exists that is quite independent of the speakers. Anyone reading this journal will notice that the authors cite other scholars, observers and revolutionary heroes who share the sense of democracy as being precarious.

Box 2 – Moral panic over the quality of 'teenage' democracies

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"The incentive of EU accession led countries to the remarkable scores that they achieved in the early 1990s…The EU's coaching and assistance …did not deliver much. …As for the day after accession, when conditionality has faded, the influence of the EU vanishes." (pp. 15-16)

"The CEE setbacks underline the importance for democratic consolidation of a civic culture… without which the legitimacy and stability of democratic institutions will always remain doubtful." (p. 19)

"EU tutelage works until you get in, but once you have joined there are few incentives or means to induce further reforms or the observance of democratic norms." (p. 22)

"The weakness of the region's political parties is primarily determined by the general crisis of values and authority. There is an absence of "social glue," and the existing formations have failed to foster the consensus needed in order to generate constitutional patriotism." (p. 38)

"Politics has been unstable across Central and Eastern Europe… since the accession of ten of the region's countries to the European Union. …there have been riots and mass demonstrations, centrist parties have become radicalized, and illiberal extremist forces have come to power. The rise of radical voices has coincided with a mass exit of citizens from formal politics, as evidenced by… dramatic drops in voter turnout. Opinion polls reveal strong dissatisfaction with democracy and a lack of trust in institutions. Although such symptoms have been observed in older EU member states, these symptoms' strength and their occurrence in the new member states signal deeper troubles for the democracies of the CEE region." (p. 40)

"The common theme behind the region's recent political turbulence is elite and middle-class frustrations with either economic or the political aspects of the "unfinished transformation", and… cut-throat rivalries between competing factions… mobilized by leaders who call for zero-sum solutions." (p. 43)

"Provincialism is widespread, banalization is the rule, and the promotion of a political public sphere… is an exception." (p. 51)

> *"… with the accession process complete, strict conditionality no longer applies and has given way to traditional domestic political culture… the EU is no longer viewed as an entity that must be obeyed, but increasingly as one that may be disputed in court… the Union is less capable of scrutinizing and enforcing the quality of governance within individual states." (p. 52)*
>
> *"The liberal era that began in Central Europe in 1989 has come to an end. Populism and illiberalism are tearing the region apart. … The political class is viewed as corrupt and self-interested. Dissatisfaction with democracy is growing. … Central Europe… is the region of the world where citizens are most sceptical about the merits of democracy. The picture is bleak and depressing." (pp. 56-7)*

Source: Journal of Democracy 18:4

Overall, the proponents of the QoD programme have missed the opportunity to investigate differences in democratic quality and to explore the possibility of different models. Some of the texts on the quality of democracy in Eastern Europe display an intimate knowledge with history from 1989 onwards. Some also indicate that an Eastern European model of democracy might emerge and that this would have been conditioned historically by the events of 1989 and subsequent developments, particularly in politics and economics. Unfortunately, the prospect of enriching our understanding of democracy, by focusing on how Eastern democracy is different and impinges on Western democracy, has been missed. In the context of the wider European history, this ignorance is truly remarkable, as Europe has been the birthplace of differing conceptions of democracy and a site of struggle over theories and practice.

4. Legacy: Soviet illegitimacy and democracy

At the time of their occurrence, the democratic revolutions of 1989 seemed a fait accompli, the transition swift and consolidation secure. This seemingly made any further investigation of the historical and regional conditions unnecessary. Moreover, the comparative focus on democratic transitions discouraged historical reasoning in favour of a search for similarities and differences with earlier waves of democratization in Southern Europe and Latin America. This is remarkable insofar as during the 20th century Soviet dictatorship was treated as being quite distinct and a lot of intellectual effort went into specifying the case. However, as Sovietologists did not even anticipate the possibility of Soviet breakdown, this may have made it easy to ignore the literature and the specifics of Soviet history.

Yet, the moral panics over 'teenage' democracy in Eastern Europe, as well as the vain attempts to induce or shore up democracy through external intervention, demonstrate a lack of appreciation of history.[4] The aim is not to advance an argument about how Eastern Europe got derailed in the process of modernization nor is it to represent totalitarianism as a catchall explanation. Rather, it is to make a historical argument about the conditions and constraints of Eastern European

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[4] I treat the inner and the outer Soviet empire as a unified space for which the events of the year 1989 were decisive – viz. the human chain in the Baltic in August 1989 or the voiding of the Hitler-Stalin pact in December 1989 by the Congress of Peoples' Deputies. Admittedly, Slovenia is a different case, related to the break-up of Yugoslavia. There is however, some evidence of interlinkage across Central Europe (Kenney 2002) and possibly a case could be made that Slovenia experienced a negotiated revolution too.

democratization. The argument is that the legacy of the Soviet empire negatively constrained democratisation, because the Soviet relations of domination characterising the old order were beset by persistent illegitimacy; leading to lawlessness, re-traditionalisation and the emergence of a parallel society.

Soviet history was very much a history of terror - against outsiders *and* insiders, including communist party members. Terror was brought under control after Stalin's death, but it had been of unprecedented scope in engulfing the whole Soviet empire and many communist parties, it had lasted for 20 years and had been extraordinarily intense in the Soviet hierarchy. In bringing terror under control, the key issue for political organisation was whether rationalisation or traditionalisation would prevail (Moore 1954). Attempts at rationalisation were made in Moscow and the provinces, including the efforts that became known as the Prague Spring. Yet, rationalisation was never achieved in Soviet networks - not even locally, in the most advanced East German economy (Pirker 1995).

The indicators of failed rationalisation are: the regular, voluntarist violation of formal rules or legal regulations; the personalisation of administrative practices and the extension of office prerogatives over family and friends; and the prevalence of political and personal loyalty in recruitment over meritocratic criteria (Pakulski 1986). Further indicators of failed rationalisation are: no party in the Soviet empire was able to re-establish democratic centralism; all parties tightly controlled their polity to pre-empt organised challenges; all other organisations in the networks were heteronomous and heterocephalous, and still subjected to surveillance by the organs of coercion; the whole population was locked into these organisations, and immobilised by a combination of military occupation and police pressure, with direct and illegal coercion for individual dissenters; and the borders stayed sealed. With any breach of its strict control, the imperial association felt threatened, and retaliated extra-legally (Armbruster 2005).

Moreover, re-traditionalisation offered the possibility of securing a niche in a kind of 'parallel' or 'second' society (Hankiss 1989, Hosking 2000). These legitimate ties helped in privatising whatever resources could be diverted, further promoting traditionalisation and undercutting rationalisation. Notably, the nomenklatura kept its parallel networks from coalescing into formal organisation so as to evade the organs of coercion (Rigby 1988, Ahlberg 1991). In the USSR of the 1970s and 1980s there were about 400,000 persons eligible for appointment in the core organisations: these included people in the party organs, state administration and military. A further 450,000 cadres were on lists which covered mainly the economic and cultural networks. With their families, this group comprised one per cent of the population, characterised by informal patron-client relationships. Not just in the USSR, but also throughout Eastern Europe, the nomenklatura became the patrons of the parallel society, which deepened economic shortage by diverting resources from one place to alleviate shortage somewhere else in return for a private profit.

Re-traditionalisation and the parallel society cannot be understood as being conducive to democratisation, since this presumes the rule of law, the rationalisation of politics and accountability in the process – all of which were not only 'deficient' in the Soviet realm but were being undercut. This historical

condition was not only a legacy, which was examined in the 1990s as a civilisational gap (Engler 1992, Sztompka 1993), but it also became part of the revolutionary equation in 1989. The pro-democratic revolutionaries had to make a decision on how to relate to the incumbent rulers and their nomenklatura. In pursuing the option of a negotiated revolution they co-opted the nomenklatura into the new democratic order.

5. Origins: negotiated revolution or not?

The self-styled handmaiden of events, Timothy Garton-Ash, quipped that 1989 was a 'refolution', implying that the events did not quite amount to a revolution but were somewhat more than a reform. Some spoke of an 'un-revolution', implying an un-doing of Leninism, but not yet a revolution in its own right. Some were willing to grant the epitaph revolution but then qualified it, as in 'rectifying' revolution, suggesting that a region 'derailed' was returning to a 'normal' path. However, to get back on track, the actors had to accomplish a triple transition – political, economic and cultural. Moreover, many observers thought it would take decades to achieve the 'rectification' by a triple transition (politics, economics, culture – in, respectively, six months, six years and six decades). The acknowledged triple transition belies the notion of a 'refolution': 1989 was a revolution. Not only that, throughout most of Eastern Europe change has been implemented apace, counterrevolutions were rarely attempted and the process has stayed on track. How do we explain this? And what are the implications for the quality of democracy?

George Lawson (2005) has argued that the notion of 'negotiated revolution' captures events in and around 1989 in Czechoslovakia, Chile and South Africa. Theorists of modern revolution have hitherto assumed that revolutions are necessarily violent and will include, in later stages, some form of reversal. However, per Lawson, negotiated revolutions shift away from earlier patterns in some distinctive ways. The revolutionaries espouse an ideology of liberation rather than dreaming of utopia, accepting mutual dependency domestically and internationally. Civil conflict and war are viewed as being undesirable. The result is that the 'fight to the finish' is replaced by a negotiated revolution. Like in any revolution, the old order collapses and a new one is built, but all actors are taken along. The price that revolutionaries pay, per Lawson, is the emergence of a relatively weak state in terms of authority and capacity, while national and international actors remain strong and independent.

The revolutions of 1989 occurred in a permissive environment, characterised by the end of the Cold War and the welcoming of the revolutionaries. Soviet imperial breakdown reinforced permissiveness as the threat of intervention was removed. Yet, the revolution is the accomplishment of the pro-democracy movements insofar as civil strife is avoided. Indeed, Lawson was not the first to speak of negotiated revolutions, Rudolf Tökes (1996) had done so earlier for Hungary and Allister Sparks (1996) for South Africa. The original theorist of the negotiated revolution is Jadwiga Staniszkis, the Polish sociologist and the advisor to Solidarity who became known for her book *Poland's self-limiting revolution* (1984). Her analysis of the rise of Solidarity shows the theory and practice of negotiated revolutions in the making. This strategy was not successful in 1981 and Staniszkis

dissects the drawbacks. Yet, in many ways 1981 was the trial-run for successful negotiated revolutions which occurred just a few years later. In spreading the lessons of the trial-run lies the significance of the social movements in Central Europe in the late 1980s (Kenney 2002).

The notion of negotiated revolution conjures up the image of the 'Round Tables' of 1989 and 1990. While it has to be acknowledged that only in Poland (February to April 1989) and Hungary (June to September 1989) were they decisive in fostering revolution; they did support the revolution in many more states, leading to power sharing and free elections in Czechoslovakia, Bulgaria and the German Democratic Republic (Bozoki 2002). Moreover, while the 'Round Table' is a symbol of negotiated revolutions, it is not the only means by which to achieve this outcome, which was also in evidence in the Baltic States. In the Baltic, the Popular Fronts were founded by members of the Communist nomenklatura. One must not confuse the later confrontation between Baltic nationalists and Russian minorities with the revolution of 1989 that led to the declarations of independence in 1990. In the Baltic republics, the Communist nomenklatura of the titular nation was co-opted into the new order (Lieven 1994: 230-44). Characteristic of 1989 was that the protagonists of a de-legitimised regime were unable to continue but the revolutionary forces were also unable to secure a victory. The solution brokered in this situation of mutual dependence kept violence at bay (there was structural violence and a latent possibility of a crackdown, but the manifestations of armed power were indecisive), enabling the negotiated transition to political democracy on the basis of ideas of human rights, justice and equality.

On a case-by-case basis, for the states that emerged from the Soviet imperial breakdown, there is evidence of a correlation of negotiated revolutions with democratic consolidation (cf. Linz/Stepan 1996). Romania and Croatia are two states that did not experience negotiated revolutions but nevertheless have achieved some form of democratic consolidation twenty years on. However, these are not critical cases that disprove the hypothesis that democratic consolidation in Eastern Europe was dependent on internal factors and that decisive among these was the occurrence of a negotiated revolution. External opportunities and regional constraints may induce an otherwise authoritarian elite to give way. Romania and Croatia (and the rest of the former Yugoslavia and Albania) have a clear incentive: reform or be left behind and cut off from the realm of prosperity. It may indeed be the case that these 'late' democracies need external constraints and inducements to stabilise (as could be said of the earlier examples of West Germany and Italy after World War II), but this does not negate the strong hypothesis that negotiated revolutions established democratic legitimacy, securing consolidation.

6. Constitutions, welfare and the quality of democracy in Eastern Europe

Socioeconomic rights were a highly symbolic issue after 1989, with regard to the legacy of the failed economies of state socialism and the ongoing privatization and marketization of the economy. Drafters of constitutions in Eastern Europe included broad rights modelled on Western European welfare states (e.g. the Catholic or continental model) in stark contrast to the Anglo-Saxon model (Sadurski 2002). There is also a notable difference to the Nordic countries, which do not constitutionally provide for extensive welfare. However, a look at the GINI

coefficient shows that, twenty years after the revolutions of 1989, several countries cluster with the Nordic countries, i.e. Slovenia, Slovakia and the Czech Republic. Other countries cluster with Germany, France and the Netherlands, such as Hungary, Croatia, Romania and Bulgaria. Poland and the Baltic countries cluster with the UK, Australia and New Zealand (UNDP 2007).

The variation in socioeconomic rights and relative inequality points to a divergence in democratic substance and outcome. Arguably, Western democracies were reconfigured in the aftermath of the capitalist collapse of 1929 and the onslaught of fascism and communism. The welfare state became essential to democracy because it defined the balance struck between freedom and equality. It should provide food for thought that, at first glance, the consolidated democracies of Eastern Europe cluster with known types of democratic welfare regimes (e.g. Nordic, Continental and Anglo-Saxon).

The constitutions of Communist Europe were restricted by party rule. Only Yugoslavia (1963) and Poland (1985) had established constitutional courts and these likewise were subject to Communist party rule. After the transition from communism all countries have constitutional courts. In the transition to democracy the constitutional courts have played an activist role. While some have lauded the constitutional courts as promoters and defenders of democracy (e.g. Schwartz 2000) others have been more sceptical about the striking down of policies voted for by parliamentary majorities (e.g. Sadurski 2001). However, if we place the rise of new, activist courts in the context of the Soviet legacy, then constitutional courts needed to establish their legitimacy first so as to legitimate the rule of law. The first is a matter of horizontal and vertical accountability (e.g. parliament, citizens), whereas the second is about establishing the rule of law as procedural base.

Constitutions and constitutional court (CC) rulings affect all dimensions of democratic substance and procedure, while the court itself is an element of the quality of democracy in terms of accountability and the enforcement of the rule of law. In this sense, constitutional courts and their rulings are like a prism through which the quality of democracy may be illuminated in its facets. Negotiated revolutions have been followed in Eastern Europe, without exception, by the adoption of an electoral system of proportional representation. This co-opted the former communist party, its nomenklatura and members into the new democracy. Moreover, the CCs bolstered proportional representation by limiting or striking down any legislation aimed at introducing direct democracy. At the same time, the CCs extended passive electoral rights where they had been curtailed to include military personnel and civil servants (Sadurski 2003). Constitutions established a procedural notion of quality insisting on representation. This notion was bolstered by liberal (i.e. unrestricted) rights to association and assembly, enabling participation, and rulings that restricted tightly legislative and executive interference with the freedom of media while bolstering both the freedom of expression and of information, introducing strong horizontal and vertical accountability. Proportional representation, as preferred procedure, structures not only democratic competition and participation, but also reinforces horizontal accountability, for example, by requiring public broadcasters to make room for the representation of the conflicting views of civic associations.

For Eastern Europe, the gap between the constitutional pledge and the actual means to provide welfare is currently larger there than for any regime in the West. This cautions us against any reading of the data suggesting that Western macro-regions have direct equivalents in Eastern Europe. Moreover, socioeconomic rights are under-enforceable. However, the Western European macro-regions consolidated at much lower levels of national wealth (i.e. the beginning of the 20th century, and after World War II), which implies that Eastern European regions may also be consolidating now. Moreover, there is some consistency through constitutions, constitutional court rulings and path-dependent development. The Baltic states have the constitutions with only the basic socio-economic rights listed (e.g. social security, health care, education); while the Czech Republic and Slovakia have constitutions with comprehensive rights. There is one exception: Poland features comprehensive constitutional rights but higher inequality.

Negotiated revolutions in Eastern Europe have not been followed by the uniform adoption of a particular substantial dimension but by various models of combining freedom with equality that have a definite outcome. The GINI coefficient is admittedly only one way of looking at that outcome, albeit an important one. What this demonstrates is that a comparative and historical investigation of the quality of democracy is meaningful, but that an assessment and ranking of countries according to a single notion is meaningless. If this is accepted, then there is ample scope for further theoretical and empirical research on the quality of democracy in Europe, in the East and in the West as well as between both of these locations.

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