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Sources of Governance Stability in Communist Regimes*

Abstract: This paper is about the use of social hierarchies as tools to control society in East European countries during the Communist era, and why those regimes were so stable. According to the theoretical perspective developed in this article the constructivist system instituted a socialist legal order as a means to pretend that the “rule of law” was still applicable. The resulting constructivist regimes were party-states, where all state hierarchies had parallel structures within the Communist Party hierarchy, and where the separation of powers was replaced with a “hierarchic balancing,” a special form of leadership that the Communist Party exerted over all institutions of state administration and the armed forces. The principle of democratic centralism helped to decrease the transaction costs of governance, and thus, achieve loyalty to the system by party members and non-members alike, and loyalty to the leadership within Communist Party.

Keywords: state socialism, hierarchies, governance, democratic centralism, party-state, social constructivism.

The weaknesses of communist governance in eastern European countries became apparent in the 1980s. Lower-ranking levels of party and state hierarchies were able to exert a disproportionate influence over higher-ranking levels, thereby depriving the higher level officials of manoeuvring space to exercise their will in many areas. The weakness of governance led to a stagnation and/or chronic crisis of so-called “really existing socialism” or more briefly, “communist regimes,” and to their ultimate demise at the beginning of the nineties (Roberts 2004). Since then the following question has arisen: how can social scientists analyse and interpret communist regimes, so that we can understand why, given their weaknesses in governance, they were able to function stably for such a relatively long time?

My interest in communist regimes was initially theoretical. It was connected to the general idea of the ambivalent role of hierarchies in the modern world, where everyone has to play the game of “equality” among all human beings. Paradoxically, this game led to the dynamic growth of organisational structures in modern states, and with it to a continuous increase in the significance of technocratic hierarchies in governance (Lee 1991). Social scientists usually regard modern hierarchies as sources of arbitrary power (e.g., Foucault 1977; Laclau and Mouffe 1985) or as bureaucratic dinosaurs (Crozier 1964). In contrast, Lenin ap-

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preciated the value of hierarchies at the beginning of the last century when he wrote:

A proletarian has no other weapon in battle than organisation.
(*The History of the Communist Party of the Soviet Union (Bolsheviks)* 1939)

This view may explain why communist regimes deliberately placed their bets on hierarchies, and why these regimes were using all their power to conceal their weaknesses, right up to the very end.

We define the term “social system”¹ to mean an integral concept of the organisation of the whole of society, and it is discursively constituted. Social systems are established by: (i) the historical narrative of their origin; (ii) the principles that determine the distribution of competencies to govern and competencies to own (the division of the areas of freedom); and, (iii) the institutions that protect/enforce the above-mentioned competencies, as well as duties of citizens (the division of areas of responsibility). The nature of a social system is essentially determined by the role that is assigned to the state in terms of the distribution of competencies, the enforcement of responsibilities, and the protection of rights and freedoms. It should be noted that social systems are always only imperfectly realised, and thus, the regimes that emerge may be dissimilar to the social system which was originally envisaged by the narrative.

The structure of social systems and regimes are studied from the perspective of game frameworks, *i.e.*, knowledge and beliefs of members of a society concerning the “rules of the game” in the past, the present and in the future.² This knowledge allows them to interpret “what is going on” around them. It also allows them to understand the impact of social events on their own well-being and that of the fellow members. By knowing “the rules of the game,” the members of a society can make appropriate decisions and act because they are aware of their manoeuvring space. In other words, borrowing terms from the film industry, they can simultaneously be directors and producers of social events. The game frameworks that are publicly announced and recorded in written documents (system version) could differ from the game frameworks (regime version) according to which the members of a society actually act. This is because the regime version includes unwritten rules that are shared and respected by the members of a society or because the regime version is a subset of a different game framework. Being a subset of another game

¹ Previously, the concept “*zřízení*” was translated as “arrangement” (Kabele 2002).

² The concept of a game framework as a fundamental concept of dual social construction (Kabele 2005) is closely related to Goffman’s notion of framework (Goffman 1974). The word “game,” which is a translation of the Czech term “hra,” pins down the difference between these two concepts. In Czech language, the word “hra” mirrors the duality of social order: 1. “hra” means a competitive game that has clear rules (*games*, von Neumann and Mongernstern 1947), and 2. “hra” also means a dramatic play (*plays*, Aristotle 1927) which is a narrative about people and events set within particular social context. If we accept this perception of duality of social order, it follows that the history, scenarios and revolutionary myths impact social structures in the same manner as the rules and norms do. In this context, we refer to social structure as it is understood in theories of agency and structure (Giddens 1984; Bourdieu 1977; Kabele 2005: 356–366).

framework, a regime version may necessitate a change of the official “rules of the game.”

When describing game frameworks we need consider the relations (symmetry and asymmetry) between rights, competencies and obligations of actors participating in a game. The substance of these relations differs between the system version and regime version of a single game framework. The discursive (a)symmetries which just declare that relations between rights, competencies and freedoms are of such and such nature characterize system versions of individual game frameworks. In contrast, regime versions of game frameworks are deduced from actions of actors involved in a game, making it necessary for us to study how these relations are established in coordination efforts among actors. The following example illustrates how different the (a)symmetric relations could be depending on whether they belonged to the system or regime version of a game framework: The declared right to work in the system version became an obligation to work in the regime version of the communist regime in Czechoslovakia where an unwillingness to find work qualified as a criminal offence in courts.

The game frameworks facilitate transactions between actors because they improve the coordination of their actions. When each actor’s choice of actions respects the same game framework then an actor can predict actions of others and this allows him to better coordinate his own actions with them. In reality, actors don’t even think about it because they often take the game frameworks for granted. To be taken for granted or to be accountable according to Garfinkel (1967: 1), the game frameworks need to have an intrinsic and extrinsic validity from the perspective of the actors. The game frameworks provide a frame within which (i) an individual actor can intrinsically coordinate his own choices of actions; and (ii) interpersonal coordination is possible of choices adopted by one actor with choices made by other actors involved in the transaction. Transactional advantages are also determined by the protections of game frameworks that penalize choices of action made outside of the framework.

The theory of *constructivist social systems*, or simply *constructivist systems* (“*budovateľské zřízení*”) developed here, presents a somewhat different picture of governance in communist regimes than that offered by approaches that directly or indirectly embrace theories of elites (Gill 2000; Higley and Lengyel 2000), hegemony (Feher, Heller and Markus 1983), or totalitarianism (Aron 1968). This theory was developed and reshaped in the course of empirical investigations of communist governance during three periods: at the beginning of the communist regime in Czechoslovakia (1945–1953), during the “halfway reforms” (1987–1989), and at the time of the decline of socialism (1989–1993) (Hájek 2004; Kabele 2002, 2003, 2004a, 2005). The *constructivist system* involved an arrangement of society that created an opportunity for the Communist Party (hereafter just called the “Party”) to execute its specific form of control over what had originally been constitutional institutions. The historical mission of the *constructivist system* was to build a new truly just social system. The universal application of democratic centralism in the construction of hierarchies made the Party’s leading role possible. This principle helped to decrease the

transaction costs of governance in these regimes, and to ensure loyalty to the Party leadership.

First, this paper will briefly describe the state of knowledge of communist regimes, and then it will introduce the concept of a *constructivist system* as an “unconstitutional” modification of a *constitutional system*. Next, it will describe how democratic centralism facilitated the leadership of the Party within the party-state hierarchy of communist regimes, and how this principle ensured their stability, even after the galvanising myths of revolution and a just society had faded away. Finally, the paper will indicate why this stability did not hinder the fundamental transformation of Czech society in the 1990s. The important issue of how the forms of governance in Soviet satellite states were derived from the Soviet model is not addressed in this study.

Communist Regimes

Hungarian social scientists, both East- and West-based, in the eighties and nineties, have analysed communist regimes, mostly from economic perspectives (Kornai 1980; Kornai 1992; Nee and Stark 1989). The so called “Budapest school” (Arato 1987; Verdery 1991) looked to Marx’ theory as the source for its ideas, and therefore, it focused on the control of resources by the state hierarchy (Feher, Heller, and Markus 1983). According to these researchers, all the players in a social system strive to maximize their distributive power (Kornai 1980; Szelenyi 1982). Kornai (1992) described the development of communist regimes in terms of a shift from a classic socialist social system (state ownership only) to a reformed socialist social system with a “mixed economy.” In a reformed socialist system moves to strengthen the bureaucracy alternate with moves that strengthen the market. Further, in this system, planning negotiations are replaced with regulatory negotiations.

The duplication of party and state hierarchies within the party-state characterizes communist regimes in all Eastern European countries thanks to “an intricately functioning power mechanism whose common basic principle constitutes a fractal-like structure” (Csanádi 1997: 26). The primary elements in the party-state were: (i) the Party hierarchy; (ii) the state (non-party) hierarchy; (iii) monopolistic state ownership; (iv) dependency threads, which are links based on intra-hierarchical relations or links between two hierarchies, the leading one, the Party, and the led one, the state; and, (v) a system of interlinking dependency threads serving as a path of private or organizational interest enforcement. Interlinking dependency threads (also called “structural feedback relationships”) transformed the structure of the party-state in such a way that a structural inequality between institutions and decision-makers ranking equally within the formal hierarchy became institutionalized. Such structural inequalities penetrated the system to the level of individuals (Csanádi 1997: 25). This process was accompanied by a partial and hidden decentralisation of central power, leading to a weakening of governance, and consequently, gradual erosion of the *communist regime*.

Sociological and political-science perspectives prevailed in the studies of Polish authors (Tarkowski 1994b). General topics were studied, such as the dilemmas and contradictions of socialism (Narojek 1991; Staniszki 1989), the legitimacy of the regime and causes of the protracted crisis in Polish society in the 1980s (Tarkowski 1994a), or in local governments (Wiatr 1983). Tarkowski (1988) found the source of self-perpetuating backwardness lay in the vicious cycle of stagnation emanating from an “unwritten social contract which traded submission to the state for patrimonial protection and social security” (Tarkowska and Tarkowski 1991). His analyses of communist regimes are based on his studies of patronage, of corruption, and amoral nepotism (Tarkowski 1994c).

Staniszki (1989) proposed that the superiority of the party hierarchy over the state hierarchy was rooted in the myth of the avant-garde, which led to “an inescapable subjectivity in decision-making.” The price of socialist Poland’s comfortable dependence on the USSR (...) was the maintenance of “an economic structure inconsistent with local conditions and permanent economic disequilibrium” (Staniszki 1989: 563). Consequently, official reform efforts in Poland were mired in a trap: “Breaking out of the dependency requires a change of ownership relations and wide-ranging restructuring of the economy, which entails large social costs before bringing any benefits.” (Staniszki 1989: 566).

The metaphor of a vicious cycle or a trap was also popular in informal scholarly debates about communist regimes in Czechoslovak dissident and environmental circles (Bratislava Nahlas 1987) or at the “grey zone seminars” (Šiklová 1990) in Prague. Systematic reflections on communist regimes began to emerge just after the fall of the regime (Zieleniec 1989). However, the economist Mlčoch (1983: 6) had described the weaknesses of the duplicate socialist hierarchies much earlier as a consequence of “the reversal of hierarchies” or as an outcome of interplay of two opposite forces acting along the managerial vertical axis. In his view, which is similar to that of the theory of agency (Coleman 1990: 146–156), the bottom-up forces exerted an excessive influence because of the asymmetry of information. However, this kind of weakness necessarily brought the formally suppressed and considerably deformed market forces back into the game. To a significant extent, market forces covertly controlled the distribution of resources through the medium of quasi-ownership relationships in the socialist economy (Klaus and Tříška 1988).

The Theory of *Constructivist System* as a Modified *Constitutional System*

We hypothesize that communist regimes emerged through an “imperfect” implementation of a *constructivist system*. In this context we will proceed to simultaneously describe an intended social system and a realised social system. We will begin by contrasting *constructivist* and *constitutional systems* at the level of their opposing basic game frameworks (see Tab. 1). This ideal-type approach will allow us to demonstrate in what sense the *constructivist regime* gave the Party, the vanguard of the working class,

Table 1

Types of Social Systems According to Their Basic Game Frameworks

	CONSTRUCTIVIST	CONSTITUTIONAL
STATE POWER	Solid alliance of classes	<u>Rule of law</u>
	“Hierarchic balancing” of powers <i>(party, state administration, armed forces)</i>	<u>Separation of powers</u> <i>(legislative, executive and judicial power)</i>
DISTRIBUTION OF COMPETENCIES	Party leadership	<u>Public representation</u>
	Central planning <i>(state and individual ownership)</i>	<u>Private entrepreneurship</u> <i>(private and public ownership)</i>

Source: Kabele (2005: 32).

Note: The tables in this text organize concepts using Merton’s analytical paradigm (Merton 1957: 12–16). Unless otherwise indicated, the main concepts (bold) are those that are related to the heading of the table; the secondary concepts (italics) further illustrate or provide additional information related to the main concepts.

an opportunity to exert control over what were originally constitutional institutions and state hierarchies.

Solid Alliance of Classes

The Czechoslovak Constitution of 1960 contains the following statement:

The Czechoslovak Socialist Republic is a socialist state, founded on the solid alliance of blue-collar, farm and white-collar (intelligentsia) workers, with blue-collar workers at its head (...) the Czechoslovak Socialist Republic belongs to the world socialist system (...) with the completion of the construction of socialism we are moving on to the construction of an advanced socialist society and mustering forces for the transition to Communism. (*The Constitution 1960*)

Such statements are serious and must be taken into account because the process, in which the game framework of the *constructivist system* was originally established, was not predominantly institutional in character, but rather was a dramatic historical process. The *constructivist system* relied on the myth of revolution, which promised the construction of a more just and harmonious social system that would liberate people from antagonistic class conflicts. This myth of revolution also introduced the basic discursive asymmetries of socialism: social interests are superior to interests of individuals; interests of socialist organisations are superior to individual citizen’s interests; loyalty to comrades is more important than familial loyalty; and especially, constructivist work is more valued than freedom. *Constructivist regimes* institutionalised these asymmetries by discarding the key principle of a *constitutional system*, i.e., the protection of individual rights and freedoms, while retaining the original constitutional institutions in name only. Therefore, according to juristic theory, *constructivist regimes* must be regarded as an “*unconstitutional*” modification of the *constitutional system*: “The Communist Party (...) has achieved constitutional confirmation of its dictatorship in all sectors of public and private life. The government executes its will not only in fact, but also in legal theory and constitutional law” (Kalvoda 1961: 234).

“Hierarchic Balancing” of Powers

The separation and balancing of legislative, executive, and judicial powers typically established in the constitutions of Western democracies was transformed in *constructivist systems* into a regulated competition (called in this paper *hierarchic balancing*) among three components of power, each of which was more or less autonomous of the other: (i) the Party; (ii) the armed forces; and, (iii) other state institutions. The nature of hierarchic balancing was such that the Party had superior powers in comparison to the two other powers at all levels of the party-state (see Fig. 1). Also the two subordinate powers were prevented from colluding or gaining lasting dominance one over the other. “The Party and the armed forces” fought for world peace and paralysed tenacious internal enemies while “the Party and the government” were engaged in the construction of socialism on the road to communism.

In a party-state, state hierarchies were divided into armed forces (state and public security, the army and a criminal justice system) and state administration (other state institutions, national committees and national enterprises). The reconstructed scheme of the regional and district hierarchy of Communist governance (Fig. 1) shows in detail not only Csanádi’s (1997) concept of the self-similarity of governance, but also the superiority of the Party over the state, which was divided up at each level of hierarchic balancing into the armed forces on the one hand and state administration under Party control on the other.

At the heart of hierarchic balancing at both regional and district levels are the personal relationships between the presidium of the Party committee and the defence council on one side, and on the other side, the council of the National committee, which had the most resources at its disposal. Important members of any one of those committees usually also sat on another committee, or even on all three.

Party Leadership

The normative framework (Kabele 2004b) that governed activities of people and organisations in communist regimes had four hierarchically ranked levels:

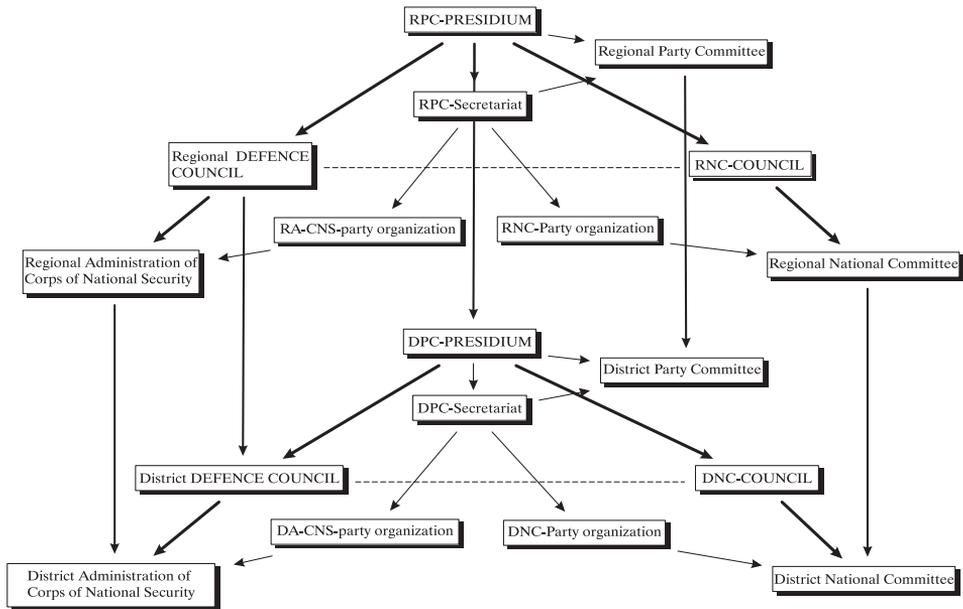
1. The “constructivist digest:” *Statutes of the Communist Party of Czechoslovakia* (“Party statutes”), international Eastern bloc treaties, *The Declaration* and the first chapter of the 1960 Constitution: *The Social System*,³ and the post-August 1968 *Lessons from the Crisis Developments...*;⁴
2. The other parts of the Constitution;
3. Socialist legal codes (civil, labour, economic codes, the administrative rules of order, and the penal and civil judicial codices);
4. Other bills and governmental regulations.

³ Especially, the wording of this part makes it clear that its substance and semantics were borrowed from the 1936 Constitution of the Union of Soviet Socialist Republics (Kalvoda 1961).

⁴ *Lessons from the Crisis Developments in the Party and Society after the 13th Congress of the Communist Party of Czechoslovakia* were a decisive document for the period of the so-called “normalization” following the Soviet occupation of Czechoslovakia in 1968.

Figure 1

General Scheme of Regional and District Hierarchy in Communist Governance Systems



Source: Kabele (2003: 35).

Note: RPC Regional Party Committee; RNC—Regional National Committee; RA-CNS—Regional Administration of the Corps of National Security; DPC—District Party Committee; DNC—District National Committee; DA-CNS—District Administration of the Corps of National Security. Bold arrows indicate relationships through which the Party executes leadership over the government, while arrows are used to indicate regular relationships of supervision within the Party or within the government. Finally, dashed line show weak relationships that are based only on the fact that the chair of the appropriate National Committee is also a member of the appropriate Defence Council.

Not only *the solid alliance of classes*, but also the *party leadership*⁵ was grounded in the top level of this normative hierarchy. In addition, it became the keystone of the two other constructivist games frameworks of communist regimes: *the hierarchic balancing* of the components of power and *central planning*. While the objective of constitutional settings is to prevent any one organised group from assuming a permanent position of leadership, the “constitutional” setting in communist regimes served, on the contrary, to secure the permanent leadership position for the Party. The Party statutes explicitly formulated the inversion of state-party relationships:

1. Party organisations which are endowed with rights to control the management (Art. 66.) must be created within the hierarchies of all socialist organisations (Statutes 1954: chapters V–XI).
2. Party groups must be created within all decision-making bodies (*e.g.* boards, electoral committees, Statutes 1954: Art. 65 a 73). Since members of the Party groups

⁵ The infamous Article 4 stipulated that “the leading force in the society and the state is the vanguard of the working class, the Communist Party of Czechoslovakia” (*The Constitution* 1960).

always were in majority in any of those bodies, the Party ensured the control over their functioning.

In addition, the party members were obliged “to maintain the party and state discipline and inform the chief bodies of the Party, up to the Central Committee, about any shortcomings.” (Statutes 1954: Art. 3) The “emissary status” of each member of the Party in all positions he/she occupies served to enact an all-permeating execution of leadership by the Party.

Central Planning

The legislative foundation of the socialist economic system, in which “the means of production are socialised and the entire national economy directed by plan” (*The Constitution* 1960: Art. 7), lay in the specific distribution of the competencies of social ownership. These competencies (see Tab. 2) are stipulated in the Constitution, Civil and Economic codes.

Table 2
General Competencies of Social Ownership

ACTORS \ TYPES OF COORDINATION	PRODUCTIVE COMPETENCIES	TRANSACTION COMPETENCIES (delegation and distribution of competencies)
SOCIALIST ORGANISATIONS	Management as the fulfilment of tasks	
HIGHER STATE BODIES <i>(Government, ministries, national committees)</i>	Economic assignments: exchanging, returning and supplying etc.	Establishing, merging and abolishing organisations
PARTY	<i>(Unwritten rules of party assignments)</i>	Position appointments / law-making for central planning

Source: Kabele (2005: 522).

While the legal institute of private property rests on symmetry between all owners and on a strong asymmetry between owners and non-owners (Alchian 1977), in the legal institute of social ownership the asymmetry between owners and non-owners is completely overshadowed by the hierarchical asymmetries between the positions of: (i) the Party; (ii) state organs of management; and, (iii) socialist organisations. It is questionable to speak of property at all if this legal institute is entirely addressed as a matter of competency over the behaviour of people and organisations. This “replacement” of ownership with governance required that all economic activities were centrally planned. That, of course, is a coordination utopia (Hayek 1976), which became clear to many non-regime economists in the 1980s.

In the execution of state power, the constructivist and constitutional game frameworks are mutually exclusive, because *the solid alliance of classes* and *“hierarchic balancing”* create room for the Party to exercise control over typical constitutional institutions. Such a situation is entirely at odds with the judicial control of constitutionality. However, similar exclusivity does not apply in the case of the game

frameworks, through which the competencies to govern (*public representation* versus *party leadership*) and the competencies to own (*private entrepreneurship* versus *state ownership and central planning*) are distributed. Therefore, the difference between these two types of systems, in terms of the distribution of competencies, stemmed from the predominance of certain game frameworks at the expense of others (see again Table 1).

The Stability of the Constructivist Regime

My uncle, a farmer whose property was seized and turned into a cooperative farm, would say repeatedly in the early 1950s: “It can’t last long!” He was wrong. Generally speaking, room opens up for a fundamental transformation of society only when the differences between the declared social system and its realised form—the regime—become deep and vividly apparent. But this discrepancy alone is not enough to cause a regime to fail. A vision of a new system must also be available to citizens before their loyalty to a regime is undermined (Linz 1974). If no persuasive vision exists, as was the case in the 1950s, then it is to the advantage of everyone to remain loyal to the regime, even if people are disappointed with it. This account of the stability of regimes can be taken further: individuals and organisations are forced to accept the regime and its institutions as an irreversible fact if the regime protects its game frameworks well. This is because discarding the regime for something else then constitutes a direct threat to the interests of too many players. Conversely, when declared game frameworks are not sufficiently protected and supported, they are usually modified or replaced with other game frameworks in accordance with interests of all participants (Aoki 2001; Kabele 2005, in print). Thus, using an argument borrowed from the theory of evolution, the nature of institutions and/or regimes is not determined so much by the content of their declared game frameworks as it is by the effectiveness of protections provided in their written and unwritten rules of the game. The effectiveness of protections rests on high transaction costs of actions that circumvent the rules of the game (Kabele 2005).

Many social scientists believe that mass expressions of loyalty to communist regimes by party members and non-members were mostly due to the disciplinary surveillance executed by the party-state. Leaving aside the role of the myth of revolution which was most important during the socialist transition, I offer a more general explanation for the question of loyalty: the feasibility and stability of a *constructivist regime* is based on the principle of democratic centralism. The application of this principle in the hierarchical construction of the party-state structures facilitated the development of inter-dependent practices of disciplinary surveillance and nomenclature administration that secured loyalty to the leadership of the Party by providing an opportunity to participate in the execution of that leadership.

In general, it is possible to distinguish four sources of loyalty to the party leadership, which were protected by four types of protections (see Table 3).

Socialist comradeship and *non-public dictatorship of the armed forces* formulated the rules of the game in what Goffman (1963) referred to as the “backstage region”

Table 3

Sources of Loyalty to the Party Leadership

LEVELS OF INSTITUTIONALISATION SOURCES OF GAME FRAMEWORK ACCOUNTABILITY	DEFINING RELEVANCE	ESTABLISHING CONFORMITY
GAME FRAMEWORKS OF JUSTICE AND LAW	Socialist comradeship <i>(Celebration and initiation)</i>	Non-public dictatorship of the armed forces <i>(Enforcement of discipline and trials)</i>
OTHER GAME FRAMEWORKS	Leadership as the nomenclature administration <i>(Bans on entry and exclusion)</i>	Leadership as disciplinary surveillance <i>(Anonymous complaints and ritual voting)</i>

Source: Kabele (2005: 456).

of the front stage performance of “the complete observance of socialist legality in the life of society” (*The Constitution* 1960: Art. 17, sec. 1). We can come closer to understanding *socialist comradeship* by paraphrasing Mauss’ famous definition of a “total social fact:”

First, it is not individuals but collectives that impose obligations of exchange and contract upon each other. The contracting parties are legal entities: political parties, socialist organisations or classes who confront and oppose one another (...). Moreover, property and wealth, movable and immovable goods, and economically useful things are not what they solely exchange. In particular, such exchanges are acts of courtesy: expression of comradeship, loyalty to the party, hunts and feasts, rites, power assistance and protection, medals, honours and last but not the least, posts, in which economic transaction is only one element (...) Finally, these total services and counter-services are committed in a seemingly voluntary form by presents and gifts, but in the final analysis, they are strictly compulsory on pain of accusation of service to oppressing classes (Mauss 1966: 6).

Socialist comradeship was complemented by the *non-public dictatorship of the armed forces* (the military, state prosecutors, state and public security), which enforced discipline covertly by using repressive means and by controlling the judiciary. The role of the armed forces was to protect the superior position of the Party from often imaginary assaults by reactionary enemies within the society as a whole (Kabele 2005).

The disciplinary system which included Party Control and Auditing Commissions, People’s Control Committees, disciplinary commissions in all socialist organizations, functionaries in the educational system, and a “private” network of informers, oversaw the fulfilment of the party objectives by functionaries and party members at all levels. Obviously, the control exercised over people’s careers within the nomenclature administration was the most important area affected by disciplinary sanctions.

The nomenclature administration was responsible for nominating, approving or confirming appointments to any important position in the party-state organizations. It was also responsible to form cadre reserves, to provide the centralised political-ideological training of cadres and reserves, and to make decisions (e.g., awarding honours, granting scientific titles, assigning functionary internships, permitting trips

abroad, etc.) that mattered to cadres. All these competencies stemmed from the competency of party functionaries to admit or expel party members.

The hierarchy of party and non-party bodies (committees and assemblies) formed the institutional backbone of the nomenclature administration. The bodies of this institutional hierarchy were set-up in compliance with the Party statutes (*e.g.*, the district party committee) or with the law (*e.g.*, the regional national committee). The hierarchical classification of nomenclature posts that related to all areas of life of the society was derived from the hierarchy of the party bodies that made decisions about appointments to those positions. The higher the decision-making body lay in the hierarchy, the more powerful the post. Of course, principal decisions concerning the appointments at the very highest positions in the Party were presumably made in Moscow.

Obviously, the positions in the committees and assemblies that constituted the nomenclature administration were also nomenclature positions. Thus, the nomenclature administration was a complex, self-reproductive “organism,” which controlled the careers of everyone with ambition. The result was that the party apparatus was certain of having a safe majority of loyally supportive voters in all “collective” decision-making. The Party governed in this way not only itself but also all the other components of state power and the armed forces. At the same time, the Party was separate from the pragmatic hierarchies while it permeated them.

Everybody in a constructivist society wore “two hats.” The first hat was defined by the job they held. The second hat was defined by the hierarchical position vis-à-vis the Party: a non-member, a member and a functionary. The second “hat” controlled the first one. For example, the chair of the District National Committee, a state functionary, was also a member of the Presidium of the Party District Committee (see Figure 1). This meant that he was accountable to the District National Committee as a state functionary and a representative of a District Council and at the same time had to account to the Secretariat of the Party Central Committee as a party functionary, which guaranteed party leadership of the District National Committee. Thus, the chair often received important assignments from two bodies, and had to report to each separately. Obviously, actions in the interests of the Party were more important to him/her than actions in the interests of the state/community he/she lived in.

To understand the process through which the party assumed the control of state hierarchies, we need to review the institute of public representation which in constitutional systems serves to distribute rights to represent as well as rights to be represented (Kabele 2005: 511). These rights may be interpreted as a transfer of some control of one’s own actions onto representatives (see *e.g.* Coleman 1990: 67–72). The representatives in constitutional systems have limited competencies to (see also Table 4): (i) govern (productive competencies to set tasks and to supervise their accomplishment); (ii) represent the governed in interactions with other persons (also productive competencies); (iii) constitute and enforce representation game frameworks of governmental hierarchy (transaction competencies related to the formation of a hierarchy of roles, bodies, and units within organizations and between them, and to appointments to positions in this hierarchy); and, (iv) constitute and enforce representation

Table 4

Competencies of the Institute of Public Representation

TYPES OF COORDINATION RELATIONS	PRODUCTIVE COMPETENCIES	TRANSACTION COMPETENCIES (delegation and distribution of competencies)
INTERNAL (towards members and bodies)	Governance	Construction of hierarchy and position appointments
INTERPERSONAL (towards other persons)	Representation	Constitution of representation

Source: Kabele (2005: 511).

game frameworks of legislation and the judiciary (transaction competencies related to the adoption of legal norms and the execution of judicial power).

However, even in constitutional systems the transaction competencies are usually beyond the reach of the radar of public scrutiny. Transaction competencies define who acquires the competency to deal with other persons and under what circumstances. By virtue of disciplinary surveillance and nomenclature administration, i.e. the transaction competencies to construct the hierarchies of the party-state and make position appointments within it, the Party controlled state representatives of the governed. Those representatives who were accountable to the Party according to party rules were subordinated to the Party by virtue of nomenclature administration. The control of this particular type of transaction competencies is what made it possible for the Party to execute relatively effective supervision over other competencies of governance, representation and even the constitution of representation.

The principle of democratic centralism was embodied verbally in a statement that sounds reasonable from a *constitutional* perspective:

Everything is founded on the principle of democratic centralism. This principle has two equal components, democracy and centralism. Up until the time the Party has adopted a position on a matter, everyone is free to comment on the subject and vote. As soon as the resolution is adopted, all subordinate components are bound by it (Secretary of the Party District Committee Dubno, quoted in Kabele 2005: 502).

It was incorporated, without any procedural description into the Czechoslovak Constitution of 1960 (Art. 18), and afterwards it was systematically included in all the statutes and codes of organisations in the pragmatic hierarchies. Party statutes (Statutes 1954) reflected the principle of democratic centralism in terms of four procedural rules:

- a) All members of committees that are leading the Party are elected bottom up (a *universal rule of eligibility to vote*, i.e., members of the committees in the higher echelon of the party hierarchy are elected by members of the conferences in the lower echelon of the hierarchy).
- b) Members of any party committee are regularly held accountable and must submit reports on their activities to the party organisations that elected them and to higher bodies (*rule of horizontal and vertical party accountability*).
- c) The minority and individuals obediently accept the decisions of the majority (*rule of horizontal loyalty*).

d) Resolutions adopted by higher organs are unconditionally binding for all lower organs (*rule of vertical loyalty*) (Statutes 1954: Art. 20).

In this procedural arrangement, voters electing members of a lower echelon party committee were bound by the Party statutes to vote in compliance with decisions that were made by committees in the higher echelon(s) of the Party in advance of the vote. If any elected functionary lost the confidence of the higher committee, then the same committee simply removed him from his function by adopting a non-confidence resolution. Note that the above statement assumes that the Party was able to protect these game frameworks effectively.

Democratic centralism emerged out of a hodgepodge of ideas of democratic self-government and bureaucratic administration (see Table 5.). The merger of horizontal and vertical loyalty to decisions with horizontal and vertical accountability caused representative bodies to be incorporated within the hierarchy of the party-state, wherein they were obliged to respect the decisions of higher bodies. Such incorporation of representative bodies of democratic self-government in the state hierarchy is unacceptable because the representative bodies should only be accountable to those who elected them.

Table 5
The Hodgepodge of the Rules of Democratic Centralism

ORGANISATIONAL FORMS COMPONENTS	DEMOCRATIC CENTRALISM	DEMOCRATIC SELF-GOVERNMENT	BUREAUCRATIC ADMINISTRATION
ADVANCEMENT INTO POSITIONS	Universal eligibility	Representative eligibility	<i>Appointment</i>
DECISION-MAKING	Collective	Collective	<i>Individual</i>
LOYALTY TO DECISIONS	Horizontal and vertical	Horizontal	Vertical
ACCOUNTABILITY	Horizontal and vertical	Horizontal	Vertical

Source: Kabele (2005: 503).

Note: Behind the façade of elections proclaimed to be free into all collective decision-making bodies, the undeclared rules (in italics) allowed the Party functionaries to appoint their cronies into positions of power and to exert influence over the careers of those appointees.

In addition, the merger of horizontal and vertical loyalty to decisions with simultaneous horizontal and vertical accountability systemically created Crozier's (1964) areas of uncertainty, the control of which by itself is a source of effective power. No functionary could be altogether sure which horizontal or vertical argument would in the end be applied when he submitted reports on his activities to party organisations. This uncertainty arose because the constructivist (class) approach was the supreme criterion for evaluation of such reports, and only the Party, acting as both judge and jury, had the right to both call the reports into doubt, and then to decide on the relevance of their own expressions of doubt.

Party members and functionaries did not respect the principle of democratic centralism because it sounded "acceptable," but rather because it was able to disrupt

or block the protections that are typical of a *constitutional system* (see the items in italics in Table 6). The rules of democratic centralism allowed for the maintenance of the leadership of the Party and central planning, and enabled the execution of competencies to govern in *constructivist regimes* (Kabele 2005).

Table 6

Types of Protections for Game Frameworks

LEVELS OF INSTITUTIONALISATION \ SOURCES OF ACCOUNTABILITY	DEFINING RELEVANCE OF FRAMEWORKS	ENSURING CONFORMITY TO FRAMEWORKS
GAME FRAMEWORKS OF JUSTICE AND LAW	<i>Roots/Transparency</i>	<i>Discipline/Lawsuit</i>
OTHER GAME FRAMEWORKS	<i>Entry/Exit</i>	<i>Complaint/Group voting</i>

Source: Kabele (2005: 413).

Disruptions or the blocking of protections in communist regimes were caused by the fact that the emphasis on one set of protections may eliminate or weaken other protections. For example, protections of the freedom to enter or exit from game frameworks which ensure the equality among the actors compete with protections of the right of one group (Party in the case of communist regimes) to control the entry or the exit. Also, when game frameworks are rooted in a historical narrative and in a scenario of future changes (dramatical game frameworks), then the rule of transparency in decision making can hardly be protected. The protections that are typical of constitutional systems are usually encoded in complex sets of procedural rules. These procedural rules were systematically removed from the laws and procedural rules of communist regimes (Kabele 2005: 411–421). The problem of protections is also related to the fact that the very exercise of constitutional rights and freedoms also enacts their defence, *i.e.* situational protections. In the absence of their enactment, rights and freedoms become their own opposites (Hohfeld 1964; Kabele in print).

Full control over *entry* into all important game frameworks was derived from the nomenclature administration, and this made the party apparatus, party-members, and as such all of the Party, a “select group.” Members of this group had to fulfil party tasks under threat of party sanctions if they lost the confidence of the Party. The *roots* of the basic constructivist game frameworks, *i.e.*, party leadership and central planning, were closely connected with the myth of the revolution, Hayek’s rational constructivism (1976), and/or Popper’s holistic social engineering (1957). *Complaints* operated in parallel with the administration of the nomenclature as part of a system of disciplinary surveillance. Complaints, most of which were made anonymously, were rigorously documented and then acted upon by the powerful secretaries of the committees of the Party. Anonymous complaints converted smoothly into a practice of informing on and denouncing others to gain an advantage. The last type of protection, *the enforcement of discipline*, represented a follow-up to systematically conducted renderings of accounts (item **b** of the rules of democratic centralism, see above).

This system of “party accountability” was at first applied to party bodies and then to all socialist organizations. It was executed mainly in the all-party presidiums and secretariats, where the rendering of accounts repeatedly took place according to the annual schedule of their meetings.

Why did the stability of the communist regime described above not rule out the fundamental transformation of Czech society in the 1990s? The socialist myth of revolution faded in the process of the de-Stalinisation of the Soviet bloc after the 20th Congress of the Communist Party of the Soviet Union in 1956 (Furet 1999). It was replaced by the myth of the science and technology revolution in the late sixties (e.g., Richta 1966). The construction of communism as a goal was forgotten even by the Party (see e.g. the post-1968 Czechoslovak *Lessons from the Crisis Developments in the Party and Society*), but people still continued to believe in the rational constructivism of the science and technology revolution (Wnuk-Lipiński 1982). In addition, people accepted as a given the constructivist discursive asymmetries (e.g., the preference of constructivist work over freedom—see above), because they had been institutionalised in the party-state hierarchies (Kabela 2004a). In the meantime, in spite of all ideological efforts, East European communist societies experienced an “advanced” process of thorough cultural Westernisation in the 1980s. Furthermore, a vision of the demise of the communist regime was implanted in intellectual circles and among citizens of large cities after Hungary and Poland broke through the hegemony of the Party, while the Soviet Union appeared to resign its leading role in the Socialist block. Thus, a window was opened up for fundamental change also in Czechoslovakia. The discursive asymmetries of the *constructivist system* miraculously vanished from people’s consciousness and from public discourse almost overnight. In contrast, the fate of some practices of communist governance and loyalty after 1989, e.g., legislative planning (Kabela and Linek 2006), could be and clearly often was different. After the forced deconstruction of hierarchies of the socialist party-state (1990–1992), some practices of communist governance paradoxically started to represent an important element of the developing “new power apparatus.” This allowed new politicians and managers to satisfactorily launch functioning constitutional game frameworks, all the while relying on the managerial expertise of “old” managers and officials.

Conclusion

The stability of, but also the possibility for change in, regimes of modern societies is connected with the fact that while these societies declare themselves to be based on the principle of equality, they must constantly tame the latent desires of individuals, groups, and organisation(s), not just to have more, but also to rise higher than others. The “invention” of the principle of democratic centralism by Lenin, and the related practices of nomenclature administration and disciplinary surveillance, took advantage of the human desire for recognition and power. It enabled the Party to assert its leadership privileges and its planning monopoly by occupying the key game positions in the framework of the double hierarchical structure of the party-state.

In this study, *constructivist regimes* were contrasted with an ideal *constitutional system*. Using the ideal constitutional system as a point of reference was unavoidable since the analysis of *constitutional regimes* from the perspective of game framework protection has not yet been undertaken. In reality, the power of party functionaries to win the loyalty of voters applying the rules of democratic centralism is not exclusive to *constructivist regimes*. Somewhat paler forms of the application of democratic centralism can also be discerned in *constitutional regimes* where public representation should dominate (e.g. Michels 1967; theory of the emergence of the cartel party, Katz and Mair 1995). Even *constitutional regimes* may become more stable, although probably less dynamic, when practices of democratic centralism are used by those in power. Thus, the essence of *constructivist regimes* rests on the fact that democratic centralism became a universal organizational dogma of the party-state and that it subdued all its political and other social activities. Democratic centralism became the glue of a shackled society.

In the egalitarian communist regimes, where everybody belonged to the working population and where nominal wage differences were small, hierarchy did not vanish from the stage. On the contrary, society was so thoroughly permeated by hierarchies that it made a mockery of the concept of equality of all of its citizens. Socialistic societies did not meet the promise of catching up to and economically outperforming capitalistic societies. Instead, socialistic countries clearly stagnated because their system of governance was neither flexible nor dynamic enough. However, this does not mean that the idea of socialism based on constructivism and revolution is dead. Constructivism may offer a “path” out of backwardness in developing countries. Regimes with a constructivist orientation, according to Schumpeter (1942), genuinely provide significant advantages which are chiefly connected with the slower dynamics of social change: “freeloading” the scientific and technological development onto other countries; state patronage; and the protection of individuals against the risks connected with free association. Even the agenda of constructing a new social system continues to be relevant, as can be demonstrated in the goals of the Lisbon declaration, according to which the European Union will be made into “the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion” by 2010.

References

- Alchian, A. 1977. *Economics Forces at Work*. Indianapolis: Liberty Press.
- Aoki, M. 2001. *Toward a Comparative Institutional Analysis*. Boston: MIT Press.
- Arato, A. 1987. “The Budapest School and Actually Existing Socialism.” *Theory and Society* 16: 593–619.
- Aron, R. 1968. *Democracy and Totalitarianism*. London: Weidenfeld & Nicolson.
- Aristotle. 1927. *The Poetics*. London: W. Heinemann.
- Bourdieu, P. 1977. *Outline of the Theory of Practice*. Cambridge: Cambridge University Press.
- Bratislava Nahlas 1987. Bratislava: Slovak Association of Nature and Environment Protectors (Attachment of the Minutes from the Meeting of 13th ZO SZOPK—13th Basic Organization of Slovak Association of Nature and Environment Protectors).
- Coleman, J. S. 1990. *The Foundations of Social Theory*. Cambridge, MA: Harvard University Press.

- The Constitution of the Czechoslovak Socialist Republic*. 1960. Act no. 100/1960, Law Collection of the Czechoslovak Socialist Republic. Prague: Ministry of Justice.
- Crozier, M. 1964. *The Bureaucratic Phenomenon*. Chicago: University of Chicago Press.
- Csanádi, M. 1997. *Party-States and Their Legacies in Post-Communist Transformation*. Cheltenham: Edward Elgar.
- Feher, F., Heller, A. and Markus, G. 1983. *Dictatorship over Needs: An Analysis of Soviet Societies*. New York: Basil Blackwell.
- Foucault, M. 1977. *Discipline and Punish. Birth of the Prison*. New York: Vintage Books.
- Furet, F. 1999. *The Passing of an Illusion. The Idea of Communism in the Twentieth Century*. Chicago: University of Chicago Press.
- Garfinkel, H. 1967. *Studies in Ethnomethodology*. Englewood Cliffs, N.J.: Prentice Hall.
- Giddens, A. 1984. *The Constitution of Society. Outline of the Theory of Structuration*. Berkeley, CA: University of California Press.
- Gill, G. 2000. "The Soviet Mechanism of Power and the Fall of the Soviet Union," in: N. Rosenfeldt, B. Jensen and E. Kulawig (eds.), *Mechanism of Power in the Soviet Union*. London: Macmillan Press.
- Goffman, E. 1963. *Behavior in Public Places*. New York: MacMillan.
- Goffman, E. 1974. *Frame Analysis*. Cambridge, MA: Harvard University Press.
- Hájek, M. (ed.) 2004. *Hierarchy as the Strength and Weakness of Communist Rule. The Legacy of Communist Rule IV*. Sociologické studie / Sociological Studies 2004: 10. Prague: Institute of Sociology, Academy of Sciences.
- Hayek, F. 1976. *Law, Legislation and Liberty*. Chicago: University of Chicago Press.
- Higley, J. and Lengyel, G. 2000. *Elites after State Socialism: Theories and Analysis*. Lanham: Rowman & Littlefield.
- The History of the Communist Party of the Soviet Union (Bolsheviks)*. 1939. Moscow: International Publishers Co., Inc.
- Hohfeld, W. N. 1964. *Fundamental Legal Conceptions as Applied in Judicial Reasoning*. New Haven, Con.: Yale University Press.
- Kabele, J. 2002. "Governance in the Constructivist and the Constitutional Arrangements," in: J. Kabele(ed.), *The World of Hierarchies and Real Socialism*. Sociologické texty / Sociological Papers 02: 11. Prague: Institute of Sociology, Academy of Sciences, pp. 66–90.
- Kabele, J. (ed.) 2003. *Rekonstrukce komunistického vládnutí na konci osmdesátých let [The Reconstruction of Communist Rule at the End of the 1980s]*. Sociologické texty / Sociological Papers 03: 10. Prague: Institute of Sociology, Academy of Sciences.
- Kabele, J. (ed.) 2004a. *Výklady vládnutí v reálném socialismu [The Interpretations of Governance in Really Existing Socialism]*. Prague: Matfyzpress.
- Kabele, J. 2004b. "The Broader Normative Framework of the Life of Socialist Society," in: M. Hájek (ed.), *Hierarchy as the Strength and Weakness of Communist Rule. The Legacy of Communist Rule IV*. Sociologické studie / Sociological Studies 2004: 10. Prague: Institute of Sociology, Academy of Sciences, pp. 26–42.
- Kabele, J. 2005. *Z kapitalismu do socialismu a zpět [From Capitalism to Socialism and Back]*. Prague: Karolinum.
- Kabele, J. *in print*. "Czech and Slovak Civil/Criminal Justice: A comparison," in: M. Potůček (ed.), *Governance capacities in the Czech Republic*. Prague: MatfyzPress.
- Kabele, J. and Linek, L. 2006. "Legislative Planning or Programming? The Czech Cabinet Coping With the EU Accession." *Prague Social Sciences Studies. SOC—005: 27*. Prague: Faculty of Social Sciences of Charles University.
- Kalvoda, J. 1961. "Czechoslovakia's Socialist Constitution." *American Slavic and East European Review* 20: 220–236.
- Kandert, J. (ed.) 2000. *Filipov III*. Prague: Institute of Sociological Studies, Faculty of Social Sciences of Charles University.
- Katz, R. and Mair, P. 1995. "Changing Models of Party Organization and Party Democracy." *Party Politics* 1: 5–28.
- Klaus, V. and Tříška, D. 1988. "Ekonomické centrum, přestavba a rovnováha." [Economic Centre, Perestroika and Equilibrium]. *Politická ekonomie* 36.
- Kornai, J. 1980. *Economics of Shortage*. Amsterdam–London: North Holland.
- Kornai, J. 1992. *The Socialist System. The Political Economy of Communism*. Princeton: Princeton University Press.

- Laclau, E. and Mouffe, Ch. 1985. *Hegemony and Socialist Strategy*. London: Verso.
- Lee, H. Y. 1991. *From Revolutionary Cadres to Party Technocrats in Socialist China*. Berkeley, CA: University of California Press.
- Linz, J. 1974. *Breakdown of Democratic Regimes: Crisis, Breakdown and Reequilibration*. London: Johns Hopkins University Press.
- Mauss, M. 1966. *The Gift*. London: Allen & Unwin.
- Merton, R. 1957. "Introduction," in: R. Merton (ed.), *Social Theory and Social Structure*. New York: The Free Press, pp. 3–18.
- Michels, R. 1967. *Political Parties*. New York: The Free Press.
- Mlčoch, L. 1983. *Planning Process in a Company: An Analysis*. Prague: Institute for Economy and Management of the Scientific and Technological Development.
- Narojek, W. 1991. *Socjalistyczne 'welfare state': studium z psychologii społecznej Polski Ludowej* [Socialist 'Welfare State': Study from Social Psychology of the Polish Peoples' Republic]. Warszawa: PWN.
- Nee, V. and Stark, D. 1989. *Remaking the Economic Institutions of Socialism: China and Eastern Europe*. Stanford: Stanford University Press.
- Popper, K. 1957. *The Poverty of Historicism*. Boston: The Beacon Press.
- Roberts, A. 2004. "The State of Socialism: A Note on Terminology." *Slavic Review* 63: 349–66.
- Richta, R. 1966. *Civilizácia na rázcestí* [Civilization at the Crossroads]. Bratislava: Vydavateľstvo politickej literatúry.
- Schumpeter, J. 1942. *Capitalism, Socialism and Democracy*. New York: Harper and Brothers.
- Staniszkis, J. 1989. "The Dynamics of a Breakthrough in the Socialist System: An Outline of Problems." *Soviet Studies* 41: 560–573.
- Statutes of the Communist Party of Czechoslovakia*. 1954. Prague: Central Committee of the Communist Party of Czechoslovakia.
- Szelényi, I. 1982. "The Intelligentsia in the Class Structure of State-Socialist Societies." *The American Journal of Sociology* 88: 287–326.
- Šiklová, J. 1990. "The 'Gray Zone' and the Future of Dissidents." *Social Research* 57: 347–363.
- Tarkowska, E. and Tarkowski, J. 1991. "Social Disintegration in Poland: Civil Society or Amoral Familism?" *Telos* 89: 103–7.
- Tarkowski, J. 1988. "The Polish Crisis and Myrdal's Model of Circular Causation." *Political Studies* 36: 463–74.
- Tarkowski, J. 1994a. "Legitymizacja władzy. Zagadnienia teoretyczne i opinie oficjalne" [Legitimization of Power. Theoretical Issues], in: J. Tarkowski (ed.), *Władza i społeczeństwo w systemie autorytarnym* [Power and Society in Authoritarian System]. Warszawa: ISP PAN, pp. 35–66.
- Tarkowski, J. 1994b. "Nauki polityczne a socjologia. Odmienne reakcje na polski kryzys" [Political Science and Sociology. Different reactions on Polish Crisis], in: J. Tarkowski (ed.), *Władza i społeczeństwo w systemie autorytarnym* [Power and Society in Authoritarian System]. Warszawa: ISP PAN, pp. 9–34.
- Tarkowski, J. 1994c. *Patroni i klienci* [Patrons and Clients]. Warszawa: ISP PAN.
- Verdery, K. 1991. "Theorizing Socialism: A Prologue to the 'Transition'." *American Ethnologist* 18: 419–39.
- Wiatr, J. J. (ed.) 1983. *Władza lokalna u progu kryzysu. Studium dwu województw* [Local authorities at the threshold of crises]. Warszawa: Warsaw University Press.
- Wnuk-Lipiński, E. 1982. "Dimorphismus of Values and Social Schizophrenia. A Tentative Description." *Sisyphus* 3: 81–90.
- Zieleniec, J. 1989. *Institucionální souvislosti fungování ekonomiky* [The Institutional Context of the Effectiveness of Economy]. Prague: Economic institute, Czechoslovak Academy of Sciences.

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