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**Political Parties and State Bureaucracy in Postcommunist Romania**

*Functional and structural equivoques of the Romanian postcommunist political system*

Postcommunist Romania has already gone through several changes that distinguish it noticeably and definitely from the communist country it was fifteen years ago. Indeed, the Romanian political system set up by the Constitution of 1991 – moderately revised in 2003 – withstood by now four electoral contests as well as some important political and governmental crises. Furthermore, a party system quite incoherent for a while tends to stabilize itself around a few political parties, significant at both national and local levels. There are still, presumably, several important economic and institutional challenges Romania has to cope with, but, basically, it presently looks like a normal or routinized democracy. This would be, briefly resumed, the common opinion the national and international political actors usually agree upon when it comes to Romania¹.

However, this partial consensus on the importance and significance of the transformations undergone by now is not able – and perhaps, nor willing – to capture several equivoques that lay at the very heart of the internal economy of the Romanian political system. We might have a glimpse at them by submitting the Romanian case to a method of observation sited at the crossing of a functional and a structural approach. Three such ambiguities would reveal themselves immediately: (1.) the functional ambiguity of the postcommunist multiparty system; (2.) the haziness of the basic principles that stand behind public policies; (3.) the structural and functional equivoque of the relations between politics and public bureaucracy.

(1.) The *multiparty system* was considered to be the first and the most obvious proof of the transformation of the political system and the result of the most radical change undertook by the communist regime. At the same time, it was accepted as an undisputed difference with respect to the single party system and as an evidence of the democratization trend that took over the country. Nonetheless, this new pluralist setting was intended to break away not only from a single-party system, but first of all, from a party-state system, i.e. a system in which the structure of the...  

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¹ Nevertheless, there are different opinions too; one should note that no later than 2004, the European Parliament cast doubt on the reality of the rule of law in postcommunist Romania and called for a “reorientation” of its accession process.
Romanian Communist Party doubled and was superposed on the institutional configuration of the state. The fusion between Party and state was the rationale of the political, social, and economic decision-making process of the former system. The long-lasting existence and the functional significance of such a link between the Communist Party and the state made straightaway questionable the connection relating the postcommunist parties to state institutions. Furthermore, that was all the more problematic that the postcommunist parties were rapidly and exclusively charged with running the public space and leading the state reform and, this way, with the (re-)structuring of their own connections with the state.

(2.) Symbolizing the breaking apart with the old system, the postcommunist parties took upon themselves the task to design and bring forward a new political system. For those parties that won elections and formed the government, this mission was fulfilled through the elaboration of public policies aiming at different sectors and aspects of state and society: social, economic, institutional, cultural etc. However, the shift from communism to postcommunism, from a totalitarian regime to a democratic one, would have implied a subtler, but not less radical and fundamental change concerning the principles and the meaning of public policies. In fact, unlike non-democratic regimes, be they totalitarian or authoritarian, a regime with the vocation of democracy is always confronted with the issue of governability¹. This interrogates not only the capacity of the regime to obtain or to extract the consent of its citizens, but stresses also the problem of governmental efficiency, i.e. the ability of a government to generate through its policies the expected results in the dynamic environment of its political system. When it comes to the exercise of political authority, the topic of governability means that any change in policy-making should be construed in a normative and practical perspective: policies relying in the utmost on the certainty of scientific socialism and implemented in a framework of coercion are to be replaced by policies built upon uncertainty, hypotheses to be tested according to their practical appropriateness on the ground, conceived and implemented through negotiation with various social partners. Presumably, the constant call on technocratic ability, so frequent in Romania as well as in other postcommunist systems, is one of the symptoms of the uneasiness of a politics that has lost the certitudes it was accustomed to work with.

(3.) The first two aspects call for a third one, able to inquire into the functional and structural connections between the postcommunist sphere of political decision and the state bureaucracy, or, more generally speaking, between the political regime and the state². Indeed, we can distinguish between a political regime – understood as a set of formal and informal ways of organizing, distributing, exercising, or abusing power in a given political community –, and the state – seen as a structure of

¹ See Richard ROSE, Governing the 'Ungovernability'. A Skeptical Inquiry, series “Studies in Public Policy”, no. 1, Center for the Study of Public Policy, University of Strathclyde, Glasgow, 1977.
domination and coordination, equipped with a coercion apparatus and with the means to administer the society and extract its resources. From this standpoint, postcommunism, as long as it is seen as a democratization process, means not only the pluralisation of the political life or vast economic reforms, but also the profound remaking of the logic of the political system. Therefore, what is at stake is precisely the makeover of a system which was relying on the confusion des genres, between Party and state, between politics and administration, in a new one, organized upon the structural and functional distinctions between the two orders, political and bureaucratic.

The Social Democratic Party as dominant characteristic of Romanian postcommunism

When observing Romanian postcommunist politics, a conclusion looms larger than any other. Beyond changes of parliamentary majorities and realignments of policies, the Social Democratic Party (SDP) of Ion Iliescu stands out as the strongest, the more structured and coherent political party. This party won three times the national elections, never sunk under three million votes out of seventeen thousands registered voters and eleven million effective voters, and governed the country ten years (from 1990 to 1996, and again since 2001). This party survived successfully the ideological division between former communists and anticommmunists that marked the first postcommunist decade despite the fact that it fosters the largest number of political personnel directly linked with the communist regime.

However, it is not this electoral supremacy of the SDP that deserves a closer look. We may in fact infer that such domination may not necessarily be the outcome of a strong organization but rather the result of a weak opposition, which proved to be the case. What deserves special attention is rather the capability of this particular party to establish, unlike any other Romanian party, a privileged relationship with the institutional scaffold of the state. Even when the party, in the fall of 1996, was voted out of government, it preserved to a large extent the control of the state. One year after the 1996 elections, president Constantinescu admitted that the Democratic Convention had won the elections that is the “legal power”, but had no grasp on the “real power”, that is it was not in control of the state1.

The president was quite right in arguing that the dynamics of partisan life and the electoral upheavals do not satisfactorily explain how the political system works. Indeed, we cannot understand the Romanian party system without considering it within the larger institutional framework of the political system and its political and bureaucratic routines. Our contention is that precisely at the level of the interaction between different elements of the political system we may grasp the logic of the system and the influence of certain mechanisms that may be described in

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terms of path dependence\textsuperscript{1}. To be sure, the potential to rule of the postcommunist parties as well as the visions these parties have on what to rule does mean are to be apprehended through the relationship between these parties and their governmental strategies on the one hand and the state institutions and theirs bureaucratic routines on the other hand.

It is true that the connection between postcommunist parties and public institutions was noticed from the beginning since those parties were quickly classified – in Maurice Duverger’s terms – as “parliamentary created” parties\textsuperscript{2}. Thus, the large majority of postcommunist parties, ex-communists or anticommunists, shared this congenital feature, \textit{i.e.} they acceded in the political square before any electoral consultation may have validate their democratic legitimacy. Developed within and through the state institutions, the postcommunist parties took upon themselves the task of reconstructing that state. From this standpoint, the Social Democratic Party – under its successive denominations – was the one that benefited from the most propitious strategic position. Except for the intermezzo of 1996-2000 when the anticommunist coalition of the Democratic Convention took over the government, the SDP has steadily controlled the decision-making process and its instruments of implementation. But the SPD did not merely dominate the government, notwithstanding the way we understand government. It rather had and still holds on the opportunity to rebuild the state.

The SPD was made up through its governmental experience as an assemblage of central and local elites that have acquired their social capital not only within the socialist system, but also thanks to its break down. Ever since its inception as a postcommunist political organization – immediately after it abandoned the statute of a revolutionary front – the SPD took in a fair share of the communist leadership marginalized in the 1970s and 1980s for their internationalist approach or for their sympathy for Gorbatchev’s politics. Afterwards, exploiting the decomposition still partial of the socialist economy, the party recovered the administrative and economic elite of the single party and of the state apparatus, and turned it into a managing elite of a resource allocation system still politically controlled but opened in principle to the marked. Of course, this was not particular to Romania, and the process has been analyzed in several societies of Central and Eastern Europe\textsuperscript{3}. The success of this translation into postcommunism of the networks set up under communism and extended after its break down has been

\textsuperscript{1} For the methodological risks encountered by the path dependence approach, see Herbert KITSCHELT, Zdenka MANSFELDOVA, Radoslav MARKOVSKI, Gabor TOKA, Post-Communist Party Systems. Competition, Representation, and Inter-Party Cooperation, Cambridge University Press, Cambridge, p. 20.


already qualified as “political capitalism”\(^1\). Undoubtedly, this concept may explain the emergence and the predicament of a new type of elite. Nonetheless, it does not shed light on how the political system actually functions.

Therefore, the success of this conversion of power and the reinsertion of the political and economic networks set up under the communist rule is not able to explain, on its own account, this hegemony of SDP which defines the postcommunist Romanian political landscape. In fact, this hegemony does not mean only a total and partisan control of the government seen as the summit of the civil service, the Machtstaat in Weberian terms. It means also and perhaps primarily the capture on behalf of one party of all the public institutions that make up the Rechtstaat: the judicial system, the local government, the economic state monopolies, and the public media\(^2\). Indeed, the policies of this party in government do not correspond exactly to a classic spoil system as they do not satisfy themselves to command the civil service by a systematic and partisan replacement of the higher ranks of the bureaucratic apparatus. Instead, the SDP was and still is engaged in a policy of partisan co-optation of the civil servants and local elites, and of institutional management that does not follow the rational and legal logic of the rule of law. As an example, we may quote the migration of the local politicians from their parties of origin to the SDP after its 2000 electoral success\(^3\). Thus, the party is in command of the distribution of resources at the local level in the framework of a system where the local budgets are mainly constituted by transfers from the central national budget\(^4\). On the other hand, the institutional management adopted by the

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\(^3\) At the local elections of 2000, the SDP won 35.5% of the city halls throughout the country. One year after, as a consequence of the general elections of November 2000, the SDP controlled 53.5% of the city halls, as a large number of mayors joined in the party, Institutul pentru Politici Publice & Asociația Pro Democrația, Migrăția politică în administrația locală la un an de la alegerile locale 2000, București, 2001, p. 12. At the beginning of 2004, about 70% of the mayors belong to the SDP.

\(^4\) Even if the 1998 law concerning the local budgets granted to the local authorities the capacity of writing their own budgets and disposing of their own financial resources, this financial autonomy remains very limited as the locals budgets are still depending on transfers from the central budget and thus on the partisan collusion between local and national levels.
SDP government after 2001 was rooted in a policy of discontinuity of the central institutions ruled in theory by the civil service law of 1999, which was meant to create a professional and autonomous civil service. Hence, the SDP had to nominally dissolve and reinvent several institutions and public agencies such as ministries and even the presidency of the Republic transformed into a Presidential Administration entitled this way to recruit from zero a new personnel.

A path-dependence state-centered perspective

In order to understand and explain the functioning of such a system, a party-centered perspective proves not to be sufficient. The main question should not only address only the strategies of constructing such a dominant party, but also and mostly the conditions of setting up and exercising such a partisan control over the state. This perspective should therefore focus on the state seen not only as an ensemble of institutions over which the parties as agents of decision-making have a performative vision, but also as a pull of persons who craft this institutional assemblage that is the state bureaucracy.

The connection between the postcommunist partisan personnel and the public bureaucracy in the framework of this recent and radical change calls for some analytical distinction which will help separate intellectually the partisan realm and the bureaucratic domain and seize the significant differences in their respective rhyme of change or reason of performance. At the same time, such a standpoint requires a retrospective look at the communist past as it may still survive and weight over the postcommunist political configuration.

The distinction that should underscore such an approach is the one between state and political regime within the same political system of both state socialism and postcommunism. This approach may analytically uncover the relationship between postcommunist parties and state bureaucracy by means of an anamnesis of this relationship. A political regime is generally construed as the formal and informal organization of the center of political power and of the connections of this center with the society. The regime includes the modes of allocation, exercise and abuse of power in a given political community. In a Weberian perspective, the state is, in exchange, understood as a structure of domination and coordination, more stable and long lasting than a regime as it relies on a coercion apparatus and has the means to administer the society in order to extract its resources.

Such a distinction may not be an easy one both analytically and empirically. First of all, its logic changes from a political regime to another. Democracy, authoritarianism, and totalitarianism, considered as ideal-types, have different position with respect to the state. Democracy incorporates in theory the idea of a

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1 Robert M. Fishman, “Rethinking State and Regime. Southern Europe’s Transition to Democracy”, Worlds Politics, vol. 42, no. 3, April 1990, p. 428. Robert Fishman makes use of this distinction in order to seize the historical and strategic differences between the democratization processes of Spain, Portugal and Greece in the 1970s.
neutral state, which hold on society is limited by a rigorous legal and political definition of the civil service. The authoritarian regime and by all means the totalitarian one developed an economy of the state far more ambiguous if not totally different. The authoritarian parties stand undoubtedly at the center of the political regime, but they do not automatically melt for that matter into the state. On the contrary, in some cases, such state institutions as the army or the national police may organize themselves an authoritarian regime\(^1\).

As far as totalitarianism, and especially the Soviet type, is concerned, it denies any functional autonomy of the state to the extent where the regime epitomized by the Party gets hold on the state. In Party-state regimes, the state bureaucracy, were it exists as a distinct structure\(^2\), is colonized, controlled and marshaled by the Party bureaucracy\(^3\). It has been argued that a Soviet type totalitarian regime is inevitably led by its own logic and finality to engender a sociological fusion between Party and State by means of a "bureaucratie gestionnaire et politique… nouvelle classe dominante et exploiteuse [dont] l’originalité… c’est de n’exister que par l’Etat"\(^4\). On the other hand, this dominance of the Party over the State is formally consecrated by the constitutional texts of all communist regimes, where communist parties are described as “the leading force of the whole society”\(^5\). Indeed, the constitutional wisdom of the communist regimes was inclined to

\(^{1}\) IBIDEM, p. 429.
\(^{2}\) Carl J. Friedrich and Zbignew Brzezinski noted a sharp dualism of governmental and party bureaucracy, that is in order to asses the Party control over the state, the Soviet totalitarianism carried out a parallel process of bureaucratizing the Party and de-bureaucratizing the state; in so doing, it engendered an integrated political-administrative, Carl J. FRIEDRICH, Zbignew BRZEZINSKI, Totalitarianism Dictatorship and Autocracy, Frederick A. Praeger, New York, Washington, London, 1956, pp. 177-190.
\(^{3}\) When building a classification of bureaucracies following the criterion of the relationship between bureaucracy and political authority, Merle Fainsod assigns a distinct category for the party-state bureaucracy of totalitarian regimes, among other categories as the representative bureaucracy of democratic regimes, the military bureaucracy, the ruler-dominated bureaucracy or the ruling bureaucracies, Merle FAINSOD, “Bureaucracy and Modernization: The Russian and Soviet Case”, in Joseph LAPALOMBARA (ed.), Bureaucracy and Political Development, Princeton University Press, Princeton New Jersey, 1963, pp. 235-237.
\(^{5}\) See the interpretation Dominique Colas gives of the 6th article of the 1977 Constitution of the URSS which defines the Communist Party as the “leading nucleus of the society”, Dominique COLAS, Les constitutions de l’URSS et de la Russie (1905-1993), P.U.F., Paris, 1997, pp. 60-69; also Michel LESAGE, Les régimes politiques de l’URSS et de l’Europe de l’Est, P.U.F., Paris, 1971, pp. 48-50. One can find the same clause in the Bulgarian Constitution of 1971 (art. 1.2), the revised East-German Constitution of 1974 (art. 1.1.), the revised Hungarian Constitution of 1949 (art. 3), the Polish Constitution of 1976 (art. 3.1), the Romanian one of 1965 (art. 3), the Czechoslovak Constitution of 1960 (chap. I, art. 4), and the Yugoslav one of 1974 (chap. VIII). One should note also that the Romanian Constitution of 1952 (art. 86) – replacing the first communist Constitution of 1948, quite hesitant in defining the new regime – presented the Romanian Workers Party as the “leading force of both workers organizations and state institutions”. 


interpret this ruling as a *sui generis* checks and balances system that warrants the omnipotence of the Party as the prerequisite for the well functioning of the system as a whole.

In these conditions, is the analytical distinction between the political regime and the state still an operative one for the communist regimes? Moreover, can it enrich our understanding of the postcommunist political dynamics, in this particular case of the Romanian one?

In fact, this criterion of the distinction and of the connection between the regime and the state has already been implicitly integrated in a typology of communist regimes set up by Herbert Kitschelt, Zdenka Mansfeldova, Radoslav Markovski and Gabor Toka in order to emphasize the significant differences among the countries of the communist bloc and eventually explain, in a path dependence critical perspective, the diversity of postcommunist trajectories. Therefore, this diversity was commanded not primarily by the economic differences between the socialist countries, but by the institutional solutions imagined by each of those regimes for the government of their societies. The three-fold model, which emerges rests on two criteria, structural and functional. The former tries to classify the communist state-bureaucracy in the range between the rational-legal and the patrimonial models of Max Weber. The latter focuses on the mechanisms used by the communist parties in order to produce social adhesion and consent. The Central and Eastern European countries fall therefore in three categories. First the authoritarian-bureaucratic regimes, characterized by rigid orthodoxy, overwhelming state bureaucracy somehow professionalized ruling a civil society potentially active and resilient (Czechoslovakia, East Germany); second, national-accommodative regimes with flexible communist parties, somehow relaxed in their social control and institutional operations and based upon bureaucratic structures, partially autonomous and inclined to obey rules (Poland, Hungary); third, patrimonial communism, with parties rigidly ruled by a supreme leadership and a corrupt and unprofessionalized state apparatus (Romania, Bulgaria).

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1 "...the Communist Party itself became a fundamentally important organization of counterbalance in the socialist states. Whenever harmful, alienating, dysfunctional symptoms appear, or are likely to appear in the future, in the activities of the state, the Party is in command of the means by which it can mobilize social forces, point out the correct line of action, for restoring the normal course of state apparatus. *The Party from this point of view is in control of the state and social forces.* (...) If... we try to find the means and ways by which it is possible to attain required measure of controlling and counterbalancing the state organization, we find them primarily outside the state organization itself, in the aforesaid function of the Party", Ottó BIHARI, *The Constitutional Models of Socialist State Organization*, Akadémiai Kiadó, Budapest, 1979, p. 366 (our emphasize).


Thus, Romania is classified with the model of patrimonial communism based on a complete fusion of Party and state. Such a qualification is not entirely innovative. It is already announced by such notions as neotraditionalism or sultanism tested on the terrain of Soviet type regimes. Kenneth Jowitt qualifies these regimes as neotraditionalist\(^1\) in order to emphasize the patrimonial dimension of the domination of party bureaucracy over the state. As such, neotraditionalism is not the feature of a particular communist experience, Romanian or Bulgarian for instance, because, for Jowitt, the Bolshevik revolution set up a model of power, the Leninist one, entrenched in the autonomous and autarchic charisma of the Communist Party as a political organization of a new type. The Leninist model remains identical to itself and subject to a uniform evolution and decomposition regardless its historical or geographical embodiments. For Jowitt, the Soviet bloc was a homogeneous political space\(^2\).

As for Juan Linz and Alfred Stephan, they particularized Romanian communism among various Central and European communist experiences as totalitarianism cum sultanism. The two authors consider that Romania never experienced de-stalinization and the regime never became less totalitarian. They observe instead a sultanistic trend in this particular totalitarian setting\(^3\).

Sultanism sits among the Weberian conceptual family related to patrimonialism, being intended originally as an extreme form of patrimonial domination for which there is no other norm than the will of the leader\(^4\). Juan Linz took possession, developed and eventually renewed this Weberian concept in order to construct an entirely new ideal-type of non-democratic regime\(^5\). A modern sultanistic regime would combine personal domination with a loyalty that relies especially upon fear and reward and less on ideology or charisma. Primarily, power does not resort either to law or to ideology, but to the will of the leader. Hence, the rules that direct the bureaucracy as well as the power relations within this bureaucracy are the expression of the supreme ruler. It is therefore difficult to identify a proper bureaucracy in such a regime: the civil servants are not recruited and promoted according to generally accepted and predictable criteria, but they are hand picked by the leader.

\(^1\) Kenneth JOWITT, *New World Disorder. The Leninist extinction*, University of California Press, Berkeley, 1992, pp. 139-158.
\(^2\) IBIDEM, p. 12.
The double qualification of the Romanian communist regime as totalitarian and sultanist has itself a two-fold significance. On the one hand, the absence in Romania of a post-totalitarianism enforced the organic link between the party and the state to the advantage of the former and emphasized the pervasiveness of the party-state apparatus fused in a managing and political bureaucracy, to use Marcel Gauchet’s terms. On the other hand, this qualification integrated to the institutional logic of the system the personal weight of Nicolae Ceauşescu on the decision-making process, the lack of autonomy of institutions and of any form of pluralism, the bureaucratic irrationality and the partial substitution of Marxism-Leninism with the “cult of personality”.

The complete junction of the state and the communist regime embodied by the party accomplished by Nicolae Ceauşescu for its own benefit is empirically validated by the constitutionally revision of 1974 creating the position of President of the Republic, immediately offered to the Secretary General of the Party. However, this revision merely institutionalized the trend already started in 1965, which, through the reinforcement of the symbolic position and effective power of the Party leader, was seeking to fuse to the point of indistinctness the Party and the state apparata. Indeed, elected several times since 1974 President of the Republic by the Grand National Assembly, which was, in constitutional terms, the seat of the supreme power, Ceauşescu had already strengthened his position as Party leader starting in 1969, when he was elected Secretary General by the Party Congress and not by the Central Committee as it was the case in the Soviet tradition. Already in December 1967, the Party National Conference planned to reorganize both the Party and the public administration by suppressing those positions in the state that doubled similar appointments in the Party. That way, “at the central level, it was decided that only one member of the Party leadership would supervise a particular domain, either in the party or in the government. (...) At the local level and in order to avoid parallelism and coincidences that still exists in the activity of the Party and the popular councils, it was established that the first secretary of the district or city committee could be elected at the same time president of the popular council of the

1 Such a junction is also to be found, but only at times, in Czechoslovakia, where the top functions of party and state were held together form 1948 to 1953 by Klement Gottwald and from 1957 to 1968 by Antonin Novotny, Michel LESAGE, Les régimes politiques de l’URSS et de l’Europe de l’Est, p. 204.
2 By so doing, Ceauşescu accomplished the fusion between the Party and the state and also balanced their respective powers: “According to the Constitution and other political and juridical documents, the system of socialist democracy combines, in a unitary conception, three great categories of bodies; those of the State, of the Party and the public organizations. (...) The documents of the Romanian Communist Party, the writings of President Nicolae Ceauşescu point out the fact that, besides the increase leading role of the Party, that of the State is also amplified, the activity of the public organizations undergoes an extension and diversification ... “, Ioan CETERCHI, Socialist Democracy, Meridiane Publishing House, Bucharest, 1975, p. 17 (our emphasize).
3 The basic principle of the socialist constitutions was the “supremacy of the popular representation”, Ottó BIHARI, op. cit., p. 117.
district or city and that the secretaries and other ranking members of the Party could assume senior positions in the local administration”\(^1\).

Moreover, beyond the structural tangle between the Party and the state, beyond the manifest personalization of power, the labels of “patrimonial communism” or “totalitarianism cum sultanism” applied to the Romanian regime before 1989 emphasize a functional feature of the state apparatus. They are in fact highlighting the problematic character of the infrastructural power of the Romanian socialist state.

Furthermore, this crisis of the infrastructural power of the Romanian system would not radically distinguish the Romanian case from any other communist regimes. We should rather speak of a gradual distinction that goes beyond the categories of the working typologies. As a matter of fact, several years before the fall of communism, Michael Mann noticed that the Leninist state, especially in Eastern Europe, was not a strong state. On the contrary, it was facing the rapid diminution of its power, both structural and despotic\(^2\). Michael Mann analytically separated the despotic power of the state, that is the aptitude of the elite in power to engage actions without using the institutional mechanisms of negotiation with the society, from the infrastructural power i.e. the capacity of the state to penetrate society by implementing public policies through its bureaucratic apparatus\(^3\). Therefore, the sultanist tendencies identified in the Romanian case would point out not only the weak legal rationality of the party-state apparatus relying on its own operative routines, built upon vertical and personal dependency networks and horizontal collusion chains, but also a state of worsening decay of the infrastructural power of the state.

\textit{A failed divorce between the state and the Party}

How can we seize than the possibility of dissociating the regime and the state in the Romanian case? In fact, this analytical distinction could become possible once performed in a retrospective manner. Analyzing the Southern European transitions to democracy, Robert Fishman noticed that there is precisely at the very moment of the political change that the difference between the two entities becomes discernible: while the regime is falling apart, the state usually endure. Generally, the new regime is the one that takes over the task of maintaining, reforming, purging the old state or hammering the virtual resistance of its bureaucratic apparatus\(^4\).

Indeed, the “postcommunist revolutions” tried to symbolically or effectively unfasten the knot between their communist regimes and states. There too – with the notable exception of Yugoslavia and, partially, that of Czechoslovakia – the regime

\(^{1}\) IBIDEM, pp. 246-247.
\(^{3}\) IBIDEM, loc. cit.
change was not tagged along by a collapse of the state\(^1\). On the contrary, the pacifist character of the political change – notwithstanding the origin of this change, within the regime, the state or the society – attested precisely the possibility of a structural divorce between the communist regimes and their states, confirmed symbolically in all cases by the abandon of the constitutional “leading role” of the communist parties.

Certainly, a political regime cannot be summed up to its formal and institutional dimensions. As noticed above, it also incorporates the informal modes of organizing power relations between individuals or groups within the institutional framework as well as with the society and, as such, its capacity to endure goes beyond its formal departure. On the other hand, the state and all those who made it work, its bureaucratic apparatus, survived the political change. Moreover, not only the state survived, but followed also another rhythm of change than the political regime. Considering the aptitude of bureaucratic ensembles to perpetuate themselves and getting more and more autonomous by routinizing their operations, Max Weber eventually doubted the very possibility of a revolution understood as a rapid and radical change of the basis and the core of the authority\(^2\). Postcommunism began to shape itself politically and institutionally on the background of this official and structural divorce and its shifted rhythms. Thus, a new formula of the relationship between the regime and the state was likely to be cast.

Since the communist regimes were embodied mainly in and shaped by the communist parties, it would by possible to reconstruct the renovation of the logic of the relationship between the regime and the state in the case of negotiated transitions. There, both parties and states preserved their institutional integrity. The Polish, Hungarian, Czech, or Bulgarian communist parties were always acknowledgeable at the moment and after the fall of the regime, conducting then a process of inner institutional and ideological reform and participating to the setting of the new regime\(^3\). Or, from this standpoint, the Romanian case proves to be somehow particular and that not only for the violent aspect of the fall of Romanian communism.

First of all, Romania was the only country in Central and Eastern Europe where the Communist Party suddenly vanished away in the days of the Revolution.

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2 “Such a [bureaucratic] machine makes ‘revolution’, in the sense of the forceful creation of entirely new formation of authority, technically more and more impossible, especially when the apparatus controls the modern means of communication (telegraph, et cetera) and also by virtue of its internal rationalized structure. In classic fashion, France has demonstrated how this process has substituted coups d’état for ‘revolutions’: all successful transformations in France have amounted to coups d’état”, From Max Weber: Essays in Sociology, p. 230.

The Romanian Communist Party was the only one of its kind that did not take part, as an institutional actor, in the regime collapse. Hence, at the moment of the political change, there was nothing else detectable from the communist system but the state. All the political actors that emerged at that time strongly refused any connection or identification with the communist regime and its party. Therefore, the Romanian Revolution had as main task to overthrow the regime in order to save the state. It is precisely by means of such a symbolic amputation of the dichotomy regime/state that the National Salvation Front could have combined originally in its inner economy two apparently contradictory logics: on the one hand, a normalizing one of institutional and sociologic preservation of the state, and on the other hand a revolutionary one aiming to the destruction of the Ceaușescu’s family power. Indeed, the Front leaders agreed from the very beginning that the state institutions have to remain, at least temporarily, unchanged, together with their personnel, in order to insure a “regular” management of public affairs. Furthermore, the political-administrative bureaucracy of the communist system, taking somehow advantage of the party-state fusion strengthened by the sultanist dimension of the former system, found a refuge within the state once the Party vanished from the public scene. This accommodation was formally accomplished through a process of take-over of the remains of the party by the state in the first moments of postcommunism. The decree-law no. 30 of January 19, 1990, issued by the National Salvation Front Council provided for the transfer in the property of the state of all the assets of the Communist Party including not only the “economic units, the means of production, the real estates assets, the cultural goods, the educational institutions, the hospitals, the museums... or other material resources or financial funds of the Communist Party” but also “the personnel of the economic units and other institutions”, the latter having been subject to a kind of political cosmetics by the elimination of the high rank Party officials. The same day, January 19, 1990, the Government decided to dissolve the “Ștefan Gheorghiu” Party Academy of Social and Political Studies, meant to form the cadres for the political-administrative apparatus by transferring its assets, its faculty and its students in the national education system, within new departments of psychology, sociology or journalism and financed by the Ministry of Education.

Secondly, the Romanian postcommunist regime began to be mold from within the state. Beyond the congenital connection between postcommunist parties

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3 Decree-law no. 30 of January 19, 1990, art. 1.
4 IBIDEM, art. 6.1.
and their respective states stated above, the National Salvation Front did not use the public institutions arena only to organize a belated negotiation with its potential partners\(^1\), but before that, it proclaimed itself the “state authority” and the coordinator of the state apparatus\(^2\). It is in this quality of supreme organ of the state power that the NSF decided, on January 23 1990, to transform itself in a political party and to hold for itself a privileged place in emerging system\(^3\). It is therefore the state itself that engenders the main actor of Romanian postcommunism. If the Communist Party tended to become the state, the postcommunist state transformed itself into a party.

Hence, the National Salvation Front – and its main successor, the Social Democratic Party – is the only Romanian postcommunist party to be an internally mobilized party. In fact, the distinction between internally mobilized parties and externally mobilized ones extends and enriches the original distinction formulated by Maurice Duverger. The parliamentary origin of postcommunist parties was somehow an undifferentiating feature as almost all the political actors were born or developed in the parliamentary arena. Or, Martin Shefter renewed the distinction by discriminating between the internally mobilized parties – that is the parties set up by individuals having strategic positions within the system and mobilizing their inner resources or the popular support in order to respond to a challenge from within or outside the system –, and the externally mobilized parties – that is the parties assembled by individuals who do not have a position in the system but try to get one by mobilizing and organizing the popular support\(^4\). This distinction was cast in order to analyze the party systems at the end of the 19\(^{th}\) and the beginning of the 20\(^{th}\) century. However, once applied to the Romanian case, it allows us to significantly discriminate between the SDP and any other Romanian party. Only the former can claim the status of an internally mobilized party and enjoy the benefits it brings about.

In this capacity, the SDP was maybe the only Romanian postcommunist party to have a coherent party-building strategy. Two may be the main strategies a party can adopt in order to develop itself, attract members, sponsors and supporters. It can distribute collective benefits by casting political projects, which may mobilize certain social groups, or it can dispense divisible benefits as long as it proves to be able to activate or create any sort of patronage networks\(^5\). The incapacity of

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2 “The address to the country of the National Salvation Front”, December 22, 1989, loc. cit.
5 IBIDEM, p. 21. Herbert Kitschelt et al. use a similar distinction when they separate the “programmatic parties” from the “clientelistic” ones, Herbert KITSCHELT et al., op. cit., p. 48.
postcommunist parties, ex- or anti-communist, to offer any kind of coherent political project is already notorious. Thus, this strategy has already proved its inefficiency. On the other hand, the strategy of divisible benefits was available only for those political elites able to use the resources and the springs of the system that is in the Romanian case the NSF and its successor, the SDP.

**The postcommunist ruling bureaucracy**

Having said that, a question still remains unanswered: how could the SDP endure postcommunism and remain practically unchallenged all that time? The question address the SDP as a political party understood not only in a corporate and organizational manner, but also in a strategic one, as a structured configuration of interactions between individuals who are pursuing their own goals. Examined in such a perspective, the party is not an independent actor, but rather an instrument, a conduct or a source of influence individuals may use.

In fact, clientelism and patronage seem to provide the dominant working way for those postcommunist systems that follow a patrimonial communist experience, as opposed to the posterity of bureaucratic-authoritarian communism. In this respect, Herbert Kitschelt et al. call for the explanatory model coined by Martin Shefter who connects the political phenomenon of patronage to the historical relationship between democratization – *i.e.* establishment of the universal suffrage – and bureaucratization – *i.e.* professionalization of the civil service. Thus, the role played by patronage in politics would be determined by this political-historical sequence: “where the creation of a mass electorate preceded the establishment of civil service examinations or other formal procedures to govern recruitment into bureaucracy, politicians were able to gain access to patronage for party building. The party organization they constructed acquired a widespread popular base and the political capacity to successfully raid the bureaucracy for patronage, even after formal procedures governing civil service recruitment and promotion were enacted. On the other hand, where formal civil service recruitment procedures were enacted, and a political constituency committed to their defense emerged, prior to the development of mass-based political parties, it was likely that this ‘constituency for bureaucratic autonomy’ would be able to prevent party politicians from raiding the bureaucracy.”

On the other hand, Martin Shefter recovers a hypothesis construed by Carl J. Friedrich assessing that the emergence of a functional constitutional

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2 IBIDEM, p. 38.

3 Herbert KITSCHELT et al., *op. cit.*, p. 52.

democracy depend upon the prior set up of a bureaucratic apparatus able to exert the administrative authority\(^1\).

It is true that, inheriting from the communist system a bureaucracy rather unprofessionalized, the postcommunist political actors did not keenly and rapidly act to reform the state apparatus. In Romania, the civil service law, meant to serve the creation of a rational-legal bureaucracy, was not enacted until 1999 while its implementation remains even now largely problematic\(^2\).

On the other hand, what the interpretations of the surviving forms of patrimonial communism fail to take into account is the dynamic and the reciprocity of patronage relationships. For a political system based on patronage relationships to exist, party politicians should be able to extract patronage from the state\(^3\). In other words, patronage means that state bureaucracy and parties are both equally involved in the game. Political patronage is not a form of partisan domination over the state, but a network of power relations – as Foucault understood them\(^4\) – connecting party personnel and bureaucracy.

Furthermore, most of the analysis addressing postcommunism take parties as nearly exclusive actors of the political system, handling a lifeless state apparatus. Or, even in the democratic systems and beyond the Weberian model of bureaucracy, one can hardly imagine the bureaucracy as being merely neutral and instrumental\(^5\). On the contrary, the bureaucratic apparatus, especially in its higher ranks, is always involved in the process of decision-making. It does not only contribute to the policymaking process, but it also tends to replicate in its inner circles the conflicts of the political arena. Moreover, the balance between the two sides of government proves to be of strategic importance: in a democracy, the institutions of political decision are supposed to be strong enough to contain bureaucracy in its instrumental role, while the civil service is presumed to be solid enough to resist the clientelistic attempts of party politicians\(^6\).

How can we evaluate this balance in the Romanian case? The analytic survey of the relationships between the regime and the state during the communist regime and at the moment of political change as well as the strategic conditions favoring the survival of the integrated political-administrative apparatus of the former system suggest a postcommunist balance inclined rather in the advantage of bureaucrats at


\(^2\) In this respect, Romania is not a singular case. In Poland, a civil service reform was launched in 1996 and the civil service law was issued 1998.

\(^3\) Martin SHEFTER, *op. cit.*, pp. xi-xii.


\(^6\) IDEM, "Bureaucracy and Political Development. Notes, Queries, and Dilemmas", in IDEM (ed.), *Bureaucracy and Political Development*, p. 51.
the expenses of a proper political elite. Certainly, this bureaucracy is not to be conceived merely under its institutional form, but also in a sociological and strategic perspective. And yet not as a unitary and circumscribed entity, but as an ensemble of interactions between individuals and groups following its operative routines.

It is therefore useful to extend the comparative framework of the Romanian postcommunist case beyond the western borders. The dynamics of the Romanian postcommunist system could prove to be more permeable for the arguments based upon the analysis of some remote cases. In fact and somehow against the hypothesis of historical sequence bureaucratization-democratization, the analysis of other societies having gone through the process of transition, the post-colonial ones for instance, suggests that the most significant task of those transitions would not be the set up of a bureaucratic apparatus, usually already in place and inherited from the former systems, but its submission to the control of the political extra-bureaucratic institutions. Transitional societies are typically confronted with a salient imbalance of the relations between political-decision institutions and policy-implementation ones. In other words, in the context of weak political institutions, bureaucrats could confiscate the political function in society and their involvement in politics would become exceptionally important. Hence, the inner conflicts of the bureaucratic apparatus could become the main form of politics.

This way, strategically situated between political elites organized within fragile institutions and demobilized societies, bureaucracies take over the social integration and the political regulations functions of government: management of public resources, preservation of the unity of the political framework, absorption of social demands and their adjustment on the ground. Obviously, this kind of bureaucratic control would affect national politics by debilitating local politics, crippling partisan politics and undermining the importance of national representation. In fact, behind the pitiful prestige of parliaments, one can read the political inability of the representatives as well as the omnipotence and the political irresponsibility of public bureaucracy.

For example, while the power of the parliament relies in principle upon its capacity to decide in the matter of public finance, the logic of money collect and control of the expenses also participates to the parallel weakening of political

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1 Colonials, communists or others: in fact, the post-colonial and postcommunist societies share, beyond their manifest differences, the common feature of the existence of inherited institutions form their prior systems.


4 Fred W. RIGGS, op. cit., p. 146. Max Weber also noted that “bureaucracy naturally welcomes a poorly informed and hence a powerless parliament – at least in so far as ignorance somehow agrees with bureaucracy’s interests”, From Max Weber, p. 234.
institutions and reinforcement of the bureaucratic agencies. Beside the collusion more or less significant between taxpayers and tax collectors, several structural factors would favor a bureaucratic management of public finances escaping political control. First, the politics of foreign aid and assistance involve primarily the specialized apparatus, leaving to the politicians the ceremonial performance of international agreements. Secondly, the same logic replicates for the inner sources of finance. While it is true that parliaments formally identify the sources of public money, and decide upon the levels and matters of taxation, the financial management of public monopolies, customs, reserved economic sectors etc. lead in exchange to the constitution of autonomous bureaucratic blocs where the political control remains marginal. The other side of managing public money, the control of expenses works in a similar way as long as the administrative agencies dispose of the means of verifying the costs and expenses of different governmental policies.

Which is then the political significance of public policies elaborated by the governments of such transitional societies? The democratic legitimacy of politics rests upon the constitutional and the representative character of political institutions as well as the responsiveness of the civil service. Or, on the one hand, as the transitional political institutions are weak by their basis (weakness of parties, lack of interest from the electorate) and by their means of actions and as bureaucratic agencies are stronger, the latter can take over the task of policy-making and simply call for a formal political sanction. Hence, when such legislation is enacted, it no longer represents a political control over the bureaucracy, but a “bureaucratic manipulation of the symbols of legitimacy”\(^\text{2}\). The endemic weakness of representative bodies is thus hollowed by the practice of legal formalism, meaning that the laws enacted in accordance with the constitutional norms are not automatically implemented by the state agencies. In fact, the infrastructural effectiveness of state power depends eventually upon the will and inclination of bureaucrats to apply the law or, on the contrary, to transgress it and allow its transgression.

It is really difficult to identify numerous likenesses between this picture of transitional post-colonial societies and the Romanian postcommunist case. The limited electoral base of political parties if not their lack of interest in mobilizing the citizens, the poor prestige of the parliament as well as the avowed incapacity of governments to handle the infrastructural power of the state, the practice of belated and re-adjusted budgets, the monopolization of the legislative function by the government, the legal formalism as well as the emphasize on the bureaucratic expertise and the custom to recruit the political personnel in administration and business are all signs of a excessive political weight of a state apparatus shaped up and developed under socialism and enduring postcommunism. Therefore, in the light of the stakes and significations of the balance between state and regime,

\(^1\) IBIDEM, p. 149.
\(^2\) IBIDEM, p. 151.
between bureaucracy and political personnel, it is worth to ask if the former party-state bureaucracy of the communist system did not merely change its typological category and became a ruling bureaucracy\(^1\). And again, if the Social Democratic Party, precisely on the account of its dominant position, is not but the political hypostasis, suitable for democratic circumstances, of the former political-administrative bureaucracy of the communist Party-state.