

Post-Soviet Transitions and Democratization: Towards Theory-Building

VLADIMIR GEL'MAN

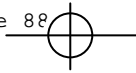
Conventional models of 'transitions to democracy' are incomplete and insufficient for the analysis of the regime changes in Russia and other post-Soviet societies, which go beyond the usual textbook cases. This article reconsiders conceptual frameworks for the analysis of democracy and democratization in the light of the experience of post-Soviet political developments. The distinction between types of predominant political institutions (formal versus informal, or the rule of law versus arbitrary rule) marks a watershed between 'transitions to democracy' and post-Soviet transitions to somewhat different regimes. The principal sources of political contestation in post-Soviet societies are intra-elite conflicts rather than 'pacts'. There is no one clear basis from which to establish the dominance of formal institutions. That goal could be achieved by three different ways: (1) step-by-step acceptance of formal institutions as a by-product of development of political contestation; (2) return to anon-competitive political regime and then installation of new formal institutions through re-establishing new state capacities; and (3) undermining of the emerging political regimes through political conflicts. However, none of these would guarantee the emergence of the rule of law.

Introduction

It is a widespread belief among political scientists that the best approach to analyze politics in any given society is a marriage between comparative politics and area studies. For studies of Soviet and post-Soviet politics, this marriage has been developed in a complicated way. Even in the period from the 1960s to the 1980s, Sovietologists borrowed some concepts from comparative politics.¹ In the mid-1990s the problem of co-existence of the 'universalism' that had taken root in the study of comparative politics and the 'particularism' that reflected specific post-communist realities became central to the debate among scholars.² By the 2000s those debates seem to have been exhausted: studies of post-Soviet politics in a comparative perspective have now entered the scholarly mainstream, opening up broad opportunities to explain the more peculiar features of Russian politics such as federalism³ or voting behaviour.⁴ But in the analysis of regime changes in

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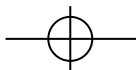
post-Soviet societies, conventional models of 'transitions to democracy' offer only incomplete and insufficient guidance. While some observers describe Russia as a 'hybrid regime'⁵ or use some other adjectives for post-Soviet 'new democracies',⁶ this makes only a small concession to the need to explain the regime changes in Russia and other post-Soviet societies that are definitely outside the textbook models of 'transition to democracy'. Indeed, the loose category of 'hybrid regimes' rather serves as a residual category that 'seems to be neither democracy nor dictatorship'.⁷ No wonder, then, that the need for a new analytical framework poses a question for research that was symbolically represented in a title of one of the panels at the 1999 convention of the American Political Science Association: 'Russia as a Comparative Case ... of What?'.⁸

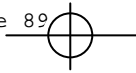
This question directs attention to the well-known typology of case studies by Arend Lijphart.⁹ He argued that theory-confirming or theory-infirming case studies (the first of which strengthens and the second weakens the generalizations being tested) have little value for scientific discovery by comparison with hypothesis-generating case studies and the analysis of deviant case analyses (that is, theory building). In fact, theory-building case studies may make it possible not only to explain relations of causality in the investigated cases but also to establish new theoretical approaches that could be useful for studying broader social and political phenomena. Thus, theory-building political inquiry could launch a 'research cycle'¹⁰ in the study of post-Soviet politics.

The goal of this article is much more modest: to reconsider some conceptual frameworks for the analysis of democracy and democratization in the light of experience of post-Soviet political developments. For this purpose, the article will: (1) discuss the theoretical perspectives of models of democracy in post-Soviet societies; (2) analyze the explanatory power of major schools of thought of democratization; (3) formulate distinctions between and among regime transitions in the post-Soviet area; (4) provide some theses about how (and, to some extent, why) political contestation and political institutions have emerged (or not emerged) in the post-Soviet situation; (5) propose some ideas for an agenda of future research.

Definitions Redefined: Democracy and Political Regime

It would be difficult to claim that the experience of the last 30 years of studying democratic transitions as a special sub-field of political science following the appearance of Rustow's seminal article¹¹ has had a significant impact on how we understand democracy per se. 'Transitologists' and 'consolidologists' alike have tended simply to accept existing definitions of democracy as a 'point of arrival' for the transition and consolidation

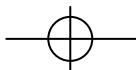
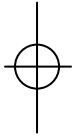


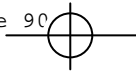


process, by default and without engaging in any special discussions.¹² Meanwhile, the extent to which these concepts could serve as useful analytical tools for studies of politics in transition, and the kind of innovative knowledge they could provide, has not been clear. However, the most widely understood models of democracy seem vulnerable in the light of post-Soviet political practices.

In fact, using Held's typology,¹³ we could say that most theorists of 'transition to democracy' explicitly or implicitly accepted one of two conceptual models of democracy. The first is the 'competitive elitism' of Schumpeter, that defined democracy as the process by which 'individuals acquire the power to decide by means of a competitive struggle for the people's vote'.¹⁴ The second, the pluralist model of 'polyarchy' by Dahl, includes both two vital dimensions of democracy, namely competitiveness and participation, and a set of major civic and political rights and freedoms that serves as a basic indicator of democracy.¹⁵ Some scholars of democratization have focused most of their attention on the distinctions between 'minimal' (procedural) and 'maximal' (substantive) dimensions of democracy,¹⁶ or have identified different levels of consolidation of new democracies.¹⁷ However, these issues are not a part of the agenda of post-Soviet transitions; at least, not yet. Such substantive issues of democratization as the degree of acceptance of democratic values among both the masses and the elites, and the institutionalization of party systems must therefore lie beyond the scope of this account, which is restricted to the 'minimal' requirements of democracy in post-Soviet countries.

First of all, both Schumpeter's and Dahl's models are ideal-type schemes that pose methodological difficulties for measuring the degree of democracy.¹⁸ Therefore, neither the one-dimensional model of Schumpeterian democracy nor the two-dimensional polyarchy of Dahl can be used without qualification. For example, it is not easy to evaluate Russia within the framework of polyarchy when only five of Dahl's eight indicators of democracy exist in any meaningful sense.¹⁹ Even the simple test of 'free and fair elections' could be irrelevant in the context of 'machine politics' and the 'parties of power'. In these circumstances the outcomes of elections (even competitive elections) depends to a certain degree upon the opportunities of ruling groups to carry out the administrative mobilization of the masses, as well as electoral fraud. In addition there is the systematically unequal access of candidates to the election campaign, as was the case in Russia's 1996 presidential elections.²⁰ But if elections neither serve as a mechanism to transfer power nor affect governmental policies, their role and meaning are completely different from those expected by Schumpeter's model. In an extreme case (that is not so rare in the post-Soviet situation) elections could be non-competitive, when the



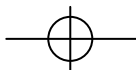
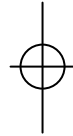
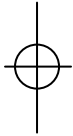


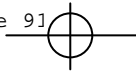
incumbents have secured more than 70 per cent of the votes cast.²¹ Ruling groups in post-Soviet regimes have sometimes been able to establish a kind of 'minimal winning coalition' that gained enough resources to secure victory for the incumbent or, at least, to prevent an alternation in office. Post-Soviet elections from Kazakhstan to Belarus and from Primorskii Krai to St Petersburg offer a variety of illustrations.

It is important to note that these observations go beyond the liberal attacks on 'electoralism',²² that claim that elections, while necessary, do not exhaust the necessary conditions of democratization. The point being made here is that the elections may have no connection with democracy at all in terms of competitiveness (or, at least, the outcome of an electoral contest is known a priori). In this respect the judgement of one Russian scholar on the 'authoritarian adaptation' of post-Soviet elections²³ is more appropriate. The very criteria of free and fair elections are unsuited to the analysis of such a phenomenon, even after considering intermediate categories such as 'free but not fair' elections or 'elections with some fraud or coercion'.²⁴

The application of Dahl's two-dimensional model, that adds to contestation another no less important variable: participation, that is the right to elect and to be elected, unfortunately seems no more useful for the analysis of post-Soviet transitions. In the comparative historical analysis of how democracies came to be established and strengthened, universal suffrage was, of course, a key objective. But what can we learn from that for the study of post-Soviet politics with its legacy of mobilized mass participation, or what Dahl called an 'inclusive hegemony'? Given the background of 99 per cent participation in non-competitive elections of the Soviet era this approach has little to contribute to understanding patterns of post-Soviet regime change. Moreover, electoral participation in a form of 'machine politics' under the conditions of administrative mobilization that have substituted for Communist Party control²⁵ definitely undermines the incentives for any 'civic' participation other than in elections. In a post-Soviet context the practice of resource exchange pork-barrel deals has little in common with 'civicness' even if at first glance it might look similar to the phenomenon observed in Putnam's well-known account of social capital.²⁶ In fact, 'civicness' will not be seen in the former Soviet Union until social and political actors have achieved a significant degree of autonomy, from the state and from each other. As yet, mass attitudes and behaviour in post-Soviet societies are still too dependent upon (and determined by) various segments of the elite. Thus, 'civil society', in the normative sense of democratic theory, is present in post-Soviet areas only to the extent allowed by the dominant elites.

This critique of the usefulness of models of democracy relates not to their 'conceptual stretching',²⁷ but to their low discriminating power; that is,



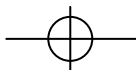
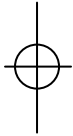


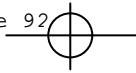
limited capacity to make distinctions that are applicable to the analysis of post-Soviet politics. Following the lines of Dahl's typology of political regimes, we could say that Russia after 1991 has been transformed from an 'inclusive hegemony' to some type of 'hybrid' regime. But that really only states the research problem rather than solves it. Using Lijphart's typology of case studies, we might say that, from the viewpoint of models of democracy, the group of post-Soviet cases does not fit well into the categories of theory-confirming or theory-infirming studies. Nevertheless, it is possible to turn to hypothesis-generating (if not deviant) case analysis, based on inquiry into the peculiarities of post-Soviet phenomena and the factors that are responsible for their development.

The Peculiarities of Post-Soviet Transitions

Recent scholarly efforts to explain the peculiarities of post-Soviet transitions have fallen into three different, although overlapping groups. The first school pays attention to the specific complexity of 'triple transition',²⁸ that is significantly different from the experience of countries in Latin America and Southern Europe.²⁹ However, the broadness of this macro-level inter-regional comparison between East and South is so wide that it fails to explain meso-level intra-regional distinctions between Eastern Europe, which during the 1990s has moved to at least 'minimal' democracy, and the post-Soviet area, which is still far from achieving comparable progress. Alternatively, the second school has tried to explain the difficulties of Russian/post-Soviet transitions through the prism of the historical and cultural background of these countries. Such concepts as the 'clash of civilizations'³⁰ suggest that Russian/post-Soviet societies are unlikely to adopt viable democracy for a priori reasons, due to the legacy of the past. This view, however, easily falls into a closed logic of explanation: that is, while post-Soviet countries cannot achieve democracy because of their 'wrong' culture, there is little chance of the 'right' culture emerging because of the absence of democracy! Finally, the third school focuses on the crucial role of 'stateness' in the process of democratization.³¹ Yet, the distinctiveness of post-Soviet states (especially of Russia), that unlike those of other post-communist countries, they are 'weak states', has been widely noted by scholars.³²

State weakness as a distinctive feature of post-Soviet politics has two different dimensions. First, weakness means significant constraints on the capacity of the state. In particular, the state monopoly of legitimate violence is undermined owing to competition between state and non-state actors (some of whom claim to operate on behalf of the state). Second (and no less important), a weak state could not ensure the principle of the rule of law, or,

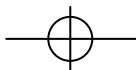
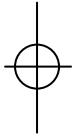


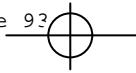


at least, could not enforce it (even if they use slogans like the 'dictatorship of law'). The use of different terms to describe these phenomena, such as 'oligarchy', 'feudalism',³³ 'caciquismo',³⁴ and so on just underlines the significance of this peculiarity. If the 'weak state' is taken as the point of departure for future analysis of post-Soviet political regimes, then the existence (or non-existence) of the rule of law could be re-formulated in terms of democracy and/or its alternatives. Taking a neo-institutionalist perspective, the 'rule of law' could be defined as a dominance of formal institutions, that is, universal rules and norms which serve as significant constraints on major actors and their strategies within the given polity. Meanwhile, the non-existence of the 'rule of law' has meant the dominance of informal institutions such as those based on particularistic rules and norms such as clientelism and/or corruption. Thus, as opposed to the 'rule of law', we find the principle of 'arbitrary rule', where formal institutions either serve as merely a 'facade' covering informal dominance or make no impact at all.

To some extent, this dichotomy of dominance of formal and informal institutions is related to Max Weber's ideal types of legitimacy. The dominance of formal institutions is associated with rational-legal legitimacy, while that of informal institutions is a feature of charismatic and/or traditional rule. But formal and informal institutions are not alternatives; rather, each substitutes for the other from time to time to fill in gaps.³⁵ In practice, the institutional dimension of a political regime seems to be a kind of continuum, not two opposite poles. If the rule of law is weak or non-existent (as in the case of the breakdown of the state or regime), it is replaced by arbitrary rule. If the courts are unable to implement their decisions on legal suits, these disputes are resolved through the use of 'violent entrepreneurship'.³⁶ If government is not accountable to the parliament, the decision-making process depends not on people's representatives but on narrow circles of 'family' or 'court' around the leaders.³⁷ If political parties are not capable of linking the elites and masses, the necessary functions are realized by clientelist-based 'political machines', and so on. Post-Soviet politics have thrown up plenty of examples of these kinds of substitutions, such as, for example, Yeltsin's electoral campaign in 1996 or the very beginning of the first Chechen war in 1994. Obviously, even the restoration of state capacity without the emergence of the rule of law (as can be observed in Russia under Putin under the label of the 'dictatorship of law') does not promise the dominance of formal institutions.³⁸

Thus, the distinction between types of predominant institutions (formal or informal) makes a watershed between 'transitions to democracy' (where the 'rule of law' is assumed almost by default) and post-Soviet transitions





to a somewhat different regime.³⁹ Therefore, the very definition of political regimes should perhaps be reconsidered as well. The term 'political regime' is commonly applied in varying political science contexts, such as constitutional models (parliamentary or presidential regimes) or forms of government as a whole (democratic or authoritarian regimes). However, these classifications are not always applicable to studies of politics in transition, where forms of government as well as legal arrangements are ill-defined and may change rapidly. In light of these issues, the definition of political regime should be re-examined. We may use 'games' as an analogy to make the point. Thus if we need to explain to someone a distinction between, say, chess and tennis, at least two major distinctions might be functionally useful. First, there is a distinction between those who play in the games, including differences in their resources and strategies. Second, there is a distinction between the sets of rules of these games. Similarly, 'political regime' as a distinctive kind of political game is a set of (1) political actors with their resources and strategies, and (2) political institutions, in other words, a set of both formal and informal rules and norms.⁴⁰ This definition is not related to a particular institutional design or an ideological scheme such as, for example, the notion of 'totalitarian' regimes.

Thus, the concept as employed here requires a re-examination of Dahl's dimensions of political regimes. Providing a similar, but different two-dimensional matrix of regimes, the first dimension of a regime includes two ideal types: on one extreme is the dominant actor, who structures all political opportunities for other actors; on the other extreme is the fully-fledged competition of actors for dominance. Thus, we create a dichotomy of a monocentric non-competitive regime and a polycentric competitive regime that resembles the Schumpeterian model. The other substantive dimension of democracy relates to the type of predominant political institutions. In these terms, ideal democracy could be qualified as a competitive regime with the dominance of formal institutions, while the late-Soviet regime can be regarded as a non-competitive regime, in which the decay of formal institutions led to their substitution by informal ones.⁴¹ Within such a scheme, the post-Soviet regimes of Russia and Ukraine are competitive regimes but with a dominance of informal institutions, and, say, Belarus or Kazakhstan are non-competitive regimes with the dominance of informal institutions.

Certainly, this typology of political regimes, as well as the definition of democracy itself, poses new methodological problems. For example, it is unclear as yet how to measure the practical impact of formal (or informal) institutions. There is also a risk that the very term 'informal institutions' could easily transform into a kind of 'residual category' similar to that

occupied earlier by the term 'political culture'.⁴² Nevertheless, the redefining of those terms might be useful for analysis of the following issues: (1) whether or not the results of the transition processes in the post-Soviet Union really are a 'point of arrival', or just a halfway house in the long journey of democratization; and (2) what are the causes and consequences of different outcomes of transitions within the post-Soviet area (that is, between post-Soviet countries and the regions of Russia). To shed light on these issues we now turn to the concepts of regime transition.

Sources Revisited: Democratization, Contestation and Institutions

The concepts of regime change are actually concepts of democratization, because up until now transitions to non-democratic regimes have been located at the periphery of political research. These concepts could be classified as (1) 'structural', or 'functionalist', and (2) 'procedural', or 'genetic',⁴³ depending on their attribution of 'objective' pre-conditions for successful democratization. While 'structural' approaches look for causal relationships between social, economic and cultural backgrounds and democratic transitions, 'genetic' approaches explicitly reject the very idea of predetermined outcomes and pay most attention to transition process as such. But neither 'structural' nor 'procedural' schools can effectively explain varieties of post-Soviet transitions.

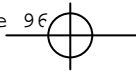
The structuralist approach that linked democratic regimes with socio-economic development⁴⁴ focused on social preconditions of democratization, such as indices of human development. However, as Fish shows, the correlation between those indices and Freedom House indicators of liberties in post-communist societies is relatively weak.⁴⁵ In terms of the post-Soviet countries (or, group of Russia's regions), the relationships between social indicators and democratization seems even more questionable. How does it make sense of the emergence of the non-democratic (if not 'sultanistic') regime led by President Lukashenka in Belarus,⁴⁶ the state with the highest index of human development in the post-Soviet area? Why among the political regimes of Russia's regions is pre-industrial Kalmykia similar to that of post-industrial Moscow, characterized by a lack of political competitiveness and the domination of informal institutions? It is also hard to explain the emergence of completely different political regimes – why a non-competitive 'elite settlement' emerged in the Nizhnii Novgorod Oblast⁴⁷ yet a relatively developed competitive regional party system developed in the Sverdlovsk Oblast'.⁴⁸ After all, the two regions exhibit relatively similar patterns of mass voting behaviour in national elections.⁴⁹ The structuralist approach has other weaknesses too. 'Objective' preconditions have not only a long-term pre-

history but also can deliver a long-term impact that does not show up clearly in a short-term perspective.

At first glance the 'procedural' perspective that focuses on actors' activities could compensate for these limitations of structural determinism. But 'genetic' approaches are even more vulnerable to challenge. They might be useful for understanding *how* transitions could occur⁵⁰ but do not even pretend to examine *why* their outcomes vary so greatly. The explanations of causes and consequences of these outcomes are so far merely ad hoc. For example, the unsuccessful 'transition to democracy' in Russia after the 1991 breakdown of communist rule is said to be connected to Yeltsin's unwillingness to call the first 'founding elections'.⁵¹ The fact goes unremarked that Russia's 'democrats' after the breakthrough assertion of power had few incentives to take part in electoral contestation.

The other conceptual weakness of the 'transitology' literature is the tendency to emphasize a few specific modes of transitions, such as 'pacts' or 'elite settlements',⁵² while neglecting other variants. The post-Soviet experience is very different from those 'pacted' transitions worked out in round-table talks in eastern European states such as Poland and Hungary).⁵³ The breakdown of communist rule, and indeed the breakdown of the Soviet Union itself, could in fact could be qualified as an 'imposition'.⁵⁴ But more importantly, the meaning of 'pacts' in post-Soviet transitions was very far removed from those of typical 'transitions to democracy'; post-Soviet pacts were merely 'cartels of incumbents against contenders, cartels that restrict competition, bar access, and distribute the benefits of political power among the insiders'.⁵⁵ The formation of the 'imposed consensus' of Russia's elites under Putin⁵⁶ is a good example. While elite consolidation has been achieved around a popular leader, all outsiders (such as independent media or autonomous business leaders) or potential challengers (such as regional governors or liberal political parties) have either been integrated into the new regime and subordinated to the dominant actor, or eliminated from the political scene. These 'pacts' have not enforced democratization, but blocked it (admittedly this experience is not unique to the post-Soviet area).⁵⁷ But even if the whole range of varieties of transitions – both in terms of breakdowns of previous regimes and of emergence of new regimes (whether democratic or not) is taken into consideration, transitology itself has failed to explain or pinpoint the causes of success or failure of democratization.

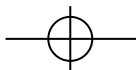
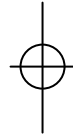
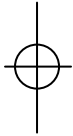
Thus, the challenge for analysts of post-Soviet transitions is twofold: to find pathways for the synthesis of the such contested (but not mutually exclusive) approaches, on one hand, and to eliminate their 'flaws', on the other. But if democratization is the transition (whether simultaneous or not) toward both political contestation and the rule of law, then the search for

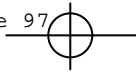


sources of emergence and survival of both of these two phenomena should be placed at the centre of the research agenda.

The study of sources of political contestation is already a well-developed field of comparative political studies among advanced democracies. At least, the emergence and enforcement of competitive party systems in western democracies has been investigated within the framework of the comparative-historical concept of 'cleavage structure'.⁵⁸ The most recent versions of this have paid most attention to principal role of political elites (or 'alliances of political entrepreneurs') and their strategies toward the masses as a crucial factor of formation of competitive party systems.⁵⁹ In other words, while in advanced democracies political contestation (on the level of party competitiveness) has survived merely due to 'frozen' societal cleavages, for new democracies the very basis of political contestation depends upon intra-elite cleavages. It is even more important in post-Soviet societies, because of the weakness of societal cleavages (at least, in terms of ideological preferences)⁶⁰ and the high level and relative growth of dependence of mass clientele upon elites' patronage. The clear evidence of this statement is the detail of the 1999–2000 national elections in Russia, which clearly demonstrated that the extent to which resources were monopolized by different segments of national and sub-national elites was critical in determining the electoral outcome. Thus, the principal sources of political contestation as a necessary (although not sufficient) condition of democratization are elite cleavages and conflicts, rather than 'pacts'. As Mancur Olson noted, 'autocracy is prevented and democracy is permitted by the accidents of history that leave a balance of power or stalemate – a dispersion of force and resources that makes it impossible to make any leader or group to overpower all the others'.⁶¹

This condition, however, could be used as a 'point of departure' for analysis with, at least, two limitations. First, intra-elite cleavage means not just a conflict between persons or groups but the existence of more permanent bases giving groups continuity, otherwise they could be easily eliminated by changes in the balance of forces among politicians. Following the logic of the concept of cleavages, it seems that the intra-elite cleavages that became open in the post-Soviet period in fact had their roots in the Soviet past. Rather like the cleavages in western societies, these latent conflicts within the elite were by-products of the modernization process that went on during the Soviet era, and so, to some extent, reflected the centre–periphery and other dynamics that are typical of modernization more generally.⁶² Second, it is not just the structural bases of cleavages, but the outcome of the conflicts to which they give rise that is important for the survival of political contestation as such. Put simply, a zero-sum game solution of intra-elite conflicts will undermine the foundations of

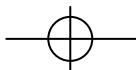
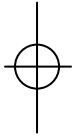


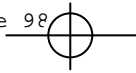


democracy in its early stages. Then the dominance of either 'centre' or 'periphery' tends to be realized within the 'proper' institutional framework of the new political regime, so excluding the possibility of making the 'winners' democratically accountable.⁶³ Outcomes like this have been typical of the post-Soviet area, though in the case of Belarus⁶⁴ the dominance of the 'periphery' over the 'centre' has marked the emergence of a non-competitive neo-patrimonial regime. Yet the dominance of the 'centre' over the 'periphery' might not be so damaging to democracy were it not for the severe limitation (if not elimination) of political contestation as well.

At the same time, it is not easy to see how formal institutions will become more dominant in post-Soviet societies. Democratization theories, with rare exceptions,⁶⁵ for a long time assumed the very existence of the rule of law either 'by default', or by inheritance from the previous regime, or by external influence on the transition processes as a result of internationalization and globalization. However, the post-Soviet experience, again, is distinctive in all of these respects. To begin with, the Soviet legacy has developed a sustainable dominance of informal institutions both on the level of policy making and in the everyday life of ordinary citizens.⁶⁶ Second, the impact of international influence on the emergence of the rule of law and on the performance of formal institutions in post-Soviet societies has been quite controversial.⁶⁷ Wedel for instance argues that the establishment of the rule of law in post-Soviet countries was certainly not placed at the core of western assistance during the 1990s. Thirdly, in Russia the zero-sum game victory of the ruling group during the 'impositions' of 1991 and 1993, as well as during the competitive elections of 1996 and 1999–2000, undermined any incentives for the ruling group to accept bounds on their own powers by strengthening formal institutions. Moreover, the actual constitution making in Russia (as well as in Ukraine, not to mention Belarus) was a typically one-sided process imposed by the winners, who crafted a 'flexible' institutional framework in order to minimize formal constraints on the presidency. No wonder then that these post-Soviet constitutions provide only weak incentives for the elites to follow rule-bounded behaviour, and encourage informal patterns of decision-making under presidential regimes.⁶⁸ What is open to argument, is whether the 'bad equilibrium' of dominance of informal institutions is now 'destined' to be reproduced over time and become self-perpetuating.

Weingast, in a thoughtful study of the emergence of democracy and the rule of law, draws attention to 'pacts' of political actors based on a negative consensus among them.⁶⁹ The model case here is the 'Glorious Revolution' in the late seventeenth-century England: the agreement between Tories and Whigs in 1689 that established the foundations of political contestation

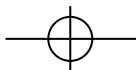
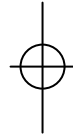
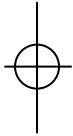


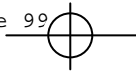


within the framework of formal institutions, which only became possible as a reaction to the Crown's transgressions toward both parties. Thus, the two parties were forced to co-operate against a common enemy as well as being jointly interested in devising new institutions that would exclude arbitrary rule by the sovereign. A similar kind of negative consensus coalitions can be traced in the post-Soviet situation. For instance, in Belarus in 1996 liberals, communists and nationalists tried to co-operate against Lukashenka, although they were unsuccessful. But why should we consider the 'success story' of those 'elite settlements' in England and Scotland, that launched a long-term but peaceful way to democratization in Britain, to be the only possible outcome of negative consensus coalition-building? What about incentives for pact participants to enforce new rules after the breakdown of the sovereign, instead of a new round of conflict? What about the possibilities of the total dissolution of the polity itself, as happened in the collapse of the Soviet Union in 1991? And why are different kinds of equilibrium other than the rule of law less feasible and less likely to be attractive to pact participants?

The other opportunity for the emergence of dominance of formal institutions results from deadlock in the conflict among actors. Thus, those actors who feel themselves too 'weak' to employ force as a strategy could use formal institutions as their only resource or 'weapon' in the struggle for survival.⁷⁰ The regular use of formal rules and norms can push other sides in the conflict to use similar 'weapons' as well. In that way the 'war of all against all' could be transformed into law-bounded contestation among elites, or a 'struggle according to the rules'.⁷¹ However, there are few cases of successful installations of these practices in the post-Soviet area. The transfer of this intra-elite contestation into the sphere of mass electoral politics through competitive elections and a regular transfer of power makes democratization sustainable, possibly even irreversible. But 'success stories' like that in the post-Soviet area will depend heavily upon the contingent outcome of conflicts. The use of formal institutions alone is unlikely to be enough for weak competitors to survive.

So, both models of the emergence of the rule of law – negative consensus coalition and 'struggle according to the rules' – are based on the assumption that the installation of dominance of formal institutions and the installation of political competitiveness take place more or less simultaneously. However, even in those post-Soviet areas where political regimes could be regarded as competitive in electoral terms (primarily, in Russia and Ukraine), formal institutions are far from dominant. Political competitiveness exists there without the rule of law. Nevertheless, ruling groups in Russia (since 1991) and in Ukraine (since 1994) have concentrated enough resources to prevent a transfer of power coming about



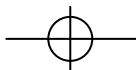


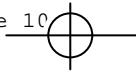
by the ballot box, and thus eliminate the incentives for self-accountability through the framework of formal institutions. Moreover, the successes of the ruling groups in Russia during the 1999 parliamentary and, especially, the 2000 presidential elections, as well as the experience of Ukraine's referendum in 2000 could be signals that the structural foundations of political competitiveness are being undermined. Thus, the results of the transition process that established (at least in Russia and in Ukraine) political regimes with some, limited political competitiveness under the domination of informal institutions, might be just an intermediate stage of the transition process. The obvious question to ask then becomes what direction will transition take from now on. That in turn suggests a possible new agenda for research.

Conclusion: A New Realist Agenda?

Formal institutions could become dominant in the post-Soviet area and thereby advance the process of further democratization in at least three different, although overlapping, ways: (1) the step-by-step acceptance of formal institutions as a by-product of the consolidation of political contestation (even in its current stage); (2) return to a non-competitive political regime followed by the re-installation of new formal institutions through the forced centralization of monopolized violence as a way of re-establishing state capacity; (3) the undermining of the political regimes implanted by the new 'imposition', by an escalation of political conflicts, especially in circumstances that involve political outsiders and mass participation.

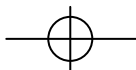
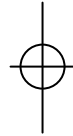
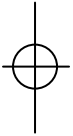
However, each of these scenarios is problematic. In the first, as already noted, electoral contestation is likely to promote formal institutions only where competitiveness can be protected from the imbalance in resources among actors and the structural foundations of intra-elite conflicts. These conditions are not met in Russia or even in Ukraine and are not in prospect either, so formal institutions seem unlikely to become 'the only game in town'.⁷² On the contrary, Solnick notes that electoral contestation could be part of a strategy by the elites to create a situation of equilibrium without the rule of law.⁷³ Indeed the possible benefits of a non-competitive form of politics are still under consideration,⁷⁴ and such an outcome could even appear more likely under Putin and his ambitious plans to combine a neo-liberal economic agenda with the revival of the state.⁷⁵ Then there are those non-competitive regimes such as Kazakhstan or Belarus where formal institutions are just façades and the citizens are not protected from arbitrary rule. So there are few grounds for being optimistic about the second of the three routes.





The third possibility, the escalation of conflict and internal undermining of the regime, could be a real alternative to the maintenance of the status quo. We could speculate that if political assassinations among the post-Soviet politicians were more frequent even than now, then the cost of their competitiveness within the framework of informal institutions could be much higher than the alternative cost of agreeing to live under formal rules. But the reality is that formal rules are not the most-preferred choice for the politicians, who show more of a taste for a return to non-competitive politics by installing a new non-democratic regime.⁷⁶ In short, democratization is not a more likely outcome of the crises of post-Soviet regimes than other alternatives.

New approaches are needed to make sense of the current trajectory of post-Soviet politics, and they will have to go beyond those 'transition' and 'consolidation' studies that resemble the paradigm of a Hollywood film. According to that paradigm, 'good guys' (that is, democrats) are confronted by 'bad guys' (anti-democrats) and invariably the film has a happy ending (the victory of the 'good guys').⁷⁷ The reality in the post-Soviet area is far different; democracy will not come about in that way. Realism in the study of post-Soviet politics demands a more value-free approach to analyzing the causes and consequences of the dynamics of actors' behaviour and institutional change, in both an international and intra-national (that is, cross-regional) comparative perspective. This must be detached from all presumptions about there being a global movement towards democracy.⁷⁸ Thus for instance we might have more to offer the study of democratization if we could explain the causes (and the consequences) of the successful installation of a non-democratic regime like the one in Belarus. We might be able to add to our understanding of political contestation if we direct our inquiries less toward the policy programmes of political parties and more into the machine politics and administrative mobilization of voters. We might be able to contribute more to the study of good governance and institutional performance by examining the actual federal-regional-local bargaining in Russia, than by perpetuating the seemingly endless debates on civil society and social capital. Finally, the very practices of institution building, such as the adoption and implementation of laws, resolution of conflicts and imposition of sanctions among competitive actors, should all be an essential part of a realistic research agenda. The time of post-Soviet transitions has gone. But the realist analysis of post-Soviet politics is only just beginning.



ACKNOWLEDGEMENTS

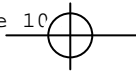
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