

## Modern Nondemocratic Regimes

DEMOCRATIC transition and consolidation involve the movement from a nondemocratic to a democratic regime. However, specific polities may vary immensely in the *paths* available for transition and the unfinished *tasks* the new democracy must face before it is consolidated. Our central endeavor in the next two chapters is to show how and why much—though of course not all—of such variation can be explained by prior regime type.

For over a quarter of a century the dominant conceptual framework among analysts interested in classifying the different political systems in the world has been the tripartite distinction between democratic, authoritarian, and totalitarian regimes. New paradigms emerge because they help analysts see commonalities and implications they had previously overlooked. When Juan Linz wrote his 1964 article “An Authoritarian Regime: Spain,” he wanted to call attention to the fact that between what then were seen as the two major stable political poles—the democratic pole and the totalitarian pole—there existed a form of polity that had its own internal logic and was a steady regime type. Though this type was non-democratic, Linz argued that it was fundamentally different from a totalitarian regime on four key dimensions—pluralism, ideology, leadership, and mobilization. This was of course what he termed an *authoritarian regime*. He defined them as: “political systems with limited, not responsible, political pluralism, without elaborate and guiding ideology, but with distinctive mentalities, without extensive nor intensive political mobilization, except at some points in their development, and in which a leader or occasionally a small group exercises power within formally ill-defined limits but actually quite predictable ones.”<sup>1</sup>

In the 1960s, as analysts attempted to construct categories with which to compare and contrast all the systems in the world, the authoritarian category proved useful. As the new paradigm took hold among comparativists, two somewhat surprising conclusions emerged. First, it became increasingly apparent that more regimes were “authoritarian” than were “totalitarian” or “democratic” combined.<sup>2</sup>

1. Juan J. Linz, “An Authoritarian Regime: The Case of Spain,” in Erik Allardt and Yrjö Littunen, eds., *Cleavages, Ideologies and Party Systems* (Helsinki: Transactions of the Westermarck Society, 1964), 291–342. Reprinted in Erik Allardt and Stein Rokkan, eds., *Mass Politics: Studies in Political Sociology* (New York: Free Press, 1970), 251–83, 374–81. Page citations will refer to the 1970 volume. The definition is found on 255.

2. See, for example, the data contained in footnotes 4 and 5 in this chapter.

Authoritarian regimes were thus the modal category of regime type in the modern world. Second, authoritarian regimes were not necessarily in transition to a different type of regime. As Linz’s studies of Spain in the 1950s and early 1960s showed, the four distinctive dimensions of an authoritarian regime—limited pluralism, mentality, somewhat constrained leadership, and weak mobilization—could cohere for a long period as a reinforcing and integrated system that was relatively stable.<sup>3</sup>

Typologies rise or fall according to their analytic usefulness to researchers. In our judgment, the existing tripartite regime classification has not only become less useful to democratic theorists and practitioners than it once was, it has also become an obstacle. Part of the case for typology change proceeds from the implications of the empirical universe we need to analyze. Very roughly, if we were looking at the world of the mid-1980s, how many countries could conceivably be called “democracies” of ten years’ duration? And how many countries were very close to the totalitarian pole for that entire period? Answers have, of course, an inherently subjective dimension, particularly as regards the evaluation of the evidence used to classify countries along the different criteria used in the typology. Fortunately, however, two independently organized studies attempt to measure most of the countries in the world as to their political rights and civil liberties.<sup>4</sup> The criteria used in the studies are explicit, and there is a very high degree of agreement in the results. If we use these studies and the traditional tripartite regime type distinction, it turns out that more than 90 percent of modern nondemocratic regimes would have to share the same typological space—“authoritarian.”<sup>5</sup> Obviously, with so many heterogeneous countries sharing the same

3. See Juan J. Linz, “From Falange to Movimiento-Organización: The Spanish Single Party and the Franco Regime, 1936–1968,” in Samuel P. Huntington and Clement H. Moore, eds., *Authoritarian Politics in Modern Society: The Dynamics of Established One-Party Systems* (New York: Basic Books, 1970), 128–203. Also see Linz, “Opposition in and under an Authoritarian Regime: The Case of Spain,” in Robert A. Dahl, ed., *Regimes and Oppositions* (New Haven: Yale University Press, 1973), 171–259.

4. One effort was by Michael Coppedge and Wolfgang Reinicke, who attempted to operationalize the eight “institutional guarantees” that Robert Dahl argued were required for a polyarchy. They assigned values to 137 countries on a polyarchy scale, based on their assessment of political conditions as of mid-1985. The results are available in “A Measure of Polyarchy,” paper prepared for the Conference on Measuring Democracy, Hoover Institution, Stanford University, May 27–28, 1988; and their “A Scale of Polyarchy,” in Raymond D. Gastil, ed., *Freedom in the World: Political Rights and Civil Liberties, 1987–1988* (New York: Freedom House, 1990), 101–28. Robert A. Dahl’s seminal discussion of the “institutional guarantees” needed for polyarchy is found in Dahl, *Polyarchy: Participation and Opposition* (New Haven: Yale University Press, 1971), 1–16.

The other major effort to operationalize a scale of democracy is the annual Freedom House evaluation of virtually all the countries of the world. The advisory panel has included in recent years such scholars as Seymour Martin Lipset, Giovanni Sartori, and Lucian W. Pye. The value they assigned on their scale for each year from 1978–1987 can be found in Gastil, *Freedom in the World*, 54–65.

5. We arrive at this conclusion in the following fashion. The annual survey coordinated by Raymond D. Gastil employs a 7-point scale of the political rights and civil liberties dimensions of democracy. With the help of a panel of scholars, Gastil, from 1978 to 1987, classified annually 167 countries on this scale. For our purposes if we call the universe of democracies those countries that from 1978 to 1987 never received a score of lower than 2 on the Gastil scale for political rights and 3 for civil liberty, we come up with 42 countries. This is very close to the number of countries that Coppedge and Reinicke classify as “full polyarchies” in their independent study of the year 1985. Since our interest is in how countries become democracies we will

typological “starting place,” this typology of regime type cannot tell us much about the extremely significant range of variation in possible transition paths and consolidation tasks that we believe in fact exists. Our purpose in the rest of this chapter is to reformulate the tripartite paradigm of regime type so as to make it more helpful in the analysis of *transition paths* and *consolidation tasks*. We propose therefore a revised typology, consisting of “democratic,” “authoritarian,” “totalitarian,” “post-totalitarian,” and “sultanistic” regimes.

### DEMOCRACY

To start with the democratic type of regime, there are of course significant variations within democracy. However, we believe that such important categories as “consociational democracy” and “majoritarian democracy” are subtypes of democracy and not different regime types.<sup>6</sup> Democracy as a regime type seems to us to be of sufficient value to be retained and not to need further elaboration at this point in the book.

### TOTALITARIANISM

We also believe that the concept of a totalitarian regime as an ideal type, with some close historical approximations, has enduring value. If a regime has eliminated almost all pre-existing political, economic, and social pluralism, has a unified, articulated, guiding, utopian ideology, has intensive and extensive mobilization, and has a leadership that rules, often charismatically, with undefined limits and great unpredictability and vulnerability for elites and nonelites alike, then it seems to us that it still makes historical and conceptual sense to call this a regime with strong totalitarian tendencies.

If we accept the continued conceptual utility of the democratic and totalitarian regime types, the area in which further typological revision is needed concerns the regimes that are clearly neither democratic nor totalitarian. By the early

exclude those 42 countries from our universe of analysis. This would leave us with 125 countries in the universe we want to explore.

If we then decide to call long-standing “totalitarian” regimes those regimes that received the lowest possible score on political rights and civil liberties on the Gastil scale for each year in the 1978–1987 period, we would have a total of nine countries that fall into the totalitarian classification. Thus, if one used the traditional typology, the Gastil scale would imply that 116 of 125 countries, or 92.8 percent of the universe under analysis, would have to be placed in the same typological space. See Gastil, *Freedom in the World*, 54–65.

6. For discussions of variations within democracy, see Arendt Lijphart, *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-one Countries* (New Haven: Yale University Press, 1984), esp. 1–36; Philippe C. Schmitter and Terry Lynn Karl, “What Democracy Is . . . and Is Not,” *Journal of Democracy* 2, no. 2 (Summer 1991): 75–88; and Juan J. Linz, “Change and Continuity in the Nature of Contemporary Democracies,” in Gary Marks and Larry Diamond, eds., *Reexamining Democracy* (Newbury Park, N.J.: Sage Publications, 1992), 182–207.

1980s, the number of countries that were clearly totalitarian or were attempting to create such regimes had in fact been declining for some time. As many Soviet-type regimes began to change after Stalin’s death in 1953, they no longer conformed to the totalitarian model, as research showed. This change created conceptual confusion. Some scholars argued that the totalitarian category itself was wrong. Others wanted to call post-Stalinist regimes authoritarian. Neither of these approaches seems to us fully satisfactory. Empirically, of course, most of the Soviet-type systems in the 1980s were not totalitarian. However, the “Soviet type” regimes, with the exception of Poland (see chap. 12), could not be understood in their distinctiveness by including them in the category of an authoritarian regime.

The literature on Soviet-type regimes correctly drew attention to regime characteristics that were no longer totalitarian and opened up promising new studies of policy-making. One of these perspectives was “institutional pluralism.”<sup>7</sup> However, in our judgment, to call these post-Stalinist polities *pluralistic* missed some extremely important features that could hardly be called pluralistic. Pluralist democratic theory, especially the “group theory” variant explored by such writers as Arthur Bentley and David Truman, starts with *individuals in civil society* who enter into numerous freely formed interest groups that are relatively autonomous and often criss-crossing. The many groups in civil society attempt to aggregate their interests and compete against each other in political society to influence state policies. However, the “institutional pluralism” that some writers discerned in the Soviet Union was radically different, in that almost all the pluralistic conflict occurred in *regime-created organizations within the party-state* itself. Conceptually, therefore, this form of competition and conflict is actually closer to what political theorists call *bureaucratic politics* than it is to *pluralistic politics*.<sup>8</sup>

Rather than forcing these Soviet-type regimes into the existing typology of totalitarian, authoritarian, and democratic regimes, we believe we should expand that typology by explicating a distinctive regime type that we will call *post-totalitarian*.<sup>9</sup> Methodologically, we believe this category is justified because on each of the four dimensions of regime type—pluralism, ideology, leadership, and mobi-

7. The strongest advocate of an institutional pluralist perspective for the analysis of Soviet politics was Jerry F. Hough, especially in his *The Soviet Union and Social Science Theory* (Cambridge, Mass.: Harvard University Press, 1977).

8. The pioneering critique of the institutional pluralist approach to Soviet politics is Archie Brown, “Pluralism, Power and the Soviet Political System: A Comparative Perspective,” in Susan Gross Solomon, ed., *Pluralism in the Soviet Union* (London: Macmillan, 1983), 61–107. A useful review of the literature, with attention to authors such as Gordon Skilling, Archie Brown, and Jerry Hough, is found in Gabriel Almond (with Laura Roselle), “Model-Fitting in Communism Studies,” in his *A Discipline Divided: Schools and Sects in Political Science* (Newbury Park, Calif.: Sage Publications, 1990), 157–72.

9. Juan Linz, in his “Totalitarian and Authoritarian Regimes,” in Fred I. Greenstein and Nelson W. Polsby, eds., *Handbook of Political Science* (Reading, Mass.: Addison-Wesley Publishing Co., 1975), 3:175–411, analyzed what he called “post-totalitarian authoritarian regimes,” see 336–50. Here, with our focus on the available paths to democratic transition and the tasks of democratic consolidation, it seems to both of us that it is more useful to treat post-totalitarian regimes not as a subtype of authoritarianism, but as an ideal type in its own right.

lization—there can be a post-totalitarian ideal type that is different from a totalitarian, authoritarian, or democratic ideal type. Later in this chapter we will also re-articulate the argument for considering sultanism as a separate ideal-type regime.<sup>10</sup>

To state our argument in bold terms, we first present a schematic presentation of how the five ideal-type regimes we propose—democratic, totalitarian, post-totalitarian, authoritarian, and sultanistic—differ from each other on each one of the four constituent characteristics of regime type (table 3.1). In the following chapter we make explicit what we believe are the implications of each regime type for democratic transition paths and the tasks of democratic consolidation.

### POST-TOTALITARIANISM

Our task here is to explore how, on each of the four dimensions of regime type, post-totalitarianism is different from totalitarianism, as well as different from authoritarianism.<sup>11</sup> Where appropriate we will also call attention to some under-theorized characteristics of both totalitarian and post-totalitarian regimes that produce dynamic pressures for out-of-type change. We do not subscribe to the view that either type is static.

Post-totalitarianism, as table 3.1 implies, can encompass a continuum varying from “early post-totalitarianism,” to “frozen post-totalitarianism,” to “mature post-totalitarianism.” Early post-totalitarianism is very close to the totalitarian ideal type but differs from it on at least one key dimension, normally some constraints on the leader. There can be frozen post-totalitarianism in which, despite the persistent tolerance of some civil society critics of the regime, almost all the other control mechanisms of the party-state stay in place for a long period and do not evolve (e.g., Czechoslovakia, from 1977 to 1989). Or there can be mature post-totalitarianism in which there has been significant change in all the dimensions of the post-totalitarian regime except that politically the leading role of the official party is still sacrosanct (e.g., Hungary from 1982 to 1988, which eventually evolved by late 1988 very close to an out-of-type change).

Concerning *pluralism*, the defining characteristic of totalitarianism is that there is no political, economic, or social pluralism in the polity and that pre-

10. For Juan Linz's first discussion of sultanism, see *ibid.*, 259–63. For a more complete discussion of sultanism, see H. E. Chehabi and Juan J. Linz, “Sultanistic Regimes,” paper prepared for a conference on sultanistic regimes at Harvard University in November 1990. The results of the conference, which included papers on such countries as Iran, the Philippines, the Dominican Republic, and Romania, will be published in a volume edited by H. E. Chehabi and Juan J. Linz.

11. We believe that readers can readily see for themselves how post-totalitarian regimes are not democratic regimes, so we will not discuss this point separately. We want to make clear that for our analytic purposes in this book that the term *post-totalitarian* refers to a type of nondemocratic regime before the transition to democracy. In this chapter our main concern is with ideal types. However, in chapter 15, “Post-Communism's Prehistories,” we provide ample empirical evidence of what a totalitarian or post-totalitarian (in contrast to an authoritarian) legacy means for each of the five arenas necessary for a consolidated democracy that we analyzed in table 1.1 in this book.

existing sources of pluralism have been uprooted or systematically repressed. In an authoritarian regime there is some limited political pluralism and often quite extensive economic and social pluralism. In an authoritarian regime, many of the manifestations of the limited political pluralism and the more extensive social and economic pluralism predate the authoritarian regime. How does pluralism in post-totalitarian regimes contrast with the near absence of pluralism in totalitarian regimes and the limited pluralism of authoritarian regimes?

In mature post-totalitarianism, there is a much more important and complex play of institutional pluralism within the state than in totalitarianism. Also, in contrast to totalitarianism, post-totalitarianism normally has a much more significant degree of social pluralism, and in mature post-totalitarian there is often discussion of a “second culture” or a “parallel culture.” Evidence of this is found in such things as a robust underground *samizdat* literature with multi-issue journals of the sort not possible under totalitarianism.<sup>12</sup> This growing pluralism is simultaneously a dynamic source of vulnerability for the post-totalitarian regime and a dynamic source of strength for an emerging democratic opposition. For example, this “second culture” can be sufficiently powerful that, even though leaders of the second culture will frequently be imprisoned, in a mature post-totalitarian regime opposition leaders can generate substantial followings and create enduring oppositional organizations in civil society. At moments of crisis, therefore, a mature post-totalitarian regime can have a cadre of a democratic opposition based in civil society with much greater potential to form a democratic political opposition than would be available in a totalitarian regime. A mature post-totalitarian regime can also feature the coexistence of a state-planned economy with extensive partial market experiments in the state sector that can generate a “red bourgeoisie” of state sector managers and a growing but subordinate private sector, especially in agriculture, commerce and services.

However, in a post-totalitarian regime this social and economic pluralism is different in degree and kind from that found in an authoritarian regime. It is different in degree because there is normally more social and economic pluralism in an authoritarian regime (in particular there is normally a more autonomous private sector, somewhat greater religious freedom, and a greater amount of above-ground cultural production). The difference in kind is typologically even more important. In a post-totalitarian society, the historical reference both for the power holders of the regime and the opposition is the previous totalitarian regime. By definition, the existence of a previous totalitarian regime means that most of the pre-existing sources of responsible and organized pluralism have been eliminated or repressed and a totalitarian order has been established. There is therefore an active effort at “detotalitarianization” on the part of oppositional

12. For example, in mature post-totalitarian Hungary the most influential *samizdat* publication, *Beszélő*, from 1982 to 1989, was issued as a quarterly with publication runs of 20,000. Information supplied to Alfred Stepan by the publisher and editorial board member, Miklós Haraszti, Budapest, August 1994.

Table 3.1. Major Modern Regime Ideal Types and Their Defining Characteristics

Characteristic	Democracy	Authoritarianism	Totalitarianism	Post-totalitarianism	Sultanism
Pluralism	Responsible political pluralism reinforced by extensive areas of pluralist autonomy in economy, society, and internal life of organizations. Legally protected pluralism consistent with "societal corporatism" but not "state corporatism."	Political system with limited, not responsible political pluralism. Often quite extensive social and economic pluralism. In authoritarian regimes most of pluralism had roots in society before the establishment of the regime. Often some space for semiopposition.	No significant economic, social, or political pluralism. Official party has <i>de jure</i> and <i>de facto</i> monopoly of power. Party has eliminated almost all pretotalitarian pluralism. No space for second economy or parallel society.	Limited, but not responsible social, economic, and institutional pluralism. Almost no political pluralism because party still formally has monopoly of power. May have "second economy," but state still the overwhelming presence. Most manifestations of pluralism in "flattened polity" grew out of tolerated state structures or dissident groups consciously formed in opposition to totalitarian regime. In mature post-totalitarianism opposition often creates "second culture" or "parallel society."	Economic and social pluralism does not disappear but is subject to unpredictable and despotic intervention. No group or individual in civil society, political society, or the state is free from sultan's exercise of despotic power. No rule of law. Low institutionalization. High fusion of private and public.
Ideology	Extensive intellectual commitment to citizenship and procedural rules of contestation. Not teleological. Respect for rights of minorities, state of law, and value of individualism.	Political system without elaborate and guiding ideology but with distinctive mentalities.	Elaborate and guiding ideology that articulates a reachable utopia. Leaders, individuals, and groups derive most of their sense of mission, legitimation, and often specific policies from their commitment to some holistic conception of humanity and society.	Guiding ideology still officially exists and is part of the social reality. But weakened commitment to or faith in utopia. Shift of emphasis from ideology to programmatic consensus that presumably is based on rational decision-making and limited debate without too much reference to ideology.	Highly arbitrary manipulation of symbols. Extreme glorification of ruler. No elaborate or guiding ideology or even distinctive mentalities outside of despotic personalism. No attempt to justify major initiatives on the basis of ideology. Pseudo-ideology not believed by staff, subjects, or outside world.

Table 3.1. (continued)

Characteristic	Democracy	Authoritarianism	Totalitarianism	Post-totalitarianism	Sultanism
Mobilization	Participation via autonomously generated organization of civil society and competing parties of political society guaranteed by a system of law. Value is on low regime mobilization but high citizen participation. Diffuse effort by regime to induce good citizenship and patriotism. Toleration of peaceful and orderly opposition.	Political system without extensive or intensive political mobilization except at some points in their development.	Extensive mobilization into a vast array of regime-created obligatory organizations. Emphasis on activism of cadres and militants. Effort at mobilization of enthusiasm. Private life is decried.	Progressive loss of interest by leaders and nonleaders involved in organizing mobilization. Routine mobilization of population within state-sponsored organizations to achieve a minimum degree of conformity and compliance. Many "cadres" and "militants" are mere careerists and opportunists. Boredom, withdrawal, and ultimately privatization of population's values become an accepted fact.	Low but occasional manipulative mobilization of a ceremonial type by coercive or clientelistic methods without permanent organization. Periodic mobilization of parastate groups who use violence against groups targeted by sultan.
Leadership	Top leadership produced by free elections and must be exercised within constitutional limits and state of law. Leadership must be periodically subjected to and produced by free elections.	Political system in which a leader or occasionally a small group exercises power within formally ill-defined but actually quite predictable norms. Effort at cooptation of old elite groups. Some autonomy in state careers and in military.	Totalitarian leadership rules with undefined limits and great unpredictability for members and nonmembers. Often charismatic. Recruitment to top leadership highly dependent on success and commitment in party organization.	Growing emphasis by post-totalitarian political elite on personal security. Checks on top leadership via party structures, procedures, and "internal democracy." Top leaders are seldom charismatic. Recruitment to top leadership restricted to official party but less dependent upon building a career within party's organization. Top leaders can come from party technocrats in state apparatus.	Highly personalistic and arbitrary. No rational-legal constraints. Strong dynastic tendency. No autonomy in state careers. Leader unencumbered by ideology. Compliance to leaders based on intense fear and personal rewards. Staff of leader drawn from members of his family, friends, business associates, or men directly involved in use of violence to sustain the regime. Staff's position derives from their purely personal submission to the ruler.

ity to negotiate. Such a leadership structure, if it is not able to repress opponents in a crisis, is particularly vulnerable to *collapse*. One of the reasons why midlevel cadres in the once all-powerful coercive apparatus might, in time of crisis, let the regime collapse rather than fire upon the democratic opposition has to do with the role of ideology in post-totalitarianism.

The contrast between the role of *ideology* in a totalitarian system and in a post-totalitarian system is sharp, but it is more one of behavior and belief than one of official canon. In the area of ideology, the dynamic potential for change from a totalitarian to a post-totalitarian regime, both on the part of the cadres and on the part of the society, is the growing empirical disjunction between official ideological claims and reality. This disjunction produces lessened ideological commitment on the part of the cadres and growing criticism of the regime by groups in civil society. In fact, many of the new critics in civil society emerge out of the ranks of former true believers, who argue that the regime does not—or, worse, cannot—advance its own goals. The pressures created by this tension between doctrine and reality often contributes to an out-of-type shift from a totalitarian regime effort to mobilize enthusiasm to a post-totalitarian effort to maintain acquiescence. In the post-totalitarian phase, the elaborate and guiding ideology created under the totalitarian regime still exists as the official state canon, but among many leaders there is a weakened commitment to and faith in utopia. Among much of the population, the official canon is seen as an obligatory ritual, and among groups in the “parallel society” or “second culture,” there is constant reference to the first culture as a “living lie.”<sup>15</sup> This is another source of weakness, of the “hollowing out” of the post-totalitarian regime’s apparent strength.

The role of ideology in a post-totalitarian regime is thus diminished from its role under totalitarianism, but it is still quite different from the role of ideology in an authoritarian regime. Most authoritarian regimes have diffuse nondemocratic mentalities, but they do not have highly articulated ideologies concerning the leading role of the party, interest groups, religion, and many other aspects of civil society, political society, the economy, and the state that still exist in a regime we would call post-totalitarian. Therefore, a fundamental contrast between a post-totalitarian and authoritarian regime is that in a post-totalitarian regime there is an important ideological legacy that cannot be ignored and that cannot be questioned officially. The state-sanctioned ideology has a *social presence* in the organizational life of the post-totalitarian polity. Whether it expresses itself in the extensive array of state-sponsored organizations or in the domain of incipient but still officially controlled organizations, ideology is part of the social reality of a post-totalitarian regime to a greater degree than in most authoritarian regimes.

15. Extensive discussions and references about “parallel society,” “second culture,” and the “living lie” are found in our chapter on post-totalitarianism in Hungary and Czechoslovakia (chap. 17).

The relative de-ideologization of post-totalitarian regimes and the weakening of the belief in utopia as a foundation of legitimacy mean that, as in many authoritarian regimes, there is a growing effort in a post-totalitarian polity to legitimate the regime on the basis of performance criteria. The gap between the original utopian elements of the ideology and the increasing legitimation efforts on the basis of efficacy, particularly when the latter fails, is one of the sources of weakness in post-totalitarian regimes. Since democracies base their claim to obedience on the procedural foundations of democratic citizenship, as well as performance, they have a layer of insulation against weak performance not available to most post-totalitarian or authoritarian regimes. The weakening of utopian ideology that is a characteristic of post-totalitarianism thus opens up a new dynamic of regime vulnerabilities—or, from the perspective of democratic transition, new opportunities—that can be exploited by the democratic opposition. For example, the discrepancy between the constant reiteration of the importance of ideology and the ideology’s growing irrelevance to policymaking or, worse, its transparent contradiction with social reality contribute to undermining the commitment and faith of the middle and lower cadres in the regime. Such a situation can help contribute to the rapid collapse of the regime if midlevel functionaries of the coercive apparatus have grave doubts about their right to shoot citizens who are protesting against the regime and its ideology, as we shall see when we discuss events in 1989 in East Germany and Czechoslovakia.<sup>16</sup>

The final typological difference we need to explore concerns *mobilization*. Most authoritarian regimes never develop complex, all-inclusive networks of association whose purpose is the mobilization of the population. They may have brief periods of intensive mobilization, but these are normally less intensive than in a totalitarian regime and less extensive than in a post-totalitarian regime. In totalitarian regimes, however, there is extensive and intensive mobilization of society into a vast array of regime-created organizations and activities. Because utopian goals are intrinsic to the regime, there is a great effort to mobilize enthusiasm to activate cadres, and most leaders emerge out of these cadres. In the totalitarian system, “privatized” bourgeois individuals at home with their family and friends and enjoying life in the small circle of their own choosing are decried.

In post-totalitarian regimes, the extensive array of institutions of regime-created mobilization vehicles still dominate associational life. However, they have lost their intensity. Membership is still generalized and obligatory but tends to generate more boredom than enthusiasm. State-technocratic employment is an alternative to cadre activism as a successful career path, as long as there is “correct” participation in official organizations. Instead of the mobilization of enthu-

16. Daniel V. Friedheim is conducting major research on the question of collapse in such frozen post-totalitarian regimes. See Friedheim, “Regime Collapse in the Peaceful East German Revolution: The Role of Middle-Level Officials,” *German Politics* (April 1993): 97–112, and his forthcoming Yale University doctoral dissertation in which he discusses East Germany.

siasm that can be so functional in a totalitarian regime, the networks of ritualized mobilization in a post-totalitarian regime can produce a "cost" of time away from technocratic tasks for professionals and a cost of boredom and flight into private life by many other people. When there is no structural crisis and especially when there is no perception of an available alternative, such privatization is not necessarily a problem for a post-totalitarian regime. Thus, Kadar's famous saying, "Those who are not against us are for us," is a saying that is conceivable only in a post-totalitarian regime, not in a totalitarian one. However, if the performance of a post-totalitarian as opposed to a totalitarian regime is so poor that the personal rewards of private life are eroded, then privatization and apathy may contribute to a new dynamic—especially if alternatives are seen as possible—of crises of "exit," "voice," and "loyalty."<sup>17</sup>

Let us conclude our discussion of post-totalitarianism with a summary of its political and ideological weaknesses. We do this to help enrich the discussion of why these regimes collapsed so rapidly once they entered into prolonged stagnation and the USSR withdrew its extensive coercive support. Indeed in chapter 17, "Varieties of Post-totalitarian Regimes," we develop a theoretical and empirical argument about why frozen post-totalitarian regimes are more vulnerable to collapse than are authoritarian or totalitarian regimes.

Totalitarianism, democracy, and even many authoritarian regimes begin with "genetic" legitimacy among their core supporters, given the historical circumstances that led to the establishment of these regimes. By contrast, post-totalitarianism regimes do not have such a founding genetic legitimacy because they emerge out of the routinization, decay, or elite fears of the totalitarian regime. Post-totalitarian regimes, because of coercive resources they inherit and the related weaknesses of organized opposition, can give the appearance of as much or more stability than authoritarian regimes; if external support is withdrawn, however, their inner loss of purpose and commitment make them vulnerable to collapse.

Post-totalitarian politics was a result in part of the moving away from Stalinism, but also of social changes in Communist societies. Post-totalitarian regimes did away with the worst aspects of repression but at the same time maintained most mechanisms of control. Although less bloody than under Stalinism, the presence of security services—like the Stasi in the GDR—sometimes became more pervasive. Post-totalitarianism could have led to moderate reforms in the economy, like those discussed at the time of the Prague Spring, but the Brezhnev restoration stopped dynamic adaptation in the USSR and in most other Soviet-type systems, except for Hungary and Poland.

17. The reference, of course, is to Albert Hirschman, *Exit, Voice and Loyalty* (Cambridge: Harvard University Press, 1970), 59. For a fascinating discussion of this dynamic in relation to the collapse of the GDR, see Hirschman, "Exit, Voice and the Fate of the German Democratic Republic: An Essay on Conceptual History," *World Politics* 41 (January 1993): 173–202. We discuss the Kadar quote in greater detail in the chapter on varieties of post-totalitarianism (chap. 17).

Post-totalitarianism had probably less legitimacy for the ruling above all the middle-level cadres than had a more totalitarian system. The utopian component of the ideology and the greater reliance on personal loyalty (which after some initial success did not continue) left the regimes vulnerable and ultimately made the use of massive repression less justifiable. Passive compliance and careerism opened the door to withdrawal into private life, weakening the regime so that the opposition could ultimately force it to negotiate or to collapse when it could not rely on coercion.

The weakness of post-totalitarian regimes has not yet been fully analyzed and explained but probably can be understood only by keeping in mind the enormous hopes and energies initially associated with Marxism-Leninism that in the past explained the emergence of totalitarianism and its appeal.<sup>18</sup> Many distinguished and influential Western intellectuals admired or excused Leninism and in the 1930s even Stalinism, but few Western intellectuals on the left could muster enthusiasm for post-totalitarianism in the USSR or even for perestroika and glasnost.

As we shall see in part 4, the emergence and evolution of post-totalitarianism can be the result of three distinct but often interconnected processes: (1) deliberate policies of the rulers to soften or reform the totalitarian system (detotalitarianism by choice), (2) the internal "hollowing out" of the totalitarian regimes' structures and an internal erosion of the cadres' ideological belief in the system (detotalitarianism by decay), and (3) the creation of social, cultural, and even economic spaces that resist or escape totalitarian control (detotalitarianism by societal conquest).

## "SULTANISM"

A large group of polities, such as Haiti under the Duvaliers, the Dominican Republic under Trujillo, the Central African Republic under Bokassa, the Philippines under Marcos, Iran under the Shah, Romania under Ceaușescu, and North Korea under Kim Il Sung, have had strong tendencies toward an extreme form of patrimonialism that Weber called *sultanism*. For Weber,

*patrimonialism* and, in the extreme case, *sultanism* tend to arise whenever traditional domination develops an administration and a military force which are purely personal instruments of the master. . . . Where domination . . . operates primarily on the basis of discretion, it will be called *sultanism*. . . . The non-traditional element is not, however, rationalized in impersonal terms, but consists only in the extreme development of the ruler's discretion. It is this which distinguishes it from every form of rational authority.<sup>19</sup>

18. On the ideological and moral attractiveness of revolutionary Marxist-Leninism as a total system and the "vacuum" left in the wake of its collapse, see Ernest Gellner, "Homeland of the Unrevolution," *Daedalus* (Summer 1993): 141–54.

19. Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, ed. Guenther Roth and Claus Wittich (Berkeley: University of California Press, 1978), 1:231, 232. Italics in the original.

Weber did not intend the word *sultanism* to imply religious claims to obedience. In fact, under Ottoman rule, the ruler held two distinct offices and titles, that of sultan and that of caliph. Initially, the Ottoman ruler was a sultan, and only after the conquest of Damascus did he assume the title of caliph, which entailed religious authority. After the defeat of Turkey in World War I and the proclamation of the republic, the former ruler lost his title of sultan but retained his religious title of caliph until Atatürk eventually forced him to relinquish even that title. Our point is that the secular and religious dimensions of his authority were conceptually and historically distinguished. Furthermore, the term *sultan* should not be analytically bound to the Middle East. Just as there are mandarins in New Delhi and Paris as well as in Peking and there is a macho style of politics in the Pentagon as well as in Buenos Aires, there are sultanistic rulers in Africa and the Caribbean as well as in the Middle East. What we do want the term *sultanism* to connote is a generic style of domination and regime rulership that is, as Weber says, an extreme form of patrimonialism. In sultanism, the private and the public are fused, there is a strong tendency toward familial power and dynastic succession, there is no distinction between a state career and personal service to the ruler, there is a lack of rationalized impersonal ideology, economic success depends on a personal relationship to the ruler, and, most of all, the ruler acts only according to his own unchecked discretion, with no larger, impersonal goals.

Table 3.1 gives substantial details on what a sultanistic type is in relation to pluralism, ideology, mobilization, and leadership. In this section we attempt to highlight differences between sultanism, totalitarianism, and authoritarianism because, while we believe they are distinct ideal types, in any concrete case a specific polity could have a mix of some sultanistic and some authoritarian tendencies (a combination that might open up a variety of transition options) or a mix of sultanistic and totalitarian tendencies (a combination that would tend to eliminate numerous transition options).

In his long essay, "Totalitarian and Authoritarian Regimes," Juan Linz discussed the special features that make sultanism a distinctive type of nondemocratic regime.<sup>20</sup> Since the sultanistic regime type has not been widely accepted in the literature, we believe it will be useful for us to highlight systematically its distinctive qualities so as to make more clear the implications of this type of regime for the patterns of democratic resistance and the problems of democratic consolidation.

In sultanism, there is a high fusion by the ruler of the private and the public. The sultanistic polity becomes the personal domain of the sultan. In this domain there is no rule of law and there is low institutionalization. In sultanism there may be extensive social and economic pluralism, but almost never political pluralism, because political power is so directly related to the ruler's person. However, the essential reality in a sultanistic regime is that all individuals, groups, and institu-

tions are permanently subject to the unpredictable and despotic intervention of the sultan, and thus all pluralism is precarious.

In authoritarianism there may or may not be a rule of law, space for a semiopposition, or space for regime moderates who might establish links with opposition moderates, and there are normally extensive social and economic activities that function within a secure framework of relative autonomy. Under sultanism, however, there is no rule of law, no space for a semiopposition, no space for regime moderates who might negotiate with democratic moderates, and no sphere of the economy or civil society that is not subject to the despotic exercise of the sultan's will. As we demonstrate in the next chapter, this critical difference between pluralism in authoritarian and sultanistic regimes has immense implications for the types of transition that are *available* in an authoritarian regime but *unavailable* in a sultanistic regime.

There is also a sharp contrast in the function and consequences of ideology between totalitarian and sultanistic regimes. In a totalitarian regime not only is there an elaborate and guiding ideology, but ideology has the function of legitimating the regime, and rulers are often somewhat constrained by their own value system and ideology. They or their followers, or both, believe in that ideology as a point of reference and justification for their actions. In contrast, a sultanistic ruler characteristically has no elaborate and guiding ideology. There may be highly personalistic statements with pretensions of being an ideology, often named after the sultan, but this ideology is elaborated after the ruler has assumed power, is subject to extreme manipulation, and, most importantly, is not believed to be constraining on the ruler and is relevant only as long as he practices it. Thus, there could be questions raised as to whether Stalin's practices and statements were consistent with Marxism-Leninism, but there would be no reason for anyone to debate whether Trujillo's statements were consistent with Trujilloism. The contrast between authoritarian and sultanistic regimes is less stark over ideology; however, the distinctive mentalities that are a part of most authoritarian alliances are normally more constraining on rulers than is the sultan's idiosyncratic and personal ideology.

The extensive and intensive mobilization that is a feature of totalitarianism is seldom found in a sultanistic regime because of its low degree of institutionalization and its low commitment to an overarching ideology. The low degree of organization means that any mobilization that does occur is uneven and sporadic. Probably the biggest difference between sultanistic mobilization and authoritarian mobilization is the tendency within sultanism (most dramatic in the case of the Duvalier's Tonton Macoutes in Haiti) to use para-state groups linked to the sultan to wield violence and terror against anyone who opposes the ruler's will. These para-state groups are not modern bureaucracies with generalized norms and procedures; rather, they are direct extensions of the sultan's will. They have no significant institutional autonomy. As Weber stressed, they are purely "personal instruments of the master."

20. Linz, "Totalitarian and Authoritarian Regimes," 259-63.



Finally, how does leadership differ in sultanism, totalitarianism, and authoritarianism? The essence of sultanism is *unrestrained personal rulership*. This personal rulership is, as we have seen, unconstrained by ideology, rational-legal norms, or any balance of power. "Support is based not on a coincidence of interest between preexisting privileged social groups and the ruler but on interests created by his rule, rewards he offers for loyalty, and the fear of his vengeance."<sup>21</sup>

In one key respect leadership under sultanism and totalitarianism is similar. In both regimes the leader rules with undefined limits on his power and there is great unpredictability for elites and nonelites alike. In this respect, a Stalin and a Somoza are alike. However, there are important differences. The elaborate ideology, with its sense of nonpersonal and public mission, is meant to play an important legitimating function in totalitarian regimes. The ideological pronouncements of a totalitarian leader are taken seriously not only by his followers and cadres, but also by the society and intellectuals, including—in the cases of Leninism, Stalinism, and Marxism (and even fascism)—by intellectuals outside the state in which the leader exercises control. This places a degree of organizational, social, and ideological constraint on totalitarian leadership that is not present in sultanistic leadership. Most importantly, the intense degree to which rulership is personal in sultanism makes the *dynastic* dimension of rulership normatively acceptable and empirically common, whereas the public claims of totalitarianism make dynastic ambition, if not unprecedented, at least aberrant.

The leadership dimension shows an even stronger contrast between authoritarianism and sultanism. As Linz stated in his discussion of authoritarianism, leadership is exercised in an authoritarian regime "with formally ill-defined but actually quite predictable" norms.<sup>22</sup> In most authoritarian regimes some bureaucratic entities play an important part. These bureaucratic entities often retain or generate their own norms, which imply that there are procedural and normative limits on what leaders can ask them to do in their capacity as, for example, military officers, judges, tax officials, or police officers. However, a sultanistic leader simply "demands unconditional administrative compliance, for the official's loyalty to his office is not an impersonal commitment to impersonal tasks that define the extent and content of his office, but rather a servant's loyalty based on a strictly personal relationship to the ruler and an obligation that in principle permits no limitation."<sup>23</sup>

We have now spelled out the central tendencies of five ideal-type regimes in the modern world, four of which are nondemocratic. We are ready for the next step, which is to explore why and how the *type* of prior nondemocratic regime has an important effect on the democratic transition paths available and the tasks to be addressed before democracy can be consolidated.

## The Implications of Prior Regime Type for Transition Paths and Consolidation Tasks

HAVING ANALYZED the necessary conditions for a consolidated democracy and then spelled out the key differences among the four ideal-typical nondemocratic regimes, it should be clear that the characteristics of the previous nondemocratic regime have profound implications for the transition *paths* available and the *tasks* different countries face when they begin their struggles to develop consolidated democracies. Within the logic of our ideal types, it is conceivable that a particular authoritarian regime in its late stages might have a robust civil society, a legal culture supportive of constitutionalism and rule of law, a usable state bureaucracy that operates within professional norms, and a reasonably well-institutionalized economic society. For such a polity, the first and only necessary item on the initial democratization agenda would relate to political society—that is, the creation of the autonomy, authority, power, and legitimacy of democratic institutions. We argue in chapter 6 that Spain, in the early 1970s, approximated this position. However, if the starting point were from a totalitarian regime of the communist subtype, democratic consolidation would entail the task of simultaneously crafting not only political society and economic society, but also every single arena of a democracy as well. The full implications of these arguments are spelled out in a more systematic and detailed manner in tables 4.2 and 4.3, but here let us first depict the argument in its most stark form, table 4.1.

The analytic utility of distinguishing between post-totalitarian and totalitarian regimes should now be clear. As table 4.1 demonstrates, it is conceivable that a post-totalitarian regime could begin a transition to democracy with a combination of low-medium or medium scores on each condition necessary for a consolidated democracy except for the autonomy of political society. Hungary in early and mid-1989 came closest to approximating this position. While the tasks facing democrats starting from a mature post-totalitarian regime are challenging, they are substantially less than those facing democrats starting from a totalitarian regime. However, it should also be clear that, precisely because post-totalitarian regimes have a prior totalitarian period, there will be *legacies* to over-

21. Ibid., 260.

22. Ibid., 255.

23. Ibid., 260.



Table 4.1. The Implications of Prior Nondemocratic Regime Type for the Tasks of Democratic Consolidation

Arena Characteristics	Authoritarian	Totalitarian	Post-totalitarian	Sultanistic
Civil society autonomy	Medium to high	Low	Low to medium	Low to medium
Political society autonomy	Low to medium	Low	Low	Low
Constitutionalism and rule of law	Low to high	Low	Medium	Low
Professional norms and autonomy	Low to high	Low	Low to medium	Low
of state bureaucracy				
Economic society with a degree of market autonomy and plurality of ownership forms	Medium to high	Low (Communist or Fascist)	Low to low-medium	Low to medium

Note: The character of the arenas in the prior nondemocratic regime in the period relatively close to the start of the transition is of the greatest importance for the tasks democratic leaders will face. The less developed the arena, the greater the tasks democratic leaders will have to accomplish before the new regime can be a consolidated democracy.

come that are simply not found in an authoritarian regime that has never been to-talitarian.

Sharp differences between authoritarian and sultanistic regimes in our typology also help direct attention to the fact that the immediate implications of a sultanistic regime for democracy-crafters (as in Haiti) are that they will have to begin the construction of civil society, constitutionalism and a rule of law, professional norms of the bureaucracy, economic society, and political institutions from a very low base.

The delineation of the different regime types also allows us to be more specific about the possibilities and limits of "pacts" as a transition option available or not available in any particular nondemocratic regime type. Before discussing under what conditions pacts are possible, three general analytic points about pacts must be stressed. First, neither theoretically nor historically do democratic transitions necessarily involve pacts. Indeed, of the eight distinctive paths to redemocratization Stepan analyzed elsewhere, only three involved pacts.<sup>1</sup> Second, pacts can range from very democratic to very nondemocratic in their intention and consequences. A pact might be specifically crafted to provide for the rapid dismantling of a nondemocratic regime and the setting of an early and specific date for free elections. Such a pact would be clearly democratic in its intention and, if implemented, its consequences. Or a pact may explicitly entail some nondemocratic constraints for a short period before and after the first foundational election. In contrast, a consociational pact that is not initially undemocratic, if maintained too long, might preclude the entry into politics of new groups and eventually

1. See Alfred Stepan, "Paths toward Redemocratization: Theoretical and Comparative Considerations," in Guillermo O'Donnell, Philippe C. Schmitter, and Laurence Whitehead, eds., *Transitions from Authoritarian Rule: Comparative Perspectives* (Baltimore: Johns Hopkins University Press, 1986), 64-84, 170-74.

Table 4.2. The Implications of Prior Nondemocratic Regime Type for Paths to Democratic Transition

Path	Authoritarianism	Totalitarianism	Post-totalitarianism	Sultanism
1. Reforma-pactada, ruptura-pactada	Given that civil society can be reasonably well developed and that some moderate political opposition with a national constituency can exist, <i>reforma-pactada</i> , <i>ruptura-pactada</i> between regime moderates and democratic opposition moderates is possible. Either regime leaders or the opposition could win fair elections and complete a transition.	No space for organized democratic opposition or for regime moderates. Thus <i>reforma-pactada</i> path is unavailable.	In mature post-totalitarianism, there can be collective leadership and a moderate wing. Likewise, the democratic opposition could have a well-developed "second culture" and incipient political groupings. If leaders of a mature post-totalitarian regime believe that elections are necessary and they have a chance to win, <i>reforma-pactada</i> with the leaders of the second culture or incipient opposition leading to free elections is possible.	Given a lack of rule of law and civil liberties on the one hand and personalistic penetration of the entire polity by the sultan on the other, the two prerequisites for a four-player pact, an organized nonviolent democratic opposition and regime moderates with sufficient authority to negotiate a pact, do not exist, leaving the <i>reforma-pactada</i> virtually impossible.
2. Defeat in War	Defeat in war or war-related collapse could lead to a democratic transition with weak negotiating power by prior nondemocratic regime if representatives of democratic forces in civil and political society are available and demand an electoral path.	Virtually the only path in which totalitarianism defeated in war could lead rapidly to a democratic regime is by occupation by a democratic regime and externally monitored democratic installation.	In early post-totalitarianism democratic prospects could resemble totalitarianism. In mature post-totalitarianism, assumption of government by a democratic opposition and the early holding of elections are possible.	Given absence of the rule of law and widespread para-sta-violence, the democratic path is virtually not available without external monitoring and guarantees.

Table 4.2. (continued)

Path	Authoritarianism	Totalitarianism	Post-Totalitarianism	Sultanism
3. Interim government after regime termination not initiated by regime (coup by nonhierarchical military, armed insurgents, or mass uprising and regime collapse)	In an authoritarian regime, it is possible that an organized democratic opposition in civil society and even political society exists. If they demand early elections, this transition path is quite possible. However, in the absence of effective demand for elections, the interim government will be tempted to exercise revolutionary power in policy areas and to postpone or cancel elections, thus delaying the transition or leading to a new nondemocratic regime.	An interim government is unlikely. However, should a deep crisis lead to a successor government, given flattened civil society and the absence of organized democratic political society, successful pressure for the holding of free elections is unlikely. The successors might search for electoral legitimacy, but this does not ensure democratization.	Early elections are only the most likely path in mature post-totalitarianism where opposition activists might form government and proceed to democratization. In early or frozen post-totalitarianism, the most likely regime transition is mass uprising which, if not repressed, could lead to regime collapse and an interim government. The interim government may well be formed by elites connected with the old regime who are able to consolidate their power electorally in the still "flattened society."	High chance that "interim government" will claim to act in the name of the people. It will postpone elections in order to carry out reforms. Given previous lack of autonomy of civil or political society, there is a high chance that group associated with the sultan claiming legitimacy for having supported the uprising will achieve nondemocratic power. The best chance for democratic transition is if revolutionary upheaval is led by internationally supported, democratically inclined leaders who set a date for elections and allow free contestation of power.

Table 4.2. (continued)

Path	Authoritarianism	Totalitarianism	Post-Totalitarianism	Sultanism
4. Extrication from rule by hierarchically led military	If a regime is led by a hierarchical military, the "military as institution," if it feels under internal or external threat, may play a role in pressuring the "military as government" to withdraw from direct rule and to hold "extrication elections." The length of transition and the extent of the "reserve domains of power" the military can impose as the price of extrication decrease with the severity of the internal or external threat to the military as institution and the strength of democratic forces in civil and political society.	Path not available to this regime type. Primacy of revolutionary party and unconstrained role of leaders make rule by hierarchical military impossible.	Path not available to this type given leading role of the party.	Path not available to this regime type. Sultanism implies a degree of fusion of private and public, and the sultan's interference with bureaucratic norms is incompatible with rule by a hierarchical military.
5. Some regime-specific possible transition paths and likely outcomes	If nondemocratic authoritarian regime is led by nonhierarchical military and this regime collapses or is overthrown, it will be easier to impose civilian democratic control and trials on the military than if the regime had been led by a hierarchical military.	Leadership of totalitarian regime could split, opening the way for popular mobilization, liberalization, and possibly even an interim government that holds elections. Given the level of control prior to the mobilization of protest, a more probable outcome is that the dynamic of mobilization leads to re-imposition by force of totalitarian controls or to shift to post-totalitarianism. See transition paths open to post-totalitarianism.	A post-totalitarian regime, confronted with a serious crisis, could collapse if the option of repression is unavailable. Collapse could lead to non-democratic takeover by alternative elites, democratization, or chaos.	Given dynastic tendencies of sultanism, if sultan dies of natural causes family members will attempt to continue sultanistic regime; thus, normally no regime-led liberalization will take place.

Table 4.2. (continued)

Path	Authoritarianism	Totalitarianism	Post-Totalitarianism	Sultanism
6. Other regime-specific paths	If a civilian-led authoritarian regime initiates a democratic transition, whatever agreements have been made will only tend to have the power the electorate and elected officials give to them. The emerging democracy will therefore normally be less constrained than if the prior nondemocratic regime had been led by a hierarchical military.	If totalitarian regime is supported by an external hegemon, withdrawal of hegemon's support could alter all power relationships. Cost of repression increases. Opposition and mobilization increase, and collapse becomes a possible outcome. If regime falls, chaos or provisional government is most likely. Given the absence of organized democratic opposition, even if provisional government begins a transition, control by people emerging out of the old regime is most likely.	If post-totalitarian regime is supported by external hegemon, it could collapse if hegemon removes coercive guarantee. If it is an early post-totalitarian regime, the successor regime is likely to be authoritarian or controlled by leaders emerging out of the previous regime. If it is a late post-totalitarian regime, civil society leaders of the provisional government could call early and completely free elections.	If the sultan is dependent on a foreign patron, a continuation of a crisis and pressure by the patron might lead to the ruler holding snap elections which he thinks he can control. Defeat in elections is a possibility, especially if an external patron supports the opposition. But democratic governance will be greatly aided by continued engagement of the patron in the democratization process. Foreign patron can sometimes force the sultan to step down.
7. Other regime-specific paths		Totalitarian regime could shift to post-totalitarianism. See transition options for post-totalitarianism.		Most likely domestic cause for the defeat of the sultan is assassination or revolutionary upheaval by armed groups or civil society. Upheaval could be supported even by business groups because of their dislike of the sultan's extreme use of arbitrary power. Provisional government is most likely. See no. 3 above.

become a form of "exclusionary consociational authoritarianism."<sup>2</sup> Finally, a pact that is designed to exclude some groups permanently and vastly to over-represent other groups is clearly undemocratic in its intention and, as long as it is sustained, in its consequences. Third, as Stepan has argued elsewhere, "pact creation does not necessarily mean pact maintenance"—pacts can fall apart... Pacts—with or without consociational elements—cannot be created in all political systems. Party pacts have two requirements: first, leaders with the organizational and ideological capacity to negotiate a grand coalition among themselves; second, the allegiance of their political followers to the terms of the pact.<sup>3</sup>

Much of the transition literature on pacts contains references to "hard-liners" and "moderates." Transitions are frequently seen as involving a pact between the regime moderates and the opposition moderates who are both able to "use" and "contain" their respective hard-liners. This is, in essence, a four-player game theory model.<sup>4</sup> However, two conditions must be satisfied for it to be a true four-player game. The moderate players in the regime must have sufficient autonomy so that they can, over time, conduct strategic as well as tactical negotiations with the players from the moderate opposition. Conversely, the moderates in the opposition need a degree of continued organizational presence, power, and followers in the polity to play their part in the negotiation pacts. For many writers on transitions, the *locus classicus* of such a pact occurred in Spain.<sup>5</sup> In Spain, as we shall see in chapter 6, regime and opposition moderates initially crafted a pacted reform. Eventually, negotiations led to a pacted rupture that allowed the dismantling of the nondemocratic elements of the Franco state and the creation of new democratic structures. This overall process is called *reforma pactada-ruptura pactada*.

While there are often references to the possibility of pacts being a key part of most transitions, full four-player pacts are possible only in two of our four ideal-typical nondemocratic regimes. A regime that approximates the sultanistic ideal type does not have the *reforma pactada-ruptura pactada* available as a transition path because the two moderate players are absent. The essence of the sultanistic ideal type is that the sultan fuses personal and public power. Important figures in the regime are significant not because of any bureaucratic or professional position they hold, but because of their presence on the personal staff of the sultan.

2. Jonathan Hartlyn discusses consociational exclusion in *The Politics of Coalition Rule in Colombia* (Cambridge: Cambridge University Press, 1988).

3. Stepan, "Paths toward Redemocratization," 80. Stress in original. For an excellent analysis of the difficulties of pact maintenance, see Eric Nordlinger, *Conflict Regulation and Divided Societies* (Cambridge: Center for International Affairs, Harvard University Press, 1972).

4. See, for example, Adam Przeworski, "The Games of Transition," in Scott Mainwaring, Guillermo O'Donnell, and Samuel Valenzuela, eds., *Issues in Democratic Consolidation* (Notre Dame, Indiana: University of Notre Dame Press, 1992), 105–53.

5. For a rigorous and appropriate application of the game theory approach to the Spanish case, see Josep M. Colomer, *Game Theory and the Transition to Democracy: The Spanish Model* (Aldershot, England: Edward Elgar Publishing, 1995), and "Transitions by Agreement: Modeling the Spanish Way," *American Political Science Review* (December 1991): 1283–1302.

Table 4.3. The Implications of Nondemocratic Regime Type for the Minimal Tasks of Completing Transition to and Consolidation of a Democratic Regime from Regime Type

Necessary Conditions	Authoritarianism	Totalitarianism	Post-totalitarianism	Sultanism
1. Rule of law and civil society freedom	In some authoritarian regimes there is a tradition of rule of law and civil society that might be quite lively, but civil liberties will need to be extended and protected. Laws giving autonomy to trade unions, media, etc., may need to be enacted and implemented.	Rule of law did not exist. Much of the legal code, to the extent that it existed, was highly politicized and instrumental for the party-state but not for its citizens and therefore was incompatible with democracy. Civil liberties are minimal and need to be legalized, developed, and protected. The "flattened" nature of civil society requires fundamental changes that are difficult to generate in a short time.	An extensive reform of the legal system to assure civil rights and rule of law will be needed.	Given the legacy of the rule of public and private and extreme personalization of power, the establishment of rule of law and guarantee citizens have a high priority and will be a difficult task.
2. Political society autonomy and trust and legal condition for it	All the normal conditions ensuring the free electoral competition between parties need to be created. In some cases, party competition has only been suspended and can easily be revitalized. In other cases, the formation of parties needs to be legalized and restrictions on specific parties lifted. In some cases the political rights of key political actors need to be re-established. In exceptional cases an authoritarian state party may have to be dismantled.	The party's dominant position in all areas of society and its privileged status and resources must be dismantled, its presence in all institutions removed, and almost all of its property transferred to the state. However, if citizens want to recreate the party they should be allowed to do so, and its support and power should depend on the votes people might want to give to it. Given the flattened social landscape the representation of interests will be particularly difficult.	The dismantling of the privileged status, legal and otherwise, of the dominant party will be needed. Legal reform will also be needed to assure the free formation and competition of political parties. While society may not be as "flattened" as under totalitarianism, the relative lack of economic and political differentiation makes political "representation" of interests difficult and complicates the development of a normal spectrum of democratic parties.	The suppression of semiprivilege and the creation of a modicum of trust are requirements for the development of political parties, free competition for power, and sufficient autonomy for the working of democratic procedures and institutions.

Table 4.3. (continued)

Necessary Conditions	Authoritarianism	Totalitarianism	Post-totalitarianism	Sultanism
3. Constitutional rules to allocate power democratically	In some cases, there can be an immediate declaration that a previous democratic constitution has been reinstated; in other cases amendments to a nondemocratic constitution may be viable; in still others a full democratic constituent assembly and constitution-making process are needed.	A paper constitution may exist that, when filled with democratic content, might lead to perverse consequences, since it was not designed for a democratic society. The making of a new democratic constitution will be necessary but difficult due to an inchoate political society, the lack of a constitutional culture, and the legacy created by the verbal commitments of the previous constitution.	Given the fictive character of the constitution, there are serious costs to using these institutions, and the making of a democratic constitution should be a high priority.	A universalistic legal culture will have to be developed. Even while there may be a usable constitution, given the recent abuse of constitutional rules, a spirit of trust and respect for constitutionalism does not exist at the end of the sultanistic period.
4. State bureaucracy acceptable and serviceable to democratic government	To the extent that the bureaucracy has not been politicized and has maintained professional standards, there may be no immediate need for bureaucratic reform. In some cases, a more or less limited purge of bureaucrats, including the judiciary and the military, might be desirable. But if a hierarchical military played a major role in the previous nondemocratic regime, such purges may be quite difficult.	The delegation of major tasks of the state to the party and the penetration of the party into all bureaucratic and social institutions make the creation of a nonpoliticized bureaucracy an imperative and difficult task. The dismantling of the party within the state might seriously reduce the efficiency and coordination of the state apparatus and open the door for a clientelistic take-over by the new democrats or by opportunists. The experience of the party state leaves a legacy of popular distrust of the state.	The fact that many functions of the state, including judiciary functions, were performed by party bureaucrats makes purges and reform of the state bureaucracy a widespread demand but a complex and contentious issue to resolve. The skills of the former bureaucratic elite and the lack of experience of the opposition may well give the former elite a privileged position.	The clientelistic penetration and corruption of bureaucratic institutions limit their efficiency and legitimacy and put extensive reform on the agenda. Even democratically elected leaders may perpetuate clientelistic practices rather than rational administration.

Table 4.3. (continued)

Necessary Conditions	Authoritarianism	Totalitarianism	Post-totalitarianism	Sultanism
5. Sufficient autonomy for economy and economic actors to assure pluralism of civil society, political society, and economic society	If the economy has been a functioning mixed economy, there may be no immediate changes necessary to facilitate the transition and consolidation of democracy. Whatever further reforms are desired or needed will be part of normal political processes that could include more socialization or more privatization of property and more or less social and/or economic regulation of the market.	In communist totalitarianism the almost total public ownership of property and the linkages between the party and the economy make the growth of autonomy of civil and political society particularly difficult. Fundamental reform of the economy is imperative, but the absence of a legal institutional framework for a market economy and the weakness of legal culture make the creation of an "economic society" difficult and facilitate the emergence of illegal or alegal practices.	Ultimate control by the state of all economic activity does not seem conducive to the minimal degree of civil and political society robustness necessary for a democratic polity. Some reforms are necessary to create an institutionalized economic society. A full-blown market economy is not a requirement for democracy.	Dismantling of the patrimonial and clientelistic structures of the ruler and his allies is necessary to allow the development of civil, political, and economic society.

But there is absolutely no room on the "household" staff of the sultan for a moderate player who publicly negotiates the demise of his employer. The other players who never exist in an ideal typical sultanistic regime are moderates from the organized democratic opposition. Neither civil society nor political society has enough autonomy to enable a publicly organized democratic opposition to develop enough negotiating capacity for it to be a full player in any pacted transition.<sup>6</sup>

A similar logic would preclude the ideal-typical totalitarian regime from even a full two-player game. There is a big player (the totalitarian hard-line maximum leader and his party-state staff) and a small underground opposition (half a player?) that can struggle to exist and possibly resist but that has absolutely no capacity to negotiate a pacted transition.

Even early post-totalitarian regimes do not have sufficient diversity and autonomy in the ruling party-state leadership or sufficient strength and autonomy within the democratic opposition really to produce all the players needed to conclude successfully a four-player democratic transition game. Indeed, as we argued in chapter 3, if an early or a "frozen" post-totalitarian regime faces a crisis of opposition, it is particularly vulnerable to collapse if it is not able to repress that opposition, given its limited negotiating capability. But a mature post-totalitarian regime (such as Hungary in the mid-1980s) and a wide range of authoritarian regimes (such as Spain and Brazil in the mid-1970s) can produce four-player games. Thus although "pacted transitions" figure prominently in the literature, the classic four-player pacted transitions are in fact available as a transition path only in some authoritarian and mature post-totalitarian regimes.

A transition path that would seem available to most nondemocratic regimes but that, upon closer scrutiny, is in fact available only to the authoritarian regime type concerns the military. If the costs of rule by the "military as government" are considered too great for the "military as institution," a free election may become part of the extrication formula for the hierarchical military in charge of an authoritarian regime.<sup>7</sup> However, the control of the government by a hierarchical military bureaucracy is completely inconsistent with the logics of sultanism or totalitarianism or of the leading role of the party in post-totalitarianism.

We are now ready to present for analysis a résumé of the implications of nondemocratic regime types for paths to democratic transition (table 4.2), and of the implications of nondemocratic regime type for the minimal tasks of completing the transition to and consolidation of a democratic regime (table 4.3).

6. For example, the only Warsaw Pact country in 1988 not to have one opposition samizdat journal published in the country was Romania, a country that combined under Ceausescu strong sultanistic and totalitarian tendencies. For the special difficulties of a successful democratic transition from a sultanistic regime, see the introductory chapter by H. E. Chehabi and Juan J. Linz in their edited volume in progress, *Sultanistic Regimes*, and Richard Snyder, "Explaining Transitions from Neopartimonal Dictatorships," *Comparative Politics* 24 (July 1992): 379-99. Also see Michael Bratton and Nicholas van de Walle, "Neopatrimonial Regimes and Political Transition in Africa," *World Politics* (July 1994): 453-89.

7. An extensive conceptual and political analysis of the distinction between the "military as government" and the "military as institution" is developed in chapter 5.

## Actors and Contexts

IN ADDITION to our "macrovariables" of prior regime type and stateness, we call attention to some other important variables that affect democratic transition and consolidation and that lend themselves to middle range propositions. Two actor-centered variables concern the leadership base of the prior nondemocratic regime and the question of who initiates and who controls the transition. Three context variables relate to international influences, the political economy of legitimacy and coercion, and constitution-making environments.

### THE INSTITUTIONAL COMPOSITION AND LEADERSHIP OF THE PRECEDING NONDEMOCRATIC REGIME

Our central question here concerns the core group that is in day-by-day control of the state apparatus. What is the institutional character of this state elite? Does its character favorably or unfavorably affect democratic transition and consolidation? The organizational base is necessarily analytically distinct from the variable of regime type because, within some regime types (especially authoritarian), there can be dramatically different types of state elites, each with quite different implications for democratic transition and consolidation. Without being exhaustive, four different types of state elites can be distinguished: (1) a hierarchical military, (2) a nonhierarchical military, (3) a civilian elite, and (4) the distinctive category of sultanistic elites.

#### Hierarchical Military

As shown in chapter 4 on the consequences of prior nondemocratic regime types, only an authoritarian regime has the possibility of being controlled by a hierarchical military organization. Control by such an organization is against the logics of a totalitarian, post-totalitarian, or sultanistic regime.<sup>1</sup> All hierarchical

1. In some cases, such as Chile and Uruguay, and especially the "dirty war" in Argentina, the military developed a definition of the enemy in their national security doctrine that gave to the repression a totalitarian dimension. See, for example, Alexandra Barahona de Brito, "Truth or Amnesty—Human Rights and Democratization in Latin America: Uruguay and Chile" (Ph.D. diss., University of Oxford, 1993), 28–61.

military regimes share one characteristic that is potentially favorable to democratic transition. The officer corps, taken as a whole, sees itself as a permanent part of the state apparatus, with enduring interests and permanent functions that transcend the interests of the government of the day. This means that there is always the possibility that the hierarchical leaders of the military-as-institution will come to the decision that the costs of direct involvement in nondemocratic rule are greater than the costs of extrication. Thus, the reassertion of hierarchical authority in the name of the military-as-institution is a permanent danger faced by the military-as-government. Furthermore, as members of a situational elite who derive their power and status from the existence of a functioning state apparatus, the military-as-institution have an interest in a stable state, and this requires a government.<sup>2</sup> This often means that, if a democratic regime is an available ruling formula in the polity, the military may decide to solve their internal organizational problems and their need for a government by devolving the exercise of government to civilians. Paradoxically but predictably, democratic elections are thus often part of the extrication strategy of military institutions that feel threatened by their prominent role in nondemocratic regimes.

We can make parsimonious and much less optimistic statements about hierarchical military regimes in relation to democratic consolidation. Precisely because the military (short of their elimination by foreign powers or by revolution) is a permanent part of the state apparatus and as such has privileged access to coercive resources, members of the military will be an integral part of the machinery that the new democratic government has to manage. Theoretically and practically, therefore, the more the military hierarchy directly manages the state and their own organization on a day-by-day basis before the transition, the more salient the issue of the successful democratic management of the military will be to the task of democratic consolidation. Furthermore, the more hierarchically led the military, the less they are forced to extricate themselves from a nondemocratic regime due to internal contradictions, and the weaker the coalition that is forcing them from office, the more the military will be in a position to negotiate their withdrawal on terms where they retain nondemocratic prerogatives or impose very confining conditions on the political processes that lead to democratic consolidation. More than any of the three other kinds of organizational bases found in nondemocratic regimes, a hierarchical military possesses the greatest ability to impose "reserve domains" on the newly elected government, and this by definition precludes democratic consolidation. This is a particularly acute problem if

2. For a more discursive argument about the analytical and historical utility of the distinction between military-as-government and military-as-institution, see Stepan, "Paths toward Redemocratization," 75–78, 172–73. For the concept of the military as a "situational elite" with a special relationship to the state, see Alfred Stepan, "Inclusionary and Exclusionary Military Responses to Radicalism with Special Attention to Peru," in Seweryn Bialer, ed., *Radicalism in the Contemporary Age* (Boulder: Westview Press, 1977), 3: 221–39, 344–50.

the hierarchical military have been involved in widespread human rights violations and condition their loyalty, as a part of the state apparatus, upon not being punished by the new democratic government. Such a legacy of human rights violations presented severe problems for democratic consolidation in Argentina and Chile.

This is not meant to imply a static situation. Power is always and everywhere relational. We simply mean that, if a relatively unified, hierarchically led military has just left the direct exercise of rule, the complex dialectical tasks of democratic power creation and the reduction of the domains of nondemocratic prerogatives of the military must become two of the most important tasks for new democratic leaders.

### Nonhierarchical Military

A nonhierarchical, military-led nondemocratic regime, on the other hand, has some characteristics that make it less of a potential obstacle to democratic transition and especially democratic consolidation. Concerning democratic transition, if a nonhierarchically led military-as-government (e.g., of colonels and majors) enters into difficulties, the incentive for the military-as-institution to re-establish hierarchy by supporting an extrication coup is even higher than it would be if the military-as-government were hierarchically led. The fundamental political and theoretical distinction, however, concerns democratic consolidation. The chances that the military-as-institution will tolerate punishment and trials of members of the outgoing nondemocratic government are significantly greater if the group being punished is not seen to be the military institution itself, but a group within the military which has violated hierarchical norms. Likewise, if the colonels have established para-state intelligence operations that are perceived as threats even to the organizational military, the hierarchical military is much more likely to acquiesce (or even insist) that their reserve domains of power be eliminated.

### Civilian Leadership

In comparative terms, civilian-led regimes (even mature post-totalitarian civilian-led regimes in which Communist parties are essential components) will characteristically have greater institutional, symbolic, and absorptive capacities than either military or sultanistic leaders to initiate, direct, and manage a democratic transition. Civilian leaders are often more motivated to initiate and more capable of negotiating a complicated reform pact than are the military. They often have more links to society than do military or para-military sultanistic leaders. Civilians also can see themselves as potential winners and rulers in a future democratic regime. This option is much less likely for military or sultanistic rulers.

There are, of course, potential problems for full democratic transition and

consolidation in such civilian-led political change. Civilian-led liberalization may re-equilibrate the system short of democratic transition or allow groups to win elections by skillful but nondemocratic means because of their privileged access to levers of power. When we consider democratic consolidation, however, it seems to us that the capacity of civilian leaders in a previously nondemocratic regime to create obstacles to democratic consolidation, such as constitutionally sanctioned reserve domains of power, is significantly less than that of a military organization.

An exception to the above assertion might seem to be the case of a civilian-led, nondemocratic regime based on a monopoly party—especially a ruling Communist Party. Should this kind of organizational base be considered an obstacle to democratic consolidation comparable to a hierarchical military organization that has just left power? Some political activists in Eastern Europe feared that a defeated ruling Communist Party and a defeated ruling hierarchical military were functional equivalents in terms of their ability to impede the consolidation of democracy. However, we believe that, in those cases where the Communist Party has been defeated in free and competitive elections (as in Hungary in 1990), this analogy is fundamentally misleading on two grounds: (1) organizational relationships to the state apparatus and (2) incentives. The hierarchical military, unless it has been militarily defeated and dissolved by the new democratic incumbents, will, as an organization, withdraw as a unit into the state apparatus where it still has extensive state missions and state-allocated resources (as in Chile in 1989). A defeated Communist Party, in contrast, while it may well retain control of many resources and loyalties that help it compete in later elections, has no comparable institutional base in the state apparatus, has no continuing claim on new state resources, and has no continuing state mission. Organizationally, it is a defeated party out of office and, though it may win open elections in the future (as in Hungary in 1994), it has less collective resources to impose “reserve domains” than do the military out of office. Our argument here is restricted *only* to those cases where the democratic opposition wins open and contested elections and then assumes control of the government. However, in some societies, normally close to the totalitarian pole, with no legacies of liberal or democratic politics, top nomenklatura figures are able to put on nationalist garb and engage not in democracy building but ethnocracy building. In such contexts civil society is too weak to generate a competitive political society and members of the nomenklatura are able to appropriate power and “legitimate” themselves via elections.

In relation to behavioral incentives, Communists (or ex-Communists) from the former nomenklatura after defeat in free and contested elections will still occupy numerous important positions within the state apparatus, especially in state enterprises. The members of the former nomenklatura through their networks extending over management, administration, and even security services can assure themselves a privileged position in the emerging capitalist economy and with it substantial political influence. However, they normally act for their own indi-



vidual self-interest. In most post-Communist countries the former nomenklatura do not attempt to overthrow or directly challenge the new regime but to profit by it. In some cases, particularly in the former Soviet Union, this leads to a confusion between the public and the private and with it considerable room for corruption. The more the members of the former nomenklatura act as individuals or democratic state managers, the better their chances of survival as officials. This is particularly so for managers of state production, trading, and banking enterprises, who can use their organizational resources profitably to restructure new forms of recombined public-private property.<sup>3</sup> The incentive system for the former nomenklatura thus has strong individualist or network components, which involve working for advantages by manipulating the new political context more than opposing it per se. The incentive system for the military is fundamentally different. With few exceptions, incentives to the military are collective and derive from the struggles to retain group prerogatives to avoid collective negative actions, such as trials. Therefore, unlike the nomenklatura out of office, for the military out of office there may be significant incentives for acting together in open contestation against the new democratic government.

### Sultanistic Leadership

Last, we should briefly consider what the institutional composition of sultanistic rule implies for democratic transitions and consolidation. A sultanistic regime is one in which the ruler personalizes the government and the regime and, in an uninstitutionalized but erratically pervasive way, penetrates the state, political society, and civil society. Fused are not only the private and the public, but also the civilian and the military. Theoretically, it is hard to classify sultanism as either a military- or a civilian-led regime. Sultanistic regimes present an opportunity for democratic transition because, should the ruler (and his or her family) be overthrown or assassinated, the sultanistic regime collapses. However, the very nature of a sultanistic regime means that there is very little space for the organization of a democratic opposition. Therefore, short of death by natural causes, sultanistic dictators are characteristically overthrown by quick, massive movements of civil society, by assassination, or by armed revolt (see table 4.2). This manner of regime termination often leads to the dynamics of a provisional government which, unless there is a decision to hold rapid elections, normally presents dangers for democratic consolidation.<sup>4</sup> Also, the very personalization of power around the dictator may allow close associates of the regime to assume power. Or, even when the group or armed movement leading the revolt eliminates

3. Pioneering work on new network formation and the associated phenomenon of "recombinant property" that is not really private and no longer public is being done by David Stark, "Recombinant Property in East European Capitalism," Working Paper, Collegium Budapest, 1994.

4. We will discuss interim governments in our analysis of the next variable.

those most associated with the sultanistic regime, they may appoint themselves as the "sovereign" representatives of the people and rule in the name of democracy without passing through the free contestation and free election phases that are necessary for full democratic transition and consolidation.

### TRANSITION INITIATION: WHO STARTS AND WHO CONTROLS?

Transitions initiated by an uprising of civil society, by the sudden collapse of the nondemocratic regime, by an armed revolution, or by a nonhierarchically led military coup all tend toward situations in which the instruments of rule will be assumed by an interim or provisional government.<sup>5</sup> Transitions initiated by hierarchical state-led or regime-led forces do not.

Interim governments are highly fluid situations and can lead to diametrically opposite outcomes depending on which groups are most powerful, and especially on whether elections or sweeping decree reforms are considered to be the first priority. If the interim government quickly sets a date for elections and rules as a relatively neutral caretaker for these elections, this can be a very rapid and efficacious route toward a democratic transition. However, if the interim government claims that its actions in overthrowing the government give it a legitimate mandate to make fundamental changes that *it defines* as preconditions to democratic elections, the interim government can set into motion a dangerous dynamic in which the democratic transition is put at peril, even including the postponement of elections *sine die*.

Elections are crucial because without them there is no easy way to evaluate whether the interim government is or is not actually representing the majority. Without elections, actors who did not play a central role in eliminating the old regime will find it very difficult to emerge and assert that they have a democratic mandate. And without elections the full array of institutions that constitute a new democratic political society—such as legislatures, constituent assemblies, and competitive political parties—simply cannot develop sufficient autonomy, legality, and legitimacy.

Elections are most likely to be held quickly in cases of collapse where democratic party leaders (as in Greece in 1974) almost immediately emerge as the core of the interim government or where leaders of civil society who are committed to creating a political democracy as the first order of business (as in Czechoslovakia in 1989) are the core of the interim government. Frequently, however, especially in cases where armed force has brought them into power, interim governments develop a dynamic that moves them away from fully free contestation. Claiming

5. For a more detailed discussion of interim governments, see Yossi Shain and Juan J. Linz, eds., *Between States: Interim Governments and Democratic Transitions* (New York: Cambridge University Press, 1995).

revolutionary legitimacy, the provisional government may substitute occasional plebiscites or referenda for multiparty elections. A provisional government that begins with a nonhierarchical coup may open up an explosive situation because it may involve part of the state apparatus attacking another part of the state apparatus, in which outcomes can vary from massive state repression to revolution. The least likely outcome in such a conflict is procedural democracy.

What can we say about state-led or regime-initiated and regime-controlled transitions? For one thing the potential for the emergence of an interim government is virtually absent when the regime controls the transfer of government until elections decide who should govern. This fundamental point made, we need to be aware that regime-controlled transfers can be placed along a continuum ranging from democratically disloyal to loyal. A democratically disloyal transfer is one in which, for whatever reasons, the outgoing regime attempts to put strong constraints on the incoming, democratically elected government by placing supporters of the nondemocratic regime in key state positions and by successfully insisting on the retention of many nondemocratic features in the new political system. A disloyal transfer is most likely to happen when the leaders of the outgoing nondemocratic regime are reluctant to transfer power to democratic institutions and the correlation of forces between the nondemocratic regime and the democratic opposition is one where the nondemocratic leaders retain substantial coercive and political resources. For reasons we have already discussed, this is most likely to happen if the prior nondemocratic government was a hierarchically controlled military regime with strong allies in civil and political society, as we shall see in the case of Chile.

#### INTERNATIONAL INFLUENCE

The most influential and widely read publication on democratic transitions is the four-volume work edited by Guillermo O'Donnell, Philippe C. Schmitter, and Laurence Whitehead, *Transitions from Authoritarian Rule*. The cases in this study all concerned Southern Europe and Latin America and, with the exception of Italy, the decade of the mid-1970s to the mid-1980s. Generalizing from the experiences within these spatial and temporal confines, O'Donnell and Schmitter in the concluding volume argue that "domestic factors play a predominant role in the transition. More precisely, we assert that there is no transition whose beginning is not the consequence—direct or indirect—of important divisions within the authoritarian regime itself."<sup>6</sup> Laurence Whitehead, in his valuable chapter on

international influence, offers a more qualified generalization: "In all the peacetime cases considered here internal forces were of primary importance in determining the course and outcome of the transition attempt, and international factors played only a secondary role."<sup>7</sup>

However, if one considers the entire world and all major actual (or potential) cases of democratization in modern times, the analysis of international influences can be pushed much further and a series of nuanced hypotheses can be advanced. To do so, we distinguish between the foreign policy, *zeitgeist*, and diffusion effects.

#### Foreign Policies

Conceptually, foreign policies can have an influence on domestic contexts in very different ways. To begin with, there are in fact three categories of situations in which the use of force in foreign policy actually determines outcomes that relate to democracy. First, a nondemocratic country can use force to overthrow a less militarily powerful democracy and either annex or occupy the country or install a nondemocratic puppet regime (e.g., Germany in Czechoslovakia in 1938). Second, a nondemocratic regional hegemon (which can be a single country or a community of countries acting collectively) can in its "outer empire" use military force to reverse a successful democratizing revolutionary effort to overthrow a nondemocratic regime (e.g., Hungary in 1956) or to reverse a liberalizing process (e.g., Czechoslovakia in 1968). Third, a democratic country that is a victor in a war against a nondemocratic regime can occupy the defeated country and initiate a democratic transition by installation (e.g., Germany and Japan in 1945). However, although foreign policies can have determinative force in the democratic transition phase, democratic consolidation in an independent country is ultimately determined by domestic forces.

Another influence of foreign policy on democratic transition and consolidation concerns what we might call *gate opening to democratic efforts*. Formal or informal empires, largely responding to their own internal and geopolitical needs, may open a previously closed gate to democratization efforts in subordinate regimes. Whether there will be a democratic transition or not and whether this will lead to democratic consolidation or not is predominantly domestically determined (e.g., most of the British Empire after World War II, the Soviet bloc in Eastern Europe in 1989).

7. Laurence Whitehead, "International Aspects of Democratization," in O'Donnell, Schmitter, and Whitehead, *Transitions from Authoritarian Rule: Comparative Perspectives*, 4. In the body of the article Whitehead gives detailed information about how the European Community played a strongly supportive role in democratic consolidation in southern Europe. In later works, Whitehead, O'Donnell, and Schmitter correctly acknowledged that international influence played a central role in Eastern Europe. Also see the two-volume work edited by Abraham F. Lowenthal, *Exporting Democracy: The United States and Latin America* (Baltimore: Johns Hopkins University Press, 1991); and Geoffrey Pridham, ed., *Securing Democracy: The International Context of Regime Transition in Southern Europe* (London: Routledge, 1990).

6. Guillermo O'Donnell and Philippe C. Schmitter, *Tentative Conclusions about Uncertain Democracies* (Baltimore: Johns Hopkins University Press, 1986), 19.

Subversion is another kind of policy effect. Regional hegemons (democratic or nondemocratic) can play an important contributing, though seldom determinative, role in helping to subvert a nondemocratic regime (e.g., U.S. foreign policies toward the Philippines in 1987) or in helping to subvert democracy that is opposing the hegemon's policy preferences (e.g., U.S. foreign policy toward Chile in 1973). A democratic hegemon may also use its geopolitical and economic power to thwart nondemocratic forces trying to impede a democratic transition process (e.g., President Carter's role in reversing electoral fraud in the Dominican Republic in 1978).

Finally, a regional hegemon may, by a consistent policy package of meaningful incentives and disincentives, play a major supportive (but not determinative) role in helping a fledgling democracy in the region complete a democratic transition and consolidate democracy (e.g., the collective foreign policy of the European Economic Community [EEC] and especially of West Germany toward Portugal in 1974).

### *Zeitgeist*

The concept of *zeitgeist* is taken from the German tradition of intellectual history and refers to the "spirit of the times." We do not believe in any variant of the "end of history" thesis—the thesis, namely, that one ideology, such as the democratic ideology, can or will stop human efforts to respond to problems by creating alternative political visions and ideologies.<sup>8</sup> But we do maintain that, when a country is part of an international ideological community where democracy is only one of many strongly contested ideologies, the chances of transiting to and consolidating democracy are substantially less than if the spirit of the times is one where democratic ideologies have no powerful contenders. The effect of a democratically hostile or a democratically supportive *zeitgeist* can readily be seen when we contrast interwar Europe with the Europe of the mid-1970s and the 1980s. In interwar Europe, in the aftermath of the break-up of the Austro-Hungarian Empire, boundary changes emerging out of the Treaty of Versailles, and various political experiments, eleven states with little or no prior experience of an independent democratic regime made some effort to establish democracies.<sup>9</sup> However, the spirit of the times was one in which the democratic ideal competed with four

other contesting ideologies in Europe, none of them democratic. Communism in the Soviet Union was a novel experiment that many felt offered great promise. Fascism in Italy was seen by many others as a powerful contestant to both communism and democracy. Catholicism, after the papal encyclical, *Rerum Novarum*, was the basis of novel forms of corporatist and integralist movements. Finally, in the midst of this intense ideological struggle, many conservatives still remembered positively the political formula of a predemocratic, authoritarian constitutional monarchy, of which Imperial Germany was the esteemed exemplar. All of Europe was influenced in some degree by these nondemocratic ideas. Latin America too was strongly influenced by these European intellectual and ideological currents, as the experience of the Estado Novo under Vargas in Brazil and of Peronism in Argentina shows.

Though democracy is never "overdetermined," even in the context of the most supportive *zeitgeist*, by the late 1970s the *zeitgeist* in southern Europe—indeed in most of the world (with the important exception of a reinvigorated fundamentalism in the Islamic cultural community)—was such that there were no major ideological contestants to democracy as a political system. To be sure, Communism was entrenched in the Soviet Union and by extension in the subordinate regimes of Eastern Europe, but the pronouncement by an eminent Polish philosopher that the 1968 Soviet invasion of Czechoslovakia represented the "clinical death" of Marxist revisionism in Central and Eastern Europe proved prophetic.<sup>10</sup> By 1977, the issue of human rights had acquired such pan-European support that most of the East European regimes became signatories to the Helsinki Accords.<sup>11</sup> Fascism and Nazism were thoroughly discredited after World War II, and no longer represented a pole of attraction. After Vatican II (1961–63) Catholicism developed an ideological and institutional position more amenable to democracy (if not to capitalism) than ever before.<sup>12</sup> In the modern era most of the secure and successful monarchs are now constitutional heads of state in parliamentary democracies. The Egyptian and Peruvian military option so intriguing in the 1960s had few adherents in the world by the mid-1970s. On the other hand, the Latin American left's experience with a new type of modern military-led bureaucratic-authoritarian regime had contributed to a deep revalorization of democracy, not merely as a tactical instrument but as a value in itself.<sup>13</sup> The hopes that some democrats had in Yugoslav worker self-management as a school for democracy have been thor-

8. See, for example, Francis Fukuyama, "The End of History," *National Interest* 16 (Summer 1989): 3–18. The return to power in Lithuania, Poland, and Hungary of reform communists as social democrats is but one example of how history can evolve in new and unexpected ways. Another example is the resurgence, in the name of "democratic majoritarianism," of ethnic nationalist dictatorships in parts of the former Soviet Union and Yugoslavia.

9. These states were Spain, Italy, Poland, Hungary, Czechoslovakia, Estonia, Latvia, Lithuania, Bulgaria, Yugoslavia, and Romania. For a discussion of their demise, see Juan J. Linz, "La crisis de las democracias," in Mercedes Cabrera, Santos Juliá, and Pablo Martín Aceña, eds., *Europa en crisis, 1919–1939* (Madrid: Editorial Pablo Iglesias, 1992), 231–80.

10. Leszek Kolakowski, *Main Currents of Marxism* (Oxford: Oxford University Press, 1978), 3: 465.

11. For the effects on the domestic politics of East European countries and the Soviet Union of having signed the Helsinki Accords, see Samuel P. Huntington, *The Third Wave: Democratization in the Twentieth Century* (Norman: Oklahoma University Press, 1991), esp. 85–100.

12. For Vatican II and how it enhanced the status of democracy in Roman Catholic theology, see George Weigel, *The Final Revolution: The Resistance Church and the Collapse of Communism* (New York: Oxford University Press, 1992), esp. 67–74.

13. The revalorization of democracy by the left produced a rich new genre of writings. For one such example see Francisco Weffort, "Why Democracy?" in Alfred Stepan, ed., *Democratizing Brazil: Problems of Transition and Consolidation* (New York: Oxford University Press, 1989), 327–50.

roughly disappointed. In Africa, "one-party" states by the early 1990s had lost almost all their original credibility as "mobilizing regimes" and were increasingly disdained as "rent-seeking" formulas exploited by nondemocratic elites.

### Diffusion

*Zeitgeist* in the world of politics refers to historical eras. But the *diffusion effect* in an international political community, especially in a community tightly coupled by culture, coercive systems, and/or communication, can refer to weeks or even days. Law-like statements about human creations such as democracies are inherently different from law-like statements in the physical sciences because no two moments in history can be exactly alike. Human beings reflect upon previous events and, where the events seem directly relevant to them, often consciously or unconsciously attempt to adjust their behavior so as to achieve or avoid a comparable outcome. Political learning is possible. For example, after the Portuguese revolution had exploded, a Spanish conservative leader, Manuel Fraga, expressed some interest in playing a role in leading democratic change because he "did not want to become the Caetano of Spain."<sup>14</sup> Likewise Prince Juan Carlos in Spain was undoubtedly influenced by the Greek case, where his brother-in-law, King Constantine, lost his throne due to his ambivalence about democracy.

More generally, we posit that the more tightly coupled a group of countries are, the more a successful transition in any country in the group will tend to transform the range of perceived political alternatives for the rest of the group. Indeed, as we shall see when we examine Central and Eastern Europe in 1989, international diffusion effects can change elite political expectations, crowd behavior, and relations of power within the regime almost overnight. For practitioners and theorists alike, diffusion effects have obviously gained in salience in the modern world owing to the revolution in communications. Today, the dramatic collapse of a nondemocratic regime is immediately experienced by virtually the entire population of the neighboring countries through radio and television. This experience in turn instantly becomes a powerful new component of domestic politics.<sup>15</sup>

### THE POLITICAL ECONOMY OF LEGITIMACY AND OF COERCION

What is the relationship between citizens' perception of the socioeconomic efficacy of a regime and their perception of the legitimacy of the regime itself?

14. Fraga was referring to the overthrow of the post-Salazar leader of Portugal, Marcello Caetano, who failed to initiate a transition. The diffusion effect here is that Spanish conservatives rapidly began to recalculate the costs and benefits of initiating a democratic transition.

15. All countries discussed in this volume experienced some diffusion effects, but none more dramatically than the countries of Central and Eastern Europe.

How does the economy affect the prospects of a transition away from a nondemocratic regime? If a transition has begun, how does the economy affect the chances of democratic consolidation? Are democratic and nondemocratic regimes equally helped by sustained growth? Are democratic and nondemocratic regimes equally hurt by economic decline?

We accept the well-documented correlation that there are few democracies at very low levels of socioeconomic development and that most polities at a high level of socioeconomic development are democracies.<sup>16</sup> Most of the major modern transition attempts thus take place in countries at medium levels of development. However, this relationship between development and the probability of democracy does not tell us much about *when*, *how*, and *if* a transition will take place and be successfully completed. Indeed, within this critical context of intermediate levels of development we contend that it is often difficult or impossible to make systematic statements about the effect of economics on democratization processes.<sup>17</sup> However, if one uses an analytical framework that combines politics and economics and focuses on legitimacy, one can make much more meaningful statements. Certainly for transition theory, economic trends in themselves are less important than is the perception of alternatives, system blame, and the legitimacy beliefs of significant segments of the population or major institutional actors. Why?

For theoreticians and practitioners who posit a tightly coupled relationship between the economy and regime stability, robust economic conditions would appear supportive of any type of regime. We would argue, however, that the proposition is theoretically and empirically indefensible. We see good theoretical reasons why sustained economic growth *could* erode a nondemocratic regime. We see *no* theoretical reason why sustained economic growth would erode a democratic regime. Regime type can make a great difference. From the perspective of political economy, we absolutely cannot formulate any valid propositions that take the form, "under conditions of great economic prosperity there will be no incentives for a transition from a nondemocratic to democratic regime." This is so precisely because many nondemocratic regimes, especially those of the statistical

16. The classic initial formulation of this argument was Seymour Martin Lipset, "Some Social Requisites of Democracy: Economic Development and Political Legitimacy," *American Political Science Review* (March 1959): 69–105. Larry Diamond reviewed three decades of literature relevant to the development/democracy debate and concluded that the evidence broadly supports the Lipset theory. See Diamond, "Economic Development and Democracy Reconsidered," in Gary Marks and Larry Diamond, eds., *Reexamining Democracy* (Newbury Park: Sage, 1992), 93–139.

17. The specific relationship between economic growth or economic crisis and the initiation of a transition out of a nondemocratic regime has been the object of considerable debate. José María Maravall, in an outstanding and well-researched work, has analyzed this problem in great detail, with particular reference to southern and Eastern Europe. We find that his analysis converges with our brief analysis, which we had written independently. We are happy to refer the reader to his book for the relevant evidence. See José María Maravall, *Los resultados de la democracia: Un estudio del sur y el este de Europa* (Madrid: Alianza Editorial, 1995).

mode, authoritarian regimes, are originally defended by the state elite and their core socioeconomic allies as necessary given the *exceptional* difficulties (often economic) the polity faces. Thus, prolonged economic prosperity, especially in an authoritarian regime, may erode the basis of the regime's justification based on exceptional circumstances. Prolonged economic success can contribute to the perception that the exceptional coercive measures of the nondemocratic regime are no longer necessary and may possibly erode the soundness of the new economic prosperity.

Prolonged economic growth may also contribute to social changes that raise the cost of repression and thus indirectly facilitate a transition to democracy. Prolonged economic expansion normally contributes to the growth of a middle class; a more important and needed skilled labor force; an expansion of education; greater contacts with other societies via television, radio, and travel; and a more diverse range of possible protests. There is even strong evidence to indicate that, within a territory, increases in regional wealth increase citizens' expectations that they should be well treated by the police.<sup>18</sup>

Empirically, there are a number of cases where sustained prosperity altered relations of power in favor of democratic forces. In fact, three cases in our study, Pinochet's Chile, Brazil in the early 1970s, and Franco's Spain in its last twenty years (as well as South Korea), had some of the world's highest rates of economic growth. Spain's growth contributed to the belief of some of the core constituents of the authoritarian regime and among the industrial elite that they could manage equally well in the future in a more democratic environment. The times had changed and so did the regime.<sup>19</sup> In Brazil, the soft-line military wing announced its liberalization program in September 1973, after five years of unprecedented growth and *before* the oil crisis, soaring interest rates, and its attendant debt crisis. In September 1973 the military felt that the economy was in excellent condition and no significant political threat existed. In the absence of the "exceptional circumstances" that had legitimated their coup in their own eyes, they came to believe that continued authoritarian rule not only was not necessary but might contribute to the autonomy of the security forces and the "Argentinization of Brazil."<sup>20</sup> In Chile many of the key industrialists who had believed that Pinochet

18. For example, seven occupational groups in Franco's Spain, ranging from manual laborers to those in liberal professions, were asked if they expected "equal," "better," or "worse" treatment by the police than other citizens. The data were broken down according to the level of economic development of the respondents' place of residence. In 19 of 21 of the possible comparisons, the greater the regional economic development, the greater the expectation of equal treatment by the police. See Juan J. Linz, "Ecological Analysis and Survey Research," in Mattei Dogan and Stein Rokkan, eds., *Quantitative Ecological Analysis in the Social Sciences* (Cambridge: MIT Press, 1969), 91-131, esp. table 1, p. 113.

19. As Adolfo Suárez said before he became prime minister of Spain, "Our people who at the beginning of his (Franco's) government had asked simply for bread, today ask for quality consumption, and in the same fashion, whereas at the beginning they wanted order, today they ask for freedom—freedom of political association." Speech in the Cortes on June 9, 1976.

20. Stepan, *Rethinking Military Politics*, 32-33.

was indispensable in 1980, by 1988 had come to believe that the risk of fair elections to the economic model was less than the risk of supporting Pinochet in unfair elections.<sup>21</sup> In all three cases, the political economy of prosperity contributed to new perceptions about alternative futures and to lessening resistance to democratic alternatives.

In sharp contrast, when we consider democratizing regimes or consolidated democracies, there are no theoretical reasons or empirical evidence to support an argument that economic growth contributes to regime erosion. Of course, a "revolution of rising expectations" may create new demands on democratic governments, but it cannot attack their *raison d'être*. Indeed, if a regime is based on the double legitimacy of democratic procedures *and* socioeconomic efficacy, the chances of a fundamental regime alternative (given the absence of a "stateness" problem) being raised by a significant group in society is empirically negligible.

Severe economic problems affect democratic and nondemocratic regimes, especially authoritarian ones, very differently. There are good theoretical reasons why sharp economic decline (say five years of continuous negative growth) will adversely affect stability in both democratic and nondemocratic regimes, but it will affect the latter substantially more. Modern nondemocratic (especially authoritarian) regimes are often heavily dependent on their *performance* claims but are not bolstered by procedural claims deriving from their democratic status. Theory leads us to posit therefore that a democratic regime has two valuable sources of insulation from sustained economic downturn not available to a nondemocratic regime: its claim to legitimacy based on its origin and the fact that elections are always on the horizon and hold the prospect of producing an alternative socioeconomic program and an alternative government *without* a regime change. This means that most new democracies have about eight years of breathing space—four years or so for the initial government and four years or so for an alternative government.

This theory-based assumption gains strong empirical support from data compiled by Fernando Limongi and Adam Przeworski. In their study of South America between 1945 and 1988, they found that the probability that a nondemocratic regime would survive three consecutive years of negative growth was 33 percent, whereas the probability that a democratic regime would survive three years of negative growth was 73 percent. More dramatically, their data show that *no* nondemocratic regime survived more than three years of consecutive negative growth, whereas the probability that a democratic regime would survive four or five years of consecutive negative growth was 57 percent and 50 percent respectively.<sup>22</sup>

Let us return to our argument concerning economics and the politics of *alter-*

21. See the interview with one of the leaders of a major business interest group in Chile, in Alfred Stepan, "The Last Days of Pinochet?" *New York Review of Books* (June 2, 1988): 33.

22. Fernando Limongi and Adam Przeworski, "Democracy and Development in South America, 1945-1988" (University of Chicago, October 27, 1993, unpublished manuscript).

*natives* and *system blame* in nondemocracies and in democracies. If the political situation is such that there is no strong perception of a possible alternative, a non-democratic regime can often continue to rule by coercion. However, when the belief grows that other alternatives are possible (as well as preferable), the political economy of legitimacy and coercion changes sharply. If the coercive capacity of the nondemocratic regime decreases (due say to internal dissent or the withdrawal of vital external guarantees), then the political economy of prolonged stagnation can contribute to the erosion of the regime. It is not changes in the economy, but changes in politics, that trigger regime erosion—that is, the *effects* of a poor economy often have to be mediated by political change.

The question of system blame is also crucial for the fate of democracies. As we have discussed elsewhere, the economic crisis of interwar Europe was as intense in countries such as the Netherlands and Norway (which did not break down) as in Germany and Austria (which did break down). Indeed, 30,000 Dutch workers in 1936 went to work in Germany because the Dutch economy was in worse condition than the German economy. What made the crisis of the economy a crisis of the political system in Germany and Austria was that strong groups on the right and the left had regime alternatives in mind and thus attacked the regime. Politically motivated system blame, more than the economic crisis *per se*, caused the German and Austrian breakdowns.<sup>23</sup>

The key question for the democracies is whether their citizens believe that, in the circumstances, the democratic government is doing a credible job in trying to overcome economic problems. It is important to stress that the political economy of legitimacy will produce severe and perhaps insoluble challenges to democratic consolidation in those cases where the democratic system *itself* is judged to be incapable of producing a program to overcome the economic crisis.

To summarize, what can and cannot we say about transition theory and the political economy of legitimacy? Theory and the Limongi-Przeworski data indicate that consecutive years of negative growth lessen the chance of either a non-democratic or a democratic regime's surviving. Thus, a country that is experiencing positive growth, other things being equal, has a better chance to consolidate democracy than a country that is experiencing negative growth. This said, the theory and the data also indicate that a democratic regime has more insulation from economic difficulty than does a nondemocratic regime. The ques-

23. For a more detailed development of this argument with supporting data, see Juan J. Linz and Alfred Stepan, "Political Crafting of Democratic Consolidation or Destruction: European and South American Comparisons," in Robert A. Pastor, ed., *Democracy in the Americas: Stopping the Pendulum* (New York: Holmes and Meyer, 1989), 41–61. We are indebted to Ekkart Zimmerman for his pioneering studies of interwar Europe. See Zimmerman, "Government Stability in Six European Countries during the World Economic Crisis of the 1930s: Some Preliminary Considerations," *European Journal of Political Research* 15, no. 1 (1987): 23–52 and Zimmerman, "Economic and Political Reactions to the World Economic Crises of the 1930s: Six European Countries," paper presented for the Mid-West Political Science Association Convention, Chicago, April 10–12, 1986.

tion of whether an aspiring democracy can withstand economic difficulties, as the German-Dutch comparison showed, depends to a great extent on the degree of *noneconomic* system blame and mass-elite perceptions about the desirability of other political alternatives. The question is thus one of relationships. It is theoretically possible, and indeed has occurred, that a newly democratizing regime suffers a decline in citizen perceptions of democracy's socioeconomic efficacy at the same time that their belief that "democracy is the best possible political system for a country like ours" increases.<sup>24</sup>

In those cases, however, where the citizens come to believe that the democratic system *itself* is compounding the economic problem or is incapable of defining and implementing a credible strategy of economic reform, system blame will greatly aggravate the political effect of economic hard times. More importantly, economic crises will tend to lead to democratic breakdown in those cases where powerful groups outside or—more fatally—*inside* the government increasingly argue that nondemocratic alternatives of rule are the only solution to the economic crisis.

In a situation where the crisis is permanent, after at least one democratic alternation of government, and where a reasonable argument can be made that the democratic political actors are incapable or unwilling to search for solutions and even compound the problems by such actions as infighting and corruption, key actors will search for alternatives. But alternatives might not be available. Key actors' previous experience with alternatives might have been equally or more unattractive. In such circumstances, many of these actors might resign themselves to a poorly performing democracy. Such resignation may not prevent crises, upheavals, and attempted local coups but is not conducive to regime change. But it certainly makes consolidation difficult and can even deconsolidate a democracy.

#### CONSTITUTION-MAKING ENVIRONMENTS

A neglected aspect of democratic transition and consolidation concerns the comparative analysis of the contexts in which constitutional formulas are adopted or retained. Without attempting to review all possible variations, let us simply mention six very different possible constitution-making contexts and/or formulas and indicate what problems they present for democratic transition and democratic consolidation. We move from those contexts and formulas that pre-

24. In Linz and Stepan, "Political Crafting of Democratic Consolidation or Destruction," 44, we note that, during a period (1978–1981) of rising unemployment, inflation, recession, and terrorism the Spanish citizen's belief in the efficacy of democracy declined by 25 percentage points in national polls while the belief that democracy was the best political system for a country like Spain increased by 5 percentage points in the same period. The key implication is that the citizenry did not believe, despite the economic problems, that any alternative political system was preferable.

sent the most confining conditions for democratic consolidation in an existing state to those that present the least.<sup>25</sup>

1. The retention of a constitution created by a nondemocratic regime with reserve domains and difficult amendment procedures. These confining conditions may be the price the outgoing nondemocratic regime is able to extract for yielding formal control of the state apparatus. However, if this constitution *de jure* enshrines nondemocratic "reserve domains" insisted upon by the outgoing nondemocratic power-holders, then the transition by our definition cannot be completed until these powers are removed. If the constitution has very difficult amendment procedures this will further complicate the process of democratic transition and consolidation. In this book Chile is the clearest case.

2. The retention of a "paper" constitution which has unexpected destabilizing and paralyzing consequences when used under more electorally competitive conditions. Some nondemocratic constitutions may enshrine a very elaborate set of decision-rules, procedures, and rights that had no effect on the operation of the nondemocratic regime because the constitution was a fiction. However, in more electorally competitive circumstances, this constitution can take on a life of its own that may make it almost impossible to arrive at democratically binding decisions. In such cases, the constitution can help destroy the state and should be changed extremely quickly before its perverse consequences have this paralyzing effect. The most important instances of this type of constitution are found in the Soviet-type, federal constitutions in the former USSR, Yugoslavia, and Czechoslovakia.

3. The creation by a provisional government of a constitution with some *de jure* nondemocratic powers. Even when the old nondemocratic regime is destroyed and many new policies are passed, a democratic transition itself cannot be completed unless the nondemocratic components of the constitution crafted by the provisional government are eliminated, as we shall see in the case of Portugal. Even when these nondemocratic clauses are eliminated, the origin of the constitution in a provisional government may hurt democratic consolidation because of its inappropriateness or weak societal acceptance.

4. The use of constitution created under highly constraining circumstances reflecting the *de facto* power of nondemocratic institutions and forces. Such a constitution may be formally democratic and thus consistent with a transition

25. Some indispensable sources on constitutions and democracy are Jon Elster and Rune Slagstad, eds., *Constitutionalism and Democracy* (Cambridge: Cambridge University Press, 1988); Douglas Greenberg, Stanley N. Katz, Melanie Beth Oliveira, and Steven C. Wheatly, eds., *Constitutionalism and Democracy: Transitions in the Contemporary World* (New York: Oxford University Press, 1993); Bruce Ackerman, *The Future of Liberal Revolution* (New Haven: Yale University Press, 1992); A. E. Dick Howard, ed., *Constitution Making in Eastern Europe* (Washington: Woodrow Wilson Center Press, 1993); and the *East European Constitutional Review*, published quarterly since 1992 by the Center for the Study of Constitutionalism in Eastern Europe at the University of Chicago Law School in partnership with the Central European University.

being completed, but democratic consolidation may be hampered because a constrained constituent assembly, while believing that other institutional arrangements are more appropriate for the creation and consolidation of democratic politics, may be *de facto* prevented from selecting them. To some extent Brazil is such an example.

5. The restoration of a previous democratic constitution. This formula precludes a potentially divisive debate about constitutional alternatives and is often selected by redemocratizing polities for reasons of speed, conflict avoidance, and the desire to call upon some legacies of historic legitimacy. It should be pointed out, however, that simple restoration presents two potential problems for democratic consolidation. First, when the polity has undergone great changes during the authoritarian interlude, it is possible that a new constitutional arrangement would in fact be more appropriate for democratic consolidation. Second, restoration also assumes that the political procedures and institutions of the old constitution have played no role whatsoever in the democratic breakdown. When the old democratic arrangements have in fact contributed to democratic breakdown, restoration precludes an historic opportunity to construct new and improved arrangements with different procedures and symbols. Uruguay and Argentina are cases worth analyzing from this perspective.

6. Free and consensual constitution-making. This occurs when democratically elected representatives come together to deliberate freely and to forge the new constitutional arrangements they consider most appropriate for the consolidation of democracy in their polity. The constituent assembly ideally should avoid a partisan constitution approved only by a "temporary majority" that leads a large minority to put constitutional revisions on the agenda, thereby making consolidation of democratic institutions more difficult. The optimal formula is one in which decisions about issues of potentially great divisiveness and intensity are arrived at in a consensual rather than a majoritarian manner and in which the work of the constituent assembly gains further legitimacy by being approved in a popular referendum that sets the democratic context in which further changes, such as devolution (if these are to be considered), take place.<sup>26</sup> In this book only Spain fits this pattern.

In the rest of this book we examine how the interplay of our arenas, such as political society, rule of law, and economic society, and our variables, such as regime type, stateness, and those discussed in this chapter, affected the processes of transition to democracy and the consolidation of democracy in three different sociopolitical (and geographic) regions of the world—southern Europe, the Southern Core of Latin America, and post-Communist Europe.

26. For an argument in favor of consensual constitutions produced and ratified by nationwide debates, see Ackerman, *The Future of Liberal Revolution*, 46–68.