

EXCERPTED FROM

Governing the  
Czech Republic and Slovakia:  
Between State Socialism and  
the European Union

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# 1

## Introduction

In the early months of 1990, Czechoslovakia's government of national understanding met with the leaders of ascendant political movements to discuss changing the inherited socialist administrative system. They agreed to overhaul that system by establishing self-governing municipalities as the institutional building blocks of the new democratic state and by transforming the existing system of territorial state administration.

The creation of truly self-governing municipalities was an important step on Czechoslovakia's road toward democracy. But what political leaders decided *not* to do in those early months was as important as what they *did* decide to do. The administrative system that politicians inherited was in miserable shape. Patently centralized, unaccountable, politicized, internally fragmented, ill-suited to the demands of a market-based economy, and illegitimate from most citizens' points of view, it cried out for total reform. Yet new democratic politicians chose a modest course. They did *not* establish self-governing regions, as many of their European counterparts had recently chosen to do. Nor did they establish a legally protected corps of civil servants, as politicians across democratic Europe had done long ago. Thus, hidden beneath sweeping institutional decisions were equally important "non-decisions." New democratic elites consciously decided not to establish institutions that played central constitutional roles in established democratic polities.

Despite the massive changes that the following years would bring—including the dissolution of the Czechoslovak state—politicians in both of Czechoslovakia's successor states would continue to deflect pressures to establish self-governing regions and a protected civil service throughout the 1990s. It was only at the beginning of the twenty-first century, when, quite quickly, Czech and Slovak governments created these long-neglected institutions.

This book seeks to explain the causes and consequences of post-socialist leaders' administrative reform choices and "non-choices." It asks four closely related questions: (1) Why did democratic politicians establish certain administrative institutions and eschew others, even when the creation of the latter institutions might have supported democracy's survival and vitality?, (2) Why did they continue to neglect self-governing regions and independent civil services over the course of

the 1990s?, (3) Why did they ultimately relent, creating the very institutions they had disregarded for the better part of a decade?, and (4) Why have some of the new institutions, once legally established, succeeded, while others have failed? It generates insights into democratic transition and consolidation by stressing that transitions are not merely moments of institutional choice, but also moments of institutional “non-choice.” It deepens the literature on comparative public administration, which has yet to develop a theory of why post-socialist leaders do (and don’t) establish state institutions at certain historical moments. And, because the European Union (EU) figures prominently in the answers to the third and fourth questions, it extends throws light on Europeanization by specifying the ways that the EU has mattered and continues to matter in central and eastern Europe (CEE).

The book argues that answers to the four questions require an appreciation of the historical position of the Czech Republic, Slovakia, and their counterparts in CEE between state socialism and the European Union. The question of why politicians initially established certain institutions (particularly self-governing municipalities) while neglecting others (self-governing regions, civil services) involves historical legacies of the socialist state. When communist parties across CEE ascended to power in the late 1940s, they pursued a distinctive strategy of rebuilding and maintaining states. On one hand, they constructed elaborate networks of sub-national territorial administration. On the other hand, they destroyed the legal and operational independence of civil services. In the state-socialist system, state employees enjoyed no special legal rights or responsibilities, and lines between party and state bureaucracies blurred to an extent where it became difficult to distinguish between the two. A two-headed socialist state- building project facilitated the consolidation of single-party rule but had serious unintended consequences. When regimes liberalized and political opportunity structures shifted, citizens used institutions originally designed to facilitate monopolistic governance to lobby for fundamental administrative reforms. In 1989, leaders of municipal “soviets” (in Czechoslovakia, these bodies were called national committees) redeployed resources generated under the socialist regime to pressure politicians in Prague and Bratislava; though central politicians did not concede to all of their demands, they did quickly establish the institutions for which the municipal leaders lobbied.

The inherited administrative system did not bequeath similar resources to advocates of self-governing regions and civil service reform. Though a significant regional (Moravian) movement emerged as the socialist regime crumbled, the movement lacked the inherited

institutional resources to which the municipal actors were privy. The movement performed surprisingly well in Czechoslovakia's first post-socialist elections and won symbolic concessions from central politicians, but their ultimate goals of a reconfigured Czechoslovak federation and/or significant regional reform within the Czech half of the federation failed. The ersatz civil service, for its part, remained a supine institution, and state employees were stained by association with reeling communist parties. Civil servants had no legitimate network from which to draw, and ascendant democratic politicians took advantage of the short-term opportunities inherent in a politicized (but non-communist) state apparatus. While eager to expel and disqualify politically compromised individuals from prominent state positions, counterelites elected not to overhaul a civil service system that opened opportunities to build parties by awarding loyalists with state positions.

The answer to the second question (of why post-transitional elites continued to neglect self-governing regions and civil service) involves interactions between the political goals of the predominant parties of the 1990s and the reconfigured state structures established in the early 1990s. Before the Czechoslovak state was formally dissolved on January 1, 1993, advocates of self-governing regions and legally protected civil service continued to press politicians to create these institutions. They pursued their goals in an arena of deep constitutional uncertainty, nascent party development, and party-system flux. This environment discouraged politicians—even those who supported the new institutions in principal—from introducing legislation to create them. After the state had been dissolved, new constitutional balances had been established, and parties had become more cohesive, prime ministers in both states (Václav Klaus in the Czech Republic, Vladimír Mečiar in Slovakia) continued to reject these reforms. Though the two prime ministers were very different ideologically, they both preferred to use their strong constitutional positions—which gave them significant influence over their respective executive branches—to parry further institutional reforms.

The answer to the third question (which asks why policymakers eventually pursued administrative reform, effectively disrupting the equilibria that had emerged since the early 1990s) involves the process of preparing for accession to the European Union (EU). Both the Czech Republic and Slovakia formally applied for EU membership in the mid-1990s. From 1993 forward, EU actors expressed interest in administrative reform in applicant countries. Throughout the mid-1990s, though, the EU's expectations of applicants' administrations were poorly elaborated, and the EU's conditions remained unclear. During

those years, domestic politicians on both sides of reform debates integrated the EU as material and rhetorical fodder into domestic reform games. As the accession process gained steam in the late 1990s, though, the EU's conditions became more concrete, and the Union began to insist that accession would require civil service legislation and a stable, democratic structure of sub-national governance. The nature and mechanisms of EU pressure and influence varied considerably across CEE and between the Czech Republic and Slovakia. In both of the latter cases, though, EU pressure was eventually causally significant, encouraging domestic politicians to establish self-governing regions and legally protected civil services even when the shapes those institutions took were sub-optimal from politicians' short-term points of view.

The answer to the fourth question (about the fate of the finally established "missing institutions") also involves the European Union. The leverage that EU actors possessed in the run-up to enlargement was based on their ability to threaten exclusion from the EU club. As the accession process wound down and CEE countries joined the Union, this leverage evaporated. The absence of EU pressure restored many, if not all, of the freedoms that domestic policymakers had enjoyed in the mid-1990s. In the case of the young civil services, politicians have used their restored discretion to undercut the notion of depoliticized civil service. In the case of the young self-governing regions, politicians have been constrained by the exigencies of EU regional policy. Sub-national actors have used EU regional policy to establish themselves as strong domestic policy players, effectively checking the baser treatment to which Czech and Slovak "civil services" have been subjected.

Though rooted in the Czech and Slovak cases, the book engages comparisons with Poland and Hungary—two other CEE that have contended, over the past two decades, with post-socialist legacies and the pressures of EU accession. The book's central argument is that CEE politicians' choices about administrative reform are dominated by historical institutional legacies and considerations of partisan advantage. Credible international conditionality can overcome historical and partisan obstacles and push administrative reform forward, but the disappearance of credible conditionality and the absence of international, integrative policy regimes allow historical and partisan variables to reassert themselves.

In this chapter, I set the stage for the rest of the book. I begin by defining and discussing the book's key concepts: "public administration," "institutions," "administrative reform," "self-governing regions," and "civil service." I then canvass diverse literatures on comparative public administration, Europeanization, and democratiza-

tion and present alternative hypotheses about the dynamics of establishing self-governing regions and legally protected civil services. Next, I outline a positive conception of institutional reform that emphasizes the centrality of historical legacies and European integration as variables affecting institutional choices. I close the chapter with a brief discussion of the theoretical significance of the Czech and Slovak cases, sources of data, and the methods I use to answer the book's four questions.

### **Conceptual Baselines: Public Administration, Institutions, Administrative Reform**

The book seeks to explain the causes and consequences of politicians' choices about two key institutions—self-governing regions and civil services. Before discussing these institutions in greater detail, it is useful to consider three logically prior concepts—public administration, institutions, and administrative reform.

Administration can be conceived as activity undertaken in pursuit of goals. The book is concerned with *public* administration, or activity that is undertaken in pursuit of public goals and that is generally financed by public monies. Public administration is often, but not always, performed by the state itself. States frequently use their own staffs to pursue policy goals, but they also delegate this responsibility to alternative actors—supranational organizations, sub-national self-governments, private contractors, non-governmental organizations, families, and others.

How is the labor between states and these alternative actors divided, and how do states establish policy goals in the first place? These questions lead directly to the concept of institutions. Institutions govern relationships among the actors who make and implement public policy. In Peter Hall's formulation (1986, 19), institutions are "the formal rules, compliance procedures, and standard operating practices that structure the relationship between individuals in various units of the polity and the economy." In the case of public administration, institutions determine which of the alternative actors is responsible for pursuing particular policy goals; they structure relationships among the potential administrators of policies. Thus, when Czech and Slovak leaders decided to establish self-governing municipalities and to redefine territorial state administration, they initiated significant institutional reforms: they changed the rules that governed which actors were responsible for implementing policy and (in the case of the municipalities) which actors had the authority to make political decisions in the first place.

As the latter point makes clear, institutions do more than to specify which actors implement which decisions. They also help to determine which actors have the authority to make which decisions, which actors have the authority to challenge which decisions, and which actors have the authority to punish defectors. As Valerie Bunce has noted (1999, 17), institutions have far-reaching consequences, affecting “the distribution of roles, interests, incentives, and resources” within a given system.

Because institutions are so important, scholars have devoted significant attention to institutional change at moments of democratic transition. If new democratic elites want to effect reform, they must reconfigure relationships among different actors and, often, constitute new actors altogether. As the discussion below will demonstrate, though, scholars have not devoted as much theoretical attention to administrative institutions as they have to the institutions governing political decisionmaking in national capitals. There have, for example, been many explanations of the choices that transitional politicians make to govern relations between heads of state and heads of government, between governments and parliaments, between legislatures and courts, between the state and citizens, between the state and interest groups, and among political parties. Important studies have also focused on rules governing relations between central and national bodies in federal states. Still, comparatively little attention has been paid to choices elites make about administration—and particularly about relations (a) between central and sub-central bodies *other than* federal units, and (b) between administrative staffs and their political “bosses.”

The relative lack of attention to administrative reform by scholars of democratization is somewhat surprising, given that many (though certainly not all) such scholars proceed from Weberian foundations. Weber famously defines the state as a “human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory” (Weber 1962, 78). Embedded within this definition, and within the broader expanse of Weber’s thought, is a conception of the state that involves control of territory, administrative personnel, and the military. This study is concerned with the first two of those components. It seeks to understand why democratic politicians chose, for such a long period, not to establish self-governing regions (which would have reoriented territorial administrative and political relationships), why they chose not to create an independent, legally protected civil service (which would reorient the relationship between politicians and administrative staffs), why they eventually passed laws



establishing these bodies, and what the consequences of those decisions have been.

Why focus in on the processes of creating self-governing regions and civil service? These are but two of a multitude of administrative reforms that politicians might consider effecting. Creation of new levels of state administration, creation of new levels of self-government, civil service reform, privatization of tasks previously performed by the state, reform of the system of administrative courts, decentralization and deconcentration of competencies from central state bodies to lower units of self-government and state administration, reconcentration of previously decentralized and deconcentrated competencies, federalization, “defederalization”—these all constitute reforms of states’ administrative systems. What is so special about self-governing regions and civil service?

The simplest answer to this question is that these reforms have mattered most to various political players in CEE since 1989. Citizens, movements, parties, and international actors have all pressured governments to establish these institutions, and pressures to implement other reforms have not been as intense. Also, and relatedly, self-governing regions and legally protected civil service are often seen as preconditions for other reforms. For example, politicians have occasionally defended their decisions to delay increased decentralization of decisionmaking powers to municipal self-governments by suggesting that such a step would be impossible in the absence of functioning self-governing regions. The most important reason to zero-in on these institutions, however, is that strong logical and theoretical currents suggest (a) that these institutions strengthen democracy, and (b) that new democratic elites should establish both institutions relatively early in the transition process. The fact that they did not do so, and that they waited for over a decade to create them, is theoretically puzzling and, for democrats, normatively troubling. This situation calls out for sustained attention.<sup>1</sup>

### **Self-Governing Regions and Civil Service: Two Missing Institutions**

Before considering hypotheses about the creation of self-governing regions and legally protected civil services, it is necessary to discuss these institutions in greater detail. This section defines the two institutions and discusses their status (or rather, their lack of status) in state-socialist Czechoslovakia. Subsequent chapters of the book discuss CEE communist parties’ approach to both institutions in greater detail,

paying particular attention to the intended and unintended consequences of socialist-era state networks. The current discussion gives only a fingernail sketch, which suffices to show that democratic elites, when they assumed power at the conclusion of 1989, inherited systems where truly self-governing regions and legally protected civil service had long since disappeared.

Self-governing regions can be defined as territorial units existing between the lowest territorial unit of a state and the central state, which possess the legal responsibility and actual capacity to reach and pursue goals in multiple policy areas, and whose leaders gain their positions through free and fair elections to regional bodies, or through indirect election by representatives who themselves have been elected to regional bodies. This definition is technically applicable to both federal and unitary states; both the German *Länder* and Scotland and Wales, for example, meet the conditions of the definition. For the book's purposes, however, the definition applies exclusively to unitary and "sub-federal" contexts. Self-governing regions, as the book conceives them, may exist both in unitary states (which the Czech Republic and Slovakia became on January 1, 1993) and in federal states that are subdivided into further intermediate units. Thus, one could have conceived (and many actors *did* conceive) of regional self-governments within the borders of the Czech national unit and the Slovak national unit of the federal Czechoslovak state, just as one can conceive of self-governing counties within individual American states.

"Civil service," though a commonly used concept, has different connotations in different contexts. In certain locales (i.e., the UK), "civil service" connotes a sense of status or distinction that it does not connote elsewhere (i.e., the United States). Moreover, "civil service" is alternately used in a legal sense to denote employees subject to similar legislative codes and an informal sense to identify people who work, in any capacity and within any legal regime, for the state. These nuances notwithstanding, this book begins with a universal definition of civil service—as an institution in which full-time, salaried, and systematically recruited functionaries work within a unified system of clear hierarchical relations, under uniform legal rules, and with adequate provision for pension benefits (Parris 1969; Raadschelders and Rutgers 1996).<sup>2</sup>

Before 1989, CEE countries lacked both self-governing regions and legally protected civil services. While leaders of neighboring countries began reforming their respective state architectures in the years preceding the demise of state-socialism, Czechoslovak leaders clung loyally to it. The various levels of sub-national administration were "self-governing" in name only, and the two intermediate sub-national

levels (regions and districts) served as links in an integrated system of state administration. This system, which was familiar to citizens from Berlin to Vladivostok, consisted of three territorial tiers—municipalities, districts, and regions. A speciously elected legislature—known variously as a “national committee” or a “people’s committee”—governed each tier. Executive councils of the committees were checked by a system of “dual subordination.” They were theoretically accountable, both to their respective local committees, and to the executive office at the next-highest tier of administration. The latter (vertical) check dominated, however, and the pyramid of vertical accountability reached a pinnacle in the central ministries. National systems functioned under the principle of “democratic centralism,” which implied that conflicts between tiers of socialist administration were theoretically impossible given the state’s unified guardianship of the proletariat. The transplanted soviet model effectively eradicated local initiative, wiped out independent local decisionmaking, and transformed national committees at all levels into glorified administrative offices. Czechoslovakia had a history of regional self-government in the pre-communist era. By the time post-communist leaders took over, though, *self-governing* regions did not exist. Regional bodies had long since been elected via unfair procedures, and regional politicians had long since lacked independent decisionmaking authority.

A similar story can be told with regard to civil service. When Czechoslovakia was established in 1918, ministerial personnel were protected by the *Dienstpragmatik*, the Austrian civil service law of 1914. The *Dienstpragmatik* governed Czechoslovak civil service for the duration of the First Republic (1918-1938) and remained on the books until 1950. At that point, though, the Communist Party, which had assumed total power two years earlier, passed legislation that gutted the law. The process of destroying the civil service reached its apex in 1965, when the National Assembly enacted a labor code that erased all legal distinctions between work for the state apparatus and other kinds of work. From that point through the regime’s demise in 1989, state workers (as such) had no special legal rights or responsibilities. They were generally recruited by and employed via contract to the particular ministry for which they worked. Again, a pre-communist institution had been replaced by a qualitatively distinctive system that persisted for decades. And again, leaders of countries where latter-day communist leaders had maintained a hard-line approach were faced with the task of rebuilding an institution long since reduced to rubble.

### **Hypotheses: From Missing Institutions to New Institutions?**

Self-governing regions and civil service figured prominently among the range of missing institutions that democratic politicians inherited at the moment of regime transition. The fact that new democratic elites decided not to create these institutions is puzzling from normative, historical, and theoretical angles. Self-governing regions have distinctive normative benefits. They bring decisionmaking and control closer to citizens and can institutionalize cultural particularities while simultaneously integrating sub-national elites into wider national networks. Regions can play particularly important roles in contexts, like CEE after 1989, of simultaneous economic and political transformation. In Kirchner and Christiansen's words (1999, 3),

[Regions] can provide efficient and effective measures in terms of economic development, service provisions (elected bodies offer a means of delivering services to meet local needs), environmental problems, and ethnic or minority problems. In addition, local and regional authorities can reinforce the activities and roles of non-governmental organizations, including specialized interest organizations, in the process of democratization and market reform.

In addition to the normative attraction of regional self-government, notions of regional democracy enjoyed a renaissance in western Europe in the years preceding CEE's regime transitions (Bomberg and Peterson 1998; Christiansen 1996; Scott, Peterson, and Millar 1994). In the 1970s, 1980s, and 1990s, citizens across western Europe protested centralization, the European Community developed an aggressive regional policy, and the process of completing the single market deepened the Community's "democratic deficit." Many governments (i.e., in France, Italy, Germany, Spain, Belgium, and the UK) reacted to these developments by creating regional self-governments or increasing the powers of existing self-governing regions. New European democracies thus had at least three intuitive reasons to establish self-governing regions. First, regions could augment the new state's performance legitimacy by facilitating economic efficiency. Second, regions could promote internal symbolic legitimacy by transferring decisionmaking authority closer to citizens who were generally eager to put a centralized past behind them. And third, regions could generate external symbolic legitimacy by demonstrating that new leaders understood the challenges and requirements of contemporary European politics.

Legally protected civil services would seem to have conferred similar benefits. On one hand, the high personnel turnover that tends to characterize systems without civil service protections would discourage the accumulation of expertise in countries undergoing complex changes. High turnover would threaten the performance of the regime, and democratically accountable central politicians would presumably be anxious to establish a civil service to assure both systemic stability and their (politicians') own popularity. Similarly, civil services serve important symbolic roles in democratic/constitutionalist polities (Bekke, Perry, and Toonen 1996; March and Olsen 1989; Pierre 1993). By establishing such provisions as merit-based (rather than politically based) recruitment, they demonstrate to skeptical publics that politicians recognize constitutional limits to their power and are committed to the lofty principles of the transition. It must be noted, as well, that the desire to rid or "lustrate" the state apparatus of "corrupted" civil servants can, in fact, be quite compatible with the desire to establish a common legal basis for the civil service. The particular provisions of civil service laws, for example, can exclude such individuals from work in certain positions by imposing loyalty-based requirements and/or excluding individuals convicted of collaboration with the *ancien regime*. There is no inherent contradiction between lustration and civil service legislation.

Currents within the comparative public administration literature support the intuitive hunch that new elites would establish self-governing regions and independent civil services soon after assuming power. Scholars have devoted special attention, for example, to the fact that most advanced industrial liberal democracies sought to reorient their respective states in the 1980s (Aucoin 1990; Hood 1996; Organization for Economic Cooperation and Development 1990; Pollitt 1990). Specific reform programs varied marginally from one country to the next, and, even within single countries, reforms occasionally contradicted each other (Peters 1996). Still, efforts were generally similar enough to fly under a common banner—i.e., new public management or the new managerialism. These reforms often involved changes in states' territorial and personnel dimensions. Territorially, they sought to decentralize, deconcentrate, devolve, disaggregate, and/or "contract out" services previously provided by higher-level state bureaucracies to lower level units, including self-governing regions. Demands to transfer authority from center to periphery in west European contexts thus presaged similar demands heard across CEE after 1989. In the realm of the civil service, reformers in OECD (Organization for Economic Cooperation and Development) countries sought to increase the effectiveness and efficiency of rigid civil services by incorporating

managerial techniques pioneered in the private sector. While hands-on management, performance pay, output controls and other innovations sought to redefine civil service, they did not do away with the concept of civil service all together. No reformers sought to restrict legal protections *tout court* or to suggest that the institution should be thoroughly politicized or transformed into a new spoils system. Advocates of the new public management sought to redefine civil service, not to eradicate it.

These developments are relevant to the question of institutional creation in CEE, since students of administrative reform in OECD countries have identified diffusion as a key variable explaining the genesis of institutional innovations. One can build off of conceptual foundations laid by Eyestone (1977, 447) and Halligan (1996, 302) to define diffusion as a pattern of successive adoption of reforms aided by contact (voluntary or coerced) among representatives of different states, sub-national units, and/or other organizations. This suggestion, in addition to the fact that administrative reforms have developed more of a “flavor-of-the-month” quality than other institutional reforms (Ingraham 1996), raises the question of whether 1989’s transitions might have offered new avenues for the diffusion of particular institutional reforms.

Many consultants after 1989 suspected that this question could be answered in the affirmative, and much theoretical literature supported their optimism. Tolbert and Zucker’s classic study (1983), for example, suggests that early and late reformers establish civil services for different reasons. Early reformers seek to eradicate intra-organizational operational pathologies, while late reformers act according to “logics of appropriateness” (March and Olsen 1984), adopting reforms because certain structures have, over time, become socially legitimate. Tolbert and Zucker concentrate on American municipalities, but their logic is easily extrapolated to the international level. Given post-socialist elites’ desire to “rejoin Europe,” one might have expected a process of mimetic institutional isomorphism (DiMaggio and Powell 1983) in the months and years following 1989. Ascendant democratic decisionmakers, bent on attaining international legitimacy, would configure domestic administrative institutions to resemble institutions in OECD countries. This hypothesis is a more fully elaborated version of the suggestion, made above, that the creation of new institutions would have increased foreign actors’ support for new democratic elites.

Similar hypotheses arise from work on the relationship between government crisis and administrative reform. Bekke, Perry, and Toonen (1996, 323), for example, propose that incongruence between administrative systems and broader domestic constitutional

environments increases pressure for institutional change. Given that a system with two “missing institutions” conflicted with post-socialist governments’ goals of democratic, multi-party governance in a marketized economic atmosphere, Bekke, Perry, and Toonen would expect elites to initiate a relatively rapid and fundamental reform. Similarly, and more directly vis-à-vis the question of diffusion, Halligan suggests that governments are particularly likely to identify and implement “off-the-shelf” reform modules when time is precious and the political agenda is cramped (Halligan 1996, 307-8). Given the enormity of the tasks facing counterelites, one might anticipate crude “snatching” of ready-made reforms (as opposed to more deliberate policy borrowing) within the complex post-socialist environment.

Studies of Europeanization in western Europe suggest rather different—and significantly less optimistic—hypotheses. Early theorists of Europeanization defined their subject of interest in a multitude of ways (Olsen 2002). In recent years, however, the literature has approached a consensus that sees Europeanization as a process involving “the impact of the European Union on the policies, institutions, and identities of European nation-states” (Checkel 2007, 307). Students of Europeanization, like diffusion theorists, seek to understand the ways that international dynamics influence the organization and operation of states (Cowles, Caporaso, and Risse 2001; Goetz 2000; Graziano and Vink 2006; Harmsen 1999, 2000; Kassim 2003; Knill 2001; Olsen 2002).

Whereas diffusion theorists track the international “commerce in ideas” about reform, though, students of Europeanization are more concerned with the domestic institutional effects of implementing the ever-growing corpus of EU law (the *acquis communautaire*). Officially, the EU lacks legal authority over the organization of member states; one EU regulation (Council Regulation (EEC) no. 2081/93), for example, explicitly stipulates that internal territorial arrangements remain the prerogative of member states. Most studies of Europeanization in the EU’s “old” member states (the EU-15), though, find that national administrations do, in fact, change in response to the integration process. These changes tend to be slow and piecemeal, characterized more by marginal adaptation and muddling through than by massive institutional innovation or convergence toward similar models. Studies of Europeanization in western Europe also suggest that EU-level actors have little direct agency in compelling particular institutional reforms. National reforms occur in response to the perceived necessity of implementing particular directives and regulations and not as a result, for example, of the European Commission’s pressure to overhaul

domestic institutional rules in some particular way. Europeanization, in this sense, has more to do with institutional adaptation than with wholesale institutional reform.

In recent years, though, the Europeanization literature has expanded to take in CEE. The “Europeanization East” literature raises interesting questions about the ways that Europeanization dynamics might differ between EU member states and states that aspire to be EU members. As Moravcsik and Vachudova have stressed (2003), applicant states find themselves in positions of “asymmetrical interdependence” vis-à-vis member states. They have much more to gain through the enlargement process than EU incumbents, and this asymmetry grants EU actors more authority than they have versus EU member states to impose conditionality and promote reforms.

There is significant debate within the literature about the extent to which the EU has actually redeemed this authority. Vachudova (2005) argues that EU pressures ushered in wide-reaching patterns of political change, particularly in lagging candidates. Schimmelfennig and Sedelmeier (2005) agree, suggesting that the EU has had a massive impact indeed and that EU-supported institutional changes are primarily, if not exclusively, the result of CEE politicians responding rationally to EU conditionality. Other scholars (Grabbe 2006, Kochenov 2008) are more circumspect, positing that EU conditionality has been rather ineffective and that EU actors have squandered the opportunity to overhaul CEE states. Debates about the EU’s ability to compel change in CEE have also animated more specific analyses of regionalization and civil service reform. Baun (2002), Jacoby (2004), and Jacoby and Černoch (2002), for example, posit that the EU has played quite an important role in promoting CEE regional reforms, while Brusis (2006), Hughes, Sasse, and Gordon (2004), and O’Dwyer (2006) play down the EU’s importance. With regard to civil service legislation, Dimitrova (2005) suggests that the EU has been causally relevant in at least some CEE states, while Meyer-Sahling (2002, 2004, 2008), Verheijen (2002) and Grzymała-Busse (2007) imply that the EU has lacked strong influence. A deeper study of reform dynamics in the Czech Republic and Slovakia helps to clarify how, when, and why the EU matters and adds a critical “missing link” to existing studies by analyzing the post-accession fate of CEE’s regions and civil services.

The broader literature on democratization, for its part, provides clues about how post-transitional administrative reform might develop but offers few specific hypotheses about elites’ decisions about whether to establish regions and civil services. The earliest studies of democracy’s “third wave” were in some sense ironic: just as the state



was being reintegrated into the mainstream of comparative politics, students of democratization seemed anxious to “keep the state out” (Huntington 1993; O’Donnell and Schmitter 1986; Przeworski 1991). The pioneering studies paid attention to certain important institutional relationships—between executives and legislatures, legislatures and courts, parties and state institutions, etc.—but left other institutional decisions off the academic agenda. The disintegration of federal states and the salience of nationalism quickly led students of democratization to new appreciations for “stateness,” (Linz and Stepan 1996), for the importance of determining the territorial (unitary vs. federal) distribution of state authority (Przeworski 1995), and for the special challenges of redefining the political community during periods of political and economic reform (Offe 1991). Linz and Stepan’s landmark study of democratic transition and consolidation introduced state administration as an independent variable, suggesting that states with “usable state bureaucracies” were more likely to consolidate democracy than states without usable bureaucracies. Other scholars of democratization have followed Linz and Stepan’s lead, focusing on the relationships between politicians and bureaucrats (Baker 2002; Grugel 2002; Temmes 2000; also Peters 1995) and among different levels of the state (Kirchner 1999), scrutinizing the effects of these factors on democratic consolidation.

The suggestion that “administration matters” in the context of democratization is welcome, but emphasis of “usable bureaucracies” is useful only to a point. What if states do not inherit usable bureaucracies? What if bureaucracies are in such poor shape that they threaten politicians’ authority (by direct confrontation, incompetence, or both)? When and why do leaders choose to try to make states more “usable”? In themselves, arguments about the importance of “usable bureaucracies” lead back to the questions with which this chapter began: If competent state institutions are desirable from the standpoint of building democracy, and if politicians desire to build democracy, then why do politicians deliberately choose not to establish competent institutions?

Interestingly, if we extend the arguments that democratization theorists have made in other contexts to the case of administrative reform, we can generate a possible hypothesis. Though they have not systematically studied self-governing regions and independent civil services, scholars of democratization have emphasized that historical legacies shape the arenas within which transitional players operate. Pre-transitional legacies, they stress, often help to explain post-transitional outcomes. Pre-transitional configurations, for example, have been

shown to influence the modes of democratic transitions (Munck and Leff 1997), the varieties of post-transitional capitalism (Hanley 2000; Iankova 2002; Stark and Bruszt 1998), the contours of post-transitional party systems (Kitschelt et al. 1999), and the scope of policies that elites and counterelites deem politically plausible (Offe 1993). These studies cast doubt on the revolutionary character of regime transitions and suggest that specific historical arrangements limit the scope of post-transitional reforms.

Might this insight help to solve the puzzle of why democratic elites chose not to establish the two missing institutions? The question of if and how pre-transitional administrative arrangements affect institutional reform priorities remains unexamined. There is a relatively well-developed professional/policy-based literature on various aspects of pre-1989 administration and post-1989 administration in CEE. Unfortunately, these studies generally assume an artificial division between previous systems and present tasks. They rarely identify relationships between past and present, analyze the lobbying activity (and inactivity) of administrative personnel and citizens empowered (and disempowered) under old regimes, or dig deeply into the political battles and compromises that precede institutional reforms. Policy-oriented studies (Dostál et al. 1992; Gajduscsek and Hajnal 2000; Horváth 2000; Jabes 1997; Kimball 1999; Kudrycka 1999; Nunberg 1999, 2000; Verheijen and Nemeč 2000) tend to consider reforms as a technical matter rather than a political process. They see reform as a task to be accomplished rather than a product of compromise among actors with different historical baggage and different reform priorities. Democratization studies hint that pre-transitional state conditions may affect post-transitional institutional outcomes but offer no specific hypotheses about the nature of this connection. Technically oriented studies, on the other hand, assume too facile a break between past and present and undervalue the politics of administrative reform.

Broader literatures thus offer at least three hypotheses about the probability and nature of administrative reform in new European democracies. Diffusion theorists focus on international context and the wave-like nature of administrative reforms. They suggest that post-socialist ground is fertile for the quick transmission of reforms previously initiated in advanced industrial liberal democracies. The multiple currents within the Europeanization literature point in different directions. Studies of the EU-15 focus on muddling through and gradual institutional adaptation; they envision administrative reform as a slow process, highly dependent upon national administrative legacies. Studies of Europeanization in CEE are multivocal; some predict conditionality-

driven change, while others suggest the limitations of EU-instigated reform. Scholars of post-socialist democratization imply the existence of some link between previous state practices and post-transitional administrative reform priorities without pursuing the question in sufficient depth. The book sets out to test these hypotheses and to fill the gaps they open. It explains why elites chose not to establish the two missing institutions, why they continued to delay creation of the institutions for the duration of the 1990s, why they eventually relented, and why the fates of self-governing regions and legally protected civil services have diverged since CEE states joined the EU. In so doing, it clarifies the conditions necessary for administrative reform, illuminates the depth and dynamics of Europeanization in CEE, and elucidates relationship between pre-transitional state legacies and post-transitional institutional choices.

### **Towards a Theory of Post-Socialist Administrative Reform**

In discussing institutional reform in post-transitional contexts, this study draws from a number of research traditions. The answer to the question of why counterelites neglected self-governing regions and civil service at the same time as they pursued other institutional reforms has to do, I argue, with historical institutional legacies of the socialist state. Articles written soon after 1989's regime transitions gave the impression that discrete reforms could be exogenously identified and knocked off sequentially (König 1992; Rice 1992). One year, for example, state leaders could decentralize certain competencies. The next year they could pass civil service legislation. The following year they could establish self-governing regions, etc. This study suggests that such "sequentialism" was highly unlikely. State inheritances and political opportunism made some reforms (i.e., the establishment of self-governing municipalities) more likely than others (i.e., the creation of self-governing regions and a protected civil service) and conspired to keep the latter reforms off the agenda during and beyond the fateful months of 1989-1990.

The book's first two substantive chapters suggest that transitional decisions were highly path-dependent. In chapter two, I discuss the socialist state-building strategy—a historically distinctive two-pronged project by which Czechoslovakia's communist leaders built party hegemony. In chapters two and three, I show that the system the Communists created empowered certain territorially based actors, especially leaders of municipal national committees. When the political opportunity structure shifted in 1989, municipal actors took advantage

of inherited resources to lobby central politicians for particular reforms, effectively putting old structures to new uses. Their efforts ultimately succeeded; politicians acquiesced to municipal leaders' demands as a result of municipal leaders' successful utilization of inherited resources. At the same time, socialist legacies disempowered other groups—particularly advocates of self-governing regions and a legally protected civil service. The latter groups lacked the network resources and access to decisionmakers that the municipal leaders enjoyed. Politicians could, theoretically, have initiated regional and civil service reforms “on their own,” in the absence of pressures from below. They decided not to do so, however, as the maintenance of a politicized bureaucracy offered them significant short-term political advantages. Politicians neglected the potentially beneficial effects of the two missing institutions because they perceived the “non-creation” of regions and a civil service to be more desirable immediate outcomes.

Historical institutionalists (Hall 1986; Hall and Taylor 1996; Krasner 1984; Pierson 1996; Thelen 1999; Thelen and Steinmo 1992) have defended similar claims in other geographic and policy contexts. Most historical institutionalists have focused on redistribution, seeking to explain persisting inequalities by demonstrating the ways that early policy decisions structure groups' access to power, affect the distribution of resources, and constrain policy innovation at later historical moments. At least one observer (Reich 2000) has urged political scientists to make a virtue of this fact. According to Reich, one might apply a historical-institutional framework to other policy arenas, but the framework is less well-suited to non-redistributive policy realms than competing institutionalist approaches. This study, which points to the centrality of historical-institutional legacies in structuring group mobilization and access and affecting the course of post-socialist administrative reform, suggests that Reich overstates the affinity between historical institutionalism and redistribution.

The book also parts ways with mainstream historical-institutionalist work by arguing that the period immediately following the socialist regime's collapse was not, strictly speaking, a “critical juncture” or a moment of “historical punctuation.”<sup>3</sup> On the surface, this period seems to have represented a temporal seam between scrutinized past and uncertain future. Citizens witnessed intense political, economic, and social flux (Bunce and Csanádi 1993), and the collapse of previous controls implied major openings in political opportunity structures. On the other hand, sub-national actors utilized shifting structures by drawing on resources generated under the previous regime. Opportunities shifted in 1989, but the actors who perceived and took

advantage of them drew from wells dug before the transition began. As I will argue in the third chapter, the dynamics of administrative reform point to closer affinities with the concept of “bricolage” (Campbell 1997; Campbell and Pedersen 1996; Stark and Bruszt 1998; Stark and Bruszt 2001)—conceived as an innovative process whereby new institutions differ from but resemble old ones—than with more familiar concepts of “critical juncture” and “punctuated equilibrium.”

The explanation of why Czech and Slovak elites continued to neglect administrative reform throughout the 1990s—a question to which I turn in chapter four—involves the interaction of institutional structures and politicians’ priorities. From 1990 through 1993, the Czechoslovak constitutional order was in flux, and Czech and Slovak politicians butted heads about the future relationship between the state’s two federal units. These disagreements ultimately led, on January 1, 1993, to the dissolution of the state. Both successor states, however, afforded governments (and especially prime ministers) significant constitutional authority, informal influence, and room for maneuver. Despite their very different approaches to politics and their very different philosophies of the state, prime ministers Klaus (in the Czech Republic) and Mečiar (in Slovakia) used this authority to subvert persistent domestic calls to create the two missing institutions. Klaus preferred to maintain the existing, “unfinished” state structure, as this structure abetted party construction and facilitated control over the state bureaucracy. Mečiar took a more aggressive approach, overhauling the state’s territorial administrative structure and creating new regions of (deconcentrated) territorial state administration. Ironically, the Czech and Slovak governments’ opposing theoretical approaches to the state led in similar directions. In both cases, governments worked to keep establishment of the two key institutions off the political agenda. By the end of their respective tenures in office (1997 for Klaus, 1998 for Mečiar), both states still lacked the two missing institutions.

All the while, international actors—and particularly the European Union—were developing an interest in CEE administration. As the decade progressed, the EU became increasingly convinced that “administration mattered” for countries aspiring to membership. In chapter five, I show how this conviction remained vague through the mid-1990s and stress that, during this era, the EU had few tools to encourage potential applicants to initiate major reforms. The EU’s ambivalence played into the hands of domestic actors who were already engaged in domestic battles about whether to establish the two institutions. These actors had pre-formed preferences, and they integrated the resources and rhetoric of the European Union into

domestic debates in two ways. First, anti-reform governments used EU-sponsored projects to deflect domestic opposition. Second, politicians across the political spectrum (including both government and opposition) evoked “European standards” as rhetorical props to defend particular institutional arguments. The fifth chapter reinforces the suggestion that decisions about reform through 1997 were the products of domestic interactions and short-term political considerations. Through 1997, the EU was not causally relevant. At the same time, the analysis shows that the EU was substantively relevant throughout this period, being integrated as a political pawn and a rhetorical object into domestic political games. The chapter draws certain insights from the international relations literature on norms by applying Schimmelfennig’s (1999, 2001) concept of “rhetorical action” to the realm of domestic politics in EU candidate states.

It stresses, though, that because of the indistinctness of the EU’s administrative reform policy, European norms failed to entrap domestic actors or push toward new institutional outcome. Vague norms allowed actors with opposing substantive orientations to invoke them. They provided cheap legitimacy to arguments but did not carry specific causal weight. The analysis shows that the dominant impetuses for reform were domestic and that international actors played only marginal roles in influencing institutional outcomes.

Chapter five also shows, though, that as the first post-socialist decade came to a close, the nature of EU involvement changed in important ways. Though the EU continued to serve as an object of domestic manipulation, EU institutions *also* became active subjects on domestic reform scenes. EU actors came to identify self-governing regions and a legally protected civil service as priorities. Despite the fact that there was no *acquis communautaire* for public administration, they eventually established stable, democratic territorial structures and legally protected civil services as membership conditions. They pressured candidates who lacked these institutions—including the Czech Republic and Slovakia—to create them. They did so in multiple ways, some rather aggressive, others less so. Frequently, EU actors offered substantively neutral recommendations, pressuring candidates to create institutions but not remarking on the form that such institutions should take. On other occasions, they offered substantively engaged recommendations, defending the creation of institutions with certain characteristics and relative weights vis-à-vis other domestic institutions.

EU actors used different methods in different sectors and in different countries, demonstrating a context-specific approach to enlargement. Specifically, they followed a substantively neutral course

in the case of regional self-governments in both states, a substantively neutral course in the Czech case of civil service legislation, and a simultaneously neutral/engaged course in the case of the Slovak civil service law. The Union's direct impact on institutional outcomes was most evident in the latter case. Still, EU pressure affected domestic institutional choice in all four cases by forcing pro-EU parties to compromise with each other in ways that would have been very unlikely in the absence of EU pressure. Chapter five, which scrutinizes the transformation of the EU's policy and the subsequent interactions between EU actors and domestic politicians after 1997, thus supports the proposition that Europeanization dynamics were at play without minimizing the importance of domestic reform conditions. In all cases, EU pressure helped to disrupt the equilibrium that had developed between domestic politicians seeking to maximize short-term political benefits and an institutional system that allowed for significant political control. EU conditionality played a central role in politicians' eventual decisions to support legislation establishing the two missing institutions.

In addition to laying out specific explanatory assertions and engaging a preliminary test of these assertions in the Polish and Hungarian contexts, the book's final chapter examines the fate of regional self-government and legally protected civil service in CEE in the years since the EU's pre-accession leverage evaporated. It shows that self-governing regions have fared relatively well, increasing their resources and viability across the region. Civil services, on the other hand, have fared poorly; governments of all political stripes have aggressively undermined laws passed during the period of strong EU conditionality. I explain this variation by showing how EU regional policy is reinforcing regional viability while the lack of an analogous external policy regime is allowing domestic politicians significant discretion over ministerial personnel policy.

### **Case Selection, Data, and Research Strategies**

Despite the proliferation of monographs (Bunce 1999; Innes 2001; Leff 1997; Stein 1997), edited works (Kraus and Stanger 2000; Musil 1995), and articles (Elster 1995a, 1995b; Kopecký 2001a; Wilson 1992; Wolchik 1994) explaining the collapse of the Czechoslovak state, one continues to hear mention, both in the broader public and in the political science community, of "Czechoslovakia," as if such a state still existed. This fact alone may justify continued work by American scholars on the Czechoslovak, Czech, and Slovak states.

There are also, however, strong theoretical reasons to study state dynamics in these countries. Insofar as this study examines Czechoslovak state socialism and developments between 1989 and 1993, it might be classified as a single-country study. The case is more complicated, though, not only because the Czechoslovak state disintegrated, but also because Czechoslovak inheritances continue to affect developments in both successor states. In addition to allowing one to hold many variables constant and facilitating Czech-Slovak comparison, this phenomenon directs attention to an undertheorized reality—post-federalism. Czech and Slovak experiences can shed light on processes of state reformation across CEE but can also inform broader discussions of state and nation building in southeastern Europe, the former Soviet Union, and perhaps future post-federal contexts. Also, given the importance of the EU enlargement process to which the book points and the fact that enlargement is likely to continue in the coming years, the cases can generate hypotheses that are testable in future enlargements.

The study draws on analysis of three major sources of data: (1) archival data, parliamentary records, legal documents, and other primary sources, (2) newspapers, popular periodicals, and professional journals, and (3) elite interviews. Archival research was carried out at the Czech Republic's State Central Archives and at the Archives of the Czech Interior Ministry in Prague. The majority of the archival research was conducted between August 2000 and June 2001. The book also makes frequent use of parliamentary records recently published on the Internet, at the web sites of the Czech parliament and the National Council of the Slovak Republic. These resources contain a wealth of information but are occasionally (particularly in the Slovak case) cumbersome to use. In the book's bibliography, I have made every effort to denote the precise location of utilized archival material.

Between August 2000 and June 2007, various professionals were interviewed, all of whom could be considered experts on administrative reform, and most of whom could be classified as political, economic, or academic elites. The interviews took place in Prague, Bratislava, Brussels, Paris, and various Czech and Slovak towns outside of the national capitals. The set of interviewees included parliamentarians; municipal and regional politicians and bureaucrats; retired and incumbent bureaucrats in the respective administrative reform headquarters (the Interior Ministry in Prague, the Government Office in Bratislava); bureaucrats and advisors from various line ministries; representatives of public sector trade unions; EU civil servants at the delegations of the European Commission in Prague and Bratislava; EU



civil servants at the European Commission's Enlargement Directorate-General in Brussels; members and staffs of the Committee of the Regions in Brussels; and a range of domestic and international consultants who had worked on EU-funded projects. All interviews were conducted in the language (Czech, Slovak, or English) of the interviewee's choosing. In order to protect interviewees' confidence, I have not included direct quotations in the text.

One methodological strategy which the book employs—the embedded case study (Yin 1994, 41-44)—deserves particular mention. At various points in the study, general findings are brought to life through detailed narratives of particular episodes. When discussing the ineffectiveness of the EU's administrative reform policy in the mid-1990s, for example (Chapter 5), I focus on the ways that the Klaus government manipulated resources made available by the EU to parry the attacks of domestic political opponents. The point of the narrative is not (at least not primarily) to tell an interesting story, but to represent a general phenomenon to which other sources of data—project evaluations, interviews, audits—simultaneously point. The fact that the embedded cases are more than just stories should emerge clearly from the text, as they are routinely juxtaposed to other data that can be interpreted in similar ways.

## Notes

<sup>1</sup> One point bears emphasis in the context of this theoretical discussion. First, self-governing regions and civil services will be referred to throughout the book as “institutions.” The foregoing discussion argued for a conception of institutions as rules, procedures, and practices that structure relationships among individuals and among collective units. Institutions are, by definition, relational, and the text uses the institutions that govern interactions between different state actors as an example. It may seem inaccurate, working from this conception, to maintain the convention of referring to “self-governing regions” and “the civil service” as institutions, as there seems to be no relational “other” implied in these labels. Nonetheless, these two organizations are institutions in their own right. Each organization is enmeshed in a series of structured relationships with other organizations in the polity. At the same time, each organization structures relationships among the individuals who comprise the organization through a series of “internal” rules, procedures, and practices.

<sup>2</sup> This definition is a very slightly amended form of Raadschelders and Rutgers's definition (1996, 68), which itself is a slightly amended version of Parris's definition (1969, 22).

<sup>3</sup> I understand Collier and Collier's “critical junctures” and Krasner's “punctuated equilibriums” as essentially synonymous. Collier and Collier (1991, 29) define a critical juncture as “a period of significant change, which

typically occurs in distinct ways in distinct countries . . . and which is hypothesized to produce distinct legacies” (29). Krasner (1984) does not give a simple definition of punctuated equilibrium. Drawing from evolutionary biology, he suggests that the image of punctuated equilibrium implies “short bursts of rapid institutional change followed by long periods of stasis” (242) and that “once institutions are in place they can assume a life of their own, extracting societal resources, socializing individuals, even altering the basic nature of civil society itself” (240).