



ORIGINAL PAPER

The Romanian Kakistocracy: The Public Sector's Ethos during the Post-communist Transition and its long-term impact

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Abstract:

The first post-communist decade was marked by the struggle to adapt to the new conditions of open society and free market. This translated into political instability, economic crises, poverty, inflation and unprofitable denationalisation of the industry and property. Adding to that, corruption became more pervasive, particularly among the political and bureaucratic elites, negatively affecting the quality of public services and general welfare. The very much expected Romanian democracy turned out, however, to be more like a kakistocracy. Kakistocracy refers to a society or government that is run by the worst possible people who are either unqualified or ill-intentioned and thus, incapable to serve the public interest. I aim to analyse the political and bureaucratic implications of the post-communist transition that hampered societal development, particularly the institutions' reluctance to adapt and understand their new role of efficiently and transparently serving the citizenry. In this regard, I will be focusing mainly on social culture and the ethos of the public sector, including the predilection that politicians and public servants show towards corruption. My thesis is that kakistocracy lies in patterns of social and organizational behaviour, as well as in old values that are no longer tolerable in a new socio-political layout. Therefore, I aim to emphasize concepts like amoral familism, power distance values, uncertainty avoidance and particularised trust.

Keywords: *kakistocracy; corruption; ethos; public sector; post-communism.*

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Introduction

It's been over thirty years since the downfall of the communist regime and Romania is still struggling with development issues. Even though the progress is undeniable, there is a general dissatisfaction with the state's capacity to deliver high quality public services which is regarded as a prerequisite for a member of the EU. The widespread perception that welfare is left on hold due to a sort of systemic decay compels more young people to leave the country for better opportunities in the West, while the ones left behind engage in a blaming game with the state institutions and political class. In fact, there is an increasingly aggressive public opinion directed against the public sector which is perceived both incapable and hostile, if not even endemically corrupt. The best term to match such a description is kakistocracy, as it comes from two Greek words – *kakistos* or *kakos* and *kracia* to describe the worst government/rule. Amorado argues that kakistocracy leads to kleptocracy which is a government lead by the corrupt. He defines kakistocracy as 'the cultivation of corruption in society' (2012:23). Abadjian chooses a more formal definition which links kakistocracy with some of the particularities for societies which transition from a totalitarian or autocratic regime to democracy:

Kakistocracy is a political and socio-economic regime based on plundering of the state and the people's asset and property through a merger between the political leadership and the criminal oligarchic structures under the guise of the democratization of the society, introduction of market relations in economy, the rule of law and priority of human rights and fundamental freedoms (2010: 157).

Thus, kakistocracy is not only an attribute of the government, but covers the time frame when society is the most vulnerable economically, politically and socially because of its struggle to surpass window-dressing efforts for democratization while fighting social anomie and power usurpers. Both approaches meet my perspective on the concept for the purpose of this paper, however, I believe that kakistocracy should also include the failure of the government to respond to the citizens' needs because of the imposition or the false pretences of the political and bureaucratic elites, and not only because corruption is the main cause. The aim of my paper is to explore the premises of kakistocracy in the Romanian post-communist transition and present some of the mutations this decade inflicted upon the public sector's ethos, which is also one of the causes for the lack of performance until the present days. Some of the features I focus on are in no way related to measurable political and economic factors, but to patterns of social and organizational behaviour and values. The analysis I undertake in regard to these features is the outcome of the last seven years or more of direct interaction with the public sector in joint-team projects, consultancy and technical assistance programs. The question I shall start from is whether the very much invoked communist legacy is the only matter to blame for this kakistocracy or is it also the transition itself because it promised too much while the political and social environment was not yet ready to make things happen in any other way for the public sector. It is unlikely that Romanian kakistocracy was the result of the communist legacy only, although the communist regime was in most of its time marked by deprivations and fear which negatively impacted the core of social relations. I dare say that the post-communist transition needs more emphasis when approaching the matter of social behaviour and mentalities.

What is left: the post-communist transition's reminiscential ethos in the public sector

Every day the media and social media cover the false pretences of state employees, starting from public servants who are described as lazy, corrupt, professionally unprepared to carry out their duties while benefiting from pay increases and bonuses, to outdated teachers or reluctant medical professionals who expect gifts, namely 'attentions' for extra care. The surveys undertaken on the matter of trust in public institutions conducted in the past three decades have revealed a persistent low trust in the institutions that are actually responsible for general public welfare as opposed to those of the Army and the Church. The main reason lies in the unsatisfactory experience citizens face after interacting with the Romanian institutions. This is, however, the visible tip of the iceberg only, because what I consider that hampers the institutional capacity is not so much the lack of resources, but what happens inside. The following are only some of the features of an ethos that I believe causes as much damage to the institutional efficiency as the lack of resources:

A management disconnected from the public interest in a high-power distance culture. Claver *et alii* argue that all bureaucracies have: a tendency for an authoritarian managerial style which is organized top-down, a centralized decision-making process which is based very little on initiative, and a high degree of conformity and reluctance to change (Claver, Llopis, Gascó & Molina, 1999: 458-459). However, the ethos that governs the Romanian public sector generally shows that fear for power and hierarchy is based on status and not on a temporary role which is the public office. Which is why taking initiative might be seen as a threat to authority and is generally repealed by the subordinates (Dalton & Kennedy, 2007:240). Moreover, the state employees generally expect the manager to be a paternalistic figure who is also a benevolent autocrat (Hofstede, Hofstede & Minkov, 2012: 79). This centralised decision-making may prove efficient to some degree if the manager is a highly qualified person, but as institutions of all kinds are usually politicised, the odds are not always positive. Appointing managers instead of organizing a competitive recruitment and then adding an organizational climate that does not encourage feedback for the managerial performance makes decision-making arbitrary and discretionary.

What is expected from employees is then *empty loyalty which leads to a culture of silence and complicity*. In a conflict of loyalties between the responsibility towards the public office and colleagues, the latter prevails. The silent culture is most visible in matters of misconduct or even worse, violations of the law, because state employees will avoid reporting them for at least two reasons. First of all, there is a negative image associated with 'the communist snitch' that state employees do not want to relate to because they fear to be marginalized and harassed for their decision to speak up. Secondly, reporting irregularities is discouraged by the lack of actual sanctions. The institution's management is usually reluctant to react to irregularities out of fear for scandals or to keep a balance of interests. The past three decades did not weaken the practice of employing political acolytes and cronies in public institutions, even though they do not meet the requirements of the office they're pursuing. This happens at the request of or with the acceptance of the management so the other employees do not engage in blowing the whistle in regards to the endemic lack of professionalism. Moreover, cronyism is not necessary politically induced, but rather actively pursued by the other state employees because in return for their silence, they ask for favours for their relatives and friends. Husted argues that such a scenario best defines a system in

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which superiors do favours to subordinates in exchange for their loyalty and therefore decisions are not made on the basis of meritocracy but on the basis of the balance between favours (1999: 343).

The employees who are not involved in such schemes choose *duplicity as a coping mechanism* because they know that being passively supportive and silent will, at least, not cause them any harm or damage if it does not bring them any benefit. Duplicity is also accompanied by cynicism and resignation which some scholars define as 'cordial hypocrisy'. State employees tend to be polite in the name of harmony but the underlying organizational mood is stricken by a 'brutish state of nature' where ideas are not openly discussed and shared, but instead employees begrudge, envy and compete each other. The reason lies in the low trust levels as argued by Solomon and Flores (2001 *apud*. Amorado, 2012:30-31).

It is not, however, a matter of mistrust but more of *particularized trust* which refers to situations in which people trust only the small group they belong to and pursue the interests of that group without trusting the good intentions of others. According to Rothstein and Uslaner, this leads to the atomization, the formation of gaps between groups who consider that their interests are divergent (2005:45-46). On the other hand, there is what Fukuyama defines as social capital which is the strongest feeling of trust and expectation that other members of the community will adopt honest and cooperative behaviour in accordance with socially accepted rules (Fukuyama, 1996: 26). This remains a major issue not only in Romanian institutions but also in Romanian society. Ever since the communist era trust has been perceived with precaution, but the uncertainty that governed post-communism made the issue even more sensitive. State employees who are confronted with political immixtures, a politicised or arbitrary decision-making and a rather unethical work environment are the least expected to build trust, including trust in the possibility of change.

More so, state employees are usually pessimistic when thinking about change because they associate it with negative outcomes. Thus, the last feature I am approaching is the *uncertainty perceived with fear and the fact that rules are not respected for what they are, but used as a shield*. Romanian social culture is defined by a high level of uncertainty avoidance, according to Hofstede *et alii* (2012: 188), which explains why social behaviours tend to be survival-based and prudent or duplicitous. In fact, such social behaviours tend to perpetuate when there is a lack of political and institutional stability which explains why public servants, more than other state employees, are so protective of their jobs. They feel connected to their jobs to such an extent that they refuse to leave even when they feel that they do not belong in that environment, which is part of the reason why the relations between colleagues are so tensed and filled with envy and frustration. Hofstede *et alii*. argue that cultures with a high degree of uncertainty avoidance also have high power distance, thus, the more discretionary the authority is, the greater the need for rules. Rules are created to provide a sense of balance and security, although they do not always work. They are also very formal because their existence is important and not necessarily their application, according to the French motto of the Old Regime: "a strict rule but an indulgent practice" (2012:204-205). In order to understand why such ethos still stands in Romanian institutions, it is important to explore its early premises.

The post-communist premises of Romanian kakistocracy

The 1989 Revolution should have shown how intent Romania was on breaking away from its communist past, as it was singular in its kind among the communist states. Decades after, there still is no proper understanding about the unfolding events but it is agreed among scholars that ‘communism lost the game, but the communists won it’. (Boia, 2016:205). As the second-string members of the Communist Party regrouped in new parties, state institutions and national companies symbolically beheaded their communist management in order to make room for an upgraded new generation of former communists. Tismăneanu goes beyond and argues that the downfall of the communist regime was the result of a political conspiracy manoeuvred with the full acceptance of Moscow, as USSR was itself going for glasnost and reformation. So, unlike other states where political opposition posed a threat to the destructuring of the regime and even took the power, Romania fell into the hands of a group of *aparaticiki*, acting as revolutionaries and miming the fall of communism (Tismăneanu, 2007:235-236). Therefore, nowhere else has there been such a mismatch between the proclaimed rupture and the effective continuity at the end of communism such as in Romania (Boia, 2013:115). However, no matter how radical and violent a revolution might had been, it was generally acknowledged that the following period struggled to reconcile two forces: the imperative for change and the elements of continuity.

There are two interrelated factors that may have had an impact on the public sector’s ethos that bred kakistocracy from the first days of post-communism. The first is of formal-institutional nature, while the second relates to social beliefs and mentalities. The Romanian post-communist transition did not cause a significant change in the structure of the public sector. It definitely reorganised some institutions and at some point, created the new democratic ones, but people remained very much the same, together with their old practices. Moreover, the process of institutional reconstruction was a long one and created new opportunities for corruption. Kotchegura argues that although all politicians placed reforms as a priority on their agendas, each state implemented it at a distinct pace (2015:330). In Romania at least, the state reform was fragmented or as Romanians would say: ‘it happened only on paper’ because it did not always reach the implementation stage. Kaufmann notices this fact and argues that in such states, reform never reached its conclusion (1997:14). Instead, the state went for overregulation in order not to lose control, which discouraged the newly established economic actors to go for the black market. A growing black market hampers the capacity of the state to provide the necessary public services as the failure to collect taxes minimises the resources necessary for enhancing institutional capacity.

It is very likely, though, that another scenario would have not been possible because none of the former communists could have turned into liberals and democrats overnight to know what to expect, as the state and society had lost their knowledge of democracy and liberalization during four decades of communism. In fact, society was willing to abandon communist values and lifestyle but lacked the democratic and liberal values that would replace the former undesirable ones (Gușă, 2019:139). Due to the conditions in which the communist regime fell, society was pushed to anomie and disrespect towards all former rules and values. The transfer of property and political power revealed that the former communists had rapidly abandoned communist values in favour of opportunistic and clientelist practices and attitudes. Instead, the void was filled by survival values, which were more common in Eastern European states than in poorer states, as showed by Inglehart and Baker. The fall of communism led to the return of

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traditional values and religious beliefs to compensate for the lack of social trust, tolerance, civic activism, and self-realization (2000:45-46). The paradox is that the lack of trust in the state did not diminish the expectancy from it to keep being a paternalistic figure and responsible for general welfare (Verdery, 1996:214-215) which probably increased confusion among the politicians and state employees who did not know how to separate the public affairs from their own.

Although the condescending attitude of the officials towards citizens may trace its roots back to the unequal relations between boyars and peasants (Dalton & Kenedy, 2007:243), communism did not obscure this arrangement, but even encouraged the possessiveness the officials towards the offices they held and their impression that only those in power get to decide who was given access to services and goods. In post-communism, the absence of democratic memory made it difficult for the ordinary people to understand that the role of the administration and the political elite is not to serve their own interests, but that of the citizens (Gușă, 2019:133-134). So, instead of demanding compliance with the new rules that should have governed an open society, citizens remained unknowingly compliant with the same rules and with the administration's old informal practices. Formal-institutional factors such as institutional fragility and delayed reform ended at some point, but the values and patterns of social behaviour may still be present to some degree. In fact, transition is always associated with the few years of political-institutional transformation and liberalization of the market when, in fact, it should be approached as a long-lasting phenomenon which is complete the moment the clash between sets of dominant values does not continue to act as a setback. My opinion on the subject of post-communist transition is that it lasted more than it was initially assumed and this is why we still face echoes of former practices in state institutions. Given the fact that Romania itself struggles with different areas and stages of development, it is not unlikely that, locally, some of the post-communist features are still present even beyond the public sector.

The two faces of kakistocracy: corruption and deprofessionalisation

According to the definitions provided by Amorado and Abadjian, corruption is both a result and a symptom of kakistocracy. This is because a public sector of corrupt elect representatives, public servants or medical staff negatively affects the quality and cost of public policies and services and their availability to the citizens. Apart from that, systemic corruption is self-perpetuating through cronyism and indirectly making the society to accept it as the only game in town. In the long run, corruption leads to a deprofessionalisation of institutions as the real experts become no longer desirable, nor are they interested to accede into a public office exposed to extortion or corruption risks. This argument can go the other way around also, as deprofessionalisation due to lack of resources may breed corruption as a method to compensate for lack of skills. So, what I consider the two faces of kakistocracy are very much interrelated. While Romanian kakistocracy goes back much further in communism, the post-communist transition has amplified it and made it more visible. Not until the beginning of the 2000s did corruption become a matter of general concern when the international stakeholders realised that the post-communist transition had been more complicated than actually expected. The accession to NATO and the European Union of the former communist states, including Romania, was then conditioned by the strengthening of the rule of law and eradicating corruption. A whole set of studies were carried out on the subject of corruption. More so the Cooperation and Verification Mechanism has been established

to assist both Romania and Bulgaria to remedy what was usually called an endemic issue.

During the post-communist transition, society faced a particular form of corruption called state capture, due to its systemic and parasitic nature. State capture consists of a large range of deeds and offences to create a context 'where powerful individuals, institutions, companies or groups within or outside a country use corruption to shape a nation's policies, legal environment and economy to benefit their own private interests' (Transparency International, 2014:2). With the collapse of the communist state, the hierarchies and connections between the centre and the lowest levels of the system were broken and gave way to a multi-level clientelism. Local groups similar to mafias emerged and acted based on the principles of reciprocity. (Verdery, 1996: 217). Collusion acted as a catalyst between local and central politicised institutions. While the centre provided immunity for the local, the last one showed support and gave power to the centre in a system where the balance of power was based on interdependence, mutual aid and mutual blackmail (Verdery, 1996:161). In institutions, the same system of political dependence dominated relations between a politically appointed management and employees, which is somewhat visible even nowadays. As Pasti pointed out, the rule that governed institutions was the loyalty between the one in power and his appointed subordinates, which surpasses capacity, good or ill intentions and even their actions, and reduced politics to interpersonal rivalries and the establishment of a neo-feudal authority in which local barons can do whatever they want as long as they support their lord when needed (1995:113).

The privatization process created most of the opportunities for the corruption of political elites and managers, but embezzlement, however, took many forms, as Karklins explains. Budgets for other purposes were used to support bonuses, additional or special salaries. Other privileges included: access to luxury cars, expensive travel, protocol houses, access to special shops and canteens, treatment holidays, sports and medical facilities. Some of these privileges have persisted since the communist era, but the post-communist transition only multiplied them and created the opportunity for others, such as trips abroad for conferences, scholarships (Karklins, 2002:26) and access to offshore bank accounts. In the 1990s, doing business with natural resources represented a new opportunity for profit, as did the concession of parks and land, state-owned companies, ports or buildings.

The reverberation of state capture has been also the systemic petty corruption. Petty corruption or front office corruption is 'the everyday abuse of entrusted power by public officials in their interactions with ordinary citizens, who often are trying to access basic goods or services in places like hospitals, schools, police departments and other agencies' (Transparency International, 2009:33). Its persistent nature even before the downfall of communism made Sajó compare it with 'sultanistic' practices because in such regimes citizens are harassed by the large amount of means to extort rents. Another reason lies in the incapacity of the state to provide decent payment and gratification to public servants, but it gives them enough informal power to extract additional payment though bribes instead (2002:17). Petty corruption served as an open secret ever since the communist regime, generally taking the form of gifts given to public servants. Its purpose was only sometimes a matter of obtaining benefits, but rather a matter of being kindly treated by public servants who were expected to be more attentive to citizens' problems.

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Apart from political and institutional clientelism or embezzlement, state capture involves corruption in the judiciary. This takes place either actively through the sale of favourable verdicts or passively by avoiding to fulfil its purpose to administrate justice. What makes it so pervasive is the fact that it undermines the idea of rule of law itself because, as long as corruption remains political or in relation to business, there is still a high chance for the judiciary to punish it. Ristei Gogiu recalls a World Bank study about perceived corruption which took place in the 2000 and revealed that Romanian judiciary was considered the second most corrupt after the customs. Bribes were most often paid to lawyers who, in turn, bypassed transactions between clients and judges (2010: 346). Corruption of the judiciary also builds on corruption in the law-making process. Karklins showed that the post-communist years' overregulation was used by politicians and high public officials to create confusion and opportunities for bribery or other corruption schemes (2002: 25). Confusion may have been used to also escape accountability and represented a major loophole in the public administration's efficiency due to being almost impossible for public servants to permanently stay up to date. In the long run, clientelism created a system of unfair appointments in public offices only based on political affiliation. When this happens, the quality of public services decreases along with the capacity to generate incomes for the state budget. As Dimant and Tosato explain, decision makers had no intention of solving the problem of bureaucratic inefficiency because they can gain profits through corruption. This in turn leads to bureaucratic inefficiency and everything turns into a vicious circle. (2017:12). However, clientelism is not the only one responsible for decreasing professionalisation of the public sector. There are also two other phenomena: cronyism and the lack of investments and resources in key areas.

Cronyism is a practice that is often associated with corruption and is very close to clientelism, or rather clientelism normally uses cronyism and nepotism to expand a criminal network. A public position may be used as a bribe or as blackmail to persuade the other party to participate in subsequent corruption schemes (Karklins 2002:27) if it does not happen willingly. However, cronyism was not only practiced by politicians or public officials but also by common public servants who have no hidden agenda. There are multiple explanations for the widespread cronyism in the Romanian public sector. The first explanation lies in the fact that people do not understand the responsibility of public office and thus, familism or the desire for self-achievement prevails over the rationality that should govern the public sector. The second argument, which is one of historical nature, is that cronyism either lies in inherited patterns of social behaviour or was triggered by some events. Vlăsceanu and Hâncean argue that the nepotistic and clientelist networks had been spreading over the years, surpassing modernity and communism and even going beyond the institutional or legal codes or any form of public scrutiny (2014: 103). On the other hand, the post-communist transition implied a harsh economic struggle, privatization and layoffs, bankruptcy of many factories and plants, inflation and a general feeling of economic uncertainty. The survival values I have mentioned before exacerbated and forced many individuals to seek jobs in state institutions. The uncertainty avoidance and an insecure social environment pushed most people to self-preservation and, because the smallest unit of society is the family, trust was limited to it. Fukuyama claims that family systems are specific to states with a changing or hostile environment, in which individuals believe only in their own family (1996: 88), a phenomenon that was also defined as amoral familism by Banfield (1958).

Cronyism itself does not exclude professionalism but, its amoralistic nature contravenes meritocracy and overturns the expected rationality of public system.

Last but not least, deprofessionalisation has been caused by deficiently investing resources into the public sector. This triggered an aversion to state jobs from those who were qualified and performant and who eventually chose to brain-drain. The economic struggle of post-communism was reflected by the small revenue of state employees. This has been considered a loophole in the effort to combat corruption, phenomenon which remains a residual risk of every extensive administration (Lovell, 2005: 69). For at least the first two post-communist decades there has often been some empathy and tolerance towards public servants who resorted to petty corruption because it was justified by their unfairly low incomes (Jain, 2001: 81). Adding to that, the public education system was severely underfunded, while a bunch of private universities have been established. The lack of quality standards and oversight transformed some of them in 'graduation diploma factories' which only decreased the expectations for more qualified future employees, in general. A new profitable business has also emerged – the training industry which arranges disguised vacations for public servants with the consent of the public managers who sometimes also attended. The fake team-buildings and trainings, which still take place in the mountain or seaside, are completed with diplomas that almost never prove the real capability of the participants.

Conclusion

The downfall of the communist regime was welcomed with hope and expectations of democracy and welfare but instead, the transition has brought new institutional and economic challenges which have been extensively documented by scholars, particularly before the Romanian accession to the EU. The post-communist Romanian society looked more like a kakistocracy than the expected democracy due to the window-dressing implementation of many of the rules of open society. Even though that age has ended, the premises and particularities of kakistocracy should still be under scrutiny today because of their long-term effects on social behaviour, values and mentalities, particularly in the public sector, which is more exposed to arbitrary political decision-making. Moreover, corruption and deprofessionalisation still need to be addressed as the root causes of low-quality public services. For further in-depth research, targeting the analysis of organizational culture in different institutions based on their roles and administrative levels should be taken into account.

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Article Info

Received: April 02 2021

Accepted: April 12 2021
