

Political Transitions and Institutional Change: The Cases of Romania and the Soviet Zone of Germany, 1944–1948

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RESÜMEE

Die bisherige Forschungstradition zur kommunistischen Machtübernahme in Ostmittel- und Osteuropa zwischen 1944 und 1948 betonte den gewalttätigen und zerstörerischen Charakter der Maßnahmen, mit denen die kommunistischen Parteien ‚totale Kontrolle‘ zu erringen versuchten. Der vorliegende Artikel nimmt stattdessen eine Perspektive ein, die staatliche Institutionen als konkrete Handlungsorte begreift, in denen Konflikte zwischen historischen Akteuren ausgetragen wurden, welche die Verschiebung der Macht erst ermöglichten. Vor diesem Hintergrund untersucht der Artikel die Personalpolitik in den Sicherheitsapparaten der Sowjetischen Zone Deutschlands und Rumäniens. Angeleitet ist die Analyse von der auf Anthony Giddens' Konzept der Strukturierung basierenden Annahme, dass institutionelle Strukturen nur so lange existieren können, wie individuelle Akteure willens und bereit sind, sie aktiv zu füllen und zu reproduzieren.

1. Introduction

The disintegration of communist regimes in East Central Europe at the end of the 1980s, and the subsequent disclosure of communist archive materials, has led to a renewed interest in the origins of these regimes and, relatedly, in the bipolar division of Europe into two opposing ideological blocks following the Second World War. In traditional accounts of the years between 1944 and the end of the decade, a process unfolded in which Soviet-supported communist parties moved into political dominance, eliminating

opposition to their rule and establishing people's republics. Throughout Soviet-occupied Europe, these parties seized control of key institutions, such as the Ministry of the Interior in control of the police, and transformed them into loyal pillars of their regimes. Scholarship stressed the violent and disruptive nature of the ways in which communist parties obtained 'total control' of the political, economic, and social spheres. This has resulted in the popular perception of the transition period as run-up to full-scale 'Sovietization', and as leading to, at the end of the 1940s, those political, economic and social structural changes that would result in the establishment of totalitarian systems. In this view, 1945 presented political actors with a *tabula rasa* on which those supported by Soviet military power could impose their designs on society and effect radical political and social change. Moreover, the fact that communist parties throughout the region obtained state power in ways that were markedly similar in the eyes of contemporaries gave rise to the assumption that a kind of blueprint strategy existed, which prescribed the way in which communist takeover should proceed.¹

The principal flaw in this analytical scheme is that it regards the outcome of these processes of institutional change as predetermined. In other words, all actions by historical agents are understood in the light of Stalin's aim for the outright communization of Soviet-occupied Europe, and are therefore considered intentional steps in a deliberate process of power institutionalization. Historians who have re-examined the origins of the Cold War after 1989 have notably come to a different conclusion altogether: Soviet foreign policy amounted to a series of improvisations rather than a master plan for the immediate 'Sovietization' of East Central Europe.² This inevitably changes our understanding of the years between 1944 and 1948 as a relatively open period, which Peter Kenez characterized as an 'imperfect pluralism'.³ I argue therefore that it is important to develop a more complex perspective on these years, one which considers state institutions not so much as pillars that could be seized via sufficient military pressure and bully tactics, but rather as spaces of action, within which, especially in times of transition, struggles between historical actors evolved and major power shifts became conceivable as a result. It is in times such as these, when crisis makes political arrangements fluid, more so than in times of political calm, that agents are able to reconfigure the rules that govern social and political interaction. The key question then should not be 'How can we explain the success of communist parties in rising to power?', but rather, 'Which factors facilitated and hampered the actions of all historical agents engaged in the post-war transition?'

1 Emblematic of this interpretative scheme are: H. Seton-Watson, *The East European Revolution*, London 1952 [1950]; H. Seton-Watson, *The Pattern of Communist Revolution: A Historical Analysis*, London 1953; T. T. Hammond and R. Farrell (ed.), *The Anatomy of Communist Takeovers*, New Haven and London 1975 [1971]. This perspective reappears in the recent book by Anne Applebaum: A. Applebaum, *Iron Curtain: The Crushing of Eastern Europe, 1944–1956*, New York 2012.

2 V. Mastny, *The Cold War and Soviet Insecurity. The Stalin Years*, Oxford 1996, p. 21; V. Zubok and C. Pleshakov, *Inside the Kremlin's Cold War: From Stalin to Krushchev*, Cambridge, Mass. 1996, p. 12.

3 P. Kenez, *Hungary from the Nazis to the Soviets: The Establishment of the Communist Regime in Hungary, 1944–1948*, New York 2006, p. 4.

It is imperative to understand the post-war political transitions in East Central Europe as open-ended processes, the outcomes of which were the product (and often the unforeseen consequences) of flexible planning, ad hoc decisions, and improvisations on the part of all actors involved. This article, based upon the analysis presented in my book *Securing the Communist State: The Reconstruction of Coercive Institutions in the Soviet Zone of Germany and Romania, 1944–1948*, addresses a number of specific situations in post-war Germany and Romania that highlight the complex and multi-faceted nature of communist takeovers.⁴ It will do so within the framework of Anthony Giddens's structuration theory, which allows us to recognize the effects that the conduct of individual actors had on the course of events, while at the same time acknowledging the extent to which structural context governed their behavior. This context was defined by parameters that had been set in the distant and not-so-distant pasts, but was also in part the result of individual actions. This means that communist parties had to accommodate the political situation as it had emerged at the close of the war, and defined their approaches accordingly. The consequences of their actions, in turn, required the continuous adjustment of their strategies.

This becomes particularly clear on the level of state institutions and in the field of personnel policies. It has been apparent for some time that purges and cadre policies served as important means to establish the communist monopoly of power. Yet, as with every regime change, Romanian and German communists were faced with the dilemmas presented by transitional justice. As tempted as the new leadership may have been to carry out radical breaks with the much-despised fascist past and replace those considered politically unreliable with loyal elements, the exclusion from society of social and political groups hostile to the new regime posed a considerable risk. Moreover, the new regimes were in dire need of manpower to reconstruct their war-torn countries and restore social order. Given the challenges of building a new state from scratch, a complete break with former institutions, bureaucratic structures and political functionaries was infeasible. At the same time, we must note that communist policies provoked responses from those subjected to them. This more than once forced the communist leadership to adjust its personnel policies to the changed conditions of action, as they realized that the active reproduction of rules (the laws, personnel guidelines, and bureaucratic procedures) by those working within state institutions was a necessary precondition to institutionalize their power. It is these complexities that the present study, which closely examines the communist seizures of coercive institutions in the Soviet Zone of Germany and Romania, informed by Giddens's theoretical approach, will highlight.

4 L. van de Grift, *Securing the Communist State: The Reconstruction of Coercive Institutions in the Soviet Zone of Germany and Romania, 1944–1948*, Lanham 2012.

2. The structure vs. agency debate

The relationship between structure and agency, and the question of which should be considered the prime determinant of institutional change, constitutes the central focus of an ongoing debate within the political and social sciences. Most recently, a dispute has arisen between the schools of ‘historical institutionalism’ and ‘discursive’ or ‘constructivist institutionalism.’ Advocates of the latter stress the importance of ideas and discourse as agents of institutional change. Vivien Schmidt, for instance, regards, “discourse as an interactive process [that] enables agents to change institutions, because the deliberative nature of discourse allows them to conceive of and talk about institutions as objects at a distance, and to dissociate themselves from them even as they continue to use them.” By placing an emphasis on ideas, these scholars – in their own words – try to “put the agency back into institutional change.”⁵

Their approach should be seen as a response to the dominance of the ‘new institutionalist’ paradigm within the social sciences, which emerged in the 1980s. Various schools advocating ‘new institutionalism’ within political science – namely, rational choice theory and historical institutionalism – attempted to bring institutions back into the mix by pointing at the institutional ‘situated-ness’ of actors, thereby criticizing overtly atomistic accounts of social processes.⁶ Whereas rational choice theorists understand actors as selfish individuals maximizing utility, who through acting on their preferences produce institutions and, as a result, act within this structured field, historical institutionalists focus on the historical trajectories and path dependency of institutions. Both have been accused of being ‘sticky’, of adopting a determinist perspective, overemphasizing institutional stability (without being able to explain change) and leaving little room for agency. Historical institutionalists, in turn, accuse their critics of ‘ideational essentialism,’ which causes them to ignore the “impact of such institutional (or indeed wider) structural environments”, and, hence, overlook the fact that ‘agents’ choices are not made on a *tabula rasa*.⁷

It is this subject-object dualism, characteristic of the structure vs. agency debate, which Anthony Giddens strongly criticized in his 1984 *The Constitution of Society: Outline of the Theory of Structuration*. He proposed the neologism ‘structuration’ to emphasize the dynamic and dialectic nature of the structural properties of social systems. They should not be considered external to historical agents (i.e., intentionally constructed by agents or constraining their conduct), but as “both medium and outcome of the practices they

5 V. A. Schmidt, Discursive Institutionalism: The Explanatory Power of Ideas and Discourse, in: *The Annual Review of Political Science*, 11 (2008), pp. 303-326.

6 S. Bell, Institutionalism: Old and New, in: D. Woodward (ed.), *Government, Politics, Power and Policy in Australia*, Melbourne 2002, pp. 1-16.

7 S. Bell, Do We Really Need a New “Constructivist Institutionalism” to Explain Institutional Change?, in: *British Journal of Political Science*, 41 (2011) 4, pp. 883-906. See also: J. Mahoney and K. Thelen, *Explaining Institutional Change: Ambiguity, Agency and Power*, Cambridge 2010.

recursively organize.”⁸ This is the ‘duality of structure’ that Giddens proposes: structural properties of social systems (both rules and resources) are drawn upon and reproduced – or indeed changed – by knowledgeable agents in the course of social interaction.⁹ On the one hand, these structural properties both constrain and enable individual actors; on the other, they can only exist *through* their enactment by these very same agents.

3. Analyzing communist takeovers through the lens of structuration theory

What does Giddens’s theoretical framework mean for the analysis of communist takeovers in East Central Europe, and of political transitions more broadly? Most importantly, it demands that we take agency seriously, and recognize that institutional structures can only exist as long as individual agents are willing and able to enact and reproduce them. Historical actors should be considered ‘knowledgeable agents’ who know what they do while they do it, even if their reflexivity operates only partially on the discursive level.¹⁰ This, of course, does not mean that they can foresee the consequences of all of their actions.¹¹ Moreover, (and this is an extraordinarily important insight,) agency implies a sense of power: “Agency concerns events of which an individual is the perpetrator, in the sense that the individual could, at any phase in a given sequence of conduct, have acted differently. Whatever happened would not have happened if that individual had not intervened.”¹² This is what Giddens calls the ‘duality of structure in power relations’: “[A]ll forms of dependence offer some resources whereby those who are subordinate can influence the activities of their superiors. This is [...] the *dialectic of control* in social systems.”¹³ Giddens implies that we can conceive of individual actions as constrained or enabled by institutional structures, but never as predetermined by them. What is more, the possibility always exists to act at odds with existing structures. Should a critical mass of agents decide to do so, the structures themselves may be changed.¹⁴

These insights are of extraordinary importance to understanding political transitions and explaining their specific course and outcome. In particular in post-conflict situations, state institutions have often disintegrated or were deliberately dissolved. What generally follows is a period in which different actors vie for and aim to consolidate their power. They do so not only by occupying key positions within the state apparatus, but also by changing legal stipulations, organizational structures, and bureaucratic routines (i.e., those aspects of structure or the structural properties of social systems that Giddens

8 A. Giddens, *The Constitution of Society: Outline of the Theory of Structuration*, Cambridge 1984, p. 25.

9 *Ibid.*, p. 15.

10 *Ibid.*, p. 2.

11 *Ibid.*, p. 9.

12 *Ibid.*

13 *Ibid.*, p. 16.

14 See also the article by JoAnne Yates, who adopts a similar perspective to explain institutional change within business history: J. Yates, *Using Giddens’ Structuration Theory to Inform Business History*, in: *Business and Economic History*, 26 (1997), pp. 159–183.

calls ‘rules’ and which, in addition to ‘resources,’ can both enable and constrain agents) within these organizations. These become institutions, provided the new rules are recursively reproduced by those subjected to them. This process often proves refractory as a consequence of resistance from within, and yet, once consolidated, these institutions constitute the power base of the new leadership.

Translated more specifically to the historical context of post-war East Central Europe, the complexity of power structure defies the traditional one-dimensional account, in which Soviet tanks and control of the secret police suffice to explain the region’s swift transition to communism. Instead, the transition should be seen as a process of interaction between historical agents, all of whom had the power to act and affect the course of events. As Giddens notes, “[i]t is of the first importance to recognize that circumstances of social constraint in which individuals ‘have no choice’ are not to be equated with the dissolution of action as such.”¹⁵ Actors based their decisions on their own knowledge (their experience, belief systems, practical consciousness, their knowledge of institutional routines, etc.), as well as on their perception of action conditions. The eventual results of their actions, such as the (re-)production of a social system one favors or rejects for instance, were influenced by uncontrollable factors, such as unacknowledged conditions, limited knowledge, or a scarcity of resources. In a way these results ‘returned’ as new action conditions, influencing the next step these actors would take.¹⁶ As such, Giddens’s theory helps us to see the post-war period as chaotic and open-ended, a time in which power relations were notoriously asymmetrical, but notably one in which all historical actors to a lesser or greater extent influenced the outcome.

The Romanian case study reveals the extent to which the Romanian Communist Party (RCP) was aware of its unfortunate position and adjusted its personnel policies accordingly. These actions provoked unrest among military personnel; this, in turn, forced the party leadership to adopt a more repressive line towards those critical of the regime. At the same time, it loosened its policies vis-à-vis former fascists and employees willing to shift political loyalties. On the basis of this case study, I will demonstrate that, more broadly, the recursive enactment of institutional structures, such as certain bureaucratic routines, by a sufficient number of individual actors, is a precondition for the consolidation of a new political regime. The case study of the Soviet Zone in Germany, in turn, demonstrates the importance of agents’ knowledge in informing and determining their approach to the personnel question. By taking certain steps and avoiding others, the communist leadership helped to create new action conditions that ultimately forced them to adopt policies that ran counter to their initially formulated principles. Their actions aroused criticism as well; paradoxically, however, the departure to the West of those refusing to reproduce institutional structures seems in fact to have contributed to

15 A. Giddens, *The Constitution of Society*, p.15 (footnote 8).

16 T. Welskopp, *Der Mensch und die Verhältnisse. „Handeln“ und „Struktur“ bei Max Weber und Anthony Giddens*, in: T. Mergel and T. Welskopp (ed.), *Geschichte zwischen Kultur und Gesellschaft. Beiträge zur Theoriedebatte*, Munich 1997, pp. 39-70, 51-52.

the stabilization of the German communist regime. Opponents of the new regime left, while those who stayed behind benefited from improved career perspectives.¹⁷ As the construction of the Berlin Wall in 1961 illustrates, however, there are clear limits to the degree of this particular form of resistance, which a dictatorial regime must accept if it intends to stay in power.

4. Romania: Structural constraints, flexible policies, and unintended consequences

The Romanian Communist Party, of all similar political parties in the region, was arguably the one that found itself in the least favorable position towards the end of World War II. The party had failed to gain a significant following in agricultural Romania. Its support for the Comintern, which demanded that territories belonging to Romania be ceded to the Soviet Union, had further worsened the party's prospects. In fact, as a result, the RCP had been outlawed in 1924, though it continued its marginal existence underground. During this period the communists were persecuted relentlessly, first under the royal dictatorship of King Carol II (1938–1940), then by the pro-German military dictatorship of Ion Antonescu (1940–1944). Severely weakened by domestic repression as well as by Stalinist purges, the party was little more than a political sect by 1944, numbering a mere 1,000 members.

This situation changed drastically in September of that year, when Soviet forces crossed the Romanian border and took control of the country. Through its close contacts with Soviet leadership, and the significant military and material support that the RCP received in the years that followed, the party found itself in a markedly more favorable position in the post-war political landscape. While the RCP was only one of a number of political parties involved in the coup that deposed Antonescu in August 1944, by March 1945 it had established itself as the leading political organization in charge of a pro-communist government. In April of that year, the party numbered more than 40,000 members; three years later it had grown into a mass organization of around one million.¹⁸

The communists faced considerable constraints generated by the political and institutional framework in which they operated immediately after the war. First, the RCP was confronted by a hostile security apparatus, which had formed the backbone of the military dictatorship and was implicated in its wartime activities. Particularly strong resistance to Soviet control arose within the army, an institution that considered itself a source of national pride and, as an Axis ally, had participated in Operation Barbarossa. Measures adopted by the communist government to neutralize the army, such as the dismissal of

17 R. Bessel, *Grenzen des Polizeistaates. Polizei und Gesellschaft in der SBZ und frühen DDR, 1945–1953*, in: R. Bessel and R. Jesse (ed.), *Die Grenzen der Diktatur. Staat und Gesellschaft in der DDR*, Göttingen 1996, pp. 224–252, 238.

18 V. Tismaneanu, *Stalinism for All Seasons: A Political History of Romanian Communism*, Berkeley 2003, p. 87; G. Schöpfung, *Politics in Eastern Europe, 1945–1992*, Oxford 1993, p. 65.

thousands of ‘unreliable’ officers and the introduction of a political apparatus within the army to monitor political sympathies, only reinforced hostile feelings towards the RCP.¹⁹

A second source of concern for the new leadership was the limited number of people available to fill new positions. As a result of the RCP’s theretofore weak position in Romania, the party initially did not have a large pool of sympathizers from which it could recruit new and reliable state employees at its disposal. Even when Romanians began to register with the RCP or its affiliated organizations in larger numbers as the party strengthened its hold of the executive, the number of politically reliable and ideologically trained cadres with proven experience in the ‘class struggle’ and available to fill leading positions remained small.

Finally, the fact that the party sought control of institutions that often lacked structural organization with established bureaucratic routines seriously hampered communist efforts. By the time the RCP assumed power of pivotal institutions, such as the Ministry of the Interior in 1945, a confusing situation had emerged in which institutions had been partly disbanded, the delineation of responsibilities was vague and the overlapping of mandates led to tension and conflict. A systematic purge of state employees would have required information about their backgrounds, credentials and previous work evaluations, but this seems to have been largely lacking: an inspection report dated 1943 notes that information about personnel changes failed to reach the central level.²⁰ A consistent personnel policy based on regular evaluations became routine only towards the end of the 1940s. Romanian communists had to rely instead on local officials, many of whom had competing loyalties themselves, to supply them with the necessary personal information and assessment of staff.

These constraints seriously limited the options available to the communists. The complete removal of ‘fascist remnants’ from the security apparatus, an aim that the RCP proclaimed loudly and publicly at every opportunity, in fact proved an unfeasible task. Instead, the party adopted a pragmatic approach, purging on a large scale those institutions that proved most hostile towards the new rulers, such as the army and the gendarmerie, while removing only the top echelons of the police and leaving most police personnel intact.²¹ This course was reflected in the legal stipulations that served as the basis for administrative purges as well. The Ministry of Justice, which would also become a communist stronghold, initially issued legislation that primarily targeted those who

19 Informative note, ECP, September 27, 1945. Arhivele Militare (AM), Ministerul de Război (MR), Direcția Superioară pentru Educație și Propaganda (DSEP) 153, pp. 1-3. Informative note, DPS, October 18, 1946. Arhivele Naționale Istorice Centrale (ANIC), fond MAI, DGP, 55/1945, p. 18; Informative note of the ECP, date unknown. AM, MR, DSEP 300, pp. 365-366; Information bulletin of the ECP, August 20, 1946. AM, MR, DSEP 189, p. 291; Note on the placement of active officers in reserve, February 1946. CNSAS, Fond Documentar, D 8154, pp. 40-42.

20 Reports of inspections carried out by the DGP in 1943. ANIC, fond MAI, DGP, 63/1944, pp. 40, 45, 51, 52.

21 Nominal tables of DGP functionaries who were definitely removed from service, August 31, 1946. ANIC, fond MAI, DAS, 40/1946, p. 36. The same numbers can be found in: Tables of police personnel, removed on the basis of law no. 217/1945. ANIC, fond MAI, DAS, 129/1947, pp. 153-169. These lists were used to investigate who was not entitled to vote in the November 1946 elections due to their dismissal.

had been part of the wartime regime or of the fascist Iron Guard. Within a short period of time, however, these criteria became increasingly vague, including such interpretable categories as possessing an ‘antidemocratic attitude,’ obstruction of the ‘good functioning’ of public services or ‘troubling the relations between Romania and its allies.’²²

An examination of the implementation of these regulations reveals a similarly practical attitude. For many of those who had worked for the former regime, membership in the fascist Iron Guard or service at the Eastern front led to their immediate removal from the security apparatus. Many others, however, benefited from a relaxation of regulations, resulting from the lack of available personnel. Attenuating circumstances were frequently brought by local prefects and mayors, and, in many cases, this led to the annulment of dismissals. A fundamental precondition for employment was loyalty to the new regime, expressed by membership in the Romanian Communist Party or one of its affiliated organizations. This is illustrated by a pronouncement of the political council of Teleorman, advising in matters related to the purge of the state apparatus: “Keeping in mind that the above-mentioned [people, accused of harboring fascist sympathies in the past] are integrated in democratic political units such as the Union of Patriots and the Social Democratic Party, the Political Council brings to attention that they have integrated into the democratic line in a real and definite way.”²³ These employees were pardoned. Assessment forms used to evaluate the functioning of the gendarmes confirms this phenomenon as well. From 1948, the criteria included political credentials, and the range of available options is indicative of the regime’s priorities: ‘perfectly integrated,’ ‘integrated,’ ‘integration under way,’ ‘not integrated,’ and ‘unadaptable.’²⁴

The Romanian communists were not so naive as to believe that gestures of loyalty were always genuine and detached from such practical concerns as keeping one’s job, improving one’s social position, or avoiding detention.²⁵ Nor were the authorities indifferent to issues of personnel continuity and potentially compromised staff. The presence of opportunists within communist ranks was a genuine concern.²⁶ This apparent contradiction can only be explained by the lack of suitable people to replace the staff entirely, a difficult reality that the communists had no choice but to accept. The party had to start from scratch, and it is therefore difficult to see how it could have seized control of the security apparatus without making use of old personnel.

Up to this point, we have focused mainly on the ways in which the RCP adjusted its personnel policies to the situation it found ‘on the ground’. On the one hand, the party

22 Law no. 486/944, October 7, 1944. ANIC, fond MAI, DAS 27/1944, pp. 5-6; Law no. 594/944, November 23, 1944. ANIC, fond MAI, DAS 27/1944, p. 1; Law no. 217, March 30, 1945. ANIC, fond MAI, DAS 27/1944, pp. 111-113.

23 Minutes of the Political Council of Teleorman, December 14-15, 1945. ANIC, fond MAI, DAS, 139/1945, 69. See for a similar argumentation: Minutes of the Political Council of Argeş, March 7, 1947. ANIC, fond MAI, DAS, 132/1947, vol. 2, pp. 134, 137.

24 E.g. personal files of gendarmes, December 1, 1948. ANIC, fond MAI, IGJ, 14/1948.

25 Minutes of NDF council meeting, November 10, 1945, in: I. Scurtu, ed., *România: Viața politică în documente – 1945*, Bucharest 1994, p. 418.

26 Meeting of the Political Bureau, November 13, 1945. ANIC, fond CC al PCR, Cancelarie, 103/1945, p. 10; Meeting of the RCP leadership, September 16, 1944. ANIC, fond CC al PCR, Cancelarie, 8/1944, p. 5.

benefited immensely from the presence of Soviet troops. On the other hand, a political culture that favored neither the Soviet Union nor communism more broadly, the lack of existing bureaucratic procedures, and the limited availability of 'steeled cadres' constrained the RCP in such a way that it was forced to adopt more pragmatic strategies than it likely would have preferred. Personnel policies, aimed at integrating those willing to join the cause and dismissing those critical of the new regime, led to anticipated *and* unintended consequences, as revealed by the communists' attempt to neutralize the hostile army. Until 1947, the party's seizure of executive power and the measures it took to demobilize and transform the royal army into one supporter of the communist regime, provoked strong waves of resistance. Officers who had been placed in reserve openly expressed their hostility to the new rulers, and the main opposition party managed to attract large numbers of demobilized officers by objecting to the purges, thus strengthening its position – a result which the RCP seems not to have taken into account beforehand. Repression – the definitive removal of a large part of the officer corps and a ban on the opposition party in question – was needed to realize a breakthrough and silence dissident voices.

This result could only be achieved, however, through the simultaneous promotion of many of those that remained in the army. Material benefits proved to be a powerful stimulus for the harmonious collaboration between military cadres and the political apparatus. As one of the communist leaders noted:

*[T]hese officers ... begin to see which good perspectives [are] open to them by supporting this regime – because they also have personal advantages, which would otherwise be denied to them; for example, young and valuable elements quickly rise to leading positions and are in this way linked to the fate of this regime.*²⁷

As a result, a process of 'desolidarization' began to separate discharged officers from those who were permitted to stay.²⁸ Purges and advancements were part of the same stick-and-carrot strategy. Here, the dualistic nature of institutions becomes apparent. Many of those who decided to keep their positions within the army likely did not agree with the ideological visions of the communist leadership, yet they accepted their promotion regardless of the fact that it was based on radically new political criteria. From a normative point of view, one could argue that these officers had little choice. However, from an institutionalist point of view, the fact that a critical mass of officers and employees maintained their positions, followed institutional procedures and adopted bureaucratic routines enabled the new leadership to strengthen its hold over the security apparatus. Had they acted differently (an option open to *all* agents, according to Giddens) and refused to reproduce these institutional practices, the state institutions themselves would have lost their constitutive power.

27 Minutes of NDF council meeting, November 10, 1945, in: I. Scurtu, *România 1945*, p. 418 (like footnote 25).

28 Information bulletin regarding the impressions and expressions after the appearance of the list of *cadrul disponibil*, ECP, August 20, 1946. AM, MR, DSEP 189, p. 291.

5. The Soviet Zone of Germany: The importance of agency

The analysis of the post-war transition in Romania has shown that what has traditionally been presented as a radical break was in fact a gradual process, in which the RCP had to take into account local situations and unexpected turns of event. The structural context in which these communists operated shaped their actions. They were forced to make compromises and were ultimately unable to realize a complete break with the past as a result. An examination of the ways in which their German counterparts reconstructed coercive institutions in the Soviet-occupied part of that country, on the other hand, reveals the importance of agency. Moreover, the conduct of the German communist leadership demonstrates that actors do not necessarily act solely on utility-maximizing, functionalist motives. Their ‘knowledge’ (experiences, belief systems, and ‘practical knowledge,’ more difficult to analyze because it is not expressed discursively) shaped their decisions and actions more so than the plain and instrumentalist motive of power acquisition. This is true even when change occurred at the expense of the efficient functioning of the security apparatus.

Like its Romanian counterpart, the communist leadership in Germany was faced with the practical difficulties of reconstructing institutions in a war-riven country. In contrast, however, the Communist Party of Germany (KPD), later the Socialist Unity Party of Germany (SED), was much more reluctant to compromise in matters of personnel continuity. To obtain ‘absolute purity’ in the security apparatus remained the primary concern throughout the post-war years, even when this mission seriously hampered the functioning of state institutions. From a functional/instrumental point of view, this approach is difficult to explain. Nor can the German communists’ actions be understood solely as reactive to the constraints imposed by the post-war context, which would demand a more pragmatic approach in questions related to personnel policies, as the case of Romania revealed. The rigid attitude of German communists can only be explained by their convictions, which arose from their experiences in the Weimar Republic and the Third Reich, as well as in the post-war division of Germany.

In many ways, Germany was very different from Romania. Germany was an industrialized country with a highly modernized state administration and, though ruled by the Nazis for twelve years, German society leading up to the war was characterized by a high degree of political activism. Romania, in contrast, was an agricultural country with a largely peasant population, a low degree of political mobilization, and relatively little left-wing activism. After the war, differences between the two countries continued to exist. Germany was divided into separate zones and was closely administered and monitored by both the Western Allies and the Soviet Union, while Romania was unambiguously situated in the Soviet-controlled part of Europe, with only marginal interference from the United States and Great Britain. It is important to note that Romania was not as minutely controlled by its occupation powers as was the Soviet zone of Germany.

At the level of state institutions, the tight control exerted by the Soviets meant that the German state apparatus was completely dissolved following Hitler’s defeat. The exist-

ing police and the army were demobilized; the police was only gradually rebuilt, and it would take until 1956 for the National People's Army to be established. The Soviets firmly controlled this process of reconstruction and they appointed reliable communists to key positions.²⁹ This meant that the communists were responsible for such pivotal matters as securing the public order and setting personnel policies, a marked difference when compared with the Romanian situation, where pre-war and wartime institutions continued to exist and to exert power, and were changed from within.

Personnel guidelines reveal that the police was considered of such critical importance that no pragmatic flexibility could be allowed in terms of personnel policy. Appointment guidelines for the police, issued by the Soviet Military Administration (SMA) in 1945, stated that members of the NSDAP, former functionaries, and professional soldiers were not allowed to work within the police; this principle remained in effect for years.³⁰ In July 1946, when the German Administration of the Interior, a forerunner to the Ministry of Interior, was founded, Chief of Personnel Policy Erich Mielke made sure to emphasize that recruitment guidelines had not changed: no former members of the NSDAP, SA, SS or security police were permitted to enter into police service. It was explicitly stressed that no compromises would be accepted in this regard. Mielke acknowledged that many of those in these categories were genuinely willing to make a positive contribution, but he stated that they were free to do this anywhere outside of the police.³¹

The exceptional status of the police becomes more evident when we look at developments within the broader field of transitional justice. Order No. 35 of the Soviet Military Administration, issued in 1948, announced that the process of denazification had been completed, and that nominal party members would be permitted to return to low-level positions within the public administration. A number of those former NSDAP members who had been purged were given the opportunity "to earn the return to their jobs in the administrative apparatus over time through honest and loyal labor." The order, however, also stated explicitly that nominal Nazi members would remain excluded from "positions within the judiciary and the police as well as leading positions within the administra-

29 Excellent analyses of the reconstruction of the East German police, army and secret services are offered in: N. Naimark, *The Russians in Germany: A History of the Soviet Zone of Occupation, 1945–1949*, Cambridge, Mass. 1995; S. Fingerle, *Waffen in Arbeiterhand? Die Rekrutierung des Offizierkorps der Nationalen Volksarmee und ihrer Vorläufer*, Berlin 2001; J. Gieseke, *Erst braun, dann rot? Zur Frage der Beschäftigung ehemaliger Nationalsozialisten als hauptamtliche Mitarbeiter des MfS*, in: S. Suckut and W. Süß (ed.), *Staatspartei und Staatssicherheit. Zum Verhältnis von SED und MfS*, Berlin 1997, pp. 129–149; R. Wenzke, *Auf dem Wege zur Kaderarmee. Aspekte der Rekrutierung, Sozialstruktur und personellen Entwicklung des entstehenden Militärs in der SBZ/DDR bis 1952/53*, in: B. Thoß (ed.), *Volksarmee schaffen – ohne Geschrei! Studien zu den Anfängen einer „verdeckten Aufrüstung“ in der SBZ/DDR 1947–1952*, Munich 1994, pp. 205–272; R. Wenzke, *Wehrmachtoffiziere in den DDR-Streitkräften*, in: D. Bald, R. Brühl and A. Prüfert (ed.), *Nationale Volksarmee – Armee für den Frieden*, Baden-Baden 1995, pp. 143–156.

30 Protokoll der Polizeipräsidenten der Provinzial- u. Landesverwaltungen von Mecklenburg-Pommern, Berlin, Brandenburg, Provinz Sachsen, Thüringen, Sachsen am 16.2.1946 in Dresden, Bundesarchiv Berlin (BA), DO 1/7/9, p. 7.

31 Protokoll, October 30, 1946, BStU (Stasi Archives), MfS, AS 229/66, vol. 1, pp. 92–102.

tion.”³² Two months later, communist party leader Walter Ulbricht once again stressed the importance of a politically reliable police force:

*We need people with experience at the front, people who fought in Spain or elsewhere, who have proven themselves in combat. A man who has fought at the Ebro and stood the test is irreplaceable, he has to be appointed to a leading position within the police. The police issue is no laughing matter. [...] This isn't a voluntary association [Wahlverein].*³³

The results of this rigid policy were, perhaps ironically, ambiguous. On the one hand, the German Communist Party succeeded in creating a police force from which former NSDAP members were largely absent. By January 1948, twelve percent of police personnel were former party members (including affiliated organizations), whereas less than three percent of the leadership had in one way or another been involved in the Nazi regime.³⁴ With this in mind, we might conclude that the KPD/SED managed to fulfill its goal to create a wholly new and ‘absolutely pure’ police force. On the other hand, the new police force was largely composed of people who had never before worked with the police. The fact that the majority of police officers were new to the job, in combination with poor working conditions that caused a high turnover of personnel, negatively affected the functioning of the police in the post-war years. As we have seen, however, such factors did not lead to the pragmatic adjustment of communist personnel policies. Instead, we have a clear example of priority-setting, as becomes apparent from the words of Erich Mielke: “It is better to work with less qualified personnel for a while but to be certain that the democratic development can proceed in a rigid manner.”³⁵

From 1945 on, communist control of the newly constructed security apparatus in the Soviet zone of Germany was never in question. Nor does it appear that the KPD’s preoccupation with a radical purge was the result of any concrete indications that increasing the share of nominal Nazi party members within the police force would have jeopardized communist control. Clearly, communist parties across Europe conceived of themselves as ‘antifascist’ forces, whose rise to power ushered in a new era, but as the case of Romania shows, such ideological convictions could not prevent a partial reintegration of former fascists and employees into the new regimes. Quite to the contrary, the antifascist ideology offered those ‘misled’ by dominant elites a second chance to show that they were on the right side of history and, in that way, fulfilled an integrative function.³⁶

To fully understand the communists’ obsession with the ‘purity’ of the police, one has to go back to 1918. From the point of view of German communists, one of the central

32 Befehl des Obersten Chefs der Sowjetischen Militärverwaltung und Oberbefehlhabers der sowjetischen Besatzungstruppen in Deutschland Nr. 35 – Über die Auflösung der Entnazifizierungskommissionen in der sowjetischen Besatzungszone Deutschlands, February 27, 1948. BA, DO 1/7/423, p. 75.

33 Protokoll der Innenminister-Konferenz am 21.-22.4.48. Stiftung Archiv der Parteien und Massenorganisationen der DDR im Bundesarchiv (SAPMO-DDR), DY 30/IV 2/13/109 vol. 1, p. 260.

34 Monthly reports about the composition of police personnel (1947-49). BA, DO 1/7/163, pp. 27-38.

35 Protokoll, October 30, 1946. BStU, MfS, AS 229/66, vol. 1, p. 100.

36 A. Grunenberg, *Antifaschismus – ein deutscher Mythos*, Reinbek bei Hamburg 1993.

reasons for the failure of the revolution that year and for the rise of the Weimar Republic was the coalition between conservative and progressive forces, and the lack of a thorough purge. The transition from the Wilhelmine to the republican police had been characterized by considerable continuity.³⁷ One communist analysis of German police history notes that, initially, a 'democratic spirit' had seemingly been awoken within the state apparatus, but because too many 'reactionaries' had been left at the helm, a relapse into the old conservative habits had been inevitable. The democratization of the state apparatus thus failed to materialize, the result of which was a slide into Nazism.³⁸ After the war, the German communists perceived 1918 as a clear lesson in how not to proceed. The historical experiences of the German communists – the failed revolution of 1918, the Weimar Republic and the National Socialists' twelve-year regime that, in their eyes, had thoroughly 'contaminated' the security apparatus – strongly influenced their interpretation of the post-war situation. The lessons they drew from these events are illustrated by the analogies communist officials made between the political developments in Germany after 1918 and the western zones of Germany after 1945. In the Soviet zone, Mielke stated, the working class had become the 'leading force in democratic development,' whereas in the zones occupied by the Western Allies, the situation was comparable to that after 1918, wherein there existed "no leadership of the working class, but [rather] a coalition with the bourgeoisie, headed by social democrats."³⁹ A persistent and similar threat now loomed across the border in the western part of Germany. To protect their achievements in the East, the communists had to safeguard the political reliability of the security apparatus at all costs.

6. Institutions in transition

In very general terms, sociologists tend to be interested in the ability of social systems to sustain and reproduce themselves, whereas historians focus on discontinuity and change. Giddens' work on structuration is dominated by a focus on the reproduction of structural properties, but it fortunately also offers conceptual tools useful to the historian in analyzing processes of institutional change. In times of political calm, change is often of a gradual nature and is therefore difficult to observe and analyze. Political transitions in contrast make sudden and wholesale transformations conceivable and feasible. Some institutional structures are dissolved and reconstructed, while others are reproduced in spite of political and social upheaval. In circumstances like these, individual (and collective) actions can decisively influence the pace and the outcomes of change processes. Agency, Giddens tells us, always implies a dimension of power, the possibility to act in

37 R. Bessel, *Policing, Professionalisation and Politics in Weimar Germany*, in: C. Emsley and B. Weinberger (ed.), *Policing Western Europe. Politics, Professionalism and Public Order, 1850–1940*, New York 1991, p. 193.

38 Material zur Berichterstattung über die Berliner Kriminalpolizei, February 8, 1946. BStU, MfS, AS 238/66, pp. 200–201.

39 Protokoll, October 30, 1946. BStU, MfS, AS 229/66, vol. 1, p. 92.

a *different* manner and thereby differently influence the course of events. At the same time, structural factors enable and constrain historical agents and shape their actions. Institutional change is never predetermined, even if certain scenarios are more likely than others.

The case studies of communist parties' personnel policies in post-war Germany and Romania show that an analysis informed by Giddens' approach leaves more room for the complexities of transitional politics and the interplay between structural factors and individual action. On the one hand, power shifts after the Second World War can only be understood by taking into account the extent to which political and military structures *enabled* communist parties throughout East Central Europe to rise to power. Soviet military occupation and Moscow's support for regional communist parties are well-known examples of structural factors that facilitated the communists in their quest for state power. On the other hand, communists did not find a *tabula rasa* in these countries when they arrived, but instead had to operate within a constrictive institutional context that led them to choose certain political strategies over others.

This is not to argue however that strategy adjustment was merely the result of instrumental motives of power-maximization: as Giddens argues, actors know what they do when they do it and base their acts on knowledge, including not only technical knowledge but also past experience and belief systems. The German case study presented here illustrates this point. The most valuable contribution that structuration theory offers the study of communist takeovers, however, is the duality of power structures. The power of agency that Giddens attributes to any historical actor enables us to move beyond normative attempts to label politicians, communist and non-communist alike, qualitatively as traitors, heroes or collaborators, and come instead to an understanding of *how* the construction and consolidation of communist regimes was made possible by the actions of many. Dictatorships crumble when citizens refuse to reproduce undemocratic power structures, when they withdraw their cooperation and decide, as Václav Havel puts it, to 'live in truth.' Put differently, in times of transition where institutionalized forms of representation have been abolished and change cannot be effected democratically, it is the reproduction of institutional practices that allows for the consolidation of a dictatorial regime.