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978-1-107-12126-3 - The Legacies of Totalitarianism: A Theoretical Framework
Aviezer Tucker
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Introduction

Totalitarianism is the uniquely innovative contribution of the twentieth century to the history of political regimes. Classics of twentieth century political theory such as Arendt's *Origins of Totalitarianism* (1973) and Friedrich and Brzezinski's *Totalitarian Dictatorship and Autocracy* (1968) introduced, in response, theories of totalitarianism. Communist totalitarianism lasted much longer than Nazism and evolved from its *revolutionary* founding stage into *late-totalitarianism*, which became the subject of Václav Havel's classic of political theory *The Power of the Powerless*. Havel (1985) and Linz and Stepan (1996, 41, 293) named the advanced consolidated stage of totalitarianism, to which I refer by *late-totalitarianism*, as "*post-totalitarianism*." I reserve the use of *post-totalitarianism* to describe the social and political systems that emerged after the implosion of *late-totalitarianism* in the former Communist bloc after 1989–1991 and West Germany and Austria after 1945. Post-totalitarian societies share common *legacies of totalitarianism*, the topic of this book.

There have always been close relations between events in political history and political theory and philosophy. Political philosophy and theory affected political changes and sometimes even provided blueprints for reform and revolution: Locke influenced the founders of the United States, Rousseau inspired the French Revolution, and Marx was the godfather of Communism. Political philosophies and theories that reacted to political events after they had happened, Hobbes, Locke, and Burke, for example, had better grounded theoretical insights into politics than philosophies that attempted to theorize the political future. It is easier to understand political events and processes after they had happened than speculate about the open future, as it is easier to learn from past mistakes than attempt to preempt new ones.

Political philosophy and theory hardly reacted to post-totalitarianism. Isaac (1998, 41–58) called it "the strange silence of Political theory." The popularity of the philosophies of history of Fukuyama (1992) and Huntington (1997)

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reflect a political theoretical and philosophical vacuum after the events of 1989–1991 that they filled.[1] Some immediate theoretical responses merely reaffirmed truisms that had been known long before 1989. On the right, the collapse of command economies confirmed Ludwig von Mises' criticisms of socialist economies from 1922, the insurmountable difficulties in making economic calculations and planning without a pricing mechanism (von Mises 1981). On the left, the distinction between Marxism and social democracy or liberal socialism that has been the staple of the "New Left" since the 1960s was emphasized again, in an attempt to resuscitate a left alternative either as a variety of liberalism or at least as consistent with it (Katznelson 1996). The distinction between Marxism and social democracy had already been established in the mid-thirties. But the crisis of social democracy preceded the end of totalitarianism by fifteen years and had endogenous reasons. By the end of the eighties, all the main social democratic parties in Western Europe had already accepted the main tenets of "Third Way neoliberalism" and economic monetarism (Ban 2012). A political theory and philosophy of post-totalitarianism and the legacies of totalitarianism is also a revisionary critique of received political theories and philosophies that were developed against other historical circumstances but fall short of heuristic, descriptive, or normative applicability to post-totalitarian conditions. This book will likely disappoint readers who expect ideological affirmations of faith. I delve into political philosophical and theoretical issues that do not clearly favor one ideology or another, though I hope to undermine some received ideological dogmas in the process.

Isaac (1998) proposed external explanations for the theoretical silence about post-totalitarianism, rooted in the state of political theory as an academic discipline in the United States during the nineties: Academics concentrated (not to say collected rents) on a received codex of "great works" that did not include recent works by nonacademics, such as those by European dissidents. This codex, as Isaac (1998) noted, can be woefully provincial, with students reading almost exclusively the writings of their compatriots and a few universal ancient Greek, seventeenth century English, eighteenth century French, nineteenth century German, and twentieth century American and Western European philosophers. U.S. geographic distance from political events in Europe accounted for some parochialism. Yet, in Europe itself, there has not been much greater theoretical innovation about post-totalitarianism. Philosophers and

[1] I argued (Tucker 2004, 15–16, following Rotenstreich 1958) that substantial philosophies of history suffer from built-in epistemic weakness. They must assume a vantage point at the end of history to stake a claim for representing historical self-consciousness. But the assumption of the end of history to justify a claim about the end of history begs the question. Fukuyama (1992) assumed, following Hegel and Kojève and like Marx, to be present at the end of history. Huntington (1997) claimed that history, the clash of civilizations, takes millennia to change. If history does not change we are always at the end (and the beginning and middle), and can base our self-consciousness on our nonprivileged yet advantageous position in history.

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political theorists clearly knew little about the political philosophies that dissidents developed during late Communism, their analysis of their societies, and their hopes and expectation for a revolution (though this ignorance did not stop anybody from pontificating on the topic, e.g., Habermas 1990b).

Another problem has been the contingent association of political philosophy with utopias. Post-totalitarian politics was not utopian and did not lead to any attempt to realize a new political utopia[2] (Eisenstadt 1999; Wydra 2007, 190). As Tismaneanu put it powerfully,

> The events of 1989, unlike previous historical convulsions designated "revolutions," were not inspired by any systematic blueprint, by any plan for political or spiritual salvation. They were anti-ideological, antimillennialist, anti-Jacobin, and anti-Machiavellian. They did not proclaim the advent of the new Jerusalem, the Third Rome, the Empire of Reason, or the Republic of Virtue .... It was the triumph of poetry over ideology or, if you prefer, of surrealism over realism. (Tismaneanu 2000, 160)

To the extent there were utopian elements in the thought of the dissidents, they were not political, but radically personal, about achieving ultimate individual authenticity, what Havel called the existential revolution (Havel 1985; cf. Tucker 2000). Having failed to find a political utopia, Habermas (1990b) and Garton-Ash (1990, 151; 2004) concluded there was not much to learn for political theorists from 1989. Habermas' Marxist background may account for his blind spot in claiming that "a peculiar characteristic of this revolution, [is] ... its total lack of ideas that are either innovative or orientated towards the future" (1990b, 5). The absence of a utopia or even a significant ideology implied for him that either there was no revolution, or it was a revolution of "catching up." Habermas (1990b) claimed that outside of the Soviet Union, the ideals of the revolutions were to return to the national or nationalistic pre-Communist era. Inconsistently, he also argued that the revolutions attempted to connect constitutionally with "advanced capitalism" in Western Europe. The "catching up" thesis seems to hark back to nineteenth century linear historical development theories that assumed that all nations must go through the same stages and laggards (like Russia) must catch up. This is yet another Marxist

[2] Moyn (2010) considered human rights the last or at least latest utopia. If so, the revolutions of 1989–1991 were utopian as most dissidents supported human rights theoretically and politically. Yet, Moyn's use of "utopia" is very broad, "a moral vision" that precedes politics or "the heartfelt desire to make the world a better place" (Moyn 2010, 225) or "giving people the freedom and capacity to develop their lives and the world" (Moyn 2010, 226, quoting Henry Steiner). However, critics of totalitarianism as a utopian ideology used a narrower sense of utopia, an *impossible* ideal that justifies all means, including the total concentration of all power by a small coterie of armed intellectuals in charge of a party and the state. Utopian human rights, as I discuss in the next chapter, do not have possible duty holders, for example, the right to live forever. By contrast the first generation political human rights the dissidents advocated had a clear duty holder, the state that had the means to realize them. The revolutions of 1989 were broadly successful in realizing the human rights that the dissidents were fighting for, as a realizable political plan, not a utopia.

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legacy in Habermas' thought. Indeed, Habermas borrowed the phrase from Lenin to explain the 1989 revolutions (Kumar 2001, 11, 43). The reforms that have been undertaken in post-Communist countries did not attempt to "catch up" with Western Europe. Many aspects of the Western European political models were impossible to implement in the post-totalitarian context; for example, the rule of law in its Western European sense was as impossible after Communism as Western European levels of welfare. With fewer established vested special interests, post-totalitarian countries faced fewer constraints on economic restructuring, deregulation, and reforms, for example in introducing private education. Even when possible and desirable, the implementation of existing liberal democratic models was neither obvious nor easy nor devoid of theoretical interest or implications. For example, the reinstitutionalization of private property may seem "catching up." But privatization on the scale that was attempted in post-Communist Europe had never been attempted earlier in history and has significant implications for political theories of property rights. Some of the problems post-totalitarian societies faced were historically unique, for example, in coming to terms with their past.

In the post-totalitarian countries themselves, philosophical and theoretical discussions suffered from political freedom: Dissident intellectuals who entered politics or the public sphere became doers rather than thinkers. When they wrote, it was in the genres of the speech or the op-ed, rather than the philosophical essay. Freedom of the press allowed intellectuals to react in real time to events, succinctly and pointedly, but also without historical distance and theorization. Instead of devoting years to writing essays on a slowly changing political and social reality, they had to react immediately to ongoing events. Two notable exceptions are Janos Kis and Václav Havel. Kis (2003, 2008), writing after totalitarianism, attempted to negotiate a position between republicanism and liberalism, but his course is unique; few of the dissidents who became politicians after 1989 bothered to write a philosophical analysis or even a justification of their actions, and even fewer were able to absorb, apply critically, and synthesize contemporary global political philosophy with their unique political practice as Kis has. The other great postpolitician–postdissident statement is Václav Havel's last play (and movie) about his presidency *Leaving* (Havel 2012). Instead of the usual self-congratulatory at worst and apologetic at best memoirs of postpoliticians, Havel treated his audience to brutal honesty and irony about his presidency and his accomplishments as president. This kind of life in truth and integrity among democratically elected politicians is as rare as dissent. But Havel's focus was still the individual, this time in power, not institutions.

Post-Communist academics who attempted to write academic tracts were burdened by the sudden full weight of fifty years of texts in political philosophy that became politically if not economically available (public and university libraries have begun to order new foreign books slowly and translations have been limited by the small sizes of the literary markets). They were both intimidated by the volume of the previously deprived literature and prevented from publishing in international journals if they could not display critical familiarity with

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contemporary scholarship, the sort of problem that the dissidents never faced in publishing their works in translation abroad; Havel and Michnik were never required to relate their essays to Rawls and Nozick or rational choice theory.

Post-totalitarianism was fashionable in the nineties. This led to many publications in the immediate aftermath of totalitarianism, especially in comparative politics and political economy. But this flowering was cut short abruptly by the 9/11 terror attacks in 2001, followed by two wars, and then the economic recession. Attention, academic fashions, media interest, and funding and hiring priorities shifted away from post-totalitarianism. Even Putin has not managed to restore funding and public interest so far. The first decade after totalitarianism was too short to see where trends were heading and allow meaningful hindsight.

My purpose in this book is to fill in this theoretical and philosophical vacuum and present a theory of post-totalitarianism. I explore how the post-totalitarian political experience should inform traditional topics and theories in political philosophy such as rights (Chapter 1), justice (Chapter 2), justice in rectification and restitution (Chapters 3 and 4), property rights (Chapter 5), the idea of the university and philosophical education (Chapter 6), and theories of ideology and language and the critique of democracy (Chapter 7).

THE SCOPE OF THE BOOK

This book presents a political theory of post-totalitarianism, distinct of comparative political analysis of the political, economic, and social developments that followed the end of totalitarianism, let alone country-by-country case studies. I do not attempt to explain the many differences between post-totalitarian countries. Nor will this book discuss global influences on post-totalitarian societies in the period after the end of totalitarianism such as globalization, the vicissitudes of the global economy, and the results of the process of European Union Eastern expansion during the accession negotiations period and after the expansion.[3] I do not try to understand why post-totalitarian countries are the way they are a quarter century after the end of totalitarianism,

[3] Levitsky and Way (2010) attributed the eventual democratization of initially authoritarian post-totalitarian countries such as Slovakia, Croatia, and Romania to their close ties to Western Europe and the allure of likely European Union accession that countries such as Ukraine and Belarus did not share. Tismaneanu (2012) as well credited the European Union accession process with preventing the return of military or clerical authoritarian populism to Eastern Europe. Gallagher (2005, 308–357), by contrast, describes democratic "mimicry" in Romania, the construction of a liberal, rule of law, market-oriented, democratic Potemkin village by unscrupulous elite that raided European Union funds to augment or replace domestic sources of corruption. According to Gallagher, the European Union prolonged the lease on life of the late-totalitarian elite and delayed necessary economic reforms and restructuring by greasing the wheels of patronage and corruption. I think both sides are right, describing different stages of the process. Ganev (2013) showed that at least in Bulgaria and Romania the benefits of the process of EU accession for democratization and reduction in corruption were temporary, and were halted and at times reversed followed the accession. Still, this discussion is beyond the scope of this book.

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but to theorize the legacies of totalitarianism, how they have been affected by their common totalitarian history, and how these effects force us to rethink basic issues in political theory and philosophy.

Similarities and differences between post-totalitarian states and societies may be explained by three path dependencies, following Braudel (1972): *Deep and long duration* factors include the physical environment; the climate; geographic location; location on trade routes; natural resources; and fauna and flora; as well as millennial pre-totalitarian surviving historical traditions such as religion and culture; the long duration legacies of the religious differences between Orthodox, Catholic, and Protestant Europe; the imperial legacies of the Russian, Habsburg, Ottoman, and Mongol empires; the differences between the medieval commercial cities and the agricultural hinterlands; and the economic differences that resulted from the specialization of European economies in agriculture, trade, or industry in the early modern era and the later different paces of industrialization during the nineteenth century (Taylor 1995, 204–224; Stokes 1996; Kumar 2001, 1–30; Wallerstein 2011; Ekiert and Ziblatt 2013). *Totalitarian middle range factors* are the lasting legacies that totalitarianism imprinted on different societies that shared a totalitarian type of regime. As Bunce (2000, 122–123) noted, this path dependency of post-totalitarian countries was likely to be very strong for two reasons: Totalitarianism has been the most forcibly homogenizing political system in world history. Consequently, despite initial vast differences, these countries were forced to become very similar. Second, these similarities were likely to be expressed similarly because Communism collapsed within the short span of two years (1989–1991). *Short duration immediate factors*, *events*, include the specific legacies of each totalitarian regime that lasted into the post-totalitarian era. For example, the Ceaușescu regime in Romania, unlike other late totalitarian regimes, combined nationalism with Stalinism. According to Tismaneanu and Iacob (2012, 361), this has left unique legacies in contemporary Romanian society, patrimonial nationalism, an imagined national community that has the characteristics imagined by official propaganda during Ceaușescu's reign, and utopian illiberal modernism. The Ceaușescu regime also left the country with very little external debt, unlike other late Communist regimes. All three types of Braudelian paths, processes, and causes are relevant for understanding what followed the end of totalitarianism in each country from a comparative political perspective. The recent histories of post-totalitarian societies reflect the effects of all three types of causes as they intertwined and interacted (Ekiert and Ziblatt 2013). However, this book is devoted exclusively to examining theoretically the lasting effects of *middle-duration* processes, the *legacies* of totalitarianism. I attempt to examine theoretically the effects of late-totalitarianism on post-totalitarian societies and states, the shared totalitarian legacy.

The revolutionary stage of totalitarianism ended when all alternative elites (real, potential, imaginary, and chimeric) to the revolutionaries were eliminated, leaving the surviving totalitarian elite in total control of society without

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competition. The late-totalitarian state relaxed the intensity of revolutionary totalitarian terror: mass extermination and enslavement ended. Imprisonment was reserved for a few select dissidents. Some late-totalitarian countries even opened the borders and allowed pockets of unsupervised social activity. China and to a lesser extent Hungary allowed the introduction of a private sector to the economy alongside the centralized command economy. But the one thing that a totalitarian regime could not do without losing its totalitarian identity was to allow multiple competing elites. The current Chinese regime had to maintain its totalitarian control at the cost of admitting successful entrepreneurs to the Communist party to preserve the correlation between political and economic status. The elite could have *internal* factions and conflicts, but as long as they were settled internally without any elite faction attempting to ally itself with forces outside the elite, totalitarianism persisted.

The theoretical conceptualizations of totalitarianism evolved in tandem with the history of totalitarian regimes (Gleason 1995). Political theorists focused on different aspects of totalitarianism as definitive, for different pragmatic or analytic purposes. I am no different. For me here, a totalitarian state has only a single elite with no competition and this elite has total control over stratification, entrance to the elite. A society became post-totalitarian and within the scope of this book when the total hegemony of single elite over a single social hierarchy ended. By the end of totalitarianism, there was severe scarcity of alternative elites that could replace the single late totalitarian elite. If the elite maintained monopoly over political power even if it discarded the discredited totalitarian ideology and carried out a reshuffle at the top, late totalitarianism persisted. If the *political* elite were replaced, society turned post-totalitarian. Though post-totalitarian societies displayed new post-totalitarian political elites, especially in new democratically elected institutions, the new free media, and the employees of foreign companies and organizations, there was elite continuity in other hierarchies and institutions. This continuity is a major reason for grouping post-totalitarian states together for the purpose of social and political theoretical analysis.

Totalitarianism ended only when the late-totalitarian *political* elite were replaced, in 1989 in višegrad countries (Czechoslovakia, Poland, and Hungary), the Baltic states (Estonia, Latvia, and Lithuania), and Slovenia. Late totalitarianism continued for a while longer in countries with elite continuity (with some reshuffling at the top), in the Southern European post-Communist countries, in the Balkans, Georgia, and Ukraine. Despite geopolitical realliance, the opening of borders, and the privatization of parts of the economy by the late-totalitarian elite, these were still late-totalitarian societies. Totalitarianism, in this sense, ended gradually in Southern Europe when factions within the elite created alliances with nonelite sections of society that were not part of the regime, as was *eventually* the case in Romania, Bulgaria, Serbia, Croatia, and, at least for a while, Ukraine. Russia presented for a while a borderline case. The Putin Restoration marked the

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return of late-totalitarianism with a single externally unified elite in all political and economic institutions, and an attempt to generate and then control a single social hierarchy. Levitsky and Way (2010) characterized such states as "competitive authoritarian." Putin preferred "managed democracy" and I like most "Potemkin democracy." Irrespective of the label, these countries maintain the outer facade of a multiparty democracy, though in fact the elite in power eliminates alternative centers of political power and elites, controls all the mass media, maintains high correlation between political and economic status through control of resources and mobility, and uses state resources to affect election results through various types of fraud, media controls, and harassment of opponents.

As a study of post-totalitarianism, this book is not concerned with states that remained totalitarian, did not relinquish the attempt to exercise total control over all aspects of life by single elite, the Sultanic post-Soviet Republics in Central Asia (Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan), Azerbaijan, Armenia, Moldova, and Belarus, as well as China, Cuba, Vietnam, and of course North Korea.

Unlike in other post-totalitarian countries, in East Germany, alternative West German elites were plentiful, available, and able and willing, indeed eager, to replace the totalitarian elite in all institutions and hierarchies. As McAdams (2001) showed, the united Germany was able to go beyond all other post-totalitarian countries in retribution and restitution because it had the human resources and was not constrained by lack of cooperation on the part of the East German police and judiciary, who were replaced by West Germans. "Of all the democracies that struggled with the issue of retrospective justice in the final decades of the twentieth century, the German model of contending with a dictatorial past seems to have been the most thoroughgoing and comprehensive" (McAdams 2001, 184). This is unsurprising, given that they could import the resources from the West. Therefore, East Germany lies beyond the scope of the present analysis. Politically, East Germany as a part of Germany is nontotalitarian, not post-totalitarian, because its elites were replaced.

Like Garton-Ash (1999, 26–27), I find the distinction between authoritarianism and totalitarianism indispensable for understanding the differences between post-totalitarianism and post-authoritarianism. Normatively, I endorse Adam Michnik's position: If forced to choose between General Jaruzelski and General Pinochet, I choose Marlene Dietrich (Michnik 1998, 99). Michnik accentuated the absurd humor of the dilemma on several levels. It is absurd to talk of citizen's choice between two types of regimes whose very nondemocratic essence is in denying political choices. It is also absurd to offer a citizen a political menu with only two indigestible dishes to choose from. Michnik exposed these absurdities by undermining the bivalent either/or framework and opting for an even more absurd third alternative. Still, in arguing that the distinction between authoritarianism and totalitarianism matters for understanding post-authoritarianism and post-totalitarianism,

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one is bound to raise the specters of the debates about U.S. foreign policy circa 1980, Kirkpatrick's (1982) advocacy of American support for third world authoritarian regimes as lesser evils than their totalitarian alternatives, and the contemporary debates about détente, *Ostpolitik*, and the Western response to the dissident movements in Communist Europe and the military coup in Poland (Brier 2011). From the vantage point of hindsight it is possible to make new facile but determined judgments. It seems that both sides were partly right and partly wrong: Kirkpatrick was right about the significant differences between authoritarianism and totalitarianism and why the scope of authoritarian atrocities is narrower and less irreversible than those of totalitarian regimes. Kirkpatrick distinguished a totalitarian regime "by its rulers' determination to transform society, culture, and personality through the use of coercive state powers" (1982, 99). Since authoritarianism did not attempt to overhaul the culture, economy, or social status quo, it had no significant ideology. It did not centralize the economy and it largely left civil society such as it was alone. Still Kirkpatrick did not consider that revolutionary totalitarianism had already mutated in Eastern Europe by 1980 to become late totalitarianism, distinguishable by its mission of maintenance, of resistance to change, of freezing the consolidated social system that resulted from revolutionary transformation. The KGB has become a conservative rather than revolutionary social force (Voslensky 1984, 282). Though the rhetoric of revolutionary transformation was retained as ritualistic ideological chatter, radical terror and transformation ended. The late-totalitarian regime ceased attempting to change human nature. Instead, it attempted to encourage egoism and manipulate opportunism.

Kirkpatrick's critics to the left shared her conflation of totalitarianism with late totalitarianism, and then conflated the result further by adding authoritarianism, to construct *autocracy*, a conceptual amalgam of all nondemocratic regimes that is too cumbersome to do much analytical or explanatory work with. They failed to distinguish late-totalitarian regimes that exercised *extensive low intensity* oppression over the whole population from authoritarian regimes that exercised *narrow but intensive* oppression over a small, politically active, section of the population, while tolerating alternative nonpolitical (e.g., economic or religious) elites

Post-totalitarian societies shared the following properties:

- Elite replacement in politics and the media. Nonpolitical elite continuity.
- End to single-party rule, differentiation between political parties and the state.
- The late-totalitarian elite was disinterested in power as an end by itself, rather than a means for property rights and personal security.
- The transformation of political power into economic wealth, the privatization of the state by the late-totalitarian elite.
- Ineffective government control of the executive bureaucracy.

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- Feeble civil society.
- High levels of corruption.
- Weak rule of law.
- Ironic detachment from any ideology as an effective mobilization tool.
- Low levels of retribution and reparation; victims receive low compensation and perpetrators are rarely punished.
- Members of the former secret police continue to be powerful and their status is a political issue.

By contrast, post-authoritarian societies display:

- Elite heterogeneity.
- The late-authoritarian elite maintained interest in political power as an end in itself.
- The economy was not controlled by the authoritarian elite, though it has had privileged access to state funds and subsidies.
- Continuous existence of independent civil society.
- Independent judiciary.
- Ideologies that continue to mobilize voters.
- Compensation of victims and sometimes prosecution of perpetrators, even if it takes a generation.
- Continued special role and power for the military and military veterans whose status is a political issue.

TRANSITION THEORIES

Before presenting my own political philosophy and theory of post-totalitarianism, it may be useful to mention and critically discuss the existing middle-range theories, mostly from comparative politics, mostly from the long decade of the nineties (1989–2001), to position my theory in relation to them.

"Transitology" as an academic specialty had developed for fifteen years before the fall of the Berlin Wall by political scientists who had examined the post-authoritarian democratization of Southern Europe and Latin America. Transition theories, by their title, were tainted by "Whig" teleology, the assumption that liberal democracy is the destiny of the historical process, independently of the path "history" takes to reach this predetermined end (Butterfield 1965; Wilson and Ashplant 1988; Linz and Stepan 1996, 3). After the fall of Communism, it was economic to apply theories of post-authoritarian transition to post-totalitarianism. Yet, these models were not transferable to post-totalitarian societies, because they made assumptions that did not hold well there. As Jowitt put it acerbically:

> Confronted with a turbulent environment, there is quite understandable, predictable, and observable tendency by intellectuals to restore certainty idiomatically. That certainly is the case with Eastern Europe. One of its most pronounced expressions is the fetishlike

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