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RULES OF THE GAME:
A FRAMEWORK FOR ANALYSIS

A modern political analysis of change and continuity almost always involves both in its theoretical and practical meaning the issue of rules of the game as a critical variable. Processes of regime change, political and/or socio-economic reform, even cultural shifts consist largely in the alteration of the basic rules of the game. This is particularly evident regarding the processes of political transition, especially with respect to the extrication from authoritarianism and the consolidation of democratic rule. Any regime transition cannot be put forward, carried out and accomplished, hence analysed and examined, without a careful and precise outline and functional characteristics of the rules of the political game. This has much to do with the political engineering of transition strategies and processes of social and political change.

In this paper I intend to set out in a functionalist perspective a framework for analysis of political transitions centered upon rules of the game as one of the essential elements of political regime. Hence, I will refer to that process in which the “making of politics” is embraced by a network of values, norms, rules and other regulatory arrangements. Consequently, I will employ the systems analysis of political structures as proposed by David Easton. I will also take advantage of the sound scholarship in the field of the theory of political change.

Assessing critically the debate about the prospects for democracy, David Held offered a number of valuable conclusions coming to the point of the political discourse. Politics at root is about the ways in which rules and resources are distributed, produced and legitimized. Politics operates in a shifting framework of rules. That is why it rarely can exist without some patterns which predominantly are concerned with the nature of the rules that determine and delimit political activities.1 The paramount importance of the rules of the game for democracy has been expressed by Norberto Bobbio in the following words: “It is impossible to ever understand anything about democracy until it is realized that a demo-

ocratic system nowadays signifies first and foremost a set of procedural rules […] In our particular historical situation political contest is fought out according to certain rules and that respect for these rules forms, apart from anything else, the basis of the legitimacy of the whole system”.

The paper begins with an analytical approach to the relationship between rules and norms, next shifting to the concept of rules of the game. Then the issue of regime change is taken into account and the question how that process is determined and affected by the making of new rules of the game is central in this part of analysis. This issue is followed by a specific typology of the rules of the game, regarding the dimensions of political system or types of relationship between the state and political society. Finally, the problem of rule-enforcement, and the role of institutions, is taken up thoroughly.

Rules and norms

Basically, in the theoretical framework of systems analysis, rules constitute one of the fundamental component areas of every political system, along with structures, norms, values, resources, institutions and procedures. These elements establish a structural framework for the system’s functioning, regulate the system’s performance, introduce an internal logic which attenuates dysfunctional and split-up tendencies displayed by particular segments, as well as determine and control the system’s internal dynamics. These components of the political system are attached to and bound up with three basic political objects: the authorities, regime and political community.

Rules, as well as norms, are regarded as regulatory arrangements intended to bring about a given type of behaviour. According to Elinor Ostrom, rules are “prescriptions that define what actions (or outcomes) are required, prohibited or permitted”. For that end, they involve sanctions in case of improper or unexpected response on the part of the object of norm application. Usually, they are based on a specific costs-benefits calculation inherent to any rational action.

Norms, in general terms, set the way in which members of a system are expected to behave. They specify, therefore, what actions are regarded as proper and correct, or improper and incorrect. Norms are expectations of proper action

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6 D. Easton, op. cit., p. 200.
by different agents in relatively specific situations.\footnote{T. Parsons, \textit{Order and Community in the International Social System}, [in:] J.N. Rosenau (ed.), \textit{International Politics and Foreign Policy}, New York 1961, p. 120.} Hence, they determine social behaviour in such a way that if anyone acts in accordance with them, he or she expects to be better off than if no norm whatsoever existed or were disregarded.\footnote{R. Cohen, \textit{Rules of the Game in International Politics}, \textit{"International Studies Quarterly"} 1980, no. 1, p. 131.} According to Peter C. Ordeshook, “norms arise and are sustained, because they occasion stable expectations about the behavior of others and thereby efficiently coordinate social activity”\footnote{P.C. Ordeshook, \textit{Some Rules of Constitutional Design}, \"Social Philosophy and Policy\" 1993, no. 2, p. 231.}

Norms are enforced by sanctions, which are either rewards for the type of behaviour regarded as correct or punishments for unexpected or regarded as incorrect forms of behaviour. James Coleman makes a distinction between prescriptive (discouraging or proscribing certain actions) and prescriptive (encouraging or prescribing) norms.\footnote{J. Coleman, \textit{op. cit.}, p. 247.} Another typology, put forward by Easton\footnote{D. Easton, \textit{op. cit.}, p. 201, 203.} establishes customary and formal norms. The former ones, which are not converted into laws or constitutional codes, constitute a matrix within which the legal norms are able to operate. The latter are inscribed in legal codes or judicial decisions or they can merely be customary norms which have acquired the status of law. They are formal in the sense that their violation is expected to arouse legal public sanctions, defined and established by law. Unlike Coleman, Easton grants both types of norms a dual function as both prescription of what ought to be as well as sanctions or a kind of leverage to force practice into conformity with ideals.\footnote{\textit{Ibidem}, p. 204.}

Some students of social and political systems use the notion of norms as a highly theoretical concept which, in order to carry out a proper and scientifically correct analysis of social and political reality, has to be operationalized. Frederick M. Barnard, for instance, associates norms with values, even with moral rules or precepts. He claims that verbalized norms generally express an attitude towards certain values.\footnote{F.M. Barnard, \textit{Norms, Procedures, and Democratic Legitimacy}, \"Political Studies\" 1992, no. 4. p. 659–660.} Easton conceives of norms as one of the three major components of regime, along with values and authority structure. Norms, according to his theory, may variously be called the regime’s operating rules and the rules of the game.\footnote{D. Easton, \textit{op. cit.}, p. 194, 200.} Anthony Giddens, likewise, gives up the concept of norms for the benefit of rules as an intrinsic component of structure and system.

Formal/legal rules usually are orderly codified in form of a constitution. If we conceive of norms and rules as determinants of social and political action, for they provide both incentives and sanctions, constitution, from Ordeshook’s viewpoint, is a coordination mechanism based on a supra norm seeking
to coordinate action in politics.\textsuperscript{16} Constitution must establish a set of stable and self-generating expectations about people’s actions in such a way that no member of a community have an incentive and the ability to defect to some other mechanisms.\textsuperscript{17} A similar look into the question of compliance with the constitutive rules is presented by Juan Carlos Rey.

Fundamental rules take form of constitution. According to Rey, “constitution is a collection of basic rules of the state political order” which respond to the following characteristics:

1) these are fundamental rules of the game regarding political behaviour;
2) they should be considered as valid and obligatory by the principal actors or political groups in such a way that any sanction applied against those who violate political order should be felt by them as just and proper;
3) they should prove a reasonable efficiency rate what means that they must be recognized and observed by real power agents.\textsuperscript{18}

Basic rules of the game, which are in the heart of every constitution, should be considered as valid and obligatory by main actors or social groups in the manner that any sanction applied against those who violate political or social order should be felt by them as just and proper. Rey sees the constitution as a totality of basic rules of the game, both formal and customary, which basically concern political behaviour. He points out that the constitutional dilemma, which refers to the ways and means of establishing and enforcing widely accepted rules of the political game, also addresses the issue of the establishment and maintenance of a stable and persistent political order. He observes, therefore, that not every type of political order is accompanied by a genuine constitution, even if there exist a written one. In certain cases, the lack of consensus among main political actors or groups as to basic rules of the political game results in the failure of establishing a genuine constitution.\textsuperscript{19} Such a standpoint is shared by Coleman who writes that the effective constitution is far broader than the written document and includes the unwritten norms and rules, as well as the written ones.\textsuperscript{20}

Rey underlines that a certain constitution is democratic when it is based on the principle of popular sovereignty. This means that constitution is valid when expresses the people’s will and only the people has the authority to establish, amend or change it. This assumption turns out particularly relevant in the case of violation of constitutional order by the government, i.e. by an agent authorized to the enforcement of the rules of the game and application of legitimate sanctions.

\textsuperscript{16} P.C. Ordeshook, \textit{op. cit.}, 1993, p. 231.
\textsuperscript{17} Ibidem, p. 204, 206.
\textsuperscript{19} J.C. Rey, \textit{op. cit.}, p. 357.
to infractors. The people’s response, a collective action of the society is justifiable even if it breaks the existing rules of the political game and violates the political order. Resistance to the government does not mean violation of the constitution; to the contrary: it is launched in defence of the constitution against a real power agent which abuses its powers breaking valid rules of the game.\(^21\)

Another issue touched on by Rey (as well as by Easton), that of stability function of norms and rules, corresponds with Pejovich’s perception of the rules of the game as calculatory arrangements reflecting an actor’s evaluation of costs and benefits. According to him, rules yield a flow of benefits: the predictability of other actor’s behaviour. Costs refer to the inability to engage in some specific activities. Benefits derived from a set of rules depend on their stability. Frequent changes in the rules of the games, in Pejovich’s words, “reduce the time horizon over which individuals make their decisions”. A major objective of the rules of the game is “to protect interactions among individuals by alleviating risks and uncertainties associated with those problems”.\(^22\)

Like norms, rules can be formal or customary. If rules acquire the status of law, they are embodied in formal documents such as written constitutions, legal codes or judicial acts. However, no system can perform well without effectively operating customary rules which constitute the matrix within which the legal rules themselves are able to operate. The point is that in the system’s normative dimension, customary, informal rules must underlie formal/legal normative framework as complementary prescriptive and prescriptive arrangements performing at the same time a critical function of stabilizing and equilibrating the entire system. In Easton’s words, customary rules form a vital understructure for every system. If they were to be eroded, this could easily bring the whole formal, legal structure toppling down.\(^23\)

Giddens, in accordance with his structuration theory, conceives of rules as inherent components of the structure. His approach therefore is different from the majority of theoretical perspectives common for sociological theory. Here are the main points of his argumentation: First and foremost, rules cannot be conceptualized apart from resources, seen as “structured properties of social systems, drawn upon and reproduced by knowledgeable agents in the course of interaction”.\(^24\) Rules cannot be reduced to formalized prescriptions or rules of the game. They imply “methodological procedures” of social interactions and as such relate to the sanctioning of modes of political conduct. One of the main propositions of structuration theory is that rules, as well as resources, are at the same time both ends and means of system reproduction processes. Thus, rules can be regarded as “techniques or generizable procedures applied in the enactment/reproduction of


Formal, legal or explicit rules are not rules as such but rather codified interpretations of rules. Their constituency is subject to a given social situation determined by various factors of internal and external origin.

Rules of the game

Rules, as we could notice, are often thought of in connection with games. In general terms, rules of the game are widespread normative beliefs which exist in the real word of politics. What distinguishes this concept from the general meaning of norms and rules is that it is rarely used with respect to formal or written rules – such as constitution, code, statut, court decision – but usually refers to informal or unwritten rules, attitudes, forms of behaviour, expectations, customs and habits. That is why, as D.R. Matthews points out, one must seek to determine the content and consequences of the rules of the game for politics through empirical observation, rather than deriving them deductively from an abstract model of a generalized game.

In a classical game theory, rules of the game include both physical and deontological statements. However, in the systemic approach, physical properties are basically preconfigured whereas deontic statements depend on tentative outcomes and possible concessions. Hence, non-binding rules may in certain context, that of elevated uncertainty and structural diversity of variables, underpin the logic of the game and have a direct impact on the outcomes and results.

The importance of the rules of the game for the system (as a functioning structure) is highlighted in the functionalist perspective. One of the essential features of this perspective is that rules of the game emerge as a result of political interactions characterized by conflict and cooperation, bargain and agreement, and thus possess a high grade of social and political legitimacy. The social aspect of legitimization refers to models and mechanisms of interest representation. Rules of the game provide a specific glue, linking sources of demands and expectations to their addressees or potential recipients as well as facilitate the creation or choice of most appropriate, in relative terms, channels of interest representation. The functional feature of the rules of the game may be illustrated by the way how the intrinsic conflict between the workers and employers in the capitalist economy was resolved through establishing firm and clear rules of the game which were accepted and observed by accountable sides and adjusted to the institutional (trade unions, professional organization, political parties) as well as systemic (democratic, corporatist) settings.

Rules of the game: A framework for analysis

Political legitimacy acquired by the rules of the game usually stems from the dynamics of political actions that are obstructed, restrained or delayed due to the static nature of formal rules, which in some cases display a considerable degree of inflexibility, anachronism and arbitrariness. Actors who enter into numerous interactions in pursuance of their interests and goals, decide to work out, establish and, in case of positive effects, reinforce some regulatory arrangements which meet the expectations of major political forces. Broad consensus is a prerequisite, though in no case the condition, of the establishment and consolidation of a given set of rules of the game. From the functionalist perspective, rules of the game perform a complementary role in relation to formal, constitutional, normative framework. They fill momentary or temporary shortcomings or deficiencies, regulating the overall performance of the system and contributing to its self-reproduction.

From the other point of view, shared by students of political crises or breakdowns, the spontaneously emerging rules of the game do not adjust to the existing normative and institutional structure, do not accommodate to the ontological bases of the entire system, but generate a high dynamics of constitutional (sensu largo) changes, eroding or shattering some normative structures, changing or modifying the systemic context of the institutions and, in the most radical scenario, bursting large segments of the political system, what can lead to its collapse. This was the case of communist regimes wherein strict, ideologically motivated rules of the game were subverted by informal rules, habits and practices which gradually replaced the official normative setting regarding the structures of state authority, public administration, state-society relationship and societal organization.28

In the functionalist perspective, one of the key issues is the role of consensus and the way how it affects the political system. Giovanni Sartori adopts the concept of consensus to the Eastonian systems theory and transforms its objects, corresponding to the major sub-systems at the same time (values, rules of the game and governmental policies) into three levels of consensus: community level, regime level and policy level. On the second level (procedural consensus), rules of the game are established. A paramount rule (or a set of rules) is the rule that determines ways and means conflicts are to be resolved. If a political society does not share conflict-solving rules, it will conflict over each contradictory issue. Sartori suggests that in the process of democratic consolidation, procedural consensus, and specifically consensus on the majority conflict-solving rule, is the sine qua non condition.29

The issue of consensus as a prerequisite to the formation and establishment of the rules of the game involves yet another problem, described by Juan J. Linz as disloyalty and semi-loyalty.30 It refers to a certain type of political behaviour due

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to which some consensually established rules of the game are rejected for ideological, nationalist or religious reasons (disloyalty) as well as to a situation when political actors, being authors and makers of a given set of rules and procedures, seek to reformulate or change them, usually via secret negotiations (semi-loyalty). Linz points out that “in a political system characterized by limited consensus, deep cleavages, and suspicions between leading participants, semiloyalty is easily equated with disloyalty by some of the participants.”

From the comments of both Sartori and Linz, one can draw a conclusion that the dilemma of consensus-making and its implications for the interplay of political forces, including the role of disloyal and semi-loyal oppositions, concerns the question of establishment and reinforcement in a functional context of certain rules of the game, yet it does not exclude a good portion of continuity on the regime level. Some rules are modified or changed, yet the structure is maintained in the state of a relative equilibrium. New rules emerge instead of those that loose their consensual basis, and next are replaced by others when do not come up to expectations.

Rules of the game constitute one of the components of the regime seen on its turn as one of the objects of the political system. As we already mentioned, Easton's typology – most influential in the modern political systems theory – distinguishes three basic political objects: the authorities, regime and political community. Regime is a set of constraints on political interactions that are generally accepted by the authorities and the political community alike and that give prescriptions with regard to goals, practices and attitudes in the system. The regime encompasses general and particular indications which regulate to a bigger or lesser degree the relationships within both the authorities and the political community as well as between each other. As Easton points out, “The regime refers to the general matrix of regularized expectations within the limits of which political actions are usually considered authoritative, regardless of how or where these expectations may be expressed”. Regime components are three-fold. Firstly, there are political values and principles, incorporated into ideologies and doctrines, which provide patterns of behaviour and shape general attitudes towards the purposes for which the resources of the system may be committed. Secondly, there are norms and rules which specify the way in which members of the system are expected to behave in politics. Lastly, there are structures of authority which regulate the distribution of organization and power with regard to the authoritative decision-making and decision-enforcement. Through the designation of formal and customary patterns, they establish and determine the relationships through which authority and power are distributed and exercised.

A slightly different meaning of the rules of the game is proposed on the basis of the definition of political regime formulated by Guillermo O’Donnell and Philippe C. Schmitter. By regime, they mean “the ensemble of patterns, explicit or not, that determines the forms and channels of access to principal govern-

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31 Ibidem, p. 28.
32 D. Easton, op. cit., p. 192.
mental positions, the characteristics of the actors who are admitted and excluded from such access, and the resources or strategies that they can use to gain access. Rules of the game may be perceived as mostly those patterns which are not explicitly formulated and introduced into political structures, but nevertheless constitute a primary and sometimes the only basis of the regime’s internal regulative mechanisms.

Rules of the game and regime change

From our specific point of view, any regime change means a passage from the given type of political game, based on rigid and stable rules, to another one, regulated by new, often totally different, rules and conditions. This embraces a complex process of defining (or redefining), eliminating old and establishing new, as well as institutionalizing, strengthening and enforcing the already functioning rules of the political game. Political change refers to the situation where the rules are in a constant flux, the number of players is changing frequently, and the arena of the game may be changing its dimensions.

Every change originates from the crisis of a current political regime. Poor performance of structures and institutions may be, and often is, of a mere importance from the point of view of undermining the functional/structural bases of the political system. The real nature of political transition consists in the change of rules, norms, procedures and sometimes institutions and structures which have proved inefficient and carry a danger of destabilization of the political system which may have serious consequences for state power, social relationships and economic performance. Crisis implies readjustment to changing circumstances. The dilemma is how to accomplish this task without threatening the bases of the systemic stability, vital interests of the ruling class and mechanisms of the distribution of political power, economic wealth and social prestige.

Regime change begins effectively when the ruling elite, or rather one of the factions which appear after the break in the core of the leadership, decides to arrange an agreement with the competitive elite representing political society. The achievement of strategic leadership by conciliatory factions in both of the competing elites constitutes a prerequisite of the transition. The rapprochement between the leading factions of both the ruling group and the opposition is


35 When introducing the concept of political society, I employ the meaning advanced by Alfred Stepan: “arena in which the polity [the way people organize themselves for collective political life] specifically arranges itself for political contestation to gain control over public power and the state apparatus” (A. Stepan, Rethinking Military Politics, Brazil and the Southern Cone, Princeton 1988, p. 4).
founded on the presumption that only an immediate agreement can guarantee the survival of members of the regime and open the door to the opposition's demands and goals.\textsuperscript{36}

We must bear in mind Bobbio's maxim that "there is an inextricable link which connects the rules of the game to the players and their moves. More specifically, what a game actually consists of is a set of rules which establish who the players are and how they are to play, with the result that once a system of rules is formulated for the game this also lays down who can be the players and the moves they are allowed".\textsuperscript{37} Political game remains a mere scheme until its main participants begin acting and behaving in accordance with their interests and goals. The mechanisms of social and political interactions are the basic substance of rules of the game. Institutionalization of personal and group interactions as well as dominant patterns of behaviour is conducive to the establishment of a formalized and relatively cohesive system of norms and rules. The political crafting of new regimes means preparing favourable conditions for a careful introduction and next an effective enforcement of new rules of the political game.

Typology

Rules of the game emerge, are shaped, structured and consolidated in a given systemic context. Actions, outcomes, decisions, positions, actors, values, information, procedures make up different sets of variables that influence interchangeably the game and operate in shifting contextual settings. They often operate in a dynamic context, in an "action situation",\textsuperscript{38} yet generally they constitute an active framework for potential activities.

At the stage of rule-enforcement, actors who play a guiding part in the process of regime change redefine and stabilize their roles in the political arena. Institutions involved in rule-making seek to define limits of its competence and not exceed their powers. According to the theory as well as to the practice of established democratic regimes, the focus is shifting to civil society as the main subject of democratic game and principal source of various rules. In the changing relationship between the state and civil society, the role of political society is being transformed as well. Last but not least, a great variety of informal groups, taking advantage of kinship, contribute, sometimes critically, to the establishment and enforcement of numerous rules of the political game.

Therefore, one can distinguish three dimensions, accompanied by three kinds of structural relationship as well as three general types of the rules of the game,

\begin{itemize}
\item \textsuperscript{37} N. Bobbio, \textit{op. cit.}, p. 65.
\item \textsuperscript{38} E. Ostrom, R. Gardner, J. Walker, \textit{op. cit.}, p. 41.
\end{itemize}
with reference to the position of rules on the axis “formality-informality”. The first dimension concerns the relationship between the state and political society. This involves above all institutions and public agencies called upon to establish and maintain socio-political order, mostly by formal and legal means. A complex interplay of interests, authoritative decisions and competing strategies originating in the institutions of political society and the state apparatus, underlie rules of the game transmitted onto the entire political community. This kind of rules may be called proclaimed rules. They emerge by force of decisions taken by authoritative bodies representing state apparatus and political society. They are not necessarily specified as formal statements, parliamentary laws or political declarations. Rather, they are unwritten principles legible for everybody and set as a background for political decisions.

The second dimension refers to the sphere of civil society and the interactions through which it is linked to political society, economic realm as well as informal associations. This dimension is virtually constitutive for democratic polity. This fact is emphasized by Jean L. Cohen and Andrew Arato in the following words: “the rights to communication, assembly, and association, among others, constitute the public and associational spheres of civil society as spheres of positive freedom within which agents can collectively debate issues of common concern, act in concert, assert new rights, and exercise influence on political (and potentially economic) society”. Civil society can be seen as one part of the twofold core of democracy. It represents the “corrective mechanism”, whereas the rule of law as an institutionalized system of checks and balances including a strong and independent judiciary could be regarded as the “stabilising mechanism”. These mechanisms constitute a set of political-cultural habits developed into a complex and steady intellectual and organizational infrastructure for the rules of the game. Civil society, according to the liberal theory and the political practice in the consolidated democracies, generates the whole range of rules of the game and can exert influence over other players in the democratic game, mostly the institutions of political society as well as state agencies. In some cases, civil society can modify, change or eliminate rules introduced by other actors. Civil society formulates constitutive rules. This type of rules deals with constitution sensu largo (in the already-mentioned approaches of Rey and Coleman), embodying thereby consensually elaborated regulations which are endowed with popular legitimacy and as such form a strong basis of state power and structures of authority. As long as civil society is defunct, the rules of the game are tenuous and lacking in direction. Laws can be written, but without institution building

through civil society, the legal system either remains abstract or turns into a repressive device.\textsuperscript{43}

Beside the formalized and institutionalized spheres of political activity, there exist a dense network of groups, organizations and associations set up to represent and satisfy various interests. They are formed in protest, or as an alternative, against the formal, established channels, mechanisms and means of interest representation and realization that for many social groups do not perform satisfactorily or fulfill the original objectives only partially. In the context of regime transition, they are identified with old interests and goals transferred from the authoritarian setting and adopted to the new democratic framework. Therefore, they are characterized by a considerable degree of continuity, notwithstanding modifications and conversion necessary to adjust to the new normative and institutional requirements. These may be called \textit{processed rules}. Hence, processed rules are specific patterns of behaviour in politics, inherited from the old system, rooted in the social consciousness as customs and habits, and adopted to the new normative and institutional framework.

### Rules and institutions

Rules, as the inherent element of structure, in the most important aspect of structuration theory, are recursively involved in institutions.\textsuperscript{44} Although some authors identify political institutions with procedures and rules of the game, institutions depend on the meaning that is accorded to them by the actors.\textsuperscript{45} In a nutshell, “institutions embody normative intuitions and principles of those who live in or under the institution in question”.\textsuperscript{46}

Jon Elster simply and briefly defines institution as “a rule-enforcing mechanism”.\textsuperscript{47} Since we agree that rules are a specific type of norms involving external, formal sanctions, it seems obvious that there have to be mechanisms and procedures of the enforcement of the sanctions. Such mechanisms consequently ought to be formalized, operationalized, incorporated into a certain type of organization. They should also design a specific instrumentation along with procedures and modes of its application. Institution implies action whose aim is to engender a certain type of behaviour, convert it into socially generalized patterns which are characterized by stability and recurrence. Institutions therefore contribute


\textsuperscript{44} J.R. Commons introduced the term “working rules” as a synonym for “institution”. See J.R. Commons, \textit{Institutional Economics}, Madison 1961.

\textsuperscript{45} N. Johnson, \textit{The Place of Institutions in the Study of Politics}, “Political Studies” 1975, no. 2–3.


greatly to the rationalization of the political game as well as attitudes and forms of behaviour revealed by the participants.\textsuperscript{48} Such understanding is present at the conceptual propositions launched by Samuel P. Huntington\textsuperscript{49} as well as Niklas Luhmann\textsuperscript{50} and Peter Berger. The latter, defining institutions as a distinctive complex of social actions, points out that the main role of the institutions is to provide procedures through which “human conduct is patterned, compelled to go, in grooves deemed desirable by society”.\textsuperscript{51}

There is a widely-shared consensus among scholars as to the fact that in a society of any greater complexity or heterogeneity, structures of power and authority as well as political regime and community cannot exist without creating political institutions. Institutions are responsible for the maintenance of a certain kind of normative order which relies upon conditional procedures of rule-enforcement and imposition of attitudes of compliance and accountability as well as feelings of obligation on individuals and groups. In other words, institutions establish normative and cognitive standards, as to what preferences and objectives can be expected to meet with approval.\textsuperscript{52} Not only they generate and stimulate support and observance of norms and rules of the game on the part of social actors, but also reaffirm and legitimize the existing power relationships. Legitimacy in this perspective can be seen as collective recognition of, and orientation to, institutionalized and binding rules of the game.\textsuperscript{53}

Institution, as an action-stimulating agency, operates through distinctive procedures that are responsible for the proper mode and method of rule-enforcement and the accomplishment of the stated goals, what in a consequence refers to the engendering of an expected type of behaviour. Effectiveness – attaining given goals – becomes part of the institutionalized rule set.\textsuperscript{54} The employment of a certain type of procedure depends largely on the stated objective, internal determinants and external environment, the structural context of action as well as the type and properties of available instruments. Every procedure which reflects the operational aspect of the institution implies the specification of costs and benefits and in this respect it refers to calculatory arrangements.

Finally, pondering over the meaning and substance of the concept of rules of the political game, one has to come one step down the levels of system analysis


\textsuperscript{51} P.L. Berger, \textit{Invitation to Sociology. A Humanistic Perspective}, New York 1963, p. 87. For the sake of comparison, Luhmann's definition is: "Institutions are temporal (\textit{zeitlich}), objective, socially generalized behaviour expectations reflecting the social systems structure" and Huntington's one is: "Institutions are stable, valued, recurring patterns of behavior".

\textsuperscript{52} C. Offe, \textit{op. cit.}, p. 2.

\textsuperscript{53} R. Stryker, \textit{op. cit.}, p. 858.

\textsuperscript{54} \textit{Ibidem}, p. 860.
and focus on certain elements of social theory, especially those referring to rational choice, collective action, social capital, trust and accountability. Rule enforcement cannot exclusively rely on sanctions applied by given institutions. It is much more efficient when resting on socially embedded norms entwined with basic elements of social capital like rationality, reciprocity, responsibility and sense of obligation, or on the presumption of trust. All the versions of the now-in-vogue new institutionalism stress the importance of norms of reciprocity and the networks of collective action within civil society. Civil society and civic culture do play a critical role in the making of politics in modern stable democracies. However, regimes – which are the main objects of the present analysis – as sets of procedures and rules, with norms and values behind them, and particularly non-consolidated or would-be democratic regimes, are strongly determined by social context, political tradition and continuity regarding patterns of governance or structures of authority.

Conclusions

Defining and establishing new rules of the game rather seldom is universally accepted and promoted by political actors. Diversity of interests and political goals contributes to the pursuance of different strategies and sometimes pushes the actors too far, beyond the limits and borders set by the parameters of the political game. When the limits are unclear and called in question, when they hinder the game and distort its logic, when the results of the game are contingent and subject to uncertainty, some ways and means emerge in order to fulfill the strategic aims of the game participants. The use of certain instruments in political competition depends on the position of political actors in the structures of authority and networks of political affiliation as well as on the availability of extra-legal sanctions and means of rule enforcement.

Such terms of the game contribute greatly to the emergence of specific policy areas excluded from democratic government’s control or from the scope of

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electoral majorities setting normative bases of a regime. O’Donnell coined the term “brown areas” to describe policy areas where democratically elected government officials, political parties and other actors base their activities on such mechanisms as patronage, personalism, clientelism, “amoral familism”,58 and the like, which leads to the fragmentation of the state.59 The normative fundamentals of democracy, formal norms and rules, statutes and laws, in many respects are in suspense, replaced by customary rules, habits and informal practices, tacit or explicit “understandings” and deals, the margins of which are often unclear.60

A multidimensional analysis of the entire system of rules that determine the pace and direction of the regime transition facilitates greatly the diagnosis of democratic consolidation processes. Rules of the political game in the present approach were operationalized as a variable permeating various spheres (and dimensions) of politics (as well as economics), thus forming a specific core structure for political regime. That variable is operating on different scales and is entering into various interactions with other elements of the system. Nevertheless, recalling once more Giddens’s structuration theory, rules remain inherent components of the system, they are its structured properties linked to adequate resources. The variety of resources in possession of the given state and society, largely determined by patterns of culture, ethnicity, political traditions, institutional choices, structures of geopolitical and civilizational dependency, affects significantly the modes and ways of rule-establishment and rule-enforcement.