



Constrained Democracy: The Consolidation of Democracy in Yugoslav Successor States

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Abstract

The development of democracy in the successor states of Yugoslavia illustrates the whole range of differences among these states: from Slovenia which is considered most advanced and consolidated, over Croatia which is on its way to become a consolidated democratic state, to Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia which are seen as still very fragile zones for democracy to take roots in. While scholars refer to these latter cases as to failed or unconsolidated democracies, this article argues against the common theoretical framework and calls for the use of different theoretical and methodological tools to measure the (un)success of these states. For this purpose this article discusses the main (internal) features and weaknesses of these democracies and points at a number of external factors and internal objective circumstances, which (unintentionally) hinder the process of democratization.

Keywords

Yugoslav successor states, consolidated democracy, constrained democracy, post-Yugoslav democracy, theories of democracy

The question of the success (or lack thereof) of democracy in the Yugoslav successor states is challenging in many ways.² Obviously, the development of

¹ I. Ristić has written this article as a part of the research project “Social Transformations in the Process of European Integrations – Multidisciplinary Approach” (Nr. 47010), financed by the Serbian Ministry of Education, Science and Technological Development and carried out by the Institute of Social Sciences/Belgrade.

² Although it sounds awkward, this article will for the purposes of greater precision refer to the ‘successor states of Yugoslavia’, despite the fact that in the last 10–12 years this region has been most commonly called Western Balkans or just Southeastern Europe. Although very

democracy in parts of this region is marked by difficulties, which scholars tend to explain as related to the belated political transition and the blockages in the EU integration process, as well as structural constraints such as historical legacies, the geographical position, post-authoritarianism and/or the post-conflict nature of the region. Hence, when applying the most common theories of democracy and defining the type of democracy in these states, they often refer to terms such as ‘defective democracy’ (Merkel 2004; 2007; Cohen 2007),³ ‘weak state’/ ‘failed state’ (Ignatieff 2003; Cohen and Lampe 2011, 161-167),⁴ ‘captured state’ (Pešić 2007; Cohen and Lampe 2011: 146) or ‘mere electoral democracy’ (Džihic and Segert 2011), all of which suggest that a liberal (embedded) democracy in this region is yet to be established.

However, when examining these terms and categorizations more closely, we can notice three problematic aspects. First, these theories and terms, which are often used to analyze the situation in the successor states of Yugoslav, seem too general, and hence fail to account for variation *within* this region and the specific origins of such developments. They are descriptive on the level of grouping similar cases, rather than explanatory on the level of identifying underlying causes. Therefore, applying these theories of democracy (created for another context), to the successor states of Yugoslavia, leads to a stigmatization of these states as flawed version of a different model, rather than analyzing them in the context of their own specific political, social and cultural development.

frequently used, these two terms are still vague and remain undetermined in a scholarly sense, since sometimes scholars and/or politicians refer to them as to a political, and sometimes as to a geographical term, while among scholars and the public in the region itself there is a low level of identification with these terms. In geographical terms, the Western Balkans are usually understood to include the former Yugoslavia without Slovenia, but with Albania, but this definition has its weaknesses, since there is no plausible explanation why, when analysing the development of democracy in the successor states of Yugoslavia, one should bypass and exclude Slovenia, but include Albania. This article focuses on the successor states of former Yugoslavia, but seeks to contextualize these in their larger regional environment.

³ In particular for Bosnia and Herzegovina, Croatia and Serbia see among others Džihic and Segert (2011) and Pavlović and Antonić (2007).

⁴ The assessment of the Failed State Index published by the Fund for Peace and *Foreign Policy* is less pessimistic in its assessment. In 2011, Bosnia and Herzegovina, Serbia and Macedonia were the only three countries outside the post-Soviet space in Europe placed in the second most critical category (‘warning’), but still only rank 69th, 98th and 106th most vulnerable states in the world. Data available at <<http://www.fundforpeace.org/global/?q=fsi>>.

Therefore it seems compelling to argue in favour of Larry Diamond's developmental theory of democracy, in which he rejects the usual conditions for democracy, but stresses the continual 'becoming' and changing nature of democracy in single countries and societies.

Second, when analysing these terms and categorizations derived from theories of democracy tailored for Western states and societies, scholars apparently do not take into account the basic function of theories. Namely, theories serve to help explain and contextualize different realities. As such they can either be verified by a case study, or rejected. The example of the successor states of Yugoslavia do not generally verify the commonly accepted theories of democracy, which will be discussed in detail in the following chapter. And instead of questioning these existing theories and their applicability in this given region, scholars tend to derive new theories and sub-models (such as 'weak states,' 'failed states,' 'captured state,' etc.) in order to have a theoretical match for the existing reality on the ground. Consequently, the case study dictates the creation of a theory, which is not just opposed to a scientific approach but also turns the function of a theory upside down.

Third, the general use of the previously mentioned definitions and terms for the region of what used to be Yugoslavia, neglects the fact that the democratic development in the successor states is neither unique nor as coherent as it might appear at first. On the one hand, some of the Yugoslav states, such as Slovenia and to a great extent Croatia succeeded in building and consolidating a liberal democracy, all others did only partially. Hence, Yugoslavia as an overarching state construction cannot be seen per se as an advantage or disadvantage for the development of democracy. On the other hand, some other post-communist states, although already EU members, face similar constraints and, similar to some successor states of Yugoslavia, could not be considered fully consolidated democracies. Thus, the conflation of EU membership and the state of democracy might be misleading and impose a false sense of coherence on post-Yugoslav space; in particular, those countries that have not joined the EU yet (Bieber 2012). In other words, among all post-communist countries in Central and Eastern Europe (CEE) and for that matter more broadly among countries that began their transition to democracy during the third wave, just like among all successor states of Yugoslavia, we can see both highly successful and less successful examples of the transition from communism to liberal democracy. This consequently leaves little room for generalizations both for the CEE, and the Yugoslav space, since – to paraphrase

Tolstoy – successful states are all alike; every unsuccessful state is unsuccessful in its own way.

This article argues that one can observe a particular development of democracy in the successor states of Yugoslavia, in this stage best termed as a constrained democracy. This type of democracy is short of a consolidated democracy, yet not a regime that is democratic in form only, but *de facto* leaning towards authoritarianism. The successor states of Yugoslavia regularly hold free and fair elections, have a vibrant party system and competition. Political elites at least formally share a consensus on establishing fully consolidated democracies and full EU integration. Yet, both comparative studies of democratization and individual country studies note considerable shortcomings in comparison to consolidated democracies. We argue that the concept of transition and consolidation of democracy gives the current state of democracy a misplaced temporal dimension. It suggests that the current types of democracy are inherently moving towards a consolidated democracy, reflected also by the process of European integration. Yet, we note that many of the constraints on democracy in the region are enduring and deeply embedded. Thus, we suggest that the paradigm of consolidation of democracy needs to be reconsidered and the current state of democracy needs to be taken as a distinct model rather than just an interim form.

This article will focus on countries that have struggled to consolidate their democratic system in the Yugoslav region, despite the ongoing EU accession process. The first part will briefly deal with the problems of an appropriate theoretical framework, and in regards to that it will identify the – to some extent flawed and insufficient – theoretical and methodological tools for measuring the success or failure of democratization. Drawing on the weaknesses of existing theory building on democratization, the second section will seek to characterize the state of democracy in the successor states of Yugoslavia. This article argues that rather than conceptualizing the current system as transitory, it would be useful to consider a flawed yet sustainable type of democracy.

The final section will focus on the internal and external reasons that can explain this particular type of democracy in the successor states of Yugoslavia. Among these reasons are internal elements such as ethnic cleavages and the lack of a strong legitimate state, and external reasons, most of all the role of the EU, which has become the most important democracy promoter in CEE and the successor states of Yugoslavia. However, the actions of the EU and the process of EU enlargement have had unintended consequences on the consolidation of democracy.

The Weaknesses of Theories of Democracy

Theories of democracy provide for a necessary framework and a variety of methodological tools to analyze the development of democracy in the post-communist states of CEE and the successor states of Yugoslavia. These theories can and should be used as the foundation for assessing the level of democracy in a given region. However, it is in the nature of theories that they are usually created on the basis of an ideal type of social reality, and if taken for granted, or simply applied without considering the specific circumstances, they can often be misleading. Hence, when it comes to theories that provide a framework for the development, definition and understanding of democracy in the successor states of Yugoslavia, it is very quickly obvious that many do not adequately address the subject. In the following section, this article will briefly discuss some of the traps behind applying different theories of democracy to the successor states of Yugoslavia.

Democracy theories, whether the economy-centred model of minimalist electoral democracy (Schumpeter), or the liberal, embedded democracy model (Merkel; Diamond) or the model of advanced democracy (Grugel; Held), ascribe varying importance to different political institutions of the political system. These institutions are understood broadly, encompassing not just formal state institutions such as government, parliament and the judiciary, but also parties, elections, the market economy, civil liberties, political accountability, political rights, checks and balances and the separation of powers. While identifying or assessing these institutions seems to be a reliable methodological tool to evaluate the level of democracy in a given state, the theory overlooks that these institutions, in order to flourish and hence in order to be used as reliable indicators, need a state legitimized through an “imagined community,” as Benedict Anderson has termed the emergence of the modern nation state (Anderson 1983).

This type of state could be defined as a *nation state*, while the community which legitimises it would be considered as the *nation* of that given state. Such a nation is not supposed to be based on ethnic homogeneity, but rather grounded on the institution of citizenship, which is granted to citizens despite their ethnic belonging. In this article, we will not use the term nation state, due to possible misinterpretations of this term. At the same time it would go beyond the scope of this article to discuss whether or not a nation state is required for a consolidated democracy or how to best characterize the degree to which multinational states need to forge a shared identity. However, for the argument of this article, especially in its third section, it is worth noting that

there is no consensus on the degree to which the existence of a nation state is a precondition for democracy.⁵ This means that some of the CEE countries,⁶ but definitely all successor states of Yugoslavia had to go through a simultaneous process of democratization and the re-invention of a state and a nation, which was accompanied by either the process of national self-determination or changes of border and hence potential national conflicts, or in the worst case, like in Yugoslavia, by all of that.⁷ Consequently, applying democratic theories and evaluating the level of democracy without considering these parallel process and challenges of statehood and identity appear inappropriate and might lead to misleading conclusions.

The way in which some theoretical approaches can misinterpret reality can be illustrated by the interpretations of party membership. In Western states with established liberal democracies, political parties have a long-standing role as a link between citizens and political elites and the government. Political participation of citizens in parties, and hence the overall level of democracy is measured by, among other indicators, the functionality of the party system and the involvement of party members. In these societies, it is common that only those citizens interested in political activism join a party with which they have a strong ideological identification. Therefore, in such a system, individuals rarely change their party affiliation. However, in most of the successor states of Yugoslavia, parties informally play a different role. Although the constitutions and legal systems define political parties in the same way as in most Western states – as a link between citizens and the government and parliament, the reality is different. Instead, they serve as an employment agency, to advance a career and to provide access to services and other public goods, even in spheres which are (formally) not related to politics. Therefore, in these states, the ideological identification with parties is low and changes in party

⁵ Dankwart Rustow for example sees national unity as the sole precondition for democracy and argues that a political community can only be successful if a majority of the population (citizens) is not apprehensive or fosters doubts against it and hence legitimises it. Dirk Berg-Schlosser also argues that a precondition for democracy is the existence of a nation state (Gromes 2007: 9). On the contrary, Juan Linz and Alfred Stepan emphasize less the need for a nation state, but for stateness, i.e. a consolidated and widely accepted state (Linz and Stepan 1996: 16-36).

⁶ Czech Republic, Estonia, Latvia, Lithuania and Slovakia.

⁷ Claus Offe describes this process as the 'Dilemma of Contemporaneity' (*Dilemma der Gleichzeitigkeit*). He argues that the challenges lie in the reestablishment of (nation) state structures, the establishment of a free market and finally of a peaceful and stable national coexistence. Miroslav Hroch also believes that these 'small nations' need to develop as nation states as a precondition for a liberal democracy and therefore he holds that nationalism is not an epidemic nor a disease of Eastern Europe, but rather their intention to democratize (Hroch 1990, 1996).

membership are more frequent (see Mungiu-Pippidi 2005; Pešić 2007). In conclusion, this means that the number of party members and party activists in a Western country does not necessarily indicate the same in a successor state of Yugoslavia when considering the political system, activism, political participation and hence the status of democracy.

Another argument for a cautious use of democratic theories tailored for Western societies is that they leave little space for even slightly different models of democracy or elements of democracy, which have developed in the CEE and South East European (SEE) states.⁸ Furthermore, if democratic progress of CEE states, including the successor states of Yugoslavia will be measured according to the standard set by Western democracies,⁹ they will appear to be permanently lagging behind. This is also reflected in the development of theoretical types of democracy. Until the last decade of the 20th century, the western liberal democracy was considered as the most advanced system, based upon the existence and functioning of certain institutions; however, in the past 15 years, scholars conceptualized a more advanced type of democracy (among others Held 1996; Grugel 2002), appropriate to the differences that arose from the new established liberal democracies in CEE and the established liberal democracies in the West. As a consequence, in the self-perception of the CEE and successor states of Yugoslavia, the highest level of democracy will always be ahead, creating the sense of an endless chase for democracy. While there is no doubt that societies and states should always strive to a higher development of democracy, divisions into those who set the standards, and those who are trying to 'catch up' to these standards are not only inappropriate, but they might also create frustrations and feelings of second-class societies, which has possible negative effects on the development of democracy. Therefore the approach of Larry Diamond seems most compelling (Diamond 1999). Instead of setting (theoretical) preconditions for the development of democracies, and thus creating a division between those who set the

⁸) They include historical legacies, such as a different understanding of citizenship.

⁹) Among the most prominent authors of such an understanding is Francis Fukuyama. In his book *The End of History and the Last Man* published in 1992, he argued that the western model of liberal democracy should be considered as the evolutionary end of human history. The weakness of his thesis and theory was less that he disregarded that the western liberal democracy has its own historical development and context, which makes it not applicable everywhere that easy, but rather that his theoretical frame was insensitive for in-betweens. Consequently, according to him states and societies are either western liberal democracies, or they are no democracies. Authors such as Jack Snyder and others have argued that in fact countries are most vulnerable to conflict and internal strife during the process of democratization (Snyder 2000).

conditions and those who have to fulfil them, he argues for a developmental theory of democracy. The aim of theories of democracies should not be to formulate conditions for their success, but to view and explain different democracies in different states as a work in progress, as processes which have different paces, ways and forms and most of all, different, distinct conditions. Such a conceptualization of democratization avoids categorizing some countries as ‘democratizing’ and others as having ‘completed’ this process, but instead draws attention to the continual ‘becoming’ and changing nature of democracy.

Therefore, the aim of this article is not to completely abandon theories of democracy and their methodological tools, but rather to assess the results, which they deliver in a specific context. The complexity of the transformation of the successor states of Yugoslavia into democracies requires both a more diverse theoretical and methodological approach and a specific contextual knowledge (Ekiert et al. 2007: 13). It requires, only for the recent historical legacy, the consideration of two different authoritarian periods (communist, and the regimes between 1990 and 2000).¹⁰ It also requires focusing on the post-conflict ethnic cleavages, on the attitude toward the West, and vice versa the attitude of the West, in particular of the EU towards this region. Being aware that it would go beyond the scope of this article to discuss all these elements, only two of them, the internal factor of the consolidation of a strong legitimate state, and the external factor of the role of the EU, will be discussed in the last section of this article, after having examined the type of democracy that has been established so far.

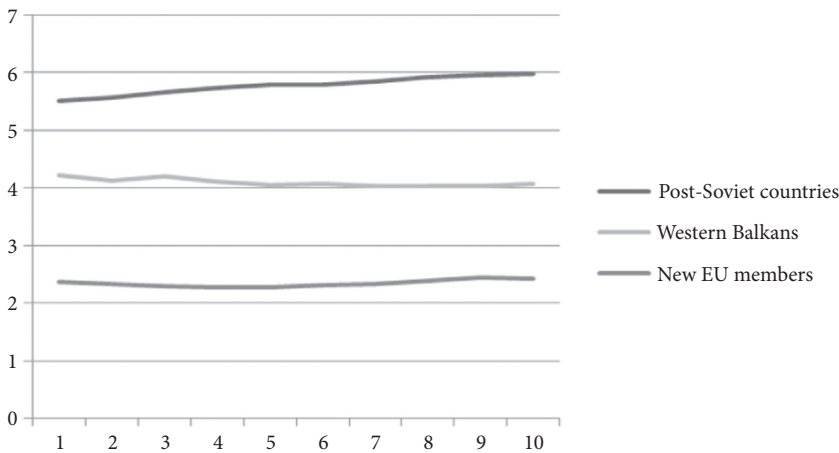
Is there a ‘post-Yugoslav Democracy’?

Being confronted with these internal and external constraints, the successor states have nevertheless entered the democratization process and started to develop a democratic system of government during the last decade. For most countries of the post-Yugoslav space this process began in earnest in the late 1990s, nearly a decade after 1989. In Croatia and Serbia, this process is best epitomized by the death of Franjo Tuđman and the fall of Slobodan Milošević. Tentative democracy became possible in Bosnia and Herzegovina and Kosovo

¹⁰ The experience of Communism in Yugoslavia differed substantially from those elsewhere in CEE. The semi-authoritarian regimes in Croatia and Serbia during the 1990s developed specific features, but had their corresponding types in Romania (under Iliescu until 1996) and Slovakia (under Mečiar until 1998).

only after the wars had ended and first elections were held in 1996 and 2001 respectively. Montenegro began democratising after the internal split of the governing Democratic Party of Socialists in 1997 and the ascent of the reformist wing. Macedonia had embarked towards democratization earlier, but during the 1990s the process was flawed, characterised by the strong hold on power of the successor party to the local League of Communists and tensions between the state and the Albanian community (Boduszyński 2010). The second attempt at democratization in post-Yugoslav space (except Slovenia) thus began between 1996 and 2001. During this period, one can note a rapid improvement in the state of democracy, from the conduct of elections and freedom of the press to the emergence of a (more) pluralist media system.

During these years, the state of democracy rapidly improved and the countries of the region moved away from their earlier authoritarian or only formally democratic structures.¹¹ These changes included constitutional reforms (as in Croatia, Macedonia), repeated alternations of governing parties (as in



Trends of the Democracy Scores, Nations in Transit.¹²

¹¹ Boduszyński distinguishes between the different countries, characterizing Croatia as a 'simulated democracy,' Macedonia as an 'illegitimate democracy' and Serbia as 'Populist Authoritarianism.' (Boduszyński 2010).

¹² The data is taken from Freedom House, Nation in Transit 2011. The post-Soviet category does not include the Baltic States. The Western Balkans includes Slovenia, but not Romania and Bulgaria. 1 is the highest, 7 the lowest score. <http://www.freedomhouse.org/sites/default/files/inline_images/NIT-2011-Tables.pdf>.

Macedonia), the emergence of governments with the goal of consolidating democracy and joining the European Union and greater media pluralism. However, after the first initial changes, the region has experienced a stagnation of the process of democratization. In addition to well-known setbacks, such as the assassination of Serbian Prime Minister Zoran Đinđić in 2003, the rise of new populist governments in Macedonia and Republika Srpska in 2006, there has been a slowing down of reforms.

This trend is well reflected in the rating of democracy contained in the annual Nations in Transit reports of Freedom House.¹³ Since 2002, there has been a continuous and stable trend indicating three distinct groups of post-Communist countries. The countries that joined the EU in 2004 and 2007 have the best performance, with the countries of the Western Balkans taking the middle ground as ‘unconsolidated’ democracies and the post-Soviet countries moving towards greater authoritarianism after 2010. Freedom House characterizes the countries of the region either as ‘semi-consolidated democracies’ or as ‘transitional governments or hybrid regimes’ (Albania and Bosnia) or as ‘semi-consolidated authoritarian regimes’ (Kosovo). Similar characterizations are used by the Bertelsmann Transformation Index.¹⁴

The relative stable trends appears to suggest that despite the Stabilisation and Association Process of the EU and the end of authoritarian rule and armed conflict, the region overall has not moved closer to the more ‘consolidated’ democracies who joined the EU, even if this group of countries did not substantially move during the same period.

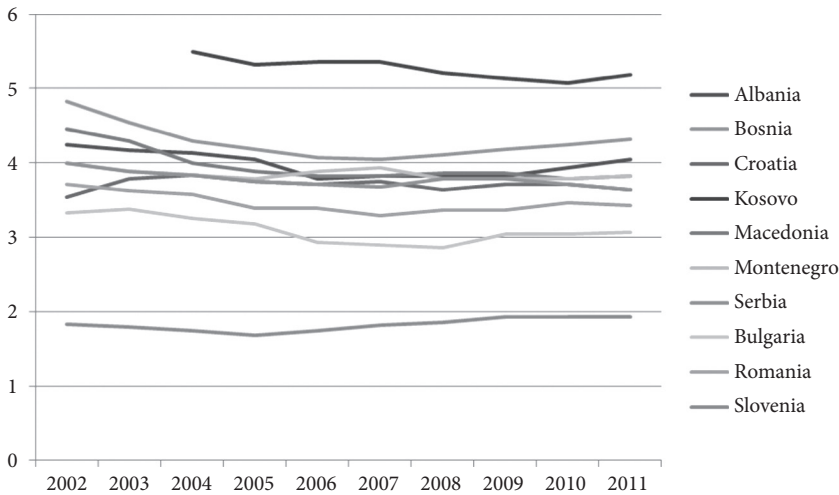
Despite these region-wide trends, there is considerable variation among the successor states of Yugoslavia and some convergence with other Southeast European countries (see Brusis 2008). When considering all the countries of Southeastern Europe jointly, one can identify one group of countries which follows a similar trajectory, including Bosnia and Herzegovina with the lowest score of this group and Bulgaria with the highest. The two outliers are Slovenia, which scores significantly better, and Kosovo, which has scored considerably worse during the period measured (from 2004).¹⁵

This data suggests that there is considerable similarity in the state of democracy in Southeastern Europe, beyond just the post-Yugoslav space, but also

¹³ One has to approach the data with some care as they are based on a subjective, even if well grounded, assessment of democratization. Nevertheless, the data can help map out large trends.

¹⁴ See <<http://www.bti-project.de/>>. Both studies are analysed in more detail in Bieber 2012.

¹⁵ The low scores for Bosnia and Kosovo are in part due to the substantial role of international organizations in governance.



Regional Variation in Southeastern Europe, Nations in Transit.

including Romania, Bulgaria and Albania that have remained stable. This perspective requires us to not consider EU membership as a sufficient criteria for identifying a consolidated democracy (serious crises of democracy have also occurred in 'old' EU member states), but also to abandon an idealized view of the inevitable gradual and linear progression from authoritarianism to consolidated democracy. Similarly, there has been no fall back to the authoritarianism of the 1990s or earlier, suggesting that this form of democracy displays greater stability than terms such as 'defective democracy' appear to imply. Of course, this does not suggest that there is no risk for authoritarian behaviour of particular governments and a lack of institutional safeguards. This risk is particularly visible with governments in Republika Srpska, Macedonia and Montenegro.

Instead, we can identify a 'consolidated' type of democracy in Southeastern Europe that remains distinct from other democracies in Western and also in most of CEE. So how can this type of democracy best be identified independently from conceptualizing these democracies in comparison to an ever-changing ideal type?

We can identify the following seven features of this type of democracy:

Formal Commitment to Democracy and Democratic Procedures

In Southeastern Europe, the formal features of democracy are fulfilled: generally free and fair elections take place without large-scale irregularities and

governments are formed. Similarly all significant parties accept the democratic system and compete in elections. While boycotts of key parties have been a feature during the 1990s, this has become rare since. In all countries of the region, with the exception of Montenegro, ruling parties have alternated as a result of elections.

Discrepancy between Formal and Informal Politics

The political systems of the region often display considerable discrepancies between the formal framework, frequently modelled on EU requirements or West European examples, and informal institutional practices. Such a gap expresses itself through the adoption of laws that are often not or only partly implemented and low levels of trust in formal institutions. This gap between formal universalism and particularism (Mungiu-Pippidi 2005) can be partially explained by regional patterns of political culture (Höpken 2009) and certainly has historical *antecedents*, but causes can also be found in the EU accession process and other more recent feature of post-Communist democratization.

Weak, Powerful Parties

The region has significantly varying party systems that include very stable systems, such as in Croatia, Albania or Macedonia with two dominant parties, and volatile systems with new parties rising rapidly, as has been the case in Bulgaria since 2001 and more recently also in Slovenia. A shared feature has been the strength of parties vis-à-vis institutions. Parties have been not just setting the agenda, but also been controlling state institutions through the employment of party members in the civil service. However, because parties generally do not have a fixed ideological orientation, but have ‘flexible’ policies, their influence expresses itself through employment and patronage rather than through ideas (Balfour and Stratulat 2011: 10-18). Their weakness derives from the inability to act effectively as a transmitter of popular concerns and weak loyalty among party members.

The Changing Face of Extremism

In the early 2000s, most political systems of the region were characterized by large populist parties that rejected some basic premises of liberal democracies

and EU integration¹⁶ and promoted a nationalist-populist platform. In recent years, the political systems have undergone a shift with such parties faring badly.¹⁷ Instead, the party system can be characterized by formal commitment to EU accession and liberal democracy combined with nationalist-populist rhetoric that modifies these goals and subordinates these to national interests and remains critical of core values of liberal democracy and EU integration, such as the rights of sexual minorities.¹⁸

International Intervention

While this does not apply to all countries, Bosnia and Herzegovina and Kosovo have only been partly sovereign and had considerable aspects of their governance conducted or supervised by international actors. In addition to the formal role of international organizations such as the Office of the High Representative in Bosnia or the International Civilian Office in Kosovo, foreign actors often have considerable influence on the performance of the democratic system.¹⁹ Even if one does not agree with calling this role as ‘neo-colonialism disguised as state-building’ (Štiks and Horvat 2012), it severely restrains democracy and is likely to have an impact on the democratic trajectory of the countries even after the end of intervention.

Limited State Capacity

States are torn between high social expectations in terms of job provision and social security and limited capacity, including in the sphere of economic policy. This dynamic is enhanced by the strong influence of specific interests, in particular parties and economic groups on the state institutions. In some cases, the private influence on the state could be characterized as ‘state capture’ (Krstev 2002).

¹⁶ These included the Serb Radical Party (SRS) in Serbia and the Greater Romania Party (PRM) as the largest or second largest parties.

¹⁷ In Serbia, the SRS disintegrated and the extremist core has a level of support around 5%, the PRM lost all its seats in the lower house of parliament in 2008, a similar fate experienced by the Slovene National Party (SNS) in parliamentary elections in 2011.

¹⁸ Examples include the governing Internal Macedonian Revolutionary Organisation VMRO-DPMNE with its ‘anti-quization’ campaign and the Alliance of Independent Socialdemocrats in the *Republika Srpska* with its support for subordinating Bosnia and EU integration to the RS.

¹⁹ This applies in particular to the strong influence of the US embassy in Kosovo.

Misbalanced Social Stratification

The economic reforms initiated since the end of Communism created many transformation losers stuck at the margins who lost access to economic opportunities and social services. In the former Yugoslavia, the wars and resulting economic impoverishment further affects this group that stands in contrast to a small middle class. The state neglects the transformation losers; few social and economic policies provide a safety net and therefore this social group becomes very sceptical towards the democratization process. Populist parties feed off this dissatisfaction and after a decade of growth, the global economic crisis reified this dynamic (Stefanovic 2008).

Democracy Constraints in the Successor States of Yugoslavia

After having identified an intermediary and stable type of democracy, we need to consider two questions: First, why has there not been a convergence with the type of democracy in other CEE countries? Second, what accounts for the relative durability of this intermediate type of democracy despite considerable (at least formal) external support in the shape of the prospect of EU accession? Here, we will explore two aspects which are external to the political systems themselves, namely the role of unconsolidated states and ethnic cleavages and the EU accession process. These shall serve primarily to illustrate the external factors that shape the political system rather than provide a conclusive list. By focusing on external factors, we seek to correct the frequently held argument that political elites are key sources of deforming democracy. Without a doubt, elites certainly shape the political system and often benefit from its distortions (Džihic and Wieser 2011; Noutcheva and Aydin-Düzgit 2012); however, such a causal link nevertheless risks becoming a circular argument. If this type of political system with a consolidated ‘imperfect’ democracy produces a particular elite that in turn seeks to perpetuate it, cause and effect become indistinguishable.

National State and Ethnic Cleavages

For a long time after the beginning of the transition process, analysts underestimated the importance of a strong and legitimate state for the consolidation of democracy, while overestimating elections, civil rights, civil society, political

liberties and effective power to govern. Some analysts even used to equate the decrease of state power with the growth of democracy (Ekiert et al. 2007: 15). This view was often informed by the implicit scepticism towards the state by dissidents in Communist countries, embodied by *Václav Havel*. However, many scholars no longer share this standpoint. As mentioned previously, many believe the success of a liberal democracy relates to the existence of a legitimate state and an imagined (national) community (Fukuyama 2004: 28–30). However, while for most of the CEE states this parallel process of state consolidation and democratization seemed to be the road to democratization success, for most of the successor states of Yugoslavia the ‘triumph of the national state’ was not necessary linked to rising democracy (Brenner 1994:114). On the contrary, the quest for national states in this region led to conflicts, and these conflicts further compounded national tensions and wars, and finally produced still unresolved national tensions. As a consequence of this chain reaction, at least three of the former six Yugoslav republics (Bosnia and Herzegovina, Macedonia and Serbia, plus Kosovo) have so far failed to consolidate their state, as the external borders and/or internal legitimacy remains contested. These states also have the lowest democracy performance among the successor states of Yugoslavia, and the longest way towards the EU. In Kosovo, Macedonia and Bosnia and Herzegovina, the response to the contestation of statehood has been the establishment of varying degrees of consociational arrangements that seek to accommodate the competing claims. The constitutional frameworks that established power-sharing have been largely designed by outsiders as part of peace agreements (Bieber and Keil 2009: 337–360). While consociational arrangements might be effective tools at ending conflict, critics of consociationalism point out the limitations to democracy of such a system of government (Roeder and Rothchild 2005: 29–50). Thus, consociational systems might lack viable alternatives short of partition, they also emphasise ethnicity and empower elites that contributes to constrained democracies. On the other side, Slovenia and Croatia, with a different pace, succeeded in consolidating their state and have already or will soon join the EU.²⁰

An initial conclusion could be that a successful consolidation of a legitimate state partially depends on the level of ethnic homogeneity, and that

²⁰ Montenegro is somewhere in between. While the state consolidation by now is closer to that of Slovenia and Croatia, its level of democracy consolidation is closer to the situation in Bosnia and Herzegovina, Macedonia and Serbia.

Slovenia, as the ethnically most homogenous successor state of Yugoslavia, has benefited from this circumstance.²¹ However, Macedonia and Croatia after 2000 have demonstrated ways to manage ethnic heterogeneity and integrate national minorities into the political process on all levels. But while in Macedonia this was not enough to achieve a strong and functioning state;²² Croatia meanwhile succeeded in consolidating its state. Consequently, the roots of a missed consolidation of the national state of the successor states of Yugoslavia obviously run deeper than ethnic heterogeneity and cleavages. However, these cleavages do have a greater negative impact on the consolidation of democracy within the successor states of Yugoslavia than they had and have in other CEE states.²³ In other words, ethnic heterogeneity itself is not an obstacle for the consolidation of a legitimate state. But when exploited by political elites and misused for territorial claims, ethnic differences can seriously harm or slow down the transformation process and lead to a different type of democracy (Ekiert et al. 2007: 14), which is the case in the successor states of Yugoslavia.²⁴ Consequently the politicization of ethnic diversity hinders efforts to consolidate and to build an efficient and transparent state with professional bureaucracies. Therefore, these states often remain stuck in partial reforms and lack the capacity to solve social problems of all vulnerable social groups – a feature that marked the success of CEE states that committed themselves earlier to rapid welfare reform and social compensation for the losers of transition.

²¹ It is important to also bear in mind that in terms of diversity, only Macedonia, Montenegro and Bosnia and Herzegovina differ substantially from CEE states. Serbia (without Kosovo), Kosovo and Croatia do not have a larger share of minorities than Slovakia, Romania or Bulgaria. See Bieber (2009).

²² Despite the fact that the ethnic violence in Macedonia in 2001 was stopped very quickly, the country did not succeed in consolidating its national statehood and strengthening democratic institutions.

²³ Mungiu-Pippidi and Krastev are correct in pointing out, that ethnic conflicts resulting from national transformations cannot be explained by ethnic heterogeneity only. They show that, for example, the Slovak Republic, Bulgaria and Romania have been confronted with ethnic heterogeneity and tensions as well, but that their political elites and the whole international community managed to cope with this challenge in a better way, they made less mistakes and succeeded to keep these extreme factors of destabilization under control (Mungiu-Pippidi and Krastev 2004: 299).

²⁴ This type of democracy, which differs from other CEE democracies, will be discussed in the third section of this article.

The Impact of the European Union on Democracy Consolidation

Transitional and democracy theorists often closely link the level of democratic consolidation of a post-communist state to the role of international actors, and in particular the EU. This apparent relationship can be easily determined, since ‘the most successful post-communist states established the closest relations with the EU and benefited from European aid and monitoring, institutional and knowledge transfers, foreign investment, and above all from the real prospect of EU membership as a reward for comprehensive political and economic reforms.’ (Ekiert et al. 2007: 12) However, one should consider not only the good relationship and commitment of these successful post-communist states to the EU, but also the ‘carrots’ and the incentives that the EU had to offer them. Hence, although there was political conditionality, there were also economic opportunities and a commitment based on mutual trust and shared interests. Moreover, the EU favoured much more and could support those states that were consolidated or at least which did not face challenges of state and nation building. This fits with the previously mentioned thesis that the democratization process (here embodied with EU integration), and the potential crucial help is more likely to succeed in consolidated states.

Among the successor states of Yugoslavia, only Slovenia was able to profit from these incentives and join the EU during the first post-communist enlargement in 2004. While Croatia will also join in 2013, only Montenegro of the other successor states of Yugoslavia has begun accession negotiations and some are still not candidates for membership. Thus, the prospect of membership for the countries other than Slovenia and Croatia remains remote with membership difficult to conceive before 2020.²⁵ The slow and difficult accession negotiations could lengthen the democratization process, much more than in the previously mentioned countries that enjoyed stronger incentives and commitments from the EU. While much of this delay was caused by slow democratization and unsuccessful consolidation of the post-Yugoslav states, some key external factors suggest that EU support for the democratization of the successor states of Yugoslavia could have been more effective. Of course, the prospect of EU membership offered in 2000 with the opening of the Stabilization and Association Process and reiterated at the EU-Western Balkans

²⁵ Croatia began negotiating membership in 2005, concluding them in 2011 and aiming to join in 2013. Even if one were to deduct Slovenia’s approximately 10-month-long blockade of discussions, the period between the beginning of negotiations and membership exceeds seven years, a period unlikely to be shorter with other countries in the region.

summit in Thessaloniki in 2003, has provided for an strong incentive for democratic reform as the EU through the Copenhagen criteria of 1993 requires member states to fulfil democratic standards that include human rights protection and the rule of law in addition to a competitive political system. The prospect of EU membership has also transformed the party systems by disincentivizing radical nationalist and anti-system parties (Konitzer 2012).

First, the enthusiasm and euphoria in the so-called old member states over enlargement has decreased significantly since the end of the 1990s, and in particular after 2004 (Ruiz-Jiménez and Torreblanca 2008). Not just that the euphoria has decreased, but also the economic interest, financial impulse and need for new investments has dropped, especially after the onset of the global economic crisis in late 2008. These circumstances have dampened the interest of the EU and its member states in the transition process in all successor states of Yugoslavia (except Slovenia). As a result, the EU has displayed less interest (and legitimacy) to encourage faster reforms. The EU policy towards the region was thus reduced primarily to minimizing potential threats (conflicts, migration, political), while economic interests in enlargement, and incentives for integration became secondary.²⁶ Both the EU and countries in the region viewed integration as a process focused foremost on political conditionality,²⁷ which over time created tensions and frustrations, and lowered the initial enthusiasm for EU membership.

During these negotiating phases, the specific benefits of approaching the EU remained intangible for most of the population. Hence, for both the politicians and the citizens in the region, the EU integration process and to a certain degree democratization itself, became less important because it seemed like ‘its tenets are adopted not as an end but as a means to an end.’ (Pop-Eleches 2007: 150) Moreover, while being too bureaucratic and not linked with tangible results, the EU integration process – instead of being something that would fuel the democratization – became a target of domestic anti-democratic and anti-liberal elites, who sought to undermine democracy promotion efforts. This is very well demonstrated in campaigns for presidential

²⁶ It could be argued that the term ‘Stabilisation and Association Agreement’ equally placed greater emphasis on stability and integration.

²⁷ In addition to the Copenhagen Criteria, the EU set out a number of specific requirements for the countries of the region to fulfil during both the Stabilisation and Association Process and during the actual accession process. These include adherence to the peace agreements (Dayton Peace Treaty, Ohrid Framework Agreement), cooperation with the ICTY and a number of country-specific requirements (e.g. police reform in Bosnia and Herzegovina).

and presidential elections in Serbia in 2008 and 2012. At the same time as the integration progress over a longer period of time is modest and the economic changes remain below all expectations, 'large parts of the population continue to experience serious economic deprivation and are likely to continue to do so for the foreseeable future, thereby undermining the future credibility of "democratic prosperity" promises.' (Pop-Eleches 2007:151) The survey and focus groups conducted as part of the project 'Democracy in Unstable Social Spaces', empirically prove this viewpoint (Matić 2011: 60-77). Naturally, while it can be misleading to blame only the EU for the lack of enthusiasm for the reform agenda and EU membership, this disinterest must also reflect on the EU approach towards the successor states of Yugoslavia and help explain the more limited success of democratization compared to the countries of CEE.

These incentives and support of the EU would have been and still are more essential for the democratization of unconsolidated states, than they were for those states that did not face ethnic diversity and cleavages. This is because ethnic heterogeneity in economically underdeveloped regions always bears potential tensions that can be exploited by (antidemocratic) nationalist groups and elites and lead to political violence, such as in (North) Kosovo and in Bosnia and Herzegovina, but also to a lower extent in Macedonia and in Montenegro. Therefore, the EU integration for such countries would bring more than only economic benefits, because the prospect of joining a supranational organization like the EU reduces the dominant role of ethnicity within the national state and 'thereby changes the zero-sum nature of ethnic politics in diverse societies' (Pop-Eleches 2007:144).

The role of the EU in democracy consolidation in the successor states of Yugoslavia can, secondly, be viewed from the perspective of the democratic nature of the EU integration process itself. The EU integration is marked by several steps and measured by a number of standards, which are mostly normative, but also politically defined. The political factors leave not only room for ongoing changes and redefinitions of conditions, but also for arbitrary evaluations of the state of democracy in these states, since the meanings are not fixed and are therefore open for interpretations. Consequently, if the EU relations towards future members should be a model, then this model itself has some undemocratic, arbitrary elements. For example, the solution-finding process for the Kosovo status has been perceived in Serbia as highly undemocratic, since it was not based on consensus and dialogue, but was decided without the conflicting parties and imposed on them. Although Serbian citizens, as polls show, have by now more or less accepted and rationalized this imposed decision (Ernst 2011: 28), for many of them this solution was not a

convincing demonstration of democracy and EU values, which are presented as based on dialogue and consensus. Again, as mentioned previously, this observation is not meant to suggest that the EU is undemocratic, but rather that it highlights the contradictions of EU engagement in the region, where it is not only acting as an institution promoting the accession of the countries, but also as a foreign policy actor. Since 1991 the EU (or the EC at first) has been engaged in peace-making and resolving political and military disputes. From the failed efforts in the early 1990s to its mediation in the Ohrid Framework Agreement of Macedonia in 2001 and its missions in Bosnia and Herzegovina and Kosovo, it has been engaged in constitutional reform, peace-keeping missions and otherwise became deeply engaged in domestic politics of the countries. Such an involvement is per se not neutral and is often perceived by the citizens of the countries as favouring a particular party and thus can undermine it as a neutral generator of democratic norms.

Finally, and in line with the first two arguments, the process of adopting EU norms itself has elements, which do not always facilitate the internalization of democratic attitudes among the citizens of the successor states of Yugoslavia. Since their EU integration process is not, as it was in the CEE states, marked by an enthusiasm and economic interest from the member states, and since it is consequently above all a bureaucratic process, which still remains economically and mentally intangible for the vast majority of the citizens, the introduction of democracy in this region is being reduced to a reproduction of the western democracy. However, as shown in this article's first section, the western democratic model has its own particular history and logic, and applying it to other social and cultural contexts can lead to unsatisfactory internalization of democracy. Although the norms and decision of the EU are mostly in line with democratic standards, adopting them can cause problems and nondemocratic side effects. They are usually adopted without discussions and without a possibility to influence them, on a 'take it or leave it' basis (Raik 2004: 569, 593, 594). This indirectly leads to the perception of institutions imposed from the outside, which tends to generate domestic backlashes, while undermining their legitimacy (Grzymala-Busse 2007: 105). Therefore, in terms of internalizing democratic patterns and behaviours, these procedures can constrain instead of strengthen both democracy and participation of politicians and citizens (Raik 2004: 594). This partially explains one of the biggest problems of the EU integration process and effective democratization in the successor states of Yugoslavia – the low level of practical implementation of formally adopted norms and acts.

The EU thus holds a contradictory role in the development of democracy: On one side, it clearly helped the establishment of legal framework and transformation of the party systems towards a more democratic form of government across the region, while on the other its transformative capacity has been uneven across the region as the conventional mechanisms of transformation fit best to consolidated states and in the “unfinished” states of the region, the mixture of EU foreign and enlargement policies have led to stronger EU engagement without necessarily closer ties to the EU and increased suspicion of citizens towards the EU.

Conclusions

The countries that have emerged from Yugoslavia have had divergent trajectories towards the European Union and democratic consolidation. While Slovenia joined the EU in 2004, Kosovo cannot expect membership for many years to come. Similarly in terms of the state of democracy, great variety exists. Of course, these differences did not only result from the process of dissolution of Yugoslavia and the subsequent wars; socialist Yugoslavia had substantial economic, social and political variation (Boduszyński 2010: 50-73). Thus, while keeping in mind this variation within the post-Yugoslav space and the fact that some countries in this region share key features with the neighbours Romania and Bulgaria we have argued that a core group of countries (Croatia, Montenegro, Serbia, Macedonia and Bosnia and Herzegovina) share some key features of the democratic system and can be identified as a stable type of democracy in the early 2000s that still falls short of what is often labelled as ‘consolidated democracies’. We argue that instead of distinguishing between consolidated and less consolidated democracies, we should consider the system in a considerable number of successor states of Yugoslavia is potentially stable and that this should not be conceptualized as a weaker imitation of Western models, but rather as a distinct type with a number of characteristics that are not unique to the region. We do not seek to argue that this type of democracy is either more desirable than any Western model or that it is inevitable for this form of democracy to persist in the region. Instead, we propose that our empirically driven re-conceptualization helps more than ideal types to understand the nature of democracy in the region. Next, we argue that in order to understand the causal mechanisms to explain the features of democracy in the post-Yugoslav spaces, we need not only look within the systems themselves, but rather need to explore external features, such as the role of

stateness and the impact of the EU. Here, the lack of consolidated and legitimate states and the delays in EU integration are interlocking factors that have contributed to the durability of the particularities of post-Yugoslav democracy. Dismantling a multinational state does not necessarily result in liberal-democratic states; without an end to external and internal (sometimes substantial) challenges to statehood, there will be little opportunity for democratic practices to emulate patterns elsewhere in CEE (see also Gromes 2012: 49–61). While the EU integration process has promised to offer an exit to the vicious circle of failed democratization, the weak (nation-)states, as Gromes argues, have had few real successes. Instead, the lengthy EU accession process since the launch of the SAA in 2000 has compounded the fragile position of the states in post-Yugoslav space. As we argue here,²⁸ the combination of the Common Foreign and Security Policy of the EU and EU accession has not been able to tackle the challenges of state building in the region and the embedded difficulties of moving the current state of democracy forward.

The type of constrained democracies we have sought to develop in this article is not unique to Southeastern Europe or the Western Balkans. We have sought to explore how democracies in the region are neither consolidated democracies nor a semi-democracy as other authors have developed in regard to political systems with a strong authoritarian penchant. There are broader implications beyond the region under study here. Namely, we suggest that as the global spread of democracy has brought about a greater variety of the different types of political regimes that could be understood as democracies, there is also a need for a more nuanced understanding of these systems. Rather than measuring them against an ideal type of consolidated democracy and focusing on their deficiencies in regard to this ideal (and idealised model), there is a need to understand the specificities of these democracies and not merely deficient or flawed. Democracies can be constrained by a number of factors, outlined in this article. Understanding these constraints and taking them seriously has been the goal of this article in regard to Southeastern Europe, but we seek to make this point more broadly in regard to democratic regimes outside the established West European (or North American) context. Rather than viewing these forms of democracies as temporary deviations of the ideal type, we need to take them seriously (without necessarily endorsing them) and comprehend why there might not be a natural succession towards the Western model in a number of constrained democracies around the world.

²⁸ Also see Bieber (2011).

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