

SOUTHEAST EUROPEAN CHALLENGES TO REPRESENTATIVE DEMOCRACY

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Levente Salat

Democratic theory is coming under scrutiny. While representative government and the rule of law seem to be the underlying principles of legitimate power throughout the world, theories on democratic systems bring to the fore several conundrums in democratic practice.

There are at least three critical aspects of democratic rule which are being addressed by attempts to theorize democracy: (1) What is the range of the term 'democracy' and what exactly is the line between democratic and non-democratic regimes? (2) What are the main, most frequently occurring lapses in democratic practice and on what grounds can those practices be criticized? (3) What are the chances for successful democracy in deeply divided, ethnoculturally diverse societies?

While these issues are of legitimate concern everywhere in the world where democracy is a viable prospect, they are particularly salient in Southeast Europe and in post-Soviet countries where democratic consolidation faces unexpected challenges. In the particular context of the post-communist transition, the legacies of totalitarianism, unaddressed diversity and the nationalist threat—exploited by both majorities and minorities—require innovative practices and thinking in order to foster the consolidation of the new democracies in post-communist Europe.

The Definition Conundrum

What Samuel P. Huntington has called “the third wave of democratization”¹ has further enhanced the relevance of Robert A. Dahl’s statement in 1989: “It may seem perverse that this historically unprecedented global expansion in the acceptability of democratic ideas might not be altogether welcome to an advocate of democracy... Yet a term that means anything means nothing. And so it has become with ‘democracy,’ which nowadays is not so much a term of restricted and specific meaning as a vague endorsement of a popular idea.”²

The conditions that favor abusing the term have a lot to do with the twofold duality of its meaning. As Dahl notes, both in theoretical contexts and everyday speech the term ‘democracy’ may be encountered as referring to both an ideal, and to actual regimes that fall con-

¹ Huntington 1996: 3-26.

² Dahl 1989: 2.

siderably short of that ideal. The most difficult task is to find indicators that allow us to differentiate between democratic and non-democratic regimes, which implies moving from the normative perspective of justification towards the empirical approach of evaluation. Several difficulties in attempts to theorize democracy follow thus from the fact that the extension of the concept includes both the *ideal vs. actual* and *normative vs. empirical* dualities.³

There are several possible ways of trying to define democracy properly. One could look at countries commonly considered democracies and define the concept according to the characteristic features of their institutional systems and decision-making patterns. This would lead, however, according to Barry Holden, to a definitional fallacy, since it is illogical to define a term by induction from the practice of one political unit, and then use the term for the appraisal, among others, of the same political unit.⁴

The etymological—"rule of the people"—definition is probably most commonly used, though it means different things to different authors. An attempt to escape ambiguity, by defining the term as a matter of degree with respect to some characteristics, may lead to a lack of clarity and exactitude as in Sartori: "There are hosts of characteristics or properties eligible for selection; not only majority rule and participation, but also equality, freedom, consensus, coercion, competition, pluralism, constitutional rule, and more... These characteristics are so interrelated that any single measure of any selected category is likely to produce highly erratic rank orderings."⁵

The most promising recent attempt to offer a nuanced definition of democracy probably belongs to M. Saward, who focuses on the logically necessary conditions for democracy, instead of trying to identify the empirically sufficient conditions that sustain that particular type of political system. The conditions he identifies refer to rights and freedoms as well as decision-making mechanisms—twenty-four criteria altogether, which can be grouped in five categories: (1) basic freedoms, (2) issues related to citizenship and participation, (3) administrative codes, (4) measures concerning publicity and (5) social rights.⁶ Taken togeth-

³ *Ibid.*: 6

⁴ Holden 1994: 6.

⁵ Sartori 1987: 184.

⁶ In Saward's view, the 24 indices of democratization are the following. *Basic freedoms* include the right of each citizen to: freedom of speech (1), freedom of movement (2), freedom of association (3), equal treatment under the law (4), freedom to worship (5). *Citizenship and participation* refer to: a common and standardized form of legal membership in the political community compatible with basic freedoms (6); equal right to run for elected office (7); the right to be equally eligible to serve, and, in non-elective representative and decisional bodies, equal probability of being selected for service, (8); equal right to vote in all elections and referendums (9); presence of a decisive quality for voters in all decision-making mechanisms (10); direct voting on substantive outcomes; if elected officials deem a decision inappropriate for direct decision, the burden of demonstrating the grounds of such inappropriateness lies with those officials (11); presence of a voting system (such as two-stage contests) which allows for the expression of a majority preference in multi-sided contests (12); regular renewal of representatives' mandates (13); regular opinion polls conducted by an appropriate agency on all issues of substantive importance, whether or not these issues are to be decided by representative decisions; the burden of demonstrating the appropriateness of not following citizen preferences on a given issue lies with the elected representatives (14); a presumption that all issues will be decided by referendums, with clear guide-

er, these twenty-four conditions can be considered and used as *indices of democratization*, with which one can assess the performances of real-world democracies.

An alternative approach is presented by David Beetham, who introduces the concept of the *democratic audit* and identifies thirty questions to which the auditing process has to yield answers. The questions are divided into the following categories: main features of the electoral process (1-5), open and accountable government (6-18), civil and political rights (19-23), the character of civil society and of the formal institutions (23-30).⁷ Both Saward's and Beetham's approach may be considered applications of the Sartori principle according to which "*What is (democracy)?*" and "*How much (democracy)?*" are both rightful and complementary, not mutually exclusive, questions."⁸

How effective these instruments may or may not be, real-world democracies are without doubt records of simultaneous—or sometimes successive—successes and failures, which can be best evaluated according to a series of values arranged in a continuum, rather than an absolute phenomenon that is either present or lacking. Measured against the ideal type (represented by a hypothetical political system that provides the most positive evaluation based on Saward's indices or Beetham's audit), each democratic practice embodies hopes and criticism, and, as Dahl notes, "stretches human possibilities to their limits and perhaps beyond."⁹ Before moving on to the critiques of democracy, it is worth recalling that in spite of all the difficulties in finding an exhaustive definition, democracy remains "*a vision of a political system in which the members regard one another as political equals, are collectively sovereign, and possess all the capacities, resources and institutions they need in order to govern themselves.*"¹⁰

lines as to when a referendum may be forgone (15); majority decision on all issues not specifically excluded from such process (16). *Administrative codes* imply the following: there must be appropriate codes of procedure for employees in public bodies (17); there must be regularly produced evidence that public decisions are being put into effect (18); there must be appropriate time limits placed on the realization of the substance of public decisions (19); there must be instituted adequate appeals and redress mechanisms with respect to public bodies and their functions (20); there must be freedom of information from all government bodies; the burden of proof of demonstrating the inappropriateness of full freedom of information in specific cases lies with the elected representatives (21). *Publicity* means that there must be a constant and formal process of public notification of decisions, options, arguments, issues and outcomes (22). *Social rights* include the right of every citizen to adequate health care (23) and to adequate education (24). See M. Saward, *Op. cit.*: 16-17.

⁷ For details see Beetham 1994: 36-39.

⁸ Sartori, *Op. cit.*: 185. (Italics in the original.)

⁹ Dahl, *Op. cit.*: 311.

¹⁰ *Ibid.* (Italics added.) It is worth recalling that in the end of his influential book, Sartori proposes the following *negative* definition: "Democracy is a system in which *no one can choose himself, no one can invest himself with the power to rule and, therefore, no one can arrogate to himself unconditional and unlimited power.*" Sartori, *Op. cit.*: 206 (italics in the original).

Critiques of Democracy

It is enough to think of the major difficulties in determining what democracy is to realize that democratic theory must have attracted much criticism throughout the history of political thought. As Frank Cunningham notes, Winston Churchill's often quoted opinion that democracy is "the worst form of government except for all the others" goes back, as a matter of fact, much further in history—expressed by, among others, Aristotle.¹¹

According to Dahl, critics of democracy have been roughly of three kinds: (1) those who believed that democracy is inherently undesirable, though it may be theoretically possible (like Plato and his followers in the belief in totalitarian guardianship, or Godwin, Kropotkin, Bakunin, Proudhon and, more recently, Robert Paul Wolff's stances taken in defense of anarchism); (2) those who argued that though it might be desirable, in reality it is unattainable and thus practically impossible (like Machiavelli, Gaetano Mosca, Vilfredo Pareto and Robert Michels); and (3) those committed to its goals and nonetheless critical of it in some important regard. The first two categories are labeled by Dahl as "adversary critics," the latter as "sympathetic critics."¹² Though arguments of the second type of adversarial critics and those of the sympathetic critics may overlap (Carl Schmitt and Joseph Schumpeter, for instance), I will concentrate in what follows on some instances of sympathetic criticism.

The most common forms of critical arguments offered by the sympathetic critics have to do with the etymological definition of the term: "rule by the people." What this definition implies is often source of controversy, due both to the equivocal sense of the term "people," and to conflicting views on how the democratic process—the "rule"—should be organized. Interpretations of the term "people" lead to controversy not only as a result of restricted inclusiveness (which often translates into exclusion from the realm of political rights of certain members of the community), but due mainly to the lack of consensus on the proper answer to the question: what constitutes "a people" for democratic purposes, or, in other words, when does a collection of people constitute a political unit entitled to govern itself democratically? The issue of origin and moral justification of political units, which may or may not qualify as democracies, is largely blurred by democratic theory, and attempts to solve that problem by shifting the focus to the merits of the democratic process are usually less than satisfactory. As Dahl notes:

We cannot solve the problem of the proper scope and domain of democratic units from within democratic theory. Like the majority principle, the democratic process presupposes a proper unit. *The criteria of the democratic process presuppose the rightfulness of the unit itself.* If the unit is not proper or rightful—if its scope and domain is not justifiable—then it cannot be made rightful simply by democratic procedures.¹³

The inevitable imperfections of real-world democratic performances have drawn criticism mainly with regard to the shortcomings of the democratic process: unintended consequences and side-effects or failures to render the public good. An interesting recent account

¹¹ Cunningham 2002: 7.

¹² See Dahl, *Op cit.*: 37-65, 265-279.

¹³ Dahl: *Op cit.*: 207. (Emphasis in the original.)

of democracy's most common failures is given by Cunningham, who identifies seven consequences that beset the real-world cases of democratic practices. In his view, democracy permits majorities to tyrannize minorities (1), favors massification of culture and morals (2), generates ineffective government (3), invites conflict (4), favors demagoguery (5), masks systemic oppression (6) and is irrational (7).¹⁴

(1) The first misgiving concerns what is frequently referred to, following de Tocqueville, as "the tyranny of the majority": the institutionalized conditions under which the interest of the majority is permanently protected, while the interests of the minority are recurrently thwarted or ignored. Though it may not necessarily translate into open-ended oppressive treatment of the minority, democratic practices based on unbalanced majority rule may preclude the possibility of a minority affecting public policy.

(2) Massification of culture and morals is understood by Cunningham as an outcome of the dominance of a political class that tends to set the cultural and moral standards, which may have two main consequences: lack of incentives to endorse educational and cultural alternatives, and the instauration of a kind of thought control, that may lead to the marginalization and social exclusion of "people with refined sensitivities."¹⁵

(3) In defining what he means by ineffective government, Cunningham builds on a report called *The Crisis of Democracy*, published in 1975 by an international think tank, the Trilateral Commission.¹⁶ According to the main charge of the report, democracy in North America, Western Europe and Japan has lost the ability to formulate and pursue common goals, and has increasingly become an arena for the assertion of conflicting interests. Democratic access to government by a large number of interest groups has made the effective aggregation of interests impossible; long-range and society-wide goals become impossible to be pursued due to the fragmented structure of interests that change mandates for governments after each election. In addition to favoring conditions that produce low culture, democracy—according to de Tocqueville's warnings—also produces mediocre leaders, who are no more than "slaves to slogans."

(4) Democracy may foster conflict, argues Cunningham, both internally and externally. In addition to the concern of the Trilateral Commission Report, he quotes Carl Schmitt (without endorsing his political views, however), who holds that if democracy can function effectively at all, it requires a relatively harmonious population. Should that not be the case, democracy exacerbates discord and deepens the persistent division of society. Attempts to forge national unity may foster hostility to common enemies outside the nation.¹⁷ This view is echoed by the Trilateral Commission, too, which stated in its report that in the absence of internal sources of coherence, it is likely that in order to foster unity, political leaders will encourage attitudes of ethnic or national chauvinism. Cunningham also cites René Girard, according to whom democracy cannot be credited as an effective means for avoiding hostility, either internally, or in international context, since human nature is prone to mutual fear and violence.¹⁸

¹⁴ Cunningham, *Op. cit.*: 15-26

¹⁵ *Ibid.*: 17.

¹⁶ Crozier, Huntington, Watanuki quoted by Cunningham, *Op. cit.*: 17-18.

¹⁷ Cunningham refers to Schmitt 1988.

¹⁸ Cf. Girard 1979.

(5) Building on Claude Lefort and Schumpeter, Cunningham warns that demagogues and populist authoritarians are “experts at taking cynical advantage” of certain features of democracy, sometimes with active complicity within the population. Demagoguery and masked authoritarianism are favored by what Lefort calls “the empty place”—the majority that decides what will happen in a democracy is like a monarch or a ruling aristocracy, which, instead of being actual and identifiable people, is represented by a shifting mass. Thus “the locus of rule in democracy is void of real people,” and those who claim that they represent “the people” may carry out authoritarian measures in the name of democracy for their own benefit.¹⁹

(6) The idea that democracy may mask oppressive rule is far from being heretical amongst theorists: there is a wide recognition of the historical cohabitation of democracy with widespread subordination or exclusion of large societal segments on grounds of their class, gender, ethnic or racial membership. These compromises of democratic practices have been either ignored, or justified within democratic theories of the times. While some, like Schumpeter, are enthusiastic with regard to the efficiency of properly designed electoral policies in preventing the perpetuation of group subordination, others, like Cunningham, remain concerned that even after forms of legal exclusion are removed, prejudicial attitudes may perpetuate political discrimination in everyday life, and may continue to “masquerade as universally accessible democracy.”²⁰

(7) Following Russell Hardin and Anthony Downs, Cunningham exhibits some of the irrational consequences of democracy that arise from social or collective choice theories. One of the challenges to the rationality of democracy arises in the form of the question whether it is ever rational for individuals to make use of democratic means to further their interests, since democratic decision-making accrue to both those who take the time and energy to participate in the political process, and those who do not make this effort, the so called “free-riders.” Another critique is formulated by Kenneth Arrow, who reviews the conditions applied by rational choice theorists to individuals, and demonstrates that majority vote often violates one or more of these conditions.²¹

If we have a closer look at the misgivings inventoried by Cunningham, we can easily discover that three of them (1, 2 and 4) are overtly pernicious to diversity, and the consequences of at least three of the remaining four (3, 5 and 6) are considerably amplified by diversity. It is not without justification, then, to raise the question regarding the chances of democracy and of representative government in deeply divided, ethnoculturally diverse societies.

¹⁹ Cunningham, *Op. cit.*: 19-20.

²⁰ *Ibid.*: 21.

²¹ Cunningham refers to Hardin 1993: 157-172, Down 1957, Arrow 1951. It is worth mentioning here that Cunningham reads Putnam's effort to find the ingredients of “social capital” as an attempt to meet two of the criticisms of democracy: as inefficient and irrational. See Cunningham, *Op. cit.*: 23-24.

The Challenge of Diversity

In a celebrated essay from 1787 entitled *The Federalist No. 10*, considered to be the most authoritative interpretation of the freshly issued American Constitution, James Madison must have been among the first to face the dilemma that a country such as the United States, consisting of several groups with different interests, was too large to be ruled democratically by a single government. Apparently, there are only two solutions, both of them equally unacceptable, to a dilemma perceived in this way: “the one by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same options, the same passions, and the same interests.”²² Whereas the first alternative would be unwise, the second was impracticable in Madison’s opinion, who reached the conclusion that the idea of “federalism” (his term for constitutional, representative democracy), already included in the Constitution, was the solution to allow the different factions to be represented in the state institutions to an extent sufficient for their opinions to be reflected in the government decisions, and at the same time so that none of these interest groups would be able to exercise tyrannical control over the others.

Only a few years later, Thomas Jefferson, the third president of the United States, in his inaugural address in 1801 reiterated the idea that “only by allowing people full freedom to differ (...) could democratic society thrive.”²³

De Tocqueville, in his momentous work on *American Democracy* (published in two volumes in 1835 and 1840), dedicated ample space to the issue that became notorious later as the “tyranny of the majority.” He showed a deep concern for the future of democracy, which he perceived as evolving towards exactly what has been epitomized later by Cunningham as “massification of culture and morals”—an egalitarian leveling ideal. De Tocqueville foresaw in these evolutions the germs of a new type of despotism, under the guise of a centralizing and omnipotent government, which could end by denying liberty.²⁴

The issue of the tyranny of the majority also preoccupied John Stuart Mill, who, in his influential work on representative government, published in 1861, reached a conclusion that could confirm, at least in part, the fears of his predecessors: “Free institutions are next to impossible in a country made up of different nationalities. Among people without fellow-feeling, especially if they read and speak different languages, the united public opinion, necessary to the working of representative government, cannot exist.” When the institutional system of representative democracy exists in principle, “when there are either free institutions, or a desire for them, in any of the peoples artificially tied together, the interest of the government lies in an exactly opposite direction. It is then interested in keeping up and envenoming their antipathies; that they may be prevented from coalescing, and it may be enabled to use some of them as tools for the enslavement of others.”²⁵

²² Madison 1994: 45.

²³ Cf. Urofsky, *Op. cit.*: 73.

²⁴ “I think that the type of oppression which threatens democracy is different from anything there has ever been in the world before... The nations of our day cannot prevent conditions of equality from spreading in their midst. But it depends upon themselves whether equality is to lead to servitude or freedom, knowledge or barbarism, prosperity or wretchedness” (de Tocqueville 1994: 691 and 705).

²⁵ Mill 1998: 428 and 430.

It is not without interest to mention here two stances taken by Central and Eastern European theorists of the time. The defeated Central European revolutions of 1848, the restoration and the return of absolutism that followed, influenced not only Mill (who included in his cited work references to the defeated upheavals of the Austrian Empire), but József Eötvös, a distinguished Hungarian liberal theorist of the time. In an impressive work on *The Impact Upon the State of the 19th Century's Dominant Ideas* (published in two volumes in 1851 and 1854), Eötvös reached the conclusion that “the principles of liberty and equality, in the form they have been conceived, cannot be made practical without all existing states falling apart.” His arguments remarkably resemble Mill's:

We either admit the omnipotent right of the majority, and if so, all majorities will use their power, during the time of pursuing national scopes, to enslave minorities until the state becomes coterminous with the nationality, or we provide all minorities with unalienable rights, with no majority infringement permitted, and from that moment the principles of equality and liberty cannot be used in their conventional sense.²⁶

About half a century later, Aurel C. Popovici, a leader of the Romanian national movement, offered, from the perspective of the sizable Romanian minority seeking national and political emancipation within the Austro-Hungarian Monarchy, a powerful example of what Eötvös had anticipated. Though admitting in principle the merits of universal suffrage, Popovici considered that for a minority democracy is pernicious: “between nationalism [his term for national emancipation] and democracy there is an organic antithesis, disastrous for the former.”²⁷ His deeply antidemocratic stance was motivated, on the one hand, by his fear that the interest of a minority cannot be protected against the will of a democratic majority (12 million Hungarians will always outvote 5 million non-Hungarians, he argued), and on the other hand, by what he considered to be the de-nationalizing consequences of universal vote: though members of the minority communities may see, in the first instance, an advantage in having access to universal vote, in the long-run they could lose interest in their cultural membership and become victims of a leveling, assimilationist state policy.

The outbreak of the First World War and the subsequent Pax Americana mastered by Woodrow Wilson confirmed most of what was anticipated by 19th century theorists preoccupied by the relationship between representative government and democracy, on the one hand, and ethnic and cultural diversity of the states, on the other. The approximately one hundred-year period that came to an end with the new ethnopolitical rearrangement of the world subsequent to WWI is exactly what Huntington calls “the first wave of democratization.” The so-called “second wave” started roughly with the adoption, in 1948, of the Universal Declaration of Human Rights by the United Nations General Assembly, which seemed to close a glorious chapter of the history of human emancipation and open a new era in which conflict between democracy and diversity should wither, due to the comprehensive code of conduct undertaken to be respected by the large majority of the

²⁶ Eötvös, József 1991: 114-115, 127 (translation by the author).

²⁷ Popovici 1910: 16 (translation by the author).

international community of states with respect to their internal government and to the behavior of the state regarding its citizens.

It did not take long, however, until the problems resurfaced. Beginning with the late fifties and early sixties, literature on political development started to bring to the fore the problems of a large number of developing countries (mainly in Asia, Africa and South Africa) in which political development seemed to be plagued by the deep diversity of the society. Persistent divisions between different segments of the population and lack of unifying consensus raised apparently insurmountable barriers in front of the democratic prospects of the newly independent states. After the initial optimism concerning the promises of what has been epitomized later as “the second wave of democratization,” the theoretical literature on political development, nation-building and democratization started to include more and more references to an essentially non-Western type of political development, in which pluralism and communal identification play a key role, and the main questions remain related to the old dilemma whether a plural society of that kind can or cannot sustain a democratic government.²⁸

The stances taken with respect to this conundrum of democratic theory echo Mill in most cases, and converge in considering that homogeneity must be an input rather than an output of democratic development.

Walker Connor offers an early example in modern political thought of a similar stance, by quoting Ernest Baker. Baker found Lord Acton’s defense of the chances of democratic governments in multinational states, as articulated in an article published one year after Mill’s *Considerations on Representative Government*, an unpragmatic rebuttal of the views expressed by Mill.²⁹ Baker argues that Lord Acton could have observed even in the 1860s that “in a multi-national State the government either pits each nation against the rest to secure its absolutism, or allows itself to become the organ of one of the nations for the suppression or oppression of the others.” For this reason he foresees, in 1927, a worldwide “scheme of political organization in which each nation is also a State, and each State is also a nation.”³⁰ Connor, in turn, analyzing the consequences of the Mill–Lord Acton–Baker debate on the question of heterogeneity leading to authoritarianism or democracy, admits that several postwar developments “indicate a link between multinationalism and a pressure for non-democratic action.” He mentions three tendencies of modern multinational states that sustain his statement. First, he observes that the concern of governments to stress

²⁸ For details see Lijphart 1977: 16–21. The concept of the “plural society” is understood here in the sense suggested by J. S. Furnivall: a society characterized by geographical mixture but mutual social avoidance, in which “different sections of the community [live] side by side, but separately, within the same political unit.” Cf. Furnivall 1948. The concept of “non-Western political development” has been described in details by Pye (1958).

²⁹ In the article entitled “Nationality,” published in *Home and Foreign Review* in July 1862, Lord Acton wrote the following: “The presence of different nations under the same sovereignty (...) provides against the shadow which flourishes under the servility of a single authority, by balancing interest, multiplying associations and giving to the subject the restraint and support of combined opinion. ... The coexistence of several nations under the same State is a test as well as the best security of its freedom.” Quoted in Connor (1994: 6).

³⁰ E. Baker quoted by Connor, *Op. cit.*: 7.

their political and territorial integrity has not been “conducive to democratic responses to the growing problem of cultural-political consciousness” On the contrary, “multinational states have tended to become less democratic in response to the growing threat of nation-alistic movements.” Second, he remarks the self-evident, though generally obfuscated paradox that while so many governments exist due to the exercise of self-determination, and regularly “pay lip-service” to it, “the instances in which a government has permitted a democratic process to decide a question of self-determination within its own territory are rare indeed.” Third, he calls attention to the tendency to view self-determination movements within the state as threats to its survival, and to react “violently and to justify the cruelest of treatment accorded to implicated leaders by branding them as rebels or traitors and therefore something worse than criminals.” Connor also mentions the frequency, in multinational countries, of emergency acts or detention acts authorizing the internment of persons “acting in a manner inimical to the interests of the state.”³¹

Lijphart gives further examples of skepticism regarding the chances of democracy in plural societies. He recalls the position of Furnivall, who argued, based on a study of plural societies in colonial system, that the unity of these societies could only be maintained by the non-democratic means of colonial domination. Lijphart also cites M. G. Smith, probably the most outspoken supporter of Mill’s “gloomy assessment” on the chances of representative democracy in conditions of diversity, who believes that “cultural diversity or pluralism automatically imposes the structural necessity for domination by one of the cultural sections... Many of the newly independent states either dissolve into separate cultural sections, or maintain their identity, but only under conditions of domination and subordination in the relationships between groups.”³²

A similar inventory is offered by Alfred Stepan who mentions among the followers of Mill theorists like the functionalist Ernest Gellner, the nation-building conceptual founder Dankwart Rustow, and a major social choice and game theorist, Kenneth Shepsle and his co-author, A. Rabuska. Their views converge in the belief that “the democratic game cannot be played well in ethnically plural societies,” since societies of that kind “do not provide fertile soil for democratic values and stability,” being characterized by “incompatible, intense ethnic feelings held by members of communal groups.” The “strong sense of national unity” which would be the prerequisite for democratic government is exactly what is missing, and “the central issue of most multi-national polities during the democracy-building phase is precisely how to manage the question of national and cultural diversity within the unity of a single democratic territory.”³³ Stepan concludes on his turn, that the stability of a culturally homogeneous polity is due in most cases to the fact that the public agenda does not include questions that concern the official language, rights claims by national minorities that are perceived as a threat to the state, or requests to grant a significant degree of territorial autonomy to a national minority, which could encourage separatism and territorial disintegration. Where these questions are on the agenda, “the democratic consolidation of a single state in that territory is very difficult, and in fact, highly unlikely.”³⁴

³¹ For details see Connor, *Op. cit.*: 12-17 and 22-25.

³² Leo Kuper and M. G. Smith cited by Lijphart, *Op. cit.*: 18-19.

³³ Stepan 2002: 7-8. The cited works are: Rustow 1970, Rabuska, Shepsle 1972, and Gellner 1994.

³⁴ Stepan, *Op. cit.*: 8-9.

The list of scholars who have expressed skepticism about the stability and performances of democracy in divided societies could be continued.³⁵ Nevertheless, in spite of the wisdom of the inventoried views, while diversity seems to remain an enduring feature of our contemporary world,³⁶ no powerful competitor has emerged to challenge the unparalleled global legitimacy of democratic rule.³⁷

The Central and Eastern European Context

The relationship between the chances for democratic consolidation and ethnic diversity is particularly salient in the context of the transitional societies of Central and Eastern Europe, a region characterized by deep ethnocultural diversity both within and across neighboring states, where democracy has never had a strong foothold, and a new political elite, interested in political reform, cannot rely on sound traditions of democratic reasoning or institution-building.

After the collapse of communist regimes, early predictions of the rapid unraveling of communism, effective democratization, swift consolidation of economic liberalism and institutions of liberal democracy failed, as well as pessimistic warnings on the imminent Balkanization of the region due to the rise of ultranationalism and perpetual ethnic conflict. As Janusz Bugajski notes, those observers of the region's political development who took the above mentioned stances, either ignored or overestimated a number of essential variables, including the legacies of the communist past, the social and cultural context in which the new institutions were supposed to function, the conditionalities of effectiveness of those institutions, and the threats and challenges to democratic reform. In a more balanced account, the eastern half of the continent "has witnessed enormous diversifica-

³⁵ Many expressed views on that matter. See: Binder 1964, Huntington 1968, Lind 1994, Gottlieb 1994, Lichtenberg 1996 and Bauböck 1998.

³⁶ In one of his writings, Walker Connor offers the following relevant information. A survey of the 132 entities generally considered to be states in 1971 found that only 12 (9.1%) could be justifiably described as nation-states; 25 (18.9%) contained a nation or a potential nation accounting for more than 90% of the population, but also contained at least one important minority; another 25 (18.9%) contained a nation or a potential nation accounting for between 75% and 89% of the population; in 31 (23.5%) the largest ethnic group comprises between 50% and 74% of the population; in 39 (29.5%) the largest nation or potential nation accounts for less than half of the population. See Connor, *Op. cit.*: 96. Though the tendency toward an increasing number of states (to 192 as of 2002) logically should have diminished the gap between the ethnocultural diversity and the ethnopolitical arrangement of contemporary world, the contrary is true: the states that have come into being since 1971 have increased rather than reduced the diversity indicators of the countries recognized as sovereign by the international community.

³⁷ According to the 2001-2002 Freedom House Report, 144 out of 192 countries were found to be free or partly free, which means that rule in those countries was based on full-fledged, "semi" or "formal" democracy. Regarding the relevance of unaccommodated diversity to the prospects of democratization, it is important to mention that all 12 cases listed by the report as "Disputed Territories" were registered in countries that fall in the "not free" category. See Karatnycky 2002: 729-731.

tion in the pace and content of political and economic transformation, and numerous challenges to the ‘completion’ or consolidation of the democratization process. Indeed, the region as a whole can be viewed as an ongoing experiment in pluralism and liberalism, the results of which continue to vary from state to state.”³⁸

Following Sherman Garnett’s classification,³⁹ Bugajski distinguishes four categories of post-communist states: (1) regimes with functioning democracies and robust civil societies; (2) pluralist systems with weak democratic institutions and nascent civil societies; (3) regimes that place order above democracy; (4) unstable regimes, in which the outcome of the post-totalitarian transition is still uncertain. The first two categories include most of the Central European and Baltic countries, which have displayed greater success in building stable pluralistic democracies, the latter two describe the majority of the post-Soviet and Southeast European states as societies burdened by bureaucratism, corruption, the absence of an effective judicial system, manipulation of populist and nationalist themes, cliquish politics and patronage networks in which the elements of the old *nomenklatura* continue to dominate.⁴⁰

Though this classification needs further nuancing, it is beyond doubt that one of the explanatory variables of the gap between the post-communist political development of Central Europe and the Baltic states, on one hand, and Southeast Europe and the post-Soviet countries, on the other, is the degree of diversity and the prominence of identity politics. While states in the first category—with the notable exception of the three Baltic countries and Slovakia—are closest to the nationalistic ideal of congruence between political and ethnic boundaries, and thus there is no ethnopolitical stake for actors on the political scene; countries of the second category are burdened without exception with the historical legacy of competing communal identities, as well as with the consequences of historically unaccommodated diversity. It is not by accident, then, that ethnically focused political action—“ranging from ethnic voting to ethnic cleansing,” as Jonathan P. Stein notes⁴¹—is a distinctive feature of the political development in Southeast Europe and in a large majority of the post-Soviet states.

Indeed, several aspects of the transition to democracy in the region bear the evidence of strong ethnic bias, and the democratization process has conflict-generating consequences which are usually not salient in more ethnically homogeneous post-communist societies. Ethnic bias is present in constitutional design, in the way in which separation of powers in the state has been institutionalized, in choice of electoral systems and dis-

³⁸ Bugajski 2002: xv.

³⁹ Garnett, *Op. cit.*: xxi.

⁴⁰ Cf. *Ibid.* Based on a different methodology, where the “democratization score” includes indicators of the political process, civil society, independent media, governance and public administration, a report of Freedom House offers the following “democracy ranking”: *consolidated democracies* are considered to be (in decreasing order of the scores) Poland, Slovenia, Lithuania, Estonia, Hungary, Latvia, Slovakia, Czech Rep., Bulgaria, Croatia; *transitional democracies* are Romania, Yugoslavia, Albania, Macedonia, Moldova, Georgia, Armenia, Bosnia, Ukraine, Russia, Kyrgyz Rep., Azerbaijan, Tajikistan, Kazakhstan; while Uzbekistan, Belarus and Turkmenistan are *consolidated autocracies*. See Karatnycky, Motyl, Schnitzer 2002: 22.

⁴¹ Stein 2002: 1.

districts, in territorial-administrative design of the state, in organizing local and regional authorities and devolving the centralized power to them, in property restitution and resource allocation. Ethnic cleavages influence party politics and amplify authoritarian challenges and nationalist threats to the consolidation of democracy.

In terms of constitutional design, for instance, most of the new constitutions adopted in Southeastern Europe define statehood in ethnic, national or cultural terms, rather than in civic-territorial language. As a consequence, the respective constitutions “have singled out the majority ethnic group as the state-forming nation, with attendant privileges, whereas all other ethnicities are considered minorities and invariably confront discrimination,” according to Bugajski,⁴² and “proclaimed the dominant ethnic group’s symbolic ownership of the state,” as J. P. Stein puts it.⁴³ The “constitutional nationalism”⁴⁴ is also manifest in several non-negotiable symbolic issues, like the character of the state (unitary or federal), anthems, national flags and official holidays, which are least amendable to negotiation and compromise, excluding the often sizeable minorities from the chance to include in the agenda of public debate issues of their concern. Regarding the unitarianism versus federalism debate, for instance, Bugajski mentions Romania, Slovakia and Macedonia as states in which “suspicions have been voiced... that support for federalism among the major ethnic minorities could lead to eventual calls for separatism.”⁴⁵

The way in which the political systems of the region’s states were chosen also bares relevance to the ethnic focus in political action. Most states in Eastern Europe have established parliamentary forms of government in which the executive (prime minister and cabinet) are responsible to Parliament, combined with direct presidential elections. The chosen systems are thus neither purely presidential nor parliamentary, but mixed in complex ways, which offers opportunities to the president to increase his or her influence, particularly in the conditions of purely institutionalized and fragmented party systems. For some observers, this alternative has the advantage of allowing presidents to use their popular mandate in overriding the “corrosive effects on ethnic relations of party formation and competition,” and to “carve out political space for managing tension.”⁴⁶ While in a few instances this has been indeed the case, in most Southeastern European countries the directly elected presidents view themselves as representatives of the dominant ethnic group, who exercise their role as a national, rather than a state guardian.⁴⁷

Electoral systems, too, bear the consequences of improperly accommodated diversity. Though in the case of the region’s sizeable minorities, capable of mobilizing sufficient electoral support to surpass the established threshold, the adopted electoral systems of proportional representation has provided regular representation in Parliament, the pres-

⁴² Bugajski, *Op. cit.*: xxxv.

⁴³ Stein, *Op. cit.*: 10.

⁴⁴ Robert Hayden’s term. See Hayden (1992: 654-674) and Julie Mostov quoted in Stein, *Op. cit.*: 10.

⁴⁵ Bugajski, *Op. cit.*: xxviii.

⁴⁶ Stein, *Op. cit.*: 12.

⁴⁷ Stein mentions Croatia and Serbia under the presidency of Franjo Tudjman and Slobodan Milosevic as eloquent examples; Romania under the first two mandates of president Iliescu, Slovakia under Michal Kováč, together with Macedonia headed by Kiro Gligorov are more ambiguous instances. *Op. cit.*: 13.

ence of minority representatives in the legislative bodies of most post-communist states has a mere symbolic or decorative role, which proves to remain insufficient to allow a more substantial incorporating of the ethnic minorities' concerns in the political agenda. Besides this major disadvantage from the minorities' point of view, the electoral system based on proportional representation started to disappoint the expectations of majorities also, as is the case in Romania. However, due to the lack of a viable alternative to Parliament as the dominant institutional site for ethnic conflict management, the debate on the need to modernize electoral systems will probably trigger further controversies between majorities and minorities in the region.

The circumstances of deep diversity have a considerable impact on the interest-aggregation and party formation habits of the region, too. Bugajski identifies three categories of political actors that might be considered responses to the challenge of diversity: nationalist parties, ethnic minority and religious parties, and regionalist parties, all of which are characterized by a certain focus on "ethnic community, as the subject of unity, sovereignty and statehood."⁴⁸

Under the heading of "nationalist parties" Bugajski further differentiates five distinct categories. (1) *Independence-focused formations* were active during the disintegration of the Yugoslav, Soviet and Czechoslovak federations. After achieving statehood, many of these parties split into moderate and extremist successor formations. (2) *Moderate or democratic nationalists* are tolerant to ethnic diversity, but are often assimilationist, and generally oppose the expansion of collective rights to ethnic, religious or regional minorities, as this would undermine, in their view, the democratization of the state. Moderate nationalists are active, however, on behalf of sizeable ethnic groups in neighboring states, like moderate nationalist parties in Albania and Hungary. (3) *Conservative nationalist parties* display a more pronounced degree of ethnic chauvinism, their ideologies including elements of clerical radicalism, folk traditionalism and ethnic populism. The leadership of parties of that kind consists of former communists who have adopted nationalist position, or former anti-communist dissidents who have become xenophobes. They usually oppose and blame foreign involvement in the national culture and economy, launch regular attacks against secularism and liberalism, and scapegoat minorities for supporting alien interests and unfairly benefiting from economic reform. Parties of that kind have played a more significant role, according to Bugajski, in Croatia and Bosnia-Herzegovina (as ruling parties), in Serbia and Montenegro (as components of the opposition movement), in Romania and Slovakia as coalition partners with ex-communists, and in Hungary and Macedonia as holders of a significant percentage of seats in the Parliament. In Poland, Ukraine, Albania, Bulgaria, Slovenia and the Czech Republic they proved, at least in the first decade of the transition, marginal players in national politics. (4) *Socialist nationalist formations* have their origins in that part of the *nomenklatura* that remained active after the collapse of the communism. Their ideology and political program are flexible, but usually exploit nationalist themes, their discourse evolving around the protection of "national interests" against internal and external subversion. Ethnic minorities, perceived as a threat to "national integrity," are targeted occasionally in repressive campaigns, in

⁴⁸ Bugajski, *Op. cit.*: xxxiv.

order to broaden their constituency. Socialist nationalist parties have ruled for at least one mandate in Serbia, Romania, Slovakia and Bulgaria. (5) *Neofascist formations* are the most radical ultranationalist groupings that share many of the features of conservative and socialist nationalists, but, in addition, they lay a strong emphasis on the leadership principle, on strict party hierarchy and open hostility toward ethnic and religious minorities, who, together with foreigners of all kinds and neighboring nations, are considered inferior to the majority they represent. Neofascist formations are viewed by Bugajski to have been most active and visible in Serbia, Croatia, Romania and Hungary, where they have tried, though with limited influence, to resuscitate the memory of the pro-Nazi regimes during WWII.⁴⁹

Bugajski's extensive survey of political parties and formations identified five categories of ethnic or religious parties as well, with the common feature of "focus on issues of direct and often exclusive concern for a distinct segment of population" and a tendency "to collectivize political life and invariably limit the political or ideological choices minority populations make."⁵⁰ (1) The first category of politically mobilized ethnic groupings includes organizations oriented toward *cultural revivalism*, usually among small or dispersed ethnic, religious or regional minorities, with limited experience of sovereignty or statehood. These formations focus on demands targeting freedom and resources to rebuild, sustain and develop their cultural, religious and educational institutions, to redefine their history or reinforce their identity. (2) The formation oriented toward *political autonomism* is characteristic for minority populations that constituted majorities in previously existing states or that possess traditions of political activism within a multiethnic state-formation. Their objectives aim at pronounced forms of self-organization within a territory traditionally inhabited by members of the respective community. Political autonomy is also preferred to territorial self-government in ethnically mixed regions where no single group predominates. (3) The tendency toward *territorial self-determination* can be observed among large, well-organized and territorially compact ethnic groups that form the relative or absolute majority of the population in a particular region. Their interest lays in the reorganization of the state into administrative subunits (federal or confederate) due to which the specific region is expected to gain some degree of autonomy or full republican status. (4) *Separatism* occurs in the case of territorially compact ethnic groups with some tradition of statehood of their own, who oppose their continuing inclusion into the current political framework, and, due to the fear of loss of status, campaign for their own, independent state structures. (5) *Irredentism* is characteristic for those separatists who seek to join neighboring state-formations, either as autonomous regions or as integral administrative units. They are sometimes directly assisted by neighboring states that wish to expand their borders.⁵¹

Finally, regionalist parties are defined by Bugajski as those political formations that are (1) based around a single, territorially compact ethnic group that seeks administrative or territorial autonomy within the state; (2) multiethnic groupings which campaign for political devolution or regional autonomy; (3) other regional movements which may

⁴⁹ For details see *Op. cit.*: xl.

⁵⁰ *Op. cit.*: li.

⁵¹ For details see *Op. cit.*: lii.

involve political formations in different regions that seeking broad decentralization from the state, or stronger positions to negotiate with the central government.⁵²

This wide array of ethnopolitical actors have influenced the path to democratization in post-communist Europe in several ways. By and large, “the emergence of a pluralistic political spectrum has been obstructed in several Eastern European countries by nationalist, ethnic and regionalist politics,” as Bugajski puts it.⁵³ The evaluation of the impact of the three categories of actors has to be nuanced, however. While most observers agree that nationalist parties have generally obstructed the democratization process, there are views according to which ethnic and regionalist parties may play in some cases—at least a circumstantial—role in smoothing the progress of transition.

The nationalist parties’ “contribution” to transition consists mainly in aggravating the consequences of communism’s legacies and fostering authoritarianism, by means of capitalizing on the nationalist sentiment and exploiting minorities and foreigners (and sometimes neighboring states) as scapegoats.

As far as its ethnopolitical consequences are concerned, the inheritance of the communist regimes is highly contradictory. One has to take into account, on one hand, the rich experience of multinational states in trying to accommodate diversity through various instruments ranging from promotion and cooption of an ethnic minority elite (as in Albania, Bulgaria and Romania after 1968), providing territorial autonomy (as in Romania until 1968, Kosovo and Vojvodina until 1980), to ethno-territorial federalism (as in the Soviet Union, Yugoslavia and Czechoslovakia).⁵⁴ It is not less true, on the other hand, that in addition to these top-down solutions, the anti-democratic political culture of communism did not favor the development of principles for mediating and resolving intergroup conflicts, particularly not disputes of competing ethnic identities and interests. Instead, as Bugajski notes, “cultural, ethnic, and political diversity was depicted as a threat to both nation and the state.”⁵⁵

This double-sided legacy has been—and still is, in several cases—diligently exploited by nationalist parties and elites. First and above all, the bloody disintegration of Yugoslavia—completed by the more peaceful falling apart of Czechoslovakia and the Soviet Union—has discredited the ethno-federal arrangement as a solution for accommodating deep diversity. Secondly, governing elites belonging to today’s majorities in the newly or reestablished post-communist states were, as J. P. Stein remarks,⁵⁶ minorities in previous federal states who tend to see—now confronted with the demand for autonomy, partner-nation status or ethno-federalism on behalf of their own minorities—the same slippery slope to secession on which their own history slid down.

Being faced with such a “threat,” it is no wonder that nationalist parties prove efficient in focusing political life around collective national questions rather than civic issues and priorities of the democratic reform. In a carefully maintained atmosphere of collective

⁵² Cf. *Op. cit.*: lii-liiii.

⁵³ *Op. cit.*: xli.

⁵⁴ Cf. J. P. Stein, *Op. cit.*: 7.

⁵⁵ Bugajski, *Op. cit.*: xxx.

⁵⁶ Cf. Stein, *Op. cit.*: 8. In a similar context, Stein mentions as one of the region’s particularity that “today’s majority oppressors were yesterday’s oppressed minorities.” *Op. cit.*: 21.

fear, it is relatively easy to push through “simplistic populist, nationalist and xenophobic solutions to complex structural problems,”⁵⁷ or to divert public attention from the burdens and necessities of political and economic reform by identifying minorities, aliens or neighboring states as enemies seeking to subvert both society and the state.

As Bugajski warns, this popular perception of internal and external threat can act as catalyst for the emergence of authoritarian regimes, or, at least, obstruct and delay progress toward liberal democracy, rule of law and the development of a participatory civic society. Even where nationalist parties do not hold political office, by attacking the government for neglecting the country’s “national interest,” they may play a destabilizing role, and the long term impact of their activity may seriously hinder “democratic consolidation, institution building, political competition, cross-party consensus building, economic stabilization, administrative decentralization, trans-ethnic citizenship, and legalized minority rights.”⁵⁸ The topics pushed on the public agenda by nationalist parties may also force even democratically elected administrations, fearing loss of control over decision-making, to rally around nationalist and xenophobic topics, drawing on Carl Schmitt’s logic according to which the perceived domestic or foreign threat helps unite people.

As far as ethnic parties are concerned, their impact on the democratization process of post-communist countries is more controversial. While Bugajski admits, for instance, that “ethnic parties may enter into coalition governments with reformist forces that recognize the importance of minority rights and that seek minority representation in the administration to buttress their reform program”⁵⁹ and accepts, thus, that parties or political groupings of that kind are in some instances agents of democratization, J. P. Stein observes several drawbacks for the democratic consolidation posed by the existence, activity and prolonged success of ethnic parties in post-communist Europe. Though he admits that the existence of ethnic parties is justified, in a way, in the conditions of a “confluence of ethnic groups’ fears about the future and electoral competition in a context of weak state capacities and uncertain national identities,”⁶⁰ Stein sees several negative consequences, for the prospects of democratization, of that particular kind of response to the challenge of unaccommodated diversity. First, he considers that minority groups headed by ethnic parties are “ethnically bounded communities” within which intra-group competition is successfully blocked. Secondly, he seems to be convinced that ethnic parties impede the formation of cross-ethnic coalitions, preventing situations in which moderate minority leaders join forces with moderate players of the majority. Third, ethnic parties recurrently reproduce the division of labor on the political marketplace between ethnic and non-ethnic issues, precluding that reform-minded political parties of the majority include in their program or agenda issues of identifying institutional solutions meant to accommodate diversity.⁶¹

The problem of coalition politics and cross-ethnic coalitions is addressed by Bugajski, too, who reaches a somewhat different conclusion as compared to Stein’s. Acknowledging the difficult nature of the question whether multiparty or multimovement coalitions are

⁵⁷ Bugajski, *Op. cit.*: xxix.

⁵⁸ *Op. cit.*: xli.

⁵⁹ *Op. cit.*: li.

⁶⁰ Stein, *Op. cit.*: 18.

⁶¹ For details see *Op. cit.*: 18-24.

fostering political transformation or, rather, they obstruct and unnecessarily prolong democratization, he identifies in the end of his survey several reasons that, in multiethnic or “multi-regional” states, minorities or regionalist parties are incorporated in the government. Such reasons are the sincere effort (1) to resolve ethnic disputes, regional demands and minority grievances; (2) to meet international criteria of human or minority rights and recommended standards of state behavior; (3) to secure membership in various international organizations such as NATO and the EU; (4) to prevent ethno-regional polarization and provide minority and regional communities with a stake in implementing political and economic reform.⁶² These efforts or attempts were found by Bugajski to result in various power-sharing formulae, in which minority coalition partners receive the key ministries which most closely correspond to their policy priorities, or obtain a proportional share of seats in the cabinet in turn for their participation in the coalition. The fundamental question is, though, the effectiveness and the ability of coalition politics to implement the desired policy reform. In such a context, Bugajski mentions two of the cases studied in the present volume, the “multiethnic governments” of Romania and Slovakia, as “valuable examples” which he finds to have recorded, however, a misfit between commitment to stability and commitment to reform: while they proved efficient in preventing the escalation of ethnic or regional divisions, the price of postponing the implementation of far-reaching economic reforms had to be paid, nevertheless, for this achievement, due in essence to the main concern of the government to keep the coalition together rather than pursuing unpopular reforms.⁶³ Bugajski also warns about the possibility that the failure of such coalitions, particularly in the absence of credible democratic alternatives, may create political space for the return of authoritarian, post-communist or other autocratic forces.

This brief survey of ethnopolitical actors and techniques in post-communist Europe may suffice to help us conclude that ethnic bias and ethnically motivated political action is indeed an important explanatory variable for the relationship between deep diversity and democratic consolidation. Yet, it is not more self-evident than at the outset whether democracy in Southeastern Europe is possible in the standard, Western sense of the term, or whether some region-specific alternative must be devised.

The Need for Innovation

The briefly explored Southeastern European context has yielded some of the conceptual difficulties which have to be taken into account when formulating policy responses appropriate to fostering democratic development in deeply divided societies, seriously burdened by the communist legacy.⁶⁴

⁶² For more details see Bugajski, *Op. cit.*: liii-lv and lvi-lvii.

⁶³ *Op. cit.*: lvi.

⁶⁴ J. P. Stein offers two examples of the ambiguities incurred both by domestic elite and international organizations when looking for solutions in ethnically driven politics: (1) the incoherence of the term “communitarian autonomy” included in the program of the ethnic Hungarian party in Romania (DAHR), and (2) the ambiguity of the Council of Europe’s 1201 Recommendation, “whose vague and incomplete language provides ammunition for all sides and clarity for none.” Stein, *Op. cit.*: 23.

The first difficulty lies probably in the inadequacy, as compared to the particularities of the region, of the most frequently used terms. *Multicultural democracy*, for instance, perceived according to the western standards (ignoring here, for the sake of brevity, the variations of the idiom's significance across the most developed liberal democracies) remains a pure declarative target in diverse societies like the ones in the Balkans; recommendations to deploy *civic nationalism* instead of ethnic loyalties remains inapplicable not only amid ethnic minorities but for state-forming majorities, too; and the standards of *acceptable state behavior* recurrently prove to be in conflict with the objective of consolidating democracy in the region.⁶⁵

Beyond the sterility of the recommendations, one attempt to break the vicious circle may prove to have a critical look at the Western senses of the frequently cited phrases.

Building on the work of Will Kymlicka,⁶⁶ we can deduce, for instance, that the success of *liberal democracy* throughout the world has required three conditions: (1) the ethnocultural homogeneity of the society; (2) special group rights, differentiated according to the nature of the problem, where homogeneity is not provided; (3) a certain ambiguity of the official discourse, treating the institutionalized group rights as marginal phenomena, a pragmatic response to particular needs which are not worth opening to normative or standard setting approaches. Based on Kymlicka's extensive research that brought to the surface those contingencies of liberal democracy which are obscured by the official discourse, we can conclude that the term itself implies more than is regularly assumed, when reference is made to its applicability in post-communist contexts—it includes protective measures for minority interests against the majority, where required. Since in certain regions of post-communist Europe diversity is a prevailing feature and, as we have seen, group rights protecting minority interests against decisions of the majority are perceived as pernicious, liberal democracy in this form seems inapplicable, and alternatives are needed that are more suitable to the peculiarities of the region.

One alternative at hand would be what several observers call, following Sammy Smooha, an *ethnic democracy*. According to Smooha,⁶⁷ the distinctive features of an *ethnic democracy* are the following: (1) ethnic nationalism installs a single core ethnic nation in the state; (2) the state separates membership in the single core ethnic nation from citizenship; (3) the state is owned and ruled by the core ethnic nation for its primordial benefit; (4) the state mobilizes the core ethnic nation; (5) non-core groups are granted incomplete individual and collective rights; (6) the state allows non-core groups to conduct parliamentary and extra-parliamentary struggle for change; (7) the state perceives non-core

⁶⁵ J. P. Stein, in his study extensively quoted in the above, finally reaches the conclusion that the chances of the region to “unbind” itself from ethnically driven politics and develop civil politics is obscured by the paradox formulated, among others, by Huntington: “authority has to exist before it can be limited” (Huntington 1968: 8). Indeed, since liberal democracy has historically followed, not preceded, effective institutionalization of the rule of law, for weak states in post-communist Europe there is limited room for maneuver to avoid relying on ethnically motivated policy-making.

⁶⁶ Kymlicka 1995.

⁶⁷ Smooha 2002: 475-503. The model initially elaborated, in 1989, for Israel, subsequently has been applied by different authors to Estonia, Latvia, Northern Ireland and Slovakia.

groups as a threat to the survival and integrity of the core-nation. The threat varies both in nature (real or apparent) and contents. Threats regularly include demographic increase and preponderance, excessive political power, unfair economic competition, downgrading of national culture, dilution of the “pure ethnic stock,” national security risks, loyalty to an external homeland and unrest and instability amid non-core groups. As one of Smootha’s followers remarks, “Perceived threats are widespread in different kinds of democracy, but only in ethnic democracy they are an integral part of the system, enduring and obsessive.”⁶⁸ Smootha’s comment on the same topic: “If the majority feels well established and no longer threatened, ethnic democracy may become redundant and change to another type of democracy.”⁶⁹

Smootha observes that factors conducive to the emergence of this particular kind of democracy are present in several Central and Eastern European countries: the pre-existence of ethnic nationalism which seeks to take precedence over the state; the perceived threat that results in the mobilization of the majority in order to protect its own interests; the majority’s (pragmatic or ideological) commitment to democracy; appropriate (manageable) size of the minority. Since most of these conditions are given in several post-communist countries, political elites of the region are prone, in Smootha’s views, to develop into ethnic democracies.

Indeed, ethnic democracy is closest to the political reality in some of the investigated states, and farthest from the Western ideals. As Smootha acknowledges: “ethnic democracy meets the minimal and procedural definition of democracy, but in quality it falls short of the major Western civic (liberal and multicultural) democracies.”⁷⁰ To accept it as a normative solution to the region’s problems would mean to give in to the anti-democratic interests of nationalists and post-communists, and would be, in essence, against the spirit of the democratization project in Central and Eastern Europe.⁷¹

A second alternative to liberal democracy in the Central and Eastern European context could be what different authors in different contexts call a *multicultural*, *multinational* or *multiethnic democracy*.⁷² Though the three terms are most frequently considered to

⁶⁸ Järve 2000: 22.

⁶⁹ Smootha, *Op. cit.*: 479.

⁷⁰ *Op. cit.*: 478.

⁷¹ It is interesting to note here that the term *ethnodemocracy*, in the sense comparable to Smootha’s *ethnic democracy*, occurs in a recent work of Jack Snyder: *From Voting to Violence. Democratization and Nationalist Conflict* (2000). With the help of several historical and contemporary case studies, including Germany, Britain, France, Serbia, Sri Lanka, Malaysia, India, Rwanda and Burundi, the book seeks to demonstrate the thesis according to which democratization increases the risk of nationalist conflict. In context, Snyder expresses firm conviction that the different forms of ethnodemocracy one can meet in the democratizing states of the world, including post-communist Europe, are a threat to democratic peace. See *Op. cit.*: 352-353.

⁷² Though Kymlicka’s name is frequently and in several ways associated with *multiculturalism*, it is important to mention here that the Canadian philosopher remains an advocate of liberal democracy, which he considers applicable, through a lengthier process of adaptation and innovations, to the Central and Eastern European context. He goes on to say that there are actually quite a few viable alternatives to Western models of accommodating diversity, the essence of which he sum-

be coterminous, they refer usually to very different and often incompatible things. An eloquent proof of this statement can be found in a recent book edited by Alain-G. Gagnon and James Tully,⁷³ in which an attempt is made to define multinational democracy as opposed to its liberal, multiethnic or multicultural equivalent. According to the editors, the term *multinational democracy*, instead of denoting a set of uniquely defining properties, refers to a complex of political phenomena with the following four particularities: (1) In contrast to single-nation democracies, which are often presumed to be the norm, multinational democracies “are constitutional associations that contain two or more nations or peoples (...) recognized as self-governing peoples with the right of self-determination as this is understood in international law and democratic theory.” Since the members of the association are nations, they aspire to recognition not only within the frameworks of the multinational association they are member of, but also in international law and different international regimes, like, for instance, the four nations of the United Kingdom. (2) Multinational democracies tend to exhibit both federal and confederate features, citizens and their representatives participating both in the political institutions of their self-governing nations and in those of the larger, self-governing multination. Jurisdictions, modes of participations and of representation, national and multinational identities of citizens overlap and are subject to negotiation. (3) The composite nations and the multination are all constitutional democracies. Thus, it runs against the prevailing norms of a single-nation democracy, which is why it is condemned as unreasonable or abnormal by both the defenders of status quo and the proponents of secession. (4) Both the composite nations and the multinational association are also multicultural, comprising different ethnic, religious and linguistic minorities who seek recognition of and accommodation for their diversity. The struggles over minority and multinational diversity overlap, compete and are subject to democratic negotiation as well.⁷⁴

An important consequence of the above definition is that the members of the multination “become citizens of the larger multinational society by participating in the process of identity formation and discussion of the proposed identity of the multinational democracy.”⁷⁵ This means that the forms of recognition of the members can no longer be determined from outside the political process itself, but, “in virtue of direct and indirect participation in the struggle for reciprocal disclosure and acknowledgement,” members are “free to initiate constitutional change,” as they develop and amend their modes of recognition and cooperation.⁷⁶

Though he is not very explicit in this concern, Tully’s view on multinational democracy can be read as a vision of a society in which struggle for recognition of cultural identities is an enduring feature, reason for which the freedom of the members to initiate change in constitutional rules of mutual recognition, disclosure and cooperation has to be provided in order to facilitate their adaptation to the conditions as their identities devel-

marizes as “immigrant multiculturalism and multination federation.” “Whatever the limits of these models,” he argues, “the alternatives may be even worse” (Kymlicka, Opalski 2000: 7).

⁷³ Gagnon, Tully 2001.

⁷⁴ For details see Tully, *Op. cit.*: 2-4.

⁷⁵ *Op. cit.*: 25. (Italics in the original.)

⁷⁶ Cf. *Op. cit.*: 30-33.

op and change. As opposed to the prevailing wisdom, the institutional setup of multinational democracy is meant, thus, in Tully's account, to deal *not* with the consequences of the past, but with foreseeable evolutions of the future.

Multinational democracy, in Tully's sense, may be desirable in some countries of post-communist Europe and conducive, probably, to narrowing the gap between Western and post-communist interpretations of democracy. But since it says nothing about the way in which the main of its tenets—the mutual recognition of self-governing people—can be reached, it is yet quite far from the political practices of the most problematic cases in Southeastern Europe and elsewhere.⁷⁷

The third alternative to liberal democracy is the *consociational, power-sharing arrangement*. The theory of consociational theory, though emblematically linked with Arend Lijphart's name, was developed over three decades ago, due to the simultaneous, though largely independent works of Lijphart,⁷⁸ Daalder,⁷⁹ Lorwin,⁸⁰ Lembruch⁸¹ and Steiner.⁸² Initially, it was a descriptive-explanatory theory that sought to explain the conditions and determinants of political stability in states with deeply segmented political cultures. It operates with the concept of “vertically encapsulated and mutually hostile political sub-cultures,” across which elite political behavior may build “arches” of cooperation and accommodation, ensuring thus the system's—regularly fragile—stability.

The theory has triggered lively debate, and opinions on its merits and relevance are divided. While Kurt Richard Luther, for instance, considers that “consociational theory undeniably constitutes one of the most influential post-war contributions to the comparative study of West European politics,”⁸³ J. P. Stein, in turn, sees that a “vision of shared state ‘ownership’ by *nationally defined* citizens departs considerably from the civic notions of collectively exercised individual rights that animate the operative and proposed legal instruments promulgated by IGOs such as the Council of Europe and the OSCE.” This is “illiberal in the name of stability” since “its requirement of highly disciplined constituencies discourages democratic practices within ethnic groups.”⁸⁴

It would be beyond the scope of the introduction to go deeper into the complexities of this debate. For our present purpose it may suffice to rely on a recent paper by Lijphart,⁸⁵ in which he summarizes his most recent position regarding the topic, and reacts briefly to some of the recurrent accusations against his theoretical stand.

Acknowledging that consociational theory has undergone a significant evolution during the past thirty years, Lijphart reinforces the essence of his earlier stances and admits the modifications he endorsed during the past years with regard to: (1) the terminology, (2) the constitutive elements of a consociational democracy and (3) the relevance problem.

⁷⁷ For recent writing on this topic, see: Cornwell, Stoddard 2001 and Ghai 2000.

⁷⁸ See also Lijphart 1969: 207-225.

⁷⁹ Daalder 1971: 355-370 and “The Consociational Democracy Theme” 1974: 604-621.

⁸⁰ Lorwin 1971: 141-175.

⁸¹ Lehbruch 1975: 377-391.

⁸² Steiner 1969, 1981 and 1998.

⁸³ Luther 1999: 3.

⁸⁴ Stein 2002 (*italics in the original*).

⁸⁵ Lijphart 2000: 425-431.

As far as the issue of the relevant terminology is concerned, he admits that the idea of consociational democracy has undergone, indeed, “a conceptual stretching,”⁸⁶ and for the time being he considers that “consociational democracy” is coterminous with “power-sharing” and closely related to, though not identical with, “consensus democracy.”

The accusation of “conceptual stretching” also refers to the fact that Lijphart resumed his earlier definition of the term from five to four constitutive elements: grand coalition of the main political subcultures, segmental autonomy of the subcultures, proportionality and mutual veto. By relegating to the fifth position the criterion of a plural, deeply divided society present in earlier versions of his theory, the concept became applicable beyond the realm of ethnically divided societies, wherever deep divisions among well articulated political subcultures are provided.

As far as the relevance problem is concerned, Lijphart seems convinced that in real world democracies there is an undeniable strong correlation between the degree of pluralism and the degree of consensus democracy.⁸⁷ With respect to the question whether consociational theory has any normative relevance at all, or it remains a powerful empirical instrument only, in the foreword (written in 2001) to the Romanian edition of his *Democracy in Plural Societies*, Lijphart reinforces his earlier stand concerning the strong normative relevance of consociationalism: “consociational democracy is the *most promising* form of democracy for plural societies and is *the only form of democracy possible* in deeply divided societies.”⁸⁸

Despite Lijphart’s open-ended encouragement for “consociational engineering” in deeply divided societies, many observers see in consociational forms of democracy a diminished subtype, which lacks those attributes of inclusion and integration that are present in a full-fledged liberal democracy.⁸⁹ Regarding the applicability question, for instance, some critics argue that the model is out of the question in deeply divided societies where segmentation or “pillarization” (the occurrence of organizational networks that share and uphold the identity of the rival subcultures) is not provided at the outset.⁹⁰ Others believe that the problem of sequence or causality may be more complicated: pillarization may also be regarded as the consequence of the accommodative consociational techniques, not only as that threat to stability which consociational arrangements are supposed to overcome.⁹¹

Since none of the alternatives to liberal democracy inventoried above appear both plausible and desirable in the specific context of post-communist Europe, we have hopefully

⁸⁶ Matthijs Bogaards’ term used in Bogaards 2000: 395-423.

⁸⁷ Lijphart, *Op. cit.*: 428-429.

⁸⁸ Lijphart 2002: 14. (Italics in the original.)

⁸⁹ Tully for instance remarks in *Multinational Democracies* that in consociational democracies it might happen that a consociational elite negotiates forms of recognition or accommodation “behind the backs of citizens,” “outside the political process itself.” Tully, *Op. cit.*: 24.

⁹⁰ A similar debate occurred recently, concerning the consequences of the participation in the government of the Hungarian minority’s political organization in Romania (DAHR), within the *Provincia* group, initiated by distinguished Romanian and Hungarian intellectuals in Transylvania. The texts of the debate are available—in Romanian and Hungarian languages—on the group’s website: <http://www.provincia.ro>

⁹¹ See Luther, *Op. cit.*

explored plenty of arguments sustaining the need for innovation. Innovation in the explored context can be justified and conceived in several manners. It can be understood in the sense recommended by Will Kymlicka and Magda Opalski, for instance, who believe that:

Many intellectuals and policy-makers in Eastern Europe have no clear idea of the principles underlying... Western standards. They are told that respect for minorities is an essential part of democratization, but are not told why minority rights are linked to democracy, or how these rights relate to principles of justice or freedom. Under these circumstances, it is essential to establish a genuine dialogue on this issue involving both Western and Eastern European scholars and practitioners.⁹²

Such an explorative dialogue has to resolve difficult tasks since:

In any plausible scenario for the foreseeable future of ECE [East Central Europe], we will face the need to balance nation-building and minority rights. No matter how complex the emerging web of transnational institutions, we will still face the problem that some circumscribed set of people will have the power to make decisions regarding issues of language, culture, education, media, mobility, citizenship and naturalization, and so on. Wherever these powers are located, we can reasonably predict they will be exercised in a way that promotes and privileges the language, culture, and identity of the dominant group... Minorities will respond by demanding the sorts of rights and powers that will protect them from the potential injustices implicit in these majoritarian nation-building policies. The site of these decision-making processes may change, but the dialect of nation-building and minority rights will continue.⁹³

Innovation can also be envisaged in the sense of the concluding reflections of J. J. Linz and A. Stepan's book, who recall that "democratic institutions have not to be only created, but crafted, nurtured and developed." As far as the possible content of the innovation is concerned, they go on saying:

It is time to problematize and transcend 'illiberal liberalism' and also to theorize and socially construct integrative identity politics, as opposed to endlessly fragmenting identity politics. Further, to argue that democracy is better than any other form of government once alternatives have been in crisis is not sufficient. Democracy has to be defended on its own merits. Clearly, more research should also be devoted to learning about the great variety of democratic regimes that actually exist in the world. Most important, new *political projects*, as well as research endeavors, must be devoted to improving the *quality* of consolidated democracies.⁹⁴

⁹² Kymlicka, Opalski, *Op. cit.*: 5.

⁹³ Kymlicka, *Op. cit.*: 397.

⁹⁴ Linz, Stepan, *Op. cit.*: 457.

About This Book

The present volume is a modest attempt at such a research endeavor that intends to explore the policy impact of a similar policy project, aiming at improving the quality of transitional democracies, which occurred almost simultaneously in three Central Eastern European countries, Macedonia, Romania and Slovakia. The project consists in incorporating representatives of ethnic minority parties in governing coalitions, on behalf of sizable constituencies in the respective states.

Of the cases included in the volume, the first multiethnic coalition in post-communist Europe occurred in Romania after the 1996 elections, when the political organization of the Hungarian minority, the Democratic Alliance of Hungarians in Romania (DAHR) was unexpectedly invited, as the result of political necessity rather than an act of good will, to join the coalition that was preparing to rule the country for next four years. In 1998 similar coalitions were formed in Macedonia and Slovakia.⁹⁵

The importance of such a political project in Central and Eastern Europe cannot be underestimated. In Romania, for instance, the previous six years of transition have yielded plenty of evidence regarding the deep gap between the demands and expectations of the minority and the perception of the majority on what democracy is or should be about. Representative democracy undeniably has been in place in Romania; proportional seats for the minority in Parliament were provided—a minority, however, remains a minority in the Parliament, usually being outvoted by the majority. Endless debates on standards of minority rights, forms and definitions of the state, decentralization, desirable forms of integration of the minority (*collective*, conducive to autonomy, or *individual*, resulting in proportional representation)—issues declared, in most cases, non-negotiable by representatives of the Romanian majority—as well as property restitution, went on for years. The accumulated reciprocal mistrust has been seriously burdening the process of democratization, overloading it with considerable ethnic bias on both sides.

The conditions being evidently different, similar difficulties hindered the success of development of a multiethnic democracy in Slovakia and Macedonia, too.

One of the most frequent forms of mutual mistrust and lack of confidence in agreements between minorities and majorities has to do with the concept of *political integration* in multicultural societies. The guiding principle, in line with liberal democracy, which representatives of the different majorities frequently invoke in similar contexts is “integration yes, forcible assimilation no.” The lack of institutional solutions, however, short of assimilation and of secession at the same time, which could give concreteness to the principle, keeps the competing communities entrapped in a strange vicious circle, in which the minimum of the minority demands are perceived by the majority as the first step to secession, while the maximum of what the majority can offer, consistent with its perception of democracy, is usually interpreted by minorities as the first step to assimilation.

Lacking solid ground for consensus on the debated topics, the political practices of the three investigated post-communist states were pretty close to establishing full-fledged

⁹⁵ More recently, a representative of the Turkish minority in Bulgaria was offered a ministerial portfolio in the Bulgarian government, and a representative of Hungarian minority in Serbia became one of the five deputy prime ministers of the Serbian government.

ethnic democracies, in the sense suggested by Smootha. Though like-minded political practice in the three states constantly generated ambiguities about the authenticity of democracy, it seemed to serve the interests of regional stability, at the cost of sacrificing ethnocultural equity. It seemed, once more, that consolidating democracy in the post-communist conditions of deep diversity requires minority nation-destruction, or at least the deep democratic deficit of symbolic, and thus ineffective, representation.

Though its outcomes are yet far from being unequivocal, the political project of incorporating minorities in governing coalitions can be read—besides several other possibilities of interpretation—as an innovative attempt to offer an alternative to ethnic democracy in Central and Southeast Europe.

Following a methodological introduction are three case studies and updates on the situation. The volume concludes with a comparative analysis of the three country reports. Two useful appendices, referring to legislative provisions concerning minorities in Central and Eastern Europe and a comparative table of the relevant legislation in the three investigated countries complete the volume.

All the contributors to the book express the hope that the project will be found useful by those interested in the policy consequences of ethnic minority participation in post-communist governing coalitions and in the conditionalities of and prospects for democracy in Central and Eastern Europe. All express gratitude to those who facilitated or assisted in the project, as well as the publishers of the present report: LGI–OSI Budapest, where Petra Kovács acted as an experienced consultant, guiding elegantly but firmly throughout the process. In addition, EDRG–Cluj, Romania, offered its infrastructure for accomplishing the project, and many research and academic institutions have backed the three research teams: Fórum Institute in Slovakia, Eurobalkan Institute in Macedonia and the Sociology Department from Babes-Bolyai University, Cluj, Romania. Special thanks are due to Mária Kovács and Brad Fox for translation, copy-editing and proofreading.