

Stateness and Democratic Consolidation: Lessons from Former Yugoslavia

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Abstract

With respect to the relationship between the state and democracy, the scholarly research was very much influenced by the debate between two perspectives: “no state, no democracy” vs. “no democracy, no state”. Using the example of former Yugoslav republics, we offer an alternative approach. We posit that a democracy can emerge within the context of unresolved matters of state and nation, but it is unlikely that it will flourish. We argue that stateness problem creates conditions that are not favourable for democratic consolidation and facilitate de-democratization: national identity based political divisions (formative rifts) and a fertile ground for political entrepreneurship. Democratic path then depends on the willingness of political actors to misuse those conditions. Therefore, an erratic and zigzagging course toward a consolidated democracy is a much more likely scenario. Such a dynamic might extend the horizon of the transition to a consolidated democracy indefinitely. Moreover, the democratization process under those circumstances is additionally uncertain since the stateness problem has a potential to entirely derail the trajectory and cause an authoritarian reversal.

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Introduction

The experiences of the democratization processes in the last thirty years have collided with the initial expectations about the ultimate victory of liberal democracy as an unchallenged model. They clearly demonstrated that the transition from authoritarianism to democracy is far from a linear development and that for many countries a 'grey zone status' is a very possible, if not a likely, outcome. Moreover, the recent worldwide trends of democratic backsliding (Bermeo 2016; Waldner and Lust 2018), regression (Erdmann and Kneuer 2007), erosion (Plattner 2014) or autocratization (Cassani and Tomini 2019; Alizada et al. 2021) seem to put another dent into the accuracy of the triumphant narrative. According to the Varieties of Democracy (V-Dem) data for the year 2019, for the first time since 2001, democracies are no longer in the majority (Lührmann et al. 2020). The data for the year 2020 paints an even gloomier picture since now "electoral and closed autocracies are home to 68% of the world's population" (Alizada et al. 2021).

Amid these new developments the focus of the literature has been increasingly shifting from the transition *to* democracy to "the transition *from* democracy to a hybrid or authoritarian regime" and "the transition *within* democracy through a loss of democratic quality" (Tomini and Wagemann 2018, 687). The literature thus acknowledged that democratic malaise became the 'new normal', but we lack available theories to explain backsliding and conditions that favours it (Waldner and Lust 2018; Gerschewski 2020). This makes the further research on the reasons for the sustainable success of democratization all the more important. Yet in order to be fruitful, the research must embrace a nuanced approach based on two following principles:

Firstly, there are four possible outcomes on the authoritarianism-democracy axis: consolidated authoritarianism, hybrid regime, non-consolidated democracy, and consolidated democracy, whereby only a minority of countries are safely 'anchored' in full-blown authoritarianism or fully consolidated democracy status. In line with this, the scholars have devoted huge amount of attention to hybrid regimes that possess the traits of both democratic and authoritarian regimes, but failed to explain why in some countries a low-quality democracy has developed. As Slater argues, "the collapse-consolidation axis captures

only one theoretical dimension along which regimes change— and it is a decreasingly relevant axis of change” (2013, 739). Stagnation and democratization without advance (Mainwaring and Bizzarro 2019, 99) or a “lack of progress in solving persistent flaws in democratic quality” (Stanley 2019, 347) should not be regarded as a temporary station on the consolidation path, but as a different outcome (Carothers 2002). And since many regimes remained non-consolidated democracies, i.e., “mired in long-term struggles to overcome illiberal practices and institutional dysfunction“, and we often cannot give a satisfying answer why that is the case, “this understudied outcome of transitions deserves more attention than it has received” (Mainwaring and Bizzarro 2019, 99ff).

Secondly, we should adopt an approach that goes beyond the dichotomy according to which the democracy is either consolidating or backsliding (Carothers 2002; Cianetti and Hanley 2021). Empirical evidence suggests that the democratization trajectory is not necessarily linear, but a changing and fluid process that can be marked by zigzagging course (Mounk 2020), erratic and contradictory directions (Cianetti and Hanley 2021), and different cycles. For example, a country can find itself on the democracy consolidation path, then prior to completed consolidation starts experiencing a stagnation followed by the backsliding into a competitive authoritarianism and a later re-democratization. Other oscillation variants are also possible. Such back and forth cycles (Diamond 2021) with breakthroughs and lapses (Knott 2018) have been a reality for many countries and the scholars should devote more attention to explain the reasons for it.

We believe that the experiences of six ex-Yugoslav republics¹ could be valuable in the search for the reasons for some of the depicted developments. They began their democratic transition in a similar political, socio-economic, and international context that decisively influence the success of this process: historical legacies (the non-existence of a liberal tradition and shared political destiny in terms of the nature and length of the previous authoritarian regimes both during the 1918-1941 Yugoslav monarchy and post-World War II communist times); a system change ‘from above’ followed by Yugoslavia’s dissolution; similar levels of the

¹ Serbia, Croatia, Bosnia and Herzegovina, Slovenia, North Macedonia, and Montenegro. We are not analyzing the case of Kosovo solely for the sake of the clarity of the argument as Kosovo did not enjoy the status of the republic within the ex-Yugoslav federal system, but of a Serbian autonomous province.

socioeconomic development at the onset of the democratic transition (see Table 1)²; and finally, to the each of the Yugoslav successor states the EU membership perspective was promised.

Table 1: Socio-economic development in 1991³

	<i>University/ college degree</i>	<i>Illiter ates</i>	<i>Urban popula tion</i>	<i>Life expectancy</i>	<i>Primary school degree</i>	<i>High school degree</i>	<i>GDP per capita</i>
Slovenia	8,8%	0,4%	50,8%	69,54; 77,38	29,8%	42,8%	\$8225
Croatia	9,3%	3%	54%	68,59; 75,95	23,4%	36%	\$5184
Serbia	8,9%	6,1%	54%	69,31/66,18; 74,82/73,69	24,4%	32,1%	\$3750
Montenegro	8,8%	5,9%	58%	71,98; 78,43	29,5%	35%	\$2932
Bosnia and Herzegovina	6,4%	9,9%	39,5%	69,2; 74,6	24,4%	32,6%	\$2747
North Macedonia	8,7%	5,4%	58%	70,1; 74,4	33,4%	32,3%	\$2605

In spite of it, thirty years later, we find substantial differences among them when it comes to outcomes of their democratization processes. While Slovenia and Croatia belong to the group of consolidated democracies, the other four countries are classified as defective democracies (see BTI Reports 2020). Accordingly, the key aim of the paper is to identify the reasons for such diverging outcomes. Bearing in mind the aforesaid similarities, we argue that they are determined by these countries' different level of success in resolving the stateness problem. Within our analysis, we primarily focus on four defective democracies. We believe that an explanation of their zigzagging democratization processes could be a contribution to the current debates on democratic backsliding and literature on democratization in general. In

² Although Slovenia's GDP in 1990 was more than three times higher than the GDP of the least developed republic North Macedonia, we argue that out of the following reasons this sole difference cannot account for different trajectories in the democratization process: firstly, as the Table 1 shows, all other indicators for socio-economic development were quite similar. Secondly, despite the fact that Croatia with its GDP of \$5184 was considered, along with Slovenia, the 'rich' Yugoslav republic, Croatia's democratic trajectory differed from the Slovenian one. Since the start of the transition process, Croatia trails significantly behind Slovenia with respect to the state of democracy.

³ Serbia is considered here without Kosovo. Only the GDP per capita includes Kosovo, which would be significantly higher without Kosovo, since Kosovo was the least developed part of Yugoslavia. The data about the Croatian GDP in US dollars was found in Dolenc 2013, 61. The data about GDP per capita in Yugoslav dinars for all ex-Yugoslav republics was found in Latifić 1997, 132. In this way we have come to the amount of their GDP in US dollars. The data about life expectancy in Serbia is divided into data for central Serbia and its autonomous province Vojvodina. Other sources are the Croatian Statistical Yearbook 2009 und private communication with the Statistical Offices of Serbia (August 2014), Croatia (December 2013), Slovenia (June 2016), Macedonia (June 2016, February 2018) and Bosnia and Herzegovina (June 2016).

line with our argument, we claim that the stateness problem has been responsible for both the slow pace of democratic progress and backsliding.

For the sake of the successful operationalization and leaning on Rokkan's (1975) differentiation, we argue that the stateness consists of state building and nation building. In order for state building to be completed, a country has to fulfil two criteria: the bordered territory in the sense that any other power is prohibited to exercise the power on that territory (Mann 1993; Jellinek 1905); and the state power, in the sense that the government has the monopoly of the legitimate use of physical force within a given territory (Weber 1919). The nation building is also divided into two dimensions: firstly, it must be decided between a predominant ethnic and a civic approach to the nation building and there should be no "profound differences as to who has the right of citizenship" (Linz and Stepan 1996, 17). Secondly, the defined people must both participate in the formation of the general will and be subjected to it (Jellinek 1905).

Accordingly, we regard the stateness problem as unresolved if at least one of the four conditions had not been fulfilled. However, this does not mean that an institutional aspect is not included in our state-democracy equation. Our argument places a particular focus on the negative influence of the stateness issue on the institutions that are pivotal for the consolidation of democracy, such as the legal system that ensures the rule of law and the meritocratic public administration that is not a source of patronage and clientelism (Hanson 2018) and does not provide the incumbents an electoral advantage. In our view, the literature hasn't acknowledged enough the salience of the 'framework' of the state for the development of robust institutions. We believe that open territory and national identity questions is one of the key enabling conditions of the state capture.

The model that will serve for analyzing the impact of the explanatory variable is embedded democracy concept from Merkel (2004). It argues that stable constitutional democracies are embedded in two ways. Internally, the specific interdependence/independence of five partial regimes that secure its normative and functional existence: a democratic electoral regime, political rights, civil rights related to the functioning rule of law, horizontal accountability, and the guarantee that the effective power to govern lies in the hands of democratically elected

representatives (Ibid: 36ff). According to Merkel, these partial regimes are furthermore externally embedded in spheres of enabling conditions for democracy that protect it from outer as well as inner shocks. The most important of these external conditions are the socio-economic context, international integration, and civil society (Ibid: 44)

The remainder of the article is organized as follows: first, the new theoretical approach regarding the relationship between democracy and stateness will be outlined. Second, the causal mechanisms linking the unresolved stateness problem and the lack of democratic consolidation will be developed and empirically verified. The final section then provides concluding remarks. This article uses process tracing as a method. Our ambition is to build a mid-range theory that is bound to a specific context (democratization process coupled with unresolved stateness problem). We believe that one variant of process tracing of Beach and Pedersen (2012) – labelled theory-building - is the most applicable for our study. It is commonly utilized “when we know that there is a correlation between X and Y, but we are in the dark regarding potential mechanisms linking the two (X-Y centric theory building), as we do not have theory to guide us (Beach and Pedersen, 2012: 25). The research situation seems to be in sync with our study as we know that there is a correlation between X (the stateness problem) and Y (the lack of democratic consolidation), but the causal chain and link are missing. Democracy outcomes will be further measured with the Bertelsmann Transformation Index (BTI). We rely on BTI data because BTI’s democracy index is actually based on the model of embedded democracy (Croissant and Hellmann 2020).

No state, no democracy vs. no democracy, no state

With respect to the relationship between the state and democracy, the scholarly research was very much influenced by the debate between two perspectives. And while the “no state, no democracy” perspective claims that matters of the state must always be resolved before democratization, the alternative one holds that the democracy can prosper even when the political order hasn’t been defined yet.

For a long time, the former perspective seemed to be a common position in the scholarly literature. The boundaries of the country that endure coupled with the continuous composition of the citizenry have been regarded as indispensable for the proper functioning of a democracy (Rustow 1970). As pointed out by Schmitter and Karl, before resolving the

issue of the state “nothing can be accomplished to move the system out of the protracted uncertainty of transition into the relative calm (and boredom) of consolidation” (1994: 184). In line with this argument, Linz and Stepan also claimed that “without a state, there can be no citizenship; without citizenship there can be no democracy” (1996: 28) and Ivor Jennings captured the core of the problem by claiming that “the people cannot decide until somebody decides who are the people” (cited in Rustow 1970: 351). In addition to this, several authors have argued that if democratization and subsequently electoral competition occur within the context of unfinished nation building, this could not only derail the democratization process, but also lead to the violence and ethnic conflicts (Mansfield and Snyder 1995; Mann 2005).

Moreover, this perspective advocates state first approach regarding the administrative aspect of the state as well. Segert and Dzihic (2012) argued that weak state services and benefits are causing the struggle for individual survival that further makes the political participation of the population more complicated. Fukuyama (2014) furthermore pointed out to the risks of clientelistic practices – in form of the government positions and rents in exchange for votes – related to the context marked by an ineffective state.

Recently, however, the latter perspective has been gaining ground. It challenges the “no state, no democracy” perspective by claiming that challenges regarding the state and nation can be confronted in the course of democratization or in democracy and provide sustainable solutions (Mazzuca and Munck 2014). Contrary to the aforementioned argumentation, this perspective also argues that democracy does not cause the conflict and political violence, but rather prevents them with its mechanisms that enable the negotiation on power sharing (Acemoglu and Robinson 2006). Carbone and Memoli (2015) do not regard the political competition and elections as a threat to democracy either, but claim that ensuing accountability, political and social inclusion of different societal actors, and election-institution building strengthen stateness.

This perspective also questions the claims about the necessity of well-functioning administration for the start of the democratization process. According to Teorell (2010), powerful and independent administration could resist pressures for democratization and cement the authoritarian rule by delivering public goods. Analyzing the problem from the

different angle, but in favor of the democracy first perspective, Carbone (2015: 13) pointed out that electoral competition “creates incentives for incumbents seeking re-election to focus on the provision of public goods”, which in turn is beneficial for state performance.

New theoretical approach

Having in mind the two depicted perspectives, we propose a new theoretical framework. Given the complexity of the relationship between the state and democracy, we advocate the need for a more nuanced argument about it. Our alternative perspective posits that the unresolved stateness problem does not necessarily prevent the emergence of a democracy, as argued by the “no state, no democracy” perspective. Yet we claim that it can slow down or halt its consolidation, and even trigger the backsliding, which are concerns that the “no democracy, no state” perspective seems to be neglecting.

Democracy can thus also emerge within the context of unresolved matters of state and nation. However, it is unlikely that it will flourish, but much more likely that it will struggle. Under those circumstances we regard an erratic and zigzagging course toward a consolidated democracy that is marked by sluggish progress coupled with episodes of stagnation and declining democratic quality as a much more likely scenario. Such a dynamic might extend the horizon of the transition to a consolidated democracy indefinitely. Moreover, the democratization process is additionally uncertain since the stateness problem has a potential to entirely derail the trajectory and cause an authoritarian reversal. Even if a country finds itself on the democratization path, there will persist the danger of authoritarian-minded actors misusing the unresolved stateness issue via ethnonationalist strategies to justify authoritarian regression. Accordingly, we argue that the unresolved stateness issue is not only salient for the transition *to* democracy, but for the transition *from* democracy as well.

Unfavourable conditions

With our approach we do not claim that there is a direct causality between the stateness problem and a lack of democratic consolidation. We argue that stateness problem creates the conditions that are not favourable for the transition to a consolidated democracy and facilitate de-democratization as well.

The focus of the political actors is on the matters of state and nation, which, in turn, has the potential to engender a toxic polarization that is damaging to democracy. The polarization – defined as ideological distance between two camps - does not per default pose a threat to democracy. Political differences are “the lifeblood of democratic politics” (Lipset 1959,) and their influence on democracy highly depends on their nature. Polarization based on formative rifts related to the “unresolved conflicts over citizenship rights or national identity” (McCoy and Somer 2021, 16) is perilous for democracy since the political debate does not revolve around “more or less”, as with socio-economic issues, but around “either/or” (Elster et al. 1998) as these types of identities are considered unchangeable and non-negotiable (Fukuyama 2018). This is furthermore a fertile ground for the emergence of the “Us” vs. “Them” relation, which is a key feature of toxic polarization (McCoy and Somer 2019).

In a political system marked by toxic polarization, the political competition is dominated by a series of zero-sum conflicts, which are regarded as existential and possess a winner-take-all logic (Enyedi 2016). As a result, the politicians do not respect the difference between an enemy and an adversary anymore, which is a key condition for a democracy to work (Ignatieff 2013). As noted by Lührmann et al., once political elites “no longer believe that political opponents are legitimate and deserve equal respect...they become less likely to adhere to democratic rules in the struggle for power” (2018: 904).

Moreover, a well-functioning democracy needs critically thinking public that acts as a watchdog and is strongly committed to democracy (Diamond 2021), which is a precondition that hardly exists in a political system characterized by toxic polarization. The dominant tendency is to perceive events only through the lenses of one's own political camp. As noted by Svobik, in such a system, voters are willing to trade off democratic principles for partisan interests, which provides aspiring authoritarians a structural opportunity “to undermine democracy and get away with it” (2019, 23). In a similar fashion, McCoy, Somer and Luke (2021) emphasize the dangers of “democratic hypocrisy”, described as the dynamic in which polarized voters tolerate or even encourage policies that erode democratic norms because the opposing party’s policies are perceived as a threat to the nation.

The existence of stateness problem creates a fertile ground for political entrepreneurship as well. The dominance of national question in the political system enables a successful playing of the nationalist card and tapping into the political potential of the negative historical grievances (Enyedi 2020). Political entrepreneurs thereby introduce ‘enemies vs. traitors’ categorization in the political competition. In such a context, the violations of democratic rules are wrapped up as the protection of national interests and the (alleged) internal and external threats and challenges to the state and nation serve to justify and tolerate them. The existence of stateness problem thus reduces what Dahl (1971) called the costs of suppression. Moreover, by stirring up controversies over the stateness issue, political entrepreneurs also divert public’s attention away from various anti-democratic measures they undertake (Bohle and Greskovits 2009). Hence, the authoritarian minded politicians use stateness issue as a useful cover for subversion of democracy.

We thus acknowledge the danger the unresolved stateness problem poses for a democracy, but argue that the conditions provided by it are not sufficient on their own. Democracy’s quality and stability depend on the preferences of particular leaders (Huq and Ginsberg 2018). Therefore, whether the unfavourable conditions will be translated into the lack of democratic consolidation depends heavily on the role of political actors. Our explanatory framework is thus based on the interaction between the context and the actions and decisions of political actors, i.e., on both supply and demand factors. By focusing on the choices and behaviour of powerful political actors within the context of uncompleted nation/state building, we combine actor-oriented and context-oriented (structuralist) approaches. We thus offer an endogenous and actors-oriented explanation of the lack of democratic consolidation, but also acknowledge that this is very much facilitated by unresolved stateness issue as an exogenous factor. Therefore, contrary to the majority of studies on democratic regression and breakdown that have focused on conditions or processes (Tomini and Wagemann 2018), we focus on both.

Group of less successful cases

Serbia, North Macedonia, Montenegro, and Bosnia and Herzegovina belong to the group of defective democracies additionally characterized by a zigzagging democratization process. In Serbia, formally democratic system regressed rapidly into an (semi)-authoritarian regime that crumbled in 2000. Serbia re-democratized and managed to consolidate democracy between

2008 and 2012 (BTI 2010, 2012), before backsliding again into defective democracy that is now closer to highly defective democracy than to consolidated one (BTI 2020). North Macedonian flawed democratic regime from the nineties further democratized after the end of the 2001 conflict and in 2010 it was on the verge of becoming consolidated (BTI 2010). However, it had not passed the threshold but backslid and was heading toward highly defective democracy (BTI 2018), before re-democratizing (11% increase between 2018 and 2020) (BTI 2020).

After the first multi-party elections, Montenegro's democratic regime regressed into a semi-authoritarian one that lasted until 1998. It was then transformed into a defective democracy that in 2008 was very close of becoming consolidated (BTI 2008). Yet Montenegro stagnated for 8 years and started backsliding in 2016 (6% drop between 2016 and 2020) (BTI 2016, 2020). As for Bosnia and Herzegovina, democratization initially led to a civil war. After its ending, a defective democracy emerged that since more than a decade has been slowly but steadily backsliding into a highly defective democracy (BTI 2006, 2020).

Unsurprisingly, stateness problem still loom large in them. In Montenegro and North Macedonia, there are on-going disputes concerning the preferred concept of nation building. While Montenegrins decided on their country's independence in the 2006 referendum thereby completing the state building, they remain divided over the nation building issue (Vukovic 2015). The cleavage is separating those Montenegrins who believe they represent a distinct national identity that is also pro-civic and compatible with minority cultures from those who think of themselves as a part of the larger Serb ethnic group on which the character of the country should be modelled.

Similarly, from the moment North Macedonia became independent in September 1991, political disputes about the character of the new state emerged that escalated in 2001 when Albanian guerrilla groups waged an armed struggle against the country's central government. Some in this country believe that, in terms of constitutional rights, more numerous ethnic Macedonians should dominate over ethnic Albanians and other minorities who represent more than a third of the population, whereas others advocate the idea of cross-ethnic civic identity (Crowther 2017). In addition to it, North Macedonia's nation building has been externally contested by Greece (until recently) and Bulgaria (still ongoing).

In Bosnia and Herzegovina, the lack of political consensus as regards the stateness issue resulted in the bloodiest armed conflict in the post-World War II Europe. Based on the 1995 Dayton Accords, the country is constituted on the ethnical concept of nation building with three constituent peoples – Bosniaks, Serbs, and Croats. More than two decades since the war came to an end, state building continues to preoccupy Bosnia and Herzegovina. Milorad Dodik, representative of the Republic of Srpska (Serb-controlled part of the country) in the Bosnian presidency, has been openly questioning Bosnia's territorial integrity, arguing that the independence of Srpska is only a matter of time (cited in Aljazeera 2020).

Finally, both nation and state building remain open political questions in Serbia. Whereas the country's Constitution and all relevant political parties define Kosovo as an integral part of Serbia, Serbian authorities do not exercise power over its territory. In addition, it is also not entirely clear 'who the people are' given that those living in Kosovo – who, according to the Serbian Constitution, belong to the 'folk' – are not subjected to the general will (Milacic 2017a, 378).

Democracy and stateness: causal chain

In line with our theoretical argument, we argue that the democratic progress in Bosnia and Herzegovina, Montenegro, North Macedonia, and Serbia depended on the willingness of the key political actors to misuse the conditions provided by the existence of the stateness problem: formative rifts leading to a deep polarization – both on the political (V-Dem political polarization) and societal (V-Dem societal polarization) level – and a fertile ground for political entrepreneurship. Such an environment facilitated and enabled the violations of democratic rules. The violations were justified and tolerated by the existence of challenges to the state and nation and these challenges also served to divert public's attention away from anti-democratic measures undertaken.

In the beginning of the democratization process, political actors fully embraced this tactic of instrumentalization whereby the democratic transition was abrupt. This was in particularly the case in Bosnia and Herzegovina where the bloody ethnic conflict broke out that lasted until 1995. In Serbia and Montenegro as well, an ethno-nationalist mobilization and

subsequent wars enabled Serbian strongman Slobodan Milosevic and the successor party of the League of Communists of Montenegro – Democratic Party of Socialists (DPS) - to create competitive authoritarianism regimes (Milacic 2017b). In North Macedonia, the ruling social democrats (SDSM) did not instrumentalize stateness issue as much as their counterparts in other three countries, which is why the regime in North Macedonia was the most competitive of all four. However, they did not show any willingness to resolve it, resulting in a stagnation (Daskalovski 2004).

Tragic consequences of ethnic conflicts have delegitimized ethnic nationalism, which was not in sync with new pro-European foreign policy agenda either. Playing the nationalist card was not opportune under new conditions and key political actors refrained from misusing the unresolved stateness issue. This positively influenced the democratic development. The elections became, more or less, free and fair, while political and civil rights, in particularly of national minorities, expanded, and there was considerable improvement regarding checks and balances (see BTI reports). Yet this does not mean that the dispute on the stateness issue evaporated. A great deal of attention was still paid to it, which delayed necessary reforms and maintained polarization thereby causing legislative gridlock and political stalemate (Crowther 2017; Milacic 2017b). All this slowed down consolidation of democracy or caused stagnation.

However, amid the change of the context, the national identity was re-established as the key driver of politics, with democratic backsliding as a result. Economic crisis that hit the region hard required a tool to divert voters' attention away from depressing socio-economic situation. In addition, the enlargement fatigue within the EU removed the most important check on ethno-nationalist tendencies - a clear EU membership perspective.

The behaviour of former North Macedonian Prime Minister Nikola Gruevski and new Serbia's strongman President Aleksandar Vucic offers a perfect example of it. Gruevski's nationalist platform and his pitting of Macedonians against Albanians and via his antiquization of nation building against Greeks was pivotal for the consolidation of power (Crowther 2017). Vucic's portraying of himself as the leader of all ethnically defined Serbs in the region has been instrumental in his efforts to personalize the power. The Serbian Progressive Party's authoritarian measures have been wrapped up in the promise of collective dignity and the

myth of national greatness. Moreover, Milorad Dodik’s lamentations of alleged endangerment of Serbs and his open advocacy of independence of the smaller Bosnian entity have been a useful cover for authoritarian practices.

The de-democratization has thus gone in hand with the increased salience of territory and national identity related politics. In the following sections, we present a series of causal mechanisms developed within the conceptual framework of Merkel’s model that connect the unresolved stateness problem and the lack of democratic consolidation.

Internal embeddedness

1. Electoral regime:

Unresolved stateness problem	Dominance of the national question in the political system	Created an environment that facilitated and enabled the violations of democratic rules	Initially blatant manipulation and later sophisticated pre-electoral manipulation (abuse of state bodies and resources through creation of patronage networks for electoral advantages and hampering equal access to the media)	Lack of democratic consolidation
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Violence against political opponents, blatant manipulation on election day (falsification of votes), and changing electoral rules to favor incumbents were initially a part of the ‘repertoire’ in order to tilt the playing field in favour of the incumbent party or candidate (Milacic 2017b; Kmezic and Bieber 2017). However, the later within the democratic backsliding phase, more ‘sophisticated’ measures were introduced in order to minimize the appearance of elections as fraudulent. According to the Odihr reports, the two most frequent pre-electoral manipulations concern the use of state bodies and resources for incumbent campaigns and the hampering of equal opportunities of access to the media.

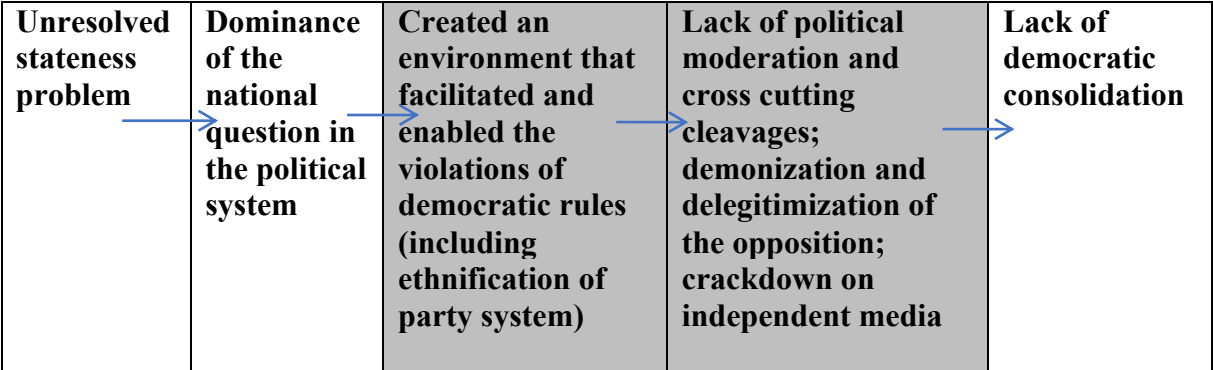
In all four countries, disputed stateness served as a cover for the unconstrained creation of patronage networks that redistributed state resources through informal channels. They were fundamental for the reproduction of political power (Dzankic 2018). The mobilization of voters thus occurred through illicit means and undemocratic practices such as the misuse of public resources, and creation of vote-buying and abstention-buying networks (see Odihr reports;

Günay and Dzihic 2016). This was enabled by packing the administration with party loyalists (see European Commission reports). Subsequently, not only that a ‘merit’ system of recruitment lacked leading to a low bureaucratic quality (Keil 2018), but such biased public administration allowed for the control over public procurement (Dzankic 2018) and thus over economic resources.

In Serbia and Bosnia and Herzegovina, party control of state-owned enterprises has been the main form of patronage that distorts the level playing field (Kapidzic 2020; Pavlovic 2020). In North Macedonia, the VMRO-DPMNE has captured all vital areas of the economy (Grabbe 2015), ensuring the conditions for widespread clientelism that followed ethnic criteria just like in Bosnia (Keil 2018). In Montenegro, 30 years of DPS reign blurred the distinction between the party and the state with public funds being used for party purposes (European Commission Montenegro 2020).

In addition, the major media outlets – including the public broadcasters – have been biased in favor of incumbent party and responsible state agencies remained passive in their media supervising role (see Odihr reports). The VMRO-DPMNE has established complete control over media (Grabbe 2015), and the same could be said for Milorad Dodik, while to a lesser extent for the SDA and HDZ BiH that dominate second Bosnian entity (Kapidzic 2020). In Serbia, major national TV stations and print media have become Vucic’s party “mouthpiece, broadcasting propaganda destined to discredit an opposition deprived of a voice” (Stojanovic and Casal Bertoa 2019). In Montenegro, there is no domination of one side as the media scene has been divided in two camps like the society in general (Odihr 2020).

2. Political rights:



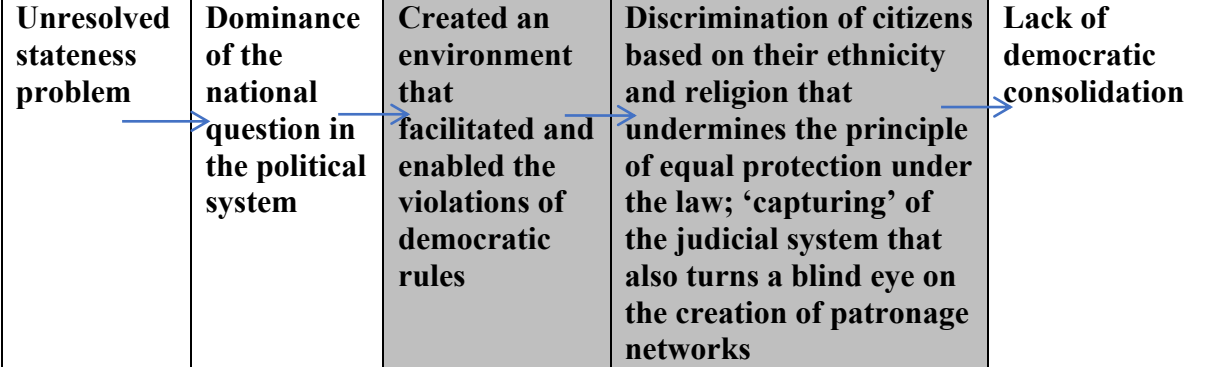
That a stable party system is important for the overall democratic regime has been advocated by many scholars (Mainwaring and Scully 1995; Seawright 2012). Yet not all stable party systems are beneficial to democracy. If the party competition unfolds within the context in which formative rifts – “cleavages resulting from unresolved conflicts over citizenship rights or national identity or territory” (McCoy and Somer 2021, 16) - are dominant, this may pose a threat to democracy (Merkel 1997: 348). In this kind of political competition, the key political actors represent starkly different narratives about national identity that are not only mutually exclusive and antagonistic, but also the most difficult on which to compromise (Elster et al. 1998; Fukuyama 2018). A high degree of factionalism, polarization, and extremism follow, while the development of political moderation and cross-cutting cleavages necessary for democratic stability is hampered (Dahl 1956).

In Bosnia and Herzegovina, the ethno-national character of the Dayton Peace Agreement, together with Serb’s demands for secession, enabled a continued deep polarization along ethno-national lines (Dzihic and Wieser 2011). Subsequently, Bosnian parties are often described as ethno-political entrepreneurs (Mujkic 2015, 623) and do not seek cross-ethnic votes (Kapidzic 2020). The end of Milošević era in Serbia did not put an end to the dominance of the national question in the country’s party system. Identity issues, manifested as Kosovo (traditionalism) vs. Europe (modernity) (Todosijević 2013, 523), still play a very important role. The nation building-related cleavage has dominated the Montenegrin party system since the completion of the state building: the pro-Serbian nation-building policy vs. the pro-Montenegrin nation-building one (Milacic 2018). Amid disputes about the character of the state the North Macedonian party system has been described as an “ethnic condominium”, with political competition occurring within ethnic blocs (Crowther 2017, 746).

Ethnically based polarization also favoured politics of resentment and fearmongering directed against the opposition and the independent media in order to silence them. Within the framework dominated by the national identity related disputes, they were denigrated and demonized by the members of the ruling majority, who branded them as “traitors” (Grabbe 2015) or “foreign agents” (Kapidzic 2020), and have been the victims of smear campaigns in the pro-government tabloids as well (European Commission Serbia 2020; BTI report Serbia 2020). Media in all four countries have been also exposed to repression: from heavy fines and

bans to the pressure, attacks, imprisonment, and even murder of critical journalists (Grabbe 2015; Stojanovic and Casal Bertoa 2019; BTI Montenegro, Bosnia and Herzegovina 2020)

3. Civil Rights:



After the break-up of Yugoslavia, the citizenship related questions - who is entitled to run the state and who is to benefit from its existence - emerged in all of its former republics. Since democracies are defined by the breadth of citizenship (Tilly 1995), these were decisions that significantly affected the democratization process. The nation-building, bar Montenegro, followed an exclusionary logic and envisaged ethnic affiliation as the basic principle of citizenship thereby also excluding the possibility of multiple identities (Daskalovski 2004; Dzhic and Wieser 2011; Milacic 2017b). State’s purpose was to be the protection of the interests of the majority nation by institutionalizing politics by and for the national majority that owns the state (Agarin 2020, 157). This policy of exclusive citizenship was particularly visible in the countries’ constitutions that were marked by “constitutional nationalism” (Hayden 2000).

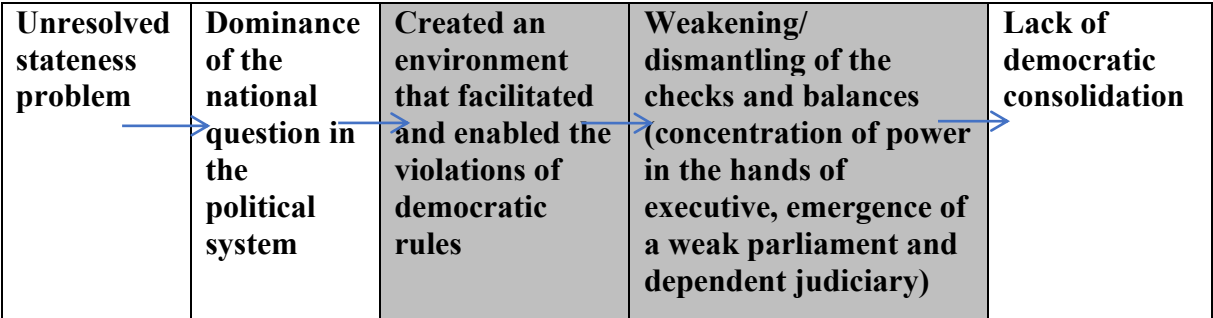
In the later phase of the democratization, however, a much more attention was paid to the rights of national minorities. Their protections advanced and they were granted constitutionally enshrined rights too. For example, the result of the Ohrid Framework Agreement (OFA) were constitutional and institutional changes that significantly improved minority rights in North Macedonia (Ilievski and Taleski 2009; Dzankic and Keil 2019). Nevertheless, the nation building continued to predominantly follow the concept of ethnic citizenship privileging the majority ethno-nation or three constituent peoples in Bosnian case. Montenegro, which from the start embraced the concept of civic citizenship, remained to be

an exception, with North Macedonia increasingly emphasizing the civic concept after Gruevski’s departure as well.

Yet this was not the only form of the negative influence of the unresolved stateness issue on this component of Merkel’s model. The unresolved stateness issue also served as a cover in the efforts to subordinate judicial authorities and law enforcement agencies to particularistic interests. As a result, a malfunctioning rule of law emerged with politicized judicial appointment process, the courts that lack independence and were often biased for the incumbent government, and prosecution that has been under influence of powerful political actors and thus often failed to prosecute corruption (see European Commission reports; BTI Serbia, Montenegro 2020) or was politically motivated to do it (Crowther 2017).

The culture of legal impunity and abuse of the position by public officeholders have had a corrosive effect on democracy’s performances regarding the output legitimacy (the rule of law). And since independent courts are major hindrances to the maximization of predatory yield and rent-seeking activities (Croissant and Hellmann 2020), the lack of rule of law furthermore enabled the introduction of nationwide clientelistic and informal networks that are crucial for staying in power, what we have already captured within the electoral regime component.

4.Horizontal accountability:



By portraying themselves as champions of national interests and protectors of ethnic and cultural composition of the country, the political entrepreneurs sought to win the elections or solidify their legitimacy. However, national identity politics was instrumentalized in another manner too. Political actors in Serbia (Slobodan Milosevic) and Montenegro (DPS leadership)

in the nineties misused the acquired legitimacy to undermine constitutional order, leading to the subversion of democracy by elected incumbents (Svolik 2015).

The similar mechanism has been responsible for the later democratic backsliding in all four countries. As pointed out by Bustikova and Guasti (2017), parties often combine exclusionary identity politics with executive aggrandizement. Executive aggrandizement, as described by Bermeo, is a process, which implies weakening “checks on executive power one by one” and results in a highly concentrated power in the hands of the executive (2016, 10).

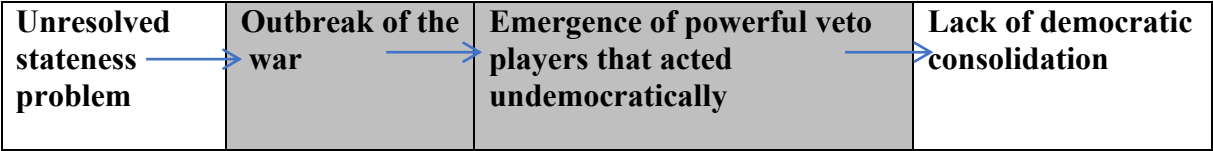
In North Macedonia, “the balance of real power gravitated inexorably toward Gruevski and his closest allies” (Crowther 2017, 753), while in Serbia President Vucic greatly personalized power. He is the one who is fully in charge, regardless of constitutional provisions. In Montenegro, the domination of the executive branch was for a long time manifested in the DPS leader and long-time Prime Minister and President Milo Đukanović (Milacic 2018). A strong continuity of the leadership in Bosnia, in particular in Republic of Srpska with Milorad Dodik at its head, led to dismantlement of the executive constraints (Bieber 2018). Moreover, in all of them politics unfolded outside of formal rules (Vladislavjevic 2019), with personal connections to the incumbent being paramount.

With politics becoming a trench warfare the parliament’s oversight role suffered as well. Parliamentary majority had no incentives to constrain and control the executive via parliamentary hearings or questions, with thus an even stronger executive as a result. This is in particular the case in Serbia where the main opposition parties have boycotted the last elections, while the ruling majority frequently relies on accelerated legislative procedures (BTI Serbia 2020). Therefore, the role of the parliament is reduced to confirming the legislative initiatives of the executive, and such a rubber stamp parliament decides on judicial appointments, providing for executive’s dominance over judicial branch too (Ibid.).

In Montenegro, Bosnia, and North Macedonia as well, the laws have been often adopted in fast-track procedures and without a proper discussion or involvement of the opposition (European Commission Montenegro, North Macedonia, Bosnia and Herzegovina 2020; BTI Serbia, Bosnia and Herzegovina 2020). This was in particular the case in Gruevski’s regime

where the parliament played the role of transmission belt of his decisions (Crowther 2017), with a systemic political interference in the judiciary through a control over the Judicial Council and thus over the mechanisms for appointment and dismissal of judges (Gjuzelov and Ivanovska Hadjievaska 2020). In Bosnia, and in particularly in Republic of Srpska, attacks of political actors on the independence of judicial bodies have intensified in the last 10 years, while a high number of Constitutional Court’s rulings are not even implemented (BTI Bosnia and Herzegovina 2020). The lack of judiciary’s independence amid the political influence is an issue in Montenegro as well (European Commission Montenegro 2020).

5. Effective power to rule:



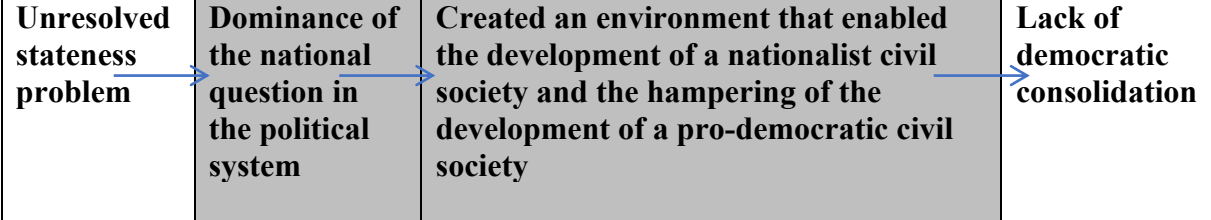
The failure to resolve the stateness problem led to the outbreak of war in most of the former ex-Yugoslav republics. The war created powerful “exclusive domains” that obtained their strength through historical and symbolic references to the “national question” (Segert and Džihic 2012, 243). These veto players – the most powerful of them being in the military and police (intelligence services and special forces) or in the form of nationalistic groups such as war veterans’ associations - often acted undemocratically thereby openly challenging political authority of the state institutions.

The most infamous action was undertaken by the Special Operations Unit (JSO) of Serbian police - established as a paramilitary unit in 1990 – that assassinated Serbia’s first democratically elected Prime Minister Zoran Djindjic in 2003, with the aim of preventing his government’s cooperation with the Hague Tribunal (Pavlovic and Antonic 2007). In 2015, Macedonian police clashed with an armed group of veterans of the 2001 ethnic Albanian insurgency (Robinson and Bytyci 2015), while in Bosnia and Herzegovina, war veterans’ blockades of roads and border crossings are frequent. They secure disproportionate social benefits at the expense of other groups (BTI Bosnia and Herzegovina 2020).

External embeddedness

In addition to five partial regimes, the unresolved stateness problem also negatively affected two important external conditions: civil society and international integration.

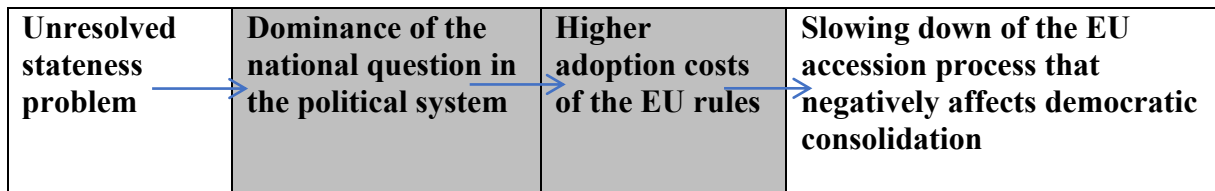
1. Civil society



The contested nation-state building in former Yugoslavia gave birth to nationalist civil society organizations. In the name of “higher interests of the state”, various civil society actors uniformly turned into “members of an uncivil nationalist movement” (Vujadinović 2005, 33). These organizations of the “dark side” of civil society opposed the rule of law and civil rights by promoting the notion of the society based on ethnic exclusion. Due to the unresolved stateness problem such CSOs also mushroomed in the years that followed the late 1990s democratic changes. They have been inciting national and religious hatred and took an extremely hostile attitude towards various “advocates of Western values”, in particular LGBT groups, as well (Ristic et al. 2017; Milacic 2017b; Vladisavljevic 2019; Jordanovska 2017).

Moreover, in the initial phase of democratic transition marked by ethnic conflicts it was much easier for political entrepreneurs to prevent the development of the pro-democratic part of the civil society by accusing it of being the tool of foreign forces and enemy of the state (Milacic 2017). The open national question enabled political actors to use the same strategy in the later phase of the democratization process as well (Keil 2018), what in Serbia and Republic of Srpska still often occurs (European Commission Serbia 2020; Kapidzic 2020). As a result, a weak civil society emerged, with negative consequences for democracy. The CSOs and ordinary mobilized citizens play a pivotal role in resisting backsliding (Dimitrova 2018) by acting as important vertical accountability mechanisms and check on political actors (Diamond 1994). If, however, political actors do not feel that they are under strong public scrutiny, this increases the chances for violations of democratic rules of game.

2. International and Regional Integration



Regarding the second enabling condition, we focus on the role of the European Union (EU) that proved as the most successful in the international embedding of democracies. Besides the functioning market economy, the fulfillment of Copenhagen criteria (political criteria), the adoption of the acquis and additional conditions set out in the Stabilisation and Association Process, the conditions for EU membership were also manifested in other issues that concern the stateness problem: the issue of Serb-Montenegrin state, which institutional reform was a precondition for the Stabilisation and Association Agreement (Milacic 2020); “Kosovo issue” that is now a part of the EU-Serbia negotiations framework (Chapter 35); EU conditionality on the implementation of OFA (Ilievski and Taleski 2009); North-Macedonia’s national identity based bilateral disputes with EU member states Greece and Bulgaria; EU conditionality related to the functionality of the Bosnian state institutions, which has been undermined by Bosnian Serb’s contestation of the central state (Dzankic and Keil 2019); and constitutional reform in the spirit of Sejdic-Finci verdict of the European Court of Human Rights that touches the ethnical principle of the Bosnian state.

Accordingly, we posit that the Europeanization process was hampered by the unresolved stateness related issues that led to higher adoption costs of EU rules because the EU’s requirements were at odds with both political actors’ goals and voters’ preferences regarding the matters of state and nation (Milacic 2020). This furthermore had negative consequences for their democracies.

Group of more successful cases

Croatia also entered democratic transition with unresolved stateness problem. As a consequence, following the 1990 introduction of multi-party competition, Croatia saw the establishment of a hybrid regime very similar to the one in the four less successful cases. Its personification was Franjo Tudjman, who gained political prominence on the promise of creating an independent Croatian state. He and his HDZ (Croatian Democratic Union) misused the unresolved stateness problem to legitimize the undemocratic rule and stay in power.

Accumulation of power in the president's hands, fraudulent elections, demonization of the opposition and independent media by branding them as treacherous, ethno-nationalistic institutionalisation, ethnification of party system, and the establishment of the uncivil society were all features of Tudjman's regime (Kasapovic and Zakosek 1997; Rüb 2001). Therefore, the causal mechanisms developed for the four less successful cases apply to Croatia under Tudjman as well.

Although Croatia was internationally recognized as an independent state in 1992, successful completion of the processes of state and nation building did not take place before 1998 when the region of Eastern Slavonia – previously occupied by Serb rebels demanding secession – returned under Croatia's jurisdiction. Yet after resolving the stateness issue, Tudjman and the HDZ lost their key source of legitimacy. Authoritarian rule in the name of nation was not possible anymore, and the completed nation-state building paved the way for HDZ's defeat. After regime change in 2000, Croatian democracy underwent a rapid consolidation. New Croatian government initiated institutional reforms that strengthened checks and balances (Bacic 2003), respected civil rights, and created a legal environment for the development of vibrant civil society (Milacic 2017b). Moreover, the decreased salience of the national question in the party system provided for reduced polarization and extremism. These achievements were not challenged by the HDZ after it returned to power in 2003.

Unlike Croatia, Slovenia embarked on democratization after successfully bringing to an end the processes of nation-state building. Belgrade's attempt to prevent Slovenian independence by force was unsuccessful and there were no disputes on nation building since Slovenia was ethnically and religiously the most homogeneous of all ex-Yugoslav republics. As a result, democratization process unfolded smoothly and in a linear manner, which made it "one of the great success stories of post-communist democratization" (Bebler 2002, 127).

In spite of the later rise of polarization (Guardiancich 2011), the electoral volatility, distrust in political parties, prompted by the reports on the extraction of public resources by the political class (Berend and Bugaric 2015), as well as Prime Minister Janez Jansa's attacks on independent media and judiciary, Slovenia remains the most successful story within post-Yugoslav area.

Conclusion

The aim of this paper was to contribute to a better understanding of two issues: the relationship between stateness and democracy, and the democratization processes of ex-Yugoslav republics. Departing from the empirical examples from the former Yugoslavia, this paper comes to some rather general conclusions about the relationship between stateness and democracy. We demonstrated that democracy can emerge within the context of unresolved matters of state and nation, but its consolidation journey will be of turbulent nature, whereby neither stagnation and declining democratic quality, nor authoritarian regression can be excluded.

Hence, we claim that the theoretical framework of this paper, which argues that the unresolved stateness problem undermines the process of democratic consolidation and can induce backsliding even if the country achieves a considerable level of democratic development, could be useful for the better understanding of the democratization processes of other countries that still find themselves in a transition process within the context of unfinished nation and/or state building.

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