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Veröffentlichungsversion / Published Version
Arbeitspapier / working paper

Empfohlene Zitierung / Suggested Citation:
Verderosa, A. (2007). *Transitions from postcommunism: second transitions, second chances?* (Arbeitspapiere des Osteuropa-Instituts der Freien Universität Berlin, Arbeitsschwerpunkt Politik, 61). Berlin: Freie Universität Berlin, Osteuropa-Institut Abt. Politik. https://nbn-resolving.org/urn:nbn:de:0168-ssoar-439859

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Annie Verderosa

Transitions from Postcommunism:

Second Transitions, Second Chances?

61 /2007

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des Osteuropa-Instituts der Freien Universität Berlin

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Titelgrafik:
ImStall[2]
http://www.imstall.com

Druck:
DDZ Digitales Druckzentrum Berlin

Arbeitspapiere des Osteuropa-Instituts
der Freien Universität Berlin
Arbeitsbereich Politik und Gesellschaft

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Heft 61/2007

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Osteuropa-Institut der Freien Universität Berlin
Arbeitsbereich Politik und Gesellschaft
Herausgeber: Klaus Segbers
Redaktion: Sabine Pag/ Markus Laspeyres

ISSN 1434 – 419X

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Abstract

In the years since communism's collapse, several Central and East European countries have embarked on a "second" transition to extricate themselves from repressive rule by a postcommunist successor regime. In each case, reformers swept into power promising to improve governance and to introduce genuine democratic reforms. Yet second transitions, too, show significant variation in the speed and extent to which they are able to deliver these outcomes. This paper examines why this is the case. The analysis focuses exclusively on democratization in second transitions. It develops and advances the argument that the experience of postcommunist authoritarianism yields unique institutional and behavioral legacies that make the transition from postcommunist authoritarianism qualitatively different and constitute an additional obstacle to democratization in this context. It tests this hypothesis using the cases of Slovakia, Croatia, and Serbia and confirms a correlation between each country's qualitative experience under postcommunist authoritarianism and its reform government's ability to lock in democratic gains.

1. Introduction

When communism collapsed in Europe in 1989, the change was hailed as a triumph of freedom and the emerging regimes were invariably described as in transition "to democracy." Almost two decades later, it is clear that the outcomes of these transitions have only sometimes been democratic.[1] In parts of Eastern Europe and most of the former Soviet Union, the overthrow of the communist dictatorship instead yielded a new form of authoritarian rule. Many such regimes remain intact today. But not all postcommunist authoritarian regimes have proven so stable: After a period of several years, some of these countries successfully overthrew the non-democratic regime and embarked on a "second transition." The hopeful expectation was that perhaps this time it would lead to democracy. Cases where this happened include Bulgaria (1996), Romania (1997), Slovakia (1998), Croatia (2000), Serbia (2000), Georgia (2003), Ukraine (2004), and possibly Kyrgyzstan (2005). Using a subset of these cases, this paper explores the specifics of democratization in such a context and the extent to which the in-between years of authoritarian rule affect political developments once the illiberal regime has been removed from power.

Just as before, the second transition breakthroughs were greeted with euphoria and celebrated as "reborn"[2] transitions to democracy. And with good reason: Each second transition brought to power a government of reformers pledging to make good on their predecessors' unfulfilled promises of democracy.[3] In both the high-profile, mass "revolutions" that challenged stolen elections in Serbia, Georgia, or Ukraine, and the less contentious, but equally significant electoral turnovers that took place in Bulgaria, Romania, Slovakia, or Croatia, second transitions in the postcommunist world have hinged on elections that bring liberalizing elites to power. This is an important observation, both because it gives second transitions a common starting point and because it enables the assumption that those who take office in second transitions do so with the intention of establishing democracy. The phrase "second transition" thus describes a successful liberalizing opening and implies a second chance at completing the transition to democracy.

In another parallel to the initial transitions, however, the outcomes of second transitions have not always lived up to expectations either. A quick glance around the

[1] Carothers 2002; McFaul 2002: 212
[2] Pridham 2001: 65
[3] Bunce/Wolchik 2006: 5

region, particularly to cases like Serbia or Ukraine, confirms this observation. Furthermore, even where reform momentum is sustained beyond the initial breakthrough, democratization varies in speed and degrees of success achieved across cases of second transition. It is probably too soon to speak of "democratic consolidation"[4] in a formal sense, as liberalizing events in some places occurred only recently. Nevertheless, the stalled democratic processes observable in some instances of second transition call for explanation. *Why, despite bringing democratic reformers to power, do second transitions achieve different levels of democratic gains?*

Guided by the observation that second transitions produce divergent outcomes, this paper seeks to account for that divergence by exploring a subset of three cases: Slovakia, Croatia, and Serbia. Taking the second democratic breakthrough as a starting point, the analysis explores the course of events once the illiberal regime has been removed and liberalizers take over the task of governing. I hypothesize that the democratic gains they achieve are necessarily a product of factors present in the international and domestic environments. Like in the initial transitions, external support, particularly from the European Union, can be expected to establish incentives that reinforce the new government's reform efforts. But on the domestic front, the reformers leading second transitions face a unique challenge in the form of postcommunist authoritarianism's distinctive institutional and behavioral legacies. By treating transitions from postcommunist authoritarianism as a distinct phenomenon, the analysis attempts to shed light on a unique set of processes currently underway in Southeast and Eastern Europe.

The cases of Slovakia, Croatia, and Serbia reflect important differences both in the nature of their relationship with the EU and in their qualitative experiences with postcommunist authoritarianism. In addition to clear variation on both variables, enough time has passed since each country's second breakthrough moment to allow a clear picture to emerge. The outcomes of course are not final, but the difference in their trajectories is striking: Slovakia achieved very strong and rapid gains; Croatia's gains, though considerable, have been a bit weaker; Serbia has also democratized, but is now stalled or stalling on the path to reform. Taken together, this suggests that a comparative study could yield insights into the character and potential legacies of

[4] Linz/Stepan 1996; see discussion in Chapter 2

postcommunist authoritarianism, along with the dynamics of their interaction with the external pull factor of the EU.

The paper is structured as follows: Chapter 2 sets up the study by providing some preliminary definitions and introducing the dependent variable, defined as democratic gains in second transitions. Chapter 3 presents insights from democratization theory and clarifies some of the main assumptions of the argument that will be presented here. Chapter 4 develops the paper's theoretical framework further and puts the independent variables and hypotheses in context. In these chapters, the argument is developed broadly so that it might be generalizable across cases of second transition. The chapters that follow test the argument's plausibility by applying it to the cases of Slovakia, Croatia, and Serbia. Chapter 5 begins the empirical analysis by comparatively evaluating each country's experience with postcommunist authoritarianism. Chapter 6 then assesses the degree to which the European Union has been present in each case. As a baseline for the discussion that follows, Chapter 7 provides a snapshot of democratic developments since second transitions in each (as of Spring 2007). Chapter 8 accounts for these developments – and, most importantly, their divergence – by tracing the influence of both leverage and legacies across the three cases. Chapter 9 summarizes and concludes.

2. Some Definitions

I begin by elaborating some key concepts and definitions. The following helps to clarify what a democracy is and therefore what a transition to democracy entails. Once these conceptualizations are in place, it becomes easier to differentiate between more and less substantial improvements in the quality of democratic governance. Accounting for the differences observed is the objective of this analysis.

2.1. What Is Democracy?

A growing body of scholarship on what constitutes a democracy points to a number of elements beyond the minimum requirement of free and fair elections. Fareed Zakaria differentiates between liberal and "illiberal"[5] democracy, a distinction that is also reflected in Larry Diamond's concept of "electoral"[6] democracy. Zakaria emphasizes that "democracy requires not only free, fair, and competitive elections, but also the freedoms that make them truly meaningful (such as freedom of organization

[5] Zakaria 1997: 22
[6] Diamond 2002: 25

and freedom of expression), alternative sources of information, and institutions to ensure that government policies depend on the votes and preferences of citizens."[7] Specifically, liberal democracy requires "the rule of law, a separation of powers, and the protection of basic liberties of speech, assembly, religion, and property."[8] Thus, there is an important difference between systems that feature only the formal structures of democracy – that is, elections – and those which also adhere to the principles of constitutional liberalism.[9] This paper adopts the "thick" definition of democracy, which requires respect for civil liberties in addition to political rights, instead of a "thin" definition that equates democracy with elections.[10]

2.2. Consolidating Democracy

Transitions from authoritarianism to democracy involve two distinct phases: the first is the installation of a democratic regime, while the second entails the consolidation of democratic institutions and practices. This latter phase leads to the enduring and effective functioning of democracy as a system.[11] "In essence, consolidation is the process of achieving broad and deep legitimation, such that all significant political actors, at both the elite and mass levels, believe that the democratic regime is better for their society than any other realistic alterative."[12] For most theorists, this process of democratic consolidation takes place over a period of several years and requires deep-seated change at all levels of society. According to Juan Linz and Alfred Stepan's definition, consolidated democracy is "a political regime in which democracy as a complex system of institutions, rules, and patterned incentives and disincentives has become, in a phrase, 'the only game in town.'"[13] It is worth citing their expanded definition here in full, which in emphasizing the behavioral, attitudinal, and constitutional dimensions of consolidation illustrates the substantive requirements of liberal democracy as described above.

> *Behaviorally,* a democratic regime in a territory is consolidated when no significant national, social, economic, political, or institutional actors spend significant resources attempting to achieve their objectives by creating a nondemocratic regime or by seceding from the state. *Attitudinally,* a democratic regime is consolidated when a strong majority of public opinion, even in the midst of major economic problems and deep dissatisfaction with

[7] Diamond 2002: 21
[8] Zakaria 1997: 22
[9] Zakaria 1997: 23
[10] Wolchik 2003: 277-278
[11] O'Donnell 1996: 37
[12] Diamond 1996: 33
[13] Linz/Stepan 1996: 15

> incumbents, holds the belief that democratic procedures and institutions are the most appropriate way to govern collective life, and when support for antisystem alternatives is quite small or more-or-less isolated from prodemocratic forces. *Constitutionally,* a democratic regime is consolidated when governmental and nongovernmental forces alike become subject to, and habituated to, the resolution of conflict within the bounds of the specific laws, procedures, and institutions sanctioned by the new democratic process.[14]

The progress made toward realizing such an outcome is the subject of analysis in this study.

2.3. The Dependent Variable: Democratic Gains in Second Transitions

The analysis that follows in this paper is concerned exclusively with political developments in the consolidation phase, that is, once the authoritarian regime has been displaced and a democratic government installed. It is therefore interested in measuring the gains achieved by democratic reformers once they take office.

The theoretical work on consolidation highlighted above provides a useful frame for what the ultimate "end product" of democratization should look like. However, most cases of second transition have not yet reached that end point and instead lie somewhere along the path between postcommunist authoritarianism and liberal democracy. Because second transitions are a relatively recent phenomenon, the timeframe that can be considered here is necessarily very short. Most of the literature remains agnostic about how long the process of consolidation takes, though it does make clear that the time horizon is years, if not decades. Still, most studies treat it as a discrete variable where the only possible values are 'present' or 'absent.' It is exceedingly difficult to observe the *degree* to which a regime is consolidated. For that reason, the dependent variable for this study is defined as the degree of democratic gains and not as the degree of democratic consolidation.

Moreover, the term "democratic consolidation" raises a number of analytical problems, as there is little theoretical work explaining how, when, or why democracy comes to settle as "the only game in town." Setting up a causal argument involving democratic consolidation is very difficult because most definitions of the concept are so descriptive that the elements that constitute it cannot be separated from those hypothesized to have caused it. To avoid this kind of circular argumentation, I instead choose to focus on the concrete, measurable gains achieved under the new government. The democratic consolidation framework remains important to the

[14] Linz/Stepan 1996: 16

analysis, for instance guiding the understanding that democratization requires a transformation of behaviors and attitudes in addition to changes to the constitution. But specifying democratic gains as the subject of analysis eliminates definitional problems that are beyond the scope of this work.

Democratic gains are measured easily using data on "Political Rights" and "Civil Liberties" that are collected annually by Freedom House and reported in its *Freedom in the World* surveys. Each country receives a score on either measure ranging from 1 (free) to 7 (not free). The Political Rights scores reflect considerations of (1) electoral process, (2) political pluralism and participation, and (3) functioning of government (more specifically, the accountability and transparency of governance).[15] The Civil Liberties category, on the other hand, considers (1) freedom of expression and belief, (2) associational and organizational rights, (3) rule of law, and (4) personal autonomy and individual rights.[16] The Political Rights dataset thus corresponds to the basic minimum requirement of free and fair elections described above; the Civil Liberties data reflect the freedoms associated with constitutional liberalism. Following Zakaria's formulation, liberal democracy requires strong marks on both measures.[17]

This study evaluates the extent of democratic gains achieved by observing the size of improvement in score (in points) from one year to the next. The cumulative improvement from the start of the second transition through the end of 2006, for which the last data are available, of course depends on each transition's starting point, which did vary from case to case. Some of the outgoing authoritarian regimes tolerated more freedoms than others. Although the Freedom House ratings measure freedom, rather than democracy *per se*, these scores are widely accepted in political science as an approximation of regime character. They offer a strong indicator of a country's progress in reforming the relevant areas of political society. Likewise, observing these data over time provides a reasonable indicator of a country's reform trajectory.

3. Theoretical Foundations and Assumptions

With the subject of analysis now clearly defined, this section expands on some of the theoretical references made above and situates them within a broader analytical framework. Drawing on the standard literature on democratization as well as fresh insights into postcommunist political developments, this section begins to craft an

[15] Freedom House 2007d
[16] Freedom House 2007d
[17] Zakaria 1997: 23

argument explaining the differences observed in the reform trajectories of second transitions.

3.1. Democratization and Postcommunist Transitions

A first step in establishing a framework for analyzing second transitions is to examine the theoretical basis provided by analyses of past democratizations, particularly the initial transitions from communism. What has come to represent the standard canon of the democratization literature arose in response to the string of regime transformations known as the “third wave," which began in 1974 in Portugal and swept over much of Southern Europe and Latin America.[18] When communism collapsed in Eastern Europe and the Soviet Union, the third wave framework was applied to study the transitions taking place in that region. This literature is characterized by an actor-centric approach that attaches great significance to the choices made by the actors involved in a transition situation. As such, it represents a break with structural explanations, or those relying on factors such as economic development or culture to predict a country’s propensity for democracy, and instead attributes a regime’s resulting characteristics to the strategic interaction of elites in a transition situation.[19]

Much of the theoretical work on developments subsequent to the initial transition moment, including that on democratic consolidation referenced above, also takes an actor-centered approach. Democracy requires not only “rules of the game,” but also cooperation with and support for those rules. Especially if it is to become embedded, or consolidated, transition to democracy must involve a shift in attitudes and behavior. The only possible source of this shift is the actors themselves. Larry Diamond notes, for example, that the consolidation phase involves “a transition from ‘instrumental’ to ‘principled’ commitments to the democratic framework, a growth in trust and cooperation among political competitors, and a socialization of the general population.”[20] Most third wave theorists are concerned with the attitudes and behaviors of elites only, but Diamond’s perspective suggests that a broader shift in political culture must additionally take place. In this vein, John Dryzek and Leslie Holmes argue for the necessity of a broader normative commitment, for an “acceptance on the part of ordinary people of the rules of the electoral game, and of

[18] Huntington 1991
[19] See Przeworski 1991a: 51-95
[20] Diamond 1999: 65

the legitimacy of the political system to which elections are central."[21] It is reasonable to believe that widespread support for and satisfaction with the experience of democracy will have a reinforcing effect.[22]

Nevertheless, establishing a democracy first requires a substantive shift at the elite level. For theorists of the third wave, new democracies can be crafted by political elites, and relatively quickly.[23] Elites have the most direct and observable impact on the creation of the new democracy's specific institutional forms, but it is also their behaviors and attitudes that establish its legitimacy, both in elite circles and among the broader public. Following the institutional learning model, democratic values need to be practiced before they are internalized.[24] Particularly in new democracies, attitudes toward democracy form largely in response to that system's initial performance. As Larry Diamond has found, "citizens weigh independently—and much more heavily—the political performance of the system, in particular, the degree to which it delivers on its promise of freedom and democracy."[25] As will be elaborated below, it is precisely for this reason that the abuses of postcommunist authoritarianism are hypothesized to be harmful to future democratic prospects.

The actor-centered orientation of the third wave, particularly its emphasis on elites, lays the first part of the foundation for the analysis developed in this paper. Part of the third wave framework that has been called into question in the postcommunist context and that is not adopted in this paper is the model's prediction that a democratic outcome is most likely in transition situations where the distribution of power is equal or unknown. Under such conditions, according to third wave theorists, elites bargain to lock in at least partial gains, a system of checks and balances, and the opportunity for future challenge to the status quo – that is, democracy – even though it is only a second best outcome for both sides.[26] This result is quite unintentional: "Democracy emerges not because it is the object of the politicians' collective ambition, but because it is a practical compromise."[27] Thus, despite the central role attributed to the actors in this bargaining process, it is still not an entirely agency-centered argument. For theorists of the third wave, the dynamics of the

[21] Dryzek/Holmes 2002: 8-9
[22] Ishiyama 2001: 27
[23] Bunce 2004: 219
[24] Rohrschneider 2003: 50
[25] Diamond 1999: 192
[26] Przeworski 1991a: 51-99
[27] McFaul 2006b: 9

transition situation remain the critical factor in producing democracy. As Michael McFaul underscores, "ideas, norms, and beliefs played little or no role in these transition theories."[28]

3.2. Democracy and Democrats

As transitions from communism have worn on into their second decade, they have demonstrated trends that challenge the third wave's hypotheses and diverge empirically from patterns evidenced in Southern Europe or Latin America.[29] Thus, McFaul has put forth an argument that favors considering the postcommunist transformations in a separate analytical category, or a "fourth wave." He observes empirically that democratic outcomes have resulted less from stalemated negotiations than from confrontations involving the mobilization of mass actors. According to McFaul's argument, the dominant factor determining the outcomes of transitions from communism was the local balance of power, with the stronger side dictating the rules of the game: "If the powerful believed in democratic principles, then they imposed democratic institutions. But if they believed in autocratic principles, then they imposed autocratic institutions."[30] An even distribution of power led not to pacting as the third wave had predicted, but to unstable outcomes that were neither democratic nor entirely authoritarian.

This revision to the actor-centrism of the third wave holds that people – not structural factors or specific transition dynamics – are responsible for establishing a democratic regime.[31] This observation is significant for theorizing about second transitions, particularly given the democratic principles and values proclaimed by the leaders those transitions swept into power. McFaul's insights provide two of this paper's base assumptions. The first is that the primary reason the countries under analysis failed in their initial attempt to democratize is because the leaders who came to power (or remained in power, as occurred in some instances) did not espouse democratic principles. Second, I proceed from the assumption that, in second transitions, the democratic orientation of elites is a basic prerequisite for a democratic outcome. The primacy of actors and their influence on outcomes underlies the expectation that second transitions – by definition, led by democrats – should produce

[28] McFaul 2002: 213
[29] McFaul 2002: 212
[30] McFaul 2002: 223
[31] McFaul 2006: 42

democracy as a result. The puzzle explored in this paper is why they sometimes do not.

McFaul's framework simplifies transition situations by regarding the challengers to the incumbent regime as democrats and the ruling elites as autocrats. In accepting this framework as a starting point, it is recognized that the idea that regime challengers are committed democrats may be an overly generalized assumption. Nonetheless, it seems a reasonable one in this context, given that second transitions invariably brought groups of elites to power who defined themselves in opposition to the authoritarian style of their predecessors. This is substantiated by the observation that the winners in each of these elections mobilized support around such themes as deposing the semi-authoritarian regime or returning to normalcy. Furthermore, from a methodological standpoint, it would be impossible to objectively examine the extent or authenticity of elites' commitment to democratic principles and ideals at the time of transition. Thus, the argument presented in the following begins with the acceptance that those who came to power in second transitions represented a certain orientation toward democracy, change, and reform.

The understanding here is that the primary responsibility for institutionalizing democratic structures and behaviors lies with people, most prominently the elites involved in orchestrating and implementing the transition. Yet agency arguments do not capture the full picture. Crafting democracy is not simply a matter of human agency, for in no situation does political will alone guarantee the desired outcome. As in any political context, structural and environmental factors shape and constrain the choices available to actors and the incentives associated with them. Perhaps more importantly, such factors influence not only the actors' will, but also their capacity to implement the agenda of their choosing.[32] Moreover, it has been forcefully argued that even the most incorruptible leaders require strong institutions and vigorous opposition to keep them honest.[33]

4. Independent Variables and Hypotheses

As outlined above, the point of departure for this paper is the understanding that second transitions bring democratic elites to power and that democratic elites are a minimum prerequisite for democracy. The extent to which second transitions

[32] Bunce 2004: 225
[33] Fish 2001: 54

produce democratic gains, however, may be encouraged or constrained by factors present in the international or domestic environments.

4.1. The International Environment: Leverage of the European Union

As many authors have argued, geographic proximity has served an important function in the diffusion of democracy.[34] In the postcommunist context, empirical studies have emphasized the important role of a supportive external environment in democratizing the region. However, a consensus appears to have been reached that the influence of the international community, represented here as the European Union, first becomes important in the consolidation phase.[35] The EU offered increased aid and trade concessions to the region after 1989. In 1993, it began what would become its most ambitious expansion by setting the conditions for membership (the 'Copenhagen Criteria'). Accession negotiations with five Central and Eastern European applicants began in 1998.[36]

4.1.1. A Credible EU Membership Perspective

There are many different ways in which the EU might be hypothesized to support democratization, from the indirect influence of leading by example to the concrete mechanisms of its policy instruments and financial assistance programs.[37] Detailed studies show that the EU's real contribution to regional democratization processes lies in structuring domestic interests and providing incentives for publics and leaders to stay the course of reform.[38] To this end, it has a uniquely powerful tool at its disposal in the form of the lure of membership. Trade preferences and other forms of political support are helpful on some level, but as Karen Smith observes, "where there is little or no possibility that countries will be allowed to join the most exclusive organizations, the West may not be so influential because it cannot and will not hold out the most significant carrots."[39] Therefore, in defining the EU's influence as an independent variable for this study, I first narrow its large potential influence to this most significant aspect. In a second step, following what Milada Anna Vachudova

[34] Kopstein/Reilly 2000
[35] McFaul 2006b; Vachudova 2006
[36] Grabbe 2001: 254
[37] Smith 2001: 53
[38] Grabbe 2001: 262
[39] Smith 2001: 54

terms the 'meritocracy principle,'[40] I tighten this definition to the presence or absence of a *credible prospect* of membership in the European Union.

According to Vachudova, the EU's pattern of extending privileges roughly on the basis of merit, with applicants' places in the membership queue corresponding to their progress on implementing the *acquis communautaire*, lends credibility to the promise of eventual membership.[41] As Tim Haughton observed with respect to the European Council's 1997 decision to invite five of the ten Central European states to begin accession negotiations, but to postpone further discussions with the other five: "This willingness to open the negotiation doors to those deemed to have met the criteria seemed to demonstrate that the EU's offer of membership was genuine, providing a clear signal for those left out that by enacting the required changes the much sought-after reward could be achieved."[42] Applying Vachudova's argument to second transitions, the meritocracy principle communicates the understanding that "however dismal a country's past record of respecting democratic standards and human rights, it c[an] 'rehabilitate' itself by implementing the necessary reforms."[43]

A credible membership perspective – which therefore does not have to mean immediate candidate status, but rather implies that the door is open should the country choose to complete the required steps – promotes substantial democratic gains in second transitions by providing an anchor for the new democratic trajectory. This distinction is important: A country undergoing a second transition most likely does not meet many of the conditions that would confer immediate candidate status, but it is quite plausible to assume that the incentive of integration begins with this earlier recognition that the door is open if progress in certain areas is made. The presence or absence of a credible perspective for membership might therefore be proxied by statements made by the EU in strategy documents, Council conclusions, and policy communications regarding a country's status. Where the prospect of membership is absent or uncertain, the EU cannot be expected to play as strong a role in supporting the country's transition.

4.1.2. Conditionality and Reluctant Cases

Within this context, the specific mechanism by which the EU exercises its leverage is conditionality, which rewards countries with financial assistance, political

[40] Vachudova 2005: 108-117
[41] Vachudova 2006: 9
[42] Haughton 2007: 238
[43] Vachudova 2006: 11

support, and eventually membership if they adapt to standards required by the EU in the political, economic, and social realms. In theory, though much less in practice, failure to meet these standards carries consequences as well. As Geoffrey Pridham summarizes, "conditionality trades more on persuasion and temptation than coercion."[44] But what about countries that are not so easily tempted?

Analysts differ with respect to whether the 'pull of the West' operates merely as a complementary influence within an already favorable domestic environment or whether it has a stronger catalyzing effect. In any case, and as is acknowledged in the literature, the EU's leverage seems to be at least partially determined by the receptiveness of its target.[45] Determining the relationship between conditionality and receptiveness is problematic. Moreover, this relationship becomes more difficult to disentangle with time, as conditionality reinforces positive behavior but, as Karen Smith points out, can trap non-reformers in the "slow lane."[46] The literature usually ascribes instances of ineffective conditionality to a lack of political will or the presence of an alternative source of support. But, as Juliet Johnson asserts with respect to theorizing about failed reform processes in general, "arguing that [these] fail because policymakers do not implement them with enough enthusiasm sidesteps the more interesting question of what underlying institutional features may be enabling or impeding such change."[47] Similarly, the argument that EU conditionality is not always effective because some states are less susceptible to its influence misses the opportunity to uncover domestic pressures or other factors that might explain why some states are less receptive than others.

To determine the degree of influence that can be attributed to the EU independent of the factors potentially working against it, the important question is whether a credible membership perspective ever existed, most significantly at the outset of the second transition. That is, was the door sufficiently open to allow the target government to recognize an opportunity of the sort described by Haughton above? Given the assumption made in this analysis that second transitions brought democratic reformers to power, there should not be any lack of political will on the part of transition countries to follow up this opportunity if it in fact exists. It is for this reason that only the EU's stance toward future membership is operationalized here. It is

[44] Pridham 2005: 10
[45] Smith 2001: 54-57; Pridham 2005: 60-62
[46] Smith 2001: 55
[47] Johnson 2001: 254

assumed that the democratic governments that come to power in second transitions are susceptible to EU pressure.

To be able to compare the cases on this measure, I primarily consider each country's membership perspective at the beginning of its second transition. Because conditionality rewards countries for progress made, the way a prospective member's relationship with the EU develops over time strongly reflects its own choices and behaviors. Considering the EU's initial openness to a membership perspective isolates the EU's influence from actions taken by the transition country. The analysis is ultimately interested in the role the EU plays throughout the course of second transitions, but its leverage at the outset is used to enhance opportunities for comparison. Assessing signals and statements made by the EU at this point in time should give a reasonable indication of whether it was present as a force for consolidation.

4.1.3. First to Second Transitions

When considering the transitions from communism that began in 1989, the influence of the EU provides a powerful explanation for much – but not all – of the observed regime diversity. The majority of the liberal democratic success cases clustered along its borders, and most of illiberal regimes were located further to the east.[48] A few cases defied this logic, most conspicuously Slovakia in the first years after the dissolution of Czechoslovakia. As noted above, the common explanation given for irregular outcomes such as this one has been lack of political will or popular support from within the country.

In second transitions, the EU's leverage might be hypothesized to be even stronger, due both to the positive example set by the early democratizers and to the EU's recognition that its accession process serves as a unique tool in promoting democracy. The enlargement policies of the early 1990s were established somewhat reluctantly, and the Copenhagen criteria were initially designed to keep undesirable members out.[49] But by the end of the decade, the EU had begun to treat its membership process as an answer to the political, economic, and security challenges in its neighborhood.[50]

[48] Kopstein/Reilly 2000
[49] Vachudova 2006: 11; Haughton 2007: 237
[50] O'Brien 2006: 76

For second transitions, it also can be observed that the EU's influence did not begin with the second transition breakthrough, but rather had already exercised a weak influence under the illiberal regime and may even have been a factor contributing to its demise. Vachudova argues that the EU can be seen to have a role in shaping the domestic political dialogue in all of the transition countries, providing incentive for elites – significantly, also those from illiberal parties – to adapt their positions to EU expectations and presenting a focal point for cooperation among otherwise fragmented opposition groups.[51]

As will be elaborated below, the postcommunist authoritarian regimes were far less isolated than their communist predecessors. With the Soviet Union gone and no other patron available, their leaders may have eschewed democratization, but they were compelled to cooperate enough to qualify for financial assistance and other forms of political support from the West. Much for this reason, their regimes adopted democratic constructs, at least formally.[52] Postcommunist authoritarian regimes were also more open in the sense that they allowed some degree of opposition and civil society to exist. This, combined with a greater degree of openness to the outside world, facilitated the growth of linkages between domestic and external actors.[53] These linkages strengthened domestic opposition and civil society and are believed to have been instrumental over time in establishing the conditions that enabled second transitions in the first place.[54] This is not to say that the wish to join the EU was the force driving citizens to the ballot box, but rather that conditionality and linkages weakened postcommunist authoritarian regimes over time and played a role in altering the balance of power that led to their defeat.

The conclusion to be drawn from these observations is that any consideration of the EU's democratizing effects in second transitions has to account for the modest influence it exerted even before second transitions began. In this study, I believe it is sufficiently captured by my assumptions regarding the significance of a credible membership perspective. I hypothesize that the net effect of the European Union's leverage in the intervening years was to cultivate the understanding that specific reforms had to be undertaken before enhanced benefits could be realized. This hypothesis neatly accounts for both the subtle role of the EU in bringing about second

[51] Vachudova 2006: 3
[52] Levitsky/Way 2005: 20
[53] Bútora/Bútorová 1999: 90; Levitsky/Way 2005: 23-25
[54] Levitsky/Way 2005: 27-28; Vachudova 2006: 23

transition breakthroughs and the importance attributed to the openness of the EU's stance toward membership at the outset of the second transition.

A final point that must be taken into account is that past enlargements inevitably have altered the EU's internal dynamics. Changes in its uptake capacity resulting from its previous commitments give new candidates reason to doubt the credibility of a chance at future membership. Since it nevertheless seems unlikely that the EU will renege on past promises, the EU's positions toward each of the three countries at the outset of their second transitions are taken at face value. Enlargement fatigue certainly can be expected to play an increasing role in the future, but for now the presence of a membership perspective is assumed to exist everywhere that the EU has acknowledged one. Where an EU membership perspective is present, it should provide a compelling incentive to stay the course of reform.

4.2. The Domestic Environment: Legacies of Postcommunist Authoritarianism

In addition to the external pull factor of EU membership, countries undergoing second transitions are subject to a set of factors that pull in the opposite direction. The pattern of regime trajectories arising from the initial 1989 transitions suggests a strong role for the EU, but fails to persuade that the EU's influence has been uniformly positive. Academic contributions have gone a long way in explaining the specific mechanisms through which the EU exercises its leverage, but they have been less convincing in accounting for the regime diversity observed within the EU's sphere of influence. All of this calls into question how sufficiently the EU factor is able to account for the divergent outcomes of second transitions and to what extent lesser-explored factors may contribute. Accordingly, this paper introduces a second hypothesis: that a strong factor in the domestic environment of states undergoing a second transition – namely, the legacies of postcommunist authoritarianism – plays a significant constraining role.

4.2.1. Path Dependency and Legacies

Sociological- and historical-institutional analysis has found a great deal of sympathy in postcommunist studies, where scholars have noted remarkable continuity with the past in many areas. Despite radical changes that eliminated communism and socialist planning, the construction of a new political system did not begin entirely from scratch. Remnants of communism in the form of sociopolitical cleavages, inherited informal rules and networks, persistence of old elites and hierarchies, traditions of

patronage and protection, and "prevailing attitudes inimical to liberal values such as intolerance and mistrust of authority"[55] are understood to obstruct the development of democracy.[56] On the economic front, the legacies of, among other things, inefficient organization, oversized firms, a soft budget constraint, distorted welfare expectations, and egalitarian ideology pose similar challenges to market reforms.[57]

In this paper, the role of legacies is understood as the "persistence of formal institutions, social organizations, or industrial structures constructed under the old regime that inhibit the formation of new states, democratic accountability, market-oriented behavior, and horizontal social linkages."[58] Or, in the policy realm, as structures or choices that, following path dependency theory, constrain future choices available to economic and political actors. Path dependency theorists rely on "institutional legacies, initial conditions, and cultural patterns to explain the difficulties behind institutional design." In addition, "choices made at critical junctures lock in future choices and development."[59] In accounting for the diversity of outcomes in the initial postcommunist transitions, the legacy perspective suggests that the frontrunners enjoyed the level of success they did not (only) because they exerted considerable political will, but because they started from a point that was "closer to the finish line,"[60] having for the most part been set back by a comparatively brief four decades of communism and benefiting from some collective memory of democracy and independence.

In applying the idea of legacies to second transitions, I expect to uncover some familiar patterns, but also some new ones. Several of the legacies of communism are likely to still be in play in second transitions, particularly in cases where little reform was undertaken in the in-between years of postcommunist authoritarianism. In addition, I argue that postcommunist authoritarian rule carries unique legacies of its own. In another application of path dependency theory, the legacies specifically attributable to postcommunist authoritarianism represent a particular challenge to democratic political development because they developed at a critical juncture when the countries had shed communism and were newly embarking on a transition to "democracy." This argument will be developed further in the sections that follow. To

[55] Ekiert/Hanson 2003: 4
[56] Ekiert/Hanson 2003: 5
[57] Elster et al. 1998: 35; Segbers 2001: 8-9
[58] Ekiert/Hanson 2003: 4
[59] Johnson 2001: 255
[60] Johnson 2001: 254

better understand what these specific legacies are, and before hypothesizing about how they matter, the next section examines the distinctive features of postcommunist authoritarian rule.

4.2.2. Authoritarianism in the Postcommunist Context

Before analyzing political developments in second transitions, it is useful to consider their starting point. The phrase "postcommunist authoritarianism" has been used in this paper up until now as a generic term to describe the non-democratic form of governance that took hold after the collapse of communism in much of the Eurasian region. However, this kind of authoritarianism does have quite distinctive characteristics, particularly in contrast to communist rule. This section examines the particular features of this regime type.

The pattern of democratization followed by return to autocratic governance is by no means unique to the Eurasian region or to a postcommunist setting. Such regime trajectories have become the subject of increasing theoretical attention as scholars have observed systemic deficiencies in many of the third wave democracies. Democracies may be more numerous today than at any other time in history, but many of them fall short on substance.[61] Accordingly, there has been little theoretical work focusing on authoritarianism exclusively in the postcommunist context, and no separate prototype of the postcommunist cases has been constructed. Instead, cases of postcommunist authoritarianism are commonly treated within the frameworks of "semi-authoritarianism"[62] or "competitive authoritarianism"[63] that are applied universally to conceptualize regimes that lie somewhere between democracy and autocracy. For the most part, these frameworks are also accepted and applied in this paper.

One aspect that deserves additional emphasis, however, is that postcommunist authoritarian regimes often presided over the beginning of the so-called "dual transformation" that transitions from communism required. That is, postcommunist transitions were unique in that the process of establishing democracy was accompanied by the need to dismantle the planned economy and introduce market reforms. The concurrent processes were also deeply intertwined, as the transfer of public assets necessarily involves "the creation of an entirely new class of

[61] Diamond 1996: 26-28
[62] Ottoway 2003
[63] Levitsky/Way 2002

entrepreneurs and owners in a way that has to be decided and justified in a political way and through political actors."[64] The large-scale privatizations involved in this process offered exaggerated opportunities for corruption and cronyism. Though patronage systems are a common feature of semi-authoritarian regimes, the sweeping system-level changes that occurred on the watch of postcommunist authoritarian leaders are lacking in parallel. This unique feature will be considered along with the documented characteristics of semi- and competitive authoritarianism (terms hereafter used interchangeably).

4.2.3. Characteristics of Postcommunist Authoritarian Rule

Following Steven Levitsky and Lucan Way's work on competitive authoritarianism, the distinctive features of such regimes share a basis in the fact that they are autocracies by democratic rules. That is to say, formal democratic institutions not only exist, but also are viewed as the only legitimate means to gain and retain power.[65] However, these formal rules are frequently and routinely violated to an extent that disqualifies the regime from being considered a democracy. Still, the leaders' tactics of manipulation and harassment fall short of full-scale authoritarianism.[66] Because of the important contrast to communism, it is worth underscoring that such regimes do accommodate limited freedoms and allow some degree of opposition and civil society to exist.

Under competitive authoritarianism, elections are held regularly and often are not massively fraudulent. As Marina Ottoway points out, this is because they do not have to be: "Power distribution is unbalanced, with a dominant government party and a weak opposition; institutions in many cases exist in name only; and the culture of democracy is not well developed."[67] The dominant government party sets restrictions on competing political organizations, exploits public finances, controls the flow of information to citizens, suppresses independent media, manipulates election schedules, and employs other such tactics to intimidate and harass – sometimes violently – opposition candidates and their supporters.[68] Rather than ban opposition outright, semi-authoritarian incumbents use more understated methods, such as "bribery, co-optation, and more subtle forms of persecution, such as the use of tax

[64] Offe 2004: 504
[65] Levitsky/Way 2002: 52
[66] Levitsky/Way 2002: 53
[67] Ottoway 2003: 138
[68] Levitsky/Way 2002: 53; Ottoway 2003: 137-160

authorities, compliant judiciaries, and other state agencies to 'legally' harass, persecute, or extort cooperative behavior from critics."[69]

But semi-authoritarian regimes cannot rely entirely on their ability to manipulate the playing field; they require at least some genuine support. Semi-authoritarian regimes thus are often highly personality-driven, though they are sometimes backed by a party organization.[70] Power is centralized in the executive, legislatures tend to be weak, and bribery and other attempts to subordinate the judiciary are common.[71] Constitutions and laws are superficially respected, but can in most cases be altered at will.[72] In addition to these methods, ranging from the questionable to the outright fraudulent, semi-authoritarians build extensive patronage networks to retain their hold on power.[73] As noted above, privatizations are a key tool in their efforts to secure and reward loyalists. At the same time, corruption strengthens the regime's hold on power by building up the party's finances and making it even more difficult for the opposition to compete.[74] Finally, the semi-authoritarians "play on the population's fear of instability and change,"[75] which in the postcommunist context often has taken the form of nationalism.

4.2.4. Implications of Postcommunist Authoritarian Rule

Some semblance of democracy is important in semi-authoritarian regimes, as the label "democracy" provides some cover and legitimacy, both domestically and internationally.[76] This is necessary because the emergence of a liberal hegemony at the end of the Cold War removed sources of support for alternative regime models and created incentives to democratize, especially if the government wanted to receive financial assistance or maintain a standing in the international community.[77] It is also because of this adherence to formal democratic rules that there is some degree of openness and that breakthroughs are occasionally possible. But it is also for this reason that this system's legacies are particularly harmful.

From the description offered above, it is clear that postcommunist authoritarianism does not fulfill a newly democratizing country's hopes for freedom

[69] Levitsky/Way 2002: 53
[70] Ottoway 2003: 156
[71] Levitsky/Way 2002: 56
[72] Ottoway 2003: 155
[73] Ottoway 2003: 143
[74] Ottoway 2003: 148
[75] Ottoway 2003: 143
[76] Levitsky/Way 2002; Ottoway 2003: 137-160
[77] Levitsky/Way 2002, 61; McFaul 2006b

and prosperity. But do these regimes simply delay the onset of democratization, or does the fact that they represented each country's first experience with "democracy" and masqueraded more or less successfully as such fundamentally alter the character of transition? This paper argues that it does.

To sketch out the hypothesis in brief, I refer back to the understanding that establishing a democracy requires changes in attitudes and behaviors in addition to new structures and institutions. Considering these dimensions, I argue that the legacies of a postcommunist authoritarian experience impinge on the future development of a democratic polity in at least two ways. First, concerning structures and behaviors, the challenge of reforming the flawed, incomplete, or misused democratic institutions is qualitatively different and perhaps greater than building new ones (as was the task of reform governments that took over directly from the communists). After building the first institutions of democracy, postcommunist authoritarian regimes then poisoned them with non-democratic behaviors, distorting the polity's view of what democracy looks like. Attempts to establish a functioning democratic system in a second transition are obstructed by legacies of entrenched interests, overconcentration of power in the executive, subordinated legislatures and judiciaries, weak opposition, and the culture of combativeness, distrust, and unwillingness to compromise it engendered. Second, the postcommunist authoritarian regime's continued violations of human rights betrayed public trust, and its suppression of political freedoms undermined the development of a capable and informed civil society. Its failure to deliver on promises of democracy, particularly at the critical juncture that came at the end of communism, severely impedes the growth of a democratic political culture and does lasting damage to democratic legitimacy.

While not a perfect indicator, legacies might plausibly be hypothesized to correlate with the number of years the regime held power as well as how oppressive it was, as measured by the same Freedom House "Political Rights" and "Civil Liberties" scores explained above. Where it did not hold power for very long, the postcommunist authoritarian regime probably did less damage. The specific characteristics of each regime are also explored in order to better understand their legacies. Generally, the stronger the authoritarian legacies, the weaker I expect the democratic gains realized in the second transition will be. Before turning to the specific cases, the next sections outline the anticipated undermining effects of postcommunist authoritarian legacies in greater detail.

4.2.5. The Dual Transition and Legacies of Privatization

Joel Hellman's seminal work on the politics of partial reform showed that there is a danger that the "early winners" of transition will attempt to preserve their concentrated gains, mostly economic, by blocking any reforms that eliminate the market distortions from which they benefit.[78] Though partial reform carries significant social cost for the general public, these early winners are often powerful enough to leverage outcomes to their continued advantage. This danger is exacerbated in non-inclusive political systems.[79]

Though not the only means by which the early winners gained advantage, flawed postcommunist privatizations allowed them to become deeply entrenched and influential, corrupting not only the prospects of economic reform, but also the political system itself. Indeed, the "window for democratic consolidation may not remain open forever,"[80] as after a certain point elites lose incentive to deepen democracy and instead act to protect their gains, both in power and property. The challenge to politics is to advance reforms in the face of efforts by the early winners to maintain what Hellman calls a partial reform equilibrium.[81] Where power is concentrated with the winners – such as in postcommunist authoritarian systems where privatization and cronyism went hand-in-hand – partial reforms are more likely to persist.

Even with the elimination of the authoritarian regime and the broadening of the political process, this dynamic is difficult to reverse. The rents already obtained are not easily redistributed, nor is a deep purge of society politically or practically feasible. The early winners remain a constituency opposing deeper reform. Having already obtained a concentration of wealth, they retain disproportionate influence even in a democratic system, since candidates and parties have to finance their campaigns. An additional legacy concerns the perceived illegitimacy with which these privatizations were carried out, which facilitates a lasting association of market reform with lawlessness and chaos. Where such perceptions prevail, they can be hypothesized to reduce the legitimacy of and popular support for the new system as a whole.

[78] Hellman 1998: 204-205
[79] Hellman 1998: 230
[80] Solnick 1999: 813
[81] Hellman 1998: 223

4.2.6. Abused Beyond Repair? Flawed and Misused Institutions

In the purely political realm, one of the first and most important tasks facing postcommunist governments was the design of democratic institutions. Where illiberal regimes developed out of founding elections, formative decisions such as the drafting of a constitution, the choice of a presidential or parliamentary system, or the design of an electoral and party system fell to authoritarian-inclined leaders. The imperative of concentrating power translated into strong executives and personality politics. While doing their utmost to prevent any real checks and balances, semi-authoritarian regimes were clever enough to establish at least a shell of horizontal accountability. Courts and parliaments were set up, though they could hardly be considered independent bodies given the level of manipulation and harassment to which they were routinely subjected. More significant than formal designs, however, is they way these institutions were subverted by the behavior of the elites operating within them.

It is the complex task of second transitions to break down these patterns and establish new ones. That courts and legislatures can be rid of corruption and these institutions with no experience of actually performing checks and balances can be transformed into constructive players in a genuine democracy is a longer term proposition. Even with the removal of the illiberal leadership, it is impossible to purge the full bureaucracy. Additionally, it is not only past regime adherents whose behaviors and attitudes potentially detract. While in opposition, members of the new government had been equally exposed to, if not full participants in, the toxic political discourse. The combativeness and distrust that characterized political life lingers in behaviors and mindsets. For historically weak and fragmented oppositions, there is no guarantee that taking over the task of governing will suddenly induce trust and cooperation. Thus, already at the elite level, there are a number of patterns to break and challenges to confront.

4.2.7. Euphoria Turned Disenchantment: The Damage to Political Culture

The final set of postcommunist authoritarian legacies damage perceptions and expectations of democracy and have negative effects on the formation of democratic political culture. Like all new democracies, countries beginning second transitions lack many of the features Adam Przeworski claims are necessary to support democracy: “representative organizations are weak, civil society is highly fragmented, memories of

political abuse are still fresh, antidemocratic ideologies are quite alive."[82] But second transitions bear a distinctive additional burden. After the "autumn of the people"[83] in 1989, the public saw its hopes dashed. The euphoria experienced at the onset of transition gave way to widespread disenchantment at what it delivered. Second transitions thus are susceptible to what Ottoway terms "transition fatigue." The initial transition was cause for much optimism, but, as she explains, "it is difficult for people to be sanguine about renewed change when the transition they experienced has plunged the country into turmoil, war, or economic decline."[84] Exhausted by instability and hardship, citizens may be skeptical of the promise of a new "democracy." This sense of disillusionment is not likely to fade if corrupt practices and elite infighting continue under the new government.

Still, citizens' feelings of disengagement or frustration at the course of political developments may be the lesser concern. Postcommunist authoritarian leaders enjoyed for a time a genuine degree of support, suggesting that political culture was not merely being suppressed, but rather that it was developing in a non-democratic direction. In the more severe cases, the regime exploited cleavages to win support or to create a crisis situation in which its acts of repression could be attributed to the extraordinary circumstances. Where the populace itself took an illiberal turn, the legacies of intolerance and conflict in political discourse as well as in ideology prove a far greater challenge to overcome.

4.3. Interaction among the Variables

The following analysis examines how the two factors proposed here – leverage and legacies – have affected the outcomes of second transitions in Slovakia, Croatia, and Serbia. With variation on both independent variables, I treat each variable separately, although I suspect there is considerable complementariness – if not a certain interplay – between them. It is easy to see how a favorable international environment (strong incentive from the EU) in combination with favorable domestic conditions (weak legacies) would reinforce one another to facilitate democratic gains. Likewise, where neither dimension favors consolidation – i.e. where legacies are strong and the role of the EU is weak – the task appears much more difficult. In

[82] Przeworski 1995: 62
[83] Przeworski 1991b
[84] Ottoway 2003: 185

between those poles, however, it is less clear what the dynamics of the relationship might be. Does one influence prevail over the other?

A preliminary hypothesis might be that there is actually a degree of interaction between the two variables, with legacies exerting a stronger constraining influence in the short term and leverage coming to bear over the longer term. Where the EU has a presence, legacies determine the initial democratic gains. If these are strong, the country's gains will be less substantial. Where the regime's legacies are more moderate, the new government will achieve more dramatic gains. The EU factor will reinforce the country's progress even further as conditionality begins rewarding gains. In the longer term, legacies weaken as the polity gains credible experience with democracy.

Of course, neither geography nor history is destiny. Favorable international and domestic conditions are not sufficient to determine outcomes, either independently or in combination with one another. Recalling the assumption that second transitions install a democratic regime, the only necessary (but, as suggested above, not independently sufficient) prerequisite for democratic gains is a reform orientation by the government. Legacies can be expected to slow their efforts, but a conducive international environment may then serve as part of a formula for overcoming the harmful legacies of the past. Since the time period that can be covered in this paper is less than ten years, I expect that variation in the legacies of postcommunist authoritarianism will correlate more closely with the observed regime outcomes.

5. Three Cases of Postcommunist Authoritarianism

It is clear from the overview of postcommunist authoritarianism already given that such leaders undermine the spirit and the letter of democracy. While unmistakably of a common mold, postcommunist authoritarian regimes nevertheless vary considerably in the extent and means by which they establish and maintain control. With the prototype outlined above as a guide, this section examines the qualitative differences in the nature of postcommunist authoritarianism as it was experienced in Slovakia (1993-1998), Croatia (1991-2000), and Serbia (1990-2000). More than just the number of years or electoral cycles that the regime held power, the degree to which it repressed freedoms and the methods it used to dominate the political environment should prove telling indicators of the regime's impact on the polity.

Table 1 shows how the postcommunist authoritarian regimes in Slovakia, Croatia, and Serbia compared to one another on Freedom House's Political Rights and Civil Liberties measures. Following the "thick" definition of democracy given previously, and given the tendency of semi-authoritarian regimes to perform sufficiently on the political rights measure while severely undercutting civil liberties, both scores are essential considerations in evaluating regime character. The table not only allows a rough relative assessment of the regimes in relation to one another; it also shows that the differences between them were quite significant, with scores ranging from the near-top to the near-bottom of the Freedom House scale.

Table 1. Political Rights and Civil Liberties under Postcommunist Authoritarianism

Country / Year		1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Independent Slovakia	PR	...	...	...	3	2	2	2	2	2	...	...
	CL	...	...	...	4	3	3	4	4	2	...	...
Independent Croatia	PR	...	3	4	4	4	4	4	4	4	4	...
	CL	...	4	4	4	4	4	4	4	4	4	...
Serbia (FYR)	PR	5	6	6	6	6	6	6	6	6	5	4
	CL	4	5	5	6	6	6	6	6	6	5	4

Source: Freedom House, Freedom in the World, Historical Rankings 1973-2006

In the following sections, each regime is profiled in detail to give meaning to the variation in the scores. For purposes of comparability, the profiles are structured as uniformly as possible and cover to the extent possible the criteria that Freedom House uses to evaluate regimes in its surveys. As noted previously, these are, for Political Rights: (1) electoral process, (2) political pluralism and participation, and (3) accountability and transparency of governance. For Civil Liberties: (1) freedom of expression and belief, (2) associational and organizational rights, (3) rule of law, and (4) personal autonomy and individual rights. The profiles also reference the privatization proceedings conducted under each regime, since this paper considers them a uniquely important aspect of postcommunist authoritarian rule.

5.1. Slovakia, 1993-1998

In Slovakia, Vladimír Mečiar negotiated the 1993 breakup of Czechoslovakia and then served as the first prime minister of independent Slovakia. As prime minister, he presided over a democratic deficit that prompted then-US Secretary of State

Madeleine Albright to call the country "a black hole in the heart of Europe." Mečiar's Slovakia consistently scored a 2 on Political Rights, and on this measure was similar to its Central European counterparts. It hovered between 3 and 4 on Civil Liberties, earning it the designation "partly free."[85] Although elected freely and fairly, Mečiar demonstrated authoritarian tendencies that ranged from discrimination against minorities to bald intimidation of journalists and political opponents.[86]

Having guided Slovakia to independence, Mečiar found it easy to exploit feelings of nationalism to maintain support. The national question had been on the agenda throughout Slovakia's history, with its national identity developing in relation first to the Hungarians of the Austro-Hungarian Empire and later to the Czechs.[87] Mečiar adopted what Bútora and Bútorová have called a "confrontational nationalist policy,"[88] openly discriminating against the large (11%) and politically active ethnic Hungarian population.[89] His government was "so inhospitable to ethnic minorities and so intolerant of political opposition that both the European Union and NATO rejected its application for membership on political grounds alone."[90] Likewise, Freedom House attributed the drop in Slovakia's Civil Liberties score to 4 in 1996 and 1997 to government pressure on freedom of expression and minority rights.[91]

On the political rights criteria noted above, electoral process was largely respected; Mečiar was elected freely and fairly on two separate occasions. He was even democratically removed from office by no-confidence vote for a short time in 1993, and his comeback in 1994 was conducted legally. His regime did occasionally manipulate electoral law, for example to change district make-up or the percentage of votes required by opposition parties to obtain seats in Parliament.[92] But the absence of more glaring violations allowed elections to be consistently evaluated as free and fair. Concerning representation, there was an emergent multi-party system, though it was dominated by a single polarizing figure. Moreover, the government's hostility toward initiatives by ethnic Hungarians to strengthen minority rights as well as the idea

[85] Freedom House 2006
[86] Bútora/Bútorová 1999: 80
[87] Wolchik 1997: 198
[88] Bútora/Bútorová 1999: 80
[89] Vachudova/Snyder 1997: 24
[90] Krause 2003: 67
[91] Freedom House 1997: 338-347
[92] Krause 2003: 67

of a constitutional amendment introducing a civic definition of the state preclude it from being considered pluralistic or participatory.[93]

On transparency and accountability of governance, the Slovak constitution written after independence did establish genuine democratic institutions. It implemented a parliamentary system of government comprising one chamber, a non-executive president elected by parliament, and an independent Constitutional Court. Still, Slovakia under Mečiar was characterized by clientelism and concentration of political power, with ministerial and national bureaucratic positions filled with friends and supporters. Political control extended over the police, intelligence services, prosecutors, and some judges.[94] Repeated conflicts between Mečiar and President Michal Kováč contributed to instability. Mečiar sought numerous times to have Kováč removed from office, but was never able to achieve the three-fifths parliamentary mandate required to do so. In intervening effectively in these repeated conflicts, though, the Constitutional Court proved itself a force for democratic preservation.

Similar tactics characterized Mečiar's approach to privatization. After returning to power in the 1994 parliamentary elections, the Mečiar government cancelled the voucher scheme and formed a National Property Fund outside of parliamentary oversight to manage privatization.[95] It proceeded to sell off companies valued at a reported 20 billion koruny while collecting only 3 billion koruny for the public coffers. Significantly, particularly in contrast to the other cases, the Slovak economy performed reasonably well under Mečiar, despite the troubled political climate. While nevertheless managing to delay real economic reform, it recovered from the initial drop in output experienced everywhere and attracted some foreign investment over the decade.[96]

Concerning civil liberties, the government's treatment of minorities gave rise to numerous human rights concerns.[97] The government strongly influenced state-owned media, and attacks on journalists critical of the government were not uncommon in Bratislava.[98] The Prime Minister's most excessive stunt by far was his alleged involvement in the kidnapping of the President's adult son and the firebombing of the

[93] Vachudova/Snyder 1997: 23-27
[94] Krause 2003: 67
[95] Green 1996
[96] Wolchik 1997: 217
[97] Freedom House 1997: 345
[98] Pridham 2001: 84

car of the main inspector investigating the incident.[99] Public dissent was largely tolerated, as the President successfully vetoed attempts to amend the law to criminalize public rallies or organized protest.[100] An independent civil society was able to develop in Slovakia as NGOs took root in the country and trade unions took on a political role.[101]

As Bútora and Bútorová summarize, the upshot of Mečiar's rule was the exacerbation of political polarization in the country; the politicization of the state administration; the labeling of government critics as "enemies," "anti-Slovaks" or "anti-state" elements; the exclusion of the opposition from oversight of government institutions, publicly owned media, and the privatization process; discrimination against ethnic Hungarians; and suspicions about ties between state officials and organized crime.[102] On the other hand, although the Office of the Prime Minister demonstrated clear authoritarian tendencies and behaviors, fledgling democratic institutions were successful in deflecting more egregious violations of the rule of law. In addition, the Mečiar regime lasted 5 years, in contrast to the decade of postcommunist authoritarianism experienced in Croatia and Serbia. On a relative scale, the Mečiar years therefore might be expected to produce mild to moderate postcommunist authoritarian legacies.

5.2. Croatia, 1991-2000

In Croatia, Franjo Tudjman led the country to independence in 1991, having become president after his Croatian Democratic Union's (HDZ) decisive win in the first postcommunist multi-party elections held in the federation of Yugoslavia in 1990. Tudjman presided over a semi-authoritarianism that was even more nationalist in character than Slovakia's. The violent breakup of Yugoslavia implicated Croatia in ongoing nationalist conflicts and war, where it was both the victim of Serbian aggression and an aggressor in Bosnia.[103] To maintain its focus on authoritarianism, this paper does not discuss the Yugoslav wars in detail. Nevertheless, this period of postcommunist politics in Croatia was defined by nationalism and war. This cannot be

[99] Wolchik 2003: 217
[100] Freedom House 1997: 344
[101] Bútora/Bútorová 1999: 89
[102] Bútora/Bútorová 1999: 84-85
[103] Ottoway 2003: 109

overlooked because, as Ottoway puts it, both "were instrumental in fostering semi-authoritarianism."[104]

By all accounts, and in contrast to Serbia's Milošević, Tudjman was a true nationalist believer and his HDZ more a movement than a political party.[105] It rose to power with strong popular support, though Tudjman did not hesitate to exploit his status as a "father of the nation" figure amid the nationalist, anticommunist sentiment and war situation in the country.[106] Once in office, he took no chances, manipulating the electoral process and establishing pervasive control over all institutions.[107] Freedom House ranked the regime a 4 on Political Rights and a 4 on Civil Liberties for almost its entire tenure in office.

On political rights, Tudjman too tried to uphold a façade of democracy, though he apparently had fewer reservations about manipulating elections. Among other tricks, he timed elections to capitalize on favorable military events, gerrymandered districts, and reserved special parliamentary seats for the pro-HDZ diaspora.[108] He also engaged in outright electoral fraud: When opponents captured Zagreb in municipal elections in 1995, the president imposed his own nominee, refusing to allow a mayor who would oppose his policies to govern the capital.[109] Presidential elections held in June 1997 were assessed "free, but not fair" by international observers.[110]

Croatia's semi-presidential system provides for a unicameral parliament and Supreme Court. Under Tudjman, however, these institutions were denied any independence: through strong-arm tactics, cronyism, and intimidation, they were effectively made extensions of the party. Tudjman's constitutional power to legislate by decree, though intended only for emergencies, "became an almost routine way of governing."[111] The military, intelligence and security services did not function as professional agencies, but rather as instruments of the ruling party.[112] The flagrant abuses on political rights measures resulted in "the over-concentration of executive power in Tudjman's hands, the dominance of his party (HDZ) in the state, including

[104] Ottoway 2003: 111
[105] Gallagher 2003: 80; Ottoway 2003: 111
[106] Pridham 2001: 78
[107] Ottoway 2003: 111-112
[108] Ottoway 2003: 113
[109] Gallagher 2003: 82-83
[110] Freedom House 1998: 178
[111] Ottoway 2003: 114
[112] Ottoway 2003: 114

the judiciary, and political use of security services and indirect censorship of the press."[113]

Similarly, the privatization process in Croatia was conducted according to Tudjman's vision of Croatia as a "statelet that would be ruled by 100 rich families."[114] The process resulted in ninety-seven percent of socially owned firms being privatized corruptly through the Croatian Privatization Fund to persons with close ties to the HDZ.[115]

Tudjman also went to great lengths to stifle civil liberties and freedom of expression. He retained complete control of the national news agency, as well as state television and radio, used the privatization process to ensure friendly ownership of non-government media, and even used the banks to ensure that only HDZ loyalists would be given credit to buy press outlets.[116] The government did not censor openly, but effectively controlled the press through these and other means. Libel laws were a favored tool, with around 700 libel suits on record for the period 1994 to 1997.[117] Tudjman's government also established regulatory oversight over NGOs and denounced the many human rights groups operating in the post-war environment as "anti-national."[118] In addition, human rights concerns played an increasingly visible role in criticisms of the regime by outside observers. By 1997, for example, the US pointed to attacks on Serbs returning home as well as Tudjman's racist public statements.[119]

Thus, when Tudjman died of cancer in December 1999, the country had been subjected to effectively a decade of semi-authoritarianism. When contrasted with Slovakia, it was clearly a harsher authoritarianism. Its involvement in conflict and war crimes has not been elaborated here; these involvements can only be hypothesized to exacerbate the legacies of authoritarianism. In sum, the legacies of the Tudjman regime can be expected to be moderate to strong.

5.3. Serbia, 1990-2000

Finally, Serbia was characterized throughout the 1990s by extreme nationalism, violence, and war. Slobodan Milošević, described as the "prototype '*nomenklatura* nationalist', a former communist bureaucrat who turned to nationalism once the

[113] Pridham 2001: 79
[114] Ottoway 2003: 115
[115] Ottoway 2003: 115
[116] Gallagher 2003: 83
[117] Ottoway 2003: 116
[118] Freedom House 1998: 180
[119] Pridham 2001: 79

bankruptcy of communist ideology had been exposed,"[120] led the country into a series of destructive wars, the consequences of which included international isolation, economic collapse, and a NATO bombing campaign waged against it in 1999. Milošević mobilized exclusionary nationalism to concentrate power and deflect reforms. Though it, too, was a hybrid, semi-authoritarian regime, its consistent scores of 6 and 6 on the Political Rights and Civil Liberties indices earned it the classification of "not free." The most telling difference between Serbia and the other cases examined here was the regime's willingness to use force against its people. Still, it never took on the appearance of full-blown dictatorship.[121]

The defining characteristics of postcommunist authoritarianism in Serbia included "mass mobilization through fervent nationalism, the use of mythical, historical, and political symbols to prevent political change, control of media outlets, the reliance on force (including police, the Ministry of the Interior, and army) to repress opponents of the regime, the stifling of economic reform, and the creation of constant crises to keep the population loyal."[122]

Specifically, on political rights measures, numerous independent political organizations were allowed to exist, but the regime recognized few limits when it came to manipulating elections or otherwise preventing competition. Gerrymandering, ballot tampering, and failure to recognize opposition victories in several cities in 1996 elections produced months of mass rallies in Belgrade.[123] The opposition remained largely fragmented; personality clashes dominated and made the opposition parties unpopular throughout the 1990s.[124] Additionally, Serbia was the only one of the three countries in which the president outright stole a national election – the presidential election of September 2000, which led to a protracted standoff with masses of challengers and eventually deposed him.

Like Croatia, the semi-presidential system in Serbia reserved sweeping powers for the president, elected by direct popular vote. Patronage networks ensured a high degree of party control over the state apparatus and effectively denied any separation of powers.[125] Milošević also violated the constitution "as he saw fit."[126] In addition to

[120] Gallagher 2003: 75
[121] Pavlaković 2005: 15
[122] Pavlaković 2005: 15
[123] Pavlaković 2005: 24
[124] McFaul 2005: 9
[125] Gallagher 2003: 83; Thompson/Kuntz 2004: 163
[126] Pavlaković 2005: 23

the power base in the military forces and state apparatus, an important center of power lay with Milošević and his wife, Mirjana Marković, whose "family and circle of friends acted like a mafia group in the economy."[127] Unlike the other countries, which – however corruptly – initiated market reforms, Serbia was still a socialist economy when it began its second transition. The isolation and destruction of infrastructure during the wars erased the economic advantage Western-looking Yugoslavia had held under communism, and the economy collapsed.[128] Under conditions of war and sanctions, those who could manipulate shortages and dominate the black market wielded significant power.[129] Oligarchic cliques operating around Milošević and his wife dominated political and economic institutions alike.[130]

As noted above, the Milošević regime was even more repressive on civil liberties than the other two cases examined, most significantly with respect to the use of violence. According to Geoffrey Pridham's account, Milošević's favored means of dealing with dissidents was contract killing.[131] He occasionally shut down media outlets and ordered the assassination of critical journalists.[132] As Vjeran Pavlaković observes, the level of repression increased in periods in which the government came under direct threat, such as during the protests against electoral fraud in 1996/97 or the NATO bombing campaign in 1999. "Media blackouts, censorship, arbitrary arrests, intimidation of leading members of opposition movements, and threats to use unrestrained force" characterized these periods.[133] Still, what is striking about Serbia is that pockets of independent opinion and media did survive. Outbreaks of public protest were common, especially in Belgrade, where Milošević had never been popular.[134]

Appreciably more violent and repressive, the Milošević regime was clearly the most authoritarian of the three considered. After losing four wars in a decade, it was a pariah regime.[135] An important contrast to the other cases is that Milošević successfully deflected the introduction of market reforms in the 1990s, enabling him the platform of the socialist (and shadow) economies to further consolidate his power.

[127] Thompson/Kuntz 2004: 163
[128] Gallagher 2003: 76-81
[129] Pavlaković 2005: 22
[130] Pridham 2001: 80
[131] Pridham 2001: 80
[132] McFaul 2005: 7
[133] Pavlaković 2005: 23
[134] Gallagher 2003: 84
[135] Pridham 2001:80

Rather than legacies of partial reforms, reformers thus would directly inherit the legacies of central planning, although Yugoslavia's unique system of social ownership by all accounts had been one of the more efficient in the communist bloc.[136] This would suggest that the part of the argument regarding the legacies of flawed privatization does not apply to Serbia. Nevertheless, I would argue that the conditions of the war economy provided ample opportunity for the same type of arbitrage and rent-seeking activities that created the reform dynamics that Hellman observed in transition economies.[137] All in all, the legacies of postcommunist authoritarianism under Milošević are likely to be strong.

6. The European Union and Second Transition Developments

The discussion above has established clear variation among the postcommunist authoritarian regimes and the corresponding legacies they produced. This section evaluates the receptiveness of the international environment that greeted each country's second transition. As argued above, the most important aspect of international support in this context is the EU accession process. The most significant aspect of the accession process for countries undergoing a second transition is, in turn, the presence of a credible EU membership perspective.

6.1. Slovakia

As Slovakia emerged from Mečiarism, it had a very strong EU membership perspective. In the early 1990s, the EU had signed Association Agreements with ten Central and East European countries and, at Copenhagen in 1993, determined that "the associated countries of Central and Eastern Europe that so desire shall become members of the Union."[138] Slovakia was included in this group, and it submitted a formal application for membership in 1995. But when the Luxembourg European Council of December 1997 elected to open accession negotiations with those it deemed ready, Slovakia was pointedly left out. These events had the significance of making clear that Slovakia was squandering an opportunity. Moreover, in formally applying for membership, Slovakia had submitted itself to the official process of evaluation on its suitability for membership. The monitoring reports issued regularly by the EU cited the shortcomings of its illiberal government and pointed clearly to what

[136] Gallagher 2003: 78
[137] Cf. Hellman 1998: 204
[138] European Council 1993: 12

needed to be done instead.[139] At the time of the second transition, leaders were assured of Slovakia's future place in the EU and knew what they had to do to turn around its membership prospects. The presence of the EU as a force for consolidation in Slovakia's second transition could therefore be considered strong.

6.2. Croatia and Serbia

For the Balkan countries, where the EU was not as deeply engaged in the 1990s and where its involvement began in earnest in the form of peacekeeping after the destructive wars, there was a lesser perspective for EU accession. But with the establishment of the Stabilization and Association Process (SAP), the EU officially recognized that Albania, Bosnia-Herzegovina, Croatia, FYR Macedonia, and Serbia & Montenegro could eventually become full members of the EU. The European Council in Feira in June 2000 confirmed the EU's objective of integrating the Western Balkans into the mainstream of Europe and announced that "all the countries concerned are potential candidates for EU membership."[140]

By the end of the 1990s, the priorities of peace and stability in the region had led the EU to consider how its accession process could contribute to achieving those goals. To that end, it reaffirmed membership prospects for the Western Balkan countries, but also added several additional steps to the front end of its negotiations with those countries. The countries of the Western Balkans now require as a first step a Feasibility Study; this determines whether a Stabilization and Association Agreement can be opened, which then serves as the legal and institutional framework guiding the country's pre-accession process.[141] This instrument is similar to the Europe Agreements signed with Central European countries in the early 1990s, but the Stabilization and Association Process introduces additional conditionality by requiring cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY).

Thus, after Tudjman's death and the HDZ party's defeat in Croatia and Milošević's ouster in Serbia, both countries had reasonable incentive from the EU to pursue and remain on the path of democratic reform. With the additional step of a Stability and Association Agreement required, it cannot be argued that Croatia and Serbia enjoyed the same membership perspective that Slovakia did. The road is now

[139] Vachudova 2006: 23
[140] European Commission 2005b: 3
[141] Vachudova 2006: 24

longer, which can be argued to reduce the strength of the incentive because the reward is less immediate. But the prospects of membership were equal *to each other* at the outset of their second transitions. Both had been explicitly acknowledged as part of Europe and as having a future place in the European Union. The level of incentive from the EU in both transitions could therefore be considered moderate.

7. Second Transitions, Second Chances? The Current State of Play

The preceding sections have studied the decidedly non-democratic regimes that initial transitions from communism produced. Having assessed the factors in the international and domestic environments each can be expected to have to contend with upon extricating itself from illiberal rule, this section examines how the three countries have fared the second time around. The information presented here is intended to provide a basis for discussion in the next section, where the divergent outcomes will be accounted for in terms of the differences in leverage and legacies outlined above.

It is worth reasserting here that the democratic gains being measured are relative. Everywhere that a second transition has occurred, the overall trend has been positive. Slovakia, Croatia, and Serbia are all much more democratic places than they were under Mečiar, Tudjman, and Milošević, respectively. The differences between them lie in how extensive their gains have been, that is, how significantly the quality of democratic governance has improved. Each country's performance in the areas of political rights and civil liberties since its second transition is presented in Table 2 below. The mere arrival of a democratic government accounts for the across the board improvement shown in each case. Viewed over time, however, the scores make clear that the countries have not equally maintained that momentum, nor have additional gains been achieved in all cases. In the simplest terms, Slovakia's democratic gains have been strong, Croatia's moderate, and Serbia's weak.

Table 2. Political Rights and Civil Liberties since Second Transitions

Country [Breakthrough]		1999	2000	2001	2002	2003	2004	2005	2006
Slovakia	PR	1	1	1	1	1	1	1	1
[Sept/1998]	CL	2	2	2	2	2	1	1	1
Croatia	PR	…	2	2	2	2	2	2	2

[Jan/2000]	CL	…	3	2	2	2	2	2	2
Serbia	PR	…	…	3	3	3	3	3	3
[Oct/2000]	CL	…	…	3	2	2	2	2	2

Source: Freedom House, Freedom in the World, Historical Rankings 1973-2006

The best means of comparing the progress the three have demonstrated is to look at the outcomes an equal number of years into each country's transition. Six years after its new government took over, Slovakia received scores of 1 and 1, Croatia scored 2 and 2, and Serbia scored 3 and 2. The scores in the table also reflect the fact that each of the countries began at a different starting point. In its last full year of semi-authoritarian rule, Slovakia received scores of 2 and 4 on political rights and civil liberties, respectively; Croatia scored 4 and 4; and Serbia 5 and 5 (though in 1999 this was already a grade higher than the consecutive 6's it had received in the years prior). Accordingly, Serbia not only had the strongest postcommunist authoritarian regime legacies holding back its progress, it also had the farthest to come.

The cumulative gains also vary, though these are of secondary importance since the differences in scores remain so stark. Serbia's improvement from a 6 to a 3 on political rights is a net 3-point gain, but its score remains a 3, suggesting that real deficiencies remain. Croatia's movement from a 4 to a 2 gives it a smaller net gain of 2 points but means it has corrected serious flaws. The most time may have passed since Slovakia's breakthrough, but it is still the only one of the three to achieve a score of 1 on either measure. It has done so on both. To a lesser degree, there is also interesting variance with respect to how quickly democratic gains have been realized. Slovakia's have been rapid in addition to being the most complete, while Croatia and Serbia have not shown improvement on either score in the last five years. The following briefly describes the major democratic developments in each of the three countries since their second transitions began.

7.1. Slovakia

In Slovakia, the center-right Dzurinda government that formed after the 1998 elections moved quickly and credibly to implement political and market reforms. It actively sought to integrate with the Euro-Atlantic community and successfully concluded bids to join the EU and NATO. These accomplishments can be viewed as a reflection of the maturity of Slovak political culture, as they came about despite the

broad coalition's different policy priorities and significant ideological differences.[142] International observers frequently pointed to bickering among the coalition parties, which were united only in their pro-democracy orientation and disagreed on much else. The next parliamentary elections were held in September 2002, and the results yielded a second government under Dzurinda. Notably, Dzurinda was the first reform leader in any postcommunist country to serve a second term. Conflict over economic reforms led this four-party coalition to collapse in 2005.

Early elections held in June 2006 returned Mečiar's old party and another nationalist party to government as junior coalition partners. This development is a bit disconcerting, but thus far has not given any indication that it will reverse the democratic gains made between 1998 and 2006. Consistent with the 'two-turnover test' sometimes considered a measure of democratic consolidation, Freedom House judged that the smooth conduct of the 2006 elections confirmed overall stability and the consolidated condition of democracy. Despite Slovakia's scores of 1 and 1 on political rights and civil liberties, Freedom House still cites some shortcomings, particularly in the fight against corruption and with regard to political interference in the media.[143]

7.2. Croatia

Following the election of Stjepan Mesić as President in January 2000 and the victory of a center-left coalition in parliamentary elections later that month, Croatia also showed improvement in the areas of democracy and rule of law. The European Commission commented that "the new Croatian leadership immediately showed determination to entrench democratic values and principles and made rapid and significant progress on the main political outstanding questions."[144] A notable early step was the introduction of constitutional changes in 2000 and 2001 that established a parliamentary system of government and reshaped the balance of power to give the parliament and prime minister more authority.[145]

The next parliamentary elections were held in 2003 and were also deemed free and fair. These witnessed the return to power of the HDZ, albeit under new leadership. The HDZ is now viewed as a successfully reformed nationalist party, although some

[142] Freedom House 2003
[143] Freedom House 2007c
[144] European Commission 2004: 6
[145] European Commission 2004: 12

controversial figures remain in positions of influence.[146] The functioning of institutions and the role of the opposition are assessed as "normal."[147] There is now a cross-party consensus in the country favoring European integration, and the HDZ government has been actively working to meet the conditions required for EU accession.

Croatia currently ranks at 2 and 2 on political rights and civil liberties. Problems persist mainly in the areas of refugee return, protection of minority rights, independence of the judiciary, and corruption. Freedom House notes that "a nexus of official security institutions and 'legitimate' businesspeople" is often at the center of corruption cases.[148] The issue of war crimes also remains a prickly subject, with the International Criminal Tribunal for the Former Yugoslavia (ICTY) first expressing satisfaction with Croatia's cooperation in April 2004. In an especially positive development, Ante Gotovina, Croatia's highest-ranking war crimes fugitive, was arrested and sent to The Hague in December 2005.

7.3. Serbia

In Serbia, the political situation has improved since Milošević's departure but nevertheless has had a few messy incidents, most pointedly the 2003 assassination of reform-minded Prime Minister Zoran Djindjic by organized crime figures associated with the Milošević-era security services.[149] Among other decisive actions, Djindjic had previously had Milošević arrested and sent to The Hague.[150] After his assassination, reforms stalled as the opposition fragmented and lost momentum. Elections in 2003 stabilized the unwieldy 18-party coalition that had governed since 2000 and brought moderate nationalist Prime Minister Vojislav Koštunica to power.[151] Troublingly, the nationalist Serbian Radical Party won the most seats in the 2003 elections, although it was prevented from forming a government by a collection of reform parties. Freedom House describes the polity as "precariously divided between the 50-55 percent majority of the electorate that supports parties that overthrew Milošević in 2000 and the 35-45 percent segment that supports [the nationalist parties]."[152] According to Judy Batt, "Serbia's democratic parties are deeply divided among themselves, chronically

[146] Freedom House 2007a
[147] European Commission 2004: 11
[148] Freedom House 2007a
[149] Freedom House 2007b
[150] Batt 2005: 57
[151] Vachudova 2006: 30
[152] Freedom House 2007b

prone to political infighting, and have lost much credibility with the voters."[153] Strikingly, less than half of the public agrees with the statement that "Democracy is better than all other forms of government."[154]

Reform of the 1990 constitution stood on the agenda for a long time before revisions were finally adopted in October 2006. The European Commission called this a "welcome development," noting its provisions on major issues such as human rights, protection of minorities, and civilian control of the military, which should eliminate some of the links between organized crime and the security services.[155] Full cooperation with the ICTY has not yet been forthcoming, and Serbia's failure to apprehend war crimes suspect Ratko Mladić represents a major obstacle to enhanced cooperation with the European Union as well as to improved relations with the United States. Another ongoing problem is corruption, which remains at very high levels.[156] Serbia currently scores a 3 on political rights and a 2 on civil liberties. Its list of areas where improvement is needed is correspondingly longer: cooperation with the ICTY, constitutional issues, the functioning of democratic institutions, public administration reform and the development of administrative capacity, judicial reform and the fight against organized crime and corruption.[157]

8. Connecting the Past with the Present: Leverage and Legacies

This study theorized that the leverage of the European Union will have a positive impact on democratic gains in second transitions, while the legacies of postcommunist authoritarian rule will exert a countervailing negative influence. The best that can be achieved through empirical observation is a test of the correlation between the variables and the differences in outcome. It is not possible to establish causality, even though the mechanisms through which each factor is expected to work have been explained in depth. The argument's merits can only be assessed on the basis of correlation and plausibility.

The cases explored here confirm the general trends expected. The strength of the EU's presence as an actor for the most part correlates positively with democratic gains, while the strength of the postcommunist authoritarian regime correlates negatively with them. Also as expected, the correlation is stronger on the legacies

[153] Batt 2005: 55
[154] Batt 2005: 58
[155] European Commission 2006: 5-7
[156] Freedom House 2007b
[157] European Commission 2005b: 4

variable than on leverage. The next sections explore these correlations in greater depth.

8.1. The Role of Leverage

Democratic gains in second transitions have been most complete where the EU's leverage is greatest (Slovakia). Where leverage is only moderate, a broader range of outcomes has been possible (compare Croatia and Serbia). Considering the membership perspective available to Serbia in 2000 alone would have predicted stronger progress than that which it has actually shown. Consequently, the hypothesis that the incentive of EU membership enhances democratic gains in second transitions falls a bit short. The divergence between the Croatian and Serbian cases instead makes clear that the incentive the EU provides for reform does not operate uniformly across cases.

8.1.1. Dynamic Interaction

For methodological reasons and to facilitate comparison, this study sought to capture the credibility of an EU membership perspective for each country at the critical moment when its second transition began. This also effectively isolated the influence stemming from the EU's side. Tracing the development of relations with the EU since the start of each country's second transition illustrates the interaction between conditionality and domestic behavior noted in the theoretical framework above.

The three countries' relationships with the EU have developed quite differently over the course of their respective second transitions. Looking at the state of relations in the spring of 2007, Slovakia has been an EU member for three years, Croatia has completed a Stabilization and Association Agreement and is now a candidate for membership, and Serbia has just recently been approved to resume negotiations on an SAA. As I have emphasized throughout, these very different outcomes reflect equally the countries' prospects vis-à-vis EU membership and their own policies and choices.

The Dzurinda government in Slovakia made joining the European Union its top priority and immediately began implementing the outstanding reforms. Just a little more than a year after Mečiar's defeat, the 1999 Helsinki European Council moved to open negotiations with Slovakia. Membership negotiations began in 2000 and were concluded in 2002 – the fastest any country has completed the process. Slovakia joined the EU together with its Central European neighbors in 2004.

Croatia has also enjoyed positive reinforcement for its efforts from the EU, where the Commission emphasizes that the rapid development of relations has been a reflection of Croatia's commitment to meeting its requirements.[158] In May 2000, the Commission adopted a Feasibility Report clearing the way for the negotiation of a Stabilization and Association Agreement. This was signed in October 2001, less than 2 years into Croatia's second transition. It formally applied for membership in 2003, and the Brussels European Council in June 2004 affirmed its status as a candidate country. Membership talks were opened in October 2005, once it had been established that Croatia was cooperating fully with the ICTY. Croatia's advancement through the EU process has been slower than Slovakia's for the simple reason that its cooperation has been less complete.

For Serbia, the path has been even less smooth. The EU first positively assessed its progress with a Feasibility Report in April 2005, and negotiations on a Stabilization and Association Agreement began in October 2005 with initially substantial progress.[159] Due to Serbia's failure to cooperate sufficiently with the ICTY, negotiations were suspended in 2006, with the EU signaling its readiness to resume them once Serbia cooperated fully on the war crimes issue. As of June 1, 2007, Commissioner for Enlargement Olli Rehn had just confirmed that negotiations on an SAA could be resumed, but a date had not been set.[160]

To a clear extent, the differences in EU relations parallel differences in the level of democratic gains each country has attained. Accounting for the dynamics of the EU variable in this study would have meant presenting a circular argument in which the dependent variable (democratic gains) in part determines the strength of the independent variable. Measuring the role of leverage at just a single point in time – before this interaction began – has allowed me to avoid this, although in doing so I may have compromised some ability to observe the mechanics of the EU's influence. For example, many studies suggest that the EU's leverage is strongest during the negotiations phase, that is, when the rewards it offers are most immediate.[161] I have instead discussed broadly the 'gravitational pull' of EU membership prospects on the countries on its periphery.

[158] European Commission 2004: 6
[159] Freedom House 2007b
[160] Rehn 2007
[161] Vachudova 2006: 7

8.1.2. Setting Up for Second Transitions

Another factor that perhaps has not been sufficiently captured in this analysis is the role of the European Union during the years of postcommunist authoritarian rule. A major difference between Slovakia and the other cases is the level of engagement it continued to enjoy with the West during its illiberal phase. Slovakia's emerging NGO community benefited from Western assistance and ties, and the government bureaucracy was engaged with technocrats in Brussels.[162] The government received multiple official warnings about its democratic deficiencies, though these had minimal impact on Mečiar's behavior.[163] It is clear that EU leverage could have only a limited effect as long as those in office were unwilling to meet its conditions.

What is less clear is how the EU's presence in those years affected second transition developments. I have hypothesized that contact with the EU or other outside actors during postcommunist authoritarianism served primarily to communicate the message that the country was falling behind, and my analysis has supported this idea. Vachudova argues that the EU's greatest impact in those years was on "the configuration, the strength, and the agenda of the opposition forces competing against illiberal political parties."[164] It is certainly plausible that links with the EU played a larger role in bringing about second transitions than has been acknowledged here. However, if the role of the EU under postcommunist authoritarian rule has been understated in this paper, it is only with respect to Slovakia and, to a lesser extent, Croatia. Serbia, which had been embargoed and bombed, was extremely isolated under Milošević. The EU could not be argued to have played a role in setting up second transition developments there, though many Western actors actively encouraged Milošević's overthrow. Croatia had also been shunned for its involvement in hostilities and ethnic cleansing, but depending on the West's shifting priorities, was variably courted as part of a solution to the Milošević problem.[165] It developed some ties to outside actors, and its opposition adopted links to European parties.[166] These may have had a similar effect in helping the opposition organize, though they suggest a minor influence at best.

[162] Pridham 2001: 86-87
[163] Haughton 2007: 241
[164] Vachudova 2005: 178
[165] Pridham 2001: 77-83
[166] Pridham 2001: 79

8.1.3. Channels of Influence

So how *does* leverage matter? As in the initially successful transitions from communism, the EU's most important impact comes in the consolidation phase of second transitions. The pre-accession process provides the second transition winners with a clear agenda of political reforms that need to be undertaken; these correspond to the requirements of a system that is democratic in substance as well as in form. The EU accession process also provides a framework for holding reformers to their word. For Vachudova, EU leverage has been "decisive in shaping the political and economic agendas of the opposition parties that came to power – and ensuring that these agendas were carried out."[167]

In the cases of Slovakia and Croatia, it can be observed that the goal of EU accession provided a "focal point for cooperation"[168] that helped the large and ideologically diverse coalitions that took power in second transitions organize their efforts. Haughton observes that outside supporters of Slovakia's membership bid intervened to avert a near crisis of the governing coalition in 2001.[169] In Croatia, the formerly illiberal HDZ now even openly supports EU integration and in government has worked to implement the *acquis*. It follows that as EU integration becomes the 'only game in town,' so too does democracy. It is this process of forming a consensus in favor of EU integration and attracting the illiberal (or nationalist) parties to it that is visibly stalled in Serbia.[170]

This analysis has struggled to attach specific importance to EU leverage in explaining second transition outcomes. But Vachudova makes a compelling argument regarding its broader and longer-term impact. As she observes, "We see virtually no backsliding as successive governments make progress on political and economic reform. They may move forward quickly (Slovakia) or slowly (Serbia), but there have been no wholesale reversals of policy, despite electoral turnover."[171] This is due to the 'locking-in' of the reform trajectory and the narrowing of policy options associated with it. The current status of democratization in each country can by no means be considered a final 'outcome,' and if Croatia and Serbia continue on the democracy track, the explanatory power of the leverage variable will gain credibility. Over the

[167] Vachudova 2006: 23
[168] Vachudova 2005: 162
[169] Haughton 2007: 242
[170] Vachudova 2006: 4
[171] Vachudova 2006: 23

longer term, we might expect to see a clearer positive correlation between the EU's openness to membership and the consolidation of postcommunist democracies.

In sum, it is difficult to ascribe significant explanatory power to EU leverage. However, this seems to have less to do with the incentives available from the EU side than with the individual countries' responses to them. For clarification, I turn to examining the legacies of postcommunist authoritarianism and their impact on domestic conditions.

8.2. The Role of Legacies

Where the pull of the European Union cannot account for different outcomes, the argument of countervailing legacies can. The variation on the legacies variable correlates very closely with the observed outcomes. Mild legacies have translated more easily into democratic gains (Slovakia), moderate legacies have yielded some to allow for moderate gains (Croatia), and strong legacies have corresponded with stalled reform (Serbia). The legacies narrative also seems to account for the divergent outcomes observed in Croatia and Serbia, two cases equal with respect to the EU factor at the start of their transitions. Notably, a number of the specific legacies predicted to pose major challenges – including corruption, elite infighting, and illiberal political culture as reflected in the embrace of nationalism – have emerged as serious issues for reform governments. Others, such as lack of experience with a functioning system of checks and balances or even transition fatigue, appear to have been overstated.

8.2.1. Institutional Legacies

This study has conceptualized a set of legacies specific to the period of postcommunist authoritarianism. The first challenge, I argued, would be the difficulty reformers would face in establishing new patterns of behavior in democratic institutions that had been thoroughly abused by the past regime. In the area of institutional legacies, several of the anticipated problems have in fact appeared in second transition political developments. Even in the exemplary case of Slovakia, problems with corruption and coalition squabbling have persisted. Croatia encountered difficulty reforming its judiciary, and there are clear remaining legacies of the cronyism that accompanied privatization in the 1990s. Tom Gallagher points out that the former ruling party in Serbia and, to a lesser extent, Croatia continues to enjoy a strong degree of influence because they have "well-placed allies in both the private

and state-run sectors of the economy, in the media, and in the judiciary and security services."[172]

As expected, the case of Serbia, with the harshest postcommunist authoritarianism and thus the strongest legacies, is the one struggling most today with the specific vestiges of fragmented democratic politics, organized crime, and constitutional reform, not to mention a severe economic situation. Additionally, in Serbia, the dramatic events of Milošević's removal had the important implication that last-minute negotiations accompanying the regime's exit allowed for the preservation of some of its most unsavory elements, such as the security forces who agreed not to defend Milošević and thus were allowed to stay.[173]

Some institutional legacies have proven more intractable than others. Stripping power from the unaccountable groups that accumulated it in the 1990s, among them the early winners of privatization, has proven extremely difficult. Corruption is perceived to remain both in relation to these groups and in the functioning of public administration. Coalitions have trouble cooperating, though this is likely as much a product of their unwieldy size than of the fragmented opposition politics of the 1990s. On the other hand, the legacies of an overly powerful executive and the absence of real checks and balances seem not to have as lasting an impact as predicted. The new governments for the most part have been successful in introducing constitutional reforms to shift the balance of power, and elites have adapted accordingly.

8.2.2. Behavioral and Attitudinal Legacies

I also predicted that the experience of postcommunist authoritarianism would have lasting consequences for elites' and citizens' attitudes toward democracy. I expected that it would stymie the growth of a civil society, weaken citizens' perceptions of the legitimacy of democracy as a system, and in the most extreme cases even encourage illiberalism among the populace itself. On these issues, the conclusions of my analysis are more mixed, though I would argue this has mostly to do with the fact that they are less visible and therefore more difficult to measure.

I have found no specific evidence of additional damage to civil society under postcommunist authoritarianism. This sector even showed surprising capacity in mobilizing to overthrow authoritarian regimes in the context of electoral revolutions. The postcommunist region as a whole, including initially successful liberal reform cases such

[172] Gallagher 2003: 85
[173] Batt 2005: 57; McFaul 2005: 17

as Czech Republic and Hungary, exhibits lasting civil society weakness when compared to established democracies as well as in comparison to newer democracies that transitioned from military or other forms of authoritarian rule. In accounting for this, Marc Morjé Howard points to the legacy of mistrust of communist organizations, the persistence of friendship networks, and postcommunist disappointment.[174] So far, the second transition countries do not demonstrate a clear pattern of their own. Indicators such as trust in government and participation are low throughout the region, making it difficult to associate these specifically with legacies of postcommunist authoritarianism. Either way, distrust is strong, faith in democracy is fragile, and greater disappointment threatens to weaken its foundations even further.

An even larger cause for concern stems from the persistence of non-democratic ideologies where the regime engaged most strongly in exploiting ethnic tensions. In both Croatia and Serbia, the nationalist issue is alive, with war crimes remaining a sensitive issue. Croatia has submitted to cooperating with the ICTY, but the public's continued perception of 'war heroes' and the general lack of willingness to address the past suggests that insufficient progress has been made in advancing democratic values among the general public. Minority rights also remain a problem for Croatia, where the Serb minority is treated with hostility.

In Serbia, the situation is far more extreme, likely because nationalist hostilities continued for much longer in Serbia, through the 1999 war in Kosovo, whereas they abated after 1995 in Croatia. Moreover, the status of Kosovo remains contentious today, stoking the passions of the extreme nationalist parties and easily distracting voters from the reform path.[175] This is a clear example of a legacy constraining the choices even of reformist elites. With the above-mentioned 35-45 percent of the population supporting nationalist parties, and given the presence of a flash point in the form of Kosovo, Vachudova notes that all parties have shifted to take a bit more of a nationalist stance. The result has been that extremists have "little reason to change how they get votes, especially since they are also profiting from the tremendous grip on the economy of criminal gangs and from the Serb public's opposition to cooperation with the ICTY."[176] The extreme ethnic mobilization and nationalist hostilities that occurred under the postcommunist authoritarian regimes and their residual effects on the polity are issues that deserve significant attention in their own

[174] Howard 2002: 161
[175] Vachudova 2006: 30
[176] Vachudova 2006: 30

right. In the cases studied here, these seem to be the most damaging and most intractable legacies of postcommunist authoritarian rule. Yet on their own, they really should not be. Nationalist mobilization is an elected strategy, and all of the postcommunist authoritarians considered here exploited ethnic cleavages for political purposes. Nationalist passions reached a height under Tudjman and Milošević that was not rivaled in Slovakia, but I contend another reason they have proven more difficult to extinguish in the former cases is that other legacies have made it difficult for "makeshift ruling coalitions […] to establish their authority over unaccountable power centers in the army, police, and intelligence world," where the illiberal forces continue to wield influence.[177]

In sum, I find in the legacies narrative a strong explanation for the divergence in second transition outcomes. But considering legacies alone would not have anticipated the level of gains Serbia has achieved in spite of them and certainly would not have predicted the progress Croatia has made. While I have identified some legacies that appear to be important, it has been impossible to systematically determine which legacies will matter and when.

9. Conclusion

In the above, I have sought to draw attention to a unique set of events currently underway in postcommunist politics. Second transitions, where they have occurred, have produced second chances for a country's hopes for democracy. But so far, only some of these hopes have been fulfilled. My analysis sought to explain why this is the case. I studied the impact of EU leverage and postcommunist authoritarian legacies on three cases of second transition. My findings moderately support the hypothesis that the incentive of membership in the EU promotes democratic gains in transition countries. In reality, it more likely reinforces or even accelerates reforms once they are underway. Whether or not a country takes advantage of the EU's incentives and offerings to anchor its transition process, however, seems to have much more to do with domestic conditions within that country. Here, I have found strong support for the argument that specific legacies attributable to postcommunist authoritarian rule hold back a country's democratic progress, even once second transitions have succeeded in putting a democratic government in place. The best determinant of how smooth a

[177] Gallagher 2003: 85

country's second transition will be seems to be the strength of the legacies of the past regime that it must overcome.

In this paper, I have presented a plausible explanation for the divergence of outcomes observed in Slovakia, Croatia, and Serbia. I also believe this argument would hold when applied across a broader set of cases. What remains unclear is how long legacies should be expected to play a role. Some may require a generational shift, while consistent practice of democratic behaviors might be enough to overcome others. Accordingly, longer-term developments are also difficult to predict. When viewed over a longer period, the EU's gravitational pull might take on more explanatory power. Aside from identifying a general counterbalancing effect, I have not succeeded in determining how leverage and legacies interact.

Nevertheless, it may be possible to reconcile leverage and legacies in a common theoretical framework. Where proponents of the EU explanation ascribe its less successful efforts to the reluctance or non-receptiveness of the target state, a plausible explanation for this lack of enthusiasm might be found in authoritarian legacies. Though they rarely use the term "postcommunist legacies" and seldom treat postcommunist transitions as different from other transitions, there is some overlap between these perspectives. Similarly, where legacies do not seem to have had as lasting an impact as expected, this may be because the EU's leverage was strong enough to neutralize them, though there is less support for this idea in the case studies. What *is* clear is that any credible explanation must account sufficiently for both international and domestic factors and the relationship between them.

To this end, the legacies theory is certainly worthy of additional exploration. Further research should seek to determine systematically which legacies matter, how and when they fade on their own (if they do), and how transition leaders and their external supporters can fight them. It would be fatalistic to conclude that legacies determine a regime's trajectory, and that is not what I have tried to do here. Such an argument would also not be very persuasive, since legacy arguments do not account at all for how change does come about. Instead, I have attempted to highlight a specific set of challenges that are unique to reform governments undergoing second transitions. Seeing the damage postcommunist authoritarian legacies inflict on second transition processes, there is no room for complacency or the assumption that legacies will dissipate on their own. The distinctive challenges facing second transitions need to be recognized as such, and the support directed to these new

democracies should be tailored to combat the legacies of postcommunist authoritarianism and ensure that more second transitions realize their second chances.

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