

**Revisiting EU Eastward Enlargement from a Consociationalist Approach: Refining
Concepts and Redesigning Tasks**

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Revisiting EU Eastward Enlargement from a Consociationalist Approach: Refining Concepts and Redesigning Tasks

Why did the European Union (EU) implement its current institutional design and not another one? The institutional shape of the EU has evolved, but it could have developed in different directions over several decades. Moreover, the current institutional shape of the EU affects the politics of eastward enlargement as well as EU conditions on certain institutional reforms in states aspiring to membership. There is a general agreement regarding the assumption that interests and motivations of the EU and its major member states toward the EU's eastward enlargement are economic, geopolitical and ideological.¹ Departing from such an assumption, it is legitimate to ask: What kind of institutional design does the EU prefer for its membership aspirants from Eastern Europe?

Building on the assumption that the EU is interested in democratic stability, scholars have tried to employ consociational theory to explain the EU's institutional design. This analytical discussion has been facilitated by the decrease in intensity of the neofunctionalist-intergovernmentalist debate—an idiosyncratic feature of EU studies from an international relations perspective—and the focus on the more mainstream rational choice institutionalism-social constructivism debate.² In turn, this interdisciplinary debate has further facilitated—or at least runs concurrently with—the emergence of a comparative politics approach, which tends to view the EU more as a political system than an international organization (IO). The Agenda 2000 launched in 1997, the intergovernmental conferences of 1996-1997 and 2000, the Summit of Berlin, March 1999, the Treaty Establishing a Constitution for Europe, October 2004, and the Treaty of Lisbon, December 2007, persistently steered the EU toward a cohesive political entity.

These developments seem to vindicate earlier arguments that considered the EU as a “consociational democracy.” Coupling the nature of decision making with some creative allegories that compare the EU with a segmented society, some authors have argued that the EU resembles a divided society with states paralleling competing social groups; the European Parliament representing a grand coalition with proportional representation, and the Council of Ministers being an institutional arrangement that avoids majority decision making in favor of political consensus. Institutionally, the EU conducts its business behind closed doors. Meanwhile, the persisting principle of national sovereignty has allowed much local decentralization. Surprisingly, no efforts have been made thus far to apply this approach to explain the nature of EU policy of eastward enlargement. This chapter is an effort to explain from a consociationalist angle the institutional design that the EU conditions to Eastern European countries aspiring to its membership.

Some critics credit for the success of the consociational theory the political activism of its proponents rather than its scientific strength. However, the theory’s resilience reflects its potentials to explain elite political behavior in divided societies. Consociationalism is marred with epistemological and conceptual problems; yet, applied in the right way, it offers powerful causal explanations for social cohesion and democratic stability in divided societies, as well as cues for understanding leaders’ motivations in setting institutions and policies in those states.

This chapter seeks to redefine the consociational theory in a way that could allow it to explain EU policies of eastward enlargement—especially EU membership conditionality. Overcoming the theory’s shortcomings frees the path for understanding EU membership conditionality as a set of consociational practices that would ensure the consolidation of democratic stability in EU membership aspiring states from the postsocialist Eastern Europe.

Consociationalism has exported its epistemological problems in scholarly efforts to frame the EU as a “consociational democracy,” and it carries the same potentials to export these problems in the analytical framework proposed. After eliminating the tautological relationship between consociationalism as a definitional category and consociationalism as measures that bring about that category, the chapter argues that a classification of the EU as a stable democracy of the deeply divided society of member states helps resolve tensions between rational epistemology of the consociational theory and its normative approach. Consociational theory does not assume leaders to subscribe to norms and values while they rationally seek to establish and maintain a stable democracy. Rather, assuming EU leaders to be rational agents and the endurance of the EU as a stable democracy to be their rational goal, one expects EU leaders to work toward achieving that goal rather than normatively establishing a “consociational democracy.” In this view, consociational practices are causal mechanisms for a stable democracy, and EU membership conditionality works on two levels. First, in aspiring EU member states with divided societies, EU exports consociational practices in an inward-looking way, so they could help increase political cohesion of these societies. Second, for those states and others with unified societies, the EU imposes consociational practices in an outward-looking way—that is, making their institutions receptive to EU consociational practices, and being able to fully participate in the EU integration processes when they join the Union.

This chapter continues with a review of consociational theory, including its promises and weaknesses. The following section reviews the analytical debate that tries to frame the EU as a “consociational democracy.” The chapter continues with efforts to address some epistemological and conceptual problems within the theory, as well as abandoning its normative aspiration for “consociational democracy” as a remedy for divided societies in favor of more pragmatic

concepts of stable democracy established on consociational practices. The analytical framework developed views EU membership conditionality as an effort to employ consociational practices in order to achieve social cohesion in EU membership aspiring countries from Eastern Europe, and help both states with divided societies and those with more cohesive societies to establish institutions receptive to EU consociational practices. The concluding section assesses and highlights some potential pitfalls of such an approach.

Consociational Theory and its Critics

Consociational democracy describes government designed by elite cartels to turn a democracy with a fragmented political culture into a stable democracy.³ Departing from Almond's typology that divided democracies between "stable democracies" and "immobilist democracies,"⁴ Lijphart suggested it as a new category for democracies that manage to remain stable in conditions of deeply divided societies. When political parties, interest groups, media, schools, youth and other voluntary associations identify with subcultures, the concentration of social interests in these subcultural social segments exacerbates political conflict along the lines of divisions. Arguably, contending groups, after achieving internal homogenization, rise as pillars led by their respective elites. These elites reach out to each other, and agree to make decisions based on compromise and consensus rather than majority rule. Elite compromise might resemble federalization or functional decentralization,⁵ though not every consociational theorist agrees with this solution.⁶

Consociationalist theory has drawn severe criticism in several directions: critics highlighted the tautological relationship between consociational democracy as a causal variable of democratic stability and consociational democracy as a definitional term of a stable democracy as well as the tautological relationship between accommodation as the successful

settling of disputes between society's contending segments and the explanation for stable relations among these segments. Barry points to the tautological relationship between Lijphart's claim that consociational democracies are both fragmented but stable democracies and states with government by elite cartel.⁷ The latter represented a shift from consociationalism as an independent variable to consociationalism as typology, hence allowing Lijphart's typology to substitute for Almond's typology. While Almond's typology ruled out "any 'fragmented but stable' democracy," Lijphart's typology ruled out any "fragmented but stable" society not ruled by "government by elite cartel."⁸

Critics have pointed to the conceptual and definitional problems of consociational theory, including the lack of definitions for "democracy," "stability," "plural society," "segmental cleavages" and "crosscutting cleavages." Some critics point to the impossibility of the operationalization of Lijphart's definition of democracy, claiming it raises questions about the meaning of "reasonable" and "democratic ideals."⁹ Also, the concept of "favorable factors" has been among the most criticized features of consociational theory. Consociational theorists' efforts to address criticisms have contributed both in unveiling and exacerbating the theory's logical inconsistencies. The list of fourteen favorable conditions, as counted by Bogaards,¹⁰ has been amended by Lijphart in the course of seventeen years in order to both react to criticism and to adjust the theory to new empirical data. The favorable factors lack theoretical coherence since they were not deductively acquired from the theory, but inductively obtained by country-case empirical work, thus often adding to their list in order to adjust the theory to new data. Moreover, some authors have noticed the static nature of the favorable conditions, and their inability to affect change in elite behavior; other authors revealed serious mistakes in quantified values of favorable conditions.¹¹

Consociationalist theorists have never managed to clearly disentangle the relationship between favorable factors as social structures, and elite decisions as an individualist approach—hence a determinism-voluntarism tension. As Bogaards notes, consociational theory treats favorable factors as fixed parameters of political life, and the relationship between favorable factors and elite behavior as one way only, with the former affecting the latter.¹² Here consociational theorists split between the “orthodox” who consider favorable factors as conditions, and “latitudinarians” who consider them no more than helpful circumstances.¹³ Lijphart has dismissed the deterministic role of conditions as helpful but neither indispensable nor sufficient in and of themselves to account for the success of consociational democracy—a position that prompted Van Schendelen to scoff: “the conditions may be present and absent, necessary and unnecessary, in short conditions or no conditions at all.”¹⁴

Explaining EU Institutional Design with Consociational Theory: A Case for the Perseverance of Consociationalism as an Elite Theory of Democratization

In face of such well-grounded criticism, consociational theory has shown surprising resilience and even managed to expand its focus to international relations, especially in terms of framing the EU governance within a consociationalist model.¹⁵ Initially interested only in how domestic factors affect consociationalist solutions for deeply divided societies, by the mid-1970s consociational theorists became more aware of the impact of international consociationalist models on domestic politics. Some authors became interested in demonstrating how stable democracies implement patterns of international decision making that could be considered as consociational practices.¹⁶ Applied to the EU, these efforts served as reconciliation between international relations specialists, who tend to emphasize the primarily intergovernmental nature

of the EU,¹⁷ and comparative politics scholars who prefer to study the EU as supranational governance.¹⁸

Lijphart himself has endorsed the similitude of the EU with his archetypical “consociational democracy.”¹⁹ The EU is a unique case, and its consociationalist character is a major cause of this difference.²⁰ The EU was founded by Western European elites to promote stability and democracy. Most of its activity is conducted behind closed doors, with little accountability to citizens.²¹ Bargain style negotiations are the dominant way of decision-making and minorities are empowered by veto in most decision-making activities. Although since the Single European Act in 1987 unanimity as a criteria for decision making is no longer required except in areas of high salience, both the Council of Ministers and the European Commission continue to decide consensually. Some political scholars propose consociationalism as a remedy against the “democratic deficit” of the EU, and propose a federalist agenda.²² Others argue its effects on the EU’s stability might be potentially catastrophic as federalist reforms eliminate several institutions that consociationalism holds necessary for stability in deeply divided societies—namely government by grand coalition, deliberations in secret, and minority veto. Federalist reforms would also introduce some forms of majority decision-making practices, a source of political instability in segmented societies.²³ In the absence of crosscutting cleavages, and with the alienation of minorities by the majoritarian system, marginalized segments may reject the political authority and turn to extra-system protest.

Those who offer a consociational interpretation of the EU claim that all four of Lijphart’s consociational characteristics apply, sometimes interpreted differently. Gabel parallels them thusly: the European Parliament represents a grand coalition; EU member states’ considerable autonomy in some policy areas substitutes for segmental autonomy; proportionality characterizes

representation in EU institutions; and the continuation of consensual decision making can be considered as mutual veto. Moreover, the EU has better prospects for developing consociationalist democracy because it has what most segmented society's lack: the European Commission as an integrative entrepreneur.²⁴ Potentially, even the EP can emerge as an integrative entrepreneur since minor reforms that would increase its agenda-setting power might also promote crosscutting cleavages. The power to initiate legislation might promote transnational coalitions in order to lobby the EU agenda. In turn, these movements might successfully attract public allegiances i.e., overarching loyalties.²⁵ Lijphart himself viewed EU institutions as very close to the model of his consociational democracy only in the case when the Union is seen as a federal state.²⁶ In such a case, the Council substitutes for a High Chamber, the Treaty for a rigid constitution, and the Commission for a coalition government. Those who oppose that view either dismiss the topic altogether or point out the originality of the Union and the impossibility of its reduction to some variations of the federal model.²⁷

Other authors view the EU as a new form of consociationalism distinct from both the classic federal and unitary versions, promoting it as a general analytical framework rather than an item to be incorporated into other paradigms.²⁸ This approach considers the transposition of the consociational model to the EU as conceptual overstretching and proposes a separate lair for the EU in the existing typologies of democracy. These arrangements are determined by the very nature of social segments. While the creation a new typology of democracy for the EU remains without any theoretical import, the second part of this argument may hold significant potentials in explaining not only the internal integration of the Union, but also its negotiations with membership aspirants from Eastern Europe.

The question is whether the EU has been built and runs on consociational practices. This chapter contends that it does and has. Its case offers a great opportunity to observe how its elites seek to export this model by proposing much of the same consociational practices and for the same reason: creating a stable continental democracy out of a segmented society of states. A stable democracy in EU membership aspiring states should not be viewed normatively as a political panacea to be exported from the Western European context, but pragmatically as the inclusion into an existing regime that seeks consolidation by including more pillars into its consensus. EU conditions upon candidate countries are efforts to homogenize the pillars and to strengthen popular attitudes favorable to government by grand coalition.

Addressing Epistemological and Conceptual Problems of the Consociational Theory as a Step toward its Analytical Operationalization

Currently, it is difficult for consociational theory to explain the collapse of Yugoslavia and Czechoslovakia. In both cases (especially Yugoslavia) the elites and the masses were both divided. However, elites had cohabitated long enough as to create the personal acquaintances and relationships suggested by Lijphart. Both states were relatively small, with multiple balances of power between the subcultures (most of nationalities were simultaneously majorities in their republics or autonomous regions and minorities in other republics or regions). By the 1960s and 1970s, the two states managed to build certain levels of overarching loyalties. Distinct lines of cleavage between subcultures developed within each of these countries in the 1980s—in the case of Yugoslavia, none of the segments constituted a majority, many segments were actually of equal size. Finally, the federal system in both countries warranted adequate articulation of the

subcultural interests. In Czechoslovakia, the economic balance favored wealthier Czech lands, while in Yugoslavia it leaned toward wealthier Croatia and Slovenia.

In both federations, there was an important condition missing: namely, that of democracy. When it arrived, rather than strengthening the consociational foundations of these two states, it hastened their breakdown. So, why couldn't elites in these countries manage to maintain cohesion, despite the presence of both the necessary and sufficient conditions for a consociational democracy suggested by Adriano Pappalardo?²⁹ Even Lijphart's non-deterministic efforts would have been unable to foresee the collapse of these states right when the missing ingredient of pluralism was added to their political systems. A tentative answer might be: because elites decided to tear apart those states, and Lijphart's fourteen favorable factors were not enough to satisfy this self-negating prediction. This discussion leads to two conclusions. First, consociational theory, even in light of its aspirations, never managed to become an elite theory of democracy. Second, its normative aspirations through following an inductive rather than a deductive path were doomed to fail since they undermined the very epistemological underpinning on which they rested. The theory has lost its logical consistency.

As Costa and Magnette correctly pointed out,³⁰ Lijphart has always based his analysis on three types of variables: sociological (division of society into pillars or segments); institutional (proportional electoral system and pluralist party system, and some protection mechanisms for minorities); and behavioral (the inclination of elites to negotiate compromises). This means consociational practices will apply simultaneously in three different worlds and result in the same conclusion for all of them: one of these worlds is run by social structures; the other by institutions; the third by elites. This is how consociational theory developed thus far: every time its proponents meet difficulties to explain democratic stability by elite decisions, they search for

social structures or institutions. In order to overcome this logical fallacy, one has the choice to remove elites from the explanatory equation, and to rely only on deterministic social structures as necessary and/or sufficient factors. However, consociational theory would then bring nothing new from the existing pluralist theories that it claims to replace.

As it has been already noticed, consociationalist theory suffers from the tension between its explanatory and its normative goals. The normative suggestion is at odds with the epistemological underpinning of the theory, that is, the rational choice approach. Lijphart narrows the applicability of this approach when he makes the assumption that elites' efforts towards consociationalism are only based upon their understanding of the perils of political fragmentation.³¹ If elite theory has to build on that self-negating factor, our expectations about elites' actions should be congruent to their goals as they perceive them at the moment of action. Under such conditions, elites might still be rational actors, not understanding the limits of political fragmentations, and might still build a "consociational democracy." Alternatively, they may understand such dangers very well and still not commit to "consociational democracy" as a solution. If we see a "consociational democracy," we know that it exists because of the actions of that country's elites. Yet, we cannot offer this solution to power-driven leaders as their ultimate rationale, since it will violate the very assumption on which the theory rests. Now, leaders' interests are no longer defined by their rational perceptions, but by moral concepts of the good society. Consequentially, we can only explain why a "consociational democracy" takes place, but we cannot engineer it under the current epistemological chaos of consociationalist theory. It would be a serious epistemological fallacy to inductively move from some social facts to a set of arguments, to overlook facts that reject generalizations of factor correlation relationships, and to declare such a theorization as the ultimate solution to deeply divided societies. The

epistemological world where the theory was tested might be different from the world where it is sought to normatively apply. In the former, people are assumed to be rational actors, while the latter assumes people to follow norms and values.

Indeed, one can easily point out that the normative claims of consociational theory represent the most severe breach in the logical consistency of the theory: one could pretend to predict social outcomes from some factors provided that human actions do not affect those factors. In this case, there is no possibility of having normative recommendations since normativism implies the existence of an independent agency able and willing to implement these recommendations. If that agency is absent, all we can do is watch how a combination of certain “favorable factors” determines the outcome of the political process. But if we assume that human actions affect social structures, we no longer need the latter as explanatory variables; we can simply trace the unfettered human actions and expect them to engineer the social context. But the inclusion of these favorable factors in consociational theory hardly suggests such, and its normative claims fatally undermine this approach. Normatively, consociational theory implies that elites’ rationale rests with the survival of their democracy. However, this is not what the rational choice approach claims. Consociational theory implies that, in the presence of certain “favorable factors,” leaders can build certain political preferences that they perceive as promoting their interests. This is a violation of elite voluntarism in favor of structural determinism.

However, as Bogaards correctly points out, the favorable factors do not have to be discarded.³² Even if we discard them, they will come again through the backdoor, so to speak, as we need to demonstrate how social structures and institutions affect outcomes of elite behavior. They need to be properly incorporated into a theory of elite behavior. Bogaards suggests that the

favorable factors need to be deductively derived from the theory. Ignoring structural and institutional factors would have been too much of a simplification of the real world in favor of a parsimonious model that would tell us very little about that world. A careful consideration of how independent and intervening variables impact democratic stability in an environment where leaders' actions are rationally motivated would define an elite theory of democratization.

However, both social structures and institutions can affect the outcome of leaders' actions even if they have not been manipulated by them. In such a case, the structures act as independent variables, and our task is to demonstrate that leaders have made decisions independently of the expected or unanticipated effects of social structures and/or institutions. But certain existing social structures and institutions can also affect their manipulation by leaders as intervening variables for achieving stable democracies. Sometimes, rather than being interested in a larger coverage of democratization, we might simply be interested in explaining how leaders manipulate the intervening causal variables of democratic stability. After all, politicians act through policies and institutions. It is important to demonstrate that institution actions reflect leaders' power-driven preferences, rather than the other way around, that is, impersonal actors/institutions defining leaders' preferences. An elite theory of democratization implies that the explanatory value of social and/or institutional structures rests either on the independent role of these variables on the policy outcomes, or as purposely employed by rational politicians.

Explaining EU Interests and Motivations in EU Eastward Enlargement from a Consociational Approach: An Institutional Design Framework

The elimination of consociationalism as a definitional category will help to eliminate its normative character, but also will explain the EU negotiations with its membership aspiring

countries from an elite theory perspective of democratization. Gabel's compelling argument in support of the consociationalist character of EU democracy helps to reveal two features: the EU can be persuasively interpreted as a deeply divided society; and the EU is a stable polyarchy.³³ Moreover, its leaders have employed consociational practices to achieve the current level of democratic stability. Yet the stability is threatened in its borders by potential or real political instability in some countries during their difficult transition from communist dictatorships to liberal democracies. Eastern European democratic transitions have been characterized by leaders who compete fiercely for power; weak or absent institutions; deeply entrenched habits of mind; cultural legacies; and nation-building problems. Assuming that EU elites are rational actors, we should expect them to ensure that such instability does not spill into the EU territory. Arguably, the EU elites seek to resolve this problem by incorporating these potentially unstable countries into the EU political body.

Obviously, Eastern European societies are interested in democratic stability as well. Pragmatically, this has been shown to work in the neighboring countries of the West, and thus could in the East as well. For this reason, societies ask from their leaders to negotiate accession into the EU. Eastern European leaders have to negotiate with EU leaders, but the asymmetry between their leverages places Eastern European leaders in a disadvantaged position. It is very likely that they will be required to implement consociational practices in order to address the sources of their instability, but these may not be the only practices that the EU will suggest and/or condition to them. After all, democratic stability, not the oxymoronic consociational democracy, is the goal. Whether or not Eastern European leaders implement recommendations coming from EU leaders as policy prescriptions requires a consideration of their rational preferences. The negotiation dynamics can be explained by assuming leaders to be rational,

power oriented agents, but the analysis of the outcome of their policies needs to take into account this distortion, or to support policies acquired from independent structural and institutional factors.

Now that we have eliminated the definitional concept of “consociational democracy,” we can focus on some mid-level explanations of the effects of EU assistance to Eastern European countries that aspire to its membership in establishing stable democracies. Pragmatically, the EU is expected to transfer its own practices to countries that aspire to its membership. What works for the EU should also work for its aspirants. The arguments outlined above point to the consociational practices of the EU, but no one has claimed so far that all the EU practices are consociational and, obviously, not all of the EU institutions are built by consociational practices. This claim sends us back to Costa and Magnette’s argument that the nature of the institutions set up to reach compromises depends on the nature of the segment.³⁴ Building such institutions requires negotiations between pillars, that is, between the EU and EU membership aspiring countries. In an elite theory of democratization, “the nature of the segment” reflects elites’ political preferences energized by that particular policy sector. Whether or not reforms in a particular institution will require consociational or majority rule practices depends on the political preferences that both EU and Eastern European elites carry on that particular policy sector.

Research on EU membership conditionality and its impact on EU membership-aspiring states’ institutional reforms rest entrapped in the structure-agent and morale-rationale debates. The former debate runs between those who point solely to Eastern European structural responses and adjustments to EU conditions mainly from a social capital perspective,³⁵ and those who count Eastern European leaders’ rational power calculations while they face EU conditions. The

effectiveness of political conditionality depends on three core factors: the size of international rewards, domestic adoption costs, and credibility of political conditionality.³⁶ These factors downplay capabilities of any international actor unable or not intending to offer tangible material and/or political benefits for affecting policy change, and also the limitations in the influence of those international organizations that are able and willing to offer material assistance.³⁷ Thus, even though the EU membership conditionality remains essential to the wave of institutional restructuring in Eastern Europe, it often can serve as a useful justification for reforms that allow domestic forces, in particular governing party coalitions, to shape regional institutions in their own interests.³⁸ In face of criticism rising against the simplified worldview of this approach, its proponents emphasize its methodological rigor and the efficacy of reaping causal explanation. As Brusis points out, if we know which considerations drove policy choices, we would be able to assess the causal influence of the EU in relation to other factors.³⁹

Implementation of EU membership conditionality aims at enforcing change in political behavior of leaders from EU membership aspiring countries. Conditionality rests on a materialist ontology (money, material incentives), and a consequentialist theory of action (means-end calculations) where properties such as interests and preferences are assumed as fixed.⁴⁰ They cannot be influenced by the international factors. This differs from normative suasion regarding actor motivation, process, and outcome. As Schimelfenning points out, actors calculate the consequences of norm conformance rather than reflecting on its appropriateness. They engage in bargaining and rhetorical action rather than consensus-oriented arguments, and they adapt their behavior rather than changing their views, interests, or identities. In the end, socialization by reinforcement does not exclude sustained compliance based on the internalization of these new

norms. However, behavioral change will typically precede internalization, and behavioral conformance will persist for an extended period of time without internalization.⁴¹

By elaborating the existing concepts behind the EU, as built on consociational practices, we can argue the same practices guide the EU eastward enlargement. New members should be acquainted with these practices and prepare to adapt quickly in an institutional setting built and run by such practices. Institutions of the EU membership aspiring states should be shaped in a way that they could easily and quickly adjust within the EU institutional setting. Therefore, EU membership conditionality can be seen as a set of policies that condition EU membership with the implementation of consociational practices which, in turn, would lead to institutions receptive to EU's consociational practices. This process is simpler in EU membership aspiring countries with unified societies as the domestic homogeneity helps them arise as unified pillars within the Union. In this case, the EU simply sets conditions to establish institutions that would be able to function in line with the EU's consociational practices.

However, in EU membership aspiring states with divided societies, simply ensuring that their national institutions are receptive to EU consociational practices will not suffice. One of the preconditions for a successful application of consociational practices is the existence of societal pillars, and a divided society could not serve as a unified pillar. Domestic institutions built on consociational practices would primarily serve to unify such societies to the point that they would emerge as unified pillars led by their elites who, in turn, would reach to other elites in order to implement consociational practices that would make that society a stable democracy. In this case, the EU conditions the establishment of institutions receptive to consociational practices at two levels: the national level and the EU level. The EU conditions aspirants with divided societies to some of the same practices that have brought democratic stability in some of its

member countries with divided societies, as well as to the Union itself. Therefore, the divided society can emerge as a single pillar and its institutions are ready to function according to consociational practices at the EU level.

The utilization of the consociational practices concept also helps us better understand differences and inconsistencies across sectorial reforms of EU membership conditionality, a matter of lamentation from Eastern European politicians and scholars alike. This analysis reveals that the nature of sectorial policies makes the implementation of consociational practices unnecessary in both EU and domestic institutions, while other institutions depend solely on such practices. For instance, while constitutions represent overarching institutional arrangements of a society and where—in the case of a deeply divided society—consociational practices would be mostly needed, asylum systems built as fulfillment of countries' obligations to the international law do not need to implement any consociational practices. In the first case, constitutions enshrine consociational arrangements of country's institutional life. In the second, citizens would hardly rally across division lines on matters of refugee protection. By the same token, while education policies and institutions often serve as grounds of severe competition between rival social groups who perceive and even transform education as part of identity politics, thus calling on consociational practices to mitigate conflict, people's perceptions over health policies might serve as crosscutting attitudes where new divisions (often class divisions) might emerge above various ethnic and racial divisions.

Following this logic, we should expect EU membership conditionality to more intensively pressure countries such as Macedonia and Bosnia and Herzegovina (BiH) on constitutional reforms that would enable these countries to implement two-level consociational practices. This would firstly ensure their internal cohesion as single pillars, and secondly enable

their institutions for implementing consociational practices in the course of the integration process with the EU institutions after the eventual accession. Differently, in unified societies such as Albania, the EU expresses interest only in those aspects of the constitutional reforms that would help enable the country's institutions to adjust to the EU consociational practices, that is, one-level consociational practices, in the case of an eventual membership. If the stalemate on the decentralization reform in Macedonia, a sector where the EU has conditioned consociational practices in order to mitigate ethnic conflict, led to the open and active involvement of the EU, including its then President of the Commission, Romano Prodi, to openly call against the November 2004 referendum that would undermine consociational solutions in local government level; in the case of unified societies such as Albania, one can hardly speak of EU conditions in the decentralization sector at all.⁴²

This analysis follows by mentioning the similar EU emphasis on judiciary reforms across EU membership aspirant states. The idiosyncratic functioning of an independent and efficient judiciary system by and large precludes consociational practices, barring its decentralized features. However, the 2012 Commission Progress Reports for the Western Balkan countries who aspire to EU membership highlighted the need for further judiciary reforms in order to meet EU standards. The emphasis on the judiciary reform aims at increasing efficiency, thus making the justice system in the region not only more effective but also a guarantor of the implementation of consociational practices in the domestic stage as well as a tool to ensure domestic social cohesion while those countries emerge as pillars in the European society of nation-states.⁴³

Conditioning reforms of asylum systems in the EU membership aspiring countries seemed until few years ago only to be an effort by the EU major countries to thwart the entry to

the EU territories of illegal immigrants and refugees from and through the eastern neighbors of the Union. However, with progress in the Common European Immigration Policy (CEIP), this might no longer be the only reason. As in other EU policy areas, the CEIP needs to implement consociational practices in order to maintain the cohesion of member states with different refugee influx, hence different interests and motivations of the member countries toward the CEIP. Thus, while on the one hand asylum systems in the EU membership aspiring countries from the Eastern Europe reflect only the pressure that the EU has put on those countries to establish systems that would be able to host refugees from outside the continent, thus thwarting their westward movement, the current reforms aim also at increasing the capability of those systems of absorbing some consociational practices of the CEIP that are needed to enact and implement common asylum policies such as the Dublin II Convention.

Conclusions

Consociational theory originated as an effort to offer an elite-centered explanation of democratic stability in the Netherlands, but was soon expanded to explain the remarkable democratic stability in some other deeply divided small European countries. From its inception, it was met with enthusiasm both by social scholars from these countries, and from those who focused on small countries with fragmented societies. From late 1990s, some scholars have tried to use the consociational theory for explaining the institutional design of the EU. Those efforts have gained credibility with the deepening of the EU integration during the 2000s.

However, as it has been implemented thus far, the consociational theory lack scientific rigor to the point of raising serious doubts of its explanatory power. Since social scholars who subscribe to consociational theory never developed it with arguments and hypotheses

deductively derived from an original set of assumptions and a logical language that would lead the stream of reasoning toward a logically consistent argument, its theoretical suggestions were inductively constructed and, as can be easily perceived, adapted with each case study that was added to the empirical repertoire of the theory. The sometimes reckless consideration of new proposals caused severe logical inconsistencies, often lumping together individual and structural factors with no clear causal separation from each other. In most cases, definitional and conceptual problems plagued theoretical proposals and empirical findings.

Consociational theory continues to appeal to social scholars as divided societies around the world scramble to establish stable democracies, and its efforts to explain their success and failures, though still disputable, continue to intrigue researchers and politicians alike. It is difficult to explain developments in those societies by circumventing the central role of elites in politics. More often than not, such research pathways lead to consociational theory. The theory's advantages rest on the parsimonious assumption that political actors are motivated by power-driven interests rather than morally-driven motivations of self-sacrifice for the greater good of the public.⁴⁴

The stunning ability of this simplistic yet powerful assumption to lead toward falsifiable hypothesis is the bedrock of the similarly stunning resiliency ability of consociational theory. Warnings against degenerative tendencies of the theory call for the redefinition of some of its properties, and scholarly work in that direction should start with reasserting its rationalist-individualist assumption. While consociational theorists have been attentive to critiques related to the definitional and conceptual problems of the theory, it is difficult to assert the same when it comes to the process of detecting causality. Often, the real life endogenous relationship between the individual and social structures has not attracted the necessary attention, and this recklessness

has resulted in the theory becoming non-refutable—every time it fails to conform to empirical evidence, more variables are suggested in order to thrust the case into a new theoretical straightjacket.

In believing the core of consociational theory can be extremely helpful in contemporary academic efforts to explain democratization and institutional reforms in deeply divided societies, I see no insurmountable problems in saving that core. The first feature to “sacrifice” is the typological definition of “consociational democracy,” for it has forced us to look for a type of regime that can be established only through a certain set of elite decisions taken on a certain social and/or institutional background. This is the source of the biggest problem with consociational theory since, in the conditions of a precise definition of “consociational democracy,” the theory needs endless accommodations of decisions and the social background where they take place when new cases that might not conform the existing state of the theory appear. From the practical perspective, it should bear little relevance whether a regime is a “consociational democracy,” as long as it is a stable democracy. Moreover, that move will help to remove normative claims from the theory. Such efforts have, arguably, weakened scholars’ efforts for scientific rigor in favor of political suggestions. The practical usefulness of the theory would be in suggesting inconclusive knowledge to political practitioners rather than offering ideological solutions to social problems derived from truths that we cannot ascertain.

The next step would be a very careful consideration of the variables, establishing causality, and the assurance that only variables clearly determined by elites’ rational preferences or social structures and/or existing institutions that are clearly independent from elites’ actions appear as independent variables. We need to make sure that the effects of these social structures and institutions impact the outcome of elites’ actions, not the actions themselves. In the case of

EU negotiations with Eastern European countries that aspire to its membership, we need to analyze why the EU and Eastern European elites negotiate over certain institutional reforms, the way they negotiate, and why institutional reforms in different policy sectors are conducted the way they are conducted.

As applied in the case of the EU, the “pillar” concept transcends more than one level; in the EU context, the pillars/subcultures/segments are EU member states. If we expand the model beyond the “society” of EU to its candidates and aspirants, the pillars are not only EU member states but also its candidates and membership aspiring countries from former communist Eastern Europe. Consociational theory tends to view these pillars as unified. The existence in this “society” of pillars/states without internal cohesion would make consociational practices within the Union impossible. Hence, in deeply divided societies, the EU imposes consociational practices in order to help the unification of these pillars which, at the state level would mean state-building, constitutional reforms, local decentralization reforms, and reforms in other policy sectors where domestic politics of Eastern European countries remain divided. The need to unify pillars around certain policy areas might require the imposition of consociational practices even within subgroups within the social pillars. Unlike the dismissed concept of “consociational democracy,” the concept of “consociational practices” offers endless opportunities.

My efforts do not take over the tasks of analyzing whether, indeed, consociational practices imposed with EU membership conditionality manage to foster democratic stability in the EU membership-aspiring countries. Answering such a question would need further empirical work, but the fact that some of these countries have already become EU members and that they have managed thus far to avoid sovereignty, state-building, institutional, and human rights crises tells that they are functioning as stable democracies. Moreover, concepts “stable democracies”

and “democratic stability” more in a journalistic/common sense way than based on a clearly-cut definition of that concept. Also, applied consociational practices following what Barry has conceptualized in mid-1970s, but contemporary governance has been able to increase the range of those practices in the last four decades. The growing role of civil society in fostering overarching loyalties in deeply divided societies needs more scholarly attention. Also, in the deeply divided society of EU member states, the growing power of regions might suggest that, sometimes, the latter rather than the nation states should be considered as pillars. While efforts build on the already existing definitions, or the lack thereof, additional work in the future would help to detect new forms of consociational practices and their applicability as well as refined definitions of stable democracy.

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