

SLOVENIAN DEMOCRATIC EVOLUTION AND PRAXIS

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FOREWORD

According to its political system, in practice Slovenia ranks in all aspects among liberal democratic countries (together with Estonia, Poland, and Czech Republic etc.). On the other side, there are different sorts of meagre democracies: exclusive, non-liberal, delegation and patronising. Among non-liberal democracies we can find for example Albania, Bulgaria, Croatia, Romania, Russia, etc. According to the *Freedom in the World* measurement, Slovenia is regarded as a free country yet with some measurements it can also be found lower down the scale (for example, problems with corruption). Although such measurements are not completely accurate, most of them rank Slovenia among the most successful countries in transition. But we have to bear in mind that, besides a consolidated democracy for political stability we should also consider inclusiveness, the capacity to include citizens in the decision-making process and the efficiency of the political system, that is the ability and capacity of the political system to resolve problems, to make decisions and implement them. The assumption for political efficiency is an established procedure and a rounded legal system; the existence of the rule of law is therefore one of the key elements of a stable democracy.

Since its independence in 1991, Slovenia has completely put in place all democratic institutions of state organisation, mostly undergone major capital rearrangements (privatisation, liberalisation, denationalisation) and achieved both of the starting objectives of new international involvement together with fulfilment of their criteria (entering the EU and NATO), while on 1 January 2007 has taken on the common European currency as the first country among the former socialist countries. Slovenia was also the first former socialist country that successfully led the EU in first half of 2008. During the transition the formation of the institutional framework followed, along with institutional reforms and the credibility of policies, stabilisation and destabilisation expectations as the legacy of former systems, the co-ordination between privatisation and restructuring and the influence of international and regional integrations on national policy. As a modern democratic country, Slovenia has a complex institutional structure with several special features. In addition, it has had to comply with the structural conditions of modern government at the domestic level as well as in the framework of the external environment. Certain structures had to be developed to successfully perform certain functions. The conception of embedded democracy is linked with the assumption that stable constitutional democracies are embedded in two ways: internally, the specific interdependence or

independence of different partial regimes (elections, participation, liberties etc.) of a democracy ensure its normative and functional existence; externally, these partial regimes are fixed in different circumstances which enable democracy and protect it from external and internal processes and destabilising effects.

There are quite different assessments of the actual functioning of these institutions and achieved level of restructuring; there is no doubt about the measurable results of the fulfilment of externally given criteria that have been tested since joining the European integration, conditions for the development of democracy are a high level of social economic development, integration into democratically-oriented international relations and a vital civil society. The last one is not part of the democratic political structure but a way of organising non-state spheres of individuals and groups as regards the protection of individual rights, the rule of law, political socialisation and institutionalisation of the public as a medium of democratic self-reflection. Civil society involves a combination of individuals, values systems and relations. It is not impossible to understand that the potential of civil society during the democratic transition left some work up to the state and party politics, or to ascertain from today's position that it was a mistake. Clearly the discussion about civil society is heating up, although this time it uses the terminology of the non-government sector or non-government sphere. The position of civil society today and actual relationship of the citizens towards the state need to be assessed again and to take new possibilities for their closer co-existence into account, such as those predicted in the development of modern democratic societies in other spheres and those stimulated by ways of new communicating and information. The most important is the awareness that democracy cannot last for a long time if the citizens do not help create a political culture which supports democratic ideals and their realisation.

To understand the character of Slovenian democracy it is necessary to look back into history, especially the development and construction of the Slovenian political space. Two key factors which have as a political constancy determined this development and largely also marked Slovenian political culture can be identified. The first is ideological exclusivism as an expression of great differences in ideas, while the second one is collectivistic corporatism which, with its tendency to unity, not only expressed resistance to political conflicts but also resistance to differences and competition because that could harm social harmony. From here the strong tendency originates to overcome the divisions in the political space through the creation of grand coalitions, which actually only occurred at the 1992–1996 mandate. A tendency towards such *quasi* consensual governance may be understood in the context of the prevailing Slovenian political culture which was first marked before the Second World War by the catholic and after the war by the communist traditions. Both had in common a negative perception of political conflicts even when they were institutionalised with clearly defined rules of the game as involved in a parliament democracy. The consequence was

the hegemony of one political option on account of the need for unity. This practice changed in 2004 into a more competitive and conflict mode of policy, which is constituted by a distinction between authority and opposition. Accordingly, the different ways of narrowing the possibilities to express and confront opposite opinions and positions do not benefit the development of a parliament democracy. But they partly match the tendency to narrow the possibilities of direct democracy and to devalue the institution of the referendum. The reanimation of populist rituals and ideology should not be overlooked, as this holds back the development of the liberal characteristics of a modern democracy.

Experience Slovenia has had in its construction of a democratic political system in the last two decades following its achievement of independence has been subject to highly varying assessments: from being “a ripe democracy”, “complete democracy” or, alternatively, “apparent” or “virtual democracy” and the like. The most negative assessments of Slovenian political system are related to the persistence of authoritarian behaviour patterns and manipulation with democratic institutions that have found its way into the structures of political parties; to the party-cracy resulting from this; the bureaucratic sprawl; frequently blocked reform attempts, etc. Until 2008, different surveys placed Slovenia among “consolidated democracies” with the highest total marks among the ex-socialist countries. However, in 2010, a research survey on the degree of democratic character of states, performed by the Economist Intelligence Unit assigned Slovenia to the category of “imperfect democracy”, along with France, Italy and Greece. Slovenia’s position went down by two places and was ranked 32nd among 167 states included in the survey. Evaluators of the analytical department of The Economist publisher group gave a good mark to the Slovenian electoral process and the condition of political pluralism, namely 9.85 of the maximum possible 10 points. Not so good marks were given to Slovenia in terms of civil freedoms (8.82), performance of the Government (7.14) and citizens’ political participation (6.67), whereas the most critical was the mark assigned to Slovenian political culture (6.25). In 2008, Slovenia was the only former socialist state that found its place among complete democracies, having an average mark of 7.96. The problems of Slovenian political system are related to various forms of nepotism, clientelism and corruption, the implementation of the rule of law and the insufficiently developed democratic culture and with it, the culture of public and tolerant dialogue. The building of a democratic political system is a never-ending process as new challenges and demands constantly arise. However, despite various drawbacks and troubles, democratic institutions have nevertheless gained a permanent right of residence in Slovenia.

We were motivated to write this book by the recognition that these days there are more calls for research to examine the actual behaviour of democratic institutions of state regulation, to ascertain their relationship and openness to citizens and their initiatives and check the possibilities of civil society forming policies. The book presents to the local and especially foreign audiences some of Slovenia’s constitutional regulation, as well as the

organisation and actions of Slovenian authority. We are aware it is hard to consider all aspects involved, but at the same time we wanted to consider as many factors of democracy realisation in Slovenia as possible. The description of the country's democratic development highlights the weak points or democratic deficit and considers the possibilities of future development. We applied different methods when dealing with the mentioned subject among which transitional, modernisation and structural methods are worth mentioning. As mentioned, the book is intended above all for foreign readership; the authors hope it will stir up interest in Slovenia, its political system, evolution and praxis of Slovene democracy.

Marjan Brezovšek

CHAPTER ONE

PROCESSES OF DEMOCRATIC TRANSITION AND CONSOLIDATION

HISTORICAL LEGACIES AND GAINING OF INDEPENDENCE

The political history of Slovenia is above all a struggle of a relatively small population that resisted foreign domination and assimilation over many centuries as a constituent part of the German and Austrian monarchies. The first national programme, United Slovenia, was promulgated during the March 1848 revolution. Following the disintegration of the Austro-Hungarian Empire in 1918, Slovenians, along with other southern Slav nations that belonged to the fallen empire, established the State of Slovenians, Croats and Serbs. This new state shortly thereafter entered into a union with the Kingdom of Serbia and became the Kingdom of Serbs, Croats and Slovenians. In 1929, the country was renamed the Kingdom of Yugoslavia.

Following the Axis attack in 1941, Slovenia was occupied and divided into three zones: Italian, German and Hungarian. The struggle for national liberation was organised by the National Liberation Front, which was made up of the Communist Party (it took it upon itself to play the decisive role) and parts of various pre-war political parties and movements, along with the intelligentsia. Supported by partisan units the National Liberation movement expanded to cover the entire territory of Slovenia; the new people's authority, led by the National Liberation Council, took power and was also included in formulating the constitutional foundations for the new Yugoslav state (1943). The end of the war signalled the beginning of socialism in Slovenia. Agrarian reform was undertaken and property was nationalised. Power was concentrated and centralised in federal executive organs and the organs of the Communist Party of Yugoslavia, which directed the development of the entire country. In addition, there were various (today highly politicised) acts of revenge against those who had collaborated with the occupying forces and against those considered to be enemies of the working class. More than 10,000 people lost their lives after the end of the war in Slovenia with no legal procedure whatsoever being involved. There were also instances of repression of opponents of the new regime, suppression of religious and political freedoms etc. Many fled abroad. In 1948 Yugoslavia ended what had hitherto been a close relationship with the Soviet Union and slowly the pendulum swung the other way, bringing some level of decentralisation, self-management and autonomy (Lukšič, 2001: 3). Slovenia gradually strengthened its status within the federation and, with the promulgation of the 1974 Constitution and the introduction of an integral self-management system, Yugoslavia acquired features of confederacy. The political system under socialism underwent radical changes nearly every ten years.

In the second half of the 1980s, just a few years after President Tito had died in 1980, the quick development of Slovenian civil society began. Yugoslavia was in a severe political crisis exacerbated by the movement for Greater Serbian hegemony that attempted to transform the Federal Republic of Yugoslavia into a centralised state. As a result of these new social movements, slogans of real democracy, political pluralism and free elections were accompanied by demands for an independent Slovenia. The Slovenian democratic process was unstoppable.

Slovenia is a unique example of a democratic transition. The reasons for the great Slovenian social and national crisis as well as its dynamics were mainly of a Yugoslav internal nature. Then the repeatedly stressed reasons were domestic ones. Nearly no correlation was recognised between the Slovenian or Yugoslav crisis and the whole Central and Eastern European socialist complex. Today, twenty years later, we can use this distance to explore the particularities of the Slovenian transition in terms of aspects of the socialist complex. The Yugoslav and Slovenian communist system was, irrespective of it being unique in many ways, genuinely Leninist and preserved some of its Leninist-Soviet elements until the end (in some succeeding countries even beyond the formal end). Examples of such elements are the single-party system, the principle of democratic centralism of the Communist Party, the ideal hegemony of Marxism, and the voluntary socio-political principle of superiority of politics over all other aspects of social life (Prunk, 2002a: 156). Nevertheless, in ordinary life the majority of people and also most of the intelligentsia saw the Yugoslav self-management socialism as being fundamentally different from the Soviet version. The reasons are that they enjoyed greater political, social and personal freedom and had significantly higher material standards. International relations within the multinational Yugoslavia were also more equal (despite some deficiencies) than those in Soviet Union.

The Slovenians are one of the few nations who have experienced three totalitarian regimes: fascism, National Socialism and communism. Most adverse consequences were left by communism, which could be divided at least into two periods considering the terror and violence. The first one is the period of revolutionary terrorism, named like this by Jože Pučnik, the famous Slovenian political dissident and one of leaders of the Slovenian independence movement. This period lasted a few years after the communist government take-over. The regime carried out physical liquidations and in this context genocide, war crimes and crimes against humanity and other drastic violations of human rights and freedoms. In this period the human life had no price. In addition to mass killings this period is characterized by massive political emigration, labour and correctional camps and homes, dispossessions of basic civil rights, denunciations at every step, confiscations of assets of the existing or imaginary opposition (e.g. Ljubo Sirc, convicted on the post-war set trials, who after twenty years still did not find justice), rapid trials, validity of revolutionary law, which was possible only in the conditions of a police state and society (repressive functions of the prosecution,

judiciary and police were even nationalized to create the so called integral security system). The civil society was stamped out, a system that was driven by fear, was accompanied by complete political socialization. The second period is characterized by continuing of ideological engineering. The authority clearly started to recognize that rough violence, drastic violation of rights and terror cannot permanently ensure their authority and system. Virtually all structures were included into the ideological engineering: the educational system, media, companies, local communities and other social structures. In addition to the victory over the fascism they tried to solve their legitimate problems in the so called third channels in order to prove their authenticity and nonalignment in the existing blocks. We can talk about a structural 'surrogatism', as they introduced 'original' substitutes of basic social and political institutions and even of the 'real' Soviet system and its planned economy, one-party system or state property. This way, for example, in Slovenia instead of market economy they established a system of associated labour, which was based on reaching agreements between economic actors, and not on the market. Instead of a representative political system and free mandate they introduced a delegate system with an imperative mandate; instead of the parliamentary party pluralism they introduced the assembly, non-party pluralism with socio-political organizations or the so called non-party pluralism. Instead of free secondary schools they introduced secondary-oriented education with a strong ideological transfusion into the formal and implementing curriculum. In short, in addition to fear, which they produced, they paid more and more attention to proper design of the mentality of people. By this means the communist authorities wanted to develop a new self-governing socialist society and culture, which as such could not fulfil successfully.

Considering this as the reality, how can we then explain the democratic outbreak in the eighties? In any case, the new democratic culture was emerging in the value centre of culture, in the value system. In Slovenia the civil courage and the new political culture mainly exercised on the outside opinion level, at the level of beliefs already in the period of liberalization in the eighties, which were still under the totalitarian regime. These new beliefs also influenced the behavioural level, which resulted in mass protests against the government and for freedom and democracy. But the question is whether the new, democratic culture 'got' deep enough into the value form right at the core of culture. It is known that the democratic potential of the nineties weakened when Slovenia has already established basic democratic institutions. If there were profound changes in the value forms towards democracy, the transition would have been much more successful. The reasons for this are grounded in the old regime, as the systematic dissemination of fear and terror from the public space gradually imprinted deep into the psyche of people.

The intensive stage of the Slovenian transition process started at the outset of 1989. Democratisation evolved parallel to the Slovenian non-party opposition and the reform-oriented League of Communists of Slovenia.

The origins of the first post-communist era parties – the Farmers' Party, the Slovenian Democratic Party etc. – go back to that period as well. On 8 May 1989 associations of the political opposition, which were already supported by the Association of Socialist Youth, organised a mass gathering in 'Congress square' in Ljubljana. They publicly read out the 'May declaration 1989', which called for a sovereign Slovenian state, its freedom of choice to enter international associations (the European confederation), the exercise of human rights and for a system that would assure employment and material prosperity according to the capabilities of Slovenian citizens. By spring and summer the League of Communists of Slovenia was still hesitating to agree to the demands of the May declaration and was offering an unclear and impractical 'Association pluralism' that was still in the framework of the Socialist Union and the asymmetric federation (Prunk, 1992).

The first democratic elections in Slovenia were made possible by amendments to the Slovenian Constitution adopted and declared by the Slovenian legislative body at the end of September 1989. A non-party opposition was already formed in Slovenia, the Democratic Opposition of Slovenia (hereafter called DEMOS) and other parties (the Socialist Party etc) were formally established when the electoral law was passed on 27 December 1989. 1990 saw the final creation of DEMOS, a coalition consisting of the most important new parties, the Slovenian Democratic Union, the Social Democratic Union of Slovenia, the Slovenian Christian Democrats, the Slovenian Farmers' Association and the Greens of Slovenia. DEMOS presented a declaration on Slovenian self-determination where it, among other things, committed itself to a plebiscite.

In 1990, party elections were held in all the Yugoslav republics and brought far-reaching political changes. Only in Serbia did the entrenched political powers survive. On 8 April 1990 the first post-war direct multiparty elections were held in Slovenia. On that day, Slovenians elected the President of the Presidency of Republic of Slovenia (four candidates), four members of the Presidency (twelve candidates from various parties and from the united opposition), delegates to the Socio-political and Communal Chambers of parliament (fourteen parties proposed candidates) and delegates to the parliamentary Chamber of Associated Labour. Besides electing the President, the most interesting aspect was the elections for the Socio-political Chamber of Slovenia. 1,241,000 voters cast their ballots. The democratic elections for the Slovenian parliament in April 1990 secured the DEMOS coalition a victory with 55% of the votes. The remainder went to the three parties that were considered heirs to the previous system, though they too had declared themselves in favour of a market economy and political democracy (the League of Communists of Slovenia won 17%; the Socialist Youth Party which, on the eve of the elections, adopted the name the Liberal Democratic Party got 14%; while the Socialist Party derived from the former Socialist Union got 5.5%). All in all, DEMOS won 126 of 240 seats in the Slovenian tri-cameral legislative body. The DEMOS government was formed by Lojze

Peterle,¹ president of the strongest coalition party – the Slovenian Christian Democrats. The new government was elected in a joint session of all three chambers on 16 May 1990. Milan Kučan was elected President of the Republic (58.6% of all votes). On 9 May 1990 a new leadership was elected in a joint session of all three chambers of parliament. The President of the Slovenian parliament France Bučar opened the first session with an announcement that the victory of democratic parties in Slovenian democratic elections had ended the civil war which had lasted for half a century, and that Slovenia was transforming into a normal democratic society. The transition from one socio-political system to another was peaceful, legal and reformist. It was the most peaceful in all of Central Europe (Prunk, 2002a).

After the democratic system was introduced Slovenia faced three crucial challenges: to accept and execute new democratic legislation, to introduce a liberal economy with free initiative and to achieve national sovereignty through an independent state. The challenges were closely interlinked and solving them required a sufficient political majority, which was almost unanimous in the first one and a half years. Initially, Slovenian politics tried to achieve national sovereignty and independence through a project of a new constitution. Alas, the constitution was rejected and the project derailed due to an ideological dispute among liberal and catholic representatives over the foundations of human dignity. Alternative paths had to be considered (Prunk, 2002a: 180–183). The newly elected leaders of the Yugoslav republics began to discuss the long-term future of Yugoslavia. By late spring 1990, all Slovenian parties in the new democratically constituted government had agreed on a platform of Slovenian national and governmental independence within a Yugoslav confederation and were resolved to settle Slovenia's relationship with this union in a peaceful and democratic way through mutual agreement as soon as practicable. However, neither the central government, the Presidency of Yugoslavia nor the Federal Assembly were prepared for serious talks. It gradually became clear that most of the republics saw independence and disbandment of the federal entity as the best possible solution. The citizens of Slovenia overwhelmingly approved this decision in the December 1990 independence plebiscite.

Notwithstanding pressure and warnings from Belgrade, the European Community and particularly the USA, public opinion in Slovenia pushed for execution of the plebiscite decision. On 25 June 1991 the new Republic of Slovenia officially declared its independence from the Socialist Federal Republic of Yugoslavia. On the next day, a formal declaration of independence was made before a vast crowd, previously unmatched in Ljubljana. On the following night the Federal government sent the Yugoslav army to Slovenian borders in order to isolate Slovenia and alter the decision of the Slovenian Socialist Assembly. The Slovenian authorities declared this an aggression against the Republic of Slovenia and ordered an armed response by the Slovenian Territorial Defence. The actions of the Slovenian authorities

¹ Lojze Peterle is now member of the European Parliament.

were supported en masse by Slovenian citizens. A ten-day war commenced during which Slovenian territorial troops repelled incursions by the Yugoslav National Army. The European Community intervened on the third day of the war and, in short, an armistice was signed. On the tenth day, the Slovenian leadership and the Federal government (through mediation of the European Community) signed a peace treaty, calling for the drawback of the Yugoslav army to its barracks, Slovenia's re-acquisition of border control and Slovenia's consent to put all liberation processes on hold. This truce was *de facto* a victory for Slovenian self-determination. In a few days the Federal Presidency issued an order for the Yugoslav army to leave Slovenia. Soon after the moratorium on Slovenian independence expired, and since no new arrangements had been formed, Slovenia became an independent state (Prunk, 2002a: 202–204). Slovenia was recognised by the European Community in January 1992 while the United States of America formally recognised the new republic on 7 April. In May 1992 Slovenia was also formally accepted as a member of the United Nations. The dreams of ancestors had come true (Peterle, 2002: 2).

After introducing a democratic system, Slovenia experienced high dynamics in inter-political and socio-political change. The DEMOS government directed itself to a policy of restraining salaries and general consumption in order to boost economic growth. Circumstances in the Socialist Assembly and DEMOS became embroiled in a dispute over the proposed law on the privatisation of enterprises even before independence (Prunk, 2002a: 205–207). Prime Minister Peterle spoke in favour of temporary general nationalisation and subsequent real sales to private individuals. The Minister of the Economy and Vice President Mencinger opposed state ownership and proposed an amended act preserving the *status quo* and gradual real sales. Due to various disputes he resigned and the ownership act was delayed until autumn 1992, when privatisation was executed by distributing property certificates to all citizens. After the war for independence, disputes over property and governing continued and gradually increased. In November, DEMOS' oldest and in its own opinion most important party – the Slovenian Democratic Union – broke up into two parts: a more Liberal Democratic Party and a more conservative National Democratic Party. The majority of leaders of the Slovenian Democratic Union joined the liberal option,² which played a key role in the following month's disintegration of DEMOS due to ideological dispersal. This occurred at the end of December 1991, only a few days after the new Slovenian Constitution was accepted – it was DEMOS' last act in the political coalition. The Slovenian Constitution was adopted in December 1991 after the declaration of independence from Yugoslavia and institutionalised a parliamentary form of government. The Constitution provides for a directly elected President with more or less

² An exception was Janez Janša, who joined none of the formed parties but later joined the Social Democratic Party of Slovenia. Today he is the president of that party, now called Slovenian Democratic Party, and Prime Minister in term from February 2012 to March 2013.

symbolic powers; a strong, 90-member parliament (the National Assembly); an executive elected by parliament; a far less important collective upper house (the National Council); and a nine-member Constitutional Court modelled on its German counterpart. Political life in the Republic's first two decades of independence was dominated by several political parties elected under the proportional system of representation that have formed coalition governments of varying ideological colours.

Accepting the Constitution unleashed some factions of DEMOS who thought their task was complete and that the Slovenian political reality must obtain new and different political entities (Prunk, 2002b: 142). In a third attempt of a vote of no confidence the DEMOS government fell in April 1992. Not knowing the importance and the far-reaching effects of their actions, the three former DEMOS parties – the Democrats, the Greens and the Social Democratic Party of Slovenia – elected a new Prime Minister Janez Drnovšek, who only a few weeks earlier had also become the new president of the Liberal Democratic Party. Janez Drnovšek formed a new government with several former DEMOS parties and former communists, but led different government configurations over the next ten years. The new government represented a shift to the centre-left and a more secular liberal-democratic regime (Prunk, 2002b: 143). It proved so with its first and very favourable but also unwise act of raising salaries in the public sector by approximately one-third. Within a few months Janez Drnovšek had transformed the once social offspring – the Liberal Democratic Party (LDS), whose members were once openly opposed to Slovenian independence – into modern liberal democrats with all appurtenant 'European' characteristics. The new government was only a temporary one because negotiations over the electoral law anticipated the next elections for December 1992. The LDS' capacity to transform experiences from the temporary government into ballots brought them a clear victory whereas other participants in Drnovšek's government suffered a huge defeat. The Democrats got only 5%, the Greens 3.7% and the Social Democrats just 3.4%, with which they barely made the parliamentary threshold. This was a clear ending of the era of DEMOS and its triumph in the war for independence (Prunk, 2002b: 143).

Despite the enormous potential for fragility, governments and politics remained remarkably stable. The dominant role (1992–2004) was played by the centre-left Liberal Democratic Party (LDS) of former Prime Minister Janez Drnovšek and the centre-right Slovenian Democratic Party (SDS) of current Prime Minister Janez Janša, who was an immensely popular defence minister during the brief armed conflict with the Yugoslav forces in 1991. Before the 2004 elections, there were – understandably mainly from the centre-right political space – repeated demands to put an end to the twelve-year rule of centre-left coalitions led by the Liberal Democratic Party. These demands were substantiated with repeated – and it seemed at the time at least partly accurate – accusations of clientelism, corruption, an ongoing process of centralisation and the usurpation of power.

Especially persistent were demands for a thorough decentralisation process as the Liberal Democratic government had failed to implement several important reforms. It did not begin the regionalisation process,³ could not or would not decide what to do with the ‘uni or bi-cameralism’ issue (see the next chapter for details), mainly ignored the questions of the administrative division and administrative decentralisation of the country, and so on. But perhaps the call for decentralisation was just a convenient political strategy for undermining the position and influence of what appeared to be a hegemonic and ever-lasting Liberal Democratic Party. This is quite paradoxical because the Liberal Democratic Party at times (with other coalition partners) commanded a two-thirds majority in the Slovenian parliament⁴ which is required for the most demanding decisions or to amend the Constitution. However, it completely failed on practically any reform issues. The twelve year rule of Liberal Democratic Party was succeeded by centre-right coalition, which managed to come to power after the 3 October 2004 elections, led by the Slovenian Democratic Party and it also included the Slovenian People’s Party (SLS), the New Slovenia-Christian People’s Party (NSi) and the Pensioners’ Party (DeSUS). This coalition controlled 49 out of the 90 seats in the Slovenian National Assembly.⁵

PROCESSES OF SOCIAL AND POLITICAL MODERNISATION

The disintegration of the socialist political system forced several countries of Central and Eastern Europe⁶ to undertake fundamental changes that were to constitute a system resembling that is present in Western societies. These states saw themselves as genuinely part of Western civilisation for they had several common historical, cultural and economic elements. Consequently their prime development strategy was oriented to social modernisation,

³ Slovenia still only has a one-tier local self-government system and lacks any wider local self-government units such as regions. The current right-wing government committed itself to change this and the first step taken was an amendment to the Constitution in 2006. Thereby it enabled the state to found wider local self-government units with the Law on Regions that had to be passed with a two-thirds majority in the National Assembly; two-thirds majority later proved too demanding and law was still not passed until this day. The previous constitutional arrangement prohibited the state from interfering in the process of founding wider units of local self-government. The formation of regions was ceded to municipalities who saw regionalisation only as bringing a danger of losing even more financial resources and power. Therefore, no wider unit of self-government was established.

⁴ For instance in the 2000–2004 mandate the ruling coalition under the leadership of the Liberal Democratic Party had 59 of the 90 seats, but also a special co-operation agreement with the Youth Party which at the time had 4 seats.

⁵ More about political dynamics from 2004 to 2012 in third chapter in section “The forming of political coalitions in Slovenia since independence”.

⁶ International terminology usually calls these countries CEE countries (Central and Eastern European countries).

particularly in the sense of adopting two main institutional characteristics – a market economy and a parliamentary democracy (Tomšič, 2002: 125).

How are the concepts of social and political modernisation to be understood? Social modernisation includes key changes in all aspects of human thought and human activities. Its elements, such as economic growth, urbanisation, development of education and establishment of the mass media are historically interlinked with the advancement of democracy. Nevertheless, establishing various democratic institutions usually lagged behind general progress (Zajc, 2000a: 13). Political modernisation will, for the purposes of this section, be defined as the rationalisation of authority (dismissing various traditional, family-based, local or religious authorities and replacing them with secular and legitimate national authority) and the consolidation of sovereignty of the nation state versus external influences or internal regional and local powers. It further requires a division of power between legislative, juridical and executive authorities, established relations between them, and the protection of professional fields from arbitrary political influence (judiciary, armed forces and civil administration). Political modernisation also represents the growing political participation of citizens in establishing their interests or introducing modern purchasing affairs. This can significantly reduce the supervision of citizens by the state or any other informal sources of power (Huntington, 1993).

According to its definition and historical experience, the concept of political modernisation correlates with an increase in political independence. The right to independence and self-regulation originate from the right to mutiny against any foreign or unjust authority (*'ius resistendi'*). It also represents the people's right (people as a self-protecting entity) to change government, demand the government's responsibility or establish its own government (Pitamic in Zajc, 2000a: 16–17). In the context of the former socialist systems, the right to mutiny and the right to self-determination enabled the formation of not only new but also more democratic states.⁷

In spite of achieving different levels of social and economic development, researchers disclosed many common characteristics of the reasons for the political modernisation seen among Central and Eastern European countries. The first of these common characteristics is a legitimacy crisis. Up until the late 1980s the monistic systems of CEE had based their legitimacy entirely on ideological suppositions: of no-conflict societies; of the

⁷ America's gaining of political independence from Great Britain at the end of the eighteenth century, also called the 'American revolution', enabled the American states to form entirely new republican, democratic and social regulations where people for the first time elected and controlled the authorities. Subsequently, the right of self-determination correlated with growth of national self-awareness – this triggered liberation aspirations of European Christian nations living in the Ottoman Empire (Greeks, Serbs Montenegrins etc.). It also brought about the liberation of a group of nations living under the Austro-Hungarian Empire after the First World War (Slovenians, Croats, Serbs, Czech, etc.) (Zajc, 2000a: 16).

established belief in their 'historical right'; and of their expertise in the nature of human development. The democratic version of legitimacy proved to be more attractive to citizens, especially in socially and economically less developed countries, even more so when compared with the state's limitless and unsupervised power and the irresponsibility of its electors (Linz and Stepan, 1996: 17). The second of the common characteristics is the systematic restraint of human rights. Totalitarian and authoritarian systems theoretically and practically opposed those constitutional regulations that were based on the individual, and had respect for the inalienable rights of the citizens and of all the people. Particularly restricted by the authoritarian powers were the freedom of thought and freedom of expression – the pillars of an autonomous civil society. Also highly restricted was the freedom of public gathering which created circumstances fitting the monopolisation of power and the creation of authoritarian single party system. The third of the common characteristics was the complete ineffectiveness of the socialist system. They could not fulfil the material expectations of its citizens or solve the ever growing problems. Socialist systems were increasingly falling behind in the race with democratic and competitive states. The fourth of the common characteristics were the very high costs of repression. Undemocratic systems tend to break all social linkages except their own, which they form and enforce systematically. They sustain an atmosphere of uncertainty and distrust where any kind of opposition is severely sanctioned. The result of uncertainty and repressiveness is the so-called 'subculture of fear' which weakens people's ability to independently plan and act in order not to worsen their individual position. Gradually all the rights and institutions which could ensure the success of a collective action disintegrate. Nevertheless, in undemocratic systems there is a relationship between tolerance of political opposition and the costs of its repression. Expensive tolerance necessarily signifies an even more expensive repression. The more the costs of repression exceeded the costs of tolerance the higher became the possibility of altering the political system (Dahl, 1990).

The key reason for the political modernisation and democratisation of CEE countries were the restraints on social development imposed by communist rule. In these countries the process of social development could be marked as inorganic top-down modernisation based on the idea of homogenised and disciplined society. It effectively suffocated any alternative realisation of social potential. Reforms and ideas were legal as long as they did not collide with the monopoly's legitimacy, based on the idea of a classless society. This was the origin of the system's incapability to ensure sustainable development, self-reproduction, the absorption of constant social changes and adjustment to the complex circumstances (Tomšič, 2002: 126).

Political modernisation represents a shift from politically monistic, totalitarian and authoritarian systems towards democratic parliamentary systems fitted with modern democratic standards. Democratisation is therefore a segment of a wider social modernisation that encompasses fundamental changes at all three key levels of politics: institutional, action and

cultural-value (Tomšič, 2002: 128). The core of democratisation is the establishment of an individual as an autonomous and responsible being, capable of actively participating in public life. The necessary basis for such an attitude is a conceptualisation of a human as a free being with inalienable rights and with a democratic perception of equality among individuals who are capable of realising and defending their own interests. Democratisation is not a momentary act but a long-term process where the nature, magnitude and tempo of changes vary between its different phases. Researchers of democratisation have defined a different number of phases. Tomšič claims we can generally speak of three phases of democratisation: democratic transition, democratic consolidation and democratic stabilisation (Tomšič, 2002: 129).

The term democratic transition relates to the process of dismissing the authoritarian regime, authoritarian entities or undemocratic legislation and to the establishment of the constitutional regulation and formation of procedural rules for political competition. This process of transition from an authoritarian to a democratic system usually evolves evolution. The establishment of a fully democratic system must necessarily be preceded by liberalisation – while still within the old regime's framework, certain rights must be restored or expanded in order to serve as protection of the individual or greater social formation, against arbitrary interventions of central powers. This enables the creation of political opposition, articulation and popularisation of new ideas and consequently also an increase in public support (Tomšič, 2002: 130).

The consolidation of democracy requires the establishment of a suitable institutional framework. Schmitter understands consolidation as 'a process of transformation of random agreements, prudent norms and more or less accidental decisions (formed in the period of transition) into a generally known and regularly practiced relations of cooperation and competition. These must be voluntarily accepted by all individuals and groups enrolled in the democratic exercise of power' (Schmitter in Tomšič, 2002: 130). To put it more simply, the process of democratic consolidation is finished when no relevant actor seeks to politically exist outside the frameworks of democratic institutions (Tomšič, 2002: 131) or 'when also the defeatists try to succeed only through democratic institutions' (Przeworski in Tomšič, 2002: 131).

When examining a new or renewed democracy it is necessary to distinguish between its consolidation and its ability to efficiently solve problems (Zajc, 2000a: 25). A consolidated democracy is not necessarily also an efficient one. An efficient democracy requires an efficient state apparatus that is rationally organised and based on democratic rules. A consolidated democracy (subsistent democracy) represents the basis for the stabilisation of democracy – which means enhancing democratic standards (citizens' participation, competition of ideas, public dialogue with argumentation) and strengthening the system's potential to face external challenges.

THE CONSOLIDATION OF SLOVENIAN DEMOCRACY

Before we can even discuss democratic consolidation, at least three minimal conditions must be fulfilled. The first is the existence of a state because otherwise there can be no talk of free elections or human rights. The second condition is that no democracy can be consolidated before the process of democratic transition has ended. A necessary but not also a sufficient prerequisite to finish the democratic transition is free, general and democratic elections. In many cases of free, general and democratic elections it became obvious that governments *de facto* lacked real decision-making power, which in spite of the institute of democratic elections remained in the hands of the former rulers or other powers. The third condition of democratic consolidation is therefore the necessity of democratic rule. If democratically elected authorities violate the constitution, restrict human rights, interfere with the work of other independent authorities and do not govern within the borders of the rule of law, then we cannot talk of a democratic regime. It may be concluded that only democracies can be consolidated democracies (Linz and Stepan, 1996: 16). If we are to talk about a consolidated democracy, then we must also fulfil other conditions than those mentioned above. Linz and Stepan list five more interlinked prerequisites: economic consolidation, the rule of law, the existence of an organised civil society, an efficient state bureaucracy and the relative autonomy of political society (Linz and Stepan, 1996: 14–33).

At the time of a single-party system Slovenia proved to be different in two ways compared to the other Central and Eastern European countries that underwent the transition processes in the 1990s. As part of Yugoslavia, it was different from other socialist countries and at the same time it was different to the other Yugoslav republics (Miheljak and Toš, 2002: 5). Differences appeared in the process of transition and the consolidation of democracy and were mainly beneficial; only seldom deficient. Slovenia is a country with a very low state continuance or in fact without one (Von Beyme, 1994: 144). Except for the deficit of a tradition in statehood capacity, Slovenia's characteristics of transition were beneficial. Miheljak and Toš claim Slovenia had three large comparable advantages over other transition states. First, Slovenia was the only republic in Yugoslavia with a very high level of national homogeneity.⁸ Compared to the liberation in other former Yugoslav republics (Croatia, Bosnia and Herzegovina, Macedonia), this definitely proved to be a great advantage in the transition to independence and democracy. National homogeneity is one of the most important prerequisites for the peaceful liberation of a state. The processes of liberation and democratisation most frequently occurred in those states of the former Soviet Union or Yugoslavia, where state entities repeatedly gathered their action potential through so-called political ethnification and hence often neglected the process of

⁸ Offe (1994: 140) defined a homogenous state as a state where the share of citizens not belonging to the titular nation does not exceed 10%.

democratisation (Offe in Miheljak and Toš, 2002: 6). The high level of national homogeneity in Slovenia reduced the effect and need for ethnification. The second large advantage of Slovenia compared to other Eastern European states was its developed economy, advantageous industrial structure and its links to Western European markets. Yugoslavia was a huge and relatively undemanding market for those Slovenian production surpluses that could not be exported to Western markets. In this way Slovenia gradually increased the economic divide between itself and other Yugoslav republics,⁹ in spite of the so-called Yugoslav 'solidarity funds' which flew in vast quantities to various less developed areas. Slovenia's third large advantage was its geopolitical location in the neighbourhood of two Western European states (Austria and Italy) and the phenomenon of completely open borders. It provided Slovenians with very high mobility and subsequently with informational and technological modernity. Due to this specific position Slovenia underwent its transition in quite different conditions than former Yugoslav or other post-socialist countries. To Slovenians these democratic changes did not open borders or uncover a completely new and unknown world. In this view little has changed. The example of Slovenia's transition and the later democratic consolidation is highly untypical because important phases of the transition slowly evolved through the 1980s. A political opposition formed step by step until it opposed those federal tendencies that restrained Slovenian democratic potential or its release (Miheljak and Toš, 2002: 12).

We can measure the success of democratic transition and democratic consolidation through various indexes. The most frequently used index is the Human Development Index (HDI), which is composed of various economical, social, demographic and other indicators. The precision and ability to determine any country's stage of development of HDI is much greater than any other composite index or statistical indicator. The Human Development Index marks some of the fundamental achievements in a certain society, such as the average length of life, dissemination of knowledge, economic development and certain life standards. The Human Development Index is a more profound indicator than for example revenue per capita, because the latter is only one of the many means of human development but not also its final result. Table 1 shows values of the HDI index in four different time periods, from 1995 to 2011. Besides the actual value of the index, it also gives two kinds of information. The first regards the stage of development a specific country has achieved, whereas the second kind shows the country's place in the world ranking. The results mentioned in the footnote above are entirely congruent with frequently published economic indicators – Slovenia scored best among the former socialist countries in all time periods between 1995 and 2011. In the last period, 2011, Slovenia actually overtook three old EU members – Portugal, Greece and Italy – and nearly caught up with Austria. Between 1995 and 2011 all former socialist countries advanced

⁹ Indexed GDP relations among the Yugoslav republics and regions in 1987: Yugoslavia (100), Bosnia and Herzegovina (68), Montenegro (75), Croatia (127), Macedonia (67), Slovenia (202), Serbia (99), Kosovo (27) and Vojvodina (118).

in their world rankings, but their progress is very different; Slovenia for instance gained 16 places, Latvia even 49, but on the other hand Russia only gained six and Belarus three places. The fastest advancing former socialist countries are Baltic States, which all gained between 39 and 49 places. It is also visible that all CEE countries, and also older EU members, lowered their score from 2006 to 2011 due to the impact of world economic crisis; especially heavy drop is noticeable in Portugal, Italy and Greece among older EU members. It must also be noted that Belarus should not be grouped with the former socialist countries because of its present political system.

Table 1: Human Development Index (HDI)* in CEE countries in 1995–2011

COUNTRY	1995**	2000**	2006**	2011**	RANKING 1995***	RANKING 2010***
SLOVENIA	0.887; HD-37	0.884	0.910	0.884; VHD-21	1.	1.
CROATIA	0.759; MD-76	0.826	0.846	0.796; VHD-46	10.	9.
ROMANIA	0.767; MD-74	0.773	0.805	0.781; HD-50	9.	10.
BULGARIA	0.789; MD-67	0.795	0.816	0.771; HD-55	6.	11.
HUNGARY	0.857; HD-47	0.843	0.869	0.816; VHD-38	4.	5.
CZECH REPUBLIC	0.884; HD-39	0.857	0.885	0.865; VHD-27	2.	2.
SLOVAKIA	0.875; HD-42	-	0.856	0.834; VHD-35	3.	4.
POLAND	0.851; HD-52	0.845	0.862	0.813; VHD-39	5.	6.
LITHUANIA	0.750; MD-79	0.828	0.857	0.810; VHD-40	12.	7.
LATVIA	0.704; MD-92	0.812	0.845	0.805; VHD-43	13.	8.
ESTONIA	0.758; MD-77	0.833	0.858	0.835; VHD-34	11.	3.
UKRAINE	0.665; MD-102	0.754	0.774	0.729; HD-76	14.	15.
RUSSIA	0.769; MD-72	-	0.797	0.755; HD-66	8.	14.
BELARUS	0.783; MD-68	0.774	0.794	0.756; HD-65	7.	13.
SERBIA	-	-	-	0.766; HD-59	-	12.
AUSTRIA	0.933; HD-13	0.933	0.944	0.885; VHD-19		
ITALY	0.922; HD-21	0.921	0.940	0.874; VHD-24		
GERMANY	0.925; HD-17	0.927	0.932	0.905; VHD-9		
GREECE	0.924; HD-20	0.895	0.921	0.861; VHD-29		
PORTUGAL	0.892; HD-33	0.898	0.904	0.809; VHD-41		

* The Human Development Index is measured on a 0 to 1 interval, where 1 represents a fully developed country and 0 represents a completely undeveloped country.

** Countries are divided into three groups: high human development (marked HD), medium human development (MD) and low human development (LD). In 2010 there is also fourth group added, very high human development (VHD), for the most developed countries in the world. Next to this mark we placed information about the countries' individual places in the world ranking.

*** Ranging among former socialist countries.

Source: Human Development Report; <http://www.undp.org/en/reports/hdr2011/> (April 2012).

Very similar to the Human Development Index is the Democracy Index, measured annually by an organisation called *Freedom House* and presented in a special report – *Nations in Transit*. The Democracy Index is composed of seven indicators. It includes estimates of election systems, civil society, free media, democratic government (national and local levels), independence of the judiciary, and the spread of corruption. Every indicator is measured on a scale from 1 to 7, where 1 represents the highest level of

the democratic process and 7 represents the lowest level. *Nations in Transit* encompasses all former socialist countries including the successor states of the Soviet Union. These countries are divided into five groups. The highest group includes countries with best rating in the Democracy Index. In the 2006 Report¹⁰ member countries of this group were Slovenia, Estonia, Slovakia, Hungary, Latvia, Poland, Lithuania, Czech Republic and Bulgaria, and in 2011 Report Slovenia, Estonia, Slovakia, Hungary, Latvia, Poland, Lithuania and Czech Republic.

Table 2: Democracy Index 2006 and 2011

	2006	2011
CONSOLIDATED DEMOCRACIES		
SLOVENIA	1.75	1.93
ESTONIA	1.96	1.93
SLOVAKIA	1.96	2.54
HUNGARY	2.00	2.61
LATVIA	2.07	2.14
POLAND	2.14	2.21
LITHUANIA	2.21	2.25
CZECH REPUBLIC	2.25	2.18
BULGARIA	2.93	-
SEMI-CONSOLIDATED DEMOCRACIES		
BULGARIA	-	3.07
ROMANIA	3.39	3.43
CROATIA	3.71	3.64
SERBIA	3.71	3.64
ALBANIA	3.79	-
MACEDONIA	3.82	3.82
MONTENEGRO	3.89	3.82
TRANSITIONAL GOVERNMENTS OR HYBRID REGIMES		
ALBANIA	-	4.04
BOSNIA AND HERZEGOVINA	4.07	4.32
UKRAINE	4.21	4.61
GEORGIA	4.86	4.86
MOLDOVA	4.96	4.96
SEMI-CONSOLIDATED AUTHORITARIAN REGIMES		
ARMENIA	5.14	5.43
KOSOVO	5.36	5.18
KYRGYZSTAN	5.64	-
RUSSIA	5.75	-
TAJIKISTAN	5.93	-
AZERBAIJAN	5.93	-
CONSOLIDATED AUTHORITARIAN REGIMES		
KYRGYZSTAN	-	6.11
RUSSIA	-	6.14
TAJIKISTAN	-	6.14
AZERBAIJAN	-	6.46
KAZAKHSTAN	6.39	6.43
BELARUS	6.71	6.57
UZBEKISTAN	6.82	6.93
TURKMENISTAN	6.96	6.93

Source: Freedom House, *Nations in Transit*; <http://www.freedomhouse.org> (April 2012).

If we compare reports from 2006 and 2011, the most noticeable characteristics are regression of several counties in the regions in terms of their democratic consolidation, most noticeably in Bulgaria and Albania in terms of reaction into lower groups, and regression in grades of several other

¹⁰ Source: Freedom House, accessible at <http://www.freedomhouse.hu> (accessed April 2012).

countries, most noticeably in Hungary, Slovakia, but also in Slovenia. There are also few cases of progression (Estonia, Czech Republic), but the differences between 2006 and 2011 grades are insignificant. Among authoritarian regimes there were more regression movements with almost no leaps in positive direction (apart from small progress in Kosovo), but quite a lot of regression (especially in Kyrgyzstan, Russia, Tajikistan and Azerbaijan).

Table 3: Nations in transit 2006 – Ratings of specific indicators and the collective Democracy Index for a group of consolidated democracies.

COUNTRY	EP	CS	IM	NGOV	LGOV	JFI	CO	DEMOCRACY INDEX
SLOVENIA	1.50	1.75	1.75	2.00	1.50	1.50	2.25	1.75
ESTONIA	1.50	2.00	1.50	2.25	2.50	1.50	2.50	1.96
SLOVAKIA	1.25	1.25	2.25	2.00	2.00	2.00	3.00	1.96
HUNGARY	1.25	1.25	2.50	2.00	2.25	1.75	3.00	2.00
LATVIA	1.75	1.75	1.50	2.00	2.50	1.75	3.25	2.07
POLAND	1.75	1.25	1.75	2.75	2.00	2.25	3.25	2.14
LITHUANIA	1.75	1.50	1.75	2.50	2.50	1.50	4.00	2.21
CZECH REPUBLIC	2.00	1.50	2.00	2.50	2.00	2.25	3.50	2.25
BULGARIA	1.75	2.25	3.25	3.00	3.00	3.00	3.75	2.93

The Democracy Index score is an average for Electoral Process (EP); Civil Society (CS); Independent Media (IM); National Democratic Governance (NGOV); Local Democratic Governance (LGOV); Judicial Framework (JFI) and Corruption (CO).

Source: Freedom House, Nations in Transit; <http://www.freedomhouse.org> (April 2012).

*Freedom House*¹¹ specifies the characteristics of each of the discussed political systems. Among other characteristics, consolidated democracies¹² comprise:

- The authority of government is based on universal and equal suffrage as expressed in regular, free and fair elections, conducted by secret ballot. Elections are competitive, and power rotates among a range of different political parties.
- Civil society is independent, vibrant and sustainable. Rights of assembly and association are protected and free of excessive state pressures and bureaucracy.
- Media are independent, diverse and sustainable. Freedom of expression is protected and journalists are free from excessive interference by powerful political or economic interests.
- National and local governmental systems are stable, democratic and accountable to the public. Central branches of government are independent and an effective system of checks and balances exists. Local

¹¹ Freedom House, Nations in Transit; <http://www.freedomhouse.hu> (accessed April 2012).

¹² Countries receiving a Democracy Index score of 2.00 – 2.99 closely embody the best policies and practices of liberal democracies and are marked *semi-consolidated democracies* by the Freedom House. Challenges largely associated with corruption contribute to a slightly lower score (while government, the economy and society are increasingly free of corruption, implementation of effective anticorruption programmes may be slow and revelations of high-level corruption may be frequent).