

For the individual, the demos or the group?

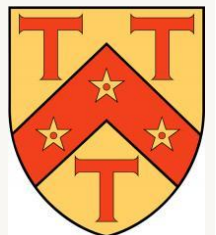
Evaluating the prospect for a liberal Bosnia and
Herzegovina in light of ideological alternatives

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Status quo and alternatives

- ▣ Status quo

 - ▣ Consociationalism

- ▣ Alternatives

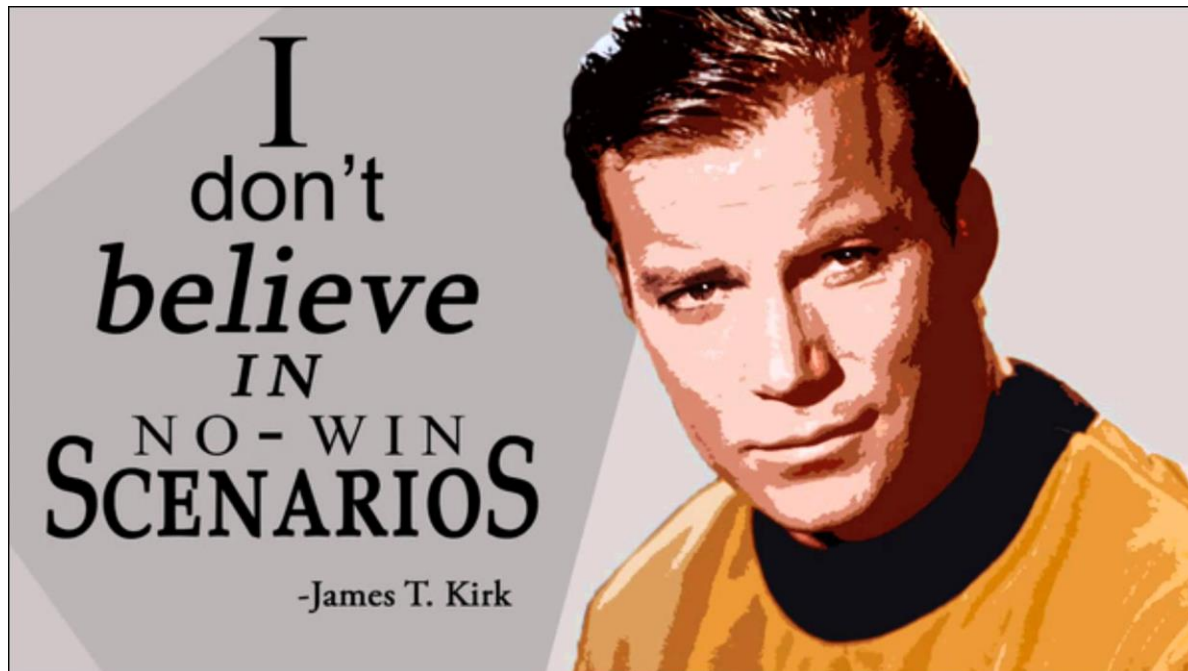
 - ▣ Liberalism and liberal democracy

 - ▣ 'Citizen-based democracy' (protests/plenums)

 - ▣ Direct democracy (Stojanović proposal)

How to evaluate?

- ▣ Beware of the 'reverse Kobayashi Maru'



How to evaluate?

- ▣ Beware of the 'reverse Kobayashi Maru'
- ▣ Evaluation criteria from a holistic perspective
 - ▣ Underlying legitimising structure
 - ▣ Aptness to act as remedy to the critiques levelled against the current system
 - ▣ Practical chances of being adopted

Consociational Democracy in Bosnia and Herzegovina

Elements of consociationalism	Elements of consociationalism in BiH
Grand coalition	All groups (Serbs, Croats, Bosniaks) are included in government and parliament
Proportionality	Ethnic quotas in government, parliament, administration, often times parity rather than mere proportionality
Group autonomy	Through entity (Republika Srpska, Federation) and cantonal (10 in Federation) structures
Veto possibilities	<ol style="list-style-type: none">1. Entity voting in House of Representatives2. Quorum in House of Peoples3. Procedure for the protection of 'vital national interest'4. Presidential veto on budget

Critiques against the current system

- ▣ Group-based
 - ▣ Reproduces group cleavage
 - ▣ Discriminatory towards minorities
- ▣ Furthers ethnic outbidding
- ▣ Rule by ethnic elite cartel
- ▣ Clientelism and political patronage
- ▣ Detrimental to democracy and democratic pluralism
- ▣ No transparency, accountability, good governance
- ▣ Shallow Europeanisation

Alternative 1: Liberalism

- ▣ What is liberalism?

Three 'Forms' of Liberalism

Form of Liberalism	Political Thinkers	Central Ideas	Operationalization
Political Liberalism	Locke, US F. Fathers, J.S. Mill, Hobbes, Montesquieu, Rawls	Individual as the source of political legitimation, rule of law, doctrinal pluralism, individual rights, protective democracy	Individual Rights checks and balances, rule of law, minority rights
Economic Liberalism	Smith, Ricardo, Hayek, Friedman	Property rights, liberal neutrality, individual aspiration as foundation of societal progress, competitive advantage theories, monetarism, neoliberalism (small state)	Deregulation (of market), Liberalisation (of trade & industry), Privatisation (of state-owned comp.)
Social Liberalism	(Keynes), Rawls, Dworkin	Compensation of non-deserved advantages, social justice and fairness, a particular role for the state in the economy	Social welfare schemes, benefits, governmental intervention

Liberalism in BiH I

- ▣ Major difference: group vs. individual
- ▣ European Court of Human Rights: Sejdić-Finci, Šlaku, Zornić, Pilav cases

Two reasons not to give up prematurely

- ▣ Brčko District
- ▣ Political hijacking

Liberalism in BiH II

- ▣ Challenges to Political Liberalism in BiH
 - ▣ Complacency in illiberal activities by actors promoting political liberalism
 - ▣ Liberalising while maintaining a consociational system is problematic
 - ▣ Lack of justification, deliberation, and legitimisation
- ▣ Challenges to Liberalism as such
 - ▣ Prevalence of economic and absence of social liberalism
 - ▣ Lack of social security and social justice

Alternative 2: 'Citizen-based Democracy'



Picin Park protests, Banja Luka 2012

Alternative 2: 'Citizen-based Democracy'



Bebolucija protests, Sarajevo, 2013



February 2014 Protests in Bosnia and Herzegovina



From street protests to plenums



Analysing the protests I

- ▣ Emphasis on Social Justice
- ▣ Domestic agency

The Multitude

‘Unlike a people that is being produced to erase differences, to erase conflicts, to forge a unity out of the many, the multitude though it sometimes acts “as one” preserves the differences and autonomy of its segments, their plurality of singularities. And when they “coordinate their desires...a political subject emerges” (Douzinas 2013, 123). In other words, a genuine demos is born.’

Asim Mujkić, ‘In Search of a Democratic Counter-Power in Bosnia–Herzegovina’, *Southeast European and Black Sea Studies* 15, no. 4 (2015): 633.

Analysing the protests II

Damir Arsenijevic, academic and Tuzla-based activist, on the plenums:

- ▣ ‘public gatherings, open to any citizen, through which collective decisions and demands can be made and action taken, beyond guarantees of leadership. They are open, direct, and transparent forms of democracy *in practice*’
- ▣ ‘a setting for speech beyond prohibition and censorship’,
- ▣ ‘a public space where, through calls for a different kind of justice, demands for equality are spoken’,
- ▣ ‘emancipatory politics’

Damir Arsenijevic, ‘Protests and Plenums: The Struggle for the Commons’, in *Unbribeable Bosnia and Herzegovina. The Fight for the Commons*, ed. Damir Arsenijevic (Baden-Baden: Nomos, 2014), 48.

Analysing the protests III

▣ Emir Hodžić, Sarajevo-based activist:

‘It turned out to be more difficult than predicted to have productive sessions, for instance, trying to prevent plenums from becoming psychotherapy sessions for traumatized citizens, some of whom spoke publicly for the first time about their situation and concerns.’

Emir Hodžić, ‘Jer me se tiče—Because It Concerns Me’, in *Unbriable Bosnia and Herzegovina. The Fight for the Commons*, ed. Damir Arsenijevic (Baden-Baden: Nomos, 2014), 55.

Analysing the protests IV

▣ Adis Sadiković, Tuzla-based activist

‘filter out the demands that would not benefit the workers’

‘there is no place to manoeuvre a different form of organisation, which would enable a particular tactical advantage’

Adis Sadiković, ‘February Stirrings’, in Damir Arsenijevic (ed.) *Unbriable Bosnia and Herzegovina. The Fight for the Commons* (Baden-Baden: Nomos, 2014), 74.

Alternative 3: Direct Democracy

- ▣ Proposed by Nenad Stojanović (University of Lucerne)

Nenad Stojanović, 'Limits of Consociationalism and Possible Alternatives: Centripetal Effects of Direct Democracy in a Multiethnic Society', ed. Francis Cheneval and Sylvie Ramel, *From Peace to Shared Political Identities. Exploring Pathways in Contemporary Bosnia-Herzegovina. Special Volume of Transitions* 51, no. 1,2 (2011): 99–114.

- ▣ Definition:
 - ▣ Tool for citizens to challenge decisions
 - ▣ Bottom-up tool for citizens to make laws

Advantages of Direct Democracy

Stojanović lists four advantages of direct democracy in multi-ethnic societies

1. Bottom-up: Minorities may raise issues to national level
2. Frequent use creates multiple majorities and cross-cuts ethno-national cleavage
3. Creates a common demos
4. Single 'voting district' leads to centripetal tendencies

Recommendations for direct democracy in the context of BiH

1. Slow, gradual, long-term process
2. Start at the local level
3. Exclude the possibility of 'communitarian' and potentially divisive issues
4. Qualified majority for votes on constitutional amendments

For a critique of Stojanović, see **Daniel Bochler**, 'Let the People Decide? Learning from Swiss Direct Democracy in a Comparative Perspective', ed. Francis Cheneval and Sylvie Ramel, *From Peace to Shared Political Identities. Exploring Pathways in Contemporary Bosnia-Herzegovina. Special Volume of Transitions* 51, no. 1,2 (2011): 115–19.

Concluding remarks

- ▣ Choice is between ill-functioning consociationalism and liberal democracy
- ▣ To succeed in BiH, liberalism must
 - ▣ Provide more avenues for citizen agency and legitimisation of political decisions
 - ▣ Strengthen its social component
- ▣ A new liberalism as a matter of practice, not theory.

Thank you very much.

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