

**BETWEEN AUTHORITARIANISM
AND DEMOCRACY**

Vol. III

Serbia at the Political Crossroads

Edited by:

Dragica Vujadinović and Vladimir Goati

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What is the Rational National and State Interest of Contemporary Serbia?

The crossroads between the process of modernization and anti-modern tendencies, at which Serbia currently stands, is analyzed in the introductory paper of this book. The analysis focuses on establishing the difference between rational and irrational concepts of national and state interests. Special attention is given to the destructive consequences of the Milošević regime, then to current, growing, extreme-right processes and anti-modern tendencies, as well as to the fatal perpetuation of the militant concept of "Greater Serbia". The viewpoint here is that the rational state interest of contemporary Serbia must be directly related to the normative task involved in establishing a constitutional democracy, creating a civil/republican order in its full and authentic meaning. In that sense, rational national interest can be fulfilled only by moving forward, on the basis of a constitutional democracy – while dismissing self-isolation and xenophobia - towards openness to cooperation, interaction, communicability, tolerance and enrichment through economic, cultural and social mutual influences, authentic acknowledgement of the positive achievements of others, with the recognition of the highest civilizational standards as one's own.

Keywords: modernization, anti-modern tendencies, ethno-nationalism, transition, democracy, rationality, national interest, state interest.

Diagnosis of the current state of affairs

Serbia is at a crossroads between the process of modernization¹ and strong anti-modern tendencies. The issue lies in the deep conflict between the official

¹ There is abundant literature dealing with the concept of modern society, modernization and anti-modernism in its original, as well as in its modified contemporary interpretations, including one in a postmodernist key.

The modern era, a product of West-European civilization, is about two hundred years old (four hundred years in a broader sense), dating approximately from the French Revolution, the American War of Independence and the Industrial Revolution. From

strategy of modernization and its bearers, on one side, and strongly pronounced anti-modernizing tendencies² and their social and political representatives, on

the point of view of content, it dates from the moment the three basic components of the modern era (capitalism, industrialization and democracy) united, thus establishing and shaping its specific contradictory structure, where both universal political equality and economic inequality are at work at the same time. In the broadest terms, modern society is determined by a *universalizing project*, acting by *logics of industrialization, capitalism and democracy* that co-exist and are mutually connected yet relatively independent. (See: Agnes Heller, 1984. *Teorija istorije*, Beograd: Rad, pp. 378-380).

Modern society is characterized by the process of rationalization of all spheres of life (followed by resistance to rationalization), the separation of domestic and professional jobs, i.e. private and public sphere, the universal division of labor, the separation of state and society, the separation of church and state, the domination of a scientific perception of the world, the division and mutual control of government bodies within representative democracy, the separation of reason and mind, instrumental and substantial rationality, discerning of the three powers of judgment (Weber, Smith, Kant). According to Bauman, one of the key characteristics of modernity is the revolution in the mentality of people – relying on one's own reason and mind, on exploring new possibilities, openness to new and unorthodox solutions, faith in progress and the power of reason. As early as the 19th century, many analysts saw the essence of modern dynamism in the emancipation of human actions from unchangeable customs, traditions and responsibilities towards the collectivity, the community. Although the classical perception of the modern era has been challenged with good reason, within the framework of the so called postmodern era (for example, faith in progress and unambiguous historical process, domination of reason and rationalization over emotions and spontaneity, domination of the Western way of living over pluralism of values and lifestyles), the basic determination of modernity as the highest level of development, in the sense of the achieved level of universality and evolution into the first global civilization in history, is not being questioned. "Thus, modernity is usually described as the highest form of historical development. Although inherently dynamic, modern civilization still maintains its own identity. It is capable of continuous creativity, unlike other civilizations, which calcify and lose their ability to adjust to 'new' challenges. With the emergence of modern civilization, the world split up into a modern part and the remainder, which is faced with the challenge of modernization." (See: Zygmunt Bauman, Modernity, Krieger, J. ed. 2001. *The Oxford Companion to Politics of the World*, Oxford: Oxford University Press, pp. 550-555)

Modernization – as a challenge to the "rest of the world" to transform itself following the example of the most developed Western countries - results in very diverse institutional constellations, depending on specific characteristics of traditional systems and social-political-economical-cultural characteristics. However, the modified interpretation of modernization (in the postmodernist key) does not bring into question the fact that, to a greater or lesser degree, the crucial elements of the transformation of traditional societies follow at least some of the crucial aspects of what originally represented modernity. (See, for example, Agnes Heller and Zygmunt Bauman, op.cit.)

² Contemporary anti-modernism does not profile itself any more as conservatism and traditionalism, as was the case originally, but rather in the postmodernist key of creating new types of fundamentalism and authoritarianism. (See, for example, Marieme Heli-Lukas, 2007. *Fundamentalizmi danas - Feministički i demokratski odgovori*, Beograd: Žene u crnom, Sarajevo: Žena i društvo)

the other. As a result, modernizing processes in Serbia are not only delayed (compared to other post-communist transition states) and partial (the processes of creating an institutional political-legal framework and meeting all the preconditions for a market economy have been partially accomplished), they are also seriously jeopardized by anti-modern tendencies towards re-traditionalization, clericalization, re-patriarchalization, self-isolation and xenophobia.

In the case of Serbia, the process of “modernization” refers – in the ideal-type sense – to the transformation of the heritage of the real-socialist authoritarian system, and its subsequent upgrade, the ethno-nationalistic, pseudo-democratic system from the Milošević era, into a genuinely democratic system. The issue involves the normative tasks of establishing constitutional democracy, rule of law, market economy³, social justice, the separation of state and society and the establishment of a developed civil society, the separation of state and church and the establishment of an open and secular society, the creation of autonomous civic identity and democratic political culture, encouraging the process of individualization and overcoming the predominance of collective (ethnic) identity and the patriarchal structure of family, and social relations on the whole. The normative task of liberal-democratic reforms “from the inside” is inseparable from international integrative processes⁴.

By “strong anti-modern tendencies” in contemporary Serbia, we are referring to a combination of all-penetrating ethno-nationalism and growing processes of clericalization, re-traditionalization and re-patriarchalization⁵, which will be discussed further on.

The process of modernization in contemporary Serbia is related to democratic reforms and Euro-Atlantic integrations. It is officially accepted as the development strategy of the state and society from the moment the democratic government came into power, after October 2000. However, the institutional framework of democracy is not consolidated, while the social and political actors of democratization and modernization lack the critical mass necessary for decisive moves (because the political body is divided, almost down the middle, accepting or denying of modernization), and they also lack a crystallized and consensually accepted vision of reforms (the democratically inclined part of the political body is also marked by profound differences)⁶. The strategic division both within the elite and the electoral body is related to the so called ideology-identity split.

³ Regarding national and state interests from the economic perspective, see the text by Vladimir Gligorov in this book.

⁴ Regarding the international dimension of national and state interests, see the text by Vojin Dimitrijević in this book.

⁵ See the text by Mirko Đorđević in this book.

⁶ On the official modernization strategy there is disagreement, for example, between the Democratic Party (DS), in favor of Euro-Atlantic integrations, and the Democratic Party of Serbia (DSS), which explicitly opposes NATO membership. (See the text by Vladimir Goati in this book).

In countries of former “real-socialism” in Central and Eastern Europe, the ideology-identity split between pro-regime communist forces and anti-regime forces fell by the wayside soon after the Berlin wall fell: political consensus on the necessity of building a liberal-democratic system and of joining Euro-Atlantic integrations was reached during the crucial, initial period of bringing down the authoritarian regime⁷. In Serbia, however, fundamental ideological disagreements on strategic courses of development of state and society persist to this very day. As much as seven years after democratic change and the beginning of democratic reforms, Serbia is still burdened by ideological differences between the forces of the old regime and the reformers, as well as symbolic differences, based on issues of ethnic and cultural identity and protection, between “patriots” (ethno-nationalists) and pro-European individuals and groups (mondialists, anti-nationalists, “traitors”). Jointly, the ideological and symbolic/identity divisions in Serbian society and politics has yielded the dominant ideological-political rift, which erodes the political and social fabric, blocking both democratic reforms and integration processes.

The process of transition in Serbia was not only delayed (because of the Milošević regime and the wars), blocked (because of poor cooperation with the Hague Tribunal, and the assassination of the first democratic prime minister, Zoran Đinđić, in March 2003), but it has also been challenged and seriously jeopardized by the abovementioned dominant ideological and symbolic disagreements.

⁷ In the most successful transition countries in Central and Eastern Europe, more than 15 years after the fall of the Berlin wall and the abovementioned consensual political and overall strategic decision to establish a liberal-democratic system and become engaged in Euro-Atlantic integrations, signs of social discontent with the results of transition are more and more vivid, along with signs of Euro-skepticism; while social revolt and political conflicts have been, to a great extent, marked by issues of ethnic and cultural identity, ideological rifts and historical memory are marked by them. More and more often, it is referred to as “post-accession crisis” (Attila Agh), namely, different manifestations of political instability and/or economic crisis and social discontent among the masses in ex “real-socialist” states; the countries where economic and political transition was most successful are already members of the EU and NATO. Thus, for example, the economic discontent of the population of “transition losers” – combined with political traumas – led to massive street riots in Hungary in 2006 and 2007. The occasion motivating these riots was the jubilee of the Hungarian anti-communist revolution, quenched in blood by Soviet Block military intervention in 1956. Mass discontent focuses on the idea of “cultural politics” or identity issues (Euro-skepticism combined with nationalism and xenophobia). In the vacuum of an underdeveloped civil political culture and civil society, mass discontent is not articulated in requests for greater democratization of the state and society, or the defense of endangered social and economic rights, but rather in manifestations of extreme right wing ideas and violent street riots accompanied by anti-democratic, anti-European, racist and anti-Semitic messages. (See: Mihael Erke. 2006. *Mađarski nemiri - Simptom centralno-evropske krize pristupanja Evropskoj Uniji?*, Beograd: FES, p. 6.)

This state of affairs is directly connected to the fact that the historical level of consciousness and the “spirit of the nation” is significantly below the regular standards of modernity: society and politics in Serbia are scarred by these profound ideological-political divisions. The problem is that there is no consensus within the political sphere and the general public on the necessity and desirability of the development of modern Serbia.

The extreme right-wing Serbian Radical Party (SRS), is proportionally much stronger than it is usually the case in consolidated democracies⁸. In a situation of mass discontent with the quality of life, compounded by the fact that the Kosovo issue generates nationalist sentiments and is, by its very nature, easily and widely used for ethno-nationalistic purposes, SRS uses its egalitarian and populist rhetoric to increase its electoral support and popularity amongst citizens. In addition, an increasing number of extreme right-wing organizations, groups and movements, in the field of civil society as well, are congregating around the extreme political right, motivated by problems stemming from Kosovo, but also in defense of the trend towards clericalism, traditionalism and patriarchalism⁹.

The aggressive rhetoric of ethno-nationalism and hate speech is being introduced in increasingly unscrupulous ways, and not only from the ranks of the proclaimed extreme right. The problem lies in the fact that the democratic option is also internally burdened by elements of the ideology-identity rift; the democratic block is also internally susceptible to the production of extreme-right ideas and practice. In other words: it is not strong enough to promote and activate an official policy of democratic reform and European integration in a direct and unambiguous manner.

Thus, a systematic contamination of values, politics and the social sphere¹⁰ is at work here, a contamination at the hands of value systems that are far beneath the level of universally accepted values and international standards for human rights protection, not to mention the prohibition of hate speech¹¹.

As specified above, by “strong anti-modernizing tendencies” in contemporary Serbia, we mean a combination of all-pervasive ethno-nationalism and growing processes of clericalization, re-traditionalization and re-patriarchalization. The

⁸ See: Irena Ristić, *Povratak Srpske radikalne stranke nakon 5. oktobra*, in: Mihajlović, S. ed., 2006. *Pet godina tranzicije u Srbiji II*, Beograd: FES. According to the most recent research by Strategic Marketing, carried out between October 24th and 29th 2007, on a sample of 1017 respondents, those who would certainly participate in parliamentary elections would cast their vote for: SRS 36%, SPS 5%, NS 3%, DSS 9%, LDP 5%, G17 plus 5%, and DS 31%. (See: *Blic*, November 3, 2007, www.blic.co.yu).

⁹ See: Dragica Vujadinović, *Obstacles in the Integration Processes of Serbia to the European Union*, in: Lilić, S. ed. *Legal Capacity of Serbia for European Integration*, II, Belgrade: Faculty of Law University of Belgrade; see also: <http://en.wikipedia.org/wiki/Extremism>

¹⁰ See the text by Srećko Mihailović in this book.

¹¹ See the text by Vesna Rakić Vodinelić in this book.

destructive consequences of the Milošević regime are the destruction of society ("sociocide"), the systematic endangering of civilizational standards of universal values and human rights, the criminalization of the economy, society and state services, the drastic impoverishment of the populace in combination with the criminalized enrichment of a minority.

The abovementioned destructive consequences are particularly linked to the militant concept of "Greater Serbia", which was, amongst other things, behind the wars waged on the territory of ex-Yugoslavia, and which – directly and indirectly – spread death throughout neighboring countries and Serbia itself, and, moreover, the destruction of values and human, cultural, material and overall civilizational resources. According to the assessment of a part of the expert public in Serbia, which refused to accept ethno-nationalism and the war option, the *Memorandum* of the Serbian Academy of Sciences and Arts (SANU)¹², represented the ideological pretext¹³ for the disastrous project of preserving the unity of the Serbian nation or territories inhabited by Serbs, beyond the geopolitical context of the Second Yugoslavia. The SANU *Memorandum* served as both means and end of a warmongering propaganda in Serbia and all other belligerent parties, and represented an incentive for deepening the rift and animosity among Balkan na-

¹² In reality, this document was drafted by a group of academicians from the Department of Social Sciences and the Department of Historical Sciences, with the support of a smaller number of members who were not from these departments. SANU, as an entity, did not have a chance to express its joint opinion on the Memorandum, while the abovementioned group monopolized the authority to speak in the name of the entire SANU about "the defense of Serbian national interests".

¹³ Amongst other things, the *Memorandum* states the following: "Self-determination of the nation. In modern society, any form of political repression and discrimination on national grounds is civilizationally unacceptable. At the beginning, the Yugoslav solution to the national question could have been understood as an appropriate model of a multinational federation in which the principle of unified state and state policy was successfully combined with the principle of political and cultural autonomy of nations and national minorities. During the last two decades, the principle of unity has become progressively weaker and the principle of national autonomy has been overemphasized, thus, in practice, changing into the sovereignty of parts (republics, which, as a rule, are not nationally homogenous). The weaknesses in this model have become increasingly visible. All nations are not equal: for example, the Serbian nation was not given the right to have its own state. Parts of the Serbian nation, living in great numbers in other republics, have no rights, unlike other national minorities, to use their own language and alphabet, organize themselves politically and culturally, and jointly develop the unique culture of their nation. The inexorable exodus of Serbs from Kosovo, demonstrates, in a drastic manner, that the principles protecting the autonomy of one minority (Albanians) are not being applied in the case of minorities within the minority (Serbs, Montenegrins, Turks and Roma in Kosovo). Given the existing forms of national discrimination, contemporary Yugoslavia cannot be considered a modern and democratic state." (Kosta Mihailović and Vasilije Krestić, "*Memorandum SANU*" *Odgovori na kritike*, SANU, Beograd 1995, p. 124.)

tions¹⁴. In that sense one can speak about the responsibility of intellectual elites¹⁵ for the wars that caused immeasurable damages to ex-Yugoslav countries and set Serbia last in line for democratic changes and European integration. The “all Serbs in one state” project suffered a defeat, and after losing four wars Serbia found itself standing at the back of the queue, burdened with strong retrograde, anti-modern tendencies.

Unfortunately, the leading intellectual and political elites never “sobered up”, nor has the idea of homogenizing the Serbian nation beyond state borders, and indeed beyond the reality of Serbia’s own ethnic plurality, been abandoned. Instead of a thoughtful analysis of the future of the Serbian nation and Serbia as a political community based on diverse historical and cultural foundations, spiritual forces of an even more malign, even more retrograde character have been growing since the wars, which is even more disastrous, considering the democratic changes of 2000. While the ideas offered in the *Memorandum*, which implied that the Serbian nation was endangered within the Yugoslav community and that there was a need for ethnic homogenization and the creation of an ethnic state of all Serbs, were still expressed within a discourse of “democracy”, “freedom” and “prosperity”, during the last few years, ideas of an anti-European, “household” Serbia are more and more overtly expressed within an archaic, anti-modern discourse. These ideas envisage a state that is neither a republic nor a constitutional monarchy, but rather a clerical monarchy and organic community of all Serbs, based on Orthodoxy, spirit of congregation and patriarchal tradition.

“The national program” of anti-modern Serbia was named *Načertanije for the 21st century*¹⁶. The name was given to create an analogy with the *Načertanije*

¹⁴ About the SANU and the influence of the *Memorandum* see the text by Božidar Jakšić in this book.

¹⁵ See the texts by Božidar Jakšić, Todor Kuljić and Ratko Božović in this book.

¹⁶ The intended national program *Načertanije for the 21st century* was publicly proclaimed during one of the celebrations to honor the 200th anniversary of the First Serbian Uprising and the founding of the Serbian state, organized on February 14th, 2004, by a clerical student organization “Srpski sabor Dveri”, with the support of parts of the Church and the Army, representatives of political and intellectual elites, and with the blessing of Patriarch Pavle. During the event, a university professor, historian Radoš Ljušić, after the opening question “What shall we face Karađorđe with?”, promoted the idea that the future Serbian state should ‘encompass three countries – Serbia, Montenegro and Bosnia and Herzegovina’; bishop Atanasije Jević spoke of the two centuries of struggle for liberation from the West, and while opposing European aspirations, he envisioned and advocated for another two hundred year struggle for liberation from the enslaving Europe!!! Colonel Rade Rajić, professor at the Military Academy made the following statement: ‘The wars that took place between 1991 and 1999, the officers, soldiers and volunteers, who gave their lives in the defense of our nation and its century old hearths, must never be forgotten. These glorious men, named and unnamed, have what is needed to face Karađorđe, to face Miloš, to face God and the nation.’ He went on to point out that the draft of the future national

of 1844 written by Ilija Garašanin, which represented the national program to unite all Serbs within the context of the second half of the 19th century¹⁷. The paradigm outlined in *Načertanije for the 21st century* does not represent an excess, marginal event, because the networking and growth of extreme right and clero-fascist organizations, associations and initiatives, promoting the above-mentioned ideas on a united, organic collective Orthodox Serbian nation, is systematically at work¹⁸.

While the *Memorandum* presented a project for the unification of all Serbs into one modern Serbian state (at least hypothetically, which does not necessarily correspond to a feasible idea), *Načertanije* for the 21st century openly advocates the unification of Serbs under an anti-modern Serbian state – a clerical monarchy, without parliamentary democracy, universal suffrage or a multiparty system. It should be a self-sufficient, “household” Serbia, based on patriarchal tradition and the hierarchical servile spirit and collectivist mentality, with the unity of political and religious power modeled on a Medieval concord instead of a liberal-democratic model of the division of power.

program of the youth/academic Orthodox association holds, within its thirteen points, ideas such as the following: that Saint Sava's teachings must enter every pore of the social being, that the legacy of Vuk Karadžić, Dositej Obradović, Jovan Skerlić and Svetozar Marković needs to be reevaluated, because, besides their merits, they had “extra-testimonial divergences and aberrations”, that religious education must become a mandatory subject in schools, and that instead of civil education “household education” should be introduced, that the creation of a Serbian Christian elite is important to guarantee the fulfillment of the national program, that both the Croatian and the Bosniac languages and literature are only variations of Serbian, that all state documents, public signs and public media must be in Cyrillic, and that this must be prescribed by law, that the ‘purpose of the Serbian economy must be the production of healthy food and healthy and free people’. Implicit advocacy of the prohibition of abortion was expressed in the following manner: “A white plague is ravaging Serbia. Non-mothers in Serbia kill 200,000 unborn children every year... Every Serbian family, regardless of its material situation, should strive towards having at least three or four children. When there are people, cities will rise. And when cities rise, battles will be won, and Serbs will return to Prizren”. The idea that there is a need to establish a clerical monarchy was expressed by the following words: “The establishment of a monarchy is a necessary precondition for the break with the communist past. The Serbian king must serve God first, and then, his subjects”. (See: Dragica Vujadinović, *Srbija između antimodernosti i modernosti – „Su čim ćemo pred Karađorđa?” ili „S čime ćemo pred buduće generacije?”*, *Helsinška povelja* feb/mart 2004, br. 73–74).

See also the text by Dejan Anastasijević, Kruna, Mač i Mantijsa, <http://www.vidovdan.org/print269.html>. (Vreme, 685 februar 2004)

¹⁷ Latinka Perović and Vojin Dimitrijević discuss Ilija Garašanin's *Načertanije* of 1844 in their texts in this book.

¹⁸ See: Jovo Bakić, Radikalni ideološko-politički ekstremizam savremene Srbije, Wikipedia, 2006: <http://en.wikipedia.org/wiki/Extremism>).

The destruction of elements of an epochal consciousness, the spirit of modernity and the modern intellectual and political discourse¹⁹ represents one of the most severe consequences of ethno-nationalism and the wars coupled with the suppression and disregard of antifascism and growing anti-communism²⁰; furthermore, the unwillingness of democratic governments, since 2000, to truly establish the need to come to terms with the war crimes committed “by their own side”²¹, as a state project, and to affirm a rational concept of the national interest of the Serbian nation as well as the state interest of Serbia. This spiritual barrenness is manifested in the relativization of antifascism and the antifascist struggle, through the reaffirmation of fascist, Nazi and anti-Semite ideas hand in hand with anti-modernizing processes of clericalization, re-patriarchalization and re-traditionalization, and the avocation of authoritarian clerical-monarchist rule in a self-sufficient, nationally homogeneous, “household” Serbia.

The abovementioned “diagnosis” of the current state of affairs within different relevant dimensions is analyzed by authors of texts in this book.

Project task and conceptual clarifications

However, a much more important task undertaken by the authors was to highlight the difference between the rational and irrational concepts of national and state interests; to demystify the irrational ethno-nationalistic interpretation, to point out, in different dimensions, the rational essence of national and state interests of contemporary Serbia²². Demystifying the ethno-nationalistic interpretation of national and state interests revealed that it is not the only possible or desirable interpretation, indeed it is detrimental and counterproductive for the future of Serbia and is essentially detrimental both to the national interest of the Serbian nation and to the state interest of Serbia.

The conceptual elements in the syntagm “rational national and state interests” of contemporary Serbia need to be clarified: the concepts of “interest” and “public interest” are of importance, but their meaning is – as opposed to concepts of national and state interests – commonplace in expert lexicons and literature²³.

¹⁹ See the text by Ratko Božović in this book.

²⁰ See the text by Todor Kuljić in this book.

²¹ See the texts by Vesna Pešić, Todor Kuljić and Vesna Rakić Vodinelić in this book.

²² For example, on the interpretation of national interest as being equal to state interest in the context of foreign policy of liberal-democratic states, see the text by Vojin Dimitrijević in this book. On the economic dimension of the interpretation, see the text by Vladimir Gligorov. On the dominant interpretation of national interest from 19th century onward, see the text by Latinka Perović.

²³ The concept of “interest” relates the needs of individual and collective social actors, to their actions aimed at fulfilling their needs, as well as to social power, which they pos-

The concept of “rationality” is used in the Weberian sense of substantial rationality, or in the sense of practical wisdom (in Aristotelian sense) appropriate to the modern age, namely, political strategy of constitutional democracy expressing the highest civilizational standards achieved by western civilization.

In the above-mentioned context, the categorical apparatus of Agnes Heller²⁴ can be successfully used in relation to the concepts of “rationality of intellect”, “rationality of reason” and “perverted rationality of intellect”. Heller speaks about the shared foundations of “rationality of reason” (instrumental rationality) and “rationality of intellect” (substantial rationality), whereby “rationality of intellect” bears the critical, utopian, reformist potential for improving modern society, while “rationality of reason” facilitates the functioning of the structures within a given system. The point is that, as much as it safeguards the given state of affairs and can be conservative, “rationality of reason” can never be as destructive as “perverted rationality of intellect”. “Perverted rationality of intellect” is destructive to the utmost degree, since it consciously strives towards destruction. This is particularly pronounced in cases where perverted rationality imposes itself as the bearer of power and dominance. In such cases, it introduces its own “norms and rules”, which cannot be either accepted or defended rationally. Heller labels the abovementioned phenomenon “dialectics of rationality of intellect”, meaning that “rationality of intellect”, as the most sublime human intellectual proclivity,

ses or compete for, in order to better satisfy the generally limitless needs in a constellation of limited resources. Interests determine the direction of each action, they act as an intermediary between needs and goals at all times, express the aspirations and efforts to achieve certain social power and acquire corresponding potential, in a given social context, for fulfilling specific needs, namely, for priority fulfillment of specific goals. (See: Milovan Mitrović, 2006. *Uvod u sociologiju i sociologiju prava*, Beograd: Pravni fakultet).

From Russo onward, “general interest” is the related in essence to the wellbeing of the community (the concept of “general will”), while “joint interest” is formally the interest of the majority. The possibility of establishing a community on the disinterested behavior of individuals, prompted modern theoreticians, from the 18th century onward, to define the political subject as “resident” or “citizen” (citoyen), resolving the conflict of particular interests and the relationship between the pluralism of political interest and public/general interest through institutions and mechanism of representative democracy. Modern political philosophers, especially, Rawls, Nozick and Habermas deal with the same questions in a modified way. Thus, Habermas speaks about “constitutional patriotism” and interests “susceptible to generalization”, which can establish norms based on “cognitive consensus”, which, being rationally founded, can be communicated to others (See: Ivan Prpić, Žarko Puhovski, Maja Uzelac eds. 1990. *Leksikon temeljnih pojmova politike*, Zagreb: Školska knjiga, pp. 268-270. See also: *Oxford Concise Dictionary of Politics*, Oxford University Press; *Oxford Dictionary of Sociology*, Oxford University Press; *The Oxford Companion to Politics of the World*, Oxford 2001).

²⁴ See: Dragica Vujadinović, 1988. *Teorija radikalnih potreba - Budimpeštanska škola*, Nikšić, p. 103.

can become the source of absolute irrationality if it severs its connection with “rationality of reason”.

“Rationality of intellect” is related to the rational meaning of national and state interests, expressed by the concept of constitutional democracy, “rationality of reason” is related to the functioning of a system in all its structural elements, while “perverted rationality of intellect” relates to fundamental jeopardizing of the principle of constitutional democracy in all modalities of mutating modernity, whether in the form of fascism, Nazism or ethno-nationalism²⁵.

Rational and irrational meaning of national interest

National interest is yet again a construction of national identity, resulting from the interpretations of the dominant viewpoints of intellectual, political, cultural, media and educational elites in a given political-historical context. The important differentia specifica of types of national identity is marked by the determination of the bearer of the national interest: whether it is the nation as a specific subject or a (presumed) common interest of all nation members. This issue is important both from a theoretical and practical-political point of view: only if the national interest is concretized as the interest (of all) actual individuals as nation members does it follow that nation members have the right to interpret and critically reevaluate whatever is imposed on them as national interest. If the nation, as “an organic being”, is the subject of national interest, then it follows that the national interest is simply bestowed upon nation members, as an important part of their individual identity, as something given and set, which they cannot oppose.

The irrational version of the interpretation of national interest, inasmuch as the rational version of its interpretation, is an analytical-normative creation. The first directs the interpretation of national identity in a retrograde, anti-modern way of invoking “the past” and the authoritarian imposition of a common interest, while the other directs the interpretation of national identity from the viewpoint of developmental projects looking towards the future, keeping both the present and the past in mind, from the perspective of developmental/modernizing

²⁵ Expressed in the theoretical discourse of Agnes Heller, ethno-nationalistically focused state policy, both before and after – and especially during – the Milošević regime, represents a stunning example of “perverted rationality of intellect”. Demystifying ethno-nationalism, as well as explaining to ordinary people the damaging effects ethno-nationalism has on all Serbs, all citizens of Serbia, and the state interest of Serbia, is a task of prime importance on the road to creating a modern Serbia. Renewing the natural connection between “rationality of intellect” and “rationality of reason” would imply, in the case of Serbia, the normative task of introducing to the public – on a common-sense level - the interpretation of constitutional democracy as the true national and state interest. At the same time, this would lead towards the rejection of the disastrous ethno-nationalist “perverted rationality of intellect”.

capacities, and at the same time opening possibilities for individual reevaluation of common interest.

Rational national interest is a construction of the identity of a specific ethnic community²⁶, which defines the past, history, historical memory, social character, cultural identity, value framework of customs and normative culture, in a way that turns the development of a specific national group towards openness for “internal” and “external” development, towards tolerance of the “other” or “diverse”, in other words, openness to cooperation, interaction, communicability, tolerance, improvement through mutual cultural and social influences, adoption of the positive achievements of others in an authentic way, acceptance of the highest civilizational standards as one’s own, and rejection of self-isolation and xenophobia.

Rational and irrational meaning of state interest

Rational state interest is, on an essential and most general level, the normative task of building a constitutional democracy.

The rational national interest of both majority and minority nations within an ethnically heterogeneous states is, from a normative point of view, related to complying with the constitutional principles of constitutional democracy and equally to respecting members of one’s own and other nations within the same political community; it is not in contradiction with nurturing the cultural identity of one’s own ethnic group. In this sense, there is no essential contradiction between rational state interest and national interests of ethnic groups, whether minority or majority.

While one can speak, on the one hand, about an essential disagreement between national and state interests in ethnically heterogeneous or plural societies within ethno-nationalistic constellations – where the national interest of the majority nation is imposed as dominant and identical to state interest – on the other, there is an essential congruence in the case of a rational interpretation, a doctrinarian refusal of priority to any national interest as dominant in the constellation of a civil/republican state.

In ethnically heterogeneous states, national interest - irrationally interpreted – can by no means be identical to rationally understood state interest. Patriotism, derived from ethno-nationalistically interpreted national interest, is essentially similar to chauvinism, and is inclined towards treating “the other” as an enemy or traitor.

“Perverted rationality of intellect” lies at the foundation of both state and national interests when interpreted ethno-nationalistically (in the case of ethnic mi-

²⁶ For more details on the character of national identity when conditioned by relational aspects politics and history see: Tomas Hilan Eriksen, 2004. *Etnicitet i nacionalizam*, Biblioteka XX vek, Beograd.

nority groups and especially in the case of majority nations). Consequently, the destructive character of ethno-nationalism is visible in the destiny of both majority and minority ethnic groups, as well as in their mutual relations.

In the abovementioned categorical apparatus, rational state interest is the most important tool for the demystification and critical reassessment of ethno-nationalistic ally nationalistically interpreted national and state interests²⁷.

Rational state interest is a normative, ideal-type concept, which expresses the "rationality of intellect". The abovementioned highest accomplishments of modern practical rationality (related to "the best possible political system" in Aristotelian sense) are objectified, in a strategically-political manner, in constitutions of the most developed liberal-democratic states.

The civil-republican concept of political community is articulated in constitutional democracies²⁸, with individual freedom, equality of all residents as citizens/right holders, and institutional arrangements of limited power. Constitutional democracies offer a type of political system where the safeguarding of individual freedoms is the primary goal, while democracy represents the political form in the service of safeguarding and defending freedom. Constitutions are charters of freedom, acts formalizing the social contract, which create a modern political community, including – as the universal core – a concept of limited government and the primacy of individual rights.

Constitutions, as charters of freedom, perceived from a libertarian perspective, hold the essence of practical rationality for the modern age, and represent the highest universal civilizational standard that can be applied, despite contextual differences, to all contemporary societies: 1. the most developed – as a

²⁷ Naturally, all this is of crucial importance, conceptually and in a practical-political manner, in understanding of the current state of destructive nationalism in contemporary Serbia. This type of nationalism is also destructive to the Serbian nation itself, because it isolates the Serbian nation from the world and the spirit of the modern era, and to the Serbian state, because it blocks the state in its reformist and integrative processes of consolidating democracy. In other words, it fixes the foreign and domestic policy of the state around ethnic and territorial issues, in a way which identifies the territory with Serbian ethnicity. This has multiple negative consequences: on the one hand, a dangerous tendency to transform minority nations into "enemies", with a reactive reinforcement of separatist affiliations, and on the other, constant renewal of claims on territories where Serbs live outside the Serbian state. More concretely, the destructive consequences are at work in the current situation: namely, while all attention and all issues of the state (state interest) are being related to Kosovo, problems of the abovementioned sort are building up in Sandžak and Vojvodina (although with active participation of ethno-nationalism of the "other side" as well), while pretensions on a part of B&H territory (Republic of Srpska) are not diminishing, on the contrary, Vojislav Šešelj, leader of the SRS, is promoting the idea of Greater Serbia ("from Virovitica to Karlobag") even from the Hague Tribunal.

²⁸ See: Nenad Dimitrijević, *Ustavna demokratija shvaćena kontekstualno*, Fabrika knjiga, Beograd 2007.

standard, based on reality, for constant reassessment of existing legislature from the viewpoint of its violation or compliance to the constitution, supported by the possibility for critical-corrective action defending the essential values of the constitution, by means of critical public and civil society activism, all the way to civil disobedience; 2. authoritarian – as a task, a normative-mobilizing standard; 3. finally, transition societies – as the highest goal towards which to strive; that which has not been achieved in reality, but is still reachable. In this sense, constitutional democracy bears a utopian, normative, ideal-type capacity, and represents the core of rational state interest of modern societies²⁹.

The issue of identity in a political community finds a rational answer from the perspective and criteria of constitutional democracy. Constitutional democracies institute the rule of law and equally tenable freedom of all individuals, preventing the rule of people (as *ethnos*), which always turns into the rule of the dominant nation (thus violating the principles of constitutional democracy).

Although modern states were formed as national states, and initial constitutions established a political society on the premise of the identity of the majority nation, they further evolved, through a long historical period of struggle for universal human rights, towards the universal category of citizen, and “liberal non-problematic republican identity”. On this topic, Nenad Dimitrijević says the following: “It is true that many contemporary liberal democracies were established as national states. From a historical point of view, the political neutrality of a liberal national state was founded on the identity of the majority nation, which was later transformed into liberal non-problematic republican identity. Typically, this was done through the ‘privatization’ of particular group identities (though history offers ample proof of repression and nullification of minority national identities). Classical liberalism recognizes equal individual rights for all citizens, and refers at the same time to civil society as the sphere of legitimate concern for particular identities.”³⁰

For transitional countries, constitutional democracy is a task that needs to be fulfilled, a normative ideal which the newly established democratic govern-

²⁹ The “post-national constellation” will not be discussed here, because - although it is inevitable in modern political discourse, it is not of primary importance to this paper. (See, for example: Dejid Held, 1997. *Demokratija i globalni poredak*, Beograd: Filip Višnjić; Jirgen Habermas, 2002. *Postnacionalna konstelacija*, Beograd: Otkrovenje).

³⁰ Nenad Dimitrijević, *Ustavna demokratija shvaćena kontekstualno*, op.cit., p. 155.

In a different context, but with a similar message, Srđan Vrcan speaks about the coherence of liberalism and nationalism only during the phase of the creation of national states, and then about the process of the development of incoherence between liberalism and nationalism by virtue of the institutionalization of the individual citizen and universal equality, independently of any particular identity including ethnic identity, and on the other hand, about the coherence of all aspects of nationalism and malign forms of ethno-nationalism as well as mutated forms of modern society in the shape of fascism and nationalism. (See: Srđan Vrcan, 2006. *Nacija, nacionalizam, moderna država*, Zagreb: Golden marketing - Tehnička knjiga, pp. 76-110).

ment should bring about artificially, “from above”, as the optimal constitutional solution to defining a new democratic order, as well as concurrent redefinition of the past, and delineation of the present and the future directed towards a liberal-democratic order. The construction of a new reality “from above” is carried out on the basis of a strategic consensus of relevant political elites on the desirable future development of the state and society.

Introducing institutional guarantees into post-communist constitutions by the measure of constitutional democracy should serve as an expression of a social contract for building a different future and for reevaluating the past, and an institutional framework for bypassing the rift, or the lack of “cohesive power within the texture of society”, namely, a lack of the social, economic and cultural infrastructure of democracy³¹.

Therefore, the civilizational deficit inherited from the communist period of authoritarian government should be compensated by constitutions drafted in accordance with the highest standards of constitutionalism. “The task of filling the social vacuum requires teleological constitutions, with specific constitutional contents, in which goals and tasks will hold a predominant place. The limiting function of the constitution, which stands at the heart of modern constitutionalism, withdraws to the background in favor of creative functions – an effort to define an orientation towards the future in a consistent manner³².

However, a fundamental problem in all ethnically heterogeneous post-communist countries, where an agreement has been reached to replace the previous regime with a constitutional democracy, lies in the fact that their first post-communist – democratic – constitutions are based on the ethnicity principle rather than on the civil/republican principle. Therefore, while the institutional structures of a liberal economy and representative democracy have been introduced, the fundamental civil contract, on which the social, cultural and economic substance of constitutional democracy should be based, has not truly acknowledged the principles of modern constitutionalism. “It is true that their constitutions define democratic legal and political institutions, procedures of political decision making, and specify individual rights. Nevertheless, the value of these elements of liberal constitutionalism is contested, from the outset, by the nationalistic es-

³¹ On this subject Dimitrijević says the following: “The road Western democracies followed for centuries needs to be covered here much faster... This process must be artificial, in the sense that market economy, civil society, modern state and constitutional democracy have to be defined as elements in a model of desirable future society, and carried through by a planned action of the state. Since this state wants to be democratic, not totalitarian, it will have to carry out this task through the construction of an optimal social system. In other words, while constitutional democracy in the West grew as a ‘superstructure’ on a distinctive system of social relations, in post-socialism it must function as the ‘basis’, namely, the framework which will be filled with social contents of an open society only later – if everything goes well”. (Same, p. 127).

³² Same.

tablishment of the community. Post-communist constitution-makers opted for the concept of a privatized ethnic state: a state which is the virtual property of the majority nation (in the case of Bosnia and Herzegovina, the issue is a state whose co-owners are three nations proclaimed as 'constitutive nations'). From the constitutional-legal point of view, there are two types of citizens in these states: members of the title-holding nations and 'others'. This duality implies a difference between owner and non-owner groups of the state."³³

Unlike the long Western road towards the national state, where the nation was gradually tamed through the republican concept of citizenships, in these prominently ethnically heterogeneous states, which did not undergo a long process of ethnic pacifying, the level reached by constitutionalism and democracy is far below the ideal that has been set, far from the civilizational legal-political standard that "rationality of intellect" would envision. In the words of Dimitrijević, the ethnicist approach to the issue of state identity is aimed at stabilizing the dominance of the majority nation³⁴.

This problem is more pronounced in Serbia than in other post-communist countries, because in Serbia, as already mentioned, even basic consensus on commitment to constitutional democracy and a modern pro-European perspective of strategic development has not been reached. Furthermore, unlike other post-communist states, which have thrown themselves, despite general flaws of their constitutions, deep into social and economic reforms, and have already joined the EU or are currently on its doorstep, Serbia lags far behind in the reform and integration process. Moreover, although the extreme right in these countries emphasizes ethno-nationalistic, even fascist and Nazi ideas, it is not politically strong (not malign therefore, yet not benign either). By comparison, Serbia has a disproportionately stronger extreme right than in any consolidated Western democracy or partially consolidated democracy of transition countries. This has a strong influence on political processes "from within": through the parliamentary system and democratic freedoms – it works towards the systematic annihilation of all initial reform and integration indicators.

Furthermore, the fact that the new constitution defines Serbia as the state of Serbian people and all citizens living within it carries special weight because of the "bad" heritage of past military attempts to implement the ethnic fundamentalist principle. Serbia is a socially (ethnically and religiously) heterogeneous society³⁵, and is one of the extreme examples where "the long path towards the pacification of ethnicity" failed to occur. The problems that burdened the primary

³³ Same, p. 167.

³⁴ Same, p. 162.

³⁵ Including Kosovo, only around 2/3 of the population is of Serbian origin, while excluding Kosovo it is around 80%. According to the 2002 census, Serbia has around 7.5 million citizens without Kosovo, 6.2 million of them are of Serbian nationality (around 82%). See: *Nacionalni popis 2002*, Knjiga 3, Statistički zavod Srbije.

strategic commitment of the Serbian state during the last two centuries, related to the unification of the Serbian nation (including territories outside Serbia), resulted from a neglect of a cohesive relationship with minority nations in Serbia's own territory, this still persists today³⁶.

An ethically focused, strategic definition of state interest carries in itself, again and again, a potential or actual danger of treating the Serbian state from within as a state of Serbs, and treating all Serbs beyond the Serbian state as potentially belonging to it, which inherently implies the "conquering" principle of the inclusion of the un-included, on one side, and the "enemy" principle, excluding minority nations from the ranks of one's own citizens. Thus the inability to form a stable and complete state based on the ethnic principle³⁷, on the one hand, and the insolvability of the minority issue in a truly liberal-democratic manner³⁸, on the other³⁹. In other words, pressure from the ethnic and religious majority can radicalize the minorities, turning them into "intensive minorities", which do not accept the rules of a democratic game where they are predestined to be "losers".⁴⁰

The aforementioned basic premises cannot provide a productive political-cultural resolution of the problem of Kosovo and Metohija⁴¹, because even if the Albanians were not absolutely determined to gain independence, the strategy of the Serbian political elite and the Church, focused on a struggle for territory, without any attempts at integration with the majority (non-Serbian) population in this region (emphasizing the "theft" of 15% of the state territory, without taking demographic loss into consideration, which amounts to around 20% of its citizens), does not present a model which has the democratic integration of the abovementioned population among its goals.

The ethnic principle in establishing the state and the identity of the political community leads to the stabilization of majority nation dominance, not towards the stabilization of democracy. This is related to a mystified interpretation of pa-

³⁶ See the text by Latinka Perović in this book.

³⁷ See the text by Vesna Pešić in this book, "Nationalism of an impossible state".

³⁸ See the text by Alpar Lošonc in this book.

³⁹ Dimitrijević says: in such a political and legal context, members of the majority tend to understand loyalty to the state as loyalty to their own nation: we are loyal to the state because it is our home. Thus, it follows that members of the minorities are deprived of a focus of loyalty, formulated in such a manner, to the political community they are citizens of. They might turn towards their "mother-state" as the focal point of their identity, stimulating in actuality the majority practice of equalizing loyalty to the nation and loyalty to the state. The next step in this circle of bad causativity will probably be the accusation of minorities for separatism, as well as deterioration of relations among states." (Same, p. 167).

⁴⁰ See: Vladimir Goati, 1996. *Stabilizacija demokratije ili povratak monizmu*, Podgorica: Unireks.

⁴¹ See the text by Mirko Đorđević in this book.

triotism, which is related to ethno-nationalism and populism, as well as to authoritarian political culture, as opposed to the rational interpretation of patriotism as “constitutional patriotism”, as loyalty to a political community that treats all of its citizen equally as its own, in which “all who live within state borders form the nation”.⁴²

Hence, we can unambiguously claim that for contemporary Serbia the normative ideal (the phrase “rationality of intellect”) is the concept of constitutional democracy, according to which the rights of all individual citizens are equally valued, regardless of ethnic affiliation, and group rights are additionally protected by positive discrimination and through the autonomous operation of civil society.

Rational state interest must be directly related to the normative task of establishing constitutional democracy and the development of a civil/republican system, in its full and real sense. The abovementioned normative viewpoint inevitably imposes the normative task of revising the leading principles of the new constitution in force, which is democratic by its own aspirations.

Dimitrijević comments on the need to revise ethnically founded constitutions of post-communist states, including the new Constitution of the Republic of Serbia: “Such a state of fundamental inequality can only be prevailed upon by consensual constitutional revision, where both the majority and the minorities agree on changes to the state’s determination. These countries require – as a standpoint preceding the establishment and stabilization of democracy – the constitutional identification of an inclusive framework of common life, acceptable to everyone, where the acknowledgment of individual identities is balanced with the universalism of rights.”⁴³

The fundamental normative determination of rational state and national interests, related to the concept of constitutional democracy and republican civil order, can be supplemented with elements belonging to the sphere of politics, economy, culture, the value system, education, upbringing, quality of life, social policy, quality of relationship between sexes, etc, which contribute to an individual’s “good” life in a “properly organized political community”; the life quality of individual citizens in a developed liberal-democratic state. This is, again, imposed as a normative ideal Serbia should strive to accomplish today in several dimensions simultaneously.

In the context of the aforementioned lack of critical mass in the electoral body, which could resolutely push the state towards constitutional democracy, a more successful market economy and a faster process of integration into the international community, a number of tasks are imposed at an empirical level, as a fundamental part of the discourse on rational national and state interests. Firstly, to strengthen the democratic block and finally clearly crystallize strategic

⁴² Nenad Dimitrijević, op. cit. p. 158.

⁴³ Same, p. 168.

ideas uncontaminated by ethno-nationalism in the programs of democratically oriented parties. Secondly, to include in the strategy of the modern development of Serbia – as a counterbalance to processes of re-traditionalization, clericalization and re-patriarchalization – all the points within the social and political field where retrograde processes are taking place, and which influence the significant presence of the extreme right in Serbia.

According to empirical research⁴⁴, the older, less educated, less urban social strata, refugees, as well as marginalized groups of young people (unemployed, poor, “sports fans”), those who are, in one way or another, “transition losers”, opt for the Serbian Radical Party and extreme right ideas. Thus, it is of strategic state interest to improve the market economy, prevent the corruption and criminalization of the economy, state and society, reduce poverty and the wide gap between the rich minority and the poor masses, strengthen educational structures and minimize mass functional illiteracy, encourage educational exchange and communication between the population and the outside world, renew the social services that protect endangered members of society, improve employment legislation coupled with more humane social programs for the unemployed on the basis of privatization, and to the greatest possible extent, systematically improve the situation of “transition losers”.

Reducing the influence of ethno-nationalism on public opinion and overall state policy will only become possible through profiling serious political and social-economic options that can lead to a decrease in extreme-nationalist and ethno-nationalist orientations. Only then will it become possible to establish a framework to revise the Constitution in the direction of constitutional democracy, through the democratic decision of the majority of pro-reform oriented citizens, and followed by faster and more decisive implementation of both reform and integration processes.

The normative task of accepting the process of facing the “bad past” as the strategic national and state orientation in a political, cultural, socio-psychological and legal sense, is directly related to the possibility of re-founding the state on the principles of constitutional democracy.⁴⁵

The orientation of domestic and foreign policy towards ideas of social, cultural and economic progress of a political community of equal citizens, in accordance with the highest civilizational standards of the modern age, is of strategic national and state interest for contemporary Serbia.⁴⁶

Focusing the official understanding of the state interest in Serbia on the wellbeing of the social and political community is of crucial importance. Conse-

⁴⁴ Srećko Mihailović ed. 2006. *Pet godina tranzicije u Srbiji II*, Beograd: Friedrich Ebert Stiftung.

⁴⁵ See the texts by Vesna Pešić, Vesna Rakić Vodinelić and Todor Kuljić in this book.

⁴⁶ See the text by Vojin Dimitrijević in this book.

quently, public opinion needs to be systematically reshaped; in other words, the damaging effects of the ethno-nationalistic interpretation of national and state interests should be explained to the people in a systematic and comprehensible way.

This is exactly where the enormous responsibility of the intellectual, political, religious, media and cultural elites lies. They are faced with the normative task of articulating rational state interest on the level of official policy, in the sphere of public speech and action, with both direct and indirect influence on public opinion and the value-political orientation of citizens.

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The Concept of National Interest and the International Position of Serbia

National interest is one of the key concepts in “realist” theorizing about politics: “political realism” has been a method of interpreting political relations for a very long time. Until recently, the realist school dominated the study of international relations, starting from the premise that the basic motive of the actors in these relations is to serve their national interest, transformed into power. For a very long time the perception in Serbia has been that of a nation rather than a state; that Serbia does not exist beyond “Serbdom” and that history appointed it to represent overall Serbian interests. The debate on the state interest was to become possible only after Serbia unambiguously achieved full independence as a sovereign state, something that has happened only recently. However, the question remains whether “national interest” in today’s Serbia has actually become a useful analytical concept.

Keywords: realism, idealism, Serbia, *Načertanije*, Garašanin, nationalism, self-determination, territorial integrity, Åland Islands, League of Nations, Russia, Austria, Serbia, Montenegro, Croatia, Macedonia, Bosnia and Herzegovina, Kosovo.

Demarcation of concepts and terminologies

Thucydides, in his work on the Peloponnesian war, is considered to have been the first to formulate the realist school of thought through the mouth of one of the more articulate participants in the conflict. The essence of the realist school of internal politics, of which Niccolò Machiavelli was one of the chief interpreters, is that political actors are guided solely by selfish interests. This perception has a dual meaning: one is “realism”, taken as a correct description, namely, that political events can only be interpreted by selfish interests, and the other, prescriptive, meaning, that should be understood as advice regarding correct conduct. Whether Machiavellism, besides being a description of politics, was also intended as advice on rational action in politics is still an open question, but we do not need to tackle that issue here. That “a prince never lacks legitimate

reasons to break his promise” is perhaps a sad acknowledgment of reality but the following is undoubtedly prescriptive: “A wise prince should never keep his word when it would go against his interests”. It indicates a feature common to all realists: mistrust of international law and morality and even contempt for them.

Most current discussion centres around realist theory of international relations or the realist interpretation of international relations. The realist understanding of foreign policy is based on the assumption that the international community is archaic, without a central legislator, and thus, without common rules to be followed. In other words, the international community resembles a primitive society, as described by Thomas Hobbes and his followers, a community where all the members are guided by their own interest, and motivated, amongst other things, by a legitimate fear that the other members will act in the most selfish way and that, where interests are concerned, they will abide to no rules and act even in the most cruel manner. Likewise, according to Hobbes and his understanding of a primitive society, as “man is wolf to man” (*Homo homini lupus*), in international relations each state must only look to its own interest and do so at the expense of others, otherwise, these others will take advantage of every opportunity available to damage the careless government as much as is possible.

This realist understanding of foreign policy has been dominant in recent history because of a lack of restrictive rules and because of the predominant political-philosophical viewpoints, according to which sovereigns are not obliged to restrain themselves, either in their relations with their own citizens or in respect to values upheld by their neighbours and other states. It has to be mentioned that before that – no matter how odd it may seem today – the sovereign had find justifications for foreign policy actions in some selfless reasons, which were predominantly of a religious nature. War, and other foreign policy required justification from allegedly higher authority, such as the spreading of the true faith or the defence of the faith from outside assault, heresy and other dangers.

The realist theory in international relations gained specific meaning and exceptional influence after World War One, as a comment to the short-lived attempt to subject international relations to certain rules and certain universal values. As a reaction to the senselessness and horrors of World War One, waged without any ideological justification in the name of the holy interests of great powers, the League of Nations was established, in the belief that certain universal values existed, and that these values had to be protected in an organized manner instead of relinquishing the course of international relations to self-regulation, whereby every subject contributed, while pursuing his own interest, to some sort of international balance, where no one dared exaggerate in his selfish demands. The balance of powers was the only “optimistic” element of realist theory, according to which some measure of humanity and self-discipline could be achieved, restricting force with a counter-force in the shape of the equal powers of states or their councils. This balance, which was maintained, consciously or uncon-

sciously (by the great powers), during the nineteenth century, collapsed on the eve of World War One, and was thus replaced with the idea of collective security, which rested on the belief that in every situation ad hoc alliances could be made against a given aggressor.

The League of Nations was established in great hope and belief that international relations could be civilized by developing international law and by strengthening consciousness among states that they needed to limit their interests and subject them to international interests, namely the interests of humanity. Proponents of such views were called idealists, at first complementarily, and later mockingly; likewise the entire school of such interpretation of international relations was named idealist. Later experiences, especially those related to the inability of the League of Nations to put an end to dictatorships, in particular Hitler's regime in Germany, and above all, to their foreign policy, cynically based on particular interests and racial supremacy, resulted in disillusionment, manifested in widespread acceptance of the realist theory of international relations, which was dominant during World War Two and in the period that followed. In this regard, it should be noted that one of the most famous modern theoreticians of realism was Hans Morgenthau, who, as a Jew, was forced to emigrate from Germany to the USA. His best known work "Politics Amongst Nations"¹ was seen, for a long time, as the Bible of realism in international relations and has only recently yielded to newer schools of thought.

Morgenthau himself describes six principles of realism. He sees politics, as well as society in general, as ruled by objective laws based on human nature; this is unchangeable: consequently, it is possible to formulate a rational theory which reflects all objective rules... Political realism emphasizes what is rational, objective and unemotional. Realism presumes that interest, defined as power, represents an objective and universally acknowledged category, which, however, does not imply that it is fixed once and for all... Political realism being conscious of the moral meaning of political activity, is likewise aware of the tension between moral commands and successful political action. Realism is evil, amoral but not immoral. Political realism refuses to identify the moral aspirations of a particular nation with moral laws valid for the whole world... A political realist believes that an autonomous political sphere exists... Political realism is based on pluralistic understanding of human nature. A man who would be nothing else but a "political being" would be a beast... but, in order to develop an individual theory of political behaviour, "the political man" must be abstracted from other aspects of human nature.²

¹ First published in 1948, it had five editions. The sixth edition was published in cooperation with the well-known "realist" Kenneth Thompson: New York: McGraw-Hill, 1985

² H. J. Morgenthau, *Politics among Nations: The Struggle for Power and Peace*, Fifth Edition, New York: A. Knopf, 1978, pp. 4-15.

Some new schools, for example, the neo-liberal, were opposed to realism, while others, like neo-realism and structuralism, were only an adjustment of classical realism to new circumstances, especially those created by the weakening of the Soviet Union as the main rival of the USA. The concept of national interest, for example, is not particularly important to neo-realists, in other words: it is not determined by the circumstances within a state and its history, but rather by its position in the international community. According to them, the international system is the decisive determinant of a state's behaviour.³

The realist perception of foreign policy, as mentioned above, is based on the belief that every state follows its own interests and does not pay attention to any kind of "idealism", unless, of course, it cannot use it for its own purposes. However, so that realist theory can possess the necessary generality, national interest need to be supplemented by something else. This is so because each interest is specific, and can be formulated only in relation to a given subject. Consequently, no overall theory can be formulated, since the national interest of one state, by the very nature of things, cannot be attributed to another state or nation. This is why Morgenthau and his followers introduced the concept of power into the analysis, according to which every state aspires to increase its power in order to pursue, fulfil and protect its national interest. Thus, while a single national interest cannot be attributed to all subjects, the aspiration towards increasing power, according to the realist perception, can be perceived in all subjects. At the same time, accumulation of power is, as in the case of the realist perception of internal policy, both an interpretation of international events from the past, and a recommendation for future conduct: not only are states led by their desire to gain power, but it is also the only reasonable way of behaving in the existing international community. As in every anarchic community, a state that disregards this will be punished by others who will take advantage of the state that fails to increase its power because it follows some higher, "idealist" goals.

Besides the fact that describing power leads to complications, already discussed⁴, mostly because power is not absolute but rather relational; the concept of national interest remains unclear. It is especially true for the Serbian language, where the meaning of "national" in the expression "national interest" is not always clear. In the majority of modern international languages, the expression "nation" pertains mostly to the state (Eng. and Fr. *nation*). Thus, for example, the "United Nations" is not an organization that brings together peoples and nations: all the organs of the United Nations are composed of representatives of states,

³ For an interesting attempt at "reconciling" idealism and realism, see: J. Goldsmith, "Liberal Democracy and Cosmopolitan Duty", *Stanford Law Review*, vol. 55 (2003), p. 1667 and further. His thesis is that a liberal state, for realistic reasons, can do much more for the greater good than civil society.

⁴ "Moć u međunarodnim odnosima", *Međunarodni problemi*, 2/1978, p. 152 and further.

and among them there is not a single body where nations are represented, no matter how they are defined.⁵

Due to the fact that ethnonational consciousness, historically, appeared relatively late, one cannot assume that Machiavelli for example, offering advice to the sovereign of a small medieval state on the territory of what we today call Italy, surrounded by similar small states, comprising today's Italians, had the concept of nation in mind in the contemporary sense of the word.⁶ He was thinking of the sovereign and his interest, namely, the interest of his state. Members of the influential American realist school had the same thing in mind when they suggested that all US governments should primarily look after the national interest, acting in a state which is not national in the usual sense, since its populace represents a group of people of very different ethnic origins. Hence it might be better to replace the words "national interest" by the words "state interest", following the example of French *raison d'Etat* or German *Staatsraison*.⁷ The preservation, survival and prosperity of the state are, therefore, the key motives of governments in international relations, and this is how it should be. According to the realist school, each time state interest is disregarded in the existing international community, the state is exposed to danger from those whose behaviour is guided by national interest; such disregard is a sign of fatal thoughtlessness.

In addition to theoreticians, there are many practitioners of realism, statesmen who have been led purely by the interests of the state and nation they represented and have not believed in any kind of moral or efficiency of international law, from Metternich to his aficionado Henry Kissinger, who had an opportunity to put his realist theories into practice under US President Richard Nixon. However, one need not go too far to find examples of practical action. In an interview for a Swiss paper, Thorwald Stoltenberg, who was, at that moment, UN Special Representative and co-president of the Conference on former Yugoslavia, was asked to compare the situation in the Gulf with the situation in Yugoslavia: "The problem of the Gulf was different" said Stoltenberg, "it was about protecting a resource vital to international community: oil. Governments do not want to send

⁵ See: J. Marko "The Concept of 'Nation'", *European Yearbook of Minority Issues*, Vol. 5, 2005, pp. 143-146; V. Dimitrijević - O. Račić - T. Papić - V. Petrović - S. Obradović, *Osnovi međunarodnog javnog prava*, Beograd, Beogradski centar za ljudska prava, 2005, p. 168 and further.

⁶ See, for example: B. Anderson, *Nacija: zamišljena zajednica*, Beograd: Plato, 1998, p. 44 and further.

⁷ However, one should bear in mind the fact that for some people "nation" can signify something more than the people, namely, a transition from an unorganized group into a group that creates the state. For Carl Schmitt this is "ein Volk als Nation" cited from N. Dimitrijević, *Ustavna demokratija shvaćena kontekstualno*, Beograd, Fabrika knjiga, 2007, p. 72 and further. See also Dimitrijević's comments in the same book.

soldiers to die in Bosnia and Herzegovina... The issue in Bosnia and Herzegovina is only moral. Not to be aware of this would mean to delude oneself".⁸

The concept of national interest proves defective when transferred to the terrain of internal politics. This does not effectively diminish its possible theoretical value in international relations; the statement that each state follows its own interest, though disputable, is not meaningless. It actually tells us that the national interest of one subject cannot be defined by anyone other than that subject, or the persons who make political decisions in its name;⁹ the international community cannot impose a universal understanding of this interest. In fact, this moves the definition of interest from the international to the domestic political scene, and it is here that the discussion about exactly *what* national interest is actually begins. Such discussion represents the essence of political decision-making in the eyes of the supporters of realist theory as well. When foreign-political discussion takes place on the highest level, for example, in parliament, then it is about whether something is useful to the state or not, whether it is good or bad. Even realists themselves have to admit this: examples where such people stated their disagreement with specific foreign-policy moves, offering "realist" reasons, are countless. Even Hans Morgenthau himself, for example, was against US involvement in the Vietnam War, believing that it was against the national interest.¹⁰ When we look more carefully, viewpoints that appear entirely "idealist" at the first glance, can also be purported to national interest as an argument that looks very convincing. The title of a book recently published by the president of an US non-governmental organization for the protection of human rights: "*In our own best interest: how defending human rights benefits us all*" speaks vividly about this.¹¹

National interest, therefore, is not something that can be taken for granted and debate about it is always possible. This point of view is also held by those "realists" who are, in fact, closer to geopoliticians, according to whom a state may have certain "eternal" interests due to its specific position, either geographically or systemically. One such opinion is well known: it was long considered that Russian national interest, or "guiding idea" as it was once called by older writers, was to extend its borders to the warm seas. For a long time, this aspiration might have explained Russian foreign policy and specifically its desire to rule the Bosphorus and the Dardanelles. However, like many "eternal" interests, this had to change due to technological developments: for example, Russia no longer depends so heavily on sea routes and ice is not the impediment it used

⁸ *Le Nouveau quotidien*, October 25, 1994, p. 9.

⁹ See also: E. S. Furniss - R. C. Snyder, *An Introduction to American Foreign Policy*, New York: Rinehart, 1955, p. 17.

¹⁰ Morgenthau, "We Are Deluding Ourselves in Vietnam," *New York Times Magazine*, April 18, 1965.

¹¹ W. F. Schulz, *In Our Best Interest: How Defending Human Rights Benefits Us All*, Boston: Beacon Press, 2001.

to be. Therefore this explanation has lost much of its weight, now modern Russia's power lies in its energy resources, namely oil and natural gas, which is not transported by ships but mainly through pipelines, where sea would be more of a hindrance than a help. Likewise, it is obvious that Great Britain no longer has a lasting aspiration to maintain control over the sea route to India, this aspiration disappeared when India gained its independence and ships could travel greater distances without refuelling. Some neo-realists, for example Kenneth Waltz, attempted to iron out the flaws in classical realism claiming that the behaviour of a specific state depended on the international political system in the framework of which it acted, forcing it into a specific role. Waltz also claimed that the rivalry between the US and the USSR, which characterized the "Cold War", would have come about even if the October Revolution had failed and if Tsarist Russia had continued to operate on the international scene instead of the USSR.¹²

However, it must be admitted that attempts are still being made to name, within the definition of the security of a given country, all the dangers a state wishes to avoid. Therein, its survival is being mentioned (although there are states that do not insist on surviving in their current form and want to become part of wider formations, such as the Arab countries for example), whether survival is perceived as the survival of the state as a subject or the biological survival of its citizens.¹³

Serbia's situation

In Serbia, the respect of national interest, or "Nacint",¹⁴ as Miodrag Stanisavljević mockingly abbreviated it, became a matter of discussion during the 1990s, as part of the general reaction to the shortcomings of communism, i.e. socialism. Marxism, and those who referred to it while organizing states and managing international relations, represented - from the realist point of view - a form of idealism. It placed global events in the foreground, representing an ideology that was attentive to destiny of humankind, based on the desire to establish social relations that would be better and fairer than those in the majority of states, once capitalism had been overcome. Moreover, Marxist theory disregarded national divisions, putting emphasis on class differences instead. For a true Marxist, a capitalist from one country was much closer to a capitalist from another

¹² K.N. Waltz, 1979. *Theory of International Politics*, New York: McGraw-Hill.

¹³ See: V. Dimitrijević, *Pojam bezbednosti u međunarodnim odnosima*, Beograd: Savez udruženja pravnika, 1973.

¹⁴ "Minduše na jeziku" a column published in *Vreme* of December 6, 1993, reprinted in the book *Katarza i katarakta*, Beograd, Helsinški odbor za ljudska prava u Srbiji, 2001, pp. 27-29. Stanisavljević correctly concludes that "Experience... shows that the efficiency of NACINT's (from "nacionalni interes", meaning "national interest" in Serbian, translator's note) work is precisely in its secrecy, indistinguishability, indiscernibility" (p. 28).

country than to a worker from his own country or a foreign worker. Regardless of the fact that the USSR, as the “first country of socialism” became, under the nationally neutral name “Union of Soviet Socialist Republics”, a great power, with a government that subdued the interests of other states – including faithful allies, also Yugoslavia for a certain period of time – to its own interests, socialist states had to observe a foreign policy in accordance with Marxist ideology. Likewise, under its different names, socialist Yugoslavia had to justify its foreign policy, at least formally, in terms of the interest of the world’s working class, and in that regard, at least on some occasions, made unnecessary sacrifices, for example, when it recognized the German Democratic Republic provoking sanctions from the Federal Republic of Germany (the Hallstein doctrine), or when it supported in the United Nations regimes which notoriously violated rules of democracy and human rights, such as Cuba or Angola.

In Serbia, returning to national interest was a form of dealing with the communist past: in other words, it was a path whereby the state could cease being a slave of ideology and alleged internationalism, and “mind its own business” by placing care for the national interests of the state and its citizens in the foreground.

However, before long, insistence on national interest inevitably became distorted. There are many reasons for this. Serbia, until recently, but in particular during the nationalist euphoria lead by Slobodan Milošević and his nationalist ideological cronies, was still a part of a broader union, regardless of whether it was called the Socialist Federative Republic of Yugoslavia, the Federative Republic of Yugoslavia or the State Union of Serbia and Montenegro. Although already during the Milošević era Serbia demonstrated in its Constitution that it was taking a distance from the common policy and did not unconditionally accept the decisions of the Federal Government,¹⁵ it was difficult to formulate the national interests of this state beyond the interests of the broader union, of which Serbia was an integral part. It is a well known fact that after joint ideology had been lost, these interests began to differ substantially: national interest as defined in Slovenia was one thing, in Macedonia it was another, whereas in Serbia it was different again. If we take, for example, the policy of non-alignment, which had been the “leading idea” of Yugoslav foreign policy for a long time, we can note that, while to some decision makers it was still useful and necessary, to others it was irrelevant and yet others even considered it detrimental to national interests.

Partially due to an inability to articulate national interest on the state level, the formulation of national interest as the interest of the Serbian nation soon took over. This was understandable, considering the growing strength of Serbian nationalism, regardless of whether the Milošević regime, or even Milošević himself,

¹⁵ See: Art. 135, Para. 2 of the Serbian Constitution of 1990.

actually believed in it or simply used it as a practical tool for attaining and maintaining power. Thus, everything that, allegedly, served the interests of all Serbs was considered to be in the national interest. In that period, Serbia made no distinctions between the wellbeing of Serbs in Serbia or beyond Serbia. Instead, the Serbian government claimed to represent interests of all Serbs, no matter where they lived, and acted accordingly. Apart from many other examples, this was visible in the composition of the delegation at the negotiations on the conflict in Bosnia and Herzegovina, which led to the 1995 Dayton-Paris Agreement. On that occasion, representatives of the Republic of Srpska, the state of Serbs within Bosnia and Herzegovina, acknowledged the primacy of the Serbian delegation and the joint head Slobodan Milošević, who was given the right to select and replace members of the delegation.¹⁶ As can be seen from numerous testimonies on the Dayton negotiations, the Serbian president made decisions concerning all the particulars of the Dayton Agreement, including the smallest territorial details, thus contributing to the final shape of the Republic of Srpska.¹⁷ The Serb Diaspora, which supported not only Serbia, but Serbdom in general, also began to play an increasingly important role in the events unfolding in Serbia, members of the Diaspora even gained the right to vote and the possibility to influence political decisions in Serbia, although they did not live in the country, and thus risked nothing where political outcomes were concerned.

It is fully understandable that interest, at the time, was once again focused on Serbian goals defined in times when Serbia existed as an independent and nationally identified state, before unification with other South-Slav nations. Many of those who later became well-known nationalists gained fame by describing Serbian war and peace goals. On these occasions, it has appeared that state interests were, somehow, historically conditioned: not only conditioned by the current position of the community, but also by what can be philosophically and legally accepted at a given historical moment. A good example of a definition of Serbian national interest, which has been often quoted (although not thoroughly analyzed), is the *Načertanije* attributed to Ilija Garašanin, seen as a relevant foundation for Serbian foreign policy from the moment it was created in 1844, until World War One.¹⁸ It has been widely recognised that *Načertanije* was based on the idea of uniting all Serbs, but was mostly directed towards expanding Serbia at the expense of its weakest neighbour at the time, Turkey.¹⁹

¹⁶ See: V. Dimitrijević, *Silaženje s uma*, Beograd: Fabrika knjiga, 2007, p. 493 and further.

¹⁷ See: R. Holbrooke, *To End a War, Revised Edition*, New York: The Modern Library, 1999.

¹⁸ The text of *Načertanije* according to D. Stranjaković, *Kako je postalo Garašaninovo "Načertanije"*, Beograd, SANU 1939. See also T. Stoianovich, "The Pattern of Serbian Intellectual Evolution, 1830-1880", *Comparative Studies in Society and History*, Vol. 1 (1959), p. 242 and further.

¹⁹ Nowadays we often forget that *Načertanije* was written under the strong influence of Polish emigration and is thus filled with suspicion towards Russia.

One should not forget that *Načertanije* relied on ideas which were accepted at the time, but have since been disputed. One of them was the undeniable right of every state to expand territory, to gain new territories, regardless of the inhabitants who thus become its subjects. This was a relic of old feudal perceptions, when the right and duty of each monarch was to be a conqueror, i.e. to expand the territory of his state and subdue different nations to his rule – which was not difficult, for example, during the age of the 14th century Serbian Emperor Dušan, since at that time national consciousness did not exist, and feudal monarchy was not the same as the nation-state – that emerged later. Another accepted goal was aspiration towards the creation of a nation-state, personified in the principle of nationality, which was widely accepted during the nineteenth century, and which was at the heart of newly-formed states at the time, those of Germans and Italians, created by joining together and unifying small feudal states with populations of similar ethnic background. Therefore, claiming that Serbia had the right to liberate its enslaved brothers, wherever they were, and to conquer territories, especially those under the rule of a state such as Turkey, which did not have an entirely equal status within the international community, was entirely legitimate and indisputable at the time when *Načertanije* was drafted, and thus encountered no resistance.

Treating Serbia and Serbdom as one and the same thing has proved to be anachronous, although many have still to realize this.²⁰ It has collided with reality in two ways.

After a long pause of several decades, Serbia finally became an independent state. If this had not been obvious during the dissolution of Yugoslavia in the 1990s, it did become absolutely clear when Montenegro took advantage of the option granted by the Constitutional Charter of the State Union of Serbia and Montenegro, and after a referendum held in 2006, became an independent state. At that moment, Serbia had to define its national interest (at least for those who considered this necessary) under new conditions, which no longer included an understanding of Serbia as “the national Piedmont”, in other words the nucleus of a new great national state. While Serbia had been able to define its early goals of unification and liberation in *Načertanije*, it was much less appropriate at the end of this entire historical adventure; after the collapse of each and every Yugoslav idea, including the perception of Yugoslavia as a predominantly Serb state, created and led by Serbia and Serb interests. Besides, Serbia was not surrounded by predominantly supranational empires, relicts of feudal mon-

²⁰ Understandably, foreigners, and Americans in particular, pointed most to this fact the most. See, for example, Dž. Lajon, “Žrtvovanje državnog zarad nacionalnog”, *Politika*, March 26, 2005, p. A 6. Vesna Pešić rightly concluded that this was bound to happen, since the Serbian state always remained *unfinished* in the eyes of Serbian nationalists – just a step on the road to the creation of a possibly unreachable state of all Serbs. See: “Nationalism of an Impossible State” in this book.

archies lacking any national imprinting, as it had been in the time of Garašanin. Therefore, one could not speak of liberating Serbs beyond Serbia from the imperial yoke, this interest, instead, could only be pursued at the expense of smaller nationally defined states, such as Croatia and Macedonia, or by rejecting a state such as Montenegro, which, in the opinion of Serb nationalists, was a Serb state. Naturally, the question of Bosnia and Herzegovina remained open. According to the Dayton Agreement, Bosnia and Herzegovina was described as a multinational community of entities, of which only the Republic of Srpska could be considered a Serb state.

Another condition that changed substantially after World War Two was the international perception of acceptable and prohibited foreign-policy objectives, namely goals able to gain the support of other states and international organizations that are not at variance with predominant moral and ideological beliefs. When *Načertanije* was written, territorial expansion, especially if justified by the creation a broader national state, was perceived with benevolence, gradually, however, such enterprises became recognized as detrimental and unacceptable. Many changes related to this issue were made in international law, particularly regarding the transformation of the right to self-determination from a political to a legal principle. This right, which in its simplest form means the right of each national community to participate in the governing of the state ("internal self-determination") but, when this condition is not met, also implies the right of a nation to create its own state or to join another state ("external self-determination"),²¹ was confirmed in international treaties on human rights.²²

Accordingly, Serbia was able to define its national interest in the sense of state interest only when it accepted the fact that it was an independent state and could hardly have aspirations towards an international mission or leadership of the Serb nation within a broader community. One of the ironies of history lies in the fact that, when the dust settled, Serbia was the only ex-member of the Yugoslav federation which remained truly multinational, with a sizeable percentage of population of non-Serb ethnic background. The Serbian political elite and governments did not have enough time to adapt to this new position of the state, and could not easily rid themselves of the inherited burden involved in a changed understanding their own role in the modern world, including the determination of national interest.

One of the changes that did impose itself and to which the Serbian elite gradually got accustomed, was a change of the method of struggling for territories,

²¹ See: Declaration of the UN General Assembly on the principles of international law about friendly relations and cooperation between states in accordance with the UN Charter in V. Hadži-Vidanović - M. Milanović, *Međunarodno javno pravo - Zbirka dokumenata*, Beograd: Beogradski centar za ljudska prava 2005.

²² See: Art.1 of the Covenant on Civil and Political Rights and Art. 1 of the Covenant on Economic, Social and Cultural Rights, same, pp. 105 and 122..

from an aggressive one to a defensive one. The creation of the Serb state at the expense of its neighbours was replaced with the right to protect the territory of Serbia from being jeopardized by neighbours and/or secessionist aspirations, namely attempts of non-Serb national groups to create their own states on a part of the territory of Serbia, or to annex that part to a neighbouring nation- state. Today, this situation is obvious in Kosovo and Metohija; however, in the eyes of Serb nationalists similar threats also come from other minority groups in Vojvodina.

International law undoubtedly protects this kind of defensive position and does not look favourably upon the violation of territorial sovereignty of states: in this regard, it can be relied upon, as opposed to seeking support for expansionist goals. However, contemporary international law also relies on the principle of self-determination of peoples to a much greater extent than was the case until recently. Thus, the right to territorial sovereignty needs to be reconciled with the principle of self-determination, which is by no means an easy task. This, in any case, rules out any absolute one-sidedness, such as demanding territorial sovereignty at all costs: a sense of possession of territory regardless of the wishes and interests of people who live in it, or the right to secession regardless of the nature of the state. If we take a better look at the national elite in Serbia or analyze the programs of the most important political parties, which aspire to protect the interest of the Serb nation and the survival of the Serb state,²³ we can observe certain differences. While some insist on an old-fashioned perception of sanctity of territorial integrity, others take into account the principle of self-determination, but dare not go any further than to guarantee the rights of national minorities in the form of autonomy.

The attempt to reconcile the principle of territorial integrity and the principle of the self-determination of a people is visible in different solutions suggested for the Kosovo issue. We will not analyze all these proposals here, but we will use the model of the Åland Islands, which are a part of Finland, in order to illustrate how circumstances have changed over the last eighty years. This territory, predominantly inhabited by ethnic Swedes, used to be, as was the case with the whole of today's Finland, part of the Swedish state. Defeated by Peter the Great, Sweden was forced to sign the Treaty of Frederikshavn in 1809 relinquishing both Finland and the Åland Islands to Russia. It is remembered that, when general Popov came to draw the new borders, the Åland Swedes demanded that the islands be exempt from this transfer of sovereignty from Sweden to Russia. They received a typical imperialist answer: "I was not sent here by His Imperial Majesty to discuss the *old* borders of Sweden, but the new borders of Russia". When Finland seceded from Russia after World War One and established its own state for the very first time, the request to exempt Åland Islands was repeated, and

²³ See the text by V. Goati in this book.

was sent to the Committee of Jurists of the League of Nations, which declared that self-determination was merely a political principle, not a rule of international law. The Åland Islands became part of Finland. As a condition for solving "the Åland crisis", Finland had to acknowledge the autonomy of the Åland Islands and its Swedish population. This was a condition under which Finland became a member of the League of Nations in 1921. This decision was confirmed when Finland decided, for internal political reasons as well, that it must guarantee the Swedish national minority broad rights, reaching further than the autonomy of Åland Islands and including institutions of higher education with tuition in Swedish (for example the Åbo Academy in Turku) and bilingual signs in the streets of the capital Helsinki itself.²⁴ Finland decided, for internal political reasons as well, that it must guarantee the Swedish national minority broad rights, reaching further than the autonomy of Åland Islands and including institutions of higher education with tuition in Swedish (for example the Åbo University in Turku) and bilingual signs on the streets of the capital Helsinki itself.²⁵ One does not have to try hard to point out that the project of autonomy of Kosovo based on the Åland Islands' model, which gained its autonomy in completely different times, cannot be expected to have a high level of persuasiveness.

The issue Serbia needs to tackle now is obviously not a return to an ideal of the past and the use of anachronous arguments. The counterbalance is to come to terms with the reality of the end of the 20th century. This became most obvious after 1989, which was a significant turning point, not only because it marked the breakdown of a great ideology that has substantially influenced world politics for eighty years, but also because it signified a weakening and change of character of the USSR as a superpower. The words change of character should be stressed here in particular, because as a great geopolitical power Russia did not disappear, instead it ceased to differ from other large states in all aspects, except its state interests. After certain shocks and disturbances, Russia remained powerful both economically and militarily, but by nature it is not significantly different from other great powers. Furthermore, from the economic point of view, Russia could be even "more capitalist" than many other countries, which have adjusted capitalism to social conditions and needs, precisely because of the threat of upheavals such as the October Revolution, which took place precisely in Russia. Thus, the fact that Serbia leans on Russia today, bears more similarities to

²⁴ See: J. Barros, *The Åland Islands Question: Its Settlement by the League of Nations*. New Haven: Yale University Press, 1968; John P. LeDonne, *The Russian Empire and the World, 1700-1917. The Geopolitics of Expansion and Containment*, Oxford University Press, 1997. A good short review, related to Åland autonomy as an example for solving the Kosovo question, in: B. Jakšić, "Magelan sa Baltika", *Politika*, November 25, 2007, page 06.

²⁵ See: <http://virtual.finland.fi/netcomm/news/showarticle.asp?intNWSAID=26470>

a process of seeking allies from the nineteenth century, than to the ideological unity that once used to determine relations between Yugoslavia and the USSR.

Changes in the character of international relations were not immediately noticeable in Serbia after 1989. One reason was that Slobodan Milošević's regime, even in 1987 at the Eight Session of the Central Committee of the League of Communists of Serbia, burned with the desire to deny historical changes and "save" Serbia from the destructive influences of those countries which were abandoning socialism. This explains the support of the Serbian elite for all attempts to overthrow Boris Yeltsin and to help restore socialism in the USSR.

One issue that imposed itself after these great changes was European integration. Whether it was good or not, all former socialist states, except perhaps Russia, had to come to terms with the existence of the European Union as a new gigantic actor in international relations. Moreover, it was not a national state, as in the old times, but an international organization. Time has shown that only a small number of states have resisted the attracting force of the European Union and the favourable conditions it offered (regardless of its possible desire to weaken Russia's influence, particularly in Slavic states). Consequently, Serbia has found itself surrounded by member states of the European Union or countries which make no secret of their desire to become a part of the EU as soon as possible.

When the confusing socialist-nationalist fog in Serbia started to clear in 2000, the question of European integration needed to be approached rationally; it was an issue of national, in other words, state interest. In reality the disagreements within the Serbian political elite revolve around this question. According to public opinion polls, there is strong popular support for EU membership, but it has to be taken with a grain of salt. First, though this support might be broad, it is also shallow (like the support once accorded to Ante Marković), it can thus be annulled by any stronger emotional experience. Second, the perception of the European Union relies mostly on the assumption that merely joining brings great economic advantages, yet that great social or mental adjustments are supposedly not required to achieve this. Third, there is strong anti-Western resentment in Serbia, which resembles the negative perception of Austria and other Western powers in the 19th century. This was strengthened by propaganda during the Milošević era, where Western powers were depicted as the main obstacle to Serb interests in Bosnia and Herzegovina and other places. These sentiments were particularly aggravated by the unreasonable armed NATO intervention of 1999. Therefore, while it might be politically tough to oppose the European Union today, it is not difficult to be an opponent to Euro-Atlantic integrations, as these include NATO membership. It becomes even easier where Kosovo and Metohija is concerned, nowadays the focus of the entire debate on Serb national interest. Linking attitudes towards the European Union with Kosovo and presenting the relinquishment of Kosovo as the price of EU membership provides ample opportunities for the weakening of pro-European feelings in Serbia.

In addition to the question of European integration, other problems can also influence the process of defining the national interest of Serbia. However, these are not clearly identified. The word “national interest” is easily appropriated in a Serb context, thus short-term tactical advantages and disadvantages are often presented as long-term interests, making it easy to change opinions about them²⁶. The attitude of Serbia towards its interests is still split: on the one side, anachronous attempts to regard the modern state of Serbia as the successor of the former Serbia, from before World War One, even the medieval Serbian state, or the embryo of some final, total, greater state; on the other side, the perception of Serbia in a modern environment, which demands not only adjustment to modified circumstances, but also a new way of thinking, based on the wellbeing of its population rather than on the state as the embodiment of a historical mission. Thus, serious doubt remains whether the concept of “national interest” as state interest, which is – as we have seen – predominant in global theory, is applicable to the current situation in Serbia at all.

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How does one present these interests as, at least to some extent, lasting and general? What will happen to national interest once the International Tribunal for the Former Yugoslavia ceases to exist, and what will happen when another plan for the status of Kosovo emerges?

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State and National Interest: The Economic Side

Lord Acton's idea that nationalism is irrational, because it aspires towards unattainable goals, is of special significance in economic nationalism, as it holds no means to secure economic efficiency in international economic relations. In addition to inefficiency in a small state and economy, economic nationalism leads to the formation of an oligarchic economy regime. Traditionally, economic nationalism is mercantile, striving for a surplus in foreign trade. In Serbia, as a consequence of political instability, it is populist. Thus, Serbian economic nationalism counts on foreign financing. In the medium run, this is unsustainable, thus a significant change in economic policy will be needed: either towards liberalization, or towards further isolation.

Keywords: nationalism, Lord Acton, mercantilism, populism, oligarchic economy regime, unsustainable economic policy

Introduction

Belief in the economic benefits of nationalism was abandoned when the idea of free trade was accepted. The political reasons for economic nationalism have remained. Systems relying on these reasons are not only autocratic, but democratic as well: the former – because they increase the influence of authoritarian power; the latter – because they concur with the interests of the majority. The consequences of economic nationalism are for the most part inefficiency and oligarchic relations between governments and business circles. These consequences become more pronounced in smaller countries pursuing a nationalist economic policy.

Economic nationalism does not need to go hand in hand with populism, as can be observed in some countries with autocratic regimes. Economic nationalism is popular in Serbia for both oligarchic and populist reasons. Thus, an economic policy with inconsistent goals is pursued employing a variety of eclectic means to achieve them. On whole, economic nationalism can be read as an expression of unreadiness to change over to market economy, which goes together with an unreadiness to consistently democratize the political system.

In this text, characteristics of economic nationalism will be briefly outlined, followed by an analysis of the development of the idea of national and state interest in Serbia, aimed at identifying the inconsistencies in the economic policy of the last two decades. Finally, we will examine the possible strategies that might be used to abandon this model of economic development.

Nationalism, yesterday and today

Lord Acton probably made his most profound comment on nationalism in his essay "Nationalities", where he compared socialist to nationalist ideas.¹ As a supporter of liberalism, in other words, individualism, he considered both these aforementioned ideologies to be erroneous, however, while he considered socialist ideology rational he saw nationalism as irrational, and consequently, very dangerous. This is an important difference from an economical point of view: the socialist idea foresees a redistribution of goods, from the richer to the poorer; in the classical socialism, where there are only two classes, this is the redistribution from the capitalist class to the working class. The nationalist ideology strives towards redistribution between states. If we leave aside the imperialistic versions of nationalism, we are left with a system that seeks to increase some measure of national or state wealth to the detriment of the wealth of other countries. In the classical, mercantilist version, this implies the accumulation of international money or the accumulation of financial assets in general.

In democratic societies and in theories of economic nationalism – implicitly or explicitly relying on the idea that nationalism enjoys widespread support – it is assumed that this economic system, or the corresponding policy is pursued to accomplish the interests of the majority, namely a redistribution of economic resources in their favor. In the case of a normal social structure where the majority is middle class, economic nationalism is a middle class ideology. In that sense, the theory of economic nationalism becomes almost equal to the socialist idea, the difference being only in the social classes benefiting from redistribution: a system of relations with the outside world that seeks to secure redistribution within its own society.²

This is one of the common justifications for protectionism, the favorite trade policy of nationalists. The idea is to increase the overall welfare of the nation or state through an appropriate customs system. Taking into consideration the fact that customs are a form of budgetary income, it may appear that higher customs will bring more assets to the budget, these are subsequently redistributed to those who hold a higher number of votes or political strength, depending on

¹ Acton (1907)

² Compare classical articles by Breton (1964) and Friedman (1977). Subsequent literature is extremely abundant.

the type of political regime in question. In such a case, economic nationalism becomes the Robin Hood of the state. The state takes from the rich, from the neighbors, to give to the poor, its own people.

In any case, economic nationalism is a system of redistribution of political and economic values, no matter whether power, property, income or opportunities.

Economic nationalism is not rational, and not only because it is not established on stable principles of international relations, indeed, the system of sovereign states is nationalistic, in so much as it is based on different rights for citizens and for foreigners: it is a system that includes the former and excludes the latter; a system for the protection of citizens from foreigners. The entire system is based on the idea that the state answers to its own citizens, while it is sovereign, almost willful, towards citizens of other states. This has an economic basis, if taken as a generalized system of protectionism; it becomes obvious simply observing the approach to the labor market, especially the methods of regulating the movement of labor resources across state borders, namely international migration. Where access to the labor market in a particular country is concerned, economic nationalism is accepted almost everywhere. In that sense, political arguments for economic nationalism appear not only strong, but almost fundamental to the functioning of international relations between sovereign states.

Thus, the problem does not lie in the political justification of economic nationalism. Nevertheless, this should not lead to the conclusion that political nationalism is rational. The system of sovereign states, limited in their actions only by a balance of power, implies that war can be a means for harmonizing and renewing the balance of power. A system relying on war as a means for maintaining political balance is obviously flawed, if not irrational in the instrumental sense. However, if necessary, instrumental rationality can be proven: from the political point of view, the system of sovereign, national states can function since a means exists to sustaining it, namely a system of threats and, ultimately, war.

The problem of the irrationality of economic nationalism lies in the fact that there are no valid economic goals or appropriate means to achieve them. Economic science is based on this observation: the encouragement of free market. The actual idea of free trade can be modified, firstly by the idea that certain forms of protectionism can have a developmental role, however, it is clear that potential national goals can be achieved only within a system of free trade, and not vice versa – trade subordinated to national interests.

This was the lesson learned during the great crisis of the 1930s, when economic nationalism brought about a dramatic decline in international trade followed by a worldwide recession. In a certain manner, a similar message can be gleaned today, as the process of recreating the balance of economic flows in the world is under way, while a process of regional liberalization of trade and other forms of interstate economic relations is taking place, the most important and far-reaching example being the creation and expansion of the European Union.

I believe that the observations of Lord Acton need to be viewed in such a context. Economic nationalism should be separated from socialism, not to mention liberalism. Measures for redistribution via taxes within a country can be synchronized with the system of free trade, both on the domestic and the foreign market. Whether this is an efficient economic system or not is another question. Measures for redistribution between states are not compatible with free trade, and economic nationalism is unfeasible as a principle of economic relations within the world economy.

However, one distinction needs to be made here: economic nationalism is not irrational to the same extent in larger and smaller countries.³ Larger countries are less dependent on international trade than smaller countries. Accordingly, damage from protectionism is less, while profit from nationalist policies on the international market is greater. The damage is less because the domestic market is of vital importance, and if the market is based on principles of free trade, protectionism does not need to have serious consequences on the efficient allocation of resources within the country. It might even be useful, short-term, since a larger country has the capacity to act as a kind of monopolist in world trade and to influence world prices. In this regard, the country can gain certain benefits by manipulating prices.

Small countries cannot profit either by influencing world prices or by protecting their own economy. Either way, they will increase inefficiency in the allocation of resources. Though a small country may subsidize its export, export prices are already set. Furthermore, while it can protect its own market, that would bring about the monopolization of domestic trade. For smaller economies, the advantage of free trade lies in the fact that it can import competition. For example, if conditions for more than one manufacturer in a certain branch do not exist, because the domestic market is small, protectionism would effectively turn that manufacturer into a monopolist, whereas free import would turn it into a competitive company. In that regard, protectionism is of no use to small economies, in either import or export.

Economic nationalism in Serbia

In general, economic nationalism is mercantile: it strives to increase the surplus in foreign trade. Furthermore, economic nationalism is either populist – it aims towards the redistribution of income in favor of the majority or the poor – or oligarchic, namely aiming to redistribute economic and political values in favor of the powerful and the rich. In smaller countries, oligarchy is at a more natural advantage than populism.

³ On the size of the country and the role of free trade, see Alesina and Spolaore (1997).

In Serbia, economic nationalism is complemented by political nationalism, the dominant political ideology over the last twenty years. In addition, this nationalism is somewhat more complicated, as it contains elements of imperialism – its territorial distinction is hazy. This is quite obvious in the fact that neither state nor national interest are ever brought up separately, although the words are synonymous, not only in most languages they originate from, but in the system of sovereign countries as well. Reference is always made to state and national interest. The reason for this is that in Serbia state and nation are not coextensive, either conceptually or territorially. In fact, state interest is a means for realizing national interest, while national interest is, in some cases, related to members of the nation, that is, the people, and in other cases, to state sovereignty or territory. This is a rather complex political idea of nationalism, it is difficult to sustain, and has had mostly negative economic consequences, firstly because it is a conflicting concept but also because it has been belligerent for quite a long period of time.⁴

In this context, it's not hard to understand why a greater role of the state in economical affairs was advocated at the end of the 1980s, why nationalization was supported more than privatization, and why there was a tendency towards centralism, rather than towards territorial and fiscal decentralization. The primary motivation for nationalism was the redistribution of power, with the idea of concentrating this power in one center and in one hand. Subsequently, a tendency towards the redistribution of control over the capital developed, primarily through a specific combination of state and private property, and finally a tendency towards populist redistribution, especially after the wars were lost or after the political regime was changed. This system of nationalist politics and economy has all the characteristics of economic nationalism in a small, non-democratized state: autocratic power with pseudo-democratic legitimacy, oligarchic economy and a populist system of redistribution.

The problems this system faces is also characteristic of small countries and economies. Autarchy or protectionism strives to support the preservation of authoritarian government, to the detriment of economic efficiency. In Serbia, economic nationalism is based on internal imperialism, that is, on state control of the so-called big systems, which have been identified for over twenty years as energy resources and agriculture. If we add everything else that still belongs to the public sector, the result is an economy predominantly oriented towards the domestic market. The problem lies in the fact that autarchic nationalism tends to be in conflict with mercantile nationalism, that is, with the strategy of maximizing surplus in foreign trade. Thus, Serbian economic nationalism is reduced to protectionism, which benefits the oligarchy and depends on imports to satisfy populism.

⁴ Gligorov (1994).

Economic policy of Serbian nationalism

When Serbian economic nationalism is compared to other examples of successful mercantile strategy, for example in Asia, it becomes clear that it is completely different and essentially unsustainable from an economic point of view. Firstly, the strategy of autocratic economic nationalism is to increase the participation of the export sector. In some countries, this goes hand in hand with concern for redistribution within the state, in other words, populism; however, it is not a necessary element of such a strategy. Moreover, if the economy is successful, growth can provide a pretext for growing inequality. In any case, the idea is to modernize and transform the economy through a constant growth in exports. While this does not need to imply a constant surplus in foreign trade, it can happen if the system is truly autocratic or the social system is able to control domestic expenditure to secure a high rate of investment. Another advantage of this system is that it tries to secure employment, though perhaps not also the best conditions for social and individual standards. Furthermore, this system more easily maintains the oligarchic structure of property and the authoritarian structure of power.

Serbia follows a different economic policy, firstly, because it has failed to create and maintain political stability over the last twenty years, due to a specific vision of state and national interests, whereby these interests are not coextensive, consequently legitimacy and legality are not coextensive either. Therefore, economic policy is inconsistent and leads to unsustainable economic results. The key problems areas are international trade, the budget and the labor market.

Where international trade policy is concerned, it is obvious that export is low and import is high, thus creating significant deficits in international trade. Looking at its exports, the Serbian economy falls into the closed economy category, yet, from the point of view of imports, it would be defined as an open economy. Imports are twice as large as exports. If, moreover, the exchange of services is also taken into account, the situation is even worse, as there is a negative balance there as well. It is more difficult to assess the situation regarding population exchange, as the loss of territories has brought about an influx in the population. Nevertheless, Serbia is exporting people, the exact number can not be determined as statistics are not reliable; however, if we consider the level of money transfers from abroad, it becomes clear that Serbia depends strongly on the export of people, the same way it depends on the import of goods and services.

A high deficit in the exchange of products and services goes hand in hand with a need for foreign money and capital to finance that deficit. In mercantile nationalism, the problem is to find foreign markets, both for goods and to invest the surplus gained through trade. In Serbia's case, the problem is finding an investor for imports. With time, this relation between import and export becomes unsustainable. It cannot be expected that such an imbalance might be financed

from foreign sources; this means that it cannot be financed at all. Consequently there is a significant decline in expenditure to cover the debts accumulated by way of exports or sales. This phenomenon is not specific to Serbia, it occurs in all populist economic nationalisms, regardless of the size of the country or the domestic market.

This imbalance in exchanges with the world is aggravated by fiscal populism, another consequence of a flawed combination of state and national interest. Serbia follows a policy of inflationary financing of budgetary deficit or budgetary expenditures in general, since it cannot establish clear control over incomes, namely salaries and wages. This is another consequence of political instability: since democratic legitimacy is nonexistent, and again since state and national interests are not coextensive, populism in the field of incomes is inevitable, and the only way to correct this is by increasing prices. Any potential long term stabilization would require a significant decrease in public expenditure. This would have political and social consequences that a weak and essentially illegitimate government could not endure.

Finally, a high deficit in foreign trade has negative consequences on the labor market, on the level of employment, the structure of education and the allocation of the labor force. It is clear that import supports employment in foreign countries, whereas on the domestic scene, the sector of services is supported, namely the production of goods and services not included in foreign trade. This leads to losses in the education structure of the labor force and to lower levels of employment. In Serbia, this also led to re-agriculturalization in one period, an increase in employment in agriculture and a return to villages.

The economic regime of such a nationalism is oligarchic, a feature that has been observed in Serbia since the end of the 1980s. The economic policy supporting this approach to economic nationalism has remained the same over the last two decades. However, it has now probably achieved an ideal form: a stable exchange rate, albeit prone to manipulation, discretionary fiscal policy, growing protectionism, occasional leaning on accelerated inflation and an increase in financial obligations towards foreign countries. During the 1990s, obligations towards foreign countries were simply put on hold, namely the country merely went bankrupt. Now Serbia is searching for credit and investment sources, but donations as well. In principle, such a system, with such a policy, is unsustainable.

Prospects of economic nationalism

Unsustainable, or sustainable until when? Should the present policy continue unchanged? It is sustainable midterm: for the next few years, probably before the next regular elections, corrections will have to be made both in the regime and in the economic policy. If political instability gets worse, this will have to hap-

pen before, probably through extraordinary elections. If Serbia wants to continue this strategy of political and economical nationalism, inevitability, it will have to further strengthen the oligarchic system with authoritarian elements and seek economic support abroad. All hopes of foreign economic support were betrayed in the past and the system has collapsed economically several times, yet each time it has managed to renew itself politically. Chances are rather utopian even now, and the cost of the current leaning on economic nationalism could be high.

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The Serbian Socialist Left and National Interest between “Sacred Goals” of the Serbian People and their Modern State

This essay is a summarized review of the standpoints the Serbian socialist left has taken during different phases of history regarding the unification of the Serbian people, which is the pivotal idea in modern Serbian history. Though they rejected the ideology of a “greater state” that strived towards the revival of the medieval Serbian state and the revendication of Kosovo, the Serbian socialist left nevertheless failed to find an alternative in a state focused on the individual. At the foundation of its program is the idea of a composite state, a federation of Balkan and South-Slavic nations, but also a collectivity (nation or class), not the individual.

The main points of this review, initially voiced in a public lecture held in Belgrade during the nineties, have been reviewed and supplemented by results from research carried out over the subsequent years and shaped in the author’s monographs listed below.

Keywords: left, socialism, radicalism, liberalism

From the last quarter of the 19th century, until the end of the 20th century, the socialist left was a permanently present issue in Serbian historiography, and, understandably, it was interpreted in different ways. Fairly comprehensive reviews of this historiography exist, thus they beg the following question: From what perspective can a historian return to this subject at the beginning of the 21st century?

In his book *“The Myth of Nations: The Medieval Origins of Europe”* Patrick Geary quotes an Austrian historian: “What an irony that at the end of the 20th century Central Europe looks the same way as it looked at the end of the 19th”; he continues: “In the Balkans and the Baltic, in Ukraine, in the countries of Russia and the Crimea, the old calls for national sovereignty can be heard again. Ethnic communities, forced to live under the same international banner of socialism, now feel free to revive their old blood enmities. Obstinate problems pertaining

to minority rights and religious and linguistic differences, which hastened the outbreak of two world wars, have once again fought their way into the center of Europe's attention. *Not only has communism been discredited, but everything socialism fought against is once again becoming popular*". (Italics by L.P.)

This last point of view is not only one possible perspective, but indeed the *only* one from which a historian can return to the Serbian socialist left at the beginning of the 21st century. The entire history of the Serbian socialist left, lasting one and a half centuries within the two centuries of modern Serbia's history, is being totally ignored today. Seen from within a need to establish a new political legitimacy, this phenomenon is not inexplicable and it is not a novelty in historiography either; Karl Kautsky pointed out that "falsifying history is as old as historiography". However, it always precludes an integral picture of the past. In the case of Serbia, the power of reviving key controversy in modern Serbian history at the turn of the 21st century cannot be explained without studying the socialist left, its capacities and limitations. This key controversy is between a great state within ethnic borders and a modern state based on the rule of law. It is even harder to explain why Serbia, after all it has been through, remains so obstinately imprisoned in this controversy.

Nevertheless, these questions, though apparently nonexistent for contemporary Serbian historiography, do not cease to preoccupy foreign historians of Serbia. Thus, in one of the finest books on Serbia written in any foreign language, *Geschichte Serbiens 19. - 21. Jahrhundert*, by one of the most famous contemporary German historians, Holm Sundhaussen, published in the summer of 2007, many pages are devoted to the emergence of socialism in 19th century Serbia and its evolution. The phenomenon is unavoidable for numerous reasons.

While the history of the socialist left is a page in the political and social history of Serbia, at the same time, it is a page in the history of European ideas, to the extent that it represented a specific answer to questions posed by the most developed European societies during the second half of the 19th and the first half of the 20th century.

Though there are different phases in the history of the Serbian socialist left, they all agree on common points, in the first place, the unification of the Serbian people. Treated as a non-national, and even anti-national political force, the Serbian national left remained, in all its phases, deeply anchored to the pivotal question of the modern history of the Serbian people, namely the completion of its unification.

The international movement to which the Serbian socialist left was related, in essence its mirror image, put the social issue to the front. Therefore, the preoccupation of the Serbian socialist left with the national issue resulted in two phenomena, which, in the end are cardinal points of its history: a component of national history, and, by linking social liberation of the people to their national unification, represents a particularity in the history of the Serbian left in general.

Throughout its history, the Serbian socialist left saw the solution to the Serbian question in an alliance with other Balkan, i.e. South-Slavic nations. Although the idea of a federation does not belong solely to the Serbian socialist left, only the Serbian socialist left managed to establish a criticism of the greater-state ideology based on this idea. However, within a patriarchal peasant nation, it also failed to reach the level of a real alternative to the aforementioned ideology. Unlike the representatives of the weak liberal option, and especially after independence was achieved in 1878, the Serbian socialist left did not confront the vision of an all-Serbian state, rooted in popular historical tradition, with a modern state focused on the *individual*, but rather with a state focused on the *people*, socially homogenous, moreover, so as to be able to unite nationally. The reforms of the actual Serbian state after 1878, based on the model of European states, were confronted by the formula: "socialism = Serbism" (Dragiša Stanojević). This is the main inconsistency, which, by being unsolvable, historically exhausted the Serbian socialist left.

I

In the mid 19th century, in 1844, the first national program, the so called "*Načertanije*", was formulated in Serbia, based on the following ideas: the medieval Serbian state as a base; expansion at the moment of the dissolution of the Ottoman Empire; evoking historical rights other South Slavs must understand, as the Serbian people were the first to start the struggle and thus have the right to conclude the battle; the right of Serbia to speak in the name of South Slavs.

As early as the 1860s, a different viewpoint on the unification of the Serbian people was formulated, within the left wing of the first national Serbian movement – the United Serbian Youth. Svetozar Marković, the founder of the idea of socialism in Serbia, in his article *Greater Serbia* (1868) – a concept some Serbian historians consider to be exclusively a product of Austrian propaganda - and later in his papers *Serbia in the East* (1873) and *Socialism or the social question* (1874), pointed out that the revolutionary ideal of uniting the Serbian people had turned into something that was detrimental to national interests. This policy "formally unites the intellectual and material forces of the Serbian people, but in actual fact, such forces would be impeded and chained", and this policy would "sooner or later... end in some sort of domestic or foreign catastrophe". Why?

In order to create a Greater Serbia, the Serbian nation, "which has no geographic or ethnographic borders that could determine a cohesive unity", but rather lives intermingled with other nations, "would need to take up the role of conqueror". This would determine the character of the new state: created by conquest, Greater Serbia would "have to... become a military-police state out of necessity; it would have to use all its strength just to protect itself from foreign enemies. There would be no room for intellectual or cultural development".

Considering the geographic and ethnic position of the Serbian nation, its centuries-old divisions and cohabitation with other nations, Svetozar Marković envisaged “Serbian unity” as a spiritual and cultural unity, an imbuelement of the Serbian nation under the general humane principle of a politically free and economically just society, and not merely as state unity. Essentially, Svetozar Marković did not see the solution to the Serbian question in a national state. According to him, such a state, even as a theoretical assumption, could never be a centralized state. The Serbian nation needed “a federal organization”. However, his concept of federation was never consistently articulated. It remained somewhere between a federation based on the national principle and a federation as an antithesis to the state: a relativization of national borders.

Through his criticism of the greater-state ideology, Svetozar Marković created an entire universe of thought, the absence of which would have made Serbian historical heritage poorer and less humane. He spoke of the completion of liberation and unification of the Serbian people, not only from the standpoint of a nation, but also from the standpoint of humanity, not only a state but also a society, understanding the indivisibility of inner and outer freedom. He had a policy in mind that ruled out any kind of violence against other nations, a policy for which “humanism... *means equality of nationalities*... equality of nations – Serbs, Croats, Bulgarians, as well as other nations willing to enter a free Slav federation in South-Eastern Europe”.

The ideas of Svetozar Marković sparked off debate: “never had there been more debating and arguing in Serbia as then”, wrote Slobodan Jovanović, a critic of Marković’s social ideas, which were based on avoiding a repetition of the European way, a rejection of capitalism and liberalism. Jovanović nevertheless admitted that Marković’s national program “caused something of a crisis of Serbian nationalism”.

The split between *socialists* and *radicals*, who were also called *communitarians* (“komunci”), in Svetozar Marković’s movement, immediately after his death, were of lesser importance than the divisions that happened in Serbian society, especially among the Serbian intelligentsia, after the Berlin Congress in 1878. For some, state independence was a capital asset, whereas for others it was a heavy blow to the unity of the Serbian nation within envisioned borders. The orientation of a small independent state towards more profound development, namely political, legal, cultural and economical modernization, was recognized as a betrayal of *the sacred idea* of liberation and unification of the entire Serbian nation. The fact that Serbia inclined towards Austria, as the paradigm of Europe, was accepted as turning away from Russia, the center of Slavic civilization and the backbone of future Slavic alliance. From that moment, the Serbian controversy became explicit – it acquired a political form.

The first to become organized was the National Radical Party. Its appearance caused the emergence of two other political parties – Progressive and Liberal.

Between 1878 and 1888 these parties profiled their orientation, and their social and national resonance was measured. The National Radical Party, by self-determination the representative of the entire Serbian nation, set as its goal a *national state*, organized around the principles of *national self-government* with a *national party* as its connective tissue, with foreign policy backing from Russia. With such a strategy, the National Radical Party became a hegemonic party, which, after realizing a party state, focused on completing national unification.

The Liberal Party, oriented towards gradualism, both in domestic and foreign politics, evolved towards a rigid brand of nationalism in order to survive as an almost negligible opposition.

Milan Piroćanac and Stojan Novaković, leaders of the Progressive Party, strived to understand "the spirit of the time", and focused on the development of a realistic Serbian state. They established a critical attitude towards the past, laid the foundations for the development of a state of law and representative democracy, and perceived unification as a process of development in the educational system and culture, orienting themselves towards cooperation with other Balkan nations and rejecting war as a means towards liberation and unification. "A good agreement is worth more than the happiest war", wrote Stojan Novaković in 1897. The National Radical Party did not perceive either the Liberal or the Progressive Party as opponents, but rather as political enemies. The Progressive Party interrupted its work twice, after terror attacks in 1887 and 1889, after trying to resume its activity it finally disappeared from the political scene in 1903.

Serbian socialists of the 19th century were not only under the influence of all three factions of the Russian revolutionary nationalism, Jacobins, Anarchists and Blanquists, but were also in close relations with their representatives. However, to Svetozar Marković, the closest one was the third. This faction rejected "socialism on bayonets" and direct revolution, and advocated a gradual preparation of the people for social transformation through direct socialist propaganda among the people. The programmatic principle: *everything for the people with the help of the people* was used as a principle for the organization of the National Radical Party. The draft constitution of 1882, with which the National Radical Party confronted the liberal draft constitution of the Progressive Party, advocating representative democracy, was based on this same principle.

The evolution of the majority of Svetozar Marković's supporters was determined by circumstances that developed after Serbia gained its independence. The balancing of powers around Serbian domestic political orientation, as well as its foreign policy support, ended in 1883 with mutual defeat. The Timok uprising put an end to domestic reforms, but also to the work of the National Radical Party and the struggle against the *western orientation* of Serbia was continued by its leader.

While abroad, Nikola Pašić, the only Radical Party leader who managed to escape arrest and court-martial, established connections with slavophile circles

in Russia, and through them, with official Russia. In this, he received great help from the Metropolitan Mihailo, who was dethroned in 1881 because of his Rusophile policies, and who lived in Russia from 1884, after leaving Serbia.

Nikola Pašić concretized his political philosophy based on this idea: "Ever since the Serbian people settled in the countries where they now live, they have sided with the East in all collisions between the Western and the Eastern worlds."

Pašić believed that at the turn of the century the time for the national ideal was already slipping away, and emphasized that it was "threatened by the danger of industrial-transportation-business internationalism". Serbia was to invest an incredible effort attempting to complete the liberation and unification of the Serbian people. For Nikola Pašić, the freedom of "the entire Serbian people", as an organic nation, was "a higher and stronger ideal than the civic freedom of Serbs in the Kingdom". Simultaneous fulfillment of both of these goals was not a possibility, either for Pašić, or in general.

II

During the second phase of the Serbian socialist left (1903–1914) a break with Svetozar Marković's social program took place, nevertheless, the continuity of his national program was essentially preserved.

The Serbian Social Democratic Party rejected Marković's idea of avoiding a repetition of the European way, namely of skipping capitalism. It was not easy to establish a balance between the social and the national and between the national and the international. The circumstances under which the Serbian Social Democratic Party operated continuously challenged its principles: the customs war, the annexation of Bosnia and Herzegovina, the First and the Second Balkan Wars and the First World War; on the domestic front, a focus of attention on wars with Turkey and Austria, the militarization of society, the creation of a secret conspiracy organization *Unification or Death*, better known as the *Black Hand*, and the chauvinistic fervor of the magazine "Pijemont".

Serbian social democrats were fervent critics of nationalism and militarism, opponents of war, and advocates of the federation of Balkan nations. On the basis of these principles they formulated their understanding of national interests, a fundamentally different understanding from the one that dominated the Serbian parliament on the eve of the Balkan wars. Though they took part in these wars and died in them, they remained opposed to war in general, because of its consequences for the actual Serbian state. According to them, imperial aspirations could endanger the state itself: thus, the substance of the state must not be sacrificed to its framework. Hence the social democratic criticism of war stemmed from three standpoints: political, economic and demographic.

In the 19th century, visions of a greater state did not exist only in Serbia. Milo-rad Ekmečić quotes the words of Paulo de Legardo, from his work *Confession for*

Germany: "being German (is) an eternal task... the Germany we love and desire to see never existed and might never exist". Within the oneiric nature of the idea of a greater Serbia at the beginning of the 20th century, Serbian social democrats saw great danger for the actual Serbian state. They wrote that preparations for the creation of a greater state brought about a condition of "national hypnosis" and "delusions of grandeur", that curtails the development of democratic institutions while benefiting military factors, and sets priorities and values in society.

War depletes the material reserves of an undeveloped country, paralyzes the economy at its outset and impoverishes the population. The illusion of a Greater Serbia had a very high price. In 1912, "Radničke novine" wrote that "it cost us like Hell! It forced huge state debt on us, burdened us with immense tolls. That illusion prevented us from adequately developing economically and culturally; it sacrificed education to the military barracks, fostered chauvinistic anger within our masses... in truth, it lulled us with empty, shallow hopes that cost us much too much".

The criticism of war from the demographic point of view was of particular importance. Even before the losses sustained in World War One, from which the Serbian people never recovered biologically, one of the leading figures of the Serbian Social Democratic Party, Dušan Popović, wrote in "Radničke novine" in 1913:

"On Wednesday's edition of Pijemont.... The entire fourth page consists of obituaries: all the way, from top to bottom! You would think we issue a clerical obituary, not a patriotic paper.

The policy of war Pijemont stands for is on the front page. And as it seems, Pijemont's advertisements will become more expressive and concise than its editorial articles...

Do you want to see a picture of the new, young, joyful Greater Serbia, the one Pijemont eulogizes and dreams about? Just turn its fourth page."

Serbian social democrats articulated the interests of one social group, not the people as a whole. In that respect, they represented a party in the modern sense of the word. Their political representation was proportional to the social group they represented. They never had more than two representatives in the Serbian National Assembly. In their criticism of the greater state policy, and war as the means of achieving it, their representatives met with representatives of the sparse liberal intelligentsia in the National Assembly. Though condemned as traitors, they were by no means non-national. When Dimitrije Tucović, leader of the Serbian Social Democratic Party, was killed in World War One, Slobodan Jovanović expressed his dilemma – could they even have been covert nationalists?

III

The emergence of the Yugoslav state at the end of World War One brought a new challenge for the socialist left. The focus shifted from the Balkans to the South-Slav territory. In addressing the Yugoslav issue, the Serbian social democratic left did not possess the same broadness as it had in addressing problems of the Balkans. Victory and the creation of the Yugoslav state, which was viewed as the completion of liberation and unification of the Serbian people, was accepted without reserve within the Serbian Social Democratic Party as well. This achievement of unity was the prevailing idea.

The intensification of the national question, especially during the drafting of the first constitution of the Yugoslav state, and the expansion of national movements, first of all in Croatia, brought about a crisis in the unified workers' party as well.

The success of the federalist opposition in the elections of 1923 and the defeat of the workers' party, which failed to win a single mandate, showed which way the masses moved. A new strategy became a condition for party unity, even for its survival. The fact that the Yugoslav Communist Party sought a solution to this crisis in a thorough reexamination of its policy regarding the national question, demonstrates the importance its previous policy regarding this question held in the causes of the crisis.

Within the Independent Workers Party of Yugoslavia, through which the Yugoslav Communist Party, already banned at that time, operated, a debate on the national question was organized before the bolshevization of the party took place. The idea of federalism, which brought about a division only within the Serbian section of the party, was the most important outcome of that debate. However, this idea cannot be viewed as a final result, the road to federalism led through the refusal of unitarism and centralism.

The outcome of the debate did not cease to provoke serious conflicts, disputes and dilemmas, for the very fact that they were radical in comparison to previous standpoints. However, they subsisted and became part of the foundations of the policy that transformed the Yugoslav Communist Party, at the eve of World War Two, into a pan-Yugoslav force, which ultimately brought the party into power.

Federalism was an important legacy of the anti-fascist war and a precondition for the renewal of the Yugoslav state. It was limited, though, by the party-based character of the state and the system of personal power, but also by conflicting perceptions of the Yugoslav state. On the one hand, the Yugoslav state was seen as a Serbian state in which other nations lived, and on the other, as a federation of different nations. The supranational character of the ruling elite could not overcome any of these limitations. On the contrary indeed, all it did was to conceal them for too long a period of time. The formula "brotherhood and unity", with the

focus always on the latter, expressed the character of the state. Until its very end, it never achieved the formula of true federalism: "freedom and brotherhood", both due to its party character, and because it believed the idea of unity and the idea of *its* greater state to be one and the same.

Never questioning the idea of the unification of the Serbian people, the Serbian socialist left, from its beginning until the creation of the Yugoslav state, was clearly profiled as an alternative to the greater state ideology. In the first Yugoslavia, the Serbian socialist left was a part of the Yugoslav left, without losing its national identity. The Serbian socialist left was divided within itself on the question of the character of the Yugoslav state, which was never completely accepted by Serbian political thought as a composite state. After all, also in the first Yugoslav state, personal dictatorship was exercised to safeguard the centralistic character of the state. The fact that this dictatorship is relativised in contemporary Serbian historiography, changes neither its character nor its detrimental impact both on the idea of the unification of the Serbian people and on the idea of the Yugoslav state.

In the second Yugoslavia, the communist left was in power for almost half a century. It was without political competition and above criticism. However, this monopoly needs to be analyzed by historians researching this period, so that different tendencies and possibilities hindered by that monopoly can be recognized, and because resolving them would bring the monopoly itself into question. In essence, the idea of unification in Serbia, in the final stages, was sacrificed to the idea of a greater state according to natural borders. These borders, in the Serbian case, following the example of European nationalism, according to Milorad Ekmečić, do not include "only those countries where Serbian people are the ethnic majority, and thus have this right statistically, but also those border zones where they live as a significant ethnic group, although not the majority in numbers".

The creation of a greater Serbian state was attempted three times during one century. Ever-present, more suppressed than defeated by developments, the idea of a greater state has been periodically renewed in modern Serbian history. Milorad Ekmečić compares it to an "underground river", which, in different periods "appears on the surface, without its previous underground flow becoming visible". Its appearance at the end of the 20th century drowned the values socialism fought for: rejection of war as a means towards achieving unification and victims as the main argument when determining borders, federation with Balkan and Yugoslav nations, for ethnographic borders cannot be drawn without serious ethnic reengineering. The discrediting of communism, as Patrick Geary puts it, still "does not mean that only capitalism and individualism became popular, but also anti-Semitism, religious chauvinism and atavistic racism".

In the wars waged in Yugoslavia during the 1990s the surfacing of the "underground river", the idea of greater state, transformed into its opposite: the ethnic

space of the Serbian nation was diminished. However, Serbia remains trapped in the abovementioned controversy. A historical balance calls for the evaluation of the main ideas of the Serbian socialist left. Which of them survived the test of time, and which are already some sort of social archeology? The end of the 19th century empirically confirmed the critical views of the Serbian socialist left regarding greater-state ideology: the future cannot be in the restored past, either real, or especially imaginary or mythical; war as the means of creating a greater state challenges the idea of the unification of Serbian people itself; the solution to the Serbian question is in a federation of nations - Balkan, Yugoslav, European. The paradigm of *collectivity*, both of nation and of class, was challenged. A state focused on the individual was part of the weak liberal tradition of modern Serbia, which, incidentally, was abandoned not only in the second half of the 20th century, but much earlier, after Serbia gained its independence, in the last quarter of the 19th century. This tradition corresponds to the paradigm Europe has been developing since 1945. It rejects war as the means for achieving collective rights, and bases the development of international law on individual rights.

Anticipation of the historical process that led towards the abovementioned European paradigm was part of Serbian liberal tradition. Milan Piroćanac, one of the leaders of the Progressive party and the president of the first government lead by that party, a government which carried out synchronous reforms aimed at the Europeanisation of Serbia, kept the fact in mind that in Europe, which he already considered as a whole, two contrasting tendencies existed: traditional and modern. He characterizes the first as "a narrow understanding of patriotism, represented by former history, the way folk poets sang about it, where pillaging and enslaving of other nations was glorified". The basis for the other tendency is formed by achievements in science, education, economy, family and social relations and democratic feelings in all social strata. There is lively contrast between these two tendencies, accompanied by the rattle of guns. But the outcome is already clear: "from today's culture European nations can not revert to barbarism".

According to Milan Piroćanac, the adjustment of the Balkan nations to this new constellation depended mostly on how their educated people understood the spirit of the times. The state of affairs did not offer a basis for great hopes: "Indeed, when a smart man takes a look at this misery, this political cretinism, he is sick and appalled with what he sees: in particular how little good thinking takes root in the educated social class of the Balkan nations, and how true national interests are misunderstood".

Milan Piroćanac based his views on the premise that the Balkan nations were the "natural successors of the Turkish empire", however, only if they could become an element of progress. Otherwise, "what would be the reason to bring down Turkey and then create the same or an even worse state in its place?" This was why Western Europe was interested in the Balkans. For the common inter-

ests of European nations "it is not unimportant... how Balkan nations develop, the amount of progress they show, and whether they represent an element that can revitalize the East and turn it in favor of general European culture".

Being a spatial whole, the Balkan nations have a common future. Their agreement, namely their federative union as "a historical and geographical necessity", or confederation, would suit their own interests as well as general European interests. Agreement among Balkan nations would curtail both Russian and Austrian aspirations. Balkan nations could finally turn towards themselves and concentrate on "advancing culture and wellbeing". That, according to Piroćanac, was the only way for them to cease to be "a toy in the hands of chauvinistic hotheads, who exist in great numbers within all nations", but also "the victim of intrigues from outside" and "a source of unrest and disturbance".

Some of the Serbian 19th century socialists were close to this understanding of national interest. Just before state independence was achieved, the socialist paper "Staro oslobođenje" wrote:

"One must never forget that progress advances, that freedom is becoming a panhuman necessity of every nation. In line with this, only states that are founded on progressive principles can count on longevity, proper development and improvement. The more the new Serbian state is founded on progressive principles, the stronger it will survive and the brighter its future will be. A Serbian state founded on the principle of nationality will soon be trampled under the heavy feet of fast moving progress.

The new Serbian state can not be established on historical principles either. Only fantasizers and totally deluded persons can dream about the borders of Dušan's Empire and call upon historical rights. The young and lively Serbian people do not have to invoke the dead and call upon them. Life does not grow from graves. We do not need an appeal to dead historical rights. The Serbian people should rely upon and appeal to much more humane rights... the right of every nation to live and develop in all areas".

The experience of the Serbian Socialist left was systematically disparaged during the preparations for the wars of the 1990s. This is especially true of the position of Serbian social democrats on war at the beginning of the 20th century. From the perspective of the greater state ideology, where ambition was to become absolute, this is understandable. However, it is not understandable from the perspective of real national interests, and historical science has an important role to play in the identification of these interests.

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Nationalism of an Impossible State: A Framework for Understanding the Unsuccessful Transition to Legitimacy in Serbia*

In this article, attempts to change nationalism as the basis of legitimacy in Serbia after October 5, 2000 are examined, and a possible explanation is suggested as to why Serbia failed to replace the nationalistic matrix with a rational-legal basis of legitimacy. After an analysis of the attempts after October 5 to change the paradigm of legitimacy in Serbia, and the resistance to change that led to the assassination of the first Serbian democratic Prime Minister, a perception of Serbian nationalism is outlined, providing an explanation for Serbia's lack of success in becoming a stable modern and democratic state.

Keywords: legitimacy, Serbian nationalism, pluralism, resistance to change, modernization, democracy.

Before I begin my argument, I will briefly define the level of legitimacy I have in mind here. The legitimacy framework has three levels¹: the first is political legitimacy, gained by fair and democratic elections, where informed citizens vote for a program (political party) focused on the most important decisions to be made in a forthcoming, limited period; the second is economic legitimacy, related to the alleviation of the consequences of a market economy using the instruments of justice for the most vulnerable members of society; the third level of legitimacy regards "ultimate" values, the set of liberal values (rule of law, individual rights and liberties, tolerance of differences, non-discrimination, equal treatment of all citizens by the state). Here, I am going to deal with this third level. The legitimacy

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¹ The categories of legitimacy are those used by Sabrina Ramet in her book. Sabrina Ramet, 2006. *The Three Yugoslavias: State-Building and Legitimation, 1918-2005*, Bloomington: Indiana University Press.

issue in Serbia is rooted in the fact that instead of a moral-value legitimacy of the liberal type, nationalism operates as the legitimacy matrix on this third level, therefore, I identify this level as the most important.

The central question in this analysis is: why did Milošević's nationalist matrix remain in place after October 5, 2000? In other words, why were the attempts made to change blocked brutally? The thesis I defend here is the following: Serbian nationalism, as a petrified *nationalist culture*, cannot be combined with electoral, that is, parliamentary democracy, the market, and social justice; in my opinion, it is incompatible with the liberal values of a modern constitutional-legal state. Indeed, Serbian nationalist culture regularly undermines the first two levels of legitimacy, that is, parliamentary democracy and market economy, transforming them into weak, more or less institutional *façades*; this is also demonstrated by the example of Serbia after Milošević's fall from power. I have chosen to analyze the value based framework of legitimacy, that is, the *very process of social integration*, because conflicts in the post-Milošević era have unfolded on this level, between, on one side, efforts to make Serbia a modern state that accepts the rational model of legitimacy and, on the other, efforts to reduce it to a merely formal and descriptive recognition of a kind of pluralism; without establishing any *normative framework* for crisis resolution that excludes the use of force, which still dominates in Serbian society.

Attempts at change and resistance to change

The first sign that it was not going to be easy to change the value legitimacy framework in Serbia appeared when the new constitution was postponed, despite promises made on the eve of the September 2000 elections identifying this as the first critical step that had to be taken by the new government. The reason behind this betrayal can be found in the very political actor responsible for planning and executing the regime's downfall. This actor - the Democratic Opposition of Serbia (DOS) - was a conglomerate of 18 parties, led by the Democratic Party of Serbia (Vojislav Koštunica) and the Democratic Party (Zoran Đinđić). Such a broad and diverse coalition – needed to overthrow Milošević – was unable to produce a democratic constitution for the simple reason that the largest share of its members could not embrace those liberal (universal) values, which are the only possible foundation for a constitutional democracy. When one reads the DOS programs from today's perspective, one gets the impression that the promises of constitution, legal state, independent judiciary, strong democratic institutions and transparent government were made with little thought; a memorized lesson, without assessing whether any agreement actually exists on the future value framework. Moreover, there was even less of an operational plan about how to realize these values, let alone consensus over the basic assumptions on which the constitution would be founded. Silence regarding these basic

values was a critical tactical maneuver from the opposition: it could not rely on a common vision of Serbia's future because such a vision didn't exist; indeed, the coalition partners did not even have a common understanding of the recent past. The opposition counted on a *synergy of unity*, supposed to manifest general agreement that Milošević's rule had to end: that "everyone is against him". Nevertheless, the reasons for wanting to remove him from power were diverse among the different groups: material and economic collapse; military defeat; "treasonous concessions on the national question"; fear of a sudden and uncontrollable breakdown of the regime within the security forces; the unbearable economic, political, and moral isolation of the country; the violent rise of state sponsored crime; the exodus of young people, etc. There were few, either in the coalition or among the electorate, who saw this change as a break with the past and a chance to establish a modern European Serbia. Moreover, if we take into consideration that even the Red Berets, the secret unit of the state security forces - or "death squadron" - responsible for pillaging and the most atrocious crimes committed during the recent wars, and later - as the Unit for Special Operations - responsible for liquidating Milošević's political enemies, actually supported the change in order to maintain their privileged position after Milošević, it becomes even more evident how Milošević's downfall was enacted for a wide range of motives and expectations.

This entire conglomerate of diverse expectations and intentions was symbolically represented by the "vacant seat" of the promised constitution, which was almost never mentioned again. Instead of establishing consensus on the founding values of the constitution, members of the winning coalition became immersed in an irreconcilable internal conflict.² Some of them wanted a continuity of legitimacy with the former regime, namely, to preserve the ideology of the Serbian national question, reducing changes to a path out of international isolation (primarily because of the unbearable economic situation) and electoral democracy. The other part of the coalition wanted the modernization of society and the state, which would rapidly lead Serbia towards Europe and the establishment of European liberal values and institutions. This division was real and it expressed deep rooted differences which have characterized two centuries of Serbian political history: a division between liberals (modernists) oriented towards the West and conservative-nationalists (populists) ready to defend Serbian patriarchal society from Europe and "Western depravity." Divided along this value and political line, which has defined every important conflict in Serbian history, DOS came into power, and practically created two governments in power in the country.

² This conflict was already smoldering before October 5. DOS was formed in order to remove a common enemy and only subsequently resolve the issue of the final winner in a political battle.

With these two irreconcilable world views ruling together, the division became a struggle for control over the untransformed institutions of power of the old regime, with the aim of putting “force” into the service of one’s own vision of Serbia.³ This irreconcilable conflict led to a division in the institutions and bodies of power: the conservative nationalists gathered around the new president of FR Yugoslavia, Vojislav Koštunica and the military security forces under his control, aiming to extend control over all state security forces, whereas the others - modernists and liberals - gathered around the prime minister, Zoran Đinđić, who mainly controlled the ‘new rich’ and some parts of the police. It is practically unnecessary to demonstrate that it was impossible to pass a new constitution with such a rift dividing society and its institutions. This rift had its clear personification in the political leaders of the two largest parties who occupied two key positions in the state. With a bitter conflict growing between the reformists and the so-called “legalists” (conservatives), this rift not only blocked the passage of a new constitution but also, as it continued to escalate, it defined the scope of democratic reforms.

The dynamics after October 5 were characterized by the attempts of the modern government and its leader Zoran Đinđić to reform Serbia and project an ideological image of Serbia as a country with European values. Prime Minister Đinđić was aware that this was a minority position for which he has no political legitimacy.⁴ His project was based on historic drives toward modernization (all of which had previously ended in failure), his own understanding of the modern state, and an ambition to bring Serbia into Europe. In reality, he found support in his political party (the Democratic Party), which he had built up over the previous ten years as a modern organized political party. Strategically and organizationally, it proved to be the only party able to carry out the destruction of Milošević’s regime in practice. Đinđić was able to guarantee stable financing of the party and to spread his influence over the interest groups of the “new rich” as well as some sectors of the secret police. Koštunica’s rhetoric, however, which promised a general amnesty for Milošević’s political apparatus, pacified the police and military, and guaranteed a bloodless transition. When Đinđić called this amnesty into question, the conflict erupted in full force.

³ At the same time, one should not forget the interests of the institutions themselves, which were primarily responsible for executing the war policy Đinđić was trying to distance himself from; a policy that was also responsible for state based criminal activity in Serbia. Those who approached Đinđić did so for tactical reasons, their “hearts” were on the side that fought against “revanchism” and opposed cooperation with the War Crimes Tribunal. Only after the rebellion of the Unit for Special Operations were all cards on the table.

⁴ Vladimir Gligorov, “Ratnici i trgovci. Pragmatizam i legalizam” in: Latinka Perović, ed. 2006. *Zoran Đinđić: Etika odgovornosti* Belgrade.

Earlier, when the Democratic Party had been in opposition, Đinđić had maintained its popularity with periodic excursions into populism and nationalism, however, these were not his priorities. From the moment he came to power, Đinđić articulated his party's pro-European position more clearly than when he had been in opposition. Given the specific amount of power he possessed and his political skills, his intention to change the ideological code of Serbia united his opponents in blocking its progress. Alongside his attempts to hinder the prime minister and his government every step of the way, Koštunica and his party took on the role of protective umbrella and meeting place for the police and military cadre from the previous regime, but also for the restoration of "patriotism", namely, the nationalist legitimacy pattern. This meant that Đinđić's government was unable to change the core of the old system – the police and military security forces. His government was unable to carry out lustration or open the secret police files and, thus, was unable to change the power structures of the judiciary and security forces, which were both deeply conservative and involved with criminal activity. The door was closed immediately after Milošević left power, as a result of actions taken by the old apparatus openly supported by the new President Koštunica. The nationalists called the changes that Đinđić had in mind "revanchism," "settling accounts with political enemies," "revolutionary broom" and "illegal changes that violate (Milošević's) laws."

Although aware of his lack of legitimacy, Zoran Đinđić initiated transitional reforms with his government, confident that changes in the economic structure, development and modernization would necessarily lead to a new legitimacy framework, which in the period immediately after Milošević's downfall had not been possible. Đinđić perceived his opponents (as they perceived him) as a temporary phenomenon that would end up on the margins of society once transition had been accomplished. He turned his attention to economic and educational reforms and to securing support from the West for financial credits and economic reforms. His vision of a European future for Serbia dominated everyday public discourse. At one moment it seemed that the pro-European atmosphere had suppressed the nationalist, patriarchal-authoritarian model of legitimacy. This was confirmed by public opinion polls, which showed that Milošević's parties – the Socialist Party of Serbia and the Serbian Radical Party – had almost disappeared from the political arena. The dream of Serbia's rapid modernization and European integration process was indisputably the premise on which all Zoran Đinđić's major reforms were based – both those already in motion and those planned for the future. In compliance with this image of Serbia as a European country, Đinđić's Democratic Party passed a new program at the Assembly held in spring 2001. This program was written, almost crystal clear, in liberal and pro-European terms.⁵

⁵ Dijana Vukomanović, "Legitimacijske matrice relevantnih političkih partija u Srbiji (1990-2005)", in: Zoran Lutovac ed., 2005. *Političke stranke u Srbiji*, Beograd: Institut društvenih nauka – Fredrich Ebert Stiftung.

Serious commitment to this programmatic orientation, however, would mean taking concrete steps toward fulfilling Serbia's responsibilities to the international community, in the first place the extradition of those Serbs indicted for war crimes by the International Criminal Tribunal for the Former Yugoslavia (ICTY). This cooperation was the first, necessary and substantial step towards Europe, as Serbia under Milošević was associated with atrocities and crimes. Moreover, real systemic change was impossible without making changes in the armed forces and police, which had provided major support to Milošević's dictatorship. Without fulfilling these obligations Serbia could not win credibility internationally, let alone obtain the opportunity to participate in Euro-Atlantic integrations. The first, and most important condition for "European Serbia", and also a condition for obtaining the help necessary to rebuild the devastated economy, was the immediate arrest and extradition of the Serbs indicted for war crimes by the Hague Tribunal. In mid 2001, the government delivered Slobodan Milošević to the Hague Tribunal, thus manifesting its commitment to changing its approach to the recent past, to nationalist ideology, and its neighbors. The path to a European future was to lead through Serbia's past and the Hague Tribunal.

Accepting this challenge in a situation of political instability and lack of support, Zoran Đinđić and his government let nationalists know that changes would not be merely cosmetic, that there would have to be substantial changes in the Serbian nationalist matrix. Koštunica's wing of power strongly opposed the extradition of Milošević, Koštunica called it "a coup" as it went against his promise that "there would be no revanchism" in other words, members of the old administration could expect to retain their old positions and secure an amnesty under the new regime. This *cardinal conflict over the future of Serbia*, which, in essence, was focused on accountability for war crimes, and necessary changes in the actual bodies of state power, united all the conservative and anti-liberal players within the security forces, the church, the media, the leaderships of nationalist parties and corresponding intellectual circles, against the democratic government and Zoran Đinđić. This conflict culminated in the rebellion of the Unit for Special Operations – the "Red Berets" – in November 2001. During the trial following Đinđić's assassination, it was confirmed that this rebellion was motivated by the slogan "Stop the Hague", it seriously undermined the government and showed who was really in charge in Serbia. From the extradition of Milošević and the rebellion of the "Red Berets" – with the support of Koštunica and silent support of military security (its representatives declared that 'the military would not get involved') – Zoran Đinđić's death sentence was set in motion. When the leader of the modernizing government took the first steps towards clarifying matters with the criminalized state security forces, he had demonstrated that he was not *under control*, he was putting an end to an unlimited *authority* that always served as a means of integration in Serbia. No one without that control and authority above him could pass unpunished. A time bomb on which Zoran Đinđić

had already been sitting for some time was activated; he had underestimated it. The death sentence was soon carried out.

The first government and Zoran Đinđić are credited with introducing an official vision of modern Serbia *from a position of power*, for attempting to change Serbian moral and value self-understanding, they gained international credibility, by accepting to cooperate with the Hague Tribunal, arresting and extraditing Slobodan Milošević. From a long term perspective, by initiating transformations in the economy and education, the government initiated changes in the social structure and in powerful patriarchal strongholds, changes which would have inevitably led towards a rational legitimacy framework of a modern state. It failed to establish the rule of law and gain control of the state security forces – here resistance to changes was strongest. The vision of a European Serbia remained hanging in the air without real foundations in the institutions. After the assassination of the Prime Minister, this vision remained alive in the minds of some people and marginal groups, but in political reality the battle was lost.

The rapid rehabilitation of the nationalist matrix, following the assassination, confirmed the goal of Zoran Đinđić's murder. Restoration came with the installation of the "third Serbia," defining itself as "democratic nationalism" and gathered around the current prime minister, Vojislav Koštunica, with his Democratic Party of Serbia as its pillar. This "third Serbia" is engaged in a marginalization of modern Serbia by proclaiming it as extremist and dangerous, it strives to prove that modern Serbia is an illusion that never even existed, except in the heads of "missionaries" and "extremists." But it has had to limit itself to an ideological sphere and to the security forces, which survive only as long as this ideology rules in Serbia. It could not stop the transitional reforms in the economy because it could not openly turn its back on Europe.⁶ This long-term path of modernization in Serbia has not been entirely blocked, but it has been brought into question with the collapse in negotiations on signing the Stabilization and Association Agreement with the EU.⁷ Zoran Đinđić was counting on this *systemic progress* when he said that they could kill him, but could not stop systemic changes, which do not depend on any one individual.

The assassination of Zoran Đinđić and the failure to establish a liberal normative framework in Serbia points vividly to the issue of the character of Serbian nationalism. More concretely, the question is the following: why is Serbian nationalism *fatally incompatible* with the liberal values of modern society? What

⁶ The path to the EU has been blocked, because of Vojislav Koštunica's government's reluctance to hand over Ratko Mladić and others indicted for war crimes and genocide to the Hague Tribunal.

⁷ A year and a half after the break up of negotiations (May 2006), Serbia managed to "sign" the Stabilization and Association Agreement (November 2007), whereas ratification has been postponed until the extradition of the remaining war crimes indictees, first and foremost, Ratko Mladić.

makes Serbian nationalism different from other nationalisms that erupted in the early nineties of the last century?

The next section deals with this question.

Theoretical understanding of Serbian nationalism as an impossible and unfinished state

The failure of Serbia to embark on an epochal change of its “ultimate values” lies in the fact that the Serbian opposition did not develop a critique of Serbian nationalism in the programmatic orientations set out for the changes of October 2000. The main opposition parties that prepared the strategy to defeat the old regime never spoke a word against the legitimacy of the previous nationalist policy of Slobodan Milošević. The programs presented by the opposition during the presidential and parliamentary elections, such as the “Contract with the People” or the “Program for Democratic Government”, clearly demonstrate this. Avoiding the critical rejection of Serbian nationalism, the core of Milošević’s legitimacy matrix, was no mere accident or programmatic “deficiency.” The very candidacy of Vojislav Koštunica was a message to voters (and especially to the old administration, the military, and the police) that the essence of previous legitimacy would not change. If this was just a tactical maneuver for some, to appeal to the voters and secure the fall of the dictator by any possible means, for others it was the key condition for supporting the opposition, neutralizing and pacifying members of the old apparatus and inviting their collaboration. Perhaps it is closer to the truth to say that this question was never seriously considered; especially in larger parties, omitting critique of nationalism had been a part of policy from their very foundation.⁸ With the exception of some marginal groups, smaller parties and some newspapers and journals, the main opposition parties failed to understand that Serbian nationalism represented an *essential obstacle* to constitutional and liberal democracy.

The leading parties did not understand that Serbian nationalism is practically interminable and incompatible with a modern state, or indeed with any stable state. This is why they were able to ignore their differences with regard to the national question (putting it aside for a future, which would come for Koštunica after the assassination of Đinđić), and work together to promote a future democratic project. The presidential candidate, Vojislav Koštunica, declared that he could only accept candidacy only if he did not have to renounce his nationalist viewpoints. Projecting democracy, without getting into how the previous regime understood and used the national question, as if democracy were an area of unquestionable agreement, fully compatible with the “Serbian idea”, was the “rotten plank” on which the Milošević’s regime was defeated. Electoral democracy

⁸ See Dijana Vukomanović, *op. cit.*

as a “mathematic operation” could have been combined with the “Serbian idea”, in the same way as Islamic theocracy and regular elections, but such ideologies cannot be combined in a liberal European democracy. Moving ahead without previously criticizing and rejecting Serbian nationalism, democracy quickly lost momentum after October 5.⁹ Serbia soon faced other legitimacy crises, a new dissolution of the country, and crisis both in Kosovo and in Montenegro. Even without Milošević, Serbia could not find the key to building a democratic and legitimate state, which could incorporate the rule of law, tolerance for differences, civil integration of the state, and transparent government, as its basic values.

My assumptions, regarding the roots of the permanent crises that have obstructed all the states Serbia has found itself part of draw on research conducted by Sabrina Ramet, who, in her latest book, argues that Serbian nationalism is incompatible with liberal values and a state regulated by constitutional law. She does not, however, provide a reason why. I will try to show that Serbian nationalism is profoundly anti-state; its essence being founded on an *unrealizable state*, this is the origin of its incompatibility with the modern legal state. In this respect Serbian nationalism differs from the nationalisms of the other former Yugoslav republics. Each of the other nations wanted to build its own independent national state as a universal ideal, consequently, European values developed more rapidly in these states. Nationalisms developed there as political ideologies¹⁰ and gradually lost their political domination, after their goal (statehood) had been achieved. This occurred because nationalist policy is dysfunctional for the stabilization of the state, regional relations and, in the current moment, Euro-Atlantic integrations. This is also visible in an increasingly stable political platform, where extreme nationalist parties are marginalized. Serbian nationalism is different; it does not strive towards a stable state. Indeed precisely this – the establishment of a lasting state framework – is what Serbia does not want. This is evident, moreover, in the fact that an extreme nationalist party (the Serbian Radical Party) remains the strongest political party in Serbia, while centrist parties are only moderate forms of the same ideological matrix. This leads us to the question of why this is so, and how it has come to be that Serbian nationalism has developed as an “endless struggle” for a state which will never be?

⁹ All of the most important media are now under government control as are all of the other relevant institutions, the judiciary, the administration, and the ministries of “force”, and corrupt elections have started with the aim of staying in power, as witnessed by the bringing down of the local government in Novi Pazar (Sandžak). The most recent example of weakening democracy in Serbia is the postponement of presidential elections due to the Kosovo crisis.

¹⁰ Should there be any misunderstanding, it must be underlined that nationalisms driven by the aspiration of creating a state do not differ in being less discriminatory or less dangerous for minorities; they differ for the most part because of their temporary nature.

It is my assumption that Serbian nationalism emerged under the influence of certain structural premises concerning the distribution of the Serbian population and the territories over which Serbia had sovereignty. During the Ottoman occupation, Serbs, like all other Balkan peoples, developed a concept of nation as meaning a particular ethnic group, committed to their liberation from foreign domination and the establishment of their own state. However, when Serbia was recognized as a state in 1878, it was not satisfied with the territory over which it had sovereignty. It was inspired by the idea of expanding its territory, reclaiming the *historical territories* that once belonged to Medieval Serbia and that had remained under Turkish rule. On the other hand, given that a large part of the Serbian nation lived in countries that were under the rule of the Austro-Hungarian Empire (Croatia, Bosnia and Herzegovina, and Vojvodina), the national program was constructed on the idea of the *national unification of all Serbs in one state*.

During the Balkan Wars Serbia expanded its territory to include Kosovo and part of Macedonia (Vardar), however, this expansion brought a greater discrepancy between Serbia's territory and the Serbian population: this enlarged territory was sparsely populated by Serbs. In order to overcome this problem, Serbia tried to assimilate the non-Serbian population, sending teachers to turn the people into Serbs. This frustration on its own territory was compensated by dreams of uniting all Serbs "from across the rivers",¹¹ and this implied a new territorial expansion. Thus, Serbia found itself in a paradox, having sovereignty over territories it possessed by a so-called *historical right*, where few Serbs lived, while a large number of Serbs were living in territories belonging to other states, which were to be united according to the principle of *national unification and self-determination*.

Serbia wanted both of these rights, but in doing so, it took the risk of weaving two contradictory principles into the concept of its state, and distanced itself from the possibility of becoming a democratic and legitimate state. It became vulnerable *on its own territory*, due to the presence of numerous nations whose territories had been conquered in wars, justified by Serbia's right to annex its "historical territories". Integration based on liberal-democratic principles, such as equal citizenship, was out of the question, it seemed unlikely that territories populated by other nations could be controlled with such principles, as these populations were not kindly disposed towards the Serbian authorities; and it was much the same way that the Serbian state treated them. Thus, this frustration at home was not overcome through a formula of civil legitimization and cultural pluralism, but by daydreaming about achieving the goal of unification with "our people by blood", beyond the Drina and Danube rivers. These same issues of having to defend territories where almost no Serbs lived, invoking historical rights, and striving towards unification with Serbs living outside of Serbia, re-

¹¹ Across the rivers Danube and Drina (translator's note).

turned in the last decade of the 20th century, articulated in almost the same form as at the beginning of the 20th century, when Serbia fiercely defended both principles. Serbia continues to do the same these days, in the 21st century, even after the fall of Milošević, who revived Serbian nationalism in its original, contradictory form, wanting to keep the territory of Kosovo, its “historic territory”, at all costs, while not giving up the idea of the “Serbian lands” in Bosnia and Herzegovina.

Thus, the first, core feature of Serbian nationalism lies in its *contradiction*, which cannot be generalized in any kind of principle, or any real state, unless expressed as a declaration of radical particularism, which is incompatible with the universal values of modern society. This collective frustration and “inferiority complex” is rationalized in a narrative of *eternal injustice* perpetrated against Serbia and Serbs by the great powers (or “international community”), allegedly, due to inexplicable hatred expressed over the centuries by “external factors”. According to the Serbian story, which also became *its main ideology* (in the literal sense of “distorted reality”); this injustice has prevailed from the battle of Kosovo to this day. This same paradox and its rationalization about injustice are the origin of Serbia’s *militarism and reliance on secret services*, namely, the use of force in resolving conflicts, whether national, political or economic. It has been impossible to create a rational framework for peaceful conflict resolution within this ideology.

However, the main consequence of the Serbian contradiction has been that such nationalism cannot be fulfilled in any state, least of all a legitimate and democratic one. In other words, because of the contradictory nature of Serbian nationalism, the Serbian state has always remained beyond reach. It was created in wars and disintegrated in wars; attempts were made within the narrower and wider state frameworks of the Kingdom of Serbia, through the first, second, and third Yugoslavias, then through a union with Montenegro, but all of these states disintegrated. The problem has always been the same: either the territory of Serbia has to be defended from minorities that Serbia is unable to integrate into the nationalist matrix, involving the use of force, moreover, due to a lack of legitimacy, or wars are waged for unification “by blood”, with Serbs outside of Serbia, through the annexing of so-called Serbian lands in conflict with neighboring nations. While an independent state, the Kingdom of Serbia sought the unification of all Serbs and sought to accomplish that goal by waging wars. To achieve national unification and maintain its territory, it merged with other states and worked with the great powers to establish the first Yugoslavia, perceived as the definitive solution to the Serbian question. Within the Yugoslav framework, the Serbs always defended the centralized and authoritarian government of all Yugoslavs, consequently continuing to suffer the same chronic legitimacy deficit. Nevertheless, as a conglomerate of nations with a variety of national goals, different histories, without democratic tradition, and at different levels of development, Yugoslavia was unstable from its very beginning. As it turned out, the Serbian na-

tional question had not been solved, indeed a smaller problem had turned into a larger one. Neither the first nor the second Yugoslavia could become stable democratic and legitimate states, and not only due to Serbian nationalism but also due to the nationalism of the other nations seeking the creation of their own national states. In all the Yugoslavias, the Serbian position was in compliance with the defense of its national interest: maintaining *authoritarianism* and *force* - secret services and their ideologues, reasoning that these structures were necessary, as the Serbian national question had still to be solved. Such was the situation after October 5, and it remains the situation in Serbia today. Even today, combined military and police security services are still in power and are represented in public life by national-conservative political forces.¹²

At the beginning of the 1980s, when the Albanian rebellion erupted in Kosovo, and the legitimacy of Yugoslavia had already been seriously shaken, Serbia did not have control over its territory. Two of its autonomous provinces – Kosovo and Vojvodina - were recognized as equals with the other republics, except for the fact that they did not enjoy the right to self-determination. Parts of the Serbian nation were living in other republics that were defined as “sovereign states” and were a short step away from full independence. Serbia found itself back where it had started and once again chose the same answer: defend both principles, “blood” and “soil” – namely, the territory of Kosovo as its historical right (a territory almost devoid of Serbs), and ethnic unity in the right to national self-determination. Thus, Serbia opened an internal front in Kosovo, and at the beginning of the nineties, opened a front with other republics, first Croatia and then Bosnia and Herzegovina.

However, this perpetuated and radical separation of the nation from the state, during the global disintegration of real-socialism, led to a situation where the rule of Slobodan Milošević defined itself as self-sufficient: Serbia *needs authoritarian rule*, power over its own society and control over the pro-European forces that strive towards the resolution of Serbia’s fundamental contradictions and the creation of a modern state. Since Milošević understood how much Serbian nationalism – a *fairy tale* about “Serbian statehood” – helped him maintain a power that had actually lost the global battle, he did not need a stable state framework, but rather a *perpetual battle for the state*. Serbian nationalism returned through the front door as it fulfilled the needs of an authoritarian government, keeping the people constantly mobilized around the “question of statehood.” Instead of striving towards the creation of a lasting and legitimate state framework, provisional,

¹² During the second, socialist Yugoslavia, Serbian politics masked nationalism with a conservative stand, namely ideological and party orthodoxy. The situation was different only during the rule of the Serbian liberals, Marko Nikezić and Latinka Perović, who were, for this very reason, ousted from power by Tito in autumn 1971. This statement however regards only the Serbian government, not to civil society, which has always stood out with its dissident groups and movements.

disposable states were created, which kept falling apart and required defense from “foreign and domestic enemies.” According to this logic, Serbia’s enemies seize its territory at one moment, at another prevent Serbs from exercising their right to national self-determination, and at yet another, tear down their common state (Yugoslavia).

Founding Serbian nationalism on authoritarian rule¹³ put an equal sign between the two concepts. In this equation, every national idea practically vanished. However, should the authoritarianism of the government be seriously challenged, it would mean being the same as a “traitor to the nation” and an open target for removal. In the long run, authoritarian government could only remain in power by permanently inciting paranoid nationalism and through the *perpetual expectation* of statehood. During Milošević’s rule Serbian nationalism grew into a *nationalist culture* as a lasting response to the civilizational challenges of the modern state. This change of face necessitated an exchange of enemies from external to internal. It transpired that the Serbian government somehow managed to negotiate with its external rivals – the Croats and Muslims and, ultimately, it was to be the same with the Albanians – but it has had no intention of negotiating with a modern and democratic Serbia.

The rise of nationalism to a *culture* of authoritarian power happened because of the global challenges of democratization and European integration set in motion by the fall of the Berlin wall. Milošević was Serbia’s negative answer to these global challenges. By a deliberate renewal of Serbian national contradiction and particularism, both incompatible as *such* with universal values and principles, Milošević displaced Serbia in time and space, determined to prevent its surrender to the “demands of the day”, namely, to the rational regulation and building of a modern state. Better to have no state and live in a provisory state than to surrender to “Euro-slime” as one dignitary of the Serbian Orthodox Church put it. Thus a new cycle of frantic searching for the state began. The ethnic, organic nation was being strengthened and defined as *populist*, while the state became *fiction* or a *figment of the imagination*. It was spoken about in magical narratives: the Serbian people will get their one and only (“imagined”) state when the historical stars align and all Serbian enemies vanish from the international scene.¹⁴

¹³ Authoritarianism is determined as institutionalization of “power for power’s sake”, where those in power may change, but its nature must remain intact. Such a change would be “against Serbian national interests.”

¹⁴ The support Serbia received from Russia in the Kosovo crisis encouraged Serbian nationalist to believe, once again, that the time has come for the realization of their “impossible” statehood, and that the Russians would help the Serbian “historical” stars to align. This fantasy went so far, that we heard Vojislav Šešelj, in his defense statement before the Hague Tribunal in November 2007, declaring that “Serbs are little Russians”, that they are Russians in the Balkans.

This characteristic search for the state is best illustrated by the way Milošević played the three Serbian state cards:¹⁵ (1) when he “unified” the “entire Serbia” in 1989 by abolishing the autonomous provinces of Kosovo and Vojvodina (the “anti-bureaucratic revolution”), (2) when he entered, with Yugoslavia as a “modern federation”, into negotiations with the other Yugoslav republics in 1991 (alongside the international community, which is still being blamed for the dissolution of Yugoslavia) and (3) when waging war for Greater Serbia, the same year he called for a “modern Yugoslav federation”. During the wars of the 1990s, at one moment as many as five Serbian states existed: the Republic of Serbian Krajina, on the territory of Croatia, the Republic of Srpska on the territory of Bosnia and Herzegovina, the Republic of Serbia, the Republic of Montenegro, which was considered to be the “utmost Serbian land” (“Serbian Sparta”) and a rump Yugoslavia (the Union of Serbia and Montenegro), the pillar for unification of all of the dispersed Serbian states created by wars. Even this quasi state was already disintegrating at the dawn of October 5. Montenegro boycotted the federal elections held in September 2000 together with the presidential elections, in which the Serbian opposition had hoped to defeat Milošević. He was ousted from power, the rump Yugoslavia fell apart and was transformed into the State Union of Serbia and Montenegro. However, even that union disintegrated: in 2006, Montenegro held a referendum and became a sovereign state. Its departure came as a hard blow to Serbian nationalism, as it shook the foundations of Serbian unification, reducing it to merely saving of the “historic territory” (Kosovo).

Against its will, and under pressure from the Montenegrin referendum, Serbia once again became an independent state. The event was hard for nationalists to accept, as Serbia “proper” – according to their theory - was only part of the territory of the “imagined” Serbian state. The unexpected appearance of an independent Serbia was perceived as a hostile trick and received almost without comment.¹⁶ Meanwhile, negotiations were being held on the future status of Kosovo. The Serbian nationalist elite and the untouched (Milošević’s) power apparatus (the military and police security forces) could hardly wait for the “Kosovo question” to be reopened, to refresh nationalist culture and once again mobilize the Serbian people around the same old story. According to the old formula, as an answer to the “seizing of our territory” Serbia is once again ready to open another front of its contradiction by flirting with the Republic of Srpska. The idea is being spread that the Republic of Srpska could hold a referendum and join Serbia, and it could start joining with Serbs from the Republic of Srpska voting in

¹⁵ See: Jasmina Dragović-Soso, 2006. *Spacioci nacije*, Beograd: Fabrika knjiga, Edicija reč.

¹⁶ The most striking were comments on “Trianon Serbia” suggesting that Serbia was a victim just as Hungary had been, when it lost two thirds of its territory following the Treaty of Trianon in 1920.

the next Serbian elections. Some incorrigible dreamers then began to spread rumors that in the next elections in Montenegro pro-Serbian parties would win and would organize another referendum whereby Montenegro would once again join Serbia.

The long awaited Constitution, promised before October 5, finally appeared on the agenda in the autumn of 2006. But it did not appear to regulate power in Serbia and establish legitimate institutions and rule of law, but rather as a mobilizing counter-action to the independence of Kosovo, a likely outcome of the negotiations on its status. The constitution was meant to confirm the *fiction* that “Kosovo is ours and always will be”; or in other words “let the impossible happen”.

The fact that another constitution has been “handed down”, that citizens were excluded from its creation and not a single day was given for debate on this important document, confirms my thesis that Serbia cannot be functionally or rationally integrated, but will rather continue to remain prone to segmentation and dissolution. The unrealizable state has won yet another victory. Thus, the *on-going struggle* for the state continues, following the same ideological matrix, and the secret services and unchecked power structures solidify their position. With the solidification of authoritarianism, new (continued) crises of legitimacy are inevitably produced.

The source of the legitimacy crises is the inability to consolidate and stabilize authoritarianism, which was most obvious during Milošević’s rule. Authoritarianism, patriarchy and radical nationalism have always been opposed by modernist and pro-European forces in different forms. The petrification of the “state question”, as well as the constant sacrifice of democracy and development to “Serbism”, has established a tradition of permanent, at times angry and even “revolutionary” resistance to Serbian authoritarianism and nationalism. These people have been called “traitors” almost automatically. However, the analysis conducted so far reveals where this automatism comes from: Serbian nationalism, defined as essentially *unachievable*, inherently includes the *concept of betrayal*, most often in the entirely literal sense of the word. If the goal is “impossible”, then it has to be betrayed, and primarily by those who planned it, as they are unable to achieve it. Accordingly, one should not be surprised by conspiratorial tales that Milošević too (in reality) was loyal to the Americans. From a realist point of view, he did betray, and had to betray, since his plan was also unachievable. Nationalists maintain their fiction, even after the greatest defeats, by concealing their losers’ spirit and the losing nationalism of “an impossible state”. And they concealed it by *shifting the focus* from their defeats (in the epochal sense of the word) and banal betrayal of their own goals to the critics of Serbian nationalism, modernists and “pro-Europeans”.

If we look into the future, Serbia will most likely be forced to give up Kosovo (“its historical right”), as well as the idea of national unification, and find stability

in a territory where Serbian nationalism will no longer have much effect. Such an optimistic process could be called, again paradoxically, the “nationalization” of Serbian nationalism, in a real and modern state. Its contradiction would be resolved. If the transitional reforms and modernization of the economy and society continue, leading to changes in the social structure and the weakening of the traditional patriarchal values based on a social strata of non-urbanized people, Serbia will have an opportunity to step out of its paradox of “blood and soil” and move towards a modern state.

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Political Representation as an Expression of the Relationship between Majority and Minority

Political relations between the majority and the minority in Serbia are marked by elements of deficit regarding basic consensus, namely, shaping of the basic norms of the political community. These are the expression of differences related to the policy of regulating a complex/heterogeneous community. This paper starts from the premise that relations between majority and minority are linked to the constitutional self-understanding of society. Tendencies drawn from experiences discussed in this paper are only an expression of a corresponding self-understanding. In addition to highlighting disagreement regarding the foundations of the political community, weaknesses in the regulation of the normative framework should also be discussed, as well as shortcomings in the structure of institutional provisions on the position and rights of minorities. The regulation of both minority policy and the various relations between majority and minority is subject to processes of power diffusion in Serbia. The rational state interest of Serbia implies a consequential political and legal discussion of relations between majority and minority within the framework of a well organized society, which entails not only the legal, but also a transformed political perspective, based on universal principles.

Keywords: political community, ethno-cultural diversity, diffusion of power, political representation, national minority councils

1. V. Kymlicka, who substantially contributed to the understanding of “multicultural citizenship” and introduced a new tone in the relevant discussions, somewhat tired of various misunderstandings regarding multiculturalism/interculturalism /transculturalism, tried to bring some clarification to this issue. His question was: how can the two levels of analysis be reconciled? Namely, how can *analysis* focused on righteousness residing within the state, the institutions and the legal regime be harmonized with *analysis* focused on forms of knowledge, habitualizations and competencies which define the field of experience on a daily level, and consequently also inter-cultural communication? Can they

be reconciled at all, given the tension between them? His question can be reformulated in the following manner: what degree of indifference/interest between cultures can be related to the existence of a well organized political community? What type of dialectics of indifference/interest may be correlated with the existence of a good political community? What are the relations between the political field and everyday life? Moreover, Kymlicka clearly states that *political structures* need to be observed from the perspective of “multicultural interpretation”, and, naturally, he can apply his broad, sophisticated work which demonstrates the conditions for such an orientation.¹ The power of unifying citizens lies principally in *politics*, this is why I primarily take political events into account in this paper, and refer to the others only occasionally.

1.1. After 2000, Serbia entered a phase of “constitutional politics”.² Such phases are of immense importance for a political community: these are the situations when a given political community can formulate and re-organize the system of fundamental values. Obviously, a characteristic of such periods is that a given political community can define its identity, formulating *the meaning* of unity. At the same time, it can be seen that asymmetry and tension existed in Serbia between the demands of defining of political identity and the imperative of legitimacy (public goods, economic rationality). In other words, after political change, a strong demand emerged for collective identity in Serbia to acquire a different interpretation from the previous periods. This demand was supported by the majority of the political elite, albeit, with different motives. A political community cannot be based on complete indifference: “being together” or unity would lose its meaning. This claim stands too for societies where different cultures coexist, and even majorities and minorities³ based on different ethno-cultural perspectives. A political community presupposes some sort of *Us- consciousness*. The fact that there is no indifference towards others is manifested by the fact that the “Other” in a political community is not just one amongst many, but a *specific*

¹ W. Kymlicka, *Multicultural States and Intercultural Citizens*, *Theory and Research in Education* 2003; 1; 147. The political horizon in the context of multiculturalism is also discussed by R. E. Goodin, *Liberal Multiculturalism Protective and Polyglot*, *Political Theory*, Volume 34 Number 3, June 2006, pp. 289-303. M. Gianni, 2002. *Multiculturalisme et intégration politique: la citoyenneté entre reconnaissance de la différence et reconnaissance de l'égalité*, Paris: L'Harmattan.

² According to neo-federal theory (B.Ackerman), constitutional politics is characterized by the combination of mass mobilization and civil virtues, which appear in exceptional situations in a given society. Considering that such exceptional situations happened several times in Serbia, it is obvious that almost the entire period after 2000 abounded with moments of “constitutional” politics.

³ It is better to speak in the plural, namely: “majorities” and “minorities”. Ultimately, the demographic structure of Serbia is such that the “majority” on the macro level becomes a minority on the micro level, which means that both the majority and the minority should be observed on a mobile scale.

“other”, together with me, with us. This implies, in the best of cases, some sort of an obstacle: when decisions are made, the others have at least to be taken into consideration. In every known political community there is tension, and even the possibility of violence, if a rift appears, sharpening the distinction between “Us” and “Them”. When the majority is “Us” and the minority “Them” (or *vice versa*), it is hard to speak about a well organized political community.

But what does this imply in relations between groups? Firstly: how can a public space be articulated where the majority and the minority merge, but do *not* connect? Secondly: how can respect of differences be ensured, without deferring to the “deceptive” logic of shallow, yet intrusive differentiability, and conformist behavior in the style of *political correctness*, which does not yield any obligation?

To this question I will identify two possible, characteristic, yet contrasting answers applied in Serbia, and I will present them in a totally simplified manner.

According to the first answer (“A”), there are *historically* developed differences between Serbia and Western-European states: European states, on the basis of collective learning, harmonized the dual structure of power in a specific way, more precisely, managed to harmonize the pre-political unity of national-ethnic aspects with political-constructive, contractual ideas based on universalistic assumptions. Accordingly, the well known “misery of small states” in Serbia cannot secure the “division of labor”, the coexistence of nationalism and liberalism in the shaping of collective identity. Within the framework of this argumentation, I will single out three sub-arguments. The *first* sub-argument (which is, in fact, a historical-empirical argument) regards the fact that the meaning of nation has recently been instrumentalized in Serbia: acts of violence have been carried out in the name of the nation, and it is thus impossible to create the political community on the basis of pre-political unity. This implies that a new beginning, namely, a constitutional interpretation of the nation and multinational community depends on how much the new elites are persistent in “annulling” and “destroying”, in a legal way, the regressive tendencies which existed until recently. The *second* sub-argument emphasizes the fact that forceful homogenization of the majority nation has influenced its fragmentation. It is difficult to switch from a discourse of confrontation, from the rhetoric of ideological mobilization, to the dialogue of unification. Since political and economic elites generated perpetual crises and states of emergency during the 1990s, their actions brought about the ethnicization of the political community, the exceedingly tense presence of ethno-centric dimensions. The *third* sub-argument is of a normative character. Serbia represents a specific form of a heterogeneous community,⁴ which is especially

⁴ There are different classifications of societies according to ethnic composition: monolith (one ethnic community accounts for more than 90% of the population), pronounced homogenous composition (80-90%), lower homogeneity (70-79%), higher heterogeneity (60-69%) and high ethnic heterogeneity (50-59%). According to the 2002 census, Serbia without Kosovo has 7.498.001 citizens. Looking at the population struc-

true for its northern, autonomous province of Vojvodina, where a high degree of multiconfessionalism and multiethnicity exists.⁵ Multicultural composition is not a characteristic which can be placed on the same level as other characteristics of Vojvodina, as it ensures the *differentia specifica* of this region. Incidentally, it is impossible to conceptualize its uniqueness in comparison to other regions in Serbia. In addition to this, the institutionalization of cultural differences offers a possibility for creating a regional identity from below. Institutional possibilities for affirming cultural differences are the key to the analysis of regional identity in Vojvodina. They go above the reach of the norms of territorial⁶ decentralization. The decisive question is whether Serbia can accept the linguistic, religious and cultural plurality, characteristic of its situation? Is division possible, but also a limiting of power in the light of different ethno-cultural factors, and moreover, within the sense of a well organized society? This entails a re-tailoring of public space, as well as a different understanding of the *construction* of the nation: there is a need for normative perspectives regarding multiculturality. Relations between liberalism, democracy and multicultural perspectives are not unambiguous, yet systematic reflection in this issue has been lacking in Serbia. The projection of public space should be inseparable from respect for differences, which implies the public identification of all differences, including those of minorities. Several different nations can live in one state without this being an obstacle to the shaping of a political community; cultural and political affiliations do not have to be

ture, minorities account for 14.38% of the population. This state of affairs testifies to a substantial decrease in the minority population compared to the 1991 census. The main reasons for the decrease are negative tendencies during the 1990s and the arrival of a large number of refugees, which also influenced the change in the ethnic structure of the population. For the 2002 census, the Statistical Office of the Republic of Serbia made a comprehensive classification of national affiliation with 41 classification units. The largest minority is Hungarian, which is the only one at more than 3% of the entire population, followed by Bosniacs, Roma, Croats, Albanians, Romanians and others. Hungarians, together with Bosniacs and Roma, account for almost one half of the entire minority population (7.17%). Data taken from: Etnički mozaik Srbije, prema podacima popisa stanovništva 2002, Ministarstvo za ljudska i manjinska prava Srbije i Crne Gore, Beograd, 2004.

⁵ According to the last census of 2002, Vojvodina had 2.031.992 citizens. The ethnic structure of the population was the following: Serbs (65.05%), Hungarians (14.28%), Slovaks (2.79%), Croats (2.78%), and others. In addition to the Serbian majority, over 25 national or ethnic communities exist in Vojvodina, accounting, all together, for around 35% of the Vojvodina population. Six official languages are in use in Vojvodina: Serbian (in both Cyrillic and Latin alphabet), Hungarian (Latin alphabet), Croatian (Latin alphabet), Slovak (Latin alphabet), Romanian (Latin alphabet), and Rysin (Cyrillic alphabet).

⁶ I wrote about this in much greater detail in the article "Vojvodina kao stecište regionalnih tendencija", in: D. Vujadinović, L. Veljak, V. Goati, V. Pavićević eds. 2002. *Između autoritarizma i demokratije: Srbija, Crna Gora, Hrvatska - Institucionalni okvir*, Beograd: CEDET, Podgorica: Cedem, Zagreb: CTCSR, pp. 331-351.

confronted. This is, moreover, a criticism of different mechanisms for constructing nations, which have implied that the construction of one nation always means the *deconstruction* of another. The reassessment of relations between ethnicity and democracy requires that the majority and its political elites give up the idea that the majority can paternalistically offer a model of integration to the minorities. No ethnicity, and that means not even the majority, can monopolize integration. Minorities are not “generously granted” minority-collective rights, since the constitutionality of their position is the basis for creating a well organized political community. I am speaking about the creation of a political unity where both the majority and the minority represent constitutive parts of a whole that is constitutionally self-established. The entire difficulty lies in the fact that both majority and minority are, despite being in structurally different positions, acknowledged as constitutional factors; without constitutional stabilization and constitutional recognition of the minority position, they remain prey to political instrumentalization and arbitrary coincidences in the division of power. The analysis of comparative situations advises us that in a multicultural society there is always an impending process of agreement on joint political-legal frameworks that enable the cultural affirmation of different communities. As many descriptions cogently prove, a well organized society implies the recognition of basic common political norms that mediate between different political communities, as well as the cultural affirmation of different communities. Experience shows that negotiations on the common political identity of those who live in a plural society are necessary. Negotiations discussed here represent more a *process* than a completed state; they embody negotiations on common political horizons rather than mere territorial decentralization. Finally, voluntary consent would have to be extended to different spheres, beginning with everyday life and including other spheres. This would be a non-coercive agreement between the ethnic majority and the numerous minorities which would develop different forms of self-government in order to affirm their cultural identity. This would establish the political character of decisions, while the community becomes political. Structural affinity of “the nation” in Serbia with consensual decision-making should increase in proportion with the strengthening of the attributes of the political community. In this regard, proper regulation of political relations in Vojvodina is not simply a minor or passing question in “a certain region”, but, instead, a true test of political self-understanding in Serbia, since it reveals the attitude towards basic norms.

According to the second answer (“B”), Milošević’s regime compromised the concept of nationalism, while the task emerging today is to reformulate nationalism with the goal of integrating it into the new environment. Accordingly, nationalism, reinterpreted on the basis of civil principles, can be the source and driving engine of blocked modernization. Nationalism figures as a power of integration, an intermediary of common contents when other media of integration in the modern society fail. Although this program of nationalism does not speak out

against minorities, it believes (based on various analogies) that successful democracy projects are associated with mono-national political communities, and accordingly, inevitably pushes minorities to the position of “the remainder”.⁷ This concept of democracy actually calls for a homogenous community, with a compact collective identity. In other words, this orientation advocates *the normalization* of nationalism, and considers the process of facing the past to be an entirely empirical question; it does not have to play any significant role in the integration of the political community. The original national unity can be constantly revived through certain emotional outbursts from members of society. While “A” trusts that the issue of nation demands a political-moral reflection aimed at integrating a heterogeneous society, given that the method of critical attitude and a polemic relation towards tradition, influences the identity structure of a community, according to “B”, only legal-technical and pragmatic measures should be intensified regarding acts of violence in the name of the nation. The important thing is that according to the second position, the state, rather than integrate society, should integrate the nation; *ergo*, the state should unite the majority nation, and regarding the minorities, there is only a legal relation modeled according to the (pragmatic) demands of European institutional structures. Since different values and motives are present in society, the state must aspire to the synthetic power of unquestionable tradition.

However, the purpose of regulating relations within a complex society with a high degree of stable differences is (also) the *integration* of minorities, as well as their protection. In other words, the purpose of regulating is to unite the elements of the abovementioned differences on a concrete level that a traditional national state cannot attain. By affirming the institutional regulation of relations between majority and minority, an attempt is being made to involve people, not only as citizens, but as concrete subjects with all their differences. It is not hard to realize that this type of institutional regulation presumes common landmarks, and that only within the framework of such generalities a concretization of differences is possible.

The conclusion, based on the above-mentioned argumentation, follows: in Serbia there is *no* consensus on majority/minority relations and the regulation of a heterogeneous/complex community, or else this consensus is too weak to fulfill the goal of a consistent regulation of relations between majority and minority. The regulation of institutional relations is marked by political occasionalism: decisions are very often made according to the situation. Inconsistencies in minority policies (which always illustrate the majority/minority standpoint, and, at least indirectly, the structure of the political community), and a tendency towards *ad hoc* measures, often for resolving situations *not* on the basis of the automa-

⁷ This is confirmed by the formulation found in Article 1 of the Constitution: “*The Republic of Serbia is the state of the Serbian people and all citizens who live in it*”.

tism of state bureaucracy, but instead under contingent foreign and domestic pressure,⁸ etc., are only a sign of the fragility of the abovementioned consensus.

1.2. It is necessary here to take at least a brief overview of the main orientation followed in the constitution that came into power last year. Although the Constitution of 2006 was intended to outline the framework of the state, in the sense of a newly installed beginning, reading the text one has the impression of a project for the political-legal succession of the preceding state of affairs. A large part of the political elite did not call for an up-dating of the issue of nation as a complex political community, but rather upon the disputable fact that the new constitution would stabilize Serbia's position in the negotiations on state borders. (Constitutions simply do not define borders; they do not have that kind of geopolitical subjectivity. One can even consider whether, as such, the Constitution is perceived as a means; that the constitutional-legal system is exploited to return it to certain old frameworks.) In the characteristic manner, the preamble invokes the state-legal tradition and also mentions the equality of nations. However, further analysis reveals that reference to national territory is pivotal in a significant part of the text; emphasis is mostly on a declarative-rhetorical effect specifically referring to territorial integrity. In other words, the Constitution, despite some other elements, mostly reflects the spirit of answer "B" to the question of a heterogeneous political community. *It is imbued with elements that perceive the state as a means of "national self-realization", conserving national minorities within a similar "instrumental" context.* In other words, "B" strives to normalize relations between state (a constitutional-legal form) and nation, by exploiting the state. However, this leads to a contradiction with position "A" – that the state manifests the political will of a particular nation, regardless of ethnic, religious or ideological differences, because the risk emerges that national statehood appears as adherence to an ethnic community, rather than to a political one.

2.1. The maintenance of ethno-cultural diversity depends on the broader, political-legal institutional constellation in a given country, since one can start talking about modern integration as the basis of coexistence of majority and minority only if broader institutional resources of the country are taken into consideration. In Serbia, it is necessary to be aware of the permanently unfinished state, and a still weak institutional matrix which characterizes the state. Consequently there

⁸ An example: the distressing situations in 2004 in Vojvodina, involving violent acts against minorities, and different interpretations by the government and the minorities ("atrocities" or "ethnic incidents"), and a reluctant "stepping in" from the European scene regarding these events, demonstrated confusion in state response. As a reaction to aggravated inter-ethnic relations in Vojvodina, the Council for National Minorities was established by Government decree. However, considering the fact that Serbia does not have a Ministry of Human and Minority Rights, this Council can never play an efficient role. I wrote about this in: *The regime of tolerance in crisis*, Belgrade, European Center for Peace and Development, 2006.

is constant tension between demands to maintain and develop ethno-cultural diversity and the institutional capacities of the state. Simply put: the state's institutional capacities are weak when compared to its ethnic diversity.

There are strong reasons to believe that highly evolved institutions, such as the rule of law, and a good quality bureaucracy are conditions necessary for maintaining cultural diversity,⁹ since countries with institutional capacities facilitate the use of different economic and cultural resources and institutions to contribute to the process of conflict resolution. The institutional infrastructure of minorities today is a mixture of individual and collective identity patterns, inherited from "Yugoslav socialism" (in particular high culture), and different efforts from the 1990s and the first decade of this century. This is also true for institutions that directly or indirectly shape mutual perceptions of majority and minority. Very often, minority institutions are registered statistically-factually, with the aim of cataloging them, thus giving the impression they are not actually in decline. However, the true state of affairs is observed only when the realistic possibility of using these institutional resources is assessed, in other words, when quality is assessed, the realistic possibility of being able to facilitate the development of minorities. Taking the difficulties involved in the creation of institutions into account, and, furthermore, their evolutionary paths, we see all the problems faced by the constellation of minority institutions.

Usually, institutions not only stabilize elements of social action, they also create a sense of universality. Procedures, moreover, which should be both flexible enough to endure all differences and rational enough to reduce mutual suspicion, are identified with institutions. However, the question remains: to what extent can the existing institutional infrastructure in Serbia activate integrative potential and continually regulate the pluralism of values and motives in society.

2.2. After October 5, 2000, Serbia embarked on a road which featured new aspects. A somewhat random list of a new minority policy repertoire:¹⁰ national minority councils were created,¹¹ certain communities that had not been recognized before were given minority recognition, establishing relationships on different premises with the countries of origin. On May 11, 2001, before joining the Council of Europe, Serbia signed the Framework Convention for the Protec-

⁹ A. P. Kyriacou, *Rationality, Ethnicity and Institutions: A Survey of Issues and Results*, *Journal of Economic Surveys*, 2005, Vol. 19, No. 1. A. P. Kyriacou, 2003. *A Viable Solution to the Cyprus Problem: Lessons from Political Economy*, Nicosia: Intercollege Press; R. Maiz, Framing the nation: three rival versions of contemporary nationalist ideology, *Journal of Political Ideologies*, 2003, 8(3), 251-267.

¹⁰ The dynamics of minority policy after 2000 will not be comprehensively described in this text.

¹¹ National councils are legal entities with 15 to 35 members, depending on the total number of members of a given national minority. The right to establish a national council was granted to all minorities in Serbia with a significant number of members, a total of 14 of them (excluding the Albanian minority).

tion of National Minorities, which came into effect as of September 1, 2001.¹² In 2005, the State Union of Serbia and Montenegro ratified the European Charter for Regional or Minority Languages.

This new orientation found expression in a law that treated minorities in a different manner. Without doubt, that law from 2002 passed by the former state union¹³ can also be observed within the context of the timeline for European integrations. Regarding the law itself, a general observation can be made, one that is true for many other laws passed during the period after 2000: it carries the mark of its time. However, one can not dispute the fact that this law represented a step forward when compared to the previous situation, but it also reflects certain political compromise and hastiness.

A characteristic of the majority of former socialist countries is the passing of constitutional-legal regulations on minorities. This includes the former Yugoslav republics, which have a European political agenda. The aim is to demonstrate, on the legal-political level, that the governments of these new states renounce the policy of inequality towards non-state-making nations. However, after the fall of Milošević, Serbia also lagged behind on this level; no regulations aimed at enacting such principles were passed in the republic. Thus, certain minority issues, including political representation, have only been sporadically and somewhat randomly regulated. Moreover, the *Law on the Protection of Rights and Freedoms of National Minorities*, passed in 2002 covering the territory of the FRY, prescribed a certain institutional structure, but of all those prescribed only national councils were formed, neither the Federal Council nor the Federal Fund for National Minorities. It is indicative that instead of establishing a new ministry for national minorities in Serbia (already an independent state), an Agency of Human and Minority Rights, obviously a lower administrative body than a ministry, was formed by a disputable decree. It no chance that the subjects concerned saw fit to open a critical discussion on this institutional deficit.¹⁴

2.3. That the relationship between majority and minority is not paternalistic can be demonstrated by denaturalizing both majority *and* minority, making them dynamic by having them participate in political decision making. Only a politically shaped community can make decisions about itself. Accordingly, the issue of minority political representation is definitely not a mere technical question.

¹² The importance of this convention is that it represents a binding multilateral instrument for the protection of minorities.

¹³ It should be mentioned here that the *Law on the Protection of Rights and Freedoms of National Minorities*, passed in 2002, was, *de facto*, only in effect on the territory of Serbia.

¹⁴ This institutional deficit was followed by an appeal of the League for Roma Decade, which particularly emphasized the importance of establishing a Ministry of Human and Minority Rights.

Who decides what is the interest of minorities, and how? How can minorities articulate their interpretation of their own and “other” interests?

Besides minority political representation in the parliaments of the broader community, on the exterior level, this principle also has another meaning: political representation within minority communities on the minority national councils. This question is regulated by the Law on the Protection of Rights and Freedoms of National Minorities and the Regulations governing the election of national minority councils. Despite certain technical difficulties that may arise during the election of minority political representatives, in the brief practice to date a few shortcomings in the working of the councils have emerged, which appear to stem from a broader conceptual uncertainty:

- If we accept the crucial importance of minority self-governing institutional capacity, we can immediately identify these new institutions introduced by law, namely, the national councils. Nevertheless, the system of indirect election of minority councils needs to be critically re-examined under the theory of modern democracy. We need not re-iterate the positive and negative aspects of direct and indirect voting or insist on similar issues,¹⁵ however, the minority national councils, dating back to their very beginning send out a warning. Regardless of the complications involved in direct elections for minority councils, which are seemingly difficult to overcome, a group of electors, who acquire their right either by being members of specific minority or by gathering one hundred relevant signatures, looks much more like an expression of corporative interests, a “quasi-class related” method of regulating minority social domains, than like a democratic process in the modern sense.¹⁶ In other words, this method of regulating necessarily generates a diffusion of *non-political* interests, and the grouping does not proceed in accordance with a specific social project, but follows relationship between social and ethnic affiliation; these objections need to be carefully analyzed. It has been pointed out that the method employed to establish national councils generates great democratic deficits, opening opportunities for a phenomenon known in relevant literature as “elite cartel”. Furthermore, the method of electing members of national councils creates dilemmas and difficulties for the representation of the heterogeneous interests of minority communities. Many observers had the impression that national councils were formed using

¹⁵ B. S. Frey, Direct Democracy: Politico-Lessons from Swiss Experience, *American Economic Review*, 1994, 338-348. L. Salat, - M. Robotin, 2004. *New balance: democracy and minorities in post-communist Europe*, Budapest: LGI Books.

¹⁶ M. Hechter and D. Okamoto, Political Consequences of Minority Group Formation, *Annual Review of Political Science*, 2001, 4, pp. 189-215. P. Graefe, The contradictory political economy of minority nationalism, *Theory and Society*, 2005, 34, 519-549.

methods that helped the existing minority elites to get involved in the political field, rather than support the broader integration of minorities. While electors' declared political pluralism in practice, commentators critically noted, an imitation two-party, or quasi two-party system in all councils.¹⁷

- The clear conclusion that emerges here is that one-party decision making, created on a quasi-parliamentary basis, favors the dominant factions within each minority community, and the fact that this was the case in a large number of minority communities indicates that this is a structural problem. The existing system of minority representation strongly leans towards *non*-political minority representation. To put it more clearly, using (or misusing) Claus Offe's formulation, there is a danger of replacing legitimacy with coercive elements of ethnic loyalty as a surrogate. Ethnic parties can always invoke the strength of a totalizing principle or "the interests of a given minority", which becomes very difficult to challenge within an *impoverished* minority public sphere. An on-the-ground assessment is required; an opportunity to verify the practice of power within the legal system must always exist. Therefore, the existing representational system threatens to monopolize the interpretation of a totalizing principle or "the representation of ethnicity". Moreover, certain members of ethnic communities are pushed towards false dilemmas. It is impossible to talk about consistent minority representation from a perspective of contemporary theory of democracy if a *rational and effective* debate of power is not possible - this ought to apply to both the majority and the minority and the relations between them. It would appear that a situation whereby the majority political elite perceives the minority political elites as direct consumers of power within a frameworks of quantitative power division is being obstinately repeated.
- National councils met rarely (obviously, there were not seen as particularly relevant) and they had very little worthwhile influence on social dynamics and modernization processes of minority communities. Thus, national councils became reduced mostly to a secondary electoral phase (yet another indirect electoral body) with the sole purpose of supporting the ruling faction, which produces another, new body from its core, one that will make all the decisions in the name of the national council, from which it draws its legitimacy.

¹⁷ Except in the case of an ethnic group formed by the division of the Croatian minority.

- The abstract, insufficiently defined authority of the national councils prevented them from attaining any significant results.¹⁸ The tasks assigned to national councils by the letter of the law were *de facto* carried out by their executive bodies, thus creating a “quasi-cabinet” practice. Thereby, situations outlined in theory could actually be perceived in practice: a responsibility deficit of executive bodies towards their “parliament”; relevant decisions were most often made within the narrow circle of a part of the minority community’s political elite.
- According to the *Law on the Protection of Rights and Freedoms of National Minorities*, national councils were supposed to participate in the regulation of four groups of issues (important to the identity of minority communities): language and alphabet, education, communication and culture. In reality however, the role of national councils in the decision-making process, or their advisory role, remained on the level of theory. Due to the relevant issues these councils were dealing with, and the insignificant financial resources at their disposal, their presence had no significant effect on the state of affairs for minority communities.¹⁹
- Finally, the financing of national councils has also been brought into question. It would not be correct to overlook that the state enabled the use of budgetary funds for these institutions in particular situations. However, this appears to be a consequence of (even too) pragmatic and contingent political agreements. In truth, a relatively stable flow of funds required for the national councils and their executive bodies has been recently secured, thus providing the basic material conditions to achieve political representation within the minority communities. However, new problems arose since the state did not establish a clear framework of responsibility within the minority councils for the

¹⁸ The law on national councils was never actually passed, which is a vivid example of the deficit of legal regulation.

¹⁹ We should add, moreover, that all of this happened in the context of provincial bodies, which have limited authority within the constitutional and legal status of Vojvodina. At present, the highest legal act of the Autonomous Province of Vojvodina is the Statute passed in 1991, and according to Constitutional Law, the Statute of Vojvodina ought to be harmonized with the new Constitution by the end of 2007. This Statute regulates the jurisdiction of Vojvodina on the protection of rights and freedoms of minority members. It is important to understand that the Assembly of the Republic of Serbia has to give prior consent before the Statute can be changed. One body for the protection of minority rights in Vojvodina is the Ombudsman. Naturally, the structure and work methods of Vojvodina’s autonomy are largely adjusted to the multiethnic structure of the population, thus public politics display a higher degree of sensitivity to minority problems. Incidentally, the so-called Omnibus Law of 2000 must not be overlooked (a law defining the Specific *Jurisdiction* of the *Autonomous Province*), since it also regulates questions of a constitutional character.

redistribution of funds. It is not convincing to appeal to the autonomy of national councils in this case; the state remains responsible for guaranteeing control of distribution and for ensuring the public that functional responsibility exists. This explains why, for some time now, we have been hearing voices demanding that the minority legal system needs reform, starting from the system used to elect the minority councils.²⁰

If we look at the problems outlined, we again encounter the difficulties inherent in the Law on Minorities. While the law prescribed representation in the form of national councils, it remained ambiguous about their functions, thus leaving an inevitable open question over their legal status. The chosen form of election for the national councils is based on a system of electorates. Combining an unacceptable electoral system with an unattainable electoral quota for minorities, the elections for national councils have serious democratic deficits. Even when the text was being passed, and also when the law was received, disagreements arose regarding the meaning of minority affiliation; issues emerged regarding the scope of free acceptance of identity as well as the right to express identity.

The question can be posed in the following manner: are there any normative-constitutional obstacles to registering members of minority communities as such?²¹ Do, or should, normative-constitutional criteria prohibit the public expression of minority identity during elections for national councils? It goes without saying that coercion is out of the question in the expression of minority identity, no one can be forced to accept a particular identity. Nevertheless, the issue here is not a compulsory acceptance of minority identity, but rather that free acceptance and expression of minority identity becomes the basis for obtaining certain rights and in return the state can expect the contribution in the form of subjective manifestation. While the minority register might awaken some historical associations that should not be overlooked, it is, however, a demand that can be legitimated. If this solution is accepted, then direct democratic elections

²⁰ To date, a few informal drafts of the law have appeared. Two are particularly important. The first, drafted by the *Center for Research on Ethnicity*, prescribes two important innovations compared to the existing model: a direct electoral system and a decentralized system of minority self-governments (municipal self-governments instead of a single centralized self-government). The second model, drafted by the *Alliance of Vojvodina Hungarians*, essentially retains the old model, with optional direct elections and decentralized self-government. The existing regulations demand change, and likewise the entire system of minority rights. Thus, lawmakers have to decide whether the entire system of minority rights needs to be reformed, or a simple improvement of the election of minority self-governments would be sufficient.

²¹ The issue in this paragraph is insufficiently challenged in Serbia. While certain actors on the scene (mostly minority parties) regard auto-representation, or registering minority subjects, as unquestionable, others do not even take this into consideration. It is significant that a broad, rational discussion on this issue never took place, proving once again that key issues are being left to uncontrolled power drifts.

can be held which would help overcome the current situation, where elements of non-transparency and of the legitimacy deficit of minority political elites are dominant.

Should the principle of auto-representation be accepted, as suggested by certain experts in neighboring countries? Is subjective willingness to be the representative of a given minority sufficient grounds to enter the political arena? Or is some form of monitoring needed aimed at eliminating all electoral frauds? In some neighboring countries (Hungary, for example), pseudo-minority representatives have stood in minority elections, exploiting the electoral system. There have been proposals to solve this problem by limiting passive voting rights, which is questionable to say the least; it would question the equality of passive and active voting rights. Representatives of minorities need not necessarily possess the attributes of those they represent. Naturally, this does not mean that the phenomenon of pseudo-minority representatives is excluded, quite the contrary. However, following the logic of free choice of identity and an emancipated electoral body, intervention from the outside becomes questionable. Therefore, auto-representation imposed by the state would have to be subject to criticism. Democracy is fragile and it cannot suppress every kind of uncertainty. Thus, we have to count on the capability of minority citizens to know how to recognize their true representatives.

Though normative arguments can be put forward for certain consociational elements (vetoes, guaranteed seats in Parliament, guarantees for coalition government), nevertheless, the consociational forms in question obviously cannot be reduced to arrangements among political elites, since such mechanisms have already revealed many shortcomings, leaving large portions of citizens without any insight into these arrangements. Lastly, these consociational forms work towards presenting minorities with the opportunity to remain a constitutive part of the political community, but without the paternalistic content.

2.4. One problematic aspect of the aforementioned law is the policy of *non-identification* of minorities, an opportunistic abandonment of the identification and registration of minorities. This problem does not exist for the majority, they, at least to some extent, are taken for granted by the state. However, in the case of minorities, this forces some important issues to be handled through contingent tactical corridors. Difficulties in the legal definition of minorities are already well known, and do not need to be discussed here. Nevertheless, if we want to overcome the confusion surrounding this issue and stabilize the position of minorities, we need to accept the risk involved and focus on the policy of identifying minorities; without a strategic attitude towards this problem, minorities cannot be recognized as state-making factors. The previous law did not set out clear criteria identifying the groups considered as national minorities. However, this situation probably resulted from a multiplicity of manipulative practices over several decades; at times it is extremely difficult to act consistently. Nonetheless,

European practices recognize so-called objective criteria and subjective evaluation by which certain groups are granted national minority status. We very often encounter practices of compulsory enumeration of minorities to avoid growing uncertainty and the acceptance of diverse and even contradictory interpretations. Likewise, incoherencies are detrimental to the regulative processes and it is not advisable to allow arbitrary interpretations within a legal vacuum.

3. The situation after 2000 can be defined by a quasi-consociational construction between ethnic (majority and minority) political elites. Why do I use this attribute? Because the minority elites that participated in the *distribution* of power in Serbia were unable to shape the social dynamics of minorities. The consociational model presumes that participants possess the ability to engage in certain forms of negotiation while the minority elites failed to strengthen what resulted from an understanding of collective minority rights – an arrangement securing political representation *sui generis* of minorities in the Parliament. By integrating minority elites into the framework of majority elites, the illusion was created that minorities represented a constitutive part of the political system, and participated in political life in an appropriate way. This might explain the inconsistent rhetoric of minority political elites, alternately criticizing power holders as if they themselves were not part of this power, and opportunistically defended the achievements of the same. This rhetorical game “from both inside and out” exposes the contradictory position of minority political elites, which travels along compulsory (self)-appointed paths. Finally, the deficit in the legitimating capacities of minority political elites is deeply connected with the lack of stabilization in minority positions.

Minority elites, therefore, cannot be absolved of their responsibility for the state of affairs regarding political representation. In any case, this paper is not intended to be taken as *unilateral*, nor does it aim to challenge unilateral courses of action (majority *vis-à-vis* minority). This is not only because the political representatives of many minorities tend to seek solutions that satisfy members of their minority – or more precisely their most powerful political parties – but also because the elites of the greater part of minority communities are burdened by inter-minority conflicts. Consequently, insufficient attention has been given to real-life minority issues, including minority representation in Parliament, despite an environment that generates assimilation.

4. We cannot put an equal sign between legal protection and *sui generis* political representation of minorities. The self-determination of minorities acquires meaning here through the integration of collective identities into a whole. Thus, we should pay attention to the adequate representation of minorities in state-related decision making, and secure their participation in decision making processes. The 5% electoral quota exploited minorities. It has often been said that Parliament should reflect the political structure of a country, but it also has to function. The fragmentation of small parties should not impede the creation

of a functional majority or paralyze the democratic system of institutions. However, when different public interests are evaluated, there are no constitutional obstacles to liberating minority parties from the abovementioned quota. It can be argued that equality, an integral part of the voting right, is thus exceeded, nevertheless, if the exceptional importance of minority protection is accepted, then an equality specification can also be agreed upon. We cannot accept a reasoning whereby major political parties can a) integrate minority parties, b) represent minority demands and interests in their totality, thus making the issue of electoral census redundant. There are liberal-democratic arguments that justify the existence of minority political entities, and this needs to be secured through institutional mechanisms.

4.1. It is necessary to examine the legal regulation of minority representation employed in Vojvodina and Serbia over the last five years. The Law on the Protection of Rights and Freedoms of National Minorities of 2002 was an expression of a new minority policy, however, it relied on the Framework Convention, without even mentioning minority political representation. After this law, the *Charter on Human and Minority Rights and Civil Liberties* of the former State Union of Serbia and Montenegro, passed in 2003, was the first to clearly establish the rights of minorities “to a certain number of seats in the assembly of the member state and in the Assembly of Serbia and Montenegro, on the basis of the direct representation principle and in compliance with the laws of member states” (Article 22). However, after this declaration, the enthusiasm of legal regulation dried up almost completely. Firstly, the republican *Law on Changes and Amendments to the Law on the Election of Representatives* of 2004 abolished the 5% quota for minority parties in the distribution of seats in the Parliament (Article 81, Paragraph), thus introducing a so-called natural threshold for the admittance of minority parties into the Parliament of the Republic.

The Decision on elections for the Assembly of Vojvodina, in 2004 (“Official Gazette of the Autonomous Province of Vojvodina”, No. 12/2004) also abolished the 5% quota adding another novelty by decreasing the number of signatures needed for the candidacy of national minority political party lists from 6.000 to 3.000 (Article 53).²²

For the 2007 Republican elections, the Electoral Law was amended following the Decision of the Provincial Government on a Directive of the Republican Elec-

²² In 2005, the Agreement between Serbia and Montenegro and the Republic of Croatia for the protection of the rights of the Serbian and Montenegrin minorities in the Republic of Croatia and the protection of the Croatian minority in Serbia and Montenegro was ratified. In Article 9 both contracting parties agreed to “enable the participation of national minority members in decision-making processes pertaining to their rights and their position on local, regional and state levels in the Republic of Croatia, and on local, regional, provincial and state levels in the State Union of Serbia and Montenegro, enabling the establishment of political parties and participation in representative and

toral Committee dated November 15, 2007. The number of signatures needed for minority party lists was reduced from 10.000 to 3.000 for minority parties and coalitions, explaining that the legal solution would not be in compliance with international standards.

In spring 2007 a public proposal was presented by the Democratic Party and the Alliance of Vojvodina Hungarians to change the Decision on the election of provincial representatives in the wake of the new provincial elections: to elect 48 representatives by proportional system (instead of 60), and reserve the remaining 12 seats for representatives of the eight minority communities, elected by majority system and separate voting lists (10% of the 120 seats in the provincial Assembly).²³

5. An issue arising from the political representation of minorities, which is supposed to preserve multi-ethnicity in Vojvodina on a political level, is the lack of coherent government strategy on minority issues. Attempts to solve the problem of minority representation usually occur before elections, without consulting minority representatives, except, perhaps, representatives of the largest majorities, which follow "partocracy logic" and focus on the interests of their own minority party.

Although comparative-legal practices recognize several methods for the establishment or improvement of minority political representation, within the broad spectrum of methods employed to achieve and guarantee real political representation of minority communities in parliaments, the following aspects stand out:

executive bodies, to ensure, by domestic legislation, the representation of national minorities in representative and executive bodies on the local level". This was the only attempt to attain guaranteed seats for national minorities in Vojvodina and Serbia. The republican government was unwilling to offer guaranteed seats for minorities, while during contacts with representatives of the Republic of Croatia and the Democratic Alliance of Croats in Vojvodina it was pointed out that, by decreasing the electoral quota for minorities, Serbia fulfilled its obligations on guaranteed representation of the Croat minority as prescribed by Article 6 of the interstate Agreement on minority protection. Sl. Bačić writes about this in: *Politička reprezentacija manjina i očuvanje multietničkog identiteta Vojvodine* (manuscript).

²³ In this minority quota, eight minority communities with existing national councils and at least 10.000 members would be represented: the Hungarian community – with three seats, Slovaks and Croats – two each, and one each of the following communities: Romanian, Rusyn, Macedonian, Roma and Bunjevci. This agreement was reached between the representatives of minority national councils and the representatives of the Provincial executive council. Accordingly, there would be 12 seats in the Assembly of Vojvodina, 10% of the total number of seats. After months of negotiations no consensus was reached, and thus the proposal was never presented to the Vojvodina Assembly. Instead, the Democratic Party offered guaranteed seats to national minorities, through a certain number of reserved places on their electoral list, as it did at the last republican elections.

- Guaranteed representation of minorities, by an explicitly determined number of representatives in parliaments, based on their percentage within the overall population on a given level (republic, province), is technically the simplest, and the most widespread principle used in the region.
- Two groups of minorities that coexist can be distinguished: those that are numerically more significant, and less numerous minorities; their interests are not necessarily the same.²⁴ It should, perhaps, be ensured that the larger minorities have their own specific representatives (Hungarians, Bosniacs), while less numerous minorities might be jointly represented by one, or even two representatives, as less numerous minorities *densely inhabiting* a given territory could also have different interest from minorities living in smaller communities, for example, Slovaks in Vojvodina or Romanians in Banat or East Serbia.
- It is extremely important to ensure that minority representatives play a special role in processes involving regulations or provisions that are important for minority rights. This role should not be only consultative, but it could, for example, also include the right to veto, to prevent obstruction or majoritarianism in the legal regulation of minority issues and to secure the consent of minority representatives.

On the other hand, in political representation through minority councils it appears that the following issues are the most important:

- Securing a transparent, functional and well controlled flow of power, inherent in democratic principles;
- the method employed to elect members of national councils;
- securing a stable flow of funds for the proper function of minority councils;
- clear positioning of national councils within the political-legal environment, accurate definition of the authority of minority councils with regard to state bodies;
- the division of power in accordance with classical democratic principles, a clear separation between the authority of national councils and their executive bodies; this includes normative guarantees of transparency in minority bodies and the fulfillment of these bodies' responsibilities.

6. Now we should discuss the legal uncertainty surrounding minorities; since the state union has ceased to exist, there is still no law on minorities, a large part

²⁴ One should always keep in mind that different minorities in Serbia have different demographic potentials, territorial concentrations, methods of making use of material resources and cultural infrastructure. Some have a mother country, while others do not. This implies that action requires great care, cautiously considering these differences while aiming to apply a fair approach in minority policy.

of minority issues still hang in an *extra legem* domain. National councils, regardless of how we assess their political positions, though they still function, are in a floating state.²⁵ Finally, in some situations one can observe not only a tendency not to implement certain laws in a consistent manner, if at all, but also the existence of legal provisions that are in collision with each other.²⁶

Conclusion

Considering the weak institutional achievements of the state in Serbia, as well as the weaknesses of the mechanism for coordinating the problems of a complex society, the exposure of the state to contingent influences, negative events in the system of political representation of minorities and the legal uncertainty regulating minority issues, we could conclude that it is inevitable to:

- a) accurately define minority policy, since minority policy remains prey to institutional chaos without proper specification of the authority and position of institutions,
- b) rethink the minority policy on a day-to-day level, a comprehensive intervention, including the process of building appropriate institutional capacities,
- c) construct appropriate institutional infrastructures that would systematically detect and process the problems that have occurred, to avoid leaving them to *ad hoc* decisions within the current dynamics operating in Serbia,

²⁵ The mandates of a number of minority councils elected in 2002 and at the beginning of 2003 have already expired. In addition, while this paper was being written, there was an ongoing public debate on the draft Law on Culture, yet the draft did not even mention national minority councils, this means they are being ignored in the articulation of the interests minority culture. If the intended purpose of national councils is to interpret the identity of minorities, we must ask the following question: do such moves merely inform us that national councils are simply *irrelevant* in the distribution of power in Serbia?

²⁶ The law on local self-government did not permit the use of national symbols, but only some representative signs of local units and mother countries. This is in contradiction with the Law on Minorities. There were cases where legal provisions were obtained only through complicated court procedures, such as the case of Srbobran. Finally, it is worth mentioning that the 2002 Law on Local Self-Government envisaged the establishment of Councils for interethnic relations in municipalities where diverse nationalities resided. Nevertheless, only 39 out of a total of 68 municipalities with diverse nationalities established councils for interethnic relations, though this is a legal obligation, not a matter of choice.

- d) establish a Ministry for minority and human rights, thus clearly demonstrating interest and determination regarding the consistent regulation of minority policy,
- e) pass a new Law on minorities, as well as other relevant Laws that would bring legal regulation into a coherent status, particularly regarding national councils, supposedly equal partners in tailoring minority policy,
- f) secure the verification of all draft laws for possible violations of human and minority rights both institutionally and procedurally, there must be a feasible possibility for the verification of majority relations (with minorities, as well), while the use of power must be linked to the legal system.

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Can there be a Transition from Social Chaos

Political parties in Serbia generate, integrate and channel, to a great extent, the value and ideological potentials of the subjects/citizens of Serbia. Political parties colonize the political culture. The weak civil society is unable to confront such colonization. The limits of this kind of engagement of political parties are only the deepest layers of the value habitus.

Nationalism and ideological orientations such as non-democratic, traditionalistic and anti-European views, are the key dimensions of an amorphous, and in reality social-national ideological syndrome, where nationalism and state socialism are the energizing potential. In politics, the Serbian Radical Party (SRS) and the Socialist Party of Serbia (SPS), primarily generate, carry forward and strive to fulfill this syndrome.

National openness, democratic orientation, European orientation, political and social activity and directed activism, are the key dimensions of the syndrome of modernity, which gathers, integrates and directs values and actions with such a background. In politics, the Democratic Party (DS), the G17 Plus political party and the Liberal-Democratic Party (LDP), with occasional participation from the Democratic Party of Serbia (DSS), support, carry and strive to realize this ideological concept, sometimes cooperating.

Political players from both options lure their supporters and satisfy them: the former by promising a socio-national state, and the latter with the charms of Europe and the omnipotent market. The common feature of both sides is the tendency towards creating and maintaining passive supporters – subjects – active only when their vote is required. In this context, parties promote their ideological baits as global (national, state) interests. However, the question is whether it is at all possible to perceive global interests in a different way, if citizens and the public exist (more or less) only at the level of a theoretical construct.

Keywords: nationalism, democracy, anti-European orientation, modernity, passivity, political culture.

“Let us look at the situation in Eastern European countries around 1990, when Existing Socialism was falling apart: all of a sudden, people were thrown into a situation with ‘freedom of political choice’ – however, were they really at any point asked the fundamental question of what kind of new order they actually wanted? ... People were first told that they were entering the promised land of political freedom; soon afterwards, they were informed that this freedom involves wild privatization, the dismantling of social security, etc, etc... They still have the freedom to choose, so if they want, they can step out; but no, our heroic Eastern Europeans did not want to disappoint their Western tutors, they stoically persisted with the choice they never made, convincing themselves that they should behave as mature subjects who are aware that freedom has its price...” (Slavoj Žižek)

Roughly the same factors (with a more or less different scope, intensity and direction) brought about the destruction of socialism, the relatively long co-existence of an odd mixture of two contradictory systems (state socialism + state capitalism) in the 1990s, a change of the camarilla in power in 2000, and a sluggish entry into capitalism after 2000.

Unfortunately, we lack the conceptualization of these factors (see Miler, 2003; Katunarić, 2006¹). It is most probably the proximity, both temporal and spatial, of all these events that works as an impediment to local authors (publications are one-sided, reductionist, politically-instrumental – see Lazić, 1994), whereas foreign authors, due to a surplus of theory, a lack facts and understanding of events, and some flimsy *Procrustean* manipulation of the available facts, for the most part produce barely usable *Frankenstein-theories*².

From the conceptual point of view I am going to use Mladen Lazić's descriptive scheme of deterministic factors that brought about the dissolution of Yugoslavia, published in 1994 in his paper “Social factors of the collapse of Yugoslavia”. As stated above, I believe that these same factors, in a dynamic composition, first brought about the establishment of *Milošević's Serbia*, and its subsequent collapse, and that they have been, in a way, crucially operative

¹ “Both during the wave of decolonization, and during the wave of de-bolshevization, the newly liberated countries not only failed to become developmentally successful and rich, but also failed to create ‘kingdoms’ of knowledge, necessary for a new momentum of development” (Katunarić, 2006: 13).

² In general, the available literature on *social transition* is rather poor, despite the fact that departments of social transition exist in some universities (see: Peračković, 2004: 488).

even after 2000, as factors determining the character and dynamics of the slow-moving entry into capitalism.³

Lazić's classification of the factors behind the dissolution of Yugoslavia represents a combination of three temporal and four structural dimensions: a total of 12 factors of dissolution. The temporal dimension is perceived through historical, systemic and conjunctural factors, while the structural dimension is perceived through political, economic, cultural and socio-psychological factors. By combining a diachronic and synchronic approach, Lazić comes to the following list of factors: long term factors (historico-political, historico-economical, historico-cultural and historico-socio-psychological), medium term factors (systemic-political, systemic-cultural and systemic-socio-psychological) and finally, short term factors (conjunctural-political, conjunctural-economic, conjunctural-cultural and conjunctural-socio-psychological). Needless to say, the author divides these factors into internal and external, and also opens the possibility of additional and diverse divisions (Lazić, 1994: 158 and further).

Without aspiring to be comprehensive, in this paper I shall focus on some conjunctural factors (previously outlined), including an institutional and individual division, in order to concentrate only on the individual, with occasional reference to their systemic and historical character. Namely, these factors are, in my opinion, key indicators of the state of, and the (static and dynamic) changes within society, and are related to the values and behavior of individuals and social groups. More precisely, the issue is a *quartet of dominant factors*: the status of two value orientations (*nationalism* and *democracy*), the direction of civilizational orientation (towards *Europe* and European integrations), as well as the character of social and political behavior (*activism* vs. *passivism* in the context of politics and social life in general). This quartet of dominant factors has characterized both the prevailing (current) *political culture*, and the level reached in the *process of transformation of subjects into citizens*, but also *social chaos*, a key determinant of the social situation we have had for a decade or two.

Locating responsibility

Let me start with the public perception of internal and external factors of development, but also with the individual vs. the institutional, in the context of social development.

In a survey on the expectations of Serbian citizens (CPA, July 2003), respondents were presented with a list of six factors crucial for the economical development of the country for the forthcoming 10 years, and asked to assess the

³ Needless to say, the character of this *newborn* system still remains an open question. Is our transition, or any other, anything other than conversion from decaying socialism into a system of new capitalist neocolonialism? Or is it just a question of peripheral capitalism? (see: Katunarić, 2006)

importance of each one (Appendix, Table 1). Respondents selected “peace and safety in the country” as the most important (85%), followed by “ending political quarrels and disputes” (77%), “people to work harder and in a more intelligent manner” (73%), “greater help from the European Union” (54%), “more foreign investments” (52%), and at the very end, “active participation of citizens and their organizations: syndicates, civic associations, NGOs” (40%).

The most important findings of this survey In my opinion, are that (1) internal factors of development are valued more than external, in a ratio of 1:0.80; (2) institutional factors are valued more than individual factors, in a ratio of 1:0.84; (3) some elements of political-cultural capital (peace and safety in the country, ending of political quarrels and disputes) are valued more than financial capital (more foreign investments, greater help from the EU), in a ratio of 1:0.65; and (4) working enthusiasm (people to work more and in a more intelligent manner) is valued more than the activism of citizens (active participation of citizens and their organizations) in a ratio of 1:0.55.

The fact that internal factors are valued slightly more than external (foreign investments and help from the European Union) looks optimistic. The emphasis on the importance of social capital (which is increasingly seen as a key for emerging from the peripheral status of many post-communist countries) looks optimistic as well. This trend is additionally supported by recognizing the influence of institutional structure on development, as well as indirect emphasis on the importance of political subjects (politicians, political parties) in development. However, overemphasis on institutional responsibility and the responsibility of politicians in general, as opposed to personal responsibility, works in the opposite direction. Two generally held opinions have become central to popular understanding of issues and are used to explain almost anything. The first is “Politicians are responsible for everything”, the second “Everything would be different if we had a better state”. Therefore, politicians are responsible and the state is responsible, but *we the people* or *the citizens* have the least responsibility in everything that is happening to us! In other words: a high level of mistrust and dissatisfaction with politicians, the state and the state institutions.

Citizens perceive the overall responsibility of politicians and political parties: in a number of surveys conducted over the last five or six years, we find that somewhere between two thirds and three quarters of citizens support the claim that politicians are keeping us preoccupied by their involvement in “high politics”, rather than taking care of the basic issues that people are concerned about! Findings that the distance in terms of values from political parties is increasing should also be mentioned; however, in general, I did not detect a decrease in party identification. (see Table 2)

The responsibility of the existing state and the appeal of socialism: we tested the attitude of citizens towards the state with a simple question: “What is better, a state taking on more responsibility for the existence of every individual or the

people themselves taking the responsibility for their existence". Research carried out over the last seven years shows that, in most cases, around two thirds of citizens claimed the state was responsible for their existence as well. The percentage of those who believed in the responsibility of the state was slightly lower in the period between 2001 and 2003, however it seems that a crucial turnaround came in 2006, when, for the first time, the percentage of those claiming that the people themselves should take the responsibility for their existence (43%) was higher than the percentage of those believing in the responsibility of the state (37%), alongside 29% who stated that they were unable to answer this question (see Table 3 in the Appendix).

An overall trust in the state has its roots in socialism; the current perception of the state mainly comes from the fact that it is being perceived from a socialist angle. The current state is perceived from the perspective of *state-protector*, *state-mother*, and thus, its perception as *state-stepmother*, a more/less irresponsible institution, is not surprising.

As far back as the mid-1990s, memories of Titoism and longing for the socialist state were strong sentiments, which Milošević, and later the Radicals, skillfully exploited, occasionally flirting with socialism, (slowly wasting *Tito's legacy*). Let us first examine the perceptions of the previous, current and future system at that time. In fact, in that period, I was exploring *the attitude towards socialism, the actual moment of transition and the expected future* (as respondents expected it to take about ten years). Synthetic indicators of these relations were created on the basis of three positive, three negative and one neutral grade, with the possibility of answering "I don't know" – for nine aspects of life: standard of living, economy, the political system, religious freedom, freedom of thought, job security, social policy and national equality.

Overall, the surveys revealed a mixed perception of socialism. Up to a half the respondents perceived socialism with an even number of positive and negative characteristics, and were unwilling to make a decision for or against it on a particular scale. One quarter of the respondents, namely every fourth respondent, perceived socialism as positive and accepted it wholeheartedly, while the other quarter perceived it as negative and rejected it.

As opposed to socialism, the actual moment of transition was rejected by more than half the respondents – 57% of them expressed resent against it, two fifths had mixed opinions, and only 2% accepted transition in its current form. The "future system", namely how the citizens of Serbia imagined what is *happening today*, ten years ago, received even worse scores. There is no doubt that at that time, citizens saw *what is happening today* merely as a deteriorating development of what they *had then*. Thus, almost two thirds of the respondents perceived the future system as unacceptable, while only 7% (as much as nine times less) accepted it, and 29% had contrasting feelings of rejection and acceptance (see Table 4 in the Appendix).

The attitude towards socialism was, on one side, mostly colored by positive attitudes towards the period of Titoism, and on the other side, a negative reaction to the one-party system (a little more than half of the respondents in both cases). Self-government encountered a major negative reaction (34%), while socialism in general had a major positive reaction (44%) and likewise the economy and standard in socialism (46%). Regarding the political system in socialism, the number of positive and negative opinions was equal (29% each). Therefore, socialism was generally accepted, when leadership (Tito) and economy were concerned, while it was rejected on the political level. However, this does not mean that respondents opted for a *return to socialism*, as 55% of them, when asked the direct question, rejected the possibility, 14% would accept it, while others (31%) either could not answer, were confused or did not think about such matters.

During a five-year period, in the mid-1990s, high percentages of *good memories* were recorded as answers to the question “What are your memories of the period of Titoism” (see Table 5).

What is the perception of socialism today? In order to test the perception of socialism, we took its most favorable feature according to the opinion of respondents from the mid-1990s (leaving Tito aside, this is, after all, an *un-restorable past*) – and that feature is the standard of living.

In three surveys, done over a period of three years (2002-2004), we asked the participants to answer the following question: “When was life better?” Deciding between four possible answers: before socialism, at the time of socialism, at the time of Milošević and “nowadays”, a large majority of participants opted for living in socialism: as many as 80% in 2002, two thirds in 2003 and a little more than a half in 2004 (see Table 6 in the Appendix). There is no doubt that socialism still survives in the social memory of our people. However, there is also no doubt that socialism survives not only as a memory, but also in its specific ideological life after death, primarily through the concept of *desired state*, a concept parties like the socialist and radicals occasionally flirt with.

Post-socialist sacralization of the state probably responds to the need to have someone or something that stands up against the omnipotent market. A powerless individual, confronted with constant, new (post-socialist) reduction to the status of labor-force resource turns to religion, nation and nationalism, the *state-mother* – linked, through *good memories*, with socialism. In the spring of 2006, a survey conducted by CeSID (“Political divisions and the understanding of the state”) showed that one in two respondents accepts the claim that “the interests of the state are more important than the will of the individuals within it”, while one in six respondents accepts the astonishing claim “To us, the state is more important than bread”.

Research indicates that the memory of socialism is fading, people look less and less towards the strongholds of the past, they are searching for solutions in the future, but solutions that are viable and not exclusive, only favoring individual

players in new social relations. Social relations and institutions are gradually loosing their sacral character, but this is still far from a realistic insight into the harsh (market) reality. All things considered, in the citizens' perception of social reality, the (socialist) state is loosing the battle in its confrontation with the (capitalist) market. Nevertheless, the question remains: what is the outcome of this battle right now?

While the socialist state lost its dominance, it remains in the game⁴; while the market has risen from its subordinate position, it has just created a balance in the game, and is gaining incentive. However, a closer look at this state of affairs reveals that there is great (ideological) confusion in the heads of the people, a sort of social chaos, which is an important factor determining the state of today's society. It appears that while people are aware of the necessity of market competition; while they are not willing to give up that state control which benefits them, they do feel the market closer in matters they are not directly interested in. This confusion and chaos can be seen both in the problems people deal with directly on a daily basis, and in problems that are not topics of regular interest to the majority, or that the majority does not even encounter. As illustrative examples, we chose three issues at different distances from the *average individual*: who should deal with the issue of unemployment and employment of the citizens – the market or the state? Should tuition be paid, or is education to be free? Who should finance culture and art – the state or should it be left to the market? We classified the reactions to these pairs of inconsistent statements into four categories: no answer, inconsistent answers, partially inconsistent answers (when the answer "I don't know" came with an answer stating a certain opinion) and consistent answers (which were divided into "pro-market" and "pro-state" – the last two columns in *Table a*).

⁴ "My starting position is that a desirable democratic future remains unreachable until we start dealing with the issue of the correct attitude towards a bad past. Namely, I claim that this past did not vanish through the change of the regime itself, and that it can not be erased from public life by some political decision and subsequent measures. Because we feel the consequences of the past, we are in no position to choose between forgetting and remembering: those who insist on the policy of forgetting are actually refusing to face reality." (Dimitrijević, 2005: 18).

Table a: Degrees of inconsistency and consistency in answers to proposed inconsistent statements (in %)

Inconsistent statements the respondents agreed or disagreed with (a five level scale)	No answer, doesn't know	Inconsistent answers	Partially inconsistent answers	Consistent answers	"Pro-market" consistent answers	"Pro-state" consistent answers
<ul style="list-style-type: none"> - The state should be responsible for creating new jobs, as well as offering the unemployed aid and opportunities to gain new skills - The problem of unemployment should be left to the market – the law of offer and demand is valid here as well 	19	26	23	32	30	2
<ul style="list-style-type: none"> - Elementary, high and university education should be free for all, except for bad students - Tuition should be compulsory in high schools and universities, except for the most talented students 	21	42	14	24	14	10
<ul style="list-style-type: none"> - The state should finance quality art and culture, when it is not accepted by the market - Everything should depend on the market, including books, theatre, movies – their fate should depend on whether people are willing to pay 	29	26	20	25	21	4

Source: Mihailović and Kuzmanović, 2004.

Most respondents gave either inconsistent answers or no answers to all the statements containing opposing viewpoints of the state and the market. The degree of consistent answers varies between one fifth and two fifths, and in the examples provided in *Table a*, between one quarter and one third. However, according to the results of the aforementioned survey (Mihailović and Kuzmanović, 2004), when we looked at the orientation of the consistent answers, of 30 statements (15 pairs), half expressed a neo-liberal orientation (pro-market), whereas the other half was rather pro-liberal, pro-socialist or social-democratic orientation (pro-state), in other words almost equal⁵.

These results testify to the ideological confusion of the Serbian people, and, in a certain way, to their ideological chaos. At the same time, they reveal a tendency to dislodge the state from the ideological throne, as well as the inability of the social-democratic ideological option to become the *testamentarius* of socialism, which has been dying for a long time. All in all, the state is becoming less and less the place where social responsibility abides, whereas the issue of market responsibility, because of the nature of things, is not even being raised.

The tendency to dismantle the responsibility of the state in all and everything does not only originate from market logic, but also partially from the (albeit slow) tendency of the citizens themselves to take on responsibility. Thus, for example, the degree of those agreeing with the statement that "What a man does or does not achieve in life depends little on his own efforts, but more on the general economic situation, the possibility of employment and the help provided by the government" dropped from around three quarters in the spring of 2004 to around one half in April 2006 (see Table 7 in the Appendix).

These results are confirmed by data collected from this year's survey conducted by CeSID (September 2007). Asked to mark the degree in which they can freely choose and decide about their lives on a scale of 1 to 10, one fifth of the respondents placed themselves between 1 and 4, which indicates a low perception of choice and freedom, little more than one quarter placed themselves in the middle of the scale, while half placed themselves in the upper part of the scale (between 7 and 10), thus testifying to an impression of considerable freedom of choice.

We can conclude that a dual process is underway, developing however, at a speed that is not to be envied. On one side, power is being taken away from the state, its competencies, to a greater or lesser extent, are being taken over by the market, while on the other side, there are parallel processes of de-collectivization and individualization of social and existential responsibility. We could consider

⁵ However, we should mention that respondents agreed more with positively formulated than with negatively formulated claims. The correlation between the type of formulation (positive vs. negative) and the type of orientation (neo-liberal vs. social-democratic) is statistically significant (0,24).

this as of a process of constituting authentic civil society⁶ and a process of establishing citizenry.

Nationalism as a constant in Serbian history

Ideologized and politicized for two centuries, nationalism represents the main axis of Serbian history. A nation that had been enslaved for a very long time, inscribed the idea of (national) liberation into the matrix of its existence, recognized national unity as a precondition of liberation, understood the issue of state borders and (national) political community as an integral part of the issue of liberation, as well as the issue of securing a state, its borders and its survival. These issues are the *black hole* of the overall social and political energy of this nation. This is the question of all questions, which has diverted energy from all other questions, no matter how important they were. This was where the measure of all things was sought and found. It was the measure of every man; his humanity was understood only through his nationality. Only during the time of socialist Yugoslavia did it seem that issues were solved. However, as it turned out, they were only suppressed, politically and ideologically marginalized; they erupted once again with tremendous force at the end of the 80s and the beginning of the 90s. All the important determinants of political culture were concentrated therein, and defined and evaluated on the basis of those criteria. It is the *curse* of a nation that has been fighting for (national) freedom for centuries. Obviously, these five-six centuries were not only centuries of struggle, but also centuries of peaceful endurance of occupation, *the time of subjugation*⁷, some sort of coexistence and sub-life. The political culture of this nation is determined more by this *spirit of subjugation* than by freedom-oriented activism. Ultimately, it is substantially defined by this permanent rift between peaceful endurance of an occupied and colonized nation and the struggle against the occupier/colonizer. It is a rift between a desired state and an easier more realistic relationship with the existing state (the “bad guys” are the ones *in the saddle* here, not the “good guys”). Our highest values are determined here: liberation (freedom), (national) unity, (own)

⁶ Veljak, on the implications of the civil society deficit: “The hypothesis that should be further researched in this context is: inadequacy of (partially manipulated, partially systematically marginalized) civil society to face the challenges of parliamentary democracy in a multinational (con)federation is a crucial factor (or at least one of the more important factors) of the bloody resolution of the Yugoslav crisis.” (Lino Veljak “Uloga civilnog društva u demokratizaciji Hrvatske”, www.zamirzine.net/IMG/doc/veljak.doc)

⁷ The project of socialism in its best form (massively supported in 1968), was a project directed against the *spirit of subjugation*. However, it proved to be utopian. *Self-government throughout!* – as an expression of the aspirations to organize the state as an alliance of self-governments (*Republic of self-governments*), was no more than a slogan written in watercolor (not oil paint), washed away by the first rain and forgotten even by those who invented it and wrote it on the wall of the *Faculty of Philosophy*.

state. Naturally, in the categorical sense, these are the values of collectivism and traditionalism, and as such everything modern is understood as *other and different*, the enemy, something that will ultimately bring about our end.

Where does this post-socialist eruption of nationalism come from?

The changes that occurred during the last years of the 1980s were, for the majority of people - *drastic*. Today, many imagine themselves as wise (like generals after a battle), but at the time, everything happened *suddenly* and, for many, in a *schizophrenically different* way. This is true especially for the classes in society that did not see (and were unable to see) the change of direction coming, it was, by all accounts, *revolutionary*. Suddenly, for them day changed into night, black became white, and white suddenly became black; what was up went down, and what had been low climbed up to the throne. And then, when almost everyone expected servants to become masters, and masters to become servants, something unexpected – unpredictable – happened again: masters remained masters, and servants continued to serve! In his recent works, Josip Županov talks about this turnaround as a social cataclysm.

This unexpected, unpredicted turn of events brought total confusion to those who were left without their socialism and their ideology, in fact without *religion*, (that support/shelter and interpreter of the unpredictable), without a stronghold or something to lean on. Suddenly, they were dislocated from everything!

*Religion*⁸ and *relocation* were found in nationalism, certain ideologies and religion itself. Some found support/shelter in the memory of socialism, others in seeking a paternalistic-socialist state, while others again turned to entrepreneurship, to drugs, while some others still, however, saw the *communism* they were dreaming about for years, in *Europe*...

How did *these people* react to Milošević's claim that with him and his followers, there would be no surprises (and also, casually, the *Swedish standard* was at hand)? How could they react to Drašković's pledge to cut the arm of each man who..., and Šešelj's preparation of a hawthorn stake for the 88 roses of the president-for-life... Everyone promised, directly or indirectly, a way out, some kind of light at the end of the tunnel – overall progress, *Dušan's Empire*, and, of course, a historical mission! (A nation *happens*, does it not?)

Some put their faith in one, some in another... but in each of them without any reserve. In the end, a lot of faith, and little wisdom! The sentiments of the horde began to muster, generally to the detriment of what was human. Growth and development were substituted for poverty and hardship. Deprivation announced sacrifice in blood. Civility was backing down, while its contrary was advancing to take its share, as always happens when the fulfillment of needs is not on an ex-

⁸ Any religion, of course, no matter whether classical, orthodox, secular or catholic (in the sense of catholicity)!

istentially and humanely satisfying level. All in all, as the last survey of Yugoslav youth demonstrated⁹: fear in the heart and confusion in the head!

Socialism came with a war, to destroy nationalism in a public act, and left with revived nationalism (and wars based on it)! Something as epochal as socialism, could neither *come*, nor *leave*, without a war¹⁰. Our socialism was not terminated by its inherent weaknesses, as was the case in other socialist countries. Nationalism was required to bring it down¹¹. What a society essentially needs, it eventually finds, one way or another. The loss of socialism was easier to bear with a nationalistic anesthesia, at least for those who *signed a contract* on its existence, and they were the ones who needed socialism the most. And in any case, the pill of plundering privatization is more easily swallowed under the anesthesia of nationalism¹²!

Nationalisms in this area are not only manifestations of social, but also of individual needs for such a *religion*. This is why a great ideology was created out of this great *pre-ideology* (Puhovski). A pre-political or, rather, para-political phenomenon became the principal criterion of politics, and even life.

From an empirical point of view, at the beginning of the 1990s, the “ideology” of nationalism was absolutely dominant, its expression at that time being a specific form of total secular religion. Nationalism took over almost all social groups and organizations. Resistance was sparse and sporadic, more often individual

⁹ Mihailović, Srećko ed. 1989. *Deca krize*. Beograd: Institut društvenih nauka.

¹⁰ “In blood we came, in blood we shall leave”: the sentence, cited in variously today, in essence blood on arrival and blood on departure, is accredited to Mira Marković. However, from today’s perspective it is unclear whether she was referring to the communist parents and the children of communism or to socialism itself.

¹¹ Whether we like it or not, nationalism was a great ideological, as well as real-political necessity for both dominant political options. For social-nationalists it meant the *final confrontation* with “Ustashi” and “Balijs”, as well as the prospect of a *Greater Serbia*. For liberal democrats it meant a quicker collapse of socialism and an *alleviated* establishment of market economy. For social-nationalists it was a chance to engage in intra-national conflicts and for liberal democrats a chance to avoid intra-state conflicts.

¹² A specific proscribing of nationalism brings forward one of its equals in the form of reduced, simplified and almost absurd patriotism. Thus, patriotism becomes the surrogate for nationalism. Instead of value slogans inaugurating nationalism, there is *patriotism*. In the fall of 2007, we witnessed a raw manipulation of the issue of nationalism: we could read, at the time, about a tycoon who complained about the lack of patriotism in those who criticized and demanded a reassessment of the means he had used to acquire his wealth. “Tycoons are less careful, and one of the reasons might be the fact that the public is unable to remove a tycoon from power in his own company. This is probably the reason why the owner of Delta feels comfortable enough to call the editors and journalists of ‘Politika’ and criticize them for their ‘lack of patriotism’.” (This lack of patriotism, according to Mišković, is seen in Politika’s lack of support for his business empire. However, he does not see his own lack of patriotism, even when tax revenue from the sale of his bank ends up in Cyprus instead of Serbia.)” (Ljiljana Smajlović, “Pritisak i tortura”. *Politika*, November 16, 2007)

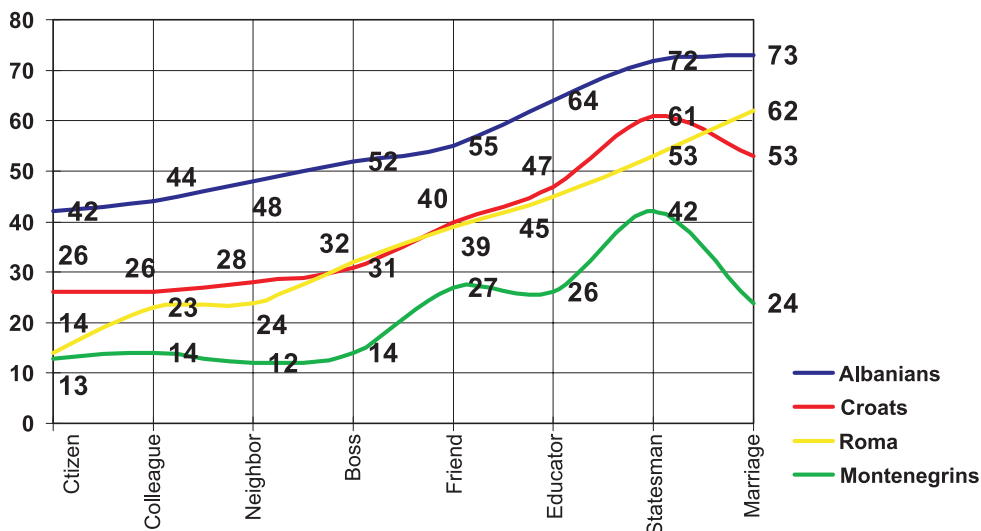
rather than organized. Amongst the citizens identifying themselves with a political party in 1990, nationalism encompassed two thirds of SPS and as much as nine tenths of Serbian Renewal Movement (SPO). Three years later, we observed that the number of nationalists in SPO dropped to 69%, increased to 79% in DS, and was as much as 92% in SPS. Supporters of the two newly formed parties were nationalistically oriented for the greater part: in DSS we found 80%, and in SRS an incredible 97% (see Table 8).

1993 was the high noon of nationalism in Serbia. From that year, nationalism gradually started to wane, at quite a slow pace and in waves (see Table 9).

Changes in the level of ethnic distance (indicated by *unfavorable opinions* about certain nations) during the period from 1994 to 2005 demonstrate:

- (1) A different distance towards two groups of nations, one “unfriendly”, encompassing nations Serbia was in war with (one way or another) during the 1990s, and the other “friendly”, encompassing nations Serbia was not in war with (excluding Slovenia). This conclusion is also confirmed by factor analysis (see Table 10), where the division into these two groups is evident; two distinct factors explain the variance of 67%.
- (2) The decrease of distance in all cases examined, save for the Montenegrins, where the distance increased from a relatively low 12% in 1994 to 16% in 2005.
- (3) A different rate of decrease: the distance decreased least in the case of Albanians (if 1994 is taken as the starting point, the index of decrease in 2005 is 0.88), closely followed by the group of nations where the distance decreased by one third (Croats, Russians, Bosniacs/Muslims and Roma). On the other hand, the greatest decrease was in the case of Macedonians (0.15), Slovenians (0.23) and Hungarians (0.35). According to the results of this factor analysis, the decrease in distance was more pronounced in the case of “friendly” nations and much slower in the case of “unfriendly” nations.
- (4) Despite a decrease in ethnic distance, it remains fairly prominent, especially in the case of Albanians (64%), but also Americans, Croats and Bosniacs (around 50%).

These results were also corroborated by CeSID’s survey conducted in 2006 (see Graph 1).

Graph 1: *Ethnic distance towards Albanians, Croats, Roma and Montenegrins*

Source: Survey of public opinion in Serbia, summer 2006. Research report, p. 20 (duplicated)

Graph 1 depicts the ethnic distance between Serbian citizens and Albanians, Croats, Roma and Montenegrins, indicated by their refusal to enter into certain social relations. “More than one half of the participants accept Albanians only as citizens and co-workers (although more than 40% reject even these social relations), whereas all other types of relations are rejected by the majority of citizens; 52% would not accept Albanians as friends, while almost three quarters would not accept Albanians in a leading position or becoming related to them by marriage. One quarter of the citizens show no distance towards Albanians. The distance towards Croats also divides the citizens. One in every four citizens would not wish to be engaged in any, not even the most distant, social relations with Croats, while a little less than half show no distance in any social relation. As for the Roma, more than one half of the participants would not marry a Roma, or accept a Roma in a leading state position. The least distance is towards Montenegrins. However, one in ten respondents would not engage in any kind of relations with a person of Montenegrin nationality. The relation that is least accepted is not marriage, like in other groups, but having a Montenegrin in a leading position. (Popadić, 2006, in the abovementioned research report, p. 19).

In 2007, we analyzed the nationalist orientation using a scale of opinions¹³. We detected nationalism in 45% of respondents (in weaker - 22% and stronger - 23% forms), whereas one third (32%) of respondents revealed an absence of nationalism (14% complete absence while 18% showed a predominant absence). A little less than one quarter of respondents had mixed opinions, both in favor of nationalism and against it.

Besides a correlation with variables having similar content in terms of ideology and values (which will be discussed later), we should mention that the relation to standard indicators of social status (statistically important, low and usual correlation). However, the correlation with party identification is particularly strong – the contingency coefficient is 0.46. On one side, we have parties like LDP, DS and G 17 plus, which have a smaller percentage of nationalistically oriented supporters (20% and less), and on the other side, SRS and SPS with around three quarters of nationalistically oriented supporters.

It is precisely this high correlation between party identification and nationalistic orientation that tells us that nationalism (as well as its absence) is, at least partially, determined by party preference, namely that it results from party socialization¹⁴.

Besides political parties, nationalism is generated by the government itself, according to its daily-political needs. Slobodan Milošević and his camarilla were infamous for their manipulations of nationalism. However, the government these days is not immune to temptations, no matter how pointless these projects are. Changes in the citizens' perception and understanding of the Kosovo issue testify to these manipulations (see, for example, Tables 11, 12 and 13).

There is no doubt that the scope of nationalism is partially conditioned by the current situation. However, the wars in the 1990s cannot be the cause of the eruption of nationalism. Wars in Slovenia, Croatia, Bosnia and Herzegovina, and Kosovo, international sanctions and bombing were events that could have only slowed down the decrease of nationalism, but they could not have contributed to its creation, since it was massively present in Serbia before all these events happened (except for the *tension* in Kosovo, which goes back a long time).

¹³ We examined the range of nationalist orientation through agreement or disagreement with the following five claims "My nation has many enemies" (46% agreed), "It is obvious that there is a conspiracy of certain nations against my nation" (50% agreed), "There is a great number of traitors among the members of my nation" (41% agreed), "In the world of today, our national interests are endangered in every aspect" (55% agreed), and "We should always be ready to defend our national interests, even by means of war, if necessary" (26% agreed). The answers were summarized and classified into five groups, two related to nationalism, two showing a lack of nationalism and one in the middle – a group with mixed nationalist and non-nationalist views.

¹⁴ Of course, one should not overlook the fact that nationalism is, fundamentally, the common point of value orientation of individuals who join a given party and of the party program saturated with nationalist orientation.

Taken in general, nationalism even today characterizes (to a greater or lesser extent) between two thirds and one half of Serbian citizens. During the last ten years, its scope was reduced by a half. This decrease in the scope of nationalism is correlated with the decrease in inter-national conflicts. For example, the distance towards Slovenians is much lower today than it was during the 1990s, despite the conflicts at that time; the distance towards Croats and Bosniacs is also decreasing, and even towards Albanians, though to a lesser extent, despite the current Kosovo conflict. Thus, the scope of nationalism is decreasing, but even today it is strong enough (and far from an *acceptable* 10-15% frame), and it needs to be taken into account whenever social crisis intensifies, especially since there are political organizations which constantly promote and generate nationalism and it has its proponents in official Serbian politics as well.

Halfhearted reception of democratic orientation

We live in a country in which self-government has brought us as close as possible, at least conceptually, to substantial democracy. Today, however, self-government is labeled as a utopian project, an unfeasible idea, at least within the nation that has yet to reach even procedural democracy, which is, by all means, a necessary precondition for the practice of substantial democracy.

It is not uncommon for the “soldiers of democracy” in our society to use the most autocratic measures and procedures that go against any type of democracy. Democracy here is an opposition project; the moment power is attained, its exercise becomes willful, and primarily in favor of “me and my people”.

In certain *more normal* countries, democracy is accepted, at least in words. In our society, not even this happens: for many, the word democracy is a corpus of profanities.

People here are democrats until they come into power. When they do, voluntarism becomes their highest principle. They use democracy as a cloak to disguise their arbitrary political behavior.

In our society party rule is hailed as parliamentary democracy, yet it is nothing but a transition from autocracy to oligarchy.

Over here undemocratic relations, within a democratic party promoting social democracy, are not considered as anomalous; un-democracy is believed to be a necessary characteristic of party politics, even in the case of those who are rather consistent in promoting democracy.

Our notorious democrats see nothing wrong in physically abusing members of their own families, wives in particular, while researchers into democracy are shocked when, as a test question, democrats are asked whether they might sometimes hit their wives, or children, or, God forbid, someone else!

Is democracy possible in a society that has weak experiences with democracy? And if not, how can a democratic project start? Is democracy only a means

and a procedure, or is it, at least partially, a distinctive social and political goal? Are there issues to which democracy can not be applied as a solution, as many of us believe? Do we have to wait for a particular time ("after we solve these, more important problems") to *introduce* democracy? Is a political party democratic when its supporters are undemocratically inclined? Is a corrupt democrat still a democrat, or just a member of a democratic party? Is there any benefit from democracy for a man on the political rise? How do democracy and intolerance / democracy and nationalism get along together, or how much do they not get along? Can democracy be used as a specific gauge for measuring certain things in society? Besides, why should democracy not be a measure, when nationalism is?

These are only a few indicative questions regarding the complex nature of the democracy issue. When this complex phenomenon is simplified in empirical research, up to a point where a significant majority of respondents can understand it, then researchers are dumbfounded by this simplification. This has been a matter of necessity, and it is how the procedures we used in empirical research need to be understood. A short review of these procedures follows.

Measuring democracy over the last three years, using a simple indicator¹⁵, shows a stable attitude among Serbian citizens towards democracy. In general, two fifths hold pro-democratic views, and another two fifths hold non-democratic views, whereas one fifth abstains, is uninformed or does not understand what the survey is about (see Table 14). When comparing answers with those given to the same question ten years earlier, we can see, for example, an 8% decrease in pro-democratic orientation over the period from 1994 – 2007, an increase in undemocratic views, from 22% to 40%, and a decrease in the number of undecided from 30% to 21%.

In 2005, we measured the attitude towards democracy with a more complex measure¹⁶. We found that 31% of participants exhibited undemocratic inclinations, 35% were democratic, while 34% were of mixed orientation. At the same time, we found that as much as 62% of citizens were not satisfied with the way democracy works in our country, 23% were satisfied, while 15% were indecisive

¹⁵ This indicator is commonly used around the world, and consists of a choice among three possible answers. One is pro-democratic: "Democracy is superior to any other form of government". The other two indicate an undemocratic view and an indifferent attitude towards democracy, but at the same time offering the respondent a possibility of "evasion" if he feels that failure to accept democracy is socially undesirable: "For people like me, both democratic and non-democratic regimes are the same" and "In some cases, a non-democratic government can be better".

¹⁶ This measure is a scale containing the following items: "The economy functions badly in a democracy", "There is too much indecisiveness and debate in a democracy", "Democracies are not successful in maintaining order" and "Democracy might have its flaws, but is superior to other forms of government".

or could not answer this question (data from the survey "Political division and value orientations of Serbian citizens" conducted by CeSID).

In 2007, we repeated the same procedure examining the attitude of citizens towards democracy¹⁷ and the results obtained were almost the same: undemocratic orientation – 30%, pro-democratic – 33% and mixed orientation – 37% (the differences between results from 2005 and those from 2007 are within the level of statistical error).

We can conclude that the attitude of Serbian citizens towards democracy has been stable in this last period, and that the distribution of answers is also relatively stable: the number of those who are democratic, those who are undemocratic and those who cannot understand the issue is equal (each orientation holds one third).

The attitude towards democracy is related to social status. As a rule, a higher status is more often connected with democratic orientation and a lower with undemocratic. The correlation between level of education, as a status indicator, and attitude towards democracy is 0.30. However, the correlation between democratic orientation and party identification is highest – 0.46%. On one end are the SRS and SPS, with 12-13% of supporters displaying pro-democratic orientations, and on the other, the Democratic Party with 72% of pro-democratic supporters. In the middle are supporters of the DSS, with half the supporters displaying pro-democratic orientation. (There is no doubt that such results strongly justify the labeling of certain parties as democratic and others as undemocratic).

Europe as a necessity and with many objections

It is a well known fact that Serbia stands on the civilizational crossroad between the East and the West, and that their political games have a crucial influence both on state politics and on citizens themselves, namely the public opinion.¹⁸

In addition to orthodox identity, the second half of the 20th century was marked by another political identification, with the East, first with the Soviet Union and

¹⁷ In fact, another item was added to the former scale: "Democracy is good because it allows citizens to exert influence on politics".

¹⁸ The *Civilizational crossroads* are not only a fact of modern history, they also play a central role in the idea these nations have about their historical position. Civilizational crossroads are marked by (1) centuries of acceptance and struggle against everything the Ottoman Empire symbolized in this region (14th – 19th century); (2) a long-lasting recognition of orthodoxy as the key symbol of identification (re-baptized in the 9th century), which ultimately led to the equating of religious and national identity, as well as to subsequent association with the mythologeme of Slavicity and reliance on "Mother Russia"; (3) long-lasting sporadic recognition of the West as a point of support, yet (failed) expectations of all-encompassing help, occasional conflicts but also togetherness manifested during the two world wars.

the entire “Eastern block”. Communism was the focus of this new identity, but it lasted only a short while, because of conflict with Informbiro in 1948 a huge political barrier towards the Eastern block was created. A few years later, in the mid-1950s, when the conflict receded, neutrality in the cold war conflict between NATO and the Warsaw Pact countries became the official foreign policy orientation of Yugoslav communists (“*A cuddly lamb suckles from two ewes*” – according to a local proverb). Later, this policy developed into “non-alignment” and a gathering of third world countries, which lasted until the 1980s.

In the 1990s, starting with the dissolution of Yugoslavia, followed by the Balkan wars, and finally through the particularly violent “solution” to the Kosovo problem, Milošević’s Serbia gradually entered into a conflict with the “whole world” (or so it was defined here at that time), but in fact with the Western countries. This culminated with the bombing of Serbia in 1999. Initiatives to form an alliance with Russia and Belarus ended as just an attempt, giving reason for hope to some citizens, while providing others with an opportunity for ridicule and ironic comment. Nevertheless, the regime failed to be convincing internally, not being able to seriously count on the aid of the abovementioned countries (China and Iraq had also been mentioned).

With the change of government, in the first half of 2000, it appeared that Serbia was definitely turning towards the West. However, within a short time, the pendulum shifted once again towards the East – the official politics, as well as part of the public saw an opportunity in Russia and even China to “preserve Kosovo”.

Generally speaking, over the last 200 years, the period of its modern existence, foreign policy in Serbia have been the result of an attempt to balance civilizational aspirations and the merciless games of more powerful countries played out in its surroundings. In any case, Serbia very rarely entered into conflict without the support of a strong foreign political partner. This was indeed the case at the critical rejection of the Austro-Hungarian ultimatum after the assassination of Ferdinand, heir to Austro-Hungarian throne, in Sarajevo. Milošević was the first to break this tradition in the 1990s.

In the 19th century, this duality was established in the aspirations of citizens too. Serbian people traveled West to study, to trade, or to seek political asylum, but the imaginary support that the people always counted on was Russia. Their head was in the West, while their heart was in the East.

During the sixties and seventies the general public gave unconditional support to the policy of non-alignment showing a moderate distance from the policy of both blocks. This was also confirmed by first public polls¹⁹.

¹⁹ The extent of citizens’ support to non-alignment is a subject of ridicule from certain researchers today. Keeping in mind that every unanimity raises doubt, it is still pointless to negate such findings *a priori*, setting them at the same time in a context that creates a general opinion that socialist self-government was far worse than it actually was. All

Save for the war and the immediate post-war “alliance friendships”, the attitude towards the West started to change more significantly in the 1960s, when the borders began to open and many workers found employment in Western states. By 1972, more than a million people had left the Socialist Federative Republic of Yugoslavia and immigrated to the West. This led to the end of the (socialist) policy of a closed society in Yugoslavia. Gradually, Yugoslavia opened to the world, which in practice, meant opening to the West!

With the country opening, a fear of the West started to emerge amongst members of the social elite, while amongst citizens xenophobia began to creep in²⁰. These phenomena reached their highest point in the 1990s, and at the time they were generously stimulated by Milošević’s government, but also “supported” both by the real conflict with the West (NATO in the first place) and by interpretations of this conflict. Both xenophobia and fear of the West were, in fact, byproducts of rising nationalism, and, moreover, arguments in its favor. They followed the fate of nationalism, and with its (extremely slow) decline, they, too, started on a downward trend.

According to the results of public polls, a European orientation first became predominant in the last *Yugoslav* public poll, published in 1990. At that moment, one half of respondents were oriented towards the European Union, while only 14% of them were in favor of the previously dominant non-alignment; 6% looked for support in the USA and 1% in Russia and Eastern European countries (Mirčev, 1990: 187 and further). In the same survey, 54% of Serbian citizens saw obstacles to entering the European Union in the political divisions in Yugoslavia, disputes, fragmentations, bureaucracy... followed by the inefficient economy (one quarter of the respondents).

In a survey conducted in 1990, *identification* with Europe was important to 73% of citizens, while two year later, that percentage had dropped to 57%, and then even further to 47% in 1993 (Bačević, 2001: 16-17). This declining trend can be explained by the conflict at the time between Yugoslavia and Europe, linked to the recognition of the states that were being created with the dissolution of the SFRY, the attitude of Europe towards *the Balkan wars* and to the sanctions introduced in the summer of 1992. The 1992 survey showed that 46% of citizens believed Western countries would attack Yugoslavia, whereas 38% rejected the possibility of any such attack (JJM 26/1992).

The deceleration in intensity of the wars and the Dayton Agreement began to restore the faith in Europe and the world.

in all, we have no serious reasons to claim that citizens were lying to researchers or that researchers were forging the results.

²⁰ We are talking about fear amongst the elite and xenophobia amongst the citizens. The elite was dominated by a fear of competition (or comparison), as well as possible failure to cope with an open world, while citizens expressed xenophobia, as an insufficiently specified fear of the unknown.

In a 1998 survey, 43% of Serbian citizens were in favor of the orientation of European foreign policy, while 40% were against it (Bačević, 2001: 30).

In the autumn of 1999, almost immediately after the bombing ended, 56% of Serbian citizens were in favor of establishing relations with European countries, 8% were inclined towards Russia, 4% towards the USA, 3% towards China... (Mihailović and others, 2000: 197).

Orientation towards Europe is predominant, and the number of social groups where this is not true is very small. European orientation is more prominent in the following groups: respondents with university degrees (82%), citizens of Belgrade (79%), respondents who have a mildly positive opinion on political parties (78%), those employed in the government sector (77%), students (77%), respondents with a monthly income per family member exceeding 15.000 dinars (76%), those between 40 and 50 years of age (76%), respondents with high school degrees (75%). A European orientation figures less prominently in the following groups: housewives (32%), respondents with a monthly income per family member below 5000 dinars, respondents with primary school education or lower (43%), agriculturists (45%), respondents with a monthly income per family member between 5000 and 10000 dinars (54%), respondents living in villages (55%), and those over 60 years of age (56%)... (Mihailović and others, 2000: 197 and further).

The European orientation of Serbian citizens is confirmed by the perception of potential EU membership, and also partially of NATO membership. This perception became stable around 2003, when *two thirds of respondents (67%) supported EU membership*, 12% were against it, and one fifth (21%) did not have or would not give their opinion on this issue. NATO membership was supported by 29% of respondents, exactly 50% were against it²¹, and one fifth has no answer to this question (Mihailović and others, 2003).

In comparison to other non-EU European countries, in 2003 Serbia and Montenegro had one of the highest percentages of EU membership supporters, alongside Bulgaria, Hungary and Turkey. Only Romania had a higher percentage of EU supporters (78% of Romanians supported EU membership), while numerous other countries had lower e.g. Poland, Czech Republic, Slovenia (http://europa.eu.int/comm/public_opinion).

The 2003 poll showed that the biggest obstacles to joining the EU, according to Serbian citizens, were: the underdeveloped economy (20%), laws not harmonized with those of the EU (17%), a high level of crime (16%), low quality criteria and lack of better quality control (10%). These four reasons account for 63% of

²¹ Although it could have been expected that those opposing membership of Serbia and Montenegro in NATO would also be against the European orientation, this proved not to be the case. Almost half of them (47%) looked at a European Country as a role model (4% looked to the USA, 12% to Russia, 17% to other countries, 20% claimed not to any answer).

all reasons mentioned, whereas 17% of respondents offer the following reasons: besides low productivity (6%), petty reasons like orthodoxy (5%) or the fact that Serbs use the Cyrillic alphabet (3%). One fifth of the respondents claimed that they do not know what the obstacles to EU membership are and that they do not reflect on this issue.

Data from a survey published recently, in the fall of 2007, also confirm a stable attitude towards Europe (see Tables 15 and 16 in the Appendix). We found that 65% of respondents support Serbian EU membership while one fifth opposes it and 15% are undecided. As for NATO membership, 26% of respondents are in favor, 59% are against, and 15% do not know which choice would be good (Mihailović and others, 1997).

The question "What is better for our country, to harmonize its policy with the USA or with the EU" belongs to this corpus. The results from 2003 showed that close to one half (47%) of respondents believed that foreign policy should be harmonized with the EU, 5% opted for the US, while 24% believed that SCG should have an independent foreign policy; 4% gave other answers, while 20% said that they did not know how, or refused to answer the question. Other surveys conducted in 2000 also confirmed a dominant orientation towards the EU. However, the study conducted this year shows different results (see Table 17 in the Appendix). *Nowadays citizens divide their sympathies between Russia (34%) and the EU (32%).*

On the whole, reliance on Europe is a trend that appeared in this area in the 1960s and had been growing gradually until the 1980s. In the 1990s, Europe almost disappeared from the aspirations of Serbian citizens, only to resume again in the second half of the 1990s. In the second half of the 1990s these aspirations were so strong that even the NATO bombing could not change them significantly. Immediately after the bombing, almost three fifths of citizens had a pro-European orientation; this number has kept rising, and has finally become stable at around two thirds of citizens supporting EU membership.

Data compiled from surveys published after the 2000 change of power, as well as from surveys conducted in 2003 and later, confirmed Ljiljana Bačević's findings based on the research from the 1990s. *A considerable discrepancy can be found between trust in European institutions and aspirations to become a part of these institutions: As a rule, this trust is considerably lower*²². The issue here is the difference between an emotional and a rational perception of European integrations. "Citizens are still divided between feelings of mistrust, or even animosity towards the West, Western states, nations and organizations and the understanding that the best, if not the only way, to achieve their interests and

²² For example, a survey conducted by the *Center* for political studies and public opinion research in 1996 showed that 49% of citizens approved EU membership, while at the same time only 21% expressed trust in the EU.

goals is by establishing relations with these states, nations and organizations". (Baćević, 2001: 31).

Later studies further corroborate the observation. According to the April 2006 results of a survey conducted by CeSID, 11% of citizens have full trust in the European Union, 26% have partial trust, 16% have little trust, while 34% have no trust at all in the EU and 11% cannot evaluate their trust. In parallel (1) approximately half of citizens identify themselves with Europe (see Table 18 in the Appendix), (2) half of the citizens believe that Serbian foreign policy should be oriented towards the European Union (and not towards the US or Russia), (3) around two thirds support Serbia's EU membership (see Table 16 in the Appendix). As a matter of fact, studies revealed a certain discrepancy between the opinion of and trust in the EU on one side, and identification, opinions on foreign policy orientation, and opinions on EU membership, on the other. Simply put, the majority of Serbian citizens identify themselves with Europe and two thirds support Serbia's membership in the EU, however, on the other side, anti-European viewpoints dominate, along with a low level of trust in the EU, and a majority disapproves of NATO membership. However, if claims are correct that Euro-skepticism is increasing along with Serbia's advance towards the Union, Serbia is not in such a bad position, one could even say that it looks like it is almost on the verge of joining the Union²³.

We analyzed the viewpoints on Europe using five indicators. According to all indicators the viewpoint on Europe is negative, in two cases being even (a little) more than half: "The world and Europe won't let us be masters of our destiny" and "NATO alliance can not bring any good to our country" - in both cases over 52% of respondents accepted these statements (see Table 19 of the Appendix).

Summarizing the five indicator responses, we obtained an index of attitude toward Europe, which shows that almost half of the citizens have a negative attitude (mostly negative – 23%, negative – 25%), while less than one third (30%) have a positive attitude (mostly positive – 17%, positive – 13%), whereas one fifth (22%) have equally positive and negative viewpoints on Europe.

In general, a pragmatic attitude towards Europe dominates among Serbian citizens, accompanied by a certain amount of Euro-centrism, but, at the same time, by both Euro-skepticism and Euro-pessimism as well. The utilitarian perception of Europe is contradictory; this reflects subsequently on the instability of the value attitude towards Europe. The obvious benefits, even certain economic benefit from Europe, becomes neutralized by supposed political damage, and

²³ After Croats, of course, as their Euro-skepticism is very pronounced. While surveys conducted in Europe this spring showed that trust in the EU grew by 12 index points, more than one half of Croatian citizens do not trust Europe. Only a third (32%) of Croats believes that EU membership will benefit Croatia. These results place Croatia along with the British (43%), the Hungarians and the Finns (39% each) amongst the greatest Euro-pessimists.

even by the fact that economical aid comes under certain conditions. The stick-and-carrot approach is continually detected in the *European offer*, even in the case when only one of them is *offered*! However, regardless of that, Serbian citizens want EU membership, consider themselves Europeans, and believe that a foreign policy orientation towards Europe is desirable (in spite of Russia's newly improved status). However, citizens do not accept NATO membership, have no trust in the institution of the European Union itself, and are very apprehensive where EU intentions towards Serbia are concerned. We shall see later that this value distance from Europe is in fact a dimension of nationalistic self-isolation and traditionalistic reticence.

Where attitudes towards Europe are concerned, the crucial facts are related to what I call the civilizational aspiration of Serbian citizens (this concerns answers to the question regarding which country Serbia should look up to). The 2003 survey showed that two thirds of citizens were looking towards Europe, one sixth towards other countries, first of all the US, while one sixth had no orientation – they did not have an answer to our question nor had they reflected on this issue.

Orientation towards the European Union originates, in the first place, from aspirations which are related to Scandinavian (28%) and Western European countries (28% as well), followed by those closest geographically to Serbia, namely Central European countries (10%). The only country outside Europe that represents an object of civilizational aspiration is the US (8%)²⁴. Only 3% of participants indicated Russia, while 1% indicated South American and Asian countries, and 4% indicated other countries.

However, the pro-European civilizational orientation has been gradually weakening since 2003, followed by an increase of citizens turning towards Russia (from 3% in 2003 to 19% in 2007). The opinion that Serbia should not rely on any country is also increasing (from 5% to 13%). Nevertheless, the majority orientation is still European (see Table 20 in the Appendix) while orientation towards Russia can be considered the result of situational factors.

Domination of passivity with occasional outbursts of activism

In Serbia, activism among the people is either overrated or underrated. In addition to that, there are those who, at one moment, underrate activism, only to overrate it at another. Nevertheless, researchers and analysts are not only to blame; it seems that activism itself provokes such a perception. In any case, activism cannot be represented with a straight line, regardless of how or by whom

²⁴ If something like Euro-American civilization exists, then we could say that three quarters of respondents are looking towards this civilization, and that it is at the center of Serbian citizens' aspirations.

it is being interpreted. In the last two decades, we witnessed several “peaks” of *national* activism: events like the *anti-bureaucratic revolution*, *truth rallies* and the *yogurt revolution*, which took place at the end of the eighties, the massive protest on March 9, 1991, protests against electoral fraud in 1996-7, and finally, the great defense of the electoral victory, in the autumn of 2000. At the same time, we also witnessed *great silence* from the people: silent acceptance of intra-party changes that bore unimaginable social consequences, silence regarding crimes committed by compatriots, and the silent acceptance of the voluntarism of Milošević and his camarilla. In fact, in a very short period, lasting only two decades (1987-2007), phases of great (mass protest) activism and of great passivity have been alternating at short intervals.

One should bear in mind the fact that in all of these cases, whether the activism was pro-Milošević or anti-Milošević, it always had the form of *protest activism*. In 1999, one fifth of citizens declared that they participated in some sort of protest activism (Gredelj, 2008: 186). At the end of the following year, the number of citizens participating in protests (according to the respondents) reached one third of the total number. Even if this self-assessment of citizens is correct, a great number of citizens still remained far from the protests.

The protest activism over this two-decade period opens the issue of its evaluation. The immense initial support given to Milošević and the huge participation of the people in deposing him do not have the same value: the same people were not engaged in both activities, nor were these phenomena supported by the same people. However, there is no doubt that a great number of those who did take part in deposing Milošević, had previously supported him wholeheartedly in the *truth rallies* (“He wasn’t the same man to whom we chanted ten years ago”).

On the other side of *protest activism*, we have *electoral activism*, participation in elections the most widespread (and mildest) form of political activism, which also indicates a willingness of citizens to participate at least in this easiest form of activism. The greatest participation was recorded in the first two multiparty elections, in 1990 and 1992, at 71% and 70% respectively. During the following five elections the percentage of participation stabilized between 57% and 61%.

The situation is different where presidential elections are concerned. Of 13 elections, regardless of first or second round, every third election was unsuccessful because less than 50% of citizens participated and this resulted in the abolishment of this precondition (in 2004). The smallest number that participated in the elections was in December 2003 – only 39%. On the other hand, the greatest number of citizens participating in presidential elections was recorded in 2000 (the *duel* between Milošević and Koštunica) - 75%, and the electorate that voted in the first presidential elections was also high - 72%, and also in the second presidential elections, 70% in December 1992. However, in six out of 13 presidential elections the turn out was less than a half of the electorate.

Aside from this temporary activism, such as protest and electoral activism, what about political activism in its narrower sense, a more continuous form of activism?

One year before October 2000, Stjepan Gredelj's results showed that 5% of citizens were active in terms of legal appellations (letters to the media and members of parliament, various law suits, complaints...), 9% took part in institutional political activities, 8% in the civil sector (civic initiatives and other), while 13% were engaged in direct violent or non-violent activities (Gredelj, 2000: 185-6).

One year before the "critical mass" of citizens on the streets of Belgrade and in front of the National Assembly was formed, the following assessment of the citizens' potential for action was given: one fifth was politically active, one fifth was potentially politically active, two fifths limited political activity to participation in elections, and one fifth remained outside the world of politics²⁵ (Mihailović, 2000: 199 and further).

A study from 2002 showed that 71% of citizens believed politicians were keeping us preoccupied with "high politics", leaving real problems aside. Only 13% did not agree with this view.

In 2003, we found a low level of interest in politics. Only one in seven participants exhibited some significant interest in politics. In fact, only 14% of participants claimed to be interested or very interested in politics, 30% claimed some interest, while as much as 56% claimed very little interest or no interest at all.

A study conducted in 2005 showed that, according to their own statements, 8% of citizens participated actively in political parties, 3% in syndicates and the same number in NGO's. However, as these activities actually overlap, in total, only 9% of citizens were active.

In addition to data on the scope of activism and all various assessments of the scope, intensity and character of this activism, one should constantly bear in mind the level of political literacy both of the participants, and those who are silent. For example, in a survey conducted earlier this summer, only one third of citizens claimed to understand clearly, or more or less clearly, what was happening in the political domain, while more than two fifths claimed that everything or most of what was happening in this domain was unclear to them. Later on, this autumn, the number claiming to understand what was happening in politics reduced from one third to one quarter, while the number claiming that everything

²⁵ Four types of activities have been registered: participation in the elections, activity in political parties, activity in organizations and civil society associations (syndicates, churches, NGOs, professional associations) and civil initiatives. Animosity between certain forms of activism have been detected, along with a *colonizing attitude* of certain parties and NGOs towards citizens' initiatives, party appropriation of syndicates as a result of both government and opposition party intentions... (Mihailović, 2000: 200 and further)

or most of what was happening in politics was unclear rose from two fifths to a half. In the early summer survey only 5% of citizens claimed to have an average or important influence on politics, and the results in the autumn survey were similar. Furthermore, this year we found that half of citizens claim to prefer that others solve social problems, while they attend to *their own business*, one fifth disagrees with this, while a little less than one third are undecided or have no answer to this question.

Self-assessment of the attitude towards politics is disastrous, according to the findings of a survey conducted this spring by CeSID. One third of respondents claim they are not interested in politics at all, three fifths (61%) express very little interest in politics or willingness to take part in any political course of action, while only 8% claim to be active - 3% in the full sense of the word, 5% occasionally active ("not for long periods of time"). What makes thing look even worse is the fact that almost one third of those who claim to be active still do not have a completely clear picture of what is actually happening in politics, and among those who are somewhat interested in politics and are trying to be up-to-date with political events, as much as three fifths have no clear picture of what it is all about. And all that "according to their own opinion"!

According to the findings of CeSID from September this year, *self-assessment of political literacy* (one quarter of respondents have a clear picture of what is happening in politics) is related, firstly, to the social status of the respondents, secondly, to their attitude towards politics itself, and thirdly, to citizens' specific value orientations.

If we take formal education as an indicator of status, we find a 0.28 correlation between status and self-assessment of political literacy. Amongst the respondents who have completed only primary education or without primary education at all, only 12% are *politically literate* ("according to their own opinion"), whereas amongst respondents who have completed specialist schools we have 17%, with high school education 26%, and university education 39%.

The correlation between self-assessment of political literacy and self-assessment of influence on politics is 0.39 – those who are less literate have less influence while the more literate exert more influence. Political literacy has an even higher correlation (0.44) with the attitude towards politics –higher interest and more activity imply political literacy (and vice versa, political literacy leads to higher interest and more activity). Furthermore, political literacy is correlated with the attitude towards political parties (0.34), with party identification (0.33), with electoral orientation (0.32), and with opinions on the most esteemed politician (0.32). Thus, for example, amongst respondents who identify themselves with the Radical and Socialist Party we find less than a quarter (23%) are politically literate, close to two fifths (37%) amongst supporters of the Democratic Party, and exactly two fifths (40%) amongst those which identify themselves with the Democratic Party of Serbia. When we reverse this point of view, we find that three

fifths of those to whom nothing or very little is clear are either indifferent toward or, in their own words, cannot stand political parties. Amongst politically illiterate respondents who identify themselves with a political party the highest percentage supports the Radical Party (13%), followed by supporters of the Democratic Party (9%), the Democratic Party of Serbia (4%) and the Socialist Party (3%) etc.

This relatively high percentage of politically illiteracy and those with little political literacy in political parties ultimately reveals the character of political activism, which, by the way, usually takes place in “times of peace” (thus excluding protest and electoral activism). This is a *directed, dictated, formal, procedural activism*, a true successor of party activism from the times of the one-party system. One could add that protest activism also has the character of directed activism, especially in times when it carries no risks, as is the case when it is directed towards the support of those in power (protest activism that, as a rule, entails a conflict with “forces of law and order” is significantly different, but not to the extent that it could completely exclude the character of directed activism).

In fact, a political culture with a pronounced “mentality” of subjugation dominates in Serbia. This type of political culture, alongside a low level of the civic political culture, entails a specific type of political activism. All in all, when gauging the passive-active level of political engagement, passivity dominates. As for the actual activism, the dominant type is directed activism (organized and directed from the outside); there is little authentic autonomous (independent) activism. Simply put, the Serbian population is primarily an object in the hands of politics and politicians, the state, state institutions, and political parties, and when it does show signs of activity (and this varies from isolated cases to organized protests), it acts like a cheering squad, reducing in its activism more or less, to mere cheering.

Participation in the elections is the most common form of activism (between 50% and 70% of the electoral body). However, for most of these people, this remains their only form of political activism. On the other hand, a deficit of civil activism is evident. It is also rare in political parties, if we can (forcibly) include political parties within civil society. In our society political parties became governmental parties, and are actually part of the executive power, which is latently, and even more often openly, in constant conflict with the civil society.

The only phenomena that can explain the massive support given to Milošević and the “truth rallies” are the cheering squad mentality and the acceptance of *organized and directed activism*. The same concept of cheering squad mentality can explain the removal of Milošević from power in October 2000. This mentality can, at least partially, explain the massive support of the Radical Party (naturally, this dimension of “motivation” is also present where other parties are concerned, but, as a rule, to a significantly lesser extent).

Indeed, passivity is a permanent state of a subjugated nation. *Extraordinary motives, great causes, appropriate organizational support, as well as a calcu-*

lated chance of a positive outcome are needed for the massive mobilization of people. The calculated chance of a positive outcome is an integral part of *the ideology of protest* – “a snowball rolling down and becoming an avalanche” – which is created (or not created) by those offering organizational support to the people. In this context, there are two phenomena that deserve special attention.

- “**1988-1990**” relative deprivation (jeopardized quality of life) + the reaction to a perceived futility of politics in responding to the demands of the time and the people, offering of a historic national mission (“dogadjanje naroda”), in response to the culmination of the national mission (“dogadjanje naroda”) in Kosovo, and the support demanded by the new politics and the new leader; organizational support of Milošević, his camarilla and party. In the meantime, *their state* declared war on other states (and the entire world) and lost all of these wars!
- “**2000**” on a massive change from relative to absolute deprivation (people on the brink of a massive existential jeopardy) + the reaction to perceived futility of politics in responding to the demands of the time and the people (including reaction to the international attitude towards Milošević as a war criminal); the feeling of historical mission motivated by the opposition that stood, at last, united; DOS’s organizational support.

In both cases, workers were of exceptional importance! (No matter how unacceptable this might seem to *neo-anti-Marxists*). In 1988-1990 and 2000 the so-called middle class stood where it was, divided between those in favor of *status quo* (pro-government orientation) and those in favor of changes (various ideological orientations). In both cases a weak majority wanted changes. The workers, however, made a *different* choice. On the first occasion, they elected and supported Milošević, while on the second, they removed him from power. On the metaphoric level, the workers walked the road from the infamous rally in front of the Assembly, where they came as workers, and left as Serbs, to *Kolubara*, a decade later, where they proved themselves to be workers with a sense of historical mission. The other identity (national) did not disappear in *Kolubara*, ultimately it was the reason to demonstrate the dominant workers’ identity at the time. (A sequence from the conversation following the round table organized by *Republika* on the occasion of the first annual celebration of *Kolubara*: The question “What kind of Serbs are you when you brought down the state”, the answer “Our state is both what it was then and what it is now. The reason we brought it down was because we were Serbs!”)

There can be no political or social activism, with the exception of *directed activism*, of course, if it’s not approached as a rational project with established goals, means, expected results, participants and procedures. From the concept of substantial democracy there is a lack of knowledge about social activism in Serbia, at least when those who are expected to be active are concerned.

Conclusion: traditionalism vs. modernism

The key factors of political life are political parties. They generate and re-generate, direct and redirect, everything that stands, in its value habitus, above those clearly set and deeply rooted latent value structures, as well as whatever is value undetermined, and everything that is susceptible to situational changes. They do this directly and/or indirectly and/or by creating situations leading to desired political constellations and corresponding values and behaviors. That is why knowledge about the structure (and the division) of the party system is indispensable.

In an attempt to verify the abovementioned hypotheses, I started by creating a factor structure of the party system, based on respondents' verbal statements on how close or far they feel to relevant political parties. In the second step, I linked the factors obtained, namely groups of parties, with factorized value orientations and other politically relevant views and sentiments. The results of these procedures are shown in Tables 21, 22, 23 and 24.

Relevant political parties in Serbia fall into two or three groups²⁶. One division is dichotomous: group (factor 1) of liberal-democratic parties, dominated by the Democratic Party and group (factor 2) of social-national parties, dominated by the Serbian Radical Party and the Socialist Party of Serbia. The Democratic Party of Serbia either represents a separate factor in correlation with factor 1 (see Table 23), or it is a part of factor 1, but with participation in factor 2, with a generally lower saturation (see Tables 21 and 22). - Out of nine surveys conducted in the period from 2004 to 2007, only two (in 2004 and 2005) showed a tri-factor party structure, whereas in all other surveys the division was dichotomous.

The findings shown in Table 24 are relatively standard. The variables related to the liberal-democratic group are in the first place: pro-European orientation, trust in the Government and Parliament and conformism. The variables characteristic of the social-nationalist group are: anti-European orientation, trust in the police and the army, trust in the Serbian Orthodox Church, intellectual reticence, hedonism, patriarchalism, egalitarianism, distrust in the efficiency of democracy.

A triad can be observed in the surveys on value orientation: nationalism, anti-European orientation and the concept of an aggressive defense of Kosovo (see data in Table b). Surveys conducted earlier have shown that nationalism takes the anti-European orientation and aggressive defense of Kosovo for granted, while newer surveys accentuate the division between the pro-European and the anti-European, whereas the attitude towards Kosovo and nationalism itself appear almost as derivatives of the anti-European (namely anti-Western value orientation).

²⁶ In this volume, Vladimir Goati writes more about party divisions.

Table b: **Pearson Correlation**

	1	2	3	4	5	6
1. Attitude towards democracy						
2. Attitude towards Europe	.562					
3. Attitude towards nationalism	.508	.792				
4. Attitude towards Kosovo	.399	.605	.613			
5. Trust in institutions	.287	.208	.207	.137		
6. Satisfaction with the state of affairs in the country	.369	.353	.339	.245	.550	
**Correlation is significant at the 0.01 level (2-tailed)						

Nationalism, anti-democratic orientation, anti-European orientation, political and social passivity and directed activism are key dimensions of an ideological amalgam, dominated by the attempt to unite socialism and nationalism (with the full participation of conservatism and traditionalism). On the level of structured political action, the Serbian Radical Party, the Socialist Party of Serbia and a few much smaller parties, construct, support, carry and strive to activate this syndrome. This ideological amalgam of values and appropriate social behavior is rooted in the lower social classes of transitional losers, most of them being retired (lower and middle class), agriculturists, less qualified workers, housewives, less educated persons and those with long unemployment records. Social-nationalism finds its ideological interpreters mostly among a part of young intellectuals.

National openness, democratic orientation, European orientation, political and social activity, directed activism and autonomous authentic activism (to the extent that it exists, and little of it actually does), are the key dimensions of the syndrome of modernity, which gathers, integrates and directs values and actions of such a concept. On the level of structured political action, a group of parties (at times working in cooperation and at times confronted), dominated by the Democratic Party, followed by the G17 Plus, the Liberal-Democratic Party, and several smaller parties, with occasional participation of the Democratic Party of Serbia, support, carry and strive to activate this syndrome. The syndrome of modern value orientations and corresponding behavior is socially rooted in the middle class and the better part of the entrepreneurial class. The bearers of this ideological interpretation are middle generation intellectuals.

However, parties (including the party state and state-party institutions) are not omnipotent. Their power to shape the ideological and value profile of subjects/citizens is limited within the political culture by the existing fundamental value orientation. Within the defined freedom register, parties can shift the "public opinion" to one side or the other, create a climate that generates a specific spirit of the times ("the climate of nationalism", for example). However, this can not last

for long (as was the case with nationalism), or it becomes so unacceptable that “a critical mass” is generated in the streets, *turning things around*, as was the case in the autumn of 2000.

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* In this paper we used the survey archives of the Center for political studies and public opinion research – CPIJM (Institute of Social Sciences - IDN), *Center for Policy Studies* - CPA and *Centre for Free Elections and Democracy* - CeSID.

Appendix

Table 1: Assessment of the importance of factors crucial for the economical development of the country in the next 10 years (in %)

Assessment	Peace and safety in the country	Ending of political quarrels and disputes	People to work more and in a more intelligent manner	Greater help from the European Union	More foreign Investments	Active participation of citizens and their organizations
Unimportant or of little importance	3	5	6	11	11	15
Mixed, doesn't know	12	18	21	35	37	45
Important or very important	85	77	73	54	52	40
Total	100	100	100	100	100	100
Arithmetic Mean min1, max5	4,65	4,46	4,32	3,95	3,89	3,58

Source: CPA, July 2003.

Table 2: Opinion on the assertion "Politicians are keeping us preoccupied with "high politics", while leaving real problems aside" (in %)

Dis/agreement	May, 2002	July, 2002	October, 2005
Disagrees	13	13	7
Undecided, doesn't know	16	16	29
Agrees	71	71	64
Total	100	100	100

Sources: CPA and CeSID archives

Table 3: State Responsibility or citizens' responsibility (in %)

What is better?	2000 July	2001 June	2002 July	2003 July	2004 April	2004 July	2004 Dec.	2006 April
That the state takes on more responsibility for the existence of every individual	64	55	48	52	68	66	66	37
That the people themselves take the responsibility for their own existence	22	37	26	23	15	17	16	43
Unable to decide	14	18	26	25	17	17	18	20
Total	100	100	100	100	100	100	100	100

Sources: CPA and CeSID archives

Table 4: Attitude of citizens of Serbia towards socialism, the actual transition and the future system – mid-1990s (in %)

Level of rejection/ acceptance ²⁷	Socialism	Actual transition	Future system
Rejection	24	57	64
Mixed attitude	51	41	29
Acceptance	25	2	7
Total	100	100	100

Source: Mihailović, 1997.

²⁷ The classification of the degree of rejection/acceptance was based on the number of positive grades given to the listed aspects of life: total rejection means the respondent gave no positive grades, rejection – one positive grade, very limited acceptance – two positive grades... and finally, very broad acceptance, for the respondents who gave seven, eight or nine positive grades. Further on, complete rejection and rejection were classified as rejection, very broad acceptance and broad acceptance were classified as *acceptance*, while other mixed grades were classified as *mixed attitude*.

Table 5: Opinion on the period of Titoism (in %)

What are your memories about the period of Titoism like?	Serbia, 1993	Serbia, 1994	Serbia, 1996	Serbia, 1997	Serbs in Kosovo and Metohija, 1997	Albanians in Kosovo and Metohija, 1997
Bad	11	6	4	6	5	6
Both good and bad	32	31	31	34	36	41
Good	42	49	56	52	46	32
Doesn't know, no answer	15	14	9	8	13	21
Total	100	100	100	100	100	100

Source: Mihailović, 1997.

Table 6: Comparison of standards of living before socialism, in socialism, in Milošević's transition and "nowadays" (in %)

When was life better, at the time of socialism, at the time of S. Milošević or nowadays?	2002, May	2003, October	2004, November
Before socialism	7	4	*
At the time of socialism	79	64	53
At the time of S. Milošević	4	2	8
Nowadays	5	5	14
Doesn't know	5	25	24
Total	100	100	100

Sources: CPA archive for 2002 and 2003, CeSID archive for 2004.

Table 7: Dis/agreement with the claim that “What a man achieves or doesn’t achieve in life depends little on his own efforts, and more on the general economic situation, the possibility of employment and the help provided by the government”

Dis/ agreement	April 2004	July 2004	March 2005	October 2005	April 2006
Agrees	71	62	56	48	53
Disagrees	18	26	31	39	34
Doesn’t know	11	12	13	13	13
Total	100	100	100	100	100

Source: CeSID archive

Table 8: Attitude towards the nation - 1990, 1993, 2004 and 2007 (in %)

	Year of the survey	DS	DSS	SPO	SPS	SRS
Hard nationalist orientation	1990	70	*	90	66	*
Hard nationalist orientation	1993	79	80	69	92	97
“I vote for parties that contribute to national interest even if we live worse”	2004	20	33	36	58	53
Nationalist orientation	2007	20	38	*	75	77

Sources: For 1990 and 1993 – surveys of the Center for political studies and public opinion research IDN, and for 2004 and 2007 – survey of CeSID.

Notes: - The surveys on nationalism in 1990 and 1992 were conducted in the same manner, whereas the survey of 2007 was conducted differently – I wanted to pinpoint this difference by naming the categories differently, in the former case as “hard nationalist orientation” and in the latter as “nationalist orientation”.

- In the table row for 1990 the asterisk denotes the nonexistence of the corresponding political parties, and in the row for 2007 – insufficient number of respondents supporting the party in the survey sample (thus making it inappropriate to give data for this party).

Table 9: Opinion of the citizens of Serbia on other nations (in %)

Unfavorable opinion on...	1994	2000	2001	2005	Index 94/05
Albanians	73	74	77	64	0,88
Americans	*	56	58	50	*
Croats	72	53	55	49	0,68
Bosniacs/Muslims	72	48	51	45	0,62
Hungarians	40	18	18	14	0,35
Slovenians	53	*	*	12	0,23
Jews	21	11	12	11	0,52
Macedonians	40	7	7	6	0,15
Germans	*	*	*	25	*
Roma	32	21	22	20	0,62
Montenegrins	12	13	18	16	1,33
Russians	*	12	13	8	0,67

Sources: CPIJM IDN, CPA and CeSID archives

Table 10: Latent dimensions of ethnic distance
Factor structure of ethnic distance measured by the level of unfavorable opinion on members of certain nations

Variable	Saturation	"mostly unfavorable opinion" + "unfavorable opinion" (in%)
Factor 1: distance towards "unfriendly" nations		
Albanians	.86	64
Bosniacs/Muslims	.82	45
Croats	.81	49
Americans	.78	50
%variances: 48.38		
Factor 2: distance towards "friendly" nations		
Macedonians	.83	6
Hungarians	.77	14
Jews	.74	11
Slovenians	.63	12
%variances: 18.59		

Source: CeSID archive

Note: Germans, Roma and Russians are found in the structures of both factors, while Serbs and Montenegrins formed a separate factor. It was thus justifiable to omit members of these nations from the final version of the factor analysis in order to obtain clear and unambiguous latent dimensions of ethnic distance. The first factor points to the group of nations Serbs were in war with during the 1990s, and the other to the group of friendly nations (including Slovenians, who Serbs were in war with in 1991).

Table 11: Opinion of the citizens of Serbia on viable solutions of the Kosovo issue (in %)

What do you believe the solution of the Kosovo issue will be, regardless of our or your own wishes?	Jun 2001	Augu. 2001	July 2003	March 2005	Augu. 2006	April 2006
Creation of an independent state of Kosovo	6	13	23	26	37	40
Division of Kosovo into Serbian and Albanian components	23	22	26	21	17	15
High level of autonomy within Serbia	12	11	7	15	12	15
Return of Kosovo into the state framework of Serbia, by force if needed	7	5	*	*	*	*
Long-term UN administration	17	15	22	13	6	8
Doesn't know, no answer	35	30	22	25	28	22
Total	100	100	100	100	100	100

Sources: CPA and CeSID archives

Table 12: *Opinion of the citizens of Serbia on desired solution of the Kosovo issue (in %)*

Opinion on desired solution of the Kosovo issue	1993	1994	1996	1997	2000 July	2000 Oct.	2000 Dec.	2001 June	2001 Aug.	2003 July	2004 July	2005 Mar.	2006 Aug.	2006 April
Creation of independent state	5	5	6	2	1	1	1	1	1	3	3	3	6	9
Division into Serbian and Albanian components	5	4	5	7	21	21	21	27	31	44	24	34	22	21
Return to Serbia, former status	40	39	30	27	23	18	20	15	16	*	*	*	*	*
High level of autonomy within Serbia	0	2	1	6	37	33	31	26	25	19	52	45	58	56
Long-term UN administration	32	33	36	38	*	8	10	5	4	10	4	6	3	4
Doesn't know, no answer	8	17	22	20	18	19	17	26	23	24	17	12	11	10
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Sources: CPA and CeSID archives.

Note: Data in the first four boxes in this row pertain to the percentage of respondents who where in favor of the status of Kosovo as it was at the time the survey was conducted

Table 13: Opinion on the resolution of the Kosovo issue (in %)

Percentage of agreement with the following statements	April 2006	Jun 2007	September 2007
"We should again go to war with the Albanians and the international community if that is the price for defending Kosovo and Metohija"	12	12	10
"To safeguard Kosovo and Metohija one should be prepared to abolish democracy and proclaim a state of emergency"	48	18	17
"To safeguard Kosovo and Metohija I am prepared for long-term deprivations and a decline of the standard of living"	*	24	21
"If Kosovo and Metohija proclaim independence, diplomatic relations should be severed with countries that contributed most"	*	39	37
"Safeguarding Kosovo and Metohija as a part of Serbia is more important than the membership of Serbia in the EU"	33	48	41

Source: CeSID archive

Note: asterisk * = the question was not asked

Table 14: Opinion of the citizens of Serbia on democracy (in%)

Which of these opinions is most acceptable for you?	1994	March 2005	Novem. 2005	April 2006.	August 2006	June 2007
Democracy is better than all other forms of government	48	43	39	41	41	39
For people like myself democratic and undemocratic regimes are the same	9	14	20	20	19	22
In some cases undemocratic government can be better	13	20	20	17	19	18
Don't know	30	23	21	22	21	21
Total	100	100	100	100	100	100

Sources: CPIJM IDN, CPA and CeSID archives

Table 15: Attitude of citizens towards membership of Serbia in the European Union (in %)

Support or lack of support	2003 July	2004 July	2005 March	2006 April	2006 August	2007 June	2007 Sept.
Supports	67	68	67	64	71	63	65
Doesn't support	12	17	19	19	14	22	20
Doesn't know	21	15	14	17	15	15	15
Total	100	100	100	100	100	100	100

Sources: for 2003 - CPA archive; for the remaining years - CeSID archive.

Table 16: Attitude of citizens towards membership of Serbia in the NATO (in %)

Support or lack of support	2003 July	2004 July	2005 March	2006 April	2006 August	2007 June	2007 Sept.
Supports	29	33	30	32	35	25	26
Doesn't support	50	52	56	51	50	60	59
Doesn't know	21	15	14	17	15	15	15
Total	100	100	100	100	100	100	100

Sources: for 2003 - CPA archive; for the remaining years - CeSID archive.

Table 17: Foreign policy orientation of Serbia (in %)

	July 2000	August 2000	October 2000	June 2007
United States	3	4	4	5
Russia	7	12	6	34
China	3	3	1	3
European countries	48	46	59	32
Former Yugoslav countries	7	7	10	*
Neighboring countries	7	7	*	*
None, rely on one's own forces	12	12	10	18
With some other	3	3	-	8
Doesn't know, no answer	10	6	10	-
Total	100	100	100	100

Sources: for 2000 - CPA archive; for 2007 - CeSID archive.

Table 18: Level of identification with Europe (in %)

How much do you identify yourself with Europe...	April 2004	March 2005	October 2005	septem. 2007
Very much	17	10	10	20
Moderately	35	33	40	36
A little	24	27	8	17
Not at all	17	24	24	19
Don't know	7	6	18	8
Total	100	100	100	100
Identification: Very much + moderate	52	43	50	56

Source: CeSID archive

Table 19: Attitudes towards Europe (in %)

Dis/agreement with the statements	Mostly and fully agrees	Undecided, doesn't know	Mostly and fully disagrees	Total
"The Western world is full of injustice, rottenness and crime"	46	28	26	100
"The world and Europe won't let us be masters of our destiny"	52	25	23	100
"The new world order wants to turn our country into a colony"	43	29	28	100
"NATO alliance can not bring any good to our country"	52	25	23	100
"Membership in the EU will bring more harm than benefit"	29	24	47	100

Source: CeSID archive

Table 20: Civilizational orientations of the citizens of Serbia (in %)

Which countries should serve as a role model for Serbia?	Jun 2003	July 2004	March 2005	June 2007
Asian countries (China and other)	1	11	7	5
United States	8	5	7	4
Russia	3	7	10	19
Scandinavian countries	28	25	24	20
Western European countries	28	27	22	22
Central Europe	9	9	13	7
None; Serbia should rely on itself	5	7	5	13
Other, doesn't know	18	9	12	10
Total	100	100	100	100

Sources: for 2003 - CPA archive; for the remaining years - CeSID archive.

Table 21: Participation of the citizens of Serbia in different forms of political activism (in %)

	1999	2000	2005	2007
Active in political parties	9	11	8	6
Workers' strikes	14	26	3	*
Protests	22	36	4	*
Civic initiatives and NGOs	7	8	3	2

Sources: for 1999 and 2000 - CPA archive; for the remaining years - CeSID archive.

Table 22: Factor structure of political parties based on perception of closeness, 2005

Variables	Saturation
F1: Liberal-democratic party block	
G 17 plus (M. Labus)	.79
Democratic Party (B. Tadić)	.78
Liberal-Democratic Party (Č. Jovanović)	.72
Serbian Renewal Movement (V. Drašković)	.71
Social-Democratic Party (N. Čović)	.62
Democratic Party of Serbia (V. Koštunica)	.49
New Serbia (V. Ilić)	.46
% variance: 35.07	
Cronbach alfa: .81	
F2: Social-nationalist block	
Socialist Party of Serbia (I. Dačić)	.75
Serbian Radical Party (T. Nikolić)	.74
"Force of Serbia" Movement (B. Karić)	.61
New Serbia (V. Ilić)	.58
Democratic Party of Serbia (V. Koštunica)	.32
% variance: 20.21	
Cronbach alfa: .65	

Source: CeSID survey, 2005. ("Political divisions and value orientations of the citizens of Serbia")

Note: Correlation between these two party blocks is 0.11

Table 23: Factor structure of political parties based on perception of closeness of political parties, 2005

Variables	Saturation
F1: Liberal-democratic party block	
Liberal-Democratic Party	.85
Social-Democratic Party	.72
Serbian Renewal Movement	.66
G 17 plus	.66
Democratic Party	.64
"Force of Serbia" Movement	.35
% variance: 34.12	
F2: Social-nationalist block	
Socialist Party of Serbia	.83
Serbian Radical Party	.80
"Force of Serbia" Movement	.62
Democratic Party	-.42
% variance: 21.91	
F3: Ruling block	
Democratic Party of Serbia	.83
New Serbia	.80
G 17 plus	.37
Democratic Party	.34
% variance: 10.69	

Source: CeSID survey, 2006. ("Perception of the state and political divisions")

Table 24: Interfactor correlations of the dimensions of party closeness

	F1	F2	F3
F1 Democratic option	1.00	*	*
F2 Social-nationalist option	-.06	1.00	*
F3 Ruling option	.35	-.11	1.00

Source: CeSID survey, 2006. ("Perception of the state and political divisions")

Table 25: Multiple regression analysis of predictors of social attitudes and value orientations based on variables of latent party preferences, 2005

Predictor variables	Liberal-democratic block (beta)	Social-nationalist block (beta)
Trust in the Government and Parliament	.27**	.06
Trust in the police and the army	-.02	.14**
Trust in the Serbian Orthodox Church	.02	.11**
Distrust in the efficiency of democracy	-.04	.09*
Egalitarianism	.00	.08*
Collectivism	.00	.01
Anomie	.06	-.07
Anti-Western orientation	-.28**	.19**
Authoritarian obedience	-.05	-.01
Traditionalism	-.03	.07
Patriarchalism	-.04	.09*
Conformism	.09*	.00
Intellectual openness and need for achievement	.00	-.11**
Materialism	.05	.02
Love and friendship	.00	-.08*
Hedonism	.03	.10*
Altruism	.00	.04
* $p < .01$, ** $p < .001$	R ² = .22	R ² = .22

Source: CeSID survey, 2005. ("Political divisions and value orientations of the citizens of Serbia")

Ground Zero of Politics – Blockade, Stagnation and Regression

Within thematic diversity, and even thematic “incompatibility”, in this text we detect not only a state of social stagnation but a state of regression, as well. Serbian society faced the period of transition unprepared and immature, in a state of total disarray. The moral crisis is the deepest and hardest to overcome. It appears that societies where human existence is of no value are the most difficult when democratic changes and civil society have to be created. Refuge in self-isolation is recognized as an anti-civilizational process, as well as a collapse of historical-epochal tendencies. This is why bringing fundamental changes to life is so drastically uncertain.

Keywords: change, transition, culture, tradition, mentality, elite, intellectuals, journalists, media, truth, moral, crime, hatred, lustration, brain drain, fear.

*The fear thou art in, Sancho,
Prevents thee from seeing or hearing correctly...
If thou art in such fear, withdraw to one side...
Cervantes*

We live in a culture constantly plagued by outdated consciousness and illusionist pseudo-history. Fear of what is new and fear of change can also be identified. Primitive forms of life are celebrated, and the process of facing reality is postponed. And it is as if reality broke its own mirror. To play hide and seek over the abyss of a darkened past means becoming lost in the bellicose, repressive and authoritarian history of our ancestors. This happens to communities like our society. These communities have no civilizational ideas or rational perception of themselves. Mentality is the stumbling block in conquering reality. Changing old governments, laws and institutions does not guarantee a change in the way of thinking and behaving. Many researchers believe that one has to wait more than half a century for such a change to take place. This is true for all states undergoing transition. This assessment might be a little radical; indeed,

traces of a mentality appear that are ghosts of fearful doom. Today, we can talk about the mentality syndrome and its radical forms. However, the quickening of civilizational development will impose the dynamics of inevitable changes on everyone and everything.

From tradition to mythomania

In order to understand what is happening to culture in times of transition, research is needed, however here it is still lacking. Nevertheless, it can be demonstrated that, in a state which has long resembled a “drunken ship” a newly bred vulgarity clearly depicts the victory of mental and spiritual poverty. Culture is endangered in the same way as peace. Culture was damaged to the same extent as civil forms of existence. Cities were desperately damaged, not only from the outside, but from the inside as well. Resilient rural throngs threw the protagonists of urban sensibility and creative imagination on their knees. The enforcement of an anachronous hierarchy of values showed how little these rural newcomers cared about the subtlety of the spirit and the question of every man’s existential drama. The rural defeated the urbane! This is confirmed by the recent research conducted by the Board for civil initiative from Niš, entitled “Cultural needs, habits and tastes of the citizens of Serbia and Macedonia”. More than 80% of participants have read only one book, 60% listen to folk music on a regular basis, 69% spend their free time in front of the TV, while 15% claimed to hate art. The capability to hate art is certainly not far from hating everything that is humane and that represents the human universe. As much as 250,000 are illiterate, according to their own disclosure, along with almost 70% of those who are functionally illiterate in Serbia, represent an irrefutable proof of cultural poverty and spiritual drought.

At the moment reality turned towards destruction, this lost balance facilitated the drastic degradation of culture and the desecration of all values and every assessment. Folklore primitivism made itself comfortable everywhere. The fact that the city youth jumped into the arms of neo-folk appeared almost shocking. However, this is already part of the story about how the “newly composed” folk scene, the refuge of vulgar kitsch, gained supremacy in our society. While on one side bellicose passions and militant rhetoric flourished, on the other, self-oblivion was secured through an entertainment culture dominated by shiny trickeries, blindness of the mind and slaughter of conscience. It is hard to decide what was more monstrous: the fake patriotic pathos or the necrophilic idea that the future lay in the past. In any case, there is nothing more pointless than shifting the future towards the past from the shelter of a stagnating transition. Thus, it is difficult to say at this moment whether transition here is more in the past or in the present. The road leading towards the future has practically still to emerge.

For ideological reasons, during monistic rule tradition was not only belittled and trampled on, it was almost forgotten. The attempt to escape the whirlpool of mystification failed, especially when tradition was assessed beyond historical and scientifically relevant criteria. No assessment is absolutely faultless. Because tradition reaches us in a disturbed and murky form, because its identity and its history are lost, new attempts to reassess its foundations and its meanings should be expected. The worst occurs when the adoration of past, as is the case with us, leads to the extreme: animosity towards the spirit of modernity and "otherness". Tradition is always moderately banished by time, under its rule. So we should ask ourselves: are we facing its spirit or its shadows? The prevailing "return" to tradition, conditioned by political pragmatism, militant politization, xenophobic perversities and cultural relativism, is a form of disassociation from the continuity of cultural identity and the memory of the past. The attitude towards myth shows this tendency almost drastically.

This interpretation of myth is tied to politics and ideology by visible and invisible threads. Its politization renders authentic myth and sacred tales almost nonexistent. Mythomania and the creation of mythology are becoming part of the network of political manipulations. The Kosovo myth lived through so many modifications and distorted "readings" in myth-political interpretations that nothing remained from its authentic meaning, its moral and poetic origins. The folk narrative and folk poems tell us that the Serbian prince, Lazar, dying for his faith, chose "the kingdom of heaven". Thus posthumous, spiritual and eternal life overpowered mortal existence. In the collective memory of the people and in their myth-making, it became an almost traditional constant of a very disputable "tanatology". The syntagma "heavenly people" appeared during the recent severe crisis, at times of unprecedented decline, when people appeared to be only puppets of destiny and their efforts proved to be only powerless cries for help. In that period, not only in pseudo-science and feuilletonism, but in literature as well, in the words of psychoanalysts, the *return of suppressed* mythological memory dominated. It was, in fact, a return into individual and collective frustrations. The worst thing is that in the recent past national myths slipped into chauvinistic bestiality and xenophobic conflicts of a warrior tribe. Thus, these myths became devaluated. Historical science will have a lot of work to do in order to clear out the confusion both in historical and mythological consciousness.

In our society, there are different views of mythical experience, ranging from traditional to anti-traditional, dogmatic to anti-dogmatic, diachronic to synchronic, historical to a-historical. In some cases, the views went no further than the issue of "truthfulness" or "falseness" of the myth. Its "usefulness" and its "harmfulness" were discussed. It was both believed and not believed that it might die off. The importance of myth for contemporary culture was degraded, even after it had been confirmed that it was necessary, and that it was a part of the foundation of modern and post-modern times.

It is uncertain whether belief in the necessity for re-evaluating our ideological past is predominant or not. The basic agreement among political elites on the necessity to change a chaotic political reality does not exist. Moreover, it seems that politics centered on the idea of *where* and *how* is not possible in our anomic political community. Politics that does not develop in accordance with historical tendencies and rational anticipations, and is not somehow in harmony with reality, can hardly evade quixotism. The degraded reality demonstrated how the road we had been following for half a century was going in a wrong and unfortunate direction. It would be useful if historical science expressed a willingness to prove this road was not erroneous, instead of sticking to shortsighted ideological and pragmatic-political notions. We certainly remained the “*barrel of gunpowder*” in the Balkans, and we will continue to be as long as the old political mentality and autocratic political spirit are present. This means that we will have to wait a long time for fundamental changes. Wasting time and civilizational dynamism is part of the mentality of local political elite: they are irresponsible time-killers. The scope of the damage they inflict is almost immeasurable. It has not sidestepped any aspect of social and cultural life. Thus, I will mention only some.

Anti-intellectualism and “brain drain”

In times of overall crisis, many talented young people and artists search for a place elsewhere. They pack their half-empty suitcases and started their journey into the unknown. They leave their homes and homeland, because brainpower was seriously threatened there. The new generations were presented with the shock of an absurd history. This was one of the ways of losing step with the present and opposing not only modern identity, but talent as well. The presence of gifted individuals is a categorical imperative of the dynamics of a modern society. Here, they were stuck in blind alleys, on the margins of society. Difficulties with the modernization of education could not be solved. Modern ideas were deserted and values were scattered. When policemen and drug dealer become some of the most popular professions, it is too late to be wise or preach moral values. To the gifted, it was clear what kind of state they were living in, and what kind of “cadre” it needed!

To remain here during times of unprecedented chaos meant consciously admitting to the defeat of any individual ambitions. It was a tale of lost self-confidence and the death of illusions. All that was left for these talents could be described as a strategy of self preservation. It was a choice full of risks, a long journey to unknown territories and new uncertainties: the country that suffered the biggest civilizational decline in post-communist Europe was being abandoned, and with reason. Anti-intellectualism had unprecedented tradition behind it. It is hard to “overlook” Milisav Lapovac, who, in the days of Vuk Karadžić, reasoned in the National Assembly that “all literate people should be killed”. Miloš Obrenović

declared without restraint that all schools should be closed, because educated people raise mutinies “against the government (*praviteljstvo*)”. In historical experience, from those times through to the present, one should seek to answer the following question: “why is there so much resistance to modernization in Serbia?” It is typical of a closed society. Europeanization did not come easily. When you shut the doors to the outside world, resentment towards the world and Western civilization is to be expected. During the last twenty years we have demonstrated how one can remain down a blind alley of the world’s suburbs. We have also shown that the average Serbian citizen does not even perceive this as an important issue, and this is already a reason for great concern.

An unprecedented brain drain happened during the recent wars, crisis and sanctions, when the state was hopelessly deteriorating. It is hard to give a reliable account of this, because of the lack of precise data on the thousands of gifted entrepreneurs, experts and scientist with highest IQs who left the country. Does this not also further add to the widespread absentmindedness and irrationality? Wise people do not reject those who are gifted because they know how important gifted individuals are for social prosperity and civilizational competition. The attitude and approach to the gifted individuals in our country is one crucial testimony to what happened here. It was forgotten that without an elite of knowledge, an archaic society could not be changed and the values of modern civilization would remain out of reach. Extreme chaos and violence effectively hampered all spontaneous creative processes and any “sense for the future”. Talented young individuals were not provided with the necessary conditions to give their best according to their potential. In most cases, their demands are not great, the most they actually demand of themselves. It is well known that talent, as a rule, lacks understanding and becomes easily degraded in closed and conservative societies. Individuals with great creative potential can make even small nations stop feeling as a marginal part of the world. Indeed, if a nation has such talented ceases to be small and inconsequential. Without them, nothing important can happen or be fundamentally changed. The lack of “gray matter” and intellectual elite brought the essence of modern changes into question. Anti-elitism, which became an unavoidable constant of all systems and regimes, undermined both progress and modernity. When “transition” began, a means of disrupting the continuity of denying these elite was not found. Educated and gifted people continued to leave the country, from the times of extreme crisis through to today. The middle class is recovering too slowly, and the new quasi-elite consists of “the barons of war”, overnight millionaires, tycoons and monopolists, born within the former, and raised within the new government. Fierce resistance to modernization persistently survives. European ideas have not had the chance to become rooted. The mentality of self-sufficiency has led to disastrous consequences. This is convincingly demonstrated in 20th century history, especially over the last twenty years.

Our modern history testifies to the faltering steps of intellectuals who might have been expected to lead society out of ideological lethargy. Too often, they accepted to serve an omnipotent party. It would appear that political dilettantism, political repression of opponents, and unanimity, the tragedy of thought, did not bother them. As apologists, intellectuals were devoid of questions, concerns and doubts.

With the dissolution of Yugoslavia, the position of intellectuals in relation to the government changed. They became directly involved in political life. They appeared in totally unexpected roles – as instigators of war. They were convincing the public that war was inevitable. Becoming mentors of militant politicians, these intellectuals acted as if they found the key to history and the oracle of truth. Political “big shots” listened only to those who finalized their “ideas”. This went as far as turning intellectuals into political squires. As self-proclaimed advocates of the nation, as make-believe protectors of national interests, intellectuals supported chauvinistic primitivism and political insanity. Politicians and intellectuals found themselves on the same side, on the same team, but without any sense of measure, righteousness or awareness of responsibility for the consequences. It appears that many of them still hold their former positions, unable to change or reexamine their original stance. Intellectuals who survived only on nationalistic tracks corroborated the already widespread opinion that the intellectual is no longer such, when aspirations for universal values and totality die out. The intellectual, as a national fanatic, was not ready to stand up to the “religion” of a nationalistic majority and the politically fabricated and approved public opinion. At that moment, he ceased to be a thinking force, one that diverts from the wayward path of collective paranoia. This type of intellectual is greatly responsible for nationalistic drunkenness and historical self-oblivion. The damaging effect of intellectuals became obvious when they embraced with ease not only political passions, but political speech as well. Militant intellectuals joined the autism of the political elite, demonstrating a strong tendency towards national reticence, self-sufficiency and partiality. This is a reason for reexamining the definition of the intellectual, mostly from the moral point of view. Their indifference to political extremism and the policy of crime is unimaginable.

There is no freedom of thought without a free society and a free individual. This is why the disobedience of intellectuals is not only an issue of freedom and free choice, but also of conscience and character. It is well known that the problem with intellectuals is not only knowledge; it is much more their character, which is often highly disputable. However, it is almost unbelievable that hysterical nationalistic stupidity is not being critically challenged, even nowadays. This tells us that intellectuals, who were expected to have a critical opinion on everything that happened before and happens at this moment, have no answer. Thus, they actually dithered on the road towards a democratic, open and civilized society. This is the worst thing that could have happened to them.

Media (non)freedom

Searching for life forms that establish democracy, human rights, tolerance and peace, a journalist, a key player in forming awareness of the social community and dramatic human existence, shapes an indispensable critical mirror. He will succeed only if he possesses a “sense” for what is important, for the essence, the truth. In a free society, he can become an impartial witness and reliable interpreter of the modern understanding of the world. Thus, the creation of a value scale is unimaginable without the contribution of journalists, their talent and conscience. Journalists of this type are very rare in these parts.

Transition has been particularly traumatic for this profession. During the irrational conflicts, it was perhaps the profession that suffered most. Many editorial boards vanished. Many journalists disappeared, as well. Some of them were murdered, and the culprits have never been brought to justice. Many of them were unable to climb onto the “media train”, which had an unknown direction that it might never even reach. Some of them could not adapt to the murky times of extreme crisis. Allegiance to their profession prevailed, and they refused to deny themselves professionally and morally; they believed this to be their duty. Nevertheless, accomplices in the militarization of the political community, which bore the “fruits” of violence, chaos and death, also found their place on the contemporary media scene. How very thoughtless and disastrous!

Being the vent for the critical potential of society, the media are expected to support different forms of spontaneous civic initiatives and all forms of critical and alternative thought. Journalists should have an ear for manifestations of civic aspirations. For this, they have to possess the living experience of political culture, and even more they need the power of empathy. In our media, an excess of pragmatic-political and propagandistic intermediation has always been present, as it is present today, to the detriment of lively candor and civic spontaneity. Even today, the media have not proceeded too far in understanding xenophobia and nationalistic fervor. Hate speech, radicalization and fascisation of the political media can also be observed. In these parts, even influential electronic media promote the anti-European “front”, but they are also mindless prompters to protagonists of European integrations. Most often they do not understand either side of globalization as the planetary ideology of the 21st century. Without criticism, they accept globalist media, which impose a value system that “models” faceless consumers; instead of free citizens, marionettes of the neo-liberal myth. The public sphere is still under the control of political elites and financial magnates. The presence of current politicians in the mass media is obviously overemphasized. This means that the “representative” public, not the critical public, is still maintained. The establishment of a free and critical public opinion was not possible in a repressive and closed information system as was the case in our recent past. The old influence simply does not die, it does not finally end.

In the present time of the domination of particracy and party particularism, the government that came to power after the October changes is taking control over the mass media. It is not hard to notice that the guardians of the media corridor of the former autocratic government became spokesmen for the new leaders. When the media become the means of political propaganda and manipulative agencies of the ruling political parties, they establish themselves as the producers of falsified public opinion and are a hindrance to the search for truth. Political interests and political monopolies are blocking the media to such an extent that its civilizational and cultural value is jeopardized. It was believed that the logics of the secret state and secret services would finally be abandoned. However, this did not happen. The elementary preconditions for free public communication were not created among a confused and bluffing public. Furthermore, citizens feel constantly perplexed before the political public; neither ethical standards of journalism nor methodology for investigating the truth have been established in a faceless political daily life. What turn out to be most important things are political usefulness and the simulation of legality. When people do figure out that everything was actually different, stories about public affairs are cut short by the dictates of political will and selfish interest. Then the media, which revealed the drastic violation of law, turn out to be the guilty party in the opinion of utilitarian intelligence. Incidentally, the media are the usual suspects when politicians fail. For a long time, blaming the media looked like a simple farce, a ridicule of public opinion and the obvious truth. It seems that politicians cannot accept the fact that the current local political scene has already become a *brothel without walls*.

From the perspective of democracy and public freedom, journalists should never again be voyeurs watching the pornographic half-light of political culprits through a keyhole. Without insight into the sources of information held by government bodies, it is hard to shape accurate information, and even harder to carry out complex research and engage in critical journalism. Free access to information and documents of public importance would reduce the possibility to create informational chaos through the media in a trivial, sensationalistic and irresponsible manner. Arbitrary freedom of expression can be seen here as a factor that curbs the process of providing true and correct information. Material acquired by journalists, those committed to their professional and ethical codex, should not be subjected to forgery and misinterpretation. This is why the professionalization of journalism will remain an unachievable ideal until media autonomy can be guaranteed. Media autonomy and professionalism are preconditions for a culture of free and competent communication.

It is very well known that democracy and an open society depend greatly on the conditions of the media. Demonstrating negligence, almost contempt for the media, the ruling elite is actually unveiling its non-democratic and non-civilizational essence. It is hard to accept, without indignation, the fact that political rulers invent closed sessions, without any principled reason, so that journalists,

after hours of waiting, receive press statements as almost nothing! Moreover, these press statements often hide the content of political “wisdom” rather than reveal it. Yet the following scene is not very appropriate either: journalists turn out in great numbers for the opening of some important scientific or philosophical conferences, the politician ceremoniously welcome the participants, and then both politicians and journalist hastily leave, as if they had been there by chance. It would be reasonable to ask oneself whether these are the same journalists who patiently wait in front of politicians’ closed doors. These few unpleasant images have been invoked in the belief that it is necessary, without any further delay, to reshape the media sphere, so that professional autonomy can be achieved in the media. At the same time, this would open a path towards a new identity, mission and vision of the media. Without a thorough reconstruction of the media sphere there is no chance for modern and democratic communication.

The importance of the media in the process of pacifying destructive conflicts in our political community has no substitute, yet in this regard, they are almost deaf and mute. Media which are not independent of authoritarian culture have been distanced from the ideals of tolerance, non-violence, common life and civil rights. This is why rational dialogue is of great importance in reviving the public sphere, especially in profiling political communication. Today, this communication lacks clear and rational language, prudent thinking and honest feeling. Cultivated, highly educated and sensitive journalists, who know how to use new knowledge and technologies, can become the force of social change. But do any exist? Consequently, it is very important that journalists avoid the whirlpool of informational extremism, becoming its “fiery” followers, figures in the service of “producers” of fear and hate. Today, there is no point in journalists supporting any party or any side of the political field, unless they are willing to subject themselves blindly to pragmatic politics and party interest. Free journalists, those who are bound by truth and conscience, are in a significant minority.

The opinion that free media for mass communication are the institutional basis for a free public is far from developed in our reality. Nevertheless, the belief that the state of affairs in the media reflects the state of affairs in society is acceptable. There is no free society without free media. Political freedom comes when citizens start taking responsibility, when they participate in political life. As an unavoidable intermediary, the journalist helps the citizen to better understand his possibilities and recognize his wishes. This is a part of his attempt to be active and react at all times. Neither indifference nor passivity suits him. Without this freedom there can be no truth about society. But his freedom is very unreliable. This is why the recent attempt on the life of journalist Dejan Atanasijević is so frightening. It can also be seen as a lethal threat to journalism itself and it would seem that this country has not made much progress beyond state induced violence and chaos. An atmosphere in which everything is possible was created, the political elites were ambivalent about all crimes committed, journal-

ists started to speak about things the government was expected to speak about clearly, yet did not. When a journalist risks his life in the search for the truth, the fate of truth and freedom becomes clear.

When standards of objective information do not exist, then an important precondition for public debate is also missing. This is why confusion about what is and what is not the true reality in this country continues to increase in our debates, and participants degrade themselves in drastic offensiveness and rudeness. In general, the language of our political debates is militant, coarse and crude. This language devalues people and ideas. Modestly educated or illiterate citizens may indeed enjoy the fact that stubborn imbeciles publicly “lecture” to the world of literature and knowledge. Moreover, any political conman can easily please these enslaved subjects, especially when addressing them demagogically, as a part of the electoral body that imprudently accepts his desirable lies. Illiteracy still plays an important role in our political history, from every aspect. Our country is positioned high up on the scale of illiteracy in Europe. We must keep in mind that half-literate citizens, the majority, fall most easily for populist tirades and the illusion of rational thinking. The adjustment of propaganda to fit all strata of the electoral body is already a well known practice. It is part of the political marketing.

Educating to hate

There are politicians on our political scene who only communicate in an aggressive and thoughtless manner. The simpler spirit cannot grasp theoretical argumentation and does not understand why it is a sign of utmost courage to make the truth public and defend it. To debate with free and unpredictable communication, it is necessary to establish and implement rules which secure that none of the participants has an especially favorable position. This could have been secured before, had the debates been controlled by the critical public. Unfortunately, in these parts the skill and art of debate has never been attained, yet effective debate is one of the important conditions needed to achieve the intellectual paradigm of change.

Instead, hatred and exclusivity are still employed in political speech. Hatred, as absurd passion, a state of disturbed mental balance and lack of empathy is a characteristic of the history of war. By hating with fanatical passion, haters become one with their hate. This hate is directed towards the others, towards “otherness” and “difference”. “Others” are perceived as enemies and strangers. It has been proven that where hate rules, there can be no reasoning and there are no dilemmas. Everything is certain. To demonize the “others” requires a craft that employs stubborn blindness and senseless stupidity. The existing “forces” of irrational, destruction and hatred observed no limits. Creators of hate become

architects of tragedy; they are always on the move and it seems that even now no one is able to stop them!

Since ancient times, and especially since the time of communist rule, entire generations in our community have been educated to hate rather than to love. Militant societies obviously lack the experience of love and tolerance to counter-balance evil and hatred. Social and historical reticence such as self-sufficiency creates animosity towards the “otherness”. Hatred becomes a distinguishing mark, a sort of pseudo-identity. It often provides incentive for the *psychodynamics* of politics. In the dangerous homogenization of national will, one specific identity has most often been insisted upon, refuting any kind of complex identity. However, the predomination of one identity does not lead to totality, it ends in totalitarianism instead. In this kind of situation, hatred and crime thrive.

The “potential” of subjects to hate and to be seduced by irrational fervor has been much abused in politics. Consequently, the idea that one who hates has reached the absurdity of his own existence, and thus cannot recognize his own human limits, is by no means universally accepted. The insanity of hatred tends to renew “deaf and mute” politics without restraint. Unanimity in hatred is followed by destruction and crime. Perhaps this is also the reason why so many misdeeds were committed during the wars we fought among ourselves and against others. When our common state was destroyed, nationalism started reshaping itself into chauvinism. It could not only be identified with the “others” and “other places” but with everyone and everywhere. This brought about a vicious circle of hatred and crime. The cover-up of crimes today is a consequence of our mentality and our clouded conscience. The mentality of hiding the truth is at work again.

The worst fact, however, is that hatred was not only present in the political sphere, but also in the everyday life of the entire society. Misanthropy created entropy and chaos. A society consumed by hatred inevitably ends up at the worst extremes. The failure of empathy provides potentials for hatred. The circle of destruction leads from hatred to violence, from hatred to crime. Our recent circumstances reignited repressed passions, frustrations, complexes, envy and aggression and politics did everything to confine society in a “black chamber” where many people were blindfolded: once again it is a vicious circle of organized hatred, then organized crime and brutal acts of violence become almost inevitable.

Though accumulated and repressed for a long time, the energy of hatred has not faded. It is visible in intolerance, prejudice and discrimination. It seems to be already forgotten that hatred resulting in crime is not only a moral problem but also marks the twilight of a pathological society; murders are sick people. Those who look on indifferently at crime are accomplices, there is no excuse for those who facilitated and incited it. These are not only different forms of extremism; they are also forms of complicity in hatred and in crime.

It is a historical shame that those indicted for war crimes are been protected and concealed from justice here at all costs. Covering up the truth about crimes is a senseless and immoral act. It is part of “the strategy” working against the present and against the future. It is scandalous to have more understanding and compassion for those who committed the crimes than for their innocent victims. Though it is hard to accept the opinion that evil is stronger than good and hatred more powerful than love, empirics do not go in our favor.

Difficulties with the truth

There are great difficulties with the truth, both how to seek it and how to render it public. A particular problem is the fact that our truths are unbelievable, senseless and incomprehensible. Naked truth is like a hopeless scream, an illusion in the darkest of nights, the apparition of an imaginary “event”. This is probably why contemporaries cloak themselves in prejudices and self-delusion. Such a state of consciousness is maintained by mental stuffiness and general apathy. Premeditated methods of brain washing, spinning and the trickery of indoctrination are employed to impose collective intellectual aspirations and annul unique individuality, which ought to be associated with autonomous and free personalities, but also with the values of truth. Our notorious transition clearly shows that truth is not only the first victim in war.

Over here, forces of liberated primitivism, uninhibited chauvinism and poor patriotism dominate, this makes it really hard to raise rational questions, let alone uncompromisingly seek the truth. In such circumstances, the question of how much the present truth is really accurate is getting more and more complicated. If accumulated delusions and spiritual blindness were not the walls that hide the true picture of reality and the reality of truth, we would more easily find a way forward from complicated situations, waxing and waning around the truth. There is no key that is certain to unlock the doors to the truth. Even when the truth is “grasped”, it is impossible to reliably encompass it with both sight and spirit. In order to achieve the reality of truth, it is necessary to confront its essence, gain insight into “how” life processes happen and “why” they have such results. However, all this is brought into question because an incorruptible critical public does not exist, and the current political elite are apparently more comfortable with the forgery of truth. This arcane state of affairs still has solid strongholds in the political field and undetermined reality.

Under the current political conditions veracity is undesirable. Pascal once wrote that “To speak the truth is to bring hatred upon oneself”. Even more, those who search for the truth here and now are putting themselves at great, even the most drastic risk. Weak spirits, conformists and slimeballs would never subject themselves to such an inconvenience. The following experience is a common scenario over here: if you keep quiet about the weakness and immorality of the

ruling elites, who decide the destiny of all the others, then you are not “controversial”. Those who were ready to speak the truth necessarily come into conflict with the protagonists of destruction, violence and crime. Our experience of repression related to the truth is directly connected to the forces of a system that blocks the roads to multilayered reality and the understanding of its complexity.

This can best be observed in the attitude towards Kosovo: hiding the truth about Kosovo is the dominant mentality which is incapable of facing reality. This issue has been taboo for a long time. We only kept shouting that Kosovo is ours, and that there is nothing else to be said about this. Nevertheless, reality went the other way, reality brought about a situation that ended in bad politics or bad style in politics. It ended in a political war for Kosovo, which subsequently became a war in Kosovo. Ultimately, what remained was the political exploitation of the Kosovo reality, a caricature, mostly because the parties that supported the wrong option, the option of war, are now in a position to keep us, as a country that ought to be heading towards Europe, in a conditional state. Maybe we should recall the words of Isidora Sekulić: “We have to realize that we are people of the Balkans, sharing a common peninsula, and that while we have to understand ourselves, we have to understand the others, as well. We also need to talk, and then, out of this conversation, this understanding of the others, a different communication will be born”. Today, the Kosovo issue is a fine pretext for sustaining the current Serbian government. It is a grand, yet unimaginative simulation, almost a scam!

Since truth is the question of all questions, efforts to escape relativism in the interpretation of the truth are understandable. Problems also arise from universalism, interpreted in such a way that only one truth exists, one unchangeable constant. One only needs to recall our recent ideological past to see how difficult it is to figure out whether the truth behind our communism was brotherhood and unity, proletarian internationalism or extreme nationalism and a Balkan version of chauvinism. When the policy that transformed a social community into hell was enacted in reality, it became clear that the masked social reality of an ideological monism, the so-called communist period, had avoided challenging the truth. Hiding the veracious picture came at a dire cost for that ideological society. The repressive social system blocked the quest for both the truth and essential changes. This constricting condition, noted by Vuk Stefanović Karadžić, has been in place for a long time: “He who fiddles with the truth gets his fingers whacked with the fiddlestick”. Here and now, the methods of revenge become an unrelenting and dangerous means, employed by the secret state and secret services. This is part of our obscure reality.

What remains for the truths that came too late, and there are too many here, is to constantly remind us that life is a fraud. Morally insensible creatures, who went to sleep spiritually and psychologically, do not wonder about the truth, one who has no doubts and does not indulge in self-analysis, will never reach

it. Truths are alarm clocks where veracious ears exist. These alarm clocks can scare sleeping souls. People used to living in the darkness of lies could lose their ability to live with the truth. They are closest to our well known mentality of concealing the truth. The deaf-mute perception of reality became a precondition for remaining on the margin of civilization. This is why we are so distant from the quest for truth, which would bring about the meeting of reason and conscience, of veracity and critical consciousness.

The fact that lustration in Serbia remained only on paper, demonstrates that all the preconditions needed to stifle the truth have been met. It seems forgotten that lustration is primarily a moral act – a form of purification from crimes committed, the imperative of a civil society and this is why the following question is permanently being asked: Who should not have escaped lustration? All those who endangered human rights, produced violence, crime and fear, those who conceived the war option and brutally militarized society, those who practiced terror and devalued human dignity. Those who are prone to forgetting should be reminded that there was no part of social and cultural life during the regime overthrown in October 2000 where human rights were not violated and annulled. But, those who supported the anomic society as a community of disorder and chaos did not want lustration. It is not wanted by those who wish to relativize valuation and abolish the critical public; it is a means to equalize proper and improper behavior. Those who do not want lustration become accomplices in wrongdoing; they do not want the establishment of virtue and moral order.

Lustration was blocked by political elites, preoccupied, after the October changes, by intra-party skirmishing and pragmatic interests. Thus, the distinction between two political options, old and new, was essentially disabled. Discontinuity did not occur. The worst thing is that here perpetrators are presented in the public sphere as saints and righteous men. In other post-communist countries (East Germany, Czech Republic, Hungary and Poland) lustration was carried out immediately. The situation here was different; there was no political willingness to go all the way. Lustration needed to be established primarily as a moral issue, only then could it also be a political and legal problem. Everything in politics has its specific time and the time for purification has long ago passed; now the public is just being sporadically misled. The idea that failed in political agreement and will is getting thinner and thinner and more compromised. It all came to nothing. Besides the indecisiveness to go all the way and remove the filth of a criminal regime, the deaf and mute time wasting game with the cunning con-artists of the old regime went on for far too long. There was no telling what would come to the surface of the stinking blood-drenched pool of rot and decay. And what did float there were monsters. The opportunity for rationality and wisdom to be affirmed in politics was lost. In that dangerous vacuum, where the reliable democratic alternative and relevant democratic institutions had yet to be established, many unpleasant surprises occurred. When Serbian Prime Minister Zoran

Dinđić, a leader who moved in leaps and bounds toward changes and reforms, was assassinated, the engine of democratic changes started to stutter. He was a politician of great dynamism and modernity, so different from the closed and conservative society; it is hard to survive here if you are different.

It is well known that extreme behavior is dominant in pathological societies. The only behavior here for a long time has been the extreme. From extremism, founded on hatred, to crime, there is only one step; hatred and crime, like stupidity, have no limits. Those who sow hatred incite crime, and violence was present beyond any acceptable limit; this was already a preface to crime. Crime was encouraged, instead of being blocked and restrained; criminals were awarded medals and high-ranking positions – and they were rewarded by criminals! As a token of appreciation for everything they did for the criminal regime, they were allowed to do whatever they wanted, and in doing so, they had no scruples. A headless government, lowly mafia and secret services joined forces and lead the state into a metastasis of crime. And when accountability for all sorts of evil was expected, it was justified instead. A panel was even instated at the Faculty of Law of the University of Belgrade, where participants attempted to justify the crimes committed in Srebrenica: the perpetrators were glorified. If something like this can happen within the academic society, we cannot be surprised to see militant skinheads, a Nazi- clan of “street soldiers” flaunting their extreme chauvinism, racist prejudices, and hatred towards the Roma community. In Novi Sad, members of Nacionalni Stroj (National Alignment), a neo-Nazi organization, attacked citizens participating in an antifascist rally with stones. Goran Davidović, the informal leader of this organization, had already been convicted (by an unenforceable ruling) for interrupting an antifascist panel held at the Faculty of Philosophy in Novi Sad two years earlier. To date, no real political or legal will has been shown to stop these neo-Nazis.

A relativization of the importance of the neo-Nazi phenomenon was seen in the parliament, as well; its impact was being minimized. Divisions, once again, arose over this issue! Experience teaches us that it is better to overemphasize political dangers rather than to overlook them. The return to the ideology of blood and soil is truly outrageous. The National Assembly, where racism has appeared in explicit forms, is being transformed into an institution of political ruthlessness and verbal massacre: MP Marko Jakšić pointed to “Gypsy mentality as a feature of character”. In the atmosphere of high party passions, not one word is uttered there without hatred. The Radicals “proclaimed” the Assembly a safe house for Ratko Mladić. They were not troubled by the fact that he had been indicted for war crimes and that he has turned the state into his own hostage. There is no end to the verbal conquest of the electoral body. The leaders are those who would have been lustrated for the violation of human rights in the recent past if there had been any political consistency. In the Ruma municipality, MPs of the Radical and Democratic Party even engaged in physical conflict.

Images of kicking, slapping and verbal humiliation became a testimony to the “solidity” of local representatives. The implacable impression is that this country is approaching the ground zero of political life. I fear this means a postponement of the establishment of a normal civil society, no such society can come about with a renewal of morality.

Salto morale

Moral crisis was most intense in societies that left totalitarian rule. It preceded total chaos. What is worse, it sustained that chaos. It also became an important impediment to social changes. The impression is that immorality reached each and every cell of the society, like a metastasis. The worst burdens of conscience from preceding wars were inherited here – crimes, organized crime, robbery of the people. Nowadays, they are joined by wide-ranging corruption as a life style. Findings on insolvency, trafficking, customs and education mafia are only part of a crime story to be continued! What is it that happened to erase the important line dividing the binding values and moral criteria from actions entering the gray zone of immorality? The diagnosis: Salto morale! Moral suicide.

The birthplace of immorality is politics. Amorality in politics also spreads to the whole social and personal fabric of society. Between senseless laws and lawlessness, political demonism imposed “the law” of violence. In violence, both dignity and morality are lost. Failure to question the ethical character of the normative system can lead into the trap of loyalty; before facing the truth of the existence and nature of society, where particular interest and utilitarian principles marginalize freedom, general wellbeing and universally accepted values. There is no point in proving that laying moral foundations is of vital importance in the establishment of rational politics and a legal state, even more so when our existence has been long tainted by endless destruction and simulation. Over the past few years, a large number of new provisions and institutions, specialized state bodies, parliamentary and government councils and commissions have been established. This was allegedly to bring corruption and money laundering to an end, to monitor the legality of public acquisitions, protect competition, prevent conflicts of interest, secure access to information of public importance, and control the expenditure of state budget and the work of administrative bodies. All this could give the impression that everything is being done to enact the necessary changes. However, this is the absurdity: what is important is that all of this exists on paper. Thus, an illusion is created that something unreal actually exists. To have is the same as to have not: some do not even have offices, some lack the necessary bureaucracy, the findings and opinions of others are ignored, while some are simply disregarded by state administration and public companies when they request data regarding their operations. We could give an endless list of such examples, but it would amount to nothing but a mere simu-

lation of governmental and administrative control mechanisms; smokescreens have their part to play on the flip side of morality!

Living in a moral manner yet not knowing the difference between right and wrong is unimaginable. A more straightforward relationship between normative ethics and moral ideals has never been achieved. There can be no moral living without an idea of duty and a sense of responsibility. Conscience is the moral consciousness and “the moral sense”; to be responsible to himself is probably the most important skill a man can possess. The quality of individual endeavors can be seen in its regularity, righteousness and morality of human behavior. When faced with a dilemma about correct and incorrect behavior, the answer is shaped by a person’s character and conscience. There is always a question: how to overcome the twisted reality which looks more and more like hell? Those lacking moral fiber and of dubious character manage best in such reality. Unfortunately, the issue here is not just a crisis of legality but a crisis of humanity as well.

Maybe it makes sense to refrain from meditating on moral living, not only because it sounds nothing more than gobbledygook to the immoral and needless lecturing to the wise, but also because it is improper for sinners – and we are all sinners – to lecture on morality. There is no excuse for selfishness or dirty hands; nevertheless, the *Gospel* according to Matthew offers a most precious thought on this subject: “in everything, *do unto others as you would have them do unto you*”. *People learn about morality in silence, by facing themselves. In the intimacy of solitude, they shape their “ethical codex” and “categorical imperative”.* *Moralists’ calls for the idealized moral life of the past are comical. “The renewal of morality” is invoked without any substantiation. There is so much naivety and even more partiality in that.*

Kant’s conclusion that there is no morality without freedom has proved more vivid than Socrates’ belief that knowledge is the basis of morality. Without Kant’s “moral law”, it is hard to theorize about the universality of moral values and the system of moral norms. It is hard to propose morality as the regulative ideal in life, and even harder to establish norms on moral behavior and human rights. This is one reason why it will probably take us so long to find our way out of moral collapse; moral revival is impossible without substantial and structural changes.

Apolitical behavior and party reductionism

In times of pronounced political tensions and disturbed value systems, as in periods of general collective lethargy and civilizational stagnation, the citizen, the undisputed voter and electoral contender, often loses the motivation to play an active role in politics, and influence the political field with freedom and intellect. The political marginalization of apolitical citizens contributes to non-democratic government of political elites and networks of manipulative rule. When apolitical

behavior creates anti-politics, then we can agree that our so-called life is being renewed in "a defective eternity". This is why apolitical choice and anti-politics is the worst orientation for efficient changes on the road to democratic processes. Indeed, apolitical behavior is the Achilles' heel of political life and political culture: the Ground zero of politics.

However, the other extreme is when there is almost no politics, neither efficient nor disputable, beyond political parties. This is reason enough for concern. It definitely reveals a structural problem in the political life and culture of a community. It is not easy to say whether it is more disastrous when social reality is dominated by rigid party viewpoints and dogmatic preferences or by irreducible, confusing and controversial party pragmatics. In such contexts, non-party opinions go unheard and unaccepted all round. When the public does not care what citizens think and want, the core of democraticity is being shaken. This is why we must constantly repeat that political freedom begins when the citizens sense their responsibility in the politics of their community and state. Thus, in modern democracies today, the strategy of approaching parties without the free participation of citizens is unimaginable.

Members of our political parties are in their trenches - at their "front" - often with the motto: All or nothing! The exclusiveness of party reasoning implies its own "faultlessness" as well as the ease with which the positions of those who think differently are dismissed as "unacceptable". As a rule, this exclusiveness embodies a thoughtlessness that borders on cruelty, and the rhetoric of conflict. Though this rhetoric changes its formative principles, the "us" and "them" logic, as well as labeling and disqualification, remain within it as constants. Party communication is obviously far removed from democratic rhetoric and the language of peace and tolerance. Instead of critical thought, ritual devaluating is introduced, along with a stubborn desire to be right at all times. If some sort of a critic exists, he can only survive by being the spokesman for the political group he belongs to: he is governed by interests and expected opinion. From such a position, critical "opinion" is more like an irreversible verdict. There is no record that the individual opinion, of a particular party member, ever gained support if it was not in agreement with party ideas and conclusions.

Since no "mechanism" for restraining party partiality exists, a situation occurs where one's party's emptiness and fraud are accepted, almost comfortably, yet both the emptiness and the fraud of others are bothersome. It is hard to say which dominates: the illusion of "faultlessness" or strategies of deliberate deception. In any case, "capacity for reason" is often the victim of party thought. Where "capacity for reason" is impeded, an opportunity for the rule of passion, illusions and blindness is created. Partiality also finds its place here, often progressing towards fanaticism, distorted perception and, in extreme cases, autism. This is when one's own reflection in the mirror gains a miraculous power - beautification. The problem is certainly not in different opinions on what is and what should

be present in the state, but rather in the fact that different opinions create irresistible hatred, and parties with opposing views are destroyed, without mercy and limits! The old “paranoid fear” of others, those with different opinions, takes on a dramatic form in party reticence. This is also the end of rational political thought and premeditated communication. The issue is not only the hindrance of tolerance, but also a lack of the basic preconditions required for accomplishing communication and differences in opinion.

Undemocratic political culture, personalized power and the presence of a dominating leader are becoming important preconditions for the shaping of oligarchic power in political parties. The relations between leader and subjects reveal the limits of freedom as a political ideal. Political identity and political participation in democratic political parties are incompatible with the loss of the citizen’s individuality. Disputable one-sided party activism can be seen in uncritical fascination with the party leadership, but also in rigid adherence to party discipline and party formalism. Old mechanisms of orthodoxy, most probably habit, lead to dangerous narrow-mindedness, an atmosphere in which it becomes hard to think “with one’s own head” and expose oneself to the risk of “overstepping” the limits. An uncontrolled inclination to brag is rife in party reasoning. Principles of citizenry cannot be brought to fruition as long as political parties persistently maintain oligarchic supremacy, and undemocratic inter-party relationships are not abandoned. For this, a citizen is needed, not a party campaigner.

What brought about this state of affairs? Research into Serbian politics reveals a strong will among the political elites to take the place of yesterday’s personal rule. The struggle for power is once again gaining speed in every segment of political life. Instead of democracy, particularized party interests and partyocracy dominate. We became a society in pronounced material hardship, the system of values has been disrupted, disorientation is omnipresent and every step in the direction of democratic changes is followed by undemocratic assaults, conservative residue and the spirit of non-modernity.

Where are the democrats?

Political life has still not been liberated from the spirit of arcane politics and the secret state. The basic preconditions for lively democratic culture and a free and critical public have not yet been met. There can be no democracy without democratic institutions, without culture and without the values of civil society. The suit, tailored for us by the masters of the world, is tough to fit into and difficult to feel comfortable in; it is perceived as somebody else’s suit. This pertains to the experience of creating democracy and democratic procedures, which we want to apply here forcefully and inadequately, without considering the social, political and cultural context.

Where are the democrats? Democracy is created by democrats; there is no democracy without them. Democrats survive in democratic institutions. I feel closest to the opinion that democracy is a state of the spirit of a nation and of its way of life, much more than a prescribed form of its political organization (Hal Kok). It should be democracy as a way of life. It is impossible to institute democracy as a lifestyle without culture. It is not easy to say which has been more invalidated: law or public opinion. Politics here have not undergone structural changes, despite the fact that the need for these changes was critical. Without culture, these changes cannot be made. This means that culture, civil society and a free and critical public has a specific role in establishing democracy. The advantages and values of democratic culture are obvious compared to methods of "democratization of culture", imposed from above. The problem lies in the fact that the prevailing political culture is parochial, party biased and authoritarian.

Today, a democratic political culture is necessary – a culture of tolerance, dialogue and compromise. Hence, researchers who gauge democracy and free public opinion on issues of majority – minority are right to do so. The majority must protect diversity if it does not want to conserve "majority tyranny". When diversity is respected, nobody is terrorized, minority included. Every rule, including the rule of the majority, must be subjected to regulation and law, to the constitution. It is not the case here. The majority public is problematic, especially when through lack of criticism it destroys those who are diverse and the values of minority thought. Therefore it is necessary to "open" all roads that will lead to conquering political freedoms and democratic values.

Because of the unachieved concrete implementation of political ideas, there has been a lot of confusion and some major misunderstandings in our society regarding the modernity of the political field and the micro-realization of civil society, which has not been recognized as the democratic alternative to the archaic, 'outgoing' state. This was the reason why "the achievement" of political culture as "civil religion" did not take place. In reality, this culture could only have been affirmed had it been based on ideals of tolerance and non-violence, if it had been consistent in the protection of individual and collective civil rights, such as the right to live, right to freedom and right to property; for all of this, it was too short and inefficient.

It is not sufficient to prove that preconditions need to be met for people not to fear the changes to come, even radical solutions, imposed by the "transition". Unfortunately, they are in permanent fear, which is a social and existential burden. Large, long-lasting collective and individual frustrations, as well as bad experience, inherited from the times of the autocratic political rule, are present here. Fear is sinister; it instigates bad relations and is part of a frustrating situation that is itself extreme, while being very influential in maintaining the rift between politics and culture, politics and freedom. Fear blocks the freedom of the human spirit and the soberness of participation policy. There has been a lot

of confusion and some major misunderstandings in our society regarding the modernity of the political field and the micro-realization of civil society. A culture not based on individuality and totality is disputable in everything it creates, in everything that represents its motives; thus, its influence in the “achievement” of political culture is disputable as well.

Of course, to achieve structural changes, it is necessary to reevaluate and re-examine everything, every concept. It will not be that easy to understand the drastic historical inversion, the upside-down world, since our arbitrariness has neither rhyme nor reason. The rational criteria of modern society are affirmed on the “field of implementation”, not in verbal time wasting. Without it, the creation of stable democratic institutions is unimaginable. For example, today, we must open the question of the return of gifted individuals, who left the country during the crises. What will their return be like, provided it occurs? Their possible return is no longer an abstraction or an intellectual enigma; it is part of reality and the strategies of changes to come. If their return is an act of free will and reasoned decision, then we should expect the arrival of mature personalities, who reached the depth of suffering, but were not transformed into petty calculating machines interested only in their own profit. Most probably they will be wiser; we cannot be certain that they will be happier. Almost everyone here needs to return their own normality and human uniqueness. For this, multiple identities have to change and the essence of civilized existence must be established. Changes within society, culture and within ourselves are preconditions for a life with values, purpose and hope.

Facing the Past – The Prerequisite for Creating a Modern Serbian State

This paper discusses the role that the process of facing the past plays in the creation of a modern and rational Serbia within the context of transition, since the overthrowing of the authoritarian regime on October 5, 2000. Analyses of three types of responsibility in severe violation of human rights – criminal, political and moral – prove that modern Serbia has not severed its ties with that past because the authoritarian-nationalistic identity of the community has been preserved, precluding any critical attitude towards the past. Particular attention is devoted to analyzing the question of collective moral responsibility and its importance in the creation of a new identity of the state union, based on universal values of individual freedom and the rule of law. Breaking from tribal irrationality (nationalism) and moral-legal irresponsibility, which led Serbia into conflict with the international community and its own environment, and caused internal polarization regarding its future, is a precondition for establishing rational national interests of Serbia as an independent state.

Keywords: facing the past, mass crimes, constitutional democracy, responsibility, political community, integration, identity, moral responsibility.

Introduction

The phrase “facing the past” needs to be clarified in its intention and context here. In this paper, facing the past will be treated as a *means* to lead Serbia out of the *political concept* which resulted in mass crimes committed by the Serbian side during the 1990s. This is not a shallow act of accepting the “guilt” for the crimes committed (“sprinkling ashes on ones head”), nor an amnesty for those who committed crimes against the Serbian nation, and even less is it an easy apology to victims and other nations. Facing the past will not be perceived as the statistics of all the crimes committed, but rather as a process of coming face to face with our past; crimes committed in the name of the Serbian nation. We

perceive facing the past as a *divorce process* from a policy that defined national interest as the unification “of all Serbs and all Serbian lands” into one great, nonexistent state. This political concept prevented national interests from being expressed at the state level and becoming equal to state interests. The situation, where the interests of *the Serbian nation* are separated from any realistically attainable state¹, has led Serbia into irrational politics, with distorted logic regarding its national interests. The fact that the interest of the Serbian nation has been radically separated from a clearly defined state and its territory has undermined the possibility for democratic and legal order in Serbia, reducing the Serbian nation to a tribal level, without legal and moral responsibility for committing crimes against members of other nations.

Thus, the process of overcoming the past means (1) rejecting such politics as erroneous and destructive, (2) insisting on the prosecution of the perpetrators of those crimes before the International Criminal Court in Hague and domestic courts and (3) a psychological-moral sense of shame for the atrocities committed, as well as genuine empathy for the victims of crimes.

At the same time, one should bear in mind the fact that we are talking today about facing the past and national interests after the fall of the Milošević regime, and in the context of Serbia as an independent state. In this regard, we will show that facing the past is a landmark, showing the way forward towards defining rational national, that is, state interests, perceivable through the creation of a new identity of the state, based on individual freedom, the moral and value renewal of society², economic and social development, and Serbia’s orientation towards the European Union.

Serbia has not overcome its past

In literature, the process of facing the evils of the past is considered the main prerequisite for the creation of a democratic state following the fall of an authoritarian regime characterized by mass crimes, harassments, ethnic cleansing, seizing of property and severe violations of human rights. This complex process, through a series of new institutions and processes, is called transitional justice, which is another name for the process of reconstructing (changing) the value system, collective and individual identity, the integrative capacities of society and the rational state, based on constitutional-legal principles and the rule of law. I will not attempt to prove here that the process of facing the past is in many ways connected with establishing the democratic identity of a political community and

¹ See my text in this book “Nationalism of an impossible state” and the text by Vojin Dimitrijević “The Concept of National Interest and the International Position of Serbia”.

² Srđa Popović insists on a moral and psychological renewal of Serbian society in: Srpsko društvo i ratni zločin”, *Odjek*, Sarajevo, 2003.

a successful consolidation of liberal democracy. This theoretical issue is analyzed in detail in another text.³ It is sufficient to state that the process of facing the past (a self-reflective process, self-understanding, both individually and collectively), is contingent to character change itself. In the case of a real, constitutive change of a system that produced severe violations of human rights, such a change is inseparable from the process of facing the past, as the main motor of emotional energy and rational argumentation regarding the need to change the system, indicating its foundation on new premises of unity. Contrary to such an optimistic contingency, the practice shows that if the regime changes are shallow, lacking deeper, psychological-emotional insights into the magnitude of the crimes committed, then there will be no real process of facing the past. Shallowness of change and lack of emotional empathy functionally correspond to a *relativization of the crimes* committed by “our side”. This is achieved either by lessening the crimes or by balancing them, namely, by creating a cause-effect “correlation” with crimes committed by others, those our ethno-national community was in (war) conflict against.

Therefore, if the protagonists of system change are not bent on condemning and overcoming *the past*, then an element is evidently missing from the concept of system change is. I call this key factor *discontinuity* with the authoritarian and criminal regime, which, as a rule, also has a psychological dimension. It should occur on the legal (constitutional) level, in the political and moral (value) and psychological foundation of a new system. If the actions of the bearers of change show no intent to achieve comprehensive (“systemic”) discontinuity, then the fall of a regime, as a rule, is effectively merely a personal change in power and corresponding changes do not extend to the core from which the system functions. Consequently, there will be no facing the past; society will continue to refer to the past under falsified names, while the real change in circumstances (which do not have to be insignificant in the lives of citizens), will fit into a process that maintains *continuity* with the old system. The discontinuity required by the process of facing the past implies a “charismatic statement” that the past was bad and that a break with this past is being made; moreover, “from now on”, a new system is being established, *different* from the old one in an essential, i.e. *evolutionary sense*: the new system under construction is being built on premises of a common life, more moral (universal) and functional than those of the old regime, which enabled its authoritarian and criminal course of action. The evolutionary purpose of the new system is reflected in the *universalization* of its values and the rational-formal foundations of the new system. The broadest such framework covers freedom and equal rights extended to all members of the political

³ Regarding the process of facing the past and the creation of a constitutional democracy after the fall of an authoritarian and criminal regime, see in more detail in: Nenad Dimitrijević, 2007. *Ustavna demokratija shvaćena kontekstualno*, Beograd: Fabrika knjiga.

community and restrains the state by the rule of law. Such an integrative framework, through the process of facing the past, must also affirm principles of external universality (towards other nations), in accordance with the natural-legal premise that “although different, in essence we are all equal” (see the text by Todor Kuljić underlining the expression of external, extra-group universalization in the normative system). Totally simplified, discontinuity means a new community identity.

I wish to single out two indicators that can serve as the basis on which to judging whether the fall of a regime and the changes that follow represent evolutionary discontinuity between old and new. The first is both simple and visible to the naked eye: the democratic forces that bring about the evolutionary break with the past must be significantly stronger in numbers and united in carrying evolutionary discontinuity forward until a new Constitution is passed. To succeed in establishing a new community identity, they must overpower the forces of the old regime which have not disappeared. In other words, they must be *legitimate*. The second indicator of fundamental change is the creation of a new “regime of truth” regarding the fundamental questions about good and evil. The issue here is not “the new truth” enforced by the media and the state, but widely accepted truths “that we are all people”, truths that members of our national group have already accepted, but that have been pushed aside and dismissed by the old regime as “traitorous”, western and “alien to us”. The strength of conviction regarding the equality of all people and their dignity erases the *plurality of truths*, according to which some can publicly express their adoration of mass murderers and a former dictator, while others can criticize such a “viewpoint”. A regime “of one truth” on fundamental moral issues, challenged during the wars and often brutally violated, practically implies a *de-legitimization of that ideology* and the self-understandable truths of the old regime. Old “truths” about national interest that brought about suffering, destruction and misery, indoctrination on tribal integration of the community based on blood and origin, promoting murderers and robbery, must lose their validity in the new system, thanks to the condemnation of a great majority of citizens. The dominant perception should be that such “truths” were not only immoral, but also detrimental; they brought society to the brink of collapse and destruction. These processes of legitimization of the new and de-legitimization of the old value system must necessarily be stabilized in a new Constitution, the cornerstone establishing constitutional democracy as the new “horizon of meaning” of our political unity.

Comparing the analyzed criteria on evolutionary discontinuity with the results of October 5, 2000, the day the old regime fell, we can say, without much hesitation, that Serbia failed to free itself from the shackles of its past. Immediately after October 5, a conflict arose between the forces of continuity and the forces of discontinuity already within the victorious forces that lead October 5 under the common name of “democratic forces” (“democratic opposition” towards the old

regime). One side was under the leadership of Zoran Đinđić, the assassinated Serbian prime minister. He saw October 5 as discontinuity with the old regime and its political concept of unrestrained national interests, and a chance for a new, European identity for Serbia. The other side was under the leadership of Vojislav Koštunica, who perceived October 5 as a defense of the victory over the “communists” (Serbian nationalists excluded) at the presidential elections held on September 24. Forces of the old regime lined up behind him to protect their survival and their past. This position implied not only continuity with the old regime in a “legalistic” sense, but also the acceptance of political rivals in these elections, those who represented the past, as “normal” parties with legitimate views, which could come to power by election even the following day, without any transformation or renunciation of the past.⁴ The power struggle between these two positions *precluded the passing of a Constitution* that would have established constitutional democracy and a new social identity. The fact that this became impossible also meant that it was impossible to break with the past. Under such circumstances, *the creation of a new system* was no longer possible, except to a very limited extent and mostly in the economical sphere. Fundamental questions were transferred, once again, into the arena of power struggle⁵, as the forces of continuity had won. This meant *an imminent new struggle* for the instruments of power that would have helped establish the new system.

Immediately before and after the assassination of Zoran Đinđić, tension between the old and the new identity reached its culmination. After that, it gradually subsided, remaining on the margins, isolated in political enclaves. The optimistic interpreters of October 5 actually claimed that Slobodan Milošević’s regime was ousted by his own people to preserve the apparatus of power for the remaining “Serbian national interests” (Kosovo, the Republic of Srpska, protecting Mladić as a national hero), which are still to be protected. The safeguarding of these interests, in an irrational and radical form, provided the opportunity for the survival of the security forces, a constant feature of Serbian authoritarianism. On the other side were masses of disappointed people, who interpreted October 5 as a “betrayed revolution”. Both sides are the expression of an unbearable journey into the past, arranged by the ruling coalition on a daily basis.

However, the current regime in Serbia lacks the coherency of the former regime, being unable to project a positive image; it lacks the impetus of Đinđić’s government, guided by a vision of a European Serbia. There is a “patchwork”

⁴ Practically, this is what happened. After the assassination of Zoran Đinđić, Koštunica suggested an all-party government, that is, a government with SPS and SRS; after the 2003 elections, Koštunica’s minority government received support from SPS.

⁵ One of the “theories” on the assassination of Zoran Đinđić insists exactly on this point. He was not assassinated for his fundamentally different vision of Serbia (others with that vision are still alive and well today), but because he had the chance, by reverting to a power struggle, to win that battle.

in power today, made up of pieces of the remaining nationalism, the defense of Kosovo and withered promises of Europe. It is most often expressed in negative tones: we shall not give up Kosovo, we shall not give up Mladić, we shall not give up the Republic of Srpska, we do not want to become a member of NATO. In its core lies the defense of Kosovo as a new ideology that also builds new strongholds for opaque power. However, if the sentence “we do not want to become a member of the EU” is uttered, the negative spiral would become dangerous, as it could lead Serbia towards a new isolation, moreover, under the authoritarian patronage of Putin’s Russia.

This negative spiral also takes away an important reward of October 5 – free and fair elections, which allow our country and other countries to officially qualify as democratic. The past that has not been faced dilutes the legitimacy of the elections.⁶ It blocks progress from electoral democracy to constitutional democracy and the rule of law. The degeneration of rudimentary democracy into façade institutions that progressively succumb to the voluntarism of power is visible in its reduction to a “coalitional formula”; accordingly all public goods, institutions and the state itself are divided among the ruling parties as “party property”. Elections do not legitimate the elected holders of public power to make decisions and take responsibility, but rather confirm the illegal status of their financial prizes and their obligations towards their financial sponsors. This corrupt decay of the state through pathological forms of “party” and an “imprisoned” state⁷, combined with nationalistic ideology, has shut down public discourse related to the process of facing the past, both with regard to policy implemented in our name and with regard crimes committed by some Serbs in the name of all Serbs.

Types of responsibility for mass crimes: how far have we come?

So far, we have demonstrated that after October 5, the beginning of the transition in Serbia, the past and continuity with the old regime prevailed. This diagnosis should be examined in more detail, while demonstrating the essence of continuity. The thesis I shall try to defend is that continuity with the old regime, in terms of *the type of constitution* of political community, precludes the process of facing the past, as well as responsibility for mass crimes in any form. It is within this framework that one should look for *the ideological justification of crime* and

⁶ The assessment that electoral democracy has also remained unconsolidated is confirmed by recent events related to the presidential and local elections, which are being postponed due to the higher interests of protecting Kosovo and Metohija as an integral part of Serbia. The same problem arose in the appointment of the prime minister after the 2007 elections; the distribution of power does not correspond to the numerical strength of the parties that form the ruling coalition.

⁷ See: Vesna Pešić, *Partijska država kao izvor korupcije u Srbiji, Republika*, April 1 - May 31, 2007, pp. 402-405.

continuity with the criminal regime of Slobodan Milošević. The aim is to point out these elements of ideological correlation, to open a possibility for citizens to reject the ideological guidelines, which still influence the character of their community and their behavior. Only by highlighting the ideological-value contents, visible also in the way our community is constituted, does it become possible to have an effective policy regarding the past. These political moves could touch deeper layers of the process of facing crimes, on an *affective level*, representing of new values and identity for the community.

It is obvious that Serbia is not leading a policy of settling accounts either with the concept of “pan-Serbism” or with the crimes that were committed. It rather seems that current politics is making an obvious effort to blur the past as much as possible, so that it is forgotten and never again mentioned as destructive and “criminal”.⁸ This can be demonstrated through the analysis of responsibility for mass crimes of murder, torture, deportations of entire social groups or their parts, seizing of property and negation of human dignity. These misdeeds are also perceived as a radical “dehumanization of the other”. Literature highlights three types of responsibility for severe violation of the human rights of members of another group, which is not “our” group. These are: *criminal-legal, political and moral responsibility*.⁹ Through prosecution of individuals who committed crimes, criminal responsibility reestablishes retributive justice, and even more. In systems where mass crimes become possible, the legal system and the rule of law have been destroyed. Thus, criminal proceedings have the function of restoring the sense of justice, establishing a legal system and affirming an independent judiciary and the rule of law. This responsibility, the same way as other types of responsibility, in the final outcome, refers to a change of the value system in which mass crimes were possible. Political responsibility relates to members of the political elite of the old regime who cannot be criminally prosecuted, but who have participated in decision making and legitimized the preparation of crime and violations of human rights. “Thus, it is the goal of the process of political responsibility to prevent the participation of members of the old apparatus in

⁸ In all public debates and in highest state bodies, the omnipresent representatives of Milošević’s party regularly stand up in defense of Milošević whenever he or his regime are connected with criminal acts or named as those who issued orders in already proven cases of assassinations of political opponents (the case of the assassination of Ivan Stambolić), pointing out that “a dead man should be left in peace”, one should “not speaking ill of the dead”. The fact that a court ruled that Milošević gave the order for the assassination of Ivan Stambolić seems to become simply meaningless, this does not infer any kind of moral condemnation of either Milošević, or his ruling apparatus, or his party, or the individuals who praise him, not allowing his name to be “soiled”. This attitude has even more bearing to his responsibility for war crimes, as allegedly, due to his death in the Hague Prison, he remained an innocent man.

⁹ On the three levels of responsibility, see: Nenad Dimitrijević, *Ustavna demokratija...*, pp. 278-281.

the political life of the new community”.¹⁰ The third, moral responsibility, pertains to the value discontinuity with the criminal past. “The general argument is that organized moral reflection on the true character and consequences of the past is necessary to explicate the normative dissociation of society from the ideology and criminal practices on which the former regime was founded, as well as to affirm a value system suitable for a democracy.”¹¹

How far have we come with responsibility for the crimes committed?

Regarding the criminal-legal responsibility of those people accused of committing war crimes, some progress has been made. This can be seen in the fact that Serbia shifted from their refusal to extradite Serbian citizens to the International Criminal Tribunal in Hague, to delivering the majority of those indicted to the Hague (except for four of them, including Ratko Mladić and Radovan Karadžić), despite the fact that the government deemed this to be “unfair”. An undisputable step forward is the creation of a domestic court for war crimes, for all the other crimes not prosecuted before the Hague Tribunal. Nevertheless, despite the fact that obligations towards the Hague Tribunal have been accepted and partially fulfilled, this was done, primarily, in a *technical sense*, an *international obligation* that has to be fulfilled due to pressure (or “blackmail” in domestic jargon) and threats to block Serbia’s European integrations. This obligation is perceived as an anti-Serbian conspiracy on the part of the international community (primarily the US), not as an indication of our belief that those who were extradited to Hague should be prosecuted. The fact that the state, as the representative of the “collectivity”, was avoiding extradition, and also hiding those indicted, a situation that has not changed, transforms individual responsibility paradoxically into collective.¹² By respecting individuals accused of committing war crimes as *members of the nation* who worked in its best interest, and even proclaiming them national heroes, their criminal acts become ascribable to the entire nation. The case of Ratko Mladić is paradigmatic in this regard as well. The government is not extraditing Mladić to the Hague Tribunal not because it believes that he should stand trial before a domestic court, but because the *trial*

¹⁰ Same, p. 280.

¹¹ Same.

¹² The examples of individuals who admitted responsibility for war crimes are an excellent proof of this. Such is the case with Biljana Plavšić and Milan Babić, who were subjected to “national contempt” as national outcasts and traitors. Along the same lines, Borivoje Borović, legal representative of “the Vukovar trio”, stated in a TV show (TV FOX, *Recite narodu*, November 8, 2007) that the fact that Šešelj is conducting his own defense, as an individual, without a team, is not good, as in his defense he might fail to defend Serbian national interests.

itself would shatter the mythical picture of the Nation and its goals. Furthermore, the magnitude of the crimes attributed to him (genocide in Srebrenica) is unimportant; indeed it is even in some kind of a “metaphysical” proportion with his national grandeur. Regarding political responsibility for war crimes, it is safe to say that it is accounted for by the “command responsibility” for which individuals are being tried in the Hague Tribunal. However, in a wider sense, dealing with the past also encompasses a violation of rights of one’s own citizens (of the same nationality), not only of the rights of other groups. In 2003, the Lustration Law was passed, with the aim of “purifying” state agencies from those members who violated citizens’ rights, firstly in the police and security services. The Commission that was to implement the Law was never elected and the Law never came into power. The reason behind this was opposition to the Law, and subsequently to its implementation. It is no exaggeration to say that two parties – SRS (Serbian Radical Party) and SPS (Socialist Party of Serbia), reacted harshly to this Law because of their own responsibility, however, the same reaction came from DSS (Democratic Party of Serbia), which labeled lustration as “revanchism”, aiming to prevent discontinuity with the old regime. In their opinion, this Law was a “hunt for political opponents”. However, this argumentation can be deceitful and lead us onto the wrong track. We could think that opposition to lustration and disclosure of secret police dossiers (which was, incidentally, a pre-electoral promise, before October 5) is not related to war crimes, but only to violations of Serbian citizens’ rights, i.e. “political opponents” of all sorts. Firstly, it should be said that the renewal of nationalistic ideology after October 5 inherently strives to protect those who fought for “the national cause”, and who held important and even the highest positions in the old regime. The example of Slobodan Milošević himself best testifies to the fact that background protection from the security services was fundamentally linked to the Serbian national interests that were being carried forward during the 1990s. As it turned out, he was not a *real* political opponent of the currently ruling DSS (although ousted as a “communist”), and even less so of some other parties, such as the Serbian Radical Party. He too was not to be lustrated, nor to be excluded from political activity. On the contrary, his national policy, somewhat changed due to the circumstances, could be continued; more new battles were to be led. The *real* opponents are the “traitors” of the national interest – people who wish to change Serbia’s identity and pull it out of the enchanted circle of irrational and losing nationalism.

Examples from public debate bring us to the question of how far we got with moral responsibility. In my opinion, this is the worst situation, since the *normalization of crimes* in the media and through the actions of certain parties and associations, precludes any moral reflection on responsibility, either in individual or collective acts. We have demonstrated that individual trials for mass crimes have not reached as far as a reassessment of the value system and ideology of the old regime, although this too ought to be within their reach. Regarding

moral responsibility, focus centers unavoidably on the relationship between individual and collective identity, namely, on the question of *collective responsibility*. Moral responsibility demands a *stand* be taken on crimes committed by “our side”, thus directly endangering the ideological-value pattern, used to justify the crimes. This is why forms that normalize crimes are deliberately used in public discourse. The main method employed is moral confusion, achieved by presenting both sides, the one defending crimes and the other, condemning them, as normal, “different viewpoints”, where the citizens have to choose their side. The transformation of a fundamentally moral issues of proper, fair and good into party bickering and alleged freedoms in a system of political pluralism, accompanied by the usual cynicism that we must “get used to” democracy, where all opinions are legitimate, provides equal treatment and space for affirming the ideology of crimes. In our media and literature, as well as in the actions of parties and associations, this is much more present than the so-called treacherous views, upheld mostly by nongovernmental organizations and minor political parties. In the Assembly of the Republic of Serbia, banners claiming that this institution is “a safe house for Ratko Mladić” are displayed, without any reaction from the Parliament Speaker, who classifies such performances also under “pluralism of thought”. The Prime Minister and ministers bid farewell to those indicted leaving for the Hague with presents and honors suited to “national heroes”, which is politically “lucrative”.¹³

These examples of denial, relativisation and affirmation of those indicted for war crimes, and we could make an endless list, testify to the fact that in Serbia, after October 5, a “new regime of truth” regarding Serbia’s past has not been established. The mere possibility of “multiple truths” and the pluralism of viewpoints on the nature of crimes and on their defense, as well as on the Milošević regime, in addition to the popularity of the SRS and some others who publicly advocate and defend crime, opens the question as to why is it so, and where the roots of our attachment to the past are.

The possibility of establishing a modern state as a prerequisite for facing the past

Since it is my intention to identify elements of continuity in the preservation of the past, even after the fall of the regime, and since I have already to search for this continuity in the character of the community itself and its ideological contents, all three levels of responsibility that I have elaborated indicate that each

¹³ In the abovementioned TV show, the host posed the question if the TV coverage of Vojislav Šešelj’s trial in the Hague Tribunal will increase his popularity and the popularity of his party among the people. However, it should be added that the popularity of war criminals is not only a Serbian specialty, it is also a specialty in Croatia, Bosnia and Herzegovina and Kosovo, wherever there have been conflicts and war crimes.

one refers to the same point: the character of the community and the method of its constitution. Therefore, an analysis follows of the relationship between the character of the community and the possibility of facing the past and the crimes committed by some Serbs in the name of all Serbs during the wars of the 1990s. The given analysis has two aspects: the first pertains to the theoretical perception of community character, a prerequisite for facing the past and the responsibility for war crimes, while the other includes the issue of the dominant community identity in Serbia, along with the dilemma whether the issue of collective moral responsibility for crimes can be raised, considering the way individuals are integrated into a community defined in such a way.

1) Theoretical assumptions

The framework within which I will examine the issue of facing the past relates to theoretical assumptions regarding the conditions for constituting a modern state and political community. My first argument is as follows: the basic problem of Serbia is its inability to establish a modern state, a political community. Political community is understood here as a community of equally free individuals, whose relations are regulated by the rule of law (the constitution). Unity is not founded on loyalty to a certain authority, ideology, religion, an “ultimate truth” or natural teleology (as is the case, for example, in ethnic communities), but on the agreement of individuals to preserve their freedom by associating in a community. Today, a modern state based on equal liberties and rights of its residents/citizens and the rule of law is called a political community.¹⁴ The existence of a political community in the abovementioned sense enables “the distancing” of the individual from the collective; without such a distance, the process of facing the past is uncertain. This is why we are focusing on the concept of political community and see it as a prerequisite for self-reflection on the past, on the agreement about basic values and a joint vision of the future.

Political theory envisions *political* community as existing only if the political sphere is free from substantial assumptions about good as a predetermined sense. We have almost always lived in a society where there has been no political community; authoritarian government *prescribed* a sense of unity by imposing “higher interests”. In the past, it was a communist ideology on the necessity of building a just society; it could not be challenged without punishment for merely questioning the “historical laws” on which such a society was founded. Afterwards, we emerged into another type of ideologically founded community,

¹⁴ Other authors use the same term for all communities that are politically organized. A renowned Canadian theoretician of political system defines political community in a neutral way, as one of the three fundamental objects of political analysis (these three objects being: authority, regime and political community). See: David Easton, 1979. *A System Analysis of Political Life*, Chicago: University of Chicago Press.

whose horizon was limited by the particularistic ideology of ethnic nationalism. There is almost no need to prove that mobilization of the masses based on tribal nationalism impedes the freedom and rights of individuals versus the collective, as well as the individual's free reasoning regarding the community he/she belongs to. When a nation is radically "ethnicized", it rejects modern universalistic principles, thus also rejecting the modern state limited by the rule of law. During the 1990s, Serbia paradigmatically expressed a tendency towards ethnic integration and the gathering all Serbs into one state, and to that end, it waged wars. Such national interest has had its impact on Serbia's foreign relations. Our state is in a permanent dispute with the international community. During the 1990s, and until the change of power on October 5, Serbia was barred from all international organizations, including the United Nations, which imposed economic sanctions against Serbia (from 1992 until 1995).

The main problem with Serbia is the fact that it fails to integrate its citizens, while at the same time, paradoxically, it strives to become the state of all Serbs, even those who are not its citizens. "This state", says Nenad Dimitrijević, "belongs only to Serbs, but at the same time, it belongs to *all* Serbs".¹⁵ We have witnessed that in societies with such problems eschatological or nationalistic ideologies are invoked in order to secure the more than necessary "unity" (in nationalistic jargon, this is called "spirit of congregation"), which is sometimes imposed even by force. The crucial question "on what is the integration of a society based?" fails to become a topic of discussion, though it is of vital importance. As we have seen, after October 5 Serbia succeeded in winning elementary democracy in the form of free elections for government representatives, but it sank soon afterwards into a façade democracy, getting entangled in "questions of statehood" that are now reduced to the defense of Kosovo as "state territory" and the Republic of Srpska, and allusions to "Serbian unification" with the latter are still being made. Due to the perpetual problem of the (ir)resolution of its statehood, Serbia still suffers under pre-political, i.e. pre-modern features. It is torn between the defense of the particularistic values of "Serbism" (which still views citizens of other nationalities as unintegrated and "a separatist threat") and modernizing ("pro-European") processes, which have taken root and can no longer be eliminated. In order to understand the rift dividing Serbian society, it is necessary to show, in brief, where modernization and its integrative capacities are rooted.

Owing to the processes of differentiation of functions and structures, modern society is characterized by constantly growing social complexity and a great number of new social groups that require integration if society is not to fall apart or turn backwards – to previous forms of traditional integration. In modern societies, where change is inherent, and new social actors are continually "incoming", a pluralization of interests occurs alongside "incurable" internal conflicts that can

¹⁵ Nenad Dimitrijević, same, p. 15 (*italics* are his).

only stay in social peace by continuously broadening (universalizing) the value framework, thus increasing the integrative capacities of the state community and society.

The experience of modern states offers convincing proof of such a process. The exclusiveness of religious beliefs led to religious wars, or to a permanent civil war, something Hobbs spoke about. In order to overcome the chaos of internal religious (or ethnic and ideological) wars, the first individual right was accepted: the right to freedom of conscience and religious denomination. The new order, which corresponds to the integration of a pluralistic (modern) society, moved religion into the private sphere, while regulating the public sphere through the *universal values* of human rights and laws that apply equally to all, regardless of religion, ethnic origin, social status etc. An integrative framework, comfortable enough for the free functioning of different individuals and groups, was created on the basis of individual rights and equality of citizens before the law. The same, rephrased, is *the rational-formal* integration established in a constitutional-legal state. Such a consistent universalization becomes a framework within which the *political community* is formed, basing the loyalty of its members-citizens to the civil, political and social rights of the individual. The constitution itself is possible as a self-regulation of the individual, which is why the procedure for passing the constitution is of fundamental importance. The constitution emerges from a process of self-regulation, and this process is nothing but permanent self-reflection on ourselves and the society we live in. Therefore, the political community is established as the self-reflection of free citizens, as opposed to natural or transcendental, predetermined and destined community, from which there is no retreat.

The main obstacle to the constitution of Serbia as a modern state is the key explanation why the process of “facing the past” never happened. This connection became obvious after the Serbian Parliament failed to agree on the fact that the Srebrenica crime was an event that should be central to the Declaration that was to be passed in 2005 on the tenth anniversary of the Srebrenica tragedy.¹⁶ It is hard to say that it was a missed opportunity. It could have been compensated for, but this did not happen even when, in February 2007, the International Court of Justice passed its verdict confirming that genocide did take place in Srebrenica, finding Serbia responsible for failing to prevent it and for hiding the main indictee for this massacre - Ratko Mladić. Political parties in the Serbian Assembly did not agree on the verdict, and even less on the passing of the Declaration which would condemn this crime, the worst that was committed during the recent wars. This Declaration was impeded by three large parliamentary parties: the Democratic Party of Serbia, the Serbian Radical Party and the Socialist

¹⁶ The initiative for passing a Declaration in the Assembly of the Republic of Serbia condemning the massacre of Bosniacs in Srebrenica came from eight nongovernmental organizations, on the occasion of the tenth anniversary of the Srebrenica massacre.

Party of Serbia. The condemnation of the Srebrenica crime was unable to gain a parliamentary majority.

2) Identity of the community and the question of collective moral responsibility

The relation between the identity of the community and the method of integrating individuals opens the question of collective moral responsibility. This question makes sense, since criminal liability does not explain how such dehumanizing situations as Srebrenica could have taken place. If the situation, where over seven thousand people belonging to another nation were murdered¹⁷, is accepted as “incomprehensible” and is attributed to pathological individuals, then there is no chance of opening up the horizon of a different future, one that excludes the possibility of repeating the crime. Srebrenica is unavoidable for the process of facing the past, as it is a crime of enormous proportions. In addition to the fact that individuals who were the most responsible for this crime must be punished, it must be assumed that “an army of individual perpetrators” stood behind it. In order to murder over seven thousand people, this “army of individuals” had to be led by some common *higher interests*, known to all of them, not only to those who gave orders. Whenever the issue is a mass murder proportional to the one in Srebrenica, there is a *collective goal* deemed desirable to one’s own nation behind it. If this is the case, then it is fair to talk about collective moral responsibility of *members of that nation* (a) whose goals were achieved by crimes of enormous proportions, (b) whose leadership formulated such national goals and (c) gained consent for them, namely, a numerically significant support of members of that nation.

What were the higher goals behind mass crimes? Are they still dominant in Serbia today? These goals pertained to the creation of a Serbian state where all Serbs would live under one roof. Since this vision seized a large number of people, one could even say the majority of Serbs, then Serbs as a nation should reject such plans and break with the policy led in their name.¹⁸ It is, primarily, the issue of value and ideological patterns, which should be reassessed and need

¹⁷ The estimation of the number of victims was made according to a Report of the Commission for investigating events in and around Srebrenica from July 10 to July 19, 1995 – Banja Luka, June, 2004. The report was issued by a Commission of the Republic of Srpska, published in *Srebrenica, od poricanja do priznanja, Svedočanstva 22*, Helsinški odbor za ljudska prava u Srbiji, 2005.

¹⁸ It should be stressed that assigning moral collective responsibility for the crimes committed does not mean a criminalization of the Serbian nation, since this would be totally senseless. There is no basis to declare a nation, by itself, as criminal of genocidal. It would be even more senseless if such analyses were used in order to belittle the serious crimes where victims were Serbs.

to be changed, especially because there are many who still promote the same goals, in the form of radical nationalistic policy. These goals are still not situated in the past and are being revived today through the Kosovo myth. It is sufficient to mention that the strongest party in Serbia is the one that advocates for the borders of "Greater Serbia" and believes that those indicted for war crimes should not be extradited to the Hague. The radical nationalistic policy is continued by Milošević's SPS, but also by the party led by Vojislav Koštunica, a party which promoted extreme nationalist ideas even during the times of Milošević. Together, these parties have a majority, which means that the citizens who vote for these parties are, in the majority, prisoners of nationalistic ideology.

At the end, I will answer the question – in what capacity should we feel the responsibility for the evil that happened. As *Serbs* or as *citizens* of Serbia? In order to answer these questions, I have to get back to the problem of (in)ability to establish a political community in Serbia, since I believe that it is where the main problems lie. The first pertains to the *image of the community* that dominates in Serbia, leading it and keeping it trapped in extremism, authoritarianism and conflicts. The image of the community is predominantly *organic*, similar to a family, i.e. tribal communities, where the other ("foreign blood"), by definition, represents a threat, and towards whom no moral responsibility exists, since he does not belong to "us", to our tribe. This other is not a human being equal to a member of our tribe; by definition, we "hate" the others and treat them as enemies, while demonstrating loudly and without limits our love for our own. This propaganda of love for our own and hatred for the others can be constantly heard from the lectern in the National Assembly. Integration of the community is based on an ethnically defined state, whose borders are not known, as much due to the mythical unification of Serbs as to the "subversion" of the internal enemy. All-encompassing ethnic integration, without the possibility of consolidating one's state borders, constantly provokes new crises and new disintegrations, and on the other side, prevents the democratic pluralization of society and the distancing of the individual from the community.

When I claim that Serbia's main problem is the fact that it is dominated by a pre-modern, organic picture of a community, does that imply a channeling into collective responsibility, and precisely to that identification, which is opposite to the one I promote and that I called political community? Because, if we admit that we are responsible as *Serbs*, namely, as members of one ethnic nation, then we haven't gotten anywhere - we have just renewed the same framework once again. My thesis is based on the negation of the organic and ethnic through its *recognition* in the context of the crimes committed. In the very *recognition* of the fact that in the past, and even in the present of that past, we truly acted as *Serbs*, aspiring to join together into a community "of all Serbs", and that, in doing so, we committed serious crimes, we have taken the *crucial step* towards shattering this image of the world. Because this *duality* (I *once* used to be like that and acted

in such a way), and the *reflection* on the way we were, implies that we are becoming capable of self-reflection, which is something that can happen precisely and only through the process of facing the past. The future of Serbia will open to the measure by which we face our past and learn about it and, based on that knowledge, create a normal state, where every crime is punishable, and where law applies to all.

I have outlined a method for breaking with the past by facing it, towards the inside, through the constitution of a modern political community. It should be kept in mind that the process of facing moral collective responsibility has its external dimension, which is equally important, and pertains to “the others” that we have hurt. It will most certainly mean something to them if Serbia becomes consolidated, namely, if our state no longer endangers theirs. However, this will not be enough for the victims, even in the case that Serbia succeeds in extraditing those indicted for war crimes to the Hague Tribunal and puts some of them on trial in Serbia. Collective moral responsibility requires a collective act of assuming responsibility. This is why the demand to have the Serbian Assembly, as the representative of citizens, pass a declaration condemning the atrocious crime of Srebrenica and express sincere regret, should not be abandoned. This collective act of assuming responsibility would send a message to “the others” that we *know* what happened and that we are sorry for it.

In order to enter the field of rational, achievable and long-term national interest of Serbia and to decide, once and for all, the issue of its European integration, which still does not have agreement from all sides, the “cooperation with the Hague Tribunal” has to be finalized. Although the ruling coalition formally does not bring into question its readiness to arrest and extradite Ratko Mladić and others indicted for war crimes to the Hague Tribunal, this still has not happened, and it is uncertain whether it will happen at all. In this context, the process of facing the past decides, in a most immediate manner, on the direction Serbia will take: towards normalization and European integrations, or towards isolation and decline. This fundamental question is still open.

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Remembering Crimes – Proposal and Reactions

This paper is an attempt to point towards a synchronized and mutually related, rather than separate process of facing crimes committed by Serbs, Croats and Bosnians in the 1991-95 war. Mass crimes committed in ex-Yugoslavia are interconnected in many ways, facilitated and justified in a similar manner by more or less artificially constructed blazing historical memory. As the crimes and their memory are entangled beyond disentanglement, we should overcome the onesidedness of the existing processes of facing the past: first of all, the exclusive hegemonous official conservative-nationalistic emphasis on the authentic and incomparable crimes committed by other nations and the sacrosanct victims of one's own nation, followed by another, albeit not so widespread, but also one-sided emphasis on crimes of one's own nation only, apparent in the work of some nongovernmental organizations.

Keywords: crime, trauma, the critical culture of remembering

It appears that the process of facing the recent past of the new Balkan states has acquired new tones since 2007, thanks to the verdict of the International Hague Tribunal issued on February 27, 2007. The verdict concluded that Bosnian Serb forces committed genocide in Srebrenica in July 1995, but that Serbia was not directly responsible for the war crimes committed in Bosnia and Herzegovina. The debate between the new states regarding war crimes became even sharper. Croats vehemently defend the dignity of the Homeland war, Bosniacs are attempting to politicize Srebrenica to the maximum and show that the Republic of Srpska is a product of genocide, while Serbs try to diminish the unparalleled Srebrenica genocide by pointing to the crimes of other nations. The armed civil war has been replaced by a civil war of memories. How can we find our bearings in these highly politicized and emotionalized debates? How can ordinary people react?*

I

It should be underlined from the outset that the contemporary civil war of memories is waged among exclusively through ethnocentric images of the past. Every ethnocentric history is indebted to its origin, and thus supplies the past with meanings of that origin and most often its violent continuity. "Our civilization" and "our victims" are at the heart of its ideas, while the others, less civilized and negative, remain at the outskirts of memory. Not only is ethnocentric history devoid of the natural-legal premise "although different, we are basically the same", it finds additional differences among nations from the past that turn out to be unequal both culturally and democratically. The past has been used as a weapon in the artificial and violent confrontations between Catholic and Byzantine, Orthodoxy and Islam, culture and barbarism, democracy and totalitarianism. It became almost orthodox to portray conflicts as destined, diminishing the crimes of one's own nation or interpreting them as a self-understood defensive reaction. In other words, on all sides, politicians and intellectuals almost equally de-traumatize the misdeeds of their own people: during the 1990s Tuđman reduced the numbers of victims murdered in Jasenovac, while Serbian revisionists speak of war crime in Srebrenica not genocide, some even speak of the liberation of Srebrenica. While the *Center for the Investigation of Crimes Committed against the Serbian Population* claims that around 5000 Serbs were killed in Sarajevo during the 1990s while Bosniacs only admit to 768 (<http://forum.bgdcafe.com/lofiversion/index.php/t19074-750.html>). We should not be surprised by the fact that normalized nationalism in politics de-traumatizes genocide everywhere. It is more important to underline how, on all sides, the creative social and scientific intelligentsia played a leading role in these endeavors. To that end, trivial martyrdom trails of lasting national suffering are constructed (in Croatia, the hegemonous continuity of the suppression of Croatism from the times of Pašić to Milošević; in Serbia, the destruction of Serbism from the times of the Turks until Tito). Incidentally, the fact that a more complex understanding of historical processes does not exist is not surprising, as there is no developed theory of history that could compress the Balkan experience into an inside paradox, which is, for example, expressed in such concepts as authoritarian modernization, liberating political culture and charisma of reason. Besides, there is no self-reflection, the ability of historians to perceive themselves critically. We are still far from any awareness that what needs to be done first is to contemplate (not conceptualize) and critically face one's own image of the past and the pattern of one's own interpretation. An attempt to perceive the past from the viewpoint of others is even less present. This is fully understandable, given the fact that no war, including the current civil war of memory, leaves space for methodologically rationalized self-reflection or empathy. Not only commissions for reconciliation, but intellectuals on all sides as well, need exactly this sort of self-criticism nowadays.

Contrary to this, our attention is drawn by intellectuals who present their own nation, not only as a victim of prosecution, but also as the victim of unfounded stigmatization. Hence, they send messages with the following connotation: "You suffered in Jasenovac (or Srebrenica), now we are suffering because of your accusations, thus we are even". Nonetheless, the question is whether a final line should be drawn and the past forgotten, only because it is a burden and gives birth to new conflicts? If we are reminded of our guilt every day, do we not become, in some way, victims and a prosecuted community? In other words - conservatives are reminding us - we cannot become a normal nation, nor join the EU, because our infamous past, remembered by others, does not want to go away. *Normality* is an obsession, for the most part, of conservatives and nationalists, alleged patriots from all nations. However, in order to profit from and carry out Brussels' orders, even conservatives sometimes agree to pay lip service to facing the past. Besides, they complain: "We are standing at the door of the EU, and now some hotheads are warning us that without remembering Jasenovac, Oluja (Storm) or Srebrenica at all times, there will be no moral. We do not need this burden, on the contrary, we need to be cleansed from 'negative memories', 'moral sticks', we need the continuous glory of our national past. However, if facing the crimes of the past is an indisputable EU directive, then let us do it now, and afterwards draw the final line, and become a normal nation". This is approximately what "democratic" and "good" nationalists on all sides say.

The least that can be said is that this effort leads us onto the wrong path; without beating around the bush, glorious history does not represent normality, nor is normality an attempt at normalization for therapeutic national self-appeasement, which turns out to be normal only when it points to its own victims and a handful of executioners from its own ranks. It appears that the current forced normalization in the form of numerous media discussions concerning crimes is actually a means to preclude normality. Conservatives on all sides are disturbed by the fact that glorious history does not guarantee a moral foundation for normality anymore, which is why they obstinately interpret the violence of their own nation as self-explanatory revenge: "The Storm" was a natural reaction to the *Republic* of Serbian *Krajina*, Srebrenica was an understandable revenge for Kravice, and so on. However, it needs to be fully understood that the "Storm" cannot be separated from Jasenovac, or Srebrenica from the Chetnik movement. In the same way, the activity of Green Berets cannot be separated from mujahideen Islamization, moreover, an unbreakable connection exists between the Serbian shelling of Sarajevo and Bosniac ethnic cleansing in the city. It is pretty conspicuous that every nation interprets its own crimes as incident and the crimes committed by others as structures. However, in reality, structures were easily and successfully activated for combat everywhere.

It is not enough to simply suppress the history of events through structural history; however, the banal war-centric narrative also needs to be challenged. In

the Balkans war is more easily remembered than peace, not because of some easier rhythmic epic record of glorious victories, but because the glorious past is more exploitable. In other words, the results of war transformed into myth are always a pretext for unconstrained authoritarian governments. It is no chance that in current official historiography the past has always been centered on wars, not periods of peaceful development. The history of the 20th century is mostly written *sub specia*e wars, although in the West Balkans only 15 years of the 20th century were war years. Wars are turning points, but also points of regression, but they are always at the center of monumental historiography. They are imposing symbols of the culture of memory for regimes, since they mark the inseparable connection between national and social liberation. Moreover, war is a symbol of the glorious past: "glorious war", a borderline, divides memories into public friends and enemies more clearly than "losers' peace" does. Widely accepted slogans testify to this: "Serbs were winners in war, but losers in peace" or "Yugoslavia was a dungeon for Croatia". It turns out that war is viewed as a divine moment, while peace is seen as compromised decay. Today, the apotheosis of the "Homeland war" in Croatia and the "Ten day war" in Slovenia are more prominent than the memory of the last war in Serbia, because these two wars were victories which marked the zero hour of state independence. Is war-centric narrative normal in the 21st century? It is easier to remark, with defeatism, that it is impossible to destroy values shaped over hundreds of years through the liberation and shifting borders in the minds of small Balkan nations. Even if this is partially true, it is far from impossible to change this. It is not enough to repeat that each war marks a failure for politics, and it is even less useful to moralistically condemn war as a shame. We must challenge the chauvinistic core of ethnocentric and war-centric history, whereby crimes committed by one's own nation are transformed into patriotism.

Although Serbia celebrates the dissolution of Yugoslavia the least of all, it still shares some important traits of warrior culture with the new states. It is sufficient to observe how war crimes are easily transformed into acts of patriotism all round. To speak about the crimes of one's own nation sounds like treason in any normalized nationalism. Because, if you protected your own nation, much can be forgiven, especially since we cannot agree who started the war in the first place. When interpretations of the last civil war in Yugoslavia are concerned, the relation between original and reactive violence is still undefined. However, though it may sound opportunistic, it is still not easy to draw a clear line between the protection of one's own nation in civil war and actual crime. The climate of public opinion is not favorable at present for such a discussion, let alone actual institutions. In the current civil war of memories criteria are politicized and zealous. Even the simple question – are the spoils of war unearned, has been risky for a long time. Contrary to this, it has always been self-explanatory, even beyond the Balkans, that liberators had legitimate pretensions either to stay in power for

life, based on proven results, or to the spoils of war which had to be legalized. In this context, crimes are justified as defense or as collateral damage. The general “spirit of Thessalonica” in neutralizing crime is still easily emotionalized in the warning: “Do not touch our heroes”. “Our” is the crucial attribute in this phrase.

Even if it can be understood, to some extent, that ruling groups always instrumentalize the past, and that, in this regard, nothing changes as fast as the past, the question that remains to be answered is whether ordinary people will ever accept the truth about war crimes committed by those closest to them. What are the chances for the necessary demythologization of war heroes (Mladić, Gotovina, Orić) and of a deconstruction of the myths under which generations of young Balkan people were socialized over the last fifteen years? Is it utopian to expect children here to ask their fathers questions like “Whom did you kill” or “How could that happen”? At least for the time being, as long as nationalism is normalized, forgetting crimes is more probable.

Others have already faced this problem and learned the lesson that forgetting crimes is counterproductive. It became clear long ago that planned amnesia regarding the shadows of the past creates a black hole of irresponsibility. When the crimes are discovered later on, an additional price is paid for that silence. Criminals most often claim they were only following orders, thus being themselves the victims of politics. When the sons of Wehrmacht soldiers started asking their fathers “Where have you been, what have you done, whom did you kill”, a conflict of generations occurred in Germany in 1968. What followed was a rather brutal process of facing the nation with the concentration camps and the war front crimes of fascism. It is the merit of the children of 1968 that a call was issued to review the silenced past and express solidarity with the victims of fascism. In Yugoslavia, family and ideological heroic antifascist role models were effective during the same period. While those growing up in Germany lacked a father role model, in Tito’s regime fathers who had been soldiers were highly respected. Different patterns of identification with parents formed different generational profiles: anti-patricentric and patricentric antifascism.

However, facing the crimes of those closest is not a static process. Thirty years later, research showed that the grandchildren of Nazis were unable to accept their grandfathers’ past. “My grandpa wasn’t a Nazi” was the reaction of twenty year olds at the beginning of the 21st century in Germany (Welzer, 2002). Reversed genealogic identification is in action, while the children of 1968 called their fathers to attention, “revisionist grandchildren” defended their grandfathers. It is hard to say today whether these vacillations and suspicions in ancestors will infect the descendants of Balkan criminals, since children here do not yet question the past of their fathers. “Fathers have eaten sour grapes, and their children’s teeth are set on edge” is an old saying. What turning point is necessary to spark off a shock from the repressed genocidal behavior of our closest ones, and what protection will be put in place against this shock? Judging by the

readers' reactions below, this will not happen in Serbia for some time. One would have to be blind not to see that there are no organized attempts in act to work on critical memory. Thus, reconciliation will come late, too. The official image of our victims and foreign executioners has to be deconstructed everywhere, and the history of this relationship needs to be persistently moralized. War crimes prosecutors cannot replace this work on critical memory, which is both painful and moralizing. Responsibility should not be determined for revenge, but for historical justice and morality. The apologies of politicians are not sufficient. If conflicts about fathers' pasts arise in the families of "patriotic" fighters throughout the West Balkans, it will not be a sign of crisis, but of maturity.

However, the way it looks today, and judging by (1) official versions of the past, (2) works of contemporary historians, and (3) the opinion of ordinary people, maturity of this sort is far away. In July 1995, the Serbian army killed several thousand Bosniacs in Srebrenica (there is no consensus as to the exact number of victims), and a month later, in the "Storm", the Croatian army killed around 800 people, mostly old Serbian women and men, and burned down around 10,000 Serbian houses. According to the account of Srđan Vrcan, a recently deceased sociologist from Split, genocidal politics in Croatia was justified by the thesis that a nation defending itself cannot commit genocide (Vrcan, 2007: 45-46). Similarly, on May 17, 2005, the 10th anniversary of "the liberation" of Srebrenica was marked by a public debate held at the Faculty of Law in Belgrade; it turned out that defensive eradication of an allegedly genocidal nation was not genocide. It is easy to notice how the crimes of others are interpreted as genocide while one's own genocide is nothing but a simple crime. The other pattern of de-traumatization of genocide happens when it is attributed to individuals and interpreted as their excessive behavior. This alleviates the collective dimension of responsibility for crimes, which nonetheless did exist in some way. The fact that the governing parties and elites policy existed and that such a responsibility cannot be entirely individualized, is being blurred. The incorrect assumption that no collective responsibility for mass crimes can exist, that responsibility is only individual, has to be rejected. Even when collective guilt and responsibility of the entire nation do not exist, a collective responsibility of a wider circle of creators and mediators of genocidal politics does. In addition to the direct executioners and those who gave them orders, a wider circle of instigators and helpers is also responsible. Thus, not all collective responsibility is fiction, despite the fact that it cannot always be defined in a criminal-legal sense. If, in addition to what has already been said, we also bear in mind the fact that there is a moral collective and political responsibility of chauvinist intelligence, which, on all sides, conceptualized nationalism (Jakšić, 2005: 29-30) ending in genocide, then it is even harder to reject the notion of collective responsibility.

All in all, a lot of things point to the conclusion that the past is still active, and that the attitude towards the crimes committed by one's own nation testi-

fies, rather reliably, to the degree of nationalism. It is easy to understand that, the less self-criticism there is, the more normal nationalism becomes. Instead of drawing attention to national responsibility and nurturing the memory of one's own traumatic crimes, the ideologies that are dominant in the Balkans today de-traumatize the crimes of their own nations. De-traumatization is a process of making crime a daily issue, which leads to its trivialization.

De-traumatization, which conceptualizes incomprehensible crimes as necessary defense, at the same time relativises, trivializes and slowly sends these crimes to oblivion. If this is true, can Auschwitz, Jasenovac and Srebrenica be saved from historical fiddling, which deprives them of their traumatic character, only in a mythic manner? Certainly not, since in a mythical context, where crimes are agents of irrational forces of evil (evil destiny, innate character traits of the Other, geopolitics, etc.), trauma lasts and thrives in a secluded area, which cannot be clarified in an exact way. However seemingly absurd as they might appear, traumatic crimes have a realistic interest structure. Auschwitz cannot be isolated from the context of German racist capitalism and the exploitation of concentration camp labor force, Jasenovac is an inseparable segment of Croatian fascist chauvinism, while Srebrenica is the tip of the iceberg of the Greater Serbian genocidal hegemony. Therefore, trauma is not an incomprehensible intrusion of irrational, or excessive behavior, but an extreme expression of a deeper structural current. Thus, crime appears to be an absurd, unexplainable and senseless act only at the first glance. In reality, however, it is a constitutive part of the interests of smaller or wider social groups. Racist SS pedantry is a structural segment of the German reaction to Enlightenment, a phase in the process of the destruction of the mind, Srebrenica is a genocidal segment of the Chetnik movement, while the Ustashi movement is a fascist continuation of Croatian chauvinism. On the whole, these crimes are a part of lasting structures, not excessive behavior.

II

It is easy to understand why such an approach is alien to hegemonic thought about society, why it is ignored in revisionist historiography and skillfully blurred in the official order of memories. One of the important causes is the relativisation of antifascism and the strengthening of anti-antifascism. The Yugoslav civil war of the 1990s is inexplicable without the accompanying civil war of memories. "Revolution from the right" was, almost everywhere, led by ex-leftists – converts. In Serbia, Ravna Gora was officially enthroned as the location of the first Serbian antifascist uprising, whereas the taking of Belgrade in 1944 and the Srem front are nowadays places of communist crime more than sites of liberation. Quislings are turning into victims, while July 7, 1941 was transformed from the Day of the Uprising into a day when one Serb stood against another. After 2000, these intentions were built into an official order of memories: the Republic was left

without the Day of the Republic, passive Chetniks were proclaimed antifascists, Quislings were proclaimed reasonable politicians, antifascist street names were changed, while days of “slava”¹ and other saint’s days dominate the holiday calendar. The fact is that by stating arbitrary numbers of victims of communist violence, a new history of socialism is being written “with a pocket calculator”, an important pretext for the restorative turnaround in the culture of memories.

The strengthening of anti-communism is inconceivable anywhere without repressing and ignoring antifascism. Nationalists beyond Serbia also reluctantly mention fascism (because they are aware of the kinship between fascism and nationalism), while they forcibly nationalize antifascism or portray it as Communist hokum. Everywhere, patriotism is focused on nationalism, treason on Yugoslavism, internationalism and mondialism. The order of memories in the West Balkans has been successfully narrowed and purified – nationalized. Official recognition of Chetnik antifascism in Serbia in 2004 was something the new vision of national Serbian state asked for, in much the same way that, ten years earlier, out of a similar need, in Slovenia and Croatia national Domobran antifascism and new monuments were demanded, instead of the supranational Partisan symbols. It is not enough to say that everywhere the needs of the ruling elites are the filter that lets only the useful past through. We should add, that the abovementioned processes are not only present in all the new Balkan states, they are inextricably connected, and thus cannot be explained isolatedly. The relationship towards antifascism has been changed on all sides, since nationalists do not need antifascism as an ideological support the way communists, for example, did, when they were in power; indeed, they are troubled by it. This is why, almost overnight, the official pendulum swung from the leftist communist decreed antifascism to the right, extremely anti-communist anti-antifascism. This turning point became official only after Milošević fell from power, since SPS had used antifascism in internal and foreign policy propaganda for a long time.

Although real antifascism is dying out, the antifascist phraseology is still in use. One does not have to be too critical to notice that antifascism has not been entirely abandoned, due to the process of harmonization with Europe. Instead, it is being nationalized, relativised, de-communized and decentralized. The process of making Chetnik and Domobran antifascism official should show, for internal use, that “our patriots” also, not only “communists, alienated from the people”, were on the right side in World War Two. Serbian “democratic nationalists” are trying to conceptualize a “good nationalism” by re-accentuating antifascism, while extreme nationalist consider fascism as natural, a most consistent form of national feelings. Standing between these two opposites, the Serbian ruling elite managed in 2004 to use political trading in the Parliament to legalize national antifascism, thus becoming the last among the new Balkan states to do

¹ A Serbian Orthodox custom whereby family patron saints are honored (translator’s note).

this. Almost everywhere national-liberation rhetoric suppressed the people-liberation rhetoric. Macedonians and Albanians are cleansing antifascism from communism, the pro-Serbian part of Montenegro wants to reconcile Chetniks and Partisans, while Serbia, Croatia and Slovenia legalized non-communist Chetnik and Domobran antifascism. Antifascism is often nationalized in a blunted way. Thus, for example, Serbs in Bosnia and Herzegovina nowadays need artificially constructed Chetnik antifascism as a historical grounding for their entity's sovereignty. Croats are renouncing Yugoslav antifascism for similar reasons. Jasenovac has long been ignored in the Croatian geography of memories because Bleiburg was enthroned as the high official sacrificial altar of the Croatian state. Though the Croatian Constitution blatantly states that antifascism is the basis of Croatian statehood (Constitution of the Republic of Croatia), this antifascism has been nationalized and cleansed of Serbs and the left. The fact that in this context Pavelić's daughters got back their residences in 2006 (Pavelić's daughters are getting their residences back, 2006) probably does not look unusual. On the other hand, in the Constitution of FRY, the Constitution of the Republic of Serbia and the Constitutional Charter of the State Union of Serbia and Montenegro, antifascism is not even mentioned (Constitutional documents). It is not mentioned in the *Draft Constitution of the Kingdom of Serbia of 2001* (Nikolić, 2001), or in the Constitution of the Republic of Serbia of 2006 (Constitution of the Republic of Serbia, 2006) either. Did the Croatian elite in 1999 need antifascism in the Constitution only to blur the unofficial amnesty of the Ustashi Movement and the fascist past of the NDH? Is the lack of antifascism in Serbia on the highest legal level due to a widespread belief that there was no fascism ever in Serbia in the first place? In any case, the distinction between verbal antifascism and real antifascism needs to be made everywhere. The verbal harmonization of antifascism with the present and the future of the national state most certainly does not belong to structural antifascism, but rather to ethnocentric anti-antifascism. Why? Simply put, one who does not want to talk about nationalism would keep quite about antifascism.

III

It would not be an overstatement to say that the weakening and re-accentuation of antifascism facilitates the interpretation of crime committed by one's own nation as incident. Had antifascism been incorporated into the process of facing crimes, it would be far clearer that they were not a matter of incident, but rather of highly inflammable nationalistic structures. In this paper, this inflammability is being highlighted, and a warning is being issued regarding the need to nurture the memory of crimes committed by one's own group. What is more, these memories should be nurtured as a trauma. Trauma is probably the most painful memory. It is the destruction of the meaning of historical experience and

consciousness, something that cannot be explained through the existing experience or system of interpretation. For Germans it is the Holocaust, for Croats it is Jasenovac, and for Serbs it is Srebrenica. Only when historical thinking opens the traumatic segment of experience and faces it, will trauma become constructive, since it includes the past in the future. It should be perfectly clear that the past is filled with infamous shadows on all sides. This is not obvious today, since work on the past not only involves ideology, but profitable activity and pastime as well. In the current civil war of memories, the past is invented, re-invented and instrumentalized. This is a premeditated activity that weaves together commercialization, politization and pastime.

How to recognize an instrumentalized culture of memories? It has already been mentioned that, within this culture, the paramount criterion of objectivity is ethnocentric interest. The war-centric and monumental pattern of narration in the process of selecting the desirable past has also been mentioned. A confessional content can also be an important characteristic of this culture, especially perceivable in the re-clericalization of the holiday calendar, which makes the regulation of everyday life easier. Celebrating falsehoods, like, for example, the birth and the resurrection of Christ, encourages fatalistic, not critical thought. Besides the above, a number of engineered zero hours are being introduced into organized memory. In this regard, the reconstruction and invention of the past within the new Balkan states is conspicuous. New official memories are filled with usable content: glorious historical victories, missionary confessional roles, zero hours, homeland wars, liberations etc. Uprisings and liberations are most common when founding dates are concerned. No one talks about conquering territories, everyone talks about liberation while the talk about genocide committed by others hides one's own genocide etc.

Contrary to the aforementioned approach, the critical culture of memories includes the shadows of the past into the basic stories of its own group. Only when the identity (self-perception) of the nation becomes ambivalent and when, for example, the Serbian and Croatian past is assessed as a collection of both glorious and inglorious moments, will it become possible to discern hidden conquests within euphoric liberations and discover restoration within alleged revolutions. As opposed to the monumental perception, this multilayered perception of the past would facilitate cooperation among nations. In order to reach this goal, elements of contingency, break up and discontinuity in historical experience should be emphasized instead of predestined monumental and sacrificial verticals. With the critical culture of memories, the past ceases to be destiny, history becomes more open to alternatives, and all this widens the prospects of the future and encourages more tolerant common living within the present. It would certainly be a mistake to believe that a non-ethnocentric image of the past is relative, only because it has multiple perspectives and is less conflicting.

In relation to this, we should also draw attention to the groundlessness of the ethnocentric fear that persistent but unanswered accusations can be counter-productive, because they allegedly create a humiliated community marked by shame. In other words, persistent reminders of our unprecedented crime from other countries could become a paralyzing complex for a stigmatized community, which seeks its origins in crime, regardless of whether it approves or condemns it. Consequently, Jasenovac should be deprived of its traumatic character and transformed into a place of a simple mass crime, just because it was instrumentalized by the Serbs in the 1990s. Should Srebrenica be de-traumatized in a similar way, just because it is dangerous to the sovereignty of the Republic of Srpska? Certainly not. Likewise, although they are significant sources of political conflict among the ex-Yugoslav republics today, other crimes should not be forgotten either. For these crimes to stand as a constructive warning for the future, a synchronous enlightened Serbian-Croatian-Bosniac effort on memories is necessary, devoid of any process of balancing the victims. The fact that Bosniacs suffered the largest number of victims in the last war, as well as the fact that Serbs were subjected to the worst persecution, should not be hidden. Therefore, crimes should not be compared, but the precondition for this is that each party nurtures not only the trauma of its victims, but also the trauma of crime committed by its own ethnic group. Long ago, Goethe remarked that true liberality cannot exist without confession. An important characteristic of the enlightened culture of memories is the culture of confessing; this does not happen with nationalism. If we seriously believe that the past is a weapon, then every nation must have its own room in a highly needed "West Balkans Museum of Shame".

How realistic is this endeavor? Perhaps those who claim we are far from the aforementioned self-critical consciousness are correct, not only because the indisputable victims of one's own group are the centre of focus, but because, more and more often, we blame others simply because they blame us. Today, Croats cannot forgive Serbs for Jasenovac, in much the same way Serbs do not forgive Bosniacs for Srebrenica. Even conservatives will agree that there is nothing worse than a nation building its identity on the sentiment of its own guilt, especially when it concerns genocide. God forbid, this could cause young people to escape from their own nation into cosmopolitanism! This is precisely why blind patriots recommend their own version of reconciliation with crimes, based on disciplining victims, on the explanation that our crime is nothing but a simple retaliation for misdeeds committed by others. This, however, only encourages the other side to respond with the same "logic".

We are suggesting something completely different in this paper, to reduce, at least to some extent, the spiral of reciprocal exclusiveness, the culture of admitting needs to be contemplated more consistently (Petrović, 2005: 132-161; Kuljić, 2006: 273-328). A difference has to be made between the useful and the available past, as well as between productive memories and those that open

non-progressive conflicts. Furthermore, we should not become slaves to the fear of forgetting, but rather remember the future, and not only worry about the future of the past. Even if this type of self-criticism cannot be expected from politicians, it can be expected from independent intellectuals and students. No matter how illusory it might be to believe that a politically useful memory of the ethnocentric trauma of one's own victims could stir the self-critical memory of the trauma of crimes committed by one's own group in the near future, it is still not reason enough for the critical culture of memories to abandon this principle. Besides, someone has to be first. The first responsive reaction would probably be even malicious and triumphalistic, although the possibility of a similar self-critical reaction should not be ruled out. Perhaps, this suggested defense from the yearning for ancestry might weaken the radical right. Only the memory of the crimes committed by our own nation can protect us from seeing, in the pile of dead bodies belonging to the other nations, only our shame, and not our guilt as well. In places where shame testifies to the crimes, there is less willingness to overcome the past than in places where the feeling of guilt speaks of the crimes. Shame reveals incomplete responsibility. The ones who are ashamed of crimes are those who believe that national strategy was good, but that the tactic was wrong. Those who believe that the strategy was also catastrophic talk about the crimes of the nation as real guilt.

Creative humanist intelligence should encourage a new critical culture of memories. Without changes in the scientific culture, it is impossible to expect changes in the political culture. One's own innocence has most often been an alibi after each state and national defeat. The true alternative to innocent intelligence, which also represents itself as a victim, is responsible intelligence, which should critically face its own role, firstly in the normalization of nationalism. It is easy to understand how "innocents" and "victims" are not able to take responsibility, since they are asking for reparation. Since "innocent" is precisely the typical self-description of the contemporary "patriotic" intellectual, there is massive intellectual irresponsibility at work here. There is no self-reflection or acceptance of responsibility in warmongering, and these are precisely the features that should distinguish intellectual growth and maturity nowadays. Overcoming the mythical picture of a glorious national past should be the intellectual's contribution to the creation of a European consciousness. The hope that, in the future, we will not learn about the history of European countries by listening to tales of their glorious national myths, but by seeing how nations and states critically face their own myths, is not a meaningless utopia; it would be the deepest sense of enlightened memory. However, it is an illusion to think that modern globalized capitalism is interested in enlightened memory of this sort; although multinational capital needs a peaceful space, the belief that globalization and the market will spontaneously bring about reconciliation is nothing more than wishful thinking. It seems more likely that suppressing, or at least weakening the

non-progressive civil war of memories requires non-profit intermediaries. Especially in the Balkans.

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* A part of this paper was published in *Politika* on March 15, 2007, under the title "Trauma sećanja" (*Trauma of memories*). Readers' reactions followed, testifying to the fact that ordinary people do not accept this method of facing the past.

Dorćolac (), 15.03.2007, 17:26

There should be a Museum of Shame! But first of all in EUROPE, in every COLONIAL country! Therefore, let them start with themselves – let them give us an example! Because they want us to look up at them in everything we do... I believe that this mister professor is competent enough to remind them of that. Thus - he should send this text of his, a little modified, to the governments and media in England, France, Spain, Portugal, Germany, Belgium, the Netherlands and Italy! Their GENOCIDE, which lasted for centuries against nations that were victims of their colonialism, should be posted in a visible place in the museum!

Milenko (), 15.03.2007, 12:17

Should the esteemed professor be ready to hear the voices of Serbian victims, maybe he would draw different conclusions from the given premises. Whether he understands this or not, it is hard for Serbs to discuss any suggestions of catharsis and reconciliation as long as Serbian victims are being relativised. The verdict of the International Court of Justice has put an end to the fifteen years of song and dance about Serbs being the only criminals in the Balkan wars. However, Serbian victims are still crying out.

Prvoslav Filimonović (), 15.03.2007, 04:42

Mr. Professor, there's no way I'm going to nurture a trauma and feel shame and guilt for crimes I didn't commit. Perpetrators should be arrested and convicted. As far as you are concerned, you are free to feel whatever you want, but please, don't burden this nation with traumas and guilt it does not deserve. It is already fed up with everything.

chicha (chiche_miche@yahoo.com), 15.03.2007, 01:26

I don't understand why our professor is carrying out Europe's directive to make a Museum of shame of the West Balkans. Why doesn't much more cultured Europe make its own museum first, and a huge one too? Who, after Tito, went spreading hate in the media and encouraging it in republics and nations? who armed these inflamed people? who recognized illegal unilateral secessions, followed by the looting of everything that came into view? And now, no more and no less, the Serbs are the ones who should nurture the memory of crimes committed by their own group and agree to a shock therapy. This is too much,

even from the professor! Bursać explained this magnificently, and now, instead of those lolling on yachts and jet sets, we should be the ones to be cured by electroshocks. Many really believe that the people are that crazy! Given the number of crimes that have been committed all over the world in the last hundred years alone, there would not be enough electricity! For many, the only important thing is that the Serbs get it, so they can appease their conscience.

Nikoletina Bursać (), 14.03.2007, 22:43

Can any of the new believers belonging to any faith, in any of the banana states in the Balkans, explain the meaning of this phrase: "He who *hits you* with a stone, *hit* him with bread" or "If someone strikes *you* on the right cheek, turn the other also". A bad, evil man, a man without mercy, can be a formal member of a religion, but he is not a believer. Religion and different ethnic groups have been abused by people with dishonorable intentions to destroy lives in a region where interests of great powers collide. Crimes were committed, not in the name of nations and religions, but in the name of powerful men to whom the current situation brought benefits beyond the imagination of ordinary people. They have no trauma. Why attempt to impose trauma onto a majority of victims (members of nations, unprotected, mobilized, thrown into the trenches on both sides) for crimes committed by individuals or groups organized by so-called national political elites serving the interests of others. During the war, I never permitted the labeling of other nations as criminal in my presence, but I don't accept that my nation is criminal, either. There were crimes, these crimes should not be hidden and their perpetrators and organizers should be brought to justice. But the biggest criminals are those who led us into the war by destroying SFRY. They committed a crime against peace, and the rest came only as consequences.

(<http://www.politika.co.yu/komentar.php?nid=22324>)

Note (TK): Although the reactions shown in this text are an insufficient basis for broader conclusions, a paradigmatic defensive reaction from an ordinary person, a reader of "Politika" in Serbia, can be discerned. Attempts to de-center, historicize and balance the crimes of one's nation are visible. It is forewarned (1) that other Balkan, European and world crimes must be taken into consideration, and (2) that the nature of Serbian crimes is reactive. Any kind of collective national guilt is rejected, and there is a visible resistance to the relativisation of the victims of one's own nation. Attention is drawn to responsibility, primarily of the organizers (domestic and foreign elites), and only then of the individual perpetrators. The advice of a reader that trauma should be imposed on the powerful, and not the ordinary people, sounds interesting. Is that possible? Hardly, the same way that it is improbable for an ordinary person to think coldly and reasonably about the past in a situation of crisis. An objective view

of the past is most definitely socially conditioned. Can a poor and existentially threatened person have an independent view on the past and accept the complex, multilayered truth about it? Or is the past, imbued with hope and hate (romanticized and demonized), reduced to the easily acceptable Manichean scheme of executioner and victim much closer to him? American historian Henry Adams observed, not without reason, that history is the most aristocratic literary activity, since it obliges historians to be as rich as they are educated. In a relatively stable society, unburdened by the past, warm memories and cold history are more sharply separated than in crisis societies burdened by revanchism, where memories and history are intertwined, and in enduring crises, even merged to the point of being indistinguishable.

Should War Crimes Denial be incriminated in Serbia?

We decisively condemn all war crimes
and support those who committed them¹

The mainstream of historical and legal thought in Europe confirms the need to have societies with an authoritarian past face that past, to achieve socially desirable and justified goals; the process of facing the evil past is necessary for democratic future. The past a society never faced remains incontrovertible, and an incontrovertible past rules the present. Oblivion, without any social consensus means the social justification of past evil. In Serbia and other post-Yugoslav societies, not only is oblivion encouraged, but there are even attempts to legitimize the evils of an authoritarian and wartime past, most cruelly represented by war crimes committed, though exactly the opposite is happening on a global and European level, where there is a movement towards legal measures prohibiting war crimes denial. To understand whether the incrimination of war crimes denial is also needed in Serbia, a parallel presentation of legislations and international documents has been carried out, and generally accepted arguments for and against incrimination have been offered. The conclusion is that a decision about such an incrimination cannot be made only on the basis of doctrinaire argumentation, but also on the basis of the evaluation of practical needs inherent to the specific context of political and social life in Serbia. Decisive arguments should be sought in the predominant opinion of the public on crimes committed in the name of Serbia and by Serbs during the 1991-1999 wars, in state policy regarding prosecution and punishment of the crime of spreading racial, national and religious hatred and intolerance, as well as in Serbia's international obligations in its advancement (?) towards the European Union.

¹ This statement is particularly applicable to the views of the average citizens of the national states established in the Yugoslav area today, and the original goes as follows: "We most decisively condemn crimes against Serbian civilians, which undoubtedly happened, but we wholeheartedly support the fact that our people did this!" (Viktor Ivančić, 2007. *Animal Croatica - ogledi o domoljublju*, Beograd: Fabrika knjiga, Edicija Reč, p. 74.)

Keywords: negation, war crimes, genocide, incrimination of war crimes denial.

Introduction

The motto of this text strikes the very essence of the attitude of post-Yugoslav societies towards the recent past: *not only have we no intention of facing the past, we are also unwilling to surrender it to oblivion. On the contrary, we intend to legitimize the past once again, and by doing so, at least for now, revive it in narrative.* The majority of texts dealing with the need of society to face its past, and especially those dealing with the techniques and methods of this process, analyze the arguments for and against facing or forgetting the past. Few authors, like *Nenad Dimitrijević*, warn that the past should be de-legitimized², which would be the successful result of overcoming the past. In this text, I will cite or analyze the arguments regarding the need, justification or lack of justification of oblivion, of overcoming the past. My initial point of departure is: the process of facing the past is necessary for a *democratic future*³ (developmental reason). The past that a society has never faced remains incontrovertible, and an incontrovertible past rules the present⁴ (preventive reason); *oblivion* (the metaphor for negating the importance of past for the present⁵) means the social justification of the evil past (ethical reason).

On the dangers of oblivion, refer to the text by *Todor Kuljić* "Remembering crimes – proposal and reactions", and on the importance of political discontinuity with the past, refer to the article by *Vesna Pešić* "Facing the past – a precondition for establishing a modern Serbian state", both published in this book.

The practice of re-legitimizing the past proves, here and now, that theory on the need to pursue the past was too optimistic. Arguments supported a position between two extremes; oblivion, on one side, and overcoming the past, on the other. Re-legitimization of the past as a present (reiterated) "good" seemed unimaginable. However, it has happened, one of the reasons being that, in post-Yugoslav countries (especially in Serbia), there has been no serious attempts to implement not only the ethical, but also the legal tools for overcoming the past already used in many states around the world: revising inherited legislation, examining legal responsibility of the beneficiaries of authoritarian regimes, amnesty, rehabilitation, lustration, denationalization, compensation for victims,

² Nenad Dimitrijević, Kad padne režim: zašto je prošlost važna, *Reč* 73.19, p. 32.

³ Instead of all others, cf. the argumentation in N. Dimitrijević, op. cit. p. 18, 19 and 31.

⁴ Cf. Vladimir Vodinelić, 2002. *Prošlost kao izazov pravu - srpska strana pravnog savladavanja prošlosti*, Beograd: Beogradski centar za ljudska prava, pp. 5, 6.

⁵ Nenad Dimitrijević, op. cit. p. 13.

making secret police records public⁶. Even the first steps intended as an introduction to the process of facing the past – the creation of a Commission for truth and reconciliation – was unsuccessful.⁷ Through historical parallel experiences of such commissions, Vojin Dimitrijević noted that they are most often created in the case when former authorities are removed following a compromise with the new ones.⁸ Such a compromise (indeed) happened in Serbia, nevertheless, in our case truth and reconciliation were not reached, since the Yugoslav commission was not conceived as a body of reconciliation, but rather as a body of oblivion, even as an entity for recycling the past. Although the Law on lustration exists and is still legally in power, not one act of lustration has been carried out in Serbia to this day.⁹ The only thing that has been successful, at least partially, has been the rehabilitation of political convicts.¹⁰

In such a social and legal environment it still makes sense to put forward the dilemma whether the incrimination of war crimes denial in Serbia is justifiable or not. Decisions to incriminate the denial of genocide, war crimes and crimes against humanitarian law are being gradually shaped – both *on the global* (United Nations, especially Resolution of the General Assembly date November 9, 2006), and *on the European level* (recent meeting of EU member states ministers of Justice and Home and the passing of the proposal of the Framework directive on combating racism and xenophobia 2003, as well the Draft directive on combating racism and xenophobia 2007). Thus, the prevailing standpoint is that the existing international and national sources of law incriminating the spread of hatred (racial, ethnic, religious, etc. – colloquially – *hate speech*) are no longer sufficient, they are too general. It is thus necessary to define the denial of a proven genocide, war crime or crime against humanitarian law as a specific criminal act. When appropriate legislation is passed in the EU and its member states, prohibition of genocide denial will become what we call a European standard, which, by and large, is being formed nowadays.

The expression *hate speech* is often used not only in politics, but in the legal vocabulary as well. There is no justification for using it as a legal term, since it

⁶ Vladimir Vodinelić, op. cit. p. 15.

⁷ Dejan Ilić described, in a relatively short and particularly clear way, how the process of establishing this commission, as well as the scope and the method of its operation brought about its failure. Dejan Ilić, *Jugoslovenska Komisija za istinu i pomirenje 2001 - ?, Reč* 73.19, pp. 60-66

⁸ Vojin Dimitrijević, *Izgledi za utvrđivanje istine i postizanje pomirenja u Srbiji*, in: book *Silaženje s uma*, Beograd: Fabrika knjiga, Edicija Reč, 2006, p. 386.

⁹ Cf. Vesna Rakić-Vodinelić, *Sudbina Zakona o odgovornosti za kršenje ljudskih prava, Hereticus*, Časopis za preispitivanje prošlosti, Beograd, Vol. 1 (2003), No 2, pp. 70-78.

¹⁰ The problem of rehabilitation can be easily solved legally. However, unjustified delays occurred even here, and the law is difficult to enforce. Cf. more detailed articles on the rehabilitation of political prisoners in *Hereticus*, Časopis za preispitivanje prošlosti, Vol. II (2004), No. 2, pp. 7-52.

has proven to be very susceptible to political and legal abuse. It must, however, be stressed that there is no more justification within our country for not understanding this concept, since it has been properly explained in the Council of Europe Recommendation No. R(97)20:

“Hate speech includes all forms of expression that spread, provoke, incite or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including intolerance manifested in the form of aggressive nationalism and ethno-centrism, discrimination and animosity towards minorities and people of immigrant origin”.

How to handle hate speech and how to discover it? The viewpoints of the European Court and the Council of Europe Recommendations on hate speech are of particular importance: “Governments, government bodies and public institutions... have a special responsibility to refrain from any statements that can be interpreted as hate speech... Such statements must be prohibited and publicly condemned...” “Governments... must establish a comprehensive legal framework of civil, criminal and administrative law regarding hate speech...” “National legislations and legal practice should enable competent law enforcement authorities to pay special attention to cases of hate speech...”

Opponents of the very idea advocated in the description of hate speech, and especially opponents of the concept of political correctness, who interpret correctness only as an ideological phenomenon, have *widened the concept of hate speech* from a concept of inciting different forms of discrimination *to any type of verbal reproach, including individual insult or slander*. However, insult or slander, no matter how heinous it may be, is not considered to be as socially dangerous as instigation of racial and other discrimination (i.e. as *hate speech* by its very definition): this can also be observed from the Serbian criminal legal system. Provisions for criminal prosecution on charges of insult or slander prescribe initiation by the injured party, not *ex officio*. Furthermore, prescribed penalties are milder than those for inciting hate through discrimination.

Is a standard for incriminating the denial of the crime of genocide, war crimes and crimes against humanitarian law needed/necessary/advisable in Serbia as well? I have no pretension of answering this question, but I believe that in a country where the cry: “Knife, wire, Srebrenica” is not only without punishment, but, sadly, even acceptable, public debate on the criminal legal importance of denial of war crimes committed during the 1990-1999 wars in the territory of ex-Yugoslavia must be initiated.

Role models and tendencies

Holocaust denial in different countries belongs to the same legal typology as war crimes denial in ex-Yugoslavia, and thus legal experiences gained by nega-

tions of Holocaust will be an important lesson for the Serbian legislative body, if it chooses one day to tackle this issue.

From a territorial point of view, three strong centers of Holocaust denial can be distinguished: North America (i.e. USA and Canada), Western Europe and the Middle East (especially Iran, Iraq and certain Arabic states). Lately, certain political movements in South America, as well as some institutions in the Russian Federation, are becoming part of this basic geographic framework.

In the USA, there are many individuals, but also institutions, which have been denying the Holocaust for decades. Thus, in works dealing with the phenomenon of Holocaust denial, all of them have been named as the denial movement, while they call themselves – in a value neutral manner at first glance – revisionists of Holocaust.¹¹ (The dilemma *Holocaust denial* or *Holocaust revisionism* is not only terminological, but a value dilemma as well): Holocaust denial is unacceptable to most people from the axiological point of view, thus the expression *Holocaust revision* is, allegedly, neutral and not considered overaggressive. However, the important thing is that the expression *Holocaust revision* does not reflect the essence of what this concept implies, and is thus unscientific.)¹²

The “trends” of denial can be roughly divided into “conspiratory”, “factual” and “judicial” (these labels are not taken from relevant literature, i.e. the classification is mine). Presenting, explaining and providing arguments and counterarguments, as well as replicas to the many varieties within the main “trends” would take much space.¹³

To put it briefly, the classic anti-Semitic repertoire, which can be summarized as a corpus of numerous works of anti-Semitic conspiracy theory, belongs to the “conspiratory” trends of Holocaust denial.

¹¹ I am stating here only the names and institutions that are founders of the movement of Holocaust denial: H. E. Barns, W. Carto, D. Hoggan (in the sixties, published two books in which he denies the Holocaust) and M. Weber. Some of them are founders of certain “denial-oriented” institutions: the Institute for Historical Review (IHR) and the Committee for Open Debate on the Holocaust (CODOH), as well as of the specialized magazine Barns Review. Prominent representatives of this movement in Canada are: J. Keegstra and K. McVay. In European states, the best known members of this movement are: D. Irving in Great Britain, P. Rassinier and R. Faurisson in France, E. Zuendel in Germany. The most famous founder of this movement in the Middle East is the Iranian President Ahmadinejad. An interesting fact is that the Moscow Institute of Oriental Studies promotes claims of secret relations between the Nazis and the Zionist leadership, which, allegedly, challenges the grounds of historical findings on the Holocaust; this theory escalated in the 1980s in the preparation and writing of a doctoral thesis supervised by J. Primakov.

¹² Deborah Lipstad, 1993. *Denying Holocaust - the Growing Assault on Truth and Memory*, Penguin, p. 25.

¹³ In detail: Jovan Bajford, 2006. *Teorija zavere - Srbija protiv “novog svetskog poretka”*, Beograd: Beogradski centar za ljudska prava, especially narratives on pp. 36-38, 49-52, 113-155, 238-245.

“Factual trends” of denial comprise numerous pseudo-scientific (*quasi* – historical, technological, mathematical, etc) theories and claims – those claiming that there were no gas chambers in the concentration camps, claims that millions of Jews could not have been cremated, since the crematoriums either did not have sufficient “capacity” or there was not enough energy to cremate such a number and claims that Jews, in fact, never were murdered by German Nazis, but by members of some other nations.

“Judicial trends” are not only related to the denial of the legitimacy and legality of the Nuremberg trials, but to the abstract problematization of proof, as well: some negators argue that the claims about the Holocaust are based on the testimonies of concentration camps survivors, because, allegedly, there is no material proof, while others, on the contrary, claim that there are no, or not enough convincing testimonies from direct witnesses.

I classify (according to media criteria) the forms whereby Holocaust denial is manifested as follows: *direct denial, pseudo-scientific denial and denial through internet.*

Direct denial is almost inseparable from spreading racial, national and religious hatred and can be carried out publicly (in the media, public gatherings, including school and university classes), as well as non-publicly. For reasons I will not deal with here in great detail, this type of Holocaust denial is usually classified as the criminal act of spreading hatred or spreading false alarming news (where appropriate incrimination exists.)

Pseudo-scientific denial is carried out in works that are formally of an expert or scientific character, supplied with scientific apparatus, citing references to other works or testimonies, where views are presented without any visible emotions and the ideological viewpoint of the author is concealed or remains in the background, while the analysis of the phenomenon is obviously or covertly incomplete, one-sided, or, in some cases, based on invented, incorrect or badly informed argumentation.

Denial through internet is diverse in its contents – from direct *hate speech*, to pseudo-scientific discourse, however, it is the medium that makes this type of denial legally specific. The reaction to the social danger of spreading racial, national and other types of hatred through internet was the adoption of the Additional Protocol to the Convention on cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems in 2003.

In legal experience to date, the efforts of those in favor of the incrimination of Holocaust denial, as well as those who oppose it, have been concentrated mostly on pseudo-scientific denial and denial through internet.

Legal reactions to Holocaust denial

Reactions of legislators in comparative law are different. The main legal problem of the incrimination of Holocaust denial (and war crimes in general) lies in the question whether this incrimination would represent a permissible or unacceptable restriction of freedom of expression. Such freedom is, beyond any doubt, one of the cornerstones of democracy.

In this regard, there are significant differences between the American and the European approach.

1) USA

Invoking the First Amendment to the US Constitution, limiting the freedom of expression is permitted only under very restrictive conditions, namely, only when exercising this freedom would lead to “*clear and imminent danger*” of violence. However, although there are no laws prohibiting Holocaust denial in the US, we shouldn't wrongly assume that there is no protection for Holocaust victims or that there were never any court cases related to Holocaust denial. Indirectly, the issue of denial has been the subject of court cases involving freedom of the media. But there have also been court cases where Holocaust denial was a direct subject of dispute. Two court proceedings directly related to Holocaust denial in the USA are the Mermelstein cases. The Institute for Historical Review¹⁴ launched a campaign of Holocaust denial, offering a reward to a person who proves that members of his /her family were murdered in a concentration camp gas chamber. Mermelstein offered proof, but was not paid the promised reward. He then initiated court proceedings for reward payment and won the case. However, the important aspect in this case is that Mermelstein sued for compensation for non-material damage in addition to reward payment, and he succeeded in this demand as well. In addition to this case, Mermelstein led another important court case against the publisher of a magazine (cynically entitled *Jewish information bulletin*, although it is expressly anti-Semitic), asking for punitive damages and compensatory damages. He succeeded in both demands, thus proving that, although the legislator does not incriminate hate speech, it is considered unlawful, since the court ruled in favor not only of compensatory, but also extremely high punitive damages – over four million dollars.

2) Great Britain

In Great Britain, which belongs to the same legal circle as the USA, Holocaust and other war crimes denial is not incriminated, although such an attempt

¹⁴ Cf. footnote 11.

was made in 1997 when an appropriate draft law was submitted to the British Parliament's House of Commons. However, the best known court case regarding Holocaust denial was led precisely there. It was the criminal case initiated in 1998 by David Irving¹⁵, a British Holocaust revisionist, against a renowned American historian of Holocaust denial, Deborah Lipstadt. He claimed that Lipstadt defamed him in her book *Denying the Holocaust*, since she wrote that Irving knowingly twisted and malevolently interpreted proof in order to prove his ideological anti-Semitic viewpoint of Holocaust negation. According to British rules on defamation, the defendant is the one who has to prove that his/her claims are true. Expert witness in this case was an unquestionable authority, the historian Richard Evans¹⁶, professor at Oxford University, who studied *Irving's* work for two whole years, and subsequently offered to the court proof of the prosecutor's malevolent interpretations, as well as proof that the prosecutor knowingly used forged documents, presenting them as source material. The court overruled the request against *Lipstadt*, based on the belief that she wrote the truth, whereas *Irving* – the Holocaust revisionist – wrote lies.

3) Canada

In states which accept restrictions of freedom of speech with hesitation, like Canada, there have been convictions for inciting racial and ethnic hatred. In 1984, a Canadian professor Keegstra was charged with denying Holocaust and making anti-Semitic statements in his classes, including them moreover in his course material. He contested the constitutionality of the corresponding provision of the Canadian Criminal Law, claiming that it limited freedom of expression. However, the Supreme Court of Canada took the stand that, in this case, the restriction of the freedom of speech was justified, and that the criminal act of spreading racial hatred had indeed been committed.

4) European states

The circle of European states that recognize Holocaust denial, or broader – denial of proven war crimes, genocide or crimes against humanitarian law, as a specific criminal act, is gradually getting wider. Today, specific incrimination exists in Austria, Belgium, France, Israel, Germany, Spain and Switzerland, while in the Czech Republic, Slovakia and Romania, the incrimination of Holocaust, genocide or other war crimes denial exists, as indicatively specified, within the

¹⁵ Cf. footnote 11.

¹⁶ Richard J. Evans, 1999. "In Defense of History", New York: Norton, Richard J. Evans, 2002. *Lying About Hitler: History, Holocaust, and the David Irving Trial*, Basic Books. In this book, in addition to the description of Irving's case, the book by Evans is described as a successful case study of historical research.

general act of inciting hatred. Incriminations are different: in the majority of states the subject of the criminal act is exactly the denial of the Holocaust carried out by the national-socialistic regime before and during World War Two. In a smaller number of states, subjects of incrimination are also “other war crimes”. France is specific in this aspect: denial of genocide and other war crimes, asserted by legally-binding court decisions, or crimes where the defendants were found guilty by French or international courts, is prohibited. Furthermore, the criminal act is diversely described. The most frequent formulation is publicly stated denial or significant belittling (trivialization) of the Holocaust and other war crimes. Punishment can be either incarceration or fine. The lowest prescribed prison sentence in European states is one month, and the highest is twenty years. Cf. Appendix

5) Council of Europe sources

In 2003, the Additional Protocol to the Convention on cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems was adopted. The key provisions are found in Articles 2 and 3 of the Additional Protocol. In Art. 2, Para. 1 the concept of *racist and xenophobic material* is defined: all written materials or pictures or any other representation of ideas or theories that advocate, promote or incite hatred, discrimination or violence against individuals or groups, based on racial or national or ethnic origin, as well as religious affiliation. Art. 3 prescribes the obligations of contracting states regarding the prevention and punishment of this kind of cyber criminal.

6) EU sources

The EU passed the draft of the (Framework) Directive on combating racism and xenophobia in 2003, Off. Journal 075E 26/03. On the meeting of the Committee for civil liberties, justice and internal affairs held on November 12, 2007, the Report on reopening consultations intended to change the draft in the direction of criminal legal incrimination of racism and xenophobia was passed. It prescribes that the following actions must be punishable in each member state: public call for violence or hatred by spreading or distributing contents, pictures or other materials directed against groups of people or members of such groups, pertaining to race, skin color, religion, national or ethnic affiliation or origin; public approval, denial or serious belittling (trivialization) of the crime of genocide, crimes against humanity and war crimes as defined by the Statute of the International Criminal Court (Articles 6, 7 and 8), directed against groups of people or members of such groups, defined by race, skin color, religion, national or ethnic affiliation or origin, and crimes defined by the Nuremberg Tribunal (Article 6 of the International Military Tribunal Charter, London Agreement of 1945),

directed against groups of people or members of such groups, defined by race, skin color, religion, national or ethnic affiliation or origin.

Member states can decide to punish only actions that are either committed in a manner which can disturb the public order or those which are threatening, damaging, or resulting in abuse.

As for religious affiliation, the minimum is the penalization of incitation which provides a pretext for acts against group or members of a group, defined by race, skin color, national or ethnic affiliation or origin.

For such actions member states will prescribe criminal penalties of a maximum one to three year prison sentence.

7) Serbia

In Serbia, acts of national, racial and religious hatred and intolerance are incriminated by Art. 317 of the Criminal Code, and it is defined as inciting or spreading hatred. It is not necessary that the basic act be committed in media or in public (for incitement the public is not necessary, nevertheless, spreading hatred is inconceivable without a public act), and the prescribed prison sentence is from six months to five years. Grave forms of this act exist when followed by coercion or humiliation, namely when the act is accompanied by damage to objects (monuments, graves), carried out in abuse of office, or in cases when unrest, violence or any other serious consequences occur. This kind of incrimination could pertain to Holocaust denial, as well as to the denial of other war crimes, especially those recently committed during the 1991-1999 wars in ex-Yugoslavia that have been ascertained by legally binding verdicts of either domestic or international courts, under condition that this denial was at the same time accompanied by the provocation or incitation of national, racial or religious hatred. However, this incrimination can only cover some actions of direct war crime denial, as well as some such actions committed with the help of internet. Sophisticated forms of war crime denial, such as pseudo-scientific works, as previously defined in this text, cannot be subject to this incrimination, except when they are accompanied by direct acts provoking or inciting hatred. In Serbia, a considerable number of works that deny war crimes or contest courts dealing with these crimes exist – from the Nuremberg Court, to the loathed Hague Tribunal and domestic courts specialized in war crimes. Whether these works are scientific or pseudo-scientific can be proved in the same way and with the methods used by *R. Evans* in the *Irving vs. Lipstadt* case. In addition to books and other writings, pseudo-scientific meetings are also a Serbian characteristic. Organizers of such meetings include the Serbian Radical Party and the Socialist Party of Serbia, with the assistance of certain representatives of the Serbian Orthodox Church, certain nongovernmental organizations, and sometimes even military officers, with the undisguised idea of reaffirming the past, especially the crimes that were

committed; a typical approach in the US and Western Europe is the widespread, never-ending “number game”, “proving”, in a pseudo-scientific manner, that the many thousands of people claimed to be victims were not or could not have been killed, and that the real number of victims was much smaller – thousands less. “The scientific ground” of these meetings is dubious already *prima facie*, since opinions contrary to the ideological stand imposed by the organizer from the outset are never heard. The sole existence of such publications and meetings justifies the need for an analysis of the main reasons for and against the incrimination of the negation of crimes that have already been proved by courts in Serbia.

Important arguments for making the decision on the incrimination of war crimes denial

1) Theoretical level

In theory, the justifiability of incriminating denial is related, as previously mentioned, to freedom of expression. Views in favor or against incrimination are balanced on the dominant interests involved: the defense of the truth on one side, and protection of the freedom of expression on the other. Works dealing with this issue are numerous. We will outline only those arguments that appear in the significant majority of works dealing with this problem, which can thus be considered almost indisputable.

Chief arguments *favoring the incrimination of denial of war crimes, genocide and crimes against humanity* are:

1. *the need to protect the memories of victims* and respect for them, as well as the need to protect their descendants, from trivialization, misuse and politization; this kind of protection is efficiently achieved by criminal legal methods;
2. *the social danger* of denying crimes that were established by the court, which leads to disrespect of the judiciary and international and domestic legal order in general;
3. *the preservation of an important instrument for facing the past* in societies where serious crimes have been committed, which hinder or burden the normal political development of society and the everyday life of citizens;
4. *sanctioning the denial of historically established facts*, considered by the mainstream of historical thought as proven beyond reasonable doubt;
5. *ethical reasons*, which are not only a consequence of the protection of victims and of the acknowledgment that serious crimes have been committed in particular societies and under particular conditions, but also a manifestation of the need to know the truth and to continue living with this truth in the social sense of the word;

6. *reasons of prevention*, since the threat of criminal legal sanctions can serve as an important means for discouraging crime denial and the spreading of hatred;
7. crime denial, even when committed by sophisticated pseudo-scientific methods, *carries within itself, almost without exception, implicit or explicit hatred towards the other* (others) as well as the need to spread this hatred, and thus incrimination of crime denial could have a preventive effect here as well.

Freedom of expression is offered as the main argument *against the incrimination of crime denial*.

However, it should be clear that restrictions of this freedom are permissible (Art. 19 of the International Covenant on Civil and Political Rights; Art. 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms; Art. 46 of the Serbian Constitution, where permissible restrictions are formulated almost identically as those in the European Convention). Both the European Court of Human Rights and the UN Commission on Human Rights confirmed that these restrictions are permissible. Amongst other things, it is permissible to restrict freedom of expression in cases of statements that are insulting, aggressive or shocking to others, to the extent that they challenge the demands of pluralism, democracy, tolerance and broadness of spirit, which are all necessary for true democracy. In other words, freedom of speech also imposes obligations towards others. This is precisely the reason why many states incriminate, or in other ways sanction slander, the publishing of pornographic contents, statements insulting minority groups and communities, which spread hatred and mistrust, etc. Thus, there is no serious dispute about whether restrictions on freedom of expression in justified cases are permissible. However, this does not answer the question whether such permissible restrictions should be defined as a criminal act. Nevertheless, after the stand taken by the European Court of Human Rights in the case *Lehideux et Isorni vs. France*, there is no doubt that the incrimination of war crimes denial represents a legitimate and permissible reaction of the state.

Deniers of Holocaust and other war crimes, who almost without exception, preached anti-Semitism and advocated Nazism or fascism, as non-democratic regimes, never had any qualms about *invoking freedom of expression in their defense*, which is exactly the one human right that has been denied in all totalitarian and autocratic regimes, and which Holocaust deniers openly plan to deny once they are in power.

It is not unimportant who opposes the incrimination of war crime denial, the arguments used by opponents of crime denial are much more important, both ethically and civilizationaly. Thus, for example, D. Lipstadt, who helped enormously in the process of unveiling the technology of pseudo-scientific Holocaust denial, appears as an opponent of the incrimination of such denial, believing

that the decision on what is and what is not the truth should not be made by the judiciary, but rather by history.

The second serious argument *against the incrimination of war crime denial is the opinion that it could popularize crime deniers*, contribute to the spreading of their ideas and hate speech, and, in this way, become an advantage instead of a disadvantage to deniers, and, at the same time, become a new source of harm to victims. We have to point out here, as well, that certain prominent Europeans, among them even former concentration camp prisoner, Simone Veil, opposed the incrimination of war crimes denial, out of fear that it would only increase the popularity of war crimes deniers, rather than decrease it. In some states, the criminal prosecution of Holocaust deniers has proven to be counterproductive.

In the case of Serbia, one should bear in mind the TV coverage of *Slobodan Milošević's* trial, which, amongst many effects, also influenced the return of the ideas *Milošević* promoted into political life of Serbia. The influence of the TV coverage of *Vojislav Šešelj's* trial on the spreading of *hate speech* in Serbia remains to be assessed.

The often used defense of deniers that it was a case of “verbal offense” is related to the abovementioned argument. This can increase the sympathy of the public: he/she was convicted only for something he/she said! The fact that *slander is a verbal offense* is being forgotten, and the deniers have never challenges its incrimination, and they often even make use of it. *One should not forget that, in the most famous court case pertaining to war crimes denial, the denier Irving accused D. Lipstadt exactly of slander, which falls within the area of “verbal offenses”.*

2) Practical reasons

It is thus necessary, in addition to the theoretical arguments and counterarguments above, which have a doctrinal value (unadjusted, however, to concrete circumstances), to include some other, social and pragmatic parameters into the analysis. These parameters would be: the majority standpoint regarding the crimes whose incrimination is being examined; an assessment of the readiness and social reliability of the judiciary (prosecutors and courts) to finalize prosecution, proceedings and the passing of a veracious decision; the readiness of society to face its own past; the role of the media in the entire process. The rejection of the incrimination of war crime denial in Great Britain was justified, amongst other things, by the fact that only 2% of the population denied the Holocaust, and only a relatively small percentage manifested and practiced hate speech in the abovementioned context. Research related to war and war crimes in Bosnia, conducted in Serbia, reveals that *denial of war crimes committed by Serbs*, even when those crimes have been established by legally binding verdicts, *is the prevailing viewpoint*. This indicates that war crimes denial should be incriminated.

Furthermore, criminal acts and violations related to incitement and spreading of national, racial and religious hatred have become more frequent during the last few years, but it is not certain that prosecutions of such crimes have also increased in frequency.

The position of judicial authorities (prosecutors and courts) towards the possible incrimination of war crime denial can be indirectly obtained by analyzing the prosecution, trial and convictions under the existing criminal act in cases of spreading national, racial and religious hatred and intolerance: Art. 317 of the Serbian Criminal Code.

Certain indicators are found within an official document: *The work of the public prosecutors' offices on curtailing crime and protecting constitutionalism and legality in 2006*¹⁷. During the period covered by this report (from January 1 to December 31, 2006), a total of 107 criminal charges were filed for inciting national, racial and religious hatred and intolerance under Art. 317 of the Serbian Criminal Code. Of these, 20 were immediately dropped, requests for investigation were filed in 79 of the remaining cases and 68 indictments were filed, (i.e. investigation was completed and the necessary conditions for trial were met); in another 4 cases the investigation was dropped, while the number of unresolved investigations from the period was 18. In the abovementioned period, the outcome of the court proceedings were as follows: 21 convictions - 6 prison sentences and 15 suspended sentences. In one case a security measure was ordered. One case ended in acquittal, while in two cases the indictment was rejected. Two indictments remained unresolved.

In addition, some nongovernmental organizations have investigated this issue on a limited sample. In 2006, the Youth Initiative for Human Rights posed questions on the frequency of the prosecution of such acts.¹⁸ The results of their research were as follows:

- 21 district public prosecutors' offices in Serbia responded to questions regarding criminal charges filed for inciting racial, national and religious hatred during 2004 and 2005;
- The district prosecutors' offices which answered the questions¹⁹ received a total of 66 criminal charges under the abovementioned criminal act;²⁰

¹⁷ Republican Public Prosecutor's Office, Belgrade, April 2007.

¹⁸ Cf. Mr Saša Gajin, ed. 2007. *Diskriminacija u Srbiji - Izveštaj Koalicije protiv diskriminacije*, Beograd: Centar za unapređivanje pravnih studija, pp. 14-21.

¹⁹ These district public prosecutors' offices were in Prokuplje, Smederevo, Zaječar, Čačak, Kraljevo, Pirot, Kragujevac, Kruševac, Leskovac, Jagodina, Pančevo, Negotin, Valjevo, Niš, Požarevac, Sombor, Zrenjanin, Novi Pazar, Vranje, Belgrade and Novi Sad. Same, p. 14. In Serbia there is a total of 30 district public prosecutors' offices (cf. Art. 9 of the Law on Seats and Territorial Jurisdiction of Courts and Public Prosecutor's Offices, *Sl. Glasnik RS*, No. 63/2001.

²⁰ Same, p. 14.

- out of 66 charges - 24 were immediately dropped, and in 8 of the remaining charges indictments were filed;²¹
- in district courts in Serbia 15 court proceedings were ongoing (some on indictments filed before 2004). Sentences were reached in 4 cases, two of them were acquittals, and in two cases mandatory psychiatric treatment without incarceration was ordered, which means the defendants were found legally irresponsible.²²

First of all, one should note the discrepancy between official and unofficial data. It is hard to locate the sources of this discrepancy, besides the fact that the Youth Initiative conducted their research on an incomplete sample (21 district prosecutors' offices out of 30). Judging by the numbers alone, one might conclude that the criminal act is committed rarely (which contradicts everyday experience, especially where politician are concerned), that the criminal act of inciting racial, national and religious hatred and intolerance is rarely prosecuted, or else that only a relatively small number of prosecutors' offices are willing to file indictments and only a small number of courts are willing to finalize the proceedings.

Some indicators, included in the research carried out by the Belgrade Center for Human Rights in August 2004 and presented to the public in October 2004, could reveal the point of view of Serbian citizens as to whether they deny war crimes (during the 1990-1999 wars) committed by Serbs or in the "protection of Serbian interest".²³

- 75% of the citizens believed that the past needed to be faced, but 38% believed this was necessary to dissolve the guilt of Serbs and Serbia which would burden generations to come, while 37% believed that facing the past was necessary to accept one's own part of responsibility;
- 71% of respondents had heard about the mass graves of murdered Albanians in Batajnica, Suva Reka and other places, and 31% believed this to be true;
- 84% of respondents believed that Serbs and Serbia suffered the greatest sacrifices in the 1990-1999 wars;
- 57% of the respondents had heard about the Srebrenica genocide, and 14% believed this to be true.²⁴

In order to give a well argued assessment on (not whether it is permitted, because it is permitted) whether it is necessary and advisable to define the denial of war crimes, genocide and crimes against humanitarian law established by courts as a specific criminal act, it is necessary that nongovernmental organizations (as no one else is ready to do this here and now) first establish a history

²¹ Same, p. 14.

²² Same, p. 18.

²³ Cf. website <http://www.bgcentar.org.yu/documents/Prezentacija>

²⁴ Same, pp. 24-33.

of crime denial, and determine, as accurately as possible, the public viewpoint on crimes, the real number of cases of incitement of hatred, as well as the practice of international and national courts as compared to Serbia. It is clear that this government will do nothing in this regard. The next government should be forced to at least raise certain questions.

Appendix

List of incriminations in European states and organization, taken from Wikipedia.²⁵

Holocaust denial Laws

Austria

Negationism Law (1995, amendments of 1999)

Article 1 Whoever, in the circumstances given in article 444 of the Penal Code denies, grossly minimises, attempts to justify, or approves the genocide committed by the German National Socialist Regime during the Second World War shall be punished by a prison sentence of eight days to one year, and by a fine of twenty six francs to five thousand francs. For the application of the previous paragraph, the term genocide is meant in the sense of article 2 of the International Treaty of 9 December 1948 on preventing and combating genocide. In the event of repetitions, the guilty party may in addition have his civic rights suspended in accordance with article 33 of the Penal Code.

Art.2 In the event of a conviction on account of a violation under this Act, it may be ordered that the judgement, in its entirety or an excerpt of it, is published in one of more newspapers, and is displayed, to the charge of the guilty party.

Art.3. Chapter VII of the First Book of the Penal Code and Article 85 of the same Code are also applicable to this Act.

Art. 4. The Centre for Equal Opportunities and Opposition to Racism, as well as any association that at the time of the facts had a legal personality for at least five years, and which, on the grounds of its statutes, has the objective of defending moral interests and the honour of the resistance or the deported, may act in law in all legal disputes arising from the application of this Act.

Czech Republic

Law Against Support and Dissemination of Movements Oppressing Human Rights and Freedoms (2001)

§ 260 (1) The person who supports or spreads movements oppressing human rights and freedoms or declares national, race, religious or class hatred or hatred against other group of persons will be punished by prison from 1 to 5 years. (2) The person will be imprisoned from 3 to 8 years if: a) he/she commits

²⁵ <http://www.wikipedia.org>, The Free Encyclopedia, entry *Denying Holocaust*.

the crime mentioned in paragraph (1) in print, film, radio, television or other similarly effective manner, b) he/she commits the crime as a member of an organized group c) he/she commits the crime in a state of national emergency or state of war.

§ 261 The person who publicly declares sympathies with such a movement mentioned in § 260, will be punished by prison from 6 months to 3 years.

§ 261a The person who publicly denies, puts in doubt, approves or tries to justify Nazi or communist genocide or other crimes committed by Nazis or communists will be punished by prison of 6 months to 3 years.

France

LAW No 90-615 to repress acts of racism, anti-semitism and xenophobia (1990)

MODIFICATIONS OF THE LAW OF JULY 29, 1881 ON THE FREEDOM OF THE PRESS Art 8. - Article 24 of the Law on the Freedom of the Press of 29 July 1881 is supplemented by the following provisions: In the event of judgment for one of the facts envisaged by the preceding subparagraph, the court will be able moreover to order: Except when the responsibility for the author of the infringement is retained on the base for article 42 and the first subparagraph for article 43 for this law or the first three subparagraphs for article 93-3 for the law No 82-652 for July 29, 1982 on the audio-visual communication, the deprivation of the rights enumerated to the 2o and 3o of article 42 of the penal code for imprisonment of five years maximum;

Art 9. – **As an amendment to Article 24** of the law of July 29, 1881 on the freedom of the press, article 24 (a) is as follows written: Art. 24 (a) - **those who have disputed the existence of one or more crimes against humanity** such as they are defined by Article 6 of the statute of the international tribunal military annexed in the agreement of London of August 8, 1945 and which were a carried out either by the members of an organization declared criminal pursuant to Article 9 of the aforementioned statute, or by a person found guilty such crimes by a French or international jurisdiction **shall be punished by one month to one years imprisonment or a fine.**

Art 13. - It is inserted, after article 48-1 of the law of July 29, 1881 on the freedom of the press, article 48-2 thus written: Art. 48-2. - publication or publicly expressed opinion encouraging those to whom it is addressed to pass a favourable moral judgment on one or more crimes against humanity and tending to justify these crimes (including collaboration) or vindicate their perpetrators shall be punished by one to five years imprisonment or a fine

Germany

§ 130 Public incitement

In Germany, Volksverhetzung (“incitement of the people”) is a concept in German criminal law that bans the incitement of hatred against a segment of the population. It often applies in (although is not limited to) trials relating to Holocaust denial in Germany. In addition, Strafgesetzbuch § 86a outlaws various symbols of “unconstitutional organisations”, such as the Swastika and the SS runes.

§ 130 Public Incitement

- (1) Whoever, in a manner that is capable of disturbing the public peace:
1. incites hatred against segments of the population or calls for violent or arbitrary measures against them; or
 2. assaults the human dignity of others by insulting, maliciously maligning, or defaming segments of the population,
- shall be punished with imprisonment from three months to five years.

(...)

(3) Whoever publicly or in a meeting approves of, denies or belittles an act committed under the rule of National Socialism of the type indicated in Section 6 subsection (1) of the Code of Crimes against International Law, in a manner capable of disturbing the public peace shall be punished with imprisonment for not more than five years or a fine.

(4) Whoever publicly or in a meeting disturbs the public peace in a manner that assaults the human dignity of the victims by approving of, denying or rendering harmless the violent and arbitrary National Socialist rule shall be punished with imprisonment for not more than three years or a fine. (...)

The definition of section 6 of the Code of Crimes against International Law referenced in the above § 130 is as follows:

§ 6 Genocide

(1) Whoever with the intent of destroying as such, in whole or in part, a national, racial, religious or ethnic group:

1. kills a member of the group,
2. causes serious bodily or mental harm to a member of the group, especially of the kind referred to in section 226 of the Criminal Code,
3. inflicts on the group conditions of life calculated to bring about their physical destruction in whole or in part,
4. imposes measures intended to prevent births within the group,

5. forcibly transfers a child of the group to another group, shall be punished with imprisonment for life. (...)

Other codes

The following German criminal codes are also relevant:

§ 189 Disparagement of the Memory of Deceased Persons (1985, amendments of 1992)

Whoever disparages the memory of a deceased person shall be punished with imprisonment for not more than two years or a fine.

§ 194 Application for Criminal Prosecution

(1) An insult shall be prosecuted only upon complaint. If the act was committed through dissemination of writings (Section 11 subsection (3)) or making them publicly accessible in a meeting or through a presentation by radio, then a complaint is not required if the aggrieved party was persecuted as a member of a group under the National Socialist or another rule by force and decree, this group is a part of the population and the insult is connected with this persecution. The act may not, however, be prosecuted ex officio if the aggrieved party objects. When the aggrieved party deceases, the rights of complaint and of objection devolve on the relatives indicated in Section 77 subsection (2). The objection may not be withdrawn.

(2) If the memory of a deceased person has been disparaged, then the relatives indicated in Section 77 subsection (2), are entitled to file a complaint. If the act was committed through dissemination of writings (Section 11 subsection (3)) or making them publicly accessible in a meeting or through a presentation by radio, then a complaint is not required if the deceased person lost his life as a victim of the National Socialist or another rule by force and decree and the disparagement is connected therewith. The act may not, however, be prosecuted ex officio if a person entitled to file a complaint objects. The objection may not be withdrawn. (...)

Israel

In Israel, a law to criminalize Holocaust denial was passed by the Knesset on July 8, 1986.

Denial of Holocaust (Prohibition) Law, 5746-1986

Definitions 1. In this Law, “crime against the Jewish people” and “crime against humanity” have the same respective meanings as in the “Nazis and Nazi Collaborators Law, 5710-1950.

Prohibition of Denial of Holocaust 2. A person who, in writing or by word of mouth, publishes any statement denying or diminishing the proportions of acts committed in the period of the Nazi regime, which are crimes against the Jewish people or crimes against humanity, with intent to defend the perpetrators of those acts or to express sympathy or identification with them, shall be liable to imprisonment for a term of five years.

Prohibition of publication of expression for sympathy for Nazi crimes 3. A person who, in writing or by word of mouth, publishes any statement expressing praise or sympathy for or identification with acts done in the period of the Nazi regime, which are crimes against the Jewish people or crimes against humanity, shall be liable to imprisonment for a term of five years.

Permitted publication 4. The publication of a correct and fair report of a publication prohibited by this Law shall not be regarded as an offence thereunder so long as it is not made with intent to express sympathy or identification with the perpetrators of crimes against the Jewish people or against humanity.

Filing of charge 5. An indictment for offences under this Law shall only be filed by or with the consent of the Attorney-General.

Lichtenstein

Although not specifically outlining national socialist crimes, item five of section 283 of Liechtenstein’s criminal code prohibits the denial of genocide.

§ 283 Race discrimination

Whoever publically denies, coarsely trivialises, or tries to justify genocide or other crimes against humanity via word, writing, pictures, electronically transmitted signs, gestures, violent acts or by other means shall be punished with imprisonment for up to two years

Luxemburg

In Luxembourg, Article 457-3 of the Criminal Code, Act of 19 July 1997 outlaws Holocaust denial and denial of other genocides. The punishment is imprisonment for between 8 days and 6 months and/or a fine. The offence of “negationism and revisionism” applies to:

...anyone who has contested, minimised, justified or denied the existence of war crimes or crimes against humanity as defined in the statutes of the International Military Tribunal of 8 August 1945 or the existence of a genocide as defined

by the Act of 8 August 1985. A complaint must be lodged by the person against whom the offence was committed (victim or association) in order for proceedings to be brought, Article 450 of the Criminal Code, Act of 19 July 1997.

The Netherlands

While Holocaust denial is not explicitly illegal in The Netherlands, the courts consider it a form of spreading hatred and therefore an offence.[24] According to the Dutch public prosecution office, offensive remarks are only punishable by Dutch law if they equate to discrimination against a particular group.[25] The relevant laws of the Dutch penal code are as follows:

Article 137c

1. He who in public, orally, in writing or image, deliberately offends a group of people because of their race, their religion or beliefs, or their hetero- or homosexual orientation, shall be punished with imprisonment not exceeding one year or a third category fine. [...]

Article 137d

1. He who in public, orally, in writing or image, incites hatred or discrimination against people or acts violently towards people or property of people because of their race, their religion or beliefs, their gender or their hetero- or homosexual orientation, shall be punished with imprisonment not exceeding one year or a third category fine. [...]

Poland

In addition to Holocaust denial, the denial of communist crimes is punishable by law in Poland.

Act of 18 December 1998 on the Institute of National Remembrance - Commission for the Prosecution of Crimes against the Polish Nation (Dz.U. 1998 nr 155 poz. 1016)

Article 55

He who publicly and contrary to facts contradicts the crimes mentioned in Article 1, clause 1 shall be subject to a fine or a penalty of deprivation of liberty of up to three years. The judgment shall be made publicly known.

Article 1

This Act shall govern:

1. the registration, collection, access, management and use of the documents of the organs of state security created and collected between 22 July 1944 and 31 December 1989, and the documents of the organs of

security of the Third Reich and the Union of Soviet Socialist Republics concerning:

- a) crimes perpetrated against persons of Polish nationality and Polish citizens of other ethnicity, nationalities in the period between 1 September 1939 and 31 December 1989:
 - Nazi crimes,
 - communist crimes,
 - other crimes constituting crimes against peace, crimes against humanity or war crimes
 - b) other politically motivated repressive measures committed by functionaries of Polish prosecution bodies or the judiciary or persons acting upon their orders, and disclosed in the content of the rulings given pursuant to the Act of 23 February 1991 on the Acknowledgement as Null and Void Decisions Delivered on Persons Repressed for Activities for the Benefit of the Independent Polish State (Journal of Laws of 1993 No. 34, item 149, of 1995 No. 36, item 159, No. 28, item 143, and of 1998 No. 97, item 604);
2. the rules of procedure as regards the prosecution of crimes specified in point 1 letter a),
 3. the protection of the personal data of grieved parties, and
 4. the conduct of activities as regards public education.

Portugal

Although denial of the Holocaust is not expressly illegal in Portugal, Portuguese law prohibits genocide denial.

Article 240: Religious, racial, or sexual discrimination

[...]

2 - Whoever in a public meeting, in writing intended for dissemination, or by any means of media:

- a) incites violence against an individual or group of individuals because of race, color, ethnic or national origin or religion, or
- b) defames or slanders an individual or group of individuals because of race, color, ethnic or national origin or religion, particularly through the denial of war crimes or against peace and humanity;

with intent to incite to racial or religious discrimination or to encourage, shall be punished with imprisonment from 6 months to 5 years.

Romania

In Romania, Emergency Ordinance No. 31 of March 13, 2002 prohibits Holocaust denial. It was ratified on May 6, 2006. The law also prohibits racist, fascist, xenophobic symbols, uniforms and gestures: proliferation of which is punishable with imprisonment from between six months to five years.

Emergency Ordinance No. 31 of March 13, 2002

[...]

Article 3. – (1) Establishing a fascist, racist or xenophobic organisation is punishable by imprisonment from 5 to 15 years and the loss of certain rights.

[...]

Article 4. – (1) The dissemination, sale or manufacture of symbols either fascist, racist or xenophobic, and possession of such symbols is punished with imprisonment from 6 months to 5 years and the loss of certain rights.

[...]

Article 5. – Promoting the culture of persons guilty of committing a crime against peace and humanity or promoting fascist, racist or xenophobic ideology, through propaganda, committed by any means, in public, is punishable by imprisonment from 6 months to 5 years and the loss of certain rights.

Article 6. – Denial of the Holocaust in public, or to the effects thereof is punishable by imprisonment from 6 months to 5 years and the loss of certain rights.

Spain

Genocide denial was illegal in Spain until the Constitutional Court of Spain ruled that the words “deny or” were unconstitutional in its judgement of November 7, 2007. As a result, Holocaust denial is legal in Spain, although justifying the Holocaust or any other genocide is a offence punishable by imprisonment in accordance with the constitution.

PENAL CODE- BOOK II, TITLE XXIV Crimes against the International Community Chapter II: Crimes of genocide - Article 6071.

1. Those who, with the intention to total or partially destroy a national, ethnic, racial or religious group, perpetrate the following acts, will be punished:

1) With the prison sentence of fifteen to twenty years, if they killed to some of its members.

If the fact two or more aggravating circumstances concurred in, the greater punishment in degree will prevail.

- 2) With the prison of fifteen to twenty years, if they sexually attacked to some of members [of the group] or produced some of the injuries anticipated in article 149.
 - 3) With prison sentence of eight to fifteen years, if they subjected the group or anyone of its individuals to conditions of existence that put their lives in danger or seriously disturbed their health, or when they produced some to them of the injuries anticipated in article 150.
 - 4) With the same punishment, if they carried out [unavoidable] displacements of the group or their members, they adopted any measurement that tend to prevent their sort of life or reproduction, or transferred by force individuals from a group to another one.
 - 5) With imprisonment of four to eight years, if they produced any other injury different from the ones indicated in numbers 2) and 3) of this section.
2. The diffusion by any means of ideas or doctrines that deny or justify the crimes in the previous section of this article, or tries the rehabilitation of regimes or institutions which they protect generating practices of such, will be punished with a prison sentence of one to two years.

Switzerland

Holocaust denial is not expressly illegal in Switzerland, but the denial of genocide and other crimes against humanity is an imprisonable offence.

Art. 261bis 1

Racial discrimination

Whoever publicly, by word, writing, image, gesture, acts of violence or any other manner, demeans or discriminates against an individual or a group of individuals because of their race, their ethnicity or their religion in a way which undermines human dignity, or on those bases, denies, coarsely minimizes or seeks to justify a genocide or other crimes against humanity [...] shall be punished with up to three years imprisonment or a fine.

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The Serbian Academy of Sciences and Arts (SANU) on National and State Interests: The Academy over a Slow Fire of (un)bearable Weariness

*A house destroyed by an earthquake can be rebuilt in
a month, or two, or three,
but decades are need to rebuild
a destroyed morale, maybe even a century.*

SANU academician Gojko Nikoliš,
at the SANU Assembly, December 18, 1986.

The basis of this paper is an attempt to find an answer to the question whether it is possible to anticipate – and if so, in what manner – a way out of isolation, self-isolation and stigmatization of the Serbian Academy of Sciences and Arts (Srpska akademija nauka i umetnosti - SANU) under the insufficiently strong democratic potential of Serbian society. From a methodological point of view, the Academy is examined through the prism of its own documentation. Various attempts at restoring the Academy's respectability are analyzed. These are, considering the general state of affairs after the political changes of 2000, overcoming difficulties in renewing international cooperation, admitting new, younger members, The SANU Dictionary – the traditional and oldest SANU project (dating back to 1893) – and, finally, the attitude of the SANU to the most important contemporary state issue in Serbia: the status of Kosovo and Metohija. Analysis of these points is important in explaining the endeavors of the SANU to clear its name of the stigma that, with or without good reason, has followed the Academy during the last decade of the 20th century.

Analysis of the SANU after 2000 revealed that its potential for critical thought was very modest. Until the SANU attains a higher level and becomes capable of rationally articulating material, and even human cultural misery and frustra-

tions into demands of free living, it will linger in a futile representational state fueled by a slow fire of (un)bearable weariness.

Keywords: Serbian Academy of Sciences and Arts, Serbian national interest, state interest of Serbia, status of Kosovo and Metohija

A short overview of SANU's development

In the modern world, academies¹ of sciences and/or arts are the most prominent, representative institutions in a dual sense. Academy membership is practically the highest recognition and honor. The SANU is, as other academies in the worlds, especially in Eastern- European countries, according to Article 1 of the Law on the SANU: "the highest scientific and artistic institution in the Republic of Serbia. The Academy develops and encourages science, organizes and improves basic and applied scientific research, encourages and promotes artistic work. The Academy is an institution of special national importance."² The type of academy the SANU belongs to is particularly focused on representing and promoting the respectability and prestige of the nation and the state abroad. In general, academies are independent institutions, which autonomously renew their membership, manage their internal organization, relations and scope of their work. They are the expression of state/national aspirations to protect and improve traditional social values, and often – though not always, and especially not in democratically developed countries – to participate in the formulation and realization of basic state/national interests. Academy members are the most eminent scientists and artists past and present. Although they emphasize their consideration for the prosperity of society and improvement of culture, from a

¹ "Academy (Greek), association, gathering of the chosen (academicians), as a rule the most prominent and worthy scientific, cultural and social workers and creators within a nation; the highest scientific and artistic institution for the improvement of all areas of science and culture, especially national, encompassing corresponding institutions (institutes, foundations, etc.). The name is derived from the garden of Academos in the north-west part of Athens, where Plato gave his philosophical speeches. Plato's philosophical school was called the Academy, and it existed until 529 when it was abolished, as a pagan establishment, by emperor Justinian. Starting from the 14th century, different kinds of humanistic schools (gatherings, societies) for classical education (especially Latin literature, philosophy and archeology) or national literature (poetry) and science were given this name. In the modern age, it also represents a college of science or art, which, unlike universities, nurtures a specific scientific or artistic branch; moreover, it is a name for specialized schools (trade, military, etc), and also for special gatherings-performances in honor of an important event, person etc." *Mala enciklopedija Prosveta, Opšta enciklopedija*, Tome I, Prosveta, Beograd 1986, fourth edition, p. 34.

² Official Gazette of the Republic of Serbia, No. 49/92. In Article 1, the SANU Statute has an almost verbatim provision.

sociological point of view, academies are conservative institutions, dating backs to the times of Moliere!

Modern academies of science and/or arts are New Age creations: the German Educational Society in Weimar was founded in 1619, the French Academy in 1635 and the British Royal Society in 1662. The *Yugoslav Academy of Sciences and Arts* (Jugoslovenska akademija znanosti i umjetnosti - JAZU, nowadays: the *Croatian Academy of Sciences and Arts* – Hrvatska akademija znanosti i umjetnosti - HAZU) was founded in Zagreb, upon an initiative of Bishop Strossmayer and his friends in 1866, and the *Society of Serbian Letters* (1841), renamed to *Serbian Learned Society*, “flourished” in Belgrade in 1886 into the *Serbian Royal Academy* (and after World War Two – the *Serbian Academy of Sciences and Arts* – SANU).

Respectability and prestige are ambitions of all academies and in that regard, the SANU and its predecessors are no exception. They selected prominent politicians and statesmen, presidents and members of other academies and prominent scientists and artists from abroad to become members. Former societies and Academies dedicated special attention to individuals from neighboring countries who would later become part of the joint Yugoslav state.³ SANU remained open to individuals from the country and abroad who contributed to its respectability, as well as the respectability of the state in post World War Two Yugoslavia.⁴

This orientation of the Academy speaks in favor of the theory that, observed from one side, it was a broadly open respectable institution in its more than a century old history. Academy membership was an acknowledgment to those who entered its ranks, but many members also greatly contributed to the re-

³ Members of former societies and Academies were Valtazar Bogišić, Milutin Garašanin, Vladan Đorđević, Vatroslav Jagić, Davorin Jenko, Franc Miklošič, Jovan Ristić, Vlaho Bukovac, Ivan Meštrović, Natko Nodilo, Franjo Rački, Ljudmil Hauptman, Ferdo Šišić, Constantin Jiricek, Antonin Dvorak, Dmitry Ivanovich Mendeleyev, Vladimir Prelog, Vladislav Ružička, Henryk Sienkiewicz, Lev Nikolayevich Tolstoy (who missed the Nobel Prize for Literature but not the membership in the Serbian Academy). Honorable members of the Academy of whom even those scientifically and culturally informed do not know much were Jevrem Grujić, Feliks Kanic, Hon. Imbro Tkalac and many others. Two Josips were also members of the Academy - Josip Juraj Strossmayer and Josip Broz – Tito. When certain members of the Academy write about these two people today, they might keep in mind that they are writing about their Academy colleagues – and honorable, nonetheless.

⁴ Thus the following became SANU members with different statuses: Miroslav Krleža, Meša Selimović, Ivo Krbek, Božidar Lavrič, Krsto Hegedušić, Ferdo Čulinović, Mihailo Apostolski, Antun Augustinčić, Josip Vidmar, Blaže Koneski, Ciril Kosmač, Esad Mekuli, Janez Milčinski, Dušan Čalić, Cvito Fisković, Kruno Prijatelj, Gajo Petrović, Benjamin Britten, Fernand Braudel, Georges Gurvitch, Roman Jakobsen, Jean Cassou, Tadeusz Kotarbinski, André Malraux, Henry Moore, Todor Pavlov (alias Ivan Dosev), Albert Sabin, Mikhail Sholokhov and Alexander Solzhenitsyn.

spectability of the SANU itself. On the other side, the Academy saw its role in the realization of Serbian national and state interests very often, one could say too often, through the prism of the “unification of all that is Serbian” – *by force*, which had become one of the basic options since the emergence of the modern Serbian state and the First Serbian Uprising. Acting thus, the Academy betrayed a long tradition of thinking which did not imply force: from Jovan Sterija Popović, Dositej Obradović, Svetozar Marković, Jevrem Grujić, Jovan Skerlić... In its long history, the Academy, as the highest cultural institution, rarely succeeded in nurturing a plurality of ideas and failed to show sufficient concern, especially in more recent times, for the warning to Serbs issued by the forefather of the European orientation of Serbia, Dositej Obradović: “We are fighting against the Turks, God help us if we become like them!”. Besides, the *Society of Serbian Letters* emerged from the debates started by Sterija and the United Serbian Youth. Many contemporary academicians have removed this plurality of ideas from their minds along with the tradition based on issues of internal and external freedom and a solution of the question of Serbian unification by peace and not war.

Considering these issues, one has to bear in mind that relations between authoritarian political regimes in Serbia/Yugoslavia and the Academy have been delicate, and sometimes more, sometimes less acceptable; but it can be generally observed that political power, whether it was the Obrenović/Karađorđević Court or the CK KPJ/SKJ Politburo, always found a way to influence the activities of the Academy; influence was sometimes stronger sometimes weaker, but never weak. This connection with the Court, the Government, the Central Committee and similar institutions was continuous, at times mutually beneficial, but often also counterproductive. If the members of the Obrenović/Karađorđević dynasties did not need members of their families to become academicians, since the Academy was, already *royal* by name, and had many members who were close to the dynasties, the situation was somewhat different in the Yugoslav republic after World War Two. The Academy admitted to its ranks Moša Pijade and Edvard Kardelj, both close to its honorable member Josip Broz. Furthermore, the centers of political power strived, through ideological commissions and other bodies, as well as individuals, to drag the Academy as much as possible into their political plans, and sometimes even their banal political games. It should be remembered, for example, that Pavle Savić, a person greatly trusted by the Party, was President of the SANU for ten years (1971-1981). During the tragic dissolution of Yugoslavia at the end of the 20th century, such an orientation proved to be very harmful both to society and the state, as well as to the Serbian nation, all the citizens of Serbia, and especially to the Academy itself. Each of the authoritarian regimes expected and demanded that the Academy play an active part in the creation of state and national interests, goals and value systems, no matter how much these regimes differed from one another. It should not be forgot-

ten that each political regime found its representatives, collaborators and even minions in the Academy, but at the same time encountered direct or less direct resistance. The fact that, during the 1990s, one academician, after he ceased to be President of the Academy, became a minister in the Serbian Government, demonstrates how strong ties between an authoritarian regime and the Academy can be.⁵

The events that took place in and around the SANU at the end of the 20th century offer a good example of how relations between power and mind, power and art, can be extremely contradictory. In 1986, the dawn of the tragic dissolution of the joint Yugoslav state, the Academy was preparing to celebrate an important jubilee – its 100th anniversary. In an attempt to be more than a merely representative, and in reality marginalized institution, the Academy decided to formally state its opinion and judgment regarding the status of the nation and the state, to draw attention to the unfavorable position of the Serbian people within the common state and express concern for their fate.⁶ Thus, a group of academicians was entrusted with the job of preparing the *SANU Memorandum* on “the most current social, political, economical, scientific and cultural issues”. Since Serbian political culture has a potential to feed on scandals, and the political elite lives with and from scandals, it happened that the *SANU Memorandum*, as an unfinished document never officially approved by the bodies of the Academy⁷

⁵ This president/minister Dušan Kanazir is remembered as the person who transferred money designated for science into a fund for technology, and assigned it to the development of the Serbian chopper “Moma”. In general, it is interesting how much our contemporaries, famous scientist and artists, especially writers, are concerned with taking certain high positions in the political hierarchy, especially in diplomacy. There have been members of the SANU, both in the past and present, who have responded to the “call” of power and prestige of ministerial and ambassadorial positions. Often when such a position is accepted, one can hear the argument that many famous writers and journalists during the Kingdom of Yugoslavia were also in diplomatic service. An important difference is being overlooked: these individuals affirmed themselves as writers while serving the state, while in recent times, already affirmed writers and scientists readily take positions of state diplomatic, government and party officials! To this very day certain academicians receive congratulations in the SANU after becoming high-ranking state officials; ambassadors, for example.

⁶ Thus, when an apparatchik, with the strong, open support of two highly esteemed Academy members, Vasa Čubrilović and Pavle Savić, at the SANU Assembly held on December 18, 1986, asked the SANU “to disassociate itself from the Memorandum” and its vice-president Antonije Isaković to resign from his position, Isaković said that “... our economy or the Yugoslav state...” looked to him “... like a tired, haggard and scared jade, a scabby, vulnerable and crippled horse...”. This “jade” “... once let loose, got stuck in the mud under a weight that it could not bear, and now it can move neither forwards nor backwards. How to dislodge it, to relieve it of the weight it is carrying, save it, together with its precious load, which we have carried out from a destructive, genocidal war, as the true achievement of revolution?” wondered Isaković.

⁷ The need for the SANU to publicly “declare” its point of view on the state and position of the Serbian nation and state apparently arose as an expression of the spirit of the

appeared in a Belgrade evening paper, as an introduction to a harsh political campaign against the Academy. The winning faction of the Serbian political elite, headed by Slobodan Milošević, after the Eight session of the Central Committee of the League of Communists of Serbia, in September 1987, practically curtailed this campaign, taking over the banner "of concern for the fate of the Serbian nation" and leading the country into wars "in which Serbia did not participate", and which, after Vukovar and Srebrenica, offered an evil image of Serbs as a nation to Europe and the world.

By taking over this "banner", Slobodan Milošević's regime lead the Serbian nation, the citizens of Serbia and the Serbian state, its institutions, from the Parliament to the Academy, towards destruction and self-destruction. In the same way as other newly created states on the Yugoslav territory, and other national and political elites, the Milošević regime justified this failure of humanness with ideology and the symbols of victimhood. The Serbian nation and the Serbian state were only victims of a "new world order", "Comintern-Vatican conspiracy" "world(wide) power holders", "international conspiracy", "globalization", "unjust and unprovoked sanctions", which the brave and proud nation "can endure for a thousand years", "feeding on roots" if necessary! This matrix of victimhood was used also in other states in ex-Yugoslavia, by political, nationalistically founded regimes and their political and cultural elites. Their principal and most commonly used propaganda matrix was "Greater Serbian aggression". Relations between the HAZU and the SANU, with thick layers of hate, are only some of the indicators

times. At the same time, the Slovenian national program emerged, published by a group of intellectuals in Ljubljana, in their magazine *Nova revija* No. 57/1986. Many documents of political bodies in Croatia and Bosnia, for example, expressed the same spirit as the two documents above. One should bear in mind that the contents of both "national documents", basically a list of obstacles in the economic and public life of Slovenia and Serbia, were never seriously analyzed, and initially encountered harsh disapproval both from the local and the broader Yugoslav public. While the Slovenian national program was accomplished and its participants took important positions in the political structure of the independent Slovenian state, the conceptual and true creators of the SANU *Memorandum* (not all of them!) became close with Slobodan Milošević's party and regime (M. Marković, A. Isaković, K. Mihailović). However, both the SANU and this "unfinished document" were strongly stigmatized. They also became the means towards an end for warmongering propaganda within all belligerent parties, and contributed to the deepening of the rift and hostility among the Balkan nations. The SANU *Memorandum* became a weapon in the hands of Milošević's propaganda and those circles in Serbia, Croatia and Bosnia and Herzegovina that made a profession out of Serbs as "a heavenly nation" and "Serbism" as "the defense of centuries old Serbian hearths". These "Serbs by profession" used the terrible suffering not only of neighboring nations, but of the Serbian nation as well, for pillaging and war profiteering. Naturally, the Croatian and Bosnian nationalistic circles made abundant use of this "gift" in their own war propaganda, "engineering" hate towards the Serbian nation.

of this state of affairs. Not a word was spoken about their own responsibilities, misdeeds committed by their own nations, from a historical point of view, if this kind of behavior could have been expected from other actors of state propaganda, it would be expected that intellectuals, in academies of sciences, should have had a certain amount of critical conscience and a more objective approach. Such an approach would have been an important corrective mechanism to the blindness of the official state propaganda.

The SANU after the political changes of 2000 in Serbia

This paper is not a systematic analysis of the fate of the *SANU Memorandum*⁸, but instead, to see whether it is possible to anticipate – and if so, how – a way out of the isolation, self-isolation and stigmatization the SANU labors under in the insufficiently strong democratic potentials of Serbian society. There is no room for doubt that the academicians wanted to see the Academy on the road to recovery, and that they put a lot of effort into this. Future research will reveal whether all were involved, and whether it was always done in the right way! Since the Academy, as an institution, and indeed many academician personally, are very sensitive about views and doubts regarding their work coming from the outside, the starting point of this analysis is certain SANU documents, its *Yearbooks* (Godišnjak), which provide systematical insight into all the main SANU courses of activity, and certain SANU Proceedings. Our general methodology will be to observe the Academy through the prism of its own documentation. Naturally, it is impossible, and indeed unnecessary, to encompass every aspect of the SANU's activity. It is sufficient to examine the attempts made to revive the Academy's respectability. These are, considering the general state of affairs after the political changes of 2000, overcoming difficulties in renewing international cooperation, admitting new, younger members, or the rejuvenation of the Academy, the traditional and oldest SANU project (dating back to 1893) – The SANU

⁸ For a critical analysis of the *SANU Memorandum* and the views of academicians, see the paper by Olivera Milosavljević, (Milosavljević, 1995, 305-338). In their coauthored paper *Memorandum SANU, odgovori na kritike*, on pages 81 and 82, academicians K. Mihailović and V. Krešić responded to Milosavljević's paper, previously published in the journal *Republika*, No. 119-120 of July 1-31, 1995. They "placed" their young colleague, who was just an assistant professor, in a footnote, as a continuer of Šušteršič's *White Book* and thus belonging to the corpus of Croatian propaganda. They criticize her "insinuations and prejudices" about academicians whose public appearances she cites, as well as her sparse knowledge of the actual reality. They believed her objections to the Memorandum were "lacking a scientific basis". The question is then: what about the thesis that the Memorandum is an unfinished and formally "nonexistent" document, which the authors offer in extenso in their book, pp. 101-147. See also the analyses by Dejan Jović (Jović, 2003, 347-367) and Jasna Dragović-Soso (Jasna Dragović-Soso, 2004, 241-259).

Dictionary, and, finally, the attitude of the SANU to the most important contemporary state issue in Serbia –the status of Kosovo and Metohija. Beyond doubt, the other activities of the SANU are also of great social and cultural importance, but analysis of the abovementioned points is of great importance in understanding the endeavors of SANU to clear its name of the stigma which, with or without good reason, has followed it over the last decade of the 20th century.

Thus *Godišnjak* CVII in 2000 includes data on SANU's work in 1999, which was the last full year of Slobodan Milošević's rule. In his address to the academicians at the Assembly of the SANU on June 8, 2000, Dejan Medaković, president of the SANU, offered his views regarding the work of the Academy. He referred to the period which:

“... is marked by the end of bombing and great endeavors to heal, as fast as possible, the grave wounds inflicted upon us in the unequal battle we fought, defending our country from those demanding our submission, to impose on us their conditions for survival and deny us the basic right to life. Though the bombing ended, pressure and threats did not, as cruel sanctions still hinder the development of our battered country” (*Godišnjak SANU CVII*, 2001, 115).

To the rhetorical question “Why is the Academy silent?” he answered that the issue was the ignorance of those who asked this question, since the Academy speaks in the language of science which:

“contrary to the language used by politics, does not divide our people, does not separate or cause conflict, but rather joins, and points to safe, verified roads of prosperity and strong spiritual unification. We must not, even for a moment, forget that the Serbian nation is politically divided in two through the will of global power holders, that our national being is gravely wounded and that our old dream of our final unification has been seriously emasculated. Is it not then, esteemed members of the SANU, our task to avoid any action which could further increase the differences between us, and at the same time tear our community apart, inciting disputes and mutual alienation? Should we not realize together, that our survival is endangered, and seek shelter from the storm which has already come upon us” (*Godišnjak SANU CVII*, 2001, 115).

With a talent for pathetic addresses, Medaković expresses his personal concern for the fate of the Serbian nation, speaking about “life-bearing flows of national life”, sanctities we “once believed in”, condemning “contemporary soullessness” and advocating “social harmony”. He particularly underlines that freedom of speech cannot “...substitute the freedom of the nation”,

“...that a wounded and embittered nation, such as Serbia today, will be hard to convince of the righteousness of our peace, which does not correspond to an Olympic serenity that does not care, in its in-

sensitivity, about the everyday suffering present in our surroundings” (*Godišnjak SANU CVII*, 2001, 116).

Medaković perceives SANU’s main task as “...continual care for the reinforcement of public social morale and an incorruptible value system...” (*Godišnjak SANU CVII*, 2001, 116). Along with citations from several philosophers and Latin proverbs, in his address the president of SANU manages to include thoughts for the Serbian Government, which provided a sum of five million dinars for the fire protection system in the Academy’s building. He also mentions a reduction in the scope of activities of the SANU, due to economic circumstances of the devastated country. The address contains no hint of the type of “public social morale” and “incorruptible value system” he had in mind; he stops where he could have started. As though it were sufficient, he emphasizes the symphony (spirit of congregation) of the Serbian nation, the threat to the survival of the Serbian nation, and points to Serbs as the victims of global power holders who have remodel international laws.

This global-historical vision of endangered Serbism, presented in a personally inspired croquis of the President of the Academy, was accompanied by a picture of almost cruel reality of the SANU, offered by academicians Stevan Koički and Nikola Hajdin in their reports on the same Assembly. These reports relate to Medaković’s address the same way the Sancho Panza’s perception of reality relates to the “visions” of Don Quixote.

Koički points out that 1999

“... was a year of war, destruction and exodus of the Serbian nation and, without doubt, one of the hardest in its history... the last in a tragic line of ten, which strongly influenced every aspect of our lives, including the life of the Serbian Academy of Sciences and Arts” (*Godišnjak SANU CVII*, 2001, 119).

He then provides data regarding the decrease in publishing activities, using the expression “downfall” (*Godišnjak SANU CVII*, 2001, 120). The report on the SANU Fund for Scientific Research presented at the same Assembly by Nikola Hajdin offers an equally gloomy picture. He does not explain the decrease in published works at home and abroad solely as a consequence of the state of war, but also as “... a sign of our decreased influence on the European and global level”. In this state, which could easily be defined as disarray, some projects were, in his opinion, practically “dead”, while “...10 projects did not even use the funds assigned for 1999”.⁹ Thus, not only important political changes in

⁹ The second vice-president of the Academy, academician Nikola Pantić added to this dismal picture the fact that the number of the Academy’s printed books “... is actually precipitating, reaching a point even lower than 15 years ago” (*Godišnjak SANU CVII*, 2001, 131).

Serbia, but also the internal state of the SANU¹⁰, reveal 2000 as zero year. There is, by all means, a symbolic meaning in the fact that this was anyway the “zero” year of the new millennium.

During the following two years, 2001 and 2002, the President, academician Dejan Medaković maintained a strong personal tone and magniloquent rhetoric in his addresses to the SANU Assembly (May 21, 2001 and May 30, 2002). He mentioned first “...great social changes which will alter many habits and behaviors, even the way of thinking itself”, loosening of “the bonds of the old world”, a “discrepancy between spiritual and material values”, our *fear* “of falling behind, which creates alienation and hopeless seclusion, a meager and lonely existence on the margins of historical currents and hopeless escape into mythology”. His answer to the crucial question regarding the purpose of SANU today was that the Academy, like all other academies, had an *ordering role* “...to suppress, within the limits of its power, by reason, namely science, *any kind of disorder* (italics by B.J) threatening the spiritual ascent of mankind.” (*Godišnjak SANU CVIII*, 2002, 120). He mentioned “compliant obedience” and continued: “...we acceded to general and personal duplicity” (*Godišnjak SANU CVIII*, 2002, 120). He believed that the future would not be “unfavorable and unjust” to the Academy, basing his opinion on:

“...the great Calvary of the Serbian nation, which marked the last century, a period that created kinship between crime and us”. He optimistically emphasizes that “...precisely in the times of misfortune”, the Serbian people “...accomplished spiritual ascents which testify to the

¹⁰ See, for example, annual reports of the Department of Language and Literature and the Department of Historical Sciences (*Godišnjak SANU CVIII*, 2002, 214-232 and 249-272). The Department of Language and Literature was accused of stirring agitation within the calm waters of the Academy through its public statements and was reprimanded (in such a way that academician Srbinović commented, with irony, that the problem could be solved by removing the entire department from the Academy). Namely, academicians Kosta Mihailović and Vasilije Krešić reacted to the “Danish theses” in which academician Predrag Palavestra criticized the contents of the Memorandum. At the fourth meeting of the SANU Presidency held on December 14, 2000, Palavestra asked for the appointment of a revision committee “...because between these times and those times lie hard years of war disasters and thousands of graves, which demand a reexamination of our attitude towards what we once wanted and spoke about” (*Godišnjak SANU CVII*, 2001, 111). The SANU Presidency was consternated, and at the following session, February 22, 2001, acting on a proposal made by academician Čedomir Popov, and after a discussion about an interview given by Cardinal Vinko Puljić as well as about Palavestra’s views, reached the following conclusion: “Given the frequent accusations and insinuations addressed to the SANU, the Presidency has, after detailed discussion, decided to dismiss every interpretation of the 1986 Memorandum as a warmongering document supporting the policy of ethnic cleansing in the territory of former Yugoslavia, no matter where such interpretations come from” (*Godišnjak SANU CVIII*, 2002, 105-106).

unworn strength that awakens hope" (*Godišnjak SANU CVIII*, 2002, 121).

He mentioned resistance to "cruel forces" attempting to "disable the Serbian nation of its spiritual creativity" (*Godišnjak SANU CVIII*, 2002, 121). Probably based on the experience of "pliant obedience", he advocated parting with "*brachium saeculare*" "...since the alliances of force and power have brought us no good, pushing us towards a unique state of Balkan backwardness with a simplified defensive property" (*Godišnjak CVIII*: 123). He concluded his address with the view that the Academy faced "...numerous unfinished national tasks", since the Academy serves to "...fulfill the humanistic vows of its honorable ancestors" (*Godišnjak SANU CVIII*, 2002, 123).

In his address to the SANU Assembly in 2002, Medaković would not label political changes in Serbia as "great" but as "turbulent". He first mentioned the tragic misunderstandings in Serbian-Montenegrin relations concerning the future of the joint state, and then the permanent violation of obligations accepted by the Dayton Agreement, the narrowing of the rights of the Serbian nation in Kosovo and Metohija, the delay in the return of Serbian sufferers from Kosovo, the unsolved issue of refugees from Croatia and Bosnia. To these hardships, he added upsetting news from Vojvodina due to the "preposterous misunderstood essence of the Serbian Duchy (Vojvodstvo) itself and the Tamiš Banat" and continues:

"These are all disturbances and misfortunes that block the natural and peaceful development of the country, divert us from essential tasks related to the state, darken the future of individuals and the entire society, and exert an almost deadly influence on the healthy veins of our national strength" (*Godišnjak SANU CIX*, 2003, 115 and 116).

In this context, he referred to the "so-called memorandum affair", and emphasized that attacks on the SANU "are part of a well-thought, commissioned battle" (*Godišnjak SANU CIX*, 2003, 116), which represented "...a life-saving anchor for all those looking for an alibi for their crimes and participation in the recent political tragedy of our country" (*Godišnjak SANU CIX*, 2003, 116-117).

Medaković's address to the SANU Assembly in 2000, delivered when Milošević still held power in Serbia believing that the scheduled elections would help him remain there for a long time, held no remark or critical objection or need to establish distance from politics of the time. He was much harsher towards the new leadership that came into power after 2000. According to him, *the simple truth was*:

"...that the loudest advocates of the new social reality are precisely those who, as good followers, had been the most trusted supporters for the previous government. Today, in the name of new democratic changes, they have managed to present themselves, to the world of the naïve, as the apostles of political changes... The loud and unscrupulous voice of these tricksters, creates the impression that the SANU

has opted for some backward, outdone ideas, strongly dedicated to the defense of its inalterability”¹¹ (*Godišnjak SANU CIX*, 2003, 117).

Moreover, after this, in an oratorical ecstasy of concern over the nation and the state, he asked “...is it not the right, the duty and obligation of the SANU to use the voice of science and art to communicate its vision of our country’s progress? Can we be permitted to remain silent, when general conditions demand that we speak, when we are expected to act as a beacon in the widespread spiritual confusion of the modern world?” (*Godišnjak SANU CIX*, 2003, 117). In addition to that, to be on the safe side, the following observation was added: “Therefore, there are no special conflicts between us and the world of politics”.¹²

In contrast to the President’s addresses, the reports submitted by his close associates, the Secretary General and the Vice-President, offered a far more precise picture on the real state of affairs and the very slow, laborious recovery of the SANU. Academician Koički continued to emphasize difficulties in publishing, and also refers to “the squalid quality of the work of our library” (*Godišnjak SANU CIX*, 2003, 130). The Vice-President, academician Nikola Hajdin, in his report for 2000, states that the SANU had 55 projects without a single published paper, and that not even a report existed for 12 of these projects. Five scientific

¹¹ It is unclear whether this statement by President Medaković was also aimed at the final paragraph of the Department of Language and Literature yearly report: “Without substantial systematic changes to the essence and character of the Academy, without changes that would transform the nature and the essence of the SANU in relation to the transformations that have been undertaken within the state and society, the situation in the SANU Department of Language and Literature will remain the same as it was in 2001 - over a slow fire of unbearable weariness” (*Godišnjak SANU CIX*, 2003, 194).

¹² If Medaković’s view was correct and sincere, it is not clear why he closed his address saying: “A certain mistrust towards the SANU still exists. Its moral code, created a long time ago, very often does not concur with the political needs of a specific moment. Misunderstanding increases especially when the Academy is denied the right and responsibly to openly offer its experience to society, the experience of many decades of work. In such moments the Academy might be viewed as having a merely decorative, celebrative and ceremonial importance, but is being asked, even forced, to show obedience. It is not understood that our dialogue with the authorities is extended by the presence of a third interlocutor, namely the nation we belong to. It is our duty to tell the truth about our perception of questions of life. We are obliged to strongly defend value systems that cannot be dismissed as whimsical, or introducing apprehension and dilemma into public life. Without doubt our acts cannot avoid healing reassessment, rejecting everything that is not based on solid scientific principles and social ethics... If our acts, achievements and intentions did not shake the consciousness of our society – and such a somber conclusion is possible – then let at least the high principles of public morale, which we never betrayed, prove the value of our commitments which survive all social upheavals and downfalls” (Ibid, 119). It remains unclear whether the author considers the democratic endeavor of citizens and the political elite after Milošević’s rule (the question of whether this endeavor was successful or not remains open) as a “downfall” or merely an “upheaval”.

meetings had been held at the Academy that year, and seven lectures by foreign scientists. In his subsequent report, Academician Koički stated that quantitative indicators for 2001 also “fail to show any significant difference as compared to 2000”. In his report at the SANU Assembly in 2002, academician Hajdin stated that the number of projects without a single published paper rose to 69 in 2001, while the number of scientific meetings increased by one, from five to six, and the number of lectures to thirteen. In addition to this, six ceremonial sessions had also been held during the year.

Despite an overall lethargic image of the Academy as a institution without internal conflicts and personal animosities, certain academicians, and some departments as well, expressed discontent with the affairs in the SANU at the time. This discontent varied, and there was nothing unusual about it. Already in 1981, academician Bogdan Bogdanović, for reasons that do him no credit, abandoned the SANU in demonstration, however the Academy claimed it was unable to register his “withdrawal” in a formally legal manner. Contrary to Bogdanović, another member, Miroslav Simić, wrote a letter in September 1995 asking to be relieved of his membership, as an act of moral protest against the war. He was criticized in the Academy for this action, as “he did not have the right to resign”. Certain non-resident SANU members did the same, for example: Kruno Prijatelj (by telegram dated September 21, 1991) and Cvito Fisković (by press statement, September 22, 1991).¹³ Some members – definitely not because of age or sickness – did not participate in the work of the SANU for years, for example Andrej Mitrović and Tibor Varadi. This is confirmed in the annual Department reports. It is interesting that some active member of the SANU, Ljubomir Simović and Miroslav Pantić for example, refused to participate in the organizational committee for the preparation of a scientific meeting on the position of the Serbian nation. On the other hand, the SANU was under strong and, one could say, constant pressure to be as active as possible in “defense” of Serbian national and state interests, most of all by the Department of Social Sciences and the Department of Historical Sciences. The Department of Social Sciences extensively elaborated its concern for the destiny of the Serbism of SANU’s president Medaković and expressed “interest in all that is related to the SANU *Memorandum*”, since

“the Department of Social Sciences cannot but vigilantly follow constant attempts to satanize the Serbian nation and its intelligence on this account, discrediting the Serbian Academy of Sciences and Arts,

¹³ In 1995, academicians Mihailović and Krestić wrote: “greater political cynicism is hard to imagine than a demand that the SANU support the formal acknowledgment of a secession carried out in such a manner. This request received a proper answer, which the HAZU used as a pretext to sever all ties with the SANU. All non-resident SANU members from Croatia resigned in writing.” (Mihailović-Krestić, 1995, 59) It remains unknown how the authors considered this position after the normalization of relations between Serbia and Croatia.

the highest scientific institution in the country and its most prominent members" (*Godišnjak SANU CVII*, 2001, 235-236).

Alongside objections to Predrag Palavestra's critical views on the SANU Memorandum, the Department of Social Sciences also criticized the Academy Assembly:

"On December 18, 1986, the Academy Assembly protected the right of its members to offer a truthful critical opinion regarding the situation in the country. It was then subjected to the strongest pressure from the entire Serbian political leadership. Fourteen years later, the writers of the Memorandum are accused of working for that same leadership and of preparing the disintegration of the country, as well as everything else that Serbs are accused of in the Hague Tribunal today. On December 14, 2000, under the pretext that it does not want to get involved in politics, the highest body of the Academy refuses to defend itself from political accusations of this kind" (*Godišnjak CVII 2001 for 2000*: 236).

If the Department's perspective were true, a neutral observer might ask the following: how was it possible for Mihailo Marković to occupy a position as vice-president and ideologist of Milošević's party, for Dobrica Ćosić to become the President of the Republic, and Kosta Mihailović to be a close associate and advisor to Slobodan Milošević?

Since the election of Nikola Hajdin as President of the SANU on April 3, 2003, the rhetoric of presidential addresses has changed substantially, but the pile up of problems faced by the Academy still remains and are being solved very slowly. Complaints about lacking or limited funds, whether for research, publishing, the library or archive funds, or for international cooperation, internal tensions between and within departments, the age of the members and the slow process of membership renewal, are all issues that hinder the everyday work of the Academy bodies; almost ritually they surface in reports and discussions at the Assemblies. Thus Hajdin, in his first address as president, on May 29, 2003, put prime emphasis on the elections of new SANU member expected in the Fall, and only afterwards spoke of the Academy's modest social influence, adding: "I do not think the Academy should meddle in all and everything, nevertheless, some issues, such as the organization of scientific work in the country, most certainly concerns the Academy. We are partly responsible for the lack of interest in the changes which are happening" (*Godišnjak SANU CX 2004*, 126). He pointed out that poverty and isolation particularly harmed the traditional linguistic research of the Academy. Two events in 2004 were given prime attention: celebrations of the 200th anniversary of the First Serbian Uprising and the 100th anniversary (other sources refer to a 125th anniversary, *Godišnjak SANU CXI*, 2005, 128) of the birth of Milutin Milanković. Academician Koički, as Vice-President of the SANU, spoke about the absolutely certain perspective of gradually joining the European Union, and the intensive renewal of severed international relations, while the

President of the Novi Sad branch, Zoran Kovačević, introduced a new general tone, underlining the fact that the outset of the 21st century:

“...calls for a reassessment and a shift in focus of the Academy’s work, its transformation from an institution that guards and promotes the cultural and scientific heritage of the nation, towards an institution that traces more and more the road towards the future of the nation.”
(*Godišnjak SANU CX*, 2004, 138)

It is interesting that the communications from the international scientific meeting “Greater Serbia – truth, misconceptions, abuses”, organized by three departments (the Department of Social Sciences, the Department of Language and Literature and the Department of Historical Sciences), were not published by the SANU, but instead, by the Serbian Literary Cooperative (Srpska književna zadruga) in 2003.¹⁴

Taking internal differences and relations into consideration, the Academy was unable to embark on a more decisive quest for the roads towards the future. Thus, the President of the SANU, in his address to the SANU Assembly on June 3, 2004, after having mentioned the fire in the Hilandar monastery on Mount Athos and the tragic events in Kosovo on March 17, returned to “the darkest premonitions” about “...the faith of our nation”¹⁵, however, without the pathos of his predecessor. On the occasion of the 200th anniversary of the First Serbian Uprising and “...200 years of modern Serbian statehood, we remember the many sufferings of our nation with bitterness”. He then emphasized that “...the misfortune that follows us hurts the very essence of science and art and progress in these fields, which is extremely important for the future of our nation” (*Godišnjak SANU CXI*, 2005, 128).

Renewal of international cooperation

At the SANU Assembly in 2000, Stevan Koički, as Secretary General, reported on an almost extinct international cooperation, a negligible number of visits of academicians and associates of the SANU abroad, and practically nonexistent

¹⁴ It is true, however, that in the following year, 2004, the SANU published the proceedings with communications from this meeting in English: Vasilije Krestić (ed.), 2004, *Great Serbia. Truth, Misconceptions, Abuses* (Papers presented at the International Scientific Meeting held in the Serbian Academy of Sciences and Arts), Belgrade, October 24-26. October 2002, SANU, Beograd.

¹⁵ Beyond doubt the nationalistic policy of the Albanian elite in Kosovo brought about grave excesses and tragic events in Kosovo and Metohija on March 17, 2004, and such actions and policy should be condemned. What remains unclear is why not a single word was said in the Serbian press, as well as within the SANU, about the fact that not only Serbs and Roma and their property and institutions were the target in these attacks, but also many Albanians who did not support and accept this kind of policy.

visits of foreign scientists (*Godišnjak CVII*, 2001, 120). Regarding the difficult, slow renewal of international cooperation, in his Report to the Assembly for 2001, Koički said:

“...visits paid to our academy by foreign scientist rose from a humiliating one in 1999 to six in 2000, which is still far below the former average of around twenty” (*Godišnjak SANU CVIII*, 2003, 127).

Cooperation was agreed upon with only six academies, negotiations were held with another seven, while the average before the war of the 1990s was around thirty. Difficulties with sanctions and visas were replaced by financial limits “...ultimately with the same result, a practical stagnation in international cooperation” (*Godišnjak SANU CIX*, 2003, 127). Furthermore, in the 2002 Report, Koički noted “...the Board for International Cooperation has been inactive for an entire decade due to sanctions and isolation” (*Godišnjak SANU CIX*, 2003, 123).

Nikola Hajdin, in his first address to the Assembly as President of SANU on May 20, 2003, also spoke openly about interrupted cooperation between large Western Academies and the SANU, and praised those academicians who had helped to alleviate this isolation (*Godišnjak SANU CX*, 2004, 126).

The process of recovery in the post-Milošević period was laborious and contradictory. A neutral observer might conclude, with considerable certainty, that the Academy is in a better position today than it was in 2000. International cooperation has been partially resumed. Four years passed between the SANU Board for International Cooperation's decade of hibernation, when cooperation with the Belarus Academy of Sciences was practically the only partner in 1999¹⁶, to full membership (in October 2004) of ALLEA (*All European Academies*); a little less time was required to establish the *Inter-Academy Council for South-East European Countries*, an initiative of the European Union, with rather meager results. Furthermore, the SANU had not even availed of all the opportunities offered for years by bilateral contracts. The situation improved somewhat in 2005 and 2006, shifting from bilateral towards multilateral cooperation. Thus, in 2005 the SANU established contacts with seven international associations of academies, while 79 academicians and associates of the SANU took part in scientific meetings abroad. Another problem arose here, pointed out by Vice-President Stevan Koički at the preparations for the Seventh Framework Program of European Union funds: “... due to years isolation during the sanctions, our sciences did not acquire the necessary routine needed to access European projects, and the time has now come to master these unavoidable technique”¹⁷ (*Godišnjak SANU CXII*, 2006, 154).

¹⁶ Of course one should not underestimate the value and importance of Belarus scientists and artists and their work, but the impression remains that this cooperation was politically induced following the principle of *similis simili gaudet*.

¹⁷ It is obvious that sanctions were not the only problem, but also the inertness, lethargy and “the slow fire of (un)bearable weariness”, since a great number of scientists and artists enjoyed, at the time, rich international cooperation and activities. It appears that

A precise indicator of SANU's recovery internationally will not only be the renewal of cooperation with large international academies and associations of academies, but first of all, the establishment of normal relations with the HAZU and the Academy of Sciences of Bosnia and Herzegovina. For both the SANU and the HAZU, this will be a breakthrough, penetrating layers of mutual hatred and twisted national interests, since hating each other – in the words of Krleža, passing on “diluvial Balkan hatreds” from generation to generation – can be neither Serbian nor Croatian national interest.

Manpower potential and “rejuvenation” of the SANU

The insufficiently strong manpower of the SANU is a serious obstacle to the realization of projects and programs. Some academicians are very advanced in years and it is not humane to expect their active participation in the SANU. The obituaries in the Yearbook and information on commemorative sessions evoke a feeling of sadness in the reader; it is no wonder some Boards and projects have ground to a halt. The three-year electoral cycles does not always bring the necessary renewal of resources, though the Secretary General, Nikola Tasić, concluded his 2002 Report with the following comment: “The rejuvenation of the Academy, as mentioned many times, is our imperative and our future” (*Godišnjak SANU CX*, 2004, 132). The application process and results of elections often cause dilemmas and appear to confute Tasić's views of both “imperative” and “future”. Thus, for example, already in the 2000 report, the Department of Social Sciences, so seriously occupied with “preserving Serbism”, declared one of the traditional boards, the *Board for the Study of the Village*, no longer existed! In 2003, this Department was renewed by only three instead of seven candidates, and in 2006, of twelve candidates – *not one* was accepted.¹⁸

computers reached the SANU far slower than they reached many other institutions! If certain members and associates of the SANU – let us not say here do not know how to – will not formulate projects in compliance with international rules, then that is, by all means, an indicator of the more general state of science in Serbia.

¹⁸ One of the nominated candidates did not receive a single vote. Without questioning the qualifications of the chosen candidates, one can note that the list of nominees did not contain the name of ethicist and political philosopher of enviable international reputation Svetozar Stojanović, sociologist and social anthropologist Zagorka Golubović, sociologist Đuro Sušnjić, not to mention younger, serious sociologists like Sreten Vujović, Aljoša Mimica or even younger, Todor Kuljić and Aleksandar Molnar. However, among the nominees one name persistently reappeared, a person whose scientific discipline could hardly be determined by his works. One of the academicians, Mihailo Marković, tried to “push” this person, Dr. Dragan Simeunović, who failed to be elected several times, to the list of candidates for SANU membership once again, outside of any procedure. It should also be noted that an author belonging to the field of social sciences, Jelena Guskova, who strongly supported Franjo Tuđman at the beginning of the wars, but subsequently opted for her “Orthodox brothers”, ended up with the

The Department of Language and Literature, which always complained of “faltering” linguistic research, opened its ranks to a new corresponding member, Milorad Radovanović, a linguist from Novi Sad, but failed to notice, in the very building facing the SANU, professor Ranko Bugarski, a linguist with a respectable scientific output and outstanding international reputation. The Academy’s sensitivity to new trends in science and arts is very weak, possibly due to advancing age. For years, the SANU refused, for procedural reasons, to acknowledge authors who belong to the fields which did not exist at the time the Academy was established. Thus it failed to notice creative personalities like Dušan Makavejev, Marina Abramović, Emir Kusturica, Želimir Žilnik, Goran Paskaljević and many others.¹⁹ Only the “tribe of historians” is an exception. A young assistant at the Department of History – provided that he abides by all the “rules of good behavior” when dealing with older colleagues – can assume, with high probability, that he will end up as a member of the SANU. However, even then, if he disturbs the routine order, he could remain a “perpetual” corresponding member, as for example, Andrej Mitrović.

In the Report for 2000 the Secretary of the Department of Fine Arts and Music, warned of “...a serious problem regarding membership renewal” since “...mortality mostly exceeds ‘nativity’” (*Godišnjak SANU CVII*, 2001, 283), and in the 2002 Report, he issued a dramatic warning that renewal and broadening of membership was a problem of survival for the Academy, the sum age of the 13 members of the Department was over a thousand years! Over the last sixteen years, the Department had lost ten members and accepted only three (compare, *Godišnjak SANU CIX*, 2003, 233). A brief overview of this problem was necessary to give a clearer picture of what the state and citizens of Serbia can expect from the Academy.

Progress on the SANU Dictionary – the oldest project of the Academy

Judging by the destiny of the oldest SANU project (started in 1893), almost as old as the Academy itself – the Dictionary of Serbo-Croatian Literary and Common Language – not much. In over a hundred years, half of the work has been completed, 16 tomes have been published reaching the letter “O”. Tome sev-

status of non-resident member of the SANU. We should also bear in mind the fact that already in the Report for the year 2002, the Secretary of the Department warned that the mortality rate of existing members was higher than the inflow of new members “... which inevitably leads towards the extinction of the Department”. (*Godišnjak SANU CIX*, 2004, 212).

¹⁹ Which of the abovementioned individuals would accept the honor of SANU membership is another question, but some of them would certainly contribute to SANU’s reputation, more than membership would contribute to theirs.

enteen was published in 2006. On December 20, 2005, the Assembly of the Republic of Serbia passed a special Law on the SANU Dictionary, and the SANU Yearbook noted that "...after more than a hundred years, the scientific preparation and publishing of the SANU Dictionary is accepted and recognized in the Serbian state and the Serbian Academy of Sciences and Arts as a primary national and scientific priority." (*Godišnjak SANU CXII*, 2006, 237) The Department of Languages and Literature, the Dictionary Board and the SANU Institute for Serbian Language are responsible for this "priority scientific and national commitment of the Academy". The plan is to successfully finalize the project by year 2020. And here a problem arises. The Department of Historical Sciences asks:

"How long will the SANU adhere to the dual name for our language (Serbo-Croatian), which came about also for political reasons, and has since become obsolete; indeed it has been rejected and rendered meaningless by historical events"²⁰ (*Godišnjak SANU CXII*, 2006, 133).

In 2005, this Department requested, in a separate memo, that the Executive Board and the Presidency of the SANU state their opinion regarding the name of our language, since the Department of Language and Literature persisted on the dual name – Serbo-Croatian.²¹ Answering these complaints, the following opinion from the Secretary of the Department of Languages and Arts in the 2005 Report is rather interesting:

"By finally winning, in general, the right to continue and legally prolong the scientific work on the Dictionary until its completion in accordance with the initial idea and following the established rhythm, the Department demonstrated its scientific responsibility and national consciousness, despite ever-increasing endeavors for dissolution of

²⁰ The Department of Language and Literature answered that it stands by its position, formulated after the dissolution of Yugoslavia, on April 28, 1992 and confirmed on February 16, 1999 and September 9, 2003, that the "Dictionary will be finalized in the same manner academician Aleksandar Belić signed its first tome in 1959, under the name: *The Dictionary of Serbo-Croatian Literary and Common language* (*Godišnjak SANU CXII*, 2006, 134).

²¹ It is clear how important the question of language was for the Department of Historical Sciences from the 2006 Report, where this Department objected to the invitations for a scientific meeting about Nikola Tesla in English: "Introducing English as the official language the Serbian language has been disparaged, and the SANU has failed in one of its basic tasks" (*Godišnjak SANU CXIII*, 2007: 260). Meanwhile, two simple facts were being overlooked: almost all of Tesla's work was carried out in an English speaking country, and the co-organizer of the meeting was the Serbian Government, which had probably paid for the printing of the invitations. Following some strange logic, this Department asked the Academy to object in a public statement, to the declaration of Nikola Tesla one of the greatest Croats, while it remains totally unclear what was wrong about a Serb, who was proud of his Serbian name and Croatian homeland, being acknowledged as the "greatest Croat".

linguistic unity and the pragmatic, administrative-political alienation of kindred languages, dialects, parlances and vernaculars, derived from one and the same matrix of scientifically standardized Serbo-Croatian language" (*Godišnjak SANU CXII*, 2006, 238).

It was necessary to touch on the state of this oldest SANU project, the SANU Dictionary, since it is a fine indicator of the attitude of both the state bodies and the Academy towards the most important task for the culture of the Serbian nation. It can thus be noted that, at the end of the 20th century and during the first years of the 21st century, certain academicians, especially those from the Departments of Historical and Social Sciences – although members of other Departments also tried hard not to fall behind in this “national work” and “national struggle” – very vociferously defended “all-encompassing Serbism”, “centuries old Serbian fireplaces” and wrote pamphlets against nations with which the Serbian nation shared the same state union for over seventy years²², while work on the SANU Dictionary was seriously neglected, not to say almost died. It is true that it is much easier to be “a national laborer”, praise Serbs as “a heavenly nation”, the eternal sufferer, victim “of the new world order”, and engage in a hopelessly belated protest against the destruction of Serbian books and the proscription of Cyrillic in Croatia,²³ than to work seriously on the Dictionary, which is invaluable to the culture of any nation, including Serbia. It is far more convenient

²² It is interesting to look at the annual reports on the work of certain academicians. Some of these reports clearly outline this tendency in the work of academicians. Thus, one can find unusual titles, such as “Our holy duty is to protect Radovan”. It appears that part of the MPs follow this trail of work and suggest that the Parliament should become “a safe house” for such “Serbian heroes”, not to mention the number of protocolary, promotional activities, listed as Academy activities! One of the academicians, whose activities of this sort are rather extensive, objected to his colleagues for stating sometimes unimportant details about themselves and their work, which are, in his opinion, both immoral and distasteful. For years, there are speculations regarding the view that academicians are individuals with a right to a personal opinion and that there is no collective thinking. However, if a title such as “Our holy duty to protect Radovan” appears in the *Yearbook*, then there is a problem.

²³ The use of multiple alphabets and languages in the culture of a nation is a comparative advantage. In Croatia, not only books printed in Cyrillic and books by Serbian authors have been destroyed. Many books were “written off” and burned – sometimes recycled. For example, many editions by Krleža’s Lexicographic Institute perished, and thus citizens of Croatia faced a *bookcide*. Certain Croatian citizens – during these “events” – reacted sharply to these criminal acts against books, and some of them were taken to court because they condemned these actions. Let us mention here only three names: Dr. Ante Lešaja, Dr. Svetozar Livada and Dr. Milan Kangrga. They were most certainly not the only ones. On the other side, the SANU academicians needed more than a decade to wake from their slumber – for the data published in the Zagreb *Prosvjeta* to reach them – to “raise the voices of rightful men” and to notify, on December 27, 2005, the SANU Presidency, the Serbian Government, the Ministry of Foreign Affairs and the Embassy in Croatia about this, so they could ask for the data to be officially checked.

to deny others the right to call their language by their own name or any other way they wish, while at the same time keeping that right only for oneself²⁴; burning the bridges towards the others, instead of building them. In other words, the participation and success of both the Academy and the state in realizing national interests of the Serbian nation can be assessed in the sphere of science and culture by such task as the SANU Dictionary, not by political conflicts with the neighbors and the entire world. Renewal of the work on the Academy Dictionary indicates the first signs of recovery from the state of (un)bearable weariness.

To this assessment, the following should be added: the financial situation is still unsatisfactory, though far better than it used to be.²⁵ There was even a certain refreshment of membership in the Academy. Work on projects has been greatly intensified, especially the work on the Dictionary, and a Serbian Encyclopedia project has been launched. The informational-technological innovations and the renovation of the Academy building offer a far more favorable picture of the SANU than in 2000. Credit for such improvements does not go solely to the SANU management teams and academicians, but also to an increased understanding and interest of state bodies and sponsors.

The attitude towards “the key state issue”

It would be incorrect and inappropriate to claim that the Academy shows no serious signs of recovery, however, it has to be pointed out that there are still academicians who, in the name of “the struggle” for national and state interests, offer citizens and the state a xenophobic, autistic perspective. The fact that they hijack the institution’s influence is a sign of the country’s disorder and the lack of sensitivity on the part of the political and cultural elites in Serbia for the public good, and indeed even elementary human decency, let alone moral or more modern social values. The SANU is also affected by the obsession with political squabbles and scandals, even pressing issues are delayed for months, the country is in a state of political, economic and cultural backwardness, compared to developed European countries and neighboring states as well. Furthermore, the burden of the Kosovo issue, which obstructs the everyday life of the country,

²⁴ From a linguistic point of view, there is no doubt that Serbian, Croatian, Bosnian and Montenegrin are one language, although, from a political point of view, they are nowadays four separate languages. Considering the state of spirit and modest political intelligence in ex-Yugoslav countries, one should not be surprised if political demands for a fifth, sixth language appear as early as tomorrow!

²⁵ Thus academicians praise minister Mlađan Dinkić for a once off award of 80.000 dinars each in 2005, (*Godišnjak SANU CXII*, 2006, 125), while the President of the Academy, in his address to Assembly in 2006 said: “What is significantly changing for the better are financial assets which increased in 2005 by 50% compared to the previous period, whereas in 2006 the assets doubled compared to 2005” (*Godišnjak SANU CXIII*, 2007, 125).

and commits its fate to the hands of greater forces²⁶, most certainly leaves a strong mark on the work of the SANU as well. This mark is felt most strongly in the departments of language and literature, social and historical sciences. Thus, the Department of Historical Sciences demanded the SANU Presidency defend the Academy's reputation and fight for its rightful place during important state jubilees. SANU Yearbooks are filled with information on promotions, plaques, honors and other acknowledgments, ranging from a plaque in the city of Smederevo to the "Braća Karić"²⁷ award. The Academy highly respects the fact that "...our participation in scientific and public life is also carried out through the election of Academy representatives into various bodies of the Republican government and Assembly, including the Fund for Kosovo" (*Godišnjak SANU CXII*, 2006, 140). The Department of Social Science has kept "pushing" the SANU in this direction:

²⁶ For different views of this issue see Mirko Tepavac's article "Kraj lošeg početka", published in *Republika* No. 414-415, October 1-31, 2007: "There is no happy ending to this unfortunate path Milošević's Serbia so arrogantly took. Any hope that Kosovo will not become independent lies with the Russian veto and the lack of EU unity. Thus, the Kosovo issue was torn from the hands of the Serbian state and diplomacy, reducing Serbia to a helpless beneficiary of changed relations between Russia and the US, thanks to shortsighted power-seeking state-protectors. Moreover, our expectation is not only not to have Kosovo "ripped away", after eight years of separation, but also *that it should be returned to us!* (Just the territory, we are not asking for the Albanians.)... Should the Russian veto, where all our hopes lie, really be used, it would hardly be in the best interest of Serbia. It could complicate, or even temporarily disable Kosovo's independence, but it could not *return it to Serbia*. There is not enough strength and readiness for such a thing, not enough voluntary blood donors on either the Serbian or the Russian side. Besides, Russia itself makes no such promises. Nationalistic single-mindedness brought Serbia into a position where it is no longer a *part of the solution*, but instead, a helpless *client* of Russian advocacy, to whom it will pay the expenses of such a defense, regardless of the outcome. History is an odd combination of logic and absurdity: the communist Yugoslavia opposed Russian greater-state ambitions in the middle of last century, protecting its state sovereignty, while today Serbian-Orthodox Serbia, with Kosovo as an excuse, subjects its sovereignty to the need for the revival of Russian greater-state ambitions in the increasingly sharper competition with the West." It appears that the US and Russian Balkan policies are *complementary*, each holds its puppet by its strings, while both the Albanian and Serbian political and cultural elite push their nations into an increasingly stronger embrace (of the interests) of these forces!

²⁷ BK was certainly a powerful economic and financial institution and an influential social group. It is unnecessary here to dispute its ambition to develop a private university and become the "Serbian Nobel", or reproach academicians for accepting such prizes. What is, however, controversial, is the role of the SANU president, Dejan Medaković, as "master of ceremonies" during the awarding of these prizes. For the sake of SANU's reputation, the head of this institution should not have allowed himself to do such a thing. However, the readiness to serve and subserve is apparently inexhaustible!

“During Department meetings members repeatedly stressed that the Academy, as a whole, should take its stand regarding significant issues of national importance and announce it publicly. They were of the opinion that the Academy should not interfere with daily and party politics, but that it must take its stand when national and state interests are concerned” (*Godišnjak SANU CXII*, 2006, 241).

What this means practically can be best seen in the SANU’s attitude towards “the question of all questions” and “the interest of all interests” of the Serbian state: the issue of the formal status of Kosovo and Metohija. In his fourth address to the SANU Assembly on June 1, 2006, president Hajdin revisited “... circumstances which were not in the least favorable to our country, to mention just the unsolved Kosovo question, cooperation with international organizations and until recently the unresolved fate of the state union”, subsequently clarifying his perception of the Academy’s role in national and state interests:

“However, being a national institution, it is the Academy’s duty to take a stand on important and essential issues, such as the continued existence of the Serbian people in Kosovo and Metohija and the future of this Serbian province. These issues, essential to the nation and the state, include issues of language, alphabet and environmental protection, issues of national minorities etc.” (*Godišnjak SANU CXIII*, 2007, 133-134).

He also mentioned two scientific meetings on the subject of Kosovo: “Serbs in Kosovo and Metohija”, held in Kosovska Mitrovica in co-organization with, and on the initiative of the University in Priština (Kosovska Mitrovica), from May 27 to May 29, 2005 and “Kosovo and Metohija – Past, Present and Future” held in Belgrade from March 16 to March 18, 2006.

The pressure exerted by certain departments was strong. After the Department of Historical Sciences, on February 25, 2004, “expressed its astonishment at the fact that the relevant SANU bodies, after all the crimes committed in Kosovo and Metohija, remained passive” (*Godišnjak SANU CXI*, 2005, 245), the SANU Presidency, the day after the events of March 17, 2004, most severely condemned “...the rampage of Albanian terrorists, killing of innocent Serbs and destruction of their material and cultural property in Kosovo and Metohija” (*Godišnjak SANU CXI*, 2005, 113). Shortly after the scientific meeting on Kosovo and Metohija held in June 2005, the Department of Social Sciences and the Department of Historical Sciences, with the support of the Inter-departmental Board for Kosovo and Metohija, suggested that another international meeting be held “on the same subject”. The Department of Language and Literature believed that “...this is a belated initiative that does not serve the general SANU interests” (*Godišnjak SANU CXII*, 2006, 128), while the Department of Medical Sciences concluded that the meeting should be postponed. President Hajdin brought his skepticism into the conclusion that work on the preparation of the

meeting should continue, and that the Presidency would take a decision on the meeting later. Indeed, the meeting was held, and the Executive Board asked for the consent of the Presidency only afterwards!²⁸ Academicians, Kosta Mihailović and those who supported him were obviously in a hurry:

“...in order to enable the proceedings from this meeting, which would be published in Serbian and one of the international languages, *to offer a complete and scientifically verified truth*²⁹ (italics by B.J) on the state of affairs in Kosovo and Metohija, the causes for such a state, and messages imposed by the research.” (*Godišnjak* CXII-05: 135)

The Department was very keen on publishing the proceedings in English, which it ultimately did at the end of 2006 “...making it possible for the messages of the scientific meeting to be present during the solution of the Kosovo status” (*Godišnjak SANU* CXIII, 2007, 253).

Corresponding SANU member Kosta Čavoški took part in both meetings. Already at the first meeting in 2005, he suggested the use of force, demanding that “...we must let everyone know... that sooner or later, we will take back by force what was taken from us by force” (*Srbi na KIM*, 2006: 256-257). At the second meeting, he claimed that:

²⁸ On a meeting held on April 13, 2006, the SANU Presidency analyzed the report by the President of the Organizational Committee, academician Kosta Mihailović, and concluded that the Conference was a success “...noting at the same time that the disregard of the media and political structures for this meeting is worrisome” (*Godišnjak SANU* CXIII, 2007, 119). The President of the Novi Sad’s branch of the SANU also pointed out this fact.

²⁹ Supporting the proposal, the Department of Technical Sciences concluded: “considering that the President of the State, the Prime Minister and his entire cabinet, the Assembly and the Coordination Center for Kosovo and Metohija, which is directly in charge of looking after our people in this part of our country, have harmonized their position on the question of Kosovo and Metohija, we believe that no action by this institution should be taken in the interest of the state without agreement and consent of the aforementioned state institutions” (*Godišnjak SANU* CXII, 2006 135). The Department of Language and Literature took the opposite position, offering four arguments: that the initiative is late, an unnecessary repetition of previous ritual talks; that there should be no talks on Kosovo without other relevant institutions such as the Serbian Orthodox Church, universities, etc; that the initiative does not serve the SANU’s interests since it leads towards internal divisions and rifts; and, finally, that the SANU should not cover individual initiatives of its departments and members with its authority (compare *Godišnjak SANU* CXII, 2006, 239). What does the “complete and scientifically verified truth” look like, according to Kosta Mihailović, who was the President of the Organizational and Editorial Board and the editor of the Proceedings, is obvious from his detailed communication on the second scientific meeting in which he “reveals” that “*Instead of the Serb Simo Marković, the Croat Tito became the leader of the KPJ, remaining in this position from 1935 (italics by B.J) until his death in 1980*” (KIM, 2007: 203). The Socialist Party of Serbia demonstrated its aspiration that the whole world finds out “the whole truth about Kosovo” ever since it was formed in 1990.

“...dosmanlije³⁰ committed a grave error when they threw themselves without restraint, for the want of money for the electoral campaign, into the arms of foreign forces, who not only had no good will towards our country, but have since promised Kosmet³¹ to our enemies” (*KIM*, 2007, 432).

He asked that the territorial integrity of Croatia and Bosnia and Herzegovina be brought into question, and in his conclusion, he demanded “that nothing is to be signed, and that it should be clearly stated that what is taken by force, will be taken back by force, sooner or later” (*KIM* 2007, 438). His senior colleague, academician Mihailo Marković, was, however, somewhat more careful. He suggested that measures be taken to increase the demographic growth of the Serbian nation, that the population should turn back to agriculture and that “...Serbs regain their wits and put an end to permanent pathological strife and disunity among themselves” (*KIM*, 2007, 458). He was even more careful regarding the refusal to sign. His idea was that we had to “save our honor” and deny signing “unprincipled solutions” and “dictates”. These were the messages that were to be “present during the solution of the Kosovo problem”!

Thus, due to the persistence of members of the departments of social and historical sciences, communications from the two meetings on Kosovo and Metohija became the SANU’s important contribution to the realization of Serbian state interests in 2005 and 2006. While messages from the first meeting have been transformed into recommendations that the Academy accepted, the organizers of the second meeting left the public without precisely formulated messages and recommendations, although showing the ambition that the statement holds the “entire truth”. The main formal recommendation delivered to the public and the state from the first meeting, was:

“To cease all negotiations about the status of Kosovo and Metohija (italics by B.J) which has already been regulated by the Constitution of the Republic of Serbia. We can only talk about Kosovo and Metohija and the civilizational standards in this province. Negotiations are held only with representatives of other sates” (Srbi na KIM, 2006: 471).

After such a “wise” recommendation, the only thing that remains unclear is why the SANU was surprised by the fact that the public failed to show interest in the second international scientific meeting on Kosovo and Metohija!

³⁰ A word composed of *DOS*, an acronym for Democratic Opposition of Serbia and *osmanlije*, the Ottomans (translator’s remark).

³¹ A word composed of the initial three letters of both Kosovo and Metohija (translator’s remark).

Instead of a conclusion

After such “recommendations” heard from the Academy and found in its publications, it is worth remembering that, long ago in 1986, academician Gojko Nikoliš granted academicians *the right to fear as well*. Looking into the work of the Academy one could conclude, though perhaps it is an exaggeration, that the academicians often exercised this right during the last two decades.³² This right needs to be granted to ordinary Serbian citizens as well, facing the general state of affairs in society and certain initiatives from the SANU as the most important, and even the most prestigious scientific and cultural institution of their nation. Not only have they the right, but *serious, justified reasons* to express their fears and articulate them in objection to the current state of affairs.

Whether the SANU has the necessary potential to find a way out of isolation and self-isolation, to get rid of the stigmatization to which it has been exposed during the last two decades, is not clear at this moment. If the *SANU Memorandum* – as an unfinished document, a fact academicians always complained about – was the key point and the source of stigmatization, the question that remains is why has it not been finished to this day?! More than two decades have passed. It is unclear whether the Academy lacks the intellectual potential and moral strength to finish such a document, or that it has abandoned the entire idea, or that the issue is simply a caprice. A neutral observer is left with the bitter taste of intellectual infertility from the most important scientific institution of the Serbian nation!

Instead of a conclusion, the following might be said: it is the right and duty of the Academy to contribute to the realization of Serbian national interests, but also to the interest of all other citizens of Serbia and state interests of Serbia. This right and duty can be accomplished through the development of potentials for critical thought, as the most efficient path towards human freedom. The analysis of the situation in the SANU after 2000 leads to the conclusion that this potential for critical thought in the Academy is very modest. Until it improves and becomes capable of rationally articulating material, and even human cultural misery and frustrations into demands of free living, it will linger in a futile representational state fueled by a slow fire of (un)bearable weariness.

³² In certain rare moments, academicians woke from their pleasant slumber to show signs of intellectual and moral freshness, for example in 1992, when a large group of academicians signed an appeal to Milošević, asking him to resign from power.

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The Serbian Orthodox Church in the Kosovo Drama Cycle

This paper deals with the development of the Serbian Orthodox Church's (SOC) position on the status Kosovo from 2000 until today. This position was indeed harmonized before, and reiterated in a Memorandum on Kosovo and Metohija of The Holy Synod of Bishops of the SOC, but it was subsequently updated, and even changed during this period, though never in its salient features. More light is cast on the position in the official documentation of the Holy Synod and Holy Assembly of the SOC. This standpoint is also compared with earlier statements by certain bishops. Although a difference between the documentation and the statements is noted, an assumption is made on the change of position, which will occur with the final act of the "Kosovo drama". A necessary distinction is made between strictly ecclesiastical positions and positions that are distinctively political and adjusted to those voiced by the current ruling coalition. These are present in the reports of the government negotiating team, which is, at present, a state-Church negotiating team. Indicated sources and literature confirm this.

Keywords: Serbian Orthodox Church - SOC, official documentation, statements of the Holy Synod and the Holy Assembly, differences between the official position and statements made by bishops, Kosovo, determining the final status, myth and tradition, history and reality, the relationship between the state and the SOC, the situation *de iure* and *de facto*, national and state interest.

The burden of history

It has long since been noted that the Balkan nations "produce" much more history than they are able to digest. It is not completely clear why this phenomenon has become associated with the Balkan nations only. It has been said more than once and was repeated by De Gaulle many times in relation to the history of France: "This nation moans under the burden of history". It is visible both in the history of Church and of state, and in Serbia, it is especially prominent in moments of great collisions, such as the present: the very dramatic unraveling

of the notorious Kosovo “knot”. Those who wish to understand anything about the SOC’s role in the process of determining the Kosovo status must begin with the relationship between the SOC and the state at the present, which is no more or less than what appears to be clear at the first glance. According to the Serbian Constitution, the SOC is not a constitutional factor, as it is separated from the state – it is free and canonically autonomous, i.e. not even mentioned in the Constitution. It is self-evident that the situation *de iure* and *de facto* do not coincide. In this case, we need to pay attention to the rhetoric of statements and declarations, both from the state and the Church, and the true relationship between state and Church, in this case the SOC, where these two entities do not wish to be separated.

Many statements that insist on “symphony”, on full (literally organic) harmony. Although the theory of “symphony” has been forgotten through history, here it has its publicized variations on a daily basis, and many believe it to be the official position of the SOC’s doctrine. This is not true, but it does not mean that it cannot be exploited for political purposes. Amfilohije, Metropolitan of Cetinje, clearly says this in one of his new papers: “Naturally, this harmony has been an ideal, but not always historical reality”.¹ However, even this “harmony” is being manipulated in clericalization, the measure of which is determined by the ruling political parties, following the logic of power structures.

At present in Serbia, the state is more interested in clericalization than the Church itself; these interests are intertwined, and not at all easy to establish when the state determines the SOC’s position on Kosovo, and when the opposite happens: the Church determines and dictates state politics at such important historical moments. This can be best observed in the relationship between church and state after 2000, after Milošević’s regime was overthrown. The examples listed here are not isolated, but need to be mentioned. The Minister of Religion in Koštunica’s government reiterated, using the words of the SOC Patriarchy in a clerical journal, the following position held by the Eparchy of Žiča: “The Eparchy of Žiča believes that a Constitution pronouncing Orthodoxy to be the state religion and the SOC the state Church should be passed first. Afterwards, the law can be drafted on that basis.”² Another statement from the Minister is also interesting: “Furthermore, they are communicating clearly to the Ministry that the state should have no insight into the sources of income or expenditure flows within the Church”.³ Though the Serbian Government denied these requests, the policy of clericalization, in both directions, continued in a more pronounced way whenever Kosovo was concerned.

¹ Amfilohije Radović, Iskušenja laičkog klerikalizma, *Limes plus* 1, 2007, Belgrade, p. 162.

² *Pravoslavlje*, September 15, 2004, Belgrade.

³ Same.

There is another important point here. The position advanced by the Eparchy of Žiča, traditionally influential within the SOC, is not isolated. Nevertheless, it cannot be said that it is the official position of the SOC. Therefore, the rhetoric in individual statements is one thing, whereas the official and final position of the entire SOC, a spiritual and political factor with an undeniable role in the Kosovo drama cycle, is a totally different thing. This role is especially interesting in the events that took place after the October changes and the overthrowing of Milošević's dictatorship, in particular the collapse of his war policy. The relationship between state and Church did not become more transparent after the October changes. Indeed, this relationship is much more complex than it is believed to be. An unusual document, from the head of the state secret service BIA, an institution that does not usually issue statements, testifies to this fact and casts true light on the relationship between the Serbian Government and the SOC: "Specifically, we are looking for dossiers on three Church dignitaries, which disappeared after 2000. We have an idea why they were taken and where they went".⁴ At a moment when the position of the SOC influences and even strongly determines state policy on Kosovo, these documents are important, they express many things that go beyond the rhetoric profusely present in publicized state and Church papers. Without an insight into the real relationship between the state, more specifically, Koštunica's government, and the SOC, it is impossible to understand the position of the Church in the current moment of "resolution", or new complication, of the Kosovo crisis. It is not difficult to understand what is really behind pathetic rhetorical phrases about "holy, crucified Kosovo", nor are there problems with historical facts thoroughly studied a long time ago, but it is certainly difficult to answer the question whether the state determines Church policy on Kosovo or vice-versa. Documents tell us, especially in the post 2000 period, that the SOC proper influences the definition of state policy on the resolution of the Kosovo crisis.

It is important to remember that there are at least three types of documents available, whether they are official SOC Holy Synod or Holy Assembly documents, or unofficial testimonies contained within statements of Church dignitaries that are ambiguously interpreted by the public. If the statement is an official Holy Synod or Holy Assembly document, the job is easier. However, there are differences here as well, as the discourse gets more complicated. According to the accepted ecclesiological principle "where a bishop stands, the entire Church stands", every statement by a bishop can be understood as the position of the SOC, but this, however, is not the case. Thus, it is important to specify the type of document and analyze its "discourse". It is easiest to analyze statements about "the holy land" (this is common to all types of Church documents), which are the most frequent.

⁴ Statement by Bulatović, head of BIA, *Večernje novosti*, June 22, 2006, Belgrade.

Phrases like: “the holy Serbian land” and “Serbian Jerusalem”, or “the cradle” of our state and Church, those about the “Kosovo testament” that determined, “once and for all”, the position of the state and the Church regarding Kosovo, can be found colloquially, and in all types of documents. Lately, they can be found equally in the statements by Church dignitaries and in the statements by the President of the Serbian Government, and even in the official statements of the state negotiating team, composed of members of the SOC Holy Synod and state officials. We have here, namely, a state-Church negotiating team acting together. This causes certain problems in negotiations with representatives of the international community, since the SOC is not a constitutional factor, as we have already pointed out. No one is actually disputing the SOC’s right to be involved in the Kosovo issue, since rhetoric and empty political phrases conceal facts such as the following: the spiritual center, and even the seat of the SOC, is indeed situated in Kosovo, and the Serbian Patriarch accordingly holds the title of “Archbishop of Peć, Metropolitan of Belgrade and Karlovci and Patriarch of the Serbs”, because his seat is in the city of Peć in Kosovo. This is true also in civil law, as the canonical territory of the SOC is defined as such. There are even less problems with the fact that Kosovo is “the cradle” and no government, in any of the state frameworks, has ever challenged this. Albanians themselves do not challenge it. However, what is being referred to here is the presence of the Church in Kosovo, which is, thus, the canonical territory of the SOC.

The problem lies somewhere else: the state borders and the borders of the SOC’s canonical territory are not the same, and they have never been the same, therefore, this cannot be expected in the future either. The complexity of the problem lies on a different level, as opinions exist whereby state and canonical borders should be considered identical. These exist even today, both within the state and within the SOC, and this is the difficulty, which cannot be considered as insignificant from any angle. The SOC existed in Kosovo both during the Nemanjić dynasty and within the framework of the Ottoman Empire, and it functioned within this framework. There are no indications that anything is going to be different in the future, when the oft-mentioned final status of Kosovo is determined, provided it ever is. The SOC bases its position on a Kosovo from Middle Age history, as well as from more recent times – from myths and tradition, particularly the “Kosovo testament” in all its variations.⁵ What is important in this

⁵ This paper deals with the Kosovo “drama” in the period after 2000. References to the Kosovo myth and its function are made only as a reminder of what has been elaborated in Serbian historiography and cultural history a long time ago. The myth, as it stands, was shaped in accordance with the New Testament paradigm: the center occupied by the righteous man surrounded by followers – apostles, together with the necessary Judas – traitor, who is personified in Vuk Branković. The martyr chooses the kingdom of heaven and this way the real defeat is shifted to the level of tradition and myth or legend. This myth was created later and founded by Mavro Orbini in his

case is much simpler: myth and tradition are well known cultural phenomena, which endure following the logic of myth and tradition. However, the question is how much and in what way they can be used. One answer is immediately clear, in politics, intentional use, and even abuse, are very well known phenomena. When members of the SOC Holy Synod met S. Samardžić, Minister for Kosovo and Metohija in the Government of Serbia, at the end of August this year, we were faced with some facts that are mostly being neglected, or assessed arbitrarily.⁶ Positions of the SOC and the Serbian Government are identical in every

work *The Kingdom of Slavs*. Thus, it was created many years after 1389, and survived as a cultural product following the logic of historically functionalized myth. Though in actual politics, the myth would be practically unusable, yet it is being used, and even abused.

⁶ If daily politics influence the tone of bishops' statements of bishops, this should not, by itself, come as a surprise, since it is entirely normal for them to have national and state interests in mind. However, when official documents of the Holy Synod and the Holy Assembly are concerned, obvious reckless formulations are surprising; thus these documents resemble each other, in a bad sense. In October 2004, the Holy Synod addressed Serbs in Kosovo, requesting them not to participate in the elections or the work of temporary Kosovo institutions. Both national and the state interest should be to appeal to the Serbs to remain in Kosovo and participate in government institutions. This was deliberately repeated in all subsequent appeals. However, in November 2005, Teodosije, Bishop of Lipljane in Kosovo, offered a more pragmatic position, which is, however, not part of the official position accepted by the Holy Synod or the Holy Assembly. These oscillations in the formulation of a final position should be kept in mind. There is a document, as early as March 2005, which proves, no matter how it is typologically classified, that the Church, so far, does not have a finally formulated position. On March 24, 2005, an important document was signed in Belgrade, a document with an unusual destiny: the Serbian Patriarch Pavle and Astrit Haraci, a minister in the Kosovo Government, signed a *Memorandum on Understanding* in Belgrade. According to this agreement, all Serbian churches and monasteries damaged in the explosion of chauvinistic violence were to be urgently renovated, the funds were secured and the interesting thing is that the guarantor mentioned in this agreement was the international community. Two days later, something not entirely new happened (it had already happened once, at the time the Dayton Agreement was signed), which characterizes the balance of power between the Holy Synod and the Holy Assembly that can be observed in documents and statements of the bishops. Patriarch Pavle withdrew his signature a few days later, and the SOC declared that the Agreement "is to be considered invalid".

In the light of this, a statement by Teodosije, bishop of Lipljane, offering different possibilities for the future status of the Serbian community and the SOC in Kosovo (*Politika* 27.11.2005) is important. He believes that the Church made a mistake with its appeals in 1999: "because we choose the worst way and did a favor to those to whom we left Kosovo and Metohija". In his conclusion, the bishop offers something even more important: "Thus, our first goal is to survive here. Then, with the help of our identity, our faith and our name, we will manage in some way to integrate in the new order of things". Another position of SOC bishop Teodosije is even more precise: "What will happen does not depend on us directly, since we are not that powerful to determine the status. However, it depends on us whether we will live here or not".

detail, and even their discourse is identical. However, their agreement on the Memorandum itself, signed by the SOC and the representatives of temporary Kosovo institutions, concerning the renovation of demolished churches and monasteries in Kosovo damaged by Albanian chauvinists who wrought havoc in their wake in the March violence, does represent a novelty. This is a sign that the SOC can, in a political sense, take a deeper and more important course of action than phrases about “the holy land we will never renounce”. This is one more reason to dedicate our time to important documents published by the SOC in the period from 2000 until today.

The “language” of the official SOC documents

The most important document is, certainly, the famous *Memorandum on Kosovo and Metohija* of 2003, published, as the book informs us, “as an official SOC document” and presented to Serbian and foreign public in an English version. This document sheds light on a number of sensitive “subjects”, but they are not all treated equally. They show certain characteristics common with state and church documents related to the Kosovo issue. In four parts of this important document we have historical truths and specific data coupled with mythology and tradition, and all these elements are so interwoven that the document, intended for the public at large, is rather difficult to read. This is why the Memorandum lacked a wider response and the attention it most certainly deserved in being the position of the SOC. The reader is addressed in the words of Amfilohije, Metropolitan of Montenegro, which sets the tone for the entire first part of the document. In these words we do indeed find the official position of the SOC regarding Kosovo and its “drama”.⁷ Some examples are important that point to many issues that have been pointed out here. The following words of the influential SOC cleric are taken as the motto: “Our holy and martyred KOSOVO AND METOHIJA, our Holy Jerusalem, the soul of our souls, our honor, the root of our being, our fate. Without it, we would cease to be what we are because it is in Kosovo and Metohija that we became a mature and historical people and, in the words of the Holy Great Martyr Lazar of Kosovo, chose once and for all times, the Kingdom of Heaven”. We need to get used to the style of this high cleric, he has a right to it, likewise he has the right to a specific syntax that many readers might find difficult. Something else is important here –ideas are not only repeated from one document to another, that are also used in a ritual manner.

The reasonable position offered here will be, in our opinion, the position of the SOC in the resolution of the “Kosovo drama”, of which, for now, the Church talks in many different ways.

⁷ *Memorandum o Kosovu i Metohiji* Svetog arhijerejskog sabora Srpske pravoslavne crkve, Belgrade, 2003.

This has recently become predominant in speeches by the president of the Serbian Government, as well as in statements issued by ministers. The historical data they present are accurate, but they pertain only to Serbs and Serbian history, while the history of Albanians and other Kosovo nations is marginalized or rarely mentioned. Not a word about other monuments or places of worship in Kosovo: only those that are Serbian are mentioned. If the approach were different, this document would have most certainly been more convincing. This way, simply all others – from the Turks to the NATO Alliance – were conquerors and usurpers. Consequently, accurate historical facts are “buried” by an inappropriate approach and a one-dimensional discourse, which becomes, even after 2000, more and more the common discourse on Kosovo from both the state and the Church. Data on burned and destroyed sacred places during the violence inspired by the chauvinistically oriented Albanian majority are accurate, as these sacred places are not only part of the cultural treasures of the Serbian nation, but also of Europe, even the world as a whole (some are under UNESCO protection). If only “Serbian Kosovo” is insisted upon, then everything else and everybody else is marginalized. There is almost no reason to prove that this is not a good basis for dialogue and encouragement of reconciliation. The fact that others, among them also Kosovo Albanians, often approach the problem of Kosovo and the unraveling of the “Kosovo knot” in a similar fashion is no justification for such behavior. At the end of the introduction, the SOC offers its position in six points, the first being the most important, and in the *Memorandum* reads as follows: “That the position of the Serbian people and Church be confirmed, and also incorporated in the new Constitution of the Republic of Serbia, that no one has or will ever have the right to relinquish Kosovo and Metohija, an inalienable part of the territory of the Serb people, the Republic of Serbia and the Serbian Church founded by St. Sava; furthermore, that the principle of inviolability and unchangeability of state borders be fully honored, as guaranteed by internationally recognized constitutional legislation, as well as by UN Security Council Resolution 1244, guaranteeing the integrity and sovereignty of the Republic of Serbia in Kosovo and Metohija”.⁸

Without further analysis, the fact remains that the abovementioned position was introduced into the famous Preamble of the Constitution of the Republic of Serbia, confirmed in a referendum.

The second and third parts contain lists of Serbs who perished. After checking, all these data are fully accurate, and could even be supplemented, data as such, therefore, are not a problem. The problematic issues are different: it is based on a one nation on one territory principle while the reality is not and never was like that and, consequently, there is no chance that it might be so in the future. Territories are placed in first place, not nations. On the other hand, it

⁸ Same, pp 87-88.

is perfectly clear how difficult it is for Serbs in Kosovo to survive with such a position, since, basically, the interests of Kosovo Serbs are one thing, and intentions of the political elite from Belgrade, are another. The document does not leave much space for any kind of compromise in the form of common living, reducing these requests to a simple scheme: one nation, one state. Taking into account the fact that similar aspirations exist amongst Kosovo Albanians as well, it becomes unclear where state interest and national interests are, in the fullest extent of these words.

Almost all the official documents issued by the SOC are similar, which is a detrimental disadvantage to the SOC itself, being interested, without doubt, in both state and national interests. This is self-evident by the mere fact that the SOC is the oldest institution in the state and cultural life of Serbia. There is a simple explanation: leading church officials are too preoccupied with the past, the burden of history weighs heavy on the shoulders of the SOC, yet there is not enough courage to move towards a possible and sustainable compromise, where the Church would have to seek both the state and the national interest. This is confirmed in another official document, the statement issued by the Holy Synod on "the paper" offered by Martti Ahtisaari, UN secretary-general special envoy.⁹ There is one interesting fact regarding the Finnish diplomat's "paper": it offers the most comprehensive protection for the churches and monasteries in Kosovo, not only as a responsibility of the Kosovo Government, but also guaranteed by international legal authorities. The SOC reacted by interpreting this, at the first moment, as a "usurpation" of Serbian territory.

The emphasis is clear, it does not differ in any aspect from the aforementioned position: "The SOC does not object to Ahtisaari giving away whatever belongs to him to whomever he wants, but it draws attention to the fact that no one has ever given him the authority to give away Kosovo and Metohija to anyone". The SOC emphasized that the status of Kosovo had been resolved once and for all and that the province is an integral part of Serbia, which is essentially true, since the Church refers here to valid international legal documents.¹⁰ Although this looks like a "hard-line" position, the SOC also envisaged a situation that could change in the future, in the sense of more clearly specifying the state framework of Serbia itself, on the basis of possible new constitutional solutions: "This status can be changed only with Serbia's consent and if its constitution is changed".¹¹ Constitutional changes that followed – the introduction of the Preamble on Kosovo and Metohija into the Serbian Constitution – did not indicate that the process was moving towards a sustainable agreement between Serbs

⁹ Report of the Tanjug Agency, February 4, 2007.

¹⁰ Following the UN Security Council Resolution 1244 NATO was to enter Kosovo and the province to remain a part of Serbia, although as "something in between".

¹¹ The current state is specified by the Kumanovo Agreement between FRY and the NATO alliance.

and Albanians in Kosovo. The SOC, however, does not preclude such an agreement, although current documents do not indicate how the development of this process is envisaged.

There is another official document, both politically and historically tuned as a myth regarding Kosovo and Vidovdan.¹²

At issue here is a speech by Artemije, Bishop of Raška and Prizren, who certainly knows the situation in Kosovo very well, since he cooperated, for years, with all the churches and religious communities in that area, including, naturally, the Albanians; he presented the position of the SOC at that time most efficiently. Bishop Artemije is one of those who were well aware that Milošević's war policy would produce severe consequences, which would be difficult to overcome. He spoke about this publicly, in his capacity as bishop, and put forward proposals. His way of thinking is characteristic of the current situation, especially of the position of the SOC on Kosovo, he presents it clearly despite certain formulations which resemble the rhetoric of former documents, especially in their "hardness". He reduces everything to formulas such as Vidovdan and the Kosovo testament, which, one could easily say, are not very efficient in the current historical context. However, they are the "pattern" of thinking about Kosovo seen both within the SOC and within government structures.¹³

These symbols stand as eternal symbols under which Serbs are being modeled as a "mature nation". The first position is formulated pretty accurately: "There was no dilemma at the first Vidovdan, either. Those who marched under the flag of Prince Lazar chose the kingdom of heaven. Those who were under the flag of Vuk Branković chose the kingdom of earth. This follows us throughout history. It is not a dilemma – it is a choice". This dichotomy is clear, and the "testament" is understood in the sense of Christ's "new testament"; the choice is taken as if made once and for all. In the Christian sense, there is not, and cannot be another "new" testament after Christ's. Of course, the bishop knows this very well, but he shifts the issue to a contemporary level: "Today, there are still people who do not have eternal values before and within". This conclusion is also correct and it does not apply only to Kosovo. However, the problem is that history and myth are suddenly being merged: "They talk about Europe, about the kingdom of earth, about the Kosovo and Vidovdan mythology". Serbia's interest would lie somewhere beyond this Europe in the process of construction, in some kind of self-isolation. However, there is no evidence that this might prove to be

¹² *Danas*, July 2, 2007.

¹³ Vidovdan became functional as a religious holiday in the calendar of the SOC relatively late, during the Balkan Wars though it was not a "holiday of obligation". It has two traditional cultural coordinates: first, the Kosovo myth as a new cultural fact, followed by the epic poem. Political exploitation came only recently, and it is still being nurtured in Church and state policy towards Kosovo, on a scale of variable meanings and connotations.

the real future interest. The bishop is very precise: "Those who live by the ideal of Prince Lazar and respect the gospel of Kosovo have chosen the kingdom of heaven". The logic of myth and tradition the bishop abides by exists, of course, as figurative discourse, but this logic does not concur with the logic of history, where sustainable solutions for both Serbs and Albanians have to be sought. In this sense, Vidovdan is the center – and the bishop perceives this well – when the entire nation should be in Kosovo "if not physically, then spiritually". Beyond this historical-mythological framework, the words of the bishop of Raška and Prizren become clearer and more measured: "Happiness can not be imposed on anyone by force". Thus, there is room for dialogue, but it opens a problem at the other end: the undeniable symbols of identity that the bishop sees in Vidovdan and the Kosovo testament do not hold the same value with Albanians, either on an individual level or in collective memory.

There is one point in this speech that could have a specific meaning for the future, as the bishop did not reduce everything to one narrow national dimension: "I believe that things are moving in a positive direction". This positive direction is clearer here than in numerous other documents: "Kosovo does not only belong to us, those who live here, but to all people". Interestingly, the bishop explained the real framework within which the SOC perceives the Kosovo problem, and we also believe this to be true, he makes the same distinction as between Kosovo Serbs and Serbs living in Serbia. In other words, he underlined the true relationship between the SOC and the state as it now stands. Bishop Artemije's conclusion clarifies what had been unclear until now in the relationship between the SOC and the state, concerning state and national interests. The bishop answers the question whether, at present, the Church is too closely tied to the state, whether it is an exponent of state politics. The answer is more than clear.

The question is: at this moment in the Kosovo "drama" – the concept originates from the *Memorandum* – is the state dictating the position of the Church, or, conversely, does the SOC determine state policy? This dilemma is evident in all SOC documents after 2000. In any case, it is not a typical rhetorical question, although it might appear to be, since the answer encompasses the answer to the question of state and national interest of Serbia in this historical moment, when the Kosovo "drama" is drawing to its end. The answer depends on another question: are Kosovo Albanians also citizens of Serbia? Answers from the international community – which perceives the "closeness" between the state and the SOC as a problem – are not satisfactory for bishop Artemije, and he clearly states this: "this assessment is either an indoctrinated judgment or entirely inaccurate". The SOC has its position and is glad to present it as corresponding to the position of the state. The Church is not adjusting to the state, but it is rather the state that is taking a more proper position on Kosovo than during the times of Milošević and Titoism. The Church had the same position on Kosovo and Metohija as when the Serbian state did not even exist, when the Ottoman Empire ruled these lands.

State sovereignty was thus defined and remains so, in accordance with Resolution 1244, yet it “does not depend on that resolution, even if the resolution were abolished”.

There is no question: the position of the Church has been defined.

It is evident that choice and testament indicate concepts that stand once and for all, nevertheless, this does not mean that the Church will never change its position.

Some other tones of discourse

Anyone with elementary knowledge of the history of the SOC knows that each “once and for all” pertains only to a sum of dogmatic heritages within the Church. Throughout the course of history, the SOC has existed within different systems and states, and thus statements and even positions in documents need to be considered within the realm of possibility. For example, when a possible division of Kosovo is mentioned, Artemije, bishop of Raška and Prizren, whose position has already been stated, has an entirely realistic and clear approach: “Imposed independence is a better solution for us than the division of Kosovo, since something that is imposed is not a solution, and clearly has a short life expectancy”. This statement, made on August 8, 2007, testifies to the fact that neither documents nor statements can be reduced to a single cliché. This statement does not exclude common living of different religious and confessional communities, since it is a most common situation throughout the world. Unlike some documents which may sound exclusive, this statement, and others like it, tells us that, ultimately, the SOC does not wish to be a problem in Kosovo, whereas it is clear that it is part of this problem. However, there is no doubt that the SOC will, in time, take responsibility in solving this problem reasonably, as has been the case many times in history.

Even when comparing statements by the Russian Patriarch at the Parliamentary Assembly of the Council of Europe with the latest statement by Prime Minister V. Koštunica – that Serbia will solve the Kosovo problem “in cooperation with the Russian Federation”, we must keep in mind that the usual rhetoric of political statements is one thing, while facing a problem at an important historical moment is an entirely different matter. In the context of the Balkans, John Meyendorff, a famous *Byzantologist* and Orthodox scholar, makes a very well known point on Orthodoxy in the modern world.¹⁴

¹⁴ We are referring to John Meyendorff, *Orthodoxy in the Contemporary World*, New York 1981, which explains the source of Balkan frustrations in a very interesting manner – “New nations in the Balkans owe the preservation of their spiritual culture under Turkish rule entirely to Orthodoxy, however, they gained their political independence in the atmosphere of secularized romanticism that is not a product of the Orthodox

In order to see the position of the SOC more clearly – in a broader context – one needs to look back to two other important moments in the formation of this position.

The position of Serbs in Kosovo, as well as the conditions of churches and monasteries, has not been improved as promised before the Kosovo elections. This has led to a problem that remains unresolved even today: the Serbian Prime Minister V. Koštunica, the SOC, in its appeal, and the Patriarch Pavle himself, called upon the Serbian community to refrain from participating in the elections. Consequently, Serbs in Kosovo are, at the moment, “crucified” between Belgrade and the Kosovo administration under the auspices of NATO and UNMIK. The second issue is similar to the above: first, in August 2003, the SOC passed the *Memorandum* of the Holy Synod, then the Serbian Government drafted the Declaration on Kosovo, subsequently passed by the Assembly. Little is new in these documents: Kosovo is perceived as an unalienable part of the Republic of Serbia, in compliance with the UN Resolution 1244. *De facto* the SOC accepted the Military-Technical Agreement, signed in Kumanovo. It also accepted the Constitutional framework for Kosovo and the Agreement on cooperation between FRY and UNMIK, signed on November 5, 2000, under a justifiable condition: that the rights of the Serbian community in Kosovo are fully respected. This shows that the position of the SOC, often viewed as “hardcore” and “once and for all”, because of the tone of documents of the Holy Synod and Assembly, is actually not so, and can be further modified during the process determining Kosovo’s status. Amfilohije, Metropolitan of Montenegro, also made a statement on this subject: “In six centuries, practically nothing has changed in Kosovo and Metohija. We have endured these six hundred years, I am convinced we will endure the next six hundred, and more – it is God’s will”. The meaning of this statement made by an influential member of the SOC is entirely clear: regardless of the rhetoric, both in Church and state documents, which are tuned to the needs of a specific moment, a feeling for the historical situation will prevail within the SOC, as the situation changes in the process of determining Kosovo’s final status.

Consequently, it is time to draw certain conclusions, for the moment, from official documents and “statements”.

The typology of SOC documents points to certain facts that have to be seen in the context of the development of the Kosovo “drama”. Thus, it appears rhetoric does not change, being derived from myth and tradition. Nevertheless, it becomes ever clearer that the position of the SOC will become more pragmatic and closer to the reality in the ground, as the final act of “the drama” approaches. Reliance on myth and tradition is understandable, since the Church, a conservative institution by nature, is based on Chronicles. We have to bear the following

Byzantine Empire, but rather of the French revolution”. What this scholar points out can be felt today as well, and it is a source of frustration and fear of others.

in mind: the SOC will not and cannot resolve the status of Kosovo, since it is not a Constitutional factor and is, *de iure*, separated from the state, but it will participate in the solution of its own position in Kosovo, regardless of the formalization of the final status. This right is fully legitimate, since the SOC has been present in Kosovo for centuries, and has always determined its position with respect to the “existing government”, as the new Constitution of the SOC reads. There is a paradigm for this in the history of the SOC, and it is most probable that the Church will act according to this paradigm, as its heritage.¹⁵

The SOC Kosovo “drama”, a term accepted by the SOC, will develop towards a solution for which the Church will take its share of responsibility.

Concluding remarks

The abovementioned typology of Church documents on Kosovo is not especially complex; we mentioned that a difference should be made between official documents and “statements”. Difficulties arise in the “overlap” between official documents and statements. In particular, there are many statements – almost daily – by political leaders, members of the Government, even informal groups, which regularly refer to the Church. Both domestic and foreign analysts are faced with this difficulty. The SOC accepts many of these statements, however, some remain, without the Church distancing itself from them. For example, there are numerous extreme nationalistic groups, even clero-fascist groups that refer to the Church. As a rule, the Church does not distance itself from these groups. This leaves the impression that the SOC has no specific, rational position and is governed mostly by the position of the ruling coalition, personified in V. Koštunica, and even that it supports extreme right-wing groups and views.

It is as if the people in Kosovo are not important, as if the territory is the prime interest. The discourse in both the speeches of state officials and public appearances of SOC dignitaries is also confusing: a mythological idiom is literally exploited, sometimes even the classical Kosovo epic decasyllable. There is one difference, however, it is regularly being pointed out within the SOC that the Church existed at times when the state did not, which is not true, since the SOC shared the destiny of the state for centuries. This is obvious now, when there is

¹⁵ Here we refer to the period from 1557 to 1574, when the SOC was led by Patriarch Makarije Sokolović, remembered by the SOC as an important person in its history. In the state-legal system of the Ottoman Empire, he was an ethnarch or millet-basha, namely, a religious leader appointed by the ruler. He embraced all orthodox Serbs in the jurisdiction appointed to him, not only from Budim to Arad, but as far as the shores of the Mediterranean Sea. He established eparchies in Hungary and Slavonia, and operated in the canonical area of the SOC defined in such a way within the state borders of the Ottoman Empire. This is the meaning of “existing government”, since state borders are not shaped according to the borders of the canonical territory of the Church, but the other way around.

less and less of the state and more and more of the Church. This created the illusion that the SOC will solve the problem of “the Kosovo knot”. As we can see from the abovementioned “overlap” of documents, this illusion is offered as state propaganda usually on the eve of elections. From an abundance of examples we will single out just a few, to demonstrate that the process of defining national and state interests is chaotic. Artemije, Bishop of Raška and Prizren, says literally: “The statements made by the President of Serbia, and ministers Jeremić and Šutanovac, that Serbia will not defend Kosovo by military means, are genuine treason”.¹⁶ Even the most serious analyst has to take a moment and consider this statement and draw the conclusion that the Serbian Government, whose key ministers are named here as traitors, and the SOC, are in disagreement on the very question of what the state interest and the national interest in Kosovo are at this moment. However, this is only an illusion – behind this lies a political “game”, current interests on the domestic political scene. We have seen that Bishop Artemije is serious when he mentions Vuk Branković in the style of the inexhaustible decasyllable epic tradition: *May God kill Vuk Branković*. It is self-evident that the bishop of Raška and Prizren knows the truth about Vuk Branković, since archimandrite Ilarion Ruvarac proved it long ago, nevertheless on this occasion it was necessary, according to the wishes of the ruling coalition, to name the traitors dually: the name of the minister and the character from the epic cliché. This is counterproductive for the Church, since it reveals a position that is literally irrational and “hardcore”. Such statements are meant for the current political moment and will be of no value in formulating the official position of the SOC on the Kosovo problem. This can be seen on the lay-political scene, as well. On October 25, 2007, P. Mijailović Lune, an MP from the coalition DSS-NS, stated on national television: “Nonbelievers should not sit in the Serbian Assembly”. The mayor of Jagodina insists on the role of the SOC in the following way: “Ministers should swear on the Church, not only on their property”.¹⁷ If we were to derive the position of the SOC on the future status of Kosovo from these examples, everything would be simple. It would be an irrational position, blindness to the real state of affairs in Kosovo. There are facts, not unknown to the Church, behind this purely political game: after the Military-Technical Agreement between FRY and NATO military forces was signed in June 1999 in Kumanovo, the SOC did not call Milošević, who was defeated, and had signed what may be called a classical capitulation, a traitor. We now have something unusual: the bishop from Kosovo calls B. Tadić, who personifies the sovereignty of the state, the Minister of Foreign Affairs Jeremić and Defense Minister D. Šutanovac, traitors. It is exactly in such occasions that even the most serious analysts *give up* on drawing any kind of conclusions. However, in this case, the bishop did not

¹⁶ *Glas javnosti*, October 25, 2007.

¹⁷ *Večernje novosti*, October 28, 2007.

represent the entire SOC, despite the ecclesiological principle we have already mentioned, since the final position can be decided only by the Holy Assembly, at a regularly and properly convened session. Such positions are part of political combinations that are effective domestically, and are a part of the agreement with power structures, such as some parts of the Serbian Government and party centers personified by DSS and SRS, as well as Prime Minister Koštunica himself, who has been playing, for years, the card of clericalization of both the state and Serbian society as a whole.

However, one thing is clear: the SOC is a part of the problem. Both national and state interest demand that it remains in Kosovo and finalizes its mission according to the Concordat principle, to cooperate with "existing authorities" following a contract of mutual interest signed by both contracting parties. Thus, an unquestionable condition is necessary - that the Government and the SOC turn to the future and break with the past.

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State Interest through the Prism of the Commitments of Ruling Parties

Parties, as the most powerful actors in a democratic political system, strive towards achieving the best possible results in the elections and creating a government independently or in a coalition with other parties. The change of parties in power most often has a substantial impact on state policy. If the government is formed by a coalition of parties – as has been the case in Serbia from 2000 until today – the pivotal parties have the greatest influence. In this period, pivotal parties in the three coalition governments in Serbia were the Democratic Party and the Democratic Party of Serbia. During this period these three coalition governments, under the crucial influence of pivotal parties, defined the priority state interests of Serbia in different ways.

Keywords: ruling coalition, pivotal party, coalition arrangement, elections.

In democratic countries, parties formulate their position on state interests in their programs, and when they come into power, they try to adjust state interests to the interests of their program. In most cases they succeed only partially, as parties most often form government in coalition with other parties, with whom, through mutual compromises, they formulate state interests. *In that case, state interests can be understood as a result of the interests of ruling coalition parties.* Opposition parties get a chance to activate their own projection of state interests, in practice, only when they come into power.

In countries where the consensus of relevant parties on strategic political commitments of the state (interests, goals) exists, change in the composition of the parties or members of the ruling coalition does not signify major political changes. On the contrary, in countries where relevant parties promote different priorities of state policy, domestically and internationally, a change in the ruling parties (coalitions) is, most often, an introduction to major transformations in state policy. We can see this in Serbia, by identifying the oscillations and fluctuations in policy shaped by the three post-October coalition governments (2001 to 2004, 2004 to 2007, and 2007 to today). We will attempt to corroborate the hypothesis that these fluctuations in state policy are primarily the result of the programmatic-political commitments of different parties – above all the pivotal parties within the ruling coalitions. The two pivotal parties in the three coalition governments in

Serbia after October 5 belong to different “ideological families”— to use a syntagma by Von Beym (1985; 2002). This author uses “ideological families” (the French expression *les familles spirituelles*) in his classification of West-European parties. Adherence to a particular family is based on the type of social rift that brought the party into existence, its affiliation with supranational federations and its ideological-political orientation. Conditionally applying Von Beym’s typology to parties in Serbia, it is safe to say that the Democratic Party (DS), judging by its policy to date, is close to the liberal, but according to its intentions, to the social-democratic family (it is a member of the Social-Democratic International), whereas the Democratic Party of Serbia (DSS) belongs to the conservative family (is it a member of the European people’s parties). These two parties with their different programmatic priorities have been the backbone of coalition governments in Serbia since the beginning of 2001.

We will now focus our attention briefly on the policy of coalition governments after October 5, and to the programmatic deliberations of parties – members of the ruling coalitions – especially pivotal parties.

DOS government 2001-2004

Not counting the would-be coalition government, formed on October 16, 2000, which was merely an instrument for the subsequent legalization of the power takeover after October 5, 2000 by the non-parliamentary Democratic Opposition of Serbia (DOS), the first coalition government in the post-October 5 era was formed (after elections in December 2000) by the DOS coalition on January 25, 2001. This government was formed by eighteen parties and one syndicate, but in this abundance of coalition partners, DS and DSS had by far the strongest support, winning 45 seats each in the Assembly, 90 altogether, 51.1% of all DOS representatives (from the total of 176 representatives), while the remaining seats went to small parties within the coalition. Although there were many differences among the DOS parties, they all supported (though, truth be told, not to the same extent) a “cluster” of joint positions including a basically positive attitude towards the free market, democracy and its values, an affirmative attitude towards ethnic and confessional tolerance, and an openness to the world. On the opposite side were parties that had been in power until October 5, 2000, and had lost the 2000 elections (the Socialist Party of Serbia – SPS, the Serbian Radical Party – SRS, and the Party of Serbian Unity – SSJ, close to the other two). These parties were inclined towards an emphasized apotheosis of the old régime, non-market distribution and a hostile position on Serbian cooperation with the world. *We will conditionally call the two groups of parties pro-European and traditionalist. A similar division has been manifested in other post-communist countries of Central and South-Eastern Europe* (more about this: Goati, 2004, 169). Naturally, the division here is an ideal-type from which reality deviates, not only because it

is more profuse than any type of division, but also because parties are dynamic actors with evolving positions.

But let us go back to the DOS which triumphed in the December 2000 elections. Although the DS and the DSS won the same number of mandates in these elections, according to a previous agreement, Zoran Đinđić, leader of the DS, was appointed Prime Minister. During the first six months, the republican government was energetically engaged in mending the dramatic economic-social situation in Serbia (within the Federal Republic of Yugoslavia – FRY), as well as leading Serbia out of international isolation. Within a short period the Government had succeeded in securing significant foreign economic aid for Serbia, created the conditions for accelerated privatization, stabilized the dinar (in cooperation with the federal government), enabled the liquidation of insolvent banks with several thousand employees, and secured – through the liberalization of regulations – the establishment of foreign banks. In addition, the republican government filed charges against all ministers of the former government of “the red and black coalition” (the Socialist Part of Serbia – SPS/ Yugoslav Left – JUL/ the Serbian Radical Party – SRS) who misused the budget funds of Serbia in 2000. Nevertheless, attempts by Đinđić’s government to sanction the illegal behavior of ministers of Milošević’s regime yielded no results, as they were blocked by passive resistance from parts of the legal system (prosecutors’ offices, courts). This was resistance of officials, sediments of the old régime who had retained their strongholds in the newly established order. It was the result of reluctance on the part of the “October winners” to undertake a substantial changes, in the newly established regime, among those who had held the highest posts in the old regime, including the most devout followers of Milošević. For example, the head of State Security (DB), Rade Marković, retained his post from October 5, 2000 until January 27, 2001, on the insistence of the president of the FRY (and the leader of the DSS) Vojislav Koštunica. During that period, as Marković’s deputy Mijatović admitted, documentation of the secret service was extensively destroyed (Blic, February 25, 2004). The same is true for the Yugoslav Army (VJ). The Chief of the General Staff Nebojša Pavković was not removed until 2002, and in the meantime military leadership underwent only minor personnel changes. *These are important indicators of a lack of discontinuity with the old regime, which would prove, later on, to be one of the major obstacles to the democratic transformation of Serbia.*

Already during the first months of the republican government there were severe conflict between the parties that represented the “pillars” of the DOS – the DS and the DSS. These conflicts intensified after the extradition of Slobodan Milošević, former president of the FRY, to the Hague Tribunal (on June 28, 2001), which the DSS resolutely opposed. As a sign of disagreement the DSS left the government on August 17, 2001, and joined the opposition, which left “the remainder of the DOS” with a “slim” parliamentary majority. In the ensuing con-

flict between the DS and the DSS, which escalated during 2002 and 2003, both sides used all available resources. With the assistance of its coalition partners, the DS “involved” the institutions of the republic in this conflict, with the aim of supporting its goals, while the DSS did the same with the institutions of the FRY (the Assembly of the FRY and the Federal Government), over which it achieved a dominant influence, using not only the support of Serbian parties (SPS, SRS), but also Montenegrin opposition parties (the Socialist National Party – SNP, the Serbian National Party – SNS). This is a scholarly example of “the incongruence of political status”, which contributed to the growth of the conflict between the DS and the DSS into a conflict between the federal and republican government. Almost “naturally”, this incongruence of statuses encouraged the DS and the DSS to strive towards an equalization of status, namely, towards taking power on the level where they did not already possess it, an act which could only be accomplished to the detriment of the other side. The issue here is, *de facto*, a *zero-sum game* where the winnings of one participant equal the losses of the other. Thus, inter-party conflict was transformed into “an institutional conflict”, which seriously jeopardized the stability of the fragile political system in the FRY.

After the DSS joined the opposition, the weakened Republican government continuously found itself faced with various political scandals which corroded its electoral support and its “balance” of representatives in the Parliament (more on this subject: Goati, 2006, 229-231). Examples of the numerous affairs that pre-occupied the Serbian public, include the financial machinations of Republican government officials Kolesar and Janjušević, votes in the Assembly of Serbia from absent representatives, and the arrest of the vice-president of the Republican government, general Perišić, by the military security forces, on suspicion of espionage. In addition, within the coalition, the ambitions of miniature party leaders became relentless in attempts to maximize their own power and influence to the detriment of other coalition partners. Thanks to his authority Prime Minister Zoran Đinđić managed to deal with this problem, but his assassination (on March 12, 2003) eliminated the only person capable of preserving unity in the fragile ruling coalition. The newly elected prime minister, Zoran Živković (DS), failed to curtail centrifugal tendencies within the coalition government. After numerous small parties threatened to leave the government unless their demands were met, its destiny was finally “sealed” by a decision of the Social-Democratic Party (10 seats) to withdraw their support (on November 9, 2003). Under these circumstances the government was forced to submit a proposal to the acting president of the Republic (under Article 89 of the Constitution of Serbia) to dismiss the Assembly and call new elections; the proposal was accepted and elections were held on December 28, 2003.

The conflict between the DS and the DSS described above – which greatly limited the government’s actions and the duration of its mandate – was not primarily the result of aspirations to grab as much power as possible, but, first and

foremost, the result of profound programmatic differences. Firstly their divergent positions on: the extradition of indictees to the International Criminal Tribunal for Former Yugoslavia in The Hague, the autonomy of Vojvodina, and attitudes towards officials of the Milošević regime. The DS energetically advocated (and still advocates) the reintegration of Serbia into the international community, and emphasized its readiness to fulfill all necessary conditions, including the extradition of Serbian citizens indicted by The Hague Tribunal. As for the interior organization of Serbia, the DS opposed the concentration of authority in one center and advocated decentralization. At the beginning of 2000 – while it was in opposition – the DS passed a declaration *Vojvodina after the changes*, where it resolutely supported the autonomy of this province for the very first time. Accordingly, when it came into power as a part of the DOS, the DS engineered the passing of the so-called “omnibus law” in the National Assembly of Serbia (on February 4, 2002), which returned certain jurisdictions to Vojvodina that had been taken away by laws passed after the 1990 Serbian Constitution came into power. The attitude of the DS towards officials of the Milošević regime was in accordance with their assessment of the autocratic nature of this regime, which isolated Serbia and enabled Milošević and his closest associates to take all the power. Thus, the fall of this regime on October 5, 2000, was perceived by the DS as some kind of “ground zero” of the new democratic transformation of Serbia. The demand by the DS to prevent officials of the ousted regime from holding important positions, with the help of a Law on Lustration, followed logically from such a premise.

The programmatic platform of the DSS was significantly different from that of the DS even before October 5. Namely, from its creation in 1992, the DSS demonstrated mistrust of the West, primarily the USA, which the party leader Koštunica expressed in the following manner: “we are equally distant from Dedinje and from Washington, from the White Palace, and the White House” (*Vreme*, January 22, 2000). Until the fall of the Milošević regime, the DSS contested in principle the legitimacy of The Hague Tribunal, because it was formed under a decision of the Security Council, not the UN General Assembly. Nevertheless, during the initial post-October period, the DSS “softened” its critical attitude towards the US and the Tribunal to a certain degree. The *Program of the DSS* (2001) emphasized, in principle, the importance of cooperation with the US and The Hague Tribunal, which is “...an international obligation that can not be avoided”. However, this was lip service on the part of the DSS paid to new circumstances, it did not significantly change its political performance. The following example illustrates this: the DSS advocated, in principle, the regulation of the process of extradition of indictees by a law on a federal level. However, at the beginning of 2001, it prevented the passing of this law in the Federal Assembly, with the help of the representatives of the SPS, SRS and the pro-Milošević parties from Montenegro. Under such circumstances, the Government of the Republic of Serbia

regulated the question of extradition by its own ordinance based on Article 135 of the Constitution of Serbia (1990). Regarding the autonomy of Vojvodina, the DSS was critical, since, according to this party, autonomy also included elements of statehood, which jeopardized the territorial integrity of Serbia. Instead of autonomy, the DSS advocated the regional organization of the entire Republic of Serbia. On the issue of officials and institutions of the Milošević regime, the DSS, as opposed to the DS, uncompromisingly supported a legalist approach, namely, “respect of the procedure”, as if a routine change in government in a stable democracy had taken place on October 5, 2000, instead of the ousting of an authoritarian regime, knee-deep in crime and violence. Although the majority of parties within the coalition government felt closer to the legitimistic position of the DS, these parties nevertheless accepted – probably for the sake of “common peace” – the legalist *credo* of the DSS, which cast, and is still casting today, a dark and long shadow on the political scene.

It sounds paradoxical that, in the period when an open conflict between the DS and the DSS took place, some of important programmatic differences between the two parties were alleviated. This claim is supported by the fact that the DSS accepted the autonomy of Vojvodina in a Constitutional Draft published in 2002. The evolution of the DSS, albeit not resolute enough, regarding Serbia's obligations towards The Hague Tribunal, should be interpreted along the same lines. The DSS vote in favor of the *Law on the cooperation of the FRY with the International Tribunal for criminal prosecution of persons responsible for serious violations of international humanitarian law on the territory of former SFRY from 1991* (2002) in the Federal Assembly testifies to this evolution. Moreover, at the beginning of 2003, DSS representatives also accepted the abolition of Article 39 of the cited law according to which only those who were indicted before the law came into power could be extradited to the Tribunal. Although the DSS revised its position on these two issues, to a certain extent, the conflict between the DS and the DSS escalated, following its own logic, until the end of the mandate of the coalition government.

We will briefly outline the “programmatic profile” of the traditionalist parties that suffered a serious defeat on the parliamentary elections in December 2000 (SPS, SRS and SSJ); altogether, these parties won 74 seats (or 29.6%). The SPS (37 seats) had been the “backbone” of Milošević's regime until October 5, 2000, leaving an indelible mark on the entire Serbian political scene during the last decade of the 20th century. Contrary to the majority of ex-communist parties of South-East European countries, which, as early as 1990, resolutely broke with their “ideological past”, the SPS maintained some strategic goals from the pre-pluralist period, with negligible adaptation: “democratic socialism” and social property, adding both far-reaching reserves and restraints to general acceptance of the market economy and parliamentary democracy. In both programmatic documents, adopted in the first half of the 1990s (*The programmatic basis of the*

SPS, 1990; *The fundamentals of the SPS program*, 1992), the SPS abandoned the idea of representing the interests of the working class, and instead, proclaimed itself the instrument of the Serbian people's interests as a collective subject. The SPS denied the legitimacy of the system established after October 5, 2000, viewing it as a coup ("dredger revolution"), believing that its president, Milošević, had been kidnapped in June 2000 and illegally extradited to The Hague Tribunal.

The second most powerful opposition party, the SRS (23 mandates), since its creation in 1991 consistently advocates the project of creating a great Serbian state (*Greater Serbia* is the name of the SRS bulletin). The "tectonic" changes in the international environment in 1989/1990 have had no significant influence on the commitments of the SRS, which is confirmed by the programmatic persistence of this party on the idea of including parts of other independent states (former republics of the SFRY) into Greater Serbia, despite the fact that by accepting the Dayton and the Erdut agreements (1995) Serbia recognized Croatia and Bosnia and Herzegovina within the borders established in the SFRY Constitution of 1974. In the *SRS Program* of 1996, the "joining" of the abovementioned territories to Serbia was postponed for "better times", when powerful Russia would make such a thing possible. In this program, the SRS obstinately insisted on a unitary state and the abolition of the autonomous provinces of Vojvodina and Kosovo and Metohija.

That the DOS assumed power by force on October 5, 2000 belongs to a cluster of positions shared by the SRS and the SPS.

The third opposition party, the SSJ (14 mandates), was not in power during the Milošević regime, however, it supported the basic programmatic postulates and policy of the SPS and the SRS without reserve. The programmatic elaboration of the SSJ has been relatively poor, this party had been established "with a specific purpose" by the commander of the paramilitary "Serbian volunteer guard", Željko Ražnjatović – Arkan, on November 4, 1993. The goal of the party was to advance the unification of Serbia, Montenegro and the Republic of Srpska into a single state of the Serbian nation. The failure of this integrative idea, made official by the Dayton Agreement (1995) has not, in the least, influenced the programmatic commitments of the SSJ. This is evident from the fact that this party, in its *Basic political goals of SSJ* of 2001, still insisted on not recognizing Bosnia and Herzegovina as an independent state and on denying the existence of the Montenegrin nation.

The minority coalition government 2004-2007

The parliamentary elections of December 2003 marked a significant redistribution of power within the Assembly to the benefit of the traditionalist parties that ruled in the pre-October period. Moreover, a radical change in the balance of power among these parties occurred: the extreme nationalist SRS won 82

seats, and became, relatively speaking, the strongest party in the Assembly, while on the other side, the SPS, which expressed intentions to reform certain pre-October commitments and to adapt to the new circumstances (which will be discussed later), won only 22 seats. The SSJ failed to pass the electoral quota (5%), thus remaining outside the Assembly. *Taken together, the traditionalist parties that ruled during the Milošević regime (SPS, SRS) significantly increased their participation in the Parliament, from 24 to 41.6 percent.* Following these elections, a minority government was formed (in March of 2004), composed of the DSS, the G17 Plus and the coalition of SPO (Serbian Renewal Movement) and NS (New Serbia). Since these parties won a total of 109 seats in the Parliament, they formed a minority government with the parliamentary support of the traditionalist SPS (22 seats), which thus became part of a “ruling arrangement”, and according to some authors (for example, De Swaan, 1973), a partner in the government. Vojislav Koštunica (DSS) was elected prime minister. The coalition partners in the minority government signed an agreement entitled Principles of joint action of the signatory parties, where they set down certain cooperation goals. Amongst others, the goals included: drafting a new constitution within the next three months, passing a Law on political parties, citizens’ associations and nongovernmental organizations, as well as a set of electoral laws, but unlike the Constitution, without a set timeframe. The agreement also included a provision on The Hague Tribunal, in which the parties expressed their readiness to “...set and implement a joint policy ...with maximal efforts to enable domestic legal bodies to hold proceedings, without extraditing individuals indicted on charges of command responsibility or by possible new indictments”. This is a far-reaching restraint which practically prevented Serbia from fulfilling its obligations towards the Tribunal. *This restraint made the attitude of Serbia towards The Hague Tribunal much harsher than it had been in the previous period.*

The development of events shortly after the election of the new Republican government was marked by its insistence on discontinuity with the former government. Amongst other things, the new government objected that the previous government used illegal means in its struggle against the Milošević regime, in particular “massive infringement of the law” during operation “Saber” against organized crime in 2003, after the assassination of Prime Minister Đinđić. Discontinuity was also emphasized on an economic level, as Koštunica’s government practically halted the rapidly developing privatization process as soon as it came into power. The Privatization Agency played a special role in this. After the a new director had been appointed, the Agency blocked property transformation with literal interpretations of legal provisions and a slow decision-making process. However, by doing so, the Republican government “tied its own hands”, as it discouraged foreign investors and stopped the inflow of funds to the state budget of Serbia completely. Consequently, the government unwillingly “corrected its course”, and in September 2004, named a new director of the Privatization

Agency, thus continuing the property re-structuring process. As a result of this “stop-go” policy, funds acquired through privatization in 2004 were reduced to half compared to 2003 (700 million, instead of 1 billion 300 million US Dollars). In addition to this, the already extremely high foreign-trade deficit of Serbia was significantly increased from 4.5 billion US Dollars in 2003 to 7.4 billion US Dollars in 2004. The only “bright side” in the 2004 economy was a 5% increase in gross national income (from 4% in 2003). If the truth be told, this was primarily a result of an increase of about 20% in agricultural production, which was mostly a result of favorable climate conditions.

As expected, the relations between Serbia and The Hague Tribunal reached their “lowest point”. Moreover, prior to taking over the position of prime minister, Vojislav Koštunica had made a straightforward statement that cooperation with Hague was not a priority for the new government. Important actors within the international community responded to such a political commitment promptly and energetically, with a series of decisions (measures) that, directly or indirectly, had very negative consequences for Serbia. Some of the direct negative consequences was the postponement of the Feasibility Study – a precondition for EU accession – as well as a “freezing” of US economic aid, first in mid-2004, and then again at the beginning of 2005, amounting to a total of around 40 million US dollars. Indirect negative effects included the postponement of negotiations on accession of the State Union of Serbia and Montenegro to the World Trade Organization, the withdrawal of support for loans and credits in the most important financial institutions (the International Bank for Reconstruction and Development, the International Monetary Fund) and a substantial decrease in foreign investments in the Serbian economy. *Thus, the issue of relations with The Hague Tribunal became in 2005 – as it had done in mid-2001 – a crucial political cross-roads for Serbia, between the status quo and the continuation of democratic and market reforms.*

The policy of the Republican government described above was crucially influenced by its pivotal party, the DSS, which resolutely ignored public statements by its coalition partners (G17 plus, SPO) that Serbia had to fulfill its international obligations to The Hague Tribunal, otherwise it would face even greater international isolation. The persistence of DSS in denying the obligations to The Hague Tribunal was a consequence, not only of the aforementioned reserve the DSS had towards this institution, but also of a promise this party gave to the SPS, whose support was necessary for the survival of the government. The SPS publicly emphasized that the sole condition for its support to the minority government was the government’s refusal to extradite indictees and the improvement of the position of those already in custody at The Hague. Thus, it is certainly no coincidence that less than a month after Koštunica became prime minister (March 30, 2004), the DSS passed – against the will of its coalition partners G17 plus and SPO and with the support of opposition parties SRS and SPS (!) – the

Law on the Rights of Indictes Held in Custody of the International Criminal Tribunal and Members of their Families, prescribing considerable financial aid to The Hague indictes. Under this Law (Article 3), the indictes obtained the right to remuneration of earnings, lump-sum remuneration of expenses for securing defense evidence and remuneration of expenses for securing expert help in preparing defense. Remuneration for an employed indictes "...is equal to the salary of employees in state bodies with a coefficient of 8.80" (Article 4)! This law was pronounced unconstitutional by the Constitutional Court of Serbia in April 2004, since it placed Hague indictes in a privileged position in comparison to other indictes. However, the passing of this law demonstrated how the minority government was a mere façade ("dummy-government"), while the real Government of Serbia consisted of the DSS, the SRS and the SPS.

As a result of Serbia's refusal to fulfill its obligations to The Hague Tribunal, at the beginning of 2005 the US withdrew its counselors from the Serbian Government, stopped its aid for the reform of the economic system, disabled direct JAT flights to the US and warned the Republican government that, in case it did not change its attitude, the list of sanctions would be extended. In parallel, the EU informed Serbia that the extradition of all war crime indictes was a precondition for the *Feasibility Study*. The Government's refusal to fulfill Serbia's international obligations to The Hague Tribunal had, as we have already shown, negative effects on the economy and thus, on citizens' standard of living. The unsatisfactory economic-social results of Koštunica's government led to voters' disappointment with the ruling coalition parties. This was clearly manifested in the results of the presidential elections in June 2004 and the provincial and local elections in September 2004, when all members of the ruling coalition suffered a serious defeat (more on this subject: Goati, 2006, 239-242). Naturally, "the electoral shock" increased "friction" in the minority government between the pivotal DSS (and its close partner NS) and the G17 plus and the SPO, which reluctantly followed the anti-Hague policy of the DSS. The main reason for such behavior was fear that the SPS might "cancel" its support to the Government if a change in this policy occurred, thus placing the Government in a dilemma, to choose between reconstruction and parliamentary elections. In the first case, the G17plus and the SPO would have lost their place in the Government, while in the second case they would have been forced to participate in new elections, which they wanted to avoid, since, according to empirical research, their support had been significantly undermined simply by joining the minority government supported by Milošević's SPS (Goati, 2006, 237-239). In reality, the G17 plus and the SPO corroborated the hypothesis on a correlation between the "coalition behavior" of a party and its status on the "political market", as formulated by Laver as follows: "Parties facing electoral disaster can be unwilling to carry out a threat that would bring about the fall of a government, although their negotiating power is based on that very threat. Contrary to this, a ruling party expecting electoral progress

after the fall of the government can have a great desire to 'show its muscles'. It can draw considerable *de facto* negotiating power from the feed back influence (results – VG) of public opinion polls" (1986, 41).

However, we believe that the electoral debacle of the minority government parties in the presidential, provincial and local elections of 2004 brought the DSS to take a somewhat milder attitude towards The Hague Tribunal. We use the term "milder", since the government, under the crucial influence of the DSS, conceded to encourage the voluntary surrender of indictees, declaring this to be their "patriotic obligation", but failing to accept the fact that extradition was Serbia's international obligation. This "half-step", followed by generous financial aid to those who surrendered of their own free will, yielded good results, as 14 indictees departed for Hague over a period of more or less six months. However, as some indictees failed to accept this offer, the Government announced, before the new deadline for the Feasibility Study (April 12, 2005), that those who disregarded the appeal to surrender of their own free will, would be arrested and escorted to The Hague. This did indeed occur at the end of March 2005 (though it was never officially confirmed) with Police General Sreten Lukić (see more on this subject: Goati, 2006, 242-246). On June 17, 2005, the Republican government adopted the National Strategy of Serbia for Accession to the EU, which was endorsed in the Parliament by all parties except the SRS. Politically, this was an extremely important document that had not been demanded by the EU institutions, but rather aimed at affirming Serbia's goal to transform the country into a modern European society with a market economy, and that Serbia's inclusion in the EU was the means to achieve this end. This official manifestation of pro-European commitment, together with the voluntary surrender of most of the indictees to the Hague Tribunal, prompted the EU to resume the previously "frozen" negotiations on the accession of Serbia to this organization.

Koštunica's government strived to preserve the State Union of Serbia and Montenegro created in 2003, and strongly opposed the Montenegrin government's aspirations to declare independence on the basis of a referendum. Opposing this aspiration, the Serbian Government gave open political, media and (we assume) material support to the opposition parties in Montenegro (the so-called "federalist block") in favor of the preservation of the State Union. At first, these parties tried to prevent the referendum on independence, and when this failed, they insisted that stricter conditions for the validity of the referendum be passed in the Assembly of Montenegro. After international actors (the US and the EU in the first place) insisted, the Montenegrin government agreed to the condition that at least 55% of citizens had to vote in favor of independence for the decision to be valid. Although this was very high, the necessary majority was reached – 55.5 % of citizens of Montenegro voted in favor of the referendum held on May 21 2006, and Montenegro proclaimed its independence. Consequently, Serbia became independent *via facti*, which sped up the passing of a new Con-

stitution. Although several draft Constitutions had been proposed during 2002, 2003 and 2004, and some were even the subject of public debate, in November 2006, without any previous public debate, the Serbian Assembly passed an entirely new text, which was a product of agreement among the leaders of parliamentary parties (with the exception of the Liberal-Democratic Party – LDP). It is precisely due to the fact that this new Constitution appeared literally “overnight”, as a result of compromise between party leaders, that this document contains serious weaknesses and flaws. Nevertheless, passing the Constitution, the coalition government, at least formally, fulfilled one of the goals included in the *Principles of joint action of signatory parties* (2004). It also fulfilled its promise not to extradite persons indicted on the basis of command responsibility (with the abovementioned exception of Police General Lukić). Among the promises the Government did not fulfill was the passing of the Law on political parties, citizens’ associations and nongovernmental organizations, as well as a “set” of electoral laws.

The inconsistent policy of the coalition government in the period observed – whether regarding privatization or the obligations towards the Hague Tribunal – was primarily a result of the heterogeneous programmatic goals of coalition partners. An outline of “the programmatic profile” of the DSS was offered on the previous pages. Now, we will give a brief description of the strategic commitments of the remaining coalition partners: the G17 plus, the SPO, the NS and their “parliamentary support”, the SPS. The backbone of the programmatic platform of the G17 plus is “...an open society based on democracy, private property and market economy, where free individuals and their individual rights represent the basis of the entire social organization”. The G17 plus was the only party in the coalition government that supported independent Serbia, assessing that the creation of the State Union of Serbia and Montenegro (2003) was a wrong move. “Since in the current situation, Serbia only suffers costs due to of its fictional union with Montenegro” (*G17 plus, State Program of the European Serbia*, 2003, 5). For those reasons, the G17 plus advocated an “urgent separation” of Serbia and Montenegro in its program, the disintegration of the State Union of Serbia and Montenegro. When it joined the coalition government, the G17 plus “froze” this commitment, and followed the policy of other partners in the Government, primarily the DSS, aiming at preserving the FRY. In addition to the attitude towards Montenegro, programmatic differences between the G17 plus and the DSS included the attitude towards obligation to The Hague Tribunal, and the autonomy of Vojvodina. Contrary to the DSS, since its foundation in 2002, the G17 plus believed that Serbia should fulfill its obligations to The Hague. This was publicly emphasized by Miroљub Labus, party president at the time. Furthermore, the G17 plus supported the autonomy of Vojvodina, claiming that it should have its own constitutive act: *The Basic Law of the Autonomous Province of Vojvodina*. The new Constitution of Serbia – according to the views of the G17 plus – should

provide Vojvodina with "...a higher degree of freedom in the use of budget funds collected on its own territory, but also increased responsibility towards the citizens who live there" (*G17 plus, State Program of the European Serbia*, 2003, 3). In June 2005, the G17 plus, in the same way as the DSS, moved from the status of observer to the status of affiliated member of European Peoples' Parties in the European Parliament.

The SPO, as the third member of the ruling coalition, defined itself as "...a national party of liberal, civic and democratic commitments" (*SPO Program*, 2001). This party supported EU accession and publicly emphasized (as G17 plus) the necessity of Serbia fulfilling its obligation to extradite indictees to The Hague Tribunal. The SPO advocated an affirmative position on the State Union, but supported the right of Montenegrin citizens to decide on this in a referendum. The "programmatic profile" of the SPO would be incomplete if we were to overlook that this party positively assessed the October 2000 upheaval, which eliminated the authoritarian Milošević regime from the political scene. The reasons why the SPO did not join the October 5, 2000 protest (although its sympathizers joined it spontaneously) were not officially explained. However, in the *SPO Program* (2001) it was pointed out that the SPO president, Drašković, had been wounded in an assassination attempt on June 15, 2000 "...and was thus prevented from leading the party during the final stages of the fight against a terrorist regime" (p. 1). The fourth member of the coalition government, the NS, was formed by a division within the SPO in 1998. The *Program of the NS* (2004) included basic commitments ("our commands") which, amongst other things, encompassed the following: Serbia as the state of Serbian people, the Serbian Orthodox Church as the backbone of moral and spiritual renewal, parliamentary monarchy, and the peasant, whose interests the state has to respect. During the mandate of this government, the NS did not insist on the establishment of parliamentary monarchy, and in all other programmatic-political questions, it strongly supported the DSS.

Finally, the SPS, as we have pointed out before, was not a member of the minority government, but gave stable support to the government in the Assembly, and thus could be considered as a participant in the "ruling arrangement". There is no doubt that the SPS, in addition to the specific condition that the government would not extradite indictees to the Hague Tribunal, secured other "compensations" for supporting the government, something conclusions can be drawn about only indirectly. For example, there are strong indications that the minority government, on demand of the SPS, used its influence to "halt" the confiscation of a villa from the president of the SPS, Slobodan Milošević (2004), to ensure the withdrawal of the indictment against his wife, Mirjana Marković (in the Spring of 2005) and to pressure the public prosecutor into dropping the case against Marko Milošević in August 2005 (more on this subject: Goati, 2006, 73). It is not our intention to further explicate the programmatic commitments of

the SPS, but we believe it is necessary to point out important changes this party approved at its 6th congress held in January 2003. At this congress, the SPS revised its former programmatic commitments regarding privatization and the membership of Serbia (FRY) in the EU. Instead of its previous backing of optional privatization without time limits, the party supported mandatory and time-limited privatization. The SPS replaced its negative attitude towards EU accession with support for Serbia's membership. However, it practically nullified this commitment through a decisive refusal to extradite indictees to The Hague (*Declaration of the 6th Congress of the SPS*, 2003, 2), which is a substantial precondition for Serbia's accession to the EU.

The Coalition Government of 2007

After the parliamentary elections in January 2007, the extreme-nationalist SRS remained the strongest party in the Assembly (with 81 seats instead of 82), while the SPS won a significantly smaller number of seats than in 2003 (14 compared to 22). The participation of both traditionalist parties in the composition of the Assembly was less when compared to the 2003 elections (38% instead of 41.6%). After these elections, the third post-October government was formed in May, consisting of pro-European parties: the DS, the coalition DSS-NS and G17 plus. This government was formed after long negotiations that remained uncertain until the very end, where the DSS chose between two options: the first was a coalition with the ultra-nationalist SRS, while the other was an alliance with the DS and the G17 plus. At the beginning of May 2007, it seemed that the DSS had chosen the first option, since its representatives voted Tomislav Nikolić (SRS) as President of the Assembly. Immediately, Koštunica was publicly warned by leaders of the most important countries of stable democracy that a coalition with the SRS would mean "turning their back" on the EU and a step towards new isolation for Serbia. In addition, economic-financial dealings with these countries (negotiations on investments, loans and credits) were immediately blocked, and in one day (May 9) the Belgrade stock exchange index suffered a record 10 point drop. Faced with the negative effects of its decision, the DSS made an abrupt political turnaround as its parliamentary representatives voted to depose Nikolić, and supported the election of a candidate from the Democratic Party (Oliver Dulić) instead. Soon afterwards, a government was formed, composed of the DS, the DSS, the NS and the G17 plus.

This government had a parliamentary majority (127 out of 250 representatives), which meant that it did not rely on help from the SPS, as had been the case with the former government. It is difficult to determine which party can be considered pivotal in the 2007 Government. The greatest number of ministries (13 out of 25) went to the DS (which achieved a significantly larger parliamentary support than the other partners). However, the leader of the DSS (who was also

the prime minister of the former government), Vojislav Koštunica, was elected prime minister, while Božidar Đelić (DS) became deputy prime minister. In the coalition agreement, the partners listed the following policy goals: the struggle for the preservation of Kosovo and Metohija, acceleration of EU integrations, strengthening of economic prosperity, intensification of cooperation with The Hague Tribunal and the fight against crime and corruption. Since the current government has had "a short history" (a little more than half a year), we will offer only preliminary remarks regarding the realization of the first, second and fourth goals formulated in the coalition agreement, while leaving the third and fifth goal (the increase of economic wealth, the fight against crime and corruption) aside for obvious reasons.

During the past half year, the Republican government invested most of its energy to negotiations on the status of the province of Kosovo and Metohija, which came under the jurisdiction of the UN in 1999 in compliance with the Resolution 1244 of the UN Security Council. The results of these negotiations (which are still underway at the time this text is being written), will depend primarily on the report of the "troika" (representatives of the EU, Russia and the US). This report, based on a dialogue between delegations from Serbia and from Kosovo and Metohija, should be finalized on December 10, 2007 and forwarded to the UN Security Council. Some indications imply that important political actors believe that the outcome of this dialogue is already decided, and to the detriment of Serbia. We refer here to statements by the US representative in the "troika", repeated several times (and other high-ranking US officials), that in case the two delegations do not reach an agreement, the US will support the plan already finalized by Marti Ahtisaari, which, in fact, secures independence for the "Southern Serbian province". This US position was criticized by the President of Serbia and the Republican government because it encourages the Kosovo delegation to be uncooperative, as the very refusal of an agreement between the delegations achieves their strategic goal – independence.

The destiny of the coalition government depends greatly on the final outcome of the Kosovo issue; a solution which would secure the independence of Kosovo, in any form, would emphasize the differences between the two key partners, the DS and the DSS, regarding how Serbia should react. While the DS is satisfied with measures of diplomatic retribution, the DSS has indirectly stated that this would even endanger EU accession. The uncertainty of the outcome of the status negotiations has also broadened the differences between the DS and the DSS regarding the presidential, provincial and local elections prescribed by Constitutional Law (2006). According to the position of the DS, the presidential elections must not only be called before the end of 2007, as prescribed by the Constitutional Law, but they must also be held by the end of this year. Such timing suits the DS, since this party, according to the findings of research by CESID at the end of August and the beginning of September 2007 (Mihailović and

others, 2007), has wide support within the electorate, its presidential candidate (Boris Tadić) ranks higher than his potential rivals, the SRS candidate (Tomislav Nikolić) in particular. However, results of research conducted in October 2007 by the agency "Faktor Plus" suggest that if the candidates of the DS and the SRS were to face each other on presidential elections, the candidate of the former (Tadić) would lag behind the candidate of the latter (Nikolić) in the first electoral round, but would win in the second, decisive round (according to: *Politika*, October 31, 2007); this already happened in the 2004 elections, in the first round Nikolić got 30.6% and Tadić 27.3%, while in the second round Tadić won with 53.2% while Nikolić got 45.4%.

The DSS insists elections be held after negotiations on the status of Kosovo have been finalized (December 10, 2007). Should the outcome be unfavorable for Serbia, this could shift the balance between the presidential candidates of the DS and the DSS against the candidate of the former. The DSS bases its insistence on postponement on the assessment that elections held during the status negotiations would necessarily jeopardize the homogeneity of the ruling elite in Serbia, as well as its negotiating position. At the beginning of November 2007, the DS and the DSS reached a preliminary compromise on the timing of the presidential elections, agreeing to hold the first round on January 13, 2008 and the second on January 27, under condition that prior decisions of the international community regarding Kosovo and Metohija "do not threaten the territorial integrity of Serbia". Although this compromise contributed to a decrease in political tensions, the question remains whether this is a final agreement or just a way to postpone conflict. It cannot be ruled out that the participants may interpret the concept of "territorial threat" differently, and on that basis reach conflicting conclusions on whether the elections should be held or not.

We believe that the causes of conflict between the DS and the DSS regarding the presidential elections are not primarily ideological, but rather have to do with the intent of these parties to select an optimal moment for the elections and thus maximize the chances of their candidate, in the case of the DS, or prevent this, in order to preserve its own importance, in the case of the DSS. It should be pointed out that the differences between the two major parties in the ruling coalition regarding provincial and local elections (which were also to be called by the end of 2007, according to the Constitutional Law) are not so sharp, since the DS changed its previous position that these elections should be held at the same time as the presidential elections and accepted that they should be held in the second half of 2008, provided the Parliament first votes for an amendment to the Constitutional Law. As for the second and fourth goal (which are strongly related) of the coalition agreement of the ruling parties (the accession of Serbia to the EU, intensification of cooperation with The Hague Tribunal), according to an official assessment of the EU, the Republican government failed to make any adequate improvement over the last few months, which is why the Stabilization

and Association Agreement was signed as a preliminary and only at the beginning of November. The Serbian government failed to prevent the assessment of “inadequate improvement” despite a decision of the National Council for Cooperation with The Hague Tribunal to offer high rewards to individuals who provide information that would facilitate the arrest of fugitives.

In general, from a programmatic point of view, the parties that form the 2007 coalition belong to the pro-European group, and the “political distance” between them is smaller compared to the parties of the previous “ruling arrangement”. This is primarily a result of the absence of the traditionalist SPS, which, as we have previously shown, conserved decidedly negative views of the October 2000 upheaval and The Hague Tribunal. The fact that the DSS underwent a programmatic evolution in 2005, from a negative, or at least ambivalent attitude on Serbia’s obligations towards The Hague Tribunal, to acceptance of the necessity of fulfilling such obligations, thus becoming closer to the position of the DS and the G17 plus, has been beneficial to the proximity of the parties in the ruling coalition. Nevertheless, the programmatic differences between the partners – primarily the DS and DSS – have not disappeared. Two of these differences may be of political significance in the forthcoming period; the first difference regards the international orientation of Serbia, while the second is connected to the attitudes towards provincial autonomy. In the new Program of the DSS (October 2007), this party included “the integration of Serbia into the international order, first of all the European Union” into its immediate goals, without mentioning “Euro-Atlantic integrations”, which also include NATO accession. The political meaning of this omission became clearer when the Main Board of the DSS passed a Declaration on Military Neutrality of Serbia, on October 29, 2007. In effect, this document marks the DSS opposition to the accession of Serbia to NATO, an organization whose backbone is the US, and it can be interpreted as a protest by the DSS against the US partiality regarding the solution of the Kosovo and Metohija issue. To emphasize the political meaning of this Declaration on Military Neutrality, on November 10, 2007, the DSS organized events in public squares of major Serbian cities where party leaders explained the importance of this document to citizens. It was no coincidence that on that very same day, on the streets of Serbian cities, the DS leaders spoke to citizens about the importance of the preliminary signing of the Stabilization and Association Agreement with the EU, thus emphasizing the importance of a (half)step that Serbia took towards the EU, regardless of the unraveling of the “Kosovo knot”. *In this way, the two most important parties of the ruling coalition sent an indirect message to the Serbian public that the order in which their state priorities are aligned was different.*

The second programmatic distinction between the DS and the DSS regards the autonomy of Vojvodina. This distinction was alleviated – as we have previously shown – when the DSS accepted provincial autonomy in the draft of the new Serbian Constitution in 2002. The impression of a more flexible position of

the DSS on the question of the autonomous province was strengthened in 2005, when for the very first time, the DSS elected its Provincial Board for Vojvodina. However, contrary to our expectations, the new *DSS Program* (2007) does not contain a position of acceptance of provincial autonomy. Indeed, the autonomy of the Province is not even mentioned in this document, instead, the DSS speaks about "...strengthening local self-government on all levels and the transfer of the majority of state functions to regions and smaller units of self-government". The same formulation was included in the *DSS Program* of 2001.

Let us also mention the basic programmatic commitments of the opposition parties in the Serbian Assembly elected in 2007: the SRS, the SPS and the LDP. The SRS has not reformed its strategic commitments. On the contrary, their formulation has been even stronger in the *Political testament* (2007) of the party president Vojislav Šešelj, which the SRS accepted as its official document. Among the demands of this short text are: that the SRS never abandon the concept of Greater Serbia, that it persistently confront globalism, rely on Russia and never accept the independence of Kosovo and Metohija. If, "however, the western countries do seize Kosovo and Metohija, (they must – VG) ...insist on severance of diplomatic relations, automatically and for ever, with all countries that recognize the independence of Kosovo and Metohija". After the mandate of the previous minority government ended and the SPS "moved" to the opposition (May 2007), it did not undergo any significant programmatic evolution in comparison to the principles formulated in 2003. Finally, the youngest relevant party, the Liberal Democratic Party (LDP - formed by secession from the DS in 2004), has significant programmatic differences in comparison to the SRS and the SPS. In its programmatic document (*Charter of Liberty – 2007*), the LDP advocates a different Serbia, one which must not remain a "prisoner" of either The Hague or Kosovo and Metohija. According to the LDP, these "Gordian knots" have to be cut through unconditional fulfillment of all obligations towards The Hague Tribunal and by accepting a compromise regarding the "Southern Province", one that will not insist on the status within Serbia, but instead, on securing the best possible living conditions for all residents of Kosovo and Metohija – Albanians, Serbs and all others. In addition to this, the LDP demands that Serbia face its past and the war policy of the Milošević regime with self-criticism, and on top of that, prohibit by law the work of the SPS and the SRS, the two parties that were "the backbone" of that regime.



On the preceding pages, we have shown that the policies of the three ruling coalitions in the post-October period matched, to a great extent, the programmatic commitments of parties that formed the coalitions, primarily those of pivotal parties. For example, it is by no means a coincidence that government

policy took a sharp detour in 2004, when, in addition to the pro-European parties, the traditionalist SPS became part of the “ruling arrangement”. A shift in the opposite direction occurred in 2007, when the DS became part of the coalition government. The coalition Government of Serbia, thus formed, included cooperation with The Hague Tribunal into the most important goals of its policy, which completely differed from the commitments of the coalition government of 2004. Indeed, the abovementioned oscillations demonstrate the importance of party ideology, which acts, to a great extent, as “an independent variable” of party (and state) policy. In other words, “...former (party – VG) identities have lasting political implications...” (Mair 1997, 21). It is far from inconceivable that, in subsequent periods, the direction of state activity could change in large amplitudes, since the parties that strive towards the return of the *old regime* (the SRS, the SPS) hold 38% of the seats in the Serbian Assembly elected in 2007. In the last few months there has been nothing to suggest any erosion in support to these parties among the electorate. This has been corroborated by the findings of empirical research carried out by CESID (at the end of August and the beginning of September 2007), according to which citizens support the SRS and the SPS in an almost identical percentage (37%) as they did before (Mihailović et al., 2007). Under such circumstances, each conflict within the ruling pro-European block offers an opportunity for traditionalist parties to come to power and amend the policy of Serbia according to their own priorities.

As we have shown above, other incentives exist, besides programmatic commitments, that influence party policy, in particular the imminent aspiration of parties to maximize their political power. Accordingly, parties strive to adjust the moment of elections to their own needs, or set election dates in such a way as to weaken the position of some other party with which they share part of the electorate. A scholarly example of this was the conflict between the DS and the DSS on the date of presidential elections, motivated by particular interests and disguised as an argument about sacrosanct state/national goals.

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