

New Europe College Yearbook
Europe next to Europe Program

2015-2016

2016-2017



KRISTINA NIKOLOVSKA
ALEKSANDAR PAVLOVIĆ
VILDAN SEÇKINER
PREDRAG ZENOVIC
MARIJA ZURNIĆ

BOJAN BILIĆ
NENA MOČNIK

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Editor: Irina Vainovski-Mihai

The Europe next to Europe Fellowship Program was supported by the Riksbankens Jubileumsfond, Sweden.

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ISSN 1584-0298

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NEW EUROPE FOUNDATION NEW EUROPE COLLEGE

Institute for Advanced Study

New Europe College (NEC) is an independent Romanian institute for advanced study in the humanities and social sciences founded in 1994 by Professor Andrei Pleșu (philosopher, art historian, writer, Romanian Minister of Culture, 1990–1991, Romanian Minister of Foreign Affairs, 1997-1999) within the framework of the *New Europe Foundation*, established in 1994 as a private foundation subject to Romanian law.

Its impetus was the *New Europe Prize for Higher Education and Research*, awarded in 1993 to Professor Pleșu by a group of six institutes for advanced study (the Center for Advanced Study in the Behavioral Sciences, Stanford, the Institute for Advanced Study, Princeton, the National Humanities Center, Research Triangle Park, the Netherlands Institute for Advanced Study in Humanities and Social Sciences, Wassenaar, the Swedish Collegium for Advanced Study in the Social Sciences, Uppsala, and the Wissenschaftskolleg zu Berlin).

Since 1994, the NEC community of fellows and *alumni* has enlarged to over 700 members. In 1998 New Europe College was awarded the prestigious *Hannah Arendt Prize* for its achievements in setting new standards in research and higher education. New Europe College is officially recognized by the Romanian Ministry of Education and Research as an institutional structure for postgraduate studies in the humanities and social sciences, at the level of advanced studies.

Focused primarily on individual research at an advanced level, NEC offers to young Romanian scholars and academics in the fields of humanities and social sciences, and to the foreign scholars invited as fellows appropriate working conditions, and provides an institutional framework with strong international links, acting as a stimulating environment for interdisciplinary

dialogue and critical debates. The academic programs NEC coordinates, and the events it organizes aim at strengthening research in the humanities and social sciences and at promoting contacts between Romanian scholars and their peers worldwide.

Academic programs currently organized and coordinated by NEC:

- ***NEC Fellowships (since 1994)***

Each year, up to ten NEC Fellowships open both to Romanian and international outstanding young scholars in the humanities and social sciences are publicly announced. The Fellows are chosen by the NEC international Academic Advisory Board for the duration of one academic year, or one term. They gather for weekly seminars to discuss the progress of their research, and participate in all the scientific events organized by NEC. The Fellows receive a monthly stipend, and are given the opportunity of a research trip abroad, at a university or research institute of their choice. At the end of their stay, the Fellows submit papers representing the results of their research, to be published in the New Europe College Yearbooks.

- ***Ștefan Odobleja Fellowships (since October 2008)***

The Fellowships given in this program are supported by the National Council of Scientific Research, and are meant to complement and enlarge the core fellowship program. The definition of these fellowships, targeting young Romanian researchers, is identical with those in the NEC Program, in which the *Odobleja* Fellowships are integrated.

- ***The Pontica Magna Fellowship Program (since October 2015)***

This Fellowship Program, supported by the VolkswagenStiftung (Germany), invites young researchers, media professionals, writers and artists from the countries around the Black Sea, but also beyond it (Armenia, Azerbaijan, Belarus, Georgia, Moldova, Russia, Ukraine), for a stay of one or two terms at the New Europe College, during which they have the opportunity to work on projects of their choice. The program welcomes a wide variety of disciplines in the fields of humanities and social sciences. Besides hosting a number of Fellows,

the College organizes within this program workshops and symposia on topics relevant to the history, present, and prospects of this region. This program is therefore strongly linked to the former *Black Sea Link* Fellowships.

- ***The Pontica Magna Returning Fellows Program (since March 2016)***
In the framework of its *Pontica Magna* Program, New Europe College offers alumni of the *Black Sea Link* and *Pontica Magna* Fellowship Programs the opportunity to apply for a research stay of one or two months in Bucharest. The stay should enable successful applicants to refresh their research experience at NEC, to reconnect with former contacts, and to establish new connections with current Fellows. The *Pontica Magna Returning Fellows* Program targets young researchers, media professionals, writers and artists from the countries around the Black Sea: Armenia, Azerbaijan, Belarus, Georgia, Moldova, Russia, Turkey, and Ukraine.
- ***The Gerda Henkel Fellowship Program (since March 2017)***
This Fellowship Program, developed with the support of Gerda Henkel Stiftung (Germany), invites young researchers and academics working in the fields of humanities and social sciences (in particular archaeology, art history, historical Islamic studies, history, history of law, history of science, prehistory and early history) from Afghanistan, Belarus, China (only Tibet and Xinjiang Autonomous Regions), Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan, for a stay of one or two terms at the New Europe College, during which they will have the opportunity to work on projects of their choice.
- ***How to Teach Europe Fellowship Program (since April 2017)***
This Program, supported by the Robert Bosch Foundation and a Private Foundation from Germany, introduces a new and innovative Fellowship module at the Centre for Advanced Study (CAS), Sofia, and the New Europe College (NEC), Bucharest. Beyond the promotion of outstanding individual researchers, the Program focuses on the intersection of fundamental research and higher education. The joint initiative seeks to identify and bring together bright and motivated young and established university professors from South-eastern Europe to dedicate themselves for a certain amount of time to research work

oriented toward a specific goal: to lend the state-of-the-art theories and methodologies in the humanities and social sciences a pan-European and/or global dimension and to apply these findings in higher education and the transmission of knowledge to wider audiences.

The goal of the proposed program is to use this knowledge to improve the quality of higher education in the humanities and social sciences and to endorse its public relevance. A tangible output will be the conceptualization of a series of new courses or, ultimately and ideally, the development of innovative curricula for the universities of the participating scholars.

- ***The Spiru Haret Fellowship Program (since October 2017)***

The *Spiru Haret* Fellowship Program targets young Romanian researchers/academics in the humanities and social sciences whose projects address questions relating to migration, displacement, diaspora. Candidates are expected to focus on Romanian cases seen in a larger historical, geographical and political context, in thus broadening our understanding of contemporary developments. Such aspects as transnational mobility, the development of communication technologies and of digitization, public policies on migration, ways of employing transnational communities, migrant routes, the migrants' remittances and entrepreneurial capital could be taken into account. NEC also welcomes projects which look at cultural phenomena (in literature, visual arts, music etc.) related to migration and diaspora. The Program is financed through a grant from UEFISCDI (The Romanian Executive Unit for Higher Education, Research, Development and Innovation Funding).

Other fellowship programs organized since the founding of New Europe College:

- ***RELINK Fellowships (1996–2002)***

The RELINK Program targeted highly qualified young Romanian scholars returning from studies or research stays abroad. Ten RELINK Fellows were selected each year through an open competition; in order to facilitate their reintegration in the local scholarly milieu and to improve their working conditions, a support lasting three years was offered, consisting of: funds for acquiring scholarly literature, an annual

allowance enabling the recipients to make a one-month research trip to a foreign institute of their choice in order to sustain existing scholarly contacts and forge new ones, and the use of a laptop computer and printer. Besides their individual research projects, the RELINK fellows of the last series were also required to organize outreach activities involving their universities, for which they received a monthly stipend. NEC published several volumes comprising individual or group research works of the RELINK Fellows.

- ***The NEC–LINK Program (2003 - 2009)***

Drawing on the experience of its NEC and RELINK Programs in connecting with the Romanian academic milieu, NEC initiated in 2003, with support from HESP, a program that aimed to contribute more consistently to the advancement of higher education in major Romanian academic centers (Bucharest, Cluj–Napoca, Iași, Timișoara). Teams consisting of two academics from different universities in Romania, assisted by a PhD student, offered joint courses for the duration of one semester in a discipline within the fields of humanities and social sciences. The program supported innovative courses, conceived so as to meet the needs of the host universities. The grantees participating in the Program received monthly stipends, a substantial support for ordering literature relevant to their courses, as well as funding for inviting guest lecturers from abroad and for organizing local scientific events.

- ***The GE–NEC I and II Programs (2000 – 2004, and 2004 – 2007)***

New Europe College organized and coordinated two cycles in a program financially supported by the Getty Foundation. Its aim was to strengthen research and education in fields related to visual culture, by inviting leading specialists from all over the world to give lectures and hold seminars for the benefit of Romanian undergraduate and graduate students, young academics and researchers. This program also included 10-month fellowships for Romanian scholars, chosen through the same selection procedures as the NEC Fellows (see above). The GE–NEC Fellows were fully integrated in the life of the College, received a monthly stipend, and were given the opportunity of spending one month abroad on a research trip. At the end of the academic year the Fellows submitted papers representing the results of their research, to be published in the GE–NEC Yearbooks series.

- ***NEC Regional Fellowships (2001 - 2006)***

In 2001 New Europe College introduced a regional dimension to its programs (hitherto dedicated solely to Romanian scholars), by offering fellowships to academics and researchers from South–Eastern Europe (Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, The Former Yugoslav Republic of Macedonia, the Republic of Moldova, Montenegro, Serbia, Slovenia, and Turkey). This program aimed at integrating into the international academic network scholars from a region whose scientific resources are as yet insufficiently known, and to stimulate and strengthen the intellectual dialogue at a regional level. Regional Fellows received a monthly stipend and were given the opportunity of a one–month research trip abroad. At the end of the grant period, the Fellows were expected to submit papers representing the results of their research, published in the NEC Regional Program Yearbooks series.

- ***The Britannia–NEC Fellowship (2004 - 2007)***

This fellowship (1 opening per academic year) was offered by a private anonymous donor from the U.K. It was in all respects identical to a NEC Fellowship. The contributions of Fellows in this program were included in the NEC Yearbooks.

- ***The Petre Țuțea Fellowships (2006 – 2008, 2009 - 2010)***

In 2006 NEC was offered the opportunity of opening a fellowships program financed the Romanian Government through its Department for Relations with the Romanians Living Abroad. Fellowships are granted to researchers of Romanian descent based abroad, as well as to Romanian researchers, to work on projects that address the cultural heritage of the Romanian *diaspora*. Fellows in this program are fully integrated in the College's community. At the end of the year they submit papers representing the results of their research, to be published in the bilingual series of the *Petre Țuțea* Program publications.

- ***Europa Fellowships (2006 - 2010)***

This fellowship program, financed by the VolkswagenStiftung, proposes to respond, at a different level, to some of the concerns that had inspired our *Regional Program*. Under the general title *Traditions of the New Europe. A Prehistory of European Integration in South-Eastern Europe*,

Fellows work on case studies that attempt to recapture the earlier history of the European integration, as it has been taking shape over the centuries in South–Eastern Europe, thus offering the communitarian Europe some valuable vestiges of its less known past.

- ***Robert Bosch Fellowships (2007 - 2009)***

This fellowship program, funded by the Robert Bosch Foundation, supported young scholars and academics from Western Balkan countries, offering them the opportunity to spend a term at the New Europe College and devote to their research work. Fellows in this program received a monthly stipend, and funds for a one-month study trip to a university/research center in Germany.

- ***The GE-NEC III Fellowships Program (2009 - 2013)***

This program, supported by the Getty Foundation, started in 2009. It proposed a research on, and a reassessment of Romanian art during the interval 1945 – 2000, that is, since the onset of the Communist regime in Romania up to recent times, through contributions coming from young scholars attached to the New Europe College as Fellows. As in the previous programs supported by the Getty Foundation at the NEC, this program also included a number of invited guest lecturers, whose presence was meant to ensure a comparative dimension, and to strengthen the methodological underpinnings of the research conducted by the Fellows.

- ***The Black Sea Link Fellowships Program (2010 - 2015)***

This program, financed by the VolkswagenStiftung, supported young researchers from Moldova, Ukraine, Georgia, Armenia and Azerbaijan, as well as from other countries within the Black Sea region, for a stay of one or two terms at the New Europe College, during which they had the opportunity to work on projects of their choice. The program welcomed a wide variety of disciplines in the fields of humanities and social sciences. Besides hosting a number of Fellows, the College organized within this program workshops and symposia on topics relevant to the history, present, and prospects of the Black Sea region.

- ***The Europe next to Europe Fellowship Program (2013 - 2017)***

This Program, supported by the Riksbankens Jubileumsfond (Sweden), invites young researchers from European countries that are not yet members of the European Union, or which have a less consolidated position within it, targeting in particular the Western Balkans (Albania, Bosnia and Herzegovina, Croatia, Kosovo, Montenegro, Macedonia, Serbia), Turkey, Cyprus, for a stay of one or two terms at the New Europe College, during which they will have the opportunity to work on projects of their choice.

New Europe College has been hosting over the years an ongoing series of lectures given by prominent foreign and Romanian scholars, for the benefit of academics, researchers and students, as well as a wider public. The College also organizes international and national events (seminars, workshops, colloquia, symposia, book launches, etc.).

An important component of NEC is its library, consisting of reference works, books and periodicals in the humanities, social and economic sciences. The library holds, in addition, several thousands of books and documents resulting from private donations. It is first and foremost destined to service the fellows, but it is also open to students, academics and researchers from Bucharest and from outside it.

Beside the above-described programs, New Europe Foundation and the College expanded their activities over the last years by administering, or by being involved in the following major projects:

In the past:

- ***The Ludwig Boltzmann Institute for Religious Studies towards the EU Integration (2001–2005)***

Funding from the Austrian Ludwig Boltzmann Gesellschaft enabled us to select during this interval a number of associate researchers, whose work focused on the sensitive issue of religion related problems in

the Balkans, approached from the viewpoint of the EU integration. Through its activities the institute fostered the dialogue between distinct religious cultures (Christianity, Islam, Judaism), and between different confessions within the same religion, attempting to investigate the sources of antagonisms and to work towards a common ground of tolerance and cooperation. The institute hosted international scholarly events, issued a number of publications, and enlarged its library with publications meant to facilitate informed and up-to-date approaches in this field.

- ***The Septuagint Translation Project (2002 - 2011)***

This project aims at achieving a scientifically reliable translation of the Septuagint into Romanian by a group of very gifted, mostly young, Romanian scholars, attached to the NEC. The financial support is granted by the Romanian foundation *Anonimul*. Seven of the planned nine volumes have already been published by the Polirom Publishing House in Iași.

- ***The Excellency Network Germany – South–Eastern Europe Program (2005 - 2008)***

The aim of this program, financed by the Hertie Foundation, has been to establish and foster contacts between scholars and academics, as well as higher education entities from Germany and South–Eastern Europe, in view of developing a regional scholarly network; it focused preeminently on questions touching upon European integration, such as transnational governance and citizenship. The main activities of the program consisted of hosting at the New Europe College scholars coming from Germany, invited to give lectures at the College and at universities throughout Romania, and organizing international scientific events with German participation.

- ***The ethnoArc Project–Linked European Archives for Ethnomusicological Research***

An European Research Project in the 6th Framework Programme: Information Society Technologies–Access to and Preservation of Cultural and Scientific Resources (2006-2008)

The goal of the *ethnoArc* project (which started in 2005 under the title *From Wax Cylinder to Digital Storage* with funding from the Ernst von

Siemens Music Foundation and the Federal Ministry for Education and Research in Germany) was to contribute to the preservation, accessibility, connectedness and exploitation of some of the most prestigious ethno-musicological archives in Europe (Bucharest, Budapest, Berlin, and Geneva), by providing a linked archive for field collections from different sources, thus enabling access to cultural content for various application and research purposes. The project was run by an international network, which included: the “Constantin Brăiloiu” Institute for Ethnography and Folklore, Bucharest; Archives Internationales de Musique Populaire, Geneva; the Ethno-musicological Department of the Ethnologic Museum Berlin (Phonogramm Archiv), Berlin; the Institute of Musicology of the Hungarian Academy of Sciences, Budapest; Wissenschaftskolleg zu Berlin (Coordinator), Berlin; New Europe College, Bucharest; FOKUS Fraunhofer Institute for Open Communication Systems, Berlin.

- ***Business Elites in Romania: Their Social and Educational Determinants and their Impact on Economic Performances.*** This is the Romanian contribution to a joint project with the University of Sankt Gallen, entitled ***Markets for Executives and Non-Executives in Western and eastern Europe***, and financed by the National Swiss Fund for the Development of Scientific Research (SCOPES) (December 2009 – November 2012)
- ***The Medicine of the Mind and Natural Philosophy in Early Modern England: A new Interpretation of Francis Bacon*** (A project under the aegis of the European Research Council (ERC) Starting Grants Scheme) – In cooperation with the Warburg Institute, School of Advanced Study, London (December 2009 - November 2014)
- ***The EURIAS Fellowship Program***, a project initiated by NetIAS (Network of European Institutes for Advanced Study), coordinated by the RFIEA (Network of French Institutes for Advanced Study), and co-financed by the European Commission’s 7th Framework Programme - COFUND action. It is an international researcher mobility programme in collaboration with 14 participating Institutes of Advanced Study in Berlin, Bologna, Brussels, Bucharest, Budapest, Cambridge, Helsinki, Jerusalem, Lyons, Nantes, Paris, Uppsala, Vienna, Wassenaar. (October 2011 – July 2014)

Research programs developed with the financial support of the Romanian Ministry of Education and Research, through the *Executive Unit for Financing Higher Education, Research, Development and Innovation – UEFISCDI*):

- ***DOCSOC, Excellency, Innovation and Interdisciplinarity in doctoral and postdoctoral studies in sociology*** (A project in the Development of Human Resources, under the aegis of the National Council of Scientific Research) – in cooperation with the University of Bucharest (2011)
- ***UEFISCCDI – CNCS (PD – Projects): Federalism or Intergovernmentalism? Normative Perspectives on the Democratic Model of the European Union (Dr. Dan LAZEA); The Political Radicalization of the Kantian Idea of Philosophy in a Cosmopolitan Sense (Dr. Áron TELEGDI-CSETRI)*** (August 2010 – July 2012)
- ***Civilization. Identity. Globalism. Social and Human Studies in the Context of European Development*** (A project in the Development of Human Resources, under the aegis of the National Council of Scientific Research) – in cooperation with the Romanian Academy (March 2011 – September 2012)
- ***TE-Project: Critical Foundations of Contemporary Cosmopolitanism***, Team leader: Tamara CĂRĂUȘ, Members of the team: Áron Zsolt TELEGDI-CSETRI, Dan Dorin LAZEA, Camil PÂRVU (October 2011 – October 2014)
- ***PD-Project: Mircea Eliade between Indology and History of Religions. From Yoga to Shamanism and Archaic Religiosity (Liviu BORDAȘ)***
Timeframe: May 1, 2013 – October 31, 2015 (2 and ½ years)
- ***IDEI-Project: Models of Producing and Disseminating Knowledge in Early Modern Europe: The Cartesian Framework***
Project Coordinator: Vlad ALEXANDRESCU
(1 Project Coordinator, 2 Researchers, 2 Research Assistants)
Timeframe: January 1, 2012 – December 31, 2016 (5 Years)

- **TE–Project: *Pluralization of the Public Sphere. Art Exhibitions in Romania in the Timeframe 1968-1989***
Project Coordinator: Cristian NAE
(1 Project Coordinator, 1 Researcher, 2 Research Assistants)
Timeframe: October 1, 2015 – September 30, 2016 (1 Year)
- **Bilateral Cooperation: *Corruption and Politics in France and Romania (contemporary times)***
Project Coordinator: Silvia MARTON
(1 Project Coordinator, 7 Researchers)
Timeframe: January 1, 2015 – December 31, 2016 (2 Years)
- **TE–Project: *Museums and Controversial Collections. Politics and Policies of Heritage Making in Post-colonial and Post-socialist Contexts***
Project Coordinator: Damiana OȚOIU
(1 Project Coordinator, 5 Researchers)
Timeframe: October 1, 2015 – September 30, 2017 (2 Years)
- **TE–Project: *Turning Global: Socialist Experts during the Cold War (1960s-1980s)***
Project Coordinator: Bogdan IACOB
(1 Project Coordinator, 2 Researchers, 2 Research Assistants)
Timeframe: October 1, 2015 – November 30, 2017 (2 Years and 2 Months)

ERC Grants:

- **ERC Starting Grant**
(Grant transferred by the Principal Investigator to the University of Bucharest)
Record-keeping, fiscal reform, and the rise of institutional accountability in late medieval Savoy: a source-oriented approach – Castellany Accounts
Principal Investigator: Ionuț EPURESCU-PASCOVICI
Timeframe at the NEC: May 1, 2015 – March 31, 2017 (1 Year and 10 Months)
Timeframe of the Grant: May 1, 2015 – April 30, 2020 (5 Years)

Ongoing projects:

ERC Grants:

- **ERC Consolidator Grant**

Luxury, fashion and social status in Early Modern South Eastern Europe

Principal Investigator: Constanța VINTILĂ-GHIȚULESCU

(1 Principal Investigator, 8 Researchers)

Timeframe: July 1, 2015 – June 30, 2020 (5 Years)

Other projects are in the making, often as a result of initiatives coming from fellows and *alumni* of the NEC.

Focus Groups

- *Culture in Murky Times*
- Focus Group on Education and Research
- New World Disorder

The Focus Groups are financed by two grants of the *Executive Unit for Financing Higher Education, Research, Development and Innovation* – UEFISCDI, within the *Prize for Excellence in Research* awarded to Romanian Host Institutions of research projects financed by European Research Council in 2014 – 2016.

Research Groups

- Reflections on the Political History of the 18th and 19th Century in Romania
- The Bible in Linguistic Context: Introduction to the Biblical Hebrew
- The Bible in Linguistic Context: Introduction to the Coptic Language

Present Financial Support

The State Secretariat for Education, Research and Innovation of Switzerland through the Center for Governance and Culture in Europe, University of St. Gallen

The Ministry of National Education – The Executive Agency for Higher Education and Research Funding, Romania

Landis & Gyr Stiftung, Zug, Switzerland

Private Foundations, Germany

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Gerda Henkel Stiftung, Düsseldorf, Germany

Robert Bosch Stiftung, Stuttgart, Germany

European Research Council (ERC)

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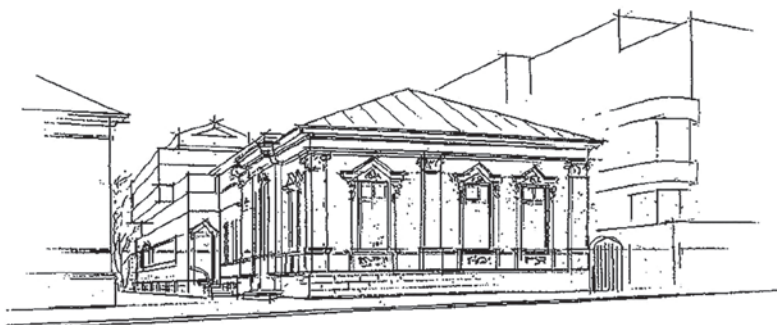
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KRISTINA NIKOLOVSKA

Born in 1981, in Skopje

Ph.D. in Text and Event in Early Modern Europe
(University of Kent – Freie Universität Berlin)

Dissertation: *“Let it be known”: Interrogating Historical Writing in Church Slavonic Paratexts of Southeastern Europe (1371-1711)*

British Library Research Librarian (2013)

Participation to international conferences and symposia in Czech Republic, Portugal, United Kingdom and U.S.A.

Articles and book chapters published in the fields both of Early Modern Studies and Anthropology.

Previous experience in journalism (both broadcasting and press); oral history; risk analysis.

FROM MARGINS TO NATION: CHURCH SLAVONIC MARGINAL INSCRIPTIONS AND THEIR VALUE AS HISTORICAL SOURCES FOR MACEDONIAN HISTORIOGRAPHY

Abstract

The Church Slavonic notes inscribed in the margins of religious manuscripts during the Ottoman period often have been celebrated by Macedonian literary critics and some historians for the evidence they offer about the ‘suffering’ of the subject population under the Turkish ‘yoke’. As it will be demonstrated here, the truth value of these accounts cannot be taken for granted. This paper is divided into three sections. First, I will provide an overview of the views on the Ottoman rule in Macedonian historiography, moving towards an analysis of the role Church Slavonic marginal notes have played in the construction of the historical myth about the Turkish ‘yoke’. In the last part, the paper aims to suggest possible approaches to the study of the large paratextual historiographical corpus.

Keywords: Ottoman Macedonia, Church Slavonic colophons and marginalia, Church Slavonic manuscripts, Macedonian historiography.

I. Introduction

Within the large corpus of Church Slavonic marginalia and colophons – notes or marks providing us with information about the production, purchases, bindings or uses of the manuscripts – we sometimes find references to important Ottoman conquests and battles, births or deaths of Sultans and remarks about their rule in Europe. These intriguing writings have already attracted attention among Macedonian historians and literary critics. Previous scholarship mainly has focused on the clues these notes can offer with regards to manuscripts’ history, or to the question of the veridicality of these accounts.¹ There are two streams of opinion regarding the truth-value of Church Slavonic paratextual writings. The marginal notes

either have been celebrated as truthful accounts accurately describing the suffering of the Macedonian people under 'Turkish yoke' or they have been dismissed as literary exaggerations, bearing little relationship to historical reality.

This paper aims to a) discuss the reception of the Church Slavonic inscriptions dealing with Ottoman power in the Republic of Macedonia and b) provide a framework to enable a move beyond the sterile true/false dichotomy. Framing my paper in these terms, I will begin by providing a general introduction to the 'Turkish yoke' trope present in the academic discourse in Macedonia, after which I will present the main views among Macedonian historians regarding the Ottoman period. The paper then focuses specifically on the truth-value attached to Church Slavonic marginalia and colophons and argues that these marginal inscriptions have played an important role in the construction of the historical myth about the 'Turkish yoke'. In the final section, by giving a few examples, I will suggest alternative frameworks for studying the marginal notes containing references to historical events from the Ottoman period.

II. The Perceptions of the Ottoman Period in Macedonian Historiography

Not so long ago, in November 2012, the then Macedonian minister of Information Technology Ivo Ivanovski, said that he would initiate anti-Turkish-soap-opera measures in the country. "We appreciate the Turkish video production houses" he said, but "we should stimulate our domestic TV production. We had enough, *five hundred years of Turkish yoke*."² The minister's statement embittered the Turkish community in the country and was seen as putting into danger the extensive bilateral trade relations between Turkey and the Republic of Macedonia. Ivanovski responded by denying any intention to offend, saying he "was just using historical facts".³ The minister's statement is a good example of making use of the 'Turkish yoke' trope for political and nationalist purposes. The trope – or the narrative that the Macedonian nation defended itself after a long suffering under foreign domination – is a central political myth for national self-determination in the region and has held an important place in the popular and official historical memory. Apart from being a vital facet of contemporary political discourse, the 'yoke' is one of the key areas of exploration in the folk and cultural scene, constituting the themes of many folk singers, visual artists, poets, novelists and filmmakers.

In the collective memory 'Turkish yoke' stands for the endless exploitation of the subjugated native populace by the Ottoman administration. The main features of this trope include the forced conversion of Slavs into Islam; of young boys removed from their homes and recruited into the special army of janissaries; of beautiful Macedonian women engaged to harems; and of churches destroyed and converted into mosques. These specific strands are used to bolster the larger conclusion that the Ottomans halted the cultural and political development of the Macedonians, causing the region to regress by centuries.

Similarly, much of the Macedonian historiography perceives the Ottoman rule as a period of darkness and suffering in which national and religious independence vanished, with the aristocracy in ruins, the peasantry enslaved as bonded labour, and the youth conscripted to the ruling military forces as 'blood tax'. The negative stereotype of the 'Turk' was and still remains a very important rhetorical tool in the country for the process of nation-building and statecraft, employed mostly in the form of a symbolic distinction between 'us' (the nation) and 'them' (the usurpers and enemies of the nation). From the period when Macedonian historiography began to professionalise itself – in the first decades after the Second World War – until the present day, it has projected the heroism of the nation who managed to liberate itself from several oppressive foreign rulers, including the Ottomans. There is little doubt that the Macedonian professional historians played an important role in adapting, embellishing and distributing stereotypes about the 'Turks'. In fact, in the Republic of Macedonia the derogatory term *ropstvo* (yoke, slavery) was replaced with *vladeenje* (rule) in history textbooks compulsory for primary and secondary education very recently.⁴ Having this in mind, it is not very difficult to imagine that the nationalist-oriented minister Ivanovski would be confident that he was only listing historical 'facts'.

A good example of early anti-Ottoman historiography is the work of Ljuben Lape, regarded as a pioneer in the historical establishment as he was the first to compile a corpus of texts that would eventually form the basis for the history of the Macedonian nation. Lape's corpus of historical accounts published in 1959 was initially used as material for classroom instruction before the first history textbooks specially produced for schools appeared. The contents of this compilation include a translation of an Ottoman document detailing a code of conduct to be followed by the Ottoman administration when it recruits a new contingent of children for the legions of the janissaries. Lape annotates this document by declaring that "the most

difficult tax that our people had to pay was the taking away of their children, their conversion to Islam and their recruitment as janissaries. This tax was taken every fifth year".⁵ Lape's attribution of oppressive measures carried out by the Ottoman administration contrasts starkly with the procedures the actual document describes. The code of conduct in question states the need to take good care of the children they recruited "as has always been the case". In the same document, there is an instance dated 1573, in which a high ranking officer of the empire requested the judges (*kadı*) to ensure that the child-recruits "will get enough food"; that "violence over the *reaya* [the lowest, tax paying class] is unacceptable during the process" of recruitment; that the officials should not forcefully take from the *reaya* food and clothes for the prospective janissaries; and that there should not be any looting in the areas where the *reaya* lived because it is the judges who would be held responsible for not protecting the *reaya*. While this latter instance is far more ambiguous regarding the history of the janissaries, it only begs more questions of Lape's univocal stance. That the high ranking officer intervened on behalf of the janissaries via the judiciary does not entirely absolve the Ottoman administration of crimes committed in their pursuit of the *devşirme*. Rather, it points towards a history of violence and dispossession which required urgent corrective action. At the same time, it also demonstrates that the *devşirme* was not an explicit policy of systematic abuse as Lape and other nationalist historians portray it as being.

Nevertheless, it is Lape's interpretation that holds sway up to the present day. In the history textbook for the second year of high schools still in use, the authors – without revealing the sources from which they develop their claims – write that the Macedonians were conscious of their national identity and had resisted the Ottoman rule in many ways. What they "most resisted was the so-called 'blood tax'; the peasants protected their children by hiding them, or by tattooing crosses on their foreheads, or by marrying them early. Sometimes they handicapped their children by mangling their limbs in order not to be separated from them".⁶ The specific body of evidence used by the authors remains to be known. The authors fail to include perspectives which tell a different tale of how the *devşirme* was not always seen by the *reaya* in a negative light as it provided means of advancement for this lowest class, whose social mobility was otherwise very restricted.⁷

In another extract from the same textbook, the authors argue that Macedonians developed many ways of expressing their discontent at being subjected to foreign Muslim rulers. One such example, the authors say, is

the 1564 Mariovo-Prilep rebellion. It is unilaterally interpreted as an armed conflict against the 'Turks'.⁸ But these rebellions could be categorised under a class of struggles which were a response to feudal excesses and were not restricted only to the Balkan regions of the Ottoman Empire. Suraiya Faroqui writes of Turkish peasants from Anatolia who were also in similar conflict with their landlords (*timar* holders or *sipahis*) as they "were expected to treat the *timar* holder as their master". According to Faroqui, the reasons for these insurrections were various: The peasants were forbidden "to collect the corn from the fields until they (the *sipahis*) themselves had taken their share".⁹ This often meant that the produce would rot. Other oppressive measures included the peasant requiring a *timar* holder's consent if they were about to leave the village and seek work in a city. The reasons for rebellion, whether caused by ethnic tensions or feudal relations, are crucial; they could strip away the identitarian hostility which characterises the "Turkish yoke" narrative – and the violence it engenders – in the Balkans.

Although dominant, the nationalist narrative regarding the Ottoman rule has been challenged since the 1970s. One of the first Balkan historians to use Ottoman archival materials, Aleksandar Stojanovski prefaces his book *Makedonija vo turskoto srednovekovje* ("Macedonia during the Turkish Medieval Period") with a frontal attack against mainstream historiography, declaring that "five centuries of Turkish rule, of the Balkan territories and its peoples, are no longer the dark period. "This darkness has been mitigated somewhat by the endless reserves of newly discovered primary sources in the archives of Istanbul".¹⁰ In an article dealing with the impact of the Ottoman rule on the Balkans in the period between the fifteenth and the sixteenth centuries, Stojanovski argues that "with the end of the medieval states and establishment of Ottoman rule [...], drastic shifts in terms of socio-economic relations did not occur".¹¹ This view went against the prevailing idea that the Ottomans introduced a specific type of feudalism which disrupted the progress that the region had previously achieved. Views such as these have posed credible challenges to the predominant representation in nationalist historiography of the Ottomans as being the root cause of economic hardship and decline in the region.

It is possible to see why the early stages of nationalist historiography would have been compelled to perpetuate anti-Ottoman stereotypes in their eagerness to participate in the project of national integration. It is strange, however, that this paradigm should continue with full force even once the initial motives have expired. This continuity persists, as Dragi Ćorgiev and Irena Stefoska have explained, because the organisation and goals of the

“two institutions [the Department of History within the University of Ss Cyril and Methodius and the Institute of National History] which are the most influential in constructing historical discourse in Macedonia” have not changed considerably, and neither has their “epistemological and methodological conception in studying and interpreting the past, which only reinforces the continuity of the previous system”.¹² The first generation of historians were closely affiliated with the socialist political establishment, but the outlook of the institutions has not changed even after Macedonia gained independence. Historical research and education are “strictly centralized and represent a monopoly of the state and its institutions” and the main goal of the institutions involved in historical research and education remains “to study the history of the Macedonian nation”.¹³

The historiographical tradition in Macedonia is informed by an understanding that revisions of historical writing are initiated ‘from above’. Examples of academic historians being subversive to the politically predominant views and crafting narratives without much institutional patronage are rare. The independence of the Macedonian state saw major re-evaluations of the past, causing a shift of focus on the object of historiography from Macedonian role in the Second World War to older figures and events from the medieval and pre-medieval times. Ulf Brunnbauer in his analysis of Macedonian historiography reveals that the new volume of *Istorija na makedonskiot narod* (“History of the Macedonian People”), published in 2000, “dedicated over 200 pages to the Ancient Macedonians”, significantly higher than the first edition’s allocation in 1969 of a mere twenty pages to that period.¹⁴ Brunnbauer argues that the new “myths of origin and continuity” were primarily constructed by professional historians whose main task has been to trace the foundations of the nation to a period that precedes the founding of the state in the early twentieth century. He says, “the discourse on the ancient Macedonians was intended to substantiate the Macedonians’ claim to a long national pedigree and also to a homeland”.¹⁵ The role of the Orthodox Church during Ottoman rule is another area that has witnessed re-evaluation. Risto Dinev and other authors of a 1970 history textbook downplayed the ‘national’ role played by the Orthodox Church during the Ottoman rule, writing with a palpably negative slant against the Church given the anti-Church policies of Socialist Yugoslavia. The textbook states: “During the Ottoman Rule the Ohrid Archbishopric kept its autonomy with Archbishop as leader. The majority of the archbishops were corrupted and greedy, and there were some who were even fighting against the Turks. Such is

the case of Valaam, who got killed by the Turks in Veles.”¹⁶ In diametric opposition, a contemporary history textbook unquestionably praises the Church, especially at the cost of the Ottomans and the Greek phanariots, stating that “the Orthodox Church was the guardian of the Macedonian nation during the period of conversion. The churches were spaces where Slavonic culture and literacy were spread”.¹⁷

The anti-Ottoman stereotypes shift in new ways to reflect the identitarian appeal for votes made by the dominant political parties. Dragi Ćorgiev, an historian of the Ottoman Empire, has explored the negative attitudes in Macedonia towards the Ottoman rule, focusing particularly on the Ottoman religious monuments that were vandalized during the armed conflict in 2001 between the ethnic Albanian insurgents and Macedonian security forces. One of the main reasons for these attitudes, he argues, is the *Albanizacija* (“Albanization”) of the mosques. The majority of Ottoman Turks left Macedonia during the Balkan Wars and the Second World War, which allowed the Albanians to occupy that vacuum by becoming the largest Muslim minority in the country. They also formed the highest ranks of the *Islamska Verska Zaednica* (Islamic Religious Community), the supreme Islamic authority in the republic. As a result, Albanian has gradually been introduced as the official language of worship. This perceived infiltration by the Albanians has led to regarding these religious spaces as symbols of Albanian separatism. Ćorgiev concludes that “the old Ottoman objects are no longer perceived as Ottoman heritage or cultural monuments, but as religious institutions where, among other Muslim devotees, the most radical Albanians go”.¹⁸

Apart from ethnic and religious prejudice, Aleksandar Stojanovski adds, historians in former Yugoslavia have overlooked the scale, the diversity and the complexity of the Ottoman Empire and should have assessed the issue of progress – or regression – on a regional and chronological basis.¹⁹ Although the situation might have been different for other Balkan territories, there is evidence that what we today call the Republic of Macedonia did not enjoy any marked economic development until the end of the fourteenth century. As Stojanovski tells us of the fifteenth and sixteenth centuries, Macedonia reached the same level of development as other regions in the Ottoman Empire and “without any doubts we can conclude that the cities in that period very highly developed”.²⁰ Due to prejudice, historians have very rarely explored the earliest centuries of Ottoman rule, but have tended to focus almost exclusively on the national resurgence and the uprisings against the Ottomans in the nineteenth and

early twentieth centuries. Although there is consensus amongst historians that the last centuries of the Empire had been painful and chaotic for both the Ottomans and their subjects, “in historical thinking all the centuries of the Turkish period had been as gloomy as the last one”.²¹ Indeed, only a small proportion of Macedonian historiography deals with the period from the fifteenth to eighteenth centuries. The expanse of such stereotyping is important to observe as it does not just afflict historiography but also insidiously spreads into the dominant historical understanding manifested in public and popular discourse, be it school textbooks, folklore or television.

III. Marginalia as a historical source

In the period of decline and dissolution of the Ottoman Empire in the late nineteenth and early twentieth centuries, professional and amateur historians from a few splintered nations in the European Southeast became interested in archiving the writing left behind by their ancestors, the South Slavic subjects of the Sultan. They were particularly enthusiastic about collecting and publishing marginal inscriptions from Church Slavonic manuscripts, hoping that by doing so they will offer a glimpse into the history of their nation. In the Balkans, in general, marginal inscriptions left behind in manuscripts and early printed books have been considered valuable, particularly by literary historians, as they “contain traces of the private life” of the South Slavs, which according to them, cannot be said for the rest of the Church Slavonic literary production. More importantly, these notes are believed to contain information about the history of the daily life of the South Slavs during Ottoman rule.²² The compilers of Church Slavonic marginalia claimed that by protecting and copying these fragments – rare historical accounts of the South Slavs under Ottoman rule – they were preserving “the core” of the “population”, an idea that has been transmitted largely unchallenged.²³

In the case of the Republic of Macedonia, however, interest in archiving paratextual writings began to grow during the period of socialist Yugoslavia. Similar to their Bulgarian and Serbian colleagues, the Macedonian editors of compendia highlighted the importance of marginalia as a source for writing nation’s history.²⁴ For instance, Atanas Pop-Gorgiev in the preface of his compendia *Stari Zapisi* (‘Old Notes’) published in 1996, wrote that the marginal inscriptions are

important sources for the study of the political, cultural and economic history of our nation' adding that they are particularly important for historians as they 'mention names of important historical figures: tsars, feudal lords, archbishops, metropolitans and other church authorities, and as such they are authentic sources and can serve [the historians].'²⁵

Obviously, some Macedonian historians did follow this line of thinking and moreover, they sought to corroborate evidence of the 'yoke' in the marginal notes inscribed in Church Slavonic religious manuscripts. For instance, in the two versions of the most extensive study of the history of Macedonians mentioned earlier, marginal inscriptions are used as primary sources. This is evident from the fact that collections of marginalia are listed as cited references in the bibliography. However, it is important to note that we find no reflection on the use of these accounts; neither do the authors tell us which of their arguments have been based on evidence found in marginalia.

While some historians seem to have taken these records for granted, others were either reluctant to use them or when they did, the veridicality of marginalia was questioned. A good example for this is Aleksandar Stojanovski's commentary on the historical sources depicting the notorious Battle of Maritsa in 1371. One of the most important accounts for this event – in fact, the only known record created just a few months after the battle took place – is a preface to the *Corpus Dionysiacum Slavicum* written by the Athonite monk Isaija. In this account, Isaija depicts the battle – the biggest military success of the Ottomans in Europe before the fall of Constantinople – as a catastrophic event to occur while he was working on his manuscript. The event is not merely mentioned; Isaija provides a long depiction of it spanning around seventy lines. Several scholars from Macedonia, Serbia and Bulgaria have celebrated the truth-value of Isaija's preface "distinguished by its historical accuracy and credibility" in which there is a prevailing "feeling of dread from the future occupier' and hopelessness coming from the anticipation of future tragic events".²⁶ In response to the widely accepted notion among scholars that Isaija's preface is a reliable, eye-witness account, Stojanovski argues that the preface "is rich in hyperboles" and as such should be taken as a literary exaggeration. Comparing Isaija's preface with more recent sources, Stojanovski goes on to claim that Isaija "certainly exaggerated" by giving the number of 60,000 soldiers for the South Slav armies. Rather, Stojanovski holds, "in the campaign against the Ottomans around 20,000 soldiers took part".²⁷

Stojanovski was not alone in his efforts to 'measure' the truth-value of important South Slavic paratexts. In former Yugoslavia, a few scholars have questioned the accuracy of some paratexts. Nenad Janković, for instance, holds the accounts of celestial phenomena to be 'unreliable' in that they often have 'wrong dates'.²⁸ Additionally, Đorđe Trifunović demonstrated that there is only one inscription contemporary to the Battle of Kosovo (1389), whereas the other paratexts valued by scholars, are based on folklore motifs and were written much after the depicted battle.²⁹ In the light of this debate we should understand the paper by the literary scholar Vangelija Despodova – *Zapisi za sostojbata vo Makedonija vo rakopisite od poslednite decenii na XVII vek* ('Marginal inscriptions on the circumstances in Macedonia on manuscripts from the last decades of the 17th century') – delivered during a conference predominantly attended by historians working with Ottoman archival documents. The marginal notes containing information about historical events, Despodova claims, are very important historical documents "which inform us about various historical events, about the political and economic position and the suffering of our people'. She goes on to say that the authors of these notes also 'expressed their opinion about particular historical events, which can be taken as the opinion of the entire Macedonian nation [at that time]'.³⁰

But what were the debates on truthfulness in writing when the accounts themselves were composed? Although the word of God was considered eternal, and hence fidelity of transmission was considered to be a virtue, the marginal inscriptions suggest that the scribes recognized the fundamental instability of writing. Not only do they present us with an elaboration of the theme of instability of writing, they acknowledge the general problem of textual instability as a fatal fall, brought upon humanity by the sin of Adam. If the scribes themselves are mindful of not ascribing absolute values of truth to their accounts and constantly foreground in their apologies their errors in writing, it is no small irony that a number of scholars take them to be either 'true' or 'false'. In fact, this dichotomy is particularly sterile for pre-modern pieces of historiography. As Thomas C. Ferguson tells us in the preface to his book, *The Past as a Prologue: The Revolution of Nicene Historiography*:

church histories written in the fourth and fifth century need to be liberated from modern standards of historiography. History, for the ancients, was not the objective recounting of events (for that matter, neither is any telling of history). To fault church historians for 'errors' in their chronologies, or to

accuse of them of being biased or one-sided seemed to me to be introducing a category or standard which would have been hopelessly foreign to a pre-Enlightenment world view.³¹

The same attitude should apply to the ways in which dates and events are regarded in South Slavic events. The questions posed to these chronologies and histories should not so much be whether dates are right or wrong but rather what such inconsistencies can tell us about the imagination of time for the clergy who produced these historical writings.

IV. The study of Church Slavonic marginalia and colophons

Although modern compilations of South Slavic paratexts are numerous, studies on these texts have been restricted to typological exercises.³² As early as 1909, after the three volumes of Stojanović's compendia were published, Jovan Tomić complained that there had not been a study on these fragments despite the fact that the annotations were sources that were "enthusiastically employed".³³ The paucity of such scholarship can be explained by the subscription to a widely held view in the region that Church Slavonic paratextual writings represent outlying authentic "voices from below". These voices are "informing us about various events from the economic, political, military and social spheres" and are taken as transparent in their meaning.³⁴

It is in these fragments that Blaže Koneski, the linguist who codified the standard Macedonian language, saw the beginnings of the use of vernacular language in written literature.³⁵ Scholars like Vladimir Mošin, Mihajlo Georgievski and Ćorgi Pop-Atanasov, on the other hand, were interested in marginal notes for the clues they held of a manuscript's provenance. As Pop-Atanasov wrote in the preface to his collection of marginal inscriptions, "in these fragments we find important information regarding the history of the manuscript book, often there is precise information about the author or scribe, about the time and the historical circumstances in which the book was written, where it was written, who commissioned it, where did it travel after it had been written".³⁶

This assumption of transparency has removed the need for a critical investigation of these sources and their generic history. The compendia are usually presented in the form of lists in which marginal inscriptions are copied in chronological order while the source texts are only indexed.

In South Eastern Europe, the heritage of Church Slavonic marginalia and colophons left behind in liturgical and canonical manuscripts and early printed books presents an intriguing case where the marginal notes are bestowed with principal importance whereas their relation to the primary text and the larger tradition to which they belonged has been largely sidelined.

This separation has been considered permissible since a large selection of marginal inscriptions in Church Slavonic manuscripts are not marginalia *per se*. They do not comment upon the subject matter of the source text which they border; rather, they digress into other topics such as the difficulties of the scribes, political rivalry within the church, the natural disasters that destroy their dwellings, and the high prices of food and drink. The modern compilations of the manuscripts select only those inscriptions that can be comprehended without necessarily referring to the source text, and omit those that are meaningless without it, such as commentaries, glosses and editorial notes. In the overviews to these compendia, one often comes across the category *zapis* (inscriptions). The category of *zapis* includes paratexts, colophons, annotations about historical events, annotations by bookbinders, readers or pilgrims. But interestingly, the annotations which refer to the main text and cannot be understood without the main text are often exempted from catalogues.³⁷ The act of removing the fragment from its material context leaves this paratextual corpus disembodied, severely limiting the potential for historical investigation. Paradoxically, the acts of compilation and preservation themselves have become a reason for the paucity of analysis on the subject.³⁸

Studying marginal notes without examining their source-text seems next to impossible because paratexts are physically tied to the text they comment upon. Nevertheless, there is another, more recent strand of scholarship, which has been drawing on the notion that commentaries are after all original texts and should not be seen as “secondary”. According to this view, the ways and circumstances in which commentaries were produced, used, received, and circulated across textual communities remain to be explored.

The reception of South Slavic marginal notes left in Orthodox manuscripts and early printed books is all the more intriguing in the context of such a debate. Though these paratexts have mostly been examined separately from their respective main texts, this is not because of an interest in the rich history of their tradition or circulation. Also, the narrative strategies and subject matter of marginal notes written in Church

Slavonic vastly differ from the majority of inscriptions that are the subject of the academic discussions on commentaries. While these fragments may have talked about life outside the texts they accompanied, they were very much a part of the communal life to which these canonical writings belonged. Manuscript production was an important activity for monasteries and the remarks left by bookbinders, scribes, and illuminators in the margins are fundamentally connected to the material history of the actual manuscript. Since the manuscripts were ritual objects in the monasteries and churches where they were used, the extent to which the marginal notes were involved in the monastic life would be lost to us if the history of the period were to be attested mainly through compendia. This vast corpus of paratextual inscriptions has not been coherently conceived of as a writing tradition that evolved over the centuries to have its own patterns, functions and meanings. It should be stressed that these patterns and meanings were borrowed from the dominant writing traditions of the South Slavs which were in turn modelled heavily on Byzantine writing traditions. A project that tracks the lineage of South Slavic paratexts is necessary not just to interrogate the authenticity of these records and the claims of historical veridicality that have been forced on them, but also to recover the various roles these enigmatic fragments played in the historical imagination of the South Slavs.

Another way of approaching the historiographical paratextual corpus of the South Slavs would be by exploring the local historical and cultural context which has created this production. As I have argued elsewhere, the South Slavic clergymen held various viewpoints regarding the legitimacy of the Ottoman rule.³⁹ Some writers denied any legitimacy to the sultans, often interpreting their military victories in apocalyptic terms.⁴⁰ Others acknowledged the Ottoman rule, but this acceptance was born out of mere fatalism: according to this view, there was no doubt that the Ottoman rule was 'tyrannical'; however, it was divinely ordained punishment for Christian sin. In contrast to the aforementioned ideological responses, there were writers who tacitly or explicitly endorsed the sultan's reign. The multifaceted factors at play in these accounts make it crucial for historians to see them as discursive practices. One way of exploring discourses of legitimacy crafted by the South Slavs, is by situating these accounts within the historical context in which they were composed. The political relations between the Ottoman state and the Orthodox Churches were often fundamental to the ways in which South Slavic writers represented Ottoman power in their texts.

NOTES

- 1 When I use terms such as “Macedonia” and “Macedonian scholarship”, I refer to one of the successor states of the Former SFR Yugoslavia, which was admitted to the UN in 1993 under the provisional name ‘The former Yugoslav Republic of Macedonia’ after its constitutional name was disputed by neighboring Greece.
- 2 Emphasis is mine. “Ivanovski: Kje mora da se namalat turskite serii!”, *YouTube*, <http://www.youtube.com/watch?v=47AaZyF_S0s> [accessed 30 November 2012].
- 3 “Reakcije na izjavu makedonskog ministra o ‘ropstvu pod Turcima’”, *TRT Bosanski*, <<http://www.trt.net.tr/bosanski/news/detail/region/2/reakcije-na-izjavu-makedonskog-ministra-o-ropstvu-pod-turcima/10572>> [accessed 20 November 2012].
- 4 Macedonian historians eliminated from use the derogatory term ‘yoke’ in history textbooks in 2003. See TUFAN 2008, p. 791.
- 5 In LAPE 1959, p. 181.
- 6 In ADŽIEVSKI 2002, p. 63.
- 7 See FLEISCHER 2014, p. 19.
- 8 In ADŽIEVSKI 2002, p. 66.
- 9 In FAROQHI 2005, pp. 54-55.
- 10 In STOJANOVSKI 1989, p. 5.
- 11 In STOJANOVSKI 1989, p. 64.
- 12 In STEFOSKA – ĆORGIEV 2008, p. 803.
- 13 *Ibidem*, p. 803.
- 14 In BRUNNBAUER 2005, p. 276.
- 15 In BRUNNBAUER 2004, p. 181.
- 16 DINEV et al. 1970, p. 228.
- 17 In ADŽIEVSKI – AČKOVSKA – ĆORGIEV 2002, p. 74.
- 18 In ĆORGIEV 2011, p. 197.
- 19 In STOJANOVSKI 1989, p. 70.
- 20 *Ibidem*, p. 70.
- 21 In KIEL 1985, p. 44.
- 22 In RADOJIČIĆ 1962, p. 102.
- 23 In IVANOV 1931, p. III.
- 24 The question of disputed boundaries of the geographical area of Macedonia is also reflected in the compendia. The Serbian and Bulgarian editions of marginalia collections include inscriptions composed on the territory of Macedonia. Macedonian scholars interpreted this as another example of nationalist ‘appropriation’ and published their own compendia largely relying on the notes published previously by their Serbian and Bulgarian colleagues.

- 25 In POP-ATANASOV 1996, pp. 5-7. Although I am using Macedonia as a case study, it is important to note that in the other counties from Southeastern Europe we find similar opinions on this matter. See, for instance, Sima Ćirković's preface to *Stari srpski zapisi i natpisi*, where he says: 'Every scholar who had to deal with any larger thematic of Serbian history or Serbian culture had to rely on this unique compendium...Without exaggerating it could be said that the corpus of inscriptions is one of the pillars on which the development of historiography in our time is based. To its importance contributed the fact that in our country a few sources have survived so every, even the smallest text, should be appreciated' (in ĆIRKOVIĆ 1982, pp. 3-4).
- 26 In PETKANOVA 1992, p. 196.
- 27 In STOJANOVSKI 1989, p. 15.
- 28 In JANKOVIĆ 1989, pp. 36-37.
- 29 In TRIFUNOVIĆ 1989, p. 9.
- 30 In DESPODOVA 1997, pp. 212-213.
- 31 In FERGUSON 2005, p. VIII.
- 32 In Macedonia itself, we find several such compilations: UGRINOVSKA-SKALOVSKA 1975; POPOVSKI 1985; POP-ATANASOV 1996; VELEV 2001. In Bulgaria the earliest and most influential such works were by Jordan Ivanov (IVANOV 1906 and 1931) and Nikola Fermandžiev and Venceslav Nachev (FERMANDŽIEV – NACHEV 1984). In Serbia, the Academy of Sciences and Arts published six volumes of paratextual material of old manuscripts and notes left behind in churches (see STOJANOVIĆ 1902-1926).
- 33 In TOMIĆ 1909, p. 49.
- 34 In VELEV 1996, p. 364.
- 35 See B. KONESKI and O. JAŠAR-NASTEVA, *Makedonski tekstovi X-XX vek* (Skopje, 1966), p. 45.
- 36 In POP-ATANASOV 1996, p. 5.
- 37 This is rarely the case with Western European catalogues of manuscripts. H.J. Jackson in his book *Marginalia: Readers Writing in Books* tells us about the difficulty he had with his research on marginal notes, given that the annotations are not systematically included in catalogues. Catalogues normally "record the presence of marginalia only when they are authorial or associated with a famous name" says Jackson (JACKSON 2001, p. 9).
- 38 On the other hand, the only reason that we know about some authors and manuscripts and events is because these scholars were so obsessed to transcribe so many of them. Many of the marginalia have been preserved until today because Ljubomir Stojanović transcribed them in his six volume book published in the period. The National Library of Serbia was destroyed with the German bombing of Belgrade, on the 6th of April 1941. A remarkable collection of around 300.000 books was destroyed, including around 825 Church Slavonic manuscripts.
- 39 See Nikolovska 2016, "Tsar or Son of Perdition", pp. 75-86.

- ⁴⁰ This view is best exemplified in Isaija's preface mentioned earlier. Isaija's preface borrows from an apocalyptic writing tradition written in the context of the collapse of empire. By placing the military success of the Ottomans within an apocalyptic framework, Isaija interprets the battle of Maritsa as a historical inevitability born of divine will. The preface is therefore not to be interpreted as a fragment that was produced in order to document the battle and its aftermath for the future generations; in fact, it hardly provides any relevant information about the historical event itself. Rather, it is an account which can tell us about how one powerful clergyman sought to accept, respond to and fashion the political circumstances that surrounded him. See Nikolovska 2016, "When the living envied the dead", pp. 204-217.

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SONGS, MYTHS, IDENTITY AND TERRITORY: SERBIAN KOSOVO EPIC AS “INVENTED TRADITION”

Abstract

This article offers critical re-examination of the recent scholarship on the so-called Kosovo myth. This popular oral and literary tradition surrounding the Battle of Kosovo that the Serbs fought against the Turks in 1389 traditionally occupied central space in Serbian national narrative. By revisiting the formation of the Kosovo epic in the collections of Vuk Karadžić, the founder of modern Serbian culture, I trace his role in making Kosovo the foundational myth of the whole Serbian nation from the nineteenth-century surge in Romantic nationalism onwards. In particular, I scrutinize Karadžić's editorial procedures as parts of a process of cultural inscription representing a cultural transformation that made the Kosovo epic an instance of the invention of national tradition in Eric Hobsbawm's terms.

Keywords: the Kosovo epic, the Kosovo Myth, Serbian oral tradition, Serbian nationalism, Vuk Karadžić.

Introduction: Celebratory and Denouncing Approach to Serbian Kosovo Tradition

Ever since its first appearance in a literary form in the early nineteenth century, Serbian narrative about the Battle of Kosovo fought in 1389 enjoyed a privileged position both home and abroad.* For Vuk Karadžić (1787-1864), the founder of modern Serbian culture and his followers during the era Romantic nationalism, Serbian epic songs captured the essence of national spirit, and Kosovo epic tradition occupied the central place within this national narrative. Thus, in his first collection of oral folk songs published in 1814, Karadžić already proclaimed that Serbian epic songs “have retained and even now contain for the common folk former Serbian being and name”. Karadžić's friend Sima Milutinović, as a true romantic adventurer, went from Vienna straight to Montenegrin mountains

to collect epic songs, and wrote to Karadžić with fascination: “this is where true masculinity and Serbian glory resides”. Petar Petrović Njegoš II, Montenegrin ruler and writer, is another great national figure. In his collection of folk songs *Serbian Mirror* from 1846 Njegoš correspondingly emphasized that Serbian folk epic contains “the history of this nation that endured enormous sufferings to preserve its freedom”.¹ This view of the folk epic as the expression of popular and collective views of national history was then codified and canonized by Karadžić’s and Njegoš’s followers during the second half of the nineteenth century.²

Under a more inclusive ethnic marker, similar claims were typically found in the literary histories and anthologies of Yugoslav oriented scholars in the twentieth century. Croatian scholar Antun Barac thus says: “The most important feature of Yugoslav popular epic through the centuries was its spirit of fighting and liberation”.³ His Serbian colleague Vojislav Đurić similarly sees this spirit of liberation as the essential feature that unifies the entire South Slavic epic tradition: “All the songs that reached us... are basically permeated by the same, united spirit of liberation”.⁴ Influential publications by Serbian scholars in recent decades have continued this interpretive tradition. Jovan Deretić begins a chapter on Serbian epic poetry in his comprehensive *History of Serbian Literature* from 2002 with the sentence: “Our heroic folk songs originated on the basis of our joint historical tradition, preserved in the collective memory of the people”.⁵ Historian and folklorist Radovan Samardžić similarly emphasizes: “Serbian oral chronicle, preserved in verse, is the fruit of the collective consciousness” and praises its historical and political value.⁶ In short, the dominant view of the Serbian epic, based on Karadžić’s and Njegoš’s collections and views, is that it is a collective creation of the Serbian nation and the confirmation of its historical consciousness and its struggle for national liberation. Later scholars thus only added to the already acclaimed position of the Kosovo epic. They emphasized its aesthetical and ethical virtues and supporting their earlier colleagues such as Stojan Novaković and Tomo Maretić in their claims that the Kosovo ethos had become an integral part of the oral tradition centuries before Karadžić’s collections.⁷

The Kosovo epics that Karadžić and his followers posited as central to Serbian oral tradition,⁸ for long also enjoyed international acclaim as one of the great examples of folk epics. It thus featured prominently in seminal works on oral literature for the most part of the twentieth century, such as Munro Chadwick’s *The Heroic Age* (1912), the Chadwicks’ *The*

Growth of Literature (1932-1940), C. M. Bowra's *Heroic Poetry* (1952), as well as in anthologies of world oral literature.⁹ Even in 1990, a notable international scholar reaffirmed its status and value in the following manner: "For centuries it has been as essential ingredient in the historical consciousness of the Serbian people. ... On the six hundredth anniversary of their nation's Golgotha, Serbian people around the world pause to reflect once again on the meaning and impact of a medieval battle which shaped their destiny".¹⁰

But the rise of Serbian nationalism and violent breakup of the former Yugoslavia created a rift in this interpretive tradition. Thus, while Serbian academics and intellectuals continued to praise the Kosovo legacy as the personification of Serbian dedication to ethical and metaphysical values, some scholars abroad became extremely critical of the Kosovo tradition and even started referring to it as the source and cause of the violence and chauvinism in the Balkans.

The proponents of the first view, which Ivana Spasić recently conveniently labeled as the *celebratory* discourse on the Kosovo tradition,¹¹ described the Serbs as a nation decisively defined by the memory of the Battle of Kosovo. It is believed that the "Kosovo pledge" – the choice of the "heavenly kingdom" and the self-effacing heroism of their fighters that the Serbs followed throughout the centuries, is a distinctive, heroic and profoundly spiritual Serbian quality. Throughout the 1990s, these authors saturated the Serbian public with their catchy parables about Kosovo as the "most expensive Serbian word" (Matija Bećković), Serbian "fidelity to Kosovo" ("kosovsko opredeljenje", Radovan Samardžić,) or "Kosovo commitment" (Predrag Palavestra) etc.¹²

The advocates of the second, *critical* or *denouncing* discourse on the Kosovo tradition, are in many ways the polar opposite of the first. They are highly critical of the myth itself and deny the Serbs any and all of such beautiful qualities delegated to them by the aforementioned "celebrationists". In their writing, Kosovo tradition is described as implicitly or explicitly war-mongering and genocidal, and the Serbs as a power-hungry nation inclined to aggression against others, especially their weaker neighbours.

Branimir Anzulović thus talks about "the myths and legends created soon after the battle" and claims that from "the fifteenth to the nineteenth century... the Serbs assiduously cultivated myths of their great past and a great future..." What is more, according to Anzulović, "very few people have read the actual texts, but the folk songs based on their theme have had

huge audiences over the centuries".¹³ In his psychoanalytically informed book *The Bridge Betrayed: Religion and Genocide in Bosnia*, Michael Sells sees Yugoslav conflicts from the 1990s as primarily religious in nature and delegates an important and rather disgraceful role to the Kosovo tradition within it: "The Kosovo mythology operates as an alternative field of logic, history, and reality. In this alternate reality, the configurations of hate stereotypes ... make sense. ... At some point ... Kosovo mythology became so strong that those who tried to manipulate it ... found themselves slaves to the expectations and interior logic of this ideology of eternal conflict unto extermination."¹⁴ In another influential book, *Kosovo: a Short History*, published in 1998 during conflicts between the Serbs and Albanians in Kosovo, Noel Malcom heavily criticised many of the claims established in Serbian history as myths that have no historical grounding, and emphasized that "the idea that this folk-poetic tradition supplied the essence of a special type of historical-national self-consciousness for the Serbs is, in fact, a product of the nineteenth century".¹⁵ It is thus ever more surprising that he still somehow claims that Kosovo epic is rather ancient: "[n]o doubt, during the long centuries of Ottoman rule, there would have been many Serbs who understood these songs as expressing something about the historical origins of their predicament as subjects of the Turks" (Malcolm 1998: 79).

It is a paradox *sui generis* that these two contested discourses share many of the features. Firstly, both are heavily politicized, and thus instead of handling addressing the genesis and the cultural/semiotic fabric of the legend, they pursue overtly political goals: denunciation of the Kosovo myth as barbaric and war-mongering or, alternatively, its vindication as the expression of legitimate albeit widely misunderstood Serbian national interest. However, while scholars showed analysed in some detail the misuse of the symbolism of Kosovo and commitment to the heavenly kingdom in Serbian political discourse,¹⁶ far less has been done in criticizing the other extreme position so far. Furthermore, previous accounts are mostly descriptive, lacking a consistent theoretical framework. Works dealing specifically with the Serbian legend of Kosovo typically focus on certain aspects of the legend, rather than providing a comprehensive account into the Kosovo myth, its cultural roots and applications; the "denunciationists", on their part, sometimes make arbitrary claims or lack empirical evidence.

More importantly here, for both parties Kosovo songs celebrating Lazar's commitment to the heavenly kingdom were widely popular among the Serbian masses for centuries, and practically contained viable

national(istic) traits from the onset. In their view, “the Kosovo Myth is presented in a misleadingly univocal manner, as conveying invariably a single message over many centuries: a message of unyielding collectivism, adoration of war and death, aggressive militarism, and particularistic anti-humanism”.¹⁷

Finally, it is worth mentioning that not all subscribed to these contested views of the Kosovo epic and its role in the wars fought in 1990s in former Yugoslavia. Alternatively, authors like Bakić-Hayden and Greenawalt emphasize that the national symbols of the Kosovo epic are essentially a late eighteenth-century and early nineteenth-century product, and that the Serbian national movement and especially the Serbian Uprising were decisive for their establishment.¹⁸ Miodrag Popović in particular argued in detail that the mythology surrounding Kosovo tradition has been crystallized during the long nineteenth century, but his lengthy study published in Serbian attracted less international attention.¹⁹ In addition, articles such as Bieber and Bakić-Hayden, avoid the essentialist traps of many of their colleagues by emphasizing shifting and ambiguous features of the Serbian Kosovo myth through the ages, but their sound arguments were given in short articles and thus could profit from a more elaborate illustration.²⁰

Questioning these assumptions about ancient tribal or national origins of the Kosovo tradition spurred by the recent celebratory and denouncing Kosovo discourse, will be the primary topic for the remaining of my discussion. More precisely, this article contributes to these debates by offering a more comprehensive and thorough analysis of the textual origins and editorial role in the establishment of the Kosovo epic in its canonical form. As I will argue, the Kosovo myth as such has been primarily established by Serbian folklorists in the early nineteenth century. In particular, I will examine Karadžić’s editorial procedures as instances of a process of cultural inscription that transformed the Kosovo epic into a typical example of invented tradition in Eric Hobsbawm’s terms.

Vuk Karadžić and the Making of the Kosovo Epic

One should start this examination over the Kosovo epic by recognizing the fact that the entire debate rests on the Serbian epic songs collected and edited by Vuk Stefanović Karadžić (1787–1864) throughout the first half of the nineteenth century.²¹ Born a Serb in a rural family of what

at the time was the Ottoman Empire, Karadžić came to Vienna in 1813 after the collapse of the first Serbian uprising against the Ottoman rule, where he played a major role in the modernization of Serbian literature and culture. He reformed the language and orthography by promoting the vernacular instead of the Slavonic-Serbian language used at the time. He also collected the folklore of Serbian peasants and herders and is considered to have been the first Serbian folklorist, ethnographer, and literary critic.²² Throughout his life, Karadžić meticulously collected Serbian oral epic and lyric songs, and he published three editions with ten volumes altogether between 1814 and 1862. In addition, through his acquaintanceships with leading scholars of the time, such as Jacob Grimm, Johann Wolfgang von Goethe, and Leopold Ranke, and his many publications, Karadžić drew the attention of scholars and lay readers to Serbian folk poetry and Serbian culture in Europe. Two of his aforementioned younger friends and associates, the prominent Serbian poet Sima Milutinović Sarajlija and Montenegrin ruler and writer Petar Petrović Njegoš II, soon followed Karadžić's founding work and published their editions of epic songs, mostly collected on the territory of present-day Montenegro. Milutinović printed his *Pjevanija Crnogorska i Hercegovачka* ["A Montenegrin and Herzegovinian Songbook"] in 1833 and 1837, and Njegoš edited *Ogledalo srbsko* ["The Serbian Mirror"] in 1846. During the second half of the nineteenth century, comprehensive collections of the oral traditional poetry of other South Slavs, such as Jukić-Martić's *Narodne pjesme bosanske i hercegovачke* ["Bosnian and Herzegovinian Folk Songs"], Kosta Hörmann's *Narodne pjesme Muhamedovaca u Bosni i Hercegovini* ["The Folk Songs of Bosnian and Herzegovinian Muslims"], and the first four volumes of *Hrvatske narodne pjesme* ["Croatian Folk Songs"], were published.²³ The oral tradition documented by these collectors thus corresponded to their ideas about the Serbian (Croatian, Muslim, South Slav...) folk epic as a narrative that contained the national past and preserved a living memory of the former national heroes and glory.

Serbian oral songs about the Kosovo battle published by Vuk Karadžić are generally still perceived as having been collected rather than invented. As mentioned, this long-established conviction in the secondary literature has primarily been the result of two principal underlying presumptions: that Karadžić was a reliable collector and editor who refrained from altering or adding to the texts he published and that the Kosovo songs were popular and widespread among the Serbs for centuries. In the previous section, I exemplified this view by referring to both the claims of the

representatives of the celebratory and denouncing approach to Serbian Kosovo epic. Focusing on the “universal” or “eternal” qualities of the Kosovo epic, both approaches fail to identify Karadžić’s interventions as cultural inscriptions representing a cultural transformation which makes the Kosovo epic in his edition an instance of invented national tradition in Hobsbawm’s terms. By revisiting the formation of the Kosovo epic in Karadžić’s collections, I trace his contributions to the establishment of the Kosovo epic in its present form. I make two principal arguments: first, Karadžić secured for the Kosovo epic songs a far more prominent role than the role they appeared to occupy within the oral tradition itself; and second, he shaped their published form, modelling them to fit the existing model of folk songs at the time.

The Kosovo epic published by Karadžić in the early nineteenth century had all the virtues required of a national tradition. It comprises a separate and distinct cycle of some 15 related epic songs describing the events of the Battle of Kosovo, fought in 1389 between the Serbs and the Ottomans. Over the centuries, the battle acquired mythical status and evolved into one of the central national symbols in Serbian culture, referred to as the Kosovo tradition or the Kosovo myth. These oral epic songs about Kosovo are by far the most important source of the myth, and both Karadžić himself and later scholars in particular appreciated and praised this cycle as central to the entire Serbian oral tradition.²⁴ In these songs, the Battle of Kosovo is depicted as the decisive one that saw the downfall of Prince Lazar, the Medieval Serbian Empire, and Serbia’s independence, while at the same time it established the Ottomans as the new masters. The Kosovo epic contains various elements of literary, religious, and popular origin, such as the last supper on the eve of the battle, the treason of Lazar’s brother-in-law Vuk Branković, the heroic death of Miloš Obilić, who killed the Ottoman Sultan Murad, Lazar’s deliberate choice of death and the kingdom of heaven over earthly fame, the sorrows of mothers and maidens who lost their sons and grooms etc.

As far as the selection of the material is concerned, it has long been established that Karadžić’s collections are anthologies rather than collections.²⁵ His manuscripts, for example, show that he published only a small percentage of all the songs that he had at his disposal. Karadžić himself was ready to admit that his publications were not representative of the whole of Serbian oral tradition, but rather contained only its best achievements. Responding in 1833 to a comment about his exclusiveness in publishing the songs, he explained his views: “I believe it to be foolish

not to choose, if one can, [and I believe] that our folk songs would not get such praise and glory if I had published them all, and without any order."²⁶

Karadžić's particular interest in the songs that celebrated the heroes from the times of the Medieval Serbian Empire and the Kosovo battle forms another important aspect of his editorial approach. For instance, in his earliest (1814) songbook, he stressed the particular importance of these songs that "preserve former Serbian being and name."²⁷ Such an attitude had significant implications with regards to his editorial practice, since in the first decades Karadžić focused mainly on documenting these songs and heroes at the expense of other popular subjects. For example, more than half of approximately twenty-four songs that he collected from Tešan Podrugović (1783?-1820?), who was Karadžić's favorite source for Serbian epic poetry, are about medieval heroes and subjects, and Marko Kraljević alone appears as a hero in nine of these songs.²⁸ However, these older subjects and heroes were far less prominent if placed in the context of Podrugović's entire repertoire, which is due to Karadžić's selective process of collecting songs. As Karadžić himself noted, Podrugović knew "at least one hundred of songs such as this one that I wrote down from him, especially about certain highwaymen from the [Dalmatian] Coast, Bosnia and Herzegovina."²⁹ In accordance with his editorial preferences, however, Karadžić collected and published all Podrugović's songs about Marko Kraljević, but very few about more recent heroes. Another similar example is his transcription of Starac Milija's (?-after 1822) songs, who was another important source for Karadžić. For years, Karadžić persistently tried to arrange a meeting with this singer, because he had heard that Milija knew two songs about medieval Serbian aristocracy exceptionally well, "Ženidba Maksima Crnojevića" ["The Wedding of Maksim Crnojević"] and "Banović Strahinja" ["Banovic Strahinja"]. Again, it shows his special interest in the songs about subjects and heroes from the times of the Serbian Empire. In total, Karadžić managed to write down three songs about older heroes from this singer, and only one about a more recent local character, but he left testimony that Milija knew many more songs about these newer events.³⁰ In both cases, therefore, the bulk of the singer's repertoire consisted of songs about relatively recent local characters and events. Karadžić, however, documented and published only those describing the exploits of older heroes, thus giving the songs about the "former Serbian being and name" a more prominent position in his early collections that they appear to have had in the early nineteenth-century Serbian oral tradition.

The case of the Kosovo epic is equally telling. Karadžić appreciated these songs in particular and made efforts to collect all the songs available at the time. For instance, upon hearing that a blind female singer from Fruška Gora near Novi Sad performed a song called “Propast carstva Srpskoga” [“The Downfall of the Serbian Empire”], he immediately wrote to Lukijan Mušicki, the prior [iguman] of the nearby monastery, and asked him to collect Kosovo songs about Lazar from a particular blind singer. As Karadžić explicitly says: “we will hardly find these songs anywhere else.”³¹ This statement was logical, given that he had collected practically all the songs about Kosovo in this narrow region of Fruška Gora, and perhaps even suspected the tradition was not present anywhere else. Thus, in the following period, he persistently reminded Mušicki to collect three Kosovo songs from the blind woman from Grgurevci; finally, in late 1816, Mušicki informed Karadžić that the woman had been brought to the Šišatovac monastery, and that deacon Stefan had written down the songs she had sung.³² During these years, Karadžić collected several other songs of the Kosovo epic, as a rule from the blind singers who resided and performed in the area of Fruška Gora.

Apparently, Karadžić suggests that these particular songs about Lazar were neither widely popular nor widely known. His later collections confirm the point made in this letter. Namely, although in the following decades Karadžić established a network of associates in Serbia proper, Montenegro, and Herzegovina, he later published only one more song about Lazar, which describes the building of Ravanica, a Serbian Orthodox monastery in the Kučaj Mountains that was constructed as an endowment of Prince Lazar.³³ Other collectors who published songs from the mountainous regions where the Serbian oral epic tradition was practiced, such as the aforementioned Sarajlija and Njegoš, also found no instances of the Kosovo epic. Even in the early twentieth century, Slovene folklorist Matija Murko studied contemporary oral tradition in Bosnia and Herzegovina and reported that the Kosovo songs did not feature prominently among the repertoires of the local singers:

I was surprised that the Bosnian and Hercegovinian Orthodox did not know the magnificent songs relating to the ancient history of Serbia as well as I had expected, any more than did the Orthodox people of Montenegro. When I collected recordings in Sarajevo, the intellectual Serbs present asked a singer from the region if he knew the poems about Prince Lazar, Miloš Obilić, and Vuk Branković. He answered: “No, I’m illiterate.”³⁴

This indicates that, rather than being widely popular at the time, the songs about Prince Lazar were mostly confined to the Srem region surrounding the monasteries of Fruška Gora.

This is hardly surprising. After the so-called Great Migrations in the late seventeenth and early eighteenth century, the centers of the Serbian Orthodox Church moved from Kosovo and central Serbia to the north, and Fruška Gora, with important Orthodox monasteries, became the center of Serbian religious life. Moreover, in 1697 the monks from Ravanica moved his relics to the Vrdnik monastery in Fruška Gora. The monastery annually commemorated the day of Lazar's death, and medieval texts, such as the aforementioned *Slovo o knezu Lazaru*, were read on the occasion.³⁵ This shows both how the local cult of Lazar found its way into this local oral tradition and how Karadžić significantly contributed to the establishment of this tradition as a (and almost the) national tradition.

From the Unified Lazarica Poem to the Separate Kosovo Songs

The arrangement of the Kosovo songs in Karadžić's collections forms another important element of his influence over the Kosovo epic. The Kosovo tradition in Fruška Gora existed in the form of one long poem about Kosovo. Karadžić's awareness of this fact is corroborated in his *Srpski rječnik* ["Serbian Dictionary"] from 1818, in which he acknowledges the existence of a long poem sung by the blind singers who called it *Lazarica* and specifies that "all other Kosovo songs are only parts of *Lazarica*."³⁶ Moreover, Karadžić's manuscripts contain one instance of such a lengthy Kosovo epic poem. In 1820, a local priest informed Karadžić that he had collected one large Kosovo song from a blind singer residing in the same area in which other Kosovo songs had been collected.³⁷ The manuscript of the song, called *O Boju Kosovskom* ("About the Battle of Kosovo"), contains exactly 2,439 decasyllables,³⁸ which is approximately twenty times more than an average Serbian oral song and over twice the length of *Ženidba Maksima Crnojevića* ("The Wedding of Maksim Crnojević"), by far the longest song published by Karadžić.

So, why did Karadžić publish the Kosovo epic as separate songs if he apparently knew that they form one long poem? This editorial choice may seem unlikely, even counterintuitive, if one keeps in mind the fact that the early folklorists as a rule approached their material in the opposite way. Macpherson and Lönnrot, for example, typically regarded the Iliad

as the role model of an oral tradition, and they unified short Scottish and Finnish oral songs to form long, narrative poems (*The Works of Ossian* and *Kalevala*).

The rationale for Karadžić's approach is that he wanted to accommodate the Kosovo epic into the existing model of a Serbian folk song. He had started his folkloristic career in 1814 in Vienna under the influence of the Slovene scholar Bartholomeus (Jernej) Kopitar and Jacob Grimm, who preferred the songs collected from illiterate, common people in rural areas, which they regarded as true, genuine, and authentic folk songs. Jacob Grimm, for example, recommended to his correspondents and associates that they collect songs in remote regions uncorrupted by urban civilization and education. According to Grimm, "On the high mountains and in the small villages, where there are neither paths or roads, and where the false Enlightenment has had no access and was unable to do its work, there still lies hidden in darkness a treasure: the customs of our forefathers, their sagas and their faith."³⁹ According to him, the creativity and imagination characteristic of folk poetry spring and originate from these deepest and most conservative parts of the peasantry.⁴⁰ For him, therefore, the notion of the folk as a creator was collective and limited to a particular background and particular class, specifically the rural population living in remote areas detached from the influence of official literature and civilization.

It is precisely for this authenticity that Karadžić's early collections, conveniently published at the peak of scholarly interest in folk poetry, almost instantly gained international repute and unanimous recognition among leading scholars of the time as great achievements of "natural poetry." The collections offered a number of folk songs "uncorrupted" by literacy and scholarly influence, as Karadžić wrote in his first short collection from 1814.⁴¹ In his lengthy review of Karadžić's edition of *Srpske narodne pjesme* in 1823, Jacob Grimm similarly emphasized that the songs had been collected directly "aus dem warmen Munde des Volkes," and he wrote that the works were the most important and valuable epic songs for an understanding of heroic poetry since the Homeric epic, and Kopitar claimed that no European nation could match the Serbs in the quality of their folk poetry.⁴²

The "problem" with the Kosovo epic was that it hardly met these standards. Not only was it apparently not so popular "on the high mountains and in the small villages," but it had been sung by a professional guild of blind singers located around Fruška Gora.⁴³ As shown by scarce bits of evidence from the late eighteenth and early nineteenth century,

blind singers were trained to sing epic and other songs in the town of Irig at the center of Fruška Gora, and they had the assistance of the local community and nearby monasteries.⁴⁴ According to the few available sources, the “school” actually consisted of a basement or an abandoned building where blind singers practiced during the winter. A report from 1826 testifies that “these blind singers form a sort of a guild among themselves, like the German *Meistersingers*; older singers educate the younger ones, and that is how these wonderful songs are preserved. Those blind singers perform mostly at fairs, gatherings, and other similar occasions.”⁴⁵ Scholars have explained why Karadžić himself makes no mention of the “Irig School”: any emphasis on this institutional and professional manner of epic singing would compromise the idea of the collectivity of the oral tradition and its popular basis.⁴⁶ The oral technique and repertoire were not the manifestations of a living oral tradition, as in Montenegro and Herzegovina, but were part of a professionalized and institutionalized procedure. Consequently, Karadžić decided to divide *Lazarica* into separate songs and present it as other short songs collected from the highlanders from Montenegro and Herzegovina, “where almost every house has a *gusle*” (the traditional one-string instrument that typically accompanies the oral epic performance).⁴⁷

A detailed philological analysis would likely reveal other, less prominent forms of Karadžić’s interventions in the Kosovo epic. For instance, in his earliest collections he published some words originally performed by singers in the ekavian dialect used in Fruška Gora in the ijekavian that was spoken in Herzegovina and Montenegro, for instance using “bijelo” and “vjerna” instead of “belo” and “verna.” While this may not appear terribly significant, it was in line with his belief at the time that the songs that were of Herzegovinian origin but had been collected in Southern Hungary should be published in the Herzegovinian dialect. This gave the impression that the songs had been collected from the rural mountainous parts of the central Balkans, rather than from the areas of what at the time was southern Hungary, the culture of which was strongly influenced by literacy and Serbian Orthodox church. These changes could serve as fabricated arguments in support of his view according to which all Serbian heroic songs originated from Herzegovina, while the culture of the more urban and literate Serbs from the Habsburg Empire was not of great value. Thus, he wanted to ground new Serbian culture on an illiterate oral and epic tradition and hence presented the Kosovo epic as the highest expression of this illiterate rural population. But the high

ethical values and expressions of advanced culture in the Kosovo epic were made possible precisely through combinations of oral and written, urban and rural, European and Orthodox cultures.

In addition, although Karadžić declared that the songs he published had been collected directly from the singers as part of the living oral tradition, he did occasionally use existing written sources. Thus, in his first collection he published *Hasanaginica* not, as he claims, on the basis of his childhood memory, but on the basis of Alberto Fortis's book *Viaggio in Dalmatia*, published in Venice in 1774, and he continued to reprint it regularly in the later editions. The same applies to several other songs for which Karadžić claimed to be part of the living oral tradition, but which in fact were taken from printed sources.⁴⁸

Svetozar Matić and Miodrag Maticki also suggested that several of Karadžić's Kosovo songs and songs about older subjects from Montenegro had not been collected directly from oral singers, but rather had been taken from earlier manuscript collections.⁴⁹ According to their suggestions, in addition to transforming certain ekavian dialectical forms into ijekavian, Karadžić made other changes when editing the Kosovo epic. For instance, he inserted some verses from other songs, relied on the Kosovo songs available in unpublished manuscripts of the educated Serbs of the time, and even possibly falsely attributed some fragments of the Kosovo epic which he took from the manuscripts to his father, Stefan. However, without Karadžić's original manuscripts, these contentions remain a matter of dispute.

Finally, although Karadžić demanded that his associates write down the songs accurately, he did not always respect these high methodological demands and principles himself, and quite often he made certain changes and corrections or altered certain phrases in the texts he published. The difficulty with identifying these changes, however, lies in the fact that Karadžić did not keep the manuscripts of the songs he published. As Živimir Mladenović indicated, this might be a consequence of his intention to shrink his voluminous archive, but he also may have sought to conceal the actual amount of editorial changes he had made.⁵⁰ Karadžić's manuscripts thus consisted mostly of the songs that he received from his associates after 1832 and which remained unpublished during his lifetime. Nevertheless, his archive still contains some writings made in the earliest period of his work which enable us to create a provisional image of his overall editorial procedure. Živimir Mladenović's comprehensive analysis of Karadžić's manuscripts identified three basic types of changes in the texts that Karadžić had published.⁵¹ The songs that Karadžić personally

wrote down from his best singers, such as Filip Višnjić, he edited practically without any changes, apart from punctuation and minor corrections. The preserved part of the manuscript of the song “Knez Ivan Knežević,” collected from Filip Višnjić in 1815, for example, contains only two slight divergences from the published texts. Karadžić published the verse “Pred bijelu pred Brodačku crkvu” as “Pred Brodačku pred bijelu crkvu,” and he changed “Ni Ivanu kogodi zavalı” to “Ni Ivanu kogodi zafali.” These changes thus only affect word order or orthography in some cases, which has little to do with folklore and has relevance in the context of his efforts to reform Serbian grammar and orthography. In the songs that Karadžić himself had written down on the basis of renditions by less accomplished singers, Mladenović observes that he intervened more frequently, often changing the word order, substituting phrases, or inserting certain verses.⁵² Finally, in the songs that Karadžić received from his associates, Mladenović argues, he felt free to intervene aggressively and add or remove whole verses or even series of verses.⁵³

Conclusion

In conclusion, Karadžić’s editorial method and procedure should not be judged too severely, especially when placed in the context of his time and compared with the methods used by Macpherson and Lönnrot. In general, Karadžić collected many oral songs himself, and he persistently searched for the best singers and quite successfully avoided obviously literary epic songs and poems that some of his contemporaries considered oral songs and published as examples of the purest folk poetry. Foley’s conclusion that “his editing was light in comparison with the usual practice of the time”⁵⁴ thus appears justified.

Nevertheless, when talking about the Kosovo epic, I believe that the aforementioned analysis exemplifies the impact of Vuk Karadžić and the nineteenth-century conceptions of folklore and folk songs on editing, codifying, and interpreting the Kosovo epic at the time. Most importantly, Karadžić separated an existing long Kosovo poem into smaller epic songs dedicated to particular events and parts of the legend. In addition, I revisited the commonly held idea about the Kosovo songs being widely popular among the Serbs for centuries, which persists to this day in the “glorifying” and “critical” approaches to the Kosovo legend, and suggested that Karadžić and later scholars contributed substantially to this exceptional

status of the Kosovo songs. Thus, it has been argued that Karadžić, though his interventions are certainly not as drastic as those made by many of his contemporaries, had a distinguished and formative role in the codification of the Kosovo epic in its present form.

The impact of Karadžić's Kosovo epic on the formation of Serbian nationalism is hard to overemphasize. Since its inception, the Kosovo myth has been one of the cornerstones of the discourse, which is due not only to its purported vernacular popularity, but primarily because of the political potency of the myth. Namely, the story of the Serbian medieval state provided an enviable legitimacy to the current political claims of Serbian nationalism, especially in order to vindicate specific territorial claims. This comes as no surprise, since European national movements of the day generally relied heavily on medieval history for legitimacy, particularly in order to define themselves in spatial terms. As Patrick J. Geary argues, the Middle Ages were in the nineteenth century seen as a time of "primary acquisition," when the European lands were supposedly rightfully parceled out by the historic nations.⁵⁵ Since the Kosovo epic made it possible to see the vast swathe of land in the hands of Ottoman Empire at the time as the "primary acquisition" of the Serbian nation, the myth served not only as a literary achievement, but also as a veritable battle cry and a trump card of Serbian expansionistic politics.⁵⁶ Its popularity has been fostered through various adaptations since the mid-nineteenth century up to the recent times. One of the early and most influential was the publication in 1871 in Belgrade of the poems arranged by the "epic alignment" by Stojan Novaković, followed by an edition in Zagreb the following year, and entitled simply "Kosovo," in an effort to present a comprehensive and succinct plotline.⁵⁷ The Kosovo epic has won praise the world over, as during the first half of the twentieth century, the poems were typically included in the anthologies of world epics and singled out as one of the great folk epic achievements in general.⁵⁸ More recently, the tale has featured prominently both in the agenda of Serbian nationalists, who saw in it the nation's commitment to metaphysical values and heroism,⁵⁹ and to Western authors, who referred to it as the source of and explanation for much of the troubles and atrocities in the Balkans.⁶⁰ Perhaps shifting the focus from allegedly centennial and metaphysical features of the Kosovo myth to the contributions made by Karadžić and other nineteenth century figures to the Kosovo epic and its establishment as invented tradition will bring some welcome moderation into discussion of its present contested status.

NOTES

- * A shorter and restructured version of this article appeared in Hungarian Historical Review's special issue on the topic "Nationalism & Discourses of Objectivity: The Humanities and Social Sciences in Central Europe in the Long Nineteenth Century". I owe sincere gratitude to New Europe College for both their permission to publish it and for excellent research conditions, hospitality and support they provided during my fellowship.
- ¹ Vuk Stefanović Karadžić, *Mala prostonarodnja slaveno-serbska pjesnarica (1814)*; *Narodna srbska pjesnarica (1815)*, vol. 1 of *Sabrana dela Vuka Stefanovića Karadžića*, ed. Vladan Nedić (Beograd: Prosveta, 1965), 44; Vuk Stefanović Karadžić, *Prepiska III (1826-1828)*, *Sabrana dela Vuka Stefanovića Karadžića*, XXII (Beograd: Prosveta, 1989), 858. Petar II Petrović Njegoš, *Ogledalo srbsko* (Beograd: Prosveta / Cetinje: Obod, 1977), 10.
- ² See, for instance, Jovan Skerlić's classical study *Omladina i njena književnost: Izučavanja o nacionalnom i književnom romantizmu kod Srba*, esp. Ch. 12 "Kult prošlosti" and Ch. 19 "Uticao narodne poezije" (Belgrade: Srpska Kraljevska Akademija, 1906), 191–201 and 309–326.
- ³ Antun Barac, *Jugoslavenska književnost*. Zagreb: Matica Hrvatska, 1954, 92.
- ⁴ Vojislav Đurić, *Antologija narodnih junačkih pesama*. Beograd: SKZ, 1961, 13.
- ⁵ Jovan Deretić, *Istorija srpske književnosti*. Beograd: Prosveta, 2002, 368.
- ⁶ Radovan Samardžić, *Usmena narodna hronika*. Novi Sad: Matica Srpska, 1978, 5, 14.
- ⁷ Armin Pavić, *Narodne pjesme o Boju na Kosovu godine 1389*. Zagreb: Naklada Akademije knjižare L. Hatmana, 1886; Tomislav Maretić, "Kosovski junaci i događaji u narodnoj epici", in *Rad Jugoslavenske akademije znanosti i umjetnosti*, XCVII (1889), 69-181. Stojan Novaković, *Kosovo: srpske narodne pjesme o Boju na Kosovu*. Beograd: Državna štamparija, 1876; H. Munro Chadwick, *The Heroic Age* (Cambridge: Cambridge University Press, 1912), 313-319; Dragutin Subotić, *Serbian Popular Balads: Their Origin and Development*. Cambridge: Cambridge University Press, 1932; Vojislav Đurić, *Naša narodna epika*. Beograd: Prosveta, 1963; Jelka Ređep, *Priča o boju kosovskom*. Novi Sad: Filozofski fakultet, 1976; Nenad Ljubinković, "Kosovska bitka u svome vremenu i u viđenju potomaka", in *Kosovo u pamćenju i stvaralaštvu*, ed. Nenad Ljubinković (Beograd: Raskovnik, 1989), 127-164; Thomas Emmeth, "Kosovo Legacy", in *Kosovo*, ed. William Dorich, Alhambra : The Kosovo Charity Fund '92.
- ⁸ See Vuk Stefanović Karadžić, *Srpske narodne pjesme I*, vol. 4 of *Sabrana dela Vuka Stefanovića Karadžića*, ed. Vladan Nedić (Belgrade: Prosveta, 1975), 569.

- ⁹ See H. Munro Chadwick, "The Battle of Kosovo in Servian Poetry," in *The Heroic Age* (Cambridge: Cambridge University Press, 1912), 313–319; Janko Lavrin, "Historical Preface," in *Kosovo: Heroic Songs of the Serbs*, ed. Helen Rootham (Oxford: Blackwell, 1920), 9–20; Maksimilijan Braun, *Kosovo: bitka na Kosovopolju u istorijskom i epskom predanju*, trans. Tomislav Bekić (Novi Sad: Platoneum, 2004), 10 (originally published in German as: Maximilian Brown, *Kosovo: die Schlacht auf dem Amselfelde in geschichtlicher und epischer Überlieferung* (Leipzig: Markert [und] Petters, 1937); Cf. chapter "Yugoslav Poetry" in Munro Chadwick and N. Kershaw Chadwick, *The Growth of Literature*, 3 vols. (Cambridge: Cambridge University Press, 1932–1940), 2:299–456; Cecil Maurice Bowra, *Heroic Poetry*, London: Macmillan, 1952. Mary P. Coote, "Serbocroatian Heroic Songs", in: Felix J. Oinas, *Heroic Epic and Saga: an Introduction to the World's Great Folk Epic* (Bloomington: Indiana University Press, 1978), 263.
- ¹⁰ Thomas Emmert, *Serbian Golgotha: Kosovo 1389*, New York: Columbia University Press (East European Monographs, 1990), 142.
- ¹¹ Ivana Spasić, "The trauma of Kosovo in Serbian national narratives", in: Ron Eyerman, Jeffrey C. Alexander, Elizabeth Butler Breese (eds.), *Narrating Trauma: On the Impact of Collective Suffering*, Boulder, CO: Paradigm Publishers, 2011, 81- 105.
- ¹² Radovan Samardžić et al., *Kosovo i Metohija u srpskoj istoriji*. Beograd: Srpska književna zadruga, 1989; Matija Bećković, *Kosovo: najskuplja srpska reč*. Valjevo: Glas crkve, 1989; Radovan Samardžić, *Kosovsko opredeljenje: istorijski ogledi*. Beograd: Srpska književna zadruga, 1990. Predrag Palavestra, *Književnost – kritika ideologije*, Beograd: SKZ. To be sure, not all Serbian intellectuals subscribed to their views. Most notable among those publications that persistently criticised such nationalistic views of the Kosovo myth are: Nebojša Popov, (ed.) *The Road to War in Serbia: Trauma and Catharsis*, Budapest: CEU Press, 2000, and Ivan Čolović, *The politics of symbol in Serbia: Essays in political anthropology*, translated by Celia Hawkesworth, London: Hurst, 2002 [1997].
- ¹³ Branimir Anzulović, *Heavenly Serbia: From Myth to Genocide*, New York and London: New York University Press, 1999, 2, 12
- ¹⁴ Michael Sells, A., "The Construction of Islam in Serbian Religious Mythology and Its Consequences", in: Maya Schatzmiller (ed.), *Islam and Bosnia: Conflict Resolution and Foreign Policy in Multi-Ethnic States*, Montreal&Kingston : McGill-Queen's University Press, 2002, 56-85, 67.
- ¹⁵ Noel Malcolm, *Kosovo: a Short History*, London: Macmillan, 1998, 79.
- ¹⁶ See: Julie Mertus, *Kosovo: How Myths and Truths Started the War* (Berkeley: University of California Press, 1999), 184-5; Jasna Dragović-Soso, "Saviours of the Nation": *Serbian Intellectual Opposition and the Revival of Nationalism* (London: Hurst & Co, 2002), 115-132.

- 17 Ivana Spasić, *The Power of Code: The Kosovo Legend and Serbian National Identity* (unpublished).
- 18 Milica Bakić-Hayden, "Kosovo: Reality of a Myth and Myth of Many Realities," in *Serbien und Montenegro: Raum und Bevölkerung, Geschichte, Sprache und Literatur, Kultur, Politik, Gesellschaft, Wirtschaft, Recht*, ed. Walter Lukan, Ljubinka Trgovčević and Dragan Vukčević (Vienna and Berlin: LIT, 2006), 133–142; Alexander Greenawalt, "Kosovo Myths: Karadžić, Njegoš and the Transformation of Serb Memory," *Spaces of Identity* 3 (2001): 49–65.
- 19 Miodrag Popović, *Vidovdan i časni krst: Ogled iz književne arheologije*, Beograd: Slovo ljubve, 1976.
- 20 Florian Bieber, "Nationalist Mobilization and Stories of Serb Suffering: The Kosovo myth from 600th anniversary to the present", *Rethinking History* 6(1), 2002, 95–110; Milica Bakić-Hayden, "National memory as narrative memory: The case of Kosovo", in: Maria Todorova (ed.), *Balkan Identities: Nation and Memory*, New York: New York University Press, 2004, 25–40.
- 21 See Michael Branch, "The Invention of a National Epic"; Vilmos Voigt, "Primus Inter Pares"; John Miles Foley, *Epic as Genre*, 171–186; Margaret Beissinger, "Epic, Genre, and Nationalism: The Development of Nineteenth-Century Balkan Literature," in *Epic Traditions*, 69–86.
- 22 Jovan Deretić., *Istorija srpske književnosti* (Belgrade: Prosveta, 2004), 553–582. For a more comprehensive account of Karadžić's role, see: *O Vuku Karadžiću: studije i eseji*, Belgrade: Prosveta, 1968.
- 23 Ivan Frano Jukić, Grga Martić, *Narodne pjesme bosanske i hercegovačke*, (Osijek: 1858); Kosta Hörmann, *Narodne pjesme Muhamedovaca u Bosni i Hercegovini*, 2 vols. (Sarajevo: Zemaljska štamparija, 1888–89); *Hrvatske narodne pjesme*, 4 vols. (Zagreb: Matica Hrvatska, 1896–99). For a fuller list of the nineteenth century collections see Đuro Šurmin, *Povijest književnosti hrvatske i srpske* (Zagreb: Lav. Hartman, 1898), 23–24.
- 24 Vuk Stefanović Karadžić, *Srpske narodne pjesme I*, vol. 4 of *Sabrana dela Vuka Stefanovića Karadžića*, ed. Vladan Nedić (Belgrade: Prosveta, 1975), 569.
- 25 Deretić, *Istorija srpske književnosti*, 558.
- 26 Karadžić, *Srpske narodne pjesme IV*, 388.
- 27 Vuk Stefanović Karadžić, *Mala prstonarodnja slaveno-serbska pjesnarica (1814); Narodna srbska pjesnarica (1815)*, vol. 1 of *Sabrana dela Vuka Stefanovića Karadžića*, ed. Vladan Nedić (Beograd: Prosveta, 1965), 44.
- 28 See the analysis of Podrugović's contribution in Vladan Nedić, *Vukovi pevači*, ed. Radmila Pešić (Novi Sad: Matica srpska, 1981), 31ff.
- 29 Karadžić, *Srpske narodne pjesme IV*, 394.
- 30 *Ibid.*, 397.

- 31 Vuk Stefanović Karadžić, *Prepiska I (1811-1821)*, vol. 20 of *Sabrana dela Vuka Stefanovića Karadžića*, ed. Golub Dobrašćinović (Belgrade: Prosveta 1988), 250.
- 32 Karadžić, *Prepiska I (1811-1821)*, 320, 334, 353, 365, 366.
- 33 The term endowment in this context refers to a monastery founded by an Orthodox ruler or dignitary, erected to serve as a family chapel during the founder's lifetime, and later as his burial place. See "Opet Zidanje Ravanice," in Vuk Stefanović Karadžić, *Srpske narodne pjesme II*, Vol. 5 of *Sabrana dela Vuka Stefanovića Karadžića*, ed. Vladan Nedić (Belgrade: Prosveta, 1976), 154-160.
- 34 Matija Murko, "The Singers and their Epic Songs," *Oral Tradition* 5 (1990), 123-124.
- 35 Miodrag Popović, *Vidovdan i časni krst: Ogled iz književne arheologije*, Beograd: Slovo ljubve, 1976, 65.
- 36 Vuk Stefanović Karadžić, *Srpski Rječnik 1818*, vol. 2 of *Sabrana dela Vuka Stefanovića Karadžića*, ed. Pavle Ivić (Prosveta: Belgrade, 1966), 360.
- 37 Karadžić, *Prepiska I*, 794, 984.
- 38 See "O boju kosovskom," in *Srpske narodne pjesme iz neobjavljenih rukopisa Vuka Stefanovića Karadžića*, ed. Živomir Mladenović and Vladan Nedić (Belgrade: Srpska akademija nauka i umetnosti, 1974), 63-115.
- 39 Christa Kamenetsky, *The Brothers Grimm & Their Critics: Folktales and the Quest for Meaning* (Athens: Ohio University Press, 1992), 66.
- 40 Miljan Mojašević, *Jakob Grim i srpska narodna književnost: književnoistorijske i poetološke osnove* (Belgrade: Srpska akademija nauka i umetnosti, 1983), 415.
- 41 Karadžić, *Mala prostonarodnja slaveno-serbska pjesnarica*, 42
- 42 See the reprint of Grimm's review in Karadžić, *Srpske narodne pjesme I*, 554.
- 43 Aleksandar Pavlović, "Rereading the Kosovo Epic: Origins of the 'Heavenly Serbia' in the Oral Tradition," *Journal of Serbian Studies* 23 (2009): 83-96.
- 44 Matija Murko, *Tragom srpsko-hrvatske narodne epike: putovanja u godinama 1930-1932* (Zagreb: Jugoslavenska akademija znanosti i umjetnosti, 1951), 1:212ff. Miodrag Maticki, "Jezik u jeziku slepih guslara," in *Sima Milutinović Sarajlija: Književno delo i kulturnoistorijska uloga*, ed. Marta Frajnd (Belgrade: Institut za književnost i umetnost, 1993), 169-174.
- 45 *Ibid.*, 171.
- 46 *Ibid.*
- 47 Karadžić, *Srpske narodne pjesme I*, 559.
- 48 See Vladan Nedić, "O prvoj i drugoj Vukovoj Pjesnarici," in Karadžić, *Mala prostonarodnja slaveno-serbska pjesnarica*, 373. Cf. Svetozar Matić, *Naš narodni ep i naš stih: Ogledi i studije* (Novi Sad: Matica srpska, 1964), 7-55.

- 49 See Matić, *Naš narodni ep*, esp. 35ff; Miodrag Maticki, *Istorija kao predanje* (Belgrade: Rad, 1989), 38–44.
- 50 Živomir Mladenović, *Traganja za Vukom* (Tršić: Vukov sabor and Belgrade: Rad, 1987), 131, 140.
- 51 See: Živomir Mladenović, “Vuk kao redaktor narodnih pesama,” in *Traganja za Vukom*, 138–188.
- 52 Mladenović, *Traganja za Vukom*, 159–160.
- 53 *Ibid.*, 167.
- 54 John Miles Foley, “Analogues: Modern Oral Epics,” in *A Companion to Ancient Epic*, ed. John Miles Foley (Oxford: Blackwell Publishing, 2005), 208.
- 55 Patrick Geary, *The Myth of Nations: The Medieval Origins of Europe* (Princeton: Princeton University Press, 2002).
- 56 Cf.: Holm Sundhussen, *Geschichte Serbiens: 19.–21. Jahrhundert* (Vienna: Böhlau, 2007), 115–120.
- 57 Stojan Novaković, *Kosovo: Srpske narodne pjesme o boju na Kosovu: pokušaj da se sastave u cjelinu kao spjev* (Belgrade: Državna štamparija, 1871).
- 58 See note ix.
- 59 Radovan Samardžić et al., *Kosovo i Metohija u srpskoj istoriji* (Belgrade: Srpska književna zadruga, 1989); Matija Bećković, *Kosovo: Najskuplja srpska reč* (Valjevo: Glas crkve, 1989); Radovan Samardžić, *Kosovsko opredeljenje: Istorijski ogledi* (Belgrade: Srpska književna zadruga, 1990).
- 60 Branimir Anzulović, *Heavenly Serbia: From Myth to Genocide* (London: Hurst, 1999); Tim Judah, *The Serbs: History, Myth and the Destruction of Yugoslavia* (New Haven: Yale University Press, 1997); Noel Malcolm, *Kosovo: A Short History* (London: Macmillan, 1998).

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LMU Ph.D. Completion Grant

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ENTHUSIASM FOR SPACE: AFFECTS AND HIERARCHIES IN THE PRODUCTION OF TARLABAŞI

Abstract

The pilot urban renewal project in Tarlabası has amounted to the displacement and dispossession of communities. While the demolition in the area opened the space to curious visitors, researchers, activists and artists triggering an enthusiasm for the case, its impact already transforms the everyday life of the inhabitants in the surrounding of the construction site. How do these interventions affect the everyday relations of the production of space? In this article, I investigate the connotations of this question to open up a discussion about the modes of resistance with regards to the political significance of ‘affects’.

Keywords: space, affects, power, urban transformation, resistance

1. Introduction

Tarlabası is a residential area in Beyoğlu District that consists of the Bostan, Bülbül, Çukur, Hüseyinağa, Kalyoncukulluğu, Kamer Hatun, Şehirmuhtar, Sururimehmetefendi, and Yenişehir neighborhoods. It is surrounded by popular nodes of commercial, cultural, and recreative activities on Tarlabası Boulevard, Taksim Square, Dolapdere Avenue, and İstiklal Street (Figure 1). It was founded in early 16th century as the settlement of the Non-Muslim communities working for the newly established embassies due to the capitulation contracts between the Ottoman Empire and European powers. After the foundation of the Turkish Republic, the demographical structure in the area changed through several events caused by the construction of nation-state ideology. The non-Muslim population was dissolved by the effects of the Wealth Tax enacted in 1942, the nationalist attacks and pillages on 6th and 7th September 1955, the deportation of citizens of Greek nationality in 1964, and finally the conflict over Northern Cyprus in the 1970s.

Consequently, the uncertain legal conditions and decreasing rental values made it possible for newcomers to squat, sell, or rent the properties. In the 1960s, the Roma community and migrants, prominently from northern Anatolia, started to settle in Tarlaabaşı. Subsequent to the intensification of the violent conflict between the state and the Kurdish Workers Party (PKK) in the 1980s, people started to move to the area from their villages in south-eastern Turkey. In the second half of the 1980s, the construction of Tarlaabaşı Boulevard was a large-scale transformation for which hundreds of historical buildings were demolished. The detachment of the neighborhoods from the commercial center brought a second wave of economic, social, and infrastructural deprivation. In connection with the construction of the Tarlaabaşı Boulevard, transgender people and immigrants from Sub-Saharan Africa started to take shelter in Tarlaabaşı in the 1990s. While the migrant inhabitants from Anatolia left the area as their economic conditions improved, many refugees¹ also came to Tarlaabaşı after the outbreak of the war in Syria.

After the economic crisis in 2001, state-led gentrification through state-private sector partnerships became the prominent method of value extraction from the urban space. Beside the urban transformation projects for *gecekondu* neighbourhoods, inner city urban protected sites such as Tarlaabaşı were declared as 'urban renewal areas'. These projects set forth reconstruction principles for registered historical assets that were challenged by the existing laws, such as the Law No. 2863 on the Protection of Cultural Assets. To make these radical changes in the original plans of the buildings possible, new laws and regulations were enacted by the government, such as the Law on Renewal No. 5366 enacted in 5/7/2005, and the Law on the Amendments to Law on the Protection of Cultural and Natural Heritage and Various Laws No. 5226 enacted in 14/7/2004. As the financial and cultural centre of Turkey, Istanbul received its share from this attempt substantially. The renewal of the neighbourhoods was connected to mega-urban transformation projects. Together, these projects restructure the social setting in the entire city through dispossession and displacement of existing communities. Finally, on 20th February 2006, 9 plots in Tarlaabaşı in the vicinity of Tarlaabaşı Boulevard were declared as pilot Urban Renewal Area due to Decision 2006/10172 of the Council of Ministers. The illustrations of the imagination of New Tarlaabaşı defined the area explicitly for upper classes, bringing a 'sterilized' development similar to the vivid streets around İstiklal Avenue such as the infamous

French Street. The renewal is aimed to be extended to the entire Tarlabası and its surrounding.

During the negotiations between the inhabitants, the state officials and the company carrying out the Project, an association was founded by the participation of lawyers and specialists that supported the inhabitants.² Initially, the rights of tenants were also negotiated. However, tough expropriation conditions forced by the state and the company during the bargaining process caused the exclusion of tenants, and the collectivity of property owners was also dissolved substantially. Finally, properties were expropriated for prices that were extremely low in proportion to the new values established by the Project.

During the time of the negotiations, especially in 2010, there had been several protests against the Project. Visits of the civil servants from the Ministry of Culture were protested by the inhabitants during their investigation of the building in the renewal area. Therefore, initially, employees of the City and the Company were entering the area undercover to avoid the reaction of inhabitants. However, in 2012, the demolition of the pilot project area started and most of the inhabitants were evicted by police forces violently. The ruins were shielded by large billboards advertising the Project throughout the Tarlabası Boulevard promising a 'secure' and 'vivid' New Tarlabası (Figure 2). Once known as somewhere to stay out, Tarlabası started to receive visits of curious visitors, scholars, and artists after the demolition. During this intense attention, Ali Öz, who had been photographing Tarlabası before the demolition captured a tag on the remaining façade of a ruin that read "You couldn't get enough of taking pictures! Except for Mr. Ali".

Nevertheless, in the summer of 2012, several street festivals were organized between the ruins (such as 'VJFest', 'Division Unfolded: Tarlabası Intervention' – an art exhibition, and 'Heyt Be!' – an exhibition of fanzines). In my dissertation, I focused on the Tarlabası Street Art Festival which was organized on 16 September as the last one of these festivals with the support of sponsors and the City of Beyoğlu. This street art festival was protested by a group of activists with banners for its support for the new imagination of Tarlabası. Moreover, the activist-sociologist Begüm Özden Fırat criticized the festival as 'pornography of ruins' for contributing to the co-optation of public art by the market.

According to the curators of the festival, these protests were vain and offensive for denying the new value that the Project would bring in for everyone because inhabitants also danced during the festival 'enjoying'

the music performed by the street musicians and that urban transformation was inevitable. For one of the artists that took part in the festival, the ruins suited the soul of graffiti.³

Referring to the spatiality of the relations between place attachment, identity and everyday experience of diversity, I will illustrate the path of the governance of affects in the production of social space during the urban transformation process. In order to investigate the affective relations and social hierarchies in Tarlaşa, I conducted an ethnographical research through participant observation and open-ended interviews with the representatives of the Tarlaşa 360 Project Marketing Department, the Tarlaşa Community Centre, activists from Migrant Solidarity Kitchen, and the inhabitants in the not-yet-gentrified area that surrounds the pilot Urban Renewal Project focusing on Sakız Ağacı Avenue.

2. Affects in the Production of (Social) Space

Henry Lefebvre's dialectics of the production of space opened up a new era in the theoretical approaches to space. In 'The Production of Space', Lefebvre (1991)⁴ problematized 'how space serves and how the hegemony makes use of it'⁵ elaborating the concept of space beyond a mere container of things; as a social construct that is produced in its social dimensions rather than its mathematical/physical dimensions. These dialectically interrelated social dimensions were spatial practice, representations of space, and representational spaces.⁶ These spatial dialectics followed Lefebvre's 'Critique of Everyday Life'⁷ in which he pointed out the spread of alienation and exploitation in everyday life outside the work place. According to Lefebvre, capitalism reproduces itself in everyday life, and therefore everyday life constitutes the domain of revolution against the modes and dispositions of capitalism.

The dimensions of these spatial dialectics interrelate the complex powers of governing, representation, and everyday life. Spatial practice (perceived space) is "[t]he spatial practice of a society secretes that society's space; it propounds and presupposes it, in a dialectical interaction; it produces it slowly and surely as it masters and appropriates it."⁸ This dimension of the production of space is related to the 'abstract space' that constitute the codes, symbols, and plans which determine the physical features and governing rules of space. Representations of space are the conceived spaces that stand for "conceptualized space, the space

of scientists, planners, urbanists, technocratic subdividers and social engineers, as of a certain type of artist with a scientific bent – all of whom identify what is lived and what is perceived with what is conceived.”⁹ Finally, representational space refers to the lived spaces of the experiences and encounters of subjects with the material and immaterial components of everyday life. In this very space, feelings, senses, and imaginations are produced and practiced, reifying the perceived and conceived spaces.¹⁰

Juhani Pallasmaa (2005) departs from this triad of Lefebvre and elaborates the dominance of the human sight over other human senses since the ancient Greeks in order to define lived space with its tactile nature. Criticizing the ‘ocularcentric paradigms’ of the ‘Western culture’, Pallasmaa suggests an aesthetical and ethical critique of the governance of senses through the dominance of sight that culminate in detachment in social relations.

The sterilized imagination of Tarlaşa in the Tarlaşa Urban Renewal Project which is employed as a justification of the displacement and reconstruction reifies this problem targeted by Pallasmaa’s critical reading of the relations between governance, space, and senses:

Instead of creating mere object of visual seduction, architecture relates, mediates and projects meanings. The ultimate meaning of building is beyond architecture; it directs our consciousness back to the world and towards our own sense of self and being. Significant architecture makes us experience ourselves as complete embodied and spiritual beings. In fact, this is the great function of all meaningful art.¹¹

The imagination of Tarlaşa in the urban renewal project privileges the ‘visual seduction’ and the experience of consumption of space over the social and historical meanings. Hence, eradicating these meanings that are continuously in production, it recognizes and promotes the hierarchies in the senses, as well as the hierarchies of human bodies based on the perspective of surplus value extraction from the space.

Meanings in everyday social relations are produced through affective encounters with human beings and both tangible and intangible elements of space. This proposition relies on the Lefebvrian understanding of the production of space, as well as the recent ‘affective turn’ in the understanding of subject, contact, production, reproduction, and representation in several contemporary works from sociology and cultural studies to neurosciences that follow the 17th century philosopher Baruch

Spinoza's theory of affects. As Lefebvre escapes from the assumption of Cartesian space pointing out the social and immaterial dimensions of the physical environment revealing the relations of power and space, 'affects' call for a new understanding of the being that reaches beyond the assumptions of immaterial being (such as in Descartes) highlighting the power of and over the correlation of body and mind. Spinoza's theory problematizes the complexity in the relations of the mind and body referring to their coalescence as *affectus*, that is the sum of body and mind but also more than that with regards to thought and the act. Accordingly, as Michael Hardt – one of the prominent theoreticians of the concept of 'affective labour' – summarizes,

each time we consider the mind's power to think, we must try to recognize how the body's power to act corresponds to it—and the notion of correspondence here is importantly open and indefinite. ...The perspective of the affects, in short, forces us constantly to pose the problem of the relationship between mind and body with the assumption that their powers constantly correspond in some way... external ideas; and the body's power to act corresponds to its sensitivity to other bodies. The greater our power to be affected, he [Spinoza] posits, the greater our power to act.¹²

The affective turn is not only concerned with the construction of the corporeal and the mental self, but it also allows an opposition to the individualistic analysis of the psyche and the state of mind. Teresa Brennan (2004) points out that 'individualism is a historical and cultural product'¹³, and criticizes the pathologization of the affects in modern 'Western' thought and clinical psychology. Brennan's work reveals that affects are social, hence, the pathologized behaviours are actually not individual complications but constructed socially; their definitions change depending on the context of time and space. Indeed, Kathleen Steward's anthropological narrative about 'ordinary affects' addresses this transmission of affects in everyday life: "Ordinary affects are the varied, surging capacities to affect and to be affected that give everyday life the quality of a continual motion of relations, scenes, contingencies, and emergences."¹⁴ When a biker couple enter a café at a low ebb after having an accident, the atmosphere changes for the entire room; and when they start to speak about the incident, it triggers other people in the room and a sporadic conversation take place that involves the various affective responses of all the subjects in the room.¹⁵ Taking the role of social

hierarchies over affects into account, Steward propounds that “power is a thing of senses”, and the senses are actually responding to and/or with power in various ways.¹⁶ Considering this, a crucial question must be addressed: in what ways do the relations of power and affect respond to the economic, physical, and social impact of the spatial intervention of the urban transformation in Tarlabası?

This affective turn in critical theory reveal the post-Fordist relations of production, consumption, and reproduction; relations between work, labour, identity, time, space, and affects with regards to the potential of affects that stands for ‘the power to act’. In this connection, the term ‘affective labour’ indicates the new modes of capitalist governance of work and everyday life that constructs a wider range of alienation after this economic transformation activating the potential of exploitation through affects.

In her inspiring public seminar titled “Affective Labour in the City”, Emma Dowling interpreted this new era of exploitation as *modus operandi* of capitalist extraction of value: “capitalism always seeks to externalize the cost of reproducing labour power.”¹⁷ She exemplified the body as an affective register in the Post-Fordist city, illustrating time, space, and labour dimensions of the power of affects in social relations and the spatial politics of affects from a commoning perspective in relation to the processes of dispossession. She defines affective labour as the labour that “harness affects like enthusiasm, inspiration, motivation, excitement.” According to Dowling, “affects opens a terrain of sense making, a corporeal mode of communications that connect bodies across the space of the city and organize social relation.” Departing from Pallasmaa’s critique of the dominance of sight over other senses, Dowling narrates the quotidian governing methods such as the recorded voices in public transport that continuously remind the passengers what to do; or the speed of escalators that adjust the human bodies to the speed of the city of London that is a centre of global financial transactions. This remark falls in place when one walks from the crowded Istiklal Avenue or Taksim Square to the inner parts of Tarlabası passing the Tarlabası Boulevard. In each part of this journey, the speed changes due to the traffic and the movement of people, and so does one’s mood. Moreover, the imaginations of new Tarlabası in the Renewal Project also ushers in a new experience of time and space. Instead of people spending time in front of their houses or shops, or dawdle down the streets, as they used to in pre-transformation spaces in Tarlabası, the representations of this Project depict people holding shopping bags

or briefcases walking on the streets that do not embody any distractions in the form of everyday social encounters other than the ones in venues like cafés, shops, etc., establishing sterilized encounters.

In the following parts of this article based on my field research in the area that surrounds the Tarlaşaşı Urban Renewal Project, I depart from these discussions to elaborate the representations of space that produce and reproduce affects, the responses of the inhabitants, and the hierarchies in Tarlaşaşı that reveal itself in affective forms during the transformation process. To contribute Pallasmaa's suggestion for an epistemology of affects, and Steward's approach to the space through affective narratives, I describe the hierarchies in the research field with its features that reach the senses beyond the dominance of sight. With that, I also point out the connotations of the post-Fordist configuration of affective relations to work, capital, and space, spotting the resistance to this social transformation.

3. Urban Transformation, Place Attachment and Affective Relations in Everyday Life

Since the migration to this area is related to the social ties, in Tarlaşaşı many streets and/or buildings constitute agglomerations based on ethnicity and/or place of origin. For example, Akkiraz Street (the first parallel street to Kalyoncu Kulluđu Avenue) is inhabited by Kurdish people that came from Mardin. On avenues like Sakız Ađacı, there is a diversity of ethnic identities among the inhabitants and shopkeepers; however, ethnic ties still play a role in social convergence on Sakız Ađacı. I never asked my informants anything directly about their own identities or their approach to the other identities in Tarlaşaşı. However, the narratives about their attachment to the place and the relations in the space were heavily related to the ethnical identities.

In interactions and interviews on the Sakız Ađacı Avenue those who moved to Tarlaşaşı before the 1980s related themselves to this place with nostalgia for the past. The former Greek residents were remembered longingly, especially by the artisans that learned their craft from their Greek employers. For example, both of the artisans from the two opposite ends of this part of the Avenue, cabinet maker D., and ironmonger N., came from Diyarbakır and took over their businesses from their Greek bosses. I first met D. while I was in conversation with his opposite neighbour on the street, and he excitedly offered to give an interview to tell the history

of this venue. They both started to narrate their memories of the avenue referring to the former Greek residents and their rituals, manners and customs. D. is Kurdish, lives in a far point of Anatolian side of the city, and has been working here since 1970. N. is an Assyrian from Sur, Diyarbakır, and has been living and working in his shop across the infamous for fifty years. They both were discontent by the situation in Tarlabası after the 1980s, especially after the dense migration of Kurdish people. Appraising the Roma community in the area that moved here beginning in the 1960s for keeping their rituals and at the same time having decent manners, they both were criticizing the Kurdish community that arrived after the 1980s for being uneducated, having too many children, and changing the mood in the area. Many years ago, D. even applied to Red Crescent for mobilizing them to educate the inhabitants about birth control, but there was no response. He mentioned that some of the Kurdish women in this Avenue were still illiterate. He shares the idea with the Turkish inhabitants that I interviewed that having too many children and poverty pushed people into crime, and the increasing rate of criminal activities was one of the crucial reasons for negative changes in the area. Inhabitants from Roma ethnicity also affirm the positive relationship between the diverse older inhabitants, and the reasons of the insecure condition stated by D.

D. mentioned his Kurdish identity only when he started to criticize the other Kurdish people in the area who, unlike him, moved here after the 1980's: "I am Kurdish too, but..." He was identifying himself more with Tarlabası and the heritage he took over from his Greek bosses and neighbours rather than his Kurdish identity.

Concerning the Kurdish identity, the number of their children and the lack of education are very common negative comments as well as comments that connect this identity to crime and terrorism. The mass migration of Kurds from South-eastern Turkey¹⁸ started in the 1980s after the military coup due to the violent conflict between the Turkish Army and the Kurdish Liberation Movement led by the Kurdish Workers Party. Migration from this area continued for years due to economic reasons and continuous state repression. Kinship ties play an important role in the migration of Kurdish people to Tarlabası.

South-eastern Turkey is one of the poorest regions in the country because of the conflict and the lack of industrial or agricultural economic activities. The primary language of people in this area is mostly different from Turkish; many people speak little or no Turkish. There is no public education available in these languages, and the language of education is

only Turkish, although the pupils starting the elementary school usually do not speak Turkish at all.¹⁹ After the foundation of the Turkish Republic, the nation-state ideology strived to eliminate the minority identities in its unitary structure, and the Kurdish identity was not recognized at all. In Article No. 2932 of the constitution enacted in 1982, the use of any language other than Turkish was banned officially. This ban was lifted on 25 January 1991.

The first Kurdish institute in Turkey was founded in 1992 in Istanbul. However, the first department of Kurdology in a south-eastern city was opened in Van in 2012, after the Democratic Initiative policy of the government was declared in 2009. Besides, speaking Kurdish has been related to 'terrorism' and there have been several legal cases in which speaking Kurdish was considered terror propaganda.²⁰ One of the prominent demands of the Kurdish movement has been education in native languages.

Migrant Solidarity Kitchen, that is a communal place in the middle of the not yet gentrified part of Sakiz Ağacı Avenue was opened by activists of Migrant Solidarity Network in March 2012 to 'raise visibility of local migration issues' as 'a locus of solidarity and sharing against all sorts of borders that tear us apart'.²¹ The activists of the Kitchen started a children choir a couple of years ago. However, they realized that most of the children were not able to follow and/or repeat the lyrics since they didn't speak Turkish. Therefore, they started to give Turkish language in the Kitchen.

In my encounter with H., a 30-year-old woman, recognition of ethnic identity and Kurdish language appeared as one of the affective dimensions of the place attachment. She migrated to Tarlaabaşı directly from her village in Mardin nine years ago, and she has been living on Akkiraz Street since then. I first came across her on the Peşkirici Street when we both were shopping from a bakery. While I was smoking outside waiting for my order to be baked, she was already leaving the place, and noticed me because of my clothing.²² She asked me whether I was Kurdish explaining her curiosity with the colours of my clothes. Upon my first sentences about my research, she asked me whether the flats in the vicinity of the Project area would become more valuable in case the Project continues in the rest of the area too, since she bought a 50 m² flat in a street right next to the construction site. I responded with what I knew about the conditions of expropriation during the negotiations between the property owners and the Project holders and the threat of dispossession. She directly made a

commented on it with an insurgent tone: "All they want to do is actually just chasing the Kurds from here!" After hearing my comment that sounded more or less affirmative, she asked me whether I like stuffed mussels, and invited me to her house for the next day to give me some. Filling mussels is an informal economic activity that is very common in Tarlaşaşı, and it is organized within the community of the Kurdish migrants from Mardin.

Although we first met at the border of the Project area, and her house is only 250 meter away from the Project, as many other women in Akkiraz street, H. did not mention that she sensed the physical impact of urban transformation in the area yet. She enthusiastically hopes that her investment will gain value through the Project's impact, but on the other hand, she is also aware of the relation between the urban transformation and the governmental politics on her ethnic identity.

H. lives in a 2-room flat in second floor with her husband and her five children whose ages vary between 7 years and 6 months. Both rooms are smaller than 20 m² with no furniture other than a flat screen TV hanging on the wall, sheets on the floor and cushions, and there is no kitchen; instead, there is a benchtop that faces the exit door at the narrow entrance of the flat. It is a four-storey building, and her neighbours in other flats are relatives of her and her husband, since her husband is her cousin. The coalbunker of the building is used for filling mussels. She works there with her relatives/neighbours every day of the week from 7 am to 3 pm. Her husband is a worker. She complains about the precarious working conditions.

With the money she saved in the last 9 years filling mussels, she bought a house on Cukur Street, in the vicinity of the Project area in 2015 for 150 Turkish Liras. One of the first things that she told me when I visited her in her flat was that she wanted to have each of her children, and she even had to insist on having the last one: "With children time passes by quicker". She was very surprised that I did not have any children although I was a couple of years older than her. Her oldest children, a seven-year-old boy and a 6-year-old girl, can speak some Turkish, while the other two can speak only Kurdish. When I had a difficulty to understand the name of her middle son, she repeated it and proudly told that it is a guerrilla name.

Although she considers Tarlaşaşı as her final destination, her reference of place attachment is still Nusaybin, her home town in Mardin. She receives food packages from her family, and misses the special stove carved in rock benches in which they bake bread.

Her mother-in-law – and her aunt at the same time – was staying with her for a short while since she had to see a doctor in Istanbul. Since her mother-in-law did not speak any Turkish and I did not speak Kurdish so much, we communicated through gestures and H.'s translation. When H. told me that I finally had to learn Kurdish, I answered embarrassed: 'I am working on it, I hope I will speak it soon'. As soon as H translated my answer, her mother in law raised her two hands as if she was praying, and passionately cried out: "Inshallah! (Hopefully)". Me speaking Kurdish would be a sign of the social change beyond the perception of Kurds by the Turks. They both were surprized that I wasn't uncomfortable with them being Kurdish, nor with their criticism of the state. H.'s mother-in-law hugged and kissed me on the cheeks every once a while. In the meantime, asked me simple questions about the quotidian practices of 'Turks', such as the frequency of black tea consumption, and making remarks about me being Turkish in a rather friendly manner. When I clumsily sat on the floor to wait for the dinner to be served, she implied that Turks were not used to sit on the floor like Kurds did. Her imagination of the 'Turk' was not only related to codes of cultural differences, but also to an assumption of the difference in socio-economic classes of Turks and Kurds; hence, I must have been a member of upper classes, maybe also because of the way I looked with my 'modern' clothing which was different than hers. It was surprizing for her to hear that major part of my family used to sit on the floor and that this changed with the younger generations. However, while my family members changed their everyday practices mostly due to finding stable jobs in state institutions, structural challenges for majority of Kurdish people that reside in Tarlabası amount to the precarious and informal economic activities.

Similarly, the opposite neighbour of D., a Kurdish migrant from Siirt on the rather diverse Sakiz Ağacı Street, welcomed me as a 'Turkish' woman. Unlike H., she was excusing herself for her Turkish since Kurdish was her native language, instead of expecting me to learn Kurdish. She is in her 50s and lives in a flat two buildings away from the Migrant Solidarity Kitchen. She initially lived in the recently closed part of this Avenue for seven years, and then moved to her present flat twenty years ago. Drinking black tea in front of her house, sitting in the street and watching the street are important parts of her everyday routine and a source of joy for her. When we were chatting, D. approached and referred to her as 'the Sultan of this Avenue' for she was spending most of her time outside her house and had an extensive knowledge about the avenue due to her interactions

with people around her through her self-confident gestures. She welcomed this attribution enthusiastically, though mentioning the conflict between her and her husband about her sitting in the street.

Like D., she approached the change in the Avenue in terms of the manners of the inhabitants. She agreed that the education level of Kurdish youth and their involvement with criminal activities – prominently drug dealing – were the most important problems in terms of this change. Each time her neighbour's young son threw garbage from the second floor balcony, she repeated ironically: "See? It is civilization!" Besides her criticism to such 'uncivilized' behaviours in the area, she was very cautious about the representation of this place. When D. offered me to give an interview about the history of Tarlabası, she warned him jokingly about not talking negatively about the area. Just like H, she and her daughter were witty and self-confident but never hostile to me during our chats, and they never spared their anger and criticism for the Turkish state. However, living in a rather diverse location and hearing the criticism about the Kurds in the area, this rather elderly woman was sighingly affirming the criticism of the Kurds mentioned by her neighbour D., and she was less affirmative about the Kurdish liberation movement.

Different from the cabinet maker, and the ironmonger, she was not referring to any nostalgia. Her attachment to Tarlabası was due to the livelihood, having neighbours and her daughters around her, enjoying the street during the day with its 'beauty'. She pointed at the colourful flower patterned blanket hanging on the tightrope between to opposite windows.²³ "Do you see how beautiful it is?"

She has four children. The oldest one, 22-year-old daughter Z., got married to a man who used to live in a district almost 20 km away from Tarlabası requiring that they had to move to Tarlabası. She now resides in a flat opposite to her mother's house. She told me that it was impossible for her to live somewhere else than this avenue due to her social ties with relatives and other neighbours, as well as the joy she has from the beauty of this avenue.

She also bought a flat – the flat in which she currently lives – a couple of years ago with the money she could save lining cloth buttons at home. Although someone offered to pay 500 Turkish Lira to buy her flat recently, she decided not to sell it, expecting that the value would rise soon with regards to the impact of the Project that is just a hundred meters away from her flat. She also told of other cases like that around her flat. Being displaced and dispossessed in case that the Project extends to the rest of the

Avenue was not a possibility she was aware of, although her neighbours in the upper part of the Avenue had to leave recently due to expropriation.

The central location of the area allows women who suffer intense domestic repression to develop economic activities around or inside their houses, though the precarity of working conditions were mentioned with fear of economic deprivation. Alongside the domestic labour of women, these economic activities are crucial for households in terms of holding on to the city. The possibility of being chased from this area is a threat in terms of losing the every-day social setting that allows them to produce networks of empowerment through social and economic relations.

However, not all of the actors in the area have the chance to hold on to the city due to their legal status and the prejudice about their identities. Since 2011, the area receives refugees from Syria who usually stay here for short terms. Other inhabitants, regardless of their identity, mention their suspicion about people from Syria.

Without my asking, the elderly woman from Sakiz Ağacı Street pointed at the children in front of us that were Dom from Syria. After expressing her pity for them explaining me that nobody is willing to employ them or rent out flats to them, she criticized them for not being hygienic, and for having many children even after they escaped from their country of origin. She told that at the beginning 'they' (the inhabitants that are not from Syria, including herself) helped them with material support. She points at the bare feet of these children:

People continuously give them shoes, but they either wear it once or twice, or don't wear it at all. Wouldn't you wear shoes if you had a pair? Maybe they sell them immediately, or it may also be their culture; maybe they are not used to wear shoes and feel more comfortable without them, both in summer and winter times.

Since I cannot speak either Kurdish or Arabic, and since they were hesitant to communicate with me in the short periods of time that I spent in Tarlabası, I could not have a conversation with adults from Syria other than some gestures and few words during our encounters. However, many children from Syria spoke Turkish; and they were excited about our interactions. An encounter that I experienced in winter reveals the lack of the consideration of the consequences of harsh discrimination, precarious legal status²⁴, high level of economic deprivation, and the inner hierarchies among the refugees that these people face in Istanbul.

In January, I met two 10-year-old girls in a street next to Istiklal Avenue whom I had known from my visits to the Migrant Solidarity Kitchen. It was freezing cold, and one of them had only slippers and no socks on her feet, while the other one was wearing worn-out sneakers. When we were chatting sitting on a table outside a café, a man approached us, and gave me some money convincing me to buy boots for the girl with sleepers. She already had a certain pair of boots in her mind, and fortunately its cost was exactly the amount of the money that the man gave us. She was both excited about her new boots, and concerned that her mother might be angry with her for having them. She was not sure whether she had to bring them home or hide them somewhere. They also started to worry about the time that they spent without begging, in fear of their families. When I tried to compensate their time, they did not want to accept my offer, since they were embarrassed of receiving money from a 'friend'. When one of them asked me for buying ice cream, the other one warned her: "Hush! Don't be nasty". She started to tell me their lives before they left Syria.

They were already neighbours in Aleppo. Her father had a shop and a car back then. After the bombings, they lost everything and escaped from war, and could not bring anything with them. They had been in Istanbul for almost 4 years, and still had not either a specific address or economic means, other than what they earn from begging. Unfortunately, when I tried to find them in Tarlabası after one month, they had left the area. I could not observe whether she could keep wearing her new boots.

This case of boots and the question about the children that wear no shoes show a path that recalls the case of sitting on the floor and its connotations. The reference to the bare-foot children from Syria indicate that among those who are othered by the majority themselves too, the relations between the enclosures of identities and economic hierarchies continue to generate otherness based on the essentialisation of economic behaviour as culture and the representations of those who don't comply with the identities formulated by the state ideologies.

4. Othering, Affect and the Discourse

The hegemonic discourse of the identities outside the Turk, and the physical impact of the Project are responded by affective remarks by the informants that live in the yet non-gentrified area that surrounds the

Project. Although these impacts were experienced collectively, the affects were still tied with the relations to the 'Other' and/or consideration of self-identity as 'the other' with reference to concepts like hygiene, 'civilization', educational level, and assumptions over culture and tradition. For instance, the insinuation made by my informant to the behaviours of neighbours as 'uncivilized' recalls the frequent reference of discrimination against minorities. Alongside the explicitly and commonly mentioned affects like anger, resentment, insecurity, and fear, the affects that are not successfully directed at the hegemonic powers during everyday encounters to position the 'Self' in the social setting merge into the totalizing power discourse that constructs the 'Others' which leads to an affective disintegration.

In the last two years, the attendance of inhabitants to Migrant Solidarity Kitchen weakened besides children. Deniz Şensöz, an activist from the Kitchen, observed that the prejudice of inhabitants against the increasing number of Syrian migrants that attend the activities of the Kitchen was one of the reasons. However, she also added that the violent acts and prejudice of the neighbours of the Kitchen against the children and the Kitchen was eased through the attempts of the activists to have friendly conversations with them. According to her, greeting the neighbours with a smile was also effective in some cases. However, the neighbours were not very well informed about the activities of the Kitchen as a community centre focused on the consequences of migration, and inhabitants that I interviewed considered it merely as a group that cared only for children.

Being an inhabitant for a longer time in the area constitutes a hierarchic dimension of place attachment and relations with others. For instance, common codes of antiziganism are openly mentioned about the Dom people that migrated recently, while the Roma community is perceived rather positively for being older inhabitants who adjusted to the area. However, other common codes of othering of Roma identity, such as entertaining oneself and the others in almost every occasion, and having colourful traditions are still present in the narratives of non-Roma inhabitants. These assumptions are present also in the justification of urban transformation by the government that 'offers' a 'corrective treatment' to the Roma identity²⁵.

There is a observable tendency of former inhabitants to show discontent about the newcomers outside the urban transformation project area. Positive personal experiences with the 'Others' do not necessarily amount to a overreaching positive approach to the entire identity, and is limited to a consideration of exceptions. For example, the only SubSaharan African

immigrant on Sakız Ağacı Street who has established his very small scale junk dealing business is accepted by the other inhabitants and called with a Turkish name instead of his own name as an indicator of his acceptance, while the prejudice about other immigrants from the same region as drug-dealers and unreliable 'Others' remains.

Among the actors in the production of Tarlabası, only the Tarlabası 360 Project has a privilege as a 'new comer'. When I visited the marketing office of the Project in the Tarlabası Boulevard across the closed part of Sakız Ağacı Avenue, I was informed that it was expected that the inhabitants that still live in the not yet gentrified surrounding area would either adjust to the new setting, or leave the area.

There are still everyday day social ties based on trust in the non-gentrified area. Shopping on credit to pay later (*veresiye*), supporting the disadvantaged neighbours or new comers, and the involvement of activists can be considered among these remaining relations of trust, although these are also under threat of the transformation.

5. "Isn't street public space?"

Sakız Ağacı Avenue used to be a long channel of vehicular and pedestrian traffic between northern and southern Tarlabası, connecting the two sides and opening directly to Tarlabası Boulevard and İstiklal Avenue. For the inhabitants of Sakız Ağacı Avenue, it had a severe impact when the part of the avenue leading to Tarlabası Boulevard was closed to public for the 'security' in the construction of the Project area (Figure 3). The grocery market around the corner of the Migrant Solidarity Kitchen, around hundred metres away from the border of the Project area, went bankrupt, and other businesses in and around the avenue lost a substantial amount of their regular income. The Project blocked the direct access to the Boulevard, and therefore people had to walk a long way through the hilly streets to get to the other side. Another consequence of the closed street was the intensification of criminal activities and prostitution around this border between the Project and the avenue. In every conversation I had with the inhabitants, this was one of the first complaints about the Project. In addition, buildings such as the church in the Project Area, and the evicted neighbours were part of their losses. It had an impact on the aesthetic and social dimensions of their everyday life which manifested as part of the motives of their attachment to this place.

Although, 'the ruins suit the spirit of street art' as an artist from the Tarlaşaı Street Art Festival claimed, this scene and its consequences didn't suit the 'spirit' of the space that was produced by the collective labour of the inhabitants. Actually, Firat's criticism about the festival (ironically titled "Art in Tarlaşaı: It can be seen until it is demolished") was already expostulating this support of the festival for the consequences of the Project, disregarding the enclosures and exclusion of the people from the public. Indeed, most of the buildings that were used for the festival were totally demolished in 2015, and before that already closed to public when the area was fenced in.

The ironmonger at the northern end of the Avenue told me that he applied to the municipality about the closed part of the Avenue demanding that it should be opened to the public. According to him, the street could not be considered as part of the construction site; there would be many other ways to fence the construction of the buildings. However, his petition was not taken seriously, and he lost his hope about getting their street back.

When I asked about whether there would be a chance that the inhabitants could get mobilized against this situation, he answered hopelessly, mentioning that now everybody feared doing anything about it, since all their attempts were unsuccessful so far. Other inhabitants also answered my question hopelessly. The 'Sultan of the Avenue' told me that she had no courage to do anything about the construction, although workers continued to work day and night, making a lot of noise. The power the state-construction company collaboration held over the inhabitants manifested itself also in terms of these affective responses, such as desperation, fear, and insecurity.

The ironmonger asked me straight: "Isn't street public space; how can be public space closed to public?"

Actually, this question also indicates the neoliberal enclosures of the public space and all other commons. Governance of public space in the neoliberal era adds the policies of value extraction from commons through public-private partnerships, such as the Project in Tarlaşaı, to the state control over human beings through public space. Before the fencing of the Project area, Tarlaşaı used to be shelter to protestors to escape from the police during the demonstrations around Taksim square and İstiklal Avenue. Now, it is not only closed to this connection, but it is also considered to be the property of the Project.

The theorization of commons from a commoning perspective deals with these enclosures of the resources of life: public spaces, ecological

resources, and all other resources of life that are produced and reproduced collectively through the labour of people in everyday life. Following Garret Hardin's (1968) assumption that commons had to be governed against their exploitation (uncontrolled overuse) by human beings as public, capitalist assemblages of state-market collaboration developed strategies of surplus value extraction from commons, such as the privatization of Amazon rainforests within the body of World Bank on the ground of preservation (Federici, 2011).

Firat (2011) reminds us that Karl Marx theorized the enclosure of commons under the primitive accumulation in relation to the fencing of the land in England in the 18th century, and the new forms of capitalist enclosures in the neoliberal era produces wealth through the privatization of commons. In Turkey, governmental policies of "accumulation by dispossession" has been the governmental policy since the crisis in 2001, and enclosures of urban commons such as the urban transformation projects and privatization of public properties demonstrate the hierarchies of the values attributed to different people through this dispossession and displacement.

Peter Linebaugh (2013) points out the relation between the action and the threat of losing urban commons, and signalizes that commons are invisible until they are enclosed. Likewise, with reference to Silvia Federici (2004) who elaborates the modes of resistance against capitalist enclosures through the commonality of everyday practices of women, Firat indicates that enclosures of the commons make the commons visible and conduce to evoke the existing social relations based on commons as well as new practices of commoning. Here, commoning stands for producing and reclaiming the commons collectively as users and inhabitants of the space against the hegemony of enclosures.

Although, between 2009 and 2012, inhabitants protested the urban transformation process that excludes them from the new imagination of Tarlaabaşı, governance of affects through the state repression for this enclosure seems to aggrieve the people in their everyday life, instilling these hierarchies based on economic level and identities. However, we must not forget that affective response of the people in the city against the enclosure of Gezi Park as a shopping mall in 2013 paved the way for a collective action of resistance.

One evening, on our way to Taksim from Tarlaabaşı with Emy Eddie Fidelis, an activist of the Migrant Solidarity Network and an immigrant from Nigeria who has been living in Tarlaabaşı for 8 years, we received

racist and sexist insults, and witnessed the racist comments about and violence against the migrants from Syria who were begging on the street. Fidelis reproached this everyday setting of discrimination and violence with reference to the advertisement campaign of Efes Pilsen.²⁶ “They say there is life on the street! On the contrary! Especially on the street life is not possible!”

Although this remark is accurate in terms of the hierarchies in experiencing the space, as Lefebvre registered in his dialectics of the production of space, streets are also the very space to reclaim the life and to struggle against the hegemony of the capitalist interventions. Indeed, as Dowling called to mind in her seminar, protest in public space reorganizes and transforms the relationship between people as an affective experience against the hegemonic powers that generate capitalist enclosures and hierarchies based on identities.

6. Governance of (In)security

On 14th March 2010, Prime Minister Erdoğan mentioned his discontent about the Roma people living in tents and shacks referring to their lifestyle as something to be corrected through urban transformation. On 6th April 2013, in his speech for the ceremony of urban transformation destructions in Gaziosmanpaşa, he associated the urban transformation area with terror. Finally, the billboards that conceal the ruins in Tarlabası advertise that Tarlabası will be a secure place after the transformation.

Although Tarlabası was stigmatized as an insecure place generating fear both inside and outside the area, actually the inhabitants that were targeted by this discourse and the hierarchies in the area were the most vulnerable actors of the production of this space. Shortly after Sakız Ağacı Avenue was partially closed to the public in summer 2014, on 2nd September 2014, Ouadilou Lezi Gail, a transnational migrant from Congo, and then two transgender women, Çağla Joker on 22nd April 2014, and Corti Emel on 18th October 2014 were murdered in Tarlabası in hate crimes, too. Moreover, Festus Okey, a football player from Nigeria was murdered by a police officer directly in the notorious Police Station located on the Tarlabası Boulevard.

Discourse of security and the practices of police in Tarlabası recall Michel Foucault’s conceptualization of the new modes of hegemony as ‘biopower’ that amounted to the governance of the population

through discourse and control over human bodies. Indeed, the discourse and practices of security function for nothing but the enforcement of the transformation beyond the Project area breeding further social disintegration. In the meanwhile, the Project benefits from the imagination that the entire Tarlabası has been under the exploitation of outcasts who cause insecurity and deprivation themselves.

There are specific relations of repression, corruption and struggle between the inhabitants of Tarlabası and the police forces. Immigrants from Sub-Saharan African countries are continuously suffering the stress of random police controls even in cases that there are no entanglements in terms of their residence permit and/or they are not involved with any criminalized activities. As I noticed from the behaviour of the begging children that migrated from Syria, seeing the police officers even in the intense crowd of the streets from a large distance causes them to get into a panic. Finally, on 10th May 2016, just before the International Humanitarian Summit on 23rd and 24th of May, around 5 am in the morning, police raided the houses of people from Syria in Tarlabası, and brought them forcefully to the camp in Osmaniye, although they had no legal grounds to do so.²⁷ The visibility of the conditions of these people was obviously a concern of the state in terms of the affects they could create in the participants of the upcoming event.

The conflict between police and the Kurdish youth that supports Rojava and Kurdish liberation movement is more visible since there are continuously demonstrations organized spontaneously by these young people against the state violence against Kurds. Especially since the summer of 2015, there have been clashes between the police and these people because of the curfews in South-eastern Turkey. Although the demonstrations are dissolved due to the intense use of pepper gas and other means of repression, this mobilization continues as the curfew politics do. However, these clashes are neither reported in media nor felt by the people outside the area in spite of the pepper gas that becomes 'invisible' for the senses of people in the surrounding crowd.

Despite the repression and the stigma about the insecurity and criminality in the neighbourhoods, Tarlabası used to be the safe haven for the protestors in the surrounding after the police attacks until the Avenue was detached from the Boulevard. According to the inhabitants, the closed part of Avenue constitutes further insecurity due to the intensification of criminal activities around the construction site. Sakiz Ağacı Avenue seems to suffer from these conditions remarkably. Hence, there is also

the continuous and visible tension between drug dealers and police, and between the small time criminals and the other inhabitants around this area. Inhabitants complain about the criminality on the one hand, while on the other hand, they mention that police don't respond their calls for help, and instead, there are some shady relations between the police forces and the criminality.

H. answered my question about the further possibilities of struggle against the unlawful practices of transformation highlighting the fear and desperation among the inhabitants evoked by this injustice: To whom shall we trust?

In Lieu of Conclusion

Although the Project area is under construction, the legal process against the Project is not finalized yet. Nevertheless, there are further plans for the transformation of the rest of Tarlaşaşı. The discursive and practical force of governance of affects turns people against each other through the hierarchies and divisions. While the project attributes an imagination based on the privilege of eye to trigger an enthusiasm (such as the representation on the billboards that conceal the ruins, exile of the migrants from Syria, aestheticisation of ruins through festivals), it creates affects like hope/desperation, fear and insecurity in the rest of the area that is not gentrified yet, and govern the construction of self and the other through the hierarchies among the actors of the space.

Along with the fear due to this conditions, for those who could own a property, hope is a way to hold onto the area. However, Ulus Baker (2001) draws the attention to 'hope' as a grieving affect in Spinoza's *Ethica*. Accordingly, human beings oscillate between fear and hope when they neither surrender to the hegemony nor produce their own modes of power themselves.

Nevertheless, there are still practices of resistance and solidarity networks based on everyday social relations and other social ties; and Tarlaşaşı is still the shelter for disadvantaged people. Therefore, a new direction of resistance and struggle against the power of the state-market collaboration requires the creation of a communality through the political implications of the affects rather than politics of integration and representation.



Figure 1 is prepared by the author.



Figure 2 (from the personal archive of the author)



Figure 3 (from the personal archive of the author)

NOTES

- 1 In Turkey, there is no official status of refugee; refugees from Syria is officially defined as 'guests'.
- 2 See Kuyucu, T; Ünsal, Ö, "Urban Transformation as State-led Property Transfer: An Analysis of Two Cases of Urban Renewal in Istanbul", *Urban Studies Vol 47* No 7, 2010
- 3 Ezgi Sönmez, interviewed by Songül Bakar, "Tired soul of Tarlabaşı cheered up!", 24.09.2012, İHaber, in Turkish. Retrieved from <http://ihaber.istanbul.edu.tr/kultur-sanat/tarlabasinin-yorgun-ruhu-senlendi-h535.html>, last time visited on 15.04.2013.
- 4 Originally published in 1974 as *La production de l'espace*, Paris: Anthropos.
- 5 Lefebvre, 1991, p. 11.
- 6 Michel Foucault also ascertained the power relations intrinsic to the concept of space. See Foucault, M., & Gordon, C., *Power/knowledge: Selected interviews and other writings, 1972-1977*. Pantheon Books, New York, 1980.
- 7 Critique of Everyday Life was originally published as three volumes in 1947, 1961 and 1981 by L'Arche in Paris.
- 8 Lefebvre, 1991, p.38.
- 9 ibid.
- 10 For an in-depth interpretation of Lefebvre's dialectics of the production of space, see also Elden, S., *Understanding Lefebvre: Theory and the Possible*, Continuum, London; 2004; and Watkins, C., "Representations of Space, Spatial Practices and Spaces of Representation: An Application of Lefebvre's Spatial Triad", *Culture and Organization*, No.11, 2005, pp: 209-220.
- 11 Pallasmaa, 2005, p.11.
- 12 Hardt, 2007, p.X
- 13 Brennan, 2004, p.2.
- 14 Steward, 2007, p.2.
- 15 ibid, p.11.
- 16 Ibid, p.84.
- 17 Emma Dowling, "Affective Labour in the City", From Dispossession to Commoning Conference, organized by D. Özkan and G. Baykal, SALT Galata, Istanbul, 14 May 2016, Seminar. Voice record of the seminar is available at <https://soundcloud.com/user-687715306/emma-dowling-affective-labour-in-the-city-from-dispossession-to-commoning-14-may-2016>.
- 18 The Kurdish region in south eastern Turkey is called 'Bakur' (north) by Kurdish community for being the north of entire Kurdistan region.
- 19 'On the way to school' (2009, dir. O. Eskiköy and Ö. Doğan), a movie based on true events and accounts of actual people, pictures a newly graduate

- elementary school teacher dealing with this situation during compulsory duty in a Kurdish village in south eastern Turkey.
- 20 In May 2016, Pınar Çetinkaya, a university student in Adnan Menderes University was expelled from the public dormitory in Nazilli for making terror propaganda only because she talked Kurdish on the phone with her family.
- 21 <http://gocmendayanisma.org/tarlabasi-gdmutfagi/>
- 22 Our first encounter was on 3rd May 2016.
- 23 Our first encounter was on 2th May 2016.
- 24 The legal status of refugees from Syria in Turkey is ambiguous although the regulations promised them rights in terms of education, health, work, and housing. For a detailed analysis of the entanglements in these regulations, see Özden, S. Syrian refugees in Turkey, Migration Policy Centre; MPC Research Report; 2013/05.
- 25 For an investigation of relations between the urban transformation projects and the concept of ‘corrective treatment’ of the Roma due to their life style, see Onbaşı, F.G., “What went wrong with the Romany Opening in Turkey?”, *Human Security in Turkey: Challenges for the 21st Century*. A. Özerdem, F. Özerdem (Eds.), Routledge. London, 2013.
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CITIZENSHIP AND OTHERNESS: THEORIZING CONSTITUTIONAL IDENTITIES OF THE BALKAN STATES

Abstract

The paper examines the interplay between notions of citizenship and otherness in the context of Balkan states and how it reflects on their constitutional identity. The paper starts with the normative examination of citizenship, its elements and salience in the contemporary context. Then, it goes through a historical sketch of othering in the Balkans – and how the notion of citizenship has been changed in the course of time. There is a clear connection between othering and constitutional identity to be identified in the Balkans. The constitutional concepts of our national and political selves, individual rights and national sovereignty, liberal and national values are often in deep collision. Various empirical constitutional histories in the Balkans can be defined through four ideal type models of constitutional identities (national, multinational, republican and constitutional patriotism). The last model is a normative perspective for the constitutionalisation of Balkan states that evades sorts of othering present in other forms of constitutional identities.

Keywords: citizenship, otherness, constitutional identity, constitutional patriotism, minorities, Balkans

I. Introduction

Citizenship studies have gained great salience in the last decades. Normative political theory of the last decade of the 20th century was predominantly focused on the concept of recognition. Taken together with the normative dilemmas of legitimation it is understandable why citizenship achieved so much importance in the academic debate.

Concurrently with the general turn to citizenship as an important normative category, there are the first studies determining the European east/west divide on the citizenship itself. Namely these studies were aimed at showing that the citizenship in the eastern European countries after the

fall of the wall has turned back to ethnic conception of citizenship, based on the cultural understanding of nation. Balkan countries fit well in this East version of that divide. That is the reason why we need a diachronical examination of their citizenship.

Despite possible and probably well-argued remark on using the notion Balkan in the title I still find this label scientifically useful. Firstly, it invokes the whole body of literature on Balkan studies and the Balkans as a specific geographical set of competing historical national projects. Secondly, conceptually, it provides *genus proximum* for the more specific sub regions and groups of targeted states than the contemporary denomination of Western Balkans.

The research is aimed at determining the nature of the constitutional orders of various Balkan countries. Instead of looking at particular cases, I have chosen the method through which I can find parallel (common) models of the exclusion of the members of various minorities from the concept of citizenship. The differences among various models will help me to establish four models of constitutional identity - each approaching the constitutional subject differently and, consequently, the "us vs. others" divide as well. Three models are empirical and one is normative. I will advocate the argument that the last model is normatively more acceptable and a better approximation of the two standards: legitimation and stability of the political order.

The link between constitutional identity and citizenship is evident. Citizenship, just like constitution, determines the members of political community, their rights and obligation and give a symbolical and normative dimension enacted in the political and legal institutions these members can identify to. The norms proclaimed in constitutions and constitutional laws are further elaborated in specific citizenship laws. Furthermore, these laws are brought to reality through distinct practices. This research will go beyond the positive law but with constant reference to it. Many of the laws in this region have been imported from the Western democracies and as such found little reflection in the everyday life.

Thus, though citizenship laws can sometimes be progressive and inclusive, the practices that influence and define constitutional identity might give a completely different picture of what it has meant to be Bulgarian, Serb or Romanian. Conceptualization of citizenship, in all of these levels I have indicated here, is consequently determining legitimization of political orders of these national states and its stability.

In other words, constitutional identities are analyzed as salient normative orientations of these societies.

II. Research Problems, Questions and Employed Methodology

Research problem

There are various models of identifying constitutional subject - which brings legitimacy and stability to the political order? Is citizenship of these states truly universal in its promise of equality and freedom? In order to look at this issue we might need to go beyond the legal notion of citizenship and look at all elements that this concept should entail: rights, citizen participation and allegiance (identity).

Constitutional identities in the Balkans have ever since the creation of modern national states followed a certain pattern of constitutionalisation which has often discretionally given primacy to certain ethnic, national or religious groups. If not in constitutions the rights of certain groups were limited through various laws and practices that were limiting the scope of their citizenship. National state was often perceived as a tool for achieving national goals. It was considered the rightful political space of majority nation.

Given the plurality of Balkan societies shall we consider normative reconceptualization of citizenship and generally constitutional identity? Multicultural liberalism has its own vision of resolving this problem. In order to answer to this normative puzzle I will reflect on multiculturalism and competing theories of citizenship. All these models of citizenship have empirical advantages and flaws. However, it is still possible to determine which of these models are normatively optimal for the given context.

Research questions

Can we identify constitutional *other* in the history and what are the ways the modern constitutions *other* others? Constitutional orders of national states communicate and interact. International obligations and human rights have influenced the constitutional changes of many national constitutions. In the context of the Balkans, the constitutions were often just a copy of their European models. To a certain extent, the same happens to some of the European laws adopted in national parliaments. However,

laws and legal practice might still be indicative and tell us who the other in these communities is.

Though similar in many aspects, Balkan constitutions have shown significant differences over time. These changes result from different local ideologies, political histories and external influences. Thus, we might speak of different types that combine different models of constitutional identity. Different experience and contemporary history might tell us something in favor or against certain types of constitutional identity.

Main hypotheses

Constitutional other in the Balkan states is the one whose identity does not correspond to the homogenous ideal of the nation. In other words, the patterns of the national transpose to the political. The majority nation uses the political means of parliamentary democracy to define and limit citizenship rights to others. Constitutional others are changing in accordance with big historical events/changes, though the main pattern remains the same. Constitutional othering in the Balkan states is aimed at social closure and ethnification of politics through collectivism, populism and homogeneity. Nationalism is its overarching ideology. Finally, normative inquiry should look at some models of plural and multinational constitutional identity which are more legitimate and inclusive. Constitutionalism, ideally, should reflect the reality and leave the space for different cultures and all individuals to enjoy their autonomy as free citizens and pursue their own conception of the good life.

III. Towards a Normative Theory of Citizenship and Constitution

Citizenship theory reemerged in the focus of political theory at the end of last century out of the need to reconcile the big philosophical questions of justice and epistemological and axiological determinism of community membership. In this paper I use the term citizenship as an overarching term that includes rights, participation and identity element.

In the modern national states normatively construed social contract finds its social power through its positivation in the form of constitution. The liberty of those who possess less political power due to the fact that they belong to various kinds of minorities might depend on the idea and

reality of constitutional order. As Dimitrijevic puts it, 'constitution is a charter of liberty'.¹ Besides, constitutions refer only to those who are citizens of a certain polity. In other words, the idea citizenship is of a pivotal salience for a constitutional order, these two being mirrors of the same imagined social contract.

Rosenfeld explains, and that is exactly where I depart from multicultural conception of politics and political, that any identity conceived as a sealed singularity could never lead to any common constitutional project.² The interplay between plurality, which results out of clash between universality whose interpretations are plural, and singularity that wants to be preserved, remains in perpetual tension. The idea of my project, where I follow Rosenfeld, is to look for the least contested plurality by invoking universality which will allow for the least harms of various singularities that constitute certain political space.

Radical hermetically sealed singularity makes any cogent constitutional project impossible; thorough and permanent identity between self and other, on the other hand, would make constitutional projects superfluous as universal constitutional essentials would be self-imposing and beyond dispute. The constitutional subject and constitutional identity become intriguing, problematic, and challenging when some links of identity clash with claims to give singularity its due. It is precisely at that point that the dialectic between the universal and the singular is unleashed and that it becomes oriented to the plural. Moreover, because conceptions of the universal are plural, and those of the needs for purposes of preserving singularity are multiple, what qualifies as the plural is likely to remain perpetually in question.³

In other words, constitution is an act of positivation of so conceived social contract⁴. Most of the contemporary societies are, as Rosenfeld names them, pluralistic-in-fact. In Rosenfeld's view for heterogeneous societies with various competing conceptions of the good, constitutional democracy and adherence to the rule of law may well be indispensable to achieving political cohesion with minimum oppression"⁵ The hierarchy inherent for the constitutional order allows citizens to "challenge state-backed infra-constitutional laws". In the heart of this process, we find *consent*, which is not necessarily actual. As Rosenfeld states that it is "arguably sufficient for purposes of assessing the legitimacy of a rule of law regime to determine whether acceptance of the latter would be reasonably consistent with the diverse agendas of all concerned."

To the extent it is democratic, constitutional democracy implements the will of political majorities and coerces political minorities to contribute to the realization of majority objectives with which minorities may strongly disagree. On the other hand, to the extent that constitutional democracy affords protection to certain fundamental rights and certain vindications of such rights frustrate the ability of majorities to fulfill certain objectives which they consider paramount, the enforcement of constitutional rights would seem to lead to a significant amount of coercion.⁶

The answer to this conundrum is that this constitutionally embedded consent must necessarily encompass the protection of identity, through protection of autonomy of individuals and derived protection of the autonomy of the groups. Therefore, constitution in pluralistic societies cannot be based on “self-explanatory collective bonds but on rational agreement on common life”⁷.

Reflecting on *Social contract*, Rosenfeld stresses Rousseau’s binary nature of individuals in a political community. They are in the same time bourgeoisies who pursues private interests which often clash with those of others, and citizens, making each citizen a part of the sovereign which dictates of the general will. If the participation in public affairs would mean the negation and suppression of someone’s identity then its legitimation would be even lower. While it is possible to imagine that one can restrain his particular interest (economic, social) it is completely different with someone’s identity. There, restraining is impossible since one can act only in his capacity of a being with particular identity. It is conceivable that a good citizen ignores his own interests for the benefit of whole community but going against her identity would be too much to expect. This is why socially construed *others* matter since they also want to to perceive citizenship as inclusion and constitution as a guarantee of liberty.

Therefore, the constitutional arrangement, as a positivation of social contract and principles of justice built in the legal and political logic of a polity, must not risk a permanent injustice to *others*. This is exactly the starting point for multicultural dismantling of universal citizenship and the idea of constitution as an intersubjective normative platform for pluricultural societies. However, they take constitutional universalism as a cause and not as a result of a power and culture biased interpretation of politics which is unfortunately inherent to their own projects.

The citizenship should remain flexible and adaptable to the various differences that exist among us. Constitutional identity should ideally be informed by a type of citizenship tailored to the needs of constantly emerging and changing social identities.

Certainly there is a strong normative background behind this apparently scientific vision of citizenship. It originates in the idea that political community should serve the human emancipation, free development of the essential human needs: to act freely, to develop its identity, to contribute to the common life of a cultural and other communities, to be willingly part of the political life and to preserve the domain of private life from the interference of the state.

The identity of the modern democracies is, in the vast majority of cases, strongly biased. One of the first hand reasons lies in the historical formation of the national state. The imposition of the majoritarian discourses by the political elites was to way to provide necessary unity and ensure political obligation to the newly formed level of political organisation. Nationalism was only one of the discourses and the formation of Otherness that shaped citizenship as a particular form of social closure. Clearly, this concept needs deep normative revisiting.

Even though it seems reasonable to adopt group rights as a way of correcting the inherent injustices of the modern democracies, it still does not mean the concept of citizenship should be parceled, leading to the independent citizenship regimes. The very idea of citizenship implies a comprehensive, universal and sphere of equal political and legal communication. Nevertheless, it does not preclude that this ideal of citizenship cannot be achieved through various forms of legal arrangements, including group rights.

The concept of national state, with its ideological background, cannot adequately respond to the diversity of contemporary societies. It is normal to expect that a political system cannot legitimize itself if it is grounded on a biased value system. Moreover, the flourishing of diversity and respect for *others* as minorities depends on the various levels of intersubjective recognition and contemporary state with its rules of citizenship lies in the locus of normativity of the whole process.

IV. Defining *Otherness and Constitutional Other*?

Identity is a salient notion in the kaleidoscope of political theory. As identity as a notion has becoming important for the self-understanding of the modern man the importance of this category of social psychology has becoming more and more crucial in the development of political theories. Social identities reflect the way individuals and groups internalize established social categories within their societies, such as their cultural (or ethnic) identities, religious, gender identities, class identities etc. These social categories shape our ideas about who we think we are, how we want to be seen by others, and the groups to which we belong. This is because the representation of different groups within any given society reflects the inter-group disproportion of political power.

The genesis of importance of identity for theorizing political issues starts with social conceptualization of group identities as a result of a historical/ everyday interaction between various groups, their self-understanding and mutual determination. This process and its results become important for political theory once the relation between the groups reflects different level of political power towards the constituting and changing the polity that these groups share. More specifically, this paper is trying to determine how various constitutional identities of the Balkan states in their historical dimension reflect this power game. In other words, how the various Balkan nations managed to use state building and constitutionalisation as determining other – the one who will by the letter of a founding document get a smaller share of political power or will be politically and sometimes even physically annihilated.

Simone de Beauvoir in 1949 *The second sex* argued that otherness and binarity are fundamental categories of human thought that depicts man as an *absolute* and *subject* and woman as *other*. Zygmunt Bauman in *Modernity and ambivalence* explains how the central frame of both modern intellect and modern practice is opposition, dichotomy:

In dichotomies crucial for the practice and the vision of social order the differentiating power hides as a rule behind one of the members of the opposition. The second member is but *the other* of the first, the opposite (degraded, suppressed, exiled) side of the first and its creation. Thus abnormality is the other of the norm, deviation the other of law-abiding, illness the other of health, barbarity the other of civilization, animal the other of the human, woman the other of man, stranger the other of the native, enemy the other of friend, 'them' the other of 'us', insanity the other

of reason, foreigner the other of the state subject, lay public the other of the expert. Both sides depend on each other, but the dependence is not symmetrical. The second side depends on the first for its contrived and enforced isolation. The first depends on the second for its self-assertion.

These dichotomies constitute identities of social actors. They are not only identifying but also qualifying features that cover all spheres of the social. "Woman is the other of man, animal is the other of human, stranger is the other of native, abnormality the other of norm, deviation the other of law-abiding, illness the other of health, insanity the other of reason, lay public the other of the expert, foreigner the other of state subject, enemy the other of friend."⁸

Andrew Okolie puts also stresses that social identities are relational; groups typically define themselves in relation to others. Identity is not assigned or defined without some other particular social function. Othering is an omnipresent social process with a precise functionality. We cast a group as other and establish our own identity through opposition to that group and its features. Citizenship, by definition, is almost always a way of othering. Through the process of defining the features and rules of membership, we create "others", excluding them from the rights and benefits of group membership.

The process of intergroup othering takes place in historical interactions of the groups. The social experience, the existence of competing elites, rival national projects etc. constitute sources othering. In the process of othering, various mythical, ideological and quasi-scientific narratives are used to make the process convincing and accepted.

Mythical discourses are particularly suitable for othering. They divide the world into binary oppositions and that makes them so fitting for othering: ideally, the other should be strictly defined and set off against "us". Mythical binary oppositions reduce the complex world necessarily to two opposites, excluding options "in the middle". The same mechanism transposes to identity creation where *us* has to be clearly divided, ie. opposite from *other*. Mythical time is different to historical, placed in eternity and cyclical.⁹ That is why national and political myths make othering seem so fixed and eternal.

Ideological narratives are also aimed at differing us and them. Ideologies exclude each other and often perceive proponents of other ideologies as rivalry, antagonistic or hostile. Moreover, ideologies themselves can

propagate exclusion or animosity, especially the ones coming from the right spectrum.

There are particular theories in the history of political thought primarily focused with the relation to the utmost other. In 1927, Schmitt published *The Concept of the Political*, arguing the view that all true politics is based on the distinction between friend and enemy. This distinction is based in public not private sphere. Thus, it is collectively shared animosity towards the other which in private sphere must not necessarily exist. The distinction between friend and enemy thus refers to the “utmost degree of intensity ... of an association or dissociation.”¹⁰ The political distinction between friend and enemy is not reducible to these other distinctions or, for that matter, to any particular distinction — is it linguistic, ethnic, cultural, religious, etc. — that may become a marker of collective identity and difference.¹¹ A political community exists, then, wherever a group of people are willing to engage in political life by distinguishing themselves from outsiders through the drawing of a friend-enemy distinction.¹²

Thus, othering takes place in all spheres of political and all political forms can in one way or another contain discourses of othering. In what way can we relate this concept of othering to the common project of constitutionalizing a polity? How do these collective identities coincide and collide? In order to determine this we might also need to examine some of the theories of the political which are explicitly based on the mentioned logic.

This paper examines othering which rises to the level of laws of constitutional importance – the grounding legal and political principles of the community and analyzes the phenomenology of that othering in political community. From the point of view of political theory this is the most interesting type of othering. For othering in this case has become a legitimate expression of community’s sovereignty. Mainly these laws regard citizenship as the crucial point of community membership.

Though constitutional identity will be elaborated later in this paper, some general statements about notion of identity in the western philosophical discourse can be made. In order to understand the relation between national identity often wrongly translated to constitutional identity in the case of Balkan states one should think first of philosophical relations between identity and difference. Namely, as postmodern theorists have shown, our Western philosophical understanding of identity has always equated identity with homogeneity. Young’s contribution is also in

identifying the myriad of minorities that exist within a society other than national, ethnic or religious.

The interplay of identity and difference is crucial for understanding inter-group, especially inter-cultural and inter-ethnic relations. Namely, the logic of identity imposes false sameness within and false diametric opposition towards other entities. The logic of identity has certain rules by which it constitutes this concepts and everything it is related to:

The logic of identity expresses one construction of the meaning and operations of reason: an urge to think things together, to reduce them to unity. To give a rational account is to find the universal, the one principle, the law, covering the phenomena to be accounted for. Reason seeks essence, a single formula that classifies concrete particulars as inside or outside a category, something common to all things that belong in the category.¹³

This understanding of identity has inspired elites in their conceptualisation of national projects. The space for different voices has not been left. Common language often different to vernacular ones, invented history that ignored historical mass crimes and the high culture that was imposed to simple people was a model of cultural homogenization of the nations. The level to which certain nations had a tendency towards homogenizing was different. Serbians for example tended towards higher religious homogeneity than Albanians who insisted on national homogeneity – somewhat more inclusive notion in their particular case.

The real problem, however, is the tendency of Balkan states to incorporate this concept of identity into constitutional culture. Why? Because constitutionalism has a clear normative framework that goes against described tendencies of national cultures.

Constitutionalism must remain antimajoritarian in order to protect the liberties of individuals in cases when tyranny of majority.¹⁴ In other words this idea is built in the foundations of liberal constitutionalism as a safeguard from illiberal tendencies of democracy and collectivism.

Thus, constitution should ideally recognize and protect the other, as others are always in minority position. In this way, from the way in which others have been recognized by the constitution and citizenship laws as essentially constitutional laws, we can read the constitutional identity of a polity. The concept of identity present in the long western philosophy is

problematic both at the level of inter-ethnic relations and the experience of constitutionalisation.

Tully in 1995 *Strange multiplicity* reckons that contemporary resistance and demands for recognition of the members whose cultures have been marginalized, excluded or exterminated is a consequence of national and liberal constitutions and their universalizing tendency.¹⁵ In Tully's view the dominant language of modern constitutionalism shared by liberals, nationalist and communitarians was shaped by the discourses and practices of pre-modern (ancient) and modern constitutions. The "strange multiplicity" of voices in the age of diversity that Tully depicts is aimed at intercultural and intracultural, primarily constitutional, recognition which takes place at various levels, national and international, and includes subjects that range from linguistic and ethnic minorities to women, indigenous people and national states.

Tully analyses constitutionalism through the paradigm of language as social acts of communication. There are two languages of constitutionalism that intersect in present times. The authoritative political traditions of interpretation of modern constitutional societies: liberalism, nationalism and communitarianism tend to impose a dominant culture "while masquerading as culturally neutral, comprehensive, or unavoidably ethnocentric". This language was designed to exclude or assimilate cultural diversity and justify uniformity.

The other language, in which claims to cultural recognition are taken up and adjudicated, is the language of contemporary constitutionalism. According to Tully, this is an extremely complex language that goes against and acts in accordance with modern constitutions, it is not monolithic masculine, European and imperial it is an assemblage that results from historical dynamics, interaction and struggle. In his words, "constitutionalism is thus a game in which participants alter the conventions as they go along".¹⁶

Antimajoritarian character of constitutionalism is not always clearly proclaimed in empirical constitutions. Instead it should be constantly rediscovered in the common quest for constitutionalizing a polity. Constitutionalism should not be perceived as homogenous, unitary, incontestable but rather open, diversified and contestable. Open to include new subjects and forms of protection, diversified to allow different forms of political order and different legal mechanisms of rights protection, and finally some parts of it should always be open to contestation. It should correspond to the diversity and changing nature of political life

in contemporary polities. The contestation of the constitutional order, as a dominant form of questioning the overall system by those it refers to, should be possible but still enabling the core principles that guarantee the functioning of the society and basic civil rights untouched.

V. The Strategies of Othering and Historical Phases of Balkan Othering

Historical others can vary during history. Historical other last over time though these can be combined with ideological (based on various ideological splits) or axiological othering (based on value differences, understanding of the conception of good etc.). The relation between Albanians and Serbs, Hungarians and Serbs, Romanians and Croats, all Balkan nations and Turkish minorities etc. are examples of historically induced othering based on nationality. There can be also ethical others organized around various binary oppositions: fascists – antifascists, democrats – communists, modernists – traditionalists etc. Finally ethical, esthetical of identity can merge in cases when othering is aimed at various social group: women, LGBT minorities etc.

In this section I will describe some of the strategies of exclusion through the concept of citizenship in the history of Balkan states. Then I will propose a scheme of historical phases of othering in the Balkans determining some of the common features in these phases.

Before determining the category of constitutional identity it is important to determine the nature of the mechanisms of othering. These mechanism, and both historical and contemporary references will confirm this, usually go through the discourse and practice of citizenship. Citizenship is a form of inclusion and exclusion and as such is a perfect context for othering. Using notable historical studies, in this part I will indicate some historical examples of othering, realized through the formulation and application of citizenship laws.

Since religion has been the main matrix of self-understanding of Balkan nations and the keeper of “statehood” during the Turkish yolk, the main other in the time of nation formation was consequently religious one. Some of the first Balkan constitutions, though nominally liberal, universalistic and inspired by Belgium constitution of 1931, in practice were implementing “hierarchical and multi-layered citizenship”.¹⁷ This triggered the reaction

of the big powers at Berlin congress which conditioned independence of the new Balkan states by their internal recognition of minority rights.

Special mechanisms of exclusion have been applied to Roma population. Though we can identify citizenship rights violation in all Balkan states in this very moment, historical examples are way more radical. Namely, Roma were for a long time traded as slaves,¹⁸ deprived of any rights, a sort of *zoe* in Agamben's terms.

Otherness encouraged by Christianity and well established on the whole European continent and not only Balkans was reserved for members of Jewish community. In Romania, as Iordachi has shown in his study, Jews remained in the status of legal inferiority until the First World War¹⁹. Though often well integrated and contributing to the wellbeing of young bourgeois societies, Jews have been for a long time perceived as outsiders, others. Political and social exclusion had its peak in the horror of Holocaust and collaborating Quisling governments in the Balkans have contributed to it.²⁰

Otherness does not have to be delineated only along the divisions between groups, but within groups too. Women are the perfect other from within, whose citizenship rights can be limited as a strategy to keep the patriarchal norms and order intact. The relation between the modern state and the French revolution which, inspired by Enlightenment, recognized the rights of the men and officially limited the women the private sphere.²¹ In her numerous writings, Nira Yuval Davis explains the relation between nationalism and gender inequality and the special role that was given to women within the concept of the national state.²² Women voting and civil rights were either nonexistent or limited to their relation towards men (husbands, fathers etc.)²³ In some cases, modernizing constitutional projects were a step back comparing to before existing norms of traditional common norms and established juridical practices.²⁴

In very interesting cases of newly conquered territories, there has been something that we might denominate as *territorial othering*. The other in this case has almost colonial status. It is not a matter of ethnicity or religious belonging but rather on the overall civilizational discrepancy perceived by center of national states. Namely, for certain territories, like Dobrugea²⁵ or Kosovo, there was a limitation of citizenship rights for whole population as a sign of an inadequacy of these subjects to gain the fully fledged citizenship status.

Finally, nowadays, in the wake of various and plural identities of post transitional reality we can talk about new others: immigrants, refugees,²⁶

LGBT.²⁷ Their citizenship rights, though substantially and formally different, are often limited despite various accepted international norms or the constitutionally guaranteed rights. Having new minorities in mind is important because it indicates the dynamics of the notion of citizenship. It is a vivid and always changing concept and citizens and noncitizens constantly raise new claims in order to vindicate their rights.

These historical examples illustrate the history of citizenship as a strategy of exclusion but also as a field of constant contestation by various groups. Going back in time should help us understand the process of formation of constitutional identity through the practices and rules of citizenship. The conception of citizenship significantly shapes our idea of membership and allegiance, the content of citizenship rights and obligations and overall vision of political that a community shares.

Historical phases of othering

The constitutional change in the Balkans like elsewhere was often a result of power struggles of various political groups. These struggles often reflected the fluctuations in the global political order and big historical changes that took place at the European continent. I will propose several historical periods of defining constitutional identity that are fairly common for all Balkan societies with.

The spring of nations Nation building 19th century

In this paper I argue that the root of conceptualizing constitutional identity based on ethnicity and nation can be found in the first national discourses in the wake of nations in 19th century. Cultural Herderian nationalism will later turn into political nationalism which will put the national state in the main focus of nationalistic projects. Initially an ideology of liberation and cultural emancipation nationalism, due to the recognition of Balkan states by international community of the time, it has become a project oppressive towards various religious and ethnic minorities.

The earliest national revolutions, 1804-1830 in cases of Serbia and Greece, as well as the Revolution of 1848 and its legacy in Hungary (1848-1867) and Romania (1848-1866) similarly to great American and French revolutions were the initial point in constitutionalizing national states. In Hungarian case like a matrzoška doll one could identify the

existence of others within the others. Once that Hungarians came to terms with Austrians in Austro – Hungarian Compromise of 1867. other *others* within Hungary were still demanding right to self-determination.

The Balkan wars were used by most of the Balkan societies to deal with the back then the biggest Other (and its recidives in the Peninsula). On the great war crimes towards Muslim minorities contemporary textbooks remain silent. Balkan wars are seen as liberating and as an important step in nation building so this picture might be maculated by their suffering.

Gellner was pointing out the equation between the nation and the state which nationalism has always had as one of its fundamental premises.²⁸ Nation and state are dialectically intertwined and the difference between them in the political space is often not clear. In the mosaic of nations and ethnicities this vision had to lead to conflicts. Besides, the idea that constitutionalism should protect rights and liberties of individual, was not a part of a dominating discourse of this time. Collectivity as a bearer of sovereignty in this period was perceived as nation, group of a clearly defined ethnic and linguistic feature. This idea was backed by parallelly developed ideological movements whose role was to encourage the process of self-emancipation and nation building.

Collectivism²⁹ and egalitarianism, equality not as equality in front of the law but equality of property,³⁰ were the value coordinates of the intellectual elites of the time. Here lies at least one of the reasons why constitutional identity in its birth was formulated exactly in this way with little space for individual, particular and different. Diana Mishkova explains the relationship between liberalism and nationalism showing how liberal nationalism as an idea that was unifying romantic ideals with universalistic notions of individual rights was gradually turning into statist, protectionist and collectivist ideology that gave priority to collective rights and national question.³¹ The ideals of French revolution liberty, equality and fraternity were disproportionally interpreted by local elites. Declaratory social egalitarianism and collectivism were always in front of liberal ideological streams.

Interwar period rise of fascism

As influential elements in Balkan societies grew impatient with moderate ideologies, the Balkan states experienced a political drift to the Right. Authoritarian regimes came to power because liberal and parliamentary approaches failed to solve the problems of national

minorities and economic backwardness. Of course, authoritarian regimes did no better in the long run, but this was not immediately apparent.

The clear connection between constitutionalism and othering can be also seen in this particular period of history. Constitutionalism as a set of norms aimed at protecting individuals and groups from the arbitrary omnipotence of majority was negated in the name of a new philosophy and worldview that had a bigoted vision of monolith community. To construct a nation *fascio* this ideology was separating wheat from the chaff by targeting excluding, misrecognizing and exterminating various *others*.

Fascism is anti-parliamentary, anti-democratic and even anti-political, it depicts a world of absolute values in which debate and democracy lose their validity as political tools. Fascism is racist and often anti-Semitic which resulted in horrific mass crimes against Jews and Roma, as well as Serbs by Ustashe's concentration camps. Revisionist and anti-Semitic movements: Arrow Cross in Hungary, the Legion of the Archangel Michael, also called the Iron Guards, Ustashe in Croatia, Ljoticevci in Serbia (Srpski dobrovoljacki korpus) became the new elites proposing a different constitutional identity to their nations. In this period the ultimate goal is to exterminate the other, any form of coexistence was excluded.

Socialist constitutions

During the time when most of the Balkan countries had a socialist turn, it seems that some embedded features of constitutional identity remained the same. Nationalism and populism, dressed in new ideological attire, still played the role. The imaginary of a nation as a community of fate could not be easily altered by a vision of socialist internationalism.

Katherine Verdery in 1995 *National ideology under socialism* shows how the example of Romania suggests ethnic tensions of the time are not a sort of a resurrection of pre-Communist Nationalism but result of promoting of national ideologies under the rule of Communist Party.³² Similarly in Bulgaria socialistic elites interpreted the official ideology in the language of nationalism. All Turks in Bulgaria suffered substantially because of communist policy, and it is likely that more than 200,000 left the country permanently.³³ The treatment of Jews and Macedonian question also show the continuation of national paradigm rather than its questioning.

The case of socialistic Yugoslavia was somewhat different. It led to promotion of a sort of republican concept of citizenship which still

allowed for limited recognition of particular cultures since the previous forms of Yugoslav unity were perceived as hegemonic. The kingdom of Yugoslavia was marked by insistence of postnational concept of Yugoslavism promoted by the king Aleksandar I as a way to silence the voices of nationalism. Compared to post-Yugoslav but also history of the first Yugoslavia experience of war and bloodshed this form of plurinational polity was certainly a normative breakthrough. Communist idea of Yugoslavism was genuinely postnational and was enforced by the ideology of "brotherhood and unity". However, particular identities were seen as detrimental for the socialist order. Especially religion and (in plurinational context like that of SFR Yugoslavia) strong nationalist feelings were seen as retrograde and damaging for the political order. Thus brotherhood and unity" was an ideal that served as an excuse for suppressing diversity and different claims for identity recognition. The way socialist elites dealt with Aleksandar Rankovic, Croatian spring (Hrvatsko proljeće) have shown that any kind of collective right claims will be rapidly crushed.

In the same time, colonization politics in Kosovo that has begun during the kingdom of Yugoslavia as a part of Serbian nationalistic project continued in socialist Yugoslavia.³⁴ In other words, though nationalism of recognized nations and ethnicities was not accepted, the old nationalistic policies in the region that has always been perceived as poor and uncivilized were reapplied. Besides, similarly like in Bulgaria, in this period from 1952-1965 390 000 Turks and Albanians was released from Yugoslav citizenship.³⁵ It seems that the picture of a historical other remained, even with the apparent change of constitutional order.

Thus, though the ideological matrix has been changed, the main paradigm of privileged collective against various, and often "old" others (determined by ethnicity or nation), has remained intact. Constitutionalism as a space of guarantees and rights for minorities in individuals could have not been achieved in orders that favored ideology over institutions and law. In other words, constitutional identity is more than a mere political other and the politics of *othering* is a good indicator of its real change.

Post-cold war constitutionalisation and the EU Integrations

Revival of atavistic othering and establishing nationalistic matrix was a key element of Balkan's transition. What some coined as constitutional nationalism³⁶ – became the main question of the new political elites: how to provide the supremacy of one nation in a liberal democratic

constitutional framework? This was particularly present in the case of disintegration of SFR Yugoslavia where the revival of fascist policies was seen in the nationalistic civil war. Expulsion and extermination of national minorities, violation of their citizenship rights, constitutional changes that proclaimed the primacy of one nation were part of Yugoslav political reality during 90s.

The EU integrations have brought in the insistence on the politics of minority and human rights and consequently change the nuances of constitutional identities of member and candidate states. The case law of European Court of Human Rights has also important impact on the citizenship of the Balkan states in this period. The Europeanisation mechanism resulting from the politics of integration of the Balkan states with the supranational political entities can be seen in the changes of citizenship regimes.³⁷

The constant in Balkan othering?

After elaborating these four phases of Balkan othering one might wonder if there is a pattern followed by all forms of othering in these different phases, a sort of a historical light motive of othering? How is politics and constitutional self-perceived? It is clear that in all phases the ideas of state, nation and sovereignty was coming outside from political. It was not a matter of consensus but rather ex ante determined notions that should lead the community on its prescribed historical path. Individualism, pluralism were not seen as values but rather as enemies of national sovereignty. This vision was reflected to Western imported institution of democracies: nonexistent parliamentary and often only declaratory constitutions.

The main national matrix developed in the first period was continuously followed by national elites ever since it was created. Communism has shown aberration from the matrix but its collectivist populist paradigm has been kept. During the interwar period, the rise of fascism and occupation this matrix was brought to its extreme paroxysm.

The paradigm has always had tendency towards monism, cultural homogeneity and exclusion or destruction of otherness. In other words, we can say that there is a whole range of different constitutional histories of Balkan nations. However, there is one prevailing feature that seems to be in the heart of constitutional autonomy – based on collectivism and particularity of dominant nation. To what extent this fact is salient we can

determine only once we define the notion of constitutional identity and its basic normative presuppositions.

Another important conclusion can be drawn. Namely, unlike European Balkan constitutionalism had little reference to the discourse of human rights and individual liberties and was more interested in the idea of national self-determination. Collectivity has been always seen as a barrier of sovereignty and this will exactly impede the possibility of minorities to legitimize the existing orders. Constitution was not understood as individual's (citizen's) charter of liberty but rather as an expression of the right to self-determination of a nation. Collective understanding of liberal ideals had precedence over liberalism based on freedoms and liberties of an individual.

In the next part I will try to define the constitutional identity to see its normative axes and try to analyze it within a particular Balkan context. The historical periods indicated so far have informed the constitutionalisation process in the Balkan states and influenced the concept of citizenship.

VI. Defining Constitutional Identity

Identities can be individual (personal) and collective. Though these notions of identity are structurally different drawing parallels between them can sometimes be useful. Naturally, in this project I refer to certain types of collective identities. The fundamental differentiation will be made between national and constitutional identity.³⁸ Although these identities can be often intertwined and mutually informing, it is important to analytically divide these two concepts. National identity is a broader notion and refers to the communal sense of being a cohesive whole, which shares tradition, culture and language. National identity can be a form of political identity when this sense of wholeness refers to a community that shares a unique political space (national state). Nevertheless, national identity can and often was an extra political category, contrary to the idea of political (as essentially dialogical and critical) and invoking categories and projects that could go beyond political.

Constitutional identity is a narrower concept. Interestingly enough, both nationalism and constitutionalism of modern national states emerge within the same historical context, both in a way legitimizing the state as "is the source of legitimate physical force". Rosenfeld writes:

Modern constitutional identity is distinguished from national identity—one can easily conceive of the French or German nation without reference to a constitution—but both originate in the late eighteenth century and both are identities constructed and projected by what Benedict Anderson has labeled ‘imagined communities’.

The idea of these two phenomena was to address two important issues of citizenship in modern national states: rights and solidarity. Thus, for the new political project in the form of national state it was not enough only to empower its subjects but also to offer a pattern of solidarity invoking common language, culture, tradition etc. The idea of constitutionally guaranteed rights was to recognize universal equality (measured by the standards of the time) despite differences while nationalizing discourses were aimed at unifying political subjects, showing their intrinsic sameness.

This short theoretical excursion was needed in order to show the dialectical nature of the relation between national and constitutional. I will now proceed with analyzing the notion of constitutional identity. In order to define it might be useful to explicate the notion of constitution first and then define the identity which is based on it. National identities emerge in a particular discourse of the ideology of nationalism.

Constitutions should be understood as “the law produced through a political decision that regulates the establishment and exercise of political rule”.³⁹ As Grimm explains, we talk about normative and not empirical constitutions that existed before the eighteenth century. Therefore, in theorizing constitutions we should primarily focus on its normative dimension and consequently also determine to what extent that normative dimension is followed in political decision making.

Nationality laws, which determine the rules for acquisition and termination of citizenship and all other matters relating to citizenship, are usually within constitution or constitutional laws. They define the membership in political community, rights and obligation, the overall conception of political and political community.

Jacobsohn has indicated that the issue of identity of a constitutional order has deep historical roots. He quotes book 3 of *The Politics*, where Aristotle asked, “On what principle ought we to say that a State has retained its identity, or, conversely, that it has lost its identity and become a different State?” and his answer that “The identity of a polis is not constituted by its walls.” According to Gary Jacobsohn:

a constitution acquires an identity through experience. ... [T]his identity exists neither as a discrete object of invention nor as a heavily encrusted essence embedded in a society's culture, requiring only to be discovered. Rather identity emerges *dialogically* and represents a mix of political aspirations and commitments that are expressive of a nation's past, as well as the determination of those within the society who seek ... to transcend that past.

Constitutional identity is a rather new concept in political and legal theory⁴⁰. Rosenfeld identifies three important features of constitutional identity: the fact of existing of certain constitution, the contents of that constitution, the context in which that constitution operates. Constitutions, *ratio materiae*, refer to both the institutional outlook of a polity and protection of fundamental rights. However, constitutional identity goes beyond this. As Rosenfeld explains:

Placed in their contemporary setting, conceptions of constitutional identity range from focus on the actual features and provisions of a constitution—for example, does it establish a presidential or parliamentary system, a unitary or federal state—to the relation between the constitution and the culture in which it operates, and to the relation between the identity of the constitution and other relevant identities, such as national, religious, or ideological identity.⁴¹

Constitutionalism requires constitutions to provide a definition and limitation of the powers of government, commitment to adherence to the rule of law and protection of fundamental rights exactly these features make constitutional identity different to other forms of collective identities. Nevertheless, exactly for its similar declaratory character constitutional cultures and identities should be differentiated by the application of constitution in the life of its subjects.

Rosenfeld sees the constitutional identity as a result of negation, rearrangement and reincorporation of their salient features and as an act of break with preconstitutional past. In other words, it is a result of political creation and imaginary that shapes the political life of the community.

For Jacobsohn, the essential function of constitutional identity is to deal with constitutional disharmony. Constitutional disharmony creates a need for adaptation and coping with conflict and dissonance, and constitutional identity must be shaped dialogically with a view to overcoming the causes of such disharmony.⁴² Moreover, such constitutional identity must at once

differentiate itself from all other relevant pre- and extra-constitutional identities while preserving or reincorporating enough of the latter to secure a minimum of acceptance among all those who are meant to come under its sweep.⁴³ Here I would argue somewhat different position. Given the inherent character of constitutionalism, constitutional identity should rather critically assess other forms of identity while naturally looking to secure legitimation. If other forms of identity are contrary to the essence of constitutionalism their incorporation in constitutional identity would be normatively wrong and counterproductive.

VII. Models of Constitutional Identity – Between Description and Normativity

Rosenfeld identifies four national models of constitutional identity: French, German, American and Spanish.⁴⁴

The principal difference between the French and the German model, he explains, is traceable to their contrasting conception of the nation. He quotes Ulrich Preuss and his famous differentiation of two conceptions of nation: “whereas in the French concept the nation is the entirety of the *demos*, in the German and East European concept the nation is a group defined in terms of ethnicity – the nation is *ethnos*”. In the German model championed by Karl Schmitt, the universal conception of democracy typical of the French model is replaced by an ethnocentric democracy – by the ideal of self-governance. The American model is closer to the French than to the German. However, unlike in France, where the nation was already in existence -- through not yet fully adapted to the needs of the new constitutional order -- in the United States, the constitution set the frame-work for the state and antedated the nation. Finally, the Spanish model differs from the preceding three in two principal respects: it sets a framework for a multi-ethnic polity; and it incorporates transnational norms into the prescriptive order of a multi-ethnic nation-state.

I reckon that Rosenfeld’s analytic apparatus can be useful for our discussion of the Balkan constitutional traditions. It captures the main elements needed for our normative inquiry: the character and role of nation, the relation between nation and constitution and finally the interplay of identity and difference within the national state building – to what extent were the voices of other heard. Nevertheless, I will go further on with this analytic division and come to somewhat different categorization. I will

elaborate four ideal types, three of which are more empirically and the last more normatively informed. These will be differentiated according to four criteria: concept of nation, conceptualization of sovereignty, determination of other and the object of patriotic loyalty. I find these criteria crucial for the conceptualization of political community, membership and belonging as important denominators of constitutional identity. Furthermore, the notion of otherness is added as an additional criterion due to the importance I have previously elaborated.

Concept of the nation (ethnic/political) What is the quality of the majority group? Is it ethnical – origin based - a specific cultural national group with history, language, or is it political – citizenship based? This tells us about the conditions for the membership in the world where national states are the main type of political order. Broadly the concept of the nation can be either ethnic (based on language, culture, religion or other criteria) or political (based on the citizenship, political territory).

Conceptualization of sovereignty – who does it belong to? Who is the bearer of the highest political power in the polity Ethnos or demos. This enables us to see how the power relations are divided within society. Does individual or minority group have a right to autonomously decide on issues that concern them?

Determination of other. Once constitutional identity is formulated through constitution and constitutional laws who can be seen or auto perceived as excluded. Again it will be necessary to employ the broader concept of citizenship (normative social citizenship, not purely legal) to determine this.

The object of patriotic loyalty. Finally, the way in which these ideal types are construed they animate a particular attachment to polity – patriotic sentiment. In other words, this criterion tells us where the symbolic value of the community is, but also its normative nexus. This indirectly indicates the main legitimacy discourse of the political community – where the arguments for legitimizing political decisions come from.

First three of the four ideal type models were present in constitutional histories of Balkan states but usually in various mixed types. Nevertheless, they can be construed as ideal types/categories that include various values of the previously enlisted criteria. These ideal types of constitutional identity are: *nationalism, multiculturalism/multinationalism, republicanism* and *constitutional patriotism*.

These four types are all present in the normative potential of the Balkan constitutions though some have been historically more present than the

others. We might also think of these models in a sequence of patriotic loyalty towards more universalistic notions: from national homogenic concept of constitutional identity over unifying republicans through various forms of multiculturalism and finally constitutional patriotism.

There is no doubt that the *national model* is most present in all Balkan states and that has been the case with the most part of its history. The constitutions and citizenship laws give in one way or the other primacy to the members of one ethnic/national community.⁴⁵ I have shown in previous parts the salience of this phenomenon on the constitutional experience and identity of Balkan polities. Also, I have indicated that this form of constitutional identity is more prone to creating constitutional others and as such often illegitimate and instable in the terms of political order.

Republicanism is also normatively impregnated concept. Here we might think more of French republicanism than some other more theoretically informed versions of it. Republicanism gives primacy to political over national or ethnic. We might see it in the ideas of Yugoslavia, though it was indeed a multinational polity, its republican character was undoubtedly salient. Problem with republicanism is that it can often be a disguise for some other forms of domination: national, ideological. In the context of contemporary understood liberty and freedom this concept might be too thick in multinational context.

Multiculturalism has following the liberal/communitarian debate reentered the space of political philosophy in the 90s. In the same time, it was gaining more and more salience in the world of real politics of plural societies. Today, many speak of its retreat. Though this concept seems normatively adequate for multinational reality of Balkan states it has also its shortcomings. In Yugoslavia a sort of multinationalism was covered in the communist party induced ideology of brotherhood and unity, while in Dayton's Bosnia and Herzegovina it was a pattern proposed by the international guarantees including Serbia and Croatia. Similarly some multinational elements were introduced by Ohrid agreement in Macedonia, again as a result of a post conflict compromise. This original constitutional issue of legitimacy and autonomy is not the only one.

Another normative issue with multiculturalism is that it can be exclusive towards ethnic and minority groups not belonging to recognized ones or the ones who did not gain some sort of political autonomy (e.g. Albanians, Hungarians in Yugoslavia as non-Slavic nations without territorial autonomy before 1974, or member of any nation other than

three constitutive peoples in Dayton’s Bosnia and Herzegovina, see eg. Sejdic and Finci v. Bosnia case⁴⁶).

Besides, the rights to self-determination as one of the possible multicultural policies⁴⁷ can also have disintegrative role in this particular geographical context. Political history of Balkan states has shown that autonomies given to certain regions due to their specific ethnic or cultural were a reason to further instability and raise the interest for independence.

Given all these empirical and normative coordinates, ideal constitutional identity should combine the principles of respect for individual rights but leaves the space for integrative functions of the citizenship. The citizenship should be understood both as a free space of personal autonomy and expression of our public political selves.

Constitutional patriotism represents post-national and post-conventional political identification and allegiance to the set of normative components of a constitution, broadly understand as a political and legal order within a certain polity. As such, constitutional patriotism leaves the public sphere open for the dynamic development of various identities putting the otherness, based on color, race, nation, religion, sex, sexuality, ideology etc., in the context of a common citizenship. It is focused on fostering political participation, public discussion and the exchange of worldviews under the determined set of legitimate principles.

I believe that the normative potential of constitutional patriotism lies in the fact that it overcomes the historical and social otherings. The only other to this kind of order is the one who negates the constitutionally guaranteed rights and liberties and as such is not based on any ascriptive features. Besides this model is a proper balance of centrifugal (autonomy focuses, libertarian) and centripetal (communitarian) tensions of citizenship.

<i>Models of constitutional identity</i>	<i>Concept of the nation</i>	<i>The bearer of Sovereignty</i>	<i>Others</i>	<i>Object of patriotic loyalty</i>
Nationalism	ethnic	nation as collective	Those who do not belong to (ethnic) nation.	nation

Multinationalism/ multiculturalism	ethnic	nations as collectives	Everyone who is not recognized by multicultural scheme in federal states.	community
Republicanism	political	citizens	Those who oppose republican order, outsiders of the political nation.	polity
Constitutional patriotism	political	citizens	Those who oppose liberal constitutional order.	constitution

Table 1. Models of constitutional identity for the Balkans

VIII. Conclusion

The concept of constitutional identity is still looking for its precise, clear-cut theoretical formulation. That is the reason why applying this concept to historical development of Balkan constitutionalism is an academic challenge. The idea of the research was to identify the interplay between constitutional identity and ethnically, nationally and in other ways construed otherness. The relation between the identity of a political constitutional unit and the various other collective identities of communities in shaping the overall identity of the political community is a salient academic question.

In order to shape my findings I have elaborated four possible ideal models of constitutional identity and indicated criteria for their definition. These models should be assessed as ideal types, in reality of various constitutional identities they intertwine through some of their features. The research was consisted of both theoretical and empirical elements. I have tried to show that the theoretical models I am proposing have their clear historical resonance in Balkan states. Again, even though they often

appear in reality as a specific combination of ideal types, formulating them in this way enables us to judge their normative potential. Once I have analyzed these criteria through contemporary and historical constitutions and constitutional laws as well as citizenship laws to determine their empirical intersections, I have developed a normative paradigm through which all constitutional identities should be assessed.

Despite many differences all Balkan states have shown a great tendency towards ethnical concept of nation and subsequently nationalist concept of constitutional identity. However, nuance differences can be detected. The cultural plurality of Balkan countries with the plurality of lifestyles necessarily implies some kind of a more inclusive notion of constitutional identity. Constitutional identity is not just a reflection of historically accumulated experience that constitutions should petrify but also the whole space of intentionality that a political community puts in front of itself. Thus, normative ideals of these communities, informed by the historic experience and failures, should set the principles that respond to criteria of legitimacy. Legitimacy, conceived in this way is nothing but a differently formulated idea of stability of political order. Following this normative paradigm I have come up with a model of constitutional patriotism that contains the best solutions for the issues of citizenship in the plural and diversified context of Balkan polities.

The idea of the research was determining patterns of othering, especially at the level of constitutional rules of membership, laws regarding membership, judicial practice regarding cases of civil rights abuse of members of minority groups etc. This is not a case study but rather a proposal of understanding dominant features of Balkan constitutional identity through the prism of subaltern, misrecognized *others*. The way in which we determine others and limit their access to citizenship rights marks significantly our constitutional identity: the way we define us as citizens, rights and obligations, our patriotic loyalty and identification but also our idea of justice and belonging.

The research was aimed at giving analytical and normative tool for analyzing constitutional traditions in the Balkan states. Though various historical researches based on case studies can be very useful and used this research remains clearly in the field of political science in its descriptive and political theory and legal philosophy in its normative elements. In Foucauldian terms speaking, this is rather a genealogical study how certain othering patterns generate and repeat through history, in particular constitutional history. There is a dominant matrix behind the othering,

spiritus movens of political and constitutional, and generally understanding of politics and polity membership.

Various explicitly defined constitutional others have faced other forms of othering that fit into the broader notion of constitutional identity. Constitutional identity cannot be read only from the written constitution but from the interplay of written norms and their echo in the reality of political community.

Ideology is the main generator of constitutional identity. Its sources are national identity, culture, religion, class relations and of course specific cultural epochs. The normative gravity of concepts like ideology and constitution make these notions so related. There is also an important difference: while ideologies are necessarily perceived as biased and belonging to a particular group constitution has universalistic aim: to be accepted and legitimized by all. This is, goes without saying, an idealized vision of constitutionalism. However, despite this critique, we might still claim that constitution as an object of patriotic loyalty and a source for citizenship identification is a normatively superior type of constitutional identity for the Balkan societies.

Besides the descriptive element of this research aimed at various ideal types of constitutional identities that existed in the history of Balkan polities in various forms, there is a normative input of this research. It is aimed at showing that the forth ideal type constitutional identity in the form of constitutional patriotism has the biggest normative potential for the future of citizenship in the Balkan countries. Constitutional patriotism is a form of patriotic loyalty but also a form of citizenship identification that might help Balkan political communities construe the necessary political legitimacy. However, the sources of constitutional identity as it has been shown in this paper was mainly found in the ideologies of nationalism, collectivism of mainly homogenizing concepts and ideas that left little space for minority cultures and human rights individualistic perspective that should necessarily inspire modern constitutions. Still, the fluidity of notions like constitutional identity and its socially construed nature leaves some space for the future elites and public discourse deliberations to aspire for different visions of political community. In that regard, this paper was a contribution to this imaginary constitutional debate that included some of the arguments *pro et contra* various possible constitutional futures.

NOTES

- ¹ Nenad Dimitrijević, "Kako čitati ustav" [How to Read the Constitution], u: Saša Ilić (ed.), *Kako čitati*, Beograd: Narodna Biblioteka, 2005.
- ² Rosenfeld M., *The Constitutional Subject, Its Other, and the Perplexing Quest for an Identity of Its Own: A Reply to My Critics*, Cardozo Legal Studies Research Paper No. 358., 2012.
- ³ Ibidem.
- ⁴ Dimitrijević, N., "Ustav kao akt pozitiviranja društvenog ugovora." (Constitution as an act of positivization of social contract) *Habitus* (1999): 117-138. While Dimitrijević uses the word *act* I opt for word process in order to indicate fluidity of constitutionalisation.
- ⁵ Rosenfeld M., "The Rule of Law and the Legitimacy of Constitutional Democracy", Cardozo Law School, Public Law Research Paper, 2001, No. 36, 1310.
- ⁶ Rosenfeld M., "The Rule of Law and the Legitimacy of Constitutional Democracy", 1312.
- ⁷ Dimitrijević N., *Ustavna demokracija shvaćena kontekstualno*, Fabrika knjiga, Beograd 2007, 397 (my translation).
- ⁸ Bauman, Z. (1991) *Modernity and Ambivalence*. Cambridge: Polity Press. 1991, 8.
- ⁹ Eliade, Mircea: *The Myth of the Eternal Return: Cosmos and History*. Princeton: Princeton UP, 1971
- ¹⁰ Scmitt, C, *The Concept of the Political*. Expanded Edition (1932), trans. by G. Schwab, Chicago: University of Chicago Press, 2007 26, 38.
- ¹¹ Ibid. 25-27.
- ¹² Ibid. 38, 43.
- ¹³ Young, I. M, *Justice and the Politics of Difference*. Princeton, N.J.: Princeton University Press, 1990. p.98.
- ¹⁴ This concept, parallelly invented by Mill and Tocquille, was aimed at the shortcomings of democracy and public opinion.
- ¹⁵ Tully, J., *Strange Multiplicity: Constitutionalism in an Age of Diversity*, Cambridge: Cambridge University Press, 1995.
- ¹⁶ Ibid, 40.
- ¹⁷ Iordachi C., "The Unyielding Boundaries of Citizenship: The Emancipation of 'Non-Citizens' in Romania, 1866-1918," *European Review of History*, 8 (August 2001) 2, 157-186.
- ¹⁸ Beck, S. "The origins of Gypsy slavery in Romania", *Dialectical Anthropology* 14, no. 1, 1989, 53-61. <http://www.jstor.org/stable/29790296>.
- ¹⁹ Iordachi, ibid. 171.
- ²⁰ Cattaruzza, M. and Iordachi, C., eds., "Anti-Semitism and the Holocaust in East-Central Europe: New Perspectives," Special Issue, *East Central Europe* (Leiden, Brill), Volume 39 (2012) No. 1.

- 21 Pateman, Carole, *The Sexual Contract*, Stanford University Press, 1988.
- 22 Yuval-Davis, N, "Gender and Nation." *Ethnic and Racial Studies* 16, no. 4, 1993, 621-32.
- 23 Iordachi, ibid. 177-179.
- 24 Ibidem, 178.
- 25 v. Iordachi, C., *Citizenship, Nation and State-Building: The Integration of Northern Dobrogea into Romania, 1878-1913* (Pittsburgh: University of Pittsburgh Press, 2002), Carl Back Papers in Russian and East European Studies No. 1607.
- 26 There is an interesting case of refugees from Albania of Montenegrin origin (Vrachani), who after 20 years of residence have not achieved their citizenship status. <http://www.vijesti.me/vijesti/crnogorci-koji-su-izbjegli-iz-albanije-20-godina-cekaju-drzavljanstvo-31397>.
- 27 <https://freedomhouse.org/blog/east-west-divide-lgbt-rights-europe>.
- 28 See Gellner, E., *Nations and Nationalism*, Ithaca: Cornell University Press, 1983.
- 29 Collectivity of Balkan nations was stressed by various ideologies. The word "poporanism" is derived from "popor", meaning "people" in the Romanian language and was founded by Constantin Stere this movement was mainly aimed at expanding the power of the peasants. In a very nationalist manner, poporanism was also advocating the use of Romanian language and maintaining the Romanian spirit. This is similar to what, rather as an overall ideological matrix than a concrete and formulated ideology, was named as *narodnjastvo* by Serbian historian Latinka Perovic, patriarchal model of living that reflects to all spheres of political (Holm Sundhaussen named it populism).
- 30 Elaborating on the reception of French revolutionary ideals of brothers, equality and liberty, Dubravka Stojanovic explains how the idea of equality was perceived in modern Serbia: "Another problem was that equality here had always been embraced as a main value, but it was understood in a way that's opposed to its original sense. Here it was understood as social equality, not as legal equality – not as a right of all people to have equal social opportunities, but as a requirement for all people to remain socially the same – don't anyone dare get rich." Stojanovic, Dubravka, "Know your priorities", published on <http://pescanik.net/know-your-priorities/>.
- 31 Mishkova, D. (ed), *Entangled Histories of the Balkans - Volume Two: Transfers of Political Ideologies and Institutions*, Brill Publishers, 2014. 193-195.
- 32 Verdery K., *National Ideology Under Socialism: Identity and Cultural Politics in Ceaușescu's Romania*. Berkeley and Los Angeles: University of California Press, 1991.
- 33 See e.g. M. P. "The Expulsion of the Turkish Minority from Bulgaria." *The World Today* 7, no. 1 (1951): 30-36. <http://www.jstor.org/stable/40392358>.

- 34 Jovanovic V., "The colonization of Kosovo", <http://pescanik.net/the-colonization-of-kosovo/>.
- 35 Jovanovic, V., "Iz FNRJ u Tursku", <http://pescanik.net/iz-fnrj-u-tursku/>.
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- 37 See e.g. Shaw J, Stiks I, *Citizenship after Yugoslavia*, Routledge, 2013, 10.
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- 40 Jacobsohn, G, *Constitutional Identity*, Harvard University Press, 2010.
- 41 Rosenfeld, M, "Constitutional Identity." *Oxford Handbooks Online*. 19 Jul. 2016. <http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199578610.001.0001/oxfordhb-9780199578610-e-37>.
- 42 Jacobsohn, *ibid*, 23.
- 43 Rosenfeld, M, *The Identity of the Constitutional Subject: Selfhood, Citizenship, Culture, and Community* (2010) 10, 11.
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ANTI-CORRUPTION INSTITUTIONAL FRAMEWORK IN SERBIA

Abstract

The paper explores anti-corruption (AC) institutional framework in Serbia from 2000 to 2012 in the following way. Firstly, the AC laws, agencies and state institutions are mapped. Then, the main driver of the institutional change was identified. Lastly, the AC institutional organization as a whole is analyzed. The research findings suggest that the anti-corruption institutions in Serbia developed through the process of institutional layering; they were externally driven in most cases (by the EU and international AC initiatives); and, the overall organization of the AC institutions is a hybrid structure of the three models existing worldwide.

Keywords: anti-corruption, institutions, post-communist transition, EU accession

Introduction

This article aims at offering an overview and assessment of the anti-corruption institutional organization in Serbia. The timeframe of the study covers the dynamic period of institutional formation and change in this area during the first three post-Milošević governments, between 2000 and 2012. The study may be of interest to both practitioners and researchers dealing with anti-corruption, institutionalism, policy transfer, legal studies and other related areas.

The paper, firstly, explains the models of institutional arrangement which exist in the international sphere. Then, the paper offers an overview of the legislative and institutional framework in Serbia, including international conventions, regional initiatives and national laws. The pattern of institutional change and the sources of influence are further explored in the Discussion section, which is followed by Conclusions. The chapter includes two annexes. **Annex 1** offers a list of the anti-corruption laws, bodies and agencies established between 2000 and 2012, with brief information concerning the origin and the intended goal of the institutions.

Annex 2 offers a timeline which illustrates the gradual change of the AC institutional setting over time.

Models of AC Institutional Arrangements Worldwide

National anti-corruption institutional arrangements worldwide are highly conditioned by international legislations. The United Nations Convention Against Corruption (UNCAC) – the first international and legally-binding AC document – stipulates that the signatory states must ensure that their institutional framework enables the successful fight against corruption through law enforcement. Moreover, the Council of Europe Criminal Law Convention on Corruption (CoECrLCC 1999) stipulates that the fight against corruption includes the establishment of a specialized institution for combating corruption or the adapting and improving of existing institutions. Conditioned by the international legislation, AC institutional arrangements appear in the international sphere in various forms. According to comparative research and the experiences of practitioners, three main models of AC institutional frameworks can be identified; in many cases, these models are combined (OECD 2008).

The central part of the first model, which is developed in France, Slovenia, Macedonia and Albania, are preventive, policy development and co-ordination bodies with the responsibility of monitoring the work of state institutions, such as boards for the prevention of conflicts of interest, Ombudsmen, Audit offices and so forth. In addition to this, the governmental bodies in this AC institutional arrangement include a wide range of institutions, from political institutions, such as political parties in power and in opposition, to legislative institutions, such as public services that develop, adopt and implement constitutional, statutory and regulatory rules. Moreover, this model of AC institutional organization often includes the judicial and civil society institutions which are active in increasing transparency, such as the media or the academic community (Langseth 2006: 22).

The second model of AC institutional arrangement is based on institutions with a specialized mandate of detecting and investigating corruption as reinforcement units within existing AC units. This approach may also ensure a high level of institutional specialization and expertise in the fight against corruption. In such cases, the challenges are related to the coordination of AC activities due to the absence of a central, specialized

agency (OECD 2008). Bulgaria and South Africa opted for this model of AC institutional setting. In Bulgaria, the key role is played by institutions such as the National Service of the Police, the National Security Service, the Financial Control Agency and so forth. In South Africa, the lack of a single, coordinating body was addressed by the creation of an Anti-Corruption Coordination Committee.

The third model of AC institutional arrangement is based on an independent anti-corruption agency (ACA) which is usually established in countries where corruption is perceived as widespread, and where existing institutions cannot contribute significantly to the fight against corruption as they either lack capacity or they struggle with corruption within their own structures. There are five key functions within the mandate of a special anti-corruption body: prevention, investigation and prosecution of corruption, education and coordination of the anti-corruption activities. There have been an increasing number of AC agencies set up in Europe over the past decade (Latvia in 2000, Lithuania in 2001, Romania 2002, Poland 2006, and Serbia 2010).

The academic research related to the efficiency of ACAs indicates that there have been very few success stories, including the Hong Kong Independent Commission Against Corruption, Singapore's Corrupt Practices Investigations Bureau, Botswana's Directorate for Economic Crime and Corruption and New South Wales' Independent Commission Against Corruption (Camerer 2001; Charron 2008). The reasons for the failure of an ACA, according to De Speville (2008) are numerous, such as weak political will, lack of resources, political interference, failure to understand the nature of corruption in the local context, minimal community involvement, selectivity in investigations, the agency itself becoming corrupt and so forth.

The aforementioned AC institutional arrangements are not universally-applicable models or ready-made solutions which would guarantee effectiveness in the fight against corruption. Moreover, studies about AC institution-building in post-communist countries indicate that the best practices from other regions have been considered useful, but very difficult to implement due to the differences in economic, social and cultural contexts. Therefore, as the literature suggests, establishing AC institutions is most successful if based on an analysis of the specific needs and priorities of an individual country (Tomic 2015, Anusiewicz 2003).

AC Institutional Arrangements in Serbia

The number of anti-corruption institutions in Serbia significantly increased after the change of Milošević's government in October 2000 and over fifty AC institutions were established since then. The following section aims at examining this development in the context of Serbia's re-integration in international organizations and the intensive process of democratization. This section starts with an overview of the legislation which was in force before the change of regime in October 2000. Then, the newly-established AC institutions are identified and their mandate briefly explained.

AC Institutions in Serbia before 2000

When discussing the AC institutions in Serbia before 2000, it is necessary to have in mind the specific political and economic context from 1989 to 2000, and the nature of corruption during this time. Due to the relative poverty and international isolation of Serbia, informal mechanisms of distribution and governance were more functional and more stable than formal ones (Edmunds 2010). There were no specialized AC institutions, public policies or education in the field of AC. The scope of legislation and institutions dealing with the problem of corruption was very limited. Therefore, this legal vacuum enabled clientelism, patronage and other corrupt practices, as well as the active involvement of civil servants in organized crime (Sorensen 2003) and the criminalization of state institutions (Thomas 2000). Besides the absence of AC institutions, there was a lack of enforcement of existing AC legislation, such as an electoral law, as well as the legislation concerning the freedom of the press or conflicts of interest.

The Constitution of the Federal Republic of Yugoslavia, which was in force from 1990 to 2006, stipulated the separation of powers, the independence of the judiciary and the prevention of conflicts of interest. The constitutional category of property structure – which is relevant for the analysis of corruption in privatization – included three types of property: state, public and private. Certain constitutional provisions – such as those with an unclear definition of conflicts of interest and a wide concept of the immunity of MPs – enabled prominent politicians, such as Slobodan Milošević and other ministers in his governments, to hold multiple public

offices. Therefore, opposition parties during the 1990s perceived the Constitution as the foundation of Milošević's authoritarian rule.

Civil rights were legally guaranteed by the Constitution, but the institution of the Ombudsman did not exist. Apart from the lack of laws and political will to tackle the problem of corruption, there was a significant lack of public debate about corruption. There were no discussions about the definition, conceptualization or measurements of corruption in the form that they exist now. Until 2001, when the local office of Transparency International was established, there were no public opinion polls specifically related to corruption or citizen satisfaction polls relating to governmental activities in this field. It is reasonable to argue that under the governments of the 1990s, the issue of corruption was not a priority in institutional formation.

AC Institutions in Serbia since 2000

The following section offers an overview of institutional changes in the area of anti-corruption with the aim of exploring the nature of changes and identifying their pattern. Serbia's AC institutional framework will be analyzed according to the to the order of priority stated in the Constitution (Article 194): the ratified international treaties are below the Constitution and above the national laws in the legal system of Serbia.

The Constitution of Serbia

As mentioned earlier, the Constitution adopted in 1990 remained in force until 2006 due to, among other issues, the lack of consensus on how to institutionalize discontinuity with Milošević's regime. The new Constitution, dating from 2006 and currently in force, regulates the issue of corruption in three ways. Firstly, there are provisions ensuring general democratic principles – such as the separation of executive, legislative and judicial powers and the principle of the rule of law and constitutionality – which are a precondition for a successful fight against corruption. Secondly, there are provisions and norms explicitly addressing corrupt practices, such as those referring to the prohibition of conflicts of interest and incompatibility of public offices, the immunity of state officials, the right to access to information from governmental bodies and institutions. Lastly, there are norms which enabled further institutional changes in

the field of AC, or provisions stipulating the establishing of a State Audit Institution and Ombudsman.

One innovation that raised a heated debate in public was Article 102 of the Constitution, which stipulates that an MP's term of office belongs to the political party proposing the deputy and not to him/her personally. The critics argued that this provision threatened the division of power principle and made it impossible for the MPs to be completely independent of their party leadership (Marković 2006; Venice Commission 2007; Nenadić 2009; Petrović 2005). Other shortcomings of the new Constitution include the vague and sometimes contradictory wording, and very broad legal norms. Marković (2006) criticizes the inconsistencies in the provisions relating to property reforms and their potential consequences on the process of privatization. Another shortcoming of the Constitution is that it fails to include certain anti-corruption provisions; for instance, the provision ensuring that subsequently-adopted norms and by-laws would not derogate the key anticorruption laws, the provisions ensuring the balance of public budget, or those enabling citizens to monitor the work of governmental bodies and institutions (Nenadić 2009).

These shortcomings of the Constitution triggered harsh criticism after its adoption. The Venice Commission (2007: 22) states that the new Constitutions "has all the hallmarks of an over-hasty draft" and "another aspect of the hasty drafting of the text is the lack of opportunity for its public discussion which raises questions of the legitimacy of the Constitution from the perspective of the general public". Marković goes further and argues that the Constitution was an 'election tool' of the government to win the elections by distancing itself from the 1990 Milošević Constitution.

International AC Conventions and Agreements

As is stated in the *European Commission Opinion on Serbia's Application for Membership of the EU* (2011), Serbia has ratified the following international conventions and regional initiatives relevant to the fight against corruption. The *United Nations Convention against Transnational Organized Crime and Additional Protocols*, or the Palermo Convention (signed in 2001), defines the concept of the integrity of public officials and obliges the state signatories to ensure the independence of institutions with the mandate of investigating and preventing corruption in public administration. The *United Nations Convention against Corruption* (UNCAC), the first instrument for the harmonization of anti-corruption

efforts at the national and international level, was ratified by Serbia in 2005. The eight chapters of the Convention establish obligations and standards for the prevention and criminalization of corruption, international cooperation, asset recovery and technical assistance and information exchange.

Serbia is not a signatory of the *OECD Convention on Combating Bribery of Foreign Public Officials in International business Transactions* (1997). However, Serbian criminal legislation is to a great extent aligned with the provisions of the OECD Convention as confirmed by the Council of Europe experts during PACO Project implemented in 2005-2007 (Nenadić 2008). Moreover, Serbia has been involved in the evaluation process within the OECD project of Support for Improvement in Governance and Management (SIGMA) jointly initiated by the OECD and the EU.

There have been critical views on the implementation of the international conventions in Serbia. For instance, Nenadić (2008: 37) argued that Serbian authorities had no clear vision of what part of national institutions would need adjustment and how long the legal reforms would take in the case that an international convention was signed. Moreover, Nenadić argues that there was a lack of mechanisms which would ensure the implementation of the legal and institutional changes and which would ensure their implementation in certain periods of time.

Consequently, the lack of systematic adaptation to the international and European standards, and the lack of clear vision of the purpose of this process – both prior to the signature and afterwards – diminished the effectiveness of the fight against corruption and opened up new opportunities for wrongdoing in politics (Nenadić 2011). By wrongdoing, Nenadić refers to the use of international commitments assumed by the authorities and used in public debates for political gain. The alignment with international conventions is, according to Nenadić, used selectively as an excuse to accelerate the adoption of certain laws; contrary to that, some other reforms are not presented in public as a priority although they are assumed together with other commitments in the conventions.

As a member of the Council of Europe and a signatory to the CoE conventions against corruption, Serbia is committed to complying with European and other international standards for the prevention and control of crime, as well as to enhance technical cooperation which is aimed at building capacity to implement the relevant standards. Within this framework, the CoE has developed several monitoring mechanisms and Serbia takes part in the following ones: the *United Nations Convention*

against *Transnational Organized Crime and Additional Protocols*, the Council of Europe *Criminal and Civil Conventions on Corruption*, and joined the Group of States against Corruption (GRECO). Moreover, Serbia actively participates in regional initiatives relevant to anti-corruption, such as *The Council of Europe Program for fighting corruption and organized crime* (PACO),¹ Council of Europe OCTOPUS program,² *The South East European Co-Operation Process* (SEECF), Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL),³ and Regional Anti-Corruption Initiative (RAI).

EU Accession and AC Institutions

In November 2005, Serbia started negotiations on the EU *Stabilization and Association Agreement* (SAA). Since that time, the European Commission has issued annual Progress Reports for Serbia, as an integral part of the EU's external policy and as a part of a comprehensive AC strategy referring to potential candidate, candidate and accession countries.⁴ The reports are the result of the monitoring process of Serbia's compliance with the community *acquis*, according to the 1993 Copenhagen criteria.

In February 2008, the European Council issued its Decision on European Partnership with Serbia (EC Decision 2008/213/EC). The document stipulates that the fight against corruption is one of priorities in the process of the EU accession. The signing of the SAA in April 2008 furthered Serbia's accession to the EU. In 2010, the EC issued its *Opinion on Serbia's Application for Membership*. The document showed an overall positive assessment of the legal and institutional AC framework in Serbia. It also highlighted the areas still vulnerable to corruption, such as public procurement, privatization, special planning and construction permits. Special attention was paid to the necessary enhancement of the investigative capacities and the coordination of law enforcement bodies.

In March 2012, the EC granted Serbia the status of candidate country. The EC endorsement from 28 June 2013 of the Council of Ministers recommended the opening of accession negotiations with Serbia. The EC announced that the negotiations would commence by January 2014 at the latest, under condition that Belgrade fully implements the agreement with Priština on regional cooperation, freedom of movement and rule of law. The latest developments regarding the EU accession of Serbia suggest that the Chapters of the *Acquis Communautaire* would be open in the near future.

National AC Legislation and Institutions

The intensive institutional formation in the field of AC in Serbia started with the change of government in October 2000. The block, Democratic Opposition of Serbia (DOS), won the elections explicitly stating that their priority would be a more effective fight against corruption. The DOS's Political Program was the first document – not legally-binding, but of great symbolic importance – which addressed openly the issue of corruption in the country.⁵ The following section will give an overview of the AC legislation in Serbia, and explain the relevance of the AC legal documents in the political and economic context at the time of their adoption.

AC Institutional Change: 2000-2005

One of the first debates after the Democratic Opposition of Serbia (DOS) came into power, after overthrowing Milošević, was related to institutional organization in the fight against corruption. It resulted in the establishment of the State Anti-Corruption Council, which was the first independent governmental AC body in Serbia. The Council's mission is to advise the government on preventive and repressive measures in fighting corruption, as well as to supervise the implementation of these measures. However, the Anti-corruption Council has no authority to issue legally-binding measures. The Council was founded by the Decision of the Government in October 2001⁶ and the idea about its establishment came from the Prime Minister Djindjić and the Minister of Finance Djelić (Brkić 2013: 19).

Another internally driven initiative was the *Law on Organization and Jurisdiction of Government Bodies in Combating Organized Crime, Corruption and Other Serious Criminal Offences*, which was adopted by the DOS government in 2002 and was changed several times. In 2004, a draft law on establishing an AC agency was submitted to the Parliament, but the draft was never subject to Parliamentary debate and under the succeeding governments (2004-2008) it was almost abandoned (Nenadić 2009: 95). In 2005, a new Law on ACA was envisaged by the National Anti-Corruption Strategy, which was adopted in line with GRECO recommendations.

In parallel with these institutional innovations, several laws were adopted in order to address the urgent problems of corruption and organized crime. For example, in June 2001, the DOS government adopted

the *Law on One-Occasion Taxation of Extra Revenue and Extra Property Acquired by Using Special Privileges in Period January 1, 1989 – June 1, 2001*. The Law stipulated a tax on illegally-acquired capital during the 1990s. It was abolished in June 2002 after a short and unsuccessful implementation. The Law was criticized for its revolutionary-political character and for the huge discretionary powers given to the authorities to ensure its implementation. Moreover, the Law was described as retroactive – as it covered the previous 12 years – and it therefore clashed with other laws (Prokopijević 2002).

Another institutional change, initiated by the local political elite, was the establishment of the Commission for the Investigation of Malfeasance from 1989 to 2000 (2001) with a mandate to investigate the illegal financial transactions of the Milošević regime. The Head of the Commission, Vuk Obradović, was forced to resign only two months after assuming his mandate, due to allegations in the media of sexual harassment. In June 2002, the Secretary of the Commission, Slobodan Lalović, resigned due to the inefficiency of the Commission.

Furthermore, a set of AC laws in Serbia were adopted in the early 2000s and they were related to the problems of the intensive economic and political transformation.⁷ The *Law on Financing Political Parties*, adopted in 2003, was especially relevant for the regulation of the political sphere, since several provisions of the Law also have an anti-corruption effect. Firstly, the budgetary funding of parliamentary parties was increased, which ensured more financial support from a neutral source. Secondly, the Law sanctioned financing from anonymous sources, foreign persons and legal entities, and from legal entities that are state-owned or in the realm of public property. The Law envisaged the monitoring of the implementation of these provisions by stipulating that political parties are obliged to submit annual financial reports to the relevant governmental AC bodies.

The *Law on Prevention of Conflict of Interest in Discharge of Public Office* adopted in 2004 was the first law in Serbian legislation dedicated exclusively to this issue. The Law on the Prevention of Conflict of Interest stipulates that a public official is a person pursuant to election, appointment and nomination to the governmental bodies at the level of the State, Province, municipalities and towns, as well as to the organs of public enterprises founded by the authorities at these levels of government. The Law envisages the establishment of the Republican Board with the mandate of maintaining the Register of Property of public officials. Public

officials are obliged to declare situations where conflicts of interest can possibly occur before taking over a new position.⁸

Previously, the problem of conflicts of interest was regulated by provisions in the laws of particular sectors (public administration, local governance, elections, judiciary etc.); however, after the adoption of the abovementioned Law there have been several other laws that partially regulated this sphere.⁹ The overlapping legislation previously caused confusion and very often these overlaps resulted in the giving of priority to the old rules and regulations (Beljanski 2006). The adoption of this Law was in line with the requirements of the UNCAC; the quality of the Law was positively evaluated by GRECO and its implementation was monitored by the European Commission during the stabilization and accession process.

The *Law on Free Access to Information* was adopted in November 2004; from 2006 this right is also guaranteed by the Constitution as stipulated in its Article 51. The Law is an important tool for both investigating cases of corruption and for enhancing the prevention of corruption through transparency. The Law stipulates that everybody can have access to information in the possession of governmental bodies at all levels of government, public companies and institutions, as well as in organizations with public mandates, such as private companies and associations. The Law established the institution of the Commissioner for Information of Public Importance, with the mandate to help citizens to access information which had been unlawfully denied to them by some governmental body.

In line with the recommendation of GRECO and the EC, this law has been changed several times. The major changes, introduced in 2007, included that it is in the Commissioner's mandate to start the process of assessment of the constitutionality and legality of certain laws and regulations. Since 2008, the Commissioner's mandate includes the protection of personal data. The changes from 2010 stipulate that the decisions of the Commissioner are legally-binding, final and executive, and the Commissioner has the competences to conduct the process of implementation of his decisions. One of the major shortcomings of the Law on free access to information is that it does not stipulate the right of appeal to the Commissioner if one of the highest governmental bodies denies access to the solicited information.

The *Criminal Code of the Republic of Serbia* was adopted in 2005. In order to be aligned with the relevant international conventions, the Code underwent several changes, one of them being the criminalization

of *bribing of foreign public officials*. A major change to the Criminal Code came in the same year 2005, when the Chapter entitled *Criminal Offences of Corruption* was added. This chapter consisted of nine new provisions relating to corruption – all deriving from the *abuse of office* offence (Fatić 2004). There have been opposing views on this change. While some experts argue that the changes contributed to the more effective prosecution of corruption cases (Fatić 2004), others found the innovations confusing and overlapping with previously-adopted laws, since the prosecution had to choose between the two parallel legislations, and it usually gave priority to the old one (Nenadić 2009: 96). In the later editions of the Law, this Chapter was removed.

The current version of the *Criminal Code* has been in force since 2014 and this version contains provisions relevant to corruption, in Chapter 32, entitled *Offences against Official Duty*. The provisions include *Soliciting and Accepting Bribes* (Art. 367), *Abuse of Office* (Art. 359) and *Unlawful Mediation* (Art. 366). There is also an article relevant to the Judiciary – *Violation of Law by Judge, Public Prosecutor or his Deputy* (Art. 360). The *Criminal Code* has certain shortcomings (Nenadić 2009: 96). It stipulates that both sides in the act of bribing are subject to prosecution (criminal charges), regardless of who initiated the bribery. Only under certain circumstances can the part that is offering bribe be made exempt from legal punishment, which does not include exemption from responsibility for the act of bribing. This might be an obstacle in the fight against corruption, since none of the parts involved is motivated to report the case of corruption. Furthermore, some forms of corruption, according to Nenadić (2009), are not identified by the Law, such as the exercise of influence over public officials to take or to avoid taking certain decisions.

The following laws, relevant for the fight against corruption, were also adopted: the *Law on the Protection of Competition* (2005), the *Law on the Protector of Citizens* and the *Law on the State Audit Institution*, the *Law on the State Audit Institution* established the State Audit Institution which started working in 2008.

AC Institutional Change: 2005-2010

In December 2005, the Serbian Parliament adopted the *Decision on Defining the National Anti-Corruption Strategy*. The main goal of the Strategy is to coordinate the work of governmental bodies by implementing the policies of education about AC efforts, preventive measures and the

sanctioning of corruption. Therefore, the Strategy envisages the establishing of an independent AC body – the Anti-Corruption Agency – with a mandate to monitor the implementation of the Strategy and to coordinate the work of governmental bodies in the fight against corruption. The Strategy also identifies sectors in the institutional system which are especially vulnerable to corruption (the political system, the judiciary, the police, public administration and local governments, public finances, economy, civil society, and the media), and suggests solutions and measures for improvement.

The Strategy was aligned with international standards, the CoE Conventions and the GRECO initiatives. It was drafted by a team of experts appointed by the Ministry of Justice in cooperation with the CoE and the local OSCE mission. The Government formed a Commission with the mandate to draft an Action plan for the implementation of the Strategy and to monitor the implementation of the Strategy until the Agency was established.

It has been argued that the Strategy's limited impact is due to its prolonged adoption – a year passed after the document was drafted in December 2004 until it was adopted in the Parliament (December 2005); and another year passed after this until the Action Plan was adopted by the Government (December 2006) (Nenadić 2008). Another explanation is that, before the Agency was established, the Commission for the implementation of the Action plan practically – though not legally – stopped working (Stojiljković 2011). On the other hand, when the Agency became fully operational in 2010, the Commission was not formally abolished. The relevant literature on this topic (Nenadić 2011, 2009), however, does not give further information or explanation of this legal overlapping and vacuum within the AC institutional structure.

With the aim of strengthening the rule of law and building an independent, transparent, responsible and efficient judiciary, the government adopted the *National Strategy on the Reform of Judiciary*. In relation to this, several laws were adopted during 2008, such as the *Law on the High Judicial Council*, the *Law on the State Prosecutorial Council*, and the *Law on Judges*. Another set of laws and other acts relevant to corruption and organized crime was adopted in 2008, such as the *Law on the Liability of Legal Entities for Criminal Offences* and the *National Strategy for the Prevention of Money Laundering and Financing of Terrorism*. The most relevant one for corruption is the *Law on Prevention of Money-Laundering and Terrorism Financing*, which establishes the Administration for the

Prevention of Money Laundering, obliged to report about every transaction of money larger than the stipulated amount.

The adoption of the *Law on the Anti-Corruption Agency* (2008) was an important institutional change as the Law establishes the ACA as an independent body responsible to the Parliament. Apart from introducing a new institutional organization in the area of anti-corruption, the Law offers a legal definition of corruption. In Article 2, the Law defines corruption as a relation, in the public or private sector, based on an abuse of office or social status and influence, with the aim of acquiring personal benefits for oneself or for another. The Law also introduces provisions relating to the prevention of conflicts of interest of those in charge of public offices, at all levels of government and in all three branches of power, including public enterprises and public institutions (Erić, Ćorić and Makić 2009).

The most relevant changes in this period include amendments which were made to the existing *Law on Financing Political Parties* (2003). These amendments were introduced in 2008 as the Law was considered insufficient for the effective monitoring and control of the financing of political parties and electoral campaigns, as well as for control over the spending of funds obtained for those purposes from private and public sources. For example, the mandate for controlling the financing of political parties was transferred in 2008 from the Republic Electoral Commission and Parliamentary Committee on Finance to the Anti-Corruption Agency.

The new *Law on Financing Political Activities* was adopted in June 2011. One change was related to the allocation of budget funds to parties; then, the Law regulates both regular political activities and the work of political parties during electoral campaigns. The Law also has provisions regarding the property of political parties, which was not addressed in the 2003 Law. The Law stipulates sanctions for the indirect financing of political parties or electoral campaigns, and envisages sanctions for illegal funding, both on the party that accepts such funding and on the financier. Other actions leading to sanctions include the financing of political parties and electoral campaigns through mediators; political parties must publish their financial reports on the internet.

Among other AC documents adopted at the end of the past decade were *The National Strategy for the Fight against Organized Crime* (2009). Moreover, in 2009, important changes were introduced to the *Criminal Code* from 2005 (Art. 359 defining the abuse of office; Art. 366 defining profit in influence trading; Art. 367 defining the taking of bribes; and Art. 368 defining the giving of bribes). According to interviews conducted

with civil servants in the Ministry of Justice, the changes were aimed at harmonizing the Code with the *Criminal Law Convention of Corruption*, and with two United Nations legal instruments – UNCAC and the *Convention against Transnational Organized Crime and its Protocols*.

The *Law on Seizure and Confiscation of Proceeds from Crime* was adopted in 2008 and stipulates, amongst others, that: persons who are convicted by a final judgment must prove that their assets have been legally obtained. If the convicted person fails to prove the legality of their assets, those assets will be seized and subsequently confiscated. Moreover, the seizure and confiscation of profits from crime is possible not only from the accused and from the person to whom the profits have been directly transferred; the seizure now includes legal successors, a cooperative witness, testator, inheritors or third parties. Lastly, the Law stipulates that the seizure and confiscation of the proceeds from crime is possible by both individual and legal entities. The Law established a new state authority – The Directorate for the Management of Seized Assets – managed by the Ministry of Justice and the Ministry of the Interior. Previously, this area of law had been regulated by the Criminal Code and the Criminal Procedure Code.

The *Law on the Liability of Legal Entities for Criminal Offences* was adopted in 2008 as a fulfilment of one of the Recommendations of GRECO. It stipulates that a legal entity can be liable for all criminal offences foreseen in the Criminal Code and others pieces of legislation, including corruption-related offences. The Law was drafted in accordance with the *Criminal Law Convention on Corruption*, the UNCAC and the *OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions*.

Criminal Procedure Code (2001) was amended in 2009 to include the procedural protection of endangered witnesses and the concept of a plea bargain agreement. Moreover, a new chapter was introduced which regulates special investigative measures concerning investigations of organized crime and corruption cases. Moreover, the *Law on the Organization and Jurisdiction of State Authorities in Combating Organized Crime, Corruption and Other Severe Criminal Offences* (2002) was amended in 2009 to be expanded to include cases of corruption. According to sources in the Ministry of Justice, the change made the Law applicable to cases of high-level corruption, involving the highest state officials.

Several laws with significant anti-corruption potential were adopted: for instance, the *Law on Accounting and Auditing*, adopted in 2006, introduced a new system of auditing and increased the number of auditors. In 2008, a new *Law on Public Procurement* replaced the one from 2002. That new Law needed additional provisions which clearly defined the process of bidding for tenders and those addressing the issue of planned public procurement, which was in line with EU legislation on this matter. As a result of these insufficiencies, the current government adopted a new *Law on Public Procurement*, which came into force in January 2013.

AC Institutional Change: 2010-2012

The establishing of the Anti-Corruption Agency (2010), pursuant to the *Law on the Anti-Corruption Agency* (2008), represents a major change in the organization of AC institutions. The competences of the Agency are broad, which raises concerns regarding the technical capacity and the extent of financial support necessary to ensure the sustainability of such an institution.¹⁰ Although the Agency is not an investigative body, it has the mandate to investigate the validity of data and information relating to cases of corruption. The Agency is also responsible for monitoring reporting on the property and income of state officials, and for ensuring that the information in the reports is correct and complete. Lastly, the ACA has the mandate to act upon the individual requests of citizens and on reports of corruption, as well as to protect the personal details and anonymity of whistle blowers.

The Law on the establishment of the Anti-Corruption Agency was prepared in accordance with international standards, especially with UNCAC Article 6 and specific GRECO recommendations, which stipulated the creation of such a body. Moreover, by establishing the ACA, Serbia complied with the EU *Plan for Visa Liberalization*, which required the establishment of the Agency.¹¹ The *Law on the ACA* was amended in July 2010. Apart from the introduction of some more precise provisions, there was a problematic change in the stipulation that public officials could legally hold multiple offices. The newly-introduced Article 29 of the Law regulated the issue of the accumulation of offices and stipulated that the holding multiple offices (both elected and appointed ones) was legal. The Constitutional Court made a decision in July 2011 that the amendment was against the constitutional principle of the rule of law, against the legislation of the prevention of conflicts of interest and against the provisions of

the UN Anti-Corruption Convention. The issuing of this decision by the Constitutional Court annulled the Article 29 of the *Law on the ACA*.

The State Anti-Corruption Council conducted research about the influence of state institutions on the media during the time between January 2008 and July 2010. The Council outlined the main problems in its *Report on the Pressure and Control over the Media in Serbia* (AC Council 2011). In its *Report*, the State Anti-Corruption Council identifies three major problems in the sphere of the media: the lack of transparency in media ownership; financial influence of state institutions on the media; and, the influence of political parties and ruling elites on the work of the Serbian Broadcast Corporation RTS (AC Council 2011: 6). Moreover, the concern about property rights in the media and the structure of private entities which buy or establish media outlets was confirmed by the EU Parliament. The *Resolution on the European Integration Process of Serbia* (2011) noted that the Government of Serbia attempts to control the work of the media, and tolerates the concentration of ownership and a lack of transparency in the media sphere.

In 2012, the Ministry of Justice, in cooperation with the Anti-Corruption Agency (ACA), formed a Working Group for drafting a new strategic framework for the fight against corruption for the period 2012 to 2016. According to civil servants from the Ministry of Justice interviewed in this research, a new National Anti-Corruption Strategy and Action Implementation Plan were necessary, due to the fact that the majority of activities envisaged by the existing Strategy and Action Plan had been implemented.

Discussion

The experience from other countries shows that there are three main institutional arrangements in the field of anti-corruption (OECD 2008); the first includes preventive and coordinative institutions, the second consists of law enforcement agencies and the third model is based on a multi-purpose AC agency. In many countries these models are combined or they change over time. In Serbia, the three models followed one another, but institutions with different functions continued their activities in parallel. There were very few cases when the AC bodies were abolished or phased out; there were also cases of institutional overlap in terms of mandates and goals.

Based on the overview of the AC institutional organization in Serbia from 2000 to 2012, it is possible to identify several dimensions of change. Firstly, there were changes which introduced new institutions, such as the Board for the Prevention of Conflicts of Interest in 2004, or the Anti-Corruption Agency in 2010, in order to improve institutional capacity in the area of anti-corruption. Moreover, some new anti-corruption measures were introduced in the form of legal provisions of the laws regulating transitional processes and market reforms, such as the laws on privatization, public procurement and media ownership rights. Secondly, the AC institutions were introduced over twelve years in such a way that new AC institutions were established while the existing ones remained active. Therefore, the AC institutional settings in Serbia show characteristics of all three aforementioned models of AC institutional organizations. Therefore, the mechanism of institutional change can be identified as *institutional layering* (Mahoney and Thelen 2010). Lastly, the institutional changes were introduced either on the initiative of the local political elite or they were externally-driven as a part of international agreements and conventions, such as the GRECO or UNCAC.

In the twelve-year long period of institutional change analyzed in this study, three institutional changes can be understood as benchmarks – the establishing of the National AC Council in 2001, the adoption of the National AC Strategy by the Parliament in 2005 and the establishing of the AC Agency in 2010. Each institutional change introduced a set of changes which, to a large extent, can be identified as the aforementioned models of AC institutional arrangements.

During *the first phase of institutional development*, from 2000 to 2005, the institutional changes developed in three directions. Firstly, the AC measures addressed the cases of illegal enrichment of the business and political elites during Milošević government. However, these institutions were not successfully implemented. The *Law on One-Occasion Taxation of Extra Revenue and Extra Property Acquired by Using Special Privileges in Period 1st January 1989 – 1st June 2001* (2001) and the Commission for the Investigation of Malfeasance from 1989 to 2000 (2001) were abolished and the *Law on Responsibility for Human Rights Violation*, known also as the *Law on Lustration* (2003) has not been applied to a single case and was repealed in June 2013.

Secondly, efforts were made to establish new institutions and re-organize the existing ones in order to enable effective prevention, investigation and prosecution of corruption cases. These institutions

include the Anti-Corruption Council (2001), the Commission for Access to Information of Public Interest (2004), and so forth. The work of these organizations involved advising state institutions about AC strategies, but they had no mandate to investigate or prosecute cases of corruption. The only specialized law enforcement bodies with this mandate were the joint teams of police forces and prosecutor's office units, which were active between 2001 and 2003.

Thirdly, the early stage of AC institutional change included a set of laws aimed at regulating those areas vulnerable to corruption during the process of transition, such as the election of MPs, the process of privatization and public procurement. The dynamics of institutional change indicate that the first post-Milošević government, the DOS, recognized the urgent need to address the problem of corruption and organized crime. However, the government failed to introduce the changes systematically and to implement the AC measures consistently.

The AC institutions from 2000-2005 show characteristics adhering to the first model of the AC institutional organization that are based mainly on prevention, policy development and the co-ordination of institutions. Also, some of the early AC institutional changes were established on the initiative of the national political elite. The majority of the locally-driven changes and institutions were soon abandoned and abolished due to their unsuccessful implementation. After Serbia became a member of the Council of Europe, in April 2003, the institutional change was mainly conducted in line with GRECO recommendations.

The second phase of institutional development started with the adoption of the *National AC Strategy* in December 2005. This document set goals in the fight against corruption and introduced a more systematic institutional change in the area of anti-corruption, while the problem of corruption is understood in the wider context of organized crime, terrorism and money-laundering. During this second phase of institutional change, the law enforcement agencies, AC departments and units worked with more independence, in formal-legal terms, than the institutions in the previous period. This characteristic brings the AC institutional organization closer to the second model of institutional arrangement based on law enforcement agencies. It is important to mention, however, that in parallel with the newly-established AC institutions, the previous ones remained active.

The third phase of institutional change started in 2010 when the Anti-Corruption Agency became operational. This third stage has characteristics of the third model, based on the concept of a multi-purpose agency with

both law enforcement powers and preventive functions. During this third phase, the institutional changes mainly include amendments and improvements of the existing legislation, such as in the area of public procurement, whistle blowing and other.

The mechanism of change in the AC institutional organizations can be identified as being layered (Mahoney and Thelen 2010; Thelen 2004). Mahoney and Thelen point out: “[The] [p]rocess of layering often takes place when institutional challengers lack the capacity to actually change the original rules [...]. They instead work within the explicit alternative system by adding new rules on top of or alongside old ones.” (Mahoney and Thelen 2010: 17). According to the authors, layering can be an effective type of change, as it does not involve efforts to directly change old institutions as some other types of change do, such as institutional change by displacement or conversion. Institutional layering in the case of Serbia is characteristic as the policy solutions are being “borrowed” and transplanted to the local context from international and EU legal practice, which resulted in a specific hybrid type of AC institutional setting.

Regarding the origin of institutional change, the observed AC institutions can be divided into two groups: institutions with internally-driven and externally-driven change. This means that some institutional change took place on the initiative of national elites, especially in the early years of the post-Milošević government. The externally-driven institutional change started in 2003, when Serbia joined the CoE Group of States against Corruption (GRECO). This initiative is dedicated to the adaptation of national legislation to international standards in the area of public administration, such as preventing conflicts of interest, regulating the declaration of assets and income, and strengthening ethical principles and the rule of conduct.

The externally-driven institutional change became even more intensive when Serbia started the EU accession process in 2005. The country became involved in the harmonization of its AC legislation with EU norms and priority was given to areas concerning the rule of law, market competition, public procurement, justice, and the fight against corruption related to organized crime.

As for the functions of AC institutions, significant progress has been achieved in the field of prevention of corruption through the improvement of the legal framework, according to EU standards. However, there was little improvement in the area of investigation and prosecution of corruption cases, as noted in the European Commission’s Progress Report

for 2010. Most of the AC laws established independent bodies in specific sectors to monitor the implementation of the law. However, in a large number of cases, the work of these independent bodies was delayed. For instance, the Anti-Corruption Council, the Anti-Monopoly Office, the Ombudsman and so forth, lacked financial support, trained staff and adequate premises at the beginning of their work. In their public speeches and when interviewed in this research, the persons appointed to these positions claim that this was more related to the lack of political will to make AC institutions effective than to the actual economic problems.

Conclusions

The focus of this paper is on the development of AC institutions in Serbia over twelve years, 2000-2012. The aim was three-fold: to outline the institutional changes which have taken place since the change of regime in Serbia; to identify phases in the development of the overall AC institutional setting; and to explore their nature and origin. This overview offers necessary background information for further research on anti-corruption policy, institutional dynamic, policy transfer, European studies or possible interaction between public debates and institutions.

Based on the analysis of the AC institutions in Serbia, it is possible to argue that over fifty institutions – which include pieces of legislation, agencies and bodies – were introduced over the twelve years. The institutional change started soon after the Democratic Opposition of Serbia (DOS) came into power in October 2000. The previous governments, which were led by Milošević's Socialist Party of Serbia (SPS), did not consider the issue of corruption as a priority and the legislation during their mandates included a small number of legal provisions concerning corruption. It can be seen that the AC legislation in Serbia had increased significantly over the past decade – from only a few provisions on preventing conflicts of interest in 2000 to the well-developed AC legal and institutional framework, which was positively assessed in the European Commission's *Opinion on Serbia's membership* in 2010.

The change of AC institutions in Serbia can be characterized as gradual and in the form of layering (Thelen 2004). Thus, as the newly-established institutions became operational, the old ones were rarely abolished. This tendency resulted in the accumulation of AC institutions and in several cases institutional mandates were overlapping. **Annex 1** offers an overview

of the AC bodies and agencies, and the timeline in **Annex 2** suggests that the institutional setting changed gradually through layering. Legal experts argue that more work had been done in the area of institutional and legal formation than in other aspects of the fight against corruption, such as the consistent implementation of laws, and financial and political support to independent AC institutions (Nenadić 2009). It is realistic to expect that future institutional change in the area of anti-corruption will include a large number of externally-driven changes, especially when negotiation talks concerning Serbia's full membership in the EU begin in 2016.

NOTES

- ¹ The Program against Corruption and Organised Crime in South-Eastern Europe (PACO) was aimed at helping South-Eastern European countries to implement their anti-corruption plans and strategies (March 2004-July 2006). The PACO-Impact project was followed by an evaluation by the Stability Pact Anti-Corruption Initiative (SPAI) and GRECO recommendations. The PACO project ACO-Serbia, implemented by the CoE (2005-2007), was specifically focused on fighting economic crime, money laundering, terrorist financing and cybercrime.
- ² For more information on OCTOPUS, please see: *Technical Cooperation against Economic Crime – Activity Report* (2006, 2007, 2008, 2009, 2010), Economic Crime Division DG of Human Rights and Legal Affairs, Council of Europe.
- ³ Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL).
- ⁴ More information concerning the EU anti-corruption policy is available in: European Commission (2003) *Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee - On a comprehensive EU policy against corruption*; and European Commission (2003) *Ten principles for improving the fight against corruption in acceding, candidate and other third countries*.
- ⁵ The DOS Programme is available at www.vojvodina.com/prilozi/g17.html [accessed 12 June 2016].
- ⁶ *Official Gazette RS* 59/01, 3/02, 42/03, 64/03, 14/06.
- ⁷ The changes include: the *Law on Election of Members of Parliament*, the *Law on Privatisation*, the *Law on the Privatisation Agency*, the *Law on Public Procurement*; *Law on Public Information*.
- ⁸ The Law on the ACA from 2008 stipulates that the declarations are to be submitted to the Agency due to the abolishment of the Board.
- ⁹ For instance, *Company Law*, *Law on Civil Servants*, *Law on Public Agencies*, *Law on Contested Procedure*, *Law on Bankruptcy*, *Law on Parliament* and *Anti-Monopoly Law*.
- ¹⁰ Further information is available at the website of the ACA www.acas.rs.
- ¹¹ "The EU Plan for visa liberalization with the Republic of Serbia (Road Map), Block 3: Public order and security, Preventing and fighting organized crime, terrorism and corruption: Implement the legal regulations on the prevention and fight against corruption, including the creation of an independent anti-corruption agency." Available at the web site of Ministry of Foreign Affairs of Serbia: <http://www.mfa.gov.rs/en/foreign-policy/eu/republic-of-serbia-eu> [accessed 12 June 2016].

Annex 1: AC Laws, Conventions and Agencies in Serbia (2000-2012)

Adopted	AC Law	Government¹	Aim of change	Primary driver
Oct 2000	DOS Democratic Opposition of Serbia Programme	DOS	Anti-corruption declared priority by the new government	Internal
Oct 2000	Law on Election of Members of Parliament	DOS	Preventing accumulation of mandates	Internal
Oct 2000	SEECF The South East European Co-Operation Process	DOS	Enhancing stability, trust and good neighbourly relations through co-operation	Internal
Oct 2000	SPAI Stability Pact for South-Eastern Europe Anti-Corruption Initiative (since 2007 RAI)	DOS	Enhancing security	Internal
Dec 2000	United Nations Convention against Transnational Organised Crime and Additional Protocols	DOS signed & ratified	Re-integration in international institutions (UN member Nov 2000)	Internal
2001-03	The Public Prosecutor and police forces worked in joint teams	DOS	This cooperation was not institutionalised as a permanent structure	Internal
Jan 2001	Commission for the Investigation of Malfeasance from 1989 to 2000	DOS	Mandated to conduct investigation illegal financial transfers during Milošević government; phased out in 2002	Internal
June 2001	Law on One-Occasion Taxation of Extra Revenue and Extra Property Acquired by Using Special Privileges in Period January 1, 1989 - June 1, 2001	DOS	Stipulates a tax on illegally-acquired capital during the 1990s; abolished in June 2002, after a short an unsuccessful implementation	Internal
June 2001	Law on Privatisation	DOS	Stipulates obligatory privatisation; insider model replaced by sale at public tenders/auctions and transfer of shares to employees/citizens. Changes: 38/01,1,18/03,45/05, 123/07, 123/07-sep. law, 30/10-sep. law	Internal
June 2001	Law on the Privatisation Agency	DOS	To regulate the privatisation process. The Law changed: 38/01, 135/04, 30/10;	Internal
Oct 2001	State Anti-Corruption Council, established by the Decision of the Parliament	DOS	In line with DOS programme in the 2000 electoral campaign	Internal
Jan 2002	CoE/CJCC Council of Europe Criminal Convention on Corruption	DOS ratified		Internal
July 2002	Law on Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime, Corruption and Other Severe Criminal Offences	DOS	Establishes the Special Prosecutor's Office and the Special Court for Organised Crime. Changes: 42/02, 27/03, 39/03, 60/03 - US, 67/03, 29/04, 58/04 - suppl. Law, 45/05 and 61/05, 116/08, 72/09, 72/11 2011- separate Law and 101/2011 – separate Law	Internal: an overall administration reform was planned by DOS but abandoned

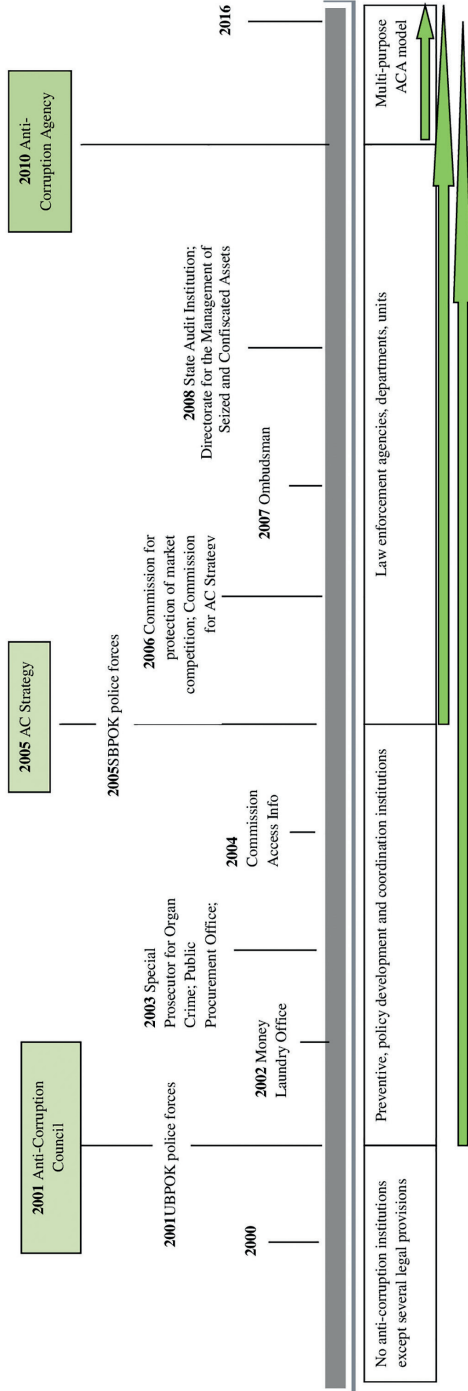
¹ Coalition governments: DOS from October 2000 to March 2004; DSS from March 2004 to July 2008; DS from July 2008 to July 2012

July 2002	Law on Public Procurement	First legislation in this area after sixty years. Changes: 43/03, 55/04, 101/05, 116/2008-sep. law, 124/2012-sep. Law				External: GRECO EU
2003	Public Procurement Office	Improvement of the existing legislation in this area				External: GRECO EU
Mar 2003	Law on Public Information	Regulates free speech, broadcasting, media production and distribution. Changes: 43/03, 61/05, 71/09, 89/10, 41/11	DOS			External: GRECO, EU
Apr 2003	GRECO Group of States against Corruption	Membership to CoE in April 2003 and joining GRECO initiative	DOS			Internal
May 2003	Special Department for Fighting Organised Crime was established	This institution was a part of District Court in Belgrade.	DOS			Internal
July 2003	The Law on Financing Political Parties	Changes: 72/03, 75/03-corr., 60/09-decision, 97/08	DOS			External GRECO, EU
Dec 2003	UNCAC United Nations Convention against Corruption	UN membership since November 2000 (ratified in Oct 2005)	DOS signed DSS ratified			Internal
Apr 2004	Law on Prevention of Conflict of Interest in Discharge of Public Office	Establishes the Board for Prevention of Conflicts of Interest (which was taken over by the ACA in 2010)	DSS			External
May 2004	Law on Registration of Economic Entities	Regulates the rights of minor shareholders in privatisation	DSS			not confirmed
Nov 2004	Law on Free Access to Information	Establishes the Commissioner's Office; since 2010 the Commissioner's decisions are legally-binding, final and executive. Changes: 120/04, 54/07, 104/09, 36/10				External GRECO, EU
Nov 2004	Strategy of Public Administration Reform					External GRECO, EU
Dec 2004	Code of Conduct for councillors and officials at the level of local authority	Launched by NGO Standing Conference of Towns and Municipalities; adopted by the majority of local administrations				External GRECO, EU
Jan 2005	MONEYVAL Committee of Experts Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism		DSS			External CoE
Mar 2005	Law on the Protector of Citizens	Establishes Ombudsman's Office; changes: 79/05, 54/07	DSS			External EU
Apr 2005	CoE Civil Conventions on Corruption	As a member of GRECO, Serbia ratified CoECLCC in order to comply with the CoE standards; (Jan 2008)	DSS signed & ratified			not confirmed
May 2005	CoE Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism		DSS signed DS ratified (April 2009)			External CoE
Sep 2005	Criminal Code of the Republic of Serbia	Drafted in line with international conventions. The Chapter Criminal Offences of Corruption was removed in 2009	DSS			External CoE, EU
Sep 2005	Law on the Protection of Competition	Establishes the Anti-Monopoly Agency	DSS			External EU
Oct 2005	Negotiation process on ratifying the SAA started	The negotiation ended two years later, September 2007	DSS			Internal

Nov 2005	Law on Police	DSS	The Office for the Fight against Organised Crime (UBPOK) established in 2001 reintegrated into the police hierarchy and renamed the Service for the Fight against Organised Crime (SBPOK)	not confirmed
Nov 2005	The Audit Act	DSS	Establishes the State Audit Institution (SAD); supported by the European Agency for Reconstruction (EAR); earlier attempts supported by UNDP (2000)	External EU
Dec 2005	National Anti-corruption Strategy	DSS	Envisages an Action Plan and ACA; aligned with international standards and CoE Conventions; drafted in cooperation with the CoE and the local OSCE mission	External GRECO
Dec 2005	PACO CoE Programme for fighting corruption and organised crime	DSS		External CoE
2006	(Anti-Corruption) Commission	DSS	Mandated to draft Action Plan for the Strategy and to monitor implementation of the Strategy and GRECO until ACA established	Internal
May 2006	National Strategy on the Reform of Judiciary	DSS	Strengthening the rule of law, independent and efficient judiciary	External GRECO, EU
May 2006	Law on Accounting and Auditing	DSS	Introduces a new system of auditing; increased number of auditors	External EU
Sep 2006	Constitution	DSS	Several anti-corruption provisions, including the right to free access to information	External GRECO, EU
Jan 2008	Additional Protocol of CoE CrLCC	DSS	Pursuant to the CoE CrLCC	
Apr 2008	EU SAA Stabilisation and Association Agreement	DS ratified (May 2012)	The SAA envisages legal changes in: the protection of competition and control of state subsidies, intellectual property rights, public procurement, standardization and consumer protection	Internal
2008	State Audit Institution		Became operational. The first financial audit report was on the 2008 Budget, submitted to the parliament in November 2009	External EU
Sep 2008	National Strategy for the Prevention of Money Laundering and Financing of Terrorism			External: MONIVAL, EU, GRECO, UNTranOrgCrim
Oct 2008	Law on Anti-Corruption Agency	DS	Defines corruption (Art 2), Establishes ACA	Externally driven UNCAC, GRECO, EU
Oct 2008	Law on the Liability of Legal Entities for Criminal Offences			Externally driven CoE CrLCC, UNCAC, OECD Convention

Oct 2008	Law on Seizure Confiscation of the Proceeds from Crime		Establishes a Directorate for the Management of Seized and Confiscated Assets within the Justice and the Interior Ministries	External (precondition for the EU visa liberalization)
Dec 2008	Action Plan for the AC Strategy	DS	Envisaged by the National AC Strategy	
Mar 2009	The National Strategy for the Fight against Organised Crime	DS		External MONIVAL, EU, GRECO, UNTransOrgCrim
Mar 2009	Law on the Organisation and Jurisdiction of State Authorities in Combating Org Crime, Corruption and Other Severe Criminal Offences	DS	Amended in order to be applicable to high-level corruption cases, involving the highest state officials	External EU, GRECO
Aug 2009	Criminal Code of the Republic of Serbia	DS	Harmonising the Code with the CoECLCC, the UNCAC and the UN Convention against Transnational Org Crime and its Protocols	External UN, CoE
Sep 2009	Criminal Procedure Code (2001)	DS	Amended to include the procedural protection of endangered witnesses and the concept of a plea bargain agreement. A new chapter was introduced on investigations of organised crime and corruption cases	External EU, GRECO
Oct 2010	Law on Budgetary System	DS	Harmonising national legislation with the EU norms in order to ensure transparent use of EU pre-accession funding. Changed: 54/09, 73/10, 101/10, 101/11, 93/12	External EU
June 2011	Working Group for drafting a new strategic framework for the fight against corruption for the period 2012 to 2016	DS	Working Group to draft a new National AC Strategy and Action Implementation Plan, as the existing AC Plans had been implemented; organised by the Ministry of Justice and the ACA	Internal
June 2011	Law on Financing Political Activities	DS	Drafted in line with the ten GRECO recommendations	External GRECO
*	OECD Convention on Combating Bribery of Foreign Public Officials (1997)		Serbia is not a signatory, but its criminal legislation is aligned with the OECD Convention as confirmed during PACO Project 2005-2007; Serbia is involved in the OECD and the EU evaluation project SIGMA.	

Annex 2: AC Institutional Organization: AC Agencies



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2015 BELGRADE LESBIAN MARCH: LESBIAN SEPARATISM IN PUBLIC SPACE

Abstract

This paper draws upon a variety of empirical sources to reconstruct the 2015 Belgrade Lesbian March, and contextualise this public gathering both in the history of gay and lesbian organising in the (post-Yugoslav space as well as in the broader sphere of European and especially Anglo-American lesbian mobilisation. I argue that this lesbian separatist event, on the one hand, increased lesbian visibility both nationally and regionally, but it also created divisions within activist circles that do not seem to advance the overarching goal of non-heterosexual liberation. While pointing to the importance of gender-sensitive understandings of homophobia and the necessity for producing lesbian-centred scholarship, I claim that public space and emancipatory political contestations that take place within it should remain open and inclusive.

Key words: Lesbian activism, lesbian separatism, non-heterosexual emancipation, Belgrade

After almost two highly contentious and sometimes overtly violent decades, 2015 proved to be an *annus mirabilis* in Serbian and post-Yugoslav LGBT organizing (Bilić, 2016a, Bilić, 2016b). That year not only witnessed a relatively smooth unfolding of the Belgrade Pride Parade which has by now become a matter of course, but the streets of the Serbian (and former Yugoslav) capital also welcomed – until then unprecedented – Lesbian March and Trans Pride. This surprising diversity testifies, on the one hand, to the vital current of LGBT-related activist engagement that has survived long periods of both institutionalised and socially widespread homophobia as well as a range of other seriously unfavourable circumstances including poverty, political instability and corruption. On closer inspection, though, such an abundance of activist enterprises, all concentrated in a relatively short period of time, also points to an emotionally-charged “underworld” of tensions, frustrations and

challenges that local activists face in their efforts to advance the cause of LGBT emancipation.

This paper draws upon a variety of empirical sources – including YouTube videos, public statements, newspaper and online interviews, Facebook posts and Google groups “razotkvirivanje”¹ discussions, to reconstruct the 2015 Belgrade Lesbian March. I contextualise this rather unusual public gathering – the first of its kind in the post-Yugoslav region – both in the history of gay and lesbian organising in the Yugoslav space as well as in the broader, Anglo-American history of lesbian activism (Bilić, 2012; Bilić & Janković, 2012). The latter exerts global influence on activist initiatives as strategies of protest travel or are “translated” from the “centre” (the United States in this case) towards the “peripheries” or “semi-peripheries” where their incorporation in the logic of domestic political life is accompanied by numerous tensions (Bilić, 2016c, Bilić, 2016d).

More specifically, this paper illustrates how lesbian separatism – the most radical form of lesbian activist organising (activities done exclusively by women for women) – entered the Yugoslav space by examining the trajectory that led to the 2015 Lesbian March. I address the question of how this event became possible in the Spring of 2015 and argue that, on the one hand, such a manifestation indeed increased lesbian visibility in Serbia and the broader, regional public space. On the other hand, though, this event created divisions within activist circles that do not work towards advancing the overarching cause of non-heterosexual liberation. While pointing to the importance of gender-sensitive understandings of homophobia and the necessity for producing lesbian-centred scholarship, I claim that public space and emancipatory political contestations that take place within it should remain open and inclusive (Bilić & Stubbs, 2015; Kajinić, 2003).

In the first part of the paper, I discuss the reasons for and the relevance of studying lesbian activism generally, and in the Yugoslav space, more specifically. These are tightly associated with a set of political concerns that motivate me as a sociologist and gender scholar to engage with the intricacies of lesbian organizing (Mladenović, 2012). I then offer a brief account both of the history of lesbian separatism in the United States where the contemporary LGBT liberation movement was born and of the ways in which contentious developments in Western LGBT and feminist politics were echoed in Yugoslavia. With such an introduction, I hope to provide sufficient background information that will set the stage for a nascent empirical analysis of the Belgrade Lesbian March.

Locating Lesbian activism in Eastern Europe/the Yugoslav Space

The first motivational force behind my interest in lesbian organising is a huge lack of lesbian-related research in the Eastern European and, more specifically, post-Yugoslav social sciences. This lack is associated with the problem that the majority of Eastern European and post-Yugoslav societies still have with the issues of marginality and non-institutionalised, grassroots politics. National/nationalist homogenisation that has been a recurrent issue in Eastern Europe for decades if not centuries, has sustained authoritarian and patriarchal legacies that lead to social science research which is predominantly academic/positivistic, elite oriented, and heteronormative/ heteropatriarchal, if not homophobic, in character. In this regard, my colleague Sanja Kajinić and I (Bilić & Kajinić, 2016, p. 16) have already argued that

research associated with social aspects of sexuality and sexual behaviours, especially those that cannot be subsumed under the heteronormative canon, still seems far away from institutional centres of sociological knowledge production in the region. Such studies, thus, have to be looked for in alternative “epistemic communities” that operate outside of (or are, in different ways, marginally related to) universities and state-funded research institutes. They inevitably count on financial support of foreign donors and hardly ever manage to find their way to the official curricula or readership located outside of the rather narrow circles within which they are produced. All of these factors, along with high levels of homophobia, combine to allow (sexually) non-normative groups and especially the intersections of their multiple positionalities to remain under the sociological radar.

Thus, regional academic institutions orient themselves more towards elite layers of politics which is a practice that either explicitly or implicitly marginalises social movements and activist groups as sources of knowledge and legitimate “objects” of sociological inquiry. This is especially the case of non-heterosexual/lesbian women, so women who are much less or not at all either sexually or financially invested with men.

Secondly, as a gay man and sociologist of gender movements, I am concerned with opposing the so-called gay patriarchy. Gay patriarchy is a reproduction of patriarchy within LGBT activist circles – a (misogynist/lesbophobic) tendency of gay men to dominate and appropriate LGBT struggles. This is a widespread practice that tends to render lesbians and other non-men invisible or less visible within supposedly emancipatory

movements. Focusing on gays and homophobia only gives priority to men and obscures the gender and sexuality intersection of lesbophobia, all various – sometimes very violent – forms of negativity towards lesbians as individuals, couples or social groups. Producing or at least stimulating lesbian-centred scholarship not only subverts patriarchy, but also – and importantly – gay patriarchy. Engaging with lesbian-centred knowledge for me as a male scholar means inhabiting a discomfort zone through which I am coming to terms with the lesbophobia that I grew up with.

Moreover, the third and final reason for studying lesbian activism is my belief that lesbianism or lesbianity is a source of insufficiently acknowledged political potential. This is due to the fact that lesbianity is the intersecting point of two deep forms of discrimination: lesbians are oppressed both as women through misogyny as well as lesbians through lesbophobia, so lesbianity is the very first point where gender and sexual discriminations meet. In this regard, even a cursory look would reveal that modern revolutions up to now – including the French, Bolshevik, Chinese, Cuban or Yugoslav – the one that happened during the Second World War – were all led by men and although they generally drew so many people out of poverty and slavery and improved the conditions of women, all of them nevertheless also failed on the so-called “woman question” – they did not manage to bring about the kind of women emancipation which they had promised. Not only were women left with “double burden” – having to work to earn money and being responsible for a huge amount of unpaid domestic labour, but there was generally little improvement in the sexual sphere which remained rather patriarchal and rendered lesbians invisible again. This is why the earliest forms of lesbian separatist organising were communist and revolutionary in character, quite different from a lot gay activist initiatives today (Browne, Olasik, & Podmore, 2016).

Lesbian Separatism in the United States

When it comes to the history of lesbian separatism in the United States, “its roots are deep and complex” (Enszer, 2016) and this paper cannot do them full justice. Lesbian separatism emerged in more explicit forms throughout the 1970s in the wake of global student mobilisations around 1968 which were embedded in particular national contexts and also included, to a greater or lesser extent, the so-called sexual revolution which challenged traditional sexual behaviours. One of the first definitions

of lesbian separatism comes from the 1970 statement, "The Woman Identified Woman," by Radicalesbians, a New York City based activist group which called on women to focus on

the primacy of women relating to women, of women creating a new consciousness of and with each other which is at the heart of women's liberation, and the basis for the cultural revolution." This is the same statement in which a lesbian is famously defined as "the rage of all women condensed to the point of explosion".

Then in 1971, two women in Ann Arbor, Michigan, started publishing a journal called *Spectre* and used the term Revolutionary Lesbians to describe themselves. They wrote that they were striving for "a non-exploitive communist society" and advocated separatism in a short piece entitled "How to Stop Choking to Death," published in the second issue of their magazine. The two of them defined separatism as "working directly only with women" – which became an operative definition of lesbian separatism for the decades to come.

Moreover, in January 1972, *The Furies: lesbian/feminist monthly* was published for the first time in Washington, DC, bringing a manifesto where The Furies, an activist group consisting of 12 women, stated:

We are angry because we are oppressed by male supremacy. We have been fucked over all our lives by a system which is based on the domination of men over women, which defines male as good and female as only as good as the man you are with. It is a system in which heterosexuality is rigidly enforced and Lesbianism rigidly suppressed. It is a system which has further divided us by class, race, and nationality.

This manifesto defined the most salient issues of lesbian separatism: first, it pointed to lesbianism as a necessary choice for feminists, it highlighted the failure of the "straight women's movement" and the "male left" to address lesbian concerns – something that persists until today; it insisted on the necessity for lesbians to develop a "common politics" of "lesbianism as a political issue," and it emphasised the divisions of class, race, and nationality that challenge and weaken feminism. In this regard, lesbian separatism is not only an ideology, but it is also a feminist process, it is a method of living in and looking at the world which can stimulate alternative ways of being together in women-only communities.

The first “practical public manifestation” of this kind of reasoning was the so-called Michigan Womyn’s Music Festival founded in 1976 and active for forty years until 2015. This festival aimed to provide women a space to come together and celebrate women’s community. All the labour necessary for producing this event was performed exclusively by women. It became one of the most widely known examples of women and lesbian separatism and for many women it was a life changing experience to participate in it, but it was not without controversy. The most contentious issue was related to the admittance of transsexual women – who were never admitted– which is one of the problems that have accompanied instances of lesbian separatism (Trigilio, 2016; Podmore, 2016).

What is more, a strong association of anti-AIDS activism with men throughout the 1980s AIDS yet again rendered lesbian communities invisible and it for this reason that the Lesbian Avengers, an activist organisation founded in 1992, decided to launch the first lesbian march during the National march on Washington for lesbian and gay rights which took place in 1993. Reportedly 20 thousand women participated in this first lesbian march. Lesbian marches appeared as an activist strategy that drew upon the logic of the American pride movement that makes “private” sexualities public by claiming the streets and urban public space (Branner, Butterbaugh, & Jackson 1994). This happened not only because of general lesbian invisibility, but also because it became obvious already in the early 1990s that the mainstream pride movement was becoming increasingly white middle-class men-dominated, institutionalised, professionalised, overly sexualised, de-politicised and commercialised – all of which threatened to reinforce gender asymmetries within the movement (Brown-Saracino, & Ghaziani, 2009; Kates & Belk, 2001). Thus, lesbian marches started taking place before the official pride events, they remained demonstrations with political claims rather than merely parades or highly sexualised parties and in many American cities, organisers contested institutionalisation by, for example, refusing to gain official permits or police permissions to go into streets.

Lesbian marches were, then, supposed to be an inclusive alternative to Pride and to succeed there where lesbian activists believed that Pride parades failed – to be inclusive spaces that contest patriarchy, capitalism, consumer culture, professionalization and depoliticisation of LGBT issues (Ghaziani, & Fine, 2008). Although lesbian marches developed in relation to a specific set of circumstances in the early 1990s, they became a model for lesbian activists and inspired similar gatherings in other parts

of the world, mostly in Western Europe, but also elsewhere (Kulpa & Mizielińska, 2011).

Lesbian Activism in the Yugoslav Space

Gay and lesbian activism started rather promisingly in the 1980s Yugoslavia, in the context of intense civic organising and a gradual weakening of the League of Communists of Yugoslavia that took place after Tito's death. This general relaxation of the political field included a lot of feminist organising, a strong antimilitarist movement, an antinuclear movement and other ecological initiatives. In this regard, for example, Ljubljana claims to have the oldest gay and lesbian film festival in Europe which started in 1984. Although there had been independent feminist organising from at least 1978, the first activist feminist group Lilith was established in Slovenia in 1985.² Within this group there was a lesbian subgroup called *Lezbični Lilit* that became autonomous two years later.³

In socialist Yugoslavia, homosexuality was decriminalised in Slovenia, Croatia, and Montenegro, as well as in Vojvodina, an autonomous province of Serbia, as early as 1977.⁴ The second wave of decriminalisation took place in 1994 in the rest of Serbia, Bosnia and Herzegovina, Kosovo and Macedonia. Decriminalisation of homosexuality in Yugoslavia and Serbia occurred as a result of a routine revision of the penal code and did not come about through grassroots engagement or any kind of wider societal consensus on human rights. Thus, a woman member of the first Serbian LGBT organisation sent a *Report on Lesbians in Yugoslavia* to the International Gay and Lesbian Human Rights Commission in which she said:

On July the 14, 1994, our government adopted the draft of the new criminal law. Before the old law was banning homosexuality. However, lesbianism was never a part of that ban. The change came as a total surprise to the gay community. NO ONE in the community "lobbied" for the new law, because it was beyond our power. Our guess is that the change came from someone high up in government.

This absence from law is the first and major sign of lesbophobia – the penal code only referred to male homosexuality without mentioning lesbian sexuality.

The first LGBT activist organisation in Serbia *Arkadija* was registered in 1994, after the decriminalisation and lesbians who gathered within it founded their own organisation *Labris* in 1995. All of this happened in the context of an enormous patriarchal backlash which infringed upon the rights and freedoms that women had won during the rule of the Yugoslav League of Communists. For example, the number of women members of the Serbian parliament went from more than 10% in the communist period to 1.6% in 1990 and the law which had allowed abortion in Yugoslavia already in 1953 was substituted by more restrictive measures under the ever stronger church influence.

With this in mind, the first Pride parade happened after the end of the Milošević regime in 2001 and it was extremely violent, ending with more than 40 seriously injured people, including lesbians. There have been a few other attempts to organise this manifestation, some more successful than others, but all nevertheless characterised by male dominance, heavy police presence, violence threats and increased depoliticisation and involvement of the state pressured by the European Union.

2015 Belgrade Lesbian March

The 2015 Lesbian March took place in the framework of an event called Lesbian Spring organised by a group of lesbians from Serbia and Bosnia and Herzegovina and it was supposed to bring together lesbians from the Yugoslav region as well as their friends and supporters from other countries. There is an immediate reference here to the Arab Spring or Prague Spring – where spring is a metaphor of revival, new beginning, political liberalisation and emancipatory change. The poster of the event also included a fist as a symbol of resistance frequently used by social movements, very prominently by the group Otpor that brought down the Milošević regime. The program of the manifestation consisted of a series of workshops and panels and it ended with the Lesbian March.

The first dimension of the March is the wish of the organisers to increase lesbian visibility and provide a critique of patriarchy. In this regard, in a public statement, one of the organisers stated:

Lesbian march is the culmination of the Lesbian spring program which we organised because lesbians are multiply invisible in our society. We are here, we participate in workers' protest, in women protests, in Pride..., but

we are not visible, there are never any lesbians.. other groups are always in the forefront. It is extremely important that women generally, and above all, lesbians – followed by other women comrades including heterosexuals, bisexuals and queer, claim the public space by themselves.⁵

Another aspect of the march is an implicit critique of Serbian gay activism which is perceived as overly patriarchal, male-oriented and professionalised. For example, while announcing the event online, the organisers stated:

Our work is based on feminist principles and is done on a volunteer basis. Our intention is to stand in the way of patriarchy and lesbophobia, and mark 20 years of the lesbian movement in Serbia! We are all aware that social circumstances are extremely negative when it comes to lesbian rights – we are confronted with constant lesbophobia, attacks on lesbians are frequent and it's potentially dangerous to hold hands in public places or show affection.⁶

One more dimension that deserves attention is the march's transnational and antinational or antinationalist character. The video available on YouTube shows that there were also foreign lesbians coming to Belgrade to support their Belgrade friends and point to the necessity of international lesbian solidarity. An even more interesting feature is the strong nationalism critique visible in a banner carried by the participants which says that lesbians from Croatia support lesbians from Serbia. Lesbian liberation, thus, appears as a cause that brings together two countries, former Yugoslav republics, which were at war twenty years ago (Binnie & Klesse, 2012).

However, along with these positive features, the organisation of the lesbian march and the insistence of the organisers that it was for women only, encouraged painful divisions with LGBT activist circles in Serbia. One gay activist who took part in the online debate said:

It is unbelievable that in 2015 a political protest is organised which excludes one sex. My first impression was surprise and incredulity. Why is this being done? I would have understood if it was a private event or a kind of psychological workshop, but that someone is denied access to public space on the basis of sex is scandalously repressive. Let me not even comment on how politically counterproductive it is to exclude male supporters of the lesbian movement and I consider myself one of them.⁷

Moreover, as it often the case, many lesbians did not feel represented or invited, especially those who are closer to the organisers of the Belgrade Pride. One of them wrote on here Facebook profile:

Let me inform you – because I have just found out – that today a lesbian march took place in Belgrade. How do I know this? Of course not because there was a public invitation to lesbians to join and walk together. Of course NOT! Everything was done secretly. (...) What is the fucking point of a demonstration that no one knows anything about, that not all women could learn about? Shame on you!

Also members of the Belgrade trans community felt excluded both by Pride and lesbian march and organised their own protest (Trans Pride) a few months later.

Conclusion

This paper has engaged with the complexities of LGBT activism in the post-war context of the former Yugoslavia by taking a closer look at the organisation of the 2015 Belgrade Lesbian March. I have argued that this lesbian separatist event, on the one hand, increased lesbian visibility both nationally and regionally, but it also created divisions within activist circles that do not seem to advance the overarching goal of non-heterosexual emancipation (Bilić & Stubbs, 2016). While it is important to point to gender-sensitive understandings of homophobia and stimulate lesbian-centred (sociological) accounts, activist enterprises can only benefit if public space and emancipatory political contestations that take place within it remain open and inclusive.

NOTES

- ¹ This is an open group with publically accessible content and there were 52 posts that followed the march announcement.
- ² According to a Jewish legend, Lilith was the first Adam's wife created from the same dirt as Adam, but she left him because she did not want to become his servant after which Eve is created from one of Adam's ribs.
- ³ All of this can tell you something quite surprising about the relationship between homosexuality and supposedly oppressive and backward socialism as it is often presented nowadays.
- ⁴ As a matter of comparison, homosexuality was decriminalised in Romania in 1996 although the Penal Code introduced by Alexandru Ioan Cuza in 1864 did not differentiate between hetero and homosexual acts because it was inspired by the French penal code which did not criminalise homosexuality.
- ⁵ <http://www.telegraf.rs/vesti/beograd/1531608-lezbejsko-prolece-odrzan-prvi-zenski-gej-mars-u-beogradu-da-li-je-protekao-bez-incidenata>
- ⁶ <http://arhiv2015sr.labris.org.rs/najava-lezbejsko-prolece-u-beogradu-od-16-do-19-aprila/>
- ⁷ Google list razotkvirivanje

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LEARNING SILENCED SEXUALITIES: WAR RAPE LEGACY AND TRAUMA TRANSMISSION AMONG WAR RAPE SURVIVORS¹

Abstract

The paper examines the complex interconnection between rape legacy, silence and transmission of sexual scripts through traumatic memories of survivors. By the help of narrative analysis the study shows, how framing the experience of sexual abuse and violation in the paradigms of shame, guilt and silence, supports to maintain the patriarchal ideas of women as inherently 'rapable' and the very rape culture as the accepted cultural norm. For this breaking the silence is not essential only for women survivors to recover from the trauma in order to get free of the past, but becomes crucial in transforming patterns of rape culture, actively and critically addressing it and nevertheless, in establishing future effective practices of prevention of sexual violence, both in peace and conflict.

Key Words: Silence, War-Rape, Sexuality, Trauma Transmission, Post-Conflict

Whether you read Slavenka Drakulić classic novel *As If I Am Not There*, in which the protagonist, the victim of war-related rape, keeps "swallowing not only /.../ words, but even ././ thoughts" (1999, 22) or watch the dramatization of the work by Juanita Wilson (2009), the portrayal of women raped during the war in Bosnia in the 1990s² communicates the same message: the omnipresence of *silence* is embodied in the way the characters move. They "walk with hunched shoulders, their eyes lowered, their bodies pressed together, and quiet, making themselves smaller than they are" (Drakulić 1999, 45). The complex fusion of this key phenomenon, silence, that surrounds the crime of war rape and its aftermath among the survivors is visible not only in narratives of eternal victimhood and innocence but already in the recurring choices of titles of works on rape: *Breaking the Wall of Silence* (1996), *The Silent Scream* (2014), and *Sound*

of Silence (2014), to name just a few. Silence becomes one of the identifiers for women survivors, and due to the social pressure, seemingly also “the most dignified position” (Vetlesen 2005, 215). It appears as the inevitable consequence of the shame surrounding sexual violence, and sometimes, it enables disguise and denial because in many cases shame is invisible, inscribed from within and expressed as feelings. The fact that this is the case indicates that sexuality is a disciplining discourse and a means of social and political power as understood by Foucault. Hence, remaining silent protects survivors’ dignity and respect in their communities: If they speak up, they eventually decrease their individual trauma, but they risk social rejection and being shunned by their families and friends. Because the crime of rape is implicitly tied to numerous social taboos, stigmatization, cultural norms, and moralities, speaking out automatically means the risk of destabilizing social relationships and habitus. In addition to social stigma, past studies reveal that survivors’ stories have been regularly silenced by post-conflict (nationalistic) projects and the imposed cultural imperative of the “unspeakability” of wartime rapes (see Agathangelou 2000; Hayden 2000; Ruff-O’Herne 2008).

Although there has been a continuous tendency to speak about the silence and to break it, survivors’ faces remain blurred, their names de-identified, and their testimonies appropriated. Survivors often find themselves embracing the cultural contracts on silencing sexual violence and the individual need to speak out: “the complexity of her /survivor’s, a.n./ countenance also reinforces the tension between the need to communicate her trauma and the pressure of silence” (Culbertson 1995, 172). In the first chapter, I use the discursive analysis of selected sources to show how this relationship between communicating trauma on one side and the pressure of silence on the other in the context of the legacy of war-related sex crimes needs to be understood beyond the survivors’ inability to communicate the pain and past experience. The chapter focuses on the ways we discuss and think of rapes, what we show and expose, and why some of the discourse and narratives have been able to dominate and lead whereas others were neglected.

Since texts mean just as much by what they leave unsaid as by what they say, by what is absent as by what is present, those texts that explicitly employ rape in turn raise questions about their silences, their absent centers, about what they chose to obscure. (Sielke 2002, 4)

I focus on silence as “debased currency” and “a modish idea” (Leys 2000, 304) within the social sciences and in broader public narratives that follow a “complex of negotiations about what is acceptable and what is to be silenced, what can and cannot be said, in the disjunctions between private narratives and public discourses” (Jelin 2003, 16). I ask in what ways the available narratives reduce survivors to speechless and voiceless spectacles of victimization and how these narratives shape their social realities. Silence in the context of sexual abuse is never only an absence of communication, speaking openly of the atrocities, or verbalizing the abuse—it becomes a part of disowning the body of the survivor of her mind and ego. It is the nonverbalized expression of the unspeakable nature of traumatic experience that is beyond the narrative. Devastating traumatic events are believed to create ruptures in the linear flow of experience, and this resists any attempts at verbal representation (Caruth 1995).

Based on the analysis from the first part of the study, this “grand narrative of Western philosophy,” which portrays war rape as an undiscussed and unspeakable trauma, is further debated in the context of “echoes of trauma” (Wiseman & Barber 2008). Moving away from clinical investigations of trauma transmission and related PTSD, this section underlines interpersonal themes and child-parent modes of communication in which the painful experiences from the past are to be addressed. In contrast to the focus on the trauma transmission itself (Mikulincer 2006), echoes of trauma understands trauma as highly variant and dependent on numerous variables, including verbal and nonverbal trauma in the sociocultural context of both parents and children (Wiseman & Barber 2008, 231). Building on this paradigm, I argue that silence as an expression or form of sexual trauma could represent a toxic sexual script that survivors transmit to their descendants. Framing the experience of sexual abuse and violation in the paradigms of shame, guilt, and silence could work to maintain the patriarchal ideas of women as inherently ‘rapable’ and rape culture itself as an accepted cultural norm. I furthermore draw some conclusions regarding how breaking the silence not only is essential for women survivors to recover from the trauma and free themselves from the past but in fact becomes crucial in transforming patterns of rape culture, actively and critically addressing it, and establishing future effective efforts to prevent sexual violence both in peace and during conflict.

Emergence of Silence in the Narrative Map of War Rape Survivors

Slavenka Drakulić, in her famous 1999 novel *As If I Am Not There*, illustrates how silencing the “rape survivors-to-be” started with humiliation and dehumanization in detention:

(...) they look at each other with the same question in their eyes. But they do not talk about it; they keep silent (...). And still they keep silent. Do they think that this conspiracy of silence can conceal their shame, defend their honor? Or is it that their experiences are not something one can share with others, not even with those who have gone through the same thing themselves? (1999, 153)

Silence among survivors is often understood to signify psychological and political repression. Because it deviates from the Eurocentric psychosocial norm of voice, the absence of voice according to Carol Kidron (2009, 6) signals “psychopathologized processes of avoidance and repression, socially suspect processes of personal secrecy, or collective processes of political subjugation.” In the context of the Holocaust, a number of authors began to define this silence in terms of unspeakability (Caruth 1995; Kidron 2009), the inability to discursively frame the nature of a horrific experience. Caruth (1995), along with other theorists, asserted that trauma is fundamentally incomprehensible, unreadable, and inaccessible, and other authors have maintained the same stance on silence as “signifying the ineffability of the disaster” (Blanchot 1986) and the limits of ethically narrating the atrocities of war and genocide (see Adorno 1949; White 1992; La Capra 1994). Dan Bar-On (1996, 99) describes the silenced facts from victims as the “primary pain of the trauma and the victims’ consequent difficulty in putting this pain into words,” and he frames this as “indescribable.” In contrast, here I focus on what he further elaborates as “undiscussable”: the secondary pain of victims that manifests itself in the social responses of certain bystanders that transforms perpetrators’ atrocities into so-called silenced facts. However, the silence is not the consequence of solely the indescribable psychological and physiological pain but rather of the whole experience that dehumanizes and humiliates victims as human beings (Anderson & Doherty 2008; Ullman 1996). Sexual taboos, social stigmas, and different fears are also communicated through silence (Skjelsabek, 2011) in terms

of the broader toxic social context in which speaking out is not a matter of reporting the crime—although the International Criminal Tribunal for the former Yugoslavia has recognized mass rapes in Bosnia as crimes against humanity—but a question of honor and shame. Delić and Avdibegović (2016) reported that survivors often expressed the fear that their stories would not be heard or that people would simply not be able to understand what had happened to them. They felt that they could not trust others, and their silence appeared to be the best response for their self-recovery but also for leaving behind the past of the whole community and the events. Survivors' fear that their testimonies will not be believed or will be appropriated and they will thus be re-victimized (Henry 2010, 1101) all add to the vicious and unbreakable circle of rape silence.

Even if Helsinki Watch (1993) and Amnesty International (1993) had published their reports on rapes when the war was still going on, the cross-sectional study by Delić and Avdibegović (2016) shows that the average period of silence lasted approximately 10 years, which could also explain the fact that the literature on different aspects of the phenomenon of war rape in Bosnia-Herzegovina began to flood the public space around the same time. However, there is a slight paradox in the fact that whereas more and more women spoke out and publicly appeared in courts or as parts of different informative and educational projects, the narrative of silence as well become stronger if not more intrusive. Meanwhile, the numbers of survivors who did expose themselves publicly continued to increase, and we came to hear more testimonies and data on the events themselves; different agents including academics and journalists importantly impacted the social judgments and the idea of the social narrative of silence and victimhood. Less has been said, however, about how survivors fashion themselves on the basis of their experiences and these judgments (Mookherjee 2006, 434). Still, the majority of previous studies note that trauma survivors keep the details of their painful past experiences secret (Danieli 1998; Kidron 2003). As George Simmel argued in his classic essay "The Secret and Secret Society," the latter is a consciously desired concealment that enables group cohesion by restricting the distribution of social knowledge; it controls the system of power and directs moral misconduct. In short, it helps members of society and social groups to position themselves in response to the judgments of others. A 2006 film by Jasmila Žbanić, released in the United Kingdom as *Esma's Secret: Grbavica*, opens a nexus between silence, shame, and secrets that is captured in its central character. Esma, as the representative of "raped Bosnia," is mostly

a quiet, passive woman, and her ongoing fear—which we can see in her wide open but still insecure eyes—is continuously narrated through her perpetual silence: from the very beginning when her eyes open abruptly to seek empathy with the spectator to “dropping her head and keeping silent” (Vojnović 2006) to her holistic attitude throughout the whole film in both her behavior and her body posture. Her trauma and “secret” are narrated nonverbally by her granted lack of “*joie de vivre* as demonstrated by her (depressive) body language” (Koebel 2009). Žbanić’s language and introduction to Esma’s secret are nearly always subtle, and the details of Esma’s past pop up piece by piece until the movie’s climax, when she finally reveals her background to Sara, her daughter, and to the spectators. We can see this point in the narration as also the moment when the burden of silence is finally broken and the secret is revealed.

The very idea of the movie’s plot, be it about Esma’s individual trauma or the collective silence we also observe in the group of other survivors, rests on Simmel’s paradox that members of society need knowledge and information to live among each other. However, sometimes the complicated system of modern-day conception is sufficiently devastating and dangerous that one needs to falsify it:

To understand social information, then, requires wise discernment, which can sort out the real from the false, can reveal what is hidden, can tell what should properly be kept hidden, and can dismiss much else that is cunningly or cheaply proffered. (Beideman 1993, 6)

In terms of war rape survivors and the public recognition of rape as a crime, we can apply Simmel’s idea in the frame of the personal protection of survivors and their descendants, but the narrative of silence also operates in the place of political manipulation of information and how we want to construct societies, social order, and activities. Silence thus sometimes appears as a consequence of a secret, part of a painful past that cannot be communicated out loud, but it also appears as a desire to forget past traumas in order to construct new, trauma-free, postwar identities. The survivor denies and ignores the past with the act of silence in order to move on with her life (and her family) constructively without being preoccupied with danger.

Just as survivors were long resistant to speaking out, academics and journalists were committed to breaking the silence and even to working against the “conspiracy of silence” (Danieli 1988; Zerubavel 2010).

However, we can read these attempts as Kidron (2009, 8) described them: “moral and political mission[s],” as the anthropologist-turned-activist serves to liberate trauma victims from the “shadows of silence” (Waterston & RylkoBauer 2006). The problematic part of the mission to break silence is not appropriating the truth or exaggerating the traumatic expression in form of silence; this mission was always accompanied by patronizing discourse that fueled accompanying characteristics of “perfect” victims such as innocence, powerlessness, and soul death, among others. One illustrative example is the classic work *Breaking the Wall of Silence: The Voices of Raped Bosnia* by Seada Vranić (1996). In the book, Vranić builds an image around the silenced women in relation to religion and urbanized versus traditionally raised women such that the latter are portrayed as more innocent. One interviewee who originated from a rural part of Bosnia asserted that the women who had spoken out on rapes were clearly “city women” because everybody else would be ashamed to talk about these vulgarities (Vranić 1996, 125).

In her book, Vranić narrates silence as an essential attribute given to raped women. She begins the introduction by quoting her friend Nada, a Serbian psychologist, who gives her some “instructions” on how to make a victim talk about her experience. She writes:

Nobody knows more about keeping silent than a raped woman (...) Get rid of the stereotypical idea of victimization. A victim may not look threatened, confused, depressed or sick. A victim may be fat, not a thin skeleton. Some victims have no education; others may be well educated. A victim may be limited in his or her own mind, or very intelligent, ugly or pretty, young or old. But you must never show that you are surprised (...). Real victims will not ask for money to tell their experiences. False victims will do that. False victims often have money as their only motive to tell their story and will ask for money at the beginning of an interview. (...) Do not try to break the ice, try to be funny, comical, or amusing. Be serious, but not official. Try to get the victim to talk in a monologue without questions (...) if you repeat these stories over and over, soon the stories will seem unauthentic, banal... (Vranić 1996, 33-35)

Another example is the 2014 documentary movie *The Silent Scream (Nečujni krik)*, produced by the Balkan Investigative Reporting Group from Bosnia-Herzegovina and released in order to motivate and encourage survivors who had not yet spoke up, to send the message that they did not need to be ashamed of what had happened. The title itself communicates

two extreme psychological anxieties that survivors usually face: on the one hand, the burden of embodied trauma and overwhelming urges to scream out and on the other, the social pressure, fear of stigmatization, and threat of exclusion. The executive producer of the film, Mirna Buljugić, exposed the need to change the culture of silence and break down the stigma as one of the leading motifs in further work with survivors and communities. The survivors who collaborated with their testimonies mentioned the inability to talk with their spouses and even being abandoned after they spoke out. Erna Mackic, editor at Balkan Investigative Report Network (BIRN) Bosnia and Herzegovina office said, "Society is not ready to hear them, listen, or help" (Justice Report 2014), and a similar narrative was adopted by a journalist who reported on the movie's screening:

The core of this trepidation is due to the incident in itself; nobody really feels at ease when talking about a survived rape. But the silence is reinforced by aspects of Bosnian society, which is a predominantly traditional one with a male power monopoly. (Ferizaj 2015)

As the silence was shattered over the years of numerous women's speaking out, the publicly accepted discourse of women rape survivors' remaining silent became a kind of paradoxical paradigm. We can agree—at least after the (in)famous release of Angelina Jolie's 2011 feature movie *In the Land of Blood and Honey*, which portrayed rapes and raped women as the protagonists—that the topic is "generally known but cannot be spoken" (Taussig 1999, 51). However, stigmatized, avoided, and silenced the crimes of sexual violence remain, the status of war rapes is beyond the "silent witnessing" under which the conspirator is aware of the crimes but is unwilling to publically acknowledge it (Cohen 2001, 75).

As a conclusion to this chapter, I claim that the silence surrounding the war rapes in Bosnia-Herzegovina is neither random nor spontaneous. Rather, I borrow from Durkheim (1964) and Foucault (1977) and assert that the ritualized and controlled mechanisms of silence are the ultimate manifestations of social control not only over collective memory but also the very culture of sexuality. In the case of rape survivors, we find the structure of desired female sexuality being further perpetuated; the silence of the past crimes is usually accompanied by the image of powerless, innocent, "pure" women.³ The complexity of silence among rape survivors is multiplied by the fact that sexuality is generally expected to be socially suppressed. Most aspects of human sexuality are often articulated in

the forms of “taboos against looking, listening, as well as speaking” (Zerubavel 2010, 34). In addition to sexuality’s being a social taboo and as such silenced, avoided, and unspeakable, sexual violence and rape as a war crime are to varying extents denied by all sides involved, including protecting so-called national heroes from the execution of law and justice. Setting aside the criminal justice aspect of this issue, I would like to proceed by contextualizing silence in the process of trauma transmission. Women’s sharing their experiences of sexual atrocities by breaking their silence in their families and in front of their children is nothing but undressing their intimacy and talking about your sex (Plummer 2004, 102). Moreover, if the definition, experience, and understanding of sex among the survivors equal only violence, abuse, and nonconsensual acts, then we can perhaps talk about the transmission of specific cultural codes that are the result, consequence, and/or legacy of their trauma.

Silence and Trauma Transmission

In this chapter, I want to incorporate the role of silence as discussed above into the process of trauma transmission. In the same way as Lyotard and Larochelle (1992, 407–408), I call for a more flexible reading of “speaking out” and of communication as memory practice that also takes take into consideration nonverbal and interactive meaning making. These authors assert that language

is not essential for communication if by communication one implies understanding or empathy. Communication and transmission, as mechanical metaphors, erringly reduce the complex process of language to mechanical relations. (1992, 407–408)

In these terms, here I perceive silence as a complex process of meaning making that plays a role not only in each individual survivor’s memorization but also, as I claim here, in her trauma transmission.

However, before I develop hypotheses and draw some paradigms, I would like to elaborate on the understanding of trauma transmission itself and how we can observe and study it in the context of postwar Bosnia-Herzegovina. The clinical studies and literature on trauma transmission, particularly the effects of PTSD, are rather rich and expansive; in most of the sources, scholars came to the agreement that second generations may

suffer from the traumas of their parents, which can result in maladaptive behavior patterns (see Halik, Rosenthal & Pattison 1990). Among others, Kogan (1995) describes symptoms of PTSD such as repression of emotions, difficulties with intimate life, fear of separation, failure to separate from parents, isolation, and others. Rather than understanding trauma in Freudian psychoanalytical terms as an individualized, unconscious process (Freud 2003), I focus on the moments when “testimonies of survivors enter into history narratives” (Ricoeur 1999, 143). Rather than clinical and psychotherapeutic studies of trauma, the qualitative–narrative research approaches appear more suitable for studying the second generation’s relationships with the painful, unspeakable past experiences of their parents and their communities. These nonclinical studies (see, for instance, Bilu & Witztum 1997; Bar-On et al. 1998; Sagi-Schwartz et. al. 2003) have not in fact found reliable evidence of greater emotional and psychological problems among descendants of survivors in comparison with control groups. Some early studies found particular patterns of behavior such as aggression (Krystal, 1968; Baracos 1970) and distrust in external environments, that is, fearing people outside of the family (Danieli 1988; Lifton 1988) as the projections of survivors that were successfully transmitted to their children and/or grandchildren. Because these symptoms rest at the crossroads of psychopathological, behavioral, and social influences, they will be taken into consideration later when I begin thinking about how perpetrators project contaminated ideas of (female) sexuality and general patriarchal rape culture codes.

Studying the meaning of trauma in the life stories of survivors and descendants through more ethnographic accounts furthered advances in terminology beyond the medical context, which shifted from “transmission of trauma” (or secondary traumatization) to “intergenerational effects of trauma” (Kadron 2009, 7). Kadron elaborates:

Attempts to outline the process of intergenerational transmission have given us a plethora of terms, such as “vicarious identification,” “secondary traumatization” (Figley 1995), and even the metaphysical term “osmosis,” yet all these terms and implied “processes” fail to depict the way that survivors “give off” their experience of trauma or the way that their descendants internalize and embody the effects of trauma. (2009, 15)

A number of theoretical perspectives and research fields have attempted to investigate whether trauma and traumatic experiences are transmitted

to future generations and, if so, what exactly is transmitted (Wiseman & Barber 2008, 3). However, in analyzing the available studies and sources, Kidron (2009, 15) critically observes that psychological and cognitive conceptualizations of knowing the trauma failed to define the practices of transmission itself and also reception. The interest in what has come to be known and revealed from the violent past to the so-called second generation has sparked memory studies, and the discourse produced by descendants of survivors has come to be seen as a “syndrome” of belatedness or “post-ness” (Hirsch 2012) that has been variously termed “*mémoire des cendres*” (Fresco 1984), “absent memory” (Fine 1988), “*mémoire trouée*” (Raczymow 1994), “received history” (Young 1997), “vicarious witnessing” (Zeitlin 1998), “inherited memory,” “belated memory,” and “prosthetic memory” (Lury 1998; Landsberg 2004). In her *The Generation of Postmemory: Writing and Visual Culture after the Holocaust* (2012), Marianne Hirsch problematizes those concepts and her term “postmemory” through assumptions of an essential link between the traumatic past of one generation and the need for descendants to remember. The use of ‘post’ or ‘after’ implies the inter- and transgenerational acts of memory transfer (including of traumas) and the fact that the received memory is necessarily different or distinct from the memories of witnesses and victim-survivors. The idea of postmemory emphasizes memories that are not personal but that significantly impact one’s individual or generational life and world perspectives. The post-generation “remembers” some of their parents’ experiences through both stories and silence as well as the images and behavior they receive from their parents as survivors.

However, the two generations often live in a dialectical relationship between the *need to know* (descendants) and the *need to forget* (survivors), which maintains the culture of silence in which “parents do not tell and children do not ask” (Bar-On 1995). Hence, Wiseman and Barber (2008, 80) assert that silence in families is not a conspiracy (Danieli 1998) but rather a protective mechanism: Survivors who desire to forget the past and adjust to new, post-conflict life continue to believe that withholding information about the horrors is compulsory for children’s unaffected development. This proved to be a misconception in that the children who were protected from the traumatic stories of their parents and grandparents were sometimes affected not only in the form of ill health but also in social dysfunction, violence in their communities, and other outcomes (for more, see Milroy 2005, xxii). In addition, Kidron (2009) emphasized how the ethnographic

accounts of Holocaust descendants show the presence of non-pathological forms of trauma through “silent, embodied practices, person-object interaction, and person-person interaction.” This nonverbal transmission of ideas, the *silent presence*, is an important form of communication that reproduces existing patterns of rape culture and oppressive sexual scripts. According to Ruth Waynryb (2001), survivor–descendant interactions entail transmitting shared ideas or meanings as a system of signs; because I do not see language as an essential or distinct mean of communication, I propose to study silence as a form of trauma transmission.

Jordanova (2012, 54) argues that women generally feel more comfortable sharing their war experiences with their children and grandchildren and are in this way important transmitters of the memory narrative that travels across generations. However, as she adds, this does not apply to female victims of war rape: “In this specific case, their story seems better organized again but it omits the moment or period of sexual abuse.” For this reason, I want to analyze trauma transmission in the form of silence through Bar-On’s (1995) concept of the “double wall.” This paradigm summarizes everything that has been said before on understanding, applying, and interpreting both individual and collective silence; it focuses not on reasons or attempts to explain why silence is adopted but more on how this silence is later used by descendants. After wars, both survivors and perpetrators build a wall between their present-day lives and their traumatic pasts and the violence they experienced or committed. Many children sense these walls—also through the silence—and to fill in knowledge gaps and answer the questions they have had for years, they build their own walls that in a sense are how they construct, explain, and interpret the history and their parents’ experiences.

The lack of opportunity to put these experiences into words sometimes leave a fertile ground for the flourishing of fantasies that the child develops to fill the gaps. Sometimes this involves the generation of possibilities that are even more appalling than those that actually occurred. (Wiseman & Barber 2008, 235)

At later stages, dialog seems almost impossible: Even if one side “opens the window,” only the wall on the other side can be seen. Bar-On, together with other scholars in the field of psychoanalysis, insists that only when the silenced histories are revealed can the transgenerational transmission of trauma be prevented.

The idea of the double wall is important in the frame of this study because if we imagine the generation that grew up with specific memories narrated through the ideas and implications of silence, we risk losing this generation's potential to advance understanding of certain (harmful) cultural patterns. Silence, denial, and shame, all (un)discursive practices that surround the legacy of rape, help to maintain the conception of sexual violence in which women are viewed as "inherently rapable" (Smith 2005, 3). The recent history, the rape stories both told and untold, and the ethnic stereotypes that are still embedded in every piece of cultural identity make women from Muslim survivors' families more vulnerable to sexual stigmatization; disturbingly enough, the men and boys on the other side are no less stigmatized: a male of Serbian origin becomes subjected to eternal positioning as a rapist and a perpetrator. Transmitted trauma thus manifests itself in rape myths (Burt 1980), prejudicial, stereotyped ideas, perceptions, and beliefs about rape, rape victims, and rape perpetrators.

Silence as a Counterproductive Narrative in Fighting Trauma Transmission and Violent Sexual Patterns

Whereas silence is usually coupled with forgetting or denying, here I take it as facilitated collective memory, where it can be understood as "a complex and rich social space that can operate as a vehicle of either memory or of forgetting and thus can be used by various groups for different ends" (Vinitzky & Teeger 2010, 1104). Silence provides a narrative frame for the rape stories to be told and the survivors protected. The story of silence positions survivors into contexts within society, where it travels and

it can be embodied, written down, painted, represented, communicated and received in distant places by isolated individuals, who can then, through them, be remembered and reunited with the collective. (Eyerman 2004, 161)

If we are to understand the silence of raped women as part of the collective memory, then this silence become particularly problematic from a Durkheimian position in social thought where collective memory is seen as central to the reproduction of society (for more, see Eyerman 2004, 161). What is intriguing here, however, in terms of sexual scripts is what Susan Sontag would call "collective instruction":

What is called collective memory is not a remembering but a stipulating: that this is important, and this is the story about how it happened, with the pictures that lock the story in our minds. Ideologies create substantiating archives of images, representative images, which encapsulate common ideas of significance and trigger predictable thoughts, feelings. (2003, 85–86)

Silence as a form of collective trauma and survivors' expressions of their hurtful pasts have become translated into the leading narratives about war rape and how we discuss, narrate, and attempt to understand the crime and its legacy in post-conflict contexts. As I showed previously in this text, the silence surrounding war rapes and survivors not only is a nonverbal expression but also sends out cultural, political, and symbolic ideas. According to Schudson (1997, 6), the past continues and shapes the present on three levels: (a) personally through how it is transmitted in individual lives; (b) socially as manifested in social institutions and laws; and (c) culturally, mainly through language and symbolic systems. All three levels importantly form the ideas of sexuality and sexual violence and its application in individuals' personal and social lives. What I claim in the following lines is that if the prevailing memory of women survivors is a traumatic one that equates sexuality with violence and abuse, then this memory is easily translated into transmitting specific norms, cultural perspectives, understandings of relationships, gender-related paradigms, values, and beliefs.

Despite the listed sources in the previous chapter that show that the evidence on war rapes and crimes of sexual violence in the context of the Bosnian War is rather rich and significant, the omnipresent narrative of silence communicates the very problematic social understanding and (desired) representation of survivors and phenomena as such, as well as of sexuality itself. First, the silence is counterproductive in searching for justice and recognition of war crimes; it contributed considerably to securing impunity for the crimes in the aftermath of the war (Lyotard 1988). However, what I want to address here is this very connotation of the taboo, stigmatized culture of (female) sexuality that silence brings with it. As in other contexts, silence is "self-reinforcing" (Bird 1996, 51); the longer we remain silent, the more silence we need to cover the previous silences. In other words, "silence becomes more prohibitive the longer it lasts" (ibid). Sexuality has been silenced across all cultures and times; practices, rituals, and beliefs both normative and alternative have coexisted empirically,

but the (public) acknowledgment was built with the understanding of sexuality as undiscussed. The open debate about many of its aspects was socially and even legally suspended, and given that the debate lasted for centuries, sexuality itself became propagated as silence. Hence, we find ourselves today in a position in which war rape is difficult to discuss; it is difficult to find the proper words to talk about it, and it is difficult to find anything to say (see also Flesch 1966, 349; Ryan & Oestreich 1991, 30). Breaking the conspiracy of silence among rape survivors and their descendants thus means also making sexuality and violent sexual culture part of public discourse and social recognition.

Using survivors' testimonies, I propose to observe the (sexual) culture here as story, the social world as text, the society as discourse, and the lives as narratives. These ideas have been well established in the contemporary social sciences (Blumer 1969; Hall 1973; Brown 1987), but to understand the vast web of joint actions among two generations (survivors and their family members and descendants), Ken Plummer (1995) developed more precise and accurate paradigms. Cultural scripts or, to narrow the topic to my interest here, *sexual scripts*, operate through storytelling by three important agents. First are (a) the producers, who turned themselves into social, sexual objects. They display their sexual lives and provide the stories to spectators and audiences. Both the language of trauma and the silence provide societies with their ideas on sexuality and sexual violence. Survivors' narratives play crucial roles here in exposing the oppression, violence, and trauma; giving voice to "silent histories" raises awareness and public recognition of gender-based violence and "alters history's narrative" (Hesford 1999, 195). Those who are targeted by the stories might become either (b) coaxers or (c) consumers. Coaxers are listeners and questioners; the coxer is the researcher who brings the problematic narratives of silence and shame to the public and attempts to shatter the stigma of sexually abused women. Consumers, in contrast, consume these stories or interpret them through their social meanings and conceptualizations (Plummer 1995, 106–107). In this respect, the latter can be either other silenced female survivors who hear rape crimes and events related in the media or what I am interested in here, descendants who know the story, assume certain parts of it, or build flourishing fantasies to fill in the missing, non-narrated parts. The meanings of the stories depend not only on actors but also on changes in the realms of context and social worlds (Plummer 1995, 106). Sexual stories or scripts as a "set of behaviors, beliefs, and the meanings attached to them are

constructed by individuals and social groups” can change over time and across national boundaries (Lewis 2006, 254). The rape, the violence, the pleasure, the visibility, and the ignorance of sexuality are defined by these scripts, but as Lewis argues, they are “not simply downloaded verbatim into individuals. Individuals select the cultural scenarios that are most consistent with their own ideas of and experiences with sexuality and incorporate them into their own menu of sexual acts” (2006, 256). However, the rare studies that exist on prewar Bosnian sexuality and sexuality among Balkans in general do not emphasize the “interpersonal” or “intrapersonal” scripts (ibid).⁴ Cultural scripts do not refer only to the “expectations of male-female relations, but they are also in charge of moral prescriptions for appropriate and inappropriate sexual practices and their public representation” (ibid). In addition, there is a continuous rivalry in the literature between essentialist views of sexuality under which it is a fixed, culturally and socially independent human instinct and the constructivist view that forms my hypothesis here, which claims that

sexuality has no inherent quality and merely represents a system of cultural meanings which are themselves created within matrices of social power relations”. (Drescher, Ercole, & Schoenberg 2003, 1)

Sexuality, hence, captures culturally specific “instructions for sexual conduct,” which includes “when, where and with whom” (Laumann & Gagnon 1995, 190). However, what is more important in the context I attempt to address here in my search for the intersection between (violent) sexuality as the legacy of trauma transmission and is what some scholars have called intrapsychic scripts: These are a metaphor in which sexual meanings and desires serve as a guide for sexual conduct, not only in the present but also in the past and the future (Laumann & Gagnon 1995, 190; Whittier & Simon 2001, 141). Furthermore,

intrapsychic scripts include fantasies, memories, and mental rehearsals, and it is within the intrapsychic scripts that individuals work out the difficulties involved in enacting interpersonal scripts within the general context of cultural scenarios. (Simon & Gagnon 1986)

Survivors’ testimonies, which in my opinion are transmitted as either trauma or memory, could easily affect specific perceptions and ideas of sexuality. The latter is, as is gender, a social construct (Schwartz & Rutter,

1998; Lafont 2003; Seidman & Fischer 2006), meaning that it is shaped and regulated by social norms. Rape as a sexual crime and not a marital norm achieved intellectual agreement only recently, and communities and social groups around the world still perceive it as an unproblematic and unquestioned part of cultural traditions and accepted practices. Early definitions omitted the possibility of rape in families and marriages by understanding rape only as male “sexual intercourse with a female, not his wife, by force and against her will” (in Finkelhor & Yllö 1985); in addition to prohibiting wives from making criminal allegations of rape against their spouses, these ideas also contributed to the strong legacy of gender-based divisions between females as victims and males as perpetrators (for more, see Burt 1980; Lonsway 1994; Weiss 2009). Rape as an accepted and normalized sexual pattern was also described in Seada Vranić’s *Breaking the Wall of Silence* interviews:

You know what rape is. You are married and you know what men do with women. For years and years, I heard that it, between men and women, sex as it is called in modern times, was the best thing in this world or the world beyond. My whole life I worried about not marrying (...) Unfortunately now, as an old woman of 50, I grew wise (...) If the “beast” had not taken my honor I would forever think wrongly and I would never know the truth. (...) I wish I would have never known the truth and I wish instead that I would have regretted (not having sex) for the rest of my life. (Kadira in Vranić 1996, 130)

The mass war rapes that happened during the conflict in Bosnia-Herzegovina were crucial in the process of recognizing rape as a separate war crime during the prosecution by the International Criminal Tribunal for the former Yugoslavia in 1996 (Simons 1996); although crimes of rape and sexual violence had been committed in wars before, this was the first international war crimes trial held since those in Nuremberg (1945) and Tokyo (1946) and marked the first time in history that individuals were charged with rape and sexual violence as war crimes and crimes against humanity. However, the international law clashed with conventional wisdom on rape as a crime against humanity, which is well illustrated by the example described in *They Would Never Hurt a Fly* (1996), a historical nonfiction novel by Slavenka Drakulić. She witnessed the trial of the so-called Foca Trio⁵, who all pleaded not guilty, and in her words, the whole trial and the accusations of rape seemed surreal to these men because

[a]fter all, even if they were a bit rough with the girls, they did not kill them, and they did not order them to be killed (...). (...) the crimes committed by the trio from Foca do not even look like crimes, at least not in their eyes. In their part of the world, men often treat their own wives as nothing more than cattle. The man is the boss, the woman should shut up and obey him, and it is not unusual for a man to beat up his wife in order to remind her of that. Rape? What is rape anyway? To take a woman when you want and wherever you want? It is a man's right, no question, as far as his wife is concerned (Drakulić 2005, 53).

The ways in which a culture defines and understands appropriate sexual practices and gender roles mediate the silence and shame of sexual victimization rather than sexual perpetuation. Furthermore, the cultural narrative regarding gender, sexuality, and crimes related to both contributes to survivors' perceptions of their identities and experiences as shameful (Weiss 2010, 287). In societies such as that of Bosnia-Herzegovina, women's chastity, moral laws about "good and bad," sexist imagery, and the superiority of men and male heterosexuality, as well as the cultural legacy of taboos, stigmas, and silence, all (in)directly impact adult sexuality. As Stevi Jackson (1999) argued, the ideology of childhood innocence becomes quickly gendered: Just as little girls are continuously (hetero)sexualized from very early ages, little boys are called on to prove that they are "real" boys in ways that mark them as men, masculine, and in Bosnian (popular) culture, even as macho (for more, see Epstein et al. 2000). Across cultures and throughout time, female sexuality has been guarded through virginity and purity myths, reproduced and re-narrated through generations; once it was dishonored, it became a matter not only of individual shame and humiliation but also a reflection of a family's failed protection and hence reputation (for more about this, see Jafri, 2008; Skjelsbaek, 2006). Similarly, the context of war merely reflected these everyday patriarchal patterns and this cultural preoccupation with female sexuality and the "woman-body needing protection" (Jalušić 2004, 150; see also Seifert 1994, 59). Nearly universal historical and cultural ideas based on and maintained in patriarchal systems and worldviews contribute to the accepted norms of female sexuality as such as traumatic. Even the early feminist ideas on "sexual liberation" communicated that if anyone needed to be the first to break the circle of violence, it was women. However, the core ideas of rape culture, where the woman is still to be (self-)blamed in case of rape (due to her improper behavior, clothing, etc.) suggest that even "liberated" women have to be aware of

their own responsibility to protect themselves from the dangers of sexual attacks. Indeed,

‘good girls’ are expected to be both chaste and diligent in protecting their sexuality from violation. (...) This means that when rape or sexual assault occurs, it is often the victims rather than the offenders who are blamed, humiliated, or defamed by these crimes. (Weiss 2010, 289)

In the abovementioned novel *As If I Am Not There*, Drakulić illustrates these ideas by showing how certain items that exaggerate femininity and sexual independence are in the end nothing but symbolic badges of spoiled sexuality. The sequence that takes place in a detention camp describes how the protagonist, after discovering a left-behind cosmetic bag, puts on red lipstick, black eyeliner, gray eye shadow, and black mascara that highlight her “mysterious, seductive eyes” (Drakulić 1999, 92), and in this transformative and liberating moment, she rediscovers her prettiness and her self-confidence. Sharing this with other girls, she is “breathless, joyful and she throws herself on to the mattress” (ibid). Touching her forehead, at first the girls assume that she has become neurotic and has a fever. M., one of the women, becomes angry, demanding her to take off her makeup: “Take off the make-up (...). You look like a whore.” S. responds to her without hesitation, “But why are you angry? I am a whore. We all are whores.” When M. wipes off her makeup, she runs into the toilet:

You just want to look pretty for our boys, right dear? (...) Of course, so they like you. So, you can smile with painted red lips at those boys, those enemy soldiers. Smile and say to them: come into my arms. Quietly swallow the horror, like sperm. Pretend it is not being forced on you, but rather that it is fun and you enjoy it. Then perhaps they will forget that their task is to rape you. (Drakulić 1999, 93)

In this paragraph, Drakulić summarizes all of the prescribed roles and behaviors that navigate female sexuality and creates a narrative that constructs, moralizes, and domesticates the past events in a continuous cultural flow. When we narrate war rapes, we go beyond historical and legal accounts by sending forward messages and thus establishing a fruitful ideological basis for preserving cultural patterns. Some scholars (see Blanco & Rosa 1997; Egan 1997) proposed that teaching history should promote critical and reflexive approaches whereby the past is not a definite

event or phenomenon but can be seen as constructed and sometimes unfaithful representations of social realities. This same also applies to the sociology of sexuality, wherein the latter is no longer naturalized and normalized as an unchanging biological instinct but is provided by all different influences of learning and socialization processes.

Studies on trauma transmission in Bosnia-Herzegovina have been rich in investigating the transmission of inter-ethnic and inter-religious hatred, legacies of the ethnic interwar division and political fears nurtured among the three ethnic groups in the region. However, the role of negative life stressors—especially the violent experiences of rape survivors and their attitudes concerning their sexuality and that of their descendants—has been little studied. In terms of sexuality as such, the vast majority of schools and families officially silence any kind of sexuality, and in the rare cases when it is presented publicly, it exists in very straight, repressed, and limited form (for more, see Epstein, O’Flynn & Telford 2001). Because Bosnia-Herzegovina remains a patriarchal country, the struggle regarding alternative sexualities also goes hand in hand with unsilencing the past atrocities that used sexuality for the purposes of war.

Conclusion

The previous text aimed to address the complex interconnection between rape legacy, silence, and the transmission of sexual scripts through survivors’ traumatic memories. I ask, If the Bosnian generation of postmemory, as Marianne Hirsch would call it, translates the contaminated messages of war rape trauma and silence into social realities, values, and relationships, does this reflect resistance to changing the rape culture and the failure to do so? Is the so-called silenced traumatic memory of female survivors capable of transmitting the knowledge and understanding of sexuality as violent and abusive?

Both the silence of women who were raped in wars and their trauma transmission to postwar generations have been addressed previously, but very few scholars have addressed the question of how we (can) learn sexual culture through memory. This seems extremely important when the memory consists of traumatic experiences of abused dignity and dehumanization through sexuality. For this, I have attempted to argue that we need to start debating the silence of raped women as well as the narrative about this silence beyond the medicalized understanding of

trauma and PTSD. We can observe silence as a PTSD symptom, but it could also be a protective mechanism for the descendants; it is therefore a conscious act of survivors not to tell in order to avoid potentially stigmatizing or traumatizing their children. Sometimes, the silence is also a choice against transmitting the trauma; however, as I attempted to argue using Dan Bar-On's idea of double walls, whether the story is silenced or told in parts, one always strives to find the missing spots and fill the narrative gaps. If survivors do not share their rape stories with their families, descendants will learn about them from the media and their peers and friends. The circumstances that led some of the women to speak out and others to not do so are numerous, and therefore, to gather the knowledge and raise awareness, we must rely on those few who voiced their memories. However, most of the knowledge has been produced by agents for whom speaking out does not bear the burden of shame, social ostracism, and stigmatization. It makes the whole idea of raped women's silence somewhat counterproductive because we have to ask ourselves how exactly we define silence—which can only be seen as an interpretative act—based on the testimonies of those who did not keep silent. I argue that at one point, silence became an ideological vehicle for further promoting heteronormative values, positioning women as powerless, shut down, voiceless. In the last two decades, information and knowledge on war rapes in Bosnia-Herzegovina have spread widely, which shows that there have been voices, individuals speaking out, and that they have been heard. Meanwhile, keeping the idea of a raped woman as a silent victim rather than focusing on the women who became loud, voicing survivors only confirms the broader sociopolitical demand for these categories and identities to be preserved and supported by the accompanying narrative. We can see this as a failure in previous narratives, in which the goal of many scholars was to bring the issue to the front, the open space, and to actively address it. Rather than shattering the stigma of survivors, the continuous presence of the silence narrative only reaffirmed and empowered the social myths it was supposed to combat.

The paradigm of breaking the silence speaks to us because there is silence and it does need to be broken; the silence is the cry of women survivors for the support of outsiders, agents, scholars, and journalists. We will therefore never have real access to women's experiences; because of their silence, their experiences are always interpreted by those who speak in their names, a contradictory, somewhat "savior-based" position that needs critical discussion. This is not to say that there is no silence and

that women were not silenced, literally or symbolically. On the contrary, I believe that in post-conflict Bosnia-Herzegovina, there is great interest in putting pressure on survivors by threatening them and thereby keeping them silent. Silence helps in denying war crimes and therefore slows down the process of transitional justice and prosecution.

Still, what I think is important is what I was attempting to reflect in the connections I draw between silence, trauma transmission, and sexual culture as learned behavior. In the second part of the text, I attempt to show how restraining postwar generations, especially descendants, from open debates on “abused” sexualities helps to promote the culture of silence as the normal and accepted social order. It not only empowers the idea of women as inherently vulnerable and even rapable but also maintains the divisions along ethnic lines in that we have on one side the narrative of silenced Muslim women survivors, for whom speaking out would be a shameful act, and on the other side, only the image of the violent, aggressive Serb male perpetrator–rapist. This division communicates the essentialist understanding of sexualities as ethno-prescribed attributions, and this narrative influences the very ways people perceive themselves along gender and ethnic lines and the social roles and ideological positions they accordingly take. My main concern therefore remains, How do we break the silence of rape survivors and rape crimes without actually reinforcing it?

NOTES

- ¹ This text is a part of broader study called “I Will Not raise My Child to Kill Your Child: Motherhood, Collective Memory and Continuation of Culture of Violence Aftermath of War” that addresses the question of trauma transmission among women survivors, now mothers, of war rapes in Bosnia. This text is only theoretically based and serves as a foundation for understanding the main concepts and paradigms of sexuality, trauma transmission, and silence as three of the main theoretical aspects in the context of war rape survivors and their after-war family lives.
- ² For more about the war rapes committed during the war in Bosnia-Herzegovina, 1992–1995, see Amnesty International (1993) and Helsinki Watch (1993).
- ³ See my forthcoming essay, “The Epistemological Evolution of ‘Imagining the Sexualities’ through Violence in the Balkans” in Sonja Biserko (ed.), *Yu Historia: A Multi-perspective Historical Account (2018)*.
- ⁴ According to Lewis (2006, 256), sexual scripts are held at three different levels. Cultural scenarios refer to the cultural or the social level, where abstract ideas about sexuality are created and shared among members of the community, society, or culture. Interpersonal scripts influence how an individual acts on his or her chosen set of sexual ideas in relation to other person(s). The third level, the intrapersonal level, explains the location of the individual’s own ideas about sexuality.
- ⁵ Dragomir Kunarac, Radomir Kovač, and Zoran Vuković, three Bosnian Serb war criminals from the town of Foča in Republika Srpska, were the first men in European legal history to be sentenced for outrages upon human dignity, including the mass rape of Bosnian Muslim women as crimes against humanity. On February 22, 2002, at the International Criminal Tribunal for the former Yugoslavia in The Hague, the men were sentenced to 28, 20, and 12 years in prison (Drakulić 2005, 46).

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