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R/EVOLUTION AND ORDER

SERBIA AFTER OCTOBER 2000

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Editors' Note

It is only exceptionally that social scientists are given a chance to experience firsthand such a dramatic condensation of social developments as Serbian/Yugoslav scholars witnessed in September and October 2000. The federal presidential and parliamentary elections of 24 September lost by Slobodan Milošević and his political forces, and the subsequent defense of election results in mass demonstrations throughout Serbia, culminating in the grand rally in Belgrade on 5 October whereby the regime was forced to acknowledge defeat and cede power peacefully to the Democratic Opposition of Serbia and the new president Vojislav Koštunica, constitute what is sometimes called "the last revolution of the 20th century" or the "downfall of the last dictatorship in Europe". The social scientists therefore had a unique opportunity to see many of their reflections, theoretical concepts and argumentations played out, as it were, in front of their eyes.

In the case of the Institute for Philosophy and Social Theory the link between "theory" and "social reality" was even more direct. Many of its members had long been politically active on the opposition scene under Milošević, and some of them emerged as the chief actors of the democratic changeover of the year 2000, including the crucial figures of President Vojislav Koštunica, chairman of the Federal Parliament Dragoljub Mićunović, and the current Serbian Prime Minister Zoran Đinđić. Thus the Institute felt it its duty to provide a setting where these vitally important political events could be scrutinized, their initial results critically evaluated, and their possible future course charted. Such a setting was provided at the International Conference "Social and Political Changes in Serbia/Yugoslavia: Prospects and Limitations", held in Belgrade on 2 and 3 March 2001, with the participation of nearly a hundred social scientists from Serbia and the neighboring countries, belonging to disciplines as diverse as political science, sociology, anthropology, social psychology, legal studies, international relations, and so on. The Conference was held thanks to the grants generously provided by the Friedrich Ebert Stiftung, Freedom House, and the Ministry of Science of Serbia.

This book is the English translation of the volume which appeared some months ago in the Serbian language. It contains most of the papers presented at the Conference, along with several articles written later on, by people who for various reasons could not take part in the Conference itself. The role of the editors was limited to collecting the papers and grouping them under the appro-

priate headings. This, we believe, was the best way to adequately reflect the vast diversity of the views expressed at the Conference and to retain the promise of a fruitful dialogue between particular contributions. The date of writing is indicated at the end of each paper, so as to enable temporal contextualization. For the publication of the Volume we are indebted to the Belgrade Office of the Friedrich Ebert Stiftung.

Belgrade, 15 December 2001

Ivana Spasić
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INTRODUCTION

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Event and Narrative

(On Judging the Character of Contemporary Events)

Summary: The author discusses the problem of characterizing and explaining historical events using the example of “5 October.” He points to differences in principle arising when a “scientific explanation” is applied to interpret social processes. The author particularly emphasizes the dependence of the meaning of historical events on the narratives in which they are constituted and the link between narratives and practical goals. He argues that pseudo-scientific explanations play a practical role rather than a cognitive-descriptive one. Thus, the explanations of “5 October” emerge as factors of change in their own right, increasing their credibility by resorting to “neutral” theoretical narrative.

Key words: narrative, scientific explanation, latent changes, revolution.

1.

5 October 2000 certainly represents a significant event in our contemporary history. Even if the events that follow it do not live up to expectations, its significance will remain if for no other reason than the fact that it did not become transformed into a tragic social conflict, which could realistically have been anticipated. Therefore, its significance cannot be interpreted only on the basis of its positive outcome, but also on the basis of what was avoided in that event, what did not happen but had the necessary preconditions for happening. It is from that very point that we start our study of the possibility of the characterization of contemporary events such as the event whose symbolic-practical sense is contained in “5 October.” The problem can be formulated in the following way: is the judgment of the character of events founded only on the positive facts of which we are witness or is it also founded on the explanation of what was avoided and what did not happen in it? This issue seems to assume even greater importance bearing in mind that study into “character” presupposes the identification of the *permanent* and *particular* (essential) specific nature of the event itself. Can, therefore, existing positive facts confirm the specific characterization of “5 October”?

Before that, it is necessary to examine what forms of characterization are most frequently mentioned. The problem of the identification of its character can be posed as the problem of *denomination*. How can “5 October” be denominated? We shall give a number of examples: “revolution,” “peaceful revolution,” “democratic revolution,” “revolution of restoration,” “counterrevolution,” “removal of elite,” “putsch,” “overthrow,” “civil revolt,” “moral revolt”... Each example of denomination also presupposes an evaluation of events according to which “theory” of society covers the specific term. That is to say that each of the terms mentioned has a particular meaning depending on the type of practical-theoretical discourse in which it arises, and the denomination of “5 October” as a “revolution,” “counterrevolution”... has meaning depending on which interpretative tradition is being used. “Revolution” can, in one case, have a positive connotation – if it arises in the context of “progressive” interpretations, while it can have a negative connotation if it arises in the context of conservative interpretations. Similar can be said of “counterrevolution.” “Removal of elite” would mean that essential changes have not taken place in the society itself but only on the level of domination over it; “putsch” and “overthrow” would stress, to a greater or lesser degree, the role of violence in the process of change, while “civil” and “moral” revolt would point to the potentials of the “civil society” and the role of the public in social changes, etc. The different forms of justifying or contesting the social processes following “5 October” then stem from the specific form of the characterization. In this case, we shall not enter into the validity of the individual forms of characterization of the event itself and the practical implications following from them, but we shall devote attention to the structural matrices of interpretation that arise in all the mentioned examples.

A single matrix of interpretation, which has the structure of *nomological* explanation, is used in all the mentioned examples. It consists in reducing the *interpretation* of social events to an *explanation* by showing the event by means of denomination as a particular case of a specific “theory.” This is analogous to that type of scientific explanation that consists in placing an individual case under a general law, from which follows a specific type of legitimacy and the abnegation of its practical significance. The problem with this type of interpretation lies in the following: neither are the “theories” that are applied in the interpretation of social events “scientific laws”, nor are the social facts examples of “scientific facts.” Here “stories” (narratives) figure more than in science, and they do so in a dual sense. “Theories”, that is practical-theoretical interpretations (liberal, Marxist, conservative, democratic...), have a story structure and thus differ essentially from “scientific theories.” Social facts, however, have meaning only in the context of narratives, as a result of which they too differ essentially from “scientific facts.” In short, the role of the *story* in the interpretation of social events is constitutive, in contrast to “scientific explanation,” where it is more explanatory. Oversight in this respect gives rise to at least two unfavorable consequences as concerns the interpretation of contemporary events. The first is that such a

quasi-scientific explanation excludes in principle from its discourse all those segments of events that cannot be denominated in its interpretative matrix, with the result that, as a rule, it remains “blind” to all those processes that evolve outside of its assumptions in principle. And these elusive, *latent* processes are those that can have a crucial effect on the outcome of the event itself. The second unfavorable consequence actually stems from this “exclusivity in principle” and concerns the fact that the interpretation of the outcome of contemporary events on a conceptual plane is more guesswork than prediction. In it, the expression of the *attitude* towards the evolution of events is seen as its description, which conceals the fact that the attitude is the expression of a specific interest or power structure. And vice-versa, the stronger, i.e. more powerful interpretation tends to legitimize itself in its time as cognitively more valuable just because of its “more powerful” credibility and thus, through practical domination, establishes the standard of “theoretical” interpretation.

2.

A social fact is said to represent an event if it surpasses the customary evaluation of other social events in its significance, that is in as much as it is exceptional in its significance. The *significance* of a social fact stems from the extent to which it *signifies* something particular in a given context, that is to say that it has a specific *meaning* in it. The meaning, however, does not exist merely in itself but with respect to other factors of the context, and, in the case of the event, it is with respect to the context as a whole. Consequently, the meaning of “5 October” stems from the meaning that it has for the entire society, which cannot be concluded without looking towards its future projection – what will “5 October” mean for the future of society? Therefore, the sense of “5 October” is justified with a projection of the future, which is always interpretative, that is linked to a *narrative* of the future. In other words, the event has no meaning outside of the story – the event makes sense (has some meaning) only in the scope of a narrative. However, that also means that the social fact that has the sense of an exceptional event in the scope of one narrative, could, in another narrative, be described as unimportant or even erased. For example, an event that can be described as a crime in one story can be interpreted as a victory of war in another; the bombing of a country can be called both “humanitarian intervention” and “aggression.” It can therefore be claimed that, at one moment, there exists a multitude of mutually exclusive narratives on the basis of which specific social facts are recognized as events or erased as such. It is not just that there are several stories about one event, but that events may exist in one story, while in another they do not exist at all – the story can destroy the event. Thus, “5 October” can in some stories be denominated as an event with positive or negative meaning on the value scale, but it can also be erased. For example, if changes on the normative level are not implemented on the actual one, “5 October” would not represent an exceptional social fact in many everyday narratives.

If “5 October” is truly an event in our recent history, then one must return to the claim that there is no such thing as a “pure” event, that it has sense only in the context of the story about the future of the society. However, such a story cannot be confirmed directly, but can only be persuasive to a greater or lesser extent. What can be used to legitimize a specific type of credibility? It could be the projected goal, but all existing social facts do not confirm the achievement of the projected goal. As they are subject to interpretation, they can be interpreted differently, even as facts that refute the achieved projections. Besides, the same facts are not in the field of vision of all narratives.

The justification of the existing state of affairs from the viewpoint of a projected future encounters several problems. Firstly, there is not one single projection of the future, one common narrative, in society, and nor do social facts have the same meaning in them. Furthermore, specific social facts can have meaning in one story (projection of the future), while they remain quite outside the field of vision in another. That is why it would seem to be necessary to introduce an additional form of legitimacy of the existing state of affairs, a form based not only on what has been achieved in the existing state of affairs, but also what has been avoided.

However, the sense of events does not rely on positively established facts in this case either, but on the assumed course that could have happened had there not been “5 October.” In this way, not only positive but also *imaginative* social facts are concentrated on the existential-practical plane. Only from this actual synthesis is it possible to look analytically into its specific aspects, fit them into separate stories and interpret them in accordance with the interpretative patterns in force.

By its very nature, the event is synthetic. Its specific segments do not evolve separately, but each is an integral part of another. Only in a narrative in which the sense of the event is interpreted is it possible to separate its different aspects analytically. However, every story, and even every analytical interpretation, is basically synthetic. That is because it strives to put forward the entire sense of the event by means of its interpretative matrix, also interpreting those sections of it that, in principle, it does not encompass. What is actually involved here is the need for the true complexity of the event to be “translated into the language” of a specific interpretative matrix. Thus, for example, “5 October” can be interpreted in the scope of a political, economic, legal, cultural, everyday or some other story. The mentioned types of stories can themselves also be varied, even contradictory, but, in every case, each type of interpretation strives synthetically to encompass all segments of the event and translate them into its own language. The synthetic nature of the separate interpretative patterns conceals the actual complexity of events by separating specific social facts, giving them priority over others and taking the meaning of the separate facts as a criterion for determining the sense of the event, not taking account of what segment

of the event they come from and whether they are in accordance with that very type of analytical interpretation. At that, it is quite possible to take social facts concerning one type of interpretation as confirmation of another interpretative type. Democracy, for example, is measured in economic parameters, or the problem of national-state constitution is equated with democracy... This does not, of course, mean that these problems are actually quite independent, but that is not justified for one argumentative interpretation to be transmitted from one interpretative pattern into another, that is that the rules of a discourse are applied imperceptibly in the other and *vice-versa*. The synthetic character of the event is translated into a synthetic domination of one interpretative matrix, or story, over another.

3.

If the story can erase the sense of an event, does that mean that what is *real* depends only on dominant stories? No, it does not, because the obliteration of an event in one narrative does not exclude its meaningfulness in another. That is why, even if “5 October” were not denominated as an important event in our contemporary history in some stories, its presence in others makes it real. It goes without saying that the reality of one event does not mean that its meaning is unambiguous. Due to the conflict of various interpretations, the issue of its sense remains unsolved – open.

The sense of “5 October” does not stem only from the fact that its meaning is markedly acknowledged in one narrative or another, but also from the fact that it is virtually abnegated (suppressed, passed over in silence, obliterated). Much of what is meaningful in a society is often concealed in different stories. Likewise, the stories that articulate “5 October” conceal those events that upset their basic intentions. However, the events and processes that are passed over in silence, that are lacking in the dominant interpretations of reality, do have social significance. Even those social facts that have not yet achieved public reflexivity or exceed the limits of current imagination are also real in the practical area. Which social factors will act latently in a specific social situation depends on the basic intentions in the dominant narratives.

Dominant stories strive to maintain themselves as the sole pattern for the interpretation of social reality, thus reducing the interpretative complexity of events to a smaller and smaller number of interpretative components. Different, relatively independent historical tendencies merge in the narrative reduction of interpretative components. Thus, for example, the course of overall social changes can be interpreted as the history of one type of change – political, economic, technological, etc. However, the distribution of epochs into historical series that are built by various social tendencies does not always coincide, nor are those tendencies always congruent. Thus, events such as “5 October” also con-

tain in themselves social tendencies that differ amongst themselves according to type, practical goals, degree of historical development and degree of reflexivity. Subsequent interpretations, such as, for example, the mentioned denominations of "5 October" represent segments of synthetic stories that follow the course of specific interpretative domination and thus prevent the reflection of latent social processes. However, historical experience shows that latent and non-reflected processes are extremely effective in their time, and that even the constitution of ruling narratives, or interpretative patterns, is considerably affected by the relation towards them. Latent processes also have their narratives, which compensate for lack of reflexivity by practical effectiveness.

How then, in the light of such narratives, can one determine the sense of "5 October"? Let us look first into the scope of which stories this event can appear. These can be very different types of stories: theoretical, stories of democracy, stories of privatization, stories of human rights, as well as state-building/national, historical, interest, party, military-strategic, globalizing, individual, status, generational, stories of expectations, stories concerning everyday practice, economic-technological progress... (The mentioned list is not placed in any hierarchical order deliberately, for this paper does not give priority to any story *a priori*.) It must, however, be noted that exclusive stories exist in the individual types, and that all types and all individual stories do not have the same degree of reflexivity. Does an unequal degree of reflexivity have an impact on the effectiveness of the individual stories? We are prone at this moment to claim that there does not exist an unambiguous link between reflexivity and effectiveness, just as we are also inclined to claim that there does not exist a direct dependence between their effectiveness and credibility.

Let us imagine Serbia on 5 October 2000. What stories were underway that day? Did law, justice, order, democracy, freedom, the future, individual interest, individual expectations, wealth, the market, privatization, DOS, SPS, Koštunica, Milošević... have the same practical, existential and symbolic meaning in all stories? Did the story of democracy, despite the fact that it was dominant, express the real sense of that event, in as much as we assume that the sense of an event depends on the realization of the democratic projection of society?

We do not, of course, think that democratic impulses were not determining the movement of citizens, but we are trying to see if, from the viewpoint of the possible outcome of the changes that followed 5 October, that event had to have the sense of a democratic act. Does the course of events after 5 October confirm that the narrative of democracy is being realized in society? Is that narrative the appropriate explanation? Can the denomination of "5 October" as a "revolution," a "peaceful revolution," a "democratic revolution," a "revolution of restoration," a "counterrevolution," a "change of elite," a "putsch," an "overthrow," a "civil revolt," or a "moral revolt" be confirmed by the subsequent course of events?

4.

Depending on the narratives in which the mentioned denominations appear, their adequacy is defended and disputed to an almost equal extent. Perhaps the laconic solution consisted in assuming that “5 October” encompasses all the implied aspects! Which meta-narrative could encompass all the different, even exclusive, stories?

Let us start from the assumption that such kind of meta-narrative, as a universal explanation, is unfeasible. As a substitute for the lack of the universal meta-narrative, the tendency exists for some particular story to impose itself as a universal explanation. For example, the story of democracy, the story of sovereignty, the story of globalization, technological development, economic progress... Each of these individually does not have to totally reject the rival stories, but strives towards “translating them into its own language.” In translation, the meaning of the rival stories is transformed in line with the needs of the dominant narrative. Their synthetic nature makes it possible, on the other hand, for them to justify themselves frequently by referring to parts from rival narratives. Thus, for example, democracy could render itself legitimate through technological-economic progress.

Let us give an example. The criticism of Milošević was based on the normative principles of modern democracy. However, after “5 October,” those principles actually shifted into the background, despite the fact that they are still functioning in public discourse. Critical strategy is being replaced more and more by “expert” strategy; “expert strategies” are taking priority over normative utopias. A special indicator is the fact that the significance of all social science, except economy, is being marginalized. The rule of experts (“expert narrative”) is actually changing the sense of democracy – democracy is becoming one of the segments of “expert” strategy, although the democratic rationalization of social changes is still maintained. In other words, the normative sense of democracy is being rendered legitimate by “expert narrative,” the narrative of globalization or by technological-economic progress. However, democratic procedures are not valid in the economy, science and technology.

This kind of shifting of the focus of social changes is not specific to our society. In fact, departure from isolation in itself imposed such a shift. However, that also requires a different interpretative matrix in order to perceive the sense of internal changes with respect to changes that are already taking place in the world. The problem lies in the following: changes in Serbia, an essential segment of which is involvement in the world order, are being rendered legitimate with a classic democratic story, which has been modified in that developed world itself. This is a paradoxical situation in which the interiorization of international norms is interpreted by means of normative models (democracy, international law, human rights, technological and economic development, which are them-

selves in a state of crisis. In that context, the democratic narrative, like other dominant narratives, is losing more and more of its standard meaning and assuming a mobilizing sense instead of a descriptive sense. In that respect, dominant narratives are not goals in themselves, but separate segments of strategies that have the task of legitimizing the transition towards a possible state of society in which a *modus vivendi* is ensured.

That transition is, however, evolving in a conflict of different and even contradictory interpretations, whereby the dominant interpretations are lagging more and more behind the changes in social facticity. The evolution of social changes outside the eyeshot of dominant interpretations does not, however, mean that society is not actually adapting to changes in the global order.

Changes started long ago in the various segments of life, from everyday practice to the implementation of high technologies, but in an anarchistic form. They were verified politically on 5 October. The political paradigm then tends to synthesize all segments of changes and interpret them in accordance to its own interpretative pattern, but it finds confirmation of its success more in the sphere of the economy than in politics. Thereby, it is not seen that the formal adjustment of the internal order to international standards will have to encounter not only the problem of the implementation of those standards in our society but also the problem of the formalizing of anarchically already developed forms of communication with the world. That type of problem points to the existence of latent practices that still remain outside the domain of dominant narratives, and these in turn point to the problem of non-reflected practical interpretations of reality which, despite their lack of reflexivity (or, perhaps, because of that), are more effective than ruling normative narratives.

5.

What, in fact do “practical interpretations” refer to? They are concerned with actual practices that subjects in society use in pursuing their goals. One here starts from the assumption that the existential-practical conduct of conscious subjects is always interpretative in the sense that it represents an effective “enactment” of narratives composed of values, expectations, interests, desires, goals and the strategies and tactics of their fulfillment. They refer, primarily, to everyday non-reflected but functional practices that, as such, can be more effective than theorized/reflected activity. In claiming this, we are thinking of the following: practical interpretation is linked to the functional plane. It is valid as long as it is successful, when there does not exist a specific need for self-reflection or elaborate theorization. Reflection comes later, usually as a subsequent reaction to failure, when practical interpretation does not achieve the expected results. And it is then, at a time of crisis, that its reflexive articulation can occur and give it the dominant place in public discourse. That can, however, also be the moment of its separation from reality, with the result that the plane of actual events slips

away in the process of its own theorizing. The case is similar concerning dominant normative narratives, which, following their interpretative inertia, endeavor more to fit actual complexity into the existing interpretative vocabulary than they are prepared to renounce “principled exclusivity” and open up to effective latent processes in society. The interpretative oversight of latent practices is compensated for by the unrealized goals in one plane of social processes being replaced by successes on other planes, which is made possible thanks to the complex nature of dominant narratives. Thus, in synthetic narratives, one event is not rendered strictly legitimate in the discourse of one type of narrative but by assuming justification from another discourse. For example, the lack of democratic procedure can be compensated interpretatively with segments of state-national or expert narrative, etc. It can thus happen that the establishment of the content of other narratives can be achieved by insisting on one type of narrative, just as it can happen that latent social processes and practical interpretations determine the course of social changes to a greater extent than reflexive narratives. Bearing in mind the latter, it can be assumed that the dominant interpretations of society will become irrelevant in the foreseeable future. What, for example, can the problem of whether “5 October” was a revolution or a putsch mean to today’s generation of high school children?

If this were a problem only on the cognitive plane, it would perhaps not be so important, but it also has practical implications. That is because the denomination of “5 October” in one of the mentioned ways assumes, as has already been noted, that the sense of such denomination depends on the entire synthetic narrative in which the specific name assumes a meaning. The denomination itself binds to itself the entire narrative in the sense that it defines “5 October” as a separate case of more general “theory”/“law.” The specific type of legitimization of events following “5 October” therefore stems from that. The consistent derivation of the implications from such a link would mean the compulsory strict implementation of the “theory” (synthetic narrative) on social processes. However, “consistent” implementation would end in violence, as it would actually have to render other narratives subordinate to it. That is why the model of the *nomological explanation* of events such as “5 October” implicitly contains performative contradiction. In fact, a distinction should be made between the problem of practical and logical consistency in the implementation of interpretations. Logical consistency presupposes logical necessity under specific assumptions, while practical consistency presupposes the use of power, the consistency of power – in the final account the use of power – in a given social context. In that sense, the ultimate confirmation of the validity of a specific denomination of “5 October” could mean the total predominance of the corresponding narrative in society. On the other hand, the weaker variant of the verification of whether characterization by means of specific denomination is valid could rely on positive social facts that, at this moment, confirm the “theory”/narrative. However, the sense of the social fact can be designated thematically only

if it fits into the specific narrative, which, in this case, is linked to the future project. There are no guarantees that the sense of one social fact in one narrative will completely suppress its meaning in a different narrative, or that it will remain the same in a different context. As, therefore, each story contains essential elements that cannot be confirmed positively at every moment, the characterization of contemporary events by means of a specific type of denomination is of only limited significance – more practical than descriptive, as it is more the expression of practical expectations and options than the “mirror” of social reality. It is therefore difficult to lend positive legitimacy to contemporary events on the basis of characterization by means of denomination.

Another method is *negative legitimization*. The sense of “5 October” is justified on the basis of what was avoided thanks to that event, what was prevented from happening. In that case, legitimization is achieved on another plane, on that of what did not happen, which, it is believed, would have been worse than the existing social situation. Such legitimacy does not confirm the theory but places it in contrast to other possible (worse) scenarios. By avoiding a worse scenario, we confirm the justification of the existing state of affairs. What is involved, therefore, is an assessment, a choice between different possibilities, whereby the criterion of choice is the avoidance of a worse alternative, and not the certain success of another. (Nor, of course, is this kind of legitimization unambiguous, as the worse alternative can, in different narratives, be interpreted as a value. For example, the isolation of society, economic collapse, lawlessness, political terror... have ceased in the scope of the legitimizing narrative of “5 October”, but in the scope of the delegitimizing story this event meant the loss of sovereignty, national interest and dignity...) Therefore, the legitimacy of “5 October” does not evolve in this case with the confirmation of some theory with a positive example, whereby the event confirms certain laws (a philosophy of history) but by the fact that the existing state is justified by the avoidance of a worse possibility.

However, this kind of legitimization is also limited on a time scale. Society needs positive legitimization, and it obtains it in the form of the mentioned synthetic narratives. As we have come face to face with their limitations, the question arises as to what extent they successfully explain the sense of “5 October.” The reply could run as follows: to the extent to which they can follow latent social processes, articulate them or include them in their practical interpretations.

However, the subsequent reflection of practical interpretations at a moment when they reach a point of crisis has little legitimizing power. It would be necessary to articulate the principled possibility of the previous interpretation and not that of the subsequent reflection of practical interpretations. Such a possibility exists in the case of the development of the capability of *seeing oneself as others see one*. In this way, the direct sequence of practical interpretations could be perceived in the context of different narratives and surpass its private character, which, on the other hand, would also change the structure of dominant synthetic

narratives. In this way, it would become possible to demonstrate more clearly that not even the main protagonists in the events and their interpreters are acting strictly in line with their “theories,” but they are using them to justify non-theoretical practices and as a cover for reflexive self-correction under the influence of latent processes – as a bridge for taking society from one state into another. Therefore, the “explanation” of the character of contemporary events such as “5 October” also has more of a practical than purely descriptive-cognitive role. It itself emerges only as a factor of change which strengthens its credibility by means of “neutral” theoretical narrative.

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Translated by L. Krstajić



THE CHARACTER OF CHANGES

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Democratic Revolution in Serbia

Summary: The opening part of the paper discusses issues related to the nature of the Milošević regime and to the problem of accounting for its relative obstinacy and its sudden implosion during the peaceful democratic revolution of 5 October 2000. The central part of the paper is devoted to an analysis of the political and social protagonists and the structural-historical circumstances that had an impact on the success of the democratic revolution in Serbia. The author particularly emphasizes the impact of the international environment on the dynamics of Milošević's rule, but also contingent historical factors such as Milošević's personal traits and erroneous judgments.

Key words: democratic revolution, nationalism, democracy, political protagonists, international environment, Titoism, communism, role of the Church.

Nature of the *ancien régime*

It was a case of a kind of post-communist, or, to be more precise, *post-Titoist etatism*, and that of a quite *modified* form. For decades I have been defining "etatism" as a social system in which one group maintains the monopoly of strategic control over the state and, by means of it, over the economy and other spheres of social life.

In the first half of the eighties, Milošević's ruling elite was firmly linked with the post-Tito order by a section of the cadres, party organization (*Savez komunista Srbije* /League of Communists of Serbia/ and *Socijalistički savez radnog naroda Srbije* /Socialist Alliance of the Working People of Serbia/ united in the Socialist Party of Serbia – SPS), and "its" property. And speaking of cadre continuity, it would not be a bad idea to recall that Milošević himself, not to speak of those around him, was for a long time a functionary of (at best) middle hierarchical level. One of the aspects of continuity with (post)Titoism was the partly market economy, or rather the simulation of such an economy, as there was regime monopoly of strategic control over "state and social ownership." A more hidden side of that monopoly – and that is Milošević's innovation – was *etatist capitalism* in which many members of the ruling elite abused "state and social

ownership” for the creation and accumulation of private ownership and wealth. It goes without saying that this is neither the first nor the last example of thieving privatization in history.

Milošević’s group made use of the Serbian national issue and Serbian nationalism to come to power and to consolidate itself in power, while true Titoism and even post-Titoism did its utmost to prevent the opening up of that issue and fought against it.

The most essential modification came about with the permission of multi-party pluralism at the beginning of the nineties. That was the key move in what I have long been calling Milošević’s *democratic pseudomorphosis* of (post)Titoist etatism. I am thinking of the fact that democratic forms were permitted and at the same time used in an authoritarian manner to conceal the permanent monopoly of the structural control of the ruling group over the state and, by means of it, over the economy and other spheres of social life. Admittedly, the *subversive* potential of that pseudomorphosis threatened the ruling elite at the local elections in 1996 and brought them down at the presidential elections on 24 September 2000.

The most difficult and the most interesting question is not why the *ancien régime* in Serbia collapsed but why it lasted so long and then suddenly and, on the whole, peacefully, imploded.

Character of the October overthrow

In an interview given to *Radio France International* on 3 October 2000, I stated that a “mass and peaceful revolution” was underway in Serbia, and I repeated that statement and elaborated on it in a talk with journalists of the *Politika* daily two weeks later.

Had the overthrow of 5 and 6 October not been sudden, we could not describe it as revolutionary.

Its second characteristic lies in the replacement of the ruling elite (the top of the etatist class) with the counter-elite (DOS) that intends to implement *radically systemic changes* by opening up paths for the development of democracy and capitalism.

It was a peaceful revolutionary overthrow with the minimal use of force on both sides. From previous experience, the demonstrators knew that time was on the side of those guarding the order and not on their side if they adhered totally and unconditionally to non-violent methods. In order to prevent that, a certain initial violent challenge was vital, which actually happened. It is perhaps on account of the unconscious remnants of communist education (among other things), which linked the concept of revolution to large-scale violence, that we do not like to speak of that rupture in this country as a revolution.

We do not ascribe a *democratic* character to that revolution on account of the proclaimed goal of the counter-elite but on account of the fact that it had won the presidential elections on 24 September, and it had done so with the support of the local authorities that had won at the elections in November 1996, the results of which were recognized in February 1997 after three months of demonstrations. In that overthrow there was more constitutionally legal continuity than discontinuity, which was also democratically legitimized to a considerable extent.

It was, therefore, a *self-limiting* overthrow, just radical enough to prevent a counter-revolutionary attack.

It is not at all necessary to prove the mass presence of participants in the revolutionary overthrow, as the whole world was able to see and hear of it on TV, radio, the press and the Internet. As the reporters were concentrating on Belgrade, no attention was paid to the start of the mass replacement of the management bodies of state and public economic, educational, medical, cultural, media and other institutions throughout Serbia by strikers' committees and employees as a whole. As a result of this, in our revolution, as in so many others, there occurred the establishment (and in our case the re-establishment) of self-management, at least on a temporary basis. The experience from "workers' and social self-management" in former Yugoslavia still remains in our memories.

It was also an incomplete overthrow, which was completed with the elections of 23 December, the establishment of new republican authorities and the arrest of Slobodan Milošević and his right-hand men.

It is known that a revolutionary overthrow is only the first and essential condition for further systemic changes in politics, law, economy, education... but that it is by no means sufficient. As those changes evolve, we shall, hopefully, have less and less to do with an ongoing revolution and more and more with democratic evolution. From the lengthy list of the huge difficulties facing our *be-lated great transformation*, I shall single out just a few:

The "ordinary" people, uneducated and inexperienced in legal matters, tragically impaired and therefore vengefully disposed, are exerting pressure on the new authorities to seek justice as a rule through revolutionary shortcuts. It is hard to convince them that the *nouveau riches* that have "taken advantage of particular circumstances" in the last decade but have not at the same time broken the law and that they should be required to make only one single tax payment, albeit huge. The people would have the entire property they gained confiscated. And the people understand even less that the former power holders cannot be legally prosecuted for political or moral misdeeds or damage caused but only for illegal acts.

That is actually not surprising, but it is surprising that many western politicians and journalists, in countries where the pulse of public opinion is measured daily, insist, and that in the form of ultimatum, on demands that our public

opinion cannot accept in any way. It is as if there could exist some kind of “democracy without the people.” How can we create, and, more to the point, *maintain* a democratically legal state under such pressures?! Expressing himself metaphorically, Otto Neurath called for the repair of the partially damaged state-social ship in mid-ocean, while continuing to sail at the same time. Some people in the West, it seems, think that in the “Balkans” that ship should be towed away to port for a general overhaul and, perhaps, even be turned into old iron and a completely new ship made.

The majority of the population is inclined to feel a sense of immediate disappointment, as they had had rather utopian expectations from democrats and democracy. They will need much time to learn that democrats are not “men of a particular sterling type” and that democracy should not *by its very definition* be equated with good government and good decisions, but only with a particular procedure for elections, the control of power and decision-making.

It is not good at all that the new democratic authorities will not for a long time have a convincing and strong opposition, as the authorities that have been cast out have been totally morally, politically and legally discredited in the eyes of the people. It seems highly likely that DOS itself will in the process of differentiation have to extract from within itself an effective opposition too.

Causes and protagonists, necessities and contingencies

Two social blocks of support to Milošević’s regime – Serbian-national and social-economic – had already dried up to a considerable extent prior to the October overthrow. By abandoning Serbs in Croatia, Bosnia and Herzegovina and, finally, in Kosovo and Metohija, Milošević’s Serbian-national block had been narrowed to that section of the Serbian corpus in Serbia. And the extent of the social-economic block had been greatly depleted due to the decrease in financial and other resources available to the *(re)distributive*-etatist regime.

I have already recalled that back at the beginning of 1997 the ruling regime had lost local power and, with it, many mass media in the most important towns and municipalities in Serbia. Considerably before the overthrow, there had been the creation of hundreds and hundreds of non-governmental and other “civil society” organizations, all against Milošević’s rule.

The ruling regime received a huge blow when a large number of its former functionaries and followers in Montenegro, led by Milo Đukanović and Svetozar Marović, separated from him and set themselves up in opposition against him.

The regime did not actually know what to do with the newly formed *Otpor* (Resistance) movement. The stepped up repression on the part of the regime against the young people that had gone into action had the effect of geometrically increasing the number of *Otpor* supporters and sympathizers, even

amongst those parents and relatives that had actually been on Milošević's side until then. Many prominent individuals, such as, for example, the first President of FRY, Dobrica Ćosić, joined *Otpor* and supported Vojislav Koštunica's candidacy for the post of President of FRY.

The Serbian Orthodox Church also resolutely demanded the recognition of the presidential electoral results, called on Milošević to do the same and appealed dramatically to the military and the police not to resist the will of the people, particularly not with force.

For reasons I cannot understand, the regime leadership overlooked or at least underestimated the activity of *Radio Index*, which was to play a key informative-mobilizing role in the revolutionary overthrow.

There can be no doubt that the key turnabout came with the unification of party opposition into DOS and the common candidacy of Vojislav Koštunica for President of FRY. It is often forgotten that the initial call on those parties was made by Dragoljub Mićunović, president of the DC. A huge role was also played by Zoran Đinđić, by putting Koštunica's candidacy before his own personal ambitions. Vuk Drašković's decision to act differently and boycott the elections also had the effect of dulling the struggle for leadership in the opposition – he spent that period in Montenegro, as his life had been truly threatened in Serbia.

Koštunica's candidacy immediately became the catalyst of a growing anti-regime mobilization. An exceptionally important factor therein was his tried and tested *democratic nationalism*, on account of which a large section of the Serbian-national block that had been disappointed in Milošević went over to his side. As many people are questioning the actual logical possibility of a combination of "democracy" and "nationalism," proclaiming it *contradictio in adiecto*, we must go into this matter here a little.

Notable books and studies have long been published in the world under such or a similar title, and this is already fair warning that we are not dealing with any kind of logical error of the type "wooden iron," as some people insufficiently educated in logic claim. As human and not physical concepts are involved here, it is inappropriate and even arrogant to set up such a priori impassable boundaries in the conceptual network. Here is what the relation between the two terms looks like according to how I conceive such matters:

We can best see the meaning of "nationalism" in the *conflict of national pretensions*. That is why I define it as *giving priority to one nation over another in such a conflict*. But a clear differentiation must be made between two types of nationalism. The first is when priority is given to one nation over another although both have *equal right* to that pretension. And the second is when priority is given to the nation that has *less right or even no right whatsoever* to it (various degrees and forms of nationalism come into that range).

I consider that only nationalism in the second sense should be assessed *negatively*. Nationalism in the first sense represents a commonsensical and general group bias, which should, one would imagine, be the basis of all *realistic* social practice and conception, even moral conception. And finally, what would be the meaning at all of *self-identification* with some national group, the sense of *belonging and loyalty* to it, were it not for that minimum of bias? It cannot be credibly disqualified as “national selfishness.” Genuine internationalism in the real world does not seek the altruistic self-sacrifice of nations but, on the contrary, presupposes the *reciprocal* expectation and right of each nation to care more for itself than for others under equal conditions. It only requires that nations should not give priority to their own pretensions even when other nations have greater right to them. Those that do not care more for the interests of their own nation but for the interests of other nations, even in situations of *equal rights*, usually go hand in glove with the bad nationalists in its ranks.

Of course, it is still to be demonstrated that even someone who, *only under other equal conditions*, gives priority to the interests of his own nation over the interests of other nations can nonetheless be a democrat. In the case of Serbs in Serbia, this is not hard to demonstrate, as they account for the majority of citizens (even markedly if Kosovo and Metohija are excluded) and, as such, are predominant in democratic elections and support to the authorities. Not only does such nationalism not exclude citizenism (“one citizen – one vote”) but overlaps with it. That is, of course, under the conditions that behind the “democratic rule of the majority” there does not hide the “democratic tyranny of the majority,” which, by means of outvoting, would endanger national minorities and their specific rights.

However, let us return from a conceptual clarification to the main subject of the paper. Many voters opted for Koštunica as they were disappointed in Milošević and on account of the social and economic state of affairs. A further reason was that Koštunica is not in favor of socially ruthless capitalistic “shock therapy.” Furthermore, not only Koštunica’s DSS but also the other parties in DOS did not support *laissez faire* capitalism in the pre-electoral campaign but only one of the following types of capitalism that are fitting to contemporary Europe (or a mixture of them): Christianized, social-liberalized or social-democratized. Upon coming to power, they have started to demonstrate that in deed too.

A good analysis of the causes and protagonists of the revolutionary overthrow in Serbia must also include the international community, particularly the USA and other western forces. It is well known that the West long helped Milošević to remain in power. In the months between 1992 and 1993, it realized that the attempts of Čosić and Panić to replace Milošević had failed, and pragmatically decided to rely on him, blackmailing him more and more (primarily with the Tribunal in The Hague). Even after Milošević’s Dayton concessions in Republika Srpska and his total abandonment of the Republic of Serb Krajina to its own resources, the West did not change its policy towards him, as there

remained the “business” with Kosovo and Metohija. That was why, for example, Holbrooke publicly attacked the announced opposition boycott of the 1996 elections, and the next year he was not in the least disturbed by the Italian-Greek purchase of 49% of Serbia’s Telekom for DM 1.5 billion, a sum that was essential to Milošević in order to prevent social upheavals. How otherwise can one also explain the fact that only after several years of collective sanctions against Serbia did the West “remember” to direct them selectively against Milošević, his family and his top-ranking officials? Already terrified on account of NATO bombing and indictments from The Hague, Milošević’s elite would then definitively have to abandon him if they wished to save their own skins. Their main concern was to ensure that they did not get on the West’s black list, and, for those already on it, how to get off it.

NATO’s bombing meant a catastrophic end to Milošević’s illusion of some kind of balance of power between Moscow and Washington. His autistic hope in some kind of state alliance with Russia and Belarus also came to nothing. It worked out that, in our case, Russia was unsuccessfully endeavoring to disguise the USA’s superiority as an “equal partnership.” Admittedly, Yeltsin did for a while manipulate successfully with the patriotic and pro-Serb sentiments in the Russian *Duma*, the army, the mass media and public opinion with his public anti-NATO rhetoric, but in the end he had to give in to the Americans. It could be seen that Russia could, besides symbolic resistance and effect, do virtually nothing in Kosovo and Metohija and, in connection with that, in FRY as a whole. In no way did it want NATO troops (to the number of nearly 40,000) in Kosovo and Metohija, but it reconciled itself to that fact by virtually putting its military contingent of 3,300 persons (initially the figure of 10,000 had been mentioned) under their command. It had intended to obtain a separate sector for its contingent, as did the USA and other western countries, but it agreed to its contingent being deployed in others’ sectors. It had prepared to airlift its troops to Kosovo and Metohija, but it was powerless when Hungary, Romania and Bulgaria humiliated it by refusing to allow Russian planes to fly over their territories. It dispatched one unit secretly from Bosnia and Herzegovina and took over Priština airport, but it quickly had to put the unit and the airport under the command of NATO generals.

It was also evident that China was not even willing to cross the threshold of heated anti-NATO protests (and even indignant reaction to the bombing of its embassy in Belgrade) and use its right to veto in the UN Security Council.

While the actions, reactions, maneuvers and manipulations of the main protagonists and their intermediaries were taking place behind the scene, bombs kept falling on us in Yugoslavia for nearly eighty days. What was, however, of most importance to Milošević was that he remain in power, even at the cost of losing Kosovo and Metohija. Expecting his rapid capitulation, the West did not understand that he had to resist militarily in order to stay in power himself right up until the moment he could provide a dual misrepresentation: NATO troops in

Kosovo and Metohija allegedly totally under the command of the UN Security Council and the alleged preservation of territorial integrity and the sovereignty of FRY over Kosovo. And, by the way, it is still not clear to western politicians why Milošević was not able to agree to the Rambouillet dictate, even if they had spiced it up with added fabrications. The reason is quite clear: according to that dictate, NATO troops would have had the right to move freely not only in Kosovo and Metohija but also in the whole of the territory of FRY. Milošević was only to capitulate when the arrangement of Ahtisaari and Chernomyrdin precluded that possibility, but also when the danger loomed of NATO land troops attacking Serbia and “calling in on” Milošević in Belgrade.

The surrender of Kosovo and Metohija marked the beginning of the end to Milošević's politics, which, as a rule, produced *defeats and capitulations self-proclaimed as victories*. And the real end was to come when the readiness of the repressive machinery to defend him from the onslaught of insurgent voters imploded suddenly and unexpectedly. I have already alluded to the frustration and hopelessness that was spreading amongst the ruling ranks, including the military and the police, on account of, among other things, the western blockade. Milošević's propaganda about a victory over NATO was so *obviously delusory* that it could not but bring humiliation to even loyal officers and policemen and even sound like an attempt to make them seem virtually insane. And when they found themselves face to face with *mass revolt* from a million people, amongst whom they could recognize their combatants (also armed) from the various fronts, including that in Kosovo and Metohija, they were no longer able to find in themselves any reason whatsoever to defend Milošević's regime by force once again. Participants on both sides of that confrontation were whispering the same remarks and the same answer: it was he who wanted the elections; he lost them; what does he want now?

A historical reconstruction of events should also include the series of fatal mistakes committed by Milošević. First: the imposition of changes to the Constitution of FRY and the convening of direct, presidential elections ahead of time. His intention was to obtain a mandate from the nation for one more period in office and, with that *fait accompli*, to “force” the West at least to leave him alone if they would not recognize him. He *did not have to* do that; he had the totally risk-free alternative of obtaining that mandate from the FRY Assembly, which was actually under his control. And when he had already set off in that other direction, there again he did not have to convene elections for a date that was a few weeks before the US presidential elections. He would have had greater latitude for manipulating the electoral results by pointing to the post-electoral difficulties encountered by a world force such as the USA. It was, however, as if even those mistakes were not enough; he had to run headlong into a third. Instead of resisting Koštunica's victory, it would have been far better for him to have recognized it immediately, sought support in the majority of members in

the newly elected FRY Assembly and forced through the establishment of a federal government under his control. Indications exist that he did recall this eventuality, but he did so too late, as the majority of SNP members from Montenegro had already abandoned him and he had already virtually been deposed. Realizing that, he nonetheless allowed himself to be lulled into self-deception yet again by not understanding that he had been deposed by a revolution and not merely replaced by elections and that, as a result of that, he would not be able to withdraw into normal parliamentary opposition, not to speak of heading it. Milošević's leading followers have been consoling themselves with such a hope until just recently when they themselves were made criminally accountable.

To avoid misunderstanding, I must state explicitly that I am not suggesting in any way that Milošević's regime had a long future in front of it; I am only stating that it did not have to collapse in the way it did. In other words, it could have stumbled along for some more time. As is usually the case in history, different contingencies became involved in other structural factors and necessities, the most decisive of which was the series of Milošević's final self-destructive decisions.

And, after all, if he had not broken his promise to withdraw into the opposition in 1992, our most recent history would have been incomparably less tragic. Thus, Slobodan Milošević has destroyed himself and his family – and not only us. Is he pondering on that in prison?

Belgrade, 12 April 2001

Translated by L. Krstajić

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The Nature of 5 October, “Milošević’s Legacy”, and Democratic Serbia

Summary: In the first part of the paper the nature of the changeover of 5 October 2000 is discussed and described as a peaceful political revolution, with a potential to grow into a social revolution. It is stressed that the changeover did not crush the existing legal order but instead activated its segments which had served just as a façade. In this way the danger of anarchy, so often accompanying revolutions, was avoided. Analyzing “Milošević’s legacy” the author stresses that apart from the numerous negative elements that Milošević’s rule has bequeathed Serbia we can, and should, look also for some positive ones, such as giving up myths, the “advantage of lagging behind”, and the elimination of the ethnic cleavage which is a prerequisite for establishing a stable democracy.

Key words: political change, democracy, revolution, putsch, sultanism, Milošević’s legacy, political myths.

In this paper I wish to explore the nature of the 5 October changeover, its influence on the consolidation of the democratic order in Serbia, and finally what can be called “Milošević’s legacy”.

A putsch or a revolution?

From historical experience during the past three hundred years we know that forceful overthrowing of authoritarian regimes tends to produce weak and unstable democratic governments (Elster, Offe, Preuss, 1998: 49). In ordinary political conditions, as Plato argues, it is not always the most virtuous people who come to power. In cases when power is seized primarily by force, it is very unlikely that the new ruler will be someone who is capable of running the country. It is equally unlikely that he or she will cede power peacefully, after a certain period of time, to another ruler (Goodspeed, 1962: 235). Violent changes of power are

invariably nothing but “a desperate cure for a desperate illness”. And in such therapies the outcome is most often highly unpredictable. Frequently one despot is replaced by another, still worse and more malignant, so that Batista was replaced by Castro, and Pahlavi by Khomeini (Garfinkle et al., 1992: 4, 65).

Certainly, there was some violence in the 5 October changeover. But it is not unimportant whether the events of 5 October are to be called a “putsch carried out by CIA” (see the headline on the front page of *Velika Srbija*, vol. XI, No. 1584, October 2000), or a “revolution”, or some other kind of change of power. Since the notions such as “putsch”, “overthrow” or “revolution” tend to be used rather loosely, in the following sections I shall try to specify the meaning of these concepts.

In the relevant literature, *putsch* is understood as a subtype of *coup d'état*. Coup in turn is defined as a sudden and violent overthrow of the incumbent government and seizure of power by a small number of people who were members of the state structure (Goodspeed, 1962: ix; Luttwak, 1969: 20; David, 1986: 7; Ferguson, 1987: 13; O'Kane, 1987: 22; 37; Farcau, 1994: 2). Coup d'état has several subcategories: 1) *palace revolution*, involving direct participants in power, when power changes hands, but its distribution remains the same; 2) *pronunciamiento*, in which the overthrow is carried out by the military as a whole; 3) *putsch*, when the overthrow is performed by just a part of the military (some units, some officers...); a special kind of putsch is *cuartelazo*, where one unit rebels first, and the others follow (Luttwak, 1969: 25, Farcau, 1994: 3). Anyhow, a coup d'état does not require the participation of the masses or large military forces. It differs therefore from a revolution or civil war (Luttwak, 1969: 24; David, 1986: 7). Coup d'état is simply “a short, sharp action aimed at the seizure of the key functions of a state's ruling system, usually coming to fruition or failure within the space of twenty-four hours” (Farcau, 1994: 7).

Thus if a change of power is to be called putsch, power must be taken by army or police officers who have carried it out. The second possibility is that instead of officers the government is taken over by civilian politicians, while actual power is in the hands of some ‘revolutionary committee’ or ‘army council’. Neither of these is found in the 5 October changeover. Whatever the role of police was in ousting Milošević (on its importance see Antonić, 2001a), actual power was indeed taken over by politicians who until the overthrow had been in deep opposition to the regime. And secondly, whatever connections the new government had had with the police or the military, it put armed forces under its control rather than becoming their instrument.

If we speak of a *revolution*, it can be defined as a violent change of power by people who are not (or are no longer) parts of the state apparatus. The changeover results not just in a new government but in a new order as well. (A new *political* order in the case of political revolution, and new *social* order in the case of social revolution.) Every revolution implies active participation of citizens in the revolt, although not necessarily of a majority (“probably much less than two or

three percent", Tullock, 1987: 213). Revolution means also a certain armed rebellion. This can be the rebellion of a seceded segment of the government (parliament versus the king, like in the English Revolution; or colony versus the metropolis, like in the American Revolution). It can also involve an attack of party units (October Revolution), or of the armed mob (French Revolution). But some measure of armed violence is always present.

After the Prague 'velvet revolution' (1989), however, the concept of "peaceful revolution" has appeared as well. Although the term is a contradiction in terms, it implies that a regime breaks up under the pressure of non-violent popular upheaval, with the government failing to launch the last armed struggle. This was precisely what happened in the Prague case. When 50 000 demonstrators gathered at the Wenceslas Square, on 24 November 1989 the Central Committee was faced with the question whether to crush daily protests by force. Without any doubt, the Czechoslovak police and army had the necessary means at their disposal, and all that was needed was a political decision. Yet the Central Committee decided not to use force. Very soon half of million people went into the streets of Prague, and the communist power was dissolved (Schöpflin, 1993: 231).

Nevertheless, "peaceful revolutions" are still exceptional. It is difficult for peaceful demonstrators to effect a revolution. The government can easily crush even the largest demonstrations only if it is ready to use force. The chief danger for the government on such occasions, rather than the number or rage of the protesters, is its own timidity and lack of resolve to go to the end in crushing demonstrations. "The dangerous situation for a ruler is one in which he kills a few people and then decides he doesn't want to kill any more. This is, in essence, what happened to the Shah of Iran. A truly ruthless leader with loyal troops and a good internal intelligence service does not need to worry very much about popular uprisings" (Tullock, 1987:69).

Consequently, when judging the character of the events of 5 October there is no doubt that they exhibited almost all features of a revolution. The overthrow was carried out by political forces that had not been parts of the ruling structure. In the changeover the participation of the people was crucial – at least half a million people were in the streets of Belgrade on that day (*Blic*, 6 October 2000, p. 3). Traits of armed rebellion were also present – Nebojša Čović had procured a truckfull of guns and armed 150 people, "mainly former policemen" (Bujošević and Radovanović, 2000: 30); but, as Milošević's troops fortunately surrendered without struggle, these weapons were not used (on the armed aspect of 5 October see: Antonić, 2000a). Unlike Prague, where the command to crush the demonstrations by force was never issued, in Belgrade such an order was actually issued. In that respect the Belgrade changeover is closer to a revolution than the Prague one. True, the fact that just two people were killed, by accident, on 5 October makes the whole event more conforming to the Prague model than to the Bucharest one. But one should bear in mind that other, much more famous

revolutionary dates did not cause larger numbers of casualties. In the attack on the Bastille no lives seem to have been lost, while in the raid on the Winter Palace, on 25 October 1917, less than 20 people were killed (Goodspeed, 1962: 233). Finally, 5 October meant not just the change of power, but also a change of order. Milošević's authoritarian order, with powerful sultanistic tendencies (Antonić, 2000b), was replaced by an order which, admittedly, belongs into the weaker sort of democracies (the so-called electoral democracy; Diamond, 1996), but still is democratic.

In sum, 5 October was a revolution. So far predominantly a *political* one, although the possibility for it to grow into a *social* revolution is not ruled out, provided that pro-reform democratic forces succeed in their intentions. Obviously, from the perspective of consolidation of the democratic order every revolution has its bad sides. But in the case of the 5 October overthrow the bad sides are greatly mitigated.

First, this revolution took place at the moment when the regime was already exhausted, so that the overthrow did not require much violence. Had the regime been stronger, it would have defended itself more resolutely; had it defended itself more resolutely, there would have been more blood; had there been more blood, more bad feelings would have remained among the people; stronger resentments would have brought deeper divisions, which in turn would have made democratic order less solid. As it happened, the old regime fell without much blood. There was no need for large-scale revenge, so that social relations were not poisoned by hatred and intolerance.

And secondly, the 5 October turn was not, like other revolutions, an illegal change of power. 5 October itself should be viewed within the context determined by the elections of 24 September, on one hand, and the elections of 23 December, on the other. The revolution actually surged precisely out of the striving to respect citizens' electoral will, to ensure democratic transfer of power. The most serious ailments of young, post-revolutionary democracies are due to a break in the functioning of the legal order. The old, authoritarian regime is usually removed by an abolishment of the constitution and the laws, while some self-appointed, non-elected revolutionary body takes on the role of legislator or even constitution-maker. In Serbia, on the contrary, the change of political order took place exactly according to the legal and constitutional provisions of the old order, in such a way that the authoritarian regime was forced to observe what had otherwise served it just as a fake identity card. Political order was changed by setting in motion parts of the legal system that had existed but never worked (and had been instituted in order not to work). In this way, the 5 October change-over not only failed to abolish the legal order but activated it in its entirety. Thus the danger of anarchy, lawlessness and illegality was reduced to a minimum.

On the whole, if Serbia was not lucky with Milošević, at least the way in which he left was not so bad. Milošević was ousted without much resistance and

in a form which enabled the people to reclaim self-respect. If Milošević had been overthrown earlier, when his order was not yet so exhausted, and without an electoral defeat, i.e. in a truly revolutionary manner, the police would have resisted much more seriously and Serbia would have had to undergo a civil war. If on the other hand he had been ousted later, the sultanistic tendencies would have had more time to shape the autocratic system, and Milošević would have prepared much better for the final clash. In that case he could have been removed only through some sort of coup d'état, without the necessary popular catharsis. In both cases, we would have "revolutionary committees" and a much more complicated transition into a genuinely democratic order.

Milošević's legacy

Let us turn now to "Milošević's legacy". Is there anything good that Milošević has bequeathed Serbia? He can definitely be counted among the worse rulers in Serbian history. In the thirteen years of his rule Serbia was struck by most diverse evils.

Firstly, there are the wars. After five-year long wars for Yugoslav succession (1991-1995), Serbia entered a war against the alliance of 19 most developed countries (1999). The wars brought several thousands dead people, dozens of thousands injured and over a million refugees (in and out of Serbia). Direct war damage is over four billion dollars, indirect one as much as one hundred. The basic task of a ruler is to protect his or her citizens from the state of nature. There is no worse state of nature than war. Wars, of course, cannot always be avoided. But Milošević was getting into wars imprudently, and often unnecessarily.

The second evil was poverty. When Milošević came to power, life in Serbia was better than in most other communist countries. In the meantime, wages and pensions have dropped to one fifth of the original level, national product to one fourth, unemployment doubled, and surplus of employees tripled (Dinkić, 2001: 1). Most people have slid into penury. For many families, it sometimes grew into humiliating misery. The evidence of personal stories, say, during the period of hyper-inflation, shows how much suffering was hiding behind each of these cold figures.

The Belgrade intellectual made bread and the whole morning enjoyed the results of his endeavors, trying to convince his family that this was exactly the right thing to do. To the remark that the only reason for such behavior on his part was the fact that there was nothing else in the refrigerator, he said that it was not true, that during World War II the situation had been even worse. ... Unemployed woman doctor went with her two daughters to a soup kitchen. Seeing the strange faces of the starving demi-monde, the child asked the mother to explain what sort of place was that. 'This is a special restaurant where not everybody can eat' – the mother curtly replied. ... One of the teachers was forced to take bread out of a garbage container in front of his house, wash it and bake it anew..." (DR, 1994: 135-138).

Thirdly, Serbia has lost Kosovo, in factual if not in legal terms. The state of the South Slavs, into which Serbs had built two million lives, also vanished. Milošević was not the only one to blame for these tragedies. But the ruler who leaves his country behind considerably smaller than it was in the beginning of his rule is not unlike a master of the household who through neglect wastes most of the riches he inherited.

And fourthly, Serbia spoiled its relations with almost all ex-Yugoslav countries. It has also remained without most of its old friends and allies. In earlier times, Serbs were held in high esteem, primarily because of their honorable and brave conduct in the world wars. Now they have fallen into disrepute, as bullies, conquistadors and rabble. True, such an image was partly created artificially by Serbian political enemies. But there was a great deal in Milošević's policies that nurtured such efforts and rendered meaningless the attempts of our friends to understand and justify us.

Yet, in every evil there is some good. From all these bad deeds it should be possible to derive some benefit. True, this benefit is by far lesser than the damage done. But if we wish not to forgo it, we have to become aware of it.

The first benefit is a general sobering down, both amongst the intelligentsia and amongst ordinary people. Our popular mind, all the way until Milošević, was burdened by all sorts of myths. Serbs used to believe that they are a particularly brave people, that they are invincible in war, that they never attack those who are weaker, that they are noble-spirited and freedom-loving, that they can defy the whole world if they wish so, and many similar things. Under Milošević, Serbs got a chance to see themselves in a realistic light. The famous Serbian heroism in these wars turned out very often to be empty bragging. Serbs proved to be cowards, oppressors and criminals, just as much as other nations, and sometimes even more. They were losing battles even when they were stronger. Contrary to the popular saying that "a Serb gladly serves as a soldier", many Serbs did not do it gladly, and many did not want to do it *at all*. Defying the world has turned out so clearly to be stupid and vain; love for freedom has transformed into a readiness to suffer injustice and humiliation if only there is some personal privilege that can be derived from it. The propensity to ruin one's own life and the life of one's children in the name of redressing global injustices or a better future has also borne its fruits in a quite palpable form.

On the whole, if "suffering is the mother of wisdom" as it is sometimes said, through suffering under Milošević Serbs have been given an opportunity to learn something more about themselves, and about the world they live in. It seems that Serbs today, freed from many illusions, have a better and clearer insight into their own position and the world situation than they had for much of 20th century. This should be taken as the first valid legacy of Milošević's times.

The second legacy is the so-called advantage of lagging behind (Bogdanović, 1997: 381). After being frozen in Milošević's "crypto-communist limbo",

Serbia is about ten years behind the other countries in transition. Therefore it is in a position to see different experiences and different patterns of installing the market economy and democracy. It can look at the examples of successful transformation, such as the Czech Republic, Hungary, Poland or Slovenia. There are also instances of less successful transformation, like Slovakia, Bulgaria, Romania or Croatia. Finally, there are lessons to be taken from bad examples of unsuccessful transformation as well – the cases of Russia, Moldova or Georgia. Throughout some forty post-communist countries almost all known patterns of economic, political, social and cultural reforms have been implemented. Thus the transitionally “underdeveloped” Serbia has the chance of being able to choose the least painful and most successful paths to transformation.

Finally, the third valid legacy of Milošević’s rule is the ethnic homogeneity of today’s Serbia. After the loss of Kosovo and the arrival of exiled Serbs from Croatia and Bosnia, Serbia has become a more harmonious state whole than before. This is not important for the sake of some racial or ethnic purity. It is important for the building of political nation and democracy. As has been shown repeatedly (Mill, 1958; Miller, 1995; Antonić, 1997, 1999), the absence of deep ethnic cleavages and the presence – be it quite modest – of “primary attachment” to the community are fundamental preconditions for establishing a democratic order. If the dissolution of Yugoslavia stops at, say, independent Montenegro and (*de facto*, if not *de iure*) independent Kosovo, Serbia could arrive at a “nation-state”, political nation and stable democracy within a comparatively short period of time. Of course, under the assumption that the economic situation in the forthcoming period gets at least slightly better.

Prospects for the future

If we think about the future bearing in mind the legacy we have received, and the way in which we have acquired it, we are bound to be overcome by desperation. But like anybody who has suffered a mishap, we can console ourselves that things could have been worse, and that we have learned a lot. We can turn shortcomings into advantages if we become aware that we bear a part of the responsibility for their emergence, but also for their elimination. If, on the other hand, we take the past misfortune as an explanation for all the bad things that are now happening to us, then we shall remain within the closed circle of alibis, such as “five-centuries-long slavery”, “anti-people regime”, “communist totalitarianism”, “Milošević’s dictatorship”... And we should take care that the time we live in not be christened “Quisling liberalism” tomorrow, just in order to justify another stupidity, laziness or greed.

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THE ROAD TO
SERBIAN OCTOBER

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The Nature of the Order and the October Overthrow in Serbia

Summary: Democratic institutions – political parties, parliament, multiparty elections – were introduced in Serbia in 1990, so it would be an oversimplification to call this order authoritarian. At the same time, Serbia's political order did not ensure an "equal arena" for mutual contest to all political parties, so therefore it cannot be called democratic either. Hence, the order in Serbia was most accurately classified as being of the pseudo-democratic type analyzed by Larry Diamond. This definition held until 1998, when the regime started increasingly to resort to violence against opposition parties, independent media and NGOs. In this way, the type of order was essentially changed: pseudo-democracy degenerated into a pure authoritarian order. After the defeat in the September 2000 elections, this type of order in Serbia responded first by attempted fraud and then, when citizens organized protests in response to that, it resorted to violence, to which the citizens showed readiness to strike back on 5 October. Facing this, the apparatus of repression (police, army) withdrew, which marked the beginning of the implosion of the ruling order. The readiness of citizens to react to violence (i.e. the presence of potential force) was an essential factor in toppling the authoritarian order in Serbia.

Key words: democratic institutions, pseudo-democracy, authoritarian regime, potential force, transfer of power.

There is virtually no doubt that a fundamental change in the ruling political order in Serbia took place on 5 October 2000. Authors do not, however, agree as to the nature of that order, and their judgments vary in a wide range from "semi-democracy" through "authoritarian pluralism" to "soft dictatorship," according to the different theoretical-philosophical traditions and schools of thought they follow. Without going into the advantages and shortcomings of such definitions, we shall put forward our own assessment of the type of political order that was in force in Serbia from 1990 to 5 October 2000, taking as the starting point the conceptual framework of Larry Diamond (1996) which, in our opinion that we have explained in detail elsewhere (Goati, 2000: 46-51), provides the greatest

possibility for comparison amongst the orders of post-communist countries and countries with stable democracies.

The central thesis that we shall put forward in the following could be stated, in short, as follows: in the ten-year period of time under examination (1990-2000), there was not one political order in force in Serbia but two: from 1990 to 1998 it was a pseudo-democracy, while in the later period it was a “denuded” authoritarian order with signs of sultanism. It is important to bear this in mind as it was in that later period that the elections were held (24 September 2000), the results of which the ruling order tried to falsify, which led to the “October overthrow” that abolished the regime. Without taking into account the nature of the order in Serbia in September 2000, it is not possible to understand the dynamics of the events that preceded its implosion nor, as we shall later demonstrate, the important role that potential force played in it.

The thesis put forward that there were two types of order in force in Serbia between 1990 and 2000 implies that there occurred a change in the type of order in that period, and this has to be corroborated with arguments. From amongst those arguments we shall make particular mention of the considerable restriction of the freedom of the independent media and the aggravation of the attitude towards the opposition and the non-governmental sector, which became evident after the establishment in Serbia of a coalition government between the SPS, JUL and SRS on 24 March 1998. A number of Yugoslav and foreign authors (e.g. Vučetić: 2000, 22; Cohen, 2001: 423-424) rightly warned of the importance of those changes. If we add that the ruling order in Serbia completely severed relations with the Montenegrin leadership that had been established at democratic elections on 31 May 1998 and endeavored to force that leadership to concessions not only with an “economic blockade” but also with the threat of violent military intervention, we consider that the cumulative results of the mentioned changes confirm the thesis that a transformation came about in Serbia in 1998 – using Larry Diamond’s typology – from a pseudo-democracy (established in 1990) to an authoritarian order *tout court*. We shall now set out in short the division of political orders as identified by Larry Diamond. He takes as his starting point the assessment that the dichotomous division of orders into authoritarian and democratic is oversimplified, as highly different orders can be placed within each of these two groups. Therefore, instead of a dual typology, he suggests a typology of orders into five kinds: authoritarian order, pseudo-democracy, electoral democracy, a middle type (between electoral and liberal democracy), and liberal democracy. The first two types fall into the *genus* of authoritarian orders, while the remaining three types into the *genus* of democratic orders. What is involved here is, in fact, an evolutive scheme; a pseudo-democracy denotes a “liberal variant” of an authoritarian regime; an electoral democracy represents, despite its limitations, a qualitative change and is the “first degree” of democracy; the middle type is a “richer form” of democratic order than the electoral democracy; while a liberal democracy is a more developed form of democracy than the

middle type (for more detail see: Goati, 2000: 48-51). We shall give a short diachronic review of political developments in Serbia in the period from 1990 to the September 2000 elections, during which period there was a change from one type of order to another as mentioned (pseudo-democratic to authoritarian).

1. From 1990 to 1998

Democratic institutions were formed in Serbia in 1990, but they were active deep within the sphere of influence of the ruling SPS that had (under the name of the League of Communists of Serbia) also ruled in the era of "self-management socialism." The SPS retained all the levers of power in its own hands: the state apparatus (particularly the army and the police), the economy and the media. Under such circumstances, parliament played a subordinate role as compared with the directly elected republican president; the opposition parties were systematically marginalized; and elections were always under the "direction" of the ruling party, as a result of which there could be no mention of free and fair elections. We shall give a more detailed explanation of these claims.

In the period from 1990 to 1998, the SPS had broad support amongst the electorate, to which the, relatively speaking, high percentage of votes won at successive republican elections bears convincing witness. The share of the votes won by the SPS was as follows: 1990 – 46.1 percent, 1992 – 28.8 percent, 1993 – 36.7 percent and, in 1997 (in the "coalition of the left") – 34.2 percent. Although one may assume that the SPS obtained part of the votes thanks to electoral manipulation, there can be no doubt that in that period the SPS enjoyed powerful support amongst the Serbian electorate. Besides, thanks to skilful maneuvers, the SPS succeeded in ensuring the support of other parties (SRS from 1992 to 1993, ND from 1994 to 1998), which ensured it a majority in the republican parliament and enabled it to pass and alter electoral (and other) laws in an arbitrary manner, without consulting opposition parties. The crucial impact of the SPS in the dominantly "socially-owned" (in fact state-owned) economy of Serbia certainly augmented the superiority of the ruling SPS over the opposition amongst the electorate. In such an economy, the SPS played the role of "general manager," by ensuring privileges for its members and for itself as an organization. Finally, the SPS also based its superior position in political life on the firm control of the official media (particularly Radio and Television of Serbia – RTS). Unlike the SPS, which had all the above-mentioned levers of power, Serbia's opposition acted in disunited manner, expending more energy in mutual conflicts than in the struggle against the SPS and the ruling order. Even when the opposition succeeded in uniting in a struggle against the SPS and the ruling order – as was the case with the *Zajedno* (Together) coalition (SPO, DS and GSS) – it only lasted for a short period of time (November 1996 – May 1997), and ended in its breakup.

The fact that the SPS was superior to the opposition in many ways explains why, from 1990 to 1998, the "old regime" in Serbia used open force against

opposition parties only in exceptional cases and why it permitted activity on the part of independent media (*Borba* that changed its name to *Naša Borba* in 1996, *Vreme*, *Studio B*, etc.), which criticized not only individuals in power but also the regime as a whole. It is not, therefore, an exaggeration to claim that in the period from 1990 to 1998 the ruling regime in Serbia endeavored, at least to a certain extent, to maintain a semblance of respect for the democratic institutions established in 1990. A good illustration of this is Slobodan Milošević's reluctant forbearance to put himself forward as a candidate for the post of President of the Republic of Serbia in 1997, as he had been elected to that post on two previous occasions (1990 and 1992). To have been elected a third time would have meant a grave violation of the Constitution of Serbia (1990) that explicitly states in Article 86 (Paragraph 3) that "the same person may not be elected President of the Republic more than twice." In order to avoid an inevitably negative reaction on the part of the domestic and foreign public, Milošević did not stand again for the position of President of Serbia in 1997, a position that gives its holder extensive rights. Instead of that, he was elected President of the Federal Republic of Yugoslavia (FRY), the powers of whom are merely "ceremonial." Given the above-mentioned reasons, we think that the order in Serbia from 1990 to 1998 can be placed in the category of pseudo-democracy, in which, as Diamond states, there are opposition parties and other characteristics of an electoral democracy, but there lacks, the essential condition: an arena providing sufficient equality for challenging that makes it possible for the ruling party to be removed from power (Diamond, 1996).

2. From 1998 to 2000

After the establishment of a Serbian coalition government comprising SPS, JUL and SRS (24 March 1998), there commenced a rapid erosion of political support to parties forming that coalition, which they tried to offset by relying more and more on repression. Attacks on the independent media had already intensified by mid 1998, and such media were constantly stigmatized by regime mouthpieces on account of the financial and other assistance they were receiving from abroad. Besides, pro-regime mouthpieces systematically ignored the activity of the opposition parties that had boycotted the republican elections in 1997 (DS, DSS, GSS, etc.) and reported exclusively on parties belonging to the ruling coalition, making very rare mention even of the SPO, which had taken part in the 1997 elections. The degree of the domination of the parties of the "red-black" coalition in Serbia's pro-regime mouthpieces (RTS, *Politika*, *Borba*) is demonstrated by the results of research carried out in the period from March to October 1998. Commenting on the results of the research that dealt with the coverage of the individual parties by official Serbian television channels, one of the researchers noted: "Party activity accounts for one quarter of the contents of the "Evening News," and the TV time is mainly divided amongst the coalition parties (SPS, JUL and SRS – V.G.). Within it, there was a distribution that was consistently

implemented in the period under analysis. The ruling coalition, including the SNP accounted for 90 percent of party time. The remaining 10 percent of the time was devoted to reports on parties that were considered worthy of mention – SPO and ND. Party life, and even political life outside of parliament, does not exist for state television.” (Milivojević, 1998: 19). The conclusions of concurrent analyses of the Radio Belgrade programs and the *Politika* and *Borba* dailies were similar (Matić, 1998: 45; Todorović, 1998: 52).

It was not, however, sufficient for the ruling order to ignore the opposition and incessantly accuse the independent media of collaborating with Serbia's external enemies. Therefore, on 2 October 1998, a “Law on Public Information of the Republic of Serbia” was passed that substantially restricted the freedom of activity of the independent media. That Law prescribed heavy fines (Article 69) that were set by magistrates' and not criminal court procedure. The explanation of why material entering into the jurisdiction of regular courts was allocated to magistrates' courts should be sought in the fact that, as one expert in such matters assesses, “...magisterial bodies are not courts in the constitutional sense; they do not enjoy constitutionally guaranteed independence and permanence of judicial function. Magistrates are appointed by the Government of Serbia and can be deprived of office by simple procedure. Thus, executive and political authorities could more easily have a decisive impact on magisterial bodies than on regular courts.” (Vučetić, 2000: 22). As was to be expected, immediately after the mentioned law came into force, magistrates started to impose huge fines on independent media in which the opposition had criticized acts perpetrated by members of the ruling political elite. According to figures provided by the *Nezavisno udruženje novinara Srbije* (Independent Association of Journalists of Serbia) – NUNS, in the period from the beginning of October 1998 to the end of February 2000, independent media were fined 47 times to a total sum of 24,424,000 dinars, which was just over 6 million DM, according to the official rate of exchange (*Blic* daily, 29 March 2000). From February up to the victory on 5 October 2000, when that law ceased to be enforced, the regime's campaign against the independent media intensified and the total sum of fines imposed had increased to around 14 million DM.

Draconian fines and other forms of pressure led to the quashing of several independent media (printed and electronic), which made it possible for the ruling SPS, JUL and SRS coalition to master the media of Serbia even more dominantly. Besides the mentioned Law on Public Information, the regressive tendencies in the political sphere had the effect of promoting the “University Law” (1998), which substantially diminished university autonomy with respect to the state, and the “Law on Local Self-Government” (1999), which reduced even more the already low level of independence of the communities and towns with respect to finance and choice of personnel. The above-mentioned laws substantially reduced citizens' freedoms and rights and served as an alibi for the increasingly frequent and more and more large-scale use of violence. The ruling

order in Serbia was particularly merciless in its dealings with the participants of the several-month-long peaceful demonstrations organized from 19 September 1999 right up to the September 2000 elections by the SzP (Alliance for Changes, coalition made up of DS, GSS, DHSS and ND).

Leaders of democratic opposition parties and student activists, as well as activists of the students' (from May 2000 people's) movement *Otpor* (Resistance) also became "target groups" for repression on the part of the ruling order. This is well illustrated by the indictment on 24 February 2000 of ND President Dušan Mihajlović on account of his claim as reported in an ANEM program broadcast on the "Studio B" channel that "...the party in power is ruling with the help of terror, and that is the first stage of dictatorship..." and the lodging (at the end of March 2000) of a series of criminal charges by high ranking functionaries of the ruling regime for libel against the presidents of DS, GSS, SD, DHSS and NS. It is no exaggeration to claim that the *Otpor* movement was also a thorn in the flesh of the ruling order. A total of 1,700 members of that movement were taken into police custody for questioning, charged or arrested over a period of two years. On 4 September 2000, the police went as far as to force an entry into *Otpor* headquarters without a court order and confiscated all equipment. Lawyers also came under the hammer, which is demonstrated by the fact that, at the end of March 2000, criminal proceedings were underway against seven lawyers that were defending independent media, participants of peaceful protests or opposition politicians (*Blic* daily, 29 March 2000). Finally, besides the overt repression to which it was subjected, the opposition was working in an atmosphere of greater and greater insecurity due to unsolved assassinations and assassination attempts on figures in political life (e.g. two assassination attempts against SPO leader Vuk Drašković), for which indications existed that they were organized by the state security service. Such an atmosphere was strained even more by the kidnapping of Ivan Stambolić, former President of Serbia, on 25 August 2000, upon which no light has been shed up to the moment of writing (March 2001). Public suspicion that there was a political background to the kidnapping was incited by the information that Stambolić had helped the DOS in its campaign for the September presidential and parliamentary elections.

We consider that the above-mentioned changes represent a sufficient factual basis to put forward the thesis of the degeneration of the ruling order in Serbia in 1998 from a pseudo-democracy to an authoritarian order. Furthermore, prior to the September elections in 2000 that order, as we have demonstrated elsewhere (Goati, 2000: 54-57) was showing marked similarities to sultanism, the main characteristics of which are: the blurring of the line between the regime and the state; personalism of power; constitutional hypocrisy; a narrow social basis, and the absence of boundaries between the ruler's private wealth and the "public treasury" (Chehabi and Linz, 1998: 11-23). Admittedly, degeneration into authoritarianism was not total, as opposition parties were not, after all, legally

banned in Serbia, although their freedom of activity was substantially restricted. In addition, an abolition of the opposition was hinted at in an address by FRY President and president of SPS, Slobodan Milošević, at the fourth SPS Congress on 17 February 2000. In that address, Milošević declared that there was no opposition in Serbia, but rather "... a group of corrupt weaklings and thieves who, taking advantage of the difficult times in which many people are not leading easy lives, and using considerable financial resources brought from abroad, are manipulating the feelings and needs of a certain number of people, frequently very young people, while at the same time keeping silent about the reasons why life is hard, lying to them that there can be no relief from the difficulties without bending before the force that has subjugated the entire world..." (*Politika* daily, 18 February 2000). Given the power that Milošević had at his disposal, that judgment was not merely a semantic invalidation of the opposition, but an indication that the opposition would also be formally abolished. Regardless of the fact that no law banning the opposition was passed up to the September elections in 2000, Milošević's address was followed by an intensification of repressive measures against opposition parties, on the basis of which it can be concluded that the order in Serbia had ceased to "tolerate an opposition," while toleration of an opposition is a constitutive characteristic of a pseudo-democracy. Thereby, a pseudo-democracy was degrading into an authoritarian order, which Diamond calls a "residual category."

Two hypotheses stem logically from the above "diagnosis" of the nature of the ruling political order in Serbia on the eve of the September 2000 elections. Developments were to confirm those two hypotheses – the first being that it was not realistic to expect that such an order would acknowledge electoral defeat and, the second being that it was even less likely that one could count on its readiness to be "peacefully dismantled" after losing the elections. And we shall return to these hypotheses later.

3. The September 2000 elections and the collapse of the ruling order

The ruling coalition on a federal level (SPS, JUL, SRS, SNP, and SNS) decided to hold federal elections on 24 September. Besides elections to both chambers of the Federal Assembly, elections were convened that same day for the President of FRY, as well as (only in Serbia) provincial and local elections. The September elections were preceded on 6 July by the unexpected adoption of constitutional amendments that, as prescribed by the ruling coalition, substantially and in an anti-constitutional manner altered the Constitution of FRY (1992). Two vital changes were introduced in the constitutional amendments. The first was that the President of FRY was to be elected directly, while, according to the FRY Constitution (Article 97), the President of the Republic is elected by the Federal Assembly. The second change concerned the way in which

members of the Chamber of the Republics of the Federal Assembly are elected. Direct election was prescribed, instead of indirect election, which substantially violated Montenegro's equality with Serbia in the federation (for more detail, see: Goati, 2001: 236-237). In protest against the mentioned constitutional changes that were adopted without its consent, the ruling coalition in Montenegro called *Da živimo bolje* (For a Better Life) comprising DPS, NS CG, SDP, and DUA, decided to boycott the federal elections. The opposition in Serbia did not decide to do so, as boycotting the elections would only have been "playing into the hands" of the ruling order in its persistent endeavors to politically marginalize it totally.

Much empirical research carried out amongst the electorate prior to the September elections registered two politically important trends: the first was the irrepressible narrowing of the political base of the ruling "red-black" coalition, and the second was the expansion of the influence of opposition parties. Contradictory tendencies were also becoming evident within the two opposing blocks: the ruling block and the opposition block. Internal tensions and conflicts were becoming increasingly evident in the ruling coalition, while a process of political unification was starting in the previously chronically divided opposition block. The conflict in the ruling block between SPS and JUL, on the one hand, and SRS, on the other hand, was caused primarily by dissatisfaction on the part of the Radicals, who had only three members less than SPS in the Republican Parliament (82 as against 85). This dissatisfaction stemmed from the fact that their "red partners" were persistently keeping them in the "antechambers of power," and not from any program differences. Program divergences were not at the center of the conflict, and this was proven when the SPS and JUL, as well as their presidential candidate Slobodan Milošević, came out at the September elections on a platform that was almost identical to the platform of the SRS and its presidential candidate Tomislav Nikolić. Predominant in both platforms were the ideas of threats from the "new world order" that were looming menacingly over Serbia and FRY and, in the struggle for survival, the overwhelming need for the elimination of the democratic opposition, as the "fifth column" of external enemies. In addition to Radicals not having obtained a share in power that was proportional to their parliamentary strength, the SRS was dissatisfied at having been suppressed in the official media to the benefit of SPS and JUL.

In contrast to the deepening political gap within the "red-black" coalition, tendencies towards linkage of action had been becoming strongly apparent among opposition parties from the middle of 1998. One of the "pivots" of that linkage was the DS, which formed a coalition entitled *Savez za promene* (Alliance for Changes) in July 1998 together with GSS, DHSS and NS. The first political objective around which the newly formed coalition, the SPO and other parties of the democratic opposition united was the demand for extraordinary free and fair elections on all levels. The next important step in the improvement of relations amongst opposition parties was the agreement reached on 10 Janu-

ary 2000 in which they demanded the following from the ruling regime: 1. that ruling and opposition parties reach agreement on extraordinary elections on all levels to be held by the end of April 2000; 2. "... the cessation of all acts of state terror and lawlessness in all forms..."; and 3. the abolition of the existing repressive laws restricting the rights of citizens and of the anti-democratic laws on the press and the university. The demand for extraordinary free and fair elections on all levels, which was reverberating in all the opposition's calls to the authorities, was also emphasized by the opposition at a large protest gathering in Belgrade on 14 April, which was attended by some 200,000 citizens. In their efforts to induce Serbia's ruling regime to hold free and fair elections, the opposition parties used different tactics: the SzP tried to force the convening of elections by relying on mass protests and acts of civil disobedience, while the SPO strived to achieve the same goal through the efforts of its MPs in the National Assembly of Serbia. Both tactics proved, however, to be unsuccessful, as the ruling order convened elections only when it judged the moment to be opportune and according to rules it laid down itself.

At the September 2000 elections, the parties of the ruling coalition on the federal level (SPS – JUL – SRS – SNP – SNS) had advantage over the opposition in the institutional and media spheres (see: Goati, 2001: 237-239), and, for that reason, the September elections cannot, like all previous elections to the FRY Parliament and the Parliament of Serbia, be considered as free and fair. From amongst the many elections held on 24 September, the elections for FRY President indisputably had the greatest "political weight." That was because it was a "test of strength" for Slobodan Milošević, not only the ruling regime's most powerful politician but also the figure that personified that regime, in a struggle with opposition candidates. Besides Milošević, another four candidates stood at the presidential election: Vojislav Koštunica (DOS), Tomislav Nikolić (SRS), Vojislav Mihailović (SPO) and a fifth, totally anonymous candidate of the *Afirmativna stranka* (Affirmative Party), Miodrag Vidojković. The DOS candidate Vojislav Koštunica soundly beat Slobodan Milošević even in the first round with 2,470,304 votes (50.2 percent) as against Milošević's 1,826,799 votes, while the other candidates obtained considerably fewer votes. DOS candidates also won at federal, provincial and local elections.

The following question arises: how is it possible for the opposition to win elections in an authoritarian order? In order to answer that question, one must first take into account that the opposition had achieved such a superior number of votes as compared to the "red-black" coalition that the ruling order was not able to eliminate it by the standard manipulation methods that had been used previously. Secondly, the traditionally discordant opposition parties of Serbia, united in DOS, were successfully articulating citizens' dissatisfaction and offering them a convincing alternative project of democratic and market transformation. Thirdly, besides opposition parties, a broad spectrum of non-governmental organizations (G17+, CESID, *Otpor*, *Gradjanske inicijative*/ Civil Initiatives/

Evropski pokret u Srbiji /European Movement in Serbia/ and many others) joined the electoral campaign against the regime and managed to induce a large number of people who had previously abstained from voting to go to the polls and express their electoral will. The opposition's attempt to induce the highest possible percentage of people to go to the polls was the result of the realization that democratic forces had thus achieved electoral victory in Slovakia (1998) and Croatia (2000). In addition, the findings of much empirical research carried out from 1990 to 2000 had shown that the majority of people that did not go to the polls actually supported opposition parties. The campaigns to bring as many people to the polls as possible was successful, as demonstrated by the fact that 74.4 percent of the electorate voted at the September elections in Serbia, while that figure had been only 57.4 percent at the republican elections in 1997.

Fourthly, in the electoral campaign Serbia's opposition parties and non-governmental organizations had received huge assistance (electronic equipment, financial resources, training of activists, etc.) from international organizations, which neutralized to a considerable extent the ruling parties' institutional and media supremacy. The authorities, admittedly, tried to prevent the inflow of foreign assistance through strict financial control of opposition parties and non-governmental organizations. That financial control was intensified in mid 2000, but it did not yield good results as the assistance was arriving via Montenegro, whose government was actively helping the opposition in Serbia. The opposition was also obtaining assistance through Hungary, to enter which the citizens of FRY do not need visas. It was not by chance that important meetings of opposition parties and non-governmental organizations were held in Montenegro and Hungary, which were frequently attended by representatives of international organizations. At those meetings, the strategy for the electoral struggle against the ruling order in Serbia was agreed upon. From what has previously been stated, there stems the paradoxical conclusion that part of the explanation for the electoral defeat of the authoritarian order in Serbia should be sought in the fact that the order was not "sufficiently authoritarian," that it did not ban the movement of citizens across borders with the introduction of "internal visas" (which had been hinted at publicly at the beginning of 2000). Finally, the fifth reason for the electoral defeat of the ruling "red-black" coalition was subjective in nature. The ruling elite – mainly its autistic leadership personified in Slobodan Milošević and his wife Mirjana Marković – was wrong in its judgment of the balance of strength among the electorate and convened presidential elections despite the fact that the presidential mandate was not due to expire until July 2001. It did so in the belief that it would win an overwhelming electoral victory. One author assessed the importance of the role of "bad judgments" in epochal events in the following way: "Mistakes, erroneous interpretations and erroneous perceptions of participants in historic events play the same kind of role in historic events as genetic mutations play in biological events: they make history. (Soros, 1999: 21).

The electoral debacle of Milošević at the presidential elections and the SPS-JUL coalition at the federal elections provoked first of all a shockwave amongst the leadership of the ruling order and then, quite expectedly, desperate attempts, which lasted from 25 September to 5 October 2000, to cover up Milošević's defeat. We say "quite expectedly", as the persons at the head of Serbia's authoritarian order had become so deeply steeped in violence that the loss of power inevitably meant facing criminal and civil legal charges. On top of all that, the International Tribunal in The Hague had brought charges against Milošević and his closest associates in May 1999, and defeat at the elections meant their probable extradition to that Tribunal. In the attempt to falsify the electoral will of the citizens, a key role was played by the Federal Electoral Commission (SIK), which acted as an "extended arm" of the ruling order, by committing a large number of grave violations of electoral and other regulations. In violation of those regulations, SIK permanent members published in their Decision (*FRY Official Gazette* of 29 September 2000) falsified results, according to which DOS candidate Vojislav Koštunica obtained only 2,474,392 votes, that is 49.9 percent of the total. On the basis of that, SIK judged that Koštunica had not fulfilled the condition (of 50 percent plus one vote) for being elected in the first round and proclaimed that a second round of presidential elections would be held on 8 October 2000. In response to the complaint lodged by DOS and its presidential candidate against SIK's decision, the Federal Constitutional Court pronounced the verdict that the first round of presidential elections should be repeated. That, in fact, meant that presidential elections had to be held again, which created the possibility for Milošević to prepare a new electoral fraud.

But that proved not to be the last but penultimate phase of the complicated electoral situation. The final act started with a call from DOS leaders on 29 September for civic disobedience and mass protests not to end until the acknowledgment of the presidential election results. Besides the tens of thousands of citizens that demonstrated daily on the streets of Belgrade and other towns in Serbia, around 13,000 miners from the Kolubara mines joined the protest and halted production. The ruling order tried to force the miners to continue work by threatening to bring in the army and the police, but thousands of citizens joined the miners, which probably deterred the authorities from using violence. Demonstrations lasting several days reached their climax on Thursday 5 October, when over seven hundred thousand citizens from the whole of Serbia took to the streets of Belgrade and, despite the use of truncheons and tear gas by the police, occupied the buildings of the Federal Assembly and RTS. Bloodshed was however avoided, as the elite police formations (Special Police units, the Special Anti-Terrorist Unit and the Special Operations' Unit known as the "Red Berets") refused to shoot at the public and joined the citizens.

Thus, a "soft democratic revolution" took place on the streets of Belgrade on 5 October, which resembled the events in Prague in 1989 in the sheer mass

of people present. Besides similarities to the events in Prague, however, there were also differences. That was because there was, nonetheless, violence in Belgrade (the police used truncheons and tear gas, and the demonstrators stones, sticks and a bulldozer), and there were casualties (one person died and scores were injured), which arouses associations with the "Romanian scenario." It should never be forgotten, however, that the potential force of the demonstrators in Belgrade far surpassed the use of force (violence), which is demonstrated by the fact that a large number of participants at the protest were armed. Furthermore, the occupation of the National Assembly and RTS building is telling proof of the determination to fight for acknowledgment of the electoral results with all means, and not just peaceful means. *Bearing in mind the previously described nature of the ruling order in Serbia, the importance of force – which, let us recall, remained in a latent form – should not be underestimated when discussing the deep-seated political turnabout achieved on 5 October; the latent force in that turnabout was not a chance, incidental or unimportant phenomenon; it played an essential role, as, we assume, without it an authoritarian regime (with "one foot" in sultanism) would probably have ignored the electoral results and continued as before.* The huge potential force of several hundred thousand people in Belgrade acted, in fact, as a "deterrent" and provoked the repressive apparatus (military, police, para-police) to refuse to carry out the orders of the power holders, whereby the analogy with events in 1989 ends. Instead of that, after the demonstrators had occupied the Federal Assembly and RTS buildings, members of the repressive apparatus started to "fraternize with the people," which reminds one of the events in Portugal (1974), known as the "Revolution of the Carnations."

The ruling order in Serbia, shaken from its roots, was forced to recognize the election of Vojislav Koštunica as President of FRY and the victory of DOS at the federal elections, after which that order started to collapse. That was immediately evident when the most important organizations from the sphere of information and banking "refused to obey orders." Parallel to that, many organizations in vital social spheres (science, culture, education, medical welfare) spontaneously refused to implement regulations in force that had been imposed in the previous period and with which the regime had controlled their work, while in some of those organizations employees did away with the management teams imposed by the regime. The University of Belgrade, for example, ceased to implement the "University Law", which had deprived it of its autonomy in 1998, and started to implement the law that had been in force prior to that. At the same time, leaderships imposed by the state at the university and the majority of faculties were dismissed and their places taken temporarily by bodies elected by the faculties themselves.

A partial, but not total, elimination of the previous political ruling regime was nonetheless achieved after the September elections in Serbia. The explanation

for that is to be found in the political compromise between DOS and representatives of the *ancien regime* that was formalized in a "Political Agreement" signed on 16 October by DOS, SPS and SPO, with the guarantees of FRY President Vojislav Koštunica and President of Serbia Milan Milutinović. The Agreement contains, among other things, the decisions on the convening of republican elections on 23 December and the formation and form of activity of the new republican government. In line with the Agreement, the President of the Republic of Serbia passed a decision on 26 October on the dissolution of the People's Assembly and convened extraordinary parliamentary elections to take place on 23 December.

The weakened "old regime" was, in fact, compelled to agree to the December elections on account of the new balance of power; if it had opposed them by using its majority in the Parliament of Serbia that had been elected in 1997, it would have been risking violent elimination from the political scene. It is therefore no exaggeration to claim that the December elections were, in fact, an "extension" of the September elections. At the December elections, the ruling parties of the "old regime" – SPS, SRS and JUL, suffered a major defeat, which is illustrated by the fact that SPS and SRS together gained only 24 percent (14.8 + 9.2) of the mandates, while JUL gained not one single seat, and DOS won 70.4 percent of the seats.

* * *

The remaining members of the political elite of the "old regime" (with the exception of Milan Milutinović, who, in the current balance of powers is totally marginalized) were eliminated from strategically important positions after the December elections, and their places were taken by DOS members, which, in fact, "rounded off" the first replacement of authorities started on 5 October. Such a replacement was an essential precondition for democratic transformation (Schmitter, 1986: 9; Weiner and LaPalombara, 1966: 412), but that had come about in most post-communist countries of South Eastern Europe back in 1990. After the December 2000 elections, the process began in Serbia of the establishment of a democratic order or, once again using Larry Diamond's typology, of an electoral democracy. That process will certainly encounter obstacles difficult to surmount due to the dramatically grave economic and social situation and the existence on the political scene of forces that do not accept democratic "rules of the game."

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Political Formulae for the Perseverance and Change of the Regime in Serbia

Summary: Until the end of 2000, there was no *retrospective voting* in Serbia. Voting based *government performance*, which is generally, a form of so-called *rational choice*, was very rare. The basic thesis advanced in this paper is as follows: after 1990, indirect choice was dominant in Serbia; direct choice began to take precedence by the beginning of 1999; this kind of choice was confirmed by the elections in the second half of 2000. Choice based on loyalty to and faith in the party, socialism, nation, and the like, was gradually substituted for by real choice, i.e. rational criteria and self-interest. Altogether, the number of believers (in socialism, nation, party) is decreasing, while the number of voters – who make their voting decisions on the basis of the actual facts – is on the increase. In the end, these shifts in Serbia's public opinion resulted in the fundamental restructuring of political power, i.e. in a *realigning election*. The citizens' demand that the opposition should become a single-issue group and pursue single-issue politics or, in other words, aim at changing the regime, was met as well.

Key words: voting, direct choice, indirect choice, rational choice, socialist nationalism, nationalist socialism, public opinion polls.

The last year's September elections in Serbia were won by Vojislav Koštunica and the Democratic Opposition of Serbia (DOS). Their victory was defended in the events that followed the elections and was actually won once again on 5 October. The republican elections, which were held in December, turned the DOS victory into a triumph. Those were the initial yet very important steps toward social change. Some regard these initial victories as final, and speak about them as a finished job. On the other hand, others regard them as the beginning of a struggle for modern society. In any case, both groups agree that these were victories.

The question of the leading actors and/or a contribution to the victory becomes relevant after every battle. It is raised not only by one's official interpreters but, above all, by those who hold that their share of the spoils or, at least,

merits and other symbolic awards is not up to their contribution.¹ As a rule, self-evaluated roles and merits are considerably greater than their actual contribution to the victory. However, such attempts have their *raison d'être*. It is an established fact that the spoils and merits are not distributed according to one's actual contribution to the victory, but according to the imposed and subsequently formed views. Thus, such an interpretation becomes more important than the event itself.

In fact, the question that is much more important is how this "winning combination", or the victorious constellation of social and political factors was made. How this constellation was conceived and then established? In this regard, I see the pivotal role of the citizens of Serbia and a change of the type (or model) of voting, that is, a *new election formula*, which was devised at the end of 2000.

1. Election formulae

It can be stated with certainty that in Serbia, until the end of 2000, there was no retrospective voting. Its citizens voted rarely on the basis of government performance, which is a form of so-called rational choice. In other words, the Serbian government could do whatever it wanted but, for some reasons, the party behind it was always given sufficient² support by the citizens to continue that way. What was the reason for that? Why did those with whom the citizens were not satisfied remain in power?

There is no doubt that a part of the answer can be sought in vote fraud. However, it cannot explain this phenomenon to the end and, in my view, it cannot be the major element of the explanation. After all, we can always ask ourselves: why the opposition did not win enough votes so as to offset fraud committed by the ruling parties, if it was incapable of preventing it?

From among several possible explanations of this absurd phenomenon (to vote for those with whom we are not satisfied), we will concentrate on the one which, in large measure, explains this absurdity. It concerns the qualifications of the voters, while at the same time raising the question: *how do the citizens vote and why do they vote like that*, because we already know *for whom* they vote.

¹ The well-known phrase: "*The revolution eats its own children*" has been reversed into: "*The children of the revolution eat their own revolution!*".

² The question that imposes itself here is what "sufficient support" should mean. In this context, that is the number of votes in elections, which enabled the Socialist Party of Serbia to rule over Serbia, alone or in a coalition. "Sufficient support" did not mean that this party won the absolute majority at any republican elections, so that it could rule comfortably for ten years. However, this statement appears frequently not only in foreign media, but in this country as well, while at the same time trying to put the blame for the ten-year rule of Slobodan Milošević on the citizens of Serbia or, more exactly, on their voting (see Table 1).

Choice anticipates at least two valid assumptions: *first*, knowledge (or at least the idea about knowledge) about the qualities of the contents or candidates from among which one has to choose and, *second*, freedom to choose that to which one gives preference.

Knowledge (information) about the contents from among which one has to choose is a vital prerequisite for making a choice. True, it is enough if we only think that we know. Consequently, it is not a question of the truthfulness of knowledge as such, but of the availability of the procedure that can produce true knowledge about the phenomena, or the actors from among which we have to choose. However, this “knowledge” can also be based on false data. The point is in the procedure applied by the voter before the elections so as to gain access to certain data (it is irrelevant at this moment whether they are correct or not) and make a choice on the basis of them.

Consequently, the preliminary questions are whether the citizens of Serbia are able to follow the procedure of gaining the knowledge necessary for a rational choice³, whether they are sufficiently interested in politics⁴ so as to express their choice by voting for a certain party or candidate, whether they are able to resist strong social pressure for voting⁵ for a certain party or candidate (which is very strong, especially in conflict-ridden political environments like ours)...

³ At elections the citizens can also make their choice on the basis of a colour or symbol (the picture of a donkey or elephant), but the question is whether and how much this really is a choice. If one knows that the census conducted in Serbia in 1991 revealed that almost two-thirds of adult citizens have only elementary school or even less, it is disputable to what extent we can actually speak about rational choice. (Naturally, this does not mean that a person who has only elementary school or less cannot make a rational choice. The low educational level is only one factor that points to the lesser possibility of rational choice.) Some researches even point out that as many as one-third of the citizens are functionally illiterate. This means that they are unable to read a part of an article in the newspaper and then to reproduce it, so that the question imposes itself as to the meaning of elections for the citizens at such a “literacy level”.

⁴ In a public survey, which was conducted in September 1999, it was found out that 31 per cent of the citizens were not interested in politics and that 35 per cent were interested “a little, not specifically”. In addition, 10 per cent of the respondents answered that they do not care who will win the elections, while 18 per cent answered that they do not care very much. Those are certainly very high percentages, not to mention 7 per cent of those who answered that they do not know whether it is important for them at all who will win the elections (Mihailović et al, 2000).

⁵ Voting which is dictated from the outside – regardless of whether the citizen has the will to vote. So, for example, when semiliterate or illiterate old women in a rural household are in question, the interested members of the household “take the grandma to the polls” and she “votes” how her husband, son or granddaughter says... The other example: the employee obtains in his firm a voting paper on which “the name of the one he should vote for” has already been marked. He is obliged to drop this paper into the ballot box and bring the blank voting paper back to his firm (so that the manipulators know that he has fulfilled his “obligation”). Here mention should also be made of strong social pressure in some milieus as to who should be given a vote.

The lack of information and the lack of interest in politics are the major factors of voting abstention. However, we will disregard all these questions and turn our attention to the citizens who know for whom they will vote, who go to the polls and vote for the parties and candidates they prefer, and who do that out of their own free will and not under the pressure of any political or social factor.

There is no doubt that, at elections, one expresses one's choice by voting for a certain party and/or candidates. It is of utmost significance to learn why one's vote is given just to that party and that candidate and not to someone else. *This also raises the question: when does one make a choice? Does one make a choice during the election campaign, on the basis of a political party's programme, that is, immediately before going to the polls, or did one make his or her choice a long time ago by giving support to a certain party, or was this choice made a long time ago or relatively earlier for some other reasons?*

In essence, one can speak about the more profound meaning of voting behaviour⁶. In one case we have a *real choice* – *when one really chooses for whom to vote*, on the basis of certain criteria, developed either during the election campaign or shortly before going to the polls. In the latter case, the act of going to the polls and voting for a certain party or candidate is nothing but the *confirmation of one's earlier choice*, regardless of the criteria used in forming such preferences.

In considering the voting preferences of the mentioned social group (those who know, who vote and who do that out of their own free will), it is important to introduce certain novelties, as well as to redefine standard theories relating to the models of voting, just on the basis of experience with the elections in Serbia. In this regard, we will begin by making a distinction between indirect and direct voting.

1. *Indirect choice* is made when one's earlier choice determines all later choices. Thus, all later choices are the confirmation, expression or explication of one's commitment made earlier. It can be said that it is the question of one choice only, because each subsequent choice is actually a *statement of loyalty to the first choice*. It is the question of deep-rooted loyalty, affiliation and identification, with a strong psychological charge, with a certain political actor, or a certain social group, or a certain political concept. In this case, we have the lack of real choice and an excess of allegiance; the lack of rationality and an excess of faith. The exponents of this type of choice are "believers" rather than free citizens.

1.1. *Voting based on party identification*. Choice is also a choice when we, on the basis of the choice of a political party once made (at this moment it does not have to be relevant how the first choice was made), repeat that choice whenever we find ourselves in the identical or similar situation. For example, we

⁶ Does voting represent an act of confirmation [of one's earlier commitment – S.M.] or choice? This is a crucial question over which there is no agreement when the models of voting are in question (Harrop and Miller, 1987:130).

always vote for the Republicans! In professional literature, this type of choice is known as voting based on party identification.

1.2. *Value voting.* Voting is also choice even if there is one absolutized criterion for all voting preferences. In this case, one adopts a general principle and then, by making a deduction, concludes to which party or candidate one should give one's vote. Should I accept a certain *absolute value commitment*, then my vote will go to that party which, in my view, can achieve that absolute optimally. This, of course, can be the nation or whatever that is "so big"! In professional literature, this type of choice has been given little attention. And even when it is mentioned, it is usually regarded as a subtype of issue voting. The more appropriate term for this type of voting would be *value voting*.

1.3. *Ideological voting.* The choice of a political party or candidate as a result of the voters' self-positioning in the left-right political continuum. This type of voting is known as *ideological voting*.

2. *Direct choice* is a choice when the voting preferences are formed during the election campaign (or even before it started), on the basis of one's own self-interest, as well as the programmes and actual policies of political parties and candidates. This is something that is called *rational voting* in professional literature. As noted by Harrop and Miller, *the voters choose the political party that is closer to their own self-interests, values and priorities. In search of the political party that will pursue their own self-interests in the best way, the voters make a rational choice* (1987: 130). *Basically, a rational choice consists in giving support to the political party that will most likely achieve the voters' political aims* (Harrop and Miller, 1987:145). Obviously, it is assumed here that the voters recognize their own self-interests and that they can establish an appropriate link between their own self-interests and the political parties or candidates that can work successfully on its realization. The model of rational choice comes from economics, so that it is often referred to as an *economic model*.

2.1. *Issue voting.* Voting based on one's assessment that a specified political party or candidate will solve the perceived social and his problems most efficiently. Consequently, the criterion for such a choice is the assessment of success in solving acute problems. In professional literature, this type of voting is known as *issue voting*.

2.2. *Voting based on government performance.* *Elections can provide an opportunity for registering the government's performance or disagreement with its mistakes. When the voters are satisfied, it can be expected that they will vote for the ruling party or parties and when they are not, they will vote for the opposition* (Oppenhuis, 1995: 102). In professional literature, this type of voting is known as *voting based on government performance*.

The basic thesis advanced in this paper is as follows: in Serbia, indirect choice was dominant from 1990; from 2000, however, it can be said that a direct

choice took precedence; such a choice was expressed at the elections in the second half of 2000. The previous bases of choice – loyalty, allegiance and commitment (to the party, socialism, nation...) – were gradually substituted by real choice, rational criteria and self-interest. All things considered, there is a decreasing number of believers (in socialism, nation, party), while the number of voters making their choice on the basis of the actual facts is on the increase.

2. The formula of the former regime

During the late 1980s and the 1990s, the Serbian political scene was shaped by two splits: *communism/socialism vs. capitalism/anti-socialism* and *national vs. civic approach to social organization*.

The splits along the lines “for” or “against” socialism and national vs. civic led gradually to the formation of the line of division. On one side there was everything that was socialist and nationalist and on the other everything that was civic and non-socialist. Along this line, the voters will polarize, political parties will be shaped, public opinion will be structured, the party and state strategies will be formulated... On one side, the former *pattern of indirect choice* was established and on the other – *the pattern of direct choice*, which has been increasingly expressed as of recently.

The electorate in Serbia was formed during a 12-year war (1988-2000), which resulted in the abolition of private life and almost the abolition of the public sphere as well. At the same time, given their unnatural and improper collectivist basis, elections lost their sense. Instead, “no-alternative politics” – which does not stand any real choice or any difference – was established.

The duality of the Serbian party scene (neo-communists vs. democratic opposition), which could generate the change of government, did not exist throughout that period, except to a degree during the local elections in 1996. *The party and political scene was dominated by the neo-communist coalition vs. fragmented opposition.*

At times, party competition would even fade away under the pressure of unisonous ideological totalitarianism. The first absolute value commitment was *socialist nationalism* (which culminated in 1988 and 1989) and it was followed by *nationalist socialism* (which culminated in 1993). And just this created a basis for the formula used by the regime of Slobodan Milošević to persevere. In the former case, it was the question of the prevalence of the socialist component in the “*socialism + nationalism*” amalgam, while in the latter case nationalism took precedence over the “*nationalism + socialism*” amalgam.

In 1990, at the first multiparty elections in Serbia (held on 9 and 23 December), it was possible to win power by referring to *security* “under the warm wing of socialism”. However, at the second elections for the Republican Parliament

(20 December 1992), it turned out that it was necessary to add nationalism to socialism so as to win and maintain power. Since then, the formula of the regime was as follows: “former communists + new nationalists” or “socialist security + nationalism”. With this formula, as shown by the relevant data, it was possible to win one-third of the votes of the electorate up to 2000 (see Table 1). In view of the fact that “socialist security” in this election formula was a form of specific support (in return for their votes, the citizens were granted a minimum degree of security) and that nationalism was a form of diffuse support, changes took place on this second plane, just as expected by some researchers.

In socialist ideology, the greatest manipulations were possible through social security, which was used to “buy” the lower strata of the population, as well as all those who felt insecure⁷ due to the announced market competition⁸. *In nationalist ideology*, the greatest breakthroughs were made through the stories about the endangerment of the nation and patriotism as a response to it. And while the pro-socialist option was confined⁹ to the story about the security and protection of the most needy almost from the very beginning, “socialism” was protected in practice by the status quo at all costs. On the other hand, the increasingly more transparent nationalist story was revised and oriented to patriotism, while the process of “ethnification” spread to all spheres of social life, especially to politics; ethnic identity became the basic criterion and the measure of all things.

Slobodan Milošević and his vassals held power in “Celestial Serbia” and it lasted as long as “Celestial Serbia” lasted. When this imaginary began to collapse under the pressure of reality, the regime also began to collapse! With the collapse of that Serbia, “Earthly Serbia” was created. It needed a different government and it would find it!

⁷ The culture of change was confronted with traditionalism and insecurity “associated primarily with those citizens who are, due to their actual position, exposed to insecurity (less educated, unskilled, retired persons, housewives, elderly persons, ethnic minorities...). Hence their commitment to the former regime, which could ensure, in their view and otherwise, a minimum degree of security – financial, in their case. Their perception of society is more biological than political. The change of the political system does not exist for them as a political issue” (Mihailović, 1999, p. 213).

⁸ Among the supporters of the SPS, 58 per cent are oriented to security and 18 per cent to risk, while among the followers of the democratic opposition 23 per cent are oriented to security and 57 per cent to risk (Source: Institute of Social Sciences; JJM 129/96).

⁹ It can be argued that traditional socialist terminology was avoided, because the people resisted to it to some degree. In fact, citizens’ opinions on socialism and capitalism are divided. In one survey conducted in 1997, it was found that 29 per cent of the respondents reacted negatively at the mention of socialism while 44 per cent reacted positively; 31 per cent reacted negatively to capitalism and 32 per cent positively. A large number of citizens was actually reserved – 27 per cent vis-à-vis socialism and even 37 per cent vis-à-vis capitalism (see: Slavujević and Mihailović, 1999).

Table 1: Republican elections (1990-2000)

	1990	1992	1993	1997 (boycott)	2000
SPS, f	2,320,587	1,359,086	1,576,287	¹⁾ 1,418,036	515,845
SRS, f	-	1,066,765	595,467	1,162,216	322,333
SPS+SRS f	2,320,587	2,425,851	2,171,754	2,580,252	1,254,979
SPS %	32.9	20.1	22.5	19.7	7.9
SRS %	-	15.7	8.5	16.1	5.0
SPS + SRS %	32.9	35.8	31.0	35.8	²⁾ 19.3
Other parties f	2,509,814	2,021,999	1,956,862	1,394,521	³⁾ 2,402,387
Other parties %	35.6	29.8	27.9	19.3	37.0
Abstention f	2,009,184	2,051,284	2,709,949	3,071,306	2,745,949
Abstention %	28.5	30.3	38.7	42.6	42.3
Spoilt votes f	205,212	275,861	171,824	164,307	89,738
Spoilt votes %	2.9	4.1	2.4	2.3	1.4
Total electorate	7,044,797	6,774,995	7,010,389	7,210,386	6,493,672

Sources: Reports by the Republican Election Panel, except for the elections in 2000, for which the data have been taken from daily newspapers.

¹⁾ SPS-JUL-ND Coalition

²⁾ All parties outside the DOS

³⁾ DOS

3. Opposition parties in a “struggle” for power – a long search for a successful formula

The Serbian opposition parties needed one decade to solve the two crucial problems determining the nature of government in Serbia: (1) their relationship toward nation and nationalism (national vs. civic state) and (2) the strategy that will enable them to win power at elections.

From its formation until the end of 1999, the Serbian opposition had no strategy for winning elections. The fragmented and mutually confronted opposition did not learn anything from the experience of the post-communist countries. The opposition leaders cherished illusions about the strength of their parties; the elections would bring them back to harsh reality but, after a while, everything would start all over again.

(1) *The strategy of (strictly limited) unification of the opposition.* The efforts with the DEPOS in 1992 and 1993 and the Coalition “Zajedno” in 1996 resulted only in a *partial unification* of the opposition. For this reason (among other things), the results were also partial. It is important to note that the initiators of this unification rejected any new arrivals. These “coalitions” were restricted to certain parties and all others were excluded in advance. Among the positive results, one should mention the exposure of the “regime of thieves” or, in other words, vote fraud committed by the regime at the local elections in the autumn of

1996, as well as the readiness of the citizens to resist should the reasons cross a “critical threshold” – in 1996, the citizens rose on a massive scale in order to defend their votes.

(2) *The strategy of boycotting elections so as to achieve better election terms.* The idea about a boycott of elections failed completely (in 1997, as many as 12 parties – DS, DSS, and others – boycotted the elections).¹⁰ A boycott of elections (except in the case when a political party wishes to conceal its small strength behind it) implies attempts of the boycotting political parties to “blackmail” the other side so as to achieve better election terms or, if the elections are still held, to make the results of such elections invalid. However, “blackmail” never succeeded, because it was always possible to find enough parties wishing to participate in elections (for some of them, that was “a chance”). The ruling party was not displaying any “moral sensibility”, so that it was never “touched” by a boycott. Pointing to the invalidity of the election results to one’s followers also did not mean much because a share of the followers of the boycotting parties sometimes voted for the parties/candidates who did not boycott the elections). The “international factors” were not only indifferent towards the idea of boycotting elections but, on some occasions, proclaimed it a political folly. Moreover, Milošević was caring increasingly less about those “factors”)...

(3) *The strategy of extracting better election terms through protests.* The third “strategic” idea did not achieve any greater success either, i.e. to force the ruling parties by organizing rallies, demonstrations or a general strike to change the election rules (so that the opposition parties would be in a more equitable position) and schedule early elections. All the time, the opposition leaders were talking about a “critical mass” of the people or “one million people in the streets”¹¹! It can be said that this concept failed completely in the eyes of its chief exponents in the early autumn of 1999 (with the failure of the *Preobraženje* rally, for example).¹² It is also important to note that in the course of the penultimate year of the 20th century and the millennium, the advantages of “de-metropolitanization” of

¹⁰ It will be interesting to see, from the present perspective, the arguments of those political scientists and various analysts who advocated the boycott as a strategy in the struggle against the former regime.

¹¹ “Some opposition leaders sometimes say that the citizens want ‘someone else to do their job!’” As a characteristic response, we can cite one of our respondents who commented the questions relating to the aims and results of the protests: “We have the opposition which wishes that the people bring power to it on the platter, so that they can ‘ride’ us like the ones we have now!” (Mihailović et al., 2000: 44).

¹² In July 2000, according to a survey conducted by the Centre for Policy Studies, 27 per cent of the respondents answered that they participated in demonstrations, rallies and other protests at least once, while every fourth said that he or she would not participate in them any more. On the other hand, 11 per cent of the total number of respondents did not participate in them, but would like to. The total number of those who did not participate in any protest and those who said that they participated, but would not do that again amounted to 69 per cent (as opposed to 31 per cent of those who said that they participated or wished to participate in protests).

citizens' protests (which increasingly moved from Belgrade to places like Leskovac, Valjevo, Požega, Čačak...) became evident as well.

The indisputable flirting of the opposition parties with the concept of a nation-state and nationalism, apart from its direct implications (which were disastrous for the citizens of the former Yugoslavia), made the line of division between the ruling and opposition parties less apparent. Almost all parties were national parties. They differed only in the degree of nationalism¹³. Due to such a commitment, the opposition was losing its identity and it seemed as if it almost did not exist. It was (mostly) experienced as something fictitious, fabricated, created only to confuse the people, something that was equal to the regime in its advocacy of "celestial Serbia" and much weaker in many other respects. All these and other factors contributed to the delegitimation of political parties as a whole. So, for example, according to one survey, which was conducted in the autumn of 1999, 55 per cent of the respondents agreed with the statement that "political parties serve only the interests of their leaders" (21 per cent did not agree with this statement) and 53 per cent agreed with the statement that "political parties only make the people quarrel", while 28 per cent did not agree with it (quoted in: Mihailović et al., 2000: 51).

Thus the opposition's loss of identity (through nationalism), on one hand, and lack of a strategy for assuming power, on the other, as well as mutual intolerance and quarrels of the opposition leaders, not to mention direct flirting with the regime (the phenomenon of "Milošević's sofa") raised the following question, undoubtedly rather widespread: "*Do they really want to remove Milošević from power?*" They probably wished to do that, but their intention could hardly be seen until the end of 1999, when they were probably forced¹⁴ rather than willing to turn to the concept of rallying the social opposition around the opposition parties with only one aim – to win power.

4. The citizens and the change of the regime – the found formula

Did the citizens of Serbia support the former regime or its change? Where did they decide to change the regime – at elections or somewhere else? If at elections, why didn't they do so earlier?

¹³ I know that there are different views, which are "friendlier" to the opposition. However, regardless of the contrary views, I think that this is not an occasion for presenting my arguments in more detail. Nevertheless, the phenomenon is quite transparent.

¹⁴ It can be argued that, from 1998, "political games" turned into games with a possibly fatal outcome. For the leaders of the political and social opposition, this was really a question of life or death!

One of the frequent statements in the evaluation of the “Serbian political scene” is that the citizens of Serbia are not satisfied with their government, but that they still vote for the same government!

There is no doubt that the first part of this statement is correct. There is no need to cite specifically the findings of the surveys that confirm it.¹⁵ The other part of the statement is correct only in part – during the regime of Slobodan Milošević, just one-third of the citizens of Serbia ($\pm 3\%$, -3%) voted for the parties in power (see Table 1).

The problem with the citizens of Serbia lied in the fact that they had almost no alternative to the regime of Slobodan Milošević throughout that period. At first, they were all the same; then the citizens began to distinguish between them (the regime and the opposition), but did not have anyone to vote for; then the parties on the political scene began to differ among themselves, but were so divided that, in the view of the citizens, there was no use in throwing their votes away (by opting for such an opposition).

On the road of the citizens to their political maturity, one must distinguish five landmarks: (1) their “denationalization” and sobering up; (2) perception of survival (minimum standard) as the priority political issue; (3) clear commitment for the “unified” opposition; (4) de-frightening and decision to participate in the elections; subsequently, it was possible to add – (5) readiness of the citizens to defend their votes by force!

“Denationalization” and sobering up of the citizens. Public opinion polls conducted in Serbia at the end of 1999 and at the beginning of 2000 showed a great change in the citizens’ preferences. They pointed to a gradual *abandonment of one of the two absolute value commitments* – nationalism. The citizens were increasingly less preoccupied with nationalism which, together with other changes, point to a major change of the type of choice, *from indirect to direct choice*. Let me cite one of the several indicators of declining nationalism – increasingly lesser identification with the nation¹⁶. In contrast to 1996, for example, when 50

¹⁵ See, for example, the researches conducted by the Centre for Political Studies and Public Opinion Polls of the Institute of Social Sciences, published in the following works: Mihailović, S. et al, 1997. *Između osporavanja i podrške. Javno mnjenje o legitimitetu Treće Jugoslavije (Between Dispute and Support. Public Opinion on the Legitimacy of the Third Yugoslavia)*, FES and IDN; Slavujević, Z. and S. Mihailović, 1999, *Dva oglada o legitimitetu. Javno mnjenje o legitimitetu treće Jugoslavije (Two Essays on Legitimacy. Public Opinion on the Legitimacy of the Third Yugoslavia)*, FES and IDN.

¹⁶ Noting that just 11 per cent of the respondents gave priority to the nation as the “group to which one is especially affiliated”, as opposed to some other groups, Mirjana Vasović points out: “In competition with other bases of identification, one’s affiliation to the nation found itself at the penultimate place on the list of preferences. Instead of national or ethnic affiliation, the citizens gave precedence to the groups of people having the same interests (33 per cent); belonging the same generation (26 per cent) and then to professional (124 per cent) and religious (13 per cent) groups (Vasović, 2000: 21).

per cent of the citizens held that one's affiliation to the nation was "very important" or "important", in the autumn of 1999 this percentage fell to 37 per cent (Vasović, 2000: 21), and in February 2000 to 30 per cent (the survey of the Institute of Social Sciences, JMS 137/2000). In the surveys conducted by the Centre for Policy Studies, the building of a national state (as opposed to civic one) was ranked first of the four important societal goals¹⁷ by 10 per cent of the respondents in July and August 2000 and by 6 per cent in October. However, although this trend is quite clear, the danger of a nationalistic revival still remains, especially in the context of the ill-defined and insecure boundaries of the political community and widespread mythologization in the historical consciousness of its members.

Perception of survival (minimum standard) as the priority political issue. In the second half of the 1990, the precedence of the fictitious nation (in many respects) was substituted for by an increasingly greater emphasis on survival as the major issue. In the second half of 1999, the researchers found out that the question of survival was substituted for that of the nation, thus turning into a major factor in one's commitment and basic political criterion. In the survey of the Centre for Policy Studies, which was conducted in August 2000, it was found that as many as 73 per cent of the citizens mentioned the standard of living as their basic voting criterion (i.e. they will vote for that party/coalition which will, in their opinion, raise the standard of living to the greatest extent).

Clear commitment for the "unified" opposition. In short, the citizens realized before the opposition parties that changes would be possible only through the unification of the whole opposition. According to the survey of the Centre for Policy Studies, published in September 1999, three-fifths of the citizens held that the crisis in the county could be settled (only) by the social opposition. In July 2000, 71 per cent of the citizens saw the way out the crisis through the concerted efforts of the political parties, non-governmental organizations, independent trade unions, independent media and independent individuals. The unification of the opposition also had a favourable synergetic effect in the eyes of the public, as opposed to the unification of the parties around the SPS (JUL and SRS), which generated adverse synergetic effects.

De-frightening and decision to participate in the elections. The process of de-frightening and increasingly stronger belief in progress were the sentiments that exerted a direct influence on the citizens to go to the polls and on the victory of the Democratic Opposition of Serbia.¹⁸ At one moment, it seemed as if the DOS would lose the elections. In two surveys, conducted before the September elections, we observed strong *defeatism*, i.e. disbelief of the citizens in the possibility of the DOS victory. Had this disbelief been strong and widespread, it could have turned into a self-fulfilling prophecy. In July, we found out that the

¹⁷ In addition to the building of a national state, there were the following three aims on the "menu": privatization and market economy, democratization and building of democratic institutions, rise in the standard of living and solving of social problems.

citizens were mostly forecasting that the ruling parties would win the elections, that there would be vote fraud and that Milošević would retain his power by force even if the opposition won the elections. Early in September, we also asked the citizens whether they would go to the polls despite their pessimism or stay at home. The citizens answered that they would go to the polls and express their choice by voting despite pessimism and fear. Such an answer could mean only one thing – the DOS was going to win!

Table 2: Average assessments of the spread of fear and belief in progress, Serbia, 2000 (min=1, max=5)

Feeling	August	September	October	December
Worry and fear	3.16	3.12	2.63	2.44
Belief in progress	3.27	3.44	3.47	3.78

Source: Surveys of the Centre for Policy Studies.

* * *

Finally, the mentioned changes in the public opinion brought about a radical restructuring of political power, i.e. a *realigning election*, in Serbia. The old citizens' demand that the opposition should form a *single issue group* and pursue *single issue politics* or, in other words, to commit itself to the change of the regime, was also met. In this way, a "celestial choice" was replaced by an "earthly one". The citizens of Serbia 'landed' in the mud". It turned out, as we can see, that even "the mud" would be safer than "celestial heights".

Belgrade, 2 April 2001

Translated by V. Gligorijević

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¹⁸ The question remains as to the factors that initiated the process of de-frightening of the citizens. This certainly did not occur spontaneously. There is no doubt that the election campaign also had a certain influence and so did the "climate of liberation", which was created by the independent media, image of the strong ("united") opposition, charisma (in making) of Vojislav Koštunica, belief in the (finally) full support of the international factors, perception of Slobodan Milošević's regime as worn-out and weak... However, it is still necessary to make a detailed analysis of the reasons for an increasingly stronger and broader (social) fear, beginning in the late 1980s, its dispelling (at first gradually and then abruptly) and the factors that led to the de-frightening of the citizens.

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A Note on the Changes We Voted for

Summary: In this paper the events in Serbia are analyzed in the light of two theoretical concepts of social change – “reform” and “transition”. The first concept is used for understanding the emergence and dynamics of Milošević’s regime, which selectively “reformed” the Titoist legacy of politocratic rule. The process of transition from authoritarian to democratic society was made possible by the October changes in Serbia. In the process of transformation, which is more than a simple “reform”, the new government is facing numerous challenges. One of them is the need to depoliticize the society or, in other words, to enable the autonomy of various spheres of social life. The other one is to avoid absolutizing national sovereignty which, in the Balkans, leads to the confrontation of ethnic collectivities regarding their own state as the basic instrument for securing their rights and freedoms.

Key words: reform, transition, democracy, communism, politocracy, nationalism, patriotism, individual.

On the character of changes

At the last year’s elections, the people of Serbia voted overwhelmingly *against* the hitherto regime and *for changes* in the social and political life of the Republic. The boiling political situation in the country and particularly the spectacular masses of people gathered in front of the Federal Parliament on 5 October deterred the regime from fixing the election results on a large scale once again and forced it to admit its defeat. The enormous anti-regime energy of the people, accumulated during the ten-year antidemocratic rule based on the principle “everything for power, power for nothing”, can hardly be harnessed by a simple change of the red-and-black “government of national unity”. (In fact, this strange coalition of the quasi-left and the quasi-right is manifested solely as the coalition of those craving ruthlessly for power). In the opposite, the voters for change would be greatly disappointed, although the views on necessary changes are widely varied, so that the expected changes are called differently. In our current political rhetoric – like in other East-European countries after the collapse of their totalitarian systems – changes are sometimes designated as

(post-communist) *reforms* and sometimes as societies in transition. The last October events seemed to some people as the “October revolution in Serbia” and to some as “the fourth uprising of the Serbian people” (1804, 1815, 1941, 2000).

Reforms

Reform literally means the redesigning, changing the image or remedy of something that remains what it is. (Regular treatment to beautify the face or hair, or even cosmetic surgery, cannot change the identity of the person treated.) In principle, the same applies to the identity and reforms of society. (For example, in the former Soviet Union in the late fifties, N. Khrushchev initiated a reform consisting in the “removal of vestiges of the personality cult” in order to stabilize the Soviet one-party system.)

Ten or so years after the collapse of East-European totalitarianism, the similar system in our country was maintained in large measure thanks to the reform carried out by S. Milošević. As the party in power, his League of Communists of Serbia continued to rule by assuming the name of the Socialist Party of Serbia (SPS). In the party ideology, the policy of the emancipation of the working people gave way to the policy of the emancipation of the whole Serbian people, similar to the Nazi formula: “*Ein Volk, ein Reich, ein Führer*” (“One people, one state, one leader”). This is how the country was struck by the East-European pandemic of nationalism, which also broke out as a result of the former suppression of nationality in the name of false internationalism (whereby the basic criterion was a commitment to Soviet politics).

Yielding to domestic and international pressures, our power holders, as new patriots, allowed their one-party rule to be supplemented with some kind of political pluralism. They formed many miniature parties, which could in no way endanger their power, while at the same time dividing up their opponents in the electorate. In addition, the liberated nationalists formed their ethnically clean parties (the SRS, SPO and some others), which also could not represent serious opponents to the “nationalized” socialists, since they could not count on the non-Serbian population, i.e. one-third of the electorate, or on their compatriots who were not nationalists.

The formation of two affiliates of the ruling SPS – the SRS and JUL – was an especially indicative manoeuvre in this cosmetic pluralization of politics. The first had to win over ultra-right voters to its side and the second ultra-left voters. (The leader of the former is the demoted *vojvoda*,* “the favourite member of the opposition” in the eyes of the SPS leader and the only one from the official opposition who congratulated Milošević for some victory. Moreover, he zealously helped Milošević to oust Čosić and Panić as undesirable political figures. The JUL is led

* Literally “duke” – title given by Serbian Chetnik organizations to outstanding members.

by Milošević's wife. It has a very wealthy and powerful leadership yet a very small number of members.) In the end, both affiliates formed the "government of national unity" with their headquarters and went bankrupt together.

During the SPS regime, some cosmetic changes were made in the economy and ownership structure. Otherwise, this party persisted in postponing any more serious privatization of so-called social property which, thanks to state and party regulations, served it to replenish the party treasury whenever necessary. However, as opposed to orthodox Titoist anti-capitalism, the post-Titoist reformer allowed some private initiative based on capitalist principles (in banking, for example), while at the same time enabling both the legal and illegal appropriation of the owners' profits. Apart from those private entrepreneurs, who were mostly selected and supported by the ruling party, there appeared the nouveaux riches from the ranks of the political and business elite. By (ab)using their office, they took advantage of the situation (e.g. shortages and smuggling during the economic and political blockade of the country) to amass riches quite easily.

Altogether, this redesigned politocratic system outlived the similar systems in Eastern Europe, but did not survive either. Moreover, it left behind greater chaos due also to the fact that it had exposed the country to the two-month devastation by the NATO bombing. During its reforming, it succeeded in becoming one of the world champions in a number of inglorious "disciplines", such as: record inflation, unemployment rates, decline in the living standards, migrations, international sanctions, not to mention the world vice-championship in corruption – there were never so many policemen and so much crime. Therefore, the Democratic Opposition of Serbia, which was assigned by the people to effect needed changes, should repair everything that was destroyed, deformed and corrupted by the overthrown un-national regime urgently and resolutely. All things considered, reforms must include surgical interventions rather than light cosmetics so as to restore the quality of life we had in the late eighties as soon as possible.

On transition

The comprehensive post-election reform initiated by the DOS is not the only or main exam that must be passed by this multi-party coalition before history. Correct and historically valuable solutions make the social organism, healed temporarily by reform pills, immune to crises. Such solutions anticipate correct diagnoses. If truth signifies the equivalence of notion and object (according to the classical formula – *adaequatio intellectus et rei*), then there are many departures from the truth in the current understanding of so-called post-communist reality. It is mostly indisputable that we face a resolute shift or *transition* from the current system to *another one*, such as, for example: from communism to capitalism, from centrally planned to market economy, from public (state, social) to private ownership, from despotism to democracy, from internationalism (anti-national-

ism) to (anticommunist) nationalism, from the single-minded ruling ideology to the freedom of thought and speech and the like. Let us consider some of the mentioned understandings in view of the perspective changes, which should be dealt with by the relevant democratic policy.

Communism and “communism”

The twentieth century is characterized first by the outbreak of two *world* wars and, second, by the rise and fall of two *totalitarian* systems – fascist-Nazi in Western Europe and Bolshevik, pseudo-communist in Eastern Europe.

Great illusion (unconscious untruth) or deception (conscious untruth), to which both would-be communists and various anticommunists of our time succumb, is a belief that communism (of the first, socialist phase) was introduced into Russia toward the end of the First World War – with the October Revolution of 1917 – and that the same system was established in a number of East-European countries toward the end of the Second World War.

As an order, communism is, by definition, a conflict-free and harmonious society, which is based on social justice and equality of all people that live according to the principle “from each according to his ability, to each according to his need”. In its first phase, socialism, there exists the principle of a just labour-wage ratio: “from each to his (working) ability, to each according to his labour”. Otherwise, in the sense of the mentioned principle, communism always existed and still exists in the *natural* (blood) community of the people living on their family estate.

In the East-European countries, however, there existed a *politocratic* society, which was in absolute disharmony with such a notion of communism, but bore its name. That society was characterized by a sharp *social* division between the privileged and powerful minority and the underprivileged and helpless majority of the population, where absolute power over the society (economic, political, ideological) was exercised by the formally authorized and hierarchically structured state and party *corpus politicum*. (Such a deviation suited very much to the opponents of genuine communism.)

Communism (in its politico-social meaning of our times) emerged as a movement for the self-emancipation of wage labourers from the power of capital, which (according to *The Communist Manifesto* by Marx and Engels, and as experienced later on) cannot be achieved by any political party in the name or on behalf of that class.

Communist parties were attaining to power in order to take away the capital from private owners by using the force of a party state. With such a transition of ownership from private to “national” (which was regarded as “everybody’s-nobody’s”) the personal motivation to do business loses its strength, while wage la-

bourers obtain the new employer–exploiter of labour – “the state of working people”. Naturally, this “gain” does not imply any emancipation of labour from capital or any communism, as it was claimed. For the exploited class this “gain” consisted only in its enlargement by the inclusion of dispossessed private owners. Since there was no transition from capitalism to communism, there cannot be *eo ipso* any reverse transition from communism to capitalism.

Just as the pseudo-communist dictatorship in our country was also based on the so-called nationalization of private capital, the democratic government must now be based on denationalized and privatized property, which is an urgent political, legal and economic task of the DOS. If, in this process of privatization, the worker also receives a part of the privatized value, in proportion to the amount of his or her labour involved in its production, the proletarians will turn into the producers/co-owners of this value, i.e. for such an amount they will emancipate themselves from their labour-commodity status being at someone else’s (buyer’s) disposal. There is a possibility that the emancipation of such labour is not a straight one and that it has to be achieved by the forthcoming denationalization and privatization.

It is also possible that the owner and the producer of capital value find a common interest in more efficient production thanks to the producer’s participation in the surplus value in excess of the wage needed for simple reproduction of the producer’s labour. This possibility becomes all the more realistic should simple physical labour give way before highly qualified, inventive and intellectual labour based on computer technology.

(Here is one historical illustration of the above view. In the Roman Empire slaves were working on slaveholders’ latifundia, but they were not personally interested in producing as much as possible, but in working as little as possible. Therefore, it was necessary to acquire more and more of those “talking implements” (in addition to oxen and horses for hauling), so that in the end the output was not sufficient for the sustenance of slaves, let alone for slaveholders. Slavery did not pay off any more. The Empire exploited itself from within and succumbed relatively easily to barbarian invasions. In contrast to the slave, the serf was personally interested in stepping up production; by increasing his output, he was also increasing the stable proportions of the dues owed to land owners [various one-tens, one-quarters, etc.], as well as the remainder for his family.)

Personnel reconstruction and a democratic transition of power

The change of the personnel composition of the government is normal in politics after the victory of the opposition in elections. The removal of numerous high officials who were close followers of the overthrown regime – which is still underway in business organizations, educational and other institutions, as well as in

the media – does not imply a *democratic* shift in the relationship between the people and state, which is expected from the victorious *democratic* opposition.

According to the notion of democratic government or the self-rule by society, associated citizens (civil society) are the co-authors of a social order. Their “social contract” (Rousseau), i.e. the constitution, brings about the establishment of agencies, services, organizations and institutions that constitute the state which is assigned with the task to maintain the constitutional order in its real (legal) function. Consequently, by the logic of law, the state is the service of associated citizens but, in real fact, it frequently turns into the more or less self-willed master of society. In this case, transition would imply the abolition of the perverted relationship between state and society and restoring reality to its notion or *true* reality, instead of the perverted facticity that “the rational is the actual and the actual is the rational”, as could be said in the Hegelian manner. The final aim of this democratic change is not near. However, it is unreachable if it is unknown and if the democratic movement fails to take appropriate measures towards the known strategic aim by using daily tactic. (In this way, it is possible to assess whether one movement is truly democratic).

Democratization, as the establishment of the rule of law instead of the self-will of power holders, may only begin after elections with the replacement of power holders by *politicians* belonging to another party. However, the genuine self-rule of society can be achieved by the practical *depoliticization* of authentic human values.

In politocratic totalitarianism, state and party regulations permeate the whole society, penetrating all its segments through politically suitable controller-commissars. In the area of economics, for example, the official rule was that the “state determines the measure of labour and consumption”. Due to this external command-distributive political domination over the economy, politics was making use of the economy and not vice versa. The “political” economy was thus becoming increasingly less economical and increasingly more inferior to a free-market (Western) economy. The same applies, *mutatis mutandis*, to all spheres of social activity and life. State and party commissars were weighing everything in the society against its practical-political usefulness; all values were worth so much as they involved politics. Thus, education, science, culture, sport and even religion were politicized. Political pragmatism *par excellence*! The politocratic system, exposed to such devaluing, disintegrated by itself and collapsed without any invasion.

It is historically unavoidable to initiate the *process of depoliticization* of the society as a radical and efficient way out of the current “post-communist” state of affairs. This comprehensive transition implies that each sphere of social activity (economy, education, health, journalism, etc.) becomes *politics in itself*. By pursuing its own interest, each of them is oriented to a greater or lesser degree to all others, each is *necessary* to all, so that all of them comprise the *federation of*

work-interest communities, with the federal parliament where they reconcile particular interests with a common one.

In contrast to the federation consisting of territorial-political units (e.g. national republics), this one represents a conflict-free, stable and prosperous society in which political affairs are conducted by experts, who decide competently and jointly on all issues at national fora, instead of all-competent, omniscient and more or less professional politicians.

Patriotism and craving for power

The other great illusion of the century (in addition to that about communism) which is, especially in the Balkans, paid with so many human lives and goods – is a widespread belief that the full sovereignty of a nation is achieved through the sovereignty of a nation-state. In the context of this belief there appears – more practically than expressly – the notion of man as the being of nationality or, in other words, the view that nationality is the essential attribute of a human being. This “nationalization” of humankind and reduction of the subject to one attribute or the usurpation of the totality of human needs and rights for account of national needs and rights, are manifested especially in the form of ethnically clean political parties.

Just as political-party communism was winning power for its ambitious leadership by abusing the aspirations and feelings of the working class, the nationalist forces are attaining to power for account of the “fathers” of the nation and national leaderships by invoking national sovereignty and, thus, abusing patriotic feelings of their compatriots. Ambitious power holders need the state as a territory, delimited by inviolable borders, with its natural and reproducible resources and population, as the object of *their* sovereign-state rule, in which nobody *outside* the state borders will interfere. Given such *external* sovereignty, the nation *within* the state borders can be – and most often is – non-sovereign. Under authoritarian rule, the citizens can only be non-sovereign subjects and the nation consisting of non-sovereign subjects is not truly sovereign. The notion and reality of sovereignty diverge more or less wherever democracy was turned to a greater or lesser degree into state supremacy over the body politic, whereby a nation-state is not an exception. (The mediaeval “rule by one” or monarchy did not display hypocrisy in that respect; officially, the sovereign was only the ruler, and the sovereign and the ruler were synonymous.)

In the name of national sovereignty as national statehood, the Balkans are still the scene of mutual extermination of their peoples, which is frequently more massive and more brutal than any extermination of pests in nature. The primitive nationalist, fanaticized by the media, kills the “stranger” belonging to a different nation and religion – a child, a woman, an old man, a prisoner, a wounded person or a soldier. He persecutes, plunders, rapes, slaughters, burns down and

destroys without having a guilty conscience as if it were just a game. Moreover, he experiences all this as his duty and is even proud of his “patriotic” merits. This perverted, savage, *homicidal* orgy of evil reveals the true *nature* of (ultra-)nationalism or chauvinism, pretending to be supreme patriotism.

Full national sovereignty can be achieved without any defined state territory if ethnicity is not practically put forward instead and against humanity, but is organized and acts according to *its notion* as a specific form and factor of diverse humanity.

As an acceptable pattern for the external sovereignty of a national community one can take a non-state religious community or the church. The Serbian Orthodox Church, for example, does not have a defined church territory. What it cares about are its members and not the countries in which they live. Thus, it gathers the believers in Serbia and the rest of the world into a religious community, which is also sovereign due to the fact that no one outside of it can decide about the religious belief or church organization. The Roman Catholic Church also has its members in regional churches on all continents; its state, the Vatican, is only a symbolic remnant of the one-time papal state. It also enjoys full external sovereignty, which is independent of papal statehood. However, these two examples cannot be taken as a model for internal sovereignty. (Both of them maintain the mediaeval division of their members into the all-competent clergy – the one-time second estate of the feudal realm – and ordinary believers who do not decide about the church organization or creed).

Like a sovereign church, a sovereign nation would gather its members both in the homeland and in the diaspora. Just as churches exist *only* for the purpose of maintaining the religious identity of their members, a sovereign nation would be constituted as a non-state community of compatriots *only* for the purpose of maintaining their national identity, without interfering in their personal (proprietary, professional, family, communal, etc.), civic and party affairs.

This non-state settlement of the national question would abolish a division into important and unimportant nations and a distinction between majority and minority nations. By distinguishing the activities of a civil state from the activities of a sovereign, non-state national community, it will not be possible that a nation-state passes for a civil one. Thus, it will not be impossible and unusual that, in the civil state of equal citizens, a person belonging to a minority nation is elected as the head of state, presiding officer in a parliament, prime minister or the chief of staff.

The state does not have to be theocratic, so that its church is sovereign. By the same token, it does not have to be natiocratic, so that its nation is sovereign.

Like a sovereign civil state, a sovereign non-state nation may have its national multi-party parliament and government, but national parties will be active only within the nation. (The nationalist parties, which distinguished themselves

as the war parties during the war orgy of Yugo-Balkanism and aspiring to greater nation-states, deserve only to be dissolved.)

The non-state sovereignty of a nation already implies an inclusion in sub-continental, continental, global and *universally human* integration, which evidently represents the further process of transition of humankind “in itself” to humankind “for itself”. *Gens una sumus*, as would be said by chess players in the global Olympic spirit.

Something like an epilogue

To the comment of my dear and wise friend that my theses (advanced at the gathering too briefly and presented in this paper in greater detail) seem to be too “eschatological” to be sufficiently effective from a practical-political viewpoint, I wish to give the following answer. The philosophical-historical *logos* and practical-political “art of the possible” differ from each other. Events are not fatalistically predestined and there are various possibilities. Which one to choose? For philosophy, politics with its options is the subject of a critical analysis, making a distinction between truth and untruth, between a humane choice and an inhumane one, in the light of the theory about a historical experience of the world. If the solutions seem unrealistic in the given circumstances, the blame should be ascribed to the circumstances and not to philosophy. A journey in the right direction does not have to last like the Biblical *Exodus*, i.e. that several generations have to die before the people arrive in the “Promised Land”. The known direction spares the passengers from the practicum wandering through the desert.

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CONTINUITY OR
DISCONTINUITY?

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Changes in Serbia – The Change of Sign

Summary: The paper discusses critically the strategies of perceiving the prospects and limitations of the hitherto social and political changes in Serbia from an “opposition” political or politicized intellectual standpoint. The tendency is noted to view changes (continuity or discontinuity) as a change of the political sign rather than to make a comparison between different political programmes. What is lacking, however, is the possibility of analyzing the previous political period in the context of a clearly and positively defined, alternative project of the future development of our society. In the second part of the paper some specific ideologizing “effects” or “impasses” of such an approach are presented. As an illustration, it describes one of the stereotypical methods of thematizing political and social processes or, more precisely, specific and recognizable “theories” of social reality, in whose creation and dissemination the intellectual elite also participates. The examples show that certain patterns of political culture of this society did not change for a long time, despite the change of the political systems and regime.

Key words: political change, political culture, political project, intellectual public, social psychology.

I will begin with one statement: this gathering, which is devoted to social and political changes in Serbia, was organized – too early. By this statement, however, I do not wish to dispute the importance of the past events or a general impression that “our (October) revolution” really took place.¹ I also do not think that the past period is not long enough so as to be able to draw any conclusion about the nature and depth of possible changes. My statement is based on the conviction, which the course of this discussion has also confirmed, that the issue of *change* has not yet been placed on the agenda – neither within the scope of political activity nor in the sense of a rational reflection on the situation in society. We must agree with such a statement if we wish to discuss continuity or discontinuity, not in the sense of a mere *change of the political sign*, but on the basis of a

¹ Moreover, the fact that the “peaceful” character of this “revolution” has lately becoming increasingly more violent is only convincing me of the accuracy of such reasoning.

comparison of different political programmes. What we are lacking is the possibility of analyzing the previous period in the context of a clearly and *positively* defined, alternative, project of the future development of our society. The fact that such a project has not yet been formulated, either by the new government or intellectuals, makes such a discussion senseless.

On the political and intellectual scene there is not much else at the moment than something what the “common” people – driven by the hardships in life rather than by clear political visions – manifested at the last selections. They are not for “those ones” any more, they are for “these ones”; they are not, in general, for a “negative balance”, but for a “positive” one (social, economic and political) and they are resolutely “against”, albeit not for some conscious “for”. There is no doubt that it was the wave of this *negative* energy on which the Democratic Opposition of Serbia (DOS) succeeded in winning power and overthrowing the regime which, by using repression, was holding a monopoly over a particular (though vague) definition of the state and national interests (and a much more transparent choice of means for their pursuance). Destruction of the state and society, going on for many years, was so apparent and its effect so painful for all that the opposition did not need any stronger, more convincing political argument against “such politics”, except for its persistent efforts to put a spoke in its wheel. However, the fact that it failed to offer any clear and uniform (at least minimum) programme on which national consensus could be reached even after assuming power, leaves us now without a yardstick by means of which to thematize the hitherto changes, whether effected or anticipated.

I see two basic groups of reasons why it is not possible (or there is no will for that) to formulate one such – alternative yet positive – political and social project in Serbia today.² Some of these reasons have been inherited and are of an “objective” nature. They lie, above all, in the fact that the government is still unable to solve the problem of its borders and this also applies to our people (nation) as regards the problem of its identity (as a political community), not to mention the problem of defining the state or national interest, which would create a basis for such a programme. The second group of reasons are those of a “subjective” nature and refer to the limitations stemming from the organization and functioning of the Democratic Opposition of Serbia. As a conglomerate of political parties with different and even opposite programmes or, in other words, as a “coalition based on agreement”, the DOS bases its political activities on the continuous “reconciliation” and balancing of its views (mostly before and outside the institutions) on each *individual* social or political problem. Therefore, the only possible basis of its *unified* “programme” approach is the inertia of its “*opposition*” political (and propaganda) activities which is, otherwise, the most salient feature of politics in this “post-revolutionary” period. It contains something that is (also theoretically) expected. Namely, the “opposition programme”, which is now

² Although there are certainly more of them.

presented by the new government to the political public, appears to be the potentially most successful strategy of securing and strengthening “*non-specified support*”. Since the people made its decision on the basis of the promised changes and not a specified programme, it must be proved that the DOS is fulfilling its promises. Therefore, attention is focused on discontinuity with the earlier period in general, dissociation from and underscoring irreconcilable differences in relation to the previous system, as well as attempts to dispute and expose morally the former regime at all costs. *Change* as such – more or less emptied of its content – remains the basis of their legitimacy.³

The Serbian politicians and intellectuals have an unusually similar (“programme”) approach to our social and political reality. This approach can be illustrated by two, now customary, phrases, which are used both in political and intellectual discourse: a) “Not to be a ‘*Milošević man*’” (“Any similarity with Milošević is only accidental”); and b) “To be like all other (‘democratic’) world”. Both “programme” stands direct both sides into a similar (political or intellectual) impasse.

Ad a). The most striking public demonstration of the mentioned strategy of “opposition” political activity of the ruling coalition is the almost ritual “taking a position” vis-à-vis Milošević whenever a political “move” is taken. This ritual is becoming an inevitable part of today’s “post-revolutionary” folklore. Moreover, the need to take a position vis-à-vis Milošević and dissociate oneself from the period of his rule is introducing the current government to some “magic rites of annulment”. This metaphor describes the tendency to emphasize discontinuity by disputing, without discrimination, *everything* that (and – not less important – *everyone* who) was in any way related to the former regime. “Crisis committees” and purges – from a company manager to an elementary-school principal – are only the most extreme manifestation of such a tendency. However, this phenomenon is much more complex. Since the period of the former regime is linked – whether we wish to admit it or not – not only to bad political solutions and abuses, but also to real social and political problems, which every government has to address sooner or later, such a legitimization strategy (without a positive political programme of social development, based on clear aims, observance of national and state interests and the assessment of actual possibilities for their achievement) is inevitably leading into a political improvisation and voluntarism. Since urgent political problems cannot be “swept under the carpet” (even if it belongs to the “opposition”), we have a situation that the DOS – while continuing with the same rhetoric in public – applies similar, hasty solutions quite often

³ Moreover, it is becoming evident that every effort to raise the question of the specific content of the promised changes, i.e. specific solutions to certain political and social problems, can pose a serious threat to the DOS unity and, thus, to the government. Therefore, the question whether the DOS will disintegrate is turning into the crucial political issue.

(toll gates at the administrative border with Montenegro and the “case” of ICN-Galenika, are just some of the characteristic examples).

Such an approach to our political reality is not part of political activities and discourse alone – as we could see at this Conference as well. One part of our intellectual elite is also inclined towards taking over this opposition or reactive pattern in the analysis and interpretation of political processes. On one hand, the reason lies in the fact that a significant part of this elite is personally identified with the political one. However, such an intellectual approach has its specific socio-psychological origins. Namely, the “post-revolutionary”, emotionally charged and politicized social climate does not allow any member of our society, including intellectuals, to remain “neutral”. Social pressure, which requires “taking a position” and is characteristic of such social situations, is too strong that one can resist it. It should be noted that our intellectual community (for the same reason) was also very politicized during the past ten years. To be an “anti-Miloševićac” was a “social ticket” to the Serbian intellectual circles and those “who stand on their dignity” (which also applies to a significant part of the international political, intellectual and “fund” circles). Without wishing to challenge the contribution of intellectuals to democratic changes in our country (on the contrary), I have an impression that such an approach was often taken at the expense of one’s intellectual objectivity and analysis. The mortgage of “Miloševićism” and “nationalism”, which was constantly hovering over the head of the Serbian intellectual, imposed some kind of permanent self-censorship⁴, which exerted influence on the attempts to make an impartial analysis of social, political and economic causes of the situation over the past ten years. Thus, the politically risky, yet intellectually comfortable status of a “member of the opposition” resulted in interpretations based on various stereotypes, *ad hoc* hypotheses and “theories” of common-sense provenience which, as a rule, ended in some form of psychological reductionism. The most popular theories of social causality were most often based on the so-called “fundamental error of attribution”⁵ and were mostly confined to the character of Milošević and members of his family or, even more often, to “Serbian mentality”.

Caught in the “jaws of anti-Miloševićism”, the intellectuals, like the politicians today, fail to present their understanding of the *desirable* aims and lines of social development in general; to compare them with the specific ways in which

⁴ In some intellectual, NGO and political circles, any mention of the state or national interest is still proclaimed nationalism; a call for the defence of the country is indiscriminately linked with war crimes; the armed forces of one’s own country are, for propaganda purposes, called “dogs of war” and legitimate authority of the state is equated with “authoritarianism”. Not to mention shaky theses about the need for “democratic control” of the army (!?) or excessive “objectivism” of government representatives in foreign relations.

⁵ A tendency in the interpretation of the causes of someone’s behaviour (or some phenomenon, event) to underestimate the significance of situational determinants, while at the same time overemphasizing the dispositional properties of the actors.

they were understood and solved in the past and now, and to try to analyze the genuine directions and achievements of *changes*. Something that is allowed to a pragmatic politician is still not allowed to one who aspires to the truth. On an intellectual plane, the same tendency leads to the logical error of making a conclusion *from effect to cause*. The disastrous results of Milošević's politics are taken as a basis for the "annulment" of a great part of social and political reality, i.e. the actual yet unsolved problems of the state and society, which were raised a long time ago. Moreover, as our discussion has also shown, due to an inadequate differentiation between political and intellectual activities, analyses often give priority to value judgements over truth judgements; there is no distinction between "source" and "message" (which is a feature of dogmatic consciousness); the same, pre-established "oppositional" explanatory framework is retained despite the stubborn facts (i.e. new information are just fit into it or, if that cannot be done, they are "clarified" in an analytically improper way), or one just "plunges" into ideological nihilism and negativism.⁶

Instead of offering autonomous social development projects, the intellectuals are concentrated on actions of the new power holders, perceiving them in the same "opposition" paradigm, that is, weighing their similarity with or departure from the patterns of Milošević's rule. Thus, the position taken towards Milošević has become not only the measure of every politics, but also the measure of truthfulness and, even, morality. Bearing in mind this coincidence, we can rightly conclude (by citing Professor Puhovski⁷) that we have not yet entered the post-Milošević era and that we are still and only in the *anti-Milošević* era.

Ad b). "To be like all other (normal, democratic) world!" is another general statement that circulates among the intellectuals, with which we all can agree in principle, without any problem. The problem arises at the moment when one has to explain what is understood by that ("normality" as well as "democracy" in our circumstances). Without a thought-out programme of democratic development and a clear definition of the priority interests of the state and society, our politicians resemble the characters from that anecdote about blind men and an elephant: whatever someone comes upon, he takes as the basis of his idea about

⁶ "Nothing has changed nor can it be changed". However, the consideration of social and political changes brought by our "October" (and, indirectly, of the issue of continuity-discontinuity) must be based on serious analyses of both negative (starting points) and positive (political aims, means) elements of Milošević's politics, if we wish to adhere to the "opposition" paradigm. Are there some realistic and legitimately outstanding problems of this state and society, faced before and apart from Milošević, or he fabricated all of them? What do they all consist of? If the problems stated by him were not crucial, what problems are crucial? If there are some more important problems, was he solving them and in what way? Did he rely on legitimate aims, interests and means? Are there some other ways in which they can be solved? And so on. .

⁷ That the period of "transition" in this region so far has not been the period of post-communism, but the period of anti-communism.

modernist reformation, democratization and “normalization” of society.⁸ In addition, persistent insistence on a “return into the international community” – either through membership in the EU, Partnership for Peace, NATO and the like – on which there is also no consensus – will remain only a phrase from the election campaign, unless it is known (and explained to this people) what we actually want from it.

An uncritical and non-thoughtful inclination towards the standards of the “normal world” exposes the intellectuals to additional temptation, which is mostly not faced by the politicians. Namely, to adopt the norms of the international community does not have to mean anything else but to behave in the way that is *expected* from us. However, we could convince ourselves during the past ten years that the “expectations” of the “international community” as regards the behaviour of all protagonists of the Balkan drama were most often vague and inconsistent, just because they were dictated by pragmatic political reasons.⁹ It is evident that a part of the international political community came to regard the pronouncement of the “end of ideology” not only as the end of the Cold War, but also as the elimination of *values* from the political game in general. This means to leave the course of history to unbridled political pragmatism. A part of our political elite also holds that adjusting to such a state of affairs is justified, because that is the most efficient path in the sphere of “the art of the possible”.¹⁰ But, this problem, which is faced by the intellectual elite that is expected to offer some “guidelines” and be a “corrective” of social development (and this means to develop implicit or explicit “ideologies” about society, *adjusted to the specific features of our social system*) is not only ethical. If such a value system is not included “in the game” once again and if our elite is guided only by the expectations of the “international community”, its ideological and political work will be doomed “to infinite and capricious conformism”.

* * *

So far, I have been concerned primarily with the question whether the prospects and restraints of social and political changes in Serbia can be analyzed proceeding on the described “oppositional” (or politicized) intellectual assumption. However, I wish to turn my attention for a moment¹¹ to some of its ideological “effects”, i.e. deviations. I have in mind the specific methods by which political and social processes are thematized or, in other words, the content and

⁸ An apparent example are numerous ideas advanced by the new minister of education concerning school reform, aimed at making us closer to Europe and the “democratic world”: from reducing the curriculum in national history to shortening lectures to 30 minutes.

⁹ The conflict between pragmatism and values has become topical once again in the shadow of “globalization”.

¹⁰ In fact, a split on the political scene between political pragmatism of Z. Đinđić and “legalism” of V. Koštunica reflects the same dilemma.

¹¹ That is the topic of a separate, more comprehensive work.

nature of some specific and recognizable “theories”¹² about social reality in whose creation and dissemination our intellectuals are also involved. Those are most frequently the patterns of thought or cognitive representations, which are used in the interpretations of causality of the current events. Being conceptual (ideological) “filters”, which “purify” information about people and events, they not only “construct reality” in a figurative sense, but also exert influence on the views and convictions of all members of the political community, thus determining it and changing it in a “tangible” way. Persistence with which some of these patterns were reproduced and maintained “on this soil” during the past fifty years (despite changes of the political systems and regimes) point out that they are not only an error in intellectual reasoning or a means of propaganda used to win power. This means that they probably form part of collective representations that have already been incorporated into the foundations of our political culture.

I will mention some of these “topics” being continuously present in our political culture.

The topic of political discontinuity. – The political development of society has to be regarded as a discontinuous process, which is accompanied by more or less violent “interventions” in political culture. In other words, it is manifested through the negation (i.e. radical challenging, discrediting, “annulment”) of any contribution of the political predecessors to the development of society. Thus, every political generation attempts to influence radically (by the use of force or propaganda) a change in the beliefs, views, assumptions and prevalent values of members of the political community. There is no notion of *positive* political tradition and legacy, evolution or reform (which would point to the “historicity” of political consciousness), but only the idea of “permanent revolution”. Likewise, instead of the idea about a periodical change of government as a change of different political projects within a continuous political development of society, there remains, in political consciousness, the metaphor of the new government as the phoenix that can rise only from the ashes of its political predecessors.¹³

Topic of political monopoly. – In essence, the idea of politics as a monopolized area reflects an aspiration towards the abolition of any politics. An attempt to challenge, discredit and (symbolically or actually) “annul” any *competitive* political programme or, in other words (which has the same effect) to “occupy” the entire political area.¹⁴ Or, the idea of rejecting political pluralism in full (like in the

¹² We may call them “cognitive representations”, social myths, stereotypes, and the like.

¹³ I do not speak here about the objective courses and specific features of political history, which would contribute to such a representation of political development of society, but only about their effects on political consciousness, on a “widespread and common interpretation of the political situation” of members of the political community.

¹⁴ In this section, I refer to the theses of S. Samardžić, who uses the term “cynical pluralism” or the rule by occupying (destroying) the political area. See: “Levica i desnica kao politički surogati” (“The Left and the Right as Political Surrogates”), in: *Argumenti za Srbiju* (Arguments for Serbia), Centre for the Promotion of Legal Studies, Belgrade, 2000.

time of the former socialist Yugoslavia)¹⁵, or the idea of “political pluralism without political competition” (the period from 1990 to the present day). This “topic” is still of current interest. Although the idea of pluralist and competitive democracy (co-existence of competitive political programmes) is accepted in principle, what is explicitly supported is a monopoly over the proposed interpretation of social reality and global ideas about the methods of solving social problems, as well as over making specific political decisions.¹⁶ In essence, this is a general “topic” of political intolerance.

Personalism in political thinking. – In fact, personalism in analyzing political processes is the characteristic of “primitive” or immature political thinking. Since small children are unable to understand abstract notions (government, society, state) they regard politics and political processes only through concrete personalities (so that they use the pronouns “he” or “they” when speaking about the government). As for adult persons, such a method of conceiving politics is regarded as a regressive form of political thinking. It is characteristic either of less educated social groups (when political problems and processes are too complex to be understood by them) or of situations when the convictions of individuals reach the point of passion or hatred. Personalism in political thinking and in our political culture has both of them as starting points.¹⁷

Conspiracy and persecution theory as the dominant theory of social causality. – In attribution theory, it is defined as a generalized conviction that all complex (especially disastrous) historical, political and social processes have a relatively simple explanation. In our country, there is a widespread belief in the extremely simple causality of disastrous political events, which exerted influence on the fate of society. Conspiracy theory is always expressed by a social myth, which attributes all evils of this world to the machinations of a small group of conspirators. Naturally, this is backed up by a belief in radical solutions to the disastrous situation of society: a resolute action against a specified, identifiable and doomed group of “outcasts” will enable collective redemption, that is, a qualitatively different (and better) political and social order. These simplified theories of social causality are always accompanied by the dissemination of stereotypes (about political opponents, rival groups and the like).¹⁸

¹⁵ In the well-known research into the post-war system and political development of the former Yugoslavia, Koštunica i Čavoški reconstruct the evolution and specific features of such an idea in our political culture, i.e. they describe the “period of establishing a specific form of political pluralism which has been showing a tendency towards party monism from the very beginning”. Koštunica, V. and Čavoški, K., *Politički pluralizam ili monizam* (Political Pluralism or Monism), Institute of Social Sciences, Centre for Philosophy and Social Theory, Belgrade, 1983.

¹⁶ The typical example are parliamentary debates about draft laws where, as a rule, not one amendment put forward by the opposition deputies is adopted.

¹⁷ “Obsession” with Milošević (like with Broz at one time), either as an object of veneration or hatred (which are two sides of the same “authoritarianism”) is the most extreme example of such a personification of politics.

The idea of the opposition as being inherently disloyal. – According to Almond and Verba (1963), developed democratic culture is based, inter alia, on the feeling (or position) of interpersonal confidence, which is of utmost significance for the observance of the democratic rules of the game¹⁹ “The opposition must be viewed as a *loyal* opposition, which will not arrest you or execute you when you surrender political power to it, but will behave in accordance with law and will, reciprocally, surrender power if your side wins the next elections”.²⁰ Here this assumption of democratic political culture has not been satisfied up to the present. On the contrary, the prevalent views on the political minority are, as a rule, burdened by distrust. It is not regarded as a political opponent with an alternative or corrective programme of social and state organization, but as an “outcast” from the political community and, thus, not subject to the principles and standards of moral and legal justice, or parliamentarism. The terms “compromised” or “non-constructive” opposition are used in political (and parliamentary) discourse in 2001 just like in the period 1990-2000 and 1944-1949. It is characteristic of parliamentary life, both in the past and today, that not just political arguments of the opposition are disputed, but also its *right* to participate in political life at all.²¹

The topic of revolutionary justice. – In a socio-psychological sense, “revolutionary justice” denotes justice which is based on the expectations of the masses, whereby those expectations are based on the given (just changed) balance of political powers. Thus, within such a concept of justice, what is becomes what it should be: “just” is nothing else but that which reflects the current distribution of power. The principle of revolutionary justice, in various forms, was applied in the former Yugoslavia in the aftermath of the war. Although this notion is usually understood to mean mass executions as decided by “drumhead courts”, revolutionary justice was most often administered in the form of punishment for the acts committed “against the people and the state”, containing very vague incriminations, or being defined according to the principle of analogy.²² The socio-psychological essence of this principle is contained in its purpose to

¹⁸ The dissemination and (ab)use of stereotypes (as unjustified generalizations and specific theories of causality used for political ends) in this region, during the past ten or so years, represent a special topic. Here I will cite only the stereotypes about “a danger of Serbian nationalism”, about specific “Serbian national character”, about “nazification of Serbia”, about “totalitarianism”, about Serbs’ self-perception as “celestial people”, about “omnipresent aggressive nationalism in this environment”, all of which can be refuted relatively easily relying on empirical data and scientific, rational argumentation rather than politically motivated “impressionism”. However, psychologists have known for a long time that stereotyping does not serve the *rationalization* of social reality, but its *ideologization*.

¹⁹ See: Almond, G. & Verba, S.: *The Civic Culture: Political Attitudes and Democracy in Five Nations*, Princeton University Press, Princeton, 1963.

²⁰ See: Inglehart, R., “Culture Shift”, Princeton University Press, Princeton, New Jersey, 1990, p. 23.

²¹ Usually, by pointing to the “sins from the political past”: “We have seen how you had been doing that”, and the like.

²² See: Koštunica, V. and Čavoški, K. *ibid.*, p. 136 et seq.

“justify” the discrimination or elimination of the forces that have just become a “political minority”. It is applied, let me quote the book by Koštunica and Čavoški (although the context is somewhat different), when “...due to the changed social and political circumstances, there is a need to find someone guilty and punish him as socially dangerous, because he poses an obstacle to the implementation of the new aims dictated by these changed social and political circumstances”.²³ The principle of revolutionary justice was also applied by Milošević after his attaining to power (especially in Kosovo) and, in my view (regardless of different interpretations) it is still practiced.²⁴ Or, to be more precise, on our political scene there is a conflict between the proponents of the principle of revolutionary justice and proponents of the principle of legality.

Topic of (party) loyalty. – Loyalty or “fitness”, as criteria for selecting cadres, have always been of significance in this political culture – and they still are.²⁵ “Crisis committees”, which are shooting up like mushrooms after rain, are the basic executive of such politics. However, there are at least two more conceptual forms in which this topic is embodied: an ideological struggle against the “residues of Miloševićism” (which is, as I see it, waged also within this intellectual debate) and the topic of “converts” (ideological conversion), which is very popular and ethically underlined. There is a certain contradiction in the approach to this “topic”: they are simultaneously criticizing the personnel policy of the new government (based on the principle of party loyalty) and advocating the removal of “old regime cadres” (based on the principle of unfitness). Moreover, an essentially political issue appears as an ethical one. Basically, the actualization of this “topic” expresses the dilemma of all victorious political parties in the period of strengthening their power. It involves a choice between a minor number of “dedicated” followers and mass, albeit conformist, support.

* * *

In this paper, I wanted to illustrate (proceeding from my own professional viewpoint, that of social psychology) some methods of thematizing the issue of change in the period after 5 October. At the same time, however, these examples show that while the government can be changed “overnight”, the patterns of political culture cannot.

Belgrade, 8 May 2001

Translated by V. Gligorijević

²³ Koštunica, V. and Čavoški, K., *ibid.*, p. 143.

²⁴ I have in mind the mass arrests of representatives of the former regime, whereby incriminations are rather vague (i.e. “abuse of office”, which reminds us of the acts of “speculation and sabotage” from the post-war period in former Yugoslavia), coupled with prejudicing and making a public pronouncement of the judgement through the media even before the trial – which is presented by the current government as the fulfilment of the pre-election promises.

²⁵ I do not have to speak in more detail about moral and political fitness in the period of self-management socialism, as well as during Milošević’s regime.

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Forced Democratization of a Criminalized State

Summary: In the September-October political overthrow, the citizens of Serbia took the necessary step out of neo-Bolshevik authoritarianism, thus creating the preconditions for the transformation of the authoritarian order into a democratic one. However, these are just presuppositions for initiating the process of the political, economic and social transformation of the Yugoslav and Serbian society into a modern society and state. Unfortunately, the reality of Serbia and FRY is such that the principles of a liberal-democratic state have for the present remained nothing but empty pre-electoral promises on the part of DOS. After the overthrow, the functional mechanisms of the old system, including organized crime as the dominant economic factor, have remained intact. The new government has actually abandoned the very process of the structural transformation of the system; instead of that it has followed the rules of the game of the system it inherited; it has placed its own people in important offices and placed the state, the media and institutions under its control.

Key words: Democracy, state, society, structural reform, criminalization, personnel policy, clientelism, ethnic nationalism.

Changes of order took place in all European communist countries in 1989-1990. It is widely thought that a new liberal (Kiss, 1993: 5; Ackerman, 1992; Fukuyama, 1990) or liberal-national (Nodia, 1992: 3) revolution took place in Europe on the 200th anniversary of the fall of the Bastille. Its anti-communist nature is indisputable, particularly if "communism" is taken to mean different variants of a bolshevist order, including real-existing socialism (Beyme, 1994). It is also the general opinion that this is a process of transition from an authoritarian order to a democratic order, that it is a highly complicated, multi-layered and, contrary to initial unrealistic expectations, a lengthy and thorn-strewn path to social change (Goralcyk, 1995: 143-144; Offe, 1994).

What happened in Central European countries in 1989 did not take place in Serbia until October 2000. Why? I have tried to give an answer to that question

in a previous text (Sekelj, 1998); here I shall repeat the basic thesis. A democratic order is not possible until a fundamental social consensus is established on the basis of a firmly grounded political community. The prerequisite for that is to overcome the ethnic perception of the nation, either through the revolutionary political perception of the nation founded in the French revolution or the liberal perception of citizenship as having priority over cultural-ethnic perception of the nation. In single-nation states such as Hungary, Poland, the Czech Republic, France, etc., the political perception of the nation is no problem at all: each citizen is Hungarian, Polish, Czech, French... and those few members of minorities are members of language or cultural minorities that, with respect to the political perception of the nation, are on the same plane as – according to the liberal model – freedom of confession, that is a private affair of the individual that is protected publicly and legally. That is why the political community had already been created in Hungary, Poland, the Czech Republic and Slovenia in 1989-1990. Those countries entered into the process of political and economic transformation with the prerequisites of a political community. As compared with those countries, the successor states of SFRY or the USSR, as well as nationally heterogeneous Slovakia, Romania and Bulgaria, faced the collapse of communism with two or more pre-political communities on an ethnic or ethnic-confessional basis. Ethnic membership, and that according to the principle of *ius sanguini*, and not citizenship and the acceptance of common fundamental values, is the criterion for membership of a community. In those countries, and Serbia and FR Yugoslavia fell into the category of that type of country up to the September-October events – ethnicity is the exclusive, dominant and essential matrix of politics and, with such intermediation, the most significant determining fact of the process of social, economic and political transformation. That is why Milošević succeeded in imposing the rules of the political game. He did so not only in the sense of how power is rendered legitimate but, first and foremost, in the sense of the content and aim of representative democracy and electoral competition. In fact, right up until the second round of municipal elections in December 1996, the only political issue in FRY was the Serbian national issue. As Milošević held the state firmly in his own hands and was the personification of the creation of statehood in the course of the process of the breakup of Yugoslavia, the so-called democratic opposition (DS, DSS, SPO and a number of smaller parties) endeavored incessantly to take the national question out of the hands of Milošević, telling the voters that the opposition, and not Milošević, was the true representative of national interests. Thereby, they did not pose the question of membership of a political community on the basis of citizenship but, like the dominant matrix linked to Milošević – on the basis of ethnicity. That is why the so-called democratic parties were ethnic parties in the same way as the SPS, SRS or the DZVM. Milošević succeeded in this way in retaining a basic distance between himself and all opposition parties. Milošević was a statesman, and all the others were “politicians” in the pejorative sense of the word.

The overthrow of Milošević's regime by means of an parliamentary and presidential majority that had been legitimized by elections was not possible until the political protagonists broke out of the vicious circle of the ethnic state, nation and religion as factors that determine whether citizens are suitable to become included in the political community. The prerequisites (but only the prerequisites) were thus created for the commencement of the process of the political, economic and social transformation of the Yugoslav and Serbian society into a modern society and state. When, for the first time, the Serbian opposition convinced citizens that it represented an alternative to the policy of Milošević and the SPS, it did not only win the elections – but it also created the necessary but nonetheless insufficient prerequisites for the transition from a virtual AVNOJ Yugoslavia to a modern liberal state. Admittedly, political protagonists in Serbia needed ten years to do that. For ten years, the Serbian opposition sought unsuccessfully for a “Serbian Havel”: it finally found him when it convinced citizens for the first time that it had someone to stand at the head of an alternative policy to Milošević and SPS. The alternative nature of that policy consisted in (1) abandoning the hitherto dominant ethnic matrix of politics, i.e. exclusion and inclusion into the political community, and (2) a promised program of structural reforms of the political and economic system, that is of the entire society and state.

Thanks to the electoral victory of Vojislav Koštunica and DOS and the way in which it was achieved, Serbia was allowed to emerge from international isolation and, thus, the possibilities were created for it to take steps towards modernization. But Serbia, or rather FRY, must, like any other country of the third wave of democratization, pass through the process of “forced democratization.” The so-called third wave of democratization in Europe after the Second World War encountered the general problem of the transformation of authoritarian order into democratic order. The context is, therefore, far broader than Eastern Europe (Diamond, 1990: 48-49). On the other hand, what is involved is not only the uncritical adoption of one concrete and – for critical theory – problematic concept of democracy (“semi-democracy” or, according to other authors “minimal democracy”), but rather the fact that not one of the three waves of democratization was the result of free choice. The Hungarian political theoretician Attila Agh called this process “forced democratization.” *A conquered society or a small country that wishes to be included in the international community is forced by that factor to become democratized, i.e. it is forced to adapt to rules of the game imposed from outside.* Pressure was exerted on Eastern Europe in the nineties, on Southern Europe in the seventies and on Germany and Italy even earlier. Forced democratization, Agh concludes, appeared in Hungary and Eastern Europe as a whole in the following three institutionalized forms: 1) vaguely democratic order, 2) clientelism, 3) parallel, informal public opinion. (Agh, 1992: 3, 11-13). From that there follows a quite narrow, formal perception of democracy – multiparty elections, private entrepreneurialism, guarantees for foreign investors and legal security of investments, minimal respect of individual human

rights, and submitting to the demands of the US government as part of its perception of the role of the USA as the sole world power. A manipulative background to “free” elections, the non-existence of even approximately equal opportunities for electoral rivals, is acceptable if it results in a strong government that conducts a policy in conformity with the objectives of the USA and the European Union. As external legitimacy is necessary for the process of political transformation (“forced democracy”), the manipulative or absent elements of internal legitimacy are counterbalanced by the verdict of the victors of the cold war (the “West”) that the newly established order is “democratic.” For those reasons, the concept of democracy, both on the level of US foreign policy and of political science, has adapted (for external use) to this reality of semi-democracy or minimal democracy. We can therefore conclude that Serbia, like other countries of successful transition, is to take a path of social change imposed externally, that is something far broader than demands for cooperation with The Hague Tribunal and the extradition of indicted persons. That coercion also has its own additional burden: any ruling regime in Serbia that acts in conformity with US global political objectives will be proclaimed democratic, regardless of what it has actually done and the nature of the social relations it promotes.

DOS: Pre-electoral promises

At the beginning of the pre-electoral campaign in August 2000, what was then only a united opposition, and today the regime, published with much pomp a program of structural social reforms. It is stated in the preamble that what is involved is an inexpensive government, its officials unassuming and honest, the only objective of which is work for the good of society as a whole, the renewal of citizens’ trust in the state and the elimination of corruption in management bodies and public institutions:

The first day of the new Parliament

“We, the undersigned parliamentary candidates, who will form the parliamentary majority, undertake that we shall, from the very first day of the first session of the newly elected Assembly vote ten acts with the aim of restoring the trust of the people in the state and its bodies.

One, we shall adopt a Declaration on urgent preparations for the passing of a new Constitution in order to do away with the existing constitutional chaos. The new constitutional and legal provisions will in be line with contemporary legal and civilizational standards, particularly in the sphere of human liberties, the protection of civil and minority rights, parliamentarianism, accountability of government and the rule of law. The Declaration shall take into account the need for state decentralization, with particular stress on the regionalization of Serbia and the affirmation of the autonomy of Vojvodina and Kosovo and Metohija. Concur-

rently to this, we shall make it legally compulsory for all persons in positions of power to cease the implementation of laws selectively and discriminatorily. In the formulation of laws and the conducting of policy, we shall be led by the principle that citizens are allowed everything that is not explicitly banned by law, and that the authorities and the state are banned from doing anything that is not explicitly laid down in the laws.

Two, we shall pass a resolution lifting the present economic and political blockade of Montenegro, while the top state bodies shall undertake immediately to set underway talks with the legitimately elected leadership of Montenegro on the nature and functions of the future state community of Serbia and Montenegro.

Three, we shall oblige the future government to immediately submit a program of concrete measures to the United Nations Security Council to enable the consistent implementation of Resolution 1244 on Kosovo, preserve the territorial integrity and sovereignty of Serbia, guarantee all inhabitants of Kosovo the right to a peaceful and safe life and promote its integration into the country's new democratic institutions. We shall insist particularly that the issue of persons kidnapped and killed after the arrival of KFOR be resolved on an urgent basis.

Four, we shall pass a law reducing the number of ministries by at least one third, annul all ministerial posts "without portfolio" and limit the number of vice-presidential posts to three at the most. At the same time, we shall adopt a decision reducing the number of assembly committees and commissions by one third, and the personnel of assembly committees and commissions also by one third. The decision shall at the same time oblige all assembly committees and commissions to allow complete public insight into their work, without exception.

Five, we shall pass a law banning all people's representatives and Government members from accumulating functions during their terms of office. Government members must be explicitly banned from managing economic organizations (private, socially-owned or state-owned) during their terms of office. People's representatives and Government members will have the right to membership in only one administrative (supervisory) committee of an economic, sports, scientific or other social organization, but without the right to receive compensation of any kind or in any form for that engagement. All Government members will be prohibited from using official means of transport, official work means and attendant social services when not performing official functions.

Six, we shall vote a resolution whereby the new Government shall undertake to submit, within 100 days, all secret police dossiers collected on citizens without their knowledge to authorized parliamentary committees, except in cases where they are needed by state bodies for conducting criminal procedures in the fight against crime. The documentation of the special services that have no operative value will be archived. The system of the official collection of dossiers on citizens in connection with the country's security and defense will be

regulated by a special law, in line with European standards. An authorized parliamentary body will regularly control the implementation of this law.

Seven, we shall adopt a resolution whereby all Government members and people's representatives shall be obliged to submit a detailed account of their financial and property status and that of the members of their close families on both the day they assume their posts and on the day they abandon their posts. People's representatives and Government members will be obliged to report publicly on gifts, financial contributions and donations received on the occasion of official visits, official contacts and the performance of other public functions during their terms of office.

Eight, we shall pass a resolution whereby the National Assembly of the Republic of Serbia is required immediately to halt the implementation of all laws causing huge social damage to Serbia and its citizens; to repeal the present laws on information and the university, and, instead of them, proclaim as being in force the previous laws until the passing of new laws; to repeal the law on the "confiscation of untilled land from peasants" and the law on "presidential privileges"; to halt the implementation of the present law on privatization up until the passing of the necessary changes, to be carried out on an urgent basis. Similarly, the tax for leaving the country will immediately be repealed.

Nine, we shall select a renowned, independent auditing house that will have the task of performing a revision of the budget and carrying out a thorough review of the financial activity of the Assembly and the Government in the course of previous mandates and publish findings on possible non-purpose expenditure, misappropriation, fraudulent dealings and excessive expenditure, and to make these data public. That auditing house will also put forward a proposal on the basis of which the Assembly and the Government will adopt regulations for ensuring maximum savings in the activities of these public institutions (rationalization of the number of official vehicles, entertainment allowances, the furnishing and equipment in offices and other official premises, etc.).

Ten, the Assembly shall form an independent commission of experts to examine and publish all relevant documents and audio-visual material kept secret by the present authorities and referring to the conducting of the domestic and foreign policy of Serbia and Yugoslavia in the period from 1987 to 2000, as well as the contents of all talks and negotiations of high-ranking state officials that determined the fate of the nation in that period."

The first 100 days of the new Government

"We shall render it obligatory on the new democratic Government in the first 100 days of its term of office to submit proposals for key systemic laws to parliamentary discussion and public debate. All the law proposals mentioned below must be totally adjusted to the European Union legislation in force, and they

shall be elaborated by our jurists and economists in cooperation with OSCE experts and other relevant international organizations. The following laws will be proposed to the Assembly within the mentioned deadline:

1. A packet of economic reform laws
2. An anti-corruption law
3. A law on the army and the police
4. A law on courts and judges
5. A law on public prosecution
6. A criminal law and a law on criminal procedure
7. A law on public information
8. A law on the University
9. A law on local self-government
10. A packet of electoral laws

The first year of the new Government

1. The return of Yugoslavia and Serbia into the world
2. Radical economic reforms
3. Decrease in public expenditure
4. Introduction of stable currency
5. Renewal of trust in the financial system and reform of banks
6. Financial support to macro-economic reforms
7. Price liberalization
8. Reprogramming of the foreign debt
9. Foreign trade liberalization
10. Privatization
11. New agrarian policy
12. Provision of social and health security of citizens
13. Commencement of large-scale investments in the infrastructure”

“The DOS candidate for mandatary of the republican government, Zoran Đinđić, announced on Monday that the priorities of the new democratic authorities would be the establishment of the rule of law and the struggle against corruption. He further said at the first DOS pre-electoral gathering in Šabac that a national program against poverty and penury would be elaborated.” (B92 news on 11 December 2000)

“The democratic opposition of Serbia held a pre-electoral gathering in Pančevo on Tuesday evening, at which the work program of the future government was presented, if DOS wins at the elections, according to a Radio B92 reporter. They put forward the basic points of the program of Serbia’s future government, and stressed as most important regional development, the return

of authority to the municipalities and the return of law and order to Serbia, particularly amongst the authorities. The formation of a body to control the authorities was also indicated and a program promised of assistance to companies, their consolidation and then their privatization." (B92 news on 12 December 2000)

And what has been done?

One: Neither on the first, nor the hundredth, nor the two hundredth day has anything been done to change the Constitution, including the autonomy of Vojvodina and the regionalization of Serbia. In the case of the level of FRY, this is not the fault of DOS, but it is the fault of DOS in the case of decentralization, autonomy, rule of law, protection of citizens' rights, an accountable government and parliamentarianism. Like the principled stand "that citizens are allowed everything that is not explicitly banned by law", the above stated principles of a liberal state have remained on the level of mere declaration. The only thing to have been set underway is a law on minorities.

Two and Three: Fulfilled

Four: The Serbian government has seven vice-presidents. At the beginning of its term of office it promised that it would implement its pre-electoral promise in connection with the reduction of administration, personnel, etc. Up to the present, as far as is known, the process of the employment of tens of thousands of new employees is underway, either appointed leaders or administrative clerks in both governments, municipalities and towns. The diplomatic corps has stood out in this respect, having increased the number of embassies instead of decreasing it, as would be fitting to the indebtedness, poverty and the size of this country. That also means, of course, an increase in the number of ambassadors, all of them from the ranks of prominent DOS "first combatants," close friends, relatives and others that have achieved the necessary knowledge for these posts at two-month evening courses (in Germany – two years is required).

Five: The promised law has come to nothing. Government members are accumulating functions, and it is not known if they have renounced their fees from membership in administrative boards.

Six: The promised resolution has come to nothing, and one faction of Milošević's State Security has replaced another (including the boss), while the link between the police and organized crime and the economy has remained intact, which is even admitted by Vice-President Mihajlović. No one is mentioning insight into secret police dossiers, but nor are they mentioning public supervision of the police.

Seven: Some persons have revealed their financial status to the public, while others have not. There are no records of gifts, fees received or (hidden) incomes.

Eight: Fulfilled in part.

Nine: Nothing is known among the public of the activity of an auditing house, or of its proposals for budget savings: the gentlemen ministers are traveling in the same black limousines, and the diplomatic corps continues to spend recklessly. Much more is spent on the costs of absolutely unnecessary diplomacy (DM 200 million) than on vital medicaments.

Ten: An empty promise. At least half of the members of the DOS Politburo would find it more than unpleasant if one were to pry into their past. Similarly, those same people (“intellectuals”) who once raised Milošević to great heights are now close to the new authorities or are trying to be close to them.

The first 100 days of the new Government: only the Law on Local Self-Government has been passed. The changes are merely cosmetic, and the system has remained unchanged.

The first year of the new Government: mostly prospects for positive achievements, but it is still premature to pass judgments.

DOS in power: the state as booty

At the time of writing, DOS has been in power on the federal, provincial, town and municipal levels for six months, and, formally speaking, the first 100 days are ending on the republican level. As Republican Premier Đinđić justified his self-appointment to that post two weeks before republican elections by stressing the need for the new government to be formed before the elections in order for it to be able to act the very day after the elections, the first 100 days have, in fact, long since expired on that level too.

We have known both more violent and more authoritarian regimes and governments before DOS, but we have not known more arrogant ones. As DOS is power without opposition, and that is on all levels, such is the logical result. One cannot even be surprised at the sycophantic nature of the state media. One does not really know if they were more repugnant under Milošević or under Đinđić. But all that, together with the activity of super-governmental organizations, cannot hide the following facts:

1. Life is harder in Serbia than before 5 October, and a lot harder than before 23 December.

2. In certain segments of society – primarily in the social functions of the state (in medical care, education and science) – the situation is catastrophic.

3. The basic economic subject is organized crime connected to politics.

4. There has been no major reform in the following domains: administration of justice, the army, the police, education, medical care, the political system, the university, and public and state administration.

5. The packet of economic reform laws is only partially known to the public. From what is known, and given the degree of criminalization of the state and the economy – they will have the ultimate effect of the even greater criminalization of the economy and the state. The experience of Russia, Romania, Macedonia, Bulgaria and many other countries in transition teaches us that. If it is the practice of a liberal state for functionaries to be permanent and politicians to change, the practice in our country to date, and in others, shows us a bright picture of the future – criminals remain, while politicians change.

6. The system has only been changed cosmetically; the only radical change has been in the people in power. But this is not the case concerning all people. Like elsewhere in Eastern Europe, careerists, conformists and sycophants have remained in their positions, while some have even advanced. One such person is someone who, in the capacity of judge at the third Municipal Court in Belgrade, in 1997 sentenced the author of a scientific monograph for the criminal act of libel, i.e. delict of opinion, which had not even happened in the time of Broz; under Milošević, that man became deputy president of that court, and now DOS has made him president of the same court, and he was amongst the first five persons to be appointed in the judiciary.

DOS did not create this situation; what was mentioned under 1-3 was inherited. But today's authorities are demonstrating their arrogance by appointing executives in the public sector exclusively according to party and friendship logic. Like slaves in ancient Rome, employees in the public and state sectors are not consulted at all; the majority of employees are deprived of the elementary right to participate in management or to have basic social security. We have an arrogant, extremely expensive and very wasteful government given the general penury and poverty we are offered as the achievement of its program and pre-electoral promises on a Central European standard and the possibility of honest and fair earnings for all.

Instead of radically changing the system, DOS is retaining the system and radically changing cadres. A politburo or personnel commission at a given level sits and makes a decision, while a state institution implements the decision unquestioningly, and, in doing so, is obliged to proclaim evident deficiencies as solutions of true genius. Another means of the republican government is demagogy and the ideology of the court martial. Thus, instead of generations of jurists learning how the rule of law is introduced by the arrest and eventual trial of Milošević, the premier, ministers and part of the press pronounce suspects guilty, pass sentences and threaten new arrests. Where criminals are concerned, both those with and without state functions, it is no longer at all certain whether thieves will have their spoils confiscated and whether they will be held accountable before the law. In this respect, nothing has changed since 5 October, and there continue to be trucks that the customs (still absolutely the most criminalized segment of the state administration) do not approach; corruption

continues to legalize everything, and violent criminals act as arrogantly as before. The police are nowhere to be found to protect citizens; no one requires a building permit for construction, and, to judge by the municipality of New Belgrade, the new DOS authorities and their committee members are absolutely not interested in the fact that their municipality is overflowing with trash and litter, that all the drains are blocked, that green areas are being relentlessly destroyed and not renewed, alongside similar communal problems.

In the September-October political overthrow, the citizens of Serbia took a vital step out of neo-bolshevist authoritarianism and thus created the prerequisites for the transformation of an authoritarian regime into a democratic one. Thus the prerequisites (but only the prerequisites) were created for the commencement of a process of political, economic and social transformation of the Yugoslav and Serbian society into a modern society and a modern state. Unfortunately, the reality of Serbia and FRY is such that the principles of a liberal-democratic state have for the present remained mere pre-electoral promises on the part of DOS. What we actually have are function mechanisms of the old system that are still intact, including organized crime as the dominant economic factor. Instead of the rule of experts and an administration that is politically neutral and competent, on all four levels of authority (local, provincial, republican and federal), we have the perception of the state as booty (in which the farce with ambassadorial appointments is only the peak of the iceberg) and extreme clientelism; in other words, we have the reproduction of all the mechanisms of the previous party state, the only difference being that there has been an increase in the number of parties. The authorities have actually abandoned the very process of the structural transformation of the system: instead of that, they have conducted their own personnel policy and functionalized the state, the media and institutions according to the rules of the game of the inherited system.

The question arises as to whether the citizens of Serbia, voters for Koštunica and DOS at two elections on four levels, have also renounced a change in the system. In September, October and December of last year they voted for a change in the system and not for a mere change in managers on the foundations of the old system. DOS is power without opposition, with its "cadres" in all places of local, provincial, republican and federal authority, and "all places" means just that – from doorman to director. Those who voted for DOS certainly did not vote for this small, poor and indebted country to replace some incompetent ambassadors and attaches with other incompetent ambassadors and attaches, only this time belonging to other parties and backed by some other family or friends. They voted to see a reduction and not an increase in the costs of the state and local authorities. They certainly did not vote to see the secretaries and other ancillary personnel of DOS leaders, their party comrades, fellow combatants, close friends and relatives appointed assistant and deputy ministers, heads of department, independent officers and advisers (on republican, provincial and

local levels) with years of work in forestry and other such spheres as the most important qualifications. The citizens of Serbia did not vote for DOS politicians, instead of SPS-JUL-SRS politicians, to be on management committees of state firms and funds according to the old rule of the game: a lot of money for no work. No one voted for DOS and the dual head of the electoral list Vojislav Koštunica in order that careerists, opportunists and sycophants, while at the same time being totally incompetent for the functions they are performing, should stay in their positions or even be promoted. Newspapers tell us daily about the replacement of good managers, but managers belonging to the wrong party, and about successful "turncoats" of doubtful ability, past and even more doubtful morality. The citizens voted for the police, particularly the State Security (DB), to be subject to parliamentary and non-parliamentary control and that they should finally start to do their jobs. Instead of that, one faction of Milošević's state security was replaced by another, and the functioning of the police and the DB has remained unchanged; nothing has altered with respect to the smuggling of cigarettes, petrol and consumer goods, demands for "protection" money, and the drugs and arms trade. The rule of law was one of DOS's key pre-electoral promises.

In the best style of the cadre commissions of the former Socialist Alliance, DOS continues to appoint more and more cadres. DOS promised there would be no revanchism when it came to power. And there truly is no revanchism; it is just that all the positions of leadership have been allocated amongst the parties of the former opposition and today's regime, and they treat schools, hospitals, companies, public and communal services and institutions as if they were their own private property. Instead of placing employees in the position of choosing or, at least, taking full part in the choice of their managers, great and small DOS leaders place their people in "their" firms, as if this were their own property inherited from forefathers and not public property for the good of all.

DOS is still not the worst

On the positive side of the page of DOS rule, we should first write Serbia's return to itself as a state. Serbia has finally become a civil state from the political community of which no one can be excluded for ethnic reasons. Admittedly, the tendency towards the clericalist nature of the state is evident, and that brings directly into question this achievement of the September-October events. Another huge plus for DOS, or rather for the federal authorities, is the return of Serbia into the world, and the very reasonable and skilful conducting of policy towards the South of Serbia and Montenegrin separatism. If we had diplomats and diplomacy, of course, that would also lead to a considerably more positive attitude on the part of the international community concerning the Yugoslav debt and essential humanitarian assistance to the health service (including the salaries of employees in that branch), education, pensions, social assistance... DOS was over eager to insist on the fact that everything would change for the better after its

electoral victory. People are breathing more easily in Serbia, but the degree of disappointment with the new authorities is rightly extremely high. This, however, does not refer to Vojislav Koštunica, whose rating amongst the public is always extremely high, and, what is even more important, his negative rating is today far lower than it was six months ago. After all, the citizens of Serbia voted only for him: he headed the DOS list at both elections. Serbia has an extremely authoritarian and undemocratic electoral law, which highly favors party leaders, for it is they and not the people that elect members of parliament – and that is why they have no intention of changing it. The consequence of that is that the citizens have elected Vojislav Koštunica three times, if we include the Serbian parliamentary elections, and thence his responsibility to the voters for what others, i.e. the government of Serbia, do independently of him. And the citizens of Serbia, by circling DOS and the name of its leader at all three elections, voted for a change in the system and not for a mere replacement of some “cadres” with other “cadres.”

The legitimizing basis of the new authorities does not lie in its acts, or rather not primarily in its acts, but in anti-Miloševićism. That negative legitimizing basis has a limited duration, despite the activities of propaganda professionals brought in from America. Not even those PR experts, paid at huge expense given the conditions in this country, are able to sell non-activity as activity. In fact, the further postponement of the structural reform system, the prerequisite for which is the decriminalization of the state, is therefore all the more urgent, as experience of countries in transition shows that after the change of the previous system, the established state of affairs has the tendency to become a permanent one. After all, the many years' experience of experts in political science confirms Rokkan's hypothesis, based on an analysis of states that have passed through the process of democratic transformation in Europe after the Second World War – that the new constitutive elements established immediately after a change in a system are difficult to change and become the permanent institutional foundation for the new order (Rokkan, 1970). Bearing in mind this experience, as well as the fact that Serbia and FRY are also passing through a process of forced democratization, which means that the external factor is not interested in democracy or the decriminalization of the state but in a strong government and a policy in line with US interests, the situation in Serbia is truly alarming. If something is not done very quickly in the sphere of structural reforms and, in this connection, the decriminalization of the state, *the existing state of affairs will become a permanent one.*

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Translated by L. Krstajić

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Legality or a Discreet Defence of Nationalism

Summary: The basic question brought up in this paper is whether strict adherence to legality, established by the previous regime, on the part of the present government in Serbia is legitimate. The answer cannot be positive, because the overall legal system was only a façade democratic system. The institutions were delegitimized because, in real fact, they were not making decisions and laws. The country was actually ruled by Milošević himself, with the assistance of his nomenclature. Moreover, legal regulations enacted by the Parliament following his dictates were also not obeyed. This legality was based on a decade-long nationalist policy, which brought about a social crisis in the country and then large-scale criminalization of the institutions and society. Almost all opposition parties upheld nationalist policy. In that sense, legalist continuity can be viewed as the continuity of nationalist policy. On the other hand, at the last elections, the society made a shift from traditionalist and collectivist values to progress. In that respect, legalistic continuity is not legitimate.

Key words: legitimacy, legality, nationalism, ethnic exclusivism, continuity/discontinuity, state (criminalized).

At the end of the 1990s, when bolshevism, as a political project, used up its substance to the end, Serbia also plunged into a crisis of its political system. The disintegration of the system brought about the disintegration of the legal system as well. If legality is the major instrument of political actors, then the disappearance of existing legality brings the very organization of the political system in question. In fact, their struggle for the establishment of legality is a struggle for their political survival. If that vacuum is not filled, the basis of political action will be lost or will become illegal. Therefore, an attempt to establish legality is a natural reaction of any political actor. However, the relevant question is brought up just on that plane. Will legality be based on legitimacy? If it is based on legitimacy, what kind of legitimacy is that? And, finally, the most difficult question – will law be in accord with equity?

There is no generally accepted definition of legitimacy as the basic tenet of political philosophy. On this occasion, we can agree with the statement that legitimacy presumes consensus on what the common good is, which in turn binds the community to care about the particular good of each group and about the individual good of each individual. As put by Harold Laski, one has the rights that form part of his or her personality as a member of society and one judges the state, as the basic instrument of society, by the method it employs so as to secure the essence of those rights. Naturally, in return for that, one has the duties towards the state. One is given the rights that enable one to enrich common life. But, if those rights are not realized, I have the right to criticize the state, if I assume that its will is directed to other aims and not to the common good. If I see that the state provides a full and rich life to others, my wish to find out whether such a life is also accessible to me is quite justified. In a word, I have the right to the state, because I am a citizen. Thus, I have the right at any time to any support that the state can secure for my moral being, as well as the fullest possible harmony of my needs. Thus, to the extent I have no significance without these rights, except as a slave, the state that fails to provide them loses its significance for me.¹ If I understand Laski correctly, this means that good laws are those laws which are derived from the basic human need for social life which, to be viable, must be organized within a state-constitutional framework. In this way, the state promotes and protects the interests of its citizens. And to do that, it uses law (legality) as its instrument. Legality is derived from legitimacy; it is embodied in the citizen and, in the end, goes back to legitimacy. "In the broader sense of the word, the principle of legality (...) requires that the legal system should rest on specified humanistic ethical values and political principles, which it protects and enables their materialization by bringing law and justice closer to each other. That principle anticipates the rule of law, government of laws and not of men or some bodies."² Any discourse about law anticipates a discourse about justice, although these notions can never be identical due to the very fact that laws are always interwoven with the interests of dominant groups. But, if laws represent only the convention of "the strongest", if they are derived solely from the system of interests of dominant groups, which was established by consensus, then they do not rest on legality. They are undemocratic, autocratic, dictatorial, totalitarian... For a legal system to achieve legitimation (although the former is more or less a result of the power game), it must be a barrier to any power that would attempt to win absolute power, both political and economic, showing no regard for restrictions imposed by laws. In such a case, the institutions lose their content, the political system turns into a façade, the citizen is lost somewhere and legitimacy is sought where it does not exist – in the subject, while the ruler (regardless of the way in which he or she seized power) becomes an usurper.

¹ See Harold Laski, *Politička gramatika*, I, translated from English by Dragomir Ikonić, Geca Kon, Belgrade, 1934, p. 39.

² Vojislav Stanovčić, *Legalitet* (Legality), in: *Enciklopedija političke kulture* (Encyclopedia of Political Culture), *Savremena administracija*, Belgrade, 1993, p. 580.

Let us see how things stand in Serbia. We will go back a little. During the wars in the territory of the former Yugoslavia, there appeared a series of petitions, declarations... "defending" and representing the collective "rights" of Slovenes, Muslims, Croats, Serbs, Albanians... Those documents interpret the fratricidal slaughterhouse in a specific manner, putting "blame" exclusively on the second or third party. Responsibility is in no way sought on one's own side. Those documents are also specific *prolegomena* for the establishment of new legality on all sides, in all newly created states. Moreover, according to their intonation, those documents are undemocratic: they do not represent the rights of the citizens or any other group unless it is the question of one's own ethnic group.

I have two such documents at hand: the *Declaration Against Genocide Committed Against the Serbian People* and the *Second Declaration on Terminating the Proceedings of the Hague Criminal Tribunal Against Dr Radovan Karadžić*. Both of them saw the light of day in Belgrade, in 1997. The first "at Easter time" and the second "on the Holy Cross Day". They were published in several languages and were signed by sixty renowned intellectuals and public figures who are known for their distinctly national orientation (academicians, university professors, artists...) Both declarations were blessed and signed by Patriarch Pavle. Among the signatories of the *Declaration against Genocide Committed against the Serbian People* we also find the names of some of the highest government officials in Serbia today, who declare themselves in public as democrats, committed to civic principles. There is no doubt that the Serbs were the victims of crimes committed by members of other nations. It is also a fact that the killings and persecution of Serbs in Croatia and Bosnia-Herzegovina and, finally, in Kosovo, were inspired by the nationalist (and chauvinist) programmes of the Croatian, Bosniak and Albanian political oligarchies. However, it is also true that crimes were also committed against members of other ethnic groups in the name of "Serbian interests". However, there is not one word about them in these documents.

Here are some excerpts from these declarations. *The Declaration Against Genocide Against the Serbian People*: "Throughout their history, they (Serbs – Đ.J.) were subjected to the most severe forms of genocide and exodus, which were endangering their survival and they were always defending their survival, their spirituality, culture and democratic conviction (...) During all those events, the Serbs were on the side of humanism; they were defending not only themselves, but also stood as a bulwark against the invasions and extermination of other peoples. Since the early mediaeval times, in their struggle against the Turks, Serbs, together with their rulers and church dignitaries, were the last bastion of defence of Europe against the Turkish invasion and the breakthrough of the Islam. (...) In the process of destruction of the Socialist Federal Republic of Yugoslavia, Serbs endured the greatest sufferings and expulsion from their historical lands in Croatia and Bosnia-Herzegovina. During that period, Serbs were

exposed to physical destruction and spiritual genocide. The history of the Serbian people shows, and will show, the magnitude of its spirituality to every impartial person, both today and in the future.” On this occasion I do not intend to polemicize with these views which aspire to the status of common wisdom. It is evident, however, that there is not even one word of criticism of the former political oligarchy in Serbia, which conceived these evil deeds against members of other ethnic communities in the “higher national interest”. Any conclusion based on the principle *pars pro toto* is nothing else but hiding a part of the truth. If the truth is an entity, it is then the question of a false conclusion.

In the *Second Declaration on Terminating the Proceedings of the Hague Tribunal Against Dr Radovan Karadžić*, it is stated “(...) that the Hague Tribunal was acting all the time exclusively as an instrument for the persecution of Serbs; (...) that the latest manoeuvres of the Hague Tribunal cannot hide horrible crimes committed by the Muslims and Croats against the Serbs. (...) Pressure on Radovan Karadžić is actually pressure on the whole Serbian people. (...) Dr Karadžić succeeded in directing all his efforts against chauvinism, local-patriotism, as well as the false protectors of Serbs and other citizens who live in these territories. (...) It is impossible to describe the degree of unscrupulousness of those who have directed their attacks at destroying Dr Radovan Karadžić, and whose ultimate aim is to punish the whole Serbian people. (...) The fate of Dr Radovan Karadžić today is the fate of the whole Serbian people.” The identification of the leader with the “whole” people is the well-known method used by every undemocratic ideological doctrine – from the time of that foreign sovereign who said: “L’Etat c’est moi!” and, before him, the statement made in the dawn of the Middle Ages: “Une foi, une loi, un roi!”, through the platform: “Ein Volk, ein Reich, ein Führer!”, to the slogan “Единство народа, пролетариата, компартии и Сталина”... And what is the outcome? “Thousands of villages and dozens of towns were laid waste; centuries-old efforts of many generations were destroyed; forests were destroyed and burnt down; roads and bridges were destroyed; the earthly treasures made through the persistent and painstaking human efforts were reduced to ashes. The fertile soil of our country was cratered by high-explosive bombs, mines and rockets and hollowed out by trenches, while unfertile soil was devastated; it was hollowed out and desecrated by the decaying bodies of innocent victims. Women were raped, children were killed – there is no horror that the war did not make possible, there was no crime that was not justified by the war. (...) Tens of thousands of crippled veterans will remember their enemies as long as they live. While speaking about the war, they will transmit hatred to their children, who were raised amid daily horrors for three years. In those years, much hatred was spread on the soil – a rich harvest will be reaped! (...) We will not look for the culprits further than ourselves. Let us say the bitter truth: all of us are to blame for those acts – all of us and everyone.”³

³ Maksim Gorki, *Neugodne misli* (Unpleasant thoughts), translated from Russian: Mirko Đorđević, Filip Višnjić, Belgrade, 1987, pp. 16-17.

These several examples point to the way in which legality was established in Serbia, which was in effect until the end of last year. I single out two basic lines:

1. Ideology of national exclusivism. Exclusivism refers to the “uniqueness and special qualities” of one’s nation. Therefore, it (“our nation”) is always endangered, because it is the desirable prey of powerful yet ethically inferior nations. Hence the “conspiracy” against our nation, inspired by the Comintern, by the Vatican, by the NATO Pact, by Muslim “fundamentalism”... It is interesting to note that the ideologists did not find the alliance of these global political-confessional “associations” unusual, considering their mutual hostility. Naturally, one cannot dispute the hostility of these powerful forces towards the Serbian state in certain periods in history, but it is reasonable to doubt that such an alliance was formed just to destroy Serbia.

2. The feeling of being endangered from outside (regardless of whether this danger really exists or is just an ideological product) leads to the strengthening of internal cohesion. In our case, this cohesion (“homogenization”) meant “closing ranks” with the dominant political party and its leader (as the sayings go: “Only with unity will the Serbs survive!” or “Only unity saves the Serb!”). According to the current ideological interpretation, apart from the “conspiracy of world powers”, a conspiracy against the Serbs was also organized by other Yugoslav peoples and ethnic minorities. Consequently, the Serbs were “forced” to engage in a defensive and “just” war against all “enemies” at the time of Yugoslavia’s disintegration.

Legitimacy was politically interpreted and legality derived just on the basis of these assumptions. In real fact, the country was in a state of emergency just because the Milošević regime created the appropriate “political and legal climate”. What did that “climate” mean? The breaching of the Constitution and laws was regarded as natural, because it was necessary to “protect the homeland and break through the blockade”. Otherwise, this idea could not be materialized. The violation of international (and internal) legal norms was regarded as necessary. In order to realize the mentioned idea, illegal (semi-conspiratorial) centres of political and financial power were formed. This was also justified by the “higher interests of the people and its state which is struggling for survival”. Illegal centres of power are always semi-criminalized or openly criminalized groups. This resulted in a state of legal vacuum and arbitrary decision-making, outside the “institutions of the system”, a state of façade democracy and façade parliamentarism. The institutions lost their content. “Serbia was also not a classical dictatorship. It also kept a democratic façade, with pluralism, elections and free media. However, in Serbia too, behind that façade, the power was exercised by the ‘internal mafia’ of Slobodan Milošević.”⁴ In short, there was a state of lawlessness despite written laws. On one side, the illusion of legality was maintained by adopting an

⁴ Adam Mihnjk, “Virus Montesinos, Diktatura sa fasadom demokratije”, *Danas* daily, 27 March 2001.

excessive number of laws, which were immediately forgotten and never enforced. On the other hand, such laws and decrees⁵ were adopted as to strengthen the (dilapidated) pyramid of power which, under conditions of stagnation, began to “spend” the diminishing social resources. The wasting of social resources accelerated the process of social anomie. Realizing that the social resources and social wealth are diminishing at an accelerated pace, the ruling oligarchy also accelerated its repressive pace towards brute force and its own enrichment. The institutions definitely lost their original role and were turned into the centres of organized criminalization of the ruling oligarchy.

Let us now cast a glance at the Serbian political market from this perspective. For the most part of the last decade, almost all political parties supported the same ideology as the one supported by the ruling party: the world (or, more exactly, the West) is hostile towards Serbia; the integrity of the “Serbian lands” or “territories” is endangered; Serbian culture is endangered (the term “spirituality” is now in fashion)... The opposition did not criticize the ruling party for what it was doing, but for not doing this “consistently and to the end”. Sarajevo, Srebrenica, Vukovar... were not the subject of a political debate of the opposition (except for a few minor parties); instead, the subject was the “loss of the centuries-old Serbian hearths”. Nevertheless, the repression of the regime against the opposition was still strong, but not because the regime resisted the latter’s ideological alternative, but because the opposition aspired to power by offering more or less identical national political concept. That was the basis of legalism in Serbia until the end of the last millennium.

After the fall of the regime, some dominant political figures (both in power and in the opposition) still apply the unique nationalist ideological model. The myths are still in use (Kosovo, world conspiracy, globalization...). They have now been revised insofar that they are not used as a war cry. But, they are still a strong propaganda and ideological instrument (“Kosovo⁶ – the holy Serbian

⁵ The laws on the university and the media were especially devised to enhance the inviolability of the ruling oligarchy because, by definition, knowledge and public opinion are the strongest social assumptions of rational criticism of the system of government.

⁶ Where can one observe discontinuity in the case of Kosovo? In renouncing demagogic and bureaucratic discourse that “Kosovo is an integral part of Serbia”. From the official address (state) it is necessary to announce the plain truth about the status of Kosovo. Namely, for a long time, or probably definitely, Serbia will have no full sovereignty over Kosovo. The Albanians, the majority population in this region, reject resolutely the jurisdiction of Serbia (at the cost of armed conflict). The Albanians will not accept any offer from Belgrade, no matter how attractive. On the other hand, many Serbs and members of other non-Albanian ethnic groups left Kosovo much earlier having no intention to come back. They seem to be the last sad echelon in the long column heading “for Serbia” from the 17th century to the present day. They only pay lip service to the view that “Kosovo is Serbia”, because it would be very inconvenient to admit one’s wish to live in the new homeland, far from Kosovo, in public. It is a public secret that the “greatest patriots” and many politicians made good money by selling their houses and farms (“centuries-long hearths”) to the Albanians on time.

land”; “Kosovo must be under Serbian sovereignty”; “The West does not like us”; “globalization – subordination to the interests of the world powers”...). Finally, demagoguery is confined to political kitsch which, in this case, is not only a cultural fact, but is also assuming a political-normative character. Due to all this, dechauvinization (some use the strong term “denazification” without justification) has been called in question and almost made impossible. Mention of crimes has been suppressed; the society is still exposed to a state of collective amnesia. In public discourse, the old regime is condemned for crimes against “its own people” (moreover, “it caused the greatest harm to its own people”), while harm caused to others is mentioned only sporadically, as being less important. “In short, the dream (which may seem to some like a nightmare) about a perfect coincidence of the territory, population and state cannot come true. Moreover, that dream is not in a democratic spirit. Namely, it requires that the individuals should be confined to the identity given to them by their parents and by birth, instead of being provided with an opportunity to think autonomously. An ethnic state is presented as a *natural state*, while a democratic state, on the contrary, must be regarded as a *state based on contract*, whose inhabitants are actually the subjects who dispose of, and not mere representatives of a community, subordinated to their physical or cultural identity. Namely, a democratic state is not a community based on blood or origin; rather, it enables everyone to enjoy their freedom and evade the determinants to which they are exposed.”⁷ So, nationalist ideology is seemingly confronted to communist one, as emancipatory. However, it is a question of two collectivist ideologies with many structural similarities. Both of them are isolationist. Both of them do not recognize the primacy of the citizen. Both of them produce enemies. Both ideologies are totalitarian, not recognizing the legitimacy of other ideologies, particularly liberal ones. For the time being, the personal political change still does not imply that nationalist ideology has been renounced. Ideology has been changed insofar that we now have some kind of “soft” nationalism. This “soft”, “moderate” or “democratic” nationalism brings up an association with “soft” socialism or “socialism with a human face”. It seems that collectivist ideologies, once they “use up” their substance, shift to “tolerant” ideologies. In other words, they pass to a state of political semi-hibernation until a new historical chance. If no attempt is made to settle the crisis in a proper way, a chance will be given to new populists, who are ambitiously preparing their political appearance. In the words of Anthony Burgess, social despair and radical ideologies go together because a satiated citizen, with stuffed pockets and wide choice of consumer goods, is a bad subject of an oligarchic state. The man who stuffed himself with meat does not care about the gnawed bones of political doctrine. Fanatical loyalty to the ruling party is achieved more easily among the materially handicapped. After all,

⁷ Cvetan Todorov, *Sećanje na zlo, iskušenje dobra*, translated from French by Aljoša Mimica, *Republika* magazine, Belgrade, 256-257/2001, p. 17.

loyalty and one-time patriotism are most easily secured when the enemy is allegedly at the door.⁸

A call for strict adherence to legality, which can now be heard from some top-ranking state officials, has its origins, above all, in nationalist ideology and the common “patriotic” immediate past. We do not doubt that it is also the question of an impulse being based on the need to lay down the law-obeying principle. It is true that “it is better to have bad laws than a state of lawlessness”. However, is it not true that Milošević’s legality – which has been extended to the post-Milošević period – rests on lawlessness and the destruction of public will? It seems that this is why some issues spring up repeatedly in our still fragile public. Why the new regime does not dissociate itself in public from the crimes committed against others in the “higher” interests of Serbdom? Why an investigation has not yet been launched with respect to the well-founded suspicions about war crimes committed by the former ruling oligarchy? Why the managerial positions in the social structure are still held by members of the former regime about whose responsibility for the collapse of society there are well-founded suspicions? On the other hand, why so-called “crisis committees” removed “pro-regime cadres” from office without any proper legal action so as to establish their responsibility? Why the survival of a large part of the population is brought in question by refusing to cooperate with the Hague Tribunal in the name of “national dignity”? Why is membership in the United Nations happily accepted and cooperation with one of its institutions declined with indignation? Why the criticisms of the Hague Tribunal, which are regarded as reasonable, are not articulated officially, at the government level, and sent to the proper addressee – the UN Security Council? Why the former opposition, now in power, has not yet made an end to continuity with the non-legitimate legalism of the former regime? Why did it not draw up new laws during the election campaign? Is that why the promises made during the election campaign have not been fulfilled? Is it not true that a part of the present ruling elite continued to support the accused (Karadžić and his associates) by the Hague Tribunal even after Milošević turned his back on them (after Dayton)?

Naturally, mere de-legality would irresistibly call us to remember a long tradition in Serbian political history when the ruling elites were changed and which is contained in the slogan: “History begins with us”. There is no doubt that one of the reasons for the centuries-long social stagnation in Serbia can be sought in a series of discontinuities, which did not bring any new quality but were, in essence, based on the *ab ovo* principle. It is also possible to put the following counter-question to the “advocates” of legality (continuity?): Is it not true that modern European history is a history of discontinuities – from bourgeois revolutions and coups to restorations and socialist (and bolshevik) revolutions; from the estab-

⁸ Anthony Burgess, 1985, translated from English by Zorica Babić and Dragan Babić, Prosveta, Belgrade, 1986, p. 13.

lishment of autocratic, dictatorial and totalitarian regimes to the constitution of open societies; from full sovereignty to its self-renouncement by the formation of the League of Nations and then the United Nations, as well as by the establishment of European sovereignty in the form of the European Union. Regardless of all crises and war calvaries, the progress of Western Europe from discontinuity to discontinuity is progress towards a rational political organization.

In considering legality on this occasion, one must not lose sight of the fact that, at the polls, the citizens voted just for absolute discontinuity with the criminalized state but, at the same time, they did not opt for discontinuity with the rational achievements of Serbian society. In other words, what was at stake was to recognize (and defend) rational achievements (no matter how small at times) in all periods in more recent history of Serbian society. In that sense, these elections were not the elections *for* a certain political option, but the elections *against* the current situation. The dominant idea became the one about progress in relation to traditionalist values, which were substantial in the ideological architecture of Milošević's regime during the past fifteen or so years. To be more precise: the DOS did not win, but the SPS-JUL-SRS coalition lost. Therefore, the winners must respect the will of the majority without subsequent interpretations and reinterpretations of one's own narrow party conceptions. Those conceptions were not the underlying motive of the citizens, but their strong, politically articulated will to put an end to collapse. Legitimacy is contained in the common will expressed by the demand for discontinuity.

Finally, the change of government provides a chance for overcoming the crisis. But, let us not forget that the formation of the Kingdom of the Serbs, Croats and Slovenes/Yugoslavia in 1919 was also a great historical chance. That chance was hastily let slip, ending in blood. If we, as the citizens, are not up to this new historical chance, we will, defeated and tired, sigh like Gottfried Benn: "The historical world – shamelessly enlarged and gone quickly out of control; the fat are sitting with their mistresses and pets in the position of honour; the violins are playing the most beautiful music for murderers, while the night is swallowing anonymous victims and all those killed are shrouded in a conspiracy of silence – no, there is nothing here one should come for, nothing one should come out against, with a tiny sling or a big horn – let that millstone grind in peace..."⁹

Niš, 1 April 2001

Translated by V. Gligorijević

⁹ Gotfrid Ben, *Dvostruki život*, translated from German by Mira Litričin, Svetovi, Novi Sad, 1991, p. 71.

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Serbia at a Historical Turning Point

Summary: The political and social changes in Serbia initiated by the victory of the Democratic Opposition of Serbia at the elections of 24 December and the defense of the elections' results of 5 October 2000 represented the first step in Serbia's recovery from its tragedy as a state and a nation. The huge wave of changes that flooded the whole country (similar to the one that swept over Central Eastern Europe after the fall of the Berlin Wall) was expected to make a break with the intolerable and untenable reality of the old, Milošević regime and to lay the foundations of a new, modern society of economic security, guaranteed freedom and stable democracy. It soon turned out, however, that the end of Milošević's rule meant the end of the old regime, but not the collapse of the old society, which cannot be changed by political decree and transformed into a civil society. Therefore, we cannot yet speak of post-Miloševićism, but just of "anti-Miloševićism," which, torn between the horns of "anti" and "post," has been performing a magical rite of the obliteration of the manifest elements and consequences of the old regime rather than its essence. The changes effected thus far have merely opened up the crucial questions of the democratic reconstruction and reintegration of our society and state.

In this paper, the nature of these social and political changes is discussed along with the dilemma of whether there is (dis)continuity between the old and the new regimes. Special emphasis is placed on the problems of simulated democracy, particularly the so-called singularization of pluralism and the dangers of a revival of authoritarian forces and movement in the society that put democracy to the test and brought Serbia to a fateful historical turning point.

Key words: political changes, (dis)continuity, democracy, pluralism, nationalism, political leaders, power, opposition, authoritarianism.

1. Departure of the Serbian leader

The former President of the Federal Republic of Yugoslavia (FRY) was arrested in the early hours of 1 April 2001 with much commotion and uncertainty. That marked the operetta-like end of the rule of the Serbian Louis Bonaparte. Just as had happened at the French court, history repeated itself at the Serbian court too, the first time as a drama, and the second time as a farce.

Despite much controversy, Slobodan Milošević was at one period in time seen as the leader of the people. He emerged from the gray monotony of the League of Communists apparatus on the wave of national-populism that inundated the people of Serbia who had “happened”¹ i.e. become a politically decisive factor. That wave set society into motion from its very roots and opened up the Yugoslav Pandora’s Box from which flew out all Balkan evils that started their bestial dance, threatening to wipe us from the face of the earth. That wave brought to the surface many Yugoslav and world protagonists, as well as a multitude of different conflicts, alliances, (un)principled coalitions, concessions, compromises and manipulation, which resulted in the Yugoslav apocalypse of war and nationalistic frenzy.

The process of Milošević’s formation as a leader is made up of an entire chain of events, the crucial links of which are: the 8th session of the Central Committee of the League of Communists of Serbia in September 1987, meetings and “happenings of the people” in the summer of 1988 – the replacement of the leadership of Vojvodina (the so-called yogurt revolution) in October 1988, and the Montenegrin in January 1989 – the Belgrade Meeting for Yugoslavia in February 1989 – the return of statehood to Serbia through constitutional amendments passed on 28 March 1989, and Milošević’s address at the site of the Battle of Kosovo, Gazimestan, on St Vid’s Day (28 June) 1989.

The enthronement of Milošević as the new Serbian Leader was, in part, a result of the following factors: 1) the millennium tradition of authoritarian rule in Serbia, 2) national-populism declaratively turned towards liberal-democratic values but in fact bogged down in pre-modern national mythology and autarky, 3) the domination of loyal party-state and ideological apparatuses, 4) the halo of the democratic legitimacy of multi-party elections, 5) the virtually imperial might of the republican president according to the 1990 Constitution, 6) the support of the military and the ever more powerful police complex, 7) the absence of basic consensus in Serbia and FRY, 8) monopoly over finances, 9) monopoly over the media and the University, 10) personal power of a quasi-charismatic nature, 11) concentration of authority in one center that controls the main levers of power, 12) the patriarchal nature of Serbia in which individuals do not exist as conscious citizens but subjects that are accustomed to being led and that surrender themselves to leaders, 13) the politics of the more and more powerful circles in Slovenia, Croatia, Bosnia-Herzegovina and in the world with their marked anti-Serb policies (Trkulja, 1993: 126-136; Antonić, 1993).

The combination of these factors led to the establishment of a plebiscitary-imperial regime with the marked personalization of the political authority of Milošević, who enjoyed broad support among the people. He acquired that support successfully, initially by means of mass meetings of citizens and

¹ “There happened people” was a much publicized motto of the populist movement led by Milošević in the late 1980s.

referendums, and then, when that support was not forthcoming, by the synchronized activity of the state-party and ideological apparatuses, the instrumentalization of war conflicts, repression and manipulation.

Theory differentiates amongst three types of political leaders: victorious leaders, usurpers and saviors (Weber, 1976: 214, Čupić, 1992: 211). Milošević does not belong to any of those types of political leader. However, elements of all three types are combined in his personality and (un)happily conjoined with the need for a leader on the part of the huge majority of the Serbian people.

In the beginning of his rule, Milošević was perceived by the majority of Serbs as a victor, as he had restored Serbian statehood and the “dignity of the Serbian nation that had been deprived of its rights,” indicating even the possibility of the fulfillment of a centuries-long dream: all Serbs living in one Serbian state. He is, at the same time, also a leader-usurper, as, after his rise and consolidation in power, he established an imperialist-sultanist rule that only hid behind a democratic façade. And, finally, Milošević also presented himself as a political leader-savior. Although he does not possess the charismatic features in the sense described by Weber, certain characteristics of his personality made him seem to have charismatic powers in the eyes of most Serbs.

It is probable that the Serbian nation’s sense of national and state frustration, which has lasted for many decades, has weakened the critical viewpoint of not only Serbs and Montenegrins deprived of their rights in Kosovo but also of academicians and prominent intellectuals. They saw in Slobodan Milošević not only a politician and a party leader, but also the brightest national symbol (Popov, 1992: 20-21).

It is interesting to note that prominent figures in the sphere of culture and the most influential groups in the spiritual and cultural institutions of the Serbian Orthodox Church and the Serbian Academy of Sciences and Arts provided ideological articulation and spiritual support to the promotion of Milošević as a national leader, and not enough research has been carried out in this matter. Even the University of Belgrade once organized manifestations of support to Milošević and his politics (Popov, 1996). However, despite that fact, all those together did not succeed in providing a consistent national program or in clearly identifying the interests of Serbia and the Serbian people in the Yugoslav crisis, with the result that Milošević’s ideology remained undeveloped, inconsistent and ungrounded.

His regime’s response to wars and electoral defeats, to ideological blows and confusion boiled down to pragmatic “tactical eclecticism.” That is to say that, not having his own national program providing answers to the current strategic issues of Serbian national and state interests, Milošević adopted certain stands and parts of programs from opposition parties ranging from the GSS and SPO to the DSS and the SRS.

Milošević was an exceptionally audacious leader, the organizer of (non)constitutional and (extra)constitutional coups and constitutional-legal pogroms. He is a dark figure, often pitiful, and a miserable creature in his ambitious and adventurist acts. His catastrophic politics reveal the vanity of a small party apparatchik, that tainted product of bolshevism that has brought down many far more solid states than the second and third Yugoslavias. The man that rose from the rear political echelons onto the historic stage of Serbia, that powerful Serbian Leader that waged war because he knew of nothing else, gambled away his opportunity as do all power-drugged careerists that put all their money on one card. Setting free the evil spirit of Serbian nationalism and megalomania, he became the unfortunate inspiration for all Balkan chauvinisms. He systematically banned the press, smothered freedoms, started and lost wars – leading his people from one defeat into another.

He surrounded himself with creatures of below average morality and intellect – with cowards, flatterers and villains who made it possible for his sick desire for power to become limitless. His regime had to replace all gifted and talented people with charlatans and fools because their stupidity was the best guarantee for the safety of his personal power. He kept them “in a separate compartment,” and in fear, threatening to destroy them if they ever showed signs of hesitation or panic.

That was how “Milošević’s elite” was formed, and it will continue to wreak havoc with our lives for a long time to come. It is a unique hybrid made up of new capitalists and party-state functionaries. Their authority stems from economic-political power, and is expressed in the form of quasi-aristocracy, i.e. in symbols of feudal-monarchic power: nepotism, luxurious houses, a court retinue, guards, status symbols and privileges that cannot be controlled by anyone or anything. Never in the history of the Serbian nation has such a number of brigands, war criminals and profiteers, criminals of various types, riff-raff, adventurers of international disrepute, spin doctors, liars, etc. floated to the surface and experienced social and political promotion. (Vidojević, 1997; Pihler, 1998; Lazić, 2001).

The great calamity of the Serbian nation, which has far-reaching consequences, lies in the fact that it had the misfortune of having as its leader a minor actor in an exceptionally serious, responsible and great historical role in the fateful events at the end of the twentieth century. Without clear statesmanlike vision and strategy, his politics were the anti-politics of force, the *fait accompli*, the Balkan tit for tat. The tragic balance of his rule is the negation of everything that Serbs fought for (and won) in their insurrections and many national-liberation wars in the 19th and 20th centuries (state tragedy, loss of territories, destruction of pivotal national institutions, the jeopardizing of the nation’s spiritual and material potential, the legalization of illegally acquired property, the rule of the gutter, the expulsion of the most capable, the drastic impoverishment of the majority of the population, and the loss of historical allies and renown in the world) (Trkulja, 1999: 35-41).

The thirteen dark years of Slobodan Milošević's rule demonstrate that our powerful Leader was, in fact, Icarus the Loser, a swaying, Bonaparte-like shadow with turbid foibles and the limitations of a minor apparatchik and careerist that cannot function successfully in a serious political game and is incapable of coming to grips with even the most banal weaknesses. Krleža would say: "A classic example of abnormal distortion in a hallucinatory light of caesaromania"...

2. Is there discontinuity?

Six months after the October events, the nature of what took place is becoming less and less clear: social overthrow, democratic revolution, peaceful (r)evolution, clash of state and society, people's rebellion, uprising, etc. At scientific gatherings, those social events and changes are interpreted with a mixture of different theoretical standpoints, and, on the political scene, they are interpreted with a confrontation of opposed political paradigms. Despite the confusion of interpretations, more and more authors amongst scientists and politicians agree that the great social overturn that took place in Serbia in October 2000, which is wrongly called a "democratic revolution," was in fact a belated "compensatory revolution" that created latitude for compensating for the development that the country had missed. The phrase "missed development" is the symbolic designation for those unlearnt lessons from contemporary political history that Serbia has yet to master painstakingly in its return into (contemporary) history. "One can speak of a belated transition as a transitional period, but one that is not unambiguous and one-directional, as the final act does not automatically lead to the democratic transformation of society... But, thereby, the former regime has only been pierced, and there can be no talk of a radical break with the former order or of the removal of the basic assumptions of the old system" (Golubović, 2001: 1).

However, this return of Serbia's into history is assuming more and more the form of "revenge on the part of history." That is because the leading political forces, headed by the ruling DOS still remains in the mire of the pre-civil society that has no knowledge of democratic values, has no citizens, no *demos* and no clear-cut protagonists of the democratic process. Neither have the subjects and servants of Milošević's regime become citizens with the October overthrow, nor have the social-political strata that would need democracy as a condition of existence been articulated (Trkulja, 2000).

If we remove the veil from DOS, we shall realize that, despite narcissist revolutionary phraseology, the October overthrow in Serbia has brought nothing new. The great democratic wave that was at the base of the people's electoral will has not swept either into the political system's newly formed institutions or into political parties, which have, in their internal systems, remained authoritar-

ian and leader-oriented. Political demagogy, exposed populism, a clientelistic relation towards authorities, rigidity and arguments of strength continue to predominate on the political scene, thus negating political accountability, dialogue, morality, rationality, elementary decency, etc.

Looked at in this light, the political overthrow in Serbia denoted a “self-defensive reflex by the mass of the population to a brutally criminalized regime” (Perović, 2001: 2), the rejection of unbearable reality and the changing of places of the drivers and the codrivers of the Serbian tragedy. The dramatic end of Milošević’s rule was perhaps the end of the old regime, but not the end of the old society that, unlike the regime, cannot be transformed into a civil society by political decree.

For those reasons, it is high time for October’s euphoria to give way to more sober consideration and reflection. That is because, as time passes, it is becoming clearer and clearer that our problem is not a man, but a principle; it is not Milošević, but Miloševićism; it is not the visible, personal platform of an authoritarian regime, but its pillars, which have not yet been shaken by democratic waves. That is why crucial questions are being posed today: does discontinuity exist between Milošević’s old regime, and the new DOS regime? Is Koštunica Milošević’s opponent, or his continuation? Does Serbia, after Milošević’s fall and DOS’s victory at federal and republican elections have a political alternative?

Given the lack of elementary prerequisites for a democratic constitution of society, Serbia still does not have democratic pluralism, nor does it have any real, productive opposition, which results in a non-existent political alternative. Behind the multi-party veil, there lies concealed a monistic face of authoritarian reality. More and more analysts are coming to the conclusion that there has been no actual discontinuity with the former regime, that the disenchantment with fatal myths and misconceptions is evolving slowly, and that there is virtually no reexamination of past events. One gains the impression that new/old people are returning to the most responsible positions in political, public and cultural life and taking up position there, and that the pillars of the former regime and the levers of power have remained unchanged: a loyal party-state apparatus + monopoly over financial capital + the military and the police complex + monopoly over the “ideological apparatuses” (Trkulja, 1999: 32-34).

Besides that, DOS’s fixation with Slobodan Milošević not only narrows down the explanation of the deeper causes of our overall tragedy but also deprives it of the ability to think of the future outside of continuity with national and state policy to date. The majority of DOS’s parties and leaders, now in state functionary positions, have retained anachronous, traditional views on the past, the present and the future. They evidently do not have a developed and consistent strategy for democratic changes, nor do they have any sense of distinction between democracy and demonocracy, nationalistic discourse and true national interest, etc. That is why they deal with the practical and political tactics of the

gaining of power, with “quotas” that belong to the individual parties, auctioning off of political functions, etc.

We cannot yet speak of post-Miloševićism but of anti-Miloševićism, which, torn between the horns of “anti” and “post,” has been performing a magical rite of the obliteration of the manifest elements and consequences of the old regime rather than its essence (Vasović, 2001). The trap of anti-Miloševićism has fatal consequences. On the political plane, those consequences lie in the non-existence of a deep-seated, well-conceived, alternative democratic project; on the ideological plane, they lie in the “deep sense of reluctance” to deal theoretically with the phenomenon of Miloševićism and to overcome it. What is involved here in both cases is an illusionist Milošević-like method of struggle against Miloševićism. It is a delusion to think that Miloševićism is an ideological-political incident, a mistake of immature political forces and their crazy strategies. On the contrary, Milošević’s regime is a “logical” product in 20th century Serbia of a deeply rooted political way of thinking, acting and the real balance of power.

And it is DOS’s superficial, cosmetic anti-Miloševićism that treats Milošević’s regime as a mere delusion that can be solved with the Law on Housing! They do not realize that the vital roots of the alienation and depravity of the former regime do not lie (only) in its ideology in itself (i.e. in Milošević), but in the depraved authoritarian, pre-modern society that creates it. That is why, however aggressively the members of DOS have endeavored to negate Milošević’s regime with their revolutionary rhetoric, they have, up until now, actually only supplemented it.

If things go on as they are now, the new DOS authorities will soon place the citizens of Serbia before a dilemma similar to the one of the wife who, fleeing the hell of marriage to a drunkard, remarries, this time to a gambler, and is now suffering anew and wondering about whether to remarry or return to the drunkard.

3. Singularization of pluralism

“There is no opposition in Serbia!” That statement made by Slobodan Milošević at the 4th SPS Congress in February 2000 rang out like a military command. What does that statement tell us today, two years later? Is not the best answer the great overthrow at which the dwarf-life parties (which the Leader did not even notice from his Olympian heights) legally assumed power and threw him powerless and humiliated into gaol? Were not those people right that described that statement as an autistic nebulosity of a dictator that had become blind to reality?

Despite what is predominantly thought, this statement seems to be assuming importance as time goes by. As there can be no freedom without the possibility to think differently, political pluralism (the basis of which is the existence of an opposition) has become a civilizational achievement of modern society. It is the legitimate right of each individual or group to have its own opinion and political

stand and, in accordance with such, to organize itself politically and exert influence over state authorities.

Democratic pluralism presupposes the following prerequisites: economy without the tutelage of politics, a civil society and citizens, dispersion of power sources, the rule of law in a country where law reigns supreme, systematic control of persons holding political posts, free and fair elections, freedom of information (press, television, etc.) and a democratic type of political culture. Not having these prerequisites, there is no democratic, multi-party system in Serbia today. Moreover, the multitude of political parties on Serbia's political scene does not express citizens' real needs and have thus contributed to compromising the idea of pluralism and degrading the concept of the existence of more than one party, which has, amongst the majority of citizens, provoked aversion to participation in politics and a negative attitude towards parties.

Until the mentioned prerequisites are achieved, it is illusory to speak of democratic pluralism. One can, perhaps, speak of pluralism in the singular, which has marked Serbia's political life in the last decade, with the ruling party as the driver, and the opposition as the codriver. As the ruling coalition of parties has appeared (and continues to appear today) as the dominant determining factor in all relevant social processes, it is clear that there can be no mention of democratic pluralism, but rather of pluralism in the singular, which citizens experience as "group sex with oneself."

Therefore in Serbia, after half a century of one-party monopoly rule, there was, from 1990 to 2000, a pretence of pluralism with a quasi-opposition, which is a negation of the basic postulate of a democratic order. The prerequisites for democratic pluralism are only now being arduously created. Specific changes took place after the September-December elections: 18 hitherto marginal parties, tactically united in DOS, beat the ruling SPS-JUL-SRS coalition and assumed power with a convincing majority. However, processes of the singularization of pluralism have gained in intensity, and the way in which party struggles are evolving in the assemblies is alarmingly farcical.

Despite the fact that there are over 200 parties in Serbia, around twenty of which have members of parliament, the impression is gained that obdurate single-mindedness continues to prevail, and that the most important decisions are made in an authoritarian manner in a narrow circle instead of along the lines of democratic procedure. DOS leaders speak constantly of democracy, free and fair elections, liberated and independent (!?) media, freedom of speech and gathering, etc. But, if we look behind that fine veil of demagoguery, we shall see that we are still extremely far from true democracy.

The DOS elite experience all criticism aimed at them as an attack on democracy, on the interest of the state and the nation, proclaiming it "Šešeljiism" or "Miloševićism." Instead of encouraging criticism amongst the public as a valu-

able method of correction and control of the new authorities, they miss no opportunity to “slap out at” “intellectual voyeurs” and to place any dissonant voice under control.

DOS representatives have not resisted the opiate effects of power. Socialized in a period of authoritarian regime, there are, in their mentality and conduct, visible signs of authoritarianism and the desire for a leader – the aspiration to create the cult of a personality in the form of a new President, to whom charismatic characteristics are ascribed, as well as the readiness to place all the main levers of power into his hands (Golubović, 2001).

DOS, as opposition in power, manifests itself nonsensically, both in a logical and political sense. As time goes by, in DOS, the weaknesses of the previous coalition are being reflected as clearly as in a mirror: the insufficient social base of parties that are not capable of dialogue and unprepared for comprise or coalition activity, as well as being headed by vain leaders that have no clear political vision or strategy. It is a deeply depressing fact that Serbia does not yet have a political alternative, and that it continues to be far from a democratic, multi-party system. That is because the ruling DOS, not to mention the opposition SPS, SRS and SSJ, does not have a developed and consistent strategy for introducing changes. They are not capable of thinking the future outside of the framework of continuity with national and state policy conducted to date. That is why they deal in the pragmatic, political tactics of gaining power.

Six months on, many of the hopes lit in Serbia by October’s “flash of freedom” have been dispelled, and the shadows of a hazy and uncertain future are lengthening. With the increase in social and economic problems in society in recent weeks, there has also been an aggravation of the tensions and animosities amongst party leaders in DOS. Such a coalition looks more like 18 cats tied up together in a sack. They are not held together by a common program or political cohesion, but rather by common external problems and potential and real enemies. Besides, no single DOS party has enough seats of its own to jeopardize the absolute majority of the coalition in the Serbian Parliament by leaving the coalition.

The process of the disintegration and disassembly of DOS is unstoppable. It is only a question of time as to when the seams of the coalition will start to fall apart. It seems highly likely that DOS will disintegrate before the next elections. That would give a clearer profile of Serbia’s multi-party mosaic: with DS at the center, SD and DA on the left, and DSS and DHSS on the right. The advantage of such a clear profile of DOS and the positions of the individual parties within that profile lies in the fact that the individual parties would thus be able to attract voters opting for the extreme (quasi)left (JUL, SPS, etc.) and the extreme (quasi)right (SRS, SSJ, etc.).

The question remains, and it is a question with far-reaching consequences, as to whether the falling apart of the seams of the DOS coalition will result in those seams breaking and the fragmentation of the Serbian state.

In order to render political life in Serbia more serious and make it possible to establish a competitive multi-party system, the fulfillment of the above-mentioned prerequisites for democratic pluralism is essential. An important link in that chain is the passing of a new Law on Political Parties, which would be elaborated according to European standards.

The mentioned prerequisites for democratic pluralism are important for Serbia not only in the sense of a normative political ideal but also in the sense of the legal-political reconstruction of society and everyday political communication. Such reconstruction and communication would contribute to the constitution of Serbia as a modern and stable political community.

4. Where is the way out?

In the midst of the October euphoria, it seemed that Serbia, and FR Yugoslavia, had resolutely taken the same path as Germany did after the Second World War. That is the path of Germany that succeeded, in a relatively short period of time and under the leadership of Chancellor Adenauer, in licking the wounds of its defeat in war and its tribulations, in condemning and extraditing war criminals, opening up the process of denazification and democratization, and rebuilding its bridges with the world. In the period from 1945 to 1949, Germany's three western occupation zones gradually grew into a new state – the Federal Republic of Germany, which quickly became a full member of all West European "Atlantic" organizations, including NATO. Its reconstructed and modernized economy was to flourish at the beginning of the fifties (the "German economic miracle"), and that country was to go on to gain the strongest place in Europe thanks to its dynamic economy.

It seemed to many that Serbia and FRY, led by President Koštunica, as the "Serbian Adenauer", would step onto the broad European road by emerging from its isolation with great pomp and surprising rapidity:

- by rejecting the authoritarian and autistic political system whose legitimacy had run out like sand from a hourglass;
- by a resolute break with the politics and the figures that had brought us into conflict with the whole world and with ourselves;
- by a consensus of relevant political forces on a peaceful resolution to the crisis and on the principles on which Serbia and FRY rest as political communities;
- by accelerated reconstruction of the country and democratization;
- by establishing the rule of law in the country where law reigns supreme;
- by freeing the media and the universities;
- by resolving the issue of Kosovo and redefining relations with Montenegro;
- by passing the appropriate laws and adjusting legislation to European standards;
- by reintegrating Serbia and FRY into the international community.

As there is no single party or organization in Serbia and FRY that is capable of bearing the burden of these changes, it was expected that DOS, which obtained the support of two thirds of the citizens at the elections, would succeed in unifying forces for revival and in mobilizing all democratic potentials: political and non-party organizations, trade unions, non-governmental organizations, professional associations of citizens, groups and individuals. Those factors should, through public discussion, have arrived at common platforms for resolving the crisis and agreed upon the composition of the government and other state bodies, made up of expert and competent persons that had not discredited themselves.

However, some months later it became clear that the way out of the crisis was far harder than had been expected and that DOS's democracy is fragile and vulnerable, as its weaknesses far surpass its virtues. Much time, patience and determination will be necessary from the proclamation of democracy to the emergence of truly democratic figures on Serbia's political scene.

As the ruling DOS has not succeeded in establishing true discontinuity with the previous regime, we are faced with democracy that is merely marking time. The illusion of being able to emerge rapidly from a desperate situation has burst like a soap bubble. Moreover, it can be stated that the overall crisis has deteriorated, as the main problems have not been resolved but have actually become aggravated:

- the state of Serbia and FRY does not exist *de facto*;
- the economy is in ruins and on its last legs;
- social tensions and conflicts are increasing day by day;
- solutions to the issue of Kosovo and relations with Montenegro are not in sight;
- there is no readiness to face the crushing truth about ourselves, that is about the outrages and crimes we have perpetrated;
- the most responsible posts in society are held not by expert and capable persons but party cadres and persons who no longer have the necessary energy to carry out the tasks before them;
- research warns of a desire for a new leader of the people (over 70% of those asked said they would vote for President Koštunica);
- old frustrations have deepened and new frustrations have emerged (losses of territory, population exodus, conflicts in Kosovo, southern Serbia and Montenegro, identity crisis, etc.).

It is for those reasons that more and more analysts are stressing the similarity between DOS's Serbia/Yugoslavia and the Weimar Germany after the First World War, when the democratic authorities missed their opportunity, "when a fragile democracy on rotten foundations did not succeed in taking root in a country with a destroyed economy and the widespread feeling that defeat had

brought great humiliation, that the signatories of the peace agreement were the reason for the country's downfall and loss of territory, and that political criminals were actually national heroes" (David, 2001: 1).

If DOS continues to draw out its modest credibility *ad infinitum*, will it not push this nation (that for ten years voted for the wrong, pernicious authorities) into the arms of the worst forces of the SRS and SSJ and neo-fascist groups and of the worst scum that rises to the surface of muddy water? We are here talking of the more and more militant groups of skinheads, champions of the late Ljotić, neo-clerical and other movements that have the credo: Rightful force blessed by God. Instead of followers of the *Red Vojvoda* (Šešelj) and Arkan's mafia, or together with them, seemingly sophisticated but in times of confusion no less dangerous neo-fascists come forth. The attacks are aimed at: US domination of "ex-Christian Europe" and "Ustasha, Muslim converts, Shqiptars and NATO occupiers..." who withdraw only when their Democratic power is countered by divinely blessed rightful force, which should also hit out at all this country's accursed "homosexuals, pedophiles, drug dealers and unscrupulous pillagers of state and people's property." "For them, democracy is the means *par excellence* for global ideological manipulation with which the sovereignties of nation states are destroyed in the most unscrupulous manner. Stories about democracy being the rule of law are stories intended for crazy and *nađve* persons and arrogant idiots." As an alternative to democracy, they put forward "life in a state founded on stratocratic principles, as direct political efficacy is possible only on the foundations of stratum community" (Komlenović, 2001: 28-29).

The real danger exists that these neo-fascist forces, together with the scum of the former regime, might take advantage of the overall crisis and the impotence of the democratic forces and institutions and, like Hitler's followers, take over power and introduce a dictatorship on the ruins of DOS's democracy. Or, on the other hand, the danger exists of the conservatives in DOS using this as an alibi to avoid democratic changes and definitively compromise Serbia's democratic and patriotic forces. Whatever may happen, that dictatorship would, certainly, represent the most difficult period in the long and arduous history of the Serbian nation.

Serbian folk wisdom says "Save us, God, from another misfortune"!

Fortunately, history, like nature, as Herzen said, never puts everything on one card. Emerging from the chauvinist mire of the previous decade, Serbia, after the elections in autumn 2000, has found itself at a fateful historic crossroads: the path to freedom and democracy, or collapse into autocracy and despotism.

Belgrade, 17 April 2001

Translated by L. Krstajić

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Cultural-Ethnic and Political Identity

Summary: Against the backdrop of current debates around the concepts of “nation” and “nationalism” in Serbia, the paper analyzes cultural-ethnic and civic conception of the nation. After reconstructing these two models of understanding the “nation”, the author points to numerous difficulties arising from their one-sided application in complex socio-historical reality. The exclusively cultural-ethnic concept of the nation results in a mono-cultural, closed state, while the exclusively civic concept of the nation disregards the importance of cultural-ethnic affiliations in constituting political community. Attempts to reconcile these two opposed approaches, evident in various theories of multiculturalism, are discussed in the central part of the paper. Finally, three basic political and evaluative attitudes to national culture in today’s Serbia are identified. The first relies on the organic, cultural-ethnic concept of the nation, while the second calls for cultural Europeanization of Serbia and starts from the “civic” concept of the nation. The third attitude – “liberal-nationalist” – attempts to combine the former two, i.e. to defend cultural identity while cherishing political values and institutional models of contemporary Europe.

Key words: identity, nation, culture, civic concept of the nation, cultural-ethnic concept of the nation, multiculturalism

Our intellectuals are faced with a formidable task – to reproblematicize our attitude towards the world and particularly towards the West. This task also entails an extensive and tolerant debate about the problem of the relationship between civil and cultural-ethnic concepts of nation. In this regard, there is great confusion and hence great misunderstandings in our environment.

The proponents of the cultural-ethnic concept of nation often lose sight of the negative implications of its radical version. The link between the purely cultural-ethnic concept of the nation and the closed state is not only historical and contingent, but also conceptual. Here I think especially of the fact that immanent to this concept of nation is a monocultural state which, to be preserved as such, requires legal protection of its culture as its substantive basis. In other words, the state, which wishes to draw on the cultural and ethnic principle, has to pres-

ent its basic constitutional principles by using special cultural and ethnic terms. So, for example, if Serbia wishes to adhere strictly to cultural and ethnic principles as the principles of its state constitution, it must be defined exclusively as the state of the Serbian people, where only the Orthodox church is recognized and the like. Consequently, it would have to close itself formally to members of other ethnic groups, members of other religious groups and the like, and incorporate the mechanisms of public protection of its culture into its legislation. Hence isolationism forms part of the very concept of the state based on cultural and ethnic principles. It appears not as the result of a deviation from these principles but, on the contrary, as the result of a strict adherence to them. The ideal state of this type would be the Fichtean closed state.

It must also be noted that the state based on cultural and ethnic principles, in its pure form, is incompatible with the precedence of individual rights, because in such a state these rights are *pre-determined* by one's affiliation to a specified cultural and ethnic group. Therefore, the original right-holder is a specific cultural-ethnic group and not the individual, because the specific cultural-ethnic substance, as *conditio sine qua non* of a given state, cannot be left to something that is changeable, as is the case with individual will.

Thus, it follows that a radicalized version of the cultural-ethnic concept of state is absolutely incompatible with the civic concept and, thus, its orientation is anti-liberal and anti-Western. Such an orientation becomes evident if the principles, value systems and policies of the state based on such a concept are compared with the principles, value systems and policies of a purely liberal state. Insofar as the basic cohesive factors are concerned, the state based on radical cultural and ethnic principles insists on substantial unity being derived from pre-political relations (common origin, beliefs, customs, fate and the like): here the system of government is just a legal codification of this pre-political unity. By contrast, the unity of a purely civic state is based on consensus achieved by a specified group of individuals with respect to the system of government, whereby the cultural-ethnic origin of those individuals is irrelevant for the character of such a political community. Therefore, from the standpoint of a purely civic concept, the political sphere is regarded separately from the cultural and ethnic components, which are shifted to the private sphere, that is, the sphere of civil society. Under such a concept, the cohesive factors are the ethos of individual rights, constitutional patriotism, political culture and the like. As for the value system, the contrast between purely cultural-ethnic and purely civic states can be viewed as a contrast between particularism and universalism, ethnocentric collectivism and individualism, organic solidarity and competition, state religion and religion separated from the state, isolationism and openness and, on the level of political organization, as a contrast between centralized and minimal state, ideological control of society and free expression of interests, clientelism and equal opportunities, interventionism and *laissez faire*, etc.

On the other hand, bearing in mind the negative implications of institutionalization of a purely cultural-ethnic concept of nation, the proponents of the civic concept of nation tend to reject completely the relevance of the former for the constitution and survival of a modern state, thus easily disregarding any empirical evidence which is not in their favour. Namely, the countries dominated by a single cultural-ethnic pattern are more numerous, so that the members of the majority ethnic group can actually be favoured and the official calendar, rites and public ceremonies be under the influence of a specific ethnic or religious tradition. Therefore, it will gain such political support that will enable it to have privileged status in relation to other religions. Moreover, in a considerable number of multiethnic countries, cultural and ethnic criteria appear to be relevant for the political sphere, because political principles and institutions are adjusted to a greater or lesser degree to this multiethnic and multicultural composition of states, thus deviating from the principle of one person-one vote. Where this is not so, different minority cultural and ethnic groups may put forward their claims for public protection of their cultures or, more exactly, to be treated as political units to a degree. A more radical repoliticization of ethnicity was recorded not only in the countries of real socialism – whereby the Soviet, Czechoslovakian and Yugoslav citizens proved to be the least effective construct in comparison with other cultural-ethnic groups – but also in some countries with a long parliamentary tradition such as, for example, Canada and Britain. All this points to the relevance of the cultural-ethnic concept of nation for the political-state sphere which, if disregarded, may lead to an attempt to implement a purely civic concept of state (resting on an individualist paradigm), which would not be based on free consent of individuals, but on violence over their will.

A considerable number of our theoreticians present themselves simultaneously as the proponents of a radical civic option and maximalist multiculturalism. However, these two things are hardly compatible, because a radical civic concept of nation – as the concepts proceeding from the individual, irrespective of his or her cultural and ethnic affiliation – is neutral from a cultural-ethnic standpoint. On the other hand, multiculturalists revive the cultural-ethnic concept of nation to a greater or lesser degree, giving to cultural-ethnic groups the status that surpasses the status of a given group in civil society. Thus, they view these groups to a greater or lesser degree as political units, that is, as something relevant for the political sphere. This tension between purely civic nation and multiculturalism, which arises from their very concepts, becomes all the higher if multiculturalists are closer to maximalist variations, i.e. to the understanding of specific cultures as homogeneous identities, which implies a purely cultural-ethnic concept of nation. Namely, regardless of the extent to which multiculturalism attempts to find the best possible solutions for the co-existence of different cultures within a broader community, this co-existence – based on the assumptions of maximalist multiculturalism – becomes hardly attainable, since the concept of nation as purely cultural and ethnic identity, requires a monocultural state and not a multicultural one.

This tension between a purely civic concept of nation and multiculturalism can be illustrated by the example of the United States where the state and political elements are separated from cultural and ethnic ones. The proponents of the existing constitutional system of the American state – which is the closest to the ideal civic model – would certainly reject any demand that one's cultural-ethnic features exceed the limits of privacy of "civil society", since that would bring their existing state organization in question.

However, if the political demands of a cultural-ethnic group in one state, where cultural-ethnic identity is separated from political one, become really strong, because they are upheld by a great majority of members of that group, they cannot be completely ignored in the name of a purely civic principle, because that would actually imply repression over the will of the majority of members of that group. Therefore, insistence on the pure concept of civic state at all costs, regardless of the given historical context, may give rise – regardless of the motives of those who insist on it – to violence over reality, whose indicator is the freely expressed will of individuals. On the other hand, if the political demands of specified cultural-ethnic groups are satisfied, this implies a departure from purely civic principles unless, naturally, it is the question of maximalist demands aspiring to secession. In other words, such a contradiction can be overcome by incorporating the elements of the cultural-ethnic concept of nation into the civic one. The case of Quebec in Canada can serve as an empirical example.

It should also be noted that a prerequisite of modern democracy is the precedence of individual rights, which arise from the civic principle. Only by establishing the precedence of individual rights will it be possible to combine the elements of the cultural-ethnic and state-territorial concepts of nation, which is often practiced in modern democracies. So, they incorporate into their constitutions the articles that modify the purely civic principles, thus guaranteeing collective cultural rights, linguistic pluralism, cultural autonomy, as well as appropriate quotas for cultural groups by which the principle of one person-one vote is upgraded (a good example is the Spanish Constitution, which is a combination of civic and moderate multicultural concepts). The precedence of individual rights actually means that the original right-holder is the individual and not the group. In other words, collective rights are derived from the will of its members as individuals. Therefore, individuals cannot be forbidden to mix with other ethnic groups, come into contact with other cultures or leave their country if they wish. This means that, in principle, cultural-ethnic identity is not protected any more, since individual will is changeable.

In contrast to more moderate versions of multiculturalism, which are compatible with the civic concept of state, maximalist multiculturalism is not. It essentially proceeds on the assumption that cultures are homogeneous identities, which determine their members too rationally insofar as their choice of values is concerned and which, as pure particularities, require appropriate, particular, po-

litical and legal systems. In real fact, the final outcome of maximalist multiculturalism is a complete change of the logic of liberal-democratic model. Whereas the latter postulates the precedence of individual rights, the former must establish the precedence of collective ones. Whereas the civic concept attempts to establish the basic legal framework, which does not anticipate any particular concept of good so that any concept of good can be followed, maximalist multiculturalism must radically bring in question just that basic framework so as to acquire the status of public goods for different particular goods, that is, the goods of different cultural groups, whereby the neutral instance of common (national) goods in relation to particular goods takes, at best, the form of *modus vivendi*, which is the result of political compromises of different forms of ethnocentrism with respect to the fragile and unstable co-existence of different legal and political systems by which the goods of given cultural groups are codified. This brings to light the aspiration of this form of multiculturalism to transfer cultural and ethnic elements from the private sphere to the public one, thus reviving a purely cultural and ethnic concept of nation.

In fact, all three mentioned concepts of state are based on the appropriate understandings of culture. The starting point of maximalist pluralism is cultural pluralism of Herderian type, which tends to absolutize the difference among specific cultures or, in other words, to regard cultures as something that is *sui generis* or *causa sui*. The final implication of this approach is the introduction of the logic of holism into specified cultures and the states based thereupon. If cultures differ absolutely among themselves, then they cannot be treated as heterogeneous entities, but as entirely homogeneous ones, which gives rise to the demand for cultural uniformity of their members, since they would not have an opportunity to choose from among different cultural options. Thus, the absolutization of differences among cultures leads to the elimination of differences within them.

On the other hand, moderate multiculturalism views the difference among cultures as a difference that includes relation and interaction. Although it regards a particular culture as something that retains its specific features, it still treats it as an entity being open to external influences and, to a degree, heterogeneous.

A radicalized civic version brings in question the very notion of particular culture: according to it, that which is called "our culture" is not a homogeneous identity, but a mosaic of cultural fragments, which originate from different cultural sources, that is, different cultural traditions. Thus, the individual does not choose from among different options, which are offered by the basically identical cultural pattern, but from among combinations of different cultural fragments.

The last two approaches can make reference to empirical evidence and are compatible with a liberal-democratic state. However, the former is only a modern version of understanding nation in purely cultural and ethnic terms, which leads to self-apartheid and self-segregation.

In general, in our country there are three basic value and political systems insofar as the attitude towards national culture is concerned.

The first attempts to establish a new mythological cult – metaphysics and pathos of the past – instead of the former mythological cult of revolution, which insisted on a radical break with tradition. According to its interpretation, “a return to the roots” has direct normative force. It is actually a call for the reintegration of cultural-ethnic and political identity. Regardless of its radical anticommunist rhetoric, such discourse gives precedence to a collectivist pattern or, more exactly, intra-tribal organic solidarity over the logic of pluralism, based on the rationality of formal procedure. Behind this concept is the demand that we accept the ethnocentrist limits of our thinking and equate objectivity with an intersubjective consensus, which exists among the members of a tribal group. The discourse of this new tribalism must be anti-Western discourse: there can be no reconciliation between the life devoted to the pursuance of the common good, which has its roots in elevated Byzantine culture, and Western atomistic individualism, whose motto can be expressed by quoting Cioran: “I was never attracted by the souls that tie themselves to only one form of culture. Never take root anywhere, do not tie yourself to only one community, that was always my motto”. In contrast to St Sava’s view, the proponents of this concept hold that there is no bridge between Serbia rooted in Byzantium and the uprooted West.

The other value and political tendency attempts to reconcile that which is irreconcilable under the first concept: a return to the roots and integration into the modern world; traditional and modern constitutional patriotism; cultural and ethnic pride and pride in political, liberal-democratic culture of one’s own country. It proceeds on the assumption that the liberal legal framework is compatible with different cultural and value systems. Therefore, according to this interpretation, tradition has no direct normative force, but only symbolic one.

The third political and value concept – which treats “liberal nationalism” as “wooden iron” – advocates the view that Serbia cannot be modernized if it opens itself to Europe only in the narrow economic and political sense and not in a broad cultural sense as well.

It seems that the first, anti-western, tendency has already suffered a historical defeat. It remains to be seen which of the two will prevail. Both of them can be based on empirical evidence. Judging by the hitherto reaction of the electorate, it seems that social reality offers stronger resistance to the latter.

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A Passing Grade: Changes in Serbia as a Form of Social Learning

Summary: Proceeding on the assumption that in times of profound political change, interpretations and common definitions are constitutive factors of the reality being interpreted, the authors attempt to point to the inadequacy of hasty and unequivocal interpretations of the events in Serbia on 5 October and afterwards. In this regard, three views are singled out ideal-typically. Those are: a) exclusive, which projects abstract normative models disregarding social reality; b) "partisan", which is uncritically identified with the new government, thus approving all steps it takes, and c) realistic, which evaluates the behaviour of the new government on the basis of its results. Since the third view lacks clear criteria for evaluating desirable and undesirable political moves, the authors suggest that it should be complemented with the thesis about changes in Serbia as a cumulative manifestation of the process of social learning. They point to a number of arguments in favour of this thesis, as well as to a number of lessons that have been learned by the citizens of Serbia from their ten-year experience in adjusting to and resisting Milošević's regime. The authors conclude that it is important, both in a theoretical and practical-political sense, to identify those elements of the ongoing processes which may contribute to a truly democratic reconstruction of the Serbian and Yugoslav society.

Key words: political change, citizens of Serbia, social learning, interpretation, argument, normative expectations, political mobilization, political behaviour, democracy.

A debate on whether 5 October can be regarded as the turning point in Serbia's most recent history was opened immediately after the change of government. It shows that the events linked to this date cannot be confined to the overthrow of a bad regime, but that they also entail specified normative expectations. The newly elected President of the Federal Republic of Yugoslavia was among the first to characterize the event of 5 October as a *democratic revolution* (and many others followed him in this respect). By giving this qualification, he wished to point to the dual character of the event. On the one hand, legal conti-

nunity was preserved and democratic legitimacy was defended. With their protests in the streets of Belgrade, the citizens did not want anything else but that which they and the victorious political coalition were entitled to according to the law and democratic procedures – the recognition of the genuine election results. On the other hand, by introducing the notion of revolution, it was attempted to say that the recognition of victory in the elections was won in the streets, under social pressure, by the limited and mostly controlled use of force. However, the notion suggests more than that. It also points to readiness for discontinuity with the way of governing and conducting political affairs. This discontinuity is already reflected in the very observance of legality and democratic procedures. In that sense, the phrase *democratic revolution* would mean the beginning of democratization by the revolutionary act of extracting the recognition of the genuine election results (that is, legality).

We hold that this phrase gives an adequate description of social and political dynamics and tensions in Serbia after 5 October, regardless of the intention of the one who uses it. It points to the ambiguity of 5 October, which makes the normative expectations and the assessment of the subsequent developments in the society somewhat confused. In order to learn whether it is a question of continuity or discontinuity, as well as the meaning of all this, it is necessary to consider both aspects. They include the meaning of discontinuity with the former regime, on one side, and the process of democratization or legal continuity (the establishment of the rule of law), on the other. The evaluation of the fulfilment or non-fulfilment of normative expectations linked to that date is based largely on the views on these aspects. These two processes are not just the two sides of the same coin, although it may seem so at first sight. One often upsets the other: a break with the legacy of the former regime slows down the process of democratization and vice versa: the establishment of democratic institutions hampers the process of discontinuity. New institutions cannot be built on old foundations, but the process of clearing the ground can undermine new ones. It is important that this break should be as fast as possible. However, it is not irrelevant whether it will be violent and unjust, or peaceful and based on the new rules of the game. An illustrative example can be a state of confusion and debate concerning the criminal prosecution of former high officials, including the highest one. The evaluations of the hitherto results, which can be heard in public, often fail to pay adequate attention to the difficulties in finding a “correct” balance between the elimination of a negative legacy and the building of new and sound foundations for life. In essence, those are two opposite yet complementary processes. They cannot exist without each other; the art of balancing makes them allies, while an imbalance, which is reflected in forgetting the past or aspiring to settle old scores, can make them enemies.

Different approaches to the notions of “democratization” and “break”, as well as different expectations from those two processes and their mutual dynamics – which we consider to be crucial – led to different interpretations of the

post-October events in public. These widely varied interpretations are very important, because assigning the meaning to the hitherto events exerts a decisive influence on the future course of events. Therefore, we will consider those diverse descriptions in greater detail, classifying them into three groups on the basis of the views taken, i.e. *exclusive*, *partisan* and *realistic*. It should be noted, however, that these are no empirical generalizations, but analytically distinguished views, ideal types, or names for as many sets of arguments (or strands of argumentation), which can be recognized in public, or heard and read in the media almost every day. It should also be noted that we will consider only the descriptions of those commentators who hold – or at least wish to present themselves as such – that the removal of the previous regime is something good. Those who have completely negative views on the event will be disregarded.

(a) The *exclusive* view is a critical view which is presented from the viewpoint of someone who disregards social reality and relies on strict normative standards. In other words, its exponents argue that nothing significant has happened except the personal change of government. (b) The *partisan* view is taken by someone who experiences him or her self as a participant in the joint undertaking of improving the society. Changes have taken the best possible course (because all of us, who participate in them, give our best). Thus, we must be patient and wait for the government actions (which are also our actions) both in Serbia and the Federal Republic of Yugoslavia to bear fruit. (c) The *realistic* view usually lays emphasis on the removal of obstacles and its norm is – success. The government actions producing positive social results are praiseworthy, while those producing negative ones are criticized. Due to deficiencies and ambiguities in the evaluation criteria or, in other words, in setting the reference point of success (i.e. contextualization and instability of the criteria, because success in an unjust war, for example, is also success), we shall complement this view arguing that (c⁺) the event of 5 October was a successful social event if we can take it as an indicator that a considerable number of citizens of Serbia have learned some lessons, i.e. have begun to learn how to think and behave politically.

No doubt, this is, for the time being, just a bold thesis which cannot be confirmed conclusively by empirical evidence. It requires a thorough, qualitative empirical research, focusing on popular views about changes, as well as about their previous and subsequent interpretation of the event and the logic of their interpretation.¹ However, regardless of the initial implausibility of the thesis, we hold that its advantage lies just in its ability to explain the dynamics of the developments more adequately than rival theses (which, by the way, are equally intuitive and unsubstantiated, but often try to find support by making reference to a limited and selective set of facts). Therefore, we will first present briefly the arguments used by the three positions outlined above and then point to their

¹ The preparation of a draft of such a study is underway and we hope to conduct fieldwork during this year.

deficiencies. Afterwards, we will try to clarify how the thesis on social and political learning explains social and political dynamics.

a) The exclusive view of a privileged observer

Those who argue that nothing significant has happened usually put forward three arguments in favour of this view. (a) The first is that political culture has not yet been changed significantly and that the nationalist and xenophobic milieu, which was created by the former regime and led to a disaster, is still setting the tone in the Serbian society. Moreover, the new government is also promoting it and trying to manipulate it. In evidence of this view, they point to its unwillingness to cooperate unconditionally with the Hague Tribunal and the international community, its hesitancy about assuming the responsibility for war and other crimes and initiating the process of catharsis by “settling accounts with the past”, as well as to its failure to change its attitude towards ethnic minorities, Serbs outside Serbia and Montenegro. (b) The second argument is that the change of government did not bring about the establishment of efficient control mechanisms. It is argued that the new government tends to prevent political and non-political control. This means, above all, that there is no polarization of the political parties within the DOS and that there is no effective opposition in Serbia (again). In short, the genuine pluralization of political society in Serbia has not yet started. Second, the differentiation and independence of the branches of government are not at a satisfactory level so as to enable efficient checks and balances. The institutions of the legislative, executive and judicial branches of government are not autonomous vis-à-vis the centres of political power and one cannot observe a tendency to build institutions on new foundations. Third, civil society is neither capable of establishing adequate control over the government nor is mature and organized enough to respond to new challenges. (c) Finally, the new authorities have inherited the patterns of government from the former regime (thus falling into the “trap of systemic privileges”²) and do not wish to renounce the privileges offered by them. Political power is still regarded as an opportunity for one’s accumulation of wealth and solving personal existential problems.

Here we can identify three kinds of unrealistic expectations that make such a view inconsistent: 1) expectations that social processes can have the same pace as political change; 2) expectations that political power should play a leading role in them (and that they can be under direct political control) and 3) expectations that social and political institutions can be built from a fictitious zero point, according to idealized normative-theoretical models.

All these deficiencies arise from an insufficient reflection on the very assumptions for the validity of one’s theses: the speaker and that which he/she claims are excluded in advance. Epistemologically speaking, what we have

² An apt phrase which was coined and used in a different context by Slobodan Antičić.

here is privileged insight and self-confirming theses. For example: nobody knows what democracy is, but I know; Serbs have an undemocratic political culture, but I am not a part of it, although I am a Serb. Therefore, the exponents of this view frequently contradict themselves. They call for a political creation of social change, which they otherwise consider to be beyond the sphere of politics or, using philosophical vocabulary, they fall into a set of performative contradictions. For example, the government should not interfere in the work of the media; moreover, it should care actively for their independence (as if this is not interference). Or: the government is responsible for the fact that the judiciary is not independent – and not judges themselves. This is methodological carelessness about reality, which is concealed by uncontrolled generalizations and a posture of omniscience (“most people think...”, “it is customary...”, “in the world it is normal that...”, “the people want...”). This blurs the inadequately postulated relationship between the social and the political, which are drawn into a vicious circle that does not permit a way out or progress. A bad society begets bad politicians and bad politicians only contribute to the survival of a bad society.

We have grouped these views under one heading, because it seems to us that they are absolutely unfruitful as explanatory theses and practical-political concepts. Moreover, they cannot be tested at all, since they are independent of the facts. Namely, they contain the self-defensive provision that everything that does not coincide with them has the characteristics of the reality they condemn. Although the trademark of this view is the word “criticism”, it does not apply to it. Any criticism of such a view is impossible, since it will come upon the closed door to the club of those having privileged access, where membership is obtained exclusively through self-legitimation.

b) The partisan view of a participant

This view is held by those being still excited over revolutionary enthusiasm and its purity demonstrated on 5 October. Namely, they project their participation in “revolutionary” events on to the participation in government. Their arguments are based on a participant’s view that (a) nothing will happen unless we all exert an effort to make it happen, since (b) political power and the state do not differ from the people being exposed to that political power; therefore (c) this view must be maintained even as a useful fiction, while (d) the emerging problems should be regarded as the result of limiting, competing factors.

The deficiencies of this view are: 1) too great confidence in the consistency of power holders – that they know what they are doing and that this is done according to plan and in good faith (there is a justification for everything); 2) the projection of one’s own, mutually rather different expectations on to the actual moves of the government, 3) too literal understanding of democratic representation due to which the exponents of this view regard themselves as equal participants in political life.

In essence, it is the question of an unreflected relationship between the citizens and political power. If the exclusive view suffered from too great a distance, the participant's view suffers from the lack of distance from the political power and social developments in general. The problem is that all participants in political and social life are seen as basically equal, while at the same time neglecting the difference arising from the institutional distribution of power and responsibilities. If everyone has to perform one's part of the job and bear a part of the responsibility for what is happening, that still does not mean that everyone's power and responsibility for that job are equal. It does not mean that everyone is equally responsible for the achievement of a common aim. Some people offered themselves as candidates for the performance of the greater part of the job, thus taking it institutionally upon themselves. In that case, we must maintain a distance from power holders, because we cannot treat them unconditionally as a part of the team in which everyone has an equally important task. Like in football: a manager is in a position to mess up much worse than a right back.

c) Realistic view

This view is characteristic of those observers who try to look at the events independently of the current power holders. They regard power as an institutionally assigned social function, whose aim is to perform specific tasks. The views on the current power holders are based on a pragmatic evaluation of their performance.

The realistic view is based on the assumption that politics is a form of self-organization, whose aim is to overcome obstacles to the attempts to secure better life for citizens, where "better life" is regarded as an aggregate of *citizens' own* views of better life. The argumentation is as follows: (a) the stability of society can be achieved only if the government is capable of winning over the majority of citizens and maintaining their support. (b) The government will succeed only if it manages to satisfy continuously the basic needs of citizens. (c) Therefore, the government is successful if it can satisfy the actual needs of citizens and not if it calls on the fulfilment of some ideological requirements. (d) Consequently, the government should be concentrated on reality and the actual needs of citizens in the given circumstances.

The deficiencies of this view are: 1) the inability to establish the criteria for interpreting actual needs without laying down some normative criteria for deciding on it (e.g. by referring to a "democratic expression of views", one introduces the story about normative standards, which affects the consistency of the view to a considerable extent); 2) confidence in the interpretative capacity of decision-makers, 3) confidence in their ability to find the means to achieve the desired aim and 4) the lack of efficient control for the prevention of incorrigible errors.

Consequently, this view lacks tools for assessing in which cases some pragmatic, "successful" actions by the government could be treated as undesirable.

We see the mechanism for supplementing this view in social consensus that has been reached – as a result of social learning – on minimum normative and material conditions for a stable functioning of society. We hold that this capacity of social learning, which poses a serious obstacle to the government to make incorrigible errors, has largely been disregarded in the hitherto analyses. Obviously, we do not claim that actors of social and political life in Serbia are absolutely rational persons, but only that there are signs that a minimum social consensus has been reached as to what is permissible, and what is impermissible to do in particular spheres of social life. It exists in the form of knowledge and capacity for rational joint action, which must be carefully cherished and promoted, and not irresponsibly disqualified. Progress made in building such a consensus is our criterion as to how much things in Serbia have actually been changed.

c+) Social learning

Therefore, we wish to strengthen the realistic view by supplementing it with the thesis about social learning. In this way, we can establish the criterion that will eliminate some deficiencies of the realistic view and include some strong points of the partisan and exclusive views. Namely, only if the citizens themselves take their normative and material expectations seriously and consider them to be relevant for political life, we will be able to say that they have learned something. Naturally, we do not use the Habermasian notion of rational social learning as the adoption of mechanisms for reaching and maintaining a social consensus. In our case, this is still out of question and it is highly improbable that such an ideal can be attained at all. What we have here is a painstaking progress in people's consciousness concerning the significance of such a consensus, as well as somewhat clumsy attempts to reach it. Someone may note that this is not enough. But, this already is considerable improvement in comparison with the previous period – when such a process in Serbia was always successfully impeded and prevented – and the only way to achieve long-desired social stability.

What is the advantage of such a view? It lies just in the ability to identify the elements of social rationality or irrationality in both the individual and group behaviour of the citizens of Serbia, and use them as a basis for evaluating the institutional reconstruction of society. In our opinion, such a thesis is fruitful in many respects. (a) It can be instrumental in explaining what has happened and is happening in the Serbian society; (b) it facilitates the identification of the elements that contribute to or impede the desired course of social change; and (c) it has the practical-political ability to provide a framework for the evaluation of the desirable tendency of social reorganization, which will not be based on unrealistic expectations and wishes, but on the actual abilities of the people to effect such changes.

Progress in achieving this minimum can be seen in many areas. In further text, we will try to point to some indicators of the existence of the elements of so-

cial consensus, which originates from the process of social learning, instead of being imposed from outside.

In implementing the thesis on social learning, it is necessary to follow two lines of thought: retrospective, which perceives the background of the event of 5 October, and prospective, which is concerned with its reinterpretation and reconstruction in the subsequent period. We hold that reconstruction and reinterpretation – not only analytical and scientific ones but, above all, those carried out by the participants themselves – are as important as the “topically” comprehended motives and aims of action, “on the spot”. In political processes – especially those which involve such a great number of people and have far-reaching consequences, as was the case with the events in Serbia on 5 October and afterwards – a dynamic interpretation forms part of reality itself. It is not only impossible to make an adequate evaluation of this reality independently of the process of “making sense of” the events, subsequent reflection on them, and its return into the course of events, but it is also difficult to speak about reality as something that “exists” independently.

It may be possible to argue, as is done by some commentators in a critical tone, that the citizens had no articulated vision of “what they want” but only of “what they don’t want” on 5 October and afterwards. Even if something like that were logically possible as a consistent view, we do not see any problem in that. First, if they knew “what they don’t want”, that was not only sufficient for the beginning, but was also extremely important. And we hold that they knew what they did not want and that the negative aim (the termination of a specific form of government) was identified quite well. The explicitness of this commitment already represents discontinuity with the previous period. Despite being its cumulative product, it was then unambiguously displayed for the first time. By demonstrating “what they don’t want”, the citizens also established an efficient check on the new government in the sense of warning it that it should produce tangible results and not repeat the errors of its predecessors. Second, if the people knew “what they want”, that would imply the advocacy of a relatively precise plan of a “better tomorrow” and our society has had enough experience with the implementation of such plans in practice and all related pathologies. (Had the events taken such a course, the same critics would have most likely condemned the tyranny of utopian visions.) The greatest advantage lies just in that continuous reconstruction and revision of one’s views: the citizens are assessing whether that what is going on is what they wish and, in retrospective, whether that is what they wanted or thought they wanted on 5 October. In our opinion, this is a sound and rational view in the society which, after a long period of degradation and an even longer period of the positively set aims, undertook a difficult task to build democracy. Finally, the view “I know what I don’t want!” can have a double meaning. It can mean: “I know I don’t want *that!*” (Milošević’s regime) and “I know I don’t want it *that way!*” If the first interpretation probably

impairs the value of the event, the other imparts it quite a different dimension, that is, the dimension of a generalized and stable view on the form of government I don't want or, in other words, the dimension of political knowledge. Any hasty disqualification of the view "I know what I don't want!" fails to perceive this positive dimension, which is always mixed with the particular and negativist one.

Although, as already mentioned, the hypothesis about social learning cannot be confirmed without further research, we hold that some arguments in its favour can still be presented. In this connection, we will consider the diachronic development of various anti-regime activities during the 1990s. It shows the tendency of cumulativeness and learning by experience. It was persistently attempted to do something new; the already tested and exhausted models were not applied any more. So, for example, the idea of a "critical mass" was endorsed for years. It was held that it would be sufficient to have such a number of people and "it alone" would overthrow the regime. The opposition leaders endorsed this idea for a long time, even after it had been dismissed by those who were supposed to constitute this "critical mass" as futile in the given circumstances. In general, the entire model of "walks" – characterized by non-institutionality, non-violence and creativity ("carnival") – was abandoned after the mass protests in the winter of 1996/97. On that occasion, it bore some fruit (the immediate aim was achieved), but proved to be inadequate to bring about a radical change.

In this way we have already pointed to the next course of learning, which concerns the citizens' attitude towards the opposition: a large (and increasingly larger) number of people regarded it as the spearhead of their political aspirations. However, they were increasingly less prepared just to fulfil the wishes and orders of the opposition leaders and their mouthpieces. (This was clearly shown, for example, in the autumn of 1999 when the opposition announced "continuous mass protests" but failed to attract the citizens who made a better assessment that nothing would be achieved in that way). Over time, the relation between those who "lead" and those who "follow" was reversed to some extent: after all, the unification of the opposition and its putting forward a single candidate, which ended in victory, resulted from bottom-up pressure (as shown by public surveys, signals from local branches of the opposition parties, etc.) rather than from the willed decision of the party leaderships.

Further, the results of the elections held on 24 September, 2000, can be regarded in themselves as an indicator that something was learned. Namely, for the first time we were faced with a clear polarization "for vs. against" (the regime), and a sufficient number of people that opted to vote for the opposition. The first thing which should be noted – and which can have (positive) repercussions for the political future of Serbia – was the at least partial overcoming of the ethnic cleavage in the political field. Namely, the political parties of ethnic minorities not only participated in the victorious coalition, but also assumed various

positions in the new government. It was demonstrated for the first time since 1990 that it was possible to engage in politics in Serbia on *political* lines. In other words, this was the first step towards the “de-ethnification” of politics. Another interesting thing is the marginalization of the SPO and SRS, which can be interpreted as the punishment of those who were not ready to adjust to the new situation. Namely, some kind of unwritten “social contract” on the unification of the opposition had been made even before the party leaderships agreed to that. There was also sentiment for the inclusion of the SPO but when this party declined the offer, it was punished through the election results. Apathy and the announced abstinence in the spring of 2000, which lasted until the unification of the opposition, point to the underlying view: “We won’t support the options that do not stand a chance for success.” The SRS can also be regarded as a victim of this commitment. Thus, mass voting for the DOS was the result of a rational decision to support something that was realistic – and this time the removal of the regime through elections was possible. At the same time, the reality of this possibility was both a cause and an effect of widespread *belief* that change was possible. The dialectic of popular mood during the crucial pre-election months shows the cumulateness of the learning process quite well. Shortly before the elections, sample surveys first recorded increased support to the DOS, accompanied by disbelief that the elections could be won, then an increased belief in victory and disbelief that the regime would step down peacefully. Finally, when the election results were announced and victory was an established fact, the experience of one’s strength intensified the resoluteness to “carry on to the end” and *not let* the regime not give up power – which was demonstrated so convincingly on 5 October. This sequence of events actually reflects the process of delegitimization of Milošević’s regime, which revealed its essence to the people: it was nothing else but brute force; in the end, this force was also defeated.

In addition, it should be pointed to decentralization and demetropolitanization of anti-regime activities. Local party and non-party centres of initiative were activated and local identities were established, particularly after (somewhere even during) the NATO bombing in 1999. They began with the protests of the relatives of mobilized reservists to be continued with the protests of reservists themselves and the establishment of civil fora and parliaments, committees for the protection of human rights and liberties and the like, all of which subsequently came together and established coordination at the republican level. All these initiatives had clear local colours, reacted to local problems as well as to specific problems of the region in which they were established (at the same time, they knew how to “think globally”, that is, with reference to the entire political system of the country). The moving spirits of those actions were local figures, deeply rooted in their environment. It was not looked only at Belgrade any more, because it was realized that Belgrade was unable to function as the only centre and that the aim would not be achieved by carrying out centralized orders. The view that one cannot live peacefully in one’s community without

changing the regime in the whole country was the result of a rational insight into the political causes of the catastrophe and its clearly identified culprit.

Let us also consider the behaviour of the people in the anarchy of 5 October and the days to follow. Regardless of puritanical objections to individual instances of destruction and pillage, one must point to a high degree of self-restraint – in an unusual combination with resoluteness to achieve the aim – especially if we consider how dramatic the circumstances and how high the stakes were. New (modern) political consciousness was also reflected in the behaviour of the “mass”. After enabling the opposition to assume power, which was won in the elections, it did not wish to retain that role on the political scene, thus contributing to a state of anarchy and the postponement of the institutionalization of democracy. Instead, it withdrew, leaving the new government to do its job. However, it expressed its readiness to supervise it, but now no longer as a “mass”, but as citizenry, partially structured and profiled, and encouraged by their own strength and proven ability to achieve results.

All these indicators enable us to extract, hypothetically and tentatively, the “content” of learning or, in other words, a series of lessons learned by the citizens.

At the most general level, the citizens have learned something about *collective conduct* with a political aim – how to work in concert in order to achieve something. This includes mastering the methods of self-organizing, establishing networks and exerting pressure; learning the appropriate interpersonal codes of interaction and cooperation in pursuing a common aim; learning how to display seriousness in undertaking a common task, thus promoting mutual confidence and belief in success. This practice also brought about a gradual *emancipation* from politicians in the narrower sense of the word and a growing awareness (albeit initial) of one’s political subjectivity. In contrast to the unrealistic assumption that the authorities, or the so-called elite, “creates”, “models” and “educates” society, our society was mostly self-modelled and self-educated in the political sphere becoming eventually conscious, to a certain extent, of that process and its results.

The next lesson concerns the awareness of the necessity for *acknowledging the reality of the situation and interests of others*. It can be observed in:

- The attitude towards the international community: it seems that isolation and xenophobia have irreversibly been excluded as options for the orientation of the state and society; not one government will afford to simply ignore the demands of its surroundings or defy them any more;

- Patience with transition problems: recent public surveys have shown that, regardless of the aggravating social situation, ordinary people display a high degree of understanding for the fact that their standard of living cannot significantly be improved overnight. Although the social sphere remains rather explosive and is probably the most uncertain, even the reasonableness displayed thus far can be regarded as unexpected;

– Increasing awareness of war crimes and the need for their investigation either in Belgrade or in The Hague: almost all researches have shown that such a commitment is gaining ground, coupled with, one may say, rational hesitancy about assuming unilateral responsibility for all events during the wars in the territory of the former Yugoslavia;

– A cautious attitude towards actual and potential conflicts: there is an increasing sensitivity to conflict potentials, in addition to awareness that conflicts may easily get out of control and return as a boomerang. Hence the government cannot afford to come hastily into conflict (with minorities, with someone's aspirations to autonomy or independence, with close or more distant neighbours; in all these areas public support to a peaceful and tolerant approach can be felt).

What all these manifestations have in common is indicating that easy and hasty solutions, which were promoted by the former regime – and invariably turned into non-solutions – have lost their appeal. Consent in advance to the hardships and long duration of a search for solutions has become an important element of the “new realism” and emerging democracy.

Personal is political, or survival as a common cause: the citizens have burnt their fingers in the area of economics so many times that they do not feel like experiencing something similar any more. The threshold of enduring existential hardships in the style – “Keep quiet, it's good!” or “God forbid! It can be worse!” – has been lowered. Too simple, or too fantastic explanations are not acceptable any more. So, for example, it is very improbable that the citizens would accept another hyperinflation. Similarly, it seems that strikes are becoming somehow “different” – more realistic, better founded and more resolute (while on strike recently, teachers, for example, were asking for higher salaries in real terms, not in nominal ones, while trade unions have appeared jointly). This attitude is consistent with the mentioned patience: it has its projected aim, that is, its sense (we know why we are waiting) and its time limit. In short, in the past the imperative of survival posed an obstacle to political activism. Around the September elections, however, people realized that these two issues are related, that one's individual destiny has its systemic-political causes and that a political engagement (acting together) is in certain circumstances functional precisely for personal survival. As an indicator we can use a survey conducted shortly before the elections. Namely, the greatest number of the respondents opted for the view that changes for the better could be brought only by the so-called social opposition (opposition parties and associated citizens together). Here is another aspect of realism: both once prevalent extremes – mythomaniac and euphoric participation in collectivity, on one hand, and apathetic, privatized abstention, on the other, are avoided.

Finally, an important element of education and increasing political consciousness and behaviour in conformity with democratic political life is the *separation of spheres*: personal opinion is dissociated from one's supporting public

actions by the state authority. So, for example, someone may intimately have the strongest prejudice against Albanians or the worst opinion about the Hague Tribunal and still support the government's talks with Albanians about substantial autonomy or Milošević's transfer to The Hague, because that is politically useful for the community.

In conclusion, it can be said that the people cannot easily be deceived, fascinated, lured, lulled, promised fast solutions or have their attention turned away from problems any more. They have firm ground under their feet, or at least much firmer one than before. And they also learned to behave much more in accordance with the given circumstances, including all limitations and possibilities, instead of disregarding them or behaving contrary to them – as they tended to do in the early years of the last decade.

It must also be noted that this learning process was making progress despite the kind of political socialization which was applied to the citizens for years by the former regime. Namely, it was teaching them, whether explicitly or implicitly, that democracy – its notions, institutions and procedures – was senseless, that solidarity and acting together were futile tasks, that an honest effort would not pay off, that patience and tolerance were the virtues of those having no other virtues, that society could not rationally be governed and that one cannot tell better solutions from worse ones, as well as that unrestrained negative emotions were the guarantee of individual and collective success. All things considered, it can be concluded, with a measure of self-conscious benevolence, that the citizens of Serbia have learned what they could from the given circumstances.

For the time being, these are just modest indicators and tendencies, which can still be interpreted differently, while the progress to which they point is slow, contradictory and wavering. But, it must be acknowledged and the significance of its irreversibility should be emphasized. Naturally, it is sometimes difficult to distinguish between learning and ordinary fickleness, that is, a mere adjustment to the prevalent views in order to keep some social gains. However, we hold that in many cases, especially when ordinary people – who have hardly anything to “keep” – are in question, this is not fickleness but a change of opinion, which can be regarded as a result of learning, unless caused by some external motives. This is also a sign of progress in rational social and political behaviour.

That a minimum democratic threshold in Serbia has been reached can be seen, for example, in the fact that the greatest part of the political public is now deciding between Koštunica and Đinđić.³ This is especially so if one compares this polarization with that between Milošević and Šešelj, which was prevalent in

³ To those who argue that this choice is bad or that this is not a choice at all (since we only have one “nazi” and one “amoral pragmatist” on the menu) we can pose the following question: does it mean that the Americans are in a serious trouble, because they recently had to make a choice between a fool and a liar?

Serbia during the elections in 1996 and 1997. One should also bear in mind that this polarization is not only personal, but also institutionalized within the DOS and hesitancy about dissolving the DOS postpones one's deciding between these two options (this is a "package" choice). Consequently, the survival of the DOS does not have to be interpreted solely in terms of the interest of the ruling elite or the absence of pluralism in political life. Rather, it can be interpreted by the wish to maintain such polarization. This is where we also see the wish not to return to the old situation any more, but to have the present power structure stabilized.

Further, there is an obvious lack of willingness to promote Koštunica into another "leader" in the old style. His great popularity, which is confirmed by public surveys, as well as through informal contacts, is often criticized by moralists as "the creation of a new personality cult" and another manifestation of the traditional, almost innate need of the Serbs to have a leader. It seems to us, however, that this phenomenon can be interpreted more adequately by using the key offered in this paper. Koštunica's high rating can be regarded as the result of one's projecting positive, normative contents or – we could say – the wish to have a normal president⁴ rather than the result of worshipping his personality. Although he has a great authority, his power is not so great: whenever he tries to use it, he is met with resistance that is disproportionate to the degree of "worshipping". Parallel to their support, the "grass roots" do not hesitate to express their discontent with many of his moves.⁵

In considering the situation in Serbia after 5 October within the proposed interpretative framework, our basic intention was to point out that the ongoing processes cannot be assessed unambiguously or without thinking twice. It is necessary to identify the elements of these processes showing that Serbia has a real chance to be reconstructed as a democratic and normal state. Total criticism or blind support will not help in facilitating such an outcome. At this crucial moment for Serbia's development, the responsibility of social thinkers is therefore great.

Belgrade, 18 May 2001

Translated by V. Gligorijević

⁴ Compare the sentence which could recently be heard in public: "We finally have the president who goes to football matches!"

⁵ For example, his hesitancy about removing the Chief of Staff Nebojša Pavković or, until recently, chief of Secret Police Rade Marković from office.



A LOOK INTO THE FUTURE

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The Future of the Liberal Revolution in Serbia

Summary: The basic thesis of the paper is normatively motivated and argues that political changes in Serbia are an example of liberal revolution. Their main effect consists in a relegitimation of the project of liberal and open society, all the more significant as the political society of Serbia was for over a decade a hotbed of resistance to the fundamental values of European political Enlightenment. The strategy of continuity has rightly been chosen over the strategy of “total rupture” and construction of an utopian world *ex nihilo*, since the latter regularly destroy social tissue, generate existential fear of disorder and open the door to authoritarianism. Two more crucial issues are related to this: the positivation of the revolution (relation between revolution and constitution) and treatment of the actors of the old regime (the tension between constitution and justice). The author believes that the actors of changes in Serbia have chosen the right strategies at both points (constitutionalization and moderate liberal corrective justice), quite in accordance with the decisiveness of the present moment when Serbia is laying the foundations for its political future and its new political identity.

Key words: political changes, liberalism, revolution, constitution, order, continuity, corrective justice.

1. This paper is an attempt at self-understanding of the dynamics of political changes in Serbia. The author propounds a normatively motivated thesis that the most general normative construct of this self-understanding is provided by the concept of “liberal revolution”. The theory of liberal revolution will be taken here as the frame of reference for describing and analyzing the transition from an undemocratic and despotic system, as well as for laying down theoretical and normative presuppositions for an immanent critique of the multifarious processes that have resulted from these revolutionary events in the Serbian political society. The purpose of analysis and critique so grounded is to outline the possibility for building liberal and democratic institutions. This aim comple-

ments, as it were, the general starting point of the paper with the thesis that the main effect of the revolutionary events in Serbia crystallizes in a *relegitimation of the project of a liberal and open society*. Political actors of the changes (citizens, civic associations, political parties, etc.) have won a “window of possibility” – let me use this Ackerman’s idea, which will be among the more exploited motifs throughout this paper – for such a reconstitution of Serbia as a state and a political community (*the constitutionalization of revolution*) as to offer the political society of Serbia a chance for a liberal political transformation. The relation between *revolution* and *constitution* is the gist of the political changes in Serbia. This comprises the principal challenge that actors of political change have been facing. The dynamics of the process of constitutionalization of the revolution will reveal both the strength of their political capacity and their basic normative thrust. Having defeated the old regime, these actors must now show clearly what they are for, not merely what they are against. In a complex process of constitutional and political creation, it must be proven in practice whether the guiding principles of the movement are being transformed into the dominant political principles of the order, which would allow for a long-term stable reproduction of political power, or else these principles are being subordinated and sacrificed to immediate benefits serving particular interests. The political society of Serbia is at the moment in a very specific condition, where citizens display heightened sensitivity to problems of political reconstitution of society. Such *constitutional moments* are decisive for the life of a political community and for the way its fundamental values are defined. These are the moments that offer members of the political community a chance to *reconstruct and redefine their communal political identity*. The political society in Serbia and its key actors are currently at such a juncture. This society is seeking to renew and redefine for itself such a political identity that will bring it closer to the values of the European political enlightenment. This is all the more important as during the last decade of the 20th century Serbia was a hotbed of resistance to these political values. The attitude towards these values is going to be the crucial point of political crystallization in Serbia. This fact is not obvious at this moment because the ideological agenda is saturated by imperatives of the order. Political history teaches that constitutional chance is hard to win but easy to lose. Actors of political changes in Serbia simply must not lose this chance, and particularly they must not allow a non-liberal erosion of the political dynamics or massive anti-liberal mobilization of the population. There are circumstances favorable for both of these possible developments. The dependence of political transformation in Serbia on the quality and political capacity of the key political actors is caused by another salient feature of the dynamics of political changes in Serbia: there are many reasons to believe that – using an image taken from S. Holmes – the construction of the political building and of liberal and democratic institutions will start from the uppermost floor (the constitution). Incidentally, shaping of the political architecture of a society is always a risky business which regularly knows of no precedents. The old regime has left political desert behind – let me revive this splendid metaphor

of Montesquieu's, from his analysis of despotism – having destroyed the institutions of political and civil society and the connective tissue of public political culture. In such conditions, the imperative of establishing order arises almost as a sort of pre-political imperative, and the state potentially assumes a major role in the process of bringing society together. This regularly gives priority to liberal institutions and principles over other types of institutions (democratic, social, etc.) and renders liberalism superior to competing political projects. Liberalism is in the first place a powerful and as against competing theories superior theory of political order. It is not only that, however: it is simultaneously a theory on the *limits of political order*. In *Federalist Papers*, J. Madison, one of the architects of the American constitution, underlines the special significance and role of the creators of the political order. He warns that the objective of any political constitution ought to be, first, to select people endowed with the greatest wisdom and highest virtues for offices in the government, so that they may discern the common good of the society and strive to reach it; secondly, the appropriate cautionary measures ought to be undertaken in order to preserve their virtue as long as possible. No political power deserves our unbounded confidence, since power invariably corrupts the human nature. Hence the need for powerful political institutions and constitutional limitations whose main function it is to cool down the political power, as so excellently wrote Alexis de Tocqueville. Law has a constitutive role in shaping the political field, it is like a navigator who is piloting the ship, without changing its structure, affecting the force of the wind, or agitating the waters the ship (i.e. political institutions) is sailing through. Why government should be established after all, asks Alexander Hamilton. The answer is short and instructive: because without limitations it is impossible to harmonize people's human passions with dictates of reason and justice.

2. Careful readers and analysts will have noticed that the key theses suggested in the prologue to this paper – that Serbia has experienced a form of liberal revolution, whose basic outcome is a re-legitimation of the project of liberal and open society – are not problem-free. The first serious difficulty is posed by the very concept of revolution within the tradition of the liberal political theory. It is a commonplace – we are just noting it here – that moderate liberals in the 20th century took a pronounced anti-revolutionary stand. Therefore they have been sort of surprised by the political dynamics in countries of East and Central Europe. The traumatic experience of modern totalitarianism (communism, Nazism) has consolidated conclusively the non-revolutionary position within the liberal tradition. Under the influence of the revolutionary events in Russia the concept of revolution got firmly anchored within the Leninist strand of Marxism. Hannah Arendt was the first to protest against such a usurpation, introducing through her analysis of the American Revolution the concept of conservative revolution. These normative and theoretical motifs, backed by Tocqueville's idea of institutional continuity, will be widely used in our analysis of the political dynamics in Serbia and in defending the key thesis of the liberal identity of this dynamics.

Briefly, it is argued in this paper that the normative construct of the liberal revolution and the winning of the constitutional chance for relegitimizing the project of a liberal and open society are based on a normative understanding of *the mode of changes (strategy of continuity)*, *nature of normative demands (imperatives of order)*, *relation towards the old regime (corrective justice)*, and *relation between the effects of the revolution and their positivization in constitution (constitutionalization of the revolution)*. An affirmative answer to these questions would justify bestowing the designation of liberal revolution on the political changes in Serbia. But let us analyse this dynamics by resorting to the normative constructs we have chosen as our guides. If by revolution we mean a radical and sudden political change resulting in progressive transformation of economic and political orders and the will of political actors to such changes, then September and October events could be seen as part of the wave of revolutions which flooded European political periphery ten years ago. The same attribute understood in a narrower sense, as is found in Tocqueville, could also be applied to the political dynamics in Serbia. The main criterion Tocqueville uses to call changes in France a revolution consists of the liberation from despotic and tyrannical rule. The liberation of European political societies of political despotism (the type of rule based on political arbitrariness rather than constitutional principles of law) Tocqueville singled out as the most radical political change. There was nothing that the European peoples feared more than arbitrary rule, there was nothing they trusted so strongly as the principle of *legality*. For Tocqueville, the principle of legality is another name for the constitutive feature of law in establishing the modern European state. Following Tocqueville, Serbia has had a revolution, and a special type of liberal revolution at that, which is a central notion in Tocqueville's political philosophy. Serbia is liberating itself of tyrannical rule, a term used here to designate normatively a bad political order; it is at the same time liberating itself of despotic rule, as a type of political autocracy. It turns out however that the nature of normative demands as well as the possibility for positivizing the revolutionary effects are closely connected to the very mode of changes. The mode of changes is of utmost importance. The great historical examples of revolutions (the Bastille, the October Revolution) were characterized by political processes whereby political groups (classes) previously excluded from political life conquered the political arena, the state monopoly was dissolved, rival centers of political power emerged, violence was the chief midwife of the new political order, the society was brought back into a particular state of nature, and revolutionary justice was the main regulatory principle in treating the protagonists of the old regime. The price of the dissolution of the old regime and the building of the new order *ex nihilo* is extremely high: loss of human lives, terror, violation of rights, insecurity, distinct feeling of *existential fear of disorder*. The political dynamics in Serbia fails to meet these standards of revolution and this is, in our opinion, its major advantage in the process of liberal reconstitution of society. From the perspective of these standards, the notion of liberal revolution is not defensible. The

same can be said of the political changes in Serbia. However, from the perspective of liberal normative principles both comprise an advantage and, of course, a chance opened to the political actors of changes. In the foregoing sections we have followed Janos Kis' liberal critique of political changes in post-communist societies where, by acknowledging the transformation of the principles and practices of basic aspects of life through self-conscious and collective action, these changes were called revolutions. There is, nevertheless, an important corrective missing in this concept that would lend these changes the attribute of *liberal* revolutions. Liberalism, which in itself and in its normative principles is a political culture of self-restraint, does not require that the ruling principles be changed totally in order to call a particular instance of changes revolutionary. Such a demand is indefensible from a liberal perspective. At the root of liberal demands there is essentially the insistence on placing fundamental limitations on such transformative aspirations. In the basis of the liberal ideal of a well-ordered society (the second best order) there lies a mistrust of a total rupture with existing institutions, bodies and public culture, and especially mistrust of the necessity for building a new utopian social order. Such demands, as Claude Lefort so aptly demonstrates, are always potentially totalitarian and anti-liberal. The new beginning, the liberal tradition shows, is always anchored in the principles of the well-ordered society.. This is what distinguishes the liberal tradition and liberal projects from those types of revolutions and worldviews which emphasize total rupture and search for completely new meanings in language, symbolism and political practice. Modern societies have known both types of revolutions – fundamentalist, and self-limiting. Liberal revolution differs from the first type, as we have already said, equally by the type of changes, the attitude towards the old regime, and the principles of the well-ordered society. The political dynamics in Serbia is in a fair way to meet these principles.

The problem that actors of political changes in Serbia are facing can be summarized thus: how to establish a new political order, while at the same time avoiding overall violation of human rights, revolutionary terror and lack of safety. A combination of virtue and terror has accompanied almost all illiberal revolutions. The fact that the political dynamics in Serbia and its actors have avoided such a situation gives them a distinctly liberal character. Two kinds of reflection on the part of actors of political changes in a society prove to be crucial for the course the changes will take. One refers to the relation towards the old regime, and the other to the way in which the new political actors exploit the conquered constitutional moment in a complex process of positivation of the effects of the revolution. In this process of actors' self-reflection within the objective constraints in which the political transformation is taking place the key question is how to redefine and reconstitute a political community which is getting out of a deep political crisis, and which is aware of the possible consequences of a permanent revolution. In this self-reflexive process it is crucial, as Hamilton warned, whether human society is able at all to establish good government by recourse

to reflection and choice, or dependence on accident and violence is a permanent condition of its political constitution. Alexis de Tocqueville and Hannah Arendt, who abundantly uses the motifs of Tocqueville's theory of revolution, but also Hegel referring to Spain, and Burke in discussing why the regime of terror in France appeared – all agree in warning against a return into the state of nature, which invariably creates a setting favorable for the logic of revolutionary justice and dictatorship to set in. It was Tocqueville in particular who, advocating the strategy of institutional continuity, admonished that fundamentalist projects and violent breaks with old regimes regularly generate dissolution of the instruments of social and political management, political rationality and social integration. Whenever the actors of the new beginning accepted the logic of radical rupture the reconstitution of the new social and political order involved use of authoritarian political instruments. In one of the most powerful critiques of the effects of a revolution that relies on violence and a return to the state of nature (the French Revolution), Edmund Burke made it clear to the French that the installation of the regime of terror had resulted basically from total rupture, deep cleavage and hatred towards the old regime and its political protagonists and values. All this, Burke observed, led lawfully to the loss of political identity and vulnerability of the new order to the danger of a demagogic dictatorship. Similarly, Hannah Arendt, impressed by the dynamics of the American Revolution like Tocqueville – she calls it conservative revolution – warned the new constitution-makers that their main task in establishing a new constitutional arrangement is to escape the logic of permanent revolution, which essentially is nothing but a form of (political) war. The logic of permanent revolution, with all its effects (terror, fear, insecurity, breaches of human rights, etc.), destroys the political tissue of society and prevents it from reconstituting itself in the form of a civil and political society. Criticizing Sieyes, Hanna Arendt actually criticizes the logic of permanent revolution. She reproaches Sieyes for having situated the *pouvoir constituant* in the state of nature of atomized individuals and for pleading for the strategy of establishing the new constitutional order *ex nihilo*. In contrast with this type of order and change, the American Revolution revealed a sort of social and political innovation which was manifested in the process of shaping the new constitutional doctrine and the Constitution, and at the same time constituting the new secular order. Along the way, the work of preexisting political bodies, which were basically forms of subjectivation of the civil society, pointed to sources of constitutional initiatives, establishment of a new form of legitimacy, as well as to potential contents of constitutional solutions. This legal and constitutional continuity lent a conservative meaning to the political dynamics of the revolution in America, while the normative assumption of the difference between the source of power (*pouvoir constituant*) and the source of authority (*pouvoir constitué*) enabled the designers of the American Constitution to build elements of continuity primarily on the dimension of the law. Thus the dynamics of the American Revolution reveals the possibility of establishing constitutional continuity in all

three essential elements expressing the generative principles of the new secular order. The first such element are political bodies of civil society, in which the new rational legitimacy is expressed; the other is political culture, which is most powerfully manifested in shaping the new constitutional doctrine; and the third is the establishment of law as the constitutive moment of shaping and limiting the political field (constitutionalism). By reviving these ideas we do not intend to reconstruct important points from the history of political ideas and establishment of political orders, but rather to stress how important it is for political actors to reflect on those constraining factors within which – as Otto Kirchheimer wrote – the first political decisions, decisive for the type of political order being born, are made. The American Revolution teaches how a new type of secular and constitutional order can be generated out of a liberal self-understanding of these constraints. Liberalism – this is actually the message of the American federalists – is a powerful theory of order. The minimum objective and imperative of an order thus established, from the standpoint of liberal principles, is to safeguard society against the condition where negative drives of *fear and violence* prevail. This is the first imperative of the liberal vision of order, since it is only upon resolving these pre-political imperatives that minimum human freedom is possible. Although, obviously, liberalism's aspiration is rather modest in comparison with other, mainly monistic projects of well-ordered society, experience shows that even these demands are not easy to meet. Defense of liberal values is not a powerful and grand political aspiration. Fundamentalist projects have always defended their goals with much more expansive social and political utopias. Modern political history demonstrates that new types of secular and liberal orders actually arose as a sort of response to, and from fear of, previously established despotic forms of rule. Therefore the first imperative of political architects and constitutionalists is to establish such a type of political order as to ensure and preclude the newly established order to fall back into a state of anarchy and disorder. It turned out – Hamilton indicates this in a particular self-reflection – that the fundamental concern of the American founding fathers was not primarily to ensure civil liberties and limit the government, but rather to establish such a system of political power and order that will keep society from being pulled back into a state of disorder, lack of warrant for human rights, and insecurity. These messages are of utmost importance for the political actors in Serbia. It is important nevertheless to stress that the future of a liberal projects will depend not only on the constitutional creativity and institutional engineering. Objective constraints will be immensely important as well. The latter, as Robert Dahl writes in a recent study, play a much more prominent role than political theory accords them usually. This holds especially for our political milieu, where institutional engineering is idolized. An excessive trust in any project bespeaks an illiberal standpoint. But what ought to be stressed in particular is the creative role of constitutionalism. Obviously, the imperatives of order cannot substitute for the connective tissue of society, but this sort of additive, as the Hungarian constitu-

tionalist Andras Szajo argues, plays a very prominent role in the process of societal reconstitution. Serbia, having experienced the destructive role of despotism, is just in such a condition. Pointing to the importance of establishing institutional guarantees in the new constitutions of post-communist societies, Ulrich Preuss rightly warns that in them the society can assume the role of active factor in building civil society institutions. This makes the role of the constitution-makers particularly relevant. The next section of this paper is devoted to this issue.

The construct of a liberal understanding of societal reconstitution, as we have already said, involves as its necessary component *the fear of disorder on the part of the constitution-makers*. This however is not the sole kind of anxiety and fear accompanying the establishment of the new order, especially as its actors are intent on building it on the principles of liberal political culture. The other kind of anxiety and fear is *fear of radical break* with the milieu of existing institutions, social and political roles, which in the case of political societies which have undergone the experience and legacy of totalitarian orders assumes – as Ulrich Beck so aptly remarks – the form of the *fear of freedom*. It is the function of political and legal principles to construct a number of firm symbolic spots that will enable political actors and citizens to routinize on a long-term and stable basis their individual experiences and understand them as integral parts of more general principles that community and order rest on. This, as Mosca argued, has beneficial effects. It dissipates fears and redresses asymmetries regularly produced by any political order. The political experience of dramatic and profound changes, Elmer Hankiss writes, demonstrates that in such situations millions of people are losing, or are afraid to lose, their traditional roles and positions in production and redistribution of public goods. People suddenly find themselves in the maelstrom of chaotic transformation, where they no longer know the ground rules of the game, their rights and their duties, what they are supposed to do and what the price of public action is. The conditions when a society sinks into political anomie, where one can discern neither the authority one should look up to nor values one should uphold, are most dangerous. Serbia is currently in such a condition. While the evident tendency towards delegative democracy and thorough personalization of the political field are perhaps understandable in the light of the foregoing remarks, in spite of the fact that they bear distinctly illiberal meaning, it is extremely important to work as intensely as possible towards the establishment of political institutions and towards introducing into the political field of relatively recognizable political principles and values. This is patently missing in Serbia at the moment. Nevertheless, the liberal thrust of political changes in Serbia will be tested in the shaping of a reflexive consciousness (*fear of power*) admonishing that, however important the imperatives of the order might be, *the state and political power, even when they are based on well-ordered liberal principles, are always potentially the most dangerous enemies of our freedom*. These contrary imperatives are not easy to harmonize. But it will

be precisely on these points that the strength and creativity of actors of political changes will be measured.

3. The relation between *revolution* and *constitution* has been singled out here as the gist of the liberal political transformation. This relation crystallizes in the process of *constitutionalization of the revolution*. If revolution, as Bruce Ackermann writes, is a collective act of re-ordering the basic aspects of life of a political community, which definitely includes the rejection of some vital aspects of the past, then the constitution is essentially the framework that enables the new actors to define those legal and political principles by which the new beginning is distinguished from the old regime and get anchored in views and beliefs of citizens. A successful liberal revolution should finish in a democratically adopted constitution. In other words, instead of understanding them as two separate processes, revolution and constitution could be seen as constitutive and mutually connected aspects of liberal political transformation. After the toppling of the old regime, the constitution emerges as the central framework of the normative integration of the new order. The constitution, according to a leading constitutionalist Nenad Dimitrijević, whose ideas we have been amply exploiting here, is a form of self-understanding of the revolution by its actors. In it, in a form of social contract, fundamental principles and values of communal life are defined anew. The new order, as the experience of post-communist societies demonstrates, is basically legitimated through a new ideological understanding of the status of the human being, the relation between citizens and government, and particularly through a new meaning of the notion of politics itself. Suggesting that constitution is nothing else but a broad social consensus on the identity of the political community, Hegel observed that the constitution had to incorporate people's sense of their rights and interests. The constitution has to be an expression of self-consciousness of members of a political community that closely matches precisely this particular community – otherwise it becomes a constitution imposed from outside, without any value or meaning. As A. Arato argues so successfully, the price of this basic constitutional contract is not so high as may seem at first sight. In order for a constitution to be *efficient*, it is expected to provide a coherent and stable framework (procedures, rules of decision-making) for a smooth reproduction of political processes; in order for a constitution to meet the criterion of *legitimacy* from the perspective of liberal and democratic principles, it is expected to incorporate a set of civil and political rights, as well as mechanisms to ensure democratic and public character of political processes. The liberal constitution is always anchored in the values of *constitutionalism*, whereby the premise of politics within the limits of the law and constitutional limits to political power is made positive. *Government is always the most dangerous enemy*, warned Sieyes, an unjustly forgotten pioneer of constitutionalism.

If moderate liberals within the Serbian political field manage to bring issues of constitutional project onto centerstage of public discourse it will certainly have wide repercussions for the political development of Serbia and its liberal and

democratic reconstitution. The foregrounding of the issue of establishing order as the major imperative on the political agenda indicates such a development. In a way, in the form of belated revolution, Serbia retravels the path of establishing modern European constitutional democracy, confirming that *the state precedes freedom, and freedom precedes democracy. The political society in Serbia is resolving the drama of conflicting imperatives in a liberal way.* Imperatives of liberalism and imperatives of order go hand in hand. Liberalism – however uncertain this may seem to its critics, among which Schmitt is definitely the most cogent – is a powerful and expansive theory of order. Hence the channeling and shaping of public discourse in such a way as to make the constitution *the central symbol of political accomplishments (constitutionalization of revolution)* give a chance to political actors seeking renewal and redefinition of the political identity of the community to build this identity on the values of *constitutional patriotism*, reviving people's loyalty to the political community through the values of constitutional democracy, a major legacy of European political enlightenment. The other important effect of public discourse thus channeled should be recognized in the spread of constitutionalism and constitutional political culture. The promotion of constitutionalism directs public debate on to a liberal course and opens up space for a broad discussion on the key issues of liberal reconstitution of society. Liberalism's advantage over other competing theories is that its constitutional theory is much more elaborate and more susceptible to active groups and individuals. It is important therefore for these groups to see the constitution as the expression and symbol of accomplished political changes in Serbia. The foregrounding of imperatives of order in the process of constitutionalization of revolution brings an additional advantage of reducing considerably the range of issues that may become factors of deep cleavages in the formation of political consensus. This facilitates the shaping of the field of *basic consensus* which in any political society is constituted outside of the arena of political struggles and without which politics within a political community is simply impossible to construct as the space of non-violent and peaceful competition among political actors. The building of the new constitutional framework both demands and presupposes broad constitutional consensus. The constitution is the node of that relationship. The other key principle mediating the process of constitutionalization of revolution and determining the relation towards the institutions and actors of the old regime is the principle of *justice*.

4. Constitution and justice are indeed the two principal nodes whereby the relation of the new political actors towards the old regime is established and mediated. However the effects of the constitution principle and the justice principle do not concur. Here again the actors of political changes are facing the drama of conflicting imperatives. *Constitutionalization of the effects of revolution (i.e. constitution) or justice*, that is the question the political actors must solve. The resolution of this tension will reveal the normative orientation of the key political actors in Serbia. It is an intention of this paper to articulate some appropriate cri-

teria from within a moderate liberal field and to be a contribution to the public debate on the drama of conflicting imperatives that the political society in Serbia is facing. The problem is additionally exacerbated by the revival of the old dispute between the principles of *political (revolutionary) justice* and *corrective justice*, which in various forms accompanied changes in all post-communist societies. This clash is rather clearly discernible in political discourse within the Serbian political society. Political exploitation of moral issues, insisting on processes of political catharsis and purification, demands for radical delegitimation and radical rupture (clean conscience and white hands, as it is phrased within the public sphere) with the old regime essentially reveal support to the principle of political justice. Although these questions do in a way resonate within the field of moderate liberal strategy, they basically bespeak an illiberal standpoint. The present author takes a moderate liberal standpoint which, in our opinion, prevails also among the key actors of political changes in Serbia, which counter the principles of revolutionary or political justice with the normative construct of *corrective justice*. And additionally, in choosing between *the imperatives of constitutionalization of the revolution (constitution)* and *the imperatives of (corrective) justice*, *the imperatives of constitution (constitutional justice)* have priority within a project of liberal transformation of society. But let us elaborate further this standpoint and proffer additional argumentation. Perhaps it is advisable to indicate the points where these two demands are supportive of each other and jointly reinforce the confluent dynamics of political relations. It is commonplace to say that the principles of corrective justice and the establishment of the new constitutional order both imply a distinct rift between the new and the old orders and seek to mobilize people's social and political energies around the values of liberal revolution. However, these two principles (constitutionalism, justice) do so in different ways and to different effect. These effects are most clearly manifested in the field of political consensus which, as we have already suggested, is fundamental for the future of the political transformation of society. Corrective justice is markedly oriented to the past and to the necessity for punishing, compensating for, correcting and eliminating the bad effects of the old regime and its actors. Constitutionalism on the other hand is articulated with respect to the future and manifests itself in an attempt to establish a constitutional framework that departs from the dominant principles of the old order. A constitutional framework is being established that is different from the one we have known. The second important difference refers to the target of legal action. Corrective justice is aimed at individuals, constitutionalism at institutions and legal principles of the order. The differential operation of these two principles in the process of normative integration of the new order opens the question of their effects. If, as we have suggested, corrective justice is turned to the past and basically individualistic, while constitutional justice is turned to the future and basically systemic, then both have quite predictable outcomes for the members of a political community. While corrective justice regularly divides citizens into two large

groups – those who have committed crimes and misdeeds, and their victims, the dynamics of the process of constitutionalization of revolution calls on citizens to forget the past and unite around the values and normative levers of the new order (constitution). Constitutional creation unites, corrective justice divides. In choosing between these two principles in the process of re-legitimizing the project of liberal and open society the priority should be accorded to the normative construct of constitutionalism. Deep divisions invariably generated by the principles of political justice are not a good ally of a moderate liberal revolution. Thus, talking about one of the most sensitive issues that will reveal the strength of the principle of justice in the process of societal reconstitution in Serbia – the issue of opening police files – our message is: *police files should be burned. The basic value of the liberal order is freedom rather than truth. Hence the principles of corrective justice when expressing a moderate liberal standpoint ought to be applied restrictively, and whenever possible avoided completely.*

This paper is an attempt to bring into the public discourse, from the field of normative political theory, a sort of normative reflection on those issues that we deem fundamental for the future transformation of the political society in Serbia. The political society in Serbia has won a *window of possibility* for a liberal reconstitution of society. The *relegitimation of the project of a liberal and open society* is the most significant effect of the revolutionary events in Serbia and this text is a contribution to the debate on the future and prospects of such a project. In methodical terms the paper has excluded completely the discussion of the constraints on the project of liberal political transformation in Serbia. These constraints are by no means small and will be taken up in more detail in a separate analysis. Here we will just list the factors of *organic political culture, paternalistic legacy of the old regime, unfinished process of territorialization of politics* and *open questions of the reconstitution of Yugoslavia as political community and state*. To these long-term factors shaping the field of “deep politics”, let us add another one which results from the political dynamics of post-revolutionary events. We will denote it by the concept of *delegative democracy*, meaning the political amalgam marked heavily by *personalization of political power* in a democratic guise. The illiberal features of this political formation will complicate additionally the tensions and drama of divergent, even opposing processes of *liberalization and democratization* of society in Serbia.

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What We Have Found and Where We Should Head for: The Future of Democratic Transition in Serbia

Summary: A brief description of the condition of the Yugoslav society before the change of 24 September is presented in the following way: it was only with the fall of Milošević's regime that the full range of destruction of the system and all its institutions became evident; it is not only the economy which collapsed completely, but all other institutions were transformed into a pure service of the party oligarchy; poverty of the society progressed as the ruling strata were getting richer and richer, economically and financially strengthening their power; nationalism was used as the new means of legitimisation in order to homogenize the population and win its support despite the ever more catastrophic consequences of the ruling policy. In the last decade of the 20th century FRY became the poorest country in Europe, with the lowest living standard in comparison with former Yugoslav republics. Through propagating "conspiracy theory" the regime encouraged the isolation of the country, consolidated by the external sanctions of the international community. Such a state of affairs characterized the period before the changeover of 5 October 2000. It is within this context that the author offers an explanation of the nature of the changeover arguing that it was a revolutionary act by which an autocratic regime, which had lasted for six decades, was over, and the road to a democratic transition was opened. However, the notion of transition is unclear because it does not assume an automatic democratic transformation. Therefore one cannot speak of a revolution in sociological terms meaning a radical transformation of the social system. On both *institutional* and *mental levels* some elements of the former mechanisms of power still remain, such as: the former party nomenklatura has not been completely disempowered and is still trying to have an impact on social processes; in the mechanisms of power there remains a non-transparent process of decision-making; in the relationship between the new power elite and the public it is still the principle of command that predominates, disregarding suggestions of citizens' initiatives; finally, struggle for power characterizes the interrelations within the Democratic Opposition, establishing a (coalition)party government (instead of the promised experts' government). It is argued further that the new power elite has not yet been liberated from the temptation of power. This is another indicator that, mentally, the key figures of the new power are still captives of the inherited authoritarian

mentality, which is a major obstacle on the way of democratic transformation. This may suggest that a different institutionalisation of power has not yet been effected. The Democratic Opposition has to develop itself to become capable of resisting the temptations of power in order to create new democratic mechanisms. In order to achieve such a goal, in the opinion of the author, it is necessary first that the new power elite becomes accountable to the citizens, and second that a critical public opinion be created as a constant public control of power, preventing its abuse. Civil society should play a prominent role in these democratic processes.

Key words: democracy, transition, authoritarianism, dis/continuity, revolution, democratic institutions, the public, civil society.

Description of the present situation

In order to give an answer to the question as to the character of future transition in Serbia after the changeover that took place on 5 October 2000, it is necessary to describe what the situation in our society is like today, and what changes will have to occur to ensure democratic transformation. I shall not dwell on the definition of the former regime of Slobodan Milošević since I have written about the matter quite a lot.¹ I shall describe in the briefest possible way the situation that the society has been landed in after the changeover. It might be best depicted visually as a general chaos and disorganization of the society. It was only with the fall of Milošević's regime that the full range of destruction of the society and all social institutions has become evident. The total criminalization of the society and collapse of the legal system have been unveiled. It is not only the economy that was destroyed and that its resources were exploited for private purposes of the ruling nomenklatura but also all other social institutions had become out-and-out branch offices of the government machinery which was in the hands of the party oligarchy. The more the ruling stratum was getting richer and richer and strengthening financially its power, the more the impoverishment of the society progressed. The society was irrepressibly heading towards national socialism serving as an ideological cover for preservation of power despite increasingly disastrous consequences of the former regime's policies.

Should one compare the conditions in the FRY in 1980s with the ones in other countries of "real-existing socialism", one might say that not only all comparative advantages of Yugoslavia were annulled but Milošević's Yugoslavia regressed far behind the most developed former socialist countries of late 1980s. In 1989, Poland, Czechoslovakia and Hungary had already created certain pre-suppositions for democratic transition of their societies paving thereby the way of further evolutionary development. Former Yugoslavia entered 1990s devastated by ethnic wars that determined its involutinal way, which ended only by

¹ See: Zagorka Golubović, *Stranputice demokratizacije u postsocijalističkim društvima* (*Off-Courses of Democratisation in Post-Socialist Societies*), Beogradski krug, Belgrade, 1999.

the fall of Milošević's regime. For ten years, all foundations of a normal functioning of the social system had been systematically demolished and its re-etatisation fortified, making it possible to consolidate the autocratic regime since the sole authorized "possessor" of the state was Slobodan Milošević (regardless of which government office he held at the moment).

The Federal Republic of Yugoslavia has become in the last decade of the last century the poorest country of Europe, with the lowest standards of living in comparison with the republics of former Yugoslavia and extremely high unemployment rate (more than 50 percent). More than two thirds of the population are living on the fringes of the subsistence minimum. Poverty bordering on penury is the ordinary picture of everyday life. In addition, the already unsatisfactory cultural level of the population was ever falling since the average income per capita was barely sufficient for survival, and expenditures for cultural needs (including education which was becoming increasingly costly) were, therefore, eliminated.

Thus, the state indoctrination was successfully grafted on such a ground – of general economic downfall and cultural regression – shrouding the existing situation in an ideological fog and spreading ethnic hatred and xenophobia against everything that is different. Through propagating a "theory of conspiracy" of the whole world against Yugoslavia the regime created the internal isolation of the country, thus exacerbating the effects of external isolation caused by sanctions imposed by the international community on the social downfall, using it at the same time as a means to homogenise the population around government authority.

The constitution and laws were adjusted to interests of the ruling political elite. Labour Relations Act provided for absolute prerogatives of managing directors who were appointed in accordance with party criteria, while the state trade unions were reduced to a loyal transmission of power (the trade union "Independence" was exposed to repression and directors thwarted its establishment in enterprises). The Information Act was intended for complete smothering of free media, while the University Act transformed the university into a branch office of the government aimed at crushing down autonomy and academic liberties that facilitate critical thought. In addition, the judiciary was totally corrupt and citizens were not able to defend their rights and freedoms. Within the framework of such a state set-up individuals felt insecure and completely helpless and, according to public opinion polls, fear was the prevailing feeling affecting their behaviour. This accounts in part, along with manipulation of a nationalistic ideology contributing to the feeling of being threatened and to xenophobia, for the fact that for many years the majority of population resisted social change, thanks to which Milošević's regime persisted.

Such a state of affairs was found after the victory of Democratic Opposition in the elections of 24 September, but no changes of substance had taken place until the elections for the republican parliament on 23 December, taking into account

dual power in the interregnum. It is in that light that possible ways of democratic transformation of the society and creation of presuppositions for democracy in Serbia should be viewed. Only in that context an answer to the question as to the character of the change that took place on 5 October can be given.

Character of the change of 5 October

There are differing views with regard to the nature of the change that occurred on 5 October: from a simplified notion of a putsch to a “peaceful revolution”, compared to the “velvet revolution” in Eastern Europe in 1989. However, all these comparisons are inadequate to explain what really happened on 5 October when a mass of citizens of Serbia counted in millions forced Slobodan Milošević to recognize the election victory of the Democratic Opposition and step down from power. Two specific moments have to be taken into consideration: the first one is the democratic opposition victory in elections, and the second one is the revolt of citizens against the election fraud and struggle for recognition of their election will. Accordingly, that was neither a putsch nor a classical revolution, nor even the one that took place in Eastern Europe in 1989. More precisely, it was a growing mass resistance against an autocratic regime, immoderate ambitions of which surpassed every measure of endurance and which caused such a revolt that could not be curbed any more leading, as a result, to toppling down of a six decades long autocratic regime. In that sense, one may say that the event of 5 October was a revolutionary act that has irreversibly overthrown autocracy as a principle of governance and opened the road to transition to a new and different social order. In other words, a new principle has been introduced – the change of power through the election procedure – indicating a democratic orientation of the social change that has occurred.

However, one cannot speak of a revolution defined in sociological terms as a radical transformation of the social system and social institutions, since only the first step was made in that direction. One can speak about a delayed transition as a transitional period. This however is neither one-dimensional nor one-way in character since the act that was performed does not automatically lead to a democratic transformation of the society. One cannot predict with certainty what direction the Democratic Opposition will take in the building of a new social order (the more so that it is a very complex coalition consisting of 18 parties of different ideological orientations)². There was a revolutionary charge and revolutionary impulse on 5 October (but as distinct from a classical revolution the change took place without bloodshed). However, the former regime has only

² The proof that a democratic option can be transformed into a conservative one is the movement “Solidarity”, which after having won the “velvet revolution” in Poland and the least painful transition to democracy, and after having come to power changed its positions and abandoned key principles, so that it was soon replaced by a reformed communist party, and its famous leader Lech Wałęsa is one of the least popular personalities today.

been bitten into and one cannot speak about a radical breaking off with the former order or about elimination of basic presuppositions of the former system. For there is still a hybrid system of power in existence, both at the federal and republican levels, and we can even wonder whether Slobodan Milošević has lost all his power to influence further developments.

Legacy of the former regime can be viewed on both 1) *the institutional* and on 2) *the mental* levels. 1) Former party nomenklatura has not been stripped of power yet and continues to influence current processes, either by partial participation in government or through powerful financial lobbies that are still in play. In the mechanisms of power, arbitrariness and secrecy in decision-making, and non-transparency in the exercise of power are still recognisable. The principle of command is still present in relation to the public, the suggestions of which are disregarded and to which decisions are only transmitted as a *fait accompli*. Even struggle for power is not absent from the DOS coalition, manifested particularly in establishing a party government instead of the promised primarily expert government (as every party in the coalition is struggling to get as many government offices as possible). Propaganda continues to be the primary means of communication with the public instead of arguments explaining the moves of the government. All this demonstrates that even representatives of new government are not insensitive to *temptations of power*, which can be a major obstacle in the process of society democratisation. 2) Since representatives of the Democratic Opposition were also socialized in the period of an authoritarian regime, it is no wonder that both in their leaders and their membership remnants of an authoritarian mentality are evident which, in fact, underlies what was enumerated under 1). Perhaps the best illustration of this assertion is the reiterated aspiration at creating the personality (leader) cult of the new president of the Republic: he is attributed charismatic properties and there is willingness to leave all decision-making to him (which explains such a sudden rise in his popularity despite the fact that he was less known as a party leader until recently). Mention can also be made of decline in positive energy of citizens manifested in increased number of abstainers in the elections of 23 December implying "Well, we have fulfilled our obligation and everything has to be left to elected representatives now", without taking into account that public control of every government as the fundamental principle of a legal state is a must.

Will DOS be able to withstand that *political heritage* in order to cope with stumbling first steps of democracy? Answering the question one should say that this does not depend only on DOS but also on all other democratic forces in the civil society sector. The question is, however, to what extent the Democratic Opposition will encourage development of civil society and be ready and willing to be open to it. Some indications of the marginalization of the civil sector, despite a major role played by the sector in the election campaign, arouse suspicion that the understanding that "politics belongs to politicians" in the narrow sense of comprehending politics as winning power and not as political participation of

citizens in public affairs, has not been outgrown yet. Therefore, a lot of effort will be needed to change political practice and to build up a new democratic political culture so that representatives of government and citizens might eliminate in concert the aftermaths of a decade of Slobodan Milošević's fatal policies.

There are two basic issues to which the attention of new government should be drawn: 1) accountability of the new government to the public, and 2) creation of a critical public opinion as a corrective and control of new government. Already now, the civil society has to warn the new government: of being insufficiently sensitive to perplexities faced by the public and of not taking pains to offer well-grounded answers to questions relating to deterioration of economic situation in the country. A propaganda answer blaming the "obstruction by residues of the former regime" for everything does not explain all the difficulties that we are facing and, moreover, why more energetic measures are not being taken against such obstruction. The new government also does not encourage the creation of a critical public opinion, especially in electronic media. These excel in celebrating the victory without pointing sufficiently to problems and allowing new government to lull themselves with victorious triumphalism. There are no grounds enough for that however as far as everyday life is concerned, which seems to be even more difficult than before the change-over (electricity shortages and long restrictions, lack of fuel and poor heating, rise in prices, etc.). This is then used by the SPS and Radicals in their fight against the Democratic Opposition. And finally, the new government is paying lip service to being accountable to citizens rather than demonstrating it in practice because vital decisions are still taken in ministers' offices "behind closed doors", and without a say of the public.

What should be done in order to prevent the inherited mechanisms of governance from becoming the practice of the new government?

1. It is necessary to carry out a *democratic reconstruction of all institutions* of the former regime both at the macro and micro levels to thwart further harmful actions of representatives of the former authorities and enable normal functioning of institutions. I believe for instance that Milošević's staff was deposed in good time at the University as the abuse of power by the rector and the deans was more than evident. In this case no revanchism was at play but only the necessity to clear up the situation so that the new academic year might begin normally.

2. In order to overcome the tendency to ascribe unconditional authority to power – which is evident in the government itself, in the public, and amongst citizens who are used to acting subserviently towards power – it is necessary to build up a *critical public opinion* as a guarantee of establishing power control.

3. *Education of citizens* is very important for active participation in political life in the public sphere. In the Yugoslav society people were socialised for decades into the role of a subject, or a passive object, without any motivation or

ability to become agents of social processes. However, it is necessary to educate also representatives of new power in developing democratic principles of governance, as they could not learn them while being in the opposition, and taking into account old habits that did not favour democratic practice.

4. More efforts should be invested in building up of the *civil society* sector with which a modern state becomes a democratic legal state, enlarging the field of political action of all agents of the society. There is already in Serbia a ramified network of nongovernmental organizations which should be given impetus to get involved more actively into social activities. Trade Union Confederation "Nezavisnost" ("Independence") is ever gaining in strength, and new trade unions are being created as the pluralism of trade union organization is one of the principles of a democratic society. There is a strong, primarily youth and students' movement "Otpor" ("Resistance") which has taken seriously the necessity of controlling power. Finally, there is Civic Parliament and other forms of nongovernmental activity. However, a new strategy of civil society actions should be now defined in the process of establishing democracy. In view of complex objective circumstances and legacy in the sphere of subjective behaviour, there are reasons to wonder whether we shall have strength enough to create such a civil society that would be able to prevent the new government from atrophying and veering in the direction of new autocracy.

Turning back to the present-day situation, one can get an impression that the Democratic Opposition has not had a coherent strategy in the period after 5 October as regards the internal policy, or that decisions are taken on an *ad hoc* basis (sometimes DOS and the president being at variance). An impression is also got that DOS is rather engaged in allocating seats and high offices among its member parties than in creating long-term development policy. The most tangible results have been achieved in foreign policy with a sudden and unexpected opening towards the world and the FRY's admission to all international organisations. This is undoubtedly a huge success; the country reclaimed its credibility and the world is willing to provide assistance to democracy development. This is certainly encouraging since once we have broken out of isolation we will be able to solve more easily our internal problems as well. But it should be emphasized that there are many elements in internal policy that are not clearly defined, such as: how to solve the relationship with Montenegro and whether the Federal Republic of Yugoslavia will survive; whether the new government will manage to establish relations with moderates among Kosovo Albanians, represented by Rugova, with a view to solving the problem of co-existence and reducing tensions (without insisting only on the sovereignty of Yugoslavia since problems cannot be evidently solved at that level); how to solve the latest conflicts in the south of Serbia in the fight against terrorism without having bloodshed again; what measures are going to be taken in connection with calling to account representatives of the former regime, above all Slobodan Milošević, for war crimes, plunders and destruction of the society; to

what extent the expert principle will be applied in forming new government (steps that have been taken so far are not promising very much and a break-up between the DOS and G17+ is possible in that respect).

Changes to date have been halfway ones (which is partly due to lack of time and to the hybrid situation) and insufficiently based on new principles. There have been unnecessary delays and hesitation in making some vital decisions. It is evident for instance that SPS leaders have cheered themselves up because no criminal charges have been brought against them; they go on blaming DOS insolently for disastrous situation in the country that they had created. Underestimation of democratic potential of citizens can also be observed. Only those actions in which DOS exercises control are allowed in spite of the fact that at the grass-roots level spontaneous bottom-up action has done more to clear away detrimental elements of the former regime than DOS – sometimes inexplicably protecting the latter – has been ready to accept.

In order to ensure the passage from the present state of insufficiently articulated transition to the road of actual democratic transformation (avoiding perhaps some of the pitfalls encountered by other countries in transition) citizens have to be taught to use their civil rights and freedoms. Those holding the reins of new government on the other hand must be taught to respect basic democratic principles such as the public character of affairs, control of government by citizens, responsibility and self-control, in order to avoid overstepping their powers and the principle of division of power. To that effect, it is extremely important to create a democratic judiciary absolutely free of corruption and the parliament as a democratic institution.

It will take long to establish democracy in Serbia. Therefore a lot of patience and wisdom will be necessary to prevent principles of old mechanisms of power from creeping into new institutions, and citizens from falling into apathy again. It should be made clear to people that we will still have to face serious problems and difficulties but that we can solve them with success if we keep and put to good use the positive energy released on 5 October.

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The Scope of Changes in Serbia after the October Revolution

Summary: The basic contention of the paper is that October changes in Serbia have been revolutionary and irreversible. With the elimination of the Milošević regime the chief precondition was created for Serbia's belated inclusion in processes of transition and European integration. For the future course and dynamics of changes in Serbia the European criterion is essential – the degree to which Serbia, abandoning the state of isolation and self-sufficient particularity, becomes a part of Europe. The main obstacle in achieving this strategic goal is not the traditional division of political actors into "Left" and "Right" (communists and anti-communists) but rather a substantialist understanding of politics whereby Serbia in the future, actualising its "authenticity", should follow a special or "third" way. In the past, this ideology of "radical particularism" characterized both the Left and the Right in Serbia, and it remains influential after the October revolution as well. In a milder form, it is evident in the political position of "moderate nationalism" which is, within the currently ruling elite, complemented by "politics of interest". This hybrid character of Serbian politics at the present moment, which is strongly personalized, is slowing down the changes, but also provokes differentiation within the ruling coalition and thus acts as a dynamiting factor compensating for the lack of opposition in political life.

Key words: democracy, revolution, transition, moderate nationalism, politics of interest, authenticity, substantialism.

The question that I intend to answer is the following: What is the nature of the changes that took place on 5 October? Is it a radical change or just the removal of a regime whose values will persist and continue to influence politics and situation in Serbia in the future as well?

To answer the question of the character of changes, two observations are necessary. First, both 24 September, the day of regular elections, and 5 October – the day of revolution, have created an opportunity for Serbia to become a modern democratic state. That is in itself a significant change since until recently

there were no such opportunities. Under Milošević, the country was in a very specific situation. It was not only expelled from international organisations, suffering sanctions for almost a decade, but it also dropped out of the epoch of major changes that were taking place in Eastern Europe since late 1980s. Accordingly, the first conclusion is that a real change did take place because doing away with Slobodan Milošević's regime has resulted in an opportunity for the society to change and catch up with Europe. This should be stressed because of pessimists in the public who declare "that absolutely nothing has changed". Not only that I do not share such a view but I hold that it should be classified as belonging to the conservative camp though, at first sight, one might say that such sceptics belong to the ultra-progressive camp.

The second observation relates to the question raised in the beginning. I shall actually deal with the quality of the change since I have already concluded that the real change did happen. However, is it a revolutionary and irreversible one? If the starting point is the fact that the new power has to make "purges" in nearly all social institutions, and that such purges do occur in the judiciary, the police, ministries, etc., one may assert that a revolutionary change in the way of governance has taken place in Serbia. Another conclusion can be drawn therefrom: the former regime will not come back any more, without excluding the possibility of a totally renewed SPS coming to power in the future. But this is not likely very much as this party (along with the SRS) has manifested no readiness to change itself thoroughly and become a modern party of the Left. To tell the truth, it could not do it as its leadership (and the majority of membership as well) consists of the most conservative people who found themselves in the party neither by chance nor for sheer profiteering.¹

Anyhow, my assertion that an irreversible change "by leaps" has taken place by the very fact that the regime of Slobodan Milošević was overthrown (I added two more thereto – that the new government carried out a series of personnel replacements in important institutions and announced reforms that should place Serbia into a well known transition framework), may seem to many as a mere assertion without any proof to support it. Taking into account that the assertion mainly exhausts everything that can be *firmly* stated about the character of changes that have taken place, I have no intention of substantiating it in particular.² Instead, I shall shift the angle so that criteria of the change are transposed into a distant point in the future. From that point one can ask whether Serbia will manage to keep to the path of transition and whether its pace towards modernisation and Europe will be equal or quicker (in technical and value terms)

¹ See papers by Vladimir Goati analysing value-orientations of SPS and SRS and demonstrating that these two parties share the same, anti-modern values.

² To provide proofs for the assertion that real changes have taken place would be the same as if someone would have to prove that the disappearance of Ceausescu was a tangible change for Romania. In cases of such extreme governments that so dramatically bear upon the fate of society in a very elementary sense their very disappearance is a change that needs no proof.

than, say, in Poland, the Czech Republic or Slovenia. Thus the answer concerning the character of changes is no longer simple and unambiguous, and the debate passes beyond the limits of well-known patterns of revolution and evolution and similar sociological classifications.

Theoretically, one might argue that no change by leaps, including the Serbian one of 5 October, has an inherent quality or scope of the change; the scope is, however, built up, it is the product of interaction and struggle of political forces that were on the scene on 5 October and other ones that can emerge in the post-Milošević period. I am of the opinion that Serbia has not stepped into post-Milošević period yet because the foundations of its *European future* have not been laid clearly. Fight is going on about it, insufficiently visible so far, because all political parties that opposed the former regime comprise a single bloc and govern jointly. However, they have not made a clear differentiation amongst themselves and have not set their orientations in terms of values and programmes clearly enough so that one could contend already now which of the currents, the “authentic” or “the European” one will have more strength, success and support in the society itself.

Thus, I decided on an old and well-tried criterion to measure the quality and scope of changes. I opted for the “European” criterion which should serve to judge whether Serbia would decide to be a *European* country in a relatively short period of time (around ten years). I hold that the criterion is the most appropriate one as it cuts across popular but superficial divisions, such as the one between “communism” and “anti-communism” promoted by the Serbian Right. By insisting on such a division according to which Milošević does not mark any special period but is only a part of one and the same communist reign that lasted for 50 years, Serbian nationalism that closely associates the Right with the radical Left, i. e. with Milošević’s regime, is covered up. On the other hand, my criterion discards other superficial divisions maintained by the radical Left resulting in “our” special way towards modernisation, which would be neither capitalist nor exploitative one but a *third way* that stands up to the Western capitalism as inhuman. Should one look into what would connect at first sight the Serbian Right and the radical Left, then it is their substantialist understanding of politics. Politics aspires after attainment of a pre-determined objective, be it a communist society or Serbian authenticity (not in a folkloristic or historical sense) that will result from the “national being” and which is called “Serbdom”. Those two substantialist views of the world have merged in practice, without being too distant theoretically either, permanently assigning to Serbia (and Serbs as well) a *special* place and role. That place is somewhere *in-between* the West and the East or in an open conflict with the West. Serbia would remain for good socially and politically undecided by rejecting the market (capitalist) economy and opting for the so-called third way.³ Both approaches believe that there is an authentic, i.e.

³ Slavoj Žižek observed wittily that there is not only “the third way” but there is not the second one either.

original and essentially Serbian politics and that for that reason it cannot submit either to the West or to the East, either to capitalism or communism, but it has to remain painfully unfittable, tragically one's own and be exposed, as such, to envy of neighbours and lack of understanding of the great powers.

I even dare claim that the substance of Milošević's regime was brought to its end by that very faith in *Serbian particularity*. It is voiced both as anti-European and also as anti-Russian, trying to work out by itself and for itself a clear division between Russia and Europe (just when the difference has begun rapidly to diminish) where Serbia would occupy its place *in-between*. This reminiscence of Titoism and "the third way", combined with the policy of aggressive nationalism pursued by Milošević, has resulted in a special phenomenon – *radical particularism* (fundamentalism) that a Serbian author terms "Miloševićism".⁴

Radical Serbian particularism (national, social and epochal) confronted all that represents universal values and norms of the contemporary world by war and crimes (the world in which, nevertheless, West-East differences were relativised). However, while the war was waged there was no awareness – other than on social margins – of elementary norms of humaneness being trampled down. It has not arisen yet, even after 5 October, when the old government was overthrown in the street. That is why such a consciousness could not topple down the regime, and even today its absence brings forth my doubts as to the quality of the change that occurred. The regime was overthrown by a consciousness that saw increasingly clearly that Milošević's particularism stuck out excessively, that it was "out of time and out of place" and engendered so much suffering and misery that it finally did not suit almost any of politically and socially influential groups. Accordingly, radical particularisms began to disturb the majority, most probably as early as in 1996, having been crystallised fairly clearly during the three-month demonstrations against the fraud in local elections. From that moment on, as soon as it was feasible in organisational terms to assemble an unsatisfied majority, the regime was toppled down, and "Miloševićism" landed Serbia on a wrong crossroads. Wrong because it still entertains the illusion that it can pursue its own, exclusive politics even after 5 October. The belief in its essential particularity is *passé*, and what is needed now is to make a *correction* of Milošević's national and social radicalism. Instead of excessiveness, moderateness should be established.

After more than half a year since the former government was overthrown, a *corrective policy* aimed at Milošević's radical nationalism and isolationism prevails in Serbian political life. It did not give up the essentialist understanding of politics because it continues to rely on a sort of Serbian populism according to which politics originates from the people's being and represents a kind of mystical expression of that historical constant. Such corrective policy is currently trying to shape ideologically the space it controls and to find a name for itself; therefore it refers to itself as "moderate nationalism". As far as one can discern

⁴ Vojin Dimitrijević launched the term in the daily "Danas"

its intentions, it is my impression that this policy supports a secretive continuation of Greater Serbian policy – that essentialist obsession – but this time in accordance with possibilities and standards and partial conciliation with the West. That is why it will not be able to bring the Serbian national issue into calm waters rapidly – by drawing out real borders and stabilising the state within the framework of its actual integrative power. It will not be able to do it, in addition, as it does not admit that Serbs should be brought to the international court for crimes committed. It spells out the obligation through clenched teeth as if imposed because it hardly believes in the Serbian responsibility, and it is almost convinced that the West unjustly plants it on Serbs for well-known reasons of intolerance. The evident proof that the paranoid matrix of intolerance has become behind-the-times is incessant insistence on the balance (equality) in crimes of all the “parties in conflict” and equal guilt for the disintegration of Yugoslavia. As regards responsibility for war and crimes, almost total lack of responsibility prevails instead of it being undertaken unilaterally. This of course should not exclude in principle the request for satisfying justice by punishing all the wrongdoers in proportion to the crimes committed.

Thus, corrective policy will stick to its essentialism – whatever that means – while the politics of interest will be pushed back into the realm of backstage politics, non-transparency and crime. Just those two faces of Serbian politics – one sublime in its authenticity, and the other perverted where interests are at stake – have produced insoluble riddles. When it presented itself in its most saintly form, when it “defended Europe from Islam” (doing it ostensibly for centuries without interruption) and spoke about the “heavenly kingdom”, about its scattered bones and a constant fight against an “overpowering enemy”, it was then that the ugly and irrational face of crimes and base material interests emerged. Essentialist politics simply cannot establish firm criteria of behaviour of and public control over the functioning of institutions. It is a plain case of the rule of ideology, which cancels the rule of law by its very existence. The moment the law is missing, interests go wild, no matter whether keeping in power or material interests are in question.

The outcome of this melange of ideology and interests is that Serbia is still mysterious and non-transparent. Nobody in Serbia today has a feeling that they *told us everything* but none of those in power knows what the other one is doing or planning. That is why the fight ensued over *the police and the military*, i. e. for the control of institutions that keep secrets but also disclose them. However, both institutions have been eroded by changes and their mystery is diminishing, but not to the extent of transparency usual in democratic societies.

Politics in Serbia has been divided up into two major tracks. The first one is the politics of exaltation, thoughtfulness and Serbian resentment. It deals with the nation and state and dubs itself “moderate nationalistic” and “legalistic” (this being the means to restrain and even control the opponent). Another politics is quick, pragmatic and believed to be “criminality prone” (that is, prone to pursue

its private interests). It deals with living and daily concerns – economy, social welfare, infrastructure, debts and loans. The former is represented by DSS and Koštunica, the latter by DS and Đinđić. This is probably a kind of division that the offices they hold require. However, the problem is that the two politics not only do not understand and just mechanically complement each other, but one gets an impression that they produce each other in a distorted form.

This division is not functional considering the yardstick that I have chosen for evaluating the changes symbolised by 5 October, that is taking into account the goal that has been set – rapid integration of Serbia (Yugoslavia) into Europe. In addition, it is not dynamic and one should not, therefore, blame people for complaining about changes being dragged out and about the process of changes being very slow. One gets the impression that politics is again overburdened by personalities because it has not managed to get rid of either exalted pretence or associations with the world of crime. There was a similar division during the former regime. Milošević was occupied with the Nation and State while the opposition was criticising the economy, drawing up social programmes and asking for loans. Even today this division is illogical and abnormally competitive (no matches should be played between the state and the economy. i.e. no competition as to which team will succeed and which will fail). It produces a “surplus of politics” making it impossible to create a political field where political agents act in a transparent way. This division seems only at first sight to be a *departmental* one, and at second sight it is evident that departmental behaviour is forced and even comically excessive (as an expression of etiquette between the two leaders). We cannot say, even approximately, what each of them, Koštunica and Đinđić, wants as we do not know what their *political views of the same issues* are. Since views are so timidly brought to light, stress is laid on different methods: allegedly, one faction of government is inclined to rapid but illegal changes, while the other is slow but legalistic. However, these are just empty words.

In conclusion, an assertion could be made that the new government is a hybrid one in the proper meaning of the word since it consists of both conservative and progressive forces. On the one hand, it opens up possibilities for rapid transition changes in conformity with European integration processes and, on the other hand, it is the one that provides resistance to changes. In this second, negative form, it slows down changes, at least for two evident reasons. The first one is that power as *such* has not institutionalised itself into those institutions that determine the role of persons and parties in political life. One is tempted to say that a mystical connection between the people and the leader still exists and that for that reason the idea of *eternal* power has not been abandoned yet. The best evidence is that political views are brought into accord with difficulty or are left outstanding for the sake of survival of a conglomerate of parties in power (every party had its piece of the power cake). That is why imminent elections are experienced as a nightmare as some of them will have to lose those pieces of power. Admittedly, provided the elections have a truly dynamising effect – and that

means that the ruling coalition disintegrates into different political positions. Another proof for the same thing is that none of the leaders (including Milošević in jail) has resigned from the post of the party president albeit every one of them assumed high government offices. This means that changes are not viewed as something new in terms of political programmes and opening up of new possibilities (which is the proper function of democratic elections) but rather as swinging of a pendulum bringing to power and taking from power the same people (a bit one, a bit the other). Neither after defeat in elections are party programmes changed nor are new teams with fresh ideas formed after victory.

Another reason is that one cannot see where exactly dynamic factors are located that would facilitate the changing of society in accordance with these expectations. If all parties are in a single ruling coalition and former ruling parties are ruined and should not return to power, it is not at all clear from where the winds of change will blow. (This applies provided the thesis that changes result from the conflict between government and opposition is still valid). In other words, it is not clear where the place and role of criticism are in the post-Milošević period. According to my hypothesis, dynamic tensions can be identified between experts and national politicians (Serbian “metaphysicians”). The more the tension is covered up the more it is evident. In this case I refer to tensions between *experts-ministers* conducting economic reforms and *politicians – government officials* in connection with the International Tribunal in The Hague. We have, on the one hand, experts who insist on total unblocking of the society, entailing extradition of the indicted for war crimes to the International Tribunal in The Hague. On the other hand, we have defenders of “national dignity” that make full cooperation with the Hague Tribunal as difficult as possible. Should it happen that ministers-experts and their assistants (they are mainly in the government of Serbia and to a lesser extent in the federal one) left their positions because they would not be able to carry out reforms efficiently, that would be the best sign that “metaphysicians” had won and had drawn Serbia away from open opportunities to modernise itself, to get its life in order and to come closer to Europe.

However, there is also the problem of society itself and its own sluggishness. So many changes and so much “Europeanisation” as it is on the way – might be the proper measure and may be even a bit more than the measure. I say that it is a bit more because otherwise modern and progressive forces would not get such an influence and such a support of the people as they enjoy now. Thus, a rapid disintegration of the coalition could have negative consequences as it could happen easily that the conservative bloc wins, the bloc that sees Serbia as “something in-between”, substantially different from the West and its universal ideals. In that case we might really progress in slow motion, while as it is now Serbia is likely to move a bit slowly, but the direction is right and it has not been lost yet.

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Translated by D. Vujić

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On Uncertainties of the Revolution Initiated on 5 October 2000

Summary: In this paper the author discusses three uncertainties faced by the revolution that has begun on 5 October 2000. The first refers to the borders of the country within which the revolution takes place. In other words, it is uncertain whether the revolution has also affected Montenegro or remains limited to Serbia alone (without Kosovo and Metohija). The second uncertainty refers to the prospects for this revolution to be completed within a reasonable period of time as a classical constitutional revolution, i.e. by the adoption of an acceptable constitution in a legitimate constitutional assembly. Finally, the third uncertainty refers to the future fate of the ousted Yugoslav tyrant, Slobodan Milošević, in Yugoslav and international courts of law.

Key words: revolution, federal relations of Serbia and Montenegro, judicial system, Constitution, the Hague Tribunal, responsibility.

In the days this paper is being prepared (early April 2001), three big uncertainties overshadow the revolution in Yugoslavia/Serbia that began on 5 October 2000 (the thesis that on that day the revolution that overthrew Milošević's tyranny only began has been elaborated elsewhere: see Molnar, 2000). First, it is uncertain in what country at all the revolution is taking place: in the Federal Republic of Yugoslavia (thus including Montenegro) or in Serbia alone. Second, it is uncertain what character the revolution will assume, i. e. whether it will manage to be completed as a classical constitutional revolution. Third, it is uncertain what will be the future fate of the ousted Yugoslav tyrant Slobodan Milošević. This paper will discuss in more detail these uncertainties.

Territorial and political features of the revolution

The first uncertainty that was mentioned is to determine the territory (state) where the revolution is taking place at all. The first step of the revolution was to overthrow the President of the FR Yugoslavia Slobodan Milošević; that would

suggest its Yugoslav character. However, it turns out immediately that the Yugoslav character of the revolution that began on 5 October 2000 is equally problematic as was Milošević's very function as the Yugoslav president. Namely, although he was formally the president of Yugoslavia, Milošević did not control even the entire territory of Serbia, let alone of Yugoslavia. Both Montenegro and Kosovo and Metohija escaped his control and, accordingly, his "presidency" was confined to rump Serbia (i. e. Serbia proper and Vojvodina).

However, the problem lies in the fact that FR Yugoslavia exists as internationally recognized state, that it is the member of the United Nations, and at least formally, consists of two federal units – Serbia and Montenegro. Both the federal state, and its two federal units, needed on 5 October 2000 a constitutional revolution as neither of them was ordered as a modern democratic constitutional state. It is undoubtedly true that the personal regime of Milo Đukanović in Montenegro was incomparably more liberal and more cooperative with the West than Milošević's regime in Serbia (and, one might add, in the domain in which the federal state was functioning), as is true that the Constitution of Montenegro of 1992 was in quite a number of characteristics superior to the Constitution of Serbia of 1990. However, all this does not change the fact that in Montenegro a personal regime has been in power that originated from Milošević's school of democratic despotism, the anachronism of which is best revealed by the teacher's fall from power. In the shadow of the "major European problem", that the teacher stood for in 1990s, the student lived relatively happily through the years in the course of which he managed to emancipate himself from the teacher and to build his own – small, but sufficient for modest appetites – political preserve.

For these reasons, it is quite appropriate to ask to what political community the revolution initiated on 5 October 2000 refers. The answer is indisputable: to all those territories (in Serbia) which were under Milošević's control by the day he was removed from power, but on the borders of that territory towards Montenegro a dense fog has begun to rise.¹ Evidently, developments in Belgrade were a signal for Milo Đukanović and his associates to launch even more vigorous offensive for gaining Montenegro's independence and thus make the existing personal regime in this republic immune to revolutionary impulses from Serbia.

However, the problem is not as simple as that. All segments of the Montenegrin civil society of relevance, and intelligentsia in particular, have almost unconditionally taken Đukanović's side and so to say forced on him an accelerated pace of secession from Yugoslavia. In the existing situation in the FR Yugoslavia there are, by the same token, elements of the conflict experienced by American

¹ The problem of Kosovo and Metohija is even more complex (evidenced by a military offensive launched in November 2000 by the Albanian separatist movement in the south of Serbia) and it will not be broached here due to shortage of space. In any case, the existence of the international legal regime to which Kosovo and Metohija have been subjected since 1999, justifies a special consideration of the status and perspectives of this province.

states after they had acquired independence from Great Britain – the conflict between the federal concept (characteristic of big federal units) and the anti-federal concept (characteristic of small federal units). It is very difficult to determine today the demarcation points between authentic “anti-federalist” forces (oriented towards the building of a democratic constitutional state – but within the boundaries of Montenegro) and – predominantly nationalistic² – forces defending the personal regime of Milo Đukanović, as they are united into one and the same political camp by the struggle against common enemy – “Serbia’s hegemony”. Their conflict of principle is only to be expected once the struggle against Yugoslavia/Serbia has been completed (either by independence of Montenegro or by redefining the Yugoslav federation).

On the other hand, “federalist forces” – at least in Serbia – have begun the struggle against Montenegrin separatism very irresolutely, we might even say indifferently. Apart from (true, but not sufficient) accusations for secession and lack of democracy on account of the Montenegrin authorities and (absolutely unnecessary) assurances that Serbia will accept any democratically expressed will of Montenegrin citizens, Serbia’s federalists have not managed to offer anything so far that would be really conducive to the conviction of those citizens that perspectives of prosperity for them do exist in Yugoslavia. It will be, therefore, interesting to watch the finish of the “battle for Yugoslavia” in which, at the moment, “antifederalists” have by far larger advantage and are rapidly approaching the realization of the goal they aspire to so much. Should it happen that they finally celebrate the victory, the revolution that began on 5 October 2000 will necessarily have to settle itself within Serbia’s territorial borders.

The phenomenology of the revolution

The second uncertainty related to this revolution is its outcome, or rather what will be achieved by it. In order to be able to talk about it reliably, it is necessary, of course, that it ends and bears all its fruit. However, at this moment already we can discuss possible roads it may take and perspectives to be opened on the way.

One way to look at this revolution is to recognize it as another (the last?) anticommunist revolution. In an article written immediately after Milošević’s overthrow, a good connoisseur of recent East European history Timothy Garton Ash called the event “the last revolution” in Eastern Europe: “If the Solidarity Movement in Poland was the beginning of the end of communism, then this event is the completion of the end of communism” (Ash, 2000: 47). Enticing at first sight, this interpretation entails some problems. Though Slobodan Milošević can be taken as a politician who came to power as far back as at the time of commu-

² However, not only Montenegrin nationalistic forces are in question but also nationalistic forces of at least two ethnic minority groups in Montenegro: Muslims and Albanians.

nism (according to the rules of struggle of the time among individual factions of the communist party) and was continuously in power until the mentioned event, it is evident that basic problems of his power did not lie either in communist legacy (after all, former communists have been constantly in presidential positions both in Montenegro and Slovenia) or adherence to communist ideals (wasn't, after all, Milošević the first communist leader in the SFRY who "had a presentiment" of the collapse of the communist matrix of legitimacy and consequently got "realigned" early on – into the nationalist camp).

What made Milošević the "black sheep" of Eastern Europe in 1990s was his blindness to the fate of the bipolar world and European integration mainstreams. In other words, Milošević proved to be a pragmatic politician when communism had to be discarded, but he also proved to be rigid and short-sighted as far as evaluation of possibilities was concerned – even at the cost of war, isolation and the UN sanctions – to maintain his own autocracy in Europe in the last decade of the 20th century (trying all the time, in addition, to get allies in Asia in the fight against "NATO – imperialism"). It is, therefore, very indicative that he has maintained practically to the present day a highly negative attitude towards changes that took place in Eastern Europe in 1989/1990. In the last interview before his arrest that he had with a journalist of the *Danas* daily, Milošević termed the liberation of East European countries from communism a "crisis" and beginning of their "colonization" (by "creators of the world order"), concluding that "in all the countries of the region dramatic political tensions, conflicts and changes have come about that (...) reduced the life of these countries to party conflicts and struggles" (*Danas*, 24-25 March 2001, Weekend Supplement, pp. II-III). Milošević never lamented over "old good days of communism" or wanted to bring them back. What he opposed could be reduced to two things: true political pluralism and joining transnational – and even more European – political, economic and cultural processes of integration. Fear of these two things clearly breaks through the cited lamenting over (allegedly general) tearing apart of East European societies by "party conflicts and struggles" and a new "colonialism" they have succumbed to.

Therefore, if linking the revolution launched on 5 October 2000 to anticommunism makes any sense, it should be only confined to the connection with pro-European aspirations that prevailed in it. As far back as 1990 Ralf Dahrendorf set forth the thesis that anticommunist revolutions in Eastern Europe had a marked pro-European character and were guided by a strong striving for firm integration into the European community of nations (Dahrendorf, 1990: 2). This pro-European charge existed in Serbia as well in 1989/1990, its most remarkable release being the anticommunist demonstrations of 9 March 1991 in Belgrade. In the following period however it was curbed and curtailed by nationalistic and war-mongering propaganda. However, Milošević never managed to root it out completely. There is no dilemma whatsoever that this wish for integration into Europe played also a major role in the eruption of people's wrath on

5 October 2000 (especially among younger participants). Anyhow, this is not in itself a sufficient reason to call the whole revolution anticommunist.

But perhaps the most important reason why the event of 5 October 2000 should not be called (“the last”) anticommunist revolution is that it would imply that the revolution has already been completed. Reality is however quite different. The revolution began on that day, but it will end only when Yugoslavia (and Serbia) gets a constitution that suits it, that expresses a fundamental social contract of its citizens, and within the institutions of which normal political process can evolve. The safest way to reach this goal is to organize a constitutional assembly with clear and unambiguous legitimacy and with a sufficiently enlightened majority for the *creation of such an arrangement of legally regulated, divided and responsible power that will hinder the emergence of a new tyranny in the future.*

On the way to a constitutional assembly, where it is only possible to pass such a constitution, numerous obstacles lurk and many challenges are in waiting. One of the major dangers concerns the attitude towards the defeated forces of the old regime. A part of them has to be integrated into the political life of the country (i.e. in administration and economy), as vital mechanisms of the state and economy cannot, as a rule, stand a thorough and consequent “purge”. On the other hand, however, to integrate on too large a scale the old cadres, often heavily corrupt or otherwise immersed in illegal operations, threatens the very possibility of a revolutionary new beginning (Quaritsch, 1992: 520). Accordingly, one of the major moves that new, temporary government (but also the first government to be elected after the new constitution is adopted) will have to make is the choice of measures to “suppress legally the past” of the former regime (for more detail see Hoffmann, 1992; Dreier, 1995; Schweitzer, 1999). Among such measures the undoubtedly most important decision is who from among the old nomenklatura will be legally prosecuted and under what criminal charges – and especially whether and for what the man at the top of the old regime hierarchy will be tried. In the case of Yugoslavia/Serbia, this refers to the ousted tyrant – Slobodan Milošević.

Bringing Charges against Slobodan Milošević

In future researches into Slobodan Milošević’s exercise of power distinction will probably have to be made between the date he stopped ruling Serbia (5 October 2000) and the date on which he was overthrown from power over the last territory – presidential residence in 11 Užička Street – that he controlled (1 April 2001). Almost for full half a year after he had been deprived of levers of power over the country, former president of Serbia and Yugoslavia continued to exercise power in the mentioned residence, which used to belong to Josip Broz – over those who went in and stayed there, but also over those who remained party members, from the head of which he did not want to withdraw even after the election debacles of September and December 2000. In the hope that he

could get his chance to return to the political battlefield, Milošević safeguarded that last piece of “unoccupied ground”, another “Republic of Užice” of its kind. And really, there is some symbolism in the fact that the regime that was in the territory of Yugoslavia/Serbia for the first time (temporarily, to tell the truth) established in the Užice district in summer 1941 (above all owing to the chaos created by the German occupation), experienced its prolonged agony, and then a deserved end, early in spring 2001 in the villa called “Peace” formerly belonging to Josip Broz (right below Broz’s eternal resting place), in the street called after the city acclaimed for decades for its “revolutionary” partisan-communist past.

The last six months of his “rule” Milošević spent at the same time as the captive of the territory he ruled over. The quantity of arms that was later seized in the residence, members of Milošević’s personal guards, and members of the Army of Yugoslavia that “secured the building” testify to the will of the overthrown tyrant to defend the last line of front “to the last drop of blood”. The shooting that occurred on Saturday, 31 March, on the occasion of an attempt of the special anti-terrorist unit to occupy the entrance to the residence complex speaks also in favour of Milošević’s resoluteness to “go to the very end” that time. However, as so many times before, the long-time leader of the Serbian people did not have the strength and decisiveness to accept all the consequences and finalize the plan that he had devised. The behaviour typical of Milošević became manifest once again: to reject arrogantly an initiative proffered by the other party, to reply to it by force, to exacerbate the conflict to the extremes, and then simply, as if nothing happened, demonstrate “cooperativeness” and agree to conditions by far worse than those offered him in the beginning. However, while earlier it was mainly other people who had had to pay the price of such behaviour, this time it was Milošević’s and his family’s turn to face the consequences.

Milošević was arrested on 1 April on criminal charges for abuse of office and unlawful financial transactions. A trial is obviously imminent, but the question is whether he will be charged for some other things, and which ones, before domestic court(s). Also, the Hague Tribunal indicted Milošević for war crimes committed in Kosovo and Metohija, and new indictments that would relate to wars in Croatia and Bosnia-Herzegovina have been announced. This is all indicative of the fact that the overthrown tyrant will be tried but it is still uncertain what for and where. In connection with this problem, attention should be drawn to a vital consideration.

As regards the violation of rights during the thirteen-year long power of Slobodan Milošević in Yugoslavia/Serbia, a rough distinction can be made between violations that preceded wars and violations during the wars, i. e. until Milošević’s fall on 1 April 2001. In the first phase, by a combination of different pressures, Milošević expanded his power (Vojvodina, Montenegro, Kosovo, “Serbian territories” in Croatia and Bosnia-Herzegovina), while in the second

one, he tried to defend by arms the territories where he had already established control. He mainly resorted to political concessions when he was in a situation to trade off a number of territories held in order to keep the others. Suffering defeat after defeat, he was thus landed in a situation that in the past six months of his life in freedom (from 5 October 2000 to 1 April 2001) he was controlling (without an adequate official title, by the way) only the territory of presidential residence in 11 Užička Street, in Dedinje – so-called Belgrade's "Forbidden City".

The building of a democratic constitutional state necessarily demands that a judicially verified truth about the former regime be laid into its very foundations. That regime, as noted above, lasted for 13 years and had two phases. It would be terribly wrong if Milošević and his associates were tried – either in national courts or in the Hague – only for what they did (or failed to do) during the second phase while across former SFRY wars were raging. It is equally important (if not even more) what they had done (or had failed to do) in the first phase of Milošević's power. This, above all, refers to all those incriminating acts under chapter XV of the Criminal Statute of former SFRY: overthrow of the constitutional order (in the Criminal Statute of the time that crime was clumsily formulated as "counter-revolutionary endangering of the social order"), endangering territorial integrity of the state, inciting to national, racial and religious hatred, etc. Par. 1, Article 20 of the International Covenant on Civil and Political Rights, prohibiting "propaganda in favour of war" might be also invoked (SFRY, which ratified the Covenant, did not incorporate adequately this provision in its criminal law and, therefore, its direct application is necessary). In that way Milošević's responsibility would be established for the crucial event from which all crimes Milošević is now charged for originated – and that is the breaking up of former Yugoslavia. It is absolutely positive that Milošević is not the only politician responsible for the event but the purpose of the trial would in fact be to show of which individual crimes (by the synchronized perpetration of which the former common state was blown up) he is guilty and *to what extent*.

The author of these lines used to advocate a solution according to which all states that originated from former SFRY would establish a tribunal to try, under chapters XV and XVI of the former federal Criminal Statute, persons responsible for disintegration of the common state and crimes committed in the wars that ensued in the course and after the disintegration (Molnar, 1994: 188). At the present juncture, however, any attempt to apply this or similar solution would be faced with two, one might say, insurmountable problems. The first problem is the Hague Tribunal itself that already proceeds with the matter provided for in chapter XV of the former federal Criminal Statute and thus does not leave room for any other court to deal with the same matter. (In that respect, by the way, the FR Yugoslavia has meagre chances to win the right for its courts to try Milošević for war crimes and avoid extraditing him to the Hague Tribunal). The second problem lies in the very states that emerged from former SFRY: there are no indications whatsoever in them of the existence of political will to settle accounts with their own projects of

the “creation of national states” on ruins of the former common state and, within that context, to form a common tribunal that would try those same “national heroes” that liberated their compatriots from the “dungeon of peoples”.

However, if the things stand so, then there is nothing to prevent citizens of the FR Yugoslavia from insisting on instituting proceedings in their country, before their courts, for establishing responsibility of Slobodan Milošević and his associates, on a well founded suspicion of having committed a series of acts that were incriminated by chapter XV of the Criminal Statute of the SFRY that was in force at the time. Without clearing up Milošević’s responsibility for the key event of breaking up the SFRY, all other legal actions that will be brought against him (financial machinations, robbing citizens blind, etc.) will remain hanging in the air and, moreover, will make possible a politically efficient defence to him. He will be able to admit with a clean conscience that he violated laws here and there because “interests of the Serbian people” demanded it, because at the time of war (that was “not provoked in any way” by Serbs) things could not have been done otherwise, because the UN sanctions were imposed against the “Serbian people”, because the whole world plotted against “the just cause of Serbs”, etc. A condemning sentence that would result from such a proceedings could help Milošević in the best possible way to overcome his “political death” and become what he has never been – a proud martyr for the “Serbian cause”.

Belgrade, 10 April 2001

Translated by D. Vujić

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CHALLENGES ALONG THE WAY

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A Politician's View of Changes *

Summary: In this paper the crucial problems of the democratic reconstruction of the Yugoslav state and its society are presented from the viewpoint of a politician – the President of the Chamber of Citizens of the Federal Assembly. In the first part the author deals with the problems relating to the functioning of institutions and the creation of a democratic political system. He then considers the activity of the Democratic Opposition of Serbia as the main political agent of the hitherto changes and points to the tasks faced by the new government. Special attention is devoted to three problems – cooperation with the Hague Tribunal; the events in southern Serbia and the status of Kosovo; and the relations between Serbia and Montenegro – as well as to their solutions in the present internal and international circumstances. In the author's view, the fate of transition in Serbia and Yugoslavia depends on the abilities and democratic potentials of the political and social elite. The author considers the avoidance of a part of the academic and cultural elite to assume responsibility for the fate of democratic changes to be one of the characteristics of the inherited political culture, where the critical engagement of intellectuals is frequently taken as an excuse for their failure to participate in public affairs.

Key words: democratic institutions, socialism, political culture, elite, Democratic Opposition of Serbia, international relations, politics, responsibility, engagement.

Dear colleagues,

I am in a certain dilemma – what are you expecting from me: a theoretical treatise on politics, on civil society... or some kind of report by a politician, presented from a somewhat different viewpoint, since it provides an insight into what is happening with us and around us, as well as into the functioning of the new government. I suppose that you are interested in the latter, because we already have enough theoreticians here.

* The author-edited-and-approved text of the speech delivered at the gathering on 3 March, 2001. The title and summary have been given by the editors of the Proceedings.

I have tried somehow to discipline what I intend to say about some topics. I will begin with *institutions*, since this topic has already been on the agenda today.

Naturally, institutions exist in order to maintain a balance of power and solve the problems of society at specified places and by specified procedures. Their significance lies just in that – in the division of specified roles, which enables the functioning of the state and society. I hope that I will not disappoint the representatives of non-governmental organizations, who most often think that the problems of society come solely within their scope of activity. Institutions exist in a system and a hierarchy in order to check each other, while at the same time performing a significant task in society. The former societies – both the socialist ones and the one we had until recently, which was a hybrid produced by the collapse of one type of society – had almost all institutions. They existed nominally, but differed in the following: first, their content was emptied, since they were not doing what they had to do; and second, their hierarchy was totally upset.

Consequently, we had the parliament, the judiciary, the press, the government and the trade union both in the time of Tito and in the time of Milošević. All those institutions existed, but their hierarchy was quite different. There existed the party which held a monopoly over power. Then it transferred this power to one man or its core group, that is, the leadership, so that all these institutions became empty and perverted. The parliament served only to acclaim something that was already thought out by the government; the government was doing that which was thought out by the party; the party was doing that which was thought out by the Politburo or the leader and so on. In real fact, this was some kind of political and social perversion, based on the abuse of those institutions and upsetting of their hierarchies. Those who argue that nothing has changed will not be right until we also create such chaos among institutions.

The first thing that the new government must do is to establish the proper functions for all institutions and define their relations precisely. And that means – the parliament has legislative power and the Government cannot order it what to do; on the contrary, it must control the Government. The Government must bear responsibility for its actions. The judiciary must be independent both of the Government and the parliament. Consequently, all this is something that you, theoreticians, know very well.

But, this is only the initial step. Institutions must obtain their true content and be efficient. Naturally, that is not easy at all. It is not easy to make such a shift, because all those institutions have to be furnished with adequate resources, especially with personnel. In this regard, the first problem that imposes itself is how to recruit personnel that will be prepared to assume the role imposed on it by its presence in those institutions. The second problem is related to political culture and habits which cannot easily be eliminated, since social systems exert a very strong influence on social characters and social behaviour, even stronger than the influence of social characters on the shaping of social systems.

Therefore, I think that this is one of the priority tasks. Who should perform it?

A little while ago, I heard someone saying that the DOS is a monster (a Behemoth), resembling Hobbes's creatures, and that it should have been dissolved immediately after these elections. Great! And what would we get afterwards? Restoration or chaos. We had a social framework; we had political parties – they are what they are – which participated in the elections and won a certain percentage of the vote. Therefore, they are obliged to conduct the affairs of state and carry out reforms during a specified period or, to be more precise, as long as they enjoy confidence. It would be absolutely ridiculous and crazy to win power, overthrow Slobodan Milošević and then say: "Never mind, we will schedule new elections right away!" Who is the one who wants it "right away"?! Do we have such an organized political factor?

Unfortunately, in times of social crisis there are always so-called political and social "voyeurs" who shun politics like the devil, because it anticipates great responsibility. But, when all crises and dangers are over, they begin to teach everyone a lesson. In an attempt to explain what it means to come on the historical political scene, I often cite Hegel. Namely, it can't be roses all the way; there are no vaudevilles on that scene, just drama and tragedy. This is something Milošević could never understand and is now crying, while leaving the stage: "Defend me!" He thought only of his power and pleasure, and never of responsibility. But, on that scene a drama unfolds! And all actors risk a dramatic end. It will be dramatic if we fail to do anything and are thus condemned and rejected. Such tragedy may happen. But, other tragedies are not excluded either. What is especially important and what we know now is that other, much greater tragedies could also have happened. Consequently, politics is associated with a certain risk and certain responsibility. Cautious persons, who have retained that "voyeuristic" position, have the right to it. But I do not think that we will make great progress if we remain like that and do not risk participating.

I have now tackled the other problem – the problem of society. I agree absolutely with Benjamin Constant who said: "Political change means almost nothing. True historical progress is the one taking place in the depths of society". What is our society like and whether it ever existed in a certain sense so as to be able to make a specified social progress? This is a very serious question and all, including those "political voyeurs", must understand that and engage socially so as to make this society different and better. This is a morally responsible position which is expected from all of us.

At this moment, the fate of Yugoslavia, like in the case of other countries, depends on the courage and capabilities of its elite, especially the *political one*, which must take into account all social weaknesses, moral crisis and discouraging reality. It must be persistent in its wish to bear that responsibility. This is what will determine whether we will make it or not. We know what happened in Bulgaria and Romania. The first democratic impulses died out just because their elite

failed to create certain structures and rally the masses for reforms and transformations. If there is no such thing and if the political elite joins those citizens whose expectations are always unrealistic, then there will be no such Government to which the citizens will say: "Splendid! You met our expectations!" because their expectations always exceed those which can be met by the Government.

I recently had a very long and pleasant talk with Adam Michnik in a Warsaw hotel. He told me one very interesting thing: "When you look at Poland, you can see changes. National product has been increased; there is a lot of construction work; the country is about to join the European Union; many institutions have been revived; the country plays a very important role in Europe and so on. Globally considered, the situation looks splendid but, as far as particulars are concerned, it is rather bad. This refers to the status of individual citizen, the status of some segments of the society and some institutions. There are also many other things in our society which are awful. To say that things could be worse is no consolation. Some of them, like you, Yugoslavs, have experienced something much worse." This means, however, that we are faced with a historical phenomenon, that is, with profound political and social changes when many segments of society are sacrificed and many people feel disappointment, when things are very difficult and when external influences and some other determining factors are much stronger than in the case of some earlier societies, which lived more or less autonomously.

Now I would like to say a few words about the DOS. How decisions in the DOS are made? As a rule, they are reached by a consensus in the Presidency. Everyone knows that consensus is a difficult procedure, that it often means a waste of time, but that there is also something that is called argumentation, not to mention pressures, trade, different characters. However, joint solutions are always found. Naturally, the DOS consists of different personalities with different political backgrounds and different experiences, not to mention different political convictions. Naturally, there also exists political exhibitionism. Whenever I mention to a foreigner that our coalition consists of eighteen parties, he or she is greatly surprised and asks right away – how can it function at all? It does function and, before going too far in criticizing it, let us state that the DOS functions in spite of all that. First, the DOS was formed successfully at one "round table" and continued to function as the united opposition, being fully aware of its major task – to change the regime, that is, to "overthrow" Milošević. This already was a far-reaching aim and implied great responsibility. It was necessary to convince many ordinary people that they should dare to do that. Second, the DOS managed to participate in the elections with a single list of candidates, to overcome all vanities, to promote Koštunica during the entire election campaign and, finally, to win all elections. Third, it managed to survive during that difficult transitional period and win the republican elections even more convincingly. Fourth, the DOS succeeded in overcoming some critical situations within the coalition involving some political leaders, in forming a joint government at the federal and

republican levels, as well as in functioning in both parliaments. Let us not expect miracles. This already is an unexpected success. Naturally, all this is also possible out of fear what may happen, fear of anarchy or some form of restoration in which I, naturally, do not believe but such fear does exist.

Consequently, the DOS exists and will exist. In my opinion, it will survive until the next elections, which may be held within a few months, or in a year or two. But, the first challenge to the DOS may be posed only by the next elections. And I think that it is very important for it to survive until then, for the sake of the country's stability, legitimacy of its government, presentation to the world, ongoing reforms, as well as our orientation to the future.

We have one more problem, which I also wish to mention. Namely, every foreigner I meet is interested only in three things:

1. What will happen with The Hague and Milošević?
2. What will happen with the Preševo valley and Kosovo?
3. What will happen with the federation, that is, Montenegro?

Consequently, everyone knows about our three great problems and I must tell you frankly that, to my great disappointment, it is hard to return our discussion to social and political reforms, to certain solutions or assistance that would not be conditional. This stems from some kind of inertia, which exists not only in physics, but also in politics. Its impact is stronger than one can believe. You meet certain people, observe certain lobbies and identify their interests. No matter whether these lobbies are state or social ones, Milošević was their alibi. They were formed because of him and everything was rather simple: whoever was against him was superb. Today, when such danger has been averted and there is no Milošević, they cannot stop criticizing Yugoslavia and Serbia through sheer inertia. Many regimes and individuals were hiding their own nationalism by criticizing Milošević. You can hear them saying: we welcome the changes, but they can mean just the "changing of clothing". You can hear the same lobbies, the same rhetoric; everything comes to surface in its simplest form once again. Consequently, nothing has changed; everything is the same; "nationalists have replaced Nazis", it all boils down to the same old thing. In such a case, policies are not analyzed at all; there remains only prejudice against the nation and the society as a whole.

The problems certainly exist, but not only because of the DOS. The DOS does not have a common stand on them. Let us take this example: do America, Britain, Russia and France have a common stand on the Hague Tribunal? I will tell you openly that a precise common stand does not exist. For example, Polish President Kwaśniewski told me that, in his opinion, Milošević should stand a trial in Belgrade and not in The Hague. The Russian view is already known. But, Poland is a NATO member. What foreign diplomats are talking about is not

something that should be retold; there are things that are discreet. Moreover, different factors from the same country speak differently about this problem. Therefore it is no wonder why people with different international contacts have such and such views.

But, there is one thing in which the DOS is absolutely unanimous. This is cooperation with The Hague Tribunal, including the creation of a legal environment – as they like to say – or, in other words, the adoption of certain laws which will enable such cooperation and, naturally, the prosecution of the perpetrators of crimes. (I have always thought that Milošević's greatest crime lies just in his failure to put criminals on trial. Indeed, some "heroes", who were killed in the meantime, whether by the regime or by someone else, were above any authority. Everyone could be convinced of their crimes, even by watching television. However, they became untouchable; they became members of parliament; they were above the law, so to say. Such things must be clarified to the end and the one who allowed, tolerated, encouraged, cherished and concealed all that, must be called to account). Where those traces will lead to – this is something that will be investigated by courts. Consequently, the DOS holds that the perpetrators of crimes must be prosecuted, that the past must be investigated, that the question as to whether Milošević will be brought to trial and when should be the subject of concrete investigations and criminal charges. As for the place where he should be tried – that would depend on talks, practical reasons and the like. This must certainly be taken into account not only because of internal relations, but also because of possible international consequences.

It must be noted that – although the relevant statements, made now and then, were a little propagandistic – the DOS holds that the problem of southern Serbia must be solved in a very responsible manner, since its international implications are much greater than internal ones. Let us be honest. The Albanians will not conquer Vranje or come to Niš... all that story was devised just to instill fear and make the public xenophobic and paranoid once again and, naturally, all other problems should simply be disregarded because it is a question of the physical survival of Yugoslavia.

I cast a glance by accident at the TV duel between Čavoški and Čović and I must say that I felt pity for my one-time friend, Professor Čavoški, because his position was amazingly irresponsible. It was similar to what Milutinović was saying: "Que sera, sera... We are right, let us attack and – what happens, happens." And when you ask him – how? – he refuses to give an answer. That is a difference between a politician and politics, on one side, and someone who is not a politician, on the other. A politician must say – *how*. If he does not know that, he should immediately step down or run away. He must say how, he must offer a solution. Theoreticians, analysts and columnists are not obliged to do that. They may "theorize" with deep self-satisfaction and have their own story. However, this is a specific problem, which must be *solved* in a specific and responsible manner.

Ten years ago, when the elections were based on the majority vote system and, as you know, the Albanians did not want to participate in them, Milošević said: "Excellent! I have thirty mandates more; I do not have to worry about them." And some people could become members of parliament with only 100 or 200 votes, although the electorate in their respective districts was comprised of 30,000-40,000 voters. At the first session of the Parliament, which was devoted to the verification of credentials, I took the floor and my first sentence was: "For God's sake, it's a shame that someone who got one hundred votes out of thirty thousand can become a member of parliament. Who do we wish to deceive? Let us answer the question – what do we actually want? Do we want to keep the territory but not the population? That would be perfectly clear! But, please, answer me! How do you intend to keep the territory without the population? Do you intend to expel or kill the population? If you do not intend to do that, you must integrate it; you must talk it into voting and entering the parliament and government." This question is still topical. It is important and worded like this: "How do you intend to keep the territory without the population? As politicians, you have to answer this question!" Milošević did not want to answer that question and swept the whole problem under the carpet. For he was concerned only with his party and his power; the state did not exist for him; it was only the means to attain power and wealth. The deafening "patriotic" rhetoric about the "Holy Land", about the "most expensive Serbian word", about the "cradle of the Serbdom" or about "Lazar's curse" was concealing the interest of the ruling party in securing a majority in the Parliament and, what was even worse, in plundering social property in Kosovo and Metohija. At that time, I proposed the following: let us freeze our mandates and begin talks with the Albanians. Let us pluralize them a little, let them enter the Government, the Parliament, institutions. Some tensions will certainly remain but, regardless of their intensity, we will continue to live with the problems – if you wish to keep the territory! No! As you know, this problem was never discussed. I was labelled as the greatest "traitor" and "hireling", but the problem has not been solved to the present day.

And we are now faced with the problem of that responsibility. We are aware of it and nobody from the DOS has so far swallowed the bait. Regardless of different rhetoric, we have agreed on the strategy. The plan, which had been prepared by Čović, together with the two Governments, has been approved and submitted to the international community. And now the question of forms of integration has become topical. The plan can succeed in view of the fact that this region has a very small number of inhabitants – several tens of thousands. It will also be possible to establish some mixed police forces and various other forms of local government and small investments, so that the region can survive. This is a difficult problem, but it must be solved.

Naturally, a more difficult problem is – what will happen with Kosovo? Whenever foreigners ask me the question – what will you do with Kosovo? – I

usually answer: "What will *you* do with Kosovo?!" And then a drama ensues. Because, it is perfectly clear that the West has no *strategy* for solving the Kosovo problem (four or five days ago, I attended a meeting of the Standing Political Committee of the OSCE and before that meeting I was in the Council of Europe). They wish to pacify the region and prevent the outbreak of a more intensive fire; that will cost less and that is all they wish. And the question that imposes itself here is whether we should wait for them to devise something and then face the problem of accepting it or not, or put forward our proposal and wait for their remarks. But, in any case there is a third solution that may be good, although it seems somewhat non-sovereign. This is to start right away long and serious talks about solving the problem, involving the international community (the United Nations, OSCE, i.e. those who are concerned with security), Albanian representatives and representative of our government.

In Yugoslavia there was always a clash between two principles, which were maliciously mixed. One of them is the principle of the *self-determination of people*, which was applied by Slovenia, Croatia and others to go away. At that time, it was said: well, the people held a referendum and opted for the independence of their states. When the Serbs in Krajina and Bosnia did the same thing, it was realized that "there would be the devil to pay" and that this principle could not become an international principle. For, what about Kurds, Basques or Corsicans? Consequently, the principle of self-determination is not valid any more; we go back to the principle of the guarantee of *territorial integrity*; administrative borders become national ones and national borders must not be changed by the use of force.

We have one problem here: would the case of Kosovo be different? Naturally, there are such attempts as well as public surveys to that effect. However, for the time being, it is evident that "territorial integrity" is verbally observed. But, what are we going to do with that "territorial integrity?" In fact, this question will become a political one if that means that "military-technical-territorial integrity" will remain. But, the presence of our border guards and government representatives is anticipated. Who will guarantee security if the international troops leave? All these questions are crucial and we must solve them.

One question, which is the relic of the communist method of solving all problems, concerns total voluntarism of political leaders: "I have political will and I want to implement it regardless of all other interests". For example, there is no rational reason for separation of Montenegro and I did not meet anyone in the international community who could understand that or state any political argument in favour of that. Who can answer the question as to why Đukanović cannot live with democratic Serbia, while he could live with Milošević's "despotic", "tyrannical" and "bloody" Serbia? On this occasion, I will not mention history, "two eyes in the same head" as the community of Serbia and Montenegro is sometimes called, or the way in which Đukanović came to power, whether by a coup staged by Milošević, that is quite another story. But, let me mention only the coalition

with Milošević, which lasted for seven years and was that tip of the scale enabling Milošević to secure a majority in the Federal Parliament. Finally, in 1997, the DPS made a quorum at the session which the Serbian opposition did not want to attend and elected Milošević president, together with the Radicals. It is even more amazing that about one year ago, they submitted the Platform concerning the redefinition of mutual relations but within Yugoslavia. And their entire election campaign was – “For Yugoslavia”. In other words, they wanted to remain in Yugoslavia. We have accepted this Platform with some slight changes. However, they now say: “It is not acceptable any more. We have changed our mind and are leaving Yugoslavia”. We have nothing against a maximum decentralization of the Federation. Serbia has no interest in keeping anything centralized. Let us have four or five common functions and that will be all. Here is the same platform! Koštunica even said that the president would not be directly elected and that everything would be returned to the *status quo ante*, observing that Platform on total decentralization. Their answer is: “No, we don’t want it!”

The circumstances have changed. What circumstances? That Serbia has democracy instead of dictatorship? It is normal that we ask them: “What are you? Do you belong to the corpus of democracy or the corpus of dictatorship? Give us an answer to the question: Why can’t you live in democratic Yugoslavia, how can you explain that?” Naturally, all those myths, that kitsch ethnogenesis with the “Doclean stratum”, “vertical axes of the Montenegrin ethos” and “geological nationalism” are very funny. They “do not hold water” when serious people are in question, but create an unhealthy atmosphere at sports events, in cafes and churches. And the “argument” in favour of separation, which I have heard, is that Montenegro was once a state. Yes, I know that, but Venice was a state for five hundred years and Prussia for three hundred years. Will now everyone who once had an independent state want to have it again? I absolutely could not find anyone who would be able to give me a plausible reason for this separatist policy.

Other arguments are economic. They argue that Serbia exploits Montenegro and so on. That’s another story again, but not very convincing. And the economic independence of Montenegro is even less convincing. The basic resources of Montenegro are the Port of Bar which is, naturally, backed by the railway and the Serbian economy as its major partner, as well as tourism, whereby 90 per cent of tourists come from Serbia. On what resources are they planning to base their economic independence? This is difficult to understand. What is especially disturbing, however, is this new division, which poses a threat to regional security. If one considers all possible consequences for the security of Montenegro and the whole region, one will realize that this will create new chaos. Montenegro would be divided, Albanian aspirations would become more apparent, not to mention Sandžak which claims to be broken up and so on. And this entails a great number of unpredictable consequences. All this is possible only if politics and the state are understood in the way communists did. In other

words, you set out on an adventure despite all plausible political, economic and international reasons, because you have your political will and your specific interest. Many people hold that things have gone too far and that Montenegro will go away (according to the Murphy law that “if there is a chance that something bad will happen, be sure that it will happen” and such a chance does exist). However, I am trying to base my optimism *that this will not happen* on rational reasoning. But, there is no doubt that we will have strenuous talks.

Under such international circumstances, including various forms of pressure and the need to make difficult decisions, we are also faced with a disastrous economic situation: an absolutely ruined and plundered economy. (During the mentioned visits, I was told that our trade with Poland amounted to 50 million dollars, as contrasted to the trade of the former Yugoslavia with Poland, which was worth one billion dollars. At that time, trade between Serbia and Poland amounted to 600 million dollars – and Poland was not our major trading partner, but a medium one).

Finally, what should be done and what way should be taken? There is no doubt that we will be faced with the discontent of our citizens at their low standard of living. There will be an increasing number of those who will say: “What we need freedom for if we live so miserably?” What is reality, however, is that their only alternative is a return to the former condition and this is an unhappy lot of our citizens. Whom and what do they wish to return? To have Vojislav Stojiljković¹ back to solve their economic and social problems? What political power can raise their standard of living and solve these problems? Consequently, the problem is very serious and I belong to those who support this government (both of them) in dealing to a maximum with these specific human and civil problems and fast reforms wherever possible. And fast reforms imply new tax systems, putting a stop to smuggling, customs control, liberalization of import quotas, generation of real revenues, corruption control and attraction of foreign capital. It is important to note that the Stability Pact anticipates large investment funds. All being well, it would enable a significant step forward. In my opinion, it will be possible to produce even better results after the consolidation of our relations with international financial institutions.

But, we also have this other picture. One government delegation was in Italy one week ago. At the end of the visit, I was asked to deliver a lecture at a round table. Among ambassadors, ministers, journalists and others, there was Gianni de Michelis. You remember him, some by good, some by evil, but he turned into our most ardent “defence lawyer”, a lobbyist, so as to say. He scolded Europe for breaking up one Yugoslavia so impetuously and said that this “*miracolo*”, which happened in Serbia, should be embraced by Europe and that Europe should help Serbia with all its resources, especially economic ones. One group of Italian businessmen and fans of new Yugoslav democracy, includ-

¹ Former police minister, under Milošević. – *Translator's note.*

ing some politicians, is now in Belgrade. But, others are also coming, not only Italians. We have aroused a great interest; something is going on. In any case, the prospects are not so bleak as they seem.

Finally, I wish to say something about political culture. I agree with psychologists and sociologists that we should not be slaves, which happens quite often, to some stereotypes, such as: "we are an authoritarian people", "we are a traditional people" and the like. It seems to me, if you wish me to speak colloquially, that we are one confused people, extremely and rightfully confused, because we had to solve the problems which we could not even dream of. And now, this people has one ideal: "integration into Europe", which it does not understand, or not completely – sometimes it admires Europe, at other times it is afraid of it. All this is not so simple that we can just say that we have a certain value system, typical behaviour, recognizable mentality and the like. This certainly is not so. Naturally, we can speak about the past, but that would be quite another story.

When we speak about the past, we also need a new language. Sometimes I am very surprised. Many of our intellectuals, even the greatest, do not know how to interpret anything hermeneutically. When they speak about Svetozar Miletić,² they do that as if this were the year 1848; they do not place anything into a historical context. They actualize everything politically right away; they put everything into the present. And that cost us our lives. All that nationalist patriotism originates just from that incapability of hermeneutic interpretation. Thus, they say: "In the nineteenth century Serbia was such and such; why should it not become like that today?" Because it cannot! That world or that Serbia do not exist any more. Milošević was unable to understand that one side of the world (Russia) had collapsed, let alone that we were not in the nineteenth century, and that we had a new balance of power and new relations. This is also a problem and a source of crisis – and the reason why I speak a little longer about that. I wished to say as much as possible about the problem of our social and intellectual elite. If we do not exert every effort to get out of this "organized chaos", if everyone does not work hard within their respective social institutions, if everyone is not very critical, but only complains about the situation, let them complain. Our media do that by force of habit rather than by being ordered or forbidden to write whatever they wish, whether critically or in the affirmative. But, it will be good that the competent institutions and competent people assume such responsibility and effect changes, instead of giving only verbal support. So, for example, they say: "We will build the university!" Come on, you, people from the university, build that university! What does that mean to keep complaining that Šešelj is guilty of everything? Šešelj is what he is, but he does not shape the university policy any more. And what have you done, my colleagues, to prevent the university from being ruined and becoming like that? Professors allowed themselves to be humiliated once, twice, three times and, in the end, what have we got from

² A Vojvodina Serb leader in 19th century. – *Translator's note.*

that university? Why did it not offer more massive resistance? When did it ever wish to say: "Wait a minute, we are the pillar of society, we educate future experts, we create public opinion!" Instead, they keep lamenting that the government has not yet given them their salaries, that they will complain and go on strike, as if the salaries are not low in general.

This is the problem I wished to talk about: do we have that elite which has done something and has an ambition to do something? This applies to everyone: to writers and other artists. Today, our writers, filmmakers and other artists should go everywhere and carry their films and exhibitions – the world wants to get to know us. You have a series of Yugoslav films – show them; you have exhibitions – show them, you have books – have them translated! Let us change the image of Serbia, which is now so miserable. But, we all must contribute to that!

Consequently, let me return to the topic: *the fate of this country depends on its elite*. I am not an elitist, but a realist and I know that this is where everything will either survive or collapse! If we fail to overcome some kind of provincialism and drowsiness, then we do not deserve anything better than what we are facing now.

This is what I wanted to say, very sincerely and probably with a somewhat greater temperament than is usual for calm and astute theoretical discussions. But, you have invited me to speak as a politician and I have tried to expound the topic in that manner.

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Democratic Changes and Resistance

Summary: Two important changes have taken place in Serbia since 5 October. The first pertains to *foreign policy* and refers to Serbia's opening to the world, while the other pertains to *domestic politics* and refers to a certain symbiosis of legality and legitimacy, achieved by the victory of the democratic option in the December elections. These changes have a certain internal limitation reflected in various forms of *resistance* both to a full opening of Serbia to the world and to a full democratic transformation of the society. The main source of these resistances lies in the conservative, patriarchal and parochial mentality in which democracy and Europe have never been crucial.

Key words: legality, legitimacy, democracy, Europe, nationalism, conservatism, parochialism, globalisation, autarky

There are today in Belgrade, in the theoretical thought following current developments, a number of major consensuses. The first and certainly most important one expresses certain satisfaction: it is good that the regime of Slobodan Milošević has been toppled down. Nobody theoretically serious/relevant is ready and willing to challenge the Thing... And yet, there is another consensus that is marked by – dissatisfaction. Nobody is completely satisfied with developments since October 5. Everybody will readily agree that the event has certain inherent *insufficiency* allowing for possible critical remarks.

However, where a critical attitude is possible, exaggerations immediately tag along. Thus, we have the case of intellectuals who, without regard to having severely criticised Milošević's regime for quite a number of years and who even now think that it is good that it was overthrown, readily state that "nothing of substance has changed" since October 5 as everything "boils down to the same"... This understanding, we would say, is a bit contradictory. Because, if actual developments were reduced to a *déjà vu*, then it would follow that it is only make-believe of some changes. The make-believe that people are only unnecessarily "fussing" with. If that were true, then it appears that it would have be

better had the *ancien régime* remained in power as at least there are no illusions whatsoever of it...

Indeed, persons can be found here who stick to that logic (if it were a logic) and they are, therefore, ready to assert that it is now “even worse than under Milošević”! I believe, nevertheless, that such a phenomenon of excessive criticism should not be easily disregarded or absolved within the entry “criticism syndrome”... It is better, I think, to be cautious and start from the question: what was it really that did happen in these few months since October 5 (if it happened) as a *significant change*? In that case we would also get an insight into the confines of changes, and also, into possible “resistances” and “obstacles” facing even more important changes.

I think it is possible to point to at least two important and welcome changes that have taken place since October 5 to date (mid-March 2001). The first could be referred to as foreign policy one and the second as domestic policy one. The first one pertains to *opening of Serbia/Yugoslavia to the world*, while the second one to something that might be called *symbiosis of legality and legitimacy*. Let's look, first, at the former consideration. Undoubtedly, nobody can refute the fact that Yugoslavia managed in a very short period of time to return to many international organisations. Such an opening to the world seemed totally impossible a year ago. Nevertheless, we have to take in this case into account possible objections to this opening of Serbia/Yugoslavia to the world. Admittedly, some people can say that between these two “entities” (Serbia/Yugoslavia and the world) there is not still any circulation of substance (“the door” is opened but nothing passes through it), and one might observe that the process is far from being completed and may be immediately barred because, simultaneously with opening, certain resistances are offered to “integration into the world” (say, resistance to accepting full cooperation with some international institutions, beginning with the Hague Tribunal).

The first objection is not quite accurate. A number of donations from the world were received so that this winter Serbia had at least fairly well heating! It is true that the mentioned circulation is far from the desired one. And yet, it has become possible, that is, it is no more *inconceivable*, as it used to be a year ago! Among economists the view is widespread that Serbia has no chances of “pulling out” of the present desperate situation without joining the global economic flows (exchange, donations, credits, investments, etc.). An objection made, this time, by conservative forces in Serbia – it is better to be poor and dignified than materially provided for but humiliated – is simply not appropriate. Want and poverty are exactly the source of humiliation where every dignity is lost. And moreover: in poverty even political institutions necessarily get corrupted. As it is hardly conceivable to have the judiciary functioning without corruption in conditions where judges are paid miserably, it is equally hardly conceivable that in a general misery of the society the state can boast a fully “dignified” and “unspoilt” face.

We shall all agree – and that is, again, another consensus – that the state represents a community and the community has been made for the good. This understanding can be read already on the first page of Aristotle's *Politics*. And yet, political experience says, at least to Aristotle, that in addition to *good* state communities (where laws are respected) there are also *bad* ones, and that the main reason of their being spoilt is self-will motivated by (not by common but egoistic) interests of rulers (no matter whether it is one or more of them). We would call that – corruption. Corruption is major enemy of every political and legal order and of purity of its principles. Anyway, it arises necessarily from where the passion for heedless acquisition is stronger than control and self-control mechanisms. General misery is, I would say, a cradle of that passion...

That is why a step out of misery – and that step out coincides here with *opening to the world* – is necessary and, in fact, represents an “infrastructural” precondition for achievement of a valid legal and political community. No state is good if its citizens are wretched... There is no trustworthy liberal-democratic “superstructure” in the material foundation of which would lie – robbery, fraud, corruption. There follows that opening to the world *for the purpose of* material stabilisation, or if you would have it, survival of Yugoslavia/Serbia has to be the priority of the politics pursued here today.

However, things are not as simple as that. The world is not willing to open itself to Serbia/Yugoslavia if the latter does not open itself properly to the world. In that respect, the second objection that we mentioned – that the process (opening) has not been completed – is still in play. It is based on the assumption that the political elite in Serbia, though declaratively arguing in favour of liberal-democratic order and/or return to Europe, is not ready yet to accept the world understood as a Global Village and as a reality in which certain processes of *globalisation* play an important role.

Does this *resistance to globalisation* cast a shadow on actual opening of Serbia to Europe/world? Is the strength of that resistance so big that it will thwart at a decisive moment (perhaps the moment of our survival?) even that (priority) opening of Yugoslavia/Serbia to the world *for the purpose of* material stabilisation of the country? Shall we once again choose to be *miserable* but “proud”, and of course convinced of our own *exceptionality* in addition?! Whatever our choice is, the fact remains that resistances are aimed against opening to the world, being in fact only a part of age-old resistances to civilisation processes in this region. The resistance issue is our internal issue, which is not only a matter of politics but also of mentality. It is articulated here as a problem of *lack of understanding* of what is going on in the world today.

Resistances to the so-called *globalisation* are based not so much on political, economic, technological or media interpretation of the notion but rather on the political one. The phrase *new world order* is used to mean or condemn political hegemony that, after the collapse of the bipolar structure of the world order,

the United States of America have in the world. All processes of globalisation are interpreted, not only in their political aspects, as confirmation of this hegemony. However, in this way one overlooks the *substance* (if I may use the word) of the very globalisation process! What is overlooked is that it is a *legal* rather than a *political* process.

It is a process that enjoins a procedure of (legal) regulation and limitation of sovereignty of the countries in the Global Village! Should the question of sovereignty be considered only as a political issue (and not as a legal one), then its limitation will always and necessarily be understood as proof of someone's hegemony and nothing more and nothing else than that. It is beyond doubt that, politically, there is today in the world some global hegemony (and to a certain extent a local one, too) but the ideal of limited sovereignty in the Global Village cannot in any way be reduced to it. The basic task of world politics or politics from the viewpoint of globalisation is to pacify conflicts, and to subject violence between "sovereign" states and within them to *legal* regulation of the Global Village. That tendency emerges in the world of today as the prevailing one. World War II was the last historical case where not only big powers but also all countries of the world behaved in accordance with the principle of their full sovereignty...!

Our failure to perceive the tendency to regulate relations in the world primarily through *legal* means, with the purpose that political conflicts within and outside sovereign states should not lead to violence (read: violation of human rights) and war any more, have cost us too dearly in the past ten years. In considering that it has the right to and can wage its small, dirty wars as it pleases (without anybody's right "from outside" to interfere), the "patriotic" regime of Slobodan Milošević showed not only complete lack of understanding of the global tendency in which we live but launched, at the same time, a fierce propaganda ("global plot", etc.) against the efforts to limit violent sovereignty, and to eliminate finally (Hobbes's) *war of all against all* from the world that wants to *constitute* itself as the Global Village... Shall we continue to pay the cost of this lack of understanding? Even the idea that we can join Europe without accepting the global tendency of the present-day world, which, after all, has no alternative, is illusory.

Unfortunately, we cannot be unreserved optimists in this regard. The fact that in this territory *legal state* has never really existed (other than in mythical stories about some happy times) does not instil optimism. In the past, orders were changing but politics was never functionally subjected to a legal framework (it was the other way round instead), so that no *power* had ever respected legality or the law unconditionally. As distinct from situation in the civilised world, a decisionist model has always prevailed here where political decisions and will are clearly pre-eminent over laws and general applicability.

For these reasons we may well argue that, at the internal-political level, a very important and welcome change has taken place since October 5. It consists of giving *strategic* priority to legal state. October 5 itself was, and still is, an

act of legitimate resistance against *usurped legality*. Leaders of democratic opposition have not, nevertheless, considered that this legitimating action that did away with usurpation can and should become a form and means of everyday changes and, accordingly, the method of daily operation of the future order. They see in it another *decisionism* that subjects the legal sphere, or rather the sphere of legality, to torture of political (or, if you like it, revolutionary!) will.

In so far as in Serbia/Yugoslavia there is today a clear-cut intention to create a legal state, then the condition *sine qua non* is that the law or legality is, strategically, both the means and goal of that intention. In other words, a certain degree of *symbiosis of legality and legitimacy* is necessary, i. e. bringing back legitimate actions within the confines of redefined legality. The very coup of October 5, as taking over of levers of power, was a legitimating action beyond the scope of (usurped) legality. The problem of the more recent period has been: how to return political acts onto the legality course without destroying thereby achievements of the October 5 coup, i. e. *without reverting* to the old order? A part of solution to this problem (which had to be waited for) was ensured by DOS's coming to power in Serbia, in December elections, and after that, by constitution of the new parliament and government. This was the only way of establishing legal (and *not usurped* or, if you like it, *fraudulently-legal*) legislative, judicial and executive power that is, again, a necessary condition for further, more profound changes towards legal democracy.

This is why it is possible to say that opening of Serbia/Yugoslavia to the world and this symbiosis of legality and legitimacy are the most important steps forward since October 5. Of course, the final goal of changes has not come into play yet. Legitimacy that has been set into motion by the coup of October 5 seems to suggest in advance that the final objective of present changes is introduction of a liberal-democratic order in Serbia or, which amounts to the same, its integration into Europe. Is, however, the Thing as simple as that? Because, one thing is positive: there is not an a priori certainty about any strategy. Historical changes are neither governed by the Hegelian "cunning mind" nor by a holistic or eschatological concept of historical progress. For that reason, ascribing to them a single or binding historical goal would be hitting the wrong target in advance. If we claim that something, anything, is the final goal of present changes, then the question remains: On what basis do we claim that?! We cannot attribute goals abstractly to events or things. Who or what is the proponent and (never absolute) warrantor of those goals? What institution or group of people? The question of the *goal* of changes is not senseless only if in a given situation there is social and political force that stands for the goal and for changes that come as a result of its attainment.

Today, in Serbia – we are all aware of that – there is no *social* consensus as regards the objectives of post-October changes. And yet, October 5 and December election victory have clearly demonstrated that a majority of people have dis-

carded the old, authoritarian order and by doing so made possible (*endorsed in blank?*) a certain alternative (different, “just not this one any more”) model of social and political life. On the other hand, in the process of overthrowing of the now *ancien régime*, a political force considerably strengthened and imposed itself – it is, of course, DOS we are talking about, which (in a *decisive way?*) profiled (strategically?) the goal of changes: political way to democracy and/or to Europe. The question is whether DOS has strength enough to launch in a decisive way the legitimate changes in Serbia/Yugoslavia? Or, whether the reality with its internal resistances will show that it really does not have the strength?

In politics, *legitimate* goals are often declared (or: *some* goals as legitimate), while in *reality* either (1) some other, undeclared goals are consciously aspired after (meaning that approval of those goals is not sincere) or (2) other, undeclared goals are *unwillingly* reached (meaning that there was a sincere wish to achieve something that, however, for some external reasons, “failed”)...Then, we have a case (3) of declaring, in fact, *contradictory* goals, which can both lead towards democracy/Europe but can also turn off the way. Finally, it is conceivable (4) that the majority consciously/sincerely wants democracy and Serbia in Europe (or: Europe in Serbia) but it does not happen because at the level of unconscious (read: the level of *ethos*, *Sittlichkeit*) people, nevertheless, aspire after something that is incompatible with these goals!

Can anything of the above be referred to as the *case in point* in our present changes? In other words: can we in present changes (soon? or later?) expect the change of the very goal of changes? Will developments show that the *real* goal of changes – is the *real* one at once the *legitimate* (rational?) one, or is the legitimate one (in its normative character) always doomed *not to be* the real one? – does not, however, coincide with the idea of legal democracy and full integration of Serbia/Yugoslavia into Europe? That it is, in fact, something completely different?

Present (legitimate) changes can be easily thwarted owing to resistances (*unconscious* to a considerable extent) that exist in us and that may sooner or later *redefine* our *conscious* efforts so that, eventually, they prevent us from *really* opening to democracy/Europe... What kind of resistances are these? Undoubtedly, conservative resistances, permeated by non-democratic, non-European, and even often anti-European habits. Those are also resistances that give advantage to the unwritten, uncodified, *ethos-based legality*, that is to the legality of “good” habits, traditions, myths, rituals, mistakes, prejudices, self-will, and finally, patriarchal and tribal-parochial mentality... A part of our *identity* has been patched up from extremely poor ethos, including political voluntarism and corruption. Those who swear on our identity either do not know or do not wish to know what is it that they swear on. Will the *law* (if there is any) of bad habits permit our good intentions not only to voice but also to exercise their right to legal state? Or, will it rather plant evil means on legitimate goals and distort, wear out, ruin thereby this very legitimacy?

The dilemma says that we still have a disproportion between legality and legitimacy at the level of their *apparent* reconciliation (or: post-election *symbiosis*). In other words, there is, in a sense, both too much and too little legality! How so? Well, so, that there is too much of ethos-based legality and too little of the legal one. In the first place, legal state is not threatened (viewed from outside) by *domineering* political self-will (reaching to the worst of corruption) but by a substantial toughness of patriarchal/parochial mentality (close-mindedness, self-sufficiency) that favours a cramped decisionism and arbitrariness of *substantial* power, God-given *authority*, *sacred* right to territory and power, *natural* right to power or, which boils down to the same, the right of certain *nature* to power...

Self-sufficiency (Aristotle would say *autarky*) of the Parochial Mentality is extremely resistant to challenges of modernism. Before this Mentality and its unwritten law, all rights are only – on paper! Disproportion between legality and legitimacy that was (by *symbiosis*) eliminated (in December elections) was, however, only *formally* eliminated but “in substance” it was still in existence! The danger that (legitimate) changes in Serbia/Yugoslavia are facing is in fact the following: possibility for disproportion between the *formal* and the *substantial* to grow into the disproportion between, on the one hand, normativism on paper (*alleged* legal democracy after the European model) and, on the other hand, overpowering (because they are alive) moralities that remind us that we are still living in the mountainous Balkans...

According to Aristotle, the nature of the state as a community of people aspiring after some good manifests just in its *self-sufficiency* (*autarky*) which is both “a goal and the highest good” (*Politics*, 1252b). Self-sufficiency evidently has here the meaning of what will be much later called *sovereignty*. The highest good of a state community is the highest just for the fact that it cannot/should not be used (instrumentalised) as means for another, higher good. Such a good is sovereign both internally and externally. It is self-sufficient... And such *self-sufficiency* remains essentially pre-modern.

If in our community the Parochial Mentality (as the mentality of traditionally archaic, closed, authoritarian morality) is also self-sufficient and if it preserves (under the ideological names of *patriotism* or *nationalism*, in many myths, prejudices, delusions) its (pre-modern) self-sufficiency as an inviolable good, then its opting for changes along the lines of modernity must be necessarily limited. In brief, it is only in a very ambiguous manner that this mentality can open itself to changes whose ultimate goal is the creation of the liberal-democratic order in Serbia/Yugoslavia, and joining Europe. Complete opening would basically limit its autarky/sovereignty. It will, therefore, assent to changes, beginning with the overthrow of the *ancien régime* (the decisionism of which had alienated itself from patriarchal-parochial community and brought it to the brink of ruin), but this assent will necessarily be limited to changes that *do not question* “the authentic”, archaic self-sufficiency of the community.

Division into patriots and traitors shortly before the fall of Milošević's regime did not spare (as it could not instrumentalize them) even those who declared themselves as *the opposition* or *democratic nationalists*. Afterwards, all those that opposed homogenisation from the standpoint of the regime were called traitors... However, this totalisation lost the force of obligation since the wars had already been finished (all that could happen were already lost), so that the very idea of a *traitor* did not appear so frightening. Finally, the regime alternative of nationalism / patriotism was based on a totally depleted homogenisation which had already suffered political defeat. Milošević who liked to use the term "unity" in his discourse (that could be the remnant of *brotherhood and unity*, but also of the so-called *unity of theory and practice*), did not mention the word in his last big address to the public (on the eve of October 5) but satisfied himself with talking about threatened *national identity!* This was his last and, obviously, vain attempt to court the parochial mentality, disappointed with failed "unities" and homogenisations around disastrous strategies. No talk could hide the ugly face of defeat any more...

Does it not mean, then, that nothing special would have happened on *October 5* had not this unusual agreement or covenant between the parochial mentality and the spirit of democracy been profiled beforehand? The overthrow of the old regime began by the unification of the opposition and by accepting the presidential candidate who was ready and willing to declare himself as "moderate", "liberal" or "democratic nationalist", and reached its apex with the coup of October 5. It turned out that the phrase *democratic nationalism* was in a position to gather a share of nationalists, disappointed in the ruling model of homogenisation and its military and other defeats, around a project in which (is it only at first sight?) the *democratic* (as a vacant place of power) would have precedence over the *national* or, more specifically, in which democracy would be defined as the highest national interest.

In addition, there is another question that remains open: will patriarchal-parochial ethos be ready just so, without any resistance, to submit itself functionally to the project which is substantially alien to it, and which basically relativises and deconstructs it? A considerable segment of this mentality, undoubtedly, denied its support to the old regime as it had failed its desires, expectations, illusions, prejudices, delusions... However, a question remains unsolved: in this covenant, does the project of *democracy* (as, *inter alia*, a concept of social complexity in which pre-modern impulses cannot have a *decisive* role) really – we would like to believe: permanently – have strategic priority?

Our apprehension is stirred up by the thought that pre-modern ethos has too often manifested so far as totalitarian passion that somehow always tends to exclude the others, to homogenise the scene it is acting on. Whenever it condenses into ideology, it is, as a rule, an ideology of closure gravitating towards unity, equalisation, identification or homogenisation. If the parochial mentality

were deprived of homogenisation, if it were not aspiring at it, it would then lose its advantage, it would not be any more (self reflexively) embodied in some decisive “ism” (say: patriot-*ism*), or in an all-comprehensive totalisation (in a small space: *we and nothing but us*), However, that is where its key contradiction manifests: this Mentality has either to turn back to homogenisation or disappear to give its place to civilised forms of living.

We are today living in contradictions. One of them is appears between (conscious) efforts to adopt certain civilising norms and (most frequently: unconscious) pre-modern resistance to this to happen. Those two possibilities are not at the moment exclusive in concrete political terms, but rather in a perspective, in the (near?) future when the parochial Mentality will have to give up its grand narrative (its capital M!) or, on the contrary, it will have to establish a new decisionism, a new “substantial” political strategy. At the moment, political phrases such as *democratic nationalism* do not imply a decision as to whether the suffix *-ism* (in national-*ism*) unquestionably suggests a totalising/homogenising interpretation, turning a (national) feeling into an ideology, a (political) strategy that imposes itself as victorious, or whether the democratic principle is sufficient because it is capable of coping with the parochial Mentality’s pretensions of homogenisation and hegemonisation.

In a country where there is too much (bad) *ethos-based* legality and too little (valid) *purely legal* one, the question is: what are the means for fighting this surplus/shortage? Undoubtedly, no sort of legitimate political *will* is a good means for this kind of struggle. A legal state cannot be established by means of decisionism that places political decisions and power before the law and general applicability. Does this mean that politics is simply helpless before this problem? And yet, it seems to us that establishment of a just legality/law is not a purely legal move but to a certain extent a political one. Not *directly* political, because it belongs to the politics that creates institutional conditions for the solution of the problem. Ethos-based resistances, aimed against opening (to democracy/Europe) cannot be overcome either by legitimate revolutionary will or political “measures” and “decisions” but only by public, institutional, media opening for a certain *democratic culture* that would be simultaneously political, legal, economic, intellectual (theoretical, etc.) and, finally, culture of the way of life itself. Investments should be made in culture as it is the only one that can disarm the Parochial Mentality and to ensure thereby a basis in social ethos for establishment of legal democracy.

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Reaching for Europe

Summary: The author argues for the necessity for the countries of the region to join European integrations and warns against the dangers of fetishising Europe. Political changes having taken place in the Dayton countries in 2000 created preconditions for a liberation from the legacy of the past. This legacy is characterised by a deficit of democratic culture, devastation of infrastructure and the economy, and marginalisation of the inchoate civil society. The author also analyses the antinomies of the issue of legal continuity, which is resolved by defining the character of the old regimes. Finally, he points out the dangers of the struggle against the so-called revanchism and argues for the necessity of a profound catharsis.

Key words: Europe, democracy, continuity, revanchism, catharsis.

The purpose of this paper is not an uncritical extolment of Europe as a panacea for all inherited or recent difficulties that befell countries of the region that once, even until recently, lived in a state community. The purpose is to warn against some difficulties that we face on the possible way out of wastelands of the past ten years.

First of all, it should be explained why the extolment of Europe, or any other trendy term, is out of place.

Among those that used to pledge allegiance to Yugoslavia and self-managing socialism, and after that to Serbia (or Croatia) and “heavenly people” (or to the realisation of the “thousand-year long dream”), there is of recently not a negligible number of resolute advocates of Europe, European integrations and the accompanying democracy. Quite enough to serve as a motive for a good essay on chameleonship. However, no matter how the essay might be charming, witty, based on irrefutable facts and even more irrefutable moral principles that require condemnation of fickleness – it would, nevertheless, essentially miss the target, at least if the target is defined in terms of coming face to face with recent past and with the present moment.

The essay's missing the point becomes evident, for instance, in the question: if a chameleon deserves moral condemnation, do those that consistently revered a single fetish deserve recognition and admiration? This might be replied: depending on the character of the fetish concerned. The one that was consistent in his or her veneration of the idea of exclusiveness, and based on hatred and revenge in addition, will deserve neither tribute nor admiration. However, such an analysis would be misleading. It simply fails to consider fetishism as such. Of course, it is not unimportant whether we laud fetishes of evil and hatred or some benign and philanthropic idols of humanity, tolerance and reconciliation. However, idols remain idols, fake gods, unable to help us or provide support in anything; we will expect from them a magic word that will solve all our problems (or at least all that are essential in a given moment).

And there is nothing that cannot be transformed into a fetish, to be more specific, there is no idea that could not be turned into a worthless and meaningless (though sometimes ominous) phrase. Anybody who in the past ten years looked watchfully around themselves – albeit for a moment – and kept some critical mind, could see by themselves how harmful such phrases could be.

In brief, chameleons adapted themselves to circumstances, changed fetishes in accordance with change of the spirit of the times. The consistent ones, on the other hand, had an opportunity to play the role of moral figures (if there was anybody who would take them as such). They however failed to give account for an unpleasant corollary: fetishism to which they were slaves and which kept them from opposing the forces of evil efficiently enough, even when they had the best intentions and strove heroically to bring those intentions into life. They believed in the magic power of the fetishized word, the idea, they believed in a senseless phrase. Should one judge by acts rather than by intentions, there is no substantial difference between chameleons and consistent fetishists.

The purpose of the introduction is to relativise the term “European integrations” and to warn that even europeanising phrases will not get us out of our current situation, since no phrases can ever help to get out of anything. There are no magic words or universal recipes. It is all the same whether these phrases are spelled out by a chameleon or a true believer in Western democracy and adherent of the Western civilization: no improvement can be brought by phrases.

On the other hand, however, there is no alternative to European integrations. Franjo Tuđman's dreams of ethnically cleansed and ideologically homogenised Croatia as a model to be followed by decadent Europe should it want to drag itself out of the wastelands it had been bogged down into, and likewise Mirjana Marković's dreams of an alternative to the world movement to be headed by proud and unsubdued Serbia – belong definitively to the history of political paranoia. (Whether those visions of grandeur will one day prove to be anticipations of negative utopias that will set in after the collapse of previously established balances – that will be found out by those who will have the misfor-

tune to testify to possible posthumous rehabilitation of either of the two eccentric amateur thinkers, or both of them: differences between the two are not so big as to make a consistent synthesis impossible). Believing that none of us or our successors will have the misfortune to live to see their historical rehabilitation, there is nothing we can do but conclude that what is called Europe or the world order does not indeed have an alternative. In addition, for reasons set forth in the introduction, it makes no sense to substitute empty phrases for a realistic analysis of the present situation and a projection of a possible way out, and to believe that magic words and universal recipes can solve problems.

Accordingly, the expression *joining Europe* should not be taken to mean anything but historical realisation of the alternative that is not suicidal or – which boils down to the same – of the alternative that implies the rejection of isolationism. To put it simply, it means opting for the so-called normal life.

Political changes that took place in the last year of the past millennium in the countries-parties to the Dayton Agreement have created basic preconditions for necessary changes along these lines. Change of the authoritarian regime took place first in Croatia, in parliamentary and presidential elections in the beginning of the year, and that process was completed by republican parliamentary elections in Serbia towards the end of the year. The process made possible by the change is not a simple one in any way. Since the change took place somewhat earlier in Croatia, some difficulties of the process that are only to become evident in Serbia (and the FR Yugoslavia), have already been noted in Croatia and might serve as a lesson for avoiding them in the “5 October” country (provided, of course, that the temptation of “learning it the hard way” is resisted).

A high degree of similarity between the two countries will be even higher if for methodological reasons we disregard the third “Dayton country”, i.e. Bosnia-Herzegovina, which has certain specificities of its own. We shall dispense with the latter here, noting that they partly stem from a common characteristic of the former authoritarian governments in our two countries: the expansionist ambitions in respect of B-H and systematic support to extremist options amongst Serb and Croat ethnic chauvinists in Bosnia-Herzegovina.

A basic common trait of both the Serbian and Croatian difficulties on their way “to Europe” can be defined as legacy of the past. This refers to more recent times rather than to the common past. However, the legacy of the common past until 1990 should not be disregarded either. It could be defined as an essential deficit in democratic tradition and culture. The fact is indisputable that before the joint state was founded in 1918 both Serbia and Croatia were countries with an authoritarian structure of power, this authoritarianism though having been diluted by the form (limited in various ways) of parliamentary democracy. The only possible exception is the short period of parliamentary democracy in Serbia from 1903 to the Balkan Wars. Further, it is a fact that the first Yugoslavia was a democratically deficient mixture of parliamentary democracy and authoritarian

power (and in the period of the so-called 6 January dictatorship even devoid of democracy sham). Finally, no matter how much the second Yugoslavia was in form and type of power more liberal in comparison with other countries of the so-called real existing socialism, it was a country marked by one-party dictatorship. Thus, a new authoritarianism of a totalitarian character, owing to Bolshevik foundations of the communist power in the second Yugoslavia, was grafted on inherited authoritarian consciousness of the traditional-patriarchal structure. The depth of democracy deficit is also evidenced by the fact how easily the exhausted legitimacy of Tito's Yugoslavia was simply replaced by the new ethnocentric legitimacy. The results of the first multi-party elections in 1990 demonstrated that convincingly. It took ten years for the new legitimacy to cave in, and if it were not for the power holders who behaved as self-destructively as they did – we may wonder when it would be exhausted at all.

However, exhaustion of the new legitimacy did occur, and with it the change of power, more or less peaceful despite pessimistic forecasts. Elements of violence recorded in Serbia after federal elections can be explained by attempts of former government to keep positions of power at any cost (the similar thing would have probably happened in Croatia with the same final outcome, had not biology interfered with history depriving the ruling structure of its head). The change of power has come – today we can safely claim it – ten years too late. Too late not only because of wars and tragedies that have taken place in the meantime, but also because the ten-year period of a new authoritarian (and totalitarian by tendency) power resulted in a profound destruction of the society. The former government has left society destroyed, in terms of both infrastructure and superstructure. It is only in part that this destruction may be attributed to external circumstances (in case of Croatia devastations caused by war, and in case of Serbia long-standing sanctions imposed by the international community and the NATO intervention in spring 1999). A much more fundamental cause of the ruin of the economy is the self-destructive plunder to which it was exposed. As for superstructure, an additional cause of its destruction was the state/party instrumentalisation of all aspects of society and their subjugation to the state apparatus seeking omnipotence (and therefore being self-destructive). Elements of the so-called civil society shaped in the period when the former regime was imploding have been marginalized or even completely destroyed in the meantime. Their recovery through the process of articulating resistance to the new regimes is at least partly contaminated by the character of those regimes; hence we cannot expect to find there the potentials of democratic transition that would act automatically. The anti-thesis itself should get rid of being determined by the character of its opponent. This might hold even more for the political structure of the present government – all the more so if we know that the former government did not lose voters' support due to its lack of democracy, authoritarianism, let alone national chauvinism it was promoting, but primarily for social reasons, because it could no longer offer a way out of rising hopelessness and poverty of

the broad strata of the population. It may be added that, in the Serbian case, Milošević did not lose power because the majority of the population blamed him for waging wars but because he lost them).

The new structures of power are faced with the chaos of the post-authoritarian period which is a by-product of the implosion of former regimes. (This chaos is, to some extent at least, programmed; the question of just to what extent it is so constitutes a topic in its own right, not to be suppressed or written off in advance as a mere symptom of paranoia.) In such a situation, the new structures of power enjoy only democratic legitimacy and support of the international community in principle. Both the legitimacy and support have a time limit. That is the time-limit within which the first moves have to be made towards recovery of the destroyed society and constitution of the state as something different from (more or less organised) repression apparatus aimed at maintaining and perpetuating autocracy; this apparatus is what was in the past period formed as a systemic replacement for the state, in the standard meaning of the term.

Of course, a basic prerequisite of continuing legitimacy is economic recovery with noticeable effects in terms of restoring mass hope in the future. Hope as a symbol can last for some time but if within "reasonable time" it is not accompanied with, for instance, reduced unemployment and stronger mechanisms of fighting poverty, it will melt away more rapidly than recent patriotic zeal. It will be replaced by new hopelessness, a perfect ground for all types of extremism to flourish, self-destructive as well as dangerous for stability of the region as a whole. Economic reconstruction in the given circumstances of devastated infrastructure is inconceivable without foreign aid, starting in the first place with productive investments (it is, in fact, illusory to expect humanitarian aid on a larger scale). This, however, requires harmonization with international standards.

That harmonization, beginning in the sphere of legislation, but covering also some specific elements such as cooperation with the Hague Tribunal, is apparently quite simple: it is sufficient, it seems, to bring national legislation into accord with laws of the European Community member countries. Simplicity should not be, in fact, understood too literally if one takes into account how many documents are involved (and mechanical translation is ruled out for a number of reasons). However, legislation is a minor part of the problem. A greater problem is how to create a climate where law-abiding mentality will be promoted and where the state will begin to be experienced as a service for satisfying common needs, the fundamental function of which is to ensure the framework for undisturbed development of the civil society and for protection of individual and collective human and civil rights. It is impossible to create a legal state, where the rule of law is applicable, without shaping an appropriate mentality. This mental makeup cannot be imposed by force; it must result, if it is to be effective, from the prevailing atmosphere of the society.

Here we come to a difficult question which, if not approached adequately, can be a serious stumbling block in the process of establishing the rule of law and in democratic recovery of the society. It can be defined as the problem of legal continuity. In contrast with revolutionary legislation, destructive effects of which were particularly clearly manifested in the 20th century, to advocate the principle of legal continuity seems very plausible. However, legal continuity in respect of a non-democratic regime entails considerable problems. Suffice it to point to the question of financial power: on one side there is a poor, plundered state, and on the other, there are magnates whose financial power was accumulated by plunder carried out under the auspices of the former regime and for the benefit of para-state structures of the former government. Legalisation of power acquired in such a way would mean that a state is signing its own sentence to impotence. Guaranteed security of property will lean on very shaky foundations if it begins with guaranteeing for what was – even if in accordance with the imposed laws, even if pursuant to decisions of a government enjoying legitimacy at the moment – usurped for the purpose of perpetuation of dictatorship.

A very important dimension of the issue of continuity is the personnel policy. A very big danger lies here, which caused in Croatia serious damage, endangering at one point the entire process of democratic transformation of state and society: this is the so-called fear of revanchism. The former ruling party pursued, against the backdrop of its overt ambition to establish total control over all segments of the society, the personnel policy corresponding to the ambition. After their fall, attempts to introduce professional criteria in government and public services gave rise to accusations of revanchism. Representatives of former government reacted in the same way to any attempt to prosecute crimes committed while they were in power. As a result, in order to avoid revanchism not only lack of professional competence was tolerated (after all depositions and early retirements, we still have four active generals in the army – out of 27 – with not more than secondary school) but also open abuse of major positions for purposes of destabilising the order, manifested in wide-ranging cases from public television to military and police forces.

Therefore, it is appropriate to clarify misunderstandings around the very notion of *revanchism*, omitting of course etymology and history of the term. The basic meaning of revanchism can be found in the rule of the Old Testament “An eye for an eye, a tooth for a tooth”. On suffered violence, the victim answers by repeating the violence, in which case moderation and appropriateness guarantee righteousness, and excessiveness and immoderation mean stepping into the sphere of morally unjustifiable action (it is just that a one-eyed victim should gouge his tormentor one eye out and it is unjust and inadmissible to get revenge on him by gouging also out his other eye). Dictatorial and semi-dictatorial regimes committed various kinds of violence and injustices against their subjects and other persons that were within reach of their power. That was, indeed, the case with regimes here. As a result of liberation from fear of their power there

arose a tendency, among their victims and generally among the people with intense feeling for righteousness (but fortunately not to such a massive extent as revanchism-busters claim), to apply this Old Testament maxim, in symbolic if not literal sense. It is praiseworthy that processes of political change were carried out without court-martials, without hangings in Terazije Square, lynchings and similar Iranian-Romanian scenarios. Prevention of such attempts to apply Romanian experiences is a worthy pledge to the future of the country and contribution to the development of democratic culture.

However, those that escaped lynching are complaining aloud about being victimized by revanchism. They would be right if it could be proved that old injustices were corrected by inflicting new injustices, that legal, disciplinary, financial and other penalization was applied selectively or that personnel replacements were performed on the basis of vengeance and not on the basis of competence and professional skill (which, of course, does not mean that sensitive positions in public and government services can be occupied by persons that did not prove respect for democratic order, and if they worked in dictatorial repressive apparatuses they can be justifiably suspect in that respect). However, neither punishing those who committed criminal acts, introducing professional criteria and equal opportunities for all, nor confiscating the property and depriving of privileges acquired contrary to the regulations in force or generally accepted moral standards can be called revanchism. Accordingly, if in redressing injustices committed and penalizing perpetrators of punishable acts the law is strictly and rigorously adhered to, and if basic human rights of victims of legal repression are safeguarded, starting with human dignity (protecting at the same time the same rights of the victims and those who take repressive actions), then, this cannot be considered revanchism at all.

Eluding this trap is extremely important for the perspective of recovery, for several reasons. Above all, it is not realistic to expect that structures of the former regime, infiltrated into all pores of the state and society, will sincerely accept "heading for Europe" (that it is so, the Croatian experiences effectively show: it would be strange if in case of Serbia the presence of a different mental set-up were manifested among members of various para-structures). Further, it is highly realistic to expect that preservation of formerly established relations or positions of power (in the sphere of financial power, influence in government bodies and in the public domain) will result not only in systematic obstruction but also in making use of the first signs of disappointment of the population in democratic order to destabilise the order and to restore the defeated dictatorship, no matter whether by a democratic or *putsch*-like coup. Disappointment is bound to appear soon, since the hope accumulated in the wake of the change has too high a threshold of direct or short-term expectations that they could be fulfilled in the desired time-limit. Finally, as for criminal structures that sprang up under former regimes' wing, it is unsanitary to live in a country where murderers are freely walking around the city or even occupy positions of special significance. Unsanitary –

that means de-stimulating and, further, dangerous, because the feelings of fear, insecurity and impotence may be revived. For a country that has to make good rapidly a number of deficits (from a deficit in democratic culture to elementary material privation) such an atmosphere can be dangerous in many respects.

The key issue that can help us resolve the problem of continuity is the character of the former regime. Even if it is true that the former government was deposed not for its criminal character but because it had disappointed its former followers by failing to fulfil its own promises (this resulting, then, in the widespread claim that the government was criminal only for what it had done to its own followers and not for what it had done to opponents, let alone for what it had done in wars to members of other ethnic groups), its character must not be covered by a veil of basic unquestionability. Only when consensus of all democratic and civil-oriented forces on the essential dimension of the criminal character of former regimes is reached will there appear a chance to secure definitely a democratic order and to provide a lasting remedy for all our ailments that might lead to a repetition of the scenarios of genocidal wars, seen so many times already.

That essential dimension consists actually in making the ethnic dimension absolute (or, in theological vocabulary: *ethnophilia*). Among the results of such absolutism are undemocratic regimes, agreed wars, ethnic cleansing and systematic war crimes and crimes against humanity. It is not bidding for the share in crimes that is at stake here. What is at stake is the necessity for coming face to face with the uneasy fact that crimes were committed in a systematic and organised manner, supported by (however tacit, however manipulated) agreement of an overwhelming majority of population; that crimes were committed on our behalf, on behalf of this or that national community, this or that state defending its "threatened national interests". This coming face to face has two effects decisive for the future and for democratic prospects. First, it makes catharsis possible – a purification of the environment of visible and invisible aftermaths of illness that at the apex of national homogenisation overcame the spirit of the nations concerned. The illness abated when auto destructive effects of collective insanity (from loss of any perspectives to large-scale misery) came to light. However, it has not been thoroughly cured. Without a thorough purge of the society and without its liberation from germs of *ethnophilia*, there is still possibility for its renewed outbreak, associated as a rule with restoration of this or that form of order with totalitarian tendencies.

The second effect can be interpreted in absolutely pragmatic terms. It refers to the individualisation of guilt. By individualisation, one's own participation (facing the fact that at a moment I perhaps trusted the Leader or – even if I knew from the outset where he was leading us – I did not want, I could not, or did not manage to oppose him in an appropriate way and prevent him from taking the masses with him) stops being unbearable. At the same time the society and community get rid of those who are lying in wait for an opportunity to seize again

the power they once lost. However, in the current international context, this also means increased chances for acceleration of integration processes, and specifically, increasing the necessary support to the reconstruction of destroyed infrastructure. It is not, therefore, all the same whether former rulers will be tried only for stealing (and possibly for murdering political opponents) or for advocating the criminal ideas of Great Croatia and Great Serbia and, in that name, organising ethnic cleansing, destruction of cities and villages and all that was seen in these areas in the past few years. Within such a context one might also consider, even completely pragmatically, the controversy over The Hague Tribunal, calculating benefit and harm caused by possible cooperation or refusal of cooperation.

Catharsis (which is by its basic character de-nazification but, as distinct from the one in Germany in 1945, in this case it is “de-nazification from inside”) intensifies opportunities for joining European integrations. An alternative to integrations is stagnation and regression. However, even those integrations should not be viewed as a magic universal remedy. They definitely do not represent a transition by leaps (or any other transition) from the Balkan hell to West European paradise; one should not harbour any illusions in that respect. They are only a necessity, an existential necessity, which is better to be accepted rather with a realistic hope than with peevishness because of “lost sovereignty”, peevishness invoking return of the illness that the area has just been healed of (and that only partly), but of which it can be cured systematically and for good only by the forthcoming catharsis.

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Democratic Deficits in Political Change in Serbia

Summary: The author advances the thesis that political change indisputably took place in Serbia through the September and December elections in Serbia and Yugoslavia, and particularly through the confirmation of the will of the citizens on 5 October, 2000. However, it is not yet clear whether it is a question of democratic changes. The developments in the economic, political, cultural and value spheres, as well as the present situation, characterized by the disastrous economic situation, ruined economic life of the country, total criminalization of economic and political life, significance of the black market for the survival of a large majority of citizens, high unemployment rate, disappearance of the middle class in the process of total impoverishment of the society and the lack of any value system or moral principles in the society, do not speak in favour of strivings for democracy. Here mention must be made of ethnonationalism and chauvinism displayed by a major part of the political and cultural elite, low level of general and political culture of both the political elite and citizens, gloomy prospects for the future of young generation, which are typically on the losing side, survival as lifestyle, populist tradition and the spirit of communality, similar thought and behaviour patterns of the old and new managerial structures, half-measures and hiding behind legalism. Within this framework, the author focuses his attention on the analysis of some aspects which he considers to be the major obstacles to the development of democracy in Serbia: the nationalist character of most political parties in Serbia, including members of the DOS, the *Führer* principle of the internal organization of almost all political parties, clericalization of public life, monarchist tendencies, the undemocratic character of relations between Serbia and Montenegro, the Kosovo problem, as well as chosen ignorance of war crimes, that is, the lack of critical consciousness. The author concludes that democratic changes will not take place in Serbia until its citizens travel a long road from frustrated subjects to free and self-conscious citizens. The revival of populism can in no way be of help on this road.

Key words: political change, democracy, nationalism, clericalism, monarchism, Serbia.

My basic thesis can simply be formulated. *Political change* indisputably took place in Serbia through the September and December elections in Serbia

and Yugoslavia and particularly through the confirmation of the will of the citizens on 5 October 2000. However, *it is not yet clear whether these changes are democratic*. In any case, one cannot speak about revolutionary changes in Serbia, as was often the case during the state of euphoria produced by learning that Slobodan Milošević lost his power. Bearing in mind the indisputably correct statement that every change requires time, I wish to believe that strivings for democracy will be more clearly articulated during that period. I shall try to expound my thesis about democratic deficits by pointing to some social circumstances and characteristics of political factors of these changes.

First of all, it is necessary to say a few words how these changes took place at all. The participants in the elections – both the ruling and opposition parties – were *stunned* to learn of the election results and the clearly expressed will of the citizens. Should one wish to be ironical, one might say that it was a sort of *commedia del'arte*. The Socialists participated in the elections being convinced that they would win. The opposition decided to participate in these elections after considerable reluctance due to unfavourable conditions, being convinced that it could not win¹. On the wings of their own propaganda the Socialists made a completely wrong assessment of their strength, the effectiveness of the all too transparent story about the “victory” over the NATO forces, as well as the results of their stigmatization of the opposition leaders as *notorious traitors*. On the other hand, being aware of their weaknesses, the opposition parties did not make a realistic assessment of the strength of Milošević’s “system” of government.

Such a situation created general confusion, which spread to all spheres of public life although, to tell the truth, the situation had been difficult and confusing for a long time. Official propaganda was full of praise for the most prosperous country in Europe and celebrated the “victories over the NATO aggressor” and “successes” achieved in the reconstruction of the country, presenting Potemkin villages to the citizens on a daily basis. At that time, however, the citizens lived in poverty and despair, jobless and without any prospects for the future, while hundreds of thousands of refugees lived in squalid conditions. Despite aggressive propaganda, spread by state institutions through state-controlled electronic media and statements of the ruling parties and state institutions, that was presenting virtual reality, the citizens could not tolerate their disastrous life any more. Confusion was also stirred up by monarchists, clerical circles and narcissistic members of the cultural elite who jumped onto the “victorious bandwagon” immediately after the elections. The behaviour of Dejan Medaković, Matija

¹ To what extent disbelief in the possibility of winning the elections was widespread is best shown by the fact that the Democratic Opposition of Serbia (DOS) put up the anonymous student Golubović as its candidate against Dr Vojislav Šešelj, one of the pillars of Milošević’s regime. Dr Šešelj and the DOS, including that young man, must have been surprised to learn that Golubović won the election.

Bečković, Milorad Vučelić and others can be included in “new contributions” to the history of human infamy.

More realistic and more sober analysts were aware of the fact that after the NATO bombing, in the summer of 1999, Serbia had a weak government and weak opposition. The regime lost all sense of reality, while most of its representatives competed in serving the leader and mafia-style accumulation of wealth. On the other hand, the opposition was disoriented by the NATO bombing and, exposed to relentless attacks and accusations of the massive propaganda and repressive apparatus of the ruling clique, seemed helpless and as if lacking self-confidence². Neither of them counted on the strongly expressed will of the citizens and the *significance and value* of the fact that the students, gathered around the organization *Otpor* (Resistance), took on their shoulders the venting of political and physical fury of the ruling circles (in the literal sense of the word, too). This wave of repression against the students turned out to be counterproductive. Physical force used by the regime intensified the revolt of the citizens and freed them from fear. Just like during the protests in 1996/97, the citizens expressed their free will, which could not be suppressed either by the violence of the regime or petty calculations of the opposition leaders. This was certainly contributed by the fact that the retrograde political group led by Vuk Drašković dropped out of the political game as the victim of its unrealistic calculations and its discrediting while exercising power at the local level.

The citizens surprised both of them with their votes on 24 September and literally stunned the ruling parties by the strongly expressed confirmation of their will on 5 October. The blows taken by the hitherto ruling parties were so strong that they were unable to regain their strength until the election on 23 December and it is highly questionable whether some of them (the JUL, for example) will ever be able to recover. The victorious coalition was also astounded at popular support and the power deriving from it. This created new confusion. The hitherto ruling parties could not understand that they lost their power and the new ruling parties did not believe that they won the election. The former were not aware of their defeat and the latter of their victory. The former did not realize that the time of their power passed hopefully once and for all, while the latter found themselves partly unprepared to assume power. Hence so much clumsiness, so many contradictory and counterproductive moves on both sides. Confusion is still felt in many spheres of life and, naturally, its victims are citizens. The process of recovery of the destroyed country and society will last much longer than necessary.

² Suffice it to compare the writing of the daily *Politika* about the presidential candidate, Dr Vojislav Koštunica, before the September elections and after he had been elected President. It can be compared with the writing of the Paris press after the return of Napoleon I to power and his campaign from Marseilles to Paris. *Nihil novi sub sole!*

There is no doubt that in one paper prepared for a scientific meeting it is not possible to deal with all circumstances in the economic, political, cultural and value spheres, as well as with the characteristic features of the new situation. The disastrous economic situation, destroyed economic life of the country, total criminalization of economic and political life, significance of the black market for the survival of a large majority of Yugoslav citizens, high unemployment rate and the disappearance of the middle class in the process of total impoverishment of the society are only some of them. The lack of any value system or moral principles in the society also poses an obstacle to strivings for democracy. Here mention should be made of ethnonationalism and chauvinism displayed by a great part of the cultural and political elite, the low level of general and political culture of both the political elite and citizens, gloomy prospects for the future of young generations, which are typically on the losing side, survival as lifestyle, populist tradition and the spirit of communality, similar thought and behaviour patterns of the old and new managerial structures, half-measures and hiding behind legalism.

All these circumstances call for a specific analytical approach. On this occasion, attention will be devoted to some circumstances and characteristic features of the present situation in Serbia, which may not be the most significant, but can most directly be observed.

1. The nationalist character of most political parties in Serbia, including members of the DOS

The process of disintegration of the Titoist authoritarian system of government did not lead Serbia, or other newly formed states in the territory of the former Yugoslavia, to democracy, but to an ethnonationalist form of collectivism, expressed by the archaic term "*sabornost*" (*synphonia*). The new party pluralism of the early 1990s did not generate more *types of political parties* despite a great number of new political parties, some of which were evidently formed by the ruling party of Slobodan Milošević. According to their character and political programme, a large majority of them was nationalistic. Thus, ethnonationalism assumed a dominant role on Serbia's political scene. Those rare political parties, such as the Social-Democratic Union of Žarko Korać or, in part, the Civic Alliance of Vesna Pešić and Goran Svilanović, which were not expressing a strong nationalist sentiment, were numerically inferior and had no greater public influence. Only additional, in-depth critical analyses will be able to provide a precise answer to the question as to whether Milošević's policy was criticized by some opposition parties due to his failure to fulfil his and their dream about a victorious Serbia, a strong Greater Serbia that will dictate to its neighbours not only the terms of mutual cooperation, but also the conditions and boundaries of their life. Thus, it is no wonder that some of those political parties frequently changed their attitude towards Milošević. The notorious or, better said, *vulgar* example of such a change in the attitude towards Milošević's regime is the behaviour of the "Serbian Radi-

cals". Some other parties, like the SPO, for example, did not lag behind them very much, although it tried to present itself in public as the "major" opposition party for a long time. With its authentic and deeply conservative nationalism, anti-Milošević oriented in principle, the DSS was also unable to avoid controversial closeness to such political parties as Novak Kilibarda's People's Party of Montenegro or Radovan Karadžić's "government" in the parts of Bosnia-Herzegovina which were to be called "Republic of Srpska". Naturally, in describing Serbia's political scene, one must not lose sight of the *per definitionem* nationalist parties of Vojvodina Hungarians, Bosniaks (Sulejman Ugljanin's SDA in Sandžak, for example) and others. From such an ethnonationalist orientation of the Serbian political parties, most of which are members of the Democratic Opposition of Serbia (DOS), it is difficult to expect political change towards democracy.

2. The *Führer* principle of the internal organization of almost all political parties

Serbia's political scene of the 1990s was not spared of the logic of German National Socialism – one people, one state, one party, one leader – at least when the leaders of political parties were in question. The former Communists, who changed the name of their party into the Socialist Party of Serbia (SPS), already had their infallible leader who was supported almost unanimously by the population for a long time and especially within the first years of his coming to power. However, the newly formed opposition parties did not lag behind them. Each party was distinguishable by its leader rather than by its political programme, commitment or activities. Moreover, there were frequent conflicts within them over the party leadership and the impatient aspirant to the leader's position would most often opt for the formation of his own party, thus becoming its infallible leader. A record is probably held by the DS, which was divided a few times, thus making a great contribution to the diversity of Serbia's political parties. Especially grotesque were the attempts of the leaders of some political parties, such as the SPO, for example, to look like respectable statesmen while offering themselves as candidates for the leaders of the state and nation ("all Serbdom"). In the GSS there were also splits, but it was the only political party that succeeded in solving the problem of change of leadership in a relatively peaceful way. Although the political parties in Serbia are distinguishable by their leaders, it would probably be too harsh to conclude that the SPS, SRS on one hand, and DS or DSS on the other do not differ among themselves in principle when their internal organization is in question.

Differences do exist and, at times, can be considerable. However, the organization of political parties according to the *Führer principle* points to the lack of democracy within them. Thus, one can hardly expect that the undemocratically organized political parties will be able to promote democracy in the country and society. The reasons are very simple. Let us cite just three of them. First, the

leaders of the DOS, which is now in power, behave as if they have forgotten that they had been elected thanks to the *votes of the citizens against Milošević* and not thanks to their well-conceived programmes. Most citizens were tired of Milošević and his regime and, thus, voted for the DOS. Second, the leaders of the DOS seem to be forgetting that a great contribution to their victory was made by non-governmental organizations, especially *Otpor* and *trade unions*. Without those organizations as well as foreign support, their victory would hardly be imagined. Third, the leaders of the DOS are establishing new oligarchic government structures. Their frequent meetings are beginning to resemble the Titoist and post-Titoist meetings of “coordinating bodies”, which were completely moved out of any legal government structure. It is interesting to note that this is done by the persons who plead for “legality” and “transparency” in political matters. Moreover, the legally elected bodies of government are faced, to put it mildly, with the formalization of an oligarchic method of government. How else could one explain the fact that the Government of the Republic of Serbia has *seven Vice-Presidents*?³

Naturally, the Government is only the tip of the iceberg, which is made up of a system of all state institutions and enterprises. *The oligarchic behaviour of political leaders gives rise to the chameleonlike behaviour at the middle and lower levels of government.* Moreover, if one adds *partisanism* – which is present in Serbia by tradition – to all this, the results in the sphere of democracy are disastrous. Namely, the people know that they cannot apply for any position in the government apparatus or firms unless they are close to one of the ruling parties, irrespective of their educational background, expertise or high professional ethic. This resulted in the *revival of populism in Serbia*. According to the latest surveys, 91 per cent of the population has a positive opinion about President Koštunica, and 53 per cent has absolute confidence in him.

3. Clericalization of public life

Clericalization of public life is a two-way process, which is often confusing and contradictory. On one side, after half a century of “fasting” and their unjustifiable removal from the public scene, the Serbian Orthodox Church as well as other religious communities were trying to return into public life as fast and as much as possible. Vulgar atheist propaganda was replaced by vulgar religious propaganda. Its main targets were not atheists, as one might expect, but various religious sects, whose flowering in times of crisis is a regular occurrence. The Serbian Orthodox Church tried to act as the “guardian of all Serbdom”, giving its

³ In folk tradition, the number seven is often related to a “seven-headed dragon”. This tradition certainly belongs to the past, but some dilemmas have remained, at least among those who know that the Government of the Swiss Confederation, for instance, has a *total of seven members*. The difference probably lies in the fact that Switzerland is a *poor state of rich citizens*, while someone thinks that Serbia can be a *rich state of poor citizens*.

support to Milošević's regime from time to time and frequently to the opposition and some individuals as well. At times, it condemned war tragedy and appealed for peace, but its dignitaries, not so rarely, also took part in stirring up nationalist passion and in war-mongering propaganda⁴. The impatience of some members of the Holy Synod to strengthen their ties with the decisive political factors and become part of such circles, often resulted in strange statements and public actions that had nothing to do with religious life.

However, it would not be fair to put blame only on some representatives of the Serbian Orthodox Church for their attempts to clericalize public life. In this respect, they were just following numerous prelates of the Catholic Church in Slovenia, Croatia and Bosnia-Herzegovina, as well as representatives of the Islamic Religious Community in Bosnia-Herzegovina. Moreover, some representatives of the Serbian Orthodox Church were manipulated not only by the SPS, the Radicals or government bodies, but also by some opposition leaders and activists of student political groups. All of them were invoking the great authority of Patriarch Pavle in an attempt to "cover" their political actions and behaviour by it. However, that was saying more about their weakness than about their strength.

Extremist tendencies towards the clericalization of political life in Serbia were taking very different forms, ranging from the formation of the inferior St Sava Party to the prohibition of some theatre performances and efforts to organize "synods of the clergy and laity" so as to solve a political crisis in Serbia. The proponents of such ideas were not only the politically anachronous Christian Democrats, after the historical experiences of Italy and some other European countries. Such a contribution was also made by Professor Svetozar Stojanović, a man who consistently proved his commitment to democracy, in his work *Na srpskom delu Titonika (On the Serbian Side of the Tonic)*. In his speech at the gathering entitled "How to Save Serbia" on 3 July, 1999, Stojanović identified the Serbian Orthodox Church as "...the only indisputable catalyst of 'Rallying for the Salvation and Revival of Serbia'"⁵. And in his speech before Patriarch Pavle on 21 June 1998, Stojanović pointed out that our people and our country were "in mortal danger" and that "the very survival of the people and the country will soon be endangered". Therefore, the Serbian Orthodox Church, as our leading

⁴ One of the church dignitaries, for example, appeared on TV showing necrophilically a child's skull and broken finger, while another one, together with Željko Ražnatović-Arkan, was awarding "Obilić medals" to members of paramilitary formations near Nikšić for their "participation" in the Dubrovnik theatre of operations and big plundering in Konavle, or "takeaway", as they call it by tradition.

⁵ Svetozar Stojanović, *Na srpskom delu Titonika (On the Serbian Side of the Tonic)*, "Filip Višnjić", Social Research Centre, Belgrade, 2000, p. 117 (underlined in the original). He also stated as follows: "Those who are familiar with my analyses and publications know that I have been arguing for years that the time will come when the Serbian Orthodox Church will have to assume a pivotal role. Note that it is the question of a metapolitical role of the church and not of a political one – in the salvation of the people, the congregation and the state." *Ibid*, p. 130.

'metapolitical' institution, must sound the alarm for rallying and counselling", because neither the democratic opposition nor the University nor the Academy (SANU) are up to this task.⁶

Nevertheless, a deficit in the democratic potential of a society is indisputable if the church and the state are not separate. A democratic state is secular. By the same token, theocratic states are not democratic, but this does not mean, however, that every secular state is democratic. On the other hand, every citizen has an inviolable right to be a believer and a member of *one of the religious communities*, as well as to practice his or her religion freely. Likewise, religious communities have the right to organize the *religious life and education* of their members.⁷ Moreover, one does not have to be a believer to understand the great significance of religious communities in the spiritual and cultural life of society.⁸

⁶ *Ibid*, p. 118. In one article, which was published in NIN on 1 June, 2000, Stojanović is resolute: "It is high time that it rings all its bells and summons the *"Synod of the Clergy and Laity"*. *Ibid*, p 123. Stojanović rejects in advance the three possible remarks on his view as unfounded (i.e. that a *political* involvement of the church is in contradiction with its character, that such an involvement is without precedent and that the church, as a "civil society" institution, must be separated from the state). He holds that this is not a political struggle, but a struggle for national salvation, that the involvement of the Church in some Latin American countries is similar and that a "civil society" is not an "atheist society", because believers constitute the majority. The only problem lies in the fact that in Serbia there are more religious communities, that one-third of its population are not Serbs or members of the Serbian Orthodox Church, and that among the Serbs themselves there is a great number of atheists. Equating affiliation to the Serbian nation with affiliation to the Serbian Orthodox Church has far-reaching consequences of which Stojanović was evidently unaware while trying to do something for the salvation of "the people, the congregation and the state".

⁷ Naturally, no reasonable person would ever be against religious upbringing and education of members of religious communities. If one watches certain members of our political and cultural elite crossing themselves awkwardly and ignorantly, one can understand quite easily why such education is necessary. However, the question that imposes itself is whether the "reintroduction of religious instruction into schools" – which most often implies the "reintroduction" of religion as a required subject and the "reintroduction of instruction in the Orthodox faith" – is the best solution. It is amazing that even more farsighted representatives of the Serbian Orthodox Church have not derived any conclusion from the ill fate of Marxism as a required subject in Yugoslav schools in previous times.

⁸ As far as democratic changes are in question, it is certainly a good sign to have a believer as the President of the Republic or Prime Minister after several decades. However, their meetings with dignitaries of the religious community to which they belong cannot be the meetings of a statesman's character, but only a part of their personal privacy. One cannot, for example, refuse a one-hour meeting with the US Secretary of State, giving the critical situation in southern Serbia as an excuse and then go, with an impressive entourage, on a two-day pilgrimage to the Orthodox holy places, although the "situation in southern Serbia" had not changed a bit in the meantime. In the early 1990s, the democratic public in Serbia criticized Slobodan Milošević for his refusal to meet with Warren Zimmerman, US Ambassador to Belgrade, with good reason, because it was aware that such behaviour was harmful to the Yugoslav interests. Why should one retain old bad manners?

4. Monarchist tendencies

The more Yugoslavia was turning into Serboslavia, the more monarchist tendencies were growing. Monarchists never developed into a relevant political group, but the expression of pro-monarchist views or, for example, membership in the Crown Council, whatever that means, was regarded by some Belgrade's intellectuals imbued with loudly coloured nationalism as a matter of prestige. The members of the Karađorđević royal family began visiting Belgrade and Serbia as distinguished guests on an increasing scale. The behaviour of some of them, like Prince Tomislav, provided a real basis for their high reputation. The others, like Prince Aleksandar – at first confusedly, so that Voynovich's aspirant to the throne would envy him, and later on somewhat more rationally – displayed clear political ambitions. But, if the behaviour of the members of the royal family could be understood, the behaviour of their *ad hoc* entourage – Belgrade's ladies and cavaliers – seemed more than grotesque. A reputation as a poet, architect, university professor, academician and the like was evidently insufficient for their ambitions. Thus, they wished to confirm it and strengthen it by establishing their close ties with the would-be *Crown*. The public remained mostly indifferent, while some political leaders were displaying their commitment to monarchism according to the exigencies of the political moment.⁹

Within their attempts to restore monarchism, one could hear all kinds of foolish things about the advantages of a monarchical form of government, about the Swedish, British, Danish and Spanish monarchies. However, the short historical memory disregarded the “Balkan manners”, including the assassination of Aleksandar Obrenović and Draga Mašin, and of Prince Mihailo, the behaviour of King Milan, relations between Aleksandar and Đorđe Karađorđević, the behaviour of court camarillas, as well as a number of similar historical facts. They also disregarded the authoritarian and autocratic character of a monarchical form of government in the Balkan countries, a strong link in the chain of the European civilian dictatorships in the inter-war period¹⁰. In the Balkans, comparisons with the Scandinavian monarchies or the British royal family are simply inappropriate.

Serbian and Montenegrin societies are too underdeveloped and destroyed to exhaust themselves any further with quarrels over a republican or monarchi-

⁹ It is interesting to note that one of the politicians who is indisputably committed to democracy and who was the first leader of the Democratic Party, Dr Dragoljub Mićunović, was one of the first to travel to London with an invitation to the heir to the throne, Prince Aleksandar, to come to Yugoslavia and include himself in political life. Should one wish to be benevolent towards the “messenger”, one might say that this invitation was made “out of despair” because at that time, i.e. in the late 1980s and early 1990s, Milošević seemed so powerful that even the idea with monarchism did not have to look so bad if it could serve for his overthrow from power.

¹⁰ The experiences of the Balkan countries with a republican form of government, especially with “plebiscitary caesarism” of political leaders, are frequently not any better. In this region, the authoritarian syndrome takes a widely varied form, but this topic is beyond the scope of this paper.

cal form of government. The principle of republicanism is the achievement of European and world history, while monarchism is its relic. Naturally, this does not mean that some monarchies are not better organized than many republics. However, such an organization is not the result of their monarchical form of government, but of the fact that their royal houses do not interfere in political life very much. In those states, the “Crown” is more often a tourist attraction than the symbol of unity and sovereignty. One could even say without being ironical that it would not be rational to “abolish” monarchy in Britain, for example, because the “Crown” is one of its greatest tourist assets, while stories about members of the royal family are an inexhaustible source of inspiration and revenues of the British media.

It is evident that experiments with the promotion of monarchy do not mean too much to poor and increasingly poorer Serbian citizens and that they are not likely to succeed in public life. Therefore, it is surprising that, within the first days of his taking office, the very busy President of the Federal Republic of Yugoslavia, Dr Vojislav Koštunica, had enough time to receive the heir to the Serbian/Yugoslav throne. This is certainly a polite gesture, which speaks well of the President’s manners, but was absolutely superfluous, confusing and counter-productive from a political viewpoint. Moreover, if President Koštunica’s political party is pro-monarchist and if he also feels that way, it is not clear why he ran for *President of the Republic*. In addition, the fact that one politician, who declared himself for a monarchy, was sent to *represent the Republic* in one of the most respected monarchies – the United Kingdom – shows that it was not a question of one’s personal failure, but of political confusion in general. It was the height of absurdity that the new government appointed another monarchist, who boasted in public that he did not recognize the national anthem, as the ambassador to the world’s most powerful country, the USA, whose republican principles, in addition to the French ones, has been the symbol of republicanism for more than two centuries. In any case, the monarchist views of one part of the new government are not a good recommendation or basis for a democratic revival of Serbia.

5. The non-democratic character of relations between Serbia and Montenegro and the Kosovo problem as a drag on democratic development of Serbia

The international military and civilian protectorate over Kosovo and Metohija, relations between Serbia and Montenegro and Albanian revolts in the municipalities of Preševo, Medveđa and Bujanovac in southern Serbia pose a special problem, which does not speak in favour of democratic changes in Serbia.

Yugoslavia’s disintegration is a political process which has not yet been completed. It is highly questionable whether it will be completed with the independence of Montenegro, because it is not likely that Kosovo will remain in any

union with Serbia/Yugoslavia after the termination of a military and political protectorate. If Montenegro has the right to declare its independence on the basis of the referendum results, there are no political possibilities or plausible reasons to prevent Kosovo citizens from expressing their will in the same way. Therefore, it is incomprehensible that the government representatives accept the idea about a referendum in Montenegro almost indifferently, while at the same time opposing resolutely the "Albanian" idea about a referendum, through which the will of Kosovo citizens concerning the future status of the province would be determined. They probably think that the referendum results in Montenegro are still uncertain, while those in Kosovo are known in advance!

The complexity of relations between Serbia and Montenegro is best evidenced by a change in the behaviour of political factors after the demise of Slobodan Milošević. Whereas the Serbian opposition and the ruling parties in Montenegro could easily find a common political language during Milošević's regime, or at least during the last three or four years, political change in Serbia revealed the deeper strata of their conflict, which had been covered by a common struggle against Milošević. It has become evident that the struggle itself cannot be a political programme and that a penalty for various forms of cooperation with Milošević will have to be paid one day. This was most drastically experienced by Vuk Drašković's SPO and Vojislav Šešelj's SRS. The same problem was faced by the DPS of Milo Đukanović, President of the Republic of Montenegro, albeit in a somewhat different form. Namely, the Constitution of the Federal Republic of Yugoslavia was not called the "Žabljak Constitution" by pure accident nor could participation in Milošević's conspiracy against Milan Panić and Dobrica Ćosić remain without any consequences. Moreover, Montenegro was also not spared of disastrous effects of populism in Serbia, which were pointed out by Nebojša Popov¹¹. Thus, Milika Pavlović wrote: "A wave from the street pounded the so-called *institutions of the system*, bringing along somber, ambitious bureaucrats and taking away the tired ones. The deafening noise of drums announced *the victory of an antibureaucratic revolution that was won by the people*. This was the initial yet *great deception*. The crowd was frenetically shouting and rejoicing, singing and applauding, dancing and shooting without sparing ammunition. At the top of its lungs it was asking for weapons and the launching of a military campaign, against Zagreb and Ljubljana, or against Kosovo, or against both of them at the same time. On the path of evil."¹²

¹¹ Cf. Nebojša Popov, *Srpski populizam* (Serbian Populism), Belgrade, 1993.

¹² Husein Bašić, *Smrt duše* (Death of the Soul), Milika Pavlović, *Podrum* (The Cellar), Montenegrin Pen Club, Cetinje, DAMAD, Novi Pazar, 1992, p. 232. At the time when the DPS in Montenegro was still a single political party and Milošević's strong supporter, Pavlović described its character in the following way: "The only proven and 'thoroughly' confirmed 'democratic' attribute of the present government is its amazing skill at flirting with democracy and party pluralism. The perfect school of flirting, highly 'seasoned' with lack of culture and political dishonesty."

During the late 1980s and early 1990s, populism and national-socialist and fascist tendencies were also very strong in the public life of Serbia. At that time, I wrote the following: “Sufferings inflicted by war, street and domestic violence, hundreds of thousands of refugees, suspension of production, severed economic, political and cultural ties with the rest of the world, tens of thousands of people on so-called forced leave of absence, arrogance of the regime, which was taking advantage of the disastrous situation of the population to settle accounts with those few intellectuals in cultural and research institutions, and to add political fears to those of war and for survival, many new leaders, who offer Messianic solutions to the panic-stricken people, making rash promises and stirring up false hopes. The agony in the territory of the former Yugoslavia will last for a long time. Probably for decades! The December election [1992] gives reliable testimony about this.”¹³

Since then, that is, the early 1990s and a civil war for “ethnically clean borders”, many things have changed both in Serbia and Montenegro. A positive political change in Montenegro took place earlier than in Serbia. The close collaborators of Slobodan Milošević in Montenegro divided politically and became fierce opponents. Some remained Milošević’s strong supporters, while others established their own “independent” authority, changing their political commitment very simply – by taking over the basic idea about full independence of Montenegro from the Montenegrin Liberals (LS). Hence such a heated debate between Đukanović’s DPS and the LS, who kept complaining that their political programme had been stolen. In this case, the “tyranny of slight differences” also demonstrated its full strength. Regardless of such a debate, the fact remains that the present ruling elite in Montenegro considers not only “Milošević’s Serbia” but *any* Serbia to be an unacceptable partner in a common state. In other words, any form of a common state is unacceptable in principle. If the majority of its citizens share this opinion, Montenegro has an indisputable right to separate itself from Serbia. Moreover, this would be the strongest argument in favour of the findings of the so-called Badinter Commission concerning Yugoslavia’s disintegration.

¹³ I wrote about this issue in the article “Izbori kao pokazatelj fašizacije društva” (“Elections as an Indicator of the Fascization of Society”), which was published in the journal *Gledišta*, 1992, No. 1-6, pp. 162-164. This article also appeared in Macedonian under the title “Izborite i fašizacija na opšestvo” in the Skopje magazine *Dijalog*, 1994, No. 6, pp. 59-62. In this article, I wrote the following: “I wish to turn attention to the dominant characteristic of the December election – victory was actually won by political parties and movements with a high fascistoid charge. If one makes a careful analysis of the composition of the newly constituted Serbian parliament, for which my esteemed predecessor said that it would be stable, one can see that one-third of the seats in this future National Assembly of Serbia will be held by deputies who openly express their pro-fascist views. If we add fascistoid tendencies in other political parties and coalitions, it can be concluded that this formal one-third represents a much greater danger than the danger of sanctions imposed against Serbia and Montenegro by the international community.”

It is interesting to note that disputes between the political and, in part, cultural elites of Serbia and Montenegro are focused mostly on the problem of statehood. Vast energies are expended on the proposals for "separation" and "two seats in the United Nations", or on the principles on which a common state must be based¹⁴. The problems relating to everyday life and economic and cultural prospects are mostly left out of consideration. There is no doubt that it can be significant whether Serbia and Montenegro have one or two seats in the United Nations, a common government and parliament, or maintain just customs, economic, commercial and other cooperation. However, it would be necessary to make a careful analysis of the common and special strategic interests of the two republics. While virtually quarrelling, instead of discussing the principle of statehood, the Serbian and Montenegrin elites are more or less silently watching the ruining of the Belgrade-Bar railway, underutilization of the Port of Bar, collapse of large business systems in Smederevo, Nikšić, Kragujevac, Podgorica, Cetinje and Belgrade. On an international scale, both republics are small, underdeveloped, extremely devastated and poor. The majority of their populations live on the threshold of poverty, while the number of unemployed exceeds the limit set in economic theory as the limit beyond which the economic life of a society is in total collapse. According to many indicators, some sections of the population live below any subsistence minimum. In both republics, a great number of families, especially refugees and displaced persons, can survive only thanks to foreign grants, while many infrastructural and power-generating systems have been saved thanks to foreign aid. Pensions could also be paid thanks to foreign grants. Those are the basic facts which the political elites and ruling circles in Serbia and Montenegro must seriously take into account while considering the advantages and disadvantages of living together or separately.

On an international scale, the relationship between Serbia and Montenegro is certainly not a priority issue. In fact, those who control the international flows of money, military technology and political interests do not care whether they have one, two or more "clients" in the Balkans. They have already established a military and civilian protectorate in Bosnia-Herzegovina and Kosovo, while its elements, albeit still informal, can be observed in Croatia, Serbia, Montenegro, Macedonia and Albania. It remains to be seen where all that leads to in the case of the "independent and sovereign" Balkan states, whose "statehood" is based on an ethnonationalist principle. In any case, it is very difficult to assume that such a road leads to democracy. One could rather expect in the fairly near future the establishment of the political and economic structure of so-called *wild capitalism*, Latin American style, which will be dominated by multinational companies, pursuing their interests through twenty to fifty extremely rich "local"

¹⁴ Compare the Montenegrin platform with that drawn up in Serbia. See also NIN, Special Section, March 2001: "Srbija i Crna Gora, Federacija ili konfederacija? Zajednička država ili državna zajednica? Dva predloga za javnu raspravu" (Serbia and Montenegro, Federation or Confederation? A Common State or State Community? Two Proposals for a Public Debate).

families. At the same time, political power will be held by differently structured oligarchic groups. In such a power constellation, it will be less important whether some of those groups are committed to authoritarianism (or dictatorship) or democracy. The large majority of the population will live in poverty, some in extreme poverty, without jobs and awaiting luck to smile at them at a betting place, on a lottery or a bingo. Such a situation must be reversed, above all, by creating conditions for the development of a democratic country.

6. Chosen ignorance of war crimes or the lack of critical consciousness

The characteristic approach to war crimes by parts of the political and cultural elite, as well as a great number of Serbian citizens is chosen ignorance of these crimes. Serbian citizens are still not ready to recognize the fact that during the last decade of the twentieth century, in the “third Balkan war”, crimes were perpetrated against members of other ethnic groups and religious communities and that those crimes formed part of official policy. One must not refute the fact that the Serbs living in Croatia, Bosnia-Herzegovina and in Kosovo and Metohija had plausible reasons to feel endangered. On the other hand, one must pose a question as to how much they alone endangered members of other ethnic groups. The indisputably bad historical experience from the Second World War in those regions could in no way give the right to Serbs to commit *preventive crimes*.¹⁵ Moreover, there are no human and moral reasons for answering to the possible crime with a crime. On the contrary: the policy that led to crime, as well as crimes and criminals must precisely be identified and punished.¹⁶

More careful analysts have already observed that frequently the same citizens, who had been at Gazimestan in 1989, were throwing flowers at the tanks moving from Belgrade toward Vukovar in the early 1990s, protested against Milošević’s policy in the winter of 1996/97 and finally overthrew Milošević’s regime in the autumn of 2000. What remains to be done not only by them but also

¹⁵ I wrote about this problem in 1995, in the article entitled “Balkanski paradoksi” (The Balkan Paradoxes): “Fighting for the maximal (badly set) Serbian ‘national aim’, expressed by the metaphor – ‘Serbian lands are where Serbian graves are!’ – had disastrous consequences for both the peoples with which they had lived until then and for the Serbs themselves. There are increasingly more Serbian graves and increasingly less lands and people... Even if there were real grounds for fear that the genocide perpetrated against the Serbs during the Second World War could be repeated, this could still not justify the criminal policy of ethnic cleansing”. *Filozofija i društvo*, 1995, No. VIII, pp. 55-56.

¹⁶ Compare the following view: “To be able to live in the Balkans at all, the most important aim today is to stop the war and punish the culprits on all sides. Namely, the origins of the ‘third Balkan war’ must be sought in the idea that ‘we cannot live together’. This is a widespread idea among chauvinists in all national groups. A simple human answer to this idea in the regions affected or threatened by war is that ‘there is no life without joint life’. In the opposite, hatred and crime will become the lasting characteristics of life in this territory in the future.” *Ibid*, p. 62.

by their political and cultural elites, in particular, is to strike a balance, face the consequences of crimes and condemn the culprits. At present, the majority still does not feel that way. The representatives of these elites reproach the International Criminal Tribunal in The Hague for being a political and “anti-Serbian” institution.¹⁷ The identical commentaries on the work of the Hague Tribunal come from Croatia, but this time for its being “anti-Croat”. Obviously, in the Balkans various structures and not just the mafia find a common language quite easily.

If critical consciousness of crimes is required for any normal cooperation with international factors and democracy in Serbia, it is very strange that we encounter such resistance and even an arrogant underestimation of cooperation with the Hague Tribunal¹⁸. If one bears in mind that the most important changes, such as the country’s opening to the world, have so far taken place on the initiative of international factors, such resistance will pose an increasing obstacle to long-term cooperation. Internal forces and the sources of finance for the recovery of the country are non-existent. Serbia’s economic recovery and the reconstruction of its destroyed productive potentials depend on foreign investments. However, there will be none without the formation of a stable government and social institutions, which will not depend on the political will of any political leader or party. On the other hand, democratic changes will not take place in Serbia until its citizens travel a long road from frustrated subjects to free and self-conscious citizens. The revival of populism can in no way help on this road.

Belgrade, 20 May 2001

Translated by V. Gligorijević

¹⁷ There is no need to waste words on the fact that, as far as its formation and work are concerned, the Hague Tribunal is not the model of a strict observance of legal procedure. Suffice it to say that, prior to any investigation, it rejected the presumption of any NATO’s guilt for “collateral damage” during the bombing of Yugoslavia in 1999 and that its indictment against Slobodan Milošević contains the accusations for crimes committed in Kosovo, but not in Croatia and Bosnia-Herzegovina or, in other words, for the period when he cooperated closely with the Americans and was regarded by them as the “guarantor of peace in the Balkans”. However, arrogant objections come from those countries – Croatia and Yugoslavia – whose judicial systems are in a disastrous condition and in which the accused of war crimes are turned into national heroes before their courts. While I was preparing this paper, they were crying in Croatia: “We are all Norac!”, although it is well known what General Norac was doing and what the word “norac” means in Croatian – *fool, stupid man, madman*.

¹⁸ It is amazing that the President of Yugoslavia can state that he regards cooperation with the Hague Tribunal as “a fifth wheel”, or that his party colleague and close collaborator states that the President “has no time” to meet with the chief prosecutor of the Tribunal, because her rank is not high enough to be received by the President. Of course, he was later to meet with her and agree to cooperate after setting some conditions, but damage inflicted by such statements is irrecoverable. This reminds us of Milošević who would resolutely refuse even sensible proposals and then, under pressure, agree even to that which was not asked from him.

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War, Crimes, Guilt, Sanctions

Summary: In the first part of the text the results are presented of a public opinion survey on a nation-wide sample of Serbia dealing with war, war crimes, responsibility for war crimes and prosecution of persons responsible for war crimes. The results indicate a gradual increase in the awareness of the Serbian public of the inevitability to tell the truth about the recent Balkan wars. The second part of the text deals with the sources and modes of resistance to this tendency, through widespread propaganda against The Hague Tribunal and the revival of the nationalist ideology and practice.

Key words: war, war crime, responsibility, guilt, prosecution, The Hague Tribunal, nationalism.

Introduction

Probably under the influence of the victorious “October 2000 democratic revolution” the gloomy tenth anniversary of the moment when flags flew high with all reason enclosed in the bugle horn went almost unnoticed by the local public. Then, the devil came to take his due. The controversies provoked by the announced visit of The Hague Tribunal chief prosecutor Carla del Ponte to the new state leadership (ending as it did), The Hague trials and the sentencing of the Croatian Defense Council (HVO) generals Kordić and Čerkez, which relativize the principal “argument of the local opponents of the International Criminal Tribunal for War Crimes in the Former Yugoslavia¹ and Rwanda that this court has been “devised for the single purpose of condemning and thus vilifying the Serbs,” along with the diffident and somehow reluctant launch of investigations into the “improper conduct” of the former regime’s top ranks, created the problems of disclosing the war crimes committed by all actors of wars in the

¹ Is it by accident that while talking about the Tribunal people generally avoid using its full title indicating its mandate and purpose: “The International Tribunal for the Prosecution of *Persons* Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991”?

former Yugoslavia carefully silenced or simply rejected as “wrong” to ask. That is when numerous unopened questions started to surface in public.²

Precisely during the stage of preparations for this conference another anniversary was “hushed by” – notching the eight year from the date when nineteen *citizens of the FRY* had gone missing on February 27, 1993, abducted (and probably liquidated) from the Yugoslav Railways train No. 671 in the Belgrade-Bar railroad station called Štrpci, on the territory of Republika Srpska, despite the fact that the “executors” were, in this case, clearly identified and that the political leadership of that time described the act as a “grave crime” promising to “move heaven and earth” until the case is cleared (Slobodan Milošević, visiting Prijepolje in 1993).³ Let us recall that the abducted (and probably murdered) passengers were “guilty” only of belonging to the “wrong” ethnic and confessional group and being recognized as such (by the executors)!

However, the subsequent courage and moral abomination manifested by Zoran Lilić have inadvertently opened two very important issues: (a) that of the

² What would be the right line to take in thinking about the responsibility for the tragedy which befell us? Are we, in fact, entitled or disentitled to ponder on “our” own responsibility? Does the thinking on “our” responsibility become legitimate only if the condition of parallelism is met, namely if “the other party” has raised the question of “its own” responsibility? Finally, what is, after all, the purpose of broaching the issue of responsibility? Is that merely the case of settling the score with one’s bad past? Do we, in principle, seek to learn the truth of what has happened to us and why?? Is this kind of reflection to be primarily understood as a way towards reconciliation with “others”? Or is it perhaps moral reflection strictly in the function of the future as a condition indispensable to step across into democratic normalcy? These are, in an elementary sense, all normative questions, since the responses imply certain value judgments which may be explained, interpreted and defended as right, but the correctness of which may not be analytically proven.” (Dimitrijević, 2001: 143)

³ The chief organizer and one of the abductors from Štrpci is reportedly Milan Lukić from the town of Višegrad. Lukić was in command of a paramilitary unit called “The Avengers” operating within the composition of the “White Eagles”. In the 1992-1994 period, his group operated on the territory of the municipality of Višegrad. The indictment of The Hague Tribunal IT-98-32-I accuses Milan Lukić, Sredoje Lukić and Mitar Vasiljević of burning large numbers of Muslim civilians in Višegrad and its surroundings. The indictment states that Vasiljević and Lukić some time around June 14, 1992 set fire on the house of Adem Omeragić in Pionirska street in Višegrad and in it about 65 women and children who gathered in Višegrad seeking protection of the Red Cross. The accused shot at everyone who tried to escape from the burning house. The accused are also charged with burning 70 Muslims in the Bikavac village on June 27, 1992. The Hague prosecutor found the ethnic cleansing in Višegrad “the cruelest in the Bosnian war”.

After the abduction in Štrpci Milan Lukić was arrested in Belgrade two times. He was released on both occasions, namely the second time he was “extradited” to Republika Srpska where he was immediately set free and “even rewarded from the local leadership”, according to a belated outburst of reason and conscience of the former FRY president Zoran Lilić (although he hardly made any effort to do his job at the time) who added that “acts of that and similar nature can never be justified” and that the orderers of such crimes are more cruel and merciless than the actual perpetrators”.

scope and span of responsibility for crimes, and (b) of the range of “banalizing the evil” and thereby also relativizing it, while invoking a specific right.⁴

(a) Namely, the question was raised of how the argument of the “imperative to obey commands”, or the thesis that all acts committed in war are in effect “acts of state”⁵ influenced the nature of the (criminal) responsibility for war crimes. In the first case obeying orders is interpreted as a duty to observe a valid right, while the doctrine of “state action” essentially aims to cancel, or at least substantially relativize, individual responsibility for crimes committed in war. (Dinstein, 1965, in Dimitrijević, 2001).

(b) H. Arendt has laid bare the phenomenon of “obedience” in the policy of dividing identities as (explicitly or implicitly) *supportive* of an anti-human project which reaches into a *voluntary* (or rather the accepted violently realized) *reduction* of the rights of Others and Otherness including even that to *physical existence, i.e. life*. In the 20th century this was no longer a *political* or *identity-based*, but rather a widely accepted *anthropological anti-project* of a conscious and deliberate adherence to the *destruction and eradication* of (a certain stigmatized) *Otherness* in the name of a broadly established and vaguely defined set of (more or less) generally accepted and promoted reductionist and intolerant Own anti-human “*values*”. The negation of SOMEBODY ELSE’S right to *life* (as a project extensively encouraged by the media) requires (unfortunately, only subsequent) scrupulous analysis, as a condition to prevent a future “eternal return of the same” in the name of the *same* dislocated values, i.e. distorted (revanchist) “subsequent reading into the history of recent past” which through the “killing with words” prepares the ambience for repeated “killing with bullets and – flame throwers” (A. Michnik).

* * *

The two “events” referred to at the beginning of this text inspired a survey which sought to find the answers to the following questions: How far has the Ser-

⁴ H. Arendt wrote: “Just as you supported and pursued the policy which did not wish to share the Earth with the [Jewish] and members of certain other nations – as if you and those who issued you orders had any right to decide who will or will not live on this earth – we conclude that no one, that is no member of a human race may be expected to have the wish to share the Earth with you.” (Highly valuable for the consideration of this problem is the complete review of the “discussion” between K. Jaspers and H. Arendt, about the trial to A. Eichmann. For a more extensive analysis see the book by N. Dimitrijević quoted above – pp. 135-142).

⁵ Karl Jaspers claims these are the acts of state, which are primarily subjectivized as acts of its officials. He, however, adds that this category of responsibility is necessarily extended to all citizens. “I must bear the consequences of the acts of state to the authority of which I am submitted and in the order of which my actual existence is taking place.” But, Jaspers casts doubts on this understanding by maintaining that the instances of establishing political responsibility are not themselves the subjects of responsibility, “but the power and the president’s will in both internal and external policy”. (Jaspers, 1989)

bian public advanced in the process of understanding the circumstances and responsibility for the wars in the territories of the former Yugoslavia? Has the process of denazification of the collective consciousness started, marking the awakening from the previous, almost decades long nationalist trance? To what extent is this process still obstructed, if not by the denial of involvement in war crimes “also of this side”, then at least by the need for reciprocity: if “we” are there, then “they”, too, must be included? Is there at least a sign of a catharsis to be followed by the removal of the strategies of confrontation and self-isolation and their replacement by the strategies of cooperation and integration? Would some hate-speakers here, just like in the Republic of Croatia, be ready to state they have all become “general Norac” (in Croatian: “gone mad”, again)!?

Naturally, there is also “the question of all questions”, namely the one if Milošević was only or primarily the “squanderer” of Serbian but not of other homes? Is he culpable for his acting or non-acting? Is he only (politically) responsible, or guilty or can he perhaps be pardoned? Where, if at all, he should be tried – in the country or in The Hague? Could the individualization of guilt remove the anathema of collective culpability from the entire nation? What is the public opinion’s perception of The Hague Tribunal, or rather how large is the influence of the fairly strong anti-Hague propaganda? Do the new authorities have the will and powers to respond to the obligations towards the international community, undertaken not only under the Dayton Accords, but also created by the official return of the country to this community, with its readmission to the UN?

The answers as to how these questions are reflected in the public opinion of Serbia have been sought in a survey conducted by the Agency for Applied Sociological and Political Research “Argument” from February 12 until 19, 2001 on a representative sample of 910 adult citizens of Serbia in 26 municipalities, i.e. 48 settlements (26 cities and 22 villages). The results so obtained have been taken merely as a motive for reflection on much larger problems and challenges.

Ethics of War or the War of Ethics

A thesis, *publicly* launched in Serbia long time ago, maintains that not every war is a crime against humanity, namely that there are also “just and necessary” wars and that, “normally” (?!), in them “just” war crimes are committed, justified even by “theosophical” argumentation.

The Lamb of God and the Beast from the Abyss: Philosophy of War, a collection of papers presented at the “Second Theological-Philosophical Symposium Held in the large monastery yard in honor of St. Peter of Cetinje, Bishop and Warrior”, published in 1996 by “Svetigora” publishing house, offers the reading wherein “justification of war and intoxication by war reach all the way to the apotheosis of war and simultaneously witness the spiritual aberration which

removes even the smallest room for reflection on its roots, causes and even consequences”, M. Đorđević, 1998, quoted in Gredelj, 1999: 157).⁶

A deeper foundation for this stand was, in this collection, given by Metropolitan Amfilohije (Radović), who still views the world in the sphere of the Old Testament, since the “New world in the history of man is barely discernible”. Thus, as M. Đorđević comments, a consciousness burdened by hatred has published its anti-Gospel, in a mockery of Christ, conquering “death in death”. At this symposium, Amfilohije “celebrated an eternal service to war” as “characteristic of human being”.⁷

Still, the “transparency” of this theosophy of violence, death and calls to extermination of Otherness reaches its height in the contribution of a certain Matej Arsenijević, who claims that “war is a theological issue *par excellence*”. The inevitability of war derives from the “Serbian Christian war ethos”. The war was waged against “an anti-monarchist totalitarian democracy of open society”, as “we will never adhere to the Western Hadean slavery”. It was “the Serbian good and just war” which, otherwise, as a war “has its deeper spiritual meaning”. The war is here seen as a means to cure the human race, and especially the Serbian genus and tribe. Therefore, “pacifism of any kind is the consequence of an unspiritual attitude towards life. With war God saves us from historic and spiritual apathy, leading us to where only the power of the stronger is the pledge of ethical attitude” (Đorđević, 1988: 65). In that vein a certain colonel Milutinović, in this same collection, reveals the identity of “our Church” as that of a “patriotic party” (*sic!*), noting that Patriarch Pavle who definitely does not belong to this militaristic-necrophilic line advocating the civilization of death, although here implicitly

⁶ The tone of this collection was set by a man who is neither a theologian nor a philosopher, but is doubtlessly in practice, and as it turned out also in theory, an apologist of war – a man already accused of war crimes, Radovan Karadžić – with his thesis that “as long as there are Serbs in this world the *casus belli* shall be *justified*, since the roots of that war are *Biblical*”. “Our warrior,” says Karadžić, “known in the world as the Bosnian Serb, has always endured what could be endured. He has for centuries kept all of his spiritual riches locked in his chest, without disclosing them completely even when he was alone with his self. He played dull and ignorant but was essentially a noble knight. He hid his *Serbian substance* to preserve it. But he could not fool his neighbor-killer. In every war, the killer split open his chest searching for his hidden, Serbian substance. And he destroyed everything Serbian, to the smallest bird in the treetops, to exterminate and eradicate as King Herod had done. That is why the cause of wars here is the mere existence of a nation.”

⁷ The second of the “A” trinity among the champions of the Christian Orthodox “jihad” in this collection of hatred, bishop Atanasije (Jeftić), was even more direct and transparent saying “there are wars leading to God”, and that “war is better than peace which separates us from God”, as well as a few unexpected truths: “We do not deny that this was our war and led by Serbs. Equally culpable for it are emperor Dušan for abandoning Konavle here, the Dubrovnik coast and Pelješac peninsula; Milošević who betrayed the Serbs and did not pursue the war he had initiated to the end. Karadžić and Mladić are “mythical grandees” for starting “the holy deed of war” with which “death entered into the third millennium”.

included in it) “used to go to Bosnia as a missionary to motivate the population to join the struggle”!

At the root of this, in many ways unique “liturgy of hatred and death” is a Manichean division of the world, the well known antipode between “us and them” as the synonym of ontologically understood intolerance, thus fated.⁸ This antipode was impossible without the theory of the “conspiracy of the Other” and, consequently, the justification of this almost eternal conflict wherein all means were allowed and – justified. Numerous, self-asserted as wise, and nationally concerned pens, took to proving and “proofing” this matrix in the most fantastic combinations. An “enterprise” of this kind merits special attention, not only in diachronic but also synchronic terms.

The “mythical grandeur” of Radovan Karadžić’s person obtained “intellectual protection” in two declarations of the (remarkable minority) of Serbian “patriotic” intellectuals (who, in all truth, did not hesitate to proclaim *pars pro toto*), addressed to The Hague Tribunal in 1996 and 1997 respectively, with an “authoritative” demand to drop all criminal proceedings against the above-mentioned “mythical grandee” instituted before this court. The quintessence of the “declarationists” mind-set was the inspired philippic of Branko Pleša, spoken in Matica srpska just before the proclamation of the second declaration. At work, he said, was the “criminal passion [...] demanding the head of the popular leader of the Serbian nation in Republika Srpska [...] whose fate is today the one of the entire Serbian nation”. “Dr. Karadžić,” Pleša continues, “cannot be held responsible for the crimes in revanchism, in taking the defense too far in this territorial delimitation of nations, religions and cultures.” (*Naša Borba*, 20 November 1997)

The above-mentioned declarations were signed by sixty-odd Serbian intellectuals (including 15 members of the Serbian Academy of Sciences and Arts, 22 university professors, 10 holders of PhDs and prominent artists, scientists and public personalities). Both also bear the signature, and with it also the *blessing*, of the Serbian Patriarch Pavle. As if the signatories thus sought to confirm the view long expressed by honorable Dr. Archibald Reis.⁹

⁸ “It is clear that this madness of hiding the “Serbian” (“Muslim” or “Croatian”) substance no matter, this search for the substance, is indeed a metaphysic consecration of crime [...] Is there any other analysis, any other laboratory but the one of metaphysics which can separate this “pure war” in defense of the “pure ethnical element” as its purpose. The purpose of the war has thus turned out to be a metaphysic distillation of ethnic elements, these precious biological substances – the extraction of the pure ethnical element as the very stone of wisdom.” (Daković, 1997: XII)

⁹ “With your intelligentsia and natural wealth of your soil you should have one of the main roles in Europe. Your flaws, and especially the flaws of those you call your “intelligentsia”, prevent you from achieving that.” It is small wonder that the composition of the so-called state Commission for Truth and Reconciliation includes some of the above mentioned “declarationists” and that the decent people immediately left this “moderately nationalist” undertaking.

* * *

What is the reasoning of the Serbian public opinion in this galimatias of moral hypocrisy and intellectual disgrace?

Logically and expectedly, it is ambivalent, or rather confused, although still substantially more “reasonable” than that of its “spiritual” elites, i.e. *opinion leaders*. (Reason for optimism?!) The *populus* reacts “with reason”: people have had enough of the story which remains more or less the *same*, i.e. the attainment of *higher ideas and objectives* to the last drop of *their blood*!!

Two thirds of the respondents have, in the maturing of their perceptions, come to believe that *war is a nonsensical phenomenon*, either because of the (empirically-based) conviction in the unfeasibility of meta-political objectives by violent means (45%) or because of the experience of one fifth of the respondents related to the inevitability of “ending the war using other means (compromise)”. What causes concern in still the remaining third of the dedicated champions of war, although in truth with the smallest share of hard-core supporters of the “jihad”, but with a definitely no insignificant number (33% in total) of those who believe that a kind of a *casus belli* nevertheless still existed (Table 1.)

Table 1. Opinions about the war

War champions	War is creative power, natural state of human society	0.4
	War is justified only as defense from aggression	26
	War is the only way to protect political interests	2
	War amounts to extending politics using other means	5
Skeptics, not necessarily opponents	All wars end with negotiations, so why start one	21
War opponents	No political objective should be attained by a war	45

How does the Serbian public opinion relate to the past wars on the territories of the former Yugoslavia?

The distribution of opinions is similar to the one registered with the previous question: two thirds of the respondents condemn wars as “nonsensical and damaging in every respect”, but a third still “rationalizes” and justifies them for some reason.

Table 2. Wars on the territories of the former Yugoslavia

Inevitable and justified	Justified, for defending the national interests	3
	Inevitable for the lack of other means to protect these interests	6
Imposed by politicians	The politicians only sought to thus protect their interests	29
Unnecessary	Nonsensical and damaging in every respect	62

It is obvious that what strongly figures in the perceptions of citizens is *subjective* political responsibility, i.e. the transferring of responsibility to the politicians active at that time, or rather to the creators of a *certain policy*, while simultaneously “forgetting” their personal responsibility for tacit or explicit adherence to the given policy which was certainly not an act of a minority. Quite the contrary! (Only one in ten respondents “admits” that in a *retroactive* evaluation of wars as *a means to protect the national interests*.) The creators of war, i.e. the warlords, are assigned three to ten times higher responsibility for the wars than those who “obeyed and supported” them. Is this the case of merely “easing one’s conscience”, of suppressing unpleasant memories, or of deeper moral issues?¹⁰

Table 3. Recognition of culprits for the war: who is the most to blame (Rating*)

Political leaders	75
International community	26
Nationally impassioned groups and individuals	20
Paramilitary units	14
Army and the police	10
Ordinary citizens	9

* The percentages reflect the rating of the specified groups by rows (the most in this case) and do not add up by columns.

The data given in the previous table obtain an even fuller meaning compared with the perceptions of the “least important” culprits, i.e. those who could be more or less amnestied for their doings.

Table 4. Recognition of culprits for the war: who is the least to blame (Rating*)

Political leaders	6
International community	27
Nationally impassioned groups and individuals	37
Paramilitary units	44
Army and the police	54
Ordinary citizens	79

* The percentages reflect the rating of the specified groups by rows (the least in this case) and do not add up by columns.

¹⁰ “Is there such a thing as ‘moral responsibility’ of those who did not participate in a war and who did not in any legally or politically definable way contribute to war crimes?” “Political responsibility is the only form of responsibility which may not be consequentially subjectivized all the way through or linked with the specific perpetrators of specific acts. The fact is that the responsibility of statesmen may not be reduced to the specific officials who started and waged the war: the consequences outlive the perpetrators, and the political responsibility for the acts committed in the name of the state is, consequently, transferred to those who come to power after the political team which ruled in war time.

While repeating the observation that politicians who were in power in wartime may be criminally responsible, I shall define political responsibility as the responsibility of the officials of a state for the acts of its authorities committed during the war.” (Dimitrijević, 2001: 146-147).

Therefore, in addition to the citizens themselves the smallest culpability is assigned to the “executors” (army, the police, paramilitary units – “heroes in the defense of the fatherland”¹¹) who only did their duty, as designed by “political leaders” and the “international community”. Ordinary citizens obviously lived in another country (which took no part in the war), in blessed ignorance!

Just how far did this “blessed ignorance” go, resolutely created and encouraged by the most influential media during the wars,¹² as well as at this moment? All the way to a highly flexible understanding of the public opinion of what may constitute “a part of the war” and what are the possible “war crimes” in a Biblically delimited and justified *casus belli*.

¹¹ It seems that this view grew increasingly weaker as the citizens were faced with the facts which indicated that there was nothing heroic, “manly” or praiseworthy in this conduct. But apparently this view has not yet prevailed and the basis for the former, morally retarded “evaluation” is once again established along with the public opinion to match it. Clearly, the readiness to recount the story of the wars from the beginning to end and precisely define their nature is still lacking. The “new transparency” is readily joined by numerous new-old media, judging – whether wrongly or correctly – that without incurring major losses they have passed through the first circle of the purgatory: that of establishing their own responsibility for the production and dissemination of “hate speech”. Thus the “best-rated daily paper in the country”, *Večernje novosti* (May 17, 2001), probably not due to its own editorial intervention, once again opens the problem in an unprecedented manner. Writing about an essentially humane action, aimed at the recuperation of mothers of the boys who had been killed (“the fallen fighters”) organized by the Belgrade branch of the Red Cross, the public opinion-maker concerned writes as follows: ‘Zemun, Batajnica, Banovci, Ugrinovci, Crvenka, Valjevo. It is from these cities that the *Serbian heroes* set out never to return. To Bosnia, Vukovar, Kosovo...’ He also mentions the mother of the first son who took off for the sky over Croatia... The best-rated paper in the country thus sends the message that the wars – the same ones we, the sinful journalists and the former opposition now in power (or at least a part of it), referred to as Milošević’s wars of 1991-2001 were actually ‘heroic campaigns’ onto Vukovar, Sarajevo, Croatian skies... It is quite possible that all readers of *Večernje novosti* share this view, which means that this is what most of the Yugoslav citizens think. If that is so, what sort of a war-crimes trial to Milošević are we talking about here? ... Milošević, and the Yugoslav Army claimed, as did the braves of paramilitary units, that all that was but a heroic defense of the fatherland and, that there was really no war! Why is it then that Belgrade had an anti-war movement at a time when it was a dangerous undertaking in view of the strong-arm policy of the former regime? Why the black mourning bands, the candles lit in front of Serbian Parliament, the SOS telephone lines? Where were we then and what did we do? Can it be that we were fooled by abstract pacifists, that we slandered the greatest son of our nations, Slobodan Milošević?” (Nataša Odalović, “Was Milošević Slandered?”, *Danas*, May 18, 2001: 7)

¹² For more see a systematic research and analysis of media production and dissemination of the “hate speech” in: *The War Started on Maksimir*, Agencija Argument & Medija centar, Belgrade, 1997 and *Mediji i rat/Media and War*, Agencija Argument i Centar za istraživanje tranzicije i civilnog društva, Belgrade/Zagreb, 1999/2000.

Table 5. What may constitute “a part of a war” (acceptance of definition – in descending order)

Siege of towns and villages	58
Media incitement of hatred of the enemy	52
Political incitement of war	49
Establishment of courts-martial and summary liquidations (à la Srebrenica)	41
Systematic banishing of members of a nation from a specific territory (“cleansing”)	23
Systematic destruction of towns and villages (Vukovar, Sarajevo, Zadar, Mostar)	16
Setting up of concentration camps (Ovčara, Keraterm, Omarska..)	11

Thus, *three fifths* of respondents consider the terrorizing of civilian population (siege of settlements) legitimate in war, *a half* think the same of the incitement of war and hatred and *two fifths* hold the same view about physical liquidation *without a trial*, while close to *a quarter* justify *ethnic cleansing*. Five years after the end of the war?!

What does the public opinion consider a war crime (defined as “the violation of the laws and customs of war”)?

Table 6. “Violation of the laws and customs of war” (acceptance of definition – in ascending order)

Siege of towns and villages	37
Media incitement of hatred of the enemy	42
Political incitement of war	46
Establishment of courts-martial and summary liquidations (à la Srebrenica)	54
Systematic banishment of members of a nation from a specific territory (“cleansing”)	72
Systematic destruction of towns and villages (Vukovar, Sarajevo, Zadar, Mostar)	79
Setting up of concentration camps (Ovčara, Keraterm, Omarska..)	84
Torture and killing of prisoners of war	90
Systematic killing of civilians (women, children and the elderly)	92
Rape of girls and women	93

Therefore almost *two thirds* of respondents do not consider the terrorizing of civilian population a war crime, just as the incitement of hatred and war is not that for close to *two fifths*, or ethnic cleansing for *slightly less than half* the respondents!¹³

¹³ That is not overly surprising, since not even the official bodies reason differently. “The following is one of the registered evil doings: Two soldiers of the Yugoslav Army reserve, Nenad Stamenković and Tomica Jović on March 28, 1999 acting on orders of captain Dragiša Petrović, killed a bed-ridden old woman Rukija Krasnići and her husband Feriz, because they refused to leave the village of Gornja Sušica. The bodies of the victims were burnt, and the war diary of one of the witnesses states that “two people were cleansed”. The military prosecutor did not indict the culprits for a war crime but for an “ordinary” murder. They were all sentenced to less than five-year imprisonment, as the justice of the Military Court in Niš, Radenko Miladinović, explained, “so they could remain free with their families pending the effectiveness of the

It is encouraging that the most drastic forms of crimes against humanity and human dignity (urbicide, genocide and sexual abuse) have been recognized in the right way. *All* the modalities given in tables 5 and 6 represent “violations of war laws and customs”, *ergo*, are by definition war crimes sanctioned by the Geneva conventions on the laws and customs of war, ratified long ago by the former Yugoslav state (presumably automatically applied by all of its parts which have become independent, and especially those pretending at maintaining “continuity”?!). But, the possible recognition and adequate qualification of certain forms of *actions* in war operations is still insufficient for the clear recognition of the *actors* thereof, especially when these should conceivably be “nostrified”, i.e. singled out among “one’s own heroes”.

In this sense the Serbian public opinion is clearly ambivalent. The phenomenology of crime is, rightly, *individualized* (also the *raison d’être* of The Hague Tribunal), or rather an interest-based/responsibility/group *localization* was carried out of those who directly/indirectly inspired and carried out the action concerned.

The inspirers (politicians) are considered direct culprits who should be tried either because “they instigated the conflicts and nothing was done without their knowing it” (31%), or else “if it is established that they issued orders which resulted in crimes” (43%). Therefore, the line of vertical “command responsibility” (now often blurred by various pseudo-legalistic apologies and analogies¹⁴) seems to be fairly clearly recognized by the public opinion. The level of recognition of the actors (“executors”) fulfilling the commands is no less clear. At first sight, it is successfully buried under the above-mentioned pseudo-legalistic jumble although even as such it inevitably falls into a logical contradiction immanent to such a jumble, a kind of an *obscurum per obscurius*: I try to prove the un-provable, I know I cannot prove the un-provable, but I persistently try to prove the un-provable. The public opinion (an overwhelming majority) believes that “the crimes were committed only by individuals, in excessive cases” (49%)¹⁵ – we assume on *all* sides – or that “this was done only by paramilitary

verdict”. (Bojan Tončić, “Unbearable lightness of concealing the crimes”, *Danas*, March 31 – April 1, 2001: IV)

¹⁴ “The ruling differ from ordinary citizens in that they have the monopoly of physical coercion, and that is why their responsibility for the choice between the right and wrong doing must be judged by stricter criteria than the responsibility of ordinary citizens. To claim that the responsibility is transferred to post-war statesmen means to defend the stand that the authorities of the state which had waged a war have an obligation to publicly and fairly assess the acts committed during the war and to publicly identify those which cannot be recognized as anything but wrong.” (Dimitrijević, 2001: 146-147).

¹⁵ “During the NATO intervention in Yugoslavia 740 thousand Kosovo Albanians (say The Hague Tribunal data) were banished, a few thousand civilians were killed, the scope of the plunder may only be imagined judging by the convoys of trailers which accompanied the Army celebrating its victory, driving away from Kosovo deep freezers, satellite dishes, TV sets. Entire villages were burnt, and a few were spared for a hundred thousand marks or more.

units" (21%) – we assume of *all* sides. The question of tertiary importance for *this side* is the following: whence came these individuals, i.e. units? Whence all these "fighters", "heroes" and, unfortunately, invalids and the dead on the side which "did not participate" in the bloody maelstrom? The question of secondary importance (for the same side) is that of whose "command responsibility" they were subjected to, who they acted for and for what purpose? But, the question of the primary importance (in general and for this *particular* side) is the following: even if "individuals" and units after all "existed" and acted as they did, why is their identification, along with the line of command responsibility, their models and intentions, effects and crimes all being swept under the carpet of historical oblivion, their *consideration* refused, and especially why are the crimes sanctioned, naturally, only when *our side* is in this respect *endangered* by the alleged "injustice"?¹⁶

Individual responsibility and guilt

Persistent propaganda focusing on the ostensible illegitimacy and even bias of The Hague Tribunal seems to have largely attained its objective: to conceal Slobodan Milošević's responsibility and guilt for the acts listed in the indictment or intended to be added to it – instigation of wars and crimes against humanity. Namely, the public opinion has rated these acts rather low, generally far below those he "did against his own people".¹⁷

Anyone who at least once spoke with the soldiers of the reserve who fought in Kosovo could hear of such orders as "The one who kills a Shqiptari must also bury the body". The overwhelming majority of soldiers, policemen and members of different militant formations which from March to June 1999 waged the war in Kosovo are guilty of murdering and banishing civilians, of plunder and complicity in these crimes or else of concealing different sorts of crimes. Killing and banishing were systematic – an affair of the state many participated in. It was difficult to offer resistance to that, but a choice was nevertheless possible. The guilt of those who participated in this affair is individual and proportional to what was done, but the responsibility and shame are joint and proportional to conscience". (Bojan Tončić, *Ibid.*)

¹⁶ "Concern over the worrying phenomenon" (judicially verified) – the act of extradition of an *individual* accused of war crimes to the International Tribunal for War Crimes, recently manifested by the highest ranks of the state is the best indication of the proportions of this logical (and ethical) contradiction. That is because the same "highest place" failed to say the smallest line to express its "concern" or condemn numerous other (judicially dubious or) unlearned crimes or "injustices against *individuals* or *groups* of citizens of its state, for the simple reason that they ostensibly did not have the appropriate ethnic prefix. The highest place is wisely keeping its silence on the above-mentioned, yet unsolved crime in Štrpci, on the case of 145 Albanians sentenced to a few centuries of imprisonment on a rigged political trial in Niš, or of the already almost forgotten group of Sandžak Muslims accused and condemned for "terrorism" in another staged political process, although the exercise of their legal and civil rights is successfully postponed, despite the valid court decisions to the contrary. But, because (or in spite) of that the extradition of a *foreign citizen*, clearly with an appropriate ethnical prefix, becomes a "highly worrying phenomenon"!

Table 7. What is Slobodan Milošević responsible for?

Loss of Serbia's reputation in the world	64
Crisis of the federation	63
Failure to develop democracy in Serbia	63
Politically irresponsible and contradictory conduct in negotiations with the international community	63
Disintegration of the former Yugoslavia	59
Causing the emigration of the young from Serbia	57
Failure to protect the interests of Serbs living outside Serbia	55
Not preventing the Albanians from obtaining arms and forming terrorist units	54
Vilification of the Serbian people in international media	54
Avoiding negotiations with Kosovo Albanians	53
Starting the war on the territory of the former Yugoslavia	51
Losing all wars he started	50

Thus, the “starting of wars” ranks as low as eleventh. True, *half the sample* has rated his responsibility for “losing” the wars practically the same!

A similar distribution of responses of the public opinion is obtained with the question about the reasons for instituting the *criminal responsibility* of Slobodan Milošević.

Table 8. What is Slobodan Milošević guilty of and should be tried for

Stealing the votes in the 2000 election	59
Abuse of his office and power for his personal and family benefit	56
Practicing unfair and unjust electoral rules and procedures	47
Increase in crime, bribery and corruption in Serbia	46
Abuse of information media, judicial and other institutions	45
Persecution and assassinations of political opponents	45
Economic and political ruin of Serbia	43
Starting a war for personal interests to preserve power	43
Terrorizing the Serbian citizens, i.e. rule of fear	42
War crimes in Kosovo	40
War crimes in Croatia and Bosnia and Herzegovina	37

¹⁷ “It is quite clear that the collective memory registers only the sufferings of its own nation. What about the “evil we inflicted on others,” referred to by President Koštunica. What sort of evil is that and who is to blame for it, and how can the citizens “register it in their memory” when the only toponyms of sufferings the President mentions are those where the non-Albanians were killed (the rocketing of the train in Grdelica gorge, cluster bombs dropped on the center of Niš and others). There is no mention of Đakovica (thousands of Albanians deported by the Yugoslav Army trucks to the border with Albania, or of Gnjilane and similar places of persecution), Peć, Orahovac, Priština (since we already know for sure that Serbs are not to blame for a thing in Račak).” (Tončić, *Ibid.*)

Asked directly about the responsibility for war crimes, the public opinion *intuitively* reacts much more directly, functionally and in “legalistic” terms less subtle in *personifying* the responsibility, possible crime and its sanctioning. Three in five respondents (60%) believe that the former president of Serbia/FRY Slobodan Milošević should be tried for inspiring and practicing war crimes and crimes against humanity in the territories of the former Yugoslavia. Almost every fifth respondent openly expresses a *contrary* view (17%), while close to a quarter (23%) have not formed their attitudes (it may be assumed that they, too, do not agree with the need for trial, but do not wish to state their view explicitly). Thus, calculating with a somewhat higher statistical error of the sample, the opinion is almost equally divided (60:40).

We looked for the confirmation of the latter assumption in responses to the question of whether Milošević should *surrender* to the Hague Tribunal and obtained a similar distribution of answers: 56% respondents believe that he should do that, 31% are opposed to it, while a few more than one in ten respondents (13%) support a “compromise solution” saying he should not surrender but should be “displaced” out of the country (i.e. so he would “not create further problems”, meaning that he should not be called to account either). Whose problems are referred to here? Primarily those of the national *collectivity*.

Table 9. Reasons for Slobodan Milošević’s surrender to The Hague Tribunal (first of three ranks)

To remove the collective guilt from the Serbian nation	47
To avoid repeated isolation of Serbia from the international community	37
To prove his own innocence (denial of personal responsibility)	36
To prove that the policy he pursued was right (denial of political responsibility)	31
To avoid Serbia’s being his hostage	25

Interestingly enough, the views on the reasons against voluntary surrender have the same, predominantly nationally-collectivistic prefix, although with somewhat different contents.

Table 10. The reasons against Slobodan Milošević’s surrender to The Hague Tribunal (first of three ranks)

That would amount to admitting the guilt	58
That would be a disgrace for Serbia	45
That would endanger the sovereignty of Serbia	41
He would thus show his policy was correct (“defiance” despite all...)	40
He would thus impair his reputation	40

Thus, the first three places are once again taken by *national reasons*, an almost subconscious “collectivization of guilt”, while some more “individualized” reasons come only after.

It is easy to guess why the views of the public opinion about The Hague Tribunal are predominantly negative, since the respondents manifest a high level of (reactive, situational) agreement with some of the most widespread negative stereotypes about this institution which are increasingly placed in public, despite their dubious nature: "The Hague Tribunal is an instrument of NATO policy" (72% respondents agree); "The Hague Tribunal is a political tribunal and serves as a means of political pressure on Serbia" (67%); "As concerning Croats and Muslims, only the 'small time offenders' are called before The Hague Tribunal" (68%); "Secret indictments are contrary to law" (63%); "The Hague Tribunal declares all the accused guilty in advance" (55%). But, the degree of confusion created by the varying and often contradictory messages and views addressed at the public by different levels of power,¹⁸ is also revealed by the public's simultaneous acceptance of the ambivalent and even entirely opposed evaluations of

¹⁸ "Ready to Cooperate with The Hague", Zoran 5i5ić, federal prime minister, *Blic*, 28 January 2001; a few days later: "While I'm in office, Milošević will not be extradited to The Hague"; "The federal government is prepared to cooperate with the Tribunal which does not imply *automatic* acceptance of all demands"; Zoran 5i5ić, federal prime minister, *Pobjeda*, 15 February 2001;

"Cooperation with The Hague does not mean extradition *at once*," Vojislav Koštunica, FRY president, *Blic*, 14 February 2001;

"Extradition of the former FRY president to The Hague Tribunal is not an issue *at this moment*"; *Blic*, 4 April 2001;

"We shall cooperate with The Hague", Goran Svilanović, federal foreign minister, *Dan*, 3 February 2001;

"Statements of some DOS leaders that Slobodan Milošević may immediately be transferred to The Hague Tribunal are foolish", Predrag Bulatović, SNP president, *Blic*, 14 February 2001;

"The SNP is open for cooperation with all international factors, The Hague Tribunal included, and shall take part in the work of the Federal Government to prepare the legislation on cooperation with The Hague"; Srđa Bo5ović, SNP vice-president, *Blic*, 7 March 2001;

"Montenegrin SNP shall not vote for the legislation anticipating extradition of Yugoslav citizens accused of war crimes to The Hague Tribunal, in the federal parliament"; *Blic*, 8 April 2001;

"I find Zoran 5i5ić's statement that during his term of office Slobodan Milošević will not be extradited to The Hague Tribunal politically inappropriate and far from wise. I do not believe that it reflects the view of the Federal Government about cooperation with the Hague Tribunal. I wish this was only an announcement of his resignation."; Slobodan Vučetić, member of G-17+ Managing Board;

"An act enabling Milošević's extradition to The Hague Tribunal could be passed within four or five months"; Momčilo Grubač, federal justice minister, *Blic*, 13 February 2001;

"A working Group for cooperation with The Hague has been formed"; Momčilo Grubač, federal justice minister, *Pobjeda*, 20 February 2001;

"An act on cooperation with The Hague Tribunal will soon be adopted at the federal level incorporating a provision governing the extradition of our citizens"; Vladan Batić, Serbian minister of justice, *Blic*, 13 February 2001;

"Milošević shall not be transferred to The Hague Tribunal since there are no legal grounds for the extradition of any one of our citizens to this Tribunal."; Vladan Batić, Serbian minister of justice, *Blic*, 2 March 2001;

this institution. Thus, in addition to accepting the above mentioned negative stereotypes a substantial number of respondents *simultaneously* chose *completely opposed evaluations*, given as control variables. I will offer only two such examples: “The Hague Tribunal was legally established by the UN” (70% acceptance); “The Hague Tribunal tries exclusively in accordance with the adopted international law” (50% acceptance).

* * *

The research the findings of which are partly presented in this paper was completed about a month and a half before the spectacular arrest of Slobodan Milošević, accompanied by “legalistic” schemes and mixed up competencies (or opposed interests) of various state bodies, and the gathering of “popular guards” comprising Milošević’s supporters while he stockpiled arms in Broz’s atomic shelter and, surrounded with a crowd of dangerous fanatics, dreamed of an “uprising”. This fact – the actual planning of a or at least the grouping, organizing and arming for the purpose of endangering the legal order – was not sufficient for the competent people to recognize the act, or at least its intention, for what it really was: terrorism. At the same time, similar labels are widely meted out on a large scale, but only to those who are not “ours”.

The strategy of resistance, or at least as long as possible defiance, persistently built by the “legalists” was undone by the very subject of their concern with his “appeal” wherein he recognized many of the things he had been accused of: working on “affairs of the state” where we “under conditions of total embargo and war across the Drina helped our nation using *all means* available”. As for the funds spent on arms and other requirements of the armies of Republika Srpska and Republika Srpska Krajina, the interests of the state prevented the inclusion of the related expenses (considered a state secret) into the Budget which is a public document... as well as other supplies for the Army of Republika Srpska.”¹⁹ In a word, this amounts to plundering the budget of one’s own state (replenished by taxes collected from all citizens) for the purpose of plundering the territories and wealth of other, neighboring states! Only this time, it is not merely the case of “acting against one’s own nation”, but of the publicly acknowledged acts “against other nations”, thus state terrorism, since this state, at the same time, “took no part in the war”. Acts of this kind are within the jurisdiction of the judicial body legitimately established by the Organization of the United Nations joined by this state, of its own choice.

“Pending the adoption of the new act there is a possibility of holding the trial in the FRY”; Vladan Batić, Serbian minister of justice, *Blic*, 21 March 2001;

“Cooperation with The Hague implies the arrest and surrender of the accused”; Jim Landale, spokesman of The Hague Tribunal, *Vijesti*, 16 February 2001;

¹⁹ “Appeal lodged by the accused Slobodan Milošević with the justice of the District Court in Belgrade – for the board of judges of this court referred in Art. 23, para 6 of the Law on Criminal Proceedings – against the custody ruling,” *Danas*, 3 April 2001: 11.

Conclusion: Denazifixation and catharsis – light years afar

The concept of “denazifixation” is, in this text, understood and used in a far more modest scope and meaning than the better known and more common concept of “denazification”. The latter involves the reflection on larger diachronic issues of moral philosophy to be tackled in the future analyses of controversies of the preceding process and accomplishments of “nazification”. This more modest notion was primarily related to the synchronous and situational scanning of the current reach and standards of the “practical-active” moral conscience and the level of moral reasoning of the public opinion on some of the key controversies. Thus, it was aimed at the current “collective” reflection, emotionalization and cognitive-affective phenomenological perception of the objectives and outreach of long-term processes in search of the “positive” national identity. Last, but not least, it should indicate either a static or a dynamic foundation of the change in the patterns of political culture.

The process of denazifixation in Serbia shall start the very moment when a Serbian Willy Brandt appears on the political stage of Serbia to bow to the victims of Vukovar, Osijek, Zadar, Sarajevo, Mostar, Zvornik, Bijeljina, Foča, Srebrenica, Račak, Đakovica, Priština, etc. (not to list any more) and sincerely apologize for the crimes committed there on behalf of the nation he/she belongs to. This hardly removes and still less denies the need for similar “Willies” in Croatia – for the crimes committed against the Serbs merely because they were Serbs, in Slavonija or Krajina, or the crimes committed in the name of Croats against the Muslims/Bosniaks in Central Bosnia and Herzegovina, or, finally, the advent of a “Willy” from the ranks of the latter, to ask forgiveness for the crimes committed in the name of Muslims/Bosniaks against all others. Quantitative “measuring” and counting of victims of *all crimes against all*, to establish some (always problematic percent) proportions – who suffered the most in this bloody maelstrom – is not a matter of secondary or ephemeral nature (quite the contrary!) But, disputes about figures, a cynical “algebra of suffering”, *blur what is essential* – that the debt of piety towards each individual victim, innocent by the very fact of being a victim, must be exactly the same. The same level of responsibility must be assigned to *all* responsible or guilty of ending every single human life or of other calamities committed in the name of in-humane objectives. At that level, *all victims* are made forever equal *without* (a possibility of) *disputes* (even had there been any, which is now difficult to establish).

But if they – the victims – are turned into bargaining chips in the extended meta-disputes of the initiators and executors of their victimizing through the quantification of *only our victims* “in the name of ... objectives”, they would be finally rendered senseless (worthless and even blasphemed), but this would not prevent the repetition of the same pattern. Quite the contrary, that will be a cry of the “surviving numbers” for a future repeated “political-algebraic settlement”. But, political algebra is a problematic thing. It is always possible that someone who decides on

the multiplication table for the matrices (of the crimes of “others” vs. one’s own) may “by accident” forget the prefix of the previous matrix account, whether marked in “plus” or “minus”, and try to establish the new “rules for multiplication and division”. The necrophilic balance is the only one which is multiplied by division. And so it goes until the “zero” balance in the political algebra is achieved.

It is quite certain that a gesture of the highest level of authority will not contribute to the process of denazifixation in Serbia.

It took the form of a conclusion from the session of the Democratic Party of Serbia (DSS) Main Board, held on March 25, 2001: “The DSS advocates legalism and ‘moderate nationalism’ reflected in the care for the state and all the nations living in it” (as reported by *Večernje novosti*, March 26, 2001, p. 2). The Party gathering was presided by a sworn legalist who apparently does not see the legalistic incompatibility of simultaneously holding the office of a party leader and the head of state!

This story opens a new ambiguity, or the squaring of the circle, which is terminological the least, although this aspect also merits some attention. Namely, if nationalism as such is something doubtlessly good, why use the attributes like moderate, democratic?! Neither fish nor fowl?! An opiate, no doubt, with a potentially dangerously prolonged effect and followed by an inevitable hangover.

Ergo, say the DSS, it is a national state of the (“moderately”) dominant nation with “juvenile” sub-tenants the majority will “care for”. We saw just how this care may be manifested in Kosovo, as well as in Sandžak, Srem (Hrtkovci and Beška), Zemun, Petrovaradin (1991-1994). However, a still greater problem is that this *is not* what the Constitution says. According to the letter of the Constitution, Serbia is the state of *all its citizens*. Is it that the DSS members are revising the Constitution? Without a constitutional assembly?

What is the benchmark for “moderateness”? If this one is “moderate”, does this mean the acknowledgement that the previous one was “immoderate”? Yet, its promoters and “main executors” are fiercely protected with defiance and postponement of the inevitable (Milošević and a certain former mayor of Šamac whose “surrender to the Hague was qualified as a serious mistake”). Only because they are “immoderately ours”?

Who should determine which “nationalism” is less moderate, almost dangerous; who should do the moderation? The only nationalisms of this kind are, apparently, those of the minorities, which have to be moderated to the point of non-existence so that the moderate one of the majority would not again turn “immoderate”, i.e. beyond moderation.

The above-mentioned “concern for the state” is not equal to nationalism. On the contrary, it stands for the lack of concern for the state, and especially “all nations living in it”. The state, as it is – multinational and multi-confessional must then

absorb as well as *bear* and tolerate *all* nationalisms. (Certainly it would be better that there is none!) Because, if *one* nation may nourish and cultivate its moderate nationalism, how (and by what means) may other nations be prevented from moderating their own (most often reactive) nationalisms according to their own standards which are, as a rule, different from those of the “moderated” majority.

How can mantric invocation of moderate nationalism be possible (although the parameters used to moderate it are quite clear) when the parliament of the “moderately national” state has at least two nazi-fascist parties (or parties of previously practically active agents of bloody nazi-fascism) “legally” (thus also legalistically!) operating in it? When in this parliament a deputy of the SRS threatens the deputy of another party saying that “he has already slain so many Muslim boors that he would have no problem slaying another”. And all that without the proverbially “moderate”, still un-moderated, prosecution reacting *ex officio* on grounds of dissemination of national and religious hatred, regardless of anyone’s immunity and without the parliament speaker reacting, at least “officially” to warn the deputy concerned, although he should have actually handed him over to the parliamentary security officers. But, the speaker, too, is fiercely “moderate”!

Could the category of the “moderate” also include the militant groups of the *skinheads*, neo-Ljotić’s, neo-clerical and similar movements with the *credo*: “God blessed righteous might”? Are they so “moderate” that the mouthpiece of one of these movements, *Obraz*, offers program texts addressing “moderateness” in the same issue with the specific instructions for the action of skinheads?!

The targets of *Obraz* followers are: “The American domination over the ex-Christian Europe and the Ustasha, Muslim converts, the shquiptari (without capital S!) and NATO occupiers... who back up only when in response to their Democratic power they get the God-blessed righteous might, which should strike at all the local damned homosexuals, pedophiles, drug dealers, unscrupulous plunderers of the state and national property. Democracy is a *par excellence* lever of global ideological manipulation, which in the most unscrupulous of ways destroy the sovereignties of national states. Stories that democracy is the rule of rights and law are intended for puzzled naives and lofty thickheads. Alternative to democracy is life in a state based on stratocratic principles, since direct political efficiency may only be based on the foundations of class unity” (“Movement for the Homeland “Obraz””, *Vreme*, 29 March 2001). Does the writing in a mouthpiece of *this kind* of a movement imply *agreement* with its principles?!

Moderate nationalism can hardly conceal that it appears as the social and individual-psychological mimicry of mourning for the colossal failure of the mega-nationalist project, thus a poorly hidden Freudian compensation for the unattained Greater Serbia.

Belgrade, 22 April 2001

Translated by Lj. Nikolić

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CONSTITUTIONAL ISSUES AND INTERNATIONAL CONTEXT

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Is the Federal Consensus of Serbia and Montenegro Possible?

Summary: The settlement of the crisis of the federation and the possible creation of the new community of Serbia and Montenegro are faced with a number of questions of principle. They concern not only a political formula for the integration of the two federal units, but also a formula for the legitimacy of the new community, based on its structural features. The democratic procedure of creating a new federation anticipates the constitution of Serbia and Montenegro as democratic units. Considering their internal political complexity, it is hard to assume that the principle of simple majority can satisfy the demand for the legitimacy of the decision to enter the new federation or be separated. Therefore, this paper attempts to find the procedure that can contribute to a consensus to the greatest possible extent.

Key words: Federation, Serbia and Montenegro, commonwealth of states, legitimacy, referendum, democracy, constitutionalism.

The crisis of the present federation of Serbia and Montenegro (the Federal Republic of Yugoslavia) is so intensive and has such proportions that politicians in the two republics are in a dilemma whether to opt for a thorough reconstruction of the existing federation or for separation into two independent states. Before the last federal elections, which were held on 24 September, 2000, this dilemma seemed to be different. It seemed that it was the question of a dispute between the federal unit where democratic politics tipped the scale and the federal unit with an authoritarian system of government, supported by equally authoritarian federal institutions. After these elections, which were an introduction into the overthrow of the autocratic regime both at the federal level and in Serbia, the basic dispute over the federation became quite apparent. On one side, we have the proponents of state independence, represented by the ruling parties in Montenegro, and, on the other, the proponents of the democratic reconstruction of the federation, including the ruling coalition in Serbia and the opposition parties in Montenegro.

On this occasion, it is not possible or necessary to speak about the possible outcome of the basic political dispute over the federation. Should we still undertake this task, we would inevitably be drawn into the ongoing debate which, by the nature of things, consists in the presentation of political arguments *pro et contra*. Therefore, we will deal with the structure of the problem and derive the assumptions for its democratic solution. Our regulative idea is embodied in the conception about a *constitutional agreement*, which expresses a commitment to a rational and widely acceptable solution. We intentionally avoid the strategy of “mutually acceptable solution”, although it is the question of a two-member federation. The dispute over the federation cannot objectively be interpreted as a dispute between two clearly differentiated parties, let alone as a dispute between two federal units. In that case, there would be no dispute at all, because one federal unit could simply express its disagreement with a certain form of the common state and the problem would be removed from the agenda both in principle and politically.

When we say that the idea about a constitutional agreement implies a widely acceptable solution, we think of a much more complex structure of the problem. In further text, our attention will be devoted just to that. In this connection, it is necessary to find the most appropriate way to overcome the current crisis of the federation by following the procedure that will correspond to the true content of the problem. Regardless of the outcome of the attempts to settle the crisis of the federation, all relevant public factors will accept the solution only after having agreed on the procedure of changing the existing state arrangement.

The political change that took place in the federal state and Serbia after the elections of 24 September and, particularly, the events of 5 October in Serbia have made a major contribution towards putting this fundamental state problem into the perspective of a peaceful and democratic solution. Serbia and Montenegro are beginning their constitutional transition ten years after other countries of Central and Eastern Europe. Like other countries, they must also begin by addressing their specific problems, which were accumulated still further over the past ten years. For the reconstruction of their state, however, there exist only general models, which are embodied in the principles of modern constitutionalism and federalism, or were developed from similar challenges and obstacles faced by the countries of Central and Eastern Europe.¹ Consequently, specific models do not exist. The case of the Czech Republic and Slovakia and the dissolution of their federation can serve as an example only in a strictly analogical sense. It has no great comparative significance for a concrete analysis. The only analogy that can be drawn between the current constitutional situation in the Federal Republic of Yugoslavia and that in other

¹ There already exists a rich collection of studies and articles devoted to this issue. On this occasion, we will cite the now classical work of Alfred Stepan and Juan Linz *Demokratska tranzicija i konsolidacija* (Democratic Transition and Consolidation), Filip Višnjić, Belgrade, 1998, and the journal *East European Constitutional Review*, which has been systematically following the constitutional problems of the new democracies in Central and Eastern Europe since 1993.

countries in transition is their relief from the ballast of the old regime, if not from all of its institutions and political habits, then certainly from its protagonists. In this way, the political options, which are or will be available, have at least become much more transparent than before. In other words, Serbia and Montenegro have just entered the sphere of politics and it should be expected that their basic political problems would be solved on its horizon.

The arguments in favour of the reconstruction of the community of Serbia and Montenegro, presented in this analysis, are based on the empirically proven fact that the majority of their citizens opt for a certain form of association.² There are also other structural assumptions for the creation of a community, such as the decades-long existence of a single economic space; the inclination of the majority of the population in the two republics towards participating in European integrations; the intermingled population due to migrations over the centuries; ethnic and cultural similarities of the majority population in both republics, as well as their confessional ties. One of the arguments in favour of a new association is the growing awareness of the citizens about the need to conserve their cultural and regional differences within the existing state, as well as their readiness to establish the appropriate norms on the guarantees and protection of cultural pluralism.

The current split between the two republics and the non-functioning of the federal state in its current constitutional regime are the results of the long-standing influence of the ruling parties; the way in which the new federation was created after the collapse of the former one; the breaching of the constitutional rules and federal laws, as well as political voluntarism displayed in the conduct of public policy. They are reflected not only in the blockade of the federal state, but also in the political situation in the two republics. In Serbia, which had an autocratic system of government for a decade, the lack of popular support was compensated with an unprecedented political manipulation and open violence. In Montenegro, which underwent a specific internal democratization and dissociated itself from the Serbian regime and federal institutions in 1998 and 1999, the population became sharply divided over the survival of the common state and the modality of settling the state crisis.³

² After the last parliamentary elections in Montenegro, this can be said with confidence. The coalition "For Yugoslavia" got nearly 41% of the vote. To this one can add the votes given to minor pro-federal parties, which were dispersed due to the failure of these parties to meet the minimum vote requirement. One must also bear in mind that among the supporters of the pro-independence bloc, which won the election, there is a considerable number of those who are inclined to a community of the two sovereign states. The relevant Platform of the rump Montenegrin Government (end-December 2000) takes care just of those voters. It is highly probable that in the case of a referendum, when the citizens have to decide "for" or "against" a common state, some of them will decide against separation.

³ From among a number of individual and collective studies devoted to these problems, mention must be made of the following collections: *Lavirinti krize – preduslovi demokratske transformacije SR Jugoslavije* (The Labyrinths of Crisis – Preconditions for a Democratic Transformation of the Federal Republic of Yugoslavia) (eds. S. Samardžić, R. Nakarada, Đ.

For a peaceful and democratic settlement of this protracted crisis, it was necessary to have new actors on the political scene. Those had to be the legitimate and democratically elected representatives of the people, who would be able to find consensual solutions.⁴ This is only a minimum political requirement for the creation of a new community based on the constitutional principles. The observers can agree in principle with the political motives and general aims set forth in the Montenegrin Platform of August 1999 (entitled *The Elements of New Relations Between Montenegro and Serbia*) and articulated in the following way: "The Constitution of the Federal Republic of Yugoslavia of 1992 cannot provide a basis for the establishment of new relations within the state".⁵ But, in providing these principled conditions for the reconstruction of the state, it will be necessary to take into account the multiple complexity of this two-member federation, which refers not only to its basic structure (two federal units), but also to the internal structure of its constituent members.

Until recently, internal political and other complexities of the two republics were blurred by the disputes between the Montenegrin political leadership, on one side, and the political leaderships of Serbia and the federal state, on the other. However, these complexities not only influence but also determine the legitimacy and functionality of the possible community. Today, when Montenegro is not under the pressure of the federal government's centralist policy or Serbia's policy of expansion, the complexity of the political, social and ethnic structure of the two republics can be observed both in the process of their internal organization and the process of their common constitution. Despite the fact that, in its classical form, federalism is a system of the territorial organization of government, which is made up of simple territorial units, it is essentially never just that. Depending on the internal political, economic, ethnic, cultural and historical complexity of its units (constitutional constituents), each particular form of federalism has developed its own constitutional design. Thus, each of them is not only an expression of the simple multitude of its territorial units, but also of the multiple complexity of their internal structures.

Kovačević), Institute of European Studies, Belgrade, 1998, and *Račji hod – Srbija u transformacijskim procesima (Crab's Walk – Serbia in Transformation Processes)*, ed. M. Lazić, Filip Višnjić, Belgrade, 2000.

⁴ In his contribution to the above mentioned collection *Račji hod*, "Društveni sklopovi, politički delatnici, demokratski poredak", ("Social Structures, Political Actors, Democratic System"), based on a penetrating analysis, Slobodan Antonić attributes the character of the former Serbian regime to the role of politicians rather than to the role of social structures. See the mentioned collection, pp. 65-169.

⁵ What the authors of the Platform arrive at in continuation is quite a different question. Namely, they envisage that "the new constitutional procedures must ensure the legitimacy of the community and the implementation of the principles on which it is based". This view can be interpreted as being consistent with the spirit of "constitutional discontinuity", which was characteristic just of those who enacted the present Yugoslav Constitution in 1992.

If the future community of Serbia and Montenegro is to be based on the democratically expressed will of their citizens, then they must also be constituted as democratic states (political units), thus enabling the plural influence of their complex structures on the creation and functioning of the community. Only in that case, political leaders, who conduct this process by the nature of things, will be able to fulfil their task of creating a stable and lasting political community, which is based on modern federal principles.

The federation of Serbia and Montenegro, that is, the present-day Federal Republic of Yugoslavia, is a classroom example how a state must not be created. If such a community should exist and if the majority of the population supports this idea, then it must be formed by following a correct procedure. In that case only, the members and institutions of such a community can rightfully be expected to observe its constitutional principles and rules.

The problem concerning a correct procedure for the reconstruction of the federal state has two aspects. First of all, since the reconstruction anticipates constitutional change or, in other words, constitutional revision, the question that imposes itself here is concerned with the reasons for disregarding the existing procedure of constitutional change.⁶ According to this procedure, such a decision cannot be made without the consent of the respective parliaments of the two federal units (Article 141, section 2, of the FRY Constitution). Moreover, the equality of the two republics in the process of constitutional change is absolutely guaranteed. Therefore, the demand for changing “constitutional procedures” points to the wish of the Montenegrin representatives to start with the creation of a new community *ab ovo*. In this way, through a political formula for the formation of a new community, they would achieve the second yet primary political aim – state independence. In the meantime, the stand of the Montenegrin representatives evolved towards two new demands: for holding a referendum on independence and the international recognition of their republic.⁷ The federal constitution, including the provisions on its revision, is thus placed *ad acta*.

The other aspect of the problem of a correct procedure is more principled. It can be embodied in the following principle: in a simple-majority decision on the

⁶ As already mentioned, in its 1999 proposal, the Montenegrin Government advocated not only a complete change of state organization (some form of confederation as opposed to the current federation), but also “new constitutional procedures” for the effectuation of this change. The same view was taken in the 2000 Platform (this time, however, it was not supported by one coalition partner, the People’s Party), in addition to the radicalized demand for two internationally recognized states.

⁷ It is interesting to note that these demands culminated after the victory of the democratic opposition in Serbia in the federal elections. Whereas the former Serbian representatives were offered a milder version of the devolution of the state (federation) towards a confederation, the new, democratically elected representatives are offered a more radical proposal – a complete separation of the common state and the subsequent formation of the commonwealth of sovereign states.

constitution, which is made either by the representative body of the people (constitutional or regular assembly) or through a direct expression of popular views (in a referendum), there is an inherent lack of legitimacy. This principle is applicable not only to multiethnic societies, like Serbian and Montenegrin, but also to societies that are sharply divided over the basic political issues, as is the case with Montenegro. Should a simple-majority formula be applied in such circumstances, as stipulated by the Montenegrin Referendum Law, a stable political minority, which now constitutes nearly 50 per cent of the electorate, would be deprived of a minimum participation in the creation of a new community. In that case, this party bloc and its followers would not have an obligation to be loyal to the new state and it would be almost impossible to govern such a state in a democratic way.⁸

But, political consequences will be the same if the current political minority in Montenegro wins the majority and then decides to pursue its pro-federal option in the same, procedurally questionable manner. It could not expect loyalty from the new political minority and the republic could not have a democratic government. It is important to note that a division and latent political conflict are felt in all segments of the Montenegrin society. If one also bears in mind that about 26 per cent of the Montenegrin population accounts for ethnic minorities having the proportionate share of the electorate, then a constitutional consensus is an unavoidable political topic in this republic and is indispensable in looking for peaceful and all-round solutions.

Until last year, Serbia had no democratically legitimate government, whose representatives would talk with the Montenegrin representatives about the constitutional reconstruction of the community at this, rather low level. As the criterion for a "democratically legitimate government" we use the electoral conditions if all relevant political parties agree to them before the elections. This was the case with the parliamentary elections in 1998 and early elections in April 2001 in Montenegro. On both occasions the election laws were adopted by general agreement. The Democratic Opposition of Serbia won a victory in the federal elections held on 24 September, 2000, as a result of widespread popular discontent rather than fair electoral conditions. Elections were only the way (paved ironically by the regime) to remove the undemocratic regime from power and raise the question of a new community and early elections in Serbia.⁹ Thus, after ten years, the constitution of Serbia, both as a republic and a federal unit, was placed on the agenda once again. This time, however, in a completely different political climate. In contrast to Montenegro, however, there is no sharp division

⁸ The pro-federal parties boycotted the session of the Montenegrin Assembly in January when the Referendum Law was adopted.

⁹ They were held on 23 December, 2000, and ended in a triumph of the Democratic Opposition of Serbia. It won an overwhelming majority of 64% of the vote and more than two-thirds of seats in the republican Parliament.

within its society or among its political parties over the issue of a common state. On one hand, the political representatives in this republic are ready to respect the federal constitution and its procedures relating to constitutional change until an agreement with Montenegro is reached. On the other hand, Serbia regards the constitutional constitution of both the republic and the common state as a long-term principled problem – and not as the political problem of the day – which requires, above all, a correct procedure for its solution.

The problem relating to the correct procedure of creating a political community is never a political-technical or legal-technical one. This applies especially to complex political communities such as federations. What procedure will be followed depends on the participants in the process, their political preferences and preparedness for lasting mutual concessions and compromises. It is ideal if one can satisfy all political interests and create the institutions in which they will be able to express their views and pursue their aims with others on an equal footing. But, this is most often impossible. There are limits to the functionality of state institutions, which may collapse if different interests fail to find a common institutional denominator and each group wants to have its share in the process of political representation. No matter how much all interests in a society are legitimate in principle, the constitutional design of political institutions is, as a rule, the process of institutional reduction of the complexity of interests in a society, based on an agreement reached by its legitimate representatives. The way in which this process will be correctly completed, depends primarily on constitutional procedures.¹⁰

We have already mentioned that the current federation of Serbia and Montenegro is a complex state in many respects. It is comprised of two federal units, which have a strong historical legitimacy as the political units of a federation. By that very fact, they represent the units that have to reach an agreement on the new community. However, if this arrangement anticipates a correct democratic procedure, then the creation of a community must be preceded by a democratic constitution of the constituent members of the future federation. This applies both to their internal organization and opting for a community. The inclusion of the latter in the problem of internal organization of the constituent members is the result of an inclination of the majority of the Serbian and Montenegrin population towards some form of community. By that very fact, the attitude towards the system of government in the two republics is largely determined by the attitude towards a community. At the moment, this issue is politically more important in Montenegro than in Serbia, since a good part of the electorate bases its loyalty to the current government on its attitude toward a common state. This is an important question of principle for the overall electorate in the two republics, because every federation surrenders some measure of its powers to the federal

¹⁰ On the procedures of adopting and revising federal constitutions see: Ronald L. Watts, *Comparing Federal Systems*, Queen's University Press, Montreal & Kingston, 1999, pp. 101-104.

government. Therefore, the reconciliation of political views in the two republics about their initial preferences concerning the measure of federal powers is also significant for the legitimacy of government in the two republics.

Consequently, the political complexity of Serbia and Montenegro exerts an indirect influence on the legitimacy of the federation. This must be taken into account in every proper procedure of reconstructing the current federal state. This fact prompts us to follow a scrupulous empirical procedure, while at the same time raising and solving the questions concerning the genuine constituents of the community of Serbia and Montenegro and its future institutional solutions. In this case, the general theoretical view on political units and their citizens as constituencies must also undergo the procedure of analyzing the political structure and the actual political situation in the two republics.

What are the stable patterns of interests and commitments in the two republics, which will seek their legitimate expression in the dual process of constituting a democratic state at both the republican and federal levels? We speak about the process of constitution because, after the collapse of the former federation, Serbia and Montenegro, as well as their community were faced with the problem of legitimacy of the political system established in 1990 and 1992, as well as with the problem of legitimacy of the political community itself, both at the republican and federal levels.¹¹ If the raising of the problem of legitimacy of the system (systems) was justified due to undemocratic governmental systems, the raising of the same problem relating to legitimacy of the political community was justified due to the deficiencies of democracy as exclusive majority rule, where various minorities (political and ethnic) have no procedural possibility to influence constitutional or major political decisions. In view of this diagnosis, the problem of legitimacy of both the system and the community must be considered from the standpoint of the reviewed formula of democracy as exclusive majority rule.

If it has to represent an agreement of a constitutive type, the federal consensus of Serbia and Montenegro cannot consist only in a (constitutional) agreement reached by the representatives of the majority parties in the respective republican parliaments. If such a consensus has to be reached by the representatives of the two republics (the first assumption), their legitimacy must be of a higher order than simple-majority party legitimacy (the second assumption). This means that the constitution of a federation (as a new community) must be

¹¹ For the case of Serbia see: *Ustavne pretpostavke za demokratsku Srbiju* (Constitutional Assumptions for Democratic Serbia), Belgrade Centre for Human Rights, Belgrade, 1997, where the problem is identified as a structural crisis of legitimacy (p. 8 ff). As for the federation, see: Slobodan Samardžić, "Nedostatak konstitucionalizma – glavni problem srpsko-crnogorske federacije" ("The Lack of Constitutionalism – the Main Problem of the Federation of Serbia and Montenegro") in the collection of papers *SR Jugoslavija kao dvočlana federacija* (The Federal Republic of Yugoslavia as a Two-Member Federation), Montenegrin Academy of Sciences and Arts, Podgorica, 1995, pp. 369-385.

preceded by a democratic constitution of the republics as *sui generis* complex units. This process has its constitutive (founding) and institutional aspects.

In a constitutive sense, it must satisfy all lasting interest structures, which are multiple in both republics:

1) In Serbia, it must

- satisfy the interest of the majority nation (Serbs) in maintaining the continuity of its statehood in modern history;
- satisfy the interest of ethnic groups and minorities in a lasting constitutional protection of their special rights;
- satisfy the interest of all Serbian citizens in a lasting constitutional protection of their fundamental rights and freedoms, as well as in the political power limited by law;
- satisfy the interest of particular regions in Serbia, which express such a need, in a special regional organization stipulated by the republican constitution;
- satisfy the interest of all those who wish that in creating an appropriate association with Montenegro.

2) In Montenegro, it must

- satisfy the interest of the majority nation (Montenegrin) in maintaining the continuity of its statehood in modern history;
- satisfy the interest of ethnic groups and minorities in a lasting constitutional protection of their special rights;
- satisfy the interest of all Montenegrin citizens in a lasting constitutional protection of their fundamental rights and freedoms, as well as in the political power limited by law;
- satisfy the interest of the municipalities in local self-government;
- satisfy the interest of all those who wish that in creating an appropriate association with Serbia.

In a procedural sense, the democratic constitution of the two republics implies the participation of legitimate representatives of all these different interests in reaching the fundamental constitutional agreement in the republic. In an institutional sense, the republics would obtain the systems of government and protection of fundamental rights and freedoms that would be best suited to their lasting interest structures. It is assumed that Serbia would be a parliamentary regional state with specified elements of the guaranteed participation of their minorities in government at the regional and municipal levels, and a special system of protection of minority rights at the republican level. Montenegro would be a parliamentary state with a significant measure of local self-government at the municipal level, as well as a system of the guaranteed participation of representatives of ethnic and minority groups in government, including a special constitutional protection of their minority rights at the republican level.

The creation of democratic political communities at the republican level is a prerequisite for a new federal agreement between Serbia and Montenegro. As we have seen, the elements of this agreement have already been included in the process of constituting the two republics as heterogeneous democratic states. With such a democratic capacity, the process of agreeing on the generally acceptable model of community would have an optimal legitimacy background for the given structural conditions.

The federation of Serbia and Montenegro has its specific structural features. As a project, it is at once simpler and more complex than other federations. It is simpler, because it has only two political units but, on the other hands, this feature conceals extremely complex functional problems. Serbia and Montenegro are two states differing in their size, number of inhabitants and economic power. Regardless of the federal system, this natural disproportion of the two federal units may easily affect the principle of their equality within the community. On the other hand, given a specified number of common functions, their mechanical equality may lead to the painstaking reconciliation of all kinds of issues that would be detrimental to the efficiency of decision-making and government at the federal level. Therefore, this federal model requires a careful consideration of the common functions that should be transferred by the federal units to the federal government, as well as of the modality of their efficient performance at the federal level. In any case, such a structural situation requires the concept of *minimum federation* in comparison with the current federal systems. This means that (1) a minimum number of powers would be surrendered to the federation and that (2) they would be exercised in a combination of the autonomous decision-making by federal institutions and cooperation between federal and republican institutions. Finally, this approach anticipates (3) direct cooperation between the two republics in solving common problems, irrespective of a wide range of their autonomous powers. To this end, they will set up inter-republic bodies, which will be independent of federal ones.¹²

If the new federal agreement has to represent a principled and lasting solution for the totality of multiple complexities, as required by the community of Serbia and Montenegro, then its institutional expression must be a multiple-balance system as well. In order to satisfy all mentioned groups of interests, while at the same time linking them into a functional whole, it is necessary to combine the doctrinally different forms of democracy and governmental systems. If it is the question of federalism with a parliamentary system of government where the head of state does not have a strong constitutional role, it is necessary to bring institutionally the method of electing the members of the chambers and their

¹² Such a concept has been developed in the study of B. Mijatović, D. Popović and S. Samardžić, *Zajednica Srbije i Crne Gore – Predlog ustavne rekonstrukcije Srbije i Crne Gore* (The Community of Serbia and Montenegro – Proposal for the Constitutional Reconstruction of Serbia and Montenegro), Centre for Liberal Democratic Studies, Belgrade, 2000.

powers into balance. If this implies a compromise method of decision-making in the legislative body (bicameral system), it is necessary to ensure the efficiency of the executive by strengthening its room for manoeuvre in the sphere of the executive branch of government. It is also necessary to incorporate specified mechanisms of power sharing between the federal units into the very method of electing the federal executive, again for the purpose of balance. Finally, due to the multiethnic composition of the population, it is necessary to anticipate mechanisms for the protection of minority rights at the federal level, which will not be influenced by the legislative and executive branches of government.

Since the current federation proved to be a distinctly conflict-ridden political and institutional structure, which was manifested by its (non-)functioning at several levels during its eight-year existence, the new federal agreement must be based on the idea of reconciliation through a constitutional consensus. To reach this agreement, it is necessary to begin with the mutual political recognition of all significant (mentioned) interest structures. To this end, a significant constitutive role should be played by the legal fiction of a new beginning. The actual model of this new federal agreement would be developed step by step, towards the irreversible formation of a community.

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Translated by V. Gligorjević

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The Paradoxes of Constitutional Continuity in the Context of Contested Statehood

Summary: This paper addresses two issues. The first is the methodological approach being suitable for an analysis of the present political situation in Serbia, whereby a “theory of circumstances” is advanced. The second is the strategy of constitutional continuity, which has been critically evaluated. It is argued that this strategy cannot be pursued any more due to the dissolution of Yugoslav statehood.

Key words: constitutional continuity, federation, Serbia, Montenegro, consensus, constitutionalism, the state, legitimacy, theory of circumstances.

1. How to reflect on Serbia: A sketch for a theory of circumstances

I believe that the significance of the upheaval in October 2000 can hardly be overestimated. In terms of modern political science, this event can be regarded as the *change of regime* or, in other words, a break with the old regime which, in principle, created conditions for the beginning of the process of democratic transition in Serbia. I also believe that we can agree with the positive evaluation of the way in which the regime was changed, especially because the danger of a radical revolution and bloodshed was averted. It is also evident, however, that our present situation is extremely complicated and marked by numerous imperatives, which sometimes seem to be mutually excluded. The challenges faced by the post-Milošević Serbia are sufficient to bring to mind something that Jon Elster called “the theorem of impossibility” ten years ago, while writing about the post-communist paradoxes in Central and Eastern Europe. I will also bring to mind the essence of his argumentation. Elster argues that the post-communist transition to an “open society” requires much more than a rational constitutional formulation of the alternative. As a minimum, it is necessary to initiate and con-

duct simultaneously the processes of building democracy, market economy and social justice. The problem lies in the fact that all this is required *here and now*. But, in practice, all these features prove to be in conflict with each other.¹ Among other things, a market economy anticipates private property and a free formation of prices. This cannot be achieved without the clearly defined constitutional rights and stable legislation that will guarantee legal security to the participants in the market competition. On the other hand, such a reform of the hitherto rigid and state-controlled economy would give rise to inflation, unemployment and an abrupt impoverishment of the broad sections of the population to which state paternalism guaranteed some kind of social security. In this case, social rights are of no help: the concept of welfare state is simply too expensive to be implemented by these countries. In other words, a consistent market reform would give rise to an uncontrolled social stratification, enabling the minority to accumulate not only material wealth but also political privileges in relation to the majority. Regardless of the formal constitutional guarantees, such inequality would very soon annul legal and political equality as regards the rights that provide the basis of modern democracy. Thus, there will be no happy end; a sinking ship cannot be repaired on the open sea.

Today we know that Elster exaggerated in his attempt to schematize and offer definite (pessimistic) answers to numerous questions associated with a complex reality. But, the failure of his prediction did not annul the seriousness of his questions.² In present-day Serbia, they also want everything that was non-existent until recently: human freedom, rule of law, democracy, market economy, social justice and decent life for all citizens. It seems that it is impossible to lessen the tension between these demands by establishing their hierarchy, thus ensuring that the most acute problems are solved first. The fall of the old regime opened Pandora's box of accumulated problems, which were concealed and forcefully frozen and which now cannot be classified in order of importance by a simple political decision. An attempt to identify the problems, which would be temporarily removed from the agenda by a consensual political decision, would also prove to be futile.³

¹ J. Elster, "The Necessity and Impossibility of Simultaneous Economic and Political Reform", in: D. Greenberg et al. (eds.), *Constitutionalism and Democracy. Transitions in the Contemporary World*, Oxford, 1993, p. 267.

² I hold that the seriousness of these questions has not even been disputed by Elster's evident methodological reductionism, that is, the mechanical application of a simplified model of the theory of rational choice to post-communist reality.

³ Naturally, I do not intend to make any "principled" statement about the falsity or absolute uselessness of the strategy, which anticipates the ranking or temporary removal of difficult questions from political communication. But, it is absolutely true that the possibility of such a strategy depends decisively on the social and political context in which the change of the regime takes place. Cf. S. Holmes: *Passions and Constraint*, "Gag Rules and the Politics of Omission", Chicago, 1995, p. 202. On the reasons why the "policy of omission" is not realistic in the post-communist context, I wrote in more detail in my paper "Ustavi i ustavnost u postko-

If we state that present-day Serbia is faced with the drama of conflicting imperatives and that tensions probably cannot be relieved but must be controlled, our next step should be based on the question as to how our reality can be conceptualized. I believe that this question will not remain theoretical. By drawing on Elster, we can state that we are faced with the problem of choosing the ways and means to ensure a different yet desirable future. Naturally, in order to answer the question "how to arrive there from here", we must define the coordinates of that "desirable future". I will not address this problem in greater detail, since I hold that in an attempt to find the coordinates of democratic normality, it would be important to take the following old message of Adam Michnik seriously: there is no need to invent the wheel two times. Serbia needs a political system that will embody the civilizational achievement that we call constitutional democracy. Constitutional democracy is a form of social organization, which rests on human dignity (in the form of the fundamental constitutional rights) and the rule of law and where the government has public character and is restricted by human freedom as the ultimate aim of its existence. I do not wish to argue that constitutional democracy is immune to contextual specifics.⁴ Nevertheless, I believe that the specific features of constitutional democracy in a multiethnic society, or in a post-communist society, or in present-day South Africa or Serbia, represent the necessary yet derived elements of the universally valid, basic concept or, more exactly, that *universal core* of constitutionalism, which transcends local moralities of specific historical contexts and specific countries.

Therefore, I will concentrate mostly on the problem of finding the ways and means to establish constitutional democracy in Serbia, comprehended in a conventional way. In an attempt to provide a reference framework, I propose that, instead of the "theorem of impossibility", we try to define a *theory of circumstances*. I have borrowed this category from Janos Kis:

"In order to explain why one type of change – or one kind of strategy – prevails over others, we need a theory of circumstances that make it more likely to carry the day. I use the word 'theory' to underline the fact that the conditions that favor a particular type of social and political change need to be given in general terms. It is the formulation of such general hypotheses, then, that necessitates conceptual clarification. We need distinctions that accurately identify the phenomenon to be explained..."⁵

munisticckoj Evropi" ("Constitutions and Constitutionality in Post-communist Europe"), *Glasnik Advokatske komore Vojvodine*, 1-2/1995.

⁴ On the complex relation between the universal principles of constitutionalism and specific features of individual countries, see: M. Rosenfeld, "Modern Constitutionalism as Interplay Between Identity and Diversity", in: M. Rosenfeld (ed.), *Constitutionalism, Identity, Difference and Legitimacy*, Durham and London, 1994; R. Goodin, "Designing Constitutions: the Political Constitution of a Mixed Commonwealth", *Political Studies, Special Issue*, Vol. XLIV, 1996.

⁵ J. Kis, "Between Reform and Revolution", *East European Politics and Societies*, 2/1998, p. 304.

I believe that the theory of circumstances can help us to avoid at least two wrong approaches to our current situation. I will identify the first wrong approach as the trap of mechanical-model thinking, whereby the experiences of other countries would be served to us as recipes. The other wrong approach consists in overemphasizing, in the same mechanical way, the context of the given facts as the exclusively relevant set of causes, which determine the area of possibility. In our case, it would be the question of the well-known (and, I hope, discredited) story about the exclusiveness, uniqueness, etc. of our situation.

The theory of circumstances is a modest theoretical approach, which should identify what has to be done – and in what way – in order to establish democracy. As for its content, this approach proceeds from a reflexive attitude towards the circumstances that precipitated the regime and had a decisive influence on the way in which this change was effected. This approach also anticipates a reflection on the social and political circumstances following the change of the regime. It follows that a reflection on the possibilities of democracy in Serbia today means a reflection based on the past-presence-future triad. When one says that a given fact exists in the area of tension between the past and the future, that may seem as a cheap causality. Nevertheless, I believe that it is simply the question of determining the coordinates of the new beginning in a reliable and rational way. A reflection on the way in which the regime was changed and the direct results of this change will inform us about the results achieved thus far or, in other words, how far we have gone in the negation of the old world. After a revolutionary shock there remain some social, economic and political factors, which Otto Kirchheimer calls the constraints on the building of a new society and which provide a framework within which the new system must make its first decisions and find solutions to the current problems.⁶ In this regard, one must also bear in mind the significance of the “subjective factor”. It is the question of the way in which the agents of change experience the revolution and perceive the mentioned constraints, as well as of how these agents see their revolutionary role.

In this sense, the lessons of liberal changes of the regimes in Central and Eastern Europe in 1989 are relevant. On the basis of an insight into the character of the old regime and the basic characteristics of its crisis, the agents of democratic alternative (especially in Poland, Hungary, Czechoslovakia, Bulgaria and East Germany) opted to reject a radical, revolutionary path as the method of breaking with socialism. It may seem paradoxical but the agents of change insisted on the genuinely non-revolutionary character of their venture. History knows of the revolutionaries without revolutions, but the events of 1989 are more peculiar: those were the revolutions without revolutionaries.⁷ For tactical

⁶ O. Kirchheimer, *Politische Herrschaft. Fünf Beiträge zur Lehre vom Staat*, “Restriktive Bedingungen und Revolutionäre Durchbrüche”, Frankfurt/Main, 1981, p. 35.

⁷ U. Preuß, *Revolution, Fortschritt und Verfassung*, Berlin, 1990, p. 63.

(relations of power) and normative reasons (adherence to the principles of equal rights for all and the rule of law) a radical change in social relations had to be an evolutionary transformation of the old regime. This directly entailed constitutional continuity with the old regime, whereby this continuity should be viewed from two basic aspects. First, constitutional changes, which had defined a transition from socialist authoritarianism to constitutional government, have been effected in accordance with the revision procedure stipulated by socialist constitutions. Second, except in the case of Bulgaria, constitutional revisions did not lead to the adoption of new constitutions, but to a partial change of old socialist ones by amendment.

2. Serbia after the change of its regime: Problems with continuity

Why is making reference to the Central-European strategy of continuity in 1989 relevant for present-day Serbia? The reason is evident: the change of the regime in October 2000 was also based on the strategy of continuity, thus showing an ambition to undergo a radical democratic transformation in the form of legal and political reforms. It is the question of an extremely significant decision if one bears in mind that, in our situation, any revolutionary break with the old regime would almost certainly end in mass violence and numerous victims. Second, the strategy of continuity ensured the avoidance of traps of revolutionary justice and legal nihilism.⁸ But I think that the fundamental question to be addressed is whether continuity – several months after the change of the regime – is still a viable strategy. I will try to explain the negative answer to this question.

If we consider the experience of those countries which used these legal and political methods to abandon communism and if we recognize their relevance, it can be concluded that constitutional continuity represents a complex strategy with significant elements of fiction. Namely, in this initial stage, the false constitutional framework of one basically authoritarian regime is “taken seriously”. Thus, the fictitious constitution or constitution-façade creates a basis for the establishment of constitutional democracy. What it’s all about? I will call attention to the fact that – in the core of the strategy of continuity – there is absolute loyalty to the principle of the rule of law. On one hand, the intention of change here is genuinely revolutionary: it is the question of delegitimation and deconstruction of the old regime, which is immediately followed by the creation of a basis for a qualitatively different society and community. On the other hand, however, this radical social and political transformation has the form of legal and political reforms or,

⁸ I wrote about the normative and strategic advantages of the strategy of continuity for Serbia in more detail in my book *Slučaj Jugoslavija* (The Case of Yugoslavia), in the chapter “Mogućnosti demokratije u Srbiji: prilog zalaganju za civilno društvo i ustavni patriotizam” (“The Possibilities of Democracy in Serbia: a Contribution Towards the Advocacy of Civil Society and Constitutional Patriotism”), Belgrade, 2001, p. 109 et seq.

in other words, legal continuity with the disputed regime is maintained. The normative basis of this commitment is simple: if the new community wishes to be based on the rule of law, its first act cannot be the revolutionary violation of law (no matter what that law is like). The proponents of the rule of law must behave from the very beginning of their venture as if they lived in the legal system.⁹

There is a certain minimum set of conditions that must be fulfilled so that continuity can be applied. In a “tactical” sense, continuity rests upon a minimum consensus reached by the former power holders and the agents of democratic alternative. It is the question of an interest-based option, whereby two confronted parties recognize each other as partners in the first phase of a democratic transition. This mutual recognition is primarily the result of the readiness of the two parties to recognize the fact that both suffer from lack of democratic legitimacy. Second, neither party is in a position to count on its victory with certainty. Continuity is a risk-reducing strategy, which guarantees to both parties that they will remain on the political scene after the change of the regime. To accept continuity means to renounce radical revolutionary semantics, which defines the attitude towards the old regime and the future by means of the ideological pair friend/enemy.

In this regard, the situation in Serbia is a little specific, since continuity has been preserved without negotiations or an explicit agreement between the representatives of the old regime and its democratic opponents. The force of the events of September and October 2000 was such that the old regime had simply to acknowledge the victory of the opposition at the elections, which were meant to be façade ones. Since the former democratic opposition won democratic legitimacy at these elections, it was not politically wise, after its victory, to take steps that would lead to further radicalization, through delegitimation and delegitimization of the representatives of the old regime, or through the dismantling of the existing institutional structure. The best possible strategy was selected.

However, this brings us back to the question about the status of the strategy of continuity today. In order to show how this strategy is inadequate for the period ahead – if the political constellation does not change dramatically – I must change the level of my analysis and turn attention from Serbia to the political

⁹ Cf. A. Arato, “Dilemmas Arising from the Power to Create Constitutions in Eastern Europe,” *Cardozo Law Review*, 3-4/1993, p. 675. The theoretically most consistent criticism of the strategy of legal continuity has been offered by Karl Schmitt. He argues that it is not possible to subordinate the new constitution, understood as the fundamental political decision on the organization of a community, to the norms of the disputed constitutional and political system. Naturally, the dictator may renounce his power in favor of his democratic opponents, just as the agents of alternative may decide to apply old norms. But, by renouncing his monopoly over power, the dictator also annuls the basis of legitimation of the old regime. By this act, the old constitution (fundamental political decision), ceases to be viable, so that the thesis of a “constitutional” transition from dictatorship to democracy is “a senseless game, based on the wrong understanding of normativity”. – K. Schmitt, *Verfassungslehre*, Berlin, 1928, pp. 89, 104.

scene in Yugoslavia. I will say something that seems to me quite evident: constitutional continuity makes sense only if all relevant political actors in Yugoslavia can agree that the federal Constitution of 1992 is an acceptable legal framework for a democratic transition of the federation.¹⁰

In this regard, we will be faced immediately with one unusual, empirical problem. Namely, the October upheaval was the upheaval *in Serbia*, which freed *Yugoslavia* from a bad regime. This can also be expressed like this: to the extent we give precedence to democracy over authoritarianism, this change was necessary for Yugoslavia as a whole. This does not mean, however, that all relevant political factors in Yugoslavia interpret the results of this change in identical, compatible or dialogue-oriented way. We are faced with the lack of the basic consensus as to what actually happened, what the results of this event are, for whom such an outcome is relevant and, finally, what should be done and how. Today, the lack of this consensus in political practice turns very quickly into the lack of consensus on the legitimacy of Yugoslav statehood as such. This raises the question of the agents of a strategy of constitutional continuity at the level of Yugoslavia. We will observe that the identification of these agents and the constellation of their relations form a triangle. We have on the scene – the victors in Serbia, the defeated in Serbia and the regime in Montenegro, as well as their contradictory relations. Regardless of how far continuity might have seemed to them in October, the representatives of the former regime, now in opposition, regard it, probably rightfully, as a pledge of their political survival. Here I wish to point to one problem. It seems that they cherish a hope (which can hardly be defensible conceptually) that continuity will protect them from criminal liability *for the violation of the regulations being in force during their regime*. Naturally, if we understand continuity correctly, their hope is absolutely unrealistic. In fact, they are waiting for some kind of mercy or, in other words, that the new government will use law selectively, thus sparing those who had violated positive legislation from legal responsibility.

The question about the possibility of pursuing the strategy of continuity any longer is condensed in the question of relations between the democratic regimes in Serbia and Montenegro. At this point, continuity becomes meaningless, since the government of one federal unit does not recognize the federal constitution and federal state. Thus, continuity becomes a wrong strategy, because it is useless. Insistence on continuity becomes legally and technically unsustainable under the circumstances when one party disputes the legitimacy of the state as a whole and, thus, frees itself from the obligation to obey law. Consequently, the argument of legitimation is put forward not only as the view that the present constitution is bad, but also that the current state suffers from an

¹⁰ Naturally, I do not wish to say that the 1992 Constitution is good and that it should not be changed. I interpret the agreement on the acceptability of this framework from the standpoint of a strategy of continuity: the constitution can be changed or replaced by the new one, but only in accordance with the revision procedure stipulated by that constitution.

incurable disease, which is the result of the “original sin”, that is, the non-legitimate way of its formation. Suffice it to say that this argument cannot easily be disputed. From a practical and political viewpoint, it makes even less sense to exaggerate with the criticism of the Montenegrin government. The non-acceptance of the federal constitutional system and federal state by the Montenegrin government must be taken as an established fact and try to find its implications. Any criticism, which points out that the Montenegrin government does not observe the Constitution, is like drawing a blank, because the other party does not regard it as a sufficient reason for a *political dialogue*. Under political dialogue I understand communication within the generally accepted rules of the game. In Yugoslavia there is no minimum set of legal rules, which would be accepted by all citizens and political factors as binding. One must draw a pungent conclusion that Yugoslavia is not a state any more (irrespective of the fact that the Yugoslav government has no sovereignty over Kosovo as part of the Yugoslav territory).

In short, the question of statehood, which is faced by Yugoslavia, precedes the question of democracy, as a *pre-political* question. The current situation can be regarded as a quasi-political provisory, which evidently cannot last too long. With Milošević’s fall and the beginning of a democratic transition in Serbia, democracy ceased to be the relevant issue at the level of Yugoslavia, that is, for Yugoslavia. In a paradoxical way, the victory of the pro-democratic forces in Yugoslavia provided scope for delegitimation of Yugoslavia. And the fundamental question is whether democracy can become a relevant issue once again. The situation is difficult, because it is necessary to legitimize the political view that democracy is a legitimate problem-solving instrument in this region. The question that imposes itself here is how to change the situation in which the *legitimacy of Yugoslavia* is in question to that in which *legitimacy in Yugoslavia* is in question. This is the problem relating to the possibility of reconstructing consensus on the worthiness of Yugoslavia’s survival as a state. I can only provide an answer that can easily be criticized as an empty phrase. Nevertheless, I believe that it can point to the coordinates of the minimally acceptable area of possibility: Yugoslavia deserves to survive to the extent to which it is legitimate for its citizens and constituent parts (federal units) as a community.

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State Framework of Montenegro: A Difficult Dilemma

Summary: Several problems have been explored in the article, on the basis of results of a survey (made in 2000): relationship of the population towards state independence, acceptable means of achieving (a possible) state independence, preferable forms of government.

The most important finding is that the Montenegrin population has been deeply divided on the most important issues concerning state formation. Some 50% of respondents prefer a common state with Serbia, 33% do not want any form of a common state, while the rest opt for a looser (confederate) variant of the common state. We see, therefore, that two big blocs with firmly articulated opposing attitudes have been formed, with only a (minority) part of the population attracted to one or the other option.

Our data show that there are no significant differences between the members of the two blocks in terms of gender, age, educational, or professional characteristics (proponents of state independence are, on average, slightly younger and better educated). The only statistically significant difference can be found in the self-declared ethnic identification of respondents. Namely, since the ethnic identification of the Montenegrin population has not yet been stabilized (one interpretation insists on common ethnic origin of Serbs and Montenegrins, while another stresses separate Montenegrin ethnicity), the question on ethnicity in the questionnaire was put in the open-ended form. Thus we got the following ethnic structure of our respondents: Montenegrins – 44.2%; Montenegrins-Serbs – 13.5%; Serbs-Montenegrins – 13.1; Yugoslavs – 7.4%; Serbs – 2.7%. On average, respondents who declared themselves Montenegrins tended to opt for state independence (together with members of Albanian and Muslim ethnic minorities), while those who stressed their common ethnicity with Serbs (including Yugoslavs) preferred a federal state (with Serbia). However, a significant minority of Montenegrins opt for a federal state with Serbia. It is therefore obvious that the two questions: ethnic identity and the preferable state form are interdependent, so that one choice implies (or strengthens) the other.

We should note that most supporters of the independent state option kept their choice even when faced with the possibility of a democratic transformation in Serbia. At the same time, the majority of respondents who prefer the pro-federal option also retain their respective attitudes in a hypothetical situation of a non-democratic regime in Serbia. An encouraging finding of the survey is that no matter what their attitudes toward state inde-

pendence were, a vast majority of respondents were ready to accept only a peaceful solution to the problem of the state. When faced with the dilemma – civil or ethnically defined state – majorities in both blocs preferred the second solution.

Key words: Montenegro, federation, attitudes on independence, ethnic self-identification, civil state, nation state

Preliminary observations on the framework for data interpretation

An observer – and especially a participant! – exhausted by the twelve-year history thick-packed with efforts to remold the state frameworks in a part of the Balkans, may easily be attracted to recognizing one of the more recent attempts of this kind, the constitution of “a sovereign Montenegro”, as the “exact match” of the previous patterns. It seems that all important factors for yet another dissolution of a South Slavic state are at work. In the first place, there is a political elite which is, harboring no misgivings, prepared to dramatically endanger the general interests of the community for the purpose of its group convenience of exercising (even if temporary!) unlimited and uncontrolled power. The elite is joined by the cacophonous choruses of “intellectual” champions, developing the idea on the necessity of having an independent state, as the last haven for the salvation of the people while, as a rule, their pathetic, exalted calls for truth, justice and higher ends can hardly conceal the grab for earthly goods. Finally, the illusion of power, supported by a semblance of enlightenment, elicits response in the excited masses of the population and their diffuse dissatisfaction seems to find the specific cause for their onerous and undeserved fate in the shackles others have been imposing on them for decades, without their noticing it. An irresponsible “power elite”, corrupt intelligentsia, an entranced mass – isn’t that the same explosive concoction we have already seen destroying state frameworks, effectively and most often in blood?

However, it soon becomes clear that this picture now lacks a substantial element. Namely, it functioned on a “mirror” principle: in order to be constituted in its entirety, the same (explosive) charge was created on (at least) two – thus antagonized – sides. It is obvious that, in this case, the corresponding analogue has not been formed in Serbia: it seems as if all actors, with the exception of part of the intelligentsia, simply wait for the outcome of the intra-Montenegrin conflict. But this calm is not (merely) the product of preoccupation with another, equally important, inter-ethnic conflict (with the Albanians), nor is this the case of weariness caused by the monotonous repetition or – why not!? – the absence of any deeper interest. It is, at least partly, the consequence of the specific nature of national-state mobilization inside Montenegro. In other words, this case includes a number of elements which substantially distinguish it from those in other republics of the former Yugoslavia. I will mention only two, which are perhaps the most important.

In the first place, even a cursory glance at the public scene makes it entirely clear that the mobilizing efforts for the project of the Montenegrin state independence develop without a clear structure of the “Enemy”. Until October 2000, the outlines of this structure were given to the concept of “Milošević’s regime”, but its very form rested on a matrix which substantially differed from the previous ones: here the Enemy appeared as only *a part* of the Other and moreover, self-explanatorily, a minor part of something which is antagonistically divided and therefore, in its largest part is more of an ally than an adversary. Naturally, after the downfall of the “regime” this structure, too, was dropped and the project of independence was built more on “positive” than “negative” elements (on the alleged, principled advantages implied by an independent state). There is no doubt that this strategy of mobilization was partly due to the fact that the ruling Montenegrin elite was the declared co-founder of the existing state framework, as well as its supporter for years. The second distinguishing element however seems to be more important and accounts for the fundamental difference between the Montenegrin and the previous (Slovene, Croatian, Muslim-Bosniak) movements for national independence. Namely, the national concept of Montenegrinism still remains incomplete, not having been fully differentiated from the Serbian. This way, the elite was prevented from construing a consistent image of the Enemy (as was the case in the previous national-state forming episodes), unless it paid the price of a dramatic internal conflict. I will not dwell on this thesis, since it will be substantiated further on in this paper. I will only say that the factual absence of a clear construct of the Enemy (for an excellent concrete-historical thematization of this problem, see Cooley, 1992), in addition to making the process of mobilizing the population for a state-forming project more difficult, has a generally positive effect of substantially reducing the possibility of tragic consequences in a state disintegration (as does the above-mentioned restrained interest of the Serbian political elite and most other actors).

Due to the difficulties to build mass mobilization on the structure of conflict (especially after October 2000), public opinion surveys became one of the main tools to rally the voters’ support for the intended referendum on the “sovereignty” of the state (and with it also for the ruling elite in Montenegro). Naturally, the motives behind this ambitious effort are not one-dimensional. One of these may no doubt be categorized as “cognitive”: the engineers of independence wanted to check the degree of support the project enjoyed. Another is clearly propagandistic. Starting (unfortunately, not without reason!) from the idea that not a negligible part of the people incline towards a conformist orientation, the wavering were to be won with the triumphalistic findings on the plebiscitary will for “sovereignty”. (In this matter, the lack of professional and moral integrity – to put it mildly – played a major role. Carried away by their mobilizing roles, “prominent researchers” demonstrated an astonishing bias in their “interpretations” of the data. At this point of time it is impossible to establish how these public opinion surveys were conducted, although one may rightly doubt their methodological

value. Be as it may, the findings so obtained were overtly subjected to a rough re-shaping gymnastics, whereby two fifths of supporters were turned into three fifths in a single somersault. Thus the deplorable history of intellectual hypocrisy received a proportional contribution from these parts!) Finally, one should not disregard the third motive deriving from an entirely melancholic idea: if a sufficient number of internal and external actors were convinced in the a priori numerical supremacy of the supporters of state independence (or rather of the supremacy of the ruling elite which promotes it), no one will (dare) pay any attention to the possible errors in a subsequent count of votes at the referendum.

Early last year (2000) this author joined a team put together to examine certain characteristics of social consciousness in Montenegro, linked with the idea of the nation-state. In view of the complexity of the topic (inter-ethnic relations, ethnic distance, relation towards the state, including the problem of sovereignty as well as the preferred type of the political system, etc.) one could assume that the motive for commissioning the study was close to the first – cognitive – variant (as also evidenced by the composition of the team). The survey was carried out in March and April, on a stratified, representative sample of 1053 respondents. The entire fieldwork, to the extent one could judge it from a distance, was fairly correct. (The realized sample somewhat diverged from the planned, and in the dimensions important for the interpretation of the data we are concerned with. Thus, the share of respondents with high education was larger, as was the one of those who stated that they had voted for the Liberal Alliance and the Democratic Party of Socialists in the previous election – in brief, the supporters of the idea of “sovereignty”. However, both these divergences could be controlled and as for the latter, it is not inconceivable that it rests on the – conformist – corrections of memories.) A problem may derive from the fact that due to the time span between the end of the fieldwork and the writing of this paper (March 2001), the conclusions based on the data collected on so “live” processes, might appear hopelessly outdated (all the more since they clearly differ from dozens of other “polls”. True, these findings differed from others even when they were quite fresh. At this point, I must note that the following text has been obtained by contracting a substantially longer study which had already been awaiting to be published for eight months at the time when the author decided to print a part of it - less than a month before the parliamentary elections in Montenegro. Still, the above-mentioned remarks notwithstanding, it would be important to make the research findings public, since they evidence what a ruling elite is capable of achieving with the consciousness of its population in a very short time, if it uses the instruments available (including intellectual mobilizers as an important, although not the most significant factor). But, as shown below, some of the processes of constituting a national-state conscience may hardly be presented as (only too) easily variable, and our data may, in that sense, be understood as “correcting” the manipulative use of public opinion surveys.

The population of Montenegro about state independence

In the many discussions during the disintegration of the SFRY, one view was constantly repeated: by contrast from others, Montenegro – and Serbia – had a historical experience of state independence. The purpose of highlighting this point is naturally not to recall it as a historical fact, but to point out that this episode is permanently impressed on the sub/consciousness of the “ordinary” inhabitant of Montenegro. Clearly, that something is a historical fact does not exclude the possibility of its (instrumental) mystification (in order to “invent tradition”, when the constitution of a nation state is concerned; see Hobsbawm, 1990). In this case, mystification, among other things, includes the antedating of “state” independence: namely, the fact that part of the (present) territory of Montenegro permanently enjoyed a degree of autonomy within the Ottoman empire, is interpreted as “the long tradition of statehood”. In effect, statehood (in the sense of a “nation state”) is here, just as in most other countries in the Balkans, of a recent date, since the Montenegrin society at the end of the 18th and even deep into the 19th century retained its tribal structure, or rather did not have the organization of a state (in its modern form). The basic internal elements of a state: administration, monopoly over the armed forces and fiscal ability (cf. Tilly, 1975 and 1992; unless otherwise specified, the notion of the state shall, in this text, always be interpreted according to Tilly) – still did not exist (any more than the towns, etc.), while the external “completion” of statehood – in the sphere of international relations – had to wait until the Berlin Congress (cf. Ekmečić, 1989).

It is hardly possible to challenge the fact that the majority of Montenegrin population on two occasions, after World War I and in the early 1990s, independently (by indirect and direct vote) decided to sacrifice the internationally acknowledged character of its state to create a wider entity. In the “first” – kingdom of – Yugoslavia, the extremely unitarian nature of the government formally and actually annulled the internal features of the Montenegrin statehood (by centralizing the army, administration and state revenues). In the “second” – socialist – Yugoslavia, this statehood underwent a number of stages. It could not exist within the framework of the overly centralist nature of a centrally-planned command system, until the early ‘70s. The 1974 Federal Constitution partly restored it on a formal level (with relative independence of the state administration and treasury), although it was in reality less effective, due to the firm personal control Broz maintained over the ruling elite. In the ‘80s (when the death of Broz was followed by a fast dissolution of centralism), it increasingly obtained the actual markings of a state, until another radical change in the early ‘90s.

This paper will not go into the formal-legal nature of the federal setup of the FRY (since this is not substantial for the topic it deals with and is, moreover, extremely controversial). What is beyond doubt, is the fact that the Montenegrin political elite was subordinated in the system of S. Milošević’s autocratic rule extending over the major part of the ‘90s, so that the state features of this republic

were in factual terms less manifest than in formal. This divergence of the factual and formal was clearly revealed by the internal division of the political elite, when it turned out that the existing constitutional solutions offered firm guarantees with respect to numerous elements of the state sovereignty of Montenegro – guarantees which were sufficient for the factual statehood to *surpass* the formal at the moment when the pendulum of historical events swayed in the opposite direction.

As had been the case of the previous acts of Yugoslavia's dissolution, conflicts of political elites – deriving from efforts to establish/maintain domination within the elite itself, or to win independence – were turned into a problem of state organization, and even survival, i.e. the issue of secession. Judging by the experience of others, the best way for the ruling (political) elite in Montenegro to secure mass mobilization of the population, necessary to resist Milošević's domination, was to present the relations between two political elites (Serbian and Montenegrin) as those between two states. This course was facilitated by the fact that the issues of "sovereignty", state "independence" etc. had been in the public focus for a dozen or so years and the political option of an independent Montenegrin state was, throughout that period, publicly advocated (especially through the LS). In a word, the question of state relations between Montenegro and Serbia was the central political issue over the past two or three years and it is through it that all other political and social relations are reflected. That is why our analysis of the empirical material will start from that particular point.

The above-mentioned question was formulated in the questionnaire in a direct form and elicited the following responses (Table 1):

Table 1. Desirable degree of Montenegro-Serbia state community (in %) N – 1024

Stronger than now	About the same as now	Looser than now	None
46.1	4.8	16.2	32.9

The data so obtained provide a good illustration of one of two central theses offered in this text: the key public dilemma in Montenegro – state community with Serbia or independence – causes remarkable polarization, and the estimated number of supporters of different options depends (to a degree, but not so much as to negate the nature of the division) on the interpretation of the findings. If the results are viewed in the way the alternatives were presented in the questionnaire (spring 2000), one third of the respondents might be considered supporters of state independence. That would suggest that the majority of the population favored the state community of Montenegro and Serbia. However, we should also take into consideration the "looser than now" alternative in the questionnaire, which implies a notable confederalization of relations, a solution vehemently opposed by the single largest group comprising almost half the respondents. In other words, there are serious arguments against combining

those who opted for the first alternative (“stronger relations”) with those who preferred alternative three (“looser ties”) into a single category, since the simple addition of numbers in this (or any other case) would be problematic!

Regardless of the manner of a possible bracketing of responses, the fact remains that substantial parts of the population manifested opposing views in each particular case, which unambiguously testifies of the extremely critical period for political relations in the Republic. The absence of not only a consensus, but also a clear majority orientation towards so fundamental a problem as state independence, shows that the community is, in a sense, returning to a “pre-state” stage! This way, the primary political issue, notably in a situation wherein “state sovereignty” is considered its initial basis, is left outstanding: On which principles may a political community be constituted, at all? Suffice it to mention but one problem in this relation. It is hardly conceivable that a country, especially under the present circumstances (ten-year war for SFRY succession, “transition”, long-drawn-out economic crisis, etc.) could have a stable and lasting democratic rule – no matter what the intentions of the political elite were – if the general disagreement on so fundamental an issue persisted. A substantial minority of the population (or perhaps even a majority!) shall consider the existing government (whoever ran it) illegitimate and shall present a challenge that government will have to fight using (also) undemocratic means.

Factors of the relation towards state independence

Knowing the importance of the above-mentioned division, it was necessary to try and establish its (empirical) foundation. To this end, responses to the previous question were correlated with different “hard” sociological variables such as gender, age, profession, education, material standing, etc. At this point we must note that the complete list of such variables was exhausted without establishing the existence of a (statistically) significant correlation between any of the variables and the above-mentioned statement, related to the most dramatic issue of the current Montenegrin history. It also turned out that the problem was not in the statement itself (e.g. in the manner it was formulated) and that similar results were obtained when the variables were correlated with any other position related to this problem. Namely, the stand on the starting point for defining the statehood of Montenegro does not depend on any “objective” characteristic of the respondent and even, to a substantial degree, neither does it depend on the level of education which, most often, has an important role in differentiating the views – in the case of e.g. nationalism. The division into those who favor the state link with Serbia and those who support its breakup, “cuts across” all the above mentioned categories (in a ratio of two thirds to one third, or fifty: fifty, depending on how we define them), and is formed on some other bases. Which specific bases these are and is there a feature of any kind which results in a substantial differentiation in this respect?

One of the key thematic determinants of the entire research, including also this section dealing with the relation towards statehood, was the nature of ethno-national identification in Montenegro. Due to the disputes which have been going on in this respect (including the variants challenging the ethnic nationality of Montenegrins from within and without), as well as due to the highly sensitive nature of the problem in terms of both the contents of the research and the existing social circumstances, the answer to the question on ethnic affiliation in the questionnaire was left open. The respondents were left to define their ethnicity themselves, and their “self-declarations” included the introduction of specific categories such as that of a Montenegrin who is also a Serb; a Serb who is also a Montenegrin, etc. Let us see how self-identification relates to the positions on statehood (Table 2).

Table 2. Desirable degree of Montenegro-Serbia state community according to the self-declared national identification of respondents (in %) N – 1023

Nationality (% of sample)	Stronger than now	About the same as now	Looser than now	None
Montenegrin (44,2)	28,1	4,6	20,1	47,1
Montenegrin-Serb (13,5)	81,2	5,1	9,4	4,3
Serb-Montenegrin (13,1)	82,1	4,5	8,2	5,2
Muslim (8,7)	20,2	7,9	27,0	44,9
Muslim-Montenegrin (5,6)	36,8	3,5	17,5	42,1
Albanian (4,8)	2,0	-	14,3	83,7
Yugoslav (7,4)	80,3	2,6	9,2	7,9
Serb (2,7)	78,6	14,3	3,6	3,6

Chi-square – 360,13; p – 0,000; C – 0,510

Already at first sight, statistical indicators seem to reveal a rather firm relation: it appears that the (self-declared) nationality fairly clearly defines the relation towards the state framework. The findings ostensibly follow a kind of a logic: in the case of Montenegrins and members of the Muslim and Albanian minorities, the view on state independence prevails: if, however, we deal with those who in a certain (not entirely unique) way experience themselves as Serbs or Yugoslavs, they “naturally” manifest a clearly predominant position in favor of a state community with Serbia, within Yugoslavia. The problem with this “logic” is in that it is tautological. That is because the categories of nationalities – which were, I must repeat, defined by the respondents themselves – do not have an ethnic or any other consistent “objective” foundation: they are the true example of an understanding of the nation as something “imagined” (Anderson). We thus see that Montenegrins as a “nation” appear in four very different variants (or even five if we include the small group of Albanians-Montenegrins), Serbs in three, Muslims (and Albanians) in two each, and we also have the “mixed” category of Yugoslavs. The issue of nationality which is by itself extremely complex – on both the general level, to the extent that this has not been resolved in a theo-

retically satisfactory way (cf. Connor, 1994, Smith, 1998), and in a quite specific case, where it creates an acute political problem, and is therefore hard to put in a rational way – is not the subject of our analysis and we cannot go into its details. However, it is clear that in the case of Montenegrins national self-understanding has not stabilized, and the opening of the problem of forming a national state has not only spot-lighted this “incompleteness” but has, to all appearances, even added to the confusion in terms of national self-defining. In a large number of cases, national self-identification (with Montenegrins) is constituted precisely in relation towards the issue of the national state: the one who conceives of Montenegrins as an entirely separate ethno-national group will simultaneously advocate an independent Montenegrin state; and vice versa, the one who accepts a political program of an independent state shall seek to define himself as a member of a special – Montenegrin - nation. On the other hand, those who believe that Montenegrins were but a “branch” (“tribe”, etc.) of the Serbian nation, will advocate the necessity of a common state.

Another difficulty derives from the fact that the above-mentioned tautological logic concerns the majority, but is not all-comprising. Namely, the division, in the first place, appears within the most numerous group, those who declare as (only) Montenegrins. Apart from a clear (relative) majority option for an independent national state, there is also a substantial minority (about 1/3 of the respondents) which favors a joint state with the Serbs. In other words, the consciousness of national specificity is not linearly followed by the idea of the specificity of state (on a national basis), meaning that the incomplete process of national constitution is accompanied by just as incomplete process of shaping the idea of the national state. Bearing in mind that both parts of the tautological equation (nation – state) are insufficiently defined and that in both cases we see problems which have for more than a decade engaged huge amounts of physical and mental resources of the population (including wars, state disintegration, economic collapse etc.), it is hardly surprising that the divisions related to the state (as well as national) status reach so deep as to overshadow any other form of social differentiation.

By contrast from (“pure”) Montenegrins, those respondents who define their nationality as double Montenegrin-Serbian – show substantially less wavering in their relation towards the state framework: the option for an independent state is, in this group, registered only exceptionally. That, naturally, is nothing out of the ordinary because what we have here are the traditional “loyalties” and the habit of linking the nation with the state. In this sense, we note an entirely pragmatic, almost unisonous option of the Albanians for the independent Montenegrin state. That is, on the one hand, because they look upon Serbia as an enemy state while, on the other, their attitude probably derives from the assumption that within a small Montenegrin state they could regulate their own status in a much more favorable way. In that perspective, the ambivalence of the Muslims, who relate to the common state with Serbia in much the same way as

the Montenegrins, may appear somewhat odd: although the (relative) majority rejects this state, a substantial minority is supporting it! Since my insight into the problem is insufficient, I will refrain from commenting and will leave it to the readers to draw their own conclusions.

As already pointed out, the data for the research were collected in the spring of the year 2000. In the meantime two events have taken place which could, in a mutually opposing manner, substantially influence the options of the Montenegrin population with respect to state independence. First, Milošević forced out the amendments to the Federal Constitution whereby – contrary to the explicitly declared view of the Montenegrin authorities - he reinforced the position of the federal president, by subjecting the office to direct elections. In this context, the violent nature of the change is much more important than its contents and it precisely provided a powerful argument to the promoters of “sovereignty”. After that, owing to this change, came the dramatic toppling of the ruling regime in Serbia. In view of the fact that the Montenegrin elite had until then, legitimized its aspiration for independence precisely by the dictatorial efforts of this regime, it seemed logical to expect that its ruin would reinforce the alternative of the Serbian-Montenegrin community. The fact that the democratic turn of events in Serbia merely strengthened the efforts of Montenegrin power holders to gain independence is, naturally, not surprising, and clearly reveals their true motives. What may come as a surprise is the fact that, after October 2000, public opinion surveys (however manipulated they may have been) failed to register any shift in favor of the federal state among the widest strata of the Montenegrin population. But, this development is not entirely unexpected, bearing in mind the findings of our research. The present circumstances were, in the questionnaire, presented in a hypothetic form and elicited the following responses (Table 3):

Table 3. Common state with Serbia is desirable in the event of Serbia's democratization (in %) N – 1032

Nationality (Self-declared)	Fully agree	Generally agree	Undecided	Generally disagree	Fully disagree
Montenegrin	34,9	15,9	9,8	7,8	31,6
Montenegrin-Serb	78,4	12,9	5,0	2,2	1,4
Serb-Montenegrin	74,8	13,3	6,7	0,7	4,4
Muslim	27,8	34,4	20,0	6,7	11,1
Muslim-Montenegrin	32,8	17,2	19,0	13,8	17,2
Albanian	8,2	2,0	4,1	10,2	75,5
Yugoslav	68,9	13,5	9,5	1,4	6,8
Serb	71,4	3,6	10,7	-	14,3

Chi-square – 324,25; p – 0,000; C – 0,489

In the first place, it is clear that the responses, just as indicated by the statistics, substantially depend on the national self-determination. Namely, it turns out that the orientations of the most numerous groups are only partly altered with the

assumed change in the nature of the Serbian regime. This could have easily been anticipated in the case of groups which previously supported the common state of Montenegro and Serbia: their positions could only be reinforced. On the other hand, a change has been noted in the options of (self-declared) Montenegrins compared with their previous (moderately majority) position *rejecting* any state tie between the two republics, which has now turned into the majority *acceptance* of this link. In other words, a (smaller) number of people in this group obviously hesitated in choosing the most acceptable state framework. However, it is just as clear that a substantial number of people in this group have formed firm positions, rejecting the existence of a common state with Serbia. (Here, again, we find no hard characteristic as distinguishing a special sub-group in terms of its non/support of the analyzed choice: this choice is not substantially influenced by gender, age, education, material position, etc.)

Thus, what needs to be underlined once again is the fact that the divisions on the issue of “sovereignty” within the most numerous category of the population, are, for the most part, fixed, regardless of the type of the political system: no matter whether the system in Serbia (and this generally defines the relations within a wider community) were democratic or autocratic, a substantial number of inhabitants would support a single state, while others would reject it. In other words, the majority of the population find “the composition” of the state more important than its nature. In view of the previous history of the SFRY disintegration, and the fact that the conflicts of the Serbian and Montenegrin political elites in mobilizing terms focused precisely on the topic of “sovereignty”, this distribution of priorities is fairly understandable. The problem is, however, in that the hierarchy so established is insufficiently dynamic: if this distribution of powers becomes entrenched, it would be difficult to find the way to change it.

Although the majority groups, naturally, determine the outcomes, the data on electoral priorities of minority members are rather interesting. The Muslims who previously demonstrated remarkable criticism of the possibility for a common state have now taken a majority stand in support of this communion. This applies to “pure” Muslims more than those with dual affiliation – Muslim-Montenegrin – who follow the preferences of Montenegrins. By contrast, the Albanians remain unswerving opponents of the common state for entirely clear reasons (the war in Kosovo, expectations of easier attainment of ethnic-national interests).

All in all, the problem of state sovereignty of Montenegro, judging by the understanding of its population as expressed in our survey, remains largely open. The main factor of this openness is the deep division caused by the dilemma which appears as the most important aspect of political options: a common state with Serbia or independence? Although the former stand (according to our findings) is that of the majority, the latter is also supported by a substantial number of people. The latter group includes more (but statistically unimportant numbers)

of men, younger and educated people, thus – as a rule – publicly and politically somewhat more active parts of the population, which simultaneously makes them more engaged and exposed to the public. Still, except in the case of (self-defined) national affiliation (especially of the Albanian minority) not one of the features controlled in the research, establishes the existence of factors enabling a reasonably reliable prediction of views on this issue: people with higher and university education, the young, etc. are found in both categories in fairly equal proportions. As already mentioned, all this means that Montenegro is facing an unresolved, and moreover hardly resolvable problem of consensus on the fundamental question of the state constitution.

Evaluation of ways for the attainment of state independence

Political elites which played the leading roles in the partitioning of the SFRY have, from the very outset of their action, prepared for the possible use of violent means to attain their objectives. That is clearly evidenced by Milošević's engagement of the JNA to secure his control of the "Serbian territories", on the one hand, and, on the other, by the mass illegal arming of the Croatian and Muslim populations organized by political elites before the outbreak of the conflict for the secession of Croatia and Bosnia-Herzegovina (cf. Woodward, 1997; naturally, similar mechanisms were also employed in Kosovo). The elites which planned the use of force (against an adversary with superior military power) for secession, followed a simple three-move logic. Mass mobilization, with the assistance of intellectual elites, attracted the support of the majority population for the policy of secession. Violent actions against the federal authorities produced just as violent responses (a "tactics" Milošević always announced in advance), which were, then, interpreted as an assault on the will of the citizens. External support, justified by the use of violence against the legitimate aspirations of the majority population (in part of a state territory) neutralized the initially vastly superior force of the federal authorities.

The thing which, in Montenegro, presented an obstacle to the described course of events (without going into the issue of whether the current republic ruling elite has ever wanted to use a scenario of this kind) was, as the research registered, the majority option – least-wise at that time – of citizens in favor of a common state with Serbia. Although organized autonomous armed formations (militarized police) were created in the Republic, their use for the possible start up of the conflict could have hardly served as justification for resolute external support, in the absence of the first condition of the above-mentioned three-move logic. Be as it may, in the light of the already ten-year bloody civil conflicts in these parts, it is hardly surprising that the public discourse in Montenegro is characterized by the insistence on the peaceful resolution of disputable issues with the Serbian ruling elite. True, bearing in mind that secessionist movements often use only their ultimate objective as the criterion for action, regardless of the costs involved,

it seemed advisable to check if the elements of that orientation existed among the population, and if so, how wide-spread they were. This problem was addressed by only one question in the questionnaire and the results confirmed the decision to economize with space on that account as entirely justified (Table 4).

Table 4. Attainment of independent state even at the cost of a conflict involving victims (in %)*

Nationality (self-declaration)	Independence at the cost of conflict	Independence exclusively without a conflict	Against independence
Montenegrin	11.9	63.3	22.8
Montenegrin-Serb	-	17.6	81.6
Serb-Montenegrin	-	13.5	86.5
Muslim	4.4	85.6	8.9
Muslim-Montenegrin	10.3	75.9	13.8
Albanian	20.4	79.6	-
Yugoslav	1.3	28.9	69.7
Serb	7.1	3.6	85.7

* Column for "Other" responses (accounting for 1.2 % of respondents) has been left out. Chi-square – 432,72; p – 0,000; C – 0,545

Although the statistical indicators warn of a link between (self-declared) nationality and options for the resolution of the problem of statehood peacefully (or in a conflict), one may conclude that the warning is largely false. Namely, what we have here is that the opponents of state independence (who belong to certain national groups) most often did not even wish to declare on this issue, considering it irrelevant. What may certainly be encouraging is the fact that just a small number of the respondents are ready to tolerate violence as a means to deal with political problems. A somewhat higher percent of those who are prepared for conflicts (even if these included victims) may only be found among the Albanians, but that is not unexpected, in view of the recent bloody showdowns in Kosovo and the surroundings. This option does appear among the Montenegrins (and, as usual, among the Muslim-Montenegrins), but it is five times less frequent than the peaceful one. Naturally, we may note that the widest and bloodiest conflicts were, as a rule, started by the minorities, and that therefore the convictions of the majority offer no guaranty of safety in this case. However, the positions of those who reject the conflict make their mobilization for that purpose less likely and – at least where Montenegro is concerned – offer grounds to hope that its state-legal status will not, on their side, be resolved in the battlefields, but rather in diplomatic offices.

Opinions on the type of state and political system

The typology of (modern) states can be developed on the basis of different criteria, but we will take into account only one: the type of collectivity on which sovereignty is based (civil or national state). Naturally, this choice is dictated by

the topicality of the problems the public in these parts was facing during the past years: civil wars for the formation of the SFRY successor states. The issue here was marked by (in our parts often intentionally created) confusion as to who appears as the main bearer of sovereignty – a citizen of the state or a member of the (majority) nation – and it did not bypass theoretical discussions. This confusion was less pronounced at the general level: the most frequently adopted was the position that the (modern) state and nation were historically mutually intertwined phenomena (with the link going both ways: state as the creator of the nation and nation as the initiator of state formation). The difficulties appeared with respect to the sustainability of this link in the present times, when the citizen should – in principle – regardless of his or her particular features, appear as the main subject of political rights (cf. Held, 1997). Naturally, this principle was put in brackets in the territories of the former Yugoslavia, both from within and from without. The elites mobilized the population on programs for the creation of national states (where the status of the minorities would have to be resolved subsequently, *after* the constitution of ethnically based states), while the international community fully legitimized this approach with its rush recognition of states formed on such principles.

We have seen the problem with this logic in Montenegro, due to the unsettled issue of the ethnic link between Montenegrins and Serbs, what's more within the body of members comprising this group. Ethnic specificity, which part of the population (self-declared Montenegrins) proclaims the foundation for state constitution, is opposed by the view of a number of members of the same ethnic group who understand their nationality in a different way (self-declared Montenegrins-Serbs, etc.). Certainly, this problem is additionally complicated by the substantial presence of minorities within the borders of the Republic, moreover minorities which in the republic's surroundings experience the climax of their state-building movements. In view of that, the question on the desirability of placing the constitutional order on national or else civil footing has been formulated directly and the responses attained were distributed in the following manner (Table 5).

Table 5. Montenegro should be constitutionally defined as (in %) N – 1023

Nationality (self-declared)	a state of Montenegrin people	a state of Montenegrin and other peoples living in it	a civil state (i.e. not as a national state)	other
Montenegrin	15.6	43.1	40.7	0.7
Montenegrin-Serb	17.5	48.9	32.1	1.4
Serb-Montenegrin	9.9	43.2	40.9	6.1
Muslim	3.4	47.2	49.4	-
Muslim-Montenegrin	3.4	41.4	55.2	-
Albanian	-	49,0	51,0	-
Yugoslav	6,7	40,0	48,0	5,3
Serb	7,1	32,1	39,3	21,4

Chi-square – 118,95; p – 0,000; C – 0,323

For correct interpretation of the data we should emphasize that the questionnaire explained the concept of the “civil state” (“statehood does not rest on national basis”) and that the respondents were directly faced with the dilemma of a national or non-national constitution of the state. In view of that, we should note first, that the differences along the (self-declared) national lines although existent, are not great. These differences take the generally expected direction: among the minority members the option for civil foundations of the state is increasing, while the national orientation is more pronounced among the different variants of Montenegrins, i.e. Montenegrins/Serbs. Namely, it is clear that the second alternative of the state type (“state of Montenegrin and all other nations...”) is much closer to the first (“state of the Montenegrin nation”) than to the third (“civil, not national state”), which is, without any further explanation – revealed in the fact that the third variant was preferred by the minority members. However, it is important that the “exclusivist” variant – of a mono-national state basis – which dominated during the creation of new states in the territories of the SFY, has relatively fewer supporters compared with the more tolerant one, which acknowledges multi-ethnicity as the constitutive fact (although it nevertheless emphasizes who is the national “bearer” of the state). The fact that the “national-exclusivist” option has more supporters among those who stress their ethnic duality (Montenegrins-Serbs) may certainly look odd, but this is in line with the anyway more emphasized national orientation of this group of respondents.

In any case, we are here once again facing the characteristic ambivalence among the population when the fundamental issues of state constitution are concerned. National, as well as civil options are widely represented – although the former is more widespread among the majority population – but what makes the relationship of the two confronted orientations mutually tolerable is the fact that the more forbearing sub-variant of the national is preferred over the exclusive one.

Concluding remarks

The research has quite clearly confirmed what everyday, impartial observations may easily register: the Montenegrin society is deeply crisscrossed by divisions deriving from the conflict on one of the most important issues of social life, the constitution of the state framework. This conflict is fanned by political elites (assisted by intellectual elites) fighting for supremacy, but it hinges on the incomplete formation of one of the most important elements of collective consciousness – national identification. Modern Montenegrin national consciousness is torn between the idea of ethnic specificity and the idea of belonging to a wider ethnic body of the Serbian nation (as a special part of it). Although the Montenegrin population, for the most part, supports the first idea, a numerically very substantial minority favors the second. Bearing in mind that for ten odd years the surrounding territories (of until recently the common state) have been

enveloped in civil wars aimed at the formation of national states, the conflicts about the national identity clearly must focus on the problem of the state. Thus, the conflicts are simultaneously manifested as those of a choice between the independent state and community with Serbia, so that the two spheres are inextricably interconnected. Directly speaking, the option for an ethnic specificity of Montenegrins reinforces the demand for the formation of the independent national state, and vice versa, the orientation for state independence encourages the belief of ethnic authenticity (with an analogous relation among the supporters of Serbian-Montenegrin ethnic and state unity). This division is related to so fundamental an issue and is so sharp that it surpasses all other social divisions: material, educational, generational, etc. Regardless of the fact that certain groups, formed on different grounds, may manifest greater inclination towards one or the other solution for the problem of the state framework, that – always slight – majority will at all times be confronted with a substantial minority supporting the opposing view. In this sense the state-and-nation issue in Montenegro is, currently, all-inclusive and one of greatest priority.

At that, there are two elements which make the previously described situation still more complex. On the one hand, the part of the population which considers itself an ethnically specific group is still not fully oriented at state independence, and the substantial minority within it supports a common Serbian-Montenegrin state (presumably perpetuating the traditional idea of the unique ethnic origins of Serbs and Montenegrins). On the other hand, there are numerous members of the Muslim and Albanian national minorities in Montenegro who (especially the latter) notably support the idea of Montenegrin state independence (clearly for their proper national interests). In consequence of these eccentricities the number of supporters of one or the other state option is not exactly fixed. On the basis of our findings, we may conclude that – at the time of this research – close to a quarter of the respondents firmly supported the idea of state independence, just over two fifths strongly defended the existing common state, while the prevailing part of those who wavered could be considered oriented towards the federation (subject to appropriate changes in its setup).

The problem with divisions of this kind is that they cut through the social tissue at the spot which almost imperatively demands at least a minimum consensus. In other words, regardless of the fluctuations in the number of supporters of either idea of the state makeup, the minority which does not accept the existing form (whatever it may be) will always be so numerous that the government will constantly face a problem of its legitimacy. In other words, the power holders will be challenged, because the basis for that power - the state framework itself - will not be generally accepted. That is why every mobilizing success of the elites will, in due course, be only temporary and partial, while a long-term, consensus-oriented strategy is hardly conceivable under the given circumstances. In the first place, the huge majority of supporters of opposing orientations incline

towards the peaceful solution of the existing conflicts. At that, the prevailing majority – regardless of their “national and state-building” orientation – supports a principled democratic type of power. This leads to the conclusion that the democratic change in Serbia, with the pacification of at least the brutal forms of conflicts among the elites, might suggest an about turn in the intra-ethnic conflict.

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Translated by Lj. Nikolić

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Social and Political Changes in Serbia/Yugoslavia and the Situation in Montenegro

Summary: The changes that took place in Serbia, in October 2000, have a profound influence on the whole region. Bearing in mind the complexity of the relations between the two republics, particularly their conflicting character which has been apparent since 1997, the events in Serbia have specific implications for Montenegro and its society. Therefore, social and political changes in Serbia must be considered in a much broader context and not only within the limits of the Serbian society.

Key words: Serbia, Montenegro, federation, political relations, political change, independent states.

At the end of the second millennium, the relations between Montenegro and Serbia reached the lowest point since the two republics were living together within a common state. A conflict in the Montenegrin society was stirred up just by the ruling elite in Serbia before October 2000. Due to such an activity, the relations between Montenegro and Serbia were additionally complicated and aggravated. However, it would be wrong to date such relations between the two republics to the last 3 or 4 years of the twentieth century. They were also tense in the period of unity and coalition between the Montenegrin Democratic Party of Socialists (DPS) and the Socialist Party of Serbia (SPS). The depth of this conflict, containing various historical, national, social, economic and other contradictions, became evident after a split in the DPS in 1997.

The possibility of basically different relations arose also due to the fact that the September and December elections in Serbia, as well as the elections in Montenegro, held in May 1998, were the first democratic elections in the political and social life of the two republics after 1945. Therefore, it was logical that the changes with specific democratic characteristics should anticipate the settle-

ment of numerous problems, whereby the relations between Montenegro and Serbia are among the crucial ones. In this regard, the responsibility of the new ruling elite in Serbia was put to a historical and civilizational test. It is an established fact that the national sovereignty of Montenegro and the peace of its citizens were endangered before the October events. Constant threats from some high-ranking officers of the Army of Yugoslavia, which was instrumentalized in the service of one man, created a feeling of insecurity in the Montenegrin society and jeopardized peace.

1. Replacement of the ruling elite as a prerequisite for democratic changes

The change of government in a society anticipates the change of its ruling elite. Thus, the old elite goes away and is replaced by the new one. The specificity of the East European elite in the post-transition period lies in the fact that the ruling elite transformed itself from a political elite into an economic one. In fact, politics in this region is still regarded as an opportunity for members of the ruling elite to accumulate wealth easily and quickly. In contrast to the Western democracies, where political positions are mostly assumed by economically independent and rich persons, such positions in the Balkans are assumed by poor persons and left by rich ones. Their wealth was accumulated “overnight” and suffice it to say that its origin is quite suspicious. On the basis of the attitude of the Montenegrin ruling elite towards such personal gains, it is also possible to interpret their view on the status of Montenegro.

The political elite in Montenegro, as well as individuals who are close to it are also economically powerful. Their economic and political power arises from their ties with the government, so that they function as a state elite and can survive only under such conditions. Without these strong ties with the government, they would not be able to function. Therefore, such an elite advocates the independence of Montenegro. Should its environment be reduced, it would stand a better chance of survival, since it cannot orient itself within a broader spatial framework. Moreover, the possibilities for its promotion are smaller. Since competition in political and economic life is greater, it is more likely that members of such an elite will not survive. For these reasons, the economic elite, which has become one with the state authority, supports the independence of Montenegro. The milieu for its survival is a spatially closed society.

2. Manipulating public opinion by biased surveys

To promote its demands, the elite advocating the independence of Montenegro relies also on various “analysts” and “researchers”.

Public surveys, ordered by members of the ruling elite, are not based on sociological and methodological standards. Already the first critical comments on

their reliability rule out the possibility of their being unbiased. So, for example, the survey conducted by one non-governmental organization, which was frequently cited in the Montenegrin media, has shown that allegedly 65 per cent of the Montenegrin society supports independence. Even if we dispel any doubt that the results were fixed so as to suit the demands of the ruling elite in Montenegro – the survey was conducted by an allegedly non-governmental organization but, in essence, it was a question of the mouthpieces of that same elite – the comments on the results of this survey and their interpretation are not valid from the sociological and political science viewpoint. The results have unambiguously shown that 37 per cent of the respondents support the independence of Montenegro without reservation, while 28 per cent are in a dilemma whether to opt for the independence of Montenegro or for the survival of Yugoslavia. As stated in the commentary, the researcher “had a feeling” that the above mentioned 28 per cent were closer to the first option. Thus, he concluded that 65 per cent of the Montenegrin citizens would opt for an independent and internationally recognized state. It is clear that such a commentary would not withstand any more serious criticism due to a superfluous explanation. It should also be noted that, apart from serious flaws in the explanation of its results, the survey was based on a non-stratified sample. Namely, the sample of 1000 respondents can be regarded as a representative one as regards its size. However, its stratification by age, educational background and place of residence was not representative at all. The sample consisted in 70 per cent of the Montenegrin citizens aged up to 30 years. However, according to the 1991 census, just 15.6 per cent of the population is 19 to 29 years old. The sample also included 70 per cent of the respondents with university qualifications. According to the above mentioned census, 5.17 per cent of the Montenegrin population have university qualifications, 35 per cent – secondary school qualifications and 3.8 per cent – two-year post-secondary school qualifications. More than 54 per cent of the population completed eight years of elementary school or less. Thus, it is quite clear that this group will “tip the scale” in the case of a referendum on the status of Montenegro. The survey sample was also 70 per cent urban. It can be observed that 70 per cent of the respondents accounted for younger people having university qualifications and living in cities. It is clear without empirical research that this segment of the Montenegrin society advocates an independent and internationally recognized state.

However, in the case of any democratic expression of views, the future of Montenegro would be determined – apart from the segment of the society with eight-year elementary school or lower qualifications – by the citizens being older than 30 and particularly by those being older than 55 and 65, as well as by those living in suburban and rural areas. Therefore, we cannot accept any results showing that more than 50 per cent of the Montenegrin population support independence as valid, because this percentage is evidently below 50 per cent.

3. The responsible government of a democratic elite

In many countries the elite was deciding and decided on the fate of the state. Therefore, the crucial question concerns the responsible government of a democratic elite. In the light of social and political changes in Serbia/Yugoslavia, the responsibility of the ruling elite is primarily reflected in the relations between Serbia and Montenegro. After more than 120 days of the functioning of the new Yugoslav government and a much shorter period of the functioning of the new Serbian government, instead of inviting the two elites to a dialogue they are making some moves which are only separating Montenegro and Serbia from each other. There were many cases within such a short period that only enhanced their differences. At the same time, there were not many moves towards the settlement of conflicts. It can often be heard from the federal government officials, elected after October 2000, that the will of the Montenegrin citizens will be recognized if they express their views on the future status of their republic. However, "it must be verified in the Federal Parliament" which, otherwise, the official Montenegrin government does not recognize. Such behaviour of the new Serbian elite at the federal level does not contribute to the settlement of strained relations between the two constituent members of the Federal Republic of Yugoslavia. On the contrary, it only aggravates and complicates the situation still further. Moreover, this elite can also be heard saying that the new community of Montenegro and Serbia will be the so-called functional federation. The newly elected elite in Serbia loses sight of the fact that it is highly unlikely that the federation of Montenegro and Serbia can survive regardless of the applied model.

In the period from 5 October, after the federal elections, to 23 December 2000, when the elections were held in Serbia, there was a vacuum in which the members of the new Yugoslav government, including the Yugoslav President, performed some tasks lying beyond their constitutional competence. Therefore, Montenegro was patiently waiting for the election of the new, democratic Serbian Government, which would be its partner in the talks about the future status of the two republics.

However, even if there was any possibility that the federation of Montenegro and Serbia could survive, it was ruled out after the adoption of amendments to the Yugoslav Constitution on 6 July 2000. These amendments were intended to exert pressure on Montenegro and discipline it. They had no legitimacy in view of the procedure of their adoption, legislator and content. They have no civilizational, moral and cultural legitimacy either. They reduced Montenegro to an electoral district, like Vranje or Leskovac. Adopted just because of Montenegro and aimed against it; they definitely destroyed a provisional state such as the Federal Republic of Yugoslavia. With their adoption, the possibility of creating any federation was finally ruled out. Therefore, the story about a "functional federation", launched by the ruling elite in Serbia, is too anachronous. However, although the adoption of these amendments was an act of legal violence, it is even

more disturbing that there was no reaction by any cultural, research or other institution in Serbia. Not one university or institution rose up in the defence of the Montenegrin rights, although the centre of resistance to Milošević's totalitarian regime was located precisely there. Few individuals expressed their discontent in some way, but their voice was drowned in the Serbian consensus and demand that Montenegro should observe the amendments. Such view was prevalent within the movement that triumphed in the federal and republican elections in Serbia. After its coming to power, nothing was radically changed, including its attitude towards Montenegro and its right to decide autonomously on the possible community it wishes to create. Even less has so far been done with respect to the army, which posed a constant threat to the peace and stability of the Montenegrin society. Due to such a position of the new elite in Serbia, it is still possible – albeit to a much lesser degree than before October 2000 – that the army leadership, which was also Milošević's commanding staff, as well as military force in general, will be used "in the service of one regime" rather than "in the service of one man and one family" as was done in the past. So far, Montenegro has displayed great patience in its attempts to normalize its relations with Serbia. It also waited for the period of "vacuum", that is, an interval between the Yugoslav and Serbian elections, to pass so as to begin its talks with the Serbian Government as its partner, because the third (federal) government is absolutely unnecessary for the settlement of these relations. Montenegro has its legitimate government and so has Serbia. The third entity, which has no legitimacy in Montenegro, is unnecessary. Truly, the talks between the Montenegrin and Serbian representatives may also be conducted on the premises of the Federal Assembly or some other federal institution. In other words, the presence of Yugoslav institutions is possible only in a technical sense as far as the settlement of the relations between Montenegro and Serbia is in question.

Although the period between the elections in the Federal Republic of Yugoslavia, particularly the elections in Serbia, and March 2001 is very short, the subsequent events have shown that the changes, especially political ones, have not brought about any radical change in the attitude towards Montenegro, as compared to the former regime. Truly, the possibility of destabilizing Montenegro by using the army, as was the case with the former Yugoslav republics, or armed rebellions has substantially been decreased. The Serbian side has not yet shown its readiness to repeal the disputed constitutional amendments, although it should have done that already. There is still no readiness to schedule new federal elections in Montenegro in which a greater number of citizens would participate than in the elections of 24 September, 2000, when 22 per cent voted for Slobodan Milošević.

The new ruling elite in Serbia must recognize the need for discontinuity with the Federal Republic of Yugoslavia, which *de facto* does not exist. This discontinuity must be total and many-sided. The Serbian government must, first of all, break the continuity with the policy that led the majority of the population of that

republic into wars and alienated it from the rest of the world and the peoples with which the Serbs had lived for such a long time. Serbia must also break the continuity with the policy that reduced the standard of living of the majority of its population to a very low level. This discontinuity must be constitutional and the first step should be to repeal the amendments whose adoption represented an act of legal violence. The 1992 Yugoslav Constitution, or the "Žabljak Constitution", which was enacted by the ruling parties of Serbia and Montenegro, has not been functioning for a long time. In fact, this Constitution is legally dead in the sense that Montenegro already attained a considerable degree of autonomy while resisting Milošević's regime. The new Serbian authorities must understand that it is now difficult to accept anything below that degree of autonomy and that this is the political reality of Montenegro and Serbia. In the first half of 2001, this reality is reflected in the fact that Montenegro and Serbia have only one common function – flight control. It is frequently stated that they also have the common army, but this is not so. A significant part of the Montenegrin population resists the Army of Yugoslavia and feels animosity towards it due to its role during Milošević's regime.

This army is also not a common factor, because Montenegro has its parallel army of about 20,000 policemen, who are well trained and represent a very respectable armed formation. This formation served as its shield against the possible attacks of the military forces loyal to the former Yugoslav President. Therefore, the Serbian elite must understand that it is difficult for Montenegro to accept the derogation of its current functions and that this republic only demands their legalization. The present Yugoslav Constitution cannot pose an obstacle nor can it be used to justify unwillingness to accept the actual situation. After all, the Republic of Serbia does not respect this Constitution either. Namely, it never adjusted its Constitution to the mentioned federal constitutional act.

The new Serbian government has full democratic capacity for talks and, moreover, has been accepted by the democratically elected government in Montenegro as its partner. Therefore, it must place the problem of mutual relations on its agenda as soon as possible and consider all options and platforms in a competent and responsible way. In this regard, one must not forget the historical and current interests of the peoples of Montenegro and Serbia, which should be such as to enable both peoples to live in harmony and maintain appropriate relations. The talks between the two governments should be aimed at preventing the violation of any of their rights, even at the cost of separation of the two peoples. It is better to reach a compromise through mutual talks than insist on a solution that would be opposed by one of the two republics. Any resistance would have a negative impact on the relations between the two peoples and the rights of citizens.

Therefore, it is necessary to withdraw maximum demands and try to find the solutions that will not violate the basic rights of any member of the people that will become the so-called new minority in one of the two entities. One must not

lose sight of the fact that there are still attempts to stir up a conflict in the Montenegrin society and between the two republics. It must be understood that, at the beginning of the third millennium, the Montenegrin society is sharply divided. Therefore, it is not possible to meet the maximum demands of the proponents of a sovereign and internationally recognized state. This sharp division, caused by insistence on its ultimate solution, is turning Montenegro into a conflict-ridden society. There is no Montenegrin who will be happy in and who needs an independent Montenegro as a conflict-ridden society, intersected by various para-territories and para-organizations of some Serbian Autonomous Provinces, Montenegrin Autonomous Provinces and the like. Although they are aware of this conflict, the newly elected authorities in the Federal Republic of Yugoslavia and Serbia still stir it up in some way. During Milošević's regime, there was customs control in Prijepolje, at the border between Montenegro and Serbia. One of the first steps of the new Serbian government was to lift this control and this was proudly announced in the media. In early March 2001, however, the Serbian Government reestablished customs control and this was also publicly announced. Further, the mentioning of any federal institution in Montenegro only stirs up intolerance and resistance among some citizens. Thus, it is a true paradox that the Federal Government opened the so-called Federal Government Office in Podgorica. Its nameplate was removed that same day at the request of the Montenegrin authorities.

The opening of this Office cannot be justified by the need for a more efficient functioning of the federal state, since the Montenegrin government does not recognize the functions of that state and its decisions are not binding on the Montenegrin citizens. In a divided society, such actions only stir up a conflict.

The new ruling elite in Serbia must understand the reality of the situation as regards its relations with Montenegro. And this reality is such that in the first years of the twenty-first century Montenegro and Serbia co-exist within a state being much less than a federation. Such a state would hardly be accepted by anyone who has already attained a significant measure of sovereignty (i.e. an autonomous legal system, autonomous economic and monetary system, customs system, independent foreign policy, etc.). Montenegro and Serbia should aim for a community that would have some common functions. Namely, it is not in Montenegro's interest to be in a community where its statehood and security will constantly be threatened (and we can testify that this was the case during the former Serbian regime). It is also not in its interest to be in a community where its disproportionate representation will be measured by the size of statistical error and will not regarded as a comparative advantage. However, it is in the interest of the Montenegrin citizens to be in a lasting community with Serbia, or in some kind of community that will secure their vested rights and enable the maintenance of existing communications and ties between the two peoples and citizens. Such a community may be a union or confederation. It can be created on the principles of the Scandinavian countries or a commonwealth. Therefore,

the new authorities should not expend their energies on supporting some kind of federation which is not needed by anybody, including the Serbian citizens, and which will not produce satisfactory results if any possibility of independence and sovereignty is ruled out. At the beginning of the third millennium, every sovereignty is limited, since the countries of South-Eastern Europe will get together somewhere in Europe. Sovereignty is now neither in Belgrade, nor in Podgorica, nor in Priština, nor in Novi Sad... It is in Brussels and everybody will knock at that door. There is no need to bother with a debate as to whether there will be a referendum in Montenegro and who can participate in it. This only complicates the situation and stirs up a conflict in the Montenegrin society. A referendum on independence cannot and will not be held in Montenegro, because all serious analyses show that there is even no simple majority that would vote for such a status (i.e. it is below 43 per cent). Moreover, the broader international community also does not support a referendum in the situation when the Montenegrin society is so divided. In real fact, the ruling elite in Montenegro insists on a referendum only verbally, because it knows the sentiment of the citizens very well. In that way, it is trying to strengthen its bargaining position vis-à-vis the international community and Serbia. After the fall of Milošević's totalitarian regime, the representatives of the international community accepted the new Serbian political elite as the appropriate and equal partner in negotiations. On the other hand, after October 2000, the position of the Montenegrin Government on the international scene weakened. Bearing in mind such a state of affairs, it is particularly not in the interest of the new Serbian government, which is treated as a cooperative partner in its talks with the international community, to aggravate the situation still further. On the contrary, social and political changes in Serbia show that the stabilization of its relations with Montenegro is in its rational and democratic interest. And the normalization of these relations is possible only through negotiations and by recognizing the actual state of affairs.

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The State and Society in the Process of Globalization

Summary: The paper is devoted to an analysis of changes in the traditional functions and status of the state and society in the on-going processes of globalization. The author levels his criticism at two main postulates of the prevailing neo-liberal ideology – the faith in the omnipotent free world market and the theory of limited sovereignty of nation-states. The first is based on the criticism of the concept of “welfare state” and the other is a result of the disappearance of the bipolar world’s power structure. Both phenomena lead to the global domination of large multinational companies and absolute supremacy of one superpower in world politics. The ideological justification for these processes is contained in the concept of “liberal democracy”, where the classical democratic tradition of political thought is suppressed by the liberal one.

Key words: state, society, globalization, market, liberalization, democracy, sovereignty, oligarchy, capital.

During the last decades of the twentieth century in the West, which sets the tone and direction of development in the modern world, the role of the state and especially its specific feature – sovereignty were brought in question. The limitation of its role and powers is justified by the strengthening of the decisive role of society. The limitation of state authority and, sometimes, its suppression are explained by a *crisis* of the “welfare state” or “nation-state”.

From the end of the Second World War until the mid-1970s, the living conditions improved in the majority of the Western countries. In the social sciences this phenomenon was termed the “welfare state”. It seemed as if the aspirations of the nineteenth-century workers’ movement began to materialize in such a type of state. The Scandinavian countries and their social democratic governments were regarded as the spearheads of the “welfare state”. According to numerous indicators, the Federal Republic of Germany and Canada were also such states. However, in the late 1960s and with the waning of the student

movement, the “welfare state” became the subject of systematic criticism. The old argument of the nineteenth-century theorists of the German “*Rechtsstaat*” against state intervention in economic life gained in importance once again. So, the “welfare state” was blamed for the inefficiency and corruption of public life arising from the irresponsible behaviour of individuals. As reminded by Riccardo Petrella in *Le Monde diplomatique*¹, the “welfare state” is blamed for a fall in the profit margin. Since then, a rise in the profit margin has become the overriding objective of political conservatives and neo-liberals and – as emphasized by this professor at the Catholic University in Louvain – an underlying motive for their struggle against the “welfare state”.

What are the results of such criticism? The first is the subordination of all spheres of life to the demands of the economy. But, it is not a question of the national economy, that is, the economy of a specified country. Rather, it is a question of the *globalization* of economic life, particularly trade, which is subordinated to the interests of the world’s largest companies, supported by the world’s most powerful countries, especially the United States. Petrella even mentions some of those large companies: Microsoft, Cisco, Intel, IBM, Ericsson, Nokia, Time Warner, Walt Disney, CNN, Bertelsmann, Murdoch. They exemplify so-called “information society”, as the new society of the future, its symbol being the *computer*. Petrella argues that this information society would be capable of creating a new “politeia”, or direct global *government without the state*.

The systems of education, upbringing and science itself are turning into the instruments of private interests and big business, instead of showing concern for the common good. *Knowledge* is also becoming *merchandise* and not only labour. The tendency of capital to subordinate science to its interests, which was already observed by Marx in the nineteenth century, is becoming reality in our times. In his article “Professors as Businessmen”, which was recently published in the Serbian edition of *Le Monde diplomatique*², Ibrahim Vard gives the examples of associations of universities and firms, such as the Business Higher Education Forum, a lobby which gathers businessmen and university professors. This is how the “market-model university” is created. Vard points to the example of “professors entrepreneurs” who “have great prospects for becoming rich rapidly if they cast anchor at a university”. One American professor of Yugoslav descent has recently pointed out at the Serbian Academy of Sciences and Arts that research into genes and genomes in the United States is left over to the interests of private capitalist companies. The wave of scientific and technological revolutions, especially in the fields of information, communications and automation, is exerting a direct influence on the development of the new concepts of society and the world in which we live. In 1999, Pierre Bourdieu, who teaches sociology at Collège de France, expounded the neo-liberal social model in pre-

¹ Riccardo Petrella, “La dépossession de l’Etat”, in: *Le Monde diplomatique*, Paris, 1999.

² *Le Monde diplomatique*, Belgrade, March 2001 (Serbian version).

cise terms.³ The first principle of this model is the separation of the economy from society. The economy is “ruled by natural universal laws and governments must not resist them”. Bourdieu forgot to recall the teachings of French physiocrats who anticipated this neo-liberal principle a long time ago. The second neo-liberal principle, according to Bourdieu, consists in the fact that in democratic societies the market is becoming an optimal instrument for an efficient and just organization of production and trade. With a plausible reason, he regards the American system as an ideal combination of liberalism and neo-capitalism, so as to say, just as described by Max Weber in *The Protestant Ethic and the Spirit of Capitalism*.

If the economy is viewed as a metaphysical entity, separated from society, can it be said that society itself has become a “market society” and that the market is not only reserved for the economy? The French term *la marchandisation* – the English equivalent being “commodification” – depicts this phenomenon in the most adequate way.⁴ The free-trade ideology, which was developed in the nineteenth century, views the market and commodification as *natural* forms of social organization. Society is based on economic arrangements, in which every individual tries to reduce his or her costs and increase his or her profit by trading in goods and services. The principle of individual responsibility is especially respected. By suppressing the redistributive “welfare state” policy which, allegedly, punishes private initiative, a market society, according to John Rawls’s model, should be just in the sense of being a *fair* society. According to the neo-liberal ideology, the well-known and almost insurmountable problem of unemployment is the result of poor education and mistakes in one’s professional career rather than the result of injustice of the capitalist system. The fundamental principle of a market society is *profitability* and the individual, as noted by Petrella, becomes worthless as soon as he or she becomes unprofitable.

Here we return to Bourdieu once again. He argues that a society may prosper economically and scientifically and still be politically and socially underdeveloped. Indeed, the state is withdrawing from the economy and public goods, such as medical care, housing, insurance, education and culture, have been transformed into commercial goods and their users into clients. The concept of *self-help* anticipates that everyone must take care of him- or herself. The motto of such a society of isolated individuals is “Everyone for themselves and God for all”.⁵ Bourdieu concludes rightfully that, in real fact, there is not one present-day society, except the American one, which has developed such a calculative mentality. That is brutality, he notes, “with which people talk about their value in dollars”.

³ Pierre Bourdieu, “La philosophie sociale du néolibéralisme”, in: *L’Humanité*, 4 November 1999. On neo-liberalism cf. also: Ljubomir Tadić, *Nauka o politici (The Science of Politics)*, 2nd edition, Belgrade, 1996, pp. 151, 506-513, 562-564, 592.

⁴ The French term is derived from *la marchandise*, merchandise or commodity.

⁵ According to Bourdieu, this egotistic principle has its religious roots in Calvinism.

It might be concluded that in the described world any logic is subordinated to the logic of money. The model that is recommended to the modern world anticipates the isolation and de-socialization of individuals. Bourdieu says rightfully that in this world individuals become individualized through de-socialization, adding: "This neo-liberal philosophy also represents 'neo-Darwinism' in the sense that only the fittest survive. It rules out any solidarity..." In the world of neo-liberal ideas there is undoubtedly no mercy for the poor. They are not profitable or, as the liberal theoretician John Locke used to say a long time ago, they are "lazy" and "quarrelsome".

The other example of this specific showdown with the state is the doctrine of *limited sovereignty* (proclaimed by the entry of the Warsaw Pact troops into Czechoslovakia). In the theory of the notion of sovereignty, two basic forms are encountered: (1) the sovereignty of absolute power and (2) sovereignty of the people. All liberation movements in the history of the modern state which, otherwise, begins with absolute monarchies, fought to limit absolute sovereignty. This applies especially to revolutionary-democratic movements. In our times, forms of absolute sovereignty are the *totalitarian* regimes of Nazism, fascism and Stalinism. The struggle of democracy against totalitarianism is also the struggle against unlimited sovereignty of power. Neo-liberalism pretends to be an alternative to leftist and rightist totalitarianism, although the Frankfurt School ("the Critical Theory of Society") presented many valid arguments in favour of its thesis that the roots of the cult of Nazi and fascist leaders can already be found in the form of successful businessman.

From the standpoint of neo-liberalism, all nation-states today are the states with limited sovereignty, except the United States. In his book *The Grand Chessboard: American Primacy and Its Geostrategic Imperatives*, the well-known geo-strategist and theoretician of America's absolute hegemony in the world, Zbigniew Brzezinski, writes about this issue very cynically⁶. Namely, he states that this (geopolitical) approach is meaningful only if it serves the American interests and this means, over a shorter term, an evolution to *institutionalized* global cooperation... Three great geo-strategic imperatives could be summarized in the following way: to avoid a collision among the vassals and *keep them in a state of dependence*, which justifies their security; to maintain the obedience of the protected subjects; to prevent the barbarians from forming offensive alliances. As regards this geo-strategy, various forecasts of an economic nature are made, especially the one concerning control over oil fields in the Caspian basin. But, to maintain and expand the American hegemony, it is also necessary to suppress all efforts geared to the preservation of national sovereignty and denounce them as a barbarian offensive. However, the allies, such as Turkey, or its legacy (successors) in the Balkans, should be supported, even when they

⁶ The book is here quoted after the French translation: Zbigniew Brzezinski, *La Grand échiquier: l'Amérique et la reste du monde*, 1997, p. 68.

commit aggression against other countries (the Turkish invasion of Cyprus half a century ago) or resort to open, bloody revolts and acts of sabotage in the countries designated as “barbarian” in advance. However, the barbarian bombing of Yugoslavia two years ago, which was cynically called the “Merciful Angel”, shows the other side of the medal: the barbarian brutality of the greatest global superpower and its vassals.

One article written by the editor-in-chief of the well-known American journal *Foreign Affairs*⁷, Fareed Zakaria, presents in detail the American view of democracy or, more exactly, the relationship between liberalism and democracy. In fact, it criticizes so-called “liberal democracy” from the viewpoint of neo-liberalism. It is interesting to note that, at the very beginning, the author makes reference to one statement by Richard Holbrooke concerning the 1996 elections in Bosnia-Herzegovina. Namely, Holbrooke expresses his doubt about the results of these elections, although they were free and fair, because he labels the winners as fascists, racists and public enemies of peace. Our public is familiar with the criteria and standards used by this politician to form judgement on the people on our soil. His statements and stands were based on the same strategic assumptions, which are advocated by Brzezinski with unprecedented ruthlessness. Zakaria bases his criticism of “liberal democracy” on these stands. He pits against it the model of “constitutional liberalism” which, in his view, differs from democracy from a historical viewpoint. According to him, the other name for constitutional liberalism is liberal democracy. This form of government is prevalent in the Western countries and its features are not only free and fair elections, but also the rule of law, separation of powers and the protection of the basic liberties, such as the freedom of expression, of association, of worship and of property. Truly, Zakaria admits that until the twentieth century most West European countries were liberal autocracies. He also points to Austria-Hungary as a classical liberal autocracy. In his view, the process of liberalization in the West was conducted through economic liberalization, which played a decisive role in the promotion of liberal democracy.

One cannot deny the values of liberal democracy as political and legal achievements. Its origins should be sought in the emancipatory ideology of natural law and the resultant political revolutions in the West. One also cannot deny the link of political liberalization with economic one, which was advocated by the bourgeoisie. However, democracy is not only the “government by the people”, as held by the mentioned author making reference to Herodotus. If we follow the authentic interpreter of the Greek antiquity, Aristotle, democracy is *the rule by the free poor majority of the people*, as contrasted to *oligarchy or the rule by the rich minority*. In Europe, this definition of democracy was retained until the revolutionary year 1848, when the poet Lamartine warned the French bourgeoisie not to reject democracy unless it wants to lose everything in a wave of the

⁷ The article was published in the November-December 1997 issue.

people's anger.⁸ Since then, the notion of liberal democracy in Europe has been understood as a specific reconciliation of liberalism with democracy. Its specific feature is the functional subordination of the notion of *equality* to freedom, which is understood as *free enterprise* based on *private property*. As we have already noted, these elements have created a basis for the development of the meaning and content of the notion of "rule of law". Zakaria sees the progress of liberalization in its conjunction with capitalism and argues that the pressures of world capitalism can upgrade liberalization and that markets can be adjusted to the model quite well. Thus, it follows that liberal democracy can be equated with the *rule of liberal oligarchy* and that the market sets the moral criteria. Liberal democracy, that is, liberal oligarchy is led by the law of profit as its fundamental law. And the law of profit is the law of the market. Liberal democracy (oligarchy) regards it as eminently democratic, because it confirms the victory of a product that is accepted by the majority. It seems as if the law of the market is best suited for human nature. The profit margin should be the measure of human progress and should be immortalized by the "world government without the state" (but with one global superpower), world police and world currency. In this way, the process of globalization would be completed.

Belgrade, 28 April 2001

Translated by V. Gligorijević

⁸ On the differentiation of the notion of *democracy* cf. also: Ljubomir Tadić, *Nauka o politici*, pp. 359-369.

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Democracy as “Destiny”

Summary: In this paper the changes in Serbia are analyzed within the broader context of the historical triumph of democracy over the systems of “real-existing socialism”. Regarding the socialist experiment as a tragic act of violence against the “logic of history”, the author emphasizes the superiority of democratic systems and values. Therefore, he interprets the process of “transition” as the process of universalization of democratic ideals and institutions. But, in contrast to the optimistic vision of the “end of history”, the author draws attention to numerous challenges and dangers accompanying the process of globalization of “real democracy”, particularly in the sphere of international relations. Citing Noam Chomsky, the author is especially critical of the role that the United States, as the only superpower, ascribes to itself in international politics. By making an analogy between its foreign policy and the Soviet policy in times of communism, the author concludes that such a policy can be equally destructive for democratic ideals and values as was the case with the Soviet policy for the ideals and values of communism. In conclusion, the author calls for the recognition of democratic values in the sphere of international relations and emphasizes the significance of individuals, as visionaries and historical figures, for the process of universalization of democracy.

Key words: democracy, international politics, history, role of personalities, globalization, socialism, historical experience, transition, international relations.

The purpose of this paper is to remind that historical figures are those individuals who, thanks to their capability to understand the greatest potentialities of their times, as well as to their deeds, open a new epoch or, at least, lay down the guidelines for future generations, thus enabling the latter to orient themselves in the time in which they pursue their aims. In a word, their achievements have the character of “legislative norms”, which will be observed by future generations until all their possibilities are exhausted and they remain only to testify about progress made. A failure to observe these norms is punished by the defensive forces of the times, feeling that they are prematurely and unreasonably denied.

As the proponent of a somewhat less activist conception of the individual, Hegel would say that those individuals, thanks to “recognized necessity”, that is,

historical consciousness, only advocate one great objectifying historical regularity – “the world spirit” that wears “seven-league boots”. In Hegel’s view, every epoch lives according to the law of its innate contradictions and exploits its possibilities until such conditions are created as will mark its inevitable end, which does not depend on the will of any individual, despite the fact that nothing important can occur without direct participation of human beings.

Regardless of the totality of Hegel’s conception of the individual, the awareness of the transiency of every epoch in history and the fact that the role of an individual or organized groups in its events depends, in essence, on one’s awareness of its limits, must be taken as an absolutely correct statement. Its correctness is clearly confirmed by the way in which one “quasi-historical epoch” ended in the former Soviet Union and Eastern Europe, not to mention the depth of the tragedy faced by these countries while attempting to reestablish their links with modern Europe and its historical achievements.

What is now happening in Russia and Eastern Europe, including the Balkans, in the process of democratic “transition”, should not be regarded as the triumph of capitalism over socialism (which was never really established in a conceptual sense), but as the return of these societies into the mainstream of European history after their tragic experiences with ignoring its limiting factors. From a valid insight into the regularities of alternation of historical epochs, Lenin made a fatally false conclusion about his possible place in history or, to be more precise, about his tasks and the tasks of his party comrades. Relying on the “inexhaustible” sources of Bolshevik energy, he understood imminent development of history as the realization of his own project, whereby everything that would be found as a “deposit of pre-history” had to be radically reconstructed according to plan (including man and his consciousness), or simply destroyed in order to achieve the noble aim more rapidly. Stalinism thus became an inevitable product of a new, arbitrary and irresponsible understanding of history.

What is happening today in the so-called “democratic West”, while attempting to expand to the rest of the world in the process of its universalization, is not a result of the implementation of any capitalist or other ideological model of social life, because – regardless of how much these models take an active part in history and its events it is their source and not their product. If the current model of social life in these countries can still be regarded as capitalism, it is possible to tell the plain truth, albeit in a somewhat paradoxical form, that capitalism has survived thanks to the fact that, in the process of self-negation, it was adopting socialist social contents in a historically responsible manner.

In that sense it is true that the so-called socialist principle and the so-called capitalist principle are mutually exclusive only in the discourse of theoreticians and direct power holders and not in real history. The secret of a total collapse of the Soviet, Leninist historical experiment just lies in the failure to understand this fact. Instead, one basically unlimited, subjectivist ambition came unscrupulously

into conflict with the superior logic of history. In essence, Lenin's model of social life, as well as his conception of history are not concerned with the problem of man's "present freedom" and the incorporation of such freedom into the status unity of means and end, thus resulting in a democratic direction of social development.

The European idea of democracy is not accidental or irrelevant. Rather, it is as much necessary and important as practical, especially in the systemically developed, world reception, regardless of all known deficiencies and contradictory results. By giving a chance, in principle, to universal and particular, individual and society, minority and majority, difference and identity, and the like, it has become the mirror of actually achieved freedom and non-freedom and the measure of human progress. When we think of the "modern West" in an attempt to single out the positive aspects of that notion, we usually think first of the material wealth of people in that society, which we explain, above all, by its careful promotion and maintenance of free enterprise, based on the realistic measure of private ownership and the commodity market as the basic regulative principle of overall economic life, as well as of a very complex system of democratic institutions, protecting political, economic, social and human rights. This is actually something that imposed itself in an advanced civil society as a must of our times within the scope of protection of human rights and the establishment of the rule of law.

The current developments in European integration processes and particularly in the countries of "real-existing socialism" in the process of "democratic transition" do not imply the introduction and recognition of some new ideals, values and aims. Rather, it is a question of the spatial universalization, value globalization and international protection of old democratic ideals, values and aims of humankind, which have so far been the "privilege" of just one part of the world – the "democratic West". However, if the ideals, values and aims are not changed under these circumstances, this cannot be said of almost all old political notions, relations, meanings and logic, such as, for example, the notions of nation-state, national sovereignty and the relationship between subjects and state – the old view of the world as the sum of everything that exists on our planet or, in other words, as the sum of all peoples and states.

This process of universalization and globalization, which is strongly supported by the fantastic multiplication of man's technological power, would also end up in a specific form of totalitarianism as its paradoxical result if it were not for its basic characteristic on the other extreme – the process of individuation or, more exactly, the free development and recognition of individual and particular. This is how the world is moving towards its unity, while at the same time confirming the real unity of human identity, as well as the immense wealth of national and civilizational differences, each of them having the right to life and free development.

But, how can any of them survive when globalization aims at leveling, uniformity, even overall monotony, while individuality is vitally interested in retaining

and developing its difference as undeniable proof of its identity? It is certain that this cannot be regarded as a matter of mere arbitrariness unless some “blind-fold” force interferes in all this. There is no doubt that the differences with the deepest historical roots stand the best chance of survival and have the greatest strength and “right” to be what they are, since their “right” to participate in freedom is based on the unity of strength and historical circumstances.

When certain ethnic groups tend to single out their hitherto suppressed or forcefully pent-up peculiarity in order to win full recognition of their identity, their attempts turn into an important political issue. Namely, as a rule, they tend toward separation from some existing state and the creation of their own nation-state. Until recently, such aspirations were almost always settled by armed conflict. International protection will decrease to some extent or, in some views, minimize the possibility of realizing this democratic right by the use of force. However, this makes the establishment of a truly democratic international order increasingly less possible, on one side, and complicates the relationship between internal and international political factors, on the other. This problem becomes apparent only if one takes into account the fact that so far eight thousand ethnic groups with different languages and cultures have been registered (according to the well-known analysts of modern transition processes, Alfred Stepan and Juan Linz). It is highly probable that the world will gradually be confronted with eight thousand demands for the creation of one’s own “life-saving” nation-state in the further process of democratic globalization and universalization. It is hard to imagine the United Nations with eight thousand delegations representing eight thousand saved and liberated ethnic groups, let alone a democratic international order and cooperation, based on the principle of equality, between Small and Big, Rich and Poor, Civilized and Uncivilized, Armed and Unarmed, etc. Therefore, it is logical to conclude that the history of the world has not yet been finished – if anyone believes in such a possibility – let alone the history of ethnic conflicts. Moreover, many analysts of European integration processes regard such conflicts as an actual possibility in the near future of Europe.

However, if it has been stated that democracy is a must of our times, this does not mean that it must be introduced everywhere and in all cases, or that it must be introduced in the foreseeable future, or that it must be introduced in the form of the expected totality like a natural law, or that it can be introduced without great resistance and in pure form. On the contrary: the content of the forthcoming historical events will most likely be marked to a considerable extent by internal and international resistance.

True, the powerful countries of the “democratic West” are now actively supporting worldwide democratic processes under the American leadership, as contrasted to one-time tyrannical international alliances, which were formed with a view to suppressing social and national liberation movements and efforts. It must be noted, however, that this support – regardless of its propagandistic

background – is based not so much on the solidarity of those powers with the poverty and oppression of others as on self-interest in the form of expected favourable effects of open communications of democratic systems and their access to international markets. Where this self-interest is not satisfied as expected, the support is very often withdrawn, and instead of being consequent it sometimes ends up in close cooperation with despotic regimes. In other words, democracy has no lasting proponents and friends on the international scene, at least for the time being. But, there is no doubt that its moral superiority is increasing as a guarantee of the achievements of human civilization in man's aspiration to freedom, recurring in times of great temptations.

On the other hand, democracy, which is inseparable from freedom, "must not" win in the situation when those lacking freedom are not keenly aware of its vital importance and are not ready to sacrifice themselves for it. Otherwise, it will not be authentic or long-lasting, and will turn rapidly into something that most frequently functions in the form of so-called puppet government on an international plane and as hypocritical democracy and deception on a national one.

Brutal force, whether internal or external, is not very desirable and effective here. Moreover, its effectiveness is almost absolutely in inverse proportion to the intensity and duration of applied violence. Lenin, Stalin and all subsequent Soviet "leaders and teachers" based their belief in the progress of human civilization on their power rather than on the attractiveness of the values representing that progress. The same is true of contemporary American leaders who – by relying on the supremacy of their power – attempt so often to bring the peoples of the world to respect the so-called "American value system" and "democracy", controlled by the White House.

With the insight of a great connoisseur and steadfast protagonist, Noam Chomsky has proved very convincingly that all American "emancipative" and "humanitarian" demonstrations of force after the Second World War, especially the aggression against Yugoslavia in 1999 – probably the most senseless of all – inflicted incomparably more human suffering, not to mention civilizational backwardness and distrust in "American justice" and "freedom mission", than they produced any progress towards democracy and freedom in the world. On the contrary, a new stage in the advancement of democracy will be possible just by the destruction and dissolution of that unquestionable world power – the Atlantic Alliance under the burden of its inner contradictions. That will happen all the more faster if this power continues to expand increasingly more ruthlessly, paying no attention to "historical bumps", stumbled upon during its "humanitarian" dispensation of democratic values throughout the world. That inevitable end can already been observed with the "naked eye", while America was, and will be, making its genuine and invaluable contribution to the introduction of democracy as the fundamental principle of the modern world thanks to its relatively exemplary democratic institutions and unreserved trust in their lasting value.

Consequently, democracy is a must of our times, but only on the assumption that through the strivings of specific subjective factors our epoch make use of all its possibilities; under such conditions democracy will be realized as a conscious and vitally important aim that may, but must not, be missed.

However, the question is what subjective factors determine whether this aim will be attained or not? It seems that one should single out the role of the individual, which has not become weaker despite an evidently greater influence of democracy and the development of its institutions. On the one hand, this apparent paradox should be explained by an increasingly higher concentration of economic, political, military and technological power in the hands of the leaders and their oligarchy in the most powerful democratic countries and, on the other hand, by a great possibility of (ab)using various democratic rights and values, particularly the right of peoples to self-determination, including the right to form a nation-state.

In both cases, it is difficult to challenge the old truth that the “historical individual”, having found him or herself in the position to make crucial historical decisions, does not act at will, but under a strong influence of broader and much stronger interests. Since these interests may not coincide with the historically matured demands of the time, the “individual” is often in the situation to make historically incoherent and unrealistic decisions. It is even worse, however, if the individual, driven by the will to power and passionate desire to leave an eternal trace of his or her existence, decides to shape the course of history at will, blinded by his or her own might or miscalculated chance for success.

Despite the fact that, by initiating democratic social reforms, or the *perestroika*, Mikhail Gorbachev understood the messages of our times quite well, he can be taken as an example for both cases. By dissolving unilaterally his military and political bloc, whereby he interpreted and controlled the political conditions of its dissolution in an authoritarian manner, he prolonged the life of the rival military and political bloc – the NATO – to a considerable extent. He provided this alliance with an opportunity to present itself as the exclusive “owner” and master of our time which will under the United States leadership and by using the language of force set the norms and conditions for the participation of others in the on-going events.

Gorbachev could have alleviated the “transition” sufferings of his people by pursuing a historically mature and diplomatically wise policy. Moreover, he could have shortened the process of its return into the mainstream of European history. However, while craving for power and being driven by the corruptible “hurricane” of praises and the support of internal and external factors led by their own interests, he lost the sense of reality and missed the chance to extract a simultaneous dissolution of both gigantic military-political blocs. He could have also helped the democratic spirit of our times to realize its “right” faster and less painfully. However, he behaved as a mere competitive factor of his, still old time. Af-

ter having realized that his system reached an impasse and that he lost the global race, he wished – overcome by “good will” – to dump all this systemic trash and, treating given historical circumstances in the same way as his Bolshevik predecessors had done, change the world right away by announcing a new beginning,.

But, if we disregard the internal political assumptions, the question that imposes itself is: what is the essential difference between the philosophy of contemporary American leaders and the philosophy of bolshevism damned and hated by democrats when the former, after having expanded their superior military and economic power all over the world, are sending word to the world: “Democracy – or death!”?

It can be said that European and American leaders recommend to all undemocratic societies the most advanced system of government in terms of equality and liberty and that they only wish to speed up all this by force. But, the Bolsheviks also set liberty and equality as their aims and tried forcefully to achieve them right away.

American leaders see themselves as the spearhead of the united world of freedom just as the Bolsheviks saw themselves as the infallible “leaders and teachers” of others in the united Soviet world. While insisting on the universal rule of law and equality, American leaders are increasingly regarding themselves and their country as being beyond the rule of international law and equality, just as Bolshevik leaders used to present themselves to their world of “real-existing socialism” as the supreme arbitrators and visionaries. In the second half of the twentieth century or, to be precise, in the period of their enormous military, political and economic growth, American leaders – just like Soviet ones during their military and economic growth – inflicted many casualties during their (American) “noble” humanitarian and freedom mission throughout the world. If there is any considerable difference between them on that “path of glory”, as stated by Noam Chomsky, it lies in the fact that Soviet leaders were exterminating their own people and American leaders were exterminating other peoples in their attempts to make them happy with democracy, freedom and prosperity. In this way, they have also degraded their own democracy, while other democracies have been extremely humiliated and devalued.

There is no force, including human, which can bridle and restrain itself. This is why a struggle for equality, which is closely related with democracy, is waged. It attempts to defend itself from those “superior” who are its sincere and lifelong friends only on rare occasions. Such friends of democracy can only be the persons who have an adequate moral capacity and whose awareness of the equality of others “must” take precedence over the characteristic human passion we call the “will to power”, especially in the crucial moments in history as is the case here. Namely, every epoch requires the protagonists with the consciousness of “their contemporaries”, whom we call visionaries. Those are the persons with

mature historical consciousness, who are able to understand what is new and whose actions are closely related with the birth of that novelty. Those individuals who cannot prove such capabilities have no genuine democratic potentials and cannot assume the role of decisive historical factors nowadays, regardless of their power.

All current events in the world indicate that such individuals are very rare nowadays and this makes the outcome of the on-going democratic processes in the world very uncertain. In the absence of truly historical figures, we can observe that these processes are often drawn into a disintegrating value confusion, or “democratic lawlessness” or a teleological impasse. In such circumstances, the “basic democratic values”, particularly the right of peoples to self-determination, become the tool of the ruthless Messianic liars from the Balkans for knocking conceitedly and victoriously at the gate of history and provoking war, with strange assistance of the powerful countries of the “democratic world”.

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Translated by V. Gligorijević



INSTITUTIONS, CIVIL SOCIETY,
SOCIAL ACTORS

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The Judiciary as an Independent, Just and Efficient Institution

Summary: Although the Constitution defines Serbia as a democratic state, based on the freedoms and rights of man and the citizen, on the rule of law and social justice, these principles have not been observed in practice. Despite the proclaimed separation of powers into the legislative, executive and judicial branches, the judiciary has not actually achieved its independence guaranteed by the constitution. Instead, it has been in the service of current politics, influenced by the executive power and its official and unofficial levers and derivatives. In order to assume its constitutional position, the judiciary has to become independent, just and efficient. Independence has two aspects – independence of the judiciary as an institution and independence of the judge as a person. In this regard, the following issues are relevant: the election and removal of judges, permanence of office and residential permanence, immunity, prohibition of incompatible activities, right of association and the financial status of judges. In order to become just, the judiciary must free itself from class bias, political partiality and slavish mentality, which have beset it for almost fifty years. Instead, the judiciary must apply rules in a creative manner and be guided by the idea of universal justice, which mediates between legal norm and reality. For the judiciary to become efficient, the judicial system and the distribution of competences must be radically reorganized so as to ensure the normal conduct of cases and correspond to the future decentralized and regionalized Serbia. Due to its utmost significance, the judiciary is the first segment of our society that has to undergo a “purgatory” and be rehabilitated as regards its expertise, ethic, professionalism and personnel. This is a prerequisite for exercising the judicial power in a competent way.

Key words: judicial power, division of powers, law, legal system, position of the judge, legality, constitutionality, justice, judicial efficiency.

For more than a decade Serbia was presented by its Constitution as a democratic state, which is based on the freedoms and rights of man and the citizen, on the rule of law and social justice. However, throughout that period, there was neither democracy, nor the rule of law, nor social justice. Instead of democracy we had autocracy, instead of the rule of law we had the rule of the people and in-

stead of social justice we had social injustice, based on violence, corruption and political power. In such circumstances, the judiciary placed itself in the service of current politics, following the inertia of its half-century commitment to “historical interests of the class in power”, represented by the omnipotent (Communist) Party. Thus, it missed a historical chance to find its proper place within the proclaimed principle of the division of powers. The Constitution distinguishes legislative, executive and judicial powers; they are entrusted to special bodies which – while exercising their competences autonomously – restrict the other branches of power, thus preventing them from becoming absolute, in an attempt to establish and maintain the balance of these powers within a single state. Without the separation of powers there is no lawful state (*Rechtsstaat*), since their holders cannot be restricted by themselves, but only by the will of others. The legislative power cannot enact whatever it wants, but only that which is not prohibited by the Constitution. The executive power cannot implement regulations when and how it wants, but only in accordance with the Constitution and the laws. The judicial power cannot be exercised how others want it. It must be exercised independently and in accordance with the Constitution, laws and other legal documents. But, all those proclamations were in vain, when the courts failed to assume the power entrusted to them by the Constitution. They have not yet freed themselves from a slavish mentality and political partiality, so that they cannot resist the influences of current politics, exerted mostly by the executive power and its official and unofficial levers and their derivatives.

For the judiciary to recover and assume its constitutional position, it must become independent, just and efficient.

1. Independent judiciary

The independence of the judiciary has two dimensions. The first refers to the independence of the court as an institution and the second to the independence of the judge as a person.

The independence of the judiciary as an institution is reflected in its autonomy in relation to the bodies of the legislative and executive branches of power, as well as to all other bodies, organizations and individuals. The independence of the judge as a person consists in his or her freedom to make impartial decisions, on the basis of his or her assessment of the facts and his or her understanding of the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason. Such a content of independent judiciary is stipulated by the Universal Declaration of the Independence of the Judiciary (Montreal, 1983) and the Basic Principles on the Independence of the Judiciary (Milan, 1985).

The independence of the judiciary has not gone further than being proclaimed, since the guarantees of independent judiciary do not function. According to the source of law, these guarantees can be classified into three groups:

guarantees provided by the Constitution, guarantees provided by law and guarantees provided by the generally accepted rules of international law. The strongest guarantees are provided by the Constitution itself. Legal guarantees are also important, although the law can be changed more easily than the Constitution. The guarantees under the generally accepted rules of international law form part of the internal legal system according to Article 16, section 2, of the Yugoslav Constitution.

How do things stand with respect to our system of guarantees of independent judiciary?

The judiciary has no influence on the election of judges. They are elected by the National Assembly, at the proposal of its Committee for the Judiciary. However, the greatest influence on the election procedure is by the minister of justice who – while following the politics of the day – ruined the employee qualification structure of the judiciary over the past few years. It is high time to introduce into the election process the high judicial council, which will propose judges and which could also become the election board after the constitutional revision.

The permanence of office is stipulated by the Constitution, but it is not respected. In the last “hunting season” aimed at judges (November 1999 – June 2000), thirty or so judges, who advocated independent judiciary, could not be protected by this constitutional guarantee.

Residential permanence is also stipulated by the Constitution, but it was relativized by the political needs of the ruling elite. (In the operetta-style trial to Bill Clinton and other “merciful angels”, which was staged in Belgrade, the leading role was played by a judge from Čačak).

The immunity of judges is also stipulated by the Constitution, but it is weaker than that granted to the holders of legislative and executive powers, because it refers to detention pending trial and not to the institution of criminal proceedings like in the latter case. In addition, a decision on the immunity of a minister is made by the Government; a decision on the immunity of a deputy is made by the National Assembly, but a decision on the immunity of a judge is made not by the Supreme Court, but by the National Assembly, which irritates the principle of the separation of powers.

A ban on incompatible activities is placed by the Constitution itself. The judge cannot perform any service or activity which are incompatible with the judicial function (i.e. the exercise of the executive or legislative power, performance of political or administrative functions and the like). However, many judges did not care about this prohibition very much, especially if they held the position of a presiding judge.

The rule of “random judge” enable every judge to be assigned a random case and that every case is assigned to a random judge, thus preventing the

“fixing” of a case for a particular judge and vice versa. This legal guarantee, reduced to a provision of the rules of procedure, was ignored by presiding judges. When politically sensitive cases were in question, they would set up “special panels” quite easily and happily, regardless of the court calendar. This serious disease of the judiciary is treated by removing such presiding judges from office, but this remedy has not yet been imported into our country.

The association of judges contributes to independent judiciary, since their professional associations also advocate the independence of the judicial power. In April 1997, the Serbian Judicial Society was formed with the same aim. However, its work was made impossible, because its application for registration was refused and thirty or so judges, who were its members, were removed from office. This association will soon resume its work.

The procedure of removal of judges from office has been relatively well conceived. The Constitution states the reasons for the removal of a judge from office, while decision-making is entrusted to the Supreme Court, whereby the Law on the Judiciary states precisely that this must be done at its General Session (to be attended by the presiding judge and all judges of that court). But of what use was that when the Constitution and the Law were not observed when those thirty or so judges were removed from office. The General Session of the Supreme Court was never held and the National Assembly made the decision on their removal from office. However, the new Assembly abrogated this decision.

The financial status of judges is poor. Although their remuneration should be commensurable with their function and responsibilities, the salaries of judges are at a nutritional minimum. Therefore, they are increasingly talking in public about corruption, especially in commercial courts, when investigation, execution and commutation of sentence are in question.

The judicial budget does not exist (it forms part of the general budget, which is proposed by the Government and adopted by the National Assembly), so that independent judiciary will be an illusion as long as this situation is not changed.

During the last years of the twentieth century, the independence of the judiciary drifted away from its illusion, too. The judiciary is contaminated by current politics, because the judges were elected on the basis of their party affiliation and political fitness, and not on the basis of their expertise and reputation. After the removal from office of the judges who advocated independent judiciary in public, the courts were overwhelmed with a bitter resignation to their faith, not to mention their fear and the feeling of uncertainty and insecurity. Political and rigged trials and unlawful arrests became more frequent. Trials were turned into political fora or election campaigns. The reputation of the judicial power was ruined. Therefore, the judiciary has to undergo the Dantean “purgatory” before any other segment of our society so as to recover in professional, ethical and personnel terms and become competent to exercise the judicial power. The

least that should be done is to return the unconstitutionally removed judges to their office, while the judges, who were elected according to the party and political criteria, should be relieved from duty.

2. Just judiciary

To be worthy of democracy, independent judiciary must also become just. To this end, it must first free itself from class bias, political partiality and slavish mentality, which have beset it for almost half a century.

A just court gives to everyone that which belongs to him or her in equal treatment of equal matters and in unequal treatment of unequal matters, in proportion to inequality. Therefore, it should not search for the will of the ruling elite and listen to the whisper of current politics or act on orders any more. Instead, it must aspire to universal justice, a cardinal virtue which stands guard between regulations and reality and transforms legal norms into the legal system. In such an attempt, the court does not create law (this task is entrusted to the legislative power), but implements regulations in a creative manner, adjusting them to life. Life is more dynamic and subtler than regulations, so that it always gets out of their control. Sometimes because there are no regulations, sometimes because they are not complete, sometimes because they are not clear, sometimes because they have lost their sense, sometimes because there is some other reason for the ineffectiveness of a legal norm. In such circumstances, the court cannot refuse to administer justice and refer to deficient regulations. It must establish the judicial system despite their deficiencies. Thus, judicial practice is not the mere grafting of regulations on to real-world situations, but its creative crossbreeding with reality, which always bears fresh fruit on the green tree of life. If the roots of that tree are regularly watered by the clear springs of reason, then the court will breathe new life into regulations, even if they are stale, feeble or terminally ill. If there are no regulations, the court will establish the judicial system by conducting cases on the basis of fairness. "Trial by fairness is by no means an arbitrary trial, based on the judge's personal and partial criteria, regardless of whether such criteria are based on an abstract dogma (individual freedom, social solidarity), ideologies in general, or a certain ethical principle or feeling (altruism, humanity, compassion, etc.). Trial by fairness is neither an ideological nor a sentimental trial. On the contrary, trial by fairness implies trial based on certain impartial, rational and social, that is, scientific criteria, such as the idea of equality and equal treatment, idea of normal and reasonable, prevailing social value standards or public interest. Therefore, the expression "it is fair" is neither the last nor the sufficient argument in favour of a judicial decision. It must also be supplemented, that is, 'justified' by some more specific logical and realistic social reasons, whether rational, ethical, economic, political, technical, practical or all these reasons" (B. S. Marković).

In principle, fairness cannot act against the legal norm which, as the source of law, is binding upon the court even if it is defective. But, deficiencies are the reason why fairness is a supplementary requisite of judicial decision-making, which is used to fill legal gaps, eliminate ambiguities and contradictions in regulations, and breathe new life into the “exhausted legal norm”. Therefore, trial by fairness is – subsidiary. If there are no legal gaps, if regulations are clear and mutually adjusted and if there are no other deficiencies in the legal system, the judicial decision must be based on the legal norm. Since the norm already contains an “ethical minimum” (G. Jellinek), it “has exclusive authority to say what is legal and fair in a specific positive system” (B.S. Marković). But, if it turns out that the appropriate norm does not exist or is insufficient, the court will provide protection by resorting to fairness. Thus, it follows that “there are not, and there cannot be, within one judicial system and simultaneously, two parallel and mutually maladjusted, and even less so, two contradictory, legal methods of conducting cases, of which one would be trial by law and the other trial by fairness” (B.S. Marković). However, these two methods can be the complementary elements of the unique concept of judicial protection, which allows reference to fairness if it turns out that law does not exist, or that it is insufficient for the establishment of the judicial system. “Consequently, trial by fairness anticipates the administration of justice and reasoning on a dual plane. On the first plane, it is necessary to start with the purely juristic elements and reasons (such as legal regulations or contract) and only where they are not sufficient, i.e. in the case of a legal vacuum, gap or ambiguity, it is necessary to supplement them, and seek solutions on the secondary plane of regularity, which – as already mentioned – implies a continuous study of a concrete relationship and research into the impartial social norm, which should be applied to that relationship” (B.S. Marković).

Although it acts “from the background”, fairness is an important factor of a proper trial, since it is applied just to that sphere of reality which is subtler than regulations. This enables the judge to free him or herself from routine legal reasoning and find a solution in the stratified structure of commutative, distributive or ethical justice. In so doing, however, s/he must take care not to resort to arbitrariness, sentimentality or the like, or to become the victim of partiality, lack of principles, corruption and other negative effects of “trial by fairness”. A just judge is one who administers justice equally in all equal cases and differently in all different cases, but in proportion to such a difference, whereby s/he tries to treat anyone as he would treat him or herself. This is not so complicated. A more specific definition of fairness is not possible and would not be good. “If defined, fairness would not be fairness any more. Enclosed in the formula and abstract forms of cold logic, it would also wither away. Thus, it could not be able to encompass even new law, which life creates every day, nor to fill the gaps of old one, nor to enter into the particulars of a particular case. Direct contact between law and life would be broken off. Consequently, one should not expect the full definition of the idea of justice or wish it. As the symbol of complex and dynamic

reality, it must remain open so as to encompass the versatile, spiritual and biological content of society at present and in the future. For that reason, there is no permanent recipe for finding fair solutions. In other words, one should not expect some concrete instructions from fairness. It should be regarded, above all, as one method of reasoning, one method of interpreting law which, apart from having sovereign mastery over the legal technique, includes many other kinds of knowledge and value assessments" (B.S. Marković).

3. Efficient judiciary

The courts have not been organized in the way that enables the exercise of the judicial power in an efficient manner. Thus, they are not efficient. This refers especially to first-instance courts (especially in civil matters), where a case awaits trial for many months, while for its final settlement one has to wait many years. The situation is also not satisfactory in appellate courts. Even the Supreme Court is burdened by a number of cases, especially in administrative matters. Due to such a situation, courts should be organized in the following way: first-instance courts must begin to function, special courts must take over "their cases" from the general case arsenal, appellate courts must take over second-instance jurisdiction in full, and the Supreme Court must become the court of cassation.

First-instance courts having general jurisdiction. First-instance courts are traditionally a "bottleneck" of the judicial power. If they are organized in such a way as to be able to cope with the caseload within a reasonable term, the entire judiciary will become efficient. The normal processing of cases will be ensured if original jurisdiction is divided between municipal and district courts, whereby district courts will lose their appellate jurisdiction, but will be given much wider first-instance jurisdiction, especially in civil matters. In this way the judiciary will obtain two types of courts with exclusive first-instance jurisdiction.

Municipal courts, which have so far been the only "pure" first-instance courts, will retain more simple cases in criminal and civil matters, as well as all cases in litigious, executive, land registry and notarial matters in order to be relieved of more complex cases in criminal and litigious matters.

District courts, which have so far been mostly appellate and partly first-instance courts, will become exclusively first-instance courts, but will have a higher rank than municipal courts, since they will process more complex cases in civil and criminal matters. Therefore, a district-court judge would have a higher rank than a municipal-court one.

Commercial and labour courts having special jurisdiction. Commercial and labour courts will be organized as special courts at the level of district courts. In fact, they will be district commercial courts and district labour courts. District commercial courts will retain full jurisdiction of current commercial courts.

District labour courts will process cases relating to: labour relations; housing problems of the employed; conclusion, implementation and modification of collective contracts; union disputes; strikes; social insurance; appointment and relief of duty of the organs in legal entities.

Appellate courts. Appellate courts will process cases in second instance. They will be exclusively courts of appeals and will have no original jurisdiction. Instead, they will be courts of appeals for all first-instance courts having general or special jurisdiction.

Appellate courts having general jurisdiction will decide appeals against the decisions of municipal and district courts.

Appellate courts having special jurisdiction will decide appeals against the decisions of special district courts. The appellate commercial court will decide appeals against the decisions of the district commercial court. With the establishment of the Appellate Commercial Court, the Superior Commercial Court will be dissolved.

Special administrative court. The special administrative court will take over the jurisdiction of the Supreme Court of Serbia and district courts over administrative disputes. The concentration of jurisdiction over those disputes will accelerate court proceedings and improve the quality of judicial decisions.

Supreme court. The Supreme Court, relieved of instance-jurisdiction in criminal and litigious matters, as well as its jurisdiction in administrative matters, will become the court of cassation in the true sense of the word. It will decide on petitions in revocation of judgement, take principled judicial stands and make principled judicial opinions, take care of the uniform application of laws by courts, give its opinion on the drafts of laws and other regulations being of significance for the exercise of the judicial power, and perform other activities as the representative of the judicial power.

The judiciary of decentralized and regionalized Serbia. The rational and democratic Serbia expects to become a decentralized and regionalized state. I dare to think of it as a state that will consist of municipalities – as basic territorial units, districts – as subregional communities of municipalities, regions – as regional communities of districts, and two autonomous provinces – which will also be regionalized by municipalities, districts and regions.

Municipal courts will be established for the territories of municipalities.

District courts, district commercial courts and district labour courts will be established for the territories of districts.

Appellate courts will be established for the territories of districts.

Administrative courts will be established for the territory of the Republic and the territories of the autonomous provinces.

The Supreme Court will exist both in the Republic and in the autonomous provinces.

All municipal courts, all district courts having general and special jurisdiction and all appellate courts having general and special jurisdiction in the country will apply republican regulations.

Municipal courts, district courts having general and special jurisdiction and appellate courts having general and special jurisdiction in the Republic without the autonomous provinces will, apart from republican regulations, apply local regulations enacted in that part of the Republic.

Municipal courts, district courts having general and special jurisdiction and appellate courts having general and special jurisdiction in the autonomous provinces will, apart from republican regulations, apply provincial regulations, as well as local regulations enacted in the autonomous province.

The administrative court for the territory of an autonomous province will decide on the legality of administrative documents based on provincial regulations and local regulations enacted in the autonomous province.

The administrative court for the territory of the Republic will decide on the legality of administrative documents based on republican regulations and local regulations enacted in the Republic without the autonomous provinces.

The Supreme Court of the autonomous province will decide on petitions in revocation of judgement based on republican regulations and local regulations enacted in the autonomous province.

The Supreme Court of the Republic will decide on petitions in revocation of judgement based on republican regulations and local regulations enacted in the Republic without the autonomous provinces.

Of course, such an organization of the judiciary will be possible only after the appropriate constitutional changes.

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Prospects for and Obstacles to the Development of Civil Society in Serbia/FRY After the Change^{*}

Summary: The paper starts from the assumption that the modern society is characterized by the paradigm “state of law – civil society” which worked neither in “real socialist” societies nor in the FRY emerging after the breakup of SFRY. Another assumption is that after the removal of the old regime Serbia and FR Yugoslavia have a chance to establish a normal, modern liberal-democratic order. The general view – that within the liberal-democratic paradigm there can be no civil society without the state of law, and that there is no rule of law without a developed civil society, as a counterbalance or social opposition to the political power – begins to apply to Serbia and FRY as well. However, to which extent a genuine transition of Serbia and FRY into a liberal-democratic order will be achieved depends primarily on the dynamics and quality of the moves undertaken on the way of implementing both poles of the given paradigm. Therefore it is very important to consider the factors limiting the development of civil society in Serbia today, such as: the inherited destroyed and corrupt state, the society devastated in all vital segments (economy, social policy, culture, education, the media); insufficiently developed civil society, including the fact of insufficient articulation of the civic option within the broad movement of popular resistance that won over the old regime. Civil society cannot develop further unless these limiting factors are countered. It is necessary to punish war crimes and other criminal acts, to decriminalize the police, to establish independent judiciary, to provide legal and social security, to fight corruption and black economy, and to develop political culture of tolerance and non-violence.

Key words: civil society, rule of law, social opposition, political culture of tolerance, anti-nationalism, anti-militarism.

It is impossible to talk about modern state and limited government without talking about civil society as well. Preconditions for the functioning of limited

^{*} This paper, submitted in English by the author, is a considerably revised and expanded version of the author’s contribution to the Serbian edition of this volume. – *The editors.*

government cannot be reduced to the institutional political and legal regulation. Constitution and constitutional guarantees of human rights, constitutional judiciary, parliamentary system, party pluralism, existing and active opposition, division into and mutual control between the three branches of power, periodical elections, institution of ombudsman – all of these, in and of themselves, do not comprise a sufficient basis and guarantee for the functioning of limited government, although they certainly are its necessary preconditions.

The famous dictum that power corrupts, and absolute power corrupts absolutely, can be rephrased as: any power, including the most democratic one, is prone to corruption.

Civil society (civil opposition) is the counter-balance to the state power and the political field. With respect to the state – preventing it from becoming the dominant force, to encroach upon the autonomy of the society, in the sense of `the colonization of the *Lebenswelt*` (authoritarianism, totalitarianism). With respect to the political field – to prevent it from becoming alienated from citizens, closed unto itself, and from establishing elite/mass type of relations. Civil society, conceived as a dialectical process, contains also a quality of counterbalancing its own corruption, which consists of the conversion of an autonomous personality into a de-personalized part of the masses, of the free public into manipulated one, of civic associations into civilizationaly retrograde movements and organizations.

According to Robert Dahl, fields of democracy are: economic society, political society, the rule of law, efficient administration, and civil society.

Political society concerns the division of power and political pluralism, and in a more narrow sense, with political parties, party coalitions and the electorate. Civil society could not realize democracy without political society, but it is an important corrective for the political field (government and political parties).

The current conception of the principle of rule of law has several aspects: jurist (legality), constitutional (guarantees for the basic human rights), political (division of power), while the fourth aspect is related to the existence of civil society, conceived as the corrective element towards the political power (inseparable from the free public and democratic political culture).

For classical thinkers (Hobbes, Locke, Paine, Hegel, Mill, Tocqueville) the concept of civil society was centered upon the concept of property (private property, life and freedom). This classical conception focuses on the individual citizen conceived as the proprietor (i.e. negative freedom, irreducibility of the social field to the state field).

The contemporary understanding of civil society is based on the concepts of positive freedom and participatory character of social action. The idea of limiting the political power is closely connected with the idea of civil society. Therefore, the development of the liberal state – with the idea of limited government and minimal state which protects the individual as the proprietor – was the first link

with the theory and practice of civil society. But as the liberal-democratic state developed and faced crisis in mid 20th century, there arose also the contemporary concept of civil society, which emphasizes human association and the formation of a democratic public (democratic political culture through media, upbringing, education, and democratic institutions of public activity), or in other words the expansion of the field of citizens' self-determination and self-organization.

Somewhat differently from the classical paradigm in which civil society was considered primarily in relation with the political state, the modern concept of civil society is a complex model whereby civil society is determined with respect to various important spheres of social life – economic, cultural, or political. However, the relation between civil society and the state remains in the focus and still plays the role of the main paradigm.¹

The most important presuppositions for the existence of civil society are: the rule of law and lawful state (*Rechtsstaat*), guaranteed human rights and liberties, procedural democratic rules and institutions (most often in the form of multiparty parliamentary democracy), market economy and private property, democratic political culture, participatory democracy and freedom of self-organization.

Civil society functions as a horizontal network of human relations, characterized by direct communication, communal and local solidarity, spontaneity and self-creation, non-class and non-political basis of collective action. This is the field of non-institutional politics or the field mediating between individuals, family, and society in general, on one side, and the state and institutional politics, on the other.²

An important segment or aspect of civil action is civil disobedience. Hannah Arendt says it consists in "acting against the law in order to check its constitutionality".

In the countries of former "real-existing socialism", which had belonged to the modern society in perverted manner, the eminently modern connection between *Rechtsstaat* and civil society did not function, or more exactly, there existed neither one nor the other.

In contrast with normal liberal-democratic countries in the West, where *Rechtsstaat* and civil society are complementary, acting as inseparable elements or aspects of a political order based on the rule of law, in the states of former "real-existing socialism", one could argue, elements of civil society had been – although to a very reduced degree and only inchoately established before the lawful state. In a sense, they were the vanguard and stimulation (as a social basis formed against and in spite of repressive regimes) for transition of those states into the liberal-democratic order. This holds primarily for some

¹ See the paper by V. Pavlović, in: V. Pavlović, ed., *Potisnuto civilno društvo*, Belgrade 1995.

² See the paper by D. Vujadinović, in: V. Pavlović ed., *Potisnuto civilno društvo*, Belgrade 1995.

Eastern bloc countries – Hungary, Poland and the Czech Republic – where “real-existing socialism” did not simply implode because of the fall of the Berlin wall and unwillingness of the Soviet government to intervene with the force of arms, but was overcome also thanks to the already formed liberal movement inside society (initial elements of civil society, in other words). It could be said that initial elements of civil society played a similar role in political changes in Serbia and FRY late in the year 2000. On the other side, there are important differences between the “real-socialist” countries mentioned above and the changes that took place in FRY in October 2000 and in Serbia in December 2000.

In some aspects, differences between the states formed after the break-up of the Soviet Union and some former SFRY republics (Slovenia, for example), on one hand, and FRY (Serbia), on the other, are readily observable. The first important difference is the fact that in the former countries the transition process started a decade earlier and therefore the malignant processes of destruction of state and society had had much less time to develop. Speaking about FRY, it should not be forgotten that the prolonged agony of “real-existing socialism”, converted into a nationalist militaristic project, was supported and facilitated by, on one side, a deeper internalization of the socialist tradition by people in SFRY (especially in Serbia and Montenegro) and, on the other, by the frustrated national sentiment of Serbs propitious for nationalist recruitment and militarist manipulation. The second important difference is that in the case of former USSR republics inchoate elements of civil society and civic resistance from inside and from below would not have resulted in democratic changes – or at least not without bloodshed – without the crucial decision of the Soviet government (headed by Gorbachev) not to intervene militarily. (Something similar could be said for Slovenia and Macedonia as well, in respect of the decision of the Yugoslav Army not to intervene and to let these republics “leave” the Federation.) The difference therefore consists in the fact that the fall of Milošević’s regime happened mostly from the inside and from below, with the (relatively) peaceful transfer of power on the basis of election results combined with a massive popular pressure aimed at forcing Milošević to recognize his defeat. This, of course, implies the contradictory development of Serbia and FRY during the last decade, with nationalist option on one side and civil option on the other tending slowly, step by step and still ambivalently, towards the prevalence of the civic option at the expense of the nationalist and militaristic one.

As has already been said, in the former Yugoslavia, like in the other “real-socialist” countries, there existed neither lawful state nor civil society. In the case of Serbia, until recent political changes, this modern paradigm did not work at all, not even to the extent applicable to the “countries in transition” of Central and Eastern Europe. Serbia was far from a democratic state or a state embodying the “rule of law”.³ Civil society was generally underdeveloped, and elements

³ Serbia was not a democratic lawful state, since formal and legal preconditions of democratic rule were not fulfilled and applied to the extent of their official proclamation. Additionally,

of civil society – which managed to emerge before the breakup of SFRY and especially during civil protests of 1996/97 – had been very much suppressed.

Civil society did not exist, apart from what remained of its elements implanted originally in the times of SFRY, under the influence of the Western-type modernity and of partial deflections from the dominant state socialist system (retarded and deformed model of modernity). Over the last decade civil society was all but destroyed and evidently obstructed by growing nationalism and increasingly powerful authoritarian government. It was also ruined in the circumstances of the war-torn Yugoslavia, with concomitant large-scale pauperization, deep economic crisis, criminalized government, and all the negative consequences of legal insecurity – deprivation of property, freedom and individual life.

However, the initial elements of civil society (social movements, civil disobedience), as well as an emancipatory potential enshrined in family and everyday life, though suppressed, were not completely destroyed during the last decade. The events in 1996/97 confirmed the emancipatory potential of everyday life and its role in establishing civil society. Namely, a significant potential of autonomous individuals (especially among the educated urban population) seems to have become connected with other two necessary preconditions of civil society, i.e. with associative and public action, at the time when election fraud took place and political manipulation reached its peak. When autonomous individuals initiated large-scale protests, they started to behave like citizens, as political subjects who were leaving their private sphere behind and entering the sphere of *vita activa*. It was a public demand to recognize the election results of democratic opposition's victory in major Serbian cities, including Belgrade.

Under such circumstances, civil protests (civil disobedience) and civil initiatives proved to be the main promoters of establishing civil society and generating a social basis for democratic transformation of the state. In other words, the protests themselves might have represented an initial potential for a renewal of the foundations of society and state, in spite of the prevailing tendencies of political, social and cultural destruction of society (sociocide) and state in Serbia.

By its immediate motives, the student and civil protest of 1996/97 was pre-eminently a manifestation of civil disobedience – a revolt against the violation of electoral will and election rights guaranteed by the Constitution. However, in its genesis and essence, i.e. contextually, this protest (like all forms of manifesting civil disobedience over the past decade) was much more than that. It was a demand for establishing a normal modern state and society, for a change of the political order and regime, for a radical change of the type of public sphere and political culture.

the Constitution was not adopted in accordance with the democratic, parliamentary and public procedure, the division of power was not implemented (the power of the rulers was neither restricted nor controlled), the parliament did not reflect pluralism or balance of pluralistic social interests.

These civil protests ended successfully from the viewpoint of immediate goals. But, from the viewpoint of essential demands and needs for a democratic transformation of the society and the state their outcome was, unfortunately, not positive. One of the main reasons for this failure was the inability of the opposition parties and protagonists of civil and student protest to form a firm and stable infrastructure for continuous counter-activity (the real civil opposition) towards the regime.

One of the greatest contributions of these nonviolent protests seems to be that people definitively got rid of fear⁴. It could be said that even police blockades⁵, which from some point onwards were used massively and intensely did not succeed in bringing fear back into the streets and into people.

But, unfortunately, the feeling of fear soon came back into the hearts and lives of citizens in Serbia. The failure of these protests to move the society forward enough towards a genuine democratic transformation resulted in a counter-attack of the regime and in an even deeper political, economic, and social crisis. The process of further destruction of society, of eroding all material and social resources for the necessary social change, of further suppressing civil initiatives and destructing the state, set in, gaining momentum. In other words, many reasons for an outburst of fear (fear for life, security, freedom, destiny, future etc.) coincided.

NATO intervention contributed significantly to retrograde processes of societal destruction and to further suppression of civil society, directly as well as indi-

⁴ "The main form of civil disobedience taking place during the student protest and the one organized by the opposition coalition 'Together' were the street walks in Belgrade and many other towns affected by the same election fraud... The street walks, as a physical, social and cultural act, had the following features: the power of forming and expressing an authentic public, authentic associativity and socializing process, communications, information, making friends, love affairs, enjoying street happenings, whistling as a form of revealing one's emotions and convictions, crying out slogans and carrying the banners, enjoying the very physical activity of walking and ignoring weather conditions which sometimes were quite inconvenient. The street walks had a cathartic effect – of freeing oneself of a suppressed dissatisfaction, anxiety, fear, humiliation and helplessness before all the negative experiences they had been exposed to for years." (Dragica Vujadinović, "Everyday Life, Civil Society and Civil Protest", *Civil Society in Countries in Transition*, ed. by N. Skenderović Ćuk and M. Podunavac, Subotica 1999, p. 517.)

⁵ "The street walks irritated the authorities for their role in spreading the protests, for their breaking the media blockade, massive liberation from fears, encouraging individual and collective feeling of freedom, and because all this seemed to have been an evasion of the ruling power's control over the situation. This was the reason why soon after organizing the counterprotests strong police forces were used for preventing the street walks under the pretext that they disabled normal traffic in the city. Absurd explanations of the police blockade were given so that the downtown pedestrian zone was forbidden for street walks as well. The police blockade achieved only partial effects in terms of the prevention of 'Eros' and causing some anxiety due to mental and spatial insufficiency, as well as of the effects produced by blue uniforms, helmets and bulletproof waistcoats. However, the goal itself, i.e. returning fear onto the streets and into people, was not attained." (Ibid. p. 520.)

rectly: it was 79 days of fear, suffering and frustrations caused by airstrikes and by the growing imbalance that ensued between people's needs (existential, cultural, political, spiritual...) and the regime's actions (staying in power at any price). Looking back upon it, it could be argued that NATO intervention did a very bad job for democratizing processes in this country. It contributed to a rise of frustrations and insecurity, further value disorientation of people, increased xenophobia and autism, exacerbated impoverishment and devastation in economic, social, cultural, political, and environmental terms. These consequences, among others, certainly did not amount to a contribution to the democratic transformation of Serbia and Yugoslavia.

The outcomes of the war (NATO campaign) weakened the prospects for democracy in at least the following respects: 1. strengthening anti-Western attitudes; 2. not contributing in any identifiable manner to removing Milošević from power – to the contrary, the military campaign even strengthened his dictatorship; 3. promoting further the ongoing processes of destruction of civil society.

After the bombardment people had to suffer additional frustrations and apathy. The curtailment of media freedoms, already rather severe thanks to the Information Act of 1998, was strengthened through martial law which was kept in force even after the end of the war. Thus by September 2000 the media blockade became almost total. Citizens were exposed to a strong anti-Western campaign, followed by a mystifying ideological discourse of the regime centered on "post-war reconstruction of the country based on our own resources". Political loyalty to the ruling coalition became the main and almost sole criterion for the "well-being" of individuals, which in the context of extreme poverty, lack of jobs, problems with health care, etc. meant rising corruption and converting rights to health care, work, education or professional promotion into privileges of the politically loyal. Divisions and constant quarrelling within the opposition were also disappointing for people.

Everywhere in the streets as well as in private talks (as confirmed by public opinion polls) it could be felt that there was no hope for the improvement of the situation. Fears of possible new wars that could break out in spring 2000 in Montenegro, in Kosovo again, or even in Serbia proper – dominated. People also feared that there would be no heating during the winter 1999, that there would be another hyperinflation, another NATO-bombardment... Generally speaking, feelings of desperation and lack of power to influence one's own destiny were widespread among most of the population. Certainly, some people continued to blame "external factors" for their ill fate and bleak future. Still, for the first time in the history of the Milošević's regime, most people began to blame the regime. They however believed it was unchangeable in the long run.

All sound public opinion polls conducted from late 1999 on witnessed the following indicative processes: 1. Anti-Western feelings did not prevail in spite of recent war and in spite of massive anger towards the West (for example, in

December 1999, when asked to choose between pro-Western, pro-EU orientation of the country and a possible alliance with Russia and Belarus, 64% of the respondents answered in favor of the first alternative, 17% chose the latter coalition, while the rest were undecided); 2. People expected the opposition to unite, and the popularity of the part of the opposition political field that had united more or less successfully (SzP) was rising above the critical threshold, while the rating of the SPO was declining, due to their refusal to unite with the rest of the opposition, as well as because of their coalition with the Left in Belgrade city council.

In April 2000 the opposition held a mass rally in Belgrade, where estimated 150,000 (or more) citizens gathered upon the invitation of the SzP leaders. This rally is important to mention because it indicated several things: 1. The opposition established the common, consensual demand democratic elections; 2. In spite of the proclaimed consensus within the SzP, considerable differences among SzP member parties were still obvious (for instance, protruding through varying speeches given by party leaders) that were mainly due to leader egocentrism; 4. It was clear that people came out into the streets not so much because of the opposition as because of themselves to show that they cannot stand and, moreover, do not want to stand the situation anymore, as well as to warn the opposition that it should really become united and capable of responsible political decision-making; 4. The announcement of the *Otpor* student movement representative, aimed at forcing the opposition leaders to promise unified action, was followed with long ovations.

Still, in months to come, the opposition went on quarrelling and the subsequent attempts to organize public rallies were much less attended by people. The feeling of despair overwhelmed the public again, because the opposition lacked convincing and responsible political elites that could have really articulated the need for change.

At that moment, Milošević played a new game with the well-known scenario to surprise the other side ("enemies", "traitors", in the regime's parlance), to divide them: 1. Relying on majority in the Federal Parliament, using voluntaristic and dictatorial manners in decision-making, and with the assistance of his "servants" among lawyers, he managed to effect constitutional changes which had two main functions. One was to guarantee him staying in power, and the other to structurally diminish the constitutional status of Montenegro and the political will of the people in Yugoslavia's smaller republic. Thus in July 2000 Milošević changed the Constitution in an illegal and illegitimate way in order to introduce direct election of the federal president, which resulted in an impossibility for any representative of Montenegro ever to become the president of the common state. 2. Milošević was the one who announced pre-term elections, and he did not do it under the pressure of the opposition or public demands but rather on the basis of his own calculations: when he thought it was appropriate and useful for him, for the sake of keeping power and even strengthening it. Summer vaca-

tions had already started. The combined effects of summer holidays, politically immature behavior of the opposition as a whole, short period of time left for the election campaign, led to a situation where political analysts and public in general talked about Milošević's political and personal "cunning", and how he once again won in the "political game".

Rather unexpectedly – bearing in mind the foregoing – the opposition finally articulated itself as a unified political body in terms of organization, composing candidate lists, etc. The Democratic Opposition of Serbia (DOS) started functioning and conducting a successful election campaign. Divisions between the bulk of the opposition unified in the DOS, on one side, and the SPO, on the other, were sharp. Finally there was a breakup, which was at the time thought to reduce the opposition's chance to win. The first reason for cleavage was the question whether to take part in the elections at all (Drašković and the SPO were against). The second concerned the issue of whether to go to the elections together, or in two blocks. In the end, rather quickly, two oppositional blocks were differentiated, precluding any possibility for the whole opposition to join together in local, parliamentary and presidential elections.

Political parties organized in the DOS started a wise and fruitful campaign, and made joint lists for candidates at all levels (without visible fights and quarrels). Several reasons can be offered for this sudden change in behavior of the opposition political elites: 1. They were trapped by the short election campaign period, on one side, and by high expectations and vociferous demands of the people to take their responsibility seriously, as this was their last chance to win, on the other side; 2. The rising popularity of Vojislav Koštunica the leader of the DSS, hitherto a small opposition party – was continuously registered by surveys during 1999 and 2000. On the basis of this the opposition leaders rather quickly reached consensus on promoting Koštunica as the common presidential candidate; 3. According to some political analyses, DS leader Zoran Đinđić gave a good example to other leaders renouncing his own electoral ambitions in Koštunica's favor. At the same time, Đinđić, taking on the charge of "campaign manager", was instrumental in organizing the entire DOS campaign and especially Koštunica's presidential campaign.

Milošević, on the other side, was most probably misinformed by the nomenclature in his surroundings and expected that the short period of time before the elections along with likely divisions within the opposition would certainly result in the victory of the leftist coalition on all levels. In addition, he planned (wrongly, as it soon turned out) to steal votes in Kosovo and in South-Serbia electoral district (where many Kosovo IDPs were voting), as well as in Montenegro. Kosovo elections (if they can be called elections at all) were controlled by the KFOR and therefore the possibilities for manipulation were limited. In Montenegro, the ruling coalition led by President Milo Đukanović boycotted the elections, on the grounds of their constitutional illegitimacy. Đukanović however decided not to

prevent elections in Montenegro, but rather to control their regularity by domestic monitors, representatives of both the Montenegrin ruling DPS and the Serbian DOS. As a result of a successful anti-election campaign, voter turnout in Montenegro was just 25%. This is considered a very important victory for the democratic government of Montenegro, a sort of plebiscitary support for the government's policy of dissociation from the Belgrade regime.

So, this political game played by the usually skilful political manipulator but this time heavily misinformed by his own more and more autistic political behaviour as well as by his servant-like allies was thrown back into the face of the regime and Milošević himself. His advisors and he himself ignored an essential change, which was at last taking shape in the political body and public opinion in Serbia.

And the shift in citizens' political preferences became obvious very soon after the first voting results were announced on Sunday, 24th September 2000. During the Sunday night evidence about the rising advantage of the DOS in local and federal level elections, as well as in presidential elections, turned out to be indisputable. People of Belgrade and Serbia will never forget that night. A strange mixture of fear and hope was felt in the air, as most people were waiting for the results in the streets. They were there not only because there was no reliable media coverage, except for a handful of independent radio stations, or foreign media, whose coverage was insufficient for domestic purposes. People took to the streets also because of the historical importance of the event. And they were perfectly aware that violence was likely to be used against them by the police. But as the time passed by, fears of violence and anxiety as to what kind of results would come out gradually subsided and disappeared, and the feelings of victory and hope became dominant.

Rumors spread that Milošević broke everything in his house when he heard the initial results; he reportedly even threw an ashtray at his party's Secretary General who was had the unpleasant duty to tell him the "bad news". The story says that he was shouting and blaming his assistants and allies for lying to him and mistakenly convincing him that he was winning the elections. There are also rumors that he ordered army leaders to intervene; their reply was allegedly that they did not have the forces reliable enough to do it. It is a telling fact that the Federal Electoral Commission suddenly stopped working during the night, precisely when counting the votes of the police forces and the Army, who voted for the opposition in large numbers.

Perhaps nothing of that is true in the sense of factual data, yet such rumors reflected quite well the logic of the events. And this logic was articulated or summed up perfectly in the new slogan of *Otpor* students and the youth movement, saying "He's broke". The former, also extremely well pointed slogan of the same organization was "He's done". Both of them – just like the steps in the deconstruction of the power-pyramid from its top down – seemed to suggest that the

end of the regime was imminent. This end meant at the same time the real beginning of a new political era which would hopefully signify a qualitative step forward toward a democratic reconstruction of the state and society.

At one moment we were faced with the parallelism of powers: the opposition decided not to accept the second round in presidential elections, because it had proofs of having won in the first round already. The regime, on the other hand, insisted that the second round be held on 8 October, seeing it as the last chance to turn over the situation, using "legal" means to stay in power in the meantime and perhaps even longer, as the regime itself expected the opposition to boycott the second round. The opposition called for general strike, in order to force Milošević to recognize defeat and step down. There were two points backing this opposition's decision: 1. Bringing the country to a standstill aimed to produce political pressure up to the critical point that Milošević had to resign; 2. A successful general strike would mean strong support of a majority of people to the opposition's victory and people's readiness for radical political change. The massive rally in Belgrade on 5 October was the highest point and the last phase of the standstill and of the people's pressure on Milošević to recognize defeat and accept the change of government at the federal level.

Instead of a bloodshed that could have resulted from the parallelism of powers and was a realistic possibility, another option came true: Serbia got rid of dictatorship by the will of the people, relatively peacefully, with some elements of violence on the side of the police as well as the people, but primarily through general civil disobedience and on the basis of election results.

To sum up: at one moment during the year 2000 – after NATO bombing, sudden calling of the elections by Milošević, the opposition's unification within the DOS, and after the refusal of the regime to acknowledge its defeat at federal presidential and parliamentary elections held on the 24 September, civil resistance by the subjects of civil society (activists continuing the student and civil protest from 1996/97, student organization *Otpor*, which gradually grew into and was renamed "Popular Movement *Otpor*", enclaves of independent media, parts of the university and the cultural public, multiplied expressions of resistance to the regime in cities and towns throughout Serbia, the NGO sector), relying on the opposition parties and on the shaky united opposition bloc, turned into massive social resistance to the ruling regime, the increasing repression and the entire conglomerate of destructive processes. The massification of resistance and the achievement of the "critical mass" threshold were manifested in all public opinion polls conducted during 2000, and then decisively confirmed on 5 October 2000 by the mass popular pressure on the Milošević regime; and then once again "verified" by the results of the elections for the republican parliament, in December 2000.

I shall make a few digressions here, in order to present the political context as clearly as possible.

Speaking about people in Serbia and their political behavior during the last decade (or more exactly, since 1987, when Milošević seized political power with nationalist and militarist rhetoric and practice), it could be said a dialectical process with extreme nationalism on one side and civic option on another was on the agenda. The nationalist and the civic coexisted in constant contradiction, where the nationalist, populist, militarist, chauvinist movement always held an advantage, but was continuously counteracted by the weak but nonetheless existent civil opposition.⁶ After this step-by-step process, the dialectic of nationalist (militarist) and civic options shifted finally in favor of the latter. After the elections of 24 September, events of 5 October, and Serbian elections on 23 December, the civic option managed finally to prevail, though it still contains ambivalent elements, as it has not yet differentiated itself clearly enough from nationalist sentiments).

If we try to define the political order under Milošević, two types of regime can be said to have alternated. Namely, between 1990 and 1998 this was a pseudo-democratic order (where freedom of speech, autonomy of the University, etc. were tolerated to some extent), while from 1998 to 2000⁷ the regime turned into a pure authoritarian regime marked by open and progressive repression and elements of sultanism.⁸ Consequently, the regime that was removed on 5 October was authoritarian, or open dictatorship.

* * *

In the FRY or the Third Yugoslavia, where the lawful state does not exist, where the constitution had been designed and adopted in a manner that was neither legal nor legitimate, where not all basic laws were in accordance with constitutional standards, civil disobedience meant not just a correction to the legal and political system. Rather, it assumed the significance of an impulse from below, from the sphere of the social opposition, for the establishment of the lawful state and civil society. Of course, the said "impulse from below" could not by itself bring about a fundamental change in the political order and the regime, but

⁶ For example, there happened huge anti-Milošević demonstrations in March 1991, than in June 1992, also in 1993, than student and civic protest in 1996/97, a few civic protests in 1999 and then throughout the year 2000.

⁷ On 24th March in Serbia parliament the red-black coalition was formed consisting of the SPS, the JUL, and the SRS extreme rightists.

⁸ In June 1998 the Parliament adopted the new University Law which greatly restricted the autonomy of the University. In October 1988 Law on Public Information was adopted, whose provisions served to fine the independent media with a total of about 20 million DEM and to imprison journalists. About 1700 members of the *Otpor* movement were physically abused or imprisoned, political assassinations occurred, the whole NGO sector was almost forbidden, an anti-terrorist law was announced. Relations with the Montenegrin government were severed (economic blockades, military intervention threats etc.). In his speech as party president at the Fourth Congress of the SPS Milošević also announced the possibility of abolishing the multi-party system altogether: he said there were no opposition parties but just small groups of traitors paid from abroad.

it did constitute an important social base of a possible process of transition into a liberal-democratic order. The subjects of civil society and massive social resistance to the regime created preconditions for overthrowing the regime from below and therefore potentially for establishing the lawful state and the rule of law. Hence civil society, which – however partially – did become manifest through civil protests in Serbia, comprises the main formative factor of the shaping of the political culture capable of opposing anti-democratic tendencies and simultaneously of stimulating democratic reconstruction and social consolidation.

The removal of the Milošević regime, as has been said above, happened primarily from within and from below, and this is one of the very important values of the current changes. The second important point is that all this happened mostly without blood and with comparatively little violence by either defenders of the old regime or the masses of people. The third generally positive point is putting stop to the systemic and systematic destruction of the society, the economy, etc., and above all to the militant politics and the dominant logic of war.

After the changes in the late 2000, the question is sometimes raised as to *what*, or even *whether anything* has changed. It can be answered by arguing that an essential improvement has happened: institutional prerequisites for a transformation of the state and society have been created, or for the establishment of the rule of law; a peaceful transfer of power, actually the first genuine change of power in Serbia has taken place; state policy has been renouncing war logic, and reintegration into the international community has been under way. Hope, perspective, future have been opened (although young people continue to leave, because they cannot wait for a practical implementation of the changes). The power of the *demos* has been confirmed, as well as the transformation of subjects into citizens; the self-awareness of the citizenry has been stimulated, as well as their European identity as against claustrophobia. In a sense, the most important change consists in a rebirth of hope and rehabilitation of the notion of future.

It is simply wrong to say that nothing has changed (in public discourse statements are frequent such as “they are merely fighting for offices”, “the living standard has declined”, “police as the main lever of the old regime has remained unchanged” etc.) Neither is it justified to say that the new authorities just proclaim to be committed to changes, while nothing has changed or has changed for the worse in everyday life. Firstly, the extremely low living standard would have deteriorated dramatically during the past winter without foreign donations (over 200 million USD), which served to compensate for shortages in fuel and food, to pay off state debts for child allowances or pensions, etc. In spite of the inherited pauperization and social debts imposed by the previous government and in spite of the fact that the standard of living has not increased and could not have increased, the quality of life still has been essentially improved, or at least tends to do so. The point is that the quality of life cannot be understood as just quality of material existence, although the latter comprises its basic criterion. There are

also important criteria related to the state of human liberties and life chances. And in this case, the process of establishing legal security has been initiated, the space of political liberties has been broadened, prospects, hopes, thoughts about the future have been opened, replacing thoughts about just how to survive.

For prospects of further development or, better, genuine establishment of civil society in Serbia and Yugoslavia it is necessary, above all, to establish the lawful state, and simultaneously to establish the autonomy of the media, the autonomy of educational and cultural institutions, etc., and particularly to encourage the development of civil initiatives and expression of civil disobedience whenever some new threats to constitutional guarantees appear on the political and social scene.

The general notion – that within the paradigm of the liberal-democratic order without the lawful state there can be no civil society, and that without the development of civil society, as the counterweight or civil opposition to the government, there can be no rule of law – is increasingly valid for Serbia/FR Yugoslavia as well. However, a genuine transition of Serbia and FR Yugoslavia into a liberal-democratic order depends primarily on the dynamics and quality of the steps taken towards achieving both poles of the said paradigm. It is therefore very important to consider the limiting factors for the development of civil society in Serbia today.

The limiting factors of the democratic transformation, both in terms of establishing the legal order and of development of civil society, are manifold: the inherited destroyed and corrupt state, destroyed society in all its vital segments – economy, social policy, culture, education, the media, etc.; insufficiently developed civil society, including insufficient differentiation of the civil option within the general popular resistance that brought about the victory over the previous regime. The mass support to the DOS by voters and the popular movement that brought down the Milošević regime was essentially rather anti-Milošević than unequivocally civil by its political, social, cultural character and value commitments. More concretely, it represents less clearly the genuine civil option in comparison with civil and student protest of 1996/97 or, say, with any protests in the beginning of 2000, which failed to rally a critical mass. In the federal presidential and parliamentary elections a democratic majority was won by voting against Milošević and his retrograde regime; the critical mass was achieved on the consensus about what one was against rather than what one was for. In other words, among DOS parties and followers there are program differences, sometimes fundamental, sometimes superficial. In this context, the limiting factor for the future of civil society is the already mentioned insufficient differentiation of the civil option within the all-popular resistance that triumphed over the old regime. In any case, a new differentiation from within is yet to take place, in terms of “for” and “against” civil and national options, and this holds for both individual parties within the DOS and DOS followers among the people.

At the level of principle, an important precondition for the development of civil society is the affirmation of democratic political culture of tolerance, non-violence, respect for autonomy and difference, i.e. a non-segregationist attitude towards the Other – in terms of race, nation, gender and so on. In this respect “malignant nationalism”, “ethnic nationalism”, “nationalism as political pathology”, “hate speech and the logic of war” are radically opposed to the very idea of civil society. Moreover, tolerating or encouraging any nationalism (in this part of the world at least) is a limiting factor for the development of civil society. In the context of the multi-ethnic composition of Serbia’s and FRY’s population, say, insisting primarily on cherishing Serbian tradition and religion – Orthodoxy, introducing religious education into schools, celebrating Orthodox Easter and Christmas in schools, official use of the Cyrillic script according to the 1992 Constitution of FRY (although the Latin one has been equally present in cultural history, and also was legally equal under the previous Constitution), and generally a strong insistence on traditionally grounded national identity of the majority Serbian people could act as a limiting factor for the development of civil society.

When we look at the aspects of the political field that may prove limiting to the development of civil society, there is the character of the new opposition. The establishment of the rule of law and the development of civil society require a democratic opposition, which is guided by democratic values, and whose individual and collective action is controlled and sanctioned by law and by public criticism, i.e. democratic public. The new opposition in Serbia is burdened by its political and criminal heritage, it is authoritarian, and without a trace of democratic political culture, corrupt, unaware of its own sins, aggressive, and frightened. It continues to contaminate political and social space and attempts to mobilize public opinion on the basis of allegations that the new government is traitorous and incapable, that it provokes social and economic chaos, that it is not able to solve the problems in Kosovo and in southern Serbia, that it does not treat its opposition democratically but with revanchism, etc. Striving to present themselves as victims rather than culprits, possible saviors rather than destroyers, patriots as opposed to traitors, the new oppositionists in their caricature imitations of civil protests raise slogans such as “Down with the NATO government”, “We won’t surrender anybody” (to The Hague Tribunal), “Slobo is the best for Serbia”, “One is arresting, the other is slapping”. This opposition is still characterized by hate speech, not sanctioned by the law or public criticism. Hate speech was manifested in an extremely unacceptable way in the Serbian republic Parliament, after the victory of the democratic opposition, in the words of the SRS MP Tomislav Nikolić – that he had absolutely no regret for Slavko Ćuruvija, the well known journalist killed by Serbian secret police during the NATO campaign. This man thus gave legitimacy to political assassinations, publicly and with impunity, and he dared to do so after the defeat of the “red-black coalition” that had been ruling under the previous regime. Hate speech, in all its forms, must be eliminated from the media, from schools, education, from political discourse, if we wish to make a step forward in civilizing terms.

As a matter of principle, the development of civil society presupposes the state of relative peace, relative social and economic security (intense pauperization and mass unemployment preclude civil action), relative economic stability (based on market economy and private entrepreneurship), as well as relative legal security (rule of law and control of criminal behavior of any subject or group, protection of life, property, liberty). In this respect, the acute problems in southern Serbia and in Kosovo, unresolved relations within the federation, attitudes towards the international community and in that context towards The Hague Tribunal, attitudes towards guilt and responsibility of the members of the old regime, as well as the inherited dramatic pauperization of the population and the imminent economic collapse, and equally dramatic inherited state of social and legal insecurity, essentially curtail the prospects for the development of civil society.

The first acute problem, related to southern Serbia and Kosovo, keeps the war option open, that is, invokes, or gives arguments – should somebody wish to use them – for continually stirring up the deeply entrenched nationalist sentiments against Albanians, continuing with the disastrous militant policy and yielding to the temptation of the war solution, which has already been implemented and provoked by the Albanian paramilitary formations. Civil society, by definition, opposes this by preferring a state of peace, never a state of war.

The second mentioned acute problem, referring to the increasingly strong political will in Montenegro to break up this last Yugoslavia, also gives occasion for inflaming new nationalist passions – now turned against Montenegro and Montenegrins. This time, however, without any serious danger that a war between Serbia and Montenegro could be provoked or break out (which during the Milošević regime was a realistic possibility). In this regard, neither Montenegrin nor Serbian authorities are making adequate efforts to prevent the emergence of anti-Serbian or anti-Montenegrin nationalisms. The media mostly convey news in a way that emphasizes differences or quotes politicians' views which are radical, warning, threatening, exclusive invocations of the will of the people, insistence on a peaceful separation or reconciliation being more often rhetorical than sincere. The non-governmental sector also fails to do its due in this respect, that is, to open a dialogue and allow arguments of both sides to be presented in public, publicize arguments systematically both for and against the preservation of FRY, offer rational solutions, and above all appeal to tolerance, prevent intolerance and hostilities, i.e. nationalisms at both sides. No national NGO has actually done anything in that regard. On the other hand, several useful meetings of eminent Montenegrin and Serbian experts, intellectuals and politicians have been organized under the auspices of foreign NGOs, but nowhere in the media there appeared full systematic argumentations of both sides. In Serbia the public has not been offered an insight into the argumentation of the Montenegrin side at all. In the media, in Serbia at least, information mostly ends at short news on meetings held, topics discussed, and often pointing to the irreconcilable positions of the two sides. Such an approach by the media certainly

does not contribute to an alleviation of the tensions and a more productive search for political solutions.

The third acute problem is the international dimension, which has been limiting the prospects for the development of civil society in several ways: it is related to the fact that FRY, when representatives of the new government and also most of the people are concerned, would wish to be part of the international community without reservations⁹ (and has managed to reclaim the status of equal member in many major institutions), while on the other hand within the newly established authorities there are discords and resistances towards The Hague Tribunal as an integral part of the project of full membership within the international community. The relativization or rejection of the obligation to surrender war criminals, under the justification that this would destabilize Yugoslavia and its new government, cannot be defended on either moral, legal, concrete-political or strategic-political grounds. Morally speaking, the question arises as to why protect war criminals, i.e. why give priority to minor forms of criminal behavior. It would simply be a shame for the Serbian judiciary if, say, Milošević is tried for corruption or election fraud, instead of primarily war crimes and the bloody disintegration of the state (the latter, of course, does not exclude the former, but the former should by no means push into the background the crimes against humanity).¹⁰ Legally speaking, it is not true that according to the existing Constitution war criminals can not be extradited to a body founded by the UN, whose member FRY is. In concrete political terms, the delay in bringing indicted war criminals to court acts contrary to the stabilization of the situation in the country. What is more, it contributes to hushing crimes up, and in strategic-political terms it acts contrary to the establishment of the lawful state¹¹ and

⁹ The "Medium" public opinion poll agency conducted a study between 19 and 26 February 2001, on the sample of 1050 respondents in the territory of Serbia without Kosovo, asking questions about citizens' attitudes towards the international community. The responses related to FRY's membership in Partnership for Peace, NATO and EU show that a majority of citizens is in favor of integration into international institutions, with the exception of NATO, where a majority (58.1 %) was against FRY joining it (while 23.4 % was 'for', and 18.5 % 'didn't know'). The question whether our country should strive towards joining the European Union was answered in the positive by 67.9 % of respondents, 14.2 % were against, and 17.8 % 'didn't know'. (See: *Blic*, Tuesday 6 March 2001.)

¹⁰ At the moment of writing this text, the attempt is underway to arrest Slobodan Milošević and bring him into the court in investigation of abuse of office and corruption and, additionally, "armed rebellion" during attempted arrest.

¹¹ This is what Slobodan Vučetić said about the arrest, i.e. postponed arrest of the chief of state security of Serbia, Rade Marković: "But why has this arrest, which has an almost decisive significance for the establishment of criminal responsibility of the top of the previous regime, been so intolerably delayed? Why did it happen only after the Government of Serbia headed by Z. Đinđić was formed? What was the political calculus behind virtually protecting from responsibility the man who was for years, upon orders of the Dedinje couple, organizing "death squads" which secretly and illegally tapped, dogged, threatened, blackmailed, detained, beat up, abducted and killed the political opponents of the couple? And it was so obvious that by keeping the secret police chief in office after 5 October the top of the former regime was virtually given the opportunity

contrary to the establishment of the rule of law (which also implies that public opinion should have a say in strategic decisions, instead of individuals in top government positions always deciding on the fate of the entire country).¹² Strategically in the economic sphere, this issue appears as truly a matter of survival, i.e. preventing economic collapse that would surely be accompanied by chaos in the social sphere. In strategic political terms in the sense of a genuine democratization of the state and a recovery of the society, this issue also emerges as the question of a higher quality of life (in the sense of Aristotle's view that it is not life as such that is important, but good life). Namely, the good life in Serbia is not possible without facing personalized crimes against other nations, against its own citizens, and against humanity.

Common sense says that this delay is an immoral and politically unwise "spite" against the world whose part we would like to be; common sense says that all those who are wanted because they ordered or executed war crimes will be extradited to The Hague Tribunal, the question is just whether before or after the establishment of a new formal or factual isolation of this country, i.e. possible reintroduction of sanctions by the international community. The practical reason says that war criminals and ordinary criminals, who are the product of the former regime, must be tried in court for all their misdeeds, but in the first place for the gravest ones – those committed against humanity, because without it the umbilical cord with the logic of war, violence and nationalist madness will not be severed, so that the Serbian people can sober up. In other words, that the Serbian people and citizens of Serbia and FR Yugoslavia should face their moral and political responsibility for the role they played in the bloody disintegration of SFRY is one of the crucial prerequisites for a crystallization of the civil option and for the development of civil society. The point is not that the population should remove

to clean up traces of its many criminal deeds, especially financial ones... The expert team of the SPO investigated the multiple political assassination at the Ibar Highway committed over a year ago and presented compelling evidence to the authorized state bodies and to the public that this was a terrorist act of the top of the Serbian secret police – this was more than a sufficient reason to arrest Rade Marković immediately, on 6 October 2000 already. This certainly would not have been an act of "revolutionary communist justice", but on the contrary, a strict enforcement of the Criminal Code and a great contribution of the new government to an efficient struggle against organized crime in general. But instead, the secret police boss was not only not arrested for months after 5 October, he wasn't even removed from office!" (*Blic*, 1 March 2001).

¹² Here are some empirical findings related to the participation of citizens in making crucial decisions, such as this one about The Hague. A survey conducted by the "Argument" agency from 12 to 19 February 2001, on the sample of 910 respondents from 26 municipalities in Serbia without Kosovo, shows that a majority of respondents links this decision to the participation of citizens, either through their MPs in parliament, or through referendum, or through public debates. "The decision about extradition, according to this study, should be made by the new government on its own, a view supported by 38 % of the respondents, while 35 % think citizens should decide. Decision made through a parliamentary debate is supported by 21 % of the respondents, while about 5 % think that the only good way to the decision is public discussions with the participation of citizens." (See *Blic*, 1 March 2001).

the blame from itself by suppressing or circumventing crimes committed in its name and by some of its members,¹³ but that it should face its own responsibility for giving democratic legitimacy to ethnonationalist policy and the logic of war.¹⁴

Experience teaches that citizens gradually change their opinions on an issue when political and intellectual elites, as well as the media, begin to state their stands on the issue more clearly. Thus a clear commitment of the new government and the responsible intellectuals in Serbia to make the Serbian people face the negative “Serbian side of the war”, and the subsequent media publicizing of wrongdoings committed during the war against other peoples in the former SFRY, of course without minimizing misdeeds committed against the Serbian people, are of utmost importance in the context of discourse on civil society and its prospects in this part of the world.

A limiting factor for the development of civil society is, as has been said above, the extreme pauperization of the population, as well as the huge unemployment rate. Individuals who are basically, existentially insecure and endangered are not in a position to act as subject of civil society. As a matter of fact,

¹³ In the quoted study conducted by “Argument”, 910 citizens from 26 Serbian municipalities were asked about the war, including the question of the major culprits for the war. Over two thirds of the respondents (66.2) had an anti-war orientation, over 30 % were neutral, and just 2.4 % could be termed militant. As regards war in Croatia, 74 % accused political leaders for the war outcome, 25 % the international community, while just in a small percentage the following culprits were named: impassioned groups and individuals, paramilitary formations, the army, the police, and citizens. The smallest number of citizens thought that the media contributed to the war in Croatia. Similar results were obtained in relation with the war in Bosnia, and almost identical ones in respect of war in Kosovo. Further, over 40 % thought the war in Croatia was beneficial from the viewpoint of the Croatian national interest, and only 2 % for the Serbian national interest; 70 % thought it was damaging precisely from this point of view. As regards war in B-H, 28% said it was in the Muslim interest, 25.8 % in the Croatian interest, and 5 % in the Serbian interest. The question of whether members of Serbian forces participated in war crimes during the wars in the territory of former Yugoslavia provoked following answers: most respondents, 49 %, said this was done by individuals and incidentally, and 21 % named paramilitary formations as culprits for war crimes. About 8 % of the respondents think that members of Serbian forces did not commit crimes, 6 % that all members of Serbian forces are responsible for the crimes, while 0.3 % think that regular units were responsible. About 15 % did not know the answer to this question. (See *Blic*, Tuesday 6 March 2001).

¹⁴ In this regard views are invaluable such as the one expressed at this Conference by Professor Lino Veljak that “if legal framework for catharsis is not created the failure of transition is inevitable”, or, as put by Professor Nenad Dimitrijević: “Legally, a framework must be ensured for preventing some future hate speech, logic of killing according to ethnic membership”. It is also good to remember the view of Professor Veljak that “in practice, through the media and through culture, people must be made to come face to face with the past and with the still living idea of committing crimes against other nations in the name of the alleged national interest”. In this context the following texts are relevant: ‘Haški tribunal – lakmus papir za srpsku demokratiju – Zločin bez kazne’ (Zlatoje Martinov *Republika*, Beograd, No 254, 1-5 February 2001, pp. 5-6); ‘Raskid sa zločinom je polazište demokratije’ (Z. Golubović, *Republika*, Beograd No. 249, 16-30 November 2000.)

they were not the ones who were the carriers of the civil option during the past decade. They cared first of all about their survival, in the black economy. Still, a part of them through perverted private entrepreneurship did accumulate, in a reduced degree, some entrepreneurial spirit, which can possibly be put to use in the process of economic and social transformation. Interestingly, immediately after the victory of the opposition in the industrial and service sectors social revolt has awakened; trade unions have been activated and strikes initiated. This is done by those same trade unions which in the past decade did nothing, or almost nothing in this regard. In the educational sector, where, to the contrary, several trade unions have been active and organized strikes over the years, impatience and strikes have been very common in the past months. We can assume that in the case of schools the economic moment was decisive, i.e. that old demands are still on the agenda, while impatience and lack of fear are not new. In other cases, the effects of the liberated energy of protest and resistance to the government in general, disappearance of the fear that the regime will respond with repression, getting to know about the embezzlements of the former management which are now made public, but also probably in some part attempts by members of the former ruling coalition to mobilize workers against the new government and to provoke social chaos – all that is active at the same time.

Evidently, the new authorities would need a certain period of social peace, in order to invest energy in economic transformation and consolidation. For, the danger of economic collapse and social revolt turning into social chaos is real. On the other hand, it cannot be denied that these social revolts, economically motivated, however dangerous at this moment, also carry a potential of autonomous action of citizens and control over the government. As such, they also arguably bear a potential of civil opposition, i.e. encouragement for the development of civil society.

Preconditions for the development of civil society are, generally speaking, inseparable from the overcoming of these limiting factors. Concretely, there can be no civil society without punishments for war crimes and other criminal acts, without decriminalization of the police, establishing independent judiciary, legal and social security, struggle against corruption and black economy, or without a development of political culture of tolerance and non-violence, active resistance to hate speech and nationalism, facing crimes and responsibility, public control of the new government (with an uncompromising demystification of the new 'opposition'), and a general improvement of the social opposition (in a joint action for improvement rather than merely against deterioration). An optimal result would be the process of recovery of society and state in Serbia, i.e. establishment, in our part of the world, of the paradigm "lawful state – civil society" – as an expression of the normal functioning of society and state and a proof of our membership in modernity, i.e. Europe and the world.

Belgrade, 31 July 2001

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Nongovernmental Organisations and Their Contribution to National and International Development

Summary: The paper points to some significant characteristics of the structure and activity of NGOs in other countries or within international NGOs. These specific associations of citizens with identical or similar professional profiles were created in the early 19th century. During the 20th century states and governments, realizing the importance of NGOs, provided these with a variety of opportunities for action. NGOs have managed to maintain their intellectual freedom, independence of states and governments, and identity by founding national associations or international organisations which nowadays contribute significantly to general positive development both nationally and globally. According to the estimates of the Union of International NGOs, there are about 10,000 such NGOs active in the world today; over 1,000 of them has a special consultative status with the UN Socio-Economic Council, UNESCO or other specialised UN agencies, serving as the “intellectual, expert and scientific basis” for the activity of these institutions. A general conclusion may be that in the almost two-century period since their first establishment NGOs have contributed beneficially to the development of humankind. In our country, NGOs significantly and powerfully promote processes of democratisation in all spheres of social and economic life and greatly contribute to building the state of law and civil society.

Key words: non-governmental organisations, international organisations, UNESCO, democracy, state of law, civil society.

Preparing myself for this Conference and deciding on speaking about the contribution of nongovernmental organisations to our positive, over-all social development, I had to limit myself only to an account of their role in educational, scientific and cultural development since the phenomenon of “nongovernmental organisations” is encountered in absolutely all spheres of human development and it would be impossible – and even unfair – to reduce the presentation of all of them to 15 minutes allotted to me. That is why I confined myself to the above NGOs.

In the very beginning of this presentation I cannot help sharing with all of you a feeling of gratitude for activities of numerous NGOs in our country that, especially in the past decade, considerably contributed by their comprehensive, courageous and positive efforts to the accomplishment of the peaceful revolution of 5 October 2000, whereby solid preconditions have been created for democratic processes and changes in all domains of our social life. No matter whether those were actions of independent public media, radio and television, the press or organisation of gatherings, scientific meetings, symposia and round tables, or activities of various forums, funds or newly-established centres – where general political awareness and belief were raised to the effect that our country can come out of the deep crisis only through democracy and freedom – NGOs from the mentioned period have become part and parcel of the history of our people. They attracted attention of the entire public and raised many questions as to the essence of the phenomenon of “nongovernmental organisation” and as to what can be expected from it in a newly-created democratic setting of our country.

Status, composition, activities, programmes and operational characteristics

NGOs, according to interpretations of the Union of International NGOs based in Bruxelles, and in terms of their activities, management and finances, are those organisations, associations or groups of citizens that associate themselves on the basis of their professional identity or similarity with a view to exchanging positive experiences in specific professional activities, and for the purpose of the promotion or wider recognition of their own branch or profession. A common denominator of all these organisations is their *nongovernmental character*, that is, both governments and administrative authorities, and political parties or groups do not play any dominant or decisive role in them. This, however, does not in any way mean that NGOs are “anti-governmental organisations” but that they are simply associations of independent individuals whose primary common concern is research in and promotion of professional and scientifically based know-how. An integral part of activities of NGOs are also various forms of popularisation of their scientific disciplines or profession in broader public circles in the hope that their scientific discoveries and conclusions, along with acquired experiences, will be of use to the social community to which the NGO concerned belongs.

Aspiring to advancement of professions or scientific disciplines they are engaged in, members of NGOs feel it as an imperative to exchange or test their knowledge and opinions with colleagues with identical or similar professional profiles; they establish scientific and professional contacts with the identical or similar professionals in their own country or, increasingly, with colleagues in other countries. The outcome of such a development is the establishment of in-

ternational NGOs that play an ever-important role in the contemporary, increasingly interdependent world.

As far as “political orientation” of NGOs is concerned, one must not bear in mind that a nongovernmental organisation is an association of citizens – who can be either top scientists, experts in individual professions or quite ordinary citizens of different professions – that have similar convictions, similar motives for association with others who are the same or similar to them, with a sole desire to affirm their convictions, their branch or profession, for the well-being of their local community, social community or state. They are neither “ruling” nor “opposition” ones, they are neither “pro-governmental” nor “anti-governmental”, they are simply associations of citizens having altruistic motives and carrying out practical positive actions, no matter in what field they are acting and what body of problems they are dealing with. Owing to such “fundamental characteristics” NGOs have been a “historical phenomenon” connected in a close and two-way manner with a general development of human communities for almost two centuries of the history of humankind.

NGOs are, in the present-day world – and in our country – an expression of democratic social relations or democratisation as a process experienced by a social or state community, as they consist of persons associated of their own free will that can express themselves, their opinions and knowledge – professional, political and others – only in conditions of freedom and freedom of action, and undisturbed and without any influence of the ruling structures or government in general, manifest integrity and self-awareness of their personalities. Since motives and reasons of association with other persons of similar convictions or profession are basically positive and lucrative in nature, those organisations and associations give positive contributions to development of their environment, profession or social community. It is evident, not only on the basis of a greatly increased number of NGOs but also of a rich gamut of fields and topics that preoccupy them, that they are becoming an increasingly important factor of general social development, both at the local and international levels.

Review of historical development of NGOs until the creation of the League of Nations and the United Nations (UNESCO)

Reformation and Renaissance opened up new avenues of development and liberation of the medieval man. Universal development and establishment of new universities, increased migration and mobility of scientists, professors, researchers, writers and artists, raising of a general level of knowledge and literacy, literature and arts and the process of nation-building in Europe, with increasingly widespread recognition of national particularities and national cultures, have led to the replacement of the role of church in the fields of education, science and culture.

In the shadow of emerging mighty colonial powers and empires, intensive development of social division of labour, growing production and general economic development were taking place. Discovery of individual sources of energy found its application both in everyday life and globally. Steam engine, electric current and petrol-operated engines both brought about and reflected a new, industrial era of world development and were a background to universal development. International scientific conferences, establishment of national scholar societies, associations or scientific sections of individual international NGOs that, throughout the 19th century, had become strong networks linking scientists, scientific institutions, universities and researchers, were becoming an integral part of ever intensive and broader universal development and development of international relations of the time

Early in the 19th century, a number of big international gatherings took place: the global-historical landmarks – the Vienna Congress of 1815 and the Berlin Congresses of 1878 and of 1884-1885 – where big powers defined new frontiers in Europe and reached agreements on colonial division of the world, but these congresses at the same time convincingly proved that general global development necessitated international accords in order to regulate diverse matters. Cooperation in the scientific, cultural and education fields in Europe represented one of “inner sides” of this process of coming to agreement on an international scale. Interest rose considerably in certain issues in the sphere of natural and exact sciences: International Conference on Geodesy was held in 1864 in Berlin; in 1875, International Conference on Statistics was held in Paris; the International Bibliography Service was created in 1895. In that period, an increasing number of different international organisations or scientific-research associations emerged so that even a union of international associations was created, its seat having been in Bruxelles. This Union soon became a unique centre of linking different international organisations and associations so that, in 1910, 132 associations were affiliated with the Union, in 1914 there were already 230 different international organisations while, according to documentation of the League of Nations of 1921, there were at that time in Europe more than 500 different international organisations or associations, mostly in the fields of education, science and culture.

Rise in the number of international – intergovernmental or nongovernmental – organisations is only an external expression of increased specialisation in research and diffusion of human knowledge, extraordinary technological and general economic development, and elaborate international division of labour. Against such a background, the number of international organisations, and of nongovernmental ones in particular, was constantly on the rise: since the Vienna Congress in 1815 up to 1967, according to data of the Union of International Organisations, there were 1,978 international organisations, associations, and various scientific alliances. The largest number, 319 NGOs and 33 intergovernmental organisations, was formed in the period 1950 – 1954. According to the

data of the Union of International Organisations, there were around 2,500 registered international organisations in 1967, while only 25 years later, their number was estimated at around 10,000, the majority being NGOs.

In those times, just as today, international nongovernmental associations and unions dealt with scientific, educational, legal, moral, social, philosophical or philanthropic issues. They varied considerably as to the structure, scope and membership. Membership in these associations was either on an individual basis or different national societies were members; associations financed themselves out of membership fees. As a rule, associations issued professional publications about their aims, tasks and programmes, which represented a significant element of national or international linkage. Associations had their international main offices; they held annual or periodic conferences and all were specialised in particular fields of science and culture. In a way, they were a link among individuals of the same or similar professions, with identical or similar educational, scientific or cultural concerns. There were also general-type international organisations having certain general objectives, such as, for instance, the World Foundation for Peace, founded in 1910, or the Carnegie Foundation for International Peace established in the same year, their basic tasks having been preservation of, research into and struggle for peace.

All these international organisations give nowadays a vigorous contribution to international cooperation in different ways. The contribution of particular relevance is the one given through their professional publications where they publish different inventions and research results in individual fields, and documents that researchers-members put into circulation at the global information market, contributing immensely to the increase in the volume and specialisation of knowledge of the modern world. Taking into consideration that more than 600 international organisations of the kind cooperate with the UNESCO today, some of them being, in terms of the quality of their work, practically integrated into the UNESCO programmes, one might draw a conclusion that they are one of major links between the UNESCO and “international intellectual circles”.

The League of Nations and nongovernmental organisations

The League of Nations, as an intergovernmental organisation, established at the Paris Peace Conference after the end of World War I, did not pay any attention in the initial years of its existence (1918 – 1921) to international cooperation in the field of education, science and culture. However, on the basis of a resolution submitted by Belgium in September 1921, and after numerous interventions, especially by the French association for the League of Nations, and a series of different interventions on the part of the Union of International Organisations from Bruxelles, pedagogical associations from Geneva, universities of Oxford and London, Sorbonne, Krakow, Prague, the League of Nations agreed to form an international commission for intellectual cooperation. The report that

was approved on 2 September 1921 at a session of the League of Nations Council, submitted by the representative of France Léon Bourgeois, says, *inter alia*: “ We have all agreed that the League of Nations does not have a more urgent task than studying the big factors of international public opinion, systems and methods of education and scientific and philosophical research”. The League of Nations appointed 11 members of the International Commission for Intellectual Cooperation, among them also being Albert Einstein, Marie Curie, Rabindranath Tagore, etc. The status of the Commission members was so regulated that they had been nominated by their governments but they worked in the Commission “in their personal capacity”. The Commission for International Intellectual Cooperation held its annual sessions at the headquarters of the League of Nations, in Geneva, and they lasted for 3 to 4 days. In time, the Commission started to form its various auxiliary bodies, expert groups and committees of experts for different matters. There were as many as 150 persons who took part in different capacities in the work of the Commission in 1932, and late in 1939 the Commission had 14 standing committees of experts and a large number of ad hoc study groups, so that the International Commission of the League of Nations for Intellectual Cooperation became a centre of an increasingly extensive international cooperation in the fields of education, science and culture.

On the whole, the entire evolution of the League of Nations’ involvement in international cooperation in the field of education, science and culture has contributed to raising general social reputation of and possibilities for that cooperation.

UNESCO and NGOs

While the League of Nations, as an intergovernmental and distinctive “political” organisation accepted to “deal with” international intellectual cooperation and so open up paths for strong involvement of governments of member states in financial and material support to national or international NGOs, the founders of the United Nations on 26 June 1945, in San Francisco, pointed out in its Charter, among the *ideals and functions* of this organisation, the importance of “support and assistance to international organisations for the purpose of promotion of economic and social progress of all the nations”. In fact, immediately after the end of World War II, in the course of 1945 and 1946, the Allies and founders of the United Nations agreed upon the establishment of the Organisation of the United Nations for Education, Science and Culture (UNESCO) with the status of a “specialised agency of the United Nations system”.

The importance that was attached globally to the fields of education, science and culture can be seen in the fact that the UNESCO is ranking, according to general understanding, “immediately behind the General Assembly of the United Nations” because, as distinct from other specialised agencies, it pursues international intellectual cooperation in major spheres of human life, the humane side of universal international relations. It is widely known that international relations

“are not complete” if reduced only to classical political and economic relations. Culture, science and education are vital components of international relations, and this function is represented and successfully performed by the UNESCO (where Europe is concerned, dozens of European regional organisations in the sphere of education, science or culture should be added).

Despite its “intergovernmental” character, UNESCO has, due to its methods of work and programme activities, many characteristics of a nongovernmental organisation. If one takes into account the fact that more than 600 international NGOs and around 250 foundations – among them also being the Friedrich Ebert Foundation which is one of the sponsors of this Conference – from the field of education, science and culture, are closely cooperating with UNESCO in a “consultative capacity”, and that the UNESCO organises every year around a hundred scientific meetings, symposia, round tables, conferences – for which working papers are mostly prepared by expert international NGOs – only then can one grasp to what extent the UNESCO is an indisputable and irreplaceable “centre of the international intellectual cooperation”.

A few conclusions can be drawn for this period of NGOs actions:

– Owing to positive contribution of NGOs to a general development of their state communities, the League of Nations and the United Nations have highly appreciated their activities, engaged them in their own programme objectives and materially and financially promoted those scientific, educational and cultural disciplines that most directly contributed to the desired development and fulfilment of planned state goals. A concrete administrative expression of that process is represented by numerous examples of a very wide and thematically ramified institutionalisation of education, science and culture, and their direct involvement in factors of state development.

– States and governments, in the same way as the League of Nations and the United Nations, supported and used, in complex indirect ways, activities of national and international NGOs for the sake of their own development, respecting their nongovernmental and most frequently apolitical character, and stimulating their establishment in spheres of national development where NGOs could, with their knowledge, competence and professionalism, contribute in the most effective way – and the one superior to the one of state institutions – to specific national development.

Historically, NGOs have been created parallel to development needs of social communities where they existed; in their aspirations and ambitions to promote their expert and professional choices, they also created international associations and organisations; they were giving their contributions and took part in state, national and intergovernmental organisations but, in the long run, they managed, nevertheless, to preserve their independent identity, as such a position made it possible for them to achieve a desired progress in scientific and

professional development, both of individuals and of the whole nongovernmental organisation they belonged to. It is absolutely evident that NGOs are a positive phenomenon of historical development and relevance placed by the history of human society in the position of an industrious worker bee, which, on its part, created the history it was living in.

Nongovernmental organisations in our country: prospects and limitations

In our country, NGOs are a relatively new and in any case special and specific phenomenon of social development. Relatively new, since their appearance in a larger number was recorded only around the end of the 19th and early 20th centuries when, relying on the tradition of congregation of the Serbian people, the first artistic and philanthropist associations were created in provincial towns and Belgrade itself. There followed professional and scientific associations of physicians, writers, cultural workers. They served as the framework for professional debates and exchange of views on the problems of material and intellectual development of Serbia of the time. In that period, Serbian alumni from the universities in Vienna, Prague, Paris, in addition to those from the Higher School – Belgrade University, played a very important role. The most prominent place at the time belongs most certainly to the Serbian Academy of Sciences and Arts, and especially to Matica srpska, a cultural institution of the Serbian people in Vojvodina – celebrating this year the 175th anniversary of its activities – as centres of education but also of preservation and affirmation of the highest Serbian national and cultural values. These institutions have been like a lighthouse, for decades and centuries, serving to all Serbian people since they “have outgrown the framework of private and nongovernmental organisations” and have become specially important, in fact, topflight national institutions.

In the period between World War I and World War II, a series of scientific-professional associations emerged, on the one hand, as an expression of inception of a more modern scientific-technological development and initial phases of industrialisation and, on the other hand, the Yugoslav intelligentsia of the time showed increased interest in development “at the global level” and, as a result, “boards for cooperation with the International Commission for Intellectual Cooperation of the League of Nations”, and with the Institute for Intellectual Cooperation seated in Paris, were established. Relations with the International Bureau for Education in Geneva were also established, and Yugoslav intellectuals increasingly attended international scientific conferences, congresses, seminars, symposia, etc.

A considerably developed endowment practice in Serbia also played an important role in encouraging development of scientific and professional associations of citizens. Wealthy and patriotic people provided financial assistance for development of a series of national associations of scientific or educational and

artistic workers, and some of their endowment buildings still today serve their noble purpose and arouse admiration for their architecture and utility. Some of them are the Rectorate of Belgrade University (Miša Anastasijević – to his fatherland), the Kolarac Endowment or the Nikola Spasić Endowment (the present-day city hospital!). Vuk's Endowment, established only fifteen years ago, deserves special mention with its activities and role in the Serbian national, cultural and educational development. It contributes greatly to a comprehensive promotion of the national and cultural identity of the Serbian nation – something that Vuk Karadžić did in his life work.

“Nongovernmental organisations” in the period 1945–1990

The period 1945–1990 is characterised by a specific, but very ramified and active participation of Yugoslavia in activities of NGOs both at national and international levels. However, it should be stressed right away that in the said period there were in our country no NGOs that met strictly the established international standards in terms of methodology of work, internal structure, autonomy, and financing. The basic reason is that almost all institutions in the domain of education, science and culture were either “etatized” or “socialized” and that their activities were financed from the state budget at various levels. However, it should be also emphasised that those institutions, as regards their professional characteristics and activities, enjoyed a “specific relative freedom” in respect of the scientific and professional side of their activities unless they publicly objected to Marxist ideological and political interpretations or the socialist self-management concept of national development. And that was already something!

A specific characteristic of the participation of our scientists, renowned artists, researchers and top experts as well as of educational, scientific and cultural institutions in international cooperation was manifested either in international NGOs – such as the UNESCO, Economic and Social Council of the United Nations, International Bureau for Education, OECD, or in several hundred international NGOs that had an active “consultative status” with the mentioned international organisations, or acted outside of them, in accordance with their statutes.

I would point out here in particular a specific feature of our participation in international scientific and cultural cooperation: participants in numerous international scientific meetings, seminars, conferences, round tables, symposia from Serbia and Yugoslavia mostly took part “in personal capacity”; they made marked scientific contributions to international development and, not rarely, some of them, who are even now with us in this hall, were elected chairmen, vice-chairmen or members of managing boards of international NGOs.

We have to remind ourselves here that in conditions of the one-party system, the European Rectors' Conference was in session in 1970 in Belgrade, that

the International Slavic Centre of Serbia was formed in 1971 (which has been since then gathering together every year around thirty foreign professors of Slavic languages from universities throughout Europe, America, and the Middle East, for an academic discussion of current topics on “Serbian-Slavic culture”, the Serbian language and literature), that in 1980, in Belgrade, the 21st General Conference of UNESCO was held, with participation of more than 4,500 eminent persons from the world of education, science, culture and information.

Likewise, associations of writers, lawyers, engineers and technicians, and individual institutes and centres attached to the faculties in Belgrade, Niš, Novi Sad and Priština, during their intensive and direct cooperation with many international NGOs, often hosted annual assemblies, conferences or meetings of these organisations. Thus, for instance, the annual assembly of the International Society for Culture, seated in Paris, was held in 1982, in Belgrade, and, in 1989, the annual session of the Administration of the International Federation for Public Law. Numerous artistic associations (of writers, film and theatre artists, October meeting of writers, BITEF, BEMUS, FEST, etc.) also developed a rich and very diversified international cooperation. Several thousand of our top intellectuals are estimated to have been involved in cooperation with international NGOs, in a personal capacity or through NGOs. We believe this represents an immense and significant intellectual wealth of our country that should be appropriately used.

Nongovernmental organisations today

Rare are NGOs today in our country that, in terms of their structure, legally regulated internal relations and sources of financing, conform *absolutely to all internationally accepted and determined standards*, but NGOs do exist and during the past decade they were created increasingly. They have played a significant role in solving a number of key socio-political problems, the most difficult and the most important one having been the toppling down of a despotic system of power on behalf of democracy. With such a role, without going into details of numerous unspecified and vague characteristics of their activities, or rigorous adherence to international formal and legal standards and rules, they joined “historical factors” and participants in the “peaceful revolution of 5 October”. I am convinced that in a newly-created democratic setting we shall manage to overcome rapidly certain situations where the subject matter of activities of individual NGOs is overlapping or is in some sort of collision or parallelism with the existing institutions of the same kind as there is, as a result, an irrational state of affairs and unnecessary division among the highly educated people of identical or similar professional profiles, engaged in two or more NGOs.

Structured and organized according to generally known and accepted international standards, our NGOs should join, as actively and energetically as possible, the existing international NGOs, primarily those the professional profile,

competence and scientific potential of which can be used most effectively for our positive national development. It goes without saying that this could be done only if our NGOs are – in terms of their composition, activities and method of work, internal organisation and sources of financing, general professional and scientific character – compatible and acceptable partners for international cooperation with homologous NGOs. It is up to us to adjust, sometimes even to change considerably, in order to be able to take part in international nongovernmental intellectual cooperation and acquire benefits necessary for our positive national development.

In the beginning of democratic development, following the “peaceful revolution of 5 October 2000”, the Yugoslav society has been faced with new problems – reforms and changes in all domains of social and economic life, and development in general. Accordingly, the role and activities of NGOs will experience processes of adaptation to newly created conditions and needs. The process is to begin soon and it will gain in momentum and qualitative change depending on the capacity of the new government to formulate basic thrusts of new democratic development, and to offer NGOs and their very appreciable professional and scientific potentials a place in this. In this case, an important role could be played by the following: (1) NGOs Council which has also directed with success to date, by its authority and development perceptions, general thrusts of NGO actions; (2) Federal Ministry for Foreign Affairs and the Yugoslav Commission for Cooperation with UNESCO which can help our NGOs to contact and get involved in international NGOs (more than 1,000 in the UN system of cooperation alone); and finally, many ministries and government bodies which can make good use of the inexhaustible potentials of NGOs. Let us only recall the importance of humanitarian NGOs during the so-called Yugoslav crisis and their contribution to mitigation of existential problems of refugees, IDPs, and others who suffered through the war.

What is to be done?

If need be to give at the end of this presentation a clear answer to the question – what are “limitations of” and “prospects for” a positive contribution of NGOs to our national development, I would say without any hesitation that prospects are favourable, that nowadays all doors are open to us for all forms of institutionalised international cooperation, but as far as “limitations” are concerned, they are “in ourselves” and they are sometimes very serious.

(1) The first difficulty lies in the choice of appropriate people who can restore efficiently the severed ties with international NGOs that once were very good; another difficulty is to choose adequate counterparts that would provide intellectual assistance and experience in resolving our priority problems in education, sciences, culture and information. This specifically means that it is a *conditio sine qua non* for our education experts to be capable of selecting out of a rich pool of

knowledge and experience in the sphere of education reforms, carried out with the assistance of the UNESCO and NGOs with a consultative status with it, those models and patterns most suited to our conditions and needs; that our institutions, as the Institute for the Study of Cultural Development used to be, might “get on their feet”, renew their old and solid international connections and, with the necessary expertise from outside, including also our highly competent potentials, offer a concept of national cultural policy; to reopen the Institute for Journalism, at one time a globally known and recognised professional institution, and to conform, using a similar approach as the one in the sphere of cultural development, legal and practical social status of journalism and the media to internationally accepted standards, declarations and conventions; to see to it that, in the field of scientific development, through the UNESCO and relevant NGOs, our science joins a series of scientific projects, both European and regional ones, and the ranks of users of scientific-information systems necessary for any serious scientific development at all; that our universities join activities of the International Union of Universities, and resume long established contacts with the Rector European Conference and rectors of the Balkan countries, and make use of their experience, if appropriate, for a successful reform of the university; to redraft the criteria under which federal institutions, such as, for instance, the Yugoslav Commission for Cooperation with UNESCO, would assist and support broader involvement of national NGOs in cooperation with the UNESCO and other international and national NGOs, with adequate aid with regard to payment of membership fees and coverage of a part of expenses for participation of our experts in international scientific meetings, seminars and symposia, where questions of interest to our economy, science, or culture are dealt with.

(2) It is in the interest of democratic development of our country to encourage and support establishment and work of NGOs since a general free milieu, informal and democratic climate of exchange of views on professional and scientific matters enable a more efficient promotion of a branch of science or a particular discipline, which is the subject of research or debate within the NGO concerned. It is within a NGO framework that particularly important recognition of a profession can be accomplished, along with the one of experts in social community. The social community, on its part, benefits from scientific advancements and innovations and their application in the functioning of the state. Finally, a NGO, as a special “intelligent cell” of the general social mechanism, embodied in the state and its organs, plays the role of an “expert assistant to the state” but also of a “pragmatic and rational” controller of adequate and responsible exercise of functions in the society.

(3) It has been already stressed above that it is an imperative at the present stage of our democratic development that we join, to the highest possible extent and as soon as possible, all international organisations, intergovernmental or nongovernmental, re-establish the ties broken up during our ten-year isolation,

and continue cooperation on the basis of the acquired positive experiences, introducing fresh ideas.

The chief prerequisite for this is that persons who have to accomplish this knowledge transfer from international organisations and UNESCO for our needs, and present our positive experiences to the international intellectual community, have to be highly competent and able to perform such a task with success. We have such people in our country and they have only to be given a chance. According to our estimates, there are several thousands such top experts, from various spheres of life, whose know-how and experiences can give a valuable contribution to the process of democratisation and civil society building currently taking place in our country.

Belgrade, 2 April 2001

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On the Conversion and Self-Consciousness of the Yugoslav Social Science Intelligentsia

Summary: The paper deals with the conversion of the Yugoslav intelligentsia from Marxism, internationalism and anti-fascism to anti-communism, nationalism and anti-totalitarianism at the end of the twentieth century. The discussion focuses on two problems concerning the self-justification of converts: the rhetoric of victim and the illusion of self-consistency.

Key words: conversion, intelligentsia, self-consciousness, Marxism, anti-communism, anti-totalitarianism, victim.

Changes cannot be effected without the intelligentsia being capable of changing itself. But, what changes can be expected from the intelligentsia that can change its beliefs so easily? How did the Yugoslav social science intelligentsia change itself during the past ten or so years and how did it see its own role? Periodical waves of conversion raise the question of the behaviour of intellectuals in times of crisis. How is this conversion justified by the intellectuals who have radically changed their views? In general, two themes are prevalent in their self-justification:

- a) seeing oneself as a victim, and
- b) a strong belief in one's consistent dissident status and ideological continuity.

These beliefs most often differ from reality, as well as the views held by others, and create among the intellectuals a distorted image of their consistent and proven ideological development. If it were not for rationalization, this more or less emotionally charged component of one's commitment (earlier allegiance to Marxism and now to nationalism and anti-totalitarianism), which was especially evident in the period of crisis, would drive the creative intelligentsia, in particular,

to deep break within themselves due to the need to renounce their earlier views presented in their works (e.g. doctoral theses and books on Marxism and self-management by new non-Marxists or anti-Marxists). Therefore, the harsh reality of a split biography is more or less consciously concealed by new self-consciousness. In a psychological sense, this new, distorted self-consciousness – apart from ensuring self-respect – blurs discontinuity, change of attitude and biography. However, it exerts a negative influence on creative work due to the absence of self-criticism of one's own thought.

1. The notion of conversion and the approach

The notion has its origins in theology, where spiritual change from sinfulness to righteousness is called conversion. It is most frequently understood to mean a change from infidelity to the true faith, or the return of schismatics and heretics to the Roman Catholic Church. For a long time, converts or radical dissidents in political thought were those influential “sobered-up communists” (Đilas, Kołakowski, Furet) who could, thanks to a complete change of their attitude – act as a “virus” or, in other words, bite into homogeneity and accelerate the collapse of communist ideology. Since the 1990s, the conversion of the intelligentsia has assumed large proportions. Its extent and character are widely varied, depending on the scope and mode of change of different strata of the past historical consciousness.

The use of the term “conversion” is not always clear. It is most often diagnostic but, at times, it can also be analytical. Moreover, it is also used in a normative sense. On this occasion, we speak about conversion in all three respects. In considering conversion in a diagnostic sense, we will first observe a departure from the former views. In an analytical sense, an explanation of these turnabouts will be attempted. In a normative sense, an attempt will be made to assess the functionality of conversion in the event of a more radical social change, as well as a departure from some accepted scientific values, such as: integrity, intellectual honesty, organized skepticism and impartiality. According to R. Merton, the feelings incorporated into the scientific ethos are incompatible with the feelings on which other social institutions are based (quoted in: Milić, 1995, p. 126). While most institutions request an unshakable faith in them, the institution of science regards skepticism as a virtue. Can the extra-cognitive passions be compatible with Merton's principle? This is highly improbable, because politicization always imposes a Manichaean opinion and condemns nuances and paradoxes as hesitancy or treason.

The notion of conversion is probably too broad, because it covers a wide range of shifts (i.e. the change of ontological and epistemological principles, change in attitudes towards class or nation, and the like). One must distinguish personal from collective (narrower or broader) conversion, as well as conversions of different duration (from temporary local turnabouts to those in global ep-

ochal consciousness). As for the conversion of the creative, social science intelligentsia, it is necessary to distinguish its dimensions, social factors, functions, as well as the relevant interests. It is also necessary to make a distinction between the distortion of the facts and their different accentuation, negation of the shadows of the past and their suppression and relativization, partial and radical conversion. However, the motives do not have to be only utilitarian. One must not forget that some intellectuals changed their beliefs in the name of non-utilitarian, abstract justice, because they were sincerely moved by the sufferings of their compatriots. Conversion is most frequent in times of crisis and the more acute the crisis, the more fervent the commitment and the more radical the turnabout. Before conversion, one has to renounce emotional neutrality as a scientific norm, since it saps the vigour of one's engagement.

The relationship between one's commitment and scientific thought is very complex and depends on a number of facts, but the way to interpret a change in one's commitment is even more complex. In this regard, one must point to the influence of certain facts, such as: (1) the global change of epochal consciousness and its basic values, and (2) the characteristic content of the self-consciousness of convert intellectuals.

2. The change of epochal consciousness

The change of epochal consciousness towards the end of the twentieth century brought about a radical change in the commitment of the creative intelligentsia as well. In Eastern Europe, this global conversion to the right, from Marxism to anti-Marxism, was coupled with the normalization of nationalism and anti-communism. In the case of the former Marxists, it was also enhanced by renegade fervour.

On an international plane, this change of epochal consciousness coincides with the end of the Cold War, expansion of post-Fordist capitalism, accelerated globalization and post-modernist thought. Their interaction brought about a change in understanding the relationship between freedom and equality; anti-colonialism and anti-imperialism (important foundations of the legitimacy of socialism) were weakened; the significance of utopia declined and individual civil rights pushed out the issue of class justice. All this resulted in the mass conversion of the intelligentsia and a vigorous movement of the political spectrum to the right. The new world-view components are influenced by: (1) the post-modernist version of nihilism, which advocates "the emancipation from the illusion of progress" and suggests the uncertainty of change; (2) differently explained views on the radically new post-Cold War world, as the final result of a turnabout in international politics, and (3) the visions of a turnabout, which are presented by various theories on globalization or, more exactly, the weakening of traditional state sovereignty and the relationship between state and nation, which creates new uncertainty.

Apart from considering the influence of social upheavals on one's commitment, it is necessary to distinguish conversion in science from that in politics. As for the creative intelligentsia, its commitment is rather the result of intense self-observation than the result of a spontaneous and open identification with the interests of broader groups. As noted by M. Weber, value-ideas play a decisive role insofar as scientists are concerned, because they are the major factor in stating the problems by means of which the subject of research will be constituted. In science, they reject not only the desirable vision of society, but also the relevant theoretical and methodological mechanism, which was developed over the decades and tested in research into social contradictions. Convert politicians have no obligation to their former commitments like scientists. By renouncing Marxism, scientists rejected, more or less radically, the values on which their earlier views on determinism and research priorities had been based, turning to diametrically opposite theoretical assumptions. The relativization of science is less understandable than that of politics (what we have here is a conversion from Marxism to fanatical anti-Marxism, and not the necessary progress and correction of the earlier views, which is natural and desirable in science). It is also possible that such a pace and proportions of conversion are the result of a failure on the part of the intelligentsia to take root in the working class, whose interests it had to represent (i.e. the lack of the organic communist intelligentsia). On the other hand, one can pose the question whether this conversion was really so widespread as it seems in view of the fact that the self-justification of many former Marxists could be self-deception?

Simmel, Lukács and Mannheim observed some characteristic traits of renegade intellectuals from a sociological aspect. So, Simmel pointed to the peculiar new allegiance of renegades, which can rise to the point of exclusiveness, because it has something that allegiance as such does not. It is a question of the conscious presence of the connective motifs, merging with the formal strength of the new relations on a more lasting basis than in the case of a spontaneous disappearance of the undesirable past and its suppression from one's consciousness. Lukács regards the renegade as a "transcendental homeless individual" who aspires to build a spiritual roof due to his, almost intolerable condition. Like a traitor, he is also inclined to new allegiance. Mannheim also explains this fanaticism of radical intellectuals by the distrust displayed by the community: "It documents a certain spiritual compensation for the lack of socially vital connections, as well as the need to overcome one's own distrust and that of others". Consequently, to what extent one can explain this exclusiveness of renegade intellectuals by their attempt to dispel the suspicion of their new environment, which is expressed by the statement "Once a communist, always a communist"?

Something that was regarded as the betrayal of strict principles is now the self-conscious rejection of dogmas and almost a vital prerequisite for self-respect and intellectual honesty. It seems as if the prestige of parlour intellectuals depends on the degree of their conversion. One can observe the conspicuous

differentiation of leftist renegades, who cannot even be united in the fact of their new, common enemy. Conversion, which varies in its degree and motives, has thus become a mechanism for their differentiation. We are faced with the “new obscurity” about which Habermas has written. This widespread ideological and political conversion is the other side of the twentieth century, or “the century of ideologies”. Thus, the greater the fervour with which Marxism was adopted, the more exclusive the subsequent fury of renegades. Especially grotesque was the transformation of new renegades from Marxist internationalists into populist nationalists and fascistoid chauvinists. National hatred turned into unpunishable and conscious hatred, which is taking pride in itself (J. Benda). Every frenzied passion tries to find the theories that can satisfy it. The most convenient are exclusive theories, which do not criticize the former regime in a differentiated manner (i.e. they do not distinguish, for example, authoritarian from non-authoritarian, modernization from stagnant segments), but demonize it in general. A differentiated appraisal of socialism is based on complex notions (authoritarian modernization, charisma of reason, emancipatory political culture), while a blank one rests upon more convenient, polar and unambiguous opposites (open-closed society, democracy-totalitarianism and the like). The opinion prevails that, in general, social science intelligentsia failed to transcend domestic political culture, which is torn between the glorification of the present and demonization of the past (democratic nationalism or liberalism against totalitarian socialism). Therefore, the other side of conversion was also a strong belief that an individual can qualify for a saviour only through suffering and personal share in the process of liberation. In politics, suffering is regarded as the best guarantee of one’s fitness, and in science it also creates the illusion of continuity in one’s biography and guarantees the prevalence of one’s cognitive position. Truly, an emotionally charged commitment is stronger than that which is based on cold rationality, but it is more hesitant and more partial. The way to overcome the trauma of unrecognized conversion, which is mostly suppressed, should not be sought in the confession of the sinful Marxist past. Intellectuals can be saved from the passions of chiasm and disillusionment only if they perceive the past and current epochal consciousness in a stratified manner and make differentiated appraisals of the historical functionality of their components. The glorification of the presence and demonization of the past ensure acceptable identity, while exclusiveness can drive scientists to a new crisis of self-consciousness.

3. Characteristic contents of the self-consciousness of converts

a) Rhetoric of Victim

Most renegades try to present themselves as victims of their former convictions (from illusion to violence). By establishing such a monopoly, one gains both a political and cognitive advantage. Namely, if someone succeeds in pre-

senting himself as a victim, he will have a moral hermeneutic advantage over others if he ever lays claim to a privileged, gnoseological status. "Since I have suffered, I should be trusted more than others". This rhetoric of a victim (Muenkler/Fischer 2000) generates various forms of exclusiveness: from one's own "destructive return of suppressed revenge" (in the Freudian sense) to a profitable and politically instrumentalized status.

From the viewpoint of political culture, this psychological need of converts to present themselves as victims is less important. It is more important that all achieve the status of a victim, because in that case all oppressors will disappear. This was, for example, the result of the dominant passive semantics of "victims of war and violence" in post-Nazi Germany (Muenkler/Fischer 2000), or the phrase "victims of communism" in post-socialist societies, especially if the past had to be suppressed either consciously or unconsciously. Anti-Nazism and anti-communism manifest themselves more often in the form of anti-totalitarianism, and every appraisal of the former regime as totalitarian anticipates, at least implicitly, that the appraiser was also a victim. Hardly anyone will say that he lived in "comfortable" totalitarianism. Every victim lays claim to compensation, but such a sacrifice must first be politicized and instrumentalized. Anti-totalitarian intellectuals must convince themselves and their followers that they really were victims. If their sacrifice is recognized, they will also be recognized as liberators. If someone achieves the status of a victim, his readiness to take a risk is also recognized and, thanks to the charisma of a victim, he becomes fit for political leadership. However, the victim must change a commitment in order to lay claim to compensation.

Today, in post-socialist political culture, it can be heard everywhere that the past period was the period of totalitarian violence and terror. These epical and moral visions do not reflect so much the essence of a socialist society as the culture of recollection of socialism, which is imposed by converts having the charisma of a victim. What is the underlying reason for such a presentation of history at the end of the twentieth century and what ethics does it serve? The role of selective recollection consists not so much in the distortion of reality or deception as in an attempt to explain something that one does not want to explain rationally. Namely, new anti-communists should be freed from the obligation to review their biographies. They should be released from responsibility for their activities during the previous regime. In the post-communist martyrology of our present-day anti-communists, they and their compatriots are presented as innocent victims of communism and its totalitarian utopia, a cataclysm against which they could not do anything (Barbu, 2000). The feeling of a victim distorts the cognitive perspective and results in unconscious revenge, manifested by the global demonization of the past, in order to blur or revise one's own biography.

This story about a victim of the totalitarian regime is widespread not only because the individual feels socially insecure in the atomized post-communist

world but, even more so, because it ensures various compensations for his alleged suffering. These compensations are not only financial. They also ensure one's moral self-elevation. The victim is morally pure and, thus, better suited for politics than others. Such a person is easily accepted as a liberator and, even more so, as an oppressor later on. A transition from one role to the other is imperceptible, particularly in the societies with underdeveloped constitutional tradition, where politics is regarded as the lasting calling of a saviour and not as temporary business. There is almost nothing strange in the fact that the victim (of war or prison) legitimizes himself most easily and maintains the status of a life-long liberator through suffering. The sacrifice has been confirmed and such a person gets almost a biblical charisma of a martyr, which may lead to his inviolability or, at least, higher immunity to criticism. Namely, a person who proved his ability to be a victim cannot make errors so easily. Moreover, it will be more difficult to degrade him morally if he does. All things considered, the status of a victim is also a prerequisite for a convert's redemption.

To be really ready to sacrifice oneself implies, on one hand, to be ready to take a risk and, on the other, to refrain from using the risk taken as a reason for gaining any monopoly. By contrast, it is most convenient to revise one's past in a martyrological sense, *ex post facto*. However, it is very difficult to identify the victims subsequently, since everyone claims to be a victim and feels that way. But, victims are not observable even if pain and suffering are evident. True victims do not lay claim to any compensation. Those are not only the opponents of the previous regime (because imprisonment on this soil was always the best way to gain a political charisma) but, even more so, those who had taken the risk but did not lay any claim to a monopoly over liberation later on. In other words, for a victim to be genuine (in the sense of irrecoverable contribution), it is not sufficient to suffer, but also not to make reference to it. In science, the risk of partiality, which is associated with such ordeals, is higher than in politics. The cognitive aspiration of a politicized social scientist is analogous to that of an omnipotent leader who was also ready to sacrifice himself at one time. This claim to compensation makes every victim banal and the same is true of an intellectual who makes reference to his non-intellectual merits. There is hardly any conversion that has not been associated with suffering. Just as a true sacrifice does not require any compensation, so the intelligentsia must protect itself from this convert's complex of a victim or, more exactly, from laying claim to agnoseologic monopoly due to true or alleged sufferings.

b) An illusion about the continuity of one's commitment

This content of self-consciousness is syndromically linked to the rhetoric of a victim. The rejection of Marxism in Eastern Europe left an ideological vacuum. Thus, intellectuals are still searching for the sense of their calling in the world where the consistency of one's ideological and political commitment has been relativized. There is an attempt to find a new support in this ideological vacuum,

which will be followed by the rationalization of conversion, manifested by false consciousness or, more precisely, by a strong belief of converts that they were always democrats, liberals, national patriots and fighters against communism and totalitarianism. The words like "honour" and "allegiance" are frequently used in the false consciousness of converted intellectuals in their attempt to enhance self-respect and identity. Without the vision of one's consistency there is no self-respect.

This defence mechanism is too apparent and reference to one's dissidence during the totalitarian regime is stereotyped. In twentieth-century history there were shifts not only from left to right, but also vice versa. During the 1920s, socialism and the Soviet Union attracted a great number of bourgeois intellectuals. The then rationalization of this turn to the left differed from the present-day one. The awareness of discontinuity was not concealed. Bourgeois prejudices were openly rejected in the spirit of communist self-criticism (the party is as strong as the self-criticism of its members, because it strengthens the unity of its activists). At end of the twentieth century, in the process of "sobering up" from the charm of communism, there was much less self-criticism. On the contrary, the avoidance of a public confrontation with the past is much more frequent. At the same time, there are attempts to emphasize one's allegedly continuous dissidence, inner dissent or the futility of resistance.

The inner stability of this distorted self-consciousness is ensured by flexible anti-communism which is, undoubtedly, the most convenient continental ideological stereotype of the 1990s. It seems that Eastern Europe is overwhelmed by new moral and political conformism, reflected in a stereotyped demonization of the totalitarian past. In Eastern Europe, anti-communism has a decade-long continuity, which is otherwise rare when high-intensity political passions are in question. New national homogenizations were searching for a conceptual organization of such political hatred. Various nationalists and other "victims" are still successfully united by anti-bolshevism, while many slight yet fruitful disagreements in science gave way to anti-totalitarian or national passions. In the current jargon, the national interest and anti-totalitarianism are the axioms and the best solution is to reconcile them. Anti-fascism is not such an axiom because, on one side, it affects normalized nationalism and, on the other, threatens to weaken anti-totalitarian anti-communism. A debate about any axiom disqualifies the collocator. Any doubts as to the priority of the national interest bear the stigma of treason. On the other hand, benefit to be derived from anti-communist consciousness is now almost greater than the past allegiance to Marxism. Moreover, proud anti-totalitarian identity inspires much higher self-confidence than orthodox Marxist self-consciousness at one time. The converted intellectuals of the 1990s would feel denuded without anti-totalitarian phraseology or, in other words, a radical break with Marxism and the totalitarian past. It is a miracle how socialism could survive for half a century in view of so many intellectuals who were actively "opposing" totalitarianism? An uninformed hypothetical observer

might conclude that the communist ideologies had an extremely difficult task in confronting so many staunch defenders of national tradition, liberalism, Christian democracy and other currents trying to unmask the inhuman nature of totalitarianism. Judging by widespread anti-Marxist and anti-communist conformism, real socialism had great problems in resisting pressures from the dissidents and ideological opponents, and could survive only thanks to a combination of terror and manipulation (Barbu, 2000).

Was this resistance to totalitarianism really so strong, or Eastern Europe is suffering from an endemic lack of consistent ideas or, in other words, the instrumental use of ideas prevails over the heuristic one? This inconsistency would not worry us so much had it not affected the social science intelligentsia, including its most outstanding representatives. It seems as if ideas are almost nothing else but the name given to specific strategic, ideological and political, power-relations in a specified period. The new strategic situation and the way out of it are best manifested by flexible anti-totalitarianism of converts.

This new anti-totalitarian commitment offers to the adherents an important advantage, some kind of ethical relief from the burden of the past, which is disturbing the new environment. Since the former Marxists turned abruptly liberals after 1989, they feel in no way obliged to explain their past or, even less so, to revise it. They feel responsible only for their latest choice (anti-totalitarian anti-communism as the latest ideology), which completely erased their previous engagement. To be a liberal in the period of transformation of socialism into capitalism is a "convenient" way to continue with one's ethic of irresponsibility and avoid taking a stand on the ethic of conviction. In general, converts most often claim to be democrats or democratic nationalists. The term "liberal" is also acceptable, but it is quite apparent that they avoid using the term "capitalism" despite their open anti-communism. Instead, they use the terms "transition", "transformation" and "civil society". The very avoidance of the term "capitalism" points to an attempt to blur a break in the convert's biography with the help of terminology: it is not convenient to pit capitalism against rejected Marxism and anti-capitalism right away, because discontinuity would be too apparent.

Apart from conscious oblivion, conversion is coupled with more or less distorted selective memories. Psychological studies have shown that our present views also change our memories. We will remember more easily the content that suits our current self-consciousness. On the other hand, we will forget the negative patterns of behaviour more easily. These selective memories of present-day converts resulted in their strong belief in their own, mostly anti-Marxist and anti-communist, consistency. It has been known for a long time that the picture of one's own and collective past is not static; rather, it is the function of the current views. It is the result of one's subjective interpretation and memories, guided by our current beliefs and values. "Our totalitarian self" resists every change, including a cognitive one. We most often select the content with which

we agree. Memories are changed, so that the previous actions and ideas can be reconciled with the current ones.

Consequently, it is not difficult to understand why the past is more easily suppressed when it impairs our current, positive image. The problem becomes all the more complex should it be more difficult to destroy the records of one's past. Insofar as the creative intelligentsia is concerned, this problem is a little more difficult, and in the case of scientists it is linked with even greater dilemmas. What approach should one take towards his anachronous doctoral theses and books, as well as towards the academic titles acquired on the basis of them? Should they be proclaimed an illusion of one's youth, or the result of totalitarian coercion, or be simply hushed up? The convert has such a psychology that it is very difficult to find someone who is openly ready to confront his earlier, emotionally charged role. A failure to confront oneself with the communist past means to avoid confronting oneself. There is no regret or confession like in religion, let alone ritual communist self-criticism. Only on rare occasions, blame is attributed to an empty illusion or utopia of one's youth. The former Marxists most often came to regard their previous engagement as something unreal. There is nothing in the new situation to which they can relate their former activities. However, "the reality of lost reality" has been recorded and one's biography cannot completely be changed. But, if it cannot be erased, the past can be revised. Therefore, converted leftists often regard themselves as "inner" dissidents.

The Balkan intellectuals are even more dramatically torn between the two centuries, two kinds of epochal consciousness, two kinds of patriotism, old and new commitments, old and new allies. There is a smaller number of leftists who did not change their basic views after 1990, standing up for democracy, social justice and criticism of nationalism. A consistent ideological and political commitment implies a continuous reconsideration and improvement of one's views, as well as the continuity of one's basic principles. In the Balkans, social thought always had a great difficulty in transcending their contradictions, while the consistency of their social scientists often fluctuated between the apology of the current regime and demonization of the former one. Thought-out commitments, which surpass the routine, verbal and utilitarian, are not so easily renounced. This does not mean, however, that radical changes cannot be initiated as a result of one's own experience, disillusionment or aspiration to redemption, which is manifested by one's readiness to support a new social organization, being opposite to one's former vision. Nevertheless, it is almost impossible to find anyone who is ready to sacrifice his consistency to a new, higher value (nation, religion, party) or, in other words, to admit openly the past illusion or wrong conception of his work. It is even more difficult to come upon one's public renunciation of earlier scientific works. In this respect, new secular converts also differ from religious ones. They do not have to ask for the remission of their sins, because they use various conscious or unconscious rationalizations, which do not affect the vision of their consistency, or the sense of their calling, or their dignity.

Rationalizations form part of the self-consciousness of scientists and one must always be critical towards them. Insofar as reputed scientists are concerned, it is necessary to analyze their inner motives and the motives of their revisionism more cautiously, because it will be wrong to confine a radical change of one's attitude to the patterns and motives of trivial conversion. Here we proceed on the assumption that it is easier to change or renounce a commitment if one's entire intellectual engagement was less permeated with it. Or, to put it differently, if one's commitment was less thoughtful and differentiated, and if one's attitude towards the adoption of new ideas was less critical. It is easy to understand why it is more difficult to renounce well-conceived, conceptually differentiated and critically thought-out views than, for example, widespread, fashionable ideas that were hastily and eclectically adopted. Mass conversion can be more understandable if one bears in mind that the commitment of many former leftists to Marxism was impressionistic or, in other words, it was overemphasized yet superficial and thoughtless.

One of the reasons for such an abrupt anti-Marxist conversion is a dogmatic view that Marxism can either be accepted or rejected as a package. This Manichaeian approach negates the principle of inclusiveness, that is, the need and possibility of incorporating approaches into a complex theory. Despite the mentioned Manichaeian approach, it would be wrong to claim that the component of passion in one's commitment is not complex. Moreover, it is based on different assumptions. Yugoslav Marxism was not dogmatic in the *diamat* sense. It was more flexible, coloured by self-management and the *Praxis* philosophy, which can facilitate one's understanding of a more gradual conversion. In other words, there was no fanatical or imposed belief in the supremacy of the party truth, and this also applies to the party leadership. In the Socialist Federal Republic of Yugoslavia, Stalin was disputed and there were also debates about Lenin and Marx. The early formal break with Stalin paved the way for the subsequent anti-Marxist conversion, while the inter-republic conflicts contributed to a different accentuation of the basic ideological principles. Although conversion was somewhat gradual, such an outburst of renegade anti-communism and the erosion of anti-capitalism and, in part, anti-fascism were surprising. The breakthrough of nationalism facilitated the suppression of anti-fascism by anti-totalitarianism and provided scope for liberalism, since anti-totalitarianism had to suppress superfluous anti-capitalism.

The conversion of Marxists had a different pace (McBride, 1997). In the case of Kołakowski and Furet, it lasted for years, while in the case of the intellectuals belonging to the *Praxis* circle, it took a little less. As for many new anti-Marxists, this conversion was instantaneous. In general, one can distinguish long, medium and instantaneous processes of conceptual and ideological conversion. Few intellectuals will admit conversion, while hardly anyone from those being ready to do that, will agree to his inclusion in the second or third group. As pointed out by McBride, in a long process of conversion, continuity

usually does not vanish completely (although someone may deny that); if conversion is of a medium duration, the renouncement of Marxism is more tacit (there is mostly no deeper continuity and Marxism is tacitly suppressed). The split is most apparent in the case of instantaneous conversion (since Marxism is replaced by militant anti-Marxism). Apart from its pace, conversion can also be considered in terms of its scope. So, our social science intelligentsia can be divided into those who converted with respect to one component (i.e. from Marxist internationalists to national Marxists like Mihailo Marković) and those who converted radically, that is, with respect to both components (i.e. from Marxist internationalists to nationalist anti-Marxists). The basic division is much less possible along the "lines of demarcation" between intellectuals who paid lip service to conversion and intellectuals who chose to convert tacitly. Among the converts there is no one who would dissociate himself publicly from his earlier works, or would renounce the academic title conferred on him on the basis of the currently disputed views. At this point, the problem of conversion passes from a sociological to a moral plane.

A rough typology could point more clearly to the main directions of conversion. If one excludes from the most prominent representatives of the Yugoslav social science intelligentsia the solitary case of the non-Marxist M. Đurić (who did not need any conversion, although he respected Marx) and several consistent Marxists (G. Petrović, V. Milić), it is possible to distinguish two main directions of partial conversion: the already mentioned conversion to national Marxism and conversion to un-national liberalism and anti-Marxism. However, complete or pure conversion is prevalent. It anticipates the rejection of both Marxism and internationalism. The fact that the former leading Marxists, who have normalized conversion with their examples, are more influential than the consistent Marxists, points to the power of new epochal consciousness and the weak will of the intelligentsia affected by the crisis.

McBride regards conversion in Eastern Europe as a normal and natural "complying with the rules of human behaviour". He is only surprised at the speed of conversion, which he, otherwise, considers to be "an essentially good thing". This conclusion is too general and undifferentiated, because its author generalizes from quite disparate motives, causes and patterns of more moderate and more exclusive conversion. It will be possible to accept some of them as justified and normal only after a careful analysis of the causes. It is no less important to explain why some of the leading Yugoslav intellectuals did not convert in the narrower, scientific sense of the word (in cases when priority was consistently given to Marxism without scorning other approaches). Did they do that because of their dogmatism, or extreme complexity and thoughtfulness of their commitment in view of the fact that, in the opposite, their complete work would be called to question?

Conversion must be distinguished from maturing in a scientific sense. The latter anticipates the change or rejection of a certain attitude, as well as the

change of its rationale, while at the same time retaining the basic world-view principles. In general, those who did not convert are (a) those who did not embrace Marxism with fervour (they did not regard Marxism as the most authentic foundation of emancipation and salvation of the underprivileged, but as the prevalent form of explaining social reality), and (2) those who kept at a distance from ideological Marxism and political engagement in general. Consequently, a prerequisite for Marxist consistency was keeping a distance from its politicized (official and dissident) version. The continuity of commitment was ensured by allegiance to the pedagogic core of Marxism, and not to its politicized versions. On the other hand, if the formal or authentic version of selected Marxism was adopted too fervently, it turned into a major cause of inconsistent commitment. Opportune turnabouts have not been taken into consideration, because they are not theoretically instructive. In times of crisis, scientists also feel endangered, either individually or collectively, which affects their sensitive and cognitive organization, as well as a balance in their commitment. When one's passions disrupt this distance, which is a prerequisite for rationality, consistency loses its priority; differentiation and dialectics of the approach disappear, and an inclination towards the Manichaeic opinion increases. One can also observe that the creative intelligentsia is increasingly aspiring to a cognitive monopoly, which enables it indirectly to derive various benefits (wealth, power, reputation). In the period of crisis, it did not resist the mentioned passions any better than other intellectual groups.

Here are a few other remarks concerning some widespread methods by which conversion is interpreted. Conversion cannot partially be regarded as a more or less spontaneous change of the form of authoritarian collectivism, that is, the replacement of socialism by nationalism. This blurs or ignores the other 'branch' of conversion, or a transition from Marxism to the apology of capitalism.

The authors – who see the main direction of conversion in the unbroken line of collectivist totalitarianism and hold that there has never been any radical conversion – underestimate its social and economic aspects. In essence, this is a formal liberal view on the continuity of so-called totalitarian collectivism: from party-communist to nationalist. Here, as a rule, their qualitative differences are disregarded. No matter how monopolistic and authoritarian, communist ideology cannot be equalized with authoritarian nationalism. The seductive anti-totalitarian vision of continuity between socialist and nationalist collectivism conceals "imperceptible transition" from anti-communist liberalism to the justification of a populist community, based on the "equality of ethnic compatriots" and autonomous national economy. Therefore, one should be more careful in using the widespread pattern of alleged direct conversion – from socialist to nationalist collectivism. The examples of direct conversion from militant liberalism to ethnic chauvinism are rare and this points to the weakness of leftist thought in Yugoslavia. In Eastern Europe, anti-totalitarianism suppressed anti-capitalism much more successfully than in Western Europe.

If we accept social and economic differences in the visions of the desirable society as crucial, then the Yugoslav intelligentsia converted mostly from Marxist anti-capitalism to liberal anti-totalitarianism. In the global conversion to the right in the Balkans, the blind national-patriotic sentiment was obstructing, blurring and moving its mainstream. During the 1990s, the leading political passion of the Balkans was blind patriotism and not critical one. All other ideologies (liberalism, social democracy, conservatism) were refracted through this prism and, ironically, had to take into account this same passion of the electorate, which was stirred up by the ruling elite. Consequently, the conversion from Marxism to normalized liberalism was gradual and not direct. The leftists had first to reject some crucial ideological contents (communist Yugoslavism), then to incorporate self-consciousness into normalized "democratic nationalism" and, finally, to transform themselves into the proponents of an anti-totalitarian nation-state based on the rule of law. In all phases of conversion, the flexible anti-totalitarian phraseology played an important connective role. In the first phase, internationalist Yugoslavism was rejected as globalism in the name of a nation state, while in the second phase, in pursuit of the same aim, socialist collectivism was condemned as a version of totalitarian command economy. Emotionally charged national identity exerted the major influence on the mainstream of conversion which, in one fateful phase of blind patriotism, was spreading hatred and war. But, conversion was also influenced by un-national anti-totalitarian anti-Bolshevism. It would be interesting to study the degree of similarity between two versions of anti-totalitarian consciousness (chauvinist-populist and liberal "democratic"-nationalist) and two nationalist patterns (leftist and rightist).

Conclusion

The aim of this paper was to point to a similarity between political culture and the culture of the social science intelligentsia in Yugoslavia. The legacy is not the only reason for conversion, but it exerted influence on its culture. Since it could not resist the domestic political culture in an adequate way, the intelligentsia (mostly Serbian) ended in radical and rather fanatic conversion. However, this ideological change was not so much the result of an insatiable craving for power, or egalitarian passions, or even new revolutionary passions. Rather, it was the result of an attempt to find a new alternative at the time when social thought was in a crisis. However, it was not based on a sober analysis of the chaotic presence, but largely on a blank demonization of the past. The warnings that socialism as a whole was not totalitarian were rare and so were the warnings that bourgeois democracy should not be regarded as the final historical solution. Thus, instead of the natural and somewhat faster evolution of thought, and a more rational approach to a commitment at the threshold of the new epoch, we have got the torn academic biographies, discontinuities and unproductive disputes over consistency. In the ethos of the Yugoslav social science intelligentsia there is still a layer of conversion, which is imbued with the spirit of

martyrdom. In other words, there is readiness for a radical change, but it is based on the distorted consciousness of one's suffering, giving rise to a claim to compensation, manifested by the demonization of the past. To what extent can this radical change of the attitude of the former Marxists create a reliable and lasting basis for their interpretation of socialism and self-understanding of their own past? If one passion is substituted for another, how long will the latter last? The old saying that it is difficult to convert to another religion only for the first time points to the unpredictability of every later conversion. The aim of this paper is to turn attention to a threat to scientific impartiality, which is posed by going too far in proving a new allegiance.

Belgrade, 15 March 2001

Translated by V. Gligorijević

Abbreviations

AVNOJ	Antifašističko veće narodnog oslobođenja Jugoslavije (Anti-Fascist Council of National Liberation of Yugoslavia)
DA	Demokratska alternativa (Democratic Alternative)
DB	Državna bezbednost (State Security)
DC	Demokratski centar (Democratic Centre)
DHSS	Demohrišćanska stranka Srbije (Christian Democratic Party of Serbia)
DOS	Demokratska opozicija Srbije (Democratic Opposition of Serbia)
DPS	Demokratska partija socijalista (Democratic Party of Socialists – Montenegro)
DS	Demokratska stranka (Democratic Party)
DSS	Demokratska stranka Srbije (Democratic Party of Serbia)
DUA	Demokratska unija Albanaca (Democratic Union of Albanians – Montenegro)
DZVM	Demokratska zajednica vojvođanskih Mađara (Democratic Community of Vojvodina Hungarians)
FRY	Federal Republic of Yugoslavia
GSS	Građanski savez Srbije (Civic Alliance of Serbia)
JUL	Jugoslovenska udružena levica (Yugoslav United Left)
LS	Liberalni savez (Liberal Alliance – Montenegro)
ND	Nova demokratija (New Democracy)
NS	Nova Srbija (New Serbia)
NS CG	Narodna stranka Crne gore (People's Party of Montenegro)
SANU	Srpska akademija nauka i umetnosti (Serbian Academy of Sciences and Arts)
SD	Socijaldemokratija (Social Democracy)
SDP	Socijaldemokratska partija (Social Democratic Party – Montenegro)
SDU	Socijaldemokratska unija (Social Democratic Union)
SNP	Socijalistička narodna partija (Socialist People's Party – Montenegro)
SNS	Srpska narodna stranka (Serbian People's Party – Montenegro)
SPO	Srpski pokret obnove (Serbian Renewal Movement)
SPS	Socijalistička partija Srbije (Socialist Party of Serbia)
SRS	Srpska radikalna stranka (Serbian Radical Party)
SSJ	Stranka srpskog jedinstva (Party of Serbian Unity)
SVM	Savez vojvođanskih Mađara (Alliance of Vojvodina Hungarians)
SzP	Savez za promene (Alliance for Changes)

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